

PLANNING APPLICATIONS COMMITTEE

Tuesday, 10th April, 2012

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 10th April, 2012, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **01622 694342**

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

Membership (18)

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

Liberal Democrat (1): Mr M B Robertson

Independent (1) Mr R J Lees

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 13 March 2012 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Publication of the National Planning Policy Framework (Oral Report)

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application DO/11/570 - Erection of light industrial building for the storage and sortage of non-ferrous metals at Former Corporation Yard, Western Road, Deal; E H Churley (Pages 5 - 20)
2. Application AS/11/981 (KCC/AS/0365/2011) - Redevelopment of Household Waste Recycling Centre and construction of Waste Transfer Station at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford; KCC Waste Management Group (Pages 21 - 54)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal DA/12/14 (KCC/DA/0537/2011) - redevelopment of existing school site including the erection of a 2-storey Academy building at Wilmington Academy, Common Lane, Wilmington; KCC Property and Infrastructure (Pages 55 - 102)
2. Proposal SH/12/109 (KCC/SH/0543/2011) - New modular two classroom building. additional car parking, fencing, fire access road and relocation of existing poly tunnel at Highview School, Moat Farm road, Folkestone; KCC Property and Infrastructure (Pages 103 - 114)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 115 - 118)
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

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

Peter Sass
Head of Democratic Services
(01622) 694002

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

Thursday, 29 March 2012

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, 13 March 2012.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr J F London, Mr S C Manion, Mr R F Manning, Mr M B Robertson, Mrs E M Tweed and Mr A T Willicombe

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

UNRESTRICTED ITEMS**14. Membership**

(Item A1)

The Committee noted that Mrs E M Tweed had replaced Mr R A Pascoe

15. Minutes - 14 February 2012

(Item A4)

RESOLVED that the Minutes of the meeting held on 14 February 2012 are correctly recorded and that they be signed by the Chairman.

16. Site Meetings and Other Meetings

(Item A5)

- (1) The Committee confirmed arrangements for the site meeting at Cryalls Lane, Sittingbourne on Wednesday, 4 April 2012. A decision on whether to hold an additional public meeting would be taken after the site meeting had been held.
- (2) The Committee noted that the site visit to the land off Pluckley Road, Charing scheduled to be held on Tuesday, 10 April 2012 might not take place. The Committee Members would be informed separately of the final arrangements.

17. National Planning Policy Framework

(Item)

The Head of Planning Applications Group informed the Committee that the National Planning Policy Framework was due to be published in the very near future. An electronic copy would be sent to all Members of the Committee and nominated substitutes at the earliest opportunity in order that its provisions could inform the Committee's decision making at its next meeting.

18. Application SW/11/1227 (KCC/SW/0419/2011) - Change of use of land to undertake Waste Electrical and Electronic Equipment (WEEE) recycling activities, construction of storage facilities and variation to previously permitted hours at SWEEP Kuusakoski Ltd, Gas Road, Sittingbourne; SWEEP Kuusakoski Ltd

(Item C1)

(1) Mr R Mansfield from Jacobs, the Authority's Noise Consultant was present for this item and answered questions from Members of the Committee.

(2) The Head of Planning Applications Group reported correspondence from Swale Borough Council raising no objection to the amended application subject to appropriate Noise Controls.

(3) RESOLVED that permission be granted to the application subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; a cap of 46,000 tonnes per annum of waste electrical and electronic equipment (WEEE) being processed at the facility; a daily cap of 50 HGV movements (25 in, 25 out) per day; site operations only taking place between the hours of 0600 on Monday and 0600 on Sunday, with maintenance work only (as necessary) taking place between 0600 on Sunday and 0600 on Monday; a restriction of HGV movements to and from the site to between 0600 and 2300 on Monday to Friday, 0600 and 1800 on Saturdays, with no movements outside these periods; noise controls, as set out in paragraph (17 parts (i) and (ii)) of the report; car parking within "Area C" being retained in perpetuity for staff and visitor parking associated with the facility; details of fencing, gates and associated visibility splays into Area C being submitted for approval prior to their erection on site and before the first use of the car parking area hereby permitted; details of any new or realigned vehicular access points (including associated visibility splays) into Areas A or B being submitted for approval; methods being installed on site to control the transfer of mud and debris to the public highway; "Area C" only being used for the purposes of car parking and storage, with no processing taking place on that land; the submission of a Flood Evacuation Plan for approval; details of a surface water drainage scheme being submitted for approval prior to commencement of development on "Area C"; details of a buffer zone along Milton Creek and "Area C" being submitted for approval prior to commencement of the development; ground contamination; and hazardous waste storage only taking place in those areas of the site identified to be at the lowest risk of flooding.

19. Proposal SW/12/92 (KCC/SW/0009/2012) - Retrospective application for the removal of fencing and replacement with timber palisade fencing at Tunstall CEP School, Tunstall Road, Sittingbourne; Governors of Tunstall CEP School

(Item D1)

(1) Mr A T Willicombe informed the Committee that he was acquainted with the objectors in his capacity as the Local County Councillor. None of these acquaintanceships constituted a close personal relationship and he was therefore able to approach the determination of this proposal with a fresh mind.

(2) Correspondence from Mrs T Mills objecting to the proposal had been circulated to all Members of the Committee before the meeting. In addition, a photograph provided by Mrs Mills was placed on display in the Council Chamber and was referred to in the Head of Planning Applications Group's presentation to the Committee.

(3) The Head of Planning Applications Group reported comments from a Mrs A Spicer, a local resident objecting to the proposal.

(4) The Committee agreed to amend the recommendations of the Head of Planning Applications Group by the inclusion of an additional Informative reminding the applicants that they should engage with the local community and interested parties on planning matters.

(5) On being put to the vote, the amended recommendations of the Head of Planning Applications Group were carried by 11 votes to 3 with 1 Abstention.

(6) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including the standard time limit condition for implementation; and the development being completed in accordance with the approved plans; and
- (b) the applicant be advised by Informative: -
 - (i) that maintenance of the fencing should take place in order to keep the fencing tidy and in good repair in order to avoid it damaging the setting of the Listed Building and character and appearance of the Conservation Area;
 - (ii) of the additional planning controls that apply to developments affecting Listed Buildings and Conservation Areas; and
 - (iii) that they should engage with the local community and interested parties on planning matters.

20. Matters dealt with under delegated powers

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments (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).

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

Erection of Light Industrial Building for the Storage and Sorting of Non-ferrous Metals, Former Corporation Yard, Western Road, Deal - DO/11/570 (KCC/DO/0169/2010)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2012.

Application by E.A. Churley for the erection of light industrial building for the storage and sorting of non-ferrous metal at the Former Corporation Yard, Western Road, Deal

Recommendation: Permission be granted subject to conditions.

Local Member: Kit Smith, Julie Rook

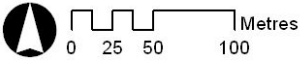
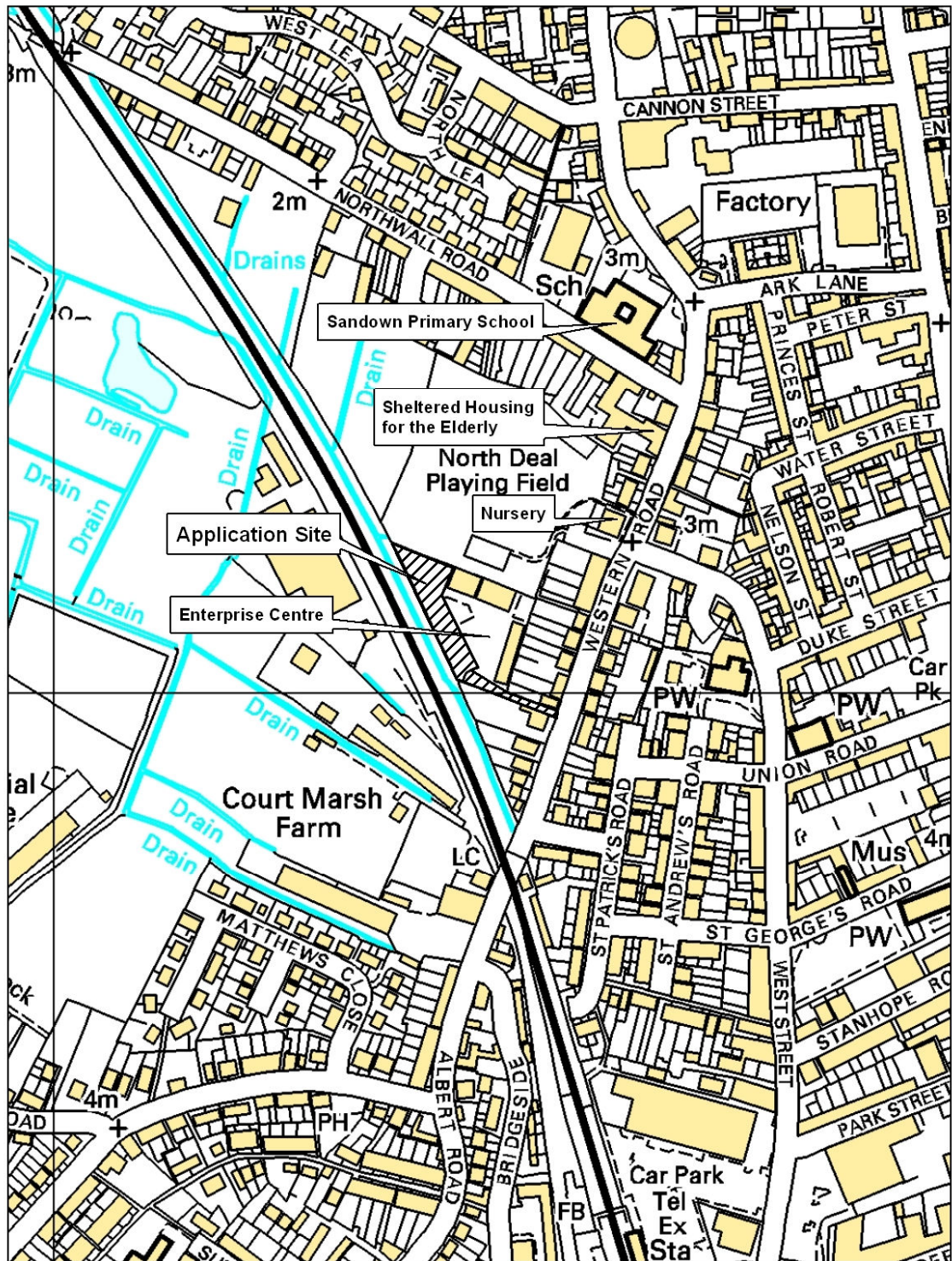
Classification: Unrestricted

Site description

1. The planning application site lies to the rear of residential properties on Western Road and to the east of the Ramsgate to Ashford railway line, beyond which are some large commercial buildings, in a general industrial area. The north of the site adjoins the North Deal Playing Field beyond which (approx. 200m) is a mixture of residential and light commercial development on Northwall Road. Beyond the site fencing (post and wire mesh) immediately to the east of the application site is a small Enterprise Centre with a number of small business units on it (see planning history below). Most of these units appear vacant although I understand one is in use as a light engineering fabricators and one for a car hire business. The two parts of the former Council Yard share the same access which runs between the properties, 11 and 13 Western Road. Further to the south along Western Road is a level crossing over the railway line. Western Road itself is generally residential in nature and has controlled parking along much of its length.
2. The site is generally flat and currently has some disused portacabins (two storeys), although I understand these will be refurbished for use if planning permission is granted. The whole site is laid down to concrete hard standing and measures approx. 0.2 hectares in area. The site lies approx. 400 metres inland of the coastline of Deal and lies within a Flood Zone 3a, meaning the site has a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from the sea in any year. Beyond the site boundary but between the site and the railway line lies a surface water drainage ditch. There are several surface water drainage ditches on the surrounding farmland to the west and on the playing field to the northwest.

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Site Location Plan



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3. Further along Western Road is a children's nursery and beyond that off Norhwall Road is Sandown Primary School. Across the corner of Western Road and Northwall Road is Gerald Palmby Court, a sheltered housing development for the elderly. A site plan can be seen on the previous page.

Planning History

4. The use of this land as a former Corporation Yard appears to date back to somewhere around the late 1950's, by which time most of the residential properties in the vicinity had also been built. The actual development of the site is difficult to trace in detail however Dover District Council has provided the following information on planning permissions granted which I have split into the relevant parts:

Whole Site

- DO/78/1350 – Redevelopment as central vehicle depot comprising of a carpenters' shop workshop, stores and offices (Council Depot).

Application Site

- DO/85/1134 – New Concrete Road Surface, perimeter security fencing, temporary buildings for office and workforce accommodation and salt storage. *Appears to be the division of the site (Council Depot) into 2, this permission creates the application site that is the subject of this report.*
- DOV/95/121 Certificate of Lawful Development as a waste transfer station on Area A – *(this is the area at the end of the yard where it is proposed to locate the new building)*

Light Industrial/Enterprise Centre

- DO/87/1439 – Planning permission granted for refurbishment of an existing building to provide 8 workshop units. *This appears to be for the subdivision of one large existing building on the eastern boundary.*
 - DO/87/1497 – Planning permission granted for change of use to light clothing manufacture.
 - DO/94/225 – Planning permission granted for the erection of prefabricated concrete garage.
 - DO/96/109 – Planning permission granted for workroom extension.
 - DO/97/1217 – Planning permission granted for change of use from clothing factory to joinery workshop and associated alterations and erection of new paint store Unit A.
5. An earlier application for the same proposal the subject of this report was submitted to Dover District Council but was subsequently withdrawn some time later. Following a resubmission the District Council then identified that this was for development of a type that should be dealt with by the County Council and subsequently forwarded this application on to us. This application was eventually made valid in June 2011.
 6. There have been several applications for a new dwelling to the rear of No. 11 Western Road, all have been refused.

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Fig. 1 Proposed Site Layout

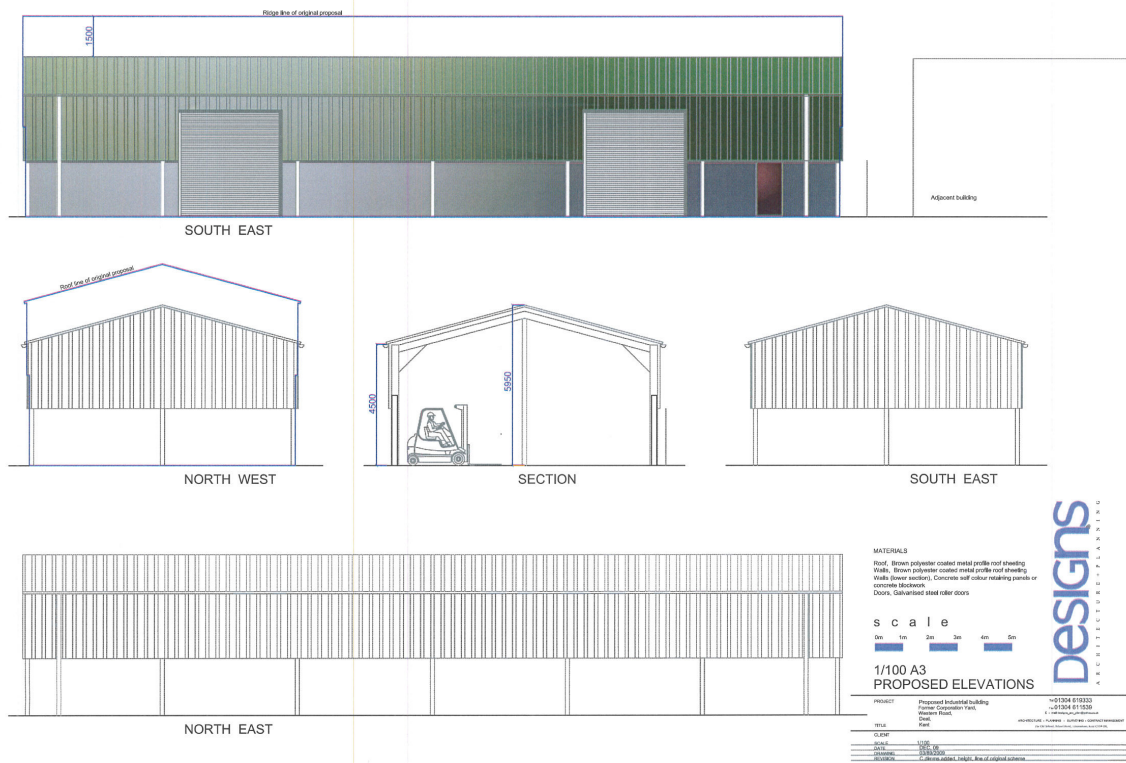


Fig. 2 Proposed Elevations

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Fig. 3 Photo montage showing view from North Deal Playing Field

Proposal

7. The application is for the erection of a light industrial building of 295 square metres to be used for the storage and sorting of non-ferrous metals which would then be sold on for recycling. Following negotiations the proposed building has been reduced in height to reflect those buildings on the adjacent Enterprise Centre. It would be constructed of a steel frame with concrete blockwork and steel cladding to the walls. The roof would also be constructed of metal profile sheeting. The existing portable buildings that are present on the site are to be refurbished and used as offices and mess rooms. Parking spaces are identified within the site for staff and commercial vehicles.
8. It is proposed that the site would operate 0800 hrs – 1700 hrs Monday to Friday and 0830 hrs to 12.30 hrs on Saturdays. There would be no operations on Sundays or Bank Holidays. Initially it is anticipated that there will be two full-time members of staff and a further part-time assistant would be required within six months once the business was up and running. The proposed layout plan identifies 6 car parking spaces and 2 light goods vehicle spaces, and demonstrates sufficient turning space within the site for a large HGV.
9. The proposed business is essentially a collection and bulking up operation, at expected volumes of 10 tonnes per week (520 tonnes per annum). Non-ferrous metal, brass, aluminium and copper etc., is most commonly used in the plumbing (and ancillary electrical) trade and in the current commercial market is valuable. Scrap and

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waste metal, off cuts of pipe, fittings, and taps can be salvaged and sold on for further processing. The Applicant buys this material from local plumbers (who will bring it to the site in their own vehicles), separates and sorts it into each metal category and then when there is a sufficient quantity sells it on in bulk quantities for specialist metal recycling and smelting. These recycling companies are based elsewhere in the country (mainly London) and will send their own larger vehicles (usually 10 tonne but up to max. 20 tonne) to collect the material. It is anticipated that this would be no more than 1-2 collections per week.

10. When the material is brought into the site, vehicles would enter the building and off load the scrap material (in its constituent parts) onto a 3 tonne flat scale where it would be weighed by the Applicant. The delivery vehicles would then leave the building. Most of the scraps would be sorted and segregated by hand or hand tools, removing taps from pipes etc., and placed into the correct segregation bin. The use of a small hydraulic press cutter would only be used for 'stubborn' parts of the separation process. Other than a forklift truck no other machinery would be required during the arrival, separation, storage and dispatch of the scrap parts. The work benches that would be used for processing the material have small (170W) surface extraction systems to collect any dust arising from the process. They would only be operated when needed.
11. It may be useful for members to understand that the Applicant has been undertaking a similar operation for a number of years, although not on such a formal footing. As far as I understand it, a notice offering to buy scrap and plumbing waste was advertised at local plumbers' merchants in Deal. The Applicant has stockpiled this waste in a number of lock-ups that he has in the area until such time as quantities were sufficient for it to be taken away by the recycling companies. To date all the waste comes in from local plumbers most of whom operate within a 20 mile radius of Deal.

Planning Policy Context

12. **National Planning:** The National Planning Policy Framework came into force on 27 March 2012; it replaces most national planning policy guidance. However, the framework does not contain specific waste policies since national waste planning policy is to be published alongside the National Waste Management Plan for England. Pending this, Planning Policy Statement 10 (Planning for Sustainable Waste Management) is to remain in place. The other matters addressed in the framework primarily carry forward previous national planning policy guidance.
13. The NPPF has at its heart a presumption in favour of sustainable development. The new Framework refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system -- economic, social and environmental. These roles are mutually dependent. In facilitating the delivery of these roles the Framework also requires that

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local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

14. The NPPF is also accompanied by a technical guidance document which provides additional guidance on flood risk and minerals policy. With regard to flood risk it states that it retains key elements of previous Planning Policy Statement 25 'Development and Flood risk' which gives specific advice on steering development away from areas at risk of flooding, depending upon the vulnerability of the proposed use. This guidance is an interim measure pending a wider review of guidance to support planning policy.
15. **South East Plan 2009:** Policies CC1 (sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC6 (Sustainable Communities and Character of the Environment), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM4 (Sustainable Flood Risk Management), NRM9 (Air Quality), NRM10 (Noise), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W8 (Waste Separation), W16 (Waste Transport Infrastructure), W17 (Location of Waste Management Facilities). This policy document is to be revoked as set out in the Localism Act 2011, but remains in place until secondary legislation deletes it.
16. **Kent Waste Local Plan (Saved Policies) (March 1998):** Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use), W9 (Separation and Transfer - Location of facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W22 (Road Traffic and Access), W25 (Plant and Buildings), W32 (Operation and Aftercare).
17. **Kent Minerals and Waste Development Framework (KMWDF):** Draft Policy CSW16 of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)
18. **Dover Local Development Framework (LDF)** In the transition towards the new Local Development Framework, a number of old policies were 'not saved'. Following the adoption of the first LDF documents in February 2010, a number of other policies have been replaced by Adopted Core Strategy Policies, however the Proposals Map rolls forward allocations and policy designations as 'saved Policies'. Relevant Policies are: DM11 (Location of Development and Managing Travel Demand), DM12 (Road Hierarchy and Development), DM 13 (Parking Provision).

Consultations

19. Consultations were carried out and the following comments received:

Dover District Council: No Objection subject to conditions securing: no external storage or sorting of material, no plant or machinery installed without permission, including extractor fans, hours of use restrictions (0800-1700 M-F, 0800-1300 Sat), Provision for vehicle turning and parking within site, details of construction materials, recommendations in part 7 of Desk Study Report in respect of contamination, details

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of external lighting, flood risk mitigation measures.

Deal Town Council: Object to the application as it is unsuitable for the area, too much traffic and unsuitable location for building on the boundary of North Deal Playing Field.

Divisional Transport Manager (East Kent): No objection and comments as follows:

“The Applicant indicates that there are likely to be 2 visits per week of the larger HGV’s shown on the tracking diagrams. These vehicles are likely to enter and leave the site from/to the south as this is the most direct route from/to the A258 and the wider highway network. Therefore, although the tracking diagram shows an existing vehicle turning left needing the area occupied by the end on-street parking bay to make the turn in a single manoeuvre, this is likely to be a rare occurrence bearing in mind the frequency of movements and the likely direction of travel. The on-street parking is limited to 2 hours waiting and does not appear to be particularly heavily used during working hours. The site has had previous uses which would have generated vehicle movements, including by larger vehicles.

Taking all the above into account I would not recommend refusal of the proposals on highway grounds subject to the following being secured by condition:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction in accordance with details to be submitted to and approved by the Local Planning Authority.*
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction in accordance with details to be submitted to and approved by the Local Planning Authority.*
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction in accordance with details to be submitted to and approved by the Local Planning Authority.*
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.*
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.*
- Provision and permanent retention of a minimum of 2 secure, covered cycle parking spaces prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.”*

Environment Agency: No objection subject to conditions requiring: a flood storage compensation scheme be submitted for prior approval, a scheme to manage unexpected contamination should it be encountered and conditions requiring storage fuels, oils and other potentially contaminating materials in accordance with the Control of Pollution Regulations 2001.

Network Rail: No objection

HS1 Ltd: No objection

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County Archaeologist: No response

KCC Heritage Conservation Officer: No response

KCC Noise, Dust and Odour Consultant (Jacobs): makes the following comments as set out under the following sub-headings:

Noise

No objection, the site is unlikely to result in a detriment to the noise environment of the nearest residential properties and requests conditions relating to noise levels and hours of working.

Dust and Odour

No objection.

Representations

20. The application has been publicised both by site notice and newspaper advertisement and local resident/business properties were notified. Initially I received 50 letters of objection as well as representations from East Kent Friends of the Earth, The Deal Society and Friends of North Deal (FOND) amenity societies.

21. The issues raised can be summarised as follows:

Traffic Issues

- Lack of space for vehicle manoeuvring
- The narrow nature of the entrance to the site and constant damage to the walls at either side.
- The use of large vehicles will be a danger to young children at the nursery and primary school, many of whom access via Western Road.
- The business could grow bringing more and more problems to the area, with more traffic.
- There are frequent tailbacks of cars when the trains go through the level crossing, vehicles accessing this site will cause further congestion.
- The surrounding roads are already in very poor condition and in need of resurfacing; this proposal will bring more damage.
- The road is already busy as a result of new residential development and heavily trafficked with regular damage to parked vehicles.

Social Issues

- The local youths will get into the yard and climb on buildings.
- Due to the high value of metals the threat of theft and thereby criminal activity in the area will be increased.
- Property prices will be devalued.
- The continuous noise from the use will have a detrimental effect upon the children using the playing fields next door and the elderly residents who

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live nearby.

Amenity Issues

- Previous uses on the site were very noisy and started up very early in the morning.
- The use of large vehicles will increase noise and pollution and cause structural damage to residential properties through vibration.
- There will be noise pollution from the unloading, sorting cutting and loading of the scrap.
- There will be environmental pollution especially into the stream and surface water run-off; this is also a flood plain.
- If there is a chemical leak it will be harmful to the public and the environment.
- The applicant should be asked to plant trees to screen the building, put in rainwater harvesting and install photo voltaic panels.
- The application is ambiguous and surveys have not been properly carried out.
- Opening hours should be strictly controlled,
- There will be increase in rodent infestation.

Following a re-consultation exercise I received another 7 representations reiterating their previous comments.

Local Members

22. The County Council Members Mr Kit Smith and Ms Julie Rook were notified of the application and the additional information/response to consultees. No written comments have been received to date.

Discussion

23. The Development Plan - Specifically 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. Material planning considerations include the recently published National Planning Policy Framework (NPPF) which promotes sustainable development and the local plan policies set out in paragraphs 12 to 15. It should be noted that the South East Plan remains part of the development plan although the Government's intention to abolish regional spatial strategies is a material consideration and the weight given to it is a matter for the decision maker.
24. Given the nature of the proposal the NPPF it is of less relevance in this case as PPS10 is to remain in place until any new waste policies are published alongside the new National Waste Management Plan for England. However the presumption in favour of sustainable development still applies and of specific relevance are the following: Delivering Sustainable Development, Part 1 – Building a strong, competitive

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economy; Part 7 – Requiring good design; Part 10 – Meeting the challenge of climate change, flooding and coastal change and Part 11 - Conserving and enhancing the natural environment (paragraphs 120 and 123, pollution and noise respectively). I will discuss the details in so far as they are relevant to the proposal later in the report.

25. The main issues to be considered in this case relate to:
- a. Need
 - b. Location
 - c. Traffic and Access
 - d. Flooding
 - e. Noise and Dust,
 - f. Other Amenity Impacts
26. Need - PPS 10 states the overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible; it states *“By more sustainable waste management, moving the management of waste up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste”*.
27. A key part of the sustainability principle is that Waste Planning Authorities achieves net self-sufficiency in terms of management of waste and this is reflected in the extant policies of the South East Plan. On this basis Kent is following a strategy of providing sufficient waste management capacity to accommodate waste arisings from within the County (with a small addition for a portion of London’s waste). Policy W6 of the (SEP) sets targets for recycling and composting in the region and Policy W7 for each Waste planning /Authority (or combination thereof). Policy W10 encourages the provision of new or expanded regional and pan-regional scale recovery and processing facilities and states that need will be a material consideration in the decision where a planning application is submitted for waste management development 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.
28. The evolving Minerals and Waste Development Framework seeks to support these aims. Draft Policy CSW16 of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) states that forms of waste development not covered by specific policies in the Core Strategy will be granted planning permission subject to there being a proven need for the facility and it would not cause unacceptable harm to the environment or communities.
29. The application proposes a quite specific storing and sorting activity for salvaged metals which is generally low volume high value business offering a service to the local plumbers in the vicinity, thus avoiding this waste going to landfill. This is not a general scrap metal dealer and it is not the Applicants intention to collect the waste from the user. As far as I understand there are no other similar non-ferrous metal transfer operations within this part of East Kent, the nearest similar services are in Ashford and Maidstone. Whilst no specific need case has been put forward by the Applicant, the proposal does meet Government Policy in that it would provide a

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recycling opportunity for a waste stream, albeit small in terms of volumes, which would otherwise go straight to landfill. It would in my view help to support a strong competitive economy and the social planning role by providing a quality environment that meets a local need.

30. Location - Policies W3, W6, & and W9 of the Kent Waste Local Plan identify the location criteria against which individual proposals will be considered, whilst policies W18 to W22 and W25, W27 and W31 set out the operational criteria.
31. The application site is not an allocated waste site within the Local Plan nor is it identified as such in the evolving waste development framework. However it is on an established industrial site which in policy term is considered appropriate for such uses. As can be seen from the planning history section of the report the former Council Yard has historically been used for activities associated with the waste industry. The Lawful Development Certificate issued by Dover District Council acknowledges that part of the site had been used as a waste transfer station for a period in excess of 10 years, by Sita Ltd. The Applicant purchased the site from Dover District Council who sold it as being suitable for B2/B8 (general industrial and storage & distribution) uses. The other part of the former Council Yard has a number of workshop units, which have had a number of uses over the years. Dover District Council has also put this site on the market for sale. Policy W3 of the KWLP specifically comments that proposals outside of those identified on the proposals map would be acceptable '*within or adjacent to an existing waste management operation, or within an area of established or proposed general industrial use*'. Policy W9 recognises the need for such proposals to minimise impact on the local and natural environments as well as having acceptable access and good road links. These issues will be discussed further below.
32. Traffic and access - Undoubtedly one of the key considerations in this case is that of the use of the existing access and thus the level of traffic associated with the use. The starting point here is to consider what is being proposed. The Applicant states that local plumbers will bring their waste non-ferrous metals to the site in their own vehicles which are likely to be smaller light goods vehicles. It is anticipated that this would amount to 20 LGV movements per day plus the employee vehicles and a small number of visiting delivery vehicles. In addition the Applicant anticipates there would be 1-2 larger collection vehicles (HGV's) per week.
33. It is considered that the HGV's are likely to enter and leave the site from/to the south as this is the most direct route from/to the A258 and the wider highway network. The Highways Officer has also considered the presence of on-street parking and the turning circles of the vehicles likely to be involved and does not consider on that basis there would be sufficient grounds to recommend refusal of the proposals, especially given the traffic movements that have taken place historically from this access point.

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34. It is also relevant at this point to consider the amenity impacts of the level of traffic and use of the access. The access itself is very narrow (approx. 3.8 metres) and lies between two residential properties, there are double yellow lines either side of the entrance and immediately opposite the access point. The vehicular access for No. 13 Western Road, a residential bungalow is onto and at the very end of the access road to the application site. To the north of the site further along Western Road is a children's nursery and a primary school is located beyond that on Northwall Road. Concern has been expressed at the number of school children who walk past the access on their way to school and the potential conflict that could arise from the proposed use of the application site.
35. From looking at the historical maps submitted with the application it would appear that the use of the application site as a Corporation Yard and the access to it was established before No. 11 Western Road was built. As set above a number of planning permissions have been granted by the District Council none of which have any conditions restricting the number of vehicle movements from the site or indeed how the access may be used. It would be fair to say that use of the Enterprise Centre which shares the access with the Application site has no control over the traffic to and from any of the units, or the size of vehicle that may visit. Furthermore the application site could be used, without the need for planning permission for a number of industrial/commercial uses, again with no control over the vehicle movements. This application proposes a low key use with a relatively small volume of traffic associated with it. It provides the opportunity to place control through the use of planning conditions on the use of the site and the number of vehicles visiting. Careful controlled hours of operation (including visits to and from the site by vehicles) can be conditioned. On balance it is considered that being able to restrict vehicle movements to those stated in the application offers the opportunity for some improvement to the potential amenity impacts that might otherwise arise from uncontrolled use of the site.
36. Flooding – The site lies within a Flood Zone 3a (high probability of flooding) and the application is accompanied by a Flood Risk Assessment (FRA). The new NPPF follows previous principles of risk assessment by stating that the Sequential Test should be applied at all stages of the planning process. On that basis the conclusions of the FRA that was submitted prior to the adoption of the NPPF remains valid. The proposed use is classified as 'less vulnerable' and therefore it is not necessary to apply the exception test. However as set out in the NPPF the FRA has considered the requirements for flood risk reduction, having examined the risk of flooding across a wide range of sources. It concludes that it is only coastal flooding that has been shown to have any bearing on the proposed development and that with appropriate mitigation the risk can be adequately managed.
37. The Environment Agency raise no objection to the proposals subject to conditions securing floor levels to be the same as existing unit on site, submission of a flood damage prevention scheme and a detailed scheme of surface water drainage works.
38. Noise - A number of the objections of local residents express concerns regarding the potential for noise nuisance from the proposed use. A noise assessment has been submitted with the application which concludes that because all the tipping, sorting, cutting activities will take place inside the building there will be little noise impact from the proposed use. Noise from vehicles visiting the site would be minimised by the

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restriction on the hours of operation. It should be borne in mind that the site could be operated for other industrial/commercial purposes without the need for planning permission with no control on the hours of operation. There will inevitably be some disturbance during the period of construction of the new building for a limited period but these construction activities will be relatively short-lived, I am advised this is likely to be 12 weeks. Subject to the imposition of conditions relating to noise levels and hours of operation, my Noise Advisor raises no objections.

39. Dust – Again it is proposed that all activities associated with the sorting and storage of the non-ferrous metals would take place within the building. The Applicant confirms that the material would not be left outside as it too valuable. The cutting benches where the hand cutting tools would be used are fitted with extraction fans that would collect any dust particles through filters which are removed and emptied. I am advised that due to the nature of the works and the local background levels, the proposal is unlikely to cause detriment to the nearest residential receptors.
40. Other Amenity Impacts – The application has also been subject to a land contamination report which has been considered by the Environment Agency. They have no objection to the proposed development subject to conditions requiring submission of a scheme to deal with contamination risks prior to commencement of works. The Applicant has confirmed that he would be happy to submit such a scheme. With regards to drainage the Environment Agency is keen to ensure that any surface water drainage system will not of itself cause any contamination risks and therefore seek a condition to ensure the drainage scheme should not result in an unacceptable risk to controlled waters. The solution to site drainage will be driven by the results of the intrusive soil investigation carried out as part of the contamination risk assessment works. Foul drainage is proposed to be via the existing foul sewer.
41. Initially the District Council had expressed concerns over the visual impact of the proposed building. The Applicant has agreed to a reduction in the overall height of the building so that it is the same as those on the adjacent Enterprise Centre. I am satisfied that when viewed from across the playing fields, the main visual impact of the building, it will be seen against the backdrop of the railway line and the industrial buildings beyond and is acceptable in planning terms.

Conclusion

42. Taking into account the presumption in favour of sustainable development, this proposal offers the opportunity to recycle waste that otherwise would go straight to landfill and in so doing accords with waste management policy by moving the waste stream up the waste hierarchy. It is an existing industrial site within an existing residential area. It is important to consider the lack of planning control over this site and the other half of the former Corporation Yard. The main issue for consideration is that of the traffic using what is acknowledged to be a very narrow access. There are no objections from a highway capacity and safety point of view and the amenity impacts of the use of the access must be considered against the uncontrolled way the site could be used and other material considerations. I am satisfied that any amenity impacts can be adequately mitigated and such schemes can be secured through the use of appropriate conditions. On balance, as set out above, the proposed use of the

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site is considered acceptable subject to a number of conditions and I therefore consider the development to be sustainable and recommend that planning permission be granted.

Recommendation

43. I RECOMMEND that PERMISSION BE GRANTED for the proposed erection of a building for the sorting and storage of non - ferrous subject to conditions including amongst other matters: development to be carried out as per approved plans, hours of operation (construction & operational), no. of vehicle movements, volumes of throughput of materials, details of levels of building, details of flood damage prevention scheme, detailed surface water drainage scheme to accommodate mitigation of potential impacts on groundwater, contamination risk assessment and remediation strategy, noise levels, provision and retention of parking spaces for vehicles and covered cycle spaces, safeguarding of vehicle turning areas, all material to be tipped, salvaged and sorted within the building, no external storage of waste materials, provision of loading/unloading and turning space for construction vehicles within site during construction, parking for visitors and staff on site during construction, detailed scheme of wheel wash facilities for period of construction.

Case Officer: Andrea Hopkins

Tel. No. 01622 221056

Background Documents: see section heading.
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Item C2

Redevelopment of existing household waste recycling centre, construction of new administrative building and waste transfer station with independent vehicular access at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford – AS/11/981 (KCC/AS/0365/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2012.

Application by Kent County Council Waste Management for the redevelopment of an existing waste management recycling centre to provide enhanced facilities and revised internal layout; construction of administrative building and construction of new waste transfer station with independent vehicular access and weighbridge at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford, TN23 1EL – AS/11/981 (KCC/AS/0365/2011).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mrs E. Tweed

Classification: Unrestricted

Site

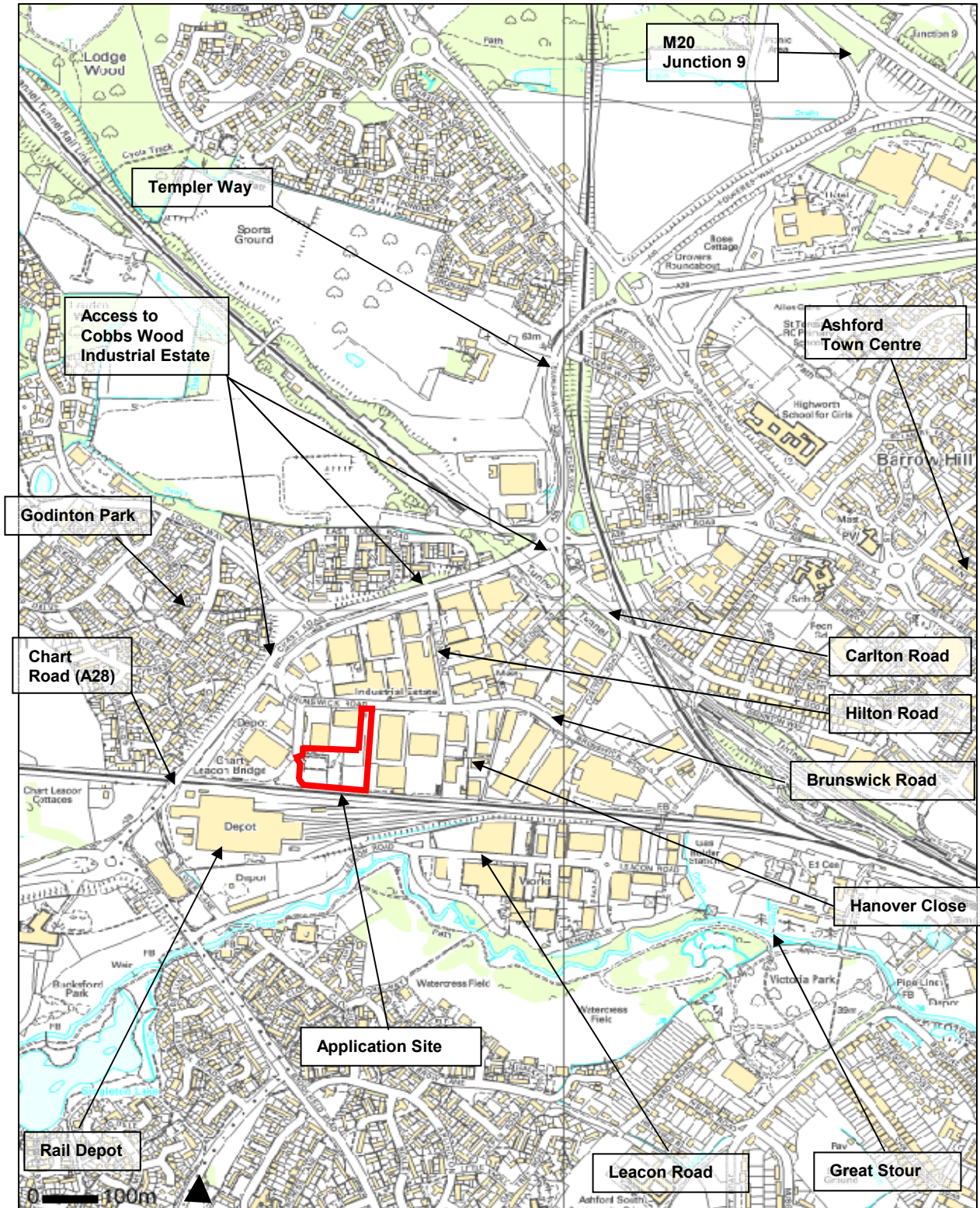
1. The application site forms an area of previously developed land, approximately 1.23 hectares (ha) in size within the Cobbs Wood Industrial Estate, Ashford. The industrial estate is approximately 1km west of Ashford Town Centre and 1.5km south-west of junction 9 of the M20. The application site comprises three parts: an existing County Council Household Waste Recycling Centre (HWRC); an adjacent vacant plot of previously developed and open scrub land (in KCC ownership); and a strip of land to the north that forms part of a privately owned commercial property. The land to the north is currently the subject of negotiations between the County Council and the land owners. Notice of the planning application has been served on the owners.
2. The application site as a whole lies to the south of Brunswick Road, which forms the main spine road serving the industrial estate. Chart Road (A28) comprises the primary access route to Cobbs Wood Industrial Estate, providing direct links to the M20 and the surrounding highway network. There are three main access points into the estate leading off Chart Road, via Brunswick Road, Hilton Road and Carlton Road (off the Chart Road / Templer Way Roundabout).

Redevelopment of HWRC and construction of WTS at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford – AS/11/981 (KCC/AS/0365/2011)

3. Buildings within the industrial estate surround the site to the north, east and west. The branch line between Ashford and Tonbridge passes immediately to the south. A large rail depot is positioned on the far side of the railway lines to the south-west. The surrounding land uses include (amongst others): light engineering operations; warehouse/ storage facilities; vehicle depots; vehicle showrooms; trade suppliers; food distributors; and other commercial activities; including the existing HWRC; Ashford Borough Council's Household Waste Collection Vehicle Depot (on Hanover Close); and other waste management facilities. Further industrial type uses are located beyond the railway to the south east on Leacon Road.
4. The Great Stour (river) passes further to the south of Leacon Road, approximately 160m away from the site at its closest point. The nearest residential properties are located beyond the surrounding industrial estate within Godinton Park, approximately 180m to the north and west on the far side of Chart Road (A28). Further residential properties are located approximately 280m to the south and 580m to the north-east. Please see attached general location plan.
5. The HWRC comprises open hard-standing including a mixture of small temporary buildings and storage container units. A private access road leading off Brunswick Road serves the HWRC and adjacent businesses. The parcel of land included within the application site to the east of the HWRC, is disused and has become overgrown, comprising a mixture of hard standing and dense continuous scrub. The land to the north, in third party ownership, includes a section of an existing building as well as an area of hard-standing currently used as a storage yard and vehicle access directly onto Brunswick Road. Part of the building referred to above would need to be demolished to enable the application to be delivered as proposed.
6. The site and its surroundings lie on a gentle gradient running north-west to south-east across the general area.
7. The application site is located within the confines of the urban area as defined by the Ashford Local Development Framework Proposals Map. Kent Waste Local Plan (1998) Saved Policy W9 specifically identifies the location as suitable in principle for proposals for waste separation and transfer. The site overlies a Minor Aquifer and is identified by the Environment Agency as a Groundwater Vulnerability Zone. There are no other site specific designations, although more general development plan policies are set out in paragraph (26) below.

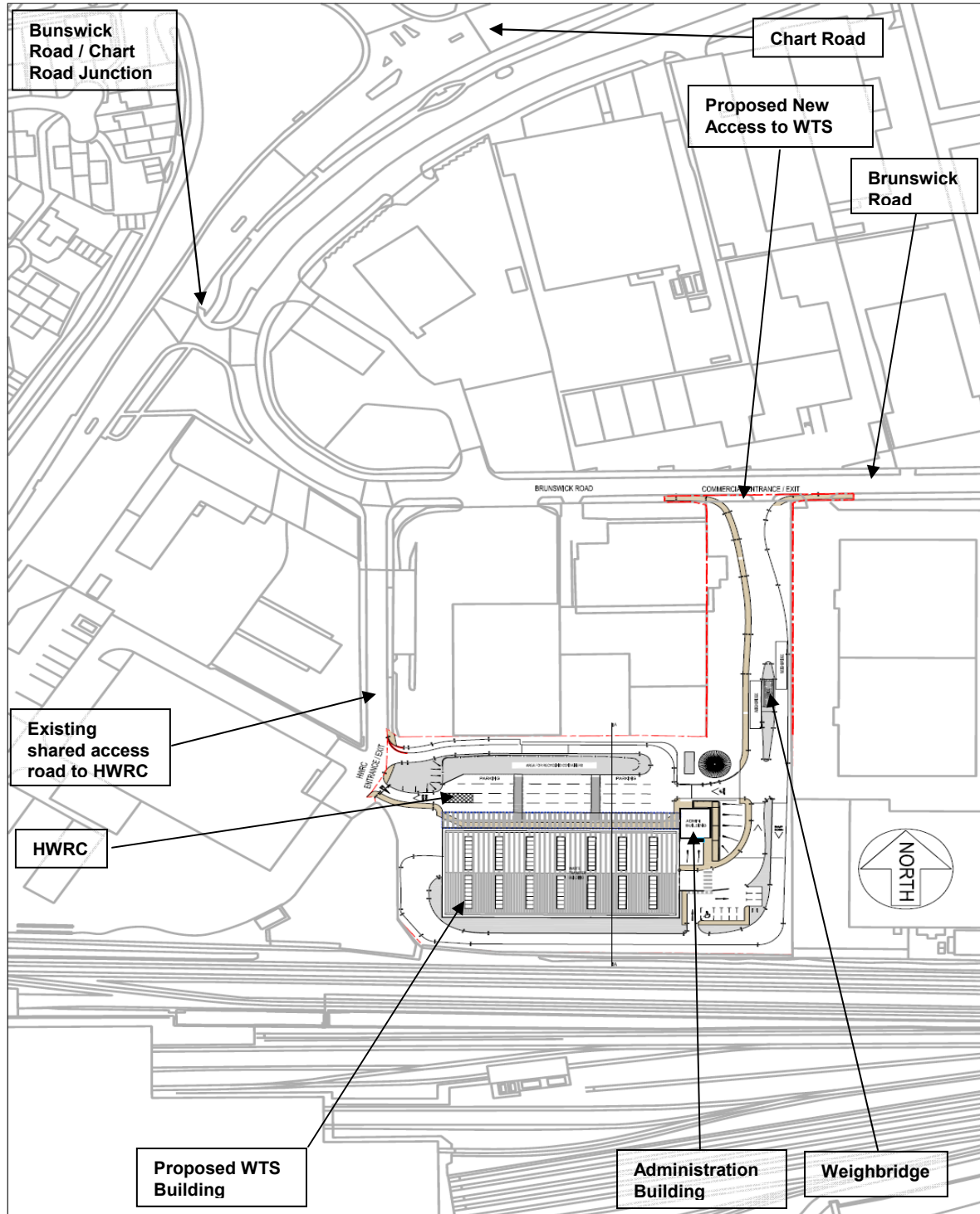
Redevelopment of HWRC and construction of WTS at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford – AS/11/981 (KCC/AS/0365/2011)

General Location Plan



Redevelopment of HWRC and construction of WTS at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford – AS/11/981 (KCC/AS/0365/2011)

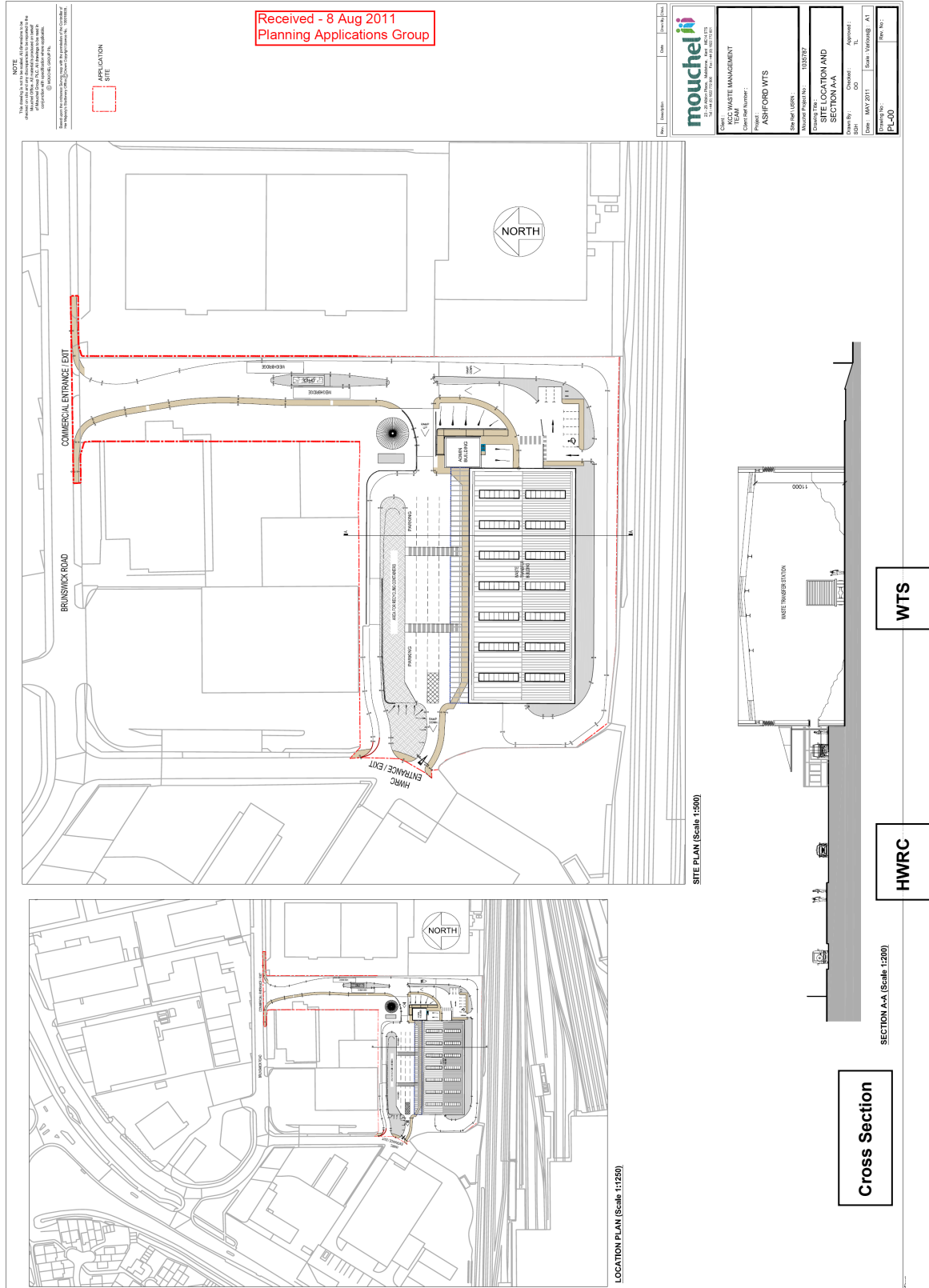
Site Location Plan



LOCATION PLAN (Scale 1:1250)

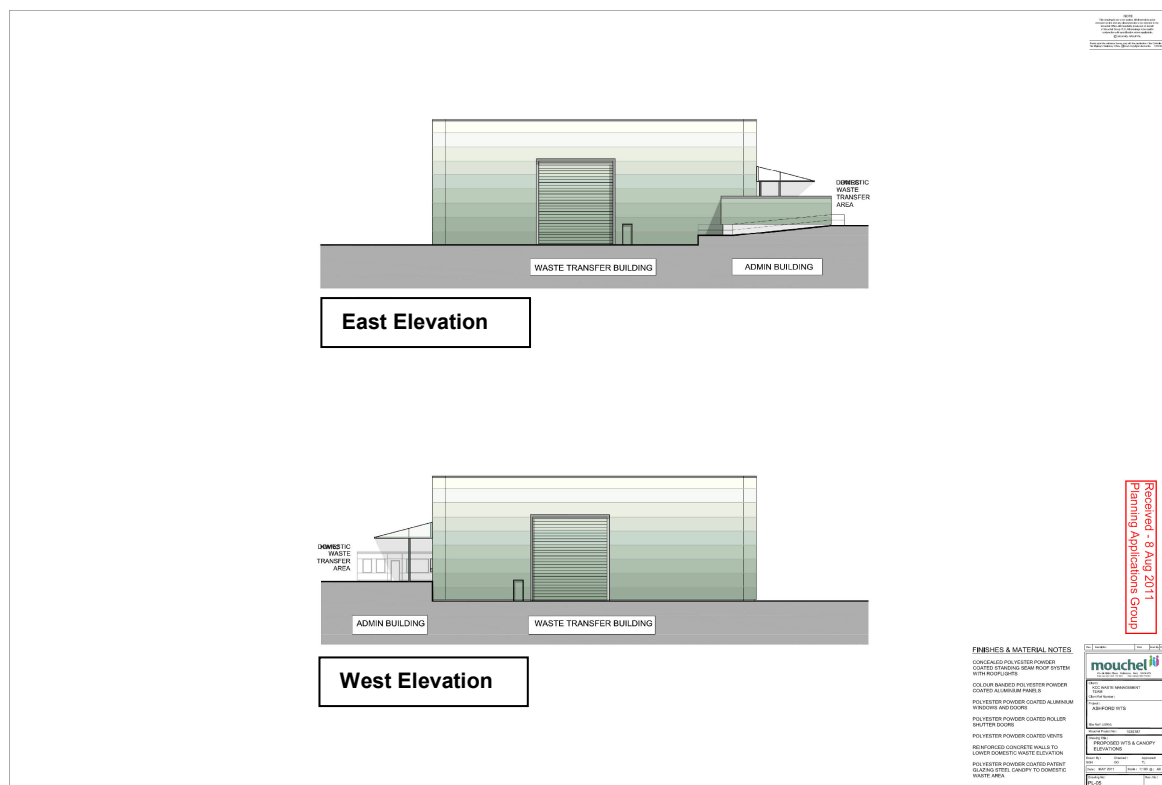
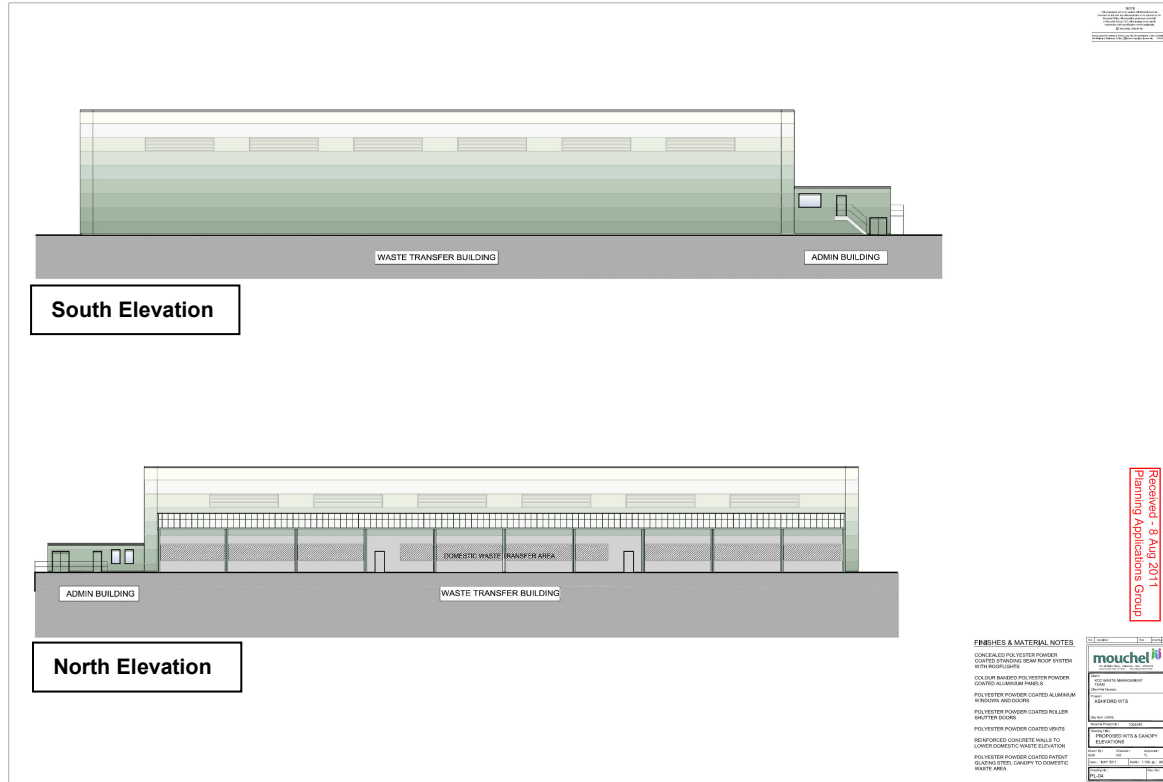
Redevelopment of HWRC and construction of WTS at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford – AS/11/981 (KCC/AS/0365/2011)

Site Layout Plan

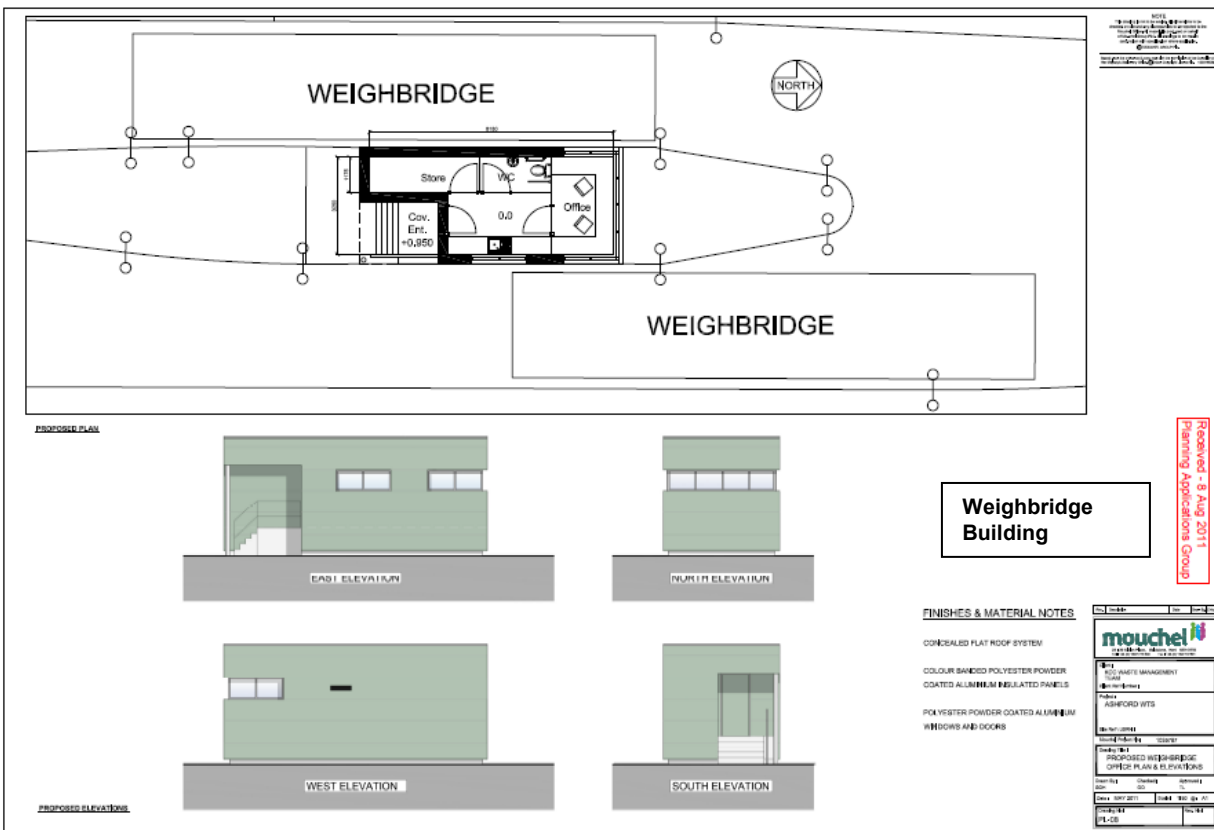


Redevelopment of HWRC and construction of WTS at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford – AS/11/981 (KCC/AS/0365/2011)

Proposed Elevations



Redevelopment of HWRC and construction of WTS at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford – AS/11/981 (KCC/AS/0365/2011)



Background

8. Part of the application site was originally permitted as a HWRC in 1985 (under reference AS/85/69). The facilities have been modified and upgraded a number of times most notably under AS/92/1406, AS/05/893 and more recently AS/09/331 and AS/09/616. The later permissions primarily related to relatively minor operational issues, including hours of use of the site and provision of additional buildings, as opposed to changes in the principal use. The HWRC has a current throughput of approximately 22,000 tonnes per annum (tpa).
9. In addition to the HWRC, planning permission was granted in 1995 on an adjacent parcel of land (also included within this application) for the construction of a factory to receive household waste for recycling and resource recovery (planning reference AS/94/886). This planning permission included two large warehouse buildings housing a Resource Recovery Plant incorporating an Anaerobic Digester and associated gas storage tanks. The original proposal was subsequently amended under planning references AS/96/1369 and AS/97/1109; however the development was never implemented on site and the permission has since lapsed.

Redevelopment of HWRC and construction of WTS at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford – AS/11/981 (KCC/AS/0365/2011)

Proposal

10. The planning application is being made on behalf of Kent County Council's Waste Management Group and seeks permission for:

- reconfiguration and redevelopment of the existing HWRC to increase capacity and improve efficiency;
- erection of a building to house a new Waste Transfer Station (WTS) to receive municipal solid waste (MSW) and dry recyclates delivered by refuse collection vehicles (RCV), alongside commercial waste (where capacity allows);
- construction of a dedicated access off Brunswick Road to serve the WTS;
- construction of a new weighbridge with ancillary office to serve the WTS; and
- construction of a new administration building that would serve both facilities.

See above site layout plan and elevation drawings for details.

Household Waste Recycling Centre (HWRC)

11. The application proposes to reconfigure and redevelop the existing HWRC to improve the site's efficiency and capacity to cater for the significant growth projected in the Ashford area. The existing facility is well used with the current layout having a theoretical maximum working capacity of 20 vehicles at any one time. However, due to the operational arrangements and vehicle parking provisions the site often operates below capacity, which leads to queues forming onto the private access road and out onto Brunswick Road during peak times of use.
12. The proposed improvements to the HWRC detail a larger operational area, with recycling containers to the north, while bulky materials would be deposited over a low wall into storage bays within the proposed WTS building to the south. The facility has been designed to cater for an increased throughput of up to 30,000tpa (from 22,000tpa) to allow for the projected increase in the population of the Ashford area.
13. Public access would remain the same as the existing provisions, which would be exclusively for the general public delivering domestic waste via a one way system served by separate entry and exit points. No Heavy Goods Vehicles (HGVs) would use this route; all HGVs removing waste from the HWRC deposit zone would use the proposed WTS access road. A revised internal entrance road within the site would be provided between the entry point and the main operational area, allowing space for up to 14 vehicles to queue on site whilst waiting to unload.
14. To maximise the efficiency and minimise any potential queuing out onto the public highway, in addition to the above internal access road, a parallel parking system is proposed within the operational area. The system would consist of three 75m long parking lanes, providing space for approximately 35 vehicles to park whilst using the HWRC, alongside two through lanes which would allow vehicles to move in and out of the parking bays. During peak periods, including the internal access road, up to 49 vehicles would be able to park or queue

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within the site at any one time.

15. The proposed hours of operation for the HWRC would remain the same as the existing use, Monday to Saturday 0800-1630, Sundays and Bank Holidays 0900-1600. Staff would work on site 30 minutes before and after the public opening hours to prepare / tidy the facilities.
16. The existing HWRC would need to be demolished to allow the new facilities to be created. The applicant proposes to provide alternative facilities for recycling during the construction period, which is anticipated to last approximately 9 months.

Waste Transfer Station (WTS)

17. The proposed WTS would primarily receive municipal solid waste (MSW) and dry recyclates from kerb side collections in the Ashford area, alongside a smaller percentage of residual municipal waste from Shepway District. This waste would be delivered to site directly by refuse collection vehicles. The entire development (WTS and HWRC) is designed with a maximum throughput capacity of up to 100,000 tonnes of waste per annum. This capacity would allow for predicted future growth of the relevant waste streams. In the interim, the application proposes that any excess capacity on site would be taken up through the receipt of commercial waste from local business. The proposed maximum throughput (100,000tpa) is predicted to generate up to 120 HGV movements per day to the WTS (60 in, 60 out). It should be noted that there are currently no waste transfer stations within the Ashford area dealing with municipal waste. Under the existing arrangements municipal waste is transported directly, by refuse collection vehicles, to the waste to energy plant at Allington Quarry, Maidstone.
18. The proposed WTS would take the form of a new building: 72m long x 32m wide x 13m high (to the south side). The building would occupy land to the south of the HWRC, taking advantage of the slope of the site to position the finished floor level of the building approximately 2m below the ground level proposed for the HWRC. This arrangement would allow the deposit of bulky materials from the HWRC into bays within the building, and would create a clear separation between the public and operational areas on site.
19. The exterior of the building would be clad with aluminium panels coated with colour banded polyester. The colour scheme details darker green bands to the base of the building with lighter shades above, the intention of which is to reduce the perceived bulk of the building by breaking up the elevations. The proposed roof incorporates a series of aluminium windows on either side of the east-west ridge line to take advantage of natural light. A glazed canopy would run the full length of the building to the north, providing an area of cover for users of the HWRC.
20. Within the building the internal walls would comprise of reinforced concrete, with the layout divided into bays set out for the deposit and storage of recyclables and municipal waste. A manoeuvring area would allow materials to be moved by front-loader within the building. Waste would be stored on site within bays in the short term to allow sufficient material to build up enabling it to be bulked up to be transported on by articulated vehicles. All waste materials entering the WTS would be handled and stored, albeit temporarily, within the

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building.

21. The proposed WTS includes a new dedicated vehicular access off Brunswick Road, via a parcel of land to the north. The proposed access would form a two-way road incorporating a weighbridge and small associated office. The proposed weighbridge office would be approximately 8.2m long x 3.25m wide x 4m high, finished in similar materials to the WTS and administration building. There would be no public access to the site via this route, it is proposed to be restricted to only staff, refuse collection and commercial vehicles delivering waste and larger HGVs exporting the bulked materials from the WTS and HWRC. Vehicles entering the site would travel round the south side of the building, allowing the WTS to operate a one way system within the building and ensuring all vehicles leave the site in a forward gear. The application confirms that controls would be employed, by way of a Waste Transfer Station Operating Contract, ensuring that all HGVs using the site would be routed through the industrial estate to the north-east, accessing the A28 (Chart Road) via the roundabout at the junction of Carlton Road, Chart Road and Templer Way.
22. The proposed hours of operation for the WTS would be 0700-1630 Monday to Friday and 0700-1300 Saturdays. As with the HWRC, staff would work on site 30 minutes before and after the proposed opening hours to prepare / tidy the facilities.

Administration Building

23. The proposals also include a new administration building that would support both the HWRC and WTS. The two storey building is shown as a small extension to the east of the WTS building and would include offices, mess room, changing facilities, showers, toilets and general storage. The building would be approximately 9m x 10m by 5m high (when viewed from the south side), finished with external materials to match those proposed for the WTS building. The application indicates that 6 full time equivalent staff would operate the site as a whole with all drivers and vehicles based elsewhere. Seven parking spaces and one disabled space would be provided to the south of the administration building for use by staff.
24. The boundary of the entire site would be secured with 2.4m tall green steel fencing, replacing the existing 2m fencing. Limited external lighting would be provided to ensure the safe operation during winter months. The application states that all lighting would be directional and shrouded to minimise light spill.

Supporting documentation

25. The application is accompanied by the following supporting documents:
 - a transport statement and subsequent addendum – which assesses the transport implications and impacts of the proposals on the local highway network;
 - outline plans for off-site highway improvements to the junction of Brunswick Road and Chart Road;
 - an air quality assessment report – which assesses air quality impacts associated with traffic and other emissions including dust and odour;

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- a geotechnical and ground contamination desk study;
- a flood risk assessment;
- outline details of foul and surface water drainage, including the provision of a surface water storage tank to minimise runoff;
- ecological surveys; and
- an acoustic assessment.

Planning Policy

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

- i. **National Planning Policy and Guidance** – the most relevant National Planning Policies are set out within the following documents:

National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and its guidance and a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. The NPPF replaces the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), although PPS10 relating to Planning for Sustainable Waste Management is currently retained.

The NPPF contains a presumption in favour of sustainable development. The new Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system -- economic, social and environmental. These roles are mutually dependent. Within the overarching roles there are 12 core principles that planning should achieve. These can be summarised as:

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live their lives;
- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution

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- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;
- conserve heritage assets;
- manage patterns of growth to make fullest use of public transport, walking and cycling; and focus significant development in locations which can be made sustainable; and
- take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the following NPPF guidance is particularly relevant:

- Chapter 1 (Building a strong, competitive economy);
- Chapter 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design);
- Chapter 10 (Meeting the challenge of climate change, flooding and coastal change);
- Chapter 11 (Conserving and enhancing the natural environment);
- Chapter 12 (Conserving and enhancing the historic environment); and
- Accompanying Technical Guidance.

The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

Planning Policy Statement (PPS) 10 (Planning for Sustainable Waste Management) sets out Government policy on waste. The key planning objectives set out in PPS10 can be summarised as: providing a framework for delivering sustainable waste management through the movement of waste management up the waste hierarchy; helping implement the national waste strategy and supporting targets that are consistent with obligations required under European legislation; helping secure the recovery or disposal of waste without endangering human health and without harming the environment; ensuring that communities take more responsibility for their own waste (self sufficiency) and enabling sufficient and timely provision of waste management facilities to meet the local needs; enabling waste to be managed in one of the nearest appropriate installations (proximity); and considering wider environmental and economic benefits of sustainable waste management, as material considerations that should be given significant weight in determining whether proposals should be given planning permission.

Also relevant for consideration is the Governments **Waste Strategy for England 2007**.

- ii. **South East Plan (SEP) (2009)** – the most relevant regional policies include: CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable design and Construction), CC6 (Sustainable Communities and Character of the Environment), CC7 (Infrastructure and Implementation), T1 (Manage and Invest), T4 (Parking), NRM1 (Sustainable Water Resources and Ground Water), NRM2 (Water

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Environment), NRM4 (Sustainable Flood Risk Management), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10 (Noise), W1 (Waste Reduction), W3 (Regional Self-Sufficiency), W4 (Sub-regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W7 (Waste Management Capacity Requirements), W8 (Waste Separation), W16 (Waste Transport Infrastructure), W17 (Location of Waste Management Facilities), BE6 (Management of the Historic Environment), and EKA2 (Spatial Framework for Ashford Growth Area).

Important note concerning the South East Plan:

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government completes the formal process of revoking the Plan.

- iii. **Kent Waste Local Plan (1998) (Saved Policies)** – the most relevant saved policies include: W3 (Locational Criteria), W9 (Separation and Transfer - Location of facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings) and W31 (Landscaping).
- iv. **Ashford Local Development Framework: Core Strategy (2008)** – CS1 (Guiding Principles), CS2 (Borough Wide Strategy), CS4 (Ashford Urban Area), CS9 (Design Quality), CS10 (Sustainable Design and Construction), CS11 (Biodiversity and Geological Conservation), CS15 (Transport), and CS20 (Sustainable Drainage).
- v. **Ashford Borough Local Plan (2000) Saved Policies** – Proposals Map and CF9 (Waste Recycling Borough Wide).
- vi. **Emerging Policy** - Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (2011) – Draft Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW5 (Non Strategic Waste Sites), CSW6 (Location of Non Strategic Waste Sites), CSW7 (Approach to Waste Management for MSW and C&I Waste), DM1 (Sustainable Design), DM2 (Sites of International, National and Local Importance), DM3 (Archaeological Features), DM7 (The Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact) and DM10 (Transportation of Minerals and Waste).

Members will be aware that this document has not yet reached Submission stage, as such the draft Plan and its policies carry little weight as material planning considerations.

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Consultations

27. **Ashford Borough Council** – raise no objection to the application, subject to conditions covering: standard time for implementation; approval of external materials; highway operation; highway construction; proposed highway improvements to the junction of Brunswick Road / Chart Road; hours of use to be restricted (as applied for); ecology mitigation measures; site investigation and remediation work (as required); approval of foul & surface water drainage; control of waste associated with the WTS to within the building and roller doors to be closed during loading and unloading; approval of external lighting; approval of odour control measures and waste management plan; controls on the use of the access arrangements (to that applied for); approval of sustainable design & construction details for the building; and any other relevant conditions requested by statutory consultees.

The Borough Council's summary of the main reasons for its decision reads as follows:

- The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.
- The development would respect the context of the site and would not be harmful to the street scene.
- Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by conditions.
- The site is within the limits to built development where there is no objection to the principle of the proposed development. The development is identified as an important piece of infrastructure to be delivered in the Development Plan.
- Other environmental impacts have been assessed and there are not any which are potentially significant which cannot be controlled by conditions.
- The development does not result in harm to highway safety subject to the necessary highway improvements that are proposed being undertaken and any other conditions requested by Kent Highways.
- The development makes adequate provision for the parking of vehicles within the application site.
- The traffic movements generated by the development could be accommodated without detriment to highway safety.

Environment Agency – no objection subject to a condition requiring the submission of a scheme for the disposal of surface water for prior approval.

The Agency confirm that the site is located on River Terrace Deposits (sand and gravel that are designated as a Secondary Aquifer). Due to the risk to groundwater, all necessary precautions should be taken to prevent contaminated drainage entering the ground.

The Agency confirm that the proposed development would be subject to the Environmental Permitting process. Any permit would include controls and monitoring procedures for dust, fibres and particulates, along with odorous emissions and litter. The Agency confirm that they are not aware of any historic issues regarding noise, dust or odour with the existing HWRC and that there have not been any issues of non-compliance with the existing licence

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to date.

South East Water – no comments received on drafting this report, any received prior to Committee Meeting will be reported verbally.

Network Rail – no comments received on drafting this report, any received prior to Committee Meeting will be reported verbally.

Natural England – standing advice recommends: proceeding with application, subject to securing mitigation proposals as set out in the application through conditions.

Kent County Council Highways and Transportation – no objection to the proposals in respect of highway matters, subject to conditions covering: completion of off-site highway improvements to the junction of Brunswick Road / Chart Road; control of the total number of HGV movements to 120 (60 in, 60 out); control on HGVs entering / exiting the WTS in accordance with the routing strategy; the submission of details of site compound including parking and access arrangements during construction; precautions to guard against the deposit of mud on the highway; provision of the new access arrangements, vehicle parking and surface water drainage; provision of cycle parking; the maintenance of visibility splays.

Kent Highways advise that the proposed development would not have an unacceptable impact on the local highway network subject to the above conditions being met. The Highway Authority notes that *'the proposal would increase the amount of vehicular traffic using the Chart Road/ Brunswick Road junction (which is the main area of concern) by 4% in the morning peak. All other junctions would increase by 1% or 2% respectively.*

The proposal would result in less queuing on the site access road and Brunswick Road as there would be improved capacity in both the Centre and also the queuing lane [leading] into the site'.

Contrary to the recommendations within the Transport Statement received with the application, Kent Highways advise that no on-street parking would need to be removed to accommodate the proposed access. The comments received confirm that there have been no Personal Injury Crashes in the past 3 years from the existing vehicle access onto Brunswick Road (that would be directly replaced by the proposals).

In response to specific concerns raised by neighbouring businesses (see paragraph (28) below for details) Kent Highways has commented specifically as follows:

- The proposed access is acceptable in highway terms and would not conflict with existing access points onto Brunswick Road, noting that the proposed location is already used as a formal access point onto the highway including HGVs associated with the current use.
- Notes that Brunswick Road is wide enough for two HGVs to pass one another at over 6m in width. Notes that whilst there is on-street parking, this would not cause problems as forward visibility is good, giving driver's adequate sight of on coming vehicles.

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- Confirms that there have been no recorded crashes on Brunswick Road as a result of parked vehicles. Advises parking on industrial estate roads is a common practice across the county.
- Confirms that the access has been tracked and the plans received indicate that there is sufficient room for HGVs to enter and leave the site within the highway, with no need to mount the opposite kerb.
- Advises that the surrounding roads are a typical concrete type that is used for many industrial estates. Confirming that the Local Highway Authority regularly assesses the standard of the adopted roads making repairs where necessary, and that they are not aware of any specific localised flooding issues on Brunswick Road.
- Confirms that there are no problems with traffic management on Brunswick Road as far as the Highway Authority is aware.
- Confirms that the Transport Statement (as amended) adequately captures details of the existing traffic levels and assesses the site in terms of trip generation both on bank holidays (when use of the site would be at its highest) and the morning peak (when both Brunswick and Chart Road would be at their busiest).

The County Council's Biodiversity Projects Officer – no objection to the application subject to a condition ensuring the implementation of the mitigation strategy for reptiles detailed in the application.

The County Council's Noise Consultant – no objection subject to a condition controlling noise originating from the site. The noise consultant advises that:

'Taking into account the updated background noise level and the clarification of on-site activities, I am satisfied that noise emanating from the HWRC and the WTS would not result in adverse impacts at nearby receptors. I would however recommend the following noise condition which restricts the rating level equal to the background noise level [at residential properties]:

"The rating noise level emanating from the facility at nearby residential premises when assessed in accordance with BS 4142 shall not exceed the existing background noise level."

With regards to the vibration impact, the assessment states that no ground borne vibration impacts are predicted to occur due to the separation distances between receptors and potential sources. I agree with the consultant on this point that it is unlikely that ground borne vibration impacts would occur'.

The County Council's Dust & Odour Consultant – no objection, comments as follows:

'The revised Air Quality Assessment has considered the impact from dust and odour. From the information provided it is anticipated that the mitigation measures proposed would keep nuisance from dust and odour to a minimum level and therefore no further consideration is required'.

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The County Archaeologist – no objection subject to a condition securing the implementation of a programme of archaeological work. This condition is recommended on the basis that the site overlies River Terrace Gravels, which have potential for rare and important palaeolithic remains in the form of flint artefacts and palaeoenvironmental remains.

Local Member

28. The local County Member for Ashford Central, Mrs E. Tweed alongside the adjoining County Members for Ashford South and Ashford Rural West, Mr J. Wedgbury and Mr R. King, were notified of the application on 2 September 2011.

Publicity

29. The application was publicised by the posting of two site notices, an advertisement in a local newspaper, and the individual notification of 153 nearby properties.

Representations

30. In response to the publicity, 3 letters of representation objecting to the application have been received from businesses within the surrounding industrial estate. The key points raised can be summarised as follows:

Location

- Concerns that the development would be an unacceptable use and scale of development for the proposed location on the basis that the Cobbs Wood Industrial Estate is a 'light' industrial estate made up of predominantly of small units catering for privately owned companies;
- Considers that there are far more suitable sites on the outskirts of Ashford; considers that just because Cobbs Wood Industrial Estate has previously been identified as suitable for similar waste uses does not mean that the site could cope with the proposed operation;

Highway and access

- Concerns that the new access on to Brunswick Road would conflict with existing access points to adjacent business units, potentially creating highway safety problems;
- Concerns about the existing levels of traffic generated by the HWRC and the industrial estate and the ability of the surrounding highway network to cope with any additional traffic flow that would be generated by the development;
- Concerns that Brunswick Road is not wide enough to accommodate existing HGV movements, or any increase in the number of vehicles, due to sharp turns in the road and vehicles (including HGVs) parked on the highway;
- Considers that vehicles parked on the highway close to existing access points off Brunswick Road cause problems for vehicles using these premises;
- Concerns that HGVs would not be able to enter or leave the new access without mounting the opposite kerb causing highway safety issues. Notes that there are already problems with damaged caused by HGVs leaving the existing site access, with damage

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caused to the footway and walls opposite these entrance points;

- Concerns that delivery vehicles that have to park on Brunswick Road to service surrounding industrial units would conflict with the proposed access;
- Concerns over the condition of the estate roads, with the concrete cracked, pot holed and breaking up; considers that there would be the potential for further damage from any increase in HGV movements;
- Concerns that the highway drainage struggles to cope, with areas along Brunswick Road prone to flooding;
- Concerns about the poor vision splays and poor traffic management on Brunswick Road; considers this to be an accident waiting to happen;
- Considers that the Transport Statement submitted with the application does not provide an accurate picture of the current congestion which is considered to be much worse at peak times than indicated. Suggests that at peak times on weekends and bank holidays traffic often queues out of the existing HWRC as far as Chart Road (A28);
- Concerns over the additional vibration caused by HGVs using the Public Highway affecting nearby businesses;

Local amenity

- Concerns about the proximity of the proposed WTS building to surrounding business units, in particular to those to the east;
- Concerns about the potential for dust from the proposals to impact on surrounding businesses and in particular sensitive machinery;
- Concerns about the potential noise that would be generated by the development;
- Concerns that the existing HWRC encourages vermin, resulting in a problem with seagulls roosting to surrounding buildings; considers this problem would increase with the proposed expansion of the site; and

Process

- Raises concerns that the application will not be considered in a democratic fashion on the basis that the Compulsory Purchase Order has already been issued against the land needed for the new access road, and that the proposals appeared in the Waste Management Group's Annual Business Plan 2011/12.

Discussion

31. The application seeks planning permission for the redevelopment of the existing household waste recycling centre to provide improved facilities and revised internal layout, construction of administrative building and construction of new waste transfer station with independent vehicular access and weighbridge. In the absence of any formal objections being raised by statutory consultees, the application is being reported to the Planning Applications Committee as a result of 3 letters of objection, received from neighbouring businesses within the Cobbs Wood Industrial Estate. Please see paragraphs (27) and (30) for details of all representations and consultee views received.

32. 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, National Planning Policy Framework, other

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Government Guidance and other material planning considerations arising during the consideration of the application. In considering this proposal the planning policies outlined in paragraph (26) above are particularly relevant.

33. The main determining considerations in this particular case can be summarised by the following points:

- principle of the development and case of need;
- location;
- highway considerations;
- local amenity impacts (including noise, vibration, dust and odour);
- water environment (flood risk / groundwater impacts);
- heritage considerations;
- biodiversity considerations; and
- other issues raised.

Principle of the development and case of need

34. Together with the Waste Strategy for England 2007, Planning Policy Statement 10 forms the Government's policy for sustainable waste management. PPS10 sets out key principles when considering waste management including (amongst other matters):

- delivering sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option;
- allowing communities to take more responsibility for their own waste, and enabling sufficient and timely provision of waste management facilities;
- supporting the national waste strategy;
- securing the recovery or disposal of waste without endangering human health and without harming the environment, and enabling waste to be disposed of in one of the nearest appropriate installation;
- consideration should be given to locational needs, together with the wider environmental and economic benefits of sustainable waste management, as material considerations that should be given significant weight in determining whether proposals should be given planning permission;
- the design and layout of new development should support sustainable waste management, including seeking opportunities to co-locate facilities together and with complementary activities.

35. Government policy in Waste Strategy for England 2007 puts emphasis on waste prevention and reuse, seeking an increased diversion from landfill and better integration of treatment for municipal waste, whilst securing investment in infrastructure, increased recycling of resources and recovery of energy from waste. The strategy sets out national targets for improved waste management, including recovery of 53% of municipal waste by 2010, 67% by 2015 and 75% by 2020. The strategy seeks to reduce the amount of household waste not re-used, recycled or composted by 45% between 2000 and 2020.

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36. In line with national policy on waste, the South East Plan (SEP) 2009 adopts a resource management approach to waste reflecting the waste hierarchy of reduction, re-use, recycling and recovery of value before disposal is considered. The SEP sets targets for recycling and recovery and contains policies that aim to reduce waste growth and minimise the production of waste.
37. The Kent Waste Local Plan (KWLP) (1998) draws on the principles of sustainable development, waste minimisation, recycling and reuse coupled with a high level of environmental protection. The Plan seeks to minimise the environmental impact of dealing with waste whilst securing the provision and maintenance of sufficient capacity to deal with the waste generated by Kent's communities.
38. The Kent Joint Municipal Waste Management Strategy 2007 sets out how the Kent Waste Partnership (KWP), which includes Kent County Council and Ashford Borough Council, intends to manage municipal solid waste arising over the next 20 years. Whilst this document does not form part of the development plan, the Strategy is a material consideration. KWP policy objectives include (amongst others) an undertaking to improve the waste transfer station network to deliver reduced environmental impacts, cost effective and efficient transport, and efficiencies for collection services. This Strategy also strives to make waste and recycling services accessible for all householders, and improve recycling performance of HWRC's to 60% by 2012/13.
39. The applicant's case of need argues that the HWRC at Brunswick Road, in its present form, is unlikely to be able to cater for the significant growth projected for the Ashford area up to 2026. The application notes that the existing facilities are well used and that due to the layout and design of the facilities, even the present rate of take up leads to queues forming on the private access road out onto the public highway at peak times. The applicant also notes that the site operator's accommodation is of a poor standard and is in need of replacement.
40. With regard to the proposed WTS, the applicant highlights that there are presently no waste transfer stations in the Ashford area dealing with municipal waste. This has resulted in waste collections being transported a significant distance by kerbside collection vehicles directly to the waste to energy plant at Allington Quarry on the outskirts of Maidstone (a round trip of 44 miles for each delivery from Ashford, with an average of 15 trips per day). Primarily the development would aim to cater for municipal waste arisings in the Ashford area; however it should be noted that the site would also take residual waste from Shepway District alongside local commercial waste (where excess capacity exists on site up to 100,000 tpa). The provision of a strategic facility to manage and bulk up kerbside collections and other local arisings would allow the material to be transferred onto the most appropriate processing facility in larger loads, as opposed to 7.5 tonne loads within the kerbside collection vehicles. In effect this would help to minimise the impact of waste movement by reducing the number of vehicles travelling to the Allington and other waste management facilities, thereby reducing the number of miles travelled per tonne of waste. This benefit would be amplified over time as the volume of municipal waste and recyclates generated increases with the projected growth of the Ashford area until 2026. The

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development therefore accords with the climate change agenda as a result of a potential reduction on the carbon footprint.

41. Investment in the waste management infrastructure that improves available resources to deal with local waste streams clearly receives strong policy support. As highlighted above, national, regional and local planning policies encourage any improvements that would enable the recycling and re-use of waste to reduce reliance on landfill. The development would provide for the segregation and bulking up of a range of household waste and commercial waste streams for removal from site to appropriate processing and recycling facilities, including use within the Allington waste to energy plant, with only residual materials that can not be re-used, recycled or recovered ending up at landfill.
42. Co-locating the HWRC and WTS facilities on the one site would allow for improved efficiencies and rates of recycling through a combined approach to the waste streams. This accords with waste management policy and would assist in ensuring that the County and Borough Councils meet recycling targets. The continuing lack of an appropriate facility would present significant operational difficulties for the management of municipal waste in the Ashford area in the future and in my opinion would be unsustainable in the longer term.
43. Therefore, it is considered that the proposed development would meet the requirement for sustainable development in that it would assist in driving waste management up the waste hierarchy and allow better integration of the treatment of municipal waste, including locating the facility close to the waste sources. I consider that both national planning policy and the development plan establish support for the proposed facilities in principle, subject to the development being acceptable in terms of its environmental, highway and local amenity impacts. These points are considered further under individual issues as set out below.

Location

44. PPS10 states that waste planning authorities should assess the suitability of the site in terms of physical and environmental constraints on development, the cumulative effect of previous waste disposal facilities, and the capacity of existing and potential transport infrastructure. The Statement suggests that suitable locations for new waste management facilities include industrial sites and opportunities to co-locate facilities with complementary activities, including giving priority to the re-use of previously-developed land should be supported in principle. Government guidance states that landscape, design and visual impact are important locational criteria when considering waste management proposals.
45. South East Plan Policy W16 seeks the provision of waste infrastructure, including transfer and bulking facilities, essential for sustainable transport. This Policy also seeks the reduction of waste transport and associated impacts. Policy W17 (Location of Waste Management Facilities) states that waste development plan documents should, in identifying locations for waste management facilities, ensure that priority is given to safeguarding and expanding suitable sites with existing waste management use and good transport links. This Policy sets a series of criteria by which the suitability of new and existing sites should be assessed including good accessibility from existing urban areas, good transport connections, and compatible land uses such as previous or existing

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industrial land, redundant farm buildings, contaminated or derelict land, and locally based environmental and amenity criteria.

46. The Kent Waste Local Plan (KWLP) specifically identifies the proposed location as acceptable in principle for waste separation and transfer, under Policy W9. The KWLP seeks to ensure waste processing or transfer facilities are located close to the waste sources and are able to gain ready access to primary and secondary highway routes. Proposals adjacent to existing waste management facilities or part of a location within an established general industrial type area are considered to be more acceptable in planning terms. Policy W25 requires waste processing plant, hard surfacing, buildings and lighting to be designed to minimise adverse visual impacts and assist in their integration into the local environment.
47. In this instance the application site forms part of and is adjacent to an existing waste facility, which in turn is within the Cobbs Wood Industrial Estate within the confines of the urban area as defined by the Ashford Borough Local Plan Proposals Map. The surrounding uses are a mix of light and general industrial uses, wholesale warehouses, distribution centres, vehicle depots and other small and medium sized enterprises, including other waste related developments. The closest residential properties are located approximately 180m to the west of the far side of the A28, and are separated from the site by a number of industrial buildings.
48. The location is well sited to serve the wider Ashford area, being located close to the town centre and the residential development it would serve. The industrial estate has links to primary routes via the A28 (Chart Road) which in turn allows access to junction 9 of the M20. In principle the location has good transport links, however the implications of the application on the local highway network are considered in more detail below.
49. The proposed built development would comprise a light industrial building housing the WTS, a new administration building and other small ancillary structures, including container units and weighbridge office. The WTS building would be the largest element of the development, measuring approximately 72m by 32m by 13m high to the south side. The administration building is shown to the east of the WTS and would appear as a small extension to the proposed industrial unit.
50. Views of the site from the wider area are limited by a number of similar large industrial buildings located within the surrounding industrial estate and rail depot. The general locality slopes from north-west to south-east. It is noted that Chart Road to the west and Brunswick Road to the north are typically 47.5m AOD and 46.5m AOD respectively. The proposed finished floor level of the WTS would be developed at 43m AOD with the HWRC developed adjacent to the north of the building at 45m AOD. The differences in ground level would serve to reduce the visual impact of the WTS building, which at its maximum height would measure approximately 56m AOD.
51. One representation received from a neighbouring business raises concern over the layout of the development and the proximity of the WTS to surrounding industrial buildings. It is noted that elevation to elevation distances between the proposed structure and surrounding

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built development would measure approximately 31m to the north, 38m to the west, 51m to the east and 74m the south. It can be seen from the attached location plan that this level of separation would be consistent with the layout of the industrial estate as a whole and is not considered to be unacceptable given the location and the surrounding land uses.

52. The application proposes to clad the buildings with aluminium panels colour coated with shades of green to help break up the visual appearance of building and help to reduce perceived bulk of the structure. The design approach would help integrate the building into its surroundings and minimise its visual impact.
53. Ashford Borough Council comments confirm that the site is within the limits to built development where there is no objection to the principle of the proposed development. The Borough Council note the development is identified as an important piece of infrastructure to be delivered in the Development Plan. In the Borough Council's view the scale, location and design of the development would respect the context of the site, preserve the visual amenities of the locality and would not be harmful to the street scene.
54. One representation received from a neighbouring business suggests that there maybe more suitable alternative locations to the outskirts of Ashford, on the basis of concerns that the Cobbs Wood Industrial Estate would not have capacity to cope with the new development. In my opinion only in the event that it is considered there are overriding material considerations sufficient to justify refusing the application would it warrant an assessment of alternative locations to this site.
55. Overall, taking into account the comments of the Borough Council, the site's proximity to waste streams, the good access to the primary highway network, the existing waste use, the location within an established industrial estate, and that the location is specifically identified in the Waste Local Plan as being suitable, I am satisfied that the proposed location is acceptable in principle. In my opinion the design and visual appearance of the development would be appropriate within its context and compliant with the appropriate development plan policies. Specific highway, general amenity, water resources and other issues raised are considered in more detail below.

Highway considerations

56. Government advice on transport matters set out within Chapter 4 of the NPPF recognises that land use planning has a key role in delivering sustainable transport choices and reducing the need to travel, including the movement of goods and supplies. Traffic related impacts associated with waste developments are also covered within PPS10 which outlines traffic and access issues as key locational criteria in identification of suitable sites, including consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste.
57. South East Plan Policies, including CC7, T1 and W17 seek that the scale and pace of development should be dependent on sufficient capacity being available in existing infrastructure, that potential sites should be assessed on accessibility, transport connections, compatibility with land uses, and where necessary proposals should include

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measures to minimise negative environmental impacts of transport.

58. Kent Waste Local Plan Policies W3, W9 and W22 seek new waste management facilities to be well related to the primary and secondary road network and ensure that there would be no material adverse effect on highway safety and the local environment from traffic movements.
59. Ashford Core Strategy Policy CS15 (Transport) states '*developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. New accesses and intensified use of existing accesses onto the primary or secondary road network will not be permitted if a materially increased risk of road traffic accidents or significant traffic delays would be likely to result*'.
60. The potential for adverse traffic impacts associated with the proposed development has attracted objections from several nearby businesses, as summarised in paragraph (30) above. The key concerns include (amongst other matters) congestion associated with additional vehicle movements, an increase in queuing time at key local junctions, the practicality and highway safety implications of the proposed access onto Brunswick Road, and the ability of Brunswick Road to handle existing and proposed traffic levels.
61. Notwithstanding the various concerns raised about traffic, as previously stated the site has good access to the primary road network. The main concerns appear to centre on the capacity of the Cobbs Wood Industrial Estate roads and the junction between Brunswick Road and Chart Road, which is one of a number of access routes serving the estate. I note that regardless of whether the proposals were to go ahead at this site, vehicles associated with the existing HWRC and refuse collection from the local area would continue to use the local highway network. Under the current contract for waste collection in the Ashford area the refuse collection vehicles are based out of a depot on the same industrial estate (approximately 150m east the application site on Hanover Close), and therefore already form part of the existing traffic flows on the industrial estate.
62. The applicant has undertaken a transport assessment in support of the proposals. This document seeks to demonstrate the potential implications of vehicles movements associated with the maximum planned throughput for the site (100,000 tonnes of waste per annum). This throughput is considered to equate to a maximum of 120 HGV / Refuse Collection Vehicles movements per day (60 in, 60 out), alongside the projected public uptake of the proposed HWRC facilities, which has been calculated by multiplying up existing patterns of use.
63. The transport assessment and associated addendum models the proposed use, allowing an evaluation of the potential impact on the key junctions, between the existing base flows and future scenarios. Manual traffic counts were completed on both a normal working day and a public holiday to establish the existing conditions at busy times on the road and during the operation of the HWRC.

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64. The assessment concludes that, with the exception of the Site Access Road / Brunswick Road junction during all peak periods and the Chart Road / Brunswick Road junction during the morning peak periods, the predicted increase in flow at each of the key junctions serving the industrial estate would not materially impact on the operation of the respective junctions. The assessment acknowledges the potential significant percentage increase in traffic flows at the Site Access Road / Brunswick Road junction. However, given the relatively low volume of traffic that use this junction under existing conditions the assessment concludes that the development is unlikely to result in a significant impact on the operation of this junction.
65. The traffic modelling completed establishes that the junction of Brunswick and Chart Road is theoretically already operating above capacity during the morning peak, without any additional traffic flow. The afternoon peak period was not modelled as it would fall outside of the proposed hours of use for the site. On the grounds that the development as proposed would potentially result in a 4% increase in traffic using this key junction the applicant has agreed to finance off-site highway improvements in mitigation for the application. The applicant has provided drawings outlining proposed improvements to the Brunswick Road / Chart Road junction. The works would include widening the junction to provide for separate left and right turn lanes for vehicles exiting Brunswick Road, including providing improved space to accommodate HGV movements and relocating footways and cycleways. Should the application be permitted the junction improvements would be completed by the Highway Authority on behalf of the applicant under permitted development rights. The applicant has provided a written undertaking committing the Waste Management Group to securing the necessary highway improvements and meeting the full costs of the works in advance of the formal implementation of any planning permission.
66. It is accepted by KCC Highways and Transportation that the highway improvements proposed would improve the capacity of the Brunswick Road / Chart Road junction to the point where existing traffic levels can be suitably accommodated within the improved capacity. This improvement would effectively allow the capacity for increased traffic movements under future scenarios without significant affects on traffic flows. Whilst the above improvements would not fully resolve congestion during predicted future AM peak periods, if the development were to be permitted, the mitigation measures proposed would serve to minimise the impact of the development on this junction. It is also noted that the Brunswick Road / Chart Road junction is one of three that serve the industrial estate. The highway improvements proposed are considered to represent a clear improvement to the existing arrangements in terms of capacity and highway safety, which would not be achieved without a developer contribution. In my opinion such improvements, together with other material benefits that would derive from the establishment of the improved waste management facility proposed at this location weighs in favour of the development over the potential impacts on this junction.
67. Notwithstanding the above improvements, to further minimise the potential impact of the development on the Brunswick Road / Chart Road junction the application details a 'code of practice' covering HGV movements connected with the development. The 'code of practice' would seek to control all HGVs using the new access off Brunswick Road into the WTS to a 'left in / right out' movement, unless under exceptional circumstances. This would ensure

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that HGVs using the WTS would be routed through the industrial estate, via the roundabout at the junction of Carlton Road and Chart Road to the north east, away from the Brunswick Road / Chart Road junction. The applicant has set out a number of controls, that have been successfully employed at other Council owned waste sites across the County. These controls would serve to enforce the traffic management arrangements under Operational Contracts issued for the site. I am satisfied that the combination of the off-site highway improvements and operational controls would help to satisfactorily mitigate the predicted traffic movements.

68. The application also includes significant improvements to the internal layout of the HWRC to provide for increased efficiency within the public operational area, coupled with increased capacity for vehicles queuing on a lengthened internal access route. The improved layout would allow up to 35 vehicles to use the HWRC at peak times with a further 14 vehicles able to queue within the site on the one way access road. This represents a significant improvement over the existing arrangements that should serve to reduce queuing on the public highway to a minimum, whilst allowing for future projected increases in use.
69. The application includes a swept path analysis on the proposed site access and internal layout. The results confirm that the new WTS access and internal circulation are functional for the HGVs that would use the facilities, and that they conform to the current Design Manual for Roads and Bridges (DMRB) standards. The proposed weighbridge and gated entrance would be set back from the public highway allowing HGVs to pull off Brunswick Road completely before they officially enter the site.
70. Kent Highways have considered the application, including the transport assessment completed, mitigation measures proposed and all objections raised by nearby businesses on highway grounds. The Highway Authority raise no objections to the proposals in respect of highway matters, subject to conditions covering, amongst other matters, precautionary measures during construction, provision of the facilities as proposed, controls on the number and routing of HGV movements and completion of off-site highway mitigation (see paragraph (27) above). In response to objections received from nearby businesses the Highway Engineer raises no highway safety concerns, confirming that, subject to the proposed highway improvements referred to in paragraph (65) above, Brunswick Road and the local highway network would be able to accommodate the proposed access and predicted increase in traffic levels.
71. There is no doubt that congestion on and around the industrial estate does occur and would be added to by the proposed facilities. However, this congestion is primarily associated with peak times (i.e. mornings / afternoons). Additionally, traffic queuing to access the HWRC does, at times, cause some congestion at or around the site access and onto Brunswick Road. Outside of these times, traffic flows relatively freely in the area. The proposed revisions to the layout of the HWRC would increase the efficiency of the facilities to handle a greater number visitors and would also provide for more space within the site for vehicles to queue. These changes in layout should help to improve the existing traffic congestion at the site during peak times of use, and mitigate for the predicted expansion in use in the future. It is also noted that the proposed hours of operation for the development are such

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that movements connected with the site would only impact on morning peak traffic (the site being closed before the evening peak).

72. The off-site junction improvements proposed are considered vital to ensure that the Brunswick Road / Chart Road Junction has capacity to accommodate an increase in flow during the morning peak. I therefore recommend that any decision granting permission be subject to conditions ensuring that the off-site highway improvements are commenced before the proposed development and that these improvements are delivered to an adoptable standard before first use of the proposed facilities. This should ensure that the proposed highway improvements are delivered in a timely fashion before the proposals have any impact on the highway. The potential impact of the new access and HGV movements associated with the proposed use has been assessed in this context and are considered to be acceptable by the Highway Authority.
73. The proposal is considered to represent a more sustainable approach to the transportation of a local waste streams. Subject to the off-site mitigation measures being delivered, the local highway network is considered to have adequate capacity to accommodate the increase in traffic without any significant delays or highway safety problems to the local or strategic road network. Taking the above into consideration, I am satisfied that the proposals are acceptable in terms of the potential highway implications, subject to the conditions including, amongst other matters, provision of junction improvements, controls on the use of the access routes as detailed, and a cap on the maximum number of HGV movements.

Local amenity impacts, including noise, dust and odour

74. Government guidance on waste set out in PPS10 states that waste planning authorities when considering planning applications for waste management facilities, should consider likely impacts on the local environment and on amenity, including proximity to sensitive receptors and the extent to which impacts/ emissions can be controlled.
75. PPS10 also states that 'controls under the planning and pollution control regimes should complement rather than duplicate each other' and that 'in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities'.
76. Policy NRM9 of the South East Plan seeks to protect and enhance air quality and reduce the environmental effects of traffic. Policy NRM10 seeks to minimise noise impacts. Policy W18 of the KWLP requires planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Policy W25 requires plant, buildings and associated elements to be designed to minimise adverse visual and noise impacts.
77. As previously discussed, the location receives strong policy support from the Development Plan and is considered to be acceptable in principle for a waste use of this type. In support

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of the application, seeking to demonstrate the potential local amenity impacts, the documents received include an Acoustic Assessment and an Air Quality Assessment.

78. The Acoustic Assessment considers the potential noise and vibration impacts associated with the development, this includes a background noise survey and modelling of the potential implications of the proposed facility. The report concludes that the operational impacts of the development are predicted to be neutral at the identified sensitive receptors, as a result of both on and off site activities associated with the development. The assessment considers that normal operation of the site would not result in significant adverse effects on the surrounding community, with noise generated on site being of less than marginal significance at the closest residential properties. Subject to the implementation of a set of recommended construction control measures, the short term effects of the construction operations are considered by the assessment to be acceptable and controllable.
79. The County Council's Noise Consultant has considered the results detailed in the acoustic assessment, the views received conclude that noise emanating from the site would not result in adverse impacts to nearby receptors, on the basis of the background noise level recorded and the proposed on-site activities. To further safeguard residential amenities a control on noise is recommended by way of a condition ensuring that the rating noise level for the proposed use does not exceed background noise at the nearest residential property. In respect of potential vibration issues the consultant concludes that the development is unlikely to result in ground borne vibration impacts.
80. Members will note that the proposed hours of use are 0800 to 1630 on weekdays and 0900 to 1600 on weekends for the HWRC, and 0700 to 1630 on Monday to Friday and 0700 to 1300 on Saturdays for the WTS. Both sites would be subject to a 30 minutes preparation and tidying up periods by staff before and after the proposed opening hours. In my opinion the hours of use proposed would be comparable to the surrounding industrial estate and would not result in an unacceptable impact on the locality. I recommend that the hours of use applied for are controlled by any planning permission to ensure that there is no potential impact outside the stated hours.
81. The waste material transferred to the site would primarily comprise kerb side collections of separate and alternating waste streams of food waste (weekly collection), refuse and recyclable materials (on alternate weeks). Due to the nature of the waste material that would be accepted, the development would have the potential to cause nuisance through odour and dust emissions unless managed appropriately.
82. The Air Quality Assessment received with the application concludes that there would be no likely material air quality impacts as a result of traffic movements on nearby residential receptors or at the site. The assessment also considers the implications of the development on the potential for nuisance that could be caused by emissions from site in terms of dust and odour, both during the construction phase and operation phases. The report proposes a number of on-site mitigation measures to minimise any adverse impact. The proposed measures include, amongst other matters, the provision of the WTS building to enclose operations (including tipping, handling and short term storage of collected

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waste); proposed roller shutter doors to be closed during loading/unloading processes; various 'good housekeeping' and site management measures; good natural ventilation within the building; use of masking chemicals in unusually hot conditions, as well as controls on the length of time collected waste material is stored on site. The applicant indicates that best practice would be for municipal solid and food waste to be bulked up to be transported off-site on the same day it is deposited, however under normal conditions this should happen within 24 hours unless on a Bank Holiday weekend.

83. It is noted that neither the Environment Agency nor the Borough Council's Environmental Health Officer has raised an objection to the application. The Agency has confirmed that the site would be subject to environmental permitting, which would provide for control over the environmental emissions, including dust, odour and litter. The Borough Council's comments request that a condition be placed on any planning permission requiring the submission of detailed odour control measures and an on site waste management plan. The County Council's Dust & Odour Consultant has considered the proposals, advising that the measures proposed within the application would serve to keep nuisance from dust and odour to a minimum level.
84. In my opinion odour associated with the proposals would largely be contained since all potentially odorous wastes would be transferred, handled and stored within the building. Subject to appropriately worded conditions ensuring collected waste is handled and stored within the building, limiting the length of time biodegradable waste can be retained on site to a maximum of 48 hours and the submission of a waste management plan, I am satisfied that odour issues would not present a significant problem on site and can be adequately controlled by an Environmental Permit.
85. One neighbouring business has raised concerns over an existing problem with vermin in the area, and in particular seagulls that are allegedly attracted to the current HWRC. The comments received suggest some gulls nest in the surrounding area causing damage to buildings. The representation sets out concerns that the proposed enhanced HWRC and WTS would aggravate this problem.
86. In my opinion the provision of a building to house the transfer of collected materials and bulkier materials from the adjacent HWRC would serve to deter any specific problem with seagulls feeding off the site. If planning permission were to be granted, the Environment Agency has confirmed the site would be subject to Environmental Permitting which would include controls to safeguard against amenity issues such as vermin. Good housekeeping measures and controls on the length of time collected waste material can be retained on site would further help to mitigate and minimise any potential for vermin being attracted to the site.
87. On the basis of the above considerations, I am satisfied that in land use planning terms the development is acceptable and that all pollution control matters can be adequately controlled and regulated by conditions on any planning permission or the environmental permit process, including ongoing compliance checks and management required under the permit.

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Water environment (flood risk / groundwater impacts)

88. The application site falls within an area of groundwater vulnerability, overlying River Terrace Deposits (sand and gravel) that are designated by the Environment Agency as a Secondary / Minor Aquifer. The Agency's comments raise no objection to the application, subject to the submission of details of a scheme of surface water drainage. The Agency's views also note the potential risk to groundwater, requesting all necessary precautions are taken to prevent contaminated drainage entering the ground. It is noted that in addition to the above requested conditions the Agency has confirmed that the proposed development would be subject to the Environmental Permitting process, which would include, amongst other matters, controls on site drainage, dust and odour.
89. The planning application is accompanied by a desk-top study into Geotechnical and Ground Contamination on site. The study examines the history of the locality, confirming a previous military use (amongst others). The preliminary risk assessment indicates that there may be contaminants present due to former and current industrial land uses. The report recommends that an intrusive site investigation be undertaken prior to commencement of any development to establish the presence or otherwise of any contamination. On the basis of the Environment Agency's comments and the conclusions drawn by the desk-top study received, I recommend a condition be placed on any planning permission requiring the submission and approval of a ground investigation scheme, alongside appropriate measures to deal with any contaminants found prior to the commencement of site preparation works.
90. The site is identified within a Flood Zone 1, as defined by the Environment Agency, and therefore has a low probability of flooding from rivers. However, on the basis that the area proposed to be developed exceeds 1ha the application includes a Flood Risk Assessment (FRA) that considers surface water drainage issues. This is in accordance with the Technical Guidance to the NPPF which seeks opportunities to reduce the overall flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems.
91. The FRA accompanying the application concludes that to minimise the risk of surface water flooding at the site, or to the adjoining land, the development should incorporate a Sustainable Urban Drainage System (SUDS). The measures to be put in place would be designed to take account of the effects of climate change and would include a surface water storage tank constructed within the site to retain up to 100m³ of run-off during peak run-off events. Due to the potential risk of groundwater contamination from the previous and proposed uses of the site it is not possible to use permeable surface treatments within the development. The application confirms that all hard standing within refuse collection areas, both in the yard and building would drain to a new foul water system to prevent runoff from the site posing a risk to groundwater and other environmental receptors.
92. On the basis that the Environment Agency has raised no objection to the application, subject to the inclusion of conditions relating to the submission of final details of the foul and surface water drainage systems, and a ground conditions report alongside any appropriate mitigation measures, I am satisfied that the proposed development would accord with the

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relevant policies within the Development Plan and government guidance in terms of flood risk and groundwater protection.

Heritage considerations

93. Development Plan Policies, including Chapter 12 of the NPPF, identify the importance archaeological assets, the need to preserve and record these assets as the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. South East Plan Policy BE6 adds weight to the need to protect, conserve and enhance the historic environment. The County Archaeological Officer has indicated that the site overlies River Terrace Gravels, which have potential for rare and important palaeolithic remains in the form of flint artefacts and palaeoenvironmental remains. The Archaeological Officer recommends that a programme of archaeological work would be appropriate in this instance. I therefore recommend that an appropriately worded condition be included as part of any planning permission.

Biodiversity considerations

94. Chapter 11 of the NPPF (Conserving and enhancing the natural environment) recognises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. Policies NRM5 of the SEP, W21 of the KWLP and C11 of the Ashford Core Strategy seek to safeguard existing habitats and biodiversity, and where there are circumstances in which other considerations justify permitting development that causes harm to such interests, appropriate mitigation or compensation measures should be required. The application includes a Phase 1 Habitat Survey into the ecological potential of the site and a subsequent full reptile survey. The reptile study was undertaken as the undeveloped/ derelict part of the site includes the presence of concrete rubble which is often a good indicator of the potential for reptiles. The survey confirmed the presence of low populations of both common lizards and slow worms. The survey recommends a number of measures to mitigate the risk posed to reptiles on site, including the trapping and translocation of reptiles to a receptor site near Leybourne, and enhancement measures to the receptor site. The County Council's Biodiversity Projects Officer raises no objection to the application subject to the completion of the proposed mitigation strategy. This work could be adequately covered through the inclusion of an appropriately worded condition on any planning permission.

Other issues raised

95. Amongst other matters, Ashford Borough Council's views on the application raise an expectation that the development complies with Policy CS10 of their Core Strategy 2008. Policy CS10 requires that all major development incorporate sustainable design and construction features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. The expectation is that development should achieve an acceptable standard of efficiency or make financial contributions to enable residual carbon emissions to be offset elsewhere in the Borough.

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96. Having regard to Policy CS10, I am mindful that the concept of the application is to provide for more efficient handling and transfer of local municipal waste and that the proposal would result in a substantial reduction in HGV journeys with a corresponding reduction in carbon dioxide emissions. In this context it is my opinion that it would not be appropriate in this particular case to seek a financial contribution from the applicant towards the Ashford Carbon Fund, under part (c) of Policy CS10. However, in order to ensure the proposed facility incorporates sustainable design features, should Members be minded to grant planning permission then I would recommend that an appropriately worded condition be included requiring the submission and approval of a scheme demonstrating the sustainable credentials of the design and construction of the buildings.
97. The proposed development includes the provision of limited external lighting for site security reasons and to meet health and safety considerations during the proposed operation in the winter months. It is noted that the hours of operation proposed are such that the site would only be operational for a limited amount of time outside daylight hours, expressly during early mornings and late afternoons during winter months. The application sets out that the proposed lighting would be kept to a minimum, incorporating mitigation measures such as shrouded lanterns, to limit light spill to the areas that required light and not beyond. There is adequate separation between the site and the nearest residential property to ensure there would be no material impact on residential amenity from any lights. However, to ensure the lighting is not excessive and would not extend beyond the area of land that needs to be lit, it is recommended that a condition requiring details of the lighting to be submitted for approval be included on any planning permission.
98. One representation received from a neighbouring property raises concerns that the application would not be considered correctly and in a democratic fashion. This concern is raised on the grounds that a Compulsory Purchase Order has already been issued against the land needed for the new access road, and that the proposed project appears in the Waste Management Group's Annual Business Plan 2011/12. It is noted that a planning application can be made by anyone regardless of whether they own the land, provided that proper notice is served on the land owner. This provides the land owner with the opportunity to make representations on the application as they see fit and these are taken into account in determining the application. On this basis the applicant's intention to purchase the site should not be seen as pre-empting any decision. The application has to be considered on its merits in accordance with the development plan policies and any other material planning considerations, as detailed within the above report.
99. The applicant has confirmed that negotiations with the landowner for the purchase of the land are continuing and that Kent County Council Members may be asked to consider the Council making a Compulsory Purchase Order (CPO) to secure the site. As explained above the CPO procedure is separate from the planning process and is not a material consideration in the determination of the application. The key test is whether the proposal is an acceptable use of the land in planning terms.
100. The Waste Management Group's Business Plan for this year will include a number of projects that may require planning permission. The Group is responsible for planning for the management of the County's household waste, which includes making provision within

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their budget for the delivery of new services, whether it is at the proposed site or elsewhere. The Waste Managements Group's Business Plan or any other financial considerations are not material to the decision on this application. The existence of funding for the project does not presume that planning permission will automatically follow unless the application is considered to be acceptable in planning terms. Whilst the need for the facility is a material consideration it is not the only one and has to be balanced against any potential harm, as set out within this report.

Conclusion

101. Whilst the proposals have given rise to objections from some local businesses, I consider that the benefits associated with the proposal (i.e. the provision / improvement of a waste management facility to facilitate waste transfer and recycling, and move waste management up the waste hierarchy) outweigh any real or perceived harm to the local highway network, local amenity or other environmental interests.
102. In my opinion the proposed combination of the HWRC and waste transfer facility would result in the future waste arisings in the local area being managed in a more sustainable manner. The proposal is considered an appropriate development, both in physical design and operation, within the context of the industrial estate. Any potential adverse impact caused by the proposal within the surrounding area could, in my opinion, be controlled to an acceptable level or mitigated by appropriate planning conditions, and by the Environmental Permitting process. The application is therefore considered to be consistent with the relevant development plan policies and government guidance against which these types of development should be considered.

Recommendation

103. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- no development shall be commenced on site until the highway improvements to the junction of Brunswick Road and Chart Road (as indicated on drawing number 1035787-PR-100-001 Rev A) have been commenced;
 - use of the development hereby permitted shall not be commenced until the highway improvements to the junction of Brunswick Road and Chart Road (as indicated on drawing number 1035787-PR-100-001 Rev A) have been completed to an adoptable standard;
 - development to be commenced within 5 years;
 - the development being carried out in accordance with the submitted plans and any approved pursuant to the conditions set out below;
 - the applicant to provide written confirmation of the start date on site;
 - the submission of details of external materials for approval;
 - the submission of details of foul and surface water drainage for approval, including a Sustainable Urban Drainage Scheme;
 - the submission of details of all external lighting for approval;

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- the submission of details for approval of all fencing and boundary treatment including any retaining walls;
- the submission of a ground investigation report, and details of any necessary remediation works, for approval;
- the submission of a site waste management plan for approval (including dust and odour controls to be employed);
- the submission of details of sustainable design and construction measures for approval;
- the submission of details for approval of method of construction statement, including details of the site compound, parking, access arrangements and storage of materials during construction;
- the implementation of a programme of archaeological work;
- the implementation of the mitigation measures proposed with in the ecological survey;
- the construction operations to be carried out in accordance with the precautionary measures detailed with the planning statement;
- precautions to guard against the deposit of mud on the highway;
- controls on the hours of operation during the construction period;
- provision of access arrangements, vehicle parking and surface water drainage in accordance with the submitted plans;
- provision of cycle parking;
- controls on the new access to ensure HGVs enter and leave the site to the north-east;
- controls on the total combined waste throughput (to a maximum of 100,000tpa);
- controls on the overall number of HGV movements (to those applied for);
- all waste associated with the Transfer Station to be loaded, unloaded, sorted and stored within the building;
- all biodegradable waste shall be removed within 48 hours of arrival on site;
- controls on the hours of operation for WTS;
- controls on the hours of operation for HWRC;
- controls on the noise to ensure the rating noise level for the site does not exceed background noise at the nearest residential property;
- the entrances to the site to be secured outside operational hours;
- HGV's leaving the site shall be sheeted or netted;
- with the exception of site personnel, use of the new access shall be restricted to commercial vehicle movements (HGVs and RCVs) in connection with the WTS;
- no HGVs shall enter the site via the HWRC access;
- the maintenance of visibility splays at the new access;
- unauthorised material deposited on site shall be removed to an authorised waste disposal facility within 48 hours;
- the terms of the planning permission shall be made known to any person(s) given responsibility for the management of the site.

Case Officer: James Bickle

Tel. no: 01622 221068

Background Documents: see section heading

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14 (KCC/DA/0537/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2012.

Redevelopment of the existing school site including the demolition and retention of some existing buildings, erection of a two storey academy building and sports centre, provision of 92 car parking spaces, drop off, coach parking and cycle parking, creation of a new vehicular entrance from Common Lane, landscaping and associated ancillary works at Wilmington Academy, Common Lane, Wilmington - DA/12/12 (KCC/DA/0537/2011)

Recommendation: the application be referred to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision, planning permission be granted subject to conditions.

Local Members: Mrs Ann Allen

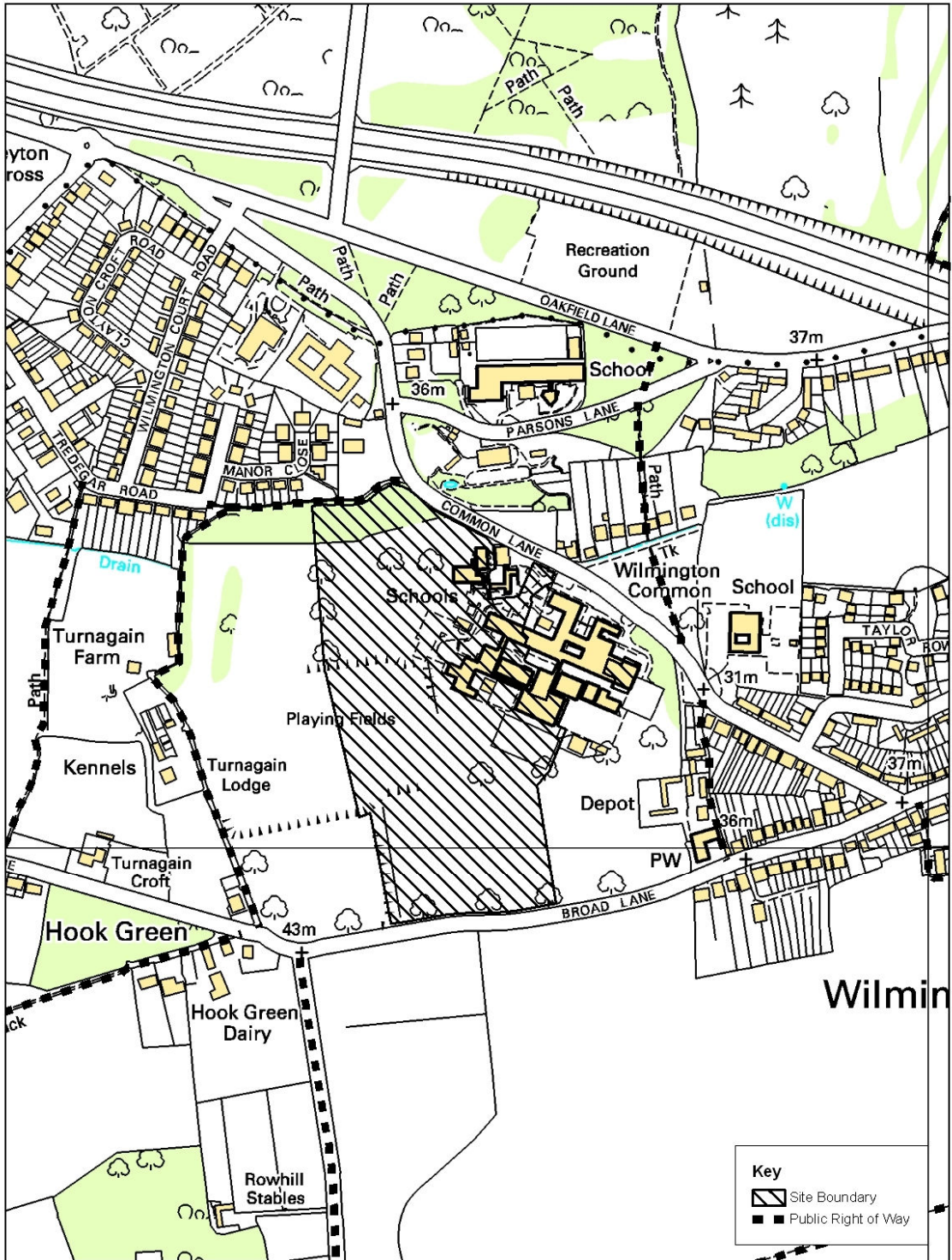
Classification: Unrestricted

Site

1. Kent County Council is seeking planning permission to construct a new facility for Wilmington Academy in Dartford, on the same site as the existing Academy. The application site, in the village of Wilmington on the edge of Dartford, was originally the grounds of Wilmington Hall, which became a school in the 1950's, before being demolished when the current school buildings were built in the mid 1970's. The current school buildings were divided in the 1980's to accommodate two schools, Wilmington Grammar School for Boys (WGSB) and Wilmington Academy. Wilmington Academy occupies the western side of the buildings, with WGSB to the east, although the Academy's Sports Hall is located on the WGSB site. The organisation of the whole site is further complicated by a third school, Wilmington Grammar Schools for Girls, who own a sports pitch in the south west corner of site and have rights of access through the Academy to reach it.
2. The whole of the application site is within the Metropolitan Green Belt around Dartford, and is formed of a series of north facing terraced slopes, with heavily wooded fringes around the perimeter. Built development on site is contained to the north/east, adjacent to Common Lane. Playing fields lie to the south and west of the buildings, stretching as far as Broad Lane and Turnagain Lane. The playing fields are designated as part of the Green Grid under Policy DD5 of the Dartford Borough Local Plan Review (2004), but the main school campus is expressly excluded. The northern part of the application site is sloping meadow, unsuitable for use as sports pitches, and the northern boundary is a heavily wooded steep embankment, leading up to a Public Right of Way (PROW). Many 'A' category trees are located on the application site, particularly in this northern section. To the north of the application site, beyond the PROW, residential properties in Manor Close and Tredegar Road back onto the site from an elevated position. A small number of facing properties are located in Turnagain Lane, and a row of properties are located opposite the existing site entrance on Common Lane, facing towards Wilmington

Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14

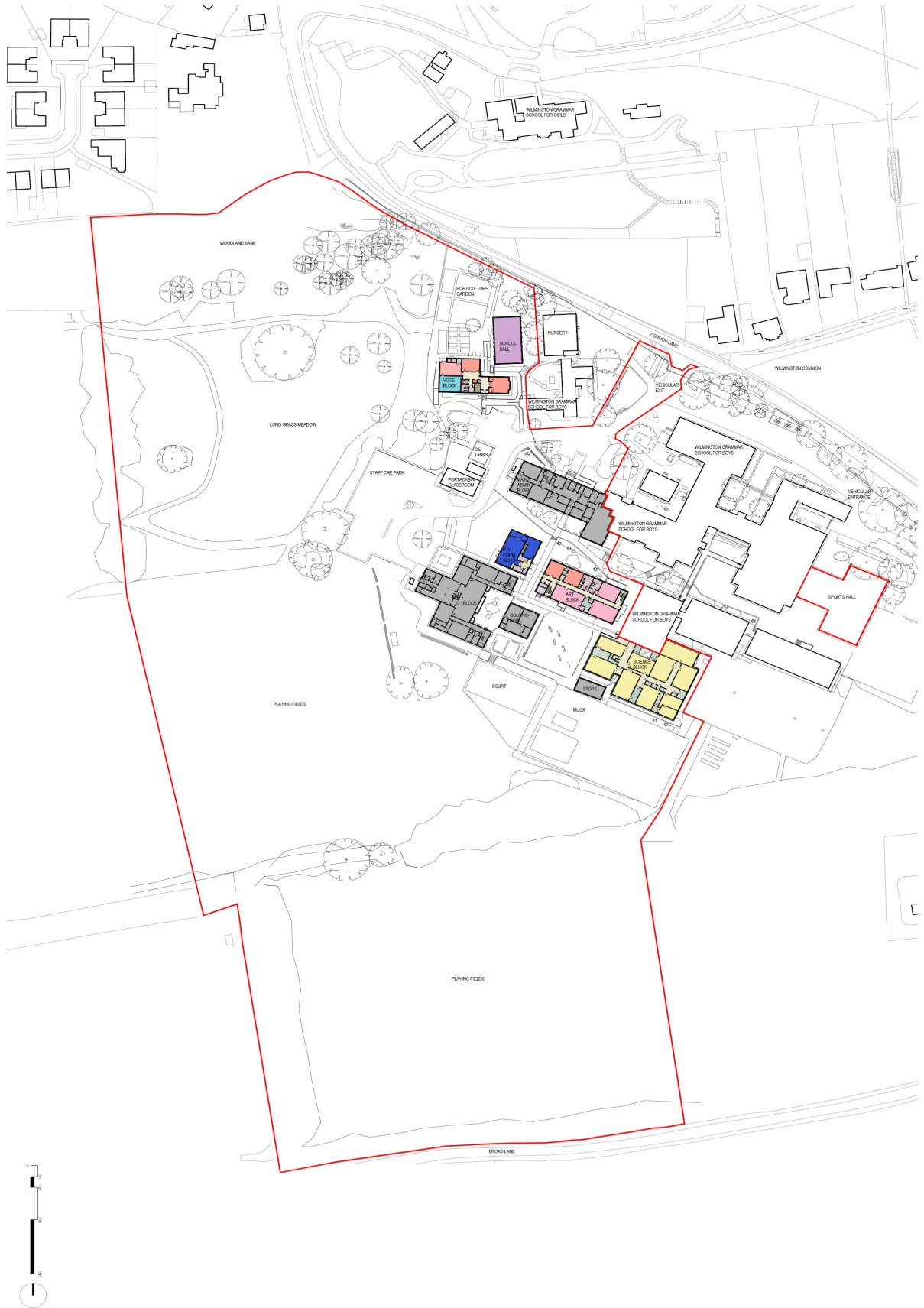
Site Location Plan



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Item D1

Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14



Item D1

Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14



Item D1

Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14



WILLMOTT DIXON
WILLMOTT DIXON
CONSTRUCTION

Wilmington Academy

VIEW FROM ABOVE COMMON LANE

14.12.11 NTS 2403-JW-250 P04

PLANNING SUBMISSION

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Item D1

Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14



WILLMOTT DIXON
WILLMOTT DIXON
CONSTRUCTION

Wilmington Academy

VIEW OF ACADEMY FRONTAGE

18.12.11 NTS

2403-JW/251 P04

PLANNING SUBMISSION

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Item D1

Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14



WILLMOTT DIXON
WILLMOTT DIXON
CONSULTANTS

Wilmington Academy

VIEW FROM PLAYING FIELDS

07.12.11 NTS

2403-W-253 P03

PLANNING SUBMISSION

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Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14

Common. The split ownership on site means that the existing Academy has very little frontage along Common Lane, and access is shared with WGSB, with all vehicles entering the site at the eastern side of WGSB, following a one way system, to an exit adjacent to the Academy's main entrance. The total application site area is 8.45 hectares. In light of the site's Green Belt designation, this application has been advertised as a Departure from the Development Plan, and would be referred to the Secretary of State for his consideration should Members be minded to permit. *A site location plan is attached.*

Background

Academy Status

3. Wilmington Academy has been operating as an Academy since 1 September 2010 in the buildings of the former Wilmington Enterprise College. The joint sponsors for this scheme are Kent County Council and the Leigh Academy Trust, with the lead sponsor being the Leigh Academy Trust. Wilmington Academy will form a Hard Federation with the Leigh Academy and Longfield Academy, sharing a single overarching governing body and one Chief Executive/Executive Principal. The Leigh Academy Trust has already built the Academy at Leigh in Dartford, which was completed in 2007, and Longfield Academy which was completed in 2011.

Proposal

4. This application has been submitted by Kent County Council Property and Infrastructure Support, and proposes the demolition of some the existing school buildings and the erection of a new academy and associated facilities. It is intended to demolish several of the existing facilities, and to erect two new school buildings (the main Academy building and a sports centre). 92 car parking spaces are proposed, including 7 disabled bays, 6 motorcycle parking bays, 1 mini bus parking bay, 4 coach bays, 146 bicycle spaces, landscaping works and associated circulatory access roads, including a new vehicular entrance off of Common Lane. The school roll would be maintained at 950 students.

The Wilmington Academy proposals comprise:

- Two new academy buildings of 7,150 sq m (gross), including a new four-court indoor sports hall;
- Retention of the art and music blocks, the post 16/Special Educational Needs (SEN) block, the hall, and the horticulture vocational unit;
- Existing outdoor sports pitches to remain as existing;
- Hard and soft play and social areas;
- New car parking provision, drop-off, circulatory access and pedestrian access;
- New vehicular entrance and access road;
- New strategic landscaping.

Accommodation

5. The development of the site masterplan has been directed by the requirement to provide the proposed new Academy buildings and all associated facilities within the existing site, to minimise the loss of playing field and to reduce the impact on the Green Belt. The location of the new buildings has been influenced by the overall balance of land use required on site, and crucially the provision of a new vehicular entrance and

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approach road, forming a new entrance plaza. The proposed main Academy building would form part of the secure boundary of the site, making the building approachable to the community, but also secure.

6. The site layout places the bulk of the new main Academy building on the footprint of the existing car park, and the new Sports Centre on the footprint of the existing administration building. The model for the Academy is the schools-within-schools model advocated by the Leigh Academies Trust and used by both Leigh and Longfield Academies. At Wilmington, a smaller school roll in years 7-11 allows for a two college model, compared with Longfield's three and Leigh's four. The two college teaching structure is represented by the two wings of the proposed main building. The two storey wings would contain science and technology specialist teaching spaces, with general teaching colleges above. The remaining teaching accommodation – music, art, drama, post-16 and SEN, would be contained within existing facilities requiring very little upgrade work.
7. It is intended that the site would be re-graded and banked to form a level plateau for the new building, with no net cut and fill export from site and limited use of retaining walls. The two storey main building would have a single main entrance, accessed off the new entrance plaza, which would be covered with a glazed canopy. There would be a direct view through the entrance to the playing fields beyond, and into each wing of the building, presenting a professional and welcoming image to visitors. General administration accommodation, dining facilities, a learning resource centre, science laboratory's, technology workshops, general teaching areas and circulation spaces are proposed within the main Academy building, spread over the two floors. The accommodation is designed to be flexible and open, with double height dining and learning spaces, open plaza areas, and traditional classrooms. Access to outside space and the playing fields beyond would be gained via each room on the ground floor, and from the first floor via a bridge linking over to the playing fields from the 'science college', and steps down from the 'technology college'.
8. A new sports centre is proposed on the site of the existing admin block once this block has been vacated. The intention is that the sports centre would be built relatively quickly, potentially using pre-fabricated components. The centre would accommodate four tennis courts, storage and changing facilities, a multigym and a lecture theatre. A separate community entrance to the Sports Centre is proposed, allowing the facilities to be used both during and out of school hours. An additional student entrance to the Sports Centre from within the secure site would ensure the safety of students accessing the facility. The existing external sports provision would remain untouched, including the sports pitches, multi use games area and basketball court. Provision is, however, made for improved access to these facilities. In addition, relocation of existing benches to a new area of hardstanding to the north of the basketball court would provide an area for spectator viewing.
9. Between the proposed Academy building and Sports Centre, a plant room/energy centre is proposed which would house general plant associated with the Academy and an electric switch room. This building would form part of the site's secure boundary line, in addition to the main Academy building and Sports Centre. The remainder of the secure boundary line would be formed of black weld mesh fencing at a height of 2 metres.

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Access and car parking

10. A new vehicle only entrance into the Academy is proposed to be created to the west of the existing main entrance along Common Lane. This would provide a dedicated one-way access road into the school for vehicles only, which would feed into the proposed car park and bus and coach drop off areas. All vehicles would enter the site via the new access route, which would join up with the existing on-site road system to the north of the proposed sports hall, with all vehicles exiting the site via the current access, which would continue to be shared with WGSB. Public facilities on site, such as the lecture hall, dining, learning resource centre and sports centre are proposed to be located at the front of the site where they would be easily accessed by the community, and served by the proposed access, car parking and drop off facilities.
11. The applicant advises that the proposed new entrance has been strategically positioned to avoid the remains of an old road bridge abutment along Common Lane (whilst the bridge abutment is not officially listed, it has been marked by a plaque as part of the Wilmington Heritage Trail and, therefore, is of local historical interest). Some of the existing brick wall and palisade fencing running along Common Lane would, however, need to be removed to accommodate the new entrance. The applicant advises that the amount of wall to be removed would be dependent upon how much land would be required to provide the access sightlines. The entrance works would be subject to a Section 278 Agreement with the Highway Authority, and would also require a series of Road Safety Audits to be undertaken to determine the detailed layout of the junction. The results of this would inevitably influence the length of wall requiring demolition, but the applicant estimates that the approximate range of wall that would need to be removed would be between 17 and 20 metres. Tree removal would also be required, to be outlined in more detail below.
12. A total of 92 car parking spaces are proposed across the site, to be made available to staff and visitors, 85 of which are located in a new car park to the north west of the main Academy building. This area is the lowest and flattest part of the site, which is existing 'meadow'. The car park has been designed around an existing mature London Plane, an 'A' grade tree, in order that the tree is retained. To reduce the impact of the car parking area on the Green Belt and the London Plane, and to enhance sustainable urban drainage (SUDS), it is proposed that only the main circulation roads are vehicular tarmac, with the car park constructed of a rigid plastic turf reinforcement system. In addition to 85 parking spaces, the proposed car park would contain 6 motorcycle parking bays and 1 mini bus parking bay. A further 7 designated accessible spaces, and a SEN drop off point, would be provided in front on the main Academy building, in the arrival plaza. This location would be outside of the main Academy entrance, and on an area of the site that is level, providing easy access for wheelchair users and those with mobility or sight impairment.
13. A bus and coach drop off area is proposed to be located to the front of the proposed Academy building, with 4 parking bays provided. The nearest two bays would be for pick up/drop off at the front of the main entrance, with a further two bays provided further north along the access road for busses/coaches to wait before moving to the front two to pick up/drop off students. The access route would also link to the bin store and a loading bay to facilitate refuse collection and kitchen deliveries. Emergency vehicular access to the playground would be provided via the access road and through a gated entrance between the proposed main building and plant room/energy centre. It is proposed that an element of parental drop-off would be permitted on site, within the car park and the four coach pick up/drop off spaces.

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14. The main pedestrian entrance would continue to be via the existing entrance on Common Lane, which is to be the vehicular exit point. The proposed new access on Common Lane would not be for pedestrian use. Cyclists could, however, use the proposed new access, or dismount and use the pedestrian entrance. 40 cycle parking spaces are proposed to be located between the sports hall and the main Academy building. A further 10 visitor cycle spaces are proposed to the front of the main building, in the arrivals plaza. An area for an additional 96 cycle spaces has been identified to the south of the proposed hard informal play area, and these spaces would be provided should sufficient demand be identified through ongoing monitoring and review of the School Travel Plan.

Design and appearance

15. The applicant advises that the new building form and massing has been carefully considered to 'sit comfortably' within the Green Belt context. The proposal is entirely two storeys, and from the sports pitches to the rear of the site only the upper level of the main Academy building and roofscape would be predominately visible due to the level changes on site, and the cut and fill that would be undertaken to form a level plateau for the building to sit on. The two college wings are proposed to have a flat roof around the perimeter, and a pitched rooflight in the centre to allow light into the learning plaza's below. The Sport's Centre is also proposed to have a flat roof, although roof plant is shown on the roofs of both buildings.
16. The proposed façade materials include local red multi bricks (Freshfield Lane Brickworks), and grey coloured insulated render. The applicant advises that the local brick, with plenty of variegated colour and texture, and the materials palette in general, reflect the existing warm colours and textures of the local setting, whilst providing robust and durable finishes. Window frames would be powder coated aluminium in a dark grey colour, and curtain walling would separate principal elements of each elevation. The applicant advises that the sweep of the main entrance and front elevation would be articulated with substantial openings, revealing the activity of the Academy within. The glazing would be shaded by bands of aluminium brise soleil (projecting fins which deflect direct sunlight from windows), aiding passive solar design and shading.
17. Externally, the new entrance and access road would, the applicant states, give the Academy a stronger identity within the community. Community facilities at the school, such as sports facilities, the lecture hall and learning resource centre, would be located in accessible locations to facilitate use by local community groups both during and after school hours. All community facilities could operate out of normal hours without compromising the security of dedicated teaching areas. The south facing spaces between the two college 'wings', and new landscaped 'social area' would offer social and informal outside space.

Ecology and Landscaping

18. A Ecological Scoping Survey was submitted with this application which was undertaken to identify the presence or likely presence of any notable protected species or habitats. The reports summary and recommendations consider that the presence/possible presence of nesting birds, hedgehogs, reptiles and common toad should be taken into account before and during development works. With regard to nesting birds, hedgehogs and the common toad, recommendations are made as to how works should proceed and what should be done should such species be discovered. However, with regard to reptiles, it is recommended that 'before work commences a presence/likely absence survey is carried out in the development area to be affected by the construction of the

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western wing of the building, and the proposed extended car park'. The report further recommends that if reptiles are found to be present then, depending on the size of the population, they should be relocated to a suitable area nearby. The applicant has confirmed that works have commenced on the reptile survey, with mats and tins laid down, and survey visits to commence in March should the weather be warm enough. The survey covers the undeveloped grassed/meadow area to the north of the application site (where part of the proposed western wing and car park would be located) and does not include existing playing fields, car parks, hardstanding or mown grass, as these areas are unsuitable for reptiles.

19. An Arboricultural Survey and Assessment was also submitted with the planning application, which identifies the type, size and value of the trees on site. A total of 86 individual trees, and 4 groups, were assessed within the survey, including 9 category 'A' trees and groups, 26 category 'B' trees, 50 category 'C' trees and 5 category 'R' trees, in accordance with BS5837 (2005) 'Trees in Relation to Construction'. None of the trees within the site are subject to a Tree Preservation Order. However, a number of the existing trees appear to be remnants of the landscape associated with Wilmington Hall. Of particular note are a large London Plane at the lowest point of the site (around which the car park has been designed), and a line of Lime Trees along the western boundary, and a Giant Sequoias.
20. Of the existing stock identified within the tree survey, the applicant advises that 2 category 'R' trees would be removed due to poor health based on recommendations in the tree report. One category 'A' tree, 5 category 'B' trees and 13 category 'C' trees would have to be removed to accommodate the development (21 in total). 9 of the trees proposed for removal would be located either within or too close to the proposed building footprint, and the remaining 12 would require removal to allow the new access to be created, along with the route through the site and associated earth works. The applicant further advises that, in addition to the individual trees, an approximate area of 510m² of woodland consisting of young trees and woodland shrub species would require removal to allow the proposed entrance and access road to be built. 320m² of dense woodland edge scrub would also need to be cleared to accommodate the construction of the proposed car park.
21. New tree planting (35 trees) is proposed to replace individual trees removed within the school grounds, and species would be chosen in relation to the trees they replace, or to compliment retained trees found elsewhere on site. Their location would be selected to provide structure and an appropriate setting for the different character areas on site, to improve biodiversity and to provide seasonal variation. The applicant states that the planting strategy proposed aims to maintain the open parkland character of the existing landscape. Open lawn areas with individual or small groups of trees are proposed. The existing trees to be retained would be protected during construction in accordance with BS5837: Trees in Relation to Construction.
22. The applicant advises that the hard landscape material palette has been selected to create a cost effective and robust scheme. Tarmacadam is proposed for carriageways and footways, with small unit pavers proposed for disabled parking and SEN drop-off outside the main entrance to the school. The car park would be surfaced in a plastic modular reinforcement system and finished in a combination of granular material for circulation routes, and grass seeded areas for parking bays. New galvanised steel cycle hoops are proposed for bike parking, whereas all other external site furniture would comprise of existing pieces. The wider site boundary would remain as existing, but the inner secure boundary would be secured with 2 metre high black weld mesh fencing, which the applicant advises would combine security with visual permeability.

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Security

23. The applicant advises that the principles of Secured by Design, as they apply to schools, have informed the design process. The proposed development would provide enhanced security to the site and school buildings, with the proposed new buildings themselves forming part of the secure line controlling access into the site, thereby limiting the extent of fencing. Access into the school and its grounds would be well overlooked by the proposed administration facilities, and the main buildings single point of entrance would make the control of access and egress easier and more secure. New weld mesh fencing is proposed to form an inner secure line, incorporating the Academy buildings and immediate external spaces. In addition, all site entrances would be controlled with surveillance, either natural or CCTV, and appropriate security lighting.

Lighting

24. The applicant advises that external lighting of the site would create attractive and safe lighting levels in keeping with the character of the landscape. The applicant considers that the specific choice of lighting, both in terms of fitting type and lighting levels, would address security throughout the site, be attractive and relate to the character of the scheme whilst avoiding light pollution to the surrounding community. Lighting would be designed in accordance with ILE Guidance Notes for the Reduction of Obtrusive Light, and would utilise high efficiency light sources to satisfy BREEAM requirements. Proposed lighting to the access road would provide 10 lux at ground level with a minimum uniformity of 0.4, lighting to the car park would provide 10 lux at ground level with a minimum uniformity of 0.25, and lighting to pedestrian only routes would provide 5 lux at ground level with a minimum uniformity of 0.25. All external lighting would be contactor controlled via a photocell and digital timer arrangement, with a manual override switch.

Sustainability

25. The applicant advises that the project would achieve a minimum 'Very Good' rating under BREEAM for schools. The applicant is proposing to deliver an energy efficient building through design, construction and operation, including heating and lighting control, and energy monitoring. Other matters such as specifying environmentally friendly and recycled building materials, the incorporation of low water use appliances and leak detection meters, natural ventilation and ecological enhancement measures have been outlined within the application documents. The submitted roof plans also identify areas for PV Cells and Solar Thermal Panels.

The application is supported by a Design and Access Statement, Planning Statement, Biodiversity Statement, Landscape and Visual Impact Assessment, Geotechnical Investigation and Contaminated Land Investigation, Drainage Assessment, Renewable Energy Assessment, Transport Assessment and Travel Plans, Arboricultural Survey/Assessment, Archaeological Desk Assessment, Flood Risk Assessment, Statement of Community Involvement, Noise Impact Study, Utilities Statement and Secured by Design Meeting Notes.

Reduced copies of the submitted drawings showing the site layout, elevations and access are attached.

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Planning Policies**26. The National Planning Policy Framework (NPPF)**

The new NPPF is planning policy guidance and a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. The NPPF replaces the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), although PPS10 relating to Planning for Sustainable Waste Management is currently retained.

The NPPF contains a presumption in favour of sustainable development. The new Framework refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system -- economic, social and environmental. These roles are mutually dependent. Within the over-arching roles there are 12 core principles that planning should achieve. These can be summarised as:

1. be genuinely plan-led;
2. a creative exercise in finding ways to enhance and improve the places people live their lives;
3. proactively drive and support sustainable economic development;
4. secure high quality design and a good standard of amenity;
5. take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
6. support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
7. contribute to conserving and enhancing the natural environment and reducing pollution
8. encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
9. promote mixed use developments
10. conserve heritage assets
11. manage patterns of growth to make fullest use of public transport, walking and cycling and focus significant development in locations which can be made sustainable;
12. take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

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In terms of delivering sustainable development in relation to this development proposal, the following NPPF guidance is particularly relevant:

The NPPF sets out the Governments objectives for promoting sustainable growth and prosperity, whilst planning for strong vibrant and healthy communities. Good design is identified as important for sustainable development, with the planning system expected to promote good design for all development. Green Belt protections are maintained within the NPPF (section 9), which carries forward the principles of PPG2, in that inappropriate development harmful to Green Belt should not be permitted. However, land within the Green Belt that has been developed in the past may be used for new development in some circumstances. Local Authorities are also required to enhance the Green Belt, by the introduction of paths, ecological enhancement and planting, for example. Paragraph 72 of the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools, ensuring that a sufficient choice of school places is available to meet the demand of existing and new communities. The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible. The NPPF also sets out planning's important role in tackling climate change, protecting the natural environment, protecting and enhancing biodiversity, limiting noise and light pollution, and protecting the historic environment.

The Government is committed to the principles of the Green Belt and to maintaining tight planning controls over development on Green Belt land. 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 the NPPF; 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.

Policy Statement – Planning for Schools Development 15 August 2011

27. (i) The adopted **South East Plan 2009**:
- Policy SP5** Refers to Green Belts, supporting their retention.
 - Policy CC1** Seeks to achieve and maintain sustainable development in the region.
 - Policy CC4** Refers to sustainable design and construction.
 - Policy CC6** Refers to sustainable communities and character of the environment.
 - Policy CC7** States that the scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of the development. Where this cannot be demonstrated the scale and the pace of the development will

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be dependent on additional capacity being released or the provision of new infrastructure.

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

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

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

Policy NRM10 Measures to address and reduce noise will be developed at regional and local levels.

Policy BE1 Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.

Policy BE6 Management of the historic environment.

Policy C5 Seeks to ensure better management of the rural-urban fringe.

Policy S1 Supports measures for developing and shaping healthy sustainable communities, including community access to amenities such as parks and physical recreation activities.

Policy S3 States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.

Policy S5 Refers to cultural and sporting activities, and encourages local authorities and their partners to improve the overall standard of fitness, enhance cultural diversity and enrich the overall quality of life.

Policy S6 Encourages the mixed use of community facilities, and requires community facilities to be located and designed appropriately.

Policy W2 Encourages sustainable design, construction and demolition.

Important note regarding the South East Plan:

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

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until such time as the Government complete the formal process of revoking the Plan.

(ii) The adopted (1995) **Borough of Dartford Local Plan:**

Policy S4 There is a presumption against development in the Metropolitan Green Belt, as defined in the Local Plan; continued protection will be given to the Countryside and its amenity value and recreation potential will be enhanced.

Policy S6 Encourages conservation and improvement of the existing built environment and the achievement of a high quality and standard of design in new development.

Policy GB2 Within the Green Belt there will be a strong presumption against permitting development other than which accords with Planning Policy Guidance Note 2.

Policy T19 Proposals for development will not normally be permitted where they are not appropriately related to the highway network and generate volumes of traffic in excess of the capacity of the highway network.

Policy B1 The following factors will be taken into account in considering development proposals:

- a) Proposed use, which should be appropriate for its location and should not have a detrimental effect on the local area through visual impact, traffic generation, noise or other factors.
 - b) Design, which should be of a high standard and respect and integrate with the surroundings. Particular attention should be paid to the mass, form and scale of the proposed development and its impact on the environment and neighbouring uses.
 - c) Materials, which should be of good quality, pleasing in appearance and durable.
 - d) Amenity of adjoining properties, particularly in the case of residential properties, should not be materially detracted from by development proposals. This includes the loss of daylight or sunlight, and overlooking from habitable rooms.
 - e/f) Access and parking.
- [.....]

(iii) Amended Second Deposit Draft (2004) **Dartford Borough Local Plan Review:**

Policy DD5 Seeks to protect the amenity and recreational value, visual quality, wildlife conservation and landscape value of the Green Grid.

Policy DD11 A high standard of design will be sought in all proposals. Planning Permission will be granted if the proposed development :

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- 1) Is compatible with neighbouring buildings and spaces or improves their surroundings in terms of scale, height, massing, materials and site coverage.
- 2) Incorporates a layout that respects the original topography of the site and retains trees, hedgerows and shrubs which are important landscape features.
- 3) Retains or enhances the privacy and amenity of the local area by reason of form, scale, height, outlook, noise and light intrusion or activity levels including vehicular or pedestrian movements.
- 4) Retains important buildings.
[.....]
- 9) Incorporates appropriate provision for the role of the car.
[.....]

Policy T7 Requires new developments to be served by adequate transport infrastructure and services.

Policy T11 New development is required to make adequate provision for vehicle parking, in accordance with adopted standards.

Policy T15 Requires adequate provision to be made for cycle parking.

Policy T16 Requires development to minimise the need for car borne travel.

Policy T17 Requires a Travel Plan to be produced for large scale development.

Policy T18 Requires a Transport Assessment to be produced for large scale development.

Policy GB2 The openness of the Green Belt defined in the proposals map will be preserved. Within the Green Belt inappropriate development, as defined, will not be permitted unless justified by exceptional circumstances.

Policy LRT7 Promotes the provision of sports and other facilities for dual use by schools and the wider community.

Policy LRT11 Seeks to resist proposals which would adversely affect the extent or quality of open spaces and reduce their value in terms of visual amenity, nature conservation, recreational functioning, or their contribution to the Green Grid.

Policy BE16 Requires outdoor lighting to use low energy fittings, have minimal light spill and glow, be at the minimum intensity necessary, respect the character and appearance of the area, not result in loss of privacy or amenity for nearby residential properties, not cause glare and light pollution, and to be designed and integrated into the development.

Policy NR16 Requires details of present and predicted noise levels to assess the impact of potentially noisy development proposals.

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Policy NR23 Requires development to be designed to give optimum energy efficiency, through its site layout and orientation, and through layout and design.

(iv) **Dartford Borough Core Strategy (2011)**

Policy CS13 Seeks to resist inappropriate development within the Green Belt, in accordance with PPG2.

Policy CS14 Reiterates the Council's stance with regard to creating a multifunctional, well managed, and high quality Green Grid and requires sites between 2ha and 20ha and to provide at least 20% of the site area as contribution to the Green Grid.

Policy CS15 Pledges support for minimising the need to travel and minimising car use, whilst making effective use of the transport network. Travel plans will be required for all significant traffic generating development to ensure more sustainable modes of transport are pursued. Kent County Council's parking standards will be applied.

Policy CS21 Seeks the provision of community facilities that are close to the population they serve and that come forward in a timely fashion. Dual use of facilities is sought.

Policy CS22 Indicates the Council's support for community based sports and recreation facilities. Community sports and cultural facilities will be encouraged at major development sites, and existing facilities will be protected.

Policy CS23 Requires all new development to demonstrate that reductions in energy use through passive design and layout have been explored and applied where practical. Non-residential development over 1,000 square metres gross floor space to meet BREEAM 'Excellent' standard.

Consultations

28. **Dartford Borough Council** raises no objection to the application, and recommends the inclusion of suitably worded conditions in respect of:

- Contaminated Land;
- Construction Method Statement (to include details of wheel washing);
- Surface Water Drainage;
- Retention of parking spaces;
- Demolition of buildings that are to be demolished prior to occupation of the new buildings;
- Levels of any external lighting; &
- Landscaping.

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Wilmington Parish Council supports, in principle, the proposals to improve the quality of the Wilmington Academy site and the buildings, thus providing better facilities and opportunities for learning, from which hopefully an improvement in standards will result. On-site provision of a drop off/pick up area, and waiting bays for coaches, is welcomed.

The Parish Council does, however, have concerns regarding:

- The proposed loss of some 3 or 4 metres of the historic wall that faces Common Lane, which is a prominent feature on the street scene;
- The possible encroachment of the new building into the Green Belt, with the possibility of the existing footprint being exceeded;
- The visual impact the proposed car park could have on the openness of the Green Belt;
- The new traffic flow arrangements, with the creation of a new entrance point having the potential to give rise to serious road safety implications on Common lane, with particular concern over its position on the incline of the road.

The Parish Council also wishes to following to be taking into consideration:

- Consideration will need to be given to the movement of construction traffic as the junction with Common Lane/Broad Lane and the width of Broad Lane is not suitable for such vehicles;
- A condition should be imposed requiring the on-site provision of wheel cleaning facilities;
- A condition should be imposed to restrict movement on and off site of construction vehicles during the times students are arriving and leaving, with due account being taken that there are three other schools in the immediate vicinity.

Kent County Council Highways and Transportation comment as follows:

a) The increase in the capacity is from 850 to 950 students, plus an additional 4 staff. This would not appear to raise any serious capacity or safety concerns on the surrounding road network. Direct access for pedestrians is via a separate gate from vehicles, adjacent to the zebra crossing on Common Lane, and from there to the nearby residential areas and bus stops.

b) The provision of parking spaces within the site in a single location would seem the appropriate way of reducing the current rather confusing layout at the Academy, and reduce any internal conflicting movements between pedestrians and vehicles. It would appear that the layout offers more control over the parking and loading of school buses within the site.

c) I welcome the increase in secure cycle parking.

d) The forthcoming updated Travel Plan will need to clarify the targets and monitoring regime. At the moment the Transport Assessment can only use phrases such as "expected to be updated" and "it is assumed that the Plan will look to reduce car travel mode by at least 20%". The achievement of targets will depend on the Academy's future commitment to encouraging sustainable access to the site by both students and staff. There already appears to be a good level of walking and bus use on which to build.

In summary, I would have no objection to this proposal."

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Environment Agency states that the development would only be acceptable if planning conditions are included on any permission granted to require the submission of various components of a scheme to deal with the risks associated with contamination of the site, the submission of a verification report demonstrating completion of the remediation strategy regarding contamination of the site, and conditions requiring the development to be carried out in accordance with the approved Flood Risk Assessment (FRA), and controlling the infiltration of surface water drainage into the ground. Advice, guidance and informatives are also provided regarding drainage, contamination, watercourse, and fuel/chemical storage.

Sport England raises no objection to the application, as the development only affects land incapable of forming a playing pitch, or part thereof, and does not adversely affect existing provision on the site. It is recommended that the detailed design of the new sports facilities accords with Sport England's relevant design guidance on sports halls, in order to ensure that the facility is fit for purpose and of an appropriate quality.

The County Council's Biodiversity Officer advises that the recommendations made within the submitted Ecology Scoping Survey should be implemented, and the development carried out in accordance them. Much of the site has been assessed as of minimal ecological significance. However, the northern meadow area of the site has been identified as of potential suitability for reptiles and, therefore, a reptile survey is recommended. To comply with Government guidance, all surveys must be carried out prior to determination to ensure that all relevant materials considerations can be assessed in the determination of the application. By undertaking a reptile assessment before the planning decision is made, the applicant would also be able to ensure that any mitigation that is required is considered in the design of the scheme.

The County Council's Biodiversity Officer supports the applicant's intention to incorporate the retention of the undeveloped area of meadow, with the intention to enhance the grassland with a native wildflower mix. A condition of consent should require the submission of a Habitat Management Plan to ensure that the meadow is managed for its optimal wildlife value. Ecological enhancement measures should also be incorporated into the development.

Public Rights of Way: no comments received to date.

The County Archaeologist raises no objection subject to conditions being placed on any grant of planning permission requiring the securing of the implementation of a programme of archaeological work, the submission of foundation designs and details of below ground excavations, and the undertaking of a programme of historic landscape assessment, in accordance with written specifications and timetables.

The County Council's Landscape Advisor raises no objection to the application, and is generally happy with the applicant's response to previous queries and concerns raised. The only remaining concern is the extent of woodland vegetation lost, and the lack of mitigation for this. It is appreciated that there are budget constraints, but the Landscape Advisor considers that the cost of native woodland planting would be minimal in relation to the total cost of the scheme. A detailed scheme of landscaping should be submitted pursuant to planning condition, which should include details of replacement tree planting which must replace the key species lost (such as English Oak, Common Lime, Cherry and Maple), and detail tree protection methods in accordance with BS5837:Trees in Relation to Construction.

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The County Council's Noise Advisor comments as follows:

"The application would result in a total of 23 additional vehicle movements in/out of the school during the peak hour. The car park capacity is increased slightly by 8 spaces and moved north by approximately 30m. In addition, the access road to the school would be relocated to the north west of the school boundary.

The Applicant has employed Pace Consult Ltd to produce a Noise Assessment which considers the potential noise impact at nearby residential properties resulting from the above alterations. The Noise Assessment presents noise contour plots for the existing and proposed future scenario. These contour plots indicate that the proposals will not result in an adverse noise impact for nearby residential properties or those located on the local road network. I would agree with the approach and findings of the Noise Assessment, and therefore, would not object to this element on noise grounds.

Fixed Plant

I note that the Noise Assessment recommends that the rating noise level ($L_{Ar,T}$) from any fixed plant associated with the application should be 10 dB(A) below the existing background noise level at the nearest residential property. However, no reference is made to the proposed plant that would be installed, and although it is unlikely that any such plant would result in adverse impact, I consider it prudent that the following condition be set (N.B. this condition is less stringent than that proposed by the Applicant above):

At no time shall the noise rating level $L_{Ar,T}$ (free field), calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed plant installed at the premises exceed the background noise level $L_{A90,T}$ at any residential property."

Police Force Crime Prevention Design Advisor: no comment received to date.

Southern Gas Networks provided advice and guidance on development in proximity to gas mains, which has been forwarded to the applicant for their information and action.

I have also received representations from the following:

The Wilmington Society strongly objects to the application for the following reasons;

"1) Wilmington has many schools situated in the village and at starting and finishing the traffic is chaotic with the volume of traffic and parking on the pavements making it impossible and sometimes dangerous to get around the village especially with prams, buggies and wheelchairs. Several attempts at enforcement by the PCO's have not resulted in any improvement. So even with the proposed additional parking on the site we are convinced that it will not be used. We understand that this is not an expansion of the number of pupils but bring the number up to the permitted number which means another 100 pupils coming into Wilmington with all the resultant problems.

2) We understand that additional parking spaces are on Green Belt land and this is totally unacceptable.

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- 3) The new building will encroach on Green Belt land and this is unacceptable and will directly affect the Green Grid and the green areas of Wilmington.
- 4) The additional access point from Common Lane is unacceptable, this is a narrow lane and this entrance will cause safety problems with access to the site.
- 5) The removal of part of the historic wall is totally unacceptable, this is part of the Wilmington Heritage Trail is of historical interest and cannot be replaced.
- 6) As stated in the planning application the redevelopment of this site is for the benefit of the local population, if this is the case why would there be need for all additional parking as presumably local school children could be encouraged to walk to school.
- 7) The construction phase would cause even more traffic problems and environment problem to resident and pupils at Wilmington Grammar School for Boys.”

The London Green Belt Council objects to the application because it represents an unjustified erosion of the Green Belt, and comment as follows:

“The application recognises that the extension of the developed area, caused especially by the two college buildings and car park, constitute inappropriate development as defined by PPG2. It seeks to justify the inappropriate development on the basis of alleged very special circumstances. Bearing in mind the inherent harm of any inappropriate development in the Green Belt, it is our view that the case for very special circumstances has not been made out.

The application relies on the policy support for schools in the Draft National Planning Policy Framework (NPPF), in particular paragraph 127. However, the policy is in fairly general terms and cannot be taken automatically to override the Green Belt protection embodied in the NPPF. Paragraph 133 makes clear that the Government attaches great importance to Green Belts and subsequent paragraphs reproduce many of the core principles of Green Belt Policy as set out in PPG2. This gives effect to a firm commitment to maintaining the Green Belt in Coalition Agreement.

The NPPF, however, has not been adopted. The published draft attracted considerable criticism, much of which highlighted unresolved tensions and conflicts between various aspirational policies like paragraph 127 and policies to protect environment, Green Belt and the like. Until the Government has responded to the consultation, therefore, the NPPF is of limited value as a guide to policy.

In any case, the general policies give little guidance on whether very special circumstances exist in any given case. The question is whether it is essential for the development to be made in this particular case. The arguments put forward are unconvincing. They address the fact that it might be quicker and cheaper to proceed as proposed but there is little evidence to show that there has been an attempt to think of creative solutions to avoid encroaching on the Green Belt.”

Local Member

29. The local County Member, Mrs Ann Allen, was notified of the application on the 5 January 2012. The following comments have been received:

“Support the proposed improvements to the quality of buildings and facilities.

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I have concern over:

- Loss of 3 to 4 metres of the historic wall, which is a prominent feature in the village street scene;
- Encroachment into the Green Belt;
- The siting of the car park affecting visual amenities of the Green Belt;

Request:

- All construction traffic enter the site via Broad Lane;
- On site provision of wheel cleaning facilities;
- Construction vehicle movements restricted when pupils are arriving and leaving.”

Publicity

30. The application was publicised by the posting of 4 site notices, advertisement in a local newspaper, and the individual notification of 64 neighbouring properties. 7 neighbouring properties (those who submitted representations to the initial consultation) were notified of the receipt of additional supporting information on the 21 February 2012.

Representations

31. To date, I have received a total of 10 individual letters of representation from 7 local properties/residents.

A summary of the main issues raised/points made to date are set out below:

Siting and design

- The development is not considered to be an appropriate form of development within the Green Belt;
- The development should not be allowed within the Green Belt;
- Once the Green Belt land is used, its status will be lost forever;
- The development would result in the loss/reduction of a Greenfield/Green Grid site;
- The development should be delayed until more funding is available to enable the development to be built on the footprint of the existing buildings, with pupils housed in temporary accommodation throughout construction;

Access and car parking

- Concerns are expressed over the number of car parking spaces proposed;
- Car parking would be in the Green Belt;
- The car park would create noise nuisance to local properties;
- The car park would create light pollution, especially if open until 10pm;
- The new entrance would have a massive impact on people using the Public Right of Way, and parents and pupils travelling to and from school. Vehicles would be turning in closer proximity to the PROW, and closer to a 'blind bend' creating more chances of road accidents;
- The proposed new entrance is in a dangerous place, being half way up a narrow hill, on a bend;
- The proposed access would remove an area of 'historic wall', which is part of Wilmington's heritage being one of few parts of the magnificent Wilmington Hall which are still left, and should be left intact;
- What remains of the historic wall must stay, and the plans for the new access should be reworked to ensure that this happens;

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- A pedestrian crossing should be provided as part of this planning application, especially in proximity to the PROW;
- The development would increase the volume of local traffic within a residential area, on an already busy road, which is very congested around peak school times;
- Construction traffic using Common Lane would cause a severe nuisance to the village;
- Construction traffic should not use Hook Green Lane and the west end of Broad Lane;

Ecology and landscape

- Local wildlife habitats would be adversely affected, including habitats for owls, birds, bats and badgers;
- Car park lighting would affect nocturnal animals;
- A substantial area of grassland would be lost, and the replacement proposed to not sufficient;
- A large number of mature and beautiful trees would be removed;
- A surface water drainage channel runs through the site from Dartford Heath to Oakfield Park. This causes local flooding.

General amenity issues

- Boundary fencing should be as secure as possible, and maintained in the future;
- The development would affect the visual outlook from neighbouring properties;
- The development would increase noise breakout both during and outside of school hours;
- The development would de-value local properties;
- Possibility of noise and light pollution from the development, especially sports facilities;
- The development could increase air pollution in the rural area;

Discussion

33. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 26 & 27 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance, including the new National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon the Metropolitan Green Belt and wider landscape, highway implications and access, landscaping, local residential amenity and whether the development is sustainable in light of the NPPF.
34. Policy BE1 of the South East Plan and Policy DD11 of the Dartford Borough Local Plan Review, seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly relevant to this site which is identified within the Dartford Borough Local Plan as being within the Metropolitan Green Belt. Policy CS13 of the Dartford Borough Core Strategy seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances. Reference is made to PPG2 which has been replaced by the NPPF. The NPPF says “as with previous Green Belt Policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. The NPPF does not explain in any detail what ‘very special circumstances’ now means, but

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does go on to say “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and other harm, is clearly outweighed by other considerations”. Any development within the Metropolitan Green Belt could affect the openness of it and would be contrary to planning policies. On this basis the development proposed must be considered as a departure from the Development Plan. Therefore, if Members were minded to grant planning permission, the application would need to be referred to the Secretary of State for his consideration.

Green Belt considerations

35. By virtue of the criteria in the NPPF, and various Local Plan Policies, the development is inappropriate in Green Belt terms. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted. Such development should not be approved, except in very special circumstances. It is, therefore, necessary to consider 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.
36. A ‘planning statement’ was submitted in support of this application, which sets out what the applicant considers to be the very special circumstances that warrant setting aside the general presumption against what would be inappropriate development in the Green Belt. The applicant states that the primary reason for the proposed redevelopment scheme is the need to replace the rundown, outdated buildings with a modern multi-functional educational establishment. The redevelopment would enable the Academy to fully accommodate pupils to the existing capacity of 950, whilst realising the aspirations to raise educational standards and to create a community education hub. The redevelopment would also significantly improve the educational and sporting facilities at the Academy, which would benefit existing pupils, staff and the wider community. The provision of new development for schools is specifically supported in National Planning Policy, and the Government has pledged further support for school development in their DCLG Policy Statement Planning for School Development. Against this background of strong Policy support, I consider that the principle of redeveloping the Academy to provide a new school building and better sports facilities is acceptable. However, notwithstanding the established use of the application site, the proposed redevelopment of the Academy represents development which by definition is inappropriate development within the Green Belt. Before assessing the case of very special circumstances justifying the development upon the application site, alternative sites must first be considered.
37. It is recognised that the preferable policy position would be to locate the Academy development outside of the Green Belt. As the whole of the Academy site, and that of the adjoining Grammar School, is within the Green Belt, the only option to achieve development outside of the Green Belt would be to relocate the Academy to an alternative site elsewhere in the Borough. The applicant advises that relocating to an alternative site would present significant logistical and financial cost, not least from potential site acquisition which would add heavily to the Academy’s development costs. Due to cuts in the original funding budget, the proposed development has already been scaled back from a complete new build, to retaining buildings where possible to ensure that the most important elements of the Academy can be delivered as new build. The level of funding available through the Academies programme would, therefore, fall far short of that required to acquire and develop another alternative site, whether it be outside the Green Belt or not.

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38. In addition to the cost implications of acquiring an alternative site, such a step would also significantly delay the development programme and extend the time period for delivering the new Academy campus. The applicant advises that there is a pressing need to raise educational standards at the school, and the new Academy campus would play a critical role in achieving this. The programme for creating the Academy and securing the new campus is running to a tight time scale, with completion of the works due in March 2013. If a new site were to be acquired prior to the development commencing, this would add considerably to the development programme, which would, the applicant advises, have a negative impact on the 'ability to implement the educational model in its entirety and thereby raise standards'. In light of the information provided in support of the need to redevelop on the existing site, and in considering that the application site is an established educational campus, home to two schools, I see no other viable alternative than the redevelopment of the existing Academy Campus. Having accepted that the Academy could not be moved to another site, I consider that the applicants are left with only two options - to do nothing, or to provide new and improved Academy buildings on the existing site within the Green Belt.
39. As previously explained, the whole school site is within the Green Belt, although only the playing fields are designated as Green Grid within the Borough Local Plans. Any development on the site would, therefore, be development within the Green Belt. However, building upon the existing footprint could be a more acceptable alternative to encroaching upon undeveloped areas of the school site and this option needs to be considered. As outlined above, during the process of developing the strategy for the new Academy development, the Department of Education reviewed the funding allocated for the Wilmington Academy development, and reduced it significantly. The Academy were then forced to rethink the former wholesale development strategy to ensure that the funds available were focused on the areas which would bring about the most change and be of most benefit. Some of the existing school buildings will, therefore, remain, particularly those elements such as the horticultural units, which are recently designed and constructed. However, the provision of an element of new build is essential in achieving the standard of educational facilities required, and in providing an independent campus specifically for the Wilmington Academy.
40. At the heart of the design ethos for Wilmington Academy is the need to provide the 'two schools' structure, catering for approximately 475 students in each. At present, Wilmington Academy shares a split campus with WGSB. The main bulk of the Academies buildings are joined physically with the adjacent Grammar School, and the two schools share a main entrance and have adjoining playing fields and facilities. One of the key things for the Academy to achieve through the development process is their own sense of identity, with a presence from the site frontage. It would be difficult to successfully achieve this, and to create the 'two schools' structure within the Academy from the existing campus with so many buildings and facilities being joined to the adjacent school. In addition to the provision of a new building, the applicant advises that the division of entrance points and internal access routes is essential in providing Wilmington Academy with an individual presence and identity.
41. The potential to provide the required new elements of the Academy campus wholly within the existing developed part of the site has been explored by the applicant. However, the provision of a new building, access, car parking and access route could not be accommodated within the existing built footprint due to the confined size of the site, the existence of the adjacent Grammar School which limits development opportunities, and the need to provide accommodation for students and teaching during the construction period. The applicant advises that phasing a new campus on the existing developed part of the site would result in a cramped spatial layout and would be

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extremely difficult to implement without impacting negatively upon teaching and day to day management.

42. Having accepted that new build elements would be required, and that the redevelopment of the campus could not be contained within the footprint of existing built development, the impact of the development as proposed on the Green Belt needs to be considered as discussed. Prior to submitting this application the applicant undertook a feasibility study, reviewing various options for the redevelopment of the site. The development as now proposed was considered by the applicant to provide the best solution for the school, whilst minimizing the impact on playing field provision and the openness of the Green Belt. The applicant advises that the Academy development has been designed to ensure that harm to the openness of the Green Belt is minimised. The new Main Academy building housing the 'two schools' and the new sports centre have been designed to occupy a compact minimum footprint and to maintain the two storey height that prevails across the site. The applicant advises that the buildings as proposed present the minimum height and footprint needed to provide the schedule of accommodation, whilst delivering the transformational teaching and learning environment.
43. The proposed site layout and design maximises the use of the existing developed footprint as far as possible. The main Academy building and sports centre would be located primarily on the footprint of the existing Academy buildings to be demolished, and the existing car parking areas/hardstanding. The NPPF introduces support of development of previously developed land within the Green Belt in some circumstances, and by building upon existing areas of hardstanding, and upon the footprint of buildings to be demolished, the impact of the development on the openness of the Green Belt is minimised. The proposed Sports Centre would be well contained within the existing built development on site, adjacent to existing Academy buildings to be retained and WGSB accommodation, and sited upon the footprint of the demolished administration block. The height of the sports centre would not exceed that of surrounding built development, and the form and massing would be consistent with existing buildings on site. I do not consider that the Sports Centre would affect the openness of the Green Belt, and consider that this element of the proposal is in general accordance with the principles of Green Belt Policy. I therefore see no reason to refuse this element of the application on Green Belt grounds.
44. However, the built form of the main Academy building would extend beyond the current development footprint, into the area of grassland to the north west of the existing campus development. The applicant advises that the built development outside of the current developed footprint is essential in delivering a functional and efficient building layout, and that the building design has focused on minimising outward built form, scale and mass to mitigate the impact on the openness of the Green Belt. To assess the visual effect of the development, and to demonstrate the resultant degree of harm, the applicant has undertaken and submitted a Landscape Visual Impact Assessment (LVIA). The LVIA confirms that, although the proposed main Academy building would extend slightly further into the Green Belt than existing development on site, the proximity of the new buildings to the existing facilities means that the proposed development would still appear joined to, and integrated with, the existing building fabric, largely maintaining the open character of the surrounding landscape. In addition, the LVIA confirms that demolition of some of the existing buildings, and introduction of green space and landscaped areas in its place, would help to mitigate the extension of the proposed footprint into the Green Belt. It should also be noted that the proposed main Academy building would not extend significantly into the Green Grid, as identified in the Dartford Borough Local Plan. The existing green grid network around the built

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development in the area would, therefore, be maintained and would not be significantly adversely affected by the proposed built development on site.

45. The proposed car park and new access road would also be located within the Green Belt, to the north of the existing buildings on site, and again on the open grassland adjacent to the woodland buffer with Common Lane and residential properties to the north of the site. The suitability of the new access in terms of highway safety, and the impact of the proposed car park and access road on residential amenity will be discussed later in this report. However, the principle of locating the car park and access route within the Green Belt also needs to be considered, in addition to the impact of the proposed buildings. The applicant advises that the car park would be located as close as possible to the existing horticultural vocational unit (to be retained) and to the rest of the developed campus. The car park would also be located in the lowest part of the site and, as such, views from outside the site would be limited by the relief of the land and existing mature tree planting and boundary woodland. In addition, as detailed in paragraph's 12 & 22, the car park is proposed to be constructed of a rigid plastic turf reinforcement system, finished in a combination of granular material for circulation routes, and grass seeded areas for parking bays. When not in use, the car park would appear as an area of open grass and, apart from lighting columns/fixtures, which will be discussed later in this report, built development would be minimal and unobtrusive. In addition, the car park has been designed to retain the category 'A' London Plane, which would aid in maintaining the existing landscape value of this area of the site.
46. The proposed access point and associated road would result in the removal of 12 trees, and an area of woodland and woodland edge scrub. Tree removal and replacement planting will be discussed later in this report, as will the appropriateness of the new access in terms of highway safety. However, the access point and associated access road would follow the line of the edge of built development on site as far as is practicable, bearing in mind the level changes on site, minimising the extent of further intrusion into the undeveloped area of the site. As stated above, the proposed car park, would be surfaced using a rigid plastic reinforcement system, which would be grass seeded, and the car park would surround the existing London Plane. These measures would aid in mitigating the visual impact of the car park by maintaining the existing visual appearance of the site as far as is practicable. In terms of impact upon the Green Belt, I do not consider that the proposed access point, associated road, and car park would significantly impact upon the openness of the Green Belt, or conflict with the underlying principles of Green Belt Policy.
47. The applicants have demonstrated a case of need for new educational and sports facilities. Some of the existing buildings are in a poor state of repair and are not suitable to accommodate modern teaching methods and are, therefore, no longer fit for purpose. In my view, it would be difficult to dispute the case made, not only on the basis of the current condition but also the adequacy of the accommodation to meet changing education requirements and practice. I would therefore accept the education need for the new accommodation. The applicant concludes that overall, it is considered that the need for replacement facilities at the Academy, together with the provision of improved facilities for community use, demonstrate very special circumstances for overriding Green Belt policy constraints in this instance. Having accepted the need for the redevelopment of the Academy buildings, and accepting the need to redevelop on the existing Academy Campus, it has been necessary to consider whether the redevelopment could be retained upon the existing footprint of built development on site. I accept the applicant's argument that satisfactory built development could not be contained within the existing extent of built development, and consider that the

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proposed development option is the most suitable out of those considered at the feasibility stage. Whilst there is inevitably some impact on the Green Belt, the LVIA demonstrates that the presence of the new buildings, access road and car park would be contained within the immediate context of Academy development, and the effect on the openness of the Green Belt would be limited. The proposed layout represents the option which strikes the best balance between minimising intrusion into the Green Belt and providing sufficient accommodation and facilities to enable the Academy to deliver its educational model and operate successfully.

48. Overall, I accept the applicant's assessment and application of Green Belt Policy as set out in the submitted documentation, and I have considered this in the context of the amended policy following publication of the NPPF. 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, in this particular case. Furthermore, I accept that the particular siting and design of the proposals has been carefully considered to help mitigate the impact of the development on the functioning of the Green Belt. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted. However, if Members were minded to grant permission, the Secretary of State for Communities and Local Government would have to be consulted before permission could be granted.

Siting and Design

49. Having accepted the siting of the proposed facilities in Green Belt terms, the siting must now be considered in terms of residential and local amenity. The siting and design of the development has met with objection from local residents. Aside from the Green Belt case, which has been discussed above, objection is raised on the grounds of residential amenity issues, particularly with regards to the siting of the access and car parking, visual outlook, and noise and light pollution. The access and parking elements of this proposal, and the implications of these with regards to residential amenity, including associated noise and light pollution matters, will be discussed later in this report. However, the implications of the buildings will be considered and discussed below.
50. Representations from local residents have commented that the development would affect the visual outlook from neighbouring properties. Members will be aware that the protection of private views across neighbouring land is not a material planning consideration, but the design of the building should be considered and discussed. Although it would be a large building, I do not have concerns over the general design as proposed, which is appropriate for the innovative uses of the internal space and the range of activities proposed. In addition, the massing of the development has been broken up by dividing the body of the main Academy building into two projecting fingers of accommodation, with a separate sports hall and other retained accommodation, rather than one large building. The levels of the site have also been considered in the design, with the first floor linked to the higher playing fields via a bridge, and to the lower amenity space by a stair case, which would double as external teaching spaces. The heights of the buildings have been kept to two storey in an effort to reduce their impact on the local landscape, and indicative details of materials have been provided to give a visual impression of the Academy. However, the final selection of external materials, including colour finishes, should be submitted for approval pursuant to planning condition. In addition, due to the distance to neighbouring properties, and the substantial level changes and existing woodland planting, I do not consider that the building itself would lead to any undue overlooking of neighbouring properties, or would be overbearing in nature.

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51. Residents have also expressed concern regarding lighting and noise pollution arising from the proposed buildings. External lighting of the building would be designed in accordance with ILE Guidance Notes for the Reduction of Obtrusive Light, and would utilise high efficiency light sources to satisfy BREEAM requirements. Again, due to the distance to neighbouring properties, and the substantial level changes and existing woodland planting, I do not consider that external lighting of the building would have a detrimental impact on the amenity of neighbouring residents. However, should permission be granted, I consider that further details of external lighting of the building should be submitted to ensure that appropriate levels are proposed, bearing in mind the Academy's Green Belt location. With regard to noise pollution, it should be noted that student numbers would not substantially increase and, therefore, the level and intensity of activity during the day would remain the same. The playing fields and external sports facilities would also remain as existing, and the proposed sports hall would be sited far enough from local properties, and well within the built up site, to ensure that sports activities would not generate undue noise disturbance. It should be noted that the County Council's Noise Advisor has no objection to the proposal, but recommends the imposition of a condition regarding noise generated from fixed plant. Subject to the imposition of that condition, and conditions regarding external materials and lighting, I do not consider that the design, massing, or scale of the building would have a significantly detrimental impact upon the amenity of local residents or the locality and, therefore, would be acceptable.

Access and Car parking, including Heritage Implications

52. As detailed in paragraphs 10-14 of this report, the applicant is proposing to provide a new vehicle only entrance into the Academy site from Common Lane, to the west of the existing main entrance. 92 car parking spaces are also proposed within the site, 85 of which would be located within a new car park. This proposal has met with objection on the grounds of additional traffic generation, the suitability of the new access point, the impact of the new access in terms of loss of the historic wall and loss of trees, the siting of the car park, and the impact of the car park in terms of light and noise pollution. In addition to local residents, Wilmington Parish Council, The Wilmington Society and the Local Member, Mrs Ann Allen, have expressed concerns over these aspects of the development. The following section of this report will take these matters in turn.

Additional Traffic Generation

53. Wilmington, specifically the Common Lane area, is home to many schools which can create heavy and congested traffic in the village at the start and end of the school day. However, this is an existing problem, and one associated with all schools. It is important, however, to ensure that the local highway network would not be adversely affected by the development proposals at Wilmington Academy. The Academy has an existing capacity of 950 pupils, but at the moment only has 850 pupils on the school roll. It is the applicant's intention to get the school roll back up to full capacity, and the redevelopment of the campus would help facilitate this. The school's capacity is not, therefore, increasing over the 950 pupils which it could currently accommodate, but in reality the proposed development could increase the number of pupils on site by up to 100, with an additional 4 staff.
54. Kent County Council Highways and Transportation conclude that the expected traffic generated by the additional staff and pupils would not appear to raise any serious capacity or safety concerns on the surrounding road network. The applicant has undertaken and submitted a Transport Assessment (TA) in support of this application,

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which was initially 'scoped' by the Highway Authority. The traffic assessment element of the TA includes surveys and assessments of local traffic junctions, including Common Lane/Oakfield Lane, Parsons Lane/Oakfield Lane, and Common Lane/Broad Lane, in addition to the site access junction. Staff and pupil questionnaire surveys were also conducted to ascertain journey patterns for the school population, the analysis of which forecast an additional theoretical traffic increase of 57 one-way vehicle trips to the school gate in the morning (30 arrivals & 27 departures), and 39 one-way vehicle trips in the school afternoon peak (18 arrivals & 21 departures). The TA also adds a further scenario, which assumes successes from the School Travel Plan, and concludes that the new theoretical additional trips would be fully mitigated by the shift to other travel modes.

55. On the basis of the initial traffic forecast (without the aforementioned Travel Plan success), further junction analysis was then carried out to show the net change in junction flow predicted in 2012 and 2016. This confirmed that in 2012 an increase of 100 pupils and 4 staff would result in a 5.8% increase in turning movement flows in the worst case, at the Common Road/Parsons Lane junction. The TA advises that junctions further afield would see reduced increases as traffic disperses. In terms of the overall operation of the highway network, the submitted TA confirms that these increases would not materially affect the operation of local junctions and the local highway network. Notwithstanding this worst case assessment, the applicant is confident that Travel Plan success would be achieved, fully mitigating any increases in traffic. In any event, the school already has the capacity to cater for the 950 pupil population, and could increase to this number regardless of this planning application. Given the results of the TA, and the views of Kent County Council Highway's and Transportation, I am satisfied that the local highway network could accommodate any additional traffic generated as a result of this application, and see no reason to refuse the application on this ground. However, I consider that an updated Travel Plan should be submitted within six months of the date of occupation of the development, should permission be granted, and that the Travel Plan should thereafter be subject to ongoing monitoring and review.

Need for a new access

56. Having accepted that the local highway network would not be significantly adversely affected by any additional traffic generated by the development, the merits of the development proposals themselves must be assessed. First, the applicant is proposing to create a new access into the site off of Common Lane, to the west of the existing access. Before assessing the safety of the access point, and its impact on the historic wall and trees on site, it is important to ascertain the need for an additional vehicular entrance into the site.
57. The applicant advises that the provision of a new vehicle entrance on Common Lane resulted from initial discussions with the Highway Authority, and their desire for the Academy to resolve an existing problem with bus waiting space on site, and the apparent lack of on-site capacity for parent drop-off and pick-up. Observations confirmed that the current arrangement is not adequate to cater for the number of buses waiting at the site during the afternoon peak in particular, which leads to knock on queuing on Common Lane and, at times, blocking of that route. This application seeks to improve the current inadequate situation by providing 4 bus parking/waiting bays within the site, in addition to providing a single area of car parking. The applicant is also proposing that an element of parental drop-off would be permitted on site. The applicant advises that numerous options were considered with regard to site access, including the provision of the onsite improvements whilst using the existing access point, shared with WGSB. However, it became apparent that the WGSB buildings would

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constrain the site layout, and that in order to provide the necessary on-site facilities, a new access onto Common Lane would be required.

58. The provision of on-site bus waiting, car parking, and parental drop-off would aid in easing the existing congestion around the school at peak times, and is considered by the Highway Authority to be desirable. Kent County Council Highway's and Transportation consider that the provision of parking spaces within the site in a single location would seem the appropriate way of reducing the current rather confusing layout at the Academy, and reduce any internal conflicting movements between pedestrians and vehicles. It is also considered that the layout proposed offers more control over the parking and loading of school buses within the site. Due to the space constraints on site, these additional facilities could not be provided without the provision of a new access and, therefore, I consider that a sufficient case of need has been put forward to justify the need for an additional site entrance.

Safety of new access point

59. Local residents, Wilmington Parish Council and The Wilmington Society have all expressed concern over the siting of the proposed access in terms of highway safety. It is considered that the new entrance could affect those using the Public Right of Way (PROW) and/or those crossing Common Lane as the proposed entrance is close to a 'blind bend', that the entrance is in a dangerous place being half way up a narrow hill, and that a pedestrian crossing should be provided in proximity to the PROW. The applicant advises that the site constraints and build options mean that the only viable location for a new site entrance is to the north west of the proposal site. By providing an entrance here it allows a greater on-site loop to be created, off which parallel bus bays are proposed. It also allows adequate junction separation from the existing school entrance/exit point.
60. The applicant advises that in selecting the position of the access on Common Lane, design guidance set out in the Kent Design Guide was considered, which Kent County Council Highways and Transportation apply to proposals on 30mph streets. Common Lane is 'traffic calmed' with speed humps, and the applicant advises that observations on site confirm traffic speeds are at or around 20mph. Notwithstanding this, the applicant is required to provide at least 45 metres forward visibility (assuming a 30mph road) from a vehicle travelling east bound along Common Lane, to a vehicle waiting to turn right into the site. As an inbound only vehicular access, exit visibility splays are not required. The proposed entrance point would meet the required visibility standards and, therefore, there should not be an issue relating to blind bends, road gradient, and/or forward visibility to turning vehicles. In addition, the access geometry has been developed using swept path vehicle turning analysis to ensure that the size of vehicles requiring access could be properly accommodated (buses, coaches and delivery vehicles in this case). Should permission be granted, the entrance works would also be subject to a Section 278 Agreement with the Highway Authority, and would also require a series of Road Safety Audits to determine the detailed layout of the junction. Kent County Council Highways and Transportation raise no objection to the siting of the new access and, in light of the information supplied by the applicant with regard to visibility, I consider the access point to be acceptable in highway safety terms and see no reason why the junction would not operate safely in the future.
61. With regard to the suggestion that a pedestrian crossing should be provided as part of this scheme, it should be noted that the proposed new access is vehicular only, and that pedestrians would continue to access the site as they currently do, via existing zebra crossing facilities. Kent County Council Highways and Transportation have no concerns

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regarding pedestrian access/safety and confirm that direct access for pedestrians would be via a separate gate from vehicles, adjacent to the zebra crossing on Common Lane which links to residential areas and bus stops. In addition, a number of walking routes which serve the Academy and other local schools were identified within the Transport Assessment. Consideration was then given to the local road safety situation through a review of traffic accident data to ascertain whether any walking routes required further attention or mitigation on safety grounds. The Transport Assessment confirms that no traffic, cycle or pedestrian accidents were highlighted on Common Lane, including in the vicinity of the PROW (footpath DR118A). Given the current safe operation of walking routes, and the existing provision of crossing facilities adjacent to the Academy's pedestrian access point, I do not consider that further off site highway works are justified or required in this instance.

Impact of the new access in terms of loss of the historic wall and loss of trees

62. Having accepted the need for a new access, and the safety of the access point proposed, I consider it necessary to assess the further implications of the vehicular entrance with regard to loss of the historic wall and tree removal. First, with regard to the wall, it should be noted that the structure is not Listed, or within a Conservation Area, but the adjacent bridge abutment has been marked by a plaque as part of the Wilmington Heritage Trail and, therefore, is of local historical interest. Objections and concerns over the removal of the wall have been received from Wilmington Parish Council, The Wilmington Society, the local County Member and local residents. It should, however, also be noted that it is not proposed to remove the bridge abutment, but an adjacent area of brick wall, which is separated from the bridge abutment by a gap in the wall (due to collapse or past demolition) which is filled with galvanised palisade fencing.
63. The applicant proposes to remove a section of the brick wall, and a section of the steel palisade fencing, to provide the new access point into the site. The amount of wall to be removed would be dependent upon how much land would be needed to provide the access sightlines. As outlined above, the entrance works would be subject to a Section 278 Agreement with the Highway Authority, and would also require a series of Road Safety Audits to be undertaken to determine the detailed layout of the junction. This process would inevitably influence the length of wall requiring removal, but the applicant advises that the amount to be removed could be between 17 and 20 metres. As outlined above, the need for a new access has been accepted, and the access position as proposed is considered acceptable on highway safety grounds, but the applicant has, following receipt of objections, considered alternative locations in an effort to avoid removal of the wall.
64. Due to the siting the existing horticultural buildings, which are to be retained, the proposed access point could not be moved to the east as the position as proposed is adjacent to these buildings. The only option, therefore, would be to move the proposed access further west along Common Lane to the opposite side of the bridge abutment to that proposed, and to the south/east of the PROW. This area of the site boundary is currently secured with galvanised palisade fencing. However, there are a number of reasons why the applicant considers this alternative to be unacceptable, and these will be considered and discussed in the following paragraphs.
65. The northern boundary of the school site is constrained by steeply sloping topography. Land levels generally rise east to west along Common Lane, but the land also slopes away very steeply to the south of Common Lane, meaning that the further west one moves along Common Lane, the steeper the gradient of the land forming the Academy

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grounds become. The topography of the land along Common Lane, moving westwards, becomes more acute in terms of gradient. The sheer level of earth and ground works that would be required to create an access to the west of the bridge abutment would be significant and would far exceed that required for the access location as proposed. The ramifications of such earth and ground works would, the applicant considers, most certainly be to impose greater disruption and far heavier impact upon the landscape, with very little in the way of possible mitigation. An access point here would also encroach further into the Green Belt than that proposed, and would have a far greater visual impact, which would be more harmful to the landscape character of the area and its appearance.

66. In addition to the above, the land south of Common Lane and west of the brick boundary is an established woodland area containing a number of significant mature trees. Although the access as proposed would result in some tree removal, to be discussed later in this report, moving the entrance and access road further west would result in the potential removal of woodland of a far better quality and amenity value. This would not be acceptable bearing in mind the sites Green Belt location, and the landscape value and amenity value of the woodland on site. The applicant also advises that one of the reasons for locating the access road and new entrance in the position proposed was to ensure that the historic bridge abutment was retained and protected. Moving the road alignment further west could disturb existing embankments around the bridge abutment, potentially compromising the stability of the structure.
67. Lastly, as detailed above, the safety of the access point as proposed has been assessed and considered to be acceptable. Moving the access point further west would bring it much closer to the bend in the road at Common Lane, meaning that cars turning right into the site would not have the required level of visibility to cross safely, and cars travelling along Common Lane would not have the required visibility to see cars waiting to turn into the site. Relocating the access further west would, therefore, result in the access which would be unacceptable in highway safety terms, and would not be supported by Kent County Council Highways and Transportation. The County Planning Authority would, therefore, be unable to support the provision of an access in that position.
68. Having considered the applicant's reasoning for not being able to move the access road to the east or west, I consider that although regrettable that an area of wall would be lost, there is no other suitable alternative to that proposed. The wall is not listed and is not within a Conservation Area, meaning that it has very little protection in terms of Development Plan Policy. Although the NPPF makes reference to the effect of an application on a non-designated heritage asset, a balanced judgement is required having regard to the scale of loss and the significance of the heritage asset. As detailed above, there is no other suitable alternative to that proposed, and the wall is not, in my opinion, a significant feature of local heritage, bearing in mind that large sections have already been removed and replaced with palisade fencing. However, it is noted that the bridge abutment is of local historic interest, and I am satisfied that the development as proposed would not affect the abutment. In addition, the County Archaeologist requires that an historic landscape assessment be submitted pursuant to condition prior to commencement of development. I consider that the historic landscape assessment should include details of the wall proposed to be removed, so that its local historical value is recorded and documented. The applicant has considered the possibility of rebuilding the demolished wall further west in place of the existing palisade fencing. However, the applicant advises that upon closer inspection the applicant's construction team are not convinced that the wall is of sufficiently robust construction to enable it to be reconstructed in a new position, whilst retaining its existing character and

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appearance. In light of the above, I consider that the applicant has considered all options for the proposed access, and that the removal of the wall, although regrettable, is preferable to the implications of moving the access further west. Subject to the imposition of a condition requiring the submission of an historic landscape assessment, I see no reason to refuse the application on the ground of the loss of the historic wall. In addition, I consider that the bridge abutment should be protected throughout the duration of construction works and that this should be required by a condition of consent, should permission be granted.

69. In addition to removal of a section of historic wall, the new site entrance and access road would also result in the removal of trees and an area of woodland. Although this will be discussed in more detail below, it should be noted that the entrance works would result in the removal of 9 category 'A', 'B' or 'C' trees, and an approximate area of 510m² of woodland consisting of young trees and woodland scrub species. However, I am satisfied that the applicant has demonstrated that a new site access is required, and that the location as proposed is the best and most suitable position in terms of highway safety, and would offer the least impact on the openness Green Belt, would involve minimal level changes and associated earth works, and would result in the least tree removal and loss of woodland. I therefore conclude that the new entrance point into the Academy, and the associated access road, is acceptable, subject to the conditions outlined above, and see no reason to refuse this element of the planning application.

Car parking, including associated light and noise pollution

70. The proposed location of the car park within the Green Belt has already been discussed and accepted in paragraphs 45 & 46 of this report. However, the amount of car parking proposed has been queried, and local residents have expressed concern over potential light and noise pollution. With regard to the level of parking proposed, the applicant advises that this was calculated and justified using analysis of existing use patterns, increases in staff numbers and the maximum allowable parking as set out in Kent Vehicle Parking Standards. As detailed on paragraph 12 of this report, a total of 92 car parking spaces are proposed across the site, to be made available to staff and visitors, 85 of which are proposed within the new car park. The remaining 7 spaces would be designated accessible spaces, and a SEN drop off point, located in front of the main academy building. The limited increase in staff of 4 full time equivalent persons would, on its own, add a parking demand of only 3 additional spaces. There is a slight over capacity situation with parking on the existing site, which is also split into various areas across the site, making way finding difficult. This application would provide 14 spaces more than currently available on site, which the applicant considers to be adequate to cater for existing and future parking demand, whilst not encouraging staff to drive to school. Kent County Council Highways and Transportation consider that the provision of parking spaces within the site in a single location would seem the appropriate way of reducing the current and rather confusing layout and the Academy, and raise no objection or concern over the level of parking proposed.
71. In considering the above, I consider that an adequate level of car parking is proposed. However, should permission be granted, it would be appropriate to impose conditions of consent which would ensure the provision and future retention of the car parking, cycle parking, coach parking/waiting, access, and circulatory routes as proposed. In addition, as stated earlier in this report, I consider that an updated Travel Plan should be submitted within six months of the date of occupation of the development, should permission be granted, and that the Travel Plan should thereafter be subject to ongoing monitoring and review. Subject to these conditions, I see no reason to refuse this application on the grounds of access and car parking.

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72. However, the potential impact of the car park on the amenity of nearby residential properties in terms of light and noise pollution needs to be considered and discussed. With regard to noise, in response to the concerns received, the applicant undertook and submitted an updated Acoustic Report, which specifically mapped the likely noise levels resulting from traffic generation at the redeveloped Academy on a contour plan, showing levels both as existing and those predicated after the completion of the development. The Report was based on the predicted traffic levels from with the submitted Transport Assessment. The contour plan showed that noise levels would drop away quite quickly the further away from the new buildings and car parking area one moves. The updated Acoustic Report demonstrates that local residential properties would experience little or no change in the level of perceptible noise associated with the development. It should also be noted that the car park would be well screened by existing trees and woodland planting, and that the closest residential properties are at a higher level than the car park, mitigating any noise impacts. The County Council's Noise Advisor agrees with the approach and findings of the updated Acoustic Report, and has no objection to the application on noise grounds. I therefore see no reason to refuse the application on the ground of noise from the car park/access, and consider that the proposals would not have a detrimental impact on the amenity of local residents in terms of unacceptable levels of noise.
73. With regard to light pollution, the applicant advises that the external lighting of the site would create attractive and safe lighting levels in keeping with the character of the landscape. The applicant advises that the British Code of Practice for Road Lighting BS5489 Part 9, and CIBSE Lighting Guide LG6 state that car parks in the following two area groups should be provided with a maximum of 15 lux average illumination:
- E1 – National Parks and Areas of Outstanding National Beauty
E2 – Areas of low district brightness (rural areas)
- The application scheme proposes to provide 10 lux average illumination to the car parking area, below the level recommended in the appropriate guidance.
74. The column mounted luminaires (lanterns) would be the 'Dark Sky' type, with 0% upward light, to prevent light pollution to the night sky. The lanterns would also be selected to ensure beam angles are less than 70 degrees, again to reduce light pollution, and the height of the columns would be designed to ensure that glare would not affect neighbouring properties, with the addition of baffles/shields if deemed necessary. It is proposed that metal halide lamp sources are used which, the applicant advises, offer excellent colour rendering properties and produce a clear white light. The applicant further advises that this type of lighting would have an effect similar to moonlight, but would provide improved facial and environmental recognition, increasing the feeling of safety at low lighting levels.
75. The applicant advises that the car park would be operational during the opening hours of the Academy, which would extend into the evening to allow for out of hour and community use of the proposed facilities (community use to be discussed below). However, as outlined above, the indicative details of the lighting scheme demonstrate a specification that would provide lighting levels lower than the maximum levels recommended within the appropriate guidance, with the orientation and angle of lamps as such that lighting levels and light spill would be well contained and localised. The site topography and existing tree and woodland planting would also aid in mitigating the visual impact of the car park, including when lit. Therefore, I consider that, should permission be granted, final details of the lighting specification/scheme for the whole development, including the car park, access road, and the buildings, hours of operation

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and details of control mechanisms, should be submitted for the prior written approval of the County Planning Authority. Subject to the imposition of that condition, I am satisfied that the development would not lead to undue light pollution, and see no reason to refuse the application on this ground.

Public Right of Way

76. Although a Public Right of Way runs along the western and northern boundary of the application site, the County Council's Public Rights of Way Team have not commented on this application. I do not consider that the development would adversely affect the Public Right of Way in terms of its use, or views from the footpath, and therefore see no reason to refuse the application on this ground.

Landscaping and Biodiversity

77. As outlined in paragraphs 19-21 of this report, an Arboricultural Survey and Assessment was submitted in support of this application, which identified the type, size and value of the trees on site. Of the existing stock identified within the tree survey, the applicant advises that 2 category 'R' trees would be removed due to poor health based on recommendations in the tree report. One category 'A' tree, 5 category 'B' trees and 13 category 'C' trees would have to be removed to accommodate the development (21 in total). 9 of the trees proposed for removal would be located either within or too close to the proposed building footprint, and the remaining 12 would require removal to allow the new access to be created, along with the route through the site and associated earth works. The applicant further advises that, in addition to the individual trees, an approximate area of 510m² of woodland consisting of young trees and woodland shrub species would require removal to allow the proposed entrance and access road to be built. 320m² of dense woodland edge scrub would also need to be cleared to accommodate the construction of the proposed car park.
78. Although regrettable that mature trees and woodland planting would be lost as a result of this development, the applicant has made all reasonable efforts to retain Category 'A' trees, and minimise the extent of tree and woodland removal. The applicant has also submitted an Arboricultural Development Report, which sets out in detail the impact of the development on trees to be retained, and includes a preliminary Tree Protection Plan, which explains in greater detail how retained trees would be protected. As a part of this report, the layout of the car parking area was amended slightly to further ensure protection of the London Plane. In addition, as outlined previously in this report, the applicant has successfully demonstrated that the siting of the access, car park, and the proposed Academy buildings, are the most suitable in terms of impact on the Green Belt, encroachment into the undeveloped area of the site and highway safety. The applicant has also demonstrated that alternative locations for the access road would result in greater tree removal and loss of woodland than that proposed.
79. The County Council's Landscape Advisor is satisfied with the car parking layout around the London Plane, and recommends that any works required to the tree, such as the removal of deadwood, be undertaken by a suitably qualified arboriculturalist. It is also recommended that a raised kerb or timber knee rail be placed around the tree to protect the root protection area. These matters, I consider, should be incorporated into a detailed scheme of landscaping, to be submitted pursuant to condition, should permission be granted. In addition, it is recommended that further native woodland planting is incorporated into the landscaping scheme to compensate for the woodland planting lost to the development. However, the applicant states that additional planting has been fully considered as part of the overall landscaping scheme, but funding for the

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school is such that all resources must be directed towards providing the school development. The applicant considers that budget constraints are such that this element of landscaping cannot be provided without making significant cuts to essential parts of the scheme which are crucial to the delivery of the school development. Although regrettable, given the applicants other intentions with regard to replacement planting (see below), I consider that a reasonable balance must be made, and the delivery of the built development must be the first priority. I therefore would not insist on replacement woodland planting, but would advise by means of an informative that, should funds become available, woodland planting should be included within the landscaping scheme for the site.

80. The applicant is proposing new tree planting (35 trees) to replace individual trees removed within the school grounds, and advises that species would be chosen in relation to the trees they replace, or to complement retained trees found elsewhere on site. Their location would be selected to provide structure and an appropriate setting for the different character areas on site, to improve biodiversity and to provide seasonal variation. The applicant states that the planting strategy proposed aims to maintain the open parkland character of the existing landscape. Open lawn areas with individual or small groups of trees are proposed, in addition to retention and enhancement of the remaining area of meadow to the north of the site. The applicant also advises that existing trees to be retained would be protected during construction in accordance with BS5837: Trees in Relation to Construction. I consider that the new planting proposed would be of significant benefit to the site and locality, as well as helping to absorb the new development into its surroundings. This is particularly important given the site's Green Belt location.
81. The County Council's Landscape Advisor does not raise objection to this application, but does require further details to be submitted pursuant to condition, should permission be granted. A detailed scheme of landscaping and tree planting would be required pursuant to condition and, as requested by the County Council's Landscape Advisor, the scheme of landscaping would be required to include details of plant species, sizes and locations of planting, tree protection, works to the London Plane and the provision of a timber knee rail or raised kerb to protect to the RPA of the London Plane. The Landscape Advisor would then be consulted on the detailed landscape and planting proposal when submitted. In addition, a condition of consent would ensure that all trees to be retained are protected in accordance with BS5827: Trees in relation to construction. I consider this to be acceptable, and therefore, subject to the imposition of conditions, see no reason to refuse this application on landscape grounds
82. With regards to biodiversity issues, an Ecological Assessment was submitted with this application, which indicates that further survey work for reptiles is required. Ecological surveys are seasonal in nature and the winter months are not generally recommended or suitable for this type of survey work which is why the applicant could not submit the required further survey work with the planning application. However, the applicant recognises that the required survey should be done and, as such, has commenced the survey for reptiles and is expecting to submit the results in the next month or so, weather dependent. I consider that in this instance the required reptile survey, and details of any required mitigation, could be submitted pursuant to condition. Therefore, should planning permission be granted, details of further survey work with regard to Reptiles and any subsequent mitigation and required enhancements, would need to be submitted pursuant to condition prior to the commencement of development.
83. In addition, local residents have expressed concern that the development would adversely affect wildlife habitats. The submitted Ecological Scoping Survey has

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assessed much of the site as of minimal ecological significance, apart from the northern meadow area. This area of the site has the potential to provide a suitable habitat for reptiles, hence the requirement for further survey work. In addition, much of this meadow area would be lost to accommodate the proposed car park. However, the County Council's Biodiversity Officer supports the applicant's intention to incorporate the undeveloped area of meadow into the development, with the intention to enhance the grassland with a native wildflower mix. It is recommended that a condition of consent should require the submission of a Habitat Management Plan to ensure that the meadow is managed for its optimal wildlife value, and to ensure ecological enhancement measures are incorporated into the development. In addition, further conditions should ensure that the applicant adheres to the conclusions and recommendations made within the submitted Ecological Survey Report, that tree removal is not undertaken within the bird breeding season unless supervised by a suitably qualified ecologist, and that badgers are protected from construction activities. Subject to these conditions, and any required mitigation with regard to reptiles, I do not consider that the development would have an adverse impact on protected species and/or biodiversity.

Community Use

84. As outlined in paragraph 8 of this report, it is proposed that there would be community use of the school buildings and the associated sports facilities, a principle which is supported by Development Plan Policy and wider Government aspirations for extended school use and community activities. However, community use of the proposed facilities, and the implications of this, must be balanced against the impact upon the amenity of neighbouring properties. Therefore, in order to protect the amenities of local residential properties, it would be appropriate for details of community use to be submitted for approval pursuant to planning condition. These details would need to include proposed hours of use for indoor and external facilities, a pricing policy, details of access by non-school users/non-members, management responsibilities and a mechanism for review. The submitted details would be subject to consultation with relevant consultees to ensure that the proposed community use would not have a detrimental impact on the amenities of the locality. Once considered acceptable and approved, the community use of the facilities would be required to strictly adhere to the hours of use and details given. Subject to the imposition of such a condition, I consider that community use of the development would not have a significantly detrimental impact upon the amenities of the locality.

Flood Risk Assessment, drainage and contaminated land

85. The Environment Agency raises no objection to this application subject to the impositions of conditions. In accordance with the principles of Development Plan Policy the applicant has submitted a Flood Risk Assessment (FRA) with this application. The Environment Agency is satisfied with the content of the FRA, and states that should permission be granted, a condition of consent should require the development to be carried out in accordance with the approved FRA. That would ensure that drainage at the site was acceptable, and that the development would not lead to an increased risk of flooding. The Environment Agency also require the submission of various components of a scheme to deal with the risks associated with contamination of the site, the submission of a verification report demonstrating completion of the remediation strategy regarding contamination of the site, and conditions controlling the infiltration of surface water drainage into the ground. Therefore, should permission be granted, conditions would be imposed covering the matters raised above. That would ensure that the development would not result in an unacceptable level of pollution, in accordance

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with the principles of Development Plan Policy. In addition, the Environment Agency's advice and guidance regarding drainage, contamination, watercourse, and fuel/chemical storage could be covered by an informative.

Archaeology

86. An Archaeological Desk Assessment accompanied this planning application. The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, conditions of consent should be imposed. It is requested that no development takes place until the applicant has secured the implementation of a programme of archaeological work, and undertaken a programme of historic landscape assessment, in accordance with written specifications and timetables. In addition, a further condition would require the submission of foundation designs and details of below ground excavations. I consider that the suggested conditions would be an appropriate requirement in ensuring an acceptable level of evaluation and mitigation of the archaeological potential of the site. Therefore, subject to the imposition of the required conditions, I do not consider that this proposal would have a detrimental impact on archaeological remains.

Secured by Design

87. The applicant advises that the principles of Secured by Design, as they apply to schools, have informed the design process. The proposed development would provide enhanced security to the site and school buildings. Some of these matters, such as perimeter fencing and security lighting, would need careful consideration to ensure they were applied in a balanced way so that, for example, the visual appearance of the site was not compromised by inappropriate fencing. They would otherwise accord with Development Plan Policy in respect of providing a safe and secure environment. If planning permission is granted these matters would be dealt with in the drawing up of the detailed design drawings and, in part, by planning condition i.e. details of lighting and fencing.

Sustainable construction

88. The applicant advises that the project would achieve a minimum 'Very Good' rating under BREEAM for schools. As outlined in paragraph 25, the building would include a number of sustainable features and I consider that the applicant has given sufficient information within the planning application to demonstrate how the rating of 'Very Good' would be achieved. I therefore consider it sufficient and acceptable to condition that the development achieve at least a 'Very Good' rating, but not to request the submission of further details in relation to this. In particular, the developers are already tasked with meeting the exacting design standards demanded of them by the Academy funding process and any planning controls in this regard could be duplicating, and potentially conflicting with, such requirements.

Construction

89. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction and demolition in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also normal on school sites for contractors to be required under the

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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.

90. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures and details of any construction accesses. Local residents, Wilmington Parish Council, The Wilmington Society and the local County Member have all expressed concern over the construction access, and the route construction vehicles would take when entering the site, with various options preferred by different parties. The applicant has confirmed that an existing construction access (retained for site maintenance) on Broad Lane would be used for the initial set up and limited enabling works, after which the proposed new vehicular access on Common Lane would be used. The applicant also confirms that wheel wash facilities, banksmen, site speed limits and agreed lorry routes would be enforced. Unfortunately, the construction of a large scale development does inevitably cause local disturbance and access for construction vehicles is often a cause of concern. However, I consider that the Construction Management Strategy would aid in mitigating the impact, and would enable the Highway Authority and the Borough Council to agree lorry routes and access arrangements prior to the commencement of development. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy
91. In addition to the above, should permission be granted, conditions of consent would ensure that dust, noise, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

92. This proposal has given rise to a variety of issues including the need for very special circumstances to justify inappropriate development in the Green Belt and the impact of the proposed development on the openness of the Green Belt. However, I consider that very special circumstances have been demonstrated in this particular case for overriding Green Belt policy constraints in terms of the education need for replacement and improved school accommodation, the lack of alternative sites and the mitigation proposed by the applicant with regards to the visual impact on this part of the Green Belt. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on local residential amenity or the local highway network, and would accord with the principles of sustainable development as set out in the NPPF. On balance, therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Therefore, I recommend that the application be referred to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision, permission be granted subject to appropriate conditions

Recommendation

Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14

93. I RECOMMEND that the application BE REFERRED to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the submission of details of all materials to be used externally;
- details of all external lighting, including hours of operation;
- control of noise from fixed plant;
- a scheme of landscaping, including hard surfacing, its implementation and maintenance;
- measures to protect trees to be retained;
- habitat management plan/biodiversity enhancement strategy, including monitoring and management;
- protection of badgers from construction activities;
- submission of Reptile Survey and subsequent mitigation;
- no tree removal during the bird breeding season;
- development to accord with the recommendations of the ecological survey;
- development to be carried out in accordance with the details of fencing, gates and means of enclosure, including colour finishes, as detailed within the application;
- archaeological works including an historic landscape assessment (to include the wall to be demolished), details of foundation designs and below ground excavations, and a programme of archaeological works.;
- protection of the bridge abutment throughout the period of construction works;
- demolition of all buildings proposed to be demolished prior to occupation of the development;
- Secured by Design principles to be adopted;
- a BREEAM rating of 'Very Good' to be achieved;
- details of community use relating to use of the indoor and outdoor facilities, including hours of use;
- submission of an updated Travel Plan within six months of occupation, and thereafter ongoing monitoring and review;
- provision and retention of car parking, coach parking/waiting, cycle parking, access, circulatory routes and turning areas;
- development to be carried out in accordance with the FRA;
- further works with regards to contaminated land;
- control of surface water drainage;
- noise restrictions on fixed plant;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- construction management strategy, including access, lorry routing, parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway.

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

- Account should be taken of Environment Agency's advice relating to drainage and soakaways, contamination, watercourses and fuel/chemical storage;

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Redevelopment of existing school site including the erection of a two storey academy building at Wilmington Academy – DA/12/14

- Replacement woodland planting should be provided at the site, should funds become available;

Case officer – Mary Green

01622 221066

Background documents - See section heading
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Item D2

**New Modular Two Classroom Building, Highview School,
Moat Farm Road, Folkestone – SH/12/109
(KCC/SH/0543/2011)**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2012

Application by Kent County Council (Property and Infrastructure Support) for provision of a new two modular classroom building, new fire access road and additional car park and relocation of poly tunnel (this is an alternative to the single modular classroom permitted under SH/11/738), Highview School, Moat Farm Road, Folkestone Kent, CT19 5DJ – SH/12/109 (KCC/SH/0543/2011).

Recommendation: Permission be granted subject to conditions.

Local Member: Mr. R. Pascoe

Classification: Unrestricted

Site

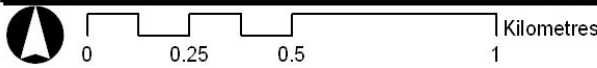
1. Highview School Folkestone is located in a predominantly residential area at the end of Moat Farm Road, a cul-de-sac linked to Park Farm Road to the west via Downside. Plans showing the wider and more immediate location are attached. Public Rights of Way run along the southern boundary and part way along the eastern, northern and western boundaries as shown on the location plan. In addition to boundary fencing, most of the school site is also enclosed by hedgerows. On the south side of the school and Public Right of Way there is a playing field (belonging to the nearby Mundella Primary School) but the school is otherwise surrounded by residential properties. Part of the school site and the playing field to the south are identified in the Shepway Local Plan as School Playing Fields subject to Policy LR12 which provides for their protection.

Background

2. Highview School is a special school catering for pupils from age 4 to 18 and has been federated with Foxwood School, Hythe since 2008. The applicant advises that it is intended to rebuild the Foxwood and Highview Federation on a new site and that both of the current sites will not be required in the near future. The present position is that feasibility work for a new building is being carried out and Foxwood and Highview are included in a programme in the County Council's budget which is intended to be delivered by the end of the 2013/2014 financial year.
3. Over recent years a number of temporary planning permissions have been granted for mobile/modular accommodation to cater for an increase in the school roll. The latest of these proposals was considered by Members at the November 2011 committee meeting. This was for a single modular building, however this current planning application proposes to be an alternative to that approved application, as explained in paragraph 4 below. There are currently seven temporary buildings on the site, the two most recent of which provide double classroom accommodation. Several of these buildings are located in a row linked by a walkway, in the narrow part of the site and formerly playing field land. This area is enclosed on three sides by a mature hedgerow, which the applicant states is on average 1.65 metres high, with 2.45 metre high green palisade fencing on the inside of the boundary.

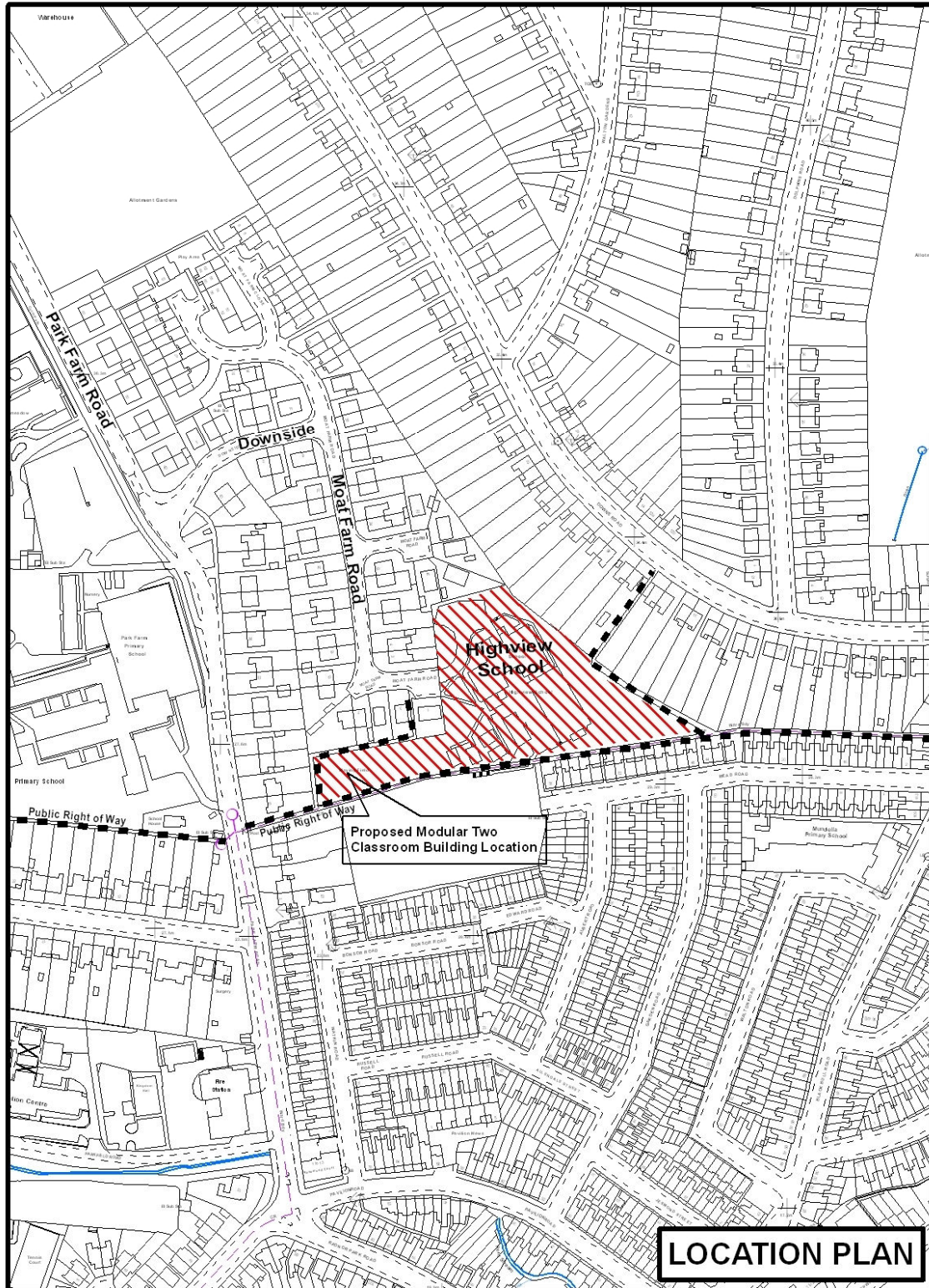
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New Modular Two Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/12/109 (KCC/SH/0543/2011)

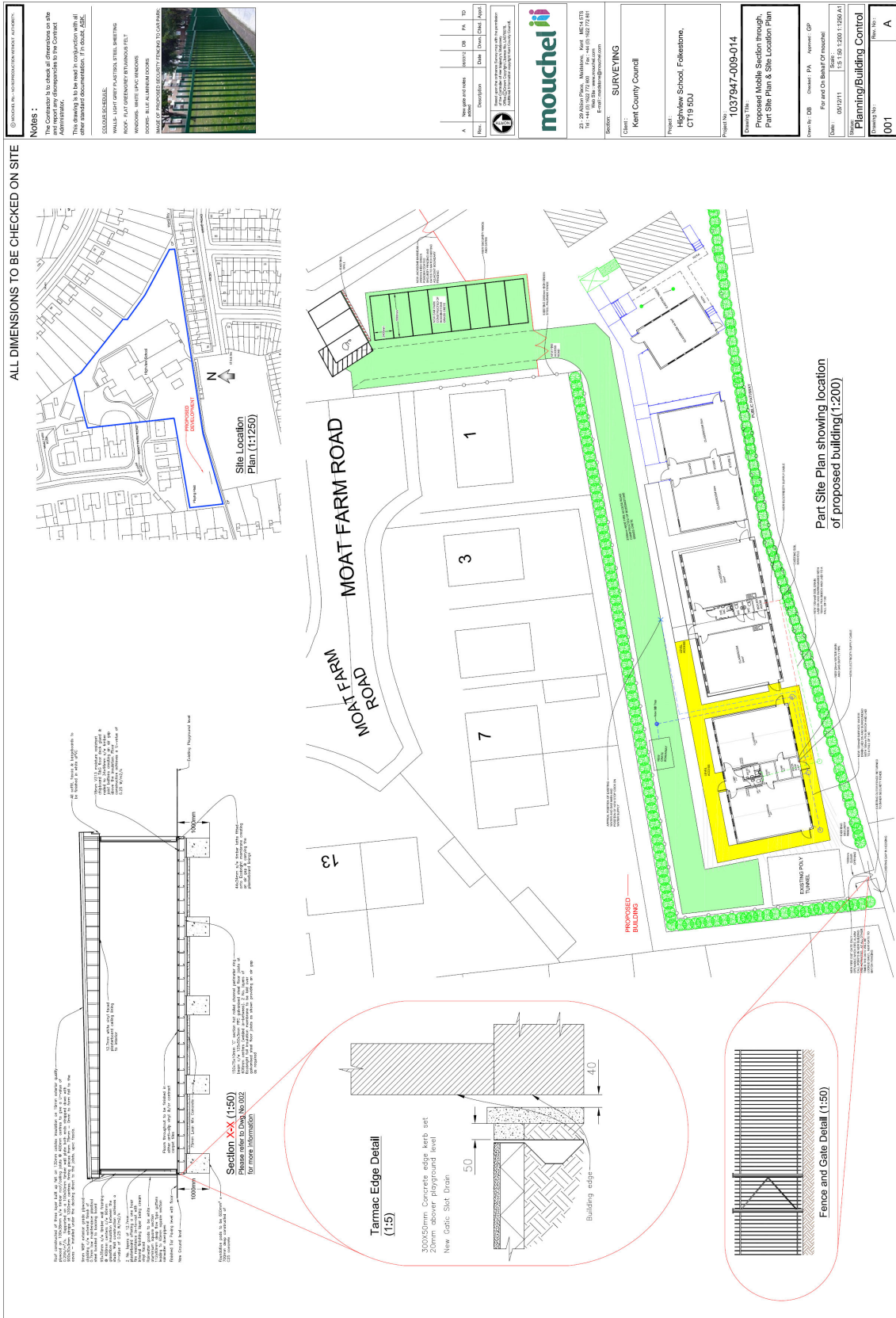


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New Modular Two Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/12/109 (KCC/SH/0543/2011)



New Modular Two Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/12/109 (KCC/SH/0543/2011)



New Modular Two Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/12/109 (KCC/SH/0543/2011)

4. Following receipt of approval of the previous planning application (SH/11/738) for a single modular building complete with store and cloakroom, fire access road, 8 additional car parking spaces and fencing, the applicant decided that they would like to install a two classroom modular building instead. The previous planning application for the single modular classroom was needed to cater for 13 additional pupils in the sixth form, which would increase the school roll to 140 students, and to improve the facilities for existing pupils. The applicant stated that this would prevent local pupils having to travel to schools out of the local area. It was also stated that three additional members of staff would be employed.

Proposal

5. The current application proposes a two classroom modular building that would provide a further classroom (as an alternative to the one classroom building that has been recently approved) to the west side of the row of existing mobile/modular buildings. The additional one classroom is required to enable a small class of pupils at present being taught in the Therapy Room to have their own classroom. The Therapy Room would then be able to be used again for its proper use. **Therefore this planning application does not propose to increase the number of school pupils or staff numbers.** The proposal also includes the previously approved 8 additional car parking spaces and a fire access road to the row of mobile/modular buildings, both of which would be constructed of a grass reinforcing system and which were approved under the previous planning permission SH/11/738. This application also proposes to relocate the existing poly tunnel to the opposite corner to accommodate the modular building and fire access road. A reduced copy of the submitted drawing is attached showing the site location, relevant part of the site layout, floor plan, elevations and section.
6. The proposed building is shown to be 9.6 by 16 metres with an overall height of 3.05 metres from ground level. The single modular building approved previously was 10 metres in length, therefore there is a proposed increase of 6 metres. The finished floor level of the building is shown to be at ground level to allow for level access. The walls of the proposed building would be clad in light grey plastisol steel sheeting with white UPVC windows and blue aluminium doors. The flat roof would be covered with green/grey bituminous felt.

Planning Policy

7. The national planning policy guidance that is most relevant to this application includes:

National Planning Policy Framework March 2012

The new NPPF is guidance and a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. The NPPF replaces the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), although PPS10 relating to Planning for Sustainable Waste Management is currently retained.

The NPPF contains a presumption in favour of sustainable development. The new Framework refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science

New Modular Two Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/12/109 (KCC/SH/0543/2011)

responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system – economic, social and environmental. These roles are mutually dependent. Within the over-arching roles there are 12 core principles that planning should achieve. These can be summarised as:

1. be genuinely plan-led;
2. a creative exercise in finding ways to enhance and improve the places people live their lives;
3. proactively drive and support sustainable economic development;
4. secure high quality design and a good standard of amenity;
5. take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
6. support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
7. contribute to conserving and enhancing the natural environment and reducing pollution
8. encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
9. promote mixed use developments
10. conserve heritage assets
11. manage patterns of growth to make fullest use of public transport, walking and cycling and focus significant development in locations which can be made sustainable;
12. take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the following NPPF guidance is particularly relevant:

Paragraph 72 attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and that great weight is given to the need to create, expand or alter schools.

Paragraph 187 also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

Policy Statement – Planning for Schools Development August 2011. Sets out that there should be a presumption in favour of state funded schools, as expressed in the (Draft) National Planning Policy Framework.

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8. The South East Plan:

- Policy CC1 Seeks to achieve and maintain sustainable development in the region.
- Policy CC4 Expects that all new development will adopt and incorporate sustainable construction standards and techniques.
- Policy CC6 Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy S3 States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of school facilities.

Important note regarding the South East Plan:

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

9. Shepway District Local Plan Review adopted March 2006:

- Policy SD1** All development proposals should take account of the broad aim of sustainable development - ensuring that development contributes towards ensuring a better quality of life for everyone, now and for generations to come.
- Policy BE1** A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. Development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height, and elevational details.
- Policy SC2** The District Planning Authority will grant planning permission for new or improved social and community facilities where the proposal meets set criteria relating to compatibility with surrounding land uses, accessibility by a range of transport alternatives to the car, access for disabled people and acceptability in highway, infrastructure and environmental terms.
- Policy LR12** Proposals resulting in the loss of school playing fields or grass play and amenity areas at school sites, as shown on the Proposals Map, will only be permitted where development would not cause an unacceptable loss in local environmental quality and where it also accords with both the following criteria:
- a) In the case of school playing fields, sufficient alternative open space provision exists or new sport and recreational facilities will be provided of at least equivalent community benefit having regard to any deficiencies in the locality;
 - b) The land required is for an alternative educational purpose which cannot reasonably be met in another way.

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Policy TR12 Proposals for new development will only be permitted if provision is made for off street parking in accordance with the current maximum vehicle parking standards.

Policy TR13 Applications for new or expanded school facilities should be accompanied by a School Travel Plan.

Consultations

10. **Shepway District Council** raises no objection, but wishes to make the following comment:

“It is recommended that a temporary permission be granted for this additional mobile unit to enable an assessment to be undertaken at the expiry of the relevant period to further consider the impact of the units within the surrounding built form, with the additional parking area, details of the fencing, details of the external finish colour and the submission of a revised School Travel Plan being secured by condition.”

Folkestone Town Council – the application has been noted.

Sport England notes that as the proposal does not have any impact on sports facilities or playing field, Sport England has no comments to make.

Environment Agency – raises no objection subject to standard conditions on contamination and surface water drainage.

KCC Highways and Transportation raises no objections to the proposal subject to conditions to secure provision and retention of the additional car parking spaces and requiring the school travel plan to be revised to take account of the latest proposals.

As part of the previous permission there was a condition requiring a revised Travel Plan including improvements to management of the pick up/drop off arrangements so that queuing outside the school does not occur and management of the car parking arrangements to reduce the occurrence of the need to park in the highway. There was also a condition requiring the 8 parking spaces to be available at all times.

KCC Public Rights of Way Officer – has commented that the proposed gate should not open onto a highway (Public Right of Way) as it could impede the intended escape route, therefore it is recommended that the gate should open into the school ground.

Local Member

11. The local County Member, Mr. R. Pascoe, was notified of the application on the 30 January 2012. Mr Pascoe commented that he had no objection in principle but he did wonder if there was expected to be a larger influx of children and thus a larger number of vehicles in Moat Farm Road.

Publicity

12. The application was publicised by an advertisement in a local newspaper (as the site adjoins a Public Right of Way), the posting of a site notice and the individual notification of 34 neighbouring residential properties.

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Representations

13. Representations to the application have been received from residents of 4 nearby properties. The concerns and objections raised to the proposal can be summarised as:
- The proposed increases in staff parking is leading to a point where the whole street is clogged up with vehicles belonging to staff, parents and visitors, which sometimes are double parked.
 - A funeral was disrupted when a hearse could not leave the street and a dustcart unable to do their job and caused absolute mayhem, let alone getting a fire engine or ambulance to any of our bungalows.
 - At the end of school the whole road is at a standstill, putting everyone at risk and traffic starts queuing in the afternoon at 2.15pm and residents have problems getting onto their driveways
 - Would like to see the parking in place BEFORE any additional/larger modular classrooms are considered for this application.
 - This application would entail even more problems with parking in Moat Farm Road.
 - The footpath is once more sinking.
 - There should be zig zags or double yellow lines around the school entrance
 - The proposed 4 parking spaces will not help.

DiscussionIntroduction

14. This proposal has arisen after the school being granted temporary planning permission for a single modular classroom, for a proposal to relocate existing school pupils out of the Therapy Room to their own classroom and to provide a double modular building instead. This would enable the Therapy Room to be used again for its proper use. Whilst the education use of the site is well established there are issues relating to the siting and design of the mobile classroom, and associated traffic conditions. These latter issues are also reflected in the representations that have been received, summarised in paragraph (13). The proposal needs to be considered in the context of the relevant Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity, including the NPPF. In brief, the relevant planning policies, as well as supporting provision of education facilities, protect playing field land, promote sustainable development, seek a high standard of design, have regard to local context, the amenity of nearby properties and the surrounding area, and require adequate access and parking.

Siting and design

15. The proposed building would be sited at the western end of the narrow western part of the site and at the end of the row of existing mobile/modular buildings. This is the same location as the approved single modular building, but is now required for a slightly larger building. The site is part of the school playing field land and is specifically protected by Local Plan Policy LR12 designation. In terms of the Local Plan policy, arguably the application site is needed for an alternative educational purpose that cannot be met in another way, and the School has sufficient alternative open space and use of the playing field to the south of the school site when needed. Also, I do not consider that the proposal would cause an unacceptable loss in local environmental quality. Sport England acknowledges that the earlier siting of other mobile units means that the area

New Modular Two Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/12/109 (KCC/SH/0543/2011)

remaining cannot be used for formal recreation and is incapable of forming, or forming part of, a playing pitch. Furthermore, it notes that the proposed modular building is intended only to be a temporary solution pending the school relocating to a new site, as referred to in paragraph (2) above. No objection is therefore raised to loss of playing field land or playing pitches.

16. In terms of sustainable design and construction, I understand that the proposed modular building would be prefabricated to current standards incorporating all the necessary elements to meet Building Regulation requirements, including those for energy efficiency. It is the same type of building as the approved single modular building but just a slightly larger building. However given the type of building, it would be rather utilitarian in appearance and therefore it could be argued that the building does not fully meet the planning policy objectives for a high standard of design. Nevertheless, as it is intended to be temporary, I do not consider an objection on these grounds would be justified in this particular case. It is proposed that the cladding be finished in light grey to match the adjoining building and this could be covered by condition if permission is granted. Although the line of existing modular/mobile buildings would be extended, it is a relatively small building in terms of height and mass and would not be out of scale with surrounding development. Furthermore, as with the existing buildings, even though the proposed building would be partly visible from the surrounding area, there is some sense of enclosure of the application site provided by the boundary hedgerow and a degree of separation from nearby properties afforded by the intervening Public Rights of Way to the north and west.
17. The nearest properties are a pair of semi-detached bungalows immediately to the north, the facades of which are about 21 metres from the proposed building, with the boundaries of the gardens being about 12 metres away. The southern boundaries of these two gardens are enclosed by a timber panelled fence. This would further help with screening the proposed building from these two properties, particularly bearing in mind the time of the year when the hedgerow around the school site has shed its leaves. I do not therefore consider that the siting and design would result in an unacceptable impact on visual amenity. In addition, given the boundary treatment and separation distance I do not consider that the siting of the building would lead to loss of privacy from overlooking.
18. In terms of any noise disturbance as a result of the siting of the proposed building, arguably it could bring an increased concentration of activity closer to further residential properties. However this has previously been considered under the single modular building application and considered not be an overriding issue. Furthermore the applicant advises that the classroom would mainly be used for small groups, and in any case, the general area of this part of the school site is already in use and there are pupils going to and from the existing modular/mobile buildings. I am also mindful of the relatively short duration of the school day, the break in activities at the site during weekends and school holidays, and of the intended temporary nature of the development and use proposed. On this basis I do not consider that residential amenity would be adversely affected.

Transport, access and parking issues

19. Representations have been received from residents of four properties which cite issues about the current situation with regard to transport, access and parking in the locality as a result of the school, and the possibility of the proposal making matters worse, as set out in paragraph (13) above. However this application does not propose to increase the number of school pupil or staff, as this additional classroom is to accommodate existing

New Modular Two Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/12/109 (KCC/SH/0543/2011)

pupils. As part of the previous planning application for a single modular classroom, where there was a proposed increase of 13 school pupils, previous discussions with the Development Planning Manager (Highways and Transportation), resulted in the provision of a total of 8 additional spaces on site which would help to reduce the occurrence of parking on the highway just outside the entrance to the site during the school day. This was accepted as part of the previous application.

20. As discussed in the November 2011 committee report in respect of the single modular classroom, the applicant indicated that there would be no increase in traffic because the 13 additional pupils would travel to/from school using existing taxis and minibuses (etc.) that are already bringing in the existing students. No further additional pupils are proposed as a result of the additional classroom included as part of this proposal. Discussions have taken place with the Development Planning Manager (Highways and Transportation) whether or not anything further can be done to ease the current problems outside the site at school drop off/pick up times. Residential properties already have white lining across driveways to indicate that drivers should not obstruct them, and he did consider that further parking restrictions would not necessarily help and would only shift the problem further away from the site access. The Development Planning Manager (Highways and Transportation) did however consider that the School should look at how it can improve the drop off/pick up management on the site so that the queuing (which he has observed) outside of the site does not occur. A condition was attached to the temporary planning permission for the single modular classroom building, requiring the School Travel Plan to be revised to take account of the latest proposals (including a review of the management of school transport at pick up and drop off times) to be submitted for approval within six months of that permission (granted on the 9 November 2012). At the time of writing the revised School Travel Plan has just been received and is currently being consulted upon, to ensure that the comments made previously by the Highways and Transportation Manager have been taken into consideration as part of the revised document. Therefore I do not consider that there is any basis on which to raise a highway objection to the provision of the additional classroom.

Conclusion

21. The applicant's reasons for the installation of the additional modular classroom building will be noted, together with the current intentions to relocate this school to another site. Whilst the proposal does not fully accord with Development Plan Policies relating to design, given the temporary nature of the building, and the context of the school site and other plans considerations, I do not consider that an objection would be warranted especially as there would be no further increase in pupils if this two classroom modular building is permitted instead of the single modular building which has already been granted temporary planning permission. 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 and do not consider the proposal would have any significant detrimental impact on local/residential amenity or as a result of transport to and from the school. I therefore recommend that planning permission be granted for a temporary period of five years from the date of the permission subject to the further conditions discussed above.

Recommendation

22. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT to a condition requiring the double modular building to be removed from the site no later

Item D2

New Modular Two Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/12/109 (KCC/SH/0543/2011)

than five years from the date of the permission, and to conditions requiring the building to be finished in light grey to match the adjoining building, fencing, provision and retention of the 8 additional car parking spaces and a revised school travel plan to be submitted for approval.

Case officer – Lidia Cook	01622 221063
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Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

- | | |
|---------------|--|
| DO/10/954/R41 | Details submitted pursuant to condition 41 in respect of initial stage of archaeological investigation.
Waste Management Facility, Site B Ramsgate Road, Richborough |
| SW/11/503/R13 | Details of dust management plan pursuant to condition (13) of planning permission SW/11/503.
Unit 15A Ridham Dock Industrial Estate, Ridham Dock Road, Ridham, Sittingbourne |
| TW/11/3807 | Additional processes upgrading Sandhurst Treatment works facilities including two walk-in kiosks and upflow nutrient reduction sand filters.
Sandhurst Wastewater Treatment Works, Crouch Lane, Sandhurst |

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.

- | | |
|-----------|--|
| CA/12/134 | Section 73 application to retain an existing plant room (previously shown for demolition under the building schools for the future redevelopment) to the side of the new theatre.
Herne Bay High School, Bullockstone Road, Herne Bay |
|-----------|--|

MA/10/123/R	Non-material amendment to change the number of hall lights from 4 to 3. Archbishop of Courtenay C of E Primary School, Eccleston Road, Maidstone
MA/10/123/R13	Details pursuant to condition 13 (provision of cycle store) – Proposed new Archbishop Courtenay C of E Primary school, to include demolition of existing buildings and construction of two storey school building, single storey nursery building, new one way vehicular access from Eccleston Road through to Beaconsfield Road with drop off zone, car parking, separate service access and pedestrian access from Eccleston Road, sports pitches and play area. BT Depot Site, Beaconsfield Road, Maidstone
MA/10/123/R29	Details pursuant to condition 29 (hard and soft landscaping) – Proposed new Archbishop Courtenay C of E Primary school, to include demolition of existing buildings and construction of two storey school building, single storey nursery building, new one way vehicular access from Eccleston Road through to Beaconsfield Road with drop off zone, car parking, separate service access and pedestrian access from Eccleston Road, sports pitches and play area. BT Depot Site, Beaconsfield Road, Maidstone
MA/12/87	Installation of new 1.8 metre high, black, welded mesh security fence and gates to the school's entrances and driveways and to part of the southern boundary. Installation of 1.8 metre high chain link fencing to part of the boundary with adjoining residential properties to the north and east boundaries. Greenfields Community Primary School, Oxford Road, Shepway, Maidstone
SE/12/458	Renewal of planning permission for an existing modular building. Seal CE Primary School, Zambra Way, Seal
SW/10/545/RVAR	Details pursuant to conditions (3), (4), (5), (8), (18) and (23) – Colour finish and specification of surfacing and fencing, existing and proposed levels, including the bund, a scheme of landscaping, specification for the acoustic barrier, drainage details and a construction management strategy. The Abbey School, London Road, Faversham
SW/10/1332/R	Non-material amendment application, including amendment to biomass store enclosure; amendment to service yard access road; amendment to family unit courtyard floor finishes; amendment to road alignment at Minster Road; amendment to design of entrance drop-off; amendment to front plaza design; minor adjustment to size/location of sports pitches Isle of Sheppey Academy, East Site, Minster Road, Minster-on-Sea, Sheerness
SW/10/1374/R	Non material amendment to biomass store enclosure; to emergency access route; hard landscaping; adjustments to size and position of sports pitches and motor cycle parking added. Isle of Sheppey Academy (West Site), Jefferson Road, Sheerness

SW/11/1198	Single storey side extension. Luddenham Primary School, Luddenham, Faversham
TM/11/1885/R	Provision of a 2 storey teaching building – non-material amendments including changes to the elevations, inclusion of roof vents and lowering of building/brick base. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TM/12/192	Repositioning of single storey changing room pavilion for school and community use granted permission under application TM/11/2554, including revised car parking layout. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TW/12/90	Replacement of existing fencing (4 manual double gates and 5 manual single pedestrian gates) with double wire panel fencing, (galvanised, polyester powder coated, green) and 3 automated double gates, 1 manual double gate and 5 manual single pedestrian gates to match the fencing. Height varies between 2m and 3m. St John's CE Primary School, Cunningham Road, Tunbridge Wells

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

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/SCR/DA/0027/2012 – Upgraded plant and additional buildings to help reduce odour from the site together with the provision of advanced sludge digestion in the form of a thermal hydrolysis plant (THP).
Long Reach Sewage Treatment Works, Marsh Street, Dartford

KCC/TM/0038/2012 – Planning application for the provision of a new modular two classroom building.
Ryarsh Primary School, Birling Road, Ryarsh, West Malling

KCC/TM/0075/2012 – Aggregate Recycling Facility and a Concrete Batching Plant together with amendments to the currently approved quarry restoration plans.
Tarmac Ltd, Ham Hill Quarry, Snodland

KCC/SCR/TW/0063/2012 - Upgrade of existing wastewater treatment plant including 2 new septic tanks, a new humus tank and installation of a reed bed treatment process areas at Iden Green Wastewater Treatment Works, Cranbrook

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

None

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

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

Background Documents -

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

None