

PLANNING APPLICATIONS COMMITTEE

Tuesday, 6th November, 2012

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 6th November, 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 I S Chittenden

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. Membership - To note the appointment of Mr I S Chittenden to the Committee
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 9 October 2012 (Pages 1 - 4)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/12/983 (KCC/TM/0075/2012) - Aggregate Recycling Facility and Concrete Batching Plant, together with amendments to the currently approved quarry restoration plans at Ham Hill Quarry, Snodland; Tarmac Ltd (Pages 5 - 46)
2. Application AS/12/518 (KCC/AS/0095/2012) Scrap metal storage and processing facility, including End of Life Vehicle facility at Eclipse Business Park, Cobbs Wood Industrial Estate, Ashford; European Metal Recycling Ltd (Pages 47 - 84)

3. Application DO/12/664 (KCC/DO/0292/2012) - Section 73 application to vary Condition 9 of Permission DO/03/477 for the variation of hours of operation to allow vehicle movements related to Local Authority waste collection services on Bank and Public Holidays at Richborough Hall, Ramsgate Road, Richborough, Sandwich: Thanet Waste Services (Pages 85 - 96)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal MA/12/1272 (KCC/MA/0199/2012) - New teaching block and associated car parking and multi use games areas at St Augustine's Academy, Oakwood Park, Maidstone; KCC Property and Infrastructure (Pages 97 - 126)
2. Proposal SE/12/243 (KCC/SE/0243/2012) - Two-storey extension, single-storey toilet block, and extension to existing canopy at Fordcombe CEP School, The Green, Fordcombe, Tunbridge Wells; Governors of Fordcombe CEP School (Pages 127 - 138)
3. Proposal SE/12/2144 (KCC/SE/0255/2012) - Construction of a car park within a woodland area at St Lawrence Primary School, Church Road, Seal; Governors of St Lawrence Primary School (Pages 139 - 156)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 157 - 160)
2. Consultations on applications submitted by District Councils or Government Departments (None)
3. County Council developments
4. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None)
5. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

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

Peter Sass
Head of Democratic Services
(01622) 694002

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

Monday, 29 October 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, 9 October 2012.

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

ALSO PRESENT: Mr N J D Chard

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Team Leader - County Council Development), Mr R White (Development Planning Manager), Mrs L McCutcheon (Senior Solicitor) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

53. Minutes - 24 July 2012

(Item A3)

RESOLVED that the Minutes of the meeting held on 24 July 2012 are correctly recorded and that they be signed by the Chairman.

54. Site Meetings and Other Meetings

(Item A4)

(1) The Committee agreed to visit the site of the proposed Anaerobic Digestion Plant at Blaise Farm, West Malling on Thursday, 1 November 2012. This visit would be followed by a visit to see a similar site in operation at Cassington in Oxfordshire.

(2) The Committee was also asked to set aside the afternoon of Tuesday, 6 November 2012 for a possible visit to the proposed facility for the storage of End of Life Vehicles at Glebe Farm in Shadoxhurst. This would be subject to there being sufficient time after the close of business of that morning's Committee meeting.

55. Probity in Planning

(Item B1)

RESOLVED that the draft Corollary to Advice Note 4 (set out at Appendix 3 to the report) be recommended to Selection and Member Services Committee for onward submission to the County Council.

56. Proposal SE/12/1577 (KCC/SE/0140/2012) - Redevelopment of existing school site at Knole Academy, Bradbourne Vale Road, Sevenoaks; KCC Property and Infrastructure Group
(Item D1)

(1) Mr N J D Chard was present for this item subject to Committee procedure Rule 2.21 and spoke.

(2) Mr R E Brookbank informed the Committee that he was acquainted with Cllr Matthew Dickens who had corresponded on the application. This acquaintanceship was not a close personal association and he was, therefore able to approach the determination of the application with a fresh mind.

(3) Mrs S V Hohler informed the Committee that she had previously been involved with the School in her role as Cabinet Member for Education, Learning and Skills. She had not been involved in this particular application up to this point and was, therefore able to approach the determination of the application with a fresh mind.

(4) Mr R J Lees informed the Committee that his niece attended the Knole Academy. This was neither a disclosable pecuniary interest, nor an other significant interest which would lead him to pre-determine the application. He was therefore able to approach determination of the application with a fresh mind.

(5) The Head of Planning Applications Group informed the Committee of correspondence from Sport England withdrawing its objection subject to the inclusion of three additional conditions. She therefore presented a revised recommendation, including the three conditions requested.

(6) In agreeing the revised recommendations, the Committee also agreed to the strengthening of the landscaping condition by the addition of the words: "with particular emphasis on integrating the development into its sensitive setting."

(7) RESOLVED that:-

- (a) the application BE REFERRED to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision permission be granted to the application subject to conditions, including conditions covering the submission and implementation of a Community Use Agreement; details of the design and layout of the playing pitches and artificial grass pitch; the submission of a playing field restoration scheme, and the restoration of the playing field; the standard time limit (5 years in this instance); the development being carried out in accordance with the permitted details; removal of the modular classroom building and completion of the south eastern car park within one month of completion and decant into the new build; the submission of details of all materials to be used externally; details of all external lighting, including hours of operation; a scheme of landscaping, including hard surfacing, its implementation and maintenance with particular emphasis on integrating the development into its sensitive setting; the provision of trees to the boundary with number 4 Oast Cottages; measures to protect those trees to be retained; a habitat management plan/biodiversity

enhancement strategy, including monitoring and management; no tree removal taking place during the bird breeding season; the development according with the recommendations of the ecological survey; reptile mitigation and fencing; a programme of archaeological works; “*Secured by Design*” principles being adopted; a BREEAM rating of ‘Very Good’ being achieved; details of community use relating to use of the indoor and outdoor facilities, including hours of use; the submission of an updated Travel Plan within six months of occupation, and ongoing monitoring and review thereafter; the provision and retention of car parking, coach parking/waiting, cycle parking, access, circulatory routes and turning areas; further works with regard to contaminated land; details of surface water drainage; details of piling and other penetrative foundation designs; control of surface water drainage; hours of working during construction and demolition being restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management strategy, including access, lorry routing, parking and circulation within the site for contractors’ and other vehicles related to construction and demolition operations; and measures to prevent mud and debris being taken onto the public highway; and

- (b) the applicant be advised by Informative that account should be taken of the Environment Agency’s advice relating to drainage and soakaways, contamination, watercourses and fuel/chemical storage.

57. Proposal SW/12/884 (KCC/SW/0180/2012) - Three single storey extensions to main school building and provision of new ramp to front entrance at Ethelbert Road Primary School, Ethelbert Road, Faversham; KCC Education, Learning and Skills
(Item D2)

(1) Mr T Gates informed the Committee that he was a Member of Faversham Town Council. He had neither spoken nor voted on this matter and was therefore able to approach the determination of the application with a fresh mind.

(2) The Head of Applications Group reported the receipt of correspondence from the neighbouring property at 3 Ethelbert Road in support of the application.

(3) Mr W A Hayton moved, seconded by Mr R F Manning that permission be refused on the grounds set out in the Head of Planning Applications Group’s recommendations.

(4) The Chairman moved as an amendment that consideration of the application be deferred to enable further discussion between the applicants and the Planners of the aspects of the application which have led to the recommendation for refusal. This amendment was accepted by the proposer and seconder of the original motion and by the Committee, which then agreed the motion as amended.

(4) RESOLVED that consideration of the application be deferred to enable further discussion between the applicants and the Planners of the aspects of the application which have led to the recommendation for refusal.

58. 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 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and
- (e) Scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Aggregate recycling facility, concrete batching plant and amendments to quarry restoration provisions at Ham Hill Quarry, Snodland – TM/12/983 (KCC/TM/0075/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2012.

Application by Tarmac Limited for an aggregate recycling facility and concrete batching plant, together with amendments to the currently approved quarry restoration provisions at Ham Hill Quarry, Snodland – TM/12/983 (KCC/TM/0075/2012).

Recommendation: Planning permission be granted, subject to conditions.

Local Member: Mrs Sarah Hohler

Classification: Unrestricted

Site Description and Background

1. Ham Hill Quarry lies on the western side of the Medway Valley immediately to the southwest of Snodland and 8km northwest of Maidstone (see “Site Location Plan” page C1.2). It is accessed via Hays Road, a private cul-de-sac servicing Tarmac’s depot operated by its National Contracting business, Tarmac’s existing asphalt plant and a Tesco distribution centre, which joins the A228 Malling Road some 700 metres south west. Junction 2 of the M2 lies approximately 7.5 kilometres to the north, whilst Junction 4 of the M20 lies some 1.5 kilometres to the south. The site lies just outside and to the east of the North Downs Area of Outstanding Natural Beauty.
2. Ham Hill Quarry hosts a number of uses, including mineral workings with associated restored and undisturbed areas and soil storage; an asphalt plant producing coated road stone; the storage of asphalt road planings and a depot for Tarmac’s National Contracting business. Public footpath (MR75A) runs through part of the restored quarry site leading from Hollow Lane past the National Contracting Depot, asphalt plant, vehicular site entrance and south-west onto Sandy Lane. Overhead power lines pass across the north-eastern corner of the site and the Pluto Oil pipeline lies underground, transversing the western and northern boundary’s of the site.
3. Mineral extraction commenced at Ham Hill during the 1960s, with a planning permission granted to extract silica sand in 1962 (reference MK/4/62/281). This permission established the site as a sand quarry, required progressive restoration to agriculture and made provision for a dedicated access joining the highway at the southern end of Hollow Lane. An extension to the quarry was granted in 1985 (reference TM/85/8) which allowed additional mineral to be extracted into the area now subject to this application. Temporary planning permission was granted for an asphalt plant at the site in 1985 (reference TM/85/9) which required the plant to be removed once the adjoining sand quarry reserves were fully extracted. Planning permission TM/85/8 was varied in 1999 enabling the importation of asphalt road planings from local road maintenance and storage of up to 5000 tonnes within a defined 1000 square metre area. This variation did not allow for any treatment or processing of road planings and was required to cease upon completion of mineral extraction.

Item C1

Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

Site Location Plan

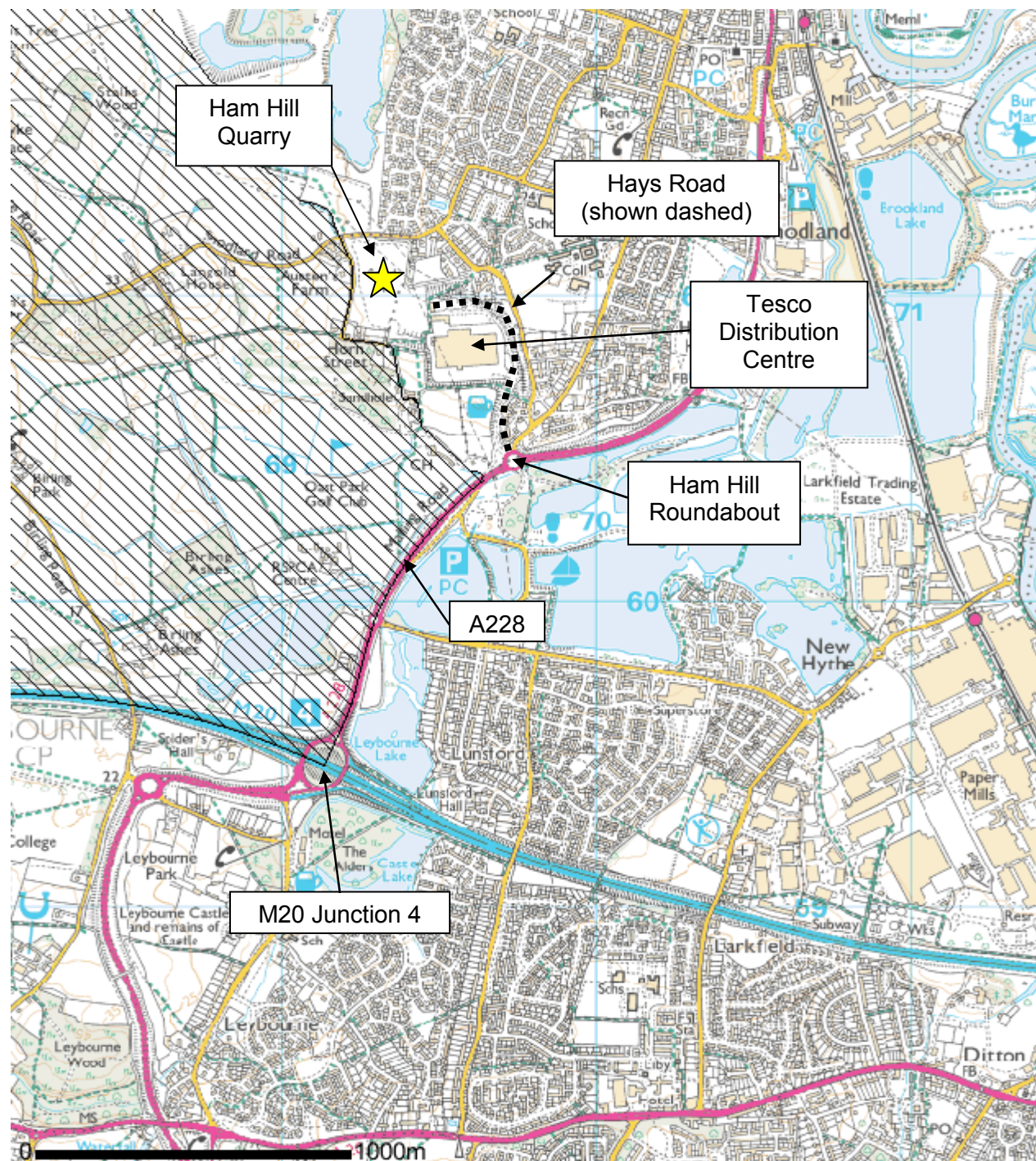


Figure 1 – Site Location Plan

Produced using KentView by initials on Tuesday, 19 June 2012 at 08:26

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019238 (2012)



 **Areas of Outstanding Natural Beauty (AONB)**

1:20002



Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

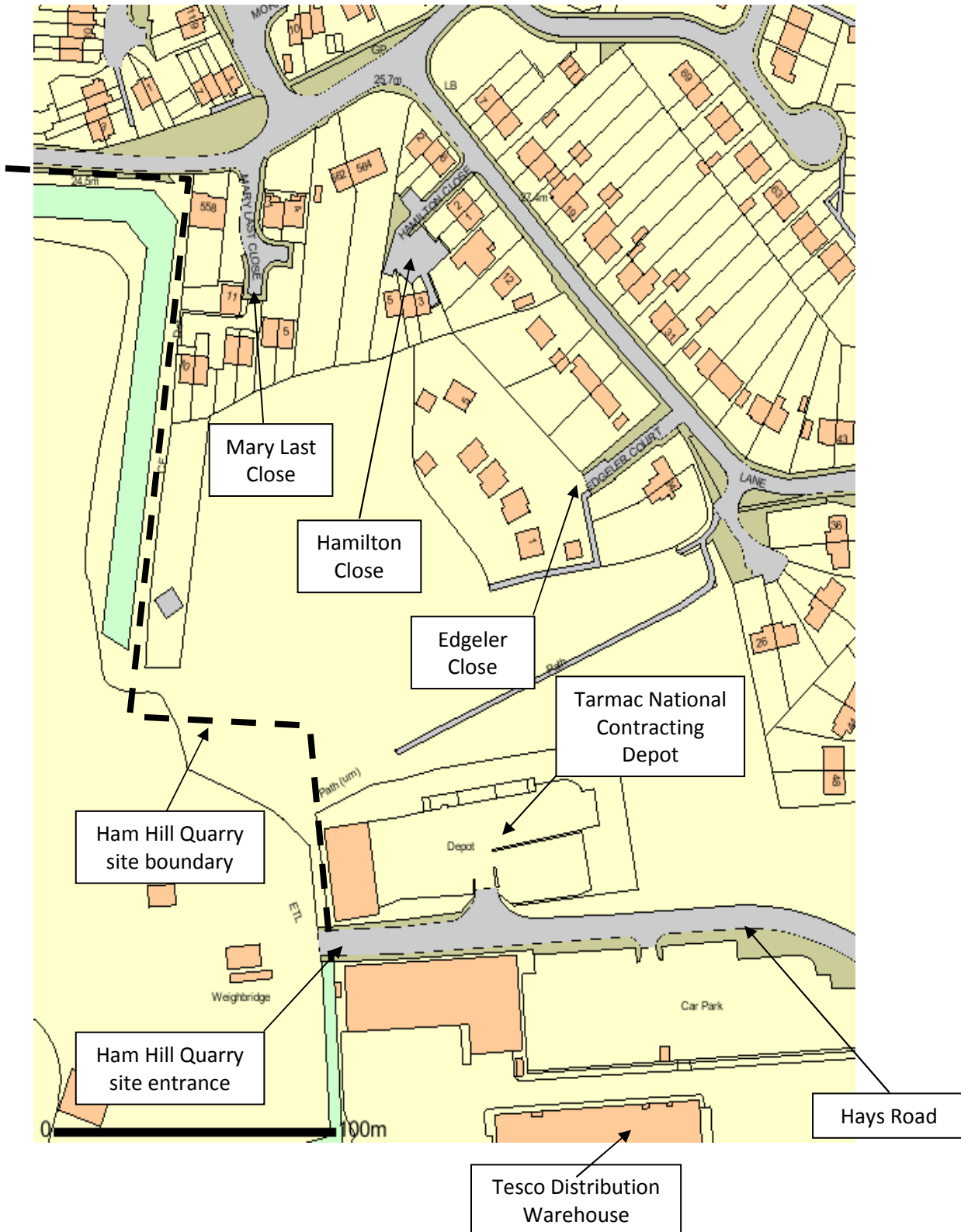
Development Proposals



Item C1

Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

Extract 1: Map showing Mary Last Close, Hamilton Close and Edgeler Close



Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

In 2001, planning permission was granted (reference TM/01/1862) for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays.

4. Following two periods during which planning permission was granted on a temporary basis for out of hours working of the asphalt plant, a permanent permission was granted in 2008 (reference TM/08/1451). This permission allows the asphalt plant to operate between the following hours: Monday to Friday 05:00 to 18:00 hours; Saturday 05:00 to 13:00 hours; and Sunday 08:00 to 18:00 (for essential maintenance only). No lorries are permitted to leave the site before 06:00 hours Monday to Friday. This planning permission however, enables the plant to operate (and lorries to leave the site) outside these working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 00:00 hours and 04:00 hours, with the exception of the loading and movement of lorries. No more than five of these 60 occasions are permitted to be used consecutively.
5. The Environment Act 1995 provides for the regular review and updating of old mineral permissions. The 1962 and 1985 planning permissions referred to above have been the subject of this review process and revised planning conditions were granted in 2008 (reference TM/00/1155/MR101). Specifically, and of interest in this case, conditions attached to the mineral review permission require the following aspects: site to be restored by 30 June 2016; site to be landscaped within 12 months of abandonment (cessation of sand extraction) or within 12 months of the exhaustion of indigenous reserves; site not to be used for processing or storage of non-indigenous materials without the prior written permission of the Mineral Planning Authority; and the site to be restored in accordance with an approved restoration and aftercare scheme.
6. It should be noted that all economic material has been extracted from the south eastern part of the quarry void which is now occupied by the asphalt plant. A small reserve of remaining consented sand remains at the north western corner of the site, to be worked out by the applicant in due course. The quarry is still to be completely restored using indigenous materials in accordance with the approved restoration scheme. Currently, the areas under restoration are those parts of the quarry batters no longer in operational use. These have been set down to grass and planted with trees.
7. The existing site survey demonstrates that the site boundary ranges between 24 metres Above Ordnance Datum (AOD) in the north and west to 29 metres AOD to the south and east. The ground level of the quarry is approximately 6 metres AOD, some 18 to 22 metres below the level of the original pre-quarrying ground levels. Neighbouring land uses include agricultural land to the northwest, a residential area to the northeast, a Tesco distribution centre to the southeast and residential properties set in a wooded area to the southwest. The closest residential properties to the proposed activities are on Sandy Lane to the south and west of the site; Mary Last Close, Busbridge Road and Snodland Road to the north of the site; and Edgeler Court off Hollow Lane to the northeast.
8. A Planning Applications Committee Members' Site Visit to Ham Hill Quarry and a Public Meeting at Snodland Town Hall were held on Thursday 28 June 2012. The notes of the Public Meeting are set out in Appendix 1.

Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

Proposal

9. The application (in summary) proposes permanent development in the form of a Concrete Batching Plant (CBP) and the production of secondary aggregates with a mobile crushing/screening plant within the void of the former Ham Hill sand quarry. The proposed location of the CBP and approximate location of the recycling plant is illustrated on “Development Proposals” (see page C1.3).
10. This application seeks planning permission for the storage and processing of up to 100,000 tonnes per annum of general construction and demolition waste, utility arisings and waste asphalt (road planings, return loads and surplus production), the latter producing Recycled Asphalt Product (RAP) for reuse as a feedstock for Tarmac’s existing asphalt plant and any surplus as fill material for sale on the open market being typically used for hard-standings, haul roads, sub-bases for buildings, paths, roads, highways, driveways and patios.
11. Based on predicted sources for waste imports, it is anticipated that 28,000 tonnes per annum would be sourced from road planings, 5,000 tonnes from customer returns to the asphalt plant and 2,000 tonnes from surplus production. Other sources of imported material for recycling would be 40,000 tonnes of construction and demolition waste plus 25,000 tonnes of utility arisings. Of the imported waste, 2,000 tonnes of surplus production would have no additional traffic attraction as it would be sourced from within the existing asphalt plant. Based on an average payload of 20 tonnes for imported materials, importing 98,000 tonnes of material over 275 working days *[275 working days is based on a 5.5 day working week and allowing for Bank Holidays and planned shutdowns]* results in an average of 18 loads per day (36 movements).
12. Out of the recycled products, the applicant predicts that 20,000 tonnes of RAP would be fed back into the existing asphalt plant as feedstock, replacing a similar quality of imported aggregate. Therefore, based on the similar payload for existing aggregate imports, a total of 4 loads (8 movements) associated with the proposed operation day would be offset against current HGV movements. The applicant anticipates that 15,000 tonnes of RAP would be available for re-sale to the local market, resulting in 3 loads (6 movements) per day. Of the construction and demolition waste, and utility arisings, the majority would be recycled and re-used, although there would inevitably be some non-reusable materials, which would be dispatched to appropriate sites for processing and/or landfill. Based on the combined total of 65,000 tonnes of non-asphalt (40,000 tpa of construction and demolition waste and 25,000 tpa of utility arisings, as detailed in paragraph 10 above) based products being exported, a total of 12 loads (24 movements) per day are predicted.
13. Based on the above assumptions, the applicant predicts that in a ‘worst case’ scenario (where it is assumed there is no back-haul between imported and exported materials), the proposed recycling operation would attract a total of 29 loads (58 movements) per day.
14. Much of the waste asphalt would comprise road planings that are generated by the Highway Authority during those periods when large scale road works are undertaken at night, frequently between 22:00 and 02:00 hours. Consequently, the site would need to accept (but not process) material 24 hours a day, seven days a week. The applicant predicts that typically it is anticipated that there would be a need to import road planings for 5 to 6 consecutive nights once or twice each month.

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15. Rather than the processing plant remaining on site permanently to be used every working day, it would be delivered to the site on a short-term contract basis to crush and screen material to produce a saleable product once sufficient volumes have been accumulated. The processing plant would be located within a defined recycling area which would be located in the south-western corner of the site. Once all materials have been processed the plant would be removed only to return again once stocks of unprocessed material had been replenished. This arrangement is commonly referred to as a 'campaign' basis. In general terms, recycling 100,000 tonnes annually equates to 8,300 tonnes of monthly imports and sales. The imported material would be stockpiled for processing each month over a two week period on the basis that the recycling plant would be on site two weeks in every four. As with the imported materials, the recycled product would be sold and distributed throughout the year from stockpiles created by the recycling plant during the period it would be on site. Mobilisation of the processing plant would involve one low-loader and four visits to deliver and four to collect the plant.

16. Whilst waste arisings would need to be delivered to the site and placed on stock on a 24 hours a day / seven days a week basis, the proposed hours for processing and sale would be:

Monday to Friday:	08:00* hours to 18:00 hours
Saturday:	08:00* hours to 13:00 hours
Sunday and Public Holidays:	No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours.

**Note that following the Public Meeting held on the 28 June 2012 the applicant has amended their application to propose a later start time of 08:00 hours on Monday Saturdays in associated with the proposed aggregate recycling operations.*

17. No additional infrastructure would be required to facilitate the proposed recycling operations as the existing weighbridge, office, mess room and toilets associated with the asphalt plant would be utilised. Assuming that recycling targets are achieved, two employees would be required to load and operate the machinery. On the basis that these staff would be on site two weeks in every four, the proposed activities would create one full-time equivalent job.

18. The application also seeks permission for a Concrete Batching Plant (CBP) which would be capable of producing up to 30,000 cubic metres of concrete per annum. The CBP would be located on an area of land north-west of the existing asphalt plant (as illustrated on "Development Proposals" on page C1.3), sited on a bespoke concrete pad. No stock bays would be required as the CBP would utilise those existing stock bays associated with the neighbouring asphalt plant. It is proposed that should planning permission be granted, the precise detail and specification of the CBP would be secured by planning condition. The applicant however sets out some indicative parameters, detailing that the CBP is unlikely to exceed 18 metres in height. Sitting on the quarry base (at approximately 6m AOD) a maximum height of 18 metres would result in the top level of the plant being at 24m AOD, at or below the rim level of the quarry which ranges from 24m AOD in the north and west to 29m AOD in the south and east.

19. In terms of highway movements associated with the proposed CBP, the application states that in order to produce 30,000 cubic metres of concrete it is necessary to import

Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

60,000 tonnes of sand and gravel and 8,400 tonnes of cement. Sand and gravel would be typically be imported in average payloads of 20 tonnes, whereas cement is typically delivered in 28 tonne loads. Based on these assumptions and the proposed core working days *[275 working days is based on a 5.5 day working week and allowing for Bank Holidays and planned shutdowns]* the importing of materials to the concrete plant would result in 11 loads (22 movements) associated with sand and gravel plus 1 load (2 movements) associated with cement; giving a total of 12 loads (24 movements) per day on average.

20. Concrete would be exported in truck mixers with an average capacity of 5.4 cubic metres. Based on the proposed annual prediction it is predicted that that distribution of concrete would result in an average of 20 loads (40 movements) per day. Taking into account the imports and exports associated with the proposed CBP, this element of the development is anticipated to generate up to 32 loads (64 movements) per day on the local road network.
21. The proposed working hours of the CBP would be as follows:

Monday to Friday:	07:00 hours to 18:00 hours
Saturday:	07:00 hours to 13:00 hours
Sunday and Public Holidays:	No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours
22. It is proposed that the CBP would create 5 full time positions (plant operator, site supervisor and mixer truck drivers) plus a fitter on a 0.25 basis.
23. As part of these proposals the applicant is seeking a variation to the quarry restoration scheme as approved by the Minerals Review application (reference TM/00/1155/MR101). This variation would permit the applicant to leave the base of the quarry as it is currently, to be used as an operational area for the proposed development, as opposed to restoring it to low maintenance grassland as required under the Minerals Review permission. The sides of the quarry would be restored by way of landscape planting, in the same manner as that previously approved under the Mineral Review restoration scheme. A small amount of consented mineral is yet to be worked out from the north-western corner of the site; the applicant proposes that this indigenous material would be extracted and the land restored within 18 months of the implementation of the proposed development.
24. The application proposes the erection and maintenance in perpetuity of an acoustic fence adjacent to part of the northern boundary of the site with Snodland Road (measuring some 110 metres in length) and adjacent to the eastern boundary of the site near to Mary Last Close (measuring some 100 metres in length). The location of the proposed acoustic fence is illustrated on “Development Proposals” (see page C2.3). The height of the fence is proposed to range from 28 metres AOD to 30 metres AOD, generally 3 metres in height above the surrounding ground levels.
25. The application is accompanied by detailed studies covering ecology, water resources and hydrology, dust, landscape and visual impact, noise and transport.
26. Based on the transport movements discussed above, the combined total of HGV movements associated with the development proposals (including the aggregate recycling and CBP) would result in the addition of 61 loads (122 movements) per day to

Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

Hays Road and the surrounding local road network. In addition to HGV movements, 5 additional members of staff are likely to be employed at the site, resulting in a further 10 additional movements per day. Based on an 11 hour day, the proposed development could, as a worst-case scenario, generate 12 movements per hour on average.

27. Following the receipt of initial consultee responses, the applicant provided additional technical information in respect of predicted noise level calculations for the proposed operations. This additional noise information was provided to the Borough Council, Snodland Town Council, Birling Parish Council and the County Council's Noise Consultant for comment.
28. A number of changes and/or further undertakings have been offered as part of the development proposals by Tarmac, specifically in response to questions raised during the Public Meeting held on 28 June 2012. These include the setting up of a Site Liaison Committee and a later start time of 08:00 hours on Monday – Saturdays (as opposed to the originally proposed 07:00 start) in connection with the proposed aggregate recycling facility. The Concrete Batching Plant would continue to operate from 07:00 as originally proposed. The general principles proposed for the Site Liaison Committee include meetings being held twice annually, with invitees representing (as necessary) Snodland Town Council, Birling Parish Council, Tunbridge and Malling Borough Council, Kent County Council, Tarmac and Tesco.

Planning Policy Context

29. The key National and Development Plan Policies most relevant to the proposal are summarised below:
 - (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012), Planning Policy Statement 10: Planning for Sustainable Waste Management (2005, as amended in 2011) and the Waste Strategy for England (2007).
 - (ii) **South East Plan (2009)** – the most relevant Policies are: CC1 (Sustainable Development), CC2 (Climate Change), RE3 (Employment and Land Provision), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10 (Noise), W1 (Waste Reduction), W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling), W7 (Waste Management Capacity Requirements), W17 (Location of Waste Management Facilities), M2 (Recycled and Secondary Aggregates), C3 (Areas of Outstanding Natural Beauty), C4 (Landscape and Countryside Management) and C6 (Countryside Access and Rights of Way Management).

***Important note regarding the South East Plan:** Members will already be aware of the relevant South East Plan (SEP) 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*

Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan. The Government is currently consulting on the likely significant environmental effects of revoking the Plan.

- (iii) **Kent Minerals Local Plan: Construction Aggregates (December 1993)** – These include Saved Policies CA16 (Traffic), CA18 (Noise, Vibration and Dust), CA19 and CA20 (Plant and Buildings), CA21 (Public Rights of Way), CA22 (Landscaping) and CA23 (Working and Reclamation Schemes).
- (iv) **Kent Waste Local Plan (1998)** – These include Saved Policies W3 (Waste Processing), W6 (Need), W7 (Locations for Waste Reuse), W18 (Noise, Dust and Odour), W19 (Groundwater Protection), W20 (Land Settlement, Stability and Drainage), W21 (Nature Conservation), W22 (Highway Access), W25 (Siting, Design and External Appearance of Hard Surfacing, Plant, Buildings, Lighting, etc.), W27 (Public Right of Way), W31 (Landscaping) and W32 (Restoration and Aftercare).
- (v) **Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – These include draft Core Strategy Policies CSM1, CSM5*, CSM9, CSW1, CSW2, CSW3, CSW6, CSW9, DM1, DM2, DM7, DM9, DM10, DM11, DM13 and DM17. *Core Strategy Policy CSM5 identifies that sufficient sites will be identified to provide capacity to recycle 1.4mtpa of secondary and recycled aggregates for the duration of the plan period (i.e. to the end of 2030). The target capacity of 1.4 mt is a minimum requirement, and the County Council is keen to promote the more sustainable practice of aggregate recycling, as opposed to extracting virgin minerals. It also includes a criteria for assessing any further site proposals, which would be considered in addition to the allocated sites within the final Mineral Sites Plan.
- (vi) **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007)** – These include Policies CP1 (Sustainable Development), CP2 (Sustainable Transport), CP7 (Areas of Outstanding Natural Beauty), CP21 (Employment Provision) and CP25 (Mitigation of Development Impacts).
- (vii) **Tonbridge and Malling Borough Council Local Development Framework Development Land Allocations Development Plan Document (2008)** – This includes Policy E1 (Safeguarding Land at Ham Hill for Employment Purposes).
- (viii) **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment Development Plan Document (2010)** – These include Policies CC2 (Waste Minimisation), CC3 (Sustainable Drainage), NE3 (Impact of Development on Biodiversity), SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).

Consultations

30. **Tonbridge and Malling Borough Council** – Objects to the proposal on the following grounds:

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- i. It does not appear that the noise issues have been fully or correctly addressed. The Borough Council recommends that a site limit for ALL operations taking place at the site should be set at 55dB LAeq, 1hr, free field. The information currently available suggests that this would not be achievable. The County Council needs to be satisfied that the development would not have an adverse impact on the residential amenity of the surrounding area. The Borough Council considers that no decision should be made on the proposal until the noise issues are resolved and would wish to be reconsulted on any revised details;
- ii. Given the likely impact on surrounding residents, the Borough Council considers that planning permission should only be granted if the County Council is satisfied that there is a proven need for these additional recycling facilities;
- iii. The Borough Council is concerned that some of the submitted plans do not fully show existing development in the vicinity of the application site. The County Council should take note of all surrounding development in reaching its decision on the application. In particular, the need for additional screening for residential properties in Sandy Lane should be fully explored;
- iv. If the County Council is minded to grant planning permission conditions should be attached in relation to: controls on the hours of operation of the crusher, screener and batching plant, and the times of day when this can be brought onto and removed from the site; controls on noise arising as a result of the operation of the plant and other dust from vehicles accessing/leaving the site; site restoration to be undertaken if the quarrying use ceases before all quarrying activities are completed; requirements for vehicles on the site to use broadband reversing alarms; and that such activities are limited to daytime hours only.

The Borough Council was consulted on further technical information in June 2012. A response on this is still awaited, despite numerous requests from the County Council. A verbal response updating the views of the Borough Council in respect of noise will be given to Members at the Committee meeting should one be provided.

The Borough Council Planning Department has provided some further information in respect of the planning history for the Tesco Distribution warehouse located off Hays Lane (*for which it has sole responsibility as the relevant Local Planning Authority*). The Area Planning Officer at the Borough Council has confirmed that no conditions were imposed on the planning consent for the Tesco warehouse relating to staff or HGV parking on Hays Road, the maximum number of HGV movements associated with the facility, the on-going upkeep of Hays Road or the maintenance of fencing around the perimeter of the old quarry site.

The Borough Council's Environmental Health Officer (EHO) has also provided some additional information in respect of concerns raised by respondents that road planings, particularly from older surfaces, contain unacceptable levels of lead, diesel particulates and asbestos from older brake and clutch linings. He believes that asbestos has not been in brake linings in Europe for some time and that asbestos from clutch linings (if it is still used) would not be released into the atmosphere as clutch housings are sealed units.

The EHO notes that the current site is subject to an Environmental Permit for the road stone coating plant. Within the Permit there are emissions limits for particulates from the chimney stack and this is continuously monitored in compliance with the Permit. The

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monitoring results are submitted to the Borough Council on an annual basis. He notes that the proposed crusher/screener would be subject to a Permit, which would seek to minimise the emissions of dust to the atmosphere, usually via water sprays, at key points on the plant.

31. **Snodland Town Council** – Strongly objects to the planning application as it considers that the consultation process appeared to be flawed and not enough time has been given to carry out a full consultation of all of the people who this application would have an impact on, some of the evidence produced in the application does not reflect accurately on the impact of noise, dust and vehicle movements on surrounding properties and that the proposal would seriously affect the quality of life for many Snodland residents who fall within the vicinity of the proposal.
32. **Birling Parish Council** – Object to the planning application noting that insufficient time has been given for the Parish Council to analyse, review and comment on the significant volume of information contained within this application. It feels that there was also insufficient prior discussion/communication by Tarmac Limited with either residents or the Parish Council and, as such, the manner of undertaking consultation is not in the spirit of Localism. Specific grounds of objection raised by the Parish Council include transport movements and environmental factors such as noise, dust, pollution and lighting, and have raised a series of questions, including:
 - i. Can KCC verify key specific reports submitted within the application independently for environmental factors?
 - ii. Would the road surface of the A228 be maintained to a high standard as a result of the increase in traffic? Would speed reduction measures be implemented as a result of the proposal?
 - iii. Would vehicles operating within the quarry as a result of this development be equipped to reduce noise of reversing?
 - iv. Can KCC require a condition of planning consent to reduce noise level to 50dB? Can KCC insist that acoustic fencing is installed on the western boundary of the site to protect the noise environment of properties in Sandy Lane?
 - v. Can KCC provide assurances that light pollution at night would not affect local residents?
 - vi. Given the proposed developments can KCC give assurances that the emissions resulting from operations are not potentially carcinogenic and that the smell could be reduced? and
 - vii. The Parish Council seeks clarification about restoration requirements and timescales given that it appears that the new development would mean that the base of the quarry would not be returned to grass.
33. **Environment Agency** – Has no objection to the proposal and amendments to the previously approved restoration plans. It has confirmed that the applicant would need to apply for an Environmental Permit to cover their proposed operations and that the applicant is already in discussions with the Agency to this effect.
34. **KCC Highways and Transportation** – Has no objection to the proposal, noting the relative expected increases in traffic volumes set out in the applicant's Transport Statement in comparison to existing traffic volumes. He notes that the crash record at Ham Hill roundabout is very good, especially when considering the high volumes of traffic experienced here at and off this strategic route (the A228). Noting the above, he

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considers there are very little grounds to recommend refusal and consider these proposals to be acceptable.

Following the Public Meeting, further views have been received from KCC Highways and Transportation covering a number of highway concerns raised at that Meeting. A summary of his further views are set out below:

- Notes that there was a recent incident (just a few days ahead of the Public Meeting) with a HGV rolling on to its side at the Ham Hill roundabout. Notes that KCC records show that there have been three injury crashes involving HGVs either at or in the near vicinity of Ham Hill roundabout in the last five years. The three crashes do not share similar characteristics and therefore do not suggest that there is a particular characteristic of the highway that results in compromised safety at this location.
- In respect of car and HGV parking along Hays Road, notes that this road is privately owned meaning that neither KCC nor TMBC can directly address the issue of inappropriate or obstructive parking. Having sought clarification from the Borough Council, it would appear that conditions were not attached to any of the recent Tesco planning permissions to restrict off-site parking. Nevertheless, if this were a serious issue it would be a matter that either Tesco and/or Tarmac would need to address with the landowner.
- Notes that directional signage for HGVs access Tesco Distribution Centre and Ham Hill Quarry has been improved in recent years. It is not aware of any issues involving HGVs making wrong turns on to Hollow Lane and does not consider that the relatively modest increase in HGV movements associated with this application would materially increase the risk of this taking place.
- Accepts the finding of the Transport Statement that, as a worst case, the proposed development would generate on average 12 additional HGV movements per hour (or approximately one every five minutes). This would fall well within the existing day-to-day variation in traffic flows observed on local roads and does not therefore represent a material impact requiring highway capacity improvements. It also considers that in view of the marginal increase in HGV movements associated with this application, the Highway Authority could not reasonably request a contribution for general carriageway maintenance in this case.
- Furthermore, it considers that there is not a case for imposing a cap on daily HGV movements. The forecast 12 additional HGV movements per hour (on average) fall well within the existing day-to-day variation in traffic flows observed on the A228; therefore to impose a cap (either daily or peak hour) would be disproportionate given that no such cap has been imposed on any of the other uses on Hays Road.

35. **KCC Noise, Dust and Odour Consultant (Jacobs)** – raises no objections to the proposals, making the following comments:

Noise

“The site is currently subject to a condition limiting noise to 55 dB LA_{eq,1hr} free-field at nearby residential properties. This condition would remain valid following the introduction of the proposed additional plant. The applicant is proposing a limit of 50 dB LA_{eq,1hr} from the proposed recycling operations to ensure the existing overall site noise

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limit of 55 dB LA_{eq,1hr} is not exceeded.

The topography of the site provides significant noise attenuation due to the quarry's steep internal faces and the difference in source and receiver heights. The further technical information provided by the applicant demonstrates that varying the position of the recycling operation to the corners of the defined proposed "recycling area" would alter the degree of noise attenuation provided to nearby residential properties. However, this technical information identifies that the noise levels would remain below the applicants proposed noise limit of 50 dB LA_{eq,1hr} at all properties with the recycling operations positioned at all four locations and the proposed acoustic barrier in place. It is therefore my consideration that the position of the recycling operation within the defined "recycling area" is not critical in terms of noise emanating from the site.

In response to a previous concern regarding cumulative noise levels from existing and proposed site operations, the technical information provides anecdotal evidence that noise levels from current site activities result in noise levels less than 55 dB LA_{eq,1hr}. Therefore, the technical information considers that the addition of 50 dB LA_{eq,1hr} to the noise currently emanating from the site would not breach the overall site noise limit. Without objective evidence of existing site noise levels, it is not possible to validate this assumption; however, I do not believe that site noise levels in excess of 55 dB have been recorded or presented to the Local Authority. Nevertheless, even if site noise did currently meet 55 dB LA_{eq,1hr}, the increase in noise due to the proposed additional operations would be only 1 dB, a marginal increase.

Whilst additional near-field screening or placing the plant within a building would reduce generated noise levels, it is considered that noise from plant within the proposed "recycling area" would meet the applicants proposed noise limit of 50 dB LA_{eq,1hr} without the need for such mitigation. On this basis, it could be considered onerous to insist on further mitigation measures.

An acoustic fence is proposed to the north and eastern boundaries of the quarry. Specifying an "acoustic fence" implies certain characteristics and a particular acoustic performance; however, I would look for the applicant to provide details of the acoustic fence before the application is determined.

Noise attenuation through the air is affected by temperature and humidity. It should be noted however that the noise predictions contained within the application did not include for the attenuation afforded by air absorption. Although the additional attenuation would not be significant at the relatively short distances between source and receiver, it could result in minor noise reductions at residential properties, and therefore, the predictions can be considered conservative.

Noise from the proposed operations has not been considered in the assessment at properties in Lakeside, Brook Lane or Malling Road. These properties are several hundred metres from the proposed site and therefore not one of the properties that are likely to be most affected.

The application proposes for night-time HGV tipping at the site. As present, night-time noise on the site is not limited by condition; however, the application proposes restricting tipping to a specific area of the quarry floor and specifying that HGVs use broadband reversing alarms. The Noise Assessment predicts a maximum night-time noise level of 50 dB LA_{max} at the surrounding properties from the tipping activities. This falls well below the noise level recommended by the World Health Organisation to minimise the effect

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on sleep quality. To ensure activities at night do not result in sleep disturbance, I would wish to set a condition restricting night-time noise to 50 dB L_{Amax} free-field. Furthermore, I would recommend stipulating that broadband reversing alarms are used on all HGVs on site working at night.

The Noise Assessment also considers the potential impact of increased HGVs on Hays Road at night resulting from the tipping activities. It demonstrates that with three deliveries per hour (six movements) a noise increase of 1 dB is predicted, which meets the threshold from short-term impacts provided within the Design Manual for Roads and Bridges. Any further movements would likely result in adverse impact for residents adjacent to Hays Road. Therefore, I would recommend the number of deliveries be restricted by condition to three in any one hourly period.

Noise levels from the operation of the concrete batching plant (CBP) are shown to be the least intrusive of the proposed operations, with noise levels from the plant at the proposed location well below the 50 dB L_{Aeq,1hr}. I questioned the applicant on the plant noise levels used for the assessment and it was confirmed that noise from the attendant vehicles at the plant were the main source of noise. In particular the noisiest activity associated with the CBP is the loading of the mixer lorries which has a source height of 3 metres rather than the more elevated concrete silo.

In order to reassure the Local Authority and local residents, I recommend that a scheme of noise monitoring be stipulated by condition to any planning permission to demonstrate that the site is adhering to the day-time noise limit of 55 dB L_{Aeq,1hr} and the night-time noise limit of 50 dB L_{Amax}."

In responding to further information submitted by the applicant (i.e. indicative details of the proposed acoustic fencing, confirmation that it would be of a solid construction with no holes or gaps between the panels or at the base of the barrier and stating that it is likely to have a surface mass of at least 20 kg/m²), KCC's Noise Consultant has advised that a barrier of such surface mass would generally perform well but that consideration of a more detailed design should be reserved for later consideration by condition.

Air Quality, Dust and Odour

"Nitrogen Dioxide (NO₂) levels in the area of Ham Hill are generally 'good' with concentrations of NO₂ significantly below the Air Quality Objectives, the major sources of NO₂ being the road traffic on the M20 and A228. Any increase in HGV traffic would contribute to the overall concentrations of NO₂; however in this instance the amount of traffic generated by the proposals would have a minimal effect on concentrations in this area.

The crusher and screen incorporate dust suppression systems such as mist sprays which, together with the overall site management plan, would provide adequate dust control measures to the proposed activities.

Whilst the asphalt plant obviously has odour issues attached to it, the crusher and screen together with the CBP are not odorous activities in themselves. The operation of the proposed recycling and CBP would not lead to any increases in the carcinogenic impacts in the area, other than those normally associated with the operation of diesel engines".

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36. **KCC Biodiversity Projects Officer** – Has no objection as the proposed development would be located entirely on an area of bare ground and as a result would have minimal potential to impact any habitats or species. Recommends that precautionary mitigation measures are secured by condition (as detailed within the planning application) when the noise fence is installed.
37. **KCC Public Rights of Way Officer** – Has no objection as the Public Right of Way (MR75A) which runs along the southern boundary of the site would not be affected by the proposals.

Local Member

38. The local County Member Mrs Sarah Hohler and adjoining local County Member Mrs Trudy Dean were notified of the application in March 2012. Both local County Members were notified of the further information submitted by the applicant in June 2012.

Publicity

39. The application was publicised by the posting of a site notice at the entrance to Ham Hill Quarry, a newspaper advertisement in the Kent on Sunday, and the individual notification of 310 properties within 250 metres of the application site.
40. Whilst not a formal planning meeting, a meeting was held by the applicant on 20 April 2012 for local residents, Borough and Parish Councillors to meet with Tarmac representatives to discuss the proposals.

Representations

41. At the time of writing, 109 letters of objection have been received from local residents, many in the format of a standard letter. The main issues of concern (in one or more of the letters) can be summarised as follows: -
- disappointment with Tarmac for not having engaged with the local community before formally making the planning application;
 - lack of time given by the County Council (21 days) to respond to the vast number of detailed application documents;
 - concern over the potential for the quarry to be extended – do not feel that Tarmac should be allowed to extract any further sand from the former quarry. Several residents from Mary Last Close and Edgeler Court have already experienced movement and fear further movement should more sand be extracted in the direction of residential properties;
 - current operations within the quarry already have a noise impact on surrounding residents – the proposed developments would greatly increase these effects through increased use of heavy industrial machinery and additional HGV movements;
 - concerns that the proposed plant could be moved anywhere within the base of the quarry – has this been factored into the calculations for sound pollution? Would this alter the effectiveness of the proposed sound barrier?;
 - concerns raised relating to noise associated with reversing beepers and the use of a site personal address system;
 - apart from the M20 the main noise currently forming the “backing track” to residents lives is the constant humming of the Tesco distribution centre’s fridges – sporadic

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clatters, bangs, scrapes and various engine tones of heavy industrial machinery working within the quarry as a result of this proposal would have a much worse affect on many local residents. The proposals are simply too close to what is now an established residential area;

- request that a trial run of a mobile crushing plant be undertaken to allow local residents to experience first-hand the proposed noise levels;
- concerns with the proposed hours of operation of the aggregate recycling facility and concrete batching plant;
- object to the planned increase in HGV movements to/from the site. At present residents have great difficulty accessing the Ham Hill roundabout. The Snodland bypass is also riddled with potholes, with KCC Highways not having sufficient money to carry out necessary repairs. Surely by approving this application the situation would only be made worse?;
- concerns that the traffic predictions have not taken into account other planned development in the locality and are based on a significant under-estimate by Tarmac;
- what safeguards are in place to make sure that predicted HGV estimates submitted by the applicant are not exceeded?;
- Hays Road is insufficient to cope with the extra HGV traffic – Tesco employees regularly park along the side of this road causing significant obstructions;
- concerns regarding the potential for increased dust – residents in the surrounding houses already suffer from dust from existing operations within the quarry. Concrete dust is classed as an irritant, this would cause significant health problems for the surrounding community as a result of the proposals;
- landscaping around the site should be increased to assist with visual screening of operations;
- request that Tarmac renew the pedestrian crossing markings immediately outside their site where Public Right of Way MR75A crosses their entrance;
- pleased that a Public Meeting was held allowing local people the opportunity to voice their concerns, however has concerns that officers were having too much reliance on the data supplied by the applicant (in respect of noise, dust and odour);
- concerned to hear that the County Council only has one enforcement officer; and
- concerned that road planings particularly from older surfaces, contain unacceptable levels of lead, diesel particulates and asbestos from older brake and clutch linings – surely this will lead to harmful pollutants in the locality when road planings are crushed through the aggregate recycling facility? Questions whether the levels of atmospheric pollutants are monitored and/or tested regularly by a third party.

42. A letter expressing concerns on behalf of her constituents has been received from Tracey Crouch MP. She has raised concerns regarding the lack of consultation with the local community by Tarmac Limited before the planning application was made and in respect of the short timescales in which the local community had to respond to the extensive documents submitted in support of the proposal by the applicant.
43. A letter of objection has also been received from Snodland Labour Party. It states that despite the Government's recent planning guidance to encourage local authorities to view recycling applications favourably, it considers that the evidence for the application is not strong enough to prevent disturbance to local residents. It specifically raises concerns regarding disturbance at night from vehicular movements, noise from loading and unloading, the risk of dust particulates contaminating the local area and the possibility of smells and odours.

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DiscussionIntroduction

44. The application seeks planning permission for an aggregate recycling facility and concrete batching plant within the void of the former Ham Hill Quarry, with associated amendments to the currently approved quarry restoration provisions. The application is being reported to the Planning Applications Committee as planning objections have been raised by the Borough Council, Snodland Town Council, Birling Parish Council, local residents and others.
45. 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. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Policy and other material planning considerations including those arising from consultation and publicity.
46. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:
- the principle of the development of the aggregate recycling facility and CBP within the quarry void and a case of need;
 - noise, dust and air quality impacts of the proposed development (on site and associated transportation) on nearby residential receptors;
 - highway issues (including capacity issues on the local road network);
 - ecological impacts;
 - the suitability of the revised restoration proposals;
 - landscape and visual impact;
 - groundwater and surface water impacts;
 - public rights of way; and
 - Any other issues arising from consultation/publicity.

Principle of development and case of need

47. The principle of employment use at Ham Hill has been established through Policy E1 of the Tonbridge and Malling Borough Development Land Allocations Development Plan Document which safeguards land for employment purposes. That Policy identifies Ham Hill as suitable for business (Class B1), general industrial (Class B2) and warehouse/distribution (Class B8) uses, subject to no overriding impact on residential amenity by virtue of noise, dust, smell, vibration or other emissions, or by visual intrusion, or the nature and scale of traffic generation. The overriding objective of the Policy is to secure and retain a variety of employment sites within the Tonbridge & Malling Borough to meet the needs of local employers and attract investment.
48. PPS10 states that the overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. It also states that planning authorities should help deliver sustainable development through driving waste management up the waste hierarchy and looking to disposal as the last option. Policy W3 of the South East Plan aims to achieve net regional self-sufficiency and requires waste planning authorities (WPAs) and waste management companies to provide capacity equivalent to the waste forecast to require management within its boundaries. Policy W4 requires WPAs to plan for sub-regional

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net self-sufficiency through provision for waste management capacity equivalent to the amount of waste arising and requiring management within their boundaries. Policy W5 sets targets for diversion of waste from landfill, including re-use and recycling as well as stating that priority will be given to processes higher up the waste hierarchy. Policy W6 sets targets for recycling and composting in the region and Policy W7 for each WPA (or combination thereof).

49. Draft Policy CSM5 of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) states that sufficient sites will be identified to provide capacity to recycle 1.4 million tonnes per annum (mtpa) of secondary and recycled aggregates for the duration of the Plan period (i.e. to the end of 2030). Kent current has permitted capacity for 1.9mtpa of secondary and recycled aggregates and therefore there is no specific need (in overall Kent waste capacity terms) for additional permitted capacity at this time. However, because some of the permitted capacity is temporary in nature (for example recycling operations permitted at quarries which are linked to the life of the quarry site) there is likely to be a shortfall in terms of overall permitted capacity in Kent before the end of the Plan period. The Kent MWDF Core Strategy makes it clear that the 1.4mtpa is a minimum requirement, and that the County Council is keen to promote the more sustainable practice of aggregate recycling, as opposed to extracting virgin minerals.
50. Paragraph 24 of PPS10 states that waste management facilities proposed on sites not allocated for such use should be considered favourably when they are consistent with the policies set out in PPS10 and a range of criteria. These criteria include the physical and environmental constraints on development (including existing and proposed neighbouring land uses), the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (seeking modes other than road transport where practicable and beneficial) and giving priority to the re-use of previously developed land. Policy W17 of the South East Plan states that sites for waste management development should be assessed against the following criteria:
 - good accessibility from existing urban areas or major new or planned development;
 - good transport connections including, where possible, rail or water;
 - compatible land uses such as previously or existing industrial land use; and
 - be capable of meeting a range of locally based environmental and amenity criteria.
51. Policy W3 of the Kent Waste Local Plan states that proposals which only involve waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for a rail or water transport link and are located within or adjacent to an existing waste management operation or within an area of established or proposed general industrial use. Policy W6 of the Kent Waste Local Plan states that need will be a material consideration in the decision where a planning application is submitted for waste management development on a site outside a location identified as suitable in principle in the plan and demonstratable harm would be caused to an interest of acknowledged importance. Whilst Policy W7 of the Kent Waste Local Plan does not identify land at Ham Hill as suitable in principle for waste re-use, it identifies that proposals for waste re-use at non identified sites should be assessed against whether they:

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- seek to minimise impact on the local and natural environments (specifically major concentrations of population and important wildlife sites) consistent with the principle of environmental sustainability;
 - have, or could secure in an acceptable way, ready access to the main road network, or a rail or water link provided that there is acceptable access also to an appropriate road network; and
 - are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial type area.
52. The application seeks permission for the storage and processing of up to 100,000 tonnes per annum of general construction and demolition waste, utility arisings and waste asphalt (road planings, return loads and surplus production), the latter producing Recycled Asphalt Product (RAP) for reuse as a feedstock in Tarmac's existing asphalt plant and any surplus as fill materials for sale on the open market being typically used for hard-standings, haul roads, sub-bases for buildings, roads, etc. It also seeks permission for a Concrete Batching Plant (CBP) capable of producing up to 30,000 cubic metres of concrete per annum. There are certain synergies between the co-location of operations currently undertaken by Tarmac at Ham Hill and those proposed in so far as they would all provide construction materials and there are opportunities for recycled materials to be used within the asphalt and CBP without needing to be transported to similar facilities elsewhere.
53. Whilst the wider amenity impacts which are relevant to this application will be considered in turn below, I note that there is established policy support for this type of development at Ham Hill. I also note that there are similar employment type uses currently being undertaken in the vicinity, including two operations carried out by Tarmac (i.e. an asphalt plant and a contracting depot) and a large scale Tesco distribution warehouse. Based on the policy support and existing operations currently taking place at the site I would not raise an objection to the principle of the development in this case. Subject to the proposed development not giving rise to significant harm, I see no reason to object to the proposals on the basis of need.

Noise, dust and air quality impacts

54. Members will note that noise is one of the key issues which has been raised by the local community, both within the representations received (as detailed in paragraph 41 above) and during the Public Meeting held on the 28 June 2012.
55. Firstly, to put these proposals in to context, regard must be had to the existing operations which take place at Ham Hill. Temporary planning permission was granted for an asphalt plant at the site in 1985 (reference TM/85/9) which required the plant to be removed once the adjoining sand quarry reserves were fully extracted. In 2001, permission was granted (reference TM/01/1862) for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays. The 2001 permission permits the asphalt plant to be operational between 05:00 and 18:00 hours Monday to Fridays and 05:00 and 13:00 on Saturdays. Controls on that permission also stipulate that noise from site operations shall not exceed 50 dB LAeq (free field) between the hours of 05:00 and 07:00 on weekdays and Saturdays, and 55 dB LAeq (free field) between the hours of 07:00 and 18:00 on weekdays and 05:00 and 13:00 on Saturdays.

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56. Following two periods during which planning permission was granted on a temporary basis for out of hours working of the asphalt plant, a permanent permission was granted in 2008 (reference TM/08/1451) allowing the asphalt plant to operate between the following hours: Monday to Friday 05:00 to 18:00 hours; Saturday 05:00 to 13:00 hours; Sunday 08:00 to 18:00 (for essential maintenance only). It also stipulates that no HGVs are permitted to leave the site before 06:00 hours Monday to Saturday. The permission however enables the plant to operate (and HGVs leave the site) outside these working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 00:00 hours and 04:00 hours, with the exception of the loading and movement of HGVs. No more than 5 of these 60 occasions are permitted to be used consecutively.
57. The main permission for operations associated with mineral extraction (reference TM/00/1155/MR101) places a number of controls over hours of working and noise at the site. These include no operations taking place except between 07:00 and 18:00 hours Monday to Fridays, 07:00 and 13:00 Saturdays and no operations (except essential maintenance) taking place on Sundays or Bank Holidays. Noise controls include a limit of 55 dB LAeq,1hr (free field) for general operations on site measured at any noise sensitive property and a higher limit of 70 LAeq,1hr (free field) for temporary operations such as the movement, storage and replacement of soil and overburden materials. The controls on mineral extraction however are largely no longer relevant since the majority of mineral has been worked, save for a small reserve in the north-west corner of the site which the applicant proposes would be worked within 18 months of implementation of any permission granted in respect of the development now proposed.
58. Planning control for Tarmac's national contracting depot and the Tesco distribution warehouse do not fall within the jurisdiction of the County Council. Instead the planning responsibilities for these operations rest with the Borough Council. I understand that the planning permissions for Tarmac's national contracting depot and the Tesco distribution warehouse do not include specific controls limiting the hours of working or place any noise limits on site operations.
59. The application includes a noise assessment which considers the noise impacts of operations associated both with the proposed aggregate recycling facility and CBP. That assessment has been independently considered by KCC's Noise Consultant, with his detailed comments set out in paragraph (35) above. Noise impacts associated with proposed operations have also been considered by the Borough Council's Environmental Health Officer, with the Borough Council's formal response set out in paragraph (30) above.
60. The application proposes the erection and maintenance in perpetuity of an acoustic fence adjacent to the northern site boundary with Snodland Road (measuring some 110 metres in length) and adjacent to the eastern site boundary near Mary Last Close (measuring some 100 metres in length). The location of this proposed acoustic fence is shown on "Development Proposals" on page C1.3. The height of the acoustic fence is generally 3 metres in height above the surrounding ground levels and would be of solid construction with no holes or gaps either between panels or at the base of the barrier. It would have a typical density of 20 kg/m². This specification is considered acceptable in principle by KCC's Noise Consultant.
61. As noted above, the site is currently subject to conditions on both the existing mineral extraction and asphalt plant consents limiting noise to 55 dB LAeq,1hr free field at nearby residential properties. This application proposes a limit of 50 dB LAeq,1hr from the

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proposed recycling operations to ensure that the existing overall site noise limit of 55 dB LA_{eq,1hr} is not exceeded at nearby residential properties. KCC's Noise Consultant notes that the topography of the site provides significant noise attenuation due to the quarry's steep internal faces and the difference in source and receiver heights. He is satisfied that varying the position of the recycling operation (i.e. the physical locations of the crusher and screener) within the defined "recycling area" would not result in noise levels exceeding the limit of 50 dB LA_{eq,1hr} at all properties with the proposed acoustic fence in place such that an overall limit of 55dB LA_{eq,1hr} would be maintained.

62. The crusher/screener itself would be bought onto the site on a short-term campaign basis to crush and screen material to produce a saleable product once sufficient volumes have been accumulated. Once all materials have been processed, the plant would be removed from the site only to return again once stocks of unprocessed material had been replenished. Whilst the same crusher/screener would not be bought back to the site each time, the applicant has submitted details of typical plant which would be representative of the type of equipment proposed. These details have formed part of the noise calculations undertaken by the applicant and as assessed by both KCC's Noise Consultant and the Borough Council's Environmental Health Officer.
63. Questions have been raised as to whether additional near-field screening or placing the recycling plant within a building would reduce generated noise levels at and beyond the site. KCC's Noise Consultant accepts that whilst such measures would reduce noise levels locally, the proposals submitted by the applicant are acceptable in noise terms and would not result in noise levels in excess of 50 dB LA_{eq,1hr} at any nearby noise sensitive properties provided the proposed acoustic fence is installed and maintained. On this basis, I considered that it would be unreasonable to insist on further mitigation measures such as near-field screening in this instance.
64. The applicant has provided indicative details of the specification of acoustic fencing proposed for the northern and eastern boundaries of the site. KCC's Noise Consultant has considered these indicative details and accepts the specification as being fit for purpose. I therefore propose that a condition be imposed on any planning consent requiring final technical details of the acoustic fence to be approved and implemented before any operations commence and that it be maintained in perpetuity for the life of the development.
65. Concerns have been raised by residents of Sandy Lane (as shown on Page C1.3) that their properties would not benefit from acoustic mitigation provided for by an acoustic fence in the same way that properties to the north and north-east of the site would do. However, based on advice provided by KCC's Noise Consultant I am satisfied that an acoustic fence is unnecessary at this location due to the natural topography of the site and the natural noise mitigation that the steep quarry sides provide given the proximity of the proposed recycling operations to them in this area.
66. A question was raised at the Public Meeting about the effectiveness of noise attenuation as a result of temperature and humidity and, specifically, whether damp air conditions in the locality could lead to noise associated with the proposed development being experienced further from the site than would otherwise be the case. KCC's Noise Consultant advises that although the applicant's noise predictions did not include for attenuation afforded by air absorption, they can be regarded as conservative in this instance because such weather conditions would actually reduce noise impacts on local residential properties.

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67. The application proposes the importation of road planings during night-time periods in order to provide for the key times when road projects are undertaken. During night-time periods HGVs would enter the site and tip within a defined working area. No processing would occur other than during day-time periods (as detailed in paragraph 16 above). At present night-time noise on the site (associated with the asphalt plant) is limited by condition not to exceed 50 dB (LAeq) (free field) measures at the boundary of the nearest residential property at Edgeler Court between the hours of 05:00 and 07:00 on weekdays and Saturdays. The application proposes restricting tipping during night-time periods to a specific area of the quarry floor and that HGVs use broadband reversing alarms during night-time periods. The noise assessment accompanying the application predicts a maximum night-time noise level of 50 dB LA_{max} at surrounding residential properties arising from the tipping activities. KCC's Noise Consultant states that this predicted level falls well below the noise level recommended by the World Health Organisation to minimise the effect on sleep quality. Accordingly, he recommends that a condition restricting night-time noise to 50 dB LA_{max} free field be imposed on any future consent to ensure that activities occurring at night do not result in sleep disturbance. He also recommends that a condition be imposed to ensure that broadband reversing alarms are used on all HGVs on site at night.
68. The applicant's noise assessment considers the potential impact of increased HGV movements on Hays Road at night-time periods resulting from the tipping activities. That assessment predicts that three deliveries per hour (six movements) would give rise to a 1 dB increase in noise. KCC's Noise Consultant states that an increase of 1 dB meets the threshold from short-term impacts provided within the Design Manual for Roads and Bridges but that additional movements would be likely to exceed this and result in adverse impacts for residents near to Hays Lane. KCC's Noise Consultant therefore recommends that a limit be placed on the number of HGV deliveries to the site during night-time periods of three deliveries (six movements) in any one hour. Considered in isolation, I would normally accept this advice. However, it is also necessary to consider this in the context of existing development at Ham Hill and any restrictions imposed on relevant planning permissions and whether it could prevent Tarmac accepting the receipt of waste movements from night-time contracts. As neither the Tarmac asphalt plant, Tarmac depot nor Tesco distribution warehouse have any such controls, restricting HGV movements for night-time deliveries to the proposed recycling facility would be unreasonable since the various existing operations at Ham Hill would be able to continue to operate unrestricted HGV movements during night-time periods and would not serve to secure the objectives of protecting local residents from delivery noise. It could also unnecessarily restrict the ability of the site to accept materials from road projects which can only be undertaken at night.
69. Noise from combined site operations have been considered in this instance, since it is likely that multiple operations could take place simultaneously (i.e. the asphalt plant, recycling operations and CBP, for instance). KCC's Noise Consultant notes that noise associated with the CBP is shown to be the least intrusive of the proposed operations, with noise levels from the plant in its proposed location falling well below 50 dB LA_{eq,1hr}. The main noise source from the CBP would be from the vehicles servicing the plant (such as mixer lorries being filled) with a source height of around 3 metres as opposed to the more elevated concrete silo which extends to some 18 metres above ground level.
70. In order to ensure that the noise associated with the proposed operations does not exceed those levels predicted by the applicant in its noise assessment, KCC's Noise Consultant recommends that a scheme of noise monitoring be required by condition.

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This scheme would require the applicant to undertake noise testing following the installation and final commissioning of the proposed development (covering both the aggregate recycling facility and CBP, with additional monitoring if these are installed at different times) and then periods of six monthly testing for the first two years thereafter. After this time the noise monitoring frequency would be reduced to one test per year, assuming no substantiated noise complaints were received. I consider that this is an appropriate safeguard and would provide a mechanism to demonstrate whether the suggested noise controls are being complied with. Should the monitoring not demonstrate compliance, the County Council could take action to require additional mitigation or the cessation of operations unable to meet the requirements.

71. Members will note that the local community has requested that a trial take place on site with a mobile crusher / screener in order for nearby residents to ascertain the actual levels of noise they could be subjected to as part of these proposals. This suggestion was first raised at an informal meeting held by Tarmac at the site in April 2012 for local residents, Borough and Parish Councillors. Whilst any such trial of a typical crusher / screener on site would allow noise levels to be witnessed within the quarry void itself I do not consider that this would provide an accurate representation of noise levels at nearby residential properties since the proposed acoustic fencing would not be in place to provide any noise attenuation. Given this, the fact that the technical information submitted by the applicant in respect of predicted noise levels has been thoroughly and independently considered by KCC's Noise Consultant and found to be satisfactory and as the noise monitoring condition proposed above would demonstrate whether any permitted limits are being complied with and assist in facilitating action by the County Council should this not be the case for any reason, a trial has not been required.
72. In summary, taking account of the technical advice received from KCC's Noise Consultant, I am satisfied that the proposals are acceptable in noise terms and comply with relevant development plan and other planning policies subject to the imposition of conditions to cover day-time (55 dB LAeq,1hr) and night-time (50 dB LAmax) noise limits, the submission of details/specification of the acoustic fence, the erection and maintenance in perpetuity of the proposed acoustic fence, the use of broadband reversing alarms for all HGVs operating at the site during night-time periods and a scheme for on-going noise monitoring. Whilst the only formal response received from the Borough Council included an objection to the proposals on the basis that noise issues had not been fully or correctly addressed, it should be noted that this response was provided prior to the submission of further technical information (which it was reconsulted on). Despite a number of requests for further comments from the Borough Council, none have yet been provided. Members will be updated verbally if any additional response be received prior to the Committee Meeting.
73. Concerns have also been raised by Snodland Town Council, Birling Parish Council and others about air quality (including dust and odour) and related potential adverse health effects.
74. In respect of the general concerns about potential dust impacts, I note that the applicant proposes dust mitigation measures to cover vehicle movements, processing of material and use of the access road. In order to control dust associated with vehicle movements the applicant proposes the use of water as required, speed limits on all vehicle routes and lorries to be sheeted as appropriate. Dust mitigation in respect of the processing of material would be controlled via the use of water sprays and the use of integrated dust suppression within the recycling plant. A road sweeper would be used on the site access road when required and the approaches of the access road would be regularly

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maintained. KCC's Air Quality Consultant is satisfied that the proposed dust mitigation measures are sufficient for the operations proposed and I am satisfied that they can be secured by condition. Furthermore, I note that the proposed operations would be subject to an Environmental Permit which would address dust controls in more detail.

75. Specific concerns have also been raised as to whether road planings from older surfaces could contain unacceptable levels of lead, diesel particulates and asbestos from brake and clutch linings. The Borough Council's Environmental Health Officer has commented on these concerns noting that he does not believe that asbestos has been in brake linings in Europe for some time. He also does not believe that asbestos from clutch linings (if it is still used) would be released into the atmosphere as clutch housings are sealed units. He further notes that the proposed crusher and screener would be subject to a Permit under the Environmental Permitting Regulations which would seek to minimise the emissions to the atmosphere (typically via water sprays at key points on the plant). With regard to odour, KCC's Air Quality Consultant has noted that whilst the asphalt plant gives rise to some odour, the crushing / screening and CBP operations are not odorous activities in themselves. Furthermore, he notes that the operation of the proposed recycling plant and CBP would not lead to any increases in carcinogenic impacts in the area, other than those normally associated with the operation of diesel engines.
76. In respect of air quality impacts associated with an increase in HGV traffic to/from the site, KCC's Air Quality Consultant has stated that Nitrogen Dioxide (NO₂) levels in the area of Ham Hill are generally "good" with concentrations of NO₂ significantly below the Air Quality Objectives. He states that the major sources of NO₂ are road traffic on the M20 and A228 and that whilst any increase in HGV traffic would contribute towards the overall concentrations of NO₂, the amount of traffic generated by the proposals would have a minimal effect on concentrations in the area.
77. Notwithstanding the air quality concerns expressed by the local community, based on the technical advice received from KCC's Air Quality Consultant and the Borough Council's Environmental Health Officer I am satisfied that the development is acceptable in terms of air quality and complies with relevant development plan and other planning policies subject to the imposition of the conditions referred to above.

Highway issues

78. Members will be aware that highway issues feature heavily within the representations received from interested parties (as detailed in paragraph 41 above) and during the Member Site Visit and Public Meeting held in June 2012. The application is accompanied by a detailed transport assessment which considers 'worst case' average vehicle movement numbers associated with both the aggregate recycling and CBP operations. As outlined in paragraph (13) above, that assessment predicts that in a 'worst case' scenario (where it is assumed there is no back-hauling between imported and exported materials) the proposed recycling operation would attract a total of 29 loads (58 movements) per day on average. Similarly, as outlined in paragraph (20) above, the CBP is predicted to generate up to 32 loads (64 movements) per day on average, taking into account both imports and exports associated with this operation. Combining these two operations the total HGV movements associated with the development proposals would result in the addition of an average of 61 loads (122 movements) per day to Hays Road and the surrounding local road network. Taking into consideration 5 additional members of staff which would be employed on the site as part of the proposals, an additional 10 vehicle movements per day are anticipated. Based on

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an 11 hour day, and taking into account all movements associated with the recycling operations, CBP and site personnel, the proposed development would, as a 'worst case' scenario, generate up to 12 movements per hour on average. It is important to note that this average hourly figure is a 'worst case' scenario as in reality a number of movements associated with the delivery of road planings to the aggregate recycling activity would take place in the evenings or at night and that any back-hauling associated with the permitted and proposed operations would reduce this figure further.

79. Significant concern has been expressed regarding any additional HGV movements onto the surrounding local road network since it is considered locally that the A228 is at peak times at full capacity. Road safety concerns have also been expressed, particularly in respect of additional HGV's using Ham Hill roundabout where it is perceived there is a high crash record. Other highway concerns expressed include existing problems with car and HGV parking along Hays Road and that there may be an increase in the number of HGVs missing the turning for Ham Hill and ending up in Snodland on surrounding residential streets.
80. Notwithstanding these concerns, KCC Highways and Transportation has raised no objection to the proposals, noting the relative expected increases in traffic volumes in comparison to those existing. It notes that, contrary to local opinion, the crash record at Ham Hill roundabout is very good, especially when considering high volumes of traffic experienced along this strategic route (A228). With regard to the incident a few days prior to the Public Meeting when a HGV rolled onto its side at the Ham Hill roundabout, KCC Highways and Transportation advises that KCC's records show that there have been 3 injury crashes involving HGVs either at or in the near vicinity of the roundabout in the last 5 years and that as these 3 crashes do not share similar characteristics this does not suggest that there is a particular characteristic of the highway that results in compromised safety at this location.
81. With regard to car and HGV parking along Hays Road, I note that this road is a private access road serving the Tesco distribution warehouse and Tarmac's existing operations. Staff parking along this access road would appear to be overspill car parking associated with the Tesco distribution warehouse. Given that this road is privately owned it would not be possible for parking restrictions to be imposed on it by the Highway Authority or Borough Council. Instead, any conflicts which could occur as a result of inappropriate vehicle parking along Hays Road would be a matter for either Tarmac or Tesco to take up (as appropriate) with the relevant land owner.
82. In respect of concerns over HGVs missing the turning for Ham Hill and ending up in residential roads in Snodland, KCC Highways and Transportation states that directional signs on the A228 to Ham Hill have been upgraded in recent years. It is not aware of any significant problems with HGVs making wrong turns on to Hollow Lane and does not consider that the relatively modest increase in HGV movements would materially increase the risk of this taking place. I am therefore satisfied that the concerns expressed by local residents are not material in this instance.
83. Capacity issues on the local road network have been raised by the local community, including Snodland Town Council and Birling Parish Council. KCC Highways and Transportation accept that the 'worst case' average HGV movements predicted in the application (i.e. an increase of 12 movements per hour, or approximately one every five minutes on average) fall well within the existing day-to-day variation in traffic flows observed on local roads and does not therefore represent a material impact requiring highway capacity improvements. Furthermore, it considers that in view of the marginal

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increase in HGV movements associated with the proposals, the Highway Authority could not reasonably request a contribution for general carriageway maintenance in this instance.

84. In terms of the predicted numbers of HGV movements supplied by the applicant it is important to note that these are average figures that represent a 'worst case' scenario. These are therefore not figures which could reasonably be used to restrict ('cap') daily HGV movements associated with the proposed site operations, since daily fluctuation in movements would inevitably occur due to factors such as the demand for product outputs and the importation of road planings. In respect of capping daily HGV movements, regard should be had to the existing planning permissions for operations in the locality. Specifically it is noted that the planning permissions covering the Tesco or other Tarmac operations in the vicinity do not impose HGV movement restrictions. KCC Highways and Transportation advises that there is no case for imposing a cap on daily HGV movements since the predicted average movements fall well within the existing day-to-date variation in traffic flows observed on the A228. To impose a cap (either on a daily or peak hour basis) would be disproportionate given that no cap has been imposed on any of the other uses on Hays Road. Having regard to the past permissions granted for operations on Hays Road, and the advice received from KCC Highways and Transportation, I do not propose to restrict either daily or peak hour HGV movements as part of any planning permission granted in respect of the proposed development.
85. Whilst I have not sought to impose a specific cap on highway movements, for the reasons stated above, I consider it necessary to limit the overall throughput of the proposed operations to those levels applied for (100,000 tpa associated with the aggregate recycling and 30,000 cubic metres per annum associated with the CBP). Limiting the throughput of the aggregate recycling facility and the capacity of the CBP to those applied for this would serve to ensure that the applicant's transport assessment and any assumptions in respect of associated HGV numbers would remain valid. Such a restriction would also have wider benefits in terms of ensuring that the proposed operations would not give rise to additional amenity concerns which may otherwise be associated with higher levels of operational throughput/capacity.
86. In summary, having considered the highway implications of the proposed development, taking into consideration the representations received and the views expressed at the Members Site Visit and Public Meeting, together with the advice received from the KCC Highways and Transportation, I am satisfied that the proposals are acceptable in highway terms and would comply with relevant development plan and other planning policies subject to the imposition of a condition(s) limiting the throughput of the aggregate recycling facility and the capacity of the CBP to those applied for. Given this and for the reasons set out above, I do not consider that it would be appropriate to impose daily or peak hour restrictions on the number of HGV movements associated with the two operations or seek developer contributions from the applicant in respect of carriageway improvements.

Ecology

87. The application includes an ecological assessment of the land at Ham Hill Quarry which considers the impacts of the proposals on any important habitats or species. Features of note identified within the assessment are confined to the restored and yet to be restored quarry side slopes and consist of unimproved grassland, mining bees, an outlier badger sett and slow worms at the north-eastern corner. The floor of the quarry itself, which consists of bare sand, was considered to be of negligible ecological significance. Bats

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were identified as using the edges of the wider quarry and a single noctule pass was recorded at high level above the quarry. The assessment concluded that the potential direct impact of the proposed CBP and recycling activities within the base of the former quarry would be of negligible direct ecological importance with no direct effect on bat roost or flight lines. Indirect effects, particularly disturbance to bats through lighting, would be avoided through careful control of lighting so as to minimise light spill. Mitigation to protect any reptiles present during the erection of the noise fence has been included within the application.

88. The assessment has been independently considered by the County Council's Biodiversity Officer. Her comments are set out in paragraph (36) above. She has no objection to the proposed development, noting that the proposals would be entirely located on an area of bare ground and as a result would have minimal potential impact on any habitats or species. She recommends that the precautionary mitigation measures proposed in the application (taller areas of vegetation be strimmed within the footprint of the acoustic fence, in accordance with Natural England best practice) is secured by condition when the noise fence is installed. I therefore recommend that any permission includes a condition requiring ecological mitigation as set out in the application. On this basis, the proposed development would comply with relevant development plan and other planning policies relating to ecology.

Revised restoration scheme

89. The application proposes a variation to the quarry restoration scheme permitted under the Minerals Review (reference TM/00/1155/MR101). The variation sought would allow the base of the quarry to remain as it currently is (i.e. bare sand) in order to be used as an operational area for the proposed development, as opposed to restoring it to low maintenance grassland as required under the Minerals Review permission. The quarry slopes would be restored with landscape planting in the same manner as currently permitted. The applicant also proposes the retention, maintenance and management of the restored landscaped areas for the life of the development.
90. A small reserve of consented mineral is yet to be worked from the north-western corner of the site, making way for the final restoration of the quarry. The applicant proposes that this indigenous reserve be extracted and the land restored within 18 months of the implementation of the proposed development. Whilst concerns have been expressed about the quarry going deeper, I can confirm that this is not the case. The only sand which would be extracted is that covered by the main mineral permission, which until now has not been worked.
91. I consider that the revised restoration proposals are acceptable in land-use planning terms. Furthermore, I note that the base of the former quarry is identified as employment land by Policy E1 of the Tonbridge and Malling Borough Development Land Allocations Development Plan Document and therefore insisting on restoration to low maintenance grassland as originally required under the Minerals Review permission is unjustified. Subject to the imposition of conditions requiring the applicant to work the remaining indigenous sand reserve and restore the land within 18 months of the implementation of the development, to undertake appropriate aftercare of the restored landform (i.e. similar obligations to those imposed on the mineral permission) and retain, maintain and manage the restored landscaped area for the life of the development. I consider that the proposed development would comply with relevant development plan and other planning policies.

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Landscape and visual impacts

92. The application is accompanied by an assessment of landscape and visual impacts associated with the proposals. This assessment concludes that both the existing and proposed developments have been found to give rise to only very minor adverse levels of landscape and visual impacts both within close proximity to the site as well as further away associated with the North Downs AONB. It states that no significant levels of direct, indirect and/or cumulative impacts would occur and that the proposed development can be integrated into the local landscape without causing any significant detriment to landscape character, quality and visual amenity of either the immediate locality or the adjacent North Downs AONB. I concur with this assessment and note that very limited views of the proposed development would be witnessed from outside the site itself, noting that both elements of the development would sit below the rim of the former quarry.
93. The application proposes indicative parameters of the CBP, stating that it is unlikely to exceed 18 metres in height. Sitting on the quarry base (at approximately 6m AOD) a maximum height of 18 metres would result in the top level of the plant being at 24m AOD, at or below the rim level of the quarry which ranges from 24m AOD in the north and west to 29m AOD in the south and east. In order to ensure that the details are acceptable in visual terms and to retain planning control over the precise details of the plant to be installed, I recommend that a condition be attached to any consent requiring the prior submission of details of the CBP.
94. The applicant has agreed to the stockpiles of materials within the operational area (i.e. the base of the quarry) being restricted to a maximum height of 6 metres above the floor of the quarry. I therefore propose that a condition to this effect be placed on any decision. Furthermore, I propose to include a condition ensuring that vehicles, machinery, mobile plant or equipment do not operate on the top of the stockpiles. Subject to these provisions, the stockpiles or associated operations would not be visible above the quarry rim.
95. Whilst no details have been provided to date, the applicant requires site lighting to allow for 24 hour deliveries of road planings during night-time periods. Elements of the existing site are already lit, for example around the asphalt plant, which already operates during dark periods. I propose that the details of any site lighting required be reserved by condition such that the technical details would require the prior written approval of the County Council before being installed on the site. This would ensure that any site lighting would be controlled to the minimum required to allow safe operation of the site, whilst ensuring no light spill impacts would occur outside of the site itself. Subject to this and the above, the proposed development would comply with relevant development plan and other planning policies relating to landscape and visual impact.

Groundwater and surface water impacts

96. The application is accompanied by a water resources and hydrogeological assessment. That assessment identifies that the application site lies within a Flood Risk Zone 1; that there is more than 300 metres standoff between the application site and the nearest floodplain; and that within this buffer zone ground elevation is at least 10 metres higher than the level of the floodplain. The assessment considers that there would be negligible potential for significant flooding of the proposed site from rainfall runoff from adjacent land. Similarly it considers that the risk posed by flooding from groundwater is deemed to be acceptable. It also concludes that the rates of discharge from the proposed

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development would not increase as a result of the planned operation of the site and thus that the proposals are considered acceptable in this regard.

97. Members will note that the Environment Agency has raised no objections to the proposals and amendments to the previously approved restoration plans. It has confirmed that the applicant would need to apply for an Environmental Permit to cover the proposed operations and that the applicant is already in discussions with it to this effect. In the absence of any objections to the proposals on groundwater or surface water impacts I consider that the proposals are acceptable in these respects and comply with relevant development plan and other planning policies relating to groundwater and surface water impacts.

Public Rights of Way

98. Public Right of Way (Footpath) MR75A runs through part of the restored quarry site leading from Hollow Lane past the Tarmac Depot, asphalt plant, vehicular site entrance and south-west on to Sandy Lane. The Right of Way would not be affected by the proposals since it is physically separated from the two development sites. Accordingly, the KCC Public Rights of Way Officer has raised no objection to the proposals.
99. As part of the consultations undertaken on these proposals a question has been raised as to whether Tarmac could renew the pedestrian crossing markings immediately outside their site where the Public Right of Way crosses their entrance. This crossing current takes the form of an informal zebra crossing however the line markings on the road surface have considerable worn off over time. Having discussed this request with the applicant, Tarmac have provided an undertaking to re-paint the crossing as far as it is able to do, bearing in mind it acknowledges no responsibility for the actual maintenance of this crossing. With this in mind, I propose that an informative be placed on any consent requesting that the applicant re-paint the crossing markings as soon as they are reasonably able to do so. Subject to this, I am satisfied that the proposed development complies with relevant development plan and other planning policies.

Other issues

100. Concerns have been raised by the local community and Tracey Crouch MP concerning a perceived 'flawed' consultation processed undertaken by the applicant prior to the submission of the application to the County Council. Concerns have also been expressed regarding the short timescales in which the local community had to respond formally to the County Council on the extensive documents submitted in support of the proposal.
101. In respect of the lack of pre-application consultation undertaken by the applicant it is noted that it is currently government best practice to encourage developers to engage with local communities ahead of submitting development proposals. Legislation requiring developers to undertake pre-application engagements with local communities is changing, such that in the future there is likely to be an actual requirement for such consultation to be undertaken. However, to date such legislation has not been enacted and therefore we are only able to suggest that applicants undertake pre-application consultation, as opposed to insisting that it takes place.
102. With regard to the timescales for any interested parties to make comments to the County Council in respect of the proposals, I can confirm that a 21 day period was given to all notified residents. This period reflects statutory publicity requirements for planning

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applications and complies with the County Council's own publicity arrangements. In reality all comments received prior determination will be taken into consideration in the decision making process. I am therefore satisfied that the County Council has met its responsibilities in terms of allowing any interested parties to comment on these particular proposals.

103. I note that the applicant met representatives from the Borough, Town and Parish Councils and local residents to discuss the development proposals and that whilst this meeting took place after the planning application had been submitted it enabled the local community to seek any necessary assurances and clarification from the applicant, in turn informing any comments the local community wished to make in respect of the planning application.
104. As outlined in paragraph (28) above, the applicant has offered to set up a Site Liaison Committee, which would include twice annual meetings with invitees representing (as necessary) Snodland Town Council, Birling Parish Council, Tonbridge and Malling Borough Council, Kent County Council, Tarmac and Tesco. With this in mind, I propose that an informative be placed on any consent requesting that the applicant ensure that the Liaison Committee is established following the implementation of the development.
105. Concern was raised at the Public Meeting that the applicant already operates a tanoid/PA system to guide its vehicles on site. During a meeting with the applicant, it confirmed that no tanoid/PA system is required for the proposed operations. I therefore propose to impose a condition preventing the use of a tanoid/PA system during night-time periods. The applicant also confirmed that it intends to cease the existing tanoid/PA system use during night-time periods, but pointed out that Tesco use its own personal address system as part of its operations at Ham Hill.
106. Concern was raised at the Public Meeting that the County Council needed to carefully consider the cumulative impacts of the various developments at Ham Hill. These issues have been carefully considered, particularly in respect of the cumulative impacts of noise and transportation, and are addressed in each of the respective sections above.

Conclusion

107. Whilst there is no specific need (in overall Kent waste capacity terms) for additional secondary and recycled aggregates waste management capacity at this time, national, regional and local planning policies support the movement of waste management solutions up the waste hierarchy and encourage sustainable waste management that produces less waste and uses it as a resource whilst protecting human health and the environment. The emerging Kent Minerals and Waste Development Framework also advocates this approach and makes it clear that 1.4mtpa of secondary and recycled aggregate capacity should be regarded as a minimum requirement. It also makes it clear that this required capacity will not be maintained throughout the Plan period (i.e. to 2030) unless further planning permissions are granted. Given that the application site is allocated for employment use by Policy E1 of the Tonbridge and Malling Borough Council Local Development Framework Development Land Allocations Development Plan Document, the proposed development is acceptable in principle. Having examined the proposals (both individually and cumulatively with other permitted development in the area), and considered the consultee responses, the representations received and

Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

the views expressed at both the Members' Site Visit and Public Meeting, I am satisfied that the proposed development would not give rise to any overriding harm and would accord with relevant development plan policies provided the planning conditions referred to above and below are imposed. I therefore recommend accordingly.

Recommendation

108. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including those to cover the following matters:

- 5 year implementation period;
- the development to be carried out in accordance with the permitted details;
- limit of 100,000 tonnes per annum associated with the aggregate recycling facility;
- limit of 30,000 cubic metres per annum associated with the concrete batching plant;
- details/specification of acoustic fence to be submitted for approval;
- erection of acoustic fence prior to the commencement of development and maintenance in perpetuity for life of the permitted operations;
- ecological mitigation (as detailed in the application) to be implemented when constructing the acoustic fence;
- day-time noise from site operations limited to 55 dB LAeq, 1 hr;
- night-time noise from site operations limited to 50 dB LAmax;
- all vehicles on site to use broadband reversing alarms during night-time periods;
- no audible tanoïd/PA system to be used during night-time periods;
- scheme of noise monitoring;
- hours of working for processing and sale of materials associated with the aggregate recycling facility: Monday – Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 hours and no operations (except for essential maintenance and then only between 08:00 to 18:00 hours) on Sundays and Bank Holidays;
- hours of working of the CBP: Monday – Friday 07:00 to 18:00 hours, Saturday 07:00 to 13:00 hours and no operations (except for essential maintenance and then only between 08:00 and 18:00 hours) on Sundays and Bank Holidays;
- removal of remaining indigenous sand reserves and restoration completed (in accordance with the revised restoration scheme) within 18 months from the implementation of the development;
- height of material stockpiles being restricted to no more than 6m above the quarry floor and no vehicles, machinery, plant or equipment be operated on top of the stockpiles;
- retention, maintenance and management of the restored landscape areas for the life of the development;
- a formal 5 year aftercare period for the restored landscaped areas;
- dust mitigation measures;
- measures to control mud and debris being tracked out of the site;
- details of any site lighting to be submitted for approval; and
- details of CBP to be submitted for approval.

109. I FURTHER RECOMMEND that the APPLICANT BE ADVISED, BY WAY OF AN INFORMATIVE, that a Site Liaison Committee is established in accordance with the general terms which the applicant has proposed. I also recommend that the applicant be requested to re-paint Public Right of Way MR75A crossing markings immediately

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outside of their site as soon as they are reasonably able to do so (in consultation with the landowner as necessary).

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

Aggregate recycling facility, concrete batching plant and amendments to restoration provisions at Ham Hill Quarry, Snodland – TM/12/983

APPENDIX 1

APPLICATION KCC/TM/0075/2012 – AGGREGATE RECYCLING FACILITY AND CONCRETE BATCHING PLANT TOGETHER WITH AMENDMENTS TO THE CURRENTLY APPROVED QUARRY RESTORATION PLANS AT HAM HILL QUARRY, SNODLAND

NOTES of a Planning Applications Committee Public Meeting at Snodland Town Hall on Thursday, 28 June 2012.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr C Hibberd, Mr P J Homewood, Mr J F London, Mr R F Manning, Mr M B Robertson and Mrs E M Tweed.

LOCAL MEMBER: Mrs S V Hohler.

OFFICERS: Mrs S Thompson, Mr J Wooldridge and Mr J Moat (Planning); and Mr A Tait (Democratic Services).

THE APPLICANTS: Tarmac Ltd: represented by Mr S Treacy (Senior Estates Manager, Tarmac Ltd) and Mr P Woodger (Site Foreman)

TONBRIDGE AND MALLING BC: Mr M Balfour

SNODLAND TC: Miss A Moloney (Chairman), Mr J Atkins and Mr A Keeley. *Miss Moloney and Mr Atkins were also Members of Tonbridge and Malling BC.*

ALSO PRESENT were some 30 members of the public.

(1) Members of the Committee visited the application site prior to the meeting. Mrs P A V Stockell was present at this visit, whilst KCC Highways and Transportation were represented by Mr P Lulham.

(2) The Chairman opened the meeting by explaining that its purpose was for the Planning Applications Committee Members to listen to the views of local people concerning the application. The Committee Members had visited the site earlier that afternoon and had also inspected the surrounding area.

(3) Mr Moat introduced the application by saying that Ham Hill Quarry lay on the western side of the Medway Valley immediately to the southwest of Snodland and 8km northwest of Maidstone. It was accessed via Hays Road, a private cul-de-sac servicing Tarmac's depot, the existing asphalt plant and a Tesco distribution centre. The access road joined the A228 Malling Road at the Ham Hill Roundabout some 700 metres south west of the site. Junction 2 of the M2 lay approximately 7.5 kilometres to the north, whilst Junction 4 of the M20 was some 1.5 kilometres to the south. The site lay just outside and to the east of the North Downs Area of Outstanding Natural Beauty and was also identified in the Tonbridge and Malling Borough Council Local development Framework (LDF) as land safeguarded for employment purposes.

(4) The site hosted a number of uses, including mineral workings; an asphalt plant which produced coated road stone; the storage of asphalt road planings and a depot for Tarmac's

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National Contracting business. A public footpath (MR75A) ran through part of the restored quarry site leading from Hollow Lane (north-east of the site) to Sandy Lane (south west).

(5) Mr Moat went on to outline the history of the site. Mineral extraction had commenced at Ham Hill in 1962 with a planning permission to extract silica sand. This permission established the site as a sand quarry, required progressive restoration to agriculture and made provision for a dedicated access joining the highway at the southern end of Hollow Lane. An extension to the quarry was granted in 1985 allowing additional mineral to be extracted in the area now subject to this application. Temporary planning permission was granted for an asphalt plant at the site in 1985 requiring the plant to be removed once the adjoining sand quarry reserves had been fully extracted. Approval was given in 1999 enabling the importation of up to 5,000 tonnes of asphalt road planings. This approval did not allow for any treatment or processing and was required to cease upon completion of mineral extraction. In 2001, planning permission was granted for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays.

(6) A permanent permission was granted in 2008 allowing the asphalt plant to operate between 0500 to 1800 Mondays to Fridays; 0500 to 1300 on Saturdays; and 0800 to 1800 on Sundays and Bank Holidays (for essential maintenance only). No lorries were permitted to leave the site before 0600 hours on Mondays to Fridays.

(7) This planning permission however, enabled the asphalt plant to operate (and lorries to leave the site) outside the conditioned working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 0000 hours and 0400 hours with the exception of the loading and movement of lorries. No more than five of these 60 occasions were permitted to be used consecutively.

(8) A Minerals Review permission was granted in 2008, updating previous conditions imposed on the 1962 and 1985 permissions. Conditions attached to the mineral review permission required the site to be restored by 30 June 2016 and that it would not be used for processing or storage of non-indigenous materials without the prior written permission of the Mineral Planning Authority. It also required restoration in accordance with an approved restoration and aftercare scheme.

(9) Mr Moat then said that all economic material had been extracted from the south eastern part of the quarry void which was now occupied by the permanent asphalt plant. A small reserve of remaining consented sand remained at the north western corner of the site, to be worked out by the applicant in due course. The quarry was still to be completely restored using indigenous materials in accordance with the approved restoration scheme. The areas under restoration are those parts of the quarry batters no longer in operational use. These have been set down to grass and planted with trees. .

(10) The site boundary ranged between 24 metres AOD in the north and west to 29 metres AOD to the south and east. The ground level of the quarry was approximately 6 metres AOD (some 18 to 22 metres below the level of the original pre-quarrying ground levels). Neighbouring land uses included agricultural land to the northwest, a residential area to the northeast, a Tesco distribution centre to the southeast and residential properties set in a wooded area to the southwest. The closest residential properties to the proposed activities were those located on Sandy Lane (130m) to the south and west of the site; Mary Last Close (140m) and Busbridge Road (220m) to the north of the site; and Edgeler Court (180m) and Hamilton Close (200m) off Hollow Lane to the northeast.

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(11) Mr Moat then turned to the application itself. He said that permission was sought for a Concrete Batching Plant (CBP) and the production of secondary aggregates using a mobile crushing/screening plant within the void of the former Ham Hill sand quarry.

(12) The recycling plant would handle up to 100,000 tonnes per annum of general construction and demolition waste, utility arisings and waste asphalt. This would produce Recycled Asphalt Product (RAP) for reuse as a feedstock for Tarmac's existing asphalt plant. Any surplus would be sold as fill material on the open market.

(13) Mr Moat said that the applicant predicted that if the site were to operate at the maximum of 100,000 tonnes per annum the proposed recycling operation would attract (at worst) a total of 29 loads (58 movements) per day.

(14) Much of the waste asphalt would comprise road planings generated by the Highway Authority during those periods when large scale road works were undertaken at night (frequently between 2200 and 0200 hours). Consequently, the site would need to accept (but not process) material 24 hours a day, seven days a week. The applicant predicted that typically there would be a need to import road planings for 5 to 6 consecutive nights once or twice each month.

(15) The processing plant itself would be delivered to the site on a short-term 'campaign' basis to crush and screen material in order to produce a saleable product once sufficient volumes had been accumulated. Once all materials had been processed the plant would be removed only to return again once stocks of unprocessed material had been replenished.

(16) Imported material would be stockpiled for processing each month over a two week period on the basis that the recycling plant would be on site two weeks in every four. As with the imported materials, the recycled product would be sold and distributed throughout the year from stockpiles created by the recycling plant during the period it would be on site.

(17) Waste arisings would need to be delivered to the site and placed on stock on a 24 hours a day / seven days a week basis. The proposed hours for processing and sale would be 0700 to 1800 on Mondays to Fridays; 0700 to 1300 on Saturdays with no operations on Sundays and Public Holidays (except for essential maintenance between 0800 and 1800).

(18) No additional infrastructure would be required to facilitate the proposed recycling operations as the existing weighbridge, office, mess room and toilets associated with the asphalt plant would be utilised.

(19) The application also sought permission for a Concrete Batching Plant (CBP) which would be capable of producing up to 30,000 cubic metres of concrete per annum. The CBP would be located on an area of land north-west of the existing asphalt plant. No additional stock bays would be required in addition to those already associated with the neighbouring asphalt plant.

(20) Mr Moat said that the applicant had set out some indicative parameters for the CBP, stating that was unlikely to exceed 18 metres in height. In the context of the quarry base (at approximately 6m AOD) a maximum height of 18 metres would result in the top level of the plant being at 24m AOD (i.e. below the rim level of the quarry which at this point was approximately 28m AOD).

(21) The CBP was anticipated to generate up to 32 loads (64 movements) per day on the local road network. Its proposed working hours would be 0700 to 1800 on Mondays to

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Fridays; 0700 to 1300 on Saturdays with no operations on Sundays and Public Holidays (except for essential maintenance between 0800 and 1800).

(22) The application sought a variation to the quarry restoration scheme as permitted in 2008. This variation would allow the applicant to leave the base of the quarry unrestored so that it could be used as an operational area for the proposed development. The sides of the quarry would be restored by way of landscape planting, in the same manner as previously permitted.

(23) Mr Moat said that a relatively small amount of consented mineral was yet to be worked out from the north-western corner of the site. The applicant had proposed that this indigenous material would be extracted and the land restored within 18 months of the implementation of the proposed development.

(24) It was proposed to erect an acoustic fence and to maintain it in perpetuity along part of the northern boundary of the site with Snodland Road (measuring some 110 metres in length) and along the eastern boundary of the site adjacent to Mary Last Close (measuring some 100 metres in length). The height of the fence was proposed to range from 28 metres AOD to 30 metres AOD, generally 3 metres in height above the surrounding ground levels.

(25) The application would result in an additional 61 loads (122 movements) per day to Hays Road and the surrounding local road network. Five additional members of staff were likely to be employed at the site, resulting in a further 10 additional movements per day. The proposed development would therefore (when calculated on an 11 hour working day) generate a maximum of 12 movements per hour on average.

(26) Mr Moat went on to summarise the responses from statutory consultees. He said that objections had been received from Tonbridge and Malling Borough Council, Snodland Town Council and Birling Parish Council. These had focussed primarily on noise, dust, odour and highway issues. Concerns had also been raised about the lack of pre-application consultation undertaken by Tarmac before submitting its planning application.

(27) No objections had been received from the Environment Agency, Kent Highways, the Biodiversity Officer and Public Rights of Way. The Environment Agency had confirmed that the proposed operations would be subject to an Environmental Permit.

(28) Further technical noise information had been submitted in respect of the predicted noise level calculations for the proposed operations. Further consultee responses were awaited in respect of this information from the County Council's Noise Consultant as well as from the Borough, Town and Parish Councils. These responses would be set out in the final officer report to the County Council's Planning Applications Committee.

(29) Some 93 letters of objection had been received from local residents, many in the form of a standard petition letter. The main issues raised included concerns over the lack of pre-application consultation by Tarmac, noise, dust and odour issues together with concerns regarding the increase in highway movements.

(30) A letter expressing concerns has been received from Tracey Crouch MP, focussing on a lack of pre-application consultation and the short timescales for the local community to respond to the extensive range of documents submitted with the proposals.

(31) Snodland Labour Group had raised concerns regarding noise disturbance at night from vehicle movements, loading and unloading, dust and odour issues.

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(32) Mr Moat concluded his presentation by saying that the site was identified in the Borough Council Local Development Framework as a site safeguarded for employment. National and local waste management policies were supportive in principle of such locations for waste management facilities, subject to there being no overriding environmental concerns.

(33) Mr Hibberd noted that regulations in respect of lorries were continuing to change, permitting the carriage of ever heavier loads and possibly greater noise as a result. He asked whether this was taken into account when assessing noise impact. *Mr Wooldridge replied that some allowance was indeed made for this possibility. The main area of concern had, however been night time noise, particularly that associated with reversing alarms. The applicant had proposed the use of broadband alarms for reversing vehicles. This could be covered by condition. As a general point, the noise assessment had taken account of the noise already emanating from the site and from the neighbouring Tesco depot.*

(34) Mrs Tweed asked whether KCC Highways and Transportation had recommended any mitigating features in respect of the high speeds travelled along the main highway. She also asked about the impact of the noise proof fence on properties in Mary Last Close given their small back gardens. *Mr Moat replied that KCC Highways and Transportation had raised no objection. He also stated that the proposed acoustic fence would not be immediately adjacent to these gardens.*

(35) Mr Robertson asked whether communication with the lorry drivers would be undertaken by radio with no aerial sound. *Mr Moat replied that this matter was still under discussion with Tarmac.*

(36) Mr Manning said that up to this point the applicants had not given information about the type of plant that would be used. He wished to know more about source and intensity. He also asked for information on the complaints made by the community over the lack of pre-application consultation by Tarmac. *Mr Moat replied that the application included illustrative plant/equipment and noise output data typical of such plant. In respect of the pre-application consultation, there was no legal requirement on Tarmac to undertake it – although the Government planned to introduce legislation at a later stage.*

(37) Mrs Hohler (Local Member) said that it would be difficult for anyone to imagine the level of noise that would arise from operations at the bottom of the quarry until it actually occurred. She believed that the noise would be particularly disturbing during the night for residents in some of the properties that were situated very close to the edge of the site in what was currently a very quiet area. She then said that the road into the site was a private road and therefore impossible to regulate. She was pleased to hear that the applicants proposed using broadband alarms and added that if this needed to be a condition in the event that the Committee decided to grant permission. The PA system was a nuisance for residents and it was essential for the site operators to establish a liaison committee so that issues of this nature could be brought to their attention. She asked the Committee to carefully consider potential dust impacts. She concluded her remarks by saying that the applicants proposed that the crusher and screener would have a footprint rather than being installed all over the site at different times. *Mr Moat confirmed that the applicants had proposed a definitive area for the crusher and screener.*

(38) Mr Homewood asked for clarification about the equipment that would be making the noise. *Mr Wooldridge replied that the CBP was permanent, fixed, stationery and not particularly noisy. Its noise levels had been factored into the noise assessment. The location*

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of the crusher and screener had now been more closely defined to enable the Noise Consultant to determine whether their noise levels would be reasonable and acceptable.

(39) Mr Balfour (Tonbridge and Malling BC) said that the neighbouring properties were very close to the site and were already suffering (in what had once been a residential area) from the disturbance, noise and smell from the existing plant and the lorries at Tesco. The plant would produce noise disturbance during the day. The lorries would arrive on site during the night to deliver scrapings from the roads. There would be noise from the tipping at about 3 o'clock in the morning. Dust would definitely arise from the tipping operations on site.

(40) Mr Balfour went on to say that although the applicants had produced a machine measurement or estimate of noise levels, this would be different to what people would actually hear – in much the same way that people's perception of the noise from a train going through a tunnel was often in complete contrast to the sound measurements taken. He then said that the site was on the edge of the Medway Flood Plain – which meant that very dense air arose from the river. He asked whether the Noise Consultants had taken air density into account when making their assessments. *Mr Moat replied that he would ensure that the Noise Consultants were asked that specific question.*

(41) Mr Balfour then said that the nearest properties were in Sandy Lane. They were set at a lower height than the others, yet there was no sound attenuation for them or for properties to the south west. He asked the Committee to consider the effect of night time tipping in the light of the cumulative effect of Tesco being open all day and night. Finally, he considered that the applicants should have taken emerging legislation into account and held pre-application consultation.

(42) The Chairman asked the Planners whether they had evidence of the current noise nuisance that had been mentioned by Mr Balfour. *Mr Wooldridge replied that there had been no complaints during the previous seven to eight years. The Borough Council's Environmental Health Officer had not mentioned it in response to the consultation.*

(43) Mrs Moloney (Snodland TC) said that there already was a congestion problem at the Ham Hill Roundabout. In fact, there had very recently been an accident involving an overturned lorry. She then said that there would be an unacceptable visual impact on the residents of Mary Last Close arising from the erection of a 3 metre high noise attenuation fence so close to their gardens. She added that even properties in Brook Lane and Lakeside to the south east currently suffered noise disturbance when the wind was blowing in their direction. *Mr Moat said that the acoustic fencing would be set back in Tarmac's land on its side of the vegetation which currently shielded the Mary Last Close residents from the site. There would therefore be no significant visual impact. He agreed to check the level of the fence across all the undulations of the land. The Chairman also agreed that the concerns raised by Mrs Moloney in respect of the roundabout would be considered.*

(44) A resident from Edgeler Close gave apologies from Tracey Crouch, MP. She said that Ms Crouch had written to the Planning Applications Group in order to communicate her concerns about the lack of pre-application engagement by the applicants, noise and dust. She suggested that tests could be carried out on the equipment to be used in order to ascertain whether or not it would cause a nuisance. *Mr Wooldridge replied that every crusher would sound extremely noisy when standing close to the equipment. The only way it could be assessed properly was at the correct distance with the mitigation measures in place.*

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(45) Dr Jonathan Shaw (former MP) said that he believed that the applicants needed to inspire confidence in local residents that their concerns would be treated seriously. They had agreed to post leaflets to everyone in the neighbourhood to explain their intentions. They had, instead, simply placed it on their website. He then said that there was still some uncertainty over noise levels. Although the applicants had made measurements, these readings could not be absolutely reliable. He had asked Tarmac to hold trials including crushing of the noisiest aggregates. He asked whether Tarmac had made any approaches on this matter to the Planning Applications Group. Mrs Thompson said that if people believed that the operators were going beyond the conditions of their current permissions, they should contact the County Council's Planning Applications Group which would investigate the matter and take action if appropriate.

(46) Mr Atkins (Tonbridge and Malling BC) said that 40 years earlier the effects of sand extraction had been particularly dreadful with cars being covered in sand. Progress had been made over the last 20 years as a result of the cessation of this work and landscaping work. He was concerned that this progress could be jeopardised as a result of concrete batching and crushing taking place in close proximity to residential areas. He did not believe that the dust nuisance would be mitigated by having the proposed operations taking place at the bottom of the quarry.

(47) Local residents contributed to the discussion. Their points are summarised below:

- (a) Traffic exiting the site would create nightmarish conditions at the Ham Hill roundabout.
- (b) The applicants could already have permission to use a tanoid/PA system to guide their vehicles on the site. If so, there would be nothing to stop them continuing to use it.
- (c) A resident from Edgeler Close said that he had been able to hear the crusher the moment it had been installed in May.
- (d) The general noise from the site could already be heard in Malling Road and Brook Lane. Light intrusion was already taking place. Lorries trying to get on to Hays Road from the roundabout often missed the turning and travelled up Hollow Lane and Snodland Road instead. This became especially difficult when they attempted to reverse back towards the main road.
- (e) A resident from Sandy Lane said that vegetation was less dense during the winter months when hooters could be heard throughout day.
- (f) Hays Road was marked with double yellow lines on both sides of the road all the way to the Tesco depot. From there on, one side of the road was unmarked and used by staff for parking. This prevented lorries from passing one another – particularly during the Christmas and Easter periods.
- (g) The applicants had on at least four occasions unloaded road rollers and equipment for the asphalt plant outside of the permitted hours. How could they be trusted to obey the Law in all respects?
- (h) Although KHS were not objecting on grounds of traffic safety, three lorries had turned over at the Ham Hill roundabout in the last three years.

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- (i) It was surprising that Tesco had not formally objected to the application. The Committee should note that more lorries might in future travel down Hays Road to the Tesco site than was currently the case. *Mr Wooldridge said that KCC Highway and Transportation/Tonbridge and Malling BC would be asked whether the Tesco permission permitted greater traffic numbers than currently went to the site.*
- (48) The Chairman thanked everyone for attending. He said that a number of issues had been raised that would be looked at in detail. The notes of the meeting would be appended to the Committee report.

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Item C2

Scrap metal storage and processing facility, including End of Life Vehicle facility at Eclipse Business Park, Cobbs Wood Industrial Estate, Ashford – AS/12/518 (KCC/AS/0095/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2012.

Application by European Metal Recycling Limited for a change of use of the whole site to a scrap metal storage and processing facility, including the conversion of the front of the existing building into a two storey weighbridge office/staff amenity block; construction of a non ferrous compound; creation of a new entrance from Brunswick Road; addition of palisade and site fencing/screening; installation of a weighbridge, tanks to hold fluids drained from End of Life Vehicles and a shear/densifier in the ferrous yard at Eclipse Business Park, Cobbs Wood Industrial Estate, Brunswick Road, Ashford, TN23 1EL – AS/12/518 (KCC/AS/0095/2012).

Recommendation: Planning permission be granted, subject to conditions.

Local Member: Mrs Elizabeth Tweed

Classification: Unrestricted

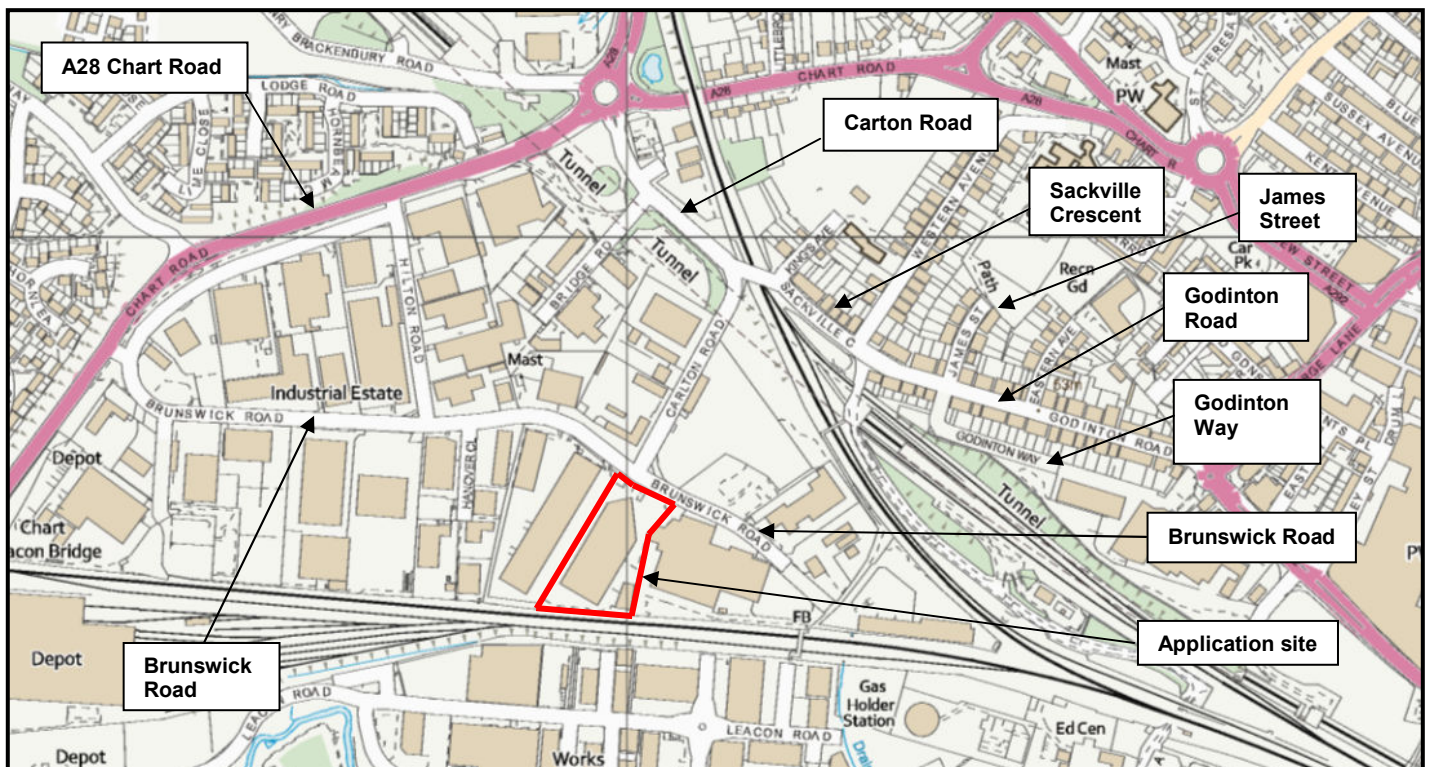
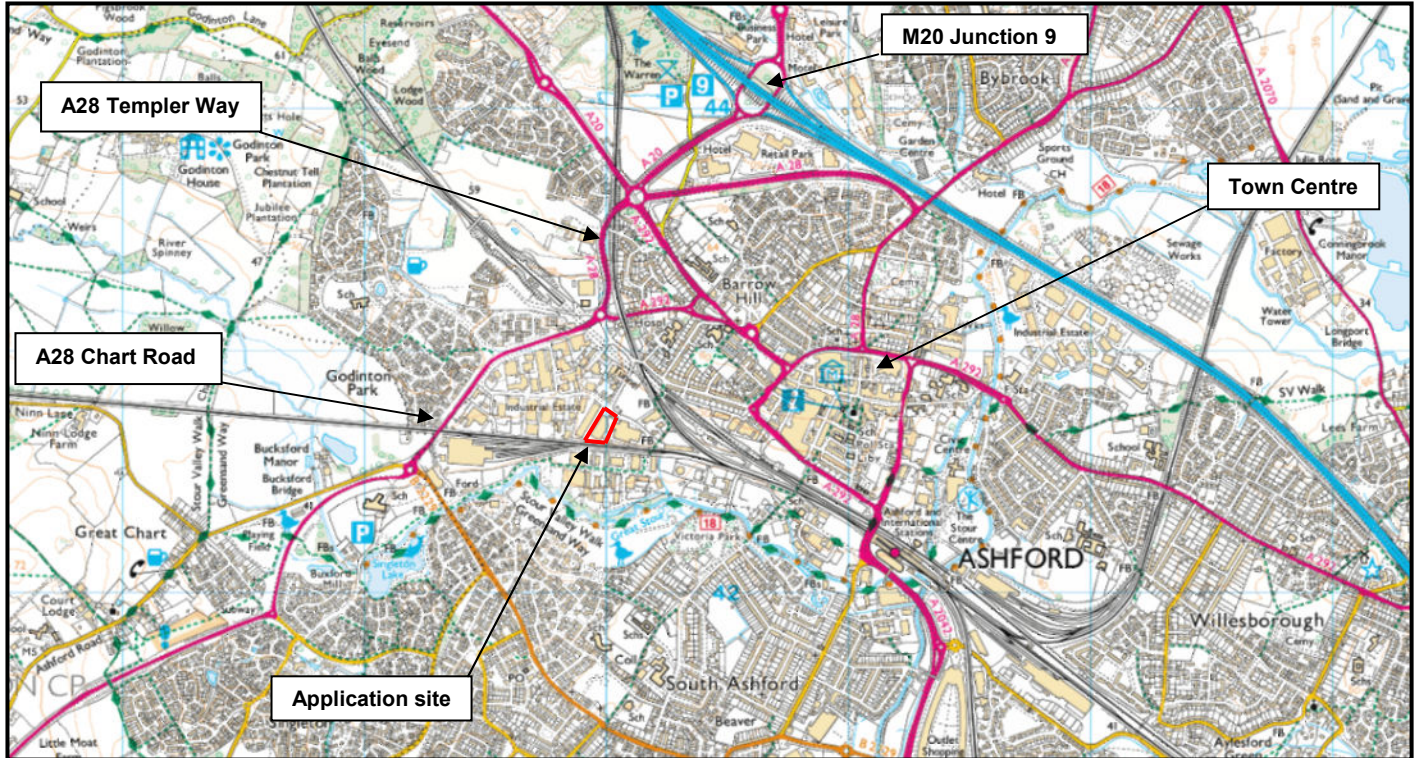
Site Description and Background

1. Eclipse Business Park is the site of a former industrial building totalling some 5,200 sq metres of floorspace located on the Cobbs Wood Industrial Estate at the junction of Brunswick Road and Carlton Road. Both these roads provide the main spine road for the Industrial Estate. The former building was sub-divided into 16 units of B1, B2 and B8 general industrial space with office space at the front of the site. The applicant purchased the site and obtained Building Control approval from Ashford Borough Council to demolish the main building, except for an office building at the front and an open sided structure to the rear of the site. The total site measures just over 1 hectare and has one existing vehicular access point on to Brunswick Road. Immediately to the rear (south) of the site lies the mainline Ashford to London railway line, with light industrial units and a waste recycling activity lying to the east and west of the site boundaries. Along the rear boundary of the site are a number of pine trees (some 19 in total), whilst the front of the site on either side of the existing vehicular entrance there is a collection of Silver Birch, London Plane, Beech and Young Oak trees).
2. The Cobbs Wood Industrial Estate contains a mix of land use activities, predominantly focussing around light industrial units. The Estate also contains the County Council's Household Waste Recycling Centre and Waste Transfer Station serving Ashford which, as Members will be aware, was recently granted permission to redevelop and expand at the Meeting of the County Council's Planning Applications Committee in April 2012. Several other waste recycling/processing activities already take place within the Estate, including sites operated by Green Box Recycling and Viridor Waste Management Limited. The nearest residential properties to the application site are those located to the north-east in Godinton Road (250 metres) and Sackville Crescent (260 metres), in between which is a redundant parcel of land (formally occupied by Rimmel International Limited and then acquired by SEEDA. This site is not designated for a specific land use within the existing Development Plan or emerging Local Development Framework Urban Sites Development Plan Document) within the Cobbs Wood Industrial Estate and the high speed Channel Tunnel Rail Link line. The Chart Industrial Estate, containing a mix of commercial development, is located south of the application site and railway line.

Item C2

Scrap metal storage and processing facility at Eclipse Business Park, Cobbs Wood Industrial Estate, Ashford – AS/12/518 (KCC/AS/0095/2012)

Site Location Plan

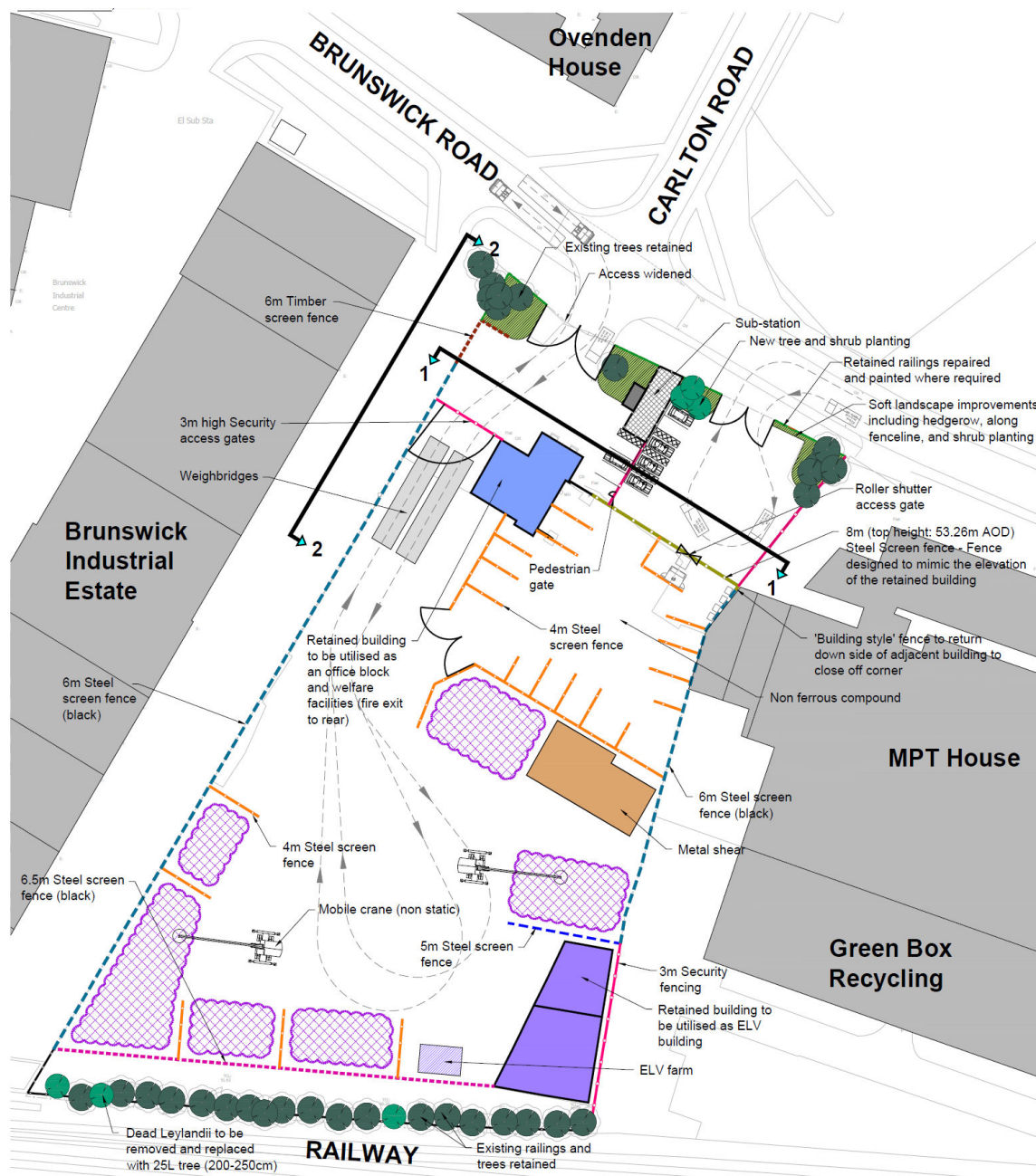


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Not to scale

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Scrap metal storage and processing facility at Eclipse Business Park, Cobbs Wood Industrial Estate, Ashford – AS/12/518 (KCC/AS/0095/2012)

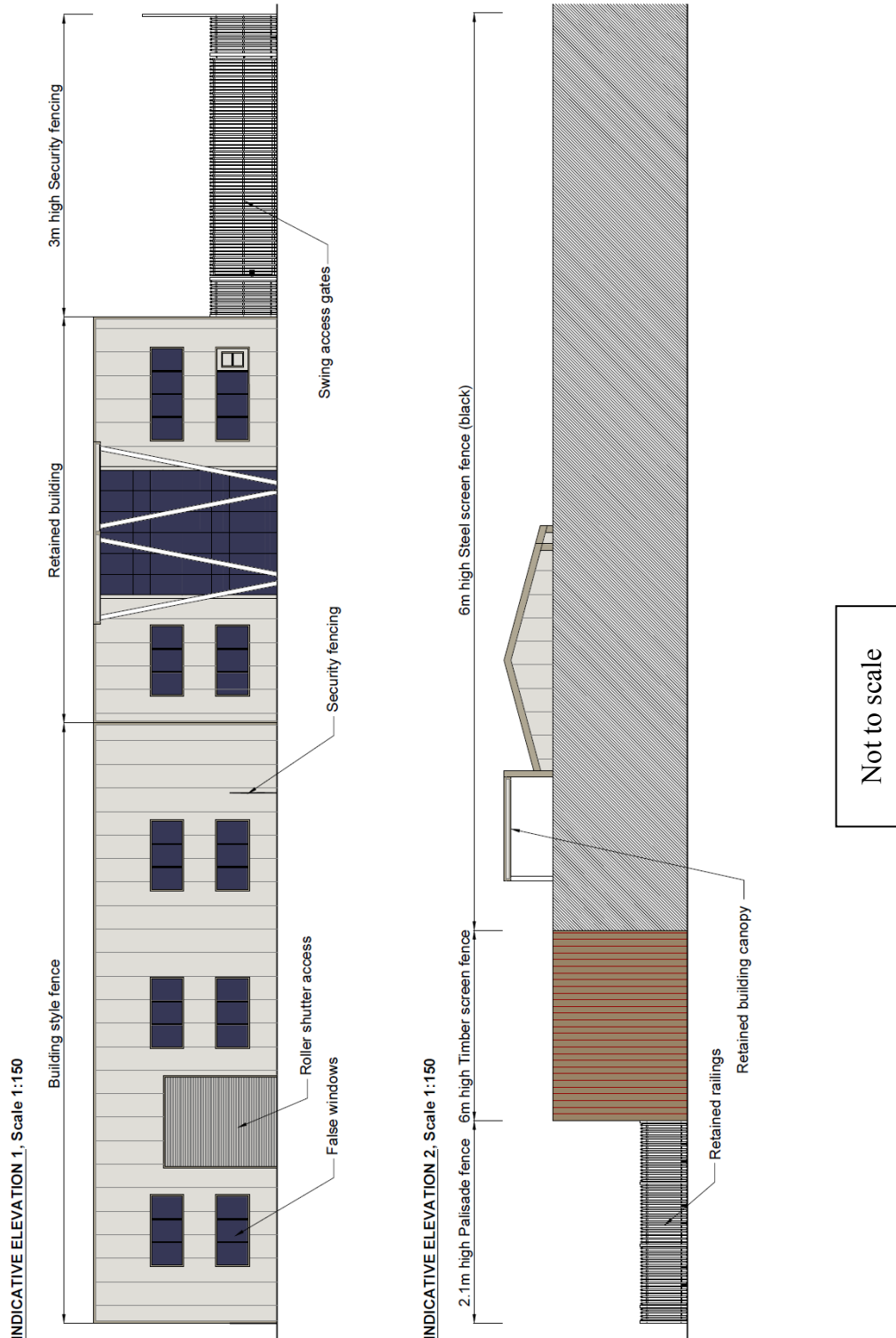
Proposed Site Layout Plan



Not to scale

Scrap metal storage and processing facility at Eclipse Business Park, Cobbs Wood Industrial Estate, Ashford – AS/12/518 (KCC/AS/0095/2012)

Proposed Elevation and Fencing Details



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3. The application site is located within the confines of the urban area as defined by the Ashford Local Development Framework Proposals Map. There are no other site specific designations, although more general Development Plan Policies are set out in paragraph (24) below. A 'Site Location Plan' is attached on page C2.2.
4. The applicant previously requested a pre-application Screening Opinion from the County Planning Authority as to whether the proposed development constituted Environmental Impact Assessment development. The County Planning Authority concluded that the proposed development did not need to be accompanied by an Environmental Statement, however it identified that specific aspects of the proposed development needed to be fully assessed as part of any future planning application. The aspects specifically highlighted included the need to provide a detailed Transport Assessment and a Noise Impact Assessment.
5. A Member Site Visit to Eclipse Business Park was held on 24 July 2012. The notes of the Site Visit are set out in Appendix 1. A visit to a similar facility in Croydon run by European Metal Recycling was held on the 4 September 2012. That visit included Officers from the Planning Applications Group together with the Committee Chairman and Mr Manning.

Proposal

6. The application is submitted by European Metal Recycling Limited (EMR), a global leader in metal recycling, operating from 150 locations around the world and primarily dealing with scrap metal arising from a range of sources such as End of Life Vehicles (ELVs), consumer products, industry, construction and demolition sectors.
7. The application proposes the change of use of Eclipse Business Park to form a modern scrap metal storage and processing facility, including an End of Life Vehicles (ELV) facility. The site is proposed to process up to 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous scrap metals per year. The application documents identify that the proposed site is intended as a 'feeder' scrap metal yard, specifically to buy metals locally, sort and process them before sending the metal to the end user for recycling or feeding them into EMR's existing shredder site at Ridham Dock. Most of the scrap would be brought in or collected from local firms, local authorities and private individuals. The majority of the loads would be relatively small quantities of metal and as such customers are not prepared to transport them long distances.
8. The application proposes the conversion of the front of a two-storey existing office building (which formed part of the former Eclipse Business Park building) to be used as a weighbridge office and staff amenity block. A non-ferrous compound would be constructed alongside the weighbridge office, surrounded by 8 metre high metal fencing facing Brunswick Road and 6 metre high metal fencing facing the rear, eastern and western sides of this compound. The 8 metre high fence would be detailed to appear as a building frontage, including false windows and a roller shutter door which would provide the main vehicular access into the non-ferrous compound. The false building frontage would run directly between the existing office building (as retained) and an adjoining building on the adjacent site. Details of the proposed site frontage can be found on page C2.4. Behind the roller shutter door (which is shown to open to just under 5 metres in height) would be a set of small platform scales where individuals would bring in and manually load on non-ferrous metals. Behind the scales a "L" shaped 5 metre metal screen is proposed which would be roofed over to tie in with the false building

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frontage. The height of the fencing surrounding the non-ferrous compound is based upon the recommendations of the applicant's noise consultant and is intended to provide a visual and noise screen for all of the activities taking place within the ferrous yard behind.

9. The application proposes the creation of a new vehicular access into the site from Brunswick Road to serve the non-ferrous yard. It also proposes the widening of the existing vehicular access from Brunswick Road. The front site boundary (with Brunswick Road) would consist of the retention of existing palisade fencing, together with new sections of matching palisade fencing and security gates. To the eastern boundary of the site a 6 metre timber screen fence would be erected back from the road frontage, which would then meet with a new 6 metre high black steel fence which would run for approximately 130 metres to the rear site boundary near the railway line. A number of existing trees currently line the southern site boundary with the mainline railway line. The application proposes that these trees are retained and any dead trees replaced with similar species. A new 6.5 metre high black steel fence would be erected inside of the site boundary, avoiding conflict with the existing trees to be retained, which would run from the western boundary of the site to the point where it meets the proposed End of Life Vehicles building. A 6 metre high black steel fence would be erected along the eastern site boundary from a point near the End of Life Vehicle Facility building towards the front of the site boundary where it would meet the new false building frontage. Various internal steel fences would be installed throughout the site to act as stock pile retaining walls, ranging in heights of 4, 5 and 6 metres. The application states that all existing trees to the northern and southern boundaries of the site would not be affected by the development proposals and any failures would be replaced by similar species and sizes of trees.
10. Other elements of the proposal include the installation of a double weighbridge, the installation of a number of tanks to hold fluids drained from ELV, the installation of a shear/densifier (a machine which cuts the scrap to a required size after first compressing it using a number of hydraulic rams to produce furnace ready product) in the ferrous yard and a number of mobile plant and machinery including 360° mobile cranes with hydraulic grabbers. An open sided building would remain in the south-eastern corner of the site and this is proposed to be used in connection with the ELV operations. The whole of the site would be concreted and drained via a Class 1 full retention interceptor. The application details that all proposed site operations would be carried out under the terms of an Environmental Permit.
11. The application proposes that the site would be open for operations between 07:00 and 18:00 hours Monday to Friday, 07:00 to 13:00 hours on Saturdays and closed on Sundays and Bank Holidays.
12. The application sets out their case of need for the proposed development based on existing experience of EMR which has found that a network of similar 'feeder' sites are necessary across the country to serve local markets. The site in Ashford would act as a 'feeder' site to buy metals locally, process and then bulk up before feeding them into EMRs network as a furnace ready metal or for further processing at EMRs existing shredder site at Ridham Dock. It is claimed that the company provides a link between local producers of metallic waste and the international consumers of scrap metal as a raw material. Typical imports of metals are likely to arise from members of the public looking to securely dispose of their ELVs, small waste firms disposing of their metals and electricians/plumbers as well as small engineering/manufacturing firms delivering smaller loads of scrap metals. The applicant notes that Ashford is a Growth Point within

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the county with substantial new housing planned until 2021, therefore it argues that additional waste recycling infrastructure will be required to meet an increasing need.

13. The majority of scrap metal which would arrive on the site would do so in an untreated or partly treated state. A number of processes have to take place before the metal can be effectively reused – these activities include sorting the material into different size categories, stripping out any non-metallic material, cutting to specific sizes and baling before being sent to the eventual customer for melting or to EMRs other regional facilities for processing into furnace ready product. Examples of ferrous and non-ferrous metal streams to be processed at the site include: depolluted ELVs, Local Authority civic amenity scrap, large domestic appliances and construction and demolition scrap. Certain mixed metallic and non metallic scrap (most notably cars and domestic appliances) are drained of all potential fluids, compressed for transporting and sent to major processing facilities where they are shredded or fragmentised to recover the various components. Given the capital investment and volumes required these tend to be regional facilities – in this case the nearest facility is EMRs shredder site at Ridham.
14. The End of Life Vehicle Directive 2000 places certain controls on the storage of ELVs prior to treatment, detailing depollution operations, recycling and the storage of components and spare parts. The Directive requires that storage and treatment should occur on fully impermeable surfaces with adequate rainwater controls with appropriate safeguards for hazardous components and materials. It also outlines which components and materials are to be removed in the depollution procedures before recycling can be carried out. It is proposed that an existing open sided building to the rear of the site would house the ELV operations together with new storage tanks outside for the recyclable waste materials. The application details that depollution activities are similar to those with a vehicle service garage and are not considered noisy. All fluids drained off from vehicles are collected and would be transported off-site to a licensed processor of waste hydrocarbons. Once the fluids have been drained from the ELV it would then be compressed in the shear to allow the minimisation of transport movements required to take it for further processing through a shredder.
15. The application is accompanied by a Transport Statement which examines existing extant highway movements (as associated with the former Eclipse Business Park development) and those highway movements associated with the proposed development. The Statement states that based on the floorspace of the former building (some 5,200 sq. metres) and applying trip rates from the TRICS database, the site could generate up to 694 two-way movements per day with a B2 Use (General Industrial) and up to 348 two-way movements per day with a B8 Use (Commercial Warehousing) onto the local highway network. Based upon the experience of EMR for sites dealing with similar throughput of scrap metal the proposed trip generation for the site would typically be in the region of 150 to 200 vehicles per day (300-400 two way movements). These vehicle movements are typically experienced evenly throughout the day with small peaks when the site opens, and in early afternoon, however these peaks are traditionally outside the normal AM (08:00-09:00) and PM (17:00-19:00) traffic peak hours. The site operating hours on a weekday would be 07:00-18:00 which equates to an 11 hour working day. On the assumption that there would be 150 vehicles (300 two-way trips) this would equate to 27 two-way trips per hour, or with the higher 'worst case' scenario of 200 vehicles (400 two-way trips) per day figure would amount to 36 two-way trips per hour on average. The Transport Statements details that assuming the "worst-case" scenario of 200 vehicles (400 two-way trips) this represents a substantial reduction (in the region of 40%) under the extant vehicle numbers associated with a B2 Use (General Industrial) or a marginal increase of an additional 26 vehicles per day

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associated with a B8 Use (Commercial Warehousing).

16. The application is accompanied by a Noise Impact Assessment which considers the existing noise environment in the vicinity of the application site. It notes that the soundscape of the proposed development site is dominated at times by the recycling and waste handling site at the end of Brunswick Road (operated by Viridor Waste Management Ltd) but predominantly by the Green Box waste site adjacent to the east of the application site. The nearest noise sensitive receptors are identified as residential properties located in Sackville Crescent, Godinton Road and Godinton Way some 250 metres away. There are also adjacent commercial receptors located immediately to the site boundaries with some windows/offices facing the proposed scrap metal processing facility. The applicant's noise consultant undertook background noise monitoring in May 2011, November 2011 and February 2012 to acquire noise levels at the nearest noise sensitive residential receptors during a weekday daytime and on Saturday morning, over a period which is representative of the proposed hours of operations. Taking account of the background noise readings, a "worst-case" prediction of noise arising from proposed operations and the mitigation proposed, the report concludes that the operations could take place without any unacceptable harm to surrounding noise sensitive receptors.
17. Further information was submitted by the applicant in August 2012 relating primarily to the visual impact of the proposals, a case of need and vehicle movements. The applicant submitted an estate character report which provides an appraisal of the existing built environment of the Cobbs Wood Industrial Estate and Chart Industrial Estate (which is located to the south of the application site and railway line). It also includes wider photomontage views of the proposed development from key surrounding locations, including views which would be obtained from first floor windows of residential properties in Sackville Crescent, a view from Carlton Road and a view from Stafford Close (within the Chart Industrial Estate). The report recommended that the front metal fencing be detailed to appear as a building façade, including the use of a roller shutter access and false windows to break up the elevation; the introduction of soft landscaping (including additional tree and shrub planting) on the northern boundary; the removal of dead trees and replacement with similar species together with additional planting to infill existing gaps along the southern boundary; and the installation of a timber fence to the front western corner of the site to soften views of the development from Brunswick Road. These measures have been taken on board by the applicant and now form part of the proposals.
18. In respect of a case of need, the applicant states that it is a very experienced metal recycler and has grown from one site to become the leading metal recycler in the UK. Its assessment of the local market is that Ashford represents a good location for a new facility, particularly noting that it is a Government targeted Growth Point with its population projected to grow rapidly in the coming years. Other key factors indicated by the applicant include improved waste management / recycling being a corporate priority of the Borough Council and that in 2011 Ashford was said to have the lowest recycling rates in the country by DEFRA. The applicant notes that the proposed location on the Cobbs Wood Industrial Estate has been selected because it provides a convenient location for the majority of the businesses and residents of the Borough with ready access to the motorway network without the need to go through residential areas.
19. The applicant notes that the levels of scrap metal arisings in an area are generally underestimated by official data. Statistics on scrap metal arisings is often poor since most waste surveys focus on municipal, commercial/industrial and construction/demolition waste, and do not identify metals separately. The British Metals

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Recycling Associated estimates that approximately 13 million tonnes of scrap metal is generated annually in the UK. A simple estimate provided by the applicant based on population data for Kent suggests that within the County approximately 297,951 tonnes of scrap metal directly arises each year. With the significant growth in population and businesses within the Ashford Borough, the arisings of scrap metal in the area would also increase significantly from current levels. An example of this is that a large source of scrap metal comprises of End of Life Vehicles, of which approximately 2 million are scrapped annually in the UK. The applicant argues that the increases in population envisaged would inevitably lead to an increase in the number of cars being scrapped. Similar increases would be seen for other types of domestic scrap also.

20. The applicant notes that capacity for metal recycling is often overstated by adding together the car breakers tonnage to that of the scrap metal companies. There is a hierarchy of businesses in the metal recycling industry of which car breakers/End of Life Vehicle processors are a specialist part. They strip a car of all the saleable parts but are then left with the car body which they then sell on to metal companies. Other important sources of metal for recycling are household waste recycling centres and waste recycling facilities, since these operations separate metals from other waste for recycling. The applicant notes that smaller scrap companies in Dover, Canterbury and Shepway could also sell scrap to EMR as they do not have the processing machinery that would produce the furnace ready scrap metal that steelworks require, the export facilities that are increasingly important or the volumes of non-ferrous scrap that would fill a container.
21. In respect of employment opportunities resulting from the proposed development, the applicant recognises that like other businesses on the Cobbs Wood Industrial Estate, this type of development tends to be capital intensive business rather than an employer of significant numbers of staff. However, the applicant points out that they would use local haulage companies and other businesses to maintain equipment and supply services.
22. With regards to anticipated vehicle movements arising from the proposed development, as noted in paragraph (15) above the applicant transport statement predicts a 'worst case' scenario of up to 200 vehicles (400 two-way trips) per day. Using weighbridge data from a range of EMR's similar facilities the applicant notes that a variety of vehicles would typically use the site. The highest number of movements (approximately 143 vehicles, or 286 movements) would occur from local residents and firms bringing in scrap metal in cars, cars with trailers or small transit vans. Light lorries (up to 7.5 tonnes) would typically comprise of 30 vehicles (60 movements), whereas 'hooklift' vehicles (i.e. vehicles carrying skips) could typically comprise of 17 vehicles (34 movements per day). Vehicles collecting ferrous and non-ferrous scrap would primarily be articulated lorries with bulk tippers or containers. Typically, a similar type facility could attract 10 bulk tippers (20 movements) and 1 container lorry (2 movements) per day. Members should note that these figures are representative only and are intended to give an approximate breakdown of the type and numbers of vehicles concerned.
23. A copy of the 'Proposed Site Layout Plan' and 'Proposed Elevation and Fencing Details' are shown on pages C2.3 and C2.4 respectively.

Planning Policy Context

24. The key National and Development Plan Policies most relevant to the proposal are summarised below:

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- (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012), Planning Policy Statement 10: Planning for Sustainable Waste Management (2005, as amended in 2011) and the Waste Strategy for England (2007).
- (ii) **South East Plan (2009)** – the most relevant Policies are CC1 (Sustainable Development), CC3 (Resource Use), CC4 (Sustainable Design and Construction), RE3 (Employment and Land Provision), T4 (Parking), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), , NRM4 (Sustainable Flood Risk Management), NRM9 (Air Quality), NRM10 (Noise), W1 (Waste Reduction), W2 (Sustainable Design, Construction and Demolition), W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting Targets), W7 (Waste Management Capacity Requirements), W10 (Regionally Significant Facilities), W15 (Hazardous and Other Specialist Waste Facilities), W16 (Waste Transport Infrastructure), W17 (Location of Waste Management Facilities), EKA1 (East Kent and Ashford Core Strategy), EKA2 (Spatial Framework for Ashford Growth Area) and EKA6 (Employment Locations).

Important note regarding the South East Plan: Members will already be aware of the relevant South East Plan (SEP) 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. The Government is currently consulting on the likely significant environmental effects of revoking the Plan.

- (iii) **Kent Waste Local Plan (1998)** – These include Saved Policies W3 (Locational Criteria), W6 (Sites outside those identified as suitable in principle for waste management development a case of 'need' will be a material consideration in any decision), W9 (Waste Separation and Transfer), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Land Settlement, Stability and Drainage), W22 (Road Traffic and Access), W25 (Siting, Design and External Appearance of Hard Surfacing, Plant, Buildings, Lighting, etc.), W31 (Visual Impact and Landscaping) and W32 (Operation and Aftercare).
- (iv) **Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – These include draft Core Strategy Policies CSM1, CSW2, CSW2A, CSW3, CSW5, CSW6, DM1, DM7, DM8, DM9, DM10 and DM13.
- (v) **Ashford Borough Council Local Plan (2000)** – These include Policies ET7 ('Bad Neighbour' developments), ET8 (Variety of size and type of premises) and TP6 (Cycle parking provisions).

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- (vi) **Ashford Borough Council Local Development Framework Core Strategy (2008)** – This includes Policies CS1 (Guiding Principles), CS2 (Borough Wide Strategy), CS4 (Ashford Urban Area), CS7 (Economy and Employment Development), CS9 (Design Quality), CS10 (Sustainable Design and Construction), CS15 (Transport), CS20 (Sustainable Drainage).
- (vii) **The emerging Ashford Borough Council Local Development Framework Urban Sites Development Plan Document (not yet adopted)** – These include Draft Policies U3 (Land at Chart Industrial Estate) and U20 (Loss or Redevelopment of Employment Sites).

Consultations

25. **Ashford Borough Council** – objects to the proposed development as it is contrary to Development Plan Policies for the following reasons:

- i. the site is not identified in the Development Plan for waste facilities. It is a valuable site which has the capacity to accommodate buildings that would generate significantly more employment than the proposed use located in a very sustainable location;
- ii. the visual impact of the proposed metal walls around the site would be significant and would detract from the character of the area and would not reflect the requirements of the Development Plan for high-quality development and spaces; and
- iii. the need for this development, contrary to the Development Plan, has not been adequately established particularly as the use proposed is either already operating in Ashford or has planning permission to do so. On balance, the harm caused by the development (notably in terms of visual amenity, the perception of a 'bad neighbour' development and the impact upon existing trees on site) and the concerns raised by local employers and local residents are not outweighed by any need for this development.

The Borough Council has confirmed that it wishes to maintain its objection to the proposal having considered the revised plans and further information submitted by the applicant.

26. **Environment Agency** – has no objections to the proposed development, subject to the imposition of the following conditions:

- i. no development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been agreed by the County Planning Authority;
- ii. piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater;

The Agency note that the ground contamination studies carried out by the applicant have been carried out in line with relevant guidance. It notes however that the studies have identified that groundwater in the River Terrace Gravels aquifer beneath the site is affected by elevated concentrations of chlorinated hydrocarbons. Relatively small amounts of the same pollutants were found in the soil sampling from the site too.

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Such a risk assessment may allow a remediation strategy to be developed for the site. Alternatively, the risk assessment may demonstrate that further investigation work will be necessary first. Either way, more information and assessment will be needed to demonstrate that there are no unacceptable risks in place on the site with regard to controlled waters.

The Agency is concerned that the contamination found thus far could be continuing to discharge from an undiscovered source. They are also concerned that this contamination could migrate off-site in groundwater towards the River Stour, particularly as the earlier Phase Two report suggested groundwater was flowing in that direction.

Confirmation has been provided that the site operations would require an Environmental Permit.

27. **KCC Highways and Transportation** – has no objections to the proposal in respect of highway matters subject to the following conditions being attached to any permission granted: -

- i. provision for construction vehicles parking, loading, off-loading and manoeuvring space to be accommodated on site during construction activities;
- ii. details of on-site parking and turning space for site personnel/operatives/visitors being agreed prior to works commencing on site and thereafter retained in perpetuity for the life of the development;
- iii. details to be agreed regarding provision being made within the site for the disposal of surface water so as to prevent discharge onto the highway;
- iv. control of mud and debris being tracked onto the highway;
- v. requirement to provide 3 cycle parking spaces; and
- vi. new access proposed shall be completed in accordance with the details submitted prior to the first use of the development and shall be maintained in perpetuity thereafter for the life of the development;

In addition, the KCC Highways and Transportation Manager identifies that the applicant will be required to apply for permission to construct a new Vehicle Crossover from the Highway Authority.

28. **KCC Noise, Dust and Odour Consultant (Jacobs)** – makes the following comments under the sub-headings:

Dust, Odour and Air Quality

Notes that odour would not be an issue due to the nature of the recycling operations and that dust would be controlled through the site's general environmental management plan required under the Environmental Permitting Regulations.

Notes that the area generally has low background levels of pollutants and the amount of traffic generated by the development would not have any material effect upon these concentrations.

Noise

The Screening Opinion request previously submitted by the applicant included the submission of a Noise Impact Assessment which assessed the impact of noise from the proposed facility at the nearest residential properties. The assessment predicted noise levels at the closest residential properties using BS:4142 that showed the noise

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rating level ranging from 0 to 1 dB above background noise levels at Sackville Crescent and of 4 dB below background levels in Godinton Way.

It was requested that an additional noise survey be undertaken that would include the Saturday morning period when potentially background noise would be lower than those previously measured in the afternoon during a weekday. The noise monitoring was undertaken on 18th February 2012, a Saturday morning, with the lowest hourly average L_{A90} of 46 dB in Godinton Road and 49.5 db in Sackville Crescent. This additional noise monitoring demonstrates that noise levels on Saturdays were no lower than during the week.

The applicant's noise consultant has undertaken "worst-case" predictions of noise levels from the facility at the nearest residential properties based upon the highest predicted site noise level with plant in constant operation and the lowest measured background noise level. The resulting predictions give a rating level of 1 dB in Sackville Crescent and -4 dB in Godinton Road.

In his previous response to the Screening Opinion request he requested that an assessment should be undertaken with regard to the typical planning condition that we usually apply to similar developments (i.e. that *"at no time during the operation of the permitted facility shall the noise rating level $L_{Ar,T}$, calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant together with machinery installed or otherwise used at the premises exceed the background noise level $L_{A90,T}$ at any noise sensitive property"*).

The assessment provided in this application does not demonstrate compliance with that condition, albeit marginally. However, given that "worst-case" approach is presented, he considers that it is unlikely that the condition would not be met during the general operation of the site.

He notes that the commercial properties in the vicinity of the proposal are assessed by the applicant's noise consultant through a comparison of the predicted noise levels with the guideline values of BS:8233 for interior noise levels. Assuming the "worst-case" impact arising from EMR's activities, the report demonstrates that internal noise levels would be within BS:8233's 'reasonable conditions for study and work that requires concentration' at those adjacent commercial properties.

He considers that possible noise breakout through the roller doors would be kept to a minimum due to the height of the internal "L" shaped barrier behind the door (5 metres) and covering of the area with a roof.

Therefore, he accepts that the proposal would be within or at the noise limit and recommend that the above condition be attached to any consent.

29. **County Fire Officer** – no response received to date to the consultation sent in May 2012.
30. **Network Rail** – no response received to date to the consultation sent in May 2012.

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Local Member

31. The local County Council Member Mrs Elizabeth Tweed was notified of the application in May 2012. Mrs Tweed was notified of the further information received in September 2012.
32. I have received concerns from the adjoining County Council Member, Mr Jim Wedgbury. His concerns primarily focus around the general poor track record of the scrap metal industry in complying with the terms of their planning permission, the nature of the operations being very noisy and operating on a 24/7 basis, the addition of a considerable number of HGV movements on an already very congested road which would lead past residential properties causing noise and disturbance and an increase risk of fires and pollution incidents.

Publicity

33. The application was publicised both by site notice and newspaper advertisement, and the individual notification of 323 properties, consisting of all business premises within the Cobbs Wood Industrial Estate and the nearest residential properties in Sackville Crescent and Godinton Road.
34. Individual notification letters were sent to all those business and residential properties who made representation on the original application together with immediate neighbours of the application site to advise them of the further information submitted by the applicant. A period of 21 days was given to allow any of these interested parties to express further views in writing to the Waste Planning Authority.

Representations

35. At the time of writing, 10 letters of objection have been received from local businesses (or agents acting on their behalf) within the Cobbs Wood Industrial Estate. I have also received 19 letters of objection from local residents in nearby residential streets of Sackville Crescent, Godinton Road, Stafford Close, Eastern Avenue and James Street. These letters include both responses received on the original application together with any views expressed regarding the further information submitted by the applicant. The main issues of concern raised can be summarised as follows: -

Commercial Issues

- concerned that this development would bring high volumes of heavy and dirty traffic and the corresponding noise, vibration, dust, smells and residue seepage associated with such industry. Any business that would cause such a significant change in our working environment would lead to other operators within the industrial estate seriously reconsidering their working location;
- danger to the public with large lorries turning from the main A28 onto the Cobbs Wood Estate with very large loads of scrap;
- increased risk to the security of surrounding business premises;
- question whether there is a need for such a site in Ashford if it is noted that Ashford is already served well by recycling plants including facilities for scrap metal;
- the Supporting Statement accompanying the application does not properly assess the site and it's setting and the impact of the development;
- the Noise Impact Assessment has not properly considered the noise impact of the

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proposals on adjacent industrial buildings, particularly first-floor windows of adjacent industrial offices. Noise from site operations could funnel through a gap in the fence near the weighbridge out from the site towards Carlton Road;

- the Transport Statement submitted by the applicant has not taken account of existing highway capacity or junction analysis and would only increase congestion, particularly when taken together with the expanded Ashford HWRC. Consideration should also be given to whether any highway improvements are necessary;
- the assumed trips generated from an extant B2 Industrial Estate use (694 two-way trips) appears to provide an inflated portrayal of the anticipated benefits to be gained by EMRs proposals – taking a more conservative approach an expected trip generation from the extant use would be much less at 283 per day;
- it has been stated that there could be up to 150-200 vehicles visiting the site every day, but there is no breakdown of the type of vehicle;
- the main movements of vehicles are likely to occur during the latter part of the day – during some periods 40 or 50 movements per hour could be experienced, leading to congestion on the local roads;
- no proper justification has been given that this is the most sustainable location, particularly when there are other waste facilities within the locality that manage the same waste stream;
- no reference is made to whether site lighting will be required;
- questions the acceptability of locating the ELV facility nearby to the railway line – the fluids drained from ELVs could cause a potential fire hazard adjacent to the mainline Ashford-London railway line;
- no indication has been given to the height of the stockpile heights;
- lack of sufficient employee parking within the application site;
- the location of Eclipse Business Park is a “Gateway” to the Cobbs Wood Industrial Estate with a high visual impact. This development would ‘bring down’ the quality of the Estate;
- loss of some 5,200 sq. metres of ‘high quality’ employment floorspace; and
- the Estate Character Report appears to rely on future development (of the former Rimmel site) to screen the proposed activities from residential properties in Sackville Crescent. Although this land is likely to be redeveloped in the future, its use as a measure to screen the proposed EMR development cannot be given any weight as a mitigation measure.

Residential Issues

- concerned about noise, visual impact, increased traffic and any fumes/chemicals in close vicinity to families. Increased dust would result in windows not being able to be opened, reducing enjoyment of existing gardens and problems for human health (asthma);
- concerned that the development would be ‘bad-neighbour’ development and may impact on future high quality development coming forward within Ashford;
- increase in vermin and fire risk;
- impact on local wildlife – specifically a threat to bees and butterflies;
- this type of development must be located away from residential development, not within an urban area;
- the proposed hours of use should be restricted further;
- increased risk of crime;
- the further information submitted by the applicant fails to take into account the genuine concerns of local residents; and
- the addition of new trees is a great improvement but would not hide the big

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eyesore proposed.

36. A letter has also been received representation from the Central Ashford Community Forum who consider that this is not an appropriate site for a “dirty” industry as businesses nearby require clean air to function properly. The Community Forum considers there are better sites available with equally good access which would be more suitable. It believes that this area is also already very congested and additional HGVs would add to this problem.

DiscussionIntroduction

37. The application seeks planning permission for a modern scrap metal storage and processing facility, including an End of Life Vehicle facility, with the capacity to process up to 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous scrap metals per year. The application is being reported to the Planning Applications Committee as it has met with objections from the Borough Council, adjoining business occupiers and nearby residential dwellings.
38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies set out in paragraph (24) are of greatest relevance. It should be noted that the South East Plan remains part of the development plan although the Government’s intention to abolish regional spatial strategies is a material planning consideration and the weight given to it is a matter for the decision maker. The National Planning Policy Framework is also a material planning consideration. However, given the nature of the proposals it is of limited relevance in this case as PPS10 remains in place until any new waste policies are published alongside the new National Waste Management Plan for England.
39. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:
- need;
 - location;
 - transport (including highway safety and capacity issues on the local road network);
 - pollution and amenity (including noise, dust and odour);
 - landscape and visual impact; and
 - any other issues arising from consultation/publicity.

Need

40. PPS10 states that the overall objective of Government Policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. It also states that planning authorities should help deliver sustainable development through driving waste management up the waste hierarchy and looking to disposal as the last option. Policy W3 of the South East Plan aims to achieve net regional self-sufficiency and requires waste planning authorities (WPAs) and waste management companies to provide for capacity equivalent to the waste forecast and to require management within its boundaries. Policy W4 requires WPAs to plan for sub-

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regional net self-sufficiency through provision for waste management capacity equivalent to the amount of waste arising and requiring management within their boundaries. Policy W6 sets targets for recycling and composting in the region and Policy W7 for each WPA (or combination thereof). Policy W10 encourages the provision of new or expanded regional and pan-regional scale recovery and processing facilities supported by a sub-regional network of bulking and sorting facilities and states that sub-regional facilities are required for ELVs. Policy W6 of the Kent Waste Local Plan states that need will be a material consideration in the decision where a planning application is submitted for waste management development on a site outside a location identified as suitable in principle in the plan and demonstratable harm would be caused to an interest of acknowledged importance.

41. Draft Policy CSW16 of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) states that forms of waste development not covered by specific policies in the Core Strategy will be granted planning permission subject to there being a proven need for the facility and it would not cause unacceptable harm to the environment or communities. Paragraph 6.6.23 of the draft Plan states that *“Kent has many sites that handle ELVs, and although there appears to be no shortage of capacity there may be economic pressures within the industry for larger sites that can provide a range of equipment and greater scope for recycling. Future needs for these facilities may be capable of being established on suitable industrial estates”*. Having discussed the issue of ‘need’ further with colleagues in the Kent MWDF Policy Team, they note that there has been no specific assessment of the future need for metal recycling or ELV facilities within the County for the MWDF period as the existing permitted capacity is much greater than the annual arisings. That said, it is important to recognise that recycling development is towards the top of the waste hierarchy (prevention, preparing for re-use, recycling, other recovery and disposal) and that strong policy support weights in favour of the principle of this type of development.
42. The application proposes that the new facility would provide an additional 70,000 tpa capacity of metal recycling. Whilst there would appear to be no specific need for additional waste management capacity for ELVs or metal recycling facilities more generally in Kent at this time, the proposed provision of new capacity would accord with the objectives of various national and regional waste policies. The proposed development of a new purpose built metal recycling facility would enable existing waste streams to be dealt with more efficiently towards the top of the waste hierarchy and be likely to improve recycling rates.

Location

43. Paragraph 24 of PPS10 states that waste management facilities proposed on sites not allocated for such use should be considered favourably when they are consistent with the policies set out in PPS10 and a range of criteria. These criteria include the physical and environmental constraints on development (including existing and proposed neighbouring land uses), the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (seeking modes other than road transport where practicable and beneficial) and giving priority to the re-use of previously developed land. Policy W17 of the South East Plan states that sites for waste management development should be assessed against the following criteria:
 - good accessibility from existing urban areas or major new or planned development;
 - good transport connections including, where possible rail and water;
 - compatible land uses such as previous or existing industrial land use; and

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- be capable of meeting a range of locally based environmental or amenity criteria.
44. Policy W3 of the Kent Waste Local Plan states that proposals which only involve waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for rail or water transport link and are located within or adjacent to an existing waste management operation or within an area established or proposed general industrial use. Policy W9 states (amongst other things) that proposals for waste separation and transfer will be considered against whether they:
- would minimise impacts on the local and natural environments;
 - have or could secure ready access to the main road network, or have a rail or water link provided that there is acceptable access to an appropriate road network; and
 - are within or adjacent to existing waste management facilities or part of a location with an established or committed general industrial type area (e.g. those with a significant proportion of B2 to B8 type uses).
45. Members will note that the Borough Council has raised objection to the proposals, stating that the development would be located on a valuable site which has the capacity to accommodate buildings that would generate significantly more employment than the proposed use. It notes that in effect a site with significant potential for employment in the future would be lost, contrary to the intentions of saved Policy ET8 of the Ashford Borough Local Plan and emerging Policy U20 of the Ashford Borough Local Development Framework Urban Sites Development Plan Document. It also contests that the site is not allocated in the current Kent Waste Local Plan for any type of waste facility nor is it one of the sites preferred in the Waste Sites Plan Preferred Options Consultation Document (May 2012).
46. I do not consider that the policy concerns raised by the Borough Council in this instance can be substantiated. Firstly, whilst I accept that the site is not specifically identified as a waste processing site within the current Kent Waste Local Plan, Policy W3 of that Plan clearly places strong policy presumption towards locating new waste treatment/processing facilities within or adjacent to an existing waste management operation or within an area established or proposed general industrial use. As stated in paragraph (2) above, I note that that Cobbs Wood Industrial Estate contains a mix of land use activities, predominantly focussing around light industrial uses. A number of waste type uses already exist within the estate, including the County Council's own HWRC and Waste Transfer Station (currently being redeveloped), together with operations undertaken by Green Box Recycling and Viridor Waste Management. The proposed new facility would actually be located directly adjacent to the waste recycling activities currently undertaken by Green Box Recycling (the Green Box site is located immediately to the east, as shown on the 'Proposed Site Layout Plan', page C2.3).
47. Whilst the concerns of the Borough Council regarding the loss of a valuable employment site are acknowledged and accepted to the extent that the proposals would only attract a limited amount of new employment (approximately 10 jobs), I note that the proposals would attract a degree of in-direct employment opportunities. These in-direct employment opportunities would typically consist of local haulage companies and other businesses that would be involved in the maintenance of site equipment and used to supply new services. I also note that a number of other low employment type operations currently exist within the Industrial Estate, such as self storage warehouses, builder's

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merchants, car hire companies and other waste facilities, all of which may otherwise be acceptable in principle for being located within such an Industrial Estate. I therefore conclude that grounds of objection raised by the Borough Council on the loss of employment space are not overriding in this instance.

48. The proposed development of a metal recycling facility on the application site is acceptable in principle and would, in my opinion, accord with the above planning policies subject to meeting the various planning and environmental criteria referred to. These will be addressed with other details policies relating to these matters in the following sections.

Transport (including highway safety and capacity issues on the local road network)

49. PPS10 states that the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery and the use of modes other than road transport where practicable and beneficial are important considerations in determining applications for waste management development. It also states that the suitability of the road network and the extent to which access would require reliance on local roads should be considered. Policy W16 of the South East Plan states that policies should aim to reduce the transport and associated impacts of waste movements and the use of rail and water-bourne transport should be encouraged wherever possible. Policy W17 of the South East Plan states that new sites should be assessed against characteristics including good accessibility from existing urban areas and good transport connections.
50. Policies W3, W9 and W22 of the Kent Waste Local Plan require good access to an appropriate road network, whilst Policy W22 also requires that proposals should not materially adversely affect the safety or capacity of the road network or the local environment and should ensure that any necessary off-site highway improvements are completed at the developer's expense. Policy W3 also expresses a preference for the potential for a rail or water transport link.
51. Policy CS15 of the Ashford Borough LDF Core Strategy states that development that is likely to generate significant traffic movements must be well related to the primary and secondary road network, and that this should have adequate capacity to accommodate the development. Policy TP6 of the Ashford Borough Local Plan requires that new employment development provides sufficient cycle parking provision.
52. As set out in paragraph (35) above, transport concerns have been one of the issues which have been raised by both surrounding local businesses within the Cobbs Wood Industrial Estate as well as local residents in nearby residential streets. These concerns primarily relate to the high volumes of heavy and dirty traffic which would be associated with the proposals (including associated environmental impacts such as noise, dust, air quality and vibration), capacity and congestion problems, an over-inflated assumed trip generation from the extant B2/B8 industrial use, a lack of on-site parking for employees and the need for highway improvements.
53. KCC Highways and Transportation has no objections to the application subject to the imposition of conditions to cover: the provision for construction vehicles parking, loading, off-loading and manoeuvring space on-site during construction activities; details of on-site parking being agreed prior to the commencement of works and thereafter retained in perpetuity for the life of the development; the submission of a site drainage scheme to avoid off-site run off towards the highway; measures to prevent mud or other

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substances being deposited on the highway; the requirement to provide 3 cycle parking spaces within the site; and the new access to be completed in accordance with the details submitted prior to the first use of the development and maintained in perpetuity thereafter for the life of the development.

54. KCC's Air Quality Consultant advises that the area generally has low background levels of pollutants and the amount of traffic generated by the development would not have any material effect upon these concentrations.
55. A key factor in considering transport issues for the proposed development is the amount of traffic which previously used the site and which could have continued to do so should the applicant not have demolished the former warehouse building which occupied the site. The applicant's transport statement stated that based on the footprint of the former building (some 5,200 sq. metres) and applying trip rates from the TRICS database, the site could generate up to 694 two-way movements per day with a B2 (General Industrial) Use and up to 348 two-way movements per day with a B8 (Commercial Warehousing) Use onto the local highway network.
56. As set out in paragraph (15) above, the applicant has provided a transport statement which sets out details of proposed trip generation figures based on the applicant's operating experience of similar scale facilities elsewhere. The statement predicts proposed trip generation for the site would typically be in the region of 150 to 200 vehicles per day (300 to 400 two-way movements). Movements are typically predicted evenly throughout the day, with small peaks anticipated when the site would open and in early afternoon, although these would traditionally occur outside of normal AM and PM peak hour traffic flows. Based on the 11 hour working weekday proposed, a 'worst case' scenario (i.e. of 200 vehicles, or 400 movements per day) would result in 36 two-way trips per hour on average. The Transport Statement details that assuming the "worst-case" scenario of 200 vehicles (400 two-way trips) this represents a substantial reduction (in the region of 40%) under the extant vehicle numbers associated with a B2 Use (General Industrial) or a marginal increase of an additional 26 vehicles per day associated with a B8 Use (Commercial Warehousing).
57. As part of the further information submitted by the applicant a breakdown of the types of vehicles which would typically use the site has been provided, based upon weighbridge data collected from similar facilities operated by EMR. This data shows that the highest number of movements (approximately 143 vehicles) would occur from local residents and firms bringing in scrap metal in cars, cars with trailers or small transit vans. Light lorries (up to 7.5 tonnes) would typically comprise of 30 vehicles, whereas 'hooklift' vehicles (i.e. vehicles carrying skips) could typically comprise of 17 vehicles. Vehicles collecting the scrap metal would primarily be articulated lorries with bulk tippers or containers. Typically, a similar type facility could attract 10 bulk tippers and 1 container lorry per day.
58. As the proposed metal recycling facility would not generate a significant increase in vehicle movements above and beyond the previous site operations (assuming a B8 Commercial Warehousing Use) or significantly fewer vehicle movements (assuming a B2 General Industrial Use), KCC Highways and Transportation has advised that it has no objection to the proposals (subject to conditions). I do not consider that refusing the application due to the number of vehicle movements associated with the proposed operations could be substantiated. However, to ensure that the metal recycling facility operates as proposed and does not give rise to a greater number of vehicle movements (with resultant impacts) I consider that it would be appropriate to limit the number of

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operational vehicle movements associated with the facility to 200 movements per day (200 in / 200 out) which represents the 'worst case' figures the applicant set out in its transport statement. Given the fact that the vehicles could be some combination of HGVs, medium or light goods vehicles and private motor cars and distinguishing between some of these could be visually difficult, I consider that imposing a specific limit on HGVs would be inappropriate in this instance. Instead any limit imposed should be an overall limit on the number of operational movements associated with the facility.

59. Whilst I note that PPS10 and the South East Plan both generally encourage alternative modes of transport (such as water or rail) other than road I note neither of these options would be viable in this instance. Whilst I note that the site is adjacent to the mainline London to Ashford railway line a viable option of rail transport is not possible in this instance. Given the conclusions on alternative modes of transport, and as the proposed road use is acceptable in planning and highway terms, I am satisfied that it would be unreasonable to require the applicant to further consider alternative modes of transport in this case.
60. The application proposes the creation of a new vehicular access into the site from Brunswick Road, together with the widening of the existing access. The new vehicular access would provide access to the main staff/visitor parking area and the non-ferrous compound. The widened access would provide the main vehicular access to the new double weighbridge and main ferrous compound and ELV facility. KCC Highways and Transportation have assessed the new and widened access points and consider them to be acceptable, subject to a condition requiring them to be installed as details prior to the first use of the development and maintained in perpetuity thereafter.
61. A number of transport concerns have been raised by the local business and residential communities in response to the application. These include a capacity and congestion problem on the local road network within the Industrial Estate, the need for highway improvements, predicted traffic movements, and a lack of adequate on-site parking provision for site operatives. As discussed above it should be noted that the current proposals for scrap metal recycling represent an overall reduction in the theoretical maximum numbers of highway movements associated with the former site use. Whilst the extant trip generation is contested by the local community, I am satisfied that KCC Highways and Transportation have adequately looked at this matter and assessed the current proposals accordingly. On the basis that the Highway Authority has not objected to the proposed development I am satisfied that sufficient road capacity exists within the local road network to accommodate the proposed vehicle movements. I am also satisfied that development contributions are not required in this instance for highway improvements.
62. I do not consider that concerns about a lack of on-site staff car parking can be substantiated in this instance. In principle KCC Highways and Transportation have accepted the layout proposals shown by the applicant (as detailed on page C4.3), however have requested that full details of parking layouts be secured by condition. I am satisfied that adequate on-site staff parking can be provided within the site and that the technical details of parking layout is matter which could reasonably be dealt with after any planning consent has been granted. In order to comply with Policy TP6 of the Ashford Borough Local Plan and as requested by KCC Highways and Transportation I recommend that a condition be included on any consent requiring adequate provision be made to secure parking for 3 bicycles within the development site.

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63. Subject to the imposition of conditions to secure the vehicle movement restriction referred to above and those requested by KCC Highways and Transportation in paragraph (27), I am satisfied that the proposed development would be acceptable in terms of transportation issues and would accord with the above policies.

Pollution and amenity (including noise, dust and odour)

64. National waste policy seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. PPS10 makes it clear that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health and that the detailed consideration of a waste management process and the implications (if any) for human health is the responsibility of the pollution control authorities. It further states that: the planning and pollution control regimes should complement rather than duplicate each other; waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities; and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Although the National Planning Policy Framework (NPPF) does not include waste policy, it is worth noting that in considering the potential effects of pollution on health, amenity and the environment, paragraph 122 of the Framework makes it clear that planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of process or emissions themselves where these are subject to approval under pollution control regimes. Paragraph 122 also states that planning authorities should assume that these regimes will operate effectively.
65. The main national planning policy relating to groundwater and surface water interests (including flooding and ground contamination) of relevance to the proposals are set out in the NPPF. It identifies that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
66. The NPPF also states that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, that pollution arising from previous uses is adequately investigated and that any proposals for mitigation including land remediation be included as so required. It also states that planning decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. It also states that planning decisions should take account of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Finally, by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity.

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67. Policies NRM1 and NRM2 of the South East Plan respectively seek to ensure that water supply and ground water and water quality are maintained and enhanced. Policy NRM4 seeks to ensure that flood risk is properly assessed and existing flood defences are protected from development. Policy NRM9 of the South East Plan seeks to protect and enhance air quality and reduce the environmental effects of traffic. Policy NRM10 seeks to minimise noise impacts.
68. Policies W19 and W20 of the Kent Waste Local Plan respectively state that the planning authority will need to be satisfied that the surface and ground water resource interests will be protected and land drainage and flood control have been satisfactorily taken into account. Policy W18 of the Kent Waste Local Plan states that before granting planning permission the planning authority must be satisfied as to the means of control of noise, dust, odour and other emissions, particularly in respect of its potential impact on neighbouring land uses and amenity. Policy W25 states that when considering details relating to the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting, planning authorities should (amongst other things) seek to minimise noise intrusion.
69. Policy ET7 of the Ashford Borough Local Plan states that proposals involving potentially polluting industrial development will be permitted where the nature of the use and any associated processes would have no significant impact on the visual, environmental or residential amenities of the neighbourhood and that in the case of larger developments, it can be demonstrated that the use must be sited in a particular location for functional reasons or that no alternative locations are available.
70. Although the Borough Council accepts that the site was previously used for industrial use, it objects on the basis that the harm caused by the development (notably in terms of visual amenity, the perception of 'bad neighbour' development and the impact upon existing trees on site) and the concerns raised by local employers and local residents are not outweighed by any need for this development. The objections raised by other respondents (including local businesses and nearby residents), primarily relate to adverse noise, dust and odour associated with site operations.
71. The Environment Agency has no objection to the application subject to conditions: to cover a remediation strategy to deal with the risks associated with contamination of the site; and to ensure that piling or other foundation designs using penetrative methods are not permitted other than with the express written approval where it has been demonstrated that there is no resultant unacceptable risk to groundwater. It has confirmed that site operations would be subject to an Environmental Permit. The whole site would be concreted and drained via a Class 1 full retention interceptor, the exact details of which I recommend be secured by planning condition. This measure would also satisfy KCC Highways and Transportation who has requested that details of surface water disposal be secured by condition in order to ensure that no surface waters from the site are discharged to the highway.
72. KCC's Noise, Dust and Odour Consultant advises that odour would not be an issue due to the nature of the recycling operations and the materials being treated and that dust would be controlled through the site's general environmental management plan required under the Environmental Permitting Regulations. As stated in paragraph (54) above, it has also advised that the metal recycling facility related traffic would have a negligible impact in terms of air quality.

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73. In respect of noise, KCC's Noise Consultants advises that the applicant has undertaken 'worst case' predictions of noise levels from the proposed facility at the nearest residential properties based upon the highest predicted site noise level with plant in constant operation and the lowest measures background noise level. The resulting predictions give a rating level of 1 dB in Sackville Crescent and -4 dB in Godinton Road. KCC's Noise Consultant advises that whilst the applicants assessment does not demonstrate full compliance with the typical planning condition that it recommends for similar developments (i.e. that "*at no time during the operation of the permitted facility shall the noise rating level $L_{Ar,T}$, calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant together with machinery installed or otherwise used at the premises exceed the background noise level $L_{A90,T}$ at any noise sensitive property*") this is only marginally. Given that a 'worst case' approach is presented, he considers that it is unlikely than the condition would not be met during the general operation of the site. Furthermore, he notes that the commercial properties in the vicinity of the proposal have been assessed through a comparison of the predicted noise levels with the guideline values of BS:8233 '*Sound insulation and noise reductions for buildings*' for interior noise levels. Assuming the 'worst case' impact arising from EMR's activities, it has been demonstrated that internal noise levels would be within BS:8233's 'reasonable conditions for study and work that requires concentration' at those adjacent commercial properties. In summary, KCC's Noise Consultant accepts that the proposal would be within or at the noise limit and recommends that the following condition be attached to any consent: "at no time during the operation of the permitted facility shall the noise rating level $L_{Ar,T}$, calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant together with machinery installed or otherwise used at the premises exceed the background noise level $L_{A90,T}$ at any noise sensitive property".
74. The applicant has proposed fairly standard hours of operation, typical of those associated with other similar facilities, which includes operations only taking place between: 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays. No working is proposed on Saturday afternoon, Sundays, Bank and Public Holidays. Based on the advice received from KCC's Noise Consultant that noise associated with the proposed development is acceptable (subject to condition), I consider the proposed hours of use to be acceptable and consistent with other operations which currently occur on the Industrial Estate. I also consider that hours of construction activities should be restricted to the same operational hours (i.e. between 07:00 and 17:00 hours Monday to Friday and 07:00 and 13:00 Saturdays, unless otherwise approved beforehand in writing by the Waste Planning Authority). Both the hours of operation and hours of construction can be secured by condition.
75. The applicant proposes the construction of various high metal fences around the site which would provide a degree of acoustic attenuation and visual screening for site operations. Whilst the visual impact of the fences will be considered in the 'landscape and visual impact' section below, I consider that appropriate conditions should be attached to any consent requiring the fences to be erected as proposed prior to the commencement of site operations and that the fences be maintained in a good state of repair for the perpetuity of the life of the development.
76. The applicant has indicated that site lighting will be required as part of the proposals, although precise details have not been provided at this stage. The applicant has indicated that they are willing to accept a condition to the effect that no lighting shall be installed on site without the prior written approval of the Waste Planning Authority. This approach would ensure that the impact of any site lighting is considered at a future date,

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according with the general best practice principles contained in the NPPF and objectives of Policy W25 of the Kent Waste Local Plan.

77. I am satisfied that the proposed conditions requested by the Environment Agency and by KCC's Noise, Dust and Odour Consultant are necessary and would satisfactorily address the related issues (including those referred to by the Borough Council and local business and residential communities). I also consider it necessary to impose conditions requiring the installation of the site boundary fencing prior to first operations and its maintenance in a good state of repair in perpetuity thereafter and details of site lighting for later consideration. In order to ensure that the development operates as proposed and does not give rise to a greater degree of pollution and amenity impacts I consider it necessary to limit the throughput of the site to the capacity specified in the application (60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous metals in any one calendar year).

Landscape and visual impact

78. The main national planning policies relating to landscape and visual impact of relevance to the proposals are set out in the NPPF. The NPPF promotes sustainable development, the protection and enhancement of the environment and the quality, character and amenity value of urban areas. PPS10 states that the setting of the proposed location and the potential for design-led solutions to produce acceptable development are important considerations in determining applications for waste management development.
79. Policy W25 of the Kent Waste Local Plan seeks to ensure that the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting is carefully controlled to minimise visual intrusion and assist integration into the local landscape. Policies W31 and W32 respectively seek appropriate schemes of landscaping and operation.
80. Policy CS1 of the Ashford Borough LDF Core Strategy states that sustainable development and high quality design are at the centre of the Council's approach to deciding planning applications. It states that (amongst other factors) the Council will apply the following key planning objectives: development that respects the environmental limits that protect the high quality built and natural environment of the Borough and the provision of a commercial environment that is conducive to encouraging new and existing businesses. As stated above, Policy ET7 of the Ashford Borough Local Plan states that proposals involving potentially polluting industrial development will be permitted where the nature of the use and any associated processes would have no significant impact on the visual, environmental or residential amenities of the neighbourhood and that in the case of larger developments, it can be demonstrated that the use must be sited in a particular location for functional reasons or that no alternative locations are available.
81. Concerns over the negative landscape and visual impacts associated with the proposed site fencing have been expressed by both the Borough Council and surrounding business and residential communities. These concerns mainly relate to the scale of the metal walling proposed around the site (ranging in height between 6, 6.5 and 8 metres in height) and the prominence of the development site as a 'gateway' feature when coming into the Cobbs Wood Industrial Estate via Carlton Road. Concerns have also been raised regarding longer-distance views of the proposed site from residential properties located at Godinton Way and Sackville Crescent.

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82. As stated in paragraph (17) above, further information has been provided by the applicant to consider the visual impact of the proposals on the locality. This further information includes photomontage views of the proposed development from key surrounding locations, including views which would be obtained from first floor windows of residential properties in Sackville Crescent, a view from Carlton Road and a view from Stafford Close (within the Chart Industrial Estate). These photomontage views will be available for Members to inspect at the Committee Meeting itself. The applicant has also amended its proposals to include further measures to detail the North (front) 8 metre high metal walling to appear as a building façade. This includes using false windows and a roller-shutter door which would be used instead of previously proposed metal gates to allow direct access into the non-ferrous compound. The 8 metre high metal walling would be detailed in a matching colour to the existing office building (which would be retained on site) and would run between that building and an adjacent building (as labelled 'MPT House' on page C2.3). I consider that the front false façade of the metal recycling facility would be acceptable in principle and would fit in with the scale of the existing office building to be retained on site and adjacent industrial buildings in the locality. In order to ensure a satisfactory finish to this front elevation, I recommend that the precise details of this elevation be reserved for later consideration by condition (including the specification for material colour, finishes, etc) and its future maintenance.
83. The further information provided by the applicant states that the metal fencing which would be located along the eastern and western site boundaries would be 6 metres high and finished in black, except for a reduced height 3 metre security fence which would run along the western boundary behind the retained ELV building. Whilst indicative details have been provided in respect of the colour and height I propose that exact details of finish and colour treatment be reserved out for later consideration. Following concerns expressed by adjoining business premises the applicant amended the fencing treatment proposed for the front north-eastern corner of the site. The fence alignment has been relocated further within the site boundary and now consists of a section of 6 metre high timber screen fence. Again, the precise details of this fence have not been provided such that I consider they should be reserved out for later consideration.
84. Concerns have been expressed about the potential harm or loss to trees which currently exist along the south (rear) boundary of the site with the railway line. These trees are an important feature of the site and afford significant screening of the site from the mainline Ashford-London railway line and views more generally of the site from the Chart Industrial Estate. In response to these concerns, the applicant has moved the proposed rear fence alignment further within the site boundary and undertaken to remove any dead trees and plant replacement species of a similar nature. I propose that a scheme for tree removal and replacement (including details of new tree species and sizing) be secured by condition and that a requirement be placed on any consent requiring the maintenance of the existing trees and new trees for a period of 5 years. Behind the tree line the applicant proposes the erection of a 6.5 metre high black metal fence, for which I consider the exact specification is reserved for later consideration. To the north (front) of the site the applicant proposed the retention of the existing trees and scrub planting, together with additional soft landscaping improvements (including hedgerow along the fence line, new tree and scrub planting). I consider that the planting works for the front of the site be secured by condition and that any planting be implemented (as approved) within the first planting season following the first use of the site.
85. Various internal steel screen fences are proposed within the site, acting as various stock bay delineations. These screen fences would all be below the height of the external fences. Operations within the site include various 360° mobile cranes which would

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operate from ground level. In order to ensure that heights of scrap metal storage or skip storage do not exceed the heights of the various external fences, I propose that a condition limiting scrap storage to no more than 6 metres in height above ground level. I also propose to include a condition ensuring that any mobile plant or equipment operated within the site does so from ground level rather than from stockpiles. Subject to these provisions, I do not consider that general operations within the site would be seen from outside of the site itself.

86. Whilst I note that the various steel fences proposed for the perimeter of the site are large in height (ranging between 6, 6.5 and 8 metres), they would not appear totally out of context given the nature of surrounding industrial and waste type uses which already take place within the Industrial Estate. Furthermore, I note that the principle views of the site would be from the approach into the Estate from Carlton Road where the applicant has made substantial improvements to the design quality and appearance of its proposed site. Views of the 6 metre high metal fencing from the east and west would largely be screened from wider public viewpoints by existing warehouse buildings to the east and MPT House and Green Box waste recycling to the west. Longer distance views of the south (rear) of the site would appear to be well screened through the existing tree belt which already exists immediately adjacent to the railway line.
87. Whilst I accept the concerns of the Borough Council and other respondents in respect of visual impacts of the proposed site fencing, I do not on balance find visual impacts to be overriding, particularly noting the surrounding industrial context of other development in the locality.
88. Subject to the imposition of conditions to: secure the details/specification of all site fencing (including the front false building façade) being submitted to KCC for approval prior to the commencement of development; the installation of all site fencing prior to the commencement of development and its maintenance in a good state of repair for the perpetuity of the life of the development; the submission of a landscaping scheme (covering tree/scrub retention and provision for new tree/scrub/hedgerow planting) and implementation within the first planting season following the first use of the site; a lighting scheme being submitted to KCC for approval prior to the commencement of development and lighting being designed, maintained and used to minimise adverse impacts; the height of material stockpiles and skip storage being restricted to no more than 6 metres above ground level; plant and machinery being operated from ground level (rather than from on stockpiles) and materials being stored or handled in those areas proposed, I am satisfied that the proposed development would be acceptable in terms of landscape and visual impact and would generally accord with the above policies.

Other issues

89. As stated in paragraph (5) above, a visit to a similar facility run by the applicant was undertaken in September 2012 with the Committee Chairman and Mr Manning. Following this visit I contacted the relevant Planning and Environmental Health Authority (London Borough of Sutton) and a number of adjoining business occupiers to seek any advice on their experiences of EMR operating at its site in Croydon. I have since held discussions with officers from Planning and Environmental Health Teams at the London Borough of Sutton who have advised that they are not aware of any relevant complaints or on-going issues with the operation EMR's Croydon site. I have also had a discussion with the site manager for an adjoining business premises who has similarly not raised any significant concerns of being located next to EMR's site. Whilst these factors are

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noteworthy, I would point out that they are not material grounds for Members to base their decision making on.

90. Members will note that concerns have been expressed about the security of surrounding business premises should the proposed scrap metal facility be granted planning permission. I would however note that a perceived increase in crime is not a material planning consideration which I am able to take into consideration as part of the determination of these proposals.
91. Concerns have been raised about the proximity of the proposed scrap metal site, and more specifically the ELV facility to the mainline Ashford-London railway line. It has been stated that fluids drained from ELVs are flammable and could lead to an increased fire risk immediately adjacent to the railway. I note that having consulted Network Rail on these proposals that I have not received any consultee response. The applicant has also provided additional information on this matter, stating that 21 of its 70 sites are immediately adjoining railway lines. They also lease part or all of 8 sites from Network Rail (either directly or as subtenants of a rail freight company), which clearly they would not be allowed to do should fire risk be a genuine concern. On this basis, I am satisfied that perceived fire risk concerns cannot be substantiated in this instance.
92. Concerns have been expressed about the perceived increase in vermin as a result of the proposals. I note that the site would not handle degradable household or commercial waste and therefore would not give risk to any vermin issues.
93. The size of vehicles transporting scrap metal to/from the site and perceived safety risks to existing users of the Industrial Estate have been identified as grounds of objection to the proposals. I note that traffic regulations cover the maximum tonnages of vehicles and the safety of loaded vehicles on public roads. These regulations provide the appropriate means of regulation in this respect and therefore I consider that objections on these grounds could not be substantiated in the planning decision-making process.
94. In the event that planning permission is granted, the applicant will need to ensure that it complies with the requirements of other regulatory regimes such as those provided for by the Environmental Permitting Regulations. As stated in paragraph (64) above, PPS10 and the NPPF are clear that planning should not seek to duplicate the requirements of these regulatory regimes.

Conclusion

95. On balance, whilst I accept that there is currently no need for additional scrap metal or ELV facilities within the county, I accept that the proposals would allow for additional metal recycling capacity which would effectively move a specific waste stream up the waste hierarchy. The concept of encouraging more sustainable forms of waste management is wholly in accordance with national waste policy that seeks to protect human health and the environment by producing less waste and using it as a resource wherever possible. Whilst I accept that the proposals would cause a degree of visual change in the locality, for the reasons discussed above I do not consider that any overriding material harm arises in this instance. I also note that the site is well located within an existing and well established Industrial Estate which already has a number of permanent waste management facilities within it, and is well connected to both the primary and secondary road networks.

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96. On this basis, I am satisfied that subject to various conditions, the proposed development generally accords with national waste management policies, is sustainable and that there are no overriding material planning considerations that mean that planning permission should be refused. I therefore recommend accordingly.

Recommendation

97. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:

- 5 year implementation period;
- the development to be carried out in accordance with the permitted details;
- maximum throughput of 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous metals per year (tpa);
- details/specification of external materials of site fencing (including details of the front false building façade) to be submitted for the prior approval;
- erection of all site fencing prior to the commencement of any operations and maintenance of fencing in a good state of repair for the perpetuity of the development;
- tree protection measures during the construction of the development;
- details of landscaping scheme (including new tree and shrub planting) to be submitted for approval prior to the commencement of any operations. Thereafter the landscape planting to be undertaken within the first planting season following the first operation of the site and maintained for a period of not less than 5 years;
- hours of operation (07:00 and 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays with no working on Saturday afternoon, Sundays, Bank and Public Holidays);
- hours of construction (07:00 and 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays with no working on Saturday afternoon, Sundays, Bank and Public Holidays);
- height of material stockpiles and skip storage being restricted to no more than 6m above ground level and plant and machinery being operated from ground level rather than from stockpiles;
- details of a remediation strategy to deal with risks associated with contamination to be submitted for the prior approval;
- no piling or foundation designs using penetrative methods shall take place other than with the prior approval of the Waste Planning Authority;
- maximum number of operational vehicle movements associated with the metal recycling facility being limited to 200 per day (200 in / 200 out);
- provision made within the site for construction vehicles parking, loading, off-loading and manoeuvring space during construction activities;
- details of on-site parking and turning space for personnel/operatives/visitors being submitted for prior approval;
- details of surface water drainage to be submitted for prior approval;
- measures to prevent mud and debris being deposited on the highway;
- requirement to provide 3 cycle spaces within the site prior to first operations;
- new access to be provided in accordance with the details submitted prior to the first use of the development and thereafter maintained in perpetuity for the life of the development;

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- restricting the rating noise level emanating from the facility and nearby noise sensitive residential properties when assessed in accordance with BS:4142 to no more than the existing background noise level;
- details of a lighting scheme to be submitted for prior approval; and
- materials being stored and handled in those areas proposed.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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APPENDIX 1

APPLICATION KCC/AS/0095/2012 – CHANGE OF USE OF THE WHOLE SITE TO A SCRAP METAL STORAGE AND PROCESSING FACILITY AT ECLIPSE BUSINESS PARK, BRUNSWICK ROAD, ASHFORD

NOTES of a Planning Applications Committee Site Visit at Eclipse Business Park, Ashford on Tuesday, 24 July 2012.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr A R Chell, Mr W A Hayton, Mr C Hibberd, Mr J D Kirby, Mr S C Manion, Mr M B Robertson, Mrs E M Tweed and Mr A T Willicombe.

OFFICERS: Mrs S Thompson and Mr J Moat (Planning); and Mr A Tait (Democratic Services).

THE APPLICANTS: European Metal Recycling Ltd: Mr Bob Garwood (Director Southern Region), Mr Mark Thompson (General Manager-South East), Mr Graeme Carus (Director of Business Development), Mr Nick White (Environment Manager) and Mr Simon Dodd (Group Property Manager)

ASHFORD BC: Cllr B J Heyes and Mr O Peel (Planning)

(1) The Chairman opened the meeting by explaining that its purpose was for the Planning Applications Committee Members to familiarise themselves with the site and the issues involved in the application.

(2) Mr Moat introduced the application by saying that Eclipse Business Park was the site of a former industrial building totalling some 5,200 sq metres of floorspace. It was located on the junction of Brunswick Road and Carlton Road, which both provided the main spine road for the Cobbs Wood Industrial Estate.

(3) The applicant had obtained approval from Ashford BC to demolish the main building, except for an office building at the front and an open sided structure to the rear of the site.

(4) The site measured just over 1 hectare in total and had one vehicular access point on to Brunswick Road. The mainline Ashford to London railway line lay immediately to the rear (south) of the site. Light industrial units and a waste recycling activity lying to the east and west of the site boundaries. There were a number of trees along the rear and front boundaries of the site.

(5) Mr Moat went on to say that the Cobbs Wood Industrial Estate had a mixture of land use activities, predominantly light industrial units. The Estate also hosted a number of waste recycling activities, including sites operated by Green Box Recycling and Viridor Waste Management Limited as well as the County Council's Household Waste Recycling Centre and Waste Transfer Station which served Ashford and had recently been granted permission to redevelop and expand.

(6) The nearest residential properties to the application site were located to the north-east in Godinton Road (250 metres) and Sackville Crescent (260 metres), with a redundant parcel of land between them. The site was not designated for a specific land use within the existing Development Plan (or its emerging replacement) for the Cobbs Wood Industrial

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Estate.

(7) The County Planning Authority's pre-application Screening Opinion had concluded that the proposed development did not need to be accompanied by an Environmental Statement. It did, however, identify specific aspects of the proposed development which would need to be fully assessed - including a detailed Transport Assessment and a Noise Impact Assessment.

(8) Mr Moat moved on to describe the application itself. This proposed a change of use of the site to form a modern scrap metal storage and processing facility, including an End of Life Vehicles (ELV) facility. The site would process up to 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous scrap metals per year. The proposed site was intended as a 'feeder' scrap metal yard, where metals would be bought locally, sorted and processed before being sent to the end user for recycling or feeding into EMR's existing shredder site at Ridham Dock. Most of the scrap would be brought in or collected from local firms, Councils and private individuals.

(9) The application proposed the conversion of the front of the two-storey office building for use as a weighbridge office and staff amenity block. A non-ferrous compound would be constructed alongside the weighbridge office, surrounded by 8 metre high metal fencing facing Brunswick Road and by 6 metre high metal fencing facing the rear, eastern and western sides of the compound. The 8 metre high fence would be metal cladding as it was intended to look like a building running directly between the existing office building (as retained) and an adjoining building on the adjacent site. The proposed height of the fencing surrounding the non-ferrous compound was based upon the recommendations of the applicant's noise consultant and was intended to provide a visual and noise screen for all of the activities taking place within the ferrous yard behind.

(10) The application proposed the creation of a new (second) vehicular access into the site from Brunswick Road to serve the non-ferrous yard, together with the widening of the existing vehicular access. The front site boundary (with Brunswick Road) would consist of the existing 2.5 metre high palisade fencing, together with new sections of matching palisade fencing and security gates. A 6 metre high metal clad fence would be erected on the eastern boundary, running approximately 156 metres along its entire length. This fence would also return around a short section of the eastern part of the front site boundary up to the widened vehicular entrance. The western boundary of the site would be fenced with a section of 2.5 metre high metal palisade fencing up to the point where it would meet the new 8 metre high fencing. Beyond this point a 6 metre high metal clad fence would be installed running some 35 metres south towards the rear of the site and railway line. The rear boundary of the site which adjoined the railway line would be fenced with a 6.5 metre high metal clad fence running some 76 metres from the south western corner of the site and by a lower section of 2.5 metre high palisade fence up to its south-eastern corner. Various internal steel fences of 4, 5 or 6 metres high would be installed throughout the site to act as stock pile retaining walls. The application stated that none of the existing trees to the northern and southern boundaries of the site would be affected by the application.

(11) Mr Moat then said that other elements of the proposal included the installation of a double weighbridge, a number of tanks to hold fluids drained from the End of Life Vehicles (ELVs), a shear/densifier (a machine which would cut the scrap to a required size after first compressing it with a number of hydraulic rams to produce a furnace-ready product) in the ferrous yard, and mobile plant and machinery, including a number of 360 mobile cranes with hydraulic grabbers. An open sided building would remain in the south-eastern corner of the site to be used in connection with ELV operations. The whole of the site would be concreted

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and drained via a Class 1 full retention interceptor. All proposed site operations would be carried out under the terms of an Environmental Permit.

(12) The site would be open for operations between 07:00 and 18:00 hours on Mondays to Fridays, 07:00 to 13:00 hours on Saturdays and closed on Sundays and Bank Holidays.

(13) The case of need for the proposed development was based on the experience of the applicants, who had found that a network of similar 'feeder' sites was necessary across the country to serve local markets. The site in Ashford would act as a 'feeder' site to buy metals locally, process and then bulk up before feeding them into EMR's network as a furnace-ready metal or for further processing at EMR's existing shredder site at Ridham Dock. The company provided a link between local producers of metallic waste and the international consumers of scrap metal as a raw material. Typical imports of metals were likely to arise from members of the public looking to securely dispose of their ELVs, small waste firms disposing of their metals and electricians/plumbers as well as small engineering/manufacturing firms delivering smaller loads of scrap metals. The applicant had noted that Ashford was a Growth Point, with substantial new housing planned until 2021. Additional waste recycling infrastructure would therefore be required to meet an increasing need.

(14) Mr Moat continued by saying that most of the scrap metal arriving on site would do so in an untreated or partly treated state. A number of processes would have to take place before the metal could be effectively reused. These activities included sorting the material into different size categories, stripping out any non-metallic material, cutting to specific sizes and baling before sending it on to the eventual customer for melting or to EMR's other regional facilities for processing into furnace-ready product. Examples of ferrous and non-ferrous metal streams to be processed at the site included depolluted ELVs, Local Authority civic amenity scrap, large domestic appliances and construction and demolition scrap.

(15) The End of Life Vehicle Directive placed certain controls on the storage of ELVs prior to treatment. It required storage and treatment to occur on fully impermeable surfaces with adequate rainwater controls and appropriate safeguards for hazardous components and materials. It also outlined which components and materials had to be removed using depollution procedures before recycling could be carried out. To meet the requirements of the Directive, an existing open-sided building to the rear of the site would house the ELV operations and new storage tanks would be placed outside for recyclable waste materials. The application detailed how depollution activities were similar to those of a service garage and should not be considered noisy. All fluids drained off from vehicles would be collected and transported off-site to a licensed processor of waste hydrocarbons. Once the fluids had been drained from the ELV, it would then be compressed in the shear/densifier in order to minimise the number of transport movements required to take it for further processing through a shredder.

(16) Mr Moat then said that the application was accompanied by a Transport Statement which compared highway movements associated with the former Eclipse Business Park development and those highway movements associated with the proposed new development. The Statement claimed that the site could generate up to 694 two way movements per day onto the local highway network. EMR's experience of sites dealing with similar throughput of scrap metal led them to conclude that the proposed trip generation for the site would typically be in the region of 150 to 200 vehicles per day (300-400 two way movements). These vehicle movements would typically take place evenly throughout the day with small peaks when the site opened and in the early afternoon. These peaks would be

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different to normal traffic peak hours (08:00-09:00 and 07:00-19:00). Based on the proposed opening hours there would be a maximum of 36 two-way trips per hour on average. The Transport Statements detailed that the “worst-case” scenario of 200 vehicles (400 two-way trips) would represent a reduction of at least 40% from the extant vehicle numbers associated with the former Eclipse Business Park building.

(17) The application was also accompanied by a Noise Impact Assessment which considered the existing noise environment in the vicinity of the application site. This Assessment noted that the soundscape of the proposed development site was dominated at times by the recycling and waste handling site at the end of Brunswick Road (operated by Viridor Waste Management Ltd) but predominantly by the Green Box waste site on the eastern boundary of the application site. The nearest noise sensitive receptors were the residential properties in Sackville Crescent, Godinton Road and Godinton Way some 250 metres away. There were also adjacent commercial receptors located immediately to the site boundaries with some windows/offices facing the proposed scrap metal processing facility. The applicant’s noise consultant had undertaken background noise monitoring in May 2011, November 2011 and February 2012 to acquire noise levels at the nearest noise sensitive residential receptors during daytime on a weekday and on Saturday mornings, over a period which was representative of the proposed hours of operations. The Noise Impact Assessment took account of noise control mitigation measures, specifically the arrangement of fencing barriers and buildings within the site. The Assessment had taken account of the background noise readings, had factored in a “worst-case” prediction of noise from proposed operations, together with the mitigation proposed, and had concluded that the operations could take place without causing any unacceptable harm to surrounding noise sensitive receptors.

(18) Mr Moat then informed the meeting of the views of statutory consultees. Ashford Borough Council had objected to the proposed development because the site was not identified in the Development Plan for waste facilities; because it would generate less employment than other developments; have a detrimental visual impact; and fail to satisfy the Development Plan requirement for high quality development and spaces. It considered that the harm caused by the development (notably in terms of visual amenity, the perception of a ‘bad neighbour’ development and the impact upon existing trees on site) and the concerns raised by local employers and local residents were not outweighed by any need for the development.

(19) The Environment Agency considered that the proposed development would only be acceptable if conditions were attached to any consent covering ground contamination and foundation design. It had requested that a risk assessment be obtained from the applicant before the application was determined to look at ground contamination matters. It had no comment on the collection and discharge of surface water provided that no discharges to ground were proposed.

(20) The Divisional Transportation Manager has no objections to the proposal in respect of highway matters subject to the inclusion of conditions covering on-site accommodation of construction vehicles; details of on-site parking and turning space; the disposal of surface water; control of mud and debris; provision of 3 cycle parking spaces; and the details of the proposed new access.

(21) The County Council’s Noise, Dust and Odour Consultant had raised no objection in terms of odour and dust and was also minded to accept that the proposal would be within or at the noise limit, recommending that a standard background noise limit control should be attached to any consent.

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(22) No response had so far been received from the County Fire Officer or from Network Rail.

(23) Mr Moat then said that 8 letters of objection had been received from local businesses in the Cobbs Wood Industrial Estate, whilst 16 letters of objection had also been written by local residents. The local business objected on grounds of noise, dust, highway capacity issues, need, visual impact, loss of employment space and perceptions that the development would 'bring down' the area making it less viable in the future as an Industrial Estate. The main residential concerns were over noise, visual impact, traffic generation, dust, odour, the potential of fire risk, hours of use and the perception that this would be a 'bad-neighbour' development.

(24) The Central Ashford Community Forum considered that this was not an appropriate site for a "dirty" industry as businesses nearby required clean air to function properly. The Community Forum believed there were better sites available with equally good access which would be more suitable. It believed that this area was also already very congested and that additional HGVs would add to this problem.

(25) Concerns had also been raised by Mr J N Wedgbury, the adjoining County Member. He had written to say that the scrap metal industry had a generally poor track record in complying with the terms of their planning permissions; that the nature of such operations was very noisy, with operations taking place 24 hours each day; and that the addition of a considerable number of HGV movements on an already very congested road with residential properties would cause noise and disturbance, with an increased risk of fires and pollution incidents.

(26) Mr Moat concluded his presentation by outlining the key determining issues. These were noise and dust issues; the visual impact of the proposals, particularly in respect of the proposed site boundary treatments; policy considerations, specifically regarding the loss of employment in a sustainable location; the case of need for a scrap metal and ELV facility within Ashford; transportation issues (including capacity issues on the local road network); groundwater contamination and surface water impacts.

(27) Following Mr Moat's presentation, Members inspected the site, starting with the proposed new access new vehicle access point area where it was proposed to erect the fence that would resemble a building. They noted the location of the various proposed compounds and equipment (including the shear/densifier) before moving on to the boundary at the southern end, noting the railway line and the trees as well as the area where the steel and palisade fencing was intended to be put up. From there, they moved to the site entrance, noting the location of the nearest properties, the light industrial developments and the concrete plant.

(28) After the site inspection, the Chairman invited the applicants to speak. Mr Garwood said that as Director for the Southern region, he ran 36 sites similar to the one proposed. EMR employed 1700 people in the UK and also operated in Europe and the USA. The company's core business was the recycling of scrap metal from a range of sources such as ELVs, consumer products, industry, construction and demolition. This resulted in worldwide sales of about 10 million tonnes a year. EMR had extensive ferrous and non-ferrous operations and produced over 100 grades of high quality recycled materials.

(29) Mrs Tweed said that she was the Local Member but was approaching this application in her capacity as a Member of the Planning Applications Committee. She had been

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approached by her constituents to ask some specific questions. The first of these was whether Chart Road would be able to cope with the traffic volume, particularly in the light of the pending Cheesemans Green development (near Sevington to the south). The Chairman agreed that KHS would be asked to respond to this question.

(30) Mrs Tweed said that the Ashford Community Forum had asked whether the proposed development was appropriate this close to the Town Centre, near light industry and residential areas. A local business had explained that it could not operate in an area that was prone to dust emissions. Finally, local residents were anxious about noise impacts. Mr Moat replied that the County Council's Noise, Dust and Odour Consultant had raised no objection in respect of dust and noise.

(31) Mr Willicombe noted that HGVs would bring metals on to the site and off load after visiting the weighbridge. He asked whether the public would be able to use the same facility and, if so, whether there was a risk of a tail back of private vehicles causing traffic congestion off-site.

(32) Mr Simon Dodd (Group Property Manager) replied to the first part of Mr Willicombe's question by saying that the public would be able to come on site and that they would use the weighbridge, which would control the site. He agreed that traffic control was a crucial aspect, particularly as HGVs would also be collecting processed materials for transportation off site. Mr Garwood added that EMR had developed a very good control system to ensure that waiting private vehicles were kept on the site.

(33) Mr Manion asked whether the erection of steel clad and palisade fencing could result in increased noise from echoes. Mr Moat replied that the applicants had addressed this question through their own Noise Impact Assessment and that KCC's Noise Consultant was satisfied on this point.

(34) Mr Hibberd asked whether the site would handle concrete as well as metals. Mr Garwood said that concrete would not be accepted. If it came in as part of a batch of demolition waste, they would either need to arrange transportation off site. Mr Moat confirmed that no processing of concrete would take place at the proposed facility.

(35) Cllr Heyes (Ashford BC) said that the site was inappropriate for scrap metal activity. Nearly a thousand people live locally. The topography of the land was such that most of these people would be looking down on the site and would see all of its operations. He doubted that the applicants would be able to control noise levels as successfully as they thought. As the site would be taking both bulk and small amounts, it was likely that the site would attract ever greater numbers of highway movements.

(36) Mr Peel (Ashford BC) said that his Authority had objected to the application on three grounds. The first of these was that the site had not been identified in the Development Plan for waste facilities. Cobbs Wood was a valuable employment site and the oldest Industrial Estate in Ashford. The application was considered to represent poor and inefficient use of a very sustainable location which had the potential to provide significantly more employment.

(37) Mr Peel said that Ashford BC's second ground for objection was the visual impact of the proposed 6m and 8m high metal walls. It was not considered that these would look like a building, especially as there would be structural support on the outside. He asked Members to visualise how this would look from Brunswick Road.

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(38) Mr Peel then said that the Borough Council's third ground for objection was that there was no proven need for the development. Ripleys carried scrap metal storage and processing in east Ashford and ELVs were also processed on the Henwood Industrial Estate. It was considered that the proposed facility would have a negative impact on local and new employers and consequently on the Borough.

(39) The Chairman asked the Planners to ensure that photographs of the site from Carlton Road and Godinton Road were made available when the application came to be considered by the Committee.

(40) Mr Graham said that metal recycling was traditionally under represented in Development Plans. In Ashford, it was claimed that 6,000 to 7,000 tonnes of metal needed to be recycled each year. EMR believed this figure to be an underestimate because ELVs themselves accounted for 4,000 tonnes in any given year.

(41) Mr Dodd said that about 75% of scrap metal would be brought on site by smaller vehicles such as cars, vans and skip wagons. The maximum number of HGVs would be 15 per day. Others would be re-directed to sites in big cities.

(42) In response to a question from Mr Smith, Mr Graham said that EMR's nearest similar facility (with an 8m high wall) was located in Croydon.

(43) The Chairman thanked everyone for attending. The notes of the visit would be appended to the Committee report.

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Item C3

Section 73 Application to vary condition 9 of planning permission DO/03/477 for the variation of hours of operation to allow vehicle movements related to Local Authority waste collection services on Bank and Public Holidays at Richborough Hall, Ramsgate Road, Richborough, Sandwich. DO/12/664 (KCC/DO/0292/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2012.

Section 73 Application by Thanet Waste Services Ltd for a variation to condition 9 (hours of operation) of planning permission DO/03/477 to allow vehicle movements related to Local Authority waste collection services on Bank and Public Holidays at Richborough Hall, Ramsgate Road, Richborough, Sandwich.

Recommendation: Permission be granted.

Local Member: Mr. Leyland Ridings

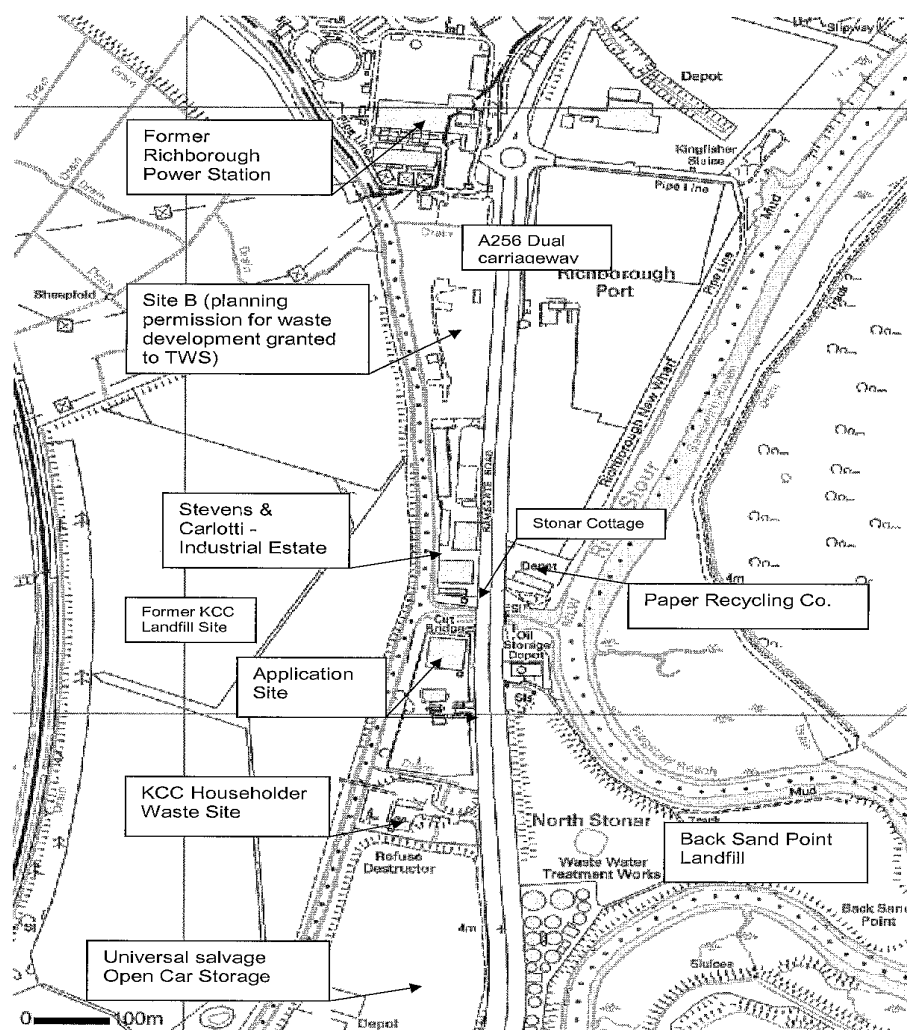
Classification: Unrestricted

Site description

1. The site is part of a larger area occupied by the Richborough Waste Management Centre; the southern half of the site is currently occupied by the offices, parking areas and the aggregates recycling operations and does not form part of this proposal. This particular application is concerned with the activities that currently take place on the north of the site and within the large waste processing building.
2. The overall site is bounded by the River Stour to the west, Ramsgate Road to the east, the Stonar Cut to the north and the Kent County Council's Householders Waste site to the south. The waste management site lies within an industrial area known as the Sandwich Corridor which runs from the north of the River Stour at Sandwich and includes Sandwich Industrial Estate, the Richborough Business Park and the extensive developments of the former Pfizer's site which line both sides of the A256 Ramsgate Road as far as the northern roundabout of the Sandwich Bypass. Beyond this, adjoining the western side of Ramsgate Road are extensive car storage and salvage areas.
3. To the north of the application site lie other industrial premises including the former Astra Fireworks site which the Applicant has planning permission to develop as an extension to the existing waste management operations at the application site. Further north still is the former Richborough Power Station site. Land immediately to the west of the River Stour alongside the application site is a former KCC landfill. To the east of the site beyond the dual carriageway is a paper recycling business and the restored former Pfizer waste landfill site.

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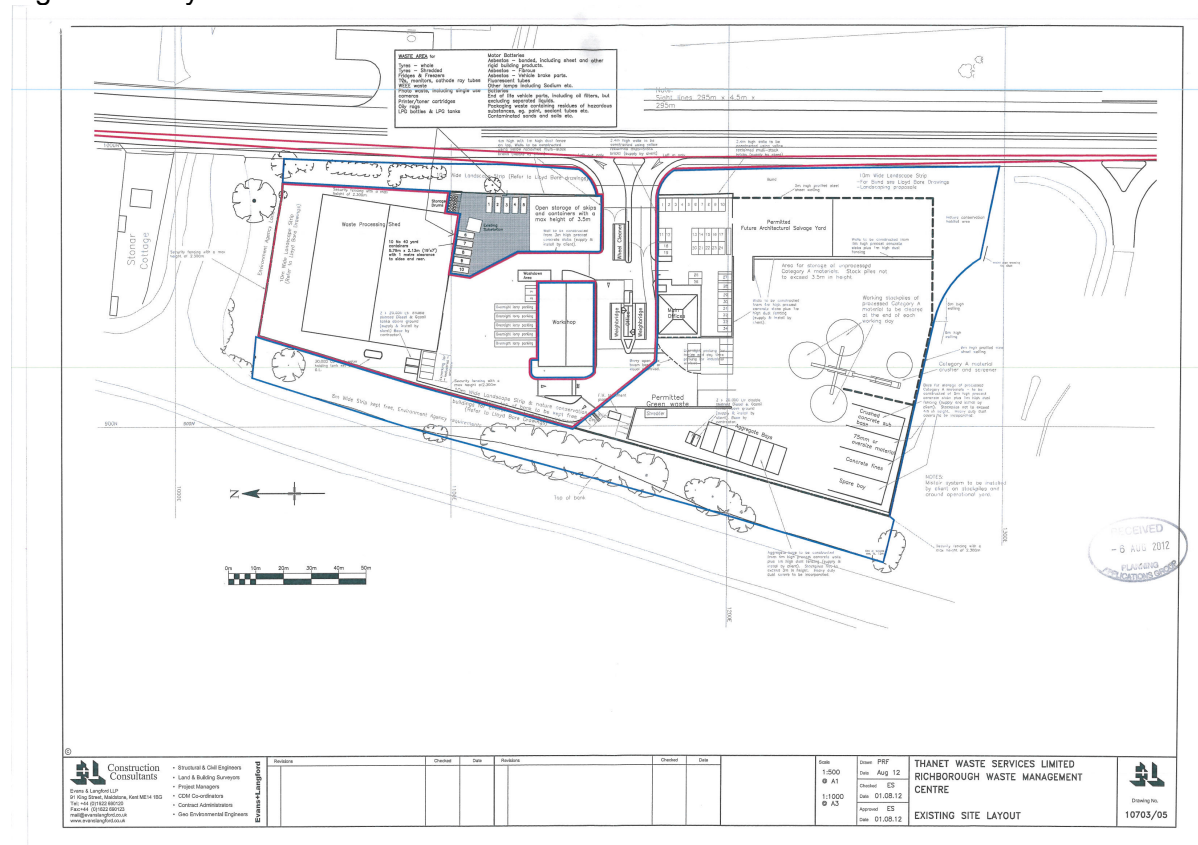
Fig. 1 Site Location Plan



4. There is a residential property immediately to the north of Stonar Cut, known as Stonar Cottage to the north of which are the industrial units of the Stevens and Carlotti site. A residential houseboat is moored at the far side of the A256 on the Stonar Cut.

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Fig. 2 Site Layout Plan



Planning History

- Planning Permission was granted in July 2004 for the Waste Management Facility the subject of the application. More recently in July 2011 planning permission was granted for the construction of a further materials recycling building in place of the aggregates recycling area to the south of this application site. In turn the aggregates recycling is permitted to be relocated onto Site B (former Astra Fireworks site to the north), along with a soils washing facility and an anaerobic digestion plant.
- The planning permission was also subject to two Section 106 Agreements. The first related to the then TW Services Waste Transfer Station Site at Manston Road, Margate - to secure the cessation of the use of that site, following the commencement of waste processing at Richborough. The second related to the application site at Ramsgate Road, now Site A, and in respect of: commencement of waste processing; requirement to enter into a Section 278 Highway Agreement in respect of the proposed highway works; to submit a conservation scheme for approval and to implement it thereafter. The only ongoing obligation from the Richborough Hall

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Section 106 agreement is the maintenance of the habitat for reptiles, which essentially involves keeping the grass down to a certain height. This matter could be covered by way of an additional condition on any planning permission which may be issued.

7. The Integrated Waste Management Centre approved in 2004 has been constructed in accordance with the approved drawings and further details submitted as required by Conditions and subsequent amendments. Operations commenced on the site in May 2007. In addition to the controls on operation imposed through the conditions on the planning permission, operations at the site are controlled by the Environmental Permit issued by the Environment Agency. Approval of container storage to accommodate these Waste Categories A, B and C was granted on 18th September 2008, as a variation of Conditions 2 and 3 of planning permission DOV/03/477. In 2009, planning permission DOV/09/68 was granted for amendments to the original planning permission to allow additional waste types to be accepted and for the siting of additional containers as an amendment to Conditions 2 and 3. These were for small quantities of waste coming as part of mixed loads and include types such as batteries, fluorescent light tubes, asbestos and contaminated soils etc. In August 2009, the Council agreed to an increase in the height of the boundary wall enclosing car parking, from 2.4m to 4m in height.

Proposal

8. Household waste collected in the Thanet District Council area has, for some time, been delivered to Richborough Hall for bulking up and transfer for reuse and recycling, where possible, or for disposal. The existing and future waste separation and transfer facilities at Thanet Waste Services form an integral part of the East Kent Waste Project and household and Local Authority wastes from Dover District Council area are now also delivered to the Richborough Hall site. Under the East Kent Waste Project, it is intended that household and Local Authority wastes from Shepway and Canterbury Districts will also be directed to the Richborough Hall site. Waste materials, other than wholly inert loads, are delivered to the waste processing shed and unloaded within the building, where the materials are passed through a sorting process, bulked up and dispatched from the site, either for reuse and recycling or for disposal, dependent upon the type of material.
9. It is now general practice within Local Authorities that Household wastes are collected every week day, collection rotas not altering when Bank or Public Holidays occur. To ensure that the collected wastes can be dealt with in accordance with the Local Authority rotas, it is proposed that the transfer station, Richborough Hall, be allowed to accept these wastes for bulking up and transfer and thus a variation to the wording of Condition 9 is sought.
10. Condition 9 of planning permission DO/03/00477 states:

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“No activity shall take place on-site, nor shall there be any movement of any vehicles to or from the site except between the following times: 0700-1800 – Mondays - Fridays; 0700-1300 – Saturdays; no operation shall take place at anytime on Saturday afternoons, Sundays or Bank Holidays.

Reason: To ensure minimum disturbance and avoidance of nuisance to the local community, pursuant to Kent Structure Plan Policy ENV1 and Kent Waste Local Plan Policy W26.”

11. The Applicant now proposes that the condition reads as follows:

“No activity or operations shall take place on site, nor shall there be any movement of any vehicles to or from the site, except between the following times: 0700- 1800 – Mondays – Fridays; 0700-1300- Saturdays. No operations, activities or movements shall take place at anytime on Saturday afternoons or Sundays.

On Bank and Public Holidays there shall be no activities, operations or vehicle movements other than in relation to the wastes delivered by or on behalf of the Local Authorities and in relation to the removal of such wastes from the site. Such activities, operations and vehicle movements shall only take place between the hours of 0700 – 1600 on Bank and Public Holidays.”

12. The only deliveries that would be accepted on Bank and Public Holidays would relate to Local Authority services and it is anticipated that up to 40 delivery vehicles (80 movements) would enter and leave the site with a further 10 vehicles (20 movements), transferring the bulk waste, leaving and returning each day. All vehicles would continue to enter and leave the site by a separated left-in, left-out junction sited centrally within the site frontage.

Planning Policy Context

13. **National Planning:** The National Planning Policy Framework came into force on 27 March 2012; it replaces all previous national planning policy guidance. However, the framework does not contain specific waste policies since national waste planning policy is to be published alongside the National Waste Management Plan for England. Pending this, Planning Policy Statement 10 (Planning for Sustainable Waste Management) is to remain in place. The other matters addressed in the framework primarily carry forward previous national planning policy guidance.
14. The NPPF presumes in favour of sustainable development. Sustainable development

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seeks to ensure that society can meet the needs of the present without compromising the ability of future generations to meet their own needs. The new Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system -- economic, social and environmental. These roles are mutually dependent. In facilitating the delivery of these roles the Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

15. **South East Plan 2009:** Policies CC1 (sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC6 (Sustainable Communities and Character of the Environment), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM4 (Sustainable Flood Risk Management), NRM9 (Air Quality), NRM10 (Noise), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W8 (Waste Separation), W16 (Waste Transport Infrastructure), W17 (Location of Waste Management Facilities). This policy document is to be revoked as set out in the Localism Act 2011, but remains in place until secondary legislation deletes it. The Government is currently consulting on the environmental report on the proposed revocation of the South East Plan.
16. **Kent Waste Local Plan (Saved Policies) (March 1998):** Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use), W9 (Separation and Transfer - Location of facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W21 (Landscaping). The application site lies within an area designated as appropriate for waste management facilities.
17. **Kent Minerals and Waste Development Framework (KMWDF):** Draft Policies CSW1 (Sustainable Waste Management and Climate Change) and CSW2 (Waste Hierarchy) of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011). The site has been allocated as a preferred option within the site specific consultations document as a recognised existing waste management facility providing for waste recycling and thus continuing to divert materials away from disposal.
18. **Dover Local Development Framework (LDF):** In the transition towards the new Local Development Framework, a number of old policies were 'not saved'. Following the adoption of the first LDF documents in February 2010, a number of other policies have been replaced by Adopted Core Strategy Policies, however the Proposals Map rolls forward allocations and policy designations as 'saved Policies'. Relevant Policies are: CP6 (Infrastructure), CP7 (Green Infrastructure Network), DM1 (Settlement

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Boundaries), DM2 (Protection of Employment Land and Buildings), DM11 (Location of Development and Managing Travel Demand), DM12 (Road Hierarchy and Development), DM 13 (Parking Provision), DM 15 (Protection of the Countryside) and DM 16 (Landscape Character).

19. **East Kent Joint Waste Project:** The four East Kent Districts and Kent County Council have formed a group, the primary aim of which is to develop more cost effective waste collection, processing and disposal services, to minimise costs, deliver efficiencies and increase recycling. To this end the East Kent Joint Waste Contract 2010 has been awarded and this site is key to the delivery of that contract.

Consultations

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

Dover District Council: No Objections.

Sandwich Parish Council: No objections.

Worth Parish Council: Views awaited.

Environment Agency: No Objections.

Divisional Transport Manager (East Kent): No objection

Jacobs – Noise, Dust and Odour: *“The site is located within an industrial area and adjacent to the A256. The Household waste facility to the south of the site already operates on Public and Bank holidays and is open to the public between the hours of 0900 to 1600. A total number of 40 vehicle movements are associated with this Application and are not considered to result in a detriment to residential properties located along the A256. Taking into account the industrial nature of the area, the relatively high ambient noise levels and the physical layout of the site the proposed condition is considered acceptable.*

The variation of condition 9 of planning permission DO/03/477 will not result in a detrimental impact on dust and odour.”

KCC Biodiversity Officer: No comment.

KCC Waste Management: *“The Waste Disposal Authority has a statutory duty to seek provision for domestic waste disposal arisings in Kent. The additional proposed operating hours are sought to cater for the demand by for waste handling capability on Bank and Public Holidays and is fully supported..*

The Thanet Waste Services Transfer Station is a key facility in the East Kent Joint Waste Project, providing reception, storage, and transfer services for Canterbury

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City Council, Thanet District Council and Dover District Council and handles a range of waste and recyclables streams.

It will provide operational flexibility to those Districts and allow them to provide collection services at bank holiday periods with minimum disruption to householders. It will also allow the waste to be transported to the Allington Waste to Energy facility on bank holidays and minimise the period waste will need to be stored on site. This benefit would also apply to the food waste and recyclables transfer operations."

Representations

20. The application has been publicised both by site notice and newspaper advertisement and the nearest residential properties were notified. One letter of objection has been received. The resident objects stating that Saturday and Sunday afternoons are the only times when noise or smells do not emit from the application site. They would not welcome any form of intensification of activities at Richborough Hall, aside from the obvious extra noise and vehicle movements they have serious concerns about the smell of refuse that is now emitting from the site and would object to any intensification of smells and odour associated with household waste.

Local Members

21. The County Council Member Mr Leyland Ridings was notified of the application, no written comments have been received to date.

Discussion

22. The Development Plan, specifically Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Material planning considerations include the recently published National Planning Policy Framework (NPPF) which promotes sustainable development and the local plan policies set out in paragraphs 16 to 18. It should be noted that the South East Plan remains part of the development plan although the Government's intention to abolish regional spatial strategies is a material consideration and the weight given to it is a matter for the decision maker
23. Given the nature of the proposal the NPPF is of less relevance in this case as PPS10 is to remain in place until any new waste policies are published alongside the new National Waste Management Plan for England. However the presumption in favour of sustainable development still applies and of specific relevance are the following: Delivering Sustainable Development, Part 1 – Building a strong, competitive economy; Part 10 – Meeting the challenge of climate change, flooding and coastal change and Part 11 - Conserving and enhancing the natural environment (paragraphs 120 and

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123, pollution and noise respectively).

24. The proposal for consideration here is quite specific. Planning permission was originally granted back in 2004 with operations commencing in 2007 for this waste management facility serving East Kent to handle mainly Category A, B and C Wastes for separation and transfer along with the processing and storage of Category A Materials.

NB: Category A (clean inert materials, i.e. construction and demolition waste)

Category B (commercial and industrial - paper, plastic, timber, metal)

Category C (putrescible - household and commercial and industrial)

The site is currently accepting around 220,000 tonnes per annum of waste, of which Category B and C would together amount to 110,000 tonnes per annum. The Local Authority wastes (Category C) amounts to some 25,000 tpa. The overall quantities of wastes handled through the site will not change as a result of this proposal.

25. Waste materials other than wholly inert loads are delivered to the waste processing shed. All unloading takes place within the waste processing shed where materials are, where appropriate, passed through a sorting process, bulked up and dispatched from the site either for reuse, recycling or disposal.
26. Waste collected from Thanet District Council area has for some time been delivered to Richborough Hall but now waste from Dover District Council area is also being delivered to the site. Under the East Kent Waste Project it is intended that household and Local Authority wastes from Shepway and Canterbury Districts would also be directed to Richborough Hall in the future.
27. The activities at Richborough Hall must operate within the terms of the original planning permission and the conditions attached thereto. It is the terms of one of those conditions that this application is seeking to amend. As set out earlier in this report Condition 9 sought to control the hours of operation at the site, including vehicle movements, essentially restricting activities to weekdays and Saturday morning operations solely, (the permitted hours were half an hour later than the Applicant originally applied for and reflected standard hours of working restrictions). Since that planning permission was granted it has now become more general practice for Local Authority household wastes not to be altered for a Bank or Public Holiday, thereby retaining a regular pattern of collection for householders.
28. Furthermore the Applicant is proposing that the only deliveries that would be accepted at the site on Bank and Public Holidays would relate to Local Authority services including:
- household waste collections;
 - waste collected from bins in streets, parks and other amenity facilities
 - civic amenity sites;

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- Local Authority green wastes;

and in relation to the removal of such wastes from the site. It is suggested that the activities on these days be restricted to the hours of 0700-1600, however it should remain clear that it is not proposed to operate on Saturday afternoons or Sundays

29. In determining this latest proposal it will be necessary to consider the likely impacts arising from the limited change in days of operation. There are usually 8 Bank and Public Holidays in the calendar year, although most Local Authorities don't collect waste on Christmas Day or New Years Day, so in practice it would generally be an extra 6 days a year. There are of course occasionally extra Public Holidays, such as the recent Royal Wedding and Queen's Jubilee, although these are not common. The main issues for consideration are the significance of the impacts relating to noise, dust and odour from the operations and vehicle movements over those additional days.
30. The report upon the original planning permission considered all aspects of potential environmental impact arising from the development of this waste management facility. Importantly full consideration was given to potential noise and dust arisings and likely odour impacts. The original planning permission allows 220 vehicle movements per day. The number of vehicle movements anticipated with this application is 40 delivery vehicles (80 movements) with 10 bulk vehicles removing the sorted waste per day. There would be no movements associated with other wastes being brought to the site. On this basis the potential amenity impacts are discussed in more detail below

Noise

31. In considering the original planning application it was concluded that the positioning of the processing shed itself on the site would act as a noise barrier to the area to the north of the site, where the nearest residential property is. In addition a condition upon the original permission required details of sound insulation to the building itself, these were submitted and approved. Our noise consultants at the time concluded that any increased noise levels would only be of marginal significance to the nearest residential property, given existing background noise levels at the site, given its location within an industrial area and adjacent to the dualled A256. This remains the position on any day of operation and I therefore consider that noise is unlikely to cause significant impacts for the extra days of activity that are being applied for.

Dust

32. In the original report the main concerns relating to dust were the potential impacts likely to arise from the inert waste processing, which is not part of this application. This proposal relates solely to activities that would take place within the waste processing shed. Indeed the Applicant has identified within the suggested wording of the replacement condition relating to the hours of operation specific wording to ensure that the additional days activities are restricted as follows; *"On Bank and Public Holidays there shall be no activities, operations or vehicle movements other than in relation to the wastes delivered by or on behalf of the Local Authorities and in relation*

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to the removal of such wastes from the site.” Such wording would in my opinion adequately control operations to only accommodate the activities on behalf of the Local Authorities.

33. Despite the main areas of concern relating to the inert materials handling area a condition on the original permission required a scheme of dust attenuation measures for the whole site. A scheme proposing a large number of sprinklers covering the general circulation space of the yard and a Mist-Air fog system for the processing shed was approved and these have been installed and are operational on site. These would continue to provide adequate dust control over those additional days of activity.

Odour

34. The Mist-Air fog system that is employed within the processing shed is also able to control odours arising within the building by a metering system delivering adequate levels of odour neutralisers, and was considered acceptable by our odour consultants. In addition there are requirements within the permitting regime managed by the Environment Agency which require agreed good management practices to handle potential nuisance arising from odorous wastes. These essentially include tipping and storing waste within the building, prompt turnaround of such wastes and sheeting of vehicles removing the waste from the site. Allowing removal activities on the additional days applied for will support these aims in that the occasions where waste may have to be left at the site due to holidays would be significantly reduced.

The Applicant has acknowledged that that they have received three calls this year regarding odour at the site. In each case it has been as a result of Green Waste arriving at the site for re-distribution within containers from HWRC sites, at a time when the waste is already changing in composition, mainly due to the heat in the summer months. Furthermore it has been at times when the local Household Waste Recycling Centre's are at their busiest for receiving garden trimmings. These extreme circumstances are rare and generally last for a very short time (around 10 minutes) whilst the waste is loaded into vehicles for onward transfer. The ability to maintain a regular collection rota should further assist with managing such incidents.

Conclusion

35. There is presumption in favour of sustainable development. This proposal seeks to allow the site to accommodate Local Authority waste collections for a limited number of additional days on Public and Bank Holidays. If the wastes could not be accepted at Richborough Hall on these days, there being no other such venues available, the Local Authorities would not be able to offer an uninterrupted collection service. The Applicant proposes that a replacement condition is specific to allow only waste handling relating to those Local Authority collections. In addition it is proposed to limit the hours of operation on those days to less than other operational days.
36. It is recognised that objections have been received from one resident, located on the

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other side of Stonar Cut and beyond the A256 dual carriageway. It should be borne in mind that this existing site lies within a designated industrial area and is an allocated site considered appropriate for such a waste management facility. The adjacent Householders Waste Recycling Site operates Sundays and Bank holidays (other than Christmas Day, Boxing Day and New Years Day). The amenity controls referred to above will remain and were considered to adequately control activities at the site to an acceptable degree. That remains the case, and I am advised that the proposed changes and rewording of condition 9 would not result in any detriment from a noise, dust or odour point of view. Any planning permission granted would result in a new planning permission which would essentially repeat (and update as appropriate) the safeguarding conditions on the original planning permission as well as offering greater operational flexibility.

37. On balance, as set out above, with the retention of the mitigation measures secured through the original consent, the proposed amendment to condition 9 is considered acceptable and I conclude that the development is sustainable and therefore recommend that planning permission be granted.

Recommendation

38. I RECOMMEND that PERMISSION BE GRANTED for the variation of condition 9 of DO/03/477 as set out in paragraph 11 above, and that a condition covering the maintenance of the reptile habitat be added.

Case Officer: Andrea Hopkins	Tel. No. 01622 221056
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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

Application for a new teaching block and associated car parking and multi use games areas at St Augustine Academy, Oakwood Park, Maidstone – KCC/MA/0199/2012 (MA/12/1272)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2012

Application by KCC Property and Infrastructure for the reorganisation of the main academy campus to include demolition of the east block and erection of a new two storey teaching building, retention of the west block, general teaching block and general purpose hall, provision of a new two court floodlit multi use games area, 59 car parking spaces, 56 cycle parking spaces, 6 motor cycle parking spaces and 1 mini bus parking space and provision of associated hard and soft landscaping. Creation of a new surfaced car parking area on academy land to the north of the main campus to provide 28 car parking spaces with associated hard and soft landscaping at St Augustine Academy, Oakwood Park, Maidstone (KCC/MA/0199/2012)

Recommendation: Planning permission to be granted, subject to conditions.

Local Member: Mr D. Daley and Robert Bird

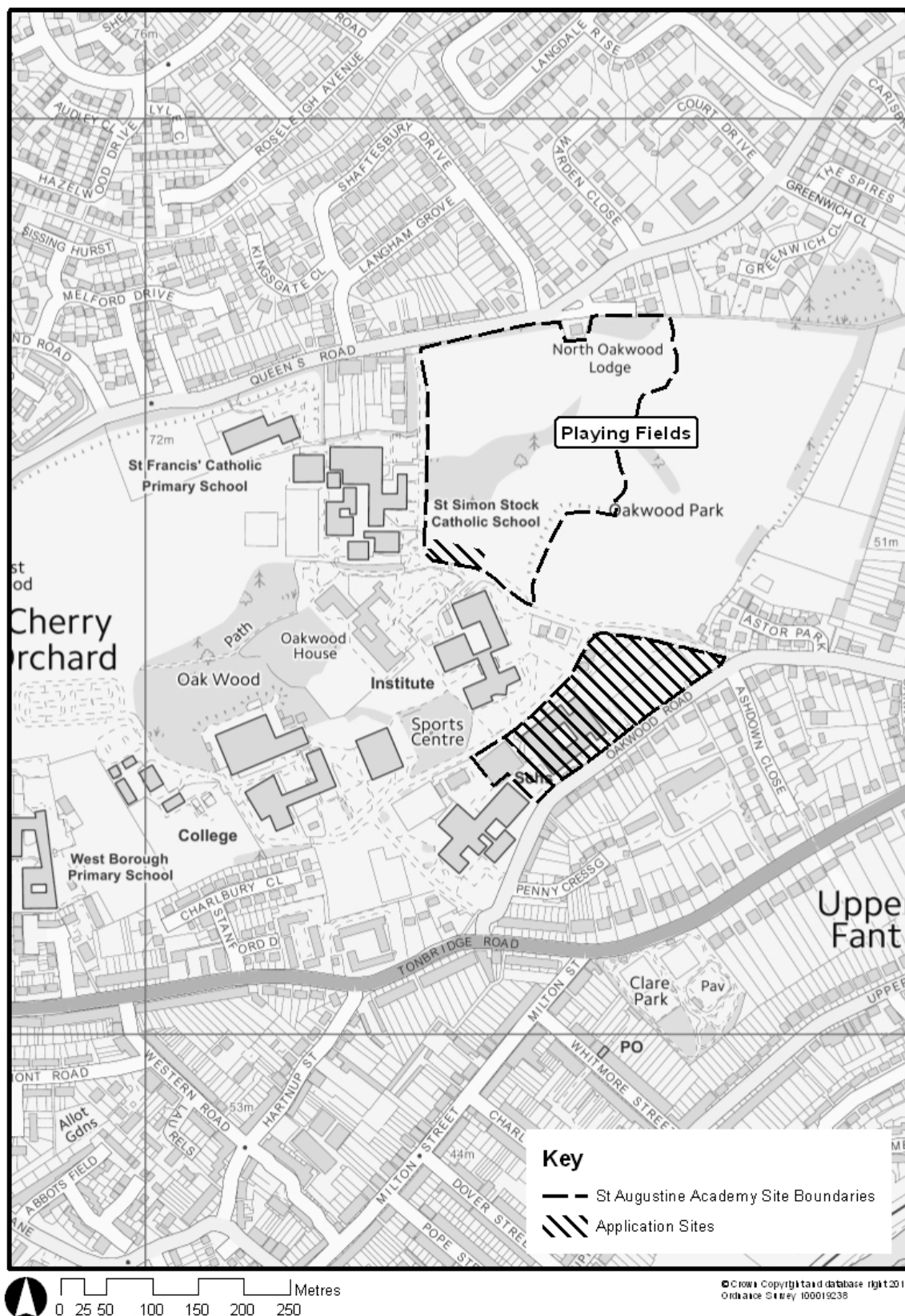
Classification: Unrestricted

Site

1. The application site is located within the grounds of St Augustine Academy (SAA). The Academy is positioned within the Oakwood Park estate along with a number of other educational facilities and a Kent County Council office/conference facility. Oakwood Park is located approximately 1 km west of Maidstone Town Centre. The Oakwood campus forms part of an area which was originally parkland located between the A26 Tonbridge Road and the A20 London Road and associated with Oakwood House. SAA is located to the southern border of the Oakwood campus and the boundary of the nearest residential property to the site proposed for development is located approximately 25 metres to the south-east across Oakwood Road.
2. The main Academy site includes the existing Academy buildings which comprise a mix of two storey buildings, and includes the Westborough Centre sports hall which is owned by the Academy. However this sports hall is currently not available for public use and is not included in this planning application. The main school building is laid out to the south-west of the site and consists mainly of a flat roofed block built in the 1970s and a new two storey teaching block and assembly hall, that was built some 4 years ago. The main school access point is off one of the private roads that run through Oakwood Park. The Academy also has land to the north of their site, which forms part of the open space in Oakwood Park and is used as a sports and playing field. The application site generally slopes from the north-west toward the south-east, and is located in an elevated position in relation to Oakwood Road, being approximately 2.8 m above the height at the school boundary.

**New Academy building at St Augustine Academy, Maidstone
(MA/12/1272)**

Site Location Plan



New Academy building at St Augustine Academy, Maidstone (MA/12/1272)

[illegible]

New Academy building at St Augustine Academy, Maidstone (MA/12/1272)

Woodard Academies	Design & Access Statement
St. Augustine Academy	Amount of Development

4.1 Existing Areas



4.2 Proposed Areas



- | | |
|---|---|
| ① Sports Centre | 1,979m ² |
| ② West Block | 2,467m ² (+ 869m ² plant) |
| ③ MUGA | 1,577m ² |
| ④ Teaching Block | 555m ² |
| ⑤ Hall Block | 478m ² |
| ⑥ Parking | 100 spaces |
| ⑦ Hard Play Area
<small>(inc. area adjacent to West Block)</small> | 4,170m ² |
| ⑧ Soft Informal Play
<small>(inc. green space adjacent to 7)</small> | 2,494m ² |
| ⑨ Bower Grove Satellite | 184m ² |
| ⑩ New Build | 4,430m ² |
- NT: Building areas are shown as GIFA

NT: Building areas are shown as GIFA

KEY PLAN

PLANNING

WILLMOTT DIXON

ST AUGUSTINE ACADEMY

MAUDSTONE

NEW BUILDING

PROPOSED GROUND FLOOR

KSS

Location: Lymington Road, Maudstone, Kent ME18 7JH
Date: 24.06.12
Author: J.H.
Checker: J.H.

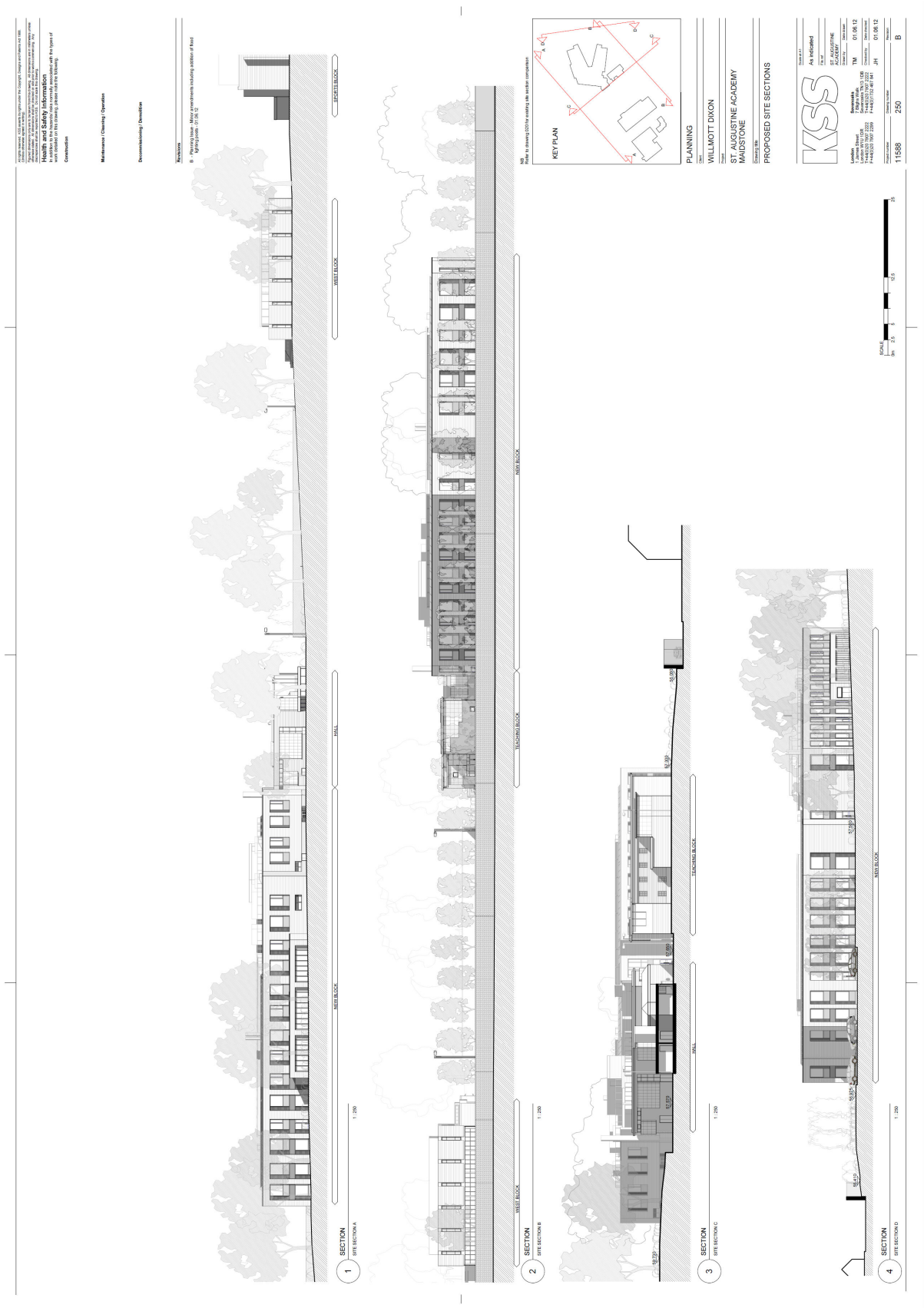
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New Academy building at St Augustine Academy, Maidstone
(MA/12/1272)

Item D1

Proposed elevations



**New Academy building at St Augustine Academy, Maidstone
(MA/12/1272)**

3. There are no site-specific land designations within the Development Plan in association with the site.

Background

4. St Augustine's Academy was formed in 2011 as part of the Government's Academies programme and currently operates from the site and buildings of the former Astor of Hever Community School. The Academy forms part of the Kent Batch 2 Academies programme and the creation of a new school site and buildings form a crucial part of the delivery of this programme. The Academy Sponsor is Woodard Schools, the largest group of independent Church of England schools in England and Wales. The role of the Sponsor is to help develop the culture and direction of the new Academy. The Sponsor will also hold a number of seats on the governing body which is typically smaller than a maintained schools governing body. Woodard Schools has a proven record of sponsoring Academies and SAA will become the fifth Academy to be added to the Sponsor's portfolio. It is essential to the sponsor that their exceptionally strong vision is encapsulated in each and every one of their educational institutions. This vision is based in the traditional Anglican values of tolerance, nurture and community, which are embedded through the Chapter Structure, whereby pupils from year 7 to year 13 belong to family groups in which both formal and informal mentoring is facilitated and strong relationships built.
5. The specialism at SAA is Business and Enterprise. However the predecessor school, Astor of Hever Community School, was a specialist sports college from 2005 until closing in July 2011. Therefore, although SAA does not have a specialism of sports it will enjoy the legacy of the predecessor school in this regard with a significant sports complex, although dilapidated, containing a five court sports hall, a dance studio, a community reception, a cardio suite, a resistance suite and teaching space. The Academy currently has capacity for approximately 858 pupils aged between 11 and 18 although the school roll is currently under capacity at 640 pupils. The new sixth form will increase capacity to 950 pupils (750 between the ages of 11 – 16 and 200 sixth form pupils). The sixth form currently has 84 pupils. In total this is an increase of just under 100 pupils capacity. There are currently 117 members of staff, 74 full time and 43 part time and it is anticipated that when the school is at capacity it will employ a total of 134 members of staff.

Proposal

6. The application has been submitted by Kent County Council Property and Infrastructure, and proposes the demolition of the east block and the reorganisation of the main Academy campus. The proposal comprises:
 - Demolition of 2616sqm of existing school buildings;
 - New Academy building of 4738 sqm over 2 storeys;
 - Retention of the west block, general teaching block and general purpose hall;
 - Provision of a new two court floodlit multi use games area (MUGA);
 - 59 on site car parking spaces;
 - 56 on site cycle parking spaces;
 - 6 on site motor cycle parking spaces;
 - 1 on site mini bus parking space;
 - Provision of hard and soft landscaping, and
 - Creation of a new 28 off site car parking area on Academy land to the north of the main campus with associated hard and soft landscaping.

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7. In the submitted Design and Access Statement the applicant has confirmed that the rationale for the form and type of development at the new SAA was identified early on in the feasibility stages that the level of funding available for new development at the Academy would not allow for wholesale redevelopment of the buildings. The funding available would therefore be concentrated on those areas of the Academy that were in most need of refurbishment or renewal to provide for teaching needs and the Academy's educational model in the future. Various layout options were considered and the final scheme was chosen as it was considered to provide the Academy with a workable educational facility. In all options the Westborough sports hall was to be retained along with the general purpose hall which was only completed in 2008.
8. In the application proposal, the most sub-standard building (east block) is to be demolished and a significant new build element would be provided to house up to date specialist accommodation (science, food technology etc) as well as general teaching space. The west block and the two newer two storey buildings currently accommodating the English Department (general teaching block) and the general purpose hall and reception area would be retained and refurbished as the fabric of these buildings are of better quality and they provide a more flexible layout. The west block would be remodelled and refurbished to accommodate art, technology and general purpose teaching space as well as the Learning Resource Centre. On the footprint of the east block which would be demolished, a two court, floodlit MUGA is proposed.
9. An element of new build would be located on the eastern side of the site where the current car park is located and would comprise two wings extending from the existing general purpose hall which would be retained. A singular entrance would be provided for pedestrians and vehicles as well as students and visitors to improve security for pupils and staff whilst promoting the Woodard philosophy of openness and inclusion. The design philosophy for the entrance is to emphasise the inclusive, nurturing environment that the Academy promotes, with the Academy chapel clearly visible on approach at the heart of the building. Covered cycle stands for 50 cycles plus 6 visitor cycle spaces would be positioned to the side of the main walkway at the entrance providing secure and visible cycle storage for students. An area is set aside for future expansion to provide a further 85 spaces in line with KCC guidelines.
10. Parking for the new Academy is proposed to be split into two separate areas. At the main Academy site it is proposed to provide 59 car parking spaces whilst a new area accommodating 28 car parking spaces would be created on the western corner of extended land to the north of the Academy site, on land within the Academy's control, which is currently not used for sports nor is it suitable for forming a sports pitch. The Academy also has control over 13 echelon parking spaces on the access road fronting the Academy site and sports hall as well as a further 29 echelon parking spaces, which are currently leased out to Mid Kent College. The Academy does not believe that they need to make use of these additional parking spaces but should future demand dictate they are able to take back the use of the spaces from Mid Kent College. Therefore a total of 100 car parking spaces would be available with 87 spaces provided on and off the Academy site.
11. The current grass sports pitches and facilities would all be retained in the current form with space to the south of the new two MUGA's creating a series of natural play areas and breakout spaces.
12. The applicant has confirmed that the new building is only two storeys in height and appears low and flat within its immediate landscape. The building would take advantage

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of the slope on the site by carving it out, which reduces the visual impact and apparent height when viewed from the Oakwood campus from the north. It takes a similar flat roof form to the existing Academy buildings. The applicant has further commented that the design for the new building aims to combine a greater visual presence for the Academy through moving the building closer to the eastern and prominent boundary whilst ensuring the building remains consistent with and does not dominate its surroundings. The mass of the new building has been fully considered by the applicant in terms of its impact, particularly upon residential properties to the south. The scheme proposes to remove substandard and unattractive form of the existing east block which presented direct overlooking opportunities. The new building has been sited so as to avoid any elevations directly facing the residential properties along Oakwood Road.

Planning Policy

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

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

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- 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) Development Plan Policies**The South East Plan (2009) Policies:**

Policy AOSR7 The Local Development will make Maidstone the focus of expansion and investment in new further or higher education facilities, support high quality proposals for intensifying or expanding the technology and knowledge sectors.

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

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

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

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

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- Policy BE1 Seeks new development to help improve the built environment with design solutions relevant to local character, distinctiveness and sense of place.
- Policy S1 Supports measures for developing and shaping healthy sustainable communities, including community access to amenities such as parks and physical recreation activities.
- Policy S3 Seeks to ensure the adequate provision of pre-school, school, and community learning facilities.
- Policy S5 Refers to cultural and sporting activities and encourages local authorities and their partners to improve the overall standard of fitness, enhance cultural diversity and enrich the overall quality of life.
- Policy S6 States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school, and community learning facilities.
- Policy W2 Encourages sustainable design, construction and demolition.

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

Maidstone Borough-Wide Local Plan (2000) (Saved) Policies:

- Policy CF9 Seeks to ensure that where appropriate, the providers of education facilities make provision for dual use of facilities in the design of new schools and will encourage the dual use of educational facilities (new and existing) for recreation and other purposes. Development proposals which incorporate such use will be permitted except where the increased level or duration of activities is incompatible with local residential amenity.
- Policy ENV6 Seeks to ensure that where required a landscape scheme, including surfacing and boundary treatment, to be carried out as part of the development proposals.
- Policy ENV23 Seeks to ensure that proposals for new development which would result in the net loss of open space or sport and recreation facilities, will not be permitted unless there is a proven overriding need for the development and there is no deficiency of open space or recreation facilities in the locality and alternative provision of an equivalent community benefit can be provided to replace the loss.

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- Policy T1 Seeks all development to be safely and securely related to the highway network.
- Policy T13 Seeks development that meets adopted parking standards.
- 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.

Maidstone Local Development Framework: Core Strategy (2011) Public 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 the 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

14. **Maidstone Borough Council:** Raises no objection subject to conditions covering the following issues are recommended for the development:

Restrictions on hours of use for the MUGA; measures to prevent light spillage from the site; arboricultural method statement; hard and soft landscaping and implementation; boundary treatments; material samples; secure parking provision; air quality emissions reduction; and updated travel plan.

Kent County Council Highways and Transportation comments as follows:

"The Oakwood Park Campus is served by three private roads which are maintained by Kent County Council (KCC). Therefore KCC Highways and Transportation can act only in an advisory capacity in assessing proposals for the modification of these roads, the private accesses to and from them and their associated foot/cycleways. The roads are traffic calmed with a series of road humps. The road to the north of St Augustine Academy is one-way, with bollards preventing eastbound traffic movements. The road to the east of the Academy is tree-lined, 3.5 metres to 4.0 metres in width and provided with passing places.

It is proposed that the primary vehicle access will be relocated to the east of the site on the private site road that links Oakwood Road and Queens Road. This would enable the existing access to be used for service vehicles only and as an emergency access. Footway provision on the Oakwood Park Campus is generally considered to be good, although the private road to the east of the Academy has limited pedestrian facilities.

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Pedestrian access to the Academy would be gained via the proposed eastern entrance; therefore a short section of footway to the west of the private road would be provided by the applicant.

It is proposed that a total of 100 car parking spaces would be provided, which is significantly below the number allowed for in the Kent and Medway Structure Plan – Supplementary Planning Guidance 4, which recommends one space per member of staff plus 10% for primary and secondary schools and one space per seven students for further and higher education establishments. On the basis of the figures provided in the Transport Statement, this would allow for approximately 175 spaces to be provided at the redeveloped Academy. Whilst it is noted that the Academy does not permit sixth form students to park on the site, the Transport Statement should recognise that this is known to have impacts on surrounding roads, which could increase as a result of the proposed development.”

Following a site meeting and additional information about sixth form parking being submitted, the following comments have been received:

“I am in receipt of the further information provided by the applicant regarding on-site parking by sixth formers at St Augustine's Academy. I remain concerned that there would appear to be a continuing lack of understanding of the potential impact on neighbouring areas if adequate parking is not provided on-site. However, I would recommend that this matter is addressed through a revised School Travel Plan, to be approved by KCC, which includes a robust and regularly monitored action plan for reducing car-borne trips to school by sixth formers.”

Maidstone Borough Council's Parking Manager: Comments as follows:

Historically Oakwood Park students have parked in the surrounding roads, which in turn have caused problems for local residents. Reduced parking levels were identified in areas such as Shaftesbury Drive, Kingsgate Close and Langham Grove which in turn caused a number of difficulties for local residents. A number of incidents involving property access obstruction and obstructions to junction sightlines were also reported to Maidstone Borough Council.

As a result, the Parking Services Operations team were required to introduce parking restrictions. In the main these have been successful in reducing levels of anti social parking and obstruction; however the restrictions continue to be a burden for local residents and their visitors. Vehicle dispersal into other roads is evident across a wider residential area.

It should be noted that the extent of parking problems in the local vicinity is likely to increase as the report identifies that the school has less students than the potential capacity. A further increase in students and visitors will therefore significantly impact on the surrounding roads and extend to other residential areas which may require a further increase in parking restrictions. This will therefore impact on a wider community.

It is noted that the School discourages sixth form student parking on site, however this exacerbates the problem and migrates vehicles into local roads. The report clearly identifies that the number of proposed parking spaces is significantly lower than the required amount. Regrettably I am confident that it is likely that overspill would occur if the proposal was agreed in its current form.”

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Following a site meeting and additional information about sixth form parking being submitted, the following comments have been received:

"I agree with comments made by the County Council's Highways and Transportation Officer and the consideration that robust monitoring should form part of the School Travel Plan, I can confirm that I have no further comment or objection in relation to the proposal."

Sport England: Raises no objection subject to the imposition of a condition regarding a Community Use Agreement.

Sport England has noted that the proposed off-site car parking area would appear to be sited on an area of open land encapsulated by mature trees to the north, west and east and a hard standing road to the south and not big enough to accommodate the smallest playing pitch. The area is therefore incapable of being used for marking out playing pitches or part thereof. Sport England is therefore satisfied that this aspect of the proposal would satisfy their policies, in that the development only affects land incapable of forming a playing pitch and part thereof and does not adversely affect existing pitch provision on the site.

Development as part of the reorganisation of the main campus would be sited on the existing MUGA. However the key potential sports benefits of the proposed development are considered to be as follows:

- The proposed MUGA would replace the existing MUGA. This would be built to modern standards and would be superior in quality to the existing hard surfaced courts that they would replace on the site in terms of a surface that is sufficient for use in all weathers and floodlighting;
- The MUGA would be suitable for a number of sports;
- The MUGA would be available for use during winter months and low natural light Levels; and
- The facility would therefore encourage increased participation levels.

In relation to the impact on existing sports facilities, the proposed development would be sited on an existing MUGA. The adjacent playing field would not be affected by the proposed development and therefore existing playing pitch provision would be maintained.

Environment Agency: Raises no objection subject to the imposition of conditions regarding to surface water drainage and contamination.

The County SUDS Officer: Raises no objection subject to further ground investigations being undertaken to ensure the appropriateness of the drainage solutions selected at the specific locations proposed.

The County Biodiversity Officer: Raises no objection subject to the recommendations provided within the two Ecology Scoping Reports are adhered to.

The County Archaeologist: Raises no objection subject to the imposition of a condition regarding the implementation of a programme of archaeological work, to be undertaken in accordance with a written specification and timetable.

The County Council's Landscape Advisor: Comments as follows:

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"I do not consider that the proposals would cause any significant adverse landscape and visual impacts. It is unfortunate that the proposals would involve the removal of seven existing trees within the main part of the site and two existing trees in the vicinity of the proposed off site car park, but I consider that the proposed tree loss is reasonably localised and would not have a significant impact on the appearance of the wider landscape. I therefore recommend that detailed landscape proposals are submitted to KCC for approval. These details should include proposed plant species, sizes, spaces and densities and would be acceptable by way of a planning condition.

Furthermore the submitted Hard and Soft Landscape drawing illustrates the extent of existing hedgerow to be removed at the proposed entrance. Whilst the extent of loss is not marked on clearly, the extent of retained hedgerow either side is clear and I tend to agree that the extent of proposed planting would mitigate the loss of this section of hedgerow. The applicant confirms that this drawing takes into account the required visibility splays which have been developed in line with transport consultant, therefore I am satisfied that the illustrated extent of tree loss is accurate. I note the proposed plant species and densities are also on this plan, which are appropriate, and consider that it would be acceptable if further details including plant numbers are agreed by way of planning condition

Furthermore I do not understand part of the justification for the off site car parking ('the remote location for the car park has been selected as it is both too steep and too small to provide a compliant area for sports pitches') because the off site car park comprises a reasonably level, open, corner of the wider Oakwood Park. However if the car parking spaces definitely cannot be accommodated within the main school site, tree protection details for the car park and also for the main part of the site need to be clarified. These would be acceptable by way of a suitably worded planning condition. It should be noted that the latest guidance on tree protection is *BS5837: 2012 Trees in relation to design, demolition and construction – recommendations.*"

The County Council's Street Lighting Advisor: Comments as follows:

"The lanterns offered for the project are of the flat glass type, which have zero upward light output when mounted horizontally and also therefore minimise spill light. I am happy for the floodlights to be tilted up to 5°. The actual lighting levels on the playing areas are acceptable.

The calculations and diagrams supplied indicate a worst situation of 4.42 lux at property 44 Oakwood Park Road. This may be about 5 lux when the installation is brand new but still well within the guidelines of below 10 lux.

I also note that the car park and general area lighting is proposed to be using flat glass lanterns so should not be a problem although the lamps used are brighter than those on the road providing the street lighting.

As there appears to be very little in the way of natural screening between the areas to be lit and the adjacent properties I suggest that it would be prudent to have a caveat to the effect that in the event of complaints there should be a proviso for fitting baffles or louvres to the floodlights or lanterns to reduce the impact if considered necessary."

The County Council's Noise Advisor: Comments as follows:

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"The Application proposes the construction of 2 new floodlit MUGA's running east to west along Oakwood Road and 30m from the boundary of the site. In addition, the proposed MUGA is located approximately 25m to the southwest of the existing MUGA, and therefore, new properties on Oakwood Road are likely to be exposed to noise from the proposed MUGA.

The Noise Assessment (NA) provides activity noise levels for 5-a-side football of 54 dB L_{Aeq} at a distance of 20m. It shall be noted that from previous assessments that Jacobs have undertaken and through the consideration of numerous sports pitch and MUGA applications on behalf of KCC Planning Unit, we have typically observed noise levels between 61 and 68 dB L_{Aeq} at 10m from the edge of the pitch where a crowd is present. For such sites we have in the past advised using an activity noise of 65 dB L_{Aeq} at 10m. Pace Consult Limited (the author of the NA) have previously submitted assessments to Kent County Council using this activity noise level. With no or little spectators we have typically advised on an activity noise level of 60 dB L_{Aeq} at 10m. We would assume large numbers of spectators are unlikely to be present at the proposed MUGA, and therefore, the activity noise level of 60 dB L_{Aeq} at 10m is considered representative.

A noise level at the nearest residential property of 52 dB L_{Aeq} is predicted at the nearest residential property using the above representative activity noise level. This predicted noise level is similar to existing measured average ambient noise level during the weekday evening periods at nearby residential premises. Therefore, an increase in ambient noise level of approximately 3 dB would be expected during these periods. It shall be noted that this meets the increase in noise which we would consider represents a significant change, i.e. 3 dB or greater.

The NA also presents typical L_{Amax} noise levels from MUGA activities which we consider to be representative. The NA demonstrates that L_{Amax} noise levels from the proposed MUGA will be similar to those currently experienced by nearby residential properties during the evening periods.

A noise monitoring survey was undertaken during a normal school day between the hours of 11:00hrs and 15:00hrs and in the evening between 20:00hrs and 21:30hrs. We note from the application documents that the proposed hours of operation for the MUGA are 08:00hrs to 22:00hrs, Monday to Sunday and including bank holidays. We note that no noise monitoring was undertaken during the proposed hours of use during the weekend. We consider it likely that existing noise levels will be lower during the weekend periods particularly in the early morning (08:00hrs – 09:00hrs) and late evening periods (21:00hrs to 22:00hrs). Therefore, given that the predicted noise levels currently demonstrate impacts bordering on significant during periods where existing noise levels are considered to be higher, we would request that further noise monitoring be undertaken which includes the morning and evening weekend periods."

An updated noise monitoring was undertaken as requested and the County's Noise Advisor has concluded that:

"The Applicant's acoustic consultant has updated the Noise Assessment in line with our previous comments. Additional noise levels have been measured during the evening and weekend periods demonstrating a lower baseline than previously provided. In using the update baseline noise levels, the Noise Assessment demonstrates that, when compared against the predicted noise levels emanating from the proposed MUGA, adverse impacts on nearby residential properties are likely. To offset this, a 2m noise barrier is proposed within the Noise Assessment along the southern boundary of the MUGA's."

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Crime Prevention Officer: Raises no objection.

Local Member

15. The local County Members, Mr Daley and Mr Robertson were notified of the application on 4 July 2012. Unfortunately Mr Robertson has since passed away and a local election for the vacant seat was held on 18 October and Mr Robert Bird was duly elected. Due to the time constraints he has not been notified of this planning application.

Publicity

16. The application was advertised by the posting of a number of site notices and the notification of 175 neighbours. A notice was also placed in Kent On Sunday on 15 July 2012.

Representations

17. Letters of representation have been received from local residents. The main points raised in relation to this application can be summarised as follows:

- The proposed games area should not be used out of school hours.
- There is already a floodlit games area for general use at Westborough Sports Centre.
- Noise pollution during out of school hours is not something that residents want pushed onto them.
- The use of whistle, bad language will be amplified due to the surrounding buildings.
- Hazard of balls getting onto the road.
- Object to the use of flood lighting, however low or shielded, will spill over into Oakwood Road due to the height of the sports area above the road and the houses.
- Stopping the use of the area by the general public would make it unnecessary to install such lighting.
- The proposed games area is too close and overlooking residential homes as the ground level of the school is 2 metres above Oakwood Road and the houses.
- The noise generated will be exacerbated by the fact the game area is positioned between two high rise buildings.
- The games area will ruin the quiet evenings of the residents of Oakwood Road.
- Understand the need for a games area during school term time but renting it out to the public for the rest of the time is ludicrous.
- The campus already has a floodlit games pitch away from the residential area so why cannot this be developed and used for the public.
- Lives will be blighted with the excessive noise and light.
- Oakwood Road is unsuitable for construction traffic.
- Objection on traffic grounds.
- The existing ragstone wall is not of sufficient height to either screen the houses in Oakwood Road from the glare of the floodlights nor will it offer any protection from any noise generated from the playing areas.
- With the proposal to increase current school roll from 650 to 950 pupils, the continued expansion of schools/colleges in Oakwood Park has inevitable implications for the residents of surrounding roads and the landscape and recreational amenity provided by the green areas of the park.

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- Alarmed to see it is proposed to make inroads into the green playing field area to create a car park, which also forms an important landscape as well as educational resource.
- Loss of the school playing field, whether marked out formally or not, is a current national policy issue.
- Seems to be no overriding need for this loss of open space to create an off site car park.
- Most seriously concerned about this incursion into the green sector of the park will set a precedent for future incursions.
- Could a temporary planning permission be considered for the off site car park?

Discussion

18. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (13) 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, including the new National Planning Policy Framework (NPPF) and other material planning considerations arising from consultation and publicity.
19. This application has been reported for determination by the Planning Applications Committee following the receipt of objections from six local residents. The main issues relating to this application include siting & design, lighting, noise, the MUGA's, transport and parking issues and landscaping.

Siting and design

20. The St Augustine Academy site is part of the Oakwood Park campus and is bounded on three sides by roads with Oakwood Road to the south and un-named campus roads to the north and east. All the Academy's buildings and parking facilities are located here. The western elevation of the Academy backs onto the Oakwood Park Grammar School Site and to the north is the University of the Creative Arts (UCA). The Academy also owns playing fields within the Oakwood Park campus, which are to the north of the Academy buildings.
21. The planning application proposal is for the most sub-standard building (east block) to be demolished and a significant new build element to be provided, to house up to date specialist accommodation (science, food technology, etc.) as well as general teaching space. The west block and the two newer two storey buildings currently accommodating the English Department (general teaching block), and the general purpose all and reception area, would be retained and refurbished as the fabric of these buildings are of better quality and they provide a more flexible layout. The west block would be remodelled internally and refurbished to accommodate art, technology and general purpose teaching space as well as the Learning Resource Centre. On the footprint of the east block, which would be demolished, a two court, floodlit MUGA is proposed.
22. An element of new build would be located on the eastern side of the site where the current car park is located and would comprise two wings extending from the existing general purpose hall which would be retained. A singular entrance would be provided

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for pedestrians and vehicles as well as students and visitors to improve security for pupils and staff.

23. The form of the building, the elevational treatment, including the arrangement of windows and doors will be noted from the attached drawings. In terms of materials, the walls are proposed to be a local brick stock which complements the brown brick of the remaining buildings and the red brick of Oakwood House. The window arrangement is to provide colour and relief to the elevation with coloured render panels and louvres, which will reflect the colours related to SAA. It is also proposed to have a flat roof on the new building.
24. The proposed new build form is no bigger volumetrically than the existing East Block which it replaces but it uses the space more efficiently. The applicant has ensured that the building shows respect to the landscape, neighbours and visual composition across the site, and thus the new building is only two storeys in height and appears to sit relatively low and flat. It also takes advantage of the slopes within the site, by carving the building into the ground and thus reducing the visual impact and apparent height from the north. That would also ensure that the Academy's buildings sit more prominently within the Oakwood Park campus itself, without imposing unduly on the surrounding townscape.
25. The Academy site is situated on ground that slopes downwards toward Oakwood Road, and as such the application site is in an elevated position in relation to the properties on Oakwood Road. Whilst no objections have been received regarding the height or location of the proposed of the new building, objections have been raised to the proposed two court floodlit MUGA's which would be located on the site of the demolished East Block, in terms of increased noise and light spillage from the lighting columns. Visually on the area of the old East block, the neighbours who previously fronted this building (property numbers 46 to 52 Oakwood Road) would no longer see an Academy building but rather a 3m high ball enclosure fencing and a total of four 8m high floodlighting columns located on each corner of the two MUGA's. The new building is proposed to be moved onto the old car park and so it would now be closer to the residents living in properties no's 56 to 60 Oakwood Road, however most of the new building is set further north into the site than the old East Block with just one of the new wings now proposed to be facing Oakwood Road.
26. The applicant has confirmed that various options were considered for the proposed new Academy building within the Academy grounds which are limited by the space necessary to accommodate the buildings, MUGA's and new car and cycle parking area. Also taking into consideration the need to minimise the impact of demolishing and building the new Academy building and associated MUGA's and parking whilst not disrupting the day to day activities of running the Academy. Taking account of the size of the development proposed and the existing buildings on and around the Academy grounds, I consider that there is a limited number of options available to locate the development as proposed.
27. The overall form of the new buildings aims to minimise the impact on the residential properties to the south of the site. The existing East block which fronts directly onto the houses in Oakwood Road would be removed and replaced with a new building further to the east of the site on the existing car park and hard play area. That would remove the existing element of overlooking potential currently presented by the building. The new building has been designed so that there are no elevations perpendicular to Oakwood Road south, thus reducing the potential for overlooking of properties along the road from

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the new building. The new building also proposes an oblique relationship to the housing, which would in turn, reduce the perceived mass of the buildings and limit the direct overlooking. I therefore do not consider that the scale and massing of the proposed new Academy building would be unacceptable.

28. Overall I consider that the siting and layout are appropriate in planning terms taking consideration of the site levels, surrounding neighbours and adjacent roads. The layout of the new building, car and cycle parking and two court MUGA's is logical and makes the most of the site available. I also consider that the proposed design of the building, including the scale, form, appearance and materials to be appropriate and acceptable, bearing in mind the variety of building styles and materials throughout the surrounding townscape. I would not therefore raise a planning objection to the proposal on grounds of design, siting and layout subject to the considerations below.

Floodlighting

29. A number of objections have been received from neighbours concerned about the proposed floodlighting for the two court MUGA and the adverse effects it might have upon properties in Oakwood Road, as that road sits lower than the Academy site. Coupled together with 8 metre high columns, neighbours were concerned about looking up into the lighting units and suffering from the lights being switched on until 10pm in the evening. Some neighbours do not wish to see the sporting facilities available to the public, especially after school hours and at weekends. Whilst no neighbours have specifically objected to the proposed hours of use, or to the proposed finish time of 10.00pm, they do not want the use of the MUGA's beyond school time to spoil their enjoyment of their evenings or weekends.
30. The positioning of the proposed MUGA's and the specification of the lighting design has been designed to ensure that the use of the floodlighting has no detrimental impact upon the residential properties around the site. A general lighting assessment was prepared and set out in detail the location and type of external lighting proposed around the site. The strategy proposed the minimum necessary to ensure the safety of users around the site at night time. The lux levels of lighting resulting from the MUGA floodlighting was plotted on a drawing and this showed that the intensity of the floodlighting dropped off sharply around the MUGA and would decrease to 5 lux by the southern boundary of the site. Guidance from the Institute of Lighting Engineers states that light trespass into windows should not exceed 10 lux pre-curfew and 2 lux post curfew to ensure no unacceptable light intrusion. When applying this to the proposed MUGA lighting, the light spill is shown to have reduced to 5 lux by the southern perimeter. The nearest residential properties are located on the southern side of Oakwood Road further south of the site, and calculations and diagrams supplied indicate a worst situation of 4.42 lux at property 44 Oakwood Park Road. This may be about 5 lux when the installation is brand new but still well within the guidelines of below 10 lux.
31. The nearest lighting column would be facing into the site and so residents would only see the back of the lighting columns. The lighting columns would be located on the edge of the MUGA, on the inside of the proposed noise barrier. The distance of the lighting column to the frontage of its nearest property in Oakwood Road, No 44, measures 34 metres. The distance of the other lighting column and the frontage of its nearest property, No 52 Oakwood Road, measures 40 metres. Furthermore, as mitigation works are proposed to erect a 2 metre high sound barrier, this would also

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have a visual effect from Oakwood Road and the properties along the southern boundary.

32. Whilst the light spill would be satisfactorily contained well within the Academy's grounds, there would still be a view of the illuminated area from some of the neighbouring properties, but I am satisfied that the technical specifications for the luminaires are such that there would be no impact outside the pitch itself. Moreover, apart from one property being located 34 metres away from the proposed location of the floodlighting column, the floodlighting would not, therefore, be unduly intrusive of neighbouring occupiers.
33. The County's Street Lighting Engineer has comments that there appears to be very little in the way of natural screening between the areas to be lit and the adjacent properties, and it has been suggested that it would be prudent to have a caveat to the effect that in the event of complaints there should be a proviso for fitting baffles or louvres to the floodlights or lanterns to reduce the impact if considered necessary. Furthermore, to increase the visual screening between the MUGA's and the properties in Oakwood Road, the vegetation screening can also be reviewed and increased accordingly. Both of these items can be dealt under planning conditions, should planning permission be granted.
34. Therefore it is considered that the lighting strategy proposed would accord with the aims and objectives within the NPPF and subject to increased planting along the Oakwood Road frontage, I see no reason to raise an objection to proposed floodlighting subject to conditions outlined above.

Noise

35. Local residents have also expressed concern over the noise implications of the proposed MUGA's, particularly with regard to evening and weekend use. It is important to note that the Academy does have an existing MUGA but that is not used. However the provision of a synthetic floodlit pitches would increase the intensity of use; enable use in inclement weather and extend the hours of use beyond those afforded by natural daylight. The applicant has undertaken a Noise Assessment which has been submitted in support of this planning application.
36. From the studies undertaken into the likely noise generation from the new MUGA's, the applicant had concluded that the predicated levels of noise from the MUGA'S at the boundary of the proposal site, based on worst case scenario assessment, would actually be below the current ambient noise level produced by distant and local traffic and by children using the school grounds at break time. However the County's Noise Advisor requested that the noise survey also includes an evening and weekend assessment and an updated the Noise Assessment in line with those requirements was provided. Additional noise levels have been measured during the evening and weekend periods demonstrating a lower baseline than previously provided. In using the updated baseline noise levels, the Noise Assessment demonstrates that, when compared against the predicted noise levels emanating from the proposed MUGA, adverse impacts on nearby residential properties are likely. To offset that, a 2m noise barrier is proposed within the Noise Assessment along the southern boundary of the MUGA's. It is therefore been considered that through the introduction of this 2 metre high noise barrier, the noise from the use of the MUGA's would be reduced to acceptable levels such that there should be no demonstrable harm to residential amenity.

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37. One of the objections raised from the neighbouring properties was the potential increase in noise from spectators and the possible use of bad language. Whilst planning conditions can control the hours of use, it cannot control how many spectators may turn up or what is said. However the proposed noise barrier, which is proposed to extend further than the fencing around the MUGA, will go some way to stifling the noise generated from the spectators. Any complaints in that regard could be taken on board by the Academy, who have the power to terminate future use by anti-social players or spectators.
38. In the light of the above, I do not consider that the use of the pitch within the hours specified by the applicant would have a detrimental impact on the amenity of neighbouring residents with regard to noise. This is on the basis that the proposed acoustic fencing is provided and installed prior to first use of the pitches and constructed in accordance with the submitted details. Should permission be granted, a condition of consent would ensure that this was the case.

Multi Use Games Area (MUGA) and sports pitches

39. The proposal includes the introduction of two new floodlit MUGA's on the area of the demolished east block. The proposed MUGA's would allow a wider range of sports to be played with the facility to extend the period of use particularly in the winter and it is proposed to strictly control the use of the floodlighting. It is proposed that the MUGA's would be operational from 08.00am to 10.00pm throughout the whole of the week, including Saturday and Sunday as well as Bank Holidays. These times would allow greater use of the facility by outside groups and individuals, allowing the wider community to benefit from the proposed new Academy development. It is also proposed that the MUGA's are enclosed by a 3 metre high ball catch fencing, which will prevent any stray ball from going out of the site and potentially landing in Oakwood Road.
40. Due to the proposed hours of use, the MUGA's are proposed to be floodlit, with four 8 metre high columns located on each corner. Hard and soft play areas are also proposed in the areas around the new building and the MUGA's. The MUGA's have been oriented in an east to west direction so that only one court flanks the residential properties along Oakwood Road. Along the southern edge of the MUGA nearest to Oakwood Road, a 2 metre high noise barrier would be erected to provide a further visual and noise barrier to the properties located in Oakwood Road. The distance between the edge of this noise barrier and the properties in Oakwood Road measures between 34 metres at its nearest point, and 40 metres at the furthest point.
41. The proposal for the two court MUGA's are supported by Sport England, who consider the siting of the new building and car parking area to the north would not constitute any loss of playing field. Sport England also notes that the proposed MUGA would replace the existing MUGA, which would be built to modern standards and would be superior in quality to the existing hard surfaced courts that they would replace on the site, in terms of a surface that is sufficient for use in all weathers and with floodlighting. The MUGA would be suitable for a number of sports and it would be available for use during winter months and low natural light levels. Finally, the facility would therefore encourage increased participation levels, which also accords with Development Plan policies strongly promoting that.
42. The Academy currently provides 31,788sqm of playing pitches with no on-site provision for games courts. The rearrangement of the site as proposed would fully retain the

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existing 31,788sqm of playing pitches and provide 1577sqm of new games courts in the form of a MUGA. The new Academy development would therefore present no loss of playing pitches and would facilitate extensive upgrading in the quality, type and accessibility of provision including games court facilities. The Westborough Sports Hall (which is outside of the red area for this planning application) is currently not available for public use but the Academy are funding some upgrade work to the interior to allow public use in the future. That is entirely separate to the academy proposal. The sports hall of course can only provide for a certain range of sports and the Academy currently have limited outside sports facilities with the tennis courts/playground area unfit for sports use. The proposed MUGA is therefore important to the Academy in providing for a wider range of sports education and use, as well as providing a community use out of Academy teaching hours.

Community Use

43. As mentioned previously, it is proposed that there is a community use of the two court MUGA, a principle that is supported by wider Government aspirations for extended school use and community activities. However at this stage there are few details against which to assess the potential impact. Maidstone Borough Council is supportive of the application and has suggested restrictions on hours of use for the MUGA.
44. In the light of this and in order to protect the amenities of nearby residential properties, it would be appropriate for details of community use to be submitted for approval pursuant to planning condition. These details would need to include proposed hours of use, the types of use proposed, and the frequency of use, as well as detailing how the use of the facilities by the local community would be managed. The submitted details would be subject to consultation with relevant consultees to ensure that the proposed community use would not have a detrimental impact on the amenities of the locality. Once considered acceptable and approved, the community use of the facilities must strictly adhere to the hours of use and details given. Subject to the imposition of such a condition, I consider the community use of the development would not have a significantly detrimental impact upon the amenities of the locality.

Highways and parking

45. Oakwood Park accommodates a number of large educational establishments along with Oakwood House, a KCC hotel and conference facilities, and as such Oakwood Park generates a significant level of movement and traffic, to and from the site on a daily basis. That has resulted in long standing car parking problems with Oakwood Park that has migrated into the residential roads surrounding the site, to the inconvenience of the local residents.
46. The primary vehicular access for the Academy would be relocated to the east of the site in the private estate road which links Oakwood Road to Queens Road. This would provide direct access to the car parking area to the south of the new building. The creation of a new access to the east of the main site would allow the existing access to the north to be used only for service vehicles and as an emergency access. Acceptable visibility splays can be achieved at the new access point but this would require the existing hedge to be set back and maintained. This proposal has been assessed and deemed acceptable by both Highways and Transportation and the Landscape Engineer. Furthermore, pedestrian access to the main site would be gained via this new access. A short section of footway on the western side of the private estate road would be introduced along with a crossing point just south of the new Academy access. This,

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along with the existing section of footway to the east of the site road, would provide a continuous paved route from Oakwood Road to the Academy.

47. It is proposed that a total of 100 car parking spaces would be provided, which is significantly below the number allowed for in the *Kent and Medway Structure Plan – Supplementary Planning Guidance 4*, which recommends one space per member of staff plus 10% for primary and secondary schools and one space per seven students for further and higher education establishments. On the basis of the figures provided in the Transport Statement, this would allow for approximately 175 spaces to be provided at the redeveloped Academy. However the applicant has provided information on both existing and future staffing at the Academy to confirm that the proposed number of 100 car parking spaces is adequate for the Academy's present and future use. Currently the daytime maximum number of staff is 90, taking into account those who do not regularly attend the site and others arriving after the Academy day has ended, such as cleaners. Currently there are 117 (74 full time and 43 part time) members of staff. The projection upon realising the full 950 pupils on site is for 134 staff on the site, but again not all of these would be full time and others would attend the site out of hours. It is therefore forecast that in the Transport Survey that staff parking would not exceed 86 spaces and this is slightly above the work journey mode share for the UK of 70-80%.
48. A parking accumulation survey was also undertaken at the Academy in January 2012, which showed a maximum car accumulation of 70 vehicles for two 15 minute periods between 10am and 11am. These figures were then correlated in the Traffic Assessment with the results of the staff questionnaire survey that was undertaken and applied to the proposed staff uplift upon occupation of the new Academy buildings (total 134 staff), which shows a likely future parking demand for 86 spaces. As mentioned previously in paragraph (10), the Academy also has control over the 13 parking spaces on the link road fronting the sports hall building (included within the 100 total spaces offered for the development) as well as a further 29 spaces, which are currently leased to Mid Kent College, along the St Augustine site frontage. The applicant has confirmed that the Academy do not believe that they will need to make use of these additional spaces, but should future demand dictate so, they are able to take back the use of these spaces from Mid Kent College.
49. Whilst the justification provided by the applicant as to why the Academy does not need to provide the maximum level of parking that the current Kent and Medway Structure Plan parking standards require, has been accepted by both KCC's Highways and Transportation and MBC's Parking Manager, concern had been raised by both that no parking provision had been provided for sixth form parking.
50. The Academy has confirmed in writing that it makes it clear to sixth form pupils prior to enrolment that they have a policy of not permitting students to bring cars to the site, either to park on the site itself or to park on local roads. The Academy encourages the use of non-car modes through its Travel Plan, in particular local buses and the Freedom Pass available through KCC. The Academy confirmed further that it takes a strong stance on this issue, with non-compliance being dealt directly by the Principal and that they are active in working with other institutions on Oakwood Park to ensure that its activities do not adversely impact on the amenity of its neighbours.
51. A further survey of how current sixth formers travel to the site was carried out. The data show a total of 72 out of the current sixth form roll of 84 to have been surveyed and this concluded that no sixth formers currently drive and park either on the site or in the

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surrounding roads. These data were also factored up to show the breakdown for each category of travel based on a full sixth form of 200 students.

52. It has been stated previously by MBC's Parking Manager that historically Oakwood Park students have parked in the surrounding roads, which has caused problems for local residents. Reduced parking levels were identified in areas around the site which in turn caused a number of difficulties for local residents. A number of incidents involving property access obstruction and obstructions to junction sightlines were also reported to Maidstone Borough Council. Therefore as a result, the Parking Services Operations team were required to introduce parking restrictions, which in turn saw further vehicle dispersal into other roads which is evident across a wider residential area.
53. Whilst both KCC Highways and Transportation and MBC's Parking Manager have expressed concerns over 6th form parking, they have accepted that subject to robust monitoring as part of the School Travel Plan which ensures that if the situation with sixth form parking was to change at the Academy, or if it was noticeable that more students cars were parking outside the site, then there would be some further control that could be introduced at a later date and then the development would be acceptable. Given the above and the requirement for a robust monitoring of the Travel Plan to be conditioned if planning permission was to be granted, I consider the application to accord with policies relating to parking standards and Travel Plans, and would not raise an objection on highway grounds.

Off site car parking area

54. A 28 space off-site car park is proposed on Academy land which is to the north of the main site and forms part of the Academy's playing field. This parking area forms part of the Academy's 100 car parking provision for the site. The area forms part of the Academy's playing field and is enclosed by an area of trees and grassland. Policy ENV23 presumes against new development which would result in the net loss of open space or sport and recreation facilities, unless there is a proven overriding need for the development and there is no deficiency of open space or recreation.
55. An objection has been received from a neighbour to this proposal to create this off-site car parking area as it encroaches upon the green wedge of Oakwood Park, which is used by the various educational establishments within Oakwood Park for sporting recreation. Currently this area is undeveloped with a number of mature trees and other vegetation. The applicant had been requested to justify why this area was being proposed for car parking and confirmed that this area was not used for formal sports or games because of the topography of the land and the existing trees constraints. The applicant concluded that the development proposed would not therefore result in the loss of sporting facilities nor formal open space.
56. It has been further suggested that a temporary planning permission should be considered for this off-site car park. However Members should be mindful that if they consider this area suitable for a car park from the outset, it ought to be judged acceptable in the long term. Indeed, Sport England has noted that the proposed off-site car parking area would appear to be sited on an area of open land encapsulated by mature trees to the north, west and east and a hard standing road to the south and not big enough to accommodate the smallest playing pitch. It has been concluded that this area is therefore unsuitable of being used for marking out playing pitches or part thereof. Sport England is therefore satisfied that this aspect of the proposal would satisfy their

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policies, in that the development only affects land incapable of forming a playing pitch and part thereof and does not adversely affect existing pitch provision on the site.

57. The County's Landscape advisor has assessed the justification for the off-site car parking, and accepts that if the car parking spaces cannot be accommodated within the main school site, tree protection details for the car park and also for the main part of the site need to be clarified. These could be assessed by way of a suitably worded planning condition.
58. Reference is made to the Saved Maidstone Borough Wide Local Plan Policy ENV23, as this forms part of the current development plan. The Borough Council has yet to adopt its Core Strategy Policies which means the Oakwood Park site is not, for the purpose of current planning policy, designated as Green Wedge at present. Saved Policy ENV23 seeks to prevent proposals that would result in a loss of open space or sporting facilities unless there is a proven overriding need for the development. The playing fields associated with the Academy are located within the urban boundary of the town and are not designated as public open space on the current Maidstone Proposals Map. In terms of informal use of the Academy's playing fields and land to the north, the applicant has confirmed that there would be more than sufficient space and land remaining after the introduction of the car park to allow for the continued informal games use.
59. The off-site car park has been located in the least visually prominent part of the Academy's land to the north of the main site. This car park would be surrounded by existing trees and would be used as an overflow car park. This car park is not proposed to be fenced off in any way with a low grass bund created to the site road boundary as a natural means of discouraging unauthorised access. The car park is proposed to be surfaced with a cell web construction to ensure the root protection areas of the trees within and surrounding the car park are protected. The proposed surfacing has been specifically chosen to ensure that it fits in well within its location and presents a natural finish.
60. Given the above and no objection raised from Sport England, Maidstone Borough Council and the County's Landscape advisor, to the loss of this small section of playing field and that is deemed unusable for formal play, I see no overriding reason to raise an objection to this off-site car parking area.

Construction traffic

61. An objection was raised on the grounds that Oakwood Road is not suitable for construction traffic. The applicant has confirmed that construction traffic would be routed along Bower Mount Road from Tonbridge Road, immediately right onto the Oakwood campus and left into the Academy site. This route would be for incoming and outgoing vehicles which would avoid any HGV traffic using the residential southern section of Oakwood Road, and the route would be included within the Construction Management Strategy, which is proposed as a planning condition, should planning permission be granted.

Landscaping

62. The application proposes the removal of seven existing trees within the main part of the site and two existing trees in the vicinity of the proposed off-site car park. Whilst none of the specimens to be removed have been identified as being of the highest quality and value within the Arboricultural Development Report, tree removal is especially

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unfortunate on the site because mature trees contribute significantly to the character of Oakwood Park. However the County's Landscape Advisor has concluded that the proposed tree loss is reasonably localised and would not have a significant impact on the appearance of the wider landscape. Furthermore the Landscape officer considers that the proposals would not cause any significant adverse landscape and visual impacts because the new build would replace the East Block, which would be demolished, and would be viewed within the general context of the existing school development. There could be increased light spill within the area from the proposed MUGA's, particularly affecting residential properties to the south along Oakwood Road. However, the MUGA's would only be lit intermittently and for short periods when in use. Proposed buffer planting along the southern boundary would also help to soften lighting impacts and views of the school development in general. The proposed removal of the existing hedgerow along the private estate road to create the new vehicular entrance to the site has been considered and the proposed replacement hedge planting has also been deemed acceptable.

63. In mitigation for the loss of trees from the site, the applicant had provided details of a landscape scheme. I would recommend that the proposed planting between the MUGA's and the new building and the site boundary be reviewed and increased accordingly to provide a greater visual barrier between the facilities being provided on site and the surrounding properties. I would further recommend that should the application be granted planning permission then the completion of the proposed landscape scheme to be carried out within the first planting season following occupation of the development, be made a condition of any decision. I would therefore not raise any objection to the application on landscape grounds, subject to conditions covering, amongst other matters, the completion of the landscape scheme as proposed and including a review of the proposed planting scheme along the Oakwood Road frontage; replacement planting should there be any failures within the scheme and tree protection measures during construction for the remaining trees on site.

Conclusion

64. In summary, I consider that, subject to the imposition of appropriate planning conditions, this proposed development constitutes sustainable development, with an appropriate standard of design and layout, which would not have significantly detrimental effects on the residential or local amenity, the street scene and character of the area, or the local highway network. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, as well as the National Planning Policy Framework. I am aware of no material planning considerations that indicate that the conclusion should be made otherwise. However I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

65. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- the standard 5 year time limit;
 - the development carried out in accordance with the permitted details;
 - the submission of details of all materials to be used externally;

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- a scheme of landscaping, including hard surfacing, its implementation and maintenance;
- measures to protect trees to be retained;
- no tree removal during the bird breeding season;
- development to accord with the recommendations of the ecology survey;
- a programme of archaeological works;
- Secured by Design principles to be achieved;
- a BREEAM rating of 'Very Good' to be achieved;
- revised School Travel Plan to include a regularly monitored action plan for reducing car-borne trips to school by sixth formers;
- a community use agreement relating to the MUGA's including hours of use;
- details of foul and surface water drainage;
- a 2 metre high noise barrier to be provided prior to first use of the MUGA's
- fitting baffles or louvres to the floodlights or lanterns to reduce the impact if required;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations of Sundays and Bank Holidays;
- construction management plan, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway;
- measures to prevent dust nuisance during the demolition phase.

Case officer – Lidia Cook	01622 221063
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Background documents - See section heading
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Item D2**Construction of a two-storey extension, single-storey toilet block, and extension to existing canopy at Fordcombe C of E Primary School – SE/12/2146 (KCC/SE/0243/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2012.

Application by the Governors of Fordcombe C of E Primary School for construction of a two storey extension to existing staffroom/classroom, a single storey toilet block, and extension to existing canopy over external decked area at Fordcombe C of E Primary School, The Green, Fordcombe, Tunbridge Wells, TN3 0RY – SE/12/2146 (KCC/SE/0243/2012)

Recommendation: Permission be granted subject to conditions

Local Member: Mr P.Lake

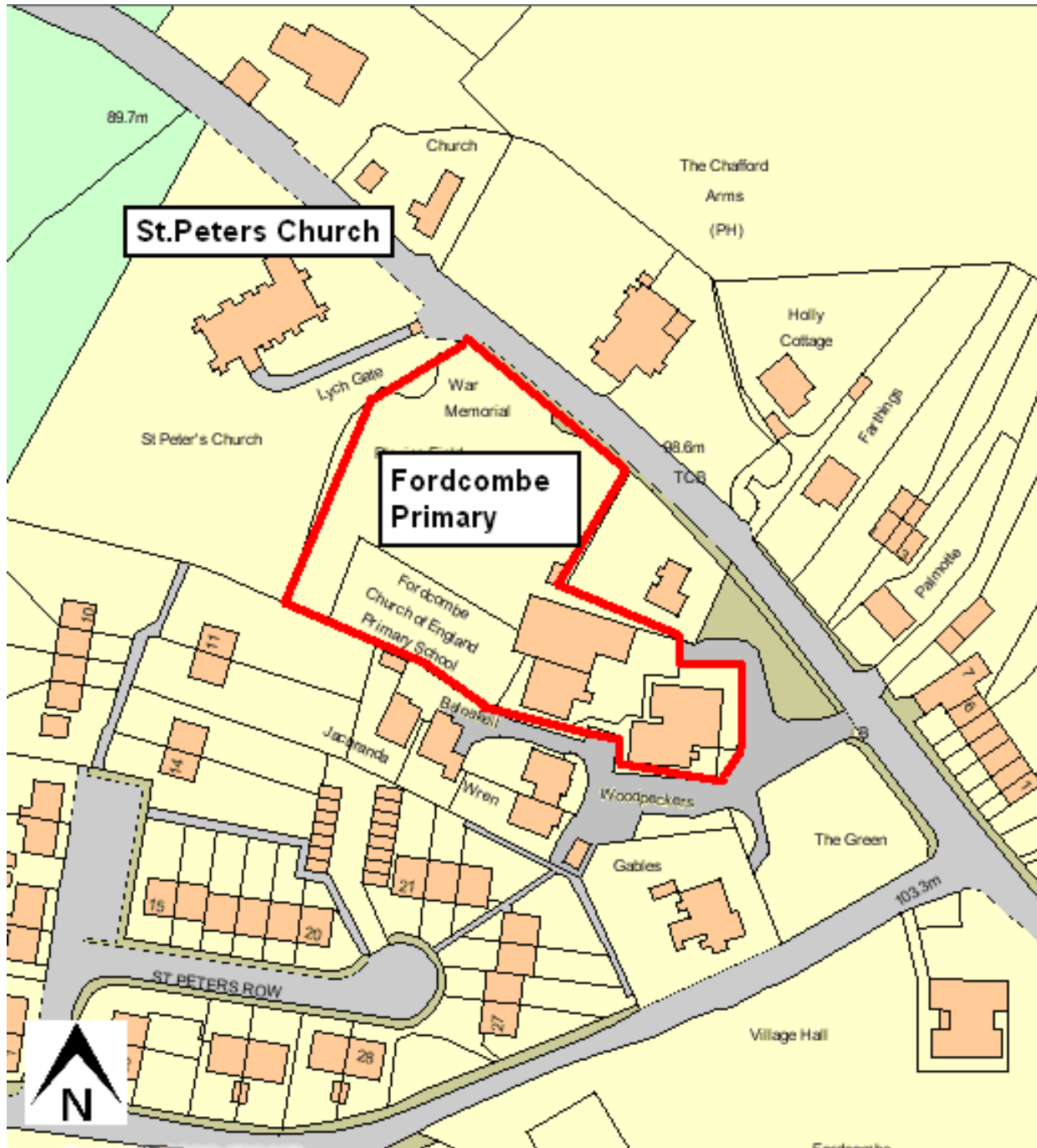
Classification: Unrestricted

Site

1. Fordcombe Church of England Primary School is situated on the village green, at the centre of the village of Fordcombe, approximately 3 miles West of Tunbridge Wells. The site occupies an area of 3900m², with the school buildings, a hard surfaced play area, and grass play/activity space and a sports field. The original school building dates back to 1862, although there are several extensions and alterations which have taken place over the years. The site is bounded to the east by the village green, with the B2188 Penshurst to Langton Green road running along the border of the green, and along the northern boundary of the school grounds. Residential properties and gardens form the boundary to the south, and the west is bordered by St. Peter's Church and its curtilage.
2. The school site is set back from the main road, and is accessed via a driveway through the village green. The driveway is a shared access with residents of the four dwellings to the south. The school is wholly within the Fordcombe Conservation Area, and there are a number of nearby listed buildings, the nearest being the Church 75m to the northwest of the development site. *[Please note: the nearby 'Old School House' has been identified as a Listed Building, however no record exists on the Listed Building Register. The main school building may also have been listed 2001-2003, although no record exists at present].* Fordcombe lies within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty. There are no public rights of way affected by this proposal.
3. Fordcombe is a small Primary School and consists of 4 classrooms with a current roll of 105 pupils. It is a mixed gender voluntary aided Church of England Primary School, catering for children aged 4 to 11, with an 'above average' proportion of children with Special Educational Needs and/or disabilities. The school structure consists of an Early Years Foundation (with Reception Class) and from then on classes have a mixture of two ages groups.

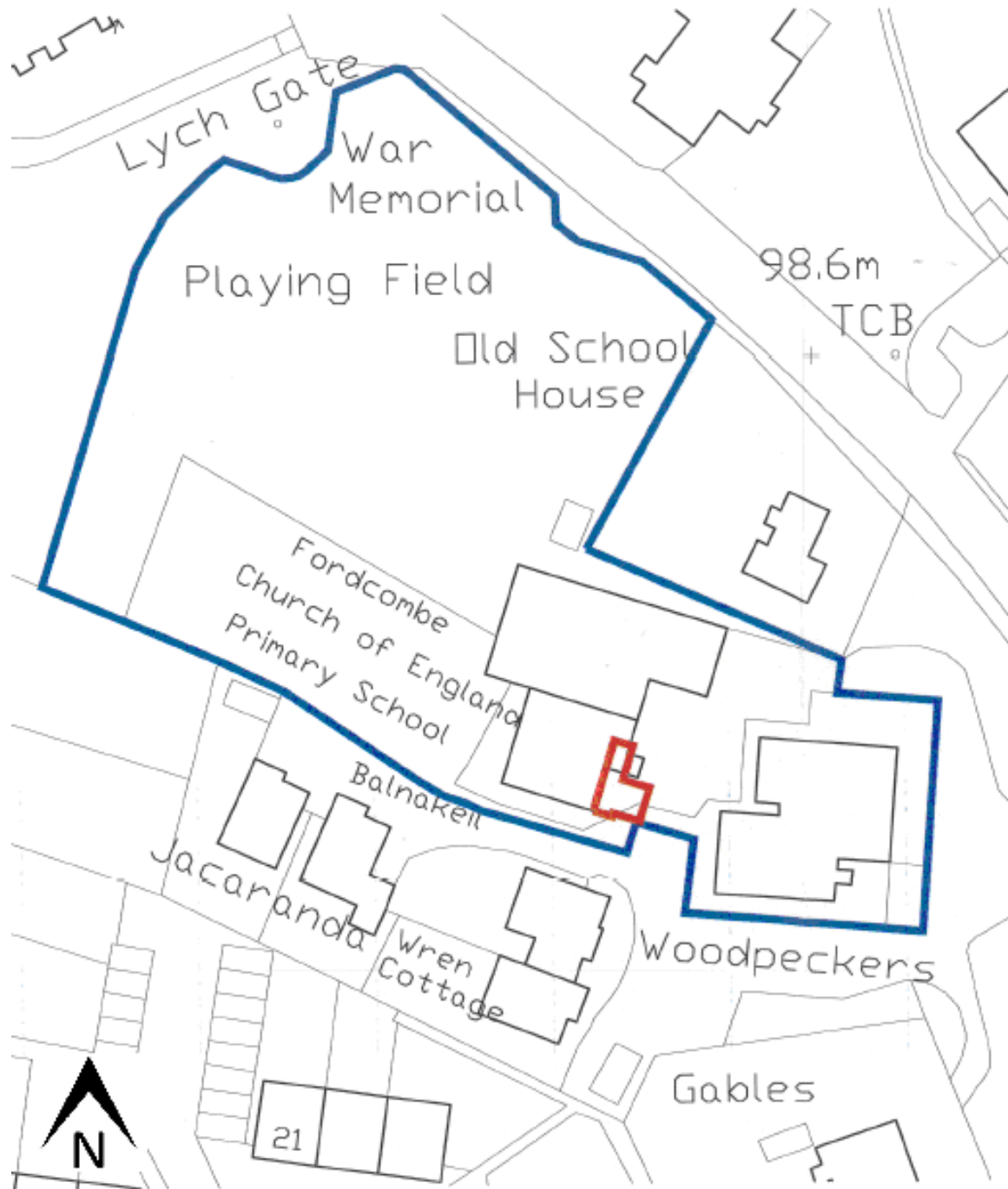
Two-store extension, toilet block and canopy – Fordcombe Primary

General Location Plan



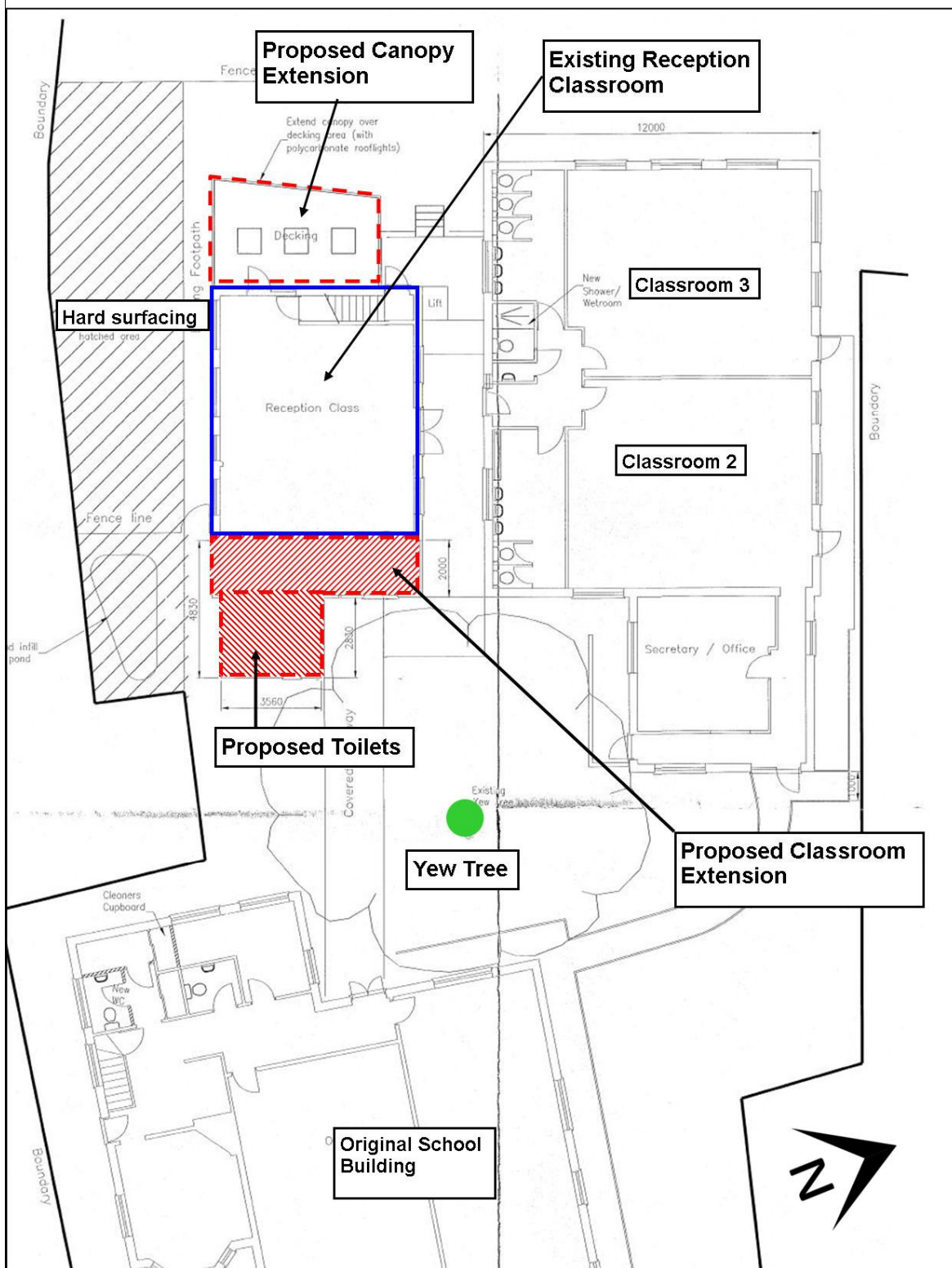
Two-store extension, toilet block and canopy – Fordcombe Primary

Site Location Plan



Two-store extension, toilet block and canopy – Fordcombe Primary

Site Plan



Two-store extension, toilet block and canopy – Fordcombe Primary

Elevations



Proposed North-West Elevation



Proposed North-East Elevation

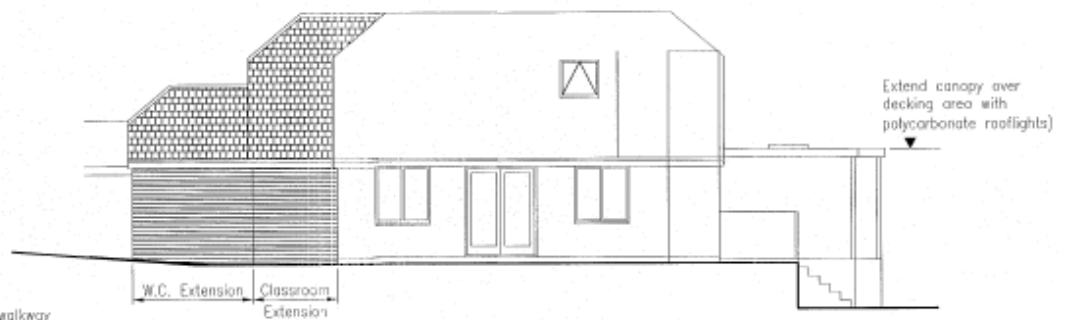
Clay roof tiles to match existing

Facing bricks to match existing.

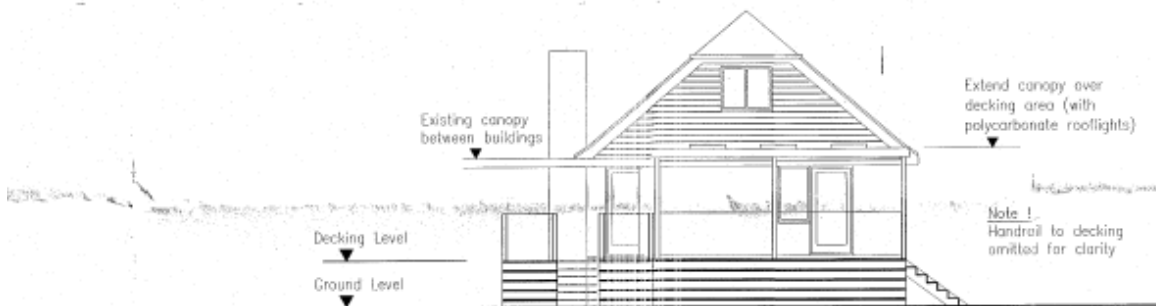
Weather boarding to gable end to match existing.

Doors and windows to be timber to match existing

Note !
Covered walkway omitted for clarity



Proposed South-East Elevation



Proposed South-West Elevation

Two-store extension, toilet block and canopy – Fordcombe Primary

Background and Proposal

Development Proposal

4. The Governors of Fordcombe Primary School are proposing several minor developments and alterations. The first element involves the extension of both storeys of the existing reception class (ground floor) and staffroom (first floor). The works would extend the south eastern elevation of the building by 2m, and extend and replicate the roofline over this area. The proposal would increase the internal floor space of the reception classroom from approx 53.5m² to approx. 67.5m². Access arrangements would remain unaltered, and the proposal seeks to use matching external building materials and finishing – face brickwork with weatherboarding, clay roof tiles, double glazed timber window units and timber double glazed doors.
5. The application also proposes the construction of a single storey toilet block to the south-east elevation of the extended reception classroom. The toilets would have a footprint of approximately 10m², and would be accessed solely through the existing (and extended) reception classroom. Additionally, the applicant is proposing to extend the existing external canopy, over the external decking area to the rear of the reception classroom.
6. The above described development has been proposed in order to improve the undersized reception classroom and staffroom and to bring it to the standards recommended within Building Bulletin 99. The proposal does not seek to increase the intake of the school, and the other classrooms are not due to increase in size.
7. Following the receipt of an objection, the School submitted further information to explain that the aim of the proposal is to increase the internal floor space of the undersized reception classroom. Currently it is smaller than the other classrooms on site, and the improvement would allow more flexibility in using the space. Assurance has been made that the 2m extension would not lead to an increase in the school roll, and that this would not be possible as the remaining classrooms on site are not increasing (the reception class being the entry form).

Planning History

8. Recent planning history includes the conversion of roof space into a classroom, with internal alterations, connecting bridge, lift and outside teaching area (2002). In 2003 permission was granted to alter access arrangements with a new fire escape door and other external works. Also in 2003, permission was granted to widen the access track and to install temporary offices. The most recent permission was granted in 2009 for the erection of a timber shelter and to extend the hard surfaced play area.
9. The most major development at the school was granted in 2001 for two new classrooms and administration block, with relocation of a mobile classroom.

Planning Policy

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

Two-store extension, toilet block and canopy – Fordcombe Primary

- (i) **National Planning Policy and Guidance** – the most relevant National Planning Policies are set out in:

National Planning Policy Framework – Presumption in favour of sustainable development. 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 7 (Requiring good design);
- Chapter 9 (Protection Green Belt Land);
- Chapter 11 (Conserving and enhancing the natural environment);
- Chapter 12 (Conserving and enhancing the historic environment); and

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.

Policy Statement on Planning for Schools Development - There should be a presumption in favour of the sustainable development of state-funded schools, as expressed in the National Planning Policy Framework.

- (ii) **Development Plan Policies** –
The adopted **South East Plan** Policies:

- Policy CC1** Seeks to achieve and maintain sustainable development within the region.
- Policy CC4** Expects that all development will adopt and incorporate sustainable construction standards and techniques.
- Policy CC6** Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy S6** States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school, and community learning facilities.
- Policy BE1** In managing an Urban Renaissance, Local Authorities will promote and support design solutions relevant to context and which build upon local character and distinctiveness and sense of place

Important note concerning the South East Plan:

Members will 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

Two-store extension, toilet block and canopy – Fordcombe Primary

The adopted **Sevenoaks Core Strategy DPD 2011** Policies:

- Policy LO7** Development in Rural Settlements
- Policy LO8** The Countryside and Rural Economy
- Policy SP1** Design of New Development and Conservation
- Policy SP2** Sustainable Development

The adopted **Sevenoaks Local Plan 2007** Saved Policies:

- Policy EN1** General development criteria
- Policy EN4A** Accessibility for disabled to non-residential development
- Policy EN6** High Weald AONB – development which would harm or detract will not be permitted.
- Policy EN23** Development affecting Conservation Areas
- Policy EN34** Traffic flows from development in rural areas
- Policy GB1** Extent of Metropolitan Green Belt

Consultations

11. **Sevenoaks District Council:** No objections subject to the County Planning Authority being satisfied with the very special circumstances submitted to allow inappropriate development within the Green Belt.

Penshurst Parish Council: Support.

Conservation Officer: No response received.

KCC Highways & Transportation: The car park provision is not being altered by the proposal and the number of staff is to remain unaltered; there would therefore appear to be no highway implications.

Local Member

12. The local County Member for Sevenoaks South, Mr Peter Lake, was notified of the application on 13 August 2012. Although no comments have been received specific to this proposal, Mr Lake has been involved in wider discussions with the School and the neighbours in relation to seeking highways improvements.

Two-store extension, toilet block and canopy – Fordcombe Primary

Publicity

13. The application was publicised by the posting of a site notice and the individual notification of 2 residential properties and businesses.

Representations

14. In response to the publicity, one letter of objection was received from a nearby resident. The objection relates to the potential impact that an increase in school roll could have upon the local highway network and highway safety, with the view that this proposal could increase pupil numbers now or in the future. The objector would like a condition imposed which limits the potential for more pupils: *"The planning application is approved on condition that the school roll numbers do not increase as a result of the unilateral decision of the school"*. With any subsequent plans to increase pupil numbers therefore requiring planning permission. The objector also wishes for the School to satisfactorily deal with existing highway safety concerns.

Discussion

15. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (10) 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 the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
16. This application has been brought for determination by Members of the Planning Applications Committee following the objections of a local resident, in relation to the potential for the development to impact upon the local road network by increasing the number of pupils attending the school.
17. Other considerations material to the determination of this application, although not raised as grounds for objections, include the impact of the development on the Conservation Area, the location within the Green Belt and Area of Outstanding Natural Beauty, retention of trees with amenity value, landscape impact and educational need.

Highways Impacts

18. The main reason for objection - as highlighted in paragraph (14) above – relates to highways concerns. The material objection to this application is that the proposed development would result in an increase in pupil numbers and therefore an increase in traffic. This is not the case as there would be no increase in pupils arising from this development. The extension as proposed would increase the reception classroom floorspace by approximately 13.8m², resulting in an internal usable increase from approximately 53.5m² to approx. 67.5m². The current classroom is described as being undersized and therefore the School is restricted in how it uses this space. There would be no increase in the size of the other classrooms. Therefore I am of the opinion that there is little scope for this application to have highways implications.

Two-store extension, toilet block and canopy – Fordcombe Primary

19. The objector's concerns relate to a perceived dangerous highway situation with regard to the access for the school onto the main road network. The school is similar to other rural primary schools around the County, and experiences peak traffic flows connected with pick-up and drop-off. I note that Kent Highways & Transportation have raised no objection to the proposal, and that the School have a Travel Plan in place. Also, in conjunction with the local County Councillor, they are campaigning for Kent Highways & Transportation to paint yellow zig-zag lines on the main road. I am therefore satisfied that this development is acceptable and does not have any direct highway safety impacts.
20. The objector to this application suggested that a condition could be attached which would ensure "...school roll numbers do not increase as a result of the unilateral decision of the school". Conditions on planning applications are required to be necessary, relevant to planning and to the development, enforceable, precise, and reasonable (para.206 NPPF). Accordingly, I can not support the framing of a condition which would require the School to seek planning permission to allow more pupils onto the roll. Firstly, the condition would seemingly attempt to impinge on the legal duties and functions of the School to provide for pupils, and therefore it would be *ultra vires* for the Planning Authority to be the decision maker on how, if and when this might take place. Secondly, in my opinion the condition would not pass the tests laid out in para.206 of the NPPF because, as is set out in the discussion above, it is not directly related to the development proposed; is not precise in terms of its scope and duration; is not relevant to land use planning; and would not be reasonable given the scope of the development.
21. Whilst I understand the concerns of the objector, any significant alteration to the school roll is quite likely to require a further and more substantial expansion of classroom accommodation, for which a further planning consent would be required. The appropriate time for consideration of the implications of additional pupils would be at the time of such a further planning application, and it would be quite wrong to seek to prejudge or prejudice that consideration by imposing restrictive conditions on the current planning application.

Conservation Area and Listed Buildings

22. The proposal site lies within the Fordcombe Conservation Area, where under planning law any development should 'preserve and enhance' the character and appearance. In my opinion the proposed development is sympathetic to the designation, by incorporating existing materials and recreating the existing roof form. The materials chosen also include timber framed windows and doors. Important trees of amenity value to the Conservation Area are identified for retention. Therefore I am satisfied that the proposal would be acceptable in terms of its impacts on the Conservation Area subject to the imposition of conditions requiring pre-submission of external materials (to ensure quality), and a condition requiring tree protection measures be incorporated during construction.
23. The application was also advertised as it may affect the setting of a Listed Building. Although there is no current record on the Listed Buildings Register, there is evidence that the nearby Old School House is listed, and that the main school building itself may have been listed between 2001 and 2003. Nevertheless, I am of the opinion that should these designations exist, the siting of the extensions and the materials preserve the setting of these buildings. The Old School House is on the opposite side of the existing classrooms to the proposal site, and therefore would not be impacted by the development.

Two-store extension, toilet block and canopy – Fordcombe Primary

Green Belt

24. Sevenoaks District Council raised no objections, subject to the County Council being satisfied that the very special circumstances submitted are sufficient to allow inappropriate development within the Green Belt. I am of the opinion that the proposal does not constitute inappropriate development, as it is an *'an extension or alteration of a building... that does not result in a disproportionate additions over and above the size of the original building'* (this test is set out in para.89 of the NPPF). In particular, the proposed minor extension would extend an elevation of an existing building, within an area enclosed predominantly by the surrounding school buildings. The selection of matching materials, and the location within the site, in my opinion would result in the extension not having any material impact on the openness of the Green Belt. Notwithstanding this, the applicant has submitted information sufficient to prove very special circumstances, insofar as the purpose of the development being to address a current deficiency in the accommodation standards within the school.

Landscape and Visual Impact

25. The School lies within the High Weald Area of Outstanding Natural Beauty and a rural village and therefore development should be sensitive to these designations. The proposal site lies within the built form of the existing buildings, and as such would not be visible from the wider landscape. The minor scale of the extension combined with the proposed matching materials and recreated roof form and features would mean there would be no discernible visual impact above existing. I am of opinion that the condition recommended above, for the pre-submission of external materials, would be sufficient to protect the landscape character of the AONB and the visual amenity of the locality.

Sustainable Development

26. The NPPF requires planning authorities to balance economic, social and environmental concerns in seeking to apply the presumption in favour of Sustainable Development. The proposal involves the use of materials sensitive to the historic value of the local area, and utilises timber framed windows and doors, rather than uPVC. The proposal seeks to maximise the flexibility of the classroom space within the school – an important community facility – and would have a minimal impact on the amenity of locality. The NPPF states that planning authorities should seek solutions, rather than problems, and therefore I am of the opinion that, as the proposal can be viewed as sustainable development, planning permission should be granted.

Conclusion

27. The proposed development constitutes a minor extension to an existing building, with matching materials and a replicated roof line and form. The increase in the floor space of the classroom would be 13.8m², and would not result in an increase in pupil numbers, and therefore would not impact upon highway safety. The design and materials are sensitive to the location, being within a Conservation Area, Green Belt and High Weald Area of Outstanding Natural Beauty. Therefore, I am of the opinion that the development would be acceptable in planning terms, subject to a condition requiring the prior approval of external

Two-store extension, toilet block and canopy – Fordcombe Primary

materials, and that there are no overriding material planning reasons to recommend refusal.

Recommendation

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

- The standard time limit condition for commencement of 5 years;
- Development to be completed in accordance with approved plans;
- Approval of external materials; and
- Tree protection;

Case Officer: Jeff Dummett	Tel. no: 01622 221058
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Background Documents: see section heading

Item D3**Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2012.

Application by St Lawrence School for construction of new car park (9 spaces) within a woodland area at St Lawrence Primary School, Church Road, Seal, Sevenoaks, TN15 0LN – SE/12/2144 (KCC/SE/0255/2012)

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr N. Chard

Classification: Unrestricted

Site

1. The application site falls within the St Lawrence Primary School grounds, which are located approximately 200m to the north of Stone Street Village, and approximately 2.5km south east of Seal. St Lawrence School is a small primary school that serves the surrounding rural communities, accommodating approximately 75 pupils. The school grounds are split either side of Church Road, immediately to the south east of St Lawrence Church. The original school building dates back to the 1860's and is positioned, with other more recent extensions to the school, on the north east side of Church Road. The school's playground and playing field are located on the separate site within a wooded area to the south west of the public highway (Church Road).
2. The application site is located to the south west of Church Road within the wooded part of the school grounds, located between the public highway and the school's playing field beyond. The proposed site is rectangular in shape, measuring roughly 28m deep by 19m wide. The affected area includes an established maintenance access and dirt track that is used to reach the school playing field. The application site forms part of a larger woodland area available to the school and comprises mostly young regenerating silver birch, ash, beech and sweet chestnut saplings, with a small number of mature trees including a single mature English oak tree. The ground surrounding and beneath the trees is mostly bare earth and leaf litter with sparse brambles and other scrub.
3. Church Road is a typical rural lane, which connects Stone Street with Sevenoaks Road (A25), and is characterised by the surrounding woodland it passes through. The stretch of highway outside of the school leading down into Stone Street has a restricted speed limit of 30 mph. A Public Right of Way (SR 125) is located opposite the application site on the far side of Church Road. One residential property is located immediately to the south; other properties are positioned further to the south on the outskirts of Stone Street.
4. The application site and school grounds are designated within the Sevenoaks Local Development Framework as open countryside, within the Metropolitan Green Belt, and as part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The woodland that surrounds the school grounds is known as Broadgate Cottages Wood, a large part of which

Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)

is defined as ancient woodland and falls within the Oldbury & Seal Chart Site of Special Scientific Interest (SSSI), which is designated for ecology reasons.

Background

5. The recent planning history for the school site includes the following proposals granted permission by the County Planning Authority:

- SE/10/613 - Removal of external fire escape and erection of new 2 storey entrance hall. Construction of single storey lean-to structure incorporating WCs and small music room. Replacement of temporary timber reception classroom with permanent single storey structure. Construction of single storey timber link between new entrance hall and new reception classroom.
- SE/07/2397 - Extension of planning permission for temporary mobile classroom
- SE/05/1755 - Erecting a 2.4m high black weldmesh ball-stop fence to three sides of a tarmac play area.
- SE/05/2023 - Single storey extensions to existing hall.
- SE/04/1499 - Resurfacing existing netball court & laying an additional tarmac area to extend the court. Materials: tarmac on a hardcore base. Any surplus soil to remain on site.

The School undertook pre-application discussions with officers in advance of making the current application.

Proposal

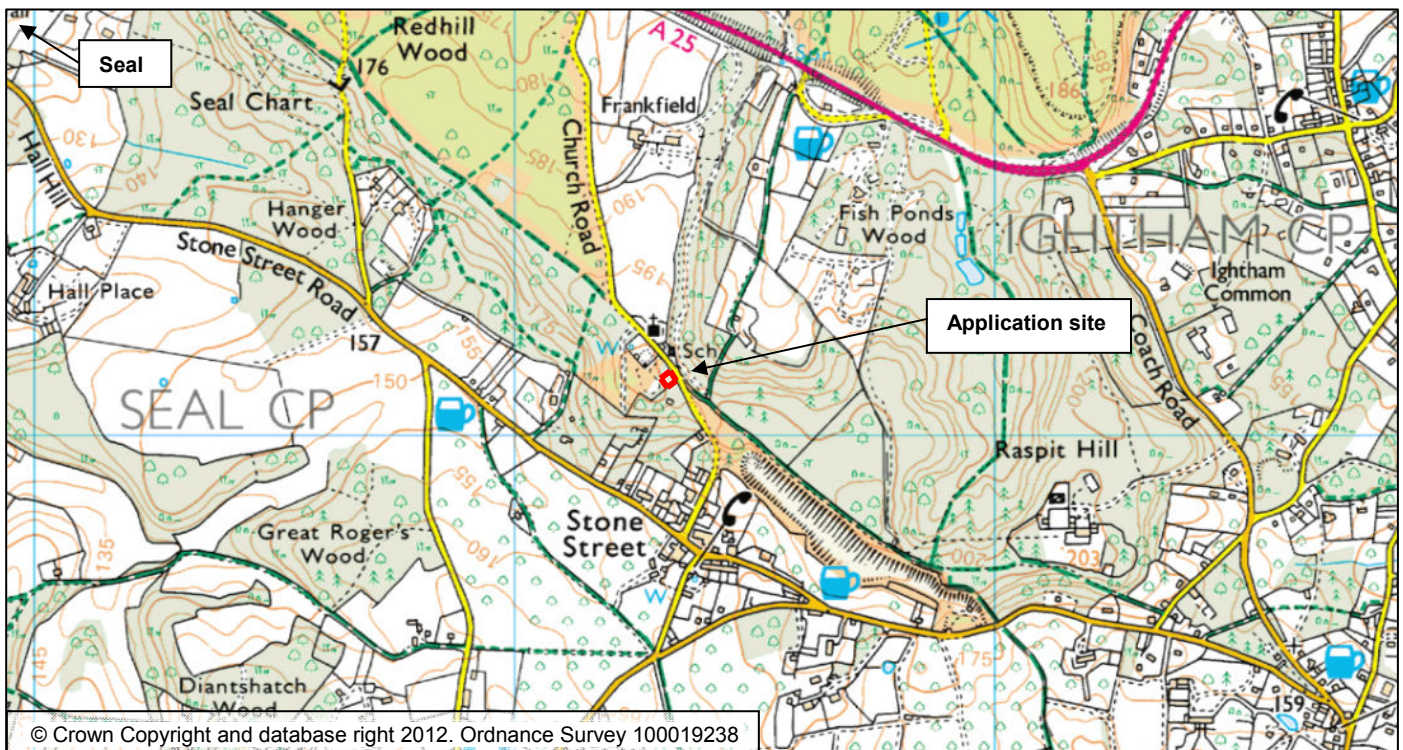
6. The application proposes the formation of a new car park to cater for staff at St Lawrence School. The proposal sets out 9 parking bays and manoeuvring space within the site which cover an area of approximately 240m². Access to the proposed car park would be gained direct from the public highway via an existing 5 bar field gate that forms a maintenance access to the planning field. The development of the site would require the removal of a number of saplings and regenerating broad-leaved trees alongside limited scrub and undergrowth. To form the necessary roadside vision splays, a small number of young trees within the highway verge would also be removed. The development allows for the retention of all established trees within the overall site area, including a mature English oak.
7. The proposal is designed to create a woodland car park effect, including the use of permeable base materials which would follow the existing site contours. A plastic grid paving system is shown to the front entrance. This is proposed to form a solid base to the entrance adjacent to the highway that would be over spread with top soil and grass seed to help minimise its visual impact. The fence line and access gate would be relocated 2.4m back from the public highway to provide adequate vision splays for vehicles leaving the site.

Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)

The main car park area would be formed from a type 1 sub base covered by a layer of sand and a permeable membrane which would then be spread with shingle surface material. A topsoil and grass seed mix would be spread between the 9 parking bays to differentiate the spaces.

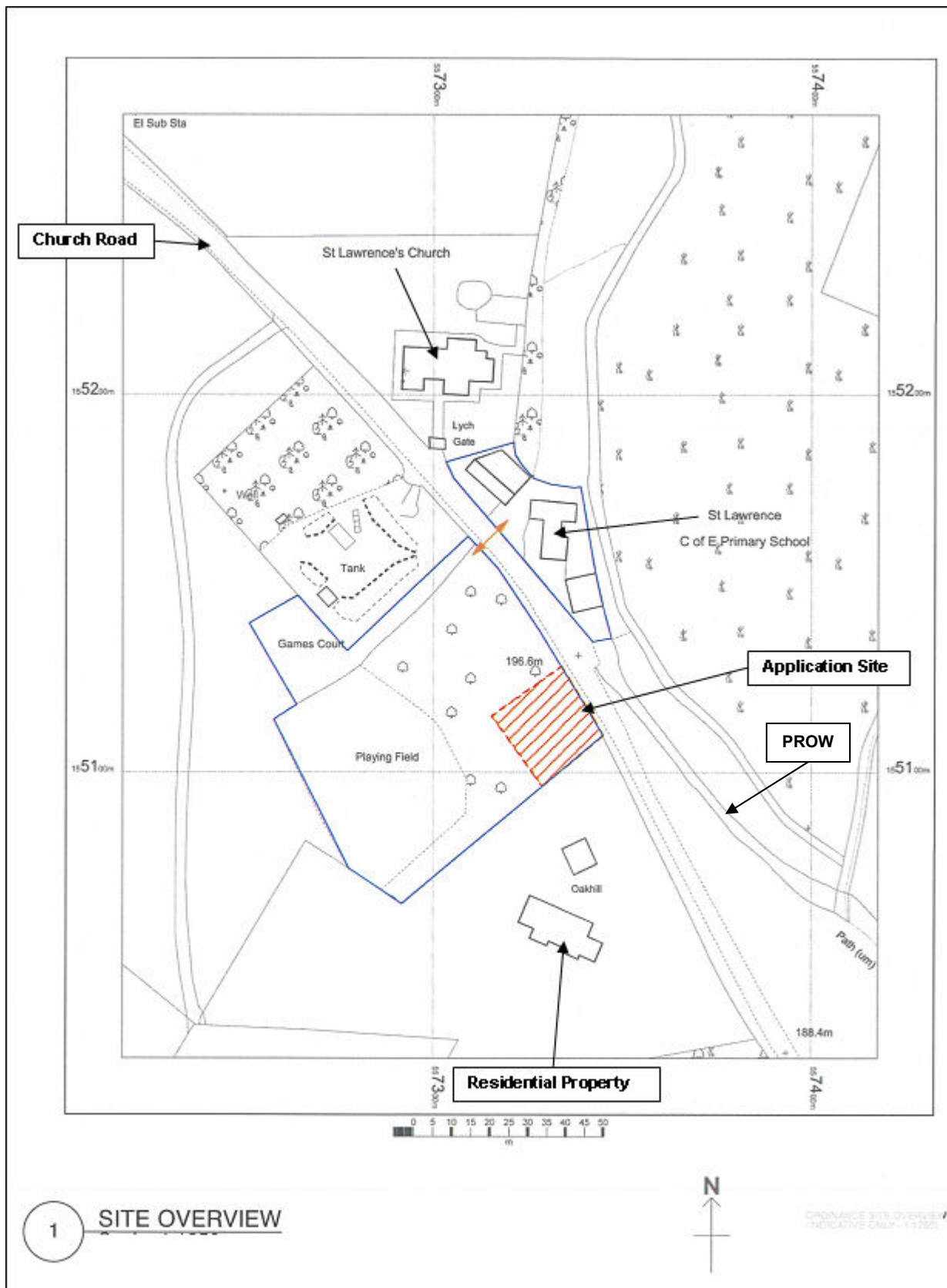
8. The application includes the provision of new timber post & rail fencing to the car park area, excluding the south eastern boundary with an adjacent residential property where the existing close board fencing would be retained. New native mixed hedges would be planted within the proposed fence line, facing the public highway and to the rear of the car park. The hedging is proposed to help compensate for the vegetation that would need to be removed and to help screen the car park area.
9. An extended phase 1 habitat survey is included with the application. The survey concludes that the ecological impacts of the development are not considered to be significant. To help mitigate for any impacts the application proposes habitat enhancement measures to include the provision of bat and bird boxes in suitable locations, together with a planting scheme to seek to re-establish the native bluebell within the woodland.
10. Following initial comments from the various consultees, the applicant undertook to amend the application in response to the recommendations being made. These changes included, amongst other matters, alterations to the proposed landscape scheme and the access arrangements to provide the recommended visibility splays. The revised application documents have been provided to consultees, and the attached layout plan sets out the development as amplified and amended.

General Location Plan



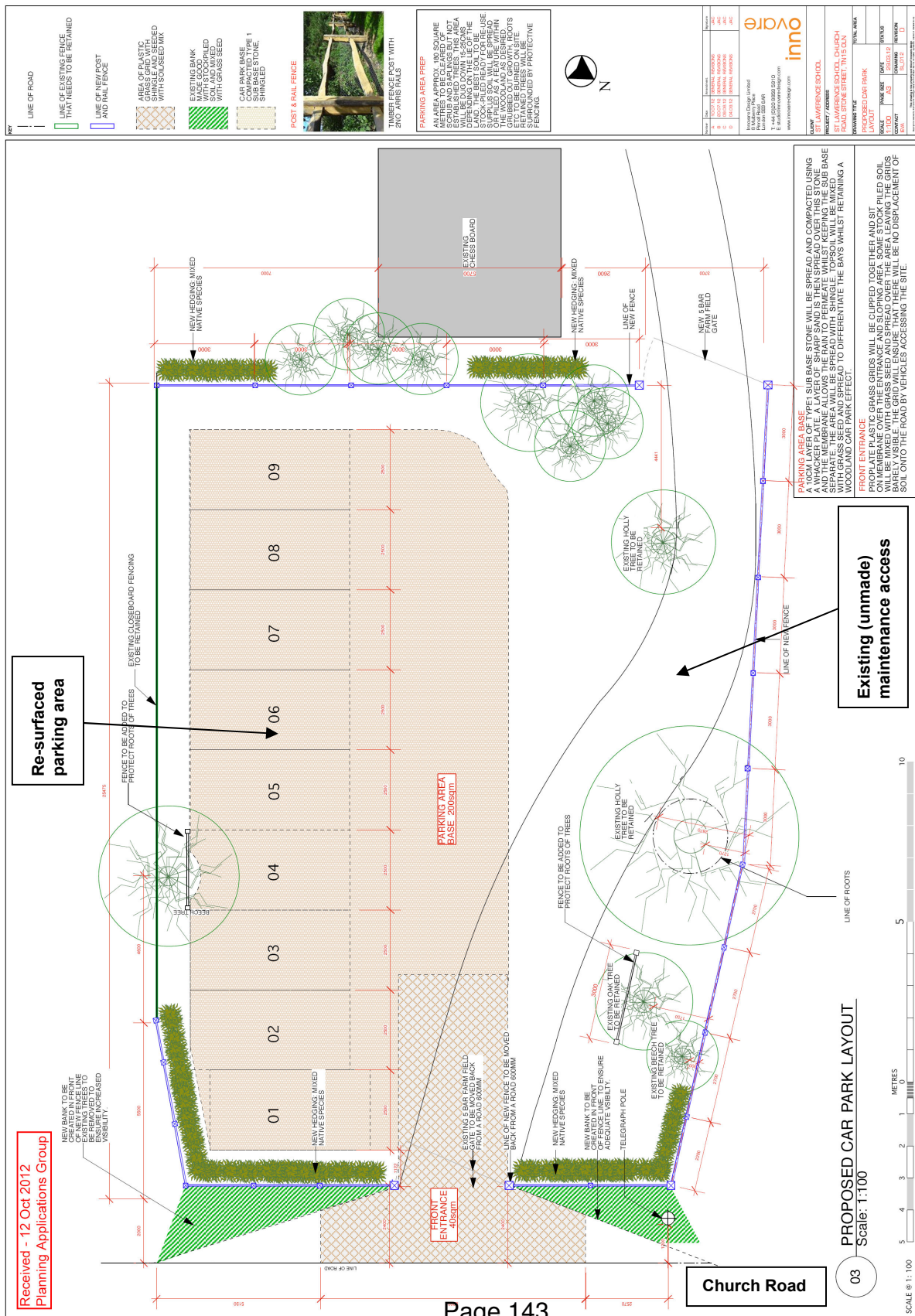
Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)

Site Location Plan



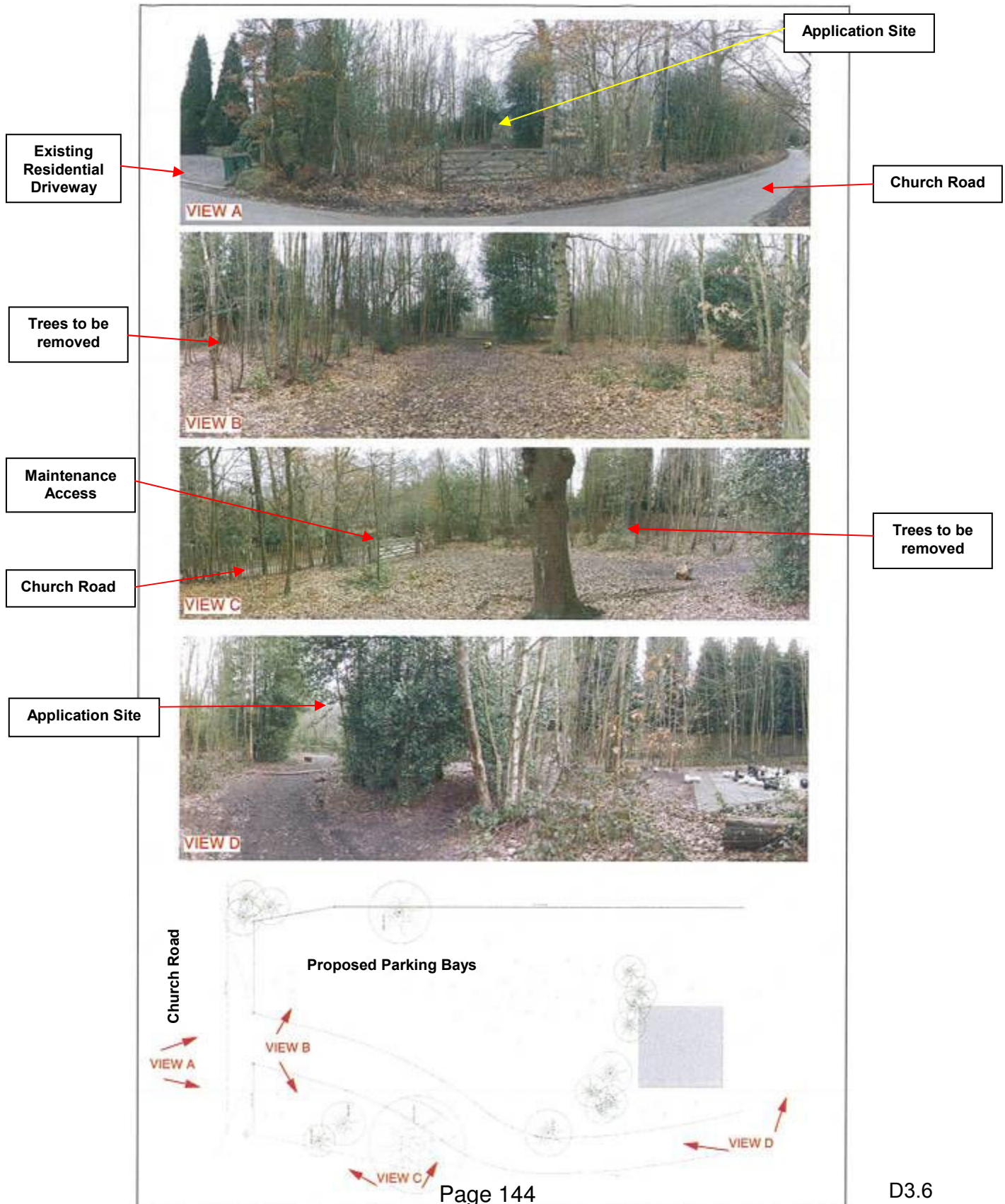
**Construction of car park at St Lawrence Primary School, Church Road,
Seal – SE/12/2144 (KCC/SE/0255/2012)**

Proposed Layout



Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)

Site Photographs



Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)

Planning Policy

11. 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 contains a presumption in favour of sustainable development, identifying 3 overarching roles in the planning system - economic, social and environmental, which are considered mutually dependent. Within the over-arching roles there are 12 core principles that planning should achieve. These can be summarised as:

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

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

- Chapter 3 (Supporting a prosperous rural economy);
- Chapter 7 (Requiring good design);
- Chapter 8 (Promoting healthy communities);
- Chapter 9 (Protecting Green Belt land);

Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)

- Chapter 11 (Conserving and enhancing the natural environment)

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) Development Plan Policies

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

Policy SP5 Seeks to support and retain the broad extent of Greens Belts

Policy CC1 Seeks to achieve and maintain sustainable development in the region, including achieving sustainable resource use and ensuring the natural environment is conserved and enhanced.

Policy NRM5 Seeks to avoid net loss of biodiversity and actively encourage opportunities for net gain.

Policy NRM7 Seeks to ensure the value and character of the region's woodland are protected and enhanced, including protecting ancient woodland from damaging development.

Policy C3 Gives high priority to conservation and enhancement of the region's Areas of Outstanding Natural Beauty (AONBs) ensuring proposals do not conflict with the aim of conserving and enhance natural beauty.

Policy C4 Seeks to protect open countryside by ensuring all development respects and enhances local landscape character, securing appropriate mitigation where damage cannot be avoided.

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.

Sevenoaks Local Development Framework: Saved Local Plan Policies Compendium (2008) Policies:

Policy EN1 Seeks all new development to respect, conserve and enhance the surrounding environment, including the privacy and amenities of a locality, the topography, important trees, hedgerows and shrubs. Ensuring highway safety, a satisfactory means of access and provides appropriate parking facilities.

Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)

Policy GB1 Seeks retention of the Green Belt as defined in the Proposals Map.

Sevenoaks Local Development Framework: Core Strategy (2011) Policies:

Policy LO1 Seeks to protect the rural character, Green Belt and Areas of Outstanding Natural Beauty.

Policy LO8 Seeks to maintain the Green Belt, conserve and enhance the countryside, the AONB and the special character of its landscape and biodiversity.

Policy SP1 Seeks new development to respond positively to distinctive local character, protect and enhance local environment.

Policy SP11 Seeks to conserve and enhance biodiversity. Sites designated for biodiversity value will be protected. Opportunities will be sought for the enhancement of biodiversity through the creation, protection, enhancement, extension and management of sites.

Consultations

12. **Sevenoaks District Council:** raises an objection for the following reasons:

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. The District Council does not consider that the special circumstances put forward in this case are sufficient to justify overriding advice held within The National Planning Policy Framework.

The land lies within an Area of Outstanding Natural Beauty (AONB). The proposal would not conserve the scenic beauty in the AONB. This conflicts with policy LO8 of the Sevenoaks District Core Strategy and advice held within The National Planning Policy Framework.

Seal Parish Council: raises an objection to the application for the following reasons:

The special circumstances required to justify overriding the protection afforded to the Metropolitan Green Belt and the AONB have not been demonstrated. The proposal will remove part of the school's area for outdoor activity which is considered inappropriate when there is a consensus for augmentation of these facilities. The creation of an additional access to the highway would compromise safety for the school children during busy periods at the beginning and end of the school day.

Kent Highways and Transportation: commented on the application (as originally received) recommending revisions to the proposed layout to improve visibility splays at the access onto the public highway. In response to this request the applicant has revised the layout accordingly. Kent Highways and Transportation have been consulted on this revised layout

Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)

(see drawing attached above) and any final views on the application received before the committee meeting will be reported verbally.

Natural England – Standing Advice on protected species recommends that the Planning Authority ensure that appropriate surveys are carried out before determining the application. The application includes an extended phase 1 habitat survey that concludes there is limited potential for protected species impacts. On this basis, the advice recommends proceeding with the application subject to an informative covering what to do if protected species are found during development.

The County Council's Biodiversity Projects Officer – raises no objection to the application, subject to condition securing the biodiversity mitigation measures recommended within the habitat survey, and a condition covering tree protection measures during construction for those trees to be retained.

The comments received can be summarised as follows:

The *Extended Phase 1 Habitat Survey* received concludes that although the site is designated as ancient replanted woodland, there are limited ancient woodland features present. The proposed car park will not result in the loss of any mature trees, but “*regenerating broad-leaved species*” would be removed to facilitate development.

There has been a recent development with regards to the ancient replanted woodland status of the site, following a revision of ancient woodland presence within Sevenoaks District (2012). The section of woodland in which the proposed development is located has not been retained within the ancient woodland designation (although much of the surrounding woodland has been confirmed).

The proposed development site area has not been included as ancient woodland as a result of information from the 1830s title maps for Kent which indicate that the site has had a significant break/alternative use, such that it can not be said to have had ‘continuous’ (in the context of the ancient woodland definition) woodland cover since the 1600s.

We therefore advise that while consideration must be given to the loss of woodland habitat as a result of the proposal, this does not need to be considered in the context of the application “*resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland*” (NPPF).

Significant trees are to be retained in the proposals and ecological mitigation measures are proposed, including the use of native species in the landscaping of the hedgerows, a scheme to establish native bluebells and the erection of bat and bird boxes. We support these measures as they provide mitigation for the loss of the trees and will enhance the site and surroundings in keeping with the principles of the NPPF.

Local Member

13. The local County Member for Sevenoaks East, Mr N. Chard was notified of the application on 13 August 2012.

Construction of car park at St Lawrence Primary School, Church Road, Seal – SE/12/2144 (KCC/SE/0255/2012)

Publicity

14. The application was publicised by the posting of a site notice, and the individual notification of 2 neighbouring properties.

Representations

15. In response to the publicity, 4 letters of representation have been received supporting the application, including one from the St Lawrence Church Council. The key points raised can be summarised as follows:

- Considers that the proposed car park would improve highway safety;
- Notes that the number of cars regularly parked on the highway presents a hazard and an obstruction to the vehicles travelling on the public highway, reducing the width of the road to a single lane in places, which can generate problems for service vehicles and problems with traffic flow at peak times;
- Notes that there are no public transport options close to the school, making car travel essential;
- On a normal school day cars park on the highway across the entire front of the school and church yard, which makes it difficult for members of the community that wish to attend the church during school hours;
- Considers that the car park would move staff vehicles off the public highway leaving more space for parents to drop off children safely and more space for visitors to the school and church when needed;
- Considers that fewer cars parked on the road would make a major contribution to the safety of children crossing the road between the school and its playing field and playground;
- Notes that the proposed car park area has few mature trees, none of which would be removed. Notes that the trees to be removed are mostly silver birch saplings that have grown up in recent years;
- Considers that the area affected is on the edge of the play space used by the School and would not impact on the education use of the site;
- Notes that an earlier application to create a playing field, tarmac playground, including improved access for vehicles to maintain the sports field, was considered acceptable on the school site within the AONB;
- Considers that the scheme would benefit not just the School but the community as a whole.

Discussion

16. The application seeks planning permission for the creation of a new 9 space car park within the St Lawrence School grounds. There are currently no on-site parking facilities for teaching staff at St Lawrence Primary School. All vehicles associated with the site park on Church Road in front of the school and the adjacent church. The proposal is being reported to the Planning Applications Committee as a result of objections received from Sevenoaks District Council and Seal Parish Council, on the grounds of the potential impact on the

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Green Belt and AONB (amongst other matters). In addition 4 letters of support were received from members of the local community (please see paragraphs 12 and 15 for details of all representations received).

17. In considering this proposal, regard must be had to the Development Plan Policies and Government Guidance outlined in paragraph (11) 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.
18. In my opinion, the key material planning considerations in this case can be summarised by the following:
- landscape and policy designation;
 - biodiversity and habitat considerations;
 - highways considerations; and
 - other material planning considerations.

Location and policy designation

19. The application site is designated as open countryside within the Metropolitan Green Belt, and as part of the Kent Downs Area of Outstanding Natural Beauty (AONB). Therefore any new development proposed in this location is subject to a number of Development Plan Policies and Government guidance that seek to protect and enhance the character and openness of the countryside. The broad thrust of these policies presumes against inappropriate development, subject to a limited number of exceptional circumstances.
20. The Development Plan Policies in place, include South East Plan Policies SP5, CC1, C3, C4, Sevenoaks Saved Local Plan Policy EN1, GB1 and Sevenoaks Core Strategy Policies LO1, LO8, SP1 all seek to protect the countryside from unnecessary development, preserve its openness and the special character of its landscape and biodiversity, particularly in relation to Green Belt and the AONB. Government Guidance is set out within the NPPF, including Chapters 9 (Protecting Green Belt land) and 11 (Conserving and enhancing the natural environment).
21. Policies relating to the Green Belt seek to safeguard the countryside from encroachment and preserve the open character of the landscape through a general presumption against inappropriate development. Chapter 9 of the NPPF (Protecting Green Belt land) confirms that the five purposes of the Green Belt are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

22. Paragraph 90 of the NPPF goes on to state that certain forms of development, which includes engineering operations, are not considered inappropriate in Green Belt provided they preserve the openness and do not conflict with the purposes of including land in the Green Belt (as set out above).
23. Both Sevenoaks District Council and Seal Parish Council consider that the development would be contrary to Green Belt policy, and do not consider that the special circumstances put forward in this instance are adequate to justify overriding the impact of the development on the character of the Green Belt. The District Council accepts that the proposal constitutes an engineering operation and as such could be considered appropriate development, however it considers the development would conflict with the purposes of including land in Green Belt and as such fails the requires set out in paragraph 90 of the NPPF. The District Council argues this on the grounds that the re-surfaced area of the car park would have a more formal appearance and that the intensity of the use of the site would increase significantly from an area of open woodland to a car park.
24. In this instance, I regard the development work proposed as comprising an engineering operation (required to create the new car park surface), and as such the development could potentially be considered 'appropriate development'. In my opinion, any impacts as a result of the proposal are likely to be marginal on the Green Belt's overall openness due to the development being essentially two dimensional (except for the re-placement fencing and planting). It should be noted that the locality is well screened from wider views by established woodland that surrounds the site. I consider that the proposal would continue to preserve the character of the Green Belt by virtue of the design approach being proposed and the small scale of the development. The proposed car park area would have very limited visual impact on its surroundings at a local level, which would be further minimised through the use of permeable surfacing (like crushed stone and the proposed plastic grid paving system). These types of materials have a more natural appearance and are less visually intrusive than a tarmac or concrete finish that tend to have a more urbanising visual impact. Whilst I acknowledge that the car park would increase use of the land, this would be intermittent (restricted to school opening hours) and would not introduce any additional vehicles to the area that do not already visit the site and currently park more prominently on the public highway. The site already includes an established maintenance access in this location, and the provision of replacement timber post and rail fencing and native hedge planting would (in due course) serve to screen the woodland parking from public view and help to maintain the rural character of the area. On these grounds, I consider that the development does not conflict with the purposes of including the land in the Green Belt and would therefore (as an engineering operation) be considered 'appropriate development' in Green Belt terms that does not require 'very special circumstances' to justify its consideration (in accordance with paragraph 90 of the NPPF).
25. Notwithstanding this, I believe that the 'special circumstances' put forward by the applicant in this instance to be more than adequate to demonstrate that the development is worthy of setting aside the conventional restrictions in the Green Belt. These circumstances would

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include the provision of off-street car parking for staff in support of the continued improvement of an important local community facility, improved highway safety on a narrow country lane through a reduction in the number of vehicles currently parked on the highway, improved pedestrian safety for pupils and staff crossing the road between the school sites, and improved access to the school grounds and the adjacent church, all of which would be of benefit to the wider community. Additionally, the limited impact on the openness of the wider Green Belt would bolster the very special circumstances case, if that was indeed the key test in this case.

26. The application site also falls within the Kent Downs AONB; development plan policies together with paragraph 115 of Chapter 11 of the NPPF (Conserving and enhancing the natural environment) require planning authorities to give great weight to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. Government Policy suggests planning permission for major development in the AONB should be refused unless there are exceptional circumstances and where it can be demonstrated that the development is in the public interest. The guidance suggests that consideration should be given to the need for the development, the scope for developing elsewhere outside the designated area, and any detrimental effect on the environment and landscape, and the extent to which that could be moderated.
27. Whilst the District Council's formal comments suggest that the proposal would not (in its opinion) conserve the scenic beauty of the AONB, the District planning officers report on the application acknowledges that the development would conserve the overall landscape character through its location within a well screened wooded area. The report suggests that it would be necessary for the County Council to be sufficiently convinced by the case put forward by the applicant to agree that the circumstances outweigh any harm to the AONB.
28. I would argue that the proposals are considered minor development in the context of paragraph 115 of the NPPF and as such the consideration given to the overall impact on the landscape should be proportionate to the scale of the proposals. Notwithstanding this, I consider that the need for the development in support of the school as an important local community facility would be in the public interest. Given the nature of the proposals, there is no scope to locate the development outside the AONB as the facilities would clearly need to be close to the school to have any benefit. When considering any detrimental effects on the landscape, (as set out above) I would suggest that the development has been designed in such a way that would minimise the overall visual impact through the materials proposed and the screening that would be provided by the surrounding woodland. The removal of trees and scrub from the highway verge to form the necessary vision splays would impact on the character of Church Road at a local level. However, the design of the proposal includes measures to preserve the rural character of the lane, like the use of a plastic grid paving system which would be covered with topsoil and seeded to disguise the access, the provision of timber post and rail fencing and the planting of a mixed native hedgerow. I consider that the overall aesthetic impact of the proposals on the street scene are sympathetic to the character of the local area and would be less significant than the residential driveway that joins with Church Road, directly adjacent to the site. In addition to this, I also consider that the provision of off-street parking in this way would improve the overall rural appearance of the Church Road itself by reducing the number of vehicles that park on the road throughout the school day.

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29. I therefore consider that the application would be acceptable and accord with the provisions of the Development Plan Policies in place, together with Government guidance, in terms of its location within the open countryside, Green Belt and the Kent Downs AONB. This view is subject to a condition being placed on any planning permission ensuring the provision of the landscape scheme set out in the application, and to the further consideration of issues relating to the use of biodiversity, habitat and highway issues, together with any other material planning considerations within the sections below.

Biodiversity and habitat considerations

30. The proposed car park would impact on a small area of regenerating woodland within the school grounds. The extensive wood that surrounds the site is (in part) designated as ancient woodland, areas of which fall within the Oldbury & Seal Chart Site of Special Scientific Interest (SSSI). As previously indicated, the application proposes clearance of an area approximately 240m². The plant life that would need to be cleared comprises young regenerating trees (mostly silver birch) alongside a limited amount of undergrowth. Most of the surrounding ground is characterised by bare earth and leaf litter; part of the site also forms an unmade maintenance access. All existing mature trees within the car park area would be retained and incorporated into the proposed layout.
31. The application site was subject to an extended phase 1 habitat survey in May 2012. The survey did not identify the presence of any protected species or any ancient woodland communities. The report prepared concludes that whilst the area falls within an area of ancient replanted woodland, the ecological value of the site appears to have been significantly degraded by previous management practices. The report indicates that impacts in terms of ecology are not considered to be significant and would be limited to the loss of a small area of regenerating broad-leaved trees.
32. The County Council's Biodiversity Projects Officer has considered the application (as amended) and raises no objections, subject to conditions securing the mitigation measures proposed within the habitat survey together with tree protection measures during construction. Up until very recently the application site was considered to fall within designated ancient (replanted) woodland. The recent advice received from the Biodiversity Projects Officer, following a 2012 review of woodland habitat in Sevenoaks District, suggests that the application site has been reclassified and is no longer considered to form ancient woodland on the grounds that previous uses of the site have disrupted the habitat. The change in classification would seem to fit with the conclusions drawn by the habitat survey.
33. Given the limited impact on existing habitat, and that no veteran trees would be felled as a result of the proposals, I am satisfied that the provision of off-street car parking in support of an important local community facility is in the public interest and the benefits of the development would outweigh the potential ecological impacts. In compensation for the small amount of habitat that would be affected the application proposes replacement native hedge planting, a planting scheme to seek to re-establish the native bluebell within the woodland, together with the provision of bat and bird boxes to enhance the retained habitat.

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34. On the strength of the guidance provided by the County Council's Biodiversity Officer, I am satisfied that the mitigation measures proposed would be adequate compensation for the small area of habitat that would be affected. Subject to conditions securing mitigation measures and tree protection, I consider that the application is acceptable in the context of relevant development plan policies and government guidance in relation to biodiversity and habitat matters.

Highways considerations

35. Seal Parish Council has raised concern that the creation of an additional access on the public highway could compromise the safety of school children during the busy periods at the beginning and end of the school day. In response to this point that applicant has made it clear that the car park would only be used by staff on a day to day basis. Members of staff arrive before pupils in the morning and leave after pupils at the end of the day, thereby minimising any conflict during peak travel times. The applicant has confirmed that the only exception to this would be occasional use after school hours for parents' evening and open days.
36. Kent Highways and Transportation commented on the original application received recommending improvements to the visibility splays. In response to this request the applicant has amended the layout (as included above) to provide the recommended splays. The revised layout has been forwarded to Kent Highways and Transportation for final comment, any views received prior to the committee meeting will be reported verbally.
37. I note that the vehicle access onto the highway is already in use, albeit infrequently by maintenance vehicles. The proposals would increase this use by approximately 9 vehicles a day. I am content that the application (as amended) includes the provision of improved vision splays to the access in both directions. These improvements would be achieved by setting the fence and gate 2.4m back from the highway, and through the clearance of all trees and scrub on the verge within 15m splays. In my opinion, by removing staff vehicles parked on the public highway the proposals would actually help to reduce congestion and improve overall highway safety. A reduction in the number of vehicles that park in front of the school would also improve visibility for children and staff crossing the road between the school sites during the school day. Subject to no objections being received from Kent Highways and Transportation, I am satisfied that the development would be acceptable in terms of any highway considerations and would be in accordance with the relevant development plan policies.

Other material planning considerations

38. The Parish Council has raised concern that the proposed development would reduce the overall outdoor activity space available for use by the School. In response the School has confirmed that the outdoor space that would be retained within the playing field site (approximately 0.4 ha) would be more than adequate to meet the school's needs.
39. The application site is peripheral to the school grounds and currently includes a maintenance access to the playing field. The area is clearly not used as part of any formal sports or recreation activities on the site as the main playing field, playground and other play

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equipment is located deeper into the site. Given the proximity to the maintenance access road, the proximity to the public highway and the level of separation from the main play spaces on site, I cannot foresee that the area forms a meaningful part of the School's recreation space. Moreover, the School has agreed to develop a management plan for the remaining wooded area with the grounds to enhance the habitat and improve the interaction and use of this area by pupils. Given the overall size the playing field site, I am satisfied that the School would continue to have access to good quality outdoor recreation facilities, particularly for a school of its size.

Conclusion

40. The application has been considered in the context of the Development Plan in relation to its location set against the impacts of the proposal and the need for development. Given the nature of the proposals, I am satisfied that the new car park in support of the School would be an acceptable use in the open countryside, Green Belt and AONB, that would preserve the openness and character of the landscape. The application establishes that there would be no impact on protected species and that any impact on existing habitat would be minimal and could be adequately compensated for through the suggested mitigation measures. Subject to final comments from Kent Highways and Transportation, I am also satisfied that the development would be acceptable in highway terms. I therefore recommend that the proposals are considered to be in accordance with the Development Plan and relevant Government guidance, and that in my opinion there are no material considerations that indicate that the application should be refused.

Recommendation

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

- the development to be implemented within 5 years;
- the development to be carried out in accordance with the permitted details;
- tree protection measures for the mature trees to be retained;
- delivery and ongoing maintenance of the landscape scheme;
- implementation of biodiversity enhancement measures;
- measures to prevent mud and other debris being deposited on the public highway during construction; and
- the continued maintenance of the vision splays.

I FURTHER RECOMMEND THAT INFORMATIVES be added to the decision notice providing advice on what action is to be taken if protected species are found during development.

Case Officer: James Bickle	Tel. no: 01622 221068
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Background Documents: see section heading

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

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

Background Documents - The deposited documents.

AS/12/813/R9	Details of external materials pursuant to condition 9 of planning permission AS/12/813 for a Household Waste Recycling Centre and Waste Transfer Station. Ashford HWRC, Cobbs Wood Industrial Estate, Brunswick Road, Ashford
AS/12/844	Section 73 planning application to permanently vary Condition 5 of Planning Permission reference AS/90/608 to enable 60 'out of hours' working periods per annum. Hothfield Works, Watery Lane, Westwell, Ashford
AS/12/991	Temporary change of use of land to a household waste recycling centre and transfer site. Former Wavin Plastics Site, Brunswick Road, Ashford
CA/11/2120/R3 & R4	Details of drainage, parking, lighting, fencing, dust mitigation and HGV access pursuant to conditions 3 and 4 of planning permission CA/11/2120. Studd Hill Household Waste Recycling Centre, Westbrook Lane, Herne Bay
SE/90/1302/R3B & R4B	Application for approval of details reserved by conditions 3 and 4 of planning permission SE/90/1302 – Covering external storage bays and food waste containers. Dunbrik Waste Transfer Station, Main Road, Sundridge, Sevenoaks
SE/12/2342	Section 73 application to vary condition 13 (operating hours), condition 3 (layout and working of the site) and condition 4 (site layout) of planning permission SE/90/1302 to amend the operating hours of Dunbrik Transfer Station and install a hardcore disposal bin in the external yard area of the transfer station site. Dunbrik Waste Transfer Station, Main Road, Sundridge, Sevenoaks
SW/10/774/R3	Amended site layout details to the area approved under SW/10/774. Land at Ridham Dock, Ridham

TM/11/1618	Variation of condition 2 of planning permission TM/95/1698 to allow the retention of the Electricity Sub-Station used in association with the Stangate Gas Utilisation Plant until 31 July 2025. Electricity Sub-Station, Stangate Landfill Site, Mill Lane, Borough Green
TM/11/1632	The retention of the gas utilisation plant until 31 July 2025, the installation of a low calorific flare, retention of site offices and landscaping. Gas Utilisation Plant, Stangate Landfill Site, Quarry Hill Road, Borough Green
TM/11/2275/R6 & R20	Details of site layout and surface water drainage scheme pursuant to conditions 6 and 20 of planning permission TM/11/2275. Land at Sanderson Way, Tonbridge
TM/12/2585	Erection of a canopy structure and siting of a container to provide an ancillary workshop facility for a temporary period of up to 3 years. Blaise Composting Facility, Kings Hill, West Malling
TW/12/2168	Construction of three glass reinforced (GRP) kiosks to support sewerage infrastructure upgrades. Cranbrook Wastewater Treatment Works, Golford Road, 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.

CA/12/1384	Application for the renewal of planning consent for 2 no. mobile classrooms. Simon Langton Grammar School for Girls, Old Dover Road, Canterbury
DA/12/975	Planning renewal for two, five bay mobile classroom units. Craylands Primary School, Craylands Lane, Swanscombe
DA/12/1030	Replacement of existing chain-link fencing with 2 metre high palisade fencing along the southern and eastern boundary of the school. Maypole Primary School, Franklin Road, Dartford
MA/12/1501	Removal of grassed areas within existing car park to form 21 new parking spaces. Park Way Primary School, South Park Road, Maidstone
SE/11/20/R3, 4, 5 & 6	Details of archaeology, ecological enhancement, landscape works and pollution prevention control pursuant to conditions 3, 4, 5 & 6 of planning permission SE/11/20 for the creation of a pond. Land Opposite Field Cottage, Stone Street Road, Seal, Sevenoaks
SW/10/545/R16&R21	Details of a management plan and a revised school travel plan. The Abbey School, London Road, Faversham
SW/12/1095	Replacement windows to main school hall, north and south elevations, together with associated DDA works to form ramp access from hall and terrace. DDA access ramp to rear kitchen external door, replacement door and increased opening width. South Avenue Infants School, South Avenue, Sittingbourne
TH/12/488/R3	Details of external materials pursuant to condition 3 of planning permission TH/12/488. Garlinge Primary School & Nursery, Westfield Road, Margate

TM/12/192/R7

Details pursuant to condition 7 (external lighting) – repositioning of single storey changing room pavilion for school and community use granted permission under application TM/11/2554, including revised car parking layout.
Wrotham School, Borough Green Road, Wrotham, Sevenoaks

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:-

None

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

None

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

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

Background Documents -

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

None

E.4