

PLANNING APPLICATIONS COMMITTEE

Tuesday, 12th June, 2012

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 12th June, 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, 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 P A V Stockell,
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 - 8 May 2012 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application KCC/TM/0094/2012 - Renewal of Permission TM/08/2654 (Change of use of land to use as a skip hire waste transfer and recycling station along with the construction of a weighbridge, diesel and oil storage tanks, portacabin offices and industrial building) at Any Waste Solutions Ltd. The Brook, Sortmill Road, Snodland; Any Waste Solutions Ltd (Pages 7 - 16)
2. Application CA/12/222 (KCC/CA/0492/2011) - Section 73 application to vary conditions 2 (approved plans) and 21 (landscaping) of Permission CA/09/1903 for the alteration and extension of the existing Household Waste Recycling Centre at Studd Hill HWRC, Westbrook Lane, Herne Bay; KCC Waste Management (Pages 17 - 32)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal MA/12/488 (KCC/MA/0044/2012) - Modular building to provide two classrooms and extension to playground at St Francis Catholic School. Queens Road, Maidstone; KCC Property and Infrastructure Support (Pages 33 - 48)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 49 - 54)
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

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

Peter Sass
Head of Democratic Services
(01622) 694002

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

Thursday, 31 May 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, 8 May 2012.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr J F London, Mr R F Manning, Mr R J Parry, 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). Mr R Woolley from Jacobs was also in attendance.

UNRESTRICTED ITEMS

29. Minutes - 10 April 2012

(Item A3)

RESOLVED that the Minutes of the meeting held on 10 April 2012 are correctly recorded and that they be signed by the Chairman.

30. Site Meetings and Other Meetings

(Item A4)

(1) The Committee agreed to visit the site the proposed aggregates recycling facility at Ham Hill Quarry, Snodland during the afternoon of Tuesday, 12 June 2012 and to hold a public meeting in respect of that application during the evening.

(2) The Committee also noted that the afternoon of Tuesday, 24 July 2012 would be set aside for possible site visits in respect of proposed School and Academy developments.

31. Dates of meetings in 2013

(Item B1)

The Committee agreed the following meeting dates in 2013:-

Wednesday, 16 January 2013
 Tuesday, 12 February 2012
 Wednesday, 13 March 2013
 Wednesday, 10 April 2013
 Wednesday, 5 June 2013
 Wednesday, 17 July 2013
 Wednesday, 14 August 2013 (provisional)
 Wednesday, 11 September 2013

Wednesday, 9 October 2013
Wednesday, 6 November 2013
Wednesday, 11 December 2013.

32. Oral Updates by Head of Planning Applications Group *(Item)*

(1) The Head of Planning Applications Group reported that the County Council Development and Waste Planning Applications Validation Documents, which had been agreed for publication by the Committee in January 2011, were now in the process of being revised. This was in order to remove references to Planning Policy Statements and Planning Policy Guidance and to replace them with references to the National Planning Policy Framework. She agreed to send each Member of the Committee a hyperlink of the revised documents.

(2) The Head of Planning Applications Group gave an update on the called in planning application TM/10/2029 for the westerly extension to Hermitage Quarry in Aylesford (Minute 37/2011). She informed the Committee that a public inquiry would be held in late November 2012. There had been a delay as the applicant had asked the Secretary of State for the opportunity to update the ecological surveys that had accompanied the application, so as to reflect Natural England's Standing Advice. She said that she would inform the Committee of the results of the new surveys. The inquiry was scheduled to start on 27 November 2012 and to sit for an estimated 12 days. A pre-inquiry meeting was scheduled for 31 July 2012. The Council's Statement of Case and agreement of a Statement of Common Ground was required in July 2012 with the Proof of Evidence required in October 2012.

(3) The Head of Planning Applications Group informed the Committee that the Geological Society was hosting a lecture on Unconventional Gas on Wednesday, 9 May. She agreed to send all Members of the Committee the link for this lecture for training purposes, which they could supplement by watching the webcast over the two or three days following the lecture.

33. 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 *(Item C1)*

(1) Mr Richard Woolley from Jacobs (KCC's Noise, Dust and Odour Consultant) was in attendance for this item and answered questions from Members of the Committee on noise levels.

(2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee agreed that the Condition in respect of Noise would specify a requirement that noise arising from operations at the site should not exceed the background noise level at any residential property; would appropriately limit noise exposure at the nearest commercial property; and would require the submission of an updated noise assessment (confirming background noise levels at the nearest receptors; demonstrating compliance with the specified conditions; and including any further mitigation measures to be agreed by the County Council).

- (3) RESOLVED that permission be granted to the application subject to the conditions, including conditions covering adherence to the details contained in the planning application; the development commencing within 5 years; the number of vehicles; vehicle parking; volumes of throughput of materials; noise (as set out in (2) above); details of surface water drainage; the prevention of infiltration or surface water drainage into the ground; environmental monitoring and the submission of a maintenance plan; a remediation strategy for contamination; a hard and soft landscaping scheme; long-term tree and shrub protection and management; adherence to dust mitigation measures; the safeguarding of ecological interests and habitats; details of noise attenuation; hours of operation; crushing activity hours of operation; construction hours being restricted to 0800-1800 on Mondays to Fridays and 0800-1300 on Saturdays; no burning of waste on site; and details of external lighting.

34. 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
(Item C2)

RESOLVED that permission be granted to the application subject to conditions, including conditions covering the development commencing within five years; the development being completed in accordance with the approved plans and scheme as submitted, together with any subsequently approved details including a single site access (with emergency access) and the footprint of the proposed waste stockpiles; a restriction on waste types, hours of operation, throughput and traffic movements to the level of those already permitted on site; the Trommel and picking station being of a fixed specification and location, including their precise heights and associated fencing and stand-off distances; the Stockpile heights being no greater than 5m above ground level; operational safeguarding measures to control noise, dust, odour, related emissions, surface run-off and drainage, litter, light pollution and mud and debris on the road; and remediation measures to handle any unsuspected site contamination issues that may arise during the carrying out of the development.

35. 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
(Item D1)

(1) The Head of Planning Applications Group informed the Committee that if it was minded to permit the application, this would need to be subject to the final views of Kent Highways Services on the revised School Travel Plan, as well as those of Sport England and, if Sport England maintained its objection, to the decision of the Secretary of State.

(2) Mrs Anne Vincent, a local resident addressed the Committee in opposition to the application. Mr D Adams from KCC Education, Learning and Skills spoke in reply.

(3) RESOLVED that:-

- (a) subject to Sport England's final views on the proposal and those of Kent Highways Services in respect of the revised School Travel Plan, the application be referred to the Secretary of State for Communities and Local Government, and subject to his decision, permission be granted to the application subject to conditions, including conditions covering a temporary consent for a period of 5 years from the date of permission; removal of the classroom units at the expiration of the 5 year period and the subsequent restoration of the site thereafter; the development being carried out in accordance with the permitted details; and the drop-off and pick-up facilities being 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; and
- (b) an Informative be added to the decision highlighting the importance of continued commitment to the School Travel Plan process in seeking to reduce congestion and increase highway safety around the school.

36. 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
(Item D2)

- (1) Mr M B Robertson informed the Committee that he was acquainted with Cllr Mrs J Patterson who had objected to the application. As this was not a close association, he was able to approach the application with a fresh mind.
- (2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time condition specifying that the development be commenced within 5 years; the access only being used for grounds maintenance with no other general access to the school; the development being carried out in accordance with the submitted details and plans; precautions on site to guard against the transfer of mud and similar substances onto the public highway; and no scheduled use of the proposed gate during the morning peak drop-off time between 8.20 am and 8.45 am and the afternoon peak time between 3.10 pm and 3.40 pm.

37. 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.

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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 also as might be additionally indicated.

Item C1

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.

A report by Head of Planning Applications Group to Planning Applications Committee on 12 June 2012.

This application has been submitted by Brachers on behalf of Any Waste Solutions Limited for renewal of planning permission reference TM/08/2654 (change of use of land to use as a skip hire waste transfer and recycling station and construction of a weighbridge, diesel and oil storage tanks, portacabin offices and industrial building) at Any Waste Solutions Limited, The Brook, Sortmill Road, Snodland, Kent.

Recommendation: Permission with conditions.

Local Member: Mrs S Hohler

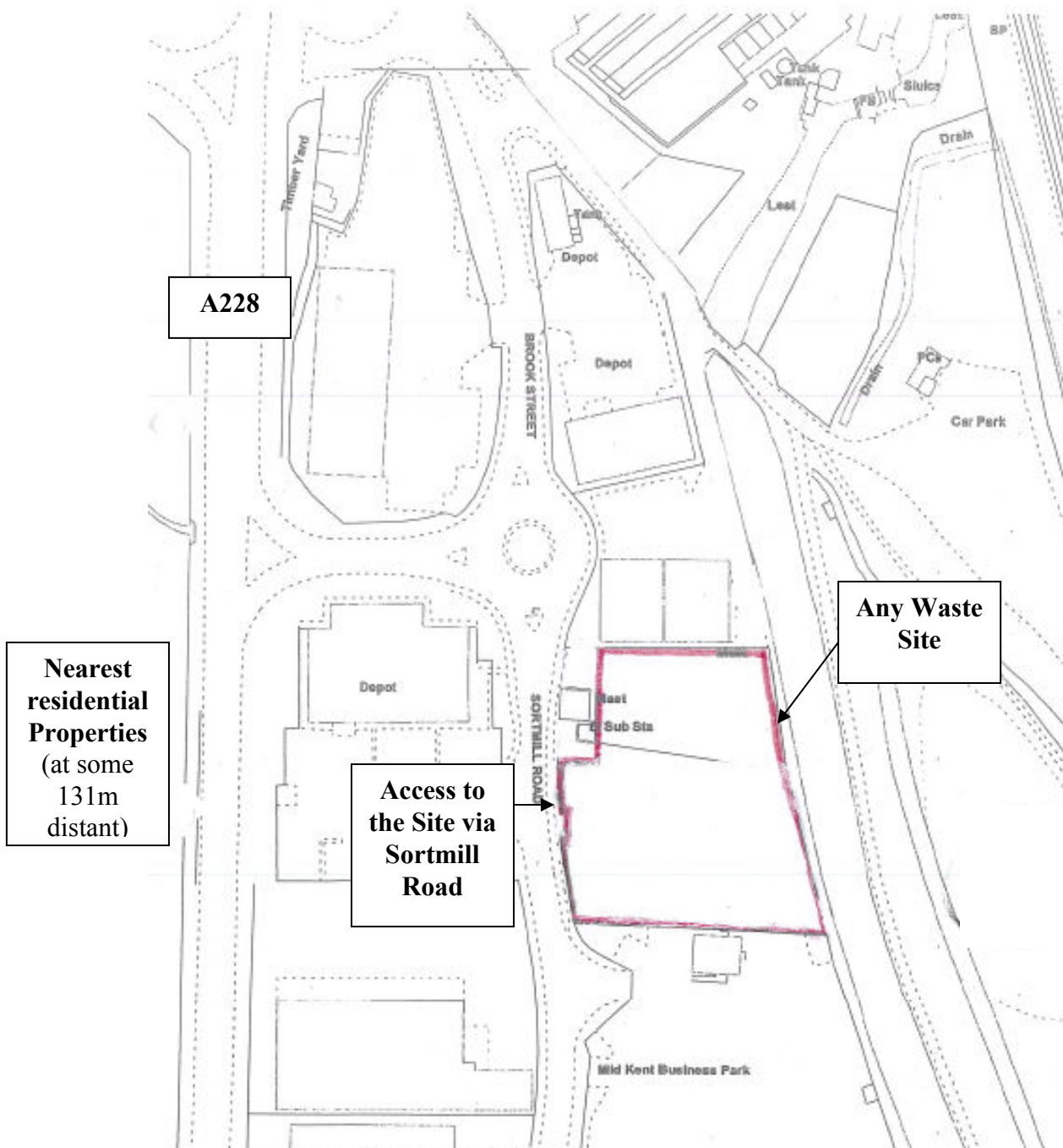
Unrestricted

Site Description and Background

1. The existing Any Waste Solutions waste recycling site is located within the Mid Kent Business Park to the east of Snodland. The main Rochester railway line runs on an elevated section to the east of the site, whilst the nearest residential properties are situated over 100m to the west of the site and the A228. The adjoining area to the east forms part of the designated Leybourne Lakes Site of Nature Conservation Interest (SNCI) and includes the Leybourne Lakes Country Park. A site location plan is attached.
2. Planning permission was originally granted under permission reference TM/06/2093 to allow for the processing/recycling of inert, cardboard/paper, metal, wood, plastics and non recyclable residues at the Any Waste Solutions site. The permitted waste building is three sided and largely open to the east where waste is tipped by vehicles visiting the site. Skip vehicles currently access the site via Sortmill Road onto adjoining land to the south.
3. A second planning application was submitted in October 2008, under reference TM/08/2654, to extend operations onto the adjoining land to the south. The planning application sought to increase the waste throughput and to improve environmental conditions (including dust management) on site by way of a separate fully enclosed, albeit it larger processing building, the hard surfacing of the adjoining land to the south which serves access to the current site via Sortmill Road, along with the relocation of the existing two storey offices to the adjoining land in a single storey arrangement, along with staff car parking during the day and vehicle parking at night. Following no objections from key consultees and in the absence of any objections from local residents, what was proposed was considered to represent a significant improvement to operations on site. Planning permission was granted under delegated authority with

C1.1

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.



Site Location Plan - within the exiting Mid Kent Business Park

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.

a number of planning conditions imposed, including the standard time limit of 3 years for implementation.

4. Whilst the permission was granted in April 2009, the applicant has pointed to a number of factors which in his view have since delayed the implementation of this permission, including the current economic downturn and a subsequent change in ownership of the business.

Current Proposal

5. This latest planning application has been submitted to extend the time limit for the implementation of planning permission TM/08/2654. In summary the 2008 permission allows for the following:

- An increase in waste throughput to 80,000 tonnes per annum from 20,000 tonnes,
- Increased vehicle movements to 174 per day (87 in/87 out) from 78 (39 in/39 out)
- A larger building to ensure all waste material is tipped and processed inside a fully enclosed building to reduce noise, dust and contain wind blown litter,
- the adjoining land to the south to be hard surfaced to minimise dust nuisance generated by vehicles accessing the site, and
- relocation of the existing two storey offices to the adjoining land in a single storey arrangement, along with staff car parking

The approved site layout drawing number 7282/837 Ip1, is shown below (page 5).

Planning Policy Context and Government Guidance

6. The key National and Development Plan Policies most relevant to the proposal are summarised below:
7. **National Planning Policy Framework, March 2012** - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. It is committed to ensuring that the planning system does everything it can to support economic growth whilst ensuring that development is sustainable. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
8. **Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management** – Underlines the importance of planning for and consenting the necessary number and range of facilities in order to ensure that adequate provision is made for the future management of our waste.

The key aim of moving waste management up the 'waste hierarchy' forms the underlying objective of national policy. The proximity of waste disposed and 'self

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.

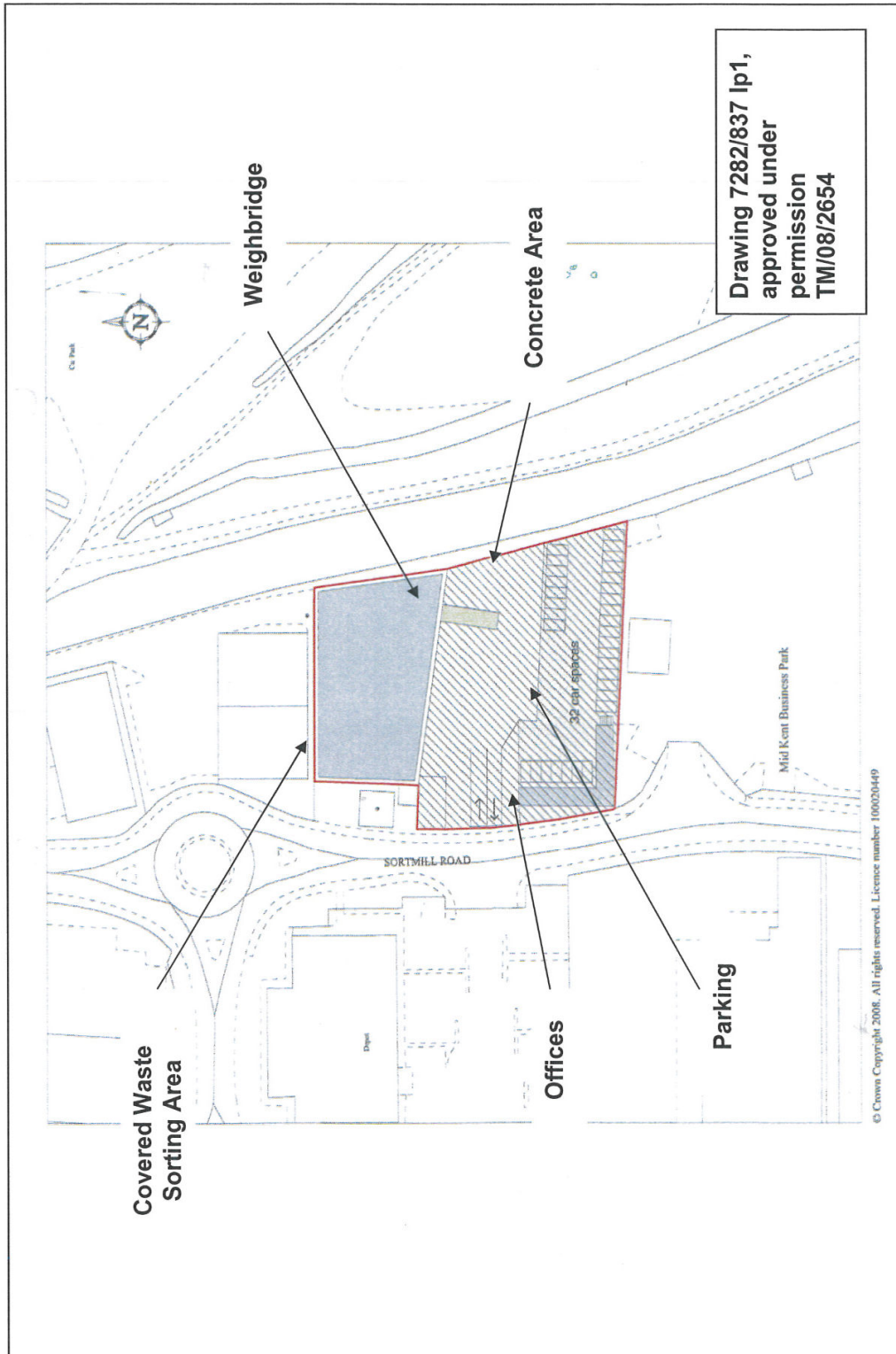
sufficiency' are also expected to represent the fundamental key to securing such objectives to ensure that communities take responsibility for their own waste.

Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' through the descending order of reduction, re-use, recycling and composting, using waste as a resource of energy and only disposing of waste to landfill as a last resort, government aims to break the link between economic growth and the growth of waste.

9. **Waste Strategy 2007** – aiming to reduce waste by making products with fewer natural resources, breaking the link between economic growth and waste growth; products should be re-used or their materials recycled.
10. **South East Plan (2009)** – The most relevant policies are: W3 (Regional Self Sufficiency), W4 (Sub-Regional Self Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling) W8 (Waste Separation), W17 (Location of Waste Management Facilities), CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable Design and Construction), NRM4 (Sustainable Design and Construction), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality),
11. **Kent Waste Local Plan (1998)** – The most relevant saved policies are: W3 (Locational Criteria), W6 (Consideration of need), W9 (Waste separation and transfer), W18 (Noise, Dust and Odour), W19 (Groundwater protection), W21 (Nature Conservation), W22 (Provision for adequate access arrangements including the need for any off-site highway improvements), W25 (Plant and Buildings) and W31 (Visual Impact and Landscaping).
12. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy 2007**: Policies CP1 (Sustainable Development), and CP10 (Flood Protection).
13. **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment DPD 2010**: Policies CC3 (Adaptation – Sustainable Drainage), NE3 (Impact of development on Local Biodiversity), SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).
14. **Greater Flexibility for planning permissions – Guidance (Communities and Local Government November 2009)** This measure has been introduced in order to make it easier for developers and planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Where the application is to extend the time limits for a non-Environmental Impact Assessment scheme, LPAs have discretion to decide which statutory consultees should be consulted taking into account which statutory consultee had a particular interest in the proposal or raised concerns at the time of the original application.

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.



Approved Site Layout drawing no. 7282/837 lp1

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.

15. Consultations

Tonbridge and Malling Borough Council: Views awaited.

Snodland Town Council: No comments to make.

Kent Highway Services: No objection raised on highway grounds.

Publicity

16. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 312 neighbouring properties.

Representations

17. 7 letters of representation have been received to date objecting to the proposal. Those objections can be summarised as follows:

- Traffic impact of increased vehicle numbers
- Skip vehicles leaving debris on the highway
- Mud on along Sortmill Road causing potential skidding for other users
- Vehicles parking on double yellow lines outside the site cause blind spots
- Vehicles reversing into the Royal Mail sites gates and obstructing their ped access
- Noise impact and pollution
- Dust nuisance
- Use of flammable waste material such as diesel and oil near to residential properties
- Potential danger to local wildlife
- Increase in the number of flies and rats in the area

Local Member

18. The Local County Member, Mrs S Hohler was notified of the application on 27 March 2012. No written comments have been received.

Discussion

19. 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 publicised National Planning Policy Framework (NPPF) which promotes sustainable development and the regional and local plan policies set out above together with PPS10. It should be noted that the South East Plan remains part of the

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.

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.

20. Given the nature of the proposal the NPPF should be read together with PPS10 which is to remain in place until new waste policies are published alongside the new National Waste Management Plan for England. However the presumption in favour of sustainable development which lies at the heart of the NPPF still applies. In order to achieve this objective the NPPF identifies a number of key areas, in my view 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 to 123, pollution and noise respectively).
21. 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 applications should be afforded substantial weight in the decision making process.
22. The Government, considers that during the current economic downturn planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. With regard to applications made to extend time limits for the implementation of existing permissions such as this one, the development proposed in such applications will by definition have been judged to be acceptable in principle at an earlier date. Whilst these applications should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, planning authorities are advised that they should, in making their decisions, focus their attention on development plan policies and other material considerations which may or may not have changed since the original grant of permission. This is particularly relevant to this planning application.
23. The site is a fully operational recycling business which currently operates under planning permission TM/06/2093. A further permission was granted in April 2009 (ref. TM/08/2654) to improve and extend operations. Having already been considered against the relevant development plan policies and guidance as set out above, its suitability in this location has already been established under the latest permission and is not therefore up for consideration. The applicant seeks simply to delay the implementation of planning permission TM/08/2654. Whilst I have received no objections from statutory consultees, I have received a number of objections from local residents, some of which have arisen as a result of this latest application, but which in fact relate to the existing operation.

Operations under permission TM/06/2093

24. As a result of publicising the latest planning application a number of issues have been brought to my attention in relation to the existing site. In particular the nearby Royal Mail office has indicated that there has been an ongoing issue with mud and other

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.

debris on the public highway as well as vehicles parking on double yellow lines along Sortmill Road and obstructing pedestrian access to other units. This causes concern over visibility and safety. Having looked at the undated photographs submitted in support of this, there appears to be evidence that both cars and heavy goods vehicles do park and mount the pavements along Sortmill Road where there is a small snack bar installed immediately adjacent to the Any Waste Site. Of the four photos supplied however only one explicitly shows an Any Waste vehicle parked partially on the pavement. Whilst I have little control over parking outside the site along the road where double yellow lines are imposed, I have reminded the operator of his responsibilities to ensure visibility or pedestrian access is not restricted by Any Waste vehicles and that measures to minimise dust traversed by vehicles onto the highway should be employed to avoid mud on the surrounding roads.

25. Given that the site remains operational under this original permission I am satisfied that any problems on the current site can continue to be monitored within its terms. Having discussed matters with new owners, I am confident that problems recently experienced at the site will be resolved. However in the event that problems do persist, compliance action could be taken in relation to the planning conditions listed under paragraph 28 below. Any breaches would be relayed to the Regulation Committee for their endorsement of appropriate action as necessary.

Latest Planning Application KCC/TM/0094/2012

26. Notwithstanding the problems reported above in relation to the existing site, the operator wishes to retain the option of implementing what was proposed under planning application TM/08/2654 which also sought to address some of these.
27. The 2008 planning application, sought an increase in waste throughput from 20,000 to 80,000 tonnes per annum which would generate a maximum number of 174 vehicle movements (87 in/87 out). The types of waste proposed to be handled on site, (namely inert, cardboard/paper, metal, wood, plastics and non-recyclable residues) remain the same. In order to accommodate this, the applicant sought to extend existing operations onto the adjoining land to the south. This would allow them to install a fully enclosed waste sorting building to cover the extent of the existing site (as shown on the approved site layout drawing number 7282/837 Ip1 above) and enable them to relocate their offices and allocate dedicated parking areas on the adjoining land which would first be hard surfaced to reduce dust nuisance generated from vehicles accessing the site.
28. Given the increase in vehicle movements proposed Kent Highways and Transportation (H&T) and the Highways Agency (HA) were consulted. The HA offered no objection to the proposal whilst H&T accepted that whilst the proposal represented an increase in traffic movements, given the sites close proximity to the A228, they were satisfied that the adjacent highway network could accommodate this. They were also supportive of the provision of off street parking to accommodate staff and vehicles during both the day and night time. Hard surfacing of the adjoining land where vehicles currently cross would go some way to significantly reducing dust and mud generated from vehicles visiting the site. No changes are proposed to the vehicle numbers or routing as a result of this request to renew permission TM/08/2654. In the event that Members resolve to grant permission for an extension of time to implement the 2008 permission,

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all conditions previously imposed, which require amongst other matters vehicles entering or leaving the site do so in a forward motion, the access and internal road be kept free from mud or other debris and the mist air system be employed and maintained on site and 174 HGVs per day would be re-applied. An additional condition requiring the adjoining land to be hard surfaced prior to the commencement of development could also be added to ensure that the increased activities do not commence until such times as the hard surfacing is in place. Subject to the imposition of these conditions, I remain of the view that the proposal remains acceptable in highway terms.

29. Concern has been raised by one local resident over the impact of the development site on local wildlife. Given the site's location, close to Mill Stream and the Leybourne Country Park SNCI, a number of surveys were included with the 2008 planning application, including a Habitat Survey, Contamination Desktop Study and a Flood Risk Assessment. Consultees included the Environment Agency (EA), Natural England (NE), Jacobs (noise, dust and odour) and the Lower Medway Internal Drainage Board. No objections were raised subject to the imposition of suitable conditions. No changes are proposed to that submitted under TM/08/2654. I remain of the opinion that fully enclosing waste sorting activities within a building and hard surfacing the adjoining land would help to significantly reduce any noise and dust nuisance at the site and would advise that in my opinion provided the relevant conditions, including restricting demolition works to take place outside of the bird breeding season, are reinstated the proposal remains acceptable and consistent with development plan policies requiring the protection of biodiversity.

Conclusion

30. The 2008 permission included a condition requiring its implementation within 3 years of the date granted. However given the current economic climate, as with many other local businesses, the operators have not been in a position to implement the latest permission but wish to retain it on the basis that they remain of the view that its implementation would represent an improvement to the way in which the site currently operates and would provide more control over dust and noise as well as visual impacts. I remain supportive of this view. The Government recognises the difficulties experienced by businesses during the current economic downturn and has issued guidance supporting extensions to time limits for implementing planning permissions until such time as economic conditions improve. Whilst implementation of planning permission TM/08/2654 may therefore be delayed, its implementation would still in my view represent an improvement to what takes place at this site currently and could represent sustainable development. Having regard to consultees comments and the policy support for such proposals, in my opinion there has been no material change in circumstances from when the original application was first considered which should not lead to any other decision other than to grant permission. I therefore recommend accordingly.

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.

Recommendation

31. I recommend that PLANNING PERMISSION to extend the implementation of planning permission TM/08/2654 for a further 3 years BE GRANTED subject to the imposition of those conditions previously imposed which provide for amongst others, a timescale for implementation, contamination risk assessment, restriction on waste types, restriction to ensure all waste is handled inside the building, no external storage of waste, restriction on waste throughput, restriction on vehicle access, restriction on vehicle numbers to 174 (87 in/87 out) per day, restriction on hours of operation, dust suppression measures and an additional condition requiring provision of hard surfacing on land to the south.

Case Officer: Angela Watts

Tel. no. 01622 221059

Background Documents: see section heading.
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Item C2**Variation of conditions 2 & 21 of permission CA/09/1903, Studd Hill Household Waste Recycling Centre, Westbrook Lane & Thanet Way, Herne Bay, Kent – KCC/CA/0492/2011 - CA/12/222**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 June 2012

KCC/CA/0492/2011 - CA/12/222 – Section 73 Application by KCC Waste Management Group for the variation of conditions 2 (approved plans) and 21 (landscaping) of planning permission CA/09/1903 for the alteration and extension of the existing Studd Hill HWRC, Westbrook Lane, Herne Bay

Recommendation: Permission be granted subject to condition

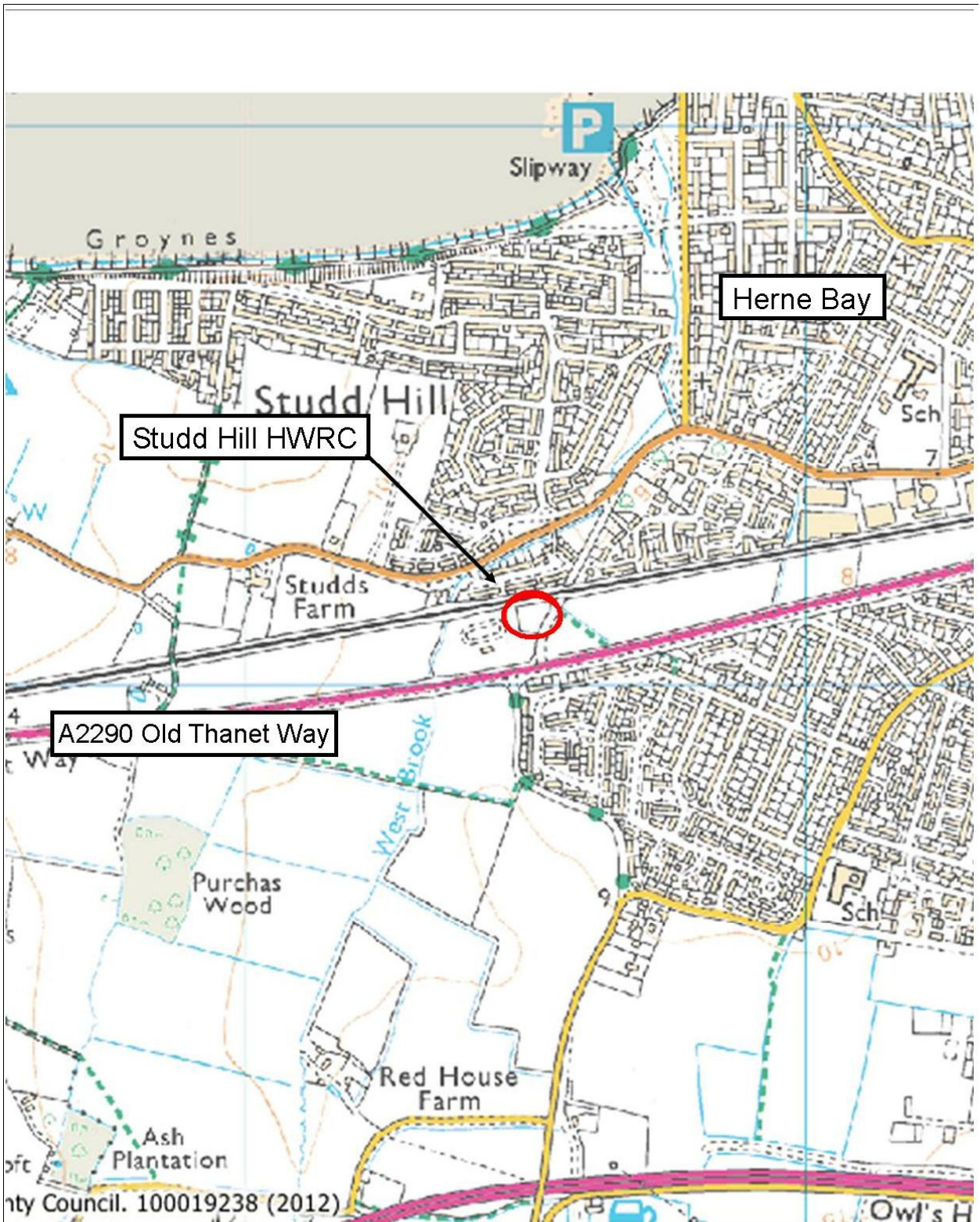
Local Member(s): Jean Law & David Hirst

Classification: Unrestricted

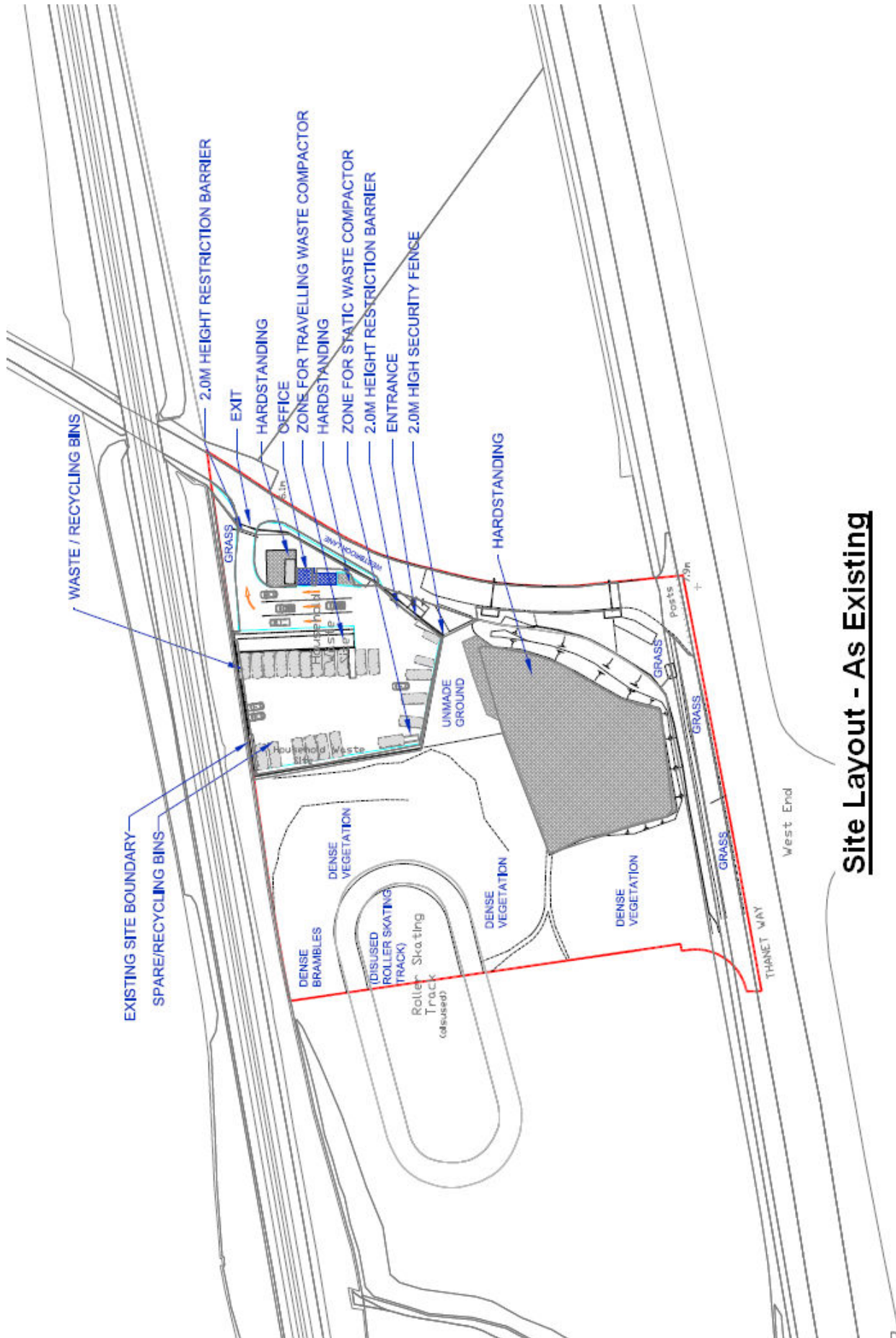
Site Description

1. The application site is located on Westbrook Lane, Studd Hill, approximately 2km south west of Herne Bay, and 4.5km east of Whitstable. The site has two entrances: a HGV access directly south of the HWRC, leading off the A2290 Old Thanet Way; and a public entrance off Westbrook Lane, accessed via Whitstable Road to the north of the HWRC. The site occupies 1.4ha of overgrown disturbed land, 0.23ha of which currently contains the existing Householder's Waste Recycling Centre (HWRC). The rest of the site contains an area of hardstanding, a disused roller skating rink, and sporadic scrub and dense shrubs.
2. The site is enclosed by the A2290 Old Thanet Way to the south, the Chatham to Ramsgate rail line on a raised embankment to the north, and disused overgrown land to the east and west.
3. The nearest residential properties are at Hampton Close, approximately 35m north of the existing HWRC, and on the other side of the railway embankment. The nearest properties to the south are approximately 90m away, across the A2290 Old Thanet Way, along Blackburn Road.
4. The site is not located directly within or adjacent to an area of nature conservation such as an SSSI, and is not located within any other statutory or local nature conservation designation. The site is located within 2km of the Thanet Coast Special Site of Scientific Interest (SSSI) and the Thanet Coast Special Protection Area and Ramsar site. The application site also lies within the Herne Bay and Whitstable Green Gap (Canterbury Local Plan Policy TC26) which seeks to prevent the coalescence of the towns of Whitstable and Herne Bay through persistent encroaching development.

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222



Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222



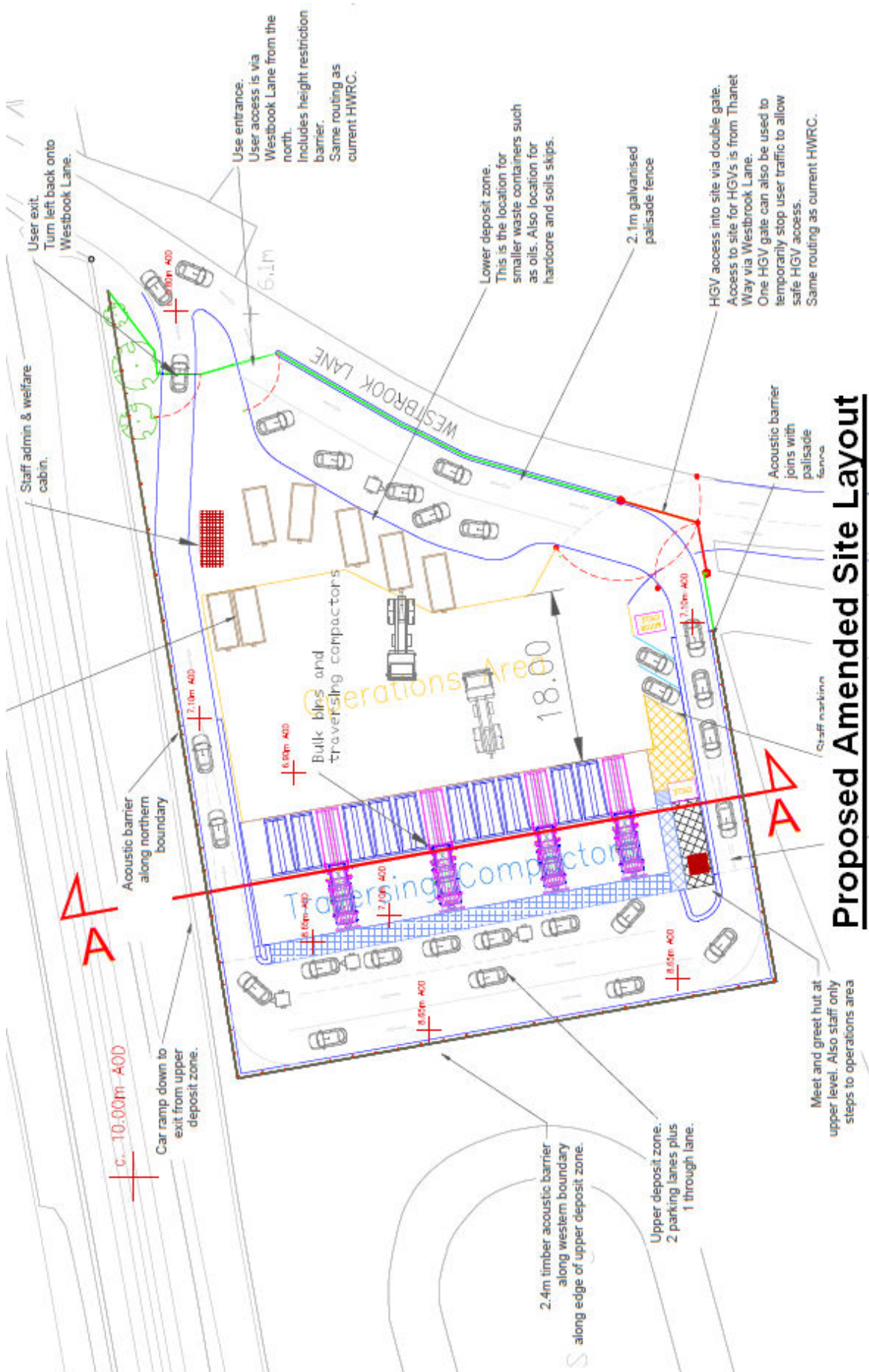
Site Layout - As Existing

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222



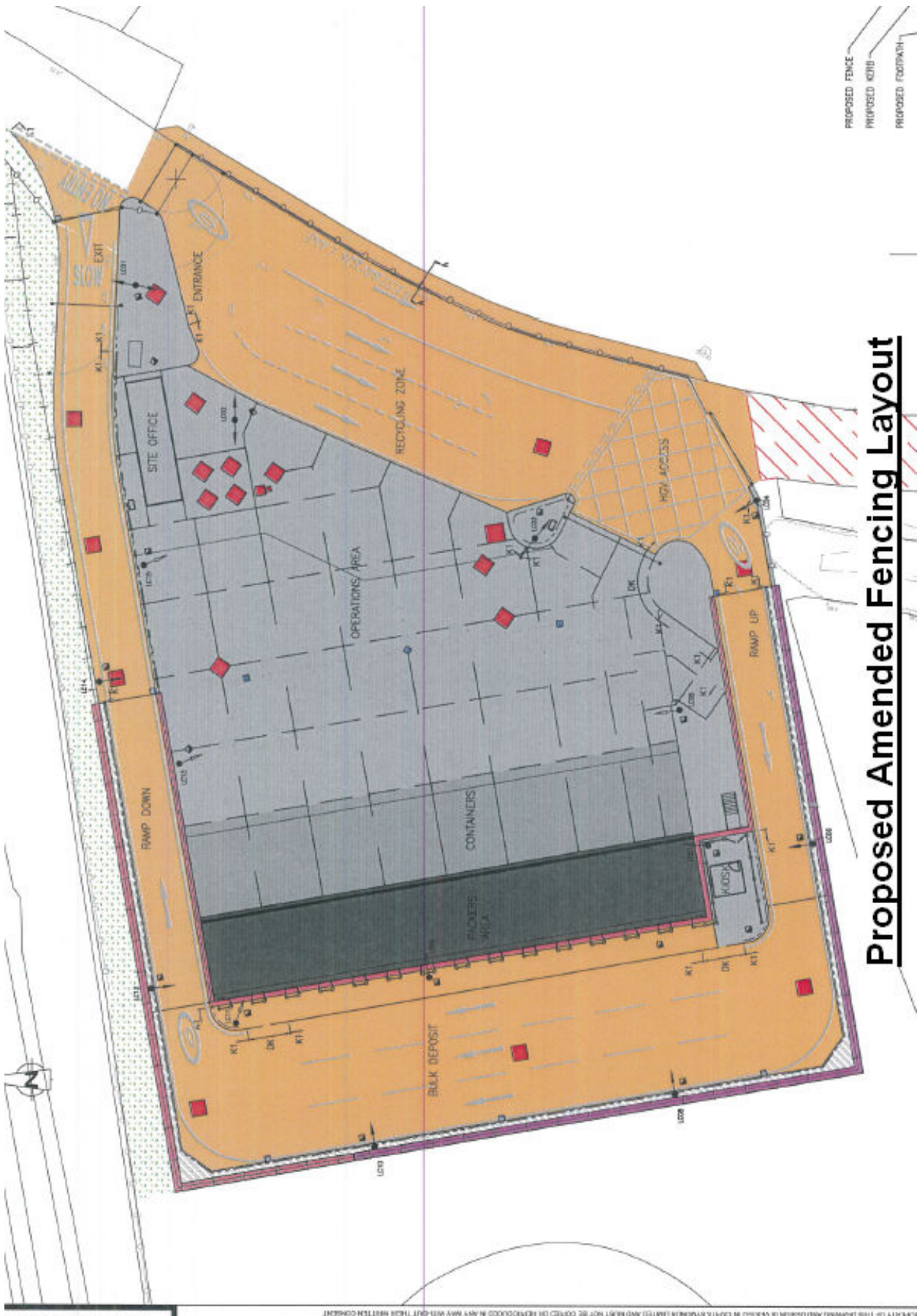
Site Layout as Approved Under CA/09/1903

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222



Proposed Amended Site Layout

(To be read in conjunction with 'Proposed Amended Fencing Layout - Page C2.6)



Proposed Amended Fencing Layout

CS052555-SK-00

FOR THE DESIGN AND DESIGN IS BASED ON CURRENT INFORMATION AND SHALL NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR WRITTEN CONSENT.

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222

Background

5. In June 2010 planning permission was granted (CA/09/1903) for the '*Alteration and extension of the existing Studd Hill Household Waste Recycling Centre, Westbrook Lane, Herne Bay, Kent.*' This permission sought to expand the site area of the HWRC, and create a new operational layout, to allow more efficient internal movement and use, and to increase the maximum capacity to 16,000 tonnes per annum.
6. The applicant has stated that since the planning permission was granted, circumstances have changed which require amendments to the scheme. The landowners have reduced the amount of land available to the applicant to lease and develop for the HWRC; therefore the scheme would need to be amended to reflect the reduced site area.
7. The changes proposed would be within the permitted site area (red line area) of the original permission, therefore the alterations can be addressed by variation of relevant conditions.

Proposal

8. Due to the reasons stated above, the applicant proposes to vary conditions (2) and (21) of permission CA/09/1903 through a Section 73 application. The remainder of the conditions contained within the permission would be retained in their current form, and the overall description of the development would be unchanged. The general aim of the development is to upgrade the Studd Hill HWRC to create a 'modern, split-level facility'. The proposal aims to increase the existing site area – albeit to a lesser extent than that currently permitted - and improve physical separation between the users and operations for health and safety reasons. Thereby the capacity and efficiency of the site would be improved by upgrading internal circulation and allow flexibility within the site to accommodate a greater range of materials. The built development within the HWRC would consist of concrete retaining walls, walkways, and hard asphalt surfacing with areas for mobile compactors.
9. Condition (2) states: '*The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents, plans and drawings contained in the application as amended and clarified and with those further details required to be submitted for approval, which shall in turn be approved.*'
10. Condition (21) states: '*Landscaping should be carried out strictly in accordance with plan CS037081_B_LS_001. In the event of any trees, shrubs and hedges being removed, destroyed, or which may die or become diseased within 5 years of planting, they shall be replaced within 12 months in the same places by large nursery stock of the same species.*'
11. The proposal therefore seeks to amend the approved plans and documents, and the approved landscaping scheme. The overall Site Management Operations and throughput are proposed to remain the same as that permitted within the approved Planning Statement. The specific layout and design changes proposed are:

Facility Layout

12. The overall HWRC footprint is proposed to be reduced from that permitted under CA/09/1903, from 9,500m² to approximately 3,360m². A large proportion of the permitted layout was dedicated to landscaping. The amended plan proposes to reduce the site area and restrict the development predominantly to the hardstanding

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222

operational area of the HWRC. Due to a reduction in the amount of land made available by the land owners, the upgrade works have been amended to reduce the scale of the works, and the scale of the landscaping, but in turn to concentrate the permitted intensified activity within a reduced site area.

Access (Public)

13. Access for public users for the HWRC remains, and is proposed to remain, solely via Westbrook Lane. The position of the access points is proposed to be altered in response to the amended site layout. Users would access the site via an ingress point on the eastern boundary, then circulate clockwise through the site and exit at the north eastern point of the site, adjacent to the railway bridge.

Access (HGV)

14. The approved plans under CA/09/1903 relocated the HGV access further to the west of the existing access off the A2290 Old Thanet Way. The change to the site layout would mean that this option is no longer possible, and therefore it is proposed to utilise and upgrade the existing HGV access point. Internally, HGV traffic would be kept separate from public vehicles by the use of gates and site management. No public vehicles are able to use the HGV access, and HGVs would not be directed via Westbrook Lane and the Whitstable Road.

Landscaping

15. The permitted scheme under CA/09/1903 had a large site area, in which 40% was allocated towards soft landscaping. The applicants have stated that due to the reduction in land available for the HWRC, there will be limited scope for landscaping. Therefore the application seeks to amend and reduce the overall landscaping requirements. The applicant proposes a strip of wild grass seeding and heavy standard trees to the South and West as well as native species hedgerow. The existing vegetation and trees on land surrounding the HWRC would be left undisturbed.

Lighting

16. The location of the lighting columns is proposed to be amended following alterations to the site layout. The technical specifications of the lighting would remain the same, albeit on smaller site area, with lights being mounted on 14 eight metre poles and mounted horizontally with flat glass covers to reduce the risk of light spill and glare.

Amended Fence Line

17. The application proposes to amend the positioning of boundary fencing, from that shown on the approved plans. The amended fencing line originally proposed attracted objections from an energy company on the grounds that it would infringe upon access to cables that connect an offshore wind farm to a nearby sub-station. Subsequently, the applicant amended the plans (in discussion with the company and KCC Highways & Transportation) to show the fencing enclosing the portion of Westbrook Lane immediately to the East of the HWRC. Access to the site would be gained via gates to the north (for public) and to the south (for HGVs), with provision to prevent public use of the southern gates and to prevent HGVs and public vehicles accessing the site at the same time. The area of land to the south of the HWRC would be able to be accessed from the Thanet Way or through the HWRC gates on Westbrook lane, should access be required. Kent Highways & Transportation have confirmed that the fencing

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222

arrangement will not amount to Westbrook Lane being ‘stopped up’ and therefore it will remain an adopted Highway.

Summary

18. In summary, the proposal seeks to amend the approved plans and landscaping conditions by proposing:

- A reduced site area and layout
- A reduced landscaping scheme
- An amended fencing layout, increasing the portion of Westbrook Lane which is ‘gated’ off
- Amended lighting and drainage scheme
- Retention and upgrading of HGV junction on the A2290 Old Thanet Way

All other conditions are proposed to remain in force within the planning permission, with no changes to the site operations with regards to opening hours, waste throughput and volume, noise restrictions and vehicle movements.

Planning Policy

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

(i) National Planning Policy Framework

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

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

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

(ii) Planning Policy Statement 10: Planning for Sustainable Waste Management

The key planning objectives set out in PPS10 can be summarised as:

- providing a framework for delivering sustainable waste management through the movement of waste management up the waste hierarchy;
- helping implement the national waste strategy and supporting targets that are consistent with obligations required under European legislation;
- helping secure the recovery or disposal of waste without endangering human health and without harming the environment;
- ensuring that communities take more responsibility for their own waste (self sufficiency) and enabling sufficient and timely provision of waste management facilities to meet the local needs;
- enabling waste to be managed in one of the nearest appropriate installations (proximity);
- and considering wider environmental and economic benefits of sustainable waste management, as material considerations that should be given

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significant weight in determining whether proposals should be given planning permission.

(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 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 W9 Development proposals for waste separation and transfer (proposals map inset J)

Policy W18 Control of noise, dust and odours from waste operations

Policy W19 Protection of ground and surface water

Policy W21 Ecological protection and mitigation

Policy W22 Road traffic and access

Policy W25 Control and design of operations

Policy W26 Operating hours of waste management facilities

Policy W31 Landscaping

(v) **Canterbury City Local Plan 2006 Saved Policies**

Policy BE1 Design and Sustainability

Policy C39 Air Quality

Policy C40 Controls to mitigate pollution

Policy C41 Waste development criteria

Policy TC26 Herne Bay and Whitstable Green Gap

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222

Consultations

20. **Canterbury City Council: Objects** to the omission of previously proposed landscaping in the amended plan 'Proposed Construction Areas'.

Furthermore, the revised proposal appears to show access to Westbrook Lane being closed off, the City Council requests that access be maintained for the landowner to land to the south of the site.

KCC Highways & Transport: No objections; the proposed changes to the Thanet Way HGV junction have not been amended by this application. As the amendment to the fencing line would restrict turning movement within Westbrook Lane more so than at present, it would be appropriate to reinforce the signage at its junction with Whitstable Road, to ensure that drivers are aware that it is a cul-de-sac and unsuitable for HGVs. Signage improvements should be secured by condition.

Environment Agency: Raise no objection to the amendment of the conditions.

Kent Wildlife Trust: No comments received.

Natural England: No objections and refers officers to standing advice.

KCC Biodiversity Projects Officer: No comments received.

Jacobs (Noise): A condition should be attached to the permission stipulating that noise monitoring be undertaken to demonstrate that background noise levels are not being exceeded at nearby residential receptors (Members should note that such a condition is already imposed upon the existing planning permission).

Jacobs (Landscaping): No objections: but regrets that a smaller site area is proposed as this reduces the amount of landscaping possible. Recommendations are made for planting.

Jacobs (Air Quality): The proposed amendment does not materially change the function or capacity of the site, therefore there would be not additional air quality impacts and the existing controls, conditions and mitigation methods would be able to reduce impacts to a negligible level such that the development is unlikely to result in detriment to the local air quality.

Jacobs (Streetlighting): No objection, the lighting proposed is designed to minimise the impact on the surrounding area.

Local Member

21. The local County Members for Herne Bay, Jean Law and David Hirst, were notified of the application on 9 December 2011.

Publicity

22. The application was advertised by the posting of a site notice and the notification of 134 neighbours and businesses.
23. The application was also advertised in the Kent on Sunday 18 December 2011.

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Representations

24. There have been 3 letters of objection from nearby residents and businesses, and the main points of objection can be summarised as follows:
- A near neighbour to the scheme raises concerns that their amenity may be impacted by additional noise, and that hours of use need to be limited.
 - The local residents association request that the temporary structures currently in place on the Old Thanet Way (to prevent vehicles turning right into and out of the HGV access) should be removed or replaced with a permanent alternative. *(NB – The proposal involves the upgrading of the HGV access and was designed in conjunction with KCC Highways & Transportation – they are of the opinion that the design allows the removal of the temporary structures and temporary speed restrictions, whilst continuing to prevent right turns into and out of the HGV entrance)*
 - Burges Salmon Solicitors, acting on behalf of the owners of the Kentish Flats Wind Farm, are concerned about the impact that the scheme would have on the underground cabling connecting the offshore turbines with a nearby substation. They raise objection on the grounds that the works may damage the cabling, and also may affect their ability to access the cables and that the works would block a public highway. Following submission of amended plans from the applicant (moving the fencing so that it does not physically obstruct the underground services), Burges Salmon reiterate their objections and want confirmation as to how emergency works access would operate, and the potential conflict of a closed of area of public highway being used for the HWRC.

Discussion

25. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (19) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations including those arising from consultation and publicity.
26. This application has been brought for determination by the Planning Applications Committee following the objections and comments of the company that operates the Kentish Flats Wind Farm, Canterbury City Council and nearby residents. These specifically relate to the proposed positioning of fencing and gates across Westbrook Lane, and the access/legal implications that may arise from this. Whilst it is important to differentiate between planning considerations, and other legal rights, the effort of the applicant to accommodate the objections has resulted in an amendment to the plans which would require discussion on planning merits.
27. The application put forward for determination is for the variation of conditions 2 (approved plans) and 21 (landscaping), and the application must be determined in consideration of this limited scope. The principle of the development has been established and agreed in accordance with development plan policies and material considerations. All other conditions imposed upon the original permission would remain in force and control matters such as noise, air quality, vehicle movements and site capacity. Nevertheless, the alteration of the site layout may have implications for amenity impacts such as noise and visual impact, as well as access; therefore these matters are addressed within this report, and informed the scope of the consultation exercise.

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222

Visual Impact & Landscaping

28. The applicant states that the section.73 application has been submitted in order to reduce the total site area - whilst accommodating an improved layout and increased capacity – in recognition of a reduced area being made available by the land owners to be used for the HWRC redevelopment. The consequence of this is that a reduced area is now available to the applicant to incorporate improvements to landscaping, where originally a large proportion of the red line proposal area had been allocated for planting and landscaping.
29. Our landscape advisors expressed concern at the reduction in landscaping, and made recommendations to improve upon the scheme submitted with the section.73 application. These recommendations were adopted within a revised plan received 14 March 2012, showing a strip of wild grass seeding surrounding the site to the south and west. The strip would also include a number of heavy standard trees (trees of a heavy standard girth of between 12-14cm), and a native species hedgerow along the HWRC boundary wall.
30. Whilst the reduction in landscaping would to an extent dilute the positive impact the redevelopment of the HWRC, as currently provided for under the latest permission, on the amenity of the local area, in my opinion the amended plan does not create a negative impact on local visual and landscape amenity to make the redevelopment unacceptable. The redevelopment of the HWRC would upgrade an existing facility with an improved layout, whilst providing for additional boundary landscaping. At present the existing HWRC has a dated appearance, and is not screened by a formal landscaping arrangement. The surrounding land outside of the control of the applicant is largely overgrown and abandoned – with a disused tarmac area and scrub. I am also of the opinion that a positive aspect of the reduction in area of redevelopment would be that a number of mature trees originally identified for removal will now remain undisturbed.

Noise

31. The original planning permission imposes noise conditions requiring background noise levels to not be exceeded at nearby residential properties, and also monitoring to take place to demonstrate compliance with the previous condition. Although the application does not seek to vary these conditions, it is important to assess the impact of the redesigned layout in order to demonstrate that these conditions are still appropriate and the proposal is able to operate within the specified limits.
32. The applicant submitted noise information in the form of assessments demonstrating predicted noise levels from the activities and plant within the site, including vehicle movements. KCC noise advisors requested clarification on certain points and upon receipt of this agreed that a condition is included within the permission which requires monitoring to take place to demonstrate that the HWRC does not exceed the existing noise condition. I agree with this approach and in my opinion the noise assessments submitted adequately reflect the operations of the site and the possible amenity impacts that could arise. The additional condition recommended by our noise consultants is already imposed upon the original permission and would apply to this proposal should members accept the recommendation. I am therefore of the opinion that residential properties can be adequately protected against potential noise impacts.

Amended Fence Positioning – Kentish Flats Objection

33. Following consultation on the plans submitted with the section.73 application, objections were received from representatives of the company that owns and operates the Kentish

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222

Flats Wind Farm. They objected to the application on the grounds that the fencing line shown within the proposed site plan ran along the route of the cabling connecting the wind farm to a nearby substation, and were concerned that the fence would prohibit access or damage services during construction. Following meetings and negotiation, the applicants amended the design of the fencing so that the boundary would be extended to the eastern side of Westbrook lane, enclosing this part of the road with access gained by gates to the north and south. The intention of the redesign, as explained by the applicant, is to prevent access by contractors being blocked by physical developments above the services and within the HWRC. The objection also raised concerns about the legal status of Westbrook Lane, and as to whether it would remain public adopted Highway after access is restricted by the construction of gates.

34. KCC Highways & Transportation have commented that the amended fencing line was drawn up by the applicant in consultation with their engineers. The fencing layout has been designed to allow pedestrian's access from Westbrook Lane to the Old Thanet Way via a footpath around the perimeter. I am informed that the necessary Traffic Regulation Order is being progressed and therefore the legality and highways rights associated with fencing are not required to be discussed within this report. The TRO would ensure that Westbrook Lane would remain an adopted highway, with all rights of access to services retained. The consultation response from KCC Highways did however recommend that an additional condition be attached to the existing permission which secures the improvement of signage at the junction of Westbrook Lane and Whitstable Road. The signage improvement is necessary as although Westbrook Lane is not currently a through road, the repositioning of the fencing would reduce the amount of space available for misdirected vehicle users to turn around within the road. Therefore it is recommended that the signage is improved to make drivers aware that the road is a cul-de-sac and unsuitable for HGVs. The applicants have indicated that they are willing to accommodate this requirement as it is within the interests of the smooth running of the HWRC, and have also indicated that they will improve the signage for the height restriction at the railway bridge. I recommend that this is secured by a condition stating that upon completion of the development, the site cannot be operated until the necessary signage is put in place.
35. I am of the opinion that the ability of the Kentish Flats owners to access cables on land not owned by the company is not a material planning consideration. Planning permission is concerned with land use and does not override other legal obligations and rights. Should the implementation of the planning permission infringe upon covenants/licences/land charges, then any dispute in relation to the protection and enforcement of those rights falls under the jurisdiction of the relevant legal regime.
36. Notwithstanding the above. There are concerns that should access be required to the gated portion of Westbrook lane outside of the operating hours of the HWRC, and the arrangements put in place by the applicant and the TRO guarantee such access, that this may impact on health and safety considerations in such circumstances those who gain access would be within the HWRC and not be prevented from accessing the rest of the site. Therefore, I recommend that an additional condition be attached which requires the submission of details outlining how in the event that emergency access is sought, and the gates opened, the rest of the HWRC is secured
Amended Fence Position – Canterbury CC Objection
37. Canterbury City Council initially raised no objection to the section.73, however raised objection after consultation on the amended fence line. The objection was based upon the removal of the landscaping around the HWRC. They also commented that they request access be maintained for the landowner to the land to the south of the HWRC site.

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222

38. The landscaping plan has not been superseded or removed by the submission of a revised fencing plan, but needs to be read in conjunction with it. In this case it would not be practical to include all elements of the proposal on one site plan, and as the fencing plan, and landscaping plan are clearly labelled and will each form part of the approved plans, then I see no reason for this objection to warrant either refusal, or a resubmission of the scheme.
39. The revised fencing line would enclose part of Westbrook Lane. Canterbury City Council request that access be maintained for the landowner to the land to the south and west of the HWRC. In my opinion the revised fencing line affords the landowner the same level of access as is currently enjoyed under the existing highway arrangements. The area of land referred to is currently restricted to vehicular access by an earth bund and two controlled barriers. There is no direct access to this portion via Westbrook Lane. The applicant has drawn up the amended fencing plans in consultation with KCC Highways & Transportation, and the necessary Traffic Regulation Order (TRO) is being progressed for this arrangement. The main means of access is via the Old Thanet Way, through the HGV entrance, which is also restricted by a controlled barrier. It would be possible for the landowner to gain access via Westbrook Lane by using the HWRC gates by arrangement – which is similar to the current situation.
40. I am of the opinion that the landscaping scheme is capable of being secured to the planning permission by listing as an approved plan within the relevant condition. With regards to the access, I am of the opinion that the proposal as submitted would not alter the access situation as currently exists. The revised fencing arrangement could only be implemented through the correct application of a Traffic Regulation Order, which is the subject of a separate regulatory regime. The TRO would normally contain details and controls for access along the section of Westbrook Lane.

Conclusion

41. The principle of an enhanced HWRC at this site has already been established and conditions put in place to mitigate the impacts of the development. The proposal seeks to vary planning permission CA/09/1903. In my opinion the proposed variation of conditions 2 and 21 is acceptable in planning terms and capable of being implemented and operating within amenity and planning controls contained within the conditions of the existing planning permission, and is acceptable with the imposition of the additional suggested conditions. Concerns relating to noise can be adequately controlled and addressed by existing conditions. Whilst the applicant has sought to address the objections directed at the access to underground cabling, they are not in themselves a material consideration in planning terms, as they are related to legal rights and not land use considerations. The fencing would not provide a permanent restriction to access beyond the level currently experienced by the road surfacing, and the status of the road would be maintained as public highway, therefore works to it by any party would require the appropriate licences. Access to the disused land to the south and west of the HWRC would not be adversely impacted by the proposal beyond the level of restriction currently experienced. Overall, I consider that the development is sustainable and recommend accordingly.

Recommendation

- I RECOMMEND that the VARIATION TO CONDITIONS 2 AND 21 BE GRANTED with the imposition of all other conditions from CA/09/1903 relating to:

Variation of Conditions (2) & (21), Studd Hill HWRC – CA/12/222

- Limiting noise emissions
- Noise monitoring to ensure compliance
- A Grampian condition regarding the redesign of the service access to discourage right turns out of the HGV access onto the Old Thanet Way
- Limits to hours of use and operation
- Limited times of use of HGV service access
- Details of parking arrangements
- Details of parking and loading arrangements
- Dust mitigations measures
- Controls to prevent dirt and debris on the highway
- Site drainage controls
- Conditioning of landscaping
- Conditioning of nature conservation measures
- Standard time limit for implementation
- Standard condition limiting development to the approved plans

And two additional conditions

- The HWRC cannot be opened to public use until additional signage at the junction of Westbrook Lane and Whitstable Road is secured by agreement with KCC Highways & Transportation.
- Details are submitted and approved outlining arrangements to secure the HWRC operational area should emergency access be required to the portion of Westbrook Lane enclosed within the site and subject to the TRO.

Case officer – Jeff Dummett

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Background documents - See section heading
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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Provision of modular building to provide 2 classrooms and extension to playground at St Francis Catholic School, Queen's Road, Maidstone – MA/12/488 (KCC/MA/0044/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 12 June 2012.

Application by KCC Property & Infrastructure Support for the provision of new modular building to provide 2 classrooms and extension to existing playground at St Francis Catholic School, Queen's Road, Maidstone – MA/12/488 (KCC/MA/0044/2012).

Recommendation: Permission be granted, subject to conditions.

Local Members: Mr D Daley and Mr M Robertson

Classification: Unrestricted

Site

1. The application site falls within the grounds of St Francis Catholic School, Queen's Road, Maidstone. St Francis School is a voluntary aided Catholic Primary School located to the west of Maidstone town centre. The school is located within the northern boundary of Oakwood Park in close proximity to a number of senior schools and colleges that share the campus. The only pedestrian and vehicle access to the site lies directly off Queen's Road, which is a through road connecting Tonbridge Road (A26) and London Road (A20). There is no direct access to the site from within Oakwood Park. The school consists of a modern purpose built single storey building, oriented east-west parallel with the Queen's Road, with an access drive, circulation space and car parking positioned north of the main school building. Hard play space is located to the east and west of this building with the playing field position further to the west. The school currently accommodates approximately 351 pupils and 43 (full time equivalent) members of staff.
2. The application site covers an area of approximately 360m² within the school grounds. The land affected consisting of an area of hard play to the north-west of the main school building, alongside a 4m wide strip of land that runs along the western edge of this playground.
3. The St Francis School site is surrounded by St Simon Stock School grounds to the south and west. The Saxon Chief Public House is located immediately to the east with residential property beyond; further residential properties are located on the opposite side of Queen's Road approximately 35m to the north. The northern boundary of the school grounds with

Provision of modular building and extension to playground at St Francis Catholic School, Queen's Road, Maidstone – MA/12/488 (KCC/MA/0044/2012)

Queen's Road consists of a 1.8m stone retaining wall, beyond which the ground rises up and plateaus out within Oakwood Park. The school buildings and application site are set back from the public highway with a substantial mature tree / shrub landscape screen running the length of the boundary within the site. Please see site location plan included.

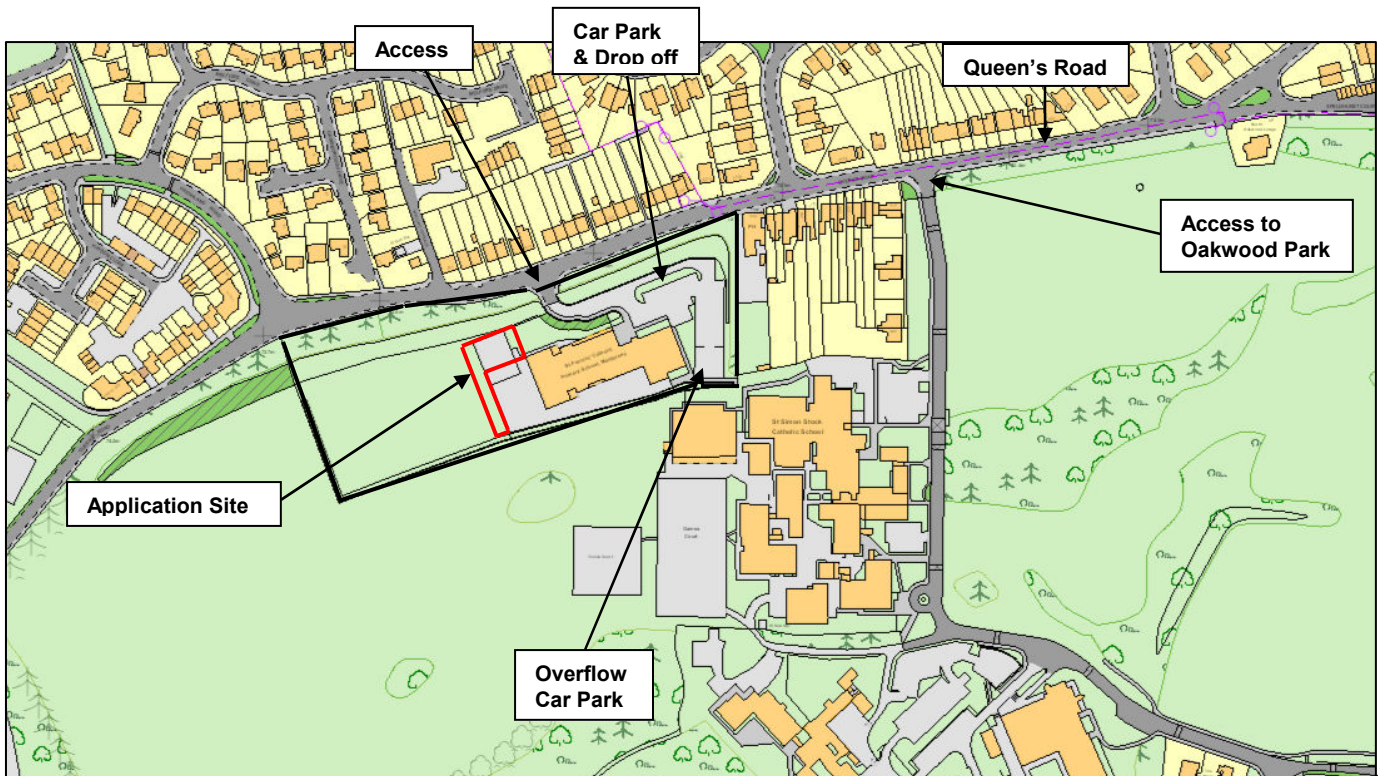
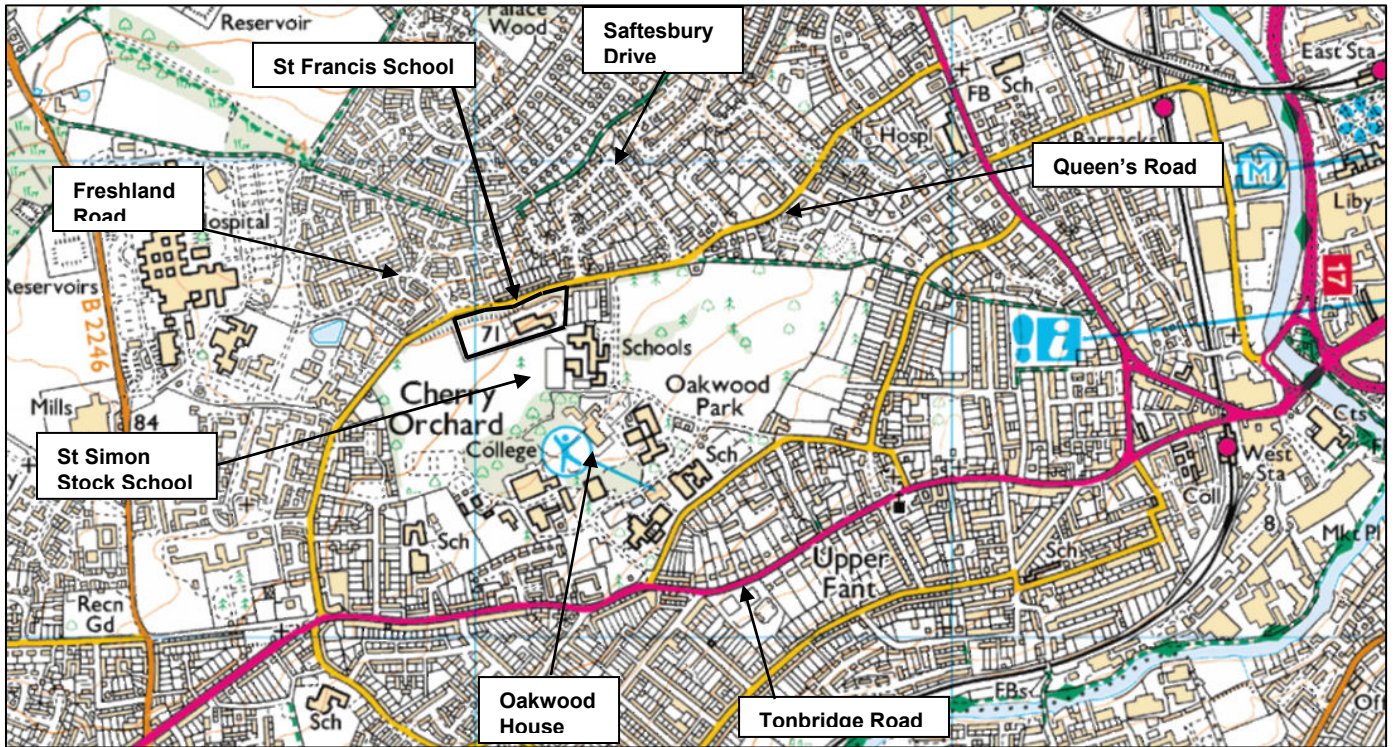
4. The School benefits from a dedicated car park and access, which is laid out to provide circulation space for both vehicles and pedestrians, drop off facilities and parking for 37 vehicles. At drop-off and pick-up times the playground to the east of the school building is made available to provide an overflow car park for parents use, allowing approximately 22 additional spaces.
5. The application site falls within the urban boundary of Maidstone as defined by the Local Plan Proposals Map. 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 (15) below.

Background

6. St Francis School was relocated to the Oakwood Park campus in 2001 from two sites elsewhere within the town. Planning permission for the new school site was granted in March 2000 under reference MA/99/1940. This permission allowed for the construction of a modern single storey school building with a shallow pitched roof to provide 12 classrooms and ancillary accommodation, together with a new vehicle and pedestrian access off Queen's Road.
7. The more recent planning history includes minor applications to provide an outdoor shelter (MA/06/1001) and an extension to the main building to provide an additional classroom break out space and storage (MA/08/924).
8. The County Planning Authority has recently granted permission for one other proposal within the Oakwood Park campus; that is for a change of use at Oakwood House from a training centre with overnight accommodation to regularise its use as a hotel (use class C1) with ancillary training facilities including use for D1 provision of vocational training (KCC/MA/0054/2012). In addition there is a major application pending to redevelop St Augustine Academy, formerly The Astor of Hever Community School, which is located on the south side of the Park.
9. Members maybe aware that highway safety improvements are planned to the stretch of Queen's Road that adjoins the Oakwood Park campus, to address local concerns about congestion and safety issues at peak times. These improvements are being financed as part of the local Members' Highway Grant. The changes proposed include a 20mph zone, signage and road markings, along with the provision of new double yellow lines to both sides of Queen's Road starting to the west of the vehicle access to St Francis School encompassing the junction with Freshlands Road.

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General Location Plan



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Proposal

10. The application proposes the construction of a modular building to provide 2 new classrooms. The additional classrooms are required to allow the school to more easily deliver the curriculum to the children attending the site and would enable an increase in the annual intake by approximately 10 pupils to meet demand for places. The applicant notes that legally the infant classes (Key Stage 1) cannot exceed 30 pupils in each class. Under the current arrangements some classes consist of mixed year groups; the proposals would enable the school to provide infant classes where no children are in mixed-age groups. The additional capacity would allow the school roll to steadily increase over the coming years to a maximum of 420 pupils, from the current 351 pupils (an increase of up to 69 pupils). To support this increase in capacity, staff numbers would also rise from 43 to 46 full-time equivalents.
11. The applicant expects the expansion to be a temporary measure to cover a medium term demand for school places. Future provisions on site will be dependent upon the demographic changes in the local area. At present the applicant suggests that it would be premature to begin to consider a permanent construction due to the lack of evidence with regard to future changes in the school's demography.
12. The proposed single storey modular building would measure approximately 15m by 10m by 3m high and is shown as a conventional design, similar to other modular buildings located within schools around the county. The building would be sited on a playground and paved area to the north-west of the main school, and is shown with a level access and finished floor levels throughout. The design incorporates 2 classrooms, associated storage space, toilets and entrance lobby. The application confirms that the proposed building would be fully Disabled Discrimination Act (DDA) compliant.
13. The application includes provision of 200m² of new hard play to replace the area of playground that would be lost under the footprint of the proposed building (approximately 150 m²). The new playground area would be provided by a 4m wide extension along the western boundary of the existing provisions. The application also includes provision of a small timber storage shed measuring 2.4m by 1.8m, adjacent to the playground extension and southern site boundary.

Additional information received from the applicant

14. In response to objections received from nearby residents the applicant has provided additional supporting information in respect of the highways issues faced by the School on a day to day basis, and the measures in place to help mitigate for / reduce the traffic generated. The points raised can be summarised as follows:
 - The School has a School Travel Plan and is currently working on updating the contents.
 - Currently there are 20+ children walking to school on the Walking Bus every morning. The Walking Bus was recently awarded the top new Walking Bus and top volunteer by the Kent Messenger's Walking Bus initiative.

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- The School runs a Breakfast Club, which starts at 7.30am accommodating between 50 and 60 children daily, staggering the traffic generated during the mornings over a longer period.
- The School encourages 'park and stride' as well as Walk On Wednesdays as a means of encouraging parents to park away from the school site.
- The school operates a variety of after school clubs every day of the school week. This also reduces the number of trips for parents during the afternoon pick up and spreads out the journeys.
- The school drop-off area is managed every morning by staff members and parent volunteers from 8.45am which helps the efficiency of the drop-off area. The drop-off can accommodate up to 3 cars at any one time, with further vehicles queuing within the site on the internal circulation road.
- Parents are allowed to park on site throughout the day, and use the school's internal roads to queue in the afternoon to use the available parking spaces within the site.
- The School staggers the finish times in the afternoons for infants (3.00pm finish time) and for juniors (3.15pm finish time) so that vehicle trips to the site can be staggered and so that not all parents turn up at one collection time.
- Parking on Queen's Road happens during the afternoon pick-up when parents have to park and come into the site to collect their children. As with any school, the afternoon pick-up causes parking outside the school as the pick-up does not run as efficiently as the morning drop-off. However the school does allow parents onto the site as a means of reducing the parking in the surrounding roads.
- There is adequate parking on site for staff. There are currently 37 marked car parking spaces, including 2 disabled car parking spaces, of which staff occupy (on average) 25 car parking spaces. The remaining 12 or so spaces are then used by parents in the morning and afternoon and there are a further 22 unmarked car parking spaces within the tennis courts which again the parents are allowed to use both in the morning and afternoon.

Planning Policy

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

- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are 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).

The NPPF contains a presumption in favour of sustainable development. The new Framework also refers to the UK Sustainable Development Strategy Securing the

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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 costal 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.

(ii) The South East Plan (2009):

Policy SP3 Seeks to focus development within urban areas to foster access to

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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 T4 Seeks development to adopt restraint-based maximum levels of parking provision for non-residential developments.
- Policy T5 Seeks to encourage the use of travel plans.
- Policy NRM1 Seeks to maintain and enhance ground water quality through the avoiding adverse effects of development on the water environment.
- Policy BE1 Seeks new development to help improve the built environment with design solutions relevant to local character, distinctiveness and sense of place.
- 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) Maidstone Borough-Wide Local Plan (2000) (Saved) Policies:

- Policy ENV22 Seeks development within existing open areas to: have regard to the visual impact of the development on the urban landscape; uphold and improve the appearance of the locality; and conserve wildlife habitats.
- Policy T1 Seeks all development to be safely and securely related the highway network.
- Policy T13 Seeks development that meets adopted parking standards.

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Policy T23 Seeks to ensure that traffic generated by development proposals is acceptable in terms of its impact on the transport network and on the local environment.

(iv) **Maidstone Local Development Framework: Core Strategy (2011) Public Participation Consultation Policies:**

Policy CS1 Seeks new development to be focused within and next to Maidstone's urban areas and infrastructure to be brought forward in a timely way to provide for the needs arising from development.

Policy CS3 Seeks development within urban boundary of Maidstone that contributes positively to the locality's distinctive character.

Policy CS6 Seeks sustainable design and development that responds positively to and maintains local distinctiveness and townscape.

Policy CS7 Seeks to guide the location of development in order to reduce the need for private transport and maintain highway safety, and ensure the highways, public transport, walking and cycling needs arising from development are satisfied.

Consultations

16. Maidstone Borough Council – no objection to the application.

Environment Agency – taking account of the application and proposed location, the Agency has assessed the application as posing a low environmental risk and recommended that the developer follows its best practice guidance in developing the site should planning permission be granted.

Kent Highways and Transportation – no objection, subject to standard conditions covering controls during the construction phase, including provisions to accommodate construction vehicles on site, and to guard against the deposit of mud on the public highway.

In response to the application Kent Highways comment as follows:

'The information provided by the applicant indicates that this application is likely to lead to an increase in pupil numbers of 10 each year for 7 years. This increase in pupil numbers is not likely to have any significant impact initially, although eventually there may be some impact on the local highway.'

The School are actively engaging in activities to reduce the traffic impact by providing before and after school facilities allowing early drop offs in the morning and late pick ups in the afternoon, managing the drop off facility and allowing parking in the tennis court.

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Additionally a percentage of the pupils walk to school and approximately 50% of new pupils have siblings at the school. Taking this into consideration the traffic impact of the proposal is reduced significantly. However there is some congestion in the area at the start of the school day and at the end of the school day and residents are concerned in relation to this and also regarding parking. Some of these concerns will be addressed by the highway safety scheme which has been promoted by County Members and due to be implemented before the 2012/2013 school year begins.

In light of the temporary nature of the buildings KCC Highways do not wish to raise objection; however would wish to review this position if the buildings are retained or alternative permanent buildings provided'.

Local Member

17. The local County Members for Maidstone Central, Mr D. Daley and Mr M. Robertson were notified of the application on 13 March 2012.

Publicity

18. The application was publicised by the posting of a site notice, and the individual notification of 19 residential properties.

Representations

19. In response to the publicity, 6 letters of representation have been received. The key points raised can be summarized as follows:

- Objects to the proposed expansion of the school on the grounds of the highway impacts resulting from increased traffic and congestion that would be generated by the development;
- Considers that the existing levels of traffic generated by the school at the beginning and end of the school day to be untenable;
- Objects to the impacts of traffic generated by the school on residential amenity and considers that a further expansion would exacerbate the situation;
- Notes that no impact assessment of projected vehicle movements has been submitted, and highlights that 60 additional pupils could potential equate to 120 additional vehicle movements a day and approximately 600 extra journeys a week;
- Considers that the number of parents parking on the Queen's Road already creates highway safety and access problems; raises concern that emergency vehicles would not be able to negotiate the traffic generated;
- Raises concern about existing inconsiderate and dangerous parking on the highway;
- Highlights that congestion and parking issues are particularly bad at the end of the school day;
- Considers that the drop-off facilities within the school are not used as effectively as possible;

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- Suggests that consideration should be given to the traffic impacts of extra-curricular functions, such as sports days and fetes, given that there is no parking on site for parents during these activities resulting in inconvenience to the local community;
- Suggests onsite parking provisions should be increased, a proper pick up zone provided within the grounds, or alternate vehicle access arrangements should be required;
- Considers that the original design of the access to the site is flawed, on the grounds it opens onto a main road and that parents are not allowed to park on site causing havoc for residents of the surrounding streets twice a day;
- Raises concerns that the new road safety scheme proposed on Queen's Road would force more parents seeking parking spaces on the public highway onto other local residential roads;
- Notes that there are 3 other current or pending applications for development within Oakwood Park and representations made to those are relevant; considers that a co-ordinated overview to the traffic generated by the campus as a whole should be taken which has regard to the character of the Park and residential amenities.

Discussion

20. The application seeks planning permission for the installation of a modular building, including 2 classrooms, within St Francis Catholic School enabling the school to expand its roll incrementally over the coming years (by approximately 10 pupils per year for up to 7 years). The application is being reported to the Planning Applications Committee as a result of 6 letters of representation received from nearby residents objecting to the application, primarily on highway grounds. Please see paragraphs (16) and (19) for details of the representations received.
21. In considering this proposal, regard must be had to the Development Plan Policies and Government Guidance outlined in paragraph (15) 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 any other material planning considerations arising during the consideration of the application.
22. 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.

Location and design

23. The proposed application site is located within the Oakwood Park campus and falls within the curtilage of St Francis School. The use of the proposed buildings would be incidental to

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the continued operation of the primary school, allowing an expansion of the scale of the permitted use.

24. The buildings proposed would be located approximately 4 metres north west of the main school building and 20m south from the boundary with Queens Road. The application site is positioned on a plateau within Oakwood Park. Despite its elevated position in relation to the public highway, the development would have a limited visual impact on the street scene due to a mature landscaping screen planted adjacent to the northern boundary, which practically screens views of the site. The building and storage shed would be visible from the surrounding school/ college sites to the south, from within Oakwood Park. However, due to the proposed position and small scale of the proposals, in my opinion, the development would not significantly impact on the open character of the campus or the character of the Park, since it would be viewed in the context of the adjoining main school building.
25. The design of the modular building is reasonably standard in appearance and would be similar in construction to a number of units used across the County in recent years - single storey timber framed construction, finished in green with UPVC windows. The design allows for a level access to the adjacent hard standing, with no void spaces below the building. This approach improves access provision and serves to improve the overall visual appearance of the proposal.
26. In my opinion, due to the nature of the design and usable lifespan, the building would be unlikely to be considered as an acceptable permanent solution in this locality. Whilst the design might be acceptable as a temporary provision, it would be difficult to conclude that the single storey, shallow pitched roof construction would enhance the character of the surrounding environment, albeit that it would not necessarily detract from the character. It is noted that the application is only being proposed as a temporary arrangement to meet local need for the coming few years. The applicant has confirmed that there is insufficient evidence to support the need for a permanent extension of the school at this time. On this basis it is my opinion that the layout and design of the building would be acceptable in the location for a temporary period. Subject to a condition restricting the length of time the building can be retained, I consider that the development as proposed would be acceptable in the context of the Development Plan Policies in place in terms of its location and design, including South East Plan Policies CC6 and BE1, Local Plan Policy ENV22 and Maidstone Core Strategy Policies CS3 and CS6.

Highway considerations

27. The application has generated a number of objections from nearby residents; these primarily focus on the highway impacts of the existing school, the wider Oakwood Park campus as a whole, and the potential implications of the proposed expansion of the school roll. It is acknowledged that the site generates a large number of vehicles movements, particularly as it is a Catholic School and as such potentially has a wider catchment area. The concentration of these movements on short peak travel times inevitably causes congestion and puts pressure on the local highway network. This issue is more notable during the afternoon pick-up as parents arrive early to find a parking space either within the

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school grounds or on the surrounding public highway. It should also be noted that the traffic generated in the area is cumulative as the other schools and colleges within Oakwood Park also generate significant movements. This is a concern that is faced across the county and one that is not easily solved. Members will note that Queen's Road is a through route; consequently it has to sustain traffic flow as well as local residential traffic, and vehicles attending the various schools within Oakwood Park. Concerns about traffic safety issues during peak times have prompted the provision of a new safety scheme covering this stretch of road financed by the local Member's Highway Grant.

28. Given the scale of the development being proposed within the current application, it would be unreasonable to expect the St Francis School to seek to resolve the wider travel issues of the Oakwood Park campus. Members will note that whilst the application is for 2 additional classrooms, these are required to support the education provision on site over the coming few years. If planning permission were to be granted the increase in pupil numbers would be gradual with the reception intake rising by approximately 10 children (to approximately 60 pupils) each year for up to 7 years. This could take the school roll from the existing 351 pupils to 420 if the demand for places continues. The School has indicated that based on current figures, 50% of the proposed additional children would potentially already have siblings at the school. This would serve to reduce the number of additional vehicle movements generated as families are likely to travel to site together. The projected increase in staff numbers is expected to equate to 3 full time equivalents. It is on this basis that no additional vehicle parking is being proposed on site as a result of the current applications.
29. The school's existing car park allows provision for 37 dedicated spaces, with a further 22 spaces provided as overflow parking for parents during peak travel times (59 spaces total). Under the current arrangements, I am advised that approximately 25 spaces are used by staff with the remainder made available for use by parents. Kent Vehicle Parking Standards recommends a maximum of 51 spaces for the primary school (as proposed). Whilst the dedicated number of spaces falls below the maximum recommended standards for a school of this size, the available provisions are well above average, and in combination with the provision of overflow parking exceed the recommended levels.
30. The school grounds also already include the provision of a drop-off / pick-up facility fronting the school and circulation space for vehicles within the grounds. In addition to the before mentioned overflow parking, this allows some parents attending site by car to move off the public highway reducing the overall impact of the site. The facility is most effective during the morning peak, with the drop-off managed to allow for parents to literally drop-off their children to a member of staff and then leave the site (thereby minimising congestion within and entering the site). The afternoon peaks are more complicated with those children needing to be collected, which results in a higher demand for parking space, with parents arriving early to ensure that they are there to receive the children. The provision of circulation space and overflow parking on site helps to reduce the impact from parents parking on the public highway; however this by no means meets the total demand and the relevant development plan policies would not require that to be so. To help further reduce the impact, the School operates a staggered finish time for infant and junior school children attending site (15:00 and 15:15 hours respectively). It is noted that the provision of

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staggered finish times, as well as breakfast and after school clubs, serves to spread the traffic movements generated by the school over a longer period, helping to lessen the difficulties faced at peak times. The school start and finish times are also staggered from other schools on the Oakwood Park Campus, which cater for older pupils who tend to start earlier and finish later in the day.

31. The School has an existing travel plan which sets out the issues, objectives, targets and actions in place to reduce the levels of congestion and traffic movements associated with the site. A number of the initiatives put in place are well supported, including a daily Walking Bus that allows 20+ children to walk to school most days, 'park and stride' and Walk On Wednesdays. The Travel Plan is currently being updated and could be secured by a suitable planning condition, should Members be minded to approve the current application.
32. Members will note that Kent Highways has raised no objection to the application, subject to controls during the construction phase to prevent any undue impact on the public highway. Kent Highways has indicated that the increase in pupil numbers is not likely to have any significant impact initially, although eventually if the expansion continues at the same rate there may be some impact on the local highway. However, it acknowledges that the School are actively engaging in activities to reduce the traffic impact, and that subject to planning permission being for a temporary period it would expect to review the position at the end of this period, should the applicant seek to retain the building or seek to propose a more permanent solution.
33. In my opinion, the school is well provided for in terms of car parking and its pupil drop-off / pick-up facilities, particularly when compared to most other schools around the County. I also consider that the School continues to deliver a number of initiatives through its travel plan that again go above and beyond the arrangements available to many schools; these include, amongst others, the well supported walking bus, the staffed drop-off facilities, the provision of parent parking and waiting areas off the public highway and staggered finish times. All of the above serve to minimise the inevitable impact of the number of people all moving to and from the site within such short passages of time. The proposed increase in capacity could potentially result in up to 69 additional pupils; however it should be borne in mind that this would be an incremental increase over a number of years which is dependent on local demand. It is noted that should Members be minded to grant temporary permission for a period of 5 years, at the projected rate of increase it is unlikely that the school roll will have reached the maximum capacity. Taking into account provisions made available by the School to help mitigate for highway issues, I would find it very difficult to sustain an objection to the proposed development on highway grounds given the limited scale and slow rate of the change in use being proposed.
34. I consider that whilst the proposal would inevitably result an increase in vehicle movements, the level of change would not result in an unacceptable additional impact on highway safety, efficiency, or on the amenities of surrounding area. In my opinion, any impact that would result from the development would be outweighed by the benefit to the community through the provision of adequate school places to serve the local need. Subject to a condition seeking the update of the Travel Plan, the proposed development is considered to accord

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with the relevant Development Plan Policies, including South East Plan Policies SP3, T4 and T5, Local Plan Policies T1, T13 and T23 and Maidstone Core Strategy Policy CS7.

Need for the development

35. The Government attaches great importance to ensuring sufficient choice of school places is available to meet the needs of existing and new communities, this includes giving greater weight to the need to create, expand or alter schools. The applicant has provided information demonstrating that the proposed building is required to support the existing education provision on site by providing additional classroom spaces. These additional spaces would allow children attending the infant school to be taught in same-age class groups rather than the mixed-age classes operated under the current arrangements. The mixed-age classes are currently necessary due to a legal requirement to ensure all Key Stage 1 classes are kept below 30 pupils. The additional classrooms would also enable a small incremental increase in the school roll over the coming years, catering for a number of pupils that are on the waiting list for places at the school. For the first year only, one of the new classrooms would be used to accommodate a class; the other classroom would be used as break out space for group work until such time as the pupil numbers increase sufficiently resulting in the need for the further room.
36. I am satisfied that the applicant has been able to demonstrate a case of need for the proposed classrooms for a temporary period, which is supported by Chapter 8 of the NPPF and South East Plan Policies S3. This support would need to be balanced against any detrimental impacts of the development as proposed.

Other relevant planning considerations

37. The application site overlies an aquifer, which means groundwater potentially would be at risk from activities on site. The Environment Agency has assessed the proposals as having a low potential risk to the environment, indicating that any development should follow its best practice. I recommend that should permission be granted the applicant be made aware of this advice by way of an informative.

Conclusion

38. Overall, I consider that the development as proposed is appropriate in terms of its design, layout and siting in relation to the surrounding built development and the character of the local environment for a temporary period. Whilst the development would result in an increase in the number of people attending the site, I am satisfied that this will be a gradual change that would not materially alter existing traffic patterns over the coming years sufficiently to warrant an objection on highway grounds. As noted above, the School already actively delivers a number of measures that seek to reduce the effect of traffic associated with the use. A continued commitment to the travel plan process would serve to reduce the highway impacts to an acceptable level. Accordingly, I consider that the development as proposed would be acceptable in terms of the Development Plan Policies in place and recommend that planning permission be granted.

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Recommendation

39. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- temporary consent for a period of 5 years from date of permission for the proposed modular building and removal of this building at expiration of the period with the restoration of the site thereafter;
- the development be carried out in accordance with the permitted details;
- controls on the construction phase to minimise any impact on the public highway during this period; and
- the submission of an updated school travel plan.

I FURTHER RECOMMEND THAT INFORMATIVES be added to the decision notice drawing the applicant's attention to the Environment Agency's advice concerning best practice during construction, and Kent Highways and Transportation's comment that it would wish to review the highways and parking implications again if at the end of the temporary consent planning permission is sought to retain the building or to provide alternative permanent facilities.

Case Officer: James Bickle

Tel. no: 01622 221068

Background Documents: see section heading

**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.

AS/11/621/R8 & R11	Details of proposed landscaping and great crested newt surveys and their translocation pursuant to conditions (8) and (11). Land at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford
CA/12/145	Temporary variation to conditions 4 & 5 of CA/92/478 to allow an increase in tanker movements to 41 per week and weekly import volume to 735 cubic metres for a period of 15 months. Canterbury Wastewater Treatment Works, Sturry Road, Canterbury
DA/99/706/R2,5,6	Details of a temporary interim land management scheme submitted pursuant to conditions (2), (5) and (6). Former Landfill Site, Bakers Hole, Northfleet
DA/12/50	Use of land and buildings in association with car breakers business. Ace Car Breakers, Manor Way Business Park, Swanscombe
SW/12/167	Refurbishment and use of existing rail sidings and site infrastructure for the importation and transfer in containers of waste to the proposed Kemsley Mill Sustainable Energy Plant for use as a fuel. SEP Ridham Dock Facility, Ridham Dock, Ridham, Sittingbourne
TM/93/305/R17B	Upgrading of infrastructure on internal Haul road to include removal of rumble strips and installation of road bumps and wheel bath with rattle strips along concrete road within landfill site – Submission of details for the approval of Kent County Council pursuant to condition 17 of planning permission TM/93/305. Borough Green Quarry (Landfill), Wrotham Road, Borough Green, Sevenoaks
TM/09/1888/R8B	Approval of annual report as required by condition 8 of planning permission TM/09/1888 outlining proposed soil importation and restoration works for 2012. Offham Landfill Site, Teston Road, Offham, West Malling
TM/00/1599/R26	Request pursuant to condition (26) for the temporary cessation of quarrying until October 2014. Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge
TW/12/139	Construction of a ferric dosing system including 3 walk-in-kiosks to support upgrade to existing wastewater treatment works. Tunbridge Wells North Wastewater Treatment Works, Dowding Way, Tunbridge Wells

TW/12/371 Construction of a walk-in kiosk and other structures to support upgrades to wastewater treatment processes.
Hawkhurst North Wastewater Treatment Works, 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.

AS/10/512/R6 Details of levels, a scheme of landscaping, full design details of 'The Square' 9, 12 & 21 and a surface water drainage scheme.
Repton Primary School, Former Rowcroft and Templer Barracks, Templer Way, Ashford

AS/10/512/R8 Details of external lighting.
Repton Primary School, Former Rowcroft and Templer Barracks, Templer Way, Ashford

AS/12/330 Installation of solar panels on the south-west facing roof of the school hall.
Brabourne CEP School, Canterbury Road, East Brabourne, Ashford

AS/12/339 Two classroom extension.
Aldington Primary School, Roman Road, Aldington, Ashford

AS/12/397 Proposed front office extension adjacent to front entrance.
Ashford Oaks Primary School, Oak Tree Road, Ashford

CA/12/443 Proposed single storey extension.
Herne C of E Junior School, School Lane, Herne, Herne Bay

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- CA/12/524 Renewal of temporary planning consent for the 2 no. mobile units forming the Greenhill Family Centre.
Briary Primary School, Greenhill Road, Herne Bay
- DO/11/812 Retention of mobile classroom accommodation.
Portal House School, Sea Street, St. Margarets-at-Cliffe, Dover
- DO/12/172 Retention of a mobile classroom unit.
Sibertswold CEP School, Coldred Road, Shepherdswell, Dover
- GR/12/229 Erection of 3 metre high fencing around football pitch.
Thamesview School, Thong Lane, Gravesend
- GR/12/241 Redevelopment of pedestrian entrance to school, including ramp access and formalised car parking arrangements in the old sports courts.
Westcourt Primary School, Silver Road, Gravesend
- MA/12/448 Change of use from a training centre with overnight accommodation to a hotel (Class C1) with ancillary training facilities, including use for D1 provision of vocational training.
Oakwood House, Oakwood Park, Maidstone
- SE/12/638 Single storey extension to front entrance and rear extensions to 2 classrooms and the rear lobby/cloakroom area. A new canopy and some changes to existing windows are also proposed.
Four Elms Primary School, Bough Beech Road, Four Elms, Edenbridge
- SH/12/210 Erection of new canopy attached to the existing play centre and shade sail structure over the external play area.
Saltwood Play and Learning Centre, Grange Road, Saltwood, Hythe
- SH/12/282 Replacement of existing flat roof with new shallow pitch roof.
Elham Church of England Primary School, Vicarage Lane, Elham, Canterbury
- SW/11/994/
R12 Details of a travel plan (including an implementation plan).
St Bartholomews School (MASH), Atlee Way, Sittingbourne
- SW/11/1307 Retention of the 3 no. existing mobile classrooms.
Boughton Under Blean and Dunkirk Primary School, School Lane, Boughton Under Blean, Faversham
- SW/12/297 Replacement of front vehicular gates with new mechanically operated black metal gates.
Boughton-under-Blean and Dunkirk Primary School, School Lane, Boughton-under-Blean, Faversham
- TH/08/167/
R25 Community Use Agreement – the replacement of existing secondary school buildings with new two storey building with associated landscaping works, car parking etc.
St Georges Church of England Foundation School, Westwood Road, Broadstairs
- TH/12/273 Retention of 10 no. mobile classroom units.
Laleham Gap School, Northdown Park Road, Margate

- TH/12/274 Internal renovations to Broadstairs library which include: replacement external windows; relocation of main entrance, installation of lift which requires slight external adjustments and new ventilation grills to the front façade. 3 no. new windows to south façade.
Broadstairs Library, The Broadway, Broadstairs
- TH/12/303 Renewal of the existing dining hall roof.
Holy Trinity & St Johns C of E Primary School, St Johns Road, Margate
- TM/11/2523/
R14, 15 & 16 Details of an ecological mitigation strategy and a ground contamination assessment report and verification report.
Coldharbour Lane Gypsy and Travellers Site, Coldharbour Lane, Aylesford
- TM/11/2523/
R17 & 18 Details of a surface water drainage scheme.
Coldharbour Lane Gypsy and Travellers Site, Coldharbour Lane, Aylesford
- TM/12/629 Construction of a new car park and refuse and recycling enclosure.
The Judd School, Brook Street, Tonbridge
- TM/12/996 Provision of new modular two classroom building.
Ryarsh Primary School, Burling Road, Ryarsh
- TW/12/477 New purpose built car park accessed off Somerset Road (to move 20 car parking spaces off the central hard play area) and the erection of a new 3 metre high weld mesh fence along the car park eastern boundary.
The Skinners School, St Johns Road, Tunbridge Wells
- TW/12/814 Proposed extension to rear of building to house new lift.
Tunbridge Wells Library, Mount Pleasant Road, Tunbridge Wells

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

Background Documents –

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

KCC/GR/0148/2012 - Proposed improvements to Rathmore Road, Gravesend, including its realignment through the existing car park at the eastern end to a new junction immediately south of 20 Stone Street, widening at the western end involving the demolition of 13 Darnley Road and The Lodge, Rathmore Road, and signalisation of its junctions with Stone Street and Darnley Road. Improvements to the railway station forecourt, including the provision for taxis and disabled parking.

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(The proposed scheme is part of the Gravesend Transport Quarter Development which was granted outline planning permission by Gravesham Borough Council in October 2010.)

Land at and surrounding Rathmore Road south of the railway, Gravesend.

KCC/SE/0140/2012 - Planning application for redevelopment of existing school site to include; Retention of existing school buildings. Erection of a new three story Academy building. Retention of temporary classrooms permitted under reference SE/11/258 for a further temporary period until the new academy building is finished and decant is complete. Relocation of storage containers and garage to northern perimeter of site. Removal of current nursery building and relocation of use within existing Academy dance studio. Retention of existing hard surfaced games courts and sports playing fields and creation of a new All Weather Pitch and hard and soft play/recreation areas. Provision of 195 on site car parking spaces, 12 motorcycle parking spaces, 2 mini-bus parking spaces, 1 mini-coach parking bay, 8 bus/coach pick up/drop off bays and 222 cycle space. Retention of existing vehicular entrances on to Bradbourne Vale Road and creation of a new access to the southern car park to provide for a bus drop off loop. Hard and soft landscaping.
Knole Academy, Bradbourne Vale Road, Sevenoaks.

KCC/TW/0151/2012 - Erection of new primary school building with associated hardcourt play areas, access, parking and landscaping and re-profiling and landscaping of residual land to return to pasture.
Land south of Rolvenden Road, Benenden

KCC/TW/0152/2012 – Construction of two walk-in kiosks, a sludge storage tank and other minor works to support upgrades to the wastewater treatment works.
Tunbridge Wells South Wastewater Treatment Works, Broom Lane, Groombridge, Tunbridge Wells.

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

None

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

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

Background Documents -

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

None

E.5

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