



AGENDA

PLANNING APPLICATIONS COMMITTEE

Thursday, 22nd January, 2009, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: Andrew Tait
Telephone: 01622 694342

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

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 9 December 2008 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Applications TM/08/3350, TM/08/3351 and TM/08/3353 - Removal or variation of Condition 12 of Permission TM/06/762 at Blaise Farm Quarry Composting Facility, Kings Hill, West Malling; New Earth Solutions Ltd. (Pages 7 - 26)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SE/08/1602 - Construction of a part two-storey modular building on existing school playground for use as a Children's Centre, including canopied entrance with buggy storage, weldmesh fencing and tarmac play area, marking out of existing parking bays for use by the centre at The Willows, Hilda May Avenue, Swanley; KCC Children, Families and Education (Pages 27 - 40)
2. Proposal AS/08/1506 - Two mobile classrooms at Norton Knatchbull School, Hythe Road, Ashford; Governors of Norton Knatchbull School and KCC Children, Families and Education (Pages 41 - 52)
3. Proposal DO/08/1176 - Installation of two temporary classroom units (housing 4 classrooms) together with associated service connections and drainage (retrospective) at Portal House School, Sea Street, St Margarets-at-Cliffe, Dover; Governors of Portal House School (Pages 53 - 66)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications

2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. 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.)

Wednesday, 14 January 2009

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of A meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 9 December 2008.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mrs V J Dagger, Mr J A Davies, Mr C G Findlay (Substitute for Mr C Hibberd), Mr T Gates, Mrs E Green, Mr W A Hayton, Mrs S V Hohler, Mr G A Horne MBE, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr J I Muckle, Mr W V Newman, DL, Mr A R Poole, Mr R Tolputt (Substitute for Mrs P A V Stockell) and Mr F Wood-Brignall

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Principal Planning Officer), Mr R White (Transport and Development Business Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

88. Minutes - 4 November 2008
(Item A3)

(1) The Head of Planning Applications Group reported that in respect of Minute 83, the Secretary of State had decided that the County Planning Authority could determine the Lullingstone Country Park application as it deemed fit.

(2) In respect of Minute 86, the Head of Planning Applications Group reported that the applicants had agreed to provide further details to the Environment Agency in respect of the flood risk mitigation measures required to overcome their objection to the Queensborough Children's Centre application.

RESOLVED that the Minutes of the meeting held on 4 November 2008 are correctly recorded and that they be signed by the Chairman.

89. Application TM/08/624 - Regularisation of the layout of the gas control compound permitted under Permission TM/04/3135 and installation of a new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham, West Malling; Waste Recycling Group
(Item C1- Report by Head of Planning Applications Group)

(1) Mrs C Innes from Offham Parish Council, Mr D Stretton and Mr M Balfour addressed the Committee in opposition to the application. Mr D Humpheson (RPS) and Ms J Kwamble (Infinis) spoke in reply as the applicants.

(2) During discussion of this application, Members asked for further details on acoustics and lighting.

(3) Mr J I Muckle moved, seconded by Mr T A Maddison that consideration of this matter be deferred pending a Members' site visit.

Carried Unanimously

(4) RESOLVED that consideration of this matter be deferred pending a Members' site visit and further information on acoustics and lighting.

90. Application DO/08/897 - Enclosed facility to retrieve waste and sort it into reuseable, recyclable and recoverable fractions by physical means. Sorted materials and remaining residual waste to be transported to re-user, recycler, reprocessor and waste disposal sites at Aylesham Industrial Estate, Cooting Road, Aylesham, Canterbury; Clearers (South East) Ltd
(Item C2- Report by Head of Planning Applications Group)

(1) A revised plan of the site was tabled to replace the version in the report which had become distorted during the printing process.

(2) The Head of Planning Applications Group reported correspondence from Aylesham Parish Council expressing concerns about certain aspects of the application. The Committee agreed that these concerns should be addressed when preparing the detailed conditions.

(3) RESOLVED that permission be granted to the application subject to conditions including conditions covering annual waste throughput; vehicle number restrictions; hours of operation restrictions; notification of intention to work the extended working day hours; and submission of a management plan to demonstrate mitigation measures.

91. Application AS/08/1373 - Retrospective application for composting facility at Land adjacent to electricity feeder station, Church Lane, Aldington, Ashford; J Wanstall and Sons
(Item C3- Report by Head of Planning Applications Group)

The Head of Planning Applications Group informed the Committee that this application had been withdrawn.

92. Proposal TW/08/3503 - Conversion of tennis courts to multi-use games area (MUGA) at St Gregory's Catholic Comprehensive School, Reynolds Lane, Tunbridge Wells; Governors of St Gregory's Catholic Comprehensive School and KCC Children, Families and Education.
(Item D1- Report by Head of Planning Applications Group)

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the school car parking area being made available for the users of the Multi Use Games Area after school hours; tree and hedge protection during the installation; and the development being carried out in accordance with the permitted details.

- 93. Proposal SH/08/1061 - Installation of floodlighting to the artificial turf pitch and to the multi-use games area at Folkestone Academy, Academy Lane, Folkestone; KCC Children, Families and Education**
(Item D2- Report by Head of Planning Applications Group)

RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; hours of use for the floodlighting of the multi-use games area being restricted to between 1600 and 2230 hours with no use on Bank Holidays; hours of use for the floodlighting of the artificial turf pitch being restricted to between 1600 and 2200 hours Mondays to Saturdays, between 1600 and 1800 hours on Sundays with no use on Bank Holidays; details of the revised landscaping scheme being submitted for the written approval of the County Planning Authority within a month of the date of the permission; car parking only being accessed from Kingsmead and being kept available for use after school hours; the development being carried out in accordance with the lighting and other detail specified in the application and not varied without prior written approval of the County Planning Authority; and
- (b) the applicants be reminded by Informative of the existing limits on noise levels.

- 94. Proposal TM/08/2857 - New special school, parking, play area, landscaping and ancillary works at Wrotham School, Borough Green Road, Wrotham, Sevenoaks; KCC Children, Families and Education.**
(Item D3- Report by Head of Planning Applications Group)

(1) Mr A R Poole and Mrs S V Hohler made declarations of Personal Interest as they had expressed a view on the proposal at a previous stage. They took no part in the decision-making. In addition, Mrs V J Dagger made a declaration of Personal Interest for the same reason. She addressed the Committee in her capacity as local Member and took no part in the decision-making process.

(2) Correspondence from Sport England withdrawing its objections was tabled.

(3) Mr H Rayner from Wrotham Parish Council addressed the Committee in support of the proposal whilst drawing attention to some of the Parish Council's traffic concerns. Mr M Balfour, Chairman of Governors of Grange Park School spoke in reply.

(4) RESOLVED that:-

- (a) the proposal be referred to the Secretary of State for Communities and Local Government as a departure from the Development Plan, and subject to her decision, permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials in accordance with the submitted scheme; implementation of appropriate tree protection measures; implementation and subsequent maintenance of landscaping and planting proposals; details of fencing and paving materials; noise levels in teaching rooms not exceeding 35dB L_{Aeq,T}, in accordance with

Building Bulletin 93; external lighting specifications being agreed; any necessary conditions relating to archaeology; submission for approval of drainage details, including a drainage strategy to ensure that the development does not increase flood risk elsewhere; prevention of potential land contamination; mitigation measures relating to nesting birds and the protection of the Great Crested Newts, including protection of the pond on the site, and proposals for ecological enhancements; provision of access, circulation and parking facilities before the building is first occupied or brought into use, and the surfacing and marking out of the area of hard standing used by Wrotham School; maintenance of visibility splays; on site facilities for the parking and turning of all contractors' and suppliers' vehicles, with no deliveries being made from the public highway; the use of the vehicle access from the public highway for construction access and deliveries not being used during the school AM drop off and PM collection times unless work is programmed outside of the school term; the public highway being kept clean of mud and debris occasioned by the works, including provision of on site wheel washing facilities; the protection of all pedestrian movements within the site during construction being maintained at all times; submission for approval of a School Travel Plan, and any necessary conditions required by Sport England; and

- (b) the applicants be advised by Informative that account should be taken of the Environment Agency's advice relating to drainage, groundwater protection, waste management and pollution prevention during construction; and that account should be taken of Natural England's advice relating to protected species.

95. Proposal TM/08/2988 - Demolition of a mobile classroom and construction of a new single storey classroom block consisting of a music room, ICT suite and small multi-purpose teaching area at Leybourne St Peter and St Paul CEP School, Rectory Lane North, Leybourne, West Malling; Governors of Leybourne St Peter and St Paul CEP School and KCC Children, Families and Education

(Item D4- Report by Head of Planning Applications Group)

(1) Mr R Ulph from Leybourne Parish Council and Mr D Hopper from Leybourne Cricket Club addressed the Committee in opposition to the proposal. Mrs V Dunnett, Head Teacher at Leybourne CEP School spoke in reply.

(2) On being put to the vote, the Head of Planning Applications Group's recommendations were carried unanimously with 1 Abstention.

(3) RESOLVED that permission be granted to the proposal (as amended) subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; details of flood-proofing measures being submitted to and approved by the County Planning Authority (in consultation with the Environment Agency) before commencement of the development; and details of safeguarding measures to protect the building from cricket balls being submitted to, and approved by the County Planning Authority (in consultation with Leybourne Cricket Club) before commencement of the development.

96. County matter applications

(Items E1- E6 – Report by Head of Planning Applications Group)

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

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments (None);
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received 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

Application for removal / variation of condition 12 of planning permission TM/06/762 at Blaise Farm Quarry Composting Facility, West Malling, Kent – TM/08/3350, TM/08/3351 & TM/08/3353

A report by Head of Planning Applications Unit to Planning Applications Committee on 22 January 2009.

Applications by New Earth Solutions Ltd for:

- (i) removal of condition 12 of planning permission TM/06/762 (*i.e. removal of all current restrictions on waste sources*) (TM/08/3350);
 - (ii) variation of condition 12 of planning permission TM/06/762 to allow waste to be sourced from the permitted 8 Kent Districts and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition; (TM/08/3351) and
 - (iii) variation of condition 12 of planning permission TM/06/762 to allow waste to be sourced from all 12 Kent Districts (*i.e. Canterbury, Thanet, Dover and Shepway added*) and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition (TM/08/3353)
- all at the New Earth Composting Plant, Blaise Farm Quarry, Kings Hill, West Malling, Kent.

Recommendation: Permission be granted for TM/08/3351 (*subject to further amendment to condition 12*) and refused for TM/08/3350 and TM/08/3353.

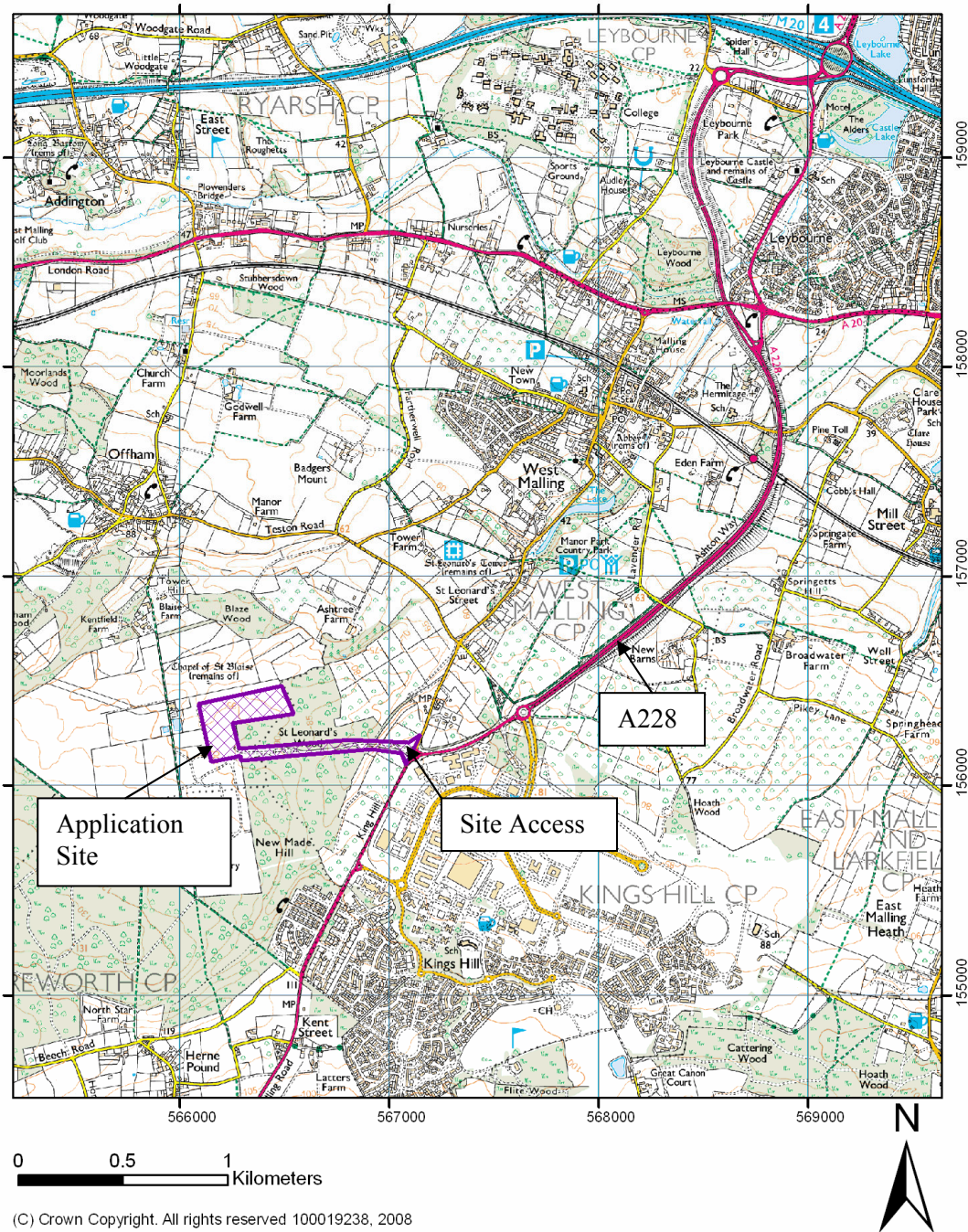
Local Members: Mrs S Hohler, Mrs T Dean and Mr R Long

Unrestricted

Site description and background

1. The New Earth Composting Plant is located within the excavated quarry void in the north eastern corner of Blaise Farm Quarry near Kings Hill, West Malling in the Parish of Offham. The composting facility is located about 15 to 20m lower than adjacent ground and is bounded to the east / part south by St Leonard's Wood, to the north by farmland and planting associated with the quarry and to the west / part south by those parts of the quarry that have yet to be started / fully excavated. The nearest residential property (Blaise Farm House) is about 500m to the north west. Access to the composting facility is via a purpose built access road from the existing quarry access road and the A228 West Malling roundabout near Kings Hill. The site lies in the Metropolitan Green Belt and St Leonards Wood is designated as both Ancient Woodland and a Local Wildlife Site (LWS). The remains of the Chapel of St Blaise (Scheduled Ancient Monument) lie about 100m to the north of the application site. The quarry has the benefit of a mineral permission (TM/88/1002) granted in 1994 which provides for the winning and working of ragstone over a 62-year period from the

Application for removal / variation of condition 12 of planning permission TM/06/762 at Blaise Farm Quarry Composting Facility, West Malling, Kent – TM/08/3350, TM/08/3351 & TM/08/3353



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Application for removal / variation of condition 12 of planning permission TM/06/762 at Blaise Farm Quarry Composting Facility, West Malling, Kent – TM/08/3350, TM/08/3351 & TM/08/3353

start of commercial mineral extraction (i.e. from March 2001).

2. Planning permission for the composting facility (TM/06/762) was granted on 19 September 2006 following the prior completion of a Section 106 (legal) agreement having previously been considered by the County Council's Planning Applications Committee on 20 June 2006. The permission provided for a fully enclosed composting facility (a series of buildings with a gross floor area of 24,153m³) to produce compost mainly from biodegradable materials comprising paper, card, food, vegetable and garden waste delivered by Waste Collection Authorities in Kent collected from household kerbside collection schemes and from Household Waste Recycling Centres (HWRCs), as well as from similar business wastes in Kent. The permission allowed up to 50,000 tonnes per annum (tpa) of waste to be imported to the facility. The facility was primarily designed to meet the requirements of a Kent County Council (KCC) waste management contract to process up to 25,000tpa of waste derived from Tonbridge and Malling and Tunbridge Wells over a 15 to 20 year period, as well as similar waste from Maidstone and Sevenoaks. The application was accompanied by a traffic impact report which concluded that the proposed location would meet the proximity principle for nine Districts (including Medway) in north, west and mid Kent and an alternative sites assessment report which concluded that of the four District areas considered (Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks), and in the absence of alternative sites in urban areas and non-Green Belt locations, only three locations (including Blaise Farm Quarry) offered practical opportunities for development of the facility based on the criteria used for assessment. The other two were the Wealden Granary Site in Mereworth Woods and Fishponds Farm to the north west of Tunbridge Wells, both of which were considered to be less favourable locations than Blaise Farm Quarry. The Wealden Granary Site is accessed off the B2016 (Seven Mile Lane) but development would have required clearance of an area of woodland which is also a Local Wildlife Site (LWS). The Fishponds Site requires access through a built-up area and would be visibly prominent.
3. The conditions attached to planning permission TM/06/762 of particular relevance to the current application are 2, 5, 12, and 15. Clause 5.3 of the Section 106 agreement is similarly important as this effectively repeats the terms of condition 12. Condition 2 requires all operations to cease within 20 years of the commencement of commercial composting operations, for all buildings, structures, plant, machinery, internal access roads and hardstandings to be removed within 12 months of cessation and for the site to be restored in accordance with an agreed restoration scheme within a further 12 months. Condition 5 requires that the development be carried out and completed in all respects strictly in accordance with the submitted / approved documents, plans and drawings. Condition 15 requires records to be maintained for 3 years detailing quantities and sources of waste imported to the site and for these records to be made available to the Waste Planning Authority on request to assist in monitoring compliance with other conditions (including condition 12). Condition 12 states:
 - "12. Waste imported to the composting facility shall only be sourced from within the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks except in the following circumstances:
 - (i) those occasions where there is sufficient capacity to handle the additional

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wastes at the Blaise Farm composting facility without diverting wastes from sources within Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts; and

- (ii) where the additional wastes would otherwise be exported from the County or landfilled; and
- (iii) where the additional sources of permitted waste are from within Swale, Ashford, Dartford and Gravesham Districts and the Medway Authority area.

Reason: As the principles of Best Practicable Environmental Option (BPEO), including the proximity principle, and very special circumstances necessary to justify the Green Belt location have been accepted on the basis that waste will primarily be derived from Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks and to accord with the principles of (amongst others) Waste Strategy 2000, PPG2, RPG9 Regional Waste Strategy (revised June 2006), Kent Structure Plan (1996) Policies S1 and MGB3, Kent & Medway Structure Plan (2006) Policy WM2 and Kent Waste Local Plan Policy W1, whilst acknowledging that a number of other waste sources are similarly proximate and could be used without undermining the reason for permitting a waste management facility in the Green Belt under certain circumstances.”

4. Condition 14 is also relevant. It originally required that no more than 50,000tpa of waste be imported to the site for composting in any calendar year but was subsequently varied (TM/07/4435) on 26 March 2008 in accordance with the resolution of the County Council’s Planning Applications Committee on 18 March 2008. Application TM/07/4435 had initially sought the removal of condition 14 but the permission granted amended this instead to no more than 100,000 tonnes in any calendar year. The applicant had agreed to this as an alternative to removal of the condition. It should be noted that the variation of condition 14 was only granted as the County Council was satisfied that more than 100,000tpa of biodegradable waste could arise from within the four District areas referred to in condition 12 (i) such that this need not undermine the Green Belt case for the facility being located at Blaise Farm Quarry. This assessment was made following consideration of a report by Eunomia Research and Consulting Ltd which set out potential quantities of biodegradable waste from household (kerbside and household waste recycling centres), commercial and industrial sources for the eight Kent District areas and Medway referred to in condition 12 (i) and (iii).
5. It is also worth noting that as the planning permission has been implemented, an earlier permission (TM/03/1155) for a composting facility in the centre of Blaise Farm Quarry will not now be implemented.¹ It should further be noted that the dualling of the West Malling by-pass and by-passing of Leybourne Way (to the north of Blaise Farm Quarry) has now been completed and that the KCC waste management contract to process biodegradable waste from Tonbridge and Malling and Tunbridge Wells has now been let. The contract, which is for a duration of 15 years with an option for an extension, actually provides for between 25,000tpa and 30,000tpa of waste to be sent to the site for composting after an initial three year period during which phased

¹ This was secured by clause 7.1 of the Section 106 agreement.

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increases in waste quantities are proposed.

6. Another application (TM/08/2893) seeking a temporary variation of condition 12 of planning permission TM/06/762 to allow up to 15,000 tonnes of waste to be imported from Essex for composting over the 18 month period from October 2008 to March 2010 was refused under officer delegated authority on 7 October 2008 following agreement to this approach by the Chairman of the Planning Applications Committee and Group Spokespersons. The reasons for refusal were:-
 - “1. The proposed importation of waste from Essex would be contrary to the principles of Best Practicable Environmental Option (BPEO) and contrary to paragraph 3.2 of PPG2 and Policies SS2 and WM2 of the Kent and Medway Structure Plan (2006). It would also undermine the County Council’s previous decision and lead to reduced capacity for waste arisings from within Kent or Medway (i.e. more proximate waste sources) resulting in such wastes either being transported further afield with resultant disbenefits or pressure for additional new facilities in the Kent Green Belt which could further undermine National Green Belt policy.
 2. The applicant has not demonstrated the very special circumstances necessary to overcome the presumption against inappropriate development in the Green Belt contrary to PPG2 and Policy SS2 of the Kent and Medway Structure Plan (2006).”

The Proposals

7. Application TM/08/3350 proposes the removal of condition 12 of planning permission TM/06/762 (*i.e. removal of all current restrictions on waste sources*) at the New Earth Composting Plant, Blaise Farm Quarry, Kings Hill, West Malling, Kent.
8. Application TM/08/3351 proposes the variation of condition 12 of planning permission TM/06/762 to allow waste to be sourced from the permitted 8 Kent Districts and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition at the New Earth Composting Plant, Blaise Farm Quarry, Kings Hill, West Malling, Kent.
9. Application TM/08/3353 proposes the variation of condition 12 of planning permission TM/06/762 to allow waste to be sourced from all 12 Kent Districts (i.e. Canterbury, Thanet, Dover and Shepway added) and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition at the New Earth Composting Plant, Blaise Farm Quarry, Kings Hill, West Malling, Kent.
10. In support of all three applications, the applicant states that it is intending to appeal against the refusal of planning application TM/08/2893 (i.e. the proposed temporary variation of condition 12 of planning permission TM/06/762 to allow up to 15,000 tonnes of waste to be imported from Essex for composting over the 18 month period from October 2008 to March 2010) and that in preparing for the appeal, it has scrutinised the wording of condition 12 and concluded that it does not meet the tests set out in Circular 11/95 and is *ultra vires*. Its reasons for this are that it considers the

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condition to be unenforceable. It states that the choice over how, where, what quantity and when waste is managed lies with producers and collectors (either municipal or commercial) and that it does not have control over them or have knowledge of their activities and future intentions. For these reasons it would be unable to demonstrate that circumstances (i) and (ii) has been met when contracting to receive waste from the areas listed in (iii). It further states that the County Council, as the enforcing authority, would be unable to detect a contravention as it would similarly be unable to establish that circumstances (i) and (ii) had not been met.

Planning Policy Context

11. **National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
12. **Regional Planning Policies** – These include Policies E1 (areas of cultural importance), E2 (biodiversity), E3 (Green Belts), W4 (sub-regional self-sufficiency), W5 (targets for diversion from landfill), W6 (recycling and composting targets), W7 (capacity requirements) and W17 (location of waste management facilities) of the adopted Regional Spatial Strategy (RPG9) and Policies BE7 (management of the historic environment), NRM4 (conservation and improvement of biodiversity), NRM5 (woodlands), CC10a (Green Belts), W4 (sub-regional self-sufficiency), W5 (targets for diversion from landfill), W6 (recycling and composting targets), W7 (capacity requirements) and W17 (location of waste management facilities) of the emerging South East (SE) Plan.
13. **Kent Structure Plan (2006)** - These include Policies SP1 (conserving and enhancing Kent's environment and ensuring a sustainable pattern of development), SS2 (extent of the metropolitan Green Belt), EN1 (protecting Kent's countryside), EN3 (protecting and enhancing countryside character), EN7 (county and local wildlife designations), EN8 (protection, conservation and enhancement of biodiversity), EN9 (trees, woodland and hedgerows), NR5 (pollution impacts), NR8 (water quality), TP12 (development and access to the primary / secondary road network), TP15 (development traffic & HGVs), TP17 (traffic and management of minor roads), WM1 (integrated waste management), WM2 (assessment criteria for waste proposals), WM4 (planning for waste management capacity) and WM6 (assessment of strategic waste management facilities).
14. **Kent Waste Local Plan (1998)** – These include Policies W6 (consideration of need / harm), W10 (criteria for composting proposals), W18 (noise, dust and odour), W19 (ground and surface water), W20 (land drainage and flood control), W21 (nature conservation), W22 (road traffic and access), W31 (landscaping) and W32 (aftercare).
15. **Tonbridge and Malling Borough Local Plan (December 1998)** - Identifies that the application site lies in the Green Belt.
16. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (September 2007)** – Policies CP1 (sustainable development), CP3 (Metropolitan Green Belt).

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17. **Kent Joint Municipal Waste Management Strategy (April 2007)** – The most relevant Policies are 8 (which states that the Kent Waste Partnership will achieve a minimum level of 40% recycling and composting of household waste by 2012/13 and will seek to exceed this target) and 12 (which states that the Kent Waste Partnership will work to secure composting capacity including in-vessel in the County to enable the authorities in the east of Kent to provide an efficient and cost-effective service for management compostable wastes).

Consultations

18. **Tonbridge and Malling Borough Council** – No objection to applications TM/08/3351 and TM/08/3353 subject to the remaining conditions attached to planning permission TM/06/762 being placed on any new permissions. *Comments are awaited on application TM/08/3350 and Members will be updated as necessary at Committee.*
19. **Offham Parish Council** – Objects to all three applications. Its comments are as follows:-

“Having carefully considered the information submitted and that relating to previous planning applications we confirm that we strongly object to these three applications for the following reasons:

- We were very disappointed to receive these three applications and to learn of NES’s intention to appeal against the refusal to grant planning permission for the variation of Condition 12 to permit waste from Essex to be processed for a temporary period.
- Following Mr. Bleszynski’s (NES) attendance at our last meeting on the 7th October where we discussed the original application for the variation of Condition 12 (TM/08/TEMP/0058) and a subsequent telephone discussion with Cllr Innes, we had taken at face value NES’s justification for seeking the variation of Condition 12 on the basis that this was only to be a one off application and for a temporary period of 18 months to help Essex to achieve their recycling targets whilst developing their own facilities.
- Whilst we had no objections to the application for a temporary permission to import waste from outside the specific areas given NES’s explanation of the reasons for the temporary surplus capacity in the plant and acceptance of the fact that importing waste from outside the approved areas would have no direct impact on Offham or our neighbouring parishes in terms of no additional traffic movements, we did concur with KCC on the problems the application created in terms of planning policy, given the location of the site within the MGB and the original justification for granting planning permission. Hence, whilst on the one hand we could not see any great harm from a local perspective in “helping out” another county on a temporary basis, on the other hand we recognised that there were perhaps bigger issues to be considered in terms of planning policy and precedents. Therefore, on balance, we concluded that we supported the decision of KCC.
- As we had been led to believe that the application was only for a temporary term of 18 months and was to “help out” another county we were very surprised to learn

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first of all of the intention to appeal against the refusal on the basis that by the time the appeal had been considered and a decision issued a substantive part of the proposed 18 months could well have passed and the “need” potentially have been eliminated by either Essex progressing the development of their own facilities or by them making alternative arrangements.

- We were even more perplexed by the subsequent arrival of these three applications in that they question the actual intention of the previous application.
- OPC originally objected to the original proposal to erect a composting plant in 2004/05 on the basis that the original planning permission for the quarry in 1988 contained a condition stating that the land had to be restored, phase by phase, to agricultural and at similar levels and contours to those that existed before any work took place. We were not opposed to the principle of a composting plant but were opposed to the principle that one of the original planning conditions, and a very significant one in our eyes, was not being fulfilled. Furthermore at the time of granting the original planning permission for the quarry, many reassurances were given that the site would not be used for waste management activities.
- This is the second site within our neighbourhood where a large quarry had been excavated and the resultant void has not been filled as originally envisaged. Offham Quarry became, as we are sure everyone is aware, a landfill site and the final contours are significantly different to the landscape that existed before quarrying took place.
- Bearing in mind that once permission had been granted for a 50,000 tonne capacity plant and the principle of building the facility granted on the grounds of “very special circumstances” we did not object to the doubling in capacity on the basis that this increase in capacity was a consequence of a more even flow of waste deliveries over the year, the original plant having been designed to accommodate seasonal peaks. Additionally, it did not involve an increase in floor area, and, most importantly, the applicant had confirmed that the increase in capacity would have no impact on noise, odour emissions or the level of HGV movements restricted to 82 HGV movements (41 in and 41 out) in any one day and 42 on a Saturday (21 in and 21 out).
- In the original application the need for the composting plant in this location was justified on the grounds of BPEO. We have heard mention that the BPEO test is no longer required – is this the case? If not, then where is the justification for varying the condition in each of the applications, and if so there must still be a requirement for some sort of cost benefit analysis in terms of benefits from importing waste from a wider area against the costs of transporting the waste to the plant – both financial and environmental.
- Once again, we seem to be faced with the situation of a continually evolving project. It is at great cost to the Village that this was the case with the Landfill site within the Village. In the case of Blaise Farm Quarry, permission was granted to extract stone on the basis that the quarry void would be backfilled and the land fully restored. Next, along came the application for the composting plant to be built in the quarry void. Permission was granted but a subsequent operator of the facility increased this to 100,000 tonne capacity plant. Now permission is being sought to vary the condition restricting the sources of the waste enabling it to serve a wider regional and indeed national area
- As far as we can determine the purpose behind Condition 12 was quite simply to ensure that the composting facility served and benefited the local area, rather than

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meeting a regional or indeed national need. Furthermore it must be remembered that “very special circumstances” were necessary to justify the release of the land from the MGB, proximity to waste source being one of them and the applicant demonstrating that there were no suitable alternative sites. Neither of these justifications could possibly apply to an extended area either regionally or nationally.

- The applicant states that Condition 12 cannot be complied with because of problems of forecasting waste supplies. However, we cannot believe that the statistical information would not be available for the calculations to be made to ensure that all parts of Condition 12 were being complied with. The only complication might be if NES were seeking to take on a contract from outside the priority districts for a different period of time when forecasting might be more difficult. This could easily be overcome by ensuring that all contracts were on the same time scale. If there was spare capacity, this would be easily identifiable at the time of accepting a contract from outside the priority districts.
- The applicant states that they cannot control the availability of waste but surely this is a normal business risk of supply and demand. NES have built a commercial plant for processing waste based on their business analysis and forecasting of a demand for composting facilities. Their ability to win contracts for the supply of waste for their plant depends surely on their business acumen and not simply the whim of suppliers. If permission is granted for either a regional or national expansion of the source area then this could result in the local districts having to compete with other areas. At the end of the day, NES are going to make a business decision and if one authority is willing to pay more than another to send their waste to this composting facility then NES are obviously going to select the most lucrative contracts. Without any restrictions, such as those imposed by condition 12, in an extreme example the composting plant could be importing waste from outside of the local area and the waste from that local area could be forced to go elsewhere.
- NES took on this site with a planning permission for a plant of 50,000 tonne capacity. This facility has been constructed and has been in operation since September 2008. We understand from a recent visit to the site that they are currently receiving approximately 30,000 tonnes of waste and should be up to 50,000 tonnes by early next year. Construction has not started on Phase 2 which would double the size of the plant to 100,000 tonnes. If, as they have suggested, the original designated areas cannot provide sufficient waste to fill this increased size, then a simple solution to this problem would be to not start construction of Phase 2.
- By seeking a variation to condition 12 they are seeking to change the nature of the plant in terms of the geographical area it is seeking to serve. To widen this area to provide a regional or national facility then NES should be making a new application, rather than seeking a variation of a condition and then all the issues could be fully debated. Even if the need for proving BPEO no longer exists, as mentioned above there must be some tests/guidelines in terms of costs and benefits of providing such facilities and the distance travelled for both their imports and exports.
- We note the comments made on the Section 106 Agreement relating to this development and the restrictions placed on variation until 2011.

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In conversations with NES, we have been informed that as all operations are contained within an enclosed building there is no need for plants to be located in isolated locations but they can be just as easily located on industrial zoned land. Blaise Farm Quarry is a convenient site in that it is an existing “hole in the ground” albeit that it should, in the fullness of time be restored to agricultural land, and we would suggest, is very attractive financially in that its land value will be a fraction of zoned industrial sites. At the time of granting permission for the 50,000 tonne capacity plant, NES stated that there were no suitable alternative sites within the locality. Bearing in mind the current state of the market and as soon as one expands the area of search there must be other viable sites that surely ought to be considered as possible alternative locations.”

20. **West Malling Parish Council** – Objects to all three applications.

TM/08/3350: Strongly objects to this application as it feels that this would defeat the whole purpose of the introduction of condition 12 and would thus not be ecologically sound. It also expressed particular concern about the extra volume of traffic which would be generated.

TM/08/3351: Objects strongly to this application as it objects to any relaxation of condition 12. However, if KCC is minded to permit the variation of the condition it urges that a full independent environmental impact assessment should be carried out.

TM/08/3353: Objects to application as it objects to any relaxation of condition 12. However, it urges that if KCC is minded to permit either variation of condition a full independent environmental impact assessment should be carried out.

21. **Kings Hill Parish Council** – Objects strongly to all three applications for the following reasons:-

- If the applications are allowed the applicant would be able to move waste from other areas of Kent and would then want to bring waste from other counties in England and Wales;
- There would be an increase in noise and CO2 emissions and the level of HGV movements would inevitably increase from the current restrictions of 82 (Monday to Friday) and 42 on a Saturday.

22. **Mereworth Parish Council** – Objects to all three applications (*no reasons given*).

23. **SEERA** – No representations to make as the application does not fall within its normal criteria for regionally significant waste applications set out in its advice note.

24. **SEEDA** – No comments to make on any of the applications.

25. **Environment Agency** – No objection to the removal or variations of condition 12.

Representations

26. The application has been publicised both by site notice and newspaper advertisement

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and 12 local residential / business properties were notified. At the time of writing no responses have been received.

Local Members

27. County Council Members Mrs S Hohler, Mrs T Dean and Mr R Long were notified in October 2008.

Discussion

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraphs 11 to 17 are of greatest relevance. Also of particular relevance is Circular 11/95: The Use of Conditions in Planning Permissions (1995) which sets out the general criteria for the validity of planning conditions and the “six tests” that all conditions should meet.
29. Prior to the publication of PPS10, Government 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. PPS10 moved 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 still 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 adopted and emerging Regional Spatial Strategy for the South East (i.e. RPG9 and the draft SE Plan).
30. Each of the planning applications has been submitted under Section 73 of the Town and Country Planning Act 1990. Although such applications are normally described as being to remove, amend or vary a planning condition(s), Section 73 actually provides for the development of land without compliance with a condition(s) attached to an earlier permission. Any planning permission granted pursuant to Section 73 represents a wholly new planning permission and the applicant would then have the option as to which planning permission it wished to rely upon. Section 73 enables the planning authority to decide that planning permission should be granted subject to conditions different from those existing, the same as those existing (in which case permission should be refused) or unconditionally. In principle, the scope of the planning authority’s jurisdiction when considering a Section 73 application is more limited than when considering a full application and it does not empower the planning authority to rewrite the permission altogether. However, the planning authority is not constrained in its consideration of the full planning merits. Although the applicant has

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submitted three separate applications, it could have sought any or all of the proposed changes to condition 12 as part of the same application.

31. The key issues for each application are:-

- whether condition 12 of planning permission TM/06/762 is *ultra vires* and whether it meets the “six tests” in Circular 11/95;
- what are the implications of the proposed change (removal or amendment) and would this be acceptable in planning terms; and
- whether any other change to the wording of condition 12 would be desirable for any reason.

Is condition 12 ultra vires and does it meet the six tests in Circular 11/95?

32. If condition 12 was *ultra vires* it would be unlawful. Its legality can only be tested by way of a claim for judicial review, which should have been made promptly / within three months of the grounds for the claim having arisen. In this case, any claim for judicial review would need to have been made by 19 December 2006 (i.e. three months from the date of planning permission TM/06/762). In respect of the legal requirement for a condition, case law² has also held that conditions should:-

- a. Fulfil a planning purpose;
- b. Fairly and reasonably relate to the permitted development; and
- c. Not be manifestly unreasonable.

33. The “six tests” in Circular 11/95 are that conditions should be:-

1. Necessary;
2. Relevant to planning;
3. Relevant to the development permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

34. Planning permission TM/06/762 was granted at Blaise Farm Quarry following careful consideration of various issues including those of the “very special circumstances” necessary to justify the Green Belt location and the proximity of waste sources to the site. It was felt that the limitations contained in condition 12 were essential to justify the location and overcome the usual Green Belt objections to the proposals and that the condition would go some way to ensuring that waste handled by the site arose in the four District areas referred to in the first part of the condition (i.e. those areas which the facility was primarily designed to serve, which are covered by significant areas of Green Belt and within which the applicant had demonstrated that there were no suitable alternative sites). It was also intended to provide some flexibility to the operator by allowing waste to be imported from the other five areas which would be similarly proximate and are, in some cases, also covered by significant areas of Green Belt without prejudicing the ability of the facility to compost waste from the four main

² Newbury District Council v Secretary of State for the Environment [1965]

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District areas.

35. For the above reasons, I consider condition 12 to fulfil a planning purpose and be fairly and reasonably related to the permitted development such that it meets the requirements of legal tests (a) and (b) above and to be necessary, relevant to planning and the development permitted such that it meets 1, 2 and 3 of the “six tests” in Circular 11/95.
36. In assessing whether condition 12 is enforceable, it is necessary to consider how the operator could demonstrate compliance and how the County Council could monitor this. Part (i) of condition 12 could be addressed by the operator commissioning regular waste generation figures or forecasts for the four main District areas, having regard to the likely generation of putrescible waste within those District areas and the facilities in them which could treat or dispose of that waste, and comparing the results against any spare capacity at the facility (which could in turn be established from the information required by condition 15 and any existing or future contracts which would be known to the operator). In providing the report by Eunomia Research and Consulting Ltd in support of planning application TM/07/4435 the applicant has already demonstrated that this approach is possible. The County Council could undertake its own assessment on a similar basis and also rely on information obtained via condition 15. Part (ii) of condition 12 could be addressed by the operator making proper inquiries during discussions on prospective waste contracts with producers, collectors or delivery companies (as appropriate) and the Waste Planning Authority as to what alternative treatment or disposal options exist and ensuring that it only accepted waste that met the requirements of the condition. Given the requirements of condition 15, and its knowledge of alternative waste facilities, the County Council would be able to assess whether imported waste was compliant with this part of condition 12. Part (iii) of condition 12 could simply be assessed from information obtained pursuant to condition 15 as this requires the operator to maintain records of the quantities and sources of waste imported to the facility for three years and to make this information available to the Waste Planning Authority on request. The collection of similar information is also a requirement of the Environmental Permit and related waste legislation.
37. Having concluded that condition 12 fulfils a planning purpose, is fairly and reasonably related to the permitted development, is necessary, relevant to planning, relevant to the development permitted and enforceable, it must follow that the condition is sufficiently precise and reasonable in other respects. I therefore consider that condition 12 meets the three “case law” tests such that it is not *ultra vires* and that it also meets the “six tests” in Circular 11/95.

What are the implications of the proposed changes (removal or amendments) to condition 12 of planning permission TM/06/762 and would the proposed removal or amendments be acceptable in planning terms?

38. Although none of the applications has been submitted on the basis that there is no planning justification for condition 12 and that it does not therefore fulfil a valid planning purpose, it is appropriate to address this point at this stage as such considerations are certain to become an issue in the event of any appeal.

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39. Tonbridge and Malling Borough Council has raised no objection to applications TM/08/3351 and TM/08/3353 subject to the remaining conditions attached to planning permission TM/06/762 being placed on any new permissions. *At the time of writing this report its comments are awaited on application TM/08/3350.* All four local parish councils have objected to the applications. Their reasons (where given) are set out in paragraphs 19 to 22. No other representations have been received in response to any application.
40. If condition 12 were to be amended to remove circumstances (i), (ii) and (iii) to simply allow waste from the eight Kent District areas and Medway (*application TM/08/3351*) this would widen the normal geographical waste catchment area and reduce the likelihood of the facility taking waste from the four main District areas that the facility was designed and permitted to serve and within which the alternative sites assessment report referred to in paragraphs 2 and 34 above had demonstrated there to be no suitable alternative sites (i.e. no sites in urban areas or non-Green Belt locations). Although Dartford, Gravesham and Medway also contain areas of Green Belt (53%, 78% and 22% of the local authority areas respectively), these areas have not been subject to any form of alternative sites assessment and it is not possible to say whether more suitable sites exist in them. If they do contain more suitable sites, any waste management facilities designed to serve these areas should be developed on those sites. As Ashford and Swale are entirely outside the Green Belt, they are not subject to the same Green Belt policy considerations and it is considered that waste from these areas should only exceptionally be dealt with at waste management facilities in the Green Belt.
41. In the case of Ashford and Swale, the proposed amendment would also be likely to result in waste being transported over greater distances and take longer to travel than if it were to come from within any of the four Districts (as exemplified by the applicant's own traffic impact report referred to at paragraph 2 above). The proposed amendment is also likely to give rise to pressure to allow additional waste management facilities in the Green Belt in the four principal District areas which contain the following percentages of Green Belt cover: Tonbridge and Malling (71%); Tunbridge Wells (22%); Sevenoaks (93%); and Maidstone (1%). The proposal may also lead to pressure for new waste management facilities in the other areas with Green Belt designations referred to in paragraph 40 above. It may additionally result in waste from within the Green Belt being transported greater distances to any new facilities that may be permitted elsewhere.
42. In the worst case, all the remaining currently uncontracted capacity at the New Earth Composting Facility (i.e. between 70,000tpa and 75,000tpa) could come from outside the four main District areas and outside the Green Belt for the remaining life of the facility with resultant disbenefits (including those relating to travel distance or time). Decisions on waste sources are also likely to be based entirely on commercial considerations. Given the above, the proposed amendment would conflict with Green Belt policy and any associated reasons for the imposition of condition 12 (including those relating to proximity) and undermine the original reasons for granting planning permission.

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43. If condition 12 were to be amended to remove circumstances (i), (ii) and (iii) to allow waste from all Kent District areas and Medway (*application TM/08/3353*) the same Green Belt and proximity arguments would apply. However, it would additionally be likely to lead to waste from even less proximate sources (i.e. Canterbury, Shepway, Thanet and Dover) being imported to the facility at the expense of more proximate waste sources or waste being exported elsewhere from within the Green Belt over longer distances and be contrary to the objectives of sustainable waste management.
44. If condition 12 were removed (*application TM/08/3350*) there would be no restriction whatsoever on where waste imported to the site can be sourced from. This could result in waste being imported to the facility from anywhere. This would wholly undermine both the Green Belt and proximity cases for the development at Blaise Farm.
45. In my view, all of the above implications would be unacceptable when considered against relevant planning policies and the proposed changes should be resisted.

Would it be desirable to change the wording of condition 12 for any reason?

46. Notwithstanding the above, it is desirable to consider whether condition 12 could be reworded in some way to make the process of compliance and enforcement more straightforward whilst still securing its objectives. It may also enable consideration of any exceptions to the normal waste source areas to be undertaken in a more transparent way. Consideration as to whether condition 12 might be better reworded in some way is provided for under the terms of Section 73 of the Town and Country Planning Act 1990.
47. Condition 12 could be re-worded as follows:-
 12. Unless otherwise approved beforehand in writing by the Waste Planning Authority, waste shall only be imported to the composting facility from the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks. With the prior consent in writing of the Waste Planning Authority obtained upon application pursuant to this condition made in advance waste may be accepted from sources in Swale, Ashford, Dartford and/or Gravesham Districts and/or from the Medway Authority area if the following requirements are met:-
 - (i) the application for consent is supported by a report demonstrating that the acceptance of waste from the additional area(s) would not lead to waste already being imported to the composting facility from within the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks being diverted elsewhere or be likely to prejudice the ability of the composting facility to take further waste from these four principal Districts during the remaining life of the facility. The report should include a clear statement setting out the proposed amount of waste to be imported (expressed in tonnes per year), information on likely peaks and troughs during the year and the duration of the proposed contract, together with an assessment of the available capacity at the composting facility based on existing and committed contractual arrangements; and

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- (ii) the application is supported by information as to what the alternative means of disposal of the additional waste sought to be accepted would be which demonstrates that it would otherwise be exported from the County or landfilled.

Any waste imported from Swale, Ashford, Dartford and/or Gravesham Districts and/or from the Medway Authority area shall be imported in accordance with the terms and conditions of any consent given by the Waste Planning Authority and only for the duration of that consent.

Reason: As the principles of Best Practicable Environmental Option (BPEO), including the proximity principle, and very special circumstances necessary to justify the Green Belt location have been accepted on the basis that waste will primarily be derived from Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks and to accord with the principles of (amongst others) Waste Strategy for England (2007), PPG2, RPG9 Regional Waste Strategy (revised June 2006), emerging South East Plan and Kent & Medway Structure Plan (2006) Policy WM2, whilst acknowledging that a number of other waste sources are similarly proximate and could be used without undermining the reason for permitting a waste management facility in the Green Belt under certain circumstances.

With the following additional informative:-

Informative

1. You are advised that in considering applications for additional waste sources pursuant to condition 12 the Waste Planning Authority will consider limiting any approval(s) given by restricting the quantities of waste which may be imported or the duration of any approval period where not to do so would be likely to prejudice the ability of the composting facility to take further waste from the four principal Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks during its remaining permitted life. You are further advised that where a non-landfill alternative exists outside the Green Belt in Kent or Medway you will need to provide specific reasons as to why this facility cannot take the additional waste.

48. This re-wording to condition 12 would secure the objectives behind the imposition of the current condition, provide a more practical mechanism for seeking approval of additional waste sources and enable the consideration of any additional waste sources to be subject to public scrutiny without reducing the controls afforded by the condition. As outlined in paragraph 30 above, the County Council could determine that one or more of the applications be granted permission subject to this replacement condition. However, to avoid the possibility of an even greater number of planning permissions existing than would otherwise be the case, it would be preferable to grant planning permission for only one of the applications on this basis and refuse the other two. Although it is largely academic (*given the way Section 73 of the of the Town and Country Planning Act 1990 functions*) it would seem logical to refuse the two applications which seek the greatest change to condition 12.

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Other matters

49. Although all three proposals would be likely to result in an increase in the number of HGVs currently using or contracted to use the site, which could lead to additional associated impacts on the road network near the site (e.g. the A228) when compared to the situations under these scenarios, they would not result in any increase in the number already permitted. The impacts associated with permitted HGV movements have already been fully considered when the previous applications were determined and the existing permissions already contain conditions designed to keep related impacts to an acceptable level (e.g. maximum daily HGV movements). The Section 106 Agreement also restricts the use of local roads through Offham, West Malling and Mereworth to vehicles collecting waste from these areas and the permissions contain other conditions designed to ensure that potential impacts on the local environment from operations at the site are minimised. No changes are proposed to these restrictions and the site would continue to be controlled by an Environmental Permit. Any new permission(s) would need to replicate the conditions imposed on planning permission TM/06/762 as amended by planning permission TM/07/4435.
50. If condition 12 were to be amended as above, it would be desirable for clause 5.3 of the Section 106 Agreement to be modified to reflect this change.

Conclusion

51. For the reasons set out above, I consider that condition 12 is not *ultra vires* and that it meets the “six tests” for conditions in Circular 11/95.
52. I would not support the proposed removal or amendments to condition 12 on the grounds that these would be contrary to the principles of the policies set out in the reason for condition 12, would be specifically contrary to paragraph 3.2 of PPG2, the 6th bullet of paragraph 3 of PPS10 and Policies SS2 and WM2 of the Kent and Medway Structure Plan (2006) and would undermine the County Council’s previous decision and make it difficult to maintain the intent behind condition 12 for the remaining life of the facility (i.e. about 20 years). In this way it could also lead to waste either being transported greater distances with resultant disbenefits or pressure for additional new waste management facilities in the Green Belt which could further undermine National Green Belt policy. In the case of application TM/08/3350 it could also lead to a reduction in capacity for waste arisings from more proximate waste sources within Kent or Medway.
53. Notwithstanding the above, I believe that it would be desirable for condition 12 to be reworded as suggested in paragraph 47 in order to make the process of compliance and enforcement more straightforward and transparent. I therefore recommend accordingly.

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Recommendation

54. I RECOMMEND that:-

- (i) PERMISSION BE GRANTED in respect of planning application TM/08/3351 subject to the conditions imposed on planning permission TM/06/762 dated 19 September 2006 as amended by planning permission TM/07/4435 dated 26 March 2007 being repeated and condition 12 being reworded as follows:-

12. Unless otherwise approved beforehand in writing by the Waste Planning Authority, waste shall only be imported to the composting facility from the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks. With the prior consent in writing of the Waste Planning Authority obtained upon application pursuant to this condition made in advance waste may be accepted from sources in Swale, Ashford, Dartford and/or Gravesham Districts and/or from the Medway Authority area if the following requirements are met:-

- (i) the application for consent is supported by a report demonstrating that the acceptance of waste from the additional area(s) would not lead to waste already being imported to the composting facility from within the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks being diverted elsewhere or be likely to prejudice the ability of the composting facility to take further waste from these four principal Districts during the remaining life of the facility. The report should include a clear statement setting out the proposed amount of waste to be imported (expressed in tonnes per year), information on likely peaks and troughs during the year and the duration of the proposed contract, together with an assessment of the available capacity at the composting facility based on existing and committed contractual arrangements; and
- (ii) the application is supported by information as to what the alternative means of disposal of the additional waste sought to be accepted would be which demonstrates that it would otherwise be exported from the County or landfilled.

Any waste imported from Swale, Ashford, Dartford and/or Gravesham Districts and/or from the Medway Authority area shall be imported in accordance with the terms and conditions of any consent given by the Waste Planning Authority and only for the duration of that consent.

Reason: As the principles of Best Practicable Environmental Option (BPEO), including the proximity principle, and very special circumstances necessary to justify the Green Belt location have been accepted on the basis that waste will primarily be derived from Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks and to accord with the principles of (amongst others) Waste Strategy for England (2007), PPG2, RPG9 Regional Waste Strategy (revised June 2006), emerging South East Plan and Kent & Medway Structure Plan (2006) Policy WM2, whilst

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acknowledging that a number of other waste sources are similarly proximate and could be used without undermining the reason for permitting a waste management facility in the Green Belt under certain circumstances.

Informative

1. You are advised that in considering applications for additional waste sources pursuant to condition 12 the Waste Planning Authority will consider limiting any approval(s) given by restricting the quantities of waste which may be imported or the duration of any approval period where not to do so would be likely to prejudice the ability of the composting facility to take further waste from the four principal Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks during its remaining permitted life. You are further advised that where a non-landfill alternative exists outside the Green Belt in Kent or Medway you will need to provide specific reasons as to why this facility cannot take the additional waste.
- (ii) PERMISSION BE REFUSED in respect of planning application TM/08/3350 for the following reasons:-
1. The importation of waste from other sources would be contrary to the principles of Best Practicable Environmental Option (BPEO) and contrary to paragraph 3.2 of PPG2 and Policies SS2 and WM2 of the Kent and Medway Structure Plan (2006). It would also undermine the County Council's previous decision and lead to reduced capacity for waste arisings from within Kent or Medway (i.e. more proximate waste sources) resulting in such wastes either being transported greater distances with resultant disbenefits or pressure for additional new facilities in the Green Belt which could further undermine National Green Belt policy.
 2. The applicant has not demonstrated the very special circumstances necessary to overcome the presumption against inappropriate development in the Green Belt contrary to PPG2 and Policy SS2 of the Kent and Medway Structure Plan (2006).
- (iii) PERMISSION BE REFUSED in respect of planning application TM/08/3353 for the following reasons:-
1. The importation of waste from other sources would be contrary to the principles of Best Practicable Environmental Option (BPEO) and contrary to paragraph 3.2 of PPG2 and Policies SS2 and WM2 of the Kent and Medway Structure Plan (2006). It would also undermine the County Council's previous decision and lead to reduced capacity for waste arisings from more proximate waste sources within Kent or Medway resulting in such wastes either being transported greater distances with resultant disbenefits or pressure for additional new facilities in the Green Belt which could further undermine National Green Belt policy.

Item C1

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2. The applicant has not demonstrated the very special circumstances necessary to overcome the presumption against inappropriate development in the Green Belt contrary to PPG2 and Policy SS2 of the Kent and Medway Structure Plan (2006).
- (iv) The applicant be requested to modify clause 5.3 of the Section 106 Agreement to reflect the change to condition 12 set out in (i) above.

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

Background Documents: see section heading.
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Item D1**Part two storey new build Children's Centre at The Willows, Hilda May Avenue, Swanley – SE/08/1602**

A report by Head of Planning Applications Group to Planning Applications Committee on 22 January 2008.

Application by Kent County Council Children, Families and Education for the construction of a part two storey modular building on existing school playground for use as a Children's Centre, including canopied entrance with buggy storage, weldmesh fencing and tarmac play area, plus marking out of existing parking bays for use by the centre at The Willows, Hilda May Avenue, Swanley (SE/08/1602).

Recommendation: Planning permission be granted, subject to conditions.

Local Member(s): Mr. M. Fittock

Classification: Unrestricted

Site

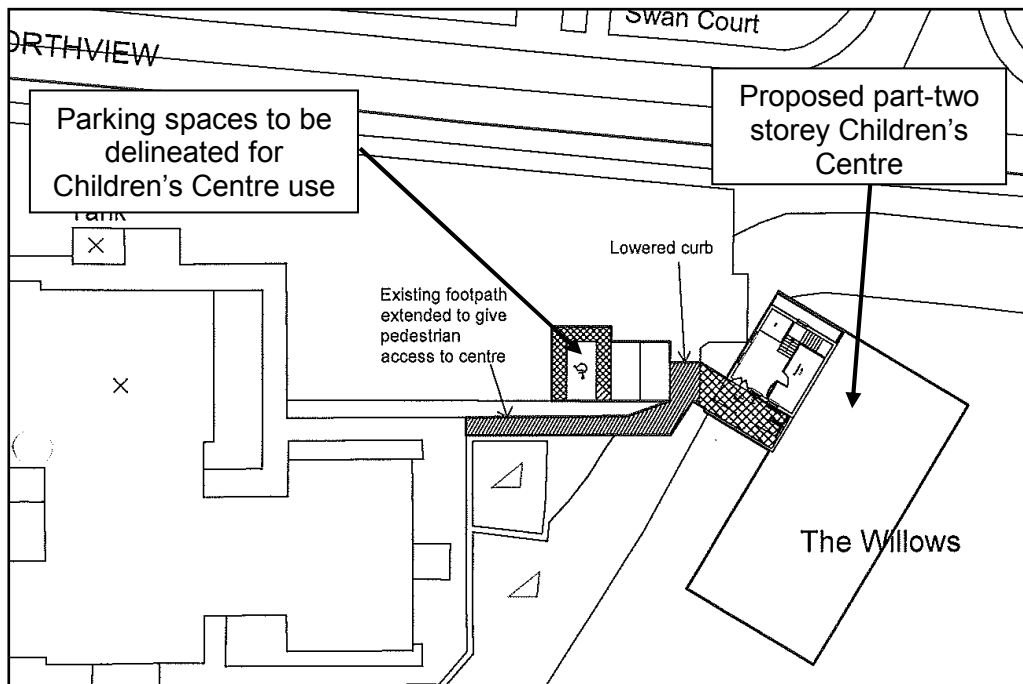
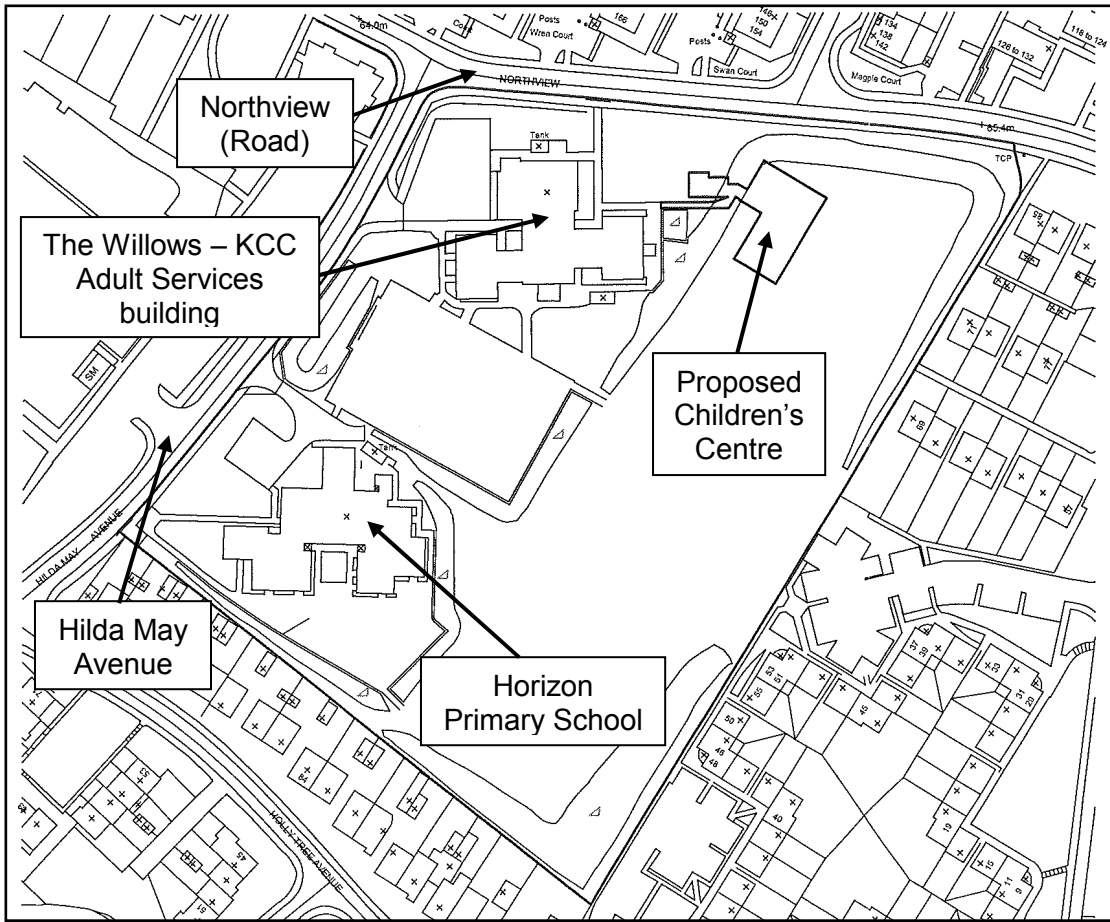
1. The Willows is located to the north-west of the main town of Swanley, on Hilda May Avenue. The site is primarily occupied by Kent Adult Social Services as an office base, with a smaller proportion of the main building being used by The Willows Pre-School Nursery. Prior to 2001, the Willows site was occupied by White Oak Junior School, with Horizon School (formerly White Oak Infants School) lying directly southwards from the application site. The application site is bordered by school playing fields to the east, residential properties along Northview (Road) to the North and White Oak Leisure Centre to the West. The school playing fields are designated as important areas of green space in the Sevenoaks Local Plan. *A location plan is attached on page D1.2.*
2. The application site for the proposed Children's Centre is located to the east of the main Willows office buildings, on the edge of the north-west corner of former school playing fields.

Background

3. The County Planning Authority granted planning permission in 2001 for a change of use of the site from the former White Oak Junior School to KCC Adult Services offices and a pre-school unit, with associated additional parking, under reference SE/01/1453. At the Planning Applications Committee on 11 December 2007, Members resolved to grant planning permission for the creation of a community Children's Centre through the adaptation, refurbishment and extension of part of the existing office accommodation currently occupied by Kent Adult Social Services and the Willows Pre-School Nursery, under reference SE/07/2744.
4. The development approved under reference SE/07/2744 has not been realised due to the internal space that would have been required within the existing office building not becoming available from Kent Adult Social Services. As such, the applicant has re-considered the nature of their proposal, and chosen a part two storey modular building on land to the east of the main office buildings for the proposed Children's Centre.

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Site Location Plan



Site Location Plans
The Willows Children's Centre, Hilda May Avenue, Swanley

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Proposed Children's Centre Elevations

The image displays five architectural elevations of a proposed children's centre. The elevations are arranged as follows:

- Top Left:** Front elevation showing a two-story building with a yellow upper section and a green lower section. It features a central entrance and several windows. A north arrow is present.
- Top Right:** Side elevation showing the profile of the building with a north arrow.
- Bottom Left:** Rear elevation showing a long, single-story building with a green facade and a series of windows. A north arrow is present.
- Bottom Middle:** Another side elevation showing the building's profile with a north arrow.
- Bottom Right:** A detailed elevation of a section of the building, showing window details and a north arrow.

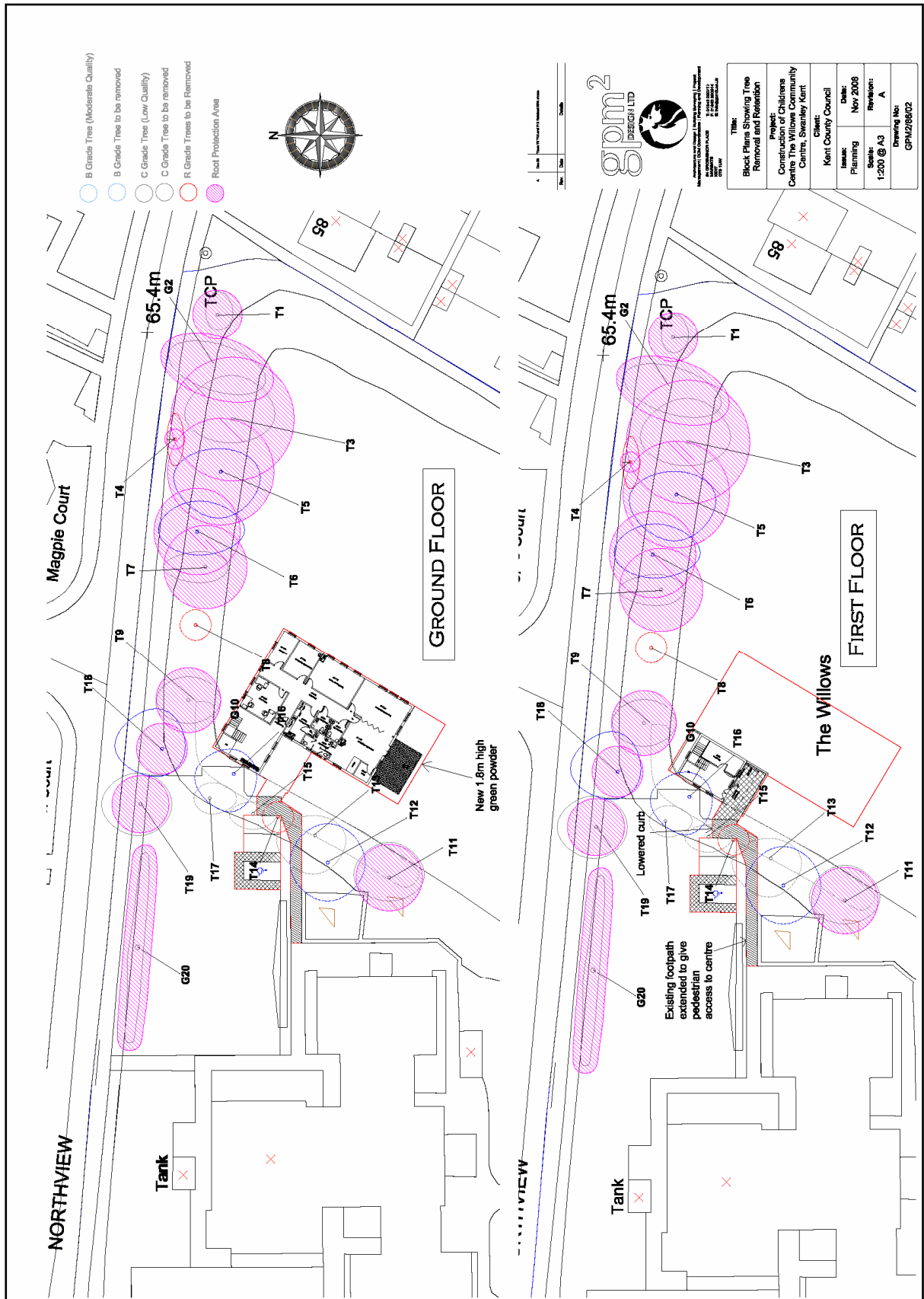
Company Logo: bpm² BUILDING LTD

Title Block:

Title:	Proposed Elevations
Project:	Proposed Construction of Children's Centre The Willows Community Centre, Swanley Kent
Client:	Kent County Council
Phase:	Final
Project No:	NEW 2009
Scale:	1:200 @ A3
Revision:	A
Drawing No.:	05-1402/0001

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Tree Retention / Removal Plan



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Proposal

5. This application proposes the creation of a half core Children's Centre on a section of sloping grassland adjacent to the eastern corner of the main Kent Adult Social Services office buildings at the site. The half core Children's Centre is proposed to provide a community facility with a crèche, meeting and staff accommodation, together with external works including the provision of a buggy store, a new steel and polycarbonate-clad canopy and an external impact absorbent play area surrounded by 1.8m high green weldmesh fencing. As the building is proposed on a sloping site with a change in level of just over 2 metres, the building proposes an entrance at ground level with the main Children's Centre function rooms at first floor level. The proposal includes a lift to enable disabled access to the upper floor where the main centre uses would occur.
6. The application has been made on behalf of the County Council's Children, Families and Education Directorate. The scheme is one of a number of similar applications which have been proposed across the County as part of Central Government's National Sure Start Programme, funded by the Department for Education and Skills (DfES). The main aim of the Sure Start Programme is to increase the availability of childcare for all children, improve health and emotional development for young children and support parents in their aspirations towards employment. The aim of the Children's Centre is to offer a range of health, adult education and family support services for the local community.
7. The application proposes that the Centre would be open from 08:00 to 18:00 hours, Monday to Friday, 48 weeks of the year. The Centre would employ 3 members of staff on a regular basis with the number rising for special events. The application states that the Centre is expected to generate up to 30 visitors in a normal day, spread out over the 10 hours of operation. It has been stated that only when a particular event, such as a seminar is being provided, would there be a number of people arriving at any one time.
8. The proposed Children's Centre is of a modular building type and would be constructed in major sections off-site and shipped to site and fixed on pre-constructed foundations. The building would be partially 'cut-in' to the existing sloping site, to allow the main building to sit above a lower ground floor entrance. The proposed building has been amended by the applicants to benefit from an 'enhanced' design which proposes vertical cedar cladding wrapped around the part two storey element of the building with a smooth green metal panelling to the rest of the building. The roof is proposed to be a metal flat deck. A plan showing the proposed 'enhanced' elevations of the modular Children's Centre can be found on page D1.3.
9. The application sets out that staff employed at the Centre would be employed within the surrounding area and would be encouraged to walk to/from work. In addition the application states that where staff would be expected to drive, they would be offered a parking space within the existing parking provision of the site which is proposed to be delineated specifically for Children's Centre use. The pedestrian access to the Children's Centre would be obtained from the existing gates in Hilda May Avenue and the existing footpath would be extended to offer a route from the entrance gate to the centre's entrance. It is noted that the application states that the Centre has been located to minimise travel distances by being located closely within the community it is intended to serve, and visitors therefore would be encouraged to walk.
10. The application proposes that the multi-purpose play area associated with the centre would be surrounded in green powder coated 1.8m high weld mesh fencing. In addition,

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it should be noted that as part of the proposals, the application involves the removal of 7 trees within, or in close proximity to the development footprint. An area of scrub planting within the development footprint would also be lost as part of the proposals. A tree survey has been submitted with this application, identifying that out of the 7 trees proposed for removal, 2 trees are considered to be 'B' grade (moderate quality and value) grade arboricultural classification, whilst 3 are 'C' grade (low quality and value) and the remaining 2 are considered to be 'R' grade (should be removed for reasons of sound arboricultural management). A plan showing the proposed tree removal and retention, as part of this proposal, can be identified on page D1.4.

Planning Policy

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

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

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

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

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

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

Policy QL12 – Provision will be made to accommodate additional requirements for local community services in response to growth in demand from the community as a whole. The services will be located where they are accessible by walking, cycling and by public transport

Policy EN9 – Tree cover and the hedgerow network should be maintained and enhanced where this would improve the landscape and/or biodiversity

Policy TP3 – Local Planning Authorities should ensure that development sites are well served by public transport, walking and cycling

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Policy TP19 – Seeks development proposals comply with the respective vehicle parking policies and maximum standards adopted by Kent County Council and Medway Council.

(ii) The adopted 2000 **Sevenoaks District Council Local Plan (Saved Policies)**:

Policy EN1 – Proposals for all forms of development and land use must comply with the policies set out in the Plan, unless there are overriding material considerations. The following criteria will be applied, amongst other matters, in the consideration of planning applications:

- the form of the development should be compatible in terms of scale, height and use of appropriate materials;
- the proposed development does not have an adverse impact on the amenities of a locality by reason of form, scale and height;
- the design of new development incorporates measures to deter crime;

Policy EN9 – The Local Planning Authority will safeguard important areas of green space within built confines.

Consultations

12. **Sevenoaks District Council**: has raised no objection to the application.

Swanley Town Council: was notified of the application on the 11 June 2008 and have expressed no comments to date. Any views received prior to the Committee Meeting will be reported verbally.

Divisional Transportation Manager: was notified of the application on the 11 June 2008 and have expressed no comments to date. Any views received prior to the Committee Meeting will be reported verbally.

Environment Agency: has raised no objection to the application.

Sport England: has raised no objection to the application.

KCC Landscape Advisor (Jacobs): makes the following comments, as set out below:

- Notes that the use of vertical timber cladding should help the proposed building sit more comfortably within the overall landscape;
- Notes that the tree retention plan shows that the retained trees should not be unduly affected by the construction of the proposed new Children's Centre, but reiterate the need to follow British Standard 5837:2005 – Trees in Relation to Construction guidance to protect these species from damage by materials and construction traffic;
- Emphasis the visual impact of removing trees T8, T9, T16, T17, T18 & T19 would cause the proposed building to become fully open to views from residential properties along Northview (Road) and The Spinney. Therefore, recommend that further information regarding replacement planting scheme be provided for review.

[Please note that following discussions with the applicants concerning the removal of trees T18, T19 & T9 adjacent to Northview (Road), the applicant has confirmed that these trees are now proposed to be retained as they do not fall under the

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development footprint. This has resulted in the existing landscape screening along Northview being retained as part of the current proposal].

Local Member

13. The local County Member, Mr. M. Fittock, was notified of the original application on the 11 June 2008. He was notified of the amended ['enhanced design'] proposal on the 22 September 2008. His comments relating to the original proposal, together with his further comments on the 'enhanced design' proposal can be found in Appendix 1.

Publicity

14. The application was publicised by the posting of two site notices at the main entrance of the site with Hilda May Avenue, and the boundary of the site with Northview. In addition, 16 neighbouring residential properties were individually notified of the application.

Representations

15. I have received no letters of representation to date in connection to this application.

DiscussionIntroduction

16. The application proposes to seek planning permission for a new build modular part two-storey community Children's Centre on the land to the rear of The Willows. The application is being reported to the Planning Applications Committee as a result of the objections received from the local County Member, as outlined in Appendix 1. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (11) above. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the 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. I consider that the key considerations in this particular case relate to the design of the proposed building; the location of the building, particularly with regard to its visual impact and the impact on existing trees; together with the need for the centre within the local community to provide a range of health, adult education and family support services.
17. The proposed Centre is one of 52 similar facilities which have been applied for, and are in the process of being constructed across the County by KCC's Children, Families and Education Directorate. A number of similar style modular building Children's Centres have been approved by the County Planning Authority and have been constructed at various sites, amongst others including Wincheap Primary School (Canterbury), Knockhall Primary School (Dartford) and Longmead Primary School (Tonbridge).

Location

18. The application site is located on sloping ground to the north-western corner of the former White Oak Junior School playing fields. The playing field is no longer used for any specific purpose as it sits within the curtilage of the site currently occupied by Kent

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Adult Social Services as an office base. The playing field is physically detached from that of the adjacent Horizon School by a metal palisade fence. It is worth noting that both this former playing field site, together with the current playing fields of Horizon School are designated as Important Areas of Green Space, under Policy EN9 of the Sevenoaks Local Plan. However, given that the proposed location of the Children's Centre would be located to the corner of the land covered by this landscape designation, it is considered that any potential impact on Policy EN9 would be, in relative terms, marginal. It is further noted that Sevenoaks District Council has raised no objection to the proposal, having considered the application against their own development plan document. Accordingly, I would not seek to raise an objection to this proposal on the basis of Policy EN9 of the Sevenoaks Local Plan.

19. Members will note that the siting of the proposed Children's Centre in this particular location would require the removal of 7 existing trees and low level scrub. However, having considered alternative locations within the current Willows site, it is considered that the land is largely taken up by existing 'built development', and as such there does not appear to be any alternative location better suited for the installation of a modular building. As proposed, the location of the Children's Centre would use a currently under-used area of sloping ground within the site, by cutting into the existing bank and creating a part two-storey building.
20. As identified in paragraph (10) above, the trees which would be required to be removed from the site are classified, in arboricultural terms, as a mix of moderate to low quality and value. Therefore, I consider that the loss of such species would not be to the detriment of the wider landscape, and can therefore be justified in this particular case. Members will also note that the trees located directly adjacent to Northview (Road) [Trees T19, T18 & T9 as shown on page D1.4] are proposed to be retained and protected, in accordance with the relevant British Standard, during construction. In my opinion, I consider that the retention of these 3 trees, which were previously shown to be removed, would ensure that the proposed modular building would not be highly visible from residential properties fronting Northview (Road). As such, I consider that the visual impact of the proposed unit from outside of the site would be relatively negligible and would therefore not seek to raise an objection to its siting or the removal of up to 7 trees within the proposed development footprint.

Design

21. Members will note the concerns raised by the KCC Local Member, as detailed in Appendix 1, in connection with the design of the proposed modular building. As a result of the objections received to the original design proposals, which consisted of a metal clad modular building, the applicants amended the design to benefit from an 'enhanced' external finish which includes the use of wrap-around vertical cedar cladding on the part two storey element of the building. By contrast, the rest of the building would be finished in a smooth green metal panelling which would require low maintenance after installation. It is noted that this specific 'enhanced' design approach has been adopted on a number of similar Centres across the County located in sensitive or prominent locations. In my opinion, I consider that the 'enhanced' design improves the external appearance of the proposed building.
22. Whilst it would undoubtedly be beneficial to encourage a design solution for the proposed Children's Centre which matches the existing style of the buildings on site and is of a permanent construction, as opposed to a modular type construction, this has not been possible with the current wave of Community Children's Centres. Budget constraints and the timescales for project delivery have set-out that modular style

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buildings need to be used for the units proposed. It should be noted that the large sums of money being provided for the Building Schools for the Future programme can in no way be used to fund new and separate projects such as the Children's Centres. In my opinion, I consider that the benefit brought about by the Centre in terms of the range of health, adult education and family support services that would be offered, together with the 'enhanced' design style of modular building, outweigh any potential significant design concerns in this particular case.

23. In addition to the proposed modular building, the application proposes the inclusion of an impact absorbent play surface, a polycarbonate canopy structure and the erection of 1.8m high green powder-coated weld-mesh fencing. In design terms, I would not raise objection to either of these external elements, but suggest that exact details of the canopy be secured by planning condition in this case.
24. It is my opinion that the proposed design of the centre in this particular location, whilst not an example of outstanding architectural design merit, is acceptable in planning terms and broadly meets the requirements of Policy QL1 of the Kent and Medway Structure Plan. Accordingly, I would not seek to raise an objection to this proposal on design related matters.

Traffic and Access

25. Another element of the application that requires consideration is the potential for the proposed Children's Centre use to generate additional traffic activity, including movements to and from the site, and whether this would result in an unacceptable impact on the surrounding area. The Children's Centre proposed would operate 'drop-in' style facilities to support young families in the immediate local community, providing a community facility with crèche, meeting and staff accommodation.
26. The application proposes no new additional car parking facilities at The Willows centre, but instead proposes the delineation of 3 parking spaces, including one disabled bay, from the existing provision of 42 parking spaces on The Willows site. Whilst it is noted that there would be 3 full-time members of staff employed at the proposed Centre, with the number rising for special events, the application sets out that staff would be employed from within a close proximity to the site.
27. There is no additional visitor car parking proposed apart from one disabled parking bay. The applicant states that all the Centres in Kent have been strategically located to minimise travel distances for the majority of the residents it is intended to serve. The Sure Start scheme puts a great deal of emphasis on "buggy pushing distance" with the users of the centre encouraged to walk. It is estimated that the Centre would have up to 30 visitors in a day, however the applicant advises that these visitors would be spread out over the 10 hours of operation and visiting primarily via an appointment system, rather than all on site at any one time. Only when a particular event, such as a seminar, is being provided would there be a number of people arriving at one time.
28. I consider that should the proposal be approved, there is a potential risk that the congestion level might increase on some occasions, but it is unlikely that this would be on a regular basis, or to be sufficient enough to recommend refusal of the application on these grounds alone. From a policy point of view, it is considered that the proposal meets the requirements of Policies TP3 and QL12 which require that community facilities be grouped together to reduce the need for travel, be easily accessible by walking and public transport. Accordingly, I would not seek to raise an objection to this proposal on highway matters.

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Hours of Use

29. The proposed hours of use of the Centre have been stated by the applicants as being between 0800 to 1800 hours, 5 days a week, 48 weeks a year. In reality, these hours of operation would not be dissimilar from the hours of operation of the adjacent Kent Adult Social Services offices, or those of the existing pre-school nursery. Accordingly, I would not seek to raise an objection to the hours of use proposed by this application.

Drainage

30. Members will note the concerns relating to drainage and potential surface water run off from the site during periods of intense rainfall, as raised by the local County Member. Bearing this issue in mind, I would seek to ensure that a foul and surface water drainage scheme be required by condition in the event that Members are minded to grant planning permission. Such scheme could then be fully considered at a later date by the County Planning Authority in consultation with the Environment Agency.
31. In addition, Members should note that the Environment Agency has raised no objection to the proposed development, as set out in paragraph (12) above. Therefore, in my opinion I see no reason to raise an objection on these grounds, subject to an appropriate surface water drainage scheme being submitted to and approved by the County Planning Authority.

Conclusion

32. Having regard to the Development Plan Policies, in addition to the material considerations raised by the local County Member in this case, I consider that the proposed part two-storey Community Children's Centre is in general conformity with the Development Plan. Whilst I note the views received from the local County Member, particularly in relation to design, I conclude that the benefits brought about by the inclusion of such facility within the local community, together with the 'enhanced' design approach offered up by the applicants, is sufficient to outweigh any potential concerns in this particular case. I therefore recommend that planning permission be granted as set out in paragraph (33) below.

Recommendation

33. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:
- the standard time limit;
 - the development to be carried out in accordance with the permitted details;
 - surface water drainage scheme being submitted to and approved by the County Planning Authority prior to any development commencing on site;
 - details of materials of the canopy being submitted to and approved by the County Planning Authority prior to any development commencing on site;
 - trees shown for retention be afforded protection during construction in accordance with the current British Standard.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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**New build Children's Centre at The Willows, Hilda May Avenue,
Swanely – SE/08/1602**

Appendix 1 – Local Member Comments

Comments based on original proposal:

Mr. J Moat
Planning Application Group
Invicta House
Maidstone
Kent
ME14 1XX

3 July 2008

Dear Mr. Moat

Application No SE/08/temp/0024
THE WILLOWS, HILDA MAY AVENUE, SWANLEY, KENT

I am replying to your letter of 11 June. In this letter you did not specifically invite me to make any comments on the planning application I would however ask you to bring the following concerns, in full, to all members of the KCC planning committee that will be considering this application in a date unspecified in your letter.

While fully supporting the of children's centers my enthusiasm for the concept should not run roughshod over the basic mores of planning consent. This flat tin roofed box shed has no place in any of the concepts of design as recommended by the KCC. I am totally opposed to the design and would strongly advise all members to vote against this application. Though not material to planning law members are aware that the Children's and Families Directorate of the KCC is about to embark on the biggest schools rebuild program in Europe. As such is very important that when considering planning issues that the very basic standards are achieved. Indeed it is KCC policy on building design that we should encourage good design.

If anyone can point out to me one element of good design in the proposals for this children's centre would they please let me know. These industrial box units are appropriate as temporary block offices on building sites but as a permanent structure plonked in the middle of a pleasant residential area they have no place whatsoever. The only one consideration has been taken into account and that is price. The boxes are to be attached to a well maintain 1960ies school building. There is no matching features that would normalise this extension with the existing building that one would expect from a usual planning application. Nor has there been any attempt to match the building with the surrounding flats and houses. Therefore the plan is detrimental to the street scene.

The design and access statement point 4 suggests that the design is constrained by the funding time scales and delivery of the KCC. This is difficult to understand, as members will remember I asked two questions a full council over two years ago trying to activate KCC to play its part in the introduction of children's centre. Design should in no way be compromised for haste even though the money for round two has been provided by central government and the place should have been constructed and running by April 2008. If the design is

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constrained by price then this should not be a planning consideration. If it is a bad plan then it should be rejected under existing planning guidance. Though it should not be material in planning law I again would remind members that a local school was closed on the understanding that the local community would benefit from a children's centre. While the school has been shut for over a year and the local community kept its part of the bargain in amalgamating two schools in double quick time there has been no movement from KCC on the sale of its valuable asset.

There are no additional parking places being provided. The car park is to have the existing bays relined. Parents will be in buggy distance of the centre. This is not acceptable as the numbers of professionals visiting the site will increase dramatically. This is the whole point in providing the building to bring together, health visitors, midwives, paediatricians, doctors, nurses, school professionals, Welfare offices young peoples mental health workers, playgroup leaders, police and anyone else involved in the complete range of children's services. They will not all be visiting the centre all the time but, if the centre is to meet its basic standards they will all be using the centre as a point of reference. As none of these live and work within buggy pushing distance of the centre then how are they supposed to get there. I visited the willows site yesterday and the car park was full. A young mum parked on the yellow line opposite to call in to see a worker. If the car park is full now where are all these additional professionals going to go? Not Making any additional parking spaces available is a nonsense and will make the site unworkable.

The flat roof of the building is reported to be made of metal deck. While very cheap, this can be an extremely noisy, during rain and not conducive to long term office use and not considered fit for purpose.

Bill Anderson is the much admired head of children's services and it would be wrong if his only legacy in Kent was to be "Anderson Shelters". I would therefore ask the planning committee to reject this application.

Yours sincerely

Mark Fittock
KCC Member for Swanley

Ref: Childrens Centres

Comments based on 'enhanced design' proposal:

Comments as follows:

- I regret the removal of 10 trees and would like to see them replaced else where on the site.

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- There is a need to consider protection for the remaining trees.
- Root projection extended into the road at Northview at G2. Is this acceptable long term?
- The removal of trees will further expose the very poor building design which is not in keeping with the street scene nor in keeping with KCC's own good design guidance.
- My other concerns previously expressed have not been addressed in these changes.
- The willow trees shown on the west of the site have exceptional root systems are planners aware of the problems with the drain on the adjoining school site at horizon school?
- I have received complaints about the lack of dropped curbs in Hilda May Avenue at the access to the site though I am yet to check this out.
- I will award a prize to anyone on the planning committee who can come up with a more badly designed building.

Mark Fittock

Item D2**Two mobile classrooms at The Norton Knatchbull School, Hythe Road, Ashford – AS/08/1506**

A report by Head of Planning Applications Group to Planning Applications Committee on 22 January 2008.

Application by the Governors of Norton Knatchbull School & Kent County Council Children, Families and Education for the provision of two mobile classrooms at Norton Knatchbull School, Hythe Road, Ashford (AS/08/1506).

Recommendation: Temporary planning permission be granted, subject to conditions.

Local Member(s): Mrs. E. Tweed

Classification: Unrestricted

Site

1. Norton Knatchbull School is located to the east of the main town of Ashford on Hythe Road (A292). It is a voluntary controlled grammar school with a school roll which increased from 1045 to 1087 pupils in September 2008. The increase in students was mainly experienced in additional numbers of sixth form students from September 2008. The application site is bordered by residential properties and an elderly persons care centre (Bradbourne Care Centre) which front Hythe Road to the southern side of the school buildings, and residential properties to the eastern boundary beyond the railway line. To the northern side of the site are allotments and school playing fields beyond. The main school buildings are generally located in the south-eastern corner of the school site, with the main playing fields and sports pitches located to the north west of the site. There are no specific local plan policies which relate to this site. *A location plan of the site is attached on page D2.2.*

Background

2. The County Planning Authority granted planning permission for the following developments at Norton Knatchbull as follows:
 - Creation of additional school playing fields (land to the north of main school buildings) under consent reference AS/04/1256 in January 2005;
 - Replacement of groundsman's hut and single storey demountable classroom block (both destroyed by fire) by two single storey metal storage containers, under consent reference AS/04/2225 in April 2005;
 - Construction of a sports hall complex, under consent reference AS/05/511 in December 2005;
 - Installation of solar panels on roof of existing school building, under consent reference AS/08/490 in May 2008.

Proposal

3. This application proposes the provision of two additional mobile classrooms to accommodate an increase in the school roll, mainly consisting of additional sixth form students, which took place from September 2008. The applicants have stated that the additional space required to accommodate an increased number of students in the short-term, can only be realistically met through the provision of two additional mobile classroom buildings. Whilst it is noted that the increased school roll has already taken place, a delay in the preparation and submission of a formal planning application to the County Planning Authority for the provision of temporary mobile classrooms accommodation, has resulted in cramped and unsuitable teaching conditions within the

Provision of two mobile classrooms at Norton Knatchbull School, Ashford – AS/08/1506

school. The applicants have stated that they are in urgent need of the additional space in the short term, in order to release classroom space and timetabling pressures within the main school buildings.

4. The provision of permanent accommodation to meet the needs of an increasing student roll has been considered by the applicants, but funding arrangements have not been agreed within a building programme at this stage. Therefore, the applicants believe that the only realistic short-term solution to the shortfall in classroom accommodation at the site is through the addition of two mobile classrooms as proposed.
5. It has been confirmed that the increase in pupil numbers, as occurred from September 2008, was accommodated by the existing number of teaching staff at the school. Therefore, as a result of the increase in the number of sixth form students, there was no additional requirement for extra teaching staff resources. Therefore, the applicants have confirmed that pressure on the existing staff car parking has not been experienced to date.
6. The mobile classrooms are proposed to be located adjacent to the southern boundary of the school playing fields (as identified on the site plan on page D2.2). This location has previously been used for mobile classroom and temporary storage accommodation, and is located near an existing sports pavilion building. The site chosen for the provision of mobile classrooms is physically detached from that of the main school buildings, by a distance of approximately 100 metres. The main reason for the proposed location of the classrooms away from the main cluster of school buildings has arisen due to a lack of alternative sites for the stationing of the temporary buildings elsewhere within the site which would not be detrimental to the operational activities of the school.
7. The location of the proposed mobile classrooms is adjacent to the boundary of residential properties fronting Hythe Road (Numbers 205a, 207 & 207a Hythe Road). The boundary is separated by a 1.8m high wooden close boarded fence and several shrubs and trees. Photographs showing the proposed location site, the existing boundary treatment and the adjacent residential properties can be found in Appendix 1.
8. The proposed classrooms would consist of a standard mobile classroom construction, similar to those found on many other educational sites across the County, comprising a felt flat roof and rough-cast green walls. Access to the mobile classrooms would be obtained through a series of timber ramps which would lead directly off an access path leading from the staff car park. The proposed main access points to the two mobile units would be located on the eastern elevations of the classrooms, facing the nearby residential property 207a Hythe Road.

Planning Policy

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

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

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

- protecting the Kent countryside and its wildlife for future generations;

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

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

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

Policy QL12 – Provision will be made to accommodate additional requirements for local community services in response to growth in demand from the community as a whole. The services will be located where they are accessible by walking, cycling and by public transport

Policy EN9 – Tree cover and the hedgerow network should be maintained and enhanced where this would improve the landscape and/or biodiversity

(ii) The adopted 2000 **Ashford Borough Local Plan (Saved Policies)**:

Policy DP1 – Planning permission will not be granted for development proposals which are poorly designed in terms of their scale, density, height, layout, massing, landscape, access or detailing

(iii) The adopted 2008 **Ashford Borough Council Local Development Framework Core Strategy**:

Policy CS1 – Sets our key planning objectives which relate to encouraging sustainable development

Policy CS9 – development proposals must be of high quality design.

Consultations

10. **Ashford Borough Council**: has raised no objection to the application subject to the development being carried out in accordance with the materials specified within the application.

Divisional Transportation Manager: has raised no objections to the proposal in respect of highway matters.

Environment Agency: no comments received to date.

**Provision of two mobile classrooms at Norton Knatchbull School,
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Local Member

11. The local County Member, Mrs. E. Tweed, was notified of the application on the 25 September 2008.

Publicity

12. The application was publicised by the posting of a site notice at the main entrance of the school with Hythe Road. In addition, 8 neighbouring residential properties and the neighbouring care centre were individually notified of the application.

Representations

13. I have received a letter of objection from a nearby resident in connection with this application. The main points of objection are as follows:
- my dwelling is not shown on the map and therefore it is not clear just how close the classrooms would be to my home;
 - there was a building sited here about 4 years ago, not 20 years ago as stated in the application, which burnt down due to arson causing great damage to my own property and expense to myself;
 - an application was made a few years ago to site large containers on the same site which was turned down;
 - strongly object to the proposal due to the size of the school, security cannot be guaranteed and therefore is a higher risk to my property being damaged again;
 - the strip of land between the classrooms and my property will once again become an area to throw rubbish and a place to congregate for smoking
 - view from property will be totally obscured if 2 classrooms are put on proposed site as they are considerably taller than my fencing;
 - currently my garden is overlooked by 18 windows from the nursing home [Bradbourne Care Centre] that was built on former school land
 - if proposal goes ahead, I will be totally 'penned in' by the existing nursing home and mobile classrooms.

Discussion

Introduction

14. The application seeks planning permission for the stationing of two temporary mobile classrooms to meet a current shortfall in classroom accommodation at Norton Knatchbull School. The application is being reported to the Planning Applications Committee as a result of the residential objection received relating to amenity issues, as identified in paragraph (13) above, mainly in terms of overlooking and visual impact from the proposed mobile classrooms into a nearby property.
15. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (9) above. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the 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. In this particular case, I consider that the key considerations in relation to this application are: -

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- the location of the proposed mobile classrooms, particularly in relation to any potential overlooking and amenity issues on nearby residential properties;
- the design of the proposed buildings and any potential ways in which the development could be improved to reduce its impact on surrounding residential amenity;
- the need for the proposed temporary accommodation to meet a current shortfall in permanent classroom accommodation; and
- the temporary nature of proposal.

Location

17. The application site is located on the southern boundary of the school playing fields adjacent to several residential properties, most notably numbers 205, 207 and 207a Hythe Road. The distance between the façade of the nearest mobile classroom to the façade of the closest residential property, 207a Hythe Road, would be approximately 10 metres. Members will note that a letter of objection has been received from the adjacent residential property, expressing various amenity concerns such as a loss of privacy, increased overlooking and issues of security as reasons for objection in this particular case.
18. The proposed mobile classrooms would be located, as identified on page D2.2, approximately 4 metres to the south of the nearest residential boundary with 207a Hythe Road. Photographs (1) and (2) in Appendix 1 show the nature of the site boundary which consists of a 1.8m high wooden close-boarded fence and low level trees and vegetation. The proposed mobile classrooms consist of two units with external dimensions of approximately 9 x 7.4 metres. The height of the units would be just under 3 metres to the eaves height of the felt flat roof. In terms of the two elevations (south and east) facing residential properties, these would consist of various double-glazed windows and the main single access door on each of the two units. An access ramp is proposed to run along the eastern edge of the proposed classroom, directly adjacent to the nearest residential property in order to provide the main means of entrance/exit from both classrooms. The access ramp would provide a level threshold access into the mobile classrooms which would be above ground level on the basis that mobile classrooms would be based on a raised platform above surrounding ground level.
19. I consider that the raised ramped access to both classrooms on the eastern elevation (adjacent to 207a Hythe Road) has the potential to provide users of both mobile classrooms with a raised platform for which students could obtain views across the adjacent property and its garden. In my opinion, I consider that the orientation of the classrooms, particularly with their access ramp systems, therefore has the potential to have a detrimental impact on surrounding residential properties. To this effect, I consider that the re-orientation of the units through 180 degrees, together with the main access ramp systems being located on the western elevation (away from the nearest residential property), would provide a solution to the currently raised issues. It is accepted however that an emergency means of access would have to be provided along the rear of the units, nearest to residential properties, in order to ensure a secondary means of escape in the case of an evacuation of the building. I consider however that an emergency escape route would only be used on occasion as an emergency means of evacuation, and therefore I do not consider that there would be a significant detrimental impact on residential amenity.
20. Furthermore, I consider that the use of obscure glazing would be beneficial to ensure that windows and doors on the southern and eastern elevations of the mobile units would not allow users of the classrooms to obtain views across adjacent residential

Provision of two mobile classrooms at Norton Knachbull School, Ashford – AS/08/1506

properties. I therefore consider that the use of a suitable planning condition to require the continued use of obscure glazing on all windows facing residential properties would seem appropriate in this particular case in order to safeguard residential amenity and avoid any potential overlooking issues. It is my opinion therefore that the rotation of the proposed classroom units, together with their associated ramp systems, through 180 degrees, and the use of obscure window glazing film would significantly help to reduce some of the residential concerns, particularly in terms of overlooking, which are set out in paragraph (13) above.

21. As previously noted, the location site for the proposed mobile classrooms is physically detached from the main school buildings by some 100 metres and is located adjacent to cricket playing nets and the school sports pavilion. This specific site has been used in the past as a location for a single storey demountable classroom block which was destroyed by fire as a result of arson at the school. Whilst I acknowledge that the location site is not ideal in terms of its proximity to surrounding residential properties, I note that alternative sites have been considered but in this instance have been discounted on the basis of their detriment to the functioning and operational activities of the school. Whilst it is noted that the site occupies a large parcel of land, most of this land is either taken up by existing built development, or comprises open land used as playing fields which would not be suitable, in planning terms, for the siting of such classrooms.

Design

22. Members will note the design of the proposed mobile classrooms is similar to that of typical temporary classroom units found elsewhere on education sites across the County. In this particular instance it is not so much a 'design' issue which is a cause for concern in terms of residential amenity, but more of a layout and proximity issue. Bearing that in mind, I am satisfied that the design of the units proposed in this particular instance are acceptable in planning terms on a temporary basis, and would accordingly not raise an objection on design grounds on the grounds of Policy QL1 of the Kent and Medway Structure Plan or Policy BE1 of the Ashford Local Plan.
23. As discussed in paragraph (20) above, I consider that the use of obscured window glazing film would be beneficial to ensure that windows on the southern and eastern elevations of the proposed mobile units would prevent users of the classrooms obtaining views out of the buildings across adjacent residential properties. A suitable planning condition requiring the continued use of obscure glazing on all windows facing residential properties would therefore seem appropriate in this particular case, in order to safeguard residential amenity and avoid any potential overlooking.

Landscaping

24. Given the proximity to the boundary in this particular instance, I do not feel that the proposed development would benefit from any additional landscaping planting measures to alleviate any of the residential concerns, as summarised above. In particular, the distance between the site boundary and that of the proposed mobile classrooms would not be sufficient to accommodate any additional tree or hedge planting that could make a valued contribution to the overall scheme. I would therefore not require the applicants to undertake any additional landscape planting in this instance.
25. I note that the existing fence between the school and nearest residential property (207a Hythe Road) consists of a 1.8m high timber close-boarded fence. Whilst the applicants have considered extending the height of the fence, it is understood that it is the property

Provision of two mobile classrooms at Norton Knatchbull School, Ashford – AS/08/1506

of the adjoining land owner. In my opinion, the use of a higher fence would do little to screen the overall visual impact of the proposed mobile classrooms and has the potential to cause an oppressive feel for surrounding residential properties. Accordingly, I would not require the applicants to install a higher boundary fence in this instance.

Need

26. As set out above the applicants have a short-term need for additional classroom space as a result of an increase in the number of sixth form students from September 2008. It is understood that timetabling of lessons is extremely difficult at present within the school given a lack of current classroom accommodation to cater for the increased school roll post September 2008. I therefore consider that in this instance the applicants have demonstrated the need for such temporary facility.

Temporary nature of proposal

27. Members will note that the applicants are seeking a temporary consent to site two additional mobile classrooms on the Norton Knatchbull School site in the short term to cater for an increase in school roll. It is expected that a permanent building proposal is likely to be brought forward in the coming future, but at present that option is not a viable short-term solution to meet the current need.

28. In light of the residential concerns expressed in this particular case, and the proximity of the mobile classrooms to residential boundaries, I consider that the duration of any temporary consent should be restricted to a maximum of 3 years. During this period, I believe that the applicants would have sufficient time to pursue funding, and seek the necessary consents for additional permanent classroom accommodation within the site. On this basis, I recommend that planning permission be granted on a temporary basis for a period of not longer than 3 years, after which the land should be restored to a grass surface.

Conclusion

29. Having regard to the Development Plan Policies, and the residential concerns as summarised in paragraph (13) above, I consider that subject to the re-orientation of both classrooms through 180 degrees, together with their associated access ramps, to reduce the residential amenity impacts, the temporary siting of the units for a period of not longer than 3 years, and the use of obscure glazing film applied to all windows and doors facing residential properties for the duration that the mobile classrooms are on site, would address the main grounds of objection in this particular case. I consider that subject to such measures, the proposal would be in general conformity with the Development Plan. I therefore recommend that planning permission be granted as set out in paragraph (30) below.

Recommendation

30. I RECOMMEND that SUBJECT TO the receipt of amended plans to show the rotation of the mobile classrooms through 180 degrees, together with their associated ramp system, TEMPORARY PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:

- temporary consent for period of 3 years from date of permission;
- removal of classroom units from site at expiration of 3 year period and the subsequent restoration of the site thereafter;

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- obscured glazing be installed and maintained on all windows facing residential properties for the duration that the units are on site;
- the development to be carried out in accordance with the permitted details;

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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Appendix 1 – Photographs of Site Context

No. 207a Hythe Road

No. 2057a Hythe Road



View looking south across proposed location site towards adjacent residential properties

**Provision of two mobile classrooms at Norton Knatchbull School,
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Bradbourne Care Centre

No. 207a Hythe Road



View looking south-east across proposed location site towards adjacent residential properties and Bradbourne Care Centre

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Item D3**2 temporary classroom units (Retrospective). Portal House School, St. Margaret's-At-Cliffe – DO/08/1176**

A report by Head of Planning Applications Group to Planning Applications Committee on 22 January 2009.

DO/08/1176 – Application by Portal House School for the installation of 2 temporary classroom units (housing 4 classrooms) together with associated service connections and drainage (retrospective). Portal House School, Sea Street, St. Margaret's-At-Cliffe, Dover.

Recommendation: **Permission be granted**

Local Members: Mrs E. Rowbotham

Classification: Unrestricted

Site

1. The application site, an area of approximately 0.01 hectares, forms part of the Portal House Community Special School. The school grounds are within the confines of the village of St Margaret's-At-Cliffe, approximately 3-km north-east of Dover. The School is located on a plot of land that fronts onto Sea Street, to the south-east of the junctions with Chapel Road and Reach Road. St Margaret's-at-Cliffe Primary School is located on the general campus immediately to the north-east and shares its playing fields with Portal House. Portal House School has a dedicated vehicle access point off Sea Road with an egress to the south-east, which it shares with the Primary School.
2. The application site is located parallel to the school boundary with Sea Street, and was previously part of an informal play / landscaped area within the grounds. This area included play equipment that has since been removed. A 1.8m high palisade fence and a line of trees form the boundary with Sea Street; an overgrown verge separates the School from the Public Highway. An existing mobile classroom adjoins the application site to the north-west with the main school buildings located beyond; the school playground is positioned to the north-east.
3. The closest residential properties are located to the south-west opposite the site across Sea Street. These properties include Grade II Listed Buildings of Architectural and Historic interest (please see attached site plan). The boundary of the St Margarets-at-Cliffe Conservation Area is approximately 100 m to the north-west, on the far side of the existing school buildings to the application site.
4. The application site, together with the surrounding area, is located within a Special Landscape Area and a Zone 1 Groundwater Source Protection Area. There are no other site-specific policies set out in the Development Plan in connection with this site.

Temporary classroom units. Portal House School, St. Margaret's-At-Cliffe – DO/08/1176

Background

5. Portal House School caters for children with emotional and behavioural difficulties. Under the recent review and reorganisation of special schools in Kent Portal House was re-designated from a school catering for pupils aged 9 to 13 years to a school for 11 to 16 year olds. The re-designation involves an increase in the number of pupils attending the site from approximately 45 to 60 pupils by 2009. The facility caters for children travelling from across mid and east Kent, all of whom travel to site by taxis. The changes to the designation will also require an increase in the number of full time staff from 20 to 25. There are 30 existing car-parking spaces on site for the benefit of staff and visitors.
6. The change in designation led to a review of accommodation with a future intention to move the School to a larger more appropriate site. It is my understanding a number of sites are being investigated at this time. In the short-term additional classroom spaces would be required at Portal House School to meet the educational needs of the change in designation.
7. The recent planning history for the school includes the provision for a mobile building (2 classrooms) on a part of the site directly to the north-west of the application site. This building was granted temporary planning permission for a period ending August 2012 under planning reference DO/07/878.

Proposal

8. The application proposes the installation of two temporary mobile buildings adjacent to the western boundary of Portal House School with Sea Street. The site is relatively flat and there are no proposed changes to site levels or profile in order to accommodate the development. The proposal results in the removal of a small group of shrubs and small trees from the north-east side of the application site adjacent to a play area. The application proposes to retain the mature trees that form part of the boundary with the public highway.
9. The temporary buildings proposed are of standard design, single storey with flat roofs, and are similar in appearance to an existing modular building already within the school grounds. The proposed buildings provide approximately 312m² of floorspace, with each unit measuring approximately 8.6m by 18m by 3m high (6 bays). The buildings are completed in a textured finish with black plywood skirts, white framed UPVC windows, associated timber steps and ramp to allow access to the units. The external finishes were selected to match the existing mobile building. The proposed buildings would provide accommodation for four new classroom spaces associated toilets and storage areas. The Special School designation requires that class sizes are relatively small, this necessitates a relatively large area of teaching space per pupil.
10. The proposed buildings and associated work have subsequently been delivered on site in advance of a decision on the planning application, effectively making the proposals retrospective in nature.

Additional Information provided by the Applicant

11. Due to the current condition of Portal House School the proposal to develop the school through the Building Schools for the Future (BSF) programme is to completely re-build

Temporary classroom units. Portal House School, St. Margaret's-At-Cliffe – DO/08/1176

the facilities. Due to the size of the existing site it would not be possible to build the new school on the current site whilst still operating within the existing building so it is proposed that the new school would be built at a different site. The new school is due to be developed as part of wave four of the Kent BSF programme with construction due to start in 2010 (subject to planning approval).

12. The application states that due to the restricted nature of the existing school grounds and its means of access the redundant play area proposed to be developed is the only suitable area within the school grounds that can provide for additional accommodation.
13. The applicant's agent states that it is regrettable that the units have been provided in advance of the planning application being determined. The work was carried out due to a limited 'contractor's window' within which the units could be provided and the urgency arising from the need for the units by the School in order to meet the required places in accordance with the Education Authority's aspirations.
14. The applicant's agent acknowledges the proximity of the nearby Listed Buildings and the location of the units in relation to the street-scene. The comments offered highlight the existing temporary building afforded planning permission adjacent to the application site and the continued retention of a line of trees and shrubs that front on to Sea Street. The agent's comments note that additional planting could be provided to enhance the existing boundary treatment and provide further mitigation for any visual impact resulting from the proposed development.

Development Plan Policies

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

- (i) The adopted **Kent and Medway Structure Plan 2006**:

- | | |
|-------------|--|
| Policy SP1 | Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development. |
| Policy EN5 | Seeks to protect, conserve and enhance Special Landscape Areas, whilst having regard to the social and economic well-being of the communities within them. |
| Policy QL1 | Requires that all development be well designed and of high quality that respond positively to the local character. Development, which would be detrimental to the built environment, amenity, function and character of settlements or the countryside, will not be permitted. |
| Policy QL6 | Seeks development within Conservation Areas should preserve or enhance their character or appearance. Development which would harm the character or appearance of a Conservation Area will not be permitted. |
| Policy QL8 | Seeks to preserve the architectural and historic integrity, and protect and enhance the setting of list buildings. |
| Policy QL11 | Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres |

Temporary classroom units. Portal House School, St. Margaret's-At-Cliffe – DO/08/1176

particularly where services are deficient.

Policy NR8 Seeks to protect the quality and yield of Kent's groundwater resources.

(ii) The adopted **Dover District Local Plan 2002 (Saved Policies)**:

Policy DD1 Requires proposals that are acceptable in terms of layout, siting, scale, architectural style, materials, spatial and visual character of the area, landscaping, privacy and amenity.

Policy CF1 Proposals for the expansion of community facilities will be permitted provided that they are well related to the community which they serve.

Policy CF2 Planning permission for mobile classrooms will only be granted where there is a proven short-term need; they are located so as to minimise visual harm; and their siting would not result in the loss of or damage to important trees.

Policy WE1 Seeks to safeguard Groundwater Source Protection Zones.

Consultations**16. Dover District Council** raises no objection to the application

St Margarets-at-Cliffe Parish Council: no comments have been received at the time of writing this report, any received prior to the Committee Meeting will be reported verbally.

Divisional Transportation Manager raises no objection to the application. The comments received note the slight increase in staffing levels and accept that there is sufficient space within the existing car park to accommodate the increase. Notes the pupil level would increase and recommends that the School Travel Plan should be updated to reflect the changes.

Environment Agency raises no objection, advising that the site lies in a Source Protection Zone and that all precautions should be taken to avoid discharges and spillages to the ground both during construction and subsequent operations.

Publicity

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

Representations

18. One letter of representation objecting to the application has been received from a local resident. The main points raised can be summarised as follows:

- Notes the planning application is retrospective as the classroom units are already on site. Considers that unless the Council is prepared to entertain the possibility of rejecting the application and removing the units it is a pointless exercise to notify neighbours inviting their comment.

Temporary classroom units. Portal House School, St. Margaret's-At-Cliffe – DO/08/1176

- Considers that the mobile classroom units are out of keeping with the area and in the immediate vicinity of a Listed Building. Comments that the units are of crude simple construction with no redeeming aesthetic qualities. Considers that they compromise the heritage value of the surrounding built development.
- Comments that the classroom units are clearly visible from the street and compromise the aesthetic values of the streetscape. Notes that where once there were trees and shrubs, visitors and residents now see ugly oversized sheds that give the area an industrial appearance.
- Raises concern about the proximity of the southernmost unit to residential property (barely twelve metres). Raises concerns that there will be significant student activity close to residential property increasing noise levels.
- Raises concerns that the proximity of the units to the site boundary would invite vandalism.
- Raises concern that the increase in student numbers attending the site would add to traffic on Sea Street, which has little legal parking available and is congested at the start and end of the school day. Considers that an increase in traffic would exacerbate an already dangerous situation, particularly for parents and children.
- Notes the future intention to relocate Portal House School.
- Given the County Council appears to have responsibility for Portal House School, there looks to be a conflict of interest with the Council deciding its own planning application.
- Notes that there is a third mobile building on the site queries whether the building has planning consent and if so why local residents were not consulted on the application.

Local County Member

19. The Local County Member for Dover North, Mrs E. Rowbotham was notified of the application on 28 October 2008.

Discussion

20. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are 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. In considering this proposal the Development Plan Policies outlined in paragraphs (15) above are particularly relevant.

21. In my opinion, the main determining issues relate to the following points:

- the siting, design and appearance of the proposed buildings;
- the potential highway impacts;
- local amenity impacts;
- the need for the development; and
- other considerations.

22. The application seeks retrospective planning permission for two temporary mobile buildings providing 4 additional classroom spaces within the confines of Portal House School grounds. The two units are located in the south-east corner of school grounds on a former amenity space adjacent to the schools boundary with Sea Street. The main school buildings are located to the north along with an existing mobile building granted

Temporary classroom units. Portal House School, St. Margaret's-At-Cliffe – DO/08/1176

planning permission in 2007. The closest residential properties are located to the south and west across Sea Street.

23. I note that the application is retrospective in nature, and it is disappointing that the buildings have been provided on site in advance of determination of the planning application. However, the presence of the buildings does not change the manner in which the application is considered. The application should be determined in accordance with the Development Plan, on its planning merits balancing the material considerations, including those raised by consultees and members of the public. Any work undertaken in advance of a planning decision is at the applicant's own risk, and should the application be found to be unacceptable then they would be required to remove the buildings and make good any damage to the land.

Siting, design and appearance

24. The application raises a number of material considerations concerning the siting and design of the mobile buildings when considered in the context of the character of the surrounding built environment and landscape.
25. The proposed site is located within the confines of St Margaret's-at-Cliffe as defined on the Dover District Local Plan Proposals Map, approximately 100m south-east of a Conservation Area. The existing school buildings screen the application site from the Conservation Area. Therefore given the relatively small scale of the development proposed the buildings would not impact on views into or out of the Conservation Area and therefore would be in accordance with Policy QL6 of the Structure Plan.
26. St Margaret's-at-Cliffe and the surrounding countryside is located within a Special Landscape Area. Structure Plan Policy EN5 seeks to conserve and enhance the special character of the landscape whilst having regard for the social and economic needs of the community. I note that the application site is screened from views in the context of the wider landscape by established planting and the surrounding built environment. Due to the scale of the buildings proposed, the development would only be visible at a local level from Sea Street. The visual effect of the application in the context of street-scene is considered in more detail below. In my opinion the proposed development would not have an adverse impact on the special character of the wider landscape.
27. The application site is located east of two Grade II Listed Buildings, across Sea Street. A number of mature trees and shrubs line the school boundary between the site and the public highway. An objection has been received from a local resident on the grounds that, amongst other matters, the proposed buildings would detract from the street-scene as well as the setting of the school and nearby Listed Buildings, due to its location, design and materials used in construction.
28. Kent and Medway Structure Plan Policies QL1 and QL8, and Dover District Local Plan Policies DD1, all seek proposals that are well designed, and appropriate in the context of the existing pattern of development, with emphasis on protecting or enhancing the character and the setting of any Listed Buildings.
29. In my opinion, whilst the application site is in relatively close proximity to the nearby Listed Buildings, due to their location on the opposite side of Sea Street, it would be difficult to consider that the proposed buildings would form part of the setting of the Listed Buildings. When looking along Sea Street from either direction, due to the mature planting around and within the school grounds, the mobile buildings are not prominent and only visible at a very local level. Although, I note that at present the deciduous

Temporary classroom units. Portal House School, St. Margaret's-At-Cliffe – DO/08/1176

planting around the site is relatively scant and does not provide the level of screening enjoyed during the spring and summer months. The applicants agent has acknowledged the concerns raised by the neighbouring resident about the visibility of the buildings in the immediate street-scene, and has suggested that additional screening planting could be provide to enhance the existing provision in locations where the buildings would be more prominent.

30. In considering the design of the building proposed, I would advise that the development consists of mobile buildings similar in construction to a number of units used across the County and to an existing unit that occupies a part of the site directly to the north west. This unit is arguable closer to the Listed Buildings and has been afforded planning permission until 2012.
31. I note that the buildings proposed would be highly unlikely to be considered as an acceptable permanent solution in this locality. The single storey, flat roof construction cannot be said to enhance the character of the existing built environment. However, the issue to be considered in this instance is whether the structures would detract from or fail to preserve the character of the surrounding area for a temporary period.
32. As previously mentioned, the application site is reasonably well screened from views from outside of the school grounds. The space available to accommodate the unit within the school site is limited and the position proposed is the most practicable option available. The mobile buildings would be visible at a local level from properties opposite on Sea Street. However, the existing shrubs and trees that line the school boundary would help to break up views of the structures and soften its overall impact on the immediate vicinity. Whilst the buildings would be visible in the winter months when the trees are bare, during the summer period the location is well screened. I note the applicant has offered to enhance the existing planting at key locations. The provision for lower growing shrubs would help to further break up the structures below the canopy of the trees. However given the light that is likely to reach the ground under the canopy of the trees, the selection of an appropriate species would be important if any planting scheme were to succeed.
33. Whilst a permanent solution to provide the proposed accommodation would be preferable in this location, bearing in mind that there are plans to relocate the school, it would be unreasonable to seek this approach in this instance. The application states that due to the limitation of the site the County Council is not considering an option to develop the grounds under the BSF programme. Taking into account the comments received from consultees and the existing planning permission for a mobile building on site, I consider that the limited visual impact the development has on the immediate street-scene is not in itself sufficient justification to presume against a temporary planning consent on design grounds.

Highway Impacts and Car Parking

34. Representations received from a nearby resident raise material highway considerations in association with this application. The comments received note the increase in pupils proposed to attend the school, the limited opportunities to park legally directly outside the site and the congestion that already exists in association with both schools that share the grounds. The material objection raised by the local resident is that an increase in the number of pupils attending the site would add to the traffic using the area at peak travel times thereby impacting on highway safety.

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35. I note that the site is established for educational uses and two schools share the property including a main egress onto the public highway. There is no pedestrian footway on the school side of Sea Street and there are limited options for parents to park legally directly outside the school grounds.
36. Any potential increase in traffic associated with this application should be considered in context. The Portal House School roll is currently around 45 pupils and St Margaret's-at-Cliffe Primary School is one form entry, accommodating approximately 210 pupils. The planned increase to the size of Portal House School would result in an additional 15 pupils attending the site. All pupils travelling to Portal House School are transported by taxis, which enter the one way system within the grounds drop the pupils in school and leave via Sea Street. Whilst an increase in the number of pupils would add additional vehicle movements onto the highway network, due to the travel arrangements for pupils attending Portal House it should not have a material effect on the vehicles seeking to park in the immediate area. I note that the general locality is heavily congested at the beginning and end of school, not unlike most schools around the County.
37. The Divisional Transportation Manager has formally assessed the scheme as proposed, and has been made aware of the concerns being raised by the local resident on highway grounds. His comments on the proposals are set out in paragraph (21) above. In conclusion, he is not raising objection to the scheme and recommends that due to the projected increase in the roll the School should be required to review and update their Travel Plan appropriately. By its nature this Travel Plan should seek to anticipate and respond to the travel implications for the School and seek to reduce reliance on private motor vehicles.
38. It is my opinion that the provision of additional accommodation at the school would not generate an unacceptable increase in traffic movements so as to cause significant harm in highway terms. On the basis of the details set out above, I would not raise a planning objection to the proposals on highway grounds, subject to a condition covering a review of the existing Travel Plan.

Local Amenity Impacts

39. Policy QL1 of the Kent and Medway Structure Plan and DD1 of the Dover District Local Plan require new development that respects the privacy and amenities of residential properties. The application has caused concern to a local resident regarding the potential impacts that may result from the development of the site on the properties opposite, particularly in terms noise generated by the concentration of activity on the site boundary. I note that the location was previously used as an open play area and forms part of an established school site that could be used for any activity ancillary to this use.
40. In my opinion the provision of the structures between the main part of the school grounds and residential properties, particularly the existing playground would help to reduce the noise emitted from the site by moving external activities away from the boundary. The mobile buildings would allow some acoustic insulation to noise generated within, the natural vegetation, distance between the buildings and the public highway would also influence the background noise. Given the surrounding uses and the relatively small numbers of pupils involved, it is my opinion that the provision of the buildings in the location proposed would not have a material impact on background noise levels or residential amenity.
41. Due to the design of the buildings and the proposed orientation, there would be no impact from the development of the site on privacy levels in nearby property.

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Need for the development

42. Dover District Local Plan Policy CF2 states that mobile classrooms will only be considered where there is a proven short-term need, the building is located to minimise visual harm, and the siting does not result in damage to important trees. The location and visual impact of the development has already been covered in more detail above under the siting, design and appearance.
43. The proposed units already occupy the site. Whilst the development required the removal of a limited number of small trees and shrubs, the more mature trees that form the boundary with Sea Street and form part of the street-scene have been retained. I therefore do not consider that the development as proposed would result in significant damage to any important trees.
44. The documents received with the application outlines the recent re-designation of the school to cater for pupils of 11 to 16 years old and the resultant planned increase in the school roll from 45 to 60 pupils by 2009. The application sets out the future aspirations of the Education Authority to accommodate Portal House School in facilities that are better suited to the education needs. The County Council is in the process of considering potential options to relocate the school to an alternative site. In the mean time the School are in need of adequate classroom space to accommodate the pupils attending the site. Due to the nature of the school it is a necessity that class sizes are small which results in the need for additional space to allow for the expected increase in pupil numbers.
45. Taking into consideration that Portal House School accepts pupils from all over mid and east Kent, providing a specialist service to the community, and that there are plans to relocate the school to a more appropriate facility, in my opinion, the above circumstances demonstrate that there is a justified short-term need for the mobile buildings to allow the effective operation of the school, whilst a permanent solution is formulated. Therefore, I am content that the application accords with policy CF2 of the Local Plan.

Other considerations

46. The application site lies in a Groundwater Source Protection Zone, which means potable supplies are at risk from activities on site. Subject to all precautions being taken to avoid spillage to the ground and the applicant ensuring that the existing drainage systems are of sufficient capacity to cope with any additional flow or loading, the Environment Agency raises no objection to the proposal.
47. Comments received from a nearby resident raise concern over site security and the risk of vandalism through locating the proposed buildings directly adjacent to the site boundary. I note that the application site falls within the existing school grounds, which is afforded protection to unauthorised entry by a 1.8m steel palisade fence. Unfortunately many school sites across the County are subject to nuisance through trespass and vandalism. I am not aware that it is a particular problem at this school. Whilst the proposed buildings would be relatively close to a boundary, this fronts onto Sea Street and as such benefits from a certain level of natural surveillance. Substantial fencing is in place around the site and I am satisfied that any issues that may arise from time to time, with regard to site security, should be covered under the general day to day management of the school and are not of particular weight to the consideration of this

Temporary classroom units. Portal House School, St. Margaret's-At-Cliffe – DO/08/1176

application.

48. I note the point raised concerning the County Council's broad responsibilities and the potential for a conflict of interest. However, under the Town and Country Planning General Regulations 1992, due to its nature, the application falls to be determined by the County Council as the relevant Planning Authority. This function is completely separate from the County Council as the Education Authority. The application will be determined in accordance with the Development Plan for the area, on its planning merits and all other material considerations raised during the process (set out above), including third parties and statutory consultees like Dover District Council.
49. The representations received from a nearby resident also note the third mobile unit on the site. This building was granted planning approval by the County Council back in 2007 and has a temporary permission until 2012. Having looked back at the County Council's records I note that at the time the statutory consultations and notifications were carried out, including immediate residents opposite the building. It just so happens that in the instance of the current application the buildings proposed are closer to the resident in question which resulted in the notification process expanding to include additional residential properties.

Conclusion

50. In weighing the considerations set out above, I consider that the design of proposed development is not acceptable as a permanent fixture in this relatively sensitive location. Nevertheless, the development is screened from the views in the context of the wider landscape, nearby Conservation Area and Listed Buildings. Any visual impact from the development would be localised to the immediate vicinity, primarily during the winter months when surrounding vegetation is scant.
51. In my opinion, the applicant has established that the building is necessary to the short-term operation of the School whilst a suitable site to relocate the facility is established. The Portal House School is identified to be part of the next round of the BSF programme and subject to planning approval construction on a new site would begin in 2010. When balancing the visual impact of the mobile buildings in the context of the character of the surrounding area against the effective operation of the school, I would consider that, in this instance, the continued provision of a community service outweighs the potential impact of a temporary period of planning permission. I note that the local visual impact could be further mitigated through the provision of enhancements to the existing boundary treatment. Taking account of the previous temporary planning consent granted for a mobile building on site and the educational need for the facilities, I would not raise a material objection to the proposals. Therefore, subject to planning conditions requiring the submission of a landscape scheme and the update of the School Travel Plan, I would recommend the planning permission be granted for a temporary period of 3 years.

Recommendation

52. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions requiring, amongst other matters, the buildings to be removed and the site restored within 3 years of the grant of planning permission, within 3 months of the date of permission a landscape scheme to enhance the existing arrangements be submitted for prior approval, and the School Travel Plan to be updated within 6 months of planning permission.

Item D3

Temporary classroom units. Portal House School, St. Margaret's-At-Cliffe – DO/08/1176

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED 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/06/24/R6	Discharge of condition 6 and amendment to landscaping scheme Ashford Sludge Treatment Centre, Canterbury Road, Ashford
DO/08/510/R20	Details of landfill gas monitoring and control system pursuant to condition (20) of planning permission DO/08/510. Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich
DO/08/510/R12	Details of access plan, pedestrian and cycle safety measures, haul routes, offices, weighbridge and wheelwash pursuant to condition (12) of planning permission DO/08/510. Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich
DO/08/510/R17	Details of dust suppression management plan pursuant to condition (17) of planning permission DO/08/510. Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich
DO/08/510/R18	Details of surface water management plan pursuant to condition (18) of planning permission DO/08/510. Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich
DO/08/510/R21	Details of ecological management plan pursuant to condition (21) of planning permission DO/08/510. Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich
DO/08/510/R24	Details of landscaping and restoration plans pursuant to condition (24) of planning permission DO/08/510. Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich
TH/08/921/R3 & R4	Details of unloading areas and details of surface water drainage pursuant to conditions 3 & 4 of planning application TH/08/921 Glebe Court, Petts Crescent, Minster, Ramsgate
TM/02/2863/R16A	Variation of approved landscaping scheme pursuant to condition (16) of planning permission TM/02/2863. Ightham Sandpit, Borough Green, Ightham
TM/07/2416/R2	Details pursuant to condition 2 - Amendments to the details, plans and specifications Cleansing Service Group Ltd, Mills Road, Aylesford

TM/08/2653/A	Amendments to the scheme of working and details of dust attenuation scheme pursuant to conditions 2, 19 and 29 of planning permission TM/98/1815 Land situated at Nepicar Sand Quarry, Maidstone Road, Wrotham Heath
TM/08/2653/B	Details of a construction scheme pursuant to Condition 11 of planning permission TM/98/1815 Land situated at Nepicar Sand Quarry, Maidstone Road, Wrotham Heath (REFUSED)
TM/08/3332	Installation of a combined heat and power unit. Ham Hill Wastewater Treatment Works, Brook Lane, Snodland
TM/08/3352	Installation of a combined heat and power unit. Aylesford Wastewater Treatment Works, Bull Lane, Aylesford
TW/08/3721	Retrospective application for construction of a blower kiosk. Kilndown Wastewater Treatment Works, Rogers Rough Road, Kilndown

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.

None

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/08/1140/R2, R3 & R4 Details of external materials (2), external lighting (3) and contractors details (4) of planning permission AS/08/1140
The North School, Essella Road, Ashford

AS/08/1383 Proposed extension to three classrooms and ICT suite, installation of a canopy to cover external play area, temporary provision of a mobile classroom to be removed upon completion of the works.
St Teresa's Catholic Primary School, Quantock Drive, Ashford

AS/08/1501	Change of use from a residential ground floor flat to after school activity centre Victoria Road Primary School, Victoria Road, Ashford
AS/08/1764	Retention of 5 no. mobile classroom units. The Towers School, Faversham Road, Kennington, Ashford
CA/06/1395/R2,3,6 7,9	Details of roof tile (2), landscaping and external lighting (3), contaminated land assessment (6), boundary enclosures (7) and brick details (9) pursuant to planning permission CA/06/1395. Garage block off Brymore Road, Canterbury
CA/08/271/R10, 13, 14 & 17	Details of surface water drainage (10), details of below ground excavations (13), details of access, turning & parking (14) and a survey detailing the condition of local roads (17) Community College Whitstable, Bellevue Road, Whitstable
CA/08/271/R12	Details of a programme of Archaeological Work pursuant to condition 12 of planning permission CA/08/271 Community College Whitstable, Bellevue Road, Whitstable
CA/08/316/R10	Details of foul and surface water drainage pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/1157	Erection of a new two storey construction skills centre for students to learn various aspects of the construction industry. The proposed building, and access and car parking, is to be erected on part of the school campus' made up ground/scrub land. Canterbury Campus, Knight Avenue, Canterbury
CA/08/1263	Removal and replacement of external fire escape stairs. St Philip Howard Catholic Primary School, 41-43 Avenue Road, Herne Bay
CA/08/1349	Extension to an existing outbuilding to form new family room, sensory room and toilet facilities Westmeads Community Infant School, Cromwell Road, Whitstable
DA/07/36/R1	Details of land re-instatement pursuant to condition 1 of planning permission DA/07/36 Site Offices, King Edward Road, Greenhithe
DA/08/228/R4	Details of all external lighting pursuant to condition 4 of planning permission reference DA/08/228 Woodview Campus, Main Road, Longfield
DA/08/1503	Removal of existing pergola structure and replacement with proposed free-standing canopy (84m ²). York Road Junior School and Language Unit, York Road, Dartford
DA/08/1592	Location of two temporary classroom buildings for a period of 18 months Woodview Campus, Main Road, Longfield

DO/08/1249	Construction of a 52m ² canopy to form covered waiting, play and teaching area. The Downs CEP School, Owen Square, Walmer, Deal
GR/08/121/R10	Details of external lighting pursuant to condition (10) of planning permission reference GR/08/121 St. John's Catholic Comprehensive School, Rochester Road, Gravesend
GR/08/229/R	Details of minor amendment to layout and elevations of sports hall block to include retention of existing single storey Performing Arts building Northfleet School For Girls, Hall Road, Northfleet, Gravesend
GR/08/229/R12	Details of cycle parking pursuant to condition (12) of planning permission GR/08/229 for the redevelopment of Northfleet School for Girls Northfleet School For Girls, Hall Road, Northfleet, Gravesend
GR/08/229/R15	Details of vehicle parking and provision of vehicle turning facilities during construction pursuant to condition (15) of planning permission GR/08/229 for the redevelopment of Northfleet School for Girls Northfleet School For Girls, Hall Road, Northfleet, Gravesend
GR/08/921	New administration and teaching facilities to be housed in a single storey building located by the entrance to the existing building St John's Catholic Primary School, Rochester Road, Gravesend
MA/08/717/R2	Minor amendments to location of rear door pursuant to condition (2) of planning permission MA/08/717 St Margarets CEP School, Collier Street, Marden, Tonbridge
MA/08/717/R3	Details of external materials pursuant to condition (3) of planning permission MA/08/717 St Margarets CEP School, Collier Street, Marden, Tonbridge
MA/08/1457/R2, R3 & R4	Details of materials, external lighting & archaeological watching brief pursuant to conditions 2, 3 & 4 of planning permission MA/08/1457 Maidstone Grammar School, Barton Road, Maidstone
MA/08/2097	Replacement of existing wire mesh fencing and access gates along Florence Road with Barbican powder-coated green fencing and gates. St Michaels C of E Infant School, Douglas Road, Maidstone
MA/08/2148	Retention of 3 mobile classroom units Oak Trees Community School, Oaktree Avenue, Maidstone
SH/07/261/R4,6&10	Details of external lighting, a scheme of landscaping and details of the provision of cycle parking. Lympne Primary School, Octavian Drive, Lympne

SH/08/1015	A range of external works for school use to include:- Replacement of an existing chainlink fence to the boundary of the school main entrance. The erection of a three-sided timber stand alone bicycle shed. One free standing canopy with cycle supports. The erection of a polytunnel. St Mary's CEP School, Warren Road, Folkestone
SH/08/1059	An extension of the existing playground and to install street lighting along the footpath to the north of the site The Folkestone Academy, Academy Lane, Folkestone
SH/08/1061	To install floodlighting to the new synthetic pitch on the old Channel School site and floodlighting to the Multi-Use Games Area (MUGA), recently constructed as part of the Folkestone Academy The Folkestone Academy, Academy Lane, Folkestone
SH/08/1077	Amendments to approved scheme ref: SH/07/245 to include: re-positioning of reception class building, simplified roof form and adjustments to elevational treatment; retention of existing extension to main school building & removal of approved single storey classroom extensions; re-organisation of external access slopes to conform to DDA requirements & boundary treatment; removal of P.E store extension to the approved main hall, change of floor level, inclusion of roof mounted natural ventilation system & amendments to elevational treatments. Castle Hill Community Primary School, Sidney Street, Folkestone.
SH/08/1104	Proposed levelling of existing sportsfield Castle Hill Community Primary School, Sidney Street, Folkestone
SH/08/1105	Alteration to the external elevation of the reception class and adjacent play areas including the replacement of an existing single door with one set of double doors and the change in position of 2 No. windows. Provision of a timber decked platform area, ramp and steps to a lower level and the erection of a timber pergola in the playground Saltwood C Of E Primary School, Grange Road, Saltwood, Hythe
SH/08/1145	Construction of a single storey outside store and canopy to the rear of the playground area. St Augustine's RC Primary School, St Johns Road, Hythe
SW/05/1143/R5R	Amended drainage details pursuant to condition (5) of planning permission SW/05/1143 Meadowfield School, Swanstree Avenue, Sittingbourne
SW/08/1101	Proposed classroom extension and fully accessible toilet adjacent to the Nelson Room Holywell Primary School, Forge Lane, Upchurch, Sittingbourne
SW/08/1240	Extension to form new entrance to the school. Queen Elizabeth's School, Abbey Place, Faversham

TH/06/1184/R5	Details of an Archaeological Watching Brief pursuant to condition 5 of planning permission TH/06/1184 Crispe House, Minnis Road, Birchington
TH/08/242/R4, 6, 7 & 8	Details of the external materials (4), external lighting and CCTV (6), archaeology (7) & (8) pursuant to conditions 4, 6, 7 & 8 of planning permission TH/08/242 The Charles Dickens School, Broadstairs Road, Broadstairs
TH/08/307/R6, R8, R9, R13 & 15a	Details of external materials (6), protection measures in respect of reptiles (8), bat survey (9), dust management (13) and programme of archaeological work (15a) pursuant to planning permission TH/08/307 Dane Court Grammar School, Broadstairs Road, Broadstairs
TH/08/307/R3, 7, 11, 12, 14 & 15b	Details of Contamination Risk Assessment (3), details of landscaping (7), site compound (11), phasing of construction (12), details of foundations (14), and Historic Buildings Assessment (15b) pursuant to planning permission TH/08/307 Dane Court Grammar School, Broadstairs Road, Broadstairs
TH/08/534/R4&R11	Details of external lighting and details of a programme of archaeological work. King Ethelbert School, Canterbury Road, Birchington
TH/08/1214	Revisions to planning permission TH/08/307 for the erection of a new sports hall, alterations and extensions to the eastern block together with associated hard and soft landscaping and provision of a new car park. Dane Court Grammar School, Broadstairs Road, Broadstairs
TH/08/1221	Temporary buildings to accommodate 8 classrooms, 3 offices and toilets during building works being carried out on main school. Dane Court Grammar School, Broadstairs Road, Broadstairs
TH/08/1378	Installation of a 6-bay mobile classroom to provide additional staff room accommodation Garlinge Primary School & Nursery, Westfield Road, Margate
TM/08/2988	To demolish a mobile classroom comprising of two classrooms and to construct a new single storey classroom block consisting of a music room, an I.C.T suite and a small multi-purpose teaching area. Leybourne St Peter and St Paul CEP School, Rectory Lane North, Leybourne, West Malling
TM/06/3385/R4, 10, 16	Details of the design of the windows, access and turning and refuse storage area. Land at Former Millstream School, Mill Street, East Malling
TM/07/3003/R2	Minor amendment to location and design of permitted modular building. Roselands Nursery, Woodlands School, Higham School Road, Tonbridge

TM/07/3003/R3	Details pursuant to condition 3 – Foul and surface water disposal. Roselands Nursery, Woodlands School, Higham School Road, Tonbridge
TM/08/3132	Temporary planning permission for an existing mobile classroom Slade Primary School, The Slade, Tonbridge
TM/08/3147	Retention of one mobile classroom. Tunbury Primary School, Tunbury Avenue, Chatham
TM/08/3481	Installation of a canopy to Early Years Play Area. Slade Primary School, The Slade, Tonbridge
TM/08/3482	Installation of replacement fencing to Stafford Road boundary. Slade Primary School, The Slade, Tonbridge
TW/08/1278	Proposed extension to Sports Hall to increase the size of the existing Dance Studio Cranbrook School, Waterloo Road, Cranbrook
TW/08/3600	Installation of a 6m flagpole. St Augustine's School, Wilman Road, Tunbridge Wells
TW/08/3758	Erection of a 'ball stop' fence on the southern elevation of the synthetic pitch boundary. Cranbrook School, Cornwallis House, Waterloo Road, Cranbrook
TW/08/3958	Extension to school building to provide a staffroom. Hawkhurst C of E Primary School, Fowlers Park, Rye Road, Hawkhurst

E4 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:-

DC29/08/AS/0002 Proposed facility for the recycling of category 'A' waste material at land to the north of Kent Highways Divisional Headquarters, Henwood Industrial Estate, Ashford

DC29/08/CA/0001 Proposed replacement secondary school, including multi-use sports/community building and sixth form centre.
Land off Nackington Road, Canterbury

AS/08/TEMP/0054 Retention of 2 no. mobile classroom units
Brook Community Primary School, Spelders Hill, Brook, Ashford

CA/08/TEMP/0046 New extension to form chill-out room.
Bridge & Patricbourne Primary School, Conyngham Lane, Bridge, Canterbury

DA/08/TEMP/0060 Application for floodlighting and fencing to synthetic turf hockey pitch and multi-use games area.
Dartford Technolgy College, Summerhill Road, Dartford

SE/08/TEMP/0037 Application to vary condition (29) and (30) of permission SE/98/234 to retain the Cowden Exploration Site, Access and Wellhead valve assembly for a further period of one year to complete current planned testing operations
Cowden Exploration Site, Field No.0002, Claydene Farm, Off Hartfield Road, Cowden, Edenbridge

SW/08/TEMP/0070 Provision of temporary toilets required whilst existing sewage treatment system is replaced.
Eastling Primary School, Kettle Hill Road, Eastling, Faversham

TM/08/TEMP/0085 Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site (an increase from 110 to 182 movements per day based on vehicles associated with both landfill and recycling operations handling 500,000 tonnes instead of 300,000 tonnes per year)
Borough Green Quarry, Wrotham Road, Sevenoaks

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

DC29/08/SW/0003 Proposed small scale Biomass Power Plant
Countrystyle Group, Ridham Dock, Iwade, Sittingbourne

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

- (c) 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.*

DC29/08/SW/0004 Proposed Biomass Combined Heat and Power Plant
Sites 4 & 7, Ridham Dock, Iwade, Sittingbourne

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