

**PLANNING APPLICATIONS COMMITTEE**

**Tuesday, 27th July, 2010**

**10.00 am**

Council Chamber, Sessions House, County Hall,  
Maidstone







## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Tuesday, 27th July, 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. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 15 June 2010 (Pages 1 - 4)
4. Meetings of the Committee in 2011:-

A4 Thursday, 20 January 2011	Tuesday, 26 July 2011
Tuesday, 15 February 2011	Tuesday, 16 August 2011 (provisional)
Tuesday, 15 March 2011	Tuesday, 6 September 2011
Tuesday, 12 April 2011	Tuesday, 11 October 2011
Tuesday, 10 May 2011	Tuesday, 8 November 2011
Tuesday, 14 June 2011	Tuesday, 6 December 2011
5. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

1. Status of the South East Plan - Update (Pages 5 - 18)

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

1. Application CA/10/285 - Section 73 application to amend Condition 18 of Permission CA/09/607 to vary opening hours at Units D and E, Lakesview Business Park, Canterbury; Ling (UK) Holdings Ltd (Pages 19 - 30)
2. Application GR/10/412 - Change of use to a Work transfer Station with demolition of existing portacabin at Unit 4, Apex Business Park, Queens Farm Road, Shorne, Gravesend; RS Skips (Pages 31 - 44)

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal DA/10/347 - Conversion of existing air shelter to classroom space, replacement pitched roof and installation of windows at St Alban's Road Infant School, St Alban's Road, Dartford; Governors of St Alban's Road Infant School (Pages 45 - 54)

2. Proposal DO/10/414 - Covered link and awning including the installation of 1.8 metre high black bow top fencing at Worth Primary School, The Street, Worth; Governors of Worth Primary School and KCC Children, Families and Education (Pages 55 - 62)
3. Proposals GR/10/463 and GR/10/464 - Clarification of us (with particular regard to major events) and external lighting of the core activity park at The A2 Activity Park, Gravesend; KCC Communities (Pages 63 - 90)

#### **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, 19 July 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, 15 June 2010.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs P T Cole (Substitute) (Substitute for Mr C Hibberd), Mrs V J Dagger, Mr T Gates, Mr G A Horne MBE, Mr J D Kirby, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr C P Smith, Mr K Smith and Mr A Willicombe

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

ALSO IN ATTENDANCE: Mr R Mansfield (Jacobs).

**UNRESTRICTED ITEMS****39. Membership**

*(Item 2)*

The Committee noted the appointment of Mr J A Davies in place of Mr W A Hayton.

**40. Minutes - 11 May 2010**

*(Item A4)*

RESOLVED that the Minutes of the meeting held on 11 May 2010 are correctly recorded and that they be signed by the Chairman.

**41. Site Meetings and Other Meetings**

*(Item A5)*

The Committee agreed to visit the site of the proposed Kemsley Sustainable Energy Plant on Wednesday, 7 July 2010 and also noted the possibility (still to be confirmed) of two site visits following the July meeting of the Committee.

**42. Status of the South East Plan**

*(Item )*

(1) The Chairman declared this item to be Urgent as the information would have an immediate and direct bearing on the Committee's decision-making processes.

(2) The Head of Planning Applications Group informed the Committee that the Secretary of State for Communities and Local Government had written to all Planning Authorities to inform them of the Government's intention to abolish the Regional Spatial Strategy (in this instance, the South East Regional Plan).

(3) The implications of this decision were that until such time as the Plan was actually abolished, it would remain the Development Plan for the purposes of determining planning proposals. Consequently, it would continue to be a material planning consideration – as would the intention to abolish it.

(4) During discussion of the report, the Committee agreed to recommend to the Cabinet Portfolio Holder for Environment, Highways and Waste that he should write to the Secretary of State concerning the need for urgent and full clarification of the transitional arrangements pending abolition of the South East Regional Plan.

(5) RESOLVED that:-

(a) the report be noted; and

(b) the Cabinet Portfolio Holder for Environment, Highways and Waste be recommended to write to the Secretary of State for Communities and Local Government seeking urgent and full clarification of the transitional arrangements for determining planning proposals pending the intended abolition of the Regional Spatial Strategy.

**43. Applications AS/10/295, AS/10/46 and AS/10/294:-**  
*(Item C1)*

RESOLVED that:-;

(a) subject to the satisfactory completion of a legal agreement to secure the terms set out in Appendix 1 of the report, permission be granted to Application AS/10/295 to extend the time scale for the implementation of Permission AS/06/5 until 8 May 2014;

(b) permission be granted to Application AS/10/46 for a variation to Condition (4) of 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; and

(c) permission be granted to Application AS/10/294 for a variation of Permission AS/02/645 to extend the period for the retention and operation of the existing Rail Aggregate Depot until 8 May 2014.

**44. 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**  
*(Item C2)*

RESOLVED that permission be granted to the Application subject to conditions including conditions covering the restriction of lorry movements in and out of the site to 6 movements per day and use of a 'banksman' at all times; the restriction of operational hours to 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); the reinstatement of pot holes within the bell mouth of the access within 1 month of the granting of this permission and maintenance of the access thereafter; measures to prevent mud or other materials being tracked onto the public highway; details of a restoration scheme (including details of the reinstatement of the area of land between the skip storage site and quarry site) being submitted to and approved in writing by the County Planning Authority; 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 being taken onto the site (only empty skips); no buildings, structures, fixed plant or machinery being installed without the prior approval of the County Planning Authority; and the life time of the use hereby approved being limited to a temporary period and linked to the life time of the existing operational quarry site (i.e. 21 February 2042).

**45. Application CA/09/1903 - Alteration and extension of existing Householders' Waste recycling Centre at Westbrook Lane, Herne Bay; Kent Waste Management**

*(Item C3)*

RESOLVED that permission be granted to the application for the proposed alteration and extension of the Studd Hill Householders' Recycling Facility subject to conditions including conditions limiting noise emissions; noise monitoring to ensure compliance; a Grampian condition regarding the redesign of the service access to discourage right turns out of the access onto the Old Thanet Way; limits to hours of use and operation; limited times of use of the 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; and other operational and standard conditions.

**46. 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**

*(Item D1)*

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

**47. 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.

## South East Plan Update

Report by Head of Planning Applications Group to the Planning Applications Committee on 27 July 2010

Summary: Update on the South East Plan and revised Communities and Local Government advice for the determination of planning applications

Recommendation: To note the report and take into account in the delivery of the County Council's development control function.

Local Member: n/a

Unrestricted

### Background

1. At the June Planning Applications Committee I provided a verbal update on the new Coalition Government's stated intention to abolish the Regional Spatial Strategies (RSS) and the potential implications for the business of this Committee. In the case of the South East region, the RSS was the South East Plan, May 2009. The Plan formed part of the '*development plan*' to which regard was to be had in the determination of planning applications.
2. At the June Committee meeting, the Committee resolved that the Cabinet Member for Environment, Highways and Waste be asked to write to the Secretary of State, Mr Eric Pickles setting out this Committee's concern. The purpose of the letter was to seek urgent clarification on the abolition and urge that swift action be taken to establish effective and clear transition arrangements to address the policy vacuum that had been created and to make the necessary provision for over arching policies that are vital for effective planning decisions. A copy of the letter is attached at appendix 1.
3. On the 6<sup>th</sup> July 2010 the Secretary of State announced the revocation of Regional Strategies with immediate effect. As part of the announcement, the Communities and Local Government's Chief Planner published some '*question and answer*' advice on immediate issues that it considers may arise from the announcement. This guidance covers the period between revocation and legislation (the proposed Localism Bill) to abolish the RSS altogether. I attach this as appendix 2.
4. This advice has immediate consequences for the determination of planning applications. The most significant being that the South East Plan is no longer part of the development plan for the purposes of s38(6) of the Planning and Compulsory Act 2004 and has no future role to play in the decision making process. In particular I draw your attention to the following paragraphs in the advice note which are provided to aid the development control process.
5. Paragraph 4 of the note provides advice on the **affect on planning applications**. It requires local planning authorities to continue to have regard to the development plan. This now consists of
  - a. Adopted development planning documents (DPDs from the Local Development Frameworks)
  - b. Saved policies; and
  - c. Any old style plans that have not lapsed.

## South East Plan Update

In addition, local planning authorities should have regard to other material considerations, including national policy. Evidence that informed the preparation of the revoked RSS may also be a material consideration depending upon the facts of the case.

6. In the case of mineral and waste development, this means the saved policies in the Kent Waste Local Plan, 1998, the Kent Minerals Local Plan - Construction Aggregates, 1993, Kent Minerals Local Plan - Chalk and Clay, 1997, Kent Minerals Local Plan - Oil and Gas, 1997 and Kent Minerals Local Plan - Brickearth, 1986 and any relevant policies in the District Local Plan or the adopted District Development Plan Documents. The County Council development will need to be considered against relevant policies in the District Local Plan and the adopted Development Plan Documents. All applications will also need to be considered in the context of relevant Planning Policy Guidance Notes and Statements (PPGs and PPS) which will continue to apply until they are replaced by the National Policy Framework. Where relevant, mineral and waste applications will need to be considered in the context of Mineral Policy Guidance Notes and Statements (MPG and MPS).
7. Paragraph 15 provides advice relating to the need for **minerals and aggregates supply** in the absence of regional strategy targets. The Mineral Planning Authorities retain the responsibility for continuing to plan for a steady and adequate supply of aggregate minerals to support economic growth. They should do so within the longstanding arrangements for minerals planning and in the case of Kent take account of the technical advice provided by SEERAWP (South East England Regional Aggregates Working Party). There is specific mention that South Eastern Authorities should work from the apportionment set out in the proposed changes to the revisions of (former) policy M3 of the South East Plan that was published in March 2010.
8. In the case of **waste management**, paragraph 16 advises that local planning authorities should continue to provide for waste management facilities to support the sustainable management of waste, including the move away from the disposal to landfill.
9. Paragraph 18 provides advice on the **natural environment** and the need to work with communities on conservation, restoration and enhancement of the natural environment. Paragraph 19 addresses regional policies on **flooding and coastal change**. There is a need to prevent unnecessary building in areas of high flood risk. **Renewable and low carbon energy** issues are addressed in paragraph 20 with support for a move towards a low carbon economy to cut greenhouse gas emissions, secure more renewable energy and adapt to the impacts arising from climate change. Paragraph 21 considers regional policies on **transport** and the need to deliver the most effective and sustainable development. The implications on **Green Belt** are considered in paragraph 22. The Coalition Government is committed to the protection of the Green Belt and local planning authorities should continue to apply policies in PPG2.
10. Finally, Members are asked to note that the Government expects to introduce new ways for local authorities to address strategic planning and infrastructure issues based upon cooperation. Details of which are awaited. There is no specific mention of the proposed Infrastructure Plan, its purpose or status, nor who will be responsible for its preparation. Since receiving the new advice, I have sought further clarification from the Department of Communities and Local Government on a number of matters. This is

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awaited and I hope to be able to update members further at the meeting.

### **RECOMMENDATION:**

11. Members are asked to note the report and take its contents into account in the delivery of the County Council's development control function.

Case Officer: Sharon Thompson	01622 696052
Background Documents: Letter and question and answer advice from Steve Quartermain, Chief Planner, Communities and Local Government dated 6 July 2010	



Mr E Pickles  
Secretary of State for Communities and Local Government  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU

Environment, Highways & Waste  
Members' Suite  
Sessions House  
County Hall  
Maidstone  
Kent, ME14 1XQ  
Tel: 01622 694434  
Fax: 01622 694212  
E-mail: [members.desk@kent.gov.uk](mailto:members.desk@kent.gov.uk)  
Date: 6 July 2010

Dear Mr Pickles

### **PROPOSED ABOLITION OF REGIONAL SPATIAL STRATEGIES**

The County Council's Planning Applications Committee recently considered your Government's intention to abolish the Regional Spatial Strategies. In the case of Kent, this means the South East Plan. The Council welcomes the Coalition's Government's decision to abolish the Regional Spatial Strategies and return decision making powers on housing and planning matters to locally elected planning authorities. Without urgent and clear transition arrangements, the County Council is however very concerned about the policy vacuum that has effectively been created and the uncertainty this creates. This is of particular concern for the wide range of over-arching policies, which are most effective when applied at a county or sub-regional level.

Your letter of 27<sup>th</sup> May 2010 sent to all Chief Planners states that the intention to abolish is a material planning consideration that planning authorities should have regard to in the determination of planning applications. There is very little detail in the letter although it is more specific in terms of advice on housing supply. As you will be aware, the South East Plan is much broader than a housing document and provides the strategic policy context for a wide range of development considerations. This includes countryside protection, biodiversity, built and historic environment, climate change and economic development, along with considerations for mineral and waste management development. A number of these matters are also embedded in more local development frameworks. This is not so in the case of the cross boundary issues, such as minerals and waste management which have an important strategic element and which are fundamental in underpinning sustainable communities.

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For effective planning, it is vital that the abolition of the Regional Spatial Strategy is properly thought through and ensures that all those in the planning and development process have a clear understanding of the policy context. In doing so we need to be mindful of the financial implications and seek a cost effective solution that avoids 'reinventing the wheel' and draws upon the good policy work that already exists both at County Council and District Council level. There also needs to be a clearer understanding of the proposed new Infrastructure Plan, its purpose, status and who will be responsible for its preparation.

The County Council therefore urges you to urgently clarify the position and take swift action to establish effective and clear transition arrangements that address the vacuum and make the necessary provision for over arching policies that are vital for effective planning decisions.

Yours sincerely



**Nick Chard**



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The Chief Planning Officer  
Local Planning Authorities in England

6 July 2010

**Chief Planning Officer Letter:**

**REVOCAION OF REGIONAL STRATEGIES**

Today the Secretary of State announced the revocation of Regional Strategies with immediate effect.

I have attached some 'questions and answer' advice on immediate issues that may arise from this announcement. It will be important for local planning authorities to carry on delivering local development frameworks and making decisions on applications and the attached document focuses on how to continue taking these forward.

Please address any queries to Eamon Mythen at CLG in the first instance ([Eamon.Mythen@communities.gsi.gov.uk](mailto:Eamon.Mythen@communities.gsi.gov.uk)).

A handwritten signature in black ink, appearing to read "Steve Quartermain", with a long horizontal line extending to the right.

**STEVE QUARTERMAIN**  
*Chief Planner*

Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU

## **Guidance for Local Planning Authorities following the revocation of Regional Strategies**

The Secretary of State for Communities and Local Government confirmed today that Regional Strategies will be revoked (see the attached copy of the Parliamentary Written Statement). In the longer term the legal basis for Regional Strategies will be abolished through the "Localism Bill" that we are introducing in the current Parliamentary session. New ways for local authorities to address strategic planning and infrastructure issues based on cooperation will be introduced. This guidance provides some clarification on the impact of the revocation; how local planning authorities can continue to bring forward their Local Development Frameworks (LDFs); and make planning decisions in the transitional period.

### **1. Under what powers are Regional Strategies being revoked?**

Regional Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. This guidance covers the period between revocation of Regional Strategies and legislation to abolish them altogether.

### **2. Do Planning Policy Statements (PPSs) remain in force?**

Yes. The Policy Statement on Regional Strategies (February 2010) is cancelled, and references to Regional Strategies in other Policy Statements are no longer valid. But all other PPSs will continue to apply until they are replaced by the National Planning Framework.

### **3. Will this affect the London Plan?**

The London Plan will continue to provide the planning framework for London boroughs. As part of a wider process of decentralisation in London, we are reviewing how powers and discretion can be shifted downwards from central government to the Mayor and Assembly, to London Boroughs and to local neighbourhoods. This will include reviewing the scope for devolving power from the Greater London Authority down to the Boroughs and below.

*The following sections provide advice on some of the issues likely to arise following revocation of Regional Strategies, until the "Localism Bill" and the new National Planning Framework are in place. This guidance should be regarded as a material consideration by local planning authorities and the Planning Inspectorate in their decisions.*

### **4. How will this affect planning applications?**

In determining planning applications local planning authorities must continue to have regard to the development plan. This will now consist only of:

- Adopted DPDs;

# South East Plan Update

- Saved policies; and
- Any old style plans that have not lapsed.

Local planning authorities should also have regard to other material considerations, including national policy. Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case.

Where local planning authorities have not yet issued decisions on planning applications in the pipeline, they may wish to review those decisions in light of the new freedoms following the revocation of Regional Strategies. The revocation of the Regional Strategy may also be a material consideration.

## **5. Should we continue preparing LDF documents?**

Yes – the revocation of Regional Strategies is not a signal for local authorities to stop making plans for their area.

Local planning authorities should continue to develop LDF core strategies and other DPDs, reflecting local people's aspirations and decisions on important issues such as climate change, housing and economic development.

These local plans will guide development in their areas and provide certainty for investors and communities. Local authorities may wish to review their plans following the revocation of Regional Strategies. We recommend reviews should be undertaken as quickly as possible.

## **6. How does this affect adopted local plans / LDFs?**

Adopted DPDs and saved policies will continue to provide the statutory planning framework. Local authorities may decide to review these now that Regional Strategies have been revoked. There is no need to review the whole LDF, only those issues or policies which local authorities wish to revisit. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

## **7. What if my LDF document is still being prepared?**

Where local planning authorities are currently bringing forward development plan documents they should continue to do so. Authorities may decide to review and/or revise their emerging policies in the light of the revocation of Regional Strategies. Where authorities decide to do this they will need to ensure they meet the requirements for soundness under the current legislation. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

### **8. Will Examinations in Public continue for DPDs?**

Yes – where local planning authorities are bringing forward new development plan documents or reviewing adopted plans they should present evidence to support their plans. The examination process will continue to assess the soundness of plans, and Inspectors will test evidence put forward by local authorities and others who make representations.

### **9. Will data and research currently held by Regional Local Authority Leaders' Boards still be available?**

Yes. The regional planning function of Regional LA Leaders' Boards – the previous Regional Assemblies – is being wound up and their central government funding will end after September this year. The planning data and research they currently hold will still be available to local authorities for the preparation of their local plans whilst they put their own alternative arrangements in place for the collection and analysis of evidence. Notwithstanding, the new Government regards the Regional Leaders' Boards as an unnecessary tier of bureaucracy.

#### **Clarification on policy issues**

*There are a number of areas where Regional Strategies supplemented the national policy framework. Further clarification on these areas is set out below.*

### **10. Who will determine housing numbers in the absence of Regional Strategy targets?**

Local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. Some authorities may decide to retain their existing housing targets that were set out in the revoked Regional Strategies. Others may decide to review their housing targets. We would expect that those authorities should quickly signal their intention to undertake an early review so that communities and land owners know where they stand.

### **11. Will we still need to justify the housing numbers in our plans?**

Yes – it is important for the planning process to be transparent, and for people to be able to understand why decisions have been taken. Local authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process. They should do this in line with current policy in PPS3.

### **12. Can I replace Regional Strategy targets with "option 1 numbers"?**

Yes, if that is the right thing to do for your area. Authorities may base revised housing targets on the level of provision submitted to the original Regional Spatial Strategy examination (Option 1 targets), supplemented by more recent information as appropriate. These figures are based on assessments undertaken by local authorities. However, any target selected may be tested during the examination process especially if challenged and authorities will need to be ready to defend them.

### **13. Do we still have to provide a 5 year land supply?**

Yes. Although the overall ambition for housing growth may change, authorities should continue to identify enough viable land in their DPDs to meet that growth. Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments can help with this. Local planning authorities should continue to use their plans to identify sufficient sites and broad areas for development to deliver their housing ambitions for at least 15 years from the date the plan is adopted. Authorities should also have a five year land supply of deliverable sites. This too will need to reflect any changes to the overall local housing ambition.

### **14. How do we determine the level of provision for travellers' sites?**

Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should continue to do this in line with current policy. *Gypsy and Traveller Accommodation Assessments* (GTAAAs) have been undertaken by all local authorities and if local authorities decide to review the levels of provision these assessments will form a good starting point. However, local authorities are not bound by them. We will review relevant regulations and guidance on this matter in due course.

### **15. How do we establish the need for minerals and aggregates supply without Regional Strategy targets?**

Minerals planning authorities will have responsibility for continuing to plan for a steady and adequate supply of aggregate minerals to support economic growth. They should do this within the longstanding arrangements for minerals planning. Technical advice provided by the Aggregate Working Parties, including their current work in sub-apportioning the CLG guidelines for 2005-2020 to planning authority level will assist with this.

Planning authorities in the South East should work from the apportionment set out in the "Proposed Changes" to the revision of Policy M3, published on 19 March 2010.

Planning authorities can choose to use alternative figures for their planning purposes if they have new or different information and a robust evidence base. We will work with the minerals industry and local government to agree how minerals planning arrangements should operate in the longer term.

### **16. How do we establish the need for waste management without Regional Strategy targets?**

Planning Authorities should continue to press ahead with their waste plans, and provide enough land for waste management facilities to support the sustainable management of waste (including the move away from disposal of waste by landfill). Data and information prepared by partners will continue to assist in this process. For the transitional period this will continue to be the data and information which has been collated by the local authority and industry and other public bodies who

currently form the Regional Waste Technical Advisory Bodies. We intend for this function to be transferred to local authorities in due course.

### **17. Does the abolition of the hierarchy of strategic centres mean the end of policies on town centres?**

No. Local authorities must continue to have regard to PPS 4: *Planning for Sustainable Economic Growth* in preparing LDFs and, where relevant, take it into account in determining planning applications for retail, leisure and other main town centre uses.

In assessing any planning applications proposing unplanned growth in out of town shopping centres, particularly those over 50,000 sqm gross retail floor area, local authorities should take account of the potential impacts of the development on centres in the catchment area of the proposal.

### **18. What about regional policies on the natural environment?**

Local authorities should continue to work together, and with communities, on conservation, restoration and enhancement of the natural environment – including biodiversity, geo-diversity and landscape interests. Authorities should continue to draw on available information, including data from partners, to address cross boundary issues such as the provision of green infrastructure and wildlife corridors.

### **19. What about regional policies on Flooding and Coastal Change?**

Local authorities should continue to work together across administrative boundaries to plan development that addresses flooding and coastal change. For flooding matters local authorities already have a duty to co-operate under the Floods and Water Management Act. The Environment Agency will continue to work with local authorities individually and/or jointly to provide technical support on these matters. The Coalition agreement is clear that we should prevent unnecessary building in areas of high flood risk.

### **20. What about regional policies on Renewable and Low Carbon Energy?**

Through their local plans, authorities should contribute to the move to a low carbon economy, cut greenhouse gas emissions, help secure more renewable and low carbon energy to meet national targets, and to adapt to the impacts arising from climate change. In doing so, planning authorities may find it useful to draw on data that was collected by the Regional Local Authority Leaders' Boards (which will be made available) and more recent work, including assessments of the potential for renewable and low carbon energy.

### **21. What about regional policies on Transport?**

Local authorities should continue to ensure their land use and local transport plans are mutually consistent, and deliver the most effective and sustainable development for their area. Local authorities should work with each other and with businesses and communities to consider strategic transport priorities and cross boundary issues.

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## 22. Does the end of Regional Strategies mean changes to Green Belt?

No. The Government is committed to the protection of the Green Belt and the revocation of Regional Strategies will prevent top-down pressure to reduce the Green Belt protection. Local planning authorities should continue to apply policies in PPS2. As part of their preparation or revision of DPDs, planning authorities should consider the desirability of new Green Belt or adjustment of an existing Green Belt boundary, working with other local planning authorities as appropriate.

# South East Plan Update

## **Parliamentary Statement Revoking Regional Strategies**

Today I am making the first step to deliver our commitment in the coalition agreement to "*rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils*", by revoking Regional Strategies.

Regional Strategies added unnecessary bureaucracy to the planning system. They were a failure. They were expensive and time-consuming. They alienated people, pitting them against development instead of encouraging people to build in their local area.

The revocation of Regional Strategies will make local spatial plans, drawn up in conformity with national policy, the basis for local planning decisions. The new planning system will be clear, efficient and will put greater power in the hands of local people, rather than regional bodies.

Imposed central targets will be replaced with powerful incentives so that people see the benefits of building. The coalition agreement makes a clear commitment to providing local authorities with real incentives to build new homes. I can confirm that this will ensure that those local authorities which take action now to consent and support the construction of new homes will receive direct and substantial benefit from their actions. Because we are committed to housing growth, introducing these incentives will be a priority and we aim to do so early in the spending review period. We will consult on the detail of this later this year. These incentives will encourage local authorities and communities to increase their aspirations for housing and economic growth, and to deliver sustainable development in a way that allows them to control the way in which their villages, towns and cities change. Our revisions to the planning system will also support renewable energy and a low carbon economy.

The abolition of Regional Strategies will provide a clear signal of the importance attached to the development and application of local spatial plans, in the form of Local Development Framework Core Strategies and other Development Plan Documents. Future reform in this area will make it easier for local councils, working with their communities, to agree and amend local plans in a way that maximises the involvement of neighbourhoods.

The abolition of Regional Strategies will require legislation in the "Localism Bill" which we are introducing this session. However, given the clear coalition commitment, it is important to avoid a period of uncertainty over planning policy, until the legislation is enacted. So I am revoking Regional Strategies today in order to give clarity to builders, developers and planners.

Regional Strategies are being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004.

Revoking, and then abolishing, Regional Strategies will mean that the planning system is simpler, more efficient and easier for people to understand. It will be firmly

rooted in the local community. And it will encourage the investment, economic growth and housing that Britain needs.

We will be providing advice for local planning authorities today and a copy has been placed in the house library.

SECTION C  
MINERALS AND WASTE DISPOSAL

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

**Item C1**

**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**

A report by Head of Planning Applications Group to Planning Applications Committee on 27 July 2010.

CA/10/285 – Variation of condition 18 of planning permission CA/09/607 to allow the acceptance of recovered abandoned vehicles anytime, the acceptance of waste types already permitted to the site from CA sites and the acceptance of electrical/recyclable waste brought to the site by members of the public on Bank Holidays only. With the exception of the delivery of abandoned vehicles no waste deliveries are proposed on Saturday afternoons or on Sundays at Units D and E, Lakesview Business Park, Sturry Road, Hersden, Canterbury (MR. TR213618)

Recommendation: Permission with conditions.

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

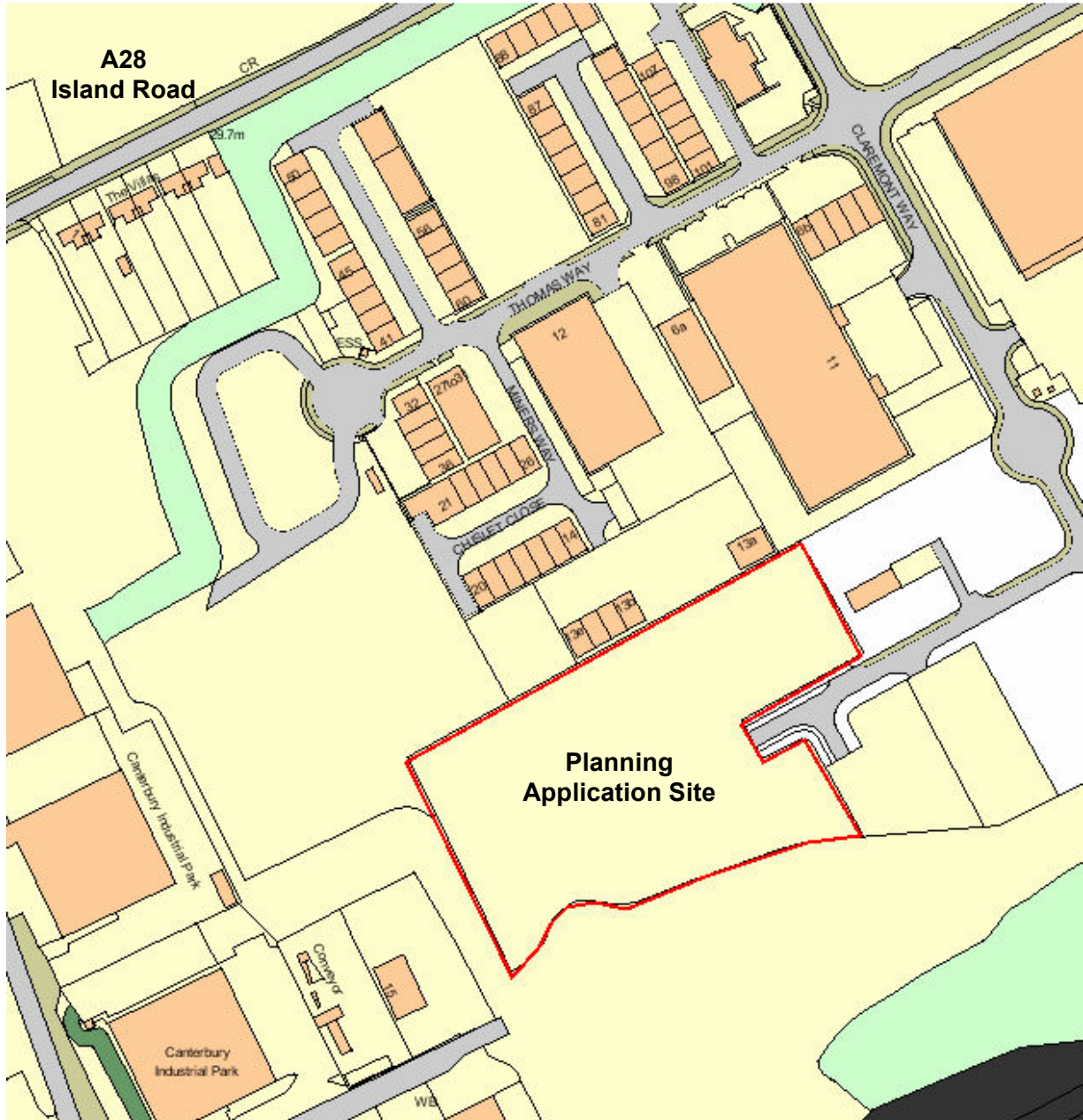
Classification: Unrestricted

**Site Description and Background**

1. The Lakesview Business Park is a dedicated business park located some 5 kms to the north east of Canterbury City Centre adjacent to the southern side of the A28. This 1.47 hectare application site is bounded to the north by the Business Park and to the east by arable farmland. The western boundary of the site adjoins the Canterbury Industrial Park and the southern boundary lies close to the Canterbury to Ramsgate Railway Line. The site lies approximately 200m north of the River Stour which flows through the Stour Valley along with the nearby Stodmarsh SSSI, SAC SPA and Ramsar. A site location plan is attached.
2. At the November 2009 Planning Applications Committee meeting Members resolved to grant planning permission ( Ref. CA/09/607 ) for Ling Metals to relocate their scrap metal business from their site at Parham Road in Canterbury to Units D and E of the Lakesview Business Park, Sturry Road, Hersden. Whilst the operator sought to relocate their existing business the permission also provided for the expansion of their operations to incorporate dry commercial and industrial recyclable wastes (for example sorted card, bottles and plastic) from the Canterbury area. Overall the development currently permitted will be capable of processing up to 82,000 tonnes of waste per year. In general, waste will be brought to the site from within the Canterbury District for sorting and processing ready for onward transportation to appropriate recycling facilities. Whilst the sorting of the industrial recyclable wastes which will be processed within a Materials Recycling Facility Building (MRF ) is permitted to operate on a 24 hour basis, all other

**Item C1**

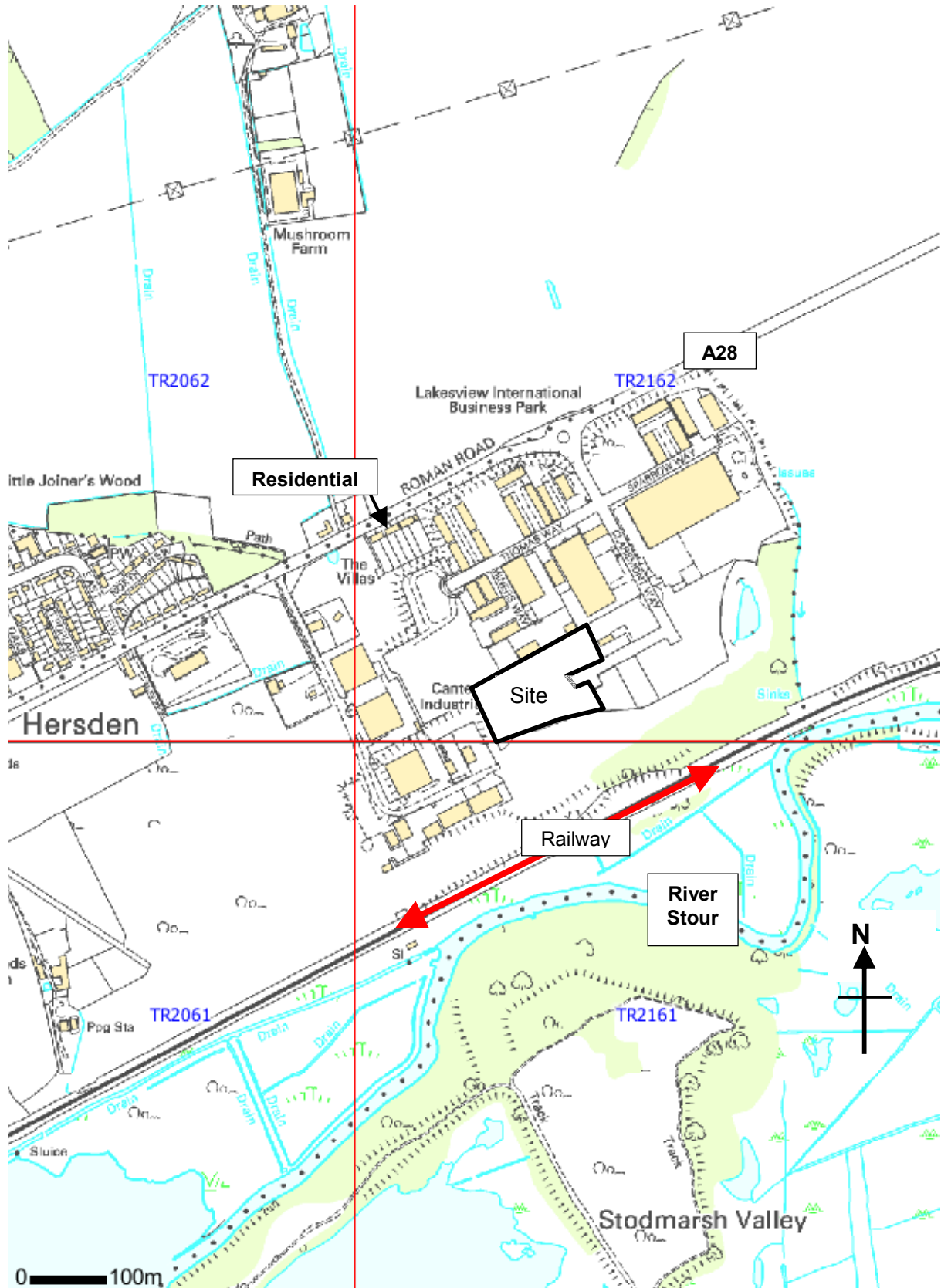
**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**



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**Not to Scale**

**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**



**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**

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external operations are restricted to taking place between 0700 and 1800 Monday to Friday and 0700 and 1300 on Saturdays with no working on Saturday afternoons (post 1300 hours), Sundays or Public Holidays. This was deemed an acceptable time restriction having regard to the applicants' noise assessment which accompanied the original application and which included details of the existing background noise levels measured at the site.

**Proposal**

3. In support of the proposal the application states that the operator is required to collect waste from Civic Amenity sites on Bank Holidays whereas the site is currently permitted to accept such waste only during normal working hours. The applicant therefore wishes to accept such waste on Bank Holidays and also offer members of the public the opportunity to deliver waste for recycling on Bank Holidays. The applicant is also required as part of the existing business to accept the delivery of recovered abandoned vehicles at any time (of the day or night) and therefore seeks to vary the permitted hours set out in condition 18 of permission reference CA/09/607 to allow this. Condition 18 currently reads as follows:

*“With the exception of waste sorting activities permitted within the Materials Recycling Facility (MRF) no external activities shall take place on the site, nor shall there be any movement of any vehicles transporting waste to or from the site, except between the following times:*

*0700 to 1800 hours Monday to Friday  
0700 to 1300 hours Saturdays*

*No work shall be undertaken at any time on Saturday afternoon, Sunday or Bank Holidays;”*

4. In order to allow for Bank Holiday public access and acceptance of CA site waste on Bank Holidays, along with being able to accept the delivery of abandoned vehicles at any time of the day or night, the applicant is seeking to formally vary the condition to read as follows:

*“With the exception of waste sorting activities permitted within the Materials Recycling Facility (MRF) and the delivery to the site of recovered abandoned vehicles, no activities shall take place on the site, nor shall there be any movement of any vehicles transporting waste to and from the site, except between the following times:*

*0700 to 1800 hours Monday to Friday  
0700 to 1300 hours Saturday*

*No work with the exception of that identified above in connection with the operation of the Materials Recycling Facility and the delivery of abandoned vehicles together with the delivery of waste materials collected from Civic Amenity sites and from members of the public visiting the site shall take place on Bank Holidays”*

**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**

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The applicant states that no other changes are proposed as a result of the proposed variation including vehicle movements, annual waste throughput, waste types and MRF operations would remain the same as currently permitted under permission reference CA/09/607.

**Planning Policy Context**

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

**National Planning Policy** – National Planning Policies are set out in PPS10, PPS23 and Waste Strategy 2000 (as amended in July 2005).

**Kent Waste Local Plan (Adopted March 1998)**

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

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

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

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

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

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

- (i) normally refuse permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:-

**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**

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- (a) the safety (or would exceed the capacity) of the highway network
  - (b) the character of historic rural lanes
  - (c) the local environment including dwellings, conservation areas and listed buildings.
- (ii) ensure that any off-site highway improvements considered to be necessary to secure acceptable access are completed, if necessary in stages related to the development of the site, before specified operations on site commence and provided at the development's expense.

## **6. Consultations**

**Canterbury City Council:** State " Having considered the matter in detail it is noted that none of the other permissions relating to this business park include specific restrictions on the hours of operation. The site is served directly from the main A28, an A-road subject to significant 24 hour use, whilst it is also recognised that there are no users within the business park that would be unacceptably inconvenienced by 24 hour access to these premises. However some of the operations carried out outside within the site, for instance the loading and unloading of lorries etc could be a source of noise and at night this could be particularly invasive further afield. As would appear to be the case there should be no relaxation of the condition in respect of external activities outside of the permitted hours. I note that nearby residents have raised concerns regarding noise disturbance. The surrounding countryside would also be similarly affected by any significant night time noise emanating from the site.

In view of these comments I would suggest that the relaxation to the hours of use that would allow abandoned vehicles to be delivered to the site over night is simply to allow delivery for secure storage and nothing further. In respect of public use on Saturdays and bank holidays there is no objection to this use but it is suggested that this should be limited to 1800 at the latest and in winter limited to the hours of daylight ".

**Wickambreaux Parish Council:** No comments received.

**Westbere Parish Council:** Object to an increase in hours over and above the times stated for normal office hours, but would agree to these normal hours being extended to include Bank Holidays. Concern has been expressed by a number of residents in Hersden at the potential impact of noise at the site at unsociable times.

**Hoath Parish Council:** No comments received.

**Chislet Parish Council:** No comments received.

**The Ickham, Littlebourne and Wickhambreaux Conservation Society:** Objects to the facility receiving abandoned vehicles at any hour of the night due to noise implications and disturbance in the late hours. However, they indicate that receiving vehicles between the hours

## Item C1

### **CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**

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of 0700 and 2300 would be an acceptable compromise. They further state:

*“we do not understand the variation to allow the acceptance of waste from CA sites and electrical/recyclable waste from members of the public on Bank Holidays only. Does this mean that these activities would not be permitted at any other time? With regard to the facility receiving recyclable waste from the public, this should surely be encouraged and a more convenient time for this would be Saturday mornings. There would be no need to allow this activity on a Bank Holiday. The initial reason for excluding such external activities and the transporting of waste to or from the site on Bank Holidays was ... “to ensure minimum disturbance and avoidance of nuisance to the local community, pursuant to Kent Waste Local Plan Policy W18” and this reason is just as valid now”.*

**Environment Agency:** No comments to make.

**Natural England:** No comments to make on this planning proposal.

**Biodiversity projects Officer:** No comments received.

**Jacobs (Noise, Dust, Odour):** In considering the location of the nearest sensitive premises and the relatively small increase of yearly usage proposed, Jacobs consider that the proposed variation is unlikely to cause detriment in terms of noise. However, concerns are raised over the acceptance of abandoned vehicles at night as this activity has the potential to be audible to the nearest residential properties. Jacobs therefore request either restrictions on deliveries to between the hours of 0700 and 2300 hours or the applicant should provide details of how noise from deliveries would be managed to avoid nuisance.

**Divisional Transport Manager (Kent Highways):** No objection raised.

### **Local Member**

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

### **Publicity**

8. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 126 neighbouring properties.

### **Representations**

9. A total of 3 letters of representation have been received objecting to the proposal and who have raised the following concerns:

**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**

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- Noise impact of recovered/abandoned vehicles being brought to the site at any time on nearby local residents;
- Objection to the site being operational outside of the 'normal working hours';
- Objection to Bank Holiday deliveries of waste; and
- Increased traffic on the surrounding roads

**Discussion**

10. 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.
11. Support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and regional level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill. Similarly Policy W9 of the adopted Kent Waste Local Plan supports the separation and transfer of waste and identifies the site at Hersden as a location considered to be suitable in principle for such activity. The operational criteria as set out under Policy W18 in respect of the control of noise is considered most relevant to this proposal.
12. The principle for this existing site has already been established as being suitable having regard to Policy W9 of the Kent Waste Local Plan. The Plan reflects the objectives of the Waste Framework Directive which gives particular weight to locations which “*are within or adjacent to existing waste management facilities or are part of a location within an established or proposed general industrial-type area*” and which can gain ready access to the main road network by avoiding as far as possible major residential areas. It was considered at the November 2009 Planning Applications Committee that given this sites’ location and close proximity to the A28, it met the general requirements of Policy W9 for waste separation and transfer activity. Planning permission was granted subject to a number of conditions covering amongst other matters, HGV movements, hours of working, waste throughputs, noise, dust, lighting and landscaping.
13. Whilst the main building works under the existing planning permission have yet to commence on site, prior to being fully operational the applicant wishes to seek a variation to the current working hours in order to allow for the delivery of abandoned vehicles to the site at any time of the day or night and to allow the site to accept waste from nearby CA sites and from members of the public on Bank Holiday between the hours of 0800 and 1600.
14. Notwithstanding the sites location within the existing Lakesview Industrial Estate which operates largely on a 24 hour basis, a number of concerns have been raised by local residents and consultees in relation to the proposed variation. Of particular concern is the potential noise disturbance associated with ‘anytime’ delivery of abandoned vehicles and

**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**

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the increasing number of vehicles using the local road network.

**Noise Impact**

15. Local residents have raised concerns over the potential for the proposal to cause noise nuisance, particularly during the evenings and at weekends. Whilst they raise concerns that Bank Holiday opening would generate an increase in traffic related noise, they are particularly concerned that the noise disturbance associated with ‘anytime’ deliveries of abandoned vehicles to the site would be unacceptable during unsociable hours. These concerns are also reflected in responses from Canterbury City Council, Westbere Parish Council and the Ickham, Littlebourne and Wickambreaux Conservation Society (ILWCS).

*Bank Holidays*

16. The applicant proposes public access and delivery of waste from CA sites on bank Holidays only, between the hours of 0800 and 1600. With the exception of the delivery of abandoned vehicles to the site at anytime No changes to the sites opening hours or external waste processing arrangements on Saturday afternoons (post 1300 hours) or Sundays is proposed as part of this application. Having regard to the location of the site and the surrounding uses, which are in the main permitted to operate on a 24 hour basis, Jacobs, our noise advisors consider that given waste would solely be delivered to the site on Bank Holidays and not processed, which would typically require the use of noisy equipment on site, the proposed variation would be unlikely to cause a detriment in terms of noise. Given no waste would be processed on site on Bank Holidays, I am satisfied that noise would be minimal and be unlikely to cause nuisance to the nearest sensitive receptors. Should Members be minded to support the proposed variation I would advise that a suitable condition be imposed on any planning consent restricting Bank Holiday access and deliveries to the site between 0800 and 1600 hours.

*Delivery of Abandoned Vehicles*

17. However in considering the matter of accepting abandoned vehicles anytime of the day or night, this activity was not included as part of the initial noise assessment accompanying the previous planning application (Ref CA/09/607) and therefore not identified as a possible noise source. Notwithstanding the existing 24 hour uses on the surrounding industrial estate, I agree with Jacobs that in the absence of a further assessment on whether the noise levels generated by the delivery and offloading of vehicles would lead to any significant increase to the existing background levels particularly at night, this activity could result in an unacceptable impact on nearby local residents.
18. In the absence of any details demonstrating how the operator would manage noise from such deliveries, Jacobs advise that a restriction on deliveries of abandoned vehicles to between 0700 and 2300 hours would be appropriate to avoid noise nuisance during unsociable hours. The applicant has been invited to provide further information in support of this activity and responded only by pointing out that the existing industrial estate operates

**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**

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on a 24 hour basis, with no restrictions on hours of operation and therefore in their view no further information was required in support of the variation. Whilst night time deliveries of abandoned vehicles is likely to be infrequent, having regard to the advice from Jacobs in my opinion there is no evidence to support the applicant's assertion that there would be no adverse impact on the amenity of local residents from noise. I therefore cannot therefore make an assessment as to the potential impacts from noise on local residents during unsocial hours. However, I do consider that a delivery time restriction on this activity as advised by Jacobs would be a suitable compromise and that deliveries of abandoned vehicles should be restricted to between the hours of 0700 and 2300 to avoid unnecessary disturbance during the night. This could be controlled by way of a suitably worded planning condition in the event that planning permission is granted.

### **Highway Impacts**

19. The current planning permission restricts the number of vehicle movements to and from the site to 324 (162 in/162 out) per day. The annual waste throughput on site is to remain at 82,000 tonnes per annum. The suitability of this site and its location has received full consideration in terms of highway access and traffic capacity. The applicant states that there would be no change to those restrictions as a result of this proposed variation. On the basis that there would be no increase in vehicle movements to or from the site, the DTM has raised no objection to the proposed variation on highway grounds. I would therefore advise that the proposal remains consistent with the requirements of Policy W22 of the Kent Waste Local Plan in so far as there would be no adverse effects on the local highway network.

### **Conclusion**

19. In conclusion, I am of the opinion that provided the recommended time restrictions on the deliveries of abandoned vehicles to the site are supported and imposed by way of a suitable planning condition and no other changes are proposed in relation to waste throughputs and HGV movements, the proposal continues to meet the relevant development plan policy requirements as set out in Kent Waste Local Plan policies W18, W21 and W22 in relation to noise, traffic and ecological interests and therefore would not result in any adverse impacts on the local amenity. I therefore recommend accordingly.

### **Recommendation**

20. I RECOMMEND that PERMISSION BE GRANTED, to vary condition 18 of Planning Permission CA/09/607, subject to additional conditions restricting the hours during which abandoned vehicles may be delivered and off loaded at the site to between 0700 and 2300 hours together with a restriction on Bank Holiday working to only allow public access and delivery of C.A. waste to the site between 0800 and 1600 hours.

**Item C1**

**CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent**

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Case Officer: Angela Watts

01622 221059

Background Documents: See Section Heading

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**Change of use of land from an industrial / warehousing use to that of a waste transfer station including removal of Portakabins, Unit 4, Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent, DA12 3HU. GR/10/412**

A report by Head of Planning Applications Unit to Planning Applications Committee on 27 July 2010

Application by RS Skips Ltd for proposed change of use of land to waste transfer station at Unit 4, Apex Business Park, Queens Farm Road, Shorne, Gravesend, kent, DA12 3HU.

Recommendation: Permission be granted Subject to conditions

Local Member: Michael Snelling

Classification: Unrestricted

**Site description and background**

1. The application site is located on the Apex Business Park which lies to the south of the Hoo Railway Junction. The site is approximately 2.5 km north west of the urban fringe of Gravesend, 2km north of Shorne and 2km north east of Higham. The site is accessed from Queens Farm Road and Green Farm Road which is accessible from the A226 Gravesend Road.
2. The site is located on the existing Apex Business Park which contains a variety of small commercial businesses including skip hire businesses, scaffolding yard and other industrial type uses. The application site consists of 0.44 Ha of concrete hardstanding. The site is bounded with security fencing and currently contains two curved roof buildings and several Portakabins.
3. Immediately to the north of the site is the Hoo Junction Railway siding. The Business Park is surrounded to the south, east and west by open agricultural fields. The nearest residential property to the site is approximately 320 metres to the south, at Queens Farm.
4. The site falls within the Metropolitan Green Belt. The site does not lie within any area specifically designated for nature conservation, however the South Thames Estuary & Marches SSSI and Ramsar site is situated to the north of the Hoo Junction approximately 140 metres from the site.
5. The site currently benefits from planning permission for B2 (industrial) & B8 (storage) uses. The site which is currently vacant was last used as a specialised vehicle dismantling business involving the depollution of scrapped vehicles. Prior to this the site was a plant hire and storage yard. The site also has the benefit of an outline planning permission for the development of 12 industrial units; however this permission has not been implemented.

**Change of use to waste transfer station at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent – GR/10/412**

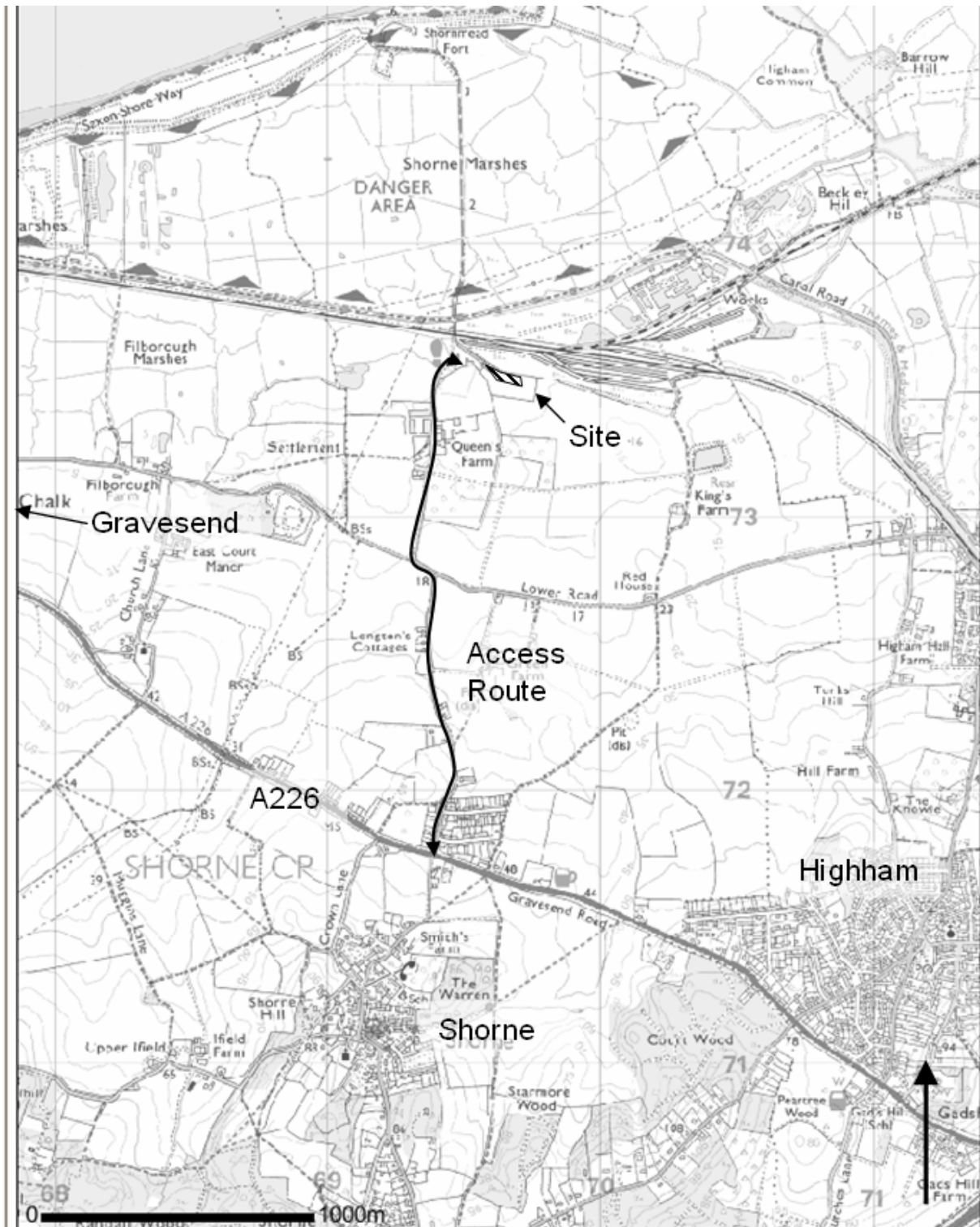
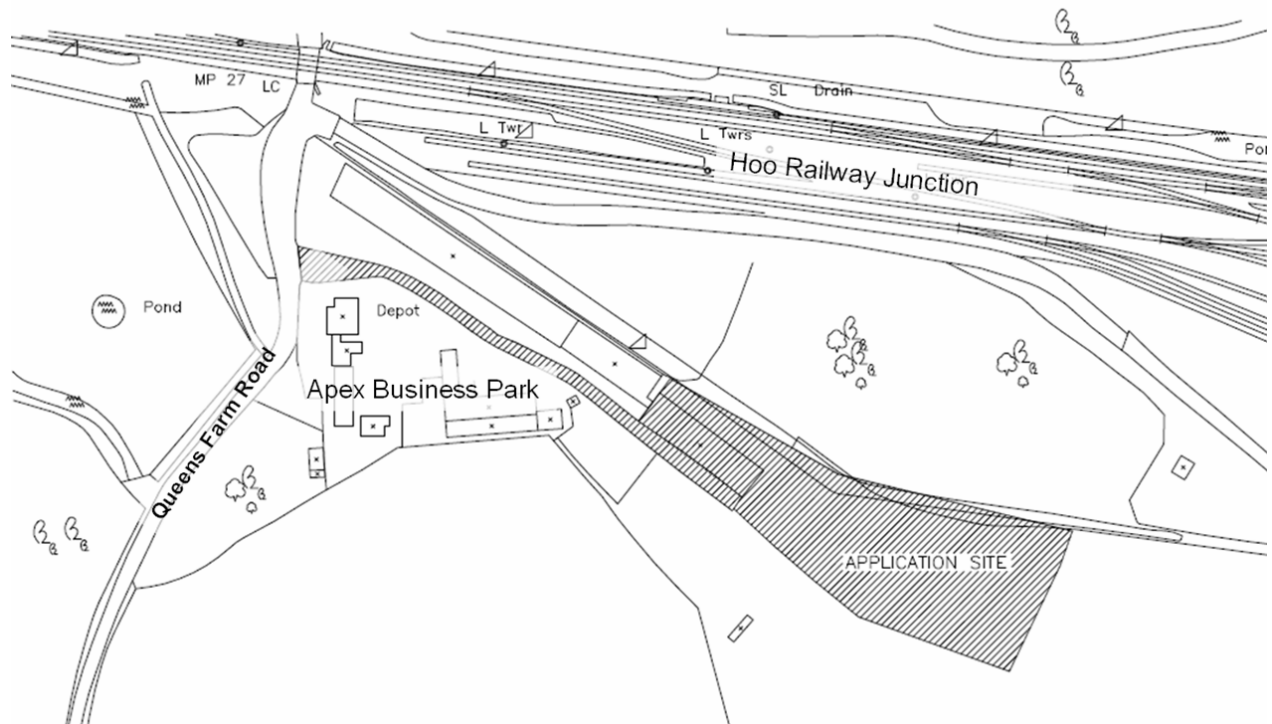


Figure 1: Site Location Plan

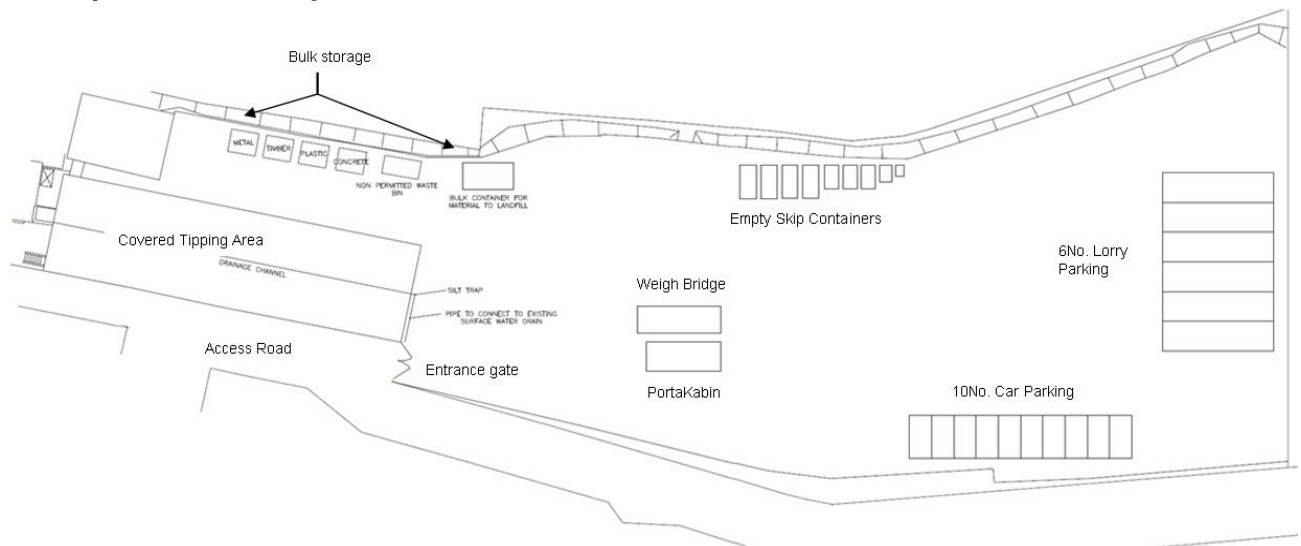
**Change of use to waste transfer station at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent – GR/10/412**

**Site Location Plan**



**Figure 2. Site location Plan**

**Proposed Site Layout**



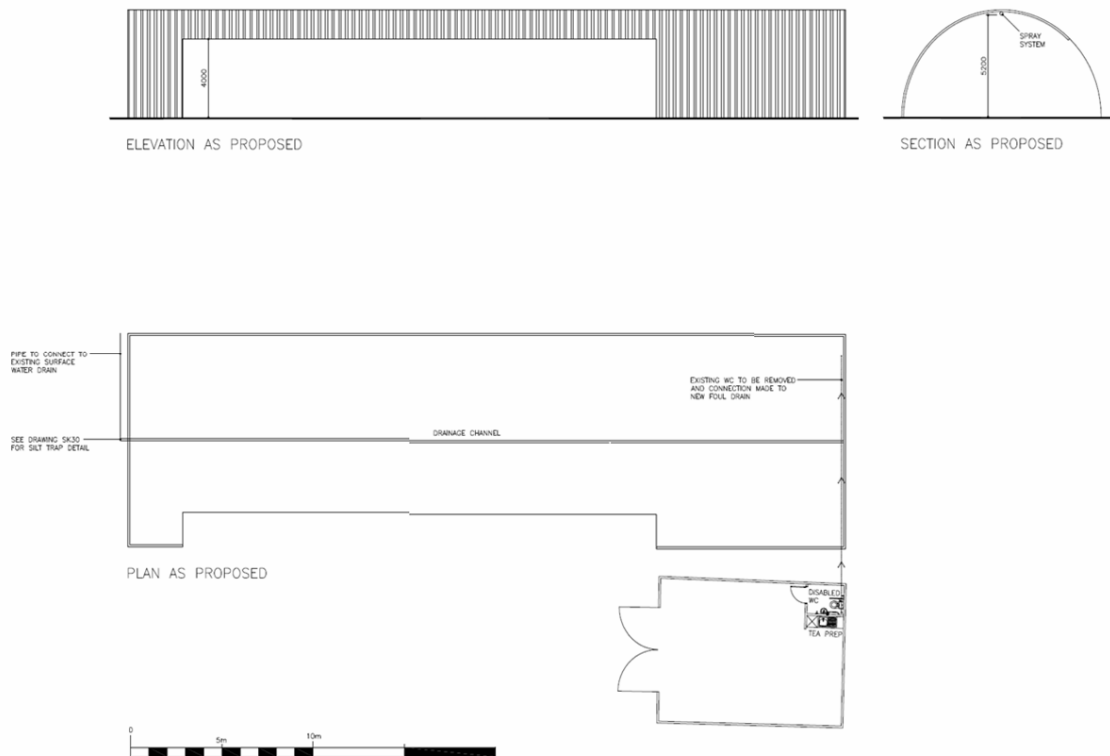
**Figure 3. Proposed site layout**

**Item C2**

**Change of use to waste transfer station at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent – GR/10/412**

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**Elevations of existing buildings with new entrance**



**Figure 4. Existing elevations with new entrance**

**Proposal**

6. This application proposes the change of use of a 0.44 Ha unit of land on the Apex Business Park, Shorne to a waste transfer station. The site is currently designated as being suitable for B2 (industrial) and B8 (storage) uses through a permission granted by Gravesham Borough Council. The proposed waste transfer station would be used for the separation of construction and demolition skip waste for onward recycling and for the disposal of non-recyclable materials to landfill.
7. The proposals would retain and reuse two existing permanent buildings (as shown in figure 4) on the site, and retain one existing PortaKabin and remove other PortaKabins currently on site. The larger building is approximately 10.7m (W) x 41m (L) x 5.6m (H) in height. The smaller building is approximately 7.5m (W) by 10m (L) X 5.6 (H). No further development would take place on site. The site would be arranged, as illustrated in figure 3, in a layout suitable for a waste transfer station.
8. The large building to the west of the site labelled covered tipping area in figure 3 would be modified slightly to incorporate an entrance to the north of the building. This would enable skip lorries to deposit their load within the building and would allow waste sorting to be contained entirely within the building. The building would be fitted with fine mist sprinkler system to suppress dust emission within the building.

**Change of use to waste transfer station at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent – GR/10/412**

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9. The existing hardstanding floor would be re-laid to accommodate surface water from the facility which would be channelled via a gully and silt trap into the existing surface water drain. Waste would only be deposited on this hardstanding where it would be sorted using two 360° excavators. The remainder of the site would be used for the storage of empty skips and containers awaiting transportation, lorry and car parking and a small office.
10. Once the waste has been sorted into waste streams it would then be bulked up in containers waiting export for recycling. These containers would be placed to the north of the building in the bulk storage area (see figure 3) whilst awaiting export.
11. The proposed waste transfer station would have a maximum throughput of approximately 55,000 tonnes of waste per annum (TPA). This would be split into 40,000 TPA of construction, demolition and excavation waste and 15,000 TPA of commercial and industrial waste. This waste would be sourced from the applicant's current skip hire business which services the Gravesend and Northfleet area. The proposed activity would require separate licensing from the Environment Agency.
12. The proposals would provide employment for approximately 10 site workers.

*Operating Hours*

13. The proposed hours of operation are as follows;

Monday to Friday	07:00 to 18.00hours
Saturdays	07:00 to 13:30 hours
Sunday and Bank Holidays	Closed

Vehicle movements and traffic routes

14. The applicant predicts that the site would not generate more than 24 HGV movements per day (12 in / 12 out). Vehicle movements would only occur within the opening hours of the site. The applicant intends to service the site using their existing fleet of 6 skips lorries. In addition to the fleet of skip lorries one additional visit per week (2 movements) to the site would be made by a bulk HGV to collect sorted waste for recycling.
15. Movements to and from the site would be accessing the site from the A226 along Green Farm Road and Queens Farm Lane.
16. The proposed site layout would provide 10 car parking spaces for staff and 6 parking spaces for the companies own skip lorries.

**Planning Policy Context**

17. **National Planning:** Policies PPS1 (Delivering Sustainable Development), PPG2 (Green Belts), PPS10 (Planning and Waste Management), PPS23 (Planning and

**Change of use to waste transfer station at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent – GR/10/412**

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Pollution Control) and Waste Strategy for England 2007.

18. **Kent Waste Local Plan (March 1998):** W3 (Locational Criteria), W6 (Need), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Land Drainage and Flood Control), W22 (Road Traffic and Access).
19. **Gravesham Borough Local Plan 1<sup>st</sup> review (1994):** GB1 (Definition of Green Belt area), GB2 (Presumption against new development in Green Belt), T0 (General transport policy), T1 (Impact on Highway Network), T2 (Access to primary routes)
20. **Gravesham Borough Council Local Plan 2<sup>nd</sup> review (deposit draft) (2000):** This document whilst not the adopted plan is a material consideration for planning purposes. The most relevant policies to this case are: T1 (Impact of location of development on highway network), NE16 (Air Quality), NE19 (Noise generation development), RA1 (Green Belt boundary), RA2 (Inappropriate development in Green Belt will not be permitted), RA4 (Re-use of buildings in the Green Belt not inappropriate provided certain conditions see paragraph 46 below.)

**Consultations**

21. **Gravesham Borough Council:** raise **objection** to the proposals on Green Belt and traffic generation grounds.
22. **Shorne Parish Council:** raise **objection** to the proposals. Shorne Parish Council note that this is a site with an established industrial use, previously the parish has not objected to other proposed uses on this site. The site is accessed via Queens Farm Road which is a narrow country lane. Shorne Parish Council claim that HGV's using this Road have caused damage to the highway verges and properties along the road. The Parish Council raise scepticism over the applicant's claim that the proposals would reduce traffic movements from the site.
23. The Parish Council therefore raise objections to the proposals on the following grounds;
  - a) The proposals are likely to cause an increase in HGV movements. The Parish feel this would exacerbate damage being caused to the local highway and properties of Green Farm Lane and Queens Farm Road. The Parish also highlight that Green Farm Lane has been made the subject of a width restriction order.
  - b) Alternative access routes to the site are unsuitable for HGV traffic.
  - c) This type of development should be located with direct access onto the primary road network.
24. **Environment Agency:** raise **no objection** to the proposals subject to conditions. The EA offers advice to the applicant in regards to development and flood risk, drainage, contaminated land, fuel and chemical storage and waste management.
25. **Natural England:** has **no objection** to the proposed development. Natural England confirms that the application site lies close to habitats which form part of the South Thames Estuary and Marshes Site of Special Scientific Interest (SSSI). This SSSI is part of the Thames Estuary and Marshes Special Protection Area (SPA). It is Natural England's view that, either alone or in combination with other plans or projects, this

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proposal would not be likely to have a significant effect on the above sites and the permission may be granted (subject to other planning considerations) under the terms of the Conservation of Habitats and Species Regulations.

26. **Divisional Transportation Manager:** raise **no objection** to the proposals on highways issues. The DTM states that the Transport Statement submitted by the applicant demonstrates that the proposals would create a similar daily movement of HGVs as the current permitted use of the site and would result in a significant overall reduction in the traffic movements entering and egressing the site.
27. Whilst the DTM notes that the proposals would create an increase in HGV movements during peak hours he recognises that there is currently no restriction on peak hour movements from the site which could therefore generate more movements than those proposed. Furthermore, the DTM states that whilst there has been some discussion regarding potential lorry routing restrictions, the location of the site will always result in the need for lorry movements through adjacent narrow country lanes to get to the classified/trunk road network. This would be regardless of whether restrictions were to be imposed on the local routes. If restrictions were to be imposed the resultant increase in traffic on non restricted routes would be less desirable than the current spreading of vehicle movements across the local network. The DTM is not aware of any current lorry routing restrictions, which again highlights the issue of the proposals having no greater potential impact than the current permitted use of the site.
28. Overall the DTM states that the proposals would not result in any significant increase in vehicle or HGV movements when compared to the current permitted use of the site and there would therefore be no justification in raising a highways objection.
29. **KCC Noise, Dust and Odour Consultant (Jacobs):** raise **no objection** to the proposals. Jacobs state that as the site is located approximately 300 metres from the nearest residential receptor and all waste is to be processed within the existing building dust nor odour should cause detriment to the residential receptors or business park users. Best practice should be followed to ensure that if dust or odour issues were to arise they are dealt with swiftly and efficiently.
30. **Network Rail:** have no comments to make on the application.

**Representations**

31. The application was advertised in a local newspaper and a site notice was posted. 1 letter of objection has been received to date. The main areas of concern which these raise include;
  1. No drainage on site and surface water runs off to adjacent site
  2. Vehicle movements would increase.
  3. Access issues
  4. Noise, dust and smell would cause nuisance to businesses and estate users.

**Local Members**

32. The Local County Member for Gravesham Rural Mr Michael Snelling was consulted on

**Change of use to waste transfer station at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent – GR/10/412**

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the application on 4 May 2010. No response has been received to date.

**Discussion****Introduction**

33. 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 (17 – 20) are of greatest relevance.
34. Until the Kent Minerals and 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, Planning Policy Statement 10 (PPS10) requires that planning authorities should ensure proposals are consistent with its policies.
35. PPS10 advocates a growth in waste management facilities reflecting the waste hierarchy, which priorities reduction, re-use, recycling and recovery (in that order). The Statement seeks to reduce waste that is directed to landfill and states that a substantial increase in recovery of waste and reduction in waste to landfill is required across the Country. The proposed facility would therefore help contribute towards the Statement's objectives of reducing the amount of waste to landfill and improve waste recovery.
36. Whilst the need for this type of facility is clearly recognised in order to divert waste from going to landfill. This should be balanced against locational criteria and whether the proposed facility would result in harm to local amenity. There is policy protection for amenity in general and from waste operations specifically set out within Planning Policy Statement 10, the Gravesham Borough Local Plan and the Kent Waste Local Plan. It is generally recognised that use classes B2 & B8 industrial type locations such as this are acceptable in principle for this type of waste development. There is an acknowledged need for sites of this type of development, particularly on brownfield industrial sites. Such locations would usually have ready access to the primary route network. In this case the site does not have ready access to the primary routes network and is accessed from the A226 via two minor local unclassified roads Green Farm Lane and Queens Farm Road. Considering this, the acceptability of this development at this location should be considered with regard to the suitability of the site access and impacts on local amenity.
37. The nearest residential receptor to the site lies approximately 300 metres from the site. The site does however have a number of surrounding business uses on the business park itself, and 1 letter of objection has been received from a business located on the business park concerning the potential impacts from the proposals in terms of traffic, access, drainage and pollution impacts.
38. Given the policy background discussed above and taking into account the responses received during the consultation process, the main issues to be balanced against the need for additional recycling facilities relate to traffic and access, green belt issues, noise, dust, odour and air quality, and drainage.

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Traffic and Access

39. In terms of impact on the local highway network the applicant is proposing to run a fleet of 6 skip lorries from the site and would have having one bulk collection of waste per week. This would create on average 24 HGV movements per day (12 in, 12 out), made up of the 6 skips lorries leaving and coming back to the site twice per day. The applicant has produced a transport statement which compares the proposed site use and associated traffic generation with both the previous and potential permitted site uses. The site currently has permission for B2 & B8 industrial type uses with no restrictions on vehicle movements. The previous use of the site was as an end of life vehicle facility. The most recent permission granted in March 2008 by Gravesham Borough Council allows for the development of 12 industrial units on the proposal site. Objections concerning traffic and access impacts from this proposal have been raised by Gravesham Borough Council, Shorne Parish Council and by a business on the industrial estate. These objections relate to the suitability of the site and associated access routes for HGV movements.
40. Transport policies within PPS 10, the Kent Waste Local Plan and the Gravesham Borough Local Plan aim to ensure that new development is appropriately located with ready access onto the primary route network, and does not caused detrimental impacts to highway safety. In this case the site is on an existing industrial estate which is serviced by smaller non-primary routes, namely Green Farm Lane and Queens Farm Road. As the business park is already in existence and is serviced by these smaller roads the principle means of access to the site has become established. In regards to the width restriction mentioned by Shorne Parish Council this type of order would not apply to vehicles which need to access the Apex Business Park.
41. The Divisional Transport Manager (DTM) was consulted on this application with regard the impacts on the local highway network. The DTM's comments have been made in response to the highway objections received and based on the Transport Statement (TS) supplied by the applicant with the application. The TS demonstrates the potential highway impacts of the proposed development in comparison with the potential highway impacts of the existing permitted use. The TS uses traffic data collected in 2007 when the site was last in operation as a baseline to compare the proposals against. The TS shows that over a 12 hour working day 30 vehicle movements were generated per day, of these 30 movements 16 were HGV movements and 14 were from light vans and cars. The TS states that the movements generated by the previous use were relatively minor compared with the potential movements which could be generated by typical B2 or B8 uses. The TS goes on to use TRICS traffic data to analyse the potential movements which could be generated if a typical B2 or B8 use were to take up operations at the site and also if the outline permission for 12 industrial units were to be taken up. The potential vehicle movements which could potentially be generated are displayed below in table 1.

**Change of use to waste transfer station at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent – GR/10/412**

**Table 1. Potential totals of all vehicle traffic per day related to site use (with inclusive HGV movements in brackets)**

<b>Use</b>	<b>Arrivals</b>	<b>Departures</b>	<b>Totals</b>
Recorded previous use	14 (7)	16 (9)	30 (16)
Potential B2 / B8 use	74 (10)	77 (11)	151 (21)
Potential permitted outline use	65 (9)	67 (10)	132 (19)
<b>Proposed Waste use</b>	<b>22(12)</b>	<b>22(12)</b>	<b>44 (24)</b>

42. Table 1 shows that whilst the number of overall vehicle movements associated with the proposed waste use would increase when compared to the previous use, potentially the overall vehicle movements would be significantly lower than those which could be generated through a permitted B2 or B8 use of the site. The DTM when commenting on this application states that the potential existing use of the site very much limits what restrictions could be reasonably imposed on this proposal. The DTM states that the applicant's TS demonstrates that this proposal would create similar daily movements of traffic to and from site as the currently permitted use with a significant decrease in overall traffic movements. In light of this information the DTM confirms that there can be no justifiable highway objection in terms of traffic generation.
43. The DTM whilst coming to this conclusion has considered fully the potential increase in peak hour HGV movements between the 2007 data and the proposals. The DTM notes that currently there are no restrictions on HGV movements at the site. Therefore the site at present could potentially generate as many or even more HGV movements than is proposed under this application. Furthermore the DTM acknowledges that whilst there have been discussions concerning lorry routing restrictions, the location of the site will always result in the need for lorry movements through adjacent narrow country lanes to access the primary route network. Restrictions on any of these routes would cause an increase in traffic using non-restricted routes which would be less desirable than the current spreading of movements across the network. The DTM states that he is not aware of any current routing restrictions which in his opinion highlight the issue that the current proposals would have no greater potential impact than the current permitted use of the site.
44. The DTM concludes that the proposals, in his opinion, would not result in any significant increase in vehicle or HGV movements when compared to the current permitted use of the site and therefore no objection could be justifiably lodged. On this basis, considering the potential site use could generate over and above the potential vehicle movements proposed, I consider that with appropriate conditions limiting the hours of operation and number of vehicle movements the proposals would offer greater restriction and control which may be beneficial in highways terms. As such, with appropriate conditions I consider the proposed facility to be acceptable in terms of highway and traffic impacts.

Green Belt Issues

45. The site is situated within the Metropolitan Green Belt (MGB) where there is strong policy presumption against inappropriate development. Policy guidance for this area

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is set out within Planning Policy Guidance Note 2 (PPG2) and within the Gravesham Borough Local Plan 1<sup>st</sup> review policies GB1 and GB2 and Gravesham Borough Local Plan 2<sup>nd</sup> review policies RA1, RA2 and RA4. Gravesham Borough Council has objected to the application on Green Belt grounds. To test whether these proposals would indeed be contrary to Green Belt policy it is necessary to test the proposals against criteria set out within PPG2 and policy RA4 of the Gravesham Borough Local Plan 2<sup>nd</sup> review.

46. In this case the proposals relate to the change of use of a parcel of land on an industrial estate. The proposals are not for any additional buildings and would re-use the existing buildings on site, remove currently double stacked Portakabins and retain a single Portakabin for the weighbridge office. There would be some external storage proposed to the north of the main building for sorted materials in containers awaiting export and some storage of empty skips. Both PPG2 and Gravesham Borough Local Plan 2<sup>nd</sup> review policy RA4 advise that the re-use of buildings within the Green Belt is not inappropriate development providing that:

- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);
- (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings.

47. In this case the existing consent allows for open storage of plant, machinery, equipment, scaffolding and buildings of up to 6 metres in height. In addition under the approved outline consent there is permission for the development of 12 industrial units in 3 blocks. The applicant has stated within the application that they are willing to ensure that any open storage of skips, containers, stock piles, plant or machinery do not exceed 3 metres in height. In my opinion this would ensure that the proposed use has significantly less impact than the current permitted uses and would allow the openness of the Green Belt to be further protected through greater restriction.
48. The applicant is proposing to reuse the existing buildings with minor modifications which would not involve any extensions. The main sorting building would only be modified through the creation of an entrance to the side of the building. The existing buildings are of relatively low scale and generally are in keeping with the other buildings within the industrial estate. Considering this, subject to conditions limiting heights for the stacking of containers and of stockpiles, I am of the opinion that the proposals would not have any detrimental impact on the green belt and as such do not consider there to be overriding grounds for refusal on Green Belt issues.
49. Notwithstanding my assessment that the proposal is not inappropriate development in the Green belt, the applicant has provided information to support very special circumstances required to demonstrate that the application is acceptable in the Green Belt.

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Air Quality, Dust and Odour Impacts

50. Air quality impacts from the development could potentially be caused through the proposed operations at site and via an increase in general traffic using the site. An objection letter has been raised by a local business situated on the Apex Business Park in regards to detrimental air quality impacts from the proposed development. No objections have been raised from any other statutory consultee or KCC's Dust and Air Quality Consultant.
51. The main policy guidance on air quality, dust and odour impacts is set out within PPS10 and Kent Waste Local Plan policy W18. In general, guidance and policies within these documents require the planning authority to be satisfied in regards to the means of controlling dust, odours and other emissions. This should be considered particularly with regard to the effect of potential emissions on nearby sensitive receptors. In this case the nearest residential receptor is approximately 300m from the site. Whilst it is recognised that there are also nearby receptors on the business park itself, the proposals are not envisaged to cause any significant impact on air quality, sufficient to warrant refusal.
52. The applicant has made it clear in the application that all wastes would be sorted entirely within a building. This building would have a dust suppression system installed within it to ensure that all materials are adequately dampened down to ensure that nuisance is appropriately mitigated. Furthermore the proposed site layout is orientated to ensure that the open side of the building would be to the north, away from any other neighbouring uses. The County Council's Dust and Air Quality Advisor is satisfied that with good site management any impacts from dust could be adequately mitigated. In terms of odour the applicant is proposing to only collect construction and demolition wastes in skips which tend not to cause odour issues. With good site management and an appropriate protocol for the swift handling of any odour producing wastes the County Council's air quality advisor is satisfied that the proposals are unlikely to cause detriment to amenity through odour.
53. In the context of the above views and advice I am satisfied, subject to appropriate conditions ensuring that the dust mitigation system is appropriately designed and implemented before the commencement of waste management operations and suitably maintained, and with appropriate restrictions on the types of waste imported to the site, that the proposals would not cause any significant detrimental impact in terms air quality, odour or dust.

Noise

54. In terms of noise impacts, the proposals would cause some noise impacts through general everyday operation of the site. These impacts would be caused by the tipping of materials and moving of skips and machinery. The main policies for noise control are set out within the Kent Waste Local Plan W18 and PPS 10. These policies generally afford protection to nearby sensitive receptors such as residential properties. In this case the site is approximately 300m from the nearest noise sensitive receptor. Considering this and the fact that all sorting operations would take place within the confines of a building, of which the opening is facing northwards away from any

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sensitive receptors, the County Council's noise advisor is satisfied that the proposals are unlikely to cause any detrimental impact to the nearest sensitive receptors in terms of noise.

55. It could be argued that there may also be some additional noise impacts from additional HGV traffic on properties along the access route to the site. However as previously explained HGV movements proposed are similar to those of the previous use and that potentially movements could be far greater under the currently unrestricted permission the noise impacts from traffic. On this basis I consider that these proposals would not be likely to result in any unacceptable impacts from noise.

Drainage

56. In terms of site drainage an adjacent business operator has raised the issue that at present the site suffers from surface water run off into his site. The applicant is proposing to install a drainage system within the site to ensure that any run off is caught and discharged to the appropriate drains. The Environment Agency in their response to consultation, whilst not objecting to the proposals, has set out stringent pre-commencement conditions which would ensure that the drainage scheme on site would not pose a risk to the groundwater environment. Subject to these pre-commencement conditions to ensure that no risk to groundwater is posed I am satisfied that any drainage concerns can be satisfactorily addressed.

Conclusion

57. This is a brownfield site within an established industrial estate within the Green Belt. The re-use of the site provides an opportunity to provide a small scale waste transfer facility enabling the recovery of construction and demolition waste and helps towards meeting diversion targets away from landfill.
58. 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 Development Plan Policies, I consider the use of the site to be acceptable.
59. Whilst I note objections have been raised by Gravesham Borough Council, Shorne Parish Council and a local business on traffic and access, greenbelt, amenity and drainage issues, I am satisfied having regard to comments made by consultees that should permission be granted, provided appropriate conditions are imposed the proposed facility would not cause any significant adverse impact on these issues. Furthermore the proposals offer an opportunity to place further restrictions and controls on the site. These further controls would enable the impact of the site on the local highway network to be limited in terms of vehicle movements, enable the greenbelt to be protected by more restrictive limits on open storage, stockpile and building heights and enable enhancements to site drainage.
60. In conclusion, I am satisfied that the proposed use of the site 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 to be refused. Accordingly I recommend that planning permission be granted subject to conditions.

**Item C2**

**Change of use to waste transfer station at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent – GR/10/412**

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**Recommendation**

61. I RECOMMEND that PERMISSION BE GRANTED for the proposed change of use of land to a waste transfer station at Unit 4, Apex Business Park, Queens Farm Road, Shorne, Gravesend SUBJECT TO conditions including standard time condition, hours of use and operation; limit on vehicle movements; implementation and maintenance of dust suppression system; restrict open storage, stock pile, skip, container and machinery heights; drainage conditions; and other operational conditions.

Case Officer: Shaun Whyman
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Tel. No. 01622 221055
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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.

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## Item D1

### **Conversion of air-raid shelter to classroom building, St. Alban's Road Primary School, Dartford – DA/10/347**

A report by Head of Planning Applications Group to Planning Applications Committee on 27 July 2010

DA/10/347 - Application by St. Alban's Road Primary School for the conversion of existing air-raid shelter to classroom building, with replacement pitched roof and installation of windows at St. Alban's Road Primary School, St. Alban's Road, Dartford.

Recommendation: Permission be refused

**Local Member(s): Mr A.Sandhu**

**Classification: Unrestricted**

#### Site

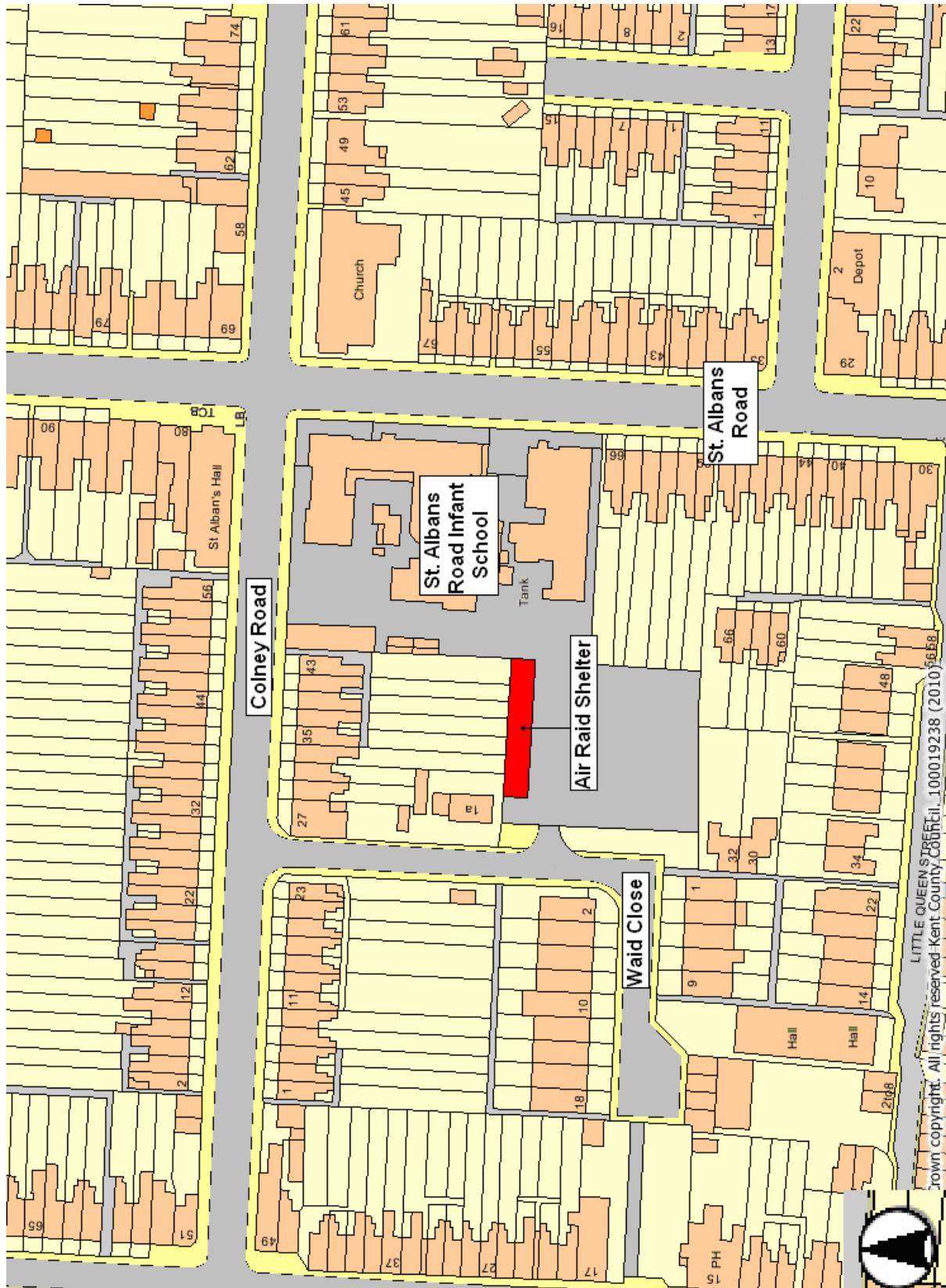
1. St. Alban's Road Infant School is a single storey school with approximately 275 pupils, catering for children from reception class age up to Year 2. It is located in a predominantly residential area on the eastern 'New Town' area of Dartford. The school is accessed via St. Alban's Road, as well as by a pedestrian and service access to the rear of the school along Waid Close, a residential cul-de-sac.
2. The main school building is typical for schools of this period, being single storey and red brick, and is of similar design and materials to the surrounding terraced housing. There is a large tarmac surfaced area to the rear of the school providing recreation space for the pupils at break periods. Within this area is a large air-raid shelter which is used for storage and is the subject of this planning application. The air-raid shelter is situated on the northern boundary of the playground, to the rear end of the gardens of 31-43 Colney Road, and adjacent to a residential property on Waid Close.
3. The recent planning history of the site includes small single storey extensions to the front and rear of the school, granted permission in 2005, and a canopy to the Northern elevation, granted permission in 2004.

#### Proposal

4. St. Alban's Road Infant School is applying for planning permission to convert the existing air-raid shelter in to usable classroom space. The conversion would involve the bricking-up of three of the existing doors, the installation of windows and one door to the southern elevation and internal works. The main external difference would be the replacement of the flat roof. The applicant is proposing to remove the existing concrete slab flat roof, and replace it with a timber-framed pitched roof with a finish to match the existing. The roof would be of a single pitch, sloping north to south, with 7 roof lights installed and would result in the northern elevation of the building being raised by 1.3m.

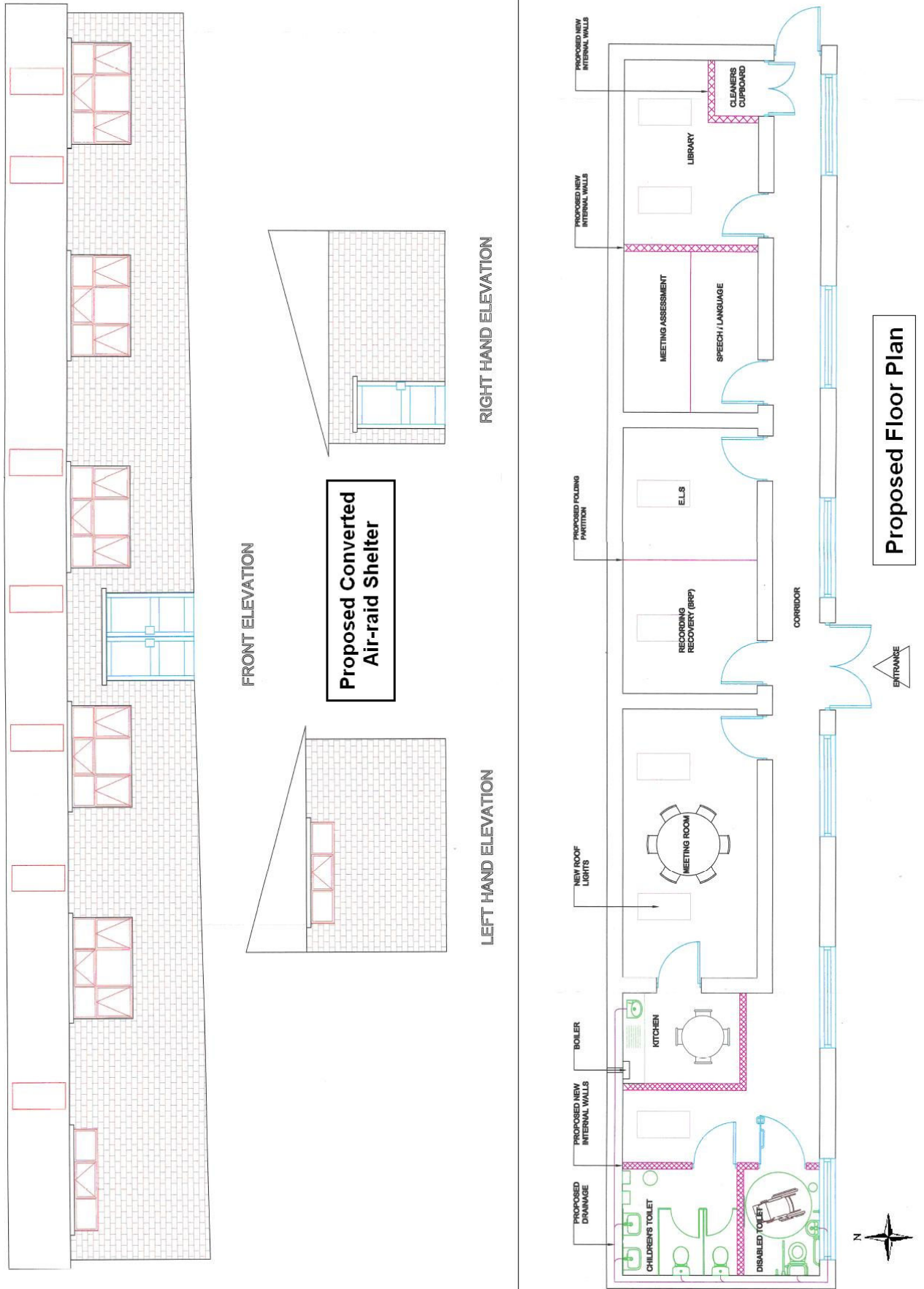
# Item D1

## Conversion of air-raid shelter to classroom building, St. Alban's Primary School, Dartford – DA/10/347



# Item D1

## Conversion of air-raid shelter to classroom building, St. Alban's Primary School, Dartford – DA/10/347



## Item D1

### Conversion of air-raid shelter to classroom building, St. Alban's Primary School, Dartford – DA/10/347

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The shelter is proposed to house a library, meeting rooms, E.L.S. room, toilets and a kitchen. This would be an enhancement to the existing facilities as these are not provided within the main school buildings.

5. The converted air-raid shelter would contain a corridor, classroom space, meeting rooms, a small kitchen and toilet facilities. The applicant has proposed to raise the roof height in order to provide sufficient internal space and to meet Building Regulations requirements, indicating that reducing the floor level would not be a viable alternative due to expense and physical difficulties. The building occupies an area of approximately 159m<sup>2</sup>, being 5.4m wide and 29.35m long, and these dimensions are proposed to remain unaltered.
6. The nearest residential property is along Waid Close, approximately 2m from the existing air-raid shelter. The rear gardens of the houses along Colney Road extend up to the development, however the residences themselves are approximately 30m away. There are several mature trees to the rear of the air-raid shelter, within the gardens of the houses along Colney Road. These trees provide screening between these gardens and the school, and amenity value to the area. The applicant has indicated that works to the trees may be required.



**Existing Shelter, Trees and Neighbouring Property**

**Conversion of air-raid shelter to classroom building, St. Alban's Primary School, Dartford – DA/10/347**

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

(i) National **Planning Policy Statement 1: Delivering Sustainable Development**

**Para 27(viii)** Planning should seek actively to bring vacant land and underused previously developed land and buildings back into beneficial use.

(ii) The adopted **Dartford Borough Local Plan 1995 Saved Policies (2007)**

**Policy H12** Proposals which are incompatible with the residential function of existing housing areas of which adversely affect their amenity or which are otherwise un-neighbourly in planning terms, will not be permitted.

**Policy B1** Development proposals should not materially detract from the amenity of adjoining properties and, particularly in the case of residential properties, should avoid giving rise to the loss of daylight or sunlight.

**Policy CF3** The Council will support the provision or enhancement of community facilities and will take the following factors into account: suitability of the site and location for the proposed use; effect of the proposal on the amenity of nearby properties and the surrounding area; design of buildings and adequacy of landscaping.

**Consultations**

8. **Dartford Borough Council:** Raises no objection

**Divisional Transport Manager:** Raises no objection on highway grounds.

**Local Member**

9. The local County Member for Dartford North East Mr Avtar Sandhu, was notified of the application on the 27 April 2010, and supports the application as the proposal would give the Infant School the additional room which it requires.

**Publicity**

10. The application was advertised by the posting of a site notice and the notification of 21 neighbours.

**Representations**

11. I have received 1 letter of objection from a near neighbour to the development site, and the points raised can be summarised as follows:

- The raising of the roof would result in a loss of natural light to the garden and rear downstairs windows.
- The raised northern elevation would adversely affect the outlook from the property.
- The proximity of the toilets within the building to the kitchen and windows of the property could result in odour and sewage problems.
- The development would result in increased noise.

### **Conversion of air-raid shelter to classroom building, St. Alban's Primary School, Dartford – DA/10/347**

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- The noise and disturbance during the construction phase would be unacceptable considering the proximity to the garden and kitchen. The development would be only a few metres from the windows, and adjacent to the garden and would therefore impact on privacy.
- The movement of large plant through Waid Close would cause disturbance and interference.
- The works would be likely to take place during the school holidays and would therefore cause maximum disturbance to the amenity of the occupants of the property.

#### **Discussion**

12. 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.
13. This application has been brought for determination by the Planning Applications Committee following the receipt of material planning objections from a near neighbour to the development site. The comments of the neighbour are summarised above, and cover a number of aspects relating to both the use and appearance of the building, and the impacts during the construction phase. In this report, I will approach each consideration individually.

#### Impact on Residential Amenity

14. This property is 2m from the existing shelter building, and is oriented east to west. The garden of the property would be overlooked by the raised building as the northern elevation is proposed to be increased in height by 1.3m. The photos in the presentation give an indicative representation as to the new line of the proposed roof, and the potential visual impact that this would have on the neighbouring property. It is important to bear in mind that the purpose of the planning system is not to protect the privately obtainable views of individuals, and from private housing in particular. However, the effects on neighbouring properties by virtue of oppressive or overbearing impacts and the potential interruption or loss of daylight or direct sunlight can be a material planning consideration because of the amenity implications.
15. The conversion of the air-raid shelter would result in a large increase in bulk to the elevation overlooking the garden of the neighbouring property on Waid Close. Whilst that would not impact greatly on the other residential properties to my mind, there would be a severe impact on this property in particular. The raised roof line would reduce the amount of natural light enjoyed by the garden and the rear windows, as the shelter is directly south of the neighbouring garden. This impact would be greater during the winter months, when the sun is lower in the sky.
16. It is clear from the plans, and visiting the site, that the increased height would greatly affect the outlook from the neighbouring property, and reduce some natural light. Visually, the increased northern wall would create an imposing and incongruous bare elevation when viewed from the adjacent house and garden. Therefore, in policy terms I consider that the overbearing impact of the proposal would not be acceptable, particularly with regard to Policy B1 of the Dartford Local Plan, as the development would 'detract from the amenity' of an adjoining property, and could give rise to 'the loss

**Conversion of air-raid shelter to classroom building, St. Alban's Primary School, Dartford – DA/10/347**

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of daylight and sunlight'. It should be noted that the proposed development is to the south of the nearest property and so could interrupt direct sunlight. Although the development would serve to enhance a community facility, Policy CF3 of the Dartford Local Plan indicates that these developments should be considered in light of their impact on residential amenity, and in this instance the proposal could be seen as being not acceptable due to the impact on the neighbouring property.

17. Discussion was entered with the agents regarding the possibility of reducing the height of the rear elevation. The agents stated that this was not possible as the roof needed to be raised to create sufficient internal space, and digging out the floor was not a viable option.
18. The photos in the presentation show the outlook from the neighbouring garden, and give a representation as to the potential impact of the completed development. The applicant has indicated they are willing to finish the building with a 'hipped-end roof' to reduce the impact; however no plans have been received to demonstrate how this would be achieved.

#### Visual Impact

19. The design of the converted building is to retain the existing external walls as much as possible. This is considered a preferable option for development in policy terms as it proposes the reuse of a redundant building, and therefore minimises waste and expense of constructing a new building. Therefore the conversion of the air-raid shelter, in principle, can be seen as acceptable in policy terms and in achieving wider sustainable development objectives. However, the relevant planning policies also indicate that the reuse of buildings must be considered on their merits and must not adversely impact on the amenity of the area, and the enhancement of community facilities must be considered against the impact on the amenity of neighbouring properties.
20. The main change to the shelter is the replacement of the flat roof with a sloping single pitched timber-framed roof. This would result in the northern elevation, abutting the boundaries of the neighbouring properties, to be raised by approximately 1.3m. Whilst the southern elevation facing the playground would not impact visually on the surrounding area, I consider that the raised elevation could adversely affect neighbouring amenity given the proximity of the nearest property.
21. Most of the shelter abuts the rear of the gardens of the properties 31-43 Colney Road. These gardens are 30m long and narrow, and are screened from the school site by mature trees. The majority of the gardens also use the end area to house sheds and greenhouses. Therefore, the raising in height of the shelter would not have a significantly adverse visual impact on the amenity of those properties.

#### Noise

22. The neighbouring resident has expressed concerns that the use of the air-raid shelter would result in increased noise levels close to her garden and rear windows. At present they can hear when the caretaker is using the shelter, due to the proximity to their garden.
23. The applicant has indicated that the construction standards of the building would be improved during the conversion in order to comply with Building Regulations. This would include improved levels of insulation which would dampen noise. Also, the rooms closest to the neighbouring property are designated to be toilets and a kitchen, which

**Conversion of air-raid shelter to classroom building, St. Alban's Primary School, Dartford – DA/10/347**

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would not be used as intensively that the other rooms, and are generally quieter activities than classroom use.

24. On balance, I am satisfied that the noise levels will not impact greatly above what is experienced at present. The air-raid shelter is situated on the school playground, and therefore the neighbouring property invariably experiences noisier activities during the school day as a matter of course. However, in order to minimise this impact, the hours of use of the converted building could be limited by condition, to within normal school hours, so as to prevent any additional disturbance beyond that already experienced.

#### Odour

25. The designation of the western rooms of the converted air-raid shelter as toilets and a kitchen has raised concerns from the neighbour over potential odour issues. The building immediately abuts the garden of the neighbouring property, and is approximately 3m from the nearest downstairs window, and near the kitchen windows. The neighbour is concerned that the ventilation systems from the toilets and kitchen would produce odour which would be noticeable from the garden, and potentially in the kitchen.
26. The applicant has assured that the vents would not be located on the northern elevation, so would not be emitting odours directly towards the property. They are likely to be situated on the western elevation, which is currently used as the storage area for the School's wheelie bins.
27. Whilst the applicant has provided assurances that they are taking steps to prevent any nuisance from odour, any potential impacts could be mitigated or minimised by sufficient ventilation and this could be protected by condition.

#### Trees

28. There are several mature trees along the boundary adjacent to the air-raid shelter, which are significant features of the neighbourhood amenity. Although the application forms indicated that there would be no work to any trees, and that there are none adjacent to the development, it is clear from visiting the site that if the northern elevation of the shelter is to be successfully raised, significant work would need to be done to at least one tree. The photograph in the presentation shows the tree most likely to be affected, and it would appear that the majority of the main branches and trunks to the tree would need to be removed. This tree is also the closest to the nearest neighbour to the development site, and therefore its removal would further impinge upon the residential amenity of this household further to the impacts caused by the increased building height.
29. The situation regarding the tree has been raised with the agents, and they have indicated that they believe the raised roofline would not cause a major disruption to the trees, and that the rear elevation can be pitched to reduce any impact. However, no plans were received to demonstrate how this would be achieved and therefore the reduced impact of a pitched elevation cannot be assessed.

#### Effects of Construction

30. The nearest residential property is situated 2m away from the air-raid shelter, and the occupier has expressed concern relating to negative impacts during the construction

**Conversion of air-raid shelter to classroom building, St. Alban's Primary School, Dartford – DA/10/347**

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phase should the conversion be granted planning permission. The northern elevation of the shelter is proposed to be raised by 1.3m, and this elevation immediately abuts the boundary with the residential property. The resident is concerned that during the construction of the roof, and the raising of the elevation, they will be subject to excessive noise, dust and a loss of privacy. The concerns relate to the fact that the constructors would be overlooking the garden of this property and the windows to the kitchen and dining room, which are only a few metres away.

31. The resident has expressed concerns that construction traffic would use the rear entrance to the playground, accessed via Waid Close. The road is the only access road to the Waid Close cul-de-sac and is used for parking and therefore the neighbour is concerned about disturbance and safety issues.
32. Whilst the effects of the construction phase of a development are not by prescription material to the determination of a planning application, the impacts of this phase can be minimised and mitigated by the imposition of conditions. The agents, acting for the applicant, have indicated that a 'pre-commencement' meeting would be held with local residents in order to create a construction management scheme. The use of the rear entrance via Waid Close has been indicated as the most appropriate access, as the gates are adjacent to the development site. The Divisional Transport Manager has not passed any comments on the application, however conditions can be applied to limit the hours of use of the access along Waid Close by construction traffic, in order to minimise disruption during peak hours.

**Conclusion**

33. The conversion of the air-raid shelter to classroom space would be a prudent use of an underused building, and would enhance the provision of classroom space and contribute to wider sustainable development objectives in accordance with PPS1. However, the raised roof height would result in the rear elevation being increased by 1.3m, which combined with its proximity to a neighbouring residential household, would significantly impact on the amenity, natural sunlight and daylight, and visual outlook from this household. Therefore I consider that the development would not be in accordance with Policies H12, B1 and CF3 of the Dartford Local Plan. The proposed development would also potentially impact on a tree significant to the neighbourhood amenity, and insufficient assurances have been provided to allay these concerns.
34. In principle, the conversion of the air-raid shelter would be welcomed and acceptable on policy terms as long as a design solution can be found that minimises the impact on residential amenity by avoiding the northern elevation being raised.
35. On balance I recommend that permission be refused, as the significant detrimental impacts on the neighbouring property outweigh the enhancement of the community facility and the re-use of the redundant building.

**Recommendation**

14. I RECOMMEND that PERMISSION BE REFUSED for the following reasons:
  - By virtue of the proximity of the shelter to the neighbouring household, the raised elevation would reduce the natural sunlight and daylight enjoyed by the garden and the rear ground floor windows, and would be an oppressive and dominant feature over a residential property, and would therefore not be acceptable under policies H12, B1 and CF3 of the Dartford Local Plan.

## **Item D1**

### **Conversion of air-raid shelter to classroom building, St. Alban's Primary School, Dartford – DA/10/347**

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- The development would be likely to result in the loss or reduction of a tree significant to the neighbouring amenity.

Case officer – Jeff Dummett
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01622 221975
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Background documents - See section heading
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## **Erection of a covered link and awning, and the installation of fencing at Worth Primary School, The Street, Worth - DO/10/414**

A report by Head of Planning Applications Group to Planning Applications Committee on 27 July 2010

Application by Worth Primary School and Kent County Council, Children Families and Education for the erection of a covered link and awning, and the installation of 1.8 metre high black bow top fencing at Worth Primary School, The Street, Worth, Deal- DO/10/414

Recommendation: Permission be granted subject to conditions

Local Member: Mr. Leyland Ridings

Classification: Unrestricted

### **Site**

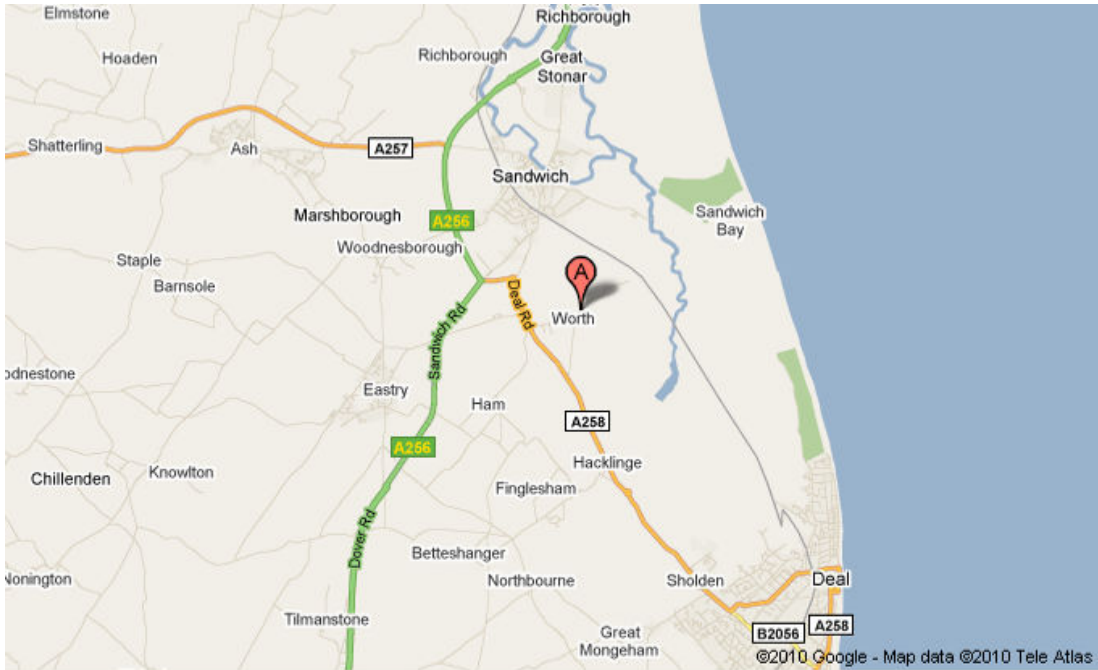
1. Worth Primary School is situated within a residential area in the rural village of Worth, between the towns of Deal and Sandwich. Part of the village, including the site, has been designated as a Conservation Area and there are a number of Listed Buildings in the vicinity, including Worth Farmhouse located north east of the school. The school site is located in the centre of the village with the main road through the village passing the school to the south and residential development adjoining the northern and eastern boundaries. A site plan is attached.

### **Background and proposal**

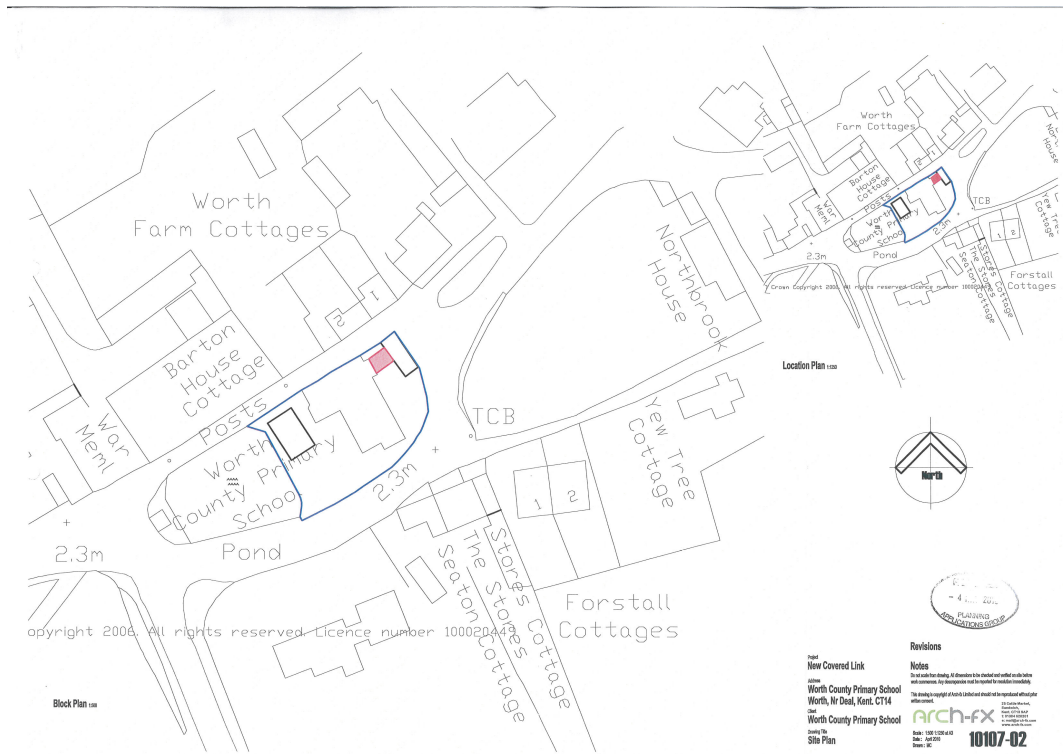
2. The proposal is to erect a covered link between the main school building and an outbuilding containing the secretary and headteacher's office, and to place an additional window on the south elevation of the secretary's office. The purpose of the scheme is to provide shelter when travelling between the two buildings and to allow visitors and parents to talk to staff without being exposed to the elements. The proposed works would also include the relocation of a door to the school building, directly opposite the office and installation of a retractable awning over the east facing window of one of the classrooms. As part of the scheme, the applicant also seeks to replace the existing chain-link fencing along the northern boundary with 1.8 metre high black metal bow-top fencing. The applicant states that the developments outlined above would significantly improve security on the site, securing the main entrance to the school, which has been identified by the school and Ofsted as a weakness.
3. Permission was granted in 2006 for a link corridor of brick construction under planning permission DO/06/517. Unlike the scheme being discussed in this report, the permission granted was for a fully enclosed link. The applicant found the construction cost of the former proposal to be too expensive and therefore has submitted the revised design for determination.

**Erection of a covered link and awning at Worth Primary School, The Street, Worth**

**Site map**



**Site plan**



**Erection of a covered link and awning at Worth Primary School, The Street, Worth**

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**Planning Policy**

4. (i) **Planning Policy Statement 5: Planning for the Historic Environment**

**Policy HE7:** Takes into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration should include scale, height, massing, alignment, materials and use.

(ii) **Dover District Adopted Core Strategy (February 2010)**

**Policy CP1:** Seeks to ensure that the location and scale of development in the District is appropriate by complying with a settlement hierarchy and expects development in rural villages to reinforce its role as a provider of services to the immediate community.

**Policy CP6:** Expects both the applicant of infrastructure provision and the determining authority to consider if existing infrastructure can be used more efficiently, including capacity improvements for primary schools to support housing growth within the District.

**Policy DM16:** Development that would harm the character of the landscape will only be permitted if it incorporates any necessary avoidance measures, including measures to mitigate design elements to an acceptable level, or if developments can be sited to avoid or reduce harm.

**Consultations**

5. **Dover District Council** raises no objection to the proposal.

**The County Council's Conservation & Design Architect** attended a site visit prior to submission of the application to offer guidance on the proposal. He raises no objection to the proposal.

**Worth Parish Council** was consulted on this application and has raised objection on the following grounds;

- The roof material would block or limit light to the neighbouring cottages. They felt this could be addressed using clear materials.
- The proposed development is within the Conservation Area of Worth Village. Members consider that the development would adversely affect and impact on the visual amenity of the Conservation Area of Worth, which they consider to be the most attractive part of the village.

**Local Member(s)**

6. The local County Member, Mr L. Ridings, was notified of the application on the 10 May 2010.

### Erection of a covered link and awning at Worth Primary School, The Street, Worth

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#### Publicity

7. The application was publicised by the posting of a site notice and the individual notification of 7 nearby residential properties. The application was also advertised in the local press because the site is within a Conservation Area and there are Listed Buildings nearby.

#### Representations

8. There have been no representations received in response to the application.

#### Discussion

##### Introduction

9. This proposal has arisen out of the applicant's desire to provide a covered walkway between the school building and the additional building, which houses both the secretary and headteacher's office. The proposal is also partly governed by requirements from Ofsted to provide safe and secure learning environments for pupils. In a recent inspection of the School, the front entrance was identified by Ofsted as an area of concern and this has also been expressed by parents in official Ofsted questionnaires. Therefore, the measures proposed are integral to the School's compliance to meet several of Ofsted's requirements to ensure safeguarding. There are also issues relating to the material proposed for the roof of the link and its appropriateness for a Conservation Area and the effect on light for neighbouring properties.

##### Planning history

10. As briefly mentioned in paragraph (3), planning permission was granted in 2006 for a link corridor and extension forming a staff room. That scheme was a fully enclosed design and of brick construction. That application received no objections from either statutory consultees, including Worth Parish Council, or residents in neighbouring properties. Other recent applications at the school have included alterations to windows and doors.

##### Design, and impact on visual and residential amenity

11. Worth Primary School is situated within the Worth Conservation Area and therefore any development has to be carefully considered so as not to compromise its character and appearance. Planning policy supports development that conserves and enhances the special character of the Conservation Area. The school building dates back to the late to mid Victorian era and has undergone numerous conversions over time. The outbuilding was converted into its current form at the end of 1990's. The area is characterised by narrow streets and a number of historic buildings some of which are listed. There would be no direct impact from the development on the setting of any of the Listed Buildings but the development would affect the character and appearance of the Conservation Area, in general, and more particularly the views of the unlisted properties, known as Worth Farm Cottages, opposite the school to the north. The

## Item D2

### Erection of a covered link and awning at Worth Primary School, The Street, Worth

Parish Council has raised objection to the development as set out in paragraph (5) above including on the grounds that it considers the roof material would affect the daylight to the property opposite and that there would be an adverse impact on the Conservation Area.

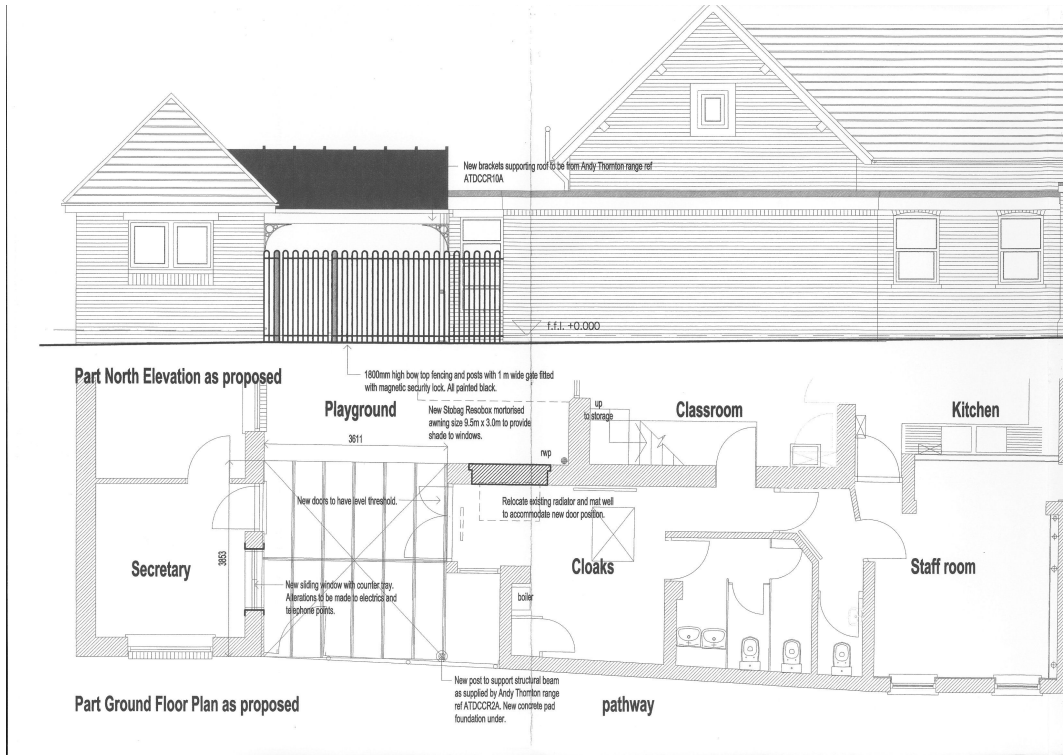
- The main component of the proposal is the covered link which measures 3.6 metres in length and 3.8 metres in width, with a ridge height of 3.9 metres. Use of a standing seam roofing system in a dark grey colour is proposed. This is intended to give the appearance of lead without the obvious expense and weight. Furthermore, the link has been engineered specifically to minimise the use of posts or legs down on to the floor, ensuring that the sides are left open. Whilst the roof would introduce some closing of the gap between the two school buildings, it is 850mm lower in height and would be less imposing than the brick design permitted previously which closed the gap completely. Although it would change views of Worth Farm Cottages when viewed between the two school buildings, and the outlook from these properties across the school site, I do not consider that this would justify refusing planning permission. Moreover, the southern boundary of the school is demarcated by a combination of chain-link fencing and railings, and there are various structures in the playground which interrupt the view, as demonstrated in the photograph above. Views of the covered link from elsewhere would be limited and therefore I do not consider that overall it would have an unacceptable visual impact on the character and appearance of the Conservation Area.

Photograph of School entrance



**Erection of a covered link and awning at Worth Primary School, The Street, Worth**

**Proposed north elevation and ground floor plan**



**Photograph of the southern School boundary**



**Erection of a covered link and awning at Worth Primary School, The Street, Worth**

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13. The suggestion of the Parish Council for the link roof to be constructed of glass or a transparent plastic will be noted. However whilst the Conservation and Design Architect has raised no objection to the roof covering proposed he considers that if covered in glass or transparent plastic it would be out of keeping with the school buildings and the Conservation Area. There have been no representations from the adjoining Worth Farm Cottages to the proposal. The applicant has stated that the use of glass or a translucent material was considered but these options were ruled out due to cleaning difficulties and potential light pollution. In the latter respect, the applicant's agent points out that any under canopy lighting may actually cause greater intrusion to the neighbouring cottages. In my view, the addition of the covered link is unlikely to have any significant impact on daylight to the adjoining cottages particularly bearing in mind that it does not project beyond the footprint of the existing school buildings, is lower in height and smaller in scale.
14. The other elements of the proposal include a motorised retractable awning over the east facing classroom windows measuring 9.5 metres by 3 metres, relocation of a doorway, a new sliding window to the secretary's office and erection of a replacement section of fencing between the two school buildings being linked. Only limited details of the awning have been provided and although no specific objections have been raised to this element of the proposal, I have requested additional details about its visual appearance to be satisfied that it is acceptable. I will report verbally on these at the Committee Meeting. The relocation of the doorway and new window are in my view acceptable and would not materially affect the external appearance of the building. The proposed fencing would replace existing railings and chain link fencing and a gate, that have an overall height of about 1.7 metres, with bow top railing type fencing of 1.8 metres in height. At the request of the Conservation and Design Architect, the School are intending to reuse the existing fence posts, which he has described as 'attractive and unusual', during installation of the new bow top fencing to ensure that the character of these is retained. Overall the new section of fence should provide a visual improvement over that which it would replace, and therefore I would not raise an objection in terms of its visual impact on the Conservation Area providing it is painted in black. That could be covered by condition.

**Conclusion**

15. The applicant's reasons for the link and associated works will be noted. I am of the opinion that the erection of the proposed link would not have a detrimental impact on the setting of the school within the Worth Conservation Area, nor unduly impact on neighbouring properties and Listed Buildings in particular. Subject to the further details of the awning, I consider the other elements of the development would also be acceptable, and would therefore see no reason to raise a planning objection to the proposed scheme and consider that it would accord with the general aims and objectives of the Development Plan policies. Accordingly, I recommend that planning permission be granted subject to conditions.

**Erection of a covered link and awning at Worth Primary School, The Street, Worth**

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**Recommendation**

16. SUBJECT TO the further details of the awning being acceptable, I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions to cover the following aspects:

- the standard time limit;
- the development to be carried out in accordance with the submitted details, plans and specifications;
- control over the roofing material and colour; and
- the fencing to be finished in black.

Case officer – Jo Ritter	01622 696100
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Background documents - See section heading
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**1) External Lighting of the Core Activity park (GR/10/463)**  
**2) Clarification of use with particular regard to major events (GR/10/464)**  
**at the A2 Activity park Scheme from the Pepper Hill Junction to the Marling Cross Junction, Gravesend**

A report by Head of Planning Applications Group to Planning Applications Committee on 27 July 2010.

Two applications submitted by Kent County Council for:

- 1) External lighting including the tarmac cycle track, BMX race track, multi use games area (MUGA) and skate park (GR/10/463); &
- 2) Clarification of the usage of the park with particular reference to major events (GR/10/464); at the A2 Activity Park located between the new A2 and the redundant A2 Watling Street from the Pepper Hill Junction to the Marling Cross Junction, Gravesend.

Recommendation: that PERMISSION BE GRANTED for both applications, subject to conditions.

**Local Member: Mr M. Snelling**

**Classification: Unrestricted**

**Site and Background**

1. The A2 Activity Park planning application (GR/09/440) was considered by Members of the Planning Applications Committee on the 18 August 2009, and was subsequently granted planning permission on the 15 September 2009. The Activity Park is located between the Pepper Hill and Marling Cross junctions of the A2 at Gravesend. The recently completed A2 Widening Scheme created an open landscaped area of redundant carriageways and adjacent agricultural land which is sandwiched between the southern edge of the residential areas of Gravesend and the new A2. The linear Activity Park occupies an area of 46 ha between the A2 junctions of Pepperhill and Marling Cross, to the north of the new A2 carriageway and to the south of the urban edge of Gravesend. The site is 5km long and at its widest, adjacent to Morrison's Supermarket, is 230m wide. The old redundant A2 carriageway runs parallel to the edge of the residential area of Gravesend and now forms part of the cycle routes. In addition, the approved Activity Park pavilion building and car park would be built upon the old carriageway. The remainder of the site consists of newly landscaped open space and agricultural land, which is crossed with newly created paths and cycleways, and is open at all times to members of the public for recreational use. The approved Activity Park would retain and supplement this, in addition to providing a *Core Activity Park*. Apart from the redundant A2 carriageway, the application site is within the Metropolitan Green Belt. However, due to the nature of the development proposed, this application has not been advertised as a Departure to Development Plan Policy. This will be discussed in more detail in the discussion of this report.

Contents of the approved A2 Activity Park

2. The approved activity park provides a 46 hectare high quality, traffic free, multi-use facility for cycle circuits, time trials, mountain bikes, BMX and skate boarding. The facility will, when constructed, provide dedicated facilities for local and national running and cycling, alongside informal walking, running and cycling and an equestrian route, all



**1) Floodlighting of the Core Activity Park - GR/10/463 &  
2) Clarification of use, with particular regard to major events -  
GR/10/464, at the A2 Activity park, Gravesend.**

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set within a landscaped and managed parkland accessible to the local community. The Activity Park has two main functions and will be managed as a whole from the pavilion.

Both functions are to be served by the same access and parking arrangements. The two functions are:

- The Core Activity Park: this is located on the larger agricultural land parcel between Downs Road and the Tollgate Junction. It is available to all members of the community and operates to appeal to all ages and abilities. It is a clearly defined fenced area with the pavilion building forming a part of the secure boundary line. The secure boundary of the site will enable activities in the core area of the park to be well managed.
  - A park with open access: The remainder of the Activity Park is open to members of the community at all times and includes the footway/cycleway and associated landscaped area created by the Highways Agency that stretches from the Pepperhill Junction to the Marling Cross Junction. It also includes the areas of land sandwiched between the old and new A2 corridors to the east of the Tollgate Junction, and the parcel of agricultural land to the east of the Tollgate Hotel.
3. A key aspect of the Core Activity Park is the pavilion building with café/restaurant, youth drop in and meeting facility, gym, cycle hire storage, British Cycling training centre, workshops, multi use space for dance, education and music, and a reception area. The pavilion leads to a series of functional spaces and the formal 2.8km tarmac cycle track, which is 6m wide on average, and can be broken down into four smaller tracks, all of which can function at the same time or as varied combinations. In addition, mountain bike trails run all over the Core Activity Park, segregated from the main track by basic underpasses. The tracks will be set in a landscape of grassland and tree and shrub planting. The Core Activity Park also provides a BMX track, free ride area, skate park, skills zones for mountain biking, down hill tracks, in line skating facilities, a Multi Use Games Area for informal outdoor sports and a play area designed for younger children.

#### Access and Car Parking

4. The Activity Park has a single dedicated point of vehicular access, via the old A2 coast bound on-slip, which is currently used to access the Tollgate petrol station and residential properties, and forms the eastern arm of the A227 Wrotham Road/Coldharbour Road Roundabout. A priority junction has been constructed to join the access road to the old coast bound on-slip, with appropriate visibility splays. The access road will provide access to the main car park and pavilion. The parking provision for the Activity Park also includes the construction of a small satellite car park at the eastern end of the scheme, accessed via Church Road. In total the main car park will provide 170 tarmac car parking spaces, of which 17 would be allocated as disabled spaces, 18 motorcycle parking spaces, 5 coach spaces and 80 cycle spaces. An overspill car park of 167 spaces would also be provided and a further 20 spaces would be provided in the satellite car park. Various existing access points for pedestrians and cyclists are located along the parks northern boundary, including controlled vehicular access points for service vehicles. Access points are located at the Pepper Hill Junction, Downs Road (accessed via Landseer Avenue), adjacent to the Tollgate Filling Station, Watling Street, and on Hever Court Road, including an access adjacent to the Marling Cross Junction.

## Item D3

### **1) Floodlighting of the Core Activity Park - GR/10/463 & 2) Clarification of use, with particular regard to major events - GR/10/464, at the A2 Activity park, Gravesend.**

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#### Hours of Use

5. The main Activity Park is open 24 hours a day all year round for general recreational and leisure uses. However, conditions of consent limit use of the Core Activity Park to between the hours of 7.00am and 10.00pm. The pavilion building and associated car parking will be open from 7.00am until 11.00pm. The additional hour in the evening is to allow club meetings or classes for various activities to take place, and would enable users of the outdoor areas to shower and clear the site safely.

#### Type of Use

6. The use of the site is for predominately everyday recreational access and what the applicant terms a 'typical weekend event'. The applicant considers that a typical weekend event would occur approximately 40 times each year and would involve a 'non major event' being held on the cycle track or mountain bike track within the enclosed Core Activity Park, with average use of the other park facilities. It is anticipated that a 'typical weekend event' would attract approximately 424 visitors per day to the site, generating approximately 165 motor vehicle trips per day. However, when the planning application for the Activity Park was submitted the applicant also proposed to hold a limited number of 'major weekend events' at the site, which would involve mainly local, but sometimes regional, competitions. It was anticipated that a 'major weekend event' would attract approximately 1100 visitors per day to the site, generating approximately 455 motor vehicle trips per day.
7. At the time of considering the Activity Park application in August 2009, Kent Highway Services were unable to assess the suitability of the site and the local highway network to accommodate a 'major weekend event' due to a lack of survey work. Additional information was required, including a 'Major Event Travel Management and Parking Management Strategy', regional and national level survey information taken at a comparable site, an assessment of key junctions, survey work with regards to the cycle and highway network, and details of any works required as a result of these surveys. At the time of determining the Activity Park planning application, the applicant was unable to provide the required information due to the time needed to undertake survey work at a newly opened similar facility, and then relate this to the A2 Activity Park site, and assess. In light of this, it was agreed that 'major weekend events' should be considered as a separate planning application to be submitted in the future.

#### Restrictions imposed upon the Activity Park planning permission with regard to use

8. Therefore, in the planning permission for the A2 Activity Park conditions of consent ensured that no 'major weekend events' could be held at the site until such time as a separate planning application had been submitted to, and permitted by, the County Planning Authority. The planning permission also limited the use of the site to the number of participants and spectators expected for a 'typical weekend event' with regards to cycling, so that no more than 100 participants and 50 spectators could use the Core Activity Park per day. Conditions 3 & 4 of the planning consent (GR/09/440) are as follows:

*3. No major events shall be held at the site until such time as a planning application for such events is submitted to and permitted by the County Planning Authority.*

## Item D3

### **1) Floodlighting of the Core Activity Park - GR/10/463 & 2) Clarification of use, with particular regard to major events - GR/10/464, at the A2 Activity park, Gravesend.**

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*Reason: In the interest of highway safety and local residential amenity.*

4. *For the purposes of condition 3 above, a major event is defined as a cycling event which would involve more than 100 participants and 50 spectators entering the Core Activity Park on any one day.*

*Reason: For clarity and avoidance of doubt and in the interests of highway safety and local residential amenity.*

Therefore, only 'typical weekend events' and everyday use of the facility were approved at that time.

#### External Lighting

9. The planning application for the Activity Park proposed amenity/security lighting around the pavilion and along the link to the activity area and the car park to provide safe passage for users of the facilities. Further details of this lighting were required pursuant to planning condition, and have recently been submitted for consideration. However, the applicant also proposed that the BMX area, MUGA, and Skate Park, as well as other facilities within the Core Activity Park required lighting which was to be designed to be appropriate for the facility/activity and in accordance with industry standards. The requirement for lighting also applied to the tarmac track within the Core Activity Park, which as a training facility, would be treated and lit as a standard road.
10. At the time of considering the Activity Park planning application, very few details had been provided with regard to the external lighting of the Core Activity Park as specific lighting designs could not be finalised until the detailed design of some individual elements was complete, e.g. the skatepark. Due to the lack of detailed lighting specifications, the impact of the lighting on residential amenity, and the landscape, bearing in mind the site's Green Belt location, could not be adequately assessed.

#### Restrictions imposed upon the Activity Park planning permission with regard to external lighting

11. In light of the lack of detail in the planning application for the A2 Activity Park two planning conditions relating to lighting were imposed on permission GR/09/440. Conditions 8 & 9 of the planning consent (GR/09/440) are as follows:
  8. *No external lighting within the Activity Park, including the Core Activity Park, should be installed, other than external lighting/security lighting of the pavilion and car parking areas (details required pursuant to condition 7); the existing cycle/footpaths and/or bridle ways shall not be lit until such time as a planning application for such lighting is submitted to and permitted by the County Planning Authority.*

*Reason: In the interests of visual amenity and local residential amenity.*

9. *All lighting on site, except for security lighting of the pavilion and car park, shall be extinguished by 10pm, or 15 minutes after last use of the facility, whichever is the sooner.*

*Reason: In the interests of local residential amenity.*

## Item D3

### **1) Floodlighting of the Core Activity Park - GR/10/463 & 2) Clarification of use, with particular regard to major events - GR/10/464, at the A2 Activity park, Gravesend.**

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#### **Proposal**

12. In light of the planning conditions outlined above and imposed upon the planning permission for the A2 Activity Park, the following two separate planning applications have been submitted to the County Planning Authority for consideration and will be discussed throughout this report:

GR/10/463 – External lighting including the tarmac cycle track, BMX race track, multi use games area (MUGA) and skate park.

GR/10/464 – clarification of usage of the park with particular regard to major events.

The first of the two planning applications has been submitted in response to condition 8 of the Activity Park planning permission, which states that no external lighting of the Activity Park, including the Core Activity Park, shall be installed until such time as a separate planning application is submitted to and approved by the County Planning Authority. The second of the applications has been submitted in response to condition 3 of the consent, which states that no major events shall be held at the site until such time as a planning application for such events is submitted to and approved by the County Planning Authority. For the avoidance of doubt, a major events is defined as a cycling event which would involve more than 100 participants and 50 spectators entering the Core Activity Park on any one day. The following will detail each application in turn:

#### **GR/10/463 – External Lighting**

13. This application proposes the external lighting of the facilities within the Core Activity Park only. No additional lighting is proposed within the wider Activity Park itself. The Core Activity Park is carefully sited to minimise impacts on local residents, primarily located to the south of Morrison's Supermarket. This location was considered in the determination of the Activity Park planning application and was deemed to be the least intrusive location within the site. In addition to being to the south of a retail outlet, existing mitigation along the old A2 corridor, including extensive landscaping and acoustic fencing, also aid in screening the Core Activity Park.
14. The design objectives for the lighting proposals are to create a high quality, safe and pleasant environment that is cost effective, maintainable and energy efficient. The applicant states that the lighting scheme has been designed to minimise light spill and to comply with the relevant Chartered Institute of Building Services Engineers (CIBSE) guidance and with Institute of Lighting Engineer's (ILE) guidance notes for the reduction of obtrusive light. In addition, levels would comply with British Cycling standards for the BMX and Cycle Track, and Sport England standards for the MUGA.
15. The lighting would only be required for the following elements of the Core Activity park:
- Tarmac race track;
  - BMX track;
  - Multi use games area (MUGA); &
  - Skate park.
16. Each of the 4 elements are proposed to be lit in accordance with the following details:

**1) Floodlighting of the Core Activity Park - GR/10/463 &  
2) Clarification of use, with particular regard to major events -  
GR/10/464, at the A2 Activity park, Gravesend.**

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Tarmac Track

It is proposed to light the track with 10 metre high galvanised tapered columns at approximately 27 metre centres. The luminaires would be fitted with 140w lamps, to achieve a minimum maintained lux level of 22.5 on the track surface.

BMX Track

It is proposed to install four columns along the length of each side of the track, giving eight columns in total. Columns would be 15 metres high, and the applicant advises that this would achieve the best and most efficient light spread for the sport, given the undulating profile of the track. Each galvanised column would accommodate two 2000w luminaires, fitted at a 0 degree angle, to achieve a minimum maintained lux level of 200 at the track surface.

Multi Use Games Area

Four 8 metre high galvanised columns would be positioned at each corner of the MUGA, with 1000w luminaires tilted at 5 degrees from horizontal. The lighting is designed to achieve a minimum maintained lux level of 200 at the playing surface, suitable for large ball sports.

Skate park

Five 8 metre high columns would be positioned around the edge of the skate park, each accommodating two 240w lamps, tilted at 7 degrees from horizontal. The lighting is designed to achieve a minimum maintained lux level of 50, which the applicant advises is suitable for all non ball activities.

17. The applicant advises that the use of the lighting would be limited to the darker months of September to April, and within this period, is unlikely to be used in poor weather conditions. Furthermore, it is not the applicants intention to use all of the facilities all of the time with lighting. Hours of use would accord with those imposed on the Activity Park planning permission (GR/09/440, conditions 9 & 28), in that all lighting must be extinguished by 10pm or within 15 minutes of the last use, whichever is the sooner.

*This application was accompanied by a Planning Application Report, a Design and Access Statement, various figures, Lighting Spill Diagrams and Technical Data, letters of support, and Visual Impact Tables.*

**GR/10/464 – clarification of use, with particular regard to major events**

18. This planning application has been submitted to gain approval for major events at the site, defined in condition 4 of the Activity Park planning permission as a cycling events which would involve more than 100 participants and 50 spectators entering the Core Activity Park on any one day. This planning application relates to use of the approved Activity Park only, and does not propose any built development of any kind. Only the transport and access arrangements require clarification, and this will be discussed and assessed throughout this report. The additional information that was not available for assessment at the time of determining the Activity Park planning application, including a 'Major Event Travel Management and Parking Management Strategy', regional and national level survey information taken at a comparable site, an assessment of key junctions, survey work with regards to the cycle and highway network, and details of any works required as a result of these surveys, has been submitted with this planning application.

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19. The applicant expects that major events would become an important and exciting part of the Activity Park. Examples of typical major events that are being hosted at similar facilities include British Cycling's National Youth Circuit Race (held at Redbridge in Essex) and Gosport Regional BMX event. It is expected that the Activity Park would host similar events to these.
20. Major events are proposed to be held at the Activity Park on weekend/holiday periods only, and would comply with the restrictions imposed on hours of use (condition 28 of consent reference GR/09/440), to between the hours of 07.00 and 22.00 with regard to the Core Activity Park, and until 23.00 with regard to the pavilion and associated car parking.
21. The applicant, as part of the Major Events Transport Assessment, has developed seven 'visitor case scenarios':-
- Case 1: Event (not a major event) on cycle track or mountain bike track, plus average use of other facilities.
  - Case 2: 'Fine summer evening' – event on cycle track plus 100% above average use of the other facilities.
  - Case 3: Major event plus average use of other facilities.
  - Case 4: 'Major event weekend' – major event plus 100% above average use of other facilities.
  - Case 5: 'Big weekend 1' – major event with 20% additional competitors and 50% extra paying spectators plus 100% above average use of other facilities.
  - Case 6: 'Big weekend 2' – major event with 20% additional competitors and 100% extra paying spectators. *This represents the worse case scenario.*
  - Case 7: Ordinary weekday afternoon or evening.
22. The Major Events Transport Assessment goes on to state that major events (exceeding 100 participants and 50 spectators (cases 3 – 6)) would occur no more than 22 times a year, at weekends and holiday periods only. The frequencies for each case could be broken down as follows:
- Case 3 - approximately 8-18 days per year;
  - Case 4 – approximately 3-8 days per year;
  - Case 5 – approximately 1-4 days per year;
  - Case 6 – approximately 0-3 days per year;

The projected visitor forecasts associated with the major event cases are shown in the table below:

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User Type	Visitor Type	Visitor Numbers by Case			
		Case 3	Case 4	Case 5	Case 6
Major Event	Participants	150	150	180	180
	Non paying spectators	75	75	90	90
	Paying spectators	300	300	450	600
	Centre staff and event officials	40	40	50	50
	<b>Total</b>	<b>565</b>	<b>565</b>	<b>770</b>	<b>920</b>
Public Session Users (Non Event)	Participants	50	100	100	40
	Spectators	24	48	48	8
	<b>Total</b>	<b>74</b>	<b>148</b>	<b>148</b>	<b>48</b>
Recreation (Average Summer Day)	Walkers	75	75	75	75
	Cyclists	45	45	45	45
	<b>Total</b>	<b>120</b>	<b>120</b>	<b>120</b>	<b>120</b>
Café Users	150 seats/100m <sup>2</sup> (Vehicle Trips with 75% linked trip reduction)	9	9	9	9
<b>Total Visitors</b>		<b>768</b>	<b>842</b>	<b>1047</b>	<b>1097</b>

23. The applicant states that if a major event is scheduled no other conflicting events would be booked at the same time. The public session users would be using parts of the facility which are not in use for a major events, and the applicant states that these are 'non events' which can be carefully managed. In addition, the largest of the major events would last the whole day whereas a public session would last on average about 1.5 hours.
24. The car parking already permitted for the A2 Activity Park includes a small 20 space satellite car park at the western end of Church Road, for use by recreational visitors, and a main car park to the east of the pavilion building. The main car park encompasses a tarmac car park, providing 170 spaces, and an overspill car park providing a further 167 spaces. In addition, 18 motorcycle parking spaces, 5 coach parking spaces and 80 cycle parking spaces are provided. As outlined in the main Activity Park planning application, it is proposed to charge for car parking within the park, either on a vehicle by vehicle basis or as part of the entry fee. There is no charge for short stay visitors to reflect local/community park usage. The 'Framework Major Event Travel Plan and Traffic and Parking Management Strategy' submitted with this application proposes a range of measures to ensure that the car park is operated efficiently and that overspill car parking does not occur on local roads. Cycling, walking and access by public transport is also encouraged and detailed within the submitted documentation.
25. The submitted 'Major Event Transport Assessment' concludes that the proposed development has been assessed within the national, regional and sub-regional context, and conforms to all these policies. The development has also been appraised in relation to accessibility, safety, environmental, economic and integration objectives, as set out in the latest DfT Transport Assessment Guidelines.

*This application was accompanied by a Planning Application Report, a Design and Access Statement, and Transport Assessment, with appendices including a 'Major Event Travel Plan and Traffic and Parking Management Strategy'.*

*Copies of a site plan will be on display in the Committee Chamber on the day of the meeting.*

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**Planning Policy**

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

(i) **Planning Policy Guidance and Statements:**

<b>PPS1</b>	Delivering Sustainable Development
<b>PPG2</b>	Greenbelt
<b>PPS7</b>	Sustainable Development in Rural Areas
<b>PPG13</b>	Transport
<b>PPG17</b>	Planning for Open Space, Sport and Recreation

(ii) **Gravesham Local Plan First Review (adopted 1994):**

**Policy TC1** - The Borough Council will not normally permit proposals for new development which cause harm to interests of acknowledged importance. Applications will be considered in accordance with a number of design principles including the appropriateness of scale and massing, use of good quality materials, the design respecting the character and appearance of existing buildings, and safeguarding the amenity of neighbouring properties.

**Policy TC7** – On archaeological sites where permanent preservation is not warranted, applications will normally be refused unless arrangements have been made by the developer to ensure that time and resources are available to allow satisfactory archaeological investigation and recording to take place in advance of or during development.

**Policy TC10** -The Borough Council will normally require the submission of details of the landscaping proposed and will use its powers to ensure such landscaping is implemented.

**Policy GB2** - There will be a strong presumption against permitting new development in areas subject to Green Belt policies.

**Policy LT1** – Suitable facilities for formal and informal recreation will be permitted at appropriate locations in the urban area and in the villages, having regard to an identified need for such facilities and subject to compliance with other policies of the Local Plan. Suitable facilities for informal recreation and formal outdoor recreation will be permitted in the Countryside where it can be demonstrated that this would be compatible with Green Belt and Countryside Conservation Policies.

**Policy LT8** - The Borough Council will aim to maintain and improve the existing public rights of way network and as opportunities arise,

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it will seek to provide new recreational footpaths, cycleways and bridleways in the Borough.

**Policy T1** - The Local Planning Authority will consider the impact on the transport system and on the environment of traffic generated by new development and would wish to ensure that all proposed developments are adequately served by the highway network.

**Policy P3** - The Borough Council will expect development to make provision for vehicle parking, in accordance with Kent County Council Vehicle Parking Standards.

#### **(iii) Gravesham Local Plan Second Review (deposit version 2000):**

**Policy T1** - In considering development proposals, the Local Planning Authority will consider the impact of the generated travel demand on the transport system as a whole, and on the environment.

**Policy T7** - The Borough Council will encourage the use of cycles as a means of travel for short and medium distance trips and for recreation.

**Policy T8-** The Borough Council will encourage the maintenance and enhancement of the network of footways, footpaths, bridleways and other public access routes throughout the urban and rural areas.

**Policy T16** - Provision will be made for vehicle parking in accordance with the Kent County Council Vehicle Parking Standards.

**Policy NE6** - Development on sites containing or directly adjacent to trees or hedgerows of amenity, wildlife or landscape value will only be allowed if these landscape features are protected and retained in the long term. All new proposals for new development must incorporate new landscaping as an integral part of the scheme.

**Policy NE7** - The Borough Council will encourage the implementation of wildlife enhancement initiatives and the planting of new landscaping in suitable locations to improve the ecological resource and the appearance of the environment.

**Policy NE16** - Development likely to result in emissions to the air, by reasons of operational characteristics or the traffic generated by it, will require submission of details to enable a full assessment of the impacts on air quality to be carried out.

**Policy NE19** - Proposals for noise generating development will require a full assessment of the impact.

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**Policy NE20** -Development involving the provision of external lighting will require the submission of details to demonstrate that the proposed lighting scheme is the minimum necessary for security, safety and working purposes, taking into account the design of the scheme.

**Policy BE1** - The Borough Council will give priority to conserving and enhancing the built environment in both the urban and rural areas.

**Policy BE12** -A high standard of layout, design and materials will be expected for all new development. The Borough Council will not normally permit proposals for new developments which cause harm to the interests of acknowledged importance. Applications will be considered against a number of criteria.

**Policy RA2** - Within the Green Belt, inappropriate development will not be permitted.

**Policy LT9** - Land is safeguarded for new recreational or public open space use at – land between the A2 and CTRL south of Singlewell.

**Policy LT12**- Proposals to improve and extend the existing public rights of way network will be positively encouraged where they either provide a shorter or more convenient route, or improve access to the countryside.

*Members should note that the South East Plan has been revoked and no longer forms part of the Development Plan.*

## **Consultations**

### **27. Gravesham Borough Council:**

GR/10/463 - floodlighting – no objection raised. The following comments were made:

“The Borough Council would request that the proposed external lighting is properly installed in accordance with the manufacturers instructions to ensure that there is no stray light or glare to local residents or road users, that it is designed to ‘best practical means’ standards, that it is thereafter properly maintained at all times, that the need for any additional mitigation by way of planting or mounding is considered and implemented following installation and that the lighting is not subsequently altered or additional lighting installed without prior written permission.”

GR/10/464- major events – no objection raised. The following comments were made:

“The Borough Council requests that an upper limit is placed on the number of major events per year, that monitoring of such events in terms of noise and traffic generation is carried out for at least the first two years following the implementation of such events and the results of that monitoring exercise be made known to the Borough Council and that the ‘Major Event Travel Plan and Traffic and Parking and Management Strategy’ initiatives are implemented from the outset.”

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### **Cobham Parish Council:**

GR/10/463 - floodlighting – not consulted due to the nature of the development.

GR/10/464- major events – has concerns about the position of the access at Marling Cross, on a bend of the road with restricted sightlines. The Parish Council is also concerned about additional traffic that may be generated on roads through Henhurst, Cobham and Sole Street.

### **Southfleet Parish Council:**

GR/10/463 - floodlighting – no comments received too date.

GR/10/464 – major events – no comments received too date.

### **The Divisional Transport Manager:**

GR/10/463- floodlighting – no objections raised.

GR/10/464 – major events – states that the ‘Major Event Travel Plan and Traffic and Parking Management Strategy’ has been agreed in principle with Kent Highway Services, having been subject to detailed discussions over an extended time period leading up to the submission of this application. Kent Highway Services therefore has no objection to the application, although the following should be noted:

“Reference is made within the ‘mitigation’ section of the aforementioned Strategy document of the potential for a financial contribution to be made to KHS in respect of local parking restriction measures and/or TROs, should parking capacity problems be encountered in relation to major events (this is one of a number of potential mitigation measures on offer). Whilst the level of contribution could clearly not be calculated in advance of knowing the scope of the necessary potential work, assurance is sought that should such an eventuality occur, the presence of this requirement within the strategy document is enough to ensure that the need for such a contribution could be enforced through the planning process.”

### **The Highways Agency:**

GR/10/463 - floodlighting – not consulted due to the nature of the development.

GR/10/464 – major events – raises no objection subject to conditions securing the safeguards and commitments given within the ‘Major Event Travel Plan and Traffic and Parking Management Strategy’.

### **The County Council’s Landscape Advisor:**

GR/10/463 - floodlighting – comments as follows:

“The receptors with views (from upper floor windows only) towards the site currently see the site against a complex tangle of overhead gantries, lighting columns and lanterns on the A2 together, with a tall radio mast with pylons crossing the landscape beyond. The proposals would initially slightly increase the overall extent of light visible during the evening (when in use), and the tops of the columns may just be visible during daylight hours. However as the planting within the A2 Activity Park matures, views towards both the lit areas within the Activity Park and on the A2 would diminish. The large existing retained mounds along the existing cycle/footway, and the additional planting in this location, would provide instant screening for local visual receptors.

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Therefore it is not considered that there would be any significant visual impacts as a result of the lighting proposals from either the lighting columns or light spill.

The 'openness' of the existing site will change over the next fifteen years from an area dominated by the landform and long open views over grasslands to a more internally focused series of open spaces within a 'parkland' setting of tree groups and woodland areas. The presence of the proposed lighting columns would be the most extensive of the new vertical elements (which also include fencing, play structures and elements within the skate park) that could affect the character and openness of the core Activity Park relative to the other elements of the proposal. Mounding and tree planting within and around the perimeter would break up the number of visible columns, and the areas from which the columns would be visible. Tree and shrub planting would also reduce the impact of the columns within the spaces.

In terms of the changes to character that would take place on completion of the Activity Park, it is considered that although the lighting columns would reduce the 'openness' by forming regular linear vertical lines throughout the space, the effect would be reduced by the intermittency of views caused by the landform and woodland nature of the area. The trees and mounds would help to integrate the lighting columns into the landscape, and would break up the degree to which the columns read as a single entity within the landscape. Therefore it is not considered that the lighting columns would cause any significant impact on the general landscape character, or the open character of the Green Belt.

It is not considered that there would be any significant visual impacts as a result of the proposed lighting proposals from either the lighting columns or light spill. It is not considered that the proposed lighting columns would cause any significant impact on the general landscape character, or the open character of the Green Belt. This is because new planting and landform alterations would help to mitigate the visual prominence of the columns, and they would generally be viewed in the context of the surrounding existing columns, gantries and pylons."

GR/10/464 – major events – not consulted due to the nature of the development.

**The County Council's Noise Advisor:**

GR/10/463- floodlighting – states that the additional information on the proposed lighting has no consequence in terms of noise impact, above that raised in the previous comments on this application site. (*N B. Considered and addressed in the determination of the main Activity Park application and covered, where appropriate and necessary, by conditions of consent*)

GR/10/464 – major events – states that having considered the additional information provided, no concerns are raised. In fact, the traffic assessment indicates that the expected traffic flow during peak hours is lower than that previously presented by the applicant's acoustic consultant, which would likely result in lower noise levels for properties adjacent to Wrotham Road than initially anticipated.

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### **The County Council's Lighting Advisor:**

GR/10/463 - floodlighting – considers that, in view of the lighting specification proposed, and the existing landscaping and screening on site, light spill and direct views of the lamps would be minimised. No concerns or objections are raised.

GR/10/464 – major events – not consulted due to the nature of the development.

### **The County Council's Biodiversity Officer:**

GR/10/463 - floodlighting – is satisfied that the potential ecological impacts of the proposed lighting scheme have been adequately assessed and that the sensitive design of the proposal will result in minimal impacts on protected species.

GR/10/464 – major events – not consulted due to the nature of the development.

### **The County Archaeologist:**

GR/10/463 - floodlighting – no comments received too date.

GR/10/464 – major events – not consulted due to the nature of the development.

### **The County Council's Public Rights of Way Officer:**

GR/10/463 - floodlighting – no comments received too date.

GR/10/464 – major events – not consulted due to the nature of the development.

### **The Environment Agency:**

GR/10/463 - floodlighting – confirmed that this application falls outside those which the Environment Agency would need to see, and therefore classifies the development as having a low environmental risk. No further comments are made.

GR/10/464 – major events – not consulted due to the nature of the development.

### **Sport England:**

GR/10/463 – floodlighting – supports this application. The proposed floodlights would increase the opportunities for the community to use the sports facility during the winter months and in the evenings.

GR/10/464 – major events – supports this application.

## **Local Member**

28. The local County Member, Mr M. Snelling, was notified of both applications on the 19 May 2010. In addition the following County Members of adjacent wards were notified of the applications: Mr L. Christie & Mr H. Craske.

## **Publicity**

29. Both applications were publicised by advertisement in a local newspaper and the posting of site notices. In addition, 77 nearby properties were notified of application GR/10/463, and 96 nearby properties notified of application GR/10/464.

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### Representations

30. To date I have received 27 letters in support of both applications and the provision of such cycling/sporting facilities from members of the public and cycling clubs/organisations. (13 letters with regard to GR/10/463 & 12 letters with regard to GR/10/464.)

I have also received 3 letters of objection/concern and a petition signed by 20 residents of Kemsley Close, with regard to application GR/10/463 (floodlighting). I have also received 3 letters of objection/concern with regard to application GR/10/464 (major events). The main comments/points of concern and objection can be summarised as follows:

#### GR/10/463 - floodlighting

##### General amenity concerns:

- Lighting would be intrusive. Residents are concerned about how powerful the lights would be, and the risk of glare/light spill/light pollution. This would be worse in winter when trees have lost their leaves;
- Hours of use of the lighting, including concern that security lighting would remain on all night;
- There is no need for lighting as the park should be closed at dusk;
- Residents have recently had the opportunity to enjoy a peaceful noise and pollution free environment, increasing the value of homes and the neighbourhood. This is what residents want, not an Activity Park;
- Should permission be granted, additional trees should be planted to screen the development;

#### GR/10/464 – major events

##### General amenity concerns:

- Concern is raised over the level of noise that would be generated from the use of the park for major events;
- Concern is raised over security of local properties;
- Residents were promised landscaped gardens when the A2 was moved, not an Activity Park holding international events open until 10pm every day;

##### Access and parking:

- The application would increase traffic, noise, congestion and pollution;
- Local roads cannot accommodate the traffic that would be generated by major events;
- Local roads would be used as car parks;
- Existing parking restrictions are ignored, this situation would worsen;
- Residents in Wrotham Road are concerned that their road is already too busy, and has been turned into a lorry park, especially due to the 24 hr BP Petrol Station;
- Strong objection is raised to any further increase in the number of people who will be allowed into the Activity Park at any one time. Strong objection is raised to major events;
- Correspondence relating to previous objections to the site access was attached to one letter of representation;

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### Discussion

31. In considering these proposals regard must be had to the Development Plan policies outlined in paragraph (26) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include access and car parking, general amenity issues, landscape and ecology, and the impact upon the Metropolitan Green Belt.

### Green Belt

32. As outlined in paragraph 1 of this report, all of the A2 Activity Park to the south of the old A2 carriageway is within the Metropolitan Green Belt. However, due to the nature of the developments proposed, the applications are not, in my view, departures from the Development Plan and have not therefore been advertised as such. The rationale for this is that application GR/10/464 does not propose any built development - the application seeks to clarify use of the approved A2 Activity Park only. The Green Belt's function is to preserve the openness of the Countryside and to prevent urban sprawl by maintaining separation between built up areas. As application GR/10/464 proposes only an increased use of facilities which already have planning permission, I do not consider that this proposal would have any impact upon the functioning of the Green Belt greater than that already permitted. In addition, increased recreational use of the Green Belt accords with the general thrust of policy guidance (PPG2) and development plan policies with regard to improving access to Green Belt land as part of initiatives to improve the rural/urban fringe, and in the promotion of sport and leisure activities.
33. Application GR/10/463 however, needs further discussion and consideration as this application proposes the introduction of lighting within the Green Belt, development which could have a potential urbanising effect. The A2 Activity Park itself was considered to be appropriate development within the Green Belt. Appropriate uses within the Green Belt are well established through National Policy Guidance (PPG2) and case law. There is a general presumption against inappropriate development within the Green Belt, and such development should not be approved except in very special circumstances. However, PPG2 lists a number of appropriate uses in the Green Belt, for which there is no presumption against development or a need to provide very special circumstances. One of the appropriate uses listed is '*essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it*'. PPG2 goes on to define 'essential facilities' as facilities which are genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport/recreation.
34. When the main A2 Activity Park planning application was submitted it included lighting of the facilities. Although a lack of detail led to lighting being removed from the scheme at the time of determination, it was included at the time of writing the report, and was considered in the assessment of the Activity Park as a whole in terms of Green Belt Policy. The principle of the Activity Park, including lighting, was considered to be an

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appropriate use within the Green Belt, as defined by PPG2. The approved Core Activity Park is fenced and would contain hard landscaped elements such as the BMX and skateboard areas, the main cycle tracks and a small Multi Use Games Area (MUGA). The introduction of lighting columns would not, in my view, impact on the openness of the Green Belt any further than the already approved facilities. I therefore consider the proposed lighting to be an appropriate use within the Green Belt in this particular case, bearing in mind the development already approved at this site.

35. The Core Activity Park, and the wider park, would not be enclosed in any way, thereby maintaining the openness of the Green Belt. In addition, the lighting columns, along with the Core Activity Park, would be integrated into new and existing mounding and landscaping. The County Council's Landscape Advisor concludes that it is not considered that the proposed lighting columns would cause any significant impact on the general landscape character, or the open character of the Green Belt. New planting and landform alterations, both that provided by the Highway's Agency, and that secured by condition of consent on the main Activity Park planning permission, would help mitigate the visual prominence of the columns. In addition, it is considered that the proposed lighting columns would generally be viewed in the context of the surrounding existing columns, gantries and pylons. The application site is sandwiched between the well lit A2 carriageway and the urban edge of Gravesend. The impact of the lighting on residential amenity will be discussed later in this report, but I consider that the lighting specification proposed would not significantly alter the character of the area, bearing in mind existing surrounding development. The A2 carriageway has formed an 'artificial barrier' between the urban area of Gravesend, and the rural villages beyond. This application would not extend any lighting beyond the line of the A2 carriageway and, in my view, would not have a significantly detrimental effect on the character of the landscape. Therefore, I consider that the proposed lighting would, in this case, fall within the definition of appropriate development, as outlined in PPG2, as it would preserve the openness of the Green Belt and would not conflict with the purpose of including land within the Green Belt.
36. In summary, I consider that application GR/10/464, which proposes only an increased use of facilities which already have planning permission, would not have any material impact upon the functioning of the Green Belt. I also consider that the lighting of the Core Activity Park, application GR/10/463, falls within the definition of '*appropriate development*' in this case, and that the proposed lighting would not have a significantly detrimental effect on the openness of the Green Belt. The development would also accord with the general principles of relevant Development Plan Policies in that it would improve access to the Green Belt by providing a facility for outdoor leisure and recreation, whilst maintaining the openness of the Green Belt and safeguarding the countryside from encroachment. Therefore, I do not consider either application to be a Departure from Development Plan Policy, and see no overriding reason to refuse either application on Green Belt grounds.

Landscape and ecology

37. Extensive landscaping of the whole Activity Park has already been undertaken by the Highways Agency, using spoil from the re-alignment of the A2 to create soil mounds and landscaping. The applicant advises that the site has been planted with predominately native trees and shrubs, and is to be maintained to a similar standard to a Country Park. However, the provision of additional landscaping was secured by planning condition on the main Activity Park planning permission, and a detailed

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scheme of native tree and shrub planting has recently been submitted for consideration. In addition to providing an attractive setting for the pavilion building, car parking and the facilities within the park itself, boundary planting is to be supplemented where appropriate. In light of the extensive landscaping already undertaken, and the additional planting and landscaping proposed, I do not consider that any further provision of landscaping is required with regard to either application GR/10/463 or GR/10/464.

38. Conditions of consent on the main Activity Park planning application ensured that the development was carried out in accordance with the recommendations of the submitted scoping survey, that nesting birds were not disturbed by construction activities and that the ecological enhancements proposed were incorporated into the scheme. Of the two applications being discussed and considered within this report, only GR/10/463 (lighting) could have potential ecological impacts. However, the County Council's Biodiversity Officer is satisfied that the potential ecological impacts of the proposed lighting scheme have been adequately assessed and that the sensitive design of the proposal will result in minimal impacts on protected species, in this case, bats. Therefore, subject to the imposition of a condition on application reference GR/10/463 requiring the lighting to be installed in accordance with the details provided, I am satisfied that applications GR/10/463 and GR/10/464 will not have any adverse impacts on ecology.

Access and Parking

39. As explained earlier in this report, with particular reference to paragraph 4, the access and car parking associated with the Activity Park has planning approval. Neither of the applications to which this report refers are proposing any changes to the approved details with regard to the access and car parking. Application GR/10/463 is proposing to floodlight the facilities provided within the Core Activity Park, the result of which could be extended hours of use in winter months and in the evenings. However, the use would not extend beyond the level of use and hours of use considered and approved under the main Activity Park planning application, and regulated by planning condition. Kent Highway Services have no objection to the application and I do not consider that application GR/10/463 would have any highway implications above and beyond those considered in the approval of the Activity Park. I therefore see no reason to refuse that application on this ground.
40. Planning application GR/10/464 has been submitted as a result of the fact that Kent Highway Services were unable to assess the suitability of the site and the local highway network to accommodate a 'major weekend event' at the time of determining the main Activity Park planning application. Additional information was required, including a 'Major Event Travel Management and Parking Management Strategy', regional and national level survey information taken at a comparable site, an assessment of key junctions, survey work with regards to the cycle and highway network, and details of any works required as a result of these surveys. The required surveys have been undertaken, and the additional information collated, all of which has been submitted in support of planning application GR/10/464.
41. Upon issuing the planning permission for the A2 Activity Park conditions of consent ensured that no 'major weekend events' could be held at the site until such time as a separate planning application had been submitted to, and permitted by, the County Planning Authority. The planning permission also limited the use of the site to the number of participants and spectators expected for a 'typical weekend event' with regards to cycling, so that no more than 100 participants and 50 spectators could use

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the Core Activity Park per day. Only 'typical weekend events' and everyday use of the facility were approved at that time.

42. Application GR/10/464 has been submitted in response to condition 5 of consent reference GR/09/440, and proposes to clarify the use of the park, with particular reference to major events. We must, therefore, consider and assess whether the approved access and parking arrangements can accommodate major events at the site, being any event involving more than 100 participants and 50 spectators entering the Core Activity Park on any one day. Major events are proposed to be held at the Activity Park on weekend/holiday periods only, and would comply with the restrictions imposed on hours of use (condition 28 of consent reference GR/09/440), to between the hours of 07.00 and 22.00 with regard to the Core Activity Park, and until 23.00 with regard to the pavilion and associated car parking. The frequencies of such events and the visitor numbers involved are detailed in paragraphs 21 & 22 of this report. The applicant anticipates holding a maximum of 22 major events per annum, 0-3 of which would be the worse case scenario, attracting a total of 1097 visitors. The most frequently held major event (Case 3 – approximately 8-18 days per annum) would attract a total of 768 visitors.
43. Both the Highways Agency and Kent Highway Services have assessed the survey work and documentation submitted with this application and subsequently raise no objection to the application, subject to conditions (to be discussed below). The submitted 'Major Event Transport Assessment' concludes that the proposed development has been assessed within the national, regional and sub-regional context, and conforms to all these policies. The development has also been appraised in relation to accessibility, safety, environmental, economic and integration objectives, as set out in the latest DfT Transport Assessment Guidelines. The Transport Assessment confirms that the site is highly accessible for motor vehicles and is well connected to the road network. It is served indirectly but adequately by public transport and is well integrated with footways, bridleways, public rights of way and cycleways. The Transport Assessment concludes that the results of all the assessments indicate that local junctions would operate within capacity for all the case 1-7 events, including the worse case scenario. In addition, the Transport Assessment states that the potential parking accumulation for a case 6 event, the worse case scenario, would easily be accommodated within the car park and overspill car park.
44. Local residents have, however, expressed strong objection to the proposed increase in traffic above and beyond that already approved, and do not consider that the local highway network can accommodate such an increase. In addition, Cobham Parish Council has concerns about the position of the access at Marling Cross, on a bend of the road with restricted sightlines. The Parish Council is also concerned about additional traffic that may be generated on roads through Henhurst, Cobham and Sole Street. First, with regard to the Parish Council's concerns, I can confirm that the access at Marling Cross is for maintenance vehicles only, has appropriate sight lines, and is in any case approved as part of the main application. The applicant has also confirmed that the Activity Park would not generate additional traffic on roads through Henhurst, Cobham and Sole Street. I consider it unlikely that the Activity Park would generate traffic on local roads through these villages, and am satisfied that the proposed major events would not have a significantly detrimental impact on these local roads, as by far the majority of vehicles accessing the site would use the adjacent A2.

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45. With regard to the concerns expressed by local residents, strong objection is raised to a further increase in the number of people who would be allowed into the Activity Park at any one time. It is considered that major events should not be allowed as local roads could not accommodate the additional traffic, and local residents should not have to be subjected to increased congestion, inconsiderate parking, noise and pollution. The suitability of the access is also questioned, but it should be noted that this has been assessed and subsequently granted planning approval in the past. In the determination of application GR/10/464, the impact of additional traffic to be generated by major events is what needs to be considered and addressed.
46. The applicant advises that they are aware that the residents of Wrotham Road have experienced issues with the use of the existing petrol station, including illegal and inconsiderate parking. That activity is the responsibility of the Local Highway Authority to monitor, as is the enforcement of Traffic Regulation Orders (TRO). Although not responsible for this existing problem, the Activity Park does monitor the situation and the issues are raised within their specific security strategy meetings with the Police, the applicant's local security team and Gravesham Borough Council. I do not consider that the applicant can be expected to address this existing situation any further, and see no reason to refuse application GR/10/464 on these grounds.
47. The applicants advise that the methodology used for the Transport Assessment has been fully scoped with and accepted by Kent Highway Services and the Highways Agency to ensure robustness. Both have key interests in the impact of the proposal on the operation of the local junctions, and would raise objection if they did not consider that the road network could accommodate the level of traffic proposed. The development's impacts have been assessed through applying results from traffic surveys undertaken at similar cycle facilities, to ensure that it is evidence based, to four key junctions in the area. The results identified that all of the junctions would operate within capacity for a major event situation. In addition, that Travel Plan and Traffic and Parking Management Strategy contain initiatives to encourage sustainable travel to the site, and strategies have been produced to provide efficient access to the site for staff and visitors. Regular monitoring would be undertaken to ensure that the specified targets are met, and failure to meet the targets would result in the introduction of further initiatives. Stewards would also monitor car parking, and report any overspill, and in this eventuality consideration would be given to varying the existing Traffic Regulation Order. In addition, should overspill car parking become regularity, the size of major events would be reduced until suitable mitigation had been introduced. Advanced warning of major events would also be given to local residents and other key local groups. All of these matters are detailed in the submitted documentation, and I consider that provided these and the other mitigation measures detailed are implemented that the proposal would not have a significantly detrimental impact on the local highway network.
48. However, Kent Highway Services, the Highways Agency and Gravesham Borough Council require conditions of consent to be imposed to ensure that the mitigation, safeguards and commitments given within the 'Major Event Travel Plan and Traffic and Parking Management Strategy' are secured. I share this view. In addition, reference is made within the 'mitigation' section of the aforementioned strategy document of the potential for a financial contribution to be made to KHS in respect of local parking restriction measures and/or TROs, should parking capacity problems be encountered in relation to major events. Whilst the level of contribution could clearly not be calculated in advance of knowing the scope of the necessary potential work, Kent Highway Services

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have sought assurance that the presence of this requirement within the strategy document is enough to ensure that the provision of the contribution could be enforced through the planning process. I can confirm that, should permission be granted, conditions could be imposed upon consent reference GR/10/464 to ensure that the mitigation, safeguards and commitments given within the 'Major Event Travel Plan and Traffic and Parking Management Strategy' are adhered to. In addition, the applicant has also issued a separate and detailed letter/statement, confirming their commitment to undertake any works required and to strictly adhere to the recommendations of the submitted reports. The applicant has also confirmed that in terms of a financial contribution to Kent Highway Services for improvements required as a direct result of the development, they would contribute to highway improvements to address problems directly resulting from the development within the first 5 years of occupation. A 100% contribution would be provided. The letter from the applicant confirming this would be specifically referenced in any forthcoming permission for application GR/10/464, ensuring that any required mitigation is carried out as recommended. This matter would normally be achieved via a formal legal agreement. Members will be aware that the County Council cannot enter into a legal agreement with itself.

49. The Borough Council also requests that an upper limit is placed on the number of major events per year. The applicant advises that they would wish to hold up to 22 major events per annum, 0-3 of which would be the worse case scenario events (case 6). Therefore, should permission be granted for application GR/10/464, I consider it appropriate to condition that no more than 22 major events be held at the site per annum and that no more than 3 of those be a 'case 6' worse case scenario event. In addition, the Borough Council request that monitoring of such events in terms of noise and traffic generation is carried out for at least the first two years following the implementation of such events and the results of that monitoring exercise be made known to the Borough Council. I can confirm that monitoring of major events, following an initial six month survey, would be undertaken on an annual basis for the first 3 years, which could be increased to 5 years should problems be identified. Such monitoring, and mitigation measures if deemed necessary, are detailed within the submitted planning application documents, specifically the 'Major Event Travel Plan and Traffic and Parking Management Strategy', and is included within the applicant's letter referred to above.
50. I can confirm that, should permission be granted, conditions could be imposed upon consent reference GR/10/464 to ensure that the mitigation, safeguards and commitments given within the 'Major Event Travel Plan and Traffic and Parking Management Strategy' are adhered to, and that the number of major events to be held per annum is limited to 22 (0-3 to be case 6). Subject to the imposition of these conditions, I am satisfied that the applicant would adhere to the recommendations made within the submitted documents, and undertake the mitigation strategies specified, including the provision of a financial contribution to a TRO should this be required. In light of this, I am of the opinion that major events would not have a significantly detrimental impact upon the local highway network. I therefore see no reason to refuse either application GR/10/463 or GR/10/464 on the grounds of access or highway implications.

#### General amenity issues

51. Local residents have expressed concern over potential light spill/pollution, noise pollution, hours of use and security risks associated with both applications GR/10/463 &

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GR/10/464. It should be noted that hours of use of the Activity Park have been considered and approved, and limited by condition 28 of consent reference GR/09/440, to between the hours of 07.00 and 22.00 with regard to the Core Activity Park, and until 23.00 with regard to the pavilion and associated car parking. The wider park is open 24 hours a day. I see no reason to vary these hours, and consider that both proposed developments should accord with these hours of use.

External lighting

52. As detailed earlier in this report, when issuing the planning permission for the A2 Activity Park a condition of consent ensured that no external lighting within the Activity Park, other than external lighting/security lighting of the pavilion and car parking areas, could be installed until such time as a separate planning application had been submitted to, and permitted by, the County Planning Authority. This was on the basis of a lack of detailed information with regard to the lighting design. The planning permission also conditioned that all lighting, other than security lighting of the pavilion and car park, shall be extinguished by 10pm, or 15 minutes after last use of the facility, whichever is the sooner. In light of the requirement for a separate planning application, application GR/10/463 has been submitted, which proposes the external lighting of the facilities within the Core Activity Park only. No additional lighting is proposed within the wider Activity Park itself.
53. The design objectives for the lighting proposals are to create a high quality, safe and pleasant environment that is cost effective, maintainable and energy efficient. The lighting would only be required for the following elements of the Core Activity Park:
- a. Tarmac race track;
  - b. BMX track;
  - c. Multi use games area (MUGA); &
  - d. Skate park;
- Details of the lighting proposed for each of these four elements is given in paragraph 16 of this report.
54. The applicant advises that the use of the lighting would be limited to the darker months of September to April, and within this period, is unlikely to be used in poor weather conditions. Furthermore, it is not the applicant's intention to use all of the facilities all of the time with lighting. Hours of use would accord with those imposed on the Activity Park planning permission (GR/09/440, conditions 9 & 28), in that all lighting must be extinguished by 10pm or within 15 minutes of the last use, whichever is the sooner. Should permission be granted for the proposed lighting (GR/10/463), further conditions of consent would reiterate these controls over use.
55. The applicant states that the lighting scheme has been designed to minimise light spill and to comply with the relevant Chartered Institute of Building Services Engineers' (CIBSE) guidance and with Institute of Lighting Engineers' (ILE) guidance notes for the reduction of obtrusive light. In addition, levels would comply with British Cycling standards for the BMX and Cycle Track, and Sport England standards for the MUGA. The County Council's Lighting Advisor has confirmed that the scheme does conform to the relevant guidance and accordingly has no objection to the lighting specifications proposed.
56. As previously stated, the Activity Park is sandwiched between the edge of the urban area of Gravesend and the new A2 corridor, both of which are lit. Therefore, I do not

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consider that lighting the facilities within the park would have a detrimental impact on the wider landscape as the surrounding area is already well lit at night. However, consideration must be given to the impact of lighting on the amenity of adjoining residential properties. The Core Activity Park is carefully sited to minimise impacts on local residents, primarily located to the south of Morrison's supermarket. This location was considered in the determination of the Activity Park planning application and was deemed to be the least intrusive location within the site. In addition to being to the south of a retail outlet, existing mitigation along the old A2 corridor, including extensive landscaping and acoustic fencing, also aid in screening the Core Activity Park.

57. The tallest and most powerful floodlights proposed are those on the 15metre high columns designed to light the BMX track. At the closest point, these lights would be 140 metres from the nearest residential property. The floodlights themselves would be of the flat glass type, and mounted horizontally. The County Council's Lighting Advisor confirms that this design would produce minimum light spill and no light above the horizontal. The section plans provided by the applicant show that the existing trees and shrubs on the boundary of the site obscure any direct view of the floodlights from adjacent houses. In addition, the planting to be provided on the landscaped mounds (secured by condition on the Activity Park consent) will further reinforce the obscuring of the sightline from nearby properties to the floodlights. I therefore consider that the lighting of the BMX facility would not have a significant impact on the amenity of adjoining residents.
58. The lighting of the main cycle track is closer to residential properties at 80 metres at the closest point. However, the lanterns proposed for this element of the lighting scheme are much less powerful (less than 10%) than the floodlights for the BMX track, and are mounted lower at 10metres. This element of the lighting specification is similar to normal street lighting. The lights would be equally well screened from adjacent housing and, due to the flat glass glazing, would produce minimal spill and/or glare. I therefore see no reason to refuse this element of the lighting scheme on the grounds of impact upon residential amenity.
59. The last two elements of the lighting scheme, the floodlighting of the MUGA and the Skate Park are more or less in line with Morrison's Supermarket. Consequently the lighting of these areas is over 160metres from nearby residential properties. The mounting height of the floodlights is 8 metres and, again, existing mounding and planting provide sufficient screening. In light of this, I do not consider that these elements of the lighting specification would have a detrimental impact on the amenity of nearby properties.
60. The Borough Council has requested that the proposed external lighting is properly installed in accordance with the manufacturer's instructions to ensure that there is no stray light or glare to local residents or road users, that it is designed to 'best practical means' standards, that it is thereafter properly maintained at all times, that the need for any additional mitigation by way of planting or mounding is considered and implemented following installation and that the lighting is not subsequently altered or additional lighting installed without prior written permission. As previously explained, the site has already been subject to landscaping, including land remodelling, by the Highways Agency. In addition, the Activity Park planning consent required a detailed scheme of landscaping and tree planting to be submitted for approval, and thereafter implemented. These details have been submitted and are in the process of being approved. I do not consider that any further landscaping is required. However, all other matters raised by

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the Borough Council could be covered by conditions should permission be granted for application GR/10/463.

61. In summary, application GR/10/464 (major events) has no lighting implications. In contrast, application GR/10/463 proposes floodlighting of the main facilities within the Core Activity Park. However, I am satisfied that, subject to the imposition of conditions including hours of use, lighting to be extinguished by 10pm or within 15 minutes of the last use, that the lighting be installed in accordance with the submitted details and subject to ongoing maintenance, and that no other lighting be installed without the written consent of the County Planning Authority, the proposed lighting would not have an unacceptable impact on local residential amenity. I therefore see no reason to refuse either application on this ground.

Noise

62. Local residents have expressed concern over the potential noise implications of the developments with regards to increased traffic and increased use of the Activity Park itself. With regard to application reference GR/10/463, the provision of floodlighting would enable the facilities within the Core Activity Park to be used in the evenings, especially during winter months. However, the hours of use would not change from those previously considered and approved. The facilities within the Core Activity Park could potentially be used until 10pm without floodlighting in the summer months. It is this time of year that neighbouring residents would be using their gardens and leaving windows and doors open. The introduction of floodlighting would enable use until 10pm during the winter months. However, gardens are rarely used in the evenings at this time of year, and windows and doors are more likely to be shut. In addition, use of the Core Activity Park would reduce during inclement weather. The County Council's Noise Advisor states that the additional information on the proposed lighting has no consequence in terms of noise impact, above that raised in the previous comments on this application site. (*N.B. Considered and addressed in the determination of the main Activity Park application and covered, where appropriate and necessary, by conditions of consent*). I therefore consider that the introduction of floodlighting would not increase the level of noise above that of use of the facilities without floodlighting. I do not consider that application GR/10/463 would have a significantly detrimental impact on residential amenity with regard to noise and see no reason to refuse the application on this ground.
63. At the time of determining the main Activity Park planning application, the potential noise to be generated by participants in events, spectators, and those using the site for informal recreation purposes was considered and assessed. The County Council's Noise Advisor was satisfied that the anticipated number of visitors (participants and spectators) would not result in an adverse impact from crowd noise. This conclusion was drawn when also assessing 'major weekend events' at that time, although permission for major events was not granted at that time. The County Council's Noise Advisor states that, having considered the additional information provided in support of application GR/10/464, no concerns are raised. In fact, the traffic assessment indicates that the expected traffic flow during peak hours is lower than that previously presented by the applicant's acoustic consultant, which would likely result in lower noise levels for properties adjacent to Wrotham Road than initially expected. In light of this conclusion, I do not consider that application GR/10/464 would have a detrimental impact in terms of noise. In addition, any impacts resulting from the main A2 Activity Park planning

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application were assessed at that time, and mitigated by conditions of consent where appropriate.

#### Security

64. The existing use of the site, which is open at all times, has resulted in local residents becoming concerned over security and anti social behaviour. The applicant has been made aware of local problems through their programme of consultation and has set up a specialist group, including Gravesham Borough Council CCTV security team, the local Police, the Highways Agency, and a specialist security company employed by KCC, to monitor ongoing problems and refine a short and long term security strategy. In addition to the above, increased legitimate activity at the Park should deter unauthorised use.
65. A fence would be erected around the perimeter of the Core Activity Park and the applicant advises that security staff would patrol the site regularly during times when the site is closed. CCTV cameras would also be installed at key locations throughout the Activity Park to deter unauthorised use, details of which have been submitted pursuant to a condition imposed on the main Activity Park planning consent. The applicant has also agreed to reinforce the existing boundary planting and close gaps in the boundary where necessary, and is in ongoing consultation with local residents with regard to this. At the time of determining the main Activity Park planning application, it was not considered that the Park would lead to an increase in anti social behaviour and, if anything, increased use of the site would reduce illegal use of the facilities and improve the security of the site. I do not consider that either application GR/10/463 or GR/10/464 would have any further security implications and see no reason to refuse either application on this ground. I am also satisfied that the applicant is undertaking all reasonable measures to address existing security issues on site.

#### **Construction**

66. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction and works on site in order to protect residential amenity. This requirement would only relate to application GR/10/463 as only this application proposes built development on site. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.

#### **Conclusion**

67. Both applications have given rise to a variety of issues, including the appropriateness of the development within the Green Belt, the impact of the proposed development on the openness of the Green Belt and the wider landscape, highway and access implications and general amenity issues. However, I consider that the external lighting of the facilities within the Core Activity Park, and use of the Activity Park for major events, would not have a significantly detrimental impact on the amenity of neighbouring residents, or the local landscape. On balance, therefore, subject to the imposition of conditions, I am of the opinion that the proposed developments would not give rise to any material harm and are otherwise in accordance with the general principles of the relevant Development Plan Policies. Therefore, I recommend that permission be granted for both applications subject to appropriate conditions.

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**Recommendations**

GR/10/463 - Floodlighting

68. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- A 5 year time limit for implementation;
  - the development to be carried out in accordance with the permitted details;
  - hours of use;
  - all lighting on site, except security lighting, to be extinguished by 10pm, or 15 minutes after last use of the facility if earlier;
  - extinguishing of lighting when pitch not in use;
  - level of use of the facilities to accord with submitted details;
  - lighting to be installed in accordance with approved details, and checked on site;
  - lighting levels not to exceed those specified within the application;
  - no further lighting to be installed without planning permission;
  - hours of working during construction,
  - measures to prevent mud and debris on the highway;

GR/10/464 – major events

69. I RECOMMEND that PERMISSION BE GRANTED SUBJECT to conditions, covering:
- A 5 year time limit for implementation;
  - the development to be carried out in accordance with the permitted details;
  - the mitigation, safeguards and commitments given within the ‘Major Event Travel Plan and Traffic and Parking Management Strategy’, including monitoring and, where necessary, a financial contribution to a TRO, are adhered to and implemented where necessary;
  - the number of major events to be held per annum is limited to 22 (0-3 to be case 6);
  - restrictions on hours of use of the Core Activity Park, and the pavilion and car park;

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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

**Background Documents** - The deposited documents.

AS/10/481                                      Use of part of site as a waste transfer station on behalf of Skitt Skips.  
Cowells Yard, Ashford Road, Kingsnorth, Ashford

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

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

**Background Documents** - The deposited documents.

None

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

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

**Background Documents** – The deposited documents.

AS/07/1396/R6                                      Details of a scheme of landscaping.  
Tenterden Infant School, Recreation Ground Road,  
Tenterden

AS/09/193/R                                      Amended railings details  
Highworth Grammar School, Quantock Drive, Ashford

AS/09/1170/R3, R4, R5, R6 & R12	Details of all materials to be used externally, details of various elements of the building design, horizontal and vertical cross sections through key features of the building and the 3 main façades, details of the finished floor level and external levels and details of fencing, walls and other means of enclosure. Ashford Library, Church Road, Ashford
AS/10/553	Installation of 10.2kWp solar photovoltaic modules to the roof of the main school building. Aldington Primary School, Roman Road, Aldington, Ashford
CA/08/672/R4	Approval of external materials pursuant to condition 4 of planning permission CA/08/672 Simon Langton Grammar School For Boys, Langton Lane, Nackington Road, Canterbury
CA/10/770	Extension to existing building with 4 classrooms providing primary educational provisions and 1 office and a group room. Orchard School, Cambridge Road, Canterbury
CA/10/851	Installation of 1.1 metre high green security fencing. Herne Junior School, School Lane, Herne Bay
CA/10/917	Improvements to current classroom accommodation to conform to current educational requirements and alterations to the ground level of the decking to improve access to the rear elevation, including additional disabled external doors to satisfy DDA compliance. Whitstable and Seasalter CE Primary School, High Street, Whitstable
DA/09/193/R21 & R9A	Details of a scheme to improve the quality of the playing pitches, including adequate drainage and management; and amendments to the approved fencing details Longfield Academy, Main Road, Longfield
DA/10/523	Renewal of temporary consent for special needs gardening training centre Branches Out, Trafalgar Road, Dartford
DO/10/440	Replacement of existing single classroom mobile unit with a refurbished twin classroom unit. Nonington Primary School, Church Street, Nonington, Dover
DO/10/473	Installation of a canopy to the rear entrance of the school Sandown Primary School, Golf Road, Deal
GR/08/138/R4	Details of external plant pursuant to condition (4) of planning permission GR/08/138 for replacement secondary school. Northfleet Technology College, Colyer Road, Northfleet, Gravesend

GR/08/138/R9	Details of the access to the site pursuant to condition (9) of planning permission GR/08/138 for replacement secondary school. Northfleet Technology College, Colyer Road, Northfleet, Gravesend
GR/09/680/R3	Partial discharge of external materials pursuant to condition (3) of planning permission GR/09/680. Gravesend Library, Windmill Street, Gravesend
GR/09/680/R5	Details of site levels and finished floor levels pursuant to condition (5) of planning permission GR/09/680. Gravesend Library, Windmill Street, Gravesend
GR/09/680/R7	Details of external lighting pursuant to condition (7) of planning permission GR/09/680. Gravesend Library, Windmill Street, Gravesend
GR/10/115	Extensions to provide disabled W.C., store room to main hall, additional W.C's. and office extensions. Shears Green Infant School, Packham Road, Northfleet, Gravesend
GR/08/138/R14A	Minor amendments to the external lighting details previously approved pursuant to condition (14) of planning permission GR/08/138 for replacement secondary school. Northfleet Technology College, Colyer Road, Northfleet
GR/10/358	Two bay mobile classroom unit. Lawn Primary School, High Street, Northfleet, Gravesend
MA/10/661	Extension to existing Children's Centre, including relocation of part of the pedestrian path and alterations to the driveway The Meadows Children Centre, Furfield Close, Maidstone
MA/10/713	Replacement 1.8 metre high boundary fence adjacent to Roseacre Lane. Thurnham C of E Infant School, The Landway, Bearsted, Maidstone
MA/10/787	New layout to existing Highways Depot including a new entrance to site, demolition of some existing buildings, erection of new buildings and re-cladding of an existing office building. KCC Highway Services, Doubleday House, St Michaels Close, Aylesford
MA/10/885	Conversion of vacant classroom block into a Respite Care Facility for children. Detling CEP School, The Street, Detling, Maidstone
SE/07/2769/R3 & R5	Details of all materials to be used externally and details of a scheme of landscaping. Crockenhill Primary School, The Green, Crockenhill, Swanley

SE/07/2769/R10	<p>Details of the location of the contractors compound and car parking area. Crockenhill Primary School, The Green, Crockenhill, Swanley</p>
SE/10/613	<p>Removal of external fire escape and erection of new two storey entrance hall, construction of single storey lean-to structure incorporating WCs and small music room, replacement of temporary timber reception classroom with permanent single storey structure and construction of single storey timber link between new entrance hall and new reception classroom. St Lawrence CEP School, Stone Street, Seal, Sevenoaks</p>
SE/10/1266	<p>Construction of a detached single storey building for use as a Children's Centre Dunton Green Primary School, London Road, Dunton Green, Sevenoaks</p>
SH/10/411	<p>Construction of toilets and changing rooms building on school playing field Mundella Primary School Playing Fields, Mead Road, Folkestone</p>
SH/10/470	<p>New front entrance, gates, railings and piers to existing boundary wall. All Souls' CEP School, Stanley Road, Folkestone</p>
SW/07/1184/R9 & R10	<p>Details of landscaping, fencing and canopy. Proposed Children's Centre, Corner of Rushenden Road and First Avenue, Queenborough</p>
SW/09/766/R3 & R4	<p>Details pursuant to conditions (3), Flood damage prevention measures, and (4) surface water management of planning permission SW/09/766 for a new extension to the school buildings St. Edwards Roman Catholic Primary School, 68 New Road, Sheerness</p>
SW/10/64	<p>Outline application for the redevelopment of site, including demolition of existing buildings and erection of new school buildings and erection of new school buildings and facilities for up to 970 pupils, including 2 storey family units and shared facilities building, sports pitches, car parking provision, new cycle storage, new boundary treatment, tree works and landscaping. Isle of Sheppey Academy, West Site, Jefferson Road, Sheerness</p>

SW/10/473	Proposed demolition of temporary buildings and erection of a new early years and nursery building and main school extension (replacement for planning application SW/09/TEMP/0048 (SW/09/1202) which has been withdrawn and the location of the proposed nursery building has been changed within the school grounds. Rose Street Primary School, Rose Street, Sheerness
SW/10/492	Proposed change of use of former Woolworth's Store (A1 use class), numbers 38-42 High Street, Sheerness to 'Gateway' centre 38-42 High Street, Sheerness
SW/10/530	Single storey multi-use hall with single storey flat roof link to existing school building Minterne Junior School, Minterne Avenue, Sittingbourne
TH/08/534/R14	Details of a feasibility study with regards to the widening of a Public Right of Way pursuant to condition (14) of planning permission TH/08/534 King Ethelbert School, Canterbury Road, Birchington, Margate
TH/10/285	Installation of a steel storage container. Salmestone Primary School, College Road, Margate
TH/10/297	Demolition of an existing HORSAs hut (currently used as a dining hall and kitchen) and new build dining hall and kitchen and associated facilities including separate community use entrance and revisions to on site car parking layout. Newlands Primary School, Dumpton Lane, Ramsgate
TM/09/263/R3	Details of external materials. St Katherine's School, St Katherine's Lane, Snodland
TM/10/181	Replacement of temporary teaching accommodation (HORSAs huts) with the provision of a 2 storey building comprising of the following accommodation – 5 laboratories, laboratory prep rooms and chemical storage, 6 <sup>th</sup> form multi learning resource centre, additional education needs facility, 6 general teaching classrooms, creative and media space, support offices and services, plant room. Re-arrangement of staff car parking following demolition of HORSAs huts. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TM/10/284	Section 73 application to vary condition 28 of planning permission TM/08/2857 (for new special school, parking, play area, landscaping and ancillary works) Wrotham School, Borough Green Road, Wrotham

TM/10/653	Construction of a detached single storey building for use as a children centre including additional pedestrian access gate off Bell Lane. Burham Primary School, Bell Lane, Burham, Rochester
TM/10/928A	Retention of existing temporary building due for removal under planning application reference TM/06/2488. Weald of Kent Grammar School, Tudeley Lane, Tonbridge
TM/10/934	Demolition of an unsuitable Pre-School premises and provision of a new Pre-School building and Out of School Club Aylesford Primary School, Teapot Lane, Aylesford
TW/10/1383	Placement of one, two classroom modular building for a temporary period and creation of additional on site staff car parking spaces. Bishops Down Primary School, Rydal Drive, Tunbridge Wells

**E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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**Background Documents –**

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

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

None

(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**

Scoping Opinions

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

**Background Documents** -

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

None

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