

PLANNING APPLICATIONS COMMITTEE

Tuesday, 11th October, 2011

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 11th October, 2011, 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***

Membership (18)

Conservative (16): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),
Mr R E Brookbank, Mr A R Chell, Mrs V J Dagger, Mr T Gates,
Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr R E King,
Mr J D Kirby, Mr J F London, Mr R F Manning, Mr R J Parry,
Mr R A Pascoe and Mr A T Willicombe

Liberal Democrat (1): Mr M B Robertson

Independent (1) Mr R J Lees

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 6 September 2011 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Applications TM/10/3056 and TM/09/3231/R5 - (i) Installation of renewable electricity generating equipment with associated alterations to the design of part of the consented southern composting hall with additional car parking spaces and (ii) details pursuant to Condition 5 (working programme, design and layout, etc) of Permission TM/09/3231/R5 at Blaise Farm Composting Facility, Kings Hill, West Malling; (i) New Earth Solutions (Kent) Ltd and William Riddle and (ii) New Earth Solutions Group L (Pages 5 - 48)
2. Application AS/11/256 - Variation of Conditions 2 and 7 of Permission AS/10/1010 to allow for a minor re-alignment to the approved site access intended to serve the Waste Transfer Station at Waterbrook Park, Water Avenue, Sevington, Ashford; Robert Brett and Sons Ltd (Pages 49 - 56)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal AS/11/367 - 1 FE Primary School including school building, outdoor recreational and learning areas, planted and hard surfaced areas (including pedestrian and vehicular access and parking) at Goat Lees School site between Hurst Road and Guernsey Way, Kennington, Ashford; KCC Capital and Premises (Pages 57 - 86)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. Matters dealt with under delegated powers (Pages 87 - 92)
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
(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, 3 October 2011

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 6 September 2011.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr S J G Koowaree (Substitute for Mr M B Robertson), Mr R J Lees, Mr S Manion (Substitute for Mr R A Pascoe), Mr R F Manning, Mr C P Smith Mr A T Willicombe

ALSO PRESENT: Mr M J Whiting

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

UNRESTRICTED ITEMS

42. Election of Chairman

(Item 4)

(1) Mr R E King informed the Committee that he was resigning as its Chairman. He thanked the Planning Officers and Members of the Committee for the quality of their work over the previous six years.

(2) Mr R E King moved, seconded by Mr R F Manning that Mr J A Davies be elected Chairman of the Committee.

Carried unanimously

(3) Mr J A Davies thereupon took the Chair. He thanked Mr King on behalf of the Committee for the manner and style in which he had chaired the Committee over the past six years.

43. Election of Vice-Chairman

(Item A4)

(1) The Chairman moved, seconded by Mr A T Willicombe that Mr C P Smith be elected Vice-Chairman of the Committee.

Carried unanimously

(2) The Chairman thanked Mr J F London on behalf of the Committee for his work as Vice-Chairman (and previously as Chairman) of the Committee. Mr J F London suitably replied.

44. Minutes - 26 July 2011

(Item A5)

RESOLVED that the Minutes of the meeting held on 26 July 2011 are correctly recorded and that they be signed by the Chairman.

45. Committee meeting dates in 2012

(Item A6)

(1) The Democratic Services Officer informed the Committee that the published Committee date for February 2012 had been amended to 14 February 2012.

(2) The Committee noted the following meeting dates in 2012:-

Tuesday, 17 January 2012;
Tuesday, 14 February 2012;
Tuesday, 13 March 2012;
Tuesday, 10 April 2012;
Tuesday, 8 May 2012;
Tuesday, 12 June 2012;
Tuesday, 24 July 2012;
Tuesday, 14 August 2012 (provisional);
Tuesday, 4 September 2012;
Tuesday, 9 October 2012;
Tuesday, 6 November 2012;
Tuesday, 11 December 2012.

46. Site Meetings and Other Meetings

(Item A7)

The Committee noted that a training session on the Draft National Planning Policy Framework would be held on the rising of the Committee meeting.

47. Application SW/ 11/194 - Use of Building 15A for internal shredding and screening of wood and external storage of shredded wood at Unit 15A, Ridham Dock Industrial Ridham Dock Road, Ridham, Sittingbourne; Sita UK Ltd

(Item C1)

(1) Mr M J Whiting was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) RESOLVED that permission be granted to the Application subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; a cap of 75,000 tpa of waste wood being processed at the facility; a daily cap of 46 HGV movements (23 in, 23 out) per day; the restriction of HGV movements to and from the site to between 0700 and 1900 hours seven days per week; full implementation of the ecological avoidance measures detailed within the application; the external stockpile of processed wood not exceeding 6 metres in height, with no stockpiling of wood except in the location shown within the application drawings; installation of an external dust suppression system (rain guns) for the external stockpile of shredded wood prior to first commencement of wood shredding operations (the rain guns thereafter being used in accordance with a management plan to be agreed with the Waste Planning Authority); installation of a replacement boundary wall structure prior to first

commencement of wood shredding operations; replacement cladding matching the existing building in external appearance; the development being carried out in accordance with the submitted Flood Risk Assessment and Flood Evacuation Plan; and the use of rainwater harvesting techniques as detailed within the application.

48. Application SW/11/209 - Use of Building 15B for a Materials Recycling Facility (MRF) and Refuse Derived Fuel (RDF) Facility at Unit 15B Ridham Dock Industrial Estate, Ridham Dock Road, Ridham, Sittingbourne; Sita UK Ltd (Item C2)

(1) Mr M J Whiting was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) In agreeing the Head of Planning Applications Group's recommendations, the Committee asked her to write to Iwade Parish Council to explain the rationale for its decisions in respect of both this application and Application SW/11/194.

(3) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; a cap of 125,000 tpa of commercial and industrial waste being processed at the facility per year (25,000 tpa for the MRF and 100,000tpa for the RDF); a daily cap of 58 HGV movements (29 in, 29 out) per day; restriction of HGV movements to and from the site to between 0700 and 1900 hours seven days per week; full implementation of the ecological avoidance measures detailed within the application; any replacement cladding to Unit 15B matching the existing building in external appearance; no external stockpiling of material in respect of the MRF/RDF facility; and the development being carried out in accordance with the submitted Flood Risk Assessment and Flood Evacuation Plan;
- (b) the applicant be advised by Informative that they should take all reasonable steps to advise HGVs entering and leaving the facility to use Sheppey Way to gain access to and from the A249 and only use the Grovehurst junction when Sheppey Way is not in use; and
- (c) the Head of Planning Applications Group be requested to write to Iwade Parish Council setting out the Committee's rationale for this decision as well as its decision in respect of Application SW/11/194 (Minute 47).

49. Proposal TW/10/4051/R5 & R7 - Revised details of site levels of the development on Site 2 (Condition 5) and surface water drainage on Site 2 (Condition 7) pursuant to Permission TW/10/4051 for the redevelopment of The Skinners Kent Academy at The Skinner's Kent Academy, Blackhurst Lane, Tunbridge Wells; KCC Building Schools for the Future and Academies Team (Item D1)

RESOLVED that approval be given to the proposed site levels of the development on Site 2 (Condition 5) and to the surface water drainage scheme on Site 2 (Condition 7) pursuant Permission TW/10/4051 for the redevelopment of the Skinners Academy (permitted on 30 March 2011).

50. 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 (None);
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Regulations 1999.

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

Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall with additional car parking spaces (TM/10/3056) and approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (TM/09/3231/R5) at Blaise Farm Composting Facility, Kings Hill, West Malling, Kent, ME19 4PN

A report by Head of Planning Applications Group to Planning Applications Committee on 11 October 2011.

Applications by:-

- (i) New Earth Solutions (Kent) Limited and William Riddle for the installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (TM/10/3056); and
- (ii) New Earth Solutions Group Ltd for approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (TM/09/3231/R5);

at the Blaise Farm Composting Facility, Kings Hill, West Malling, Kent, ME19 4PN.

Recommendation: (i) Permission be granted subject to conditions.
(ii) Approval be given subject to condition.

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

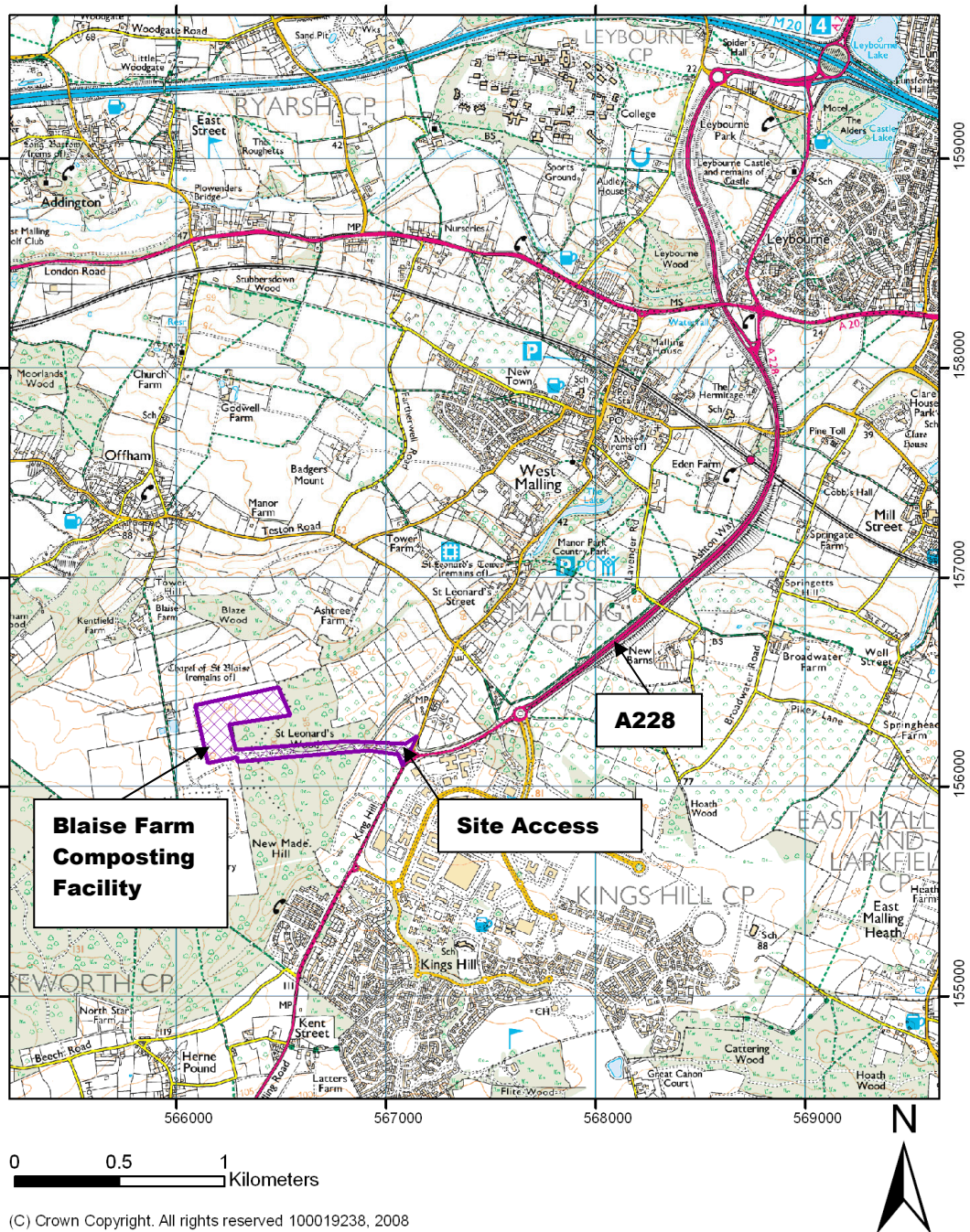
Unrestricted

Site description and background

1. The Blaise Farm Composting Facility is located within the excavated quarry void in the north eastern corner of Blaise Farm Quarry near Kings Hill, West Malling in the Parish of Offham. The composting facility is located about 15 to 20m lower than adjacent ground and is bounded to the east / part south by St Leonard's Wood, to the north by farmland and planting associated with the quarry and to the west / part south by those parts of the quarry that have yet to be started / fully excavated. The nearest residential property (Blaise Farm House) is about 500m to the north west. Access to the composting facility is via a purpose built access road from the existing quarry access road and the A228 West Malling roundabout near Kings Hill.

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2. The site lies in the Metropolitan Green Belt and St Leonards Wood is designated as both Ancient Woodland and a Local Wildlife Site (LWS). The remains of the Chapel of St Blaise (Scheduled Ancient Monument) lie about 100m to the north of the application site. The quarry has the benefit of a mineral permission (TM/88/1002) granted in 1994 which provides for the winning and working of ragstone until 2063. A public right of way (Footpath MR286) lies about 130m to the west of the application site. This is due to be diverted around the western boundary of the mineral site as part of the ongoing mineral operation to link with Footpath MR260 (Lords Walk) further south west.
3. The Blaise Farm Composting Facility, which treats source segregated green / garden, food, vegetable and cardboard waste to produce compost in an enclosed process, was first permitted in September 2006 (TM/06/762) and started operating in September 2008. A number of further permissions have been granted by the County Council or on appeal which have resulted in the most recent permission (TM/09/3231 dated 19 May 2010) providing for a larger capacity¹ and a wider waste catchment area² than was initially permitted and for waste deliveries on some bank and public holidays. Planning permission TM/09/3231 requires the facility to cease operating in September 2028 and the site to be restored within a further 2 years. The location of the Blaise Farm Composting Facility is illustrated on the drawing on page C1.2.
4. The facility was designed to be built in two phases. Phase 1 (completed in 2008) includes a Site Office and Weighbridge, Waste Reception Building 1, the northern Compost and Maturation Halls, Phase 1 Biofilter, Balancing Pond, Process Water Storage Tanks and associated plant. Part of the Phase 2 has been commenced with the construction of Waste Reception Building 2. It is understood that a Screening Hall (located to the east of the built Phase 1 Compost and Maturation Halls) and Plant Workshop (to the west of Waste Reception Building 2) will be constructed as required by future operations and that the majority of Phase 2 development (which will comprise the southern Composting and Maturation Halls and associated plant) will be delivered in the short to medium term to the south of the existing built development (an area that has yet to be completely quarried).
5. In November 2010, the applicant sought planning permission for the installation of electricity generating equipment with associated alterations to the design of approximately one third of the consented (but not built) southern composting hall (TM/10/3056). A report on that application was published for the 15 February 2011 Planning Applications Committee. However, consideration of the application was deferred at the applicant's request prior to the 15 February 2011 meeting as a result of concerns about odour nuisance associated with the existing composting facility and to enable the applicant / operator to satisfactorily address the concerns of the local

¹ 100,000tpa as opposed to 50,000tpa.

² Kent, Medway, Surrey, East Sussex, West Sussex, Brighton & Hove for the life of the facility; LB Bromley and LB Bexley for a temporary period until 31 December 2015; and Essex for a temporary period until 31 March 2014 and additionally limited to no more than 10,000tpa.

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community. A copy of the published report on application TM/10/3056 is attached at Appendix 1 of this report. Paragraph 6 (page C1.7) of that report summarises the complaints.

6. Planning Applications Group had been encouraging the operator to regularise a number of discrepancies between the “as built” and permitted composting facility for some time. Concerns that these discrepancies could be contributing to odour emissions provided further weight to the desirability of this being addressed and the opportunity for additional measures (including those referred to in paragraph 6 of the 15 February 2011 report) to be considered and included as part of this process. The current proposals were submitted on 1 April 2011 and supplemented on 25 July 2011.
7. Notwithstanding the improvements referred to in paragraph 6 of the 15 February 2011 report, odour complaints continued during 2011. Officers of Planning Applications Group discussed these and related issues with the operator and representatives of Tonbridge and Malling Borough Council (Planning and Environmental Health) and the Environment Agency. Discussions also took place with the local parish councils and local residents at the Blaise Farm IVC Liaison Committee Meetings on 6 April and 6 July 2011. The operator also held discussions direct with a number of local residents. These and earlier discussions have also contributed to the proposals now under consideration as well as various management, maintenance and operational practices introduced at the site (e.g. reduction in waste volumes imported / being held in the waste reception building prior to composting, automated doors, bulk transfer of waste between buildings to reduce door opening frequency, new biofilter irrigation, an improved cleaning regime, various replacement parts and implementation of an improved odour abatement monitoring and management system). Although these improvements have led to a reduction in complaints, some are still being received by the Environment Agency and the operator. It should be noted that the Environment Agency is primarily responsible for these and related issues through the Environmental Permit.
8. These issues have previously been reported to the County Council’s Regulation Committee on 17 May 2011 (Item 8, Schedule 2, page 41) and 7 September 2011 (Item 10, Schedule 2, page 76). The Regulation Committee resolved that officers continue to liaise with relevant parties to seek to ensure that any odour problems are satisfactorily resolved and noted that related matters would be resolved through the planning process.

The Proposals

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

9. Full details of the proposals for application TM/10/3056 are set out in paragraphs 7 to 23 (pages C1.8 to C1.13) of the report attached at Appendix 1. Details of the site and

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background to those proposals are set out in paragraphs 1 to 6 (pages C1.1, C1.7 and C1.8) and drawings illustrating the proposals on pages C1.2 to C1.6 of that report. The application has not been amended in any way since the publication of the 15 February 2011 report. However, the applicant has recently confirmed that with the exception of any material that has first been treated in the composting process, all material transfer between the waste reception halls and energy building would be undertaken via fully enclosed infrastructure linked to the odour control system. It has further indicated that this transfer is now likely to be by enclosed conveyor.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

10. As stated in paragraph 6 above, the proposals for application TM/09/3231/R5 seek to both regularise a number of discrepancies between the “as built” and permitted composting facility and introduce a number of additional measures designed to address odour problems experienced at the site. Specifically, the application seeks formal approval of the detailed design of the following aspects of the approved composting facility:-
- Surface water balancing pond;
 - Phase 1 (north eastern) biofilter;
 - Phase 2 (north western) biofilter;
 - Air extraction and biofilter for waste reception buildings 1 and 2;
 - Process water storage tanks;
 - Site office and meeting room;
 - Phase 1 maturation halls;
 - Phase 2 maturation hall; and
 - Covered links between the waste reception building 1 and the phase 1 composting hall.
11. Surface Water Balancing Pond: The 2006 permission required a tiered balancing pond in the north east of the site to provide de-silting of surface water prior to natural percolation to groundwater. To meet Environment Agency Environmental Permit requirements, an underground oil interceptor and silt trap was instead installed adjacent to the biofilter in the north eastern corner of the site. The applicant states that the interceptor and silt trap are capable of managing all surface water run-off from both phases 1 and 2 although the size of the balancing pond will need to be reviewed to ensure that it has sufficient infiltration capacity for surface water from both phases of the development. This can be addressed as necessary through the Environmental Permit.
12. Dedicated Biofilters for Phases 1 and 2: The 2006 permission provided for a single biofilter in the north western corner of the site, to the rear of the site office, to manage all aeration and ventilation air from the entire facility (both phases). Instead, the applicant installed a biofilter dedicated to manage air from phase 1 in the north eastern corner of the site. The application seeks approval of this north eastern

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biofilter and the continued implementation of the north western biofilter to serve phase 2 (but at a slightly lower 76m AOD slab level to reflect that now available alongside the offices). The applicant states that this would have no effect on the efficacy of the biofilter and that the provision of two separate biofilters will increase the dispersal of filtered air. It also states that the north eastern biofilter is further from residential properties (560m from Ashtree Farm to the north east) than the previously consented north western biofilter (490m to the south east of Blaise Farm House).

13. Dedicated Waste Reception Air Ventilation and Biofilter: As set out above, the 2006 permission provided for a single biofilter. This has since been changed and approval is sought for such. The applicant states that it is desirable to increase ventilation to waste reception buildings 1 and 2. As a result, it proposes to install a new dedicated air ventilation and biofilter plant to serve these buildings only. The applicant states that this would enable the three existing extraction fans to just be used to ventilate the phase 1 compost halls only and that, in this way, overall site ventilation capacity would be improved. The new air ventilation and biofilter system would involve the installation of 800mm ductwork from two modular biofilters and ventilation fans on the southern elevation of the two waste reception buildings where it would connect with the existing air ventilation system for the buildings. Although this would require the shortening of the covered link between the waste reception buildings and the unimplemented southern compost halls, this would continue to fully cover the roller shutter door on the southern elevation of the waste reception building and provide for the covered movement of material from the waste reception buildings to the southern compost halls when constructed as part of phase 2. The proposed system would be connected to the existing electricity supply on site. The proposed dedicated waste reception air ventilation and biofilter was installed in May 2011 in advance of any formal approval having been obtained in order to seek to reduce odour emissions.
14. Process Water Storage Tanks: The applicant states that the detailed design of the balancing pond in the north eastern corner of the site has enabled the process water storage tanks to be installed on a square bunded concrete pad (as opposed to in a less regular layout as permitted in 2006). The leachate tank (which stores process water from the composting operation) now has a cover with a carbon filter to reduce potential odour release. The clean water tank is also covered.
15. Site Office and Meeting Room: The 2006 permission provided for a single site office to serve both the administration, staff welfare, meeting space and laboratory requirements of the composting facility. The application seeks approval for an amended office design and a separate meeting space to the rear of the office. The applicant states that this provides a more efficient use of office and accommodation space.
16. Phase 1 Maturation Halls: The 2006 permission provided for the phase 1 maturation halls to be finished with gale breaker doors along the entire northern elevations. The application seeks approval for the design that has been implemented (i.e. profiled steel cladding to match the compost halls with wind breaker doors on the northern,

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eastern and western elevations). It states that this design provides better site management and odour and noise control.

17. Phase 2 Maturation Hall: The applicant proposes that the design of the unimplemented phase 2 maturation hall be amended in the same way as for phase 1 (above).
18. Covered links between the waste reception building 1 and the phase 1 composting halls: The 2006 permission provided for enclosed links between the waste reception building and the phase 1 composting halls. The 2006 supporting statement also referred to a sealed conveyor for transporting screened and blended waste from the waste reception building to the phase 1 composting halls and the waste reception building having rapid rise doors with strip curtains and internal compartments for the initial storage of waste (the latter being intended to provide an “air-lock’ type system for vehicles delivering waste”). Although rapid rise doors were installed, the “as-built” facility did not have the covered links, sealed conveyor, strip curtains or internal compartments referred to above at the time the current application was submitted. The current application proposes that the sealed conveyor, strip curtains and internal compartments no longer be required and that screened and blended waste be transported from the waste reception building to the phase 1 composting halls by wheeled loading shovel (as has been the case since the facility started operating). The current application initially proposed that the covered links be provided at some future point but provided no details of these. As a result of the discussions referred to in paragraphs 6 and 7 above, details of the covered links were submitted on 25 July 2011 and now form part of the application. The details are very similar in appearance to those originally permitted, but would be self-supporting and attached to the phase 1 composting halls and the waste reception building with flashing and sealant to ensure an airtight seal against existing cladding. The covered links were installed in September 2011. Although not formally submitted as part of the application, the applicant has also indicated that it proposes to transport screened and blended waste from the waste reception building to the phase 1 composting halls through the covered links wherever possible and to use a covered trailer (rather than a loading shovel) to transport waste to the eastern phase 1 composting hall where this was not possible (i.e. if the western phase 1 composting hall is full). The applicant has also recently confirmed that all material transfer between the waste reception halls and the phase 2 composting buildings would be undertaken via fully enclosed infrastructure linked to the odour control system.
19. The applicant states that the proposals would not result in an increased risk of odour or noise outbreak from the facility. It also states that the installation of the dedicated waste reception air ventilation and biofilter system would provide additional ventilation capacity and improve overall air extraction capability of the site. No changes are proposed to any of the existing planning conditions.

Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall with additional car parking spaces (TM/10/3056) and approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (TM/09/3231/R5) at Blaise Farm Composting Facility, Kings Hill, West Malling, Kent, ME19 4PN

Planning Policy Context

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

20. The relevant planning policies for application TM/10/3056 are set out in paragraph 24 (page C1.13 to C1.14) of the report attached at [Appendix 1](#). A number of material planning considerations are also set out in paragraph 25 (page C1.17) of that report.
21. There have been no changes to the relevant development plan policies since the publication of the previous report although the status of the South East Plan (i.e. as part of the development plan) and the fact that the intention to abolish Regional Strategies by the Localism Bill can be regarded as a material planning consideration have been further confirmed. The draft National Planning Policy Framework (July 2011) is a new material planning consideration. However, this does not contain specific waste policies since national waste planning policy is to be published alongside the National Waste Management Plan for England. Pending this, PPS10 is to remain in place. The other matters addressed in the draft Framework are of limited additional significance to the proposal as they primarily carry forward existing national planning policy that has already been considered in the earlier report. However, it is worth mentioning that in considering the potential effects of pollution on health, amenity and the environment, paragraphs 171 and 172 of the draft Framework make it clear that planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Paragraph 172 also states that planning authorities should assume that these regimes will operate effectively. This is consistent with similar policy in PPS10. I would also advise that Waste Local Plan Policies W10 (composting) and W17 (incineration) referred to in paragraph 24 of the previous report are not relevant to the proposed renewable energy development in this case.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

22. **National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007. The draft National Planning Policy Framework is also relevant and the comments on this included in paragraph 21 above apply equally to this application.
23. **South East Plan (May 2009)** – These include CC1 (Sustainable development), NRM1 (Sustainable water resources and groundwater quality), NRM2 (Water quality), NRM9 (Air quality), NRM10 (Noise), W17 (Location of waste management facilities), C4 (Landscape and countryside management) and BE6 (Management of the historic environment).

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24. **Kent Waste Local Plan (1998)** – These include Policies W10 (criteria for composting proposals), W18 (noise, dust and odour), W19 (ground and surface water), W20 (land drainage and flood control) and W21 (nature conservation).
25. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (September 2007)** – Policies CP1 (Sustainable development) and CP3 (Metropolitan Green Belt).
26. **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment Development Plan Document (September 2007)** – Policies NE1 (Local Wildlife Sites), NE3 (Impact of development on biodiversity), NE4 (Trees, hedgerows and woodland), SQ1 (Landscape and townscape protection and enhancement) and SQ4 (Air quality).

Consultations

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

27. The consultee responses for application TM/10/3056 are set out in paragraphs 26 to 37 (pages C1.17 to C1.18) of the report attached at [Appendix 1](#) and as supplemented below.

Tonbridge and Malling Borough Council: Has recently considered the application again and has advised that OBJECTION BE RAISED unless:

1. The County Council is completely satisfied that the controls in respect of odour within the detailed development are, together with the operation of the site to be regulated by the Environmental Permit, sufficient to preclude harm to the residential amenity of properties in the wider locality;
2. The County Council attaches conditions to any grant of planning permission to control the following, or is satisfied that the following will be controlled by the Environmental Permit:
 - HGV movements;
 - The prevention of the erection of a new building as well as all of the previously permitted building for the composting use already on site;
 - The movement of materials within the site;
 - The management of surface water;
 - The prevention of adverse impact from noise and the need for process noise levels to not exceed background levels.

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Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall with additional car parking spaces (TM/10/3056) and approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (TM/09/3231/R5) at Blaise Farm Composting Facility, Kings Hill, West Malling, Kent, ME19 4PN

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

Details of the application submitted in March 2011 were sent to all consultees on 4 April 2011. The supplementary details submitted on 25 July 2011 were also sent out to all consultees on 1 August 2011. The following comments have been received.

28. **Tonbridge and Malling Borough Council** – OBJECTION BE RAISED unless:
1. The County Council is completely satisfied that the controls in respect of noise and odour within the detailed development are, together with the operation of the site to be regulated by the Environment Agency, sufficient to preclude harm to the residential amenity of properties in the wider locality.
- The Borough Council had initially raised an objection about flooding and surface water drainage. However, it subsequently withdrew this following the receipt of the Environment Agency's comments. It had also previously urged the County Council to work with the Environment Agency and the operators of the site to find a long term permanent solution to the odour nuisance suffered by properties in the locality. It had also recognised the community benefit that the facility can provide, but stated that it was very concerned about the impact locally.
29. **Offham Parish Council** – No comments received.
30. **West Malling Parish Council** – No objections, but would not wish to see the covered links being part of an expansion of the operating capacity of the facility.
31. **Kings Hill Parish Council** – No objections.
32. **Mereworth Parish Council** – No comments received.
33. **Environment Agency** – No objection. States that contrary to Section 1.3.4 of the supporting statement, it believes that installing a strip curtain and internal compartments for storage may be beneficial in terms of odour abatement. However, it states that this will be regulated as part of the Environmental Permit for the site. It is also happy with the proposed drainage and confirms that the Environmental Permit includes details for the mitigation of spillages into this system. Notwithstanding its earlier comments, it is now comfortable that the method for transferring waste between the buildings (i.e. the use of the new covered links for the majority of waste movements and use of a covered trailer where this is not possible) is satisfactory. It confirms that these arrangements are within the remit of the Environmental Permit. It also states that it favours similar links for phase 2.

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Representations

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

34. See paragraph 40 (page C1.18) of the report attached at [Appendix 1](#). No new representations have been received.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

35. No representations have been received.

Local Members

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

36. See paragraph 38 (page C1.18) of the report attached at [Appendix 1](#).

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

37. County Council Members Mrs S Hohler, Mrs T Dean and Mr R Long were notified on 4 April and 1 August 2011.

Discussion

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

38. See paragraphs 41 to 66 (pages C1.18 to C1.24) of the report attached at [Appendix 1](#).

39. The only changes that have occurred in respect of the proposed development since publication of the previous report are the clarification of the applicant's intentions referred to in paragraph 9 above (i.e. confirmation that with the exception of any material that has first been treated in the composting process, all material transfer between the waste reception halls and energy building would be undertaken via fully enclosed infrastructure linked to the odour control system and the likelihood that this transfer is now likely to be by enclosed conveyor) and the further comments from Tonbridge and Malling Borough Council (paragraph 27 above).

Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall with additional car parking spaces (TM/10/3056) and approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (TM/09/3231/R5) at Blaise Farm Composting Facility, Kings Hill, West Malling, Kent, ME19 4PN

40. The only real change in the Borough Council's position is that it has now drawn the distinction between the inability to definitively conclude that the proposal would not result in harm to residential amenity by malodour and the need for adequate control to be exerted over considerations such as traffic movement, the construction of either the renewable energy scheme or the western bay of the consented southern composting hall and noise. In so doing, it effectively acknowledges that the Environmental Permit performs the main role in regulating odour emissions associated with operations at the site and that the County Council can only seek to assess whether the proposed development provides a satisfactory planning basis for those operations. This is entirely consistent with the approach set out in PPS10 and the draft National Planning Policy Framework set out in paragraph 21 above.
41. The clarification of the applicant's intentions can only be regarded as positive in the context of the odour related issues referred to elsewhere in this report and requires no changes to the previous discussion section. However, I consider that it would be desirable to include a condition requiring the transfer of waste between the waste reception halls and energy building via fully enclosed infrastructure linked to the odour control system on any permission that may be granted. I also consider that the addition of a condition requiring that noise levels should not exceed those provided for by condition 24 of the composting permission TM/09/3231 (i.e. the noise rating level ($L_{Ar,T}$) shall not exceed the background noise level ($L_{A90,T}$) measured at any noise sensitive property) would be desirable. This should serve to further address the noise concerns expressed by Tonbridge and Malling Borough Council and Offham Parish Council in paragraphs 26 and 27 of the previous report and again in paragraph 27 above. I would also advise that the reference to Waste Local Plan Policy W10 at the end of paragraph 58 of the previous report should be corrected to refer to Policy W18.
- (ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)***
42. 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 22 to 26 are of greatest relevance. As set out in paragraph 21 above, the South East Plan remains part of the development plan although the Government's intention to abolish regional spatial strategies is a material planning consideration and the weight given to it is a matter for the decision maker. The draft National Planning Policy Framework is also a material planning consideration. However, given the nature of the proposals it is of limited relevance in this case for the reasons set out in paragraph 21.
43. The main issue in this case is whether the composting facility would continue to be acceptable in planning terms if the proposed changes were to be approved and implemented. The main impacts that require consideration relate to odour, noise, ground and surface water, landscape and visual, biodiversity and heritage assets.

Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall with additional car parking spaces (TM/10/3056) and approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (TM/09/3231/R5) at Blaise Farm Composting Facility, Kings Hill, West Malling, Kent, ME19 4PN

Odour:

44. As evidenced by the complaints and concerns about the operation of the composting facility referred to elsewhere in this report, actual or potential odour impacts are of significant concern to the local community. However, in considering this it should be noted that the assessment of complaints about odour is not straightforward. Individuals perceive odour in different ways, responses are subjective, it is not always possible to be certain about the precise source(s) and one or more complaint may be made about the same incident. The matter is further complicated by the fact that complaints have been made to more than one party (regulators and operator) since complaints began in early 2010. For these reasons, specific reference to actual numbers of complaints is not always helpful. Although odour complaints have continued during 2011, it is clear that the improvements that have been implemented in recent months (many of which are proposed as part of the current application) have served to reduce these. It is also evident that many of the improvements relate to site management issues that are more correctly addressed between the operator and Environment Agency under the terms of the Environmental Permit.
45. The Environment Agency has no objection to the proposals and is satisfied that the proposed changes to the previously permitted layout are acceptable. Although it has advised that installing a strip curtain and internal compartments for storage may be beneficial in terms of odour abatement, it has confirmed that this can be regulated as part of the Environmental Permit. Since the inclusion of these elements would not require planning permission, and I am satisfied that they could be required (as necessary) by the Environment Agency, I see no need to require them in planning terms as part of the permitted layout and design. The Environment Agency has also confirmed that transferring waste from the reception halls to the eastern phase 1 composting hall in a covered trailer (rather than in a loading shovel) when it is impossible to do so through the western phase 1 composting hall is a satisfactory arrangement. Although the Environment Agency supports the use of covered links where possible (for phases 1 and 2), I am satisfied that the proposed arrangements can be monitored and appropriately controlled through the Environmental Permit. The covered links (now installed) would accord more closely with the design arrangements permitted in 2006 and should serve to minimise odour emissions since they would (with the exception of any waste that could not be transported through the western hall when that is full) provide fully enclosed infrastructure linked to the odour control system.
46. The other proposed changes that could have some bearing on odour emissions include the dedicated biofilters for phases 1 and 2, the dedicated waste reception air ventilation and biofilter, the leachate tank cover and carbon filter and the use of steel cladding and wind breaker doors rather than gale breaker doors along the entire northern elevations of the phase 1 maturation halls (with similar for phase 2). The Environment Agency has raised no objection to these changes and I am satisfied that they should serve to further minimise the risk of odour emissions.

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47. The Borough Council objects unless the County Council is completely satisfied that the controls in respect of noise and odour within the detailed development are, together with the operation of the site to be regulated by the Environment Agency, sufficient to preclude harm to the residential amenity of properties in the wider locality. As with its further comments on application TM/10/3056, this acknowledges that the Environmental Permit performs the main role in regulating odour emissions associated with operations at the site and that the County Council can only seek to assess whether the proposed development provides a satisfactory planning basis for those operations. As set out in paragraph 40 above, this is entirely consistent with the approach set out in PPS10 and the draft National Planning Policy Framework set out in paragraph 21 above.
48. I am satisfied that the proposals provide the necessary planning basis such that they would enable odour emissions associated with site operations to be effectively controlled by the Environmental Permit and that they are acceptable in terms of those planning policies relating to odour subject to a condition being imposed as part of any approval to ensure that waste transfers take place between the waste reception and composting halls via fully enclosed infrastructure linked to the odour control system wherever possible. This would allow the operator to use a covered trailer (or some other suitable method) to transport waste to the eastern phase 1 composting hall where this is not possible (i.e. if the western phase 1 composting hall is full) but would leave the precise mechanism for doing so to be agreed by the Environment Agency through controls in the Environmental Permit. Members will note that this accords with what is proposed by the applicant in paragraph 18 above and would be consistent with existing and emerging national policy on the relationship between the planning and pollution control regimes.

Noise:

49. The only potential noise increases associated with the proposed amendments to the facility are those relating to the use of a covered trailer to transport screened and blended waste from the waste reception building to the eastern phase 1 composting hall externally when it is not possible to do so through the covered links and western phase 1 composting hall together with those associated with the additional dedicated ventilation system and biofilter for the waste reception buildings.
50. Given the location of the facility in the quarry void, as the nearest noise sensitive properties are about 500m from the site and as noise associated with vehicles, plant and machinery of a similar nature were included in the original noise assessment and found to be acceptable that such movements would continue to take place for other operations at the site (e.g. transporting composted materials from the composting to maturation halls), I am satisfied that the proposed amendments would not lead to a breach of the existing noise condition (i.e. condition 24 of TM/09/3231) which requires that the noise rating level ($L_{Ar,T}$) shall not exceed the background noise level ($L_{A90,T}$) measured at any noise sensitive property. On this basis, the proposals are acceptable in terms of those policies relating to noise.

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Ground and surface water:

51. The only changes to the permitted development that could have any impact on ground and surface water interests are those associated with the redesign of the surface water balancing pond and installation of an underground oil interceptor and silt trap (referred to in paragraph 11 above).
52. The Environment Agency has stated that it is happy with the proposed drainage arrangements and has raised no ground or surface water objections to the proposals. It has further advised that the Environmental Permit includes details for the mitigation of any spillages to the drainage system. I am satisfied that the proposals are acceptable in terms of potential impact on ground and surface water interests and are therefore acceptable in terms of those policies relating to these.

Landscape and visual:

53. The proposed changes to the facility are minor. Given the location of the facility in the quarry void and as public views of it are limited to those of parts of the roofs and tanks when viewed from Footpath MR286 (about 130m to the west of the application site), I am satisfied that any additional impact would be insignificant. On this basis the proposals are acceptable in terms of those policies relating to landscape and visual impact and Green Belt.

Biodiversity:

54. The proposed changes to the facility would have no additional impact on the local wildlife site, ancient woodland or other ecological interests and are therefore acceptable in terms of those policies relating to biodiversity.

Heritage assets:

55. The proposed changes to the facility would have no additional impact on the remains of the Chapel of St Blaise (about 100m to the north of the site) or any other archaeological or historic interest and are therefore acceptable in terms of those policies relating to heritage assets.

Conclusion

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

56. See paragraphs 67 to 69 (page C1.24) of the report attached at [Appendix 1](#).

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57. I am satisfied that these earlier conclusions remain valid and see no reason to come to a different conclusion. The recommendation set out in paragraph 70 of the previous report is therefore reproduced in paragraph 59(i) below with the inclusion of the additional requirement for conditions in respect of noise levels not exceeding those provided for by condition 24 of the composting permission (TM/09/3231) set out in paragraph 50 above and that with the exception of any material that has first been treated in the composting process, all material transfer between the waste reception halls and energy building should be undertaken via fully enclosed infrastructure linked to the odour control system.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

58. The proposed changes to the composting facility are relatively minor and are considered to be acceptable in all respects subject to a condition to ensure that waste transfers take place between the waste reception and composting halls via fully enclosed infrastructure linked to the odour control system wherever possible. I therefore recommend accordingly.

Recommendation

59. I RECOMMEND that:-

(i) Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces (Application TM/10/3056)

(i) PERMISSION BE GRANTED in respect of planning application TM/10/3056 SUBJECT TO conditions covering (amongst other matters) the following:

- 5 year implementation period;
- the development to be carried out in accordance with the permitted details;
- movement of oversize biomass from the Composting Facility to the proposed electricity generating installation, the delivery of ancillary supplies and collections of process outputs shall be confined to between the following hours only: 07:00 to 18:00 Monday to Friday, 07:00 to 13:00 Saturdays, no movements on Sundays, 07:00 to 17:30 on Bank and Public Holidays and no movements on 25 and 26 December and 1 January;
- external colour treatment of exhaust stack to be 'brown-green' (RAL 6008) and new energy building to match existing;
- details of surface water drainage to be agreed prior to commencement;
- operation be time-limited to the life of the site as stipulated in main Composting Facility (i.e. 20 years from first commercial composting operations in 2008);
- site restored as part of the details approved on main Composting Facility

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permission (TM/09/3231);

- pyrolysis plant to operate with only the waste imported to the site pursuant to the existing Composting Facility (as covered by planning permission TM/09/3231);
- combined numbers of site HGV movements restricted to those detailed in main Composting Facility permission (TM/09/3231);
- appropriate measures to guard against mud and debris being tracked to the public highway;
- noise levels not exceeding those provided for by condition 24 of the composting permission (TM/09/3231); and
- with the exception of any material that has first been treated in the composting process, all material transfer between the waste reception halls and energy building should be undertaken via fully enclosed infrastructure linked to the odour control system.

(ii) Approval of details pursuant to condition 5 (working programme, design and layout, etc) of planning permission TM/09/3231 (Application TM/09/3231/R5)

(ii) APPROVAL BE GIVEN in respect of planning application TM/09/3231/R5 subject to a condition covering the following:

- the transfer of all waste materials between the waste reception buildings and phase 1 and phase 2 composting halls taking place wherever possible via fully enclosed infrastructure linked to the odour control system.

Case Officers: Jim Wooldridge (Tel. 01622 221060) and Julian Moat (Tel. 01622 696978)

Background Documents: see section heading.
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Appendix 1 to Item C1 to comprise the report published as Item C1 for the Planning Applications Committee meeting on 15 February 2011.

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall with additional car parking spaces. Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

A report by Head of Planning Applications Group to Planning Applications Committee on 15 February 2011.

Application by New Earth Solutions (Kent) Limited for the installation of renewable electricity generating equipment with associated alterations to the design of part of consented southern composting hall building with additional car parking spaces. Blaise Composting Facility, Kings Hill, West Malling (TM/10/3056)

Recommendation: Planning permission be granted subject to conditions.

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

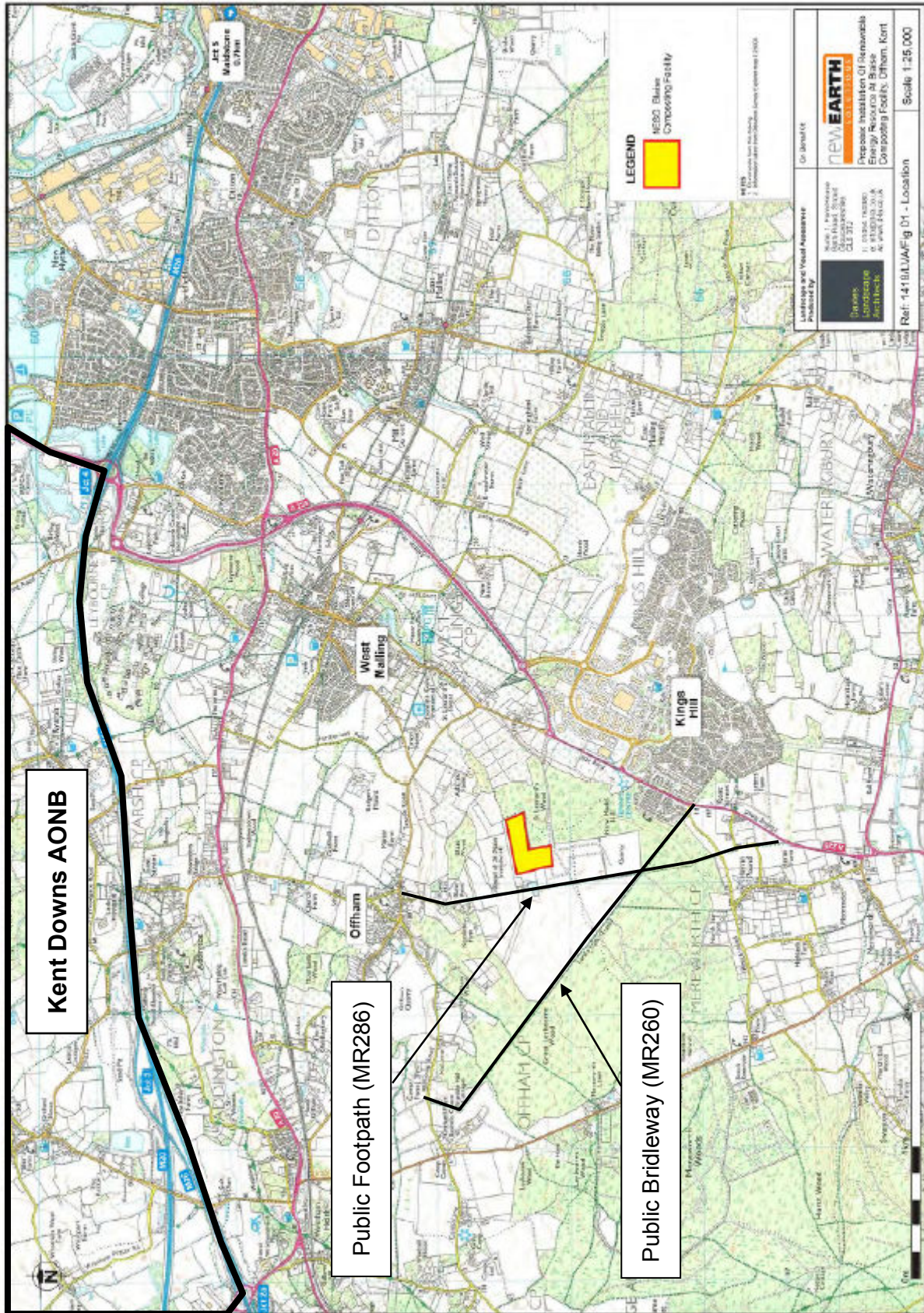
Classification: Unrestricted

Site

1. Blaise Farm Quarry comprises of a 116 hectare site which benefits from planning permission granted in January 1994 (consent TM/88/1002) for the winning and working of some 57 million tonnes of ragstone over a 62 year period in a series of four phases. Blaise Composting Facility occupies an 'L' shaped previously worked area within the quarry void. The composting facility and wider quarry site lies to the south of the village of Offham, to the south west of West Malling and to the north west of the A228 and the residential area of Kings Hill. The Quarry and Composting Facility are served by a purpose built hard surfaced access road onto the A228 West Malling roundabout located near Kings Hill. The Quarry and Composting Facility is located within the Metropolitan Green Belt as identified in the Tonbridge and Malling Local Development Framework.
2. The area surrounding Blaise Composting Facility comprises of mixed agricultural fields and woodland. Mature woodland is located along the east, south and western perimeters of the quarry, comprising St. Leonards Wood, Great Leybourne Wood and Offham Wood respectively, and are designated as Local Wildlife Sites. The nearest residential property, Blaise Farm House, is located some 590 metres to the north west of the application site. The remains of the Chapel of St. Blaise (a Scheduled Ancient Monument) lie approximately 100 metres to the north of the application site. A Public Right of Way (Footpath MR286) lies approximately 130 metres to the west of the application site but would be unaffected by the proposals. This Public Right of Way is due to be diverted around the western boundary of the quarry site as part of the ongoing future mineral operation. *A site location plan is attached on page C4.2.*

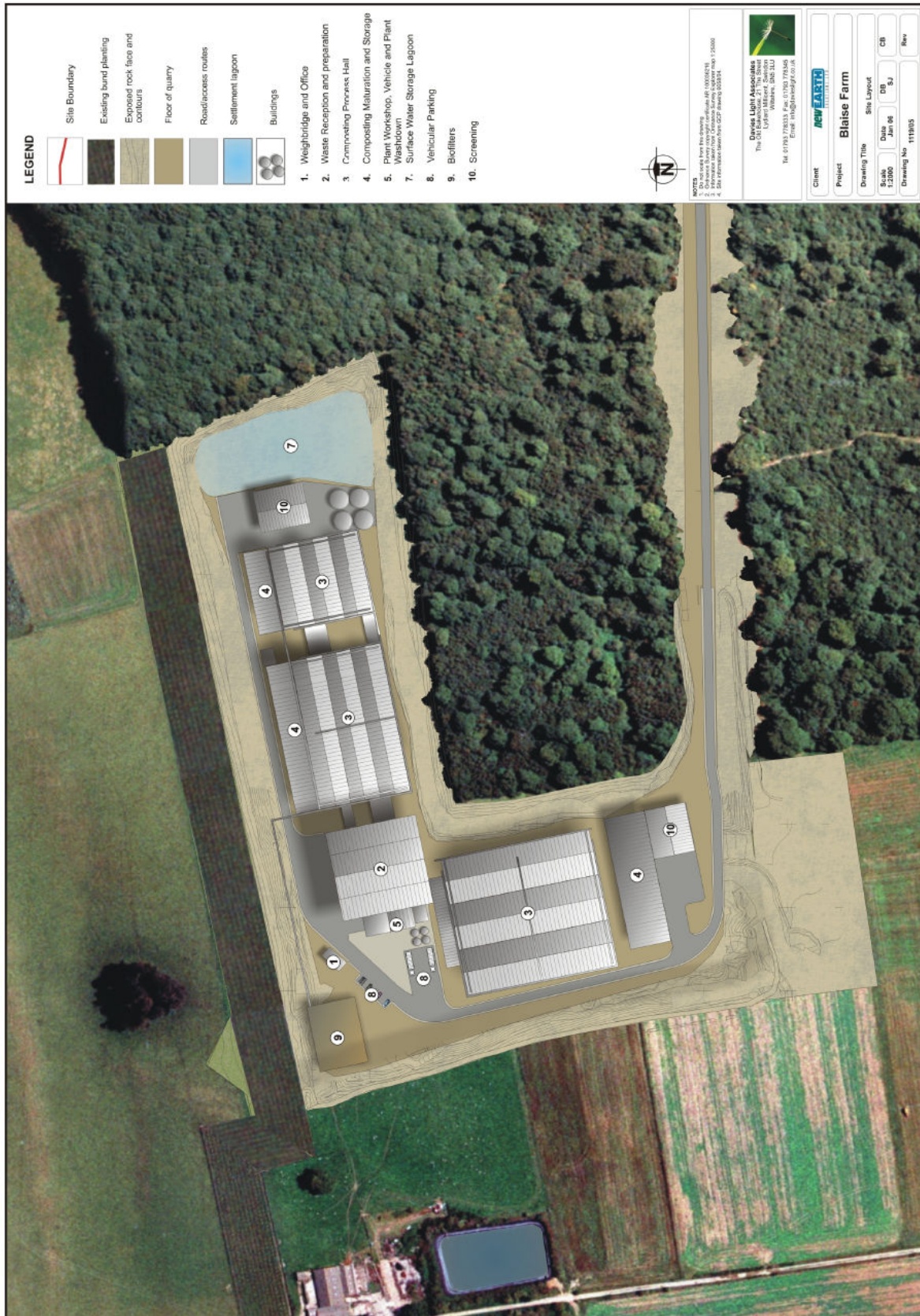
Appendix 1 to Item C1 Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Site Location Plan



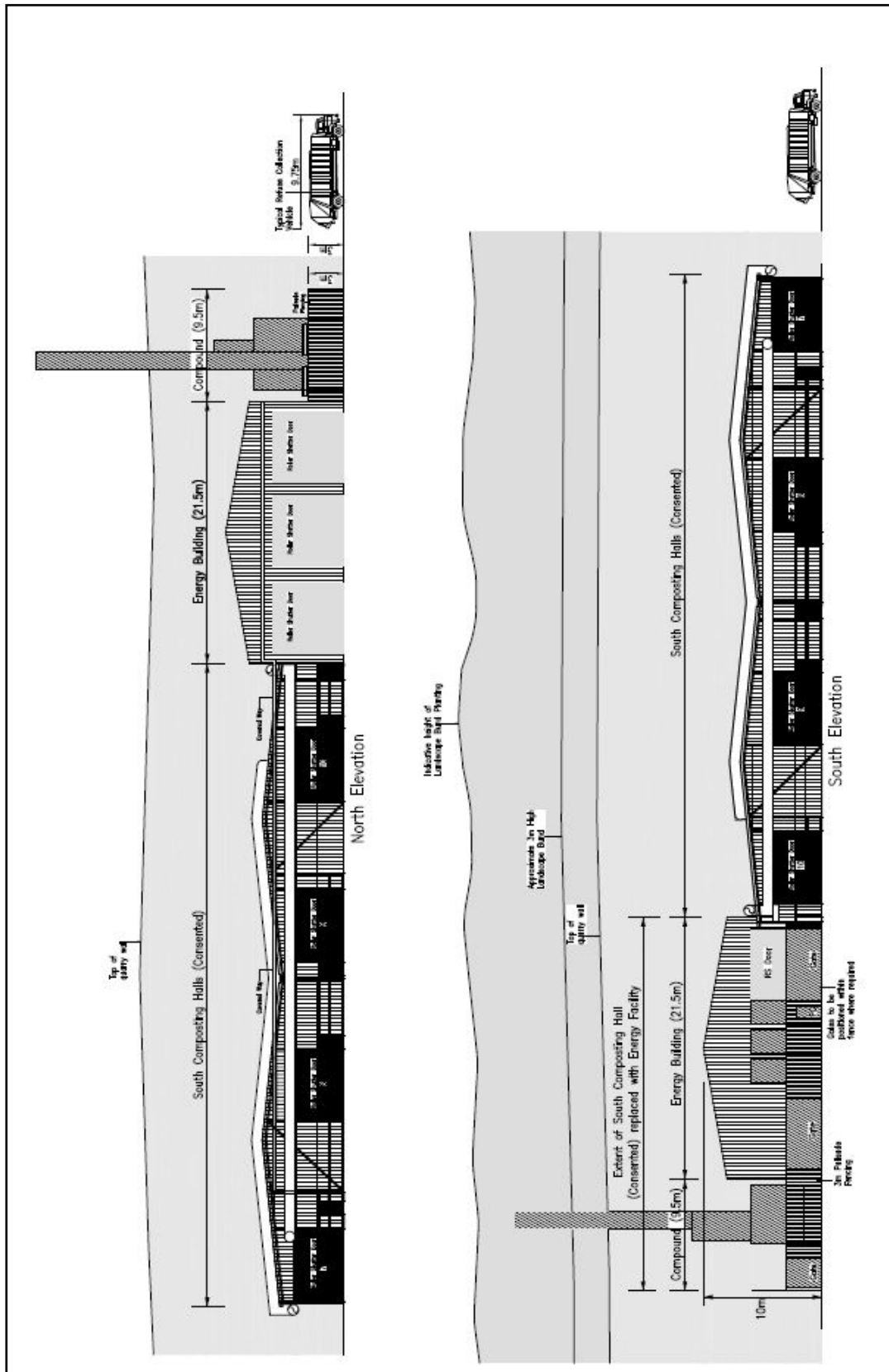
Appendix 1 to Item C1 Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Composting Facility (as consented showing Phase 2 Southern Composting Hall)



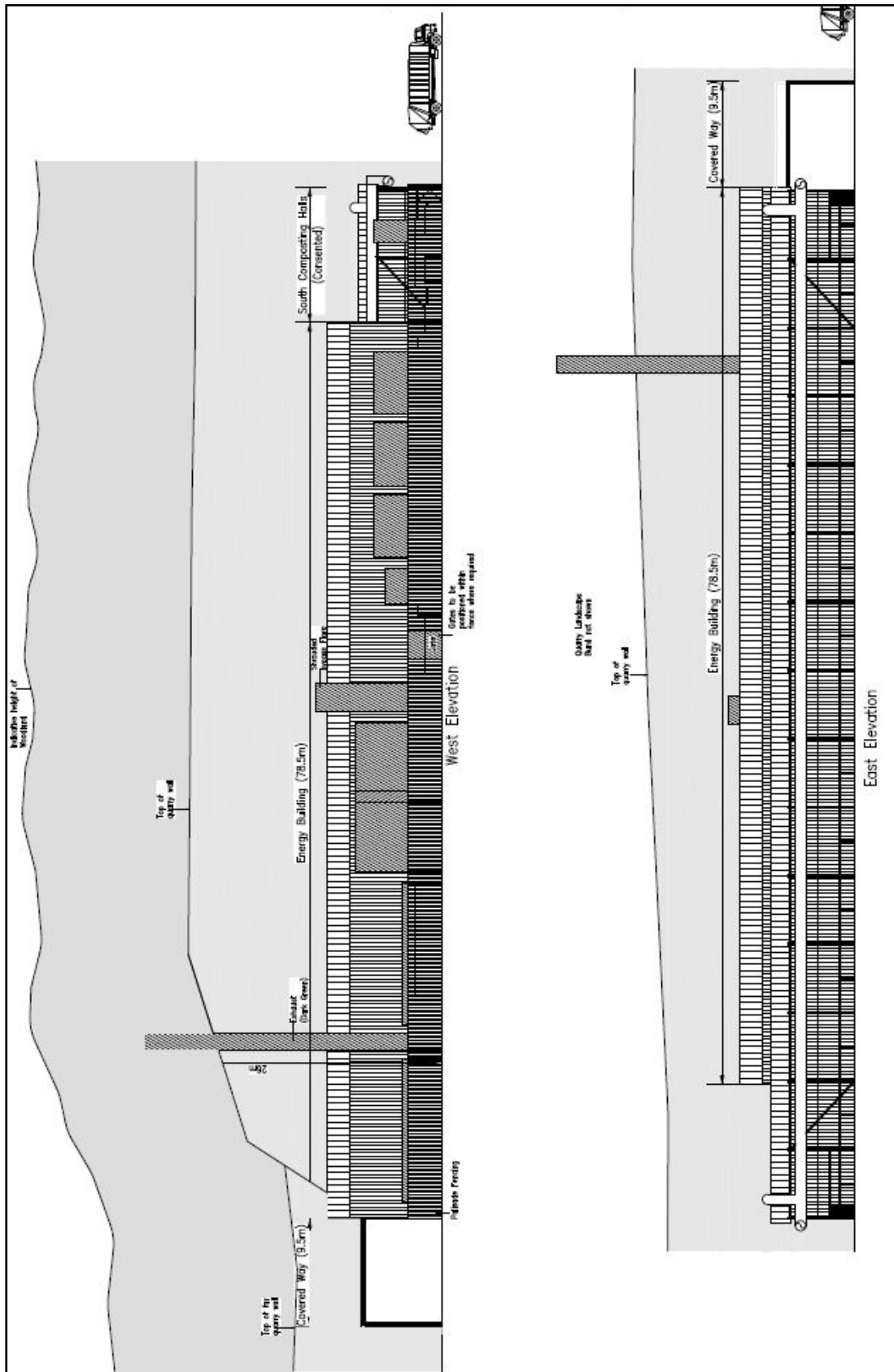
Appendix 1 to Item C1
Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Proposed Elevations (Sheet 1 of 2)



**Appendix 1 to Item C1
Installation of renewable electricity generation equipment at Blaise
Composting Facility, Kings Hill, West Malling – TM/10/3056**

Proposed Elevations (Sheet 2 of 2)



Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Background

3. The existing Blaise Composting Facility, operated by New Earth Solutions, treats source segregated waste collected from both municipal and commercial waste contracts. The existing composting facility manages green/garden, food, vegetable and cardboard (GFVC) waste streams, utilising a fully enclosed composting process to produce compost. The Blaise Composting Facility currently comprises a series of composting buildings including waste reception, composting and maturation halls, together with a site office, weighbridge, biofilter, water storage tanks and a surface water balancing pond. This facility was granted planning permission on the basis of a 50,000tpa composting facility in September 2006, under permission reference number TM/06/762 and first became operational in September 2008. The terms of the existing planning permission time-limit the facility to a period of 20 years from the commencement of commercial composting operations (i.e. until 2028) after which the site shall be restored for forestry, ecological and amenity afteruses, consistent with the wider restoration required pursuant to the Blaise Farm Quarry mineral planning permission (TM/88/1002).
4. Planning permission was subsequently granted to increase waste imports at the facility from 50,000 to 100,000tpa in March 2008, under permission reference number TM/07/4435. The current facility is operating with an annual throughput of around 50,000tpa of source segregated green/garden, food, vegetable and cardboard waste streams. In order for the applicant to increase their waste throughput at the site to the consented 100,000tpa, the applicant would need to implement additional composting buildings as part of Phase 2 of the original Composting Facility permission (TM/06/672).
5. A number of recent planning permission have been granted for alterations to the operation of the existing Composting Facility, the most significant being permission TM/09/3321 granted on appeal which extended waste catchment to now include Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove (for the life of the permission), from within the London Borough's of Bromley and Bexley (until 31 December 2015) and from Essex (until 31 March 2014 and limited to no more than 10,000tpa). Planning permission TM/09/3321 is now the key planning permission for which the current Blaise Composting Facility operates under.
6. It should be noted that a number of complaints have been received about odour emanating from the New Earth Composting Facility at Blaise Farm Quarry since the beginning of 2010. Odours have been experienced in parts of Offham, Kings Hill and West Malling. These concerns were discussed with New Earth Solutions Ltd (which initiated a review of its operations) and with representatives of Tonbridge and Malling Borough Council, the local Parish Councils and the Environment Agency at the Blaise Farm Liaison Committee meetings and independently. The review examined all areas of the composting facility and its operation and led to a number of apparent deficiencies being identified. These included problems with the operation of the ventilation system (e.g. fans, ductwork, trip switches and dampers) designed to extract air from within the buildings and remove odours, management practices (e.g. leaving doors open, particularly during turning operations, as a result of poor visibility and an unpleasant environment as a result of inadequate ventilation) and the leachate tank having no lid and being open to the atmosphere. The operator prepared an odour reduction plan designed to rectify these and other problems. Some equipment has already been improved or replaced and other measures are planned to be implemented by the end of March 2011. Whilst the problems have not yet been fully rectified and it would appear that the local community remains to be convinced that the

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

site can be operated without giving rise to odour nuisance, I am satisfied that the measures that have either been taken or are planned should serve to significantly reduce odour emissions. I also remain satisfied that the facility is capable of operating without giving rise to unacceptable odour, although ongoing monitoring (particularly by the Environment Agency which is primarily responsible for odour control under the Environmental Permit) will clearly be required to ensure that the proposed improvements do rectify the problems, that no new issues arise and that the facility operates satisfactorily without causing further problems for its neighbours.

Proposal

7. This application is made by New Earth Solutions (Kent) Limited and seeks planning permission for the installation of renewable electricity generating equipment with associated alterations to the design of part of the consented southern composting hall building with additional car parking spaces. The application arises as a result of the applicant examining incoming waste streams over the past two years of operation at Blaise, in particularly identifying one specific element of the waste stream that require disproportionate amounts of time and energy to treat. This material is defined as 'oversize' biomass, and comprises thick woody and fibrous material from green/garden waste collections as well as compressed and dense cardboard. Oversized material is currently processed a number of times through the composting process, requiring high levels of energy use and taking up valuable space in the composting halls, which could arguably be more effectively used for more readily compostable material. In the applicant's experience the oversized material does not fully break down in the composting process and has to be screened out to maintain the quality of the compost produced. The applicant therefore presents the argument that the re-circulation of 'oversized' material within their existing facility not only requires a considerable amount of energy to be expended in shredding and processing such materials, but that it also reduces the efficiency of the overall composting facility. Based on current operations, the applicant has identified that this 'oversized' material typically accounts for between 20% - 25% of the incoming GFVC waste stream managed at the facility, dependant on the type of source segregated waste received.
8. To address this operational concern, the applicant proposes the installation of pyrolysis technology within the Blaise Composting Facility. This technology is a modern method of generating renewable energy from biomass material through the thermal degradation of a substance in the absence of any external oxidising agent (other than that contained in the biomass itself) within non-pressurised kilns. The end products of the pyrolysis process are a high calorific (energy rich) fuel gas containing hydrogen, carbon monoxide, methane and solid char. The energy rich gas collected from the process would be fed to engines on site which would, in turn, be used on-site to power the wider composting operations. The application details that char can be utilised in a variety of ways, including being blended with compost as a soil enhancer (subject to appropriate regulatory controls), as a fuel in conventional power generation and in biomass co-firing.
9. An overview of the pyrolysis process is provided for Members information as follows: Oversized material would be prepared within the existing reception and screening halls. Oversized material would then be transferred to the electricity generating installation via a tractor and sheeted trailer. The oversized biomass material would enter the building via a covered way and roller shutter doors which would be closed prior to the material being off-loaded. A loading shovel would then load the biomass into a purpose built bunker within the new building, where a mechanised rake system would feed the biomass through the plant. The bunker system would store sufficient

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quantities of oversized material to enable the installation to generate electricity during times when oversized is not delivered (i.e. during the night, on Sundays and on restricted Bank or Public Holidays). Prior to the biomass entering the pyrolysis units it would be dried using heat gained from the electricity generating process itself. A thermal rotating drum dryer would be installed within the energy building and would pass heat from the engine exhaust stack over the waste, drying it to the optimum moisture level for the pyrolysis process. The oversized material would then be fed into the pyrolysis units which would heat the biomass to between 850 and 950 degrees Celsius without the presence of oxygen in non-pressurised kilns. When heated in the absence of oxygen, the biomass material would undertake physical and chemical changes, breaking down into smaller constituent compounds – including methane, carbon monoxide, carbon dioxide and hydrogen, as well as water vapour and other trace elements. These gas compounds would provide the constituent components of the fuel gas, which would be used to generate electricity. Prior to utilisation of the fuel gas, the gas would be purified to increase the life and efficiency of the gas engines. The purification process incorporates particulate removal and dewatering plant and an oil quench to remove a small quantity of liquid tars produced. Periodically the small quantities of tars produced would be removed from the site for authorised disposal. Fuel gas would be stored in storage buffer tanks located in the compound prior to use in the engines. Three engines would be located within the compound, each individually contained within an acoustically shielded container. The gas engines would share a multi-core exhaust stack, which would be 26 metres high from the floor level of the quarry void (as discussed further in paragraph 11 below).

10. The supporting information sets out that the pyrolysis equipment proposed would generate 2.25MW net electricity. The majority (up to 2MW) of electricity would be used on-site at Blaise to power the composting operation, with any surplus electricity being supplied locally into the electricity network. The application details that the generation of renewable electricity on site at Blaise for use within their composting operation would offset the release of fossil fuel greenhouse gasses produced from the combustion of fossil fuels in a conventional power station, which would otherwise be required to supply electricity to the facility. The application details that as an example, the generation of 2.25MW of renewable energy on site would offset 7,200 tonnes of carbon dioxide per annum, the same level of carbon dioxide that is emitted by over 2,600 average cars per annum.
11. The proposed pyrolysis facility comprises 1,688 sq. metres of building floorspace, 1,322 sq. metres of external compound and covered way, a 100 sq. metres sub-station compound and 9 additional parking bays, all located within the permitted footprint of the Blaise Composting Facility. The site of the proposed building and external compound would occupy the original footprint of approximately one third of the consented, but not yet constructed, southern composting hall. The proposed energy building and compound area, at 31 metres wide in total, would be slightly wider than the consented bay of the not yet constructed southern composting hall building, which would be 27 metres wide. The proposed energy building and compound would be the same length as the southern composting hall building, being 90 metres in length. The proposed building would measure 21.5 metres wide, 78.5 metres in length and 10 metres high to the roof ridge, the same height as the existing waste reception building at the site. The new building would be constructed in materials to match those used in the existing composting facility, those being grey coated profiled steel sheeting to both the roof and walls, with green roller shutter doors. The proposed external compound along the western and southern elevations of the energy building would be divided into three zones, accommodating (amongst other elements) the following key plant: a series of generator sets; heat recovery units; gas purifiers; coolers; oil, gas

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and water storage tanks; filter presses; and char, nitrogen and caustic storage containers. In addition, a 26 metre high and 0.7 metre diameter multi-core exhaust stack would be located within the energy compound. This would be finished in a dark 'brown-green' colour, and would protrude approximately 10 metres above the existing Blaise Farm Quarry void. An 11 metre high and 2.4 metre diameter shrouded bypass flare is also proposed, although this would not protrude above the quarry void. The application details that the flare is required for any process generating flammable gas and would be operated on a very limited 'emergency' basis in the event of multiple engine failure. The energy compound is proposed to be surrounded by a 3 metre galvanised steel fence with access gates.

12. A sub station compound is proposed, measuring some 20 metres by 5 metres, and would be enclosed by 3 metre high galvanised security fence. This compound would accommodate the electricity sub-station, switchgear equipment and transformers. An underground electricity cable would be laid from this sub station along the northern edge of the quarry access road to connect with a sub station at Kings Hill.
13. Nine additional car parking spaces would be provided to serve staff and visitor needs for both the existing and consented composting operation and the proposed electricity generating installation.
14. The application details that the proposed electricity generating installation would not alter the primary purpose of Blaise Composting Facility, in essence to produce compost from collected waste. At full 'built as consented' operating capacity (100,000 tonnes process per annum) the installation is intended to produce renewable energy from between 20,000 and 25,000 tonnes of biomass oversize. In order to achieve this capacity, permission is being sought for the installation of three modular pyrolysis units and associated plant within a fully enclosed building and external compound (as outlined above). Each pyrolysis unit would be capable of processing around 7,000 to 8,000 tonnes of oversize per annum. Based on the anticipated operating capacity of the pyrolysis plant (up to 25,000tpa) approximately 3,150 tonnes of char would be produced per annum. The char would be stored in enclosed bunkers within the compound area and due to its value as a carbon rich resource would be transported off site, for such uses as outlined in paragraph (8) above. Process water would also be produced from the drying of the oversized material prior to it being pyrolysed, together with a limited amount of water being produced during the gas purification stage. In total, approximately 7,500 tonnes of water would be produced per annum, some of which would be re-used on site in the composting process, as irrigation water, whilst the remaining surplus would be tankered off site for authorised discharge.
15. The application details that the electricity generating installation would operate as an ancillary operation to the principle composting operation at Blaise. Therefore the application confirms that the applicant is not seeking to vary any of the existing planning controls covering the consented Blaise Composting Facility. The following general operating controls covered by planning condition would therefore apply:
 - The total maximum amount of waste able to enter the Blaise Composting Facility would remain at 100,000 tonnes per annum (*i.e. the current consented level, but not the current operating level*);
 - Waste would continue to only be sourced from the current geographic catchment - Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove (for the life of the permission), from within the London Borough's of Bromley and Bexley (until 31 December 2015) and from Essex (until 31 March 2014 and limited to no more than 10,000tpa);

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- The total number of HGVs that can enter and leave the Facility would be limited to 41 loads (82 movements) per day Monday to Friday and 21 loads (42 movements) on Saturday;
 - HGV deliveries and exports would be limited to between 07:00 to 18:00 Monday to Friday with limited movements on Saturdays and Public Bank Holidays;
 - HGV routing would not change from that detailed in the existing S106 Agreement. This requires HGVs to avoid surrounding villages unless collecting waste or delivering compost in those villages;
 - Environmental controls, including those relating to the emission of noise, light and odour would remain in place (and more detailed controls within the Environmental Permit); and
 - The restoration and aftercare of the entire site at the end of the planning permission.
16. The application proposes the continuous 24 hour operation of electricity generation. This would require a limited number of site personnel to be on-site during the night. Movement of oversize biomass from the Composting Facility to the proposed electricity generating installation, and the delivery of ancillary supplies and any collections of discharge water and solid char would be confined to the following times:
- 07:00 to 18:00 Monday to Friday;
 - 07:00 to 13:00 Saturdays;
 - No movements on Sundays;
 - 07:00 to 17:30 on Bank and Public Holidays; and
 - No movements on 25 and 26 December and 1 January.
17. The application is accompanied by various supplementary reports, including an air quality assessment, a noise impact assessment and a landscape and visual impact assessment. Considerations relating to odour, dust, drainage and flood risk, external lighting, ecology, transport and utilities have all been taken into account by the applicant within this application. The key findings of those considerations are summarised below.
18. The submitted air quality assessment report identified that the most appropriate exhaust stack for the facility would be 26 metres, which would be around 10 metres higher than the existing quarry rim. The installation would be operated and monitored under regulatory controls, through an Environmental Permit, which would provide specific limits on discharges to air. Air quality monitoring undertaken demonstrates that with the operation of the proposed electricity generating installation and the continued operation of two diesel engines, the predicted change in annual contribution of nitrogen dioxide (used as a proxy for other emissions), would be 'small' at the closest sensitive receptor, and 'very small' at the nine other receptors. The significance of this change is considered 'minor' at the closest sensitive receptor and 'neutral' at all other receptors. However, as the installation of the electricity generating installation is intended to provide all on-site electricity, a scenario where the diesel generators are not operated was assessed. The assessment of this scenario demonstrates that the predicted annual change of nitrogen dioxide would be 'very small' at all sensitive receptors, with a significance of 'neutral'. To control the potential release of dust, biomass material would be transported from the existing reception and screening halls to the energy building using a sheeted trailer. Within the energy building dust suppression would be controlled through the processing of the feedstock material within an enclosed and negatively aerated building. Solid char (one of the process outputs) would be removed from the pyrolysis units via enclosed conveyors and stored in fully enclosed bunkers until removed from the site via HGVs. Furthermore, to accord with the requirements of an Environmental Permit and to

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monitor the production of renewable energy, a Continuous Emission Monitoring System would be installed within the energy building to monitor the emission levels at the installation.

19. The application details that the potential for emissions of odour from the proposed energy generating facility would be limited. The temporary storage and drying of the biomass would take place within an enclosed building, which would provide a barrier to the movement of any odour. Once the biomass material has been dried, the metabolism of microbes that produce odour would be substantially curtailed. The application proposes that extracted air from the bunker storage and drying area would be used as the ventilation air for the electricity generators, in turn creating the negative pressure ventilation and achieving further odour control. The char produced from the pyrolysis process would be organically stable as it would have been heated to over 850 degrees Celsius and therefore there would be no risk of the release of odour from this output.
20. An assessment of the environmental noise impacts of the proposed installation has been undertaken by the applicant. This assessment has identified that at each of the closest noise sensitive receptors, the addition of the noise arising from the proposed installation would not exceed the background noise levels, either during day or night time periods. It has assessed the impact of the proposed energy centre combined with the partial implementation of Phase 2 of the Southern Composting Hall.
21. An assessment of drainage and flood risk has been submitted within the application. This details that no significant changes are proposed by this development than were previously considered at the time of the main Composting Facility development. Rain water from the buildings would be collected and diverted via drains to the existing balancing pond on site, after which the water naturally percolates into the permeable Hythe Beds. Surface water from the Composting Facility passes through petrol and oil interceptors before draining into the existing on site balancing pond. The energy building and compound areas would be constructed with a double protection system to ensure that there would be no discharge of liquids to the ground. To control water run-off in the event of a fire, the energy building would be constructed with a 150mm concrete upstand, capable of containing about 250,000 litres of fire water, far in excess of the amount required in such event. All fuels, oils and lubricants associated with the proposed development would be stored in appropriately bunded tanks.
22. A landscape and visual impact assessment was submitted with the application. This assessed the impact of the proposed development upon the landscape, Green Belt and neighbouring Public Right of Way. The assessment identifies that views of the proposed installation from public viewpoints would be limited to the proposed exhaust stack only, as the building would be located below the natural landform within the quarry void, screened by existing woodland and landscape bunds. Protruding no more than 10.8 metres above the quarry rim, views of the proposed exhaust stack would be limited to two sections of public footpath MR286. From these viewpoints the visual effect from these views has been considered to be 'minor adverse'. From all other local viewpoints, the assessment concludes that no aspect of the proposed development would be visible and therefore the landscape and visual effect would be 'none'. Distant views from parts of the North Downs AONB and Trosley Park have been considered to be 'neutral' due to the long distance, where it is considered that the proposed exhaust stack would be difficult, if not impossible, to identify within the landscape. Overall, the assessment found that the proposal is deemed to have a minimal minor adverse impact upon the local character and visual amenity.

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23. The energy building and compound is proposed to operate 24 hours a day, requiring external lighting to allow the safe operation of employees working on the site. This lighting has been designed to minimise light spill through the use of modern flat glass down-lighting. External lighting would be controlled by Passive Infra Red sensors to ensure that when not required, external lighting is extinguished.

Planning Policy

24. The most relevant Government Guidance and adopted and proposed Development Plan Policies summarised below are relevant to the consideration of this application:

- (i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development) and it's Supplement (Planning and Climate Change), PPG2 (Green Belts), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning for Sustainable Waste Management), PPG13 (Transport), PPS22 (Renewable Energy), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).

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

Policy SP5 Existing Green Belts in the region will be retained and supported and the opportunity should be taken to improve their land-use management and access as part of initiatives to improve the rural-urban fringe.

Policy CC1 The principle objective of the Plan is to achieve and to maintain sustainable development in the region. Sustainable development priorities for the South East are identified as (amongst others) reducing greenhouse gas emissions and ensuring sustainable levels of resource use.

Policy CC2 Climate change mitigation measures will be supported, including encouraging the use of renewable energy and reducing the amount of biodegradable waste landfilled.

Policy CC3 Supports the adaptation of existing development to reduce its use of energy

Policy CC4 Supports proposals which include a proportion of the energy supply of new development from decentralised and renewable or low-carbon sources.

Policy C4 Outside nationally designated landscapes local planning authorities should recognise and aim to protect and enhance the diversity and local distinctiveness of the region's landscape.

Policy NRM5 Local planning authorities shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

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Policy NRM9 Planning proposals should contribute to sustaining the current downward trend in air pollution in the region.

Policy NRM10 Promotes measures to address and reduce noise pollution.

Policy NRM13 Target set by 2016 to ensure that 8% of electricity within the region is generated from renewable energy sources. Recognises that renewable energy resources with the greatest potential for electricity generation include, amongst others, biomass.

Policy NRM14 Development proposals should seek to contribute towards the achievement of 154MW of renewable energy within Kent by 2016.

Policy NRM15 Renewable energy development, particularly wind and biomass, should be located and designed to minimise adverse impacts on the landscape, wildlife, heritage assets and amenity.

Policy NRM16 Local authorities should in principle support the development of renewable energy.

Policy W6 Seeks to increase the amount of all waste recycled and composted.

Policy W11 Waste planning authorities should encourage the separation of biomass waste, and consider its use as a fuel in biomass energy plants where this does not discourage recycling and composting.

Policy W12 Seeks to promote and encourage the development and demonstration of anaerobic digestion and advanced recovery technologies that will be expected to make a growing contribution towards the delivery of the regional targets for recovery, diversion from landfill, and renewable energy generation over the period of the Plan.

Policy W14 Encourages high quality restoration and aftercare to help deliver wider environmental and social objectives of this Plan.

Important note regarding the South East Plan:

As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention

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to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. The 10th November 2010 Quartermain Letter is now being challenged in the High Court and must in my view carry little weight until such time as the Court decision is known. This is currently awaited. Department of Communities and Local Government advice on this matter reads:

'Local planning authorities and planning inspectors should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.

The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner'.

(iii) **The adopted 1998 Kent Waste Local Plan (Saved Policies):**

Policy W3 Waste processing and transfer facilities outside those locations identified on the proposals map will not be permitted unless they can avoid the need for road access and are located within (or adjacent to) and existing waste management operation.

Policy W6 Where a planning application is submitted for waste management development on a site outside a location as identified as suitable in principle in the Plan and demonstratable harm would be caused to an interest of acknowledged importance, need will be a material consideration in the decision.

Policy W10 Seeks to ensure that proposals do not cause significant harm to residential amenity due to noise, dust, odour or visual impact; that the site is accessible to the primary route network; that the proposal would not be unduly obtrusive in the landscape; and that the impact on the natural environment would be minimised.

Policy W17 Seeks to ensure that airborne emissions will not adversely affect neighbouring land uses and amenity.

Policy W18 Seeks to ensure that noise, dust, odours and other emissions will not adversely affect neighbouring land uses and amenity.

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- Policy W19** Before granting planning permission for a waste management facility the planning authority will required to be satisfied that surface and ground water resource interests will be protected.
 - Policy W20** Before granting planning permission for a waste management facility, the planning authority will require to be satisfied that proposals have taken account of land settlement, land stability, the safeguarding of land drainage and flood control and minimisation of rainwater infiltration.
 - Policy W21** Seeks to ensure earth science and ecological interest of the site and its surroundings have been established and protected.
 - Policy W22** Seeks to ensure that new waste management facilities are adequately served by the highway network.
 - Policy W25** Seeks to encourage good design principles for new built waste management facilities.
 - Policy W27** Seeks to safeguard existing Public Rights of Way.
 - Policy W31** Seeks to ensure adequate landscape proposals are incorporated as an integral part of the development.
 - Policy W32** Seeks to ensure that an adequate restoration and aftercare scheme is proposed as an integral part of the proposal.
- (iv) The adopted 2007 **Tonbridge and Malling Borough Council Local Development Framework Core Strategy:**
- Policy CP3** Reaffirms national Green Belt planning policy.
 - Policy CP14** Seeks to restrict inappropriate development within the countryside.
 - Policy CP24** Seeks to encourage well designed built development.
- (v) The adopted 2010 **Tonbridge and Malling Borough Council Local Development Framework – Managing Development and the Environment Development Plan Document.** The most relevant Policies include Policy NE1
- Policy NE1** Seeks to conserve Local Wildlife Sites.
 - Policy NE3** Seeks to preserve and enhance biodiversity
 - Policy SQ1** Landscape and Townscape protection and enhancement
 - Policy SQ6** Mitigating the impacts of noise
25. Other material planning considerations relevant to the determination of this planning application (but not forming part of the Development Plan) include the following: Climate Change Act (2008), Carbon Budgets Order (2009), Renewable Energy

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Directive (2009/28/EC), UK Renewable Energy Strategy (2009), UK Biomass Strategy (2007) and the Tonbridge and Malling Climate Change Strategy (2008-2011).

Consultations

26. **Tonbridge and Malling Borough Council:** Object to the proposal unless the following criteria can be met:
- no discernable odour beyond that permitted;
 - adequate monitoring and enforcement;
 - no increase in noise levels
 - restriction on HGV movements for the existing composting facility/consented scheme are exerted over the proposal;
 - implementation of either this scheme, or the western bay of the already consented Southern Composting Hall be constructed (not both);
 - control of the timing of on-site movement of material, deliveries and removals; and
 - submission of, and adherence to, details of a suitable surface water drainage scheme.
27. **Offham Parish Council:** Object to this planning application on the grounds that it could add further to the existing odour problems emanating from the site. Also concerned about the potential for noise problems resulting from a 24 hour 365 day operating plant. Consider that the existing problems with the Composting Facility should be eliminated before considering any additional facilities on site.
28. **West Malling Parish Council:** Supports the aspirations of this proposal which it considered extremely commendable. However, expressed concerns about the problem of odours emanating from the site and states that there are currently significant concerns about odours discernable in some parts of West Malling. It also expressed concerns that if water were tankered out from the site then this would generate additional lorry movements.
29. **Mereworth Parish Council:** No objections to the proposal.
30. **Kings Hill Parish Council:** No response expressed to date. Any views received prior to the Committee meeting will be reported to member's verbally.
31. **Divisional Transportation Manager:** No objection to the proposal on the basis that the application does not increase the number of HGV movements to/from the site. Supports the additional parking provision on site and recommends that appropriate controls be employed on site as necessary to guard against the deposit of mud and debris on the public highway.
32. **Environment Agency:** No objection in principle to the application. It reminds the applicant that any new development at the site and/or change in operational procedures as a result, must be in accordance with the Environmental Permit.
33. **Health Protection Agency:** No objections.
34. **County Council's Landscape Consultant:** Considers the advice contained in the applicant's Landscape & Visual Impact Assessment report to be based on the latest guidance and agrees that the proposals would not cause any significant landscape or visual impacts.

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35. **County Council’s Noise and Air Quality Consultant:** Accepts the findings of the applicant’s noise reports that noise would not be an issue on the basis that the nearest houses are some considerable distance from the application site. Also considers that ground level pollutant concentrations and the deposition of contaminants are well below the objectives, therefore having no significant impact upon the nearby residential properties or any adjacent sensitive ecosystems.
36. **County Council’s Public Rights of Way Officer:** No comments to make on the proposed development.
37. **County Council’s Biodiversity Officer:** No objections.

Local Members

38. The local County Members, Mr. S. Hohler, Mrs. T. Dean and Mr. R. Long were notified of the application on 5 November 2010. No comments have been received.

Publicity

39. The application was publicised by the posting of several site notices (at the site entrance and the adjoining Public Right of Way) and a newspaper advertisement in the Kent Messenger Maidstone Extra. There were no residential properties within 250 metres of the application site to notify in this instance.

Representations

40. No representations have been received.

Discussion

Introduction

41. The application is being reported to the Planning Applications Committee as a result of the objections received from Tonbridge and Malling Borough Council (as detailed in paragraph 26) and Offham Parish Council (as detailed in paragraph 27). In considering this proposal, regard must be had to the most relevant Government Guidance, adopted Development Plan Policies outlined in paragraph (24) and any other key material planning considerations relevant to take into consideration in the decision making process as outlined in paragraph (25). 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.
42. The key planning considerations in this particular case can be categorised under the following headings:
 - the impact of the proposals on the openness of the Metropolitan Green Belt and whether the proposals represent “inappropriate development” within such land;
 - the visual impact of the proposals on the wider landscape, and key public viewpoints;

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- the impact of the proposals on local amenity in terms of the potential for adverse odour, noise, light, dust and air quality issues;
- the impact of the proposals on the local highway network;
- the future restoration and aftercare of the site; and
- any other issues.

Metropolitan Green Belt

43. Members will note that the application site is located within the Metropolitan Green Belt. Government guidance expects that all planning applications for development in the Green Belt will be subject to the most rigorous scrutiny, having regard to the fundamental aim of Green Belt policy as set out in Planning Policy Guidance Note 2 (PPG2) that is to prevent urban sprawl by keeping land permanently open. The openness of Green Belts is considered to be their most important attribute and therefore there is a general presumption against inappropriate development, which is by definition harmful and should not be permitted, unless it can be justified by 'very special circumstances'. Therefore in the context of National Planning Policy and Development Plan Policies that apply, consideration needs to be given to whether or not the proposal involves 'inappropriate development', and if so, whether there are 'very special circumstances' that would warrant setting aside the general presumption against development.
44. The development proposed does not fall within one of the categories of new buildings which are considered to comprise appropriate development within the Metropolitan Green Belt. Therefore, the development will, by *definition*, be harmful to the openness of the Green Belt. However, it is important to note that the site has the benefit from a partially implemented consent for the construction of the remainder of the development (i.e. the Southern Composting Hall and other associated works). In terms of the impact on the visual openness of the Green Belt of the proposed development to those elements of the already consented Composting Facility which would be replaced by the proposal, it is considered that the proposal would have a marginally greater impact. The proposed building and compound area would be slightly wider but the same length as the consented composting hall, although the addition of proposed plant within the energy compound would add additional height and bulk elements over and above the existing building already consented at the site.
45. It is therefore necessary to consider whether 'very special circumstance' exist which clearly outweigh the harm caused to the openness of the Green Belt by reason of inappropriateness or actual harm. The need for an assessment for proposals for renewable energy provision within Green Belt sites is acknowledged at Paragraph 13 of Planning Policy Statement 22 (Renewable Energy). The applicant has put forward a case of very special circumstances which include, *inter alia*: contributing towards meeting relevant renewable energy targets, the potential to improve local air-quality through a reduced need to use on-site diesel generators to power the existing Composting Facility and also the creation of two full time jobs.
46. I consider that given the limited amount of harm caused to the openness of the Green Belt, over and above that which would be caused as a result of the not yet fully implemented consented scheme, together with the clear benefits of co-location with the existing facilities and the better dealing with oversize element of the existing waste stream therefore are sufficient '*very special circumstances*' to clearly outweigh any harm caused. For these reasons I consider that the proposals accord with National Green Belt Policy, together with Development Plan Policies covering Green Belt land,

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notably South East Plan Policy SE5 and Tonbridge and Malling Core Strategy Policy CP3.

Visual impact of proposals on wider landscape and key public viewpoints

47. The building proposed would be similar in scale and general visual appearance to existing buildings which have been constructed on site, with the exception of the provision of the 26 metre high proposed exhaust stack. A thorough landscape and visual impact assessment was submitted with the application, which assessed the impact of the proposed development upon the wider landscape, Metropolitan Green Belt and neighbouring Public Right of Way. The assessment identified that views of the proposed installation from public viewpoints would be limited to the proposed exhaust stack only, as the building would be located below the natural landform within the quarry void, screened by existing woodland and landscape bunds associated with Blaise Farm Quarry.
48. Protruding no more than 10.8 metres above the quarry rim, views of the proposed exhaust stack would be limited to two sections of public footpath MR286. At these viewpoints the visual affect of the proposed exhaust stack on the wider landscape has been considered to be 'minor adverse'. From all other local viewpoints, the assessment concludes that no aspect of the proposed development would be visible and therefore the landscape and visual effect would be 'none'. Distant views from parts of the North Downs AONB and Trosley Park have been considered to be 'neutral' due to the long distance and slim nature of the proposed exhaust stack. Having carried out a site visit around the application site and taken account of public views obtained from Public Right of Way (MR286) I concur with the findings of the landscape and visual impact assessment submitted with the application.
49. The proposed exhaust stack would be finished in a dark 'brown-green' colour (RAL 6008) which I consider would sit well within the wider landscape, against previous quarry workings and woodland planting surrounding parts of the Blaise Farm Quarry site. I note that the County Council's Landscape Consultant (see paragraph 34) has considered that the proposals would not cause any significant landscape or visual impact. I am therefore satisfied that the proposal would not cause a detrimental impact on the wider landscape or when viewed from the nearest public viewpoint (Public Right of Way MR286).
50. Members will note that the life of the existing Composting Facility is tied by planning condition to a 20 year period from the commencement of commercial composting operations (which first started at the site in September 2008) under planning consent TM/06/762. This proposal, which is intended to operate as an ancillary operation to the main Composting Facility, does not seek to vary this operational time period should planning permission be granted. I therefore propose that a condition be attached to any planning consent requiring the development to be removed at the same time as the existing Compost Facility and both areas be restored in accordance with the details approved pursuant to that planning permission (i.e. planning permission TM/09/3231). Such restoration would accord with National Green Belt policies, wider landscape policies which seek to preserve and enhance the countryside and those restoration and aftercare policies contained in the South East Plan (Policy W14) and Kent Waste Local Plan (Policy W32).
51. For the reasons set out above, I consider that the proposals are in general conformity to South East Plan Policy C3, Core Strategy Policy CP14 and Waste Local Plan Policies W25, W27, W31 and W32.

Appendix 1 to Item C1

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Local amenity considerations

52. The application is supported by a noise report which has assessed the implications of noise production associated with the proposed 24 hour electricity generation operation, together with the operation of the Composting Facility. As the application proposes the continuous 24 hour operation of electricity generation there would need to be a limited number of site personnel on-site during night time periods. Movement of oversize biomass from the Composting Facility to the proposed electricity generating installation, and the delivery of ancillary supplies and any collections of discharge water and solid char would be confined to the following times in order to avoid night-time noise nuisance:
- 07:00 to 18:00 Monday to Friday;
 - 07:00 to 13:00 Saturdays;
 - No movements on Sundays;
 - 07:00 to 17:30 on Bank and Public Holidays; and
 - No movements on 25 and 26 December, and 1 January
53. The noise report concluded that the noise from the facility would not adversely affect the closest noise sensitive receptors, either during the day or night time periods. Notwithstanding the concerns expressed by Offham Parish Council regarding the potential for adverse noise impacts 24 hours per day, 365 days per year, the County Council's Noise Consultant (see paragraph 35) has accepted the findings of the applicant's noise report and considers that noise would not be an issue given the considerable distance (approximately 590 metres) to the nearest noise sensitive residential properties.
54. Members will note that there have been a number of recent complaints since the beginning of 2010 about odour emanating from the New Earth Composting Facility. These concerns are currently the focus of a review by the operator, who has put in place a number of operational changes together with physical building measures to limit the escape of odour particles from their existing Composting Facility. An odour reduction plan has been produced by the operator and discussed with the local community and representatives of the Environment Agency, the Borough Council and Waste Planning Authority. Whilst the existing problems have not been fully resolved, I consider that New Solutions Ltd have taken, and are in the process of further implementing measures to serve to significantly reduce odour emissions from the site.
55. This application details that the potential for emissions of odour from the proposed energy generating facility would be limited, with the only potential for odours being within the initial sorting and drying of the oversized biomass which would take place within the proposed building. The applicant proposes the building would include a negative pressure ventilation system. Whilst I can appreciate the concerns expressed by Offham Parish Council on the basis of on-going complaints, I am satisfied that the addition of additional plant and equipment at the site would not add to any existing operational odour problems. The addition of the proposed installation does not seek to import additional waste to the site, nor does it seek to alter the existing consented incoming GFVC waste streams. Furthermore, in planning terms it would not be reasonable or justified to hold the applicant to ransom with their proposed energy development until such time as all existing operational concerns regarding odour are fully resolved. Moreover, Members should note that the appropriate regulatory body directly responsible for the control of odour at the site rests with the Environment

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Agency under their Environmental Permit. It should also be noted that the Environment Agency have not raised objection to the proposed development.

56. The application is supported by an air quality assessment report which has identified that the most appropriate exhaust stack for the facility would be 26 metres from the quarry void, rising to around 10 metres higher than the existing quarry rim. The air quality assessment assessed the proposal in terms of two scenarios: if the installation were to operate together with two diesel generators (currently used for electricity generation on site); and if the facility was to provide all on-site electricity and accordingly none of the diesel generators were to operate. The conclusions of this assessment demonstrate that there would be 'neutral' to 'minor' impact on air quality of the installation were to operate together with the existing diesel generators, and a 'neutral' or improvement in air quality of the plant were to operate but the generators be decommissioned from the site. The assessment report also assessed the predicted concentrations of nitrous oxides, sulphur dioxides and ammonia and depositions of nitrogen and acid at relevant sites of ecological importance. These were found to be less than 1% of the relevant critical load, and therefore accordingly, the ecological impacts considered to be insignificant.
57. Members will note that the County Council's Air Quality Consultant (see paragraph 35) is satisfied with the findings of the accompanying report. He notes that ground level pollutant concentrations and the deposition of contaminants are well below the objectives, therefore having no significant impact upon the nearby residential properties or any adjacent sensitive ecosystems. Furthermore, members should be advised that emissions to air are dealt with by the Environment Agency under the Environmental Permitting Regulations.
58. For the reasons discussed above I am satisfied that the proposed energy generation installation at Blaise Composting Facility would not have any significant detrimental impact on local amenity through noise, odour or air quality issues. Furthermore I consider the proposals to be in general conformity to South East Plan Policies NRM10 and NRM15 and Waste Local Plan Policy W10.

Highway issues

59. The information submitted in support of the planning application details that the generation of new HGV movements serving the electricity installation only (i.e. those involved in the delivery of process materials or the removal of char) would be offset by the reduction in the removal of compost from the site (as the oversize material would be used for the generation of electricity) and the reduction of tankers delivering diesel fuel to the Facility.
60. The applicants therefore detail that vehicle movements associated with the electricity generation installation would not result in any increase in the existing HGV movements permitted by existing planning consents. No alterations to the consent access arrangements for the site are proposed, nor required as a result of the installation of the renewable energy generating equipment.
61. HGV routing for the existing Composting Facility would not change from that detailed under the terms of the existing S106 Agreement, such that no new Agreement is necessary. These require HGVs to avoid surrounding local villages, unless specifically collecting waste or delivering compost within their area. I therefore consider that the proposal is acceptable in highway terms and conforms to Waste Local Plan Policy

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

W22. I recommend that the combined number of HGVs at the composting and pyrolysis facilities be restricted to those currently permitted.

Other Issues

62. National planning policy regarding renewable energy as set out in PPS22 details that renewable energy development should be capable of being accommodated in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. South East Plan Policies NRM13, NRM14, NRM15 and NRM16 actively support the principle of renewable energy development, introducing targets to ensure that 8% of electricity within the region is generated from renewable energy sources by 2016. Similarly, there is support from other material considerations (as outlined in paragraph 25) such as the Climate Change Act (2008), the UK Renewable Energy Strategy (2009), the UK Biomass Strategy (2007) and the Tonbridge and Malling Climate Change Strategy (2008-2011). I consider that the principle of generating renewable electricity from an otherwise inefficient element of the existing incoming GFVC waste stream (i.e. oversized biomass) is a positive step in addressing wider climate change targets. I therefore fully support the principle that the applicant is seeking to achieve in this instance.
63. The application site is not located in an area at risk of flooding. The application provides detail as to the manner in which surface water drainage would be dealt with, which is primarily based on the overall system agreed as part of the initial Composting Facility consent. This system includes the use of oil and petrol interceptors which surface waters would pass through before draining into the existing on site balancing pond, thereafter percolating into the permeably Hythe Beds. The proposed facility has been designed to retain run-off water in the event of a fire at the facility. I note that the Environment Agency has raised no objection to the proposals, and therefore I am satisfied by this element of the proposal, subject to the later agreement of adequate surface water drainage details.
64. The Borough Council has requested that a condition be placed on any planning permission to control that this scheme, or the western bay of the Southern Composting Hall be constructed, but not both elements. Should the applicant choose to implement any subsequent planning permission granted for the energy installation then they would effectively forego the western bay of the already consented Southern Composting Hall on the basis that the footprint of this development directly overlays the existing consented but not yet implemented extension. Whilst it would not be possible to fully implement Phase 2 of the Compost Facility planning permission (TM/06/762) if this proposal were to be implemented, these matters can be satisfactorily addressed under the terms of the existing planning permission.
65. The site area of the proposed energy building and its associated compound facilities would be restored in accordance with wider restoration objectives of the Blaise Farm Quarry. The life of the existing Composting Facility is tied to a 20 year period which commenced from 2008. I propose that in order to secure a satisfactory restoration of this parcel of the wider Composting Facility, consistent with South East Plan Policy W14 and Waste Local Plan Policy W32, that a condition be placed on any consent requiring the restoration of this part of the site in accordance with the details to be agreed under the main Composting Facility planning permission (TM/09/3231).
66. The application does not seek to vary incoming waste streams of GFVC waste to the current Composting Facility, nor does it propose a new waste stream to feed the

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

pyrolysis plant. Instead it seeks to utilise an otherwise inefficient element of the existing waste stream (i.e. oversized biomass) to generate renewable electricity to power the wider Composting Facility. I therefore propose that in order to control the feedstock of the pyrolysis plant exclusively to biomass material brought onto the site under the existing operational planning requirements set out in planning permission TM/09/3231, that a condition be placed on any decision dictating that the proposed facility can only operate using waste imported under the terms of the main Composting Facility planning permission.

Conclusion

67. The proposal seeks planning permission for the installation of renewable electricity generating 'pyrolysis' equipment with associated alterations to the design of part of the consented southern composting hall at Blaise Composting Facility. The application site sits within the Metropolitan Green Belt. For the reasons discussed above I consider the proposals to accord with National Green Belt policy given the limited harm caused to the openness of the Green Belt, over and above the already consented but not yet implemented Southern Composting Hall, together with clearly demonstratable benefits of the co-location of the energy facility and existing Composting Facility. These very special circumstances put forward by the applicant are, in my opinion, in this instance sufficient to set aside the presumption against inappropriate development within the Green Belt.
68. I consider the proposal to be acceptable in wider landscape and visual terms and based on the technical and professional advice obtained relating to noise and air quality do not consider these proposals to give rise to any overriding unacceptable harm to local amenity. Notwithstanding the concerns received from Offham Parish Council relating to existing and on-going odour problems at the site I do not consider that the proposed development would increase in the potential for odour in the locality. I therefore see no reason in planning terms to presume against the grant of planning permission for this facility. Furthermore, I note that the existing odour concerns are being actively monitored and measures have been, and continue to be put in place to take the necessary steps to reduce any concerns as far as possible. I would point out that this matter relates to the existing Composting Facility and therefore is not directly relevant to the consideration of the new energy generation installation. I am therefore satisfied that the matters identified by the Borough Council and Offham Parish Council have been satisfactorily addressed in this instance.
69. As discussed throughout the report, the proposals do not give rise to any significant alterations over and above the existing Composting Facility at Blaise Farm. The proposed installation would operate as an ancillary function to the main purpose of the Facility to compost GFVC waste streams collected from municipal and commercial waste contracts. It is considered that the proposal represents a satisfactory location for such a renewable energy development given its proximity to the fuel source, its relative remoteness from residential properties and limited visual impact. Furthermore I note that there is considerable Development Plan Policy support and primary legislation which advocates the use of renewable technologies in suitable locations. For the reasons set out above I therefore recommend accordingly.

Appendix 1 to Item C1

Installation of renewable electricity generation equipment at Blaise Composting Facility, Kings Hill, West Malling – TM/10/3056

Recommendation

70. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions to cover (amongst other matters) the following:

- 5 year implementation period;
- the development to be carried out in accordance with the permitted details;
- movement of oversize biomass from the Composting Facility to the proposed electricity generating installation, the delivery of ancillary supplies and collections of process outputs shall be confined to between the following hours only: 07:00 to 18:00 Monday to Friday, 07:00 to 13:00 Saturdays, no movements on Sundays, 07:00 to 17:30 on Bank and Public Holidays and no movements on 25 and 26 December and 1 January;
- external colour treatment of exhaust stack to be 'brown-green' (RAL 6008) and new energy building to match existing;
- details of surface water drainage to be agreed prior to commencement;
- operation be time-limited to the life of the site as stipulated in main Composting Facility (i.e. 20 years from first commercial composting operations in 2008);
- site restored as part of the details approved on main Composting Facility permission (TM/09/3231);
- pyrolysis plant to operate with only the waste imported to the site pursuant to the existing Composting Facility (as covered by planning permission TM/09/3231);
- combined numbers of site HGV movements restricted to those detailed in main Composting Facility permission (TM/09/3231); and
- appropriate measures to guard against mud and debris being tracked to the public highway.

Case officer – Julian Moat 01622 696978
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Background documents - See section heading
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Item C2**AS/0256/2011 – Operation of a Waste Transfer Station as permitted under AS/06/4 and extended under condition (1) of permission AS/10/1010. Land at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford. Robert Brett & Sons Limited.**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 October 2011.

AS/0256/2011 – Application to vary conditions (2) and (7) of Planning Permission AS/10/1010 to allow for a minor re-alignment to the approved site access intended to serve the Waste Transfer Station. Waterbrook Park, Waterbrook Avenue, Sevington, Ashford (MR. 921 674)

Recommendation: Permission BE GRANTED subject to conditions.

Local Member: Mr G Koowaree and Mr A Wickham

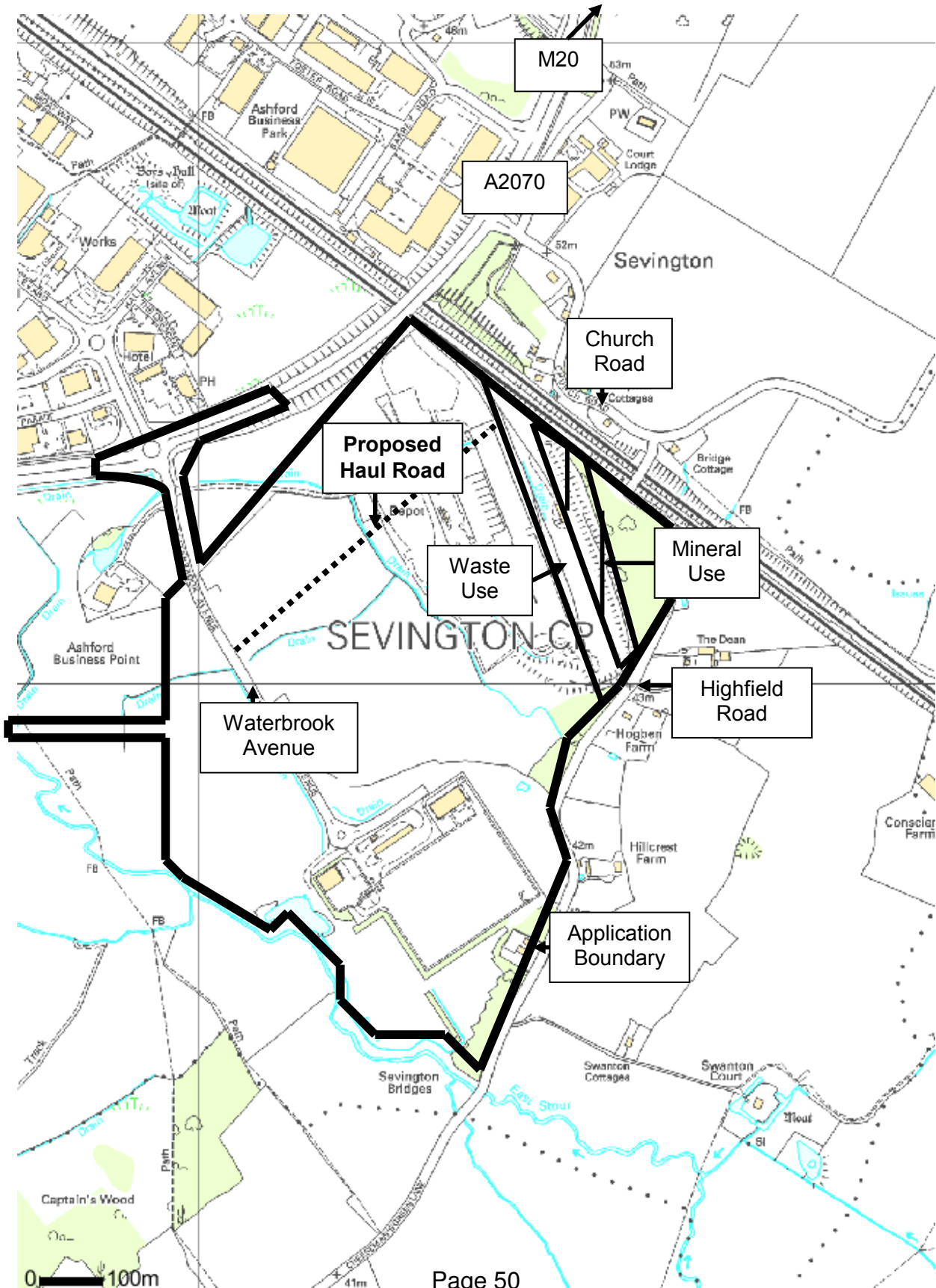
Classification: Unrestricted

The Site and Background

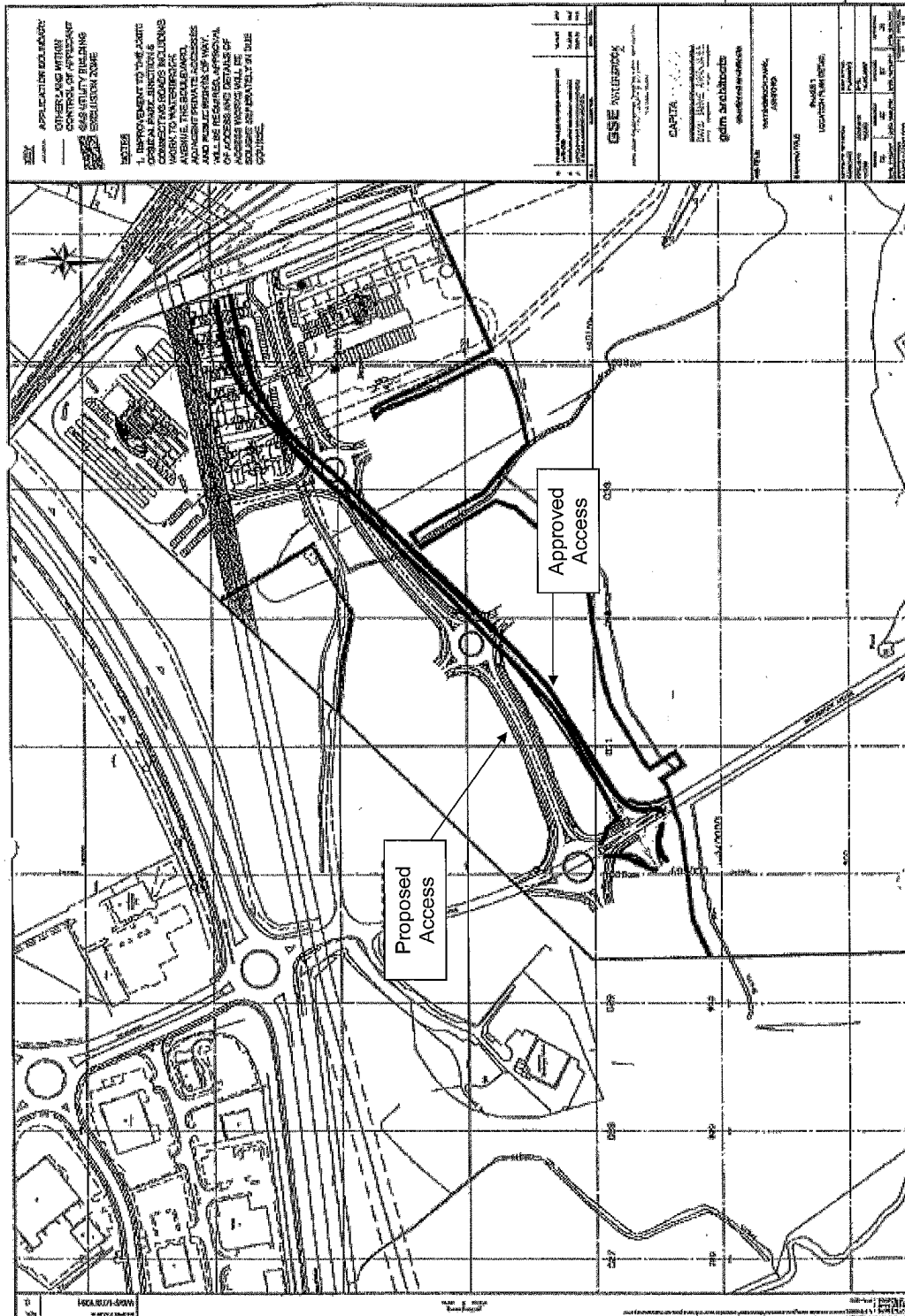
1. The site lies some 3 miles to the south east of Ashford Town Centre and approximately 1 mile south west of junction 10 of the M20. With the exception of an existing Rail Aggregate Depot which has been operational for a number of years and which served to supply materials for use in the construction of the Channel Tunnel and more recently the CTRL, the remainder of the site remains predominantly a mixture of agriculture and scrub. This area is yet to be expanded under the terms of two existing permissions granted to Robert Brett and Sons Ltd, one for the further development of the existing Rail Aggregate Depot and the other which relates to the Waste Transfer Station the subject of this report.
2. The nearest housing lies some 80 metres off the northern and south eastern site boundaries along Church Road and Highfield Road which are partly screened from views directly into the site by an existing belt of trees and a substantial bund at the southern end. Those along Church Road are further segregated by the main London to Dover rail line and the CTRL whose 4.5 metre high wooden sound barrier also serves to help screen the site along this boundary.
3. At the meeting of the Planning Applications Committee held on 2 November 2010 Members resolved to grant permission (Ref. AS/10/1010) to extend the timescale for the implementation of a previous permission granted (Ref. AS/06/4) for the development of a Waste Transfer Station at the site subject amongst other matters to conditions (2) and (7) which require the development to be implemented strictly in accordance with the details submitted with the application including detailed access improvements off Waterbrook Avenue into the development site.

Item C2

AS/0256/2011 – Operation of a Waste Transfer Station as permitted under AS/06/4 and extended under condition (1) of permission AS/10/1010. Land at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford. Robert Brett & Sons Limited.



AS/0256/2011 – Operation of a Waste Transfer Station as permitted under AS/06/4 and extended under condition (1) of permission AS/10/1010. Land at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford. Robert Brett & Sons Limited.



<p>NOTES</p> <p>1. APPLICATION SUBJECTS: OTHER LAND WITHIN CONTROL OF PLANNING PERMISSIONS IN THE SAME ZONE.</p> <p>2. THE PLAN IS TO BE USED FOR THE PURPOSES OF THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p> <p>3. THE PLAN IS TO BE USED IN CONNECTION WITH THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p>	
<p>GENERAL NOTES</p> <p>1. THE PLAN IS TO BE USED FOR THE PURPOSES OF THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p> <p>2. THE PLAN IS TO BE USED IN CONNECTION WITH THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p>	
<p>APPENDIX A</p> <p>1. THE PLAN IS TO BE USED FOR THE PURPOSES OF THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p> <p>2. THE PLAN IS TO BE USED IN CONNECTION WITH THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p>	
<p>APPENDIX B</p> <p>1. THE PLAN IS TO BE USED FOR THE PURPOSES OF THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p> <p>2. THE PLAN IS TO BE USED IN CONNECTION WITH THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p>	
<p>APPENDIX C</p> <p>1. THE PLAN IS TO BE USED FOR THE PURPOSES OF THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p> <p>2. THE PLAN IS TO BE USED IN CONNECTION WITH THE APPLICATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.</p>	

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4. In February 2009 permission was granted on appeal to GSE Ltd in respect of Phase 1 of their proposals to develop the Waterbrook site for future employment use. Phase 1 along with other areas to be developed by GSE fall within the boundary of the two permissions granted to Robert Brett and Sons Ltd, albeit outside the physical development footprint of these two permissions. With regard to the access into this area off Waterbrook Avenue, it is the intention that this will be a shared access between GSE and Brett into their respective sites. Whilst the access proposed in respect of the phase 1 application granted to GSE on appeal is generally along the same alignment as that permitted under the two Brett applications, there are nevertheless one or two very minor inconsistencies including the point along which it exits off Waterbrook Avenue where it is proposed some 30 metres further north. With the exception of these minor inconsistencies, the design of the access, including the number and position of four proposed spurs off a mini roundabout where it joins Waterbrook Avenue, the design and alignment remains the same.

Proposal

5. At the time of the GSE appeal inquiry the Phase 1 drawings were well advanced, having been through a stage 1 safety audit. In the light of this Brett have applied to vary conditions (2) and (7) of the permission for the Waste Transfer Station (Ref. AS/10/1010) such that the proposed means of access to their sites is fully consistent with that permitted to GSE Ltd in respect of Phase 1 of their employment development.

National, Regional and Development Plan Policy

6. **Planning Policy Statement 10 (PPS10) 'Planning for Sustainable Waste Management'** underlines the importance of planning for and consenting the necessary number and range of facilities in order to ensure that adequate provision is made for the future management of our waste.
7. **The South East Plan (May 2009)**
 - **Policy W16** recognises the need for facilities, such as bulking and transfer stations, to minimise travel by smaller waste collection vehicles.
 - **Policy W17** recognises that many facilities will need to be developed close to the source of waste and will therefore generally be close to urban areas.

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8. Saved Policies of the Kent Waste Local Plan (March 1998)

- **Policy W9** identifies the site as suitable in principle for proposals for waste separation and transfer
- **Policy W22** requires that a satisfactory means of access to the site can be provided including any offsite improvements if they are necessary and the number of vehicle movements that would be generated by the proposal can be safely accommodated on the local highway network having regard to the existing network

Ashford Borough Council Core Strategy July 2008.

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

10. Consultations

Ashford Borough Council:

Highways Agency:

Kent Highway Services:

Mersham & Sevington Parish Council:

No objections

Local Members

11. The two local Members Mr Andrew Wickham and Mr George Koowaree were notified of the applications initially on 6 June 2011.

Representations

12. The application was advertised in the local press and notices were posted on site. As a result I have received one letter of representation from a firm of consultants acting on behalf of the Church Commissioners raising an objection to the application. Their objection is made on the basis that in their view there has been no justification made in the submission which demonstrates why the changes as proposed to the approved site access is needed or explanation given of what changes in circumstances there have been since the original permission was granted. They argue that Waterbrook should form part of a comprehensive planning exercise and therefore development should not be allowed which might preclude

AS/0256/2011 – Operation of a Waste Transfer Station as permitted under AS/06/4 and extended under condition (1) of permission AS/10/1010. Land at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford. Robert Brett & Sons Limited.

the long term development aspirations of the area which includes a mixed use development containing employment and residential uses. They state that there is no evidence presented as to how this proposed development will relate to the future delivery of this area.

Discussion

13. Section 38 (6) of the Planning and Compulsory Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore in considering these applications the policies referred to under paragraphs (6) to (9) are particularly relevant.
14. When members were minded to grant permission for the last application to operate a waste transfer station at the site regard was had to the policy support given at both the national, regional and local level for the development of such facilities. Furthermore, at that time it was recognised that there were sound planning reasons for the establishment of a permanent facility at this location if the longer term growth aspirations of the town were to be realised in order to allow the handling of Ashford's future household waste arisings in a more efficient manner. In my opinion this position has not changed and the site remains an important strategic location for the future bulking up and transfer of Ashford's waste.
15. Following formal consultations and publicity on the proposal, with the exception of an objection on behalf of the Church Commissioners no other objections have been raised either by statutory consultees or other third parties.
16. The existing Rail Aggregate Depot at Waterbrook has been operational at the site for a number of years since when, it has become well established as a strategic site and which will provide a key facility necessary to meet the future demands for aggregates in the area. Its importance as a site for waste recycling, separation and transfer is also reflected in the policy support afforded to it in the saved policies of the Kent Waste Local Plan. Accordingly it was in the context of this policy support that permission was granted for both the expansion of the existing Rail Aggregate Depot and also the future development of the site as a Waste Transfer Station.
17. In my opinion having regard to the position as set out in paragraph (16) above, the current application represents what is a relatively minor proposal to amend the existing permission for the Waste Transfer Station. It has been the long term intention as part of the comprehensive mixed development of Waterbrook Park that Brett and GSE would share the access off Waterbrook Avenue into their respective development sites. The general design of the access approved under the latest Waste Transfer permission establishes this principle. Notwithstanding the objection raised on behalf of the Church Commissioners who argue that there has been no justification to demonstrate the need for the proposed changes to the approved Waste Transfer Station access, the current application has been justified on the basis that a stage 1 safety audit undertaken in respect of the GSE Phase 1 employment proposal which will share the same access off Waterbrook Avenue into the site, has resulted in the need for some minor alterations to that approved under the Waste

Item C2

AS/0256/2011 – Operation of a Waste Transfer Station as permitted under AS/06/4 and extended under condition (1) of permission AS/10/1010. Land at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford. Robert Brett & Sons Limited.

Transfer permission. It is therefore for this very reason that in order to avoid any inconsistencies in what has been approved in terms of the access into the Brett and GSE sites that the application has been made.

18. With regard to the Church Commissioners concerns that the proposal might also preclude the long term development aspirations of the area which provide for a mix of uses at the site, in my opinion what is proposed does not substantially depart from what has already been established in principle by virtue of the existing Brett and GSE permissions. Furthermore, any future developments at Waterbrook Park which may also be served off the access the subject of this application would be considered on their merits in the context of the longer term development strategy for the area as set out in the borough council's Core Strategy, at which time the Church Commissioners along with other interested parties would have the opportunity to comment.

Conclusion

19. On the basis of the above I see no grounds for refusing the application and am firmly of the view that there are very sound planning reasons for supporting the application.

Recommendation

20. I RECOMMEND that PERMISSION BE GRANTED for a variation to conditions (2) and (7) of Planning Permission AS/10/1010.

Accordingly conditions (2) and (7) of Planning Permission ASD/10/1010 shall now read:-

- (2) The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the details submitted with the application and applications AS/06/4 and AS/10/10 together with those further details to be submitted for approval ;

Reason; For the avoidance of doubt and to maintain control over the site

- (7) The detailed access improvements including those necessary to upgrade Waterbrook Avenue to adoptable standards and which makes provision for footways/cycleways as shown on the Cannon Consulting Engineers ' Phase 1 Location Plan Detail' drawing no. WB/P1/TS/1001 Rev D, shall be constructed before the completion of the development.

Reason; In the interest of highway safety pursuant to policy W22 of the Kent Waste Local Plan March 1998

Case Officer: Mike Clifton 01622 221054 Background Documents: See Section Heading
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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 11 October 2011.

Application by Kent Council Council Capital & Premises for the erection of a 1FE Primary School including school building, outdoor recreational and learning areas, planted and hard surfaced areas, including pedestrian and vehicular access and parking, at Goat Lees School Site between Hurst Road and Guernsey Way, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

Recommendation: Subject to the applicant making a contribution to the Ashford Carbon Fund, I recommend that planning permission be granted, subject to conditions.

Local Member: Mr R King

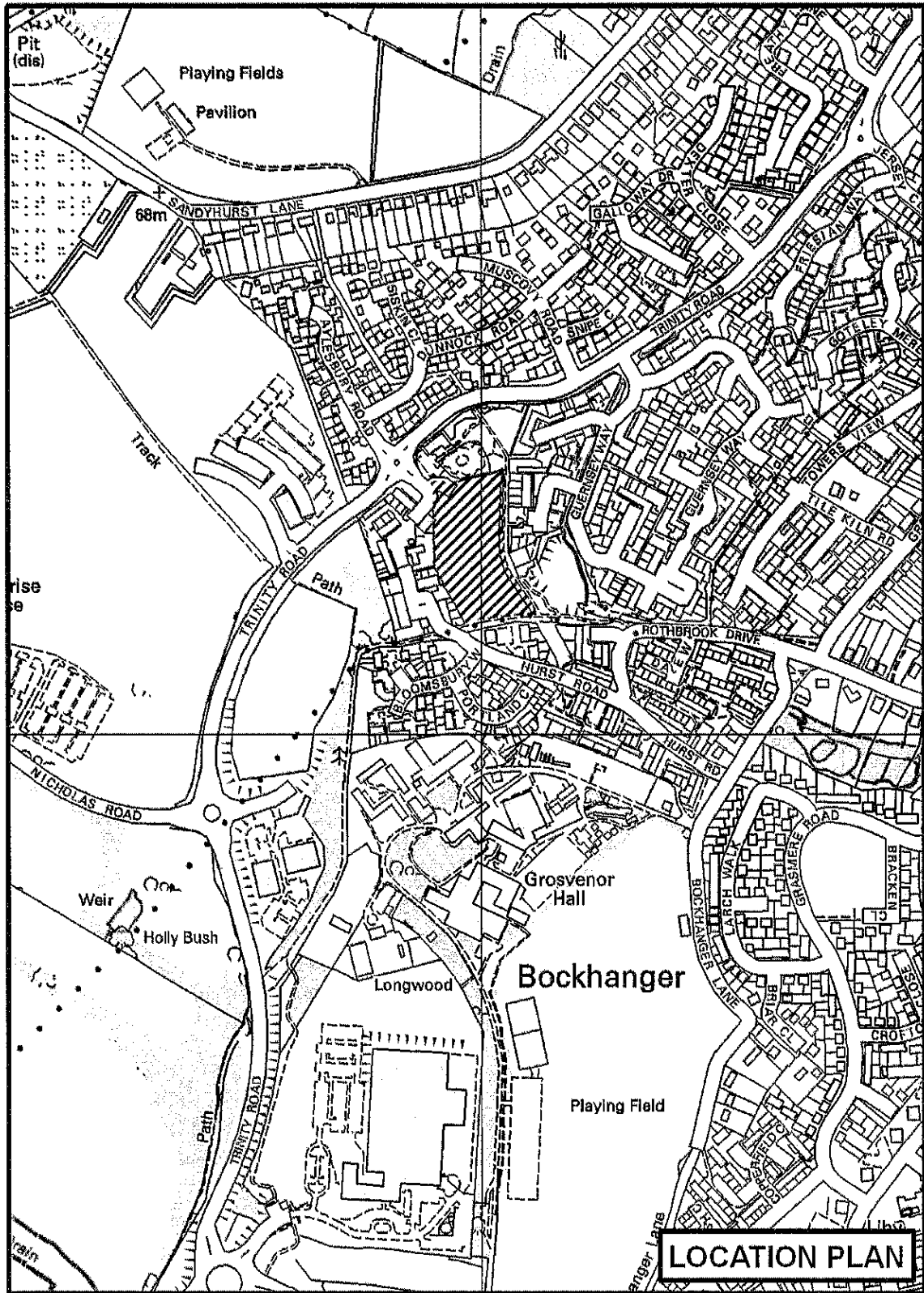
Classification: Unrestricted

Site

1. The application site lies 50 metres to the south of the A251 (Trinity Road) within Goat Lees, a residential area within the north-west part of Ashford, to the north of the M20. The site comprises of an overgrown field, essentially rectangular in form, with an overall site area of 1.163 hectares. The site is surrounded by housing, community uses and open space. The northern site boundary adjoins a public playground, and in the north-west corner there is a road which provides access into the site off Hurst Road, which also runs down to the west of the site giving access to the adjoining housing development of two and three storey dwellings. The southern boundary is formed by a cycle route, which separates the site from two and three storey housing beyond. There is two and three storey housing and open space to the east, also separated from the site by a cycle path/Public Right of Way. The site boundaries are quite well vegetated, particularly to the south where 5-10m high trees screen the application site from neighbouring houses.
2. The site has no designations in the Ashford Borough Council Local Development Framework, being shown as 'white' land, within a residential area on the proposals map. There are no significant trees within the site, no ecological or landscape designations, and the site is not within a Conservation Area, nor within the setting of any Listed Buildings.

A site location plan is attached.

Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)




Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

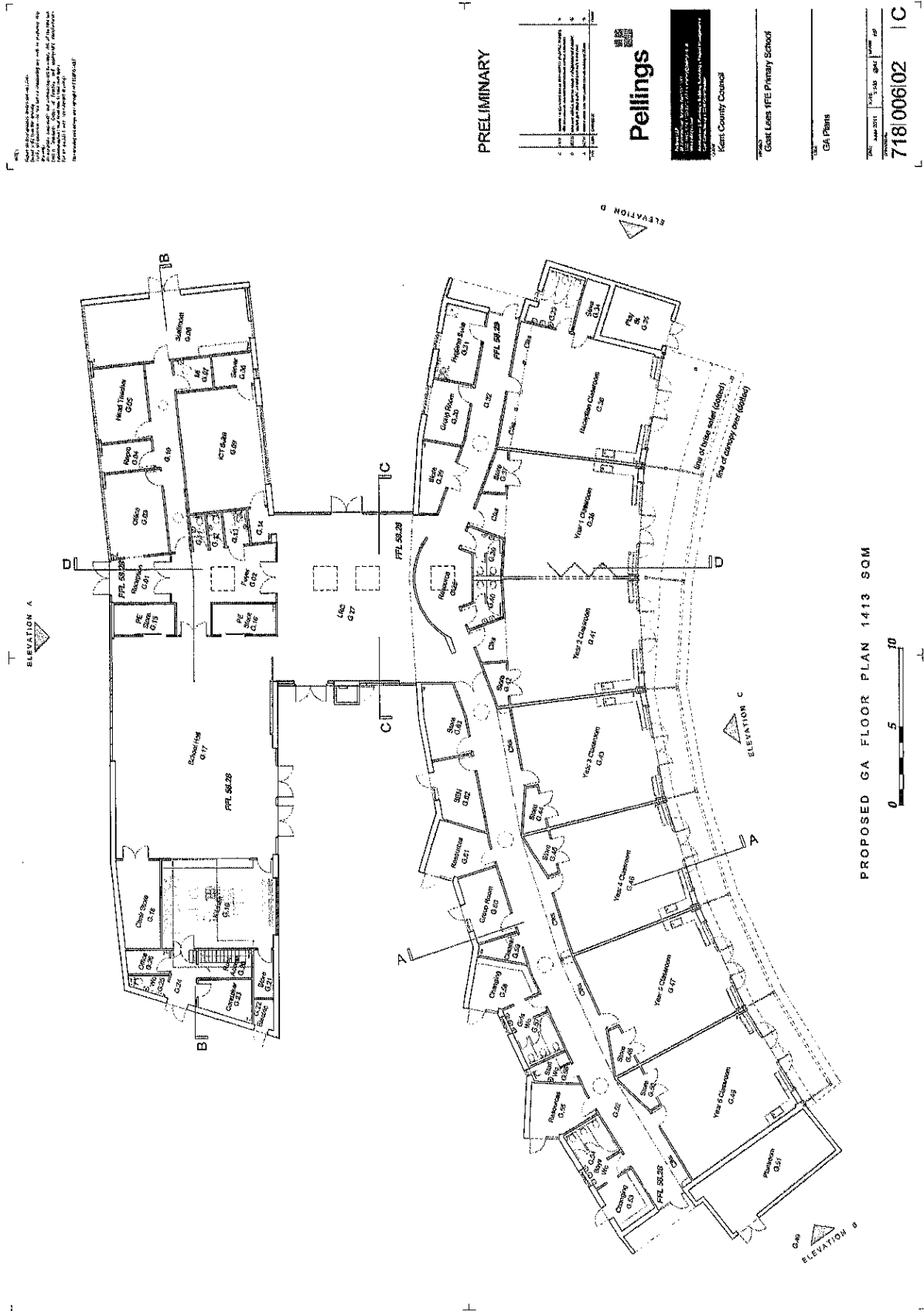


Location Plan

1:1250@A4

	Pellings LLP 24 Widmore Road Bromley Kent BR1 1RY t 020 8460 9114 f 020 8313 0019 a bromley@pellings.co.uk www.pellings.co.uk		Architecture & Planning ■ Building Surveying ■ Project Management ■ Cost Consultancy ■ CDM Co-ordination			
	CLIENT Kent County Council		PROJECT Goat lees 1FE Primary School			
	TITLE Location Plan		DATE August 2011	SCALE 1:250 @A4	DRAWN JLP	CHK JLP
		718 006 020				

Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)



NOT TO SCALE
 This drawing is a preliminary design and is not to be used for construction purposes without the written consent of the architect.
 The architect shall not be responsible for any errors or omissions in this drawing.

PRELIMINARY

NO.	REVISION	DATE
1	Issue for approval	11/11/11
2	Issue for construction	11/11/11

Peellings

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 11, The Quadrant, Ashford, Kent, TN25 1AB
 Tel: 01233 831111
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 Kent County Council

Goat Lees 1FE Primary School

GA Plans

7181006102 | C

Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

ELEVATION A 1:100@A1

ELEVATION B 1:100@A1

ELEVATION C 1:100@A1

ELEVATION D 1:100@A1

KEY

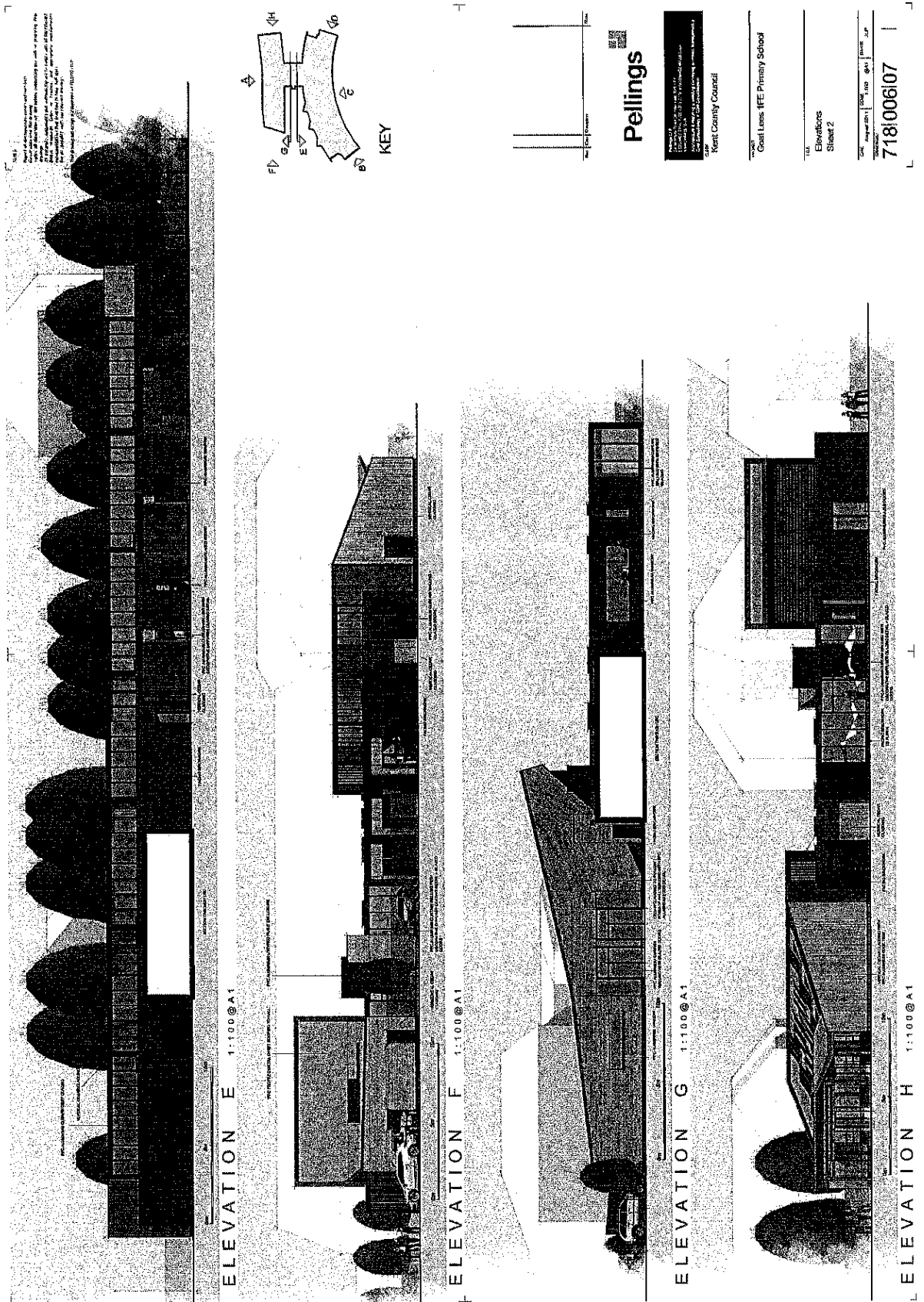
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Kent County Council
Goat Lees 1FE Primary School

Elevations Sheet 1

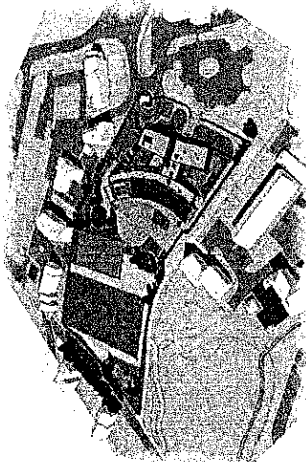
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Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

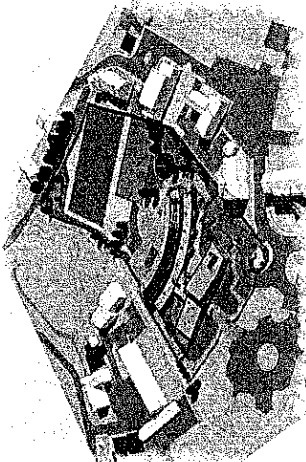


Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

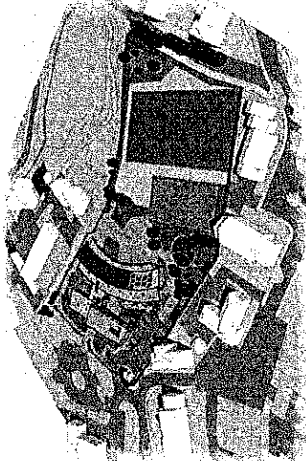
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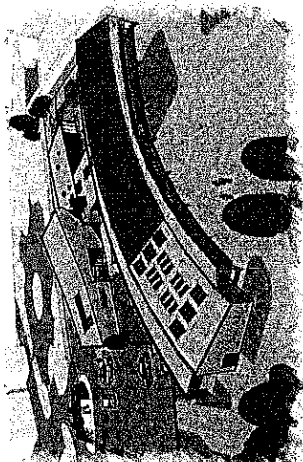
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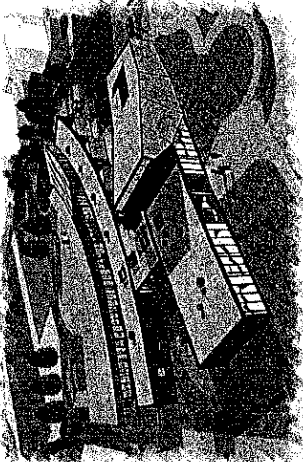
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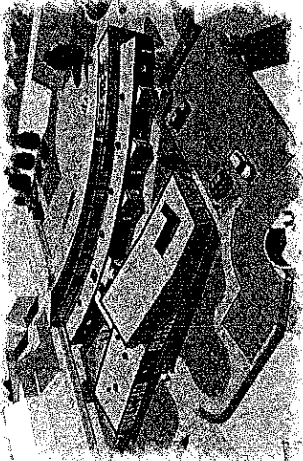
View 1



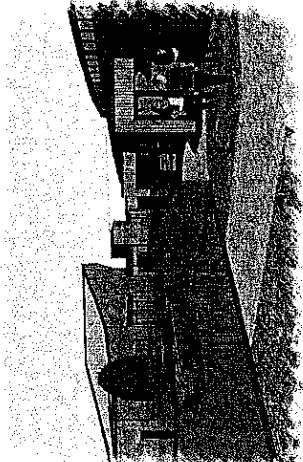
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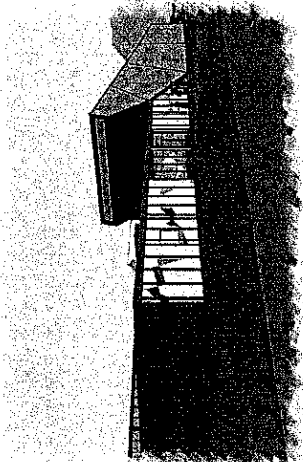
View 5



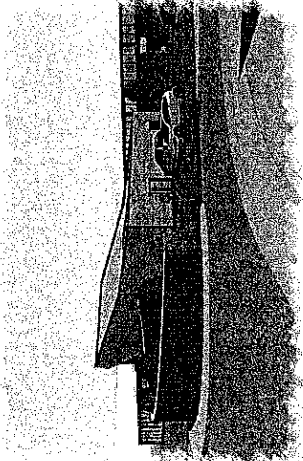
View 4



View 9



View 8



View 7

Pellings

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 Kent County Council
 Great Lees 1FE Primary School
 Sketch Views
 7181006108

Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

Proposal

3. This application has been submitted by Kent County Council Capital & Premises, and proposes the erection of a new 1 form entry (FE) Primary School, including outdoor recreational and learning areas, planted and hard surfaced areas, and pedestrian and vehicular access and parking. The proposed single storey school building would be located towards the northern end of the site, with access/parking to the front of the building, and playgrounds, a netball court and sports pitches/playing field to the south.
4. The proposed new school would be a timber frame, timber clad and glazed building, with 7 classrooms (reception and years 1-6). The school building would essentially be formed of 2 parts, a classroom block, and a hall and administration building, which would be linked to each other by a wide single storey glazed link. Within the glazed link would be a learning resource centre, and double doors on each side would lead to associated external teaching spaces. Within the classroom block, the classrooms would be arranged in a crescent, facing the playing fields to the rear of the school. The classrooms would have individual cloakrooms and stores, and would be served from a wide corridor, off of which would also be designated group rooms, resource rooms, a SEN room and changing facilities.
5. To the north of the classroom block, at the front of the site, the hall and administration building is proposed. This would incorporate a double height hall, with associated stores, and a kitchen, the main entrance and school reception, administration areas and offices, and an IT suite for 30 children. The front building would incorporate a significant amount of glazing to the entrance/administration areas and the new hall would be clad in timber panelling which would follow the line of the slope of the building. The remaining areas of the front block would be brickwork. The sloped roof to the hall is proposed to be profiled metal sheet, and the roof of the single storey elements of the building would be a single ply membrane. The classroom block to the rear would be constructed of a combination of brickwork and timber panelling. This block would have a mono-pitched sloping roof, which would be part green/sedum, and part single ply membrane with photovoltaic and solar thermal panels. An angled canopy would be provided over the playground, providing a contrasting roof profile. Sun pipes and roof lights would be incorporated in both 'blocks' to provide additional light in the building.
6. The building would be situated to the northern end of the site, where pedestrian access would be gained via both the north-east and north-west corners. Pedestrian access for pupils (and parents) however, would be via the existing footpath and cycle way which runs long the eastern boundary of the site. An access gate would be provided in the eastern school boundary, facilitating access to the playgrounds for picking up and dropping off pupils. A parents waiting 'bay' would be formed alongside the access gate, and a cycle store for use by pupils would be provided close to the gate, within the secure boundary. That pedestrian access point would only be used at the beginning and end of each school day.
7. Vehicular access would be by way of the existing road to the north-west corner of the site. An on-site car park is proposed to the west of the school building, providing spaces for 21 cars, including 3 disabled parking bays. The entrance would be via the existing road giving access to the parking spaces, and a separate vehicular exit would be formed in the western boundary. In addition, a drop-off/pick-up circle for parents arriving by car would be provided in the north-west corner of the site, immediately off the access road. A refuse enclosure would also be provided, which would be an independent brickwork structure, designed to compliment the building.

Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

8. To the front of the proposed school building, open areas consisting of grass, low shrubs and a parent waiting area would be formed. The front building (the hall and admin 'block') would serve as the site's secure boundary for Secure-by-Design purposes, with 1.8 metre high fencing proposed to run from the corners of the building to the site boundaries, preventing unauthorised access to the building and play areas beyond. Hedges and planting would be provided adjacent to these fences to add to the security while softening the appearance. The fences along the front boundary of the site would be lower to retain a sense of openness, whilst those enclosing the side and rear boundaries would be higher for security purposes.
9. Hard surfaced playgrounds would be formed immediately to the rear of the classroom 'block'. To the west side of the playgrounds flower, fruit & vegetable gardens and a netball court would be provided, and to the east would lie mounds and landscaped areas, a games store and a children's cycle store. Grass sports pitches/playing field would occupy the southern half of the site. A wild flower meadow area would be developed along the southern boundary.
10. The school has been designed to be compliant with the statutory requirements of the Disability Discrimination Act (DDA). The proposed school has also been designed to achieve a BREEAM rating of 'Very Good'.

The application is accompanied by a Design & Access Statement, Planning Statement, Ecological Scoping Report, Reptile Survey letter, Landscaping Scheme, Archaeological Evaluation Report, Transport Assessment, Travel Plan, a Flood Risk Assessment and BREEAM Design Stage Pre-assessment.

Planning Policy

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

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

PPS1	Delivering Sustainable Development
PPS4	Planning and Sustainable Economic Growth
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk

Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

Draft National Planning Policy Framework July 2011

(Members will note that this draft document is a material consideration, although the weight to be attached is a matter for the decision maker)

Policy Statement – Planning for Schools Development 15 August 2011

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

Policy SP1 Identifies Ashford as a sub-region which would be a focus for growth and regeneration.

Policy SP2 Identifies Ashford as one of 22 Regional Hubs, where amongst other objectives, encouragement should be given to delivering long term development in strategic development areas where identified around hubs.

Policy SP3 The prime focus for development in the South East should be urban areas, in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel.

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

Policy CC4 Refers to sustainable design and construction.

Policy CC6 Refers to sustainable communities and character of the environment.

Policy CC7 States that the scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of the development. Where this cannot be demonstrated the scale and the pace of the development will be dependent on additional capacity being released or the provision of new infrastructure.

Policy T4 Refers to parking standards and the provision of adequate secure cycle parking.

Policy NRM2 Water quality will be maintained and enhanced through avoiding adverse effects of development on the water environment.

Policy NRM4 Confirms that the sequential approach to development in flood risk areas set out in PPS25 will be followed.

Policy NRM5 Requires Local Planning Authorities and other bodies to avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

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- Policy BE1** Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.
- Policy S1** Supports measures for developing and shaping healthy sustainable communities, including healthier forms of transport by the incorporation of cycle lanes and safe footpaths in planned developments.
- Policy S3** States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
- Policy S5** Refers to cultural and sporting activities.
- Policy S6** Encourages the mixed use of community facilities, and requires community facilities to be located and designed appropriately.
- Policy W2** Encourages sustainable design, construction and demolition.
- Policy EKA1** New development will be primarily accommodated through the expansion of Ashford and other main settlements.
- Policy EKA2** The growth envisaged at Ashford should deliver an enhanced quality of life following the principles of sustainable development.

Important note regarding the South East Plan:

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers.

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

- Policy CS1** Sustainable developments and high quality design are at the centre of the approach to deciding planning applications, the key objectives of which include a wider choice of easy to use forms of sustainable transport to serve developments.
- Policy CS2** 'The Borough Wide Strategy' – Focus' large scale development within the Ashford Growth Area [.....]. Key infrastructure projects to be delivered at the same time and funded via financial contributions through the use of a Strategic Tariff. Progress against targets in the Policy to be reviewed regularly.

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- Policy CS4** 'Ashford Urban Area' – Seeks maximization of the potential for improvement and regeneration within the urban area whilst ensuring that redevelopment is of an appropriate use, scale and density, and provides a high quality living environment. Development should be phased and will need to show how it has been carefully integrated into the surrounding area.
- Policy CS9** Development proposals must be of high quality design and address issues such as character, distinctiveness, sense of place, permeability, ease of movement, legibility, mixed use and diversity, continuity and enclosure, quality of public spaces, flexibility, adaptability and liveability, richness in detail and efficient use of natural resources.
- Policy CS10** All major development must incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford (set out in detail in Appendix 1)
- Policy CS11** Seeks protection of biodiversity and provides for maintenance, enhancement, restoration and expansion through creation or restoration of semi-natural habitats and ecological networks to sustain wildlife.
- Policy CS15** Promotes public transport and other non-car based modes of travel including measures to encourage cycling. Amongst other matters also seeks the earliest possible implementation of highway and other schemes that would remove serious impediments to growth and/or secure important environmental benefits.
- Policy CS18** Public open space, recreation, sports, children's play, leisure, cultural, school and adult education, youth, health, public service and community facilities to be provided to meet the needs generated by new development.
- Policy CS20** All developments should include appropriate sustainable drainage systems for the disposal of surface water.
- Policy CS21** Major proposals for new development must demonstrate that there would be adequate water supply and waste water treatment facilities in place.

(iv) The adopted **Ashford Borough Local Plan:**

- Policy CF21** The Council will seek the costs of primary and secondary school facilities that are generated as a direct result of housing proposals and where the need arises for the implementation of that scheme. Such planning obligations will be related in proportion to the scale and nature of the proposed development, taking account of the existing pattern of school provision and the existing pupil capacity at local schools.

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Consultations

12. **Ashford Borough Council** raise no objection to the application subject to the applicant first entering into a planning obligation by agreement with the Borough Council as detailed in Table 1 below, and the imposition of conditions, as set out in points 1-13 below.

Table 1

Planning Obligation		
Detail	Amount(s)	Trigger Point(s)
<p><u>Carbon Off-Setting Contribution</u> Contribution to the Ashford Carbon Fund based on the residual carbon emissions of the development set out in the approved post construction assessment and quantified over 10 years</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable within 15 days of the Council's approval of the post construction assessment</p>
<p><u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring compliance with the agreement</p>	<p>One off payment of £1000</p>	<p>Payment upon commencement of development</p>
<p><u>Travel Plan</u> To include regular monitoring of traffic and parking and the surveying of local residents to ensure that every reasonable step is taken to mitigate any adverse effects of traffic and parking, including the creation of CPZ's if the three proposed dropping off spaces prove inadequate and there is on-street parking in surrounding roads.</p>	<p>To be agreed</p>	<p>Payment to be as agreed in the plan.</p>

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All contributions to be **index linked** (normally from the date of the Committee's resolution) in order to ensure the value is not reduced over time.

The **costs**, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable.

- “1. That the design of any outbuildings and structures within the school grounds is submitted to and approved by the Local Planning Authority in consultation with Ashford Borough Council before work on site is commenced.
2. That details of the wall within the turning circle and refuse enclosure is submitted to and approved by the Local Planning Authority in consultation with Ashford Borough Council before work on site is commenced.
3. That biodiversity enhancement/mitigation is secured.
4. That any boundary walls/fences in front of the school secure line, which abut public highway or public open space, shall have a maximum height of 1.2m.
5. That, if the applicants do not submit a preliminary risk assessment for potential land contamination as part of the application, then details are requested requiring the reporting of unexpected contamination.
6. That a BREEAM VERY GOOD rating is secured.
7. That the design is as per the permitted drawings.
8. That there will be no site clearance during the bird nesting season.
9. That there will be tree protection for retained trees.
10. That car park materials shall be approved and installed.
11. That there will be provision of all pedestrian and cycle accesses before the school opens.
12. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority.”

Boughton Aluph Parish Council supports the application in principle but has concerns over the proposed number of parking spaces and the egress and ingress at the site.

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Environment Agency has no objection to the application subject to the imposition of conditions regarding surface water drainage and contaminated land. Additional advice for the applicant is also provided with regard to drainage and the storage of fuel, oil and chemicals.

The Divisional Transportation Manager raises no objection to the application subject to the imposition of conditions regarding the provision of on site parking for site operatives/personnel during construction, prevention of mud and similar substances on the highway, the provision and retention of car parking and the drop off area prior to occupation of the development, and the provision and retention of cycle parking prior to occupation of the development.

The Divisional Transportation Manager considers that:

“The site is in a highly sustainable location, being located within a large residential catchment area, and being well served by public transport, pedestrian and cycle facilities. Whilst some parents will drive their children to school and a drop off/pick up area would be provided in this respect, which can be managed by the school to ensure parents do not park for excessive periods of time. The Travel Plan would also be implemented which would seek to encourage travel by non-car modes.”

The applicant is also advised that any new vehicular and pedestrian access onto the public highway would be subject to a Section 278 Highway Agreement with Kent Highway Services.

The County Council’s Biodiversity Officer has no objection to the application, subject to the imposition of conditions requiring the implementation of the recommendations set out within the submitted Protected Species Report, and the inclusion of ecological enhancement measures within the landscaping scheme.

Public Rights of Way have provided some general informatives with regard to works adjacent to and/or on a Public Right of Way. It is also advised that “the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority.

The County Council’s Landscape Advisor states that the proposals would not cause any significant landscape or visual impacts, and recommends that details of landscape proposals (including the green roof), tree protection, and the precise location of the proposed fencing in relation to existing hedges, be submitted pursuant to planning condition.

The County Archaeologist has no objection to the application and does not require any further archaeological work to be undertaken.

Kennington Community Forum no comments received to date.

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Local Member

13. The local County Member, Mr R King, was notified of the application on the 15 August 2011. The local County Member for the adjoining ward, Mrs E Tweed, was also notified of the application on the 15 August 2011.

Mr King expressed his full support for the application.

Mrs Tweed commented as follows:

“1. I am very concerned at the lack of parking/drop off space for this school. Already there is evidence that people parking legally in a nearby local street are having their cars vandalised, and whilst I am asking the Police to investigate this, it doesn't solve the problem of an already existing lack of safe on-street parking.

2. Whilst cedar cladding can look attractive to some, there are health issues in the use of this material. Cedar naturally contains a chemical which can cause asthma in children. We know that asthma cases are increasing, so I have concerns that we are deliberately choosing a material which can contribute to this. It is the same natural chemical which led to the use of cedar in deterring moths.

3. I am hopeful that a way to heat this building in a sustainable way will be found.

4. In all other respects I have no objections, and welcome the fact this project is being pursued for the benefit of local families - I do hope they will choose to walk to school as much as possible!”

Publicity

14. The application was publicised by an advertisement in a local newspaper, the posting of 3 site notices and the individual notification of 153 neighbouring residential properties.

Representations

15. 2 letters of representation to the application have been received as a result of publicity. However, I have responded to the queries raised and no further correspondence has been received. I have, however, summarised the points raised by them below:

- In favour of the development in principle;
- Concerned regarding parking and access;
- Local roads are already full of parked cars from local offices;
- Would not want to see the children's play park adjoining the site taken away;

I have also received a letter of representation from Hobbs Parker Property Consultants LLP, acting on behalf of the Goat Lees Joint Venture Co. Ltd. They consider that the matter of bio-diversity has been inadequately dealt with, with specific regard to Great Crested Newts, and that further survey work should be undertaken in Spring 2012.

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In addition, the developer of the Goat Lees residential estate is currently in dispute with the County Council regarding land ownership issues. A copy of a letter from their solicitor is appended to this report.

DiscussionIntroduction

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 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. In addition, the Policy Statement - Planning for Schools Development (August 2011), states that there should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework (July 2011). Issues of particular relevance in this case include design, layout, access and parking, ecology, sustainable design and landscaping.

Design and site layout

17. Development Plan Policies promote high quality design, sustainable development, and significant improvements to the built environment. Although no objections to the design and general principle of the proposed development have been received, it is important to discuss these matters to ensure that the proposal is in accordance with the general design principles expressed in Development Plan Policies. The applicant states that the proposed school building aspires to create a focal point from both an architectural and community use point of view, wishing to create its own identity within the residential setting. The Design and Access Statement submitted with the application states that 'architecturally, the area immediately surrounding the site has little architectural character', and it is considered that the new building would add some vigour to the built landscape by providing both complement and contrast. Whilst acknowledging the surrounding buildings in form of scale and mass, the proposed building would, I consider, offer contrasting and complementary forms by its materials and composition. By choosing a different, but complementary, palette of materials, the building expresses itself as something other than the surrounding residential development.
18. The applicant advises that the proposed materials have been chosen for a number of reasons. The large amounts of glazing would offer lightness to the building, and in turn capture reflections of the surrounding landscape/architecture. Elements of diffused glazing to the hall and administration areas would ensure privacy for staff, whilst clear glazing would allow for passive supervision of pupils and the site accesses. The green roof would anchor the building to its green surroundings, and photovoltaics and solar panels would add interest to the design, whilst improving the Schools 'eco credentials'. The applicant advises that the profiled metal roof would add further drama to the building, and that the use of timber cladding would add further movement and texture to the structure.
19. County Member, Mrs E Tweed, has questioned the use of cedar cladding, and states that there are health issues in the use of this material as cedar naturally contains a chemical which can cause asthma in children. Whilst acknowledging this concern, I have noted that most of timber that we use on a daily basis for household items, such

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as oak, beech, birch, chestnut, mahogany and maple are also listed on the Health & Safety Executive's list of 'Toxic Woods'. However, health risks are generally associated with those working in the timber industry, breathing in dust whilst cutting and working with wood on a daily basis. The health risk associated with the use of cedar cladding on a building is considered to be extremely low, and no different to having wooden furniture in a house, or timber doors and window frames. In addition, cedar and other timber cladding is widely used on schools, and other public and residential buildings, across the country. In light of this, I see no reason to refuse the use of cedar cladding on this building. I consider that the material palette proposed would offer a high quality finish, and would enable the school building to have its own unique identity within a typical residential area. Should permission be granted, I do however consider that final details of all materials to be used externally should be submitted for approval. Subject to that, I see no reason to refuse the application on the grounds of materials proposed.

20. The site layout as proposed offers a logical and well thought through arrangement, with the building forming the site's secure boundary, with access and circulation space to the front, and secure playing fields and playgrounds to the rear. The layout also respects surrounding residential properties, and would not, in my opinion, have a detrimental impact on neighbouring properties with regard to noise, overlooking, loss of privacy or general amenity matters. Although single storey, the school has been designed as a series of different elements, each of varying scale, adding interest and relief to the building. The main teaching classrooms, located to the south, would sit under a mono-pitch roof, rising from 3 metres to a height of 5.6 metres, whereas the hall element of the building would rise to a maximum height of 8.1 metres. The height and form of the hall, the tallest element of the building, would tie the predominately single storey school building with its two and three storey residential neighbours.
21. South East Plan Policy BE1 states that new development should provide significant improvements to the built environment, supported by Ashford Borough Local Development Framework Core Strategy Policy CS9, which seeks a high quality design. The proposed development offers a high quality design which would, in my opinion, add architectural interest to the locality and improve the built environment. However, should permission be granted, conditions of consent would require the submission of details of all materials to be used externally and details of the design of any outbuildings, such as sheds and stores, in order to control the development, and in accordance with the Borough Council's recommendation. In addition, a condition of consent would require the development to be carried out in strict accordance with the approved plans. The site layout is logical and well thought out, and would not have a significantly detrimental impact on the amenity of local residents. In light of the above, I consider that the proposed development accords with the general principles of relevant Development Plan Policies, and see no reason to refuse the application on the grounds of site layout, massing or design.

Access and parking

22. Local residents, Boughton Aluph Parish Council, and County Member Mrs E Tweed, have expressed concern over the access and parking issues associated with this development. Local roads are already used for parking by local office workers, and concern is expressed that insufficient parking and drop off is proposed. As outlined in paragraphs 6 & 7 of this report, three pedestrian access points into the site are proposed, including a dedicated pupil entrance with a parent waiting bay, which would only be open at the start and end of the school day. Vehicular access would be provided by way of the existing access road to the north-west corner of the site. Onsite car

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parking would be provided to accommodate 21 cars, including 3 dedicated disabled bays, and a separate vehicular exit would be formed in the western boundary. A pick-up/drop-off area is proposed to the north-west corner of the site, and cycle parking would be provided in two areas of the site, adjacent to pedestrian access points.

23. Development Plan Policies, such as South East Plan Policy T4, and Ashford Core Strategy Policy CS15, require development proposals to accord with relevant parking standards, provide cycle parking, and promote the use of alternative modes of transport to the car. The applicant advises that part of the rationale for the design and layout of the proposed school was the need to encourage walking in particular. The school is accessible by public footpaths and cycle ways, and three pedestrian accesses have been included in the proposals to facilitate access from three sides of the school site. The submitted Transport Assessment identified that 54% of journeys to the site would be by foot and that, in addition, two buses serve the site. The Transport Assessment also considers that those dropping off pupils by car would mostly do so in association with other trips, such as journeys to work. The Transport Assessment concludes that there would be no undue pressure on the surrounding roads as a result of this development.
24. The Divisional Transportation Manager raises no objection to this application, subject to the imposition of conditions regarding the provision of on site parking for site operatives/personnel during construction, prevention of mud and similar substances on the highway, the provision and retention of car parking and the drop off area prior to occupation of the development, and the provision and retention of cycle parking prior to occupation of the development. Due to the objections/concerns received, the Divisional Transportation Manager was asked to comment in more detail on the reason behind their consultation response and, as a result, provided the following information:
- “The site is in a highly sustainable location, being located within a large residential catchment area, and being well served by public transport, pedestrian and cycle facilities. Whilst some parents will drive their children to school and a drop off/pick up area would be provided in this respect, which can be managed by the school to ensure parents do not park for excessive periods of time. The Travel Plan would also be implemented which would seek to encourage travel by non-car modes.”
25. The Divisional Transportation Manager confirms that they have ‘agreed’ the drop off area within the site, and that the car parking proposed is in accordance with Kent Vehicle Parking Standards, with a space provided for each member of staff. In addition, there is a community car park next to the school which is owned by Ashford Borough Council which the Divisional Transportation Manager considers would be used for overflow car parking if needed. However, local roads, such as Hurst Road, do not have any on-street parking controls, and safe on-street car parking can be accommodated. The Divisional Transportation Manager confirms that they have not been made aware of any safety issues on Hurst Road. A Travel Plan has been submitted with this planning application, which has been prepared in full consultation with Kent Highway Services’ Travel Plan Team. The actions within the Travel Plan have been agreed and would further promote the take up of sustainable transport modes in future years, such as the implementation of walking buses. Ashford Borough Council has requested that ongoing monitoring and review of the Travel Plan be subject to a legal agreement. However, the Travel Plan would be subject to ongoing monitoring and review in conjunction with Kent Highway Services Travel Plan Team, as is usual practice, and this would be required by planning condition should permission be granted. I do not consider that a legal

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agreement would be appropriate in this instance, as ongoing monitoring and review is a necessary requirement of the Travel Plan, and would be undertaken anyhow. However, for the avoidance of doubt, as stated, a condition of consent would require such monitoring and review to be undertaken. I am also advised, that the current competition for vehicle parking spaces in the locality, referred to by some, has arisen because of an under provision of parking for employees at adjacent offices, but that is now being addressed by the provision of additional parking there.

26. In light of the above, I consider that the applicant has taken all reasonable steps to encourage sustainable transport, and has provided adequate facilities to accommodate those that choose to drive to the site. Subject to the imposition of the conditions required by the Divisional Transportation Manager, I consider that the development would not have a detrimental impact upon the local highway network and, therefore, see no reason to refuse the application on these grounds. In addition, details of the surfacing of car parking and access areas would be required within a detailed landscaping scheme, which would be submitted pursuant to condition should permission be granted.

Public Right of Way

27. The cycle way/Public Right of Way, which runs along the eastern boundary of the site would be affected in that two pedestrian entrances into the site would be accessed via it. In addition, the main pupil pedestrian entrance, half way down the site's eastern boundary, would necessitate an extension to the hard surfacing of the Public Right of Way to create a parent waiting area. The Public Rights of Way Unit has been consulted on this planning application and has not raised objection, but has provided general informatives with regard to works adjacent to and/or on a Public Right of Way. Should permission be granted, I consider it appropriate to attach the advice given by the Public Rights of Way Officer to the decision notice, and bring this to the applicant's attention by way of an informative. Subject to this, I do not consider that the proposal would adversely affect the cycle way/Public Right of Way.

Landscaping

28. As outlined in paragraph 1 of this report, the site is essentially an overgrown rectangular field, the boundaries of which are well vegetated, particularly to the south. Although some small trees within the site would need to be removed to accommodate the development, these are considered to be young and their loss could readily be mitigated by replacement planting. Most of the peripheral vegetation would be retained, except a section of the existing hedge to the east that would be removed to accommodate the pedestrian entrance. The County Council's Landscape Advisor considers that the external works proposals appear to be acceptable, and states that the proposals would not cause any significant landscape or visual impacts. However, should permission be granted conditions of consent would be imposed requiring the submission of detailed landscape proposals, to include details of the green roof, (including a programme of maintenance), and the protection of all trees to be retained in accordance with BS5837:2005 'Trees in Relation to Construction'. In addition, precise details of all gates, walls, fences and other means of enclosure would be required, including exact location in relation to existing trees/hedges, colour finish, height and specification. That condition would also cover the matters raised by Ashford Borough Council with regard to fencing being a maximum height of 1.2 metres to the front of the site, and details of the refuse enclosure. Subject to the imposition of these conditions, I

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do not consider that the development would have a detrimental impact on the local landscape, or would lead to a loss of important trees in the area.

Ecology

29. An Ecological Scoping Survey and a Reptile Survey Results Letter have been submitted in support of this application. I have received a letter from Hobbs Parker Property Consultants LLP, acting on behalf of the Goat Lees Joint Venture Co. Ltd, who consider that the matter of bio-diversity has been inadequately dealt with, with specific regard to Great Crested Newts. It is suggested that further survey work should be undertaken in Spring 2012. However, the applicant's Ecological Scoping Survey states that there are no water bodies within 250m of the site which could support breeding amphibians, including Great Crested Newts. Although there are approximately six water bodies within 500 metres of the site, the site is surrounded on all sides by hard landscaping and buildings, isolating the site. It is therefore concluded unlikely that the site provides terrestrial Great Crested Newt habitat. In addition, the Scoping Survey states that there is a drainage ditch approximately 50 metres to the east of the site, which appears to be heavily vegetated or culverted as no surface water was apparent from the aerial mapping. The Scoping Survey concludes that the ditch may provide suitable habitat for frogs and toads, but is unlikely to be suitable for breeding Great Crested Newts as there is no water present during the spring and summer months. I do not, therefore, consider that further survey work is required in this respect.
30. The County Council's Biodiversity Officer has been consulted on this application, and has no objection, subject to the imposition of conditions. The submitted Ecological Scoping Survey concludes that no further survey work is required, but makes a number of recommendations which should be followed prior to and during construction works, such as the protection of nesting birds. Subject to the imposition of a condition requiring that the recommendations detailed within the Scoping Survey be followed prior to and throughout the construction period, I do not consider that the development would have an adverse impact upon protected species. In addition, details of ecological enhancement measures would be required as part of the landscaping scheme which would be submitted pursuant to condition, should permission be granted. Subject to the imposition of these conditions, I see no reason to refuse the application on the grounds of ecology.

External lighting

31. No details have been provided on external lighting for the development. If permission is granted, it would therefore be appropriate to reserve details by condition so that the type and position of any external lighting can be controlled to ensure any potential nuisance from light pollution can be minimised. In addition, for the avoidance of doubt, it would be conditioned that no floodlighting shall be installed on site without the submission and determination of a full planning application.

Sustainable construction

32. Development planning policies require developments to be sustainable and to address issues of climate change. In particular, Policy CS10 of the Ashford Borough LDF Core Strategy requires that all major developments incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. The Borough Council's adopted Supplementary Planning Document (SPD) on Sustainable Design and Construction sets out in more detail how

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they will apply this policy. Under the policy, unless it can be demonstrated that doing so is not technologically practicable, would make the scheme unviable or impose excessive costs on the occupier, the school development would be expected to meet an overall BREEAM rating of Very Good, and achieve a minimum reduction of 20% in carbon dioxide emissions through use of on-site sustainable energy technologies, with any shortfall being met by the applicant making a financial contribution to enable the residual carbon emissions to be offset elsewhere in the Borough. The financial contributions are paid to the Ashford Carbon Fund which is managed by the Borough Council. The SPD on Sustainable Design and Construction states that monies from the fund will pay for carbon savings through energy efficiency schemes, and tree planting as part of Ashford's Blue and Green Grid. It also states that energy efficiency schemes are favoured by the Council as they are the most cost effective method for reducing CO² being released into the atmosphere, from energy use in existing dwellings.

33. A BREEAM pre-assessment is included with the application. The applicant highlights in its planning statement that the development would serve residents of the local area and the new building would be of timber frame construction with natural ventilation aimed at achieving a minimum 10% reduction in CO² emissions, through the use of renewable technologies. Also, sustainable transport would be encouraged by way of the provision of on-site parking/access for essential users only. In addition, the existing site is of limited ecological value, although ecological enhancement by way of the provision of new habitats and protective measures during construction would maintain and improve the biodiversity of the site. It is concluded from the pre-assessment that the project could achieve a minimum 'Very Good' rating and credits would be achieved in all the target areas identified by BREEAM, i.e. management, health and well-being, energy, transport, water, materials, waste, land use & ecology and pollution.
34. It will be noted that the Borough Council's views amongst other matters reflect the requirements of this policy. In terms of the BREEAM rating the Borough Council has requested a condition be imposed to ensure that the development does achieve a rating 'Very Good' and I consider that this would be reasonable given that the indications from the pre-assessment that this can be met.
35. However, the Borough Council is also requesting that the applicant enters into a planning obligation with the Borough Council to secure a financial contribution to the Ashford Carbon Fund based on the residual carbon emissions of the development quantified over 10 years, in accordance with its LDF Core Strategy Policy CS10 and adopted SPD on Sustainable Design and Construction. In addition to the financial contribution, the Borough Council's proposed planning obligation would also include a one off payment of £1000 for monitoring compliance with the agreement and its other costs, expenses and disbursements incurred in connection with the agreement.
36. Current indications based on design work carried out by the applicant since the application was submitted are that a 12% reduction in CO² emissions could be achieved through the use of sustainable energy technologies. That means there is a shortfall of 8% from the 20% level (reduction to be achieved by sustainable energy technologies) set by Policy CS10 and residual emissions in total of 88% compared to the policy objective for the development to be carbon neutral. On the basis of this shortfall, the applicant has calculated (using the template in the SPD on Sustainable Design and Construction) that a contribution of some £9142 would have to be made to the Ashford Carbon Fund. I understand that any contribution made to the fund, together with the other costs itemised by the Borough Council, would have to be provided from the budget already set aside to complete project.

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37. As a general principle, where it is able to do so the applicant should meet the key objectives of this and other development plan policies which promote sustainable design and construction. However this does need to be balanced to ensure that the design quality of the project as a whole is still achieved and maintained without unduly compromising other elements of the proposal in delivering this important community building.
38. Having regard to the Policy CS10 considerations and the Borough Council's views, the applicant has agreed to make a contribution to the Ashford Carbon Fund (if planning permission is granted). However, bearing in mind such a contribution would have to be made from the total project budget and in order to provide certainty on apportionment of the overall budget costs they consider this should be made as a one off payment of £9142 at the commencement of the construction of the development. This would be based on current calculations rather than on a later assessment upon completion of the development, and would negate the need for the monitoring fee. I consider that this suggested approach to these policy requirements is a proportionate one in this case and I am currently considering with the Director of Governance and Law the most efficient and appropriate way for the County Council as the determining authority of securing the applicant's contribution to the Ashford Carbon Fund. I will report further on this matter at the committee meeting. Clearly, it is important to ensure that the strictly limited funds available are not unnecessarily diminished when they would be of greater public benefit if used in the development itself.

Drainage and Land Contamination

39. The Environment Agency raises no objection to this application subject to the imposition of conditions regarding surface water drainage and land contamination. Therefore, I consider that subject to the imposition of a condition requiring the submission of a detailed surface water drainage scheme prior to the commencement of the development, the development could be controlled to ensure that it would not result in unacceptable pollution levels. In addition, at the request of the Environment Agency and Ashford Borough Council, should permission be granted a condition would be imposed to ensure that if, during development, contamination not previously identified is found, then works should cease until otherwise notified in writing by the County Planning Authority. Again, this would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Development Plan Policy. Additional advice for the applicant is also provided with regard to drainage and the storage of fuel, oil and chemicals, and this would be covered by the imposition of an informative drawing the applicant's attention to the Environment Agency's letter.

Construction

40. 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 in order to protect residential amenity. 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.
41. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and

Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

operative/visitors parking, details of site security and safety measures and details of any construction accesses. Should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

42. In addition to the above, should permission be granted, conditions of consent would ensure that dust, noise, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Land Ownership matters

43. The developer of the Goat Lees residential estate is currently in dispute with the County Council regarding land ownership issues. A copy of a letter from their solicitor is appended to this report. As detailed in the appended letter, as part of the Section 106 Agreement in relation to the housing development, the housing developer agreed to transfer the school site to the County Council. The County Council covenanted that should it not have substantially constructed or procured the substantial construction of a school on the site within 12 years of the date of the commencement of the housing development, then the County Council would transfer the land back to the housing developer, at their request. The housing developer considers that the development commenced on the 14 June 1999 and, therefore, considers that the land should be transferred back with effect from the 14 June 2011. The County Council is disputing this assertion. However, these matters of land ownership are not relevant to the consideration of planning applications, and are legal aspects to be settled separately from this planning decision process. Therefore, it would not be appropriate to take them into account in deciding the merits of this application.

Conclusion

44. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, including those that seek to secure a high quality design and protect the urban landscape. In addition, the Policy Statement - Planning for Schools Development (August 2011), states that there should be a presumption in favour of the development of state funded schools, as expressed in the draft National Planning Policy Framework (July 2011). I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental effect on residential or local amenity, the character of the area, or the local highway network. In addition, the development would meet the sustainable development objectives as set out in Development Plan Policies, and a contribution to the Ashford Carbon Fund would be made. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

45. Subject to the applicant making a contribution to the Ashford Carbon Fund, as referred to in paragraph 38, I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- the standard time limit;
 - the development to be carried out in accordance with the permitted details;

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- the submission of details of the design of any outbuildings and structures;
- the submission of details of all materials to be used externally;
- details of all external lighting;
- a scheme of landscaping, including ecological enhancement measures, the green roof, and hard surfacing (including car parking and access areas), its implementation and maintenance;
- measures to protect trees to be retained;
- details of fencing, gates, walls, the refuse enclosure, and other means of enclosure, including heights and colour finishes;
- no tree removal during the bird breeding season;
- development to accord with the recommendations of the ecological surveys;
- a BREEAM rating of 'Very Good' to be achieved;
- submission of a detailed surface water drainage scheme;
- land contamination;
- provision of access, car parking, pick-up/drop-off, circulatory space, and cycle parking prior to first occupation, and subsequent retention;
- ongoing monitoring and review of the School Travel Plan;
- no flood lighting shall be erected on the site, without the written permission of the County Planning Authority;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- construction management strategy, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway.

46. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- Account should be taken of Environment Agency's advice relating to drainage and the storage of fuel, oil and chemicals.
- The applicant's attention is drawn to the letter from Public Rights of Way which contains general informatives with regard to works adjacent to and/or on a Public Right of Way. It is also advised that 'the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority'.
- The applicant is advised that any new vehicular and pedestrian access onto the public highway would be subject to a Section 278 Highway Agreement with Kent Highway Services.

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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Proposed 1FE Primary School at Goat Lees, Kennington, Ashford – AS/11/994 (KCC/AS/0367/2011)

POLICY CS10: Sustainable Design and Construction

All major developments (as defined in paragraphs 9.57 and 9.58) must incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford.

Unless it can be demonstrated that doing so is not technologically practicable, would make the scheme unviable or impose excessive costs on occupiers, developments are expected to:-

A) Achieve the standard set out below or specified in a later DPD, or an equivalent quality assured scheme, with a strong emphasis on energy, water and materials. These requirements will be met through:

- (a) Energy and water efficiency,
- (b) Sustainable construction materials, and,
- (c) Waste reduction.

B) Reduce carbon dioxide emissions through on-site sustainable energy technologies at the percentage set out below or at such other level as may be specified in a subsequent DPD.

C) Be carbon neutral which can be met through a combination of (A) and (B) above, with any shortfall being met by financial contributions to enable residual carbon emissions to be offset elsewhere in the Borough.

Ashford DPD 2007-2014						
			(CS3) Town Centre & (CS4) Brownfield Urban Sites	(CS5) Urban Extensions & (CS4) Greenfield Urban Sites	(CS6) Tenterden, the Villages	Existing and refurbishment
(A)	Residential		Code Level 3	Code Level 4	Code Level 2	EcoHomes 'Very Good'
	BREEAM	Overall level	Very Good	Excellent	Good	Very Good
		Energy Credits	Excellent	Excellent	Excellent	Excellent
		Water Credits	Maximum	Maximum	Excellent	Excellent
		Material Credits	Excellent	Excellent	Very Good	Very Good
(B)	Minimum Carbon Dioxide Reduction					
			20%	30%	10%	10%

Revised standards for 2015 onwards will be set in a review of the Core Strategy or a DPD.

Where any site is brought forward as two or more separate development schemes of which one or more falls below the relevant threshold for this policy, the Council will require the relevant targets in the above table to be met as though the site had come forward as a single scheme.

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APPENDIX 2

Our ref : CAM/MPS/G00502.36
Your ref : LS/A/16191/328

19 September 2011



For the attention of Sharon Thompson
Head of Planning Applications Group
Kent County Council

DX 123693 Maidstone 6



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Dear Sirs

Comment regarding planning application
KCC/AS/0367/2011
Our client: Goat Lees Joint Venture Company Limited
School site at Goat Lees, Trinity Road, Kennington, Ashford

This letter is written in response to the County Council Regulation 3 application by KCC Capital & Premises referred to above. We act for the above-named client, an interested person in the application for the reasons set out below.

Our client was the original developer of the Goat Lees residential estate and owner of the entire site including the land the subject of the present application ('the School Site'). As part of the section 106 agreement in relation to the development circa 1999, our client agreed to transfer the School Site to the Council. The Council covenanted that should it not have substantially constructed or procured the substantial construction of a school on the School Site within 12 years of the date of the commencement of the development, it would retransfer the School Site to our client upon its request. The development commenced on 14 June 1999 and we on behalf of our client have demanded the retransfer with effect from 14 June 2011, by our letter to the Council of 31 May 2011 and have repeated the demand several times since in correspondence.

Partners
CA McDonald
R H Rix
M J Dewey
D G Fifield
J D Hudson
M D Stevens
L K Finlayson
R J Diplock
A A Doinik
D C Thornycroft
M P Self

Associates
T E Crump
M V Carr

Consultant
J S Lowings - Non Practising

Also at Ashford Market
and New Romney



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APPENDIX 2



Our client is entitled to have the School Site retransferred to it forthwith and plans to issue Injunctive Proceedings in that relation against the Council in the very near future. In fact, in view of the planning application made in respect of the School Site (which if granted could potentially devalue the Site significantly) our client's intention is to issue proceedings imminently if that is necessary.

Comment upon application KCC/AS/0367/2011 and related Ashford Borough Council application 11/00994/AS

For the reasons set out above, our client is entitled to the transfer of the School Site to it and, in effect, the Council holds the Site in trust. We would contend therefore that our client is beneficial owner of the Site and that the Council had a statutory obligation to notify our client of the application. In any case, our client by virtue of the contentions it makes in relation to the Site, is without any doubt a person interested in the application and should have been notified specifically.

Contrary to the above, our client has been given no specific notice of the application. No effort has been made to include our client in the planning process and, indeed, the opposite. We and the Council have been embroiled in a protracted correspondence since May of this year in relation to the School Site and they have failed at any stage to mention the application or plans to make the same. We and our client are appalled that KCC has seemingly sought to obtain planning consent without our knowledge or participation. For the information of Ashford Borough Council, we sent to Kent County Council copies of a letter from us to the Headteachers Collaboration Group setting out our client's position (explaining to the reader why the Council's plans for the Site were misconceived) and asked that copies of the letter be produced at the initial planning consultation on 16 June 2011. Despite this, it is clear from the documents we now find on Ashford Borough Council's planning portal that no reference at all has been made to our client in the planning documentation.

We and our client only became aware of the making of the application (both KCC/AS/0367/2011 and 11/00994/AS) today and would have expected, as a bare minimum, to have been told by the Council that applications had been made.

Without question, neither the planning committee of Ashford Borough Council nor the planning department of Kent County Council should dedicate further time and public expense to the applications until the question of our client's entitlement to the Site has been resolved and, at very least, no final decision should be made until the contentions made herein have been given proper consideration. Our client's entitlement is salient to the application because the granting of the same would, if our client's argument

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APPENDIX 2

were correct, be contrary to the wishes of the rightful owner of the Site.

We will forward shortly copies of the correspondence between Kent County Council and us in relation to this matter.

Yours faithfully



Hallett & Co

c.c. Legal & Democratic Services, Kent County Council (by DX and email)
Katy Magnall, Ashford Borough Council (by email, fax & post)
Paul Girling, Ashford Borough Council (by email & post)
Transcribed to Ashford Borough Council planning portal for online comment



E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

- | | |
|--------------------------------|---|
| DA/11/893 | Conversion of existing workshop / office building to provide extended office space, including changes to existing fenestration; construction of a replacement workshop extension to the north of the existing building; and provision of additional vehicle parking spaces.
Pinden Quarry, Green Street Green Road, Dartford |
| SE/10/3111 | Variation of condition 11 of planning permission SE/08/2141 Greatness Integrated Waste Management Facility to amend pre-settlement contour plans to allow for an increased settlement rate of up to 25% (in part retrospective) and minor amendments to the post settlement contours to ensure long term integrity of the landfill cap.
Greatness Quarry, Bat and Ball Road, Sevenoaks |
| SH/99/1003/MR69/
RC2 & RC11 | Request for approval of amended method of working (to alter the means of transporting mineral to the processing plant from conveyor to vehicle movements) and aftercare scheme pursuant to conditions C2 and C11 of planning permission SH/99/1003/MR69 (as amended by SH/01/382 and SH/08/963).
Denge Pit, Kerton Road, Lydd |
| TW/11/1720 | Construction of a new ferric dosing kiosk, new effluent monitoring kiosk and associated treatment process plant.
Paddock Wood WTW, Transfesa Road, Paddock Wood |

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

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

Background Documents - The deposited documents.

None

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

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

Background Documents – The deposited documents.

- AS/09/867/R5,6,7,8 Details pursuant to conditions 5 (landscaping), 6 (playing field restoration), 7 (Community Use Scheme), 8 (drainage) of planning permission AS/09/867 for extension, adaptation and alteration of the existing school building.
Beaver Green Primary School, Cuckoo Lane, Ashford
- AS/10/1571/R3&R4 Details of external materials (condition 3) and scheme of landscaping (condition 4) pursuant to planning permission AS/10/1571.
Kingsnorth Church of England Primary School, Church Hill, Kingsnorth
- AS/11/829 Extensions and alterations to staff room, year 3 classroom and to form new external access toilets for infants and juniors.
St. Mary's C of E Primary School, Western Avenue, Ashford
- CA/08/271/R5C Minor amendments to the approved landscaping scheme (CA/08/271/R5, dated 5 November 2008, as previously amended by CA/08/271/R5A dated 14 September 2010 and CA/08/271/R5B dated 10 March 2011).
The Community College Whitstable, Bellevue Road, Whitstable
- CA/10/1790/R3 Details of all materials to be used externally.
Spires Academy, Land off Bredlands Lane, Canterbury
- CA/11/1375 Renewal of planning consent for the installation of a 5 bay portakabin building to provide IT suite and special needs teaching area.
Hampton Primary School, Fitzgerald Avenue, Herne Bay
- DO/11/675 Retention of two mobile classroom units.
Kingsdown & Ringwould C of E Primary School, Glen Road, Kingsdown, Deal
- GR/11/609 Installation of an outdoor canopy for after school unit.
Culverstone Green Primary School, Wrotham Road, Meopham, Gravesend
- SE/11/1478 Single storey extension to the visitors centre to form new toilets accessible from the outside and new external landscaping to provide inclusive access to the building.
Lullingstone Country Park Visitors Centre, Kingfisher Bridge, Castle Road, Eynsford, Dartford

SE/11/1522/R3	Details of colour finish to 1.5 metre high weldmesh fencing, fencing posts and gates. Horton Kirby Primary School, Horton Road, Horton Kirby, Sevenoaks
SE/11/1530	Construction of a new teaching block comprising two classrooms, cloaks area and toilets. Removal of existing mobile classroom upon completion of development. St Katharine's Knockholt C of E Primary School, Main Road, Knockholt, Sevenoaks
SE/11/1839	Demolition of existing wooden sports pavilion and erection of replacement sports pavilion. Shoreham Village School, Church Street, Shoreham, Sevenoaks
SW/09/851/R5	Details of a School Travel Plan pursuant to condition (5) of planning permission SW/09/851. St George's CEP School, Chequers Road, Minster-On-Sea, Sheerness
SW/09/1215/R	Non-material amendment pursuant to condition (2) of planning permission SW/09/1215 to include: changes to external render colour; alterations to roof material; window and door size/fenestration changes; omission of low level louvers and glass canopy; and alterations to earth bunds adjacent to Leysdown Road to accommodate a new vehicle drop-off area. New Primary School at Warden, Leysdown Road, Leysdown-on-Sea, Sheerness
SW/09/1215/R15	Details of off-site highway improvement works (as agreed in principal as part of the planning approval) pursuant to condition 15 of planning permission SW/09/1215 dated 13 May 2010. New Primary School at Warden, Leysdown Road, Leysdown-on-Sea, Sheerness
SW/11/1031	Retention of a mobile classroom unit. Sheldwich Primary School, Lees Court Road, Sheldwich, Faversham
TH/11/605	To remove 2 no. existing temporary mobile classrooms, which were permitted under planning permission TH/10/711 and to reinstate the land as required. This application is for the temporary installation of 3 no. mobile classrooms by the main reception area, which are to be removed on the completion of the new extension. The Ellington and Hereson School, Newlands Lane, Ramsgate
TH/11/643	Retention of 2 twin mobile classroom units and a single storage container. The Foreland School, Lanthorne Road, Broadstairs
TM/10/185/R3 & R8	Details pursuant to conditions 3 (independent lighting assessment) and 8 (community use scheme) of planning permission TM/10/185 for construction of an artificial sports pitch and floodlights. Hayesbrook School, Brook Street, Tonbridge

TM/10/497/R7	Details of external lighting – provision of a teaching and demonstration “Food Pod” facility. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TM/11/192/R3	Details of planting pursuant to condition 3 of planning permission reference TM/11/192 (Erection of 1.8m high steel railing fencing, finished in dark green, with vehicular and pedestrian access gates. The Malling School, Beech Road, East Malling, West Malling
TM/11/623	Construction of a new specialist unit, comprising of 3 classrooms and some support accommodation, new entrance lobby with external stair and path, and new playground area. West Malling C of E Primary School, Norman Road, West Malling
TM/11/1885	Revised proposal for replacement of temporary (horsa huts) teaching accommodation with the provision of a 2 storey building (originally granted planning permission under application TM/10/181) including a reduction in the floor space and consequential changes to foot print, floor plans, elevations and external works including re-arrangement of staff car parking. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TW/10/1383/R6	Submission of revisions to school travel plan pursuant to condition 6 of planning permission TW/10/1383. Bishops Down Primary School, Rydal Drive, Tunbridge Wells
TW/11/855/R3	Details of cedar cladding, windows and fascias pursuant to condition 3 of planning permission TW/11/855. Langton Green Primary School, Lampington Row, Langton Green, Tunbridge Wells
TW/11/2365	Proposed relocation of 1600m ³ of excavated soil from the Skinners School sports hall site to Southfields Road playing fields for the purpose of levelling the land/sports pitch. The Skinners School playing fields, Southfields Park, Chestnut Avenue, Tunbridge Wells

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *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:-

KCC/AS/0365/2011 - Redevelopment of existing waste management recycling centre to provide enhanced facilities and revised internal layout; construction of administrative building, and construction of new waste transfer station with independent vehicular access and weighbridge.

KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford

KCC/TM/0393/2011 - Planning application for the provision of 18 new caravan pitches arranged around a new road, and renewal of 8 existing pitches already accommodating 8 traveller families (total 26), semi detached utility blocks, a children's play area, erection of a 3m high acoustic barrier adjacent to the A20 London Road, amenity lighting, landscaping and resurfacing of the existing access road.

Gypsy and Traveller Caravan Site, Coldharbour Lane, Aylesford

KCC/TM/0355/2011 - Proposed provision of a single storey changing room pavilion for school and community use in association with existing outdoor facilities and the proposed outdoor all weather pitch. The accommodation comprises 4no. team changing rooms, officials changing rooms, disabled changing room, public toilets, store and plant room.

Wrotham Secondary School, Borough Green Road, Wrotham, Sevenoaks

KCC/EIA/TW/0348/2011 - Request for a screening opinion to determine whether the proposal to recontour and remediate the existing landfill site and erect a gasification/pyrolysis plant on the former travellers site requires an Environmental Impact Assessment.

Former Household Refuse Site, North Farm Lane, Southborough, Tunbridge Wells

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

None

E5 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

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

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

KCC/EIA/DA/0334/2011 – Proposed renewable energy facility.
Manor Way Business Park, Swanscombe, Kent

