

PLANNING APPLICATIONS COMMITTEE

Tuesday, 15th June, 2010

10.00 am

Council Chamber, Sessions House, County Hall,
Maidstone





AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 15th June, 2010, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: Andrew Tait
Telephone: 01622 694342

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

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Membership
- A1 To note the appointment of Mr J A Davies to the Committee in place of Mr W A Hayton.
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 11 May 2010 (Pages 1 - 6)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Applications AS/10/295, AS/10/46 and AS/10/294:- (Pages 7 - 16)
- C1 (a) extension of the timescale for the implementation of Permission AS/06/05 (expansion of existing Rail Aggregate Depot) until 8 May 2014;
- (b) variation of Condition 4 of Permission AS/06/05 to allow a restricted number of peak lorry movements to and from the site; and
- (c) variation of Condition 1 of Permission AS/02/645 to extend the period for the retention and operation of the existing Rail Aggregate Depot until May 2014 at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford; Robert Brett and Sons Ltd.
2. Application DA/10/394 - Change of use from an area of land used for chalk extraction and agricultural use to a skip storage area at the former quarry site west of Pinden Quarry, Green Street Green, Dartford; Pinden Ltd (Pages 17 - 28)

3. Application CA/09/1903 - Alteration and extension of existing Householders' Waste recycling Centre at Westbrook Lane, Herne Bay; Kent Waste Management (Pages 29 - 46)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TM/10/846 - 1.8m high fencing, finished in dark green, with vehicular and pedestrian access gates at The Malling School, Beech Road, East Malling; Governors of The Malling School (Pages 47 - 62)

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, 7 June 2010

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, 11 May 2010.

PRESENT: Mr R E King (Chairman), Mr R Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr G A Horne MBE, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr M Robertson, Mr C P Smith and Mr A Willicombe

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

UNRESTRICTED ITEMS**28. Minutes - 13 April 2010**

(Item A3)

RESOLVED that the Minutes of the meeting held on 16 April 2010 are correctly recorded and that they be signed by the Chairman.

29. Site Meetings and Other Meetings

(Item A4)

The Committee noted that there would be a training session following its meeting on 15 June 2010 and that there would be site visits to two East Kent education establishments on 27 July 2010. A tour of permitted development sites was provisionally scheduled to take place in October 2010.

30. Application SW/09/894 - Small scale biomass power plant within an existing and extended building for the generation of renewable energy from low grade waste wood at Ridham Dock Road, Iwade, Sittingbourne; Countrystyle Recycling Ltd

(Item C1)

(1) The Head of Planning Applications Group reported the views of Swale Borough Council raising no objection subject to conditions and also from the local Member, Mr M J Whiting supporting the recommendations but expressing concern over the monitoring of the site. Mr Whiting also drew attention to the reference made in the report to him being the adjoining Member as opposed to the joint member for the Swale Central Division with Mr Willicombe and asked that this be corrected for the record.

(2) The Committee agreed to the inclusion of an Informative to the Environment Agency to advise of its view that the control of pollution mechanisms to be employed should be examined against the Best Available techniques.

(3) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering annual waste throughput; vehicle numbers; construction methods and timings; noise levels; a noise monitoring scheme; methodology for the classification of bottom ash; habitat enhancement including a water vole protection plan; the submission of a strategy for the recovery of waste heat; and a program of archaeological works; and
- (b) the Environment Agency be advised by Informative of the Committee's view that the control of pollution mechanisms should be measured against the standards of the Best Practical Environmental Option.

31. Application TW/10/33 - Temporary drilling site with temporary road access. Drilling of well bores to evaluate hydrocarbon potential. Conduct of a well test to establish performance. Return to agricultural use at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough; Midmar Energy UK Ltd

(Item C2)

(1) The Head of Planning Applications Group reported the views of the local Member, Mr J A Davies in support of the application.

(2) Mrs D Park and Mr D Cure (the local Tonbridge and Malling Borough Councillor) addressed the Committee in opposition to the application. Mr P Silk from Midmar Energy spoke in reply.

(3) Mr W A Hayton moved, seconded by Mr R A Pascoe that the recommendations of the Head of Planning Applications Group be agreed.

(4) The Head of Planning Applications Group advised the Committee that it could not agree the application subject to an alternative route. The application under consideration had to be either permitted or refused.

(5) Mr J D Kirby moved, seconded by Mr R A Pascoe that the question be put.
Carried by 8 votes to 6.

(6) On being put to the vote, the motion set out in (3) above was carried by 12 votes to 3.

(7) RESOLVED that permission be granted to the application subject to the prior completion of a Section 106 Agreement to secure HGV routing / management arrangements and to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; prior notification of the start date being given for each phase of operations; a baseline soil analysis being used as the soil quality target for restoration; the hours of working being restricted to those applied for; ecological mitigation; seeding of earth bunds; noise limits; an archaeological watching brief;

measures to prevent mud and debris being tracked onto the public highway; the submission of detailed site access arrangements (and implementation as approved); the floodlighting being switched off when not required for the safe operation of the site; the submission of a detailed site restoration scheme (including planting between the site and the Public Right Of Way); site restoration within 12 months of commencement of the construction phase, unless otherwise agreed in writing by the County Planning Authority; and the submission of a 5 year aftercare scheme.

32. Proposal TM/10/185 - Artificial grass sports pitch with perimeter ball-stop fencing, floodlights, pedestrian spectators area and pathway at Hayesbrook School, Brook Street, Tonbridge; Governors of Hayesbrook School

(Item D1)

(1) Mr R J Lees informed the Committee that he was a Governor of a School which was entering into a partnership with Hayesbrook School. He took no part in the decision making process for this item.

(2) Mr D Wharrier and Ms L Thompson (local residents) addressed the Committee in opposition to the proposal. Mr N Blackburn, Head Teacher of Hayesbrook School spoke in reply.

(3) Mr C P Smith moved, seconded by Mr W A Hayton that the recommendations of the Head of Planning Applications be agreed.

(4) Mr G A Horne moved, seconded by Mr R A Pascoe as an amendment that community use of the site cease at 1pm on Sundays and Bank Holidays.

(5) On being informed that the consequence of passing the amendment would be that the development would not take place, the amendment was withdrawn with the agreement of the Committee.

(6) On being put to the vote, the motion set out in (3) above was carried with no opposition.

(7) RESOLVED that:-

- (a) permission be granted to the proposal as amended subject to conditions, including conditions covering the standard 3 year time limit for implementation; the submission of a landscaping scheme, including around the perimeter fencing; the submission of a Community Use Scheme, to include details of pricing policy, hours of use, access by non-School users, management responsibilities and a review mechanism; the installation of the floodlights being in accordance with the submitted specifications, with inspection by a qualified lighting engineer being completed prior to use in order to ensure compliance with the submitted and approved specifications, and the incorporation of automatic time controls; the use of the artificial turf pitch being restricted to the hours of 0800 to 2130 on Mondays to Fridays and 0900 to 1700 on Saturdays, Sundays and Bank Holidays, with the site being vacated within 30 minutes beyond these times; the floodlights being extinguished by 2130 hours Monday to Friday and by 1700 hours on Saturdays, Sundays and Bank Holidays; the floodlights only being activated when the artificial

pitch is in use; the use of the vehicle parking areas being managed to avoid use of the overflow playground parking area (unless the main parking areas are fully occupied); the use of the artificial sports pitch being restricted solely to the uses applied for; and development being carried out in accordance with the permitted details; and

- (b) the applicants be advised of the comments of the Environment Agency that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency will be required for the construction of the headwall for the proposed drainage scheme, in addition to planning permission.

33. Proposal TM/10/127 - Removal of existing modular building and replacement with a new modular building at St Stephen's Primary School, Royal Rise, Tonbridge; Governors of St Stephen's School and KCC Property Group

(Item D2)

(1) Mr M Daynes, a local resident addressed the Committee in opposition to aspects of the application.

(2) RESOLVED that permission be granted to the proposal subject to conditions including the standard time condition; the development being carried out in accordance with the permitted plans; the building being removed and the site reinstated within a 5 year period; a restriction of site hours to between 0800 hours and 1800 hours Monday to Friday and a requirement for access for activities carried out outside of normal school term time to be via the main school site entrance via Royal Rise.

34. Proposal DO/09/477 - Outline application for a 40 bed extra care sheltered development for the elderly including 20 1-bed apartments, 20 2-bed apartments, residents' communal areas and staff facilities at Cornfields Residential Care Centre, Cranleigh Drive, Whitfield, Dover; Kent Adult Social Services

(Item D3)

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

(2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the standard outline planning conditions relating to the reserved matters of scale appearance and landscaping details; the protection of trees and vegetation during construction; controls over hours and days of construction activity; the inclusion of a footpath leading to the front entrance in the detailed design; and the development being carried out in accordance with the permitted details.

35. Proposal SH/10/141 - Replacement of a wooden fence with a 1.8 metre high metal fence at Lyminge CEP School, Church Road, Lyminge, Folkestone; Governors of Lyminge CEP School and KCC Children, Families and Education
(Item D4)

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; and the development being carried out in accordance with the submitted details, plans and specifications.

36. Proposal SW/09/1215 - One form of entry. primary school to be developed in one phase with all external facilities including playgrounds, sports field and parking at open ground situated to the north of the B2231, Leysdown Road, close to the junction with Warden Bay Road, Leysdown on Sea, Sheerness; KCC Children, Families and Education.
(Item D5)

(1) Correspondence from Leysdown Parish Council and Mr and Mrs Wigglesworth (local residents) was tabled.

(2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; external materials to be agreed in writing by the County Planning Authority; specification and colour treatment of all fencing to be agreed in writing by the County Planning Authority; submission of a landscaping scheme and implementation within the first planting season following construction activities; measures to prevent mud and debris being tracked out onto the public highway; parking being made available on site for construction operatives and construction vehicles during construction works; vehicle and cycle parking (as proposed in the application) being provided prior to the first occupation of school; vehicular and pedestrian site entrance and exits being provided in accordance with approved details (including required visibility splays) prior to first occupation of the school; the provision of off-site highway works prior to first occupation of the school; the submission of a Travel Plan (including an implementation programme) prior to first occupation of the school; any clearance of vegetation taking place outside the bird breeding season (mid March to August inclusive) unless an ecologist is present; the implementation of biodiversity enhancement measures; hours of construction being limited to between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturday with no operations taking place on Sundays, Bank and Public Holidays; no external lighting being installed on the Multi Use Games Area without the prior written planning permission of the County Planning Authority; and an archaeological watching brief.

37. Proposal SW/10/333 - Three mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne; KCC Children, Families and Education
(Item D6)

- (1) The Head of Planning Applications Group reported correspondence from Swale Borough Council raising no objection to the proposal subject to the building being orientated in the direction proposed.
- (2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions requiring the mobile classrooms to be removed from the site no later than 5 years from the date of this permission; a restriction on the teaching usage of the mobile classrooms to subjects which do not involve amplified music; and requiring the orientation of the buildings to accord with the plans submitted, with no rear windows facing the boundary on Westlands Avenue.

38. 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 and 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 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

AS/10/294, AS/10/295 & AS/10/46–Temporary extension of time for the retention of the existing Rail Aggregate Depot, extension of time for the implementation of planning permission AS/06/5 (Expansion of existing Rail Aggregate Depot) & variation of condition (4) of planning permission AS/06/5 to allow peak hour lorry movements, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.

A report by Head of Planning Applications Group to Planning Applications Committee on 15 June 2010.

AS/10/294 – Application to vary condition (1) of Planning Permission AS/02/645 to extend the period for the retention and operation of the existing Rail Aggregate Depot until 8 May 2014.

AS/10/295 – Application to extend the timescale for the implementation of Planning Permission AS/06/5 (expansion of the existing Rail Aggregate Depot) until 8 May 2014.

AS/10/46 – Application to vary condition (4) of Planning Permission AS/06/5 to allow a restricted number of peak hour lorry movements to and from the site. Waterbrook Park, Waterbrook Avenue, Sevington, Ashford (MR. 921 674)

Recommendation: Permission BE GRANTED subject to conditions and legal agreement.

Local Member: Mr G Koowaree and Mr A Wickham

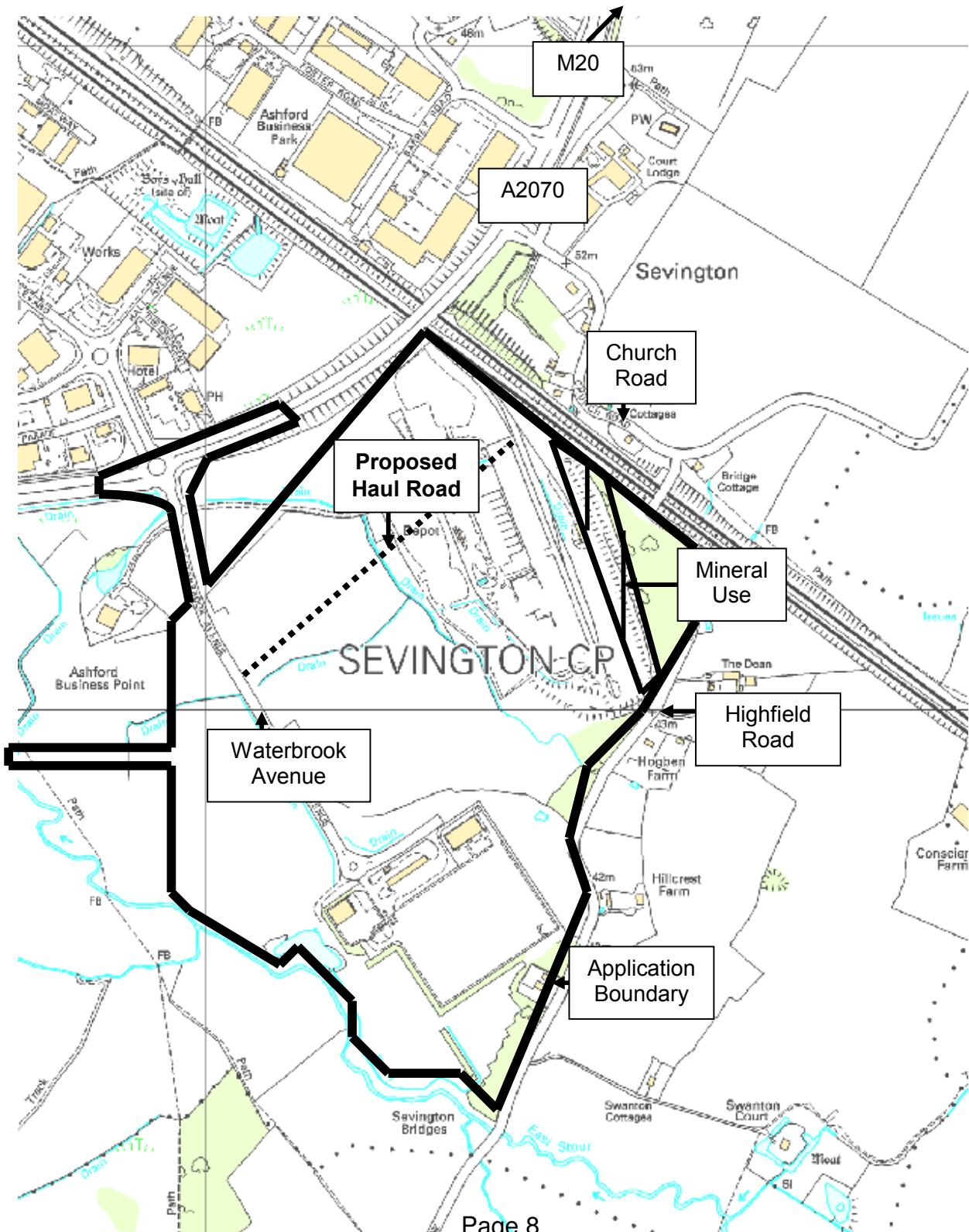
Classification: Unrestricted

The Site and Background

1. The site lies some 3 miles to the south east of Ashford Town Centre and approximately 1 mile south west of junction 10 of the M20. With the exception of the existing Rail Aggregate Depot the remainder of the site which is yet to be expanded under the terms of the latest permission (Ref. AS/06/5) remains predominantly a mixture of agriculture and scrub land.
2. The nearest housing lies some 80 metres off the northern and south eastern site boundaries along Church Road and Highfield Road which are partly screened from views directly into the site by an existing belt of trees and a substantial bund at the southern end. Those along Church Road are further segregated by the main London to Dover rail line and the CTRL whose 4.5 metre high wooden sound barrier also serves to help screen the site along this boundary.
3. At the meeting of the Planning Applications Committee held on 13 February 2007, following an earlier site visit, members resolved to grant permission (Ref. AS/06/5) for the permanent retention and expansion of the existing Rail Aggregate Depot at the site subject to amongst other matters a condition requiring the implementation of the permission no later than 8 May 2011. The permission was also subject to a separate Legal Agreement which sought to secure the eventual cessation of certain operations at the applicants' nearby site at

Item C1

AS/10/294, AS/10/295 and AS/10/46 – Temporary extension of time for the retention of the existing Rail Aggregate Depot, extension of time for the implementation of planning permission AS/10/5 (Expansion of existing Rail Aggregate Depot) and variation of condition (4) of planning permission AS/10/46 to allow peak hour lorry movements, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.



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Conningbrook Quarry as they become replaced by those at Sevington as part of the proposals to expand the site.

4. Pending the implementation of the latest permission at Sevington, the existing Rail Depot has continued to operate under a temporary permission (Ref. AS/02/645), which is also currently due to expire on the same date by which the latest permission to permanently expand operations has to be implemented (i.e. 8 May 2011). The existing Rail Depot was originally developed in 1987 to provide aggregates initially for the construction of the Channel Tunnel and whose permission was then subsequently extended to provide similar facilities for the CTRL. Having become an established site it has since become an important strategic location for the distribution of aggregates onto the open market and this is reflected in the relevant development plan policy support which safeguards the site for such uses.

Proposals

5. Subsequent to the grant of the latest permission to expand the site at Sevington the applicants claim the economic recession has resulted in an unprecedented fall in the demand for aggregates nation-wide and in their opinion there is no evidence to suggest that the markets will return to normal at least in the immediate term. For this reason it is not currently economically viable for them to implement their latest permission to expand their existing facility at Sevington until such times as market conditions become more favourable and which in their view is most likely to be after the permission is due to expire. In order to keep this permission live the applicants have therefore formally applied to extend the date by which it has to be implemented for a further 3 years until 8 May 2014 (Ref. AS/10/295).
6. Meanwhile, in order to maintain continuity of the supply of aggregates from Sevington pending the planned expansion of the site, the applicants have also separately sought to temporarily extend the permission under which their existing operations take place also until 8 May 2014 (Ref. AS/10/294). The rationale being that by this date the permission to expand the operations would have then been implemented.
7. Condition (4) of Planning Permission AS/06/5 currently places a peak hour restriction on lorry movements to and from the site until such times as improvements to junction 10 of the M20 take place together with the completion of new junction 10a. This restriction also applies in respect of proposed junction improvements where Waterbrook Avenue enters on to the A2070. Condition (4) states 'All vehicles shall only enter and leave the site between 0700 to 0800 hours and 0900 to 1700 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays. The condition was imposed as a result of comments made by the highways Agency on the original planning application who considered such a restriction necessary in

AS/10/294, AS/10/295 and AS/10/46 – Temporary extension of time for the retention of the existing Rail Aggregate Depot, extension of time for the implementation of planning permission AS/10/5 (Expansion of existing Rail Aggregate Depot) and variation of condition (4) of planning permission AS/10/46 to allow peak hour lorry movements, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.

recognition of the limited capacity at junction 10 of the M20 and on the A2070 Trunk Road.

8. The applicants claim that the peak hour restriction on lorry movements is both commercially and practically unacceptable. They argue that the period during which lorries would be restricted from entering and leaving the site, particularly those during the morning period between 0800 and 0900 hours associated with the proposed Ready Mix Concrete Plant, is normally the time during which deliveries are made from such operations. Furthermore, they claim the first constraint to the movement of lorries during peak hours (i.e. interim improvements to M20 junction 10 have now been completed since the permission was granted.
9. In order to ensure when implemented that the proposed expanded facility would be commercially viable the applicants have submitted an application (Ref. AS/10/46) to formally vary condition (4) of planning permission AS/06/5 such that between the hours of 0800 and 0900 Monday to Fridays and 1700 and 1800 Mondays to Fridays no more than 15 lorry movements shall enter or leave the site during each of these periods. In support of their application they argue that the number of vehicle movements proposed during these hours is equivalent to those that are currently being generated from their site at Conningbrook whose vehicles also use junction 10 and the A2070. Therefore when operations transfer from Conningbrook to Sevington this would not result in any net increase in lorry movements which are already using the network.

National, Regional and Development Plan Policy

10. **Minerals Policy Statement 1 (MPS 1) 'Planning and Minerals** 'gives recognition to the essential role minerals play in the nations prosperity and quality of life and the need therefore to ensure an adequate supply of material to provide the infrastructure , buildings and goods that society, industry and the economy needs. With this principle in mind it advises that mineral planning authorities should therefore aim to provide a framework for meeting such needs whilst seeking to avoid any detrimental effects on the environment through appropriate mitigation. Particular emphasis is given towards the need to safeguard existing, planned and potential railheads and associated storage, handling and processing facilities for the bulk transport by rail of aggregates.
11. **The South East Plan (May 2009) Policy M5**; requires mineral planning authorities to assess the need for rail facilities and to identify strategic sites for safeguarding in their minerals development frameworks. This also requires the safeguarding of existing sites from inappropriate development. In undertaking this assessment mineral planning authorities are required to consider the capacity to supply imported material into the region and also proximity to markets.

AS/10/294, AS/10/295 and AS/10/46 – Temporary extension of time for the retention of the existing Rail Aggregate Depot, extension of time for the implementation of planning permission AS/10/5 (Expansion of existing Rail Aggregate Depot) and variation of condition (4) of planning permission AS/10/46 to allow peak hour lorry movements, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.

(NB: The Secretary of State for Communities and Local Government has recently announced his intention to abolish Regional Strategies and return decision making powers on planning to local councils. He will be making a formal announcement on this soon. Meanwhile he has stated that he expects local planning authorities to have regard to his announcement as a material consideration in any decisions they are currently taking. However, until there is clear policy advice, in my opinion in considering this proposal the South East Plan remains part of the development plan and regard should therefore still be had to it along with other relevant government guidance and development plan policies together with emerging policy).

12. Kent Minerals Local Plan for Construction Aggregates December 1993;

- Policy CA1:** Requires that proposals for Rail Depots should have no adverse impact on the road network and avoid residential areas.
- Policy CA3:** Proposals for depots to receive aggregates requires that they do not adversely affect local features of identified importance and can be operated consistent with the criteria set out in policies CA16 to 26.
- Policy CA4:** Identifies Sevington as being suitable in principle as an import point for construction aggregates.

The Core Minerals Strategy Development Plan Document. Primary Mineral Development Control Policies Development Plan Document. Construction Aggregates Development Plan Document.

13. Once adopted these documents, which constitute Development Plan Documents (DPD), will form the Kent Development Framework. Their draft policies seek to develop the Government's objectives for minerals planning. As these documents progress towards formal adoption the extent to which they represent a material consideration will gain in weight. Consistent with the objectives of the existing development plan policies, and having regard to these applications the Construction Aggregates DPD makes specific reference to the site in so far as it recognises this relates to an existing planning permission for the importation of construction aggregates and which will therefore need to be protected from development that would prejudice its continued operation.

AS/10/294, AS/10/295 and AS/10/46 – Temporary extension of time for the retention of the existing Rail Aggregate Depot, extension of time for the implementation of planning permission AS/10/5 (Expansion of existing Rail Aggregate Depot) and variation of condition (4) of planning permission AS/10/46 to allow peak hour lorry movements, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.

Ashford Borough Council Core Strategy July 2008.

14. Identifies strategic locations at the edge of Ashford which are aimed at meeting Ashford's role as a growing sustainable community and where at Waterbrook Park mixed uses of employment are proposed.

15. Consultations

Ashford Borough Council: Raise no objection in principle subject to the imposition of appropriate conditions to control operations and to a deed of variation to the existing Legal Agreement or a new Agreement being entered into to secure the cessation of uses at Conningbrook if this site is to be developed.

Highways Agency: No objection

Kent Highway Services: No objection

Mersham & Sevington Parish Council: Raise objections to the applications. Consider that they will result in continued uncertainty about the proposed development for residents living in close proximity to the site and feel that there have been opportunities for the applicants to develop the site before the recent recession. Also consider that the highway improvements currently required to be completed before peak hour movements are allowed should remain in force to avoid congestion on the local road network.

Local Members

16. The two local Members Mr Andrew Wickham and Mr George Koowaree were notified of the applications initially on 25 January 2010 and then on 12 March 2010. To date I have not received any written comments from them.

Representations

17. The applications were advertised in the local press and notices were posted on site. In accordance with neighbour notification procedures I also wrote to 14 properties in the surrounding area. As a result I have received one letter of representation objecting on the grounds that there would be extra noise from the operations and further stress and danger on the Orbital Roundabout and junction 10 of the M20.

**AS/10/294, AS/10/295 and AS/10/46 – Temporary extension of time for the retention of the existing Rail Aggregate Depot, extension of time for the implementation of planning permission AS/10/5 (Expansion of existing Rail Aggregate Depot) and variation of condition (4) of planning permission AS/10/46 to allow peak hour lorry movements, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent.
Robert Brett & Sons Limited.**

Discussion

18. Section 38 (6) of the Planning and Compulsory Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore in considering these applications the policies referred to under paragraphs (10) to (14) are particularly relevant.
19. When members were minded to grant permission for the latest proposal to expand and permanently retain the existing Rail Depot at Sevington regard was had to the policy support given at both the national, regional and local level for the protection afforded to such existing facilities. Furthermore, at that time it was recognised that there were sound planning reasons for the establishment of a permanent facility at this location if the longer term growth aspirations of the town were to be realised. In my opinion this position has not changed and the site remains an important strategic location for the supply of aggregates into this part of the county.
20. Following formal consultations and publicity on the proposal, with the exception of the local parish council and a local resident no objections have been raised to the applications. With regard to the nature of these objections, firstly in terms of the potential impact on the local road network. Following extensive discussions with the Highways Agency who are responsible for advising on matters relating to Trunk Roads, they accepted that there would be no net increase in traffic deriving from the development. Therefore they have raised no objection to the proposal on highway grounds provided the proposed number of lorry movements during peak hours is controlled by condition.
21. Regarding the potential impacts from noise, in my opinion given the existing impacts to those properties located nearest to the site from the main London to Dover rail line and the CTRL and having regard to the noise levels generated from the existing traffic on the M20 and A2070, there would be no material increase in noise levels experienced at these properties as a result of the peak hour vehicle movements proposed. I do not consider therefore there are any sound planning reasons for refusing the applications on the grounds of increased noise.
22. Whilst the parish council consider that it is not appropriate to consider extending the implementation of the latest permission given the continued uncertainty this would cause to local residents about the proposed development, I would wish to draw members attention to separate government guidance that has been produced specifically in relation to how Local Planning Authorities (LPA) should consider and determine such applications. Measures have been introduced in order to make it easier for both developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. There are two principle

AS/10/294, AS/10/295 and AS/10/46 – Temporary extension of time for the retention of the existing Rail Aggregate Depot, extension of time for the implementation of planning permission AS/10/5 (Expansion of existing Rail Aggregate Depot) and variation of condition (4) of planning permission AS/10/46 to allow peak hour lorry movements, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.

changes that have been introduced which differ fundamentally from the way in which normal applications are required to be considered. Firstly, LPAs are advised to take a proportionate approach to consultation and in deciding which bodies to consult are asked to take account of who had a particular interest, or raised concerns about the proposal at the time of the original application. Linked to this, LPAs are asked to take a positive and constructive approach towards such applications, in particular they should have regard to the fact that the development proposed in an application for extending the implementation date would by definition have been judged to have been acceptable at the time at which it was first granted permission. Therefore unless there have been any material changes in circumstances LPAs would normally be expected to be supportive of such proposals. In my view as explained above in paragraph (19), there have been no material changes in circumstances since the last application was determined.

23. The existing permission for the proposed expansion and retention of the current Rail Depot is tied to a separate Legal Agreement requiring the cessation of certain operations at the applicants nearby site at Conningbrook Quarry as they are replaced at Sevington. Key clauses in the Agreement relate to an 18 month time scale within which operations are required to cease at Conningbrook upon the implementation of the permission. Given that the permission has yet to be implemented these clauses still apply. However, Legal Services have advised that should permission be granted to extend the implementation of the current permission, given that this would effectively be a new permission in its own right it would need to be tied to a new Agreement in order to ensure the County Council's position is not compromised and that the cessation of those current operations at Conningbrook which are to be replaced at Sevington can be secured. With the exception of relatively minor alterations to the wording of the Agreement involving changes to the application reference number, the new Agreement would by and large be the same as the present one. Therefore should members be minded to grant permission I would recommend that this be subject to the satisfactory completion of a Legal Agreement in order to secure the cessation of certain operations at Conningbrook Quarry as currently reflected in the existing Agreement. The applicant has agreed to these terms the details of which are set out under Appendix 1 of this report.

Conclusion

24. The site represents an important strategic location in terms of providing the key facilities necessary to meet the future demand for aggregates. In my view this is particularly important in order to meet Ashford's role as a growing sustainable community. I am satisfied that provided appropriate conditions are imposed controlling operations, there are no overriding objections to the applications which are consistent with both national and regional guidance together with the relevant development plan policies against which these types of

Item C1

AS/10/294, AS/10/295 and AS/10/46 – Temporary extension of time for the retention of the existing Rail Aggregate Depot, extension of time for the implementation of planning permission AS/10/5 (Expansion of existing Rail Aggregate Depot) and variation of condition (4) of planning permission AS/10/46 to allow peak hour lorry movements, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.

developments should be considered.

Recommendation

25. I RECOMMEND that;

- (A) SUBJECT TO the satisfactory completion of a legal agreement to secure the terms set out under Appendix 1 PERMISSION BE GRANTED to Application Reference AS/10/295 to extend the time scale for the implementation of Planning Permission AS/06/5 until 8 May 2014
- (B) PERMISSION BE GRANTED to Application Reference AS/10/46 as a variation to condition (4) of Planning Permission AS/06/5 to allow no more than a combined total of up to 15 lorry movements to enter or leave the site between the hours of 0800 to 0900 Mondays to Fridays and no more than a combined total of up to 15 lorry movements to enter or leave the site between the hours of 1700 to 1800 Mondays to Fridays.
- (C) PERMISSION BE GRANTED to Application Reference AS/10/294 as a variation of Planning Permission AS/02/645 to extend the period for the retention of and operation of the existing Rail Aggregate Depot until 8 May 2014.

Case Officer: Mike Clifton 01622 221054

Background Documents: See Section Heading

AS/10/294, AS/10/295 and AS/10/46 – Temporary extension of time for the retention of the existing Rail Aggregate Depot, extension of time for the implementation of planning permission AS/10/5 (Expansion of existing Rail Aggregate Depot) and variation of condition (4) of planning permission AS/10/46 to allow peak hour lorry movements, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent. Robert Brett & Sons Limited.

APPENDIX 1 TO ITEM C1

PROPOSED TERMS

For Agreement in connection with Planning Application AS/10/295 – to extend the time scale for the implementation of Planning Permission AS/06/5 until 8 May 2014.

Prior to the issue of the planning permission the applicant to enter into all the necessary legal agreements required to secure the following matters at no cost to the County Council;

1. The applicant shall covenant with the County Council that within eighteen months from the date of the commencement of the development , not to continue the following uses permitted at Conningbrook Quarry, Willesborough Road, Ashford, granted under:-

Planning Permission: AS/89/1389; - Rail Aggregate Depot
- Concrete Batching Plant

Planning Permission: AS/94/1424; - Construction and Demolition Waste
Recycling Facility

2. The applicant will notify the Head of Planning Applications Group of the County Council in writing 14 days prior to its intention to implement the permission.
3. Within one month of cessation of the uses in the permission referred to in 1. above the applicant shall submit to the County Council a scheme to secure the satisfactory restoration of the land.
4. The applicant to pay all the County Council's legal and professional costs incurred in the preparation and completion of the said legal agreement and the legal costs already incurred by the Head of Planning Application Group prior to the completion of the agreement.

Item C2**Application for a change of use from an area of land used for chalk extraction and agricultural use to a skip storage area at the former quarry site west of Pinden Quarry, Green Street Green Road, Dartford, DA2 8DX – DA/10/394**

A report by Head of Planning Applications Group to Planning Applications Committee on 15 June 2010

This application has been submitted by ESG (Agent) on behalf of Pinden Ltd (applicant) to regularise the use of the existing site as a skip storage area. The site is currently being used for skip storage albeit on a limited basis as and when it is required and this situation would not change. The application would essentially give the County Council the opportunity to impose conditions to and provide some degree of control over its use.

Recommendation: Permission be granted subject to conditions

Local Members: Mr Jeremy Kite

Unrestricted

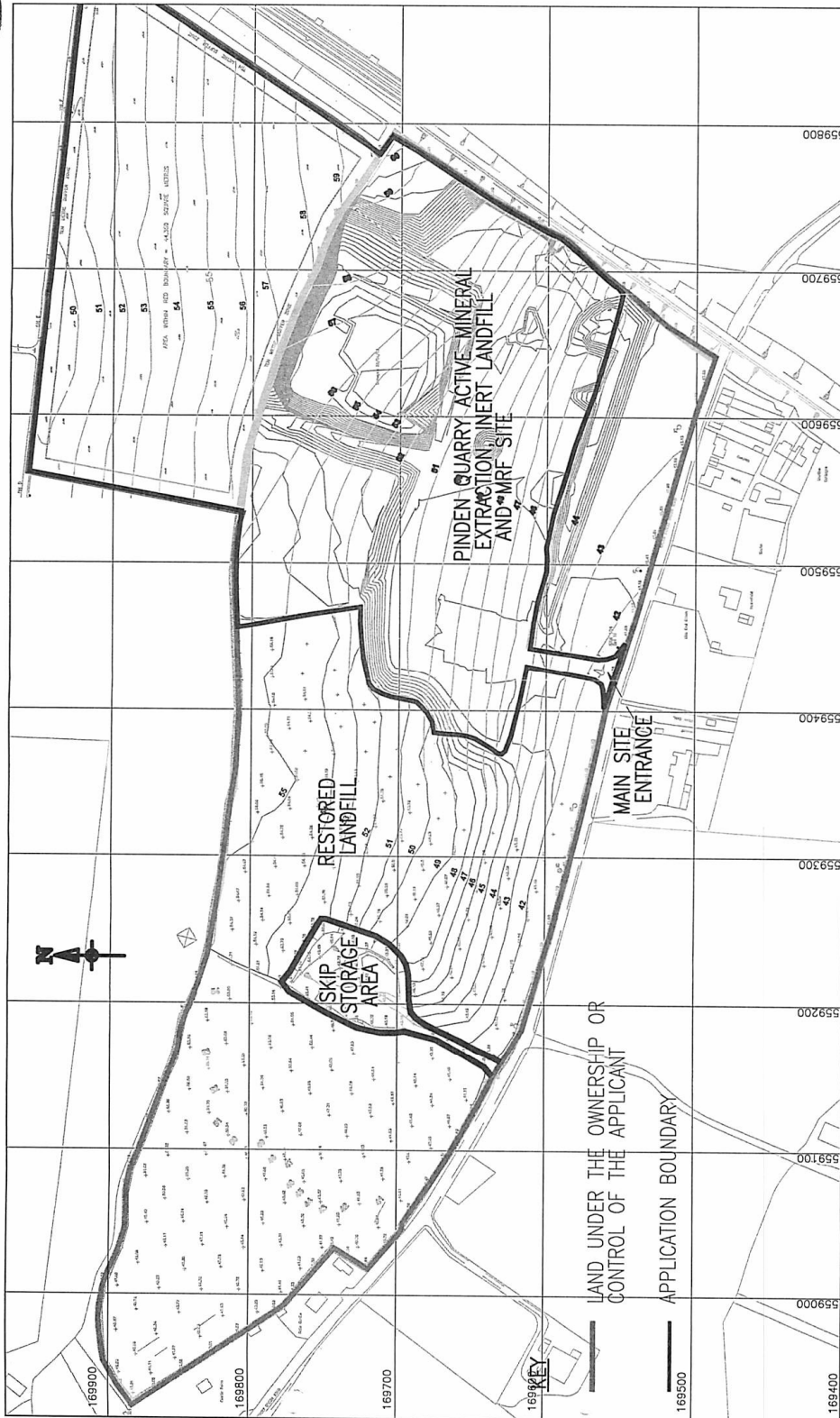
Site description and background

1. The site is located within the Parish of Longfield and New Barn (in the Borough of Dartford) and is surrounded from all sides by agricultural land. The site was previously used as a chalk quarry and since the cessation of chalk extraction the site has been partially backfilled. As a result the site appears as a cavity in the landscape. The site is currently being used as an ancillary skip storage area by Pinden Ltd.
2. The access to the site is via a metal gate, which is set back from the adjoining highway (Green Street Green Road) enabling vehicles the ability to park off road before entering the site. Access to the storage area is via a single track lane, which has a grass bund on either side. The perimeter of the site contains overgrown vegetation including an unmaintained hedgerow.
3. The existing and operational Pinden quarry and landfill site is located approximately 75 metres east of the application site and both sites are located on the northern side of the adjoining highway. Green Street Green Road (B260) is a relatively straight highway which links to Main Road (the main approach road to Longfield village). The speed limit along Green Street Green Road is 40mph and 30mph along Main Road. The nearest residential properties are located approximately 260 metres to the east and 180 metres to the west. The nearest housing settlement (the village of Longfield & New Barn) is located approximately 800 metres east of the site.
4. The site is located within the Metropolitan Green Belt.
5. The existing quarry site has a complex planning history consisting of a number of interlinked planning permissions relating to various areas of land and developments. Planning permission was originally granted for the winning and working of chalk in 1947 (under IDO 4034). The first application for recycling and waste facility was approved in 1991 under application DA/90/456. Due to the complexity of the planning history and the

various interlinked permissions, in 2008 planning application DA/07/1 was submitted and approved consolidating the relevant permissions. The 2008 permission also included a S106 Agreement which provided for the exchange of the proposed northern extension of the existing and permitted mineral extraction site at the westerly extension.

6. Currently, the Pinden quarry site consists of mineral extraction, landfilling operations (including landfilling of bonded and bagged asbestos) and, a Material Recovery Facility (MRF) including wood shredding. These operations are limited by a condition that requires working at the quarry site to cease by 21 February 2042 and for all plant, buildings and structures are to be removed on completion of quarrying and for the site to be restored to agriculture.
7. The application site forms part of the original mineral working operations and restoration by landfilling granted under permission DA/93/451. However, the application was subsequently superseded under permission DA/08/727, which amended the phasing arrangements of the mineral operations, such that the site was not worked.
8. More recently, and relative to this proposal, the applicant, in trying to seek alternative space to locate his skips, applied to Dartford Borough Council to regularise the use of the former quarry site as a skip storage area. Before then the site's skip storage activity has been carried out on an ad-hoc basis over a number of years by the previous landowner and Pinden Ltd. The change of use application was submitted to Dartford BC and registered as DA/09/241/COU. However, following comments received from Kent Highway Services the application was refused due insufficient sight line distances (west) from the access.
9. The applicant subsequently contacted the County Council to explain that additional skips storage space was needed and that alternative means of securing the site as a skip storage area would be pursued if planning permission could not be obtained. This would have involved using the land between the site and quarry as an access route to the site if the sight line issues could not be overcome. At that time, the applicant also advised that he may pursue a Certificate of Lawful Use and Existing Development (CLUED) which, if he was able to demonstrate that the site has been used continuously for a period of 10 years would enable the use of site as a skip storage area without the need for separate permission, nor the opportunity for controls to be applied by the Local Planning Authority.
10. Given the site's relationship with the main quarry site, Dartford Borough Council were encouraged allow a future application to be dealt with by the County Council as the minerals and waste planning authority in order for it to be incorporated as part of the main quarry site, particularly regarding the restoration of the site. Dartford BC agreed to this approach subject to the quarry site being linked to the associated waste operations.
11. The applicant was advised of the highway limitation of the site and these were also discussed in detail with Kent Highway Services. The applicant was advised that if the vehicle movements in and out of the site were restricted to 6 movements per day and restricted to outside peak hours and that all vehicle movements were controlled and directed by a 'banksman', this may then overcome any highway objections.
12. The applicant agreed to these terms, which form part of the current application.

13. Site location plans



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 Drawing Number: [unclear]

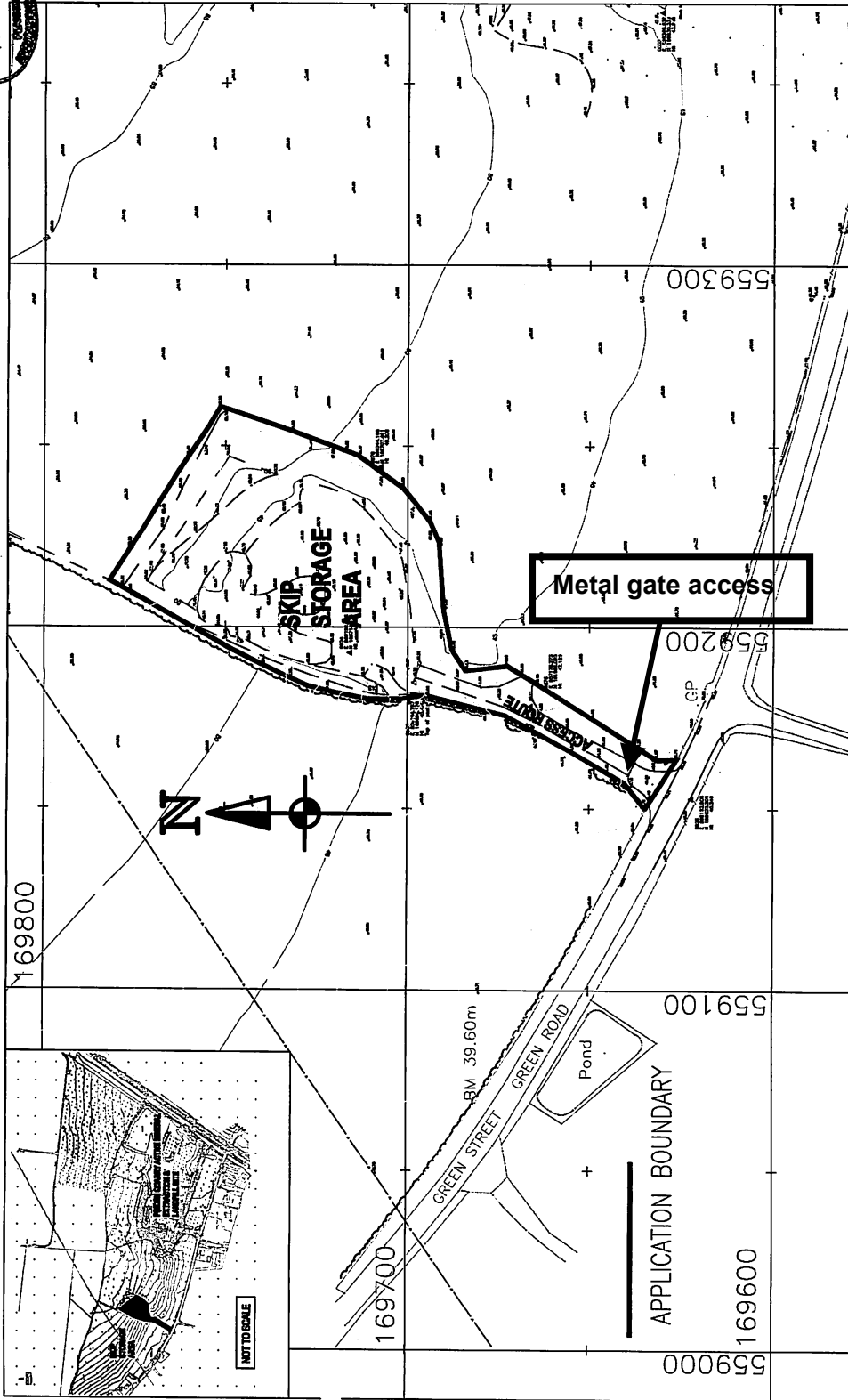


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**APPLICATION BOUNDARY
 SKIP STORAGE AREA**

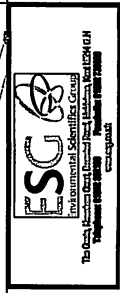
Project:
PINDEN QUARRY

P1	PRELIMINARY				
P2	SCM APPROVED				
P3	SCM STORAGE BOUNDARY				

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Scale: 1:1000
Drawing No: GMAX0005/SKIP02
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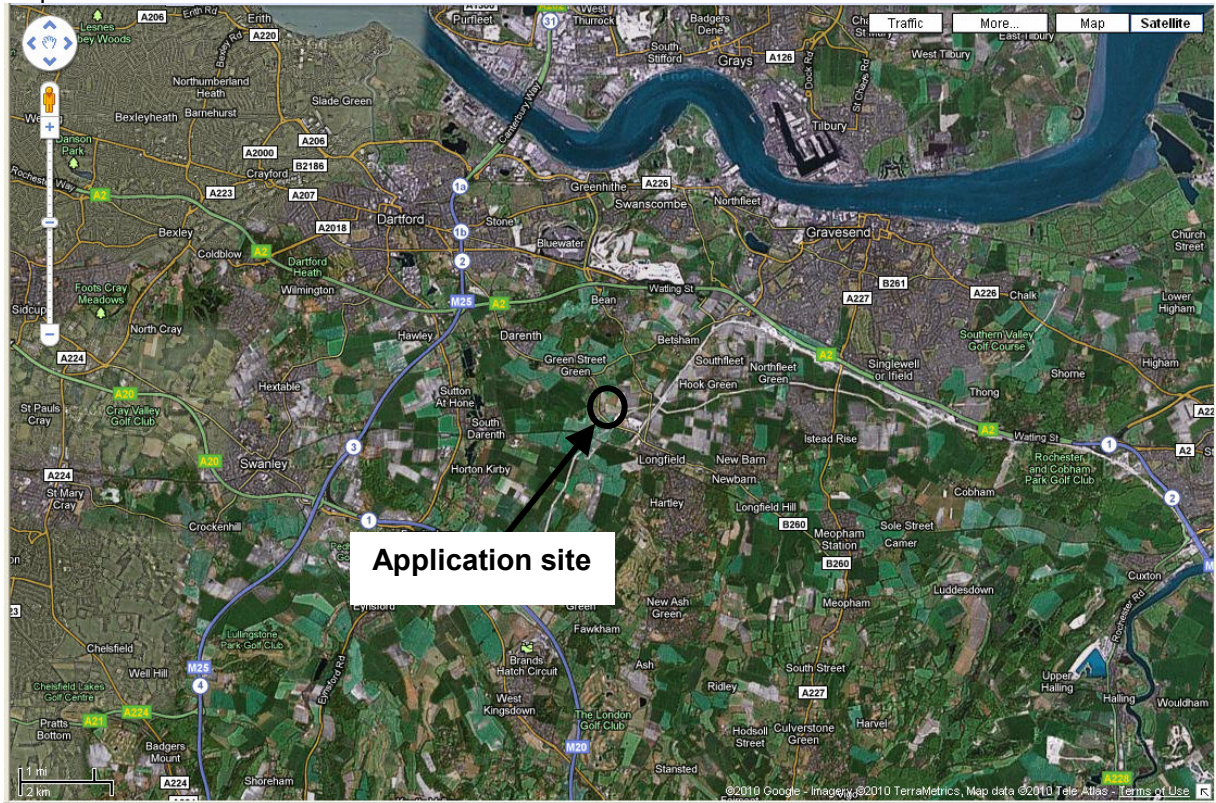


Client: PINDEN LTD
Project: SKIP STORAGE AREA IN OLD QUARRY

Project: PINDEN LTD
PINDEN QUARRY

Rev.	Description	App.	Chk.	Dis.	Date

Map 1



(Source: Google Maps)

Map 2



(Source: Google Maps)

Proposal

14. The proposal is for retrospective planning permission to continue to use the former quarry site as a skip storage area in conjunction with the existing operational Pinden quarry and landfill site. The application proposes to regularise and continue to use the former quarry site as an overflow skip storage area for skips that are unable to be accommodated within the main quarry site. The majority of Pinden's skips will continue to be stored within the main quarry.
15. As mentioned previously, the applicant has agreed to the following:
- Limit vehicle movements in and out of the application site to 6 per day (3 in and 3 out) and have these controlled and directed by a designated "banksman";
 - To have all vehicle movements associated with the skip storage area to only operate between the hours of 09:30am and 1600 hours Monday to Friday and 9:30am and 13:30 hours Saturdays (with no Sunday or Bank Holiday working);
 - Any vehicles associated with Pinden would also be restricted from using the land between the application site and the existing quarry. This would enable the land to be restored to its original appearance; and
 - To link the use of the site to the expiration of the existing operational quarry site to enable the site to form part of Pinden's restoration plans.
16. In the event that permission is granted, such controls could be secured by condition, which would enable the use of the site to be controlled and restored to the County Planning Authority's satisfaction.

Planning Policy Context

17. The planning policies summarised below are relevant to consideration of the application:

National Guidance – The most relevant to this application is set out PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).

Regional Planning Policies – The most relevant Regional Planning Policies are set out in the South East Plan (adopted 2009) such as SP5 (Green Belt), CC1 (Sustainable Development), NRM1 (Sustainable Water Recourses and Groundwater Quality) and W14 (Restoration).

The new coalition government has announced that it intends to abolish the Regional Spatial Strategy (in this case the South East Plan). Until it does so, and there are alternative policy arrangements in place, the South East Plan remains the Development Plan for the purposes of determining planning proposals.

Kent Waste Local Plan (1998) – The most relevant Policies include are W18 (Noise, Dust and Odour), W19, (W22 (Provision for adequate access arrangements including the need for any off-site highway improvements), W25 (Plant and Buildings) W31 (Visual Impact and Landscaping) and W32 (Landscaping and aftercare).

Dartford Borough Council adopted Local Plan (1995) – The most relevant policies are S4 (Green Belt), S5 (Protection and enhancement of natural conservation

resources), GB1 (Extent of Green Belt), GB2 (Presumption against development in Green Belt), C1 (Development in Countryside), C5 (Enhancement of Countryside) and B3 (Landscaping). The **Proposal Maps (1995)** – The application site is located within the Metropolitan Green Belt.

Consultations (final comments)

18. **Dartford Borough Council** – No objections.

19. **Southfleet Parish Council** – No objection provided that:

“The storage area is screened adequately by native species hedging, including evergreen varieties, to be planted at the beginning of the next season: ie October 2010. We think it essential the applicant complies with such a condition to prevent delay in landscaping.

The hours during which skips are brought to and taken from the storage area are strictly limited by condition so far as to avoid noise and artificial light pollution, and to protect the amenities of the surrounding area”.

20. **Longfield and New Barn Parish Council** – Object to this application. It's full comments are set out below:

“Following the parish council meeting held on 27th April this council now wishes to change its opinion from that previously submitted following the 23rd March Council Meeting [no objection]. Having considered additional information from residents in the parish this council feels that there would be a detrimental effect to residents and a continued affect on the roads and footways along this stretch of the Green St Green Road.

The burden imposed by the existing quarry is already considerable to the local residents and businesses and further pressures on this stretch of road is unacceptable. The quarry struggles to maintain a clean road immediately outside of their site entrance and a second entrance would exasperate this problem.

Although currently there are no plans for the introduction of additional lighting, it cannot be ruled out completely in the future and this too is another factor which residents should not have to fear.

Pinden Quarry is a major site in the parish and residents, businesses and the parish council appreciate that the site has to continue its business, but likewise causes considerable inconvenience to all and additional negative effects on those close to the site should not be increased further by the risk of additional problems, in the form of additional large lorry movements, mud and dust on roads and pavements, noise and severe lighting”.

21. **The Divisional Transport Manager** – No objection to the proposal subject to imposing the conditions that were discussed at the pre-application stage relating to restricted traffic movement, all traffic movement to be directed by a 'banksman' and operating hours.

22. **Environment Agency** – No objection.

Representations

23. The application has been publicised by the displaying of a site notice on the entrance gate to the site and newspaper advertisement in the local press. In total, five nearby properties were notified of the proposal. At the time of writing this report, two letters of representation had been received raising issues that the County Council should consider. These are traffic movement, litter, mud on the highway, the impact upon the area between the application site and quarry and lighting within the site.
24. The applicant was advised of the representations received and their response to the issues raised was requested. The applicant's response was received addressing all the points raised by highlighting the proposal to restrict levels of vehicle movements in and out of the site per day, the willingness to enhance the landscape around the perimeter of the site and to reinstate the bell mouth of access to the site. The applicant also confirms that no lighting is proposed at the site.

Local Member

25. The County Council Member Mr Jeremy Kite was consulted and, to date, no comments have been received.

Discussion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraph (10) above are of greatest relevance.
27. It is important to note that, during the pre-application consultation stage, the applicant did suggest that he would be able to demonstrate an established use of the site through the submission of a Certificate of Lawful Use and Existing Development application. If the applicant was able to demonstrate the use had been active for more than 10 years then the use could continue without the County Council applying any controls and the site would remain in its current state.
28. Conversely, if planning permission were to be granted for skip storage use, it would enable the County Council to impose conditions that would provide some degree of control over its use and restoration.

Main issues:

29. Following consideration of the proposal and consultation responses, the main determining issues, in my view, are:
- Traffic movement and access considerations
 - Mud and dust
 - Impact on residential amenity
 - Impact upon site restoration and landscape
 - Green Belt

Traffic movement and access considerations

30. The level of traffic movement proposed by the development would be low, 6 vehicles per day. These would be controlled and directed by a 'banksman'. The applicant has also

proposed the restriction of hours of working. The access onto Green Street Green Road already exists and has been in operation for a number of years. This position is acceptable to Kent Highways Services. In these terms, in my opinion, these proposed flows and controls area acceptable and would not materially affect the level of existing traffic along the adjoining highway and nor would it give rise to any increased noise issues than before. This is a view supported by Kent Highway Services who have raised no objection subject to detailed conditions being applied.

Mud and Dust

31. In terms of the potential for mud and dust entering the highway, whilst large numbers of HGV movements can give rise to mud and dust, the operator does employ wheel cleaning facilities on its main site and a road sweeper on the highway either side of the quarry site access. This helps to minimise the likelihood of mud being tracked onto the highway and address any issues when it is necessary.
32. The operator has been reminded generally of his obligations relating to mud, dust and litter, and the issue has also been raised at the Pinden Quarry Liaison Meetings. However, whilst it would be unreasonable to insist that the applicant installs a new wheel cleaning facility at the skip storage area (given the low numbers of vehicles involved). If permission is granted, a condition could be imposed requiring that measures be employed to prevent mud and debris being carried out onto the public highway. This would enable the County Council to exercise some control on the issue and take action under its planning powers if this were deemed appropriate.
33. In addition to the above condition, I also envisage a requirement for any potholes in the bell mouth to the skip storage area being repaired by the operator within a month of any permission being granted and for the access to be suitably maintained for the life of the permission. This would also assist in ensuring that any adverse mud and dust impacts are minimised.

Residential amenity

34. It should be noted that the Pinden Quarry Liaison Committee (PQLC), which is attended by all three surrounding Parish Councils and representatives from Pinden and Kent County Council has been set up as a forum to take account of and, where possible, address any local concerns. The PQLC meet on a quarterly basis (depending on availability) to discuss, amongst other matters, any issues that have arisen since the last meeting. At the last meeting, the Parish Councils were made aware of this change of use application before it was submitted. No concerns or issues were raised.
35. Concerns have been received from two local residents mainly regarding traffic flows and mud and dust on the highway. As discussed above these issues can be addressed by appropriate conditions should Members be minded to grant permission. Other concerns relate to lighting within the site and the visual appearance / condition of the land between the application site and existing quarry.
36. The applicant has not proposed any form of lighting within the site therefore the concerns received regarding this matter cannot be considered as it relates to something that does not form part of the proposal. In addition, given the nature of the proposed use and the expectation that skips would be moved to and from the site during daylight hours, there is no reason why illumination would be required. However, should lighting be required, this would require a separate planning approval. A condition to this effect could be proposed.

37. In respect of visual appearance, the land between the site and main quarry has been trampled by quarry related vehicles, which has adversely affected the appearance of the land. In these terms, if Members were minded to approve this application then it would enable the land to be reinstated in the short term and the application site to be restored back to agricultural use in the long term (i.e. the lifetime of the main quarry site).
38. Having visited the site, in my opinion, the site and proposed use is located a sufficient distance from existing residential properties so as not to cause any unreasonable amenity issues that would otherwise warrant the application to be refused.

Site restoration

39. In terms of the area of land between the site and existing quarry, the applicant has agreed to prevent skip and other vehicles associated with the quarry site from crossing between the sites so that the area of land that has been tracked can be properly reinstated to agricultural use. This would help to improve the visual appearance of land from the adjoining public highway. In addition to this, the applicant has agreed to reinstate and maintain the existing hedgerow along the perimeter of the site. This would assist in softening the appearance of and screen the storage area from views into the site and address the issue raised by Southfleet Parish Council.
40. If planning permission is granted, planning conditions could be imposed limiting the life of the permission to that of the main quarry site (i.e. for a temporary change of use) and require a restoration scheme for its eventual afteruse to be linked with the time limit of the existing quarry. Further conditions could also be imposed to prevent skip and other vehicles associated with quarry site crossing the area of land between the application site and quarry and to provide for this area of land being properly reinstated to agricultural use within a given timescale. The applicant has indicated his acceptance of such controls and expressed a willingness to maintain hedgerow planting around the site to reduce visual impact of the use, which could also be conditioned.

Green Belt and Landscape Arrangements

41. The use of the site as a skip storage facility is in direct connection with activities and operations of the main quarry site. Therefore, in these terms, in my opinion, the proposed use is entirely appropriate and considered to be an acceptable use in this Green Belt location. Furthermore, this application would enable the Council a degree of control over the use of the site and its eventual restoration.

Conclusion

42. Having assessed the proposal in conjunction with the supporting material provided in the application, the advice received from KHS and other consultees and having regard to the relevant national guidance and regional and Development Plan Policies, I consider the use of the site to be acceptable for the specific reasons identified above.
43. In my view, the proposal would have no significant impact on the overall number of lorry movements in the area (which will continue to operate from the main site regardless of the outcome of the current application) and would only give rise to a maximum of 6 movements per day (3 in and 3 out) between the proposed skip storage area and main quarry site. It is also proposed that all such movements into and out of the skip storage area would be controlled / directed by a "banksman" and would take place between 09.30 and 16.00 hours Monday to Friday and 09.30 and 13.00 hours on Saturdays (with no Sunday or Bank Holiday working).

44. In addition, if planning permission is granted, planning conditions could be imposed limiting the life of the permission to that of the main site (i.e. a temporary change of use) and requiring a restoration scheme for its eventual afteruse. However, this would not be possible should the applicant be successful in seeking a Certificate of Lawful Use and Existing Development.
45. Whilst I note concerns have been received from Longfield and New Barn Parish Council and local residents on the condition of the highway, additional traffic movement and visual impact, I am satisfied having regard to comments made by other consultees such as KHS that the proposed facility would not cause any significant adverse impact on the local highway network and with the provision of suitable conditions the visual amenity issue can be satisfactorily addressed.
46. In conclusion, I am satisfied that the proposed use of the site as an ancillary skip storage area would be acceptable and that provided appropriate conditions are imposed to control any potential adverse impacts there are no overriding issues that would reasonably warrant this application be refused. On this basis, I recommend that planning permission be granted subject to conditions.

Recommendation

47. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including those to cover the following aspects:

- Restrict lorry movement in and out of the site to 6 movements per day and use of 'banksman' at all times
- Restrict operational hours to 09.30 and 16.00 hours Monday to Friday and 09.30 and 13.00 hours on Saturdays (with no Sunday or Bank Holiday working)
- Reinstate pot holes within the bell mouth of the access within 1 month and maintenance thereafter.
- Measures to prevent mud or other materials being tracked onto public highway
- Details of a restoration scheme shall be submitted to and approved in writing by the County Planning Authority. The restoration scheme shall also include details of the reinstatement of the area of land between the skip storage site and quarry site.
- Reinstatement, maintenance and protection of the hedgerow around the perimeter of the site
- No lighting or illumination of the site without the prior approval of the County Planning Authority
- No waste to be taken onto site only empty skips
- No buildings, structures, fixed plant or machinery without prior approval of the County Planning Authority
- The life time of the use hereby approved shall be limited for a temporary period and linked to the life time of the existing operational quarry site (i.e. 21 February 2042).

Case Officer: Sav Patel

Tel. no. 01622 221053

Background Documents: see section heading.

Item C3**Proposed alteration and extension of the existing Studd Hill Householder's Waste Recycling Centre, Westbrook Lane, Herne Bay, Kent – CA/09/1903**

A report by Head of Planning Applications Unit to Planning Applications Committee on 15 June 2010

Application by Kent County Council Waste Management for proposed development at Studd Hill Householders Waste Recycling Centre, Westbrook Lane, Herne Bay, Kent.

Recommendation: Permission be granted subject to conditions

Local Member: Jean Law & David Hirst

Classification: Unrestricted

Site description and background

1. The application site is located on Westbrook Lane in Studd Hill. The site is approximately 2km south west of Herne Bay and approximately 4.5km east of Whitstable. The site is accessed by two entrances; A HGV entrance directly off the A2990 Old Thanet Way and a public access off Westbrook Lane, which is directly off Whitstable Road.
2. The application site consists of 1.14 Ha of uneven disturbed land. This land currently contains the existing 0.23 Ha Householder's Waste Recycling Centre (HWRC) hardstanding area, part of a disused roller skating rink and a disused car park associated with the rink. The rest of the site is covered with a mixture of undulating land covered with dense shrub.
3. The site is bounded to the south by the A2990 Old Thanet Way, with the rear gardens of the residential properties of Blackburn Road beyond some 40m from the site boundary. The north boundary of the site adjoins the raised Chatham to Ramsgate railway line, beyond this lies the rear gardens (23 metres) and residential properties of Hampton Close approximately 35 metres from the site boundary. The site is bounded to the east by Westbrook Lane and to the west by the disused roller skating rink and associated car park with agricultural fields beyond.
4. The site is not located directly in or adjacent to an area of nature conservation such as a SSSI and is not located in any other statutory or non-statutory nature conservation designation. However the site is located within 2km of the Thanet Coast Special Site Scientific Interest (SSSI) and the Thanet Coast Special Protection Area and Ramsar Site.
5. Part of site currently has planning permission for the existing HWRC which processes approximately 11,500 tonnes of waste per annum.

Item C3

Proposed alteration and extension of the existing Studd Hill Householders Waste Recycling Centre, Westbrook lane, Herne Bay, Kent – CA/09/1903

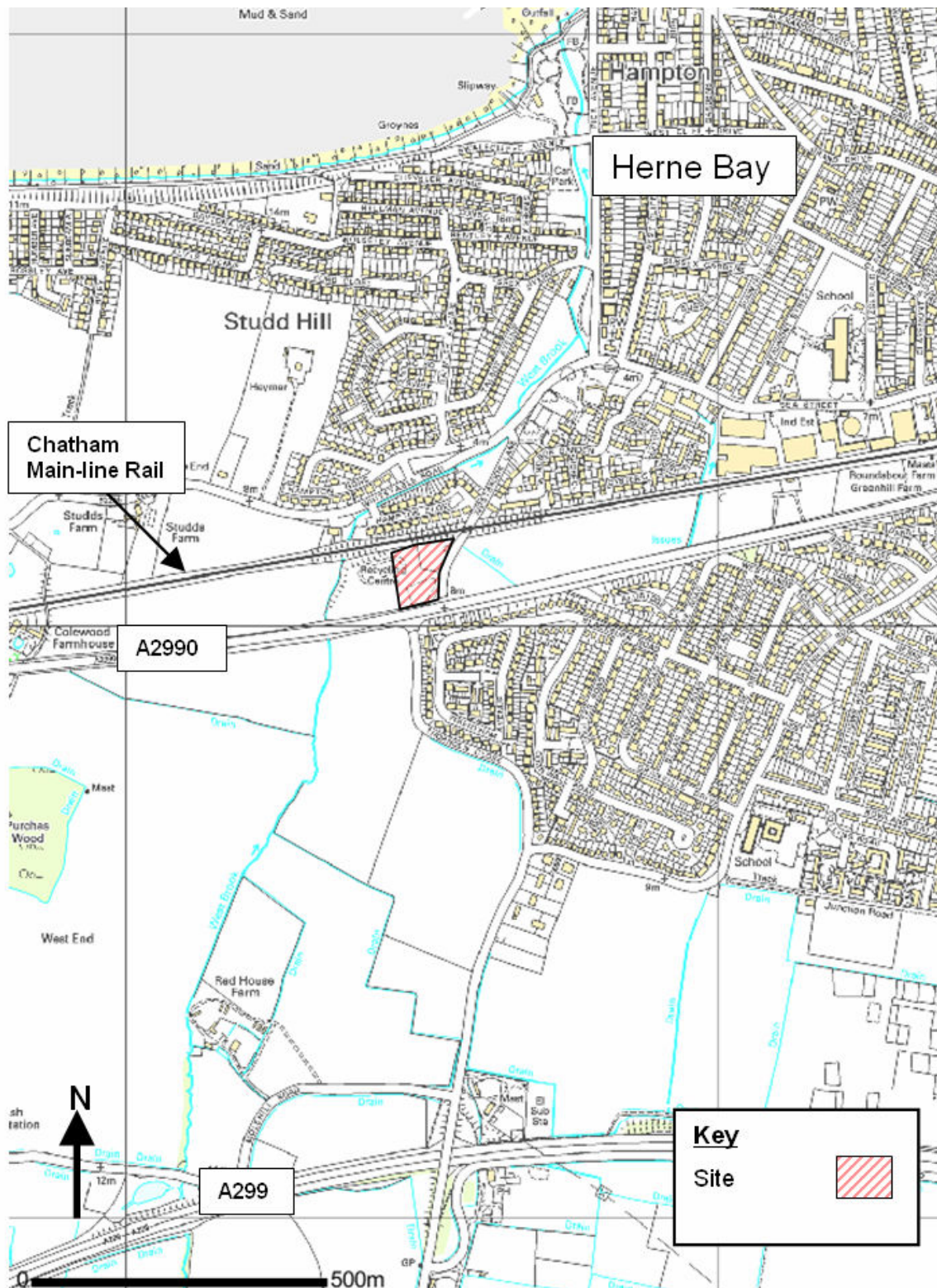


Figure 1 : Location map

Proposed alteration and extension of the existing Studd Hill Householders Waste Recycling Centre, Westbrook lane, Herne Bay, Kent – CA/09/1903

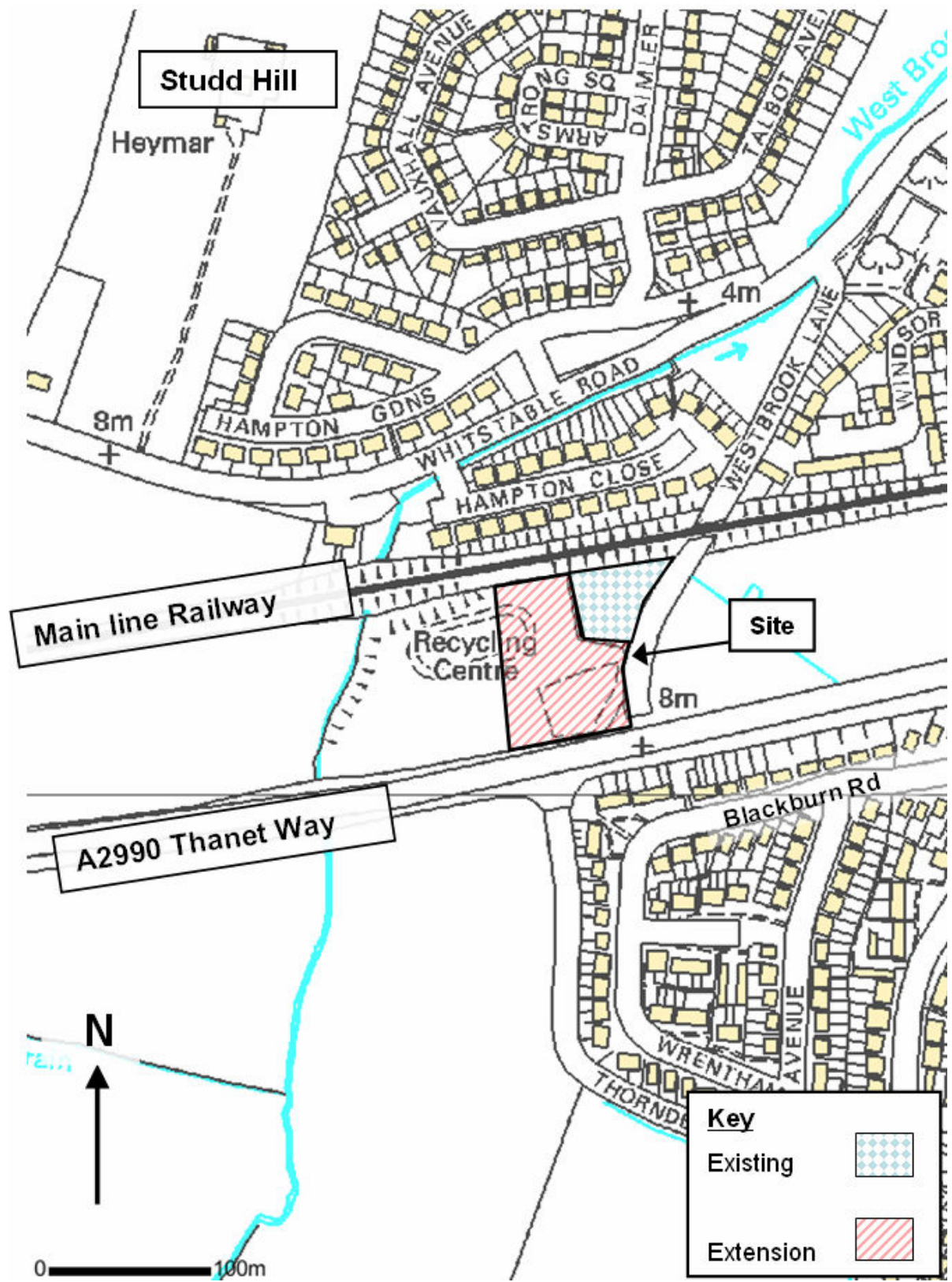


Figure 2 : Map at smaller scale

Proposed alteration and extension of the existing Studd Hill Householders Waste Recycling Centre, Westbrook lane, Herne Bay, Kent – CA/09/1903

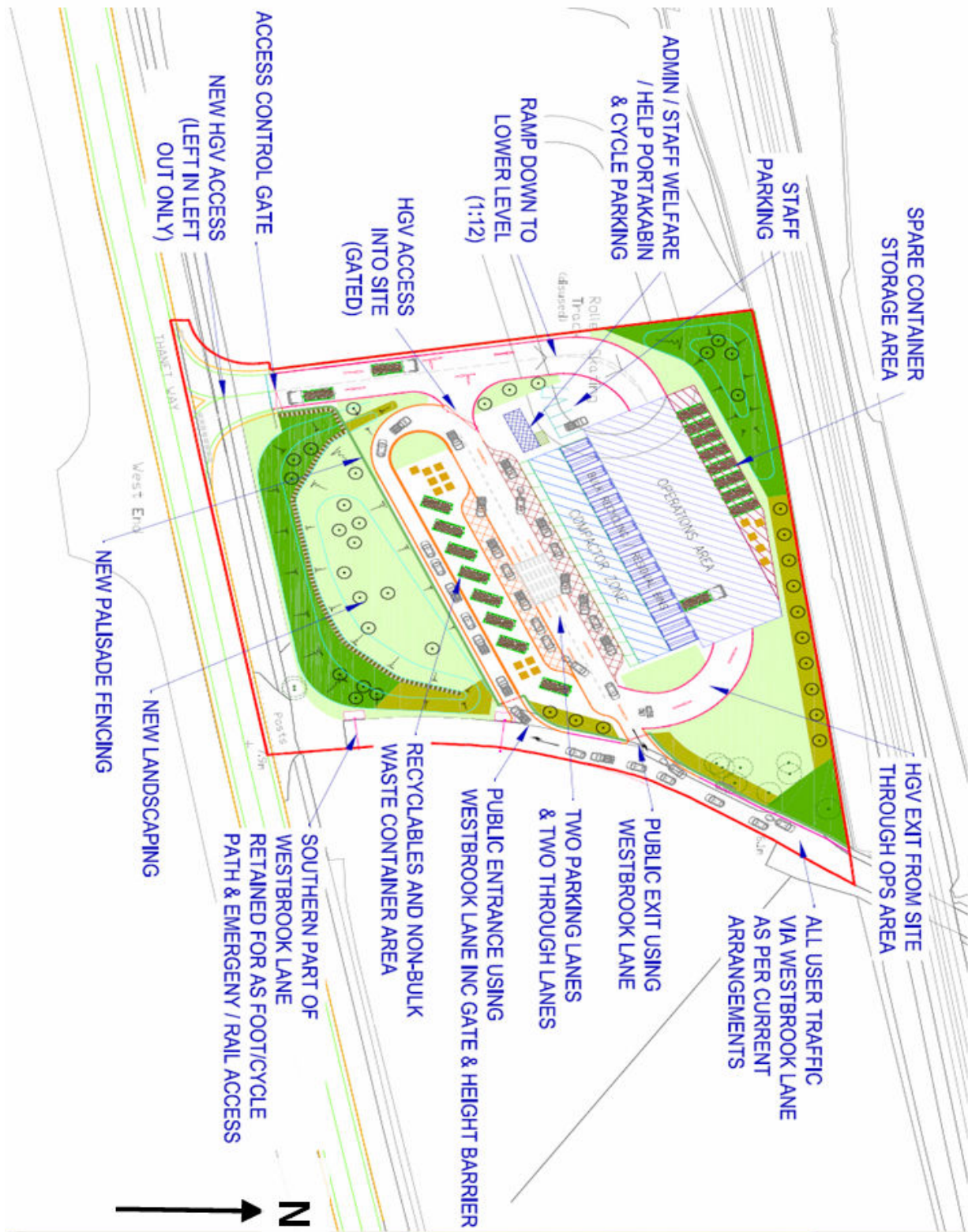


Figure 3: Proposed Layout Plan

Proposed alteration and extension of the existing Studd Hill Householders Waste Recycling Centre, Westbrook lane, Herne Bay, Kent – CA/09/1903

Proposal

6. This application proposes the alteration and extension of the existing HWRC to expand the facility to cover 1.14 Ha. The increase in site area would enable the complete remodelling of the facility. The facility would be reconfigured to relocate the waste management operations from the north eastern corner of the site to a more central location within the site area. There is proposed to be a 6 metre planted margin between the operational area and the northern edge of the site and a 23 metre bunded margin between the operational area and the southern edge of the site.
7. The proposals include the separation of the members of the public from the waste management operations. This would be through the creation of a split level segregated facility, and separation of entrances and exits. The public recycling area would cover approximately 1400m², consisting of up to 8 'roll on – roll off' bins ('ro-ro' bins) and up to 5 travelling compactors and access and parking facilities. The layout would be altered to create two parking areas and a public one-way through route with separate entrance and exit. This would also create a drop off area to enable the public to drop off various wastes without causing queuing through the site.
8. The operations area would cover approximately 1890m². This would consist of a compactor zone, bulk recycling / residual bins, up to 10 open 'ro-ro' bins and storage containers. Only HGVs and staff members would have access to this area, there would be a split level physical separation to prevent access by public site users. A separate HGV entrance would be created directly onto the A2990 Thanet Way with appropriate vision splays. The HGV entrance / exit would be left turn in, left turn out only to ensure vehicles do not cross the carriageway. The proposal also includes provision of parking for staff including 4 car parking spaces and 5 cycle parking spaces.
9. The proposal includes extensive landscaping around the northern, eastern and southern site boundaries of the site. This includes two new landscaping bunds to the north-west and southern areas of the site. New planting would surround the entire perimeter of the site. The details of the landscaping can be seen in figure 3 above.
10. The site currently has a throughput of 11,500 tonnes per annum. The new site arrangement would enable this to increase to 16,000 tonnes per annum within ten years of the facility becoming operational.

Hours of operation and opening

11. The operating hours proposed for the site are based on The County Council's policy for their other HWRC's. The operating hours and opening hours for the proposal facility would mostly remain the same as for the current facility. This is with the exception of extended opening proposed on Wednesdays during the spring to autumn period, where the site would remain open up to 20:30 in the evening. The applicant justifies this as it is both in line with other KCC HWRC opening hours and in order to reduce the use of the site at weekends.

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Operating Hours

12. The operating hours allow for preparation at the beginning of the day and tidying up time at the end of the day. The proposed operating hours are as follows;

1st April to 30th September

Monday to Saturday	07:30 to 18:00 hours
Wednesday	07:30 to 20:30 hours
Sunday and Bank Holidays	08:30 to 16:30 hours

1st October to 31st March

Monday to Saturday	07:30 to 18:00 hours
Sunday and Bank Holidays	08:30 to 16:30 hours

Opening Hours to the public

13. The opening hours, when the facility would be open to members of the public, are proposed as follows;

1st April to 30th September

Monday to Saturday	08:00 to 16:30hours
Wednesday	08:00 to 19:00 hours
Sunday and Bank Holidays	09:00 to 16:00 hours

1st October to 31st March

Monday to Saturday	08:00 to 16:30 hours
Sunday and Bank Holidays	09:00 to 16:00 hours

Vehicle movements and traffic routes

14. It is predicted that the site would not generate more than 2 HGV movements per hour (1 in / 1 out) at the busiest of times. This would equate to, at most, approximately 14 HGV movements per day (7 in, 7 out). HGV movements would use the separate entrance/exit onto the A2990 Old Thanet Way. Vehicle movements would only be within the operating hours of the site.
15. The site would attract a number of vehicle movements from members of the public during the opening hours. These would access the site from the redesigned public entrance and exit on Westbrook Lane.

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Planning Policy Context

16. **National Planning:** Policies PPS1 (Delivering Sustainable Development), PPS10 (Planning and Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
17. **South East Plan (May 2009):** Policies CC1 (Sustainable Development), NRM9 (Air Quality), NRM10 (Noise), W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W7 (Waste Capacity Requirements), W13 (Landfill Requirements), W14 (Restoration), W17 (Location of Waste Management Facilities), and C4 (Protection of Landscape)
18. The new coalition government has announced that it intends to abolish the Regional Spatial Strategies (in this case, the South East Plan). Until it does so and there are alternative policy arrangements in place, the South East plan remains the development plan for the purposes of determining planning proposals.
19. **Kent Waste Local Plan (March 1998):** Policies W1A (Integrated Waste Management Facilities), W3 (Locational Criteria), W6 (Need), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Land Drainage and Flood Control), W22 (Road Traffic and Access).
20. **Canterbury City Council Local Plan (2000):** BE1 (Design and Sustainability), C39 (Air Quality), C40 (Controls to mitigate pollution)

Consultations

21. **Canterbury City Council:** raise **no objection** to the planning application. The City Council requests that consideration be given to the closure of the public access from Westbrook Lane with a new access off the Old Thanet Way providing access to the site for all vehicles.
22. **Environment Agency:** raise **no objection** to the proposals. The EA offers advice to the applicant in regards to drainage, contaminated land, fuel and chemical storage and waste management.
23. **Natural England:** has **no objection** to the proposed development, subject to appropriate conditions to ensure the petrol/oil interceptors for surface water run-off as detailed within the drainage strategy are installed and regularly maintained. Natural England (NE) note that the site is located close to habitats which form part of the Thanet Coast Site of Special Scientific Interest (SSSI), the Thanet Coast and Sandwich Bay Special Protection Area and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Whilst nearby to these habitats, NE considers that subject to the above mitigation measures the proposal would not be likely to have an effect on the above sites and permission may be granted under the terms of the Habitats Regulations. Natural England also welcomes the submission of the ecological survey and recommends that KCC's own ecologist is consulted on the proposals.

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24. **KCC Biodiversity Officer:** raises **no objection** to the proposals. The Biodiversity Officer initially identified a number of areas which needed to be addressed prior to the granting of planning permission. The applicant subsequently produced further information to address the points raised. The Biodiversity Officer now considers that all pre-determination information has been supplied and issues concerning reptiles, Bats and Badgers may be appropriately mitigated by condition.
25. **Kent Wildlife Trust:** No comments have been received to date.
26. **Divisional Transportation Manager:** raises **no objection subject to conditions**. The Divisional Transport Manager (DTM) is satisfied that the proposals would not generate an unacceptable impact to the local highway network subject to the following conditions. Prior to commencement of development details should be submitted in regards to parking arrangements for site workers / visitors. Details should also be provided to ensure adequate space for the loading / unloading and turning of operative and construction vehicles on site. Prior to commencement of development details for the redesign of the service access onto the Old Thanet Way (A2990) to incorporate an enlarged island, cycle refuge and to further discourage right turns. Details of surface water drainage to ensure no discharge to the public highway, and details of facilities to guard against the deposition of mud and debris on the public highway, both during development and operations.
27. The DTM has also raised concerns over the safety of the HGV access onto the A2990 Old Thanet Way. The Old Thanet Way is to be reinstated to a 60mph road, as such lorry movements onto and off of this road could conflict with vehicles on the A2990. The absence of a deceleration lane could potentially increase the likelihood of shunts and cause interruption of the free flow of traffic. These problems would be exacerbated during peak hours. In considering this information the DTM considers that the use of the service access should be limited by condition to off peak hours only. This would be between 0930 and 1500 hours Monday to Friday. The service access should be used solely by HGV service vehicles. The means of vehicular access for staff and site users/visitors should be solely from Westbrook Lane.
28. **KCC Noise Advisor (Jacobs):** Raise **no objection subject to conditions** ensuring noise limits are adhered to. After consultation on the initial and secondary noise assessment, KCC's noise advisor considered it unlikely that noise emanating from the site, when measured in line with BS4142, would exceed the existing background levels at the nearest residential properties of Hampton Close. To ensure that this is the case the noise advisor suggests that two conditions should be added to any consent if permission were to be granted;
29. The first condition would limit noise to ensure the development did not produce noise in excess of background levels when measured in accordance with BS4142 at the nearest noise sensitive receptors.
30. The second condition suggested calls for noise monitoring to be carried out, in accordance with BS4142, 3 months after commencement of development. This would further establish background levels and ensure that the development was not exceeding background levels when measured at the nearest residential receptors. If it were found that operations were in excess of the background levels all operations

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should cease until details for appropriate mitigation have been submitted to, and approved by the County Council and implemented as approved. Subject to these conditions being added to any future planning consent Jacobs does not object to the proposal.

31. **KCC Odour & Air Quality Advisor (Jacobs):** Raise **no objection** to the proposals. It is noted that the site lies within close proximity to residential properties and it is essential to keep dust and odour to a minimum level. Best practice mitigation measures should be implemented and maintained to ensure that no problems arise.
32. In regards to air quality; the background air pollutant concentrations are currently extremely low in the vicinity of the site. The proposals will result in some increase in vehicle movements; however the modelled emissions from this increase would be negligible. As such the development proposed would have a negligible impact on the overall air quality of the area, and therefore be unlikely to result in detriment to local air quality.
33. **KCC Street Lighting Advisor (Jacobs):** Raise **no objection** to the proposals. The lighting levels proposed for the site are acceptable. The proposed equipment limits the light spill very well, with low lux levels outside the site boundary. Further to this point the lanterns proposed, being the flat glass type, eliminate light spill above the horizontal and thereby minimise light pollution and visual impact. When considering these factors and the hours of operation it is considered that the impact from lighting would be fairly minimal and therefore no objection is raised.
34. **KCC Landscape Advisor (Jacobs):** Raise **no objection** to the proposals. The advisor considers that the reorganisation of the space and proposed planting would not have a significant adverse impact on landscape or visual impact. The extent of the proposed landscaping would mitigate the loss of 8 existing trees (none of which are assessed as being of high arboricultural value), further to this the advisor states that they do not consider the proposals would have any significant adverse impact on existing vegetation. The advisor also gives recommendation for alteration to the planting mix, perimeter landscaping and bund gradients. This information was subsequently supplied and the Landscape Advisor is now satisfied that all landscape matters have been appropriately addressed.

Representations

35. The application was advertised in a local newspaper and a site notice was posted. 2 letters of objection have been received to date. The main areas of concern which these raise include;
 1. Increased noise levels
 2. Visual impact
 3. Air pollution
 4. Traffic impacts

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Local Members

36. The Local County Members for Herne Bay Jean Law and David Hirst were consulted on the application on 17 December 2009 to date no responses have been received.

Discussion

Introduction

37. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraphs (16 -20) are of greatest relevance.
38. Until the Kent Waste Development Framework has been adopted as a replacement for the Kent Waste Local Plan (1998), and any identified sites and locational criteria have been subjected to a Sustainability Appraisal and Strategic Environmental Assessment as part of that process, PPS10 requires that planning authorities should ensure proposals are consistent with its policies.
39. The South East Plan advocates a growth in waste management facilities reflecting the waste hierarchy, which priorities reduction, re-use, recycling and recovery (in that order). The Plan seeks to reduce waste that is directed to landfill and, in these terms, Policy W5 (Targets for Diversion from landfill) states that a substantial increase in recovery of waste and reduction in waste to landfill is required in the region. Also, as part of the Plan are targets for the recovery of waste. The proposed facility would therefore help contribute towards the Plan's objectives of reducing the amount of waste to landfill and improve waste recovery.
40. The need for the expansion and renewal of HWRC's across Kent is clear to increase efficiency of operations and help meet targets for recycling. However this need should be balanced against locational criteria and potential harm to local amenity. There is policy protection for amenity in general, and specifically from waste operations set out within the South East Plan, the Canterbury City Local Plan and the Kent Waste Local Plan. Whilst the principle of the type of development at this location has already been established, the impact of expansion of and re-arrangement of the facility on amenity should be thoroughly considered.
41. Given the policy background discussed above and from the consultation process the main issues to be balanced against the need for additional recycling facilities relate to local amenity impacts, highways, traffic, landscape and visual amenity and biodiversity and ecology impacts.

Amenity Impacts

42. The site lies within close proximity to sensitive residential receptors. The closest of these receptors are those of Hampton Close to the North of the site across the Chatham to Ramsgate Main Line Railway and the properties of Blackburn Road to the south across the Thanet Way. The Hampton Close properties rear facades are

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approximately 35 metres from the site boundary; those of Blackburn close are approximately 40m from the site boundary. It is the proximity of these sensitive receptors to the site which raises the need for consideration of the potential impacts on local amenity. In particular regard should be had to noise, air pollution, dust, odour, light pollution and visual and landscape amenity impacts. Two letters of objection have been received from local residents concerning the potential amenity impacts.

Noise Impacts

43. The noise impacts of the proposal should be considered in light of close proximity to residential properties. The proposals include expansion and re-arrangement of the facility over a larger area. The proposals would bring operations closer to some rear gardens of properties along Hampton Close. The proposal seeks to maintain the existing opening hours with the exception of on Wednesdays between 1st April and 30th September where the site would be open to members of the public until 1900 hours and open for site operations until 2030 hours. These extended hours would bring the centre in line with opening hours for other Householders Waste Recycling Facilities across Kent. However, the proposed extended opening hours would have the potential to cause an additional noise impact on the nearby sensitive residential receptors. Objections have been received from 2 local residents specifically concerning the increased noise impact on their properties from the proposal. The key noise policies which the proposals should be considered against are NRM10 of the South East Plan and W18 of Kent Waste Local Plan. These policies require the planning authority to be satisfied that noise is appropriately controlled before granting planning permission.
44. In recognition of the close proximity to residential receptors the applicant carried out a noise impact assessment which was submitted with the application. This provided evidence that the proposals would have a slight impact on local residents once proposed mitigation measures were taken into consideration. The new arrangement of the site is via a split level facility in which the operations level would be set down from the public accessed area. This set down once taken into consideration with the landscaping bunds proposed to the north and south of the site would provide some mitigation to reduce the potential noise impacts. Following initial consultation with Jacobs concerning the noise assessment a further assessment was carried out to further inform the potential noise impacts.
45. The noise assessments were carried out in accordance with the standards and guidance set out in BS5228 – 1:2009, Code of Practice for Noise and Vibration Control on Construction and Open Sites Part 1, BS4142:1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas, Planning Policy Guidance 24 (Planning and Noise), Calculation of Road Traffic Noise (CRTN) and World Health Organisation (WHO) guidelines.
46. The noise monitoring surveys were carried out at 3 locations, the first position was representative of the rear gardens of Hampton Close, the second at the Westbrook Lane user access and the third alongside the Old Thanet Way access. These monitoring locations enabled the applicant to determine the background (baseline) noise levels of the area and then to use these levels in conjunction with noise data from a HWRC facility of similar size and nature to estimate the potential impact of the

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development. The Foots Cray (Maidstone Road, Bexley) HWRC was used as a comparable operational site in order to predict and assess the noise impact arising from the proposed facility. Two surveys were undertaken at Foots Cray to take into account the different noise levels on weekdays and weekends. In total 5 noise activities were recorded on the site which included mechanical compactions equipment. The survey of this site concluded that the dominant noise sources were from lorries unloading and loading containers, deposit of hard and heavy objects such as metal, glass and wood into their containers and the operation of compacting containers. The noise levels from the mechanical compactors were the most dominant at 88.6 $L_{Aeq, 5 \text{ mins}}$ (at 10m dB) and 105.6 L_{AMAX} (at 10m dB) and therefore used to provide the basis of a 'worst-case' scenario in the noise modelling process. (For reference, the general noise levels inside a bus is between 80-90 dB(A) and an alarm clock which is 1 metre away is between 100-110 dB(A)).

47. The noise levels recorded from the Foots Cray site and the background noise levels at the proposed site were then used to predict the noise levels at the façade of the nearest residential properties. The World Health Organisation (WHO) guidelines were used to assess the predicted noise levels. The WHO recommends an external noise limit of 50dB. The assessment concluded that noise levels at the façade of the nearest residential properties to the site would be below the WHO recommended external noise levels. The estimated noise levels would be between 3.7dB and 16.2dB below background level when estimated at the nearest surrounding residential receptors.
48. The noise level data was also used to predict the noise levels arising from road traffic to and from the site on the nearby residents between 2010 and 2020. Following clarification, Jacobs are satisfied that potential noise levels arising from road traffic will not be significant.
49. The noise assessment concludes that potential noise levels from the operations at the proposed facility and from road traffic would not produce a significantly adverse impact on amenity. The County Council's Noise Advisor has requested that to ensure that noise is adequately controlled, conditions be imposed on any future consent. These conditions would restrict noise levels to measured background levels at nearby residential receptors during operations. If these levels were found to be breached operations would cease until appropriate mitigation measures were submitted and approved by the County Council and implemented as approved. To reinforce this condition the County Council's Noise Advisor has further recommended that noise monitoring should be carried out by the applicant 3 months after commencement of development to ensure compliance. Subject to these conditions no objection has been raised from the County Council's noise consultant and therefore, under these terms, I consider the proposed facility to be acceptable from a noise impact perspective.

Air Quality, Dust and Odour Impacts

50. Air quality impacts from the development could potentially be caused through the increase in site operations and increase in general traffic using the site. Objections have been raised by two local residents in regards to detrimental air quality impacts from the proposed development. No objections have been raised from any other statutory consultee or the County Council's Dust and Air Quality Advisor. The main

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policies relating to the air quality impacts from such development are NRM 9 of the South East Plan and policy C39 of the Canterbury District Local Plan First Review (saved policies). Policy NRM 9 calls for best practice to be followed, mitigation of the impact of development and reduction in the exposure to poor air quality through design. Policy C39 states that development which may worsen air quality should not be permitted without adequate mitigation.

51. The applicant has submitted an Air Quality Assessment (AQA) which has assessed the impact of traffic emissions and also the effects of dust and odours that could arise from the construction and operational phases of the proposed development. Dust and odour mitigation measures have also been proposed to reduce any adverse impact on the users of the site and surrounding sensitive receptors. In addition, future predicted road traffic flows have been used to model air pollution levels.
52. The assessment has been undertaken in accordance with specific international, national and local policy and guidance such as the EU Air Quality Framework Directive 96/62/EC, EU Framework Directive on Waste, UK Air Quality Strategy 2007, Environment Act 1995, Environmental Protection Act 1990 and Kent Waste Local Plan 1998. The assessment identified the location of the main sensitive receptors to the site. In this case the main sensitive receptors were those of residential properties.
53. In terms of traffic emissions, the assessment has calculated the concentration of NO₂ (Nitrogen Dioxide) and PM₁₀ (fine particles) levels at selected sensitive receptors for 'without development' and 'with' development scenarios. The assessment recognises that there are many sensitive receptors within the immediate vicinity of the site. The calculations took into account the background pollutant levels which in this area are considered well below the Air Quality Strategy objective levels. The assessment demonstrates that at the worst affected receptor it is predicted there would only be a "*very small increase*" in NO₂ and PM₁₀ which would have a negligible effect on these receptors.
54. Whilst it is acknowledged that the proposed development would facilitate an increase in the number of site users, the County Council's Air Quality Advisor considers that this increase would have a negligible impact on the air quality of the local area. The proposed development whilst increasing the capacity of the site and facilitating additional trips to the site, also includes the development of a more efficient site layout and opportunity for more modern controls. The new site layout would provide facilities to reduce queuing of vehicles to use the site. The applicant states that currently in busy periods queuing is experienced along the site access road Westbrook Lane. The proposals include a one way system and additional drop off spaces which should reduce this vehicle queuing and therefore reduce associated air pollution.
55. In terms of dust and odour nuisance, the assessment has considered the effects from the construction and operational aspects of the proposed development and proposed measures to mitigate any adverse effects on surrounding receptors. As with the traffic emissions assessment, the development has been assessed according to the location of sensitive receptors. Considering the close proximity of the residential receptors and the type of facility there is potential for the generation of dust from the development. This could be through both the construction and operational phases of the development. However, given the type of facility proposed there is only limited

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potential for dust impacts, in which case best practice mitigation measures should be implemented to minimise potential impact particularly during the construction phase though transport of material off site. The assessment advises on a number of way to reduce dust emissions in terms of site management, wetting and washing techniques, barrier techniques and direct clean up, such as:

- Limiting vehicle speed
- Paving any dirt tracks on the approach to the site
- Ensuring roads on site meet certain standards to give a smaller surface area for the settling and re-suspension of dust
- Washing down wheels of vehicles entering and leaving the facility
- Periodic washing down of roads and other hard standing areas
- Sheeting or netting vehicles and skips
- Making covered transfers between waste containers
- Using sealable containers
- Installing rubber doors/strips sheeting at the entrances to enclose waste
- Erecting windbreaks around areas where waste is moved or stored
- Installing shaker bars and dry wheel spinning rollers to aid removal of dust and mud from vehicles.

56. In terms of odour, as the site lies within close proximity of residential housing it is not in my view suitable for the acceptance of putrescible or odoriferous wastes. The proposals detail the types of waste to be accepted at site. Whilst it is acknowledged that this facility would not deal with any putrescible or odiferous wastes, the handling, treating or disposing of bulk wastes has the potential to generate offensive odours. The Air Quality Assessment sets out simple operational and procedural controls which when employed would successfully control any potential odour. The assessment concludes that subject to the implementation of best practice measures, where relevant, the development is unlikely to have a significant effect on nearby sensitive receptors. This is accepted by the County Council's Air Quality Advisor who concludes that best practice mitigation measures should be implemented and maintained to ensure that no problems arise. In these terms, the proposed development is considered to be acceptable in this regard. However, if permission were to be granted conditions should be applied to ensure the mitigation measures proposed are implemented and maintained as approved.

Highway and traffic issues

57. In terms of impact on the local highway network the proposal would provide two separate access one for service vehicles and HGV's and the other for users of the site, staff and visitors. HGV's would enter and egress directly onto the A2990. This would remove current vehicle movements from smaller more residential routes and therefore can be seen as a positive benefit in planning terms. The proposal would also provide for improved public site access to the facilities including more parking provision and one way vehicle flow within the site. This would remedy current problems experienced with members of the public queuing along Westbrook Lane. The proposed amendments are seen as creating positive impact on the local highway network.

58. The City Council requested that consideration be given to the closure of the public

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access from Westbrook Lane with a new access off the Old Thanet Way providing access to the site for all vehicles. Conversely the Divisional Transport Manger (DTM) in responding to consultation welcomed the separation of site user and service vehicle entrances and exits. The DTM in his response to consultation has express concerns regarding the future increase in the speed limit of the A2990 Old Thanet Way which the service access enters and egresses onto. This future speed limit change from 40 Mph at present to 60 Mph raises concerns over the potential for shunts due to the decelerating and slow accelerating HGV's using the site. Notwithstanding this and considering the relatively small number of vehicle movements involved, the DTM is satisfied that subject to certain conditions the proposals would not generate an unacceptable impact to the local highway network such as to warrant a refusal on highway grounds. The DTM suggests conditions including an enlarged island and cycle refuge to discourage right turns out of the service access, restriction of the use of the service access to allow off peak use only between 0930 and 1500 Monday to Friday and the separation of user and site accesses.

59. In terms of traffic impacts the proposals seeks a modest expansion in throughput over and above that which is currently permitted for the site. The throughput of the site is expected to increase from 11,500 tpa to 16,000 tpa between 2010 and 2020. The applicant supplied a Transport Assessment to assess the impact of this increase in throughput on the local highway network both through increase in HGV movements and increase in site users. The proposals would see at maximum 2 HGV movements (1 in, 1 out) per hour, which would see a daily maximum of 14 movements (7 in, 7 out) per day. This equates to 1 or 2 movements more than the current situation. Considering this and the fact that these movements would be directly onto the A2990 and not through residential roads, subject to the limiting of hours of use of the service access, the DTM is satisfied that there will be no detriment to the local highway network from HGVs.
60. To assess the impact of the development on the existing highway network the applicants used base year (2009) survey traffic flows with growth factored up to 2020 using the national traffic model. This data was then compared with predicted trip generation data related to householder movements. In real terms Saturday peak hour (12.00–13.00) movements would increase from the 2009 observed 160 movements (77 in, 83 out) to potentially 205 movements (99 in, 106 out) by 2020. This equates to an increase of 45 movements (22 in, 23 out) at the sites busiest time. These movements would consist of approximately 1 or 2 HGV movements and the rest would be made up of public site user movements. The predicted traffic data was then run through the junction capacity program (PICADY). This data predicted that in 2020 the local highway network would be operating with spare capacity during all peak periods with the development in place.
- 61 The traffic assessment concludes that in considering this the proposal would not have any material impact on the local highway network. The DTM agrees that there would not be any significant impact from the proposals increase site use and subject to conditions referred to above there would be no material impact to the local highway network. Subject to these conditions no objection has been raised from the DTM and therefore, under these circumstances, I consider the proposed facility to be acceptable in terms of highway and traffic impacts.

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Landscape and Visual Amenity Impacts

- 62 The southern and western extension and alteration of the site expands over the disused site of the Herne Bay Rollers roller skating rink, associated car park and overgrown dense shrub vegetation in between. The land to the north of the site is bounded by the Chatham to Ramsgate Main Line Railway which is raised on an embankment. To the south and east the site is bounded by the A2990 Thanet Way and Westbrook Lane. Whilst no objections have been raised on landscape or visual amenity grounds by the County Council's landscape advisor or any of the other consultees, local concerns have been raised concerning the visual impact of the proposals from the properties in Hampton Close.
- 63 The existing site is currently visible from the upper storey windows of properties along Hampton Close to the north of the site. Without landscaping the extended footprint would increase the visual prominence of the site and allow views across the site from more properties. However the applicant is proposing a comprehensive landscaping scheme to mitigate the visual impact of the site as far as practically possible. The applicant is proposing 1 – 2 metre raised bunds on the north western and southern areas of the site. The bunds and boundaries of the site would also be planted with heavy standard trees and woodland species and shrub ground cover creating dense foliage which would further reduce visual intrusion and soften the site appearance from the most affected properties of Hampton Close.
- 64 The proposals would require the removal of 8 existing trees which are not of high arboricultural value from the site. However the proposed planting scheme would compensate the loss of these existing trees. The County Council's Landscape Advisor considers that whilst the extended footprint of the site would increase the prominence of the site, the existing railway line and proposed landscaping scheme would help mitigate any adverse visual impacts. Further to this they consider that any other views into the extended site would not incur any significant adverse visual impact. The level and type of landscaping proposed is considered to be appropriate and is considered an acceptable means by which to mitigate any concern regarding visual impact. Considering that there are no overriding objections and on the advice of the Council's Landscape Advisor I consider the proposals to be acceptable in terms of landscape and visual impact.

Biodiversity and Ecology

65. The site is not located directly in or adjacent to an area of nature conservation nor is it located in any other statutory or non-statutory nature conservation designation. However the site is located within 2km of the Thanet Coast SSSI and the Thanet Coast Special Protection Area and Ramsar Site. Considering this the applicant has submitted an Ecological Scoping Report which advises that the area of the proposed facility has limited ecological value. Further to this subsequent additional surveys have shown that the site does not support amphibians, reptiles, badger, bats, and notable invertebrates.
66. As discussed above the applicant's landscape plan illustrates the areas of new

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planting around the operational area including woodland and shrub planting. The new planting would be of native species to the area and could be conditioned to this effect. The landscaping measures proposed are considered to be suitable in addressing any concerns regarding nature conservation and would in my opinion contribute towards improving the flora and fauna of this area.

67. Natural England, Kent Wildlife Trust and the County Council's Biodiversity Officer were consulted on the proposals. Natural England welcomes the applicant's submission of the ecological scoping report and offered no objection to the proposals. Kent Wildlife Trust has not commented on the application to date. The County Council's Biodiversity Officer offered a range of comments and requested the additional surveys to be carried out for presence of amphibians, reptiles, badger, bats, and notable invertebrates. These surveys confirm that there was no evidence of any notable species in or around the site. The Biodiversity Officer is now satisfied with the proposals and does not offer any objection subject to appropriate lighting for the development to ensure foraging and commuting bats are not disturbed. On this basis I do not consider there to be any overriding impacts from the development in terms of biodiversity.

Conclusion

68. There is an ongoing need and policy support for additional recycling facilities to enable the diversion of waste away from landfill. Such facilities are to be supported where they do not give rise to unacceptable amenity and local impacts. In this particular case part of the site already accommodates a HWRC to serve the local catchment area. The proposal seeks to extend this facility onto previously built land and provides an opportunity to improve the local infrastructure and reconfigure the internal layout for a more effective and efficient site. Having assessed the proposed development and supporting technical documents in conjunction with the relevant national guidance, regional and development plan policies, I consider the proposed expansion of the existing HWRC is acceptable at this location. The expansion proposed is onto previously developed land which is of relatively low ecological value. Any landscape and visual impacts from the proposals have been adequately mitigated by the proposed landscaping scheme for the site.
69. Two objections were received from the neighbour notification process. These objections related to noise, air pollution, highway issues and visual impact. In all respects having regard to comments made by consultees including the County Council's Noise, Landscape and Biodiversity Advisor's and the DTM I am satisfied that the applicant has provided sufficient information in order to demonstrate that the proposed facility would not have any significant adverse impact on local amenity, the local highway network or through landscape or visual impact, subject to appropriate conditions.
70. In conclusion, I am satisfied that provided appropriate conditions are imposed to control any potential adverse impacts there are no overriding objections to the proposal and consider the facility would be of benefit to the local community of Herne Bay. On this basis, I recommend that permission be granted subject to conditions.

Proposed alteration and extension of the existing Studd Hill Householders Waste Recycling Centre, Westbrook lane, Herne Bay, Kent – CA/09/1903

Recommendation

71. I RECOMMEND that PERMISSION BE GRANTED for the proposed alteration and extension of the Studd Hill Householders Recycling Facility SUBJECT TO conditions including limiting noise emissions, noise monitoring to ensure compliance, a Grampian condition regarding the redesign of the service access to discourages right turns out of the access onto the Old Thanet Way, limits to hours of use and operation, limited times of use of HGV service access, details of parking arrangements, details of parking and loading arrangements, dust mitigation measures, controls to prevent dirt and debris on the highway, site drainage controls, conditioning of landscaping and nature conservation measures amongst other operational and standard conditions.

Case Officer: Shaun Whyman

Tel. No. 01622 221055

Background Documents: see section heading.
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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Erection of fencing, with vehicular and pedestrian gates, The Malling School, East Malling – TM/10/846

A report by Head of Planning Applications Group to Planning Applications Committee on 15 June 2010

TM/10/846 - Application by The Malling School for the erection of 1.8m high steel fencing, finished in dark green, with vehicular and pedestrian access gates at The Malling School, Beech Road, East Malling.

Recommendation: Planning permission be granted subject to condition

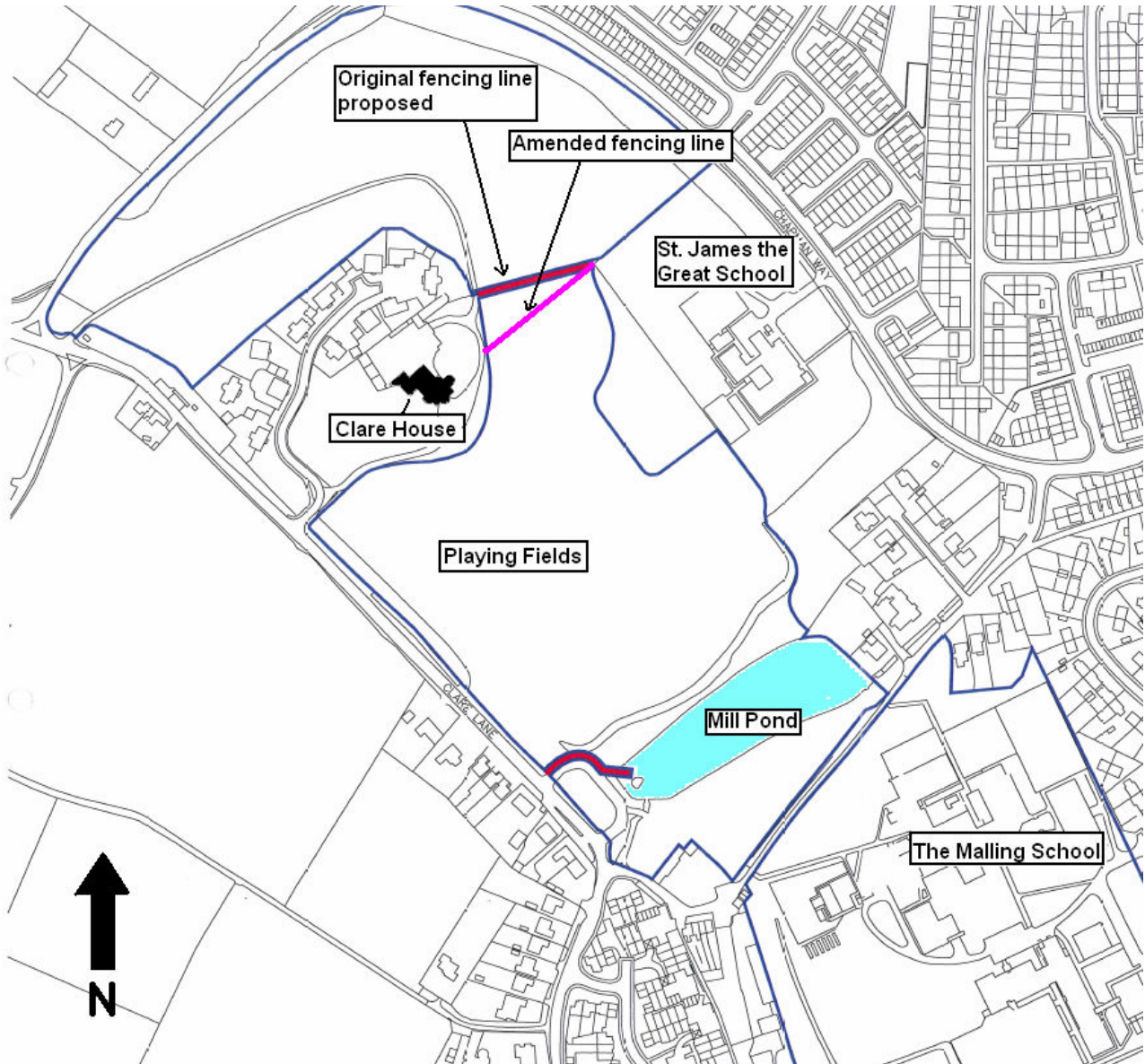
Local Member(s): Mrs T.Dean

Classification: Unrestricted

Site

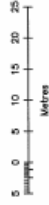
1. The Malling School is a recently constructed PFI secondary school occupying land which was formerly part of the grounds of Clare House, a Grade 1 Listed Building and prominent local feature. The fencing is proposed to be erected within the School's playing fields, which once formed the main grounds around Clare House and is known as Clare Park. The fields are located to the South West of East Malling, with Clare House in the centre; they slope down eastwards towards a lake and are bordered by Clare Lane to the South and East and Chapman Way and Winterfield Lane to the North. The new St James the Great School lies within the old boundary of the park, adjacent to Chapman Way. Clare House is largely obscured by mature woodland and hedges, and has a high density development of large detached houses within its immediate former grounds, known as Clare Wood Drive. The application site lies within the Conservation Area which encompasses the Former Clare Park grounds.
2. Access to the playing fields is made to the South East of the fields, between the lake and the pick-up/drop-off point off Clare Lane. There are no Public Rights of Way within the playing fields, although there is a restricted bridleway running north-south down Blacklands, between the main buildings of The Malling School and the lake and playing fields.
3. The playing fields are enclosed by mature hedgerow and trees, and old wooden fencing. Several access points through broken parts of the fencing have been worn-in by regular use and there is one open section of fencing to Chapman Way, adjacent to St. James the Great School, which allows unrestricted access to the upper part of the fields.
4. The lower part of the grounds, adjacent to the lake, is well kept and marked out for sport. The upper part adjacent to Chapman way is largely overgrown, apart from footpaths mowed into the long grass and an additional sports pitch further behind Clare House and Clare Wood Drive.

Erection of fencing, The Malling School, East Malling – TM/10/846

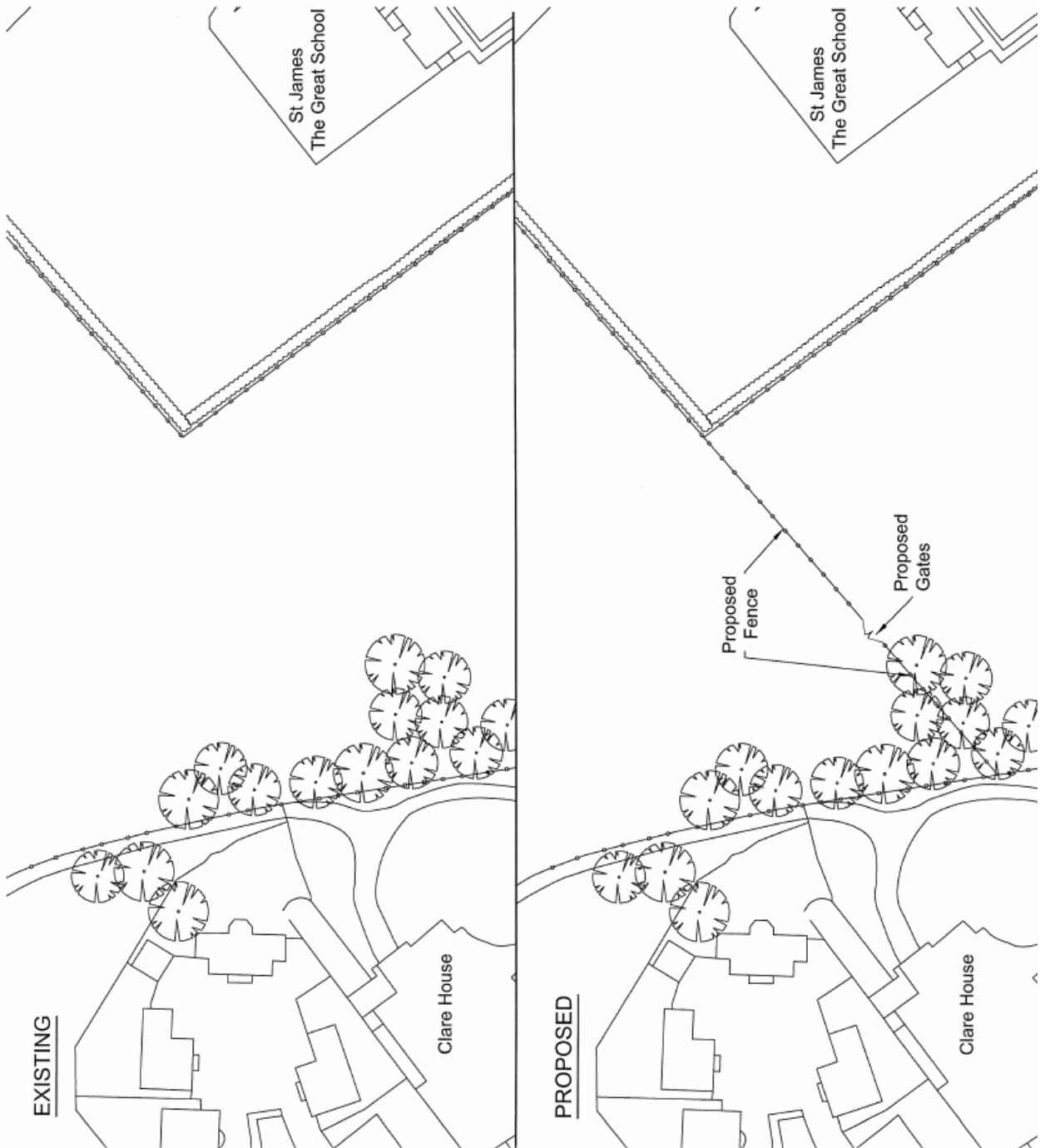


SITE LOCATION PLAN

Erection of fencing, The Malling School, East Malling – TM/10/846

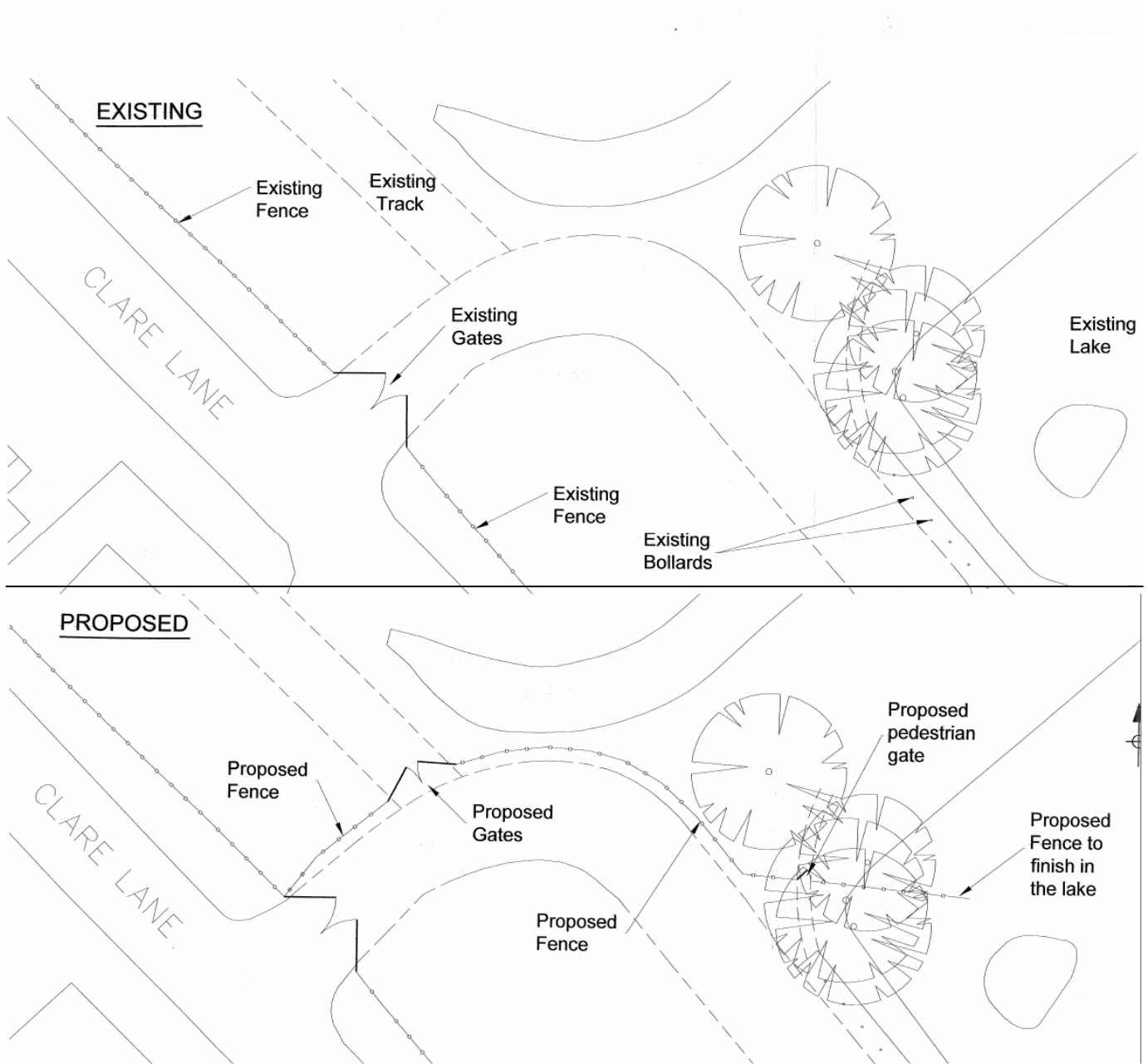


client	THE MALLING SCHOOL		
project	THE MALLING SCHOOL, CLARE LANE, EAST MALLING		
site	EXISTING & PROPOSED LAYOUT PLAN		
drawn	DHA/7446/03	scale	A 1:500
date	JUNE 2010		
8000 Lakeside, Bishops Cleeve, Birmingham Road Malsbrough, West Mids. LE14 1EN T 01827 716206 F 01827 716207 e info@dha-planning.co.uk w www.dha-planning.co.uk			
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CAJ Reference:	TM/10/846 Existing & proposed layout plan 03/ Rev A		A2



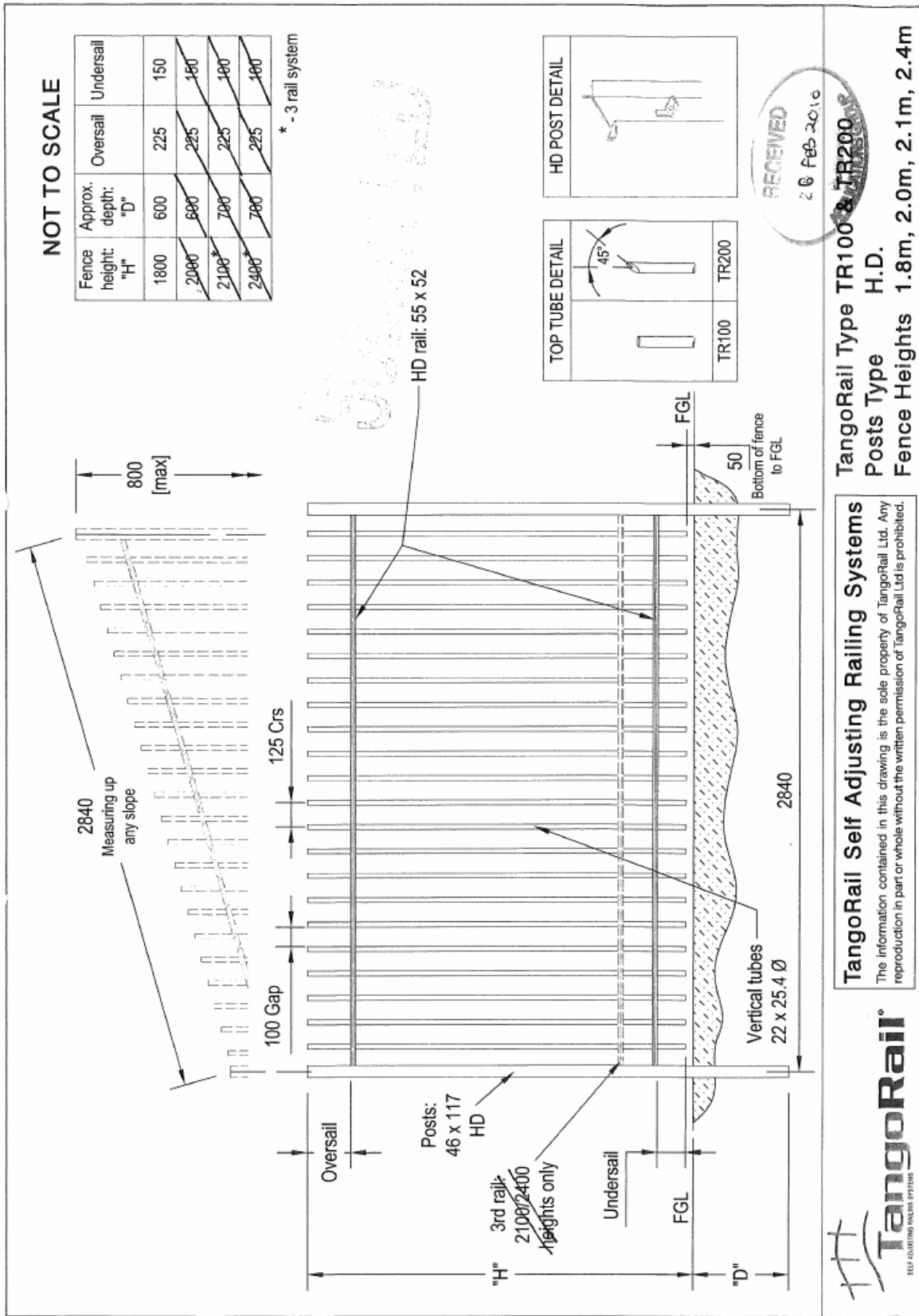
EXISTING AND PROPOSED NORTHERN FENCING

**Erection of fencing, The Malling School, East Malling –
TM/10/846**



EXISTING AND PROPOSED SOUTHERN FENCING

Erection of fencing, The Malling School, East Malling – TM/10/846



PROPOSED FENCING DETAIL

Erection of fencing, The Malling School, East Malling – TM/10/846

5. The main school site has a long list of planning permissions, none of which are directly relevant to this proposal. The St. James the Great Primary School lies within the grounds of Clare Park and was granted permission in 2007. This building is separated from the sports pitches by 1.8m high steel green fencing, similar to that proposed within this application.

Proposal

6. This application is for the erection of two sections of 1.8m high steel railing fencing, finished in dark green, to the school playing fields in Clare Park. The first section is to the South East of Clare Park, joining the existing boundary fencing and vehicle access gates, and then sweeping around in a curve to finish within the lake. The fencing would have gates to allow for access for pupils, maintenance vehicles/equipment and emergency vehicles.
7. The second section of fencing is proposed to block the route through the grounds from the lower part of the fields to the upper part, and would extend from the corner of the fencing of St. James the Great Primary School, to the boundary fencing to the rear of 9 Clare Wood Drive. This fencing would also have gates to allow for access to the upper part of the fields. As this fencing is proposed to be below 2m in height, and does not abut a public highway use by vehicles, it can be argued that this fencing constitutes permitted development not requiring planning permission. However, the applicant has included it within the application so as to give an open picture of the works intended.
8. The applicant has proposed this development in order to secure the playing fields and make the grounds safer for the school children, as well as to prevent nuisance to neighbours caused by fly-tipping, anti-social behaviour and use by motorbikes caused by the unrestricted access at present. A main concern highlighted is the level of dog fouling on the school playing fields. The applicant has stated that the ideal solution to securing the fields would be to repair and update the entire perimeter fencing; however this solution is not financially viable. The current development has been proposed as making the playing field area of Clare Park protected, whilst allowing public access to the northern area of the grounds.

Planning Policy

9. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) National **Planning Policy Statement 5: Planning for the Historic Environment**
HE7 In decision-making, local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.
 - (ii) The adopted (2009) **South East Plan**
 - Policy CC1** Seeks to achieve and maintain sustainable development within the region.
 - Policy CC4** Expects that all development will adopt and incorporate sustainable construction standards and techniques.

Erection of fencing, The Malling School, East Malling – TM/10/846

- Policy CC6** Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy S6** States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school, and community learning facilities.
- Policy BE1** In managing an Urban Renaissance, Local Authorities will promote and support design solutions relevant to context and which build upon local character and distinctiveness and sense of place.
- (iii) The adopted **Tonbridge and Malling Managing Development and the Environment Development Plan Document (2010)**
- Policy OS1** Development that would result in the loss of, or reduce the recreational, nature conservation, biodiversity, carbon sink, landscape, amenity and or historic value of, existing open spaces (listed in Policy OS1A/B and identified on proposals map) will not be permitted unless a replacement site is provided.
- Policy OS4** The Council will support Parish Councils, landowners and developers who wish to provide publicly accessible open space in locations which will address local deficiencies, as identified in the Open Space Strategy.
- Policy SQ3** Development will not be permitted where it would harm the overall character, integrity or setting of the Historic Parks and Gardens identified on the proposals map, or which might prejudice their future restoration.

Consultations**10. Tonbridge & Malling Borough Council:****(A) Objects** to the proposal unless:

- The County Council is able to satisfy itself that the proposal would not decrease the public safety through the loss of informal pedestrian routes and that there are alternative and safe walking routes bearing in mind the lack of safe footways along Clare Lane.
- The County Council is satisfied that the proposal would not result in any anti-social behaviour being forced closer to the residential properties in Clare Wood Drive.
- Additional planting is to be carried out on each side of both lengths of proposed fence (including the permitted development fence). The planting should also be used to soften the impact of the fencing and also to reduce the impact of the interface between the fence and the lake margin.
- A condition is attached to any consent requiring the fence to be painted dark green.

(B) Request that a County Members' site inspection be carried out prior to the application being determined so that Members of the County Planning Committee can familiarise themselves with the special nature of the landscape.

**Erection of fencing, The Malling School, East Malling –
TM/10/846**

(C) Recommend that the School be invited to enter into discussions regarding the future maintenance and use of the northern piece of land and the potential for transferring it to the Parish Council.

Divisional Transport Manager: Raises no objection on highway grounds.

East Malling and Larkfield Parish Council: Raises the following concerns:

- This land is seen as informal public open space and people have been using this site for in excess of 20 years
- The land ownership position is not clear
- There may be covenants associated with a deed of grant which require the landowners to keep the land available for public use, or rights may have been created by prescription
- Is the fence adjacent to Clare House 'permitted development' as it is near a Grade 1 Listed Building?

English Heritage: Raises no objection. The application should be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice.

KCC Conservation Officer: Recommends that the line of the Northern section of fencing is amended to follow and continue the NE boundary of the St. James the Great School, as this would mean the fencing runs parallel to the original entrance road to Clare House. Also recommends that some native planting is included.

East Malling Conservation Group: Raises the following concerns:

- The fencing would leave little incentive to maintain the upper field, and are concerned that this would be sold off for development
- The parkland has been used by the public for many years and could be registered as a 'village green'.
- The parklands are used by pedestrians to avoid walking along Clare Lane which has no footpath.
- Suggest alternative solutions including extra dog bins, kissing gates to allow walkers through, moving the playing fields to Mills Street/South Ward playing field and hand over Clare Park to TMBC.
- If permission is granted there should be access gates for maintenance equipment and the fence should be softened with planting.

Sport England: Raises no objection.

Local Member

11. The local County Member for Malling Central Mrs T.Dean, was notified of the application on the 22 March 2010.

- Mrs. Dean supports the Borough Council's call for a site meeting. There are a number of unresolved issues on this site, notably the public access which has been available, unobstructed, over a long period of time to Clare Park, its status as the historic park of a Listed Building, the future of the Mill Pond, and any alterations to the Clare Lane entrance to the school. Opposition of local residents is strong and they should be given an opportunity to voice their concerns.

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Publicity

12. The application was advertised by the posting of a 3 site notices and the notification of 33 neighbours.
13. The application was advertised in the Kent Messenger on 2 April 2010.

Representations

14. There have been 21 letters of objection from nearby residents, and the main points of objection can be summarised as follows:
 - The fencing would result in the loss of attractive amenity space used by local residents for many years.
 - The fencing will split the park, and the northern section will become derelict and open to further development.
 - The fencing may affect nesting birds and wildlife.
 - The fencing will prevent local residents from using the park as a safer alternative walk route, as there is no footpath along Clare Lane.
 - The fencing will harm the character of the conservation area and the setting of Clare House, a Grade 1 Listed Building.
 - There is no supporting evidence relating to the level of nuisance to support the requirement for the fencing.
 - If there is a problem, then the whole site should be fenced, as partial fencing would result in other parts of the grounds falling into disrepair, and anti-social behaviour would be shifted closer to the properties in Clare Wood Drive.
 - The land has been freely used by the public for over 40 years and is recognised as public open space.
 - The public use the grounds 365 days a year, whereas the School only uses it intermittently, and in the summer only the public use it.
 - The fencing would deny the public access to the lake, a valued local feature.
 - Policy P8/3 of the TMBC Local Plan states that Clare Park is for joint use as open space.
 - There are other methods possible to prevent the problems highlighted.
 - There was a previous dual-use scheme proposed which proposed for the parklands to become official public open space. This scheme should be reinstated.
 - Gates should be large enough for machinery.
 - The fences should include landscaping.

Discussion

14. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
15. This application has been brought for determination by the Planning Applications Committee following the objections of a number of local residents, and the objections of the Tonbridge & Malling Planning Committee. The representations received raise a number of issues surrounding this application, some of which are not directly relevant

**Erection of fencing, The Malling School, East Malling –
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as material planning considerations. This report will attempt to address the principle issue which is the effect the fencing would have on the character and appearance of the Conservation Area and the surrounding residential properties, whilst having regard to the other issues raised.

16. It is prudent first to address a couple of minor points that have been a consistent theme across the letters received. A number of consultation responses and neighbour letters have questioned the ownership of playing fields and as to whether correct notice has been served upon the landowners. The grounds are owned by The Malling & Holmesdale Federation Trust, to which The Malling School is a member and trustee, therefore I am satisfied that the applicants were correct in completing ownership Certificate A on the application form (ie. site owned by applicants). Some letters also stated that the location plan was incorrect as it did not show the St. James the Great School. I am satisfied that the location plan submitted showed the proposed fencing in an easily identifiable position, and its relation to the boundary with St. James the Great School is accurate.

Conservation Area ImpactNorthern Fence

17. The proposed fencing is proposed to be steel railing and finished in dark green. This would match the existing fencing which currently encloses the recently built St. James the Great School. The applicant has indicated that they would be willing to soften the impact of the fencing with planting, as recommended by the Conservation Officer. The fencing is also proposed to be finished in dark green, which would reduce the visual impact in relation to the greenfield and parkland surroundings, and is a generally acceptable and inconspicuous colour for fencing within a Conservation Area. Therefore it can be considered that the fencing would preserve the character and setting of the Conservation Area by not harming the visual amenity of the area, as it is in keeping with the site.
18. The proposal originally proposed the fencing to start at the corner of the St. James the Great School, and then head west to join the boundary fencing to the rear of 9 Clare Wood Drive. Following recommendations from the KCC Conservation Officer, the line of this fencing has been amended in the proposal to follow a line heading south west, thereby continuing the line of the fencing to the North West boundary of the St. James the Great School. The Conservation Officer recommended these changes as the proposed fence would then run parallel to the former access road to Clare House, and thereby follow a pre-existing line of division of Clare Park.
19. Therefore I would recommend that the northern section of fencing is acceptable in terms of its effects on the character and appearance of the Conservation Area and the nearby listed Clare House. I would recommend that if a condition for planting is imposed, that the species closely match those proposed in the boundary treatment scheme for the St. James the Great School.

Southern Fence

20. The proposed southern section of fencing would join the boundary fencing adjacent to the access gates to the pick-up and drop-off zone. The fence would then follow the

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curve of the road before finishing within the lake. This area of fencing would follow the natural boundary to the grassed area of Clare Park.

21. The design of the fencing, proposed to be steel railing and finished in dark green, is considered in this case suitable for a Conservation Area; it would match the existing fencing around the St. James the Great School. The Conservation Officer has recommended that this fencing is also softened with planting in order to reduce the visual impact. The Borough Council has requested that particular attention is applied in planting to reduce the impact of the interface between the fence and the lake margin, and I would agree that this would be very important. In the event that planning consent was granted, then this particular detail could be covered by a landscaping condition

Listed Building

22. The fencing is proposed to be located within the former grounds of the Grade 1 listed Clare House, a 1793 neoclassical country house. The school playing fields constitute what is left of its former gardens, and are designated as a historic garden within the Kent Gardens Compendium - although not registered with the national English Heritage register of Historic parks and Gardens. The former grounds extended far to the North East, beyond Chapman Way, which is now covered with residential development. In the 1980s the immediate setting of Clare House was encroached upon by the enabling development of Clare Wood Drive – in order to help fund restoration of the building. English Heritage was consulted on this application in order to assess the impact on the listed building, and passed no comments and for the application to be determined in accordance with planning policy and our specialist conservation advice.
23. The Southern section of fencing is to the boundary of the South Eastern edge of the site, with the existing car drop-off area and trees as a back drop. Therefore this section of fencing would not easily be visible from Clare House, and would not therefore harm the setting of the listed building.
24. The Northern section of fencing, following comments from the KCC Conservation Officer, has been amended within the proposals to run parallel to the former access road to Clare House. Therefore this section of fencing can be seen to follow an existing line of division of the garden and not harm the setting of the Listed Building. The major orientation of Clare House is to the south east, and therefore this section of fencing would not be readily visible. Clare House is also well screened by mature trees and hedgerows and would not be directly affected by the proposed additional fencing in the park.

Need

25. The fencing has been proposed by The Malling School in order to prevent unauthorised access to the site, and to prevent incidents of nuisance and anti-social behaviour and long-standing misuse of the site. The School has recorded incidents of dog fouling, with a Tonbridge & Malling Borough Council 'bag and tag' exercise producing 181 bags of dog fowl from the playing fields alone. There are also recorded incidents of illegal motor cycle use as well as uncontrolled dogs disturbing P.E. lessons. I am advised that the site also experiences littering, with broken bottles and other rubbish being found.
26. Local residents have disputed the basis of these claims and suggest alternative solutions. However, it is a site management issue for the owners of the land to decide on the most appropriate solution, and the Planning Authority can only consider the

Erection of fencing, The Malling School, East Malling – TM/10/846

proposals put before it. Under the circumstances, I would urge caution in attaching too much weight to the need arguments over the material considerations of visual impact and effect on the Conservation Area.

27. The School has stated that they have duty to protect and secure the safety and wellbeing of their pupils, and that the 'Kent Template: Schools for the Future' guidance note recommends that all school playing fields are now securely enclosed. Planning authorities also have a duty to consider the effects a proposal would have on crime and disorder, and I consider that the safety of the pupils in preventing the incidents mentioned above is a material consideration in this regard.

Public Access

28. Many local residents have argued that the land constitutes public open space to be protected, and that the fencing would prevent access to this land. Clare Park appears to have enjoyed unrestricted informal access for a number of years, including the area which constitutes the formal playing fields. The grounds are also argued to be used as a formal pedestrian route. Whilst I sympathise with the concerns of the local residents, the land in question is effectively privately owned land, and the owners are entitled to apply to erect fencing to restrict access if they see fit, just as any other landowner. Clearly, the fact that open access to the school playing fields has been tolerated for many years has clouded the issue here, but the applicant has stated that a large area of land would still be available for public use in the northern area of the site, thereby supporting Policy OS4 of the TMBC MDEDPD in that 'The Council will support Parish Councils, landowners and developers who wish to provide publicly accessible open space in locations which will address local deficiencies, as identified in the Open Space Strategy'.
29. Another concern raised is that the park provides an informal pedestrian route which is necessary as there is no pedestrian footway along Clare Lane. Whilst I understand the safety concerns here, and do not wish to hamper the walking habits of the local residents, there are many Public Footpaths in the area that allow routes between East and West Malling. The northern area of the site would still allow people to walk between Clare Wood Drive and Chapman Way. The main residents who may be disadvantaged are those who live in Clare Wood Drive who wish to walk into East Malling. Their route would be extended if they wish to avoid walking on Clare Lane, but the development of these houses was built with the knowledge that there was no pedestrian footway along what is essentially a country lane at this point. It is not within the remit of Planning Authorities to impose a duty on private landowners to keep open an informal route where there is no officially designated Public Right of Way. Kent Highways Services has also raised no objections to the proposals from a highway safety viewpoint.
30. If there are any covenants or obligations on the part of the School to allow Clare Park to be open to the public, then these are matters that are to be dealt with under other legal processes. This planning application needs to be considered bearing in mind the planning merits, given that other factors and rights are protected and enforced by other methods.

Alternative Solutions

31. A number of solutions have been proposed by objectors to the scheme, including the installation of dog bins, kissing gates and working with the community warden to reduce

**Erection of fencing, The Malling School, East Malling –
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anti-social behaviour. Whilst the merits of these ideas can be debated, they are not material for this application as the application can only be determined on the basis of the development proposed. I am also aware that the alternative solutions would require additional expense on the part of the School for continuing to allow unauthorised access on to their private land.

Division of the site

32. Objectors and consultees have commented that the erection of fencing would result in a division of the site. They are concerned that the northern part of the site would fall into disrepair and subsequently be considered as superfluous and sold off for development. In visual and conservation terms, the division of the site runs along the historic line of the former access road to Clare House, therefore it can be seen as acceptable in this sense. The potential for redevelopment of the northern section of the site is not a relevant material consideration for this planning application. Any future redevelopment would be subject to a separate planning application and would be determined on its own merits, and would have to address the relevant planning constraints relating to its Conservation Area and playing field status. The proposed fencing includes vehicle access gates in order to allow maintenance vehicles to access the northern part of the fields, so I am satisfied the proper infrastructure is in place. However, the physical maintenance of the fields is a school management decision and an issue for their duty to keep their grounds in a good condition.

Borough Council comments

33. Tonbridge and Malling Borough Council has objected to the scheme unless some points are met. In particular, they would like the County Council to satisfy itself that the proposal would not decrease public safety through the loss of informal pedestrian routes and that there are alternative and safe walking routes bearing in mind the lack of footways along Clare Lane. I would suggest that the proposal would result in the loss of an informal route, however, as discussed above, there are many Public Footpaths in the area, and the northern area of the site would continue to have access to Chapman Lane. The residents of Clare Wood Drive would not be able to use the park to avoid Clare Lane, however these house were built with the knowledge that there was not a roadside footway and it is unreasonable to expect the School to remedy such a deficiency. In my opinion, the planning process cannot impose a duty to accommodate informal walkways on private land where there is no public right of access, and it would not be equitable to refuse an application on these grounds. I also conclude that on balance, the protection of the safety and security of the pupils outweighs the loss of this walking route, when considered with the alternative footpaths available and the maintenance of public access to the northern section of the park.
34. The Borough Council would like the County Council to be satisfied that the proposal would not result in any anti-social behaviour being forced closer to the residential properties of Clare Wood Drive. I sympathise with the residents in this aspect and acknowledge their concerns; however I do not believe that the development can be a deciding factor in the location of anti-social behaviour. It is also not the duty of a private landowner to 'absorb' levels of anti-social behaviour in the locality by allowing unrestricted access to their land. That would also create liability issues for the School in relation to injuries occurring on their land. For this reason I consider that this is not a material consideration that warrants refusal of the application, and on balance the prevention of crime and disorder by protecting the wellbeing of pupils, outweighs any potential effects of moving the problem to another area.

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35. The Borough Council recommends conditions are attached to any planning permission relating to planting and ensuring that the fencing is painted dark green. I would support this request as these conditions would serve to reduce the visual impact of the proposed fencing. I would suggest that any planting to the northern section of fencing matches the scheme of planting proposed for the perimeter fencing to the St. James the Great School.
36. The Borough Council also recommends that Members conduct a site visit to familiarise themselves with the special nature of the landscape. Whilst this is a decision for the Committee to make, I would advise that a visit would not be appropriate in this instance. In particular, a site visit may serve to detract from the material planning considerations relevant to this planning application, and the concerns of local residents have been well voiced already. The main determining issues relate to planning policy considerations and the effects on the Conservation Area and I have included a number of photos within the presentation to allow Members to fully understand the impact that the fencing would have on the landscape and the Conservation Area.
37. They have also recommended that the School be invited to enter into discussion regarding the future maintenance and use of the northern piece of the land and the potential for transferring it to the Parish Council. Whilst I support this recommendation in principle, in order for the School to maintain good community relations, I do not consider that this can be enforced by condition as it is not directly relevant to the development proposed. This is a School management issue which they should be encouraged to fulfil.

Conclusion

38. In my opinion the proposed fencing at The Malling School would be acceptable on its individual planning merits. The fencing would not materially harm the Conservation Area or the setting of the Listed Building, and the visual impact on neighbouring properties is minimal. There are other divisive issues relating to the fencing which are not material planning considerations, but have been considered nevertheless. However, I conclude that the School's duty to provide a safe and secure environment for its pupils, in light of the reasons given, outweighs the other considerations put forwards by objectors. If the installation of fencing does contravene any legal duties imposed on the School by covenant or grant, then this is a separate legal issue between the parties concerned and not for determination in the planning sphere.

Recommendation

39. I RECOMMEND that PERMISSION BE GRANTED to the proposal as now amended, subject to conditions:

- The standard time condition for implementation;
- The development to be completed in accordance with the approved plans;
- A scheme of landscape planting be adopted, to include planting on the margins of the lake; and
- The fencing be painted dark green;

and SUBJECT TO the following informative:

**Erection of fencing, The Malling School, East Malling –
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The School to be advised to enter into dialogue with local representatives regarding the use and access to the land to be unfenced on the western end of the school land, and be reminded of the need to observe any existing covenants and/or access rights relating to School owned land.

Case officer – Jeff Dummett	01622 221975
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Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

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|---------------------|---|
| DA/06/417/R32 | Details of the proposed drainage and external works layout pursuant to condition 32 of planning permission reference DA/06/417.
F M Conway Limited, Rochester Way, Dartford |
| DA/07/1/R3 | New workshop building.
Pinden Quarry, Green Street Green Road, Longfield, Dartford |
| DA/10/326 | Installation of 3 temporary Portakabin buildings for use as office and welfare facilities for the hire period of 3 years.
Veka Recycling Ltd, Former Night Freight Building, Manor Way, Swanscombe |
| MA/09/1013/MR108/R5 | Request for modification to progressive restoration pursuant to condition (5) of planning permission MA/09/1013/MR108.
Shepherd's Farm Quarry, Lenham, Maidstone |
| SE/09/1788 | Proposed materials recycling depot to incorporate the use of a dry Materials Recycling Facility.
The Teardrop Centre, London Road, Swanley |
| SE/10/857 | Section 73 application to vary condition (29) and (30) of permission SE/98/234 to retain the Cowden Exploration Site, Access and Wellhead Valve Assembly for a further period of one year to complete current planned testing operations.
Cowden Exploration Site, Field No. 0002, Claydene Farm, off Hartfield Road, Cowden, Edenbridge |

E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

Background Documents - The deposited documents.

- CA/10/240 Reduction of height of chimney.
13 Best Lane, Canterbury
- MA/10/691 Provision of new ramps, steps and landing area on south side of Bishops Way to improve pedestrian connection from High St to Bridge and closure of 1 existing subway, relocation of canon and its placement on a new plinth, removal of 4 existing Plant trees and their replacement with 8 Cherry and 7 Hornbeam trees, provision of illumination for Queen's Monument, relocated canon and other listed building and ancillary works thereto, together with other permitted works including realignment and repaving of carriageways and pedestrian areas and crossing points, relocation of bus stops and shelters, taxi ranks, loading bays and disabled parking bays and removal/relocation and/or provision of new street furniture including benches, lighting, leaning posts, telephone boxes, removal of planters and shrubs and the relocation of the existing CCTV pole by cannon.
Town Centre Redevelopment, High Street and King Street, Maidstone

E3 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS MEMBERS' INFORMATION

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

Background Documents – The deposited documents.

- AS/10/453 New single storey nursery building and replacement windows and roofing to existing nursery building.
Homewood School and Sixth Form Centre, Ashford Road, Tenterden
- AS/10/468 Construction of a detached single storey building for the use as a Children's Centre and new boundary fencing.
Furley Park Primary School, Reed Crescent, Kingsnorth, Ashford
- DA/10/426 Proposed two storey prefabricated modular block to provide teaching facilities and sixth form accommodation, including 10 study classrooms, 2 food technology classrooms, a sixth form common room complete with kitchenette and roof terrace and various ancillary spaces.
Wilmington Grammar School for Boys, Common Lane, Dartford

DA/10/442	The placement of one, six-bay mobile classroom unit. Maypole Primary School, Franklin Road, Dartford
DO/10/127	New outdoor classroom and three outdoor shelters. Whitfield & Aspen School, Mayfield Road, Whitfield, Dover
MA/08/1700/R26	Details of expected community use of the indoor and outdoor facilities pursuant to condition 26 of planning permission MA/08/1700. New Line Learning Academy, Boughton Lane, Maidstone
MA/09/2245/R5	Details of acoustic fence pursuant to condition (5) of planning permission MA/09/2245. Swadelands School, Ham Lane, Lenham, Maidstone
MA/09/2245/R6	Details of surface water disposal pursuant to condition (6) of planning permission MA/09/2245. Swadelands School, Ham Lane, Lenham, Maidstone
MA/09/2245/R7	Details of archaeological watching brief pursuant to condition (7) of planning permission MA/09/2245. Swadelands School, Ham Lane, Lenham, Maidstone
MA/09/2245/R8	Details of a landscaping scheme pursuant to condition (8) of planning permission MA/09/2245. Swadelands School, Ham Lane, Lenham, Maidstone
MA/10/281	Erection of 2.4 metre high, green palisade security fencing. South Borough CEP School, Postley Road, Maidstone
MA/10/453	Construction of 11 car parking spaces including brickwork retaining walls. Oakwood Park Grammar School, Oakwood Park, Maidstone
MA/10/454	Replacement of existing glazed screen and construction of new sixth form block. Oakwood Park Grammar School, Oakwood Park, Maidstone
MA/10/600	Erection of a playground canopy. The Meadows Children's Centre, Furfield Close, Park Wood, Maidstone
SE/10/663	Change of use from agricultural field to sports field incorporating additional fencing, access and gates and erection of sports equipment store. Field 4382 to rear of Crockham Hill CE Primary School, Crockham Hill, Edenbridge

SE/10/836	Part demolition of existing portal frame structure and the creation of a playground area which will be part covered with a powder coated steel canopy with opaque polycarbonate sheet roof. There will also be ramped access provided and the works will also include the installation of a 1 metre high steel anti trap bowtop fencing with a gate and the removal of 2 small timber shed buildings. Dunton Green Primary School, London Road, Dunton Green, Sevenoaks
SE/10/898	Renewal of planning consent for the retention of two mobile classroom units. The Bradbourne School, Bradbourne Vale Road, Sevenoaks
SH/09/822/R2	Application for a non-material amendment to the approved development; increasing the level of the teaching block by 200mm. The Marsh Academy, Station Road, New Romney
SH/09/822/R3	Details of all materials to be used externally pursuant to condition 3 of planning permission SH/09/822. The Marsh Academy, Station Road, New Romney
SH/10/201	Erection of front/side extension to the existing building. Sandgate Primary School, Cooling Lane, Folkestone
SH/10/264	Modular two classroom/toilets building and the erection of 2450mm high green powder coated steel palisade security fencing. Highview School, Moat Farm Road, Folkestone
SH/10/309	Erection of extension to existing school to form additional hall storage and kitchen areas. Stella Maris RC Primary School, Parkfield Road, Folkestone
SW/10/332/R	Non-material amendment to planning permission SW/10/332 to alter footprint of approved mobile classrooms. Sittingbourne Community College, Swanstree Avenue, Sittingbourne
SW/10/349	Extension to form new reception and disabled toilet. Alterations to secretaries office to form one office. Bobbing Village School, Sheppey Way, Bobbing, Sittingbourne
SW/10/513	Erection of polytunnel to rear of the school. St. Mary of Charity CE (Aided) Primary School, Orchard Place, Faversham
TH/09/539/R4, R5 & R7	Details pursuant to conditions 4 (ground conditions), 5 (verification plan) and 7 (surface water drainage) of planning permission TH/09/539 for extension to school building and creation of a Multi Use Games Area. St Laurence in Thanet Junior School, Newington Road, Ramsgate

TH/09/539/R8 & R10	<p>Details pursuant to conditions 8 (landscaping) and 10 (contractors access and compound) of planning permission TH/09/539 for extension to school and MUGA. St Laurence in Thanet Junior School, Newington Road, Ramsgate</p>
TH/09/955	<p>Application seeking outline approval for locating Laleham Gap Special School buildings on the site on Newlands Lane, off Pyson's Road, Ramsgate. Single storey school building for 164 pupils age 3 - 16 and 130 staff and a two storey residential institution building for 60 pupils and 8 staff. Total internal area of approximately 6,400m². Newlands Lane, Pysons Road, Ramsgate</p>
TH/09/1025	<p>Retention of single storey staff room and two storey teaching block, previously approved for demolition as part of the Kent Building School's for the Future work. The Charles Dickens School, Broadstairs Road, Broadstairs</p>
TM/08/2344/R1	<p>Details of Ecology Mitigation Survey pursuant to condition 1 of planning permission TM/08/2344. Land North of Maidstone Road, St Mary's Platt, Sevenoaks</p>
TM/10/243	<p>Provision of a single storey changing room pavilion for school and community use in association with existing outdoor facilities and the proposed outdoor all weather pitch. Wrotham School, Borough Green Road, Wrotham, Sevenoaks</p>
TM/10/497	<p>Provision of a teaching and demonstration "Food Pod" facility with associated herb/vegetable garden. (The "Food Pod" is a standalone single storey factory produced unit comprising of teaching and demonstration space, two storage rooms and plant room.) Wrotham School, Borough Green Road, Wrotham, Sevenoaks</p>
TW/10/803	<p>New mobile classroom, on the site of a previous mobile classroom, located on land adjacent to the existing car park to the south of the school site. Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells</p>
TM/10/928	<p>Retention of existing temporary building due for removal under planning application reference TM/06/2488. Weald of Kent Grammar School, Tudeley Lane, Tonbridge</p>

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:-

MA/10/TEMP/0018 - Conversion of vacant classroom block into a Respite Care facility for children. Detling CEP School, The Street, Detling, Maidstone

SE/10/TEMP/0012 – Section 73 application to amend car park design previously approved under consent reference: SE/08/1896. Lullingstone Country Park, Kingfisher Bridge, Castle Road, Eynsford, Dartford

TH/10/TEMP/0023 – New artificial pitch with floodlighting, new 4 court multi use games area, and car parking on existing sports field adjacent to Ursuline College, for use by Ursuline College. King Ethelbert School, Canterbury Road, Birchington

TM/10/TEMP/0020 - Section 73 application to vary condition S2 of planning permission TM/98/1887/MR94 to allow extension of time to complete sand extraction and restoration requirements on land south of M20 Motorway, Wrotham Quarry, Ford Lane, Addington.

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

None

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

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

Background Documents -

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

DC29/10/DO/0001 – Request for a scoping opinion in respect of related waste development proposals on land west of Ramsgate Road, Richborough:

Site A - Richborough Hall, Ramsgate Road, Richborough - Construction of materials recycling facility to replace existing inert materials processing facility on southern part of existing Thanet Waste Services site: and

Site B - Land north of Stevens & Carlotti, Ramsgate Road, Richborough - Transfer and construction of expanded inert materials processing facility from Site A; and construction of 2 buildings to house an anaerobic digester plant to receive and process green and food wastes.

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