

PLANNING APPLICATIONS COMMITTEE

Tuesday, 8th May, 2012

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 8th May, 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 - 10 April 2012 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Dates of meetings in 2013 (Pages 7 - 8)

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/11/2275 (KCC/TM/0372/2011) - Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot at Land at Sanderson Way, Tonbridge; Sheerness Recycling Ltd (Pages 9 - 24)
2. Application DA/12/89 (KCC/DA/0485/2011) - Retrospective application for an amendment to Permission DA/10/1232 for the change of use of part of yard from open storage to waste separation using a trommel with a covered waste sorting facility and the provision of netting on top of the existing rear wall at Lee's Yard, Rochester Way, Dartford; Easy Load Ltd (Pages 25 - 40)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TM/12/564 (KCC/TM/0037/2012) - Provision of three modular buildings each incorporating two classrooms, toilets, cloakroom and store room at The Discovery School, Discovery Drive, Kings Hill; KCC Property and Infrastructure Support (Pages 41 - 66)
2. Proposal MA/12/0385 (KCC/MA/0053/2012) - Gate and drop kerb access from Rayner Road for mower and landscape maintenance to the rear of the main school building at Sandling Primary School, Ashburnham Road, Penenden Heath; KCC Education, Learning and Skills (Pages 67 - 78)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County Matter applications (Pages 79 - 82)
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.)

Friday, 27 April 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, 10 April 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 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), Ms A H Hopkins (Principal Planning Officer - Enterprise and Environment), Mr R White (Development Planning Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**21. Minutes - 13 March 2012**

(Item 4)

RESOLVED that the Minutes of the meeting held on 13 March 2012 are correctly recorded and that they be signed by the Chairman.

22. Site Meetings and Other Meetings

(Item A4)

The Committee noted that the site visit to Pluckley Road, Charing had been cancelled and agreed not to hold a public meeting to compliment the recent site visit to Cryalls Lane, Sittingbourne.

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

(Item B1)

(1) The Head of Planning Applications Group gave a presentation on the National Planning Policy Framework. This covered amongst other matters, the purpose of planning, the delivery of sustainable development, the key planning roles, and the core planning principles.

24. 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

(Item C1)

(1) Mr Ian Killbery, a local resident addressed the Committee in opposition to the application. Mr Clive Tidmarsh from "Designs" spoke in reply on behalf of the applicant.

- (2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee added conditions requiring the doors of the building to be shut during unloading operations and restricting the size of the lorries collecting the materials to those specified in the application.
- (3) RESOLVED that permission be granted to the application for the erection of a building for the sorting and storage of non - ferrous metals subject to conditions, including conditions covering the development being carried out as set out in the approved plans; hours of operation (construction and operational); the number of vehicle movements; volumes of throughput of materials; details of levels of the building; details of a flood damage prevention scheme; a detailed surface water drainage scheme to accommodate the mitigation of potential impacts on groundwater; a contamination risk assessment and remediation strategy; noise levels; the provision and retention of parking spaces for vehicles and covered cycle spaces; the safeguarding of vehicle turning areas; all material being tipped, salvaged and sorted within the building (and its doors remaining closed during unloading operations); no external storage of waste materials; the provision of loading/unloading and turning space for construction vehicles within the site during the construction period; parking for visitors and staff on site during the construction period; a detailed scheme of wheel wash facilities for the period of construction; and a restriction on the size of the lorries collecting the materials to those specified in the application.

25. 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
(Item C2)

- (1) The Head of Planning Applications Group reported correspondence from Mouchells on behalf of the applicants objecting to three of the proposed conditions. In particular, it asked the Committee to permit operations to commence on site before work on the highway improvements had commenced. The Committee decided that the conditions would stand as recommended.
- (2) RESOLVED that permission be granted to the application subject to conditions including conditions covering the development not commencing 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 not commencing 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; the development commencing within 5 years; the development being carried out in accordance with the submitted plans and any subsequently approved in order to comply with the conditions attached to the Permission; the applicant providing written confirmation of the start date on site; the submission for approval of details of external materials; the submission for approval of details of foul and surface water drainage, including

a Sustainable Urban Drainage Scheme; the submission for approval of details of all external lighting; the submission for approval of details of all fencing and boundary treatment, including any retaining walls; the submission of a ground investigation report together with details for approval of any necessary remediation works; the submission for approval of a site waste management plan (including the dust and odour controls to be employed); the submission for approval of details of sustainable design and construction measures; the submission for approval of details of the 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 within the ecological survey; the construction operations being carried out in accordance with the precautionary measures detailed within the planning statement; precautions to guard against the deposit of mud on the highway; controls on the hours of operation during the construction period; the provision of access arrangements, vehicle parking and surface water drainage in accordance with the submitted plans; the provision of cycle parking; controls on the new access to ensure that 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 being loaded, unloaded, sorted and stored within the building; all biodegradable waste being removed within 48 hours of its arrival on site; controls on the hours of operation for the Waste Transfer Station (WTS); controls on the hours of operation for the Household Waste Recycling Centre (HWRC); controls on the noise to ensure that the rating noise level for the site does not exceed background noise at the nearest residential property; the entrances to the site being secured outside operational hours; HGV's leaving the site being sheeted or netted; use of the new access being restricted (except for site personnel) to commercial vehicle movements (HGVs and RCVs) in connection with the WTS; no HGVs entering the site via the HWRC access; the maintenance of visibility splays at the new access; any unauthorised material deposited on site being removed to an authorised waste disposal facility within 48 hours; and the terms of the planning permission being made known to any person(s) given responsibility for the management of the site.

26. 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
(Item D1)

RESOLVED that:-

- (a) the proposal be referred to the Secretary of State for Communities and Local Government as a departure from the Development Plan on Green Belt grounds and that, subject to his decision permission be granted subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; details of all external lighting, including during hours of

operation; control of noise from fixed plant; a scheme of landscaping, including hard surfacing, its implementation and maintenance; measures to protect those trees to be retained; a habitat management plan/biodiversity enhancement strategy, including monitoring and management; protection of badgers from construction activities; the submission of a Reptile Survey and subsequent mitigation; no tree removal taking place during the bird breeding season; the development according with the recommendations of the ecological survey; the development being 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; the demolition of all buildings proposed to be demolished prior to occupation of the development; Secured by Design principles being adopted; a BREEAM rating of 'Very Good' being achieved; details of community use relating to use of the indoor and outdoor facilities, including hours of use; the submission of an updated Travel Plan within six months of occupation, and its ongoing monitoring and review thereafter; the provision and retention of car parking, coach parking/waiting, cycle parking, access, circulatory routes and turning areas; the development to be carried out in accordance with the Flood Risk Assessment; further works with regards to contaminated land; control of surface water drainage; noise restrictions on fixed plant; hours of working during construction and demolition being restricted to between 0800 and 1800 hours on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management strategy, including access, lorry routing, parking and circulation within the site for contractors' and other vehicles related to construction and demolition operations; and measures to prevent mud and debris being taken onto the public highway; and

- (b) the applicant be advised by Informative that:-
- (i) account should be taken of the Environment Agency's advice relating to drainage and soakaways, contamination, watercourses and fuel/chemical storage; and
 - (ii) replacement woodland planting should be provided at the site, should funds become available;

27. 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
(Item D2)

(1) The Committee agreed by 10 votes to 4 that the permission would be granted for a four year period rather than the five years recommended.

- (2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the required removal of the double modular building from the site no later than four years from the date of the permission; the building being 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 being submitted for approval.

28. 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).

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By: Director of Governance and Law
 To: Planning Applications Committee – 8 May 2012
 Subject: Dates of meetings in 2013
 Classification: Unrestricted

Summary: This report recommends that the Committee moves to a cycle of meetings predominantly on Wednesdays in 2013.

FOR DECISION

1.1 The Planning Applications Committee has always held its meetings on Tuesdays with the agenda briefing for the Chairman, Vice-Chairman and Opposition Group Spokesmen being held on the Friday in the previous week.

1.2 The Chairman of the Committee has suggested moving to a Wednesday cycle to enable the agenda briefing to be held in the same week on a Monday. The “*Speaking to the Planning Applications Committee*” information leaflet will be changed to indicate that the deadline for people to confirm their wish to speak to the Committee will be 12.00 Noon on the Monday.

1.3 The Head of Democratic Services has been able to accommodate the proposed Wednesday cycle of meetings except for the month of February, when the meeting will need to take place on a Tuesday. On previous occasions when Committee meetings have taken place on a different day of the week, the Head of Democratic Services has advised potential speakers in writing that the deadline for confirmation is two working days before the meeting itself.

1.4 The proposed meeting dates for 2013 are:-

Wednesday, 16 January 2013	Wednesday, 14 August 2013 (provisional)
Tuesday, 12 February 2013	Wednesday, 11 September 2013
Wednesday, 13 March 2013	Wednesday, 9 October 2013
Wednesday, 10 April 2013	Wednesday, 6 November 2013
Wednesday, 5 June 2013	Wednesday, 11 December 2013
Wednesday, 17 July 2013	

Recommendations

2.1 The Committee is recommended to agree the meeting dates for 2013 as set out in paragraph 1.4 above.

Andrew Tait
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 e-mail: andrew.tait@kent.gov.uk
Background Information: None

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 May 2012

Application by Sheerness Recycling Ltd. for development of a recycled aggregate and topsoil production facility incorporating a primary aggregate recycled aggregate and topsoil depot on land at Sanderson Way, Tonbridge.

Recommendation: Permission be granted subject to conditions.

Local Member: Chris Smith, Alice Hohler

Classification: Unrestricted

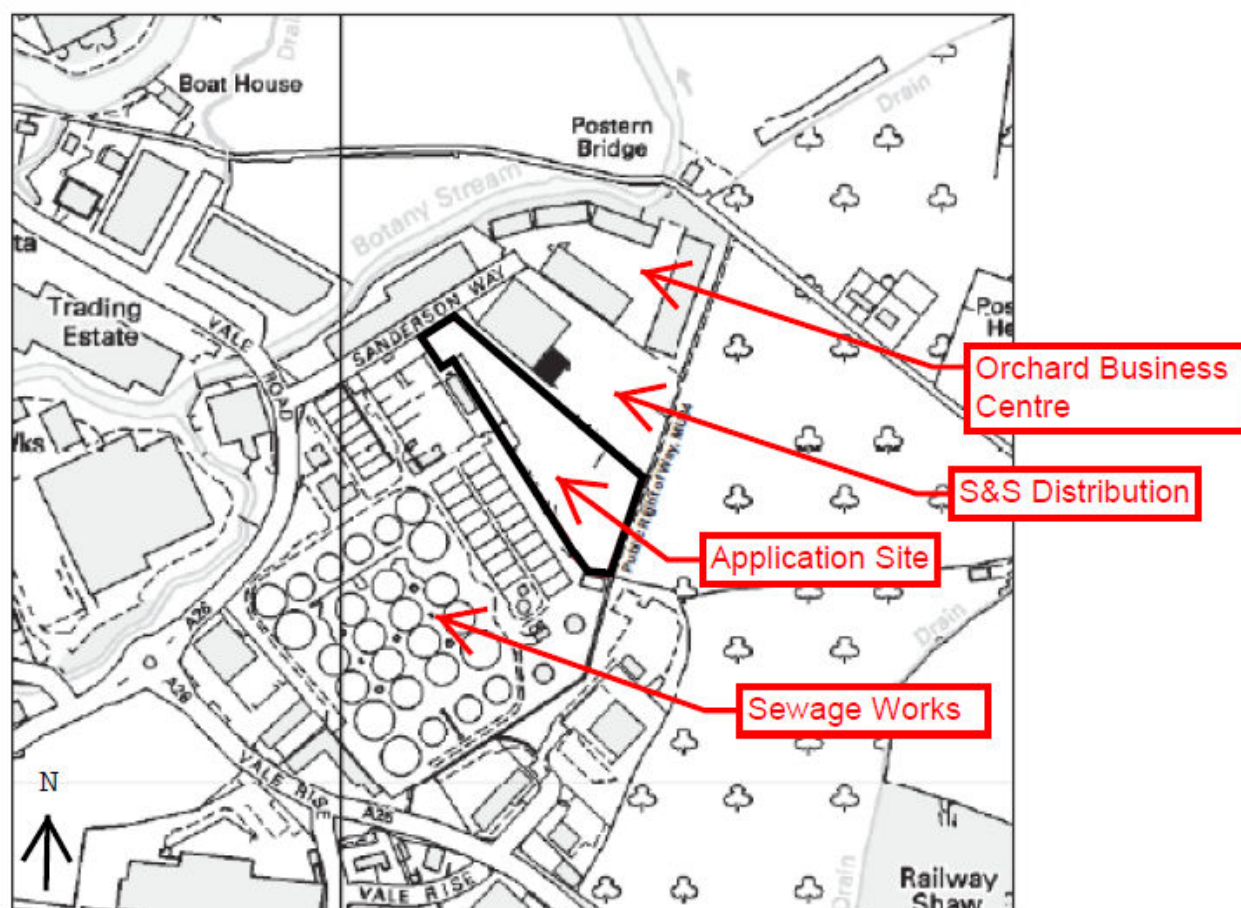
Site description

1. The planning application site lies to the east of Tonbridge on the Tonbridge Industrial Estate and is approximately one hectare in size. The area is generally industrial in nature with some large warehouse buildings, the Orchard Business Centre (small industrial /business units) and the Tonbridge Wastewater Treatment Works. The site is accessed from Sanderson Way, a short industrial estate distributor road which finishes in a cul-de-sac going into the business centre. It is an un-adopted road and is maintained jointly by Southern Water and S & S Distribution Ltd., whose premises lie either side of the application site. Sanderson Way connects directly to the primary A26 (Vale Road), the junction appears designed to enable HGV access, with good sight lines. It also enjoys a refuge lane for vehicles travelling along the A26 from south to north turning right into Sanderson Way, crossing the flow of opposing traffic. Access to the site is made directly from Sanderson Way across a concreted apron and through double gates. The existing dimensions and sightlines would remain unchanged.
2. The site itself is roughly trapezoidal in shape, generally flat, covered in loose chippings and slopes gently upward to the south eastern boundary which is fenced and bounded by a narrow tree/coppice screen. Further beyond that lies a Public Right of Way (MU34) which runs the length of the eastern boundary and forms the adjunct between the urban area and the agricultural land beyond. Immediately to the south west of the application site lies the substantial Tonbridge Wastewater Treatment Works which deals with the sewage from the Tonbridge urban area. The works is characterised by numerous tanks, plant and treatment equipment as well as a two storey office block immediately adjacent to and over looking the application site.

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Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)

Fig. 1 Site Location Plan



3. To the north of the application site lies a narrow service road which provides access to the rear of neighbouring warehouse and distribution operation (S&S Distribution). The front part of their site is occupied by a substantial warehouse building with a smaller addition to the rear, beyond which appears to be a transport/parking yard. The smaller part of the building has windows at the upper level to south east and southwest elevations. The Applicant states these windows are understood to allow daylight to illuminate an internal ground level storage/distribution use. Beyond this lies the Orchard Business Centre and beyond that lies Postern Lane along which there are a small number of existing residential dwellings. To the northwest of the site and on the opposite side of Sanderson Way is a further substantial warehouse/distribution building (also used by S&S Distribution). To the rear of this and those small industrial units on the north of the business centre is Botany Stream a tributary of the River Medway.
4. The surrounding part of the Borough lies within the Metropolitan Green Belt, although this site is within the confines of the urban area. The site itself is known to be

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Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)

underlain by made ground, forming part of an historic landfill. Water resources underneath the site are within a Zone 3 groundwater source protection zone (SPZ) and supports South East Water Plc's abstraction some 1.2km to west of the site. Parts of the site lie at low and medium flood risk, although none of it is within the functional floodplain. The site is not covered by any nature conservation designations, although there is evidence of badger setts adjacent to the eastern boundary.

5. The site has previously been used for open storage, most recently for car storage. The application site is bounded on all sides by secure chain link fencing. Planning permission was granted in the late 90's for the erection of 9 x 6 metre high floodlights and CCTV cameras. These are still in-situ on the site.

Proposal

6. The application is for the proposed development of a recycled aggregate and topsoil production facility, incorporating a primary aggregate, recycled aggregate and topsoil depot. The application comprises a planning statement (including consideration of potential impacts), a design and access statement, an assessment of environmental noise, and an ecological appraisal. Following responses from consultees' further work was done on the environmental risk assessment and subsequently a Detailed Qualitative Risk Assessment was submitted in support of the application
7. The Applicant describes the development as follows. The facility would receive, store, process and dispatch virgin minerals (primary aggregates); receive waste materials for processing and storage, and dispatch recovered materials (including recycled aggregate and soils) and residual wastes; and receive compost (produced elsewhere – and meeting government approved standards) for onsite storage and subsequent use (by blending) in soils manufacture. The tonnage of primary aggregate to be imported to the site would be a maximum of 25,000 tonnes per year and waste materials a maximum of 150,000 tonnes per year. The waste types to be accepted would be inert and non-hazardous materials including demolition concrete, brickwork, blockwork, hardcore, soils and road works spoil. The imported wastes, compost, recycled aggregate and topsoil would be stored on the site prior to processing or dispatch from the site. The residual waste such as concrete reinforcing bars, timber etc, would be temporarily stored before being removed from site.
8. The processes proposed on site would include the recovery of value from waste by means of:
 - Sorting (including mechanical screening) of waste fractions into recoverable fractions and residual wastes
 - crushing of block / brick / concrete / hardcore / stone;
 - blending of recovered materials (including topsoil) with other materials received at the site (including compost and sand) to manufacture bespoke mixes for offsite uses; and
 - diverting recovered wastes (metals and timber) to off-site re-processors.

Item C1

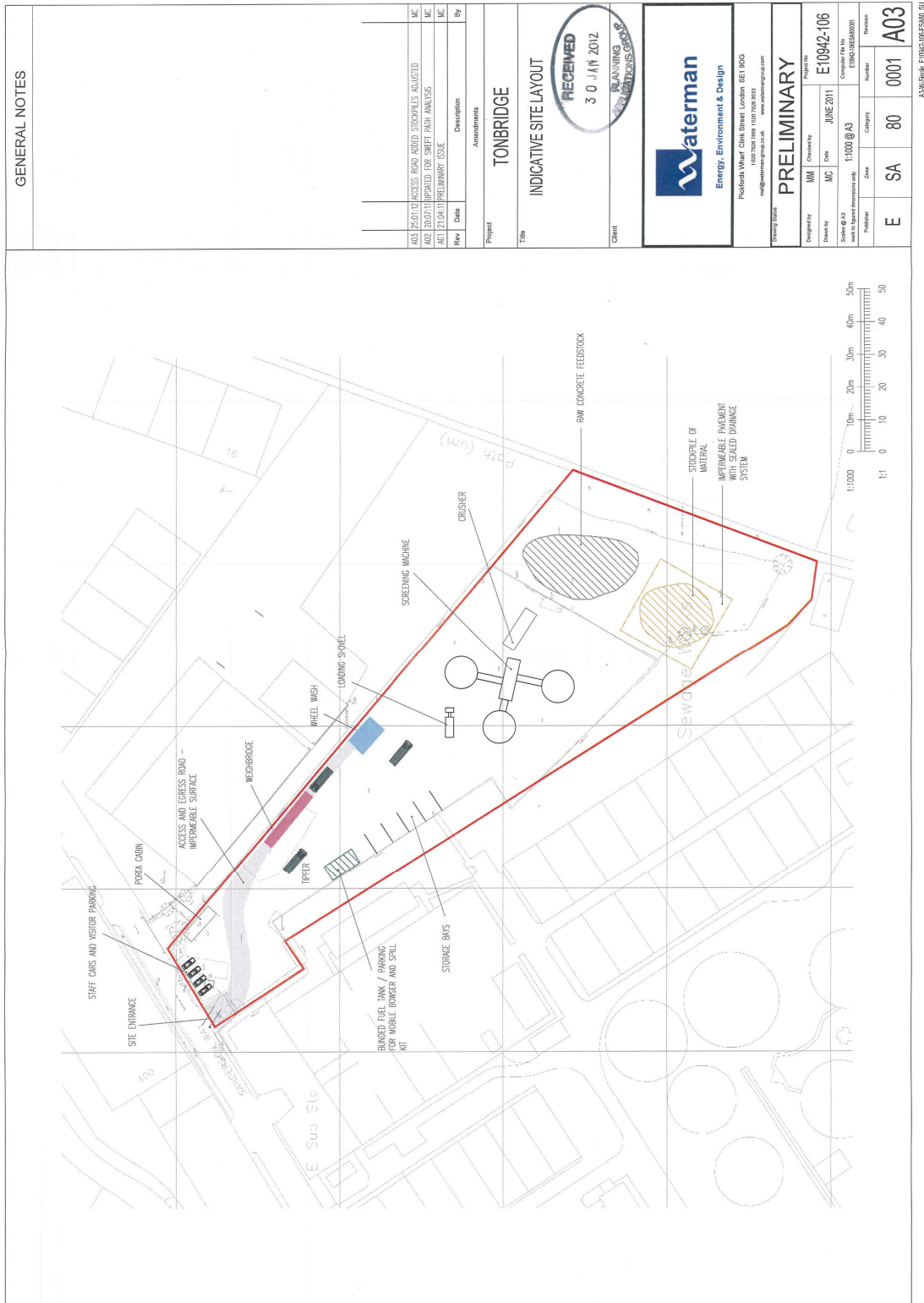
Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)

Several items of plant and equipment would be required to carry out these operations such as a 360 degree excavator, crusher (mobile plant brought to site on a campaign basis), loading shovel, screener, vacuum sweeper (wet road cleaning) and a water bowser. Full inspection of loads coming into the facility is proposed and if found suitable would be discharged in the relevant area and then subject to temporary storage, sorting or recovery as appropriate. The Applicant states that not more than 2,500 tonnes of primary aggregate and 10,000 tonnes of waste awaiting processing would be held on site at any one time. If a load was found unsuitable (e.g. containing excessive amounts of plastics or wood) it would be rejected from the facility. Arrangements would be in place to quarantine any rejected loads for a limited period until their onwards transfer could be assured. It is intended the facility would produce a range products for off-site commercial uses such as highway applications, land restoration and development related projects. It is intended that materials processed at the site would be produced in accordance with the Government funded Waste and Resources Action Programme (WRAP) Quality Protocol for the Production of Aggregates from Waste.

9. The proposed hours for the receipt and dispatch of materials by road and the processing of waste materials (except crushing) would be 0700 – 1800 hrs Monday to Friday and 0700 – 1300 hrs on Saturdays, with no working proposed on Sundays or Bank Holidays. Crushing activities would be restricted further. It is anticipated there would be up to 100 HGV movements per day (50 in and 50 out). It is proposed that employment would be created for three people at the site. Four car spaces are shown for staff and visitors. Following negotiations with consultees it also proposed that an impermeable pavement beneath the 'stockpile of materials' in the south east corner of the site would be installed as well as an impermeable surface underneath the route vehicles would take entering and exiting the site from the site entrance to the weighbridge and wheelwash.
10. It is proposed to use the existing yard area, site office, flood lighting, CCTV mast and access/egress. It is proposed that additional infrastructure would be erected on site including fuel storage facilities, four storage bays (3.6 metre high), surface mounted weighbridge and surface mounted wheelwash.
11. The Applicant considers that due to transport costs the facility would serve local markets proximate to the site in the east, south and west but with fewer customers to the north due to the presence of other facilities. Accordingly it is anticipated that waste entering the facility would arise from development projects in between and including the urban areas of Tunbridge Wells, Tonbridge and Sevenoaks. Similarly it is expected that the facility would supply these same locations with recycled materials.
12. The proposed activity would need to be subject to an Environmental Permit from the Environment Agency.

Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)

Fig.2 Site Layout Plan



Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)**Planning Policy Context**

13. **National Planning:** The National Planning Policy Framework came into force on 27 March 2012; it replaces all previous 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. It does however include a section 'Facilitating the sustainable use of minerals', which requires planning authorities to take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials. To that end it requires Mineral Planning Authorities to plan for a steady and adequate supply of aggregates, this includes secondary and recycled sources. It also acknowledges that there should be no unacceptable adverse impacts on the natural and historic environment and human health, from mineral development. The other matters addressed in the framework primarily carry forward previous national planning policy guidance.
14. The NPPF presumes in favour of sustainable development. Sustainable development seeks to ensure that society can meet the needs of the present without compromising the ability of future generations to meet their own needs. 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. In facilitating the delivery of these roles 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.
15. 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.
16. **South East Plan 2009:** Policies CC1 (sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC6 (Sustainable Communities and Character of the Environment), M1 (Sustainable Construction), M2 (Recycled and Secondary Aggregates), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM4 (Sustainable Flood Risk Management), NRM9 (Air Quality), NRM10 (Noise), RE3 (Employment and Land Provision), W3 (Regional Self-

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Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)

Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), 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.

17. **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), W21 (Ecological Interests), W22 (Road Traffic and Access), W25 (Plant and Buildings), W25A (Reuse of Adaptation of Existing Buildings), W27 (PROW), W32 (Landscaping), a W32 (Operation and Aftercare).
18. **Kent Minerals and Waste Development Framework (KMWDF):** Draft Policy CSM5 (Secondary and Recycled Aggregates) of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)
19. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy 2007:** Policies CP1 (Sustainable Development), CP10 (Flood Protection), CP11 (Urban Areas) and CP21 (Employment Provision).
20. **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment DPD 2010:** Policies CC3 (Adaptation – Sustainable Drainage), NE2 (Habitat Networks), SQ1 (Landscape and Townscape Protection and Enhancement), SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).
21. **Tonbridge and Malling Borough Council Local Development Framework Development Land DPD 2008:** Policy E1 (Safeguarded Employment Land).

Consultations

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

Tonbridge and Malling Borough Council: No Objection subject to KCC highways being satisfied arrangements are technically acceptable, implementation of dust mitigation measures, a condition requiring details of noise attenuation to ensure levels of 40dBA LAeqT are not exceeded, a condition restricting operation of noisy machinery to between 0800-1800 hrs Monday to Saturday, condition requiring details of external lighting be submitted for approval, construction hours restricted to 0800-1800 hrs Monday to Friday and 0800-1300hrs on Saturday, condition advising no burning of waste on site, conditions as set out in EA response date 24 February 2012 and all issues raised by private representations to be addressed.

KCC Highways and Transportation: comments as follows:

Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)

"It is appreciated that in proportional terms to total traffic flows on the A26 the development proposals represent a minor increase. However in relation to the existing use of the site the proposals represent a three fold increase from principally car movements to HGV's. This may have a significant impact on the operation of Sanderson Way (a private road) and on the turning movements at the junction onto the A26. I have checked the crash records of this junction and there has been one minor injury crash here in the last three years which is a low incident rate. Whilst this junction is generously proportioned with good visibility (being on the outside of a bend) and a right hand turning lane, it is considered that the movements associated with this application if approved should be capped to those predicted by the developer, namely 50 arrivals and 50 departures over a full working day. This may not be too onerous to the developer as the operation of the site itself will have a limited capacity. Any further proposals to increase capacity/operation would then need to be capacity tested and subject to a further planning application."

Environment Agency: No objection subject to conditions requiring: details of a scheme to dispose of surface water be submitted, no infiltration or surface water drainage into the ground, environmental monitoring and maintenance plan, remediation strategy for contamination (if newly encountered). The Agency have also advised that they are confident that a suitable system can be provided to appropriately manage the surface water as well as contributing to an improvement in the local area by reducing the risk of surface water flooding.

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

Noise - No objection subject to the imposition of conditions:

- Requiring that noise arising from operations at the site shall not exceed the background noise level at any residential property;
- Appropriately limiting noise exposure at the nearest commercial property; and
- Requiring the submission of an updated noise assessment that: confirms background noise levels at the nearest receptors; demonstrates compliance with the above conditions; and includes (as necessary) further mitigation measures to be agreed by the County Council.

Dust and Odour - No objection subject to mitigation measures identified in application being employed.

KCC Landscape (Jacobs): comments that the proposed facility fits in well in terms of existing landscape and visual setting and within the context of its location. It is recommended that a hard and soft landscaping scheme is submitted including details of boundary treatments and planting, boundary shelterbelt planting could be considered. Existing trees and hedged should be protected in accordance with BS5837. Long-term tree and shrub protection and management should be secured.

Item C1

Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot on Land at Sanderson Way, Tonbridge. TM/11/02275 (KCC/TM/0372/2011)

KCC Biodiversity Officer: Following submission of further information no objection subject to conditions securing the avoidance mitigation measure and recommendations in the Ecological Appraisal and additional information.

Public Rights Of Way: No objection, subject to Applicant being advised as to managing potential impacts on the footpath.

Southern Water: No Objection

Representations

23. The application has been publicised both by site notice and newspaper advertisement and local residential/business properties within 250 metres of the site were notified. I have received letters of objection from 5 local businesses as well as a letter from the management company of the Orchard Business Centre on behalf of the freeholders and tenants (with 9 signatories). Sir John Stanley the local MP also submitted a copy of the same letter on their behalf. The following issues are raised:

- Traffic - Increased traffic flows will cause significant congestion at the junction of Sanderson Way and Vale Road and on the surrounding highway network, especially when combined with the increased traffic from permitted new housing development in the area. The nature and volume of vehicles associated with the proposed use will damage the block-paved surface of Sanderson Way.
- Access – Sanderson Way is a private access road and is often limited in width by vehicle parking and waiting delivery vehicles servicing other business uses which will hinder access into the site.
- Dust – the proposed use will generate significant levels of dust in addition to the vehicles accessing the site to the specific detriment of the adjacent business (one of whose warehouse premises is food approved), as well as resulting in debris on the highway.
- Noise - the processes to be carried out on site will result in an increase in noise levels causing nuisance and to the detriment of staff working nearby.

24. One local business responded to the reconsultation and reiterated previous comments but also raised concerns regarding drainage from the proposed impermeable surface. They commented that present drainage feeds through a pumping chamber which would not cope with any additional flow and would lead to flooding and road damage.

Local Members

25. The County Council Members Mr Christopher Smith and Ms Alice Hohler were notified of the application and the additional information/response to consultees. No written comments have been received to date.

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Discussion

25. 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.
26. 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 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.
26. Prior to the publication of PPS10 and Waste Strategy 2007, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual planning applications should be afforded substantial weight in the decision making process.
27. The new advice in PPS10 moves the consideration BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applies to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.
28. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against the saved Kent Waste Local Plan Policies and other development plan policies. This is fully consistent with the approach Local Planning Authorities' are advised to adopt as set out in PPS10.
27. The main issues to be considered in this case relate to:
- Need
 - Traffic and Access
 - Noise and Dust,
 - Flood Risk
 - Groundwater contamination and drainage

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- Other Amenity Impacts

28. 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”*.
29. 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. Policy M2 of the SEP sets targets for the increase in the use of secondary aggregates and recycled materials.
30. The evolving Minerals and Waste Development Framework seeks to support the above aims. Draft Policy CSM5 of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) states that outside of sites allocated for secondary and recycled aggregates appropriate industrial estate locations will be granted planning permission subject to the proposals according to the other relevant policies in the MWDF.
31. The Applicant submits that the proposed facility would service an identified need. The planning statement refers to various studies commissioned to provide the evidence base for the Kent Mineral and Waste Development Framework Topic Papers and the levels of waste arisings (construction, demolition and excavation waste) and production levels for secondary and recycled aggregates. It acknowledges that in current provision in both treatment and recycling capacity targets are being exceeded, however it points to a number of issues to be taken into account. The targets set out in W6 are not a ceiling, they don’t reflect the spatial distribution of facilities and whether existing facilities are temporary and whether they may be relied upon throughout the plan period.
32. In principle there is a need to divert waste away from landfill and toward recovery to comply with European, National and development plan policy. There is also a need in principle to produce more recycled aggregates so that these materials can replace the primary aggregates. It is argued that the proposed facility would provide permanent recycling and secondary aggregate capacity available throughout the plan period. It also would meet an identified need within the southern margin of Tonbridge and

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Malling Borough and surrounding Tunbridge Wells and Sevenoaks and rural areas of west Kent.

33. In support of the need considerations the Applicant has undertaken a Best Practicable Environmental Option (BPEO) assessment to consider whether the proposals are '*of the right type, in the right place and at the right time*'. As set out in paragraphs 26 and 27 above it is appropriate to consider planning applications against the principle of BPEO. It is submitted that the design of the facility takes account of the principles of sustainable development, placing relevant weight on environmental, economic and social factors. Potential impacts are considered and mitigation and management are put forward, as well as acknowledging that the facility would have to operate to the highest standards as regulated under the Environmental Permitting regime. The facility, it is argued assists in the delivery of sustainable development by driving waste management in Kent up the waste hierarchy. It would be located proximate to the area it would serve, be accessed from the existing primary highway network and would be within an established industrial area. The facility would offer a permanent solution to an acknowledged need and assist in delivering self-sufficiency within the plan period in the region. It is therefore considered the proposed development is the BPEO and I have no reason to disagree with these conclusions.
34. Traffic and Access - Primary aggregates and waste would be brought to the site by Heavy Goods Vehicle (HGV) via the existing access point with Sanderson Way which itself connects directly to the A26. It is proposed that a maximum of 100 HGV movements per day would occur at the site, and in addition it is estimated there would be approximately 6 staff/visitor vehicle movements per day. A number of local businesses have expressed concerns regarding the proposed volume of traffic. It is acknowledged that the existing access arrangements are considered to be to an appropriate standard for the proposed use. The junction of Sanderson Way and Vale Road is considered to have generous proportions, good visibility and a right hand turn refuge lane from the A26. On this basis and as the proposal would introduce more larger vehicles than previous uses my Highways Officer advises that a condition should be imposed to ensure that the number of HGV movements is capped at 100 daily movements by an appropriately worded condition.
35. The application is accompanied by swept path analysis plans for a range of HGV's which demonstrate that vehicles could enter and exit the site in an appropriate fashion. There is also demonstrated to be sufficient circulation space within the site such that all vehicles could exit in a forward manner.
36. Noise - The proposed development includes various processing operations (as outlined in paragraph (8) above) likely to produce noise such as the mechanical screening of waste, the crushing of concrete/hardcore/stone and sorting and blending activities. The application is accompanied by a noise assessment which assesses the likely impact of this noise.
37. Although noise objections have been received from a number of respondents, my noise consultant is satisfied that the proposed development would be acceptable in noise terms if appropriate noise limits and mitigation are employed. However, he has

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advised that a further noise assessment should be required by condition to confirm background noise levels at nearest residential and commercial receptors and ensure that appropriate mitigation can be designed and implemented. Discussions between my noise consultant and Tonbridge and Malling Borough Council's Environmental Health Officer have established that the appropriate noise limit for occupiers of the nearest office building would be an internal noise level not exceeding 50dBA LaeqT rather than the 40dBA LaeqT referred to in the Borough Council's response in paragraph 22 above. Any further noise assessment should be undertaken in accordance with a methodology agreed beforehand by the County Council. My noise consultant has also advised that his assessment of the proposals has assumed operations taking place within those hours proposed by the applicant (i.e. all operations except crushing taking place between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays with no Bank or Public Holiday working – with crushing operations commencing at 0800 hours).

38. Subject to the imposition of the noise conditions recommended by my noise consultant and hours of operation being restricted to those applied for, I am satisfied that the proposed development would not give rise to unacceptable noise impacts.
39. Dust – The proposed use has the potential to generate increased levels of dust from the importation of aggregates or waste. The application has been subject to a dust risk assessment which analyses the potential connection between source (the material to be received), pathway (the environmental medium through which the material could move) and receptor (the interest that could be effected by the dust emissions). As well as identifying general techniques to control dust emissions such as, sheeting vehicles, washing vehicle wheels and bodies, vehicle speed limits, dowsing access roads, spraying stockpiles etc., the assessment identifies those receptors considered to be at the greatest risk. These are considered to be the closest residential properties, the adjacent businesses and the transient users of the public footpath. It sets out further actions (such as elimination or abatement, or indeed ceasing operations) that would be applied in the event of concerns of an emission or an unforeseen emission at each of these receptors and concludes that any residual risks would be low.
40. Subject to the various mitigation measure identified within the dust risk assessment being conditioned my Dust Advisor raises no objection. The Application states that should any mud or debris be tracked out onto Sanderson Way, arrangements would be made to sweep the highway and remove the obstructions or debris. In any event the use of wheel and chassis cleaning equipment identified on the application plans would be secured by a condition.
41. Flood Risk - It has been identified that the site may be at risk of flooding from river sources. Part of the application site is identified as falling into low risk (Zone 1) and part within medium risk (Zone 2). An assessment has been made of the flood risk to the proposed development. 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 assessment that was

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submitted prior to the adoption of the NPPF remains valid and at an appropriate level. 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 assessment has considered the requirements for flood risk reduction, these include stationing plant and equipment (including office, weighbridge and wheelwash) further into the site which rises gently to the rear thereby reducing the risk from flooding. The assessment concludes that with an appropriate site layout such that flood water could flow freely across the surface of the site (at the front) such that there would be no residual risk.

42. The Environment Agency raises no specific concerns on flooding issues.
43. Groundwater Contamination and Drainage – Part of the site is a former landfill which it is understood was filled with inert and commercial wastes. As a result the site has a higher risk of contamination and ground gas being present and so the application was accompanied by a preliminary risk assessment. It identified that the geological deposits underlying the site as being a secondary aquifer containing groundwater. The nearest groundwater abstractions were identified as being 959m 1032m to the north east of the site for a mineral washing facility at another site. The northern half of the site is located within a Groundwater Protection Zone for abstraction registered to South East Water 1.2km to the west of the site. It is also likely to be supplying further groundwater abstractions further to the west of the site. Given these sensitivities it is important that due consideration is given to the potential impacts from any disturbance of the contaminated ground and subsequent effects upon groundwater. It is acknowledged that there have been historical impacts on the groundwater quality, but this proposal should not result in any further deterioration in quality.
44. The assessment initially identified that the risk from the proposed development was low given the nature of the proposed works and operations. However the Environment Agency was concerned that the source receptor linkages needed further examination which resulted in a Detailed Risk Assessment being submitted in support of the application and further negotiations led to an amended site layout plan being submitted which proposes an area of hardstanding beneath the stockpile of material and for a short section of the internal access road. A commitment to include a suitable environmental monitoring programme for ground and river waters was also agreed and if planning permission is granted could be conditioned.
45. Following concerns from a neighbouring business I have sought indicative details of the surface water drainage system that might be employed to ensure that there would be no impacts on existing drainage arrangements in the vicinity and the proposed development does not result in flooding due to a lack of capacity. The Applicant has subsequently proposed a number of options for a formalised drainage system from both areas of impermeable surfacing. The Environment Agency has commented on each of the options and then concludes as follows:

"We are confident considering the information submitted that a suitable system can be provided to appropriately manage the surface water as well as contributing to an improvement in the local area by reducing the risk of surface water flooding."

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At a detailed design stage, there should be a thorough appraisal of the existing regime with a particular focus on the ability of the existing sewer system to accept runoff. We would recommend the system can accommodate the 100 year 20% rainfall event and that attenuation is provided to reduce runoff to that which is acceptable to the receiving sewer."

I am satisfied that following the above comment from the EA that a suitable surface water drainage scheme (with attenuation if necessary) can be designed to ensure that the existing drainage infrastructure is not overloaded. The detailed design of that system would need to be approved by the Agency before any planning condition would be discharged.

Other Amenity Impacts –

46. Ecology - The site is not covered by any statutory or non-statutory designations on the site, however the application also considered the potential for the presence of specific habitats or species. As a result it is proposed that if permission is granted appropriate mitigation is followed to safeguard the habitat potential for breeding birds' and reptiles. In addition a Badger sett was found to be present on site. The active holes and tunnels were found to be facing away from the site and it is therefore thought unlikely that the sett tunnels under the site, or that the Badgers use the site for digging or foraging for worms, especially given the nature of the surface of the site to the north. Again conditions applying mitigation and safeguarding measures (including those relating to drainage and planting) be attached to any permission to ensure that the Badgers are not impacted and their habitat enhanced.
47. Landscape – It is acknowledged that the proposed facility fits in well in terms of existing landscape and visual setting within the context of its location, and that additional planting options may be limited given the former site use. My Landscape Advisor has recommended that a hard and soft landscaping scheme should be submitted in addition to long term protection and management of trees and shrubs, the Applicant has indicated he is happy to adhere to this approach. In addition increased planting (double row of 2m high native whips) is being proposed to the rear of the site which would serve the dual function of improving the biodiversity habitat and providing additional vegetation screening. The precise details of this planting could be included within the scheme to be submitted as referred to above.
48. The Applicant has indicated that Site Waste Management Plan would be drawn up including measures to improve material resource efficiency (waste minimisation by consideration of reuse, recycling, and recovery before disposal options). In addition measures to reduce fly-tipping, by restricting the opportunities available for the illegal disposal of waste are proposed. The Application also considers the potential for nuisance from scavenging birds, insects and vermin to be low. However it is proposed that should the unexpected occur and problems be noted an investigation into the cause would be undertaken, records made and rectifying action taken to eliminate the problem.

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Conclusion

49. There is presumption in favour of sustainable development. This proposal offers the opportunity to recycle waste and recover value from a limited range of waste materials that otherwise would go straight to landfill. Diverting waste away from landfill, enabling the recovery of value from waste, treating waste as a resource to be managed rather than a burden to be disposed of is consistent with European, national and local objectives. It is agreed the proposal would meet a recognised need, assisting to deliver self-sufficiency with the local area in a timely fashion. The potential impacts from the proposed development have been considered and appropriate mitigation/management measures put forward. I am satisfied that such schemes could be secured through the use of appropriately worded conditions. On balance, as set out above, the proposed use of the site is considered acceptable and to represent a sustainable form of development. I consider the proposal to be in accordance with the development plan and am satisfied that all material planning considerations have been taken into account and therefore recommend that planning permission be granted.

Recommendation

50. I RECOMMEND that PERMISSION BE GRANTED subject to the imposition of conditions covering amongst other matters; adherence to details contained in planning application, commencement within 5 years, no. of vehicles, vehicle parking, volumes of throughput of materials, noise, details of surface water drainage, no infiltration or surface water drainage into the ground, environmental monitoring and maintenance plan, remediation strategy for contamination, hard and soft landscaping scheme, long-term tree and shrub protection and management, adherence to dust mitigation measures, safeguarding of ecological interests and habitats, details of noise attenuation, hours of operation, crushing activity hours of operation, construction hours restricted to 0800-1800 hrs Monday to Friday and 0800-1300hrs on Saturday, condition advising no burning of waste on site, details of external lighting.

Case Officer: Andrea Hopkins

Tel. No. 01622 221056

Background Documents: see section heading.
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Item C2

Revised application for change of use of part of yard from open storage to waste separation using a trommel with a covered waste sorting facility and provision of netting on top of the existing rear wall, Rochester Way, Dartford – DA/12/89 (KCC/DA/0485/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 May 2012

DA/12/89 (KCC/DA/0485/2011) – Retrospective application by Easy Load Ltd for an amendment to planning application DA/10/1232 for the change of use of part of yard from open storage to waste separation using a trommel with a covered waste sorting facility, and the provision of netting on top of the existing rear wall at Lee's Yard, Rochester Way, Dartford

Recommendation: Planning permission be granted subject to conditions

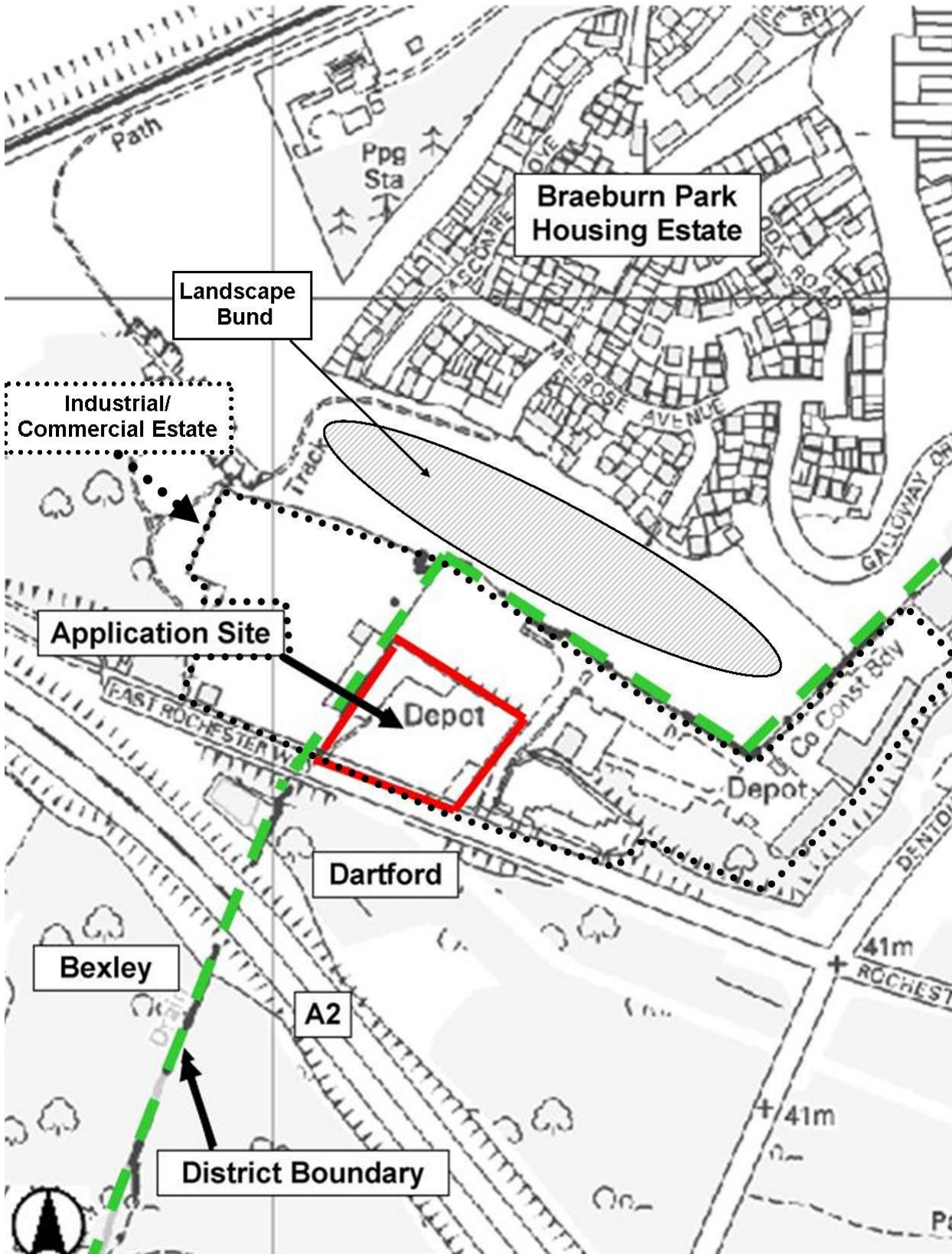
Local Member(s): Jan Ozog

Classification: Unrestricted

Site Description

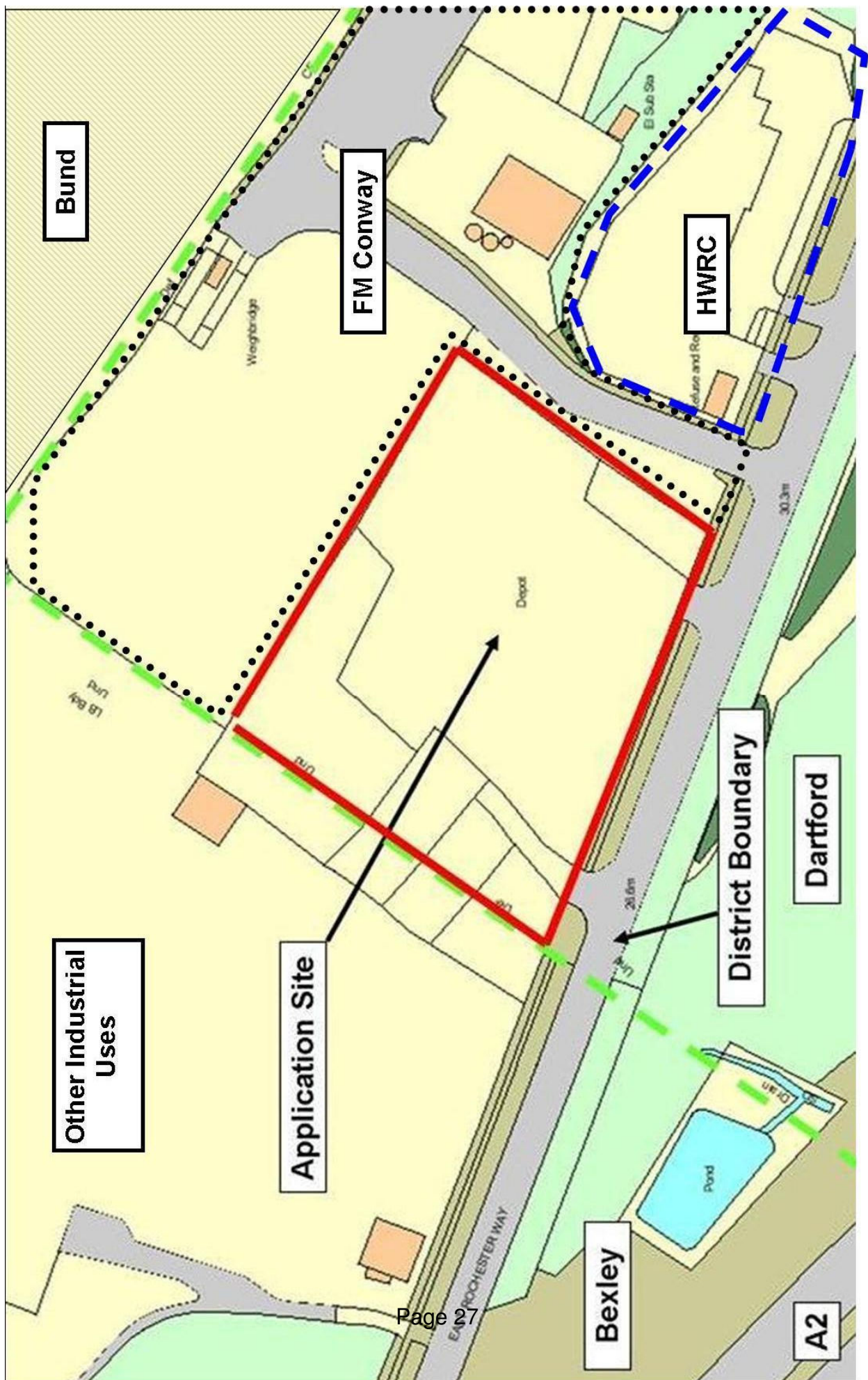
1. The Easy Load Ltd application site is located wholly within the Metropolitan Green Belt (MGB), on an original industrial unit known as Lee's Yard. It is now a skip storage and waste transfer site. The 0.53 hectare site is within the Rochester Way industrial area, and forms part of a cluster of compatible uses, including FM Conway Aggregate processing to the north, a Household Waste Recycling Centre (HWRC) to the east, and South East Building Supplies to the west. The Rochester Way forms the southern boundary to the site, with land designated as a Site for Nature Conservation Interest beyond.
2. The site is accessed from Rochester Way - a no-through road which provides access only to the businesses located in this area. The road connects to the primary road network via a roundabout on the A2018 Old Bexley Lane, which links to the A2 a kilometre to the south.
3. The nearest residential properties are located 160m to the north in a housing estate known as Braeburn Park, which lies within the London Borough of Bexley. The Easy Load site is separated from this estate by the FM Conway yard, and a landscaping bund beyond, which was constructed as part of the housing estate planning permission and separates the residential and commercial land uses. The housing in Braeburn Park is set at a considerably lower level than the commercial uses in Rochester Way. Members may recall that they visited this locality as part of the consideration of earlier planning applications.
4. The application site, and the internal operations, is partially visible from on top of the landscaping bund, and from Galloway Drive – which provides access down into the Braeburn Park housing estate. The application site is most unlikely from my own observations to be visible from any of the houses themselves as the houses are set down behind the bund in a disused quarry, with the Easy Load site at a higher level.

Revision of Permission DA/10/1232, Lee's Yard – DA/12/89

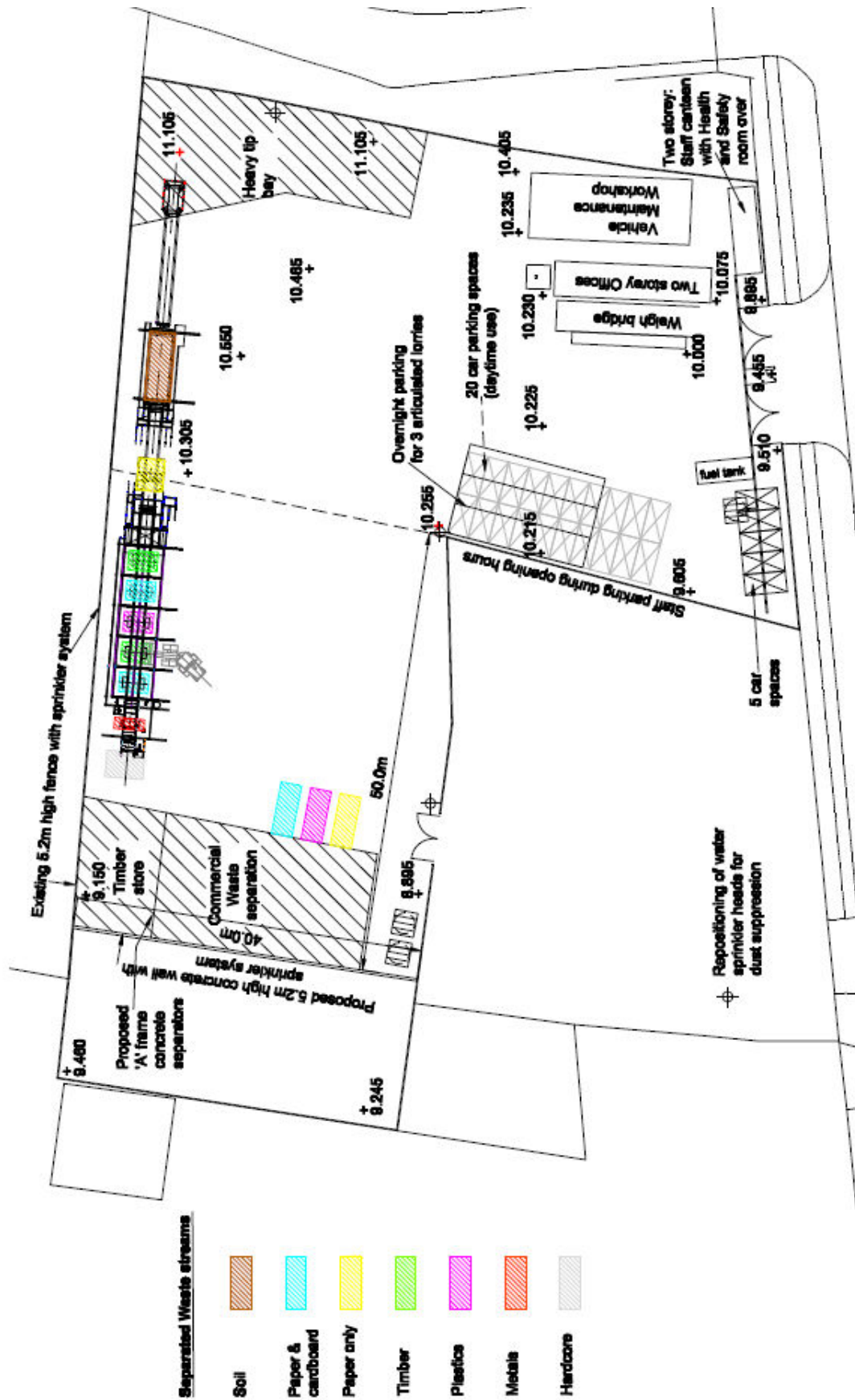


Site Location Plan

Revision of Permission DA/10/1232, Lee's Yard – DA/12/89



Revision of Permission DA/10/1232, Lee's Yard – DA/12/89



Revision of Permission DA/10/1232, Lee's Yard – DA/12/89

5. The application site, and the internal operations, is partially visible from on top of the landscaping bund, and from Galloway Drive – which provides access down into the Braeburn Park housing estate. The application site is most unlikely from my own observations to be visible from any of the houses themselves as the houses are set down behind the bund in a disused quarry, with the Easy Load site at a higher level.

Background

6. The Easy Load site is approximately 0.53 hectares and is bound on three sides to the east, south and west by a concrete wall of between 4 and 5 metres in height.
7. Part of the application site has been operated as a waste transfer station since 1988, with a smaller area having been used for some years previous, albeit at a smaller scale.
8. Easy Load Ltd have operated the site since 1995 and provides a service for the collection of skip waste for sorting and recycling to customers within approx. 20 mile radius, with disposal of residual waste being sent for landfill in Essex. The current planning permission and waste licence allows the transfer station to receive up to 75,000 tonnes of waste per annum: 200 tonnes per day of Category A inert waste; 400 tonnes per day of Category B slowly degradable waste (wood, paper etc); and up to 10 tonnes per day of putrescible waste. All waste brought to the site is to be removed within 48 hours. During 2008/2009 the site received almost 50,000 tonnes of waste – 12% Category A, 85% Category B, and the remainder putrescible Category C.
9. A continuing investment programme has been undertaken by the applicants, including site improvements and operational changes. The changes have been brought about by planning permissions for extended opening hours; the provision of new buildings for offices, training and staff; and modernisation of plant and machinery.
10. A number of planning breaches in 2005 led to the County Council serving an Enforcement Notice against stone crushing and screening within the 'extension area'. The use has ceased, but the Notice remains in place. Planning permission DA/09/974 was granted in 2009 for the parking and storage of skips and Lorries, in support of the main waste transfer activity.
11. In 2010 Easy Load Ltd sought permission (DA/10/1232) to extend the area and extent of waste separation and recycling, through rearrangement of the site layout, relocation of the storage and parking areas, and the introduction of dedicated plant and machinery. Specific elements of the application were to extend the waste handling area, over an area currently used for the parking of skips and Lorries, and the introduction of a dedicated mechanical screener, with a trommel machine, and manual picking station. This application was granted permission subject to conditions at the Planning Committee on 15 March 2011.
12. Following the grant of the above permission, the applicants commenced development and operation of the extended site area. However, the mechanical trommel and picking station installed was different to that permitted, and was therefore in breach of permission DA/10/1232. The original design, height, location and noise rating of the trommel was a crucial determining issue within the previous application, as these factors, combined with the physical relationship with the noise attenuation fencing, were deemed important to ensure noise impacts upon the nearest residential properties could be kept to an acceptable level. Consequently, under Regulation Committee endorsement, the applicant was formally requested to regularise this breach by way of a further and retrospective application, supported (among other details) by an appropriate

Revision of Permission DA/10/1232, Lee's Yard – DA/12/89

noise assessment for the new trommel. Failure to have done so would have invited enforcement action by the County Council.

13. The operator has submitted that the reason for the breach is that they changed the site arrangement due to purchasing the plant from a different manufacturer and took the opportunity to review the facilities to be provided and their operation. The new trommel is manufactured by DUO Plc and is shown on drawing no. 1772/4B.

Proposal

14. The planning application is a resubmission of permission DA/10/1232. The only difference between the two applications is a revised trommel and picking station (hereon referred to as 'the trommel'), and the addition of netting. All other elements of the application, including site layout, operational management and throughput are proposed to remain unchanged. However, as this is a resubmission of the entire proposal, a brief summary of the proposed development is given below in italics, as it was first reported to Members. I would stress though that the site upgrading and organisational changes are already largely in place.
15. *The proposal seeks to extend the area and extent of waste separation and recycling at the site by internal rearrangement, relocation of the majority of existing storage and parking and the introduction of dedicated plant and machinery. Currently, mixed skip waste is brought onto the site, weighed, tipped, separated and sorted. Reusable and recyclable materials are extracted, with the residue going to landfill. The operation involves up to 6 manual pickers sorting waste, whilst Lorries tip around them. A mechanical 360 grab crane is also used which moves larger components of waste material into a metal container for removal off-site.*
16. *The current waste sorting and recycling operation is considered by the applicant to be less than efficient with only 30-40% of the waste being recycled, and the rest going to landfill. It is proposed that the application will address this problem in two ways.*
17. *Firstly, the waste handling area of the station would be extended over the part of the site currently used for skip storage and lorry parking (the 'extension' area). The operator proposes to relocate the existing 500 skips and 12 skip lorries to a nearby skips storage site, owned by the Easy Load Ltd, in Bexley. Space would be retained within the site to park 3 articulated vehicles overnight.*
18. *Secondly, mechanical screening of waste would be introduced through the use of a 'Trommel' machine and picking station. The waste brought onto site would be tipped into the designated areas either side of the site – heavy waste to the east, and commercial waste to the west. The proposed trommel and picking station would be located between these areas, close to the northern site boundary fencing. The applicant advises that the separation of these waste types would aid recycling and make it easier to sort, separate and export. The application estimates that the amended operational arrangement would lead to separation rates of 60%-70%, thereby greatly reducing the proportion of material sent to landfill. The proposed trommel has 2 additional picking stations (to DA/10/1232)*
19. *The proposed changes would not result in any changes to the waste stream, hours of operation, throughput and combined vehicle movements. The proposal is stated as being directed instead towards improving the efficiency and sustainability of existing waste management methods on site.*

Revision of Permission DA/10/1232, Lee's Yard – DA/12/89

Current Proposal

20. As part of the revised proposals, the applicant has attempted to safeguard against any potential visual, noise, dust or odour amenity problems encountered. The trommel would be located 1m behind the 5m high northern site boundary. The application proposes to install a 'netting' style extension to the top of this fencing in order to help screen the plant from view, as the proposed trommel would protrude above the barrier in places by approx. 1.5m. Noise, dust and odour assessments have also been submitted with the application.
21. The previous application (Ref: DA/10/1232) was accompanied by a noise assessment which was predictive, based upon assumed sound ratings and variables, in order to demonstrate that the trommel would fall below background noise levels at the nearest noise sensitive receptor (NSR). It was noted within this assessment that the position of the trommel, and its relationship to the site boundary, would be crucial in achieving the required noise management. Upon receipt of the revised proposal, the applicant was requested to provide a revised noise assessment which was specific to the trommel installed. As the specific plant was then known, and operational, the applicant was able to provide specific data in relation to the noise levels generated assessed against existing background levels.
22. The dust assessment states that the majority of waste materials (85%) handled at the site are not potentially dust creating, and the activities that could give rise to dust would be undertaken in an area which has a water sprinkler dust suppression system installed. Good site housekeeping measures, such as frequent sweeping and dampening down are recommended, which would further mitigate dust releases. The trommel itself would also have its own water spray system.
23. Odour control and mitigation would largely be attained through standard EA waste transfer permitting controls which require, amongst other things, that any odorous waste (e.g. putrescible waste) be removed from the site within 48 hours of arrival. This in addition to good practice measures such as containment surface waste water drainage is considered sufficient through the odour assessment for the protection of amenity. The operator is proposing to extend the sprinkler system by installing new spray bays over active areas, to enhance the mitigation strategy of any adverse emissions from the site being released into the atmosphere.
24. The entire proposed trommel would be approx. 64m long, by 6m wide, and 6.5m at its highest point. It is made up of various component parts, and is not one solid structure; therefore the visual bulk is less than the footprint area. The majority of the machinery is below 6m in height and would therefore be screened by the existing fence, with the remainder proposed to be screened by the additional proposed netting. Waste materials would be fed into a feed hopper, and then pass through a vibrating feeder and onto an inclined conveyor which subsequently feeds into a 6-bay trommel. The 9.4m x 2.4m trommel element mechanically grades and screens material. Oversize material then passes through to the 10man picking station within a 17.5m cabin (Drawing no.1772/4B).

Planning Policy

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

Revision of Permission DA/10/1232, Lee's Yard – DA/12/89

- (i) **Planning Policy Statement 10: Planning for Sustainable Waste Management**
- (ii) **National Planning Policy Framework 2012**
- (iii) The adopted (2009) **South East Plan**
 - Policy CC1** Seeks to achieve and maintain sustainable development within the region.
 - Policy NRM1** Sustainable water resources and groundwater quality
 - Policy NRM2** Water quality
 - Policy W7** Priority to safeguarding and expanding suitable sites within existing waste management use
 - Policy W17** Location of waste management facilities
- (iv) The adopted **Kent Waste Local Plan** (1998)
 - Policy W3** Locational criteria for waste processing and transfer facilities
 - Policy W6** Need considerations in waste developments
 - Policy W9** Development proposals for waste separation and transfer
 - Policy W18** Control of noise, dust and odours from waste operations
 - Policy W19** Protection of ground and surface water
 - Policy W25** Control and design of operations
 - Policy W31** Visual impact and landscaping
- (v) **Dartford Borough Council Local Plan** (1995) – the most relevant saved policies, and the policies contained within the Amended Second Deposit Draft 2004 – GB1, GB2 and B1; and GB1, GB2, GB6, RT14, C14, NR10, NR14 and NR16 respectively.

Consultations

26. Dartford Borough Council: Raise no objection subject to the imposition of the following conditions:

- 1) The applicant should be required to ensure that existing dust suppression mechanisms such as water spraying and conveyor screening are maintained in sufficient working order and fully utilised to mitigate/suppress dust from the operations affecting local residents.
- 2) Stockpiled materials should be maintained to a maximum height of 5m above the site ground level.
- 3) Hours of operation should remain unchanged and controlled by a condition on the new permission.
- 4) Requirement to erect netting above existing wall to a height and specification to be agreed with Kent County Council.

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Environment Agency: No comments to make on this application.

Jacobs (Noise): No objection. The operation of the trommel will meet the proposed noise condition, and minimise the likelihood of complaint from residents.

Jacobs (Air Quality): No objection. It is considered that no significant dust or odour impacts are expected. Mitigation and good practice measure would keep dust and odour emissions at minimum levels.

Bexley Borough Council: No comments received. Consulted 27/01/12.

Local Member

27. The local County Member for Dartford West, Mr Jan Ozog, was notified of the application on the 25 January 2012. No comments have been received.

Publicity

28. The application was advertised by the posting of a site notice and the notification of 106 neighbours and businesses.

29. The application was also advertised in the Kent on Sunday 5 February 2012.

Representations

30. There have been 4 letters of objection and comment from nearby residents and businesses, and the main points of objection can be summarised as follows:

- The existing noise pollution emanating from the site is already significant and these levels would increase.
- Air pollution is excessive and this application would increase this.
- The smell that the site already pollutes would also increase.
- Not convinced that working hours are being adhered to.
- Concern over the scale of risk from erroneous waste (asbestos, contaminated earth etc) being increased with increased capacity.
- Concern over putrescible waste.
- Object to further industrialisation in this area.
- Houses on Braeburn Estate suffer from dust being carried by winds.
- Noise of machinery.
- The provision of netting would add to the eyesore, can trees not be planted?
- Complaints over the digger noise operating 6 days a week (photo attached shows Conways Site).
- Danger of corner of Rochester Way/Swan Lane and the large amount of lorries pulling onto the road.
- Rubbish and damage along Rochester Way will increase with further industrialisation.

Discussion

31. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (23) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs

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to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations including those arising from consultation and publicity. 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.

32. This application has been brought for determination by the Planning Applications Committee following objections and comments from a number of local residents. The objections raise a number of issues and concerns directly relating to the proposal and others to wider issues. It is important when considering this application to focus on the material planning merits of the proposal as contained within the application and in the context of earlier permission on the site. The main issues to discuss relate to the location of the development within the Metropolitan Green Belt; case of need; location; amenity impacts (noise/visual/air quality), highway considerations and control.
33. The development proposal involves the revision of planning permission DA/10/1232, incorporating an alternative specification trommel and picking station into the main proposals: *change of use of part of yard from open storage to waste separation using a trommel with a covered waste sorting facility, and the provision of netting on top of the existing rear wall.*

Appropriateness within the Metropolitan Green Belt

34. The **National Planning Policy Framework** section 9 refers to the importance that the Government attaches to Green Belts, and the essential characteristics of their openness and permanence. There is a presumption against inappropriate development within the Metropolitan Green Belt (MGB), and it should only be approved in very special circumstances (para.87). In general, all new building is inappropriate, apart from a list of exceptions contained within para.89 of the NPPF.
35. In assessing the appropriateness of the proposal within the Green Belt, it is material that the development would be within the context of a small industrial estate and integral to existing waste transfer use, on a previously developed site. In my opinion, it would not have any greater material impact on the openness of the Green Belt than the previous internal arrangement. Therefore, in my opinion, the proposal would not constitute inappropriate development by virtue of para.89 of the NPPF. It does not therefore need to be referred to the Secretary of State as a Departure from the Development Plan should members accept my recommendation. The principle of the development of this site was established and agreed under DA/10/1232. I am of the opinion that the new trommel and picking station, and netting would not materially impact further upon the openness of the MGB.

Case of Need

36. There is an acknowledged general case of need within the context of the KWLP 'saved' Policy W6 (need considerations), for increases in the level and efficiency of waste separation and recycling. That is especially the case at established sites with existing capacity and potential for such improvements. Easy Load Ltd is conveniently located within range of the urban areas of Dartford, Gravesham and Bexley, with ready access to the primary road network. The operators have a defined catchment area which has been serviced since 1986 by the current permitted waste transfer station and since 1996 by the current owners. There is an evident case of need, which is potentially able

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to be met in a more sustainable way by enhancing the waste management operations within the site. The applicants state that the proposals, including the new trommel, would enable recovery rates of up to 70% of material for recycling, whereas only 30/40% was recoverable under the previous operations. The increase in recycling proportions, and reduction in material sent to landfill, is in line with current government guidance within the Waste Strategy, PPS10 and the relevant parts of the development plan.

Suitability of the Location

37. Kent Waste Local Plan (KWLP) Policy W9 sets general criteria for assessing the suitability of waste separation and transfer stations within their surrounding site contexts. In my opinion the suitability of this location and site has been agreed under successive planning permissions, and the principle of this particular development was established under DA/10/1232. The access to the main road network, and location within the context of other waste and industrial uses, remain unchanged by the current proposal.
38. The revised proposal contains a different model of trommel, which is approx 1m higher, and 30m longer than the specifications within the original proposal. The applicant has proposed to install netting to the top of the fence to aid in screening the trommel to the north. The netting would not provide further mitigation for noise or air quality. However, development on the FM Conway site partially restricts views into the Easy Load site from the main vantage points located to the north of the site – on top of the earth bund, and from the entry road to the housing estate. The trommel would be visible from these locations, however views are interrupted by activity on the Conway's site, and it would be viewed in the context of the existing visual envelope of the industrial uses on Rochester Way. Therefore, in my opinion, the visual impact of the trommel would not be overriding to warrant refusal on the grounds of the suitability of the location.

Amenity Impacts and Available Safeguarding Measures

39. Kent Waste Local Plan saved Policy W18 requires the application to be assessed against the means of control of noise, dust, odour and any related emissions, in respect of the potential impacts on neighbouring land uses and amenity. This would include users of the nearby KCC Civic Amenity Site, as well as residents of the Braeburn Park housing estate.
40. The proposal involves no change to the types of waste coming into the site, nor in relation to operating hours, throughput or traffic movements. Internal site changes would be involved; however the impacts of this would be limited to visual aspects discussed briefly above, and more fully in paragraph (46) below. Representations received from neighbours have raised concerns over amenity impacts however several of these appear to be related to activities other than the application site. Regardless, the impacts need to be assessed, and the applicant has submitted noise, dust and odour assessment studies.

Noise

41. The original application DA/10/1232 underwent considerable negotiation and discussion in relation to the potential noise and visual impacts of the proposal, specifically relating to the trommel machinery. The applicants were not able to confirm the specific model or specification of the trommel they would install and use, therefore their agents used indicative data and potential specifications in order to produce a noise assessment. This in turn was skewed by unauthorised use of a soil screener on site. After debate, it

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was agreed that the positioning and height of the trommel drum, in relation to the site boundary, was crucial in ensuring that noise would be unlikely to cause disruption at the nearest noise sensitive receptors. This position and the appropriate conditions were agreed at planning committee and applied within the planning consent.

42. After the development had taken place, the planning authority became aware that the trommel machinery installed exceeded the specifications used within the noise assessment. It was also higher than the boundary fencing therefore there was a risk that the noise attenuation achieved by the site boundary fencing would be compromised. In accordance with enforcement advice, the applicants were invited to resubmit the entire application in order to address the breach of the planning permission.
43. The submitted application contained the specific design and operational information for the new trommel, however the noise assessment was general and related to the recommendations of the previous assessment regarding trommel height and positioning. The agents were required to submit specific noise information relating to the model of trommel installed. As the trommel was in place and operational, it was requested that on site measurements be taken, with the methodology agreed by KCC Planning Applications Group and the County Council's noise consultants Jacobs.
44. Following submission of an updated noise assessment, Jacobs advised that they were satisfied that the operation of the trommel would meet their recommended noise condition: *"At no time during the operation of the trommel shall the noise rating level $L_{Ar,T}$, calculated in accordance with the method provided in BS4142:1997, exceed the background noise level $L_{A90,T}$ at any noise sensitive property."*
45. Neighbours have expressed concern regarding the impact of noise upon their residential amenity. I have investigated their concerns in relation to the noise report, the comments of our noise consultant, and my own site observations. In this instance, I am of the opinion that the noise concerns raised by neighbours are misdirected towards this application, due to the relatively high existing background noise levels generated by existing development, as referred to by Jacobs.
46. I am therefore of the opinion that the noise impacts of the proposed development can be sufficiently controlled by the condition suggested above, and as such not considered to be overriding. My recommendation includes the condition suggested by Jacobs.

Visual Impact

47. The primary visible element of the development is that of the proposed and more pronounced trommel. The overall development scheme re-organises the internal site layout, and therefore arguably has led to an overall improvement in the site appearance. Waste stockpiles also have the potential to create a visual impact.
48. One letter of objection raised concern about the visual impact of the proposed netting, and suggests a condition limiting stockpile heights, and also requests whether trees should be planted instead. I would point out that the Easy Load yard is only separated from the Conway's site by a 5m high fence and on this basis the suggested tree planting would not, in my opinion, be feasible. The trommel is only visible when observers are stood on top of the earth bund (created as part of the Braeburn housing estate development), and for a portion of Galloway Drive, and therefore is unlikely to be visible from within the housing estate which is also at a much lower level. It is worth noting that the trommel does not visually stand out unduly from any aspect where it is visible, as it is contained within the centre of the Rochester Way industrial area, and is

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therefore viewed within this context. The only other viewpoint is from the site access along Rochester Way, when the trommel is viewed within the context of the operational waste transfer station.

49. The earth bund which provides visual separation between Easy Load, Conways and the housing estate provides full screening of the Lee's Yard Easy Load Ltd site. This bund was put in place by the developers of the housing estate, pursuant to a planning condition imposed by Bexley Council, in order to provide visual screening and noise attenuation from the activities along the Rochester Way industrial area. The development of the bund had been required to incorporate extensive planting, which would have included trees, and therefore would have provided a great deal of mitigation for the residents of the Braeburn Estate. However, the planting scheme was not particularly successful, and the bund is largely barren apart from grasses and thistles. Notwithstanding this, the planting would have provided mitigation for the commercial land uses, but it is of note that the application site is located to the rear of other commercial premises within the industrial estate.

Air Quality

50. Concern has been raised about the impact of the proposed development on air quality, particularly from dust and odour. Neighbours are concerned that dust from the site would migrate carried on the wind towards their properties. The applicant undertook assessments which concluded that the current practices at the waste transfer station have not resulted in any justified dust and odour complaint..
51. The proposed layout of the site incorporates dust suppression measures with the use of water sprinklers. Additional sprinklers are also proposed, which in my view would mitigate any unacceptable impacts from dust.
52. Concerns were raised by a resident that an increase in the level of activity on the site could raise the risk of odour. The level of activity and sources of waste are not proposed to be amended by this proposal – levels of throughput, and waste sources are stated to be unchanged. Continuous good practice and current environmental controls required of the site are considered sufficient to alleviate these risks. The site is operated under an environmental permit and, amongst other matters, waste that enters the site, is required to be removed within 48 hours. This reduces the risk of putrescible materials degrading and releasing odour.
53. The County Council's technical consultees advised that *'taking into consideration that the nearest residential properties are 160m away from the waste facilities, it is considered that no significant dust and odour impacts are expected. Mitigation and good practice measures would keep dust and of odour emissions at minimum levels'*. The mitigation methods proposed, and air quality issues, were considered fully during the determination of the previous application (DA/10/1232). Having regard to the advice from Jacobs, the alternative trommel would not impact further upon these considerations, and it is worth noting that the new model trommel incorporates an internal dust suppression sprinkler system.

Highways

54. Residents have expressed concerns relating to the impact on highway safety arising from increasing levels of activity along the Rochester Way industrial area. In particular, concern relates to the danger of HGVs turning at the junction with Swan Lane.

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55. As discussed above, there would be no increase in the measurable intensity of the use of the site as previously considered. Hours of operation, waste types, vehicle movements and level of throughput are all proposed to be unchanged. Consequently there would be no material change to the impacts of the site use on the highway network. I consider that the conditions imposed on DA/10/1232, relating to site access, throughput, vehicle movements and hours of operation, if repeated would remain are sufficient to control highways impacts.

Litter

56. The activities on site allow for a mixture of wastes, therefore it is likely that light materials such as paper and plastics could be scattered by wind. I therefore recommend that a condition be attached requiring steps be taken to minimise litter spreading from the site

Conclusion

57. In conclusion, I consider that the proposed revisions to the trommel arrangements and fence netting are acceptable in planning terms. The revised arrangement consolidates a significant increase in the rates of waste recovery and a reduction in the amount of waste sent to landfill, therefore according with principles of Sustainable Development, PPS10 and the Waste Strategy. The selection of the new trommel represents a natural step in the progression of improvements within the site, and serves to increase efficiency above that provided within the original planning permission.

58. Amenity impact concerns have been raised by residents, however these should be viewed in the context that the proposed operational changes to the site would be internal. There would be no change to the waste stream handled at the site, nor any increase in hours of operation, throughput, or traffic movements. The proposed scheme in my view would involved no new overriding amenity impacts by virtue of visual intrusion, noise, dust, odour or related traffic-induced disturbance and emissions. The technical assessments submitted with the application have been reviewed by Jacobs Consultants and no objections raised.

59. The proposal is substantially identical to DA/10/1232 in terms of amenity impacts, with the only difference being a different model of trommel and additional netting. In my opinion the additional height and alternative specification does not give rise to noise, visual or other amenity concerns which would warrant refusal of the application. Impacts of the proposed development would be controlled through appropriate planning conditions and Environment Agency Permitting controls. On balance, I conclude that the development is in accordance with the development plan, and contributes sustainability benefits which weigh in favour of the proposal, with sufficient controls available to minimise amenity impacts.

Recommendation

60. I RECOMMEND that PERMISSION BE GRANTED subject to conditions:

- The standard time condition for implementation;
- The development to be completed in accordance with the approved plans, and scheme as submitted, and any subsequent approved details including a single site access (with emergency access) and the footprint of the proposed waste stockpiles.

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- Restriction of waste types, hours of operation, throughput, and traffic movements to the level of those already permitted on site.
- The Trommel and picking station to be a fixed specification and location, including precise heights of this and associated fencing and stand-off distances.
- Stockpile heights to be no greater than the 5m above ground level.
- Operational safeguarding measures to control noise, dust, odour, related emissions, surface run-off and drainage, litter control, light pollution and mud and debris on the road.
- Remediation measures to handle any unsuspected site contamination issues that may arise during the carrying out of the development.

Case officer – Jeff Dummett

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Background documents - See section heading
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Item D1**Provision of 3 modular buildings, each incorporating two classrooms at The Discovery School, Kings Hill – TM/12/564 (KCC/TM/0037/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 8 May 2012.

Application by KCC Property & Infrastructure Support for the provision of 3 modular buildings, each incorporating two classrooms, toilets, cloakroom and store room (resubmission) at The Discovery School, Discovery Drive, Kings Hill, West Malling, Kent, ME19 4GJ – TM/12/564 (KCC/TM/0037/2012)

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr R. Long

Classification: Unrestricted

Site

1. The application site falls within the grounds of The Discovery School, Discovery Drive, located on the eastern edge of Kings Hill. The Discovery School is a 2 form-entry (FE) Primary School, one of two primary schools that serve the Kings Hill development. The site includes a large purpose built single storey building oriented north-south across the school grounds. The main site accesses and car parking provisions are laid out fronting the public highway, to the west of the building, with hard play space and playing field to the east. There are at present 453 pupils and 50 (full-time equivalent) members of staff attending the school.
2. The land affected by the application includes a section of the playing field, alongside the main access/ circulation space and car park to the front of the school grounds. The area of playing field consists of land directly adjacent to the hard play space and includes an area that slopes up towards the north-west corner. A small number of recently planted trees and shrubs that border the hard play would be affected by the proposed development.
3. The school benefits from a large car park, which is laid out to provide separate entry and exit points for vehicles, circulation space for both vehicles and pedestrians, and 71 car parking spaces within the school grounds. Under the current arrangements the School only use a single access/ exit point for vehicles with the gates closed throughout the school day and vehicle access control by reception. This general area is also included within the application site.
4. The Discovery School is surrounded by residential properties to the north, south and west. Land to the east consists of wooded area beyond which is land that is currently being developed to provide outdoor sports facilities for the local community (Heath Farm Sports Facilities). It is noted that the housing development immediately to the north of the school is still under construction by Taylor Wimpey, the first phase of which (to the north-east of the school grounds) has recently been occupied. Please see site location plan included.

**Provision of 3 modular buildings at The Discovery School, Kings Hill –
TM/12/564 (KCC/TM/0037/2012)**

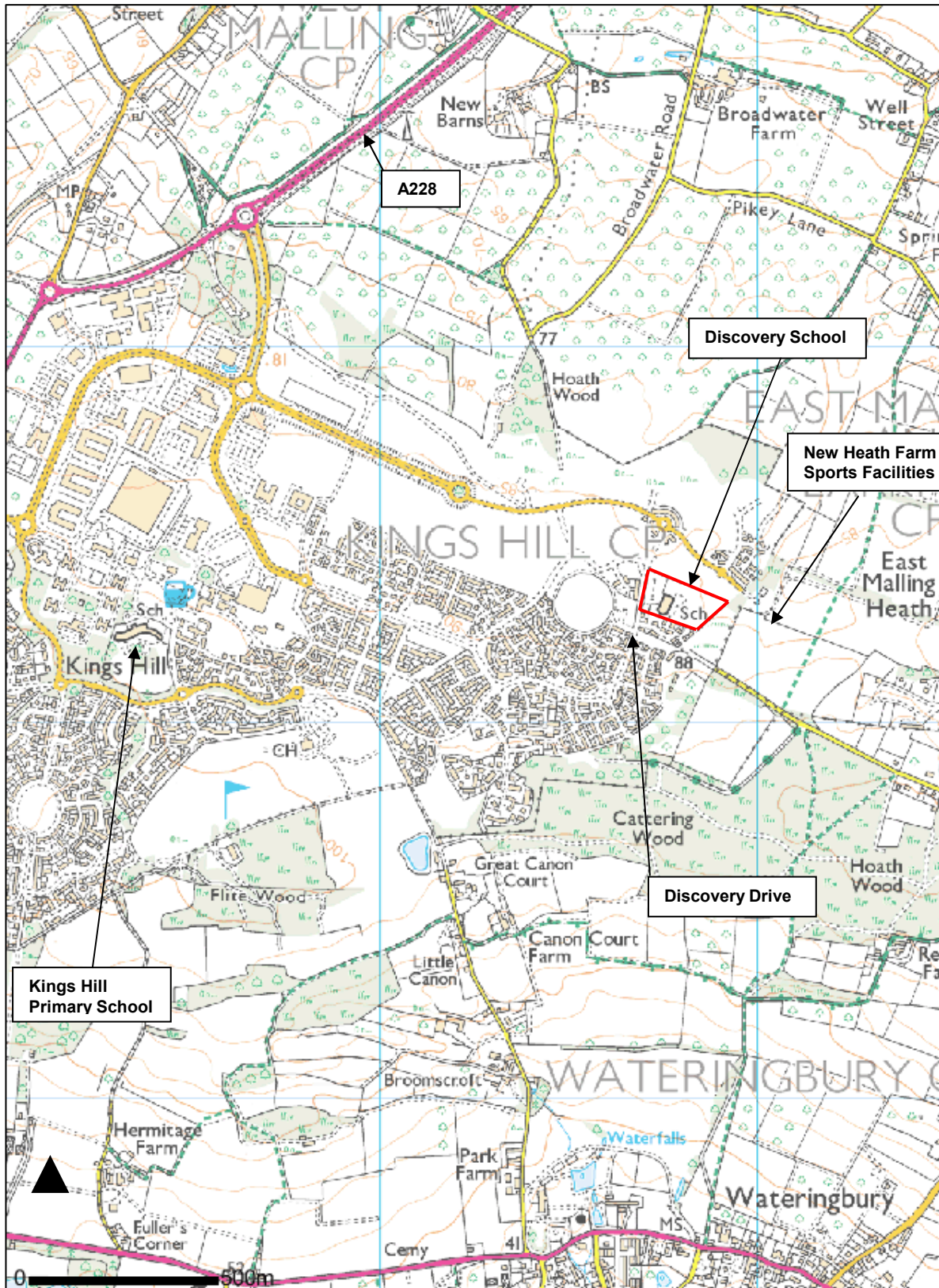
5. The application site lies within land identified in the Tonbridge & Malling Borough Local Plan for the provision and development of the Kings Hill development. The area also falls within a Groundwater Vulnerability Zone overlying a Major Aquifer, as defined by the Environment Agency. There are no other site specific designations, although more general development plan policies are set out in paragraph (20) below.

Background

6. The site was originally permitted for education use in 2002 under permission reference TM/02/2350. This permission granted approval for a new 2 form entry primary school to be built in phases. The first phase of development was completed in 2003 to allow for 1 form of entry. The school was subsequently expanded under phased development to cater for demand within Kings Hill, as more of the housing development was completed. The design of the final phase of the school building was amended under planning permission TM/07/1477 to allow for a more straight forward extension to the original building, this change did not alter the overall capacity of the school permitted under the base permission.
7. The Discovery School is the second primary school identified in the original Kings Hill Master Plan. The school was designed to expand with the Kings Hill community. The Education Authority has confirmed that the developer contributions received for the permitted housing on Kings Hill has been fully discharged through the delivery of existing schools. The Discovery School reached its capacity in 2009/10. Due to an exceptionally high demand for primary school places in the local area additional forms of entry were added in 2010 and 2011, raising the intake from 60 pupils a year (2 FE) to 90 pupils (3 FE). This has resulted in the school intake exceeding the design capacity with the additional classes being taught in all available teaching spaces including the original IT room.
8. In 2009 planning permission was granted for a new single storey Children's Centre to be constructed to the front of the school grounds adjacent to Discovery Drive, under reference TM/09/1983. This development has not been implemented to date and I am not aware of any plans to do so before the permission lapses in October 2012.
9. A similar application to the current proposals, for the construction of three steel framed modular buildings to provide an additional six classrooms, was submitted in October 2011 (under planning reference TM/11/3179). This original application was subsequently withdrawn on the recommendations of officers due to objections received to the proposal on various grounds, including the layout of the development and concerns over the potential highway implications. The current application represents a revision of this earlier submission that amends the original proposals in response to objections previously received, and further to pre-application discussions with officers.

Provision of 3 modular buildings at The Discovery School, Kings Hill – TM/12/564 (KCC/TM/0037/2012)

General Location Plan



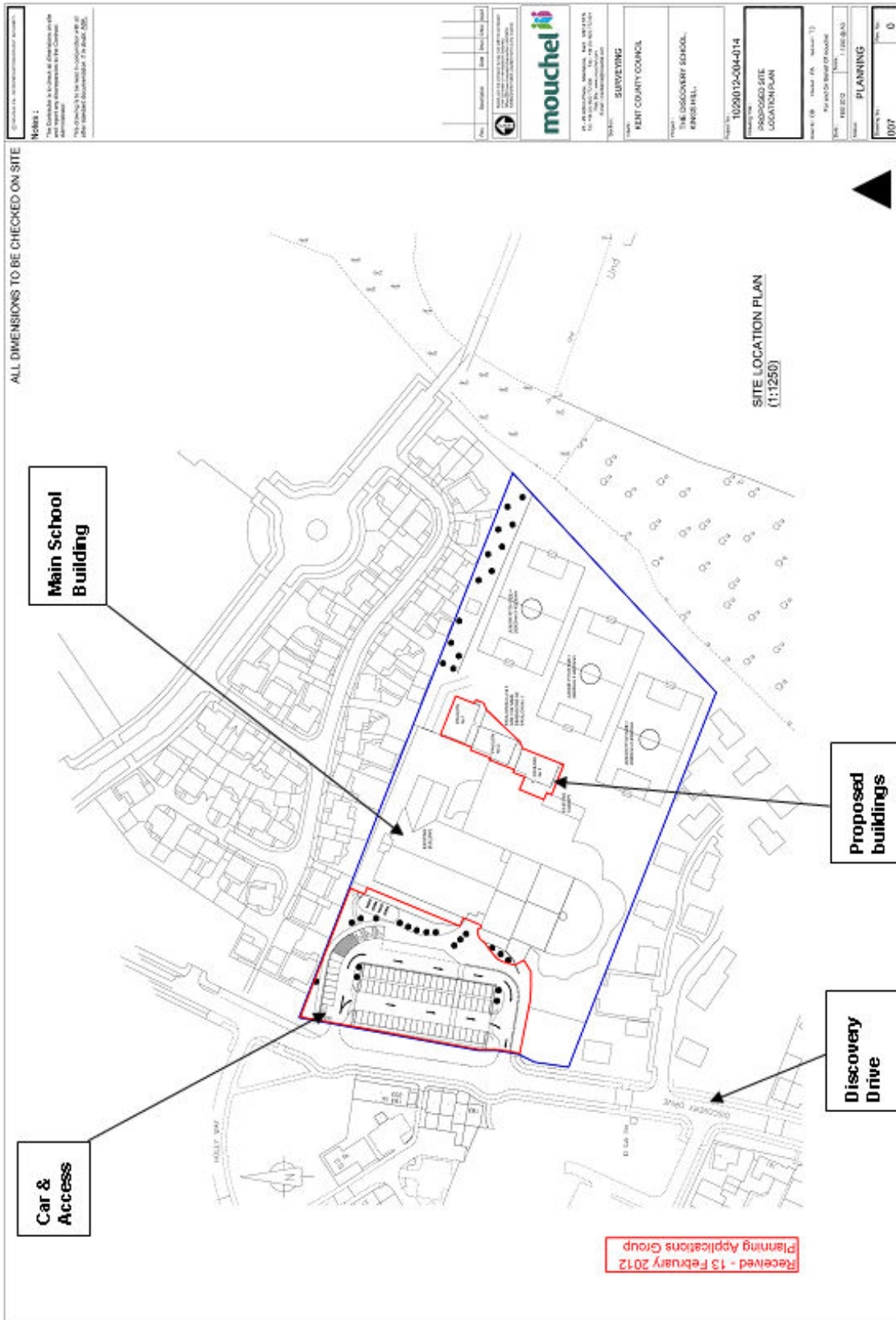
Provision of 3 modular buildings at The Discovery School, Kings Hill – TM/12/564 (KCC/TM/0037/2012)

Existing Site Plan



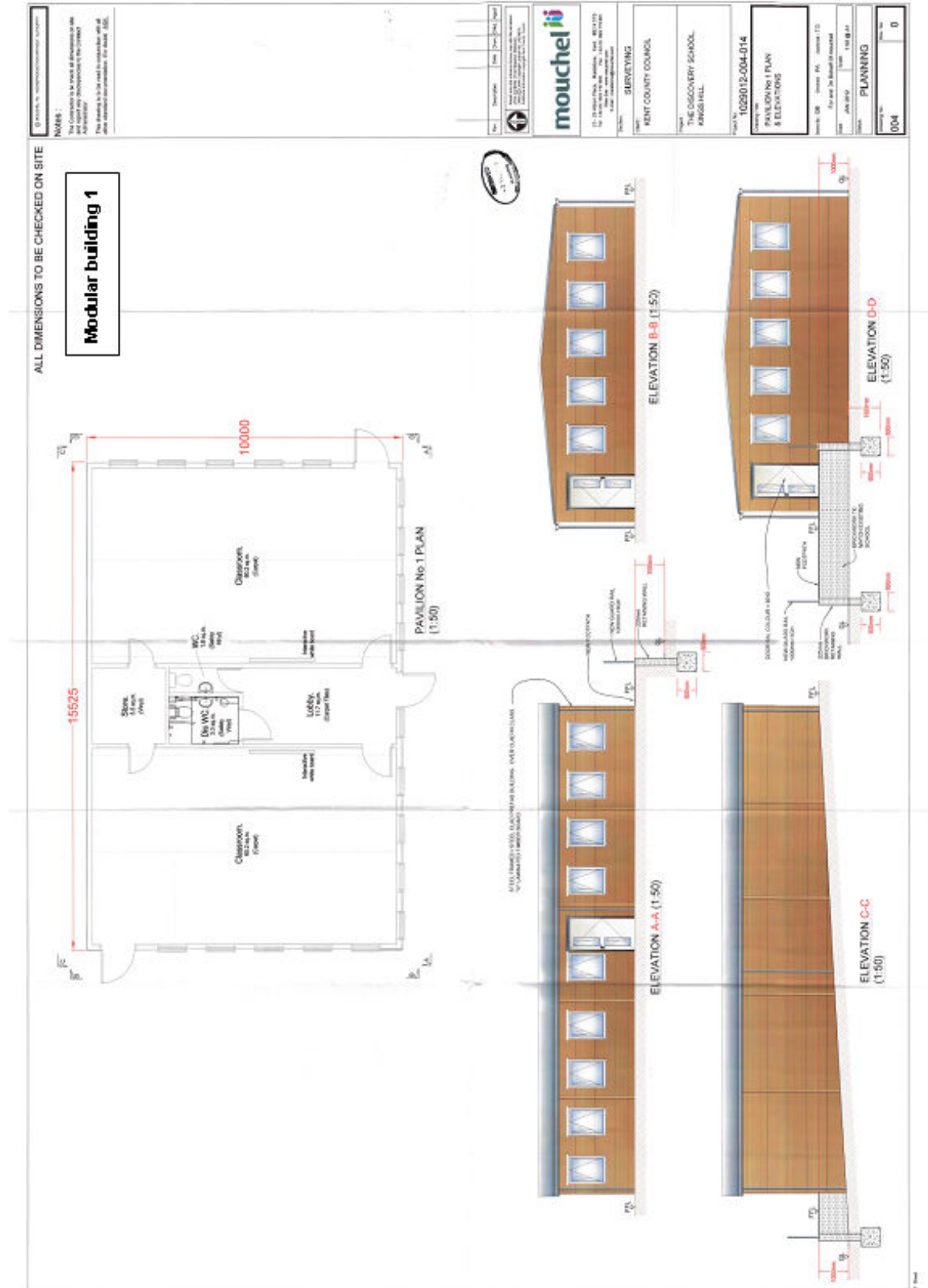
Provision of 3 modular buildings at The Discovery School, Kings Hill – TM/12/564 (KCC/TM/0037/2012)

Proposed Site Plan

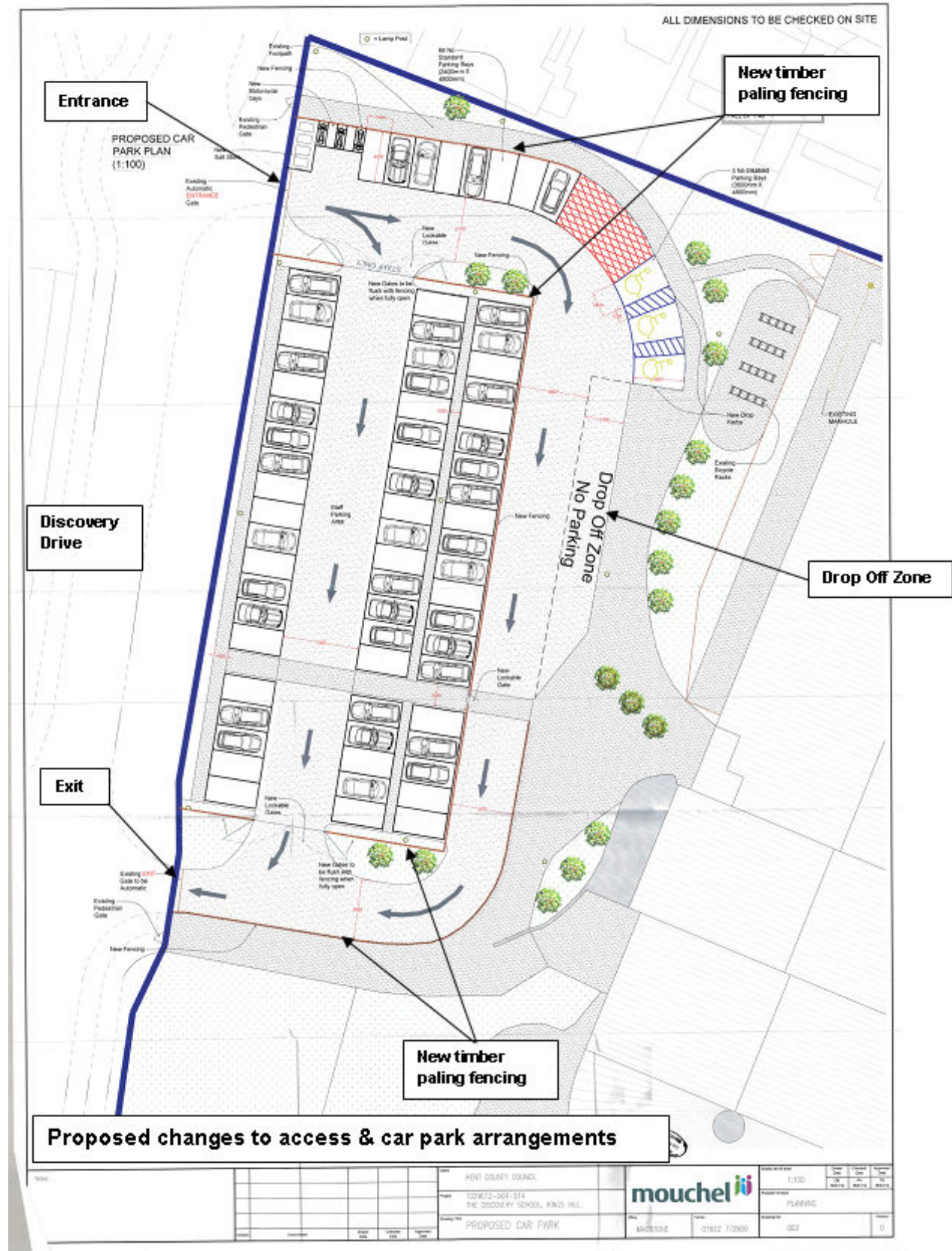


Provision of 3 modular buildings at The Discovery School, Kings Hill – TM/12/564 (KCC/TM/0037/2012)

Proposed Elevations



Provision of 3 modular buildings at The Discovery School, Kings Hill – TM/12/564 (KCC/TM/0037/2012)



Provision of 3 modular buildings at The Discovery School, Kings Hill – TM/12/564 (KCC/TM/0037/2012)

Proposal

10. The application proposes the construction of 3 (enhanced) modular buildings (pavilions) to provide 6 new classrooms at The Discovery School. The new classrooms are required to enable the school to officially expand to 3 form entry (FE) to cater for high demand for primary school places within the local community. The proposal would allow the School to accept 180 additional pupils over coming years, expanding the theoretical maximum capacity from 450 to 630 pupils, with staff numbers rising from 50 to 64 full-time equivalents.
11. The applicant expects the expansion to be a temporary measure to cover a medium term demand for school places. The application states that it is anticipated that once the existing round of housing development on Kings Hill has been completed the demand for new places within the local primary schools will reduce, enabling some accommodation to be removed over time (up to 1 FE).
12. Each of the modular buildings proposed would include 2 classrooms, associated storage, toilets and entrance lobby. The buildings would be constructed to allow level access with the adjacent playground, with tarpaved footpaths serving the main entrances and fire exit doors. The application confirms that all of the proposed buildings would be fully Disabled Discrimination Act (DDA) compliant.
13. The single storey modular buildings would measure approximately 15.5m by 10m by 2.5m high to the eaves. Building 1 spans a sloped area on site which would result in the need for eastern end of the building to be raised a further metre above ground level to enable the level access. The modular buildings would include enhanced external materials to match with the existing school building. The external finish proposed includes low pitched roofs covered with Eternit slate and walls clad with composite cladding in a pale natural wood finish, to match similar materials already used on this modern school site. The modular buildings would be set level with the ground and the cladding would continue to ground level with no visible void space beneath.
14. The buildings would be sited on a grassed area on the north-western edge of the playing field, part of which slopes towards the east. Due to the change in gradient and proximity to existing hard standing on site, the proposed location does not form part of the existing marked sports pitches within the playing field. The application confirms that the buildings have been sited as close to the main school buildings as possible to reduce the distance pupils have to travel between buildings.
15. In support of the proposed expansion of the school, the application also includes revisions to the access and vehicle parking arrangements on site to allow for the use of a pick-up and drop off area to the front of the school buildings. The car park layout would be altered to include new 1.2m high timber paling fencing and gates to provide a clear separation between vehicle and pedestrian routes into the site. The proposed fencing would also separate staff only car parking from areas that would be available for use by parents at the beginning and end of the school day. These changes would enable safe use of existing vehicle entrance and exit points enabling traffic flow within the site, and the use of drop-off / pick-up facilities fronting the school. The car park layout would incorporate 68 spaces, 3

Provision of 3 modular buildings at The Discovery School, Kings Hill – TM/12/564 (KCC/TM/0037/2012)

disabled parking bays and 5 motorcycle bays, enabling the full use of existing provisions.

Additional information received from the School

16. The School has confirmed that the pupil drop off / pick up zone would be made available for use by parents. The main vehicle entrance and exit would be open between the hours of 08.40am to 09.05am. During this period the drop off zone would be managed and monitored by school staff to ensure compliance with the scheme and to maintain pupil safety. Between 09.05am and the end of the school day, the gates would be closed with entry to the school controlled via an intercom/ buzzer system. The school gates would be open at the end of the school day with parents that require assistance with pickup able to approach the school on an individual basis.
17. The Chair of Governors has confirmed that both the Head Teacher and the School's Governing Body are committed to operating and managing the new facilities with free access to drop off children in the mornings. He raises some concern about how the arrangements would work in the evenings as this is more complex, however the School are committed to work with stakeholders to find a workable solution.
18. The application is accompanied by a revision to the existing School Travel Plan in support of the proposals. The travel plan's continuing objectives are: to promote greater safety for pedestrians and encourage children to walk to school where possible; to reduce the number of car journeys to school; to reduce conflict between vehicles and pedestrians close to the school; and to promote a good relationship with the local community.
19. In conclusion the Chair of Governors states:

'The Discovery School is an Ofsted Outstanding school. It is in high demand and has a rapidly increasing role. The Governing Body are committed to working with all interested parties to deliver effective services to the community in these challenging circumstances. It is also worth noting that without the additional capacity delivered by this application, the school will not be in a position to provide 30 places already offered to parents in September 2012.'

Planning Policy

20. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:
 - (i) **National Planning Policy Guidance** – the most relevant National Planning policy guidance is set out in:

National Planning Policy Framework (March 2012) sets out the Government's planning policy guidance for England and as guidance is 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).

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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 over-arching 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
- 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 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design);and
- Chapter 8 (Promoting healthy 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. Additionally, it 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

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should be given to the need to create, expand or alter schools.

Planning for Schools Development Policy Statement (August 2011) sets out that there should be a general presumption in favour of state funded schools, in considering development proposals.

(ii) The South East Plan (2009):

Policy SP3 Seeks to focus development within urban areas to foster access to services and avoid unnecessary travel.

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

Policy CC4 Seeks new development to adopt 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 BE5 Seeks development that meets local needs of rural communities, is subject to design and sustainability criteria that respects the character of the built form and landscape setting.

Policy NRM1 Seeks to maintain and enhance ground water quality through the avoiding adverse effects of development on the water environment.

Policy S3 Seeks to ensure the adequate provision of pre-school, school, and community learning facilities.

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 complete the formal process of revoking the Plan

(iii) Tonbridge and Malling Borough Council: Local Development Framework Core Strategy (2007):

Policy CP1 Seeks all proposals for new development to result in a high quality sustainable environment. The need for development will be balanced against the need to protect and enhance the natural and built environment.

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- Policy CP2 Seeks new development that is well located relative to public transport, cycle and pedestrian routes, that minimise the need to travel through the implementation of Travel Plans, and is compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated.
- Policy CP11 Seeks that development be concentrated within the confines of the urban areas, including Kings Hill
- Policy CP24 Requires new development that is well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. Seeks to protect, and wherever possible, enhance, existing open spaces.
- Policy CP26 Seeks to safeguard land required for the provision of services to meet existing and future community needs

(iv) Tonbridge and Malling Borough Council: Managing Development and the Environment Development Plan Document (2010):

- Policy CC1 Seeks all proposals for new development to result in a high quality sustainable environment.
- Policy CC3 Seeks to protect the water environment, including surface water and groundwater quality.
- Policy SQ1 All new development should protect, conserve and, where possible, enhance the character and local distinctiveness including its historical and architectural interest and the prevailing level of tranquillity, the biodiversity value of the area.
- Policy SQ8 Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. Seeks development to comply with Kent parking standards.
- Policy OS1 Seeks to protect existing open space from development that would result in the loss or reduce the value of the provisions.

(v) Tonbridge and Malling Borough Local Plan (1998) Saved Policies:

- Policy P2/3 All development within the Kings Hill Policy Area shall be designed and located so as to respect the setting of the site in the wider landscape, and to reduce to the greatest extent possible the visual intrusion of any such development in that landscape.

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Consultations

21. **Tonbridge and Malling Borough Council** – no objection, subject to a condition requiring that the proposed drop-off area and revised car parking arrangements are fully implemented and reserved for those purposes thereafter.

Kings Hill Parish Council – no objection to the planning application.

Environment Agency – no objection, subject to a condition restricting the discharge of surface water drainage to the ground, unless otherwise approved, to prevent pollution of groundwater in the underlying principle aquifer.

Sport England – objects to the application, on the grounds that insufficient information has been provided by the applicant to allow an informed assessment of whether the proposal would accord with Sport England's playing fields policy, 'A Sporting Future for the Playing Fields of England' (1997). To allow a full assessment, Sport England is requesting a topographical plan showing the levels of the site areas proposed for development. On receipt of this information Sport England will review its position.

Sport England notes that on the basis of its objection, the provisions of the Town and County Planning Direction (2009) would apply. Consequently, the application would need to be referred to the Secretary of State if the County Council is minded to approve the planning application contrary to the above advice.

It is noted that the applicant has provided further information to Sport England in response to initial comments received and that the above request has been made more recently in addition to the information originally requested. The applicant has agreed to provide the requested topographical survey and on drafting this report is completing the necessary work. Once this information has been received copies will be provided for their formal comment.

Highways and Transportation – no objection to the proposal. The Highway Authority is content that attention has been given to the school pick-up and drop-off arrangements and considers that these provisions would ease disruption and assist traffic movement on Discovery Drive during peak times. Highways and Transportation recommends that the continuing provision of the drop off and pick up area within the school grounds be secured by way of a condition on any planning permission.

In response to concerns raised by nearby residents regarding the potential highway impacts of the development the Highways Development Planner comments as follows:

'Congestion outside schools at school times nationally has become a familiar experience and whilst at a glance this may appear chaotic, dangerous and disruptive, the facts often do not reflect perceptions. It can be argued that the most widespread and effective form of traffic calming is traffic itself and it is often the case that injury crashes do not occur outside schools at school times. The County Council's database of Police reported injury crashes shows that there has been no injury crashes outside Discovery School since its existence.

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The peak activities at school times typically last for 20 to 30 minutes at each end of the day and traffic conditions after these times soon revert to normal patterns of flow. Each arrangement is different but parents usually occupy spaces that are most suitably available at their time of arrival, whether that is in a nearby car park or at the most suitable location along a section of road. It is rare that someone would leave a vehicle in a way that causes an obstruction preventing through movement. The reintroduction of the school's own pick up and drop off area as required by the County's car parking standards is a welcome element of this planning application. The patterns of movement will be different between the morning and afternoon school start/stop times but in each case this will be a benefit and easement to the pressures on Discovery Drive from this proposed increase in pupil numbers.

There is no denying that as mentioned earlier there will be some disruption at school times. Essentially it is considered however, that this disruption will amount to some inconvenience over a limited period of time to other users who may be in the area at these times. A key factor here is that this school is not on a strategic or through route. It is within the settlement of Kings Hill which effectively in transport terms is a network of local roads off the A228 serving this community. This is a modern network where there are opportunities or choices for alternative routes and modes to be undertaken and it is natural that these choices will be taken up according to what is most convenient. I am satisfied that whilst there may be some disruption and inconvenience locally, this will be to an acceptable level'.

Local Member

22. The local County Member for Malling Rural East, Mr R. Long was notified of the application on 17 February 2012.

Publicity

23. The application was publicised by the posting of a site notice, and the individual notification of 33 residential properties.

Representations

24. In response to the publicity, 3 letters of representation have been received. The key points raised can be summarised as follows:

- Objects on the grounds that the main school building was not designed to cater for a 3 form-entry Primary School, as such shared facilities like the assembly hall, dining area, IT Room would not be adequate for the additional pupils;
- Suggests that Kings Hill School should be considered for expansion rather than repeatedly expanding The Discovery School on the basis that Kings Hill Primary School is more centrally located to serve the settlement;
- Objects to the congestion that would be caused by additional traffic on the narrow local road network at peak morning and afternoon school times;
- Objects to the visual impact of the buildings and their potential impact on views from neighbouring properties;

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Liberty Property Trust

- Raises concerns that the application documents as submitted are misleading in relation to the car parking provision on site. Notes that the existing car park contains 71 spaces therefore there is no provision for additional parking spaces within the application, purely a re-configuration of the existing arrangements;
- Requests a condition be imposed on any planning permission ensuring that the car park is kept available at all times when the school is occupied, including after school clubs, etc;
- Notes that the application is not accompanied by a Transport Assessment and hence there is no evidence of what impact the additional classrooms and resultant traffic generation would have on the surrounding infrastructure or car parking arrangements;
- Seeks further clarification as to how the drop off / pick up zone would be operated by the School and whether the facilities would be managed by school staff during am and pm peak times;
- Seeks a further revision to the School Travel Plan to fully reflect the current circumstances.

Discussion

25. The application seeks planning permission for the installation of 3 enhanced modular buildings (6 classrooms) to the rear of The Discovery School to enable the site to expand from 2 form-entry to accommodate 3 forms of entry (90 pupils each year). The application is being reported to the Planning Applications Committee as a result of an objection received from Sport England and 3 letters of representation received from residents of Kings Hill and Liberty Property Trust; please see paragraphs (21) and (24) for details of the representations received.
26. In considering this proposal regard must be had to the Development Plan Policies and Government Guidance outlined in paragraph (21) above. 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 Government Guidance and other material planning considerations arising during the consideration of the application.
27. In my opinion, the main determining issues in this particular case can be summarised by the following:
- location and design;
 - highway considerations;
 - the need for the development; and
 - other relevant planning considerations.

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Location and design

28. As previously indicated the proposed application site falls within the curtilage of an existing school site with the use of the proposed buildings incidental to the established educational use. The proposed buildings would enable an increase in the scale of this use. The buildings proposed would be set to the rear of the school grounds on the edge of the school playing field, approximately 15 metres east of the main school building. The school site is surrounded by residential properties to the north, south and west with relatively open boundaries. The modular buildings would be screened from the street-scene by the main school building to the west and from wider views from the east by a wooded area beyond the school grounds. The application site is overlooked by the residential development to the north and south, which in places has been built in close proximity to the school's boundary. The nearest residential properties to the proposed modular buildings are located approximately 26m (elevation to elevation distance) to the north.
29. The proposed development raises material considerations about its siting and design when considered in the context of the character of the local built environment and open space. South East Plan Policies CC1, CC6 and BE5 seek to ensure a sustainable pattern of development ensuring the physical and natural environment is conserved and enhanced. These policies also seek design solutions for new development that respect local character and distinctiveness to create a high quality built environment. Tonbridge and Malling Borough Council: Core Strategy Policies CP1, CP11 and CP24, and Tonbridge and Malling Borough Council: Managing Development and the Environment Development Plan Document Policies CC1, SQ1, OS1 seek new development that results in a high quality sustainable environment, that protects, conserves and, where possible, enhances the character and local distinctiveness, balanced against the need to protect and enhance the natural and built environment and existing open space.
30. Representations received 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 property is not a material consideration; however the design of the building in the context of its surroundings and its layout in relation to neighbouring land uses should be considered.
31. The current application represents a revised scheme re-submitted following objections raised to a similar earlier application. This previous application proposed siting the buildings further to the north-east, closer to residential property with potentially a greater impact on the available playing field. The current proposals revise the location of the buildings increasing the level of separation between the development and residential properties and reducing any impact on playing field land.
32. The elevation to elevation distance of 26m (at the closest point) is considered to be sympathetic to surrounding built development and is greater than the level of separation achieved between buildings in the surrounding housing developments. It is noted that the application site is slightly elevated in relation to the closest properties to the north (by approximately 1m). These properties are set back from the school boundary with residential garage blocks and car parking in the intervening space. The proposed modular buildings are shown as single storey with shallow pitched roofs. The height of the standard building

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proposed would be approximately 3m to the ridge line and 2.5m to the eaves. Taking into account the differences in ground levels, from the north and east the northern most modular building would still appear smaller than the eaves height of the surrounding two storey residential properties. The facing elevation of this building would not include windows or doors directed towards residential properties. Despite the open boundary and ground level differences, taking the above into consideration, I am satisfied that the development as proposed would not have a material impact on residential amenities, including from overlooking, proximity or the size of the development.

33. Whilst the buildings proposed would be of a modular design, the application sets out to deliver an enhanced external finish incorporating a shallow pitched roof with materials to match with those used in the main school building, which itself is of a contemporary design including similar modern materials. This would include the provision of composite cladding in a pale natural wood finish which would serve to mitigate for the visual impact of the development and is considered to be sympathetic to the surrounding built environment. On the basis of the enhanced design, I am satisfied that the development would be acceptable in terms of its visual impact for a temporary period. I also note that the buildings are only being proposed as a temporary solution to allow for a predicted short term increase in demand for primary school places on Kings Hill.
34. The proposed buildings would be sited on the edge of the school's playing field; therefore careful consideration needs to be given as to whether the development would have an unacceptable impact on the open space and the available sports provision. Chapter 8 of NPPF (Promoting healthy communities) seeks to protect existing open space, sports and recreation buildings and land. Government policy advice is that this land should not be built on, unless: it is demonstrated that the land is surplus to requirements; the loss would be replaced by equivalent or better provision; or the development is for alternate sports and recreation provision, the needs for which clearly outweigh the loss. The Tonbridge and Malling Borough Council's Core Strategy Policies CP24, CP26 and Managing Development DPD Policies SQ1 and OS1 (amongst other matters) seek to protect against loss open space, sports facilities or a reduction in the value of the provisions.
35. Sport England is at present maintaining an objection to the application on the basis that there was insufficient information received with the original application to allow it to make a substantive comment on the potential impacts of the development on the playing field. The applicant has provided further supporting information in response to Sport England's initial comments and is currently in the process of preparing a topographical survey in answer to Sport England's latest views. Once available, this information will be made available to Sport England along with other consultees. The application is being reported to Members at this stage, before Sport England have received the requested surveys, since the development is time sensitive; if permitted the additional accommodation is needed on site to provide classroom space for 30 places already offered to parents in September 2012.
36. Sport England assesses all applications that affect playing field against its Planning Policy Statement: 'A Sporting Future for the Playing Fields of England'. This document sets out Sport England's policy to oppose any planning application which will result in the loss of playing field land, unless it is satisfied that the application meets with one of five specific exceptions. The five exceptions can be summarised as follows: excess of provision;

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development ancillary to use of the playing field; land incapable of forming part of a pitch; replacement playing field to be provided; or that the development is for a sports facilities.

37. In my opinion, approximately half of the application site affects land which is incapable of forming a playing pitch due to a change in gradient of approximately 1m towards north-west corner of the playing field. The remainder of the land required to accommodate the proposed buildings forms a 12m wide strip of land that directly adjoins and overlaps with the hard play space on the edge of the playing field. This area does not form part of the existing playing pitches and would not reduce the size of any playing pitch available on site.
38. At present there are two junior sized football pitches marked out on the field to serve the Primary School. Plans submitted by the applicant demonstrate that with the buildings in place the available playing field area could still accommodate three junior football pitches, or the existing running tracks, rounder's and cricket pitches during the summer months. The affected area as a whole is peripheral to the main playing field and would not, in my opinion, compromise the existing quantity or quality of playing pitches available within the school grounds. I note that Tonbridge and Malling Borough Council has not raised an objection to the application.
39. The revised site layout has been designed in an attempt to minimise the impact on playing field by positioning the buildings along the edge of the hard play. This approach also serves to maintain separation between the proposed buildings and the boundary with the residential development to the north. In addition to the above considerations, I am aware that the School are currently in negotiations over the potential use of the new Heath Farm Sports Facilities that are currently being completed to the east of the school to serve the Kings Hill community. If successful the availability of these facilities would supplement the School's existing provision.
40. I am hopeful that with the benefit of the requested topographical survey Sport England will conclude that the application is acceptable. However, Members will note that should Sport England continue to maintain an objection to the application following receipt of the requested topographical survey, under the provisions of the Town and Country Planning (England) Direction 2009, the application would need to be referred to the Secretary of State (via the National Planning Casework Unit) should the County Council be minded to approve the application contrary to Sport England's advice.
41. My recommendation to Members at this stage is that the development as proposed would be acceptable in the context of the Development Plan Policies in place, in terms of its siting, layout, design and its impact on open space / playing field.

Highway considerations

42. On the basis that the application proposes to allow the expansion of the school to a 3FE, careful consideration needs to be given to the potential highway implications from any increase in use of the site and any associated increase in vehicle movements. The school at present accommodates approximately 453 pupils; the intake has increased annually with the growth of the Kings Hill community. The proposed development would allow for the continued expansion of the school roll up to 630 pupils; this potentially represents a

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significant increase in the scale of the use of the site over the permitted provisions. In reality the school has had a 3 FE (90 pupil) intake for the last 2 years, accommodating the additional classes in all available teaching space, including the IT room

43. Members will note that concern has been raised by local residents about the traffic levels generated by the school during peak times as result of the existing use. The concerns follow that an increase in pupil and staff numbers would further exacerbate this problem, with vehicles travelling to site causing congestion and highway safety issues on the local road network.
44. Following pre-application discussions with officers, the applicant has sought to enable appropriate provisions to be made (within the school grounds) for the setting down and picking up of children in a safe environment and in a manner that does not unduly interfere with the operation and use of the public highway. The access and car park originally provided at the school was designed to include a drop off facility; however at present the School does not utilise this as a result of concerns about pedestrian safety on site. The application makes provisions to amend the car parking and access arrangements (through the inclusion of additional fencing) to allow for a clear separation between the internal access roads and pedestrian routes into the site. These changes would help to address the previous health and safety concerns.
45. The Kent Vehicle Parking Standards covering primary schools suggests a maximum provision of 1 space per member of staff plus 10%; this equates to a maximum of 70 spaces for the combined total of 64 full time equivalents members of staff proposed as a result of the development. The application proposes to enable the use of all existing car parking provisions on site, which would allow for 68 spaces plus 3 disabled parking bays and space for 5 motorcycles. The site is therefore considered to be well provided for in terms of on site vehicle parking for a primary school, and would already achieve the maximum provisions considered appropriate, even taking into consideration the proposed expansion of the school to 3 form-entry.
46. Kent Highways and Transportation raises no objection to the application, subject to the provision and continued maintenance of the vehicle drop off and pick up facilities on the school site. The Transportation Planner acknowledges that there is and inevitably would be some disruption to the highway network at peak school travel times. However he does not consider that this would exceed the capacity of the surrounding highway network or result in deterioration in highway safety. In his opinion the provision of a pick up and drop off within the school site would ease congestion on Discovery Drive that would potentially result from the increased use of the site. Kent Highways highlight that the school is not on a strategic or through route and that the modern road network on Kings Hill allows for a choice of alternative routes.
47. The application is accompanied by a School Travel Plan which has been updated and reviewed a number of times over recent years. The plan sets out overall aims and objectives: to promote greater safety for pedestrians and encourage children to walk to school where possible; to reduce the number of car journeys to school; to reduce conflict between vehicles and pedestrians close to the school; and to promote a good relationship with the local community. The County Council's Transport Planner for Schools has

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reviewed the latest version of the Travel Plan (re-drafted in March 2012 in support of the current application) providing constructive comments that the School are taking forward. The Chair of Governors has given reassurances that the School has made, and will continue to make, every effort to reduce traffic congestion by means of the Travel Plan, including regular reviews of the document.

48. Given the clear views expressed by Kent Highways in paragraph (21) above, subject to the on going provision of the pupil drop off and pick up facilities, on balance, I consider that the provision of additional school places to serve the needs of the Kings Hill Community outweighs the potential impacts of any increase in traffic associated with the expansion of the use. Clearly the impacts only affected a limited period of the day during school term times and result from a local need for school places. To provide the required facilities within another school potential off the Kings Hill development would result in further traffic travelling longer distances; this would be considered to be an unsustainable solution. Alongside the provision of the drop off facilities, the School's on going commitment to the School Travel Plan process represents the best way to help to ease the highway impacts of the use.

Need for the development

49. Chapter 8 of NPPF (Promoting healthy communities) attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of communities. South East Plan Policies BE5 and S3, and TMBC Core Strategy Policy CP26, seek to ensure adequate provision of school and community learning facilities to meet existing and future community needs.
50. The applicant's case of need confirms that, historically, the Kings Hill housing development has seen a proportionately high rate of families moving in with pre-school aged children, or residents starting families once they arrive. That has seen demand for local primary school places far exceed the County average. 176 applications have been received so far for primary school places in Kings Hill starting September 2012. The high demand has outstripped the available facilities originally predicted to be needed to meet the needs of the Kings Hill community. The developer contributions secured from the permitted housing has now all been fully discharged through the delivery of the existing Kings Hill Primary and The Discovery School. The combined permitted intake for the two schools is 120 pupils (4 FE), albeit that over the last 2 years The Discovery School intake has risen from 60 pupils to 90 pupils, an additional class of 30 pupils. These two extra classes are currently accommodated internally within the main building within spaces not originally dedicated to classroom space that have subsequently been converted, including the IT room. The Education Authority has confirmed that in order to accommodate the existing pupils with the 2012 intake two new classrooms would be required by September. The Authority has indicated that the high demand for places shows no immediate sign of abating and is unlikely to do so until the existing phases of housing development are completed and occupied. The six classrooms applied for would enable the school to admit an additional class each year over the next five years up to an additional 180 pupils over the existing school role. One of the proposed classrooms would accommodate an existing additional class currently housed temporarily in other accommodation within the main school building.

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51. The Educational Authority has confirmed on the basis that there has been no new housing developments permitted on Kings Hill that there are no developer contributions to finance a third primary school at this time. The Education Authority does not have a site available, nor is there the capital available to buy a site or build a new school at present. A Free School application was made to the Department for Education; however this failed to get past the first stage.
52. In my opinion the circumstances above establish a clear case of need for school places to serve the local community; if they are not provided within Kings Hill then they would need to be provided on an alternative school site. Given that the pressures for places are being generated from children living within Kings Hill, providing places away from the settlement would be considered to be unsustainable. Even with the additional classrooms proposed by this application there is still likely to be a shortfall in places available. I am satisfied that the provision of 'temporary' classrooms represents the best option to cope with the forecast peak in demand for primary school places over the coming 5 years. On this basis, it is my opinion that there is a demonstrated need for the development which is supported by the above development plan policies.

Other relevant planning considerations

53. The application site overlies a principle aquifer, which means groundwater would be at risk from activities on site. Subject to appropriate precautionary measures and there being no surface water drainage into the ground other than as permitted, the Environment Agency raises no objection to the proposals.
54. The land affected by the development includes a small number of juvenile trees and shrub planting that will have been planted as part of the original landscaping of the school grounds. On the basis that this planting has yet to mature its loss would have no great impact on visual amenities. The plants are of a size that could be transplanted or replaced elsewhere on the site.
55. An objection received from a nearby resident raises concern that the shared facilities within the main school building, like the assembly hall, dining area, IT Room, would not be adequate for the additional pupils that would attend the site if the application were to be permitted. Whilst this clearly is a practical consideration, I do not consider it to be a material consideration from a land use planning perspective or grounds to consider refusing the application; it is more a site management issue for the Education Authority and the School's Governing Body to reassure themselves on.
56. One representation received from a neighbouring resident questioned why consideration was not given to expansion of Kings Hill Primary School in place of further development at the Discovery School, especially on the basis of Kings Hill Primary's more central location within the settlement. The supporting documents received with the application confirm that the Education Authority took the decision to enlarge The Discovery School over Kings Hill Primary on the basis that the terrain of Kings Hill meant that the modular units could not be accommodated together and would have had to be placed at a considerable distance from the main school building creating health and safety concerns. Moreover, with the ongoing expansion of development eastwards at Kings Hill, it is no longer the case that the Kings Hill

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Primary School is more central to the development. In my opinion, in this instance, only in the event that it is considered that there are overriding material considerations sufficient to justify refusing the current application, would it warrant an assessment of alternative locations to this site.

Conclusion

57. In conclusion, I consider that the modular buildings proposed would not have a detrimental impact on the character and/or appearance of the surrounding built environment or landscape for a temporary period. I am satisfied that the layout of the development would not compromise the existing quantity or quality of playing pitches available within the school playing field. In my opinion the applicant has been able to demonstrate a case of need for the buildings to be temporarily provided on site in order to support the local demand for primary school places. The provision of the accommodation within Kings Hill represents the most sustainable pattern of development in that it would locate the provision within the community it is proposed to serve.
58. Whilst the application would inevitably result in an increase in disruption on the public highway as a result of the increased use of the site, on balance, I consider that the benefits of providing sufficient school places to meet the needs of the local communities outweighs the limited disruption to the highway network that would result from the expanded school. It is noted that Kent Highways and Transportation raises no objection to the application, subject to the provision and maintenance of drop off facilities within the school grounds. The site is well provided for in terms of on site vehicle parking (equivalent to the maximum standards for a 3FE Primary School), the provision of drop off and pick up facilities within the site would serve to ease pressure on Discovery Drive during peak times, and the School's continuing commitment to the Travel Plan process would seek to address travel issues moving forward.
59. Taking into account the provisions of the Development Plan and material considerations raised during the processing of this application, I recommend that planning permission for the modular buildings be granted for a temporary period of 5 years at which point the situation could be reviewed in light of local demand for school places.
60. Given Sport England's current objection to the potential impact on the playing field, should Members be minded to support my recommendation and seek to permit this proposal, the County Planning Authority is required to refer the application to the Secretary of State for Communities and Local Government at the National Planning Casework Unit. The Town and Country Planning (Consultation) (England) Direction 2009, requires that the Authority may only proceed to determine an application once the Secretary of State has had an opportunity to consider whether or not to call in the application for his own determination.

Recommendation

61. I RECOMMEND that subject to Sport England's final views the application BE REFERRED to the Secretary of State for Communities and Local Government, and SUBJECT TO his decision, PLANNING PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

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- temporary consent for a period of 5 years from date of permission;
- removal of classroom units at expiration of 5 year period and the subsequent restoration of the site thereafter;
- the development be carried out in accordance with the permitted details;
- the drop off and pick facilities to be provided and kept available for use by parents at the beginning and end of the school day, as well as for after school clubs and other activities outside of the main school day.

I FURTHER RECOMMEND THAT AN INFORMATIVE be added to the decision notice highlighting the importance of continued commitment to the School Travel Plan process in seeking to reduce congestion and increase highway safety around the school.

Case Officer: James Bickle

Tel. no: 01622 221068

Background Documents: see section heading

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Item D2**Proposed gate and drop kerb access from Raymer Road, Sandling Primary School, Maidstone MA/12/0385**

A report by Head of Planning Applications Group to Planning Applications Committee on 8th May 2012.

Application by Kent County Council Education, Learning and Skills for a proposed gate and drop kerb access from Raymer Road for mower and landscape maintenance to the rear of the main school building at Sandling Primary School, Ashburnham Road, Penenden Heath Maidstone (MA/12/0385).

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mr I Chittenden

Classification: Unrestricted

Site

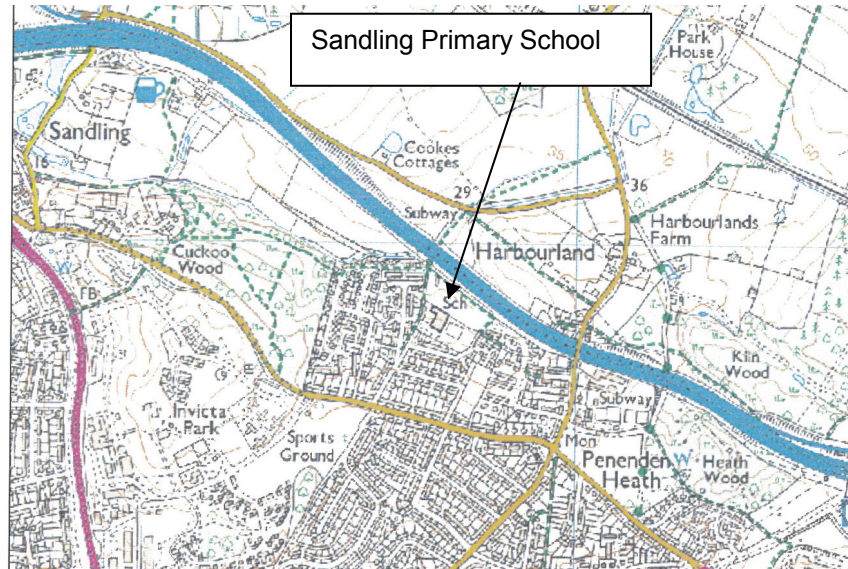
1. Sandling Primary School is located within the Maidstone Urban Area, between Sandling and Penenden Heath and north of Maidstone. A map showing the location of the site in relation to its surroundings is included below.
2. Access to the school site is at the end of Ashburnham Road. However, properties in Downs View Road and Raymer Road back onto the school grounds and in particular the school playing fields to which the school seek a new access point. Raymer Road is a cul-de-sac.

Proposal

3. This minor development proposal is for the installation of a new access gates and dropped kerb to the Sandling Primary School field, off Raymer Road. The proposal is for mower and landscape maintenance use only.
4. The proposal would involve the removal of the existing 3 metre width section of green palisade fence and replacement with double swing gates matching the existing fence in height, type and colour. The proposed gates would open onto the school field. A section of existing kerb and pavement is proposed to be removed and replaced with drop kerbs and tarmac to form the kerb line.
5. The proposal would be used only for access to the school field for maintenance of the grounds. The applicant proposes that it would be used infrequently, typically once a week in the growing season. The applicant states that it would not be used as an additional vehicle access to the school site, other than for field maintenance and for the emergency services.
6. Details of the proposal are shown below.

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

Location Plans



Produced using KentView by initials on Thursday, 12 April 2012 at 13:34

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1:14121



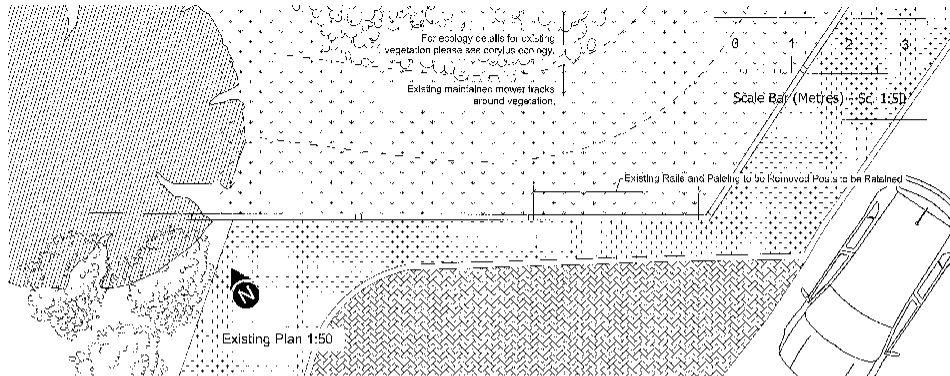
Drawing showing location of application area in relation to Raymer Road and Sandling Primary School



Item D2

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

Proposal details



Notes:

To: Client

Scale: As shown unless otherwise stated.

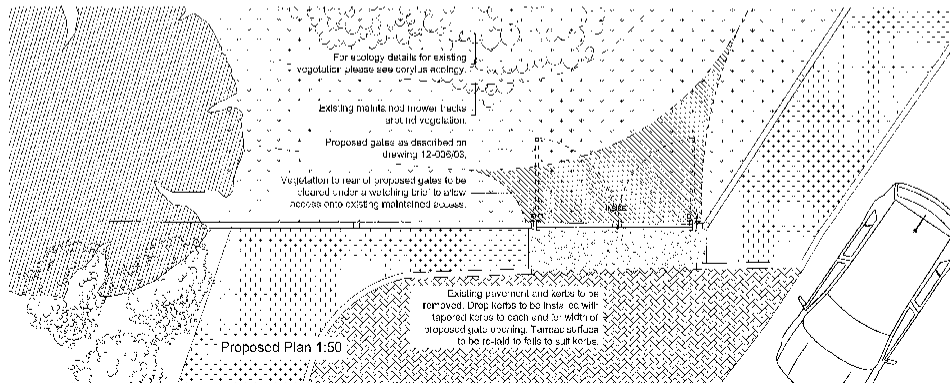
Worked drawings to be submitted to the relevant authority for approval.

Approved drawings are not to be used for any other project without the written consent of Diocesan Architects.

Diocesan Architects is not responsible for any errors or omissions in this drawing.

This drawing is the property of Diocesan Architects and shall remain their property.

By: Paul Deane



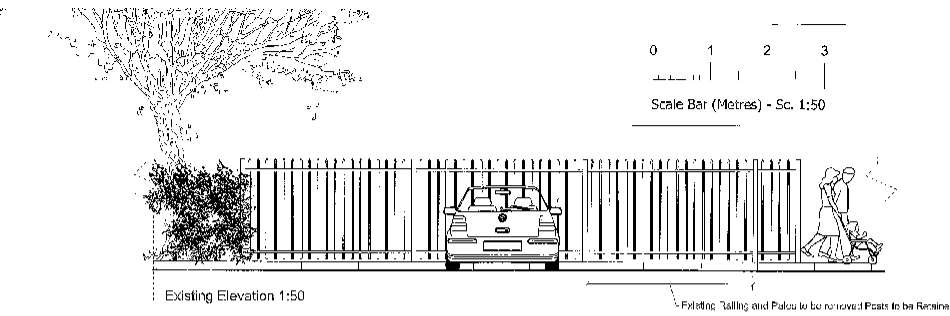
Diocesan Architects

11 St. John's Church
Sandling, Kent
TN11 3JL

Project Title
12-006
Sandling Church of England
Primary School
Proposed Mower Access

Scale
1:50 @ A3
Date
12-006/05

Notes
PLANNING
12-006/05



Notes:

To: Client

Scale: As shown unless otherwise stated.

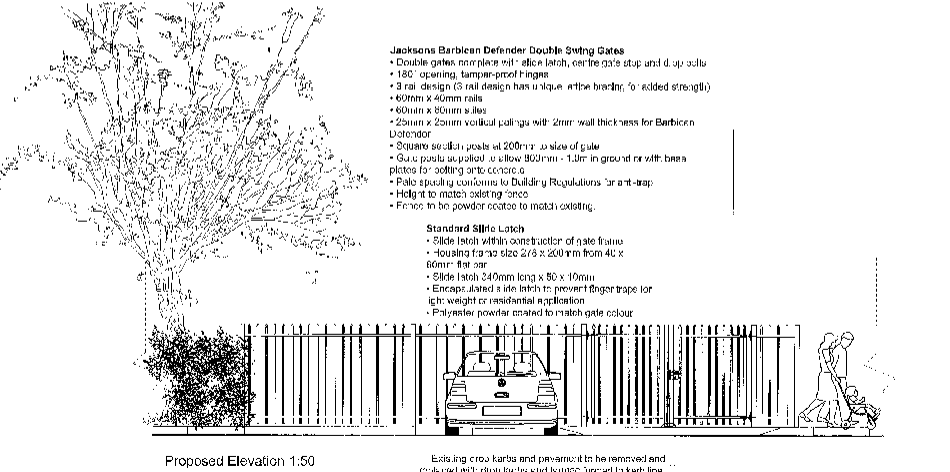
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Diocesan Architects

11 St. John's Church
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Item D2

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

View looking towards the location of proposed access gates in the existing fence line.



Background

7. A number of other planning applications have recently been granted in relation to the school site. Most recently MA/12/0386 for the construction of a new staffroom area and a new tension fabric canopy to the front of the existing school building and MA/11/2036 which was for the construction of a single classroom extension with wet room, cloak and storage facility to the west of the existing school buildings. Construction has not yet commenced.
8. To the west of the proposed single classroom extension and the main school buildings, permission has also been granted for the retention of the three mobile classrooms. Permission references MA/09/1172 allows retention of one of the mobile classroom units until 31st August 2014 and MA/09/190 allows retention of two mobile units, until 31st March 2014.
9. The current perimeter fencing at the site was the subject of planning permission reference MA/08/99.

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

Planning Policy

10. The application needs to be considered in the context of the development plan, planning policy, and other material planning considerations.
11. National policy guidance relevant to consideration of this application is contained in the National Planning Policy Framework (NPPF) which presumes in favour of sustainable development ie development which seeks to ensure that development meets the needs of the present without compromising the ability of future generations to meet their own needs. In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance on sustainable transport, good design and promoting healthy communities is particularly relevant.
12. In terms of requiring good design, the NPPF guidance seeks to ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development and to create attractive and comfortable places to live, work and visit and creating safe and accessible environments. In terms of promoting healthy communities, NPPF guidance seeks to achieve active street frontages which bring together those that work, live and play in the vicinity; safe and accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or community cohesion and safe and accessible developments containing clear and legible pedestrian routes, high quality public space which encourages the active and continual use of public areas. In terms of meeting the need for sufficient school places for communities, NPPF guidance to Local Planning Authorities is to give great weight to the need to expand and alter schools. In terms of sustainable transport the NPPF seeks to ensure decisions which take account of safe and suitable access to sites and that create safe and secure layouts which minimise conflict between traffic and pedestrians.
13. For decision-taking the NPPF defines the presumption in favour of sustainable development as meaning approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise and where the development plan is absent, silent or relevant policies out of date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policy guidance in the NPPF or specific guidance (eg land designations or heritage) in the NPPF indicate that development should be restricted.
14. Regional policy is contained within the South East Plan 2010. This policy document is due to be revoked as set out in the Localism Act 2011 but remains in place until it is deleted by secondary legislation. The relevant policies to this application are:

Policy CC1	Seeks to achieve sustainable development.
Policy CC4	Seeks to achieve sustainable design and construction.
Policy CC6	Seeks to promote sustainable communities and character of the environment.
Policy BE1	Relates to the built environment.
Policy S1	Concerns supporting healthy communities via the planning system
Policy S3	Concerns adequate provision of education facilities.

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

15. Local Development Plan policies are contained in the Maidstone Borough-Wide Local Plan (2000) (Saved Policies) and the Maidstone Local Development Framework: Core Strategy (2011). The policies summarised below are relevant to consideration of the application.

Local Plan Saved Policies

Policy ENV6 This policy relates to appropriate boundary treatment in development schemes.

Policy T23 Seeks to ensure that development proposals are adequately serviced by the transport network.

Core Strategy Policies

Policy CS3 Seeks to create a good place to work and live.

Policy CS6 Seeks to achieve sustainable design and development with development that responds to the local context in a positive, forward looking manner and which maintains local distinctiveness while remaining appropriate for purpose.

Consultations

16. Maidstone Borough Council raises no objections to the proposal.

Public Rights of Way raises no objections to the proposal.

Kent County Council Highways and Transportation raises no objections to the proposal, subject to conditions requiring that the access be used for maintenance purposes only and advises that a licence would need to be obtained for any vehicular crossing or any other works within the highway.

Local Member(s)

17. The local County Member Mr Ian Chittenden was notified of the application on the 16th March 2012.

Publicity

18. The application has been advertised by the posting of site notices at two locations and by the individual notification of a number of neighbouring properties.

Representations

19. Twenty neighbour representations, have been received regarding the proposal with concerns about:

- retention of the use of the layby/turnaround area where the entrance is proposed, and removal of the parking amenity as a result of the proposal for several cars.
- that parents picking up and dropping off at school would as a result of the proposal have to park further down Raymer Road causing more access and congestion issues (for local residents and school users) at morning and

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

evening peak times. One of the concerns is that Raymer Road is a cul-de-sac where there are no pathways or kerbs and that this would cause safety issues to children that play in that area.

- that the proposed access is on a bend and on a turning circle that would impinge on anyone wanting to turn and on the people living in the cul-de-sac as parents would use the cul-de-sac as a turning point.
- disadvantage to residents and visitors to neighbouring property as there might be loss of parking space and congestion. That parking would be restricted for 365 days of the year when the proposed access would be used only about 8 times a year.
- that the proposal would lead onto a general through access via the proposal to the school itself.
- that the turning circle be kept clear and that mower/grounds equipment are not parked there.
- there may be mud on the road and wear and tear to the road.
- congestion caused as a result of the proposal would impede access for emergency services.
- that the proposed access is unnecessary and not needed as there is no current nor historic difficulty in accessing the site either to the west of the school buildings or via the school car park and large vehicles can already easily reach the field. That grounds maintenance activities could be carried out outside of the school hours or in holidays so as to prevent the health and safety issues which are given as the main reason for the application, i.e. machinery and children and congestion on site. That the expenditure is unnecessary and unjustified and would result in disadvantage to residents of Raymer Road with no sound reason.
- a concern for security and that the proposal would result in easier rear access to neighbouring property - that the proposed padlocked gate could be opened easily and that the proposal would make the boundary less secure.
- a general concern is that once access to the school field is allowed there is a perception that this would open the gates for development on and around the playing fields. That there might be further applications for additional development on the playing fields.
- a concern for security for the children should the proposed gates be left open.
- a query in relation to whether a grit/salt bin would be placed at the top of the hill for use during periods of snow and ice so that access to the school grounds may be safely maintained so that no school vehicle may make the road unusable for local residents around the entrance area.

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

20. The applicant has responded to these concerns and clarified aspects of the proposal relating to these representations. This is discussed below. In addition, the Borough Councillor for the Maidstone North Ward has made representations with regard to the proposal. In particular the location of the proposal in relation to that part of the highway used by residents and other road users as a turning circle and as additional parking space; that Raymer Road has limited visitor parking and restricted vehicular movement space and accordingly has requested refusal of the planning application because of detriment to and loss of amenity enjoyed by the local residents.

Discussion

21. This application is being reported to the Planning Applications Committee because of the neighbour representations received which are summarised above. The main concerns relate to the need for a new access to the field; the impact of the proposal on the public highway and on residential amenity.
22. Decisions on planning proposals are required to be in accordance with the Development Plan unless material considerations indicate otherwise. The planning system is designed to regulate the development and use of land in the public interest. The development plan together with planning policy guidance (contained in the NPPF) and other material planning considerations provides the framework for making decisions.
23. The relevant development plan policies are set out above and require proposals to be acceptable in terms of the site, context, design and impacts.
24. In my opinion, the main determining issues for this application relate to the potential for impacts on the highway network and the impacts in terms of healthy communities, visual and residential amenity.

Need considerations

25. There is already an access to the school field for maintenance purposes via the main school playground and staff car park which is off the main school access from Ashburnham Road. This proposal would create a separate access to the school field off Raymer Road. Neighbour representations query whether the proposal is necessary and needed given the existing access and given that the current arrangements are perceived to work well. The applicants state that the existing access causes operational issues and that the proposal would avoid the need for a maintenance team to cross the school playground during the school day. In response to the neighbour representations the applicants also state that the access is required as the new classroom development (planning permission reference MA/11/2036 dated 12th January 2012) would block the current maintenance access route to the field.
26. The new classroom development has not yet been constructed. However, it would be located west of the main school building and to the east of the three mobile classrooms. Based on this information, I am satisfied that there is a need for an alternative access to allow maintenance of the school field should the planning permission MA/11/2036 be implemented.

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

Impacts on the highway network

27. The proposal would require an access gate off Raymer Road and would result in only infrequent use by grounds maintenance vehicles via the proposed access gates off Raymer Road, rather than via the main school access in Ashburnham Road. The applicant has stated that this would only be weekly during the growing season and also for the emergency services should it ever be required.
28. Neighbour representations indicate that there is already congestion and tension arising at the school drop off and pick up times and a perception that this will be made worse as a result of this proposal. However, the proposal does not involve any increase to the existing vehicle movements to or from the school site as there is no change in the school roll. There is already a School Travel Plan in place, which has recently been reviewed. Nor would the proposed gate be used by school parents, so it has no bearing on the current traffic situation referred to.
29. Neighbour representations also indicate that there is concern that the proposal would impact on the use of the highway area adjacent to the proposed gates. It is apparent from the neighbour representations received that the area is used for parking as well as turning; although the Development Planning Manager (Highways and Transportation) advises that the section of road in front of the proposed gates and drop kerb is publicly maintainable highway and is not designated as a parking area or a turning area. The proposal would not therefore impact on any designated parking or designated turning areas.
30. Neighbour representations indicate that there is concern that the proposal would either lead to a loss of parking space or a loss of turning space or both and it is perceived that this would have a consequent effect on the parking and congestion in Raymer Road, which is a cul-de-sac, at school drop off and pick up times. There are concerns too that the proposal would reduce the available parking for parents of the children at the school as well as for neighbouring residents and their visitors and also about the location of the proposal near to a bend.
31. The proposed access gate is 3m wide, and at most it would displace parking for one car in an area apparently used for either turning or parking or both, on the public highway on an infrequent basis.
32. The Development Planning Manager (Highways and Transportation) has no objections to the proposal subject to the proposed access being used only for field maintenance purposes. He does not consider that it would affect the parking or turning on Raymer Road and has taken into consideration the location of the proposal. The introduction of a drop kerb would also require a separate permission from the Highway Authority.
33. NPPF guidance on sustainable transport seeks to ensure decisions take account of safe and suitable access to sites and the creation of safe and secure layouts which minimise conflict between traffic and pedestrians. Local Development Plan Policy T23 requires consideration of the impact of development proposals on the function of the highway. In considering the impact of this development proposal on the highway and given the technical advice from the Development Planning Manager (Highways

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

and Transportation) and the scale of the proposal in this location, I am satisfied that the proposal is in accordance with Development Plan policy and that neighbour representations regarding the impact of the proposal on parking and turning in Raymer Road are not sufficient to justify refusal of the proposal in the balance of material planning considerations in relation to the highway impacts of the proposal.

34. I am also satisfied that neighbour concerns about mud on the road can be adequately controlled by planning conditions.

Impacts in terms of good design, healthy communities, visual and residential amenity

35. National Planning policy guidance seeks to ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development and to create attractive and comfortable places to live, work and visit; creating safe and accessible environments. In terms of promoting healthy communities, planning policy guidance also seeks to achieve active street frontages which bring together those that work, live and play in the vicinity; safe and accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or community cohesion and safe and accessible developments containing clear and legible pedestrian routes, high quality public space which encourages the active and continual use of public areas. Local Development Plan Policies ENV6, CS3 and CS6 also seek similar objectives.
36. The location of the access on the highway has been considered above in terms of the highway impacts. The design and security aspects of the proposal and the impacts on the amenity currently enjoyed by residents also need to be considered.
37. The proposed gates would match the existing fence design in terms of colour and type, the design and amenity impacts of which have already been considered and established as acceptable in relation to the application MA/08/99. Given that the proposal would match the existing fence line, I do not consider there to be detrimental visual amenity impacts from the proposal.
38. The applicants state that the proposal is needed to improve safety and to segregate grounds maintenance from the movement of children within the school site. However, the proposal would require that the grounds maintenance vehicles access the school site from Raymer Road and neighbours have raised concerns regarding the security aspects of this.
39. Security at the school site has been improved in recent years by changes to fencing allowed by MA/08/99. Whilst the proposal would create a new access point the gates would be locked when not in use in order to provide a secure boundary for the primary school. In my opinion neighbour concerns about the impact of the proposal on residential security and the fear and possibility of crime need to be considered and balanced against the context of the scale, location and purpose of the development, and whether these concerns would be sufficient to be a material planning consideration which would justify withholding permission. In response to neighbour representations the applicants state that the gates would be locked at all times and only opened to allow access.
40. Neighbours representations show concern regarding the potential for loss of residential and visitor parking and turning space and additional congestion in Raymer

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

Road and that this would have a detrimental impact on residential amenity. These impacts have been considered above in relation to the highway impacts and given the infrequent usage proposed and the nature of the use together with the technical advice on the impact of the proposal on the public highway, I do not consider there to be significant detriment or loss of amenity as a result of the proposal sufficient to justify refusal of the proposal. It does not result in the loss of any designated parking areas or designated turning areas, and the width of highway affected is minimal. In response to the neighbour representations, the applicants state that there would be no scheduled use of the gate during the peak drop off and pick up times and I am satisfied that this can be controlled by planning condition.

41. Access to the school field for grounds maintenance purposes is an ongoing requirement. The applicant states that this proposal is necessary as the newly permitted classroom extension (MA/11/2036) would block the current access to the field. In terms of meeting the need for sufficient school places for communities, NPPF policy guidance to Local Planning Authorities is to give great weight to the need to expand and alter schools.
42. I am satisfied that the proposal accords with Development Plan Policies and National Planning policy guidance in relation to design, promoting healthy communities and protecting visual and residential amenity, and that there are no material planning considerations in relation to these matters which indicate that the proposal should be refused.

Other issues

43. Provision of a salt bin has been suggested to ensure that access to the school grounds can be safely maintained in periods of ice and snow and that school vehicles do not make the roads unusable for local residents around the entrance area. The proposal is for use of the access gates during the growing season only, when winter maintenance will not be an issue. The applicant does not therefore propose to place a salt bin in the area and I do not regard this as a material planning consideration in this case.
44. Concerns that the proposal might lead to further development of the school playing field are in my view also not a material planning consideration in relation to this proposal. However, notwithstanding this, the applicant has confirmed that no development is intended on the school playing field. Neighbours concerns about other development proposals would need to be addressed via the planning process at the appropriate time should any such proposal(s) materialise and any future planning applications should they arise would need to be considered on their own merits. Members will also be aware that playing fields also enjoy additional policy protection generally presuming against their permanent loss or redevelopment. In the same way, concerns that the proposal might open up a new general access for the school would need to be addressed at the appropriate time should any such development proposals come forward. To my knowledge none are currently proposed.

Conclusion

45. Having considered the scale of the proposal, its context and purpose, the proposed design and the likely impacts, together with the neighbour notifications received and

Proposed gate and drop kerb access for mower and landscape maintenance off Raymer Road to Sandling Primary School field.

responses from the statutory consultees, I conclude that the proposal is in accordance with the development plan and that there are no material considerations that indicate that the decision should be other than to grant permission.

Recommendation

46. I RECOMMEND that the application BE PERMITTED, SUBJECT TO conditions covering the following aspects:

- the standard time condition that the development be commenced within 5 years;
- that the access only be used for grounds maintenance and that there be no other general access to the school via the proposal.
- the development be carried out in accordance with the submitted details and plans;
- precautions on site to guard against transfer of mud and similar substances onto the public highway;
- that there would be no scheduled use of the proposed gate during the morning peak drop off time between 8.20 am and 8.45am and the afternoon peak time between 3.10pm and 3.40pm.

Case officer – H Mallett	01622 221075
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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.

GR/10/1127/R5, 8, 9, 15, 16, 22, 24, 25 & 26, 27, 29 and 30

Submission of details pursuant to conditions 5 (variation to permitted details, 8 (approval of various details), 9 (community relations strategy), 15 (green travel plan, 16 (HGV management plan), 22 (footpath diversion scheme), 24 (water management plan), 25 & 26 (contamination risk assessment & remediation strategy), 27 (archaeological work), 29 (ecological management plan) and 30 (lighting scheme) of planning permission GR/10/1127 at Northfleet Temporary Tunnelling Logistics Facility, Northfleet Works, The Shore, Northfleet, Gravesend

SE/08/675/R31 Request for approval to undertake soil stripping operations outside the period 1 May to 30 September pursuant to condition 31 of planning permission SE/08/675.
Sevenoaks Quarry, Bat and Ball Road, Sevenoaks

TW/12/37 Establishment of a temporary construction compound containing welfare cabins and storage areas to support development at Hawkhurst North Wastewater Treatment Works (TW/12/371).
Lot K985743, Heartenoak Road, Hawkhurst, Cranbrook

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.

DO/12/184	Retention of a 2-bay mobile classroom Langdon Primary School, The Street, East Langdon, Dover
GR/08/138/R8	Details of a scheme to deal with the risks associated with contamination pursuant to condition (8) of planning permission GR/08/138 for replacement secondary school. Northfleet Technology College, Colyer Road, Northfleet, Gravesend
MA/12/240	Section 73 application to vary the wording of condition 19 (junction improvement at Church Road/Tovil Road) and condition 20 (conversion of existing zebra crossing to puffin crossing) from 'prior to the occupation of the development' to 'within six months of occupation.' Archbishop Courtenay C of E (Aided) Primary School, Eccleston Road, Maidstone
MA/12/386	Construction of a new staffroom area and new tension fabric canopy to the front of the existing building. Sandling Primary School, Ashburnham Road, Penenden Heath, Maidstone
SE/11/196	Demolition of existing kitchen, store and temporary library unit and to construct a new detached hall comprising multi-purpose hall and kitchen plus boys and girls changing rooms. St. John's C of E Primary School, Bayham Road, Sevenoaks
SE/11/1530/R6	Details of hard and soft landscaping scheme, pursuant to condition (6) of planning permission SE/11/1530. St. Katherine's Knockholt Primary School, Main Road, Knockholt, Sevenoaks
SH/09/822/R33A	Variation to the details approved under consent reference SH/09/822/RVAR, dated 14 July 2010, with regard to condition 33 – Construction Management Strategy. The variation relates to phase two temporary parking provision. Marsh Academy, Station Road, New Romney
SH/11/376/R3, R4 R6	Details pursuant to condition 3 (surface treatment); condition 4 (boundary treatment) and condition 6 (landscaping) – formation of new school playground for St Eanswythe's CE Primary School. Land at Henwood, The Bayle, Folkestone

SH/11/399/R3, 4, 5 & 8	Details of external materials, external lighting, landscaping and fencing, gates and means of enclosure Marsh Academy (Inclusion centre), Station Road, New Romney
SW/05/1392/R9	Details pursuant to condition (9) – Drainage of planning permission SW/05/1392. Countrystyle Recycling Ltd, Ridham Dock, Iwade, Sittingbourne
SW/11/1585	Replacement and modification of boundary fencing including gates and sections that are sited next to a public highway and neighbouring properties. All new fencing will follow the lines of the current fencing and will not require the removal of any trees Milton Court Primary School, Brewery Road, Milton Regis, Sittingbourne
TM/11/2523/R5, 8 & 11	Details of external lighting, a scheme of landscaping and fences, gates and other means of enclosure. Coldharbour Lane Gypsy and Traveller Site, Coldharbour Lane, Aylesford

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

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/AS/0112/2012 – Construction of a care suite and respite room extension, widening of main entrance door, raising level of existing paving to give level access, renewal of ramped access to modular classroom building and siting of new timber shed.
Brook Community Primary School, Spelders Hill, Brook, Ashford
- KCC/AS/0116/2012 - Upgrade of wastewater treatment works with new Humus Tanks and MCC Kiosk
Wye Wastewater Treatment Works, Bridge Street, Wye, Ashford
- KCC/CA/0096/2012 – Infilling of open lagoons formerly used ofr the disposal of tannery wastes.
Oldridge Wood Lagoons, Swanton Lane, Off Canterbury Road, Littlebourne, Canterbury

KCC/SW/0089/2012 – Section 73 application to continue development without complying with conditions 3 (site layout), 21 (external wood shredding/storage) and 24 (operations under cover of MRF building) of planning permission SW/10/1436. Countrystyle Recycling Ltd, Ridham Dock, Iwade, Sittingbourne

KCC/SW/0098/2012 – Retrospective construction and use of a 40m long, 6m wide concrete pad and ancillary gates and fence, for use by vehicles collecting recycled powdered gypsum from the Materials Recycling Facility. Countrystyle Recycling Ltd, Ridham Dock, Iwade, Sittingbourne

KCC/TM/0115/2012 – Provision of new library and I.C.T. suite in school courtyard. St George's CE Primary School, Old London Road, Wrotham

KCC/TW/0142/2012 – Construction of two walk-in kiosks, five sand filters and other minor structures to support upgrades
Pembury Wastewater Treatment Works, Maidstone Road, Pembury

- (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.*

KCC/SCO/TM/0087/2012 – Request for a scoping opinion in respect of a proposed extension to Wrotham Quarry, North of Addington Lane, Addington, West Malling.