



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 21st March, 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 - 14 February 2006 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TW/05/3222 - Change of use from agricultural to new green waste open windrow composting facility at Little Bayham Farm, High Woods Lane, Tunbridge Wells; Bowman and Sons. (Pages 5 - 20)
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; H&H Celcon Ltd. (Pages 21 - 56)
3. Application SW/05/1203 - Plant to process incinerator bottom ash into secondary aggregates for recycling at Ridham Dock Industrial Complex, nr Iwade, Sittingbourne; Ballast Phoenix Ltd. (Pages 57 - 78)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal CA/05/1634 - Erection of a sessional nursery to house 26 children and creation of external play area at Herne Infants School, Palmer Close, Herne; Governors of Herne Infants School and KCC Education and Libraries. (Pages 79 - 90)
2. Proposal AS/05/2144 - Removal of mobile classroom and demolition of timber framed classroom; construction of single storey extension to provide two classrooms and hall with internal alterations to the remaining building at High Halden CE Primary School, Church Hill, High Halden, Ashford; Canterbury Diocesan Board of Education and KCC Education and Libraries. (Pages 91 - 110)

3. Proposal DO/05/1183 - Provision of floodlighting to hard surface external sports area at St Edmund's Catholic Primary School, Old Charlton Road, Dover; Governors of St Edmund's Catholic Primary School and KCC Education and Libraries. (Pages 111 - 122)
4. Proposal MA/05/2199 - Clearance of land and erection of new buildings to accommodate 40 extra care apartments and communal areas for the elderly and 6 supported apartments with communal areas for those with learning difficulties. Associated parking to be provided at land off Tovil Green, Tovil; KCC Social Services (Pages 123 - 140)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 141 - 150)
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, 13 March 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, 14 February 2006.

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

ALSO PRESENT: Mr M J Angell.

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

UNRESTRICTED ITEMS

7. Minutes
(Item A2)

RESOLVED that the Minutes of the meeting held on 17 January 2006 are correctly recorded and that they be signed by the Chairman.

8. Site Meetings and Other Meetings
(Item A3)

(1) The Committee agreed to hold a site meeting at St Edmund's Catholic School, Dover at 10.30 am on Tuesday, 14 March 2006.

(2) The Committee also agreed to visit the sites of the Ashford and Aylesford Waste Water Treatment Works applications on Tuesday, 21 March 2006.

9. Proposal TH/05/1341 - 6 badminton court sports hall and climbing wall at Ursuline College, Canterbury Road, Westgate-on-Sea; Governors of Ursuline College and KCC Education and Libraries
(Item D1 – Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group informed the Committee of the views of the local Member, Mr R B Burgess. These contained suggestions to ameliorate the impact of the proposal, especially with regard to restricting the use of the rear access from Linksfield Road.

(2) During discussion of this item, Members expressed concerns over the design of the building in terms of its external appearance and the importance of ensuring the provision of site landscaping and the dedicated right turn from the A28. The Committee agreed not to amend the Head of Planning Application Group's recommendations on the grounds that the proposed conditions addressed those concerns satisfactorily.

(3) RESOLVED that the proposal be referred to the First Secretary of State as a departure from the Development Plan and that subject to him giving no direction to the contrary permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; details of external materials being submitted; a scheme of landscaping, its implementation and maintenance; external lighting; a programme of archaeological work and building recording; restrictions on hours of use and type of use; the installation of the right turn lane from the A28 Canterbury Road; preparation, implementation and ongoing review of a revised School Travel Plan; and hours of working during construction.

10. Proposal SW/05/1426 – Retention of mobile classroom at Tunstall CE (Aided) Primary School, Tunstall; Canterbury Diocesan Board of Education and KCC Education and Libraries

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

Resolved that permission be granted to the proposal subject to a condition requiring details of a 2m high fence being erected along a section of the School boundary with The Oast to be submitted; a condition requiring that obscured glazing film be installed on the windows on the south-west elevation of the mobile classroom; and the development being carried out in accordance with the approved plans.

11. Proposal AS/05/2121 – Change of use from Residential to Education for use as an Alternative Curriculum Centre at Rosemount, Mill Hill, Kingsnorth, Ashford; KCC Alternative Curriculum

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

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

(1) The Head of Planning Applications Group reported the views of Kingsnorth Parish Council.

(2) Resolved that permission be refused for the proposal on the following grounds:-

- (a) the proposed development would have an unacceptable impact on the amenity of nearby residential properties by virtue of the increased level of activity and intensity of use within this residential area, and from the increased traffic movements within the site, contrary to Policy ENV15 of the Kent Structure Plan and Policies DP2 and EN2 of the Ashford Borough Local Plan; and
- (b) the proposal provides inadequate parking and turning facilities for the delivery and picking up of students, resulting in intensification of the use of the access and likely to lead to on-street parking of vehicles on a classified road at peak times to the detriment of highway safety, contrary to Policy DP2 of the Ashford Borough Local Plan.

12. Proposal TH/05/1263 – Demolition of existing building and erection of new building to accommodate 7 supported apartments and communal facilities for those with mental health issues at former Tram Shed and garden of Westbrook House, 150 Canterbury Road, Margate; KCC Social Services
(Item D4 – Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group reported the view of the local Member, Mr R B Burgess.

(2) Mr Broom, a local resident addressed the Committee in opposition to the proposal. Mr D Weiss from KCC Social Services spoke in reply.

(3) The Committee agreed to advise the applicants to consider very carefully the design along the boundary of 144 and 146 Canterbury Road, including the suggestion of moving the parking further into the area of the development.

(4) Resolved that:-

(a) permission be granted to the proposal subject to conditions including the standard outline time conditions; the submission of reserved details relating to external appearance, landscaping and design; the development being carried out in accordance with the approved plans; a programme of building recording; a programme of archaeological work; the retention of the cobbled entrance and tram tracks; tree protection measures; the submission of a further ground contamination report and completion of remedial work; further ground contamination conditions as recommended by the Environment Agency; all fenestration in the south eastern elevation being obscured or high level; hours of operation during construction and demolition; dust suppression measures; measures to ensure no mud is deposited on the public highway; no external lighting being installed without prior approval; the provision of car parking spaces prior to the first occupation; the permanent closures of the existing vehicle access to the tram shed site from Canterbury Road; the provision of cycle parking; the height of the building not exceeding 20 metres; and the use of the building being restricted solely to the uses applied for.

(b) the applicant be advised by informative of the concerns raised about loss of amenity and privacy; the need to limit the number of facing windows and to provide strong boundary screening to the east through hard and soft landscaping. The landscaping scheme should seek to retain as much of the existing vegetation as possible; and special consideration should be paid to the boundary treatment to the east of the site, with a view to reducing the impact of the access road, car parking and apartment block on residential property. The applicants should consider very carefully the design along the boundary of 144 and 146 Canterbury Road, including moving the parking further in to the area of the development.

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

Item C1**TW/05/3222 – Change of Use from Agricultural Use to New Green Waste Open Windrow Composting Facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells**

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

TW/05/3222 – Change of use from agricultural use to new green waste open windrow composting facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells, Kent (MR. 096 901)

Recommendation: Refusal.

Local Member: Mr J Scholes

Classification: Unrestricted

Site Description and Current Proposal

1. The application site is located within the Metropolitan Green Belt and High Weald Area of Outstanding Natural Beauty. The site is located to the east of Tunbridge Wells Town Centre. The existing site is currently used as an agricultural and organic farm.
2. The applicant proposes a change of use from agricultural use to a permanent green waste open windrow composting facility, processing an average of 4000 tonnes of material per annum. The applicant states that source separated green waste would be collected by Tunbridge Wells Borough Council contractors and local landscape specialists and delivered to Little Bayhall Farm for processing.
3. The proposal would generate a maximum of 4 vehicle movements per day (2 in/2 out), although the applicant states that an average of 2 movements is more likely. Vehicles would access the site via High Woods Lane, a Public Bridleway and privately owned road. The proposal also includes the provision of passing bays along this route due to restricted width.
4. Upon delivery to the site, the application states that green waste would be stored within the reception area for a maximum of 24 hours before being checked for non compostable waste and shredded to optimal particle size. Non compostable waste would be stored in a skip on site and returned to the Borough Councils sorting station at North Farm on a weekly basis. The applicant states that shredded material would be placed in open windrows (identified by the applicant as High Rate Composting) for between 10-12 weeks and turned whenever necessary. Compost would then be transferred to the Low rate Composting area for a further 3 – 14 days until the material has transformed to *odourless compost*.
5. Upon completion of the process, finished compost would be spread on current agricultural land farmed by the applicant.

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6. The proposed operating hours would be between 0700 and 1700 Monday to Friday only and in addition to using existing farm equipment, the only additional equipment required would be a shredder at the front end of the process.

Planning Policy Context

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

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

Regional Planning Policy – the most relevant Regional Planning Policies are set out in RPG9 and the emerging South East Regional Waste Strategy. The draft Regional Waste Strategy was the subject of consultation in March 2004, an EIP in October 2004 and an EIP Panel Report in December 2004. In response to the EIP Panel Report, GOSE has also published proposed changes to RPG9 in August 2005.

(i) Kent Structure Plan (1996):

Policy S1	Local planning authorities will seek to achieve a sustainable pattern and form of development which will reduce the need to travel, facilitate the conservation of energy and other natural and environmental resources and minimise pollution.
Policy S2	Seeks to conserve and enhance the quality of Kent's environment.
Policy MGB3	Within the Green Belt there is a general presumption against inappropriate development.
Policy ENV1	The countryside will be protected for its own sake. Development in the countryside should seek to maintain or enhance it. Development which will adversely affect the countryside will not be permitted.
Policy ENV2	Kent's landscape and wildlife habitats will be conserved and enhanced.
Policy ENV3	The Local Planning Authority will provide long-term protection for the designated Kent Downs and High Weald Areas of Outstanding Natural Beauty.
Policy ENV4	The Local Planning Authority will provide long-term protection for Special Landscape Areas through local plans and development

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	control.
Policy ENV7	Tree cover and hedgerow networks in the County will be maintained and where possible enhanced.
Policy ENV15	New development should be well design and respect its setting.
Policy ENV17	The primary policy towards Conservation Areas is to preserve or Enhance their special character and appearance.
Policy ENV19	Listed buildings will be preserved and the character of their settings will be protected and enhanced.
Policy ENV20	Development will be required to be planned and designed so as to avoid or minimise pollution impacts.
Policy RS1	All development permitted at villages and small rural towns and in open countryside should be well designed; appropriate in location, scale, density and appearance to its surroundings; acceptable in highway and infrastructure terms and as far as possible, enhance the character, amenity and functioning of settlements and the countryside.
Policy RS4	Small-scale business development will normally be permitted in and adjoining the built up area of villages and small rural towns where it is appropriate to the scale of the settlement and without undue detriment to the amenity and character of the settlement or its setting.
Policy RS5	Development will not normally be permitted in rural Kent other than at villages and small rural towns unless it is the re-use or adaptation of an existing rural building, which is in keeping with its surroundings, where the change is acceptable on environmental, traffic and other planning grounds.
(ii) The Kent & Medway Structure Plan: Deposit 2003:	
Policy SP1	Seeks to conserve and enhance Kent's environment and ensuring a sustainable pattern of development.
Policy SS7	Non-residential development in rural Kent should amongst other matters re-use, adapt or redevelop an existing rural building where the change is acceptable on environmental, traffic and other planning grounds.

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Policy E1	Kent's countryside will be protected for its own sake. Development in the countryside should seek to maintain and enhance it.
Policy E4	Protection will be given to the nationally important landscapes of the Kent Downs and High Weald Areas of Outstanding Natural Beauty.
Policy E5	The primary objective in Special Landscape Areas will be the long term protection and enhancement of the quality of the landscape.
Policy E9	Tree cover and hedgerow networks in the County will be maintained and where possible enhanced.
Policy QL1	All development should be well designed, of high quality and should amongst other matters protect the amenity of residents. Development detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted. Existing built environment of high quality and character will be protected and enhanced.
Policy QL7	The primary planning policy towards conservation areas is to preserve or enhance their special character and appearance.
Policy FP6	Provision for small-scale business development should be appropriate to the scale of the settlement and without detriment to its amenity, character or setting.
Policy NR4	The quality of Kent's environment will be conserved and enhanced.
Policy WM1	Provision will be made for the integrated management of waste reflecting Best Practicable Environmental Option (BPEO), the national waste hierarchy and national targets for waste management.
Policy WM2	Proposals for the treatment, storage, transfer, processing or disposal of waste will be required to show that they represent the most efficient and environmentally sustainable method of managing a specific type of waste.

(iii) Kent Waste Local Plan, 1998:

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

- Policy W2** Waste Management proposals will not be permitted if they would cause a significantly adverse impact in areas including: Special Landscape Areas, Conservation Areas and sites and settings of buildings of historic interest.
- Policy W3** Proposals, which involve only waste processing at locations outside those identified on the proposals map will not be permitted unless they are located within or adjacent to existing waste management operations or avoid the need for road access.
- Policy W4** With the exception of temporary proposals related to the restoration of mineral workings, there will be a general presumption against proposals for any built waste management developments within the Metropolitan Green Belt.
- Policy W6** Where a planning application is submitted for waste management development on a site outside a location identified as suitable in principle in the plan and demonstrable harm would be caused to an interest of acknowledged importance, need will be a material consideration in the decision.
- Policy W10** Proposals for composting and digestion plant will be permitted subject to their satisfying the following criteria:
- a) That the site is within an established or committed industrial area (with the exception of proposals for composting by windrowing, which in principle are better suited to a rural area).
 - b) That the proposal would not cause significant harm to residential amenities due to noise, dust, smell or visual impact.
 - c) That the site has, or is planned to have, ready accessibility to the primary or secondary route network.
 - d) That the proposal would not be unduly obtrusive in the landscape.
 - e) That impact on the natural environment would be minimised.
- Policy W16** When considering applications for waste management facilities, the planning authority will have regard to the industry's past record in respect of the environmental management of comparable operations.

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Policy W18	Before granting permission for a waste management operation the planning authority will require to be satisfied as to the means of control of noise, dust, odours and other emissions, particularly in respect of its potential impact on neighbouring land uses and amenity.
Policy W20	Before granting planning permission the planning authority will require to be satisfied that proposals have taken into account land settlement, land stability, safeguarding of land drainage etc.
Policy W21	Before granting permission for a waste management proposal the Planning Authority will need to be satisfied that the earth science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats, or species of wildlife importance. Where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory mitigation measures should be provided.
Policy W33	The planning authority requires all waste management activities to take place within planning control and the appropriate planning permission obtained.

8. Consultations

Tunbridge Wells Borough Council: Raise objections to the proposal, stating that insufficient information has been supplied to enable them to fully assess the impact of the proposed development. In addition, the Borough Council have stated the following:

“The alternative site assessment only assesses one existing operation and does not consider using any site not located within the Green Belt and on one of the many industrial estates in the vicinity, this should be completed so that a full assessment can be properly made. I consider that the traffic information provided is very limited and does not amount to a robust assessment of the realistic movements that could be expected from the scheme. In addition I consider that a Landscape Impact Assessment of the proposal should be commissioned to fully assess the impact on the High Weald Area of Outstanding Natural Beauty.”

Government Office for the South East (DEFRA): No objection has been raised to the proposal, however concerns have been raised about the high level of nitrogen from the yard run-off and the disposal and drainage method proposed.

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Countryside Agency: No comments to make.

Environment Agency: The Waste Regulatory Support Team, **initially** have **raised an objection** to the proposal on the following grounds summarised below:

- ❑ A site specific risk assessment is required for submission with new composting proposals where the boundary of the facility is within 250metres of a workplace or the boundary of a dwelling, has not been submitted with this application.
- ❑ No details have been provided as to how the foul effluent on this site is currently being dealt with.
- ❑ The applicant has indicated that the surface water from this site will be directed to the adjacent watercourse. No details of what areas of this site will drain to the watercourse or the pollution prevention measures that are in place to protect the watercourse have been provided.
- ❑ The applicant has stated that all the composting produced and the livestock waste can be spread on the farm without exceeding their Nitrate Vulnerable Zone (NVZ) and Soil Association limits. The Agency have some concerns however as to whether there is the capacity to except this additional loading from the figures outlined on the last NVZ inspection.

The Groundwater and Contaminated Land Team and Biodiversity Team have raised **no objection** to the proposed change of use, subject to conditions covering:

- ❑ The submission of a scheme for the disposal of foul and surface waters.
- ❑ No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.
- ❑ Only clean, uncontaminated water should drain to the surface water system. Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. However, given the nature of the site, should these areas have the potential to cause contamination, they should drain to the foul drainage system.
- ❑ If during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement.

Divisional Transportation Manager: No objections raised provided a condition is imposed restricting the number of vehicle movements to 4 per day (2 in/2 out).

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Landscape Consultant: comment as follows:

Landscape – *“The site lies within the High Weald AONB where the primary objective is to protect, conserve and enhance landscape character and natural beauty. There are only very slight adverse landscape effects from the composting activities, but there is likely to be further and greater adverse landscape impact from the passing bay proposals, which cannot be fully quantified without explicit details.”*

Some of the hedgerows affected are likely to be considered as ‘important hedgerows’ under the Hedgerow Regulations because of their biodiversity and historic interest. Ancient woodland and protected species may also be affected. Again this cannot be fully ascertained without fuller details and ecological survey work.

Landscape mitigation by transplanting hedgerows is possible but may not be fully successful and may adversely impact on biodiversity issues.”

Noise, dust and Odour – no objection raised.

Countryside Policy and Projects (Biodiversity Officer): The following comments have been received in relation to the proposed passing bays:

“The new plans for passing places on High Woods Lane could indeed impact on wildlife in the area. Further details of the effect on the road verge and its hedgerows or associated vegetation must be provided in order for comment to be given on the impact of this additional proposal. Hedgerows and vegetated road verges can be important habitats and corridors for wildlife. The importance of the areas to be affected and the extent of the impacts need to be presented for comment before approval is given to the new passing place plans. Therefore ecological survey work needs to be carried out on the areas to be affected in order to assess the current situation and the potential impacts. This must be presented along with detailed descriptions of the type and extent of works to be carried out on this stretch of road.”

Environmental Management Officer, Public Rights of Way: No objection raised subject to a condition restricting daily vehicle movements to 2 (1 in/1 out) per day.

Ramblers Association: Concerns have been raised on the grounds that the site lies close to both the Bridleway and Public Right of way and the safety implications of meeting large vehicles along these routes during weekdays and weekends. The Association requested that the applicant considers the provision of an alternative route alongside the existing right of way for users.

British Horse Society: Raises concerns regarding safety of users of the Bridleway and the increase in vehicle movements along the proposed access route.

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The Hawkenbury Village Association: Concerns have been raised and are summarised below:

- ❑ High Woods Lane is a public highway from Halls Hole Road to the entrance of the Royals Indoor Bowls Club. The lane then becomes a private road currently maintained by the applicant with contributions from neighbouring residents and a short stretch through the ancient woodland with contributions from the Borough Council.
- ❑ The lane is single track and bounded by hedgerows minimising visibility for walkers and vehicles.
- ❑ Whilst the applicant proposes a maximum of 2 lorries to the site per day, this is in addition to existing traffic.
- ❑ There are no adequate passing places along High Woods Lane
- ❑ There is insufficient explanation of the green waste separation process, and therefore no guarantee that contaminated water would not eventually run into the River Teise.

Local Member

9. The Local County Member, Mr Scholes was notified of the application in December 2005.

Publicity

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

Representations

11. 7 nearby properties were notified of the application and 9 letters of representation have been received to date. Those objections can be summarised as follows:

- ❑ The application does not accord with the provisions of the development plan;
- ❑ This location is not an appropriate one for this type of facility;
- ❑ High Woods Lane is too narrow for 20 tonnes vehicles;
- ❑ Additional heavy goods vehicles would add to the high numbers of vehicles already generated by the Indoor Bowls Centre and the nearby Dunorlan Park;
- ❑ The current lane is not of sufficient state to accommodate additional large vehicles;
- ❑ Large vehicles travelling to and from the site would conflict with existing farm traffic, walkers and others who use the area as an amenity area;
- ❑ There are no passing bays along the current lane to allow traffic and HGVs to pass safely;
- ❑ Additional traffic would cause harm to local wildlife;
- ❑ Additional traffic would generate noise and air pollution affecting nearby residents and users of the area;

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- ❑ Additional traffic would add to problems already suffered on Halls Hole Road;
- ❑ Potential to generate odour problems;
- ❑ Potential impact on the nearby River Teise from breakdown products and disinfectants;

Discussion

12. This application is for a change of use from agricultural use to a new green waste open windrow composting facility. The application represents a departure from the Development Plan. There is as a strong policy presumption against development in the Green Belt and a requirement to maintain the open character of Green Belt land. In addition, long term protection should be provided for designated AONBs and conservation and enhancement are priorities in such areas. In these circumstances, very special circumstances would need to be demonstrated in order that such inappropriate development could be accepted.
13. 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.
14. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process.
15. The new advice moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is appropriate to consider planning applications against the principles of BPEO.
16. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are "*of the right type, in the right place and at the right time*" in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy / RSS for the South East.
17. The principle of 'location' for green waste composing proposals are set down in the Adopted Kent Waste Local Plan. However, given the proposed site is within the Green Belt and AONB it will need to be demonstrated that special circumstances exist sufficient to override the normal policy presumption against such development being located in these areas.

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Consideration of special Circumstances

Alternative Sites Assessment

18. Whilst the site is located within a rural location, which in principle is supported in the Waste Local Plan, as suitable for green waste open windrowing, this site is located within the Metropolitan Green Belt (MGB) and High Weald Area of Outstanding Natural Beauty (AONB). Therefore it is necessary for the applicant to demonstrate that this proposal would not compromise the objectives of the MGB and AONB. The applicant was advised prior to submission of the application to provide an alternative site assessment having regard to other potential locations not subject to such designations and taking into account the source of the waste material. Despite resisting early advice to produce such an assessment, the applicant has provided what he considers to be justification for locating such a facility in this sensitive location. In my opinion this information is not sufficient to demonstrate this represents the most appropriate site. I therefore agree with the views of the Borough Council the applicant has not satisfactorily demonstrated why this is the best location. I am therefore of the opinion that this proposal does not comply with policies WM2, E1 and E4 of the Kent and Medway Structure Plan, Policies ENV1, ENV3 and MGB3 of the Kent Structure Plan.

Environmental Impact of the Development

19. Policy W10 b) of the Kent Waste Local Plan requires that consideration be given to whether proposals seek to minimise impacts on residential amenity in terms of noise, dust, smell or visual impact. This site is located approximately 160 metres from the nearest residential properties. With this in mind, advice was sought from the Environment Agency (EA) as regulators of any Waste Management Licensing on potential health issues. Given the application site lies within 250 metres of the nearest boundary of a dwelling or workplace the EA advises that they raise an objection in the absence of a site specific risk assessment as required in their Composting and Health Effects document. This is to ensure any assessment can demonstrate *that bioaerosol levels are and can be maintained at appropriate levels at the dwelling or workplace*. The applicant has now submitted a risk assessment and I confirm the Agency have now removed their objection in relation to this issue.
20. In terms of noise, dust and odour, no objections have been raised by consultees provided the necessary mitigation measures can be put in place. I agree that on the basis of the information submitted, noise, dust and odour can be controlled by way of appropriate planning conditions should Members be minded to grant planning permission.
21. Notwithstanding no objections on noise, dust and odour grounds, I have concerns regarding landscaping issues. Given concerns raised by local residents, the British Horse Society and The Ramblers Association on highway safety grounds along the access route, the applicant has attempted to address these concerns by proposing passing bays along High Woods Lane. The applicant has indicated some 9 passing places along High Woods Lane where

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he believes this would be possible. However I remain unclear whether the applicant is putting these forward as part of the application or whether he is proposing them all. No objection has been raised by the Divisional Transport Manager and the Public Rights of Way Officer, however following further consultation with my Landscape advisor and the Biodiversity officer, I agree that insufficient information is provided in support of this option. No details of the effect on the road verge and its hedgerows or associated vegetation has been provided. No ecological survey work has been provided to assess the current situation and the potential impacts. No detailed descriptions of the type and extent of works to be carried out on this stretch of the road have been provided. I therefore consider there is insufficient information to enable me to fully assess any potential landscape and/or biodiversity impact of the proposed passing places along High Woods Lane. This in my view clearly conflicts with policy W10 b), d) and e) of the Kent Waste Local Plan, policies E1 and E4 of the Kent and Medway Structure Plan, and Policies ENV1 and ENV3 of the Kent Structure Plan.

22. The Environment Agency have also raised an objection in the absence of any evidence to ensure that the spreading activity would not exceed the Nitrate Vulnerable Zone (NVZ) and Soil Association limits. The applicant has now submitted the required risk assessment and NVZ Compliance Assessment in support of the proposal to address these concerns. The EA have been formally consulted and whilst I await their final views on the issue of the NVZ, they have now confirmed they are satisfied that the applicant has provided a satisfactory site specific risk assessment addressing the potential release of bioaerosols from the facility, including prevention, control, mitigation and monitoring.

Highways

23. Policy W10 c) of the Kent Waste Local Plan requires consideration be given to whether proposals have ready access to the main road network. The applicant states that vehicles visiting the site would use the existing private High Woods Lane which is currently maintained by the applicant and would generate a maximum of 4 daily vehicle movements (2 in/2 out) as a result of this proposal. Notwithstanding the comments of the Borough Council, who have recommended a Traffic Impact Assessment, both the Divisional Transport Manager and Public Rights of Way officer are of the opinion that the vehicle movements proposed are negligible however, both welcome the provision of passing places as discussed above. In my view it would be difficult to justify a traffic assessment based on the limited vehicle movements proposed and given no objection has been raised by Highways, I would find it difficult to sustain an objection on highway safety grounds.

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Other matters

24. In addition to the above issues I have major reservations as to whether the standard drawings submitted which in my view are not of sufficient quality or level of detail to enable me to fully assess the application. For example, whilst the applicant indicates in his drawings that the windrow elements proposed in the High and Low Rate Composting Areas would be in single blocks, the typical cross section drawing indicates that there would be a number of individual windrows (*see examples appended to this report*). Whilst the applicant has made efforts to address these matters, I consider the level of detail provided remains insufficient to recommend favourably to Members of the Planning Applications Committee given that with the lack of such details, it would not be possible to ensure the development could be satisfactorily regulated.

Conclusion

25. The proposal in my view represents inappropriate development in the Green Belt and Area of Outstanding Natural Beauty and the applicant has failed to demonstrate the special circumstances necessary to override presumption against permitting the proposal. The proposal is totally lacking in sufficient detail to enable the development to be assessed and thereafter to be properly enforced should permission be granted. The applicant has not provided sufficient information to enable me to establish whether all the composting produced and the livestock waste can be spread on the farm without exceeding their Nitrate Vulnerable Zone (NVZ) and Soil Association limits. Any potential impact of passing bays has not been assessed both in terms of impact upon landscape itself which is of relevance in the AONB and of nature conservation interest in the adjacent hedgerows.

26. The current application lacks a detailed landscape and biodiversity information on the potential implications of the proposed passing bays. I am therefore unable to establish whether the proposal would generate an unacceptable impact on the local amenity. The applicant has provided no information on whether what is proposed represents the right facility in the right location and at the right time having regard to Green Belt and AONB policy and the underlying principles of BPEO for this waste stream. In my view the applicant has failed to demonstrate that the proposal is the best waste management option for the proposed waste stream to facilitate the area within this sensitive location. I therefore recommend accordingly.

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Recommendation

27. I RECOMMEND that PERMISSION BE REFUSED on the following grounds:

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

Case Officer: Angela Watts

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Background Documents: See Section Heading

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Development of a new factory to manufacture aerated concrete products, access and associated facilities at Ightham Sandpit, Borough Green Road, Ightham – TM/03/2563

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.


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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 completion of the bypass would be funded by the Applicant. This

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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

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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.

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.

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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

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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

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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.

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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

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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

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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

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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.

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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:

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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).

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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

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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

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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

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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%.

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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.”

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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

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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.

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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.

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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:

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- 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.

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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 sites 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.

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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

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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,

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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.

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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

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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.

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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

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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

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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

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

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Item C3**Plant to process incinerator bottom ash into secondary aggregates for recycling, Ridham Dock – ref. SW/05/1203**

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

Proposal: A plant to process incinerator bottom ash into secondary aggregates for recycling at Ridham Dock industrial complex, nr Iwade, Sittingbourne.

Recommendation: Permission be granted subject to conditions.

Local Member: Ms B. Simpson & Mr R. Truelove

Unrestricted

Site

1. The application site is approximately 0.9 hectares in size and is located within the Ridham Dock industrial complex. Ridham Dock is allocated in the Swale Local Plan 2000 as an employment area, whilst the Ridham / Kemsley location is defined in the Kent Waste Local Plan 1998 as being suitable in principle for the preparation of category A waste for re-use. Ridham Dock is also near to a number of nature conservation designations including The Swale Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI) and the North Kent Marshes Special Landscape Area (SLA). The Saxon Shore Way passes along the southern boundary of the industrial complex, which is also within an area of flood risk. The site is accessed via a private, unadopted road from the A249 near to Kingsferry Bridge / Sheppey Crossing (under construction). There are no residential properties within the vicinity of the site and the nearest population centre is the village of Iwade some 1.8 km to the south west. A site location plan is attached.

Proposal

2. The proposal from Ballast Phoenix Limited (BPL) is for a plant to process Incinerator Bottom Ash (IBA) from the Allington Waste to Energy facility in Maidstone. The Allington facility is due to become operational in June 2006 and will produce an estimated 60,000 tons of IBA (approximately 11% of the original waste bulk being incinerated). Around 40,000 tons of boiler ash and around 6000 tons of flue gas fines would also be produced, and would be disposed of by landfill. Rather than landfill the IBA material, the applicant proposes to recycle it.
3. The IBA material produced at Allington would comprise coarse material, with a maximum particle size of 300mm, that has the appearance of shot blasted glass and ceramics, mixed with pieces of ferrous and non-ferrous metals, which would constitute up to 3.6% by weight. The applicant, Ballast Phoenix Ltd, has operated since 1996 and together with Dutch firm Feniks Recycling has developed a process to convert the IBA into secondary aggregate. This recycled product would be of suitable quality for use in a variety of construction situations, including sub-base for new roads and the manufacture of asphalt and concrete. The company already operates three recycling facilities: Edmonton (London), Castle Bromwich (Birmingham) and Billingham (North Teeside).

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4. The application site currently includes one third of an existing building, the remainder of which would continue to be used by an established tenant. Ballast Phoenix proposes to demolish the end of the building and replace it with a building on new piles and a concrete base. The new building would be 47 metres long, 27 metres wide and 10.5 metres high, and would be of single ridged, steel frame construction with pale grey steel cladding. The external areas of the site would accommodate storage bays with concrete walls (to hold both incoming IBA material and recycled product), a site office, a weighbridge, water sprays, wheel wash, parking for employees and visitors. The site perimeter would be securely fenced.
5. The plant would process an estimated 50 tonnes of IBA per hour. The quality of incoming IBA material would be a contractual matter between WRG Kent Enviropower and Ballast Phoenix. Material that fell short of the contracted quality would not be accepted. All re-processing activities would take place inside the proposed new building. A 'trommel' screen would be used to segregate the material according to size, and non-ferrous metals would be removed for re-use. Any wastes produced at the site (domestic wastes, sludges, oily residues, wastes from the production process) would be stored inside the building in containers or separate bays and removed from site by licenced contractors. The final aggregate product would be differentiated by size grading according to its intended uses. The facility would operate 0800-1800 hours Monday to Friday, with maintenance as required on Saturdays. Operations would only take place at other times in the event of an emergency. The facility would require 4-5 staff.
6. Access to the site would be via an unadopted road owned by the landlord and over which right of access has been granted in perpetuity to tenants. A public road is under construction that would in 2007 connect the Dock area, at a point just south of the site, to the public highway (A249 at its junction with the B2006). The applicant estimates that there would be an average of 40 HGV movements per day and a maximum of 60 movements per day associated with the operation. The vehicles used would typically have a 25 ton capacity and would be sheeted.
7. The application is supported by a Flood Risk Assessment, a Phase 1 Ecological Survey and a Contaminated Land Phase 1 Desk Study.

Background

8. Ridham Dock accommodates a number of commercial and industrial enterprises. The land the subject of this application was used by Ridham Sea Terminals and then Lionhope for timber storage until 1998, when it was acquired by Brett Group for general storage and parking. The site immediately to the north of the application site, which uses the northern part of the building that covers both sites, has the benefit of a recent planning permission from the County Council for gypsum recycling (ref. SW/04/1442).
9. For information, the Allington Waste to Energy plant, which would constitute the source of the IBA waste requiring treatment, was permitted by the County Council in July 2000 (ref. MA/98/1212) and is due to become operational in June 2006.

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Planning Policy & other Material Planning Considerations

10. The following policy and guidance is particularly relevant for this application:

National Planning Policy

11. The most relevant National Planning Policies are set out in PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control), PPG25 (Development and Flood Risk) and Waste Strategy 2000 (as amended).

12. PPS 10 suggests the following criteria for assessing development proposals/sites:

- (i) assess their suitability for development against each of the following criteria:
 - the extent to which they support the policies in this PPS;
 - the physical and environmental constraints on development;
 - the cumulative effect of previous waste disposal facilities on the well-being of the local community;
 - the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery.
- (ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.

13. PPS23 states that “in considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The local planning authority should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the Environmental Protection Act 1990”.

14. PPG25 states that planning authorities should “ensure that flood risk is properly taken into account in the planning of developments to reduce the risk of flooding and the damage which floods cause”. There should be no reasonable options available in a lower-[flood]risk category, consistent with other sustainable development objectives. Planning authorities should address the problems which flooding can cause by [amongst other matters]:

- recognising that susceptibility of land to flooding is a material planning consideration;
- giving appropriate weight to information on flood-risk;
- consulting the Environment Agency and other relevant organisations; and
- applying the precautionary principle to decision-making so that risk is avoided where possible and managed elsewhere.

Regional Planning Policy

15. The most relevant Regional Planning Policies are set out in RPG9 (South East England), the ‘Proposed Changes to the RPG for the South East – Waste and Minerals’, and the Draft South East Plan Part 1 – Core Regional Policies (July 2005).

16. Relevant policies in the ‘Proposed Changes to the RPG for the South East – Waste and Minerals’ including: W1, W3, W4, W5, W6, W7, W16 and W17. In particular, Policy W17

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relates to the location of waste management facilities including the suitability potential new sites, which should be assessed on the basis of the following characteristics:

- good accessibility from existing urban areas;
- good transport connections including, where possible, rail or water;
- compatible land uses;
- capability of meeting a range of locally based environmental and amenity criteria.

17. The Draft South East Plan (July 2005), which sets out a vision for the region through to 2026, contains a policy relating to flood risk. Policy NRM3 states that “inappropriate development should not be allocated or permitted in zones 2 and 3 of the floodplain [...] unless there is over-riding need and absence of suitable alternatives” [Ridham Dock is in Zone 3]. The Policy requires local authorities to seek advice from the Environment Agency. It also requires developments to be “designed to be resilient to flooding”.

Kent Structure Plan 1996

18. The most relevant policies are summarised below:

- | | |
|-------|---|
| S1 | Local planning authorities will seek to achieve a sustainable pattern and form of development which will reduce the need to travel, facilitate energy and resource conservation and minimise pollution. |
| S2 | The quality of Kent’s environment 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. |
| ENV2 | Kent’s landscape and wildlife habitats will be conserved and enhanced. |
| ENV20 | Development will be required to be planned and designed so as to avoid or minimise pollution impacts. Where such impacts cannot be reduced to an acceptable level the proposed development will not be permitted. |
| ENV21 | Provision will be made for the waste arisings in Kent. Proposals for re-using and recycling waste which will reduce the need for landfill will normally be permitted if they are acceptable in environmental and traffic terms. |
| ENV22 | Waste management proposals will not be permitted unless the need for such development overrides material agricultural, landscape, conservation, traffic or other environmental or land use concerns. |
| NR3 | Development will not be permitted which would have an unacceptable effect on the quality or potential yield of groundwater resources. |
| NR5 | The Environment Agency will be consulted on proposals on land with drainage problems or that is at risk from tidal flooding. |
| T18 | Development which generates significant increases in traffic will normally be refused if it is not well related to the primary or secondary route network. |

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Kent & Medway Structure Plan August 2005 (Deposit Plan – Proposed Modifications)

19. The most relevant policies are summarised below:

SP1	Seeks to achieve a sustainable pattern and form of development.
QL1	Relates to the quality of development and design.
E3	Protection and enhancement of landscape and wildlife habitats.
E5	Special Landscape Areas will be protected and enhanced.
E6	Relates to international and national wildlife designations.
E8	Relates to the protection and enhancement of biodiversity.
TP11	Development and access to the primary / secondary road network.
TP14	Development traffic and heavy goods vehicles.
NR4	Relates to pollution impacts.
NR7	Seeks to protect groundwater resources.
NR9	Development and flood risk.
WM1	Promotes integrated waste management proposals.
WM2	Assessment criteria for waste proposals.

Kent Waste Local Plan 1998

20. The most relevant policies are summarised below:

W1	Provision will be made in accordance with the principles of sustainable development, for wastes arising in Kent to be dealt with in Kent, based on the waste hierarchy. Permission will be granted for proposals to re-use or recover waste materials at locations identified and under circumstances specified in the Plan.
W2	Waste management proposals will not be permitted if they would cause a significantly adverse impact on areas including: <ul style="list-style-type: none">- sites where there would be a significantly harmful effect on the quality of or potential yield from groundwater resources;- sites where the nature conservation interest is of international importance;- National Nature Reserves, Sites of Special Scientific Interest, Local Nature Reserves and Sites of Nature Conservation Interest; and- areas at risk from flooding.
W3	Proposals which involve only waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they: <ul style="list-style-type: none">(i) can gain ready access to the primary or secondary route network; and(ii) are located within or adjacent to an existing waste management operation, or within an area of general industrial use.
W7	The following locations are considered to be suitable in principle for proposals to prepare category a waste for re-use: (1) for permanent development: [...list including Ridham / Kemsley...]. Proposals at other locations would be considered against three criteria [see plan for criteria].

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- W16 When considering applications for waste management facilities, the planning authority will have regard to the industry's past record in respect of the environmental management of comparable operations.
- W18 Requires satisfactory controls over noise, dust, odours and other omissions, particularly in respect of potential impacts on neighbouring land uses and amenity.
- W19 General protection of surface and groundwater interests.
- W20 The safeguarding of land drainage and flood control.
- W21 Earth science and ecological interests of the site and its surroundings shall be safeguarded.
- W22 Permission will normally be refused if the proposed access, or the effects of vehicles travelling to and from the site, would affect in a materially adverse way the safety of the highway network or the local environment.
- W23 Prevention of mud and debris being deposited on the public highway.
- W25 Consideration of details relating to siting, design and external appearance of processing plant, hard surfacing, buildings and lighting.
- W26 Permission will normally be granted for waste management facilities conditioned to operate between the hours 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday. Any proposals to work outside of these hours will be considered where operational factors justify greater flexibility.

Swale Borough Local Plan 2000 / Swale Borough Local Plan First Review (Re-deposit Draft) July 2005 [in italics]

21. The most relevant policies are summarised below:

- G1 All development will be expected to accord with certain criteria including:
- having regard to the characteristics and features of the site and locality;
 - avoiding unacceptable impacts on the natural and built environment;
 - be well sited and of an appropriate scale, design and appearance;
 - cause no demonstrable harm to residential amenity.
- (This policy is carried forward in the form of Policy E1 of the emerging Local Plan).*
- B1 Permission for new employment development will be granted for sites shown as such on the Proposals Map and which satisfy the appropriate criteria in Policy G1.
- B30 Planning permission has been granted for a 120 hectare business park at Ridham. Alternative employment proposals for this site will be considered against the policies of this Plan.

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- E1 On sites suspected to be contaminated, applications should include a detailed site investigation of all likely contaminants and appropriate measures to deal with any unacceptable risks to health or the environment. *(This policy is carried forward in the form of Policy E3 of the emerging Local Plan, which states that permission will only be granted if the developer agrees to undertake effective investigation and remediation work to overcome any acceptable hazard).*
- E3 Development will not be permitted where it will have an unacceptable effect on water supply sources or would lead to changes in local hydrology which would adversely affect flora or fauna.
- E4 Development will not be permitted which would lead to the pollution of surface or groundwater. *(This policy is carried forward and extended in scope in the form of Policy E2 of the emerging Local Plan, which states that all development proposals will minimise and mitigate pollution impacts, and that proposals will not be permitted that would give rise to pollution significantly adversely affecting human health, residential amenity, flora and fauna, and local hydrology).*
- E14 The North Kent Marshes Special Landscape Area will be afforded long term protection. *(This policy is carried forward in the form of Policy E9 of the emerging Local Plan).*
- E24 Development will not be permitted within areas at risk of tidal flooding unless it is otherwise acceptable to the Planning Authority and suitable measures are incorporated regarding flood containment and public safety. *(This policy is carried forward in the form of Policy E4 of the emerging Local Plan, which states that permission will not be granted where acceptable sites at lesser risk of flooding are available to accommodate the development, and requires the submission of a flood risk assessment).*
- E28 Long term protection will be given to Ramsar sites, Special Protection Areas, Special Areas of Conservation and Sites of Special Scientific Interest. *(This policy is carried forward in the form of Policy E12 of the emerging Local Plan).*
- E70 In considering development proposals in northern Sittingbourne, the Borough Council will seek the highest standards of development.
- IN4 All development proposals must: be appropriately related to the primary and secondary route network; not generate traffic in excess of the capacity of the highway; not involve a new access onto a primary or secondary route; and have full regard to the highway impact on the landscape. *(This policy is carried forward in the form of Policy T1 of the emerging Local Plan).*
- IN21 Adequate provision shall be made for the disposal of surface and foul water.

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Consultations

22. **Swale Borough Council:** Comments awaited following the Borough Council's Planning Committee meeting on 2 March 2006.

Iwade Parish Council: Objects.

- The Parish Council remains concerned that the inhabitants of Iwade would be at risk from wind borne dust that contains toxic and carcinogenic chemicals. It is noted that the original application proposes stockpiles of a maximum height of 7.5 metres yet the concrete 'A' frames to separate the stockpiles and act as wind breaks appear to be less than 3 metres. There would still be a high risk that dust would escape into the atmosphere, particularly when the material is initially tipped or when moved by vehicles. We are not convinced the wind breaks and water sprays would be a sufficient protection. At present Iwade is frequently dusted with white power believed to be gypsum from stockpiles at Ridham.
- The management of surface water appears to be satisfactory. We question whether 50cm of bunding would be sufficient in case of tidal flooding, as the leachate characterisation lists 18 toxic and carcinogenic chemicals.

Minster-on-Sea Parish Council (neighbouring Parish): Objects.

- The site is an area of flood land with no current flood protection. There is no effective way of disposing of surface water other than into the SSSI or the Swale.
- Dust control is a serious issue because prevailing winds would carry any free dust over Sheppey including the SSSI.
- Some of the statements in the report are incorrect. The site is clearly visible from many houses in Minster. The Parish Council has concerns about dust carrying to residential areas; we already experience carriage from Sheerness Steel Works.
- The Parish Council is also concerned about the extra generation of carbon emissions that this would create during transportation.

Eastchurch Parish Council (nearby Parish): No objection.

South East England Regional Assembly (SEERA): On the basis of the information provided, it is considered that the proposal does not materially conflict with or prejudice the implementation of the Regional Spatial Strategy or the Government's Proposed Changes to the Regional Minerals and Waste Strategies, and the proposal is supported. The local planning authority should be satisfied that the proposed development is capable of meeting the locally based environmental and amenity criteria referred to in Policy W17 of the Proposed Changes to RPG9 – Waste and Minerals.

Environment Agency: Has requested confirmation on two remaining issues of concern relating to potential land contamination and water management before its initial holding objection to the proposals can be fully removed. Specifically, it has requested that the applicant: (i) undertake a full existing land contamination study (incorporating intrusive investigation) and provide suitable mitigation proposals should this prove necessary; and (ii) provide a detailed design for the proposed lagoon and an appropriate siltation management plan. Notwithstanding this, it has suggested conditions to address these and other matters in the event that the County Council is minded to grant planning permission. Its detailed responses indicate that its objections could be overcome by the requirement for further details to be submitted for approval and for these to be implemented as approved.

Plant to process incinerator bottom ash into secondary aggregates for recycling, Ridham Dock – ref. SW/05/1203.

The following summarise the Environment Agency's comments:-

- The site is in an environmentally sensitive area particularly due to its proximity to The Swale SPA, Ramsar and SSSI.
- Potential contamination – The previous use of this site may have left contamination that could impact on the proposed development. The applicant's Phase 1 investigation has been carried out in line with relevant guidance. Any required remediation works should be carried out and relevant proposals agreed with the County Planning Authority before any site works are commenced. The possibility of made ground identified on site that may leach contaminants into adjacent water courses, through the subsurface, needs to be appropriately addressed before determination to ensure compliance with PPS23. Any relevant planning conditions should not be discharged until such time as all relevant works are complete and a verification report is submitted and approved by the County Planning Authority. Any construction on site should not commence until this approval has been granted. Further evidence would be required that existing contamination would not become mobile during the construction phase and adversely affect the SPA.
- Water management – Site surfacing should be impermeable and drain to a sealed drainage system. Run-off from stockpiled IBA may be contaminated with metals and this should be allowed for in analysis for excess loads tankered away for the purpose of waste carriage regulations and Duty of Care. It is noted that the applicant is no longer proposing to discharge any effluent, trade effluent, foul effluent or other matter from the site to a surface watercourse. However, an objection is maintained on water management grounds due to the lack of a detailed lagoon design and a siltation management plan.
- Waste management – There should be provision for outside stockpiles of unsorted materials to be covered in some way prior to processing until the sampling over the first year shows run-off and dust controls do not give rise to sediment or dust with high metal levels escaping from the site in any way. Specifically, the proposed 'A' frames should be orientated on site to provide a containment area for the IBA that takes into account the predominant wind direction. The IBA to be stored externally should be stored to within 0.5 metres of the top of the 'A' frames.
- Water resources – The site lies on alluvium deposits which overlie London Clay. This is classified as a minor aquifer overlying a non-aquifer. The site does not lie within a Source Protection Zone. Any oil/petrol/diesel storage tank bunding should be 110% of the tank volume and all filling points and hoses should still be enclosed within a suitable bund. The source of water for dust suppression and other associated processes has been confirmed as "town water". Therefore in respect of water resources we have no further comments to make.
- Flood risk – The site is within a High Risk Flood Zone and records suggest that the site has been affected by flooding in the past. The Ridham Dock area does not benefit from an appropriate form of flood defence. The estimated 200yr return period tidal condition is 5.32 metres Ordnance Datum Newlyn (mODN) at this location. The site varies from 2m to 4m ODN and is therefore at risk from flooding. The intention to raise office accommodation to 6.5 metres ODN is acceptable, although this should be included in the risk assessment. There is no objection to installation of the transformer at 5.5m ODN as detailed. We welcome the construction of a flood gate and earth retaining structure around the perimeter of the working area, which should be a minimum of 5m ODN to prevent stockpiled material being flushed out into the wider area.

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- Biodiversity – Wetlands of international importance surround Ridham Dock. There is evidence of water voles near to the site, which are protected under the Wildlife and Countryside Act. There are also records of Great Crested Newts in the habitat surrounding the site, so English Nature should be consulted on the proposal.

English Nature: No objection. The site is close to the Swale Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar site). English Nature considers that enough information on the ecology of the site has now been provided and that the plant is unlikely to have a significant impact on the wildlife within the development footprint and its immediate environs. With regards to contaminated land, it recommends that the Environment Agency should be satisfied that the site containment measures would ensure that surface water would not be released into any designated sites either directly or indirectly via ditches that are in hydrological continuity with them.

Health Protection Agency: No comments received.

Kent Wildlife Trust: Objects. The applicant has not submitted sufficient information to assess the potential negative impacts of the proposal on the nature conservation interests of the site and the surrounding SSSI / SPA / Ramsar site, nor demonstrated how these impacts would be avoided or mitigated. Particular concerns relate to: control of windblown dust / ash, contamination of watercourses, and impacts on wildlife. *[Comments on the further information submitted are awaited]*

Divisional Transportation Manager: No objection.

Jacobs (Environmental Consultant): “Noise levels from the proposed plant are such that they are unlikely to be audible at the nearest noise sensitive receivers approximately 1500m away. There would not therefore be any detriment to residential amenity at these closest noise sensitive properties from noise. The applicant states that the material to be processed arrives in a “dust free condition” and would be processed within the building. In addition, water sprays are to be installed over key items of plant. With the closest dust sensitive [residential] receivers at a distance of approximately 1500m, I do not anticipate dust would cause any detriment to amenity at these sensitive receivers”.

Local Members

23. The Local Members, Ms B. Simpson and Mr R. Truelove, were notified of the application on 27 October 2005.

Publicity and Representations

24. The application has been advertised by way of a site notice and a newspaper advertisement. In addition local business premises have been notified individually by letter. No written representations have been received.

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Discussion

25. 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.
26. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process. The new advice moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is appropriate to consider planning applications against the principles of BPEO. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are "*of the right type, in the right place and at the right time*" in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy / RSS for the South East.
27. Of particular relevance to proposals for waste treatment and recycling is Kent Waste Local Plan Policy W2, which states that waste management proposals will not be permitted if they would cause a significantly adverse impact to (amongst other areas) sites where the nature conservation interest is of international importance, Special Landscape Areas and areas at risk from flooding. Policy W4 of the Waste Local Plan requires new waste processing developments to have ready access to the primary or secondary road network and to be located in a general industrial area. Policy W7 sets out locations considered to be suitable in principle for proposals to prepare category a waste for re-use, which include "Ridham/Kemsley".
28. Accordance with Development Plan Policy and demonstration of sustainability (including the underlying tenets of the former BPEO concept) can be assessed in relation to: the need for the proposed waste management facility, the sources of waste and proximity principle, location, natural environment, flood risk, amenity and health impacts, access, and landscape and visual impacts.

Need for waste management facility

29. Kent Waste Local Plan Policy W1 states that provision will be made in accordance with the principles of sustainable development, for wastes arising in Kent to be dealt with in Kent, based on the waste hierarchy. It further states that permission will be granted for proposals to re-use or recover waste materials at locations identified and under circumstances specified in the Plan.
30. The need for the proposed recycling facility is a direct consequence of the forthcoming operation of the Allington Waste to Energy plant, currently under construction in the 20/20 industrial estate west of Maidstone. The Waste to Energy plant is due to be commissioned in June 2006 and the Incinerator Bottom Ash that will arise from its

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operation can either be disposed of at a suitable landfill site or recycled. Of these two options, recycling is higher up in the waste hierarchy and therefore more preferable to using up landfill voidspace. The applicant proposes the recycling of the IBA material to create reusable secondary aggregates, and I concur with the position of the Regional Assembly that in principle this option should be supported.

Sources of waste and proximity principle

31. In keeping with the proximity principle, the IBA material should be recycled as near as is practicably possible to its source, the Allington WtE plant. A facility at or adjacent to the Allington plant would be the most preferable option. However, the existing planning consent for the Waste to Energy plant makes no provision for such a facility. Ash weathering cells were originally proposed by the developer, but were withdrawn from the scheme due to groundwater issues. In the absence of a specific planning application, I cannot fully assess whether sufficient space would still be available at Allington to accommodate an IBA recycling operation. I am however aware the space taken by the ash weathering cells is being taken up by other uses and equipment associated with the Waste to Energy plant. In addition, a large part of the site has been reserved for nature conservation purposes through a restrictive covenant in the s106 legal agreement. With reference to the Allington WtE site, the applicant states “there is not sufficient space at Allington and in any event Allington’s own planning constraints preclude this”. In conclusion, I acknowledge the space restrictions at Allington and would advise Members to consider the current application on its own merits.
32. The applicant has undertaken a site selection exercise to determine which would be the most appropriate site, excluding Allington, for the operation. Factors taken into account included transport distances (including distances to receptor sites for the recycled product), access, environment, commercial and lease conditions, and the availability of suitable site levels. Ballast Phoenix states that some 20 possible sites were identified and assessed. Taking the Allington option aside, three main alternatives emerged: at Cliffe (north of Rochester), East Peckham and Ridham Dock (two possible sites), with Ridham Dock being preferred based on road infrastructure. Although the Ridham site is around 20.5km from Allington, it was found to have good highway linkages and be centrally placed with respect to potential customers of the recycled product. It is also a level site with adequate space, in an existing industrial area well away from residential properties. On balance, I accept that the Ridham Dock site is suitable in terms of the proximity principle for IBA waste from Allington.

Location

33. The application site at Ridham Dock comprises a 0.9 hectare area, which – as stated above – is within an existing industrial area (allocated as such in the adopted Swale Local Plan) with no residential properties in the immediate vicinity. The site is also defined in the Waste Local Plan as suitable in principle for the preparation of category A waste for re-use.
34. However, the site lies near to a number of national and internationally important nature conservation designations, including a Ramsar site and SSSI, which are protected in planning terms through Structure Plan Policy ENV2 and other relevant policies. Although the applicant has demonstrated through appropriate survey work that the site itself holds no ecological interest, it is vital that operations would be controlled such that no waterborne or

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airborne pollution adversely affected the nearby ecological interests. In addition, the site is within an area of tidal flood risk, which would necessitate certain special measures to ensure that the proposal would be acceptable. The Ridham Dock location for the proposed development is therefore acceptable in principle yet would only be satisfactory in planning terms if the applicant demonstrated that suitable controls could be put in place to protect the local environment. This issue is discussed further in the subsequent sections.

Natural environment

35. In line with PPS23, Kent Structure Plan Policies S2 and ENV20, Waste Local Plan Policy W18, the emerging Swale Borough Local Plan Policy E3 and other relevant policies, the proposed recycling facility would have to be developed, operated and controlled such as to adequately control any airborne or waterborne pollution arising from the operation of the proposed development.
36. To prevent the emission of dust and the settling of particulates on surrounding land and water, the applicant proposes concrete, 3 metre high 'A' frame walls to form the three sides of the external material storage bays, with spare 'A' frame sections that could be used to cover the open side of the bays as necessary. Although the applicant has submitted a revised layout for the 'A' frames and locations of material storage bays, which would appear to address the Environment Agency's comment about prevailing wind direction, its acceptability remains to be established at this time. The matter is capable of being satisfactorily addressed by condition. The Agency also requires that the material stockpiles do not come within 0.5 metres of the top of the 'A' frames (although the applicant has indicated that a 1 metre gap could be maintained), and I would intend to condition stockpile heights accordingly. The applicant also proposes to damp down the material using water sprays, to ensure that loaded HGVs servicing the proposed facility are sheeted, and to provide a wheel wash facility to ensure that vehicles leaving the site are free of dust and other materials.
37. To prevent waterborne pollution, the applicant has revised the design of the site such that there would be no discharge of water from the site to any waterway. Instead, water would be managed internally, using a catch-pit and lagoon to achieve zero net discharge. Specifically, the applicant proposes the following:
 - The whole external area of the site would be concreted, with slopes designed to allow water to flow by gravity via catch-pit, where any solids would settle, into a lagoon (of approximately 1000cu metres). Water from the lagoon would be used for the wheel wash. Catch-pit solids would be removed periodically and recycled. HGV loading, material stockpiles, material handling areas and vehicle manoeuvring areas would all be on concrete slab. The catch-pit would be cleaned on a weekly basis.
 - Roof water would be collected in a water tank and used in the wheel wash and water bowser for dust suppression. Any surplus roof water would be diverted into the lagoon. If the supply of roof water dries up, "town water" would be used.
 - The washing away of stockpiled IBA by heavy rainfall would be countered by the above-mentioned procedure of moving spare pre-cast concrete wall sections into the open sides of the storage bays in advance of any problems arising.
 - Foul water and sewage from the site would be contained, chemically treated and tankered off site for suitable disposal by a licensed contractor.

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38. In response to the measures proposed, English Nature raises no objection, although it would want the Environment Agency to be satisfied that the site containment measures would ensure that surface water would not be released into any designated sites. The Environment Agency has accepted the zero net discharge design of the site, but objects to the lack of detailed designs for the construction of the lagoon. Nevertheless, the applicant has provided plans and sections of the lagoon and I would propose that the detailed design plus a siltation management scheme are submitted and agreed prior to implementation of the development. The development would not be allowed to proceed until satisfactory details had been approved. The Environment Agency also requests the submission of a scheme for the disposal of foul and surface waters and I would also intend to condition the submission and implementation of such a scheme.
39. There would remain the potential for waterborne pollution during the construction phase in the event of contamination on site. The applicant's 'Contaminated Land Phase 1 Desk Study' recommends that "an intrusive Phase 2 investigation be undertaken to ascertain the extent and nature of the ash/clinker/brick rubble material seen in the trench excavated across the existing hardstanding. The contaminative nature of this material will have to be ascertained such that effective control measures can be identified and put in place [...]. It is recommended that an assessment of the potential of the underlying soils to produce ground gas is undertaken". The applicant is currently preparing to undertake an intrusive Phase 2 assessment.
40. In response to the desktop study, the Environment Agency confirms that the "Phase 1 investigation has been carried out in line with relevant guidance. Any required remediation works should be carried out and relevant proposals agreed with the County Planning Authority before any site works are commenced". The Agency also states that the results of the Phase 2 assessment and the proposed remediation of any contaminated found should be dealt with prior to determination. In particular, it states that it would also "require further evidence that existing contamination would not become mobile during the construction phase and adversely affect the SPA". Notwithstanding this, the Agency has suggested a number of conditions to control any contamination potential, including the agreement of remediation works as appropriate, in the event that permission is granted. I am satisfied that the application of these conditions would ensure that any contamination is satisfactorily dealt with. I have summarised the conditions in question in the recommendation and would intend to attach them to any permission that is granted.

Flood risk

41. The Ridham Dock area is susceptible to tidal flooding and the flood defences do not fully protect the Ridham Dock industrial complex. The potential ecological and human impacts of any tidal flooding must therefore be considered. Guidance is offered in PPG25, whilst Waste Local Plan Policy W2 states that waste management proposals will not be permitted if they would cause a significantly adverse impact on areas at risk from flooding. The emerging Swale Borough Local Plan Policy E4 states that permission will not be granted where acceptable sites at lesser risk of flooding are available to accommodate the development.
42. The applicant has submitted a flood risk assessment to support the planning application, and in response to issues raised by the Environment Agency has proposed measures designed to control any adverse impacts from flooding. To prevent removal of stored materials during tidal flooding, the site would be surrounded by a pre-cast concrete

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retaining wall and earth embankment, 0.5 metres above the perimeter ground level. The access gates would be of 'solid' construction up to the same elevation, and when closed would restrict the flushing out of material into the wider area during a tidal flood episode. The applicant proposes to install office accommodation within the proposed building at a level of 6.5 metres above datum, with a means of escape via the roof of the building. The proposed building's transformer would be located outside of the building at a base level of 5.5 metres above datum. Subject to conditions relating to the office accommodation and the perimeter bunding and retaining walls / gates, I raise no planning objection on flood risk grounds.

Amenity and health impacts

43. Iwade and Minster Parish Councils have raised concerns that the proposal would adversely affect local residents and their health as a result, in particular, of dust emissions. Although the nearest residential properties are around 1.7km away, Iwade Parish Council has referred to gypsum dust affecting the local area, which some residents have attributed to the nearby Knauf plant. I am also aware that public footpaths, including the Saxon Shore Way, pass close to the site.
44. The applicant has stated that the IBA material would arrive in a "dust-free" state and that with IBA recycling there would be "no elevated health risk existing when compared to working for instance with sand and gravel". The tipping and internal manoeuvring of the IBA material could however generate dust. As discussed previously, the applicant proposes to control any dust and prevent its generation by using high-walled waste bays and by using water sprays as necessary. Both the Environment Agency and KCC's environmental consultant have accepted these measures, whilst Swale Borough Council's Head of Environmental Services (incorporating environmental health) raises no objection to the proposal in the relevant Committee Report. I have also consulted the Health Protection Agency on this matter yet have received no response. Overall, based on the responses from the Environment Agency, and with the appropriate operational controls, my view is that there would not be a detrimental affect on the health of local residents.
45. In terms of noise impacts, the trommel screen and re-processing operation would be enclosed in a building within an existing industrial area, and KCC's Environmental Consultant raises no objection. I would nevertheless propose an hours of use condition (0700-1800 hours weekdays and Saturday) in order to control the development. There would appear to be no significant odours arising from the proposed operation. Overall I do not consider that any significantly adverse impacts would arise from noise, dust or odour from the operation.

Access

46. Access to the proposed plant for HGV movements and staff/visitors would be via the unadopted private road to the A249 near to the Swale crossing. This route is used by a number of other businesses at Ridham Rock and the applicant has indicated that as a tenant it would also have rights to use this route. In time a southern route via a new public highway to the A249 south-east of Iwade would be possible. The operation would involve an estimated, average of 40 HGV movements per day (20 in, 20 out), with a maximum of 60 movements per day. The Divisional Transportation Manager raises no objection to the

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proposed development. I am also satisfied with the proposal on highway grounds, subject to an appropriate condition attached to any consent limiting HGV movements.

Landscape and visual impacts

47. The proposed development would take place on brownfield land in an established industrial area, with no existing vegetation on site. Views into the site from land outside of the Ridham Dock industrial area would not, in my opinion, be significantly altered as a result of the proposed operation. I note that the existing building on site is in poor condition and its replacement with a new building would in fact enhance the visual appearance of the site. I would intend to require details of the type and colour of external materials of the building by condition. Overall, I consider that the proposal would be acceptable in landscape and visual terms.

Conclusion

48. I accept that there is a need for a plant to recycle Incinerator Bottom Ash from the Allington Waste to Energy plant. The Kent Waste Local Plan allocates Ridham / Kemsley as suitable in principle for the preparation of category A waste for re-use. The proposed site has good highway links via the A249 to Allington, and is located in an existing industrial area away from residential properties. However, the site is close to sensitive and internationally important areas for wildlife and within an area of flood risk, meaning that appropriate operational controls and mitigation measures are required for the development to be acceptable in planning terms.
49. The applicant has significantly amended the proposal to take into account issues raised by the Environment Agency. Whilst the Agency objects to the lack of an intrusive land contamination investigation and any proposed mitigation required, having assessed the information at hand I am satisfied the such matters could be dealt with by way of planning conditions and would therefore propose to accept the conditions suggested by the Agency relating to any contamination that is identified. The proposed concrete slab base to the site and the drainage and collection system should effectively prevent any escape of waterborne pollutants, subject to the agreement of detailed design by condition, whilst airborne pollutants and dust would be controlled by a combination of methods including restrictions on stockpile heights and water spraying. The applicant has made extensive provision to deal with flood risk and the Environment Agency has agreed to the boundary bunding/walls, measures to contain externally stored materials, and an elevated site office in the proposed building. Making reference to Waste Local Plan Policy W2, I do not consider that the waste management proposal in question would cause a significantly adverse impact to sites where the nature conservation interest is of international importance and areas at risk from flooding, subject to the appropriate controls.
50. Whilst I note the concerns of Iwade and Minster Parish Councils I do not consider that there would be any significant adverse impacts on local residents or businesses, again, bearing in mind the operational controls that would be required. The Divisional Transportation Manager has raised no objection to the site access, although I would propose to control vehicle numbers by condition. The visual impact of the development would not be significantly adverse in my opinion.
51. I therefore recommend that permission is granted and that the conditions set out below are attached.

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Recommendation

52. I RECOMMEND that PERMISSION BE GRANTED to the proposal, SUBJECT to conditions including:

- the submission of details of the specification and colour of external materials of the new building;
- the submission of a scheme for the disposal of foul and surface waters;
- the submission of a scheme of dust suppression;
- submission of detailed designs of the lagoon system and a siltation management plan;
- submission of an appropriate detailed plan showing the positioning of the 'A' frame material bays to take into account the predominant wind direction;
- external material stockpiles shall extend no more than 2 metres above ground level and no less than 1 metre from the top of the 'A' frames;
- the carrying out and submission of a comprehensive contaminated land site investigation prior to the development commencing;
- the submission of a Method Statement detailing any remediation requirements, (including any measures necessary to prevent the mobilisation of leachate during remediation), and the implementation of the development in accordance with the approved Method Statement;
- the cessation of operations should new contamination be found, and the agreement of an amended Method Statement with which subsequent operations should accord with;
- the flood gate and earth retaining structure must be constructed to maintain a continuous minimum crest height of 5m AOD;
- upon completion of any remediation required, the submission of a verification report;
- all office accommodation with the building shall be above 6.5m ODN;
- only incinerator bottom ash from the Allington Waste to Energy plant shall enter the site;
- the site shall not be made open to the public and no sales shall be made to the public from the site;
- all loaded HGVs entering and leaving the site shall be sheeted;
- vehicle movements;
- hours of use.

Case Officer: Mark Funnell

Tel. no. 01622 221058

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

Erection of Sessional Nursery, Herne Infant School, Palmer Close, Herne, Nr. Canterbury – CA/05/1634.

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

CA/05/1634 - Application by the Governors of Herne Infants School and KCC Education & Libraries for erection of a sessional nursery to house 26 children and creation of external play area – Herne Infant School, Palmer Close, Herne, Nr. Canterbury.

Recommendation: Permission be granted.

Local Members: Alan Marsh

Classification: Unrestricted

Site

1. The application site lies within the Herne Infant School site, Palmer Close, Herne. The proposed site of development is located adjacent to the main school block, with the schools playing field to the south and west. Herne Junior School adjoins the Infant School to the north east off School Lane. The Infant School's vehicular access is through Palmer Close off Streetfield off School Lane, with pedestrian access to the west via Norton Avenue. Residential properties are located adjacent to the school grounds to the north and west of the site (see attached plans).

Background

2. A planning application to form the new Herne Infant School was permitted by the County Planning Authority in November 1992, under planning reference CA/92/256. The proposals involved the development of a new school building, vehicle access, drop off facility and car park.
3. In April 2005 the County Planning Authority permitted a proposal for the development of a conservatory style extension to the front of the existing school building, under planning reference CA/05/398.

Proposal

4. The application proposes the construction of a Pre – School Nursery within the grounds of Herne Infants School. The development would involve the construction of a freestanding, single storey building, together with an adjacent external play area. The proposed site is located towards the centre the Herne Infant School site, adjacent to the main school block.
5. The proposed building is shown on the submitted drawings as a traditional masonry construction clad externally in brickwork and set under a pitched roof. The materials proposed are Yellow Buff stock, together with Red stock brick banding details with the roof to be clad in concrete tiles. The windows are to be constructed of double glazed upvc units with folding sliding doors to be constructed of aluminium, and the main entrance and fire doors constructed from stained hardwood.

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A covered canopy / porch is included within the application, linking the entrance to the Nursery with the main school building. This porch would be finished with the same roofing material as proposed for the Nursery.

6. The external play area would consist of hard and soft landscaping enclosed within a timber palisade fence. A covered play terrace under the pitched roof of the proposed building would enclose part of the external space available for the Nursery.
7. The proposed building would house a sessional Local Education Authority run Nursery for pre-school children between the ages of 3 and 5 years old. The Nursery would run morning and afternoon sessions for a period of 2.5 hours, with the morning commencing between 0900 – 0930 and the afternoon session commencing between 1300 – 1330. Each session would accommodate up to 26 children. No early morning or post school sessions are proposed in association with this application.

Development Plan Policies

8. The Development Plan Policies summarised below are consideration to be the most relevant to the application:

(i) The adopted 1996 **Kent Structure Plan**:

Policy S1	Seeks sustainable patterns and forms of development.
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.
Policy ENV15	New development should be well designed 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.

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

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 services. Seeks to make provision for the development of local services in existing residential areas and in town and district centres, particularly where services are deficient.
Policy TP2	Development sites should be well served by public transport, walking and cycling, or will be made so as a result of the development. Requires travel plans to be established for

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larger developments that generate significant demand for travel.

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

(iii) **The Canterbury District Local Plan (1998):**

Policy D1 Requires all development to be of a high standard of design, be sympathetic to the surrounding area, avoid the loss of open areas, have adequate car parking and access, and avoid disturbing or conflicting with adjoining uses.

Policy D38 Seeks to prevent the loss of open space. Proposals will only be permitted where there would be no material harm to the contribution the space makes to visual or recreational amenity.

Policy D62 New development will accord with Kent County Council's Vehicle Parking Standards.

(iv) **The Canterbury District Local Plan: Deposit Draft (2001):**

Policy BE1 Seeks proposals of high quality design that respect the existing environment.

Policy C8 Requires new development to accord with Kent County Councils adopted Vehicle Parking Standards.

Policy C10 Supports proposals for new community facilities provided the development is appropriately designed and located, and highway safety would not be prejudiced.

Consultations

9. **Canterbury City Council** raises no objections to the proposal.

Herne and Broomfield Parish Council no comments received to date.

Divisional Transportation Manager raises no objections subject to a condition requiring the update and approval of the existing School Travel Plan to take account of the nursery proposed.

The Divisional Transport Manager advises that, "the Infant School has a School Travel Plan and some children use a walking bus. The adjacent Junior School, however, does not have a travel plan. It is possible for parents dropping off / collecting children to park in a number of places with both schools linked by a series of footpaths. Despite the village car park now being pay and display it is fully occupied at the end of the school day. Norton Avenue is also used by parents as is School Lane and Streetfield Close.

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Whilst I can understand the frustration residents are experiencing, it is a situation that occurs at schools throughout the County. To provide a car park capable of accommodating the majority of parents' vehicles would need a large area of land, which would be unused for most of the day.

Returning to the application site, the Infant School enjoys the benefit of some 30 parking spaces. However, despite a turning / drop off facility, I am advised the gates are closed. You may wish to examine the relevant consent to see if this is contrary to the imposed conditions. The proposed nursery use will inevitably create a small increase in traffic, however, some of the trips will be joint with existing trips to the schools for older children. A potential way to avoid conflicts with the school traffic might be to impose conditions on the hours of operation such that they are staggered.

In taking all the above into account I do not object to the proposal subject to the infant school travel plan being updated to take account of the nursery proposal.”

Advises further that the control of off site parking and introduction of resident parking schemes is a District Council function.

Local Member(s)

10. The local County Member for Herne and Sturry, Alan Marsh was notified of the application on 13 December 2005.

Publicity

11. The application was publicised by posting of one site notice and the notification of 38 neighbouring properties.

Representations

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

- Objects to the loss of grassed amenity space at the Infant School.
- Objects to the potential for the proposal to generated additional traffic and exacerbate the existing traffic problems. Considers that the additional 52 children attending the site would significantly increase traffic congestion on the already strained residential roads around the school site.
- Asks whether the parking arrangements and wider impacts of the potential traffic have been considered.
- Raises concern about the existing traffic associated with Herne Infant and Junior Schools and the local privately run Nursery, with parents parking inconsiderately, double parking, narrowing the roads and holding up traffic in Streetfield and Norton Avenue.
- Raises concerns that emergency vehicles would be delayed by traffic problems/ unable to access all properties in surrounding residential roads during peak times.
- Requests that Streetfield and Norton Avenue should be made a residential parking area only.
- Requests that parking attendants should be in force during the morning, lunchtime and afternoon pickups.

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Discussion

13. This application is for the construction of a new single storey Pre-School Nursery within the grounds of Herne Infant School. It is necessary to consider the development in the context of the Development Plan Policies outlined in paragraph (6) above and the effects of the development in terms of its location and visual impact and the effects on the local environment and amenity.
14. The Nursery proposed would provide a Local Education Authority run facility providing care for up to 26 children in one morning session and a further 26 children during an afternoon session. The facility would employ three members of staff and would expand the facilities offered at the Herne Infant School site.

Location

15. The proposed location for the nursery building would be to south east of the main school block on part of the grassed amenity space available at the site, adjoining the existing hard surfacing and the playground provided at the school. The proposed site would not impact of the playfield provided in association with the school.
16. The area of playing field to the west of the site is covered by Policy D38 of the Canterbury Local Plan, as set out above, that seeks to prevent the loss of protected open space. However, as stated, the site proposed by this application does not impact on the playing field and would not in my opinion result in any material harm to the contribution that the spaces makes to the visual or recreation amenity of the local environment. There are no other existing land designations in association with the site.
17. The applicant has confirmed that the location put forward within the application has been carefully consider and represents, in their opinion, the most appropriate location when considering the schools requirements, the practicalities of the site and the overall impact of the building on the surrounding environment. A number of location within the site were considered, however, these were discounted either through their impact on the playfield, their remote location to the access via Palmer Close, or the security implications for the external play facilities. The proposed location is in close proximity to the existing facilities, and as such would benefit from the supervision and security provided at the site. The location shown on the submitted drawings is near enough to the main entrance to the site to allow the easy access at the start and end of nursery sessions.
18. In my opinion, the proposed location is the most appropriate within the constraints of the school grounds. The location allows easy access to the main school block and the front entrance of the school grounds, whilst shielding the external play area from the public reception areas. The siting limits the loss of practical amenity space, and its proximity to the south west of the main school building, away from the nearest residential properties, would limit the visual impact of the structure. I would therefore advise that, subject to the consideration of design and traffic impacts, the siting of the building is acceptable and accords with Structure Plan Policy ENV15, Deposit Structure Plan Policies SP1 and QL1, Canterbury Local Plan Policies D1 and D38 and Draft Canterbury Local Plan Policy BE1.

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Design

19. The proposed design adopts a traditional tiled pitch roof and brick construction and, in my opinion, the materials specified would be acceptable in this location. The height and massing of the proposal reflects the school buildings and surrounding properties. In my opinion, the overall effect of the design is appropriate in its setting, the development would not dramatically increase the footprint of the built development at the site, or have an undue impact on the surrounding environment in visual terms. As such the development accords with Structure Plan Policy ENV15, Deposit Structure Plan Policies SP1 and QL1, Canterbury Local Plan Policy D1 and Draft Canterbury Local Plan Policy BE1.

Traffic and Access

20. The key concern raised by the residents of Streetfield and Norton Avenue is in relation to traffic implications of the proposal. As with many schools around the County, Herne Infant School generates additional traffic at peak times that impacts on the surrounding residential streets. In particular concerns have been raised in this case as to the traffic generated by the existing facilities at Herne Infant School and the adjoining facilities at Herne Junior School. The roads most heavily affected are Streetfield Close, which serves the main vehicular access to the site and Norton Avenue, which has a pedestrian access that links to both the Junior and Infant School sites. I would draw Members' attention to the concerns raised by local residents above, along with the comments made by the Divisional Transport Manager.

21. The development would provide care facilities for up to 26 children per session and accommodate an addition 3 full time staff at the site. As such the development has the potential to increase the level of traffic generated by the school and careful consideration has to be given to the traffic implications of the proposal.

22. The school site is located off Streetfield Close and the traffic generated by the school and potentially by the proposed nursery would concentrate on this road, alongside School Lane, and Norton Avenue. The school is served by an existing 31 space car park and a drop off facility, this application does not propose to alter or add to these existing facilities.

23. The Divisional Transport Manager has confirmed that he has no objections to the car parking arrangements proposed for the nursery function, and the number of spaces available at the school, as part of the existing facilities are sufficient and accord with the adopted Kent Vehicle Parking Standards. The Transport Manager has pointed out that the drop off facilities at the site are not being used during peak times. In response to this point the applicant has confirmed that the drop off facility is not currently used and has explained that it has proved difficult to operate in the past, stating that, when in operation, the facility frequently became obstructed as parents of younger children do not tend to just drop off their children and move on, preferring to accompany them to the classrooms or assembly areas. As such, there were frequently queues of traffic down Palmer Close into Streetfields and, given the dangers of children passing in and around moving traffic, the School has made a management decision to close the gates during peak times. I would advise that the conditions placed on the original planning consent for the school building and associated facilities require that the car park and drop off area be kept available at all times when the school is in operation. Taking the above into account, I would advise were the Members mind to grant planning approval for the

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nursery facility, the school should be required, by way of condition, to reinstate the use of the drop off facilities and look at ways to manage its use.

24. I would advise that the Divisional Transport Manager has confirmed that the Herne Infant School has an approved School Travel Plan and operates facilities such as a walking bus in an attempt to reduce the number of car journeys made in association with the school and encourage more sustainable approaches to travel. The Transport Manager advises that the development would generate some additional traffic and suggests that staggering the start and finish times for the proposed nursery could reduce any impact the development may have on the existing traffic problems. Further to that, and subject to the submission of an updated School Travel Plan being provided prior to first operation of the nursery, the Transport Manager does not raise any objections to the scheme on highway grounds.
25. Whilst I can understand the concerns raised by local residents in relation to the potential for the scheme to generate additional traffic, it should be noted that the Divisional Transport Manager has assessed the scheme and visited the site during peak times and raises no objection to the proposal. He advises that the concerns raised in relation to residential parking are a District Council function. Canterbury City Council raises no objections to the application. I would advise that the suggestion put forward by the Divisional Transport Manager in relation to the drop off facilities and operating times, alongside the revision of the approved Travel Plan for the school would count towards reducing the impact of the proposed facility on the surrounding road network. Taking all of the above into account, I do not consider that the traffic implications of the proposal are of sufficient weight to justify an objection to this application, but do consider that the existing purpose built drop off area should be reinstated and its use managed by the school. In principle, the proposals accord with the objectives of the Structure Plan Policy T17, Deposit Structure Plan Policies TP2 and TP19, Canterbury Local Plan Policies D1 and D62 and Draft Canterbury Local Plan Policy C8.

Need

26. 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 Educational Authorities provision of appropriate facilities for Pre-school children in the area. The proposal forms part of the authorities commitment to improving this function across the County through the provision of up to 72 new nurseries. I have no reason to doubt the need for the improved facilities.

Conclusion

27. In principle, I can see no overriding objections to the proposal. The application meets the requirements laid out in the appropriate Development Plan Policies. The location and design of the building is in keeping with the existing environment and would not materially impact on the visual amenities of the location. The development would not impact on recreation amenities available to the school and locates the development within an existing education site. Whilst concerns have been raised regarding the schools existing traffic impacts and the potential for the proposed development to exacerbate these problems, in the absence of objections from Kent Highway Services or Canterbury City Council on these grounds, I consider that the benefits of the provision of a nursery facility to the wider community outweigh any detrimental impacts the proposal may have. Therefore subject to conditions proposed to mitigate for any harm resulting from the development, I recommend planning permission be granted.

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Recommendation

28.1 RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the conditions including the standard time conditions, the development being carried out in accordance with the approved plans, the provision of a revised School Travel Plan prior to the first occupation of the development, the staggering of opening and closing times to that of the main school, the drop off area to be reinstated and kept available, details of external lighting, construction times, and controls of on any future changes in the use of the building.

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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Item D2**Construction of single storey extension to provide two classrooms and hall at High Halden C of E Primary School, High Halden – AS/05/2144**

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

Application submitted by Kent County Council Education and Libraries & The Canterbury Diocese for the removal of mobile classroom and the demolition of timber framed classroom, the construction of single storey extension to provide two classrooms and hall with internal alterations to the remaining building, at High Halden C of E Primary School, Church Hill, High Halden, Ashford. (Ref:AS/05/2144)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mr Richard King

Classification: Unrestricted

Site

1. High Halden Church of England Primary School is located off Church Hill within the curtilage of the village of High Halden. The main school building is Grade II Listed and the whole of the school site is included within a Conservation Area and Special Landscape Area. The main school building is a Listed Victorian structure comprising the School Master's House spread over 3 floors, a large school room (hall) and a small entrance lobby. The building has been extended to the side and rear in the 1930's to provide toilets, administration offices and a timber framed classroom. Further extensions have been added since and comprise of a prefabricated classroom, a mobile classroom, and most recently new staff facilities. The school buildings are located to the front of the site on Church Hill, with playground and playing fields extending to the rear. A nursery is located within the school grounds and is accessed via a public footpath. The site is bound by residential properties to the north and south, and open fields to the west. A number of Listed Buildings are located on Church Hill, including the Grade I Listed Parish Church of St Mary, 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 due to objection from neighbouring properties. When the application was originally submitted it was intended that the area of lost playground would be replaced by extending the existing side playground to the south, taking in some of the site currently occupied by the mobile classroom. That met with objection on the grounds of ecological concerns, loss of greenspace, impact on the Conservation Area and the detrimental impact upon neighbouring properties. In addition, it was intended that the new hall could have a community use out-of-school hours for small groups and clubs. This also met with objection on the grounds of traffic generation and lack of parking facilities. These two elements have been amended in the current application, but the design and positioning of the proposed extension remains as originally submitted. It is the revised submission that will be outlined and discussed throughout this report.

Item D2

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Proposal

3. This application has been submitted by Kent County Council Education & Libraries and The Diocese of Canterbury and proposes the removal of a mobile classroom and the demolition of a timber frame prefabricated classroom. This accommodation would be replaced by the construction of a single storey extension, which would provide two new classrooms and a hall, with internal alterations to the remaining existing building.
4. The mobile classroom and the prefabricated classroom to be removed are below national standards for teaching spaces, and suffer from poor insulation due to construction materials. In addition, teaching spaces within the main school building fall below Kent County Council area standards and this has been identified in past Ofsted reports. The school also lacks the facilities required to accommodate disabled pupils. Ofsted have made the following comments regarding the current School accommodation:

OfSTED 1998 pg.5...."In spite of the school's best efforts, the quality of accommodation is unsatisfactory overall and gives rise to some concerns in relation to curriculum delivery, high maintenance costs and welfare of the school community to provide a safe environment of good quality. A high priority for the school is to improve accommodation."

OfSTED 2002...."The school has good quality outside accommodation with suitable hard areas and a large playing field.....The hall, however, is too narrow for the effective teaching of gymnastics for the older pupils and this restricts their access to the physical education curriculum."

5. The current standard for classroom sizes is set at 60metres squared and assembly halls at 140metres squared, which is far higher than the present accommodation within the school. The hall is less than half the size set by DfES which precludes the whole school meeting for assemblies and group activities. It is also not possible, for health and safety reasons, to use the hall climbing bars and other equipment when teaching physical education in the hall. To reduce future maintenance costs and bring the accommodation up to standard the proposal is to replace the mobile classroom and prefabricated building with permanent accommodation and to make internal alterations to the existing buildings.
6. It is proposed to replace these buildings with a single storey extension comprising two classrooms, an assembly hall with store and kitchen, and a new pupil entrance. The new extension would be constructed on the site of the demolished prefabricated classroom and part of the rear playground. The lost area of playground would be replaced by extending the existing playground to the west over the school playing field, adjacent to the existing nursery. Sufficient space would remain for the school field to accommodate a football pitch. The present pond and nature area would be retained and enlarged in area with additional planting added to improve the habitat. The hedge which currently forms a boundary between the playground and school field would need to be removed and replanted in order to accommodate the new hall and playground extension.
7. The applicant advises that the new buildings have been designed to relate with the existing structures without producing a pastiche. The existing slate roof over the timber framed classroom would be extended over the two new classrooms with a shallow pitched standing seam zinc roof making up the roof line beyond the line of the pitched roof. The new slate roof would have rooflights providing natural daylight and ventilation to the rear of the new classrooms. The proposed hall roof would be tiled with plain tiles

Construction of single storey extension to provide two classrooms and hall at High Halden C of E Primary School – AS/05/2144

to match those of the existing Victorian building, and the ridge height of the new hall would be lower than that of the existing building in an effort to reduce its impact.

8. It is intended that internally the hall space would be open to the ridge level and rooflights would be provided on the west facing roof slope which would provide natural daylight and ventilation to the hall. The applicant has advised that externally the walls would generally be of red facing brickwork to contrast with the existing Victorian buildings, and a new plinth and mid-height band course would be similar to the existing and would link the old and new buildings together. The hall gables, eaves and single storey kitchen extension walls would be clad in self-coloured fibrous boards that would be arranged in panels with divisions formed in aluminium sections. The new pupils entrance is proposed to be formed of UPVC glazed screens and doors to provide daylight into the new and existing circulation areas. The applicant states that the 'proposed materials stated on the submitted drawings were chosen to help reduce the future financial drain on the School's limited budget, but maintain the spirit of matching with materials currently used on the school buildings'. The materials are, however, indicative and the applicant requests that the materials and colour finishes be dealt with as a planning condition.
9. Internally the existing Victorian structure would have minor alterations to make the spaces suitable to meet the current standards. The intention is to convert the existing hall into a classroom, and to convert 2 small rooms in the school house into a single large space by removing the division wall. In addition the existing hall store has a lean to roof which it is intended to replace with a continuation of the main roof to improve the headroom and form part of a new circulation corridor serving the rooms in the School House. This would improve disabled access to all parts of the school.
10. The proposal would not involve an increase in staff numbers and it is not intended to increase staff parking areas, which are currently sufficient. The school roll is 101 pupils which could increase to a maximum of 105 should this application be permitted. The School are currently in the process of preparing a school travel plan and the applicant advises that this will be available early in 2006. At this stage it is not proposed to use the hall out of school hours for community use, and the applicant advises that should a future need be identified consent will be sought through the planning process.

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.

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Policy ENV2 – Kent’s landscape and wildlife (flora and fauna) habitats will be conserved and enhanced.

Policy ENV4 – Local Planning Authorities will provide long term protection for Special Landscape Areas, and will give priority to the conservation and enhancement of natural beauty of the landscape over other planning considerations, whilst having due respect to the economic and social well being of the area.

Policy ENV7 – It is policy to maintain tree cover and the hedgerow network in the County, and to enhance these where compatible with the character of the landscape.

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.

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 E5 - The primary objective of Special Landscape Areas will be the long term protection and enhancement of the quality of the landscape whilst having regard to their economic and social well being.

Policy E8 - Important wildlife habitats and species will be protected, maintained and enhanced, especially through long term management and habitat creation schemes.

Policy E9- Tree cover and the hedgerow network should be maintained and, where it would improve the landscape, enhanced.

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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 2000 **Ashford Borough Local Plan**:

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

Policy DP2 - New development must be designed in a way which respects the character and appearance of the area around it, particularly where this has a special character, for example, in Conservation Areas and close to Listed Buildings, and respect the ability of neighbours to enjoy reasonable levels of privacy, peace and quiet and natural light. The local transport system must be capable of properly serving the development proposed.

Policy DP7 – Wherever practical, all new development proposals should provide for the enhancement of nature conservation by maintaining and/or creating suitable habitats.

Policy GP4 -To propose development on specific sites in a way which minimises damage to the environment by respecting the character of surrounding areas, protecting important features in the landscape, heritage features and wildlife habitats and providing compensating environmental benefits where damage by development cannot be avoided.

Policy EN16 – Development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character or appearance of the area.

Policy EN21 -Applications for planning permission for development which affects a Listed Building or its setting will be considered in the light of a number of factors including the buildings scale, architectural features and materials, structure, historic character and setting.

Policy EN27 -Long term protection will be given to Special Landscape Areas and other important landscape features.

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Policy EN31 -Development which is likely to significantly affect semi-natural habitats or any other important habitat will not be permitted unless measures have been taken to limit significantly this Impact and long term habitat protection is provided where appropriate.

Consultations

12. **Ashford Borough Council:** No written comments have been received to date.

High Halden Parish Council: comments as follows:

- More slate tiles should be used to match the existing.
- Matching materials should be used. These should be a reserved matter and the Parish Council would like to have the opportunity to comment on them before permission is given for their use.
- Builders should ensure safety at all times during school days, and parking should not be on the road outside the school. The Highways Department should address any issues.
- Builders should be made aware of the close proximity to Listed Buildings these being Swallow House and the Old Bakery.
- The Public Right Of Way should not be blocked.

The Divisional Transport Manager: confirms that the proposal is unlikely to increase traffic generation, or parking requirements, and therefore raises no objection subject to the imposition of conditions controlling parking for site personnel and the prevention of the deposit of mud and other material on the local highway.

Conservation Officer: states that this is a good scheme in general but questions why the existing school entrance cannot be retained, and requests that the hall roof lights be omitted to increase the gable wall glazing. Advice is given regarding the internal alterations to the original school building, but it is stated that the comments made are not grounds for refusal.

Biodiversity Officer: makes a number of detailed comments regarding protected species and the habitats that support them. These comments include:

- The protected species survey has identified that the buildings affected by the development have low potential for bats. This means that no further survey work will be required but best practice must be followed as their absence from the site cannot be guaranteed.
- Signs of badger have been identified within the school grounds, but no setts were found. The precautionary measures suggested in the protected species survey should be implemented.
- No disturbance to birds should be carried out during the nesting season (March to August). Any work that affects possible nesting sites should be completed outside of the breeding season, or supervised by an experienced ecologist. If any nesting birds are found during work development must cease until the juveniles have fledged.
- The protected species survey has identified the aquatic and terrestrial habitats in the school grounds, and the surrounding area, as being a potential habitat for Great Crested Newts. The School's pond is classed as being a 'moderate to good' habitat with the grassland, woodland and hedgerow areas also forming important parts of the Great Crested Newt habitat. The applicant is required to obtain a DEFRA licence to determine if Great Crested Newts are present on site, and a mitigation plan designed if they are.

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- The hedgerow that is to be removed may form an important habitat feature for the Great Crested Newt, and as such, its removal would have to be considered in the survey of potential impacts on this species and included in the licence application mitigation strategy.
- The hedgerow to be removed has been identified in the protected species survey as likely to support a variety of wildlife due to its age, quality and composition. Due to its species rich composition it is extremely unfortunate that this hedge would be affected by the development. It is noted that there are plans to incorporate a new hedge around the proposed play area but this is not seen as adequate mitigation. It is suggested that plans are made, in conjunction with expert advice, to translocate the existing hedgerow and create a management and monitoring plan to ensure the best possible chance of survival for the hedge. No work on the hedgerow can be carried out until the results of the Great Crested Newt survey are available, due to the potential importance of the hedgerow as a migration corridor for the species, and translocation of the hedgerow can only be carried out during the winter months. Therefore the timing of the Great Crested Newt mitigation work and the hedgerow works would need to be planned with consideration of each other
- As the areas to be developed or demolished are extremely close to the areas which have been identified as important wildlife habitats, disturbance on site should be limited exclusively to the actual development area and the existing hard standings. Disturbance must be kept to a minimum around the pond area and this should be included as a condition of planning permission and be communicated beyond any doubt to the construction contractors.
- There should also be plans for habitat and biodiversity enhancement. For example, bat bricks in the new extension, bird and bat boxes in the surrounding woodland and refugia for herpetofauna could be included.

Sport England: raises no objection to the proposed development as the proposal affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch, a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on this site.

The Environment Agency: No written comments have been received to date.

Public Right of Way Officer: No written comments have been received to date.

Local Member

13. The local County Member, Mr Richard King, was notified of the application on the 22 December 2005.

Publicity

14. The application was publicised by advertisement in a local newspaper, the posting of a site notice and the individual notification of 14 nearby properties.

Representations

15. 10 letters of representation were received regarding the initial proposal. Concern was expressed over the proposed community use of the hall, and the proposed location for the playground extension. Following the removal of community use and the relocation of

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the playground extension the neighbouring properties were re-notified and given a further 21 days to comment.

9 further letters of representation have been received. The main comments/points of concern and objection can be summarised as follows:

- The proposal would impact greatly upon the setting of a Grade I and many Grade II Listed Buildings, including the main school building, which are all within a Conservation Area.
- The proposed hall is two and a half times the size of that existing. Its height and mass would make it imposing and visible from all sides, and this alone skews the development, making the whole proposal too large for its setting.
- The proposed hall is not in keeping with the existing buildings and is too ambitious for the site.
- The proposed materials are not in keeping with the surrounding Listed Buildings or the Conservation Area, and fibrous cement boards and UPVC should not even be considered for use.
- It is of vital importance that the Conservation Area is not permanently scarred by a modern new build which uses materials out of character to the area due to funding and maintenance implications.
- Viewed from the public footpaths, one of which runs immediately adjacent to the school, the large hall would produce the impression of an industrial building.
- Attention is drawn to the surrounding roads and infrastructure, and the parking and traffic control problems that currently exist at school start and finish times. Church Hill is blocked daily by parents and coaches.
- How long will Church Hill be subject to inconvenience and lorry movements whilst the building work is carried out?
- The proposal would impact upon flora and fauna, including protected species such as Great Crested newts.
- Concern is expressed over the loss of the hedgerow due to its importance as a habitat for wildlife.

In addition, 1 letter has been received from the Weald of Kent Protection Society which commented as follows:

- The Society applauds the Education Authorities plans for improving this rural Church School, where some of the facilities are antiquated and the presence of a mobile classroom is not helpful to modern standards of learning.
- Concern is expressed over parking and congestion on Church Hill, which is a minor road.
- The cladding to the new hall is described as 'self coloured fibrous cement' with aluminium dividers. Would not some other traditional material be more in keeping with the rest of the buildings?

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 protected species and their habitats, residential and local amenity, massing and design, visual

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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 DP1 and DP2 of the adopted Ashford Borough Local Plan, seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly relevant to this site which is within a Special Landscape Area, 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. In addition, Policy ENV4 requires the long term protection of Special Landscape Areas, and states that Local Planning Authorities will give priority to the enhancement of natural beauty of the landscape over other planning considerations, whilst having due respect to the economic and social wellbeing of the area. 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 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 Ashford Borough Local Plan, and are therefore a key determining factor in this application. In addition, Policy EN21 of the Ashford Borough Local Plan amplifies Policy ENV19 of the Kent Structure Plan stating that applications for development which affect a Listed Building, or its setting, will be considered in the light of a number of factors including the buildings scale, architectural features and materials, structure, historic character and setting. 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 rear of the main school building, although it would still be partially visible from Church Road. The two new classrooms would be mainly sited on the footprint of the existing prefabricated classroom which would be demolished, and the school hall upon the existing tarmac playground. The position of the new classrooms would provide good internal circulation, linking to the existing accommodation, but more importantly provides a low single storey link which would separate the Listed school building and the new hall. 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. The siting of the proposed extension minimises the impact on neighbouring properties, does not directly impact upon the frontage of the school, or the Listed school building and, as its footprint would be upon existing hardstandings, reduces any impacts on local flora and fauna. The siting of the extension therefore does not harm the special character and appearance of the Conservation Area or Local Landscape Area. However, the design, choice of materials, and massing of hall and classrooms is the subject of much concern and needs to be considered in the determination of this application.

Construction of single storey extension to provide two classrooms and hall at High Halden C of E Primary School – AS/05/2144

20. The proposed extension has been designed to visually fit with the existing buildings without being a simple pastiche. The demolition of the existing prefabricated classroom, and 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 choice of materials and the massing of the hall are the two design elements which have generated objection and concern and they will be discussed below.
21. The applicant suggests that the existing slate roof over the timber framed classroom would be extended over the two new classrooms with a shallow pitched standing seam zinc roof making up the roof line beyond the line of the pitched roof. The new slate roof would have rooflights providing natural daylight and ventilation to the rear of the new classrooms. The use of slate on this part of the extension is considered acceptable as, although tiles are used on the main school building, slate has been used on the timber framed classroom. The use of slate is therefore a natural continuation to the existing roof, whereas the use of tiles here would lead to a change in roofing material and would be disjointed, clearly distinguishing the new extension from the existing accommodation. The proposed hall roof would be tiled with plain tiles to match those of the existing Victorian building, and the ridge height of the new hall would be lower than that of the existing building in an effort to reduce its impact. Externally the walls would be generally of red facing brickwork to contrast with the existing Victorian building, and a new plinth and mid-height band course would be similar to the existing and would link the old and new together. The applicant has suggested that the hall gables, eaves, and single storey kitchen extension walls would be clad in self coloured fibrous cement boards that would be arranged in panels with divisions formed in aluminium sections. UPVC glazed screens and doors are also suggested for the new pupil entrance.
22. The applicant has requested that precise specifications of the materials be dealt with under planning condition. I consider that to be an acceptable approach as greater detail, including samples, of the proposed materials and colour finishes would need 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. The Parish Council has requested that the materials are dealt with as a reserved detail and that they are consulted on any subsequent submission. This would ensure that the local community has chance to comment on the materials at a later date. The applicant is aware that the use of UPVC would not be encouraged, and that the choice of materials and colour finishes is imperative in ensuring the extension would not harm the special character and appearance of the Conservation Area, or the setting of nearby Listed Buildings. However, 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. Therefore, the character and appearance of the Conservation Area, and the setting of the Listed Buildings, would not be detrimentally or materially altered.
23. Lastly, the massing of the proposed extension needs to be considered. The massing and scale of the two classrooms is considered acceptable as these are single storey and follow the footprint of the prefabricated classroom which is to be demolished. The massing and height of the school hall is, however, a cause for concern. School halls, by their very nature and use, are large open spaces which need to cater for a wide range of academic uses including assemblies, performances and sports. Therefore a large space is required, which in this case cannot be provided within the existing school buildings. OfSTED reports, detailed in paragraph (4) of this report, refer to the existing accommodation as unsatisfactory. Kent County Council provides a Schedule for

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Primary School Accommodation, which mirrors the guidelines set out in Building Bulletin 99 – Briefing Framework for Primary School Projects. Both documents state that the size of a hall in a Primary School, for use by juniors, should be a minimum of 140 metres squared, with the Building Bulletin 99 adding that, when funding and space is available, the hall should be able to accommodate a badminton court of 18m x 10m x 6.1 in height.

24. The applicant advises that the proposed hall has internal dimensions of 16.10m x 8.8m and an eaves height of 3m, which increases into the roof space to provide extra height. These dimensions give the hall a square metre floor space of 141.68. This is only 1.68metres over the minimum requirements, and in addition, does not meet the additional requirement to accommodate a badminton sized court. The hall would merely be of a size where children could play badminton or other racket games at a recreational standard to gain experience before possibly taking the game up at a higher level. The hall also requires height to enable the safe use of wall bars and climbing equipment, which is required to meet the level of physical education set down in the National Curriculum.
25. From an aesthetic point of view, the applicant advises that the hall requires height to provide quality of space when it is used for large gatherings, such as assemblies and Christmas plays. Without the height the hall would be oppressive and it would be difficult to maintain a comfortable environment for those using the space. In addition, the design of the hall reflects that of the existing Victorian school building, complementing its design and height. A flat roof or lower pitched roof would not be sympathetic to the existing building. The applicant has demonstrated a case of need for the proposed classrooms and hall, and has adequately justified the requirement for the massing and height of the hall. Due to its siting at the rear of the site, and the fact that the ridge height would be lower than that of the existing school building, I consider that the impact of the hall has been mitigated as much as practically possible. The character and appearance of the Conservation Area and the setting of Listed Buildings may be effected by the massing and height 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.

Biodiversity

26. Concerns have been expressed over the impacts of this application upon protected species and the habitats that support them. Much of this concern stemmed from the original proposal, which saw an extension of the playground to the south of the school building, impacting upon trees and the school pond. It is now proposed to extend the playground to the rear of the school, into the top of the playing field. This has a far lesser impact and is a welcome amendment. For information, the removal and replanting of the hedge would be required regardless of the playground positioning to provide sufficient circulation space around the new hall. This application does not propose the removal of any trees.
27. The loss of the hedge, although regrettable, would be mitigated by the requirements of the Biodiversity Officer. It is requested that the hedge be relocated, rather than replanted, and that a management and monitoring plan be submitted to ensure the best possible chances of survival of the hedge. The hedgerow may be an important migration corridor for Great Crested Newts and, therefore, any work on the hedgerow would not be allowed until further surveys to ascertain whether Great Crested Newts are present at the site were completed. The applicant has submitted a protected species

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survey which identified the site as being a 'moderate to good' habitat for Great Crested Newts, and therefore it would be conditioned that a DEFRA licence is obtained to determine if Great Crested Newts are present on site, and a mitigation plan designed if they are.

28. In addition, should Members be minded to permit, conditions would be placed on any subsequent decision requiring that the recommendations of the protected species survey are implemented and followed, that any works that affect possible bird nesting sites are not carried out during the breeding season unless supervised by an experienced ecologist, that disturbance on site is limited to the development area and existing hard standings, and that biodiversity enhancement methods such as bird and bat boxes are provided. Kent Structure Plan Policy ENV2 requires Kent's landscape and wildlife habitats to be conserved and enhanced, which is amplified by Ashford Borough Local Plan Policy EN31, which requires measures to be taken to significantly limit the impact of a development on semi-natural habitats. I consider that the conditions outlined above would successfully and effectively mitigate the adverse impacts of this proposal upon protected species and their habitats, and would provide compensating environmental benefits. This is in accordance with the principles of Local Plan Policies.

Highways

29. Traffic generation and impact upon the local highway network are further concerns expressed by local residents. However, this application would not lead to an increase in staff numbers and the school roll, which is currently 101, would increase only to a maximum of 105. 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. If the application was permitted details of a parking area for site personnel would be required to ensure that Church Hill is not used as a car park. In addition, 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.

Residential and local amenity

30. When this application was originally submitted it included the possible use of the proposed school hall out-of-school hours for small-scale community uses. That met with objection and was removed from the revised and current scheme. The applicant states that should a future need for community use arise then consent would be sought through the planning process. The impact of the proposed development upon residential amenity has therefore been reduced. The extension would not move any elements of the school building closer to neighbouring residential properties, and the loss of residential amenity has not been a ground for objection following the removal of possible community use from the application. In addition, a hedgerow is proposed to be planted on the southern boundary of the school site to further mitigate any impacts of the development. 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.

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Conclusion

30. In summary, I consider that there are special circumstances to justify the proposed development within a Conservation Area and a Special Landscape Area. 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 and Special Landscape 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 opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general principles of the relevant Development Plan Policies. Therefore, I recommend that permission be granted subject to the imposition of appropriate conditions.

Recommendation

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,
 - a scheme of landscaping, its implementation and maintenance,
 - tree protection and a methodology for working in close proximity to trees,
 - location of contractors parking facilities,
 - hours of working during construction,
 - mitigation relating to Great Crested Newts,
 - recommendations of the protected species survey to be followed,
 - management and monitoring of the hedge relocation,
 - provision of biodiversity enhancement methods,
 - protection of nesting birds,

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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Item D3**Provision of Floodlighting to Hard Surface External Sports Area, St Edmunds School, Dover – DO/05/1183.**

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

DO/05/1183 - Application by St Edmund's Catholic School and KCC Education and Libraries for the provision of floodlighting to hard surface external sports area. St Edmunds School, Old Charlton Road, Dover

Recommendation: Permission be refused.

Local Member: Mr Newman and Mr Sansum

Classification: Unrestricted

Site

1. St Edmund's School is located off of Old Charlton Road. Residential properties are located to the west and north and to part of the south of the site. Charlton Primary School is also located to the south and St Mary's Cemetery to the east (see site location plan). The proposed development is located in an area designated in the Adopted Dover Local Plan as an Area of Open Space.

Background

2. A planning application was submitted in September 2003 for the provision of a hard surface external sports area and floodlighting (reference: DO/03/1509). Following the receipt of a number of letters of objection to the proposed development from local residents and consultees, and following discussions with the County Planning Authority, the applicant amended the proposal, withdrawing the floodlighting from the application. The application as amended, was reported to Members at the July 2004 Planning Applications Committee Meeting where it was resolved to grant planning permission for the development (without floodlighting) subject to conditions.
3. The decision notice was subsequently issued and this contained nine conditions. Condition (6) of the permission limited the use of the external sports area to between 0900 and 2200 hours on Mondays to Saturdays and between 0900 and 1800 hours on Sundays and Bank Holidays. Condition (8) prevented any external lighting, including temporary lighting, being constructed or used in association with the hard surface sports area.

Proposal

4. Planning permission is now sought for the installation of floodlighting to the hard surface external sports area permitted under application reference DO/03/1509. The sports area is located to the west of the school site adjacent to an existing high level playground and behind an existing school building. It is proposed to light the sports area using eight, 8 metre high lighting columns with 1kW luminaires and this would provide a 250-lux lighting level.
5. It is proposed that the School would use the sports area during the day in term time, and that community use of the facilities would take place after school hours and during the holidays. It is proposed that the lights would not be on after 2100 hours and that the lights would not be used on Saturdays or Sundays.

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Development Plan Policies

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

(i) The adopted 1996 **Kent Structure Plan**:

Policy S1	Seeks sustainable patterns and forms of development.
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.
Policy ENV15	New development should be well designed and respect its setting.
Policy ENV18	In the control of development, important archaeological sites will be protected. Preservation in situ of archaeological remains will normally be sought.
Policy ENV20	Requires development to be planned and designed so as to avoid or minimise pollution impacts.
Policy SR2	Development of an appropriate range and standard of facilities for sports and formal recreation will be provided for.

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

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 QL8	Seeks to protect and enhance the archaeological and historic integrity of important archaeological sites and requires archaeological assessment and/or field evaluation of potentially important sites along with the preservation of remains or by record.
Policy QL12	Seeks to protect existing community services. Flexibility in the use of buildings for mixed community uses and the concentration of sports facilities at schools, will be encouraged.
Policy NR4	Requires development to be planned and designed so as to avoid or minimise pollution impacts.

(iii) The adopted 2002 **Dover District Local Plan**:

Policy WE1	Seeks protection of groundwater Source Protection Zones
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Policy DD1	Requires development to be well designed and respect its setting.
Policy CF1	Proposals for the establishment or expansion of community facilities will be permitted provided that they are well related to the community, which they serve.
Policy ER5	Proposals for, amongst other things, noise creating development, which by itself or in association with other noise sensitive sources is likely to cause degradation to the amenity of noise sensitive uses in the vicinity will not be permitted unless suitable mitigation measures can be carried out to ameliorate problems associated with noise.
Policy OS1	Proposed developments which would result in the loss of open space will not be permitted unless (amongst other things) in the case of a school site, the development is for educational purposes and the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

Consultations

7. **Dover District Council:** states that as the lux levels have been reduced to a level in accordance with the guidelines provided by the Institute of Lighting Engineers (Zone 2, <1 lux), the District Council does not wish to raise objection on the grounds of light nuisance. The District Council continues:

“However, the likely shouting generated by both team members and supporters would have a significant, detrimental impact on the residential amenity of the neighbouring dwellings, particularly given the close proximity of the rear facades of properties in Stanhope Road backing on to the court area. Concern is raised over the applicant’s intention to hire the area out to the public for use in the evenings and weekends. I note that it is the intention to utilise the facility until 21:00 hours. In view of this, I have to inform you that this Council wishes to raise an OBJECTION on the grounds of loss of residential amenity due to noise”.

Dover Town Council: no objections provided there was full consultation with local residents and the lights are shrouded in order that they do not impinge on the adjacent residential area.

The Area Transportation Manager: raises no objections.

Environment Agency: raises no objections. The site lies within Source Protection Zone I of a public water supply abstraction. Potable supplies are at risk from activities at the site and all precautions should be taken to avoid discharges and spillages to the ground both during construction and subsequent operation. The site is located near an area that is known to be at risk from flooding however; no objection is raised on flood grounds.

Jacobs (Noise): points out that the hard surface sports area is only 10 metres from the boundary of the nearest noise sensitive receptor and only 20 metres from dwellings

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themselves. Assumes that the area is currently used in the evenings for approximately half the year when light conditions are such that floodlighting is not required.

The proposed floodlighting has the potential to intensify the use of the sports area, perhaps into periods of the evening that currently do not experience activity, but more likely periods that do currently experience activity. Conditions can be attached to any permission specifying operating hours of any lighting.

The lighting would generally be used during winter periods, in evening periods when people are unlikely to be outside enjoying their gardens. The supporting information states that the floodlighting would not be used on Saturdays and Sundays when people may be more likely to be using their outside space.

Does not think that the proposed floodlighting would have a detrimental effect on residential amenity, in terms of noise at the nearest noise sensitive receivers.

Jacobs (Streetlighting): The proposed lighting has been reduced to 250 lux through a reduction of the column height from 10 metres to 8 metres and a reduction in the light input from the lamp by just over 50%. The scheme would fall within the Institution of Lighting Engineer's Guidance for the reduction of obtrusive light.

There would be high levels of horizontal illuminance occurring in the ends of the gardens of the properties backing onto the floodlit area. The gardens at the bottom of the slope near property 26 are affected to a greater extent. The levels drop away substantially toward the houses. The brightness of the illumination may be of some concern for residents living in such properties, as may the brightness of the light sources in the floodlights. If available back shield may be of some benefit in reducing obtrusive light.

County Archaeologist: Proposed groundworks are minimal and little, if any, archaeological impact is likely. No further archaeological assessment is necessary in this case.

Local Member(s)

8. The local County Members for Dover Town, Mr Newman and Mr Sansum were notified of the application on 10 October 2005.

Publicity

9. The application was publicised by an advertisement in a local newspaper, the posting of one site notice and the notification of 48 neighbouring properties.

Representations

10. 4 letters of representation have been received to date. The main points raised can be summarised as follows:
 - Concerned floodlighting is being proposed again - it was previously withdrawn and a condition was imposed on a sports area application restricting the erection of any lighting.
 - Concerned about the proposed hours of use. There is also inconsistency in the application regarding the proposed use of the facility on Saturdays and Sundays.

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- Concerned about light pollution - the height of the columns, light overspill into gardens and properties and the lights glowing in the sky. Existing security lighting already cause residents problems.
- Concerned about a loss of amenity from noise and light pollution particularly in the summer, in the evenings and at unsociable hours.
- Concerned about the proximity of the facility to residential properties.
- Concerned about community use of the facility.
- Wishes for previous letters of objection that had been written in connection with application DO/03/1509 to be taken into account. (refer to Appendix)
- Residents' objections should not be set aside because they knew of the school when they purchased their houses. The school did not exist when some residents moved into their homes and the land used to be a nursery garden. Residents could not reasonably be expected to have anticipated the installation of floodlights so close to their properties or the degree of community use.
- Concerned about property devaluation and an existing mobile classroom at the site.
- One respondent has no objection in principle to the proposal providing safeguards are put in to protect residents. The lighting would need to be positioned to minimise glare and intrusion, noise would need to be taken into account and hours of use of the facility up until 2200 hours are suggested. The lighting would mainly be used in the autumn/winter when residents have their own lights on and their curtains closed so only if residents consciously looked towards the sports area or entered their back gardens would their attention be drawn to the floodlighting.

Discussion

11. The application has to be considered in relation to its location set against the impact of the proposal and the need for the development in the context of the Development Plan. Therefore, this proposal will need to be considered in the light of the Kent Structure Plan and Dover Local Plan policies.

Location

12. The proposed development would be located to the west of the school site adjacent to an existing high level playground and behind an existing school building. Residential properties are located in close proximity to the west, north and to part of the south of the proposed development (see attached plans). Due to the hard surface sports area already being located in this area, the key issue to consider is the potential impact of the floodlighting and this is discussed below.

Lighting

13. The sports area would be lit using 250-lux luminaires, which would be located on 8, eight metre high columns. 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 sports area, much of the surface illuminance would be restricted to within the school site. However, the gardens of the nearest residential properties would experience a surface illuminance of between 0 and 50 lux and five residential properties would have surface illuminance of over 50 lux in parts of their gardens (see attached plans). Following a request and receipt of a plan showing illuminance levels of 5 and 1 lux overlaid onto a site plan, it is now possible to ascertain whether what (if any) the illuminance levels would be at the façade of the nearest residential properties. I would consider the lux levels to be unacceptable in terms of the light spill effects on neighbouring properties.

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14. At a meeting held at the school between the applicant, agent and Planning Officers, suggestions of landscaping and fencing were raised in order to improve the situation. Having examined the scope for each mitigation, I consider that any fencing or landscaping that can be achieved here would be unlikely to reduce the impacts of the proposed lamps. The erection of a fence between the pitch and neighbouring properties may help reduce noise levels and visual intrusion, but may block sunlight out of the neighbours' South East facing gardens. Under the circumstances, any substantial fencing or planting is likely to be an intrusion or overriding feature itself.
15. Jacobs (Streetlighting) have advised that the lighting proposals fall within the Institution of Lighting Engineer's (ILE) guidance notes for the reduction of obtrusive light. The area would appear to fall within a Category E3 area, described as small towns or urban locations, which allows for lux levels of 10 before curfew and 2 after curfew. Given these guidelines, the lux level shown in this proposal is 1 lux at the façade of neighbouring properties. Despite this, Jacobs have also advised that there does appear to be high levels of illuminance occurring at the ends of the properties backing onto the floodlit pitch, particularly at the bottom of the slope near property 26. Lux levels reach up to 50 lux in part of the gardens of some properties. They also advise that the brightness of the illuminance may be of some concern for residents living in such properties, as may the brightness of the light sources in the floodlights.
16. However, whilst the light spill levels on the ground might be acceptable, I consider that due to the location of the floodlights and their very close proximity to residential properties, the installation of floodlighting in this area would result in a visually intrusive form of development, which would be harmful and detract from the character and appearance of the surrounding area. Therefore, in terms of both light spill and light glare, I consider that it would have an unacceptable impact on neighbouring properties and would be contrary to adopted Kent Structure Plan Policies S2, & ENV15, Deposit Kent Structure Plan Policies SP1 and QL1 and Dover District Local Plan Policies QL12 and NR4. I therefore raise an objection to this element of the proposed development.
17. Consideration also has to be given to the daytime impact of this proposal within the landscape setting. The proposed installation of 8 metre high lighting columns on a localised ridge, which is visible in the surrounding residential area is likely to have an impact particularly as the boundary screening between the sports area and the residential properties is low level. Currently there are views of the sports area from the surrounding residential properties, which would be exacerbated by the introduction of the floodlighting. This would also be exacerbated by the fact that the residential properties and the school site are terraced and therefore whilst some residential properties are at the same level as the sports pitch that it is proposed to floodlight, others are at a higher or lower level. I acknowledge that the floodlighting would be viewed in part against the backdrop of the existing school buildings and the columns could be painted to blend in with their surrounds. However, I am not satisfied that what is proposed would not have a detrimental impact on the surrounding residential properties. The daytime impact of the proposal would therefore be contrary to adopted Kent Structure Plan Policies S2 and ENV15, Deposit Kent Structure Plan Policies SP1 and QL1 and Dover District Local Plan Policy DD1. I therefore also raise objection to this element of the proposed development.

Noise

18. The proposed development would be in close proximity to a number of residential properties and the noise emanating from the play area has the potential to be experienced at the closest of these properties. I would advise that the area is currently

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used as a formal sports area and that due to its size, the number of people that can use the area at any one time is restricted. That therefore reduces the potential for noise to be generated from the proposed development. Currently it would already be possible for the sports area to be used during the day and during the evenings in the summer months. By the introduction of floodlighting it would make it possible for the facility to also be used in the evenings during the winter. It is considered that on winter evenings it is unlikely that people would be outside enjoying their gardens and *it is also not proposed to use the floodlighting on Saturdays and Sundays* when people are more likely to be using their outside space. Given the above I would advise that any noise increase as a result of the proposed development would be minimal and that this on its own would not warrant refusal of the application.

Hours of Use

19. This development proposes community use of the facility after school hours and during the holidays and concerns have been raised about this. The applicant has stated, following these concerns, that during the summer months, when lights are not required, the facilities would be used as set out in the previous planning permission DO/03/1509 – between 0900 and 1000 hours Mondays to Saturdays. During the months when lights are required, the lights would not be used after 2100 hours Mondays to Fridays and the lights would not be used at all on Saturdays. Use of the lighting can be controlled by condition should Members be minded to permit, and therefore I do not raise concern over this aspect of the proposal.

Traffic

20. The hard play area that it is proposed to floodlight is already constructed and in use at the school. Therefore by floodlighting the play area the greatest potential for an increase in traffic to occur would be during winter evenings when the floodlights would be in use. Given that community use of the play area occurs outside of normal school hours, the school's car parking could be used and given the size of the play area I would advise that the number of people that can use the facility at any one time is limited. I therefore consider that there would be the potential for an increase in traffic at the site as a result of the development. However, I consider that this increase would be minimal and that it should not cause an overriding detrimental impact on residential amenity that would warrant refusal of the application on that ground alone.

Water Resources

21. The site lies within a Source Protection Zone 1 of a public water supply abstraction. As a result of the above, the Environment Agency has advised that potable supplies are at risk from activities at the site and all precautions should be taken to avoid discharges and spillage's to the ground both during construction and subsequent operation. The applicant should be advised of this by a suitably worded informative on any grant of planning permission.

Need

22. Due to the material planning objections, which have been raised, need becomes a balancing factor. It is my understanding that the School has been encouraged to include community provision of sports facilities on site, which had been supported by Dover District Council as Leisure Authority. The floodlighting is needed in order to

Floodlighting at St Edmunds School, Old Charlton Road, Dover - DO/05/1183.

accommodate this request and aid extra curricula activities, although the lighting is not generally needed for the school use.

Conclusion

23. The application has to be considered in the context of the Development Plan and in relation to the impacts of the proposed development on the location. Whilst I consider issues regarding noise and hours of use to be generally acceptable and could be controlled by condition, I am not satisfied with issues relating to potential light spill and light glare and I do not, therefore, consider this type of development to be acceptable. Due to the location of the pitch and the proposed floodlighting in relation to neighbouring properties and the extent to which light pollution spills into the back gardens and facades of neighbouring properties, I am not satisfied that the proposed development would not have an unacceptable impact on the surrounding area and residential amenity. It would represent a visually intrusive form of development, which would detract from and be harmful to the character of the surrounding area. I therefore recommend accordingly.

Recommendation

24. I RECOMMEND that PERMISSION BE REFUSED on the following grounds:

- (i) The proposed development by virtue of the location of the lighting columns would result in an unacceptable form of development, which would be visually intrusive, affect the amenity of neighbouring properties and be harmful to the character and appearance of the surrounding area contrary to Kent Structure Plan Policies S2, and EN15 and the Dover Local Plan Policies DD1 and NR4.

Case officer – Helena Woodcock	01622 221063
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Background documents - See section heading
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Item D4**New Buildings for Care Housing, Land at Tovil Green, Maidstone – MA/05/2199.**

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

MA/05/2199 - Application by KCC Social Services for the clearing of land and the erection of new buildings to accommodate 40 extra care apartments and communal areas for the elderly and 6 supported apartments with communal areas for those with learning difficulties. Associated parking is to be provided – Land off Tovil Green, Tovil, Maidstone.

Recommendation: Planning permission be granted subject to conditions.

Local Members: D Daley, J Curwood, A Chell

Classification: Unrestricted

Site

1. The application site is located off Tovil Green/ Burial Ground Way in Maidstone. The location is currently undeveloped and overgrown by trees and scrubs, covering the entire site, and forming semi-natural woodland. The site is located on a general north facing slope, with local height variations across the site, the boundary to the east slopes steeply down to the adjoining Trading Estate, with the northern boundary sloping down towards adjoining properties (see attached location plan and illustrative site sections). The south eastern part of the site forms part of a former landfilled area from the former municipal tip.
2. The site under consideration is owned by Kent County Council, and is bounded to the east by Tovil Green and Burial Ground Way. Residential properties are located to the north and north west of the site further along Tovil Green. Farleigh Trading Estate is located to the east of the site, Farleigh Hill Retail Park to the south east and Tovil Green Business Park to the south (see attached plans). These sites are made up of light industrial/ warehouse development, and include a supermarket located to the southeast and a Waste Recycling Centre to the south.
3. The application site is allocated within the Maidstone Borough-Wide Local Plan as a site for economic development. There are no other existing land designations in association with the site.

Background

4. This application is one of a number of applications that have been submitted on behalf of Kent County Council Social Services for a Private Finance Initiative (PFI) bid to improve the Council's provision of appropriate accommodation for vulnerable people. Outline planning permission is being sought to facilitate the PFI process and it is envisaged that the final building and site arrangement proposals would be submitted at a later date.

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Proposal

5. Outline planning permission is sought for the clearing of part of the application site and the erection of 46 apartments along with communal facilities and car parking. The proposals would provide 40 extra care apartments and associated communal facilities for the elderly and a block of 6 supported apartments for people with learning difficulties. Due to the outline nature of the application, means of access and siting are to be considered now with landscaping, design and external appearance being reserved for future consideration.
6. It is proposed to open up an existing overgrown vehicle access off of Tovil Green to provide access to the application site. An access road would run from Tovil Green road into the site, connecting car parking areas and a drop off areas provided off of the access road. The proposed development would provide 28 car parking spaces, one ambulance space, drop off area, and 12 bicycle bays.
7. The application proposes to locate a three storey building housing the 40 extra care apartments towards the north east corner of the site. This element of the application would contain 14 two bedroom and 26 one bedroom apartments, located parallel to the boundary. A double height single storey communal facility linked to this apartment building would provide the main entrance, dining and lounge areas for the housing. The two storey supported apartment building would be located towards the south east corner of the site alongside associated car parking. This development would provide the 6 supported apartments for people with learning difficulties, and would be self contained with separate entrance and communal facilities. It is proposed to form garden areas within the site between the apartment blocks and Burial Ground Way, whilst maintaining the perimeter trees around the perimeter (see attached plans).
8. It is expected that the proposed facilities would supported by approximately 25 full and part time staff, who would provide around the clock care, working in three shifts.

Additional Information from the Applicant

9. In support of the application, the applicant has provided a Tree Survey for the site, an Extended Phase 1 Habitat Survey Report, a Ground Conditions Report into potential land contamination at the site, and illustrative section drawings across the proposed site.

Development Plan Policies

10. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) The adopted 1996 **Kent Structure Plan**:

Policy S1	Seeks sustainable patterns and forms of development.
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.

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Policy ENV2	Seeks to conserve and enhance Kent's landscape and wildlife (flora and fauna) habitats.
Policy ENV7	Seeks to maintain tree cover and the hedgerow network and to enhance these where compatible with the character of the landscape.
Policy ENV14	Seeks to make provision for the improvement or reclamation of derelict land, or any potential for the re-use of such land, having regard to amenity, landscape and nature conservation considerations.
Policy ENV15	New development should be well designed and respect its setting.
Policy ENV16	Seeks to make the best use of land in built up area balanced against the objective of maintaining and where possible improving environmental quality
Policy ENV20	Requires development to be planned and designed so as to avoid or minimise pollution impacts.
Policy NR3	Development will not be permitted which would have an unacceptable effect on the quality of groundwater resources.
Policy T17	Development will normally be required to provide for vehicle parking on site in accordance with Kent County Council's Vehicle Parking Standards.

(ii) The Deposit 2003 Kent Structure Plan:

Policy SP1	Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.
Policy SS5	Seeks to enhance existing suburban communities.
Policy E8	Seeks to protect and enhance Kent's biodiversity.
Policy E9	Seeks to maintain and where possible enhance tree cover and the hedgerow network
Policy QL1	Development should be well designed and respect its setting.
Policy QL12	Seeks to protect existing community services. Seeks to make provision for the development of local services in existing residential areas and in town and district centres, particularly where services are deficient.
Policy FP1	Gives priority to amongst other things developing sites identified in local plans for financial and professional services, business, industrial and warehouse uses (Use Classes A2/B1-B8).

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| Policy TP2 | Development sites should be well served by public transport, walking and cycling, or will be made so as a result of the development. Requires travel plans to be established for larger developments that generate significant demand for travel. Developments likely to generate a larger number of trips should be located where there is either a good choice of transport already available or where a good choice can be provided in an acceptable manner. |
| Policy TP19 | Development proposals must comply with the adopted vehicle parking policies and standards. |
| Policy NR4 | Requires development to be planned and designed so as to avoid or minimise pollution impacts. |
| Policy NR7 | Requires development not be permitted where it would have an unacceptable on surface and ground water resources. |
- (iii) The adopted 2000 **Maidstone Local Plan:**
- | | |
|--------------|--|
| Policy ENV2 | Development should be well designed, respect its setting and have due regard to neighbouring properties. |
| Policy ENV5 | Requires the protection of trees which make a significant contribution to the amenity of a locality, character or quality of the landscape, or biodiversity; unless the need for the development outweighs the contribution(s). |
| Policy ENV 6 | Requires, in appropriate cases, that a landscaping scheme be carried out as part of development proposals. |
| Policy ENV22 | Proposals to develop existing open areas require regard to be had to the visual contribution which the site and the proposed development would make, the need to uphold and improve the appearance of the locality and the need to conserve wildlife habitats. |
| Policy ENV23 | Proposals which would result in the net loss of open space will not be permitted unless there is a proven overriding need for the development and there is no deficiency of open space or recreational facilities in the locality and alternative provision can be provided. |
| Policy ENV52 | Requires applications for development on or near a site where there maybe ground contamination to be accompanied with a Site Assessment Report and appropriate remedial measures agreed and completed as the first step in the carrying out of the development. |

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Policy H20	Seeks to permit proposals for the development of vacant and derelict land for housing provided that the setting of the site is such that an acceptable residential environment can be provided, the development maintains and enhance the character of the area and respects the amenity of adjoining residents, appropriate access and car parking arrangements can be provided and the site is located where increased traffic activity would not be detrimental to local amenity.
Policy H25	Seeks to ensure new sheltered accommodation is well related to public transport and community facilities, and adequate access is provided.
Policy H26	Seeks to ensure new nursing and residential care homes have adequate amenity space and car parking, respect the character of the area and amenities of neighbouring properties, and are well related to public transport and community facilities.
Policy T13	Parking standards will normally be adopted for new development to ensure minimum provision.
Policy ED1	Identifies land at Tovil Green, defined on the proposals map, for employment development.

Consultations

11. **Maidstone Borough Council:** Object. The reasons for these objections are:

- The site is allocated for employment development and there is a shortage of such available in the Borough. Therefore to grant planning permission would be contrary to the provisions of Policy ED1 of the Maidstone Borough-Wide Local Plan 2000.
- In the absence of the submission of a contaminated land assessment, it is not possible to assess whether there are issues relating to the proximity of the site to the known nearby sites that are contaminated. To permit the development in the absence of such information would be harmful to the health and safety of the future occupants and therefore contrary to Policy ENV52 of the Maidstone Borough Local Plan 2000.

The Borough Council comments further:

- If it is resolved to grant planning permission, the application will need to be referred to the First Secretary of State as a departure to the provisions of the Local Plan.
- If permission is granted then the Borough Council would wish to see site levels including sections through the site showing how the new building would sit within the locality, together with a full landscaping scheme identifying trees to remain and trees to be felled with an explanation as to how this fits in with the habitat survey.
- If planning permission is granted then the Borough Council would wish to see the advice contained within the habitat survey followed, together with any other observations made by English Nature as statutory consultee.

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Tovil Parish Council: no comments received to date. Any received prior to the Committee meeting will be reported verbally.

Divisional Transportation Manager: No objections. Comments that the principle of reopening the existing unused access onto Tovil Green is acceptable and the required visibility splays can be achieved and should be shown on the full application submission. The number of car parking spaces is in line with the Kent Vehicle Parking Standards and is therefore acceptable. The traffic generation from the site can be accommodated on the local network.

Environment Agency: No objection, subject to the following conditions and advise:

- Recommends conditions to be imposed on any grant of planning permission requiring:
 - details of foul and surface water disposal to be submitted;
 - a desk top study, a site investigation and a method statement relating to potential ground contamination to be submitted;
 - the development of the site to be carried out in accordance with the approved Method Statement; and
 - an addendum to the method statement to be submitted if contamination not previously identified is found to be present at the site.
- Advises that part of the development is sited on a former landfill site. Requests that any waste licence that is still in existence to be surrendered prior to any development taking place.
- Recommends liaison occurs with Contaminated Land officers prior to development of the site.
- Advises on waste produced from the site and the importation of controlled waste.
- Provides advice on drainage, contamination and the storage of fuels/chemicals.

English Nature: Provides the following advice:

- Protected species are a material consideration in determining planning permission and consequently a mitigation strategy should be agreed in writing with the Council before the development commences.
- The survey information provided by the applicant indicates the potential presence of bat tree roosts at the site. English Nature supports the recommendation made ... in the Extended Phase 1 Habitat Survey Report that a bat roost survey and at least two emergence surveys should be undertaken prior to the commencement of any works.
- The information provided ... indicates the likely presence of breeding wild birds at the site. English Nature support the recommendations ... that all trees and scrub vegetation removed should be undertaken outside the bird breeding season (March – August).
- There is an opportunity to enhance the biodiversity of the site through sensitive planning and the incorporation of features beneficial to wildlife English Nature would therefore like to see stronger proposals for biodiversity enhancement across the development site.
- Advises that the protection afforded to species under UK and EU Legislation is irrespective of the planning system and the applicant should ensure that any activity that they undertake on the application site complies with the appropriate wildlife legislation.

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Countryside Policy and Projects Group: No objection, subject to conditions requiring:

- Bat survey work, as the Extended Phase 1 Habitat Survey Report recommends and in accordance with English Nature's *Bat Mitigation Guidelines* (2004).
- No disturbance to birds ... during the nesting season (March to August). Mitigation measures submitted and implemented during construction in order to protect breeding birds ... *if works should be carried out* ... during the breeding season.
- Detailed mitigation strategies for any protected species found on site, such as Bats, Great Crested Newts (if necessary) and nesting birds.
- A detailed landscaping scheme, including measures to minimise the loss of woodland habitat, enhance the habitat that is retained and create further biodiversity gain at the site through an enhancement and management plan.

Advises that the site as it stands has intrinsic wildlife conservation value in terms of species and habitat. The development proposals, *for the site*, should address the potential for retention and enhancement of the woodland habitat ... prior to the reserved matters being approved.

Requests further clarification of the Extended Phase 1 Habitat Survey Report. The Report comments that there are no suitable aquatic habitats for Great Crested Newts on the site or in the immediate surrounding area. Clarification of the area considered within the Survey Report is requested in order to confirm that the survey work carried out is adequate.

Jacobs Babbie (Landscaping): no comments received to date. Any received prior to the Committee meeting will be reported verbally.

Public Rights of Way Area Manager: no comments received to date. Any received prior to the Committee meeting will be reported verbally.

Local Member(s)

12. The local County Members for Maidstone Central, Mr D. Daley and Mr J. Curwood were notified of the application on 11 November 2005. The local County Members for Maidstone South, Mr A. Chell was also notified of the application on 11 November 2005.

Publicity

13. The application was publicised by advertisement in a local paper, the posting of one site notice and the notification of 25 neighbouring properties.

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Representations

14. Three letters of representation have been received from local residents to date. The main points raised can be summarised as follows:
- The Tovil area has been developed and now there are houses everywhere
 - Comments on the trees and wildlife on the site. Pleased to see that a wide boundary of trees is to be retained. Wishes for trees on the site not to be disturbed outside of the actual building area and seeks assurances that the existing woodland would not be 'accidentally' completely destroyed and later replaced by saplings
 - Requests that parking facilities be reviewed. The plans show spaces for staff and residents but no allowance is made for visitors. There are already parking difficulties in the area. Suggests 40 parking spaces would be more appropriate
 - Requests a close boarded fence or something similar be erected along the boundary of the site with 19 Tovil Green
 - Requests the part of the application site adjoining 19 Tovil Green is lowered and the scrub, trees, undergrowth and debris on the land removed. Currently the application site is 5-6ft higher than the adjoining residential property
 - Requests an investigation of the site as Dutch Elm disease is affecting many of the trees and ivy grows over the site and needs to be controlled.
 - When many of the surrounding housing were built, car parking areas were not provided. Consequently the area is very congested. Wishes for a parking area to be included to the right hand side of the entrance from Tovil Green for residents and that residents be provided with dropped kerbs to enable them to park off the road.

Discussion

15. This proposal is an outline planning application for the clearing of land and the erection of new buildings to accommodate 46 apartments, associated communal facilities, car and bicycle parking. 40 of the apartments would be extra care apartments for the elderly and 6 of the apartments would be for people with learning difficulties. It is necessary to consider the development in the context of the Development Plan Policies outlined in paragraph (10) above and the effects of the development in terms of its location and visual impact and the effects on the local environment and amenity.
16. As this is an outline application, it is the principle of the proposed development that is being established and the applicant can reserve certain matters for later consideration, should Members be minded to grant planning permission. In this case, the reserved matters are external appearance, landscaping and design, whilst siting and means of access are submitted to be considered now.

Policy Issues

17. The application site is located on land identified in the Maidstone Borough Plan for employment development (Policy ED1). The proposed development is therefore a departure from the Development Plan and it has been advertised as such. If Members are minded to grant planning permission for the development it will therefore be necessary to refer the application to the Secretary of State for consideration.

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18. Policy ED1 reflects Maidstone Borough Council's objective to 'maintain and promote a strong local economy in an attractive local environment and to provide sufficient land and opportunities for new investors and existing businesses' (Strategic Objectives 7 and 8 of the Adopted Plan). The land, which is identified at Tovil Green, has been carried forward from a previous allocation in the 1993 Maidstone Borough Local Plan, which dealt with the period to 2001.
19. In the context of this application consideration needs to be given as to whether the proposed development is acceptable on land allocated in the Local Plan for economic development, and whether the applicant has been able to demonstrate special circumstances to justify departing from an adopted Local Plan Policy.
20. In support of the application, the applicant has advised that the development would meet Strategic Objective 7 of the Maidstone Local Plan as it would provide up to 25 jobs through a 30 year PFI initiative. It is further stated that the development meets other strategic objectives in the Plan as 'the development is sustainable and recognises the distinctiveness of Maidstone's environment and will enhance and protect it for current and future generations; it brings back into use unused land for affordable housing which meets the needs of vulnerable local people and is well located in terms of public transport and working opportunities and will minimise the necessity for transport; and will include recreational facilities for the benefit of the residents and ensure the needs of local communities for access to local employment, services and housing. The applicant therefore considers that the development would meet the economic development allocation in the Plan. The applicants provide examples of what they consider are circumstances where housing has been permitted on land which has an economic development designation and where land has been allocated for housing or granted planning permission for housing notwithstanding their prior use for employment.
21. The applicant has confirmed that the proposed site is one of a number of locations considered for this project. The potential sites were considered against a number of criteria to ascertain whether they could accommodate the proposed care facilities. The location has to be within the Maidstone area, to serve the local population in response to a specific need for extra care housing. The applicant indicates that demographic forecasts for Maidstone project that the growth in the population over 65 years old will be in excess of 43% over the period 2001 to 2016. The need for increasing levels of affordable housing in Maidstone is accepted; affordable housing that meets the needs amongst an ageing population profile has become increasingly important. To accommodate the extra care and supported apartments the site needs to be located within the urban area to allow easy access to the public transport network, community services and facilities. The site should be an appropriate size to accommodate both developments within the space, and allow for outdoor amenity space for the residents. The applicant has provided details of an additional four sites considered for the proposed development. One of which formed an application submitted to the County Planning Authority in May 2005 (ref: TW/05/TEMP/0033) to locate the apartments at another site off Barfreton Close, Tovil. However, this application was subsequently withdrawn due to the potential loss of an existing community facility located at the site and the relatively constrained dimensions of the site. Feasibility studies were carried out on each of the sites considered, the various locations rejected due to concerns including, size of the site(s), loss of amenity space to the wider community, loss of privacy to neighbouring properties and inappropriate vehicle access. The applicant confirms that, despite certain limitations, the Tovil Green site is the most appropriate option for this development.

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22. Notwithstanding the above, Maidstone Borough Council has objected to this application on the grounds that the proposed development is contrary to the provisions of Policy ED1 and Borough has a shortage of sites available for economic development. In spite of the concerns raised by the Borough Council regarding the lack of economic development sites in the Maidstone Borough, I would advise that the site has been identified for this purpose within the Local Plan for 13 years, and judging by the growth of the trees on site, has been vacant for some time before that this period. In my opinion the applicant has demonstrated a specific need for the proposed development in the locality and justified the use of this site. The development would create 25 new jobs in the locality, which would counter balance the jobs that would be created were the site redeveloped for a retail warehouse or light industrial use. Given the points raised above, and the potential difficulties and costs of redeveloping the site, such as the topography and potential land contamination and mitigation measures required, I would consider that the redevelopment of the site to create affordable extra care housing would be an acceptable alternative to the site continuing as an unused part of the land available for economic development.

Siting

23. As set out above, the development would be located on an area of land currently overgrown with trees and scrubs. The surrounding properties include a variety of light industrial and retail developments to the south and east, with residential properties located to the north and west. Given that the proposed site is sloped, any development at the Tovil Green site will sit on the hillside above properties to north and east. The proposed three storey element could impact on surrounding properties and would be visible in the elevated location.

24. The proposed layout would locate the apartment blocks to the east of the site, for the most part overlooking industrial developments. The boundary of the nearest residential property is located 12 metres to the north east of the proposed extra care apartments, the façade of the property being over 44 metres from the north west corner of the apartments.

25. I have no objections in principle to the proposed layout of the development. It would appear to locate the building as far to the east of the site as possible, thereby minimising, as far as possible, any potential impacts on residential amenity. Concerns have been raised by local residents regarding the height of the site adjoining residential property, and requests made for the land adjoining the property to be lowered and close boarded fencing provided. Members need to consider whether the three storey element of the development coupled with the height of the land above surrounding properties could have a detrimental impact on residential amenity due to potential loss of privacy, and/or overshadowing.

26. Generally, I consider the potential for a detrimental impact on residential amenity to occur is limited. The bulk of the proposed buildings are laid out stretching away from residential property, closer to the industrial developments to the east. It is only the difference in height between the site and the properties to the north that is causing concern. The orientation of the building would minimise the potential for overlooking and this could be further reduced by limiting the number and type of windows proposed in the north elevation, obscuring views over the gardens to the north. The retention of the trees around the perimeter of the site would soften the impact of the development by breaking up views of the building. Whilst I do not consider that the lowering of land directly adjacent to residential property would do much to limit the impact of a development sited located further up the slope, the provision of additional planting and

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close boarded fencing as part of a well thought out landscaping scheme could further mitigate for any impacts. The detailed design of the building and landscaping would therefore have an important role in ensuring the development respects the existing buildings in the area and reducing any potential impacts.

27. The Kent Design Guide advises that accepted distances between windows of habitable rooms is 21 metres, to minimise any potential loss of privacy. Given that the distances in this case are well in excess of this advice, the issue of direct views between the development and residential buildings is within acceptable guidance.
28. With regard to over-shadowing, any detailed design should explore the possibilities of lessening the height of the three storey element of the development, particularly at the northern end of the building. The design could also explore the possibilities to sit the building down against the slope to reduce its overall height. Whilst I note the building could appear dominant, raised up above surrounding properties, given the orientation of the buildings and the landscaping to be retained on site, I do not consider that a significant degree of over shadowing would occur.

Biodiversity and Landscaping

29. The application as proposed involves the felling of a number of trees on part of the site, alongside the clearing of shrubs and undergrowth that has overgrown the area. Kent County Council's Countryside Policy and Projects Group has advised that the site as it stands has intrinsic wildlife conservation value in terms of species and habitat. In considering this application weight should be given to the woodland habitat that has established itself at this site. The Extended Phase 1 Habitat Survey carried out on behalf of the applicant confirms the site has the potential to support a wide variety of flora and fauna, including protected species such as bats and nesting birds.
30. As an outline planning application the applicant has exercised the right to reserve the landscaping scheme for later consideration. However, this application is to establish the principle of the development, and as such consideration should be given to whether the clearing of an area of the site to be redeveloped the land is acceptable in this case. The site as identified is not afforded any specific designation by the Local Plan in terms of habitat, landscape or open amenity space.
31. English Nature as statutory consultees raise no objection to the proposals, nevertheless identifies the need for further information. English Nature support the recommendations put forward by the submitted Habitat Survey, advising the need further survey work into the bats found on site to be carried out and approved, that vegetation clearance should be avoided during the bird nesting season (March to August), compensatory landscaping be provided for the loss of habitats, existing vegetation should be retained where possible, the use of native species within landscaping proposals and the provision of bird and bat boxes. English Nature advised the need for mitigation strategies to be agreed in writing with the County Planning Authority prior to commencement of any development work and request that stronger proposals be provided to enhance biodiversity across the remaining site.

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32. Kent County Council's Countryside Group lend additional support to the need for further survey work to be undertaken prior to any development taking place, and also advises that further detail would be required as to potential mitigation and enhancement strategies for the site, alongside a comprehensive landscaping scheme. The Countryside Group has advised the need for further clarification of the survey work carried out on potential Great Crest Newt habitats in the area before the application is determined.
33. The Tree Survey submitted by the applicant in support of the application advises that the site consists of recent secondary woodland comprising predominantly of semi mature/ mature sycamore with ash, silver birch, cherry, hawthorn, elm, field maple, hazel, goat willow and buddleia. The woodland has received no management and the dominant sycamore and Ivy at the site have suppressed the growth of many trees. The report confirms the comments made by a local resident in relation to the existence of Dutch Elm disease at the site, with a large number of trees dead or diseased. The survey advises that collectively the woodland is a significant feature of amenity value located with the urban area. However, individually the majority of trees are considered of low quality or value, the development would involve the loss of a significant area of woodland, with the outer perimeter to be retained to minimise the impact of the development on the local environment. Advice is that the only one mature Silver Birch of value would be lost, and that the removal of this tree should be mitigated through the landscaping scheme.
34. In terms of the impact of the development on biodiversity and the acceptability of the proposed site clearance, both English Nature and KCC's Countryside Group has identified the need for further survey work, mitigation strategies and enhancement schemes prior to any work being carried out on site. However, neither consultee has raised an objection to the loss of habitat, English Nature identifying that the application offers the opportunity to enhance biodiversity of the site through sensitive planning. The comments put forward within the Tree Survey suggest that the woodland is in an unmanaged state that limits the potential of the trees on site. The redevelopment of the site would allow the opportunity for careful landscaping and continued management of the trees retained on site. Taking all of the above into account, and subject to clarification of the survey work undertaken in relation to Great Crested Newts, and conditions covering the submission of further survey work in relation to bats, appropriate mitigation strategies, a biodiversity enhancement plan, and a full landscaping scheme, I have no material planning objections to the proposal in biodiversity and landscaping terms.

Contamination

35. Notwithstanding the objections raised by Maidstone Borough Council in relation to ground contamination, I would advise that the applicant has provided a Ground Conditions Report. The report confirms that given the documented history of the site and the results of the initial phase of ground investigation, some substantial ground contamination remediation works and/or mitigation of contamination risks as part of any future development should be expected as necessary. The report recommends further investigation at the site to determine the contamination risks and any appropriate remediation works to mitigate for the suspected ground contamination. Conditions covering further site investigations, the submission of a detailed report and Method Statement, and the completion of any appropriate mitigation, as advised by the Environment Agency, would be an appropriate means of addressing this issue.

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Traffic and Access

36. There are a number of issues arising in relation to traffic, access and parking as a result of the proposed development. These are reflected in the letters of representation summarised in paragraph (14) above and include concerns about congestion and parking.
37. The application site is currently unused and as such there are no vehicle movements currently associated with the application site. The development would provide 46 apartments and would employ approximately 25 full and part time staff working in 3 shifts in order to provide around the clock cover at the site. Therefore there would be an increase in vehicle movements at the site as a result of the development.
38. The site would be accessed from an existing access off Tovil Green and 28 car parking spaces would be provided within the site. This would include 1 ambulance space and 6 disabled spaces and I would advise that the number of car parking spaces has been calculated to provide parking for residents and staff. A drop-off point would be provided close to the main entrance to the communal facilities and 12 bicycle bays are proposed within the site to encourage the use of non-car modes of transport.
39. I would advise that the Divisional Transportation Manager has checked the suggested parking allocation against Kent Vehicle Parking Standards and advises that the number of spaces proposed is acceptable. The Divisional Transportation Manager has also advised that the principle of re-opening the existing site access is acceptable, the required visibility splays can be achieved and that the traffic generation from the site can be accommodated on the local network. I therefore do not consider that parking problems should be exacerbated in the area as a direct result of the development. I would therefore recommend that a conditions requiring detailed drawings of the access illustrating the visibility splays to be submitted and approved, the ambulance space to be marked out and kept available only for that use and that the other car parking spaces should be provided prior to the first occupation of the development and then kept available for that use.
40. I note the request by a local resident that car parking provision be provided within the site for local residents and that the residents be provided with dropped kerbs to allow them to park within their gardens. I also acknowledge that there would be an increase in vehicle movements in the area as a result of the development. However, given the scale of the development and the fact that the Divisional Transportation Manager has advised that the principle of re-opening the existing site access is acceptable, the traffic generation from the site can be accommodated on the local network and the correct number of car parking spaces are proposed, I do not consider the residents request to be proportionate, reasonable and necessary as part of this development.

Need

41. Due to the material planning objections that have been raised, need becomes a balancing factor. With regard to the need for the development the applicant has advised that the development is required to improve the Council's provision of appropriate accommodation for vulnerable people. The applicant also advises that outline planning permission is being sought in order to facilitate the PFI process and so realise the new extra care and supported accommodation urgently required by Kent County Council.

Conclusion

New Buildings for Care Housing, Land at Tovil Green, Maidstone – MA/05/2199.

42. This is an outline application and therefore it is the principle of the development only, which needs to be considered. The application has to be considered in the context of the Development Plan and in relation to the location of the proposed development set against the impact of the proposal and the need for the proposal. I acknowledge the objections raised to the proposed development on policy grounds by Maidstone Borough Council, and draw members attention to the concerns raised regarding availability of land designated for economic development. However, I am satisfied that the applicant has provided special circumstances that justify the use of the land otherwise. The application would need to be referred to the Secretary of State if Members are minded to permit contrary to the Local Plan designation. Whilst issues have been raised relating to the siting of the development, ground contamination, biodiversity, landscaping, traffic and access, subject to clarification of the survey work carried out on protected species habitats, I consider that the location of the development and means of access are acceptable. I therefore recommend accordingly.

Recommendation

43. SUBJECT TO the submission of clarification of the survey work carried out in relation to Great Crested Newts, I RECOMMEND that the application BE REFERRED to the First Secretary of State as a departure from the Development Plan, PERMISSION BE GRANTED, SUBJECT TO the conditions including the standard outline time conditions, the submission of reserved details relating to external appearance, landscaping and design, the development being carried out in accordance with the approved plans, details of a method to obscure views from the north elevation of the building, the provision of car parking spaces prior to the first occupation of the development and once provided the parking spaces should be kept available for that use, further survey work on bats, protection of breeding birds, submission of mitigation and enhancement strategies, tree protection, foul and surface water drainage, the submission of further ground contamination reports and completion of remedial work, further ground contamination conditions as recommended by the Environment Agency, hours of operation during construction, details of site levels, measures to ensure no mud is deposited on the public highway.

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT
PERMITTED/APPROVED UNDER DELEGATED POWERS - MEMBERS'
INFORMATION**

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

Background Documents - The deposited documents.

- | | |
|--------------|---|
| TH/05/1423 | Amendments to the method of construction to open cut for the section of the Margate Headworks – Weatherlees wastewater twin pipeline between compounds 12 & 13 (previously granted under reference TH/04/894). Land between Manston Road, Manston and to the South of Canterbury Road West, Cliffsend, Ramsgate |
| SH/05/53/R14 | Details of fencing pursuant to condition (14) – New Romney and Greatstone first time sewerage scheme |
| GR/05/1027 | Refused to issue Certificate of Lawful Development – Existing development – relating to the use of land situated at Highview, Longfield Road, Longfield for use of storage of vehicles, vehicle parts, breaking/dismantling of vehicles, sale of vehicles & vehicle parts |

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.

- DA/06/76 Erection of 6m high grass finished boundary screens, together with a new single storey pavilion with front canopy and the creation of six rink bowls lawn with a 2.5m high boundary hedge and associated car parking. Stone Lodge Bowling Centre, Stone Lodge Complex, Cotton Lane, Stone
- CA/06/87 Change of use of clocktower and adjoining pavement area to restaurant (Class A use) St. Georges Clocktower, St Georges Street, Canterbury
- AS/05/1273 Proposed car park with 9 spaces, demolition of existing storage area and replacement storage building and erection of new fence. Land at 289-301 Beaver Lane, Ashford
- AS/05/1253 Proposed extension of car parking by six spaces and demolition of existing storage area and erection of replacement storage building and erection of new fence. 13-29 Arlington, Ashford
- CA/06/162 Erection of 20 residential apartments, 11 shop units, and all associated works (revised scheme). Land at and rear of 177 High Street, 17-29 Bank Street, Herne Bay
- AS/06/147 Internal alterations and an extension to existing amenity blocks. Formation of 3 new amenity block buildings and hard standings. Extension to existing roadway, replacement of and alterations to internal boundary fences, installation of new boundary fence. Caravan Site, Chilmington Green Lane, Great Chart, Ashford
- TM/06/306 Variation of condition 1 of planning permission TM/04/479/DR3 (Application for renewal of Planning Permission TM/02/2648/DR3: Two sales pitches for mobile traders. 1) Hot food traders. 2) Fresh Farm produce) to allow for the permanent retention of two sales pitches for mobile traders. Land East of Bailey Bridge Road, Aylesford
- CA/06/135 Single storey extension to computer centre. Canterbury City Council, Computer Centre, Military Road, Canterbury
- DO/05/1385 Erection of fencing. Play Area, William Pitt Avenue, Deal
- DO/05/1427 Change of use to burial ground. Part of Connaught Park, Connaught Road, Dover

E2.1

- AS/06/223 Provision of 16 parking spaces to housing land, construction of paths, landscaping and movement of street lighting to opposite side of Milne Road. Land north 7 and 8 Milne Road, Ashford
- MA/06/284 Renewal of temporary permission MA/05/723 for further 12 months period (relating to the hours of the amphitheatre and issues of amplified sound). Millennium River Bank Amphitheatre, Archbishop Palace, Mill Street, 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/05/1540	Erection of a sessional nursery to house 26 children and creation of external play area. Newington Primary School, School Lane, Newington, Sittingbourne
GR/05/997	Construction of a disabled access ramp. Denton Family Centre, Lower Range Road, Gravesend
DA/04/1186/R4	Details of a landscaping scheme pursuant to condition 4 of planning permission reference DA/04/1186. Knockhall County Primary School, Eynsford Road, Greenhithe
GR/04/967/R4	Details of the proposed wind turbine pursuant to condition 4 of planning permission reference GR/04/967. Shornewood Country Park, Brewers Road, Shorne, Gravesend
SE/05/3069	Replace old and broken main entrance gate with new automatic gates with intercom control system to improve the Security of the School and fulfil health and safety requirements. Chevening CEP School, Chevening Road, Chipstead, Sevenoaks
TH/05/1457	Erection of new nursery block single storey with canopy and covered play area. Drapers Mill Primary School, St. Peters Footpath, Margate
SE/05/476/R3	Details pursuant to condition (3) – Surface water drainage. The Wildernesse School, Seal Hollow Road, Sevenoaks
CA/05/1002/R3	Details pursuant to condition (3) – External materials - St. Mary's Catholic Primary School, Northwood Road, Tankerton, Whitstable
TW/04/35/R8	Details of external lighting pursuant to condition (8). Land adjacent to Pearse Place, Lamberhurst, Tunbridge Wells
MA/05/1796/R	Amendment to west elevation – Construction of new library extension and small teaching extension adjacent to external toilets – Madginford Park Infant School, Merton Road, Bearsted, Maidstone
AS/05/1490/R	Amendments to the approved plans, revising the fence line proposed to reflect the ownership of the land. The Norton Knatchbull School, Hythe Road, Ashford

GR/05/496/R	Amended details – The removal of four additional trees. Single storey extensions to Entire School. Ifield Special School, Cedar Avenue, Gravesend
TM/06/44	Erection of a lean-to canopy to classroom block. St. Peter & St. Paul C E Primary School, Rectory Lane North, Leybourne
TH/05/1075	Provision of handrails and corduroy hazard warning paving slabs to the front entrance of Droit House. Droit House, Margate Harbour, Margate
SW/05/1512	Erection of single storey nursery and external play area – Land to south of Murston Infant School, Church Road, Murston, Sittingbourne
DA/05/1166	Single storey extension to ground floor staff room and creation of a disabled WC and Care Suite. Wilmington Primary School, Common Lane, Wilmington, Dartford
DA/06/8	Retention of temporary office accommodation for use in supervising the maintenance of fastrack Phase 1 – Major Scheme, and everhard's link highway works, until March 2008. Site Offices, King Edward Road, Greenhithe
TM/06/38	Reception play area development, including new hard playground surfacing, safety surface area (with climbing frame), timber deck areas, raised timber plant and sandpit and new 1.2m high fence (timber palisade or green post and weldmesh). More Park Catholic Primary School, Lucks Hill, West Malling
SE/06/24	Erection of lean-to canopy to existing school building and second free standing canopy to year one play area. Chevening C.E. Primary School, Chevening Road, Chipstead, Sevenoaks
CA/05/1680	To remove a poly grow tunnel, and to install a timber framed outdoor learning resource. Littlebourne C of E Primary School, Church Road, Littlebourne
SW/05/1594	Four court sports hall with associated changing facilities. The Westlands School, Westlands Avenue, Sittingbourne
TM/06/57	New disabled access ramp to the rear to comply with disabled Discrimination Act Regulations, Larkfield Family Centre, 72 Martins Square, Larkfield, Aylesford
SW/06/9	Creation of a bus lay-by to provide safe drop-off/pick up point for pupils. Lynsted and Norton Primary School, Lynsted Lane, Lynsted, Sittingbourne
SE/05/454/R	Amendments including i) addition of recessed goal mouth ii) alteration of mesh colour from RAL 6018 (green) to RAL 1028 (yellow) – Hever C of E Primary School, Hever Road, Hever

MA/05/964/R	Amendments to approved scheme including removal of dormer windows and entrance canopy, lowering the roof height and addition of intake and extract grills. Hollingbourne Primary School, Eythorne Street, Hollingbourne
TH/03/583/R2B	Amendments to approved plans (reinstatement of grassed area to the north of the hall and alteration to extent of canopies at the front of the new build accommodation. The Charles Dickens School, Broadstairs Road, Broadstairs
MA/06/84	Quadrangle infill, extension and remodelling to other internal areas. West Borough Primary School, Greenway, Maidstone
GR/05/997/R	Amended details – Amendment to fire escape to provide steps and disabled refuge area in lieu of access ramp. Denton Family Centre, Lower Range Road, Gravesend.
TM/05/3315/R2	Reserved details of landscaping scheme. To widen existing driveway and re-positioning of car parking. The Judd School, Brook Street, Tonbridge
SW/05/1143	Construction of new classrooms with associated hygiene and WCs, new hydro pool, new post 16 facilities, new playing fields, refurbishment of existing building, relocation of existing car entrance and amendments to existing car park. Meadowfield School, Swanstree Avenue, Sittingbourne
TH/04/853/RC	Amended details to proposed tree planting and fencing. Chatham House Grammar School, Chatham Street, Ramsgate
DO/05/488/R5	Details pursuant – Scheme for the disposal of foul and surface waters. Harbour School, Elms Vale Road, Dover
SW/04/1545/R9	Reserved Details – Details of School Travel Plan – Richmond First School, Nursery Close, off St Helens Road, Sheerness
CA/05/15/R2	Reserved Details - Details of colour treatment for proposed fencing – St. Stephens Infant and Junior School, Hales Drive, Canterbury
SW/06/70	Application for planning permission for freestanding guard rail system to roof of building. Social Services Offices, Avenue of Remembrance, Sittingbourne
MA/05/2032/R	Amendment to include fire exit door within the Library Room. Madginford Park Junior School, Egremont Road, Bearsted, Maidstone
CA/05/902/R4	Reserved details – Details of protected species assessment. St. Nicholas School, Holm Oak Close, Nunnery Fields, Canterbury
GR/04/967/R10	Reserved Details – Details of woodland management plan. Shorne Wood Country Park, Brewers Road, Shorne, Gravesend
TM/06/343	Temporary four bay mobile classroom. Grange Park School, Birling Road, Leybourne, West Malling

E3.3

DA/06/71	Extension to existing sports pavilion. Dartford Grammar School, Playing Fields off Miskin Road, Dartford
AS/06/119	Installation of temporary accommodation units and WC unit, total of 4 no. Oak Tree Primary School, Oak Tree Road, Ashford
AS/03/1902/R11 & R13 (part) and R12 (final part)	Details of landscaping for car park areas, reinstatement of construction compound and landscaping for the library/vocational building and site frontage. Homewood School and Sixth Form Centre, Ashford Road, Tenterden
AS/03/1902/R4&R5 (final part)	Detailed 1:20 sections (pursuant to condition 4) and detailed design of roof (pursuant to condition 5) of the library/vocational building. Homewood School and Sixth Form Centre, Ashford Road, Tenterden
AS/03/1902/R6 (final part)	Details of external materials for the library/vocational building. Homewood School and Sixth Form Centre, Ashford Road, Tenterden
AS/03/1902/R7 (final part)	Details of surface water drainage for the library/vocational building. Homewood School and Sixth Form Centre, Ashford Road, Tenterden
SE/03/2968/R3	Details of external materials pursuant to condition (3) of planning permission SE/03/2968. St Pauls C of E School, School Lane, Swanley
GR/04/967/R9	Details of green travel plan – Shornewood Country Park, Brewers Road, Shorne, Gravesend
SW/05/820/R2	Revised school travel plan – Canterbury Road Primary School, School Road, Sittingbourne
TW/04/264/R	Minor amendments to performing arts centre – Tunbridge Wells Grammar School for Girls, Southfield Road, Tunbridge Wells
DA/04/1186/R7	Details of the school travel plan – Knockhall Primary School, Eynsford Road, Greenhithe
DA/06/113	A new first floor link between the 6th form area and the lecture/resources room; (A new 6th form area at first floor level above the performing arts/dining room, as application ref. DA/03/1047); (A new office and lecture/resources room above and adjacent to the swimming pool, as application ref: DA/03/1047); Dartford Grammar School for Girls, Shepherds Lane, Dartford
SW/06/136	Installation of 2.7m high ballstop weldmesh fence, approximately 95m in length around two sides of new playing field. Davington Primary School, Priory Row, Davington, Faversham

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

E4.1

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

Background Documents -

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

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

None

- (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:-

DC29/05/SW/0001 – Proposed development and operation of waste pre-treatment facility at Ridham Docks, Sittingbourne

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

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

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

None

E6.1