



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 9th December, 2008, at 10.00 am Ask for: **Andrew Tait**
Council Chamber - Sessions House, County Telephone: **01622 694342**
Hall, Maidstone

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

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 4 November 2008 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/08/624 - Regularisation of the layout of the gas control compound permitted under Permission TM/04/3135 and installation of a new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham, West Malling; Waste Recycling Group (Pages 7 - 22)
2. Application DO/08/897 - Enclosed facility to retrieve waste and sort it into reuseable, recyclable and recoverable fractions by physical means. Sorted materials and remaining residual waste to be transported to re-user, recycler, reprocessor and waste disposal sites at Aylesham Industrial Estate, Cooting Road, Aylesham, Canterbury; Clearers (South East) Ltd (Pages 23 - 38)
3. Application AS/08/1373 - Retrospective application for composting facility at Land adjacent to electricity feeder station, Church Lane, Aldington, Ashford; J Wanstall and Sons (Pages 39 - 56)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TW/08/3503 - Conversion of tennis courts to multi-use games area (MUGA) at St Gregory's Catholic Comprehensive School, Reynolds Lane, Tunbridge Wells; Governors of St Gregory's Catholic Comprehensive School and KCC Children, Families and Education. (Pages 57 - 66)
2. Proposal SH/08/1061 - Installation of floodlighting to the artificial turf pitch and to the multi-use games area at Folkestone Academy, Academy Lane, Folkestone; KCC Children, Families and Education (Pages 67 - 80)

3. Proposal TM/08/2857 - New special school, parking, play area, landscaping and ancillary works at Wrotham School, Borough Green Road, Wrotham, Sevenoaks; KCC Children, Families and Education. (Pages 81 - 118)
4. Proposal TM/08/2988 - Demolition of a mobile classroom and construction of a new single storey classroom block consisting of a music room, ICT suite and small multi-purpose teaching area at Leybourne St Peter and St Paul CEP School, Rectory Lane North, Leybourne, West Malling; Governors of Leybourne St Peter and St Paul CEP School and KCC Children, Families and Education (Pages 119 - 140)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

Monday, 1 December 2008

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, 4 November 2008.

PRESENT: Mr A R Bassam (Vice-Chairman, in the Chair), Mrs V J Dagger, Mr J A Davies, Mr T Gates, Ms A Harrison (Substitute for Mrs E Green), Mr W A Hayton, Mrs S V Hohler, Mr S J G Koowaree, Mrs J Law (Substitute for Mr R E King), Mr J F London, Mr T A Maddison, Mr J I Muckle, Mr W V Newman, DL, Mr A R Poole, Mrs P A V Stockell and Mr F Wood-Brignall

ALSO PRESENT: Mr R W Gough

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

UNRESTRICTED ITEMS

81. Minutes - 7 October 2008 (Item A3)

RESOLVED that the Minutes of the meeting held on 7 October 2008 are correctly recorded and that they be signed by the Chairman.

82. Site Meetings and Other Meetings (Item A4)

The Committee agreed to postpone the training session scheduled for 19 November 2008 and also to visit Cornwallis School, Boughton Monchelsea, Maidstone on Tuesday, 9 December 2008.

83. Proposal SE/08/1896 - Extension of existing hard paved car park with alteration to the line of the existing western boundary fence and widening of the entrance drive at Lullingstone County Park, Kingfisher Bridge, Castle Road, Eynsford, Dartford; KCC Environment and Regeneration. (Item D1- Report by Head of Planning Applications Group)

(1) Mr R W Gough was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) The Head of Planning Applications Group reported the receipt of additional representations from Eynsford Parish Council, The Eynsford Village Society and from Dr C J Harris in opposition to the Proposal.

(3) The following people addressed the Committee in opposition to the Proposal: Dr C J Harris as a representative of Eynsford Parish Council and also in a personal capacity; Mr W Croydon on behalf of Shoreham Parish Council; and Mr

R Inniss as a representative of the Shoreham Society. Mr G Dear, Head of the KCC Country Parks Team spoke in reply.

- (4) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government, and that subject to her decision permission be granted to the Proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; no development taking place until the applicant has submitted further details of the proposed specification and colour treatment of the proposed car park surface treatment; no external lighting being installed at the site; vehicle and pedestrian entrance gates being powder - coated black; no development taking place until the applicant has submitted further details of a proposed landscaping scheme and a programme of maintenance for a period of not less than 5 years; landscape planting being implemented within the first available planting season following completion of the development; all trees to be retained on site being afforded protection during construction operations in accordance with the current British Standard; no development taking place until the applicant has submitted a method statement for the translocation of slow worms within the site; no development taking place until the applicant has secured the implementation of a programme of archaeological works; and adequate measures being taken to ensure that vehicles leaving the site whilst engaged in the construction works do not deposit mud or debris on the public highway.

84. Proposal TH/08/788 - Multi-use games area with floodlighting and access path at Birchington CE Primary School, Park Lane, Birchington; Governors of Birchington CE Primary School and KCC Children, Families and Education.
(Item D2- Report by Head of Planning Applications Group)

(1) Mr M Gray addressed the Committee in opposition to the Proposal. Mr T Freeman from Trevor May Contractors spoke in reply.

(2) Mr T A Maddison moved, seconded by Mr S J G Koowaree that the recommendations of the Head of Planning Applications Group be agreed subject to no use of the multi-use games area being permitted on Sundays after 1400 hours.

(3) Mr J A Davies moved, seconded by Mrs J Law as an amendment that no use of the multi-use games area be permitted on Sundays or Bank Holidays.

Amendment Lost by 3 votes to 11.

(4) On being put to the vote, the substantive motion was carried by 10 votes to 4.

(5) RESOLVED that permission be granted to the Proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; hours of use for the multi-use games area (MUGA) being restricted to between the hours of 0800 and 2100 Monday to Friday, 1000 and 1700 on Saturdays and Bank Holidays, and 1000 and 1400 on Sundays; erection of a 2m acoustic fence to the rear of properties in Sewell Close; details of the

design and materials of the 2m acoustic fence; floodlighting only being used outside of daylight hours and between the hours of 1500 and 2100 Monday to Friday, and 1500 and 17:00 on Saturdays and Bank Holidays; and the floodlighting being completely extinguished when the MUGA is not in use.

85. Proposal MA/08/1700 - Demolition of existing school buildings, erection of new academy, including a new 6 court sports hall, vocational centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court multi-use games area, 153 car parking spaces, 150 bicycle spaces, strategic landscaping works and associated circulatory access roads at the New Line Learning Academy, Boughton Lane, Loose, Maidstone; KCC Children, Families and Education.

(Item D3- Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group reported additional correspondence from the Landscape Officer and from the KCC Ecological Team.

(2) RESOLVED that:-

- (a) permission be granted to the Proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; the submission of details of door and window reveals; details of all external lighting; a scheme of landscaping, including hard surfacing, its implementation and maintenance; measures to protect those trees to be retained; an Arboricultural Method Statement; a bat survey being undertaken prior to demolition of the existing school buildings; a habitat/biodiversity enhancement strategy, including monitoring and management; protection of badgers from construction activities; no tree removal during the bird breeding season; the development according with the recommendations of the ecological survey; contractor site briefing; details of fencing, gates and means of enclosure, including colour finishes; archaeological works; "Secured by Design" principles being adopted; a BREEAM rating of 'Very Good' being achieved; the playing field being provided and marked out as shown on the site plan; a community use agreement relating to use of the indoor and outdoor facilities, including hours of use; implementation of offsite highway improvements and measures before September 2009, including provision of traffic signals at the Boughton Lane/Loose Road junction; the preparation, submission for approval, implementation and ongoing review of a revised School Travel Plan; details of foul and surface water drainage; control of discharge of foul/contaminated drainage; no flood lighting being erected on the multi-use games area, or elsewhere on the site, without the written permission of the County Planning Authority; hours of working during construction and demolition being restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management plan, including access, parking and circulation within the site for contractor's and other vehicles related to construction and

demolition operations; a road condition survey; and measures to prevent mud and debris being taken onto the public highway; and

- (b) the applicants be advised of the following by Informative:-
- (i) it is recommended that Sport England be consulted by the applicant to ensure that the proposed sporting facilities are designed to satisfactory technical standards. Attention is also drawn to the relevant Sport England Guidance Notes providing technical advice on the appropriate standards for the sports facilities.
 - (ii) account should be taken of the comments made by the Environment Agency relating to drainage, contamination, and storage of fuel, oil & chemicals;
 - (iii) account should be taken of the comments made by Maidstone Borough Council relating to construction activities; and
 - (iv) the applicant should ensure that further consents regarding works to TPO trees and/or protected species are not required from other Authorities.

86. Proposal SW/07/1184 - Single storey modular building for use as a Children's Centre including a canopied entrance, external storage units, fencing, landscaping, hard surfacing and car parking at Land to the corner of Rushenden Road and First Avenue, Queensborough; KCC Children, Families and Education.

(Item D4- Report by Head of Planning Applications Group)

(1) Ms A Harrison addressed the Committee in her capacity of local Member. She took no part in the decision making.

(2) The Head of Planning Applications Group tabled an extract from Annex D of Planning Policy Statement 25 (PPS 25), setting out the Flood Zones and Flood Risk Vulnerability Classification in relation to the "Sequential" and "Exception" Tests.

(3) Mrs S V Hohler moved, seconded by Mr J F London that the approach set out in paragraph (4) below be adopted.

Carried Unanimously

(4) RESOLVED that the Head of Planning Applications Group be requested to facilitate negotiations between the applicants and the Environment Agency with the aim of resolving the latter's objections, and that if the objection is withdrawn, she be given delegated powers to approve the Proposal or (if the objection is not withdrawn) to refer the proposal to the Secretary of State for Communities and Local Government for her determination in accordance with the provisions set out in PPS 25.

87. County matter applications dealt with under delegated powers

(Items E1- E5- Reports by Head of Planning Applications Group)

RESOLVED TO note reports on items dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments (None);
- (c) County Council developments;
- (d) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Regularisation of the layout of the gas control compound permitted under planning consent TM/04/3135 and installation of a new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham, Kent – TM/08/624

A report by Head of Planning Applications Group to Planning Applications Committee on 9 December 2008.

Application by Infinis Limited for the regularisation of the layout of the gas control compound permitted under planning consent no. TM/04/3135 (dated 17 July 2007) and installation of a new landfill gas flare within the compound at White Ladies Gas Control Compound, Teston Road, Offham, West Malling, Kent.

Recommendation: Planning permission be granted subject to conditions.

Local Members: Mrs S. Hohler

Unrestricted

Site

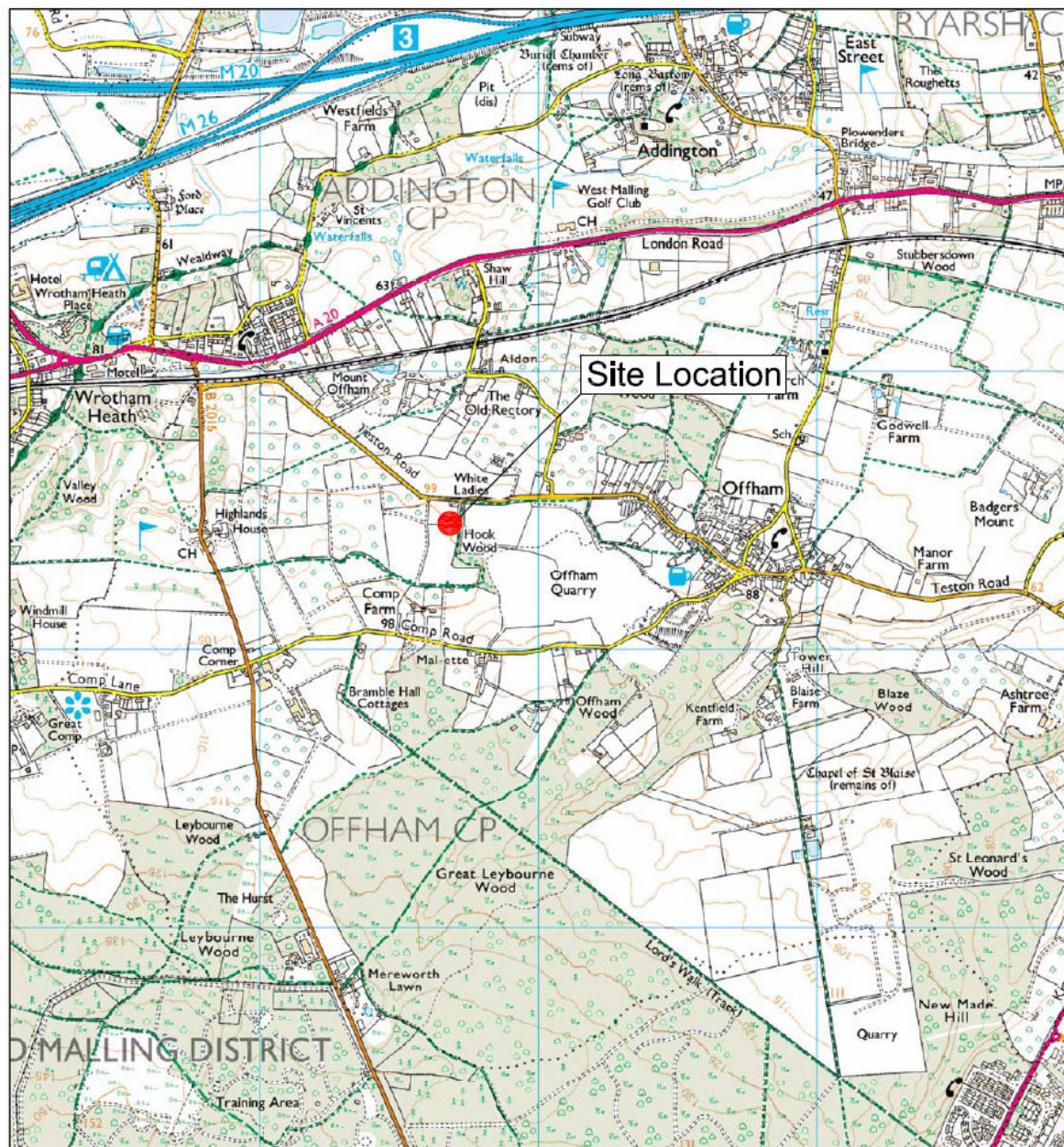
1. White Ladies gas control compound is situated immediately to the north west of Offham Landfill Site and south of Teston Road, from which access to and from the site is obtained. The site is some 400 metres to the west of Offham village. Individual residential properties are located near the site, most notably Comp Farm Oast (300 metres), Hunters Moon (320 metres) and The Roundells (335 metres). The application site is within the Metropolitan Green Belt. *A site location plan is provided on page C1.2*
2. The compound is surrounded by 4 metre high acoustic fence and lies within the grounds of the White Ladies Office Complex. Waste Recycling Group owns the gas control compound and the Landfill Site. However, the gas control compound is leased to Infinis, which owns the infrastructure installed within the compound and is responsible for the day-to-day management of landfill gas and the production of energy from the gas.

Background

3. The landfill gas control compound at White Ladies was initially granted planning permission by the County Planning Authority in August 1995, under permission reference TM/94/370. In 2001, planning permission was granted under application TM/99/912, allowing for the replacement of an existing gas flare, the installation of a

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

Site location plan



Rev:	Date:	Amendment:	Name:	Checked:
-	-	-	-	-

Status: Final

Drawing Based Upon:

Legend

- Site Location
- Land in the Control of the Applicant



Conrad House Beaufort Square Chipstead Monmouthshire NP16 5EP
T 01291 621821 F 01291 627827 E rps@rpsgroup.com W www.rpsgroup.com

Client: Infinis

Project: Offham (White Ladies) Landfill - Landfill Gas Utilisation Compound

Title: Site Location Plan

Date: Jan 2008 Scale: 1:20,000 Original Paper Size: A4

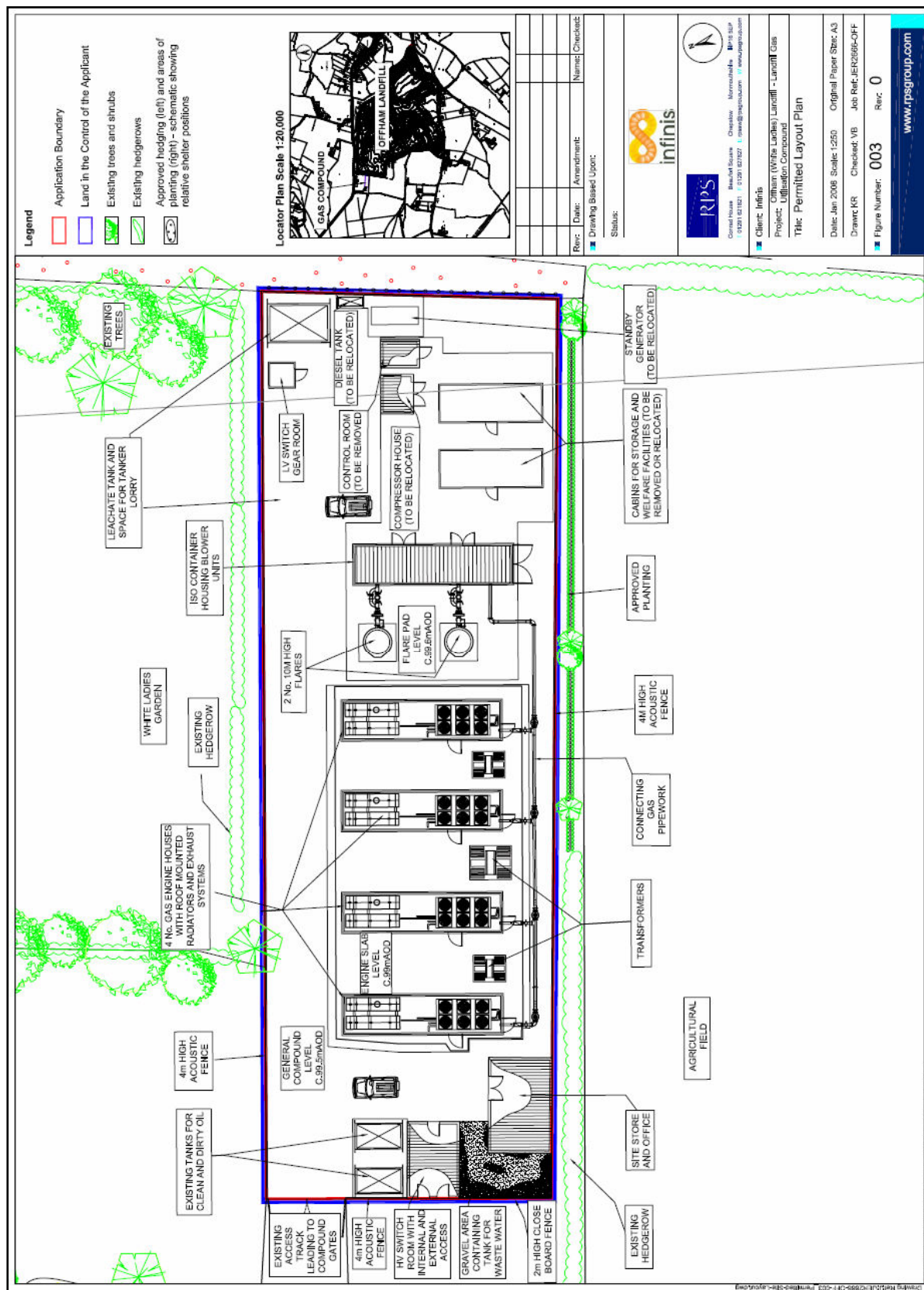
Drawn: KR Checked: VB Job Ref: JER2666-OFF

Figure Number: 001 Rev: 0

www.rpsgroup.com

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

Permitted Layout Plan (as approved under TM/04/3135)



Legend

- Adaptive Boundary
- Land Within Control of the Applicant
- Existing trees and shrubs
- Existing topography
- Proposed heights (left) and areas of planting (right) - elements showing relative and/or positions
- Existing lighting (as-built)

Location Plan

Location Plan Scale: 1:50,000

Table 1: Land Use and Planning Information

Item	Location	Planning Information
B	Location of the proposed development	Site B
A	Location of the proposed development	Site A
C	Location of the proposed development	Site C
D	Location of the proposed development	Site D
E	Location of the proposed development	Site E
F	Location of the proposed development	Site F
G	Location of the proposed development	Site G
H	Location of the proposed development	Site H
I	Location of the proposed development	Site I
J	Location of the proposed development	Site J
K	Location of the proposed development	Site K
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O	Location of the proposed development	Site O
P	Location of the proposed development	Site P
Q	Location of the proposed development	Site Q
R	Location of the proposed development	Site R
S	Location of the proposed development	Site S
T	Location of the proposed development	Site T
U	Location of the proposed development	Site U
V	Location of the proposed development	Site V
W	Location of the proposed development	Site W
X	Location of the proposed development	Site X
Y	Location of the proposed development	Site Y
Z	Location of the proposed development	Site Z

Table 2: Planning Information

Item	Location	Planning Information
1	Location of the proposed development	Item 1
2	Location of the proposed development	Item 2
3	Location of the proposed development	Item 3
4	Location of the proposed development	Item 4
5	Location of the proposed development	Item 5
6	Location of the proposed development	Item 6
7	Location of the proposed development	Item 7
8	Location of the proposed development	Item 8
9	Location of the proposed development	Item 9
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81	Location of the proposed development	Item 81
82	Location of the proposed development	Item 82
83	Location of the proposed development	Item 83

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

new gas flare and ancillary plant, as well as an extension of the original acoustic fence. In 2003, planning permission was granted under application TM/02/3536 for the installation of two additional gas utilisation engines and two replacement engines, new control room and associated plant and buildings and two replacement flares within the compound. In 2004, when the landfill gas control equipment was installed on site, the layout differed from the one approved under the 2003 consent (TM/02/3536). As a result, a retrospective planning application was submitted in August 2004 to regularise the compound's layout in line with the 'as built' installation. This application was granted planning permission by the County Planning Authority (TM/04/3135) in July 2007.

4. Planning permission TM/04/3135 included a number of planning conditions. Conditions 1, 6, 9, 10, 11 and 12 are of particular relevance to the current proposals. Condition 1 requires that the development be carried out as permitted. Condition 6 states that no external lights shall be installed or erected unless otherwise approved beforehand by the County Planning Authority. Condition 9 restricts noise from operations at the site to no more than 39dB at any noise sensitive property between 1900 and 0700 hours as expressed in terms of the rating level $L_{A,T}(\text{Free Field})$ as defined in BS4142. Condition 10 requires annual noise monitoring to demonstrate compliance with condition 9. Condition 11 requires the acoustic fence surrounding the compound to be maintained so that it remains effective as an acoustic screen. Condition 12 requires landscape planting to be undertaken and maintained for the life of the facility.

Proposal

5. The proposed development comprises of three elements:
 - (i) The installation of a new 7.5m high landfill gas flare within the gas control compound to specifically deal with 'in-rock' landfill gas (low calorific gas collected from the perimeter of the site);
 - (ii) Regularisation of the layout of the permitted compound to accommodate the installation of the proposed gas flare; and
 - (iii) Details of external lighting within the gas control compound pursuant to condition (6) of the 2004 consent (TM/04/3135).
6. The gas control compound currently installed at the site collects gas produced within the body of the adjoining landfill site, as well as the gas generated through the perimeter gas collection system. The characteristics of the landfill gas and in-rock gas are different in that the methane content of the in-rock gas is lower than the one of the gas collected within the main body of the landfill. The in-rock gas has a methane content of less than 15%, resulting in its calorific value being considered as 'low'.
7. The current gas control compound comprises of four landfill gas engines and two flares, together with associated plant and equipment. Unlike the gas generated within the landfill's body, the low-calorific value of the in-rock gas collected via the perimeter collection system makes it unsuitable for electricity generation and cannot be used by the engines installed within the compound. As a result, the in-rock gas is currently being controlled by the existing flares. However, the existing flares are not specifically designed to burn low-calorific gas and, in order to ensure that safety issues are adequately addressed, the in-rock gas has to be blended with landfill gas to achieve a

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

sufficient calorific value.

8. As identified in paragraph 5(i) above, the proposal involves the installation of a new 7.5 metre high flare, specifically designed to deal with low calorific value gas. This new flare would have a capacity of 1,500m³/hr and would be dedicated to the control of the in-rock gas, only requiring a small amount of landfill gas to operate within the emissions standards prescribed by the Environment Agency's guidance on landfill gas flaring. In this way it would enable more landfill gas that is capable of being used as a fuel to be used to generate electricity. The new flare would be designed to operate continuously (24 hours per day, 7 days a week) alongside existing equipment within the gas control compound in order to provide effective gas management for the adjacent landfill site.

9. In order to accommodate the installation of the new gas flare and associated plant, some items of equipment already installed within the compound, need to be relocated. In addition, some of the equipment permitted under the 2004 consent (TM/04/3135) was installed at a slightly different location within the compound to the one indicated on the permitted layout plan. As a result, part (ii) of the proposed development, as detailed in paragraph 5 above, seeks to regularise the layout of the compound. The changes proposed to the gas control compound can be identified on 'Proposed Layout Plan' on page C1.4 when compared against the 'Permitted Layout Plan' (as permitted under TM/04/3135) on page C1.3. For clarification the items of plant and equipment affected by these changes are listed below:
 - Diesel tank has not been installed alongside the eastern boundary of the compound, as shown on the 'permitted layout', but alongside the northern boundary;
 - Stand-by generator, shown to the east of the compound on the 'permitted layout', has been installed alongside the northern boundary, next to the diesel tank;
 - One of the welfare and storage Portakabin's shown on the 'permitted layout' has been removed from the site, whereas the other one will be relocated alongside the eastern boundary of the compound;
 - Control room shown on the 'permitted layout' will be removed following the installation of the new flare; and
 - One of the engines and its associated transformer have been installed at a slightly different position to that shown on the 'permitted layout'.

10. As identified in paragraph 5(iii) above, the proposal includes details of external lighting within the gas control compound provided for under the terms of the 2004 consent (TM/04/3135). The 2004 consent stated that *'no external lighting shall be installed or erected at the site unless otherwise approved beforehand in writing by the County Planning Authority'*. The proposed lighting scheme has already been installed and has been in operation for some considerable time. This element is therefore retrospective. The justification for the provision of external lighting is that the compound needs to be accessible 24 hours a day for essential site maintenance and it is therefore necessary to provide adequate lighting to ensure the health and safety of employees using the gas compound during such night-time periods. The lighting scheme comprises a number of wall-mounted lamps positioned along the compound's fence which are controlled by a motion sensor to ensure that lights are only illuminated when site operatives are working in the facility. With the exception of two lights at the entrance to the compound, all lighting is contained within it.

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

Further Information

11. Further information was provided by the applicant in May 2008 responding to concerns raised by consultees and interested parties. This included: information relating to the site ownership; further information relating to the need of the additional gas flare and its impacts in terms of landscape and visual amenity and within the Metropolitan Green Belt; and additional information concerning noise measurements. The Borough Council, Parish Council, Environment Agency and the KCC Noise Consultant were consulted on this additional information.
12. Whilst this information went some way to addressing the concerns raised, the applicant was asked to provide a further noise assessment to demonstrate that the proposed new flare could operate alongside the existing equipment whilst still complying with the noise limit imposed by condition 9 of planning permission TM/04/3135 (i.e. 39dBL_{Ar,T(Free Field)}). The methodology for this further assessment was agreed beforehand by both the County Council's Noise Consultant and Tonbridge & Malling Borough Council's Environmental Health Officer. This further noise assessment was submitted in October 2008 and was the subject of further consultations with the Borough Council, Parish Council, Environment Agency and KCC's Noise Consultant. This report includes consideration of comments that have been received on all three consultations.

Planning Policy Context

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

National Planning Policies – the most relevant National Planning Policies are set out in PPG2 (Green Belts), PPS10 (Planning for Sustainable Waste Management), PPS22 (Planning for Renewable Energy), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).

Regional Planning Policies – the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the emerging South East Plan. These include RPG9 Policies E3 (Green Belts), E7 (Air and Water Quality), W12 (Other Recovery and Diversion Targets), W13 (Landfill Requirements) and emerging South East Plan Policies CC10a (Green Belts), NRM9 (Air Quality), NRM10 (Noise), NRM13 (Renewable Energy Targets), W12 (Other Recovery and Diversion Targets), W13 (Landfill Requirements) and C3 (Landscape and Countryside Management).

Kent and Medway Structure Plan (2006) – These include Policies SP1 (Conserving and Enhancing Kent's Environment and Ensuring a Sustainable Pattern of Development), SS2 (Extent of the Metropolitan Green Belt), EN1 (Protecting Kent's Countryside), EN3 (Protecting and Enhancing the Countryside Character), EN9 (Trees, Woodland and Hedgerows), NR2 (Energy Generation), NR3 (Renewable and Sustainable Energy Production), NR5 (Pollution Impacts), NR8 (Water Quality) and WM2 (Assessment Criteria for Waste Proposals).

Kent Waste Local Plan (1998) - These include Policies W18 (Noise, Dust and Odour), W25 (Plant and Buildings) and W31 (Visual Impact and Landscaping).

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

Tonbridge and Malling Borough Local Plan Saved Policies (1998) – Identifies that the application site is in the Metropolitan Green Belt.

Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007) – This includes Policy CP3 (Green Belts).

Consultations

14. **Tonbridge and Malling Borough Council** – The Borough Council initially objected to the proposals on the grounds that there was insufficient information to show that acoustic amenity of nearby residential property would not be detrimentally harmed. These objections were maintained following the receipt of the additional information submitted in May 2008. However, it is understood that this objection will be withdrawn following its consideration of the additional noise assessment submitted in October 2008 which demonstrates that the new flare could operate in conjunction with the existing equipment whilst still meeting the current 39dB noise limit. Formal written confirmation of this is awaited at the time of writing this report and Members will be updated as necessary at committee.

15. **Offham Parish Council** – Objects. Its comments are summarised below:

Based on original application

Object to the proposals unless further information can be provided to address the following:

- Although it may prove difficult to alter the location of the specific plant within the compound, the Parish Council has consistently urged that noise producing plant should be located at the furthest point possible from the village boundary;
- Offham is known for having a very low level of light pollution. The village has resisted street lighting for this reason. The requested level of lighting for the compound would not be consistent with this policy and certainly contrary to the wishes of the vast majority of local residents;
- It could be argued that one more flare stack, slightly lower than the existing two, will have a marginal impact on the amount of plant already existing. However, marginal as it may be, it will have an impact and a negative one at that in Green Belt terms. The only 'very special circumstances' that would be relevant in relation to this application is stated necessity to comply with EU legislation that landfill gas be controlled and treated;
- The two existing flare stacks at 10m high are visible above the acoustic fencing and planting and therefore have a negative visual impact. The additional flare stack, although lower, is also higher than the 4m high acoustic fencing and planting and will therefore be visible and have an additional negative impact;
- How can the 'predicted noise levels due to the proposed equipment' possibly reduce when two additional pieces of equipment – one flare and one booster – have been added into the equation?
- Inconsistency in noise reports and assumptions for gas compound – imperative that the discrepancies be addressed;
- New flare stack is predicted to increase the decibel level at the key properties by some 6.1 Db. This is a very significant increase and is bound to cause a nuisance and generate many complaints.
- Any increase in the overall noise pollution from the site would be to the detriment

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

to the local community and would lead to the Parish Council strongly objecting to this proposal. Subject to this critical issue being fully addressed our other concerns regarding visual impact and the external lighting could then be further considered.

Based on further information submitted in May 2008

In the absence of any more substantive information to address our queries and concerns we write to confirm that we strongly object to this application for the following reasons:

- After undertaking our own research and relying on information previously given to use by WRG and others at Liaison Meetings, we do not believe that this additional flare stack is genuinely required *‘to provide finer environmental control and enhanced safety, as it will ensure that adequate measure are provided to mitigate against off-site migration’*. Given that, prior to this application, we have been repeatedly assured that the existing equipment was of sufficient capacity and more than adequate to cope with both current and future needs, we conclude that the need for this new additional flare is driven more by commercial gain;
- Our understanding of the situation is that, under the current system, the ‘in-rock’ gas is collected and mixed with a proportion of directed ‘good’ gas and the mix is burnt/flared off. The rest of the ‘good’ gas is used for electricity generation and sold. As far as we can determine, the proposed system will mean that no ‘good’ gas has to be mixed with the ‘in-rock’ gas result in commercial gain to the applicant;
- Our principle objection to the application is, from the information supplied, the very high risk of unacceptable additional noise pollution. Irrespective of whether or not the methods of calculation are correct, or comparable, in any event all the statistics prove that the site is currently operating either at, or with statistical adjustment, just below the permitted noise levels;
- Horrified by the suggestion that a ‘noise survey could be carried out following the installation of the proposed flare in order to ensure that the gas control compound continues to operate within the noise level prescribed by the extant consent’. This is not acceptable, bearing in mind it took ¾ years of persistence by ourselves for the noise problems from the original equipment in the compound to be addressed;
- Firmly believe that the site can run perfectly efficiently without the additional flare stack and that the risks associated with its installation, particularly the issue of noise, are simply not acceptable to the local residents.

Based on noise assessment submitted in October 2008

- The height of the stack at 10 metres is 6 metres above the acoustic attenuation fence in situ. The noise profile clearly shows that, although the maximum noise output occurs at heights below two metres at levels of up to 97 dB, 89 dB is shown at the top of the stack. This begs the question as to whether an attenuated 97 dB has a greater effect than an unattenuated 89 dB;
- There is no consideration in the report of either directional noise factors as may be caused by e.g. a prevailing wind, nor is there any consideration of potentially variable rates of gas mix or inflow rates, which are both likely contributors to variability in noise profiles as predicted;
- The report addresses only the technical issue raised by TMBC in relation to assumptions made about the proposed additional flare stack operating in isolation and the pattern of noise levels emanating from various heights of the

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

stack;

- There have been no satisfactory responses to queries about overall noise levels likely to emanate from the site as a whole. Presumably the comments included in the original supporting evidence, that noise levels at sensitive local properties would increase by up to 6.1dB, therefore still stand;
- Given the last annual noise report from November 2007 demonstrated that the planning constraint was only just complied with, (after the rounding down of one statistic), we conclude that any increase in noise output from the site would prove unacceptable to local residents;
- The additional report does nothing to change the views of Offham Parish Council and, if anything, reinforces the belief that the proposed development would be detrimental to the local environment. Offham Parish Council therefore wishes to confirm its strongest objections to the proposal and recommends that KCC reject it. Furthermore, having previously received assurances that no noise increase would be permitted by further development at the White Ladies site, should KCC planners be minded to recommend acceptance of the plan, Offham Parish Council would propose to present objections to Committee.

16. Environment Agency – has no objection in principle but make the following comments:

'This proposal indicates that certain facilities are to be moved and a new flare installed. A detailed programme of change over is required, especially for the control room. The operational continuity of gas control at this site is paramount to prevent off-site migration and impacts on adjacent properties. There have been problems in the past with commissioning new flares from the point of view of operational control of gas and also leading to noise problems. A careful programme of installation and changeover for control mechanisms is required.

The (*landfill*) site is now closed and final capping and restoration is in progress. This enhances the need for full gas control.

Any amendments to gas control or utilisation systems will also require formal agreement by the Environment Agency in accordance with the relevant authorisation'.

17. KCC Landscape Consultant (Jacobs) – notes that the proposed changes and additional flare will be sited within the existing compound and the current mitigating planting maintained. Given these factors, the landscape effects arising from the proposal would be negligible.

18. KCC Noise Consultant (Jacobs) – comments set out below, but in summary raises no objection to the proposal following the submission of the detailed noise assessment report.

Based on original application

From the noise assessment provided [with the original submission] it is demonstrated that noise emissions from this facility will not exceed the permitted levels as controlled by planning consent TM/04/3135. However, I would wish to be provided with the calculations of this assessment to satisfy my of their accuracy. In addition, I would be grateful to receive spectral noise information on the proposed new gas flare.

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

Based on the further information submitted in May 2008

Requested further clarification on noise issues.

Based on noise assessment submitted in October 2008

Following the submission of the 'Sound Intensity Measurement Assessment', is satisfied with the previously agreed methodology adopted for the sound intensity measurements. From the noise assessment provided, it is demonstrated that noise emissions from the facility will not exceed the permitted levels as controlled by application TM/04/3135.

Representations

19. The application has been publicised by the posting of a site notice at the main entrance to the gas control compound and newspaper advertisement in the local press. In addition, 8 residential properties surrounding the site were notified of the proposals. At the time of writing this report, 39 representations have been received objecting to the proposed development. The main reasons of objection are summarised below: -
- Concerned with significant noise increase as a result of additional landfill gas flare – compound already operating very close to the maximum permitted noise levels;
 - Understand there are a number of discrepancies between the information submitted as part of this application and that previously submitted in a Compliance Monitoring Report (January 2008) in relation to the gas control compound;
 - Having suffered for several years before the operators responded, relatively recently, to the excessive noise issues by re-engineering the existing flare stacks, it would prove totally unacceptable if additional plant should return conditions to those of some three years ago;
 - Strongly object to this current application and will continue to oppose any further development at the site which exacerbates the damage to the local environment caused by operations remaining on the former landfill site after its recent closure to landfill;
 - Negative visual impact of yet another large flare stack;
 - Extensive quantity of external lighting that we believe will have an additional negative effect on our immediate environment;
 - We residents have suffered enough in this lovely village from the traffic, smells, noise and litter caused by the use of land as a landfill site. Just as it looked as if the site was at last about to be restored to the village as an amenity we now have this new proposal for a further landfill gas flare.

Local Member

20. The County Council Member Mrs S. Hohler was notified of the original application on 22 February 2008. Mrs Hohler was also notified about the further information submitted in both May and October 2008.

Discussion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraph (13) above are of greatest relevance.

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

22. The main issues to be considered in respect of this application for the provision of a new landfill gas flare, the regularisation of the plant and equipment within the gas control compound and the approval of an external lighting scheme relate specifically to:-
- Noise issues arising from the installation of a new 'in-rock' landfill gas flare;
 - The need for a new landfill gas flare;
 - Landscape and visual amenity impacts; and
 - Green Belt.

Noise

23. As noted above, the proposed installation of a new landfill gas flare has generated some considerable opposition, most notably on the grounds of a potential increase in background noise levels. A number of residential properties are located within the vicinity of the site and the nearest property (Comp Farm Oast) is located approximately 300 metres from the gas control compound. Policy W18 of the Kent Waste Local Plan and Policy NR5 of the Kent and Medway Structure Plan are of particular relevance in terms of potential adverse noise impact on neighbouring land uses and amenity.
24. Members will note from paragraph (2) above, that the entire gas control compound is surrounded by a 4 metre high acoustic fence which provides significant noise attenuation for the local environment. It is also noted that the noise levels emanating from the gas control compound are restricted by an existing condition (9) on the 2004 planning consent (TM/04/3135) which sets out that noise levels during night-time periods shall not exceed 39dB at nearby noise sensitive properties. The question as to whether or not the proposed new gas flare could operate in conjunction with the existing equipment whilst still meeting the current 39dB noise limit is a key consideration.
25. It should be noted that a recent [noise] Compliance Monitoring Report (January 2008), which is an annual requirement placed on the operator of the gas control compound as a condition of the 2004 planning consent (TM/04/3135), has shown that the compound is currently operating within its prescribed noise level limits.
26. As a result of the concerns received relating to noise levels from statutory consultees and interested parties, a sound intensity measurement report was requested from the applicant to further consider the potential for any increased noise levels at nearby residential properties. As previously noted, the methodology for this report was agreed beforehand in joint discussions between the County Council's Noise Consultant, Tonbridge and Malling Borough Council's Environmental Health Officer and the applicant's noise specialist. Following the submission of the sound intensity measurement report in October 2008, the County Council's Noise Consultant has advised that the applicant has been able to demonstrate that noise emissions from the proposed facility, with the inclusion of the new landfill gas flare, will not exceed the levels permitted by planning permission TM/04/3135. It is also understood that Tonbridge and Malling Borough Council's Environmental Health Officer is now satisfied that this is the case.
27. Notwithstanding the noise objections raised by Offham Parish Council and local residents, on the basis of the professional / technical advice received and subject to formal confirmation of the Borough Council's position, I am satisfied that the installation of the proposed 'in rock' gas flare would accord with Policy W18 of the Kent Waste Local Plan and Policy NR5 of the Kent and Medway Structure Plan and that there is no

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

justification to refuse the application on noise grounds provided existing noise controls and measures to demonstrate compliance are maintained / extended to cover both existing and new equipment.

Need

28. The Parish Council and local residents have questioned whether there is a true need for the installation of the additional gas flare and see no need for this on the basis that the existing equipment already works and the applicant has previously demonstrated compliance with the existing noise condition. It has also been argued that the applicant is driven by a desire for greater financial profit through the installation of the new flare rather than any need for additional safety measures for the management of low-calorific ('in-rock') gas.
29. Whilst a case of need can be considered as a material factor in the determination of a planning application, the financial profit of an applicant is not a reason for approval or refusal. Similarly, whilst the current gas collection system appears to be working acceptably at present this is not a reason for refusal. In considering need, it should also be noted that the installation and use of the proposed new flare would enable more gas to be used to generate electricity on site. Although this has not been quantified any increase in electricity production should be viewed favourably in terms of sustainable development and associated planning policy such as Policies NR2 and NR5 of the Kent and Medway Structure Plan.
30. I accept that lighting is required to enable safe working in the compound during the normal working day (0800 to 1800 hours Monday to Friday and 1800 to 1300 hours on Saturdays) when natural lighting is inadequate or to facilitate essential maintenance or emergency works during the evening or night. I note that the lighting would only be used when needed and that it would be switched off when personnel are not on site. I am also satisfied that the actual lighting proposed is necessary to provide the required illumination. This would accord with the objectives of Policy W25 of the Kent Waste Local Plan and Policies NR5 and WM2 of the Kent and Medway Structure Plan. Any approval of the lighting should be conditional on it only being used when required for essential maintenance or emergency works. Whilst it is unfortunate that the County Council is being asked to retrospectively approve the proposed lighting scheme, it is worth noting that no complaints have been received about lighting from the compound since it has been installed.

Landscape and visual impacts

31. The main landscape and visual impacts as a result of this proposal arise from the installation of an addition landfill gas flare and any impacts associated with the lighting. The proposed 'in-rock' gas flare would be 7.5 metre high and would be visible above the 4 metre high acoustic fencing surrounding the gas control compound. Although the additional flare would be lower than the existing two 10 metre high flares, and a similar height to the existing four 7 metre high engines, it is important to consider its visual appearance upon the wider landscape. In this instance, it is important to consider Policies EN1 and WM2 of the Kent and Medway Structure Plan and Policies W25 and W31 of the Kent Waste Local Plan.

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32. Landscape planting was required around the gas control compound and along Teston Road by earlier planning permissions granted by the County Council (most recently TM/04/3135). The site is therefore relatively well screened by semi-mature vegetation planting to the north, east and southern boundaries. However, some of the required planting has either not sufficiently established or has died. Condition 12 of planning permission TM/04/3135 requires the implementation and maintenance of the approved landscape planting for the life of the facility. This will be taken up with the applicant and would assist in further mitigating the proposals. For the avoidance of doubt, I consider that an appropriate landscape condition should be imposed in this case if planning permission is granted.
33. In terms of the wider visual impact of an additional landfill gas flare, I note that the existing compound can be identified from several vantage points both within and outside of the village of Offham itself. Whilst the existing two 10 metre high flare stacks and engine units can be identified above the acoustic fence, I consider that the addition of a single additional flare stack of 7.5 metres in height would not have a significant detrimental visual impact on the wider landscape and would therefore accord with the above development plan policies. It should be noted that the County Council's Landscape Consultant has advised that the wider landscape effects arising from the proposal would be negligible
34. I am satisfied that the other changes within the compound set out in paragraph 5(ii) would have no impact on landscape or visual amenity given that they would be concealed behind the existing 4 metre high wooden acoustic fence. Clearly, the use of the lighting proposed in paragraph 5(iii) could have some visual impact on local amenity. However, given the design and provided it is only used when required I consider this to be acceptable. I therefore consider that the proposed development is in general accordance with development plan policy relating to landscape and visual impacts.

Metropolitan Green Belt

35. As previously noted in paragraph (1) above, the site lies within the Metropolitan Green Belt. As such, Policy SS2 of the Kent and Medway Structure Plan and Policy CP3 of the Tonbridge & Malling Local Plan Core Strategy are of relevance. These carry forward the general presumption against built development in the Green Belt in accordance with Planning Policy Guidance Note 2. However, as the proposals are ancillary to previously permitted mineral working and their subsequent restoration (in terms of the need to maintain landfill gas control), and relate to the provision of an additional flare stack in a previously established compound site, I consider that the impact of such development would be minimal in terms of the overall site context as a whole. As such I do not consider the proposed development to be contrary to Green Belt policy provided that the equipment installed within the compound is removed when no longer required for the control of landfill gas. Such removal of equipment can be secured by condition in this particular case. On this basis, the proposal does not in my view represent inappropriate development in the Green Belt and it is not necessary for the applicant to demonstrate 'very special circumstances'. The Parish Council's objections relating to the inadequacy of the applicant's case for very special circumstances are therefore not relevant in this case.

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Other matters

36. Although no objections have been raised in respect of air quality, it should be noted that atmospheric emissions associated with the new flare are matters for the Environment Agency under the terms of the Environmental Permit which already covers the facility. The Environment Agency's responsibilities in this context are referred to specifically in Informative 2 on planning permission TM/04/3135. The applicant states that the proposed new flare would meet the Environment Agency's published emissions standards and it should be noted that the Environment Agency has not raised any objections in terms of air quality. On this basis, I consider the proposals to be consistent with development plan policies relating to air quality, including Policy NR5 of the Kent and Medway Structure Plan.

Conclusion

37. Having considered the various objections to and implications of the proposals, I consider that the provision of an additional landfill gas flare within the existing gas control compound to deal with low calorific ('in-rock') gas is consistent with development plan policies. I support the applicant's desire to regularise the layout of the compound following several discrepancies between the 'as permitted' and 'as built' layouts, and consider that the slight movement of plant and equipment within the compound itself is largely de minimus in terms of any potential impact from outside of the compound site in terms of visual or noise amenity issues.
38. Whilst I note the Parish Council's and local residents' concerns relating to the potential for noise nuisance to increase, and await formal confirmation that Tonbridge and Malling Borough Council is now satisfied that the new flare could operate in conjunction with the existing equipment whilst still meeting the current 39dB noise limit, I am satisfied that the facility could continue to operate within the noise levels prescribed under application TM/04/3135. I consider that the proposals would also be acceptable in landscape terms provided the previously approved landscape planting is corrected and maintained for the life of the facility. I am also satisfied that the proposals are not contrary to Green Belt policy. On this basis, I recommend that planning permission be granted subject to conditions.

Recommendation

39. I RECOMMEND that SUBJECT TO formal confirmation that Tonbridge and Malling Borough Council is now satisfied that the new flare could operate in conjunction with the existing equipment whilst still meeting the current 39dB noise limit PLANNING PERMISSION BE GRANTED SUBJECT TO conditions including those to cover the following aspects:
- Standard time limit;
 - The development to be carried out in accordance with the permitted details;
 - Noise controls (as prescribed under TM/04/3135) be extended to cover additional landfill gas flare and associated equipment);
 - Requirement to provide annual compliance monitoring report (as prescribed under TM/04/3135) be extended to include all new equipment;

Regularisation of the layout of gas control compound and new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham – TM/08/624

- Landscaping scheme be fully implemented in accordance with details approved under permission TM/04/3135;
- Lighting only to be used when required;
- Removal of plant, equipment and hardstandings when no longer needed for landfill gas control; and
- Restoration of land.

Case Officer: Julian Moat	Tel. no. 01622 696978
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Background Documents: see section heading.
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Item C2

DO/08/897 – The development of an enclosed facility to retrieve waste and sort it into re-useable, recyclable and recoverable fractions by physical means. Sorted materials and remaining residual waste will be transported to re-user, recycler, reprocessor and waste disposal sites – Clearers (South East) Ltd, Aylesham Industrial Estate, Cooting Road, Aylesham, Canterbury, Kent

A report by Head of Planning Applications Group to Planning Applications Committee on 9 December 2008.

DO/08/897 – The development of an enclosed facility to retrieve waste and sort it into re-useable, recyclable and recoverable fractions by physical means. Sorted materials and remaining residual waste will be transported to re-user, recycler, reprocessor and waste disposal sites – Clearers (South East) Ltd, Aylesham Industrial Estate, Cooting Road, Aylesham, Canterbury (MR. 232 517)

Recommendation: Permission with conditions.

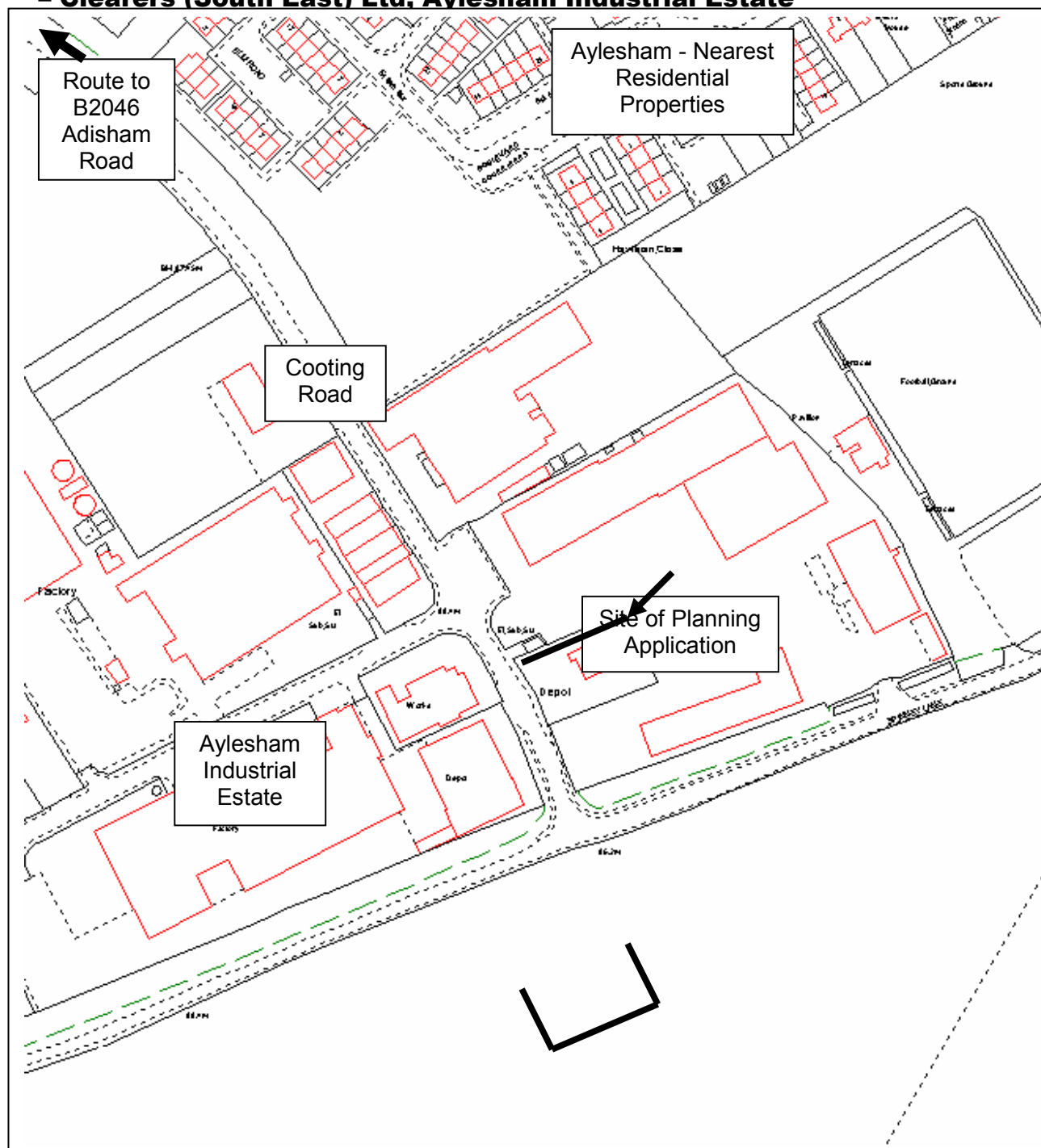
Local Members: Mrs Rowbotham & Mr J Simmonds (adj Member) Classification: Unrestricted

Site Description and Current Proposal

1. A planning application has been submitted by Clearers (South East) Limited (CSE) for the development of an enclosed recycling facility to be located at their current site on the Aylesham Industrial Estate, on the border of Dover and Canterbury.
2. A site location plan is attached.
3. The current site is 0.1 hectares in size and consists of an existing hard surfaced yard along with offices, vehicle workshop waste container storage and waste transfer area. The site has been operated by CSE since 1970 as a waste delivery and collection service of waste containers throughout Kent utilising skips and roll-on-off containers, with onward transportation to third party transfer and recovery facilities around the County.
4. The operator states that given a large percentage of materials they handle pass their current base at Aylesham, they wish to seek permission to make more efficient use of resources. They are therefore applying to develop the existing site into a fully enclosed recycling facility for the sorting and segregation of 25,000 tonnes per annum of building waste for onward recycling.

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C2.2

Item C2

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Scale: 1: 2500

5. In order to achieve this, the operators wish to improve and upgrade their existing facility by demolition of the existing buildings on site and replacement with a new 40m x 12.5m building, standing at 15 metres in height and which would house office and messroom facilities, along with a fully contained waste sorting and processing area.
6. In terms of operations on site, the applicant proposes that construction and demolition waste, would arrive on site via HGV, who will enter the building in a forward motion where the contents would be inspected for its suitability. It would then be tipped into the sorting area where it would be sorted either by hand and or machinery, placed into the relevant waste sorting bins where it would be dispatched off site to be reprocessed and recycled.

Proposed Hours of Operation

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

0600 to 1830 Monday to Friday

0600 to 1400 on Saturdays

with no working on Saturday afternoons, Sundays or Public Holidays.

8. However, in order to allow for some business flexibility, the applicant is also seeking, in addition to the above hours, to undertake some sorting activity on site for not more than 10 occasions in any one year and with each occasion lasting no longer than two consecutive nights¹. Whilst the operator confirms that these specific occasions could include a Saturday afternoon, the applicant confirms that Sundays, Bank and Public Holidays would be excluded.
9. The applicant also confirms that there would be no waste deliveries during the proposed extended working day hours and that only waste sorting within the building would take place during this time.

¹ referred to as 'Extended Working Day hours' hereafter

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Access and HGV movements

10. In relation to access, the site is accessed from the A2 via the B2046 and via the dedicated haul route through the Aylesham Industrial Estate. The site currently operates under the terms of a planning consent granted by the District Council, which did not include any restriction over vehicle movements to and from the site. The operator proposes a maximum number of 74 HGV movements to and from the site in any one day (i.e. 37 in/37 out), a figure which appears to be consistent with current operations on site.

Planning Policy Context

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

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

Regional Planning Policy – the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the emerging South East Plan¹. These include RPG9 Policy E7 (Air and Water Quality), and emerging South East Plan Policies NRM1 (Sustainable Water Resources and Groundwater), NRM2 (Sustainable Drainage System), NRM9 (Air Quality), NRM10 (Noise), W1 (Waste Reduction), W2 (Sustainable Design, Construction and Demolition), W6 (Recycling) and W8 (Waste Separation).

Kent Waste Local Plan (Adopted March 1998)

Policy W3: Proposals which involve only waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they:-

- (i) can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for a rail or water transport link and
- (ii) are located within or adjacent to an existing waste management operation, or within an area of established or proposed general industrial use where the former is a temporary use, permission will only be granted for the duration of the primary use.

Policy W6: Where a planning application is submitted for waste management development,

¹ As set out in the Secretary of State's Proposed Changes to the draft Regional Spatial Strategy (July 2008)

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including that covered by W7 and W9, landfill, landraise and waste-to-energy, on a site outside a location identified as suitable in principle in the plan and demonstrable harm would be caused to an interest of acknowledged importance, need will be a material consideration in the decision.

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Policy W7: Proposals would be considered against whether they: -

- (a) seek to minimise impact on the local and natural environments (in particular major concentrations of population and important wildlife sites) consistent with the principle of environmental sustainability;
- (b) have, or could secure in an acceptable way, ready access to the main road network, or a rail or water link provided that there is acceptable access also to an appropriate road network;
- (c) are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial-type area, (that is those with a significant proportion of B2 to B8 type uses, or with major industrial-type developments such as power stations)

Policy W9: Proposals at other locations would be considered against whether they: -

- (a) seek to minimise impact on the local and natural environments (in particular major concentrations of population and important wildlife sites) consistent with the principle of environmental sustainability;
- (b) have, or could secure in an acceptable way, ready access to the main road network, or a rail or water link provided that there is acceptable access also to an appropriate road network;
- (c) other than proposals for wind-rowing, are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial-type area (that is those with a significant proportion of B2 to B8 type uses, or with major industrial-type developments such as power stations)

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

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

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

Where permission is granted for the disposal of wastes that generate landfill gas, permission for plant to utilise the gas will be granted.

Item C2

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

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

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

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

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

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

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Kent and Medway Structure Plan (Adopted 2006)

Policy SP1: To protect and enhance the environment and achieve a sustainable pattern and form of development.

Policy QL1: All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings.

Policy TP3: Development sites should be well served by public transport, walking and cycling, or will be made so as a result of the development. Travel Plans should be established for larger developments that generate a significant demand for travel to promote the use of these means of transport.

Developments likely to generate a large number of trips should be located where there is either a good choice of transport already available or where a good choice can be provided in a manner acceptable to the local transport authority.

Policy TP15: Development which generates significant increases in traffic, especially heavy goods vehicles, will not be permitted if it is not well related to the primary and secondary road network, or if it would result in a significant increased risk of crashes or traffic delays unless appropriate measures to mitigate the effect of the development have been secured.

Policy NR5: The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.

Development should be planned and designed to avoid, or adequately mitigate, pollution impacts. Proposals likely to have adverse implications for pollution should be the subject of a pollution impact assessment.

Policy NR6: Development which would be sensitive to adverse levels of noise, air, light and other pollution, will not be supported where such conditions exist, or are in prospect, and where mitigation measures would not afford satisfactory protection.

Policy WM1: Provision will be made for the integrated management of waste reflecting the principles of Best Practicable Environmental Option (BPEO), the national waste hierarchy and national and regional targets for waste management.

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Waste or Local Development Documents will identify the range, scale and location of facilities to provide for rapid growth in capacity for recycling, composting and recovery from waste of all controlled streams in Kent.

Policy WM2: Proposals for the treatment, storage, transfer, processing or disposal of waste will be required to show that they represent the best balance between the most efficient and most environmentally sustainable method of managing a specific type of waste.

Proposals should demonstrate that they:

- meet a demonstrable need that overrides material agricultural, landscape, conservation, traffic and other environmental or land use concerns, and
- reflect the principles of the Best Practicable Environmental Option (BPEO) and thereby accord with the waste hierarchy, the proximity principle (taking into account the environmental impact of the mode of transport proposed) and the contribution made to self sufficiency.

12. Consultations

Dover District Council: No objection is raised in principle to the development, however, they raise concerns that there is insufficient on-site parking and concerns as to the numbers of vehicle proposed. They advise that views of KCC Highways be sought on these matters.

In addition the District Councils, Environmental Health officer has recommended that hours of operation be conditioned and that a condition be imposed requiring the applicant to submit a management plan to demonstrate that the proposed mitigation measures are achievable and will be put into practice in order to protect the potential loss of amenity to local residents.

Aylesham Parish Council: No objection raised subject to the imposition of conditions restricting hours of operation, noise levels along with a request that no fires be permitted on site.

Addisham Parish Council: No response received.

Environment Agency: Final views still awaited. Condition be imposed requiring details of drainage arrangements be submitted and approved by the County Planning Authority.

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Jacobs (Landscaping): No objection raised subject to conditions ensuring tree protection methods are employed during construction work.

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

Transport Planning (Kent Highways): No objection has been raised to the proposal subject to conditions restricting the waste throughput and the capping of vehicle movements to and from the site. The Highway Authority also requests that a condition be imposed requiring on site vehicle and cycle parking be provided as detailed in the submitted drawing prior to the opening of the facility.

Local Member

13. The Local County Member, Mrs Rowbotham, along with the adjoining Local Member, Mr Simmonds were notified of the application on 5 August 2008.

Publicity

14. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 106 neighbouring properties.

Representations

15. 3 letters of representation have been received, objecting to the proposal. Those objections can be summarised as follows:

Amenity

- Concerns that local residents already suffer from noise derived from the Industrial Estate
- Concerns at additional noise generated as a result of this proposal
- General odour concerns
- Concerns that there are already bitumen odours coming from the Industrial Estate
- Increase in rats in the area
- Wind-blown litter from the site
- Potential dust nuisance
- Impacts from 24 hour operation

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Highways

- HGV build-up on the village roads cause dangers to other road users
- Lorry parking on the surrounding roads are a current problem

Discussion

16. Section 38(b) 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.
17. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.
18. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.
19. Until such time as the **Kent Waste Development Framework** (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are "*of the right type, in the right location at the right time*". This is fully consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy/RSS for the South East.
20. Support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and regional level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill. In this context the Draft South East Regional Waste Strategy includes policies which amongst other matters set specific targets for recycling.

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21. The adopted Kent and Medway Structure Plan (2006) is based on the principles of sustainable development. Policy SP1 seeks to achieve a sustainable pattern and form of development, which reduce the need to travel. Policies WM1, WM2 and TP15 set out the broad strategic objectives against which applications for waste management facilities will be considered.
22. Similarly Policy W1 of the adopted Kent Waste Local Plan supports the objective of making provision for Kent's waste arisings in a sustainable manner. Policies W2, W3, W6 W7 and W9 identify the locational criteria against which individual proposals will be considered, whilst policies W16 to W26 set out the operational criteria.

Highway Impacts

23. In relation to access, the site is accessed from the A2 via the B2046 and via the dedicated haul route through the Aylesham Industrial Estate. The site currently operates under the terms of a planning consent granted by the District Council (under reference DO/84/185) for which there was no inclusion of any planning controls over vehicle movements to and from the site. The operator proposes a maximum number of 74 HGV movements to and from the site in any one day (i.e. 37 in/37 out), a figure which appears to be consistent with current operational requirements on site. Whilst the applicant is seeking extended working day hours, as set out above, there is no intention to bring waste loaded vehicles to the site outside of the proposed 'normal' working day hours (i.e. between 0600 and 1830 hours).
24. The District Council have been consulted on the proposal, and whilst raising no objection to the proposal on highway grounds, they requested that the County Council seek the formal views of the Highway Authority in particular relation to on site parking and proposed vehicle numbers. The applicant has provided details of on-site parking provision and clarification on daily vehicle numbers and as a result the Highway Authority raises no objection to the proposal on highway grounds. I am of the view that this planning application presents an opportunity for the Waste Planning Authority to gain some form of control over vehicle numbers visiting the site. I agree with the Highway Authority, that provided development is controlled by way of suitable conditions restricting vehicle numbers to 74 per day and to ensure that on-site vehicle and cycle parking be implemented in accordance with the submitted drawings, that the proposal is acceptable in highway terms. The site meets the locational criteria set out in W3 and W7 of the Kent Waste Local Plan and TP15 of the Kent and Medway Structure Plan in terms of close proximity to the primary and secondary road network. I therefore see no overriding objection to the proposal on highway grounds.

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Amenity Impact

25. The site currently operates within an old building, under a planning consent for the installation of a mobile waste transfer station, with limited environmental planning controls. The applicant seeks permission to sort non-putrescible skip waste within a replacement building which would be fully enclosed. Waste would be delivered to the building via the 'in' door, acceptable waste loads would be tipped within the sorting area and sorted by way of both mechanical and human intervention. Empty vehicles would then leave the building via the 'out' door. Waste would then be sorted into appropriate storage bins. Once full, the bins will be transported to reprocessor sites.
26. Objections have been raised by a small number of local residents who have concerns that the facility and operations as described above would generate noise and odour issues. Concerns have also been raised that the facility would cause nuisance from wind-blown litter and attract rats to the area.
27. Wastes proposed to be handled and sorted at the site would be typically from construction and demolition projects including brick, cardboard, plasterboard, plastic, scrap metal and wood wastes. No organic/food waste would be handled on site. All waste suitable for recycling, would be sorted within the enclosed new building prior to its onward transportation. Operationally, waste would be brought to the site by sheeted HGVs and will not be unsheeted until they arrive within the building. Whilst some local residents have raised noise and odour concerns, I am of the opinion that any problems currently being experienced, may be derived from other units on the industrial estate itself. Notwithstanding this, given the applicant is proposing to upgrade the building on site in order to fully enclose operations, this can only represent an improvement operationally and thereby reduce any noise or odour impacts that could be generated from the site and would reduce any problems that could be associated with potential wind-blown litter. Jacobs, our advisors on noise, dust and odour matters have been consulted and have raised no objections to the proposal. The Environmental Health Officer for the District Council, whilst having raised no objection, has requested that a management plan for the site be provided to demonstrate that the proposed mitigation measures are achievable and will be put into practice.
28. In operational terms, what is proposed in my opinion would represent an improvement to the way in which the site operates currently. In addition, the imposition of a new replacement building would improve the visual aspect at the site and which will be more consistent with surrounding units. Again, Jacobs (landscape) have been consulted and confirm that the proposed building is 'appropriate' in terms of design, colour and finish. In my view the proposed development is accords with Kent Waste Local Plan policy W18 and NR 6 of the Kent and Medway Structure Plan. I am of the opinion that the development represents an improvement to what is on site currently and creates an opportunity for the Waste Planning Authority to gain significant planning and environmental control at this particular site.

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Hours of Operation

29. In terms of hours of operation proposed at the site, the hours of operation sought represent a slight deviation from what is considered to be the 'standard'¹ hours of operation. The operator seeks permission to operate and allow for waste to be delivered between the hours of 0600 and 1830 during the week and between 0600 and 1400 on Saturdays to allow some operational flexibility and to take advantage of the roads during quieter times.
30. The site is located within an existing industrial estate and in particular is located in an area whereby other units in the vicinity operate on a 24-hour basis. Whilst I have received no objections to these proposed hours, I have had a request from the Parish Council that hours of operation be controlled by way of an appropriate planning condition.

Proposed Extended Working Hours

31. In addition to the above proposed hours, the operator is also seeking to allow some waste sorting activity to take place on 10 occasions per year and on no more than two consecutive nights on any one occasion. The applicant does not intend for these occasions to be used as additional times within which to allow for waste to be delivered or transported off-site and states in the application that the extended working hours would be wholly used to allow sorting activity to take place only. Whilst I have received concerns from local residents in relation to 24-hours operation on site, I have received no objections to the proposed extended working day hours from consultees and given the location of the site and its surrounding uses, I am satisfied that these proposed extended hours are acceptable in this particular location. However, should Members resolve to grant permission, I would propose that suitable conditions are imposed to restrict the ten occasions they wish to enforce the extended working day hours to ensure that no waste is delivered to the site outside the normal working day (i.e. no waste should be delivered to the site after 1830 and before 0600 on weekdays/Saturdays, nor shall waste be delivered to the site on Sundays or Bank Holidays). I would also recommend that the applicant be required to notify in writing, the Waste Planning Authority when he intends to operate each extended working day occasion in order to maintain some form of control and monitoring at the site.

¹ between 0700 and 1800 weekdays and 0700 and 1300 on Saturdays

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Conclusion

32. In conclusion, I am of the opinion that the proposal meets the relevant development plan policy requirements in terms of location, proximity to the primary and secondary road network and represents a significant improvement visually and operationally to what currently exists at the site. Given the site currently operates under a previous consent with little control over on-site management and HGV movements, granting planning consent would allow the County Council to gain some form of development control at the site. With appropriate planning conditions in place I am of the opinion that the development proposed is acceptable. I therefore recommend accordingly.

Recommendation

33. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO CONDITIONS covering amongst other matters annual waste throughput, vehicle number restrictions, hours of operation restrictions, notification of intention to work the extended working day hours, submission of a management plan to demonstrate mitigation measures.

Case Officer: Angela Watts

01622 221059

Background Documents: See Section Heading

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Item C3**Retrospective application for a composting facility at land adjacent to electricity feeder station, Church Lane, Aldington, Ashford – AS/08/1373**

A report by the Head of Planning Applications Unit to Planning Application Committee on 9th of December 2008.

Application for a retrospective composting facility at land adjacent to electricity feeder station, Church Lane, Aldington, Ashford. (AS/08/1373)

Recommendation: Refusal of planning permission

Local Member: Mr Charles Findlay

Classification: Unrestricted

The Site

1. The application site lies approximately 2 km to the west of the village of Sellindge, approximately 1.5 km to the south east of Smeeth and approximately 2 km to the north east of Aldington Village. The application site consists of an existing 0.19 hectare concrete pad set on open arable agricultural farmland. The site forms part of a larger farm business of 1900 hectares based at Bank Farm. The site is accessed off Church Lane, which is itself accessed from the A20 which is 0.5 km to the north of the site. The site lies within open agricultural land with the M20 to the north and the Channel Tunnel Rail Link (CTRL) to the south. Immediately to the east of the site across Church Lane lies the National Grid converter station. To the south of the site lies a surface water balancing pond created during the CTRL works to slow the flow of water into the East Stour River, beyond this lies EDF's high voltage feeder station which provides power to the CTRL.
2. The site does not lie within any areas designated for their landscape or nature conservation importance, however whilst the site itself lies on slightly elevated land which is not liable to flood land immediately to the east, south and west of the site is liable to flood as it forms part of the flood plain to the East Stour and its tributaries.

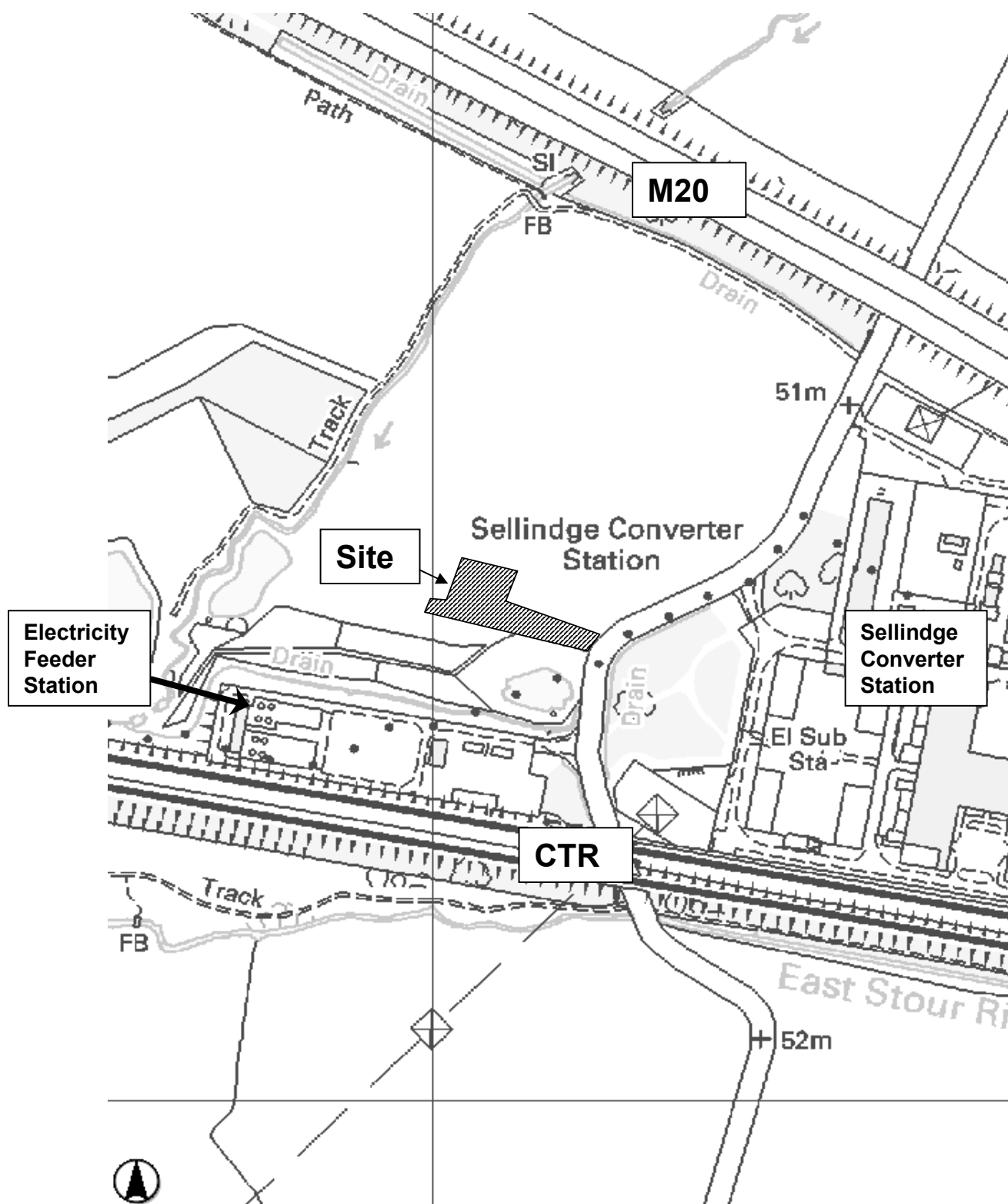
Planning Background

3. The site was previously used as a constructor compound for the creation of the Sellindge feeder station under planning permission AS/00/03708 and further works associated with the construction of the CTRL under planning permission AS/00/03706. Once these works were completed the site was fully restored to agriculture
4. The applicant contacted Ashford Borough Council with regards to operating a small scale composting operation at this location in December 2007. The applicant states that Ashford Borough Council gave a view on the information supplied that as a small scale composting operation, with the use of the final product on the applicant's land it would not require planning permission. In February 2008 Ashford Borough Council wrote to the applicant giving them new advice that as a concrete pad and access track had been created, planning permission should have been sought for the development. An application was formally submitted to Ashford Borough Council which was then subsequently withdrawn on the basis that being a waste matter, the proposal fell outside their jurisdiction with Kent County Council being the determining authority.

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5. In the meantime the applicant continued to import waste wood chippings to the site albeit without the benefit of planning permission. This led to formal action being taken by Kent County Council, which resulted in the current application.
6. The operations involved were exempt from a waste management licence due to the scale and nature of operations. However this exemption was formally withdrawn by the Environment Agency in June 2008, on the basis that the wood waste being imported to the site was unsuitable for composting and that the biodegradable waste which it was mixed with showed high levels of potentially toxic elements.

The Proposal

7. The proposal is for retrospective planning permission for the creation of a concrete pad, access track and its use for a composting operation. The access track connects the composting pad to Church Lane, which lies to the east of the pad. The access track is 94m in length and 3.5m wide, the concrete pad is 30m by 30m square. Both the pad and the access are constructed from 30cm thick concrete with a 4mm impermeable membrane underneath. The proposal provides for the installation of a leachate sump that would be constructed to collect and store any liquid run off from the operation. The leachate would then be re-applied to the composting material or pumped into a tank for removal from the site.
8. Small soil bunds 1.2m in height line the access road and concrete pad which in the opinion of the applicant would help ensure there is no uncontrolled release of leachate, as well as aiding in screening the facility.
9. The composting activity proposed would aim to produce 25,000 tonnes of compost per annum. The compost would be produced from a combination of waste sourced from Southern Water's Wastewater Treatment Works in the form of a solid sludge cake together with waste from the applicants farm enterprise consisting of poultry manure and waste tomato plants. This material would be mixed 50:50 with some 10,000 tonnes of wood chippings which the applicants state would be obtained from the waste company Viridor.
10. The composting operation would occur on the concrete pad, and employ one full time employee to manage the operation. The employee would oversee inspection and reception of waste, traffic management, unloading of waste, mixing of the waste, turning of windrows, oversee the composting process, control odour, litter and pests on site. Waste would be brought to site via articulated lorry, with the site accepting a maximum of 4 loads of waste per day. This material would be unloaded and then mixed by front loader by the employee into windrows on the concrete pad, where the composting would occur by aerobic digestion.
11. The application states the composting process would occur through the aerobic digestion of the waste to form a stable fertiliser. The woodchip would be mixed with the waste in a 50:50 ratio to help aerate the piles and draw any moisture out of the waste to reduce leachate runoff.

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12. Once the composting process has reached suitable state where it can be safely stored, handled and applied to land as a fertiliser substitute the material would be moved to the applicant's land on which it would be spread. The applicant farms some 1900 hectares of agricultural land in Kent on which the compost would be solely used.
13. The application is accompanied by what the applicant purports to be a Design and Access Statement and Best Practical Environmental Option (BPEO) Statement.

National guidance and Planning Policy Context

14. **National Planning Policy:** PPS1 (Delivering Sustainable Development), PPS7 (Delivering Sustainable Development in Rural Areas), PPS10 (Planning and Waste Management).
15. **Regional Planning Policy:** Policies CC1 (Sustainable Development), NRM9 (Air Quality), W6 (Recycling and Composting) and W17 (Location of Waste Management Facilities) of the emerging South East Plan (including proposed changes July 2008)
16. **Kent and Medway Structure Plan (September 2006):** Policies SP1 (Conserving and Enhancing Kent's Environment and Ensuring a Sustainable Pattern of Development), EN1 (Protecting Kent's Countryside), EN3 (Protecting and Enhancing Countryside Character), QL1 (Quality of Development and Design), TP12 (Development and Access to the Primary / secondary Road Network), TP15 (Development Traffic and HGVs), NR5 (Pollution Impacts), NR6 (Development Sensitive to Pollution), NR10 (Development and Flood Risk), WM1 (Integrated Waste management), WM2 (Assessment Criteria for Waste Proposals), EP7 (Development of Employment Uses in Rural Areas) and SS8 (Development in the Countryside).
17. **Kent Waste Local Plan (March 1998):** Policies W3 (Locational Criteria), W6 (Need), W9 (Waste Separation and Transfer), W10 (Composting Operations criteria), W18 (Noise, Dust and Odour) and W22 (Road Traffic and Access).
18. **Ashford Borough Council Local Plan (2000):** Policies GP12 (Protecting the Countryside and Managing Change) and ET7 (Bad Neighbour Developments)

19. Consultations

Ashford Borough Council: Object to the application as they see it as being contrary to policies CS1 and CS15 of the Local Development Framework Core Strategy (July 2008), policies QL1, WM2, SS8, NR5 & EP7 of the Kent and Medway Structure Plan 2006, policies GP12 and ET7 of the adopted Ashford Borough Council Local Plan 2000 and to government advice contained in PPS1, PPS7 and PPS10 and would be harmful to interests of acknowledged planning importance for the following reasons;

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1. The proposed composting facility would result in the release of unacceptable odours to the detriment of the amenities of nearby residents and those who work in close proximity to the site.
2. The proposal with no overriding justification for it having been provided in this location would result in unnecessary and unjustified development in this rural area, and combined with the vehicle movements generated by the use and the potential harm these would have on the verges of the surrounding rural lanes, would be harmful to the character and appearance of the countryside and visual amenity of the area.
3. The proposed composting facility by virtue of the level of imported waste material and the distance it travels would fail to accord with the principles of Best Practicable Environmental Option and the Proximity Principle. This as a result represents an unsustainable form of development to the detriment of the environment as a whole.

Smeeth Parish Council: Object to the application on several points headed under the following categories,

A) Access road and hard standing,

1. Access Safety – The parish consider that large lorries and agricultural vehicles with trailers accessing and leaving the site would be a hazard for other road users especially with the anticipated slower turning speed of these vehicles and the relative positions of the entrance and the bend in the road.
2. Large agricultural vehicles (tractor and trailers) using the narrow road, Church Lane towards Aldington present a hazard to other vehicles and also cause damage to the verges and road edges. Mention of movement to farms on Romney Marsh is given within the application, but the size of the vehicles and trailers and the number of daily movements are not given.
3. Drainage channels with gravel are at risk of damage resulting in amounts of gravel being transferred to the public highway. Water runoff has previously caused flooding in Church Lane, which effectively narrowed the road.

B) Composting Operation

1. The Parish has received concerns from local residents over the type of waste arriving at site. Treated and painted wood has been noticed as well as plastics and metals. The Parish raises concern over non-biodegradable waste being spread on farmland.
2. The use of any produced compost should be restricted to the applicants farms and not for commercial sale.
3. The Parish raises concern over the adequacy of the drainage system and possible pollutants from the site will enter the nearby East Stour River.
4. Environmentally the Parish considers that the proximity of the site to areas that people are working and living in is too small. Smell from the site in the past has been noticed some distance away.

C) Scale and staffing for this operation

1. The Parish draw attention to published guidance for Windrow Composting from the Scottish Environment Protection Agency (SEPA) suggesting that to perform a

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composting operation turning over 25,000 tonnes per year the site would have to be between 2 and 3 hectares in size. The site is 0.19 hectares.

2. The application states that one worker will be present on site, the parish do not believe that this operation of unloading, sorting, piling and turning the waste would be possible with one worker on site. The Parish also does not think the operation could meet the standards of the Health and Safety Executive.

Sellindge Parish Council: Object to the application on the following grounds;

1. New concrete road and apron is insufficient standard to stop waste and rainwater running into waterways alongside base as slopes towards it causing possible pollution and signs of water having run towards Church lane causing flooding to it.
2. No water on site for washing facility's for lorry wheels / tailgate or hose causing a possible Hazard to surrounding roads.
3. No water on site for washing hands. with the type of some of the waste, this could be a health issue
4. Human activity noticed within 100 yards of site.
5. Prevailing winds would take the smell associated with the operation over the parish of Sellindge. (*The main body of Sellindge Village, houses etc., is only approx. 500m away to the North West, the direction the prevailing winds blow the majority of the time*)
6. No environmental study could be found to have been carried out in paper work supplied.
7. Inspection of wood chip pile indicated metal / foam / rubber / plastics / glass / nylon rope and rubber and there was also signs of wildlife activity.
8. It was also pointed out that lorries attending the site went to the electric plant gate and reversed back to the site around 100 yards the flow against the flow of traffic as impossible to turn round on site if more than one lorry there.
9. The Planning Application only seems to relate to the concrete pad, however there are two very large piles of waste behind the concrete pad, which is out of sight, unless you look over the bund.

Environment Agency: Final comments awaited although have raised initial concerns over the nature of the waste where in their view treated timber is not suitable for composting. Whilst the activity is reliant upon an exemption for the need for an Environmental Permit they do not consider the activity would comply with an Exemption and a Permit would therefore be required. Furthermore they consider the material would not be permitted to be spread on land. Finally they draw attention to the potential for an odour nuisance from the activity.

Natural England: have no comments to make at present with regards to this application due to the limited nature conservation information supplied.

Jacobs (Landscaping): have the following comments to make in regards to the proposal;

In the context of the immediately surrounding electricity stations and infrastructure, the development does not provide any significant adverse landscape or visual impacts. The piles of composting material are dark in colour and do not stand out in the wider context of the electricity stations. However the applicant should take note of the following, which would assist in minimising landscape and visual impacts;

1. The concrete access track is visually obtrusive and it is suggested that it is surface dressed

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with tar spray and chippings to soften its appearance.

2. The earth bunds which surround the site are slightly at odds with the surrounding landform, and it is suggested that a native hedgerow with occasional standard trees along the outer edge of the bunds would be beneficial both in minimising the impact of the bunds and in providing screening of the large concrete composting pad.
3. It is suggested that a landscape scheme is submitted, which provides details of surface treatments and proposed planting.

Jacobs (Noise and Air Quality): have the following comments to make with regards to the proposal;

- In respect of noise the proposal will have no particular effect upon the noise environment of the local vicinity.
- In respect of odour, gas and bio-aerosols the applicant needs to demonstrate that the proposal will not have an adverse effect on the health of employees within the nearby electricity feeder station as this lies within 250m of the site.

Kent Highway Services: require further information including tracking diagrams for the appropriate vehicles entering, leaving and turning within the site to clarify whether or not the proposal is likely to be contrary to the interests of highway safety.

National Grid: Object to the application on the grounds that it could have an adverse effect on the Sellindge Converter Station. The Sellindge Converter Station controls the import / export of electricity between the UK and Europe. The National Grid is of the opinion that this proposal would adversely effect the operation of the converter station. This would occur through;

1. Higher risks of bacterial contamination of the vapour rising from the evaporative coolers.
2. Increased maintenance cost for work with and management of the new bacteriological phenomenon. In addition dust generated from the composting operation if it settled on the site could enter the same coolers, again increasing the bacterial activity and reducing the effectiveness of biocides in use.
3. Increases in Biological Oxygen Demand of water discharged from site could affect its Environment Agency Discharge Licence. Thus reducing capacity of the site, reducing the cross Channel Links commercial capacity.
4. Increased maintenance costs of high voltage insulation due to dust build up.
5. Damage to high voltage insulation due to dust emissions from site.
6. Risk to highway safety due to vehicle movements.
7. Insufficient space to allow articulated lorries to enter and leave site in a forward direction.
8. Pollution to water balancing pond from runoff from site.
9. Odour issues at site due to uncontrolled release of gas, again causing risk to staff at site and equipment.
10. Health and safety issues for the single member of staff on site. No welfare facilities for the member of staff.
11. Request further details in relation to the air borne contaminants likely to be emitted into the atmosphere from the site.

EDF Energy: Object to the application on the grounds that airborne particles and pollution released from the operation would have an adverse effect on the Sellindge traction feeder high

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voltage substation. Airborne particles would affect the sensitive electrical equipment, risk of electrical flashover would increase and the development could shorten the life of electrical plant and equipment. In the event of an electrical flashover this would have a financial impact on EDF and the users of the CTRL.

Campaign to Protection Rural England (CPRE): Object to application on the following grounds;

1. Whilst acknowledging the need for additional waste management capacity they have grave concerns over the composting process described in the application primarily in relation to the degree of control and the potential for contaminated feedstock.
2. In their opinion given the scale of the operation proposed and the restricted size of the concrete pad would result in piles of material up to 8 metres in height.
3. This material would result in an odour nuisance.
4. They also draw attention to the potential flood and drainage risk given the location of the site in relation to the East Stour and its tributaries.

Local Member

The Local County Member for, Mr Charles Findlay, was notified of the application on 14 July 2006. No comments have been received to date.

Representations

The application was advertised in a local paper and a site notice was posted. I have received a total of 76 letters of objection. In summary concerns were raised in relation to:

- Odour, dust, traffic, increased flooding, scale of operation, size of site, composting operation, management of the site, materials suitability for composting, spreading of waste on farmland, highway safety given the use of narrow lanes, volume of waste involved, risk to health, adverse visual impact, adequacy of the application

Discussion

20. 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 addition there is a requirement to consider relevant national and regional policy and guidance.
21. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.
22. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making

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

23. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are *"of the right type, in the right location at the right time"*. This is fully consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10. This approach is also consistent with the underlying principles of the emerging South East Plan.
24. The adopted Kent and Medway Structure Plan (KMSP)(2006) is based on the principles of sustainable development. Policy SP1 seeks to achieve a sustainable pattern and form of development, which reduce the need to travel. Policies WM1, WM2 and TP15 set out the broad strategic objectives against which applications for waste management facilities will be considered.
25. Kent Waste Local Plan (KWLP) policies W3, W6, and W9 identify the location criteria against which individual proposals will be considered, whilst policies W17 to W25 set out the operational criteria.
26. Given the objections raised by Ashford Borough Council, The Environment Agency, National Grid, EDF energy, Smeeth Parish Council, Sellindge Parish Council, Brabourne Parish Council and CPRE on the operations proposed in terms of pollution and increased flood risk then the proposal must also be assessed against policies NR5, NR6 and NR10 of the KMSP and W10 and W18 of the KWLP.
27. Accordance with Development Plan policy and demonstration when examined against the principles of BPEO as to whether the proposal is of the right type, in the right location and at the right time can be assessed having regard to: the environmental impact of the proposed facility on the surrounding area, need for composting facilities generally and for this particular facility; sources of waste and proximity principle; location (available alternatives); environmental and amenity impacts; access and routeing; the scale and intensity of the proposed development; and the proposed level of environmental safeguarding given the current available control regimes. In this context it is my opinion that the main determining issues relate to:
 - Accordance with Proximity Principle and BPEO in the context of the principles set out in PPS10 (i.e. a facility of the right type in the right place at the right time)
 - Case of need
 - The proposed scale of operation
 - Details of composting procedure and wood waste
 - Access and vehicle manoeuvring
 - Amenity impacts
 - Business harm (Risk of damage to electrical equipment)
 - Flood Risk

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- Adequacy of planning application.

Proximity Principle

28. The Kent and Medway Structure Plan is based on the principles of sustainable development and proposals must be examined under the principle of BPEO which includes the Proximity Principle. The Proximity Principle requires waste to be dealt with as close as possible to where it was created. Whilst the applicant has referred to the source of the materials being from a combination of waste from his own farming business and Viridor, no specific details have been provided identifying precisely where the waste would come from.
29. As such I do not consider it has been demonstrated that this proposal is in accordance with the principles of the above overarching policies. It is not possible to examine alternative sites as suggested in the application documents appropriately without knowledge of where the waste is arising and how far it has to travel from this point to the site. The applicant has carried out alternative site assessments based on the availability of land on which the applicant currently farms with no regard to the location of the waste arisings.
30. Therefore in regard to the level of information supplied at present I do not feel that it is possible to adequately assess the proposal against the principles of BPEO or the Proximity Principle.

Case of need

31. As potential harm has been identified, need becomes a material consideration within the context of Policy W6 of the Kent Waste Local Plan. Whilst there is an acknowledged general case of need for additional waste management facilities in the County in order to reduce the volume of waste disposed to landfill, no specific spatial case has been advanced for location at this particular site. There are existing permitted composting facilities within the East Kent catchment area (Shelford – Canterbury, Hope Farm – Folkestone and Pipers Farm – Ashford).
32. The case of need put forward by the applicant is three fold in that this is the best location for the farmer without regard to the source of waste arisings, that it would reduce wood waste going to landfill and reduce the farmers reliance on artificial bought in fertiliser.
33. I note that the amount of sludge cake which would be imported onto the site are similar to the levels of materials previously spread onto the land without mixing and curing with woodchip.
34. CPRE and the Environment Agency have questioned the benefit of importing woodchip to mix with the sludge cake to produce compost. CPRE State that clean wood chip would act as a good soil condition if it were to be composted thoroughly. However as this does not appear to be the case from the details in the application, CPRE call into question whether the compost produced would add any benefit to the soil in terms of nutrients. As such I would call into question the case of need in reducing the farmers reliance on artificial

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brought in fertilisers. The Environment Agency have also raised these same concerns over the quality of compost produced given the materials imported to date consist of treated wood waste unlikely to readily breakdown and as such are not accepted for use in composting. It therefore would be unlikely to bring any benefit.

35. On the basis of the above comments I would cast doubt as to whether there is a true agricultural need for this composting process at all. In my opinion, the need for such a facility at this location at this time has not been demonstrated such that it accords with the principles of BPEO. No case of need has been demonstrated sufficient to override the identified impacts, which in any event are neither fully addressed in the application nor proposed to be adequately safeguarded.

Scale of operation

36. Concerns have been raised by the Parishes of Brabourne, Smeeth and Sellindge, National Grid and CPRE concerning the scale of the operation proposed and how it will operate within the site. The proposal is for a composting facility of c25,000tpa to be carried out on a concrete pad of dimensions 30m by 30m. Concern has been raised that this concrete pad is grossly undersized to conduct the composting operations proposed. I agree with this view.
37. CPRE and the Parishes draw attention to government guidance set out in a published leaflet entitled 'Windrow Composting' in which it states that a window composting facility of 25,000tpa should operate over an area of 2 to 3 hectares. This site is 0.19 hectares in total inclusive of the access track. This would seem to be far too small a site for the scale of the operation. Also attention is drawn to the leaflets mention of an operation of this size requiring at least 3 employees. This operation proposed one full time employee.
38. No information has been supplied of the detailed site layout or how vehicles would manoeuvre around the site.
39. Details have not been supplied indicating the type and size of vehicles used for the exportation of compost from the site, nor has indication of predicted numbers of vehicle movements associated with the export of compost.
40. Consultee responses also indicate that operations previously occurring without the benefit of planning permission were not confined to the concrete pad. Piles of raw material have been shown to lie outside the perimeter of the application site boundary, notwithstanding assurances have been made that operations will remain within the boundary of the site. Taking into account the compact nature of the site and scale of the operations proposed from the information supplied, I am not convinced that operations could be undertaken without adverse impacts on the local environment. In my opinion the existing concrete pad is only of sufficient size to provide a temporary storage area for the raw material and would not allow them to be processed utilising the windrow method before being spread on land as compost.

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Details of composting procedure and wood waste

41. The application has a lack of information concerning the exact processes of windrowing which would occur. The application is vague when it comes to how often the piles would be turned, how measurement of temperature would occur, and how materials would be monitored to ensure they are in a suitable state to be spread onto agricultural land.
42. Generally windrow composting involving wood waste requires the wood to be either shredded or taken out of the process before the final product is spread. This application does not propose to take the woodchips out of the compost once it has cured. Woodchips could add benefit to compost by helping to draw out moisture from the sludge cake, the wood however does not decompose as quickly as the organic matter. Thus once the organic material has composted to a safe level the woodchips would still be large in size. On a visit to site it was noticed that wood waste appeared to have been spread across the adjacent field to the site. The woodchips spread uniformly across the site were of similar size to those that would be brought to site, thus showing no real decomposition, or in my opinion any benefit to the agricultural quality of the land.
43. The Environment Agency have noted that the operation proposed would rely on an exemption from the need for an Environmental Permit, however the wood waste proposed in the application would not fall under an exemption due to it being treated wood from Civic Amenity sites. Treated wood such as that spread previously on the adjacent field by the applicant does not degrade sufficiently to become viable compost. The Environment Agency have noted therefore that this process will not be exempt from an Environmental Permit for spreading on land as it would not comply with the Environmental Permitting Regulations 2007.
44. In the light of these comments from the Environment Agency I am of the opinion that the applicant has not adequately demonstrated that the proposed operation would not cause detriment to the natural environment.

Access and vehicle manoeuvring

45. Policy TP15 of the Kent & Medway Structure Plan and policies W3, W9 and W22 of the Kent Waste Local Plan seek to ensure that the proposed development is well related to the local highway network as well as having adequate access to the site itself.
46. The Divisional Transport Manager and National Grid raise concerns over how vehicles would enter or leave the site safely given that the size of the concrete pad on which operations would occur is relatively small only measuring some 30m by 30m. No information has been submitted to demonstrate how this could be safely achieved. Further information would be required to demonstrate that such vehicles would be able to enter and leave the site in a forward motion. In my opinion given the size of vehicles proposed this is unlikely to be achievable even if the site were empty, let alone if materials occupied the site, thus preventing the ability for vehicles to manoeuvre safely
47. It is my view that the practicalities of having to load or unload vehicles and turn them round, whilst operating a composting facility of the proposed size would not be possible on the

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current pad. Various consultees' also have noted that waste bearing vehicles have previously had to either reverse into or out of the site along the access track to be able to do this. This would be an issue that would be likely to affect highway safety.

48. Within the application it also states that the access track has been created in place of an existing access. However consultees have indicated that this was not the case. Access was originally from the north of the field on which the site lies. The applicant also states that the need for this access was due to variable ground levels across the site. These variable ground levels could have been the contoured French drains, which allowed efficient surface water drainage into the surface water balancing pond to the south of the access and pad.
49. Being that no information has been supplied giving tracking diagrams to demonstrate how vehicles could enter and leave the site safely and that the application does not provide true numbers of vehicle movements coming into and out of the site, I do not feel it is possible to adequately assess the impacts on highway safety.

Amenity Impacts (odour, dust, mud and visual impact)

50. Policies NR5 and NR6 of the KMSP seek to ensure that development such as this should be planned and designed to avoid or adequately mitigate pollution impacts. Development where mitigation would not afford protection should not be supported.

Odour and Dust

51. It should be noted that both National Grid and EDF energy have objected to the application on the grounds that pollution from the site would have the potential to damage sensitive electrical equipment relating to the energy supply to the CTRL and to the supply between the UK and Europe. No information has been provided to satisfactorily demonstrate that this concern is unfounded. Both EDF and National Grid sites lie within the 250m tolerance zone set out by the environment agency for distance from composting operations to sensitive receptors. In the case of National Grid, full time employees are on site. As such the councils odour and bio-aerosols advisors consider that more thorough investigations should be undertaken to prove that there will not be a negative effect in terms of odour and bio-aerosols on the National Grid site.
52. An odour management plan has been submitted with the application. This is to be enforced by the site employee. Local residents, the Parishes, Environment Agency and National Grid have raised odour issues and question whether a sole employee on site could satisfactorily control odour issues. They draw attention to government guidance stating a facility of this size should employ at least 3 people. This raises questions over whether this site can be effectively and efficiently run such that it does not become a nuisance to nearby neighbours in terms of dust and odour.
53. The applicant does not propose specific dust mitigation measures within the application. To prevent nuisance being caused to the local amenity the applicant proposes that operations will cease if the wind blows in a southerly direction. There is no provision on site for water to be stored for dampening down during periods of dry weather neither is there any detailed information on what mechanisms would be employed to measure wind speed and what this

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would be which would trigger site closure. As such I do not feel that this proposal has demonstrated an ability to manage any potential dust emission from site.

Nuisance from Mud, debris and litter on the highway

54. The proposals do not identify a source of water within the site, or any provision of equipment for the prevention of mud and debris being tracked onto the public highway. This site being a compact site with very little space for vehicle manoeuvring or allocated areas for unloading, it is likely that incoming vehicles would pick up waste from the pad and track it onto the public highway. The application is made on the basis that this would be addressed via a visual inspection by the site operative and on the assumption that any mud debris lodged would drop off vehicle wheels by the time it reaches the end of the 94m access. I am of the opinion that these precautions would not be adequate to prevent any nuisance and risk to highway safety given the site operative would have a number of other tasks to carry out at the same time.

Visual Impact (landscaping)

55. The applicant has provided small scale landscaping of the site in terms of 1.2m earth bunds lining the north and west sides of the site and access track. The county councils landscape advisors were consulted on the landscaping proposals, and advise that given the context of the electricity feeder and converter stations the site does not provide significantly adverse impacts on the landscape.
56. However this is not to say that the development will not have any impact on the environment. It is clear that views over the site are possible from some of the surrounding residential receptors, albeit from a distance. As such the County Councils landscape advisors have suggested a number of improvements would be required to ensure that any visual impact would be minimised as far as possible. The County Councils landscaping advisors consider that the concrete access track is visually obtrusive and that the surface should be sprayed with tar and chippings to soften its appearance. Secondly the earth bunds that surround the site are at odds with the surrounding landform and that a native hedgerow with occasional standard trees would be beneficial in minimising the impact and provide screening of the concrete pad. Thirdly a landscaping scheme should be submitted, including surface treatments and planting which would benefit the proposal.
57. Without further information to address the issues raised by consultees' I am of the opinion that the applicant has not fully assessed the impact of the site on the landscape.

Harm to Community Infrastructure (National Grid and EDF)

58. Both the National Grid and EDF energy have objected to the proposals due to the proximity of the proposed operation to their respective sites. Both sites are of National and International importance. The National Grid operates the Sellindge Converter Station, which lies approximately 170m to the east of the site. The Sellindge Converter Station is the UK terminal for an electrical link known as the Cross Channel Link. The link is used to transfer electricity between the UK and French networks to facilitate trade of electricity across the

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European Union, and provide significant income to the UK economy. EDF operate the Sellindge traction feeder high-voltage substation (feeder station), which lies approximately 80m to the south of the site. The Sellindge feeder station provides power to the Channel Tunnel Rail Link.

59. Both of these facilities operate with highly sensitive electrical equipment and are in the national interest to be operational at all times. Both the National Grid and EDF object to the application on the grounds that airborne pollution from the proposal could cause damage to this sensitive equipment.
60. Without information to prove there would be no adverse effects to either of these nationally important sites, I would recommend that a precautionary stance be adopted and further detailed investigations be required.

Flood Risk

61. Concerns have been raised by CPRE and local residents over the increased risk of flooding to Church Lane through the blocking of previously created contoured French drain. These were created during the restoration of the site after its previous use as a contractor compound. These French drains would divert water flow across the field into the surface water balancing pond immediately to the south of the site.
62. The composting pad and access track and bund on the northern edge of the site could channel surface water flow in times of heavy rainfall towards Church Lane and away from the balancing pond. This could then increase the risk of flooding of the public highway.
63. There is no information within the application in relation to the integrity of these French drains or matters relating to surface water run-off into Church Lane. It is my opinion that further investigation needs to be carried out, in particular a flood risk assessment, taking into consideration the prior restoration of the site and areas likely to flood to the south east and west of the site.

Adequacy of the planning application

64. In my opinion, the application is fundamentally deficient in terms of presenting a full set of proposals and a case of need for a composting facility at this particular location. Only minimal detail is given of the composting process, plant and machinery, safeguarding measures for controlling noise, dust, odour, bio-aerosols and flood risk. No assessment has been carried out to demonstrate secure and safe access arrangements. These deficiencies in my view render the submission incapable of being fully assessed in the context of the development plan and as such warrants refusal.

Conclusion

65. Whilst in order to comply with regional and national waste policy there is a clear need for additional waste management facilities in the County in order to reduce the volume of waste disposed to landfill, any proposal needs to be considered on its' own merits, in terms of

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need, location and impacts, having regard to relevant detailed development plan policy criteria.

66. A number of concerns have been raised over the potential impacts of the development on nearby sensitive receptors and on highway safety. All are of the opinion that insufficient information has been provided to satisfactorily demonstrate there would be no adverse impacts. In my view in the absence of such information and without a strong case of need, this represents an overriding objection to the proposal.
67. Furthermore, in the light of the concerns raised in representations that have been received on the potentially adverse impacts on the local amenity, I also feel it is appropriate to adopt a precautionary approach where in my opinion the applicant has failed to address such issues. In this context I am particularly mindful of the comments made by Ashford Borough Council, the Environment Agency and the County Councils Odour and Dust advisors who consider that the application has failed to demonstrate whether the site could be operated safely in respect of bio-aerosols, odour, dust, the composting operation and local amenity protection.
68. Concerns have also been raised over the highway impacts. The Divisional Transport Manager has also expressed strong reservations over whether the proposed vehicles would be able to enter and leave the site safely. Also the number and type of vehicles which would export the compost from site has not been provided within the application. The applicant has therefore failed to demonstrate that the vehicle movements generated by the proposal would be satisfactorily accommodated such that there would be no adverse impacts on highway safety.
69. Furthermore, in my view, notwithstanding the intention that all vehicles travelling to and from site would avoid travelling south along Church Lane, the applicant has failed to demonstrate how this would be secured. Accordingly I consider there are overriding objections to the proposal on highway grounds.
6. Given what I consider to be an overriding lack of case of need, together with likely local amenity and highway impacts, I do not consider having regard to PPS10 that the proposed development is consistent with the general underlying principles of BPEO.

Recommendation

70. I RECOMMEND that

(A) PERMISSION BE REFUSED on the following grounds;

- (i) Insufficient information has been provided in support of the application to satisfactorily demonstrate that;
- a) an operation of the scale proposed could be accommodated within the confines of the site;
 - b) there would be no adverse impacts on the local environment from dust and odour;

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contrary to Kent and Medway Structure Plan Policies NR5 and NR6 and policy W18 of the Kent Waste Local Plan.

- (ii) The applicant has failed to undertake a proper assessment of the impacts from traffic on the local highway network, including the need to demonstrate that vehicles can satisfactorily enter and leave the site such that they would not compromise the safety of other road users, contrary to Kent and Medway Structure Plan Policy TP15 and Kent Waste Local Plan Policies W10 and W22;
- (ii) In the absence of having demonstrated there would be no adverse impacts from the proposed development as set out above, and given the failure to identify the source of the waste materials imported to the site such that it can be shown this would be consistent with the proximity principle, the application has failed to prove it reflects the principles of BPEO contrary to PPS10, Policy WM1 of the Kent and Medway Structure Plan and Policy W6 of the Kent Waste Local Plan.

Should Members be minded to accept the recommendation and refuse the application I would:

- (B) FURTHER RECOMMEND that the matter be reported to the next meeting of the Regulation Committee with a recommendation that I BE AUTHORISED TO TAKE ENFORCEMENT ACTION in order to secure the removal of the existing concrete pad and satisfactory restoration of the site.

Case officer – Shaun Whyman	01622 221055
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Background documents - See section heading
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Item D1**Conversion of tennis courts to Multi-Use Games Area (MUGA), St Gregory's Comprehensive School, Tunbridge Wells – TW/08/3503.**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 December 2008.

Application by the Governors of the St Gregory's Catholic Comprehensive School for conversion of tennis courts to Multi-Use Games Area (MUGA) at St Gregory's Catholic Comprehensive School, Tunbridge Wells (Ref: TW/08/3503)

Recommendation: permission be granted subject to conditions

Local Member(s): Mr R. Bullock

Classification: Unrestricted

Site

1. St Gregory's Catholic Comprehensive School is located north from Tunbridge Wells town centre, off Reynolds Lane. Residential properties are located to the north and west of the site. Tunbridge Wells Grammar School for Boys is located to the east along with Sports and Youth Centre, residential properties and a Territorial Army Centre (see D1.2). The boundary of the Metropolitan Green Belt runs along the western edge of the site. The site is located within a Special Landscape Area and a Rural Fringe area. A Public Right of Way runs through the school site between the buildings and the upper tennis courts.

Background

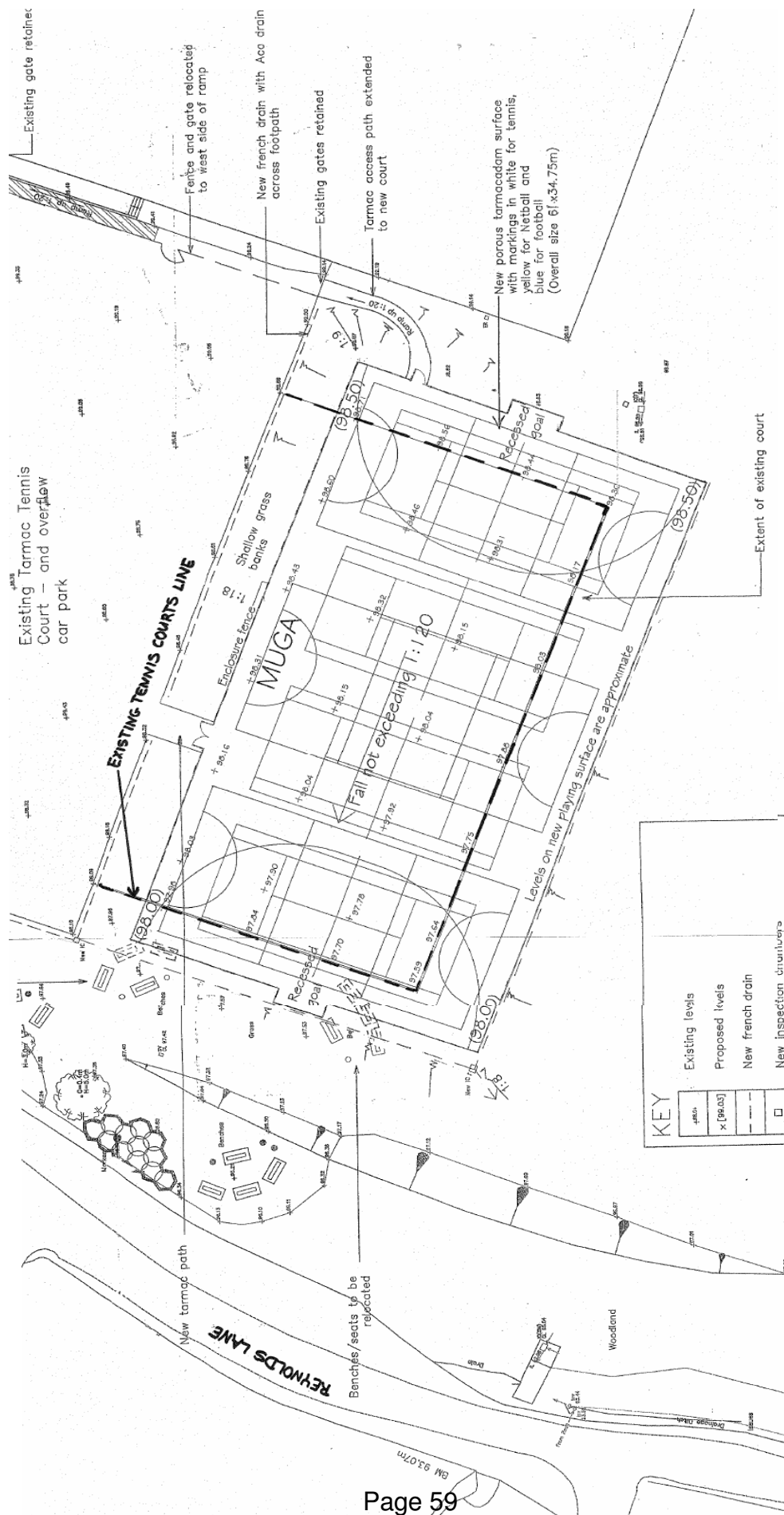
2. In March 2004 the Planning Applications Committee considered a proposal for a Multi-Use Games Area (MUGA) with floodlighting to the lower tennis courts, for which planning permission was then granted. The applicant had 3 years to implement the permission but failed to do so. Since the permission lapsed in March 2007, the School is now re-applying for a very similar scheme although floodlighting is omitted from the scheme.

Proposal

3. Within the St Gregory's Catholic Comprehensive School grounds there are two adjacent and fenced off blocks of tennis courts. The courts lie to the south of the school buildings, west of the large sport hall building, adjacent to the Sports and Youth Centre and to the east of the tree lined boundary with Reynolds Lane. The application proposes to upgrade and extend an area of the lower existing tennis courts to create a MUGA of dimensions 61m x 35m plus recessed goals. The existing block of tennis courts has a gradient on the impermeable playing surface that exceeds recommended standards. The proposal is to extend these tennis courts to a slightly larger outdoor sports playing areas with a porous surface sprayed green that can be used for a variety of sports and to meet current standards. The proposal includes minor earthwork to level the ground. The enlarged area of the MUGA would be enclosed by 3m high black weldmesh fence with access gates to match. Alongside with the new MUGA, it is proposed to improve the means of access to both the existing upper and lower courts by installing ramps in places of steps (see D1.3).
4. As no floodlighting is proposed as part of the scheme, the use of it would be restricted to the hours of daylight as is the case for the current tennis courts. It is envisaged that the facility would be made available to the community after school hours and at weekends.

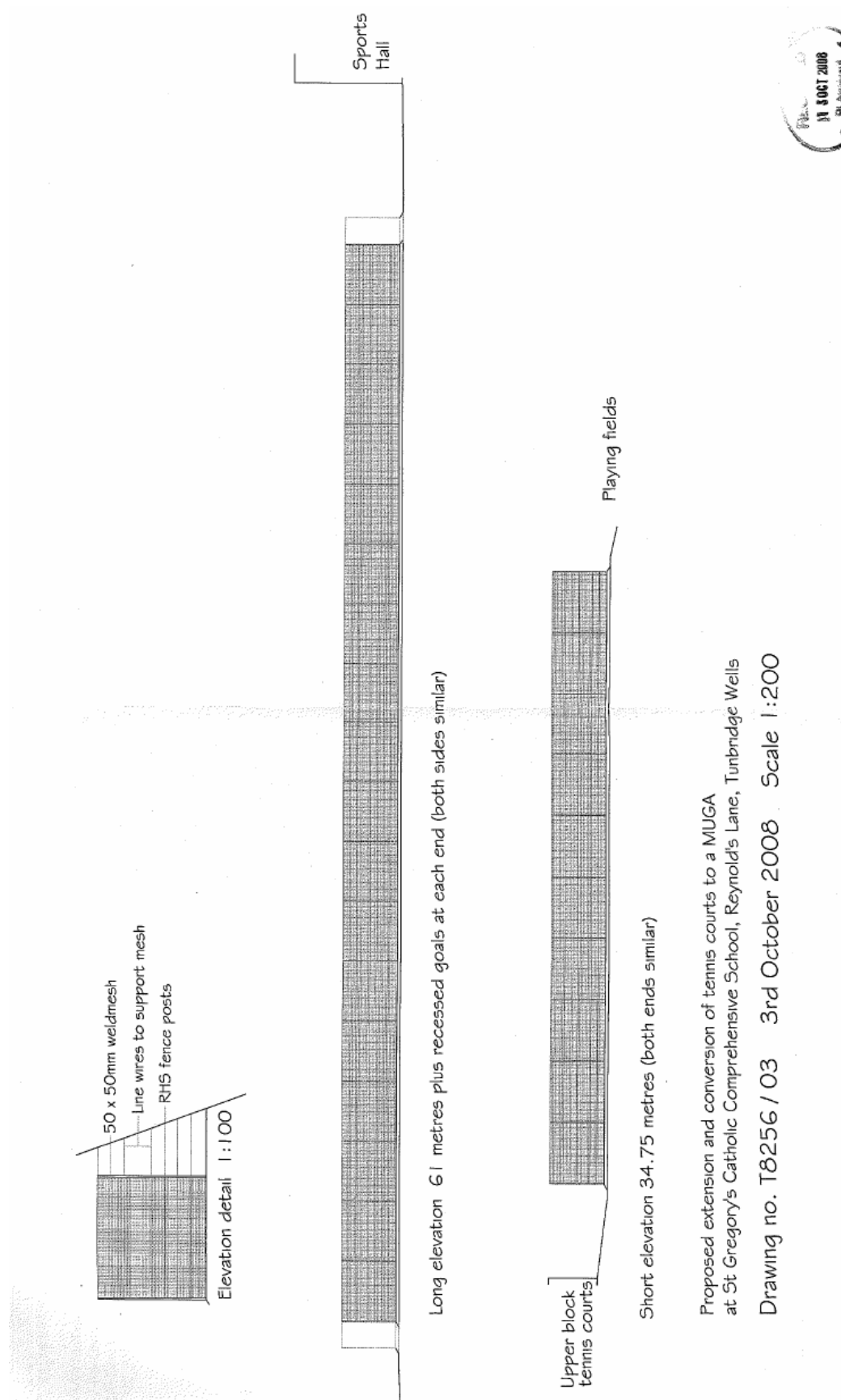


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Planning Policy

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

(i) The Kent & Medway Structure Plan 2006:

- | | |
|-------------|--|
| Policy SP1 | Seeks to conserve and enhance Kent's environment and to ensure a sustainable pattern of development. |
| Policy SS6 | Seeks to improve the built and natural environment, the functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs. |
| Policy QL1 | Seeks to ensure that all development is well designed and of a high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area, will not be permitted. |
| Policy QL11 | Provision will be made for development and improvement of local services in existing residential areas and in town centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses and the concentration of sports facilities at schools will be encouraged |
| Policy EN5 | Special Landscape Areas will be protected, whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them. |
| Policy QL15 | Provision should be made for sport, informal and formal recreational facilities taking account of the potential for dual use and/or joint provision. |
| Policy TP3 | Development sites shall be well served by public transport, walking and cycling. |
| Policy TP19 | Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council. |
| Policy NR5 | Development should not result in an unacceptable level of pollution including noise. |

(ii) Tunbridge Wells Local Plan 2006 Plan 2000:

- | | |
|-------------|---|
| Policy LBD1 | Outside the Limits to Built Development, development will only be permitted where it would be in accordance with all relevant policies contained in the Local Plan and the rural settlement and countryside policies in the Kent and Medway Structure Plan. |
| Policy EN1 | New development should be well designed and respect its setting. |

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Policy EN27 Seeks protection of Kent's Special Landscape Areas.

Policy RF1 Designated land as Rural Fringe

Policy RF2 Land within Rural Fringes will be safeguarded from permanent development as a reserve of land to meet longer-term development needs beyond the Plan period.

Consultations

6. **Tunbridge Wells Borough Council:** raises no objection to the proposal.

Divisional Transportation Manager: raises no objection to the proposal.

Local Member

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

Publicity

8. The application was publicised by the posting of a site notice and the individual notification of 3 nearby properties.

Representations

9. 2 letters of representation were received in response to the proposal. The main planning reasons for objections can be summarised as follows:

- the proposal needlessly places very noisy and disruptive outdoor sports facilities next to dwellings, causing unnecessary suffering to the residents, destruction of amenity, ecological harm and damage to the rural locality in the Green Belt;
- the facility is proposed close to Santa Maria Farm and Oaklea, whereas the facility could be placed nearer to the YMCA building, further away from dwellings;
- future floodlighting, indicated by the key to the drawing T8256/02, would further destroy the locality;
- the applicant seeks unrestricted hours of use seven days a week, all year which would be severely disturbing, including whistles, starter horns, bouncing balls, shouting and traffic arriving departing and parking;
- this would change the whole character of the area, both for residents and the wildlife, and residents up and down Reynolds Lane;
- there is no assessment of the environmental impact of the MUGA

other issues raised:

- KCC does not have the power to determine the application under Regulation 3 of the Town and Country Planning Act because KCC is not a joint applicant.

Discussion**Introduction**

10. The application is required to be determined in accordance with the relevant Development Plan policies, unless other material considerations are of overriding importance. Therefore, the proposal is considered in the context of the Tunbridge Wells

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Local Plan 2006 and the Kent and Medway Structure Plan 2006 and other material considerations including those arising from consultation, which are also taken into account.

11. The development site is currently used as tennis courts and is located to the south of the main school buildings, and adjacent to the Tunbridge Wells Sports and Indoor Tennis Centre and School's playing fields. The closest residential properties are located 30 metres to the west of the courts (see D1.2). Given the site's sensitive location relatively close to residential properties, being within the Kent Special Landscape Area and the Rural Fringe, the impacts on these elements of the environment are discussed below.

Residential Amenity and Hours of Use

12. Kent and Medway Structure Plan Policies QL1 and NR5 aim to protect the residential amenity from adverse impacts and development that could lead to unacceptable pollution. Additionally, Kent and Medway Structure Plan Policy QL11 seeks to ensure that provision for improvements of community services, including school sport facilities, is made. The proposal has to be assessed against those policies.
13. The proposal site slopes north-south, which results in the tennis court being sited lower than the school buildings to the north. Also the School's tennis courts are slightly higher than Santa Maria Farm, whilst Oaklea is located on land higher than the tennis courts. The new MUGA would be 30m away from those residential properties in Reynolds Lane and so the residents have objected to the proposal on the grounds of the risk of potential increase in noise pollution emanating from the improved courts, including noise from increased traffic. The concern is also raised that the new MUGA would be used seven days a week from mornings till late evenings.
14. The applicant states that the existing tennis court/hard surface play area, is already being used for a variety of sports. The approximate 20% increase in the hard surfacing of the play area is unlikely to result in a significant change to the number of people using the facility. The new porous tarmac surface would be marked in white for tennis, yellow for netball and blue for football and it is expected that the MUGA would be used by between 8-42 players at any one time, which again is similar to the currently observed levels of use. Further, the applicant noted that there is no restriction on the hours of use of the existing courts and the School has received no complaints about the noise. As the proposal does not include the installation of floodlights, the use of the MUGA would continue to be naturally limited to the hours of daylight.
15. I note that in 2004, when the Members of the County Planning Application Committee debated the planning application for the MUGA with floodlighting on the same site, it was accepted that there would be a potential for noise associated with the use of courts to be distinguishable at neighbouring properties. However, in that case the professional advice from the County Council's Noise Advisor was that the potential increase in noise would not cause significant adverse impact to noise amenity subject to restricting the hours of use. The hours of use of the facility with floodlighting were restricted to between 8.00 and 21.30 hours Mondays to Fridays, 9.00 and 21.30 Saturdays and 9.00 and 18.00 Sundays and Bank Holidays. Considering that there is no floodlighting proposed, the applicant would prefer that the hours of use remained limited by the hours of daylight as it is at the moment. Above all, it is also highly unlikely that the facility would be used in the late evenings.
16. Overall, I acknowledge that there would potentially be some intensification of use of the site resulting from an improvement to the sports facilities and therefore making them more attractive to the users. However, in my view, the proposed development, would not be materially different to that already existing. I would advise that the potential impact on

Conversion of tennis courts to Multi-Use Games Area (MUGA), St Gregory's Comprehensive School, Tunbridge Wells – TW/08/3503

the residential amenity, specifically the noise impact, is unlikely to be significant to warrant refusal of the application on these grounds.

Traffic

17. The applicant advises that the facility would be made available to the community in line with the national commitment to encourage shared use of school facilities. As a result, the impact of this on the local highway network has to be considered, especially that Kent and Medway Structure Plan Policies TP3 and TP19 require that development shall be well served by public transport, walking and cycling and adequate vehicle parking facilities are provided. Some concerns have been raised by local residents that disruption could result from traffic associated with the use of new MUGA. I would advise that the school is well positioned in relation to the public transport and residential areas so people will have choice of travel to the site. Also, I would advise that whilst there is the potential for more vehicles to visit the site as a result of the improvements to the sport facility and from encouraging greater community use of the MUGA (especially during weekends) generally the risk of unacceptable impacts on the public highway is unlikely. The MUGA would be used by staff and pupils during weekdays, which would not generate any additional trips. Any additional vehicles visiting the site during evenings and weekends would be able to use the parking spaces normally used by the school during normal school hours. That could be secured via a planning condition. The Area Transportation Manager raised no objection to the proposal and I support his view.

Wider Landscape Impact and Rural Fringe

18. The proposed site for the MUGA is within a Special Landscape Area and on land designated as Rural Fringe. It is not within the Green Belt. Kent and Medway Structure Plan Policy EN5 and Tunbridge Wells Local Plan Policy EN27 seek to protect and enhance the quality of the landscape, whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them.
19. The application is proposing to install a 3m high black weldmesh fence to the perimeter of the MUGA. The fence would be 50mm x 50mm spacing between wires, which is most likely to blend in with the trees and planting and the wider landscape beyond. It is again noted that the existing tennis courts are already fenced off with chainlink fence and so the visual change to the landscape context would be negligible. For that reason, I do not consider it to be detrimental to the character and appearance of the Special Landscape Area.
20. Additionally, Tunbridge Wells Local Plan Policy RF2 seeks to safeguard land within the Rural Fringe from development, unless the proposal would meet the needs of an established use on site. In this instance, the proposed development is located within an existing school site. The site is already hard surfaced and fenced off and used for sport activities, therefore I do not consider the proposal to be contrary to the principles of Policy RF2, and conclude that the development would be appropriate within its Rural Fringe location.

Other Issues

21. The received representations raised other issues about the potential impacts of the new MUGA on the natural environment, specifically local wildlife. I wish to advise that the MUGA would be largely on the footprint of an existing hard surface courts within extensive school grounds. Also, the construction of MUGA would not result in the removal of any trees or hedges. Therefore, there is little reason to agree that the natural environment would be significantly affected by the proposal.

Conversion of tennis courts to Multi-Use Games Area (MUGA), St Gregory's Comprehensive School, Tunbridge Wells – TW/08/3503

22. As to the question of development control responsibilities, the application is submitted under Regulation 3 of the Town and Country Planning Act General Regulations 1992 on the basis that the County Council as Education Authority has a significant interest in the development and the School is applying on behalf of the Education Authority. The application has therefore been correctly made.

Conclusion

23. Overall, I believe that the school would benefit from having the new improved facility, which would provide better access to a range of sporting activities. I consider that the siting and design of the MUGA would be of high quality and would not have any material effect on the character and appearance of the Special Landscape Area. Subject to imposition of conditions, I am of the opinion that the proposed development is unlikely to significantly compromise the amenity of local residents. Consequently, I advise that the proposed development is in accordance with the general principles of the Development Plan Policies and I recommend that the permission be granted subject to appropriate conditions.

Recommendation

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

- Standard time limit;
- The development to be carried out in accordance with the permitted details;
- School car parking area shall be made available for the users of the MUGA after school hours;
- Tree and hedge protection during the installation;
- The development to be carried out in accordance with the permitted details.

Case Officer – Anna Michalska-Dober

01622 696979

Background documents –See section heading

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Item D2

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1061.

A report by Head of Planning Applications Group to Planning Applications Committee on 9 December 2008.

Application by Kent County Council Children, Families And Education for installation of floodlighting to the Artificial Turf Pitch and to the Multi-Use Games Area at Folkestone Academy, Folkestone (Ref:SH/08/1061)

Recommendation: permission be granted subject to conditions

Local Member(s): Mr R. Pascoe

Classification: Unrestricted

Site

1. The site is located in the northern part of Folkestone, south of the Park Farm Industrial Estate, the M20 motorway and the Kent North Downs. The site is bordered to the west and south by residential areas. Immediately to the east of the academy there is KCC land on which the old Channel School buildings have been demolished. Across the Park Farm Road there are industrial units and allotments. The main academy building is sited diagonally at the western end of the site. The Multi-Use Games Area (MUGA) is located near the main vehicular access from Kingsmead to the north of the site, whilst the extensive playing fields are located to the east of the building. There two additional access points to the Academy off Lucy Avenue, which is a cycle/pedestrian access with limited vehicular access and pedestrian/cycle access from Park Farm Road (see page D2.2).

Background

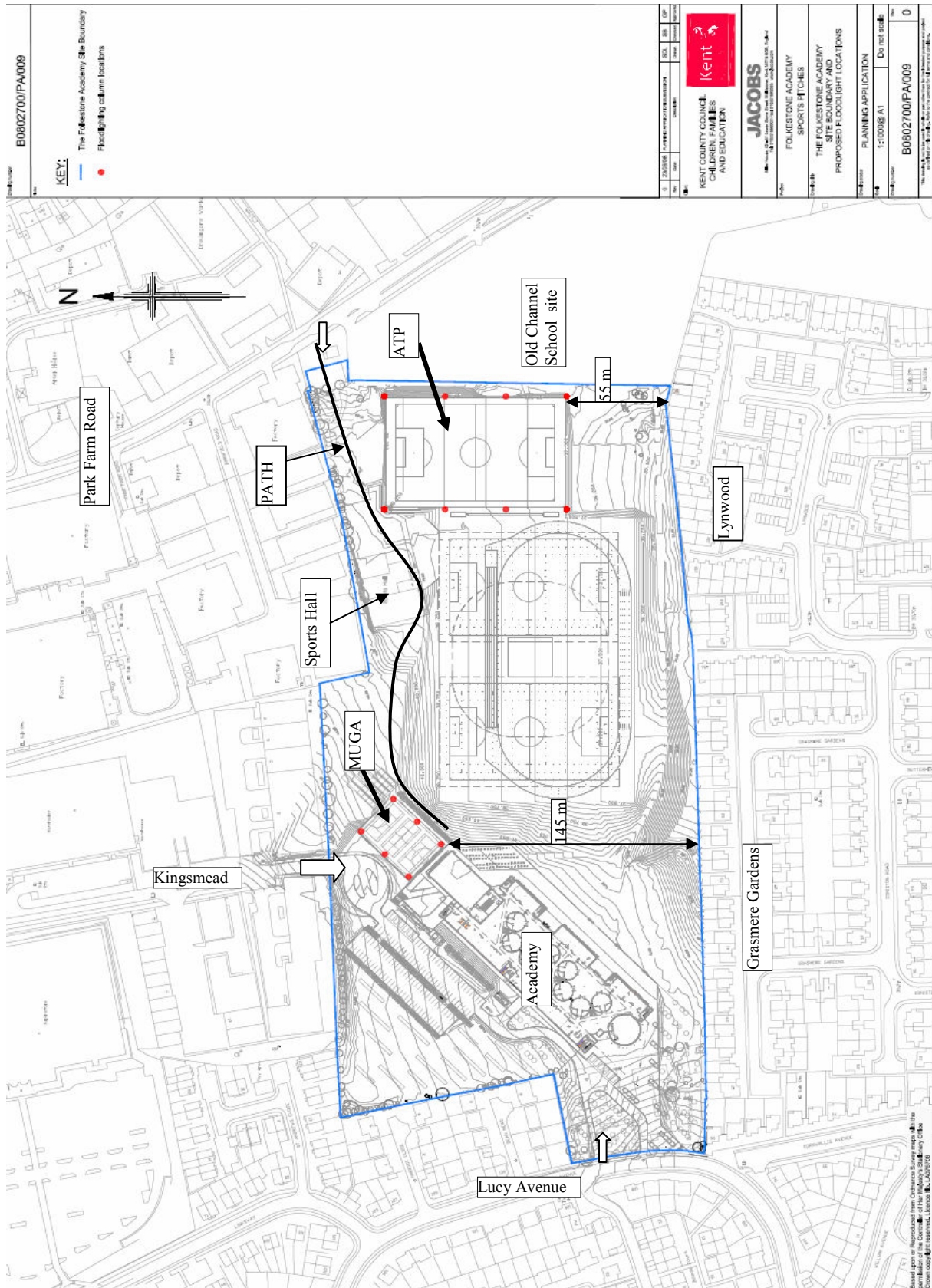
2. The concept of academies is that they are “publicly funded independent schools that provide free first class education to pupils of all abilities”. The site was the subject of a Members’ Site Meeting in December 2004. The planning permission for The Folkestone Academy was granted in 2004 and the school opened in September 2007. The three storey Academy building is designed for 1480 pupils. The external facilities include approximately 3422m² of hard play area for sports activities (MUGA), external grass playing fields (accommodating a 400m running track, a cricket pitch and two senior pitches for rugby and football) and an Artificial Turf Pitch (ATP). The Academy’s facilities are available for use by local groups and organisations when not needed for Academy activities. The use of the facilities within The Folkestone Academy is limited to the hours of 0700 to 2300. The Folkestone Academy specialises in Arts, Media and European Culture.

Proposal

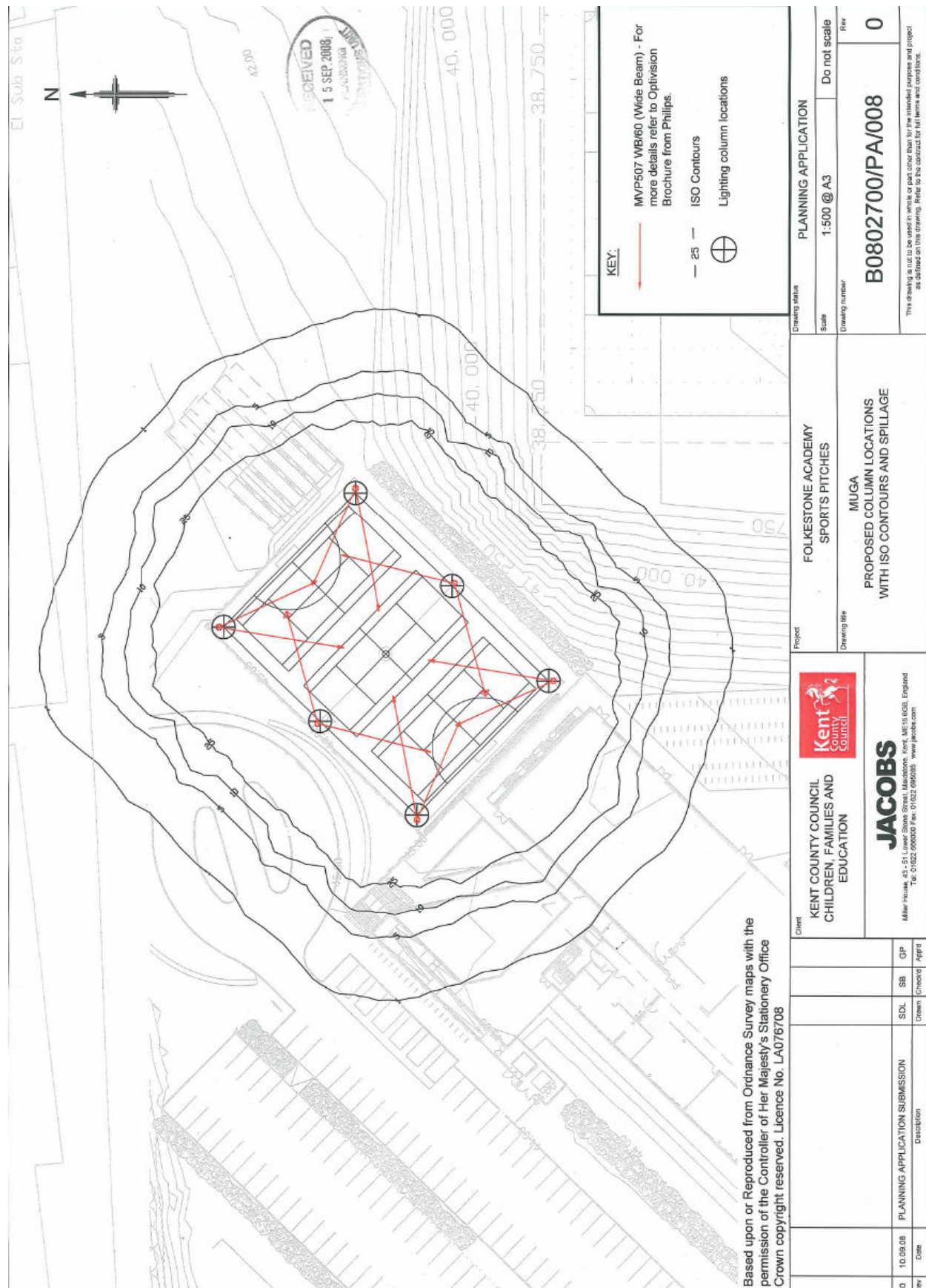
3. The current planning application consists of two main parts. The first part is for an installation of floodlighting to the Multi-Use Games Area (MUGA). The second part is for an installation of floodlighting to the Artificial Turf Pitch (ATP) to the east of the site. The applicant is seeking permission for the hours of use between 1600 and 2300 every day all year. Both of the sub-proposals are discussed individually below. I also observe that this application is proposing to amend the already approved (December 2006) landscaping scheme to the south of the site. The applicant believes that the development would give a greater choice of playing times for the community groups. It would be an

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

opportunity to raise the level of participation in sport, give access to competition, promote social inclusion and improve fitness while reducing childhood obesity.

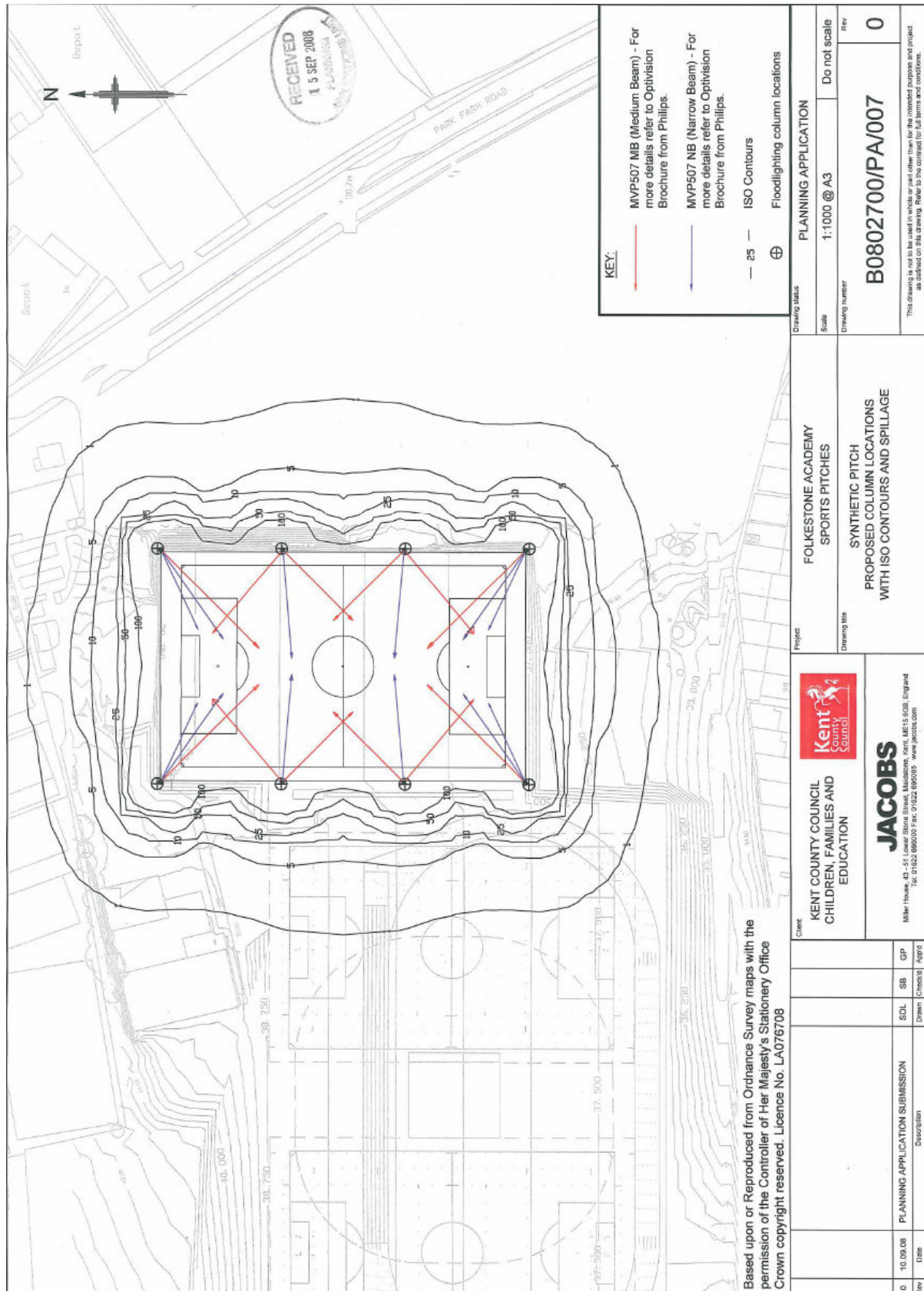


Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059



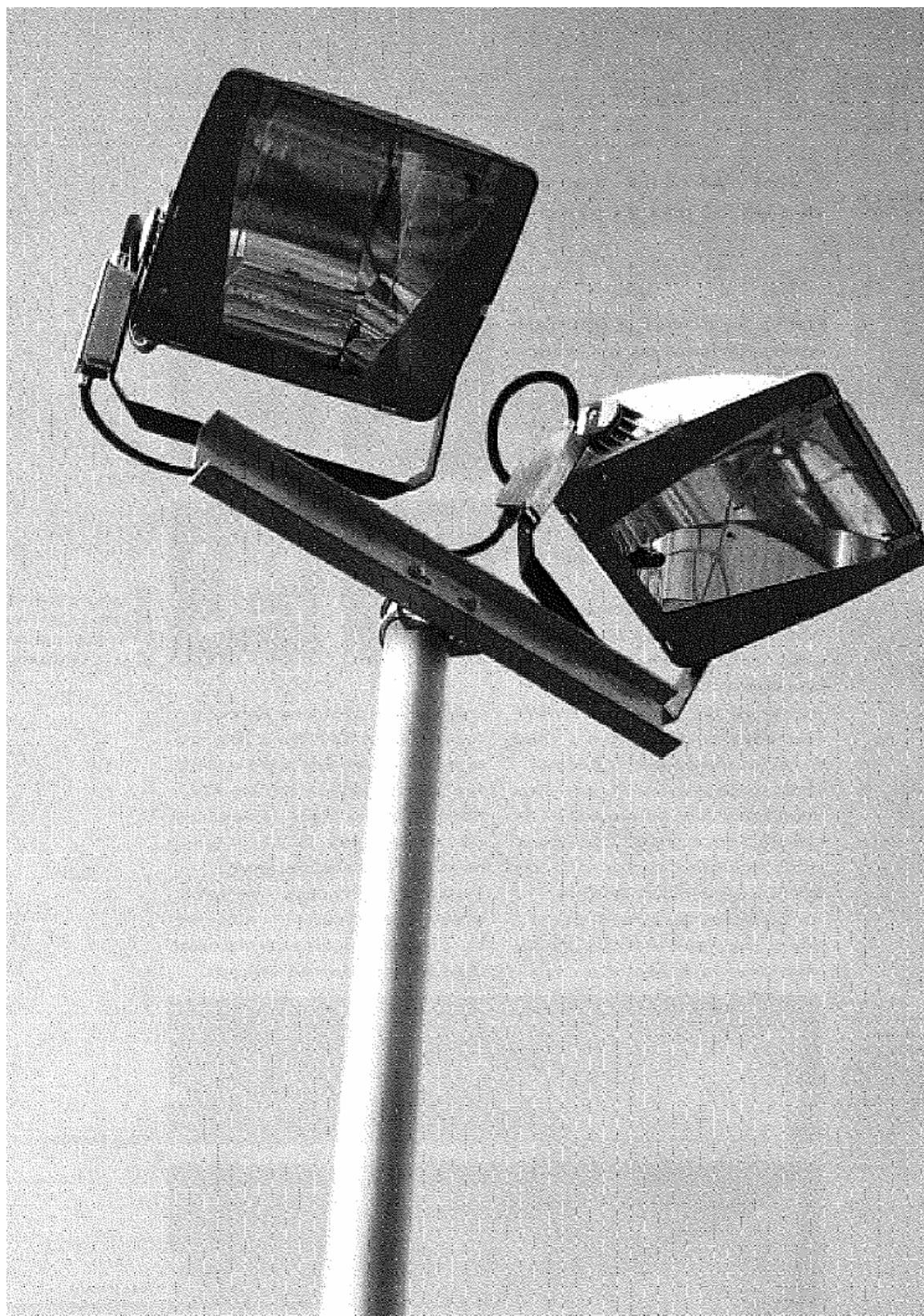
Item D2

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059



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Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

Planning Policy

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

(i) The Kent & Medway Structure Plan 2006:

- | | |
|-------------|---|
| Policy SP1 | Seeks to conserve and enhance Kent's environment and to ensure a sustainable pattern of development. |
| Policy SS6 | Seeks to improve the built and natural environment, the functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs. |
| Policy QL1 | Seeks to ensure that all development is well designed and of a high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area, will not be permitted. |
| Policy QL11 | Provision will be made for the development and improvement of local services in existing residential areas and in town centres, particularly where services are deficient. |
| Policy QL15 | Provision should be made for sport, informal and formal recreation facilities taking account of the potential for dual use and/or joint provision. |
| Policy TP3 | States that the local planning authority should ensure that development sites are well served by public transport, walking and cycling. |
| Policy NR5 | Development should not result in an unacceptable level of pollution including noise and light intrusion. |

(ii) Shepway District Local Plan 2006:

- | | |
|-------------|--|
| Policy BE1 | A high standard of layout, design and choice of materials is expected for all new development. |
| Policy U15 | The illumination levels should be the minimum necessary to meet its stated purpose, the lighting should be positioned and shaded to minimise glare and light spillage from the site, or impact on local residents, road users, wildlife; and the impact on the visibility of the night sky should be reduced as far as possible. |
| Policy U16 | Development should not lead to a significant increase in noise levels. |
| Policy BE15 | Adequate provision should be made within the site for landscaping. |

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

Consultations

5. **Shepway District Council:** raises no objection to the proposal subject to the following conditions: all lights to be turned off between 2300 and 0700, carrying out a landscaping scheme to be approved by KCC and the development being carried out in accordance with the details approved.

Divisional Transportation Manager: raises no objection to the proposal.

The County Council's Lighting Advisor: The nearest residential properties are on roads lit by street lighting. The floodlights proposed for both areas are the Philips OptiVision type which have flat glass enclosure in order to minimise spill light above the horizontal and so minimise glare while keeping the lighting close to the area to be lit. The light spill from the MUGA falls to 1 lux approximately 30m from the edge of the MUGA which is short of any houses (1 lux is the minimum lighting level which would normally be expected on a minor or estate road). The light spill from the synthetic pitch falls to 1 lux at 45m from the pitch. The greater light spill area is due to the extra height of these columns which are 15m tall. Nevertheless the light spill area is still 10m short of the rear gardens of the properties to the south of the school. Much of the rest of the area to the north and east comprises large commercial/industrial units many of which have their own floodlighting and security lighting. The vertical light spill calculations indicate that the maximum level of light spill would be 0.76, which is well below the permitted level of 10 lux maximum and 2 lux after curfew for a medium district brightness.

Local Member

6. The local Member Mr R Pascoe was notified of the application on the 17th October 2008.

Publicity

7. The application was publicised by the posting of two site notices and the individual notification of 78 nearby properties.

Representations

8. 3 letters of representation were received in response to the proposal. The main planning reasons for objections can be summarised as follows:
- Although the resident has been a supporter of the Academy, now they are seriously concerned about the light pollution affecting the adjacent residential properties in Grasmere Garden and Lynwood;
 - Would not like to have the floodlights being switched on most of the evening and at nights because of light spill into bedrooms, and therefore asked for the lights to be switched off after the hours of use of the ATP;

Other issues raised:

- Feeling that the residents have been unduly affected by the development already with noise pollution during construction and flooding of properties;
- I need to see the revised Environmental Statement concerning the effects caused by the proposals on the surrounding properties, as they will intensify the light pollution caused already.

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

Discussion**Introduction**

9. The application is required to be determined in accordance with the relevant Development Plan policies, unless other material considerations are of overriding importance. The Policies that are considered relevant to the proposal are listed in paragraph 4 above. Kent and Medway Structure Plan Policy QL15 is considered specifically relevant as it gives support to improvements of major formal and informal sports facilities, as well as to the dual use of school facilities, while making sure that the development is designed to avoid nuisance from traffic, noise and lighting. Additionally, Kent and Medway Structure Plan Policies QL1 (quality of development) and NR5 (pollution impacts) and Shepway District Local Plan Policies U16 (illumination) and U16 (noise) protect the residential amenity from the potential negative impacts of a development. Consideration is also given to Shepway District Local Plan Policy BE15 that requires that adequate provision is made within the site for landscaping. In conjunction with these and other relevant policies, these issues are considered and discussed below.

Floodlighting to MUGA

10. The MUGA is located near the main vehicular access from Kingsmead to the north of the site, at the north-east end of the academy building. The closest residential properties are located to the west of the MUGA separated by a lit car park. The closest properties with direct view towards the MUGA are 145m to the south of the MUGA, on Grasmere Gardens. There are also properties to the north-west from the MUGA, which are separated from the MUGA by a lit car park and therefore not considered to be directly exposed to the proposed luminaires. The site steps down from the north towards the south by means of three main levels. The access from Kingsmead and the adjacent ring road is on the highest platform limited with a 2-3m high retaining wall between the ring road and the north-west boundary of the MUGA. The playing fields and MUGA are on an elevated platform in relation to most of the Grasmere Gardens properties and therefore the view towards the MUGA from the ground floor of these properties is limited (see D2.2).
11. The MUGA is 28m wide x 42m long and is marked to be used for five-a-side football or for three tennis courts (see D2.3). The proposal is to install six 10m high columns finished in light grey metallic colour with two luminaires on each column, which gives a total of 12 luminaires. The luminaires would be OptiVision MVP 507 with flat glass enclosure to minimise the light spill and with no upward light. Every lamp is approximately 64cm x 65cm x 30cm and is also finished in metallic light grey to blend in with the sky (see D2.5). Every luminaire would be 1.1 kW floodlight with a total installed power of 13.2kW. The proposed illumination levels and modes reflect the flexibility of the current use of the MUGA for football and tennis. The switch modes would be set for 350 lux or 180 lux, both for half or whole MUGA use depending on the sporting need.
12. The floodlighting scheme is designed to minimise light spill taking account of its proximity to the residential properties. Detailed horizontal light spill calculations show that the light spill falls to 1 lux within 30m from the MUGA, which is well within the Academy's own site boundary.
13. According to the *Guide to Design, Specification and Construction of Multi-use Games Areas including Multi-synthetic Turf Pitches* produced by Sport England a location close to car parks and support facilities is desirable. The guide also encourages good access

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

to the facility for people with disabilities and a position away from residential properties. This proposal is in line with all of these recommendations.

Residential amenity

14. The Development Plans policies protect the residential amenity and require that the provision of new sport facilities is sympathetic to its surrounding. The Sport England Guide advises that floodlit MUGAs should be at least 12m, and ideally at least 30m from residential properties. The MUGA here is 120m – 145m away from the boundary with residential properties therefore the floodlights would not result in harmful light intrusion. The light spill calculations show that within 30m from the facility the light spill would come down to 1 lux, which would still be 90m away from the nearest property to the north west of the site and over 115m from the properties to the south. The floodlights have been designed so they can operate independently and enable lighting to be provided for the whole or half of the pitch, all at full lux levels or lower levels. In summary, it is considered that the proposed floodlighting is unlikely to have any detrimental impact on the visual amenity of local residents. The existing and proposed landscaping would further mitigate any effects on the neighbours.
15. The other main potential impacts of installation of floodlighting to MUGAs are increases in noise and traffic levels, which normally can be controlled by restricting the hours of use. These issues are discussed below.

Hours of use

16. The planning permission for The Folkestone Academy (ref. SH/04/1426) was granted subject to a planning condition restricting the use of the Academy building and the outdoor facilities to between 0700 and 2300 hours. The application has to be considered in the context of the site being open between these hours. For this reason, only the hours of use of the proposed floodlighting are under consideration. However, it is noted that allowing the installation of the floodlighting may result in an increase in the level of outdoor activities during evening hours.
17. The applicant proposes to use the floodlights to MUGA between 1600 and 2300 hours every day of the week, which would be broadly in line with the originally permitted hours of use. Nevertheless, until now the use of the MUGA has been limited to daylight hours, therefore it was less likely that the MUGA was to be used after sunset (approximately 1600 hours) in the mid-winter and (approximately 2100 hours) in the mid-summer. Therefore, naturally the likelihood of using the outdoors for activities was reduced.
18. I wish to advise that should the floodlighting be permitted until 2300 hours, then it could result in visitors continuing to use the changing facilities and the car parking after the hours of 2300. This would in effect override the planning condition restricting the use of the facilities within the academy site beyond 2300 hours, which I do not consider to be acceptable in residential amenity terms. To avoid this happening and in order to re-iterate the importance of the curfew of 2300 hours, I would recommend the floodlighting to be used until 2230 hours, which would then allow the visitors to leave the site by 2300 hours (see the table below).
19. I would also remind the applicant that the planning condition on the 2004 planning permission limits the noise levels from the use of the academy building and grounds so it does not exceed a level of 55dB LAeq 1hr at the boundary of the closest noise sensitive properties. I would recommend inclusion of an informative on the potential planning permission reminding the applicant about the continuous applicability of this planning condition.

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

20. Overall, it is considered that the provision of the new facility would improve sporting facilities available to The Academy and the local community. The availability of the MUGA during evenings between 1600 and 2230 hours would not be unreasonable bearing in mind the 2300 hours restriction to the use of the rest of the site. In my view, it is highly unlikely that there would be any significant impact on the public highway and the intensity of the traffic to/from the site as a result of installation of the floodlighting. Considering that the lights would mostly be used after regular school hours, when the academy's staff would have gone home, there would be sufficient space for visitors to the MUGA. Due to the design and location of the floodlighting I do not consider the floodlighting to the MUGA be detrimental to residential amenity. I do accept the applicant's argument that the provision of sporting facilities during evening hours has the potential to reduce the obesity and anti-social behaviour in young people and therefore I would recommend approval of the proposal.

Table of the hours of use of the site and floodlighting

	Mondays – Fridays	Saturdays	Sundays	Bank Holidays
Current hours of site use as approved in SH/04/1426	0700 – 2300			
Application hours of floodlighting use sought	1600 – 2300			
Recommended use of floodlighting use	1600 – 2230			None

Landscape impacts

21. Finally, the wider landscape, especially those of the Kent North Downs (north from the site) are taken into account in assessing the proposal. The proposal is to install six 10m high columns to the MUGA adjacent to the access ring road and to the north-east end of the 13m high academy building. The ring road and the adjacent car parking are lit with 18 luminaires on 9 columns approximately 12m high. The ground level of the MUGA is 2-3m lower than the level of the ring road and therefore the 10m columns would be approximately 4m lower than those on the ring road adjacent to access from Kingsmead. Additionally, the floodlighting columns, if seen from the Kent North Downs, would be in the context of the Park Farm Industrial Estate and its street lighting. For this reason, I do not consider that the floodlighting to the MUGA would be highly visible, if at all, in the wider landscape.

Floodlighting to Artificial Turf Pitch

22. The ATP is located at the east end of the site, away from the academy building. At the very north-east corner of the site there is the caretaker's house and the entrance to The Folkestone Academy from Park Farm Road. A pedestrian/cycle path runs along the northern boundary of the ATP, south from Sports Hall to the main building. The ATP is to the south of the Park Farm Industrial Estate and to the east is the demolished Channel School. The Kent County Council owns the land east from the Academy and west from Park Farm Road. The ATP is 100m long x 64m wide and is positioned 55m away from properties to the south, in Lynwood. The ground level of the Lynwood residential properties is more than 3.5m lower than the ground level of the ATP. Hence, looking south from the sports pitch one could only see the pitched roofs of the two storey houses (see D2.2 and D2.4).

23. The proposal is to install eight 15m columns finished in light grey metallic colour with three luminaires on each column, total of 24 luminaires. The luminaires would be

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

OptiVision MVP 507, as discussed under MUGA section. Every luminaire would be 2.1kW floodlight with total maximum installed power of 50.40kW. The ATP is designed to be used mainly for football but could be used for other sports too. The proposed illumination levels would be set up in 4 modes: for 350 lux or 180 lux, both on full pitch and half pitch. For example, the submitted illumination modes could be set up to illuminate the whole pitch to the highest level of 350 lux, which would mean that all 24 luminaires be on and they would use 50.40kW. On the other hand, the mode could be set up to illuminate only half of the pitch at the lowest level to achieve 180 lux, which would mean that only 6 luminaires would need to be switched on, using total 12.60kW. Discussion in this report is based on the maximum illumination levels.

Residential amenity

24. The floodlighting scheme is designed to minimise light spill taking account of the proximity to the residential properties. The detailed horizontal light spill calculations show that the light spill from the ATP is slightly greater than that to the MUGA due to the extra height of the columns. The calculations show that light spill can extend up to a distance of 45m from the pitch. This is still 10m away from the boundary with the rear gardens of the properties to the south. However, I would note that the southern part of site is a sloping ground coming down from 37.50 AOD (pitch) to 34.00 AOD (boundary line). For this reason, following the consultation with the County Council's Lighting Advisor, the applicant was requested to provide additional calculations of the vertical light spill on the elevations of the residential properties to the south. Those shown that the maximum level of vertical illuminance spill light would be 0.76 lux, which is well below the permitted level of 10 lux maximum and 2 lux after curfew for a area defined as medium district brightness. Therefore, no objection is raised to the proposed lighting.
25. As mentioned in paragraph 14 above, the *Guide to Design, Specification and Construction of Multi-use Games Areas including Multi-synthetic Turf Pitches* produced by Sport England recommends a distance of 30m from residential properties, which in this particular is nearly doubled. Also, the horizontal and vertical light spill calculations indicate that there would be no light spill, nor light intrusion from the floodlit ATP. From this point of view, the proposed floodlighting scheme would be in line with the national standards for floodlighting to sports pitches.
26. Nevertheless, floodlighting proposals result not only in the light spill but also in visual impact on the locality. In my view, the installation of floodlighting to the ATP would have a visual impact on the amenity of the local residents. In line with the KCC Floodlighting Guidance Notes 2006, the visual change can be scaled from substantial, through moderate to slight adverse impact, or no change. In the first year of the development, the impact could be classified as moderate adverse impact on the residents to the south of the ATP due to a noticeable deterioration of the existing view, particularly on winter evenings. Having said that, the significance of the visual change would lessen over time when screen planting along the southern boundary matures. For this reason it is important that the already approved comprehensive landscaping scheme, which the applicant is looking to amend slightly, is not downgraded so it would not be capable of mitigating that impact. The issue of planting changes is discussed in paragraph 32.
27. Finally, I would mention that the main school building is up to 15m high so the residents living to the west of the academy would not be able to see the ATP floodlighting.

Hours of use

28. The planning permission granted in 2004 restricts the use of the Academy facilities to the hours of 0700 until 2300 any day, which is important in consideration of the hours of use of the proposed floodlighting scheme. The applicant proposed for the floodlights to be

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

used between 1600 to 2300 hours any day of the week, as that the playing fields can be potentially used until 2100 or 2200 hours in the summer anyway. On the other hand I would advise that, the absence of floodlighting does have a natural control over the evening use, especially in the autumn and winter months, which allows the residents to have some seasonal respite from the disturbance in the evenings.

29. It is difficult to determine what are the reasonable hours and days for community use, especially where the adjacent playing fields can be used every day until dawn. Until now the use of the playing fields and the synthetic pitch has been limited to daylight hours as discussed above. My view is that allowing use of the ATP floodlights until 2300 every day would be unacceptable from a residential amenity perspective. Residents have also raised concerns about having this facility used until such late hours.
30. Having taken into account the proximity to neighbouring properties and the existing practically unrestricted use of other sports facilities on the site, I would recommend to restrict the use of the floodlighting to hours between 1600 and 2200 Mondays to Saturdays, 1600 and 1800 Sundays; and no use on Bank Holidays (see the table below). The recommended restrictions to the use of lights would give residents a greater opportunity of some quiet time. Additionally, the floodlights should be set up with built-in time controls, thereby preventing any users continuing beyond the pre-set times.

Table of the hours of use of the site and floodlighting

	Mondays – Fridays	Saturdays	Sundays	Bank Holidays
Current hours of site use as approved in SH/04/1426	0700 – 2300			
Application hours of floodlighting use sought	1600 – 2300			
Recommended use of floodlighting use	1600 – 2200		1600 – 1800	None

Wider views

31. The land south from the M20 gently slopes south. The academy site is located south of the M20 motorway and the Kent North Downs. The playing fields and the ATP create an open space recognisable in a wider landscape of northern Folkestone. It is surrounded by the Industrial Estate from the north and east and residential properties to the south and west. It is likely that the visual impact of the proposed floodlighting on 15m high columns would be a noticeable feature even at the distance of 1km from the scarp slope of the Kent Downs AONB, particularly when illuminated. On the other hand, the provided technical details of the luminaires show that the potential light glare would be minimal due to its design to stop upward light. Also the light spill would be contained well within the site boundary (extended to the KCC land of the old Channel School). Finally, the switched on luminaires are likely to be seen through the illumination of the industrial/commercial estate units adjoining the Academy. Taking into account all of the above, I consider that the benefits of providing the improved facility would outweigh the minimal change of view from the Kent North Downs.

Landscaping Scheme

32. The Development Plan policies require that adequate provision is made within the site for landscaping. Currently, there is very limited planting, shrubs and hedgerow around the southern boundary of the academy due to the recent construction of the Academy and the playing fields. In December 2006 a comprehensive landscaping scheme was approved, which was considered appropriate to mitigate the impact of the major

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

redevelopment of the site. That landscaping scheme consisted of trees and shrubs planting at the lower ground adjacent to residential boundaries and also on the raised ground few metres north from the boundary with Grasmere Gardens/Lynwood properties.

33. Through the current application, the applicant is applying to revise the planting scheme. The strategy is to combine the planting only immediately along the boundary with the residents. The applicant advises that this is a result of abandoning the idea of a footpath to the south of the playing field and concentrating the access around the cycle/footpath to the north away from the neighbours. Although replacing the southern path with path to the north is welcomed, the applicant proposes to cancel planned tree planting (approximately 70 Maple trees) at the raised ground between the houses and the playing fields. In my view, considering the topography of the site, planting trees on the higher grounds would be most effective screening to offset the impacts of the development on the amenity of local residents. The revised details of species and location of the planting is under consideration by the applicant, who is committed to propose an adequate landscaping scheme. At the time of writing this report, I have not yet received the final drawing of an acceptable landscaping scheme. I will update the Committee verbally on this issue. Should an acceptable scheme not be available before the meeting, then a planning condition could be imposed that such scheme must be submitted for written approval within a month from the decision notice, if the Committee Members were minded to grant planning permission.

Conclusion

34. Overall, I consider that The Folkestone Academy and the wider community would benefit from upgrading the sports facilities and making them available in afternoons and evenings. It is expected that the MUGA and the ATP would be used by the Academy and by the local sports clubs, which would sequentially strengthen the links across the community. It is believed that the provision of high quality outdoor sporting facilities contributes to better health and fitness of people and helps reducing anti-social behaviour of young people.
35. Further, I accept that there would be some change in the long distance views from the Kent North Downs, however this is not considered to be very significant. It is acknowledged that the development may have some limited impacts on the amenities of residents but those would be reduced in the mid and long term as the boundary planting establishes. Also, any potential increases in games and traffic related noise could be controlled by reinforcing the already existing planning condition which limits noise level to 55dB LAeq 1hr and introducing restriction to hours of use of the floodlighting. Summarising, in my view, the benefits of installation of floodlighting to MUGA and ATP outweigh the risks of the minor increase in disturbance to residential amenity. Taking all of the above into account, I advise that the proposed development would be in accordance with the aims and objectives of the relevant Development Plan Policies and there are no material considerations that would make me recommend refusal of this proposal.

Recommendation

36. I RECOMMEND that PERMISSION BE GRANTED SUBJECT to conditions, covering:
- Standard time limit;
 - Hours of use for the floodlighting to the MUGA to be restricted to 1600 and 2230 hours; no use on Bank Holidays;
 - Hours of use for the floodlighting to the ATP be restricted to 1600 and 2200 hours Mondays to Saturdays, 1600 and 1800 on Sundays and no use on Bank Holidays;

Item D2

Floodlighting to the Artificial Turf Pitch (ATP) and to the Multi-Use Games Area (MUGA), Folkestone Academy, Folkestone – SH/08/1059

- Within one month of this permission, details of the revised landscaping scheme shall be submitted for the written approval of the County Planning Authority;
- Car parking shall be accessed only from Kingsmead and shall be kept available for use after school hours;
- The development to be carried out in accordance with the lighting and other detail specified in the application and not varied without prior written approval of KCC planning.
- Informative reminding the limits on noise.

Case Officer – Anna Michalska-Dober

01622 696979

Background documents –See section heading

Item D3**New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 December 2008.

Application by Kent County Council Children, Families and Education for the erection of a new special school, parking, play area, landscaping and ancillary works, Wrotham School, Borough Green Road, Wrotham, Sevenoaks, Kent, TN15 7RD – TM/08/2857

Recommendation: Subject to the further views of Sport England, the application be referred to the Secretary of State for Communities and Local Government, and subject to her decision, permission be granted subject to conditions.

Local Members: Mrs V Dagger

Classification: Unrestricted

Members' Site Visit

1. A group of Planning Application Committee Members visited the application site on the 4 November 2008 to acquaint themselves with the proposals and the issues they raise. The Committee Secretary's notes of the visit are attached as appendix 1.

Site

2. Wrotham School site lies to the south of the M26 and east of the A227 Borough Green Road south east of the village of Wrotham. It is within the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty. The application site (an area of 1.04 hectares) is that part of the school site between the existing school buildings and the motorway and is bounded to the west, north and east by hedgerows and trees. It is currently an area of playing field used informally for recreation, which the applicant advises is surplus to requirements with there being sufficient open play space on the main playing fields to the east of the school buildings (see plan of playingfield sports pitch markings on page D3.3). To the west of the A227 there is an open field opposite the application site with a Public Right of Way along its northern boundary with the motorway. The proposed Borough Green and Platt Bypass which is safeguarded in the Local Plan crosses this field and includes a junction onto the A227 that encroaches onto the application site. A line of residential properties faces the developed part of the school site. There are two main accesses to the school site from the A227, one of which is to the south west corner of the application site. A site plan is attached.

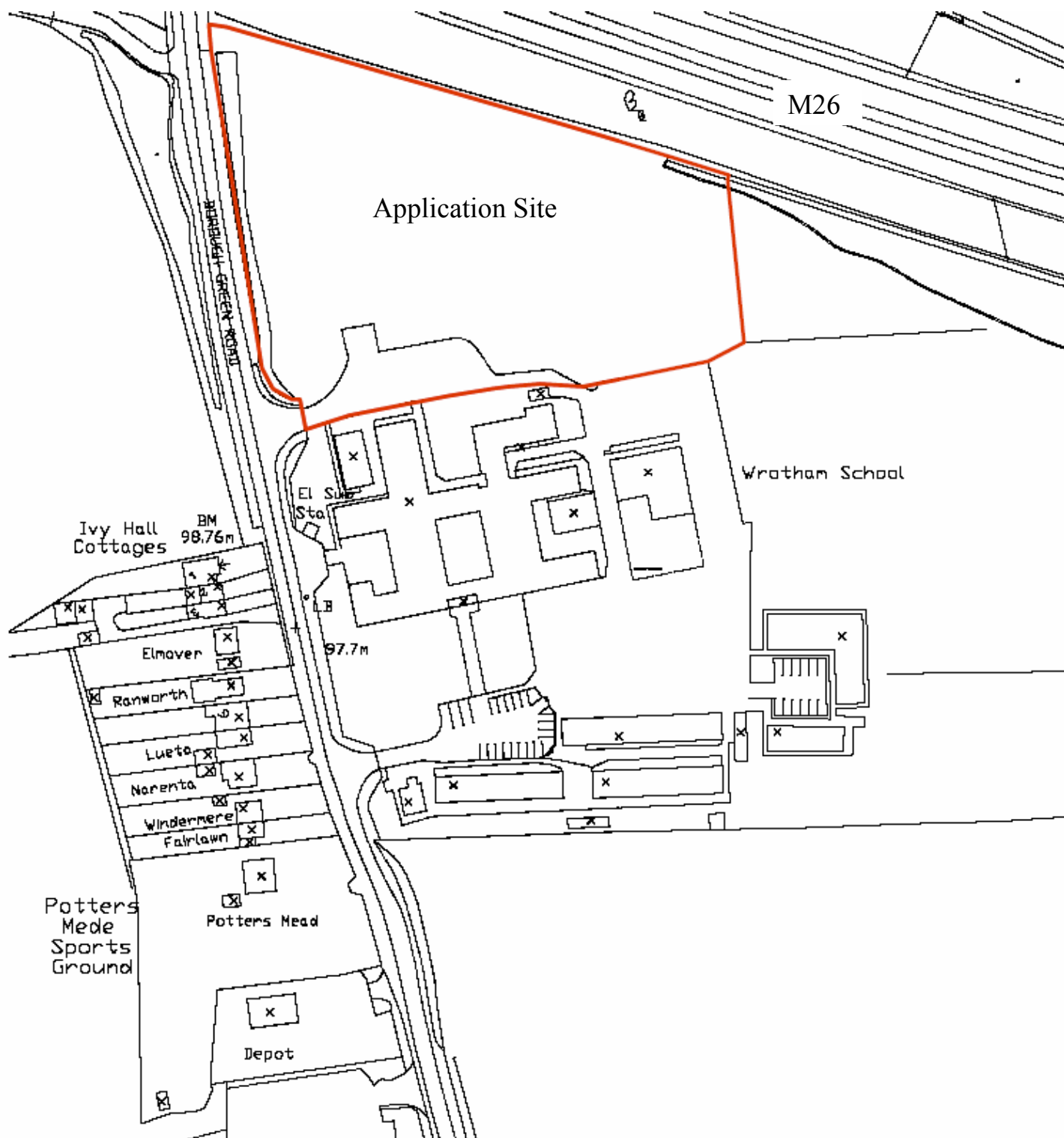
Background and Proposal

3. The proposal relates to the relocation of Grange Park School to the Wrotham School site. Grange Park School is a special school for young people with 'Severe Communication Needs associated with a combination of Autism and Severe Learning Difficulties', currently located at Leybourne Grange, also within the Borough of Tonbridge and Malling. It does also have joint working with other schools with post-16 pupils permanently at Holmesdale Technology College Snodland and working arrangements for the 11-16 year olds with Wrotham School going back a number of years.

Item D3

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

Site Location Plan



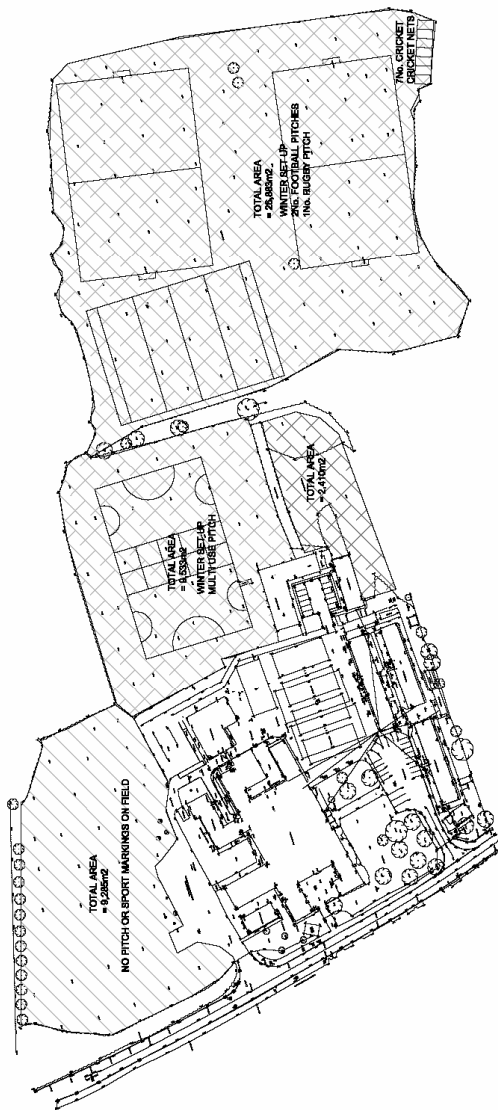
Item D3

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857



total existing area measured
TOTAL AREA = 48,111m²

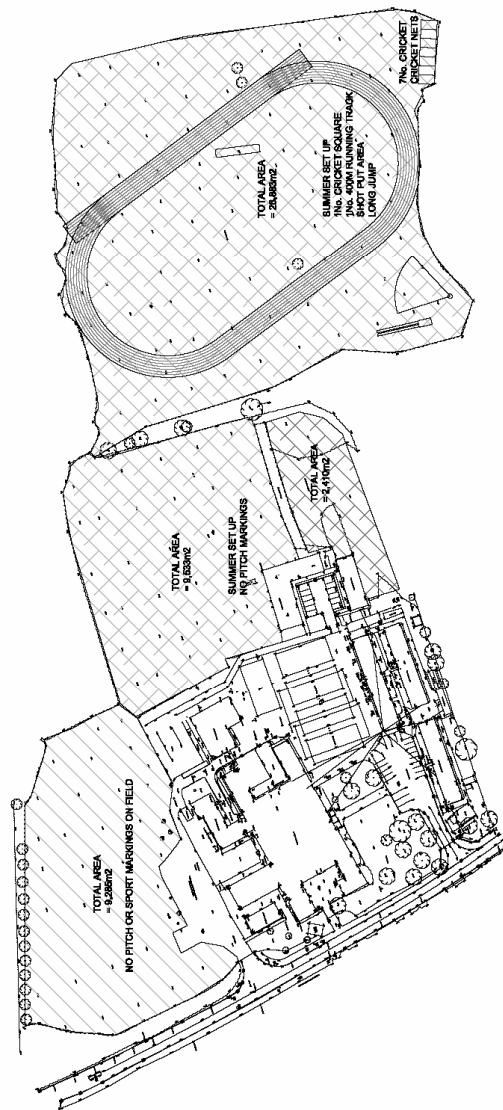
hatch indicating existing
playing field and lawn games
areas with new proposal
TOTAL AREA = 38,828m²



SPORT PITCH MARKINGS DURING WINTER TERMS

total existing area measured
TOTAL AREA = 48,111m²

hatch indicating existing
playing field and lawn games
areas with new proposal
TOTAL AREA = 38,828m²



SPORT PITCH MARKINGS DURING SUMMER TERMS

Rev	Revision notes	Date
REV A	CHANGING EXISTING TO EXISTING PITCH MARKINGS ON THE PLANNED FIELD A1	18.08.08

cscdp architecture	Drawing title: EXISTING SPORT PITCH MARKINGS
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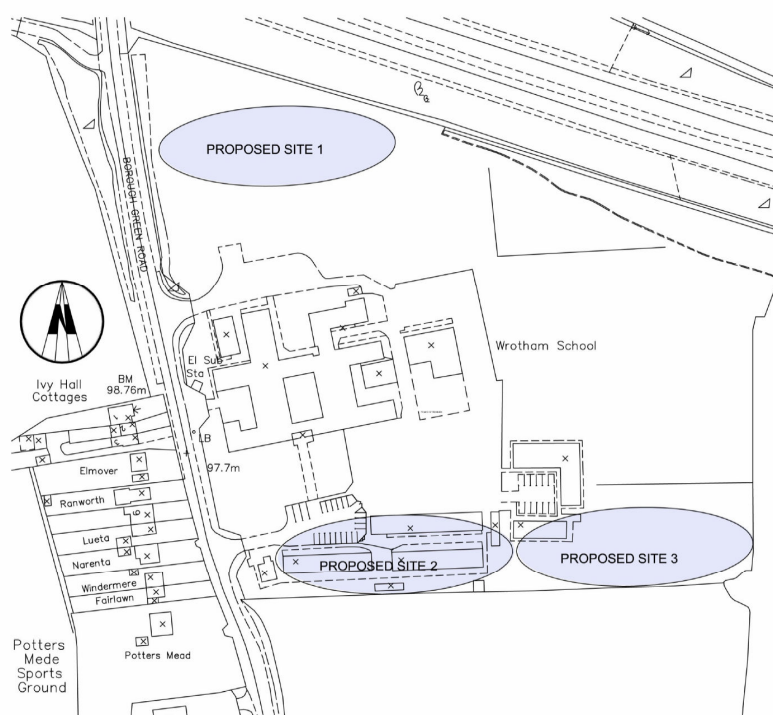
Scale: 1:1000	Project title: PROPOSED NEW SCHOOL GRANGE PARK SCHOOL ON WROTHAM SCHOOL SITE
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cscdp Ltd Countryside & Rural Design (Worcestershire) Countryside & Rural Design The Studio, 15 Tudor Road, Canterbury, Kent CT1 3BY Tel: 01227-462238 Fax: 01227-780001 E-mail: info@cscdparchitecture.com	Revision: A
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Playing field sports pitch markings

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

4. The applicant states that the existing site is inadequate to meet the requirements of Grange Park School and the special needs of its pupils, all of which have Autistic Spectrum Disorder (ASD). As such, and following a detailed assessment of alternative solutions and potential relocation sites, Wrotham School was identified as the only suitable location, offering significant benefits associated with co-location curriculum provision.
5. Within the Wrotham School site, three options were considered as shown on the drawing below. The Site 1 option came forward as the preferred solution and therefore the subject of this application.



Site options
Drawing No. 2498.site options

6. The proposal includes the provision of a new single storey building with associated parking, play area, landscaping and other ancillary works. Access would be taken directly from the A227 as existing, with separate circulatory routes and parking provided for the new facility that would allow the relocated school to operate independently from Wrotham School whilst benefiting greatly from a fully integrated co-locational curriculum provision.
7. The design concept/approach is intended to reconcile both the requirements of the users and the constraints of the site. The single storey building is linear in format with curved facades facing north and south. The curved north face would be cut into the site slope and has a mono pitch roof rising out of the ground. The roof would be covered with grass and visually merge with the surrounding grassed areas and hedgerows. The south concave face of the building is a low rise combination of flat grass covered roofs with feature secluded/protected courtyards within and vertical faces clad with Kalwall (a translucent, high insulation, composite panel), high level louvre panels and render. The entire building would have a subdued, green colour finish with low visual impact and gentle colour rendering. The building would be

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

naturally lit and ventilated avoiding air conditioning wherever possible. The north, convex shaped façade would act as a noise deflector and has been positioned so as to minimise the sound of the M26 traffic whereas the south façade is a light collector with minimal aspect to reduce external visual distraction of the children.

8. The building would accommodate 55 pupils with ASD aged 11-16, together with teaching staff. The area of building is about 2,075 square metres. A hard play area would be provided which is just under 1,200 square metres. The parking area would have 35 car spaces, 4 mini bus spaces and 3 people carrier spaces. In the morning and the afternoon 20 taxis would set down and pick up the pupils respectively. 4 parking bays would be provided together with a wider access aisle for the temporarily parked taxis.
9. The school main entrance would be accessed by a footway and the pupil entrance would also be accessed from this footway via the secure, playground area. Within the building a linear 'street' links both the main entrance and the pupil side entrance. The 'street' has the main entrance with communal spaces at the western end and the pupil entrance with 6 teaching home bases at the eastern end. The special subject teaching areas are arranged along the north side of the street and feature courtyards are provided to the south side of the street together with the individual entrances to the pupil home bases.
10. The northern side of the building/site would have a secure, meadow grassed area. The intention is that this grassed northern aspect displays no built elements/fixtures, and is not accessible to the pupils unless supervised by members of staff. The secure hard play area to the south of the building would be buffered from road traffic noise by the building; each home base has a door providing direct access to the hard play area.

Copies of drawings showing the proposed layout of the site, floor plan, sections and elevations, of the proposed development are attached below.

11. A landscaping scheme is included as part of the application. The general theme is to minimise the visual intrusion of the new building and associated facilities. To this end the existing hedgerows/trees would be retained and in part enhanced. However, 7 trees (originally 4) adjacent to the existing Wrotham School vehicle hardstanding area would be removed. These would be replaced with new tree planting alongside the vehicle hardstanding adjacent to the rear of Wrotham School. New hedgerows with secure metal hoop fencing would be provided to control pupil access within the site. This design approach means that barrier protection to the grass roof areas would not be necessary and the view of the school from the north would be that of just a sloping, grassed open 'field'.
12. The application is accompanied by a series of detailed reports that examine the potential impacts arising from the proposed development. These include:

A Planning Statement, Statement of Community Involvement (setting out consultation undertaken prior to submission of the application), Design and Access Statement, Green Belt Report, a Landscape and Visual Impact Assessment, a Tree Report, Site Comparison Tree Survey, Environmental Feasibility Report, Environmental Assessment Report, Sustainability Statement, Acoustic Assessment, Air Quality Assessment, Surface Water and Flood Risk Assessment, Statutory Undertakers Plant and Services Report, Land Contamination Report, Ground Investigation Report, Traffic Scoping Study, Transport Assessment, Ecology Scoping Survey, Great Crested Newt Survey and Cultural Heritage Desk Based Assessment.



New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

A1 print
 © CSDP Ltd
 Notes
 This drawing was prepared on the CSDP ARCHITECT system
 Do not scale from this drawing
 All dimensions are to the centre of the wall
 All dimensions are to the centre of the wall
 The drawings are to be used for the purpose of the building



No	Revisions	Date
001	1. DRAWING PREPARED FOLLOWING PROPOSAL FOR THE SCHOOL PROPOSED NEW SCHOOL FOR GRANGE PARK SCHOOL WROTHAM SCHOOL SITE	16.03.08
002	2. CORRECTIONS TO DRAWING	02.02.08
003	3. CORRECTIONS TO DRAWING	11.03.08
004	4. CORRECTIONS TO DRAWING	16.03.08

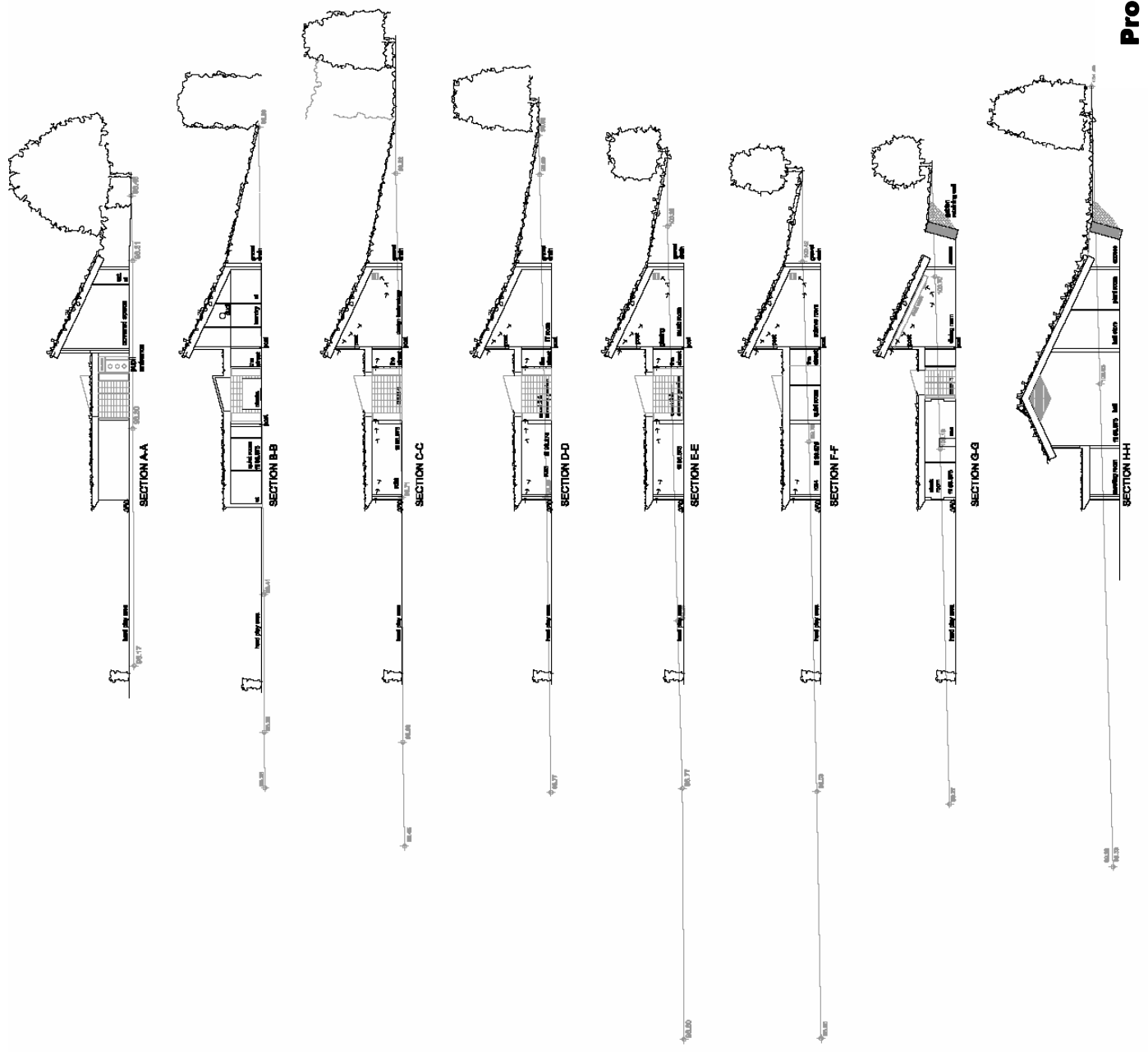


Drawing title:
 PROPOSED
 SECTIONS

Scale: 1:200 AT A1
 Project title:
 PROPOSED NEW SCHOOL
 FOR
 GRANGE PARK SCHOOL
 WROTHAM SCHOOL SITE

csdp Ltd
 (Formerly Called Bloor & Bloor Partnership)
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Proposed Sections



**New Special School, at Wrotham School, Borough Green Road,
Wrotham – TM/08/2857**



Date	Navigation Notes	Date
10/26/20	Completed the first 10 lessons presented to the school.	10/26/20
11/27/20	Completed the first 10 lessons presented to the school.	11/27/20
12/29/20	Completed the first 10 lessons presented to the school.	12/29/20



Drawing title :
**PROPOSED
ELEVATIONS**

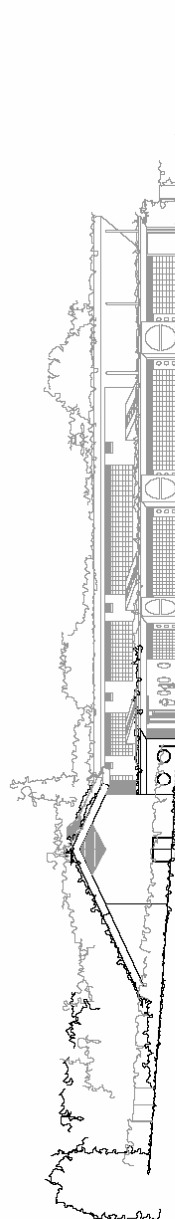
Scale: 1:200 A

Project title :
**PROPOSED NEW SCHOOL
 FOR
 GRANGE PARK SCHOOL
 ON
 WROTHAM SCHOOL SITE**

PMI updates

cdsp ltd
{ formerly Cuspid Winner Design Partnership }
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west elevation



north elevation

Proposed Elevations

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

Planning Policy

13. In ODPM Circular (11/2005), the Government's commitment to the principles of the Green Belt and to maintaining tight planning controls over development on Green Belt land has been reaffirmed. It is expected that all planning applications for development in the Green Belt 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.
14. The Government's Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas sets out the policies applicable to rural areas. These include the need for strict control over development in the open countryside with the overall aim of protecting the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and the wealth of its natural resources, so it may be enjoyed by all. All development in the open countryside should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Nationally designated areas that include Areas of Outstanding Natural Beauty are confirmed as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas. As well as reflecting these priorities, planning policies in Local Development Documents and where appropriate, Rural Spatial Strategies, should also support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities.
15. Planning Policy Guidance Note 17: Planning for Open Space, Sport & Recreation (PPG17) states that development proposals on existing open space and playing fields should not proceed unless an assessment has been undertaken that clearly shows the land to be surplus to requirements, accounting for all functions open space can perform. In such circumstances, public consultation and support will need to be shown. Where applications are made in advance of an assessment of need, subject to certain exceptions permission should not be allowed.
16. Planning Policy Guidance Note 24: Planning and Noise (PPG24) states that noise-sensitive development should not be permitted where exposed to unacceptably high levels of noise and identifies various mitigation measures that can acceptably limit such exposure. Those comprise engineering solutions, effective layout and administration of development.
17. The emerging **South East Plan**:
 - Policy CC10a Refers to Green Belts, supporting their retention.
 - Policy CC12 Advocates the conservation and enhancement of the character and distinctiveness of local settlements and landscapes, taking opportunities to create a high quality environment with an emphasis upon good design, innovation and sustainability.

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

Policy C2¹ High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context. Positive land management policies should be developed to sustain the area's landscape quality. In drafting Local Development Documents Local Planning Authorities should have regard to statutory AONB Management Plans.

In considering proposals for development, the emphasis should be on small-scale proposals that are sustainably located and designed. Proposals which support the economies and social well being of the Areas and their communities, including affordable housing schemes, will be encouraged provided that they do not conflict with the aim of conserving and enhancing natural beauty.

18. The adopted 2006 **Kent & Medway Structure Plan**:

- Policy SP1 States that the primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development.
- Policy SS2 Within the Green Belt there is a general presumption against inappropriate development.
- Policy SS8 Limits non-residential development in the countryside to a set of identified circumstances, which include the provision of a public facility for which a rural location is justified.
- Policy QL1 Requires that all development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.
- Policy QL11 Protects existing community services, including schools, for as long as there is a demonstrable need for them.
- Policy EN1 Kent's countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.
- Policy EN4 Protection will be given to the nationally-important landscapes of:
- the Kent Downs and High Weald Areas of Outstanding Natural Beauty; and
 - Kent's Heritage Coast between Kingsdown and Dover and between Dover and Folkestone.
- The primary objective in these areas will be to protect, conserve and enhance landscape character and natural beauty.
- Major commercial, mineral or transport infrastructure developments will not be permitted unless it can be demonstrated that:
- (a) there is a proven national interest
 - (b) there are no alternative sites available or the need cannot be met in any other way; and

¹ As set out in the Secretary of State's published Proposed Changes to the draft Regional Spatial Strategy July 2008.

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

- (c) appropriate provision can be made to minimise harm to the environment.
- Other development which would be detrimental to the natural beauty, quality and character of the landscape and quiet enjoyment of the area will not be permitted. Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty and Heritage Coast.
- Policy EN9 Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.
- Policy NR1 Requires new development to make prudent use of natural resources, incorporating sustainable construction techniques and reducing greenhouse gas emissions.
- Policy NR5 The quality of Kent's environment will be conserved and enhanced, including the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.
- Policy NR6 Development that would be sensitive to adverse levels of noise will not be supported where such conditions exist, or are in prospect, and where mitigation measures will not afford satisfactory protection.
- Policy TP12 Requires access to development sites to remain adequate in highways safety terms.
- Policy TP19 Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council and Medway Council.

19. The adopted 1998 Tonbridge and Malling Borough Local Plan:

- Policy P3/17 In considering proposals for noise-sensitive development (including offices, hospitals, schools and, in respect of noise emanating from non-transport related sources, housing), the impact of existing noise sources should be minimised through positioning of buildings and noise-sensitive rooms within buildings away from the noise source, through specific detailed design features and through the appropriate use of noise barriers. The applicant will be required to demonstrate that the proposal is not exposed to unacceptable levels of noise relative to the proposed use.
- Policy P6/22 Proposals for local community facilities outside the built confines of settlements will be permitted where they involve the reuse of existing rural buildings appropriately located to improve the social functioning of the settlement to which they relate and are otherwise acceptable in planning terms.
- Proposals for new buildings for such community facilities will not be permitted unless it can be demonstrated that:
- (1) no alternative accommodation is available either within the confines of the urban areas or villages, or through the conversion of existing buildings under the terms of Policy P6/14;
 - (2) the proposal is essential to serve the settlement to which it relates. Proposals within the Green Belt will be subject to Policy P2/16 (*amongst other policies superseded by Policy CP3 of the Tonbridge and Malling Core Strategy DPD 2007 over the page*).

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

Policy P7/7g Safeguards amongst other road improvements the route of the proposed Borough Green and Platt Bypass as shown on the Proposals Map, stating that any development within safeguarded areas will not be permitted if likely to prejudice their implementation.

20. The Tonbridge and Malling Core Strategy DPD 2007

- Policy CP1 Seeks to secure sustainable forms of development including the protection and enhancement of the natural and built environment, and minimisation of waste, energy consumption water and the need to travel.
- Policy CP3 Refers to development within the designated Green Belt, stating that to the west of the A228, national Green Belt Policy will be applied.
- Policy CP6 Seeks to preserve the separate identity of settlements and the setting of settlements when viewed from the countryside. The policy supersedes previous Green Wedge policy that applied to the site.
- Policy CP7 Development will not be proposed in the Local Development Framework, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:
- (a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; or
 - (b) any other development that is essential to meet local social or economic needs.
- Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.
- Policy CP14 Restricts development within the countryside to a number of specified circumstances. These include any development for which a rural location is essential, with any inappropriate development proposed within the Green Belt requiring very special circumstances.
- Policy CP24 Seeks to achieve a high quality environment through high quality, appropriate design.
- Policy CP25 Requires new development to be adequately served by community infrastructure and transport.

Consultations**21. Tonbridge and Malling Borough Council** raises no objection subject to the following:

1. Recommendations in Highway Assessment should be carried out as critical to safe operation of the site.
2. Any planning permission granted should require internal noise levels in teaching rooms not to exceed 35dB L_{Aeq T}, as required in the Building Bulletin 93 'Acoustic Design of Schools', through the use of appropriate glazing and acoustically treated louvered passive ventilation to the teaching rooms.

Wrotham Parish Council's comments are included in full in appendix 2. The Parish Council offers no objection to this proposal in the event that the following concerns are also addressed:

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

1. The application is creating an extremely sensitive noise receptor in an inherently noisy location. Any planning permission granted should require internal noise levels in teaching rooms not to exceed 35dB L_{Aeq T}, as required in the Building Bulletin 93 'Acoustic Design of Schools'. In the event that this application is consented then any subsequent application that has the potential to increase noise and disturbance above this level would be unacceptable to the welfare of the children with Autistic Spectrum Disorder and be rejected.
2. Traffic calming / speed reduction measures are installed outside the multiple accesses to the two schools. An interactive visual indicator of the 30mph limit would be helpful in this respect.
3. An all weather pitch on adjacent Tonbridge and Malling District Council land is actively and financially supported to replace the sports facilities lost to the community.

Borough Green Parish Council has commented that whilst it does not have expertise in autism, it is concerned about the design of the school and its position on the site. It considers that the building would capture the traffic noise from the extremely busy A227 on which it is located, which may be detrimental to the young people. With this in mind it states that consideration should be given to changing the position/location of the building within the site to mitigate this effect of the buildings shape 'collecting' the noise generated by traffic passing on the A227.

The Environment Agency: raises no objection to the proposal subject to imposition of conditions relating to drainage, potential land contamination and protection of an existing pond on site. Also wishes to see a full drainage strategy to demonstrate that the development would not increase flood risk elsewhere, wishes to encourage ecological enhancement on this site and sets out some advice on waste management and pollution prevention during construction.

Natural England initially seemed to have some concerns about the effect of the development on the natural beauty, local character and distinctiveness of the AONB. However it has subsequently clarified that it has no objections to the planning application with regard to the AONB. It states that comments made in its letter are simply to bring attention to the Kent Downs AONB Management Plan and that reference be made to it for guidance when considering the application.

Natural England has made various observations and set out advice about the protected species considered in the detailed reports submitted with the application. It requests that the mitigation measures relating to the protection of the Great Crested Newts and proposals for ecological enhancements are secured by condition should planning permission be granted.

Sport England raises an objection to the application on the basis that the applicant has not demonstrated to its satisfaction that there is an excess of playing field in the catchment, or that the site has no special significance to the interests of sport. In addition the applicant is not proposing to replace the playing field lost and cannot therefore meet its policy in this regard.

Sport England states that they would be willing to reconsider this objection should further information be forthcoming which demonstrates that the proposal has the potential to meet with its adopted policy. It is currently considering further information provided by the applicant.

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The Highways Agency has no objection.

The Divisional Transportation Manager views are as follows:

Considers that the proposed parking provision more than adequate to serve this proposal and notes that it caters for a number of types of vehicle likely to visit the site. Also sets out the standard sizes for the different parking spaces proposed which the applicant needs to comply with.

Notes that it is proposed to use an existing vehicle/pedestrian access to serve the proposal and that it is considered satisfactory. Also comments that the existing school caters for 715 pupils and 84 staff and the additional traffic resulting from this proposal is unlikely to significantly impact on the current situation. Notes that the applicant has submitted accident data (personal injury accidents) obtained from KCC that shows that in the vicinity of the school there is not an accident record. Also that of the 17 incidents stated, 15 are located in the central area of Borough Green with the other two located to the north of the application site. States that he is therefore of the opinion that the nominal increase in traffic using this access is unlikely to unacceptably increase the potential for the risk of accidents.

Further comments that as part of the applicant's Transport Assessment (TA) the applicant has undertaken a review of the public highway in the vicinity of the application site. Also, that it raises a number of issues mainly in respect of the signs, lines and street furniture and suggests a number of recommendations. Notes that the applicant has stated that 'there would be virtue in the Highway Authority considering some minor improvements. Then notes that there are two recommendations in the TA relating to a minimum level of improvements that are not the responsibility of the Highway Authority. Comments that the trimming back/regular maintenance of the boundary hedge is the responsibility of the school to ensure that the public highway is not obstructed. Also that the improvements to the school junction are likely to include works within the school site and will be funded by them. States that, indeed 'The TA concludes that there are no movement issues that should preclude the proposed construction of the special needs school on the Wrotham School site'. Further states that he is of the opinion that the impact that this proposal is likely to have on the public highway is minimal and does not require that the works are conditioned as part of any approval. Considers that the review of the public highway would need a separate approach by Kent County Council and that it would need investigation, assessing and funding found.

Sets out the following advice relating to construction:

- On site facilities must be provided for the parking and turning of all contractors and suppliers vehicles along with on site wheel washing facilities.
- No deliveries be made from the public highway.
- The public highway must be kept clean of mud and debris occasioned by the works. The use of the vehicle access from the public highway for construction access and deliveries must not be used during the school AM drop off and PM collection times unless work is programmed outside of the school term.
- The protection of all pedestrian movements within the site must be maintained at all times.

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Concludes by stating that he would support this proposal subject to conditions securing on site parking and turning and informatives regarding the requirements during the construction phase.

Air Quality Consultant comments that the Air Quality Strategy sets out objectives for the main health concerning air pollutants in the UK. Notes that the air quality assessment presents pollutants concentrations in the proximity of the proposed school to be well below the Air Quality Objectives. Also notes that construction dust is unlikely to cause any nuisance following the implementation of control measures. Therefore, does not consider that air quality is an overriding issue in the determination of the planning application.

Noise Consultant comments that the appropriate guidance documents have been used and appropriate criteria adopted for the acoustic assessment. Validated software has been used for the prediction of noise levels from nearby roads (*i.e.* M26 & A227). The general conclusion of the appraisal is agreed. However, considers that noise levels for the bulk of school hours would be in the order of 1dB higher than those determined in the assessment. Also that as calculations were based on traffic flow data for the existing situation consideration should be given to potential increases in noise levels due to future developments. Taking these points into account would lead to marginally higher levels than those detailed in the appraisal. Concludes however that the differences would probably not be perceptible, but should be borne in mind during detailed design, particularly for the specification of the ventilation units and consideration of additional screening of external areas.

County Landscape Adviser whilst in principle has no objection to the proposal, makes the following recommendations:

- Full maintenance specifications for the external, courtyard, and roof planting should be submitted for review.
- The applicant should ensure that the tree protection measures are put in place as described in the submitted Tree Report prior to any works commencing on site to protect the existing vegetation throughout the construction period.
- Consideration should be given to the future health of the largest tree to be retained within the central car park planting area. Removal and replacement tree planting should be considered if this tree's future health is in jeopardy.
- The applicant should review the spatial relationship between the planting and the structure to ensure the long term viability of the planting within the courtyard areas.
- The applicant is asked to consider adapting the north-west corner of the site to provide a suitable space for supervised outdoor use by the children if possible.

The County Archaeologist views are awaited.

Kent AONB Group views are awaited.

CPRE views are awaited.

Local Member

22. The local County Member, Mrs Valerie Dagger, was notified of the application on the 10 September 2008.

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Publicity

23. The application was publicised by advertisement in a local newspaper and the posting of site notices, which noted that the application was a departure from the Development Plan in view of the site's location within the Metropolitan Green Belt. 14 residential properties in the vicinity of the school were also notified of the application.

Representations

24. No representations have been received.

DiscussionIntroduction

25. Although the existing use of the land to accommodate school buildings and activities is well established there are a number of issues arising from the proposed development, particularly those relating to Metropolitan Green Belt, the Area of Outstanding Natural Beauty and playing field provision. In addition there are other considerations including those relating to design, transport and access, traffic generated noise from the adjoining highways, air quality, drainage, ecology, archaeology, residential amenity, construction of the development, external lighting and the proximity of the proposed Borough Green and Platt Bypass. These matters have to be considered in the context of the Planning Policies, referred to in paragraph 13-20 above, and other material planning considerations arising from consultation and publicity, and are discussed below.

Green Belt considerations

26. It will be noted that the whole of the school site is within the Metropolitan Green Belt. The principal policy guidance on development within the Metropolitan Green Belt is in PPG2 and is reflected in the relevant development plan policies set out in paragraphs 18-20 above. Within this context, it is necessary to consider whether or not the proposal involves inappropriate development, the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against inappropriate development.
27. The applicant has submitted a detailed report (with supporting appendices) specifically to address the application of Green Belt policy to the proposed development. It acknowledges that within the context of PPG2 the proposed development would be 'inappropriate development' and very special circumstances would need to be established to justify the proposed relocation of Grange Park School to the application site. It also acknowledges that PPG2 states that very special circumstances will not exist unless "the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations." The report therefore considers whether very special circumstances exist in this instance, related primarily to need, the extent of harm arising from the development and availability of a suitable alternative way of addressing the need without developing Green Belt land and not addressing the need at all. In accordance with PPG2 the report also assesses the application proposals in the context of the impact of the development on the openness of the Green Belt. The report highlights that there is no policy guidance on very special circumstances. It suggests relevant professional commentaries provide some consistency in the way, for example, the Planning Inspectorate approaches the issue, that the range of potential

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circumstances is wide, that they are normally manifested in a combination of materially important needs which cannot be met by other means. Also that the absence of harm can itself be a very special circumstance.

28. The report goes on to consider the need for the school and issues surrounding the existing school and location. In summary the report states that:

“The existing school is unsuitable for the purpose of ASD education provision, falls below accepted DFES design standards and is isolated.

The School is in the middle of an active comprehensive redevelopment site. Existing and future disruption to the pupils’ education is unacceptable. Safety issues are problematic.

Co-location with an existing School is absent, when for good educational and practical reasons it should be on an existing mainstream school campus.

Grange Park School is an established part of the Education Authority’s planned provision of severe ASD school provision in the Special Schools Review covering West Kent and part of Mid Kent. It has reasonable journey times for pupils and split site management that must not be increased unduly.”

29. The report considers five alternative responses to the identified need, as follows:

1. Closing Grange Park School and relocating the pupils
2. Doing nothing
3. Refurbishing the School on its current site
4. Redeveloping the School on its current site
5. Relocating the School to a non-green belt site. This involved identification and consideration of nine non-KCC sites and six KCC sites within an area of search appropriate to the area of Kent to be served. Seven of the sites were discounted as they were in the Green Belt. The applicant states that they all raise the same Green Belt policy issues as are being considered in the light of the very special circumstances case and none have any balancing suitability by being adjacent to or within a suitable existing school community. None of the remaining non-Green Belt sites was considered suitable for a variety of reasons.

30. Following examination of these five alternative means of avoiding development on Green Belt land the report concludes, in summary, that: (1) Complete closure of the school and dispersal of the pupils is not acceptable due to a lack of appropriate alternative provision for the education of pupils with severe Autistic Spectrum Disorder (ASD). The school is one of only two dedicated severe ASD schools in the County and part of the Education Authority’s planned provision in the Special Schools Review covering West Kent and part of Mid Kent. (2) The ‘do nothing’ option is unacceptable because the existing facilities fall below DFES design standards, the site is isolated and is within an active comprehensive redevelopment site. (3&4) On-site refurbishment/extension or on-site redevelopment is impractical, the site is isolated, is within an active comprehensive redevelopment site, the playing fields are remote, the site is too small and would not meet long-term needs. (5) A study of available alternative sites in the relevant area required in the Special Schools Review shows that no site can provide the co-location necessary and at the same time avoid Green Belt land.

31. Given the lack of alternatives that can meet the requirements the report then sets out four principle reasons for considering Wrotham School as a relocation site for Grange Park School, as follows:

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1. Wrotham School is a co-location opportunity. These opportunities are relatively rare and it is fortuitous that the two schools already have links going back a number of years.
 2. It is also reasonably close to Holmesdale Technology College at Snodland where post-16 pupils (currently 15) of Grange Park attend on a permanent basis.
 3. It is well related to the Grange Park pupil catchment.
 4. Wrotham School has a surplus of land and is able to accommodate the buildings and external areas/facilities required for both schools in accordance with the appropriate guidance and statutory requirements.
32. As the openness of the Green Belt is of prime importance three siting options were considered around the existing Wrotham School buildings. These are as follows, and as shown on page D3.4 above.

Site 1 (the application site) the sloping playing field area between the school and the M26.

Site 2 the site of two existing horsa huts (classrooms).

Site 3 a former farm area on open land to the east that includes one classroom.

Each of these was assessed against detailed criteria under broader criteria covering site access, site identity, site aspect, external area impact, site constraints, and building procurement. Taking into account the detailed appraisal of the constraints and opportunities of the three options, the Site 1 option came forward as the preferred location within the Wrotham School.

33. The report then considers how having selected the site the design proposed for the development seeks to mitigate the harm which (by definition) inappropriate development has upon Green Belt according to established policy in PPG2. The report states that the architects' design for the development in addressing the issue of encroachment into countryside and the attribute of openness takes account of the following:

Natural Enclosure the existing A227 and M26 hedgerows remain untouched as the site is large enough to accommodate the school and there is an existing reasonably enclosed access to it.

Use of Topography the building is excavated into the rise so that views from high land to the north are of a roof; in this case a green roof to blend in to the existing field setting.

External Functions a limited parking area and a hard play area are partly shielded by being sited close to the south (open) side of the building.

Orientation the active side of the building faces on to the existing drop-off area and the Wrotham School buildings so that the visible elements of the new school face existing activities and are enclosed to the south by substantial school buildings. This also allows for the utilisation of the existing vehicular and pedestrian access from the A227.

34. It is nevertheless acknowledged in the report that direct views to the new school would be available though over a short distance of the A227 through the site access; that this is likely to be the most significant viewpoint (noting that filtered views would also be

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available through the frontage hedgerow in winter*) signalling that development exists on what would have been open space. Also that the context for such views would nevertheless be the enclosing hedgerows, the existing school buildings positioned in the centre of the site and the M26 and its bridge to the north. (**Views would also be available from the Public Right of Way opposite particularly in winter.*)

35. The applicant's conclusions are that whilst the proposal represents inappropriate development in terms of PPG2, the established need, lack of suitable alternatives and lack of harm arising outweigh the policy presumption against inappropriate development. As such, it considers the application accords with PPG2 and Development Plan policy regarding development within the Metropolitan Green Belt.
36. Additionally the applicant considers, the siting of the proposed building, contained to the north by the M26 motorway and the south by the existing Wrotham School development, safeguards the openness of the Green Belt. Given the significant physical built feature that the trunk road represents, it considers that the proposal would not unduly extend built form into the countryside and would thus maintain the openness of the area, further mitigated by the innovative, single storey design proposed.
37. Overall, I accept the applicant's assessment and application of Green Belt Policy set out in the submitted report, as summarised above. The development would clearly be inappropriate development and by definition harmful. Nevertheless, in my view, the considerations summarised above are sufficient collectively to constitute very special circumstances capable of outweighing harm, by reason of inappropriate development arising from the construction of the new school, in this particular case. Furthermore, even though arguably the development has the potential to significantly impact on the openness of the Green Belt because of the extent and the built form of the development, I accept that the particular siting and design of the development would largely mitigate this impact. Accordingly I do not consider that an objection on Green Belt grounds would be warranted. However, if Members were minded to grant permission, the application would have to be referred to the Secretary of State for Communities and Local Government for consideration under The Town and Country (Green Belt) Direction 2005. The impact of the development on potential harm to the landscape per se is dealt with below

Landscape and Visual Impact

38. The site is located within an Area of Outstanding Natural Beauty (AONB) as acknowledged elsewhere in the report and therefore its landscape is subject to strong planning policy protection. Principally, that includes Structure Plan Policy EN4, Tonbridge and Malling Core Strategy Policy CP7 and emerging South East Plan Policy C2, set out in full in paragraphs 17 – 20 above, which are underpinned by PPS7 referred to in paragraph 14 above.
39. The proposal involves land of just over one hectare in area, a new building with a footprint of some 2075m², which would be variously about 3.7, 7.7 and 9.7 metres high, includes paved areas for the playground, access, circulation and parking. It also involves earthworks to re-form site levels, removal of a relatively small number of trees and loss of an open grassed area. As a consequence there would inevitably be changes to the landscape itself and to a greater or lesser extent to views to, from and within the site.

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40. In terms of assessing the application against the relevant AONB Policies, I do not consider it appropriate to treat it as involving 'Major Development' as described in the context of such policy and guidance. Moreover what is being proposed is not commercial, mineral or transport infrastructure development but is rather other development meeting a social need. It is not therefore necessary to consider, for example, the need for the development in the context of the national interest. It is nevertheless still necessary to give due weight to the natural beauty of the landscape.
41. In my view, the relevant parts of policies against which the application must be assessed are as follows:

Structure Plan EN4

...The primary objective in these areas will be to protect, conserve and enhance landscape character and natural beauty....

Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty...

Tonbridge and Malling Core Strategy Policy CP7:

Development will not be... permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:

...(b) any other development that is essential to meet local social or economic needs.

Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.

Emerging South East Plan Policy C2:

High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context. ...

Proposals which support the economies and social well being of the Areas and their communities... will be encouraged provided that they do not conflict with the aim of conserving and enhancing natural beauty.

It will be noted that the aims and objectives of these policies are all consistent with the purpose of AONB's which in essence is to protect, conserve and enhance their landscape character and natural beauty.

42. In the supporting documentation the applicants have emphasised the extent to which the proposed development has been designed to respect the context of the AONB, informed by professional landscape advice and seeks to minimise impacts on the AONB. In particular a Landscape and Visual Impact Assessment has been submitted. It has had regard to appropriate guidance on Landscape and Visual Impact Assessment, planning policy protection for the Kent Downs AONB, the Kent Landscape Assessment and the Kent Downs AONB Landscape Design Handbook. (The latter document contributes to the implementation and management plan objectives and policies of the Kent Downs AONB Management Plan referred to by Natural England). The Landscape and Visual Impact Assessment prepared by the applicant considers the relationship of the site to the wider landscape, the existence of trees and hedgerows within and around the site, the proposed design of the built development. It also assesses potential landscape impacts and visual effects during and post construction. It then considers the mitigation provided by the design approach and puts forward planting proposals before assessing the residual impacts of the development. The residual impacts are described as follows:

"The development would be substantially screened by existing trees and buildings. Proposed landscape measures would serve to integrate the building into the school

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grounds, but are not required to screen it in views from outside the school. The residual landscape impact would remain Slight Adverse due to loss of green open space within the school. This impact would be felt locally within the grounds of the school, with negligible effect on the character of the wider landscape of the AONB. 15 years after completion of construction, taking into account the landscape mitigation measures, the visual impacts of the development would be slightly reduced. The oak trees planted at the front of the new building would have become established and filled out to filter the view of the front facade. The existing trees along the northern and western boundaries would have increased in height. On the west boundary the field maples will grow taller than the hawthorns, to at least seven metres providing a near total screen of the development in summer. By the summer of year 15, visual impacts in all views would be reduced to Neutral, apart from a residual Slight Adverse impact in the view from the footway along the A227 at the entrance, and a Slight Adverse impact that would remain for the view from upper floor windows at Westlands Farm.”

The submitted Landscape and Visual Assessment summarises the visual impacts as set out in the table below with the second table showing the criteria used to assess the significance of impacts on views:

Receptor	Year of Completion (Winter)	15 Years After Completion (Summer)
Westlands Farm	Slight Adverse	First floor windows – Slight Adverse
Public Footpath MR 244	Slight Adverse	Neutral
Public Footpath MR244A	Slight Adverse	Neutral
Borough Green Rd at entrance	Moderate Adverse	Slight Adverse
3 Terraced houses (Ivy Hall Cottages) on Borough Green Road	Slight Adverse	Neutral

Significance	Criteria
Substantial Adverse	Where the scheme would cause a significant deterioration in the existing view.
Moderate Adverse	Where the scheme would cause a noticeable deterioration in the existing view.
Slight Adverse	Where the scheme would cause a barely perceptible deterioration in the existing view.
Neutral or No Change	No discernible deterioration or improvement in the existing view.
Slight Beneficial	Where the scheme would cause a barely perceptible improvement in the existing view.
Moderate Beneficial	Where the scheme would cause a noticeable improvement in the existing view.
Substantial Beneficial	Where the scheme would cause a significant improvement in the existing view.

43. The County Landscape Adviser has considered the proposal and whilst making some points about particular details of the proposal (see paragraph (21) above) has no objection in principle to it. The applicant has now addressed those points of detail, including some minor amendments to the planting proposals, and the County Landscape Adviser having noted that has no further comments to make with regards to the landscape and visual impact of this proposal. (In addressing those comments 3 further trees adjoining the existing hard standing are to be removed but all of the trees from this area would be replaced with a line of semi-mature oaks.) It will also be noted

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that Natural England has no objections to the planning application with regard to the AONB.

44. Overall, I consider that the findings of the Landscape and Visual Impact Assessment can be accepted and the approach to integration of the development, mitigation and planting appropriate to the site context. The site is contained between existing buildings to the south and the motorway to the north, and is also relatively enclosed from wider views due to intervening trees and hedgerows, including those on three of the site boundaries. Retention of the boundary hedgerows and trees, setting part of the building down making effective use of the sloping ground level and incorporating it with a grassed embankment to the north and the green sloping roof would mitigate the impact of the proposed development. (See proposed cross-sections on page D3.7) In addition the proposed planting would enhance the existing trees and hedgerows, would filter views of the building and further assist in assimilating the development into the landscape.
45. As already noted, the residual impact of the proposed development is assessed as being *slight adverse* 'where the scheme would cause a barely perceptible deterioration in the existing view'. Whilst this may not be a significant impact, it could be questioned as to whether or not this is acceptable given the high level of protection afforded to AONB's and could be asserted that the landscape would be better without any additional buildings or development. On the other hand bearing in mind, that this is a local impact with little impact on the surrounding AONB, the site context, the mitigation through design and the planting proposals, discussed above, it could be argued that the natural beauty is protected in accordance with the relevant AONB policies. I am also mindful that education facilities are required in such areas to meet local social needs, which is recognised by the relevant planning policies. I consider that there is a demonstrable need for the proposed special school and a case made for it to be in this location that I have already accepted in respect of the Green Belt Policy considerations. On balance therefore, subject to the development being carried out as proposed and implementation of the proposed landscaping, I would not raise a landscape policy objection to the proposal.

Playing field provision

46. The proposed development would result in the loss of 9285m² of playing field currently used informally for recreation. Members may have noticed the moveable goals positioned on the site at the time of the site visit. In seeking to protect playing fields, PPG17 referred to above in paragraph (15) states that development proposals on existing playing fields should not proceed unless an assessment has been undertaken that clearly shows the land to be surplus to requirements. There is also a statutory requirement to consult Sport England on development proposals, which would lead to the loss of such playing field land.
47. The applicant has argued that application site is surplus playing field land, there being sufficient land to meet the sport and recreation needs of both schools on the site (without 'double counting' any provision) with a further surplus of 1925 m² besides. (This is based on the minimum requirements in Building Bulletin 98: Briefing Framework for Secondary School projects.) A plan showing how the playing fields are/can be laid out for summer and winter sports is included on page D3.3. Whilst Grange Park's hard play requirements would be met directly on the application site, playing field requirements would be provided as a shared facility. Given the co-location model proposed the applicant advises that time tabling would proceed in a fully co-ordinated manner to ensure maximum use and efficiency of use is secured.

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48. Sport England initially raised an objection to the application for the reasons set out in paragraph (21) above. The applicant has since provided an assessment of the proposal in the light of that objection and addressing these issues with regard to relevant policy and other material considerations. The assessment identifies that there is an existing surplus of playing pitch provision in the surrounding catchment area, that significantly enhanced open space provision for Grange Park School would be secured (bearing in mind its current circumstances) and new indoor sports provision would be secured. It also reaffirms that neither school would be left with a deficiency in playing pitch terms. In addition, the assessment identifies possible future playing pitch provision immediately to the south of Wrotham School at Whitegate Field, potentially in the form of floodlit all-weather provision. It is also argued that the proposals should be considered as an “exceptional case” in the context of the relevant Sport England policy. In this respect it is noted that the proposal would result in a school currently inadequately served, securing vastly improved quantitative and qualitative provision, without jeopardising the requirements of Wrotham School or local demand. In light of the above, it is concluded that the special circumstances surrounding the application proposals and context provided by existing surplus and future proposals, amount to a development that accords with the established Sport England policy statement. At the time of writing Sport England is reviewing the applicant’s assessment and is considering whether or not it would be in a position to withdraw its objection. Should Sport England continue to object, if Members were minded to grant planning permission it would be necessary to consult The Secretary of State for Communities and Local Government under The Town and Country Planning (Playing Fields) (England) Direction 1998. I will report verbally at the Committee meeting on the up to date position.
49. The point made by Wrotham Parish Council relating to the possible future playing pitch provision immediately to the south of Wrotham School on Tonbridge and Malling Borough Council land will be noted. I understand that the Borough Council, with Wrotham School Headmaster also being involved, is pursuing this as a separate proposal with funding being sought from the Kent Football Foundation. However, subject to Sport England’s further views, I do not consider that securing its provision on the basis of the new school proposal would be justified. Besides its provision would be beyond the applicant’s control.

Design

50. Development Plan Policies require development to be well designed and to respect its setting. In a broader sense, the siting and design of the development have been considered above in the context of the landscape considerations. I consider that the proposed green roofs, the massing of the building, the curved form of the development making good use of the sloping site levels, retention of significant boundary hedgerows and trees together with new planting, are all positive aspects of the proposed siting and design.
51. In terms of the elevational appearance of the building on the north side with sloping green roof, grassed embankment/reduced site levels and with no openings for windows or doors it is intended that the building would in effect merge into the landscape. On the other side, the south facing elevation would be stepped from the front low level flat roofed accommodation (which also has a number of roof lights) back to the vertical face of the accommodation to the rear that would be needed to provide lighting and ventilation. Hence these parts of the building would mainly be dominated by the proposed Kalwall walling system (*a translucent material that allows diffused daylight through but opaque in appearance*) and high-level louvre panels, referred to in

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paragraph (7) above. In addition there are a number of circular windows to the front. (See proposed floor plan on page D3.6 and elevations on page D3.8). The walls would otherwise be a subdued, green coloured, render material. The green roof of the hall together with proposed solar panels would also be visible. I consider that the proposed elevational treatment and use of materials is appropriate and these could be controlled by condition, with the final selection of any colour treatment and finishes being reserved for approval.

52. Paving for playgrounds, access, circulation and car parking areas generally follow the curved shape of the building. The playground would be fenced off with a hoop-topped fence, as would the area of green space to the north west of the site. As mentioned elsewhere a landscaping scheme, including new planting, is proposed to help integrate the whole development into its surroundings. Longer term, elements of the new planting would filter views of the more dominant appearance of the southern elevation. If permission is granted the implementation of the submitted landscaping scheme, as amended, could be covered by condition and final details of fencing and paving materials reserved by condition.
53. In terms of sustainability, the applicant states that in the design of the school they are aiming to achieve at least BREEAM for Schools (2006) Very Good Rating.
54. Subject to the conditions covering the matters referred to above, overall I consider that a high quality design for the development, in accordance with Development Plan Policies, would be achieved.

Transport and access issues

55. As indicated in paragraph (8) above the school has been designed for 55 pupils. In terms of staff the applicant has confirmed that there are currently 33 members of staff at the existing Grange Park School and that a similar number would be needed at the proposed new location. Given that these would be additional pupils and staff to those at Wrotham School, the proposed development would involve an increase in the traffic generated from the site. The access, parking and drop off and pick up arrangements are referred to in paragraph (8) above and shown on the drawing on page D3.6. The Divisional Transportation Manager detailed views are set out in paragraph (21) above. It will be noted that he is satisfied with the access arrangements and the on site parking provision and has raised no objection to the proposal subject to certain conditions. Furthermore he does not consider any offsite highway improvements including those suggested by Wrotham Parish Council would be justified in this particular case.
56. If planning permission is granted, in addition to the conditions required by the Divisional Transportation Manager, it would be appropriate to also impose a condition requiring the relocated school to prepare a Travel Plan in consultation with Wrotham School to reflect and review the changed position at the site. Even though the transport for the 55 SEN pupils is not likely to change as a result, there may be possibilities for staff to car share or use public transport.
57. It is proposed to resurface the area of the existing hard standing at the southern end of the application site, which will also provide access to the new parking areas. This is currently used by parents for setting down and picking up their children from Wrotham School at the beginning and end of the School day. In addition, Wrotham School uses the area adjoining the grassed area for a certain amount of informal parking. I understand that the use of the area by Wrotham School would continue for the time

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being but as part of the new development proposals the use would be formalised by marking out parking spaces and defining circulation routes. Details were not submitted with the application but these could be reserved by condition if planning permission is granted.

Traffic generated noise from the adjoining highways

58. Given the proximity of the M26 motorway and A227 Borough Green Road traffic noise impact is an issue for the applicant both in designing the building and external environments. It is also material to the consideration of the planning application. Planning Policy Guidance Note 24: Planning and Noise (PPG24), referred to in paragraph (16) above, states that noise-sensitive development should not be permitted where exposed to unacceptably high levels of noise. Similarly, Structure Plan Policy NR6 and Tonbridge and Malling Local Plan Policy P3/17 would not support proposals where mitigation measures would not afford satisfactory protection. In designing the development, the applicant has been guided by the standards set out in Building Bulletin 93 (BB93) 'Acoustic Design of Schools, A Design Guide. Department for Education and Skills, 2003' and I understand, would be required to achieve them for the internal environment to obtain Building Regulations approval. The design and siting of the development has therefore, amongst other considerations, been strongly influenced by the need to achieve the necessary standards for acoustics.
59. The applicant has submitted an acoustic assessment, which concludes that, the proposed location and design for the school development is suitable for the school development in terms of the acoustic environment. Our Noise Adviser's initial views are set out in paragraph (21) above and amongst other points made considered that noise levels are likely to be 1dB higher than the applicant predicts and that account should be taken of future increases in noise levels. The applicant has given consideration to the comments made and provided additional information to take account of future increases in noise levels as advised by BB93. Our Noise Adviser considers that the projected increase of 0.7dB is not unreasonable and comments that this would result in levels of less than 2dB higher and that this difference would not be considered perceptible.
60. The detailed design and specification of the new building would be critical to achieving the desired ambient acoustic levels for the internal environment, which is considered to be achievable. If permission is granted I agree with Tonbridge and Malling Borough Council that an appropriate condition should be imposed requiring noise levels in teaching rooms not to exceed 35dB $L_{Aeq,T}$, in accordance with BB 93. Wrotham Parish Council has similarly requested that it be conditioned, in view of "creating an extremely sensitive noise receptor in an inherently noisy location." I would also draw attention to its further point that "any subsequent application that has the potential to increase noise and disturbance above this level would be unacceptable to the welfare of the children with Autistic Spectrum Disorder and be rejected." Clearly, any future application would have to be treated on its merits and cannot therefore be pre-determined.
62. In respect of the external environment, the applicant is not proposing any additional acoustic screening of the external play ground levels but is rather relying on the position of the building to reduce noise from the motorway to acceptable levels. Whilst in some areas of the external areas predicted noise levels are close to the upper limit recommended in BB93 our Noise Adviser considers that playground areas could be described as having reasonable acoustic conditions.

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

63. As set out in paragraph (21) above Borough Green Parish Council states that consideration should be given to changing the position/location of the building within the site to mitigate the effect of the buildings shape 'collecting' the noise generated by traffic passing on the A227. In response to the Parish Council's comments the applicant's noise consultant has commented as follows:

"The dominant source of noise in the vicinity of the proposed school site is traffic noise associated with the M26. Therefore the proposed orientation of the school is such that optimum mitigation from the M26 has been achieved. Even with the school in its current orientation the dominant source of noise at the front of the school (within the crescent) is still the M26 with noise from the A227 contributing to a lesser extent. Altering the orientation of the building to 'shield' the school from the A227 would therefore increase the exposure of the school to noise emanating from the M26.

With regards to the condition of the pupils at the school there is no specific guidance which refers to preferred acoustic conditions for Autistic children. However advice from the National Autistics Society suggests that children with Autism are often more susceptible to noise change than most. Therefore every effort has been made to provide a consistent noise level around the front of the school building and on the hard play area where children are likely to spend most of their school day. With the school in its current orientation a consistent noise level of 55 dB – 56 dB is predicted at these areas. *(NB these figures take account of future predicted increases in noise levels of 0.7dB but not the 1dB higher level suggested by our Noise Adviser.)* This is within the criteria specified within Building Bulletin 93 (Acoustic Design of Schools, A Design Guide. Department for Education and Skills, 2003.) Whilst it is appreciated that the symptoms of Autism can vary dramatically from case to case and that a consistent noise level may not benefit all Autistic pupils at the school, it is considered that a consistent background noise level across the play area is likely to benefit a number of pupils. Acoustic modelling has demonstrated that changing the orientation of the school in its current location is likely not only to increase the overall noise level at the front of the school but also to disrupt the even distribution of noise."

64. I am mindful of the particular noise environment at this location and the concerns that have been raised about its impact on the users of the proposed development. Due regard must also be given to the siting, layout and design of the development, which seeks to mitigate noise levels and has generally been demonstrated to provide an acceptable acoustic environment. Therefore bearing in mind the conclusions of our Noise Adviser, I do not consider that there are grounds for raising an objection to the proposal on the basis that the users of the development would be exposed to unacceptably high levels of noise.

Air quality

65. An air quality assessment was carried out to consider impact from construction and to assess the potential effects of traffic emissions from the A227 and the M26 with regards existing local air quality. Advice from our Air Quality Consultant on the assessment is set out in paragraph (21) above. It does not raise any issues of concern or that are material to the determination of the application.

Drainage and protection of water resources

66. Although some details relating to surface water drainage for the new development have been provided, the Environment Agency wishes to see a full drainage strategy to

New Special School, at Wrotham School, Borough Green Road, Wrotham – TM/08/2857

demonstrate that the development would not increase flood risk elsewhere. It has not raised an objection to the application and this along with detailed drainage details could be reserved by condition, and the Environment Agency consulted to ensure that it meets its requirements. Similarly the requested condition relating to control over any potential contaminants could be included and its advice relating to drainage, groundwater protection, and on waste management and pollution prevention during construction covered by an informative.

Ecology

67. An ecology report and Great Crested Newt Survey has been submitted with the application and makes certain recommendations including appropriate mitigation measures in respect of nesting birds and Great Crested Newts, and suggestions for ecological enhancements. If permission is granted these matters could be covered by appropriate conditions including those requested by Natural England and the Environment Agency in these respects.

Archaeology

68. A Heritage Assessment has been carried out which concludes that the potential for archaeological features is low and that the evidence suggests that the site was an agricultural landscape. The County Archaeologist's views are awaited.

Residential amenity

69. The location of the nearest residential properties is shown on the plan on page D3.2. Given their location I do not consider there would be any direct impacts arising from the development. There would be changes to local views of the site and an increase in activity mainly arising from the additional traffic, as discussed elsewhere, but I do not consider that there would be a loss of residential amenity as a result of the development. Issues relating to construction activity are dealt with below.

Construction

70. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate in order to protect their amenities to impose a condition restricting hours of construction and demolition. I would suggest that this should be 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. It is also normal on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day. This and other issues raised by the Divisional Transportation Manager relating to construction will be noted and could be covered by conditions and/or informatives.

External lighting

71. No details have been provided on external lighting for the development at this stage. It is likely that it would be required for the convenience and safety of site users, and site security. In view of the potential impact of such lighting on the wider landscape setting, if permission is granted, it would be appropriate to reserve details by condition so that the type and position of the external lighting can be controlled to ensure light pollution can be minimised and to accord with Structure Plan Policy NR5.

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The proximity of the proposed Borough Green and Platt Bypass.

72. As noted in paragraph (2) above, the junction onto the A227 of the proposed Borough Green and Platt Bypass which is safeguarded in the Local Plan in accordance with the County Council's currently adopted scheme, encroaches onto the application site. The bypass scheme is currently being reviewed in preparation for the submission of a planning application, as the previously granted planning permission is no longer extant. As far as it is currently possible to do so, the design of the school proposal has taken account of the safeguarded route of the bypass. However, it is clear that implementation of the bypass as currently adopted would, at the time of its construction, require some alterations to the existing access arrangements to the school site and a small number of the proposed parking spaces (perhaps 6) may be lost or need to be relocated, depending on the final details of the bypass scheme. As a result there would be issues of potential impacts on the landscape in terms of loss of existing boundary hedgerows/trees, and proposed new planting on the school site, which the above assessment cannot account for. In addition the bypass scheme could give rise to increase in noise levels from traffic experienced at the site which similarly cannot be accounted for in the assessment above. Clearly any assessment of a Borough Green Bypass scheme that comes forward as a new planning application would need to consider its impacts on the Grange Park School application site and any consent for the bypass could be conditioned to ensure that any impacts were appropriately mitigated. However, it is appropriate that Members have the potential bypass scheme in mind at this stage, although I do not consider that this proposal would prejudice the implementation of the bypass. Therefore, in my view, refusal would not be warranted on the basis of any potential impacts on the site or proposed development now being considered that the bypass may or may not give rise to.

Conclusion

73. This proposal seeks to provide much needed additional/improved accommodation and facilities to replace the existing inadequate accommodation and facilities for Grange Park School currently located at Leybourne. Facilities for the provision of community services, including those for education, are generally supported by Structure Planning Policy QL11. The application site is also located on a long established school site. However the site is within the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty where there is a general presumption against such development. The issues arising from these designations and other issues are discussed in some detail above. I consider that very special circumstances have been demonstrated for overriding Green Belt policy constraints; in terms of the demonstrable need put forward, the lack of alternative solutions, the benefits of co-location with Wrotham School and mitigation of the impact on openness afforded by the proposed siting and design. Similarly, I would not raise a landscape policy objection, bearing in mind the limited impact on the wider context of the Area of Outstanding Natural Beauty and that the development would be substantially mitigated. Furthermore I consider that the demonstrable need for the development and case made for it to be at this location outweighs the relatively minor residual landscape impact arising from the development. Therefore, on balance, and subject to the further views of Sport England and to the imposition of conditions, I am of the opinion that the proposed development would otherwise be in accordance with the general aims and objectives of the relevant Development Plan Policies. Subject to the views of Sport England, I recommend that the application be referred to the Secretary of State for Communities and Local Government, and that subject to her decision, planning permission be granted subject to conditions.

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Recommendation

74. SUBJECT TO the views of Sport England, I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government, and SUBJECT TO her decision, 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,
 - external materials in accordance with the submitted scheme,
 - implementation of appropriate tree protection measures,
 - implementation and subsequent maintenance of landscaping and planting proposals,
 - details of fencing and paving materials,
 - noise levels in teaching rooms not to exceed 35dB $L_{Aeq,T}$, in accordance with BB 93,
 - external lighting specifications to be agreed,
 - any necessary condition(s) relating to archaeology,
 - submission for approval of details drainage, including a drainage strategy to ensure that the development does not increase flood risk elsewhere,
 - potential land contamination,
 - mitigation measures relating to nesting birds and the protection of the Great Crested Newts, including protection of the pond on the site, and proposals for ecological enhancements,
 - provision of access, circulation and parking facilities before the building is first occupied or brought into use, and the surfacing and marking out of the area of hard standing used by Wrotham School,
 - maintenance of visibility splays,
 - on site facilities for the parking and turning of all contractors and suppliers vehicles, with no deliveries to be made from the public highway,
 - the use of the vehicle access from the public highway for construction access and deliveries not to be used during the school AM drop off and PM collection times unless work is programmed outside of the school term,
 - the public highway to be kept clean of mud and debris occasioned by the works, including provision of on site wheel washing facilities,
 - the protection of all pedestrian movements within the site during construction to be maintained at all times,
 - submission for approval of a School Travel Plan, and
 - any necessary condition(s) required by Sport England.
75. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informative:
- Account should be taken of Environment Agency's advice relating to drainage, groundwater protection, waste management and pollution prevention during construction.
 - Account should be taken of Natural England's advice relating to protected species.

Case officer - Paul Hopkins	01622 221051
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Background documents - See section heading
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APPLICATION TM/08/2857 – NEW SPECIAL SCHOOL, PARKING, PLAY AREA, LANDSCAPING AND ANCILLARY WORKS AT WROTHAM SCHOOL, BOROUGH GREEN ROAD, WROTHAM

NOTES of a Planning Applications Committee Members' site meeting at Wrotham School on Tuesday, 4 November 2008.

MEMBERS PRESENT: Mr J F London (Chairman), Mrs V J Dagger (local Member), Mr W A Hayton, Mr S J G Koowaree, Mr T A Maddison, Mr J I Muckle, Mr W V Newman, Mr A R Poole and Mr F Wood-Brignall.

OFFICERS: Mrs S Thompson, Mr J Crossley and Mr P Hopkins (Planning); and Mr A Tait (Legal and Democratic Services).

TONBRIDGE AND MALLING BOROUGH COUNCIL: Cllrs D Evans, B Luker, Mrs S Murray and Ms M Geary (Planning).

PARISH COUNCILS: Mr H Rayner, Mr P Gillin (Wrotham). *Mrs Murray was also a representative of Borough Green PC.*

THE APPLICANTS: Mr R Collier (KCC Children, Families and Education) with Mr J McNamara (KCC Property), Mr M Blythin (D H A Planning).

ALSO PRESENT: Mr M Balfour (Chairman of Governors – Grange Park School).

- (1) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to familiarise themselves with the site and to listen to the views of interested parties.
- (2) Mr Hopkins introduced the application which was for the erection of a new special school with parking, play area, landscaping and ancillary works on land immediately to the north of Wrotham School. This land was currently being used informally for recreation but was surplus to the requirements of Wrotham Secondary School as there was sufficient open play space on the main playing fields to the east.
- (3) Mr Hopkins then set the application site in its geographical context by pointing out that it was surrounded on three sides (north, east and west) by mature hedgerows and trees. It was bordered to the north by the M26 (which ran below the level of the site), and to the west by the A227 Borough Green Road. He also pointed out that there was a Public Right of Way from the southern side of the motorway, coming out on the opposite side of the A227. The developed part of the site (Wrotham School itself) was faced by a line of residential properties on the west side of the A227. The proposed access was already in use as one of the two main accesses to the Wrotham School site.
- (4) The site lay within the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty (AONB). This meant that planning policies applied which presumed against inappropriate development in the Green Belt and sought to protect, conserve and enhance the landscape character and natural beauty of the AONB.
- (5) Mr Hopkins moved on to consider the proposal itself. He said that it had arisen from the need to relocate Grange Park Special School, which was currently located at Leybourne Grange. Grange Park School was a special

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school for young people with '*Severe Communication Needs associated with a combination of Autism and Severe Learning Difficulties*'. The applicant had advised that the existing Leybourne Grange site was inadequate to meet the special needs of its pupils.

- (6) The Wrotham School site had been identified (following a detailed assessment of alternative solutions and potential relocation sites) as the only suitable location, offering significant benefits associated with a fully integrated co-locational curriculum provision.
- (7) The proposal included the provision of a new single storey building providing about 2000 m² of accommodation for 55 pupils between the ages of 11 and 16 with Autistic Spectrum Disorder (ASD), together with teaching staff.
- (8) The proposed building would be a curved form with the main facades facing north and south. Within the building there would be a linear 'street' with communal spaces at the western end and 6 teaching home bases at the eastern end on the south side of the building. A number of courtyards would also be provided on the south side of the street. The special subject teaching areas would be arranged along the north side of the street.
- (9) The building would be cut into the site slope and have a mono pitch grass covered roof rising out of the ground. The cut would be about 2 metres deep at the western end, reducing to nothing at the eastern end. The front part of the building would have flat grass covered roofs.
- (10) The roof would be up to about 9.7 metres in height at the western end (where the hall would be located), about 3.7metres high for the flat roofs at the front and 7.7 metres high for the mono pitch to the rear.
- (11) The vertical faces of the building would be clad with Kalwall (a translucent fenestration system), high level louvre panels and render in a subdued, green colour finish.
- (12) Mr Hopkins said that It was intended that the north, convex shaped façade would act as a noise deflector and would be positioned so as to minimise the sound of the M26 traffic; whereas the south façade would be a light collector with minimal aspect, reducing external visual distraction for the children.
- (13) Mr Hopkins continued by describing the external works. A hard play area would be provided to the front of the building. The parking area would have 35 car spaces, 4 mini bus spaces and 3 people carrier spaces. In addition, 4 parking bays would be provided together with a wider access aisle for the 20 taxis which would set down and pick up the pupils in the morning and afternoon. Both the hard play area and parking area would follow the curve of the building.
- (14) Mr Hopkins added that a landscaping scheme was included as part of the application. Existing trees would be retained with the loss of only a few smaller trees adjacent to the existing Wrotham School's vehicle hardstanding area.
- (15) Mr Hopkins concluded his presentation by identifying the main issues that would need to be considered in the determination of the proposal. These were:

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- (i) considerations relating to the application involving 'inappropriate' development within the Metropolitan Green Belt, the impact on its openness and whether or not this was outweighed by very special circumstances;
 - (ii) the impact of the development on the landscape and visual amenity, taking into account the site's location within an Area of Outstanding Natural Beauty;
 - (iii) the impact of the development on playing field provision; and
 - (iv) the design of the proposed development.
- (16) Mr Collier (on behalf of the applicant) said that he agreed with Mr Hopkins' description of the proposal.
- (17) Mr McNamara (KCC Property) stressed that the layout and location of the proposed building had been set in order to mask the sound, which was a particular concern for children with ASD. In response to questions, he said that the boundary of the site would be at the edge of the hardstanding area where the meeting was taking place. The number of staff at the new school would be approximately 35 including non-teaching staff. The parking facilities for the two schools would be separated by road linings, with access and exit being regulated through a two-way traffic system. This would ensure that the parking needed by Grange Park School would be confined to within its own area. The pupils would only be affected by noise when they came out to play during morning break time.
- (18) Mr Rayner (Wrotham PC) said that his Parish Council was still at the stage where it would need to reserve its position. He did, however, have some observations that were pertinent. He commented that the A227 was in need of traffic calming and drew particular attention to the Cemex Landfill site just to the south of the School, which had approximately 300 HGV movements per day.
- (19) Mr Rayner then said that the proposal for the Borough Green Bypass was due to come forward in March or April 2009. The traffic currently using the A25 and A227 would eventually use a roundabout some 20 metres north west of the site. There might therefore need to be some reconsideration of the shape of the building, which would be concave when facing westwards, where the increase in noise would be coming from.
- (20) Mrs Murray (speaking on behalf of Borough Green PC) said that noise was the main concern. Would the bund be big enough to screen it? She agreed with Mr Rayner's comments about the A227. She pointed out that there had been an agreement with Cemex and RMC that they would not accept heavy loads between 8.20 and 8.50am in order to avoid a clash with vehicles taking pupils to school. She considered that it would be appropriate to re-instate such an agreement.
- (21) Mr Evans (Tonbridge and Malling BC) asked the Committee Members to note the narrowness of the pavement along the A227 to the south of the site just opposite Potters Mead. There had been several near misses over the past year.
- (22) Mr Balfour (Grange Park Special School) said that there had been considerable efforts to find a suitable site for the School. The Leybourne Grange site was in a dire condition with both the electricity supply and the

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phones having been cut off, leaving the school isolated on occasions. It had been recognised that the Wrotham site would be unsuitable from a noise point of view. The design of the proposed building had therefore been prepared with the intention of overcoming the noise from the M26. Account had also been taken of the A227 given the nature of the proposed roundabout onto the Borough Green Bypass. The children would arrive at the School in shared taxis. The hardstanding where the meeting was taking place and the Potters Mead car park were used as drop-off points by Wrotham School.

- (23) Mrs Thompson asked about the relationship of the site to the depth of the cutting of the motorway. In this respect it was possible to get some idea by observing how much could be seen of the passing traffic. Mr Balfour explained that a bund would effectively be constructed on the north side of the building from the soil excavated from the site in order to screen it from the motorway.
- (24) Mr Balfour went on to say that Sport England had questioned the loss of space for football. There were, however, facilities available at Potters Mead, whilst Tonbridge and Malling BC would be applying for an all-weather pitch on the south side of the site.
- (25) The Chairman thanked everyone for attending. The notes of the visit would be appended to the report to the determining Committee meeting.
- (26) In response to a question from Mr Rayner, Mrs Thompson said that the earliest likely date for the application to be reported to the Committee was January 2009.
- (27) Following the meeting, Members inspected the easternmost point of the proposed building. They then noted the screening of the site from the Wrotham School playing fields and the location of the two alternative sites considered. Finally, they walked along the pavement by the A227 so that they could see the point at which the pavement grew narrow and the route of the proposed Borough Green Bypass onto the A227.

Wrotham Parish Council

Lesley Cox
Clerk

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PO Box 228
Sevenoaks
TN13 9BY

Ref: 26112008/PC001
Date: 26 November 2008

Reference : TM/08/TEMP/0056 Erection of a new School within the grounds of Wrotham School

The application site consists of an informal sports area and unofficial car park between Wrotham School and the M26. The area is Green Belt and part of the Kent Downs Area of Outstanding Natural Beauty and therefore highly protected in planning terms.

The proposal is to build a new school building for Grange Park School and the special needs of its pupils, all of which have Autistic Spectrum Disorder (ASD). The particular ASD needs of the Grange Park School pupils results in any noise impact being more acutely felt than would ordinarily be the case. A school is classed as a noise sensitive receptor in planning terms and with the special needs of these pupils this results in a particularly acute example. The sites close proximity to the M26 and the A227 results in high ambient noise levels across the site.



Ref: Artists impression of the view from the South of the proposed building as supplied by the applicant.

WPC notes that the proposed predominantly single storey building is linear in format with curved facades facing north and south. The curved north face is cut into the site slope and has a mono pitch roof rising out of the ground. The green roof is covered with sedum and various succulents and visually merges with the surrounding grassed areas and hedgerows. Extensive proposed new planting of beach hedgerow, indigenous semi mature trees and low level planting will substantially mitigate negative impacts of the development. In particular we fully support the proposed Northern aspect to the development as it will protect views from the North Downs Scarp and serve to mitigate negative aspects of the existing built development in Wrotham School.

The north, convex shaped façade acts as a noise deflector and has been positioned so as to minimise the sound of the M26 traffic whereas the south façade is a light collector with minimal aspect to reduce external visual distraction of the children. The overall design is in our opinion of good quality and minimises the impact on the AONB and the noise from the M26.

The internal ark of curvature of the building, whilst deflecting sound from the M26 to the north acts as a significant receptor for noise from the A227 in the East. Whilst noting that the acoustic assessment states that current predicted noise levels within the school and recreational areas will be at acceptable levels due to the innovative design, WPC is concerned regarding the impact of the

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proposed Borough Green Bypass. This application is completely formalised as Policy TP8 in the Kent and Medway Structure Plan of 2006 and a current application is nearing completion and is due to be submitted in March 2009. (Ref: Cllr Paul Carter, Malling Chronicle 30/10/2008).



Ref: Artists impression of the North view of the proposed building, which is predominately a green roof, with the existing Wrotham School buildings in the background. Image supplied by the applicant.

The Borough Green Bypass will redirect traffic from the A25 up to the A20 and the A25 through Platt will be down graded. This will result in 8000 extra vehicles per day joining a roundabout immediately adjacent to the proposed school on the A227. (Ref: Statistics and plans submitted on behalf of Celcon in their application to build a Concrete Block Factory 2003 to 2007)

The existing traffic flow is 5,500 vehicles per day according to the Traffic Assessment submitted by the applicant and the Bypass, as formalised in District and County Plans, will result in an increase of 145% in traffic volumes at a roundabout immediately adjacent to the proposed school site. It seems somewhat perverse to progress two separate applications that conflict fundamentally as the road application will bring unacceptable noise levels to an acutely noise sensitive receptor.

The School is promoting a scheme to use Tonbridge and Malling District Council's land that is adjacent to the existing school as an all weather sports pitch to replace the sports facilities lost to the proposed development.

WPC is of the opinion that the alternative site survey, whilst covering a large area, almost half the county, the search criteria employed were somewhat narrow.

WPC considers that the proposal is innovative and high quality, and therefore acceptable in the context of the AONB, it clearly falls within the category of inappropriate development within the Green Belt as it does not comprise built development for any of the purposes listed in paragraph 3.4 of PPG2. The question therefore is whether there are very special circumstances that outweigh the harm caused to the openness of the Green Belt?

The applicant contends that the co-location of the two schools in an education campus will give significant benefits for the sharing of resources and skills and that the site will be secured for secondary education for the future.

In conclusion WPC agrees with the applicant that these benefits do constitute Very Special Circumstances and would consider that the harm caused to the openness of the MGB had been outweighed and offer no objection to this proposal in the event that the following concerns were also addressed.

1. The application is creating an extremely sensitive noise receptor in an inherently noisy location. Any planning permission granted should require internal noise levels in teaching rooms not to exceed 35dB Laeq T, as required in the Building Bulletin 93 'Acoustic Design of Schools'. In the event that this application is consented then any subsequent application that

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has the potential to increase noise and disturbance above this level would be unacceptable to the welfare of the children with Autistic Spectrum Disorder and be rejected.

2. Traffic calming / speed reduction measures are installed outside the multiple accesses to the two schools. An interactive visual indicator of the 30mph limit would be helpful in this respect.
3. An all weather pitch on adjacent Tonbridge and Malling District Council land is actively and financially supported to replace the sports facilities lost to the community.

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Item D4

Demolition of mobile classroom and construction of a new single storey classroom block, Leybourne CE Primary School, Leybourne, West Malling – TM/08/2988

A report by Head of Planning Applications Group to Planning Applications Committee on 9 December 2008.

TM/08/2988 - Application by the Governors of Leybourne St. Peter and St. Paul Church of England Primary School and KCC Children, Families and Education for the demolition of a mobile classroom comprising two classrooms and to construct a new single storey classroom block comprising of a music room, an ICT suite and a small multi-purpose teaching area at Leybourne St. Peter and St. Paul Church of England Primary School, Rectory Lane North, Leybourne, West Malling.

Recommendation: Planning permission be granted subject to conditions.

Local Members: Mrs S. Hohler

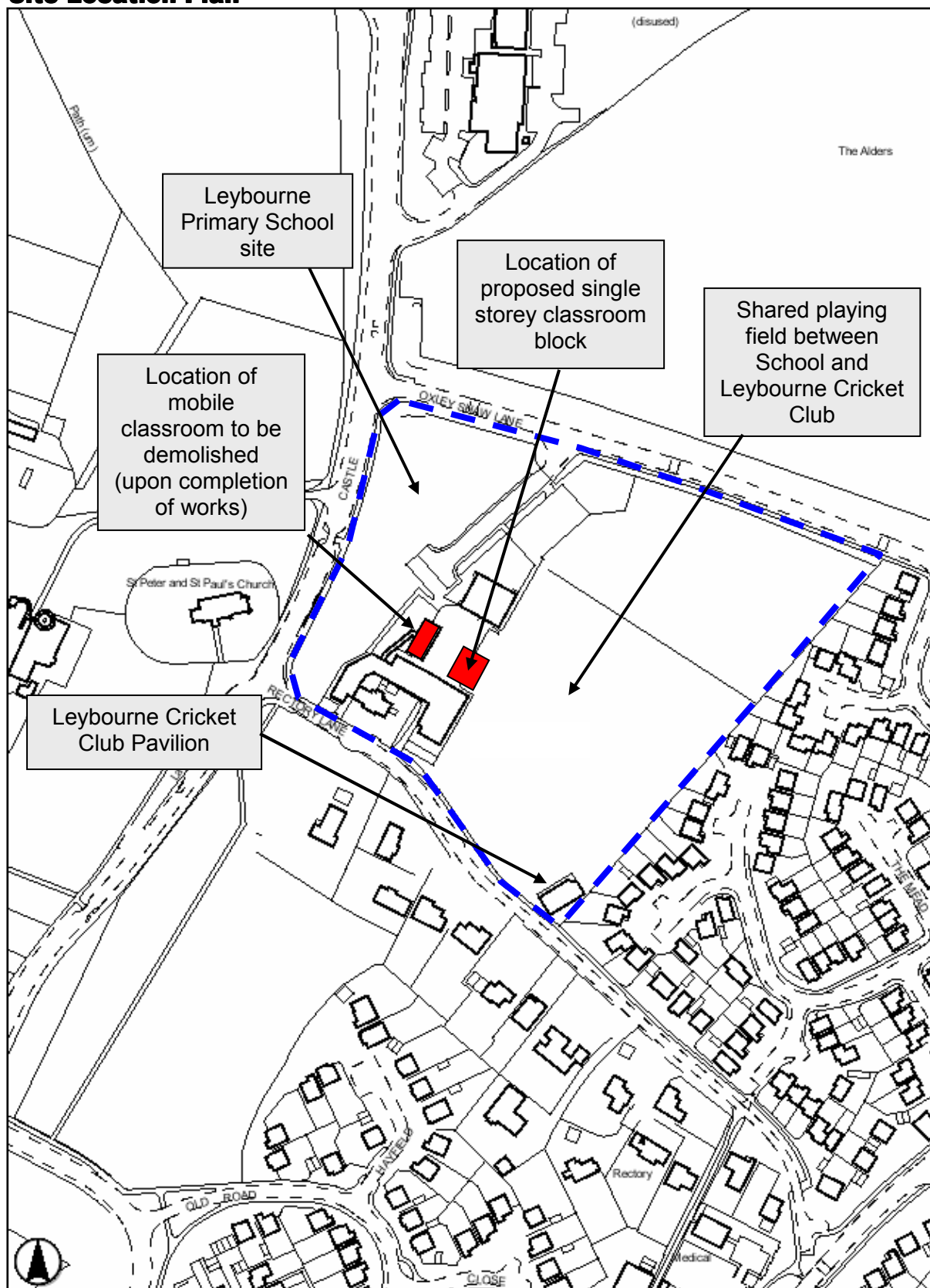
Classification: Unrestricted

Site

1. Leybourne Primary School is located to the north-west of the village of Leybourne, and is accessed by vehicles from Oxley Shaw Lane which borders the north of the site. The main pedestrian access to the school is located off Rectory Lane North, which borders the southern perimeter of the site. The main road off the A228 leading through Leybourne (Castle Way) borders the western boundary of the site, whilst residential properties border the eastern boundary beyond the playing field. *A site location plan is attached on page D4.2.*
2. The site is shared between both Leybourne Church of England Primary School and Leybourne Cricket Club. The School occupy the buildings and use the playing field as outdoor sports space, whilst the Cricket Club occupies a pavilion building in the south-eastern corner of the site and use a marked-out cricket pitch on the playing field. The site is relatively open in terms of its visual appearance, with the main cluster of buildings located along the western boundary, and open playing space occupying most of the land beyond.
3. The nearest residential properties in this particular case are those located to the south of the site which front Rectory Lane North. These are located some 70 metres from the new classroom block site, and any views of the new development would be obstructed by existing 'built development' within the site. In addition, residential properties overlook the playing field from the east, and would be able to obtain un-interrupted views of the new classroom block. However, it is noted that these properties are located some 100m from the development site.
4. The application site is located within a Flood Zone 3 (as designated by the Environment Agency).

Proposal

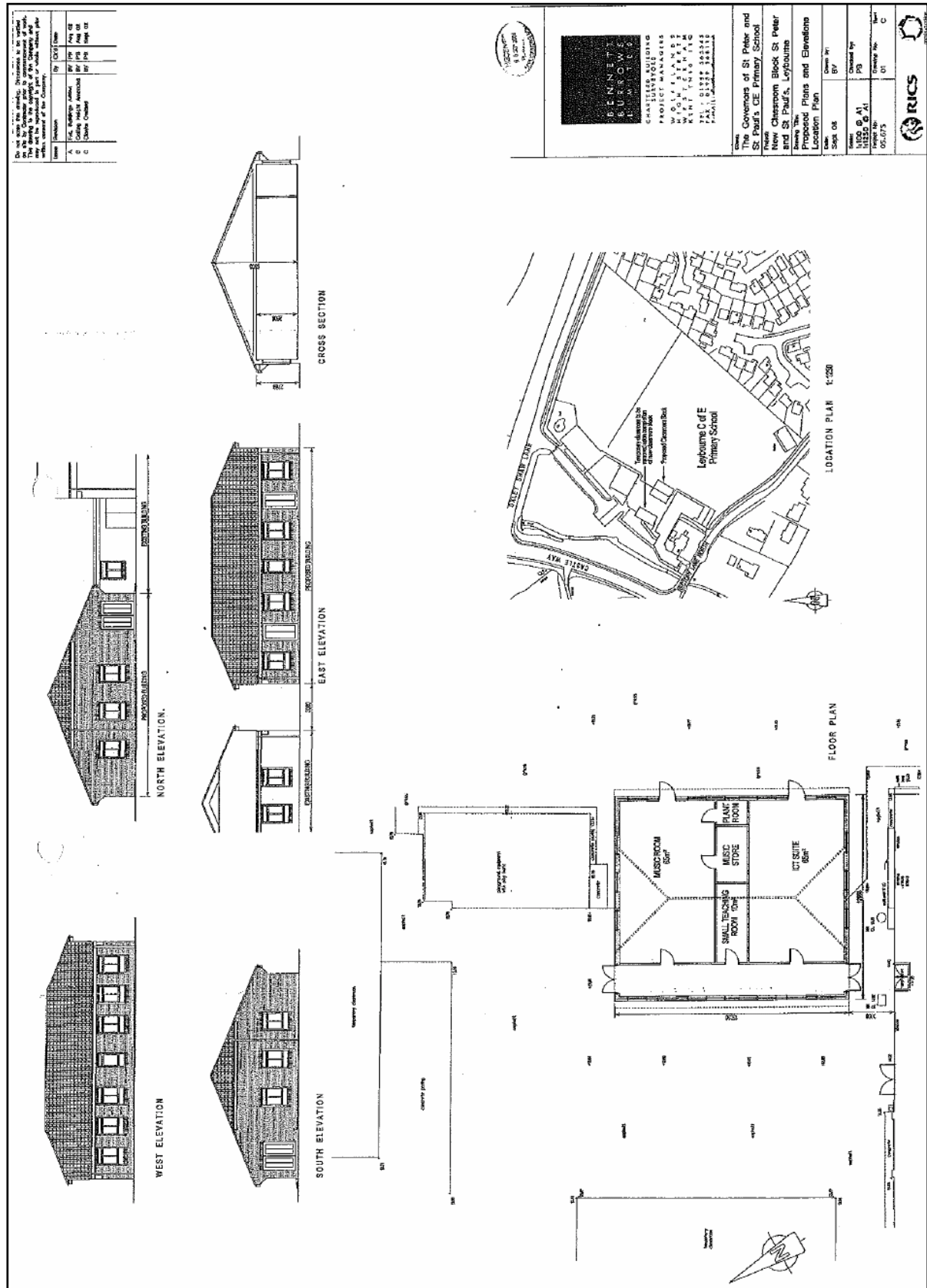
5. The application has been submitted on behalf of the Governors of Leybourne Primary School and Kent County Council's Children, Families and Education Directorate and proposes the demolition of an existing 'temporary style' classroom and to construct a

Demolition of mobile classroom and construction of new single storey classroom block, Leybourne CE Primary School – TM/08/2988**Site Location Plan****Site Plan – Leybourne CE Primary School**

Scale 1:2500

Demolition of mobile classroom and construction of new single storey classroom block, Leybourne CE Primary School – TM/08/2988

Proposed New Classroom Block



Demolition of mobile classroom and construction of new single storey classroom block, Leybourne CE Primary School – TM/08/2988

new single storey classroom block consisting of a music room, an ICT suite and a small teaching area. It is important to note that the location of the proposed new classroom block would not be situated on the site currently occupied by the mobile classroom. A plan showing both the existing mobile classroom location and the proposed site for a new classroom block is provided on page D4.3.

6. The reason for the application being made is to replace the existing 'mobile' classroom located at the rear of the school with a more suitable permanent structure adjacent to the main school building. Although the proposed classroom block has been designed as a detached building, it is the intention of the applicant to connect the proposed building through a covered walkway to the main school when funding is available in the future. This desire to connect both buildings has formed an important consideration for the applicant when choosing a suitable location for the proposed classroom block.
7. The new classroom building has been designed such that it would reflect the style of the adjacent school buildings, in terms of its proposed structure and materials. As a result of the proposal, there is no change to either the pupil roll or number of staff employed at the site.
8. It is proposed that the removal of the existing temporary classroom (upon completion of the construction works of the new block) would generate an increased amount of hardstanding within the site that is intended to be used by the School as increased outdoor playground space.

Planning History

9. Planning permission has been granted for the following development at Leybourne St. Peter and St. Paul Primary School:
 - Erection of 1.8m high green powder coated boundary fencing to Rectory Lane North and to Oxley Shaw Road with matching vehicular and pedestrian gates in July 2004, under reference TM/03/3833;
 - Erection of a lean-to canopy to classroom block in February 2006, under reference TM/06/44;
 - Single storey extension at Leybourne School in June 2006, under reference TM/06/925;

Planning Policy

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

(i) Kent and Medway Structure Plan 2006:

- | | |
|------------|---|
| Policy SP1 | Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development. |
| Policy EN1 | Seeks to protect and conserve and enhance the countryside for its own sake. Development that would adversely affect the countryside will not be permitted unless there is an overriding need for it which outweighs the requirement to protect the countryside. |

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Policy QL1 Seeks all development be well designed and of high quality that respond positively to the local character. Development, which would be detrimental to the character of settlements or the countryside, will not be permitted.

Policy QL11 Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

Policy NR10 Development will be planned to avoid the risk of flooding and will not be permitted, amongst others, where it would be subject to an unacceptable risk of flooding or where it would increase the risk of flooding elsewhere.

(ii) The adopted Tonbridge & Malling Borough Local Plan (Saved Policies) 1998:

No specific saved policies relevant to the consideration of this application.

(iii) The adopted Tonbridge & Malling Borough Council Local Development Framework – Core Strategy

Policy CP1 All proposals for new development must result in a high quality sustainable environment

Policy CP10 Within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk

Policy CP24 All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

Consultations

11. **Tonbridge & Malling Borough Council:** raises no objections to the proposal, subject to limiting the hours of working (during the construction and demolition phase) to between the hours of 08:00 – 18:00 Monday to Friday, 08:00 to 13:00 on Saturday, and no working on Sundays or Bank Holidays;

A further letter was received from the Borough Council that stated:

“On further consideration of the proposal there appears to be a risk of conflict between the new building and the current use of the cricket field. If such conflict is acknowledged then the Borough Council feel that every effort should be made to resolve the conflict as the retention of the cricket facility is a material planning consideration. In light of this we ask that KCC consider the possible amendment/relocation of the proposed classroom within the site”.

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Leybourne Parish Council: recommends that the application be refused, and make the following comments:

“Whilst we support the replacement of the mobile classroom, albeit that it is a fixed wooden structure and not ‘mobile’ as indicated in the planning application, with a permanent brick building, we cannot support the proposed location.

The planning application is misleading by the fact that it indicates that the mobile classroom will be demolished and replaced by a new single storey classroom block. What isn’t made clear until viewing the site plans is that the replacement classroom block will not be located on the site of the proposed demolished mobile classroom but on the school / cricket club field and playground area [...]

No mention is made of when the mobile classroom will be demolished and what is proposed for this area of land. If the mobile classroom is to be demolished we would wish to see the replacement building located on the same location because of the following:

- *The Cricket Club who were the owners of the land from 1897 and then tenants since 1955 when the cricket outfield was subject to nationalisation under the playing fields act, has continued to enjoy the use of the field in a shared capacity with the School, by way of its 25 year lease agreement. However, in recent years the Cricket Club, which provides an excellent community facility, has gradually seen its outfield eroded away by the building of various school buildings on the school / cricket field.*

The School governing body now proposes to construct this new building in addition to the other encroachments on the cricket outfield which has, and will restrict further, the playing of cricket which has continued uninterrupted in this location since 1897. With recent Lottery funding to build a new cricket clubhouse, and just this year funding from KCC and Tonbridge & Malling Borough Council to install a new artificial cricket wicket and playing surface, it is somewhat contemptuous of the School governing body in the manner in which it has dismissed the fine work of the Cricket Club in encouraging sport in the local community by this attempt to further restrict the playing of cricket at this location”.

Following a recent site meeting, additional views have been received from Leybourne Parish Council. These are detailed in full in the Appendix.

Members will note that further views are awaited from Leybourne Parish Council regarding further justification from the applicant for proposing the classroom building in its current location and the scope for any amended siting. Any further views received prior to the Committee meeting will be reported verbally to Members on 9 December 2008.

Leybourne Cricket Club: raises objection to the current proposal for the following reasons:

“The Cricket Club is a long term tenant currently with a 25 year lease from the County Council for the use of the Leybourne Primary School playing field. Whilst we had been made aware of the plans for the new building by the School Headteacher, we are very disappointed that we have not been notified directly either by the County Council or the Borough Council.

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You will understand that the proposed location for the new building will compromise our use of the outfield for playing cricket as the position of the new building will encroach on the playing field and further erode the cricket playing outfield area by reducing the already very short boundary at the school end of the ground. The building will be in close direct line with the cricket playing wicket and will be very vulnerable to direct hits from cricket balls resulting in potential building damage and repair costs. With buildings located very close to the cricket field boundaries there is a health and safety issue with the possibility of injury to a cricket player when they are going backwards to take a high catch.

In order to address these concerns, we would request that the new building be located on the existing site of the mobile classroom which is to be demolished. If for some good reason it is found that this is not possible then it would be necessary to move it back to the line of the existing grass boundary. At any event, as a minimum the window glass would need to be adequately protected to prevent damage otherwise the Cricket Club would be liable for the cost of the repairs.

As a club, we have worked extremely hard in recent years to continually improve the club facilities and we have just completed a major upgrade of the cricket square, for which we received very significant funding to support this project from both the County Council and Borough Council, which will be of significant benefit to the local community”.

Following a recent site meeting, additional views have been received from Leybourne Cricket Club. These are detailed in full in the Appendix.

Members will note that further views are awaited from Leybourne Cricket Club regarding further justification from the applicant for proposing the classroom building in its current location and the scope for any amended siting. Any further views received prior to the Committee meeting will be reported verbally to Members on 9 December 2008.

The Divisional Transportation Manager: no views received to date.

Environment Agency: Acknowledges that the site falls within a Flood Zone 3, and so the application should have been accompanied by a Flood Risk Assessment. However, given the nature and scale of the development, it has no objection subject to the following condition:

- The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood-proofing measures into the proposed development has been submitted to, and approved in writing by the County Planning Authority [in discussion with the Environment Agency].

Sport England: raises no objections to the proposal, and has commented as follows:
“The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area or any playing pitch or the loss of any other sporting/ancillary facility on site”.

KCC Archaeology: no views received to date.

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Publicity and Representations

12. The application has been publicised by a site notice posted at the main entrance to the school in Rectory Lane North, and the individual notification of 14 neighbouring properties. I have received 2 letters of objection to the proposal, the main points of which are summarised below as follows:

- Support the replacement of the mobile classroom, but cannot support the proposed location;
- Support the views expressed by Leybourne Cricket Club and Leybourne Parish Council regarding intrusion onto the cricket outfield;
- Concerned that many residents have been misled through ambiguous description of proposal (ie. description implies that the replacement building would be situated directly on the site of the mobile classroom);
- Urge the County Council to facilitate a review of the siting for the proposed new classroom, and include appropriate consultation with local stakeholders. As the Cricket Club and School are both vital, successful and highly valued facilities, it must be possible to achieve such a development of the school without detriment to the playing of cricket and to the local environment.

Local Member

13. The Local County Member, Mrs. S. Hohler, was notified of the application on 26 September 2008.

Discussion

14. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In considering this proposal the Development Plan Policies outlined in paragraph (10) above are particularly relevant.

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

- siting of proposed building in terms of its potential impact on cricket playing provision;
- design and visual appearance; and
- flooding issues.

Siting

16. Members will note that there has been considerable local opposition voiced against the siting of the proposed classroom building on the basis of an encroachment onto the playing field. The concern has been raised on the basis that any encroachment by the proposed classroom onto the playing field would cause a detrimental harm to the playing of cricket at the site, since the size of the cricket outfield at this point would be reduced

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by several metres. Members will note that as discussed in paragraph (2) above, the playing field use is jointly shared between the educational needs of the School and playing of cricket at club level by Leybourne Cricket Club.

17. It is noted that the siting of the building, as proposed, would encroach onto an area of green space that forms part of the school playing field and the cricket outfield. This area is currently an indented grass area adjacent to the school playground that forms a strip of land behind the building line of the adjacent main school building to the south and the corner of a mobile classroom to the north. The land in question is partly covered by low-level wooden play equipment used by the school, which would need to be removed or relocated.
18. An argument has been put forward by the Cricket Club suggesting that any further encroachment of 'built-development' onto this land would seriously jeopardise the playing of cricket at a competitive club-level at the site. It has also been argued that not only would such development adversely affect the playing of cricket, it would also pose a health and safety risk for cricket players, particularly for players fielding this area as part of the field boundary.
19. In response to requests from the Local Member and the objectors to more thoroughly explore the siting issue, a site meeting was (on 24 November 2008) held between representatives of all interested parties, namely the School and their agent, Leybourne Parish Council, Leybourne Cricket Club, local resident(s), Tonbridge & Malling Borough Council (Planning Officer & Local Members) and the Local County Member, Mrs. Hohler. Discussion took place surrounding the concerns raised to the proposal from the interested parties, and particularly in terms of the building's potential impact on the playing of cricket at the site.
20. Following the site meeting, the School has provided further supporting justification for the proposed development as follows: -
 - *The site of the proposed extension was selected after very careful consideration as the only possible location which would provide an extension to the existing classroom wing (Key Stage 1), offering continuity with the current arrangement and the opportunity to provide improved facilities for ICT as well as a library (which the school currently lacks) and music room, all of which are necessary to support teaching and learning for the 21st Century;*
 - *In order to satisfy the requirements of planned future improvements to the school (which will eventually involve the removal of a 4 classroom mobile block, which is not fit for purpose), the corridors must remain in alignment with the existing building. Part of the future planning for the school might involve expansion, should the need arise as a result of local building development, and the capacity for this must be retained;*
 - *During the construction of the proposed building, the existing ICT suite must remain in place in order to provide continuous ICT facilities for the whole school, without which we cannot teach or operate the school administrative system;*
 - *It would be neither practically possible or affordable to temporarily move the ICT systems (including 17 networked PCs, two servers, the hub and all the cabling for both the Curriculum and administrative servers, which runs between all three of the school's buildings, via the ICT suite and the systems therein) for the duration of the building programme;*
 - *We have listened carefully to the concerns of the Cricket Club and others, and after discussion with the surveyor and architect, it is possible that the alignment of the*

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proposed building could be altered to set it back by a metre from the existing building line to accommodate the Cricket Club's concerns. This is as far as it is possible to change the alignment of the building without compromising the shape and configuration of the rooms making them unfit for purpose;

- *The alignment of corridors is a major factor in determining the future development of the school buildings, eliminating the temporary buildings which currently accommodate 4 classes out of the school's 7;*
- *The building proposal is essential to ensure continuing improvement in the educational opportunities offered to children at Leybourne Primary School. The current building is in extremely poor condition and not fit for purpose. As a result, the facilities we are able to offer are compromised. Our school has been judged outstanding by Ofsted – we want to be able to offer our children an outstanding learning environment in every area.*

21. The further information received from the applicant has been shared with those parties who have expressed an interest in the application to date. Unfortunately, the further information was received as this Committee Report was being finalised, and as such no further views received from interested parties have been received in time for inclusion within the Report. Under the circumstances, further views received from interested parties will be reported verbally at the Committee meeting on 9 December 2008.
22. The Parish Council has continued to query why the new building could not be located on the site of the existing temporary building to be removed, since that would not encroach on the green space or affect the existing cricket facility. Moreover, if that involved temporarily displacing the IT provision, could that not be accommodated somewhere within the main school building, and/or the building contract be streamlined so that the work could be completed largely during the school holidays? Having explored these suggestions further, I am aware that the School cannot operate nor deliver the Curriculum without the uninterrupted use of the IT facilities and that there is no feasible space within the existing buildings to temporarily accommodate them, without interrupting other areas of Curriculum delivery. For example, the school hall is already fully used for other activities and the School could not operate without an available hall space.
23. The proposed new building is of traditional masonry construction, and additionally would require piled foundations because of the unstable gravel underlain ground conditions. Under the circumstances, the applicants have assumed a 6 month construction contract, which I have independently queried with our in-house school property specialists. I have been advised that if it was to be a system building, such as a flat-pack, pre-fabricated building, it might well only take 6-8 weeks to complete, but 6 months is more typical for traditional construction, and especially for a school when the contractor needs to take into account Health and Safety aspects of the children and access to the site. It also needs to be borne in mind that the whole aim of the project is to replace existing system built accommodation, so an alternative non-masonry construction would be largely unproductive, as well as less supportable from a planning perspective.
24. Notwithstanding the displacement issues relating to the existing IT accommodation, I can accept that there would be some distinct advantages to the Cricket Club if the proposed new building was re-positioned further westwards into the school playground. Apart from further diminution of an already restricted playground area, it is not possible to address this short term need without seriously compromising longer terms accommodation planning for this school. In particular, I have now been appraised of a

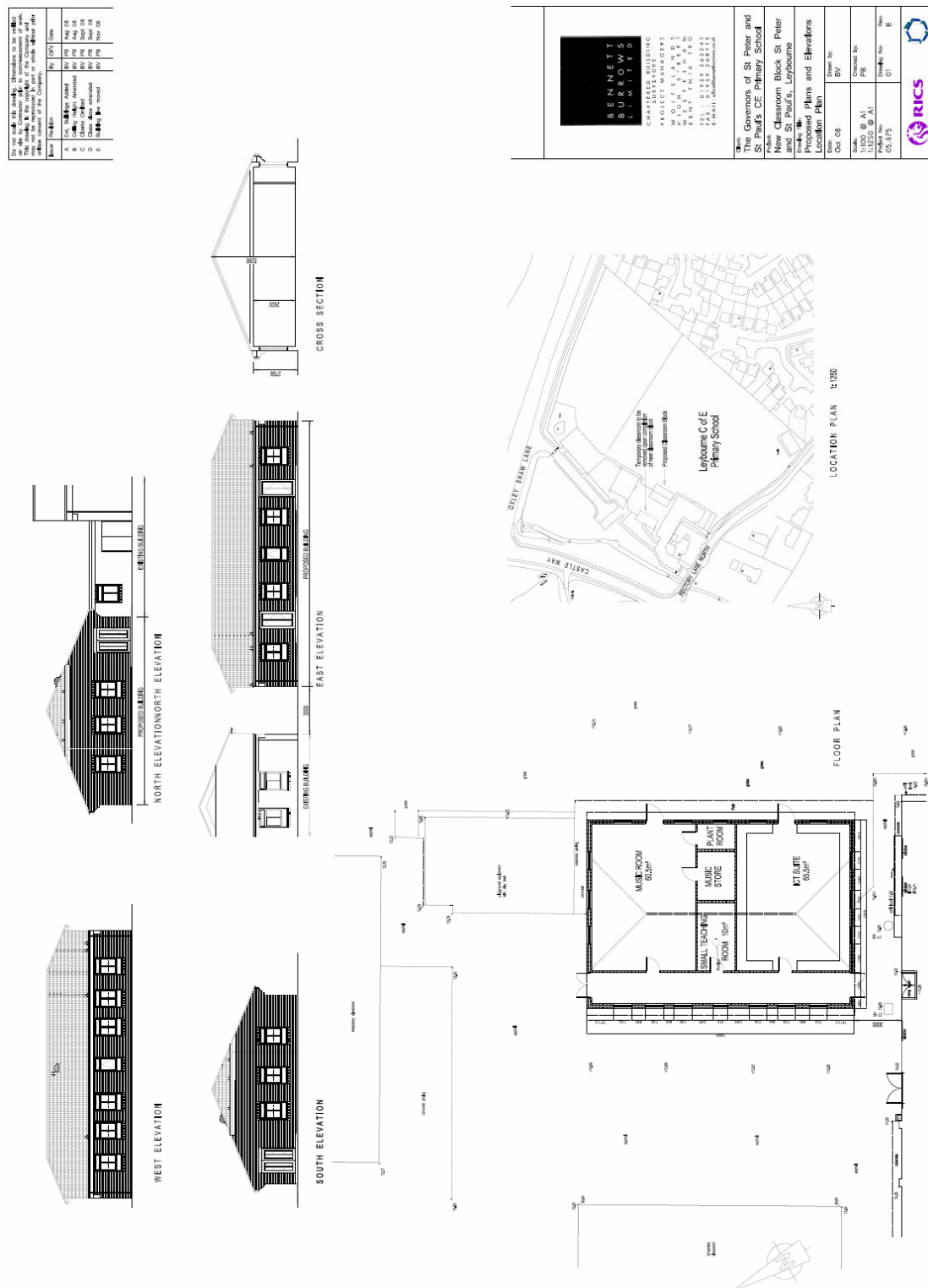
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an overall future building strategy, being considered by the County Council as Education Authority and the School Management Committee. This emerging strategy has yet to be finalised, but it attempts to deal with a future vision for building improvements at the school, bearing in mind both the need to upgrade existing accommodation and the scope for any expanded accommodation to cater for increased pupil numbers in the future. From this it is apparent that any new or replacement accommodation would need to occupy the playground area on the north side of the main buildings, and the use of the playground area in the interim for the currently proposed development would seriously jeopardise the future layout and design of the school buildings. In its currently proposed position, the IT suite would be compatible with the future layout and would not compromise other improvements to the school, such as a potential school hall extension. Under the circumstances, I can accept that siting the building further westwards would be unwise and involve potentially abortive expenditure, but I consider that even some marginal re-positioning of it would be important in addressing the cricket interests.

25. Whilst it is not the intention of the applicant to physically connect the proposed building to the main school at this point in time, it is the desire to have this option available as soon as financial means would allow. I am informed that this desire to physically attach the building at a future date has largely led to the location of the building on the site currently proposed, given that the corridor of the new building would then align with the exiting doorway and corridor into the main building. How crucial this aspect is, was queried at the recent site meeting, since a 'dog leg' connection between the buildings might not be unacceptable if it was otherwise unavoidable. I have explored this aspect further since I share the concern that this alone need not dictate the siting of the new building. In response, the applicants have now agreed to amend the positioning by adjusting its dimensions so that the ICT suite and a (slightly smaller) music room can still be provided but in a narrower but longer building. The result is a slightly longer frontage to the cricket field but an extra 1 metre to the distance from the cricket square. In addition, the applicant has demonstrated that an alternative siting of the proposed building, such as on the existing footprint of the mobile unit (to be removed), would not readily allow the building to be connected to the main school building since the connecting access route would then be via the school hall, which would disrupt other activities.
26. An amended plan has been prepared by the agent, which together with the further supporting information supplied by the School, has been circulated to representatives at the site meeting. Since their reactions on this submitted amendment are yet to be received, I shall report their further views to the Committee Meeting verbally. Whilst I have to balance the overall need for the new educational building against the detrimental impact such development may have on any future use of the cricket field, my own view is that the siting as originally submitted was unacceptably close to the cricket field boundary, but this latest marginal adjustment and the further information supplied by the School leads me to conclude that the amended siting would now be acceptable in planning terms. In particular, the encroachment onto green space occupied by the playing field would now be 1 metre less than the current building line of the existing main school building and mobile classroom, avoiding what otherwise would be a squaring off of the arc of the cricket boundary line. I further note that the land in question is largely occupied by low-level play equipment at present, so its use as part of the cricket field is already very limited, other than allowing for an arc of the boundary line to extend into it, which the 1 metre shift of the building would certainly help to redress.

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Proposed Amended Music Room and ICT Suite



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Design, layout and appearance

27. I note that the proposed building has been designed to mirror that of the adjacent school building to the south. The facing bricks and roof tiles have been chosen to match, together with the window and door fenestrations. I support the use of both a matching design approach and external materials, and consider that such solution is appropriate in this particular location. I further note that no concerns have been raised to date with the overall design of the proposed building. Whilst the applicant has now proposed amended siting and dimensions for the proposed building, its overall design, construction and outward appearance remain unaltered. In particular, the only significant design change would be its length being marginally extended metres to compensate for its proposed reduced overall width and encroachment on the green space.
28. I am aware that there is a site management issue between the School and Cricket Club regarding the sufficient safeguarding of school buildings when competitive cricket matches are being held at the site. It has been reported that there are often breakages to window panes and roof tiles of the main school building as a result of cricket balls, for which the Cricket Club is currently responsible for making good any damage caused. It would therefore seem appropriate to ensure that sufficient safeguarding measures be incorporated into any future building design where practical. That could, for example, include the use of window and door shutters when cricket games are being played, given that the windows would be the most vulnerable to damage; protecting the roof is more difficult but the intention is to use more robust tiles.
29. Whilst safeguarding measures are currently not proposed within the building design, discussions with the applicant and Cricket Club at the recently held site meeting have indicated that both parties are in agreement that such measures could reasonably be incorporated. I therefore recommend that, should planning consent be forthcoming, protection measures for the building be controlled by a planning condition requiring details of such methods to be submitted to the County Planning Authority prior to the commencement of any development. In such circumstance, it would be my intention to agree such details between the applicant and the Cricket Club, to ensure that these measures are fit for purpose.

Flooding

30. Members will note the advice received from the Environment Agency in paragraph (14) above, whereby it requested that further details of flood-proofing measures be submitted to the County Planning Authority prior to the commencement of the development. I note that the Environment Agency is a statutory consultee on planning applications concerning flooding issues, and accordingly would recommend that their advice be embodied in any planning consent granted for this development. Accordingly, I would not seek to raise an objection to the proposed development on the basis of flood risk issues, and consider that it meets the objectives of both Policy NR10 of the Kent and Medway Structure Plan and Policy CP10 of the Tonbridge & Malling Borough Council Local Development Framework Core Strategy.

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Conclusion

31. Notwithstanding the objections received in this particular case, I consider that the proposed development is acceptable in the context of the relevant Development Plan policies, and also in terms of the building design, visual appearance and flood risk aspects. The impact on the cricket field is more difficult to resolve and I consider that a degree of balance is called for in weighing up the needs of the School and the impacts on the playing of cricket. In the light of further investigations, I have to conclude that it is not practicable to fully meet the aspirations of both parties and that the proposed amendment represents an acceptable compromise in planning land use terms.

Recommendation

32. SUBJECT TO the receipt of further consultee views and representations by the date of the Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions, amongst others, including conditions covering:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- before the commencement of the development hereby permitted, flood-proofing measures shall be submitted to, and approved by the County Planning Authority (in consultation with the Environment Agency);
- before the commencement of the development hereby permitted, safeguarding measures to protect the building from cricket balls shall be submitted to, and approved by the County Planning Authority (in consultation with Leybourne Cricket Club).

Case officer – Julian Moat	01622 696978
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Background documents - See Section heading
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Appendix

Letter from Leybourne Parish Council following Site Meeting

Jeremy Crossley
Principal Planning Officer
Kent County Council
Invicta House
County Hall
Maidstone
ME14 1XX

Leybourne Parish Council
Leybourne Village Hall
Little Market Row
Leybourne, Kent. ME19 5QL

25 November 2008

Planning Application TM/08/2988

Dear Jeremy,

Following yesterday's onsite meeting to review the above planning application the Parish Council would wish to make the following observations for review and consideration.

The Parish Council as you were aware had expressed concern that the planning application was misleading in that it gave the impression that the mobile classroom would be demolished and replaced with a permanent structure, however that it was only on viewing the site drawings that for both Councillors and Parishioners that this was found not to be the case.

Representations made to the Parish Council and indeed supported by the Council requested that the new structure be built on the site of the demolished building to ensure that the cricket club which had been onsite since 1897 did not have any further outfield eroded as has been the ongoing issue and problem that they have encountered in recent years, albeit by structures which did not go before planning.

Feedback received from the school governors was that this was not possible because of the displacement of the children during the rebuild process. This was later found to be incorrect as the proposed building to be demolished was only used for storage along with the teaching of ICT and was not in fact a year group classroom.

At yesterday's meeting the question was raised as to why the ICT equipment could not be relocated to another location within the school, if the new building was to be built on the site of the mobile classrooms. The Parish Council on reflection of the responses received are not satisfied that sufficient consideration had been given to this proposal

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by the governing body and that they were unable to satisfactory answer questions raised pertaining to this matter.

The Parish Council would request that the following questions being tabled with the school governing body and agent for considered detailed response:

- The chairman of the schools building committee indicated that the new structure would take 6 months to build and commission. The Parish Council believe that this would appear to be excessive in consideration of the simple design and type of structure and would ask for a detailed project schedule from the preferred builders which confirms this estimated timescale
- The Parish Council asked how many PC's were located in the current ICT suite to understand the complexity of the problem of relocating this equipment on a temporary basis to another location within the school complex. This if the new structure was to be built on the site of the demolished classroom. This information was not provided and so the Parish Council would wish to see this question answered with a detailed explanation as to why this would not be a feasible proposal? Whilst the Parish Council fully accepts that some disruption may occur because of this, the Parish Council firmly believe that this would not out way the long-term disruption and future viability to the cricket club if the current proposed planning application was to be approved.
- The Headteacher spoke of the complexity of networks if the ICT equipment was relocated on a temporary basis within the school complex, again the Parish Council would wish to have a more detailed explanation as to the complexity of this matter
- The Parish Council again suggests that if the new building was to be located on the site of the demolished classroom and work commenced at the end of the summer term great progress could be made by the start of the autumn term, with what it considers would be a minimal period of disruption and inconvenience if the new building was not ready for occupation at the start of the autumn term.

If after measured review of the alternative proposed location, that the learned deliberation is that this is not a viable proposal; the Parish Council would request that the following recommendations are given credence to ensure that the viability of the cricket club is not compromised:

- That the new proposed building is built **no further forward than the current boundary of the school playground.** This then would allow a sufficient area to the front side of the building abutting to the school field to have a metre width tarmac path and while additionally allowing sufficient space between the cricket

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club outfield boundary and the new building for a mobile sight screen to be erected during matches.

- This would of course necessitate the removal of the play equipment and wooden seating structure both which we understand were to be relocated for the proposed new building
- While the school governors may raise issue that the school playground would be reduced in size by this proposal, the Parish Council have noted that with the proposed demolition of the mobile class room additional space is located behind this building abutting up to the fenced footpath which could additionally be used for the new playground extension, which would negate any loss of play ground area. It should also be noted that the Parish Council provided at no cost to the school in 2007 access and the use of the new purpose built play area (MUGA) in the school grounds which increased their overall play space at the school by more than a third.
- While the schools building committee chairman spoke of covered access and joining the new building to the current buildings this was noted to be a future planning aspiration and indeed was not part of this application for consideration. The Parish Council however have noted that even with the proposed new building being moved back to within the boundary of the school playground that future connection of the building would not be a predicament.

The Parish Council as we have previously indicated **fully** support the school's proposal to replace the mobile classroom with a new brick built structure, however we must ensure that we give equal support to all parties and firmly believe that the rights of the cricket club should have equal consideration and that unless a compromise is agreed the current planning application will seriously effect the viability of the cricket club to play cricket at a reasonable standard and will detract from this fine community facility and part of our local heritage.

The Parish Council now trusts that this emotive matter is given proper and fair consideration.

Yours Sincerely

Bob Ulph

Bob Ulph, Chairman Leybourne Parish Council

Demolition of mobile classroom and construction of new single storey classroom block, Leybourne CE Primary School – TM/08/2988

Letter from Leybourne Cricket Club following Site Meeting

Dear Mr. Crossley

We were delighted to be invited to what was a very fair and reasonable meeting yesterday on site at Leybourne School to review the above planning application. You will have seen that over the past few years there has been a gradual erosion of the school playing field area because of various school additions including a classroom block, play equipment and the planting of trees and the planned construction of the new building in its proposed location would reduce the boundary distance even more to only some 35 yards from the end of the wicket to the edge of the outfield (allowing for the necessary sightscreen). To demonstrate what this means this compares with the minimum boundary length at the straight ends for professional cricket of 70 yards! For amateur games there is no minimum distance but you will appreciate that the smaller the playing area the less authentic and enjoyable the game becomes for the participants. The position of the new building which will be in a direct line with the wicket also makes this very short distance even more critical.

Since receiving major lottery and local authority funding for our new Clubhouse in 1999 the Cricket Club has developed its colts coaching strategy and as a result has gone from strength to strength and the club now plays league cricket at its highest ever level. However should the application go ahead as proposed this could well compromise the viability of our club continuing to maintain and indeed improve our playing standard and facing the real possibility of losing both senior and junior club members moving to other clubs because of the effect the new building will have on the quality of the cricket played.

As we made clear at the meeting we have no objection to the building of the new block and you have asked the school to investigate the viability of relocation. We are of the opinion that if the will was there logistical problems could indeed be overcome and the new building could still be located on the site of the demolished mobile classroom. On reflection and as a separate issue the current proposal would close off the playground which would be detrimental to the wellbeing of the children and the current playground area is full of light and openness as it is adjacent to the playing field providing direct access to a much more open playing area.

However if after the proper deliberation this is not found to be a viable option then may we request that the building is moved back preferably to the current boundary of the school playground. As this proposed building application shows no link to the existing block we fail to understand why this would not be possible and also not unduly jeopardise any future plans for a covered access between the two buildings.

To summarise our playing membership understandably feel very strongly about this issue and I am sure that having seen the site yesterday you will fully appreciate their concerns and sincerely trust that a suitable compromise agreement can be reached. Would you be kind enough to keep us fully informed of the deliberations of the building planners and their proposals for an alternative location.

Regards
David Hopper

Item D4

Demolition of mobile classroom and construction of new single storey classroom block, Leybourne CE Primary School – TM/08/2988

Chris Jones

Leybourne Cricket Club

Demolition of mobile classroom and construction of new single storey classroom block, Leybourne CE Primary School – TM/08/2988

Mr Jeremy Crossley
Principal Planning Officer
Kent County Council
Invicta House, County Hall,
Maidstone, ME14 1XX
Dear Mr Crossley,

83 Rectory Lane North,
Leybourne,
WEST MALLING
Kent, ME19 5HD
Tel 01732 844206
26th November 2008



TOWN AND COUNTRY PLANNING ACT - APPLICATION TM/08/TEMP/0061
Now Application TM/08/2988

Thank you for arranging the meeting at Leybourne School on 24th November 2008. I would also thank you for the way you conducted the meeting and your determination to secure understanding of the needs and options of both the school and the Leybourne Cricket Club and in particular requiring the school to consider and to present options for the siting of the proposed classroom block to permit further consultation with the parties present at the meeting in order to facilitate the subsequent determination of the Application.

My main purpose in writing again at this stage is to offer some reflections on the situation which as "played out" at the meeting seemed somewhat stereotypical.

On the one hand the representatives of the school were rightly very positive about the school but seemed to have a mindset which allowed them very little inclination (possibly there is even some antipathy to the cricket club) to consider the points of view of others & to react determinately on a position that future secret plans for the school meant that the presently proposed location was the only one possible.

On the other hand the cricket club's representatives, while looking for cooperative resolution of the difficulties with the school, did not put as strong a case as warranted which is so often the case with small & voluntary organisations. Indeed the cricket club had not appreciated fully the impossibility of having such a large building in the site and so close to the cricket.

Continued...

Demolition of mobile classroom and construction of new single storey classroom block, Leybourne CE Primary School – TM/08/2988

The K.C.C. & Leybourne Parish Council both seemed to be coming from the desire to find a solution that enabled both the school and the cricket club, an important and successful organisation, to continue to achieve such valuable and improving contributions in the context of the needs of the wider community.

On more specific matters I would suggest that surely can "secret" plans be an adequate reason for not being able to consider options more widely and not least because intentions change so rapidly/permanently. Hence any future development of the school is likely to be different from that contemplated "today" and it would be extremely surprising if such development could not be successfully achieved at the time. While the school has "advised" the cricket club leaders of its intention that did not seem to amount to "engagement" which is so important for effective & proper consultation - you have most helpfully quoted that process. While alternative locations may well be less convenient and appropriate for the school the associated additional works and/or temporary facilities that could result did not seem to be particularly insurmountable under the circumstances.

Looking at the site reinforced my view that ideally the building would not be positioned in line with the cricket but appreciate that might emerge as a "step too far". However that should not preclude very serious consideration being given to locating the building in the position occupied by the building that is to be demolished. In the event I would urge that the building is set back from the present building line to avoid the cricket club needing to alter the position of the pitch in mitigation - as would that would result in a serious degradation of both the practicalities & ambience of playing cricket in this community for the future.

I look forward to receiving the further information as above and would note that in the light of the above my original letter of 15th October 2008 stands.

Claire:

County Councils Social Affairs
Children & Youth Services Policy Unit

Yours sincerely, John Davies
(MR J. DAVIES)

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**E1 COUNTY MATTER 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.

- | | |
|----------------------------|---|
| DA/07/1/R45 | Request for approval to continue handling soils to complete the formation of the visual screening bunds within the northern extension and the restoration of phases 2 and 3 at Pinden Quarry without compliance with condition 45 of planning permission DA/07/1.
Pinden Quarry, Green Street Green Road, Dartford |
| DA/07/1/R48
&R51 | Submission of detailed restoration, landscape planting and maintenance scheme and aftercare scheme pursuant to conditions 48 and 51 of planning permission DA/07/1.
Pinden Quarry, Green Street Green Road, Dartford |
| DO/08/510/R4 | Details of a working plan pursuant to condition 4 of planning permission DO/08/510.
Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich |
| DO/08/510/R6 | Details of illumination pursuant to condition 6 of planning permission DO/08/510.
Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich |
| DO/08/510/R15 | Details of an access condition plan pursuant to condition 15 of planning permission DO/08/510.
Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich |
| DO/08/510/R22 | Details of scheme detailing soil handling and storage procedures pursuant to condition 22 of planning permission DO/08/510.
Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich |
| DO/08/510/R23 | Details of post settlement levels pursuant to condition 23 of planning permission DO/08/510.
Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich |
| TM/93/305/
R17A | Details pursuant to condition 17 of planning permission TM/93/305 to provide additional wheelwash, water tank, rumble bars, HGV holding area, widening of access road and associated infrastructure at Borough Green Quarry.
Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks |
| TM/01/1205/
MR86/R8&R11 | Details pursuant to conditions (8) and (11) of planning permission TM/01/1205/MR86 for approval of a scheme of restoration and aftercare at Borough Green Quarry.
Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks |

TM/08/2653	Amendments to the scheme of working as a consequence of not constructing the Haul Road to Park Farm Quarry through Nepicar Sand Quarry pursuant to conditions 2, 11 and 19 of planning permission TM/98/1815 and resubmission of details of quarry dust attenuation scheme, pursuant to condition 29 of planning permission TM/98/1815. Nepicar Sand Quarry, Maidstone Road, Wrotham Heath
TM/08/2706	Variation of condition (2) and condition (3) of permission TM/01/1686. Hermitage Quarry, Hermitage Lane, Aylesford
TM/08/2981	Section 73 application for the continued restoration of land by landfilling without complying with condition (2) of IDO determination TM/93/305 (i.e. amendments to site access). Borough Green Sandpit, Wrotham Road, Borough Green
TM/08/3175	Section 73 application for the continued restoration of land by landfilling without complying with condition (2) of ROMP determination TM/01/1205/MR86 (i.e. amendments to site access). Borough Green Sandpit, Wrotham Road, Borough Green

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/07/1578/R3, R18 & R20 Details of all materials to be used externally, details of contractors site compound and details of parking for site personnel – Extension of school.
Oak Tree Primary School, Oak Tree Road, Ashford

E.2

AS/08/1183	Provision of a 3-bay mobile staffroom. Bromstone Primary School, Rumfields Road, Broadstairs
AS/08/1522	Change of use from retail (A1) to library (D1) to provide temporary premises for Ashford library during redevelopment of existing library site at Church Road, Ashford Unit 4, 15 Park Mall, Ashford
CA/07/1662/R3 & R4	Details of external materials and landscaping scheme pursuant to conditions 3 & 4 of planning permission CA/07/1622 88 Whitstable Road, Canterbury
CA/08/271/R3	Details of all materials to be used externally. The Community College Whitstable, Bellevue Road, Whitstable
CA/08/271/R5	Details of a scheme of landscaping. The Community College Whitstable, Bellevue Road, Whitstable
CA/08/316/R3	Details of temporary classrooms and ancillary accommodation pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R4	Details of contractor's compound and contractor's temporary accommodation pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R5	Details of contractor's access, materials, circulation and parking pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R6	Details of site levels and finished floor levels pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R7	Details of external materials pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R8	Details of CCTV equipment pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R11	Details of cycle parking facilities pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R30	Details of programme of archaeological work pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R31	Details of foundation design pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay

CA/08/1152	Provision of a 3-bay mobile classroom and demolition of existing mobile. Blean Primary School, Whitstable Road, Blean, Canterbury
CA/08/1163	Reception class, classroom extension (revision of CA/08/651). Blean Primary School, Whitstable Road, Blean, Canterbury
CA/08/1199	Demolition of existing entrance lobby and formation of new extension to provide new entrance lobby and reception. Bridge & Patribourne Primary School, Conyngham Lane, Bridge
DA/06/868/R6B	Amendments to details of a scheme of landscaping as previously approved pursuant to condition 10 of planning permission DA/06/868 – addition of planting between the Gabion wall and the site boundary. Westgate Primary School, Summerhill Road, Dartford
DA/06/868/RA	Amendments to car park details. Westgate Primary School, Summerhill Road, Dartford
DA/08/209/R2,4,7 & 9	Details pursuant to condition 2 (materials), condition 4 (flood damage prevention measure), condition 7 (landscaping scheme) and condition 9 (external lighting) of planning permission reference DA/08/209. Oakfield Junior & Infant School, Oakfield Lane, Dartford
DA/08/228/R	Amendments to approved scheme including changes to the access ramp and minor elevational changes. Rowhill School, Woodview Campus, Longfield
DA/08/228/R5	Details of a scheme of landscaping. Rowhill School, Woodview Campus, Longfield
DO/07/1257/R3	Details of external materials pursuant to planning permission DO/07/1257. Guston C of E Primary School, Burgoyne Heights, Guston, Dover
DO/07/1257/R6	Details of foul and surface water drainage pursuant to planning permission DO/07/1257. Guston C of E Primary School, Burgoyne Heights, Guston, Dover
DO/08/1006	Free-standing annexe to the school to provide a classroom space for the reception class. St Josephs Catholic Primary School, Ackholt Road, Aylesham, Canterbury
DO/08/1089	Alterations to the entrance facade in connection with internal works. The Downs C Of E Primary School, Downs Road, Walmer, Deal
GR/08/154/R4,6 & 10	Details of closed circuit television, a scheme of landscaping and tree planting and fencing, gates and means of enclosure. Thamesview School, Thong Lane, Gravesend
GR/08/154/R22	Details of surface water drainage. Thamesview School, Thong Lane, Gravesend

GR/08/229/R3	<p>Details of external materials pursuant to condition (3) of planning permission GR/08/229 for the redevelopment of Northfleet School for Girls.</p> <p>Northfleet School for Girls, Hall Road, Northfleet, Gravesend</p>
GR/08/229/R6	<p>Details of a ground conditions risk assessment pursuant to condition (6) of planning permission GR/08/229 for the redevelopment of Northfleet School for Girls.</p> <p>Northfleet School for Girls, Hall Road, Northfleet, Gravesend</p>
GR/08/229/R7	<p>Details of drainage scheme pursuant to condition (7) of planning permission GR/08/229 for the redevelopment of Northfleet School for Girls.</p> <p>Northfleet School for Girls, Hall Road, Northfleet, Gravesend</p>
GR/08/229/R10	<p>Details of a programme of historic building recording pursuant to condition (10) of planning permission GR/08/229 for the redevelopment of Northfleet School for Girls.</p> <p>Northfleet School for Girls, Hall Road, Northfleet, Gravesend</p>
GR/08/229/R16	<p>Details of noise and dust management plans pursuant to condition (16) of planning permission GR/08/229 for the redevelopment of Northfleet School for Girls.</p> <p>Northfleet School for Girls, Hall Road, Northfleet, Gravesend</p>
GR/08/229/R18	<p>Details of temporary education buildings during construction pursuant to condition (18) of planning permission GR/08/229 for the redevelopment of Northfleet School for Girls.</p> <p>Northfleet School for Girls, Hall Road, Northfleet, Gravesend</p>
GR/08/827	<p>Renewal of planning permission for three mobile classrooms.</p> <p>Northfleet School for Girls, Hall Road, Northfleet, Gravesend</p>
GR/08/882	<p>Proposed extension to existing single storey classroom for DDA.</p> <p>Shears Green Infant School, Packham Road, Northfleet, Gravesend</p>
GR/08/888	<p>Retention of a kitchen horsa block.</p> <p>Wrotham Road Primary School, Wrotham Road, Gravesend</p>
MA/08/1645	<p>Retention of temporary site access via Gatland Lane as a secondary access and installation of a laneway from the entrance to an overflow car park for 12 vehicles.</p> <p>Bower Grove School, Fant Lane, Maidstone</p>
SE/08/2519	<p>Temporary planning permission for two existing mobile classrooms.</p> <p>Hextable School, Egerton Avenue, Hextable, Swanley</p>
SE/08/2729	<p>Retention of two mobile classroom units which already exist on site.</p> <p>Seal CEP School, Zambra Way, Seal, Sevenoaks</p>
SW/08/317/R3	<p>Details pursuant to condition (3) of planning permission SW/08/317 – External colour treatment of lift shaft.</p> <p>Queen Elizabeth's School, Abbey Place, Faversham</p>

SW/08/1201	Relocation of a 4 bay mobile classroom. Boughton-under-Blean Methodist Primary School, School Lane, Boughton-under-Blean
TH/06/1170/R4& R10	Details of external lighting and cycle parking pursuant to conditions 4 & 10 of planning permission TH/06/1170. Appleton Lodge, Rumfields Road, Broadstairs
TH/06/1184/R3 & R4	Details of boundary fencing and gates (3) and details of external lighting (4) of permission TH/06/1184. Crispe House, Minnis Road, Birchington
TH/06/1300/R10A	Minor amendment to the landscape scheme approved under condition (10) of planning permission TH/06/1300 for apartment building. Former tramshed and part of rear garden of Westbrook House, 150 Canterbury Road, Margate
TH/08/167/R5	Details pursuant to condition 5 – temporary access and parking – of planning permission TH/08/167. St Georges Church of England Foundation School, Westwood Road, Broadstairs
TH/08/167/R10	Details pursuant to condition 10 – ground contamination – of planning permission TH/08/167. St Georges Church of England Foundation School, Westwood Road, Broadstairs
TH/08/534/R3,5&12	Details of all materials to be used externally, details of a scheme of landscaping and details of a programme of building recording. King Ethelbert School, Canterbury Road, Birchington
TH/08/534/R	Amendments to approved scheme including the provision of an external plant room. King Ethelbert School, Canterbury Road, Birchington
TH/08/1024/R	Minor amendment to playground provision under planning permission TH/08/1024 for construction of a Children's Centre and re-provision of school playground. Callis Grange Nursery and Infant School, Beacon Road, Broadstairs
TH/08/1195	Proposed store room extension to the main school hall. Callis Grange Nursery & Infant School, Beacon Road, Broadstairs
TH/08/1240	Proposed 3 pod extensions off main school corridor. Newington Primary School, Princess Margaret Avenue, Ramsgate
TM/08/2858	Extension to form hall, kitchen and servery area. Kings Hill School, Crispin Way, Kings Hill, West Malling
TM/08/2930	Installation of three 10-metre flagpoles at the front of the school by the main front entrance. Holmesdale Technology College, Malling Road, Snodland

TM/08/3131	To install a freestanding canopy over the courtyard and one covered walkways between the main hall and the 'Larch' building. Snodland CE Primary School, Roberts Road, Snodland
TM/08/3174	Installation of gazebo to the rear of the school. Snodland C of E Primary School, Roberts Road, Snodland
TW/07/2426/R	Minor amendments to the roof and front entrance of the approved building. Sissinghurst C of E (Aided) Primary School, Common Road, Sissinghurst, Cranbrook
TW/07/2426/R5	Details of expected community use pursuant to condition 5 of planning permission TW/07/2426. Sissinghurst C of E (Aided) Primary School, Common Road, Sissinghurst, Cranbrook
TW/08/3337	Change of use from Class B1 (offices) to class D1 (non-residential institutions) use. Units 1 & 2, Hawkwell Business Centre, Maidstone Road, Pembury

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

Background Documents –

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

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

SH/08/TEMP/0035 Construction of a single storey outside store and canopy to the rear of the playground area.
St Augustine's RC Primary School, St John's Road, Hythe

MA/08/TEMP/0052 Application for the demolition of existing school buildings, erection of a new academy, re-provision of outdoor playing pitches, new 4 court MUGA, 247 car parking spaces, 14 disabled spaces, 250 bicycle spaces, landscaping works and associated circulatory access roads.
Cornwallis Academy, Hubbards Lane, Maidstone

TM/08/TEMP/0075 Removal of condition 12 of planning permission TM/06/762 (*i.e. removal of all current restrictions on waste sources*) at New Earth Composting Plant, Blaise Farm Quarry, Kings Hill, West Malling.

TM/08/TEMP/0076 Variation of condition 12 of planning permission TM/06/762 to allow waste to be sourced from the permitted 8 Kent Districts and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition at New Earth Composting Plant, Blaise Farm Quarry, Kings Hill, West Malling.

TM/08/TEMP/0077 Variation of condition 12 of planning permission TM/06/762 to allow waste to be sourced from all 12 Kent Districts (i.e. Canterbury, Thanet, Dover and Shepway added) and the Medway Unitary Authority area without the constraints imposed by circumstances (i), (ii) and (iii) of the current condition at New Earth Composting Plant, Blaise Farm Quarry, Kings Hill, West Malling.

TW/08/TEMP/0043 Application for the extension of school building to provide a staffroom.
Hawkhurst Church of England Primary School, Fowler's Park, Rye Road, Hawkhurst

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

None

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

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

Background Documents -

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

None