



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 14th July, 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. Election of Vice-Chairman
3. Terms of Reference and dates of future meetings (Pages 1 - 4)
4. Declarations of Interests by Members in items on the Agenda for this meeting.
5. Minutes - 26 May 2009 and 25 June 2009 (Pages 5 - 12)
6. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Probity in Planning (Pages 13 - 30)

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/08/3715/R8 - Dust Control Scheme pursuant to Condition 8 of Permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks; Cemex UK Materials Ltd (Pages 31 - 50)
2. Application DA/09/364 - Variation of Conditions 6 (infilling restoration) and 15 (Noise) of Permission DA/98/805/MR27 at Stone Pit II, St James Lane, Greenhithe, Dartford; Stone Pit Restoration Ltd (Pages 51 - 60)
3. Application SE/08/2141 - Amendment of Condition 3 of Permission SE/00/2739 to allow additional time for completion of development and enable restoration to approved levels and to amend the approved Ecological Management Scheme to reflect a delay in commencement of operations at Greatness Quarry, Bat and Ball Road, Sevenoaks; Cory Environmental Ltd (Pages 61 - 72)
4. Application CA/09/341 - Motor control centre kiosk and vent stack as part of sewer upgrade works at Maxted Court, Highfields View, Herne Bay; Southern Water Ltd (Pages 73 - 82)

5. Application AS/09/530 - Wastewater pumping station, including construction of a motor control centre kiosk, sub station kiosk, standby generator and steel palisade fencing at Land to south of Alsops Road, Willesborough, Ashford; Southern Water Ltd (Pages 83 - 94)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TW/09/79 - Fenced and floodlit synthetic multi-sports pitch with associated car parking and landscaping at Tunbridge Wells Grammar School for Boys, St John's Road, Tunbridge Wells; Governors of Tunbridge Wells Grammar School for Boys (Pages 95 - 110)
2. Proposal SH/09/418 - Modular building for use as a dining hall including associated groundwork at Pent Valley Technology College, Surrenden Road, Folkestone; Governors of Pent Valley Technology College (Pages 111 - 120)
3. Proposal SE/09/889 - 6KW wind turbine with 15m mast on the front lawn of college buildings and installation of solar photovoltaic panels on college flat roof at Swanley Technology College, St Mary's Road, Swanley; Governors of Swanley Technology College (Pages 121 - 130)
4. Proposal MA/09/594 -Siting of a mobile catering van at Teston Bridge Country Park, Teston Lane, Teston, Maidstone; KCC Country Parks Service (Pages 131 - 142)
5. Proposal SH/09/440 - Conversion of existing bicycle shed for vocational hairdressing unit for use of Pent Valley Technology College students studying hair and beauty at Morehall Primary School, Chart Road, Folkestone; Governors of Pent Valley Technology College (Pages 143 - 152)
6. Proposal DA/09/583 - Two five-bay mobile classroom units at Craylands Primary School, Craylands Lane, Swanscombe; KCC Children, Families and Education (Pages 153 - 164)
7. Proposal SE/09/1028 - Retention of a single storey modular building and installation of a new modular building and link corridor at Milestone School, Ash Road, New Ash Green; KCC Children, Families and Education (Pages 165 - 174)

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.)

Monday, 6 July 2009

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By: Head of Democratic Services and Local Leadership
To: Planning Applications Committee – Tuesday, 14 July 2009
Subject: TERMS OF REFERENCE AND DATES OF FUTURE MEETINGS
Classification Unrestricted

FOR INFORMATION

Terms of Reference

1. The County Council was recommended to agree the Terms of Reference set out below at its meeting on 25 June 2009.

“This Committee is responsible for the determination of planning applications and related matters in relation to the control of development under the Town and Country Planning Act 1990 and related statutory instruments and may exercise any of the powers of the County Council in Part A of the Schedule to this Appendix.”
(Attached as Appendix 1)

Dates of future meetings

2. The following dates have been scheduled in the County Council Diary for meetings of the Committee in 2009 and 2010: -

Tuesday, 18 August 2009
Tuesday, 8 September 2009
Tuesday, 6 October 2009
Tuesday, 3 November 2009
Tuesday, 8 December 2009
Thursday, 21 January 2010
Tuesday, 16 February 2010
Tuesday, 16 March 2010
Tuesday, 13 April 2010
Tuesday, 11 May 2010
Tuesday, 15 June 2010
Tuesday, 26 July 2010
Tuesday, 17 August 2010 (Provisional)
Tuesday, 9 September 2010
Tuesday, 12 October 2010
Tuesday, 2 November 2010
Tuesday, 7 December 2010.

All meetings are scheduled to start at 10.00 am in County Hall, Maidstone. In addition, the afternoons of Committee meetings are reserved for either Site Visits or Training.

RECOMMENDATION:

3. The Committee is recommended to note its Terms of Reference and the dates of its meetings in 2009 and 2010.

Peter Sass: Head of Democratic Services and Local Leadership

Officer Contact: Andrew Tait
Democratic Services Officer
(01622) 694342

Schedule of Council Functions

These functions are the responsibility of the Council and not of the Leader

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT
A. Functions relating to town and country planning and development control	
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
12. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
13. Power to serve a planning contravention notice, breach of condition notice, temporary notice or stop notice.	Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990.
14. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
15. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT
16. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.
17. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
B. Regulatory Services Functions	
1. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3, 5, 6 and 11 of the Poisons Act 1972
2. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925
3. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.
4. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510).
5. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 .
6. Powers to license the movement, sale and collection of pigs.	Articles 12, 13 and 14 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
7. Power to license the movement of cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
8. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematographic Film Act 1922
C. Functions Relating to Highways	
1. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.
2. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
3. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.
4. Power to license works in relation to buildings etc. that obstruct the highway.	Section 169 of the Highways Act 1980.
5. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
6. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
7. Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980.

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, 26 May 2009.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr A R Chell, Mr J A Davies, Mr T Gates, 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, Mrs P A V Stockell, Mr A R Poole and Mr F Wood-Brignall

ALSO PRESENT: Ms S J Carey

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Minerals/Waste), Mr J Crossley (Team Leader - County Council Development), Mr J Wooldridge (Principal Planning Officer), Mr R White (Transport and Development Business Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

24. Minutes - 17 March 2009
(Item A3)

- (1) RESOLVED that the Minutes of the meeting held on 17 March 2009 are correctly recorded and that they be signed by the Chairman.
- (2) The Chairman thanked Mr A R Bassam and Mr F Wood-Brignall for all their work on the Committee's behalf.

25. Site Meetings and other meetings
(Item A4)

The Committee noted that the Induction Training for all Members and Substitute Members of the Committee would be held at Shorne Wood Country Park on Monday, 29 June 2009. In addition, the following dates were set aside for site visits: -

Tuesday, 14 July 2009;
Wednesday, 22 July 2009; and
Tuesday, 18 August 2009.

26. Application SH/08/963 - Amendment to Condition 10 of Permission SH/99/1003/MR69 to vary the restoration proposals shown on Drawing P2/177/8/1 (Final Restoration at Denge Pit, Kerton Road, Lydd; Cemex UK Material Ltd
(Item C1- Report by Head of Planning Applications Group)

RESOLVED that permission be granted to the application subject to conditions covering (amongst other matters) the development being carried out in accordance with the submitted plans and associated details; no works or storage of materials

infringing on the Dungeness, Romney Marsh and Rye Bay SSSI or SAC; and all other conditions attached to Permission SH/99/1003/MR69 remaining in full force and effect.

27. Application SW/09/16 - Use of land for the processing and storage of waste road materials for re-use in highways construction schemes at Land to the rear of Highways Depot, Canterbury Road, Faversham; Kent Highways Services

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

(1) Mr T Gates made a declaration of personal Interest as he had discussed related matters at a previous stage. He addressed the Committee in his capacity as local Member but took no part in the decision-making process.

(2) The Head of Planning Applications Group reported the receipt of correspondence from the Environment Agency withdrawing its concerns over providing that the draft Condition on land contamination set out in paragraph 32 of the report was agreed.

(3) The Committee agreed to set out the times of use in paragraph 28 of the report within the Conditions attached to the Permission.

(4) RESOLVED that subject to the receipt of any further views from the Environment Agency permission be granted to the application subject to Conditions including conditions covering amongst other matters the use of the site ceasing within 5 years of the date of the permission or upon the provision of an alternative facility elsewhere, whichever is the earlier; details of site restoration upon vacation of the site; the development being carried out in accordance with the permitted details; hours of operation; restrictions on the number of days a crusher can be used (maximum 70 days per annum between the hours of 0700 and 1800 Monday to Friday and 0700 and 1300 on Saturdays); installation of the storage bays; submission of a scheme of landscaping and tree planting; details of tree protection; retention and protection of parking and turning areas; details of dust suppression and control measures to reflect compliance with the relevant mitigation measures outlined in Minerals Policy Statement 2 Annex 1B with regards to dust, and subsequent implementation of the approved details; submission of further work and remediation with regards to land contamination (as set out in paragraph 32 of the report); and measures to prevent mud on the highway.

28. Proposal SH/09/122 - Change of use from part area of playing field to car park at Stelling Minnis CEP School, Bossingham Road, Stelling Minnis; Governors of Stelling Minnis CEP School

(Item D1- Report by Head of Planning Applications Group)

(1) Miss S J Carey was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) RESOLVED that permission be granted to the proposal subject to Conditions including the standard time condition for it to be implemented; the introduction of native hedgerow planting around the periphery of the new parking area, which would join up with the existing hedgerow along

Bossingham Road, for the purpose of screening the car park, to accord with the Kent Downs AONB Landscape Character Assessment and Kent Downs AONB Landscape Design Handbook; the edge of the car park being a minimum distance of 1m from the inner boundary of the existing hedgerow to ensure no damage to its roots; the proposed footpath being diverted for the first 20m from Bossingham Road to avoid root damage to the existing maple tree and then diverting back to the line of the proposed footway; and wheel washing facilities being provided on site during construction to prevent the deposit of mud on the highway.

29. Proposal TM/09/1 - Replacement of boundary fencing with associated gates along Tudeley Lane at The Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge; Governors of The Weald of Kent Grammar School for Girls and KCC Children, Families and Education
(Item D2- Report by Head of Planning Applications Group)

(1) Mr L Prebble, a local resident addressed the Committee in opposition to the Proposal. Mr T Norton (Assistant School Manager – Weald of Kent Grammar School for Girls) spoke in reply.

(2) In the light of concerns raised by Mr Prebble over the lack of detail within the report on the gates, the Head of Planning Applications Group recommended an additional Condition requiring the detail of the design of the gates to be to the satisfaction of the County Planning Authority.

(3) RESOLVED that permission be granted to the proposal subject to Conditions including Conditions covering the standard time limit; the development being carried out in accordance with the permitted details; tree protection and methodology for working in close proximity to trees; and the detail of the design of the gates being to the satisfaction of the County Planning Authority.

30. Proposal DA/09/193 - New academy, re-provision of outdoor playing pitches, new 6 court multi-use games area, 159 car parking spaces, drop-off zone, landscaping and associated ancillary works at Longfield Academy, Main Road, Longfield; KCC Children, Families and Education
(Item D3- Report by Head of Planning Applications Group)

(1) Mr A R Bassam made a declaration of Personal Interest as the former Chairman of Governors of the Axton Chase School. He took no part in the decision-making process.

(2) Mr T A Maddison and Mr J I Muckle explained that they both knew Dr Howard Storate, MP who had objected to the Proposal. They did not declare an Interest as Dr Storate had objected in his capacity as a Member of Parliament.

(3) A letter from Mr P Ramsey dated 12 May 2009 had previously been circulated to all Members of the Committee together with correspondence from Mr C Anderson dated 19 May 2009, which appended letters from Synergy Planning and Property Consultants dated 20 March 2009 and 16 April 2009.

- (4) The Head of Planning Applications Group reported late correspondence from Southfleet Parish Council, a local resident in Essex Drive and further correspondence from and on behalf of local residents in Main Road.
- (5) Mr P Ramsey, a local resident and Mr A Street from Synergy (on behalf of Mr G Anderson, a local resident) spoke in opposition to the Proposal. Mr J Thatham of Jestico and Whiles and Mr F Green, Chief Executive – Leigh Academies spoke in reply.
- (6) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 11 votes to 1 with 1 Abstention.
- (7) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government as a departure from the Development Plan and that 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; the submission of details of all materials to be used externally; details of all external lighting; a scheme of landscaping, including hard surfacing, its implementation and maintenance; provision of a landscaped buffer zone adjacent to the eastern car parking area; measures to protect those trees to be retained; a habitat/biodiversity enhancement strategy, including monitoring and management; protection of badgers from construction activities; submission of protected species surveys and subsequent mitigation; no tree removal during the bird breeding season; the development according with the recommendations of the ecological survey; details of fencing, gates and means of enclosure, including colour finishes; archaeological works; “Secured by Design” principles being adopted; a BREEAM rating of ‘Very Good’ being achieved; the playing field being provided and marked out as shown on the proposed site plan; the submission of a playing field improvement scheme; details of the protective fencing to be erected around the existing playing field during construction; protection and future retention of playing fields; a community use agreement relating to use of the indoor and outdoor facilities, including hours of use; implementation and ongoing review of a revised School Travel Plan; the development being carried out in accordance with the Flood Risk Assessment; further works with regards to contaminated land; noise restrictions on fixed plant; no flood lighting being erected on the multi-use games area, or elsewhere on the site without the written permission of the County Planning Authority; hours of working during construction and demolition being restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; the provision of a construction management plan, including access, parking and circulation within the site for contractors’ and other vehicles related to construction and demolition operations; and measures to prevent mud and debris being taken onto the public highway.

31. Proposal SW/09/286 - Renewal of planning consent for existing mobile classroom at Tunstall CE (Aided) Primary School, Tunstall, Sittingbourne; Governors of Tunstall CE (Aided) Primary School
(Item D4- Report by Head of Planning Applications Group)

(1) Mr D Nutting, Chairman of the Tunstall Village Memorial Hall Committee spoke in opposition to the Proposal.

(2) The Head of Planning Applications Group reported correspondence from Tunstall CE Aided School setting out its progress in respect of its School Travel Plan and its efforts to implement the proposed actions within the Plan including explaining to parents that it did not own the adjoining Tunstall Village Memorial Hall car park.

(3) The Committee agreed to strengthen the Informative set out in the Head of Planning Applications Group's recommendations by stressing the need for the School Travel Plan to be fully implemented.

(4) RESOLVED that:-

(a) temporary permission be granted to the proposal subject to Conditions, including conditions covering the consent being temporary for period of 3 years from the date of the permission; and removal of the classroom unit from the site at the expiration of the 3 year period and the subsequent restoration of the site thereafter; and

(b) Informatives be added to the decision notice advising the applicants that the County Planning Authority would wish to see urgent action taken to resolve the temporary classroom accommodation at Tunstall Primary School during the three-year timescale of the permission, requesting that the applicant keeps all interested parties regularly appraised of the progress in bringing a scheme forward, and that as part of the process of preparing a School Travel Plan (for implementation in full), the School engage with the local community in an attempt to address any concerns over the traffic generated by the use.

32. County matters dealt with under delegated powers
(Items E1-E6 – Reports by Head of Planning Applications Group)

(1) Mr J F London made a declaration of Interest in respect of Permission SE/08/3170. He took no part in any discussion of this matter, which in any case did not require any decision on the Committee's part other than to note that Permission had been granted.

(2) RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

(a) County matter applications;

(b) consultations on applications submitted by District Councils or Government Departments;

- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999.

PLANNING APPLICATIONS COMMITTEE

MINUTES of A meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 25 June 2009.

PRESENT: Mr R Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr G A Horne MBE, Mr R E King, Mr J D Kirby, Mr R J Lees, Mr J F London, Mr R F Manning, Mr R J Parry, Mr K Pugh, Mr M Robertson, Mr C P Smith, Mr K Smith, Mrs P A V Stockell and Mr A Willicombe

ALSO PRESENT:

IN ATTENDANCE: Mr P Sass (Head of Democratic Services and Local Leadership)

UNRESTRICTED ITEMS

33. Membership *(Item A1)*

The Committee noted its membership as set out below:-

Conservative (16): Mr R Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr G A Horne MBE, Mr R E King, Mr J Kirby, Mr J F London, Mr R F Manning, Mr R J Parry, Mr K Pugh, Mr C Smith, Mr K Smith, Mrs P A V Stockell, Mr A Willicombe

Liberal Democrat (1): Mr M Robertson

Independent (1): Mr R Lees

34. Election of Chairman *(Item A3)*

RESOLVED that Mr R E King be elected Chairman of the Committee.

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By: Geoff Wild – Director of Law and Governance

To: Planning Applications Committee – 14 July 2009

Subject: PROBITY IN PLANNING

Classification: Unrestricted

File Ref: PAC/03/09

Summary: To advise Members of the Committee of Standards Committee's Advice Note 4 on "the Application of the Code of Member Conduct to Development Control" and associated advice notes.

FOR INFORMATION

Introduction

1. The Standards Committee's Advice Note 4 "Advice to Members on the Application of the Code of Member Conduct to Development Control" is attached (**Appendix 1**).
2. Advice Note 4 takes account of the LGA guidance note "Positive Engagement – A Guide for Planning Councillors" (**Appendix 2**) and the Standard Board for England's Occasional Paper "Predisposition, Predetermination or Bias" (**Appendix 3**).

Predisposition versus Predetermination or Bias

3. The Advice Note was produced with the distinction between Predisposition and Predetermination firmly in mind. The Standards Board's Occasional Paper defines both states of mind and explains that an elected Member can vote on a planning application in the event of being predisposed. The reason for this is that the Member who is predisposed is in a position to have an open mind to the merits of the evidence that is given during the Committee meeting itself.

Declarations of Prejudicial Interest

4. In order to have a prejudicial interest, that interest must be a personal one, which is also financial or regulatory to the extent where a member of the public, in possession of all the facts would conclude that your personal interest (including those of your family and friends) was so significant that your decision on the matter would be affected by it. In such circumstances, the Advice Note says that you should take no part in discussion of the application, either inside or outside committee meetings. There is, however, provision for you to come to the meeting as a member of the public and request to address the Committee in the same way as any other member of the public is entitled to do.

Predetermination/ Bias and Dual Membership

5. Predetermination (which is coupled with “Bias” in the occasional paper) precludes the Member from voting on a planning application. Significantly, the Occasional Paper explains that Members “must not even *appear* to have already decided how they will vote at the meeting, so that nothing will change their mind.”

6. Members must ensure that the Code is strictly followed in respect of dual membership. Paragraph 11 of the Advice Note sets out that they must be able to demonstrate that they came to the debate with an open mind and that they have not formed a predetermined or fixed view.

7. Paragraph 12 of the Advice Note explains what Members should do whenever a future planning application is considered by a District/Parish Council, KCC Board or any other body of which they are a Member. Members should make a point of declaring that they will consider the matter afresh at the Planning Applications Committee meeting. They may also feel that is appropriate to ask that this declaration is minuted, although the Advice Note does not insist upon it.

8. Paragraph 13 of the Advice Note advises that Members should declare an interest when that item comes forward to the Planning Applications Committee. In order to be able to participate in the decision-making, Members must be in a position to declare that although they have participated in a previous discussion(s) on this matter, they have not yet reached a final conclusion and are not bound by the views of the Parish/ District Council/Board, etc.

9. The Advice Note recommends that any Member who does not believe that they can safely declare an absence of predetermination should treat this item as though they have a prejudicial interest and leave the meeting during discussion of that item or arrange to be substituted during the meeting. They can choose to speak as the Local Member but must make a clear declaration that this is what they are going to do (*see paragraph 10 below*). It is perfectly acceptable to return to the meeting as a Member of the Committee once consideration of that item has concluded as the declaration of prejudicial interest only covers the item itself and does not apply to the whole meeting.

10. Paragraphs 24-27 of the Advice Note permit those Members of this Committee who wish to speak as the Local Member to resume the role of Committee Member once that particular item of business has concluded. Local Members who choose to represent the views of their constituents on a particular item do not *intrinsically* have a prejudicial interest. They must, however, make a clear declaration of their intention to speak as the Local Member and explain that they will refrain from voting on that item.

Recommendation

10. I recommend that the Committee notes the Standards Committee's Advice Note 4 as set out in Appendix 1 to the report.

Geoff Wild
Director of Law and Governance
01622 694302

Background Documents
None.

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**KENT COUNTY COUNCIL
STANDARDS COMMITTEE**

Advice Note 4

(Approved by the Standards Committee on 27 April 2009)

**ADVICE TO MEMBERS ON THE APPLICATION OF
THE CODE OF MEMBER CONDUCT TO DEVELOPMENT CONTROL**

1. This note gives advice to Members who:
 - are members of the Planning Applications Committee
 - sit in on a meeting of the Planning Applications Committee as a substitute Member
2. The provisions of the Code of Member Conduct regarding conduct, the registration and declaration of interests, and the acceptance and registration of gifts and hospitality, apply to the proceedings of the Planning Applications Committee and other discussions in which Members may become involved on planning applications and other development control proposals.
3. The Local Government Association, supported by the Standards Board for England, has issued a short but useful guidance note *Positive engagement - a guide for planning councilors (updated version)*. Separately the Standards Board for England has also issued a more detailed and helpful occasional note *Predisposition, Predetermination or Bias, and the Code*. Copies of these documents are obtainable from Democratic Services.
4. Where this note refers to an application, it applies also to any other decision coming before the Council as a local planning authority that is not the responsibility of the Leader and Cabinet.

Interests

5. If you have a personal interest in an application make sure you declare this at any meeting. It would be prudent also to notify the Monitoring Officer in writing so that the interest can be publicly recorded in the Register of Members' Interests.
6. If the interest is a prejudicial one you should take no part in any discussion on the application, either inside or outside committee meetings. If you are the Local Member, you should arrange for a colleague representing a nearby division to represent your constituents.

Executive and Lead Members

7. If you are a Cabinet Member or a Lead Member (including Chairman of the Schools or Highways Advisory Boards), you should not take part as a voting Member in a debate by the Planning Applications Committee on an application by the Council, e.g. for a highway or school scheme. You may, with the Chairman's consent, speak to other Members outside the Committee meeting or at the meeting itself, but you should always remind the Member(s) of your responsibilities and position so that they and the public are aware of these when considering what you have to say. Take care you are not seen to be attempting to exercise undue influence on the other Member(s) through your position in the Council or party group.

Planning Applications Committee Members

Training

8. Before taking up a position as a voting member of the Planning Applications Committee, you should receive basic training in your duties. This will normally take the form of a discussion of this advice note with an officer nominated by the Monitoring Officer, as well as a discussion with a senior planning officer.

9. Once appointed, you should take part in all training sessions on planning law, policy and practice organised for members of the Committee. If you cannot attend, you should request a personal briefing from the Planning Officer.

Information

10. You should approach all decisions on applications with an open mind and ensure you are as well informed as possible by:

- attending site visits or inspections on applications agreed by the Committee wherever possible
- ensuring you always read the Planning Officer's report thoroughly and come to the meeting prepared to be persuaded to take a different point of view
- not voting if you have not been present to hear the entire debate, including public comments and the Planning Officers' introduction.

Dual Membership

11. You may take part as a voting member in the consideration of an application by the Planning Applications Committee if you also serve on an advisory board, district or a parish council which has been consulted on or is otherwise involved with the application. Dual membership does not of itself create a prejudicial interest that requires you to leave the room. It is, however, necessary for you to be able to demonstrate, if challenged, that you came to the debate with an open mind, without having previously formed a fixed or predetermined view on the issue and that you have considered all the relevant facts and arguments.

12. You should consider carefully what you say at meetings of other boards or councils whether you attend as a member of that board or council or as a KCC Member. You should declare at those meetings that if you come to consider the matter as a voting member of the Planning Applications Committee, you will consider the matter afresh, taking into account all the information and views you will then have before you, including those expressed at these boards or councils' meetings.

13. At the Planning Applications Committee meeting you should declare a personal (but not necessarily prejudicial) interest as a member of the board or parish/district council. You should say if you attended or participated in the board or parish/district council meeting but make it clear that you have not reached a final conclusion, but instead are considering the matter at Planning Applications Committee meeting afresh and not bound by board or parish/district council's views.

14. If you do not feel able to make such a declaration you should regard yourself as having a prejudicial interest. You should declare that interest and leave the meeting before consideration of that item. Alternatively, you may wish to arrange to be substituted at that meeting and speak instead as a Local Member (assuming the matter affects your division). In that case, you must make clear when you speak that you have done this and why.

15. If you are associated with an external body that is the applicant (or a major beneficiary of the proposals, e.g. a school governing body for new school buildings) you should not participate as a voting member but declare that interest. With the Chairman's consent you may still speak on the same basis as a Local Member. If you have voting rights, you should ensure that your abstention is recorded in the minutes.

Lobbying by local residents, consultees and objectors

16. In any discussions with local residents, objectors or consultees you should be careful not to say how you might vote or express any opinion on the merits prior to your formal consideration of the matter at the Committee meeting. Explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.

17. If you decide to argue vigorously for a particular point of view in relation to an application on behalf of some or all of your constituents, or to become a member of a lobbying group for or against a specific proposal, you should not exercise your rights at the meeting of the Planning Applications Committee to vote or move or second any motion or amendment. You should inform the Chairman of this before the meeting begins and declare that intention at the beginning of the debate on the item.

18. If you are a member of a lobby, campaign or other group or association that is actively expressing a view on the application or other matter before the Committee, you are likely to have a prejudicial interest and should follow the advice in paragraph 14 above. More detailed advice is available in Advice Note 1 on dual-hatting and membership of lobby groups.

Lobbying by Applicants or Developers

19. You should inform the Monitoring Officer in writing if you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality).

20. You should refer applicants/developers who approach you for planning or procedural advice to officers wherever practicable and report any significant contact to the Planning Officer.

21. You should not take part in any meeting, presentation or site visit organised by applicants or developers unless a Planning Officer is present and can make a written file record of the discussion.

22. At any such presentation or discussion:

- ask relevant questions for the purposes of clarifying your understanding of the proposals
- remember that the presentation is not part of the formal process of debate and decision by the Planning Applications Committee
- be careful not to express any strong view or state how you or other Members might vote.

23. If you decide to inspect the site of an application by yourself make sure you stay on the public highway or public land. If you are spoken to by an employee or representative of the landowner or a local resident, explain who you are and why you are looking at the site but follow the preceding advice about not expressing an opinion.

Local Members

24. In discussion with your constituents or others be careful not to give the impression that the Planning Applications Committee will approve or refuse the application or that it will do anything other than reach a decision in accordance with planning law, policy and good practice.

25. If you are a member of the Committee and also the Local Member, remember that your overriding duty is to the whole community not just to the people in your ward and take account of the need to make decisions impartially. If you do not feel able to do this but want to argue the case for your constituents, do not take part in the debate as a voting member but make it clear that you are abstaining on that issue and why. You may vote on other issues raised in the meeting, or alternatively, you may wish to ask your political group to arrange for a substitute for the entire meeting so you can attend and speak on the specific item as the Local Member.

26. At a meeting where an application will be considered in which you will participate as a Local Member, you should not normally agree to serve as a substitute member.

27. If you sit on the applicant/benefiting body (e.g. a school governing body) but are not a member of the Planning Applications Committee, make sure if you speak to any member of the Committee about the application that they know of your membership and interest. Remember that if you speak at the Committee meeting, you have to declare your interest before speaking.

positive engagement

a guide for planning councillors
updated version



'The engagement of local councillors as leaders and representatives of the community is vital in the delivery of positive outcomes from the planning process.'

positive engagement

a guide for planning councillors

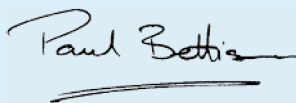
A message from **Iain Wright MP Parliamentary Under Secretary of State, DCLG** and **Paul Bettison, Environment Board Chairman, LGA**.

There have been some considerable changes over the last few years in how the planning process is delivered within England with a move away from an often adversarial, reactive and conflict based system towards a more pro-active, inclusive and creative approach.

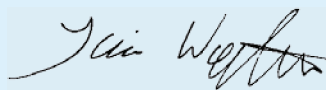
As a local councillor involved in planning matters, whether as a ward councillor representing your area's constituents as a councillor responsible for drawing up the spatial plan for your area, or as a councillor responsible for deciding upon application you have a crucial role to play in both making the planning system work and ensuring the best possible outcomes for your community for both now and in the future. The engagement of local councillors as leaders and representatives of the community is vital in the delivery of positive outcomes from the planning process.

However, concerns are sometimes expressed about the compatibility of councillors meeting developers and interest groups and then taking decisions on an impartial basis.

This leaflet is an updated version of the positive engagement for elected members launched in 2005. It is intended to summarise the principles that should be observed to enable you to both participate in and lead the system.'



Paul Bettison



Iain Wright

Appendix 2

In broad terms, the success of the planning system will depend on:

- establishing and taking forward a clear spatial vision for the area based on the sustainable community strategy
- effective dialogue between applicants, local authority, local people and other interests to help define and realise the vision
- ensuring that the spatial plan for an area embodies the aspirations of the community
- effective communication and ownership of policy between executive and planning committee
- the planning service being focused on outcomes
- early and effective community engagement in discussions on plans and development proposals, in accordance with the authority's Statement of Community Involvement.
- upholding the ACSeS Model Members Planning Code

As a community leader and local representative you will want to be involved in relevant public meetings, pre-application discussions and policy production. However, this may create some risks for councillors, particularly those who are members of the planning committee, and for the integrity of the decision making process. You should familiarise yourself with guidance found in the LGA guide *Probity in Planning (update)* – the role of councillors and officers, guidance from the Standards Board for England which provides an overview of the Model Code of Conduct which applies to all members and co-opted members of local authorities and the ACSeS Model Members Planning Code. (see the weblinks at the end of this leaflet).

Appendix 2

Councillors can involve themselves in discussions with developers, their constituents and others about planning matters. However, difficulties can be avoided if you follow these useful general hints:

do

- ✓ always involve officers and structure discussions with developers
- ✓ inform officers about any approaches made to you and seek advice
- ✓ familiarise yourself with your authority's Code of Conduct and follow it when you are representing your authority
- ✓ keep your register of interests up to date
- ✓ follow your local authority's planning code
- ✓ be aware of what predisposition, predetermination and bias mean in your role – ask your monitoring or planning officer and refer to the Standards Board Occasional Paper on Predetermination, Predisposition and Bias if unsure
- ✓ be prepared to hold discussions with an applicant and your officers before a planning application is made, not just after it has been submitted to your authority
- ✓ preface any discussion with disclaimers; keep a note of meetings and calls; and make clear at the outset that discussions are not binding
- ✓ be aware of what personal and prejudicial interests are – refer to your monitoring officer and the Standards Board's website if you are unsure
- ✓ recognise the distinction between giving advice and engaging in negotiation and when this is appropriate in your role
- ✓ stick to policies included in adopted plans, but also pay heed to any other considerations relevant to planning
- ✓ use meetings to show leadership and vision
- ✓ encourage positive outcomes
- ✓ ask for training from your authority in probity matters
- ✓ recognise that you can lobby and campaign but that this may remove you from the decision making process
- ✓ feed in both your own and your local community's concerns and issues
- ✓ be aware that you can engage in discussions but you must have and be seen to have an open mind at the point of decision making

do not

- X use your position improperly for personal gain or to advantage your friends or close associates
- X meet developers alone or put yourself in a position where you appear to favour a person, company or group – even a ‘friendly’ private discussion with a developer could cause others to mistrust your impartiality
- X attend meetings or be involved in decision-making where you have a prejudicial interest under the Model Code of Conduct – except when speaking when the general public are also allowed to do so
- X accept gifts or hospitality
- X prejudge or be seen to prejudge an issue if you want to be a decision maker on a proposal
- X seek to influence officers or put pressure on them to support a particular course of action in relation to a planning application
- X compromise the impartiality of people who work for your authority
- X invent local guides on probity in planning which are incompatible with current guidance – look for commonly held and common sense parallels in other authorities or the principles set out in national guidance

This simple guide has been produced by a number of organisations who have shared interest in maximising the effectiveness of councillor involvement in planning.

They include: the Local Government Association, Association of Council Secretaries and Solicitors, the Standards Board for England, Planning Advisory Service and The Department of Communities and Local Government and Planning Officers Society.



Appendix 2



Local Government Association

weblinks

The Association of Council Secretaries and Solicitors

Model Members Planning Code
www.acses.org.uk/documents/category/4

Department of Communities and Local Government

www.communities.gov.uk

Local Government Association

Probity in planning (update): the role of councillors and officers
www.lga.gov.uk/planning

A LGA update to the highly successful original guidance (published in 1997) on preparing a local code of good practice for those dealing with planning matters will be available shortly

National Planning Forum

Pre-application advice for town and country planning:
National Planning Forum good practice note 2 one of a series of 'inspiring planning' good practice notes
www.natplanforum.org.uk/good%20practice.html

Planning Advisory Service

Member development modules
www.pas.gov.uk/membertraining

Planning Officers Society

Members and Planning
www.planningofficers.org.uk/article.cp/articleid/176

The Standards Board for England

Guidance on the Model Code of Conduct, including personal and prejudicial interests
www.standardsboard.gov.uk/TheCodeofConduct/Guidance/

Fact sheets and Frequently Asked Questions
www.standardsboard.gov.uk/TheCodeofConduct/Factsheetsandfrequentlyaskedquestions/

Paper on predisposition, predetermination or bias, and the Code
www.standardsboard.gov.uk/Publications/OccasionalPaper/

IDT 2517



Predisposition, Predetermination or Bias, and the Code

Both predetermination and bias have proved to be difficult and controversial issues for many members and monitoring officers. Although they are judge-made, common law issues, and not part of the Code of Conduct, the Standards Board for England has agreed to publish this occasional paper to help clarify the issues.

Based on advice from leading treasury counsel Philip Sales QC, which can be found on our website, this paper aims to clarify the issues involved and includes examples of where members are predisposed, and so can take part in a debate and vote, and where they are predetermined and their participation in a decision would risk it being ruled as invalid.

Sir Anthony Holland
Chair, the Standards Board
for England

What is predisposition?

It is not a problem for councillors to be predisposed. Predisposition is where a councillor holds a view in favour of or against an issue, for example an application for planning permission, but they have an open mind to the merits of the argument before they make the final decision at the council meeting.

This includes having formed a preliminary view about how they will vote before they attend the meeting, and/or expressing that view publicly. They may even have been elected specifically because of their views on this particular issue.

What is predetermination or bias?

Predetermination or bias can lead to problems. It is where a councillor is closed to the merits of any arguments relating to a particular issue, such as an application for planning permission, and makes a decision on the issue without taking them into account.

Councillors must not even appear to have already decided how they will vote at the meeting, so that nothing will change their mind. This impression can be created in a number of different ways such as quotes given in the press, and what they have said at meetings or written in correspondence.

Rarely will membership of an organisation, such as a national charity, amount to predetermination or bias on its own unless it has a particular vested interest in the outcome of a specific decision that a councillor is involved in making.

Making the decision

There is an important difference between those councillors who are involved in making a decision and those councillors who are seeking to influence it. This is because councillors who are not involved with making a decision are generally free to speak about how they want that decision to go.

When considering whether there is an appearance of predetermination or bias, councillors who are responsible for making the decision should apply the following test: would a fair-minded and informed observer, having considered the facts, decide there is a real possibility that the councillor had predetermined the issue or was biased?

However, when applying this test, they should remember that it is legitimate for a councillor to be predisposed towards a particular outcome on the basis of their support of a general policy. This is as long as they are prepared to be open-minded and consider the arguments and points made about the specific issue under consideration.

How can predetermination or bias arise?

The following are some of the potential situations in which predetermination or bias could arise.

Connection with someone affected by a decision

This sort of bias particularly concerns administrative decision-making, where the authority must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.

example

a) A district councillor also belongs to a parish council that has complained about the conduct of an officer of the district council. As a result of the complaint the officer has been disciplined. The officer has appealed to a member panel and the councillor seeks to sit on the panel hearing the appeal. The councillor should not participate.

Contrast this with:

b) The complaint about the officer described above is made by the local office of a national charity of which the councillor is an **ordinary** member and has no involvement with the local office. The councillor should be able to participate in this situation **because the matter is not concerned with the promotion of the interests of the charity.**

Improper involvement of someone with an interest in the outcome

This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.

example

A local authority receives an application to modify the Definitive Map of public rights of way. A panel of members is given delegated authority to make the statutory Order. They have a private meeting with local representatives of a footpath organisation and other interest groups before deciding whether the Order should be made. However, they do not give the same opportunity to people with opposing interests.

Prior involvement

This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.

example

A councillor of a local highway authority who is also a member of a parish council that has been consulted about a road closure could take part in the discussion at both councils. The important thing is that the councillor must be prepared to reconsider the matter at county level in the light of the information and evidence presented there.

Commenting before a decision is made

Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. However, if the councillor has made comments which suggest that they have already made up their mind, they may not take part in the decision. If the councillor is merely seeking to lobby the meeting at which the decision is taking place, they are not prevented by the principles of predetermination or bias from doing so. There is no particular reason why the fact that councillors can do this, in the same way as the public, should lead to successful legal challenges.

example 1

A council appoints a barrister to hold a public inquiry into an application to register a village green. The barrister produces a report where he recommends that the application is rejected. A councillor attends a meeting in one of the affected wards and says publicly: "speaking for myself I am inclined to go along with the barrister's recommendation". He later participates in the council's decision to accept the barrister's recommendation. At the meeting the supporters of the application are given an opportunity to argue that the recommendation should not be accepted.

This is unlikely to give rise to a successful claim of predetermination or bias. The statement made by the councillor only suggests a predisposition to follow the recommendation of the barrister's report, and not that he has closed his mind to all possibilities. The subsequent conduct of the meeting, where supporters of the application could try and persuade councillors to disagree with the recommendation, would confirm this.

example 2

A developer has entered into negotiations to acquire some surplus local authority land for an incinerator. Planning permission for the incinerator has already been granted. Following local elections there is a change in the composition and political control of the council. After pressure from new members who have campaigned against the incinerator and a full debate, the council's executive decides to end the negotiations. This is on the grounds that the land is needed for housing and employment uses.

The council's decision is unlikely to be found to be biased, so long as the eventual decision was taken on proper grounds and after a full consideration of all the relevant issues.

Conclusion

Councillors are entitled to have and express their own views, as long as they are prepared to reconsider their position in the light of all the evidence and arguments. They must not give the impression that their mind is closed.

For more information on the issue of predetermination or bias, councillors should talk to their monitoring officers or their political group.

The Standards Board for England
Fourth Floor
Griffin House
40 Lever Street
Manchester M1 1BB

Enquiries line: 0845 078 8181
Minicom: 0161 817 5449
enquiries@standardsboard.gov.uk

www.standardsboard.gov.uk



Confidence in local democracy

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

Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715/R8.

A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application by Cemex UK Materials Limited for approval of Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks.

Recommendation: Approval be given subject to conditions.

Local Member(s): Mrs V. Dagger

Classification: Unrestricted

Site

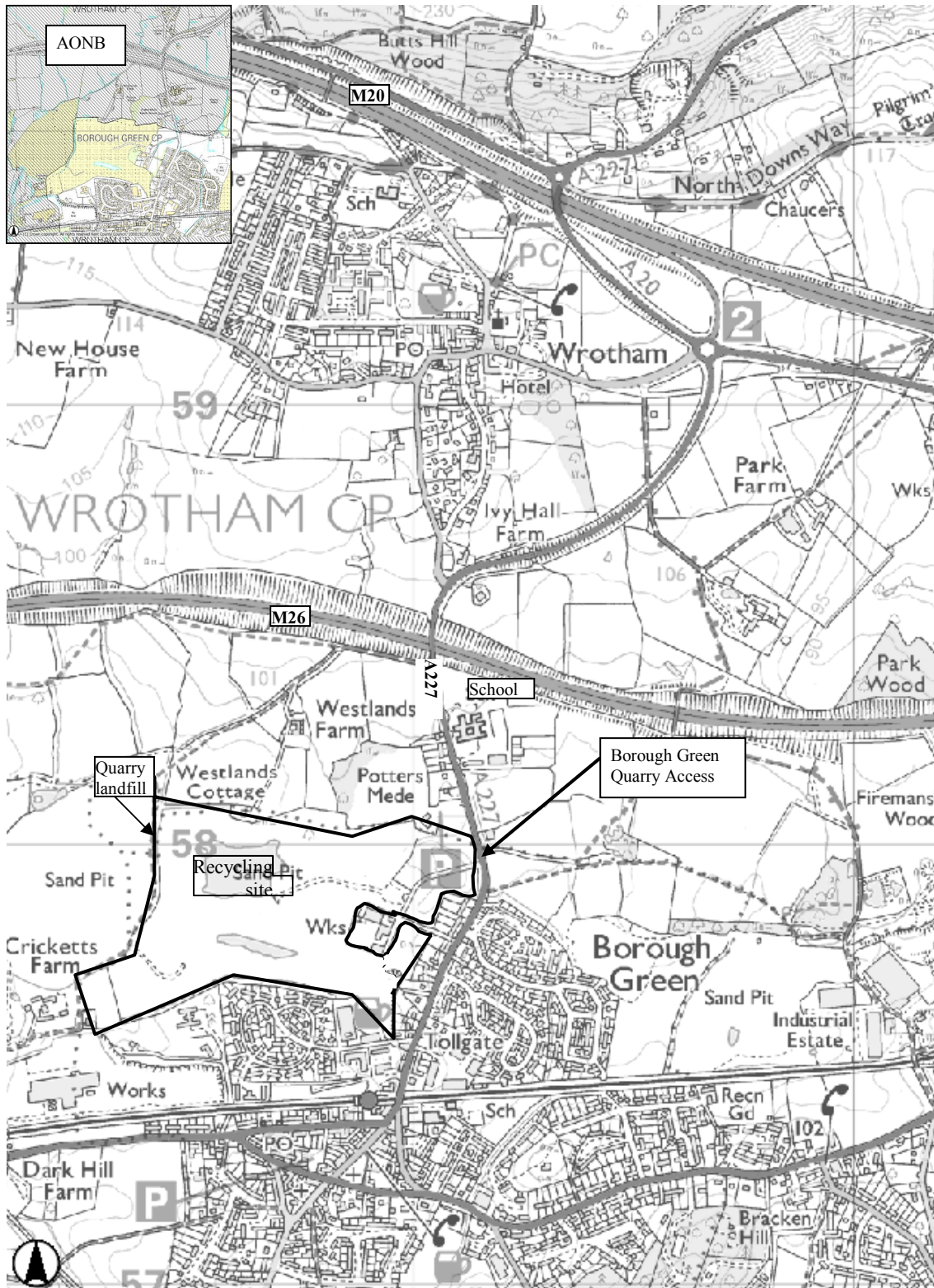
1. Borough Green Quarry (landfill site) is situated north of Borough Green village. The site is bounded to the north by open farmland, beyond which lies the M26. To the north-east there is a small woodland and sports ground. To the east is the A227 Wrotham Road from which access is obtained. The southern edge of the quarry abuts a residential area (Fairfield Road), an industrial unit and a nursing home. There are also a number of residential properties fronting the A227 and Wrotham School, which lies to the east of the A227 and some 270m north of the site access. The site lies within the Metropolitan Green Belt and adjoins the Kent Downs Area of Outstanding Natural Beauty (AONB) on its northern and western sides.

Background

2. The site is operated by Cemex under mineral planning permissions TM/93/305 and TM/01/1205/MR86, as amended by TM/08/2981 and TM/08/3175 (which provide for amendments to the access arrangements). Extraction has ceased and the permissions provide for restoration by landfill using inert waste. In October 2006 planning permission was granted for inert waste recycling at the site (TM/06/2171). In February 2009 planning permission (TM/08/3715) was granted for a 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). This application was considered at the Planning Applications Committee meeting on 17 February 2009. Permission TM/08/3715 was granted subject to ten conditions. These conditions largely repeated those on planning permission TM/06/2171 and included condition 8 that required a Dust Control Scheme to be submitted to and approved by the County Planning Authority before recycling/crushing plant or machinery is operated on the site. This is very similar to condition 10 of planning permission TM/06/2171.

Item C1

Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715/R8



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2 February 2009
AMD



Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715/R8

3. Earlier, in 2003, a dust control scheme had been approved as part of the requirement of conditions 12 and 16 of planning permission TM/93/305. This earlier scheme focused on dust mitigation measures associated with restoration and aftercare of Borough Green Quarry by landfill using inert waste. The same dust control scheme was approved in November 2008 as part of the requirement of conditions 8 and 11 of planning permission TM/01/1205/MR86. Condition 8 of planning permission TM/08/3715 required the existing scheme to be modified to address dust associated with recycling operations.
4. The recycling site is to be positioned within an area which is due to be infilled in the 4th and final phase of the approved landfill restoration scheme such that the recycling equipment and stockpiles would be positioned below the original and permitted ground levels. In this way, the surrounding landform will assist in providing mitigation for noise, dust and visual impacts associated with operations on site. Final restoration of the site is to be completed before 2042.
5. It should be noted that a number of complaints have previously been received from local residents and the local Parish Councils about the site. These were primarily about mud being deposited on the A227, lorries queuing on the road and the road sweeper obstructing the free flow of traffic. These concerns were the subject of discussions between planning officers and the operator and led to recent improvements at the site. Permission / approval for the installation of an additional wheel-wash, water tank, rumble bars, HGV holding area, widening of the internal access road and associated infrastructure and amended access arrangements was given in November 2008 following consideration of two parallel applications to vary conditions (2) of the 1993 and 2002 mineral permissions (TM/08/2981 and TM/08/3175) and pursuant to condition 17 of planning permission TM/93/305). Only the HGV holding area has yet to be completed.

Proposal

6. The proposed dust control scheme has been submitted to discharge planning condition 8 of the recycling permission TM/08/3715. The proposed dust scheme reiterates much of the existing scheme, updating this to reflect recent improvements to site infrastructure and the publication of MPS2: Annex 1: Dust (2005), and includes new proposals in respect of recycling operations and more clearly defined mitigation measures for all operations. It includes sections on site location, dust sources (i.e. extraction of gault clay, transportation of restoration and recycling materials, deposition of materials, soil handling and recycling operations), site management, site design and maintenance, mitigation measures (i.e. for soils, stockpiles, loading/unloading, haul road and recycling operations/plant area) and complaints.
7. By introducing recycling operations, the proposed dust scheme adds the crushing and screening of materials and stocking of raw and crushed material as potential new dust sources. The operations listed as likely to generate dust pollution in the existing scheme were those associated with the transportation of restoration materials, the deposition of materials and soil handling. The existing dust scheme also included a section on the extraction of previously backfilled gault clay which needed to be moved as part of initial site preparation works to increase the base of the quarry to desired levels prior to the commencement of phased backfilling and restoration.

Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715/R8

8. Gault clay: The new dust scheme states that the majority of clay extraction from the western margins has been completed and the quarry base raised to the desired levels and that this activity should no longer be a source of dust.
9. Transportation of restoration and recycling materials: The new dust scheme proposes that all loaded HGVs entering and leaving the site would be required to be sheeted to avoid the spillage of material or creation of dust outside the site. HGVs would be restricted to clearly delineated routes, generally on prepared surfaces and at a low level within the site where possible. Haul routes would be compacted, graded and maintained to provide a smooth running surface, designed to avoid sharp changes in gradient or alignment and would be watered (by bowser) in dry or windy conditions to maintain a damp running surface. It also proposes a 20mph speed limit on the internal haul road. It states that the improved wheel-wash facilities (upgraded in March 2009) would serve to reduce mud on the road and dust emissions on the access road and that this would be supplemented as necessary by a road sweeper. The majority of these proposals were included in the existing dust scheme.
10. Deposition of materials: As in the existing dust scheme, a general management regime is proposed to deal with dust arising from the deposition of materials. Proposed mitigation measures include minimising drop heights, restricting tipping to fairly limited areas at any one time, constructing temporary bunds around specific landfill areas as necessary and limiting stockpile heights to 5m. The proposed regime depends to a large degree, as currently, on the decisions of the site manager or his deputy.
11. Soil handling: The proposed dust scheme does not change the existing methods of dealing with soil handling. These follow standard agricultural practices for dust minimisation. Proposed mitigation includes the suspension of soil handling during unusually dry or windy conditions.
12. Recycling operations: The proposed dust scheme acknowledges that the processing of inert waste materials could cause dust nuisance. It notes the benefits of the plant being located near the centre of the site in the quarry void. The submitted dust scheme proposes that the recycling plant (screening, grading and crushing) be fitted with dust suppression mechanisms and be maintained in accordance with the manufacturers specification. It also proposes that stockpiles would be maintained at an appropriate level and sprayed with water as and when necessary to keep the potential dust under control. A mobile bowser would be available to moisten material and hard-surfaces if required and HGVs using the facility would be subject to the same controls referred to above.
13. The proposed dust scheme also states that a complaints procedure would be established to ensure that any nuisance is dealt with effectively. This would entail a register of complaints being kept on site to record all concerns made either directly to the site manager or via the mineral planning authority (MPA). It states that each complaint would be investigated, the site manager would be required to report findings and actions to Cemex's regional manager / director and the MPA would be advised in writing within two weeks of any dust complaint and informed of the findings of the investigation and any corrective actions taken.
14. The applicant states that fugitive dust from recycling and landfilling operations would vary in diameter. It states that larger particles (300 -75 µm (microns¹)) would fall within

¹ 1 Micron = 1 millionth of a metre.

Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715/R8

30m of the source (i.e. within the permitted recycling area) and that small particles could travel beyond the recycling area during windy conditions if no mitigation measures were employed. It also states that the majority of fugitive dust from the site is likely to be greater than 30 µm in size and would deposit within 100m of the source (i.e. before reaching the nearest dust sensitive receptor to the recycling site). The applicant states that the proposed scheme has been designed to minimise the likelihood of fugitive dust emissions leaving the site and that it has been based both on the previously approved scheme and MPS2, Annex 1: Dust.

15. The applicant has submitted further information in response to the objections from Borough Green Parish Council to the proposed dust scheme. This further information seeks to correct a number of inaccuracies in the submitted details (e.g. site name) and clarify a number of other issues (e.g. the basis for certain assumptions or statements in the proposed dust scheme). The further information also includes extracts from the “Good Quarry” website which the applicant states demonstrate that the proposed dust scheme accords with best practice on dust minimisation and mitigation in terms of the design, location and proposed operation of the recycling facility taking into consideration the relationship to existing activities and local sensitive receptors. The applicant has also offered to discuss the possible erection of air quality monitoring equipment on site with Tonbridge and Malling Borough Council’s Environmental Health Department. The applicant states that its contractual arrangements with waste operators can require lorries to be sheeted to a suitable standard and that if water shortages are experienced (e.g. due to drought) it will still need to ensure that appropriate measures are taken to prevent dust nuisance (including, if necessary, a cessation of operations). The applicant also states that: the proposed dust scheme has taken into consideration all dust sources and the need to prevent dust particles leaving the site, MPS2: Annex 1: Dust (March 2005), IPPC Regulations, Environment Act 1995 and the Revised UK Air Quality Strategy (2007); there is no conclusive evidence that recycling or inert landfill operations have a negative or detrimental impact on health; and that the proposed mitigation measures included in the proposed dust scheme represent Government recommended mitigation measures and are those used nationally by various industrial operations.

Planning Policy Context

16. **National Planning Policies** – The most relevant National Planning Policies are set out in PPG2 (Green Belts, 1995), MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction in England, including Annex 1: Dust, 2005), PPS10 (Planning for Sustainable Waste Management, 2005) and PPS23 (Planning and Pollution Control, 2004).
17. **South East Plan (2009)** – These include Policies SP5 (Green Belts), C3 (Areas of Outstanding Natural Beauty), NRM9 (air quality), W3 and W4 (regional and sub-regional self-sufficiency), W5 (targets for diversions from landfilling), W6 (recycling and composting facilities), W7 (capacity requirements), W17 (location of waste management facilities) and M2 (recycled and secondary aggregates).
18. **Kent Minerals Local Plan Construction Aggregates (1993)**: Policy CA18 (noise, vibration and dust).
19. **Kent Waste Local Plan (1998)**: These include Policies W18 (noise, dust and odour) and W22 (road traffic and access).

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20. **Tunbridge and Malling Borough Council Local Development Framework Core Strategy (2007):** These include Policies CP1 (sustainable development) and CP3 (Metropolitan Green Belt).

Consultations

21. **Tonbridge and Malling Borough Council:** No objection subject to the speed limit on the internal haul roads being reduced to 10mph to avoid potential dust problems.
22. **Borough Green Parish Council:** Objects to the proposal on the grounds of insufficient information and dust control measures having been submitted by the applicant. It states that the submission is not consistent in the name and location of the site, does not provide a substantial understanding of the issues of this location, relies on old methodology, does not mention or have regard to current air quality management regulations, does not show adequate provision to secure the health and well being of local residents, students and sports facility users and does little to protect the local environment from its activities. In respect of the recycling operation itself, it considers that the whole plant should be enclosed and that, as an absolute minimum, it should be fitted with dust extraction and capture equipment with all open hoppers and the output conveyor water misted and all crusher, screens and conveyors enclosed. It also considers the complaints procedure to be inadequate. A full copy of the Parish Council's comments is attached at [Appendix 1](#).
23. **Wrotham Parish Council:** Objects to the proposed dust control measures as it considers them to be totally inadequate. It also objects to the lack of a detailed dust assessment and absence of any quantification of dust arisings. It states that the scheme should provide for the installation of specialist dust collection and suppression systems in order to reduce health concerns and dust related complaints. It also states that Cemex has been responsible for very poor management of the quarry backfill operations for some years. A full copy of the Parish Council's comments is attached at [Appendix 2](#).
24. **Platt Parish Council:** No comments received.
25. **Environment Agency:** No objections but reminds the applicant that water resources are limited and so should be preserved. It therefore encourages the implementation of other methods of dust suppression before spraying is used.
26. **KCC Dust Consultant (Jacobs):** Has advised that the proposed dust control scheme incorporates the normal mitigating measures one would expect for such a materials recycling operation and that if the measures are employed correctly there should be no significant effects on air quality. Has also advised that any nuisance dust emissions from the site would initially be controlled through the local environmental health department and the Control of Pollution Act. Has further advised that MPS2: Annex 1: Dust is the key policy document in this case and is not affected by more recent alterations to the UK Air Quality Strategy (2007) which primarily seek greater assessment of smaller particles (e.g. PM_{2.5} – i.e. particles with a diameter of less than 2.5 µm (microns) which are mostly emitted from combustion sources or represent secondary particles formed by chemical reactions).

Local Member

27. The local Member Mrs V. Dagger was notified of the application on 11 May 2009.

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Representations

28. 1 letter of representation from a resident has been received in response to the proposed dust control scheme. The issues raised are the same as those raised by Borough Green Parish Council (see paragraph 22 above and [Appendix 1](#)).

Discussion

29. 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 development plan policies outlined in paragraphs 17 to 20 are of greatest relevance. The national planning policies and associated guidance referred to in paragraph 16 are also of particular relevance and represent important material planning considerations. Other material planning considerations include existing planning permissions and approvals.
30. The principle of the recycling operation at Borough Green Quarry has already been established by planning permissions TM/06/2171 and TM/08/3715 and does not require further consideration. In granting these planning permissions, the County Council accepted that the development was not inappropriate in the Green Belt and would neither prejudice the openness of the Green Belt nor harm its purpose. Subject to the proposed dust control scheme ensuring that high environmental standards are maintained and that the site is well restored, this remains the case. It is also worth noting that Policies W17 and M2 of the South East Plan indicate that temporary recycling facilities at mineral sites may be acceptable in the Green Belt.
31. The main issue for consideration is therefore whether the submitted dust control scheme satisfactorily addresses the requirements of condition 8 of planning permission TM/08/3715 and accords with relevant policy and guidance.
32. Policy NRM9 of the South East Plan states that development control can help to achieve improvements in local air quality by (amongst other things) mitigating the impact of development and reducing exposure to poor air quality through design and by encouraging the use of best practice during construction activities to reduce the levels of dust and other pollutants. Policy CA18 of the Kent Minerals Local Plan Construction Aggregates requires the County Council to be satisfied that dust arising from both the site and haulage vehicles can be satisfactorily controlled. The same requirements are included (separately) in Policies W18 and W22 of the Kent Waste Local Plan. Policy CP1 of the Tunbridge and Malling Borough Council Local Development Framework Core Strategy requires air quality and residential amenity to be preserved and, where possible, enhanced when determining planning applications.
33. MPS2: Annex 1: Dust sets out the planning considerations that the Government expects mineral planning authorities (MPAs) to apply when considering the dust emissions from surface mineral operations (including waste disposal and recycling operations where these form an integral part of a mineral working operation). It also states that waste planning authorities (WPAs) should take account of the guidance when dealing with other waste disposal or recycling operations as they share many operational features. The Annex makes it clear that MPAs should have regard to the environmental acceptability of the likely dust emissions, including cumulative impact at residential properties and on other sensitive uses, when considering applications for

Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715/R8

new mineral development and include appropriate planning conditions and mitigation (based on examples included in the guidance). The Annex recommends that a dust assessment study be carried out for all new and extended mineral workings in order that operations and processes likely to cause dust emissions can be identified and used to assist in designing measures for effective control but this is not a requirement. It also includes guidance on the nature of dust and methods for reducing and controlling dust (i.e. mitigation).

34. PPS10 states (amongst other things) that WPAs should consider the likely impact on the environment and amenity when considering applications for waste management facilities, that there should be consistency between consents issued under the planning and pollution control regimes, that detailed implications for human health are the responsibility of the pollution control authorities although locational issues are relevant to planning decisions and that the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well maintained and managed equipment and vehicles should be considered in determining appropriate locations for facilities.
35. The original planning application for recycling at the site (TM/06/2171) was accompanied by a supporting statement which included a section on the environmental effects and mitigation measures for dust. This referred to the fact that the “Site Operating Plan”, which accompanied the Integrated Pollution Prevention and Control (IPPC) Permit for landfilling (a matter for the Environment Agency), set out a series of controls and management procedures for the control of dust. The principal elements of the IPPC Permit dust management strategy (which were included in the supporting statement) were to control dust generation and movement at source. It also identified the principal sources of dust and measures designed to reduce arisings and mitigate impacts. The IPPC Permit (now called an Environmental Permit) relied on visual dust monitoring and did not require the installation of air quality monitoring stations. The supporting statement proposed that the recycling operation would be integrated into this established dust control regime. Objections relating to dust were received from Borough Green Parish Council and one local resident to the 2006 application. However, the County Council determined that any dust concerns could be satisfactorily overcome by the imposition of a condition requiring the submission, approval and implementation of a new dust control scheme which modified the existing scheme for landfilling operations.
36. It was originally expected that the recycling operation would require a waste management licence or an amendment to the IPPC Permit. However, it is now understood that Cemex has applied to the Environment Agency to register the recycling operation for an exemption under paragraph 13 of the Environmental Permitting Regulations (2008). This would allow recycling operations to take place subject to certain limitations (e.g. no more than 20,000 tonnes to be stored for processing at any one time and the operations not risking or causing pollution or harm to the environment). As well as the planning controls that would be provided if the proposed dust scheme were to be approved, the operator would need to meet the terms of any limitations on the exemption, comply with any controls that may be applied to the required authorisation of the plant (by whichever local authority formally registers this) and ensure that operations do not give rise to a statutory nuisance (a matter for Tonbridge and Malling Borough Council’s Environmental Health Department).

Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715/R8

37. As noted above, various detailed objections to the proposed dust control scheme have been received from Borough Green Parish Council, Wrotham Parish Council and one local resident. These are summarised in paragraphs 22, 23 and 28 and reproduced in Appendices 1 and 2. No objections have been received from Tonbridge and Malling Borough Council, the Environment Agency and the County Council's dust consultant. No response has been received from Platt Parish Council.
38. Whilst I do not intend to formally respond to every sentence included in the objectors responses in this report, the following paragraphs address the general points that have been raised and are identified below:-
- 1) The proposed dust scheme:
 - a) is not consistent in the naming and location of the site;
 - b) does not provided a substantial understanding of the issues of this location;
 - c) relies on old methodology;
 - d) does not mention or have regard for current air quality management regulations;
 - e) speculates that all dust is likely to be greater than 30 µm (microns) in size and would deposit within 100m of the source;
 - f) does not show adequate provision to secure the health and well being of local residents, students and sports facilities users;
 - g) does little to protect the local environment from its activities;
 - h) does not provide for enclosed conveyors, screens and crushers or dust extraction and capture equipment;
 - i) does not include properly designed dust suppression systems utilising water sprays designed to maintain a healthy work environment and protect local air quality;
 - j) does not consider the possibility of shortages of water for dust control (and suggests that if there are any shortages recycling should cease);
 - k) is not supported by a detailed dust assessment which seeks to quantify amounts of dust likely to be generated by each dust emitter in order that a dust control system that specifically addresses these can be designed;
 - 2) The proposed complaints procedure is inadequate (complaints should be reported to the Quarry Liaison Group as well as the MPA);
 - 3) The applicant has been responsible for very poor management of the quarry backfilling operation for some years; and
 - 4) Rigorous standards need to be imposed and enforced.
39. (1a): The applicant has confirmed that the proposed dust control scheme relates to Borough Green Quarry and this is obvious from the submitted details. Since the site is now also a landfill site, references to this are not unreasonable. The references to Borough Green Sand Pit reflect the previous quarrying activities at the site. Unfortunately, this is also the name of another site in the Borough Green area and has led to some confusion. I am satisfied that the dust scheme has been designed and submitted to address the requirements of condition 8 of planning permission TM/08/3715 and that any inconsistencies would not give rise to problems.
40. (1b): Notwithstanding the above issue relating to the name of the site and some of the detailed issues raised by respondents, I am satisfied that the proposed scheme does provide a satisfactory understanding of likely dust emissions at the site. The proposed dust scheme includes a general assessment of the likely dust sources for all activities at the site (including recycling), as well as site management and mitigation procedures. It should be noted that no objections have been received from the Borough Council,

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the Environment Agency or County Council's dust consultant to the proposed dust scheme. Clearly, these respondents (who include those with statutory responsibility for dealing with potential dust pollution at the site) are all satisfied that a sufficient understanding has been provided. I see no reason to depart from their judgement.

41. (1c & 1d): The applicant has confirmed that the proposed dust scheme takes account of MPS2: Annex 1: Dust (2005), the IPPC Regulations, the Environment Act (1995) and the revised UK Air Quality Strategy (2007). It is clear that the proposed dust scheme has been based on MPS2: Annex 1: Dust. Although the mitigation measures set out in the proposed dust scheme do not include all of the possible measures set out in Appendix 1B of MPS2: Annex 1: Dust, the majority are and the dust scheme is therefore generally consistent with the policy statement in terms of its measures designed to reduce and control dust. It is not considered that the UK Air Quality Strategy 2007 adds to or contradicts the policy and guidance in MPS2 and, on this basis, MPS2 remains the key national planning policy document for assessing proposals for inert waste recycling operations. The UK Air Quality Strategy 2007 does not provide any detailed guidance on such operations.
42. (1e): The applicant maintains that the majority of dust particles would be over 30 µm (microns) in size (and would therefore deposit within 100m of the source) but agrees that there would be a limited amount of smaller particles. It states that the proposed dust scheme would address this and would ensure that no statutory nuisance is caused. It is accepted that smaller particles represent the greatest hazard to general health. However, as the principle of the permission at this location has already been established, PPS10 is clear that detailed implications for human health are the responsibility of the pollution control authorities. Subject to the County Council being satisfied that the proposed dust scheme provides appropriate controls to minimise and mitigate dust emissions there would be no reason to refuse it. The Borough Council, the Environment Agency and County Council's dust consultant are all satisfied that the proposed scheme is satisfactory and I see no reason to depart from their judgement. It should also be noted that vehicles associated with recycling operations would not manoeuvre on and "churn up" gault clay as the affected areas have been raised with other more suitable materials to provide a more stable base for recycling operations and associated vehicle movements.
43. (1f – 1i): As stated above, the proposed dust control scheme includes a general assessment of the likely dust sources for all activities at the site (including recycling), as well as site management and mitigation procedures that are consistent with MPS2. Although the mitigation measures set out in the proposed dust scheme do not include all of the possible measures set out in Appendix 1B of MPS2: Annex 1: Dust, the majority are and the dust scheme is therefore generally consistent with the policy statement in terms of its measures designed to reduce and control dust. As above, as the Borough Council, the Environment Agency and County Council's dust consultant are all satisfied that the proposed scheme is satisfactory and I see no reason to depart from their judgement. Given the acceptability of the proposed dust scheme, any specific requirement for enclosed conveyors, screens and crushers, dust extraction and capture equipment or specific dust suppression systems utilising water sprays would be unreasonable. Notwithstanding this, any recycling equipment used is likely to be equipped with a dust suppression system which incorporates water sprays and other measures designed to minimise or capture dust as close to its source as possible. It would be for the operator to ensure that any equipment utilises an appropriate dust control system in order to meet its obligations. This is consistent with experience elsewhere.

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44. (1j): If sufficient water is not available for use in dust suppression, operations at the site would need to be suspended to ensure that dust emissions remain within acceptable limits and do not result in nuisance unless other measures can be employed. If there are water shortages, the relevant water company would need to determine whether supplies to the site should be restricted. This is not a matter for the County Council to decide. Notwithstanding this, the Environment Agency has asked that the operator implements mitigation measures that avoid the use of water where possible. This advice has already been provided to the applicant.
- 45 (1k): Although there is no specific requirement for a detailed dust assessment study to quantify amounts of dust likely to be generated by each dust emitter, the proposed dust control scheme includes a general assessment of the likely dust sources for all activities at the site (including recycling) and uses this to design site management and mitigation procedures. This is consistent with the requirements of MPS2: Annex 1: Dust. As above, it should be noted that the Borough Council, the Environment Agency and County Council's dust consultant are all satisfied that the proposed dust scheme is satisfactory.
46. (2): The proposed dust control scheme states that a complaints procedure will be established and then proceeds to explain in general terms what this will be such that it effectively sets out the procedure that would be followed (see paragraph 13 above). This repeats the procedure set out in the IPPC (Environmental) Permit and dust control scheme for landfilling. Although this is rather brief, it does set out what would be done if complaints are received and is acceptable to the Borough Council, the Environment Agency and County Council's dust consultant. However, I consider that it could usefully be extended to include specific reference to reporting complaints to the Quarry Liaison Group on a regular basis and to include specific provision of contact details for complaints. Such an extension to the proposed complaints procedure could be imposed by condition if the County Council approves the dust scheme.
47. (3): The fact that there have been problems associated with operations at the landfill site is acknowledged in paragraph 5 above. It is expected that the improvements that have recently been implemented, together with the completion of the HGV holding area, should serve to minimise any adverse impacts of the kind experienced previously. The proposed dust scheme should ensure that any adverse impacts associated with the recycling operations are minimised.
48. (4): Whilst the problems associated with operations at the landfill site referred to above are regrettable, the operator and County Council have already acted to attempt to resolve these and ensure that operations at the site are undertaken in an acceptable manner which accords with the relevant planning permissions. Site monitoring by the County Council and Environment Agency will continue regardless of whether the recycling operation is undertaken and can be reinforced by the involvement of the Borough Council's Environmental Health Department should this prove necessary. Although the recycling operation is likely to be subject to an exemption, such that this technically falls outside the scope of the Environmental Permit, the operations would take place within the existing Environmental Permit boundary such that any dust arising from recycling operation would be considered by the Environment Agency with any other dust arisings when its officers visit the site. This would provide a further safeguard. I agree that rigorous standards need to be imposed and enforced and am satisfied that the proposed dust scheme can secure this for dust impacts. Failure to comply with the dust scheme or controls available under other legislation could render

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the operator liable to enforcement or other action. This said, it is worth noting that no dust scheme can avoid the creation of dust or the possibility that problems may occasionally occur. However, implementation of the proposed dust scheme should reduce the risk to an acceptable level in accordance with Government policy and guidance.

49. Although Tonbridge and Malling Borough Council has raised no objection to the proposed dust scheme, this is conditional on a 10mph speed limit being imposed on vehicles using internal haul roads. I agree that reducing the proposed 20mph speed limit to 10mph would be beneficial. Existing signage at the site is inconsistent and refers variously to 10, 15 and 20mph. This would also need to be corrected and old signs removed. The imposition of a 10mph speed limit and provision of appropriate signage within the site can be secured as an amendment to the proposed dust scheme by condition.

Conclusion

50. Notwithstanding the objections that have been received to the proposed dust scheme, I am satisfied that it complies with MPS2: Annex 1: Dust and with the relevant development plan policies referred to above. The proposed dust scheme also meets the requirements of condition 8 of planning permission TM/08/3715. I therefore recommend accordingly.

Recommendation

51. I RECOMMEND that APPROVAL BE GIVEN pursuant to condition 8 of planning permission TM/08/3715 for the dust control scheme SUBJECT TO the following conditions:-
- (i) The operator reporting complaints to the Quarry Liaison Group on a regular basis and providing contact details for those wishing to make complaints; and
 - (ii) The speed limit on internal haul roads being restricted to 10mph and signs erected to this effect within the site.

Case Officer: Anna Michalska-Dober

Tel. no. 01622 696979

Background Documents: see section heading.
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Borough Green Parish Council comments

Borough Green Parish Council**Response to: Town and Country Planning Act****Application No: TM/08/3715/R8****Proposal: Dust Controls Scheme pursuant to condition 8 of planning permission TM/08/3715****Location: Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks, TN15 8DG****Borough Green Parish Council opposes the details in the above application, as follows:****1.0 Introduction**

- We note that the scheme is proposed is to run under MPS2: Annex 1: Dust & Cemex's Dust Management and Control 2003. The monitoring and management of airborne particulate has been severely tightened since 2003 and we therefore doubt the validity of the Cemex 2003 document.
- We are concerned that T&MBC as statutory local authority for enforcement of Air Quality Management policies, does not have adequate publicly located monitoring sites to prove the effectiveness or otherwise of any of the Applicant's internal documentation and plan.
- We suggest that the Applicant fully funds and then hands over to T&MBC for ongoing maintenance (again fully funded by the applicant) enough publicly located (preferably roadside co-located) air quality monitoring stations, as this Parish Council or its Technical Advisors deem necessary.
- The statement cross-references the quarry with being called a Landfill Site. We need clarification on this point, as we were unaware that its name and status of quarry had changed.

2.0 Site Location

- This statement does not acknowledge residential properties along Wrotham Road/Borough Green Road (A227), neither does it recognise the existence of the Borough Green Parish Council Outdoor Sports Facility at Potters Mede, immediately adjacent to the quarry.
- The direction of the prevailing wind is irrelevant. Blowing over the top of a hole will create a vortex, increasing local wind speed, with air lifting dust out of the pit up into the prevailing wind causing a wider distribution of dust. The higher wind speeds will also allow capture of larger particles, lifting them higher and carrying them further; in ALL directions.

3.0 Dust Sources

- There is speculation that all dust is likely to be greater than 30 microns in size. This is extremely naïve and this Council is not gullible enough to believe that there will not also be considerable amounts of much finer particulate. We understand this is more hazardous to general health by virtue of its clogging abilities of the respiratory system; not just for humans but also for the wildlife that lives in the Greenbelt and the Kent Downs Area of Outstanding Natural Beauty surrounding and alongside the quarry.
- We disagree with the statement that Gault Clay "should no longer be a source of dust." The Gault Clay is being used to seal the floor of the pit to prevent contamination of the underlying aquifer. This means that thin layers of clay will be spread on the ground, where pit traffic can churn up the drying material. Clay is by definition a material composed of fines, including lighter organics that will create significant extra dust.

Borough Green Parish Council comments

Transportation

- There is a statement that all incoming HGVs will be required to have sheeted loads. This is outside the control of the applicant.
- The tippers using the site currently, almost exclusively use variations of the "Easysheet" system, which while perfectly capable of preventing large material falling out, is inadequate for containing dust. Full sheeting should be mandatory, with the sheets covering the load and a significant portion of the outside of the body as well. This should apply to vehicles both entering and exiting the site, both loaded and empty, if any form of dust control is to be obtained.
- There are claims that running surfaces will be watered in dry conditions. This Council is concerned that even though the applicant has recently installed a direct, large capacity, freshwater feed from the local aquifer, this supply will not be adequate. We take the position, as previously submitted by ourselves to T&MBC as part of their MDE-DPD consultations, that as this area suffers from severe water shortage as soon as there is any hint of a drought, that the commercial use of water, just for dust mitigation is extremely wasteful of an extremely limited natural resource. We would demand that all works requiring dust control by water from this source, be suspended at the first sign of water shortage. There needs to be a mechanism for enforcing this suspension and a means whereby all parties can act to ensure the activities cease. A water bowser kept on site will be inadequate in these circumstances.
- The wheelwash facility, whilst welcomed, has not solved the problem of mud and rocks on the public highway. From experience, more safeguards must be in place to ensure that all vehicles leaving the site are clean and secure.
- Again, the wheelwash must be suspended in times of water shortage, unless the Applicant is able to prove that it is operating from 100% recycled or rainwater-harvested water.
- The proof of the above statements rest with the fact that there is an existing and an ongoing commitment to provide sweepers for the public roads external to the site. If the present controls are deemed adequate, why are these sweepers necessary?
- Having experienced visual proof that the new wheelwash has not eliminated mud problems, although it has been reduced, we doubt whether the higher level of site quality assurance required to eliminate airborne dust hazards can be achieved.

Deposition of Materials

- The site for which this application is made is "Borough Green Quarry". This section refers to proposals to restore Borough Green Sand Pit, which is another active quarry located in the adjacent village of St. Mary Platt. For clarity we suggest this application is re-submitted, using the correct name of the Applicant's site throughout. This will avoid any confusion both now and at a later date.
- We note that the Applicant claims the inert waste items it intends to reprocess will not create dust. Demolition materials are very dusty. They will carry dust and crushing, screening and handling will increase the emission of dust across the whole site.

Borough Green Parish Council comments

- There is a claim that ANY dust that arises will be contained within the current quarry boundary. We contend that without permanent, continuous monitoring, this claim cannot be upheld by the applicant.
- We are slightly confused by earlier statements that dust will be controlled, as this section talks about management of widespread dust and the construction of temporary bunds intended to stop airborne pollution.

Soil Handling

- We applaud the consideration given to topsoil reinstatement “in order to retain agricultural integrity” along with the Applicant’s confirmation that the site will be returned to agricultural use (or as close as possible to unspoilt Greenbelt land at the completion of the reinstatement). However, we query as to whether the 1m depth of topsoil will be adequate for this purpose. It has to be noted that most of the trees proposed for the site would have their roots reaching into compacted hardcore after a year or so.
- We are aware that the applicant has been creating a temporary 'bund' at the boundary with Westbank Nursing Home, there is a range of small trees at the boundary with A-Z and there is now a tree screen along the majority of properties along the Wrotham Road and Fairfield Road. However, we would suggest that a condition is imposed to complete significant boundary planting prior to the start of the recycling operation, so by the time the operation reaches ground level, a barrier will have grown that mitigates the continuing dust, noise and visual impact.

Recycling Operations

- As this section claims to be assisting LOCAL recycling targets, the means by which verified proof that only loads from LOCAL sites will be allowed to use this quarry must be specified.
- In an ideal scenario, the whole plant should be enclosed, which will also provide for significant acoustic isolation as well as dust prevention systems. As an absolute minimum, the plant used, should be fitted with dust extraction and capture equipment, with all open hoppers and the output conveyor water misted and all crushers, screens and conveyors enclosed.
- As mentioned earlier, we are surprised to see that this site is being used to process materials for another quarry in the village of St. Mary Platt (Borough Green Sand Pit). Any potential double-handling of materials can only add to the dust and noise within Borough Green. Coupled with the extra vehicle movements required on the public roads, we suggest that the other site makes its own arrangements for waste processing.
- By moving waste from one site to another, there will be a rise in airborne pollutants from exhaust emissions that technically are not covered by this application, yet still have a potentially serious negative impact on all those who live, work and play in this and the surrounding villages.
- There appears to be no consideration of the environment or the Statutory Climate Change Regulations within these proposals.

Borough Green Parish Council comments

4.0 Site Management

- We disagree with the statement “Effective control of airborne dust emissions requires the maintenance and proper use of equipment.”
- Manual inspections are not sufficient and we would expect a good degree of automation in the monitoring and immediate alarm-raising of air quality infringements. This should ideally be maintained by an independent third party, but paid for by the applicant. All data obtained should be available instantaneously on a publicly available website, hosted by the third party or its agents. We acknowledge that any manual intervention to shut down operations ahead of any automation is a useful feature.
- Quote: “Should any visible dust be generated,” We observe that the applicant is aware that unpredictable dust generation is an operational hazard in sites of this type. Local residents, children at school or playing sports have already suffered from dust clouds from this quarry. It would appear from this contingency statement that the situation might not improve.

5.0 Site Design & Maintenance

- Without continuous Air Quality monitoring in place, it will be impossible to tell whether a 100m distance is adequate spacing from any dust sensitive receptor.
- To minimise the amount of carryover from vehicles entering and exiting the site, all vehicles should approach and leave via the A20 to the north of the site.
- It is not just the process dust that we have to consider, it’s the PM10 emissions through the centre of the village of Borough Green and past the Primary School that are of an extremely high concern to us.

6.0 Mitigation Measures

- We would argue that in dry conditions, there might not be water available to spray anywhere in the site. Therefore, this measure falls short in all cases.
- We note from past horrendous experience that sheeting the top of the vehicle does not prevent the carry-over of debris on the underside of the vehicle, nor between the rear tyres.

7.0 Complaints

- The procedure outlined is not detailed. The ACTUAL procedure should be provided and certainly the same person as is managing the process should not carry out investigations into complaints.
- Unfortunately, “effectively” does not always mean immediately. There MUST be a process to halt site activity straight away, on discovery of dust or other pollutant issues.
- The MPA and the local Quarry Liaison Committee must be advised immediately of any incoming complaint and of the subsequent resolution of each complaint.

Summary

Borough Green Parish Council is opposed to these proposals, as the Applicant, in its provision of detail for the application:

Borough Green Parish Council comments

- Is not consistent in the name and location of the site.
- Has not provided a substantial understanding of the issues of this location.
- Relies on old methodology.
- Does not mention or have regard for current Air Quality Management regulations.
- Does not show adequate provision to secure the health and well being of local residents, students and sports facilities users.
- Does little to protect the local environment from its activities.

We have extremely serious concerns regarding something that can't always been seen, yet has the potential to have such a devastating effect on the local community. We do not believe that the Applicant has demonstrated sufficient recognition of and protection against hazardous effects.

We also propose that there should be formal confirmation of the Applicant's intention and guarantee, to restore this site to unspoilt Greenbelt standard and ask that KCC confirm that the final finish will be wild grasses and flowers (along with promised trees) as a means of re-establishing the natural bio-diversity of the site as quickly as possible.

BGPC 04 June 2009

Wrotham Parish Council comments

TM/08/3715/R8 Borough Green Quarry, Wrotham Road

Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715-
comments from Wrotham Parish Council

The dust control measures submitted by the applicant are totally inadequate and Wrotham Parish Council (WPC) strongly objects.

We would have expected a detailed assessment of the operations that will give rise to dust and the amount should have been quantified in each case. It would then be possible to put forward dust control systems that are designed to cope with each specific dust emitter.

Dust control and suppression systems typically include the enclosure of conveyors, screens and crushers and a properly designed dust suppression system utilising water sprayers. In our view the applicant should be proposing to install both dust collection systems and dust suppression systems to control the dust problem, which have been designed by a company that specialises in this field.

In the dust control scheme that has been submitted by CEMEX it appears that the only investment in dust control is a water bowser. In our opinion, the applicant should be required to identify adequate dust control measures to maintain a healthy work environment and to protect the local air quality. This is particularly relevant when crushing or moving material. Specialist dust suppression equipment can trap potentially harmful dust, reducing health concerns and dust related complaints.

We also note that CEMEX have been responsible for very poor management of the quarry backfill operation for some years.

The following photographs are from the quarry observation group website and are an example in Surrey of what can go wrong if the LPA does not set rigorous standards and fails to enforce them. <http://www.qog.org.uk/>





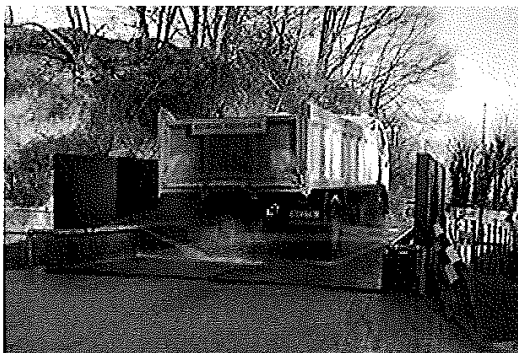
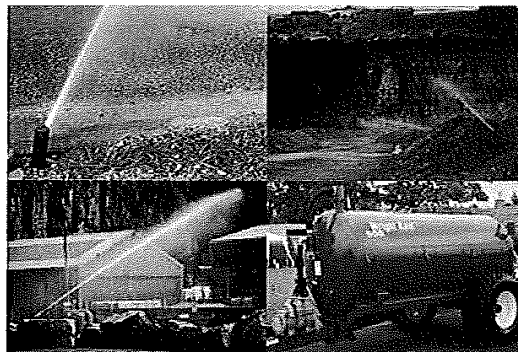
WPC advises Kent Planning Services to utilise a specialist company to evaluate whether the applicants proposals are adequate. We enclose a pdf on dust control from a specialist company in this field for your information but stress that this is not an endorsement for that company.

Wright Rain

Dust Suppression

Air borne dust is created in a multitude of indoor and external environments causing nuisance, inconvenience and, not least, damage to the public perception of the plant.

The causes of dust may be from material processing such as crushing, grading and extraction, from road and stockpile disturbance on site or from material distribution by wagon or conveyor. A combination of all these sources are responsible for dust generation on most sites.



Each of the applications below have specific requirements for dust suppression treatment and have to be appropriately designed and specified to ensure adequate control in a cost effective manner. Wright Rain's specialist design services and experience of diverse applications ensures the most effective solution.

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- Water Storage
- Chemical Spray System
- Controllers
- Pumping and Filtration
- Bowsers and Tankers
- Dust Monitoring
- Wheel Wash
- Rainguns
- Pop-up Sprinklers
- Sprinklers

Unlike other organizations, we do not believe it is sufficient to supply the equipment and 'hope for the best'. Where required, we have the capability of providing a detailed initial site survey and designing a complete package to meet the issues identified by this analysis. Our portfolio includes not only a full equipment range but also the necessary ongoing service and monitoring component to ensure successful achievement of the set objectives.

Why not take a look at our [videos](#) to see more?

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Item C2**Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent.**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application by Stone Pit Restoration Limited for the variation of Conditions (6) and (15) of planning permission DA/98/805/MR27 in order to create a raised development platform for future housing development at Stone Pit II, St James Lane, Greenhithe, Dartford, Kent.

Recommendation: Permission be granted subject to conditions.

Local Member: Mrs P. Cole

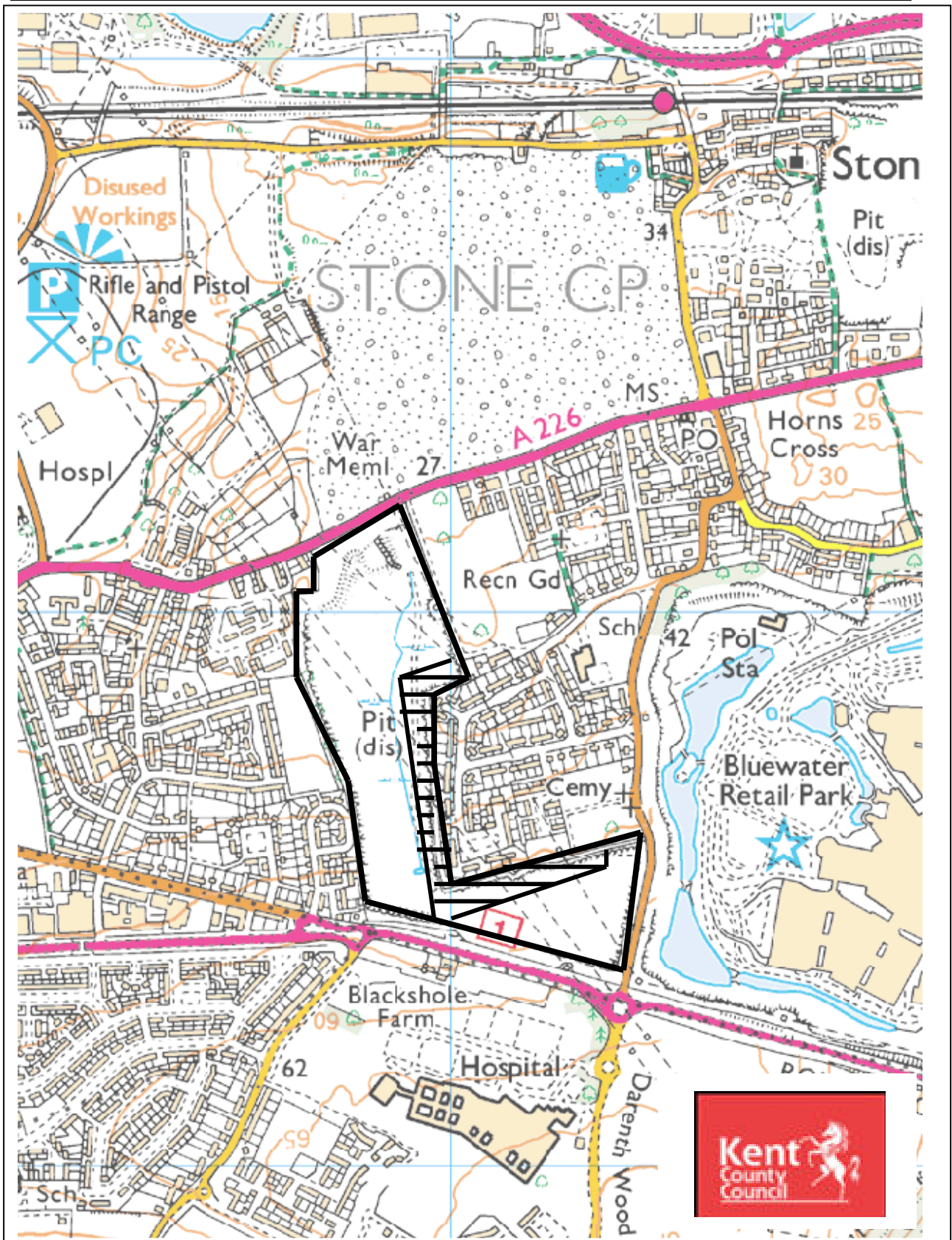
Classification: Unrestricted

Site description and Background

1. Stone Pit II is a former chalk quarry located to the east of Dartford which was quarried up until 1965. It is bounded by the A296, London Road and St James Lane. It covers approximately 23 hectares comprising of an 'L' shaped area that is currently being infilled and restored with inert waste materials under the terms of a permission granted in January 2000 (Ref. DA/98/805/MR27). The site is bordered by residential development along some 40% of its perimeter whose gardens back onto the site boundary. A site plan is attached.
2. The current permission under which the site is being infilled was granted under the provisions of the Environment Act 1995, which required all mineral sites such as Stone Pit II to be formally reviewed with the aim of bringing operations to modern day standards through the imposition of new schemes of conditions. The permission currently allows for the infilling of the site to within 5 metres of the quarry rim with restoration to a mix of tree planting and grassland. Condition (6) of the permission requires the site to be progressively infilled over a number of separate phases to approved restoration contours. Condition (15) stipulates the maximum noise levels that can be generated when measured at the nearest residential properties, which shall not exceed 55 dB Aeq. 1 hr. Provision is also made under this condition for regular noise monitoring to be undertaken by the operator at specified points around the perimeter of the site to ensure compliance with the noise restriction, the results of which are forwarded to the County Council.

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Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent



Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent

Proposal

3. The applicants are seeking permission to vary conditions (6) and (15) of planning permission DA/98/805/MR27 to raise the approved restoration contours in order to create a suitable development platform for future housing development. The intention is that levels would be raised such that they would allow them to blend in more effectively with the surrounding undisturbed levels which the applicants claim would enable a smoother transition between adjacent areas of open space and enhance more effective connectivity between the wider urban areas. In order to achieve the levels proposed the applicants estimate this would require some 625,000 cubic metres of additional fill. The application states that the rate of infilling would remain the same as that currently permitted which generates some 625 vehicle movements per day (i.e. 325 in and 325 out). Furthermore, the additional infilling would not extend the permitted time scale for the completion of operations which is 31 December 2015.
4. The future housing development proposed at the site is currently subject to a separate outline application submitted to Dartford Borough council. In the event that permission for the housing development is either refused or granted but is not then carried out for a substantial period, provision is made for the implementation of an interim landscaping scheme upon completion of the proposed infilling, with the restored area being sown with a suitable grass seed mix.
5. The application is accompanied by a separate noise assessment report which assesses the additional impacts from noise on the surrounding residential properties as a result of the proposed increase in final restoration levels. Whilst the report concludes that for the majority of the additional infilling, noise levels would comply with the current limit of 55dBA, during the period when levels reach within 3 metres of the quarry rim along the eastern boundary of the site, noise levels are predicted to reach up to 61.2 dBA at times. The application is therefore also seeking to vary condition (15) of the existing permission such that noise levels when working within a defined area along the eastern site boundary (see *area shown hatched on site plan*) do not exceed 62dBA. To help mitigate against the potential impact on local residents when infilling takes place in this area, provision is made for this to be undertaken sequentially in a series of 16 separate bays each measuring some 40 x 60 metres. As a further measure the applicants have stated they would be willing to accept a condition that also restricts the hours during which operations take place in this part of the site to between 1000 and 1600 hours Monday to Fridays only with no operations taking place on Saturdays, Sundays or Public Holidays. This is as opposed to their intention to operate the rest of the site during the currently permitted hours which are 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours Saturdays. The aim is to ensure that any disturbance to those residents most directly affected during the period in which the cell immediately adjacent to their property is being infilled, is kept to the minimum. Operating under the restricted hours proposed it is estimated each bay would take a maximum of 8 days to fill to final levels resulting in an overall total of 112 days during which noise levels would exceed those imposed under the existing permission within this part of the site. Similar to the existing noise monitoring regime employed at the site, it is proposed that noise levels are regularly monitored throughout operations at specific locations surrounding

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the site. In the event that either noise limits are exceeded or complaints are received it is proposed additional mitigation measures are reviewed and employed, including where necessary reducing the numbers of plant and machinery working in one area at any one time. A telephone number would also be distributed to local residents for a point of contact on site for complaints to be made. In turn, residents would also be notified in advance of any particular activity which has the potential to be noisy near their properties.

6. The application is also accompanied by a separate Dust Assessment and Management Plan Report . The report sets out those activities most likely to create dust and lists a number of mitigation measures that could be employed. Having regard to the prevailing wind direction, the most sensitive receptors have been identified which it is considered fall along the north east boundary of the site. It recommends that regular monitoring be undertaken at these locations and also at other key points surrounding the site and a weekly update of dust deposition levels be carried out to monitor whether there have been any exceedances of recommended thresholds. The report claims this would enable the site manager to review the effectiveness of mitigation measures throughout the additional infilling operations proposed.

Planning Policy Context

National Planning Policy

7. The National Planning Policy Statements relevant to the determination of this application are set out in PPS 10 (Planning for Sustainable Waste Management), PPS 23 (Planning and Pollution Control) and Waste Strategy for England 2007.

Regional Planning Policy

8. The adopted South East Plan (Regional Spatial Strategy for the South East of England) May 2009 sets out the long term spatial planning framework for the region. It includes policies on landfill requirements (Policy W13) and seeks to secure high quality restoration where landfill is used as a means of reinstating old mineral workings (Policy W14).

Kent Waste Local Plan 1998

9. This includes policies which take into account need and harm (Policy W6), restoration of mineral workings which in planning terms would benefit from being returned as near as possible to original ground levels (Policy W12), noise and dust (Policy W18) and road traffic and access (Policy W22).

Consultations

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10. **Dartford Borough Council:** Raise no objection and ask that the County Council, in reaching a decision consider the wider context in terms of the need to bring the site forward for housing development whose final contours are at an appropriate level in relation to the surrounding housing development thereby enabling better linkages ensuring the community is no longer split. In the event that permission is granted, recommend that conditions be imposed covering hours of working, particularly when the higher noise level are anticipated along the eastern site boundary. Recommends that conditions also be imposed in relation to dust and vibration mitigation along with details of proposed landscaping.
11. **Stone Parish Council:** Support the application, who consider the long term advantages of raising the existing restoration levels which in their opinion would improve the landscape profile and lead to better integration of the community, outweigh the short term impacts.
12. **Divisional Transport Manager:** No objections subject to traffic flows being limited to the same level as the existing permission.
13. **Highways Agency:** As the application for varying conditions for infilling and noise would not adversely affect the A282 at this location do not intend to issue a direction and would not wish to comment further.
14. **Jacobs (Noise/Dust):** The temporary increase in noise levels is within the criteria specified in MPS2. Whilst noise levels during infilling along the eastern boundary would be audible, the relatively short duration of these activities should mean complaints are minimal. If the measures proposed to mitigate noise and dust are implemented these should not be an issue.
15. **Jacobs (Landscape):** No objection to the proposed variations in terms of their visual impact.
16. **National Grid:** Having assessed the proposal with respect to the proximity of their operational electricity network and gas transmission network, conclude that the risk is therefore high and works must comply with the instructions included in the booklet "Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations."
17. **EDF:** No objections to the proposed works provided their rights are maintained as at present.

Local Member

18. The new local member Mrs P Cole was notified of the application on 26 June 2009.

Publicity

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Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent

19. The application was advertised in the local newspaper and notices posted on site. I also wrote to some 384 local residents most directly affected by the proposal informing them of the proposal.

Representations

20. I have received 4 letters of representation one of which was from the Stone District Action Group and one from the Gravesend Friends of the Earth. Their views can be summarised as follows;

- The future housing development could be accommodated based on the currently approved restoration contours
- Adverse impacts from noise, dust and vibration
- Raising the levels compromises the security of the existing properties which surround the site.
- Adverse effect on property values
- Developing the site for housing at the increased levels proposed would result in the surrounding house being overlooked.
- Strongly object to the building of houses at the site on such a large scale.
- Object to built development on an infilled quarry because of the unknown dangerous materials that have been tipped at the site.

Discussion

21. 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, government guidance and regional policy along with the Waste Local Plan policies referred to in paragraphs (7) to (9) of this report are of particular relevance.

22. Prior to the publication of PPS 10, Government advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that the consideration of BPEO in respect of individual applications should be afforded substantial weight in the decision making process. PPS 10 moved the consideration of BPEO principles to the Plan making stage, where it is to be considered as part of a Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning

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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 Minerals and Waste Development Framework (MWDF) reaches a more advanced stage, applications will be considered against both national and regional policy to ensure 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 recently adopted South East Plan.

23. As a matter of principle each application has to be considered on its merits having regard to the above mentioned policy guidance along with any other material considerations arising from formal consultations together with any representations received. In this context notwithstanding issues that have been raised in respect of the proposed future housing development post restoration of the site, these are matters to be specifically addressed by Dartford Borough Council during their consideration and determination of the application currently lodged with them. The merits or otherwise of future housing at the site is not therefore material to the determination of this application.

Main Determining Issues

24. There are two main determining issues arising out of formal consultations and publicity, these are the potential operational impacts from noise, dust and vibration during the extended infilling operations, along with the final landform in terms of whether it represents an acceptable alternative to the existing approved scheme.

Noise, Dust and Vibration

25. The approved restoration contours currently limit final restoration levels to some 5 metres below the quarry rim. This limit provides a natural acoustic barrier to those residential properties whose back gardens abut the edge of the site. The results of noise monitoring undertaken by the site operator to date, confirm that in the main, noise levels have remained within the current limit of 55dBA. A Noise Assessment Report accompanying the application concludes that for the majority of the site, with the exception of a strip of land adjoining the eastern boundary adjacent to housing, operations in respect of the increased levels of infilling would remain within the existing limit of 55dBA. The applicants recognise however, that owing to proposed levels along the eastern boundary being raised to blend in with the adjoining undisturbed land, where this occurs at the point at which existing housing is present, this will inevitably lead to an increase in noise levels experienced at these properties, albeit for a relatively short period of time.
26. In order to help mitigate the effects from increased noise levels experienced at those properties situated along the eastern site boundary, the applicants are proposing to adopt a method of infilling as described under paragraph 5. above involving separately defined cells, each of which would be sequentially infilled to proposed levels. This would effectively accelerate the rate of infill in this area such that operations would be completed over a relatively short period, with the aim of limiting the impact on individual clusters of houses most directly affected at any one time. In addition the applicants are proposing restricted

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working hours during operations in this area and as a further safeguard would employ a complaints procedure by providing residents with advance warning of any particular noisy operation along with a point of contact on site.

27. With regard to dust and vibration the applicants have confirmed that they would be willing to accept conditions requiring the submission of details of how measures would be employed to mitigate against such impacts. These would be consistent with the principles set out under statutory guidance relating to such matters.
28. Jacobs, the County Council's advisor on noise, dust and vibration consider the temporary increase in noise levels falls within the criteria set out under MPS 2, and advise that whilst noise levels would be audible during the infilling along the eastern boundary, given the relatively short duration of these operations, provided proposed measures to mitigate against the impacts from noise and dust are implemented Jacobs are of the opinion these should not present an issue. They also advise that proposed measures to mitigate dust impacts should help prevent any issues arising in respect of dust.
29. Dartford Borough Council, whilst raising no objection in principle have recommended similar conditions to those advised by Jacobs. With regard to hours of working they recommend tighter restrictions be imposed than those proposed by the applicant whereby no operations including deliveries and collections to and from the site shall take place except between 0800 to 1800 hours Mondays to Fridays, with no working on Saturdays, Sundays or Public Holidays. Furthermore they recommend that where operations take place along the eastern site boundary noise levels should not exceed 62 dBA when measured at noise sensitive properties and that hours of working in this area should only take place between 1000 to 1600 hours Mondays to Fridays only. In order to address concerns raised over adverse impacts from noise, particularly from those local residents most immediately affected who live adjacent to the eastern site boundary, should members be minded to grant permission I would recommend that an hours of working condition be imposed as reflected in the above comments made by Dartford Borough Council.
30. On the basis of what is proposed, particularly in respect of the accelerated rate of infilling along the eastern boundary, having regard to comments from statutory consultees I am satisfied that provided appropriate conditions as recommended are imposed on any future permission, there are no overriding objections on the grounds of noise, dust and vibration.

Final Landform

31. As referred to in paragraph 24. above, consideration also needs to be given to whether what is proposed by way of increased levels compared to the approved scheme of restoration represents an acceptable alternative. The currently approved scheme provides for infilling to within 5 metres of the rim of the quarry and therefore upon completion of restoration the old quarry face would still be evident, albeit significantly reduced in height compared to the depth of the original mineral working. In my opinion, in pure landscape terms, allowing further infilling as proposed such that levels would be returned at or near to original ground levels would represent an improvement given that it would enable the site to blend in more naturally with the surrounding landscape. This would be consistent with the strategic

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objectives set out in the South East Plan relating to the restoration of old mineral workings (Policy W14) and Policy W12 of the Kent Waste Local Plan. The County Council's landscape advisor Jacobs has raised no objection in terms of visual impact. Accordingly I am satisfied that there are no overriding objections on landscape grounds to the alternative scheme of restoration.

Conclusion

32. The principle of whether infilling is acceptable at this site was established under the current planning permission. In my opinion with the imposition of appropriate conditions any potential impacts during the proposed operations could be mitigated to an acceptable level and would not outweigh the longer term benefit that would derive from an improved landscape by allowing the site to be restored at or near to original ground levels. Accordingly I recommend that permission be granted.

Recommendation

33. I RECOMMEND that PERMISSION BE GRANTED as a variation to conditions (6) and (15) of planning permission ref. DA/98/805/MR27 SUBJECT TO conditions including; hours of working, operations being undertaken in accordance with the proposed scheme of infilling, noise limits, submission of noise, dust and vibration monitoring details and details of final landscaping and restoration.

Informatives

- (i) The applicant be informed that all other conditions imposed under planning permission reference DA/98/805/MR remain in force.
- (ii) The applicant be informed of the requirements of National Grid and EDF Energy in terms of the need to safeguard their interests

Case Officer: Mike Clifton

01622 221054

Background Documents: See Section Heading

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Item C3**Application to amend condition 3 of planning permission SE/00/2739 to allow additional time for completion of development and enable restoration to approved levels and to amend the approved Ecological Management Scheme to reflect a delay in commencement of operations at Greatness Quarry, Bat and Ball Road, Sevenoaks – SE/08/2141**

A report by the Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application to amend condition 3 of planning permission SE/00/2739 to allow additional time for completion of development and enable restoration to approved levels and to amend the approved Ecological Management Scheme to reflect a delay in commencement of operations at Greatness Quarry, Bat and Ball Road, Sevenoaks.

Recommendation: Permission be granted.

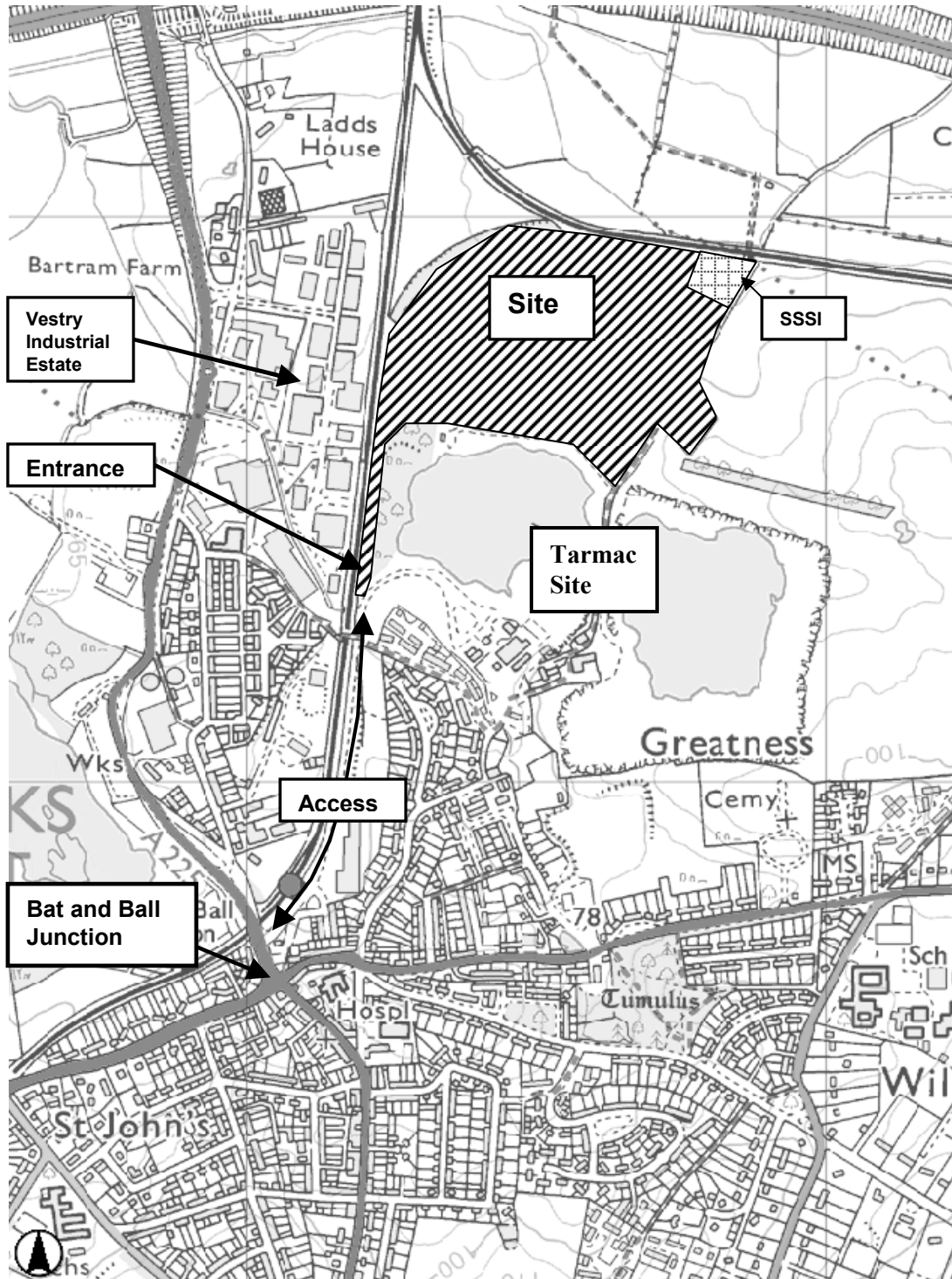
Local Member: Mr N Chard

Classification: Unrestricted

Site description and background

1. Greatness Quarry is located approximately 3km north east of the town of Sevenoaks. The site was formerly a clay quarry and brickworks. The brickworks were removed upon completion of quarrying activities. The site is approximately 20ha in size. The main Maidstone to London railway line runs to the north of the site and the Sevenoaks to London line to the west. The A225, linking Sevenoaks with Otford in a northerly direction, is situated approximately 300m to the west of the site and the Vestry Industrial Estate lies between this and the Sevenoaks to London railway line. The A25(T) runs in east-west approximately 1km to the south and provides a connection between the M25 and M26 motorways. The M26 is located 0.5km to the north of the site. Access to the site is via the estate road from the Bat and Ball Junction on the A225 near its junction with the A25(T). The nearest residential properties to the site are those located in Watercross Drive approximately 420m to the south of the site. A public right of way (footpath SU3) flanks the site to the east.
2. The site is in the metropolitan Green Belt and land to the north of the Maidstone to London railway line is designated as an Area of Local Landscape Importance. The Kent Downs Area of Outstanding Natural Beauty (AONB) lies further to the north. Part of the site is designated as a Site of Special Scientific Interest (SSSI) for its geological interest, a specific SSSI area to view the geological face has been created to the north east of the site in consultation with Natural England. This area will not be affected in any way by this proposal.

Application to amend condition 3 of planning permission SE/00/2739 to allow additional time for completion of development and enable restoration to approved levels and to amend the approved Ecological Management Scheme to reflect a delay in commencement of operations at Greatness Quarry, Bat and Ball Road, Sevenoaks – SE/08/2141



Application to amend condition 3 of planning permission SE/00/2739 to allow additional time for completion of development and enable restoration to approved levels and to amend the approved Ecological Management Scheme to reflect a delay in commencement of operations at Greatness Quarry, Bat and Ball Road, Sevenoaks – SE/08/2141

3. Immediately to the south and south east of the site lies Sevenoaks (sand) Quarry which is operated by Tarmac Ltd. The restoration of Sevenoaks Quarry to a combination of grassland, tree planting and large lake to the south east does not involve the use of imported landfill. An application for an extension to Sevenoaks Quarry on land to the east of Greatness Quarry has been submitted and is currently under consideration (SE/08/675).
4. Planning permission (SE/00/2739) was granted on 7 December 2001 for the restoration of the site by development of an integrated waste management facility comprising landfill, inert waste recycling and composting. The permission provides for the restoration of the site to a mixture of grassland, tree planting and small ponds and associated wetland habitat for agricultural and nature conservation purposes by phased landfilling with non-hazardous commercial, industrial and municipal wastes. The permission includes various planning conditions. Condition 3 states:
 - “3. Unless otherwise approved in writing by the County Planning Authority, all waste treatment and disposal operations shall have ceased within ten years from the date of this permission. The site shall have been restored in accordance with details submitted for approval pursuant to condition (10)(a) of this permission twelve years from the date of commencement notified pursuant to condition (2) above;

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interests of amenity and pursuant to Kent Structure Plan Policies S1 and ENV1 and Kent Waste Local Plan Policies W4, W9, W12 and W23.”
5. As well as providing for the phased restoration referred to in condition 3, condition 10(h) also required (amongst other things) the submission of an ecological management plan detailing measures for the safeguarding of nature conservation interests and mitigation of the proposals during operations and their aftercare upon final restoration. The various details required by condition 10 and several other conditions were submitted in 2002 and were formally approved by the County Council on 7 October 2002. The approved Ecological Management Scheme (EMS) contained schedules setting out a programme of ecological works to be carried out at site in subsequent years which assumed that development would commence in 2003. Although the operator failed to formally notify the County Planning Authority of the date of commencement as required by condition 2 of planning permission SE/00/2739 it is accepted that operations commenced on 15 August 2005.
6. On the basis of the above, all waste treatment and disposal operations are required to cease by 7 December 2011 and restoration should be completed by 15 August 2017.

Application to amend condition 3 of planning permission SE/00/2739 to allow additional time for completion of development and enable restoration to approved levels and to amend the approved Ecological Management Scheme to reflect a delay in commencement of operations at Greatness Quarry, Bat and Ball Road, Sevenoaks – SE/08/2141

The Proposals

7. The application seeks to amend condition 3 of planning permission SE/00/2739 to allow additional time for completion of development and enable restoration to be completed to approved levels. The applicant proposes that condition 3 be reworded to require all waste treatment and disposal operations to be completed within 10 years of the commencement of operations as opposed to 10 years from the date of the planning permission. It does not propose to amend the current requirement for restoration to be completed within 12 years of the date of commencement of operations. The application also seeks to amend the Ecological Management Scheme (EMS) approved in October 2002 to reflect the resultant changes. The application includes a revised Work Programme and Schedule of Tasks which reflects the proposed changes. On this basis, all waste treatment and disposal operations would be required to cease by 15 August 2015 and all restoration would have to be completed by 15 August 2017.
8. In support of the application, the applicant states that the original working scheme (and hence planning permission SE/00/2739) had assumed that operations would commence in mid 2002 after the necessary Pollution Prevention and Control (PPC) Permit (now Environmental Permit) had been obtained from the Environment Agency in late 2001 / early 2002. It also states that the original planning application had always been based on the 1.5 million cubic metre void being infilled over a 10 year period. As the PPC Permit was not actually issued until 15 March 2004 and waste treatment and disposal operations did not actually commence until 15 August 2005, it states that operations are about 3.5 years behind the anticipated schedule and that it will no longer be possible to complete the site within the timescale originally envisaged. The applicant also states that operations are on schedule to be completed within 10 years of the date of commencement and that the phasing arrangements are being complied with in other respects (moving from west to east across the site away from the Vestry Industrial Estate).

Planning Policy Context

9. **National Planning:** Policies PPS1 (Delivering Sustainable Development), PPG2 (Green Belts), PPS10 (Planning and Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
10. **South East Plan (May 2009):** Policies CC1 (Sustainable Development), SP5 (Green Belts), NRM5 (Conservation) NRM9 (Air Quality), NRM10 (Noise), W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W7 (Waste Capacity Requirements), W13 (Landfill Requirements), W14 (Restoration), W17 (Location of Waste Management Facilities), C3 (AONB) and C4 (Protection of Landscape)
11. **Kent Waste Local Plan (March 1998):** Policies W1A (Integrated Waste

Application to amend condition 3 of planning permission SE/00/2739 to allow additional time for completion of development and enable restoration to approved levels and to amend the approved Ecological Management Scheme to reflect a delay in commencement of operations at Greatness Quarry, Bat and Ball Road, Sevenoaks – SE/08/2141

Management Facilities), W3 (Locational Criteria), W6 (Need), W10 (Composting and Digestion), W12 (Landfill of Mineral Voids), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W27 (Rights of Way), W31 (Landscaping) and W32 (Aftercare).

12. **Sevenoaks District Local Plan (2000):** Identifies that the site lies in the Green Belt (Policy GB1) and adjoins an Area of Local Landscape Importance (Policy EN8).

Consultations

13. **Sevenoaks District Council:** Objects on the grounds of: (i) Nuisance to Residential and Commercial properties; (ii) Traffic; and (iii) Air Quality. It states that the site was not an Air Quality Management Area (AQMA) when the permission was originally granted. It also states that if the County Council is minded to grant the amendment to condition 3, that the 10 year period should be from 15 March 2004, which is the date the Pollution Prevention and Control permit was granted.
14. **Sevenoaks Town Council:** Objects and recommends refusal on the grounds that the application is premature and would urge the applicant to adhere to the approved timetable.
15. **Environment Agency:** No objection.
16. **Natural England:** No comments.
17. **Divisional Transportation Manager:** No objection on the basis that it is necessary for the restoration works to be completed and that agreeing the proposed amendment for additional time to complete the development would be preferable to increasing the number of vehicle movements to meet a shortened timescale. Also advises that any increase in traffic generated would cause more difficulties, delays, congestion and air quality issues without improvements at the Bat and Ball Junction. However, given the timescales involved does not consider it appropriate to require a contribution towards improvement works at the Bat and Ball junction.
18. **KCC Noise and Air Quality Consultant (Jacobs):** Advises that the proposed rewording of the time limits for the site operations is unlikely to cause detriment to the nearest residential receptors in terms of noise and air quality, as the noise conditions previously applied to the site will continue to be operational. Also advises that as the applicant seeks to extend the infilling time rather than increase the previously agreed HGV movements through the Bat and Ball Junction AQMA, as such the proposal would not have any additional detriment to that previously agreed.

Application to amend condition 3 of planning permission SE/00/2739 to allow additional time for completion of development and enable restoration to approved levels and to amend the approved Ecological Management Scheme to reflect a delay in commencement of operations at Greatness Quarry, Bat and Ball Road, Sevenoaks – SE/08/2141

Representations

19. The application was advertised in a local newspaper and a site notice was posted. In addition, the occupiers of 372 properties were notified. No responses have been received.

Local Members

20. The Local County Member for Sevenoaks, Mr Chard, was notified of the application on 1 August 2008. Adjacent member Mr John London was also informed by email of the proposal on 4 February 2009. No comments have been received to date.

Discussion

21. 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 Kent, the development plan is the Regional Spatial Strategy (RSS) for the South East of England (also known as the South East Plan) and any development plan documents which have been adopted or approved in relation to the area. In this case, these other development plan documents are;
- The Kent Waste Local Plan (March 1998) – only those policies that were saved in September 2007
 - The adopted Sevenoaks Local Plan – only those policies that were saved in September 2007
22. In the context of this application, the policies outlined in paragraphs 9 to 12 are of greatest relevance.
23. Prior to the publication of PPS10, Government advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). The approach was designed to assist in establishing the optimum and most sustainable form of waste management for any given waste stream. The guiding principles of BPEO were the concept of the waste hierarchy, the proximity principle and the objectives of regional self-sufficiency. In addition, BPEO sought the right form and scale of waste management for the given waste stream at the right time and location. 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. KCC issued a position

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statement to this effect in November 2005 (amended in October 2006). The position statement also states that 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. It also states that this approach is consistent with the underlying principles of the adopted and emerging Regional Spatial Strategy for the South East (i.e. RPG9 and the draft South East Plan). Although the South East Plan was adopted on 6 May 2009 (replacing RPG9 and superseding draft versions of the South East Plan) and Policy WM2 of the Kent and Medway Structure Plan (2006) will cease to have development plan status with the rest of the Plan when the three-year saved period expires on 6 July 2009, KCC considers that the principles of the position statement remain valid.

24. The main issues to be considered in this case are whether the proposed variation to condition 3 is necessary and whether it would be acceptable in terms of its resultant impacts on traffic, air quality, the environment (including Green Belt) and amenity.

Need

25. As explained in paragraphs 4 to 6 (inclusive), planning permission SE/00/2739 was permitted in December 2001 with the expectation that a PPC Permit would be obtained from the Environment Agency during 2002 and that operations would commence during 2003. In this way it was expected that the proposed landfill phasing arrangements would enable all waste treatment and disposal operations to be completed within 10 years in accordance with planning permission SE/00/2739. Restoration would be completed within a further 2 years. On the basis of these assumptions, condition 3 was worded in such a way that no flexibility was given to address the possibility of a delay in operations commencing. As a result of delays in obtaining a PPC Permit and in commencing operations, the applicant states that it is no longer possible to keep to the previously agreed timetable and phasing unless condition 3 is amended to allow for 10 years of infilling from commencement of operations at site. The delay in obtaining the permit from the Environment Agency led to a 3 years 8 months delay in the commencement of operations at site from that originally envisaged in the planning application documents. The applicant states that to restore the site to the approved restoration contours at the current rate of fill, which is limited by both vehicle movement restrictions and availability of waste, the site would need to be operational for 10 years from the date of commencement. As such the applicant is requesting a variation to condition 3 to accommodate the delay in starting operations on site. Approval of such would allow for Cory's to fill the site to the approved levels and restore to the approved plans. No revision is sought to the restoration timetable which would envisage the site being completed by 15 August 2017.

26. The amendments to the Ecological Management Scheme (EMS) as proposed within

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the application are a consequential amendment in order to reflect the delay in commencement of operations. The EMS sets out a programme of ecological works which should take place during a specified time period after the beginning of works. As such the current scheme refers to ecological works in the specified years following the date of the permission, however as the commencement of operations was not until 2005. The applicant therefore proposes to alter the programme of ecological works to coincide with the commencement of operations at site.

27. The amended EMS does not alter the content of the ecological works which was originally permitted; it merely changes the dates which actions have to take place by. The statutory consultee for ecological matters has not raised any objection to these proposals and as such in my opinion the shift in the programme of ecological works is not likely to have an adverse impact.
28. Sevenoaks Town Council raise objection to the proposal as in their opinion (amongst other matters) that the proposal is premature. It is important to acknowledge that the applicant has submitted this application not because they are not keeping up with the phased filling of the site but because of the delay in starting. The applicant has confirmed that they are progressing in accordance with the approved phasing plans. It is an early acknowledgement that they are not going to be able to complete filling operations within the shorter timescales. I do not therefore consider that the application is premature. The application is I consider a sensible approach to address the lack of time currently allowed to complete filling operations and preferable to make new, rather than in 3 years time, when other options to address the situation will be reduced. Members should note that the applicant states. it would not be possible to fill the site sufficiently within the time currently allowed to reach approved levels. Were members minded not to support this proposal the applicant would need to seek permission for either a different landfill and restoration scheme, or seek to remove or vary the vehicle number restrictions thereby allowing them to fill the site to approved levels within a shorter time period. Neither of these options is being proposed and we must determine the proposal before us. However it is my view that either of the two alternatives above would have greater consequential effects on traffic at Bat and Ball junction, air quality, and the amenity of neighbours of the site than the extension of time being sought. Given the above, I am satisfied that there is a need for the development . This needs to be considered against the impacts discussed below.

Traffic and Air Quality Impacts

29. Since permission SE/00/2739 was granted the area around the Bat and Ball junction has been designated an Air Quality Management Area (AQMA). This is due to high levels of air borne pollution having been monitored at the junction. In accordance with Air Quality planning guidance the Bat and Ball junction, which is used by the traffic from Greatness Quarry and the surrounding industrial estate, is subject to an Air Quality Action Plan (AQAP). Sevenoaks District Council and Sevenoaks Town Council have objected to this application on the grounds that it would have an adverse effect

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on air quality within an AQMA. Policies NRM 9 of the South East Plan seek to ensure development is designed so as to adequately mitigate pollution impacts and not adversely affect any improvements brought about by the AQMA status.

30. The proposal would result in vehicle movements occurring at this junction beyond the end date originally envisaged for filling operations. However the movements previously permitted started later and consequentially would continue for a period of approximately 3.5 years beyond the original end date. These movements would not be any greater in number or frequency and would take place over the same period of time as that which was permitted originally. This point is supported by my air quality advisors, who raise no objection to the proposals.
31. The Divisional Transport Manager acknowledges that if the site has to be completed and restored. This proposal to allow an additional 3.5 years is preferable (from a highway safety and congestion point of view) to increasing the number of vehicle movements to meet a shortened timescale.

Environment and Amenity Impacts

32. The site lies within the Green Belt and the Kent Downs AONB. Part of the site is designated as a SSSI for its geological interest. As such planning policies (PPG 2 and SP5, C3 and C4 of the South East Plan) provide for presumption against inappropriate development. Policies NRM5, C3 and C4 of the South East Plan provides that high environmental standards of restoration should be provided in this location, where the primary objective is to protect, conserve and enhance landscape character, natural beauty and scientific conservation. The landfilling operation has already been acknowledged to be acceptable development in this location, subject to a high standard of restoration. The restoration of this site by landfilling was originally permitted on the premise that the proposal would facilitate the full and proper restoration of the site to a mixture of grassland, tree planting and small ponds and associated wetland habitat for agricultural and nature conservation. This proposal in seeking extension of time for filling operations is seeking to ensure that the high standard of restoration as previously approved and considered necessary as part of the landfill consent is achieved by the filling of the site to approved levels.
33. The applicant has identified that completion of filling and consequent restoration in accordance with the approved scheme cannot be achieved within the currently restricted timeframe. Given the location of this site within a highly sensitive landscape area it is, in my view, important that the previously carefully considered and planned restoration be completed. I do not consider there would be anything to be gained in terms of visual amenity by insisting the scheme be completed within the present timescale and given the current availability of materials; doubts are raised over whether sufficient material is available at this time.
34. Sevenoaks District Council raise concerns over the proposal in terms of potential

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nuisance to residential and commercial properties. The site is being worked in accordance with the approved phasing and progressive restoration plans. As such the filling operations are now working further to the east away from the residential and commercial properties. The impact upon these interests is therefore reduced. The Council's noise advisors consider that the proposed amendments would not cause any additional detriment in noise or air quality terms beyond those considered acceptable in the currently approved arrangements. Noise impacts will continue to be controlled by the existing conditions within which the site currently operates.

Conclusion

35. Planning permission SE/00/02739 already provides for the operation of a landfill site for 10 years from the date of the permission. The original permission took into account factors such as noise, dust, odour, traffic management and restrictions on movements and appropriate conditions were attached. These would remain in force. The application has been made in recognition of the delay in acquiring an environment permit and an acknowledgement that the site cannot be restored to the levels and standard required by the planning permission SE/00/2739 in the 3.5 year timescale which remains. In granting planning permission for the landfilling operation, the Planning Authority accepted that a 10 year timescale was necessary for the works. The effect of this application is to shift the 10 year timescale, some 3.5 years into the future. All other aspects and controls will remain the same. Given the sites sensitive location within the Green Belt and AONB there is an overriding need to ensure a high standard of restoration and this would require the further timescale sought.
36. Restoration of the cells nearest The Vestry Industrial Estate is about to commence and they will then be seeded in accordance with the approved restoration plans. Whilst this proposal will prolong filling operations beyond that originally envisaged, the end date for complete restoration remains the same. Neither the Council's noise and air quality advisor nor the highways officer raises any objection to the proposal.
37. I am satisfied that the proposed variation to the condition and amendment to the EMS would not lead to unacceptable adverse impacts and would accord with adopted and emerging development plan policies. I therefore recommend accordingly.

Legal Agreement

38. The original planning permission SE/00/2739 was also subject to a S106 legal agreement which provided for:-
 - The protection of the geological interests and establishment of a new area of geological interest together with public access and interpretation facilities
 - The funding of highway signs on the A25

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- The establishment of a research fund with English Nature
- The submission of a HGV routeing agreement.

39. Whilst the terms of this agreement have mostly been met there is an on-going need to maintain the HGV routeing. I am advised by Legal Services that it will need to be revisited and a supplemental legal agreement drafted so that it accommodates the new permission should Members be minded to support my recommendation.

Recommendation

40. SUBJECT TO the applicant entering into and the satisfactory completion of a Section 106 Agreement (and to pay reasonable legal and administrative costs and disbursements incurred by the County Council) as set out above

I RECOMMEND that PERMISSION BE GRANTED for the proposed variation to condition 3 of planning permission SE/00/2739 and the proposed amendment to the approved Ecological Management Scheme SUBJECT TO condition 3 being reworded as follows:-

3. Unless otherwise approved in writing by the County Planning Authority, all waste treatment and disposal operations shall cease by 15 August 2017 and the site shall be restored in accordance with details approved pursuant to condition (10)(a) of this permission on 7 October 2002 by 15 August 2017.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interests of amenity and pursuant to South East Plan Policies SP5, NRM5, NRM9, C3 and C4 and Kent Waste Local Plan Policies W4, W9, W12 and W23.

Informative

The applicant be reminded that all other conditions imposed under Planning Permission SE/00/2739 remain in effect.

Case Officer: Shaun Whyman

Tel. No. 01622 221055

Background Documents: see section heading.
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Item C4**Construction of a motor control centre kiosk and vent stack as part of sewer upgrade works by Southern Water Ltd at Maxted Court, Highfields View, Herne Bay.CA/09/341**

A report by the Head of Planning Applications Group to Planning Application Committee on 14th July 2009.

Application for change of use and structures associated with pumping station at Maxted Court, Highfields View, Herne Bay.

Recommendation: Permission be granted subject to conditions.

Local Member: Mr D Hirst

Classification: Unrestricted

The Site

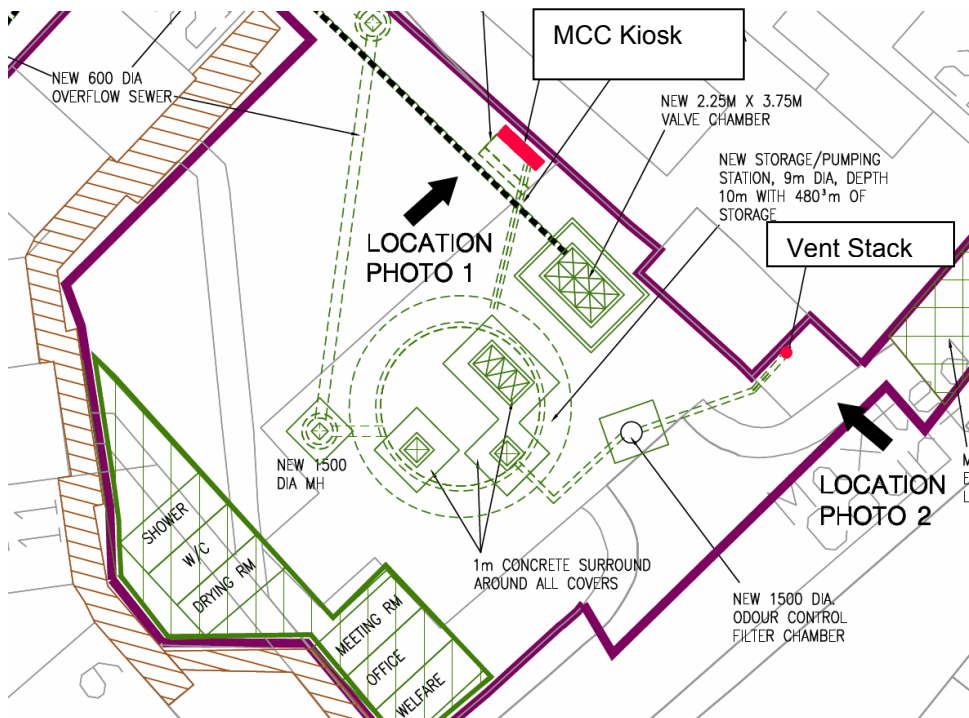
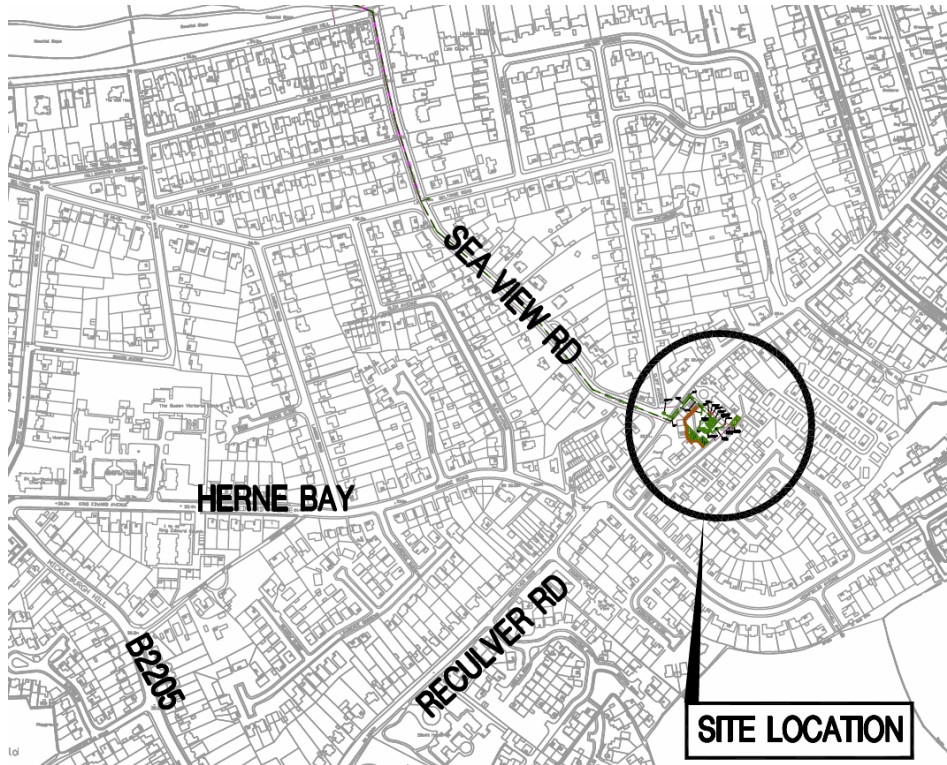
1. The site lies to the east of Herne Bay and the west of Beltinge in a predominantly residential area. The site is accessed off Highfields Avenue. Maxted Court a low rise residential development is situated to the north of Highfields Avenue. The application site is comprised of a private communal parking area and the bin storage area for the residents of Maxted Court. The site is flanked on 3 sides by residential properties and on the south east side is flanked by Highfields Avenue. To the north east is a brick wall of the boundary to the property beyond, to the north west and south west are the open front gardens to Maxted Court.
2. The site consists of a gravel car park and a communal garden with kept grass, a heavy standard tree and flower beds. The site is not designated for nature conservation, or any other designation. The site is maintained by Sanctuary Housing, the management organisation for Maxted Court.

Planning Background

3. Southern Water, as a statutory sewage undertaker has extensive permitted development rights, i.e., development that it can carry out without first needing to obtain planning permission. It is currently undertaking significant works in the area to ensure the local sewer network is brought up to modern standard and prevent internal sewer flooding. This application seeks planning permission for the above ground elements of a new wastewater pumping station and associated infrastructure. The works include a number of below ground elements including a pumping station, sewers, various minor chambers, tanks and above ground temporary construction compound, all of which benefit from permitted development rights. This proposal forms part of a larger scheme covering an area of 7000m² to install a new rising main along Sea View Road, Herne Bay.

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Location for MCC Kiosk



Location for Vent Stack

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4. The need for a pumping station in this area is driven by works to upgrade the sewage system in Herne Bay to specifically prevent sewer flooding to residential properties 70, 89 and 97 Reculver Road and 16 and 21 Maxted Court.

The Proposal

5. The elements associated with the pumping station which require planning permission and are the subject of this application are the provision of a vent stack and a motor control centre (MCC) kiosk.
6. The MCC kiosk would be located on the western side of the site as shown on the plan. The kiosk would be a rectangular box shape of dimensions 3.00m x 0.70m and 1.50m high. The dimensional area is determined by the size of the equipment it is intended to house. The purpose of the kiosk would be to house the control panel and necessary electronic equipment to control and monitor the underground pumps and detention tanks. The kiosk would be finished in dark brown Glass Reinforced Plastic (GRP) to BS4800. The kiosk would be mounted on a concrete plinth, which would be 0.20m wider than the Kiosk and raised 0.15m above ground level. The purpose of the plinth would be to raise the kiosk above ground level to further protect electronic equipment from damage.
7. The vent stack would be located approximately 15 m to the south east of the MCC kiosk against the end wall of the garage to the adjacent property. The stack would be formed by a cast iron base and column, coloured black to BS4800. The stack would be of 4.00m in height and of maximum external diameter of 0.35m. The stack's purpose would be to release air from the underground retention tank which would be displaced at times of heavy rainfall. The air would be deducted through a carbon filter, which would remove odiferous molecules from the air.
8. The temporary constructor's working area would cover the amenity land and parking area associated with Maxted Court and does not require planning permission. The compound would take up this space for the duration of all of the works. Access to the properties of Maxted Court would be maintained through the existing path which flanks the north and west of the site. The constructor's compound would be located within this area to the south west of the site and would provide temporary welfare, office and meeting rooms.

Construction programme

9. The applicant states that construction program for the total wastewater works is estimated to last for 18 weeks. The applicants proposed hours of working are:

07:00 – 18:00 Monday to Friday

10. There is no requested working on Saturdays, Sundays or bank holidays. Some tasks however may require extended working hours, as such flexibility in any condition on working hours is sought by the applicant.

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Traffic Generation

11. The main traffic generation would occur during the construction phase of site development. Vehicle movements would consist of daily access to the site from site personnel and delivery of plant machinery and equipment. Vehicle movements per week, during the construction phase (for the total works and not just those relating to the kiosk and vent stack) would be approximately:

10 Light Van/Car per day
2 Articulated Lorry per day

12. The applicant has proposed a traffic management plan which would be put in place for the duration of the works. This would ensure that pedestrian, cycle and motor vehicle access though Highfields View and Maxted Court would be maintained.
13. After completion of construction, during the operational phase of the development there would be occasional visits to site approximately every 3 months. These would be made during normal working hours by operational staff in light vans.
14. The application is accompanied by supporting information that includes environmental information, impacts upon protected species and arboricultural interests. No trees are proposed to be lost as part of the development. Mitigation measures are identified for addressing any likely impacts on protected species.

Development Plan Policies

15. The key Development Plan Policies relevant to the consideration of the application are set out below.
16. **National Planning Policies:** PPS1 (Delivering Sustainable Development), PPS10 (Planning and Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
17. **South East Plan Policies (May 2009):** Policies CC1 (Sustainable Development), CC7 (Infrastructure and implementation), NRM9 (Air Quality), NRM10 (Noise) W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency) and W17 (Location of Waste Management Facilities).
18. **Kent Waste Local Plan (March 1998):** Policies W18 (Noise, Dust and Odour) and W19 (Groundwater)
19. **Canterbury City Local Plan (2006):** Policy C40 (Air Quality)

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Consultations

20. **Canterbury City Council (CCC):** no objection to the proposal, however they suggest appropriate conditions are imposed to ensure restoration of the site and the painting of the MCC kiosk dark brown in the interest of visual amenity.

Environment Agency: have assessed the proposal as having a low environmental risk as such have no comments to make on this application.

Jacobs (noise and air quality): Have no concerns in terms of noise and odour during operation of the proposed development subject to proper maintenance of the carbon filtration system of the vent stack. Jacobs however advise that temporary noise and dust disturbance is likely to occur during the construction phase of the development and advise the applicant to liaise with the City Council Environmental Health Officer to ensure work is carried out so as to minimise any disturbance.

Divisional Transport Manager: has no objection to the proposals in respect of highway matters.

Local Member

21. The Local County Member for Herne bay, Mr David Hirst was notified of the application on 4 March 2009. No comments have been received to date.

Representations

22. The application was advertised in a local paper, a site notice was posted and 49 local residents were consulted. 1 letter of **objection** from a member of the public has been received. The main reasons for objection can be summarised under the following points;

- Noise
- Odour
- Parking and access.

Discussion

23. 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 Kent, the development plan is the Regional Spatial Strategy (RSS) for the South East of England (also known as the South East Plan) and any development plan documents which have been adopted or approved in relation to the area. In this case, these other development plan documents are:

- The Kent Waste Local Plan (March 1998) – only those policies that were saved in

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September 2007;

- Canterbury District Local Plan - only those policies that were saved in September 2007.

In the context of this application, the policies outlined in paragraphs 15 - 19 are of greatest relevance.

24. Prior to the publication of PPS10, Government advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). The approach was designed to assist in establishing the optimum and most sustainable form of waste management for any given waste stream. The guiding principles of BPEO were the concept of the waste hierarchy, the proximity principle and the objectives of regional self-sufficiency. In addition, BPEO sought the right form and scale of waste management for the given waste stream at the right time and location. 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. KCC issued a position statement to this effect in November 2005 (amended in October 2006). The position statement also stated that until such time as the Kent Waste Development Framework (WDF) reached a more advanced stage, applications would 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. It also stated that this approach is consistent with the underlying principles of the adopted and the then emerging Regional Spatial Strategy for the South East (i.e. RPG9 and the draft South East Plan). Although the South East Plan was adopted on 6 May 2009 (replacing RPG9 and superseding draft versions of the South East Plan) and Policy WM2 of the Kent and Medway Structure Plan (2006) will cease to have development plan status with the rest of the Plan when the three-year saved period expires on 6 July 2009, KCC considers that the principles of the position statement remain valid.
25. Against this policy background I consider the main determining issues relate to the need for the proposal and amenity impacts.

Need for Proposal

26. This scheme forms part of Southern Water's AMP 4 (Asset Management Plan 4) Programme. This is a major programme of refurbishment and upgrading of various existing wastewater treatment works and associated sewer infrastructure required by The Office of Water Services (OFWAT) and the Environment Agency (EA), to be put in place between 2005 and 2010. There is one property on Reculver Road which currently suffers from repeated internal flooding and four properties (2 in Maxted Court) which suffer from external

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sewer flooding. Reculver Road also suffers from sewer flooding when the sewer network in Reculver Road becomes surcharged during periods of heavy rainfall. The network of proposed infrastructure (pumping station, tanks, new sewer etc) is designed to address these flows.

27. This specific site has been chosen as it is proximate to the existing infrastructure that needs upgrading. The choice of site is therefore largely dictated by operational requirements and the availability of vacant land sufficiently large enough to accommodate the infrastructure requirements.

Residential amenity impacts

28. Policies NRM 9 and 10 of the South East Plan (May 2009) seek to ensure that development such as this should be planned and designed to avoid or adequately mitigate pollution impacts. Proposals that cannot be adequately mitigated should not be supported.
29. The greatest impact upon residential amenity from the improved wastewater treatment works would occur during the construction period. Most of the impact (albeit temporary) would occur through the installation of the underground equipment, which is permitted development and as such is not the subject of this planning application. However I shall consider each potential impact from the proposed development in turn.

Location of development and visual impact

30. One local resident has raised concern over the principle of the greater scheme in this location. I remind members that the wider scheme is permitted development and therefore not for consideration by this Committee.
31. The local resident has specifically raised concern over the location of the MCC kiosk and the vent stack. The kiosk would be located in front of the perimeter wall of the amenity space at the edge of the amenity space and would be of a low scale. Being located next to the wall and painted dark brown it would be of low visual impact.
32. The vent stack, located in the bin storage area, would be set adjacent to an existing garage building. The stack would rise to 4.00m in height which is just below the apex level of the garage roof and therefore any visual harm would be minimised. This would also be painted black as per BS4800, to blend more effectively with both the trees to the north and to the roof of the garage building.
33. In terms of visual and other amenity impacts, the location of the kiosk and vent stack have been determined largely by the location of the underground pipe work. The kiosk's size is determined by the size of the equipment which it houses. The applicant has stated that they have endeavoured to ensure that the kiosk would be as small as possible for safety reasons. The kiosk would be located adjacent to an existing wall and coloured dark brown as requested by the City Council. The vent stack is located in the bin storage area of Maxted Court, located against a garage wall in line with the apex of the roof. The vent stack

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would rise to below the height of the roofline and be coloured black mirroring the colour of the roof facia. In visual terms both the kiosk and the vent stack have been located in position which in my opinion would result in visual harm from the development being minimised.

Noise

34. Concern has been raised over potential noise impacts by a local resident. The concerns are mainly focused on the temporary disturbance during construction for the residential properties of Maxted Court and Highfields View. It is accepted that the noise from construction could cause a temporary detrimental effect to occupiers at home during the day in the closest residential properties. However, hours of working are intended to be limited to normal working hours and noiser construction impacts would be of short duration to minimise disturbance. Kent County Council's noise advisor was consulted on this matter and confirms that the majority of disturbance would be caused during the construction phase and raised no objection. In addition they point to control of noise through the powers available to both the City and County Council. I am satisfied that any potential noise impacts could be appropriately mitigated by the use of planning conditions on the hours of working and acoustic shielding on the construction equipment and best working practices to ensure that disturbance is minimised.

Access

35. Concern has been raised over the loss of parking and restricted access to Maxted Court and Highfields View. Following negotiations the applicant has altered the scheme to remove the need for the materials lay down area, as shown on the plan, this area would now be used to create two resident parking bays. The Divisional Transport Manager was consulted and no objection has been raised to the proposed access arrangements. It is however accepted that there would inevitably be minor disruption to the local road during construction, and as such the applicant has proposed that a transport management plan would be formulated for the duration of the construction phase. Such a plan would be agreed with the Divisional Transport Manager before construction would begin and could be enforced through appropriate planning conditions.
36. Once operational routine maintenance via infrequent visits to site utilising vans would not pose any significant impact.

Odour and Dust

37. The vent stack would have a carbon filter odour control system, this needs to be maintained and replaced periodically. Regular maintenance of the site will ensure that this is done as and when it is required. This could be controlled by way of planning condition. The County Council's odour and air quality advisors did not raise any concerns over potential odour issues and recognises the use of the carbon filter system on the vent stack would minimise the release of odours. As advised I am satisfied that there would be no significant impact upon residential amenity from odour.

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38. Dust impacts which may arise during construction would be minimised through the adoption of best practice measures.

Conclusion

39. The new pumping station and associated infrastructure are being proposed as part of the applicant's programme of investment to meet OFWAT targets for the improvement of the wastewater network, to prevent sewer flooding in the immediate vicinity of the development. Due to the applicant's permitted development rights, only the MCC kiosk and vent stack require planning permission. The location of the site has been chosen largely due to the location of the existing infrastructure and is well related for its purpose, it does not encroach onto undeveloped land. The temporary construction site will be suitably restored and maintained once construction of the wider wastewater upgrade works have been completed. The siting of the kiosk and vent stack has been chosen to minimise their impacts. Appropriate planning conditions could be imposed to control the temporary construction impacts and operational activities. As such I am satisfied that the proposal is acceptable in planning terms.

Recommendation

40. I RECOMMEND that PERMISSION BE GRANTED subject to appropriate conditions including standard time condition, noise controls, construction hours and measures to prevent mud or debris on the highway.

Case officer – Shaun Whyman	01622 221055
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Background documents - See section heading
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Item C5**Construction of a Wastewater Pumping Station including the construction of a motor control centre kiosk, sub station kiosk, standby generator and steel palisade fencing by Southern Water Ltd at Land to the South of Alsops Road, Willesborough, Ashford AS/09/530**

A report by the Head of Planning Applications Unit to Planning Application Committee on 14th July 2009.

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford.

Recommendation: Permission be granted subject to conditions.

Local Member: Mr G Koowaree

Classification: Unrestricted

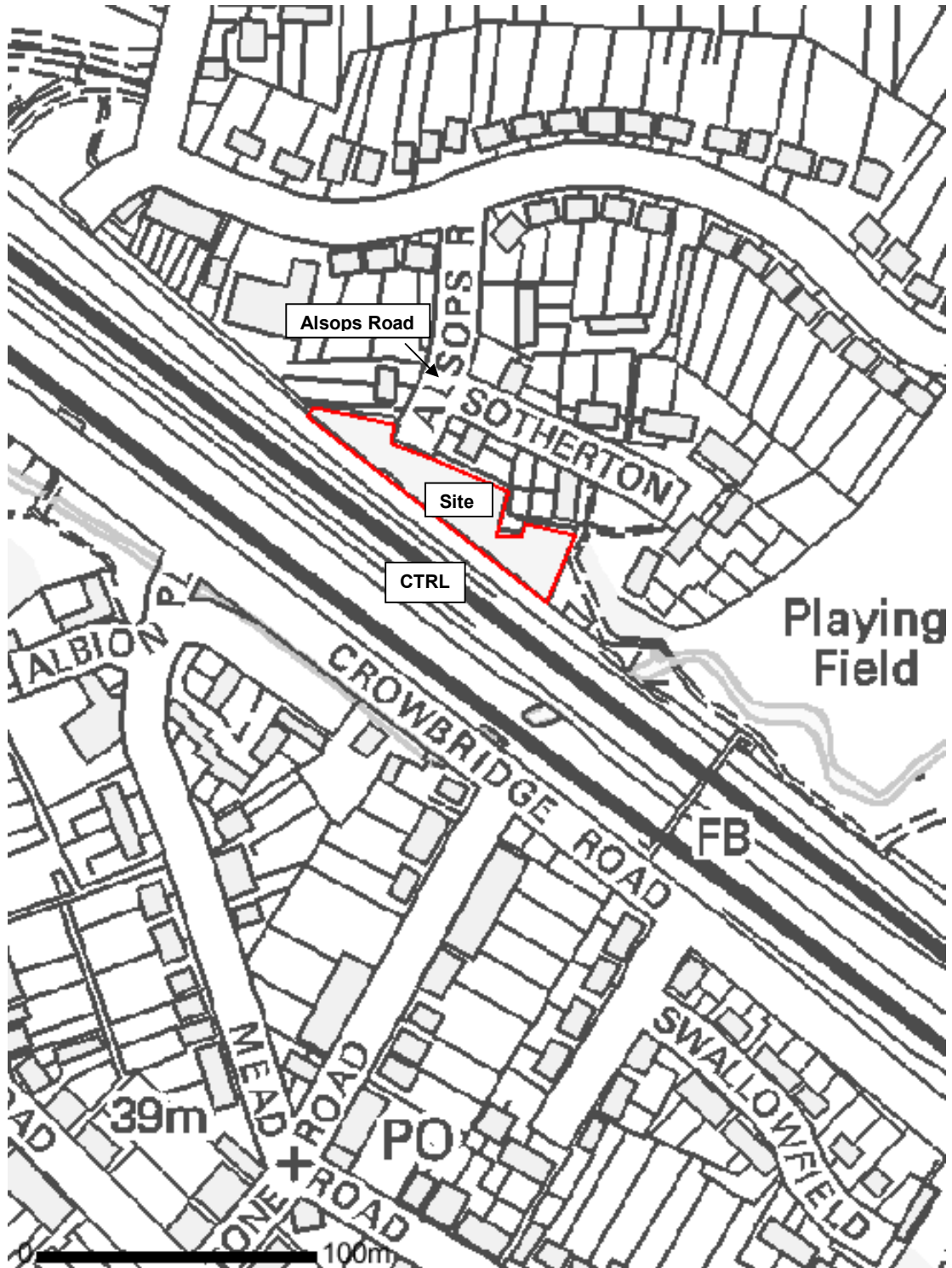
The Site

1. The site lies within the Willesborough area of Ashford at the southern end of Alsops Road, on a vacant parcel of land between the Channel Tunnel Rail Link (CTRL) and the residential properties at the southern end of the road. The site is accessed directly off Alsops Road. To the south lies an acoustic close-boarded fence bounding the CTRL, which is on an embankment. The site is bounded to the north east and west by a chain link fence. Properties 6 and 13 Alsops Road lie beyond the fence immediately to the north of the site. Neither of the properties immediately adjacent to this application site have windows on their flank elevation.
2. The application site is 0.2 hectares in area, including the temporary contractor's compound. The site consists of low level hard surfacing with moss and grasses growing on it. The site does not lie within any areas designated for nature conservation, or any other designation. The site is currently owned by CTRL however it would be purchased by Southern Water for use as a pumping station if planning permission is granted.

Planning Background

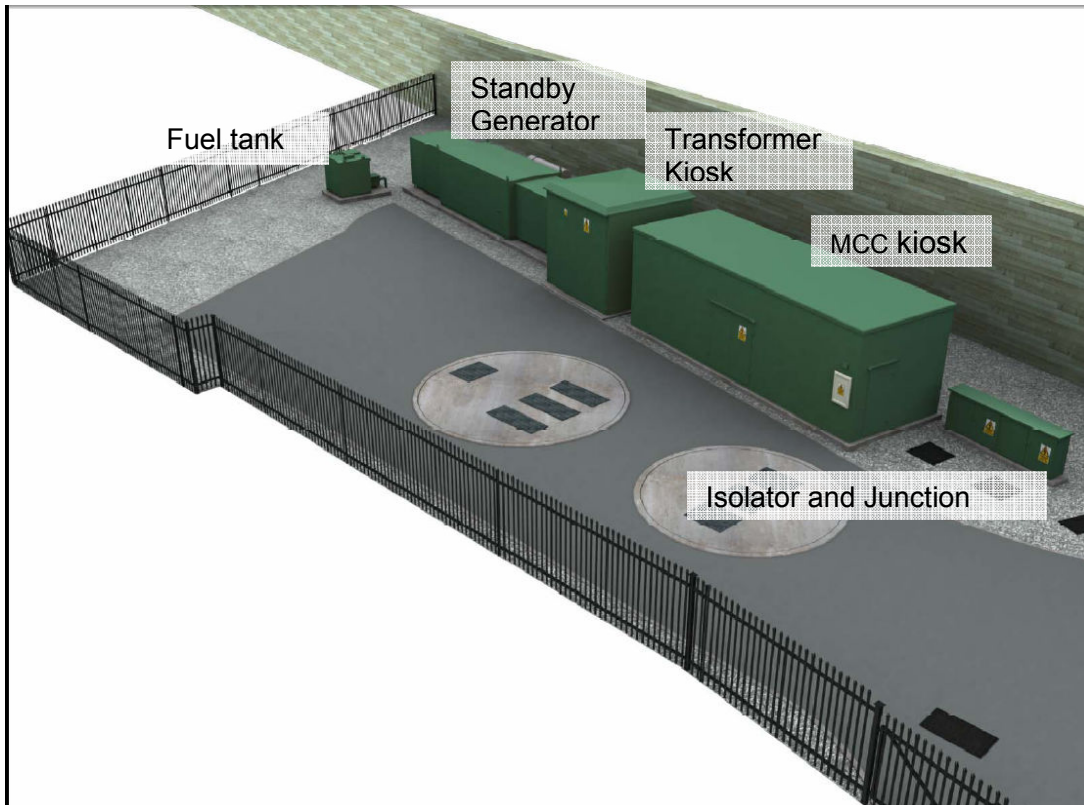
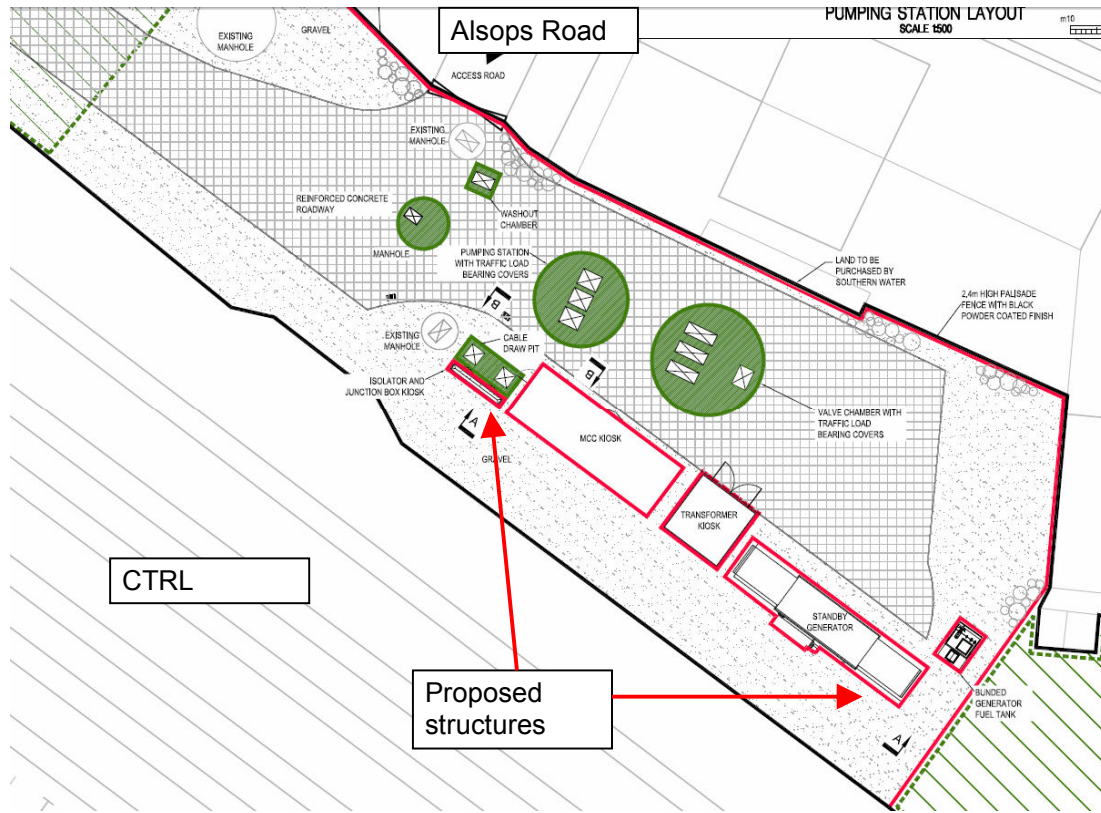
3. The site has planning permission for the construction of a pumping station granted under permission AS/08/945 which was granted by the Planning Application Committee on 9 September 2008. However the site has remained undeveloped and is currently vacant land. Previously the site was used as a construction compound for the CTRL works and prior to that the land was in residential use.

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford. – AS/09/530



Item C5

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford. – AS/09/530



Item C5

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford. – AS/09/530



Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford. – AS/09/530

4. Southern Water, as a statutory sewage undertaker has extensive permitted development rights, i.e., development that it can carry out without first needing to obtain planning permission. It is currently undertaking significant works in the area to ensure the sewer network can accommodate the development growth of Ashford. The need for a pumping station in this area is driven by works to upgrade the sewage system in Ashford to help cope with the planned local population growth, - a nationally targeted increased of 31,000 new homes by 2031. The nearby Cheesemans Green area has outline planning permission for 800 new homes. To help with this predicted increase in flows in the sewerage system, improvements are required in the Alsops Road area.

The Proposal

5. This application seeks planning permission for an amended layout (from that approved in September 2008) of the above ground elements of the new wastewater pumping station and associated infrastructure. The need for the amendment is brought about by a misinterpretation of the width of the CTRL safeguarding corridor in the original application, i.e. the area within which no development shall take place. Subsequently the applicants have had to alter the positioning of the proposed infrastructure within the site.
6. The elements associated with the pumping station which require planning permission and are the subject of this application include a motor control centre (MCC) kiosk, sub station kiosk, fuel tank, standby generator, a new isolator and junction box and a 2.4m high palisade fence around the site. These structures are the same as those previously permitted but are now proposed in different locations within the site. All the above ground structures are proposed to be concealed in rectangular box shaped structures constructed from glass reinforced plastic (GRP) and coloured dark green as per BS 4800 ref.14c39. The palisade fence would be finished with powder coated black paint. These are illustrated on the plans and drawings on pages C5.2 – C5.4. The works below ground level includes a pumping station, sewers, various minor chambers and tanks, all of which benefit from permitted development rights.
7. The previously approved layout of all the elements is shown in the appendix. It is now proposed that the MCC kiosk would be located to the south east of the site entrance as shown on plan on page C5.3. The purpose of the MCC kiosk would be to house the control panel and necessary electronic equipment to control and monitor the underground pumps and detention tanks. It measures 8.07m x 3.07m and 3.00m high and is a rectangular box. The transformer kiosk would be located to the south east of the MCC Kiosk. This consists of a rectangular box of 3.10m x 2.82m by 2.48 high. The transformer kiosk would house the mains electrical power for the site.
8. The generator fuel tank and the standby generator were permitted to be located to the south east of the site. These would move approximately 10m further to the south east of the site and set back further away from housing. The generator fuel tank of 2.20m by 1.53m and 1.53m high would be located the furthest to the east of the site with the standby generator kiosk of 12.00m x 2.40m and 2.65m high located to the south west of this. The

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford. – AS/09/530

purpose of the generator and fuel tank is to enable the pumping station to remain operational in the event of a local power failure.

9. One additional structure would be added to the site this would be the isolator and junction box kiosk. This would now be required as part of the new electrical arrangement of the site, as a consequence of moving the other structures to the east of the site. The kiosk would be located to the west of the MCC kiosk. It would consist of a dark green GRP rectangular box of 3.50m by 0.5m by 1.50m high.
10. All other elements of the proposal (including fencing, landscaping, hours of operation and traffic associated with construction and operations) remain the same as those approved under the previous planning permission.

Development Plan Policies

11. The key Development Plan Policies relevant to the consideration of the application are set out below.
12. **National Planning Policies:** PPS1 (Delivering Sustainable Development), PPS10 (Planning and Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
13. **Regional Planning Policies:** Policies CC1 (Sustainable Development), CC7 (Infrastructure and implementation), NRM9 (Air Quality), NRM10 (Noise) W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency) and W17 (Location of Waste Management Facilities) of the South East Plan (May 2009).
14. **Kent Waste Local Plan (March 1998):** Policies W18 (Noise, Dust and Odour) and W19 (Groundwater).
15. **Ashford Local Plan (2000):** Identifies that the site should be connected to the main drainage system (Policy CF6).

Consultations

16. **Ashford Borough Council (ABC)** : no objection.

Environment Agency: no objection but offers advice on groundwater vulnerability, drainage, land contamination and storage of fuels/chemicals.

Jacobs (Noise and air quality): no objection to the proposal in terms of noise or air quality issues. Noise and dust impacts are highly likely to occur during the construction period. However these can be adequately mitigated by conditioning of hours of working and through best practice. On the basis that noise emanating from the generator corresponds to that guaranteed by the manufacturer, they are satisfied that adverse impacts would not occur when the generator is in operation.

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford. – AS/09/530

Divisional Transport Manager: no objection to the proposals in respect of highway matters, subject to specified conditions being attached to the grant of any future planning permission. These include matters concerning:

1. Provision of space on site for loading, off-loading and turning of operatives and construction vehicles.
2. Prior submission and approval of parking details for site operatives before commencement of development.
3. Details of methods of disposing of surface water within the site, without allowing discharge onto the highway.
4. Provision shall be made to ensure that no mud or debris is brought onto the public highway.

Union Railways: confirm that they have no comments to add on this application.

Local Member

17. The Local County Member for Ashford East, Mr G Koowaree was notified of the application on 30 May 2008. No comments have been received to date.

Representations

18. The application was advertised in a local paper, a site notice was posted and 17 local residents were consulted. 1 letter of **objection** from member of the public has been received. The main reasons for objection can be summarised as;

- Traffic and disruption
- Noise and odour pollution
- Concern of fire from the fuel tank

Discussion

19. 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 Kent, the development plan is the Regional Spatial Strategy (RSS) for the South East of England (also known as the South East Plan) and any development plan documents which have been adopted or approved in relation to the area. In this case, these other development plan documents are:

- The Kent Waste Local Plan (March 1998) – only those policies that were saved in September 2007;
- Ashford District Local Plan - only those policies that were saved in September 2007

In the context of this application, the policies outlined in paragraphs 11 -15 are of greatest relevance.

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford. – AS/09/530

20. Prior to the publication of PPS10, Government advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). The approach was designed to assist in establishing the optimum and most sustainable form of waste management for any given waste stream. The guiding principles of BPEO were the concept of the waste hierarchy, the proximity principle and the objectives of regional self-sufficiency. In addition, BPEO sought the right form and scale of waste management for the given waste stream at the right time and location. 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. KCC issued a position statement to this effect in November 2005 (amended in October 2006). The position statement also stated that until such time as the Kent Waste Development Framework (WDF) reached a more advanced stage, applications would 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. It also stated that this approach was consistent with the underlying principles of the adopted and then emerging Regional Spatial Strategy for the South East (i.e. RPG9 and the draft South East Plan). Although the South East Plan was adopted on 6 May 2009 (replacing RPG9 and superseding draft versions of the South East Plan) and Policy WM2 of the Kent and Medway Structure Plan (2006) will cease to have development plan status with the rest of the Plan when the three-year saved period expires on 6 July 2009, KCC considers that the principles of the position statement remain valid.
21. Against this policy background as with the previous permission I consider the main determining issues relate to the need for the proposal and amenity impacts. It will be necessary to consider whether the amended layout has any greater amenity impacts.

Need for Proposal

22. This scheme forms part of Southern Waters' AMP 4 (Asset Management Plan 4) Programme. This is a major programme of refurbishment and upgrading of various existing wastewater treatment works and associated sewer infrastructure required by the water industry regulator OFWAT (Office of Water Services), and the Environment Agency, to be put in place between 2005 and 2010.
23. As stated earlier in this report this work is required to accommodate planned local population growth. Ashford has been identified as one of the four major 'growth areas' in the South East of England in the Governments 'Sustainable Communities Plan'. Ashford has been set a target of 31,000 additional homes (75% increase on current housing levels) and 28,000 new jobs in the Borough by 2031. The Cheeseman's Green area has had outline planning application approved for 700 houses and a 40 hectare businesses park. There is also room for a potential further 800 houses (figures taken from Ashford Borough Local

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford. – AS/09/530

Plan). To cope with this growth, it is proposed to construct a new rising main from the proposed wastewater pumping station to the south of Bad Munstereifel Road to the existing Ashford Wastewater Treatment Works, passing through the proposed Alsops Road pumping station.

24. The Alsops Road site was chosen as it is central to the areas of planned growth and forms a previously developed parcel of land suitable for the development. The choice of site is therefore largely dictated by operational requirements and the availability of vacant land sufficiently large to accommodate the infrastructure requirements. Alternative sites were examined but this site was chosen as best suited to the selection criteria. The site appears well located to serve its intended purpose, subject to satisfactory amenity impacts.

Residential amenity impacts

25. Policies NRM9 and NRM10 of the South East Plan seek to ensure that development such as this should be planned and designed to avoid or adequately mitigate pollution impacts. Development where mitigation would not afford protection should not be supported.
26. As with the previous scheme the greatest impact upon the residential amenity of the area would occur during the construction period. The one additional piece of equipment (isolator and junction box) in this proposal is relatively small and only 1.5m high and will not of itself have any significant impact. Most of the impact (albeit temporary) would occur through the installation of the underground equipment, which is permitted development and as such is not the subject of a planning application. However I shall consider each area of concern in turn.

Noise

27. The generator would be fitted with an acoustic shroud which would provide a noise rating of 55 dB at 1 metre. The proposed change in location would move the generator further away from residential properties. This would produce a rating level at the nearest receptor of 31dB, being 5 dB below existing background level.
28. As the proposed amendments to the location of the generator would locate it further away from residential properties this proposal would reduce the impact in terms of noise from the development. The Council's noise advisor notes that the noise emanating from the generator would be below that of background levels at the nearest sensitive receptors in Alsops Road. It would be possible for this to be adequately controlled by way of planning condition linked to the noise assessment provided in the application.
29. It is accepted that the noise from construction could cause a temporary detrimental effect to occupiers at home during the day in the closest residential properties. However, noisier construction impacts are intended to be limited to normal working hours and would be of short duration to minimise disturbance. Kent County Council's noise advisor was consulted on this matter; they echoed the position that the majority of disturbance would be caused during the construction phase and raised no concern in regards to noise during the operational phase. The noise advisor does not object to the proposals, however they point to control of noise through the powers available to both the Borough and County Council.

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Despite the concerns expressed by a local resident I am satisfied that as advised with the appropriate planning conditions and best working practices that disturbance would be minimised.

Visual impact

30. The proposal has been well located on the site and has been selected and designed to minimise visual impact upon local residents. In visual terms the CTRL works and acoustic barrier fencing dominate the site and the local townscape. The relocation of the above ground structures would in my opinion lessen the visual impact of the proposals on the landscape to that previously approved, and the additional structure is of sufficiently small scale that it would not be a visually significant structure. As such I would suggest that there would not be any increase in visual impact from the proposal.

Access

31. It is noted that no objection has been raised to the proposed access arrangements, which would be of infrequent low usage particularly once the site is operational. Kent Highway Services' concerns set out in paragraph 20 above regarding details of site parking, offloading, drainage and measures to prevent mud on the road can be adequately addressed via condition.

Odour and fuel storage

32. Concerns have also been raised over potential odour impacts from the proposal. As there are no operational above ground structures or vents associated with the development odour issues are unlikely to occur.

33. Concerns have been raised in regards to the potential hazards associated with the storage of fuel on this site. I am satisfied that this can be adequately addressed by standard good practice in accordance with Environment Agency guidance. Should planning permission be granted, I would recommend including informatives attached giving guidance as advised by the Environment Agency in regards to storage of combustible fuels.

Conclusion

34. The new pumping station and associated infrastructure are being proposed as part of the applicant's programme of investment to meet the population growth predicted and planned for the Ashford Growth Area. Due to the applicant's permitted development rights, only those elements above ground require planning permission. The alterations to the site layout are well related for their purpose and do not raise any additional unacceptable amenity impacts. Appropriate planning conditions could be imposed to control the temporary construction impacts and operational activities. As such I am satisfied that the proposal is acceptable in planning terms.

Recommendation

Item C5

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford. – AS/09/530

35. I RECOMMEND that PERMISSION BE GRANTED subject to appropriate conditions including standard time condition, noise controls, construction hours, details of parking and loading arrangements, measures to prevent mud or debris on the highway and details of methods of disposing of surface water within the site.
36. I also RECOMMEND that INFORMATIVES sought by the Environment Agency regarding groundwater vulnerability, drainage, land contamination and storage of fuels/chemicals be attached to any permission.

Case officer – Shaun Whyman

01622 221055

Background documents - See section heading
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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Floodlit synthetic multi-sports pitch with associated car parking and landscaping, Tunbridge Wells Grammar School for Boys, Tunbridge Wells – TW/09/79.

A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application by the Tunbridge Wells Grammar School for Boys for construction of a fenced and floodlit synthetic multi-sports pitch with associated car parking and landscaping at Tunbridge Wells Grammar School for Boys, Tunbridge Wells (Ref: TW/09/79)

Recommendation: permission be granted subject to conditions

Local Member(s): Mr R. Bullock

Classification: Unrestricted

Site

1. Tunbridge Wells Boys Grammar School is located to the north of Tunbridge Wells town centre and to the west of St John's Road. The School's playing field is detached from the school buildings, located 100m south from the site. A Sports and Youth Centre site owned by Tunbridge Wells Borough Council separates the buildings from the playing field. The playing field of Tunbridge Wells Grammar School for Boys is adjacent to the playing field, Tunbridge Wells Grammar School for Girls playing field to the south and St Gregory's Catholic Comprehensive School playing field to the west. A Territorial Army Centre and residential properties (Leighton Close) are to the east of the playing field (see D1.3). The group of the playing fields is within the previously designated High Weald Special Landscape Area and is also designated as a Rural Fringe of Tunbridge Wells. Open countryside spreads to the west from Reynolds Lane and forms part of the Green Belt. The proposed floodlit pitch would be located in the northern part of the playing fields, south from the Sports and Youth Centre.

Background and Need

2. Tunbridge Wells Grammar School for Boys is a State funded grammar school teaching 1200 pupils age 11-18. In accordance with Department for Children, Schools and Families guidelines the School should have both a sports hall and gymnasium. The School has a small gymnasium and has access to the Sports Centre to the south of the school, however it is unable to use the latter facilities as much as it would like to due to demand from other users. The School has 3 natural turf pitches on site but these are unusable for many months of the year due to weather conditions and the ground being clay based. That results in the ground being waterlogged in the winter and hard baked in the summer. The applicant states that this has a significant impact upon the School's ability to deliver the sporting curriculum.
3. Further, the Tunbridge Wells Borough Local Plan 2006 states that there is "an overall deficiency of recreational open space in the Plan area when measured against the National Playing Fields Association recommended standards". It is also stated there that

Floodlit synthetic turf surfaced multi-sports pitch with associated car parking and landscaping, Tunbridge Wells Grammar School for Boys, Tunbridge Wells – TW/09/79

“the distribution of playing space is uneven across the plan area” and that “the greatest deficiency is in the provision of soccer pitches in the western part of the Borough, particularly Royal Tunbridge Wells, Southborough and Pembury”. The school is located in the Southborough area. The applicant advises that the Local Plan informs that Southborough has the lowest provision of open space for youth and adult use, including sports pitches in the Local Plan area with only 0.7ha per 1000 population. This document states that more than quantity, Tunbridge Wells Borough needs an improvement of the quality of sporting facilities, especially dual use floodlit pitches. I am also advised by the Kent Sports Facilities Development Manager that the funding for the proposed facility depends on the provision of the pitch for dual community use. *Planning Policy Guidance 17(PPG17) Open Space, Indoor Sports and Recreation Assessment (December 2006)* recognises a need to increase access to outdoor sporting facilities for the benefit of the local community, especially in rural areas.

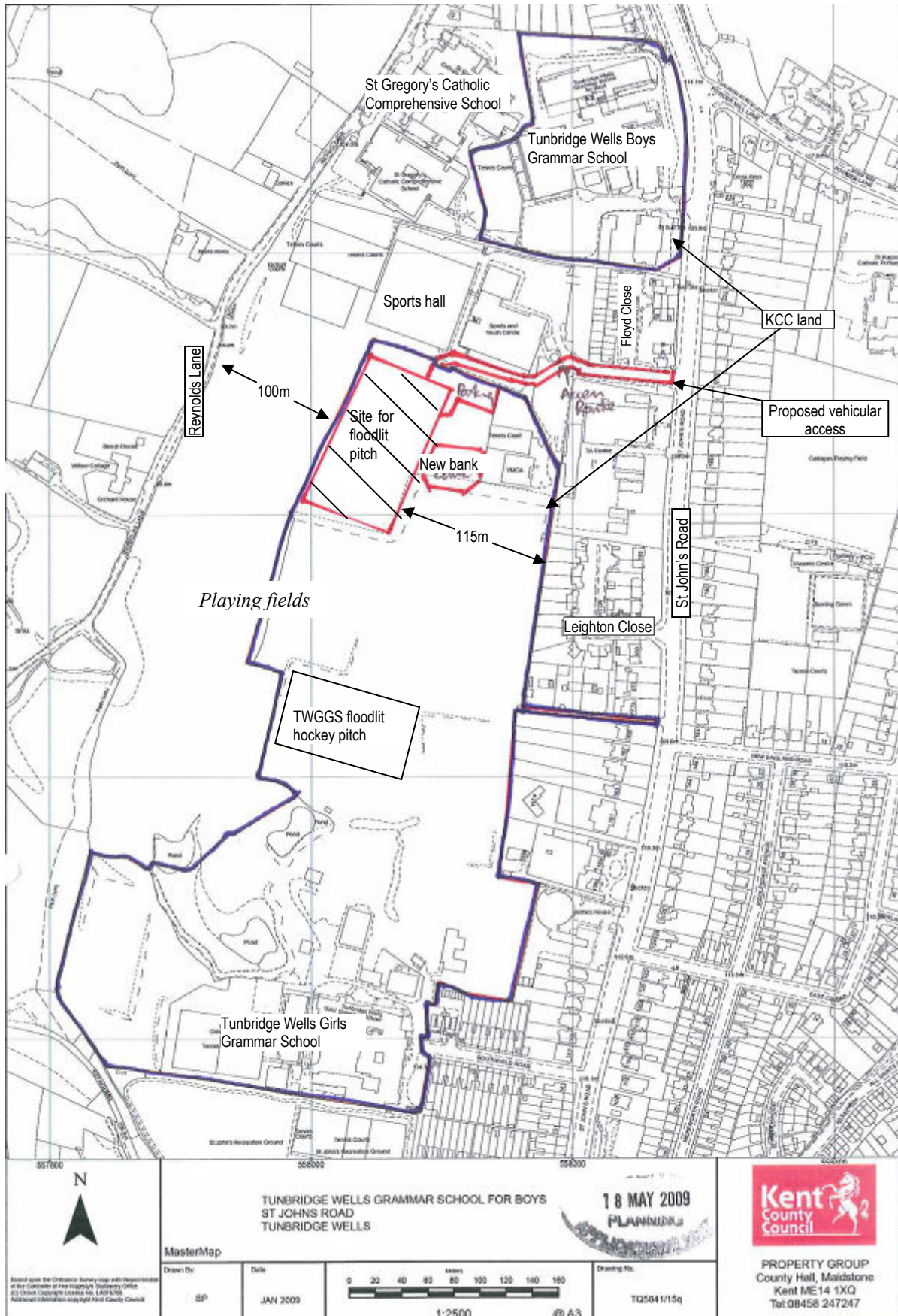
4. Prior to the submission of this application, the School had considered other possible sites for the location of the floodlit pitch. However, it was considered that any other option would result in positioning the pitch much closer to the residential properties on Leighton Close and therefore leading to a potentially unacceptable impact on the residential amenity, especially with respect to levels of light and noise.

Proposal

5. The application proposes to construct a 120m x 66 metre synthetic turf sports pitch, which is to be predominantly used for rugby and soccer. The facility would be aligned with its long axis running approximately N/S. The design includes a 3m high green weldmesh fence on all sides of the proposed new pitch with the central 30m of the fence at each end of the pitch increased in height to 5m to prevent the ball being kicked over. The mesh infill would be green 50mm x 50mm spacing between wires with the lower 1.2m portion being green 358 mesh to create a stronger boundary. The fence posts would also be green powder coated. The proposal includes installation of eight 15m high floodlighting columns. Each of the eight columns would accommodate two 2kW luminaires to achieve an average of 200 lux illuminance. The lighting would be governed by a time clock and be capable of partial switching to illuminate only half of the pitch if that is all that is being used at the time.
6. The proposed surfacing would be of a permeable nature, the main pitch area would be a rubber crumb filled synthetic turf having a pile length of around 65mm, this would be laid over a resin bound rubber crumb shock pad, on an engineering porous macadam base (see D1.5). Depending on a further geotechnical survey, which would be undertaken prior to the construction there might be a need to provide a formal drainage system connecting to an existing surface water drainage system. Along the eastern side of the pitch it is proposed to construct a macadam surfaced spectator area. The existing ground level slopes from west to east so there would need to be some cut and fill to produce the required finished levels. It is envisaged retaining the sloped earth embankments following the construction of the pitch, although gabion baskets would be used if retaining was required. Any surplus topsoil would be used to increase the width of the plateau to the east of the proposed pitch on which it is proposed to plant trees to mitigate any potential impacts on the residential properties to the east.

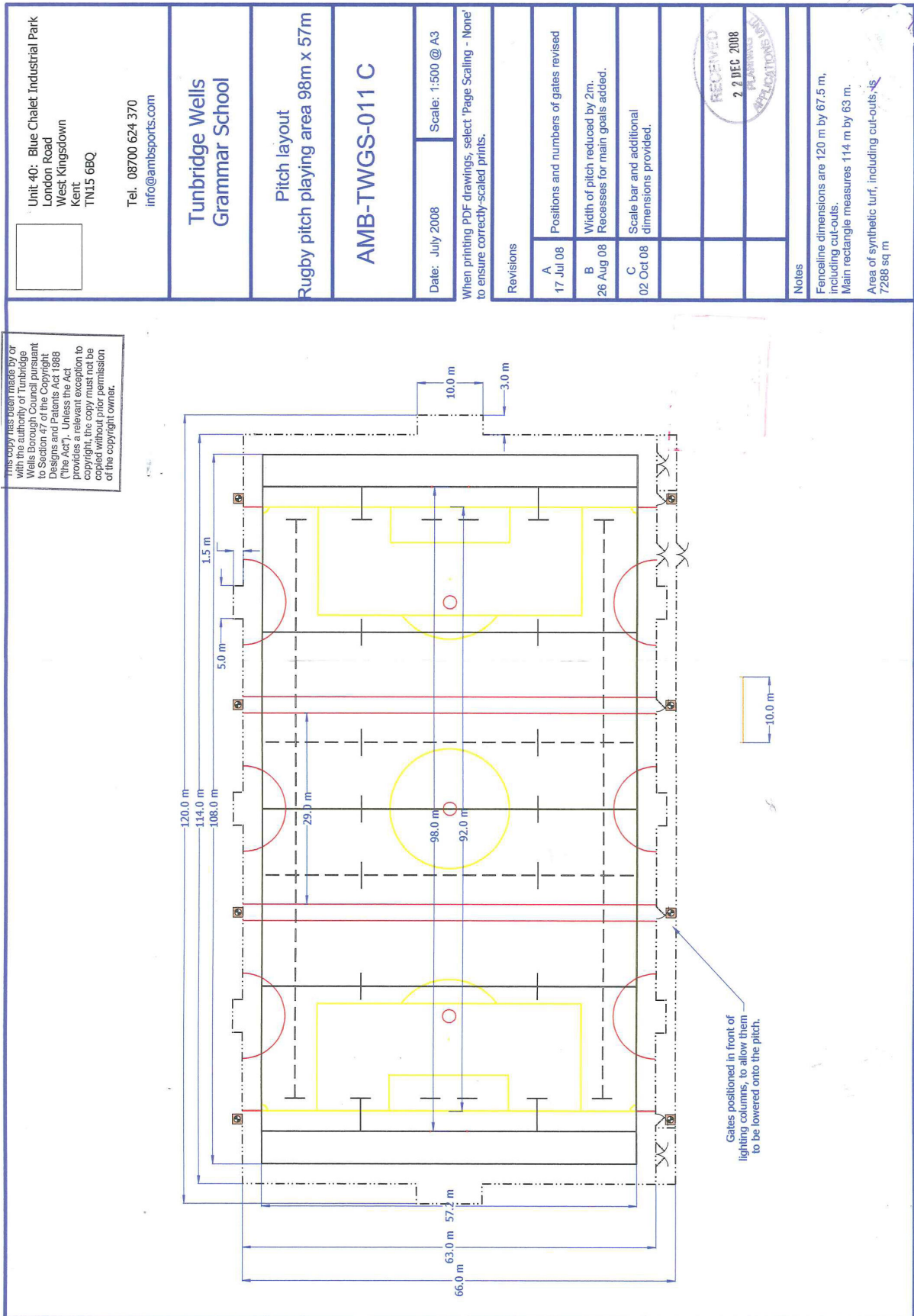
Item D1

Floodlit synthetic turf surfaced multi-sports pitch with associated car parking and landscaping, Tunbridge Wells Grammar School for Boys, Tunbridge Wells – TW/09/79

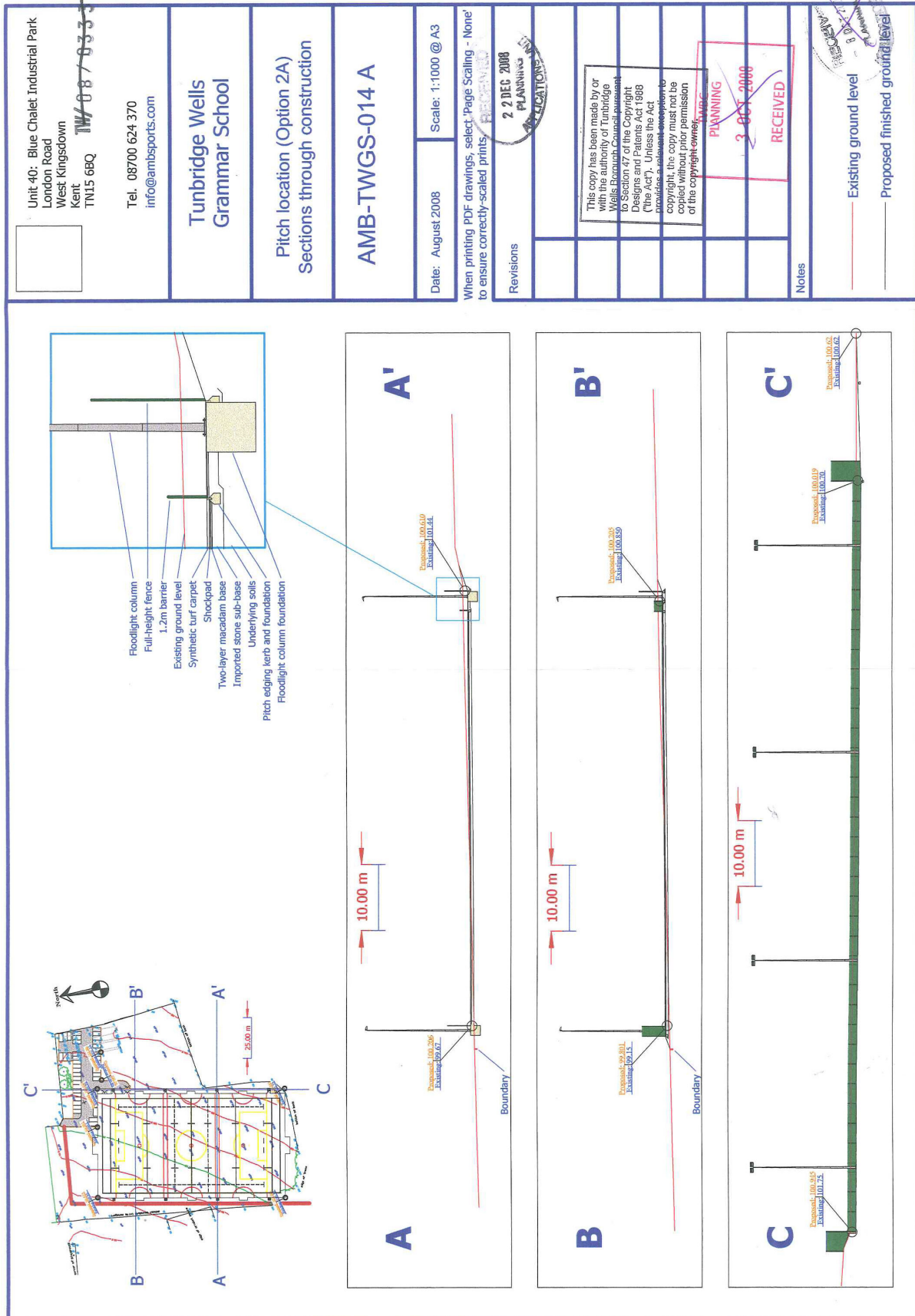


Item D1

Floodlit synthetic turf surfaced multi-sports pitch with associated car parking and landscaping, Tunbridge Wells Grammar School for Boys, Tunbridge Wells – TW/09/79




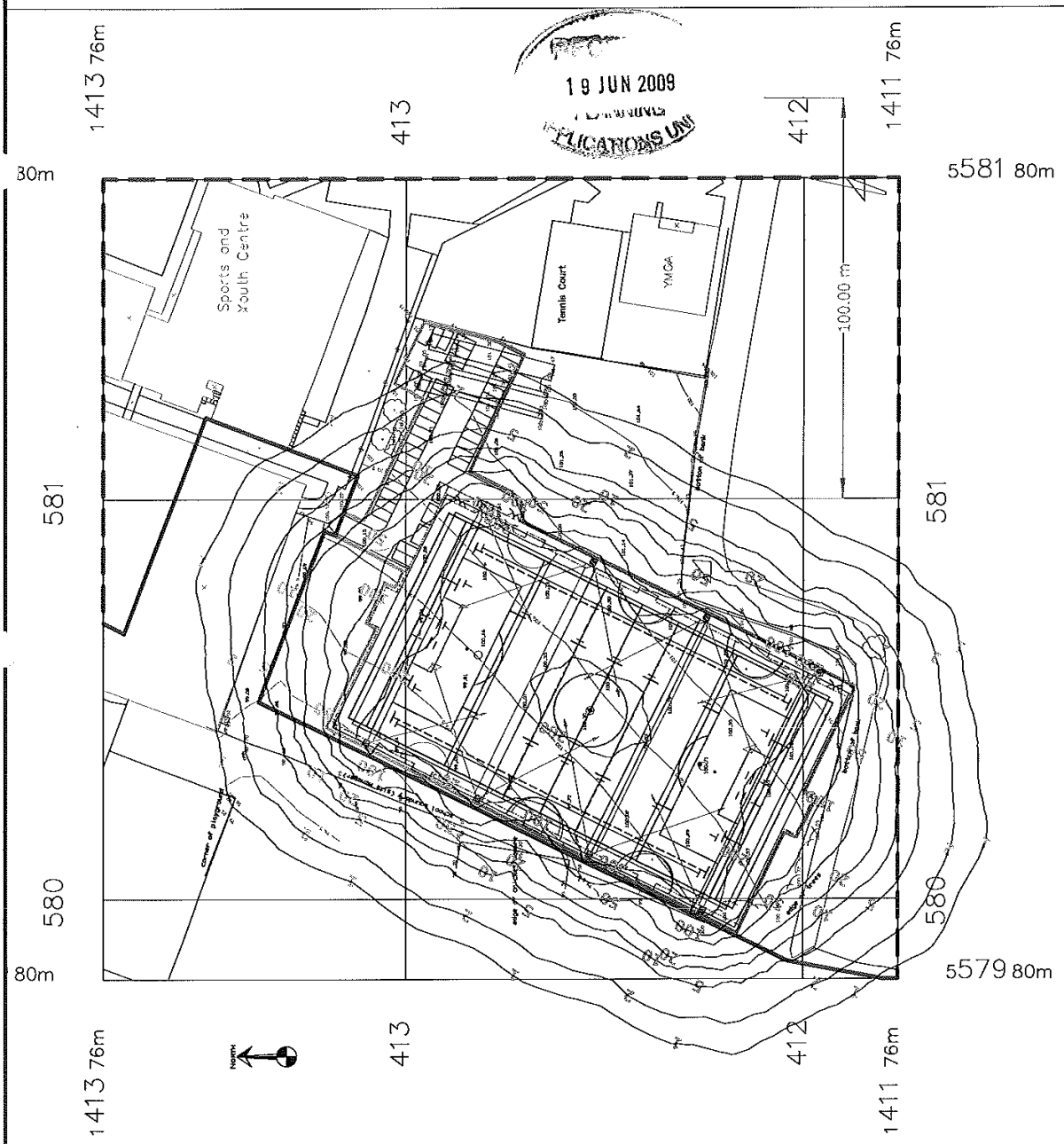
Floodlit synthetic turf surfaced multi-sports pitch with associated car parking and landscaping, Tunbridge Wells Grammar School for Boys, Tunbridge Wells – TW/09/79



Item D1

Floodlit synthetic turf surfaced multi-sports pitch with associated car parking and landscaping, Tunbridge Wells Grammar School for Boys, Tunbridge Wells - TW/09/79

 <p>Unit 40: Blue Chalet Industrial Park London Road West Kingsdown Kent TN15 6BQ</p> <p>Tel. 08700 624 370 info@ambsports.com</p>	
<p>Tunbridge Wells Grammar School</p>	
<p>Proposed Synthetic Turf Pitch Predicted extent of illuminated area</p>	
<p>AMB-TWGS-012 D</p>	
Date: July 2008	Scale: 1:1000 @ A3
<p>When printing PDF drawings, select 'Page Scaling - None' to ensure correctly-scaled prints.</p>	
<p>Revisions</p>	
A 17 Jul 08	Orientation of synthetic pitch reversed. 42 car parking spaces provided.
B 26 Aug 08	Width of pitch reduced by 2m. Recesses for main goals added.
C 02 Oct 08	Boundary line colour corrected. North point and scale bar added.
D 16 Jun 09	Height of lighting columns reduced to 15m. Overspill predictions revised accordingly.
<p>Notes</p> <p>Application site is edged in RED. Adjoining land in the ownership of the School is edged in BLUE.</p> <p>When printing from PDF, select 'Page Scaling - none' to ensure properly-scaled prints</p>	



Floodlit synthetic turf surfaced multi-sports pitch with associated car parking and landscaping, Tunbridge Wells Grammar School for Boys, Tunbridge Wells – TW/09/79

7. It is proposed that the new floodlit pitch would be made available to local football and rugby clubs who could use the facility after school hours and at weekends. It is also proposed to designate a spectator area to the east of the pitch. The applied hours of use are:
- Weekday use between 9.00 to 22.00 hours
 - Saturday use 10.00 to 20.00 hours; and
 - Sunday and Bank Holidays 10.00 to 18.00 hours.
8. Adjacent to the proposed pitch would be a new car park for 42 cars to be available to users outside school hours. Cycling storage is also proposed within the new car park. It is considered that the additional traffic generated by opening the facility to the wider community outside school hours could be accommodated in the new car park. During school hours, the car park would be made available to the 6th Form students who currently park in the surrounding roads causing inconvenience for local residents as recognised in the School Travel Plan. The school has 60 car parking bays to the north of the pitch adjacent to its school buildings which are used during school hours by the school's staff. In the evening and on the weekend the school's car park is shared with the Sports Centre and for other events at school.

Planning Policy

9. On 6 July 2009 the Kent and Medway Structure Plan ceased to have development plan status. The Development Plan Policies now relevant to the consideration of the application are summarised below:
- (i) South East Plan 2009:
- | | |
|------------|--|
| Policy CC6 | Sustainable communities and character of the environment |
| Policy C4 | Landscape and Countryside Management – local planning authorities should aim to protect and enhance the diversity and local distinctiveness of the region's landscape |
| Policy C5 | Managing the rural-urban fringe |
| Policy S5 | Cultural and Sporting Activity - participation in sport should be encouraged in order to improve overall standards of fitness be based on an audit of supply against estimated demand |
| Policy S6 | Community Infrastructure- where appropriate, the mixed use of community facilities should be encouraged by local authorities to make effective use of resources and reduce the need to travel. Appropriate facilities should be made available to all sections of the community, in both urban and rural settlements |
- (ii) Tunbridge Wells Local Plan 2006:
- | | |
|------------|--|
| Policy EN1 | New development should be well designed and respect its setting. |
| Policy EN8 | Outdoor lighting schemes should be well designed for its purpose and respect the character and amenity of the area |

Item D1

Floodlit synthetic turf surfaced multi-sports pitch with associated car parking and landscaping, Tunbridge Wells Grammar School for Boys, Tunbridge Wells – TW/09/79

- Policy EN25 Development outside the Limits to Built Development should have a minimal impact on the landscape
- Policy EN27 Development within the Kent's Special Landscape Areas will only be permitted where it would cause no significant harm to the important landscape character of the area
- Policy RF2 Land within Rural Fringes will be safeguarded from permanent development as a reserve of land to meet longer-term development needs beyond the Plan period
- Policy LBD1 Outside the Limits to Built Development, development will only be permitted where it would be in accordance with all relevant policies contained in the Local Plan and the rural settlement and countryside policies in the Kent and Medway Structure Plan
- Policy CS3 Proposals for school provision will only be permitted within the Limits to Built Development unless it represents an extension to an established school development
- Policy R1 Existing or potential recreational open space will be protected
- Policy TP4 Seeks new development to be located where the road hierarchy has adequate capacity to safely cater for the traffic which would be generated by the development
- Policy TP5 Vehicle parking in connection with the development proposals will be restricted to the maximum necessary having regard to the local highway conditions
- Policy TP9 The cycle parking standards for non-residential developments will be applied

Consultations

10. **Tunbridge Wells Borough Council:** raises objection to the proposal. The proposed floodlighting would, in the absence of any details of means of mitigation, harm the character and appearance of the wider countryside and this (former) Special Landscape Area contrary to Policies EN8 and EN25 of the Tunbridge Wells Borough Local Plan 2006.

Divisional Transportation Manager: raises no objection to the proposal.

The County Council's Lighting Advisor: raises no objection to the proposal. The floodlights chosen are of the flat glass type and horizontally mounted, which limits the light spill outside of the playing area to a minimum. The calculations show that this level drops to 1 lux at 35m from the side of the pitch facing the properties and this is well short of the end of the gardens. The properties in question have street lighting to the front of the properties which would give approximately 5 lux by comparison. There is also existing floodlighting in the sports and youth centre. The proposed lighting is in accordance with the Institution of Lighting Engineers *Guidance Notes for the Reduction of Obtrusive Light*.

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The County Council's Landscape Advisor: raises no objection to the proposal. The proposal would detract slightly from the open character of the existing school playing fields and add to other surrounding urban edge features. However, it is not expected that the proposal would cause any significant adverse effects on the wider landscape. The well wooded surrounding landscape and the enclosing vegetation belts around the site restrict adverse effects on the setting of, and views from, the High Weald AONB which lies further to the west. A detailed landscaping scheme should be secured by a planning condition.

Local Member

11. The local Member Mr R. Bullock was notified of the application on the 15th October 2008.

Publicity

12. The application was publicised by the posting of a site notice and the individual notification of 61 nearby properties.

Representations

13. 1 letter of representation was received in response to the proposal. The main comments can be summarised as follows:

- This pitch would be clearly visible from nearby housing and is on the edge of a Special Landscape Area and therefore it is important to minimise the visual impact;
- Questiones the need for eight columns and/or the height of the columns (16m) in light of the nearby TWGGS hockey pitch being lit by lamps on six 15m high columns;
- Specific landscaping plan should be submitted for consideration by local residents as well as the Planning Authority;
- In light of a second floodlit all-weather pitch proposal in this area, would like to see that the County Council and Borough Council give consideration to possible measures to improve the landscape and avoid further downgrading of its character;
- Draws similarity between the current proposal and the TWGGS hockey pitch and asks for the same restrictions to be imposed on the current scheme.

Discussion**Introduction**

14. The application is required to be determined in accordance with the relevant Development Plan policies, unless other material considerations are of overriding importance. Therefore, the proposal is considered in the context of the Tunbridge Wells Local Plan 2006 and the South East Plan 2009 and other material considerations, including those arising from consultation. Issues of particular relevance include impact upon the wider landscape, impact on playing fields, local residential amenity, light pollution, hours of use and traffic.

Wider Landscape Impact

15. The proposed site for where floodlit soccer/rugby pitch is within the former High Weald Special Landscape Area, where development proposals should only be permitted where they would cause no significant harm to the important landscape character of the area. Whilst this policy presumption has less currency (in the light of the emerging LDF Core Strategy and the end of the Structure Plan), the South East Plan policies also seek to

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protect and enhance the local distinctiveness of landscape. Appropriate mitigation measures should be adopted where damage to local landscape character cannot be avoided.

16. The proposal site is situated within existing school playing fields, which are well enclosed by mature native vegetation belts and large buildings to the north. The playing fields immediately abut the urban edge of Tunbridge Wells. The playing fields comprise amenity grassland with a distinct bank marking the change in ground level between the north and south of the site.
17. The proposal is to install a 3m high green weldmesh fence to the perimeter of the pitch. The fence would be 50mm x 50mm spacing between wires, which is most likely to blend in with the trees and planting and the wider landscape beyond. For that reason, I do not consider it to be detrimental to the character and appearance of the sensitive landscape.
18. However, the proposal also includes the installation of sixteen 2kW floodlight luminaires bolted on eight 15 metre high steel columns (originally the columns were to be 16m). This aspect of the scheme is more likely to have an effect on the wider landscape. On the other hand, the 15m high columns would be light grey and so blend in with cloudy sky. The provided technical details of the luminaires show that the potential light glare would be minimal due to its design to stop upward light. Also, the light spill would be contained well within the site boundary (extended to the St George's Catholic School playing fields) (D1.6). Overall, the new floodlit all-weather pitch would detract slightly from the open character of the existing school playing fields. Especially when illuminated, it would appear as part of the urban landscape. However it is not expected that the proposal would cause any significant adverse effects on the wider High Weald area. The secluded surrounding landscape and the enclosing vegetation belts around the site restrict any adverse impacts on the setting of, and views from, the High Weald AONB to the west. The school playing fields are also located at a lower level than the surrounding farmland to the west, so the visual impact of floodlighting would be further lessened.
19. For the purpose of mitigating the wider landscape impacts, it is important that the existing mature vegetation located along part of the existing bank is retained to form a visual screen to the proposal when viewed from the housing to the east. The County Landscape Advisor recommends that additional planting should be incorporated along the existing bank to the south of the proposed pitch to link the existing vegetation belt. Those requirements of protection during construction and additional planting could be secured by an appropriately worded planning condition, should this scheme be permitted. I would recommend that details of the changes in topography in relation to the existing bank and existing vegetation should also be submitted as part of the landscaping scheme.
20. In landscape sensitive locations, consideration to alternative sites should be considered. I am advised that other options had been considered before the application was submitted. However, every other location would result in constructing the floodlit pitch closer to residential properties and therefore was deemed less desirable. The protection of local amenity has been given a significant weight and as a result no immediate neighbours of the site wrote to object to the proposed siting. In addition to that, consideration is given to a number of other policies seeking to ensure that provision for community and sports facilities is made (South East Plan Policies S5, S6). The Tunbridge Wells Local Plan states that the Borough Council will support dual use of school facilities for recreational and other purposes where these are well placed to serve local needs. Therefore, the need for the high quality sports facility is given significant weight against other policies.

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21. Taking into account all of the above, I consider that the benefits of providing the improved facility would outweigh the limited impact on the special character of the landscape within which it sits and the wider landscape beyond.

Cumulative effects

22. It is also recognised that there is an already existing floodlit pitch in close proximity to the site and therefore a potential cumulative detrimental effect of these two floodlit pitches on the special character of the area should be considered.

23. In March 2008 a neighbouring Tunbridge Wells Grammar Girls School was granted planning permission for a hockey pitch. This was built on a sand base and is therefore not suitable for rugby and soccer games by any recognisable standards. The proposed pitch is on a rubber crumb base, which is considered to be a third generation pitch of much higher standard. I was advised by the Kent Sports Facilities Development Manager that the nearest location of a facility of this nature is in Maidstone, and then further in Ashford. He confirmed that there is a great shortage of such floodlit soccer pitches open to the wider community.

24. For comparison, the proposed pitch to the Boys School would be lit between 160-220 lux whilst the Girls School hockey pitch is lit to a higher standard of between 280-360 lux. The reason for the different lighting specifications is because games such as hockey and tennis involve faster moving ball than other games. Various light settings can be used on both pitches to minimise the use of energy and to minimise light pollution. It is noticed that the hockey pitch is slightly better concealed with planting abutting the pitch, especially when seen from the west. However, it is closer to residential properties than the proposed Boys School pitch. The two pitches are still over 120m away from each other separated by a couple of belts of mature vegetation. The likelihood of these pitches having a significant combined effect is small. On the other hand, one could say that it has been demonstrated that it is possible to position a floodlit pitch on those playing fields in a sensitive manner.

Rural Fringe

25. Consideration has to be given to the fact that the playing fields have a Rural Fringe designation. There are six areas of Rural Fringe identified in Tunbridge Wells and they all abut the built up area. Their aim is to safeguard land from development as a reserve of land to meet longer-term development needs beyond the Plan period, unless the proposals would meet the needs of an established use on the site. The proposal aims to address the demand for high quality sports pitches, which is an already established use on site and arguably is appropriate use for rural fringe land. On this basis it can be used for something other than standing vacant. Although there might be the appropriate quantity of sports pitches in the Borough available in accordance with some documents, it is clear that there is a shortage of quality sports pitches with floodlighting to increase the number of formal dual-use facilities with community use agreements. It is important to ensure that the available space for sports is well used and appropriate to the needs of the community. The need for the facility has been discussed in paragraphs 2 and 3.

26. Another issue important within the Rural Fringe is its natural environment, specifically local wildlife. In this site context, the development is unlikely to compromise any habitats as the proposed pitch would be in the middle of an existing playing field, which is regularly mown. Also, the construction of the pitch would not result in the removal of any trees or hedges. Therefore, there is little reason to consider that the natural environment would be significantly affected by the proposal.

27. As a result, I consider that the proposal would not be contrary to the principles of the Rural Fringe Plan Policy and conclude that the development would be appropriate within its location, especially that this Policy also encourages local authorities to support

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developments that aim to improve the overall standard of fitness and enrich the overall quality of life.

Playing fields

28. Tunbridge Wells Local Plan Policy R1 and national Planning Policy Guidance (PPG 17) sets out a policy presumption against development that would lead to the loss of playing fields. The aim of the national guidance is to ensure that there is an adequate supply of quality pitches to satisfy current and estimated future demand for sports pitches within an area. Consideration has been given to the impact of the proposal on the overall provision of playing fields in the area and its effect on the neighbouring schools. There was a concern that the use of adjoining playing fields could be compromised by enclosing one of the pitches with 3m fence. There was also a concern that the proposed car park would affect the provision of other sports facilities, such as long jump. Following submission of a detailed analysis of the use of the shared playing fields of both schools (St Gregory's Catholic Comprehensive School and TW Boys Grammar School) and relocation of the long jump onto an adjacent site, Sport England was satisfied that the benefit of having the all-weather pitch which is open to the community would outweigh the probable reduction of the flexibility of the use of that part of the playing field. This view might have been different should the community use of the pitch be restricted in any significant way.

Residential amenity**Noise**

29. Tunbridge Wells Local Plan Policy EN1 protects the residential amenity from adverse impacts and development that could lead to unacceptable pollution including noise pollution.

30. The school has 3 natural turf pitches which were considered for the purpose of the development. One of the main reasons for choosing the proposed site is to minimise the impact on the residential homes in Leighton Close. The nearest residential property is 115m to the east of the pitch. One representation was received to the proposal from a resident over 220 m south east from the proposed site, who raised concerns that there would be an increase in noise pollution generated by players and spectators. His suggestion was that there should be no "commercial community use" allowed to avoid noise nuisance to residents. On the other hand, I note that the proposal is for dual use of the facility and I am advised that the project depends on external funding, which would not be released if the pitch was to be used only by the Schools. Tunbridge Wells Local Plan states that the Borough Council will support dual use of school facilities for recreational and other purposes where these are well placed to serve local needs. The site is well positioned in relation to residential areas and there is a shortage of high standard soccer pitches available to clubs in Tunbridge Wells Borough. Also, Sport England as a statutory consultee, insists that should permission be granted for this pitch then it must be open to the wider community. Therefore, the need for the high quality sports facility is given significant weight against other policies. I would not recommend restricting the use of the pitch to Schools only.

31. In the main, there would be an intensification of use of the playing field resulting from a significant improvement to the existing sports facilities. It is likely that there would be an increase in noise levels but such effect is not likely to be constant. The use is likely to vary from training sessions only to Club games attended by some limited number of spectators. The intensity of noise on sports playing fields usually varies and is difficult to control. However, the playing fields are shared by three big secondary schools and so the use of it for sporting activities has long been established. Nonetheless, this has been restricted until now by sunlight. Whilst the Government encourages authorities to make

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better use of School's facilities the most effective method of controlling noise levels associated with such sports facilities is by controlling hours of use. This is discussed in paragraph 33 below.

Visual amenity

32. Tunbridge Wells Local Plan Policy EN1 also protects residential amenity from adverse light intrusion. The detailed light spill calculations show that it has been designed to avoid such pollution impacts. The light spill levels supplied show that the lighting level varies between 160-220 lux and the lux levels drop rapidly beyond the boundary of the pitch and within 45m from the light source the light spill falls to 1 lux. Considering that the nearest residential property is approximately 115 m away from the pitch it is most unlikely that there would be any light intrusion by virtue of light spill, especially, as these numbers do not take into account any landscaping that exists or would be planted in the future. However, it must be noted that the lights would be visible from the top windows of surrounding houses and would add to the existing detracting features within the urban edge. When in use, the additional illumination caused by the proposed lights installed on the 15m high columns would significantly alter the existing evening time character of the view. However, the potential impact is unlikely to be significant enough to warrant refusal of the application on these grounds. The County Council's Lighting Advisor considers that the proposed floodlights would provide excellent containment of the light source. I would recommend that a planning condition is also imposed that the luminaries should be switched off when the pitch is not in use.
33. Overall, I consider that the development would be in accordance with the Tunbridge Wells Plan Policy EN1, which requires all developments to protect the amenity of their local surroundings and not lead to unacceptable light or noise pollution.

Hours of use

34. The current use of the Tunbridge Wells Grammar School for Boys' playing fields is generally unrestricted apart from the natural limitation of daylight and the difficult clay based ground conditions described in paragraph 2. The proposed installation of a floodlit all-weather pitch aims to make a better use of the available playing field, which would be most noticed during winter months when the higher quality pitch would attract players when daylight is much restricted.
35. As discussed above, restricting hours of use is potentially the most effective way of protecting local amenity from noise and light pollution. The applicant proposes to use the new pitch with floodlighting between:
- 9.00 and 22.00 hours Mondays to Fridays,
 - 10.00 and 20.00 hours Saturdays and
 - 10.00 and 18.00 hours Sundays and Bank Holidays.

These hours would allow the Schools to use it during day time and Clubs during evenings and weekends. A local resident suggested that the hours of use of the facility should be restricted the same way as the Girls School hockey pitch which is to 21.00 hours with shorter times during weekends and only 8 weekends a year. On the other hand, Sport England requested that the use of the pitch including the floodlights should be permitted at least up to 22.00 hours, and any restrictions on use before this time to overcome possible amenity concerns should be avoided. However, I note that the pitch is further away from residential properties, is adjacent to the Youth and Sports Hall and Territorial Army buildings and there is no significant issue of access to the site through residential roads as was the case with the Girls School hockey pitch. Consequently, I do not consider it necessary to limit the use of this facility to the same degree, especially,

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considering that the benefits of making the facility available to Clubs is a balancing argument against the impact of floodlighting on the wider landscape. Therefore, I recommend that the use of the facility (the pitch and the floodlighting) should to be restricted as requested although there should be no use on Bank Holidays. I would add for information that the adjacent Centre is open until 22.30 hours weekdays and until 21.30 hours on Sundays so there would be other traffic until those hours.

Traffic

36. The applicant advises that the facility would be made available to the community in line with the national commitment to encourage shared use of school facilities. As a result, the impact of this on the local highway network has to be considered, especially that Development Plan policies seek that development shall be well served by public transport, walking and cycling and adequate vehicle parking facilities are provided including cycling storage.
37. The school is well positioned in relation to public transport and residential areas so people will have choice of travel to the site. Also, whilst the development would generate new traffic to the site, it is considered that the risk of unacceptable impacts on the public highway is unlikely. 42 new spaces for car parking are proposed as part of the development and would be accessed via the Tunbridge Wells Borough Council Land and the Youth and Sport Centre off Floyd Close. This car park is thought to be able to accommodate all visitors travelling by car or bike. An Agreement would be signed between the parties securing the vehicular access to the new car parking. The School advised that the existing car park can accommodate 60 cars but this is already shared in the evenings and weekends with the Sports Centre and used during weekends at events for the school. The Area Transportation Manager raised no objection to the proposal and I support his view.

Conclusion

38. Overall, I believe that the school would benefit from having the new improved facility, which would provide better access to a range of sporting activities. I consider that the siting and design of the artificial turf pitch would be of high quality although would detract slightly from the open character of the existing school playing fields and add to other surrounding urban edge features. However, I do not expect this to have a significant detrimental effect on the local landscape character. The pitch would be provided on the edge of the built up area of Tunbridge Wells and therefore accessible by walking, cycling and public transport. The fact that the pitch would be located in the rural fringe limits the number of properties affected by the scheme and helps to protect residential amenity. That would be more difficult to achieve in a more urbanised area. It is recognised that there is a great shortage of high quality sports facilities open to the community in the Borough and also that there would be a health benefit from better sports provision. Consequently, I advise that the proposed development would not conflict with the general principles of the Development Plan Policies and I recommend that the permission be granted subject to appropriate conditions.

Recommendation

39. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- Standard time limit;
 - The development to be carried out in accordance with the permitted details;
 - School's changing facilities shall be kept available for use after school hours, unless other arrangement is secured;

Item D1

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- Details of the cycling storage shall be submitted for approval and then it shall be installed before the commencement of use of the pitch;
- The new car park should not be used until the floodlit pitch is built.
- The development to be carried out in accordance with the lighting and other details specified in the application and not varied without prior written approval of KCC planning.
- No trees shall be removed without County Planning Authority approval and a Tree protection plan to be submitted
- Landscaping scheme details, including bund details, (existing vegetation along the bank to the east of the pitch should be strengthened through further planting and additional planting should be incorporated along the existing bank to the south of the pitch and extended along the western extent of the pitch), illustration of the changes in topography in relation to the existing banks and existing vegetation to be submitted;
- Light levels shall not exceed the levels applied for.
- Hours of use for the pitch and the floodlighting to be restricted to 09.00 and 22.00 hours Mondays to Fridays, 10.00 and 20.00 hours on Saturdays, 10.00 and 18.00 hours Sundays and no use on Bank Holidays
- Lighting shall not be in use when the pitch is not in use;
- Community Use agreements to be submitted and approved;
- The development to be carried out in accordance with the permitted details.

Case Officer – Anna Michalska-Dober

01622 696979

Background documents –See section heading

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Item D2**Mobile dining building at Pent Valley Technology College, Folkestone – SH/09/418**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application by Governors of Pent Valley Technology College for modular building as a dining hall including associated groundwork at Pent Valley Technology College, Surrenden Road, Folkestone (Ref: SH/09/418)

Recommendation: permission be granted subject to conditions

Local Member(s): Mr. T Prater

Classification: Unrestricted

Site

1. Pent Valley Technology College is located north-west from Folkestone town centre, in a residential area between the A20 Cheriton Road to the south and the M20 to the north. The site is bound by residential properties to the south, west and east while to the north it is bound by Tile Kiln Lane and warehouse units beyond that. The proposal site is on the southern part the school grounds, which currently is used as green amenity space during school breaks (see D2.2). The proposal site slopes gently to the north, towards the school buildings.

Proposal

2. The proposal is for the installation of a modular building to provide a dining facility for the school. The building would be rented rather than purchased. The nearest corner of the building would be 7m from the site boundary and would be aligned with its long axis running north-west and south east to line up along the tennis courts fence.
3. The proposed building is a modern single storey, flat roof building 30m long x 10.8m wide x 3.3m high, consisting of 10 bays and total of 324 m². The building would accommodate approximately 240 students. Due to the sloping ground issue, from the southern side (closest to residential properties) it would be sunk approximately 70cm into the ground and on the northern end it would need to be raised on stilts/blocks to maintain finished floor level. The overall building height with respect to the car park level would be 4m high. Externally the walls would be coated with light grey plastisol with darker merlin grey facia (see D2.3). Timber ramps would be provided to comply with Disabled Access Regulations. It is also offered to plant shrubs along the southern boundary to address the ongoing problem with litter around the boundary.
4. The application is for a temporary planning permission for a period of approximately 4 years until the school will be redeveloped as part of the Building Schools for the Future (BSF) programme. The school is on the list of Wave 5 BSF, which is due to start by the end of 2012.

Background & Need

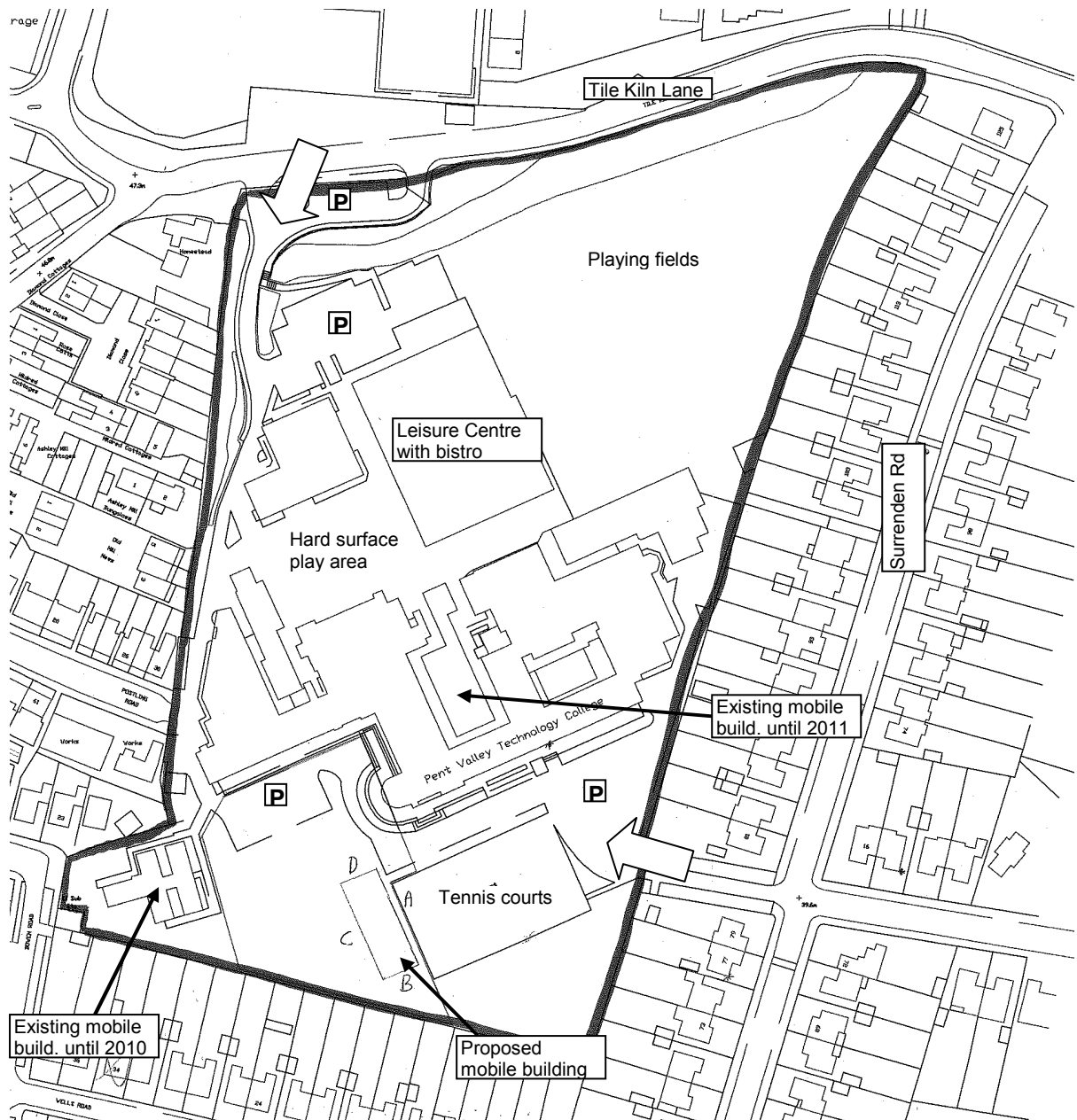
5. In 2003 the School received a planning permission for a new dual use (school and community) Leisure Centre incorporating sports courts, sports hall and new bistro facilities to cater for over 200 pupils at one time (ref. SH/03/837). This building was finished 4 years ago. The bistro facility was designed in accordance with the Government's requirement at the time, which has since changed and Schools are now expected to provide adequate space to accommodate their students. There are approximately 1300 students currently at the school and this is expected to rise to 1400 next year. The School advises that despite some seasonal fall in pupil numbers, this did

Mobile building at Pent Valley Technology College, Folkestone – SH/09/418

not result in any class space. Moreover, in recent years the catering requirements for Schools have changed and it is expected that there should be sufficient space within school for all children to have their lunches, either hot or packed.

- The school tried to address the problem of a shortage of dining space in 2007 installing post-free canopies along the south-eastern elevations of the school buildings (planning permission ref. SH/07/634). That proved to be insufficient and the School is looking to add extra floor space to deal with the problem.

Site plan



Proposed Building ELEVATIONS

ISSUE: **1:100 @ A3**
DO NOT SCALE IF IN COURT ASK

LEGEND

REVISION

A Elevation C amended. 15.06.09 CAT
 B Elevations A,C and D amended. 17.06.09 CAT
 C 2 x windows in elevation C deleted.25.06.09 CAT

DIMENSIONS		MODULE QUANTITY
EXTERNAL	INTERNAL	10.8 x 3.0 010
width	depth	6.0 x 2.5 000
0000mm	0000mm	
0000mm	0000mm	
0000mm	0000mm	
0000mm	0000mm	
Total		010

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ELEVATION D

ELEVATION C

ELEVATION B

ELEVATION A

**Pent Valley Technical College
Folkestone
Kent**

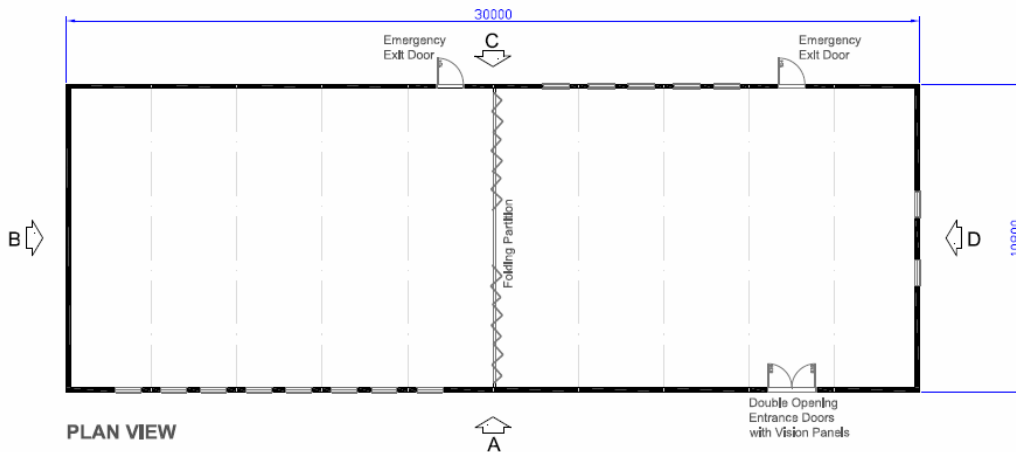
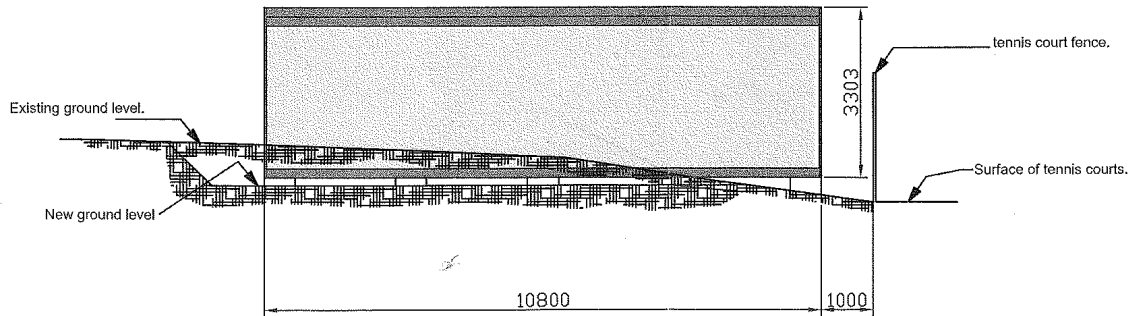
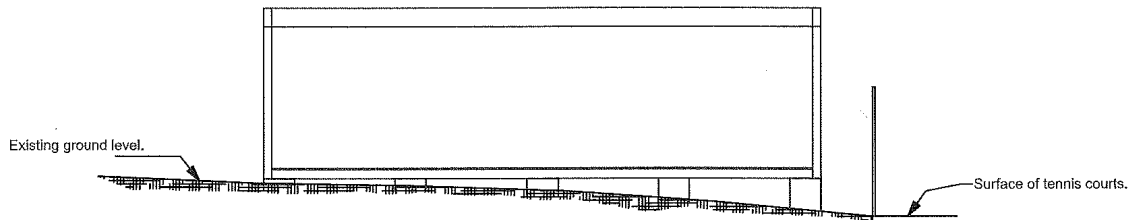
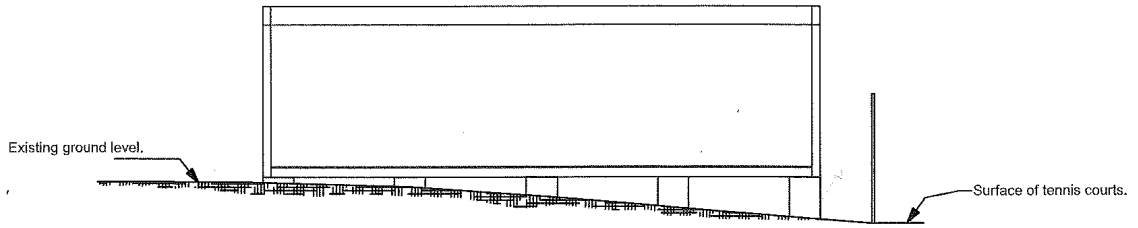
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Section drawing



Consultations

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

(i) South East Plan 2006:

Policy CC6 Sustainable communities and character of the environment

(ii) Shepway District Local Plan Review 2006:

Policy SD1 Full range of environmental, economic and social implications of development need to be considered.

Policy BE1 A high standard of layout, design and choice of materials is expected for all new developments.

Policy SC2 Planning permission for improved social and community facilities will be granted where the proposal would be compatible with surrounding land uses, acceptable in highway, infrastructure and environmental terms, accessible by a range of transport alternatives to the car and includes provision for access for disabled persons.

Policy LR12 Development on school playing fields, grass play areas and amenity areas at school sites will only be permitted where development would not cause an unacceptable loss of local environmental quality and where sufficient alternative space provision exists and the land required for an alternative educational purpose which cannot be met in another way.

Policy BE15 Adequate provision should be made within the site for landscaping.

Consultations

8. **Shepway District Council:** raises no objection to the proposal.

Divisional Transportation Manager: raises no objection to the proposal.

Sport England: raises no objection to the proposal as the proposed development affects only land incapable of forming a playing field or part of it.

Local Members

9. The former local Member R. Bliss was notified of the application on the 28th April 2009 and then Mr. T. Prater was notified of the application on the 15 June 2009.

Publicity

10. The application was publicised by the posting of a site notice on the site boundary and 11 individual notification letters to private properties.

Representations

11. 12 letters and a petition signed by 17 neighbours were received from the occupiers of adjacent properties. The main planning issues raised by the neighbours can be summarised as follows:

Mobile building at Pent Valley Technology College, Folkestone – SH/09/418

- It would be overdevelopment of the site and too close to the rear gardens of residential properties resulting in being intrusive and noisy and would affect the quality of life
- It is against Government policy to build on school's recreational grounds especially that the Leisure Centre built 4 years ago halved the provision of sports pitches already
- There is already a mobile building on that part of the school, which was meant to be there for a temporary period but has now been there for 25 years. It is unlikely the new building would be removed any time soon either
- There are no other buildings in this area and the new one would be out of place not in keeping with the rest of the buildings
- It would screen pupils from being seen from the main school buildings and therefore result in greater antisocial behaviour on school grounds
- Object to the design of the building and placing windows facing south-west towards residential properties
- Location on the other side of the school would be more appropriate closer to the existing kitchen facilities
- There should be staggered lunch times at school to accommodate within the existing building as they have done in the past
- There is no need for the building as the school roll is falling and the new mobile would only be used for lunch time. There are educational reasons which would outweigh the loss of open space
- The slightly sloping ground could be levelled and used for needed sports
- There is no information about the hours of use of the building

Discussion*Introduction*

12. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph 8 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In particular, I consider the key determining considerations are the design of the building, the impact of the development on open space and also the impact on residential amenity all balanced against the school's need for additional facilities.
13. A number of neighbours objected to the proposal on the grounds of the impact on noise and visual amenity and on open space, as set out in paragraph 11 above and hence the need for the report to the Planning Applications Committee for determination.

Design

14. Shepway District Local Plan Policy BE1 requires all development to be of high quality, respond positively to the scale, layout and character of their local surrounding. Additionally Policy SC2 of the same plan supports developments for community facilities, where the proposal would be compatible with surrounding land uses, acceptable in highway, infrastructure and environmental terms and includes provision for access for disabled persons.
15. The proposed building is a modern single storey, flat roof building 30m x 10.8m. Externally, the walls would be coated with light grey plastisol with darker merlin grey

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facia (see D2.3). Timber ramps would be provided to comply with Disability Discrimination Act regulations, although not shown on the elevation drawings.

16. The existing school buildings are mostly single storey yellow brick, flat roof buildings. In the south-western corner of the school there is already a mobile building which has been permitted on a temporary basis for at least 10 years and the current permission expires in November 2010. In the context of the site, it is considered that the proposed design of the new flat roof building would be in keeping with the surrounding and the overall appearance of the site. Nevertheless, it is generally accepted that mobile buildings are not suitable for schools to provide long term educational facilities. The applicant advises that the School is on the list for Wave 5 of the Building Schools for the Future (BSF) programme, which is expected to proceed by 2012. Therefore, the applicant seeks a temporary planning permission after which the need for the mobile building could be reconsidered. The applicant considered a construction of a permanent solution to address the shortage of space, but eliminated it on the grounds of the likely redevelopment of the site and the potentially abortive cost, especially that the main concern of the School was to deliver the building within the shortest timeframe and with minimal impact on the operation of the school.
17. Under the above circumstances, I consider that the proposed building would be acceptable until a permanent solution could be found, which I am satisfied will be achieved as part of advancing BSF programme.

Open Space

18. Shepway District Local Plan Policies SD1 and LR12 protect playing fields, grass play areas and other recreational areas at school sites. Consideration needs to be given to the impact this development would have on the provision of open space within the school grounds. The school's playing fields are in the north-east corner of the site and the only green amenity grass area is along the southern boundary near the tennis courts. The school's Business Manager advises that there is a shortage of playing fields suitable for games but at the same time the proposal would not have a negative effect on that provision as the land on which the building would be positioned is not capable at this point to be used for any formal games. Sport England supports that view and raises no objection to the proposal. Nevertheless, the building would be positioned on a green amenity space used by students during breaks for recreation. Therefore, it is recognised that the external space within the school grounds available to students would be reduced. On the other hand, the School would benefit from having the additional dining facility to be used during breaks, should permission be granted.
19. Alternative locations for the mobile building, as well as its positioning, were considered. The first option was at the back playground adjacent to the existing Bistro and kitchen to the north of the school buildings, but this would have taken away most of the playground, which is also used for PE, e.g. ball games. The next option was in the rear playing field adjacent to the Sports Centre. This would have taken away the space available for football and outside PE training. In addition, the expected BSF project is likely to be planned around that area of the school grounds and so it would not be practical to block the area. Finally, the Leisure Centre car park was given consideration as a potential site for the new building. The mobile unit would not have worked there given that there is already a shortage of car parking in the area.
20. Summarising, it is acknowledged that the proposed site is indeed used by students during lunch breaks as advised by neighbours and is considered a valuable contribution to the overall open space of the school grounds. Therefore, it is disappointing that one of the last remaining informal recreational spaces available to students needs to be taken by the new mobile building. However, there does not appear to be any alternative to provide the school with a dining hall, which the School's Business Manager says is needed to meet the needs of over 1300 students. In my view, the development would not

Mobile building at Pent Valley Technology College, Folkestone – SH/09/418

be contrary to the Policies LR12 and SD1 and it is a matter for the School to decide whether this space is best used as dining space or for some other student activities.

Residential Amenity

21. The Shepway District Local Plan Policy SD1, amongst other matters, requires that the amenity of local residents is protected and enhanced unless the negative impact is minimised as far as possible and there is an overriding economic or social need. The local residents raised concerns about the loss of amenity space for pupils, the proximity of the mobile building to dwellings and disturbance in enjoyment of their gardens. Issue of litter along the boundary has also been raised and the potential risk of intensifying the problem. The neighbours are concerned that the mobile building would attract more students to that part of the school site and therefore lead to an increase in noise which would be detrimental to their amenity, as set in the paragraph 11 above.
22. The proposed building would be within an existing school grounds boundary and is intended to provide an eating area for the school pupils. The open grass piece of land gives limited potential for positioning of any new building without compromising the visual or noise amenity of residents. It is desirable to avoid aligning it along the southern boundary with the residential properties as well as positioning the building in a way that makes best use of the space available. It is also important that the chosen location does not compromise the open character of the site to allow staff to continue to oversee activities within the school grounds. Therefore, the position of the building diagonally along the tennis courts is seen as the most suitable. The nearest point of the building would be 7m from the fenced boundary and would move away to 30m at its furthest part. There is also a 2.4m high palisade fence and 2m high close boarded fence dividing the school from the rear garden of the houses. The proposed distances together with the relatively strong boundary are seen as reasonable for this type of development. The School has proposed to plant additional hedging along the southern boundary in order to keep students away from the boundary. This would have the potential to deal long term with the ongoing conflict between the School and the residential land use and would encourage the School to consider it. I recommend including an informative to that effect, should the planning permission be granted. However, it is unlikely that any new planting would have the chance to establish enough to help mitigating the potential visual and noise impacts of the temporary building.
23. Neighbours commented that if the facility is indeed to be a dining hall then it should be near the canteen. However, the School's Business Manager explained that it was not required to place the additional facility near the canteen as it would be a place for students to eat their packed lunches. Nevertheless, the locations on the northern site were considered but were discounted on various grounds, as discussed in paragraph 19. Further, a staggering of lunchtimes was suggested as a solution to address the shortage of space but the applicant advises that it would not overcome the shortage of space problem. Also, the recently installed extensive canopies (permitted in 2007) to the southern elevations to provide additional sitting space for breaks are not enough to deal with the problem.
24. Following various concerns about windows facing the residential properties provoking noise and overlooking issues, the applicant amended the windows layout so as to minimise the amenity impacts. The windows nearest to the southern boundary were moved onto the tennis court elevation. Also the doors to the building have been moved away from the southern boundary. The nearest window facing the boundary would be approximately 20m away from the boundary and over 40m to the nearest house, which is considered acceptable in accordance with the Kent Design Guide recommendations.
25. The site is currently used during lunch breaks and the proposal does not propose to change such use apart from the fact that part of it would now be enclosed. There is some risk that the use of that part of the school grounds would be more intensive,

Mobile building at Pent Valley Technology College, Folkestone – SH/09/418

although it is unlikely to have any significant impact on noise levels. National guidance on noise impacts (Planning Policy Guidance 24) advises that noise is likely to be significant when there was an introduction of new activity. The proposal does not change the use of the school site. Furthermore, any potential risk of an increase in noise levels would only be during school hours, which could be controlled by a planning condition restricting hours of use of the building. In addition, due to the nature of the building, I would recommend imposing a further planning condition to restrict use of amplified or music equipment in that building, should the permission be granted.

26. Overall, I recognise the value of the space for its contribution to the amenity of the area. Therefore, the potential negative impact of positioning the building should be minimised as far as possible. It is considered however that there is an overriding need for the facility and I am satisfied that no alternative sites are available. The proposed building is unlikely to result in a significant detriment to the amenity of the area to justify refusal of the proposal on these grounds. The issue of litter within school grounds is not a matter controlled by planning regulations and those comments have been forwarded to the School for information.

Conclusion

27. This proposal has been considered against the relevant planning policies, principally those considering design, open space and amenity of the locality. I am satisfied that the proposed design of the building is acceptable for a temporary period until a permanent solution is found as part of the BSF project. The reduction of open space available to students for outdoor informal recreation but this would be outweighed by the provision of a new indoor facility for dining that school is also required to provide. In my view, the development would not result in an unacceptable amenity impact, resulting from a potential increase in noise levels or visual amenity. Overall, I consider that the proposed development would be in accordance with the aims and objectives of the relevant Development Plan Policies and I recommend approval of the proposal subject to planning conditions.

Recommendation

28. I RECOMMEND that PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- The building shall be removed from the site by end of 2012
 - No amplified or musical equipment shall be used in the building
 - The building should only be used between 8.00 and 18.00 weekdays term time only.
 - The development to be carried out in accordance with the permitted details

And add an informative advising about the boundary planting along the southern boundary to help with the ongoing conflict with the neighbours.

Case Officer –Anna Michalska-Dober	01622 696979
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Background documents –See section heading

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Item D3

Wind turbine with 15m mast and solar photovoltaic panels – Swanley Technology College, St Mary's Road, Swanley – SE/09/889

A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application by Swanley Technology College for the erection of a 6kW wind turbine with 15m mast to the front lawn of college buildings and the installation of solar photovoltaic panels on college flat roof (Ref: SE/09/889)

Recommendation: Permission be granted subject to conditions

Local Member(s): Mr. R Brookbank

Classification: Unrestricted

Site

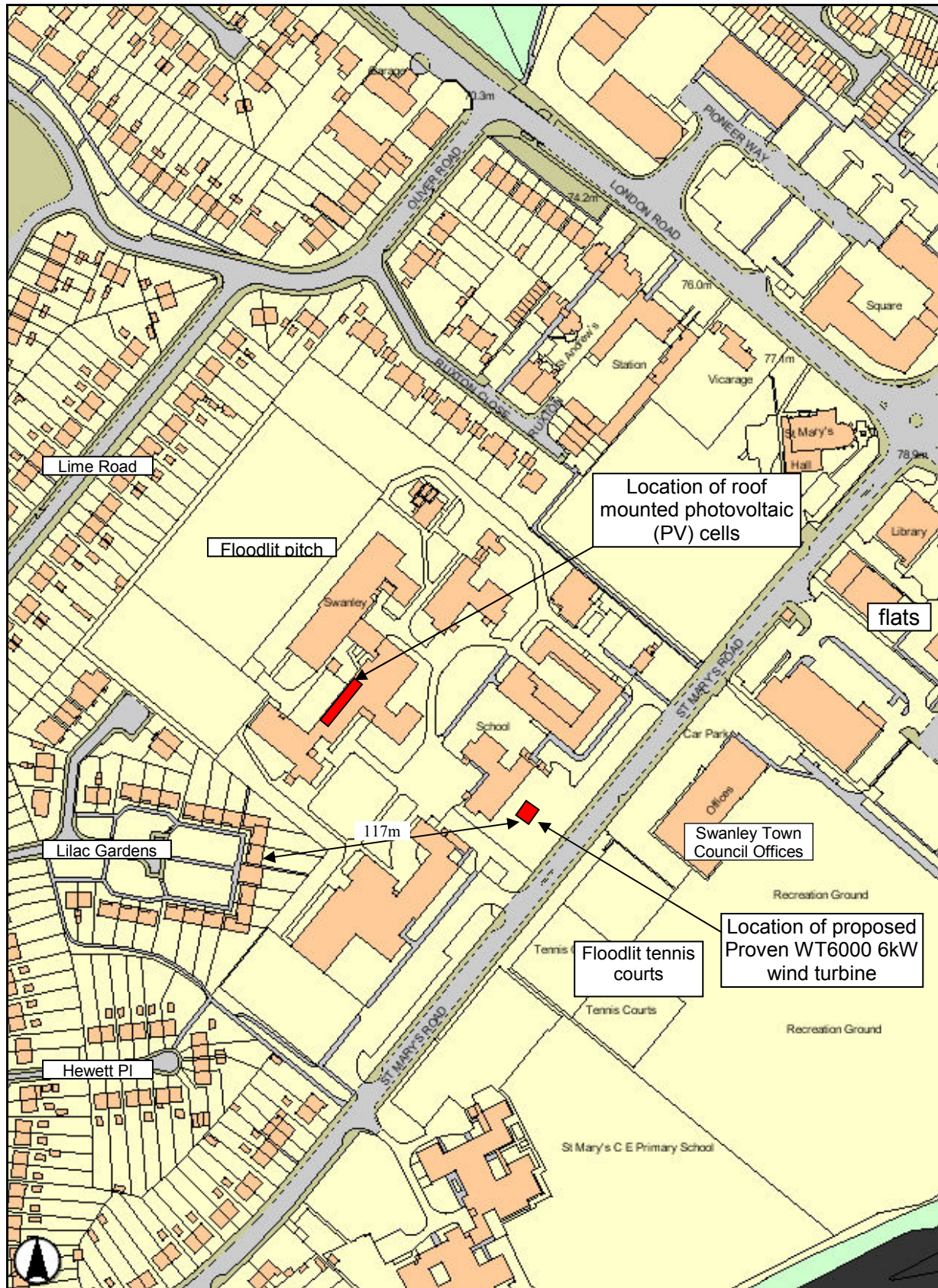
1. Swanley Technology College is located within the built confines of the town of Swanley. The site is accessed from St. Mary's Road which leads off London Road, the main road through Swanley. The site is bordered by residential properties to the North and South-westerly sides and St. Mary's Road to the east. Beyond the road to the east are the offices of Swanley Town Council, a recreation ground and St. Mary's CE Primary School.
2. There are no specific land use designations in the Adopted Local Plan which relate to this specific site. A site location plan is attached on page (D3.2), which shows the location of the proposed wind turbine and photovoltaic solar panels.

Proposal

3. The application has been submitted by Swanley Technology College and proposes the construction of a 6 kW wind turbine on a 15 metre high mast to the front of the College site together with an array of 36 photovoltaic (PV) panels installed to the second floor of an existing flat-roofed building. As noted above, a plan showing the locations of both elements of the proposal is shown on page (D3.2).
4. The College, being a Technology College, are keen to promote the use of modern renewable energy technology to support a sustainable way of living, and demonstrate the College's determination to encourage the youth of today to act in a responsible manner regarding energy conservation. It is proposed that the kilowatts generated by the proposed wind turbine and PV cells would be used by the College which in turn would reduce its reliance on the use of fossil fuel derived energy.
5. The wind turbine proposed is a Proven WT6000 free standing wind turbine. Its proposed height would be 15 metres to the hub, with a 5.6m rotor diameter, therefore giving an overall height of 17.8 metres to the highest point. The turbine would be located on an existing area of grass to the front of the College site. The wind turbine proposed here is rated to have an output of 6 kW and is a type commonly used for powering community and local authority projects. The same wind turbine has recently been permitted at Eastchurch Church of England Primary School in Swale. A number of similar wind turbines can be found on sites across the County, including Shorne Woods Country Park and Sandwich Technology School (5kW). *An elevation of the wind turbine is attached on page (D3.3).*

Item D3

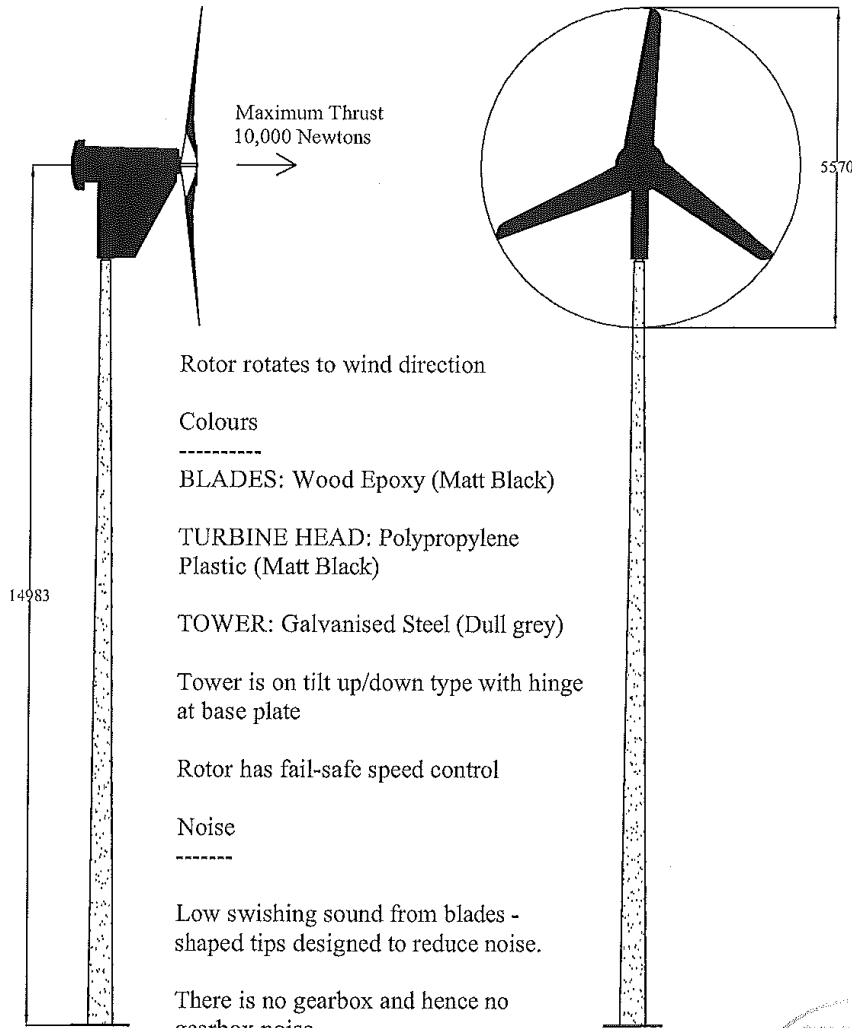
Wind turbine and photovoltaic panels at Swanley Technology College, Swanley – SE/09/889



Site Location Plan: Swanley Technology College

Scale 1:2500

**Proven WT6000 6kW Wind Turbine
with TM1500 15m Mast**



Nominal running speed 200rpm.



ZONE	REV	DESCRIPTION	REVISIONS	DATE	APPROVED
--	--	--	--	--	--
--	--	--	--	--	--
3		Change of address		20/08/03	--

				© Proven Engineering Products Ltd, Wordhead Park, Siewerton, Ayrshire, KA3 5LH, UK. Tel +44 1560 485 570 Email: info@provenenergy.com All rights reserved	
PREPARED BY BR				Proven WT6000 Wind Turbine with TM1500 15m Tower Planning Drawing	
CHECKED BY KM		FSCM NO.	DWG NO. 6000 PL 003.dwg	REV 3	
SCALE 1:100 @ A4		Date 18/09/03	SHEET		



Example: Proven WT6000 wind turbine on 15m mast at Eastchurch CoE Primary School, Sheppey.

Wind turbine and photovoltaic panels at Swanley Technology College, Swanley – SE/09/889

6. The proposed solar panels comprise of an array of 36 individual PV panels, which would be mounted in a linear row to a flat roof of an existing two storey classroom block. The panels would be mounted on an angle to attract optimum performance and power generation from the sun's rays and at the highest point would, once mounted on the flat roof, extend 300mm from the existing roof height.

Development Plan Policy

7. Planning Policy Statement 22: *Renewable Energy* sets out the Government's national policies for renewable energy, which it notes are vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. The Policy Statement sets out that Local Planning Authorities should consider the opportunity for incorporating renewable energy projects both in new developments and some existing buildings.

The key principles of the document state that "*small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning Authorities should therefore not reject planning applications simply because the level of output is small*". The document also states that "*development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful considering of location, scale, design and other measures*".

Further, the Government's Microgeneration strategy recognises the role of community buildings and schools in delivery of its objectives. The microgeneration installation on school sites help to reduce carbon emissions, help to educate and inform communities about energy and, hopefully, persuade people to reduce their own carbon footprint.

8. On 6 July 2009 the Kent and Medway Structure Plan ceased to have development plan status. The Development Plan Policies now relevant to the consideration of the application are summarised below:

- (i) Adopted **South East Plan** (May 2009):

Policy CC1	Seeks to achieve and maintain sustainable development in the region.
Policy CC3	Encourages a reduction in the use of natural resources through energy efficiency.
Policy CC6	Refers to sustainable communities and character of the environment.
Policy NRM11	Local authorities should promote the use of renewable or low-carbon energy technology
Policy NRM15	Renewable energy development, particularly wind, should be located and designed to minimise adverse impacts on landscape, wildlife, heritage assets and amenity.
Policy S3	States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities

**Wind turbine and photovoltaic panels at Swanley Technology College,
Swanley – SE/09/889**

(ii) Adopted Sevenoaks Local Plan (2000):

- Policy EN1 Proposals for development will not be permitted unless they are, amongst other aspects, acceptable in terms of:
- a. compatibility in terms of scale, height, density and site coverage with other buildings in the locality;
 - b. retain important features including trees, hedgerows and shrubs;
 - c. do not have an adverse impact on privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion
 - d. the development is planned and designed so as to have regard to energy conservation and to avoid or minimise pollution

Consultations**9. Sevenoaks District Council:** raises an objection for the following reasons:

“As no other sites which would be less conspicuous have been considered, the Council considered that the proposed development would by virtue of its scale and size have an adverse visual impact on the character and amenity of the area. In this respect the proposal is considered to conflict with Policy EN1 from the Sevenoaks District Local Plan, QL1 from the Kent and Medway Structure Plan, EN1 and EN5 from the South East Plan.

Insufficient information has been submitted with the application to adequately demonstrate that the proposed wind turbine would have no adverse impact on the amenities of adjacent properties. The proposed development is considered to conflict with Policy EN1 from the Sevenoaks District Local Plan”.

Note: with the adoption of the South East Plan, the Kent and Medway Structure Plan is no longer part of the development plan.

10. Divisional Transportation Manager: raises no objection to the proposal.**11. Swanley Town Council:** raises no objection to the proposal and offers full support to this application.**12. KCC Noise Advisor:** following aural observations made at the site of the Eastchurch Primary School of the same 'Proven WT 6000 6KW wind turbine with a 15m mast, he has no concerns regarding the introduction the same wind turbine at the Swanley site.**Local Member****13.** The local Member (now former) Mr M. Fittock was notified of the application on the 28 April 2009. A letter was received from Mr. Fittock in support of the planning application based on the following grounds:

- Considers that the turbine is not out of keeping with the street scene and the School already have a taller mobile phone mast on their site;
- On the other side of the railway line there are existing electronic communications additions to an office block which is much closer to residential dwellings than the 15 metre turbine mast proposed;

**Wind turbine and photovoltaic panels at Swanley Technology College,
Swanley – SE/09/889**

- Notes that the nearest development is the Swanley Town Council offices
- The noise from the proposed turbine should not affect the Town Council offices opposite or the adjacent graveyard. The area of the school where the proposed turbine would be erected also houses the technician training block where loud machines are in use and car mechanic engineering is taught, hence noise should not be an issue;
- Notes that there are quite exceptional wind currents in locality which wind turbines would be able to take full advantage of. Also, notes the level of support for the proposal by local children wanting to see something done for the environment.

Following the recent County Council elections the new local Member for Swanley, Mr R. Brookbank, was notified of the application on 25 June 2009.

Publicity

14. The application was publicised by the posting of a site notice on the front gate of the school.

Representations

15. No letters of representation were received in response to the proposal.

DiscussionIntroduction

16. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph (0) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon the wider landscape, impact on visual local amenity and the potential noise pollution. Also relevant is the overall compatibility of the scheme with the goals and objectives of the Development Plan.

Landscape and visual amenity

17. The landscape and visual amenity impacts of the two different elements of the proposal vary significantly due to their nature and scale. Arguably the greatest visual impact would occur as a result of the proposed wind turbine installation, when compared to the relatively limited visual impact of the proposed PV panels. I consider that whilst the proposed PV panels would be installed on a flat roof of a two-storey building within a central part of the College site, the visual impact of that element of the proposal is likely to be negligible (see location on page D3.2).
18. It is acknowledged that Sevenoaks District Council has raised an objection to this proposal, largely based on the visual amenity impact of the wind turbine. It considers that as the applicant has not demonstrated that any less conspicuous locations for the proposed turbine have been considered within the planning application, it regards this aspect of the proposal as having an adverse visual impact on the character and amenity of the area contrary to Policy EN1 of the Adopted Local Plan. In response, the applicant advised that there is no other site within the school grounds that would have the minimum wind speed required to drive the wind turbine. Due to the nature of the proposal, the wind turbine needs to be exposed and not hidden in between buildings.

**Wind turbine and photovoltaic panels at Swanley Technology College,
Swanley – SE/09/889**

The only suitable location within the College satisfying these conditions is on the grass area in front of the school, opposite the floodlit tennis courts. Additionally, positioning the wind turbines in that location keeps the development as far away from any residential properties as possible.

19. With regards to the visual amenity impact, the school has a mix of one and two storey flat roof buildings. The Swanley Town Council Offices are two storeys high with pitched roofing. Across St Mary's Road there are ten floodlighting columns at least 10m high and a number of street lamp posts of similar height. There are some medium size trees to the front of the school and more mature taller trees across St Mary's Road, however the townscape otherwise appears quite open. The wind turbine would raise slightly above the tallest trees and therefore would be visible from wider distances due to the flat topography of the neighbourhood. It is likely that the wind turbine could create a landmark effect in the immediate locality on a small scale, but it is unlikely to be noticeable beyond 200m, as it is still in a built up area. On the other hand, the School wants a presence in the community and to be recognised in the neighbourhood for promoting green energy and use of modern technology. The Government encourages installations of community microgeneration production in its policies.
20. To aid the consideration of the visual impact, I attach a photograph of an identical wind turbine to that proposed, which has recently been installed at Eastchurch Church of England Primary School (D3.4). I note that the turbine in the photograph has a white blade finish and a white turbine head and appears to blend in with a cloudy sky backdrop. In my view, the turbine's head finished in white has much lesser visual impact to that finished in black. Also, it appears a less bulky installation being significantly less prominent from a distance. The lower part of the mast would be seen against one and two storey buildings backdrop which would not differ much from any other street lamp posts. Should the permission be granted, a planning condition could be imposed to secure a white finish of the turbine head and blades. Subject to this, I do not consider that the proposed wind turbine would have a detrimental impact on the visual amenity.

Noise

21. It is noted that renewable energy technologies, particularly wind turbines, have the potential to generate adverse noise impacts on surrounding uses, unlike the installation of solar photovoltaic cells. The common source of noise associated with wind turbines comes from the gear boxes. The proposed model does not have a gear box. Therefore the only noise that is audible in close proximity is the gentle "swishing" noise of the blades cutting through the air. However, this noise has been reduced substantially since first turbines were developed.
22. Any potential background noise increase as a result of the siting of the wind turbine needs to be carefully considered. In this instance, I note that the distance from the site of the proposed wind turbine to the front façade of nearby residential properties in Lilac Gardens (to the west of the College site) is approximately 117 metres away. This distance is largely separated by a mixture of single and two-storey College buildings. To the north of the site, the closest residential property façades (located in Ruxton Close) are approximately 141 metres away, and to the north-west the closest residential property façades (located on Lime Road) are approximately 225 metres away. This distance is separated by the school buildings and floodlit pitch. The nearest residential properties to the north east are flats of St Mary's Road 170m away, adjacent to Aldi store. The nearest non-residential property to the site of the proposed wind turbine are the offices of Swanley Town Council, located some 50 metres away.
23. The application was accompanied by technical data about the proposed wind turbine. As part of assessing the potential noise impact of this development on the local amenity, the County technical advisor visited the Eastchurch CoE Primary School to see an identical wind turbine on school site and to assess noise levels generated by this identical wind

**Wind turbine and photovoltaic panels at Swanley Technology College,
Swanley – SE/09/889**

turbine (see D3.4). On the site visit, the wind speed was sufficiently strong to turn the turbine at high speed continuously. Whilst on site, the noise engineer and I found that the noise levels at 40m from the turbine were negligible and at 65m distance were undetectable. This led to the conclusion that the turbine would be very unlikely to have an adverse noise impact of the locality of the proposed installation, and the noise engineer raised no concerns about the proposal. In particular that some noise level from traffic and existing activities in the locality would be greatly in excess of the raise from the turbine blades.

Conclusion

24. Notwithstanding the policy objection raised by Sevenoaks District Council as set out in paragraph (9) above, I consider that the chosen locations for the siting of a 6 kW wind turbine and solar panels at Swanley Technology College to be acceptable in terms of their impact on local amenity as well as their accordance with both Development Plan Policies and national planning guidelines as set out in Planning Policy Statement 22. In the absence of any substantive planning land use grounds to refuse the application, I recommend that planning permission be granted subject to the conditions as set out in paragraph (25) below.

Recommendation

25. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- the standard time limit;
- white finish of the blades and turbine head
- the development be carried out in accordance with the approved details;

Case Officer – Anna Michalska-Dober

01622 696979

Background documents –See section heading

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Item D4**Siting of a mobile catering van at Teston Bridge Country Park, Maidstone – MA/09/594**

A report by Head of Planning Applications Unit to Planning Applications Committee on 14 July 2009

MA/09/594 – Application by Kent County Council Country Parks Service for the siting of a mobile catering van daily between 09:00 hours and 18:00 hours, at Teston Bridge Country Park, Teston Lane, Teston, Maidstone

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mrs P.Stockell

Classification: Unrestricted

Site

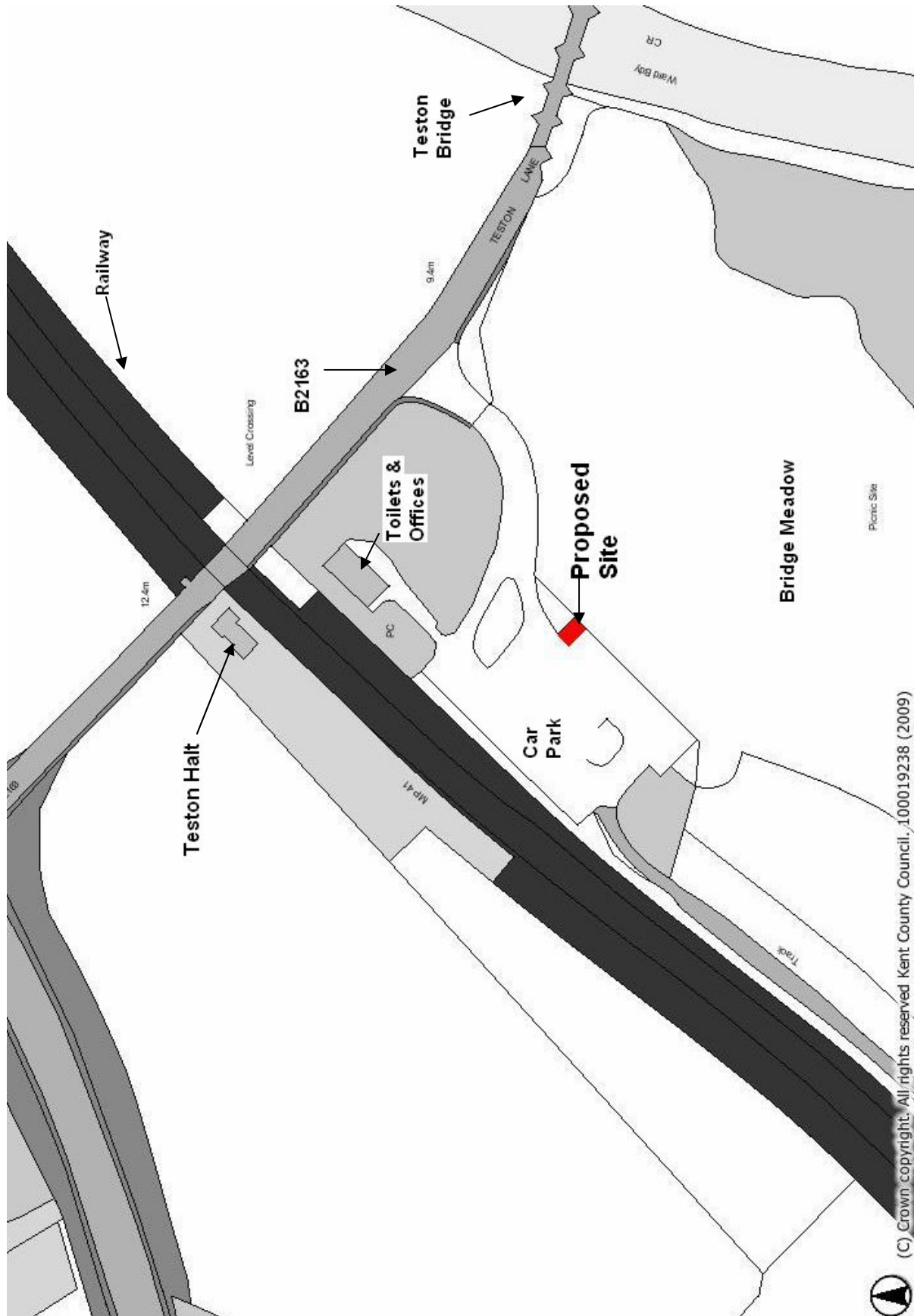
1. Teston Bridge Country Park is situated to the South East of the village of Teston, approximately 4 miles from Maidstone. The 13 hectare park is accessed via the adjacent B2163 which forms the North Eastern boundary to the site. The River Medway forms a natural boundary to the South and West, whilst the Maidstone West to Tonbridge railway line encloses the site to the North and West. The car park where the catering van would be situated is in the Northern corner of the site, which also houses the public conveniences and site offices. The Park's dominant feature is the Bridge Meadow, which is a large well-kept grass area, for use by visitors to the country park for leisure, barbecues and picnics. This area is overlooked to the East by the Teston Bridge, a Scheduled Ancient Monument.
2. There is one nearby residential property, 'Teston Halt', which is located next to the main road, on the opposite side of the railway to the Country Park. This property lies 80m directly north of the proposed site for the catering van. The car park is well screened by established mature trees and hedges, particularly on the Northern boundary with the railway track.

Background

3. Teston Bridge Country Park is owned by Kent County Council and leased to Maidstone Borough Council, and is promoted as the 'rural anchor' of the Maidstone Millennium River Walk. The Park opens at 9 am and closes at dusk, but is open no later than 9 pm in the summer months. The car park is accessed via the B2163 and operates a charge of between £1.50 and £2.00 a day. Two parking spaces adjacent to the Bridge Meadow are blocked off and the spaces leased to an ice cream van, and provided with power by a protected mains unit. Other services in the Park include the public toilets and the office for Park's Staff.
4. In 1991 planning permission was granted by Kent County Council for the installation of a portable storage container, to house maintenance equipment. This temporary permission was extended in 1996 and expired in April 2001. In 1998 outline permission was granted for toilet block refurbishment; new office/garage/storage building; visitor information facilities and shelter; alterations to existing vehicular access including additional car parking; tree and shrub planting. Reserved matters for that application were approved in the same year.

Item D4

Application for the siting of a mobile catering van daily between 09:00 hours and 18:00 hours at Teston Bridge Country Park, Teston Lane, Teston, Maidstone – MA/09/594



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Item D4

Application for the siting of a mobile catering van daily between 09:00 hours and 18:00 hours at Teston Bridge Country Park, Teston Lane, Teston, Maidstone – MA/09/594



Application for the siting of a mobile catering van daily between 09:00 hours and 18:00 hours at Teston Bridge Country Park, Teston Lane, Teston, Maidstone – MA/09/594

5. The most recent planning permission was for the extension to the public convenience and office building, revised access arrangements, fencing, tree and shrub planting, seating and footpath improvements granted in 2000. Maidstone Borough Council processed the application, as leaseholder and developer, as the works were to be undertaken by Maidstone Borough Council as part of its Maidstone Millennium River Walk project. The current application is made by Kent County Council, Country Parks Service, who has served notice, as required, on the landowner under Article 6 of the Town and Country Planning (General Permitted Development Procedure) Order 1995. Therefore, as the development is to be carried out by the County Council, as part of its County Parks Service, this application falls to be determined by the County Planning Authority (pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992-

Proposal

6. This application proposes the siting of a mobile catering van, to be parked daily between 09:00 hours and 18:00 hours, within the car park of the Teston Bridge Country Park. The van would occupy a blocked off area within the car park, equivalent to two spaces, which is currently used by an ice cream van. It is proposed to drive the van off-site when it is not in use, and it would not be fixed to the ground in any way. The van is proposed to serve visitors to the Country Park only, as there are currently no permanent facilities on site to provide refreshments.
7. The catering unit is mounted upon the chassis of a Ford Transit van, and therefore is not in the 'trailer' style of the catering units that are seen around the County, and is more akin to an ice cream vendor's van. Additional information submitted by the applicant indicates that the vehicle would be spray painted in green, with Kent County Council branding, and subtle decoration of painted flowers and animals. The unit would be powered by linking to the existing power point on site, currently used by the Ice Cream van.
8. In response to points raised by consultees, the applicant submitted additional information, which clarifies the application and the proposed use of the van. It is proposed that the van would promote healthy eating and use locally sourced produce wherever possible. The applicant has indicated that no fried foods would be served from the unit. A typical menu has been indicated within the application to consist of sandwiches, ice creams, beverages, salads, paninis and soup. The applicant has indicated that they believe most sales would be of ice creams and beverages. There would be no deliveries made to the van when it is within the Country Park, as it would re-stock when it is off site. No music would be played from or near the catering van.
9. Waste would either be taken off site with the van, or disposed of using the current disposal contractor used by the Country Park. Food wrapping would be kept to a minimum, and the existing Teston Bridge Country Park staff monitor the site for litter.
10. The van would be screened from the Bridge Meadow by existing trees and hedgerows and would not be visible from the highway, nor from the nearest housing. It is not proposed to use any advertising for the catering van on the public highway, as the unit is intended to be of service to visitors to the Country Park.

Application for the siting of a mobile catering van daily between 09:00 hours and 18:00 hours at Teston Bridge Country Park, Teston Lane, Teston, Maidstone – MA/09/594

Planning Policy

11. The key Development Plan Policies and policy context summarised below are relevant to consideration of the application.

(i) **Planning Policy Statement 7**

- Intends to raise the quality of life and the environment in rural areas; to promote more sustainable patterns of development; and improve the economic performance of the English Regions. The provision of facilities for tourism which enhance visitors' enjoyment and/or improve the financial viability, of a particular countryside feature or attraction, providing they do not detract from the attractiveness or importance of the feature, or the surrounding countryside, should be allowed

(ii) The adopted **South East Plan 2009**

Policy CC1 Seeks to achieve and maintain sustainable development in the region.

Policy CC4 Expects that all development will adopt and incorporate sustainable construction standards and techniques.

Policy CC6 Actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities.

Policy BE6 Local authorities should support proposals which protect, conserve and enhance the historic environment.

Policy NRM4 Promotes sustainable flood risk management.

(iii) The adopted **Maidstone Borough Local Plan 2000:**

Policy ENV28 Seeks to protect the character and appearance of the area and the amenities of the surrounding occupiers and restricts development to use classes, including the provision of public or institutional uses for which a rural location is justified.

Policy ENV35 Designates this site as an Area of Local Landscape Importance in which particular attention will be given to the maintenance of open space and the character of the landscape, and encouragement will be given to improvements in public access.

Item D4

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Consultations

12. **Maidstone Borough Council's** formal response on the application raises no objections, although an informative is included raising concerns about litter and the potential of the van to emit music.

Teston Parish Council raises objections on the following grounds:

- Concern relating to the combined over-development of the site
- Concern as to the range of food items being able to be sold and the effects this may have on litter and odour
- Question the basis of the implied need for the unit and the validity of the visitor surveys used to quantify this need
- Worried that advertising would be placed on the highway and that the unit would attract visitors who 'pass through' just to eat, and the effect this would have on the current catering trailer on the A26 at Barming
- Concerned that extra visitors to the park, solely to use the van, would lead to illegal parking on the highway

Divisional Transport Manager: raises no highway objection to the proposal.

Local Member(s)

13. The local County Member for Maidstone Rural West, Mrs P. Stockell, was notified of the application on the 2 April 2009.
14. The local Maidstone Borough Councillor for Barming & Teston Ward, Mrs F. Gooch, responded to the application on 29 April 2009. Her comments can be summarised as:
- Concerned about the impact of the proposal on the Area of Local Landscape Importance
 - The amenity of Teston Halt would be affected by fumes and noise concentrated in one specific area daily
 - Questions the case for customer need and whether it is proven
 - Questions the business need for KCC to generate income by this means, and is contrary to its policy to support local business

Publicity

15. The application was advertised by the posting of a site notice and the notification of 1 neighbour.

Representations

16. One letter of representation was received from a local resident. The main comments can be summarised as:
- The proposal constitutes a change of use from a country park to a hot food take away
 - is contrary to ENV35 of the Maidstone Local Plan 2006 to have a mobile structure in a locally distinctive landscape
 - contrary to Planning Policy Statement 1 as the location is unsustainable and not served by any public transport and primary users would be car dependent

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- Highway issues relating to HGV lorries illegally using the Teston Bridge and illegal parking
- The proposed hours of use are excessive covering the bulk of daylight hours and 7 days a week – would like to see hours conditioned
- Flood risk relating to the installation of an electricity unit and the proximity to a septic tank
- Affect on Teston Halt from cooking odours
- Impact on wildlife from increased traffic, people and odours
- The installation of an unrestricted hot food takeaway would be contradictory to policy to tackle obesity
- There is lack of clarity within the application and design and access statement on use, menu and viability
- The potential need does not outweigh the harm if approved in an unrestricted manner
- The commitment to paint the van should be conditioned
- Concerned about the affect the proposal will have on noise and odour
- The menu would need to be controlled in order to guarantee lack of odour
- Welcome the introduction of the road traffic order – parking fines will need to be enforced
- Flooding and the potential problems of the recent event where the septic tank overflowed, indicating it is not suited for capacity and the development would pose an additional strain on the infrastructure

Discussion

16. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
17. The proposal is for the siting of a mobile catering van within the existing permitted car park of the Teston Bridge Country Park. Doubt as to whether planning permission is required has been raised given the mobile and ancillary nature of the proposal. In my view the proposal does not constitute a material change of use as the van is ancillary to the Country Park. However, the proposal was made the subject of a planning application in deference to Maidstone Borough Council who took the view, when informally asked, that planning consent should be sought, and the application has been brought before the Planning Committee to ensure the concerns of the interested parties are heard.

Need

18. The applicant has provided information that suggests that current users to the site would like to have refreshment facilities available. Locally, there are no facilities in the immediate area around the Country Park to serve the users. There is a large Chinese Restaurant 350m from the site in Teston, and there is a mobile catering unit in a lay-by on the A26 approximately 3 miles towards Maidstone. These are clearly not viable alternatives for Country Park users. The proposed van could therefore be

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seen as the most sustainable option as it would negate the need for users to drive off-site. It also needs to be borne in mind that most other Country Parks have well established on-site refreshment facilities, usually in permanent buildings, so I have no reason to doubt the need for some such provision at this site, albeit on a lesser scale. Therefore it appears appropriate that a temporary structure is employed which requires no development of the site, and has a minimal visual impact.

19. National Planning Policy Statement 7 contains a comprehensive section relating to tourism and leisure within the countryside. The provision of essential facilities for tourist visitors is deemed vital for tourism in rural areas. Teston Bridge Country Park currently has appropriate toilet facilities to meet the needs of visitors; however there is no facility in which to obtain refreshments in the locality, and thereby encourage longer stays at the Park. The applicant has submitted information stating that a need was indentified through a survey issued to visitors to the Park. PPS7 states that Local Planning Authorities should *allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature attraction, providing they will not detract from the attractiveness or importance of the feature, of the surrounding countryside* and I consider that the proposal fully accords with this policy objective.
20. The applicant has stated that the Country Parks Service is a non-statutory function and therefore has to secure income in order to protect its role as manager of the Teston Bridge Country Park. I am satisfied that this proposal would provide a facility that is required by visitors and can accept that it would also help to secure the financial viability of the Country Park.

Amenity

21. Residential amenity is a material consideration for this planning application, and the closest property is Teston Halt. The visual appearance of the unit is not a key issue for the residents, as the catering van would not be visible from that property. Due to concerns relating to potential noise and odour. The applicant has stated, within submitted additional information that forms part of the application, that the mobile catering van would not serve any fried foods, and the only hot food would be limited to heated-up paninis and soup. In the event that planning permission for this van is granted, the applicant would be conditioned to restrict the development to the approved plans, which includes the submitted information highlighting that no fried foods would be served, so I am satisfied that there would be no adverse effect at the nearest residential property from odour from the facility. In this regard, it should be borne in mind that members of the public are freely permitted to have barbecues on Bridge Meadow, and there is evidence of such activity within ten metres of the application site. Moreover, the smoke from barbecues would be considerably more noticeable than the cooking of such food in a catering van.
22. The catering van has been proposed to link to the electrical point installed on site, thereby meaning it would not run from a generator or off its own engine. Noise would therefore not be increased by the van itself. Whilst there is the potential for customers to congregate around the area at peak serving times, which could lead to an increase in noise levels, the nearest house is 80m from the van location, is adjacent to the road and is separated from the Country Park by large, dense trees bordering the railway line. In my opinion, it is unlikely that noise from users to the

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van would be neither noticeable, nor unacceptable in this location and during these hours of the day.

23. Issues relating to litter created by the use of the van have been raised by all representations. The applicant has assured that waste would be collected and removed from site each day, and that there is a sufficient number of staff already on site to deal with litter collection.

Environment

24. The visual impact on the Area of Local Landscape Importance is a key consideration, as well as the appearance of the catering unit in relation to its immediate surroundings. Overall, I consider the visual impact to be acceptable. The proposal site is a car park, and therefore, as the unit is a van, it cannot be argued that it would significantly detract from the area any more than any other parked vehicle. I do not consider that the design and appearance of the mobile catering unit conflicts with Local Plan Policy ENV 35, as it does not affect the maintenance of the open space, or the character of the car park. The appearance would be of a vehicle, in an area designated for vehicles. The proposal could be argued to be supported by Policy ENV 35, since the provision of a mobile catering van at the Country Park assists in improving public access to an Area of Local Landscape Importance.

Siting, Design and Appearance

25. The mobile catering van is to be sited on two car parking spaces, adjacent to a gateway from the car park to the Bridge Meadow. It is considered to be the most appropriate site as this is the location where the mains power supply unit is located. The area is also screened by trees, so the van would not be visible from the public highway, or from most of the Bridge Meadow. The van is proposed to be painted green, so as to blend in with the locality. In my view the development would accord with Maidstone Borough Local Plan Policy ENV28.
26. The local resident has made the point that the location for the catering unit is contrary to Planning Policy Statement 1 as it is not in line with principles of sustainable development, because it is not served by any public transport links; therefore, all users of the catering van would be dependent on car travel. It is the nature of Country Parks to be in a rural location, but relatively close to centres of population, so even where public transport links are poor, the distances are not great. In this particular case though, the site is close to the A26 bus route, Watlingbury railway station, and Public Footpaths, including the Medway Valley Walk. Moreover, by providing a refreshment van in this location, it would negate the need for car borne visitors of the Country Park to drive off site to find a shop or café and therefore the facility would increase the sustainability of the Country Park.
27. At present, a mobile ice cream van has been using the spaces in the car park. Teston Parish Council has stated that they campaigned for this ice cream van to trade solely within the car park and to have a dedicated mains power supply, in order to minimise noise and visual impact. The proposed catering unit is of a design that would be more visually acceptable in the setting than the existing ice cream van because it would be less obtrusive and finished in forest green, which would be more sympathetic to the rural location.

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Access

28. Concerns have been raised by the Parish Council on highway grounds. They mentioned that advertising the van from the highway would attract users and this would have an adverse effect on traffic; the catering trailer on the A26; and increase illegal parking on the public highway. The Divisional Transport Manager has raised no objections on highway grounds, therefore I am satisfied that the application would not have an adverse effect on the public highway due to extra movements or parking. The applicant has also stated that there would be no advertisements, and that the van is solely for the use of existing users to the site.
29. A condition could be attached to any planning consent restricting advertisements. The issue of the Heavy Goods Vehicles illegally crossing the Teston Bridge is not a consideration for this application and there is a height barrier restricting access to the Country Park. Whilst the effect on any other local businesses is not a material planning consideration, the existing catering trailer on the A26 is three miles from the application site, and the van is solely for visitors to the Park and would not be advertised. Therefore the effect on the other caterer would in my view be negligible and immaterial.

Other Points

30. Opening hours are proposed to be everyday between 09:00 and 18:00. The applicant has stated that the hours of use proposed refer only to the maximum possible. That is to ensure that the catering van is able to operate on site when the Country Park is being used, and there are enough visitors there. The actual operating hours will be limited by the weather, seasonal fluctuations in visitors, and changes in daylight hours. I therefore consider that any consent need not be restricted more rigorously than the proposed hours; as that would be in contradiction to the purposes of the proposal, which is to serve the users of the Country Park when they most need it.
31. Concerns about provision of litter bins and public health and hygiene are not material to this planning application, as these matters are governed by other legislation. I am satisfied that from the information provided that sufficient resources will be made available to collect litter arising from the catering van. A condition could be imposed to formalise this provision and to ensure are that the area around the van is kept clean and tidy.

Conclusion

32. I have no objection to the principle of the development, which introduces a facility which would be compatible with the prime use of the site as a Country Park, and which would be on a more modest scale than other Country Parks accommodate. I also consider that the design and proposed use of the van is sympathetic to the Country Park and would help meet obligations under Planning Policy Statement 7 to enhance visitors' enjoyment. The van would not in my view detract from the Area of Local Landscape Importance because it has a sympathetic design and is driven off site when not in use. The siting of the van means that it would not be visible from the public highway, and nor affect the setting of the Teston Bridge Scheduled Ancient Monument. The amenity of the nearest residents would not be affected,

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provided that conditions are applied to restrict the menu. The risk of increased noise, in my opinion, is acceptable in relation to the setting as a public park.

33. Overall, I consider that there are no material planning considerations that warrant refusal of this application; especially considering the current arrangements on site, and bearing in mind the doubt as to whether the proposal requires planning permission.

Recommendation

34. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of a conditions, including conditions relating to the following:

- a. Standard time condition
- b. restricting hours of use
- c. development to be in accordance with the approved plans
- d. restricting–permission specifically to the catering van included within this application
- e. ensuring adequate litter facilities are provided and the area is kept clean and tidy
- f. ensuring no advertisements are to be displayed on the highway
- g. ensuring no music is emitted or played in the van when on site.

Case officer – Jeff Dummett	01622 221975
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Background documents -

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Item D5**Hairdressing Unit for use by Pent Valley Technology College Students at Morehall Primary School, Folkestone – SH/09/440**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application by Pent Valley Technology College for conversion of existing bicycle shed for vocational hairdressing unit for use of Pent Valley Technology College students studying hair and beauty at Morehall Primary School, Chart Road, Folkestone – SH/09/440

Recommendation: Planning permission be granted subject to conditions.

Local Member: Mr T. Prater

Classification: Unrestricted

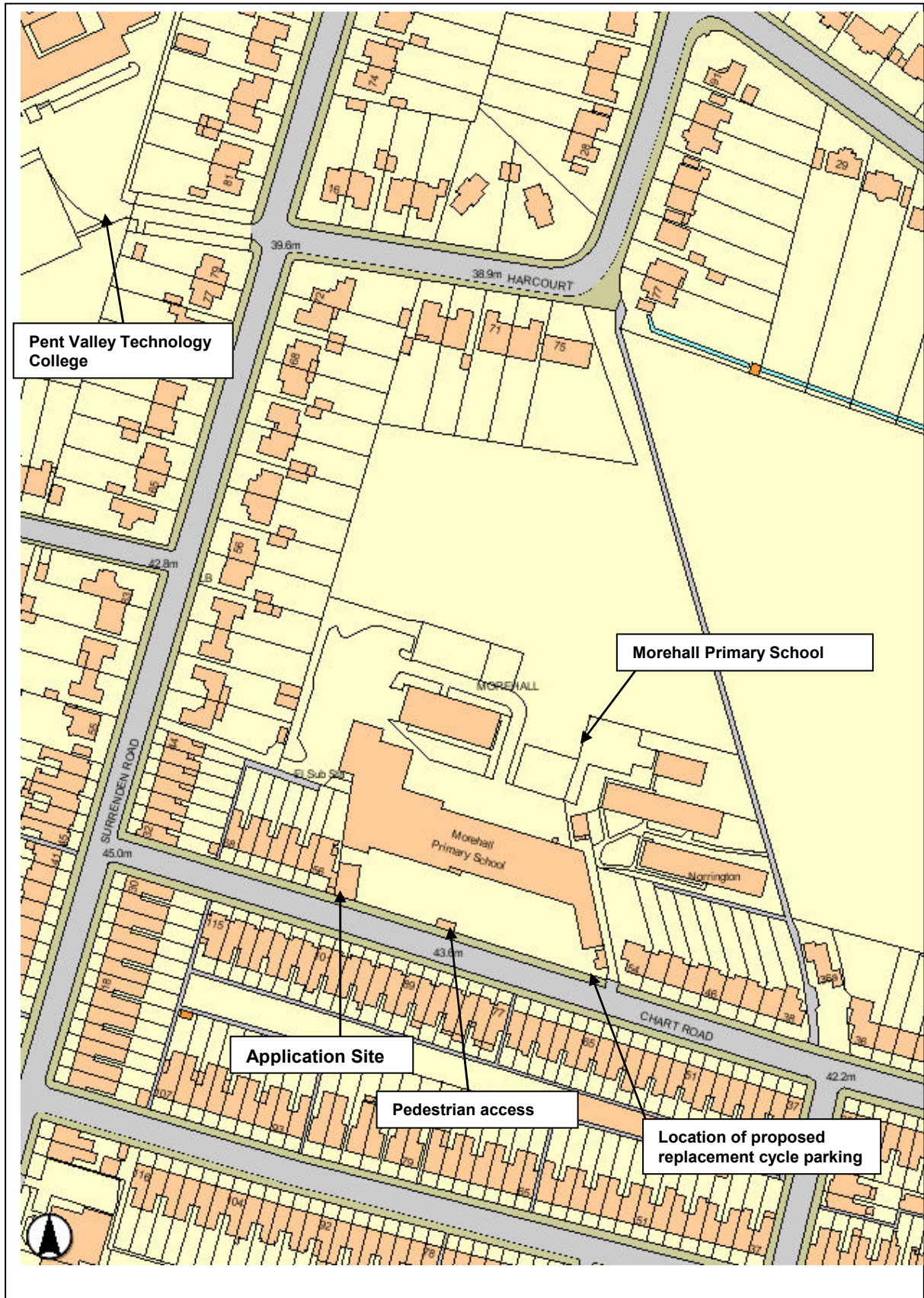
Site

1. Morehall Primary School is located off Chart Road, within a residential area of Folkestone. The school is a community primary that caters for approximately 280 children aged 4 – 11 years. The application site forms a large single storey brick built cycle shelter, open on two sides with a pitched roof. The building is located within a playground directly adjoining Chart Road; pedestrian access is through the existing school gates across a playground. The western wall of the cycle shelter is attached to a garage serving the adjacent residential property. The main Morehall School building is set back from the public highway to the north of the application site; residential property on Chart Road adjoins and faces the site to the west and south. *A site location plan is attached below.*
2. There are no site-specific Development Plan Policies identified in connection with the application site.

Background / Planning History

3. The application has been made on behalf of Pent Valley Technology College, which is located approximately 200m to the north-west of the site on Surrenden Road. Pent Valley Technology College is a Foundation Secondary School for pupils aged 11-18 years and accommodates approximately 1300 children.
4. The recent planning history for the Morehall School site includes permission to site a new Children's Centre to the rear of the main school under planning reference SH/07/1646, and provision for canopies over the rear school playground under reference SH/08/477.

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Site Location Plan – Morehall Primary School

Scale 1:2500

Hairdressing Unit for use by Pent Valley Technology College Students at Morehall Primary School, Folkestone – SH/09/440

Proposal

5. The application has been submitted on behalf of Pent Valley Technology College and proposes the formation of a satellite teaching facility at Morehall Primary School. The proposed facility would be formed by conversion of an existing outbuilding within the Morehall School grounds. The single storey building is brick built with a pitched roof, open on two elevations, and measures approximately 6m by 10.5m by 5m high. The structure is located to the front of Morehall School and is currently used for cycle parking and general storage.
6. The proposal is to create a vocational hair and beauty training unit for use by Pent Valley Technical College students. This would support the College's aspirations to provide practical education to the local area. The training unit would offer facilities to accommodate a maximum of 11 students together with a staff member and hairdressing models as appropriate. There is no car parking provision proposed in association with the application. The applicant states that the facility would be within 2 minutes walk of the main Pent Valley Campus where car parking is available. The application confirms that the unit would be for the sole use of the College between the hours of 0830 and 1600.
7. The application states that the proposed conversion would prevent an attractive building from falling into a further state of disrepair and would prolong its effective life. The proposed work would not change the building structurally, only repair the damage and infill the existing openings with panelling and glazed units. The materials that would be used for the conversion and repair are proposed to be sympathetic to the character of the original building, including new purpose built softwood doors and windows with panel finish, and replacement of roof covering with natural slate.
8. The application also includes replacement cycle storage facilities capable of holding up to 10 bikes. This facility would cater for Morehall School along with the vocational hairdressing unit, and is to be located at the opposite end of the adjacent playground.
Please see attached location plan

Additional information provided by the applicant

9. In response to comments raised during the consultation process the applicant has provided the following information in support of their application:

'The vehicle generation would be negligible. Pent Valley students mostly walk to school and the age of the students that would attend the hairdressing unit are under driving age so are unlikely to be parking outside the site. In terms of the hairdressing models – they are likely to be local family members or other students all of whom live close by and would be unlikely to be driving in. We will advise students and models not to park locally.'

Planning Policy

10. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) The adopted 2009 **South East Plan**: the most relevant Regional Planning Policies are:

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SP3 (Urban Focus and Urban Renaissance), **CC1** (Sustainable Development), **CC6** (Sustainable Communities and Character of the Environment), **T4** (Parking), **BE1** (Management for an Urban Renaissance), **S3** (Education and Skills) and **S6** (Community Infrastructure).

(ii) The adopted 2006 **Shepway District Local Plan – Saved Policies:**

Policy SD1 – All development proposals should take account of the broad aim of sustainable development, including reducing the need to travel, especially by car, maintain and improve the character and vitality of the built environment, and safeguarding and enhance the amenity of residents.

Policy BE1 – Seeks a high standard of layout, design and choice of materials that accords with existing development in the locality. Development with an element of public use will be assessed as to their provision for access for disabled persons in respect of site layout and the relationship between buildings and their car parking areas and other public access points.

Policy SC2 – Supports new or improved social and community facilities where the proposal would be compatible with the surrounding land uses, are acceptable in highway, infrastructure and environmental terms, accessible by a range of transport alternatives, and adequate provision for access for disabled persons.

Policy TR5 – Seeks provision of secure and practically located facilities for cyclists.

Policy TR12 – New development will only be permitted if it makes provision for off street parking on or near the site. These standards may be varied where the location is well served by public transport and there would be no adverse effect on road safety or traffic management.

Consultations

11. **Shepway District Council** – No objection to the proposal.

Divisional Transportation Manager – No objection to the proposal and offers the following comment:

'The proposed hairdressing unit is to train students in hairdressing and will not operate in the same manner as a retail shop. It is not clear if the models are to be taken from the existing college students or if models will visit the site from outside. I take on board the points relating to parking problems (received from a near by resident) but visitors to this unit are unlikely to coincide with parents picking up and dropping off to the school and the nursery. The site is a short walk from excellent public transport routes with up to 9 bus services using Cheriton Road. Chart Road is wide enough to accommodate on street parking along both sides of the carriageway whilst still maintaining a through way for traffic on both directions. Traffic regulation orders exist on the carriageway outside of the school preventing parking in the vicinity of the entrance. It is apparent that during the day some capacity exists on street for additional vehicles to park and that congestion only generally presents a problem at the start and end of the school day, as with most school sites.

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In view of the above I do not consider it necessary for further parking to be provided for the proposed use other than cycle parking and do not wish to recommend the application for refusal.'

Local Members

12. Mr. T Prater, the local County Member for Folkestone West was notified of the application on the 11th June 2009.

Publicity

13. The application was publicised by the posting of a site notice and the notification of 34 neighbouring residential properties.

Representations

14. Two letters of representation commenting on the application has been received from local residents. One was subsequently withdrawn after further negotiation between the applicant and the local resident. The main points raised can be summarised as follows:

- Considers that the facilities are unnecessary as South Kent College offers a vocational hair dressing course;
- Considers that there is space available to provide the proposed facilities with an existing Pent Valley College annex;
- Considers the building would be repaired in due course and does not need converting to ensure its long term retention;
- Considers that the windows proposed should be UPVC to match the school, should not open out, should be smaller in size and tinted for privacy.
- Concerns that the security of Morehall Primary School would be compromised given the building would be accessed across a school playground;
- Considers Morehall Primary would lose facilities and play space if the building were to be converted, which would be to the detriment of the pupils.

Discussion

15. 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 paragraph (10) above are particularly relevant.

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

- location;
- design and visual appearance;
- highway related considerations;
- security; and
- the need for the development.

17. The application seeks planning permission to convert an existing brick built cycle store within the grounds of Morehall Primary to provide a new satellite vocational training

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facility for Pent Valley Technology College students, a secondary school located in the surrounding community. The application is being reported to the Planning Applications Committee as a result of the views expressed by a nearby local resident, as identified in paragraph (14) above.

Location

18. Comments received from nearby residents include concerns that the proposed location would not be the most appropriate for the teaching unit. The objections received note that the proposal would displace storage facilities available to the Primary School and potentially reduce the available play area, alongside concerns over site security and traffic generation, amongst other matters, which are dealt with in more detail below.
19. South East Plan Policy SP3 seeks proposals that are consistent with the principles of sustainable development; Policies BE1 and S3 seek to improve the built environment by ensuring the provision of community infrastructure in accessible locations, including learning facilities that encourage wider participation and mixed use. Shepway Local Plan Policy SD1 seeks sustainable development that reduces the need to travel, improves the built environment and safeguards local amenities. Local Plan Policy SC2 supports community facilities where compatible with surrounding land uses.
20. One letter of objection received from a local resident suggests that there is potentially space to provide the proposed facilities within an existing Pent Valley College site that would prevent the need to convert the cycle shelter. I note that the County Council is required to determine the application as proposed and would need to consider the merits or otherwise surrounding the location put forward in the application. Pent Valley College have noted the alternate location suggested by the resident, a former nursery building. The College comment that the building is an old modular structure (which includes asbestos) that would require substantial investment to bring it up to a usable state of repair and would not provide a permanent solution for the proposed facility.
21. The proposed location within an existing brick building would offer a permanent solution to provide for the facilities, albeit away from the main college campus. The distance between the two schools is several hundred metres, i.e. easy walking distance. In my opinion the proposed location would be acceptable; its close proximity to the college would not generate an increase need to travel allowing users' easy access to the facilities provided by the main campus.
22. It is noted that the building is in relatively close proximity to neighbouring residential properties; set within the Morehall School's playground, approximately 1 metre below the level of the adjacent public highway. The application would not extend the floorspace; purely change the use of the structure from storage to teaching space by upgrading the building. The windows proposed within the various elevations would not overlook residential property, primarily facing school grounds.
23. The proposed teaching unit would cater for approximately 11 pupils at any one time. Whilst the building is close to residential property, taking into account the nature of the proposed use, the building's location within an existing school site, and that the unit would be used only within normal school hours, in my opinion, this use would not result in unacceptable impacts on the amenity of neighbouring residential properties.
24. I consider the proposed location would be acceptable for a new teaching unit. The facilities would be within an existing urban area on an established education site that is well served by public transport and within easy walking distance of a large catchment area.

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The facilities, whilst away from the main college campus, would be easily accessible from this site. I am satisfied that the development of this location for the proposed use would not have a detrimental impact on the surrounding land uses. Subject to further consideration of design, highways, security and need for the development below, I judge the application to be acceptable in terms of the relevant Development Plan Policies as set out above, and would not raise objection to its location.

Design and appearance

25. South East Plan Policies SP3, CC3 and BE1 all seek new development that is well designed, respects and/or enhances the character of the existing built environment. Shepway District Local Plan Policy BE1 seeks a high standard of design and quality of materials that takes account of existing built development in the surrounding area.
26. The application proposes relatively minor changes to the exterior of the cycle shelter; this includes the infill of open elevations to the north and east with wood panelling and glazed units, replacement of the roof materials with natural slate and the creation of high level circular windows within existing architecture features on the north and south elevations.
27. Whilst the building is not listed, the structure does have some architectural merit, and forms part of the character of the school within the street scene. The proposed alterations would use a high quality of materials allowing a natural finish. The materials proposed would, in my opinion, enhance the visual appearance of the building and surroundings. I note the comments received from a nearby resident concerning the type of windows proposed, I would not recommend the use of UPVC windows as they would look out of keeping with the building itself and would not enhance the character of the structure. The size and arrangement of the window openings proposed would, in my opinion, enhance the visual appearance of the elevations, and are acceptable in that they would not impact on privacy afforded to residential properties.
28. It is therefore considered that the proposed external alterations to the building would be appropriate in terms of the Development Plan Policies in place, enhancing the visual appearance of the building, and preserving the character of the surrounding built environment.

Highway considerations

29. Initially, concerns were raised by one local resident regarding the potential highway impacts of the redevelopment of the cycle shelter as a teaching unit. The comments raised note the traffic generated by Morehall Primary School and the car parking issues surrounding the site. I note that following further clarification of the proposals by the applicant these objections were subsequently withdrawn by the local resident.
30. The South East Plan seeks new development to adopt a constraint based maximum level of car parking for non-residential uses, encouraging integration with public transport and provision of cycle parking. Policies TR5 and TR12 of the Shepway Local Plan seek new development to include suitable cycle and off-street car parking on or near the site. Policy TR12 states that the car parking standards maybe varied where the location is well served by public transport and would have no impact on highway safety and traffic management.
31. It is noted that the application does not include provision for off-street car parking at the Morehall School site, which has its own car parking provision to the rear of the school

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grounds. The site is well served by public transport and the footpath network, positioned within the community it would serve. The applicant states that the new teaching unit would have easy access to car parking provided on the Pent Valley College site. The comments received from the applicant also note that the pupils that would be taught in the unit are below driving age, with the majority of pupils attending the college living in the local area and walking to school. The proposed facility would employ one member of staff and there would be an intermittent need for models for the pupils to practice their skills on. The College note that the models are likely to be members of pupils' families or volunteers from the community that live locally. The applicant has confirmed that they would advise visitors to avoid using private transport and not to park on the road outside Morehall Primary School if they do travel by car.

32. From officer observations when visiting the site, it is noted that whilst there are a number of vehicles parked on the public highway during a week day, which would be expected on a road with terraced housing, despite any parking associated with the school there would appear to be adequate space available to park in the immediate vicinity. It is appreciated that at the beginning and end of the school day, due to the number of people arriving at one time, there is bound to be congestion on the highway for limited periods, in a similar manner to most other schools in the County. However, I do not consider that the proposed development would have any discernable impact on the existing pattern of congestion.
33. The application includes cycle parking to replace that lost by the conversion of the existing shelter. This provision would allow for 10 replacement cycle parking spaces to serve the site provided at the opposite end of the school playground to the front of the site.
34. Taking into consideration the size of the teaching unit proposed (69m²), which due to the practical nature of the subject being taught would only accommodate approximately 11 pupils, I would not expect there to be any unacceptable increase in the levels of traffic arising from the application. The proposals state that off-street parking would be available within the Pent Valley Technology College within walking distance of the site. As a result, I am satisfied that the transport implications of the development of the site comply with the Development Plan Policies in place, and I raise no objection to the application on highway grounds.

Site security

35. One comment received from a nearby resident raises concern that the provision of a secondary school teaching facility within a primary school site would compromise security. Anyone attending the unit would require access to the school via a main pedestrian route off Chart Road; this passes across one of the School's playgrounds in front of the main building.
36. It is noted that the security implications of this arrangement is likely to be down to school management of the site. Morehall Primary School has not raised any specific concerns and has agreed to the use of the facility, subject to a planning permission. I note that the playground that would be affected is to the front of the site and is only used by pupils when under appropriate supervision. The situation would not materially change from the existing arrangements, in that the gates are kept unlocked and visitors to the school already access the school buildings from this direction. The location has good surveillance by the School, and staff in the proposed vocational unit would be able to monitor the entire route from within the building. In my opinion, the changes to the use of the site would not substantially change or compromise the existing security

Hairdressing Unit for use by Pent Valley Technology College Students at Morehall Primary School, Folkestone – SH/09/440

arrangements in place, and would not allow direct access to more sensitive areas of the school. I therefore do not raise an objection to the application on security grounds.

Need for the development

37. The objections received to the application from a local resident also raised the question of the need for the teaching facility, particularly given that South Kent College already offers a vocational hairdressing course in the area. The application states that the facility is being proposed to support the curriculum at Pent Valley in order to add to the practical education provide by the Technical College. The applicant has looked into the possibility of buying in external services to provide the training course. However, the applicant state that the courses available would not coincide with the training the School wishes to offer, nor are there sufficient places available to accommodate Pent Valley students. Any course would still need to accord with the School's timetables, as pupils taking the course(s) would still be required to attend lessons in the college in order to cover the essentials of the curriculum.
38. The application is supported by South East Plan Policy S3 that seeks to ensure adequate provision of learning facilities and widen participation through better accessibility. I also consider that the proposal accords with Shepway Local Plan Policy SC2 which supports new community facilities subject to being compatible with existing land uses, being acceptable in highway terms, with accessibility to a range of transport alternatives. In my opinion the applicant has established a need for the development which would not be unacceptable in the location proposed.

Conclusion

39. In weighing the considerations set out above, I consider that the proposed development would be a suitable use of the application site and would not result in an unacceptable impact on the surrounding residential properties, either through increase in activity within the Morehall School grounds or through any traffic generated by the proposal. The design of the proposed alterations to the building would enhance the built environment improving the visual impact of the school grounds on Chart Road. Therefore subject to the conditions set out below, I recommend that planning permission be granted for the development.

Recommendation

40. I RECOMEND that PERMISSION BE GRANTED, SUBJECT TO conditions, including the following:
- the development to be commenced within 3 years;
 - the development to be carried out in accordance with the permitted details;
 - the development to be constructed using the materials detailed in the application; and
 - provision of replacement cycle parking;

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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Item D6**Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application by Kent County Council Children, Families & Education Directorate for planning permission for the placement of two, five-bay mobile classroom units at Craylands Primary School, Craylands Lane, Swanscombe.

Recommendation: Temporary planning permission be granted subject to conditions.

Local Member: Mr. R Lees

Classification: Unrestricted

Site

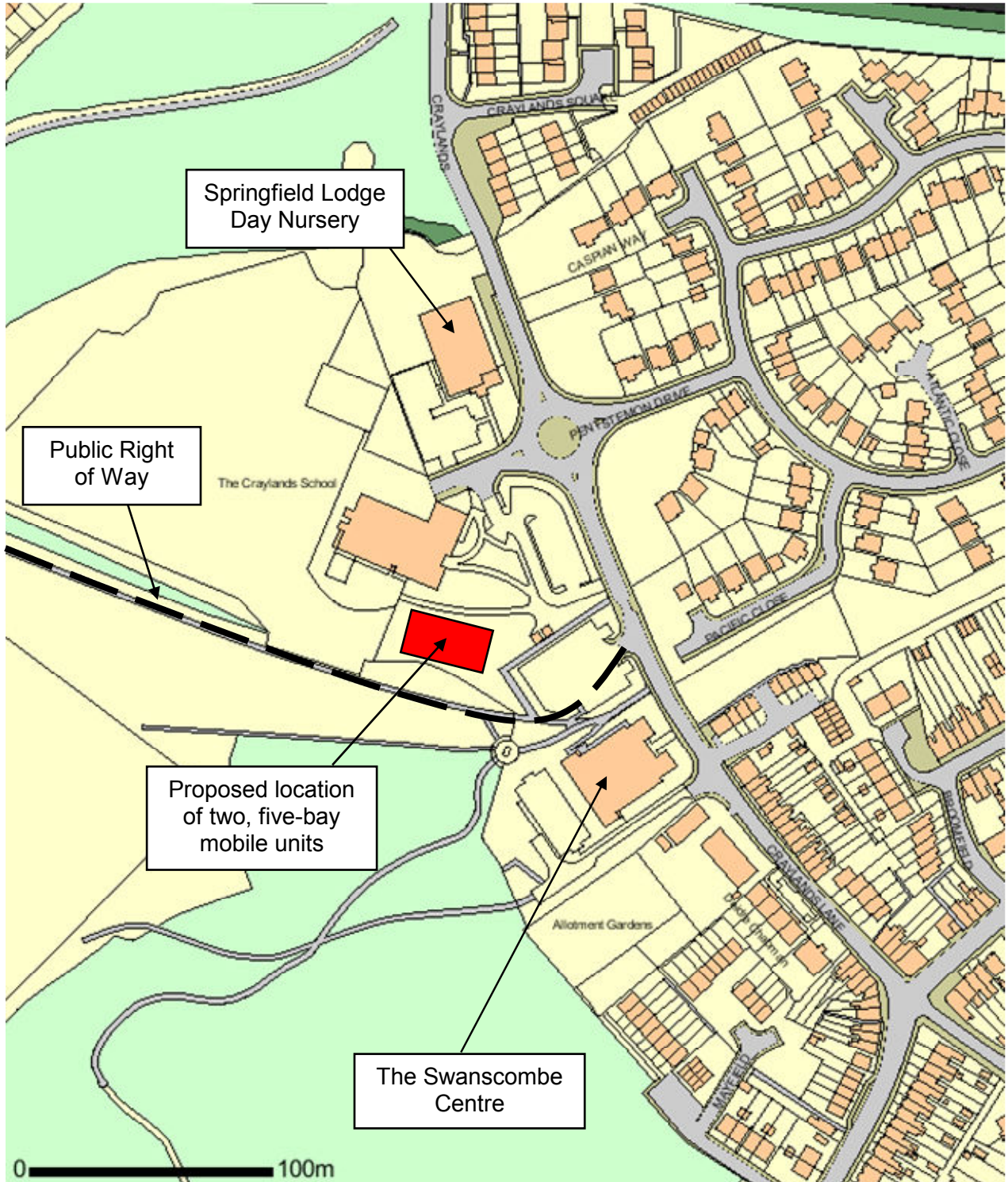
1. The Craylands Primary School is situated on the north-western edge of Swanscombe. The site is accessed off Craylands Lane which leads from the main London Road (A226) that runs between Gravesend and Dartford. The School comprises of a modern new-build campus which opened in September 2003 as a one-form entry primary school. The two new mobile classrooms which this application relates to are proposed to be located on the south-eastern edge of the school grounds adjacent to the car park of the Swanscombe Leisure Centre and the boundary of the school site. The nearest residential properties to the site are located to the east on the opposite side of Craylands Lane. There are no specific land use designations in the Adopted Local Plan which relate to this site, however a Public Right of Way runs along the south-westerly boundary of the school. A site location plan showing the location of the two proposed mobile classrooms is attached on page (D5.2).

Proposal

2. The application has been submitted by Kent County Council Children, Families & Education Directorate and proposes the placement of two, five-bay mobile classroom units for a temporary period to meet a shortfall in accommodation within the main school buildings for extended curriculum services and community events.
3. The applicant has stated that the proposed temporary accommodation will not be used to increase the school roll, but instead improving teaching accommodation to meet an existing need within the school campus over-and-above the existing seven classrooms which from September 2009 will all be in use. The proposed mobile buildings would provide two additional classrooms in each unit, a total of 244m² of floorspace. As noted above, these spaces would then be occupied for teaching activities outside the traditional classroom (for example one-to-one work, group work or speech therapy lessons), together with providing extended services to parents and carers of children attending the school, adult education classes, community events, and the storage of equipment. It is stated within the application that there is intention to replace the proposed mobile units with a permanent extension as soon as funding becomes available.
4. The proposed mobile classrooms would be finished in a typical rough-cast green rendered finish, and would be fully accessible and Disability Discrimination Act (DDA) compliant through a series of external ramps and steps to gain access to the buildings.

Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583

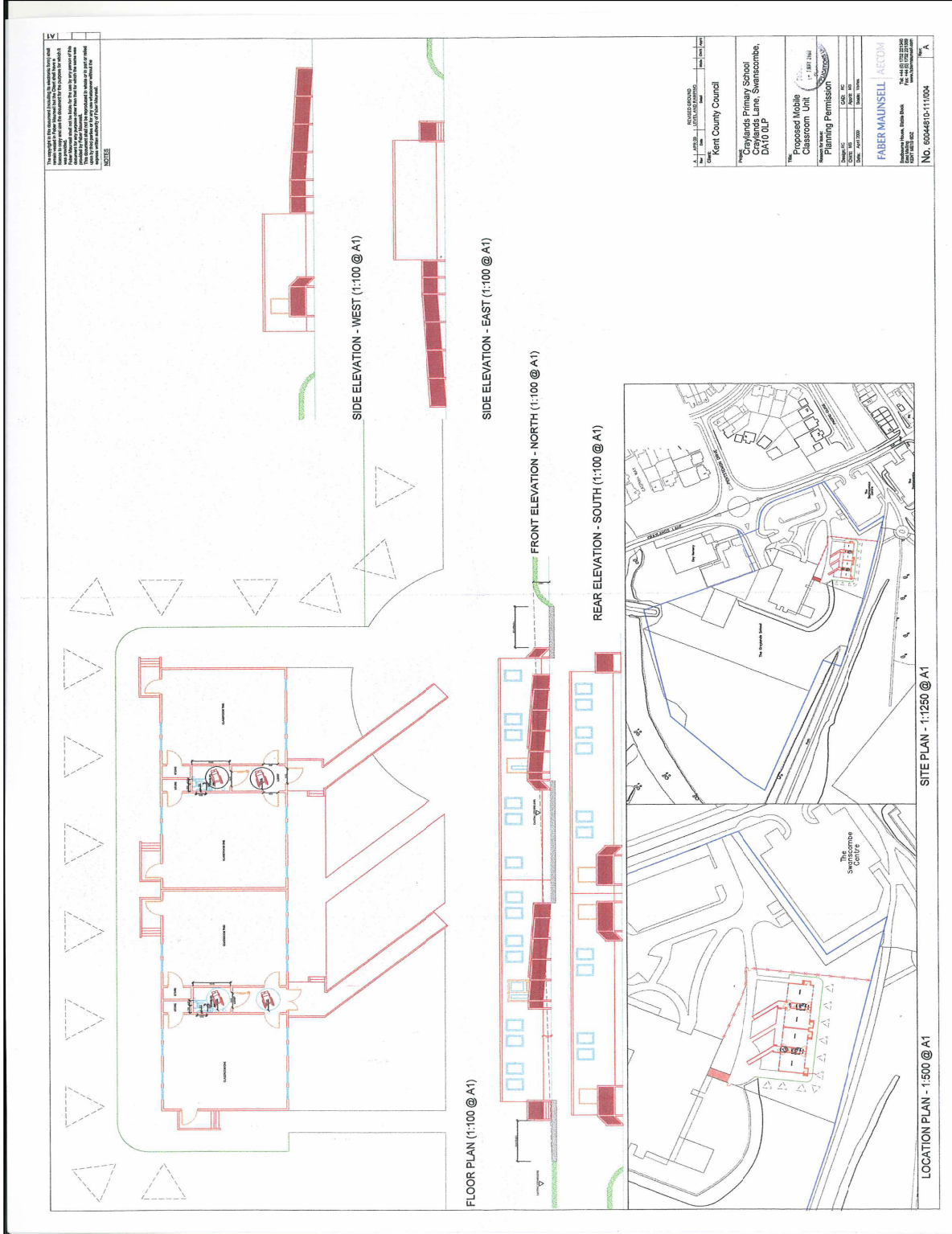
Site Location Plan



Site Location Plan – The Craylands Primary School
Scale 1:2500

Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583

Mobile Classroom Plans



Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583

Additional information provided by the applicant

5. Supporting information received from the applicant states that the proposed accommodation would not be used to increase the school roll. The application notes that the school was originally opened in September 2003 with one reception class. The school has filled year on year, admitting pupils into the reception class annually. By September 2009 the first reception class will have reached year 6 with all classrooms within the school building in use. The activities, detailed above, that would continue in the mobile classrooms already take place at the school; however until now there have been surplus classrooms available in the building to accommodate the extra curricular uses.
6. To demonstrate the need for the mobile buildings the applicant has confirmed that the permanent accommodation provided by Craylands Primary School totals 1,154 m² of floor-space, which met with the standard requirements for a 1 form entry (1 FE) school at the time the building was completed. However, the guidance on school accommodation has subsequently adapted to meet the challenges of the modern curriculum. The current County Council Primary School Design Brief, prepared in the context of the latest Department for Education and Skills (DfES) Guidelines for Schools, recommends the overall accommodation provided in a 1 FE School built today should provide 1,328 m². The permanent accommodation provided within Craylands Primary falls short of this figure by 174 m², which in the applicant considers justifies the proposed accommodation.

Planning Policy

7. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) The adopted 2009 **South East Plan**:
 - Policy CC1** Seeks to achieve and maintain sustainable development in the region
 - Policy CC6** Refers to sustainable communities and character of the environment
 - Policy BE1** Seeks new development to help improve the built environment with design solutions relevant to local character, distinctiveness and sense of place.
 - Policy S3** States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school, and community learning facilities
 - (ii) The adopted 1995 **Dartford Borough Local Plan (saved policies)**:
 - Policy S2** Encouragement will be given to the provision of community facilities where these accord with the details policies of the Plan

Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583

- Policy B1** The following factors will be taken into account in considering development proposals: proposed use, design, materials, amenity, access, infrastructure and water resources.
- Policy RT17** Land West of Craylands Lane will be safeguarded for open space and leisure purposes.
- Policy CF3** Supports the provision of social, community, educational and cultural facilities and infrastructure to meet the current and future needs of the Borough.

Consultations

8. **Dartford Borough Council:** has raised no objection to the proposal.

Swanscombe and Greenhithe Town Council: makes the following comments, as set out below:

'The Council have no objections to the extension of the school's facilities but would ask that a condition is placed on any approval that no work commences until a heavy duty safety barrier is placed around the current school fence as it is in very close proximity to a busy road and roundabout. The Town Council would suggest that a site meeting is held for the Planning Committee prior to consideration of the application'.

Divisional Transportation Manager: makes the following comments:

'no objections to the proposed mobile classroom units and as the proposal does not increase the school roll nor in itself form a danger to highway users, Kent Highway Services do not support the view of Swanscombe and Greenhithe Town Council. Their concern seems to relate to the protection of the school property and anyone within it, and I have no doubt the school would already have/should consider such issues as a duty of care, which is separate to the planning system'.

KCC Public Rights of Way: no comments received to date. Any comments received prior to the Committee Meeting will be reported verbally.

Environment Agency: no comments received to date. Any comments received prior to the Committee Meeting will be reported verbally.

Local Members

9. Mr. R. Lees, the local County Member for Swanscombe & Greenhithe was notified of the application on the 12 June 2009.

Publicity

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

Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583

Representations

11. One letter of representation has been received from Springfield Lodge Day Nursery. A copy of their letter is detailed in Appendix 1.

Discussion**Introduction**

12. The application seeks planning permission for the provision of two mobile classroom units (four classrooms) to provide additional accommodation outside the main classrooms for break out work and other community use activities. The existing permanent accommodation within the school building does not provide appropriate space for these activities. The application is being reported to the Planning Applications Committee as a result of the views expressed by Swanscombe and Greenhithe Town Council and the adjacent Springfield Lodge Day Nursery, mainly in terms of highway considerations, and concerns over the potential expansion of the school to allow two form entry.
13. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph (7) 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 are: -
 - siting and design;
 - highway considerations;
 - the need for the development.

Siting and design

14. The application proposes to locate two mobile buildings within an open grassed amenity space, approximately 15 metres to the south-east of the main school building. The school site is bounded by green welded mesh fencing with intermittent landscaping. The location proposed for the development is set at the rear of the school grounds, although it would be visible from the public highway (Craylands Lane), approximately 50 metres from the road. Land to the south of the school boundary is designated as open space for leisure purposes; due to changes in ground level and vegetation the application site is not visible from this direction. The closest residential property would be approximately 90 metres to the east on the far side of Craylands Lane.
15. The proposed development raises material considerations concerning the siting and design of the mobile buildings when considered in the context of the character of the local built environment and open space. South East Plan Policies CC1, CC6 and BE1 seek to ensure a sustainable pattern of development ensuring the physical and natural environment is conserved and enhanced. These Policies also seek design solutions for new development that respect local character and distinctiveness to create high quality built environment. Dartford Borough Local Plan Policy B1 seeks to ensure the proposed

Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583

use is appropriate to its location, achieves a standard of design that respects the surroundings, using good quality materials.

16. I note that the application site is visible from the public highway to the north-east and an adjacent car park, serving The Swanscombe Centre to the east. The location is screened from wider views from outside the school grounds in all other directions by established planting, changes in ground levels and the surrounding built environment, including the school building to the north. Due to the scale of the buildings proposed, the development would only be visible at a local level from Craylands Lane, and would not result in any adverse impacts on residential amenity, through loss of privacy or over shadowing.
17. The design of the mobile buildings would be similar in construction to a number of units used across the County; single storey timber framed units finished with green render, white UPVC windows, wooden ramps and steps providing access. The development of the site would require a limited amount of cut and fill in order to level the ground, setting the building approximately 0.5 metres into a shallow slope that rises to the south.
18. I note that due to the nature of the design, and usable lifespan, the buildings proposed would be 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, nor the recently constructed school building. I note that it is the applicant's intention to seek to provide a permanent solution on site as soon as funding becomes available.
19. Whilst a permanent solution to provide for the proposed accommodation would be preferable, in my opinion the layout and design of the development would be acceptable in the location for a temporary period. Due to the location proposed within the school grounds any visual impact would be kept to a minimum and the layout would not detract from the amenities of nearby residents' properties. Taking into consideration that the proposed buildings would not be prominent in the streetscene, and largely screened from wider views in the landscape by its surroundings, it is my opinion that the structures would not detract from the character of the local physical or nature environment for a temporary period. I therefore consider that the development would be acceptable in the context of the Development Plan Policies in place in terms of its layout and design.

Highway considerations

20. Swanscombe & Greenhithe Parish Council, along with the adjacent Springfield Lodge Day Nursery, have raised highway comments in response to this application. The Parish Council request a heavy duty safety barrier is provided around the existing school fence to increase the protection afforded to people within the school grounds. The Parish has concerns about the proximity of a busy public highway to the school boundary, approximately 2 metres (the width of a standard footpath) away.
21. It should be noted that the school grounds are enclosed by an existing secure welded mesh fence. Craylands Lane has existing traffic calming measures in place including speed bumps and is an unclassified local distribution road. The Divisional Transportation Manager has raised no objection to the application and has commented on the Parish Council's request. He notes that the proposed development would not increase the school roll, nor would the proposal in itself form a danger to highway users,

Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583

on this basis KHS are not in a position to support the Parish Council's request. I agree with the Transportation Manager that the School would already have/should consider such issues as a care of duty.

22. Taking the above comments into consideration and that the development would not change the existing travel patterns associated with the school, I would not recommend the requested condition as this would not be reasonable or necessary. However, I would suggest that the applicant be made aware of the Parish Council's concerns by way of an appropriately worded informative placed on any decision.
23. Comments received from Springfield Lodge Day Nursery note the existing highway impacts associated with parents dropping off and collecting children at the start and end of the school day. Changes in the management of the parking facilities available to the school have allegedly increased congestion on the public highway at peak times, with parents seeking out alternate parking facilities in the area, including the turning area between the Nursery and the School, and the Nursery car park. The Day Nursery is concerned that the provision of four new classrooms within a one form entry school could be a lead up to increasing the size of the intake to two form entry. It is feared that this could effectively double the number of people attending the site, potentially increasing congestion and concerns about highway safety.
24. As noted above, the applicant has clearly stated that the proposed temporary accommodation would not be used to increase the school roll; however it would be used to support the learning of the existing pupils. On this basis, the Divisional Transportation Manager has raised no objection to the application on highway grounds. Whilst the congestion at peak times maybe a problem, this is not something that could reasonably be addressed through the current application as the proposals would not materially alter the situation. However, I note the Nursery's concerns that the buildings could be used to increase the size of the school in the future. Should Members be minded to permit the application an appropriately worded condition could be included on any decision restricting the use of the buildings to that applied for. That would ensure that if in the future plans were put in place to increase the size of the school, they could be considered in an appropriate manner allowing consideration of the potential impacts of any increase in use.
25. Therefore, 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, and recommend a condition controlling any subsequent use of the mobile buildings.

Need for the development

26. The application proposes additional accommodation to support existing pupils by creating space for teaching intervention such as group work, one to one support, additional educational needs, speech therapy and nurture groups, alongside providing for existing extended services to parents and carers of the children attending the school, providing support for community events such as those organised by the PTA, and storage of equipment and archives for the school. To date these activities have taken place within the main school building within vacant classrooms, as this relatively new school is only due to reach its full capacity from the new school year.

Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583

27. The applicant has demonstrated to my satisfaction that the school was built to a design brief that has subsequently been superseded. The need for additional break out space and multi use teaching spaces were not adequately provided for in the original design. When compared to the current KCC Primary School Design Brief accommodation within Craylands Primary School is approximately 170 m² under the recommended level. Should the planning permission not be afforded to the mobile buildings, the applicant has indicated that, once the school is running at full capacity, the only other place for extra classroom activities to take place would be the corridors. On this basis, it is my opinion that there is a demonstrated need for the development and that the proposal would be supported South East Local Plan Policy S3 and Dartford Local Plan Policies S2 and CF3.

Conclusion

28. In conclusion, I consider that the mobile classrooms would not have a significant detrimental impact on the character and/or appearance of the surrounding built environment. The application would not result in an increase in the number of people attending the site and would therefore not materially change/ add to any highway congestion associated with the site. I consider that the applicants have been able to demonstrate a case of need for the building to be temporarily provided on site in order to support the curriculum and maintain adequate accommodation for the other community services provided to date within the main school building. Taking into account the provisions of the Development Plan and material considerations raised from consultees as outlined in paragraph (8), I recommend that planning permission for the mobile buildings be granted for a temporary period of 3 years at which point the situation could be reviewed.

Recommendation

29. I RECOMMEND that TEMPORARY PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including the following:
- temporary consent for period of 3 years from date of permission;
 - removal of classroom units at expiration of 3 year period and the subsequent restoration of the site thereafter;
 - the development be carried out in accordance with the permitted details;
 - the use of the mobile buildings be restricted to ancillary teaching accommodation, community use and storage in connection with a one form entry Primary School.

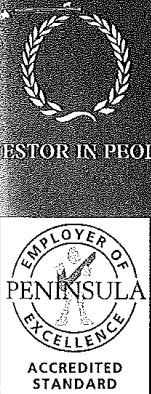
I FURTHER RECOMMEND THAT AN INFORMATIVE be added to the decision notice advising the applicant of the concerns raised by the Parish Council.

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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Two mobile buildings at The Craylands Primary School, Swanscombe – DA/09/583

APPENDIX 1 – LETTER FROM SPRINGFIELD LODGE DAY NURSERY



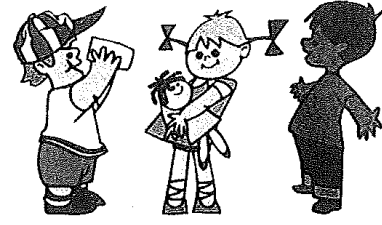
INVESTOR IN PEOPLE

EMPLOYER OF PENINSULA EXCELLENCE ACCREDITED STANDARD

Dartford
Powder Mill Lane
Dartford
Kent
DA1 1NT
Tel: 01322 228154
Fax: 01322 319116
Email: enquiries@springfielddn.co.uk

Swanscombe
Craylands Lane
Swanscombe
Kent
DA10 0LP
Tel: 01322 389181
Fax: 01322 389259
Email: springfieldsw@btconnect.com

www.springfielddn.co.uk



SPRINGFIELD LODGE DAY NURSERY

COPY TO D.C.	17/3/09
ACK	✓
LEAFLET SENT	✓

Environment & Regeneration Directorate
Kent County Council
First Floor
Invicta House
Maidstone
ME14 1XX

13th March 2009

Dear Sirs,

Re: Mobile Buildings at Craylands School, Swanscombe
Application Ref. No: PAG/DA/09/TEMP/0004

We write with concern to the above application. Until last week when we received a courtesy call from the Head Teacher, Mrs. Allsop, we knew nothing of the proposal nor were we in any way consulted. We are informed there is a posted notice nearby but surely as we are right next door we should have received written communication and given an opportunity to make comments?

It seems the application is to provide "spare space" for the school – an additional resource. However, why then in the telephone call with Mrs. Allsop were we told "you know this should be a 2 room entry school, and we have had 130 applications for 30 places". This definitely indicates there is a plan to increase the number of classes at the school to accommodate a higher number of children, and not purely "for extra space".

Our first concern is relative to the fact that if another reception class for 3 and/or 4 years children materialises, we will find ourselves losing effectively 2 groups of children to school which will have a major impact on our ability to sustain for the future. As we were put in the position of having to move onto a separate site in the first place, which was not on the original plan by Kent County Council, that situation would be untenable. Indeed we are sure this will also affect other local pre-school provisions.

Our second concern is traffic generation. We have already experienced several changes in the school parking arrangements because the school were having parking challenges with parents dropping off, and in fact parents are no longer allowed to park at all! As a result parents in their desperation are using the turning area between the school and nursery to drop off children. We have also noted lately that parents are using the nursery car park similarly and we are monitoring this. We have no doubt Swanscombe Leisure Centre will be experiencing the same issues.

Head Office: Springfield Lodge Day Nursery (Dartford) Limited, Powder Mill Lane, Dartford, Kent, DA1 1NT
Proprietors: Mrs L M Beriman, Mrs S M McCluskey
Ofsted Registered Company Reg. No: 4653315

**Two mobile buildings at The Craylands Primary School,
Swanscombe – DA/09/583**

We understand Kent Highways have become involved, and are presently carrying out a consultation in regard to this problem to which they are now trying to find a solution. Therefore, if the school are to increase their numbers (and we are almost certain this is being manipulated) surely this is going to make the problem far worse?



We have often wondered why the school have not put into place a graded time of arrival/leaving system whereby younger children are dropped at a certain time, and then older children earlier or later, thus removing the short term pressure on parking facilities and use of the Highway. Perhaps that could be food for thought?

We are extremely concerned and would require to see a noted limitation on the use of this building for “extra resource space” and not for the purposes of adding extra classrooms to increase the existing number of children at the school.

We should be pleased to receive your acknowledgement to this letter, together with your assurances our concerns are being taken seriously and there is no intention to increase the number of classrooms, and specifically for pre-school.

We have no wish to create a negative atmosphere but you should note we received no written communication from the School, its Board of Governors or Kent Education. However, our understanding of Kent policy is its desire to promote positive and effective partnerships between education, child care provisions, the community and parents.

We look forward to hearing from you as soon as possible.

Yours truly,

Linda Berriman
Managing Director

Cc. The Craylands School
Daniel Rome – Commissions Officer
Karen Coffey – LCSPM
Paul Carter – Kent Education MP
Neil Luxton – Dartford Planning
Rochelle Coe – Faber Maunsell

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Item D7**Retention of a single storey modular building and installation of a new modular building and link corridor SE/09/1028**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009

SE/09/1028 - Application by the Kent County Council Children, Families, Health and Education for the retention of a single storey modular building and installation of a new modular building and link corridor at Milestone School, Ash Road, New Ash Green

Recommendation: Planning permission be granted subject to condition

Local Member(s): Mr D.Brazier

Classification: Unrestricted

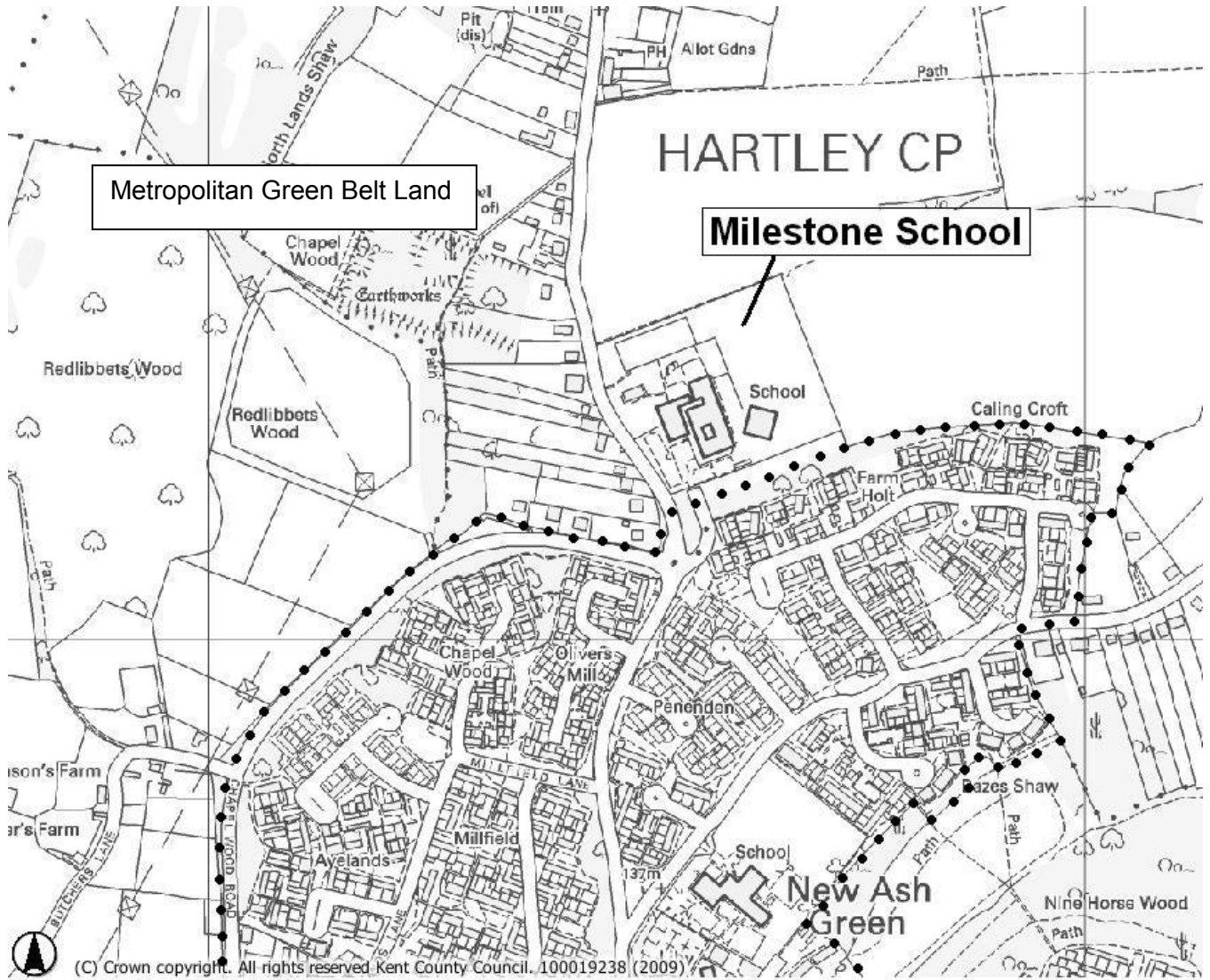
Site

1. Milestone School is located on the northern edge of New Ash Green, although the entire site lies within the parish of Hartley. The school site is bordered by agricultural fields to the North and East, and an area of trees separating the school from residential development to the South. New Ash Road forms the Western boundary and has residential buildings along the opposite side to the school. The entire school site is surrounded by mature hedgerows and trees that largely screen the buildings and playing fields from external view. The school lies wholly within the Metropolitan Green Belt. The southern boundary marks the extent of the designated green belt, and the New Ash Green development boundary.

Background

2. Milestone School is designated for children with Special Educational Needs, and includes those with Profound and Multiple Learning Difficulties. The children range in age from 2 to 19 years old and the school is divided into Key Stage 1 and 2, Key Stage 3 and 4, and Further Education departments. In total, Milestone School provides 223 full-time school places.
3. The modular building that exists on site was granted temporary planning permission in 2005, and expires on 30 June 2010. That planning application was to provide temporary accommodation for the Further Education (post 16) department, whilst alternative, permanent facilities were incorporated in a proposed development at Axton Chase School. The education for post-16 Special Educational Needs pupils within the areas of Gravesend, Dartford, Swanley, Sevenoaks and Tonbridge areas, takes place within these facilities at Milestone School.
4. Recent developments on site include a large extension to the school buildings to provide additional Key Stage 1 and 2 accommodation, an extension to the car park and the provision of a new play area. In 2008, two mobile classrooms were granted temporary planning permission to be sited on the school playing fields, for use during extension works at the school. However, these buildings were not installed on site and the permission has since expired.

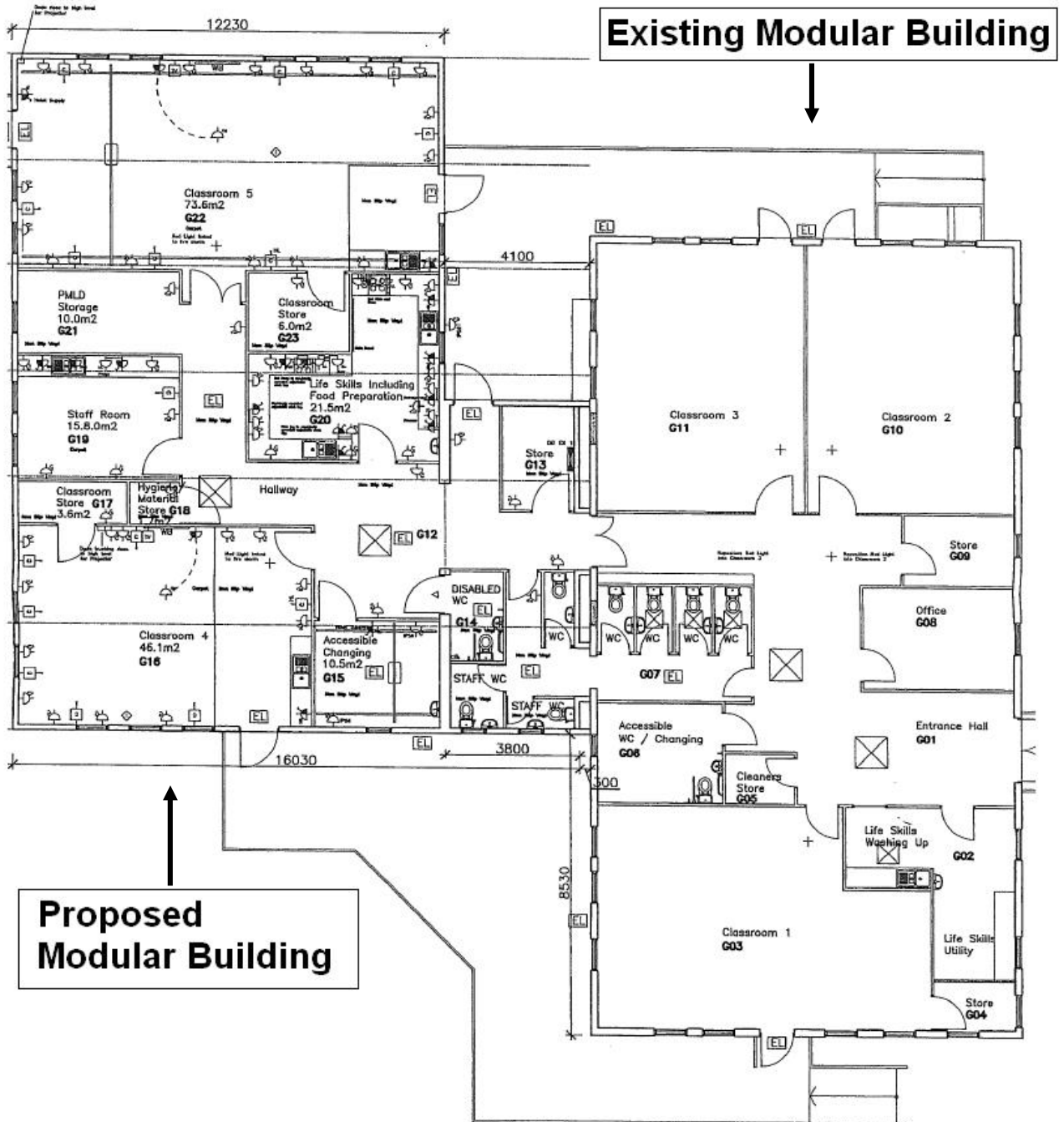
Retention of existing single storey modular building and provision of new modular building – SE/09/1028



..... = Extent of Metropolitan Green Belt

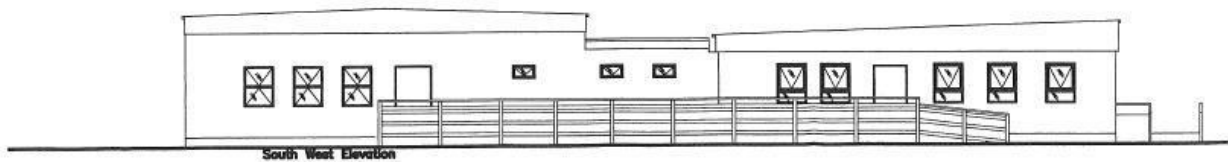
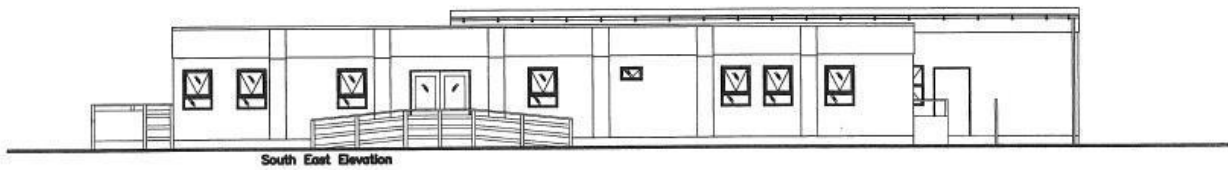
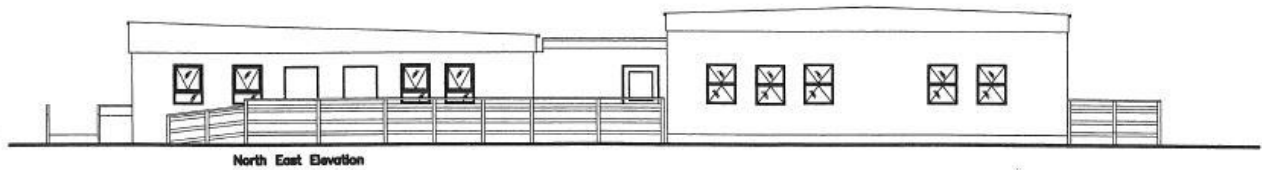
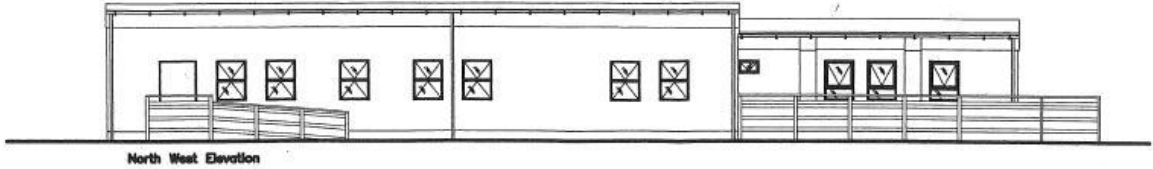
Item D7

Retention of existing single storey modular building and provision of new modular building – SE/09/1028

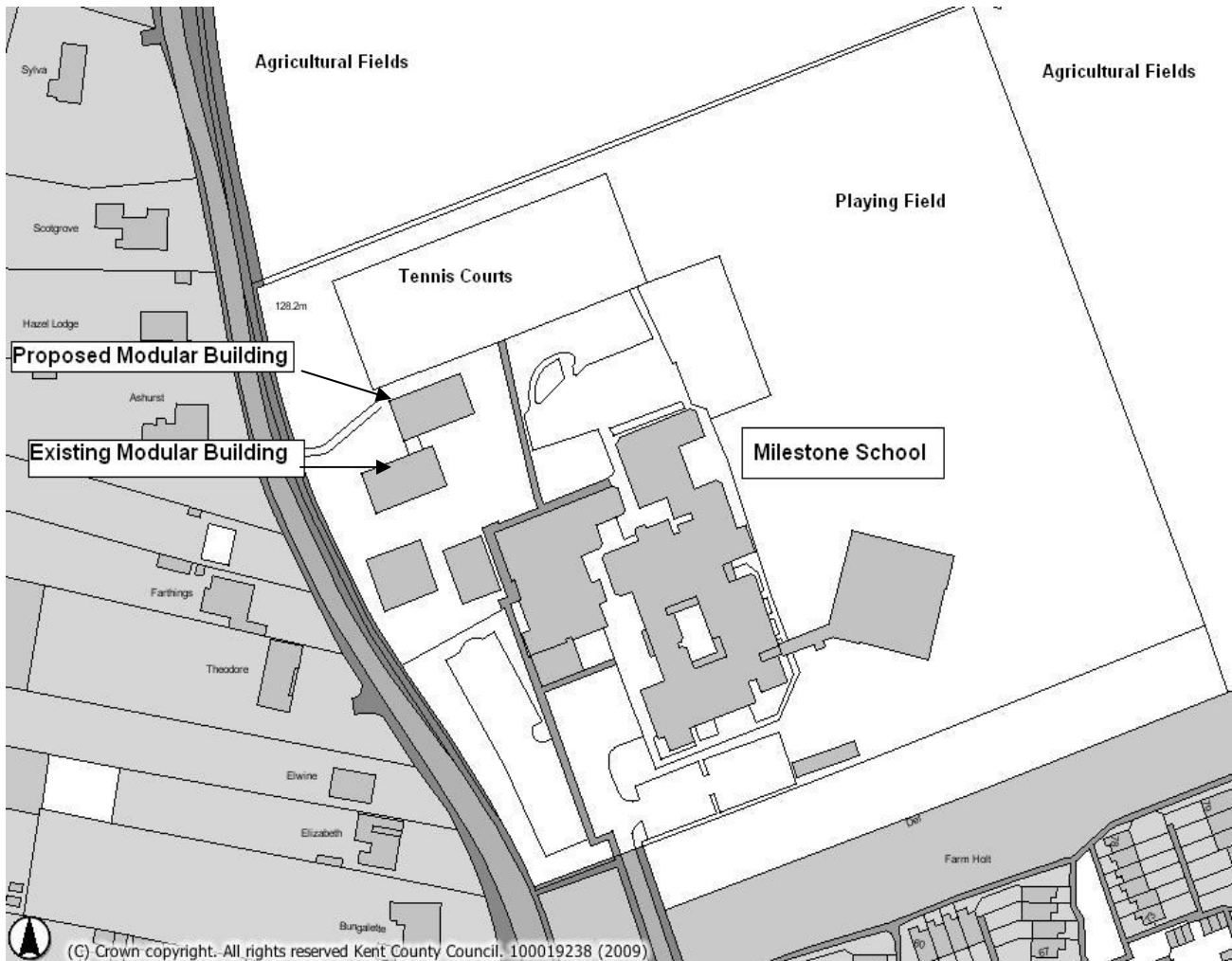


Item D7

Retention of existing single storey modular building and provision of new modular building – SE/09/1028



Proposed Elevations

Retention of existing single storey modular building and provision of new modular building – SE/09/1028**Proposal**

5. This application proposes the retention of the modular building granted temporary permission in 2005, and the siting of an additional, identical modular building adjacent to the original. The two buildings are proposed to be attached by a link corridor which incorporates toilets and a storeroom. The existing modular building is located between the Teacher Learning Centre and the tennis courts. The additional building is proposed to be sited on the grass area between the existing modular building and the tennis courts.
6. The modular classrooms are to provide accommodation for post 16 year old pupils who currently attend Milestone School. The long term intention is for post 16 pupils to be sited away from the Milestone campus, integrated into a main stream Further Education College.
7. The modular buildings are single storey and of standard design. The existing building is painted green, with white PVC windows and doors and covers an area of 277 square metres. The total external floor area of the combined buildings and link corridor is 551 square metres.

Retention of existing single storey modular building and provision of new modular building – SE/09/1028

8. Additional information titled 'Statement Relating to Building in the Green Belt' was received after the original submission, which sought to justify the proposal alongside planning policy. The Statement provided information intended to prove 'very special circumstances' for inappropriate development within the Green Belt. Amended floor plans and elevations were also received, although these did not alter the proposal and were described as being updated plans.

Planning Policy

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

(i) **Planning Policy Guidance 2**

The fundamental aim of Green Belt Policy is to protect openness:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration.

(ii) The adopted **South East Plan**

Policy SP5 Supports the existing designation of Green Belt land in the South East.

Policy CC1 Seeks to achieve and maintain sustainable development within the region.

Policy CC4 Expects that all development will adopt and incorporate sustainable construction standards and techniques.

(iii) The adopted **Sevenoaks District Local Plan 2000**

Policy EN1 General Principles of development; all forms of development must comply with development plan policies, unless there are overriding material considerations. Development should: be compatible to the site in design, scale and density; respect the topography and retain important features; not affect the amenities of the locality; provides appropriate facilities for those with disabilities.

Policy GB1 Extent of land included within the Green Belt. The permanence of the land within the Green Belt must be maintained. The extent of the Green Belt must only be altered in exceptional circumstances.

Consultations

10. **Sevenoaks District Council** objects to the proposal on the grounds that the land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. No very special circumstances have been put forward which would outweigh the potential harm and over ride Planning Policy Guidance 2 and SP5 of the South East Plan.

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Hartley Parish Council raises no objections.

Ash-cum-Ridley parish Council raises no objections.

Divisional Transport Manager raises no highway objection to the proposal.

Local Member(s)

11. The local County Member for Sevenoaks North East, Mr D.Brazier, was notified of the application on the 16 May 2009 and of the additional information on 25 May 2009.

Publicity

12. The application was advertised by the posting of a site notice and the notification of 8 neighbours.

Representations

13. There were no letters of representation at the time of reporting.

Discussion

14. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

15. The main issue with this application is that Sevenoaks District Council has objected to proposal on the grounds that it is in conflict with Metropolitan Green Belt Policy. They state that the proposal would constitute inappropriate development harmful to the character of the Green Belt and to its openness. After these comments were submitted by the District Council, the applicant submitted additional information in the form of a Green Belt Statement, which attempts to demonstrate 'very special circumstances' which warrant setting aside the general presumption against inappropriate development.

16. Temporary mobile classrooms are not suitable for permanent retention by nature of their design, appearance and materials. Therefore, there must be a proven short term need in order to justify the granting of a temporary permission. A strong justification must be provided to retain a temporary building beyond the expiry date of the original planning permission.

Green Belt Considerations

17. The applicant's Green Belt Statement considers that the reasons establishing the need for the proposal constitute 'very special circumstances':

- The temporary buildings are required to meet the need created when plans for alternative facilities, proposed on another site, fell-through. Despite recent

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development at Milestone School, there is not adequate space within the existing school buildings to fulfil this need.

- The existing temporary building is currently over capacity and therefore an additional modular building is proposed to meet this need, and to meet the projected rise in pupil numbers next academic year.
- The modular classrooms are designed to a different standard and with specialist features compared to mainstream educational facilities, therefore displacing the additional pupils to other schools is not appropriate.

18. The education of Post 16 year old pupils with Special Educational Needs, and Profound and Multiple Learning difficulties, takes place at Milestone School. These pupils have very specific requirements and class sizes, in terms of space and numbers, cannot be judged by mainstream targets. The Post 16 unit serves a large catchment area covering Gravesend, Dartford, Swanley, Sevenoaks and Tonbridge. The long term objective is to integrate the pupils into mainstream educational facilities.
19. In 2005 planning permission was granted for the original modular building, which is proposed for retention within this application. The 2005 application advised that the need was temporary, as permanent provision was being incorporated into the redevelopment designs at the Axton Chase School, Longfield. The applicant states that during the design process, Axton Chase was granted academy status and is now to be constructed as the Longfield Academy. As a consequence of funding arrangements the Milestone post 16 provision can no longer be incorporated into the Longfield Site. The result is that Milestone School now is currently over capacity in numbers and the facility relies on the existing temporary mobile unit for the delivery of the special educational needs service at this site.
20. The applicant has stated that recent building works at the school had been designed to provide adequate space for the special requirements of the Milestone pupils. Teaching spaces were increased, and teaching groups were reduced. These changes had not been planned for in the Post 16 modular building, as permanent facilities at Axton Chase were envisaged at the time. Currently the existing modular building was designed to have three classrooms and provide space for 24 pupils. Numbers in the Post 16 unit have now reached 32, and the applicant states that this will increase again in September 2009. Therefore, the school has proposed to increase the space within this proposal with the provision of an additional modular classroom.
21. The need for the additional modular classroom is stated within the applicant's Green Belt Statement and Design and Access Statement. The additional numbers, combined with the need for adequate facilities is put forward as a very special circumstance. The pupils require smaller size groups than mainstream pupils, as well as requiring an additional hygiene room, space for lifting hoists, and room for specialist wheelchairs and wheelchairs storage. The applicant states that this is still a temporary arrangement and that the Kent County Council and Milestone School Managers are actively searching for alternative solutions away from a reliance on mobile accommodation at the site.
22. The circumstances surrounding the falling-through of the development of permanent facilities at Axton Chase, are considered 'very special' in policy terms, and therefore justify the retention of the existing mobile. The knock-on effect of the delay caused by this problem is that there is now a capacity issue with insufficient space provided for these pupils with Special Educational Needs. However, it needs to be borne in mind that the Axton Chase site at Longfield is also within the Green Belt, and to meet the

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needs of a largely Green Belt catchment area, the scope for a non-Green Belt location is clearly limited.

23. If planning permission were not granted, then the existing facilities would have to be removed after June 2010, and the proposed modular building not installed, thereby meaning that the facilities would be heavily oversubscribed for the next academic year. Given the Special Educational Needs of the pupils, that would be unacceptable to all concerned. After June 2010, the pupils would be displaced if current modular classroom is removed as there are no alternative facilities at present and insufficient space within the main school buildings which have not been designed to accommodate the post-16 pupils, therefore seriously impeding the service to the community by the school.
24. The applicant has stated that the existing mobile was sited in this location due to its suitability. The grass area does not form part of a playing field and is not used by pupils as a play area. Special, fenced-off playground areas are constructed on this site for the purpose of recreation and break-time play. The additional modular building has been designed to form an extension to the existing facilities; therefore it is required to site it adjacent to the existing building. Currently, this area is grass and has some semi-mature trees planted in a sparse manner.
25. In my opinion, this location is the most appropriate for the School, practically and aesthetically. The only view from the highway is largely blocked by tall, dense hedgerows and tree growth. Therefore, the amenity of the nearby residents would not be affected. The only other land which could accommodate modular units of this size is currently used as sports playing fields. To site them here would also be contrary to policy to protect playing fields, and due to the layout of the buildings on site, would also affect the openness of the playing fields.
26. The entire school site is located within the Green Belt, so any part of this site used would similarly conflict with Green Belt objections and potentially impact on openness. Although visual impact is not in itself a Green Belt issue, the applicant has submitted comments relating to Planning Policy Guidance 2 and the purposes of the Green Belt designation. The site chosen is entirely enclosed by fencing and large hedges and trees; therefore the applicant states that the proposal does not affect countryside access, or opportunities for sport and recreation for the urban population. The classrooms would only be visible through a mesh gateway, and are sited between the school buildings and the tennis courts, so would not affect an attractive landscape near to residents. The buildings are of temporary construction, so would therefore be easily removed from site and the land restored.
27. The existing modular building was approved to be finished in dark green (BS14 C 39) pursuant to Condition 2 of planning permission SE/05/1304. This colour was chosen so as to minimise the visual impact of the proposed unit. The additional modular building is proposed to match the existing in colour, style and finish. I am of the opinion that this is the correct choice of colour for a temporary building, as it is used on many mobile classrooms around the County, and serves to help the units blend into their surroundings.
28. The applicant has provided information relating to the design of the modular classrooms that proves the minimal impact that the proposal would have on the landscape. When viewed from the North - looking from the open countryside towards the school and the town of New Ash Green – the proposed unit would stand at a height of 4.15m against a

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backdrop of the Teacher Learning Centre and the Hydrotherapy centre, which both stand at 6.5m. Therefore the proposed buildings would not adversely affect the existing skyline of development when looking into, and out of the countryside. Also, due to the height and colour of the mobile classrooms, they would not be visible through or over the boundary hedgerow that encloses the site. The modular buildings would take up 1.28% of the total school site, and amount to 10.78% of the total building area.

29. Although the proposed development would inevitably have some impact on the openness of the Green Belt, I do not consider that it would be ‘significant’ due to the relatively small scale of the development, its careful siting, temporary nature and limited visual impact as discussed above. Therefore, on this basis, if Members are minded to grant planning permission it would not be necessary for the application to be referred to the Secretary of State for Communities and Local Government for consideration in this particular case.

Conclusion

30. On balance, I am satisfied that the applicant has demonstrated very special circumstances which outweigh the harm from building within the Green Belt. There are unfortunate circumstances surrounding the planned move off site; the special needs of the pupils (in terms of classroom space and accommodation); and the increase in pupil numbers that have created an immediate problem. Therefore, the use of temporary classrooms is justified in these circumstances, although that cannot be achieved without some conflict with Green Belt objectives, whichever site is used, and some impact on the openness of the Green Belt by default. I am satisfied that the long term goal of the applicant is to provide a permanent solution off site, meaning that the mobile buildings will not be in place on Green Belt land for any longer than is necessary.
31. The siting and design of the proposed buildings, in my opinion, does not have a significant impact on the openness of the Green Belt, nor threaten the access to and use of the countryside. The site is wholly enclosed and fenced off and the modular buildings would not be obvious visually from any aspect. I would advise that both units are granted a 5 year temporary permission. Although this is not a desirable solution, removal of the existing units would seriously affect the service provided by the School to the community.
32. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of the following conditions condition
- the buildings be removed and the site restored within 5 years of the grant of planning permission.
 - The additional modular unit matches the existing building in colour, style and finish
33. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informative
- the mobile classrooms have been granted temporary permission on Green Belt land on the basis of very special circumstances which outweigh any potential harm, and on the understanding that the post 16 facilities will be provided off site in the future.

Case officer – Jeff Dummett

01622 221071

Background documents - See section heading

**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.

- CA/04/1264/R(vi) Amendment to planning permission CA/04/1264 to vary condition (vi) extending the date by which the concrete batching plant at Milton Quarry has to be removed and land restored to the 31 December 2013.
Milton Quarry, Ashford Road, Chartham, Canterbury
- CA/09/612 Hours of working condition to be modified to accommodate changes to proposed hours of operation from April to September. Wednesday hours to be reduced to 19:30 hrs and Thursday permitted times increased from 18:00 to 19:30 hrs.
KCC Vauxhall Road Household Waste Recycling Centre, Vauxhall Road Industrial Estate, Vauxhall Road, Canterbury
- DO/09/416 Amendment to planning permission DO/08/510 to vary condition 13 to allow 160 HGV movements (80in/80out) per day.
Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich
- SH/09/362 Engineering operations to enlarge windrow operational area; use of spoil to create bund; provision of new landscaping; and amendments to details approved under existing conditions and variations of existing conditions - as follows - conditions 2, 3 & 5 of planning permission SH/03/62; condition 9 of planning permission SH/03/719; condition 10 of planning permission SH/05/792; and condition 14 of planning permission SH/08/351.
:
Hope Farm, Crete Road East, Hawkinge, Folkestone
- SH/09/415 Continued temporary use, weekend only, of the site to provide an area for the stationing of one refuse freighter and one open back collection vehicle for the purpose of receiving bulky household waste. The positioning of recycling containers outside the operational site boundary for collection and service to be provided by Shepway District Council.
Land at former goods yard, Station Road, Lydd, Romney Marsh
- TM/74/1367/(RXXI) Continued use of plant and associated facilities for the processing of sand from planning permission TM/00/552 (i.e. the existing permitted western extension) and that sought by planning application TM/07/2545 (i.e. the proposed northern extension) pursuant to condition (xxi) of planning permission TM/74/1367;

- TM/80/315/R(III) Continued use of sand store for the storage of bagged treated sand from planning permission TM/00/552 (i.e. the existing permitted western extension) and that sought by planning application TM/07/2545 (i.e. the proposed northern extension) pursuant to condition (iii) of planning permission TM/80/315;
- TM/78/1064/R(VI) Continued use of dry sand storage bins for the storage of sand from planning permission TM/00/552 (i.e. the existing permitted western extension) and that sought by planning application TM/07/2545 (i.e. the proposed northern extension) pursuant to condition (vi) of planning permission TM/78/1064; and
- TM/87/1050/R(II) Continued use of lime sand mortar plant for mortar production using sand from planning permission TM/00/552 (i.e. the existing permitted western extension) and that sought by planning application TM/07/2545 (i.e. the proposed northern extension) pursuant to condition (ii) of planning permission TM/87/1050.
Wrotham Quarry (Addington Sand Pit), Ford Lane, Trottiscliffe, Addington
- TM/09/772 Section 73 application for the continued management of the restored land at the former Burham Tip, Island Site, Bull Lane, Eccles, without compliance with the Habitat Management Scheme approved pursuant to condition 15 of planning permission TM/03/2653.
Former Burham Tip, Island Site, Bull Lane, Eccles

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.

- CA/09/533 CANTERBURY CITY COUNCIL – single storey extension to rear of dwelling – extension 1 bedroom.
27 Windsor Road, Thanington, Canterbury
- CA/09/720 CANTERBURY CITY COUNCIL – Variation of conditions 03 & 05 of planning permission CA/06/919 to allow competitions or organised events for in excess of 25 competitors and the use of loudspeakers or amplifying apparatus on or adjoining the site on 22 July 2009 and thereafter, 1 day a year on an annual basis commencing from 2010.
Whitstable Skatepark, land off Marine Crescent, Marine Crescent, Whitstable
- SH/09/347 SHEPWAY DISTRICT COUNCIL – Retention of temporary building to provide office accommodation in connection with Hawkinge Neighbourhood Management Partnership. 133.2m2.
111 Canterbury Road, Hawkinge, Folkestone

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/03/1902(PART)/R2	Amendments to roof form and elevations of the 3 storey teaching block (phase 3). Homewood School and Sixth Form Centre, Ashford Road, Tenterden
AS/03/1902(PART)/R8(P)A	Details of surface water drainage for drama and teaching extensions. Homewood School and Sixth Form Centre, Ashford Road, Tenterden
AS/03/1902(FINAL PART) R8(FP)	Details of external lighting for library/vocational building. Homewood School and Sixth Form Centre, Ashford Road, Tenterden
AS/06/2071/R6A	Amendments to approved landscaping details – Erection of a detached 3 storey block of 36 extra care apartments for the elderly. Land at Hopkins Field, Eastern Avenue, Ashford
AS/06/2071/R10	Details of external lighting – Erection of a detached 3 storey block of 36 extra care apartments for the elderly. Land at Hopkins Field, Eastern Avenue, Ashford
AS/07/1396/R	Amendments to the footprint of the building. Tenterden Infants School, Recreation Ground Road, Tenterden
AS/08/1604	Proposed covered play area and parents waiting shelter. Downs View Infant School, Ball Lane, Kennington, Ashford
AS/09/452	Temporary consent for the siting of a 5-bay mobile classroom in place of an existing 2-bay mobile classroom. Highworth Grammar School, Quantock Drive, Ashford
AS/09/496	Extension and alteration to upgrade school facilities, including additional toilets, community room and staff room. East Stour Primary School, Earlsworth Road, Willesborough, Ashford

AS/09/513	Extension to and reconfiguration of existing entrance to form new entrance lobby, reception area/office and waiting area with small meeting room. Extension to be single storey. Christ Church C of E High School, Millbank Road, Kingsnorth, Ashford
AS/09/562	Installation of two mobile classroom units required for the duration of the building works permitted under AS/08/1383. St. Teresa's Catholic Primary School, Quantock Drive, Ashford
CA/08/271/RB	Amendments to the approved car parking layout and details of the location of the new electrical substation, switch room and sprinkler tank. Community College Whitstable, Bellevue Road, Whitstable
CA/08/271/RC	Amendment to the approved scheme; addition of roof plant. Community College Whitstable, Bellevue Road, Whitstable
CA/08/316/R2	Amendments to external façade of buildings to alter window and cladding proportions, alterations to student entrance/exit points and changes to roof over internal courtyard area pursuant to condition (2) of planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/686/R2A	Amendments to external elevation of buildings pursuant to condition (2) of planning permission CA/08/686. St Stephen's Junior School, Hales Drive, Canterbury
CA/08/686/R3,R6&R8	Details of external materials, landscaping scheme and foul and surface water drainage scheme pursuant to conditions (3), (6) and (8) of planning permission CA/08/686. St Stephen's Junior School, Hales Drive, Canterbury
CA/08/900	Construction of a single storey modular building on existing unused school playing field for use as a Children's Centre, including the installation of canopied entrance with buggy store, weld mesh fencing and tarmac play area. Plus the creation of a new car park and cross over. Briary Primary School, Greenhill Road, Herne Bay
CA/09/628	Relocation of kitchen to existing admin area. Relocation of admin area to existing kitchen together with new single storey flat roofed extension. New oil tank and porch canopy. New door and window openings to existing elevations. Reculver C E Primary School, Sweechbridge Road, Hillborough, Herne Bay
CA/09/650	Single storey extension to the rear of the school buildings with new front entrance. Herne Bay Infant School, Stanley Road, Herne Bay
DA/08/1121/R4	Amendments to external appearance of proposed staffroom - sunpipes and changing door to window. Joydens Wood Junior School, Birchwood Drive, Dartford

DA/08/1721	Flood lighting and fencing to synthetic turf hockey pitch and multi-use games area. Dartford Technology College, Summerhill Road, Dartford
DO/09/309	Change of use of units 16, 19 and 20 from B1/B2/B8 (Business/General Industrial/Storage or Distribution) to a Vocational Training Centre (D1 Non-Residential Institution) and ancillary office accommodation. Units 16, 19 & 20 The Glenmore Centre, White Cliffs Business Park, Dover
DO/09/310	Proposed extension to classrooms and ancillary works including installation of two air-handling units and two tarpaved ramps with hand-rails. Kingsdown & Ringwould CEP School, Glen Road, Kingsdown, Deal
DO/09/316	Retention of two mobile classrooms. Sholden CE Primary School, London Road, Sholden, Deal
GR/08/154/R12 & R19	Details of a noise survey to the proposed car park and subsequent mitigation, and details of scheme to protect and ensure the continuity of playing field provision. Thamesview School, Thong Lane, Gravesend
GR/09/296	Installation of a canopy. Raynehurst Primary School, Cerne Road, Gravesend
GR/09/306	Retention of a mobile classroom unit. Wrotham Road Primary School, Wrotham Road, Gravesend
GR/09/371	Provision of a 5-bay mobile building. Meopham Community Primary School, Longfield Road, Meopham, Gravesend.
MA/07/482/R	Amendment to fencing to playing field from steel weld mesh to a 1.2M timber fence. Tongs Meadow (between the Harrietsham CEP School nature garden and the railway line), North of West Street, Harrietsham, Maidstone
MA/08/1700/R3A	Amendments to details of external materials as previously approved pursuant to Condition 3 of planning permission MA/08/1700. New Line Learning Academy, Boughton Lane, Maidstone
MA/08/2186/R3&R4	Details of all materials to be used externally and details of external colouring and window and door reveals. New Line Learning Academy, Boughton Lane, Maidstone
MA/08/2186/RVAR	Details of a scheme of landscaping, an arboricultural method statement, sprinkler tank, substation and recycling location, surface and foul water drainage, land contamination and archaeology. New Line Learning Academy, Boughton Lane, Maidstone

MA/09/736	Installation of wendy-houses and play sheds to rear playground and two sheds linked by a covered pagoda to front of school. Leeds & Broomfield C of E Primary School, Lower Street, Leeds, Maidstone
MA/09/794	Alterations to car park to increase the number of spaces and improvements to pedestrian and vehicular entrances including access control. East Borough Primary School, Vinters Road, Maidstone
SE/09/741	Installation of 4 metre high weldmesh fencing to the perimeter of the existing playground. St. Bartholomews RC Primary School, Sycamore Drive, Swanley
SE/09/797	Retention of a mobile classroom unit. Downsview Primary School, Beech Avenue, Swanley
SE/09/808	Erection of a timber shelter and associated tarmac surfacing. Fordcombe C of E Primary School, The Green, Fordcombe, Tunbridge Wells
SE/09/875	Construction of a single storey side extension with flat roof, comprising new library, Special Educational Needs/group room and a multi-purpose office. St. Mary's CE Primary School, St. Mary's Road, Swanley
SE/09/893	Temporary planning permission for existing VSU – Youth in Action mobile building for a further 5 years. The Bradbourne School, Bradbourne Vale Road, Sevenoaks
SE/09/918	Provision of a hard standing area, trail and pathways, creation of a small turf mound. Penshurst C Of E Primary School, High Street, Penshurst, Tonbridge
SH/08/1077/R2,3,7&8	Details of external lighting, details of a scheme of landscaping and boundary planting, details of cycle parking and details regarding the provision of 2Mx2M pedestrian visibility splays at the new vehicle entrance on Sydney Street. Castle Hill Primary School, Sydney Street, Folkestone
SH/09/332	Installation of a mobile and a block shed and formation of new field access. Saltwood C of E Primary School, Grange Road, Saltwood, Hythe
SH/09/378	New extension for toilet and small teaching area. Lyminge Church of England Primary School, Church Road, Lyminge, Folkestone
SW/06/1210/R5A&R13A	Amendments to the surface treatment of the road in site from bound gravel to tarmac pursuant to conditions 5 and 13. Land off Sumpter Way, Lower Road, Faversham

SW/07/1/R3	<p>Details pursuant to Condition (3) of planning permission SW/07/1 – Details of Fencing. Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queensborough, Isle of Sheppey</p>
SW/07/1/R4&R5	<p>Details pursuant to Conditions (4) & (5) of planning permission SW/07/1 – Details of Landscaping Scheme. Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queensborough, Isle of Sheppey</p>
SW/07/1/R6, R18&R20	<p>Details pursuant to Condition (6) - Details of drainage outfall west of railway, Southern Water: Condition 18 – Details of water quality (pollution prevention measures) and Condition 20 – Details of water quality (discharge of foul and surface water to ditches east of the railway) of planning permission SW/07/1. Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queensborough, Isle of Sheppey</p>
SW/07/1/R7A	<p>Details pursuant to Condition (7) of planning permission SW/07/1 – Relating to the replacement of land. Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queensborough, Isle of Sheppey</p>
SW/07/1/R11	<p>Details pursuant to Condition (11) of planning permission SW/07/1 – Details of Long Term Ecological Management Plan. Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queensborough, Isle of Sheppey</p>
SW/09/249	<p>Removal of a window and door to be replaced by folding doors. Addition of a covered area and decking with ramp access. Tunstall C of E Primary School, Tunstall, Sittingbourne</p>
SW/09/285	<p>Proposed five bay mobile classroom. West Minster Primary School, St. Georges Avenue, Sheerness</p>
SW/09/288	<p>Extension to existing steel framed portal building (brick skills workshop). The Westlands School, Westlands Avenue, Sittingbourne</p>
SW/09/289	<p>Proposed five bay mobile classroom unit and single bay toilet unit. Queenborough First School, Edward Road, Queenborough</p>
SW/09/324	<p>Single storey extension to main building. Murston Infant School, Church Road, Murston, Sittingbourne</p>
SW/09/332	<p>External canopy adjacent to reception classroom. St Georges Cof E Middle School, Chequers Road, Minster, Sheerness</p>

SW/09/333	Proposed five bay mobile classroom unit and single bay toilet unit. Halfway Houses Primary School, Southdown Road, Minster-on-Sea, Sheerness
SW/09/395	Re-landscaping of reception class external play area including installation of wooden palisade fencing and a canopy. St. Mary of Charity C of E Infant School, Orchard Place, Faversham
TH/05/964/RVARA	Various reserved details, including details of structures, sections, landscaping, drainage, culverting, groundwater protection, below ground excavation, wildlife protection, pollution controls, spoil and waste removal, mud and dust suppression, construction arrangements, agricultural access provisions and public rights of way arrangements. Proposed East Kent Access Scheme Phase 2, between former Richborough Power Station (A256), Minster Roundabout (A299) and the Lord of the Manor Junction at Cliffs End
TH/08/167/R9	Details of external lighting and CCTV pursuant to condition 9 of planning application reference TH/08/167. St Georges Church of England Foundation School, Westwood Road, Broadstairs
TH/08/307/R10	Lighting scheme details pursuant to condition 10 of planning permission TH/08/307. Dane Court Grammar School, Broadstairs Road, Broadstairs
TH/08/1424/R	Minor amendments to materials shown to north elevation of single storey extension permitted under planning permission TH/08/1424. St. Saviours CE Junior School, Elm Grove, Westgate-On-Sea
TH/09/299	Two extensions including a reception class extension and an admin extension. The proposed reception class extension requires the re-location of the external play canopy for the reception class. Ramsgate Holy Trinity Church of England School, Dumpton Park Drive, Broadstairs
TH/09/394	Installation of additional mobile classroom adjacent to an existing mobile classroom. Northdown Primay School, Tenterden Way, Margate
TH/09/395	Single storey extension to the front of the school. Drapers Mill Primary School, St Peter's Footpath, Margate
TM/08/2857/R17	Details of Ecological Enhancement – Erection of a new special school, parking, play area, landscaping and ancillary works. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TM/09/902	Installation of 19KW Solar PV Array. Kings Hill School, Crispin Way, Kings Hill, West Malling

TM/09/921	Installation of roof-mounted solar photovoltaic (PV) system on flat roof of school, including panels and fixings. Hayesbrook School, Brook Street, Tonbridge
TW/07/4011/R8	Details of biodiversity enhancement measures, a management plan and monitoring programme pursuant to condition 8 of planning permission TW/07/4011. Tunbridge Wells Girls Grammar School, Southfield Road, Tunbridge Wells

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:-

AS/09/Temp/0026 - Retention of a mobile classroom and removal of a second mobile and replacement with a steel fabricated unit for permanent permission.
Brook Community Primary School, Spelders Hill, Brook, Ashford

AS/09/Temp/0029 – Retention of a mobile classroom unit.
Wittersham CE Primary School, The Street, Wittersham, Tenterden

DC29/09/TW/0001 – Construction of a temporary drilling site for oil exploration with road access at New Plantation Wood, Bidborough.

CA/09/Temp/0019 - Partial demolition of existing school buildings and alterations and extension to form multi-use sports arena and activity hall (to relocate some of the existing facilities from the Pier Sports Centre, including roller sports facilities) and creation of additional car parking spaces.
Herne Bay High School, Bullockstone Road, Herne Bay

GR/09/Temp/0013 - A2 Activity Park scheme consisting of an outdoor Activity Park including car parking, pavilion and associated buildings, cycle tracks, footpaths, boundary treatments and landscaping on the A2 corridor and adjacent agricultural land.

Land between the new A2 and the redundant A2 Watling Street from the Pepper Hill junction to the Marling Cross junction, Gravesend

TW/09/Temp/0016 – Retention of a mobile classroom unit.
The Swattenden Centre, Swattenden Lane, Cranbrook

TW/09/Temp/0017 – Proposed plant room for the heating and maintaining of the existing outdoor swimming pool.

Cranbrook School, Waterloo Road, Cranbrook

TW/09/Temp/0019 – Application for temporary planning permission for a mobile classroom and minor remodelling works to ground floor including new bay window.

Broomhill Bank School, Broomhill Road, Tunbridge Wells

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

None

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

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

Background Documents -

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

None