



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 3rd November, 2009, at 10.00 am Ask for: **Andrew Tait**
Council Chamber, Sessions House, County Telephone: **01622 694342**
Hall, Maidstone

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

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 6 October 2009 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Outcome of Public Inquiry into two appeals by New Earth Solutions Ltd against the refusal by KCC for the removal of or variation to Condition 12 of Permission TM/06/762 (restriction on waste sources) at New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling (Pages 5 - 22)

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application CA/09/607 - Metal and vehicle recycling and transfer centre together with a material recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and storage of demolition and contracting plant and vehicles at Lakesview Business Park, Hersden, Canterbury; Ling Metals Ltd. (Pages 23 - 40)
2. Application TM/09/2028 - Variation of Conditions 18 and 26 of Permission TM/98/1843/MR100 as amended by Permissions TM/05/1173 and TM/07/3100 to further relax the time limit for the submission of restoration and aftercare schemes by no later than 3 June 2010 at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green; Borough Green Sand Pits Ltd (Pages 41 - 48)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal DA/09/687 - Outline application for 40 extra care apartments for the elderly at Manorbrooke Residential Home, Bevis Close, Dartford; KCC Kent Adult Social Services (Pages 49 - 74)

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, 26 October 2009

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of A meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 6 October 2009.

PRESENT: Mr R E King (Chairman), Mrs P Cole (Substitute for Mr R Brookbank), Mrs V J Dagger, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood (Substitute for Mr J D Kirby), Mr G A Horne MBE, Mr R J Lees, Mr S Manion (Substitute for Mr J F London), Mr R F Manning, Mr M Robertson, Mr C P Smith and Mr K Smith

ALSO PRESENT: Ms S J Carey

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

UNRESTRICTED ITEMS

69. Minutes - 8 September 2009
(Item A3)

RESOLVED that subject to the amendment of Minute 67 (4) to clarify that the windows of the sports should not be "openable", the Minutes of the meeting held on 8 September 2009 are correctly recorded and that they be signed by the Chairman.

70. Minutes - 14 July 2009
(Item)

(1) In respect of Minute 42 (4) from the meeting of 14 July 2009, the Head of Planning Applications Group informed the Committee that the date for the completion of the works at Greatness Quarry, Sevenoaks should have been 15 August 2015 rather than 2017 as set out in the agreed Minutes. She quoted passages from her report to that meeting which clearly showed that the applicants had applied for the former date rather than the latter and that the report had been compiled with the closing date of 2015 in mind. The 2017 date which appeared in the recommendations had demonstrably been a misprint. She also explained that the Permission had not been issued at this stage.

(2) RESOLVED to agree that:-

- (a) the Committee had intended to set the date for the completion of the works at Greatness Quarry for 15 August 2015; and
- (b) approval be given to the Head of Planning Applications Group to issue the Permission giving 15 August 2015 as the date for the completion of the works.

71. Site Meetings and Other Meetings
(Item A4)

The Committee agreed to hold a visit to Otterpool Quarry, Sellindge on Tuesday, 3 November 2009. It was subsequently agreed to hold a site visit and public meeting on a different date in November 2009.

72. Proposal AS/09/259 -Outline application for extra care apartments for older people, including one-bed and two-bed apartments, residents' communal areas and staff facilities at Little Hill, St Michael's, Tenterden; Kent Adult Social Services
(Item D1)

(1) The Head of Planning Applications Group informed the Committee of the views of Mr P M Hill, the Local Member.

(2) Mr R Evans and Mrs S Maxwell-Scott (local residents) addressed the Committee in opposition to the proposal. Mr D Weiss (KCC Head of Public Private Partnerships and Property Team) spoke in reply.

(3) In agreeing the recommendations of the Head of Planning Applications Group, the Committee included an additional Condition limiting the number of additional apartments to a maximum of 41, together with an Informative that it would expect a detailed plan for the relocation of residents to be produced prior to the commencement of the construction works.

(4) The Committee agreed that it would visit the site when the detailed application came forward.

(5) RESOLVED that: -

(a) permission be granted to the proposal subject to conditions, including conditions covering the standard outline time limit; the standard outline planning conditions relating to the reserved matters of scale appearance and landscaping details; the submission of an amended remediation strategy should any unsuspected contamination be encountered; the protection of existing trees and vegetation during construction; controls over the hours and days of construction activity; the inclusion of provision for mobility scooters in the detailed design; the number of additional care apartments being limited to a maximum of 41; and the development being carried out in accordance with the permitted details; and

(b) the applicants be advised by Informative:-

(i) that the reserved matters of the proposed development must accord with the proposed re-grading of the application site;

(ii) of the comments of the Environment Agency relating to the maintenance of drainage and sustainable urban drainage systems, together with measures to prevent ground contamination from fuels, oils and any other potentially contaminating materials; and

(iii) of the Committee's expectation that a detailed plan for the relocation of residents will be produced prior to the commencement of the construction works.

73. Proposal DA/09/895 - Placement of a 6-bay mobile classroom unit at Barn End Centre, 189 High Road, Wilmington, Dartford; Barn End Centre and KCC Children, Families and Education
(Item D2)

RESOLVED that permission be granted to the proposal subject to conditions including conditions requiring the mobile classroom to be removed from the site no later than one year from the date of the permission; the restriction of the use of the mobile building to school hours and term time only; and requiring translucent film to be applied to and maintained on the windows in the eastern elevation.

74. Proposal SH/09/773 - Relocation of mobile classroom permitted under Permission SH/09/332 at Saltwood CEP School, Grange Road, Saltwood, Hythe; Governors of Saltwood CEP School
(Item D3)

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

(2) In agreeing the recommendations of the Head of Planning Applications Group's report, the Committee agreed to an additional condition requiring the planting and maintenance of soft screening to a height of 3m between the School and The Sandlings.

(3) RESOLVED that permission be granted to the proposal subject to conditions including conditions covering the standard time condition; the hours of use being restricted to normal school hours; the development being carried out in accordance with the permitted details; the rear windows being obscured glazing and sealed shut; the unit being set down as shown in the section drawing 08-086/07; and the planting and maintenance of soft screening to a height of 3m between the School and The Sandlings.

75. Proposal SW/09/389 - Timber gazebo and two multi-use goal areas (MUGAs) at Graveney Primary School, Seasalter Road, Graveney, near Faversham; Governors of Graveney Primary School
(Item D4)

(1) The Head of Planning Applications Group informed the Committee that the multi-use goal area element of the proposal had been withdrawn.

(2) RESOLVED that permission be granted to the proposal for the timber gazebo subject to conditions including conditions covering the standard time condition; the proposed roofing felt being dark brown coloured; and the development being carried out in accordance with the permitted details.

76. County matters dealt with under delegated powers
(Item E1)

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 (None).

SECTION B
GENERAL INFORMATION

Item B1

Outcome of Public Inquiry into two Appeals by New Earth Solutions Limited against the Refusal of Kent County Council for the Removal of / Variation to Condition 12 of Planning Permission TM/06/762 (Restriction on Waste Sources) at New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling (Ref.'s: TM/08/3350 & TM/08/3353; APP/W2275/A/09/2101443 & 2101444)

A report by Head of Planning Applications Group to the Planning Applications Committee on 3 November 2009.

Outcome of Public Inquiry into two Appeals by New Earth Solutions Limited against the Refusal of Kent County Council for the Removal of / Variation to Condition 12 of Planning Permission TM/06/762 (Restriction on Waste Sources) at New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling (Ref.'s: TM/08/3350 & TM/08/3353; APP/W2275/A/09/2101443 & 2101444).

Recommendation: For information.

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

Unrestricted

Introduction

1. This report is on the outcome of a Public Inquiry held between 11 and 13 August 2009 into two Appeals by New Earth Solutions Limited (*the appellant*) against the Refusal of Kent County Council for the Removal of / Variation to Condition 12 of Planning Permission TM/06/762 (Restriction on Waste Sources) at New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling.
2. I shall outline the background, the main issues identified by the Planning Inspector and then comment on the outcome of the Inquiry. A copy of the Inspector's decision is attached at Appendix 1.

Background

3. Planning permission (TM/06/762) for the development of a fully enclosed composting facility within the confines of the previously excavated area at Blaise Farm Quarry was granted on 19 September 2006 following the prior completion of a Section 106 Agreement. As the site was in the green belt, the proposal represented "inappropriate development" by virtue of National Planning Policy (PPG2: Green Belts). For this reason, permission was only granted as the County Council was satisfied that "very special circumstances" existed to overcome the usual presumption against inappropriate development in the green belt. The County Council was only able to accept that very special circumstances existed because:-

Outcome of Public Inquiry into two Appeals by New Earth Solutions Limited against the Refusal of Kent County Council for the Removal of / Variation to Condition 12 of Planning Permission TM/06/762 (Restriction on Waste Sources) at New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling

- there was a clearly defined need for the facility to provide additional composting capacity in Kent (specifically in the four main Districts referred to in condition 12 – i.e. Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks) to meet various waste targets and reduce the amount of waste going to landfill;
 - there were no alternative sites in urban areas and non-Green Belt locations within the four Districts, as demonstrated by the applicant's alternative site assessment exercise for these areas;
 - none of the 5 purposes of the Green Belt would be compromised by the proposal due to the location of the facility within quarry void, the lack of public access to land and the proposed temporary 20-year permission followed by removal of facility and restoration of site as part of quarry restoration; and
 - the site location accorded with the proximity principle for waste from the four Districts as demonstrated by the applicant's time / distance survey.
4. The permission was conditional on restrictions being imposed to ensure that any limitations required as part of demonstrating "very special circumstances" were secured. These included any permission being temporary (20 years) and providing for satisfactory restoration and waste primarily coming from within the four Districts and from the areas demonstrated to be proximate for the life of the site. Other conditions were imposed for various planning and environmental reasons. Condition 12 stated that:-
- "12. Waste imported to the composting facility shall only be sourced from within the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks except in the following circumstances:
- (i) those occasions where there is sufficient capacity to handle the additional wastes at the Blaise Farm composting facility without diverting wastes from sources within Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts; and
 - (ii) where the additional wastes would otherwise be exported from the County or landfilled; and
 - (iii) where the additional sources of permitted waste are from within Swale, Ashford, Dartford and Gravesham Districts and the Medway Authority area.

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

Outcome of Public Inquiry into two Appeals by New Earth Solutions Limited against the Refusal of Kent County Council for the Removal of / Variation to Condition 12 of Planning Permission TM/06/762 (Restriction on Waste Sources) at New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling

The same restriction was also included in clause 5.3 of the Section 106 Agreement. A further condition (15) required that records be maintained for three years detailing quantities and sources of waste imported to the site and for these to be made available to the County Council on request.

5. The County Council approved the “pre-development” requirements (of condition 7) on 7 March 2007 and commercial composting operations commenced on 1 September 2008 (such that operations must cease by 1 September 2028, the facility be removed by 1 September 2029 and the site restored by 1 September 2030).
6. The County Council granted planning permission (TM/07/4435) for the variation of condition 14 of planning permission TM/06/762 on 26 March 2008. This increased the maximum amount of waste imported to the site each year from 50,000 tonnes to 100,000 tonnes. This permission was only granted as the County Council was satisfied that more than 100,000 tonnes per year of biodegradable waste could arise from within the main catchment area initially proposed and permitted (i.e. the four District areas referred to in condition 12 (i)) such that this need not undermine the Green Belt case for the facility being located at Blaise Farm Quarry.
7. The County Council refused planning permission (TM/08/2893) for a temporary variation of condition 12 of planning permission TM/06/762 to allow up to 15,000 tonnes of waste to be imported from Essex for composting over the 18 month period from October 2008 to March 2010 on 7 October 2008.
8. Three “Section 73” applications seeking the removal of, or variation to, condition 12 of planning permission TM/06/762 were submitted on 23 October 2008. The applications sought the following:-
 - Application TM/08/3350: Removal of condition 12 of planning permission TM/06/762 (*i.e. removal of all current restrictions on waste sources*);
 - Application TM/08/3353: Variation of condition 12 of planning permission TM/06/762 to allow waste to be sourced from all 12 Kent Districts (i.e. Canterbury, Thanet, Dover and Shepway added) and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition; and
 - Application TM/08/3351: Variation of condition 12 of planning permission TM/06/762 to allow waste to be sourced from the permitted 8 Kent Districts and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition.
9. All three applications were due to be reported to the Planning Applications Committee on 22 January 2009. However, having read the published report the applicant decided to withdraw application TM/08/3351 and the recommendation was amended accordingly. The Planning Applications Committee resolved to accept an amended recommendation on 22 January 2009 and applications TM/08/3350 and TM/08/3353 were refused. The decision notices were issued on 23 January 2009. Application TM/08/3350 was refused for the following reasons:-

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- “1. The importation of waste from other sources would be contrary to the principles of Best Practicable Environmental Option (BPEO) and contrary to paragraph 3.2 of PPG2 and Policies SS2 and WM2 of the Kent and Medway Structure Plan (2006). It would also undermine the County Council’s previous decision and lead to reduced capacity for waste arisings from within Kent or Medway (i.e. more proximate waste sources) resulting in such wastes either being transported greater distances with resultant disbenefits or pressure for additional new facilities in the Green Belt which could further undermine National Green Belt policy.
2. The applicant has not demonstrated the very special circumstances necessary to overcome the presumption against inappropriate development in the Green Belt contrary to PPG2 and Policy SS2 of the Kent and Medway Structure Plan (2006).”

Application TM/08/3353 was refused for almost identical reasons except that reason 1 was amended to reflect the difference between the proposals.

10. The appellant appealed against the decisions on 26 March 2009.

The main issues identified by the Planning Inspector

11. Having regard to prevailing planning policies, the Planning Inspector considered the main issues for both appeals to be:-
 - (i) Whether the requirements of the disputed condition, other than in terms of the areas specified, satisfy government guidance on the use of conditions in planning permissions; and
 - (ii) Whether the proposals are consistent with the principles of sustainable waste management and with the protection of the green belt, whilst encouraging the provision of facilities that would meet the needs of relevant communities and reduce the rate of greenhouse gas emissions.
12. Evidence was heard on these and related points from the appellant, KCC and Offham Parish Council. The Inspector’s report considers the main issues under the following headings:-
 - The mechanics of the disputed condition;
 - The potential for harm;
 - BPEO and the proximity principle;
 - Composting capacity, location and catchment;
 - Greenhouse gas emissions;
 - Conclusions; and
 - Other conditions and other matters.
13. It is worth noting that the Kent and Medway Structure Plan (2006) was part of the development plan when the County Council determined the applications in January

Outcome of Public Inquiry into two Appeals by New Earth Solutions Limited against the Refusal of Kent County Council for the Removal of / Variation to Condition 12 of Planning Permission TM/06/762 (Restriction on Waste Sources) at New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling

2009 but ceased to be so on 6 July 2009 when the three-year saved period expired (i.e. prior to the Public Inquiry). The South East Plan was also published in May 2009 and now forms part of the development plan.

The outcome of the Inquiry

14. The Inspector dismissed the appeal against application TM/08/3350 (i.e. the removal of condition 12) but allowed the appeal against application TM/08/3353 (i.e. the variation of condition 12 to allow waste to be sourced from within Kent and Medway without any pre-conditions). He therefore issued a new planning permission (TM/08/3353) for the New Earth Composting Facility which is subject to all previous conditions apart from conditions 12, 14 and 15 which are replaced by the following conditions:-
1. Waste imported to the composting facility shall only be sourced from within the Kent County Council area and the Medway Unitary Authority area.
 2. No more than 100,000 tonnes of waste shall be imported to the site for composting in any calendar year.
 3. Records detailing the quantities and sources of waste imported to the site, during the previous three years, shall be maintained for the life of the facility hereby permitted and shall be made available to the waste planning authority on request.
15. In respect of issue (i), the Inspector concluded that condition 12 was unreasonable and contrary to the advice in Circular 11/95 as only allowing waste from the "secondary" area (i.e. Dartford, Gravesham, Ashford, Swale and Medway) if sufficient capacity remained at the facility to take waste from the "primary" area (Tonbridge and Malling, Tunbridge Wells, Sevenoaks and Maidstone) effectively nullified much of the benefit of the permission and made it unduly difficult for the appellant to make good use of the facility's capacity to handle waste.
16. In respect of issue (ii), the Inspector concluded that relaxing the disputed condition to allow material to be sourced from the entire sub-region would create a new permission for inappropriate development in the green belt which, in itself, would be harmful. However, he concluded that this would cause no direct harm to the green belt over and above that which has already been allowed and that the likelihood of any indirect harm (i.e. by encouraging the provision of further composting facilities in the green belt) was small. The Inspector stated that matters in favour of such a relaxation included the contribution it could be expected to make to sustainable waste management and to addressing the acute shortfall identified in the region's composting capacity by driving more waste up the hierarchy and the very substantial reductions in greenhouse gas emissions that could reasonably be anticipated to flow from the new arrangements. He was satisfied that these benefits clearly outweighed the potential harm and that given the fall-back position presented by the existing planning permission and the urgent need for action on climate change there were very special circumstances to warrant a relaxation of the disputed condition. He also concluded that the development plan's requirements would be met best by revising the disputed condition to allow sourcing of waste from across the sub-region (i.e. Kent and

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Medway), but no wider, and that doing so would be consistent with the principles of sustainable waste management and with protection of the green belt whilst encouraging the provision of facilities that meet the needs of relevant communities and reduce the rate of greenhouse gas emissions.

17. The Inspector also concluded that it was necessary to amend condition 14 of planning permission TM/06/762 to reflect the amended wording provided for by TM/07/4435 and to amend condition 15 to provide greater clarity.

Comments on the outcome of the Inquiry

18. The dismissal of the appeal against application TM/08/3350 supports the County Council's position in imposing some form of restriction on waste sources.

19. Allowing the appeal against application TM/08/3353 highlights:-

- the need to more carefully consider the practical implications of imposing planning conditions that restrict development (including any potential difficulties in demonstrating compliance) and whether these are entirely reasonable in terms of government advice (i.e. the tests in Circular 11/95);
- the need for even greater weight to be given to securing sustainable waste management solutions that avoid landfill by moving waste up the hierarchy (including recovery);
- the need to give appropriate weight to the relevant regional and sub-regional waste policies in the South East Plan in decision making;
- the need to more fully acknowledge the importance of climate change considerations in determining waste planning applications; and
- the need for the County Council to prepare and adopt a Waste Development Framework to provide up to date development control policies to sit alongside the South East Plan that fully takes account of European, national and regional planning policies and provides greater clarity on how waste planning applications will be considered and determined.

20. The Appellant had 6 weeks in which to challenge the validity of Inspector's decision through the High Court (i.e. by 6 October 2009). Any high court challenge would have had to be on legal grounds rather than any disagreement with the planning views reached by the Inspector. No high court challenge was lodged within this period.

Recommendation

21. I RECOMMEND that Members receive this report for information purposes.

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

Background Documents: Relevant planning application and appeals files



Appeal Decisions

Inquiry opened on 11 August 2009

Site visit made on 11 August 2009

by **R W N Grantham BSc(Hons) C.Chem**
MRSC MCIWEM

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
25 August 2009

Appeal A Ref: APP/W2275/A/09/2101443

Blaise Farm Quarry, Kings Hill, West Malling ME19 4PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by New Earth Solutions Ltd against the decision of Kent County Council.
- The application Ref TM/08/3350, dated 23 October 2008, was refused by notice dated 23 January 2009.
- The application sought planning permission for the development of a fully enclosed composting facility within the confines of the previously excavated area at Blaise Farm Quarry referred to in an application for permission for development dated 1 March 2006 as amended and clarified by letters from New Earth Solutions Ltd dated 28 April 2006 (with Restoration Proposals Options A and B and drawing numbers 1119/rest/01, 1119/rest/02, 1119/rest/03, 1119/rest/04, 1119/rest/05 and 1119/rest/06 all dated April 2006), 9 May 2006 (with the Organic Research Agency Ltd Report for Canford Environmental Dorset titled "Development of a dynamic housed windrow composting system: Performance testing and review of potential use of end products" dated 21 September 2005 and letter from New Earth Solutions Ltd to the Environment Agency dated 9 May 2006) and 18 May 2006 (with Restoration Proposals Options A and B Rev A and drawing numbers 1119/rest/01/RevA and 1119/rest/04/RevA both dated April 2006) without complying with a condition attached to planning permission Ref TM/06/762, dated 19 September 2006.
- The condition in dispute is No 12 which states that: "Waste imported to the composting facility shall only be sourced from within the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks except in the following circumstances: (i) those occasions where there is sufficient capacity to handle the additional wastes at the Blaise Farm composting facility without diverting wastes from sources within Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts; and (ii) where the additional wastes would otherwise be exported from the County or landfilled; and (iii) where the additional sources of permitted waste are from within Swale, Ashford, Dartford and Gravesham Districts and the Medway Authority area."
- The reason given for the condition is: "As the principles of Best Practicable Environmental Option (BPEO), including the proximity principle, and very special circumstances necessary to justify the Green Belt location have been accepted on the basis that waste will primarily be derived from Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks and to accord with the principles of (amongst others) Waste Strategy 2000, PPG2, RPG9 Regional Waste Strategy (revised June 2006), Kent Structure Plan (1996) Policies S1 and MGB3, Kent & Medway Structure Plan Policy WM2 and Kent Waste Local Plan Policy W1, whilst acknowledging that a number of other waste sources are similarly proximate and could be used without undermining the reason for permitting a waste management facility in the Green Belt under certain circumstances."
- The inquiry sat for 3 days on 11-13 August 2009.

Appeal B Ref: APP/W2275/A/09/2101444
Blaise Farm Quarry, Kings Hill, West Malling ME19 4PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by New Earth Solutions Ltd against the decision of Kent County Council.
 - The application Ref TM/08/3353, dated 23 October 2008, was refused by notice dated 23 January 2009.
 - The application sought planning permission for the development of a fully enclosed composting facility within the confines of the previously excavated area at Blaise Farm Quarry referred to in an application for permission for development dated 1 March 2006 as amended and clarified by letters from New Earth Solutions Ltd dated 28 April 2006 (with Restoration Proposals Options A and B and drawing numbers 1119/rest/01, 1119/rest/02, 1119/rest/03, 1119/rest/04, 1119/rest/05 and 1119/rest/06 all dated April 2006), 9 May 2006 (with the Organic Research Agency Ltd Report for Canford Environmental Dorset titled "Development of a dynamic housed windrow composting system: Performance testing and review of potential use of end products" dated 21 September 2005 and letter from New Earth Solutions Ltd to the Environment Agency dated 9 May 2006) and 18 May 2006 (with Restoration Proposals Options A and B Rev A and drawing numbers 1119/rest/01/RevA and 1119/rest/04/RevA both dated April 2006) without complying with a condition attached to planning permission Ref TM/06/762, dated 19 September 2006.
 - The condition in dispute is No 12 which states that: "Waste imported to the composting facility shall only be sourced from within the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks except in the following circumstances: (i) those occasions where there is sufficient capacity to handle the additional wastes at the Blaise Farm composting facility without diverting wastes from sources within Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts; and (ii) where the additional wastes would otherwise be exported from the County or landfilled; and (iii) where the additional sources of permitted waste are from within Swale, Ashford, Dartford and Gravesham Districts and the Medway Authority area."
 - The reason given for the condition is: "As the principles of Best Practicable Environmental Option (BPEO), including the proximity principle, and very special circumstances necessary to justify the Green Belt location have been accepted on the basis that waste will primarily be derived from Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks and to accord with the principles of (amongst others) Waste Strategy 2000, PPG2, RPG9 Regional Waste Strategy (revised June 2006), Kent Structure Plan (1996) Policies S1 and MGB3, Kent & Medway Structure Plan Policy WM2 and Kent Waste Local Plan Policy W1, whilst acknowledging that a number of other waste sources are similarly proximate and could be used without undermining the reason for permitting a waste management facility in the Green Belt under certain circumstances."
 - The inquiry sat for 3 days on 11-13 August 2009.
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Decisions

1. I dismiss appeal A, but allow appeal B and grant planning permission for the development of a fully enclosed composting facility within the confines of the previously excavated area at Blaise Farm Quarry referred to in an application for permission for development dated 1 March 2006 as amended and clarified by letters from New Earth Solutions Ltd dated 28 April 2006 (with Restoration

Proposals Options A and B and drawing numbers 1119/rest/01, 1119/rest/02, 1119/rest/03, 1119/rest/04, 1119/rest/05 and 1119/rest/06 all dated April 2006), 9 May 2006 (with the Organic Research Agency Ltd Report for Canford Environmental Dorset titled "Development of a dynamic housed windrow composting system: Performance testing and review of potential use of end products" dated 21 September 2005 and letter from New Earth Solutions Ltd to the Environment Agency dated 9 May 2006) and 18 May 2006 (with Restoration Proposals Options A and B Rev A and drawing numbers 1119/rest/01/RevA and 1119/rest/04/RevA both dated April 2006) at Blaise Farm Quarry, Kings Hill, West Malling ME19 4PN in accordance with the application Ref TM/08/3353, dated 23 October 2008, without compliance with conditions numbered 12, 14 and 15 previously imposed on planning permission Ref TM/06/762, dated 19 September 2006, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:

- 1) Waste imported to the composting facility shall only be sourced from within the Kent County Council area and the Medway Unitary Authority area.
- 2) No more than 100,000 tonnes of waste shall be imported to the site for composting in any calendar year.
- 3) Records detailing the quantities and sources of waste imported to the site, during the previous three years, shall be maintained for the life of the facility hereby permitted and shall be made available to the waste planning authority on request.

Procedural Matters

2. The application that is the subject of appeal A seeks removal of the disputed condition. The appeal B proposals seek to vary the terms of that condition by removing the provisos and extending the area from which waste can be sourced.
3. The condition's requirements are broadly reflected in the terms of a planning obligation. However, the terms of that (2006) obligation are not a constraint on any subsequent permission.
4. In March 2008, the Council granted permission (TM/07/4435) which allowed for up to 100,000 tonnes of waste to be imported to the site each year, thereby increasing the limit imposed by condition 14 of the 2006 permission (TM/06/762) by 50,000 tonnes.
5. The appellant has now provided a completed unilateral undertaking¹, in support of the current proposals, the precise terms of which were agreed at the inquiry.

Main issues

6. The main issues raised by each appeal are:

Whether the requirements of the disputed condition, other than in terms of the areas specified, satisfy government guidance² on the use of conditions in planning permissions; and

¹ Document 7

Whether the proposals are consistent with the principles of sustainable waste management and with protection of the green belt, whilst encouraging the provision of facilities that would meet the needs of relevant communities and reduce the rate of greenhouse gas emissions.

Reasons

Mechanics of the disputed condition

7. The appellant's enclosed composting facility, at Blaise Farm Quarry, is designed to process mixtures of green garden waste, cardboard and catering/kitchen waste, including meat. As things stand, it is permitted to handle municipal, commercial and industrial waste from eight districts in Kent and from the Medway unitary area, but priority is given to serving Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks. Only if there is sufficient capacity to meet the needs of these four "primary" districts can waste be accepted from the other five named areas. However, despite the identified potential for these primary districts to provide 150,000 tonnes or more a year, only a small proportion of this is currently collected and even less is supplied to the Blaise Farm facility. Indeed, it seems that there is considerable spare capacity here.
8. The existing planning permission is intended to allow for waste to be imported from the five "secondary" areas, if spare capacity exists at the facility. However, as a result of the disputed condition, the appellant cannot import waste from those areas without advance knowledge of how much separated bio-waste will be forthcoming from the four primary districts. Clearly it would be desirable, in terms of the waste hierarchy, for the authorities involved in those districts to make more kerbside collections of separated bio-waste, but the matter of whether or when this will happen is outside the appellant's control. Bearing in mind this uncertainty, and the potential arisings from within those districts, it would be very difficult for the appellant to tender for long term contracts to handle waste from the other five areas.
9. Short term contracts might be accommodated, given the long lead time for changing kerbside collection arrangements. However, it is the commercial sector that is most likely to seek short term measures and, whilst it produces more bio-waste than the municipal sector, not all of this is collected in a compostable form. Also, its "milk round" collection arrangements are currently such that waste from various districts tends to be mixed together. In the circumstances, the appellant could not be confident that the waste would be sourced from only those areas that are specified in the condition.
10. Arguably, the appellant could more easily compete for municipal waste from the five secondary areas if the condition were to set out a clear mechanism for demonstrating capacity at the facility. For example, before tendering, the appellant could commission a report to forecast waste arisings from within the four primary districts. However, the Council would then need to consider the report's findings before coming to a view on whether the condition's requirements would be met and evidence given to the inquiry suggests that this could add weeks, or even months, to the process. The overall length of time involved in complying with the condition's requirements would therefore

² DoE Circular 11/95

be considerable and this would clearly reduce the appellant's chances of winning contracts.

11. These considerations lead me to conclude that, quite apart from the areas specified therein, the disputed condition effectively nullifies much of the benefit of the permission, in that it makes it unduly difficult for the appellant to make good use of the facility's capacity to handle waste. This is unreasonable and contrary to the government's advice in DoE Circular 11/95.

Potential for harm

12. Turning to the second issue, and to the matter of whether the waste catchment limits for the facility should be relaxed, there is no dispute that this composting plant is inappropriate development in the Metropolitan Green Belt. Permission for it was granted after an assessment had shown that there were no better sites within the four primary districts that it was intended to serve.
13. To allow either of the appeals would create a new permission for inappropriate development, which in itself is harmful, but would cause no direct harm to the Green Belt over and above that which has already been allowed. The only other direct harm that is alleged, albeit not in green belt terms, would be through any increase in greenhouse gas emissions as a result of transporting waste over longer distances than now, if the catchment were to be broadened. This is a matter that I shall return to.
14. In terms of indirect harm, the Council are concerned that there is likely to be pressure for a new facility to be built within the Green Belt if spare capacity at Blaise Farm Quarry were to be taken up with waste from outside the four primary districts. Certainly, the appellant's (2006) land availability assessment, which supported use of this quarry location, concluded that there were no suitable alternative sites within those districts, but outside the Green Belt. No evidence has been provided of potential sites in other districts nearby, but nor has it been demonstrated that there are no suitable locations in such areas. Indeed, it seems that the Council limited the suggested area of search to the four primary districts, when the 2006 assessment was commissioned. It also appears that the need for a composting facility to serve those districts contributed to the Council's view that very special circumstances existed to justify the Green Belt location.

BPEO and the proximity principle

15. There have been significant changes in waste planning policy during recent years. These include the (2005) government statement concerning planning for sustainable waste management (PPS10) which aims to encourage the "disposal" of waste at one of the nearest appropriate installations. It makes no such recommendation in terms of waste "recovery", but shifts the role of Best Practicable Environmental Option (BPEO) towards the plan making process. The companion guide to this statement acknowledges that, in the absence of an environmental statement to support proposals for EIA³ development, something akin to a BPEO exercise may help to provide the necessary information; however, BPEO itself is not required.

³ Environmental Impact Assessment

16. The Council decided that the appeal proposals did not constitute EIA development. Even so, when the applications were refused permission, it was a requirement of Policy WM2 of the (2006) Kent and Medway Structure Plan that proposals for a composting installation should reflect the principles of Best Practicable Environmental Option (BPEO) and thereby accord with the proximity principle. At the time, the Council had also endorsed a position statement in support of such an approach. However, that Policy no longer forms part of the development plan. Furthermore, the position statement was not formally subject to external consultation and has no status as supplementary planning guidance or as a supplementary planning document; it therefore carries little weight.
17. In considering the relevance of the proximity principle, to the appeal proposals, it is necessary to distinguish between composting and disposal of bio-waste. Composting is higher up the waste hierarchy than disposal and, for the purposes of recent EC legislation⁴, is regarded as a recovery operation, along with recycling, reclamation and demonstrably efficient energy recovery schemes. Article 16 of this (2008) revised waste framework directive requires mixed municipal waste, collected from private households, to be recovered in one of the nearest appropriate installations. No such requirement is placed on bio-waste which, as defined in Article 3, would describe the waste stream that feeds the Blaise Farm Quarry facility. Indeed, Article 22 encourages the separate collection of bio-waste so as to facilitate a specific treatment, which would include composting. Whilst these provisions raise matters of law, that are therefore for others to decide, they suggest to me that the desirability of managing waste as close to its source as possible is tempered by the benefits of segregating certain elements and driving them up the hierarchy. The directive has yet to be transposed into UK law, but it is an important consideration in my determination of these appeals.

Composting capacity, location and catchment

18. More significantly still, the Regional Spatial Strategy South East Plan (SEP) was published in May of this year, after the Council had refused permission for the appeal proposals. This Plan requires provision to be made for rapidly increasing amounts of composting and highlights the immediate and acute shortfall in the region's capacity to achieve the targets that have been set in this respect. Whilst I understand that some doubt has recently been cast over the accuracy of data which underpin some of the SEP's precise forecasts, there is no dispute that the need for additional composting capacity applies both to Kent and to the region as a whole.
19. The Plan seeks regional and sub-regional self-sufficiency, with the Kent and Medway waste planning authority areas combining to form one sub-region. It does nevertheless recognise the benefits of reducing long distance travel by allowing for some movement of waste between sub-regions where, for example, the boundary is near to a major settlement. Furthermore, it acknowledges that, whilst composting installations should generally be located close to the main sources of waste, a wider catchment than the sub-region may be necessary to justify the provision of specialised facilities.

⁴ Directive 2008/98/EC on waste and repealing certain Directives

20. As I saw when I visited the site, the Blaise Farm Quarry installation is specialised. It is an ABPR⁵ approved facility, designed to manage biodegradable waste (bio-waste) containing animal by-products. There are only five such plants able to handle more than 1000 tonnes per annum (tpa) in the south east region and London. Together these provide a total capacity of 290,000tpa, of which half is in the capital. The Blaise facility is one of two that, once completed, offer a throughput of 100,000tpa. It is contracted to accept up to 30,000tpa of municipal bio-waste from the combined area covered by the Tonbridge and Malling and Tunbridge Wells districts, but during the first 10 months of operation it received less than 18,000 tonnes.
21. When permission for this facility was granted, the proposals were supported by an assessment of suitable catchment areas, based on the proximity principle. However, as I have already indicated, waste planning policy and legislation is continuing to evolve. It is still desirable to limit the distance that waste is transported, but increased emphasis is now being placed on moving waste up the hierarchy.
22. With this in mind, a key objective of PPS10 is to reflect the needs of business, whilst encouraging competitiveness. Given the SEP's requirements, I certainly see no compelling reason to limit the waste catchment, of the appellant's facility, to anything less than the sub-region. It is in the appellant's interests to source material from as close to the site as possible, so as to reduce transport costs. In any event, if bio-waste from the four primary districts were to be effectively displaced by material bought in to Blaise Farm Quarry from further afield, it would not necessarily result in the indirect harm to the Green Belt that the Council fears. This is because of the flexibility that the SEP allows over the catchment areas of specialised facilities, and therefore the location of such facilities. When taken together, these considerations lead me to believe that the likelihood of the appeal proposals causing indirect harm to the Green Belt, by encouraging the provision of another ABPR composting facility here, is small.
23. Nor do I believe that the proposals would result in crowding out the prospect of other such facilities being provided at suitable locations within the sub-region. I accept that the appellant could be in a strong position to tender for new municipal contracts, given the existence of the Blaise Farm installation, but the procuring authority would be able to stipulate that a local facility is required. Alternatively, that authority could award a short term contract in anticipation of a nearer facility becoming available.
24. Evidence to the inquiry suggests that there is a shortfall of ABPR capacity in the sub-region, even after account has been taken of planning applications that have yet to be determined. Indeed, that shortfall is likely to become very much greater after planned housing growth is factored in and once the escalating landfill tax has the desired effect of driving more commercial waste up the hierarchy. I recognise that development plan documents prepared in conformity with the SEP will seek to secure more composting but, as the Plan itself points out, the urgency of addressing the current shortfall is compounded by the long lead time for some facilities and by the difficulties encountered in seeking to obtain planning permission.

⁵ Animal By-Products Regulations 2005

25. Given that shortfall, and the urgency of addressing it, I attach little weight to the argument that capacity at the Blaise Farm facility should be reserved for bio-waste from Sevenoaks and Maidstone, so as to avoid it being sent for landfill or incineration. It is better to address that shortfall now, than wait to find out if and when bio-waste collections from those districts are to be made.
26. Arguably, given the specialised nature of the appellant's facility, it would be reasonable to allow a waste catchment that extends beyond the sub-region's boundaries. Drive-time analysis, presented at the inquiry, shows that significant areas of other sub-regions are closer to Blaise Farm, than the furthest parts of Kent. However, when considered in terms outlined by the SEP, there is no suggestion that sustainable transport could be used to convey compostable waste from those areas and I note the appellant's stated intention to rely primarily on material from municipal collections, the source of which is easier to control than waste from the commercial sector. Also, whilst the appellant has indicated that Surrey may be keen to pursue short term arrangements for reducing the transport of compostable material, Kent County Council has not consulted neighbouring waste planning authorities on the appellant's proposals. In the absence of any collaboration between the authorities involved, particularly in relation to meeting the needs of the region's strategic growth areas, I do not consider it appropriate to determine the appeals other than on the basis of sub-regional self sufficiency as set out in SEP Policy W4.
27. It follows from this that I also find no support for the notion of removing all constraints on the catchment. SEP Policy W3 seeks regional self-sufficiency with some additional allowance made for declining amounts of waste from London. However, that allowance is generally aimed at landfill.

Greenhouse gas emissions

28. Transporting bio-waste to the Blaise Farm Quarry site generates carbon dioxide emissions that contribute to climate change; as does the application of the final product to land. The in-vessel composting (IVC) operation here also generates a mixture of greenhouse gases (GHG) but, because of the aerobic conditions used in the process, the quantities of methane are small.
29. Given the acute shortfall in composting capacity that currently exists in the sub-region, it is reasonable to assume that bio-waste which is not delivered to this facility would go to landfill, where the resulting methane emissions would be very much greater in terms of their impact on climate change. Life cycle data, that were not challenged at the inquiry, indicate that it would be necessary to transport material more than 3,700km to an IVC facility before local landfilling would prove to be less harmful. Those data also suggest GHG savings equivalent to some 923 -1850 kg of carbon dioxide for every tonne of biowaste that is diverted to IVC from landfill.
30. On that basis, it is clear that broadening the facility's catchment to include all of the waste sub-region would cause no direct harm in terms of increased greenhouse gas emissions. Instead, by increasing the amount of bio-waste that is available to be composted, rather than landfilled, it would allow very substantial reductions to be achieved. This would be wholly consistent with the

government's objectives for tackling climate change through planning, as set out in the supplement to PPS1.

31. I accept that if waste sourced from the primary districts had to be composted elsewhere, because it had been effectively displaced by waste brought in to the appellant's facility from the wider area, the greenhouse gas emissions might be greater than necessary, because of the additional distances travelled. However, I consider it likely that market forces would eventually resolve that situation and, to my mind, any additional emissions in the interim would be more than warranted by the emissions saved through moving waste, from the wider area, up the hierarchy at an early stage.

Conclusions

32. I am led to the following view. Relaxing the disputed condition to allow material to be sourced from the entire waste sub-region would create a new permission for inappropriate development in the Green Belt which, in itself, would be harmful. It would however cause no direct harm beyond that which has already been permitted and the likelihood of any indirect harm, through encouraging the provision of further composting facilities within the Green Belt, is small. On the other hand, matters which weigh in favour of such a relaxation would include the contributions that it could be expected to make to sustainable waste management and to addressing the acute shortfall which has been identified in the region's composting capacity, by driving more waste up the hierarchy; and, the very substantial reductions in greenhouse gas emissions that could reasonably be anticipated to flow from the new arrangements. To my mind, these other considerations clearly outweigh the potential harm. Given the fall-back position presented by the existing permission and the urgent need for action on climate change, which is the greatest long-term challenge facing the world today, I am satisfied that there are very special circumstances here which warrant a relaxation of the disputed condition.
33. The development plan's requirements would be met best by revising the disputed condition to allow sourcing of waste from across the sub-region, but no wider. Subject to that limitation, I conclude that the appeal B proposals are consistent with the principles of sustainable waste management and with protection of the green belt, whilst encouraging the provision of facilities that meet the needs of relevant communities and reduce the rate of greenhouse gas emissions.

Other conditions and other matters

34. Allowing this appeal would create a new planning permission. Therefore it would be necessary to amend the wording of condition 14 so as to reflect the 100,000 tonne limit that was imposed in 2008. I also accept that the wording of condition 15 could helpfully be improved to provide greater clarity on what is required with respect to the records kept of imported waste; in this respect, I am satisfied that the Council's suggested re-wording could be simplified, bearing in mind the nil entry that is likely for imports received prior to the facility becoming operational.
35. I have taken account of all other matters raised, including concerns over the likelihood that the site will be restored; however, the future restoration is

secured by the appellant's unilateral undertaking. Nothing I have found outweighs the main considerations that have led me to my decision on each appeal.

36. For the reasons given above I conclude that appeal A should be dismissed, but appeal B should succeed. I will grant a new planning permission without the original conditions 12, 14 and 15, but substituting others and retaining relevant non-disputed conditions from the previous permission.

Rupert Grantham

INSPECTOR

DOCUMENTS

- 1 28.7.09 email regarding s106 obligation
- 2 Ministerial statement regarding sustainable waste management
- 3 Inspectors' report into objections to the Cheshire Replacement Waste Local Plan
- 4 Draft s106 obligation
- 5 Draft s106 obligation
- 6 Draft s106 obligation
- 7 Completed s106 obligation

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

CA/09/607 – Development of a metal & vehicle recycling & transfer centre together with a materials recycling centre for dry recyclable waste & electrical goods, the storage of associated waste & waste products & the storage of demolition & contracting plant & vehicles at Lakesview Business Park, Hersden, Canterbury, Kent

A report by Head of Planning Applications Group to Planning Applications Committee on 3 November 2009.

CA/09/607 – Development of a metal & vehicle recycling & transfer centre together with a materials recycling centre for dry recyclable waste & electrical goods, the storage of associated waste & waste products & the storage of demolition & contracting plant & vehicles at Ling Metals Ltd, Hersden, Canterbury (MR. TR213618)

Recommendation: Permission with conditions.

Local Members: Mr A Marsh (adj Member Mr M Northey and Mr G Gibbens)

Classification: Unrestricted

Background

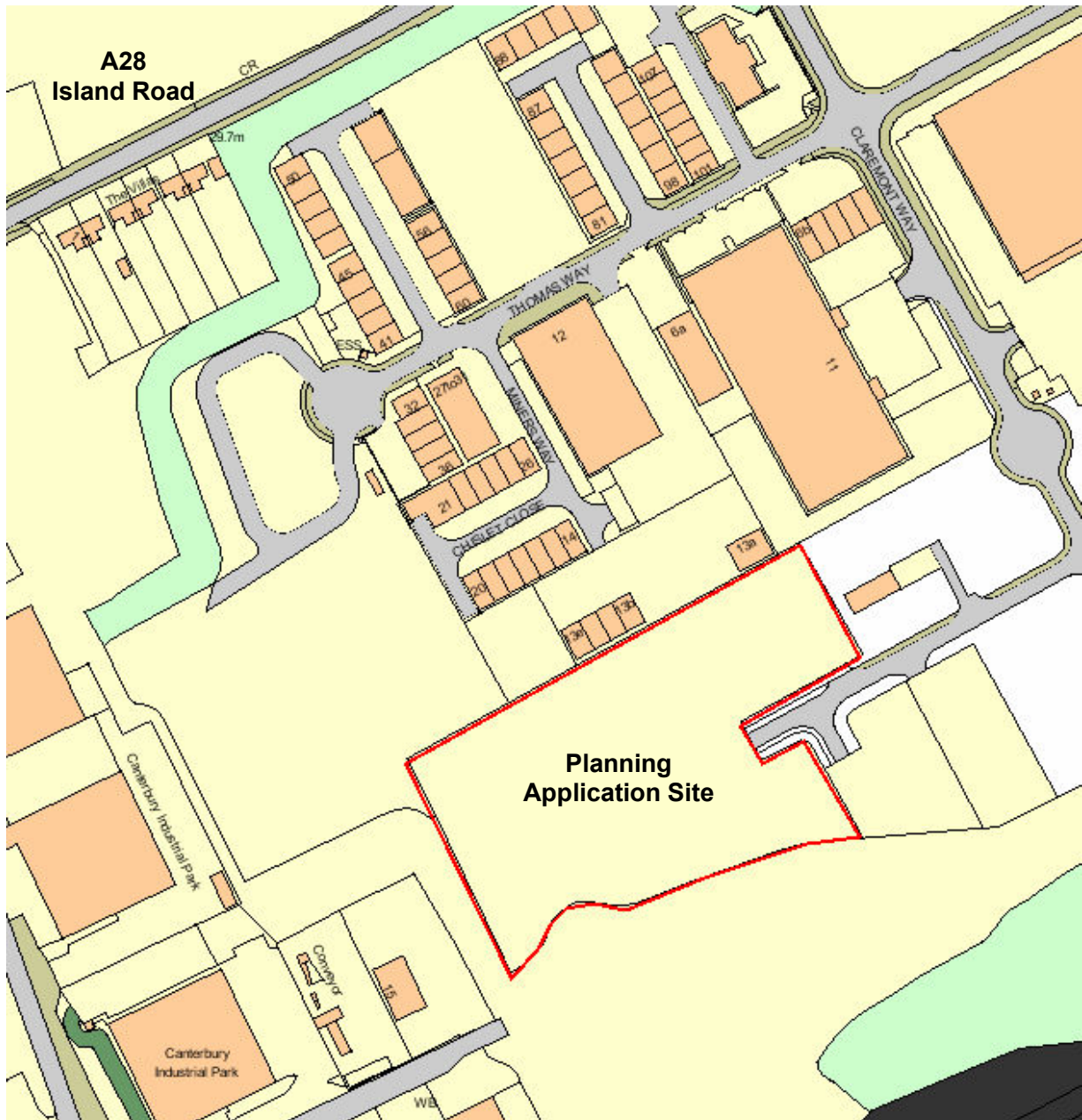
1. Ling Metals currently operate their scrap metal business from their site at Parham Road in Canterbury. Their current site is included within an area allocated within the adopted Canterbury City Council Local Plan for mixed use development principally centred on housing. This area is also the subject of a development brief which has been adopted by Canterbury City Council for the redevelopment of the area for residential dwellings linking the site to the Kingsmead development. Given much of the surrounding area has already been redeveloped for residential use, environmental controls on site have become more of an issue and in order to enable continued residential development in the area as per the development brief, the operator has sought to relocate and modernise his business elsewhere.

Site and Proposal

2. It is proposed to relocate the existing operations from the Parham Road site in Canterbury, to the Lakesview International Business Park, a dedicated business park located some 5 kms to the north east of Canterbury City Centre adjacent to the A28.

Item C1

**CA/09/607 – Development of a metal & vehicle recycling & transfer centre together with a materials recycling centre for dry recyclable waste & electrical goods, the storage of associated waste & waste products & the storage of demolition & contracting plant & vehicles
Ling Metals, Canterbury**

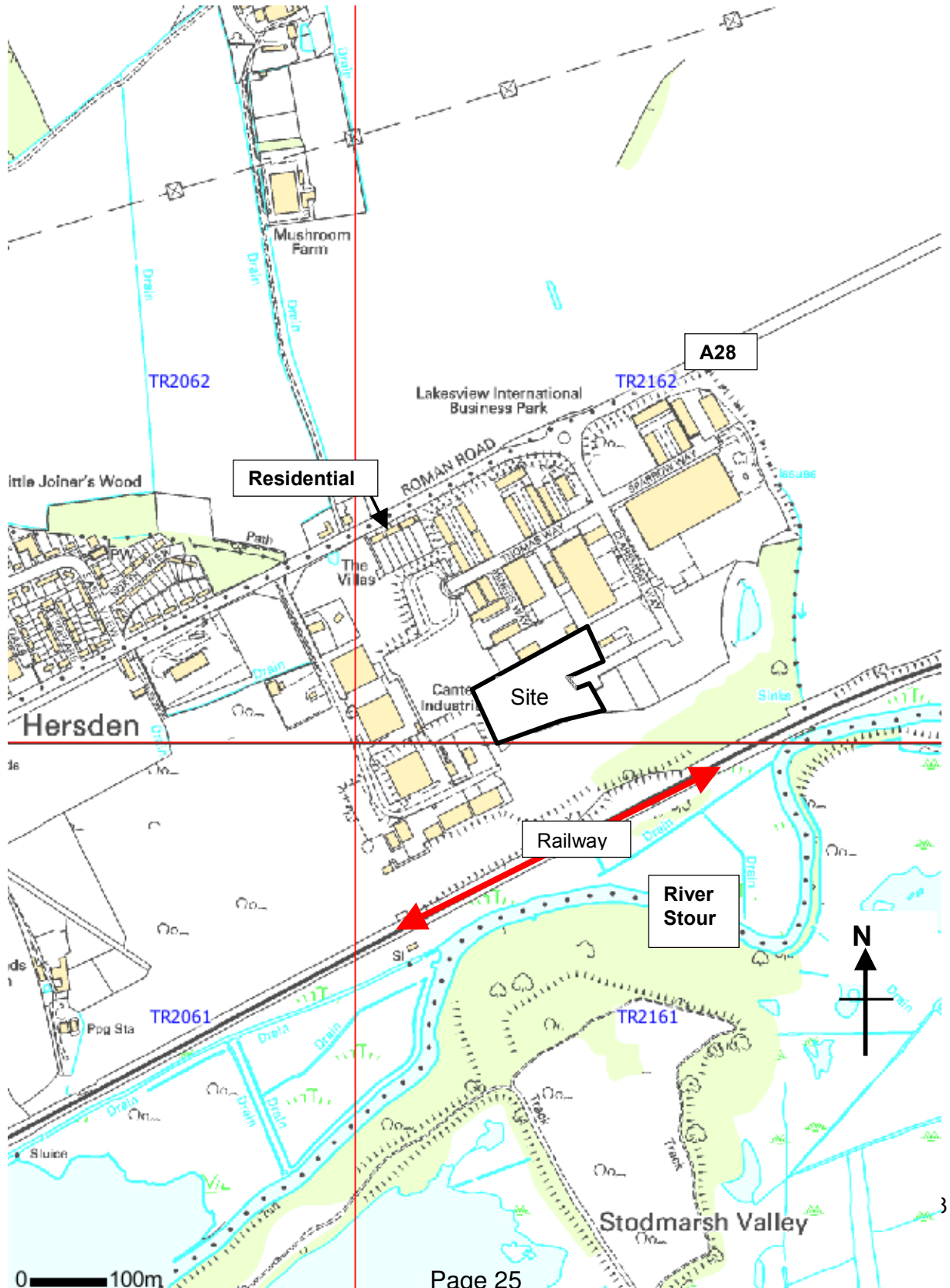


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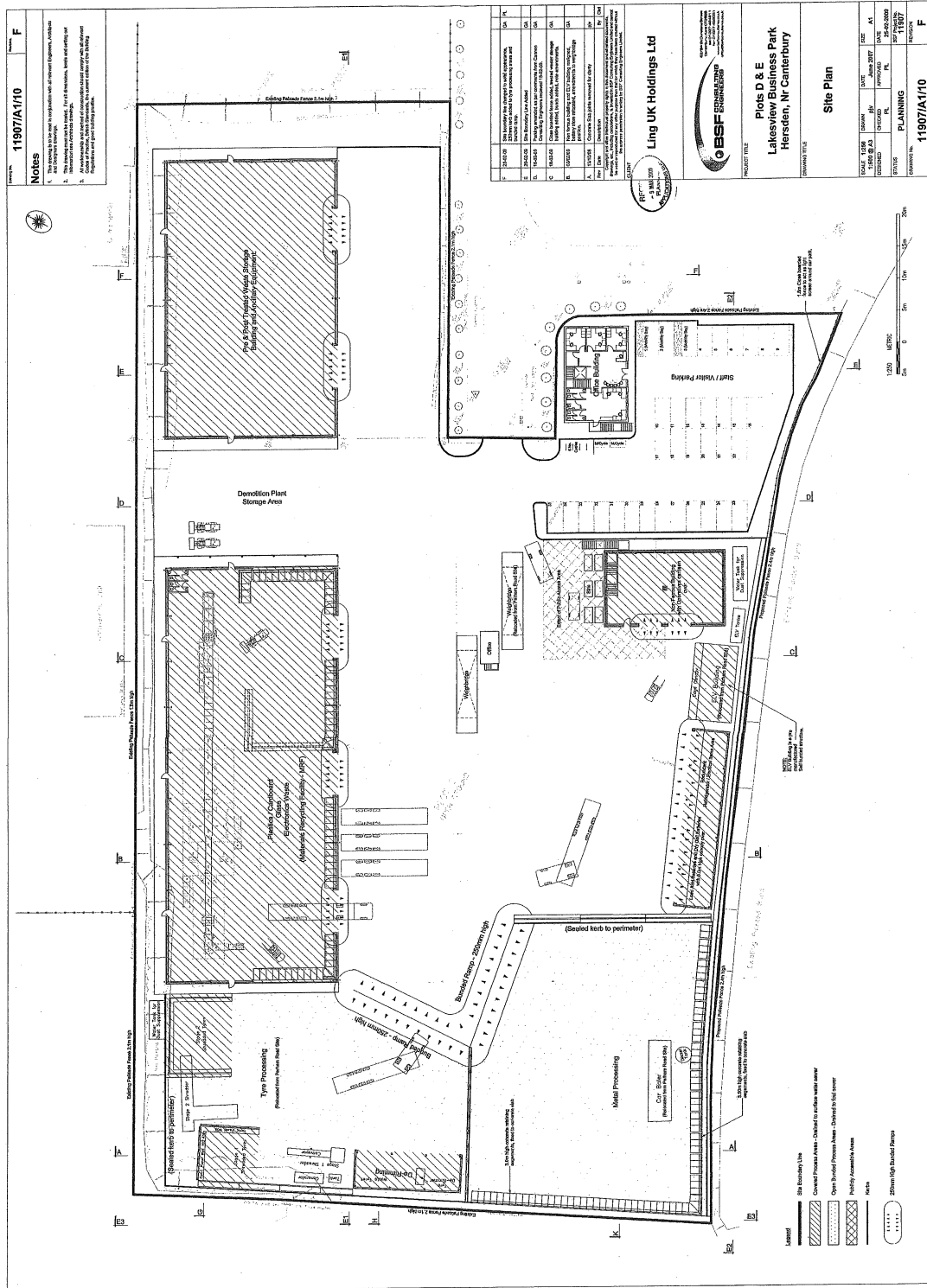
Not to Scale

Item C1

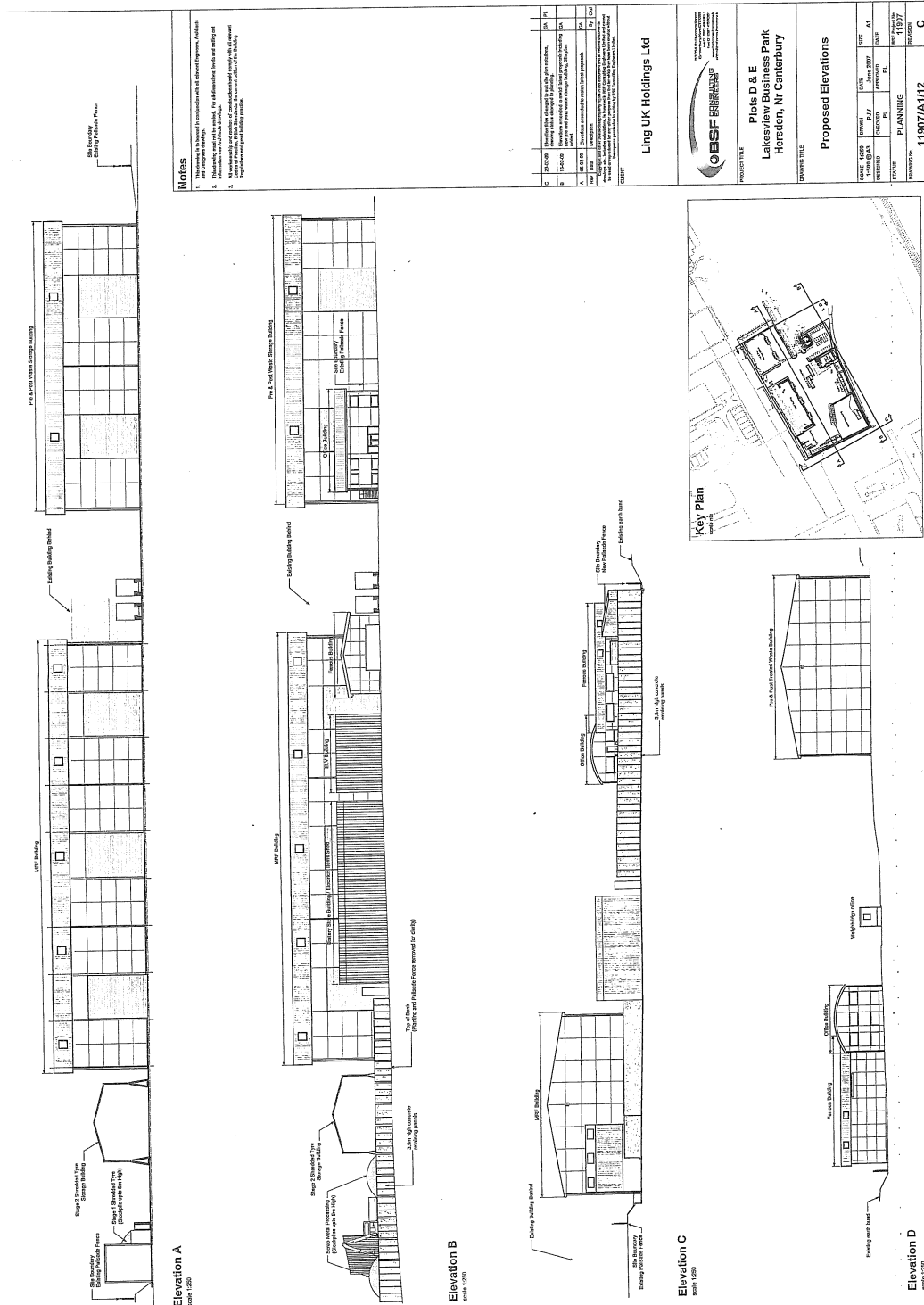
**CA/09/607 – Development of a metal & vehicle recycling & transfer centre together with a materials recycling centre for dry recyclable waste & electrical goods, the storage of associated waste & waste products & the storage of demolition & contracting plant & vehicles
Ling Metals, Canterbury**



Item C1
CA/09/607 – Development of a metal & vehicle recycling & transfer centre together with a materials recycling centre for dry recyclable waste & electrical goods, the storage of associated waste & waste products & the storage of demolition & contracting plant & vehicles
Ling Metals, Canterbury



Item C1
CA/09/607 – Development of a metal & vehicle recycling & transfer centre together with a materials recycling centre for dry recyclable waste & electrical goods, the storage of associated waste & waste products & the storage of demolition & contracting plant & vehicles
Ling Metals, Canterbury



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CA/09/607 – Development of a metal & vehicle recycling & transfer centre together with a materials recycling centre for dry recyclable waste & electrical goods, the storage of associated waste & waste products & the storage of demolition & contracting plant & vehicles Ling Metals, Canterbury

3. The application site totals 1.47 hectares and is bounded to the north by the Business Park and to the east by arable farmland. The west and southern parts of the site are bounded by the Canterbury Industrial Park and the Canterbury to Ramsgate Railway. The nearest residential properties to the site are located some 700m to the south west and approximately 500m to the north west. The site lies approximately 200m north of the River Stour which flows through the Stodmarsh Valley along with the nearby Stodmarsh SSSI, SAC SPA and Ramsar. Site location plans are attached together with plans showing the general site layout and elevational details.
4. Whilst the operator seeks to relocate the existing business, it is also intended to expand operations to incorporate dry commercial and industrial recyclable wastes (for example sorted card, bottles and plastic) from the Canterbury area. Overall the proposed development would be capable of processing up to 80,000 tonnes of waste per year.
5. Key elements proposed comprise a site storage building, Materials Recycling Facility (MRF) building, Shredded Tyre Storage Shed, Office building, Scrap Metal Processing area, Non-ferrous building and canteen and Staff Visitor Parking. In general, waste would be brought to the site from the Canterbury District for sorting and processing ready for onward transportation to appropriate recycling facilities.

Proposed Hours of Operation

6. In terms of the proposed operating hours, the applicant seeks the following: -

0700 to 1800 Monday to Friday

0700 to 1300 on Saturdays

with no working on Saturday afternoons (post 1300 hours), Sundays or Public Holidays.

However, the operator proposes that whilst the site would only accept waste between the standard operating hours specified above, the conveyor and sorting activity within the enclosed MRF building would be operational on a 24 hour basis. This would involve the sorting of mixed dry recyclable waste from a conveyor by hand and/or magnets. No external operations, including metal recycling or tyre shredding, are proposed to take place outside of the hours specified above.

Access and HGV movements

7. The site would be accessed via the A28 onto the Lakesview Business Park. The applicant indicates that once operational the site would generate some 2,844 (1,422 in/out) overall vehicle movements per week, of which 1,788 would be attributed to HGVs, 809 to commercial LGVs and 248 public cars. With regard to HGVs this equates to some 324 movements each day (i.e. 162IN/162OUT). On site arrangements are proposed to ensure

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no conflict between members of the public visiting the site and large HGVs delivering waste exists.

Biodiversity

8. The applicant proposes some form of biodiversity enhancement by way of habitat creation on the site in the form of a pond, along with bat boxes to be located along the southern facades of those buildings proposed on the most southern part of the site.

Planning Policy Context

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

National Planning Policy – National Planning Policies are set out in PPS10, PPS23 and Waste Strategy 2007.

Regional Planning Policy – the most relevant Regional Planning Policies are set out in South East Plan¹ policies NRM9 (Air Quality), NRM10 (Noise), CC1 (Sustainable development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable Design and Construction), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM5 (Conservation and Improvement of Biodiversity), W1 (Waste Reduction), W2 (Sustainable Design, Construction and Demolition), W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W7 (Waste Management Capacity Requirements), W16 (Waste Transport Infrastructure) W17 (Location of Waste Management Facilities)

Kent Waste Local Plan (Adopted March 1998)

Policy W9: Identifies the site as suitable in principle for proposals for waste separation and transfer.

Policy W18: Before granting permission for a waste management operation the planning authority will require to be satisfied as to the means of control of:-

- (i) noise
- (ii) dust, odours and other emissions
- (iii) landfill gas

¹ Regional Spatial Strategy for the South East of England, Adopted in May 2009

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Particularly in respect of its potential impact on neighbouring land uses and amenity.

Policy W19: Before granting permission for a waste management facility, the planning authority will require to be satisfied that surface and groundwater resource interests will be protected and that where necessary a leachate control scheme can be devised, implemented and maintained to the satisfaction of the planning authority.

Policy W21: Before granting permission for a waste management proposal the planning authority will need to be satisfied that the earth science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats, or species of wildlife importance. Where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory mitigation measures should be provided.

Policy W20: Before granting permission account needs to be taken of land settlement, land stability, drainage and flood control and minimisation of rainwater infiltration.

Policy W22: When considering applications for waste management facilities the planning authority will:-

- (i) normally refuse permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:-
 - (a) the safety (or would exceed the capacity) of the highway network
 - (b) the character of historic rural lanes
 - (c) the local environment including dwellings, conservation areas and listed buildings.
- (ii) ensure that any off-site highway improvements considered to be necessary to secure acceptable access are completed, if necessary in stages related to the development of the site, before specified operations on site commence and provided at the development's expense.

Policy W25 When considering details relating to the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting, the planning authority will ensure that: -

- (i) facilities are grouped to prevent sprawl and the spreading effects, and to

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- assist screening.
- (ii) Advantage is taken of topography and natural cover.
- (iii) Designs and means of operation minimise visual and noise intrusion.
- (iv) Appropriate colour treatment is provided, to reduce their impact and to assist their integration into the local landscape.

Policy W31: When considering waste management proposals the planning authority will wish to be satisfied that an appropriate landscaping scheme will be an integral part of the development.

10. Consultations

Canterbury City Council: No objection has been raised to the planning application however the points set out below should be taken into account and satisfactorily addressed before any planning permission is granted.

1. That the County Council is satisfied that the use will be implemented and subsequently operated in a manner that will have no unacceptable impact on the surrounding areas of ecological importance and the wildlife it contains.
2. That appropriate conditions are imposed to ensure that the future operation of the facility does not adversely affect the surrounding area. Conditions relating to the height of outside storage, restriction on noise levels and external lighting are highlighted as being of particular importance in this respect.
3. That the proposed buildings are finished using either a dark green finish or a combination of dark green for the lower part of the buildings and a lighter green for the upper parts.

Wickambreaux Parish Council: Object to the proposal. Raise concerns in relation to visual screening, noise nuisance and potential light pollution. Concern is also raised that current screening is ineffective in protecting and preserving the rural view across the valley from Stodmarsh. They raise concerns over potential noise impact from 24-hour operations and its impact across the valley. Finally they indicate the need to control the type, siting and usage of all external lighting proposed to avoid adverse light pollution.

Westbere Parish Council: Raise a number of concerns regarding location and proximity to the main road network, increase in HGV movements and impacts on existing congestion in the area, visual impact from the Stour Valley, along with potential noise impacts given the proximity to the SSSI and Ramsar. Finally the Parish Council are of the view that should any planning permission be granted, a two year temporary consent should be considered in the event that any problems should be identified, then permission should not be renewed.

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Sturry Parish Council: No comments received.

Hoath Parish Council: Whilst we are supportive of the need for more recycling we are mindful and concerned as to the implications on our area caused by the massive escalation of the plant. We believe that the huge increase in HGV vehicles going to and from the site will have a very definite and negative effect on our area. We have calculated that in excess of 6,000 vehicle movements and more likely nearer 10,000 will take place per year.

Chislet Parish Council: No comments received.

Environment Agency: No objection is raised.

Natural England: No objection is raised subject to a restriction on hours of operation.

Biodiversity projects Officer: No objection subject to a condition detailing the precise location, design and management of the proposed habitat creation.

Environmental Management Officer – Public Rights of Way: No comments to make on the application.

Jacobs (Landscaping): No objection is raised on landscape grounds however Jacobs recommend the existing belt of young tree planting, which is located along the southern boundary of the site, is retained and enhanced through some additional planting in order to improve visual screening of the proposed site from the Stodmarsh Valley.

Jacobs (Noise, Dust, Odour): No objections raised.

Transport Planning (Kent Highways): No highway objection to the proposal subject to the imposition of conditions in relation to on site vehicle management during construction, parking arrangements surface water disposal, wheel washing, cycle parking provision and a hard surfaced access road installed.

Local Member

11. The Local County Member, Mr A Marsh, along with the adjoining Local Member(s), Mr M Northey and Mr G Gibbens, were notified of the application on 23 April 2009.

Publicity

12. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 147 neighbouring properties.

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Representations

13. A total of 6 letters of representation have been received objecting to the proposal, two of those letters received are from the same local resident and one of the letters was received from the Ickham, Littlebourne and Wickhambreaux Conservation Society. Those objections can be summarised as follows:

Location

- Proposed development does not fit the profile of a professional business park
- 24 hour operation is not acceptable in this location

Highways

- Potential negative impacts on the highway generated from the increase in contracting plant vehicles and the general public
- Whilst an increase in HGV movements can be accommodated by major roads, currently HGVs use the Hoath Road as a cut through to the A28 from the Thanet Way (A299) dual carriageway which is not suitable for such vehicles.

Amenity

- Potential environmental impact on the Park itself
- Potential smoke pollution from burning
- Potential light pollution impacts
- Insufficient landscaping screening of the site

Discussion

14. 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.

15. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.

16. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making

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stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO together with current policies set out in the KWLP.

17. Until such time as the **Kent Waste Development Framework** (KWDF) reaches a more advanced stage, applications will be considered against relevant policies set out in the South East Plan. This is consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10.
18. Support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and regional level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill. Similarly Policy W9 of the adopted Kent Waste Local Plan supports the separation and transfer of waste and identifies the site at Hersden as a location considered to be suitable in principle for such activity. Policies W17, W18, W19, W20, W21, W22, W25, W25A, W27 and W31 are all relevant to this proposal.

Location

19. The operator seeks to relocate his existing scrap metal business from the Parham Road site in Canterbury, for which the adjoining land has been subject to recent residential development consistent with the City Council's development brief for the area. Consequently environmental controls have been difficult to manage on site given the close proximity of this new development to the site. The applicant therefore seeks to re-establish and expand his existing business, in order to include the recycling of mixed dry recyclable waste on land at the Lakesview Business Park at Hersden which is occupied by, amongst others, a scaffold business and demolition firm.
20. Policy W9 of the Kent Waste Local Plan identifies the Hersden site as a location considered to be suitable in principle for the separation and transfer of waste. The Plan, which reflects the objectives of the Waste Framework Directive gives particular weight to locations which "*are within or adjacent to existing waste management facilities or are part of a location within an established or proposed general industrial-type area*"² and which can gain ready access to the main road network by avoiding as far as possible major residential areas. I consider that given the sites location and close proximity to the A28, it meets the general requirements of Policy W9 for waste separation and transfer activity on this particular site. However whilst I consider the location to be suitable in

² Paragraph 4.2.9 (c) of the Kent Waste Local Plan.

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principle, the proposal requires assessment against other relevant development plan policies, in particular those relating to on site management and potential environmental and amenity impacts.

21. Whilst generally accepting the need for waste management and recycling facilities a number of concerns have been raised by the Parish Councils and a small number of local resident businesses. These concerns relate specifically to potential effects from an increase in HGVs, environmental impacts including noise, dust, lighting and hours of working.

Highway Impacts

22. The operator estimates a total number of 1,422 vehicles visiting the site during any one working week (i.e. 258 per day), this equates to 2,844 movements (i.e. 517 per day) associated with the proposed development. Vehicle numbers proposed include public, commercial LGVs and commercial HGVs and may be broken down as follows:

Table 1
Proposed weekly vehicle numbers

Public (cars)	248 movements (124 in/124 out)
Commercial (LGVs)	809 movements (405 in/405 out)
Commercial (HGVs)	1,788 movements (894 in/894 out)
Total vehicles per week	2,844 movements (1,422 in/1,422 out)

23. In terms of HGV movements this would equate to approximately 162 HGVs visiting the site each day (i.e. 324 movements).
24. A number of concerns have been raised in relation to the increase of vehicles using the local road network, in particular Hoath Parish Council raise concerns at the potential impact on the A28 Island Road and vehicles using the nearby Hoath Road as a cut through to the A299 Thanet Way. Whilst the Divisional Transport Manager (DTM) has raised no objection to the proposed number of vehicles entering and leaving the site he was asked specifically to consider the concerns of the Parish Council in relation to the use of Hoath Road in order to establish the extent of any current problem of vehicles using Hoath Road as a ‘cut-through’.
25. The DTM is satisfied that due to the restrictive nature of Hoath Road, it is very unlikely that a HGV would intentionally negotiate this route and on this basis a highway objection would be difficult to sustain. However, by way of some form of mitigation and in order to ensure HGVs leaving the site use the most direct routes, the applicant has offered to install signage at the site exit instructing heavy goods vehicles to use the A28 via St Nicholas Roundabout, in order to access the main road network. I agree with the DTM that the option of signage would go some way to ensuring HGV drivers use the most direct route which could be secured by way of a planning condition prior to the site being operational should Members

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resolve to grant planning permission. In addition, I would also recommend a condition restricting the maximum number of vehicle movements to those indicated above in order to ensure that any future increase in vehicle movements be given fresh consideration as part of a new planning application. In my opinion the proposal meets the criteria set out in policy W22 of the KWLP and Policies W16 and W17 of the South East Plan.

Noise Impact

26. A number of concerns have been raised in relation to potential noise impact from general on site activities, particularly from percussive noise generated from crushing activities which could have an impact on the nearby SPA and Ramsar.

MRF Building

27. Plastics/cardboard, glass and electronic waste would be sorted within the proposed MRF building and which would be fully enclosed. Whilst waste sorting within the MRF would be undertaken on a 24 hour basis, there would be no waste delivery outside of the normal working day (i.e. outside of 0700 and 1800, weekdays and 0700 and 1300 on Saturdays) and as such the only activity taking place would be hand picking/sorting via the conveyor system. Site management arrangements would ensure that the main doors to the MRF would be closed during these hours in order to ensure that there would be no noise impact. All other external activities are proposed to be undertaken within the normal working hours specified above and would therefore not take place during the night-time or on Sundays and Bank Holidays. Jacobs, the County Council's noise consultants have raised no objection to the proposal and are satisfied that the applicant has been able to demonstrate that the proposed development would be unlikely to cause any detriment to the nearest sensitive receptors as identified under paragraph 3. above. Should Members resolve to permit the development, I recommend that a suitable condition be imposed restricting no waste deliveries to the site outside of the specified hours and that all doors to the MRF be kept closed at all other times in order to avoid any impacts on nearby residential properties.

Percussive Noise

28. The original noise report submitted by the applicant indicates that the predicted L_{Amax} levels from the proposed development when measured from the site boundary would be 68 dB. Natural England (NE) raised some concern regarding the potential impact from percussive noise on the nearby designated SPA and Ramsar sites. Their concerns were mainly related to the metal processing and crushing activity proposed on site. In particular NE were of the opinion that the information contained within the application was insufficient to conclude that there would be *no likely significant effects* on the SPA and Ramsar from percussive noise.
29. Having regard to NE's concerns, the applicant carried out a further survey and assessment of the noise levels at Stodmarsh National Nature Reserve on 28th August 2009. The report

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concluded that existing commercial development on adjacent sites generate higher levels of percussive noise than that predicted from the proposed development. The percussive events from the nearby scaffolding, metal recycling activities and crusher at Goody Demolition were assessed and were found to be higher, at between 62 and 73 dB, than those predicted at the proposed development site. Furthermore, noise from the nearby metal recycling activities occurred on a continual basis. As a result of that report, NE are satisfied that given noise from these adjoining land uses occur throughout the day, the proposed development is unlikely to result in any additional disturbance to the nearby designated sites. Having regard to Policy W18 of the KWLP I am satisfied that subject to a condition that with the exception of the operation of the MRF all other activities on site including waste deliveries together with metal recycling and crushing activities would only be undertaken during the hours stipulated in the application, there would be minimal noise impact. I would also recommend a separate condition be imposed stipulating that percussive noise generated from the site should not exceed 68 dB when measured from the site boundary. In my view this would be sufficient to ensure no negative impact on the nearby designated sites consistent with the principles set out under policy NRM5 of the South East Plan and there would also be no adverse impacts on residential amenity.

Hours of Operation

30. In terms of working hours proposed, the hours of operation sought represent what is considered to be 'standard' and would be applicable to all waste vehicles visiting and leaving the site, public access to the site and waste processing (including metal and tyre processing). The site is located within an existing and dedicated business park and I have received no objections from consultees to these proposed hours which can be satisfactorily controlled by way of an appropriate planning condition.

Proposed 24-Hour Operations

31. In addition to the above proposed hours, the operator seeks to carry out waste sorting activities within the MRF building on a 24 hour basis. This would only allow for the sorting of plastics, cardboard, glass and electronic waste via the conveyor within the enclosed MRF building. No waste deliveries or external operations would take place and no plant or equipment other than the conveyor would be in use during these hours. I am therefore satisfied that provided the site management arrangements proposed are fully implemented at all times, which includes the main doors of the MRF being kept closed during those periods operations take place outside 'standard hours', this would ensure there are no adverse impacts on the local amenity.

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Other Amenity Impacts

Dust and lighting

32. Objections have been raised by a small number of local residents who have concerns that the facility and operations would have the potential to generate dust nuisance. The types of waste proposed to be handled on site, i.e. glass, cardboard, plastics, electronics, scrap metal and tyres etc, are not obvious dust generators. The most likely source of dust nuisance however could be derived from tyre shredding activity proposed at the north-west corner of the site. The applicant proposes the use of a water bowser as and when necessary and given Jacobs raise no objections on dust nuisance grounds, I am satisfied that with the imposition of a suitable condition to ensure dust be satisfactorily controlled, the proposal is consistent with Policy W18 of the KWLP.
33. In terms of lighting, one local resident along with the Ickham, Littlebourne and Wickhambreaux Conservation Society has expressed a particular concern with regard to the effects any potential lighting may have on the nearby designated areas, in particular the nearby Nature Reserve and SSSI. It is not proposed to provide external lighting on the southern facades of the buildings to be situated along the southern boundary. The applicant has proposed downward facing lighting which would be located in positions to avoid light spill into the nearby designated areas to the south. Natural England have been consulted on this aspect and are satisfied that the lighting details can be dealt with by way of a planning condition.

Landscaping

34. Policy W31 of the KWLP requires appropriate landscaping to be considered as an integral part of waste management proposals. The proposed site lies within a dedicated business park which can be viewed from the Stodmarsh Valley which lies to the south. The site is largely cleared from vegetation currently, with the exception of some planting along the southern boundary of the site. Visual impact has been raised as a concern by one local resident who suggests that further planting on the southern boundary should take place prior to any construction should planning permission be granted. Whilst the proposed buildings could be seen from the Valley, they are consistent with the surrounding business units and are unlikely to cause any additional visual harm from the south. Whilst Jacobs, the County Council's landscape advisors raise no objection in principle to the proposed development I agree that some enhancement to the existing tree belt would be desirable in order to improve visual screening of the site from the southern view point. However, I do not feel that planting prior to construction works taking place on site would be appropriate given any construction activity would hinder successful planting in the longer term. However, the applicant is happy to accept a planning condition requiring further planting following site construction should Members resolve to permit the application. I would recommend that in order to be consistent with the objectives on Policy W31, a scheme be submitted within 3 months of the date of any planning permission being issued and that any scheme be

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implemented as approved at the first available planting season upon completion of the development.

Conclusion

35. In conclusion, I am of the opinion that the proposal meets the relevant development plan policy requirements as set out under the South East Plan and Kent Waste Local Plan in terms of location, proximity to the primary and secondary road network and the broader policies which support waste separation and transfer for recycling in order to help achieve regional and sub-regional self sufficiency and the targets for the diversion of waste going to landfill. I am also of the opinion that with appropriate planning conditions in place the development would not result in any adverse impacts on the local amenity. I therefore recommend accordingly.

Recommendation

36. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO CONDITIONS covering amongst other matters annual waste throughput, daily vehicle number restrictions, hours of operation, including no waste deliveries outside of the specified hours in para (6), and that all doors to the MRF be kept closed at all other times, restrictions on external stockpile heights, lighting details, landscaping scheme, noise restrictions, details of habitat creation, dust control measures, details of signage and colour of buildings.

Case Officer: Angela Watts

01622 221059

Background Documents: See Section Heading

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Item C2

Application to vary conditions 18 & 26 of planning permission TM/98/1843/MR100, as amended by planning permissions TM/05/1173 & TM/07/3100, to further relax the time limit for the submission of restoration and aftercare schemes by no later than 3 June 2010 at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent – TM/09/2028

A report by Head of Planning Applications Group to Planning Applications Committee on 3 November 2009.

Application by Borough Green Sand Pits Limited to vary conditions 18 & 26 of planning permission TM/98/1843/MR100, as amended by planning permissions TM/05/1173 & TM/07/3100, to further relax the time limit for the submission of restoration/landscaping planting and aftercare schemes respectively for the existing site by no later than 3 June 2010 at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent (TM/09/2028).

Recommendation: Planning permission be granted subject to conditions.

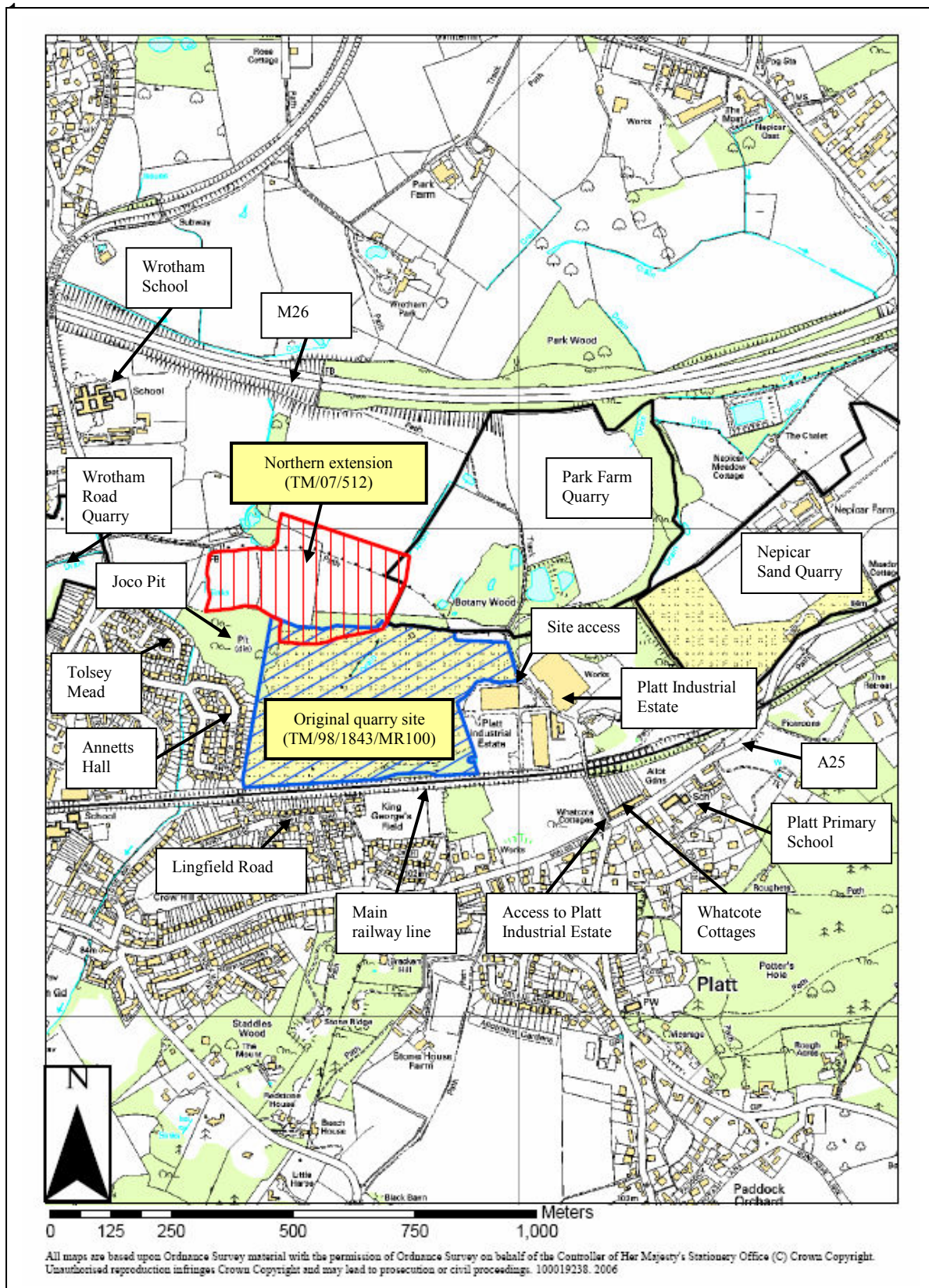
Local Members: Mrs V. Dagger

Unrestricted

Site description and background

1. Borough Green Sand Pit lies to the north of the mainline railway, west of Platt Industrial Estate, east of the Annetts Hall housing estate and to the south of woodland and open fields about 1 mile to the east of Borough Green village centre. The quarry is accessed from the A25 via Platt Industrial Estate. The nearest residential properties are at Annetts Hall (which adjoins the western boundary) and Lingfield Road (immediately to the south of the railway line). *A site location plan can be found on page C2.2.*
2. The site has a long history of mineral extraction activities dating back as far as 1952 when operations are understood to have commenced at Borough Green Sand Pit. Since then, a number of permissions have been granted within the original quarry area (as shown on Page C2.2) for sand extraction, restoration by infilling with inert waste and soil blending. The main mineral planning permission for the original quarry area is TM/98/1843/MR100 dated 15 March 2000. This updated the earlier mineral permissions in accordance with the terms of the Environment Act 1995 (i.e. the Minerals Review 'ROMP' process). This permission was most recently amended by TM/07/3100 on 3 June 2008 and this now represents the main planning permission for the original part of the site. Conditions 18 and 26 of planning permission TM/07/3100 respectively required the submission of schemes of restoration and landscape planting and aftercare, maintenance and management to be submitted for the approval of the County Council for this area by 3 June 2009.
3. Permission was also granted on 3 June 2008 for a Northern Extension to Borough Green Sand Pit under permission reference TM/07/512. This will involve the extraction

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of approximately 736,000 tonnes of building, construction and industrial (silica) sand in three phases from an extraction area of about 4.42 hectares (as shown on Page C2.2) and the restoration of the area with imported inert waste. The permission for the Northern Extension requires sand extraction and restoration to be completed by 31 December 2018. This is also the date by when restoration of the rest of the site must be completed.

4. Sand extraction has ceased within the original quarry area with restoration by backfilling with inert material having occurred and continuing to occur within the earliest phasing areas adjacent to the mainline railway line between residential properties in Annetts Hall and the western edge of Platt Industrial Estate. The original quarry site is to be restored to a private nature conservation area in accordance with a Landscape Strategy dated 1999 and a Landscape Management Plan dated 21 November 2002. The Northern Extension area is to be restored in accordance with the same principles as the original quarry area, but the final details of restoration and aftercare have been reserved by condition for later consideration and are required prior to the commencement of landfilling in that area.
5. The site lies to the South East of the North Downs Area of Outstanding Natural Beauty (AONB), within the Metropolitan Green Belt and adjacent to a public footpath (MR251) which runs east to west within the Northern Extension area.
6. There are a number of other quarries in the area, including Park Farm Quarry (Cemex) which is also accessed from the A25 via Platt Industrial Estate, Nepicar Sand Quarry (J Clubb Ltd) to the east, Wrotham Road Quarry and Landfill Site (Cemex) to the west and Ightham Sand Pit (H+H Celcon) and Crickett's Farm (Trodell Plant Ltd) further west.

Proposal

7. The application proposes the variation of condition 18 (relating to restoration and landscape planting) and 26 (relating to aftercare, maintenance and management) of planning permission TM/98/1843/MR100 (as previously amended by planning permissions TM/05/1173 and TM/07/3100) to further relax the time limit for the submission of restoration and aftercare schemes for the original site by no later than 3 June 2010. This application has come forward as a result of the realisation by the applicant that it was unable to comply with the required timescales and as an attempt to regularise the current breach of planning control.
8. The applicant has set out a number of reasons why it was unable to submit the schemes by 3 June 2009. These included the realisation that existing permitted restoration levels would hinder ongoing sand processing and landfill operations within the site (e.g. flooding of the main processing and screening areas during high rainfall periods) and that the approved restoration scheme for the original site area would be detrimental to final restoration objectives for the site as a whole (i.e. both the original and Northern Extension areas). A review of best practice undertaken this year is likely to lead to the applicant seeking changes to the approved restoration scheme in the original quarry area in order to provide more effective management of surface water and water infiltration. To this effect, the operators are looking to review the restoration levels for the site as a whole with a view to satisfactorily addressing all environmental issues as

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well as ensuring that the future scheme represents modern best-practice measures for restoration of mineral workings without increasing overall site levels or the total amount of imported inert waste materials required to secure these objectives.

9. In support of the application, the applicant also proposes to bring forward the submission of the aftercare and restoration schemes required for the Northern Extension area such that these would be submitted alongside those for the original site and be considered together. In this way restoration and aftercare schemes for the entire site would be submitted by 3 June 2010. Whilst the applicant acknowledges that it is unfortunate that it has been unable to meet the requirements of conditions 18 and 26, it considers that there are real benefits in this approach.
10. The applicant has also provided additional supporting information to demonstrate that steps are underway to draw-up appropriate restoration and aftercare schemes by the 12 month extended deadline sought and has confirmed that it is actively involved in discussions with key stakeholders, such as the Environment Agency, and intends to provide officers with a draft submission for further discussion by the end of November 2009.

Planning Policy Context

11. The most relevant planning policies are set out below:

National Planning Policies – the most relevant National Planning Policies are set out in PPG2 (Green Belts), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England), MPG7 (Reclamation of Mineral Workings), PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.

South East Plan (May 2009) – These include Policies SP5 (Green Belts), C3 (Areas of Outstanding Natural Beauty), C4 (Landscape and countryside management), NRM1 (Sustainable water resources and groundwater quality), NRM4 (Sustainable flood risk management) and W14 (Restoration).

Kent Minerals Local Plan: Construction Aggregates (December 1993) – These include Policies CA22 (Landscaping) and CA23 (Working and Reclamation Schemes).

Kent Waste Local Plan (March 1998) – These include Policies W12 (Landfill of Mineral Voids), W21 (Nature Conservation), W31 (Visual Impact and Landscaping) and W32 (Aftercare).

Tonbridge and Malling Borough Council Local Development Framework Core Strategy (September 2007) – These include Policies CP3 (Green Belt) and CP7 (AONB).

Consultations

12. **Tonbridge and Malling Borough Council** – Raises objection on the basis that the

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applicant has had adequate time in which to fulfil the obligations of the planning conditions relating to the submission of landscaping, restoration and aftercare schemes and as no evidence has been presented within the application which would justify a further extension on the time limits for such compliance.

13. **Borough Green Parish Council** – Consider that the applicant has had adequate time to complete these schemes. There was an agreement that these details would be completed within the time limits thus the applicant was aware that a deadline had to be met. Under the circumstances, Borough Green Parish Council sees no reason to allow a further extension of time.
14. **Platt Parish Council** – The applicant states that it became aware of shortcomings in the existing permitted restoration levels last winter but has only now asked for an extension of time to submit the new schemes. On the basis that there has been a period of about eight months since that realisation by the applicant, during which time it should have been developing its proposals, we feel that a further full year should not be allowed and any approved time extension should be minimised with a maximum of six months.
15. **Wrotham Parish Council** – The applicant should be given no more than an additional six months for the submission of restoration/landscape planting and aftercare schemes and the revised deadline should be rigorously enforced by the County Planning Authority.
16. **Environment Agency** – No objections to the application for an extension to the time limit.

Local Member

17. The local County Member, Mrs. V. Dagger was notified of the application on 19 August 2009.

Publicity

18. The application was publicised by the posting of a site notice, a newspaper advertisement, and all local residents / business properties within 250 metres of the application site were notified by post.

Representations

19. At the time of writing this report, 13 letters of representation have been received. The representations relate to the following issues: -
 - Whilst we are sympathetic to the reason for this request to relax time limit, we do not see why such a plan could not be submitted even if the timing of such work is set far enough into the future for them to be able to finish extracting sand from the area in question. Therefore, should the application be approved, an immovable time limit should be applied so that the applicant cannot, in six months time, come back and ask for yet a further extension;
 - Concerns relating to the delay of site restoration, and connections with possible

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future major development within the locality for a large rail road transport transfer depot;

- The quarry is an essential part of surface water control to prevent flooding in southern part of Borough Green – any future development on this land will lead to flooding of surrounding residential properties;
- Lack of detail from the applicant relating to real reasons for their request for additional time – no overriding reason for further relaxing the time limit;
- Application will be a blight on my personal views and will be an environmental disaster;
- Currently we have noticed the noise of the night trains increasing and the sand from the quarry is bearable but still a pain. If the application goes through I can not see any improvement at all and Borough Green, Platt and Wrotham will become the next Croydon;
- The quarry in question has been in operation for many years and as a local resident, we have had to put up with the noise, dust, etc. for the twenty three years that I have resided here. I am objecting to the proposal to extend the working time on the following grounds – the past year has seen a considerable increase in the noise factor causing great inconvenience and annoyance; the dust and sand is a constant source of irritancy as it smothers the interior of our house on a permanent basis; and the dust and sand is a contributory factor to a decline in my respiratory/chest condition;
- Against the application because this is green belt land and therefore special care and attention should be shown towards it. Restoration should be a priority to assist in the speedy return of wildlife.

Discussion

20. The application is being reported to committee as a result of the objections from Tonbridge & Malling Borough Council, Borough Green, Platt and Wrotham Parish Councils and local residents that are summarised in paragraphs (12) to (19) above.
21. 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 the proposal needs to be considered in the context of the Development Plan policies and Government Guidance outlined in paragraph (11) above and other material planning considerations (including those arising from consultation and publicity). The main issues in this case are whether the proposed 12 month extension of time for the submission of restoration and aftercare schemes would adversely affect the effective working of the site, unduly delay effective restoration of the site or lead to any other unacceptable impacts. In addition, consideration is required as to whether the additional time sought is necessary and of a reasonable duration.
22. The guiding principles of restoration have already been established for the original site in TM/98/1843/MR100 (as amended by TM/07/3100) and for the northern extension by TM/07/515. Effective and timely restoration of the site is important, particularly given the site's location within the Metropolitan Green Belt and near the Kent Downs AONB.
23. Planning Policy Guidance Note 2 recognises that there is a general presumption against

Application to further relax time limit for submission of restoration and aftercare schemes by no later than 3 June 2010 at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent – TM/09/2028

inappropriate development in the Green Belt and that such development should not be permitted except in very special circumstance. However, it goes on to say that as minerals can only be worked where they are found and their extraction is a temporary activity, extraction need not be inappropriate development and need not conflict with the purposes of including land in Green Belts provided that high environmental standards are maintained and that the site is well restored. Policy SP5 of the South East Plan, and Policy CP3 of the Tonbridge & Malling Local Development Framework Core Strategy also recognises the importance of Green Belts. Policy C3 of the South East Plan and Policy CP7 of the Tonbridge & Malling Local Development Framework Core Strategy seek to preserve the distinctive character and natural beauty of the landscape in AONBs. Policy C4 of the South East Plan seek to (amongst other things) to protect and enhance the diversity and local distinctiveness of the region's landscape, informed by landscape character assessment, outside nationally designated areas.

24. For the site to be effectively worked and restored and meet the requirements of the above planning policies it is essential for appropriate landscape, restoration and aftercare schemes to be in place. This is also a requirement of Policies CA22 and CA23 of the Kent Minerals Local Plan: Construction Aggregates and Policies W31 and W32 of the Kent Waste Local Plan. It is therefore desirable for any schemes that are submitted for approval to be based on sound and up to date guidance and principles and to address the entire site (i.e. original site and northern extension). Subject to any new submission date being within a reasonable time period, allowing additional time for the applicant to complete its consideration of these matters in consultation with relevant parties (including County Council planning officers) is clearly preferable to seeking compliance with a particular date if the alternative were to lead to the submission of sub-optimal or unacceptable schemes. It is also worth noting that although the conditions required the submission of the schemes by 3 June 2009, they do not require restoration of any particular areas of the site by this date or any date immediately thereafter. These matters are addressed elsewhere in the relevant permissions. Restoration can only be completed as and when operations on site reach a certain point and in accordance with permitted phasing. In this context, it should be noted that the proposed 12 month delay in submitting the schemes would have no significant impact on the operator's ability to continue to work and restore the site in accordance with existing permitted details. On this basis, I consider that allowing additional time for the submission of the schemes (until 3 June 2010) would remain consistent with the above development plan policies.
25. Whilst it is unfortunate that the application was submitted one month after the required date for the submission of the restoration and aftercare schemes this does not preclude the County Council determining the application and permitting an alternative date. Neither does it affect my view that delaying submission until 3 June 2010 would be acceptable.
26. Borough Green, Platt and Wrotham Parish Councils have suggested that the County Council should consider only allowing the applicant up to a maximum of six months to make the necessary submissions. In practical terms, I do not consider that an additional six months (i.e. until 3 December 2009) would provide a realistic timescale for the preparation and submission of the required schemes given the need for the further discussions referred to above. Although concerns have been expressed by local residents that the applicant may seek a further relaxation of the time period for the

Application to further relax time limit for submission of restoration and aftercare schemes by no later than 3 June 2010 at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent – TM/09/2028

submission of the schemes, I believe the additional time period sought to be reasonable and that it should provide sufficient time for appropriate scheme to be prepared and submitted. The further benefit suggested by the applicant of the additional time period enabling the submission of a single scheme for both the original site and northern extension (i.e. relating to conditions attached to TM/07/3310 and TM/07/515) is also a factor in favour of the proposal.

27. It should be noted that many of the residential concerns that have been received relate to the potential future development of the site and surrounding area as a rail/freight transport hub rather than the proposed development itself. In particular, the suggestion that the applicant is 'stalling' or delaying restoration of Borough Green Sand Pit pending a decision on these proposals. Whilst these issues are clearly of concern to local residents, they are not relevant for consideration as part of this application.

Conclusion

28. Whilst it is unfortunate that the applicant has found it necessary to seek further time to submit the required restoration and aftercare schemes, I am satisfied that the proposed 12 month extension of time would not adversely affect the effective working of the site, unduly delay effective restoration of the site or lead to any other unacceptable impacts. I am also satisfied that the additional time sought is both necessary and of a reasonable duration in this case. For the reasons given above, I am also satisfied that the proposal remains consistent with development plan policy and that there are no material planning considerations that indicate permission should be refused. I therefore recommend accordingly.

Recommendation

29. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO the detailed restoration and landscape planting scheme and aftercare, maintenance and management scheme for the application site being submitted by 3 June 2010 and all other conditions imposed on planning permission TM/98/1843/MR100, as amended by planning permission TM/07/3100, remaining in full force and effect.

Case Officer: Julian Moat

Tel. no. 01622 696978

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 proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

A report by Head of Planning Applications Group to Planning Applications Committee on 3 November 2009.

Application by Kent County Council's Adult Social Services Directorate for outline planning permission for 40 extra care apartments for the elderly including 20 1-bed apartments, 20 2-bed apartments, residents communal areas and staff facilities at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

Recommendation: Planning permission be granted subject to conditions.

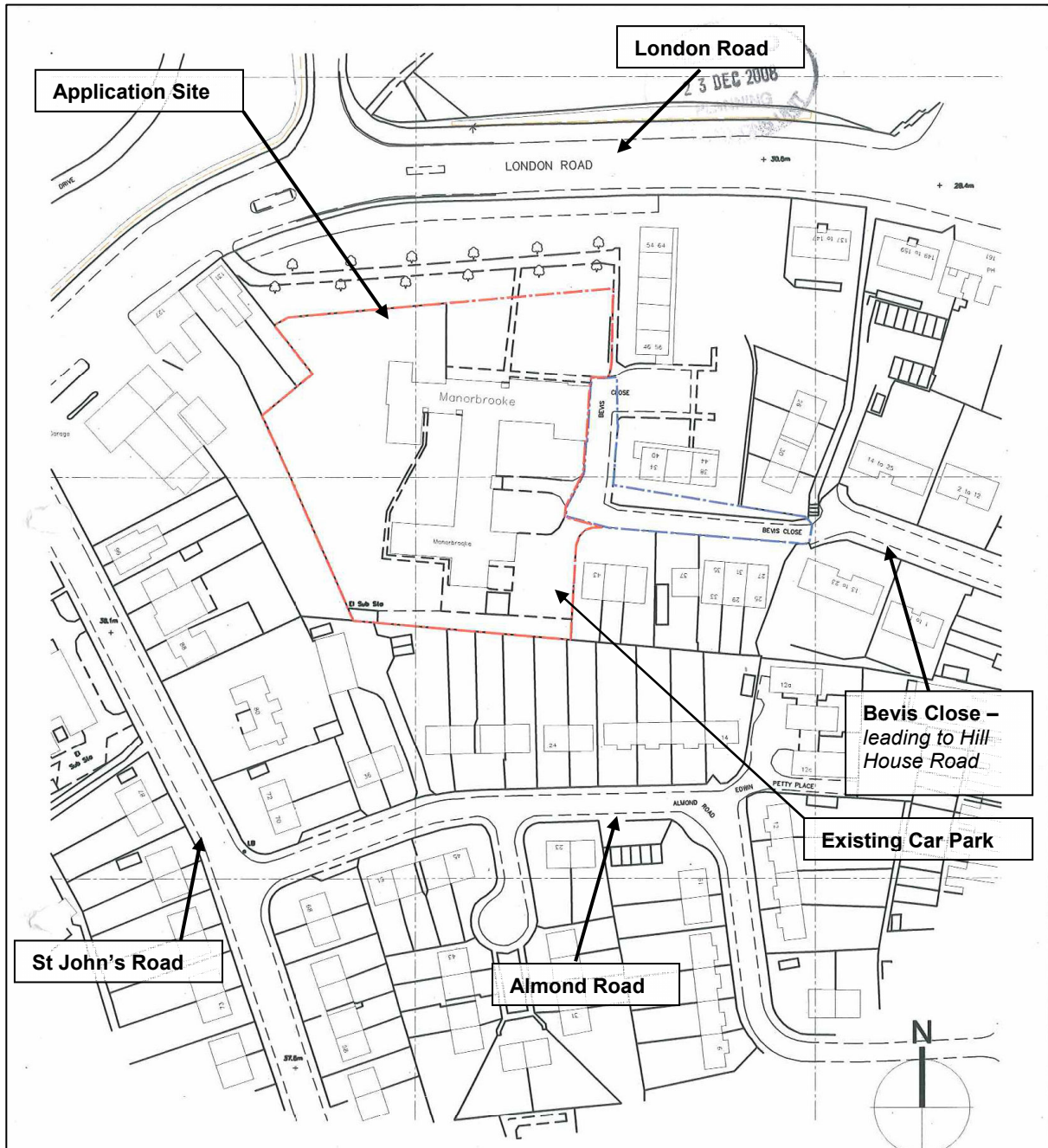
Local Member: Mrs P Cole

Classification: Unrestricted

Site

1. The application site forms the grounds of the Manorbrooke Residential Home, Bevis Close, a County Council run care home approximately 2km to the east of Dartford Town Centre, within the Parish of Stone. The Residential Home, a large single / two storey building, was built in the 1960's and provides care facilities for up to 33 elderly people.
2. The balance of the 0.58ha site includes car parking and associated gardens. A tree survey received with the application indicates that approximately 20 trees of varying sizes and species line the western and southern boundaries. An additional 40 trees/shrubs in 4 main groups are spread across the site. The existing ground levels on site fall by approximately 2m in a gentle slope in a roughly west to east direction across the planning unit. Land adjacent to the site falls away to the south and east along Bevis Close and toward the eastern end of Almond Road.
3. Manorbrooke Residential Home is located at the western end of Bevis Close a narrow residential road that rises up toward the site. Access to Bevis Close is gained via Hill House Road, also a narrow residential street off London Road (A226) between Dartford and Stone. Land to the north of the Residential Home between the site and London Road forms a small park maintained by Dartford Borough Council and includes public footpath access directly out onto London Road. The character of the immediate area surrounding the site is predominantly residential comprising a mixture of 2-storey housing and apartment buildings, with land immediately to the east employed in a commercial use. *A site location plan is attached below.*
4. There are no site-specific Development Plan Policies identified in connection with the application site itself, although general policies are set out in paragraph (15).

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687



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project name: **Kent PFI**
drawing reference: **Manorbrooke, Dartford Existing Site**
job number: **M8047**
drawing number: **ASL 001MB**
revision:
status: **outline planning**
cad ref: **ASL 001 MB.dwg**

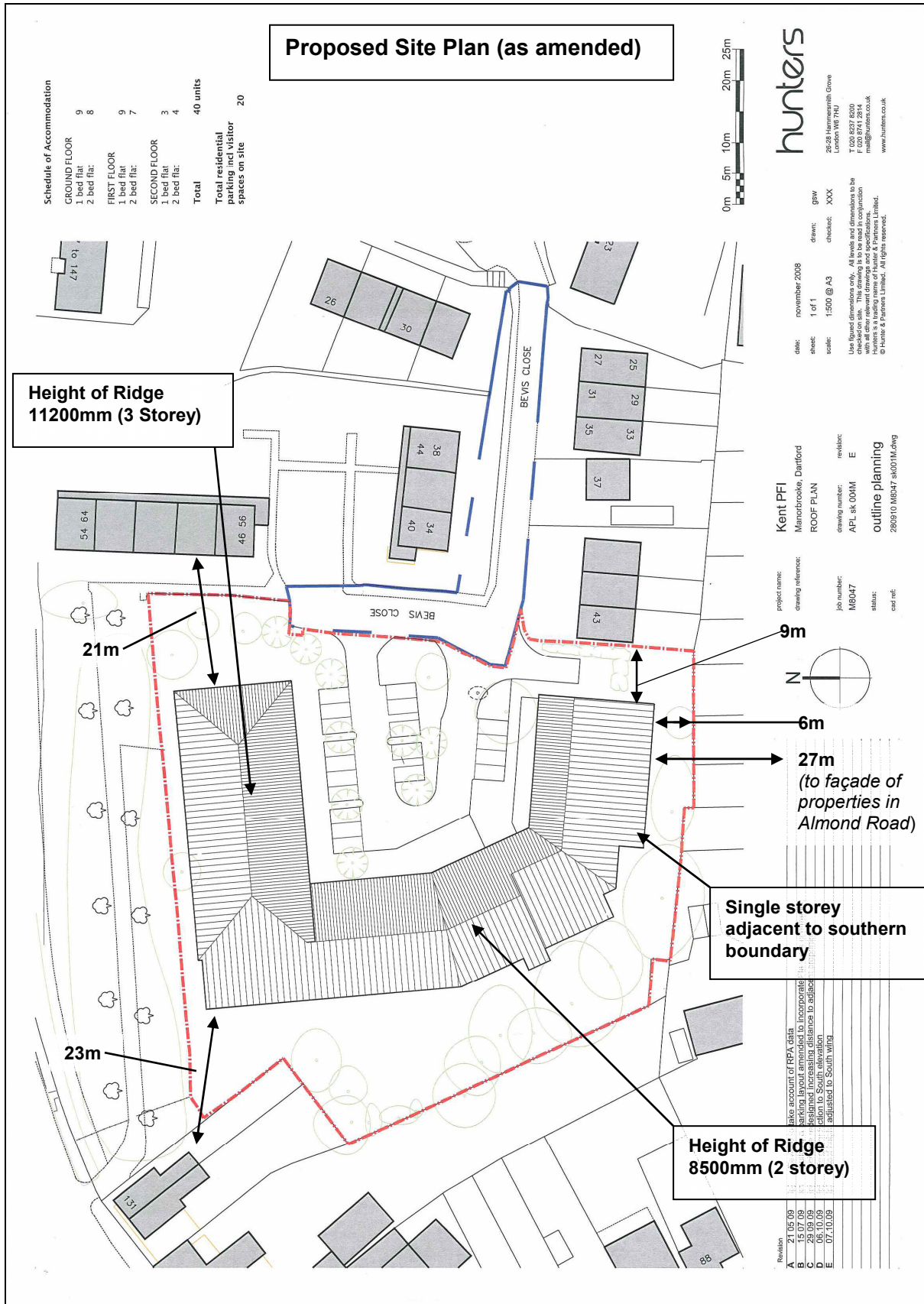
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drawn: **rjs**
checked: **XXX**

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40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687



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40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687



Schedule of Accommodation

GROUND FLOOR	9
1 bed flat	8
2 bed flat	9
FIRST FLOOR	7
1 bed flat	3
2 bed flat	4
SECOND FLOOR	40 units
1 bed flat	
2 bed flat	
Total	40 units
Total residential parking incl visitor spaces on site	20

Proposed Second Floor Plan

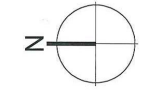


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date: november 2008
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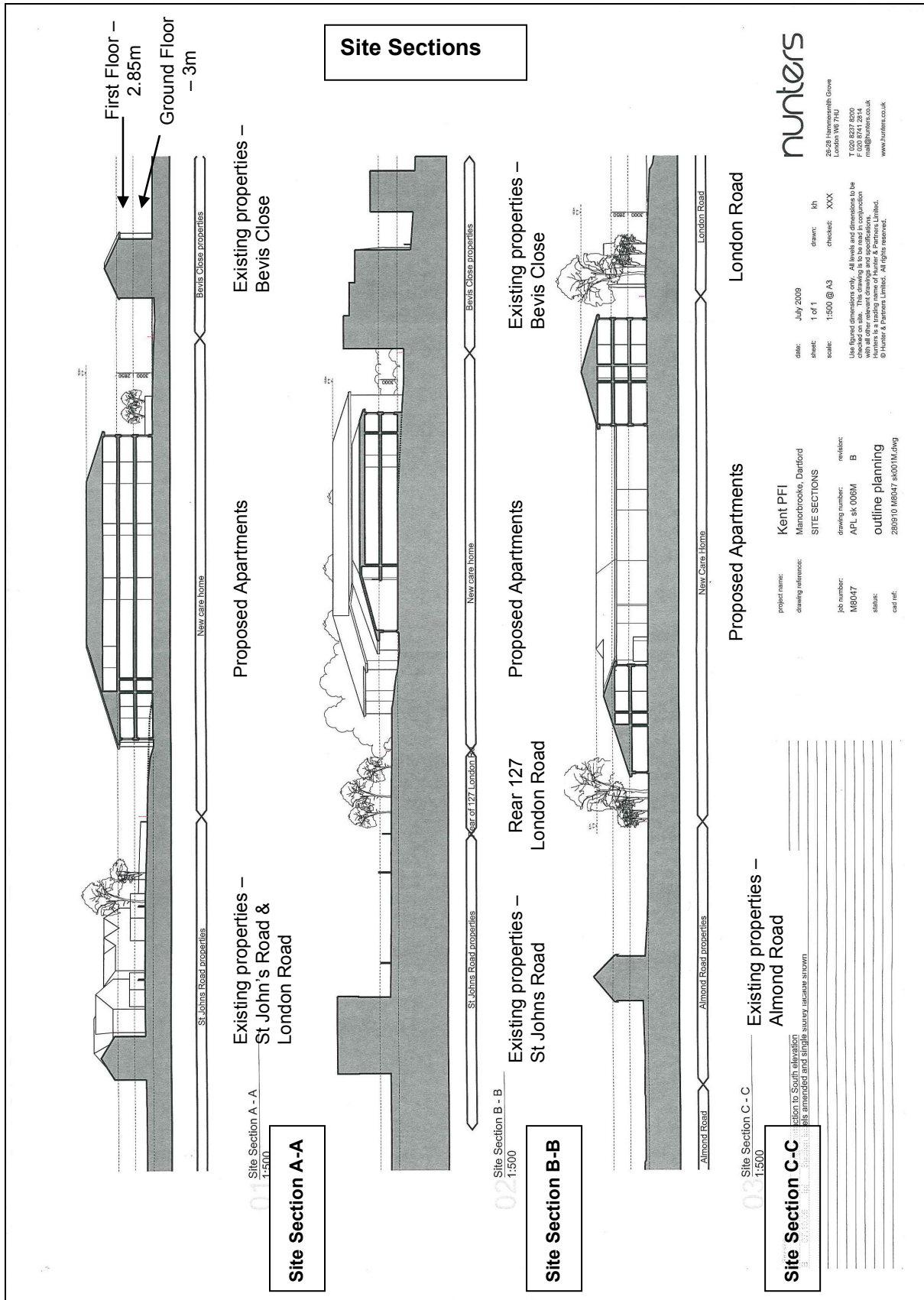
Kent PFI
 Manorbrooke, Dartford
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 job number: M8047
 status: 280910 M8047 s001M.dwg
 resident: E
 outline planning

project name:
 drawing reference:
 job number:
 status:
 cad ref:



Revision	By	Date	Description
A	KL	15/07/09	Subject to high account of BPA 4th Building & parking layout amended to incorporate Planners comments.
B	KL	29/09/09	Scheme redesigned increasing distance to adjacent properties.
C	KL	08/10/09	Height reduction to South elevation
D	KL	07/10/09	Roof height adjusted to South wing
E			

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687



40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

Background

5. This outline planning application is one of a number of proposals being considered by the County Council, submitted on behalf of Kent Adult Social Services (KASS). The application is being made to establish if the site can be considered acceptable in principle for supported housing; if the principle is established, KASS aim to include this proposal within the next wave of the Excellent Homes for All Housing Private Finance Initiative (PFI). This initiative seeks to develop 228 apartments for vulnerable people in Kent including young people and the elderly. Outline planning permission is required on all of the sites across the County as a precondition to accessing central government consent for the PFI scheme to progress.

Proposal

6. This outline planning application has been submitted on behalf of Kent Adult Social Services (KASS) Directorate and falls to be determined by the County Planning Authority due the Social Services aspect of the proposed accommodation. Outline planning permission is being sought to demolish Manorbrooke Residential Home (33 beds) and to redevelop the site as an apartment building providing 40 extra care sheltered apartments for elderly people with associated facilities. The outline application includes details of the layout of the proposed development (including the number of apartments) and the means of access for consideration at this stage; further details relating scale, appearance and landscaping are being reserved for future detailed consideration should outline permission be granted.
7. The layout of the proposed apartment building indicates that it would largely be 2-storey with a pitched roof, with a 3-storey wing to the north. The application includes details of the maximum height of the building at the ridgeline of the roof (11.2m for the 3-storey and 8.5m for the 2-storey elements). The apartment building would include 20 1-bed apartments, 20 2-bed apartments, residents' lounge and dining, gym, main kitchen and laundry, creating a gross floorspace of approximately 4,200m². To be able to deliver the building on site the proposals would require a quantity of cut and fill to level the site adequately to accommodate the footprint of the development. This outline application does not include detailed information on the necessary ground works, however the section drawings included give a general indication of the works required.
8. The application includes a revised access and new car park to the east of the proposed building fronting onto Bevis Close, including a drop off area and cycle store. The car park originally proposed 16 spaces; however this has subsequently been increased to a total of 20 spaces. A service yard for the building is shown to the south-east of the site, adjacent to properties in Bevis Close. The remainder of the land would form residential gardens and amenity space serving the apartments. The application proposes to protect and retain the majority of the trees on site; however the detailed landscaping is being reserved out at this stage.
9. The layout of the development (as amended) is included on the site plan shown on page D1.3. The approximate distances between proposed building and the closest residential properties in Bevis Close, Almond Road, London Road are marked on the plan. Land immediately to the west of the site is in commercial use and to the north forms a public park adjacent to London Road.

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

10. The Extra Care Housing proposed would be a modern alternative to traditional residential care in which older people have their own self contained apartments. The services also include communal facilities, and 24 hour care to allow tenants to live as independently as possible, knowing that help is at hand should there be a need. The application recognises there is a shortage of extra care housing in Dartford, and that the majority of the ordinary sheltered accommodation units are not fully suitable for disabled access. A recent borough-wide housing needs survey identified a need for up to 273 units of extra care accommodation by 2012, due to an ageing population and a predicted increase in demand on housing and social services for older people.

Additional information provided by the applicant

11. In response to comments raised during the consultation process, including the objections summarised below, the applicant has amended the layout of the scheme twice since its submission. The changes include, setting the building back from the more sensitive boundaries and away from the root protection zones of the trees to be retained on the site, the moving of the building away from the boundary with properties in London Road, the realignment of the block to reduce opportunities for overlooking, changes to the layout and overall height closest to the southern boundary, and the provision of additional car parking spaces. *The revised site layout drawings are included within this report.* The applicant has also agreed to a recommendation made by Kent Highway Services that, if planning permission is granted, funds would be set aside to address on street car parking issues, should the development result in a problem at any point within 5 years of completion of the development. Kent Adult Social Services have confirmed that there would be no demolition on the site without establishing that a replacement facility would be provided – *copies of the letters of reassurance received from KASS are included for information within the attached appendix.*
12. The applicant confirms that there would be no staff accommodation proposed on site, although on site supervision would be 24 hours. The applicant explains that the car parking provision proposed is based on historic and projected use. It is not expected that residents would drive; therefore spaces would be for visitors and staff. The applicant notes that the development would not be typical of a sheltered housing scheme, rather a contemporary interpretation of a residential care home. It is noted that the level of accommodation is increased, however the applicant does not expect the proposed activities would differ significantly from the current use of the site.
13. The application includes details of a number of possible County Council owned sites that were investigated for the proposed development, however these were not considered appropriate for various reasons. The sites considered include the Leigh Technology College, a Greenhithe car park, Swanscombe Infant School, Brent Primary School and Land at Queen Elizabeth Resource Centre. Given the existing use, the applicant considers the Manorbrooke site to be the most appropriate for the proposed extra care apartments.
14. The proposals would require the redevelopment of the existing care home. Kent Adult Social Services indicate that the proposed extra care apartments would not drive any changes to the services provided at the Manorbrooke Home, and that there has been no decision to vary the service to date. This change would be subject to a formal consultation process, conducted over the next year, independent to the formal planning process. Should the Extra Care Housing project ultimately include this location, KASS has indicated that existing residents would be assigned a case manager who would

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

work with each resident to explore all available options carefully over a 6 month period. These options could include moving to new extra care housing or other residential care homes managed by KCC or within the private sector.

Planning Policy

15. 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:

Policy SP3 Seeks to focus development on urban areas to foster accessibility to employment, retail and other services, and avoid unnecessary travel.

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

Policy CC2 Seeks new development to mitigate and adapt to current and forecast effects of climate change.

Policy CC4 Seeks the design and construction of all new development to adopted sustainable construction standards and techniques.

Policy CC6 Seeks sustainable communities and to protect the character of the environment through the creation of a high quality built environment.

Policy H4 Seeks local authorities to identify the full range of housing needs required in their area, including groups with particular housing needs like older and disabled people and others with specialist requirements.

Policy H5 Seeks new housing to deliver a high quality of design to make good use of available land and encourage more sustainable patterns of development and services.

Policy H6 Seeks local authorities to assess the existing housing stock in their areas and implement measures to reduce the number of vacant, unfit and unsatisfactory dwellings.

Policy T4 Seeks a restraint-based maximum level of parking provision reflecting local circumstances and seeks the provision of cycle parking.

Policy BE1 Seeks new development to help improve the built environment with design solutions relevant to local character, distinctiveness and sense of place.

Policy S6 Seeks to support physical and social infrastructure, ensuring community facilities are available to all sections of the community, appropriately designed and located to take account of local needs.

(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 detailed policies of the Plan

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

- Policy H7** Seeks to support housing development in urban areas provided it accords with other Local Plan Policies.
- Policy H8** Seeks the density and dwelling mix of new housing to have regard to the character of the site and the surrounding area.
- Policy H10** Seeks the layout and design of housing development to be a high standard and be compatible with, or improve on, the surrounding area.
- Policy H12** Proposals which would adversely affect residential amenity will not be permitted.
- Policy H13** Seeks proposals for the development of new flats to pay due regard to the character of the locality.
- Policy H15** Seeks proposals for sheltered housing schemes to be in an appropriate location and not give rise to any unacceptable impact on neighbouring properties.
- 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 B3** Seeks development to incorporate appropriate landscaping measures, and where possible retain existing trees.
- 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**16. Dartford Borough Council – raises no objection to the proposal.**

The Borough Council initially raised concerns over that the layout originally proposed would result in an overbearing effect to the detriment of the amenities of neighbouring property. However, following receipt of a revised layout the Borough Council formally withdrew this objection to the application. The layout of the development has subsequently been amended a further time in an attempt to improve its impact on the surrounding environment; any additional comments received from the Borough Council on this amendment prior to Committee meeting will be reported verbally.

Stone Parish Council – supports the application in principle and the intention to improve local services for the elderly. However, the Parish Council requests a firm commitment to the proposed redevelopment of the site from the County Council before any demolition or loss of existing local provision is commenced.

Divisional Transportation Manager – raises no objection to the application (as amended) on highways grounds. He recommends a maximum standard of one parking space per residential warden plus one space for every two units, which would equate to a maximum of 21 spaces.

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

The Transportation Manager notes that the site is well located in terms of bus routes on the London Road (A226) and that there are local shops within reasonable walking distance. Given that he does not believe a highway objection on car parking grounds could be sustained at appeal if the application were to be refused. He also notes that the traffic generated from an active site would be minimal, with little difference to that which currently occurs in connection with the existing residential home. He therefore raises no objection to the car parking provision as proposed.

However, he suggests that consideration be given to requesting that the applicant underwrite the introduction of waiting restrictions in the surrounding area, if on-street parking as a result of the development becomes a problem within 5 years of final occupation. He suggests a budget of £12,000 be set aside for this including survey work, which would be index linked and payable on demand in instalments, so if required KHS could request a fee to carry out a survey to determine whether or not a parking problem had been created by the development. If necessary additional funding can then be requested to carry out the Traffic Regulation Order (TRO) process, which is subject to its own procedures; if the scheme is approved all costs for the TRO and the necessary infrastructure are paid by the applicant, if the process fails, the abortive costs are paid and the applicant is released from the obligation.

Environment Agency – raises no objection to the proposal, subject to conditions covering the submission of a site investigation and verification plan into risks associated with contamination of the site and that no surface water drainage to be discharged into the ground unless otherwise approved in writing.

Local Members

17. Mrs. P. Cole, the local County Member for Dartford East was notified of the application on the 5th June 2009.

Publicity

18. The application was publicised by press advertisement, the posting of two site notices and the notification of 93 neighbouring properties. Neighbourhood notification to all 93 properties has been carried out in relation to the amendments received any views received between completion of this report and the Committee Meeting will be reported verbally.

Representations

19. 7 letters of representation objecting to the application as originally submitted have been received. The main points raised can be summarised as follows:
 - concerns about loss of privacy/ overlooking as a result of the development, particularly to facing windows within adjacent properties and within private gardens;
 - concerns about the potential for the building to be overbearing and/or to overshadow residential property resulting in loss of natural light;
 - concerns that the proposed 3-storey element of the building would be out of character with the existing buildings within the area due to its scale and massing;

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

- concerns that the development would have an unacceptable impact on residential amenities and the surrounding built environment, including the existing sense of peace and security;
- considers that there is adequate sheltered housing available in the local area
- concerns regarding highway safety as a result of an increase in the use of the site;
- concerns about the capacity of the local highway network to accommodate an increase in traffic and larger vehicles;
- concerns about the provision of only 16 car parking spaces within the scheme despite a proposed increase in the accommodation provided on site to 40 flats, considers this would result in double parking and congestion [*number of spaces subsequently amended by the applicant to 20*];
- concerns about the potential for increased on-street parking; notes that there are few opportunities to legally park on the highway in Bevis Close;
- concerns about the proximity of the proposed service yard to residential property and the impact its use would have on residential amenities, including through noise generation, the storage of bins for a large block of flats in such close proximity to existing housing potentially giving rise to infestations of vermin and unwelcome odours, the impact on security of neighbouring properties and personal safety;
- concerns about noise in general from traffic;
- concerns about noise and dust that would be generated during any construction period, especially as some local people work nights and rest during the day;
- concerns about noise generated by surrounding land use on the vulnerable people that would live within the flats;
- concerns about potential ecological impacts, in particular foxes that live on the site;
- considers that any development should enhance wildlife benefits;
- concerns about the loss of the existing use and the impact on the vulnerable residents that live at the home;
- raises concerns that views of local residents would not be taken into account when the final decision is made, particularly as the development is being promoted and decided by the County Council; and
- requests the County Council considers buying the closest property (no. 43 Bevis Close) as residents would be unhappy to continue to stay in the house following re-development of the proposed site; considers that the peace, serenity and safety of the property would be unduly affected.

Discussion

20. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In considering this proposal, the Development Plan Policies outlined in paragraph (15) above are particularly relevant.
21. The application is seeking outline planning permission for 40 extra care apartments for elderly people. The proposed development would result in the demolition of an existing County Council run Residential Home. The applicant confirms that any decision on the future of the existing service provided within the Manorbrooke Home would be carefully

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

reviewed over the next year. This decision would be a matter for Kent Adult Social Services and would be independent to the planning process taken under separate legislation. The application is being reported from the Planning Applications Committee as a result of objections received from nearby residents, as summarised in paragraphs (19) above.

22. As this is an outline application, it is the principle of the proposed development that the applicant is seeking to establish. The application includes details of the layout and access for formal consideration at this stage. Should Members be minded to grant planning permission detailed matters of scale, appearance and landscaping would be reserved for consideration at a later stage.
23. In my opinion, the key determining factors for this application relate to the following points:
- location;
 - layout;
 - landscaping;
 - highway consideration;
 - noise, dust and odour;
 - other material considerations; and
 - need.

Location

24. The application site falls within a suburban area of Dartford surrounded by residential properties, consisting for the most part of 2-storey housing and apartment blocks. Consideration should be given as to whether the Manorbrooke site is suitable to accommodate the type of use proposed. There are no site specific policies within the development plan that expressly relate to this site. However South East Plan Policies SP3 and CC1 seek to focus development on urban areas to foster accessibility and achieve sustainable development in the region. Policies CC6 and BE1 seek to protect the character of the local environment through creation of high quality development that respects the local distinctiveness and sense of place. South East Plan Policy H4, H5, H6 and S6 seek to support social infrastructure ensuring community facilities, including appropriate housing, are available to all sections of the community. Dartford Borough Local Plan Policies S2 and H7 seek to support community facilities and housing development in urban areas provided it accords with other Plan Policies. Local Plan Policies H8, H10, H13 and B1 seek that layout and design of new housing development to be of a high standard, compatible with the surrounding area. Policies H12 and H15 seek to ensure development is located appropriately to ensure that there is not an unacceptable impact on residential amenity.
25. The application confirms that the County Council and Dartford Borough Council explored a number of sites around Dartford for the proposed facilities. In order for a site to be included for consideration in the project it needed to meet a number of criteria, including appropriate access to community facilities and public transport, being of an appropriate size and feasible for this type of development, and be in Local Authority ownership. A number of sites were investigated, however these sites were discounted due for various reasons (details of which were included with the application), the investigation established Manorbrooke as the most suitable to accommodate the proposed development.

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

26. The use of the site for residential care is established with planning permission for the existing home dating back to the 1960s. As an established facility and land use in the local area, I am not aware that the Manorbrooke Residential Home has any unacceptable impacts on local amenities. Whilst not a direct replacement, the proposed extra care apartments would be similar in principle to the existing use of the site and other social housing in the immediate vicinity. The proposed redevelopment would make best use of previously developed land by upgrading the existing arrangements rather than seeking a green-field site. Located within the confines of Dartford, the site has good access to the footpath network, public transport, local services and amenities. On this basis it would be difficult to consider the location as unacceptable for the proposed use. In my opinion, the key considerations in the context of this application are whether the increase in the use and the size of the building proposed would be acceptable in the setting of the existing land uses - *this is considered in more detail below.*
27. Subject to consideration of the layout of the building on site and its potential impact on the existing built environment, highway considerations, landscaping, noise, dust and odour, need and any other material considerations below, I consider that the proposed use of the site accords in principle with the thrust of the most relevant development plan policies. I therefore would not raise a material planning objection to the use of the site for extra care apartments for the elderly.

Layout

28. The outline planning application seeks approval of the layout of the apartment building at this time, whilst seeking to reserve consideration of scale, detailed design and landscaping of the development to a later date. As a statutory requirement the plans indicate that the apartment building would be a mix of 2 and 3 storey accommodation, and includes the maximum length, width and height of the building, along with details of the spaces between neighbouring buildings - *please see attached plans.* The documents received confirm that the application seeks approval for 40 apartments and associated facilities on the site; this number of apartments is necessary to make the proposed facility sustainable. On this basis it is difficult to set aside the general size/scale of the building from consideration of the layout, particularly given the number of apartments the applicant is seeking to deliver, and the proximity of the proposed building to residential properties.
29. When taking into account the layout of the development proposed, consideration needs to be given as to whether the proposals respect the character of the locality in terms of the general size of the building, its location within the planning unit, and the compatibility with neighbouring buildings and open spaces, including whether the proposed apartment building would have the potential to have an unacceptable impact on residential amenities through loss of light, overlooking, or by creating an unacceptable sense of enclosure.
30. The proposed apartment building would be located in a general semi-circular shape, formed around the main access and proposed car parking provision. The western and southern sections of the building are shown over 1 and 2 storeys (rising to a height of 8.5m at the ridgeline); the northern wing would be 3-storey (to a height of 11.2m). The floorspace created by the proposed building would measure approximately 4,200 m². Currently the Manorbrooke Home provides care accommodation for approximately 33 elderly people; the application now proposes 40 apartments. That would generate an increase in the number of people accommodated at the site and potentially the

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

intensity of the use over that of the existing provisions – *the scale of the use is considered in more detail later within this discussion*. The proposed layout would move the footprint of built development on site closer to residential properties in some instances, changing the existing building line, and the appearance in the street scene to that of the existing residential home.

31. It is noted that the properties immediately surrounding the site are predominantly 2-storey houses and apartments; however there are 3-storey buildings in the vicinity of Bevis Close. The fact that there are buildings of a similar size in the local area helps, in my view, to support an argument that the overall height of the development proposed would be appropriate. This is not the only consideration; factors including the space around the building, its context in the wider townscape, and the character of the townscape all have a bearing on the considerations. In this instance, I am satisfied that the height of the building as proposed would be compatible with the character of the surrounding area.
32. Residential properties in Bevis Close and Almond Road are generally at a lower level than the application site and as such the height of any development close to the respective boundaries would be amplified by these changes in ground level. Concern has been raised by residents that the proposed layout of the site and the position of the building has the potential to affect several amenity issues, including overshadowing, visual intrusion and privacy considerations. The proposal as originally received would have positioned the building close to neighbouring properties, particularly in Bevis Close and London Road. The applicant has subsequently amended the position and layout to seek to overcome the issues raised, by increasing the physical separation of the building and reducing the height of the structure to the more sensitive boundaries. This includes a reduction in the height of the building to single storey adjacent to the southern boundary to reduce the impact on existing properties and, increasing the separation between the apartment building and the closest residential properties at 43 Bevis Close (from 6m to 9m – flank elevations) and 131 London Road (from 16m to 23m). It is noted that the application seeks to retain existing tree and shrub planting around the boundaries to help mitigate for the proximity of the building line to the respective boundaries. The applicant has confirmed that the landscaping could be enhanced as part of any future development.
33. Concerns raised by local residents about privacy issues note that the layout of the development could result in facing windows between the proposed apartments and private properties, including a second storey window within the flank elevation of 43 Bevis Close, windows to front elevation of 46 – 64 Bevis Close, windows to rear elevations of 131 and 129 London Road (at an oblique angle), and windows to the rear of Almond Road. The concerns also draw attention to the possibility of overlooking from second storey windows into the rear gardens of adjacent properties. The detailed design of the building including the positioning of the windows is being reserved for consideration at a later date. Notwithstanding that, the applicant has indicated that the building could be designed to limit opportunities for overlooking to occur by avoiding or carefully placing windows to habitable rooms when within the more sensitive elevations. Accordingly, during the planning process the applicant has amended the layout to relocate two second storey apartments shown to the southern elevation to further reduce the potential impact. With the exception of the proximity of 43 Bevis Close, as a result of the amendments proposed, the distances from nearby property to the proposed building would exceed the guideline 21m window to window at the closest points; this distance being an accepted design guide distance to avoid an unacceptable loss of privacy between facing windows. In considering the impacts on 43 Bevis Close,

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the changes to the size of the building in this area of the site would help reduce any opportunities for overlooking. I can see no reason why the applicant should not design the scheme to ensure that no windows are positioned within the closest flank elevation of the building, preventing any loss of privacy between windows here. Taking into consideration the distances involved, the existing landscaping and the opportunity to design out any particularly sensitive overlooking issues, through the orientation of second and third storey flats and the subsequent positioning of windows, I consider that it is unlikely that there would be likely significant invasion of privacy to surrounding houses or the more sensitive areas within private gardens as a result of the development as now amended.

34. The site section drawings included on page D1.7 demonstrates the potential relationship of the proposed building, in terms of its scale and massing, in relation to the surrounding townscape. To the north-west of the site the building is shown over two storeys, with the building cut into the existing ground levels which would help to reduce the potential impact on properties in London Road. The building to the north-west would be the largest element, shown over three storeys with a pitched roof. The construction of a 3-storey building to the west of existing apartments could have the potential to impact on sunlight reaching this building during late afternoons – particularly during winter months when the sun is low in the sky. However, a 21m separation would be acceptable, particularly as the facing elevation details a hipped roof line which should help to reduce the perceived height of the structure from this quarter. The proposed building layout shown to the south / south-east would be over two storeys to the inner courtyard area with a low ridgeline, and single storey facing south. This arrangement helps to reduce the scale in relation to the site boundaries. The site sections demonstrating that even with the limited increase in ground levels on site the apartments building in this location would be deferential in height to the closest residential property at 43 Bevis Close. Under the circumstances, subject to submission of the proposed ground levels for approval at the detailed stage, I consider the scale and massing of the development to be acceptable in relation to surrounding residential property and would not result in any significant detrimental impact to neighbouring properties through loss of light or through the creation of an unacceptable sense of enclosure.
35. I therefore consider that the proposed layout would respect the context of the site, would not result in an unacceptable impact on residential amenities of nearby dwellings, and that the maximum scale of the development would be proportionate to the suburban character. In my opinion the layout of the development is acceptable in the context of the Development Plan Policies in place.

Landscaping

36. Whilst the application seeks to reserve detailed consideration of landscaping until a later stage, it is noted that the site includes a number of trees that are considered to have ample quality and amenity value to the local area to have long term value, warranting protection. The application seeks to retain the majority of the trees on site and is supported by a Tree Survey Report. The majority of the trees appear to be deciduous and as such any mitigation offered in terms of screening and softening of the site is reduced during the winter months when they are not in leaf.
37. During consideration of the proposal the applicant amended the layout of the building, to move the structure away from the root protection zones of trees to along the southern boundary. The layout proposed relies on the retention of existing trees

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growing along the boundaries to soften and screen views into and out of the site. The amended scheme reduces the pressures on the more sensitive boundaries by moving the building away from these areas. That in turn offers greater opportunities to enhance the existing landscaping; I particularly note that planting would be important along the southern boundary with properties in Almond Road, to the north east adjacent to Bevis Close and to the north-west to the rear of properties in London Road. The existing boundary treatment with 131 London Road is low level and relatively open in comparison to the rest of the site; I would recommend that should planning permission be afforded to this application that the applicant be encouraged to discuss with the local resident ways of improving this boundary. A well thought-out landscape scheme that takes account of the need to screen and soften the impact of the proposed apartments and seeks to enhance the existing planting would clearly help to mitigate the impact of any re-development of the site.

38. I therefore do not consider that there are grounds to presume against the proposed redevelopment of the site on the basis of the impact on trees, subject to the inclusion of conditions seeking to protect trees to be retained, together with the need for a detailed landscape scheme for planting to maintain and enhance the screening available on site, along with details of any further improvements to the respective boundaries.

Highway considerations

39. This outline application includes details of the proposed access and car parking facilities for approval at this stage of the planning process. The application proposes to revise the existing access arrangements off Bevis Close and includes a new circulation route with an entrance and exit, a service yard, drop off point, vehicle parking for 20 cars and a cycle store. Bevis Close, as noted above, is a narrow cul-de-sac that leads off Hill House Road and serves the existing residential home alongside a number of residential properties.
40. The South East Plan Policy T4 encourages integration with public transport networks and provision of cycle parking, and seeks residential development to apply guidance set out in Planning Policy Statement 3: Housing with regard to vehicle parking provisions. PPS3 encourages efficient use of land coupled with parking standards that reflect local circumstances.
41. A number of objections have been received from nearby residents on highway grounds, these are summarised in paragraph (19) above. The objections include concerns regarding highway safety, the capacity of narrow residential roads to accommodate an increase in traffic and, concerns relating to insufficient car parking on and off site. These comments highlight the increase in accommodation proposed on site from the existing care facilities catering for 33 elderly people to 40 new extra care apartments.
42. The Divisional Transportation Manager's raises no objections to the application on highway grounds. The comments received recommend a maximum standard of 21 car parking spaces for the proposed use, and considers that 20 spaces would be acceptable in this suburban location. He notes that the site is well located in relation to public transport and local amenities, and considers that the traffic generated from the proposal would be minimal, with little difference to the existing use.
43. The applicant has confirmed that given the nature of the residents that would use the extra care apartments it is not expected that they would own a car. On this basis the

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proposed car parking would be primarily for staff and visitors in a similar way to the existing provisions on site. Notwithstanding this, given the limited opportunities to park a vehicle on the public highway in neighbouring roads, the Divisional Transportation Manager's recommendations suggest that the applicant underwrites the introduction of waiting restrictions on the public highway. These restrictions would be put in place should on street parking as a result of the development become a problem within 5 years of occupation of the building. He recommends a budget of £12,000 be set aside by the applicant for any necessary survey work, and where appropriate to carry out the Traffic Regulation Order (TRO) process, which is separate from the planning system. If approved the cost of the TRO and any necessary infrastructure would be paid by the applicant out of the above sum; however should the TRO process fail, or the 5 years lapse without a problem arising, the applicant is released from this obligation. Kent Adult Social Services have confirmed in writing that should planning permission be afforded to the development the tender requirements for the project would oblige the successful bidder to underwrite the introduction of waiting restriction should it prove necessary.

44. Taking all of the above comments into consideration, it is my opinion, that whilst the development would increase the use and number of people accommodated on the site, the change would not materially increase the movements associated with the existing residential home. I note that the type of accommodation would change as a result of the proposed development, with residents encouraged to lead a more independent lifestyle, however the applicant has confirmed that residents are unlikely to drive their own car. Vehicle access arrangements to the site along Bevis Close are constricted due to the width of the road, however the use of the application site as a residential home is long established. I am not aware that private motor vehicles or larger service vehicles travelling to the site currently cause an unacceptable problem on the highway network. It is noted that the Divisional Transportation Manager has not raised objection to this aspect of the application. The proposal would, in my opinion, enhance the existing on-site arrangements by allowing for additional car parking spaces (within the maximum recommended limits), improved access, circulation and drop off facilities, along with cycle parking, all of which should help to ease any additional traffic pressures created as a result of the proposal. The adoption of the Divisional Transportation Manager's suggestion that the applicant underwrite parking restrictions, should this prove necessary, would further safeguard against concerns raised about the potential for additional parking on the public highway.
45. On this basis, I raise no objection to the application on highways or access grounds. This is subject to conditions ensuring the provision of the car parking prior to completion of the development, full details of pedestrian access provision within the site, details of appropriate cycle parking, details of site drainage and an informative seeking the applicant adhere to the commitment to underwrite parking restrictions as necessary.

Noise, dust and odour

46. Representations received from a number of nearby residents raised concern over the possibility that the development, both during construction and on completion, would impact on residential amenities through noise, dust and odour generated by the proposal. Concerns raised highlight that some local residents work nights and therefore the construction period would disrupt their sleeping patterns; concerns are also raised in relation to noise generated by any increase in traffic attending the site. Views received from residents highlight that due to the proximity of residential

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properties the proposal would potentially generate unacceptable levels of dust as a result of demolition and construction operations on site. The proximity of the proposed service yard to properties immediately adjacent to the site in Bevis Close in terms of noise, dust, odour and the associated potential for vermin is also raised by residents as a material concern about the proposals.

47. In considering the noise and dust generated by any construction period, it is noted that this would be for a temporary period and would not have a material effect on the long term amenities of the area. Should planning permission be granted, appropriately worded conditions could be placed on any consent that seek to control the timing of construction on site to acceptable hours and also requiring the submission of a code of construction detailing, amongst other matters, mitigation measures to be put in place to minimise concerns surrounding noise and dust associated with the construction operations. A certain level of disruption is necessary during any construction period, I am satisfied that that appropriate conditions could be imposed on any planning permission to minimise this impact of the surrounding properties.
48. The concerns raised about noise generated by any increase in traffic travelling to the site, are in part addressed under the highway section above, in that neither the Divisional Transportation Manager nor I, expect the development to materially increase those movements already associated with the Manorbrooke Residential Home. Whilst, movements may increase and the travel patterns may change as a result of the proposal, this change would not justify raising a material objection to the application on noise grounds.
49. Concern has also been raised by nearby residents that the surrounding land uses could have an unacceptable impact on any future occupants of the proposed building as result of noise generated. The concerns received draw attention to the proximity of the proposed apartments to private gardens considering that daily use of these gardens could disturb the elderly residents. I note that the application has been subsequently amended to increase the distance between buildings and the layout proposed to rearrange the flats to reduce opportunities for overlooking. These changes would help to reduce any concerns local residents may have about disturbing future occupiers of the facility. I note that the existing residential care home does not appear to suffer as a result of the surrounding activities and that the noise environment is likely to be dominated by traffic on the nearby London Road. I do not consider this to be a significant problem and would not raise an objection on the above grounds.
50. The proximity of the service yard to residential property is noted and the applicant has amended the design of the scheme to pull this arrangement away from the flank elevation and boundary of the adjacent residential property. This amendment includes an undertaking to provide additional landscape planting along this boundary to create a level of separation between the two uses. The area in question already forms the main car park for the Manorbrooke Home; on this basis it would be difficult to argue that intermittent use of a service yard would generate more activity in this area of the site than the existing arrangements. The number of movements in this area would potentially fall, however intermittent deliveries may have the potential to generate increased noise levels. Provided that the use of the service yard takes place during reasonable hours of the day, I do not consider that the proposals would result in an unacceptable impact on residential property in terms of the noise generated. It is noted that the background noise levels in local area both during the day and night would be dominated by the proximity of the London Road (A226) between Dartford and Gravesend. In addition to the objections over noise and disruption, concerns have also

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been received from a neighbouring resident about the service yard accommodating the bin storage facilities serving the apartment block. The comments received from residents raise concerns over the potential odour and health implications of this use in close proximity to residential properties, alongside possible associated problems of vermin. The applicant has sought to create a level of separation between the yard and the residential property. I note that there would be nothing stopping the existing facilities from storing bins in this locality, and that the Manorbrooke Home already accommodates a similar provision on site without causing an unacceptable impact. In my opinion the impact or otherwise of the provision of a bin store in this area would largely be down to a site management issue, rather than one that could be dealt with at the outline planning stage.

51. On the basis of the above considerations, I would not raise an objection to the application as proposed on noise, dust or odour aspects. I consider that the proposed use would not have an unacceptable impact on the sounding area, and that any impact both during construction and final operations could be managed through the use of appropriately worded conditions and good site management.

Other material considerations

52. Concern has been raised by one local resident that the development of the site would impact on the sense of security of the local residential area. In my opinion I cannot see how this would be the case. I accept that during the construction period the site would be empty overnight, however under Health and Safety regulations the contractor would be required to secure the site with appropriate fencing, and depending on the vulnerability potentially employ appropriate security provisions. Once the building is occupied the residents would add to the natural surveillance of Bevis Close and the parkland adjacent to the London Road; in addition the site would be staffed on a 24 hour basis providing more security than a normal apartment building.
53. One letter of objection from a nearby resident raises the potential impact from the proposals on ecological interests, and particularly foxes that occupy the area. The comments received seek any re-development to consider measures to enhance biodiversity on site. I note that the application seeks to redevelop an existing urban site, which would not result in the loss any significant habitat and a minimal number of existing trees. It is noted that this application is only for outline planning permission and seeks to establish the principle of the use; an informative could be added to any planning permission encouraging the applicant to consider incorporating biodiversity enhancements at the detailed design. In relation to the foxes or any other species found on site, any developer would be required to follow best practice in accordance with the relevant wildlife and conservation legislation.
54. The comments received from the Environment Agency regarding ground conditions and drainage are noted and I recommend that any planning permission include appropriately worded conditions that reflect the Agency's recommendations.

Need

55. The documents received from the applicant confirms that the outline planning permission is being sort at this stage to establish if the Manorbrooke site can be considered acceptable in principle for extra care apartments. Should the principle be established, Kent Adult Social Services aim to include this proposal within the next wave of the Excellent Homes for All Housing Private Finance Initiative (PFI) that would

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allow the County Council to explore options for the modernisation of the site in the long term.

56. Extra Care Housing seeks to provide a modern alternative to residential care, in which older people have their own self contained apartments. The services include a restaurant, communal facilities, and 24 hour care to allow tenants to live as independently as possible. In justifying the need for the proposal, the application confirms that Dartford, along with the rest of Kent, has an ageing population and it is predicted that in the future there will be increasing demand on housing and social care services for older people. A recent borough-wide housing needs survey identified that up to 273 units of extra care accommodation would be required by 2012. The survey identified that of the existing 598 sheltered accommodation units available in Dartford only 97 apartments are suitable for disabled access; that limits the options available to older people that become frail.
57. The applicant, KASS, who are also the service provider for the existing facilities provided at Manorbrooke Residential Home, has clearly indicated that no decision on the future of the existing facility has been taken at this stage. Under national and local government policies and priorities, KASS is committed to modernising services for elderly people across the county. Should this project achieve the necessary funding through the PFI process, KASS have indicated that a formal consultation on the possible changes would be undertaken, including with existing residents, over the next year. Thereafter, depending on the decisions made, the existing residents would be assigned a case manager who would work with them over the course of six months to carefully explore the options available, including new Extra Care housing, other Residential Care Homes managed by the County Council or within the Private Sector.
58. It is clear from the information received that KASS are seeking to improve the quality of the services provided to elderly people through a modernisation process by providing more choice, and by moving away from the more traditional institutional approach. I am satisfied that acceptable provisions would be put in place to ensure any decision on the future of Manorbrooke Residential Home would safeguard the needs of the people accommodated at the site and the existing community service, providing suitable alternate arrangements where appropriate. I am therefore content that there is an established need for the modernisation of this valuable social service to support the community of Dartford.

Conclusion

59. In conclusion, I consider that the use of the site as for a residential care facility is well established by the existing facilities, and therefore I can see no objection to the principle of its use for extra care apartments. This use would fit in well with the existing social and residential housing in the immediate locality, increasing the range of accommodation available to the local community. The proposal would use an existing brownfield location within an urban area that has good access to public transport and local services. Objections have been raised by nearby residents concerning the potential impacts of the proposed redevelopment on the local environment and residential amenities, mainly as a result of the perceived scale of use and the size of the building proposed. However, following amendments made to the proposed layout by the applicant, I am now satisfied that the proposal would not result in a significant detrimental impact on the character or amenities of the surrounding built environment, and that any impacts could be reasonably be mitigated by way of appropriate conditions placed on any planning permission. However, it will be important to ensure

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that these matters are thoroughly addressed when a detailed application is received. I am therefore of the opinion that the development as proposed is in accordance with general principles of the Development Plan Policies, and subject to conditions including those set out below, recommend that outline planning permission be granted.

Recommendation

60. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO conditions, including the following:

- standard time conditions for an outline permission;
- the submission of reserved matters relating to scale, design and landscaping;
- the development to be carried out in accordance with the permitted layout and access arrangements;
- the height of the building not to exceed those set out in the information hereby permitted;
- details of proposed site levels to be submitted for approval;
- submission of a site investigation and verification plan into risks associated with contamination of the site;
- measures to be taken if contamination not previously identified on site is found;
- tree protection measures;
- details of all hard landscaping including fencing proposed on site;
- details of foul and surface water drainage;
- no surface water drainage to be discharged into the ground unless otherwise approved in writing;
- details of pedestrian access arrangements on site;
- hours of operation during construction;
- submission of a code of practice covering construction, including measures to mitigate for noise and dust generated by the development;
- measures to ensure no mud is deposited on the public highway;
- no external lighting to be installed without prior approval;
- the provision of vehicle parking spaces prior to first occupation;
- the provision of cycle parking; and
- the use of the building be restricted solely for the use applied for;

I FURTHER RECOMMEND THAT INFORMATIVES be added to the decision notice including:

- seeking the applicant to make provisions to underwrite the introduction of waiting restrictions in the surrounding area, should on street parking as a result of the development becomes a problem within 5 years of final occupation. In accordance with the measures set out in the letter from Kent County Council's Kent Adult Services Directorate dated 15 September 2009;
- encouraging the applicant to consider incorporating biodiversity enhancement measures within the detailed design for the site;
- drawing the applicant's attention to the need for careful consideration of the proposed ground levels for the development in relation to the surrounding private properties; and
- drawing the applicant's attention to the need to ensure that the detailed design minimises the opportunities for overlooking to occur, and the need for the landscape scheme to seek to maintain and enhance the existing provisions on site.

Item D1

40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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40 extra care apartments at Manorbrooke Residential Home, Bevis Close, Dartford – DA/09/687



Mrs J Thomas
Clerk and Responsible Financial Officer
Stone Parish Council
Recreation Ground
London Road
Stone, Kent DA9 9DQ

Kent Adult Social Services
AMT
17 Kings Hill Avenue
Kings Hill
West Malling
Kent ME19 4UL
Fax: (01732) 525119
Tel: (01732) 525000

Direct Dial: 01732 525219
Ask for: Margaret Howard
Our ref: MH/SB
Date: 15 September 2009

Dear Mrs Thomas,

Re Outline Planning Application for Manorbrooke

Further to your letter of 16th July 2009 to Kent County Council's Planning Applications Group, I am writing to re-assure you that should planning permission be granted for the proposed scheme at Manorbrooke, Kent Adult Social Services would not allow any demolition on the site without establishing that a replacement facility would be provided.

The planning application is only to explore options for the site in the long term and no changes will be occurring to services at Manorbrooke in the immediate future. Any proposals to change the service will be the subject of consultation with residents and their families who will be given choices about the services they will have in the future. Even if changes were approved, no work would start on the site within the next two years and before any work could commence there would need to be a further full planning application in 2010.

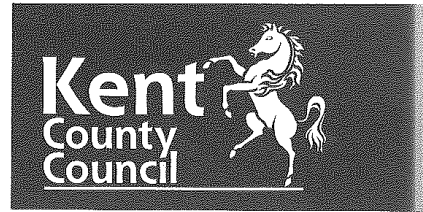
If, following a consultation period, Kent Adult Social Services decides to make changes on the site, there will be no demolition or change of services without first ensuring arrangements for a new replacement facility. The Council has recently received approval for the funding of five new extra care housing developments from central government, and this funding would be used to develop the site at Manorbrooke if any decision is made to go ahead.

I hope that this re-assures you regarding our plans for Manorbrooke. If a further full planning application is developed for the site there will be more detailed discussions regarding the nature of any proposed new facility at that time, and I understand that the Parish Council will be fully consulted in this process.

Yours sincerely

Margaret Howard
Director - Commissioning and Provision, West
Kent Adult Social Services

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James Bickle
Planning Applications Unit
First Floor
Invicta House
County Hall
Maidstone
ME14 1XX



Kent County Council
Brenckley House
BH3-12 Public Private
Partnerships Team
123-135 Week Street
Maidstone
Kent
ME14 1RF

Ask for David Weiss

Date: 15th September 2009

Dear James

R.e: Manorbrook Site in Dartford

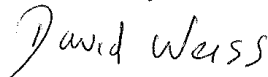
Kent Adult Social Services will make it clear through our tender requirements that the successful bidder who develops the Manorbrooke site will have to agree to underwrite the cost of the introduction of waiting restrictions in the surrounding area.

The stipulation shall be that the bidder should set aside sufficient funds to cover this cost, should on street parking becomes a problem as a result of the development and waiting restrictions need to be imposed within five years of the completion of the site. The bidder will be informed that the funds required to be set aside are £12,000 which is index linked and payable on demand in instalments.

This position can be further re-inforced through the planning process, as it will be the Contractor themselves that applies for Full Planning on the site, and therefore this can be subject to the contractor confirming that the amount will be made available.

I hope that this satisfies the concerns of the Highways Department at this stage.

Yours sincerely



David Weiss

Oliver Mills
Managing Director

KENT ADULT SOCIAL SERVICES



INVESTOR IN PEOPLE

Please note: Any information provided in this letter about a client may be disclosed to that client unless indicated otherwise

000094

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.

- | | |
|------------|--|
| DO/09/746 | Amendment to planning permission DO/08/510 (profiling, capping and restoration of landfill site) to allow for the relocation of the wind turbine pad below final restored contours (variation of conditions 4, 18, 20, 22 and 24 – amended plans showing new location of pad). Pfizer Limited, Back Sand Point Landfill, Ramsgate Road, Sandwich |
| TM/09/1889 | Retention of the existing compressor and electricity supply box and the construction of a small compound to include existing leachate tank plus storage area and turning area. Offham Landfill Site, Teston Road, Offham, West Malling |

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.

- | | |
|------------|---|
| AS/09/1089 | Provision of columns and lighting adjacent to multi use games area as per previously approved application AS/09/360. Swan Community Centre, Cudworth Road |
| DO/09/858 | Erection of tennis hall. Tennis Hall, Tides Leisure Centre, Park Avenue |
| TH/09/702 | Erection of a fire escape stairway and fence enclosure, installation of 8 no. air conditioning condenser units, together with alterations to fenestration. Hartsdown Leisure Centre, Hartsdown Park |
| TH/09/705 | Erection of 3 dwellings following demolition of existing garages with all matters reserved. Garages, St Christopher Close |

- TH/09/706 Erection of 4 dwellings following demolition of existing garages with all matters reserved. 2 x 2 bed & 2 x 3 bed.
Garages, Prince Andrew Road
- TH/09/740 Erection of 2 no. dwellings following demolition of existing garages with all matters reserved.
Garages adj. 143, Hugin Avenue

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/09/1002 Proposed extension to form a new store
Tenterden Infants School,
Recreation Ground Road, Tenterden
- CA/09/1077 Demolition of existing timber classroom block and the construction of a new classroom block with a link between the infant and junior main school buildings.
Wincheap Foundation Primary School, Hollowmede, Canterbury
- DA/09/193/R6 Details of a scheme of landscaping pursuant to condition 6 of planning permission DA/09/193.
Longfield Academy, Main Road, Longfield
- DA/09/193/R10 Details of ecological surveys.
Longfield Academy, Main Road, Longfield
- DA/09/193/R26 Details of a programme of archaeological work.
Longfield Academy, Main Road, Longfield
- DA/09/583/R Minor amendments to permitted drawing including reduction in ground level and amendments to access ramp pursuant to planning permission DA/09/583 for the placement of mobile classroom buildings.
The Craylands Primary School, Craylands Lane, Swanscombe
- DA/09/667 Erection of extension to existing garage/workshop to form a new workshop.
Swan Valley Community School, Southfleet Road, Swanscombe
- DO/09/794 Replacement of existing mobile classroom with a refurbished unit, including the installation of an external platform lift.
Lydden Primary School, Stonehall Road, Lydden, Dover

GR/08/229/R13	Details of external lighting pursuant to condition 13 of permission reference GR/08/229 for the redevelopment of Northfleet School for Girls. Northfleet School For Girls, Hall Road, Northfleet, Gravesend
MA/06/1560/R2	Amendments to the design of covered play (canopy) and landscape scheme permitted under permission MA/06/1560 for the provision of new school buildings and extension of existing buildings. Greenfields Community Primary School, Oxford Road, Maidstone
MA/06/1560/R5,R6, R7, R8 & R9	Details pursuant to conditions 5 (hard landscaping), 6 (landscape scheme), 7 (drainage), 8 (cycle parking) and 9 (improvements to vision splays) of planning permission reference MA/06/1560 for new junior school buildings. Greenfields Community Primary School, Oxford Road, Maidstone
MA/09/517/R2&R3	Amendments to approved scheme – Addition of a window to the front elevation, and details of all materials to be used externally. Bredhurst Primary School, The Street, Bredhurst
MA/09/1408	Construction of a single storey Children’s Centre. West Borough Primary School, Greenway, Maidstone
MA/09/1582	Installation of a freestanding canopy. Holy Family Roman Catholic Primary School, Bicknor Road, Maidstone
MA/09/1630	Alterations to front boundary wall and fencing including improvement to fencing. St Margarets CE Primary School, Collier Street, Marden, Tonbridge
SH/09/852	Erection of an aluminium-framed glass dome to provide additional teaching space. Churchill School, Haven Drive, Hawkinge, Folkestone
SW/09/565	Demolition of 1960’s extension; extension of pitched roof classroom and to construct a flat roof extension for toilet accommodation (Building to be used as primary school provision for Orchard Special School, Canterbury). Former Dunbrik Primary School, London Road, Dunbrik, Faversham
SW/09/766	To demolish the existing timber frame hall, servery and girls’ toilet and construct a new extension comprising a new multi-purpose hall and kitchen plus a new staff-room, classroom and girls’ toilet. St. Edwards Roman Catholic Primary School, 68 New Road, Sheerness
SW/09/811	Storage for school hall. Highsted Grammar School, Highsted Road, Sittingbourne
TH/08/534/RA	Amendments to the approved scheme, including re-orientation of the Multi Use Games Area and changes to the external plant building. King Ethelbert School, Canterbury Road, Birchington

TH/09/539	Alterations to layout of school involving construction of a new ICT / library suite, extension to existing school administration area and main hall, internal remodelling, together with a new car park, and new external multi use games area. St Laurence in Thanet Junior School, Newington Road, Ramsgate
TM/09/1983	Proposed new single storey Children's Centre and new fencing to Discovery Drive. The Discovery School, Discovery Drive, Kings Hill, West Malling
TM/09/2220	Provision of a canopy and alterations to the location of various windows and doors; installation of low level pickett fencing and alterations to play area. St Stephens Primary School, Royal Rise, Tonbridge
TM/09/2227	Installation of 7 solar panels on canteen building. Hillview School, Brionne Gardens, Tonbridge
TW/07/2426/R3	Details of all materials to be used externally pursuant to condition 3 of planning permission TW/07/2426. Sissinghurst C of E Primary School, Common Road, Sissinghurst
TW/07/2426/R24	Details relating to the provision of cycle parking pursuant to condition 24 of planning permission TW/07/2426. Sissinghurst C of E Primary School, Common Road, Sissinghurst
TW/07/2426/R25	Details showing the provision and location of an extension to the 30mph speed limit, school keep clear lines and other traffic calming methods pursuant to condition 25 of planning permission TW/07/2426. Sissinghurst C of E Primary School, Common Road, Sissinghurst
TW/09/2550	Erection of a gazebo on the school field. St. James' CE (Aided) Infant School, Sandrock 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:-

DC29/09/AS/0004 - Proposed works required for the improvement (within and adjoining the boundaries) of an existing highway(s) and construction of a foot/cycle bridge across the M20 together with new pedestrian/cycle link to Simon Weil Avenue Land at A20 Drivers roundabout, Fougères Way, M20 Junction 9, and east of M20 Junction 9 between The Warren Business Park and Eureka Leisure Park, Ashford

DA/09/TEMP/0034 - Section 73 application for the variation of conditions 3, 5, 9 & 10 of planning permission DA/05/328 to provide for an external glass storage bay and minor amendments to previously approved details at Pepperhill Waste Transfer Station and Household Waste Recycling Centre, Station Road, Southfleet, Gravesend.

SE/09/TEMP/0027 - Application for demolition of existing pre-fabricated classroom, removal of sheds and stores and creation of a new early years building at Anthony Roper Primary School, High Street, Eynsford

TM/09/TEMP/0039 - Variation of condition 16 of planning permission TM/08/3353 to allow waste to be delivered on bank holidays to the New Earth Composting Facility at Blaise Farm Quarry, Kings Hill, West Malling.

- (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

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- (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

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