



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 17th January, 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. Membership: To note the appointment of Ms B J Simpson to the Committee in place of Mrs S V Hohler
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 13 December 2005 (Pages 1 - 6)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application SE/05/2526 - Cessation of existing green waste composting facility and transfer station, with redevelopment of a new waste transfer station, modification of the existing household waste recycling centre and improvements to the landscaping of the site at Dunbrik, near Sevenoaks; Mr John Durnell, Darenth River Ballast Company Ltd (Pages 7 - 28)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SW/05/1299 - Outline application for the clearance of site and erection of new building to accommodate 6 supported apartments for those with learning difficulties, and the provision of associated car parking at land off Sumpter Way, Faversham; KCC Social Services (Pages 29 - 44)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 45 - 56)
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, 9 January 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, 13 December 2005.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mrs V J Dagger, Mr J A Davies, Mr J B O Fullarton, Mr T Gates, Mrs E Green, Mr T A Maddison, Mr R A Marsh, Mr J I Muckle, Mr W V Newman, Mr A R Poole, Mrs P A V Stockell and Mr F Wood-Brignall.

ALSO PRESENT: Mr L Christie and Mr A D Crowther.

OFFICERS: The Head of Planning Applications Group, Mr W J Murphy (with Mr J Crossley, Mr R Gregory and Mr J Wooldridge); the Head of Transportation and Planning, Mr Behdad Haratbar (with Mr D Bond); and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

115. Minutes
(Item A2)

RESOLVED that the Minutes of the meeting held on 8 November 2005 are correctly recorded and that they be signed by the Chairman subject to clarification of Minute 111 that Stephen Ladyman, MP was objecting as a representative of a constituent and not on his own behalf.

116. Site Meetings and Other Meetings
(Item A5)

(1) The Committee agreed to visit the site of the proposed Wrotham Highway Office on Tuesday, 17 January 2006.

(2) The Committee also agreed to visit the proposed East Kent Access and Ursuline College, Westgate-on-Sea on Monday, 30 January 2006.

117. Application MA/04/1047 – Appeal by Russell Surfacing Ltd against the decision of Kent County Council to refuse planning permission on land adjacent to Detling Aerodrome Industrial Estate, Detling, Maidstone
(Item B1 – Report by Head of Planning Applications Group)

RESOLVED that the report be noted.

118. Application DA/05/328 – Redevelopment of existing household waste recycling centre (HWRC) site and highways depot to provide an integrated HWRC and waste transfer station (WTS) together with associated buildings, access, weighbridge, parking areas and landscaping at Pepperhill HWRC site, Station Road, Southfleet, Gravesend; Waste Recycling Group (Central) Ltd

(Item C1 - Head of Planning Applications Group)

(Mr L Christie was present for this item pursuant to Committee Procedure Rule 2.24 and spoke. He also made a declaration of Personal Interest as a nearby resident of the site).

(1) The Head of Planning Applications Group reported the receipt of an additional objection from a local resident.

(2) Mrs N Salway, Chairman of the Southfleet Parish Council addressed the Committee in opposition to the application, Mr S Fidgett, Planning Consultant spoke in reply on behalf of the applicant.

(3) On being put to the vote the recommendations of the Head of Planning Applications Group were agreed by 11 votes to 2 subject to a recommendation to the Planning and Environment Manager that alternative provision needed to be made during the period when the site was closed.

(4) RESOLVED that:-

(a) the application be referred to the Deputy Prime Minister as a departure from the Development Plan and that subject to his giving no decision to the contrary and the undertakings by the Strategic Planning Director to the matters detailed in Appendix 2 of the report, permission be granted to the application subject to conditions covering amongst other matters: date of implementation (3 years); waste types (as specified in the planning application); waste quantities (130,000tpa maximum throughput); waste sources for the WTS (Dartford and Gravesham areas, unless exceptionally agreed from elsewhere); HGV movement restrictions (178 movements per day – 89 in/89 out); maintenance of sight lines and visibility splays; additional night time restrictions (HGV movements and operations); erection and maintenance of signs within the facility (e.g. safety warnings for users and switching off engines when stationary); measures to prevent mud or other debris being deposited on the public highway (during construction and operation); dust controls (management/action plan); noise (restrictions on night time operations and practices, including HGV movements); odour (management plan); hours of operation for HWRC (as applied for); hours of operation for WTS (24 hours); pollution control (e.g. to avoid off-site contamination); details of surface water and foul drainage; construction methodology; protection of CTRL or Highways Agency infrastructure, associated assets and rights; landscape planting and maintenance; details of materials and colours for buildings; lighting details (to minimise visual impacts); restrictions on outside waste storage; ecology (e.g. bats); archaeology (flexible watching brief); and implementation of site redevelopment strategy; and

- (b) the Planning and Environment Manager be recommended to provide suitable alternative arrangements for waste disposal in the neighbourhood during the period when the site is closed.

119. Application SW/05/744 – Extension to mineral workings with restoration by landfill at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Isle of Sheppey; Waste Recycling Group Ltd

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

(Mr A D Crowther was present for this item pursuant to Committee Procedure Rule 2.24 and spoke).

- (1) Two letter from the Environment Agency dated 2 September and 2 December 2005 had previously been circulated.

(2) Mrs D Payne (Kent Against Toxic Tippings), Mr J Stanford (a local resident) and Mr A Cooper (representing Eastchurch Parish Council) addressed the Committee in opposition to the application. Mr J Leeson (SR Consulting) spoke in reply on behalf of the applicants.

(3) The Head of Planning Applications Group informed the Committee that paragraph 3 or the report contained an outdated description of the site. The correct version was to be found in paragraph 14.

(4) Mr A R Bassam moved, seconded by Mr J B O Fullarton that the recommendations of the Head of Planning Applications Group be agreed.

(5) The Chairman moved as an amendment that Draft Heads of Agreement 3 in Appendix 2 be amended to add that in the event of KCC's bid under the LTP for up to £20,000 being turned down, the financial contribution be increased to up to £20,000.

Amendment Lost

(6) On being put to the vote the motion in (4) above was carried unanimously.

(7) RESOLVED that permission be granted to the application subject to the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 2 of the report, the applicants meeting the County Council's reasonable legal costs associated with this agreement and to conditions covering amongst other matters: date for implementation (3 years); duration of the permission (end of 2015 for landfilling and end of 2016 for restoration); requirement for annual progress reports; removal of the waste treatment facility, buildings, plant, machinery and access roads when no longer required for site operations; maximum depth of extraction (35m AOD); wastes being limited to boiler ash and APCRs from the Allington EfW facility; hours of operation; noise and dust controls; vehicle movement restrictions; measures to minimise any adverse effects associated with the landfill gas and leachate control infrastructure; measures to minimise mud, dust and other debris being deposited in the highway (including installation, maintenance and use of a wheel wash); implementation of proposed improvements to the site access; maintenance of site visibility splays; detailed restoration and aftercare schemes; lighting details (to minimise visual impacts); details of colour(s) for the conditioning plant and any other buildings and plant; details of surface water and foul drainage; appropriate soil handling and archaeology.

120. Proposal SW/05/1278 – Retrospective application for the erection of 2 mobile classrooms and toilet unit at Minster College, Minster Road, Minster-on-Sea, Sheppey; KCC Education and Libraries
(Item D1 – Report by Head of Planning Applications Group)

(1) A photograph showing the landscaping boundary between the college and the nearest housing was tabled.

(2) RESOLVED that permission be granted to the proposal, subject to conditions requiring removal of the mobile classrooms and toilet block from the site by 30 December 2010; the development being carried out in accordance with the permitted details; a condition requiring the opaque film on the windows to be maintained; and a scheme of landscaping being submitted and approved.

121. Proposal SW/05/1299 – Outline application for clearance of site and erection of new building to accommodate 6 supported apartments for those with learning difficulties, and provision of associated car parking at land off Sumpter Way, Lower Road, Faversham; KCC Education and Libraries
(Item D2 - Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group reported correspondence from Swale Borough Council raising very strong objections to the proposal. He recommended to the Committee that consideration of this matter should be deferred to enable officers from the two authorities to discuss these objections in detail.

(2) RESOLVED that consideration of the proposal be deferred.

122. Proposal SH/05/1165 – Erection of a single storey extension to form 8 classrooms and ancillary accommodation, a two storey extension to form youth club and external hard and soft landscaping to serve the school at Hythe Community School, Cinque Ports Avenue, Hythe; Governors of Hythe St Leonard's CEJ School, Governors of Hythe Community School and KCC Education and Libraries
(Item D3 - Report by Head of Planning Applications Group)

RESOLVED that recommend that permission be granted to the proposal subject to conditions including the standard time condition; the development being carried out in accordance with the approved plans; the external materials matching those used in the recent classroom extension; the submission and approval of a scheme of landscaping; tree protection; the submission of existing and proposed levels for the playing field; the submission of a revised school travel plan and its subsequent implementation; and the provision of pedestrian vision splays.

123. Proposal DO/05/729 – Two storey business resource centre including associated hard and soft landscaping and enhanced car parking at St Edmund's Catholic School, Old Charlton Road, Dover; Governors of St Edmund's Catholic School and KCC Education and Libraries
(Item D4 – Report by Head of Planning Applications Group)

RESOLVED that permission be granted to the proposal subject to conditions including the standard time condition; the submission and implementation of a scheme of landscaping; the development being carried out in accordance with the approved plans; hours of use of the café of 0830 to 1730 hours Mondays to

Saturdays with no use on Sundays and Bank Holidays; the submission of details of external materials; the submission of details of the external play area, café space and piazza; hours of use of the external areas of up until 1630 Mondays to Fridays with no use on Saturdays and Sundays; hours of use of the building (except the café) of up until 2100; the securing of the implementation of a programme of archaeological work in accordance with a written specification and timetable; the provision of a close boarded timber fence along the site boundary with the properties in Stanhope Road; noise limit for the mechanical services plant and a necessary scheme of attenuation; the external door to the café and internet area being kept closed after 1630 hours and no music being played in the cafe.

- 124. Proposal AS/05/1490 – Fencing works to the new playing field at Cradle Bridge Farm for The Norton Knatchbull School, Hythe Road, Ashford; Governors of Norton Knatchbull School and KCC Education and Libraries**
(Item D5 – Report by Head of Planning Applications Group)

RESOLVED that permission be granted to the proposal subject to conditions including the standard time limit; the development being carried out strictly in accordance with the plans; and the submission of details of any impacts on the existing planting.

- 125. Proposal TM/04/3388 – Details of site and finished floor levels for new school and amendments to teaching barn 3 at Hugh Christie Technology College, White Cottage Road, Tonbridge ; KCC Education and Libraries and Kent Education Partnership**
(Item D6 – Report by Head of Planning Applications Group)

RESOLVED that approval be given to the details of site and finished floor levels and to the amendments to the floor plan and elevations at the north west end of teaching barn 3, as amended and amplified.

- 126. Proposal SE/05/1871 – Alterations and extensions to the existing school building to provide additional accommodation and external works to form new car park and play areas at Milestone School, Ash Road, New Ash Green, Longfield; KCC Education and Libraries**
(Item D7 – Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group reported the receipt of correspondence from Hartley Parish Council raising no objections and from Ash-cum-Ridley Parish Council maintaining their objection.

(2) Mr M West from Ash-cum-Ridley Parish Council and the SMILE Centre Management Committee addressed the Committee in objection to aspects of the proposal.

(3) RESOLVED that the application be referred to the Deputy Prime Minister as a departure from the Development Plan and in accordance with the Playing Field directions, and that, subject to his decision, permission be granted to the proposal subject to conditions including the standard time condition; the submission of external materials to be used; the submission of a detailed landscaping scheme; detailed reservation of parking spaces; and the development being carried out strictly in accordance with the approved plans.

127. Proposal SE/05/2023 – Single storey extensions to the existing hall at St Lawrence CE Primary School, Stone Street, Seal; Governors of St Lawrence CE Primary School and KCC Education and Libraries
(Item D8 – Report by Head of Planning Applications Group)

- (1) A letter from the St Lawrence Residents Association was tabled. The Head of Planning Applications Group reported the view of the Local Member, Mr N J D Chard that the proposal represented the best pragmatic solution.
- (2) Mr C Milligan from Seal Parish Council addressed the Committee in opposition to the proposal. Mrs S Hudson, Chairman of Governors spoke in reply.
- (3) RESOLVED that permission be granted to the application as amended, subject to the standard time condition; the submission of details of external materials to be used; the submission of a landscaping scheme; and the development being carried out strictly in accordance with the approved plans and specifications.

128. Proposal AS/05/1525 – Demolition of single storey canteen block and the construction of a new single storey detached youth centre and detached garage at The North School, Essella Road, Ashford; KCC Education and Libraries and KCC Youth and Community Services
(Item D9 – Report by Head of Planning Applications Group)

RESOLVED that subject to the submission of a detailed drawing of the agreed changes to the width of the Mabledon Road access, permission be granted to the proposal subject to conditions including the standard time limit; the development being carried out in accordance with the approved plans; the submission, approval and subsequent implementation of a landscaping scheme; the submission and approval of all materials to be used externally; details of external lighting and CCTV provision; details of fencing; details of a programme of construction works; provision of a vehicle turning area; details of sound insulation for the Youth Centre; details of the cycle and bin store being submitted; details related to protected species survey being submitted; all windows in the music rooms remaining shut during use; and the site not being used for any other purpose than that applied for.

129. County Matters Dealt with Under Delegated Powers
(Items E1-E6 – Reports by Head of Planning Applications Group)

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

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

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Development of new waste transfer station and modification of existing household waste recycling centre at Dunbrik, Nr Sevenoaks, Kent – Planning Application SE/05/2526

A report by Head of Planning Applications Group to Planning Applications Committee on 17 January 2005.

Application by Mr John Durnell, Darent River Ballast Company Limited, for the cessation of existing green waste composting facility and transfer station, with redevelopment of a new transfer station, modification of the existing household waste recycling centre and improvements to the landscaping of the site at Dunbrik, Nr Sevenoaks, Kent.

Recommendation: Subject to no intervention by the Secretary of State and the prior completion of a legal agreement to secure the Heads of Terms given in Appendix A, conditional planning permission be granted.

Local Member: Mr R Parry

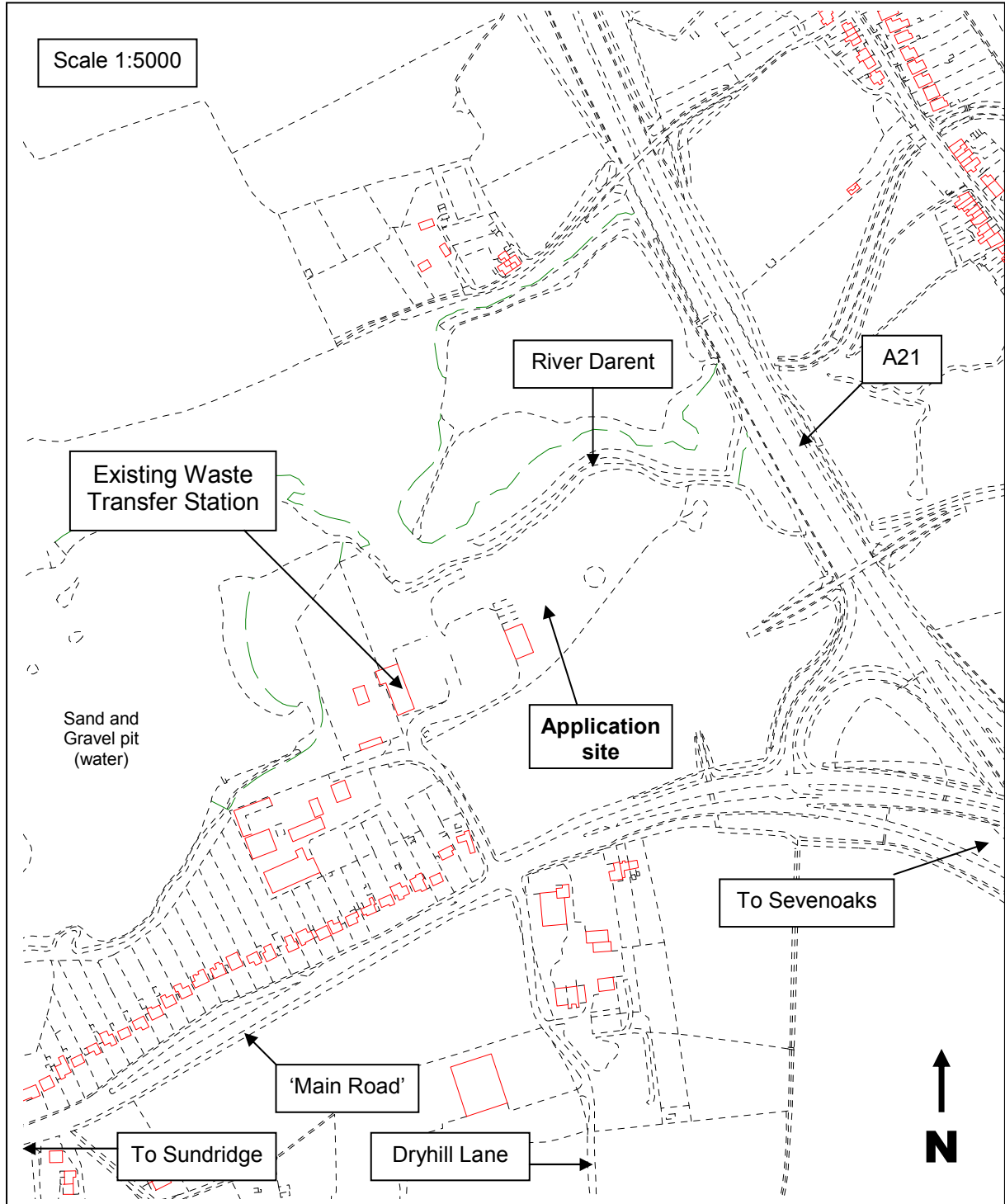
Unrestricted

Site description and background

1. The application site comprises an area of 1.6 hectares and is located to the north of Main Road, Sundridge. The larger eastern part of the site is currently occupied by a green waste composting operation and the remainder is used as a Household Waste Recycling Centre (HWRC). To the west is the existing waste transfer station (WTS), the access out to the A25 and a number of other uses including a Sevenoaks District Council Depot, two private builders yards and a private fishing lake. The River Darent is located immediately to the north of the site, and the A21 to the east. The boundary of the nearest residential property is approximately 50 metres away. The site lies within the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area. It is also within an Aquifer Protection Zone and land susceptible to flooding and to landfill gas. A site location plan is attached.
2. The site has served a waste disposal function since the 1960's following an earlier history of mineral extraction. In 1991 planning permission was granted for a Waste Transfer Station and household waste recycling centre (SE/90/1302). The transfer station resulted in the change of use of a part-built office/store building. Planning permissions were granted for a green waste composting facility on parts of the site in 1992 and 1994 (SE/91/1958 and SE/94/113) and these have more recently been subject to revised operational arrangements (SE/03/902 and SE/03/1180). Permissions have also been granted over the last few years for additional opening hours and temporary office accommodation for the household waste recycling centre, and for new recyclables storage bays at the transfer station.

Item C1
Development of new waste transfer station and modification of
existing household waste recycling centre at Dunbrik, Nr
Sevenoaks, Kent – SE/05/2526

Location Plan



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Development of new waste transfer station and modification of existing household waste recycling centre at Dunbrik, Nr Sevenoaks, Kent – SE/05/2526

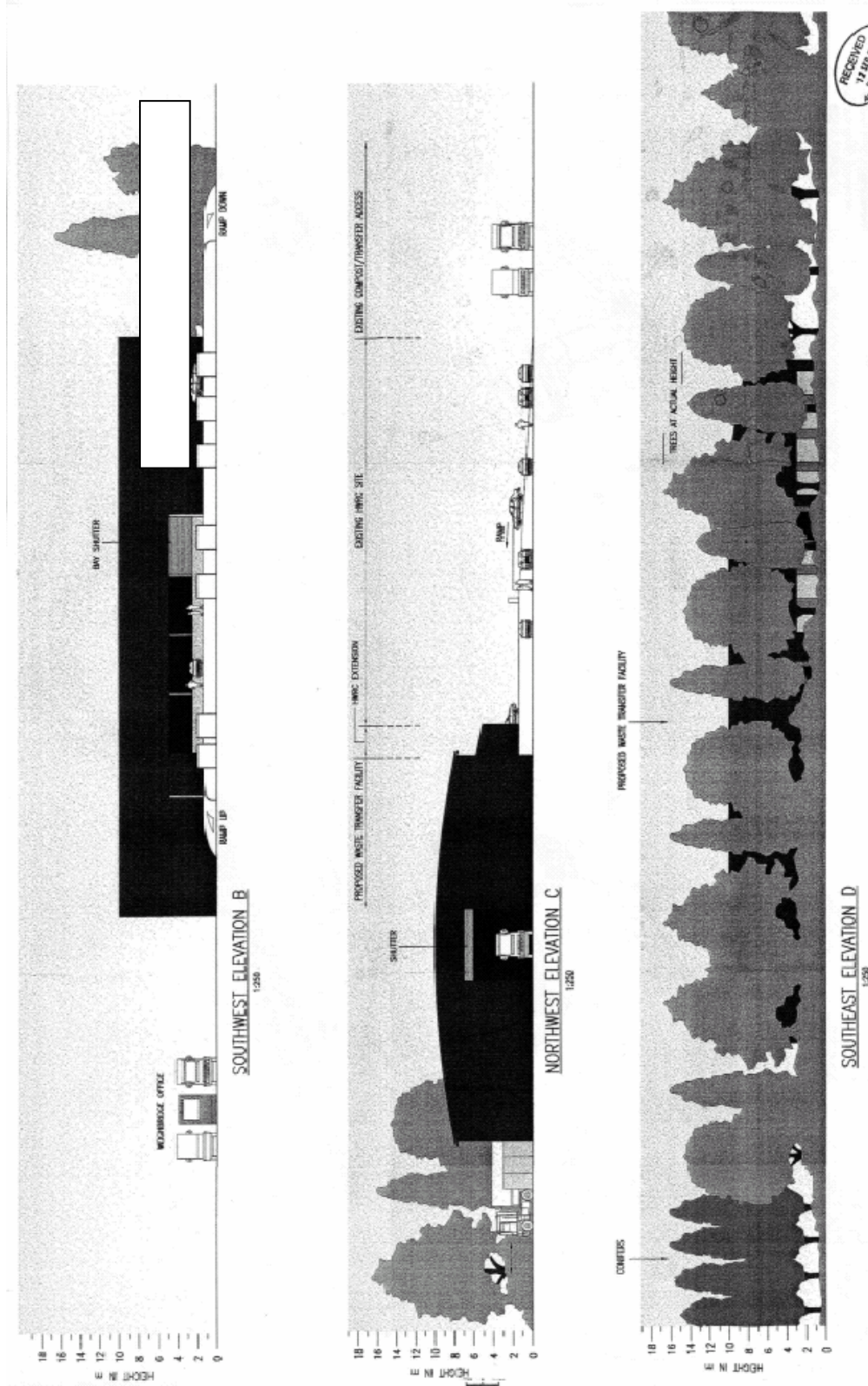
Applicant's Original Site Plan

Development of new waste transfer station and modification of existing household waste recycling centre at Dunbrik, Nr Sevenoaks, Kent – SE/05/2526

Applicant's Revised Site Plan

Development of new waste transfer station and modification of existing household waste recycling centre at Dunbrik, Nr Sevenoaks, Kent – SE/05/2526

Elevations



Development of new waste transfer station and modification of existing household waste recycling centre at Dunbrik, Nr Sevenoaks, Kent – SE/05/2526

Elevations 2

Development of new waste transfer station and modification of existing household waste recycling centre at Dunbrik, Nr Sevenoaks, Kent – SE/05/2526

Proposal

3. The Darenth River Ballast Company Limited is applying to discontinue the green waste composting operation at the application site, and develop a new Waste Transfer Station (WTS) to replace the existing one, next to a modified (existing) Household Waste Recycling Centre (HWRC).

Need for a new transfer station

4. The applicant states that the present operator of the waste transfer station, SITA, experiences difficulties in processing the volume of waste it collects from the Sevenoaks area in the present small building, to the extent that activities cannot be confined to the building itself without great difficulty. There is a need for a larger transfer station that could operate at the highest environmental standards now required. The applicant refers to the expansion of kerbside collections of recyclables and green waste, and the need to separate potential feedstock for the Allington energy from waste plant and waste going for landfill. A new WTS facility would also need sufficient capacity to allow any future inclusion of materials recovery machinery.

Site selection

5. An assessment of possible alternative sites for the proposed waste transfer facility has been undertaken by the applicant. Sites within settlement boundaries, on allocated industrial land and 1.5 – 2 hectares in size and above were considered. Within the defined urban area of Sevenoaks, only two potential sites were identified. Industrial land off Otford Road was found to be more suitable for B1/A1 uses and the West Kent Cold store site at Dunton Green is in close proximity to housing. Beyond the urban area there is a rural industrial site at Kemsing known as Chaucer Business Park. This is in the Green Belt and accessed via relatively narrow rural roads. Brasted Sand Pit is also in the Green Belt, with little existing built development, and vehicles would have to pass through Brasted village. The applicant therefore concludes that the application site is the best option for the foreseeable future.

Modified recycling centre

6. The existing HWRC comprises ground level recycling banks and skips and spaces for members of the public to park and deposit materials into these containers, including a raised area (approx. 1.7 m above ground level) accessed by one way entry and exit ramps. A two storey 'demountable' style building provides facilities for site staff. The applicant would modify the existing HWRC to provide additional high level space for members of the public to deposit materials over a tipping wall into the proposed new waste transfer building. The modified HWRC would take up an area of 0.32 ha.

Waste transfer facility

7. The current transfer operation provides a basic waste management facility where waste generated in the local area is deposited temporarily and waste with a similar nature or common destination can be bulked up for onward transport. The waste arises from Sevenoaks District Council as Waste Collection Authority and waste generated by commercial and industrial sources.

Development of new waste transfer station and modification of existing household waste recycling centre at Dunbrik, Nr Sevenoaks, Kent – SE/05/2526

8. For the proposed WTS, the applicant intends to continue to accept waste from municipal and private sources. The applicant estimates that the average annual waste input would be 100,000 tonnes for the new WTS with 20,000 tonnes of householder waste going into the HWRC. The two facilities would accommodate 2500 cu metres and 400 cu metres of waste respectively at any one time. The proposed WTS take up 0.72 ha of the application site and would include:
- a weighbridge complex;
 - an enclosed transfer building with vehicular access and loading bays, and closable shutters on building openings;
 - car parking for site operatives and those visiting for operational reasons;
 - external semi-permanent bays linked to the building to allow bulking and storage of inert waste materials;
 - a one-way road system for vehicle access; and
 - the retention of the existing external paved area for use as a storage area for plant and equipment, such as empty recycling containers.
9. The applicant proposes to retain, where possible, the existing ground level – with a 1 in 90 fall to the south east, with tarmac and block paving – to minimise new construction works. Due to the slight risk of flooding, land near to the new transfer building would be made up by about 0.7 metres to coincide with the required ground floor level of the building.
10. The building itself would be 60 by 40 metres in dimension, with the south east corner chamfered due to the confines of the site boundary. The building would be approximately 10 metres high (to the centreline of the barrel vault roof) curving down to 8 metres at the eaves. A low level canopy would provide shelter for members of the public (in the HWRC) using the opening in the western side of the building to deposit waste. The building would be clad in a profiled steel sheeting system with a suitable colour scheme in matt finish.

Access

11. The existing private access road from a dedicated junction with the A25 would be used for the new development (0.12 ha). This road junction was upgraded around 12 years ago prior to the establishment of the green waste composting facility. The applicant states that vehicle movements associated with the modified HWRC would remain substantially the same¹, but that they are likely to increase in the longer term whether the site is modified or not. Vehicle movements associated with the WTS would increase over time and are expected to exceed the current, combined WTS / green waste composting movements.² The applicant states that vehicle movements associated with the Sevenoaks District Council Depot and the building and construction yards onto the A25 via the private access road would remain at about 508 movements (254 in/254 out).

¹ Average movements 1172 (586 in/586 out) and estimated peak movements (i.e. Easter period) 1954 movements (977 in/977 out).

² The applicant estimates that 88 combined WTS / green waste composting movements in 2005 (44 in /44 out) would rise to 94 (47 in/47 out) by 2020 without the proposed development and that the proposed new WTS would give rise to 112 movements (66 in/66 out) by 2020.

Development of new waste transfer station and modification of existing household waste recycling centre at Dunbrik, Nr Sevenoaks, Kent – SE/05/2526

Ten parking spaces would be provided for WTS staff (projected to be 6-7 in number for the joint WTS / HWRC) and visitors.

Environmental mitigation

12. The applicant states that existing, impermeable surfacing in the green waste composting area would be retained, where possible, and new engineered areas would provide an equivalent standard of protection. An oil and silt interceptor would be used and a new discharge outfall (to the River Darent) would need to be constructed. The waste handling areas would be drained to the foul sewage system. A Flood Risk Assessment has been submitted with the application. New planting would be provided to screen the building and site from inward views. As a result of concerns about the adequacy of the planting initially proposed, the applicant has submitted revised landscape proposals which include a predominately linear area of new planting along the boundary with the River Darent, together with some additional reinforcement of existing planting at other locations. It has also agreed to undertake a tree and vegetation survey to inform a management plan and to manage surrounding vegetation in the long term.

Environmental controls

13. Odorous waste materials would be contained within the proposed building, whilst openings to the building would have closable shutters. An odour suppression system would be incorporated into the dust suppression system. Vehicle noise is expected to remain similar to that experienced now. The main building opening would face away from the nearest sensitive receptors. Containment would be provided to prevent litter nuisance. External lighting would be required and would be designed to minimise light pollution. Hours of operation would be:

	<i>Waste Transfer Station</i>	<i>Household Waste Recycling Centre</i>
Monday-Friday	0700-1800 hrs	0800-1630 hrs (with opening until 2000 hrs on Wednesdays April-Sept)
Saturday	0700-1500 hrs (-1600 hrs following a bank holiday)	0800-1630 hrs
Sunday/Public Holidays	No operation	0900-1600 hrs (closed Christmas Day, Boxing Day, 27 Dec & New Year's Day)

Planning Policy & other Material Planning Considerations

14. See the relevant plans and documents for full policies.

- National Planning Policy – the most relevant National Planning Policies are set out in PPG2 (Green Belts), PPS10 (Planning for Sustainable Waste Management), PPG25 (Development and Floor Risk) and Waste Strategy 2000 (as amended);
- Regional Planning Policy – the most relevant Regional Planning Policies are set out in RPG9 (South East England) and the 'Proposed Changes to the RPG for the South East – Waste and Minerals' including policies: W1, W3, W4, W5, W6, W7, W16 and W17;
- Kent Structure Plan (1996) including policies: S1, S2, ENV1, ENV2, ENV3, ENV4, ENV7, ENV15, ENV20, ENV21, ENV22, MGB3, NR3, NR5, T17 and T18;

Development of new waste transfer station and modification of existing household waste recycling centre at Dunbrik, Nr Sevenoaks, Kent – SE/05/2526

- Kent & Medway Structure Plan (Deposit) (Proposed Modifications, August 2005) including policies: SP1, SS7, SS8, E1, E3, E4, E5, E9, E12, QL1, TP11, TP14, NR7, NR9, NR0, WM1, WM2, TP2, TP10 and TP19;
- Kent Waste Local Plan (1998) including policies: W1, W2, W3, W4, W6, W9, W16, W18, W19, W20, W21, W22, W23, W24, W25 and W26;
- Sevenoaks District Local Plan (to March 2000) including policies SD1, EN1, EN2, EN6, EN7, EN12A, EN12B, NR2, NR3, NR5, NR6, NR10, NR11, NR15, NR16, NR17A, GB1, GB2, GB4, T8 and VP1;
- Sustainable Management of Household Waste Joint Strategy for Kent (November 2002).

Consultations**15. Sevenoaks District Council:** Comments as follows:

“Although the site and adjacent land is within the Green Belt and an Area of Outstanding Natural Beauty, given the established nature of the present uses and their incompatibility with built-up areas, the District Council raises no objections in principle to the development. This is subject to normal conditions controlling the materials to be used in the new building, landscaping and surfacing as well as those relating to operational matters. The Council also requests that a condition is included requiring the removal of the existing building which would be redundant when the new structure is completed. This is considered to be especially important in terms of the Green Belt and AONB policies.”

16. Chevening Parish Council: No objections “subject to prior improvements being made to the access from/to the A25 and an assurance that the ‘new’ site will only be available to residents of the Sevenoaks District Council area due to traffic considerations”.**17. Sundridge with Ide Hill Parish Council (neighbouring Parish):** Comments as follows:

1. Buildings – The fact that the site is within the AONB and Green Belt should be taken into account. It has long been accepted that the existing waste transfer building is too near to housing and too small for its use. Should the application be approved, we would expect a condition that the old building be taken down. Screening the new building with appropriate trees would be important.
2. Operations in the new building – The proposed building should provide sufficient space for the intended separation exercise (of recyclables, combustibles & non-combustibles), as a building of insufficient capacity would cause major problems.
3. Eastern end of the site – It has been suggested at a recent site meeting that the significant open area in the east of the site could be used by Sevenoaks District Council for parking of vehicles and machinery. This implies a change of use for which a separate planning application to Sevenoaks as planning authority should be submitted.
4. Traffic dangers at A25 junction – This is a very dangerous junction with many accidents and near misses, due to the volume of traffic accessing the Dunbrik site. The traffic visiting the business and residential premises to the south of the A25 and on Dryhill Lane (including the expanded Select Garden Centre and Pet Store, Coblands Nurseries, Dryhill Picnic Park, etc) all has to cut into and across the heavy traffic on the A25. Following yet another recent serious accident, the Parish Council

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has been pressing for this junction to be completely redesigned and perhaps traffic lights installed, or failing that a roundabout. Whereas the proposal under consideration forecasts a short term reduction in traffic, it is expected this would soon build up again to existing levels because of pressure to increase recycling. There would be no reduction in traffic using the A25. The Parish Council urges KCC to address these problems of highway safety as a condition of any permission granted.

Subject to the above points the Parish Council would welcome the cessation of the green waste composting activity, which has caused many complaints over the years, although it is acknowledged there has been an improvement more recently.

18. South East England Regional Assembly (SEERA): Comments as follows:

- The County Council should be satisfied that alternative provision for green waste composting can be made nearby, in line with policies W4 and W6 of the Government's Proposed Changes to the Regional Waste Strategy and key development principles 3 and 8 of RPG9;
- The County Council should be satisfied that the development would not compromise the objectives of the North Downs AONB, and is in line with the provisions of policy W17 of the Government's Proposed Changes to the Regional Waste Strategy. It should ensure that, through the landscaping scheme and where necessary other measures, the character and appearance of the AONB is protected and enhanced;
- Although the development of waste management facilities in the Green Belt is not precluded by policy W17 of the Government's Proposed Changes to the Regional Waste Strategy, it is accepted that proper regard must be had to the objectives of Green Belt policy. The County Council must be confident that this proposal does not serve to undermine those objectives, particularly given the apparent increase in floor space/built development on the site;
- The County Council should ensure that the Environment Agency is satisfied with the content and conclusions of the applicant's flood risk assessment before determining the application, to accord with Policy INF1 of RPG9;
- Should permission be granted, the County Council should ask the applicant to provide information on the sources of material being stored/processed by the waste transfer station, to allow monitoring in terms of the contribution of the facility to regional and sub-regional self sufficiency (policies W3 and W4 of the Government's Proposed Changes to the Regional Waste Strategy).

19. Environment Agency: Provides advice and requires the imposition of certain conditions as follows:

- The site is adjacent to the River Darent but recent computer modelling of this river has determined the 1 in 100 year flood level between 77.7 and 77.9 at the upstream and downstream ends of the site. The ground levels are above these levels so would not be affected by flooding.
- The application indicates that the additional surface water from the development, particularly from the larger roof area would be discharged directly into the river. The Agency would wish to see the discharge rate to be controlled so it is no greater than that from the current development. A condition to require details of surface water drainage works should therefore be imposed.

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- The building should be constructed to limit any potential flood damage, including raising electrical sockets and using flood resistant materials. The Agency would want conditions requiring details of the flood resistant design and construction of the building to be submitted for approval.
 - A scheme for the disposal of foul and surface water should be submitted for prior approval.
 - The Agency advises that the development is very close to the watercourse in a few places and that it would object to any proposals for artificial bank work in the future should the watercourse erode the southern bank.
 - A management plan for the control of Japanese Knotweed should be submitted for prior approval and commenced before development proceeds.
 - A condition requiring that the new landscaping associated with the scheme should be of local provenance and follow Kent Downs AONB Landscape Guidelines should be imposed.
20. **Countryside Agency:** No formal representations. However, to ensure that the proposal does not adversely affect the character of the surrounding Kent Downs AONB, we recommend strongly that consideration should be given to the following aspects:
- The potential impacts of the scheme on landscape character and visual amenity;
 - That the design of the proposal respects and enhances local character;
 - The potential impacts of the scheme on recreation and access in the area;
 - The short term effects of construction of the scheme.
21. **South East Water plc:** No objection providing that the design and construction of the site drainage system prevents discharge of potentially contaminated water into the underlying aquifer by way of infiltration. Advice should be sought from the Environment Agency on this matter.
22. **Biggin Hill airport operator:** No comments received.
23. **Kent Highway Services:** The applicant states that there is no need for improvement of the existing access onto the A25. The predicted growth in overall vehicular traffic is only marginally higher than if the development is not implemented. An examination of the five year crash history for this junction shows five crashes, each resulting in only slight injury. Only one of these crashes involved vehicles using the access to the household waste and recycling centre. In terms of car parking, based on the draft Kent vehicle parking standards, the predicted six to seven staff members, and the nature of the proposed operation, a maximum provision of 10 spaces would appear to be satisfactory.
24. **Landscape consultant:** No objection to the revised layout plan, which shows an enhanced area of planting and would allow a significantly improved area of planting to screen the development and increase the balance of hard and soft, subject to the following: a detailed survey and report of the existing tree belt on the south eastern boundary and new planting proposals based on that survey; a management plan for the tree belt; details of tree protection during construction; and a detailed planting specification using native species characteristic of the area.
25. **Environmental consultant (noise/dust/odour):** No objection subject to the submission and implementation of a dust suppression scheme (which should also incorporate odour suppression agents), the roller shutter doors being kept closed when not in use (to

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minimise the potential for odours/dust/noise), a time limit on the storage of putrescible waste on site with none stored over weekends and other periods when the waste transfer would be closed. It is noted that a 'one-way' system for waste vehicles in the building is proposed, which should remove the need for reversing alarms.

26. KCC Waste Management Unit: Supports the proposals:

- The Waste Disposal Authority has a statutory duty to seek provision for the disposal of domestic waste disposal arisings in Kent. Under the provision of existing contractual arrangements there is the option to divert material away from the final disposal to landfill and to feed into the imminently operational Allington EfW facility. However some waste will not provide a suitable feedstock for the EfW plant and will need to be separated, for which floor space is required. The proposed new facility would have the operational space and layout to become fully flexible and functional.
- In principle therefore the Waste Disposal Authority welcomes the additional handling and processing capacity for this category of waste which would provide an increased choice, together with operational flexibility, and a reduction in waste haulage in Kent, and the export of waste from Kent.
- At present some 35% of all domestic waste is exported, mainly to Essex and this does not fit well with the 'proximity principle'. It is the aim of the County Council to dispose of not less than 90% of household waste within the County by the year 2008. The 'Joint Strategy for the Sustainable Management of Household Waste for Kent' clearly identifies a requirement to reduce the amount of waste being sent to landfill in order to be able to meet strict Government targets.

27. County Archaeologist: No objections.

Local Member

28. The local County Member, Mr R. Parry, was notified of the application on 4 October 2005.

Publicity and Representations

29. The application has been advertised by way of a site notice and a newspaper advertisement, and nearby residential properties have been notified individually by letter. One letter of representation has been received and is summarised below:

- "Modification" sounds OK as long as it does not encroach on any more land than at present. If it involved any increase in traffic congestion at any time then I strongly protest. The depot entrance is on the very busy A25 with lively commercial outlets opposite creating their own traffic problems. Problems are also created when the M25 is closed or backed up; the A25 is the only east-west alternative route.

Discussion

30. This application is for a replacement Waste Transfer Station and modification to the existing Household Waste and Recycling Centre. The application represents a departure from the Development Plan. It proposes a large new building on land that lies

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within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty and a Special Landscape Area. There is as a strong policy presumption against such development in the Green Belt and an imperative to retain 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.

31. 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.
32. 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.
33. Of particular relevance to proposals for waste transfer stations is Kent Waste Local Plan Policy W9. This policy sets out a number of sites deemed suitable for waste separation and transfer operations (a list that does not include the Dunbrik site, but equally does not allocate any other sites in Sevenoaks District). It goes on to detail the criteria that should be used for assessing proposals at locations other than those listed, namely whether they seek to minimise impact on the local and natural environments; have, or could secure in an acceptable way, ready access to the main road network; and are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial-type area.
34. 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: the need for waste transfer facilities, the sources of waste and proximity principle, location (including the site's location in the Green Belt, AONB and SLA), amenity impacts (odour, dust, noise), access, landscape and visual impacts, natural environment and flood risk.

Need for waste transfer facilities

35. The existing Dunbrik WTS provides a waste sorting, bulking and transfer facility for the Sevenoaks area. Permission was granted in 1990 and since then the amount of waste

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produced by householders has increased year on year. The present operator of the WTS, Sita, experiences difficulties in processing the volume of waste collected from the Sevenoaks area in the present small building, to the extent that activities cannot be confined to the building itself without great difficulty and there is limited scope for separation of the waste stream. Waste separation is increasingly required to meet government recycling targets. I accept that the existing WTS is no longer suitable for the amount of waste collected and the methods required to manage it and that there is a demonstrable need for a larger modern waste transfer facility to serve the Sevenoaks area. The issue is whether the site at Dunbrik is the right location for a new facility.

36. The proposed transfer station would involve the loss of the green waste composting operation at Dunbrik. Although this has generated complaints in the past due to odour problems (until a revised scheme of working was implemented), it represents a valuable treatment option for green waste that is higher up the waste hierarchy than landfill and incineration. SEERA would want a replacement facility in place before the Dunbrik operation is terminated. However, I am aware that at any point the operator or landowner could choose to cease operations, existing contracts permitting, and that it could take considerable time for a new site in the Sevenoaks area to be brought forward. On balance I do not consider that a direct replacement site is necessary in order for the proposal to be acceptable in planning terms. Nevertheless, I would advise that planning permissions for additional composting capacity have been granted at Blaise Farm in neighbouring Tonbridge and Malling Borough (ref. TM/03/1155) and at Greatness Quarry, Sevenoaks (SE/00/2739). The Blaise Farm facility was designed to accept green waste from four Districts, including Sevenoaks, and the planning permission was conditioned accordingly. Additionally, a permitted composting facility also exists not far from the application site outside the County in Bexley.

Sources of waste and proximity principle

37. The existing HWRC is designed to serve Sevenoaks District and the modified facility would continue to do the same, albeit with a slightly increased capacity for householder vehicle throughput. The existing WTS takes waste from Sevenoaks District Council (SDC) as the Waste Collection Authority, and the proposed facility would continue this and be able to accept regular collection waste, kerbside recyclables and general putrescible 'black bag' waste. I am satisfied that the above waste sources are in line with the proximity principle.
38. The proposed WTS would also accept an element of commercial and industrial waste brought to the site by the holder or a third party waste haulier from the Sevenoaks area, however, the majority of waste would arise from the SDC household waste collections. The proposed sources of incoming waste would therefore be local and would also be in line with the proximity principle.
39. In terms of the destinations of sorted waste, a large quantity of waste material would be transported to the Allington EfW facility in Maidstone. In granting permission for that facility, the sources of waste (including waste from the Sevenoaks collection area) was taken into account and accepted as the BPEO. That element of the Dunbrik waste which would be unsuitable as EfW feedstock would continue to be landfilled. Finally, glass and other dry recyclables would be collected and transported to the most appropriate recycling facilities, again, continuing the present arrangement. If planning permission is granted, appropriate

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planning conditions would need to be imposed to ensure that the facility remained proximate to waste sources.

Location

40. This section assesses the proposal against planning policies and guidance relating to the application site's location in the Green Belt, an AONB and an SLA, examines the applicant's consideration of alternative sites for a new WTS, and assesses whether the proposal meets the locational requirements in Waste Local Plan Policy W9.
41. With respect to Green Belt land, PPG2 sets out a general presumption against inappropriate development and this is reinforced by Kent Structure Plan Policy MGB3, Waste Local Plan Policy W4 and emerging Kent and Medway Structure Plan SS9. Policy MGB3 outlines circumstances where the construction of new buildings might be appropriate, none of which are relevant to the Dunbrik site. It also states that any development approved within the Green Belt will be required to be designed and sited so as to maintain the open character of the area and should not conflict with the purposes of including land within the Green Belt.
42. With respect to the AONB and SLA designations of the land, Structure Plan Policies ENV3 and ENV4 require the long-term protection of these areas. In AONBs, priority will be given to the conservation and enhancement of natural beauty over other planning considerations. Proposals for development which would be inconsistent with the conservation of natural beauty will be weighed in the light of their importance in securing the economic and social well-being of the area. Waste Local Plan Policy W2 states that waste management proposals will not be permitted if they would cause a significantly adverse impact in AONBs and SLAs.
43. In order to justify developing a site on land subject to the above designations the applicant should demonstrate that there are no suitable sites outside these designations that could be developed instead of the application site and no more suitable sites within these designations. The applicant has assessed the merits of a number of other potential sites in the Sevenoaks District. These include industrial land off Otford Road, the West Kent Cold store site at Dunton Green, Chaucer Business Park at Kemsing and Brasted Sand Pits. For various reasons the applicant concluded that none of these sites were ideally suited for a waste management facility. I note that land off Otford Road was the subject of a planning application several years ago for a waste transfer facility. The application was withdrawn following an officer recommendation for refusal and the land in question is now largely used for a park and ride facility. The applicant concludes that the application site is the best option for the foreseeable future. Having regard to the information provided and my own analysis, I accept that conclusion.
44. Turning to the application site, there would appear to be an inherent conflict between the proposal for a large new building and the requirement to maintain the openness of the Green Belt and the natural character of the AONB/SLA. In order to properly understand the proposal, I asked the applicant to justify the need for a significantly larger building than the existing WTS. In response, the applicant states that the size of the building would allow for the sorting and bulking of waste materials and would have potential to accommodate machinery to assist waste diversion and handling, which may be required in the future. The applicant also states that "the building form has been designed to

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minimise the angular and unnatural forms that may be visible beyond the boundaries of the proposed facility, through a combination of a barrel vaulted roof, neutral colouration and siting within an area of the facility that offers the greatest potential for natural screening”. Given this justification, I conclude that a building of this size is required in order to serve the waste sorting and transfer needs of Sevenoaks District, and also that the proposed building has been designed to be sensitive to its setting.

45. Nevertheless, the requirement to maintain the open and natural character of the area remains. In order to respect this requirement I consider that it is important for the existing WTS building to be removed, to compensate for the loss of openness that would be created by the new building. While the existing WTS would no longer be required for the transfer of MSW in Sevenoaks, if the proposed development were implemented, the permitted use would nevertheless remain unless the relevant planning permission was formally revoked. The best way to secure this would be for the applicant / landowner to enter into a legal agreement (S106) with the County Council to this effect and agree to the revocation without compensation. Any legal agreement should also include the revocation of the various planning permissions for composting within the application site (again without compensation) and the removal of the existing WTS within a specified time period unless express planning permission were to be obtained for an alternative use. I consider that an appropriate time period for the removal of the existing WTS would be 12 months from the date of the proposed WTS becoming operational. The applicant / landowner has confirmed his willingness to enter a legal agreement to secure the cessation of the use of the existing WTS but has yet to agree that the existing building be removed.
46. With respect to the openness of the eastern end of the site, I note the proposed cessation of the composting operation and the consequential removal of the green waste windrows. This part of the site would be used for storage of plant and containers and the parking of vehicles. I consider that these proposed uses need to be controlled in the interests of maintaining openness and I note the applicant’s suggestion for a condition requiring that no plant or associated materials should be stored to a height greater than 2.5 metres above ground level. I would intend to use a similar condition if permission is granted.
47. With respect to the conservation and enhancement of natural beauty, I had concerns with the proposal as submitted regarding the limited amount of planting to compensate for additional built development. In response, the applicant has significantly increased the areas of new tree planting on site. Such planting would serve to screen the proposed building and operations and provide for biodiversity. I consider that the additional planting would assist in the enhancement of the natural beauty of the area and discuss this matter further under ‘Landscape and Visual Impacts’ below.
48. In relation to Policy W9, the proposed development would in my opinion comply with the requirement that waste sorting and transfer facilities are located within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial-type area, albeit that the land is not allocated for such uses in either the Waste Local Plan or Sevenoaks Local Plan.
49. To conclude, although the proposed development would be contrary to the Development Plan, I consider that it is designed so as to respect the openness of the Green Belt and the natural character of the AONB / SLA and I therefore raise no planning objections based on

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the policies that relate to these designations, subject to the imposition of the appropriate conditions and legal agreement.

Amenity impacts (odour, dust, noise)

50. The existing situation at Dunbrik involves a WTS operating at a level where it is proving difficult for the operator to contain all the waste management activities within the building. Although the proposal incorporates a larger waste transfer facility, it would be located further from the nearest residential properties on Main Road and would be designed to contain the majority of operations inside the building. Various mitigation measures are proposed by the applicant to minimise amenity impacts (e.g. all openings to the building to have closeable shutters, odour and dust suppression systems, fencing to control any litter). A detailed site operational working plan would also be developed to provide environmental controls during the operational phase of the development. These and any other necessary operational matters are capable of being addressed by condition if permission is granted and/or would be addressed by the waste management licence that would also be required.
51. Nevertheless, specific conditions to control amenity impacts would be required. In terms of hours of operation, Policy W26 of the Waste Local Plan states that hours of 0700 - 1800 weekdays and 0700 - 1300 Saturdays would normally be acceptable. The applicant's proposed hours (see paragraph 13) also include operations until 1500 hours (or 1600 hours following a Bank Holiday) on Saturdays and the opening of the HWRC to the public on Saturday afternoons and Sundays. As these additional hours are already in use under the existing consents, I would be minded to accept the proposed hours and include a condition to that effect. I would intend to attach a further condition which would require the closing of the roller shutter doors unless needed for access. Other than the operational controls referred to above, I do not consider that a specific condition to control noise from the site is necessary in this case.

Access

52. The Parish Councils and a local resident raise the issues of highway access to the site. The access would be via the existing junction with the A25. There are currently 76 vehicle movements per day associated with the transfer station. The applicant estimates that a new facility would generate 88 movements by 2010 increasing to 112 by the year 2020. This would be offset by the loss of the composting operation (12 movements per day), such that it would only be by 2013, according to the applicant, that vehicle movements from all the Dunbrik sites (including the District Council depot, builders merchants, etc) would exceed the current total movements. This however assumes the HWRC vehicle movements (currently 1172 per day on average) would remain the same, whereas a modified facility combined with a greater emphasis on recycling could generate more householder trips in the medium to longer term. The applicant believes that such increase would happen anyway whether the HWRC was modified or not.
53. The Divisional Transportation Manager has advised that the predicted growth in overall vehicular traffic would only be marginally higher than if the development is not implemented, and overall does not raise an objection to the proposal. Whilst I accept this advice I consider that it would be appropriate to impose restrictions on vehicle movements associated with the WTS. Since the application was assessed on the basis

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of an estimated maximum number of vehicle movements associated with the WTS (i.e. 112 movements), this would be the appropriate limit in this instance. Any traffic and other implications of any future proposals for the land on which the existing WTS lies would need to be assessed by the relevant planning authority should a further planning application come forward. It is not considered to be practicable to impose any restrictions on vehicle movements associated with the HWRC.

54. Finally, with respect to car parking, 10 spaces are proposed for staff and visitors and I find this provision acceptable in the light of the draft Kent vehicle parking standards and likely need at the site.

Landscape and visual impacts

55. The policy constraints referred to in the 'Location' section indicate the requirements for proposals in the Green Belt / AONB / SLA. The emphasis for the AONB / SLA is on the protection and enhancement of landscape character. In addition, Structure Plan Policy ENV2 requires the conservation and enhancement of the quality of Kent's environment, incorporating the visual environment, including as appropriate measures to minimise and where appropriate, mitigate, any adverse impacts arising from development and land use change.
56. Although the principle of siting a waste management facility in the AONB and Green Belt at this location is accepted, its detailed landscape and visual impacts must also be acceptable or have the potential to be made so. The site benefits from tree screening on its north, east and south sides and there are few locations where a clear view into the site could be obtained. Nevertheless, the proposed building would still be visible within the wider landscape, including possible views from the A25 during winter months when foliage on the predominately deciduous tree screen is absent. For this reason it is important that the external elevations of the building would blend into the surrounding landscape. The curved roof and intended matt green exterior of the building would in my opinion be an appropriate solution and I would propose to condition the precise choice of colour.
57. Overall, the County Council's landscape consultant has advised that the proposal would be acceptable in landscape terms subject to the implementation of the proposed additional planting, to compensate for the additional built development, if new planting and a management plan for the tree belt within the site were required by condition. The landscape architect is satisfied with these changes and requests that a detailed planting specification using native species is submitted in due course. Subject to suitable conditions to secure these and the other requirements set out at paragraph 24, I consider that the proposal would be acceptable in landscape and visual terms.

Natural environment

58. Structure Plan Policy ENV2 states the quality of Kent's environment will be conserved and enhanced, including ecological interests. Policy E8 of the emerging Kent & Medway Structure Plan requires the protection, maintenance and enhancement of important wildlife habitats and species. The application site lies adjacent to the River Darent corridor. Nevertheless, the site has been previously developed as a composting facility and the proposed development would not extend the area of hardstanding beyond that existing at present. The Environment Agency has requested that measures be taken to secure the

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submission and implementation of a scheme for the disposal of foul and surface water and a management plan for the control of Japanese Knotweed. It has also stated that it would object to any proposals for any artificial river bank in the future, should the watercourse erode the southern bank. Subject to the imposition of conditions to secure these matters, the development would be acceptable in terms of its implications for the natural environment.

Flood risk

59. PPG25 and Structure Plan Policy NR5 deal with flood risk, as does Waste Local Plan Policy W2. The application site lies within an Environment Agency area of flood risk designated as 'Floodzone 2', with a low to medium risk of flooding. The applicant has therefore undertaken a Flood Risk Assessment and also proposes to raise the level of the ground by up to 0.7 metres in order to create a level surface for the building. In commenting on the scheme, the Environment Agency predicts that a 1 in 100 year flood would not affect the site. The Agency is satisfied that the facility (with its roller doors) would prevent debris from entering the river in the event of an extreme storm. A flood prevention event procedure would be incorporated into the operational working plan. Subject to conditions as advised by the Environment Agency, including the submission details of surface water drainage works, flood resistant design and construction of the building, the proposals are acceptable in terms of potential flood risk.

Conclusion

60. The proposed development represents a departure from the Development Plan due to the policy constraints in place in the Green Belt and in AONBs / SLAs. The proposal therefore constitutes inappropriate development with a presumption against permission being granted. Very special circumstances need to be demonstrated in order that such development could be accepted.
61. Given the planning history of the site and in particular the extent of currently permitted built development, a demonstrable need for modern waste sorting and transfer facilities for Sevenoaks District waste arisings, and the lack of suitable alternative sites in the Sevenoaks area, I conclude that very special circumstances have been demonstrated in this case.
62. However, the proposal could only be accepted at this location if new planting areas are provided and managed in the long term and if the existing WTS operation is revoked and the building removed. These matters are capable of being addressed by condition and legal agreement and I await the applicant's agreement to enter into an appropriate legal agreement to secure all those matters that cannot be addressed by condition.
63. The location is sensitive with respect to traffic impacts, yet on the advice of the Divisional Transportation Manager I have accepted the development as proposed, subject to condition(s) on vehicle movements associated with the WTS. Subject to appropriate conditions (as detailed above and set out below), I raise no planning objection to the development in terms of amenity, ecology, flood risk and other factors, and I recommend accordingly.

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Recommendation

64. I RECOMMEND that the application be referred to the Secretary of State as a departure from the development plan and that SUBJECT TO no intervention by the Secretary of State and the prior satisfactory conclusion of a legal agreement to secure the Draft Heads of Terms set out in Appendix A that PERMISSION BE GRANTED SUBJECT to conditions including:

- the submission of details of the specification and colour of external materials;
- the submission of details of the flood resistant design and construction of the building;
- the submission of details of external lighting;
- the submission and implementation of a dust suppression scheme;
- the submission and implementation of a scheme of surface water drainage works;
- the submission and implementation of a scheme for the disposal of foul and surface waters;
- the submission of a full survey of trees on site, a scheme of landscaping (including planting specifications and protection of trees during construction) and a management plan for the woodland belt;
- the submission of a management plan for the control of Japanese Knotweed;
- the closing of the roller shutter doors unless required for access;
- only vehicles, plant and machinery that are ancillary to the development to be stored on the 'existing paved area';
- no plant or associated material to be stored on the 'existing paved area' at a height greater than 2.5 metres;
- hours of operation of the transfer station and HWRC;
- waste sources;
- vehicle movement restrictions for the WTS (maximum 112 movements per day – 56 in/56 out); and
- hours of construction.

Case Officer: Mark Funnell

Tel. no. 01622 221058

Background Documents - see section heading
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Appendix A – Draft Heads of Terms for Legal Agreement

1. The applicant to pay the reasonable legal and administrative costs and disbursements incurred by the County Council in negotiating, preparing and executing the legal agreement required to release planning permission ref. SE/05/2526 and in revoking the planning permissions referred to in 2. below.
2. The revocation without compensation of planning permission ref.'s SE/90/1302 (relating to the existing WTS and HWRC operation), SE/91/1958, SE/94/113, SE/03/902 and SE/03/1180 (all relating to green waste composting) effective upon commencement of operations.
3. Within 14 days of the first use of the new WTS, the use of the existing transfer station shall cease and all plant, equipment and machinery shall be removed. The land shall not be used for any other purpose until such a time (if any) as a further planning permission is obtained.
4. Within 12 months of the first use of the new WTS, the existing waste transfer building and any associated structures shall be removed, unless planning permission is obtained during this period that allows for their retention or alteration.
5. The implementation of a management plan for all tree and other planting (existing and proposed) and the control of Japanese Knotweed required pursuant to conditions attached to planning permission SE/05/2526 for the life of the development.

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

Outline application for new building to accommodate 6 supported apartments for those with learning difficulties, at land off Sumpter Way, Faversham.

A report by Head of Planning Applications Group to Planning Applications Committee on 17 January 2006.

Application by Kent County Council for the clearance of site and erection of new building to accommodate 6 supported apartments for those with learning difficulties, and the provision of associated car parking, at land of Sumpter Way, Lower Road, Faversham. (Ref: SW/05/1299)

Recommendation: Recommend that the application be referred to the First Secretary of State as a departure from the Development Plan, and that subject to his decision, planning permission be granted subject to conditions.

Local Member(s): Mr T. Gates

Classification: Unrestricted

Site

1. This site is located off of Sumpter Way, a residential street on the outskirts of north-west Faversham. The parcel of land was once home to a staff house, which was destroyed by fire, the ground slab and some brickwork of which is still evident at the site. The site, which measures approximately 1700 square metres, is located between an area of two storey residential development and open fields. It has been left untended for many years and is now heavily overgrown with self-seeding plants, shrubs, brambles and undergrowth filling the site. Trampled paths run through the site, although only one is worn through use, and the proliferation of litter and abandoned vehicles suggests the site attracts undesirable users.
2. The Adopted Swale Borough Local Plan identifies the main part of the site, which is included within a much larger area, as proposed for employment use, whilst the front part of the site is allocated for housing use. A site plan is attached.

Background

3. Members deferred this application at December 2005 Planning Applications Committee at the request of Swale Borough Council. This was to allow further discussions to be undertaken with Swale Borough Council and the advertisement of the application as a Departure from the Development Plan.

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

Outline application for new building to accommodate 6 supported apartments for those with learning difficulties, at land off Sumpter Way, Faversham.

A report by Head of Planning Applications Group to Planning Applications Committee on 17 January 2006.

Application by Kent County Council for the clearance of site and erection of new building to accommodate 6 supported apartments for those with learning difficulties, and the provision of associated car parking, at land of Sumpter Way, Lower Road, Faversham. (Ref: SW/05/1299)

Recommendation: Recommend that the application be referred to the First Secretary of State as a departure from the Development Plan, and that subject to his decision, planning permission be granted subject to conditions.

Local Member(s): Mr T. Gates

Classification: Unrestricted

Item D1

Outline application for new building to accommodate 6 supported apartments for those with learning difficulties, at land off Sumpter Way, Faversham – SW/05/1299

Item D1

Outline application for new building to accommodate 6 supported apartments for those with learning difficulties, at land off Sumpter Way, Faversham – SW/05/1299

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Proposal

4. This outline application has been submitted by Kent County Council and proposes the clearance of the site and the erection of a two storey building to accommodate 6 supported apartments, and a shared communal space, for use by Kent County Council to accommodate those with learning difficulties. Off-street parking spaces are proposed for use by residents and staff. The outline application is to approve the means of access and siting only. Landscaping, design and external appearance are all to be submitted later as reserved matters. A plan showing the proposed siting and layout is attached.
5. This site is one of a number currently under consideration for a PFI bid to improve Kent County Council's provision of appropriate accommodation for vulnerable people. The applicant has advised that outline planning permission is being sought in order to facilitate the PFI process, and so realise the new sheltered homes urgently required by Kent County Council.
6. As described above, mature scrub now fills most of the site where the new building is proposed to be located, and this would need to be cleared. The area proposed to house the car parking facilities also contains many brambles and a mature walnut tree, which again, would need to be cleared. A tree survey was carried out prior to the submission of the application that found the mature walnut tree to be in a poor state of health, and its removal is recommended. In addition to this, the survey concluded that there are no trees within the site of significant amenity value whose retention would be desirable, but it does identify some trees and boundary planting which could be retained. The applicant has advised that although full landscaping details will be submitted at a later date, it is intended to create planted boundaries and to retain the existing hawthorn hedges.
7. The proposed two-storey building would have a stepped pitched roof to allow daylight into the heart of the building. The building would provide six one-bedroom apartments over the two floors, with shared accommodation on part of the ground floor. The applicant suggests that the south-west of the ground floor could be used for this shared accommodation, providing a communal area containing a lounge, staff area and kitchen. A garden is also proposed to the north west of the proposed building, which would have direct access from the communal area, creating additional communal space externally.
8. The building would house six people with learning difficulties, supported by five part-time members of staff, of which, at least one would be expected to be present on site at any time. One parking bay is proposed for each apartment and two bays for staff, allowing for hand over between shifts.
9. The entrance to the building would be oriented towards the parking and site access creating an obvious point of entry, which would be overlooked by the communal areas. The vehicular access to the site would be via the existing access off of Sumpter Way, which is currently unused and overgrown. The eight proposed car-parking spaces surround a court area, which would allow for easy turning and drop off, and direct access into the main building. The proposed arrangement would also include a pavement for safe pedestrian access.
10. The site around the building would be designed to be accessible to all, allowing the residents, including wheelchair users, access around the site as well as within the building.

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

Outline application for new building to accommodate 6 supported apartments for those with learning difficulties, at land off Sumpter Way, Faversham – SW/05/1299

Planning Policy

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

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

Policy S1 - Seeks sustainable patterns and forms of development.

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 health and educational facilities.

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

Policy ENV14 –Provision will be made for the improvement and reclamation of derelict land, or the redevelopment or 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 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 & Medway Structure Plan**

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

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

Policy QL13 -New Community Services, including social services and health, will be provided as long as there is a demonstrable need for them.

Policy E3 - Kent’s landscape and wildlife habitats will be conserved and enhanced.

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

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

(iii) The Adopted 2000 **Swale Borough Local Plan:**

Policy G1 - Outlines general considerations for all development proposals.

Policy E1 - Applications for new development on land suspected to be contaminated shall include a detailed site investigation of all likely contaminants, taking into account the intended use of the land.

Policy E21 - The Borough Council will seek tree planting in suitable locations.

Policy E48 - Requires development to be of a high standard, appropriate to its surroundings and to reflect local distinctiveness.

Policy E49 - The Borough Council will, where appropriate, require the submission of landscaping proposals in connection with development proposals involving new building.

Policy IN7 - New development will not be permitted unless adequate vehicle parking is available.

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

Policy B1 - Permission for new employment development has been or will be granted for sites shown as such on the proposals map.

Policy B15 - In conjunction with Policy B1, the following sites, as shown on the Proposals Map, are identified for employment use:
[...]
3) Land to the east of the Western Link, Faversham.
[...]

Policy B16 - The development of 4.2ha of land east of the western link, for employment use, will be permitted provided specified criteria are met.

Policy H1 - Permission for new residential development will be granted for sites shown as such on the Proposals Map.

Policy H17 - In conjunction with policy H1, the following sites, as shown on the Proposals Map, are identified for residential development...
[...]
4) Land off Lower Road, Faversham

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Policy H22 - New housing development on two small parcels of land adjacent to Benstead Hospital site and Kiln Court will be permitted provided specified criteria are met.

(iv) The Deposit Draft (First Review) March 2004 - **Swale Borough Local Plan**

Strategic Policy 1 - Proposals should accord with the principles of sustainable development.

Policy E1 - Outlines criteria that development proposals are to accord with.

Policy E3 - On sites suspected to be contaminated, planning permission will only be granted if the developer agrees to undertake effective investigation and remediation work.

Policy E10 - Important trees, hedgerows and woodland (including scrub) will be protected. Where removal takes place appropriate replacements may be required.

Policy E11 - The Borough's biodiversity and geological conservation interests will be maintained or enhanced.

Policy E18 - Requires development to be of high quality design and to accord with specified criteria.

Policy E21 - The Borough Council expects development proposals to include provision in their design to meet special needs, whilst, additionally, housing proposals should provide homes that can be easily adapted to meet the needs of changing demographics.

Policy C1 - The Borough Council will grant planning permission for new or improved community services and facilities subject to specified criteria.

Policy T3 - New development will only be permitted if appropriate vehicle parking is provided.

Policy H2 - Permission for new residential development will be granted for sites shown as such on the Proposals Map.

Policy H5 - The Borough Council will grant planning permission for residential development of the site shown on the proposal map, subject to Policy H6 and, where appropriate, policies relating to Area Action Plans.

Policy H6 - The Borough Council initially will only grant planning permission for approximately 20% of the dwellings allocated under [Policy H5](#) on land adjoining the Western Link,

Outline application for new building to accommodate 6 supported apartments for those with learning difficulties, at land off Sumpter Way, Faversham – SW/05/1299

Faversham, which is that considered necessary to facilitate an initial phase of the employment development proposed under [Policy AAP4](#). The Borough Council will only grant planning permission for the remaining approximately 80% of the dwellings allocated to this site under [Policy H5](#) if:

1. the annual build rate in the Faversham and Rest of Swale Planning Area falls below 60 dwellings a year after completion of the initial approximately 20%; and
2. the initial phase of the employment development is completed and there is a firm proposal to complete the employment part of the development.

The precise number of dwellings that will be permitted initially (approximately 20%), and not the subject of a phasing restraint, will be determined through the preparation of the development brief required under [Policy AAP4](#).

Policy AAP4 - The Area Action Plan is designated for land and premises along the Western Link, Faversham. The land within the Area Action Plan is allocated for a mixed-use development, comprising commercial and housing development and public open space. Development proposals shall accord with a development brief to be submitted to, and approved by, the Borough Council which shall address specified criteria.

(v) The Re-deposit Draft (First Review) July 2005 - **Swale Borough Local Plan**

Strategic Policy 1 - Proposals should accord with the principles of sustainable development.

Policy E1 - Outlines criteria that development proposals are to accord with.

Policy E3 - On sites suspected to be contaminated, planning permission will only be granted if the developer agrees to undertake effective investigation and remediation work.

Policy E10 - Important trees, hedgerows and woodland (including scrub) will be protected. Where removal takes place appropriate replacements may be required.

Policy E11 - The Borough's biodiversity and geological conservation interests will be maintained or enhanced.

Policy E19 - Requires development to be of high quality design and to accord with specified criteria.

Policy C1 - The Borough Council will grant planning permission for new or improved community services and facilities subject to specified criteria.

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- Policy T3 -** New development will only be permitted if appropriate vehicle parking is provided.
- Policy B2 -** Permission for new employment development has been, or will be, granted for sites shown on the Proposals Map.
- Policy B16 -** The following sites, as shown on the Proposals Map, are allocated for employment development:
[...]
3) Land to the east of the Western Link, Faversham.
[...]
- Policy B18 -** The development of 4.2ha of land east of the western link, for employment use, will be permitted provided specified criteria are met.

Consultations

12. **Swale Borough Council:** Raises very strong objection to this application and considers the principle of the erection of 6 supported apartments to be directly and seriously contrary to the employment-led strategy for Faversham. The proposal for residential development of this site represents a departure from the employment-led strategy, diminishing and dividing a potential and allocated employment development site in the town. Concern is expressed over a lack of pre-application discussion and lack of supporting argument in terms of the policy conflict that accompanies this application.

Faversham has an unusual and necessary employment-led strategy which has been consistently supported by Local Plan Inspectors and Appeal Inspectors. The loss of land at Abbey Park to the east of Faversham justifies a need to jealously guard and husband the existing and potential employment land. This is not the situation where excess employment land is suitable for conversion to residential use. At this time, when the Draft Local Plan is just about to go to Public Inquiry, the loss of part of one of the principal employment sites at Faversham can only seriously damage the emerging strategy for the town. Indeed, it can only assist those seeking to resurrect the sort of damaging large-scale, greenfield employment/housing proposals at Faversham that the Borough Council is trying to plan against.

Notwithstanding the above, it is clear that the proposal amounts to a departure from the adopted and emerging Local Plan.

Faversham Town Council: agreed to 'refuse' this application as the proposed siting of the new building is contrary to the Local Plan policies.

The Divisional Transportation Manager: raises no objection to the application but would like to see a condition placed on any decision relating to the parking and turning areas being kept clear for that purpose only. In addition to this, it is requested that informatives are added to advise the applicant that the pedestrian footpath should be moved to lead behind the parking spaces, and that the turning area is not large enough for a refuse vehicle to manoeuvre.

The Biodiversity Officer: recommends that prior to commencement of any development, the applicant employs an ecological consultant with extensive experience

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in reptile survey and assessment, to complete a reptile survey of the site, and develop an appropriate mitigation strategy should reptiles be found to be present. It is also recommended that an assessment of the walnut tree, and any other mature trees that are to be felled, is undertaken to verify if the tree/s have features that could easily be used by roosting bats. If such features are present then an ecological consultant, with extensive experience in bat survey and assessment, should be employed to assess the value of the tree/s as bat roosts, and develop appropriate mitigation as necessary. In addition to this, all vegetation clearance should be undertaken outside of the bird-breeding season (mid March-August inclusive), or be supervised by an ecologist during the breeding period, to ensure that nesting birds are not unduly disturbed or killed.

The Environment Agency: raises no objection but makes a number of detailed comments regarding land contamination. The Agency has requested that a condition be placed on any decision requiring a desktop study, which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses, and other relevant information, to be approved by the County Planning Authority prior to commencement of any development.

Local Member

13. The local County Member, Mr T. Gates, was notified of the application on the 3 October 2005.

Publicity

14. The application was initially publicised by the posting of two site notices and the individual notification of 24 nearby properties. In addition, the application was re-advertised as a departure from the Local Development Plan and advertised by the posting of a site notice and advertisement in a local newspaper.

Representations

15. 1 letter of representation has been received. The main comments/points of concern and objection can be summarised as follows:
 - Osbourne Court, which helps and supports people with learning difficulties, is only around the corner. The day centre there is closing, would it not be more beneficial and cost effective to put these apartments there?
 - The local area is 'troublesome' with a high level of drug use and vandalism. If these plans go ahead there will be more 'trouble' in the area.
 - The land could be put to better use by building something that would help solve problems, not add more.
 - Please don't make people more vulnerable by making a bad decision.

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 possible effects on

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residential and local amenity, as well as the issue of whether or not the proposal is contrary to Local Development Plan policies overall.

Development Plan Policies

17. Policies S1, S2, ENV2, ENV14 and ENV15 of the Adopted Kent Structure Plan, SP1, QL1, E3 and E8 of the Deposit Kent and Medway Structure Plan, G1, E48 and E49 of the adopted Swale Borough Local Plan and Strategic Policy 1, E1, E10, E11 and E19 of the Deposit Draft Swale Borough Local Plan, seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly important in this case as the site is bounded by open fields and residential properties.
18. As previously mentioned, the site is included within an area designated for employment and housing use in the Adopted Swale Borough Local Plan, and for employment use only in the 2005 Re-deposit Swale Borough Local Plan. The application has been advertised as a departure from the Development Plan and the matter would need to be referred to the Secretary of State, should members be minded to permit the application. The housing site designated in the Adopted Local Plan only covers the area designated for parking and access in this proposal, and due to its size could have housed only a limited number of dwellings. The proposed building and its garden are included within a larger area now designated for employment use in both the Adopted, and Re-deposit Swale Borough Local Plan.
19. On the basis of the strict Local Plan allocations alone, the proposed development is actually contrary to both the Adopted Local Plan (partly), and the latest 2005 Re-deposit Draft Local Plan. It should be noted though that the 2004 Deposit Draft First Review allocated the larger area of the land within which the application site sits for mixed commercial and housing use, subject to certain criteria including the future of the adjacent brickworks. In the context of the 2004 land allocations the County Council and the neighbouring landowner (Lamb's brickworks) have been negotiating a mixed use of the wider area of land here (including commercial, residential and a replacement school site) as explained by the Chief Property Manager:-

"The application site includes land formerly part of the Benstead Hospital site. This land was identified for mixed uses including housing (referred to as AAP4), in the Local Plan Deposit Draft First Review March 2004. Swale BC has changed the land designation from mixed-use to employment use only in their Revised Deposit Draft First Review Local Plan July 2005 and KCC as an affected landowner has objected to this. The Inquiry is due in March 2006.

The latest Draft Local Plan appears to require the redevelopment of this Bysing Wood brownfield land in a more restrictive way than was intended originally and we believe a holistic approach here is more appropriate for meeting the identified needs of this community. The Director of Social Services has discussed the potential opportunities for their services locally from such a holistic plan for the area.

There are two major landowners in the AAP4 area: KCC and Lamb's brickworks. Despite Lamb's advertising the land in their ownership for employment, it has proved to be impossible to achieve such a development. KCC does not consider the land it owns adjacent to Kiln Court or the location around Bysing Wood Primary School to be appropriate for employment use alone.

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In the meantime, the KCC Social Services policy has moved steadily towards opportunities enabling people to lead as independent a life as possible in the community. To further this aim they are seeking, in partnership with District Councils, to develop suitable sites for independent housing for vulnerable people, including this site.

We consider that a vulnerable persons' housing development here is justified as:

- Using this site for housing follows the Policy AAP4 approach of creating a mixed-use community development integrated with the rest of the Bysing Wood residential area. The currently proposed development designation for employment alone is more restrictive than the 2004 Deposit Draft Local Plan, and is we believe inappropriate for this particular location
- Swale BC has been a full partner in this PFI housing initiative across the whole of Kent and the Swale BC housing officers involved have not raised objections to this location.
- The site was identified as suitable in planning terms for housing in the mix of uses when the 2004 Deposit Draft Local Plan was produced, however the evidence base used to justify the recent change in policy has not been produced, and there is no reason given for a change
- This location was originally a housing site, being the Matron's house in the former hospital on this site."

20. The future use of the rest of the land adjacent to the Western Link Road remains uncertain pending the outcome of the forthcoming Local Plan Inquiry, and also a planning application currently submitted for mixed uses by Lamb's Brickworks. Clearly there is marked difference of opinion between the County Council and the Borough Council as to how best to meet the needs of the local community. The Borough Council is keen to safeguard employment land allocations in Faversham in the interests of diversifying the local economy, which has suffered from decline in its traditional employment opportunities. That situation has been exacerbated by the continuing loss of the town's employment land to new housing developments, particularly along the attractive waterfront area.
21. The County Council's position is one of promoting more mixed use development, which would support provision of an improved range of community facilities for the town. A move away from the more customary strict zoning of different land uses is supported by current Government Policy, and Planning Policy Guidance 3 (Housing) advocates the re-consideration of any difficult employment sites for residential or mixed uses. The land allocation in question has been available for some time but has not attracted any great interest so far, and it is considered that a mix of residential, commercial and institutional uses might be a more realistic proposition. However, it is a matter for the Local Plan Review to decide on such a change.
22. My own view is that some flexibility is called for in interpretation of development policies to achieve a balance of new employment opportunities and improved community facilities for the town. I accept that there is a confirmed need for both the proposed accommodation and also for retaining potential employment land in Faversham. Given that the residential use proposed is a specialised (institutional) rather than a normal one, I do not consider that the loss of a small corner of the Local Plan allocation to such a use would set any significant precedent prejudicing the use of the rest of the land allocation.
23. Nevertheless, I have explored alternative sites for the proposed development at the request of the Borough Council, including nearby KCC owned sites allocated for

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residential use in the Local Plan. The Chief Property Manager has advised me as follows:-

“There are three Social Services sites in this locality: Osbourne Court respite care, Osbourne Court Day Centre, and Kiln Court, a home for older people. The Osbourne Court facilities lie outside the original AAP4 area.

There are long term requirements to reprovide the Osbourne Court Learning Disability Respite Centre for adults, currently for 13 places. The current units do not meet modern standards. The decision on whether to reprovide in this location is partly dependent on assessment of the vitality of the local community. The new mixed use development was seen as an essential part of renewing this community, and would influence the decision to retain services here. Whilst this decision is still to be made, there is no scope to provide the PFI housing on this site.

The Kiln Court provision is to remain, and the additional land behind it will be retained for potential expansion or re-provision in the future, so again would not be available for the PFI housing.”

The Director of Social Services has also stated:-

“The Social Services Property Manager worked with Kent Property Services looking at several KCC sites across the Swale Borough. The Sumpter Way site was selected because it was not currently used, was part of an urban community and was on a site of sufficient size. In addition, there are local learning disability services nearby and there was discussions about developing workshops targeted at people with a learning disability.

The site at the back of Kiln Court was considered but was eliminated because it has been identified for an extension for respite services at Kiln Court. These would be supported by Kiln Court Staff.”

Under the circumstances, I do not consider that alternative sites are available, unless the accommodation was to be provided elsewhere in the Borough to the detriment of this particular community. Whilst there are long term aspirations to replace unsatisfactory accommodation, that will need to take place whilst the existing provision continues, meaning that all land at Osbourne Court will be needed for future use.

24. The proposed use of the application site could be argued to provide both housing and employment, as it would be home to six residential tenants and employ 5 part time members of staff. Although that is not the scale of employment that would be envisaged by the Local Plan Policy, it is part employment use nevertheless and not wholly dissimilar from the levels of employment generated by some forms of commercial development (e.g. Class B8 uses). This part of the employment allocation is adjacent to a number of residential properties so its use for supported apartments is arguably a more compatible land use for these properties than employment uses could be.
25. The site is only a small corner of a larger site designated under policy and, therefore, its proposed use as supported apartments would not significantly prejudice the Local Development Plan Policies. I therefore consider that this proposal would not give rise to any material harm, and although not in accordance with some Local Plan Policies which designate the site for employment, it is in accordance with the general principles of other relevant Development Plan Policies.

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Impact

26. As the application is in outline, the design and appearance of the building is to be reserved for later consideration, but some details are given about the height of the proposed building, in storeys, that helps in the assessment of this proposal. The building is proposed to be two storeys in height, with the scope for a stepped pitched roof, and is separated from the road frontage by the access and car parking area. The impact of the development from Sumpter Way would not be detrimental to the streetscape as the building would be set back from the road, with only access and the 'court yard' car parking area being visible.
27. The building would, however, be visible from the rear of a small number of properties. However, the proposed height of the building is in keeping with surrounding residential properties, which are also two storeys in height, and therefore its overall visual impact would be minimal. In addition to this, the southern boundary of the site is not immediately adjacent to the boundaries of residential properties, but separated by a strip of land that would remain as existing. The applicant has advised that it is intended to create planted boundaries, in addition to retaining existing hawthorn hedges to the east of the site. That would aid in screening the proposed building, creating a barrier between the existing residential dwellings and the proposed development.
28. Although the loss of trees and scrub undergrowth is regrettable, vegetation on the site has self-seeded as a result of dereliction, and is therefore not of a mature nature. The appearance of the site does not enhance the local area in its current state, and none of the trees have been identified within the tree survey as having a significant amenity value. In fact, the survey recommends the removal of the mature Common Walnut Tree, the most prominent tree on site, due to its poor state of health. As a full landscaping scheme would be conditioned, should this application be permitted, to include details of hard and soft landscaping works and the replacement of lost trees and vegetation, I consider that the loss of the planting and trees detailed above, although regrettable, is deemed acceptable in this case.
29. Overall, I consider that the proposed building, at a maximum of two storeys, is appropriate to the context of the site, and would not adversely affect the visual appearance or landscape quality of the area. A high quality of external appearance, design and detailing of the buildings, along with appropriate materials, would be expected which could achieve a degree a visual enhancement over the existing overgrown and derelict site.

Amenity Issues

30. In addition to the visual aspects of the proposal, it is noted that concern is raised over the possible implications the proposed use of the site may have on local residential amenity. A neighbouring resident describes the local area as 'troublesome' and is concerned that this would increase, and suggests that the land be put to better use. Osborne Court is suggested as an alternative location.
31. In response, the applicant has advised that the provision of apartments for people with learning difficulties is completely in line with KCC and Social Services' priorities. The apartments would be staffed and supported so that should 24hour support be required this would be provided. The tenants with learning difficulties would be carefully assessed to ascertain that they could live independently in the community. The applicant does not expect that this development would cause any detrimental problems

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for the locality, and that the provision of care and support would ensure the tenants contribute positively to the local community.

32. The applicant has also advised that there are no plans in the short term to close the day care provided at Osborne Court, although such facilities are being considered for modernisation over the coming 5-10 years. Moreover, the facilities at Osborne Court do not meet modern housing and care standards and would therefore not be suitable to house the proposed tenants. In addition to this, it should be noted that the site is currently derelict and attracts undesirable users, demonstrated by the finding of derelict cars and hypodermic needles on the site. By clearing and developing the site the misuse of this area would cease, which may lower the level of antisocial behaviour in the area, helping to reduce the vulnerability currently felt by local residents. Having a 24 hour presence on the site, in the form of both residents and staff, would actually increase security of the surrounding residential properties. Therefore, I do not consider that this proposal would have a detrimental effect on the amenity of local residents.

Conclusion

33. In summary, the application does constitute a departure from the Development Plan in so far as it proposes a different use than the land allocation currently envisages. I do however consider that there is scope to review that situation in this particular case, because of the specialised nature of the use, the identified case of need in this locality and the general accordance with other relevant Development Plan Policies. Subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm, and does not otherwise prejudice the general principles of the relevant Development Plan Policies. On balance, I recommend that the application be referred to the Secretary of State to afford him the opportunity to decide the case himself in the light of the conflicts with the Local Plan.

Recommendation

34. I RECOMMEND that SUBJECT to no direction to the contrary by the First Secretary of State, OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO conditions covering:
- the standard time limit for outline permissions,
 - the submission of details relating to the reserved matters of design and external appearance of the proposed building, and landscaping and boundary treatment of the site,
 - hours of working during construction and demolition,
 - a desktop study to identify potential contaminants,
 - an ecological survey assessing the potential of the site to house protected species,
 - tree protection and clearance of the site outside of bird breeding seasons,

Case officer – Mary Green	01622 221066
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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.

- DA/05/938 Section 73 application to vary condition (2) of planning permission DA/99/706 to allow for the transportation of waste material from Bell's Wharf, Swanscombe to Northfleet Landfill site for a 12 month period until September 2006. Bakers Hole Landfill Site (also known as Northfleet Landfill Site), Swanscombe.

- AS/90/608/R Amendments to approved plans under planning reference AS/90/608, being details of proposed silo and feed system. Hothfield Works, Station Road, Westwell, Ashford

- TM/05/2618 Continued extraction of clay without complying with condition 44 of determination of conditions no. TM/97/751/MR102. Land at Aylesford Sand Quarry, Rochester Road, Aylesford

- AS/05/1728 Temporary change of use of land to a householders waste reception and transfer site. Former Wavin Plastics Site, Brunswick Road, Ashford

- TW/05/2136 Excavation of sand and gravel to form groundwater recharge lagoon. Land at Postern Park Quarry, Hadlow Road, Tonbridge

- TM/05/723/MR88 Application for determination of new conditions under the terms of the Environment Act 1995 (Section 96 and paragraph 9 of Schedule 13). Land at Postern Park Quarry, Hadlow Road, Tonbridge

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.

- GR/05/965 Installation of three externally illuminated tubular steel masts to display chargeable banners, display of internally illuminated letters over existing entrance foyer, internally illuminated letters at first floor level on front elevation of Woodville Halls, three internally illuminated display boards on front elevation of Civic Centre and non-illuminated letters to fascia of entrance foyer. Civic Centre, Windmill Street, Gravesend
- TH/05/1413 Erection of bandstand. The Oval, Eastern Esplanade, Margate
- MA/05/2276 Outline application for Residential Development with all matters reserved for future consideration. Director of Planning & Development, Maidstone Borough Council, 13 Tonbridge Road, Maidstone
- MA/05/2332 Works to North West Site boundary: removal of existing chain link fence and concrete posts on the NW site boundary and replace with 1.8m high galvanised black barbican fencing with Saxon finials. Existing gates to be replaced with barbican gates 1.8m high by 3m wide. Removal of existing brick pillars at pedestrian access 1 and 3 and erection of fence across these entrances leaving main access for pedestrian use. Clare Park, Tonbridge Road, 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.

- AS/05/1784 Strip out of existing home economics kitchen and introduction of new vocational catering kitchen including catering kitchen restaurant, changing rooms and lecture room with display area.
The Towers School, Faversham Road, Kennington, Ashford
- GR/05/307/R Amended details – Amendments to approved plans. Children’s Centre. Land at rear of Riverside Family Centre (former Northcourt School), Dickens Road, Gravesend
- CA/04/193/R3 Details of external materials – Hersden Community Primary School (New Sports Hall), Shaftsbury Road, Hersden, Nr Canterbury
- CA/05/1453 The construction of new pedestrian access steps and path from Old Dover Road. Simon Langton Girls School, Old Dover Road, Canterbury
- DA/05/382 Demolition of single storey canteen and provision of new 4 storey building comprising: ground and first for Westgate Primary School, Second and third floors are shared facilities for Dartford Girls Technology College and Adult education with links at second floor level from existing building. Westgate Primary School, Summerhill Road, Dartford
- GR/05/970 Proposed extension and infill development. Shears Green Junior School, White Avenue, Northfleet, Gravesend
- SW/05/1164 Addition of single storey extension containing I.T. Room and Store. Graveney Primary School, Seasalter Road, Graveney
- SW/05/395/R3 Details pursuant – Details of all materials to be used externally. Single storey recording studio. The Sittingbourne Community College, Swanstree Avenue, Sittingbourne
- DA/05/462 Permanent new access off Heath Lane, Dartford. Dartford Campus, Heath Lane, Dartford
- TH/04/1266/R2 Details pursuant – Details of secure cycle facilities. New Ellington School for Girls, Land off Pysons Road, Ramsgate
- DO/05/887/R4 Details pursuant – Details of the constructors site access and compound pursuant to condition (4) – Goodnestone C.E. Primary School, The Street, Goodnestone, Canterbury

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TM/05/3497	Extension to school playground – Materials to match existing tarmacadam. Ryarsh Primary School, Birling Road, Ryarsh, West Malling
CA/05/1023	Demolition of existing garages and erection of new building with associated car parking to accommodate supported apartments and associated commercial facilities. Garage Block off Brymore Road, Canterbury
DO/05/887/R	Amendments to the approved plans – Goodnestone Primary School, The Street, Goodenstone, Canterbury
SW/04/215/R2	Details pursuant – Details of external materials. The Abbey School, London Road, Faversham
CA/05/536/R3	Details of a survey checking for protected species pursuant to condition (3) of planning permission reference CA/05/536. Canterbury Environmental Education Centre, Broad Oak Road, Canterbury
DA/05/332/R2&R4	Reserved details – Method statement and risk assessment for demolition of redundant oil tank bund wall. Dartford Technology College, Heath Lane, Dartford
AS/04/1708/R8	Details pursuant – Details of external lighting – The North School, Essella Road, Ashford
TH/04/858/RB	Amended details – Land contamination assessment – Desk Study Report. Chatham House Grammar School, Chatham Street, Ramsgate
AS/05/1352/R3	Reserved matters – Landscaping scheme. Extension of car park and playground. Aldington Primary School, Roman Road, Aldington, Ashford
CA/04/323/R4	Details pursuant – Planting proposals. Centre of vocational excellence. The Community College, Whitstable, Bellevue Road, Whitstable
SW/05/1220/R5	Reserved Details – Details of a scheme of landscaping including tree planting to the north elevation. The Abbey School, London Road, Faversham
SW/05/1220/R	Amended positioning of building – The Abbey School, London Road, Faversham
GR/05/563	Revised proposal (GR/00/534) – New 2 storey extension to front of the School, internal alterations including raising floor levels, rear extension to form hall and 2 storey areas, insertion of first floor in existing hall and new paved playground area. Wrotham Road Junior School, Wrotham Road, Gravesend
TW/04/35/R7	Reserved Details – Details of surface – Water drainage. Replacement Primary School, Land adjacent to Pearse Place, Lamberhurst

DO/05/1105	Demolition and refurbishment of existing building and new extension of similar size including associated external works and smile centre extension to hydro pool building. Whitfield and Aspen School, Mayfield Road, Whitfield, Dover
DA/05/929	Erection of new 4 classroom teaching block together with a new lift, toilets and ancillary accommodation, together with alterations to the existing external escape stair and associated external works. The Grammar School for Girls Wilmington, Wilmington Grange. Parsons Lane. Wilmington
CA/05/1474	Addition of soft play surface and play apparatus to existing front playground to the school. Adisham Church of England Primary School, School Lane, Adisham
AS/05/26/R2	Details pursuant – Scheme of landscape works – Egerton C.E Primary School, Stisted Way, Egerton
MA/04/792/R7,8,10	Details pursuant – Details of external materials, means of enclosure and external lighting. Maidstone Grammar School, Barton Road, Maidstone
SW/05/1403	Quadrangle extension and associated re-modelling to classroom and toilet/cloakroom and sports facilities. Borden Grammar School, Avenue of Remembrance, Sittingbourne
MA/05/1102/R4	Reserved Details – A scheme of landscaping and tree planting. Single Storey Extension. Oak Trees Community School, Oaktree Avenue, Maidstone
AS/05/511	Sports Hall complex. The Norton Knatchbull School, Hythe Road, Ashford
GR/04/967/R5	Details of the height of the chimney serving the bio-mass plant room. Shornewood Country Park, Brewers Road, Shorne, Gravesend
TW/05/2005/R3	Reserved details - Details of external colour treatment to timber garages. Timber garages for equipment storage. Sherwood Park Primary School, Friars Way, Tunbridge Wells
DO/05/1256	Synthetic turf pitch, floodlighting, fencing and footpaths. Castle Community College, Mill Road, Deal
TW/05/2882	Nursery and Community Centre. Single storey building. Sherwood Park Primary School, Friars Way, Tunbridge Wells
SW/05/1449	Single storey side extension. Sheldwich Primary School, Lees Court Road, Sheldwich, Faversham
SW/05/1198/R	Amendments including turning the building through 180 degrees and the introduction of new windows to the south elevation. The Westlands School, Westlands Avenue, Sittingbourne

TH/05/781/R2	Details of the colour finish for the railings on the access pursuant to condition 2 of permission TH/05/781. KCC Social Services, Apollo House, Chapel Place, Ramsgate
AS/05/1782	Extension to current mobile unit to provide toilets and kitchen area. St. Michael's Church of England Primary School, Ashford Road, St Michael's Tenterden
SW/05/1446	Extensions to classrooms 3, 4 and 5. Landsdowne Primary School, Gladstone Drive, Sittingbourne
TW/05/3021	Provision of a single storey modular building to provide a music room; includes the demolition of an existing building. Southborough Church of England Primary School, Broomhill Park Road, Southborough
TW/05/3023	Extension to existing car park. Claremont Primary School, Banner Farm Road, Tunbridge Wells
DA/05/60/R6	Details of ecological surveys pursuant to condition 6 of planning application reference DA/05/60. Leigh City Technology College, Green Street Green Road, Dartford
DO/05/1317	Addition of open covered play canopy to side of the School. Preston Primary School, Mill Lane, Preston
MA/05/2213	New accommodation comprising a school hall, staff room, medical room, additional staff toilets, internal remodelling to relocate facilities, servery and store rooms. Boughton Monchelsea Primary School, Church Hill, Boughton Monchelsea, Maidstone
SW/05/1220/R3	Reserved Details – Details of materials to be used externally. The Abbey School, London Road, Faversham
DA/05/437/R	Amended details – Amendments to position of mobile classrooms. Temporary accommodation during construction of new permanent nursery. Rainbow Day Nursery, Heath Lane, Dartford
DO/05/1105/R8	Reserved Details – Refurbishment of existing building and new extension. Whitfield and Aspen School, Mayfield Road, Whitfield, Dover
SE/05/2119/R	Amendments to the approved plans, including entrance canopy. Swanley School, St. Marys Road, Swanley
DO/04/389/R3	Details of external materials pursuant to condition (3). Astor School, Astor Avenue, Dover
TM/05/1313/R2	Minor elevational changes to permitted details. Construction of new English and Humanities (3 storey) building. Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge
AS/03/280/R4	Reserved Details – School Travel Plan - Erection of 1 no. 5 bay mobile classroom. Brook Community Primary School, Spelders Hill, Brook, Ashford

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AS/05/1901 Provision of temporary classroom to decant 'puffins' classroom during the building of the new extension and roof repairs. Egerton CE Primary School, Stisted Way, Egerton, Ashford

MA/04/1016/R6 Reserved Details – Details of foul and surface water disposal. New School Block. Invicta Grammar School, Huntsman Lane, Maidstone

E4. DETAILED SUBMISSIONS UNDER CHANNEL TUNNEL RAIL LINK ACT 1996



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

Background Documents - The deposited documents.

None

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

Background Documents -

- *The deposited documents.*
 - *Town and 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

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

None

E6 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 - 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.*

DC29/05/AS/0001 – Ashford Wastewater Treatment Works and sludge recycling centre, off Canterbury Road, Ashford.

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