

PLANNING APPLICATIONS COMMITTEE

Tuesday, 12th February, 2013

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 12th February, 2013, 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. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 16 January 2013 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application CA/12/2121 (KCC/CA/0398/2012) - Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay; (Pages 5 - 24)
2. Application SW/0089/2012 - Section 73 application to continue development without complying with conditions 3, 21 and 24 of planning permission SW/10/1436 at Ridham Dock Road, Iwade, Sittingbourne (Pages 25 - 38)
3. Application SH/12/1032 (KCC/SH/0333/2012) - Retrospective change of use from a Vehicle Crash Repair site to a metal recycling facility and parking of two skip hire delivery lorries at Unit 1, Park Farm Industrial Estate, Folkestone, CT19 5DU (Pages 39 - 54)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal CA/12/1681 (KCC/CA/0338/2012) - Partial demolition of Adult Education Centre (AEC), and erection of a new 2-storey building within the retained facade, at St John's Primary School, Canterbury (Pages 55 - 82)
2. Proposal SW/12/884 (KCC/SW/0180/2012) - Four single storey extensions to main school building at Ethelbert Road Primary School, Ethelbert Road, Faversham (Pages 83 - 112)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County Matter Applications and Details Pursuant Permitted/Approved/ Refused Under Delegated Powers - Members' Information (Pages 113 - 116)
2. County Council Development Applications and Details Pursuant Permitted/Approved Under Delegated Powers Members' Information
3. Town and Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinions Adopted Under Delegated Powers
4. Town and Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinions Adopted Under Delegated Powers

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, 4 February 2013

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 Wednesday, 16 January 2013.

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, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R J Parry, Mrs E M Tweed and Mr A T Willicombe

ALSO PRESENT: Mrs T Dean

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Team Leader - Mineral Developments), Mr J Moat (Planning Officer), Mr R White (Development Planning Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Minutes - 11 December 2012

(Item A3)

(1) In respect of Minute 71, Mr R F Manning (as the Local Member) thanked the Members of the Committee and the Planning Officers for the quality of the report and debate on the Benenden CEP School planning application.

(2) RESOLVED that the Minutes of the meeting held on 11 December 2012 are correctly recorded and that they be signed by the Chairman.

2. Site Meetings and Other Meetings

(Item A4)

(1) Two provisional additional Committee meeting dates were announced to determine an anticipated high number of school building applications. These were: Tuesday, 16 April 2013 and Thursday, 18 April 2013. The Committee also agreed to set aside a date in early April to tour some of these sites, should it prove necessary.

(2) The Committee agreed to hold a site meeting on Tuesday, 12 February 2013 in respect of an application to include domestic "black bag" and source-separated food waste at the waste transfer facility at Lakesview Business Park, Hersden. It also agreed to hold a site meeting on Wednesday, 13 March 2013 in respect of an application for an end of life vehicle processing and storage facility at Glebe Farm in Shadoxhurst.

3. Application TM/12/2549 (KCC/TM/0296/2012) - Anaerobic Digestion Plant and reconfigured Advanced Thermal Conversion Plant at Blaise Farm Quarry, Kings Hill, West Malling ; New Earth Solutions Group Ltd
(Item C1)

(1) Mrs T Dean was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) The views of Mrs S V Hohler had been circulated to all Members of the Committee prior to the meeting. A hard copy of these views was also tabled at the meeting and was referred to by the Head of Planning Applications Group during the presentation of her report.

(3) Mr Matthew Balfour, Mrs Claire Innis (local residents) and Mr David Stretton (Chairman of Offham PC) addressed the meeting in opposition to the application. Mr Brett Spiller (New Earth Solutions) spoke in reply.

(4) Following a suggestion by Mrs Dean, the Chairman agreed to write on behalf of the Committee to the Cabinet Portfolio Holder for Environment, Highways and Waste asking him to consider setting up a "Task and Finish" Group to look into local concerns over the monitoring of odour control at Blaise Farm Quarry.

(5) During discussion of the application, the Committee agreed to the amendment to the condition specifying that all loaded, open backed vehicles entering or leaving the site would be properly and completely sheeted. It also agreed to the inclusion of an additional condition requiring the doors to only be open when vehicles enter or left the facility and for maintenance purposes.

(6) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government as required under the 2009 Direction and that subject to no intervention by him permission be granted to the application subject to the prior satisfactory conclusion of a Section 106 Legal Agreement to secure Heads of Terms requiring the continuation of the Blaise Farm Site Liaison Committee, HGV routing, and site restoration (including the availability of restoration materials); the applicant meeting all reasonable administrative Planning and Legal costs associated with the prior completion of the Section 106 Legal Agreement; and to conditions, including conditions covering a 5 year implementation period; the operation being time limited to 20 years from first commercial use of the Anaerobic Digestion (AD) Facility with all plant, buildings and equipment being removed upon expiration of this period; the development being carried out in accordance with the permitted details; site noise control (to ensure that noise associated with site operations does not exceed background noise levels at the nearest residential receptors); waste catchment areas being restricted to the following geographical areas for the life of the development: Kent, Medway, Thurrock, Havering, South East London Waste Partnership Authorities (London Borough's of Greenwich, Southwark, Lewisham, Bromley and Bexley), Surrey, West Sussex, East Sussex, Brighton and Hove, Essex and Southend-on-Sea; the total site processing capacity (including In-vessel Composting (IVC)), AD and Advanced Thermal Conversion (ATC) plants) not exceeding 100,000 tpa; the ATC plant operating with only the waste imported to the site pursuant to the existing Composting Facility (as covered by planning permission TM/09/3231),

packaging and any associated residual waste arising from the AD plant; restoration of the AD and ATC plant area (at the end of the 20 year period) as part of the details approved on the main Composting Facility permission (TM/09/3231) including provision for biodiversity enhancement; hours of use being 24 hours a day, 7 days a week (with deliveries and exports being limited to those set out in the table in paragraph 28 of the report; external colour treatment of all plant and buildings as detailed in the application; combined HGV movements (including IVC, AD and ATC plants) being limited to 120 HGV movements per day; appropriate measures to control mud and debris; records of HGV numbers being maintained by the operator; signs being erected and maintained for the duration of operations advising HGV drivers not to travel through the settlements of Offham, Mereworth and West Malling unless they are collecting waste from within those settlements; the surface of the haul road being maintained; all loaded, open backed vehicles entering or leaving the site being properly and completely sheeted; details of surface water drainage being agreed prior to commencement of operations; details of site lighting being agreed prior to implementation; and the doors to the facility only being open when vehicles enter or leave the site or for maintenance purposes.

4. 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).

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street – CA/12/2121 (KCC/CA/0398/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2013.

Application by Southern Water for an upgrade to existing Wastewater Treatment Works including 2 walk-in Kiosks to support the treatment process at Herne Bay Wastewater Treatment Works, May Street, Herne Bay, CT6 6TQ – CA/12/2121 (KCC/CA/0398/2012).

Recommendation: Permission be granted, subject to conditions.

Local Members: Mrs J. Law and Mr D. Hirst

Classification: Unrestricted

Site

1. The application site is located within the existing Herne Bay Wastewater Treatment Works (WTW) ("the Works"), May Street. The treatment works are positioned south-east of Herne Bay (approximately 3.75km east of the railway station), within an area known as Hawthorn Corner. The site and surrounding area is designated as open countryside, beyond the limits of the defined urban area for Herne Bay. The Works are located approximately 200m north of the A299 (Thanet Way), north of May Street, east of Sweeneybridge Road and to the south of the mainline railway connecting London to Margate. A public footpath (CH61) runs along the south eastern boundary of the site. The wider surrounding landscape is generally characterised by open fields.
2. The closest residential properties are located within the hamlet of May Street immediately to the south. The nearest properties are the former operator's cottages (1 and 2 May Street), immediately adjacent to the southern boundary of the treatment works. The former operator's cottages are approximately 100m south-west of the closest of the proposed development sites within the treatment works. A number of other residential properties are located to the south-east along May Street (a small country lane that operates solely as access to approximately 20 properties).
3. The treatment works serves Herne Bay and the surrounding area, treating residential and business flows for a population equivalent to approximately 39,000. The site benefits from a dedicated access road on to the public highway, close to the junction of Sweeneybridge Road and May Street, and a junction with A299 Thanet Way. The site covers approximately 7 hectares and contains various plant, equipment and buildings, including a reception works, inlet works, storm tanks, primary settlement tanks, oxidation ditch, final settlement tanks, sludge treatment facility, final effluent chamber, motor control centre kiosks and an administration & control building. Treated water from the site is permitted to be released into a local watercourse, which eventually drains into the River Stour. Established hedgerows and tree belts planted around the perimeter of the site break up views into the facility, limiting the visual impact of the existing plant and buildings.

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

-
- General Location Plan**
- HERNE BAY
- Beltinge
- Hillborough
- Broomfield
- Hawthorn Corner
- Hunters Forstal
- Treatment Works**
- A299 Thanet Way**
- 0 200 400 600 800 1000m
- © Crown Copyright and database right 2012. Ordnance Survey 100019238

[illegible]

The site layout plan illustrates the proposed development at 100070. Key features include:

- Proposed Structures:**
 - Proposed Glass Coated Steel Thickened Sludge Storage Tank complete with GPP roof, including 20' pitch roof, external tank and 12.8-20' or smaller.
 - Proposed Odour Control Unit, dimensions TBC.
 - Proposed Ferroc Dosing Chamber, 10000 x 4000 x 3.20 H.
 - Proposed Bulk Storage Tank, 10000 x 4000 x 3.20 H.
 - Proposed Emergency Eye Bath and Shower.
 - Proposed Bulk Contained Ferroc Dosing Pipework.
- Access and Circulation:**
 - Proposed Contractor's Temporary Construction Compound, 30000 x 20000.
 - Proposed Contractor's Temporary Construction Compound, 10000 x 3000.
 - Proposed Ferroc Above Ground Pipelines.
 - Proposed Bulk Storage Tank Delivery Area.
 - Proposed Effluent Monitoring Kiosk (1000 x 1000 x 2.00 H).
 - Site Access Route.
- Surrounding Infrastructure:**
 - Drainage Works.
 - Drain.
 - Sub.
 - Pond.
 - May Street.
- Legend:**
 - Southern Water Land Ownership Boundary.
 - Development Requiring Planning Permission.
 - Permitted Development Above Ground.
 - Permitted Development Roads Hatched Areas.
 - Contractors Temporary Compound.
 - Permitted Development Below Ground.
 - Site Access Route.
- Scale:** 1:500.
- OS Map Reference:** TQ 284 E41.

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

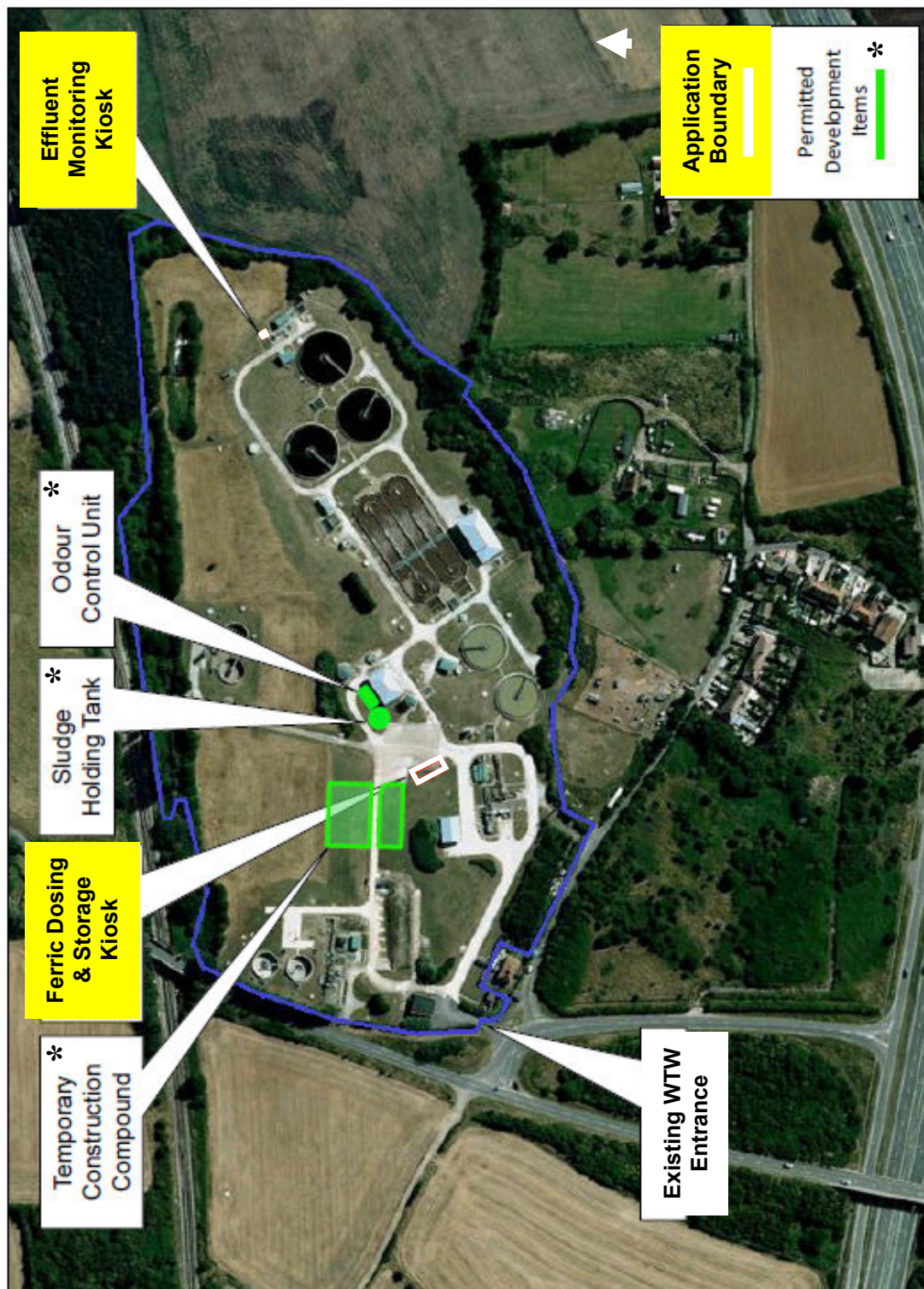
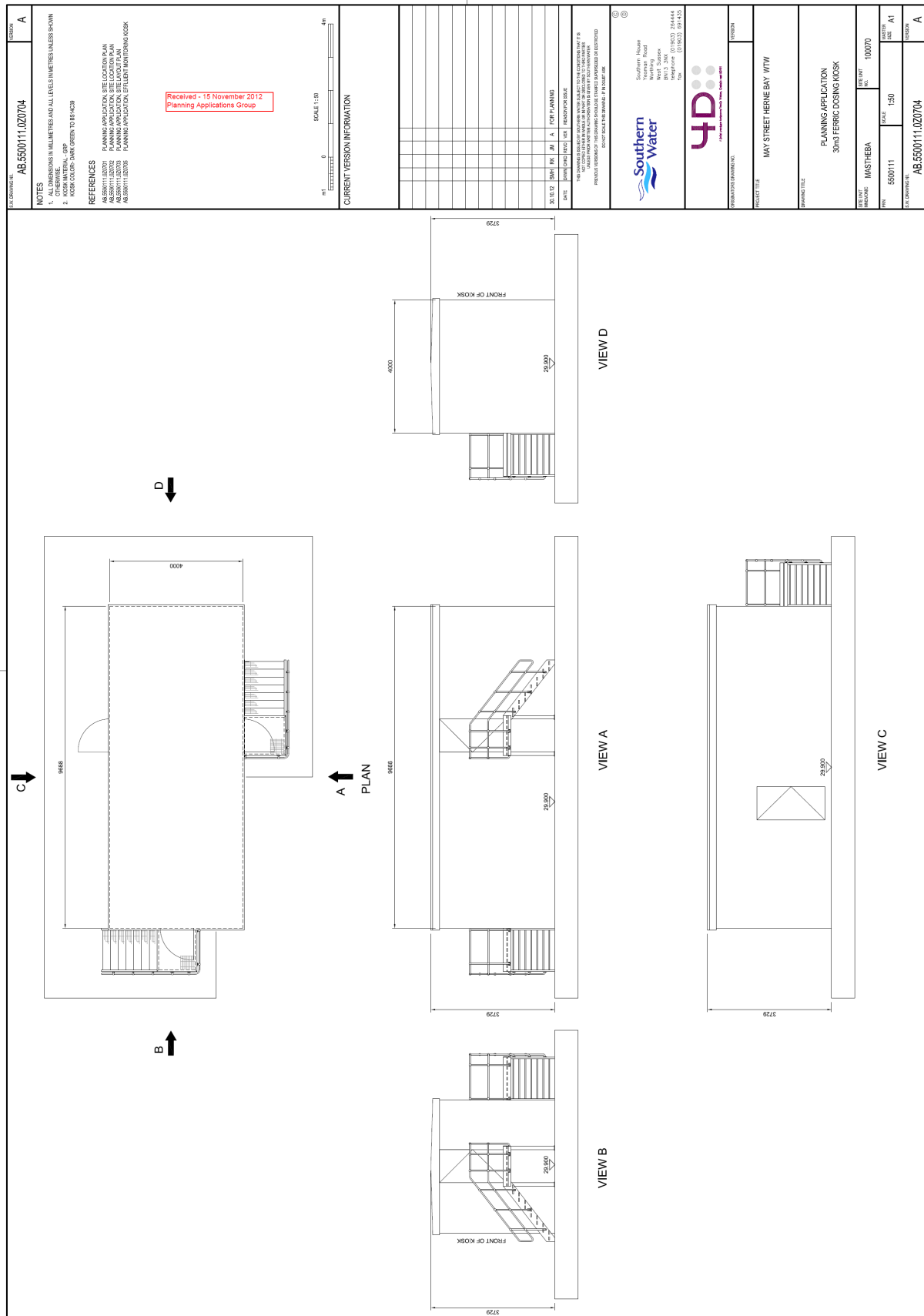


Plate 2 : Aerial view of WTW showing items of development.


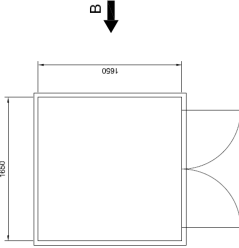
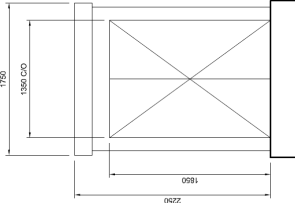
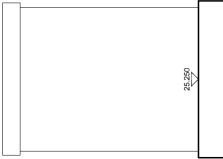
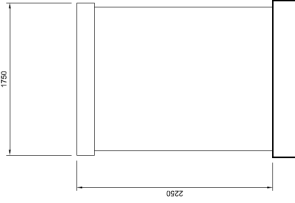

Item C1 **Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)**

Proposed Elevations – Ferric Dosing Kiosk



Item C1 **Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)**

Proposed Elevations – Effluent Monitoring Kiosk

<p>PLAN NUMBER: AB-5500111.020705</p> <p>VERSION: A</p>	<p>NOTES</p> <ol style="list-style-type: none"> ALL DIMENSIONS IN MILLIMETRES AND ALL LEVELS IN METRES UNLESS SHOWN OTHERWISE. KIOSK MATERIALS TO BE GREEN TO BS-4238 <p>REFERENCES</p> <p>AB-5500111.020705 PLANNING APPLICATION SITE LOCATION PLAN AB-5500111.020705 PLANNING APPLICATION SITE LOCATION PLAN AB-5500111.020705 PLANNING APPLICATION SITE LOCATION PLAN AB-5500111.020705 PLANNING APPLICATION 30M² EFFLUENT MONITORING KIOSK</p>	<p>SCALE 1:25</p> 	<p>CURRENT VERSION INFORMATION</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>CHK.</th> <th>APP.</th> <th>FOR</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10/11/2012</td> <td>SMH</td> <td>RM</td> <td>AM</td> <td>FOR PLANNING</td> </tr> </tbody> </table>	NO.	DATE	BY	CHK.	APP.	FOR	1	10/11/2012	SMH	RM	AM	FOR PLANNING	<p>THIS DRAWING IS THE PROPERTY OF SOUTHERN WATER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC TO WHICH IT WAS PREPARED. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF SOUTHERN WATER. ANY UNAUTHORIZED USE OF THIS DRAWING IS STRICTLY PROHIBITED. SOUTHERN WATER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DRAWING.</p> <p style="text-align: right;">SOUTHERN WATER</p> <p style="text-align: right;">Herne Bay Wastewater Treatment Works May Street Herne Bay, Devon PL12 8AA Telephone: 01392 321444 Fax: 01392 321445</p>
NO.	DATE	BY	CHK.	APP.	FOR											
1	10/11/2012	SMH	RM	AM	FOR PLANNING											
 <p style="text-align: center;">PLAN</p>					<p>VIEW A</p> 	<p>VIEW B</p> 										
 <p style="text-align: center;">VIEW C</p>					<p>VIEW D</p> 											
<p>Received - 15 November 2012 Planning Applications Group</p>																

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

Proposal

5. The planning application is being made on behalf of Southern Water and seeks permission for 2 new kiosks as part of a planned upgrade to the existing Wastewater Treatment Works at May Street, Herne Bay. The upgrades are proposed by Southern Water to address new and revised environmental controls required by the European Union Water Framework Directive and regulated by the Environment Agency. The new Environmental Permit requires that the site meets a discharge standard for concentrations of phosphorus (and subsequently iron) within the effluent discharge.
6. The proposed upgrades form part of Southern Waters' AMP 5 (Asset Management Plan 5) Programme. This is a major programme to refurbish and upgrade various existing wastewater treatment works and associated sewer infrastructure required by the water industry regulator the Office of Water Services (OFWAT), and the Environment Agency. The AMP5 Programme covers a period between 2010 and 2015. Each of the schemes must be completed by dates specified by the Environment Agency and OFWAT.
7. The overall scheme consists of a package of improvement works, most of which benefit from permitted development rights by virtue of Schedule 2, Part 16 'Development by or on behalf of a sewerage undertakers' of the Town and Country Planning General (Permitted Development) Order 1995 (as amended). The only element requiring planning permission and proposed within this application consists of a Ferric Dosing and Storage Kiosk and an Effluent Monitoring Kiosk.
8. The proposed walk-in Ferric Dosing and Storage Kiosk forms of a small building (approximately 9.6m by 4m by 3.75m high), creating 38m² of floorspace. An enclosed kiosk is required to provide a weather proof space for ferric storage tanks and electrical control and monitoring equipment. It is the provision of a new building that triggers the need for express planning permission. The equipment within the kiosk would allow ferric salt to be dosed into the existing process stream, which serves to reduce phosphorus levels within the waste water.
9. The Ferric Dosing Kiosk would be located towards the centre of the overall site area, more than 60m from the closest boundary. The location proposed is adjacent to part of an existing internal road layout, enabling delivery of ferric solution (by tanker) directly to the kiosk. The new building would sit amongst the existing structures, plant and built development within the treatment works. The building has a functional design and would be constructed in Glass Reinforced Plastic (GRP) with a dark green finish. Two external staircases would provide access to an upper section of the kiosk.
10. The second element of the application, the proposed Effluent Monitoring Kiosk, would be located at the eastern end of the treatment works (approximately 250m from the proposed Dosing Kiosk), positioned directly adjacent to existing kiosks, plant and equipment. The Monitoring Kiosk forms a box 1.65m by 1.65m by 2.25m high, also constructed in Glass Reinforced Plastic finished in dark green. This kiosk is proposed to house equipment that would improve monitoring of effluent quality, including phosphorus and iron concentrations.
11. The WTW is generally unmanned and there would be no change to the current monitoring arrangements and routine maintenance of the site on completion of the development. Ferric dosing would improve the treatment process and as a result

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

existing sludge tanker movements would increase from 6 vehicles per week to approximately 8 vehicles per week following the development. The ferric solution would also need to be delivered to site by tanker generating an additional delivery once every 15/16 days (25 tankers per year)

12. Members will be reminded that the majority of the upgrade works do not require express planning permission and do not form part of this application, however for information this work would include the following:

- A Sludge Storage Tank with associated Odour Control Unit;
- Extension of hardstanding, including bunded delivery area adjacent to the Ferric Dosing Kiosk;
- Associated below ground works including connecting pipework, ferric dosing pipes, potable water supply to emergency shower, and drainage;
- Temporary Construction Compound

13. The overall construction programme (including the new kiosks if permitted) is proposed to commence in summer 2013 and would take approximately 68 weeks to complete. The length of the construction period is dictated by the need for the treatment works to continue to remain operational during all upgrades.

Planning Policy

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

- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

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

The NPPF contains a presumption in favour of sustainable development. The new Framework 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

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

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 1 (Building a strong, competitive economy);
- Chapter 3 (Supporting a prosperous rural economy);
- Chapter 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design); and
- 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.

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

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

(ii) **Development Plan Policies:**

South East Plan (SEP) (2009) – the most relevant regional policies include: CC1 (Sustainable Development), CC4 (Sustainable Design and Construction), CC6 (Sustainable Communities and Character of the Environment), CC7 (Infrastructure and Implementation), NRM1 (Sustainable Water Resources and Ground Water), NRM2 (Water Quality), NRM9 (Air Quality), NRM10 (Noise), W1 (Waste Reduction), W3 (Regional Self-Sufficiency), W4 (Sub-regional Self-Sufficiency).

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.

Kent Waste Local Plan (1998) (Saved Policies) – the most relevant saved policies include: W6 (Need), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), and W31 (Landscaping).

Canterbury City Local Plan (2006) (Saved Policies) – the most relevant saved policies include: BE1 (High Quality Design and Sustainable Development), NE1 (Biodiversity), NE5 (Trees, Woodland and Hedgerows), C37 (Provision of Infrastructure), C39 (Air Quality), C40 (Potentially Polluting Development), and C41 (Waste Management).

(iii) **Emerging Policy**

Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (2011) – Draft Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW16 (Other Forms of Waste Development), DM1 (Sustainable Design), DM7 (The Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact), DM10 (Transportation of Minerals and Waste) and DM18 (Ancillary Development).

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

Consultations

15. **Canterbury City Council:** raise no objection to the erection of two walk-in kiosks to support treatment processes at the Maystreet Wastewater Treatment Works

The delegated report prepared by the City Council's case officer concludes as follows:

'....improvements to the treatment works should assist in avoiding conflict between the residential and treatment uses. The treatment works forms part of an essential waste

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

disposal service and upgrading is welcomed. No harm to residential or visual amenity would result from the proposal and so it is recommended that no objection is raised'.

Canterbury City Council Environmental Health Service: raise no objection to the current planning application. The Environmental Health Service confirm that it's records show intermittent complaints of odour from May Street, although none in recent years. The last recorded complaint was in September 2009 and the investigating officer concluded that there was no evidence of any problems at the time.

Environment Agency: raise no objection to the proposed development. The Agency draw the applicants attention to best practice guidance concerning pollution prevention measures during and after construction.

Kent County Council Highways and Transportation: raise no objection to the proposals in respect of highways matters, subject to conditions being attached to any planning permission including: the provision of space on site for parking, manoeuvring, loading and off-loading of all vehicles associated with construction; and precautions to guard against mud and similar substances reaching the public highway.

Local Member

16. The local County Members Mrs J. Law and Mr D. Hirst, were notified of the application on 27 November 2012.

In response Mr Hirst commented on the application as follows:

'This plant has continually produced highly obnoxious aroma since construction. The area is residential and likely to become more so. The moment is a time of change. The local Plan is due. I would like to see a bigger planning picture to allow for development in the area rather than a piecemeal development. Money has to be spent to comply with European Directives and this reinforces the moment to ensure residents do not suffer. The entrance to the existing site is far from good and traffic on the junction will increase significantly. I hope Southern Water will reconsider and move forward after publication of the local Government Framework. This is the opportunity to move the plant to a more suitable location rather than a sticking plaster mend approach'.

Publicity

17. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 25 neighbouring properties.

Representations

18. In response to the publicity, 2 letters of representation have been received objecting to the application. The key points raised can be summarised as follows:
- Strongly objects to the application on the grounds the proposals would exacerbate existing odour problems generated by the sewage works; notes that at times odour from the existing works is highly offensive;
 - Concerns that extra traffic would be a hazard at the entrance of the works, which is

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

located on a busy junction;

- Considers that the development work proposed would be inappropriate within a residential area;
- Concerns that the building of further plant and equipment would be highly detrimental to the character of the countryside, and to residential amenities;
- Hopes that the Members will visit the site in order to see and experience the conflict that the installation already causes;
- Considers that as a result of expanding demand the treatment works will soon be unable to cope with overall wastewater outputs for the Herne Bay area, and therefore Southern Water will have to consider moving the facility elsewhere. Suggests that the company consider moving now before investing in the current proposals, suggests that any future location should be remote from residential property.

Discussion

19. The application seeks planning permission for 2 walk-in kiosks at Herne Bay WTW. The proposal is being reported to the Planning Applications Committee as a result of 2 letters of objection received from nearby residents, and following views received from Mr Hirst, local County Member for Herne Bay. Please see paragraphs (15), (16) and (18) for details of all representations and consultee views concerning the application.
20. 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 material planning considerations arising during the consideration of the application. In this particular case it is also relevant to be aware that the driver for these upgrade works is set by European Directive. This is explored further in the 'need' discussions below
21. In my opinion, the main determining issues in this particular case relate to the following points:
 - need for the development;
 - local amenity impacts;
 - highway considerations;
 - landscape and visual considerations;
 - biodiversity considerations; and
 - any other issues arising from publicity / consultations.

Need for the development

22. The proposed development forms part of work to upgrade Herne Bay WTW. The applicant states that the upgrades are necessary to address new revised controls on the treatment process being introduced to increase environmental protection, required under the European Union Water Framework Directive. The watercourse that receives the final discharge from the Herne Bay WTW has been classified as 'sensitive' under the European Directive. On the strength of this change in legislation, the Environment Agency has introduced a new Environmental Permit that requires wastewater to be

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

treated to reduce concentrations of the nutrient phosphate before it is discharged into the watercourse. Increased phosphate levels potentially cause eutrophication¹ of freshwater courses, which can subsequently exhibit low biodiversity due to water quality and increased algal growth. As iron (ferric) salts are used to control phosphate levels, a maximum iron concentration is also being introduced. Under the Asset Management Plan for the current period 2010-2015, agreed by DEFRA and OFWAT, Southern Water has a statutory requirement to comply with the new Environmental Permit phosphate level for this treatment works by September 2014.

23. The need for these upgrade works is therefore established at the highest European Directive level. Furthermore, the proposed works would assist in reducing the environmental risk to the local watercourse by monitoring and controlling the discharge quality and ensuring that guidelines set by the Environment Agency are met. Therefore, it is considered that the proposed development would be consistent with the goals and principles of sustainable development in that it would contribute to conserving and enhancing the natural environment and reducing pollution whilst meeting the needs of the local community. I consider that both national planning policy and the development plan establish support for the proposed development in principle, subject to the development being acceptable in terms of its location, local amenity impacts and highway considerations. These points are considered further under individual issues as set out below.

Local amenity impacts

24. Members will note that local wastewater treatment works such as this one are positioned across the county. These smaller facilities have historically been developed in rural locations to serve the needs of local communities and to prevent the need to pump wastewater large distances to be treated. In most circumstances these types of minor development are dealt with under delegated powers as the impacts from the elements requiring planning permission are usually minor in nature. However, in this instance concern has been raised by local residents about the operation of the existing treatment works and potential amenity impacts, albeit largely relating to the overall development. These issues are considered in more detail below in so far as they relate to the kiosks to which this application refers.

Noise considerations

25. Once the development is completed, the applicant states that there would be no additional noise generated from the Ferric Dosing Kiosk or the Effluent Monitoring Kiosk. The application indicates that the Ferric Dosing and Storage Kiosk would use a number of small pumps, however these would be inaudible outside of the building. The only additional noise anticipated as a result of the development would be from a small increase in the number of HGV movements each week (approximately 4 additional HGVs per week – please see highways section for more detail).
26. The construction phase would generate additional noise through an increase in activity on site and the use of a variety of normal construction plant and machinery. The applicant confirms that any noise associated with construction activity would be managed in accordance with best practice, which would be incorporated within a Health,

¹ A process where water bodies receive excess nutrients that stimulate excessive plant growth (algae).

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

Safety and Environmental Management Plan (HASEMP). The HASEMP would be prepared as part of the overall scheme and is used to manage and minimise the potential environmental impacts of construction activities.

27. Given the level of separation between the development sites and residential properties, I do not consider that the proposal would generate an unacceptable level of noise / disruption during the temporary construction period, and once operational the increase in existing noise levels would be minimal. I am also mindful that a significant part of the construction programme relates to development covered under permitted development rights, which could continue without any specific controls imposed by the planning authority. The City Council's Environmental Health Officer does not raise any concerns regarding noise impacts; I therefore recommend that the proposals are acceptable in noise terms.

Odour

28. The applicant states that the proposed kiosks, in themselves, are unlikely to have an adverse effect on any odour produced by the treatment works. The primary reason for the proposed ferric dosing is to reduce phosphorus levels in the discharge. However, a secondary effect of the process would help to limit some odorous emissions generated by wastewater. The application confirms that ferric dosing effectively removes hydrogen sulphide from the effluent in two separate reactions to form an odourless substance. The ferric dosing causes dissolved materials in wastewater to combine into solids, which is then removed from the effluent. This process increases the sludge output by approximately 30%, which is why the wider upgrades to the treatment works (to be completed under permitted development rights) include additional sludge storage capacity and associated infrastructure.
29. Southern Water maintains a log of odour complaints relating to the treatment works; this log indicates a fall in the number of complaints received from a high in 2007 to none in 2012. It is also noted that comments received from Canterbury City Council's Environmental Health Service raise no objection to the application, indicating that its records show no odour complaints since 2009.
30. The concerns raised by local residents in response to this application about general odour resulting from the wider operation of the facility have been raised with Southern Water. The company strongly urge anyone who has concerns regarding any odour generated at the site to contact its Customer Services Team so that they are able to respond to specific events that cause a nuisance outside the site boundary, and keep track of and address any persistent problems.
31. Government guidance on waste (set out in PPS10) states that waste planning authorities when considering planning applications for waste management facilities, should consider likely impacts on the local environment and on amenity, including proximity to sensitive receptors and the extent to which impacts/ emissions can be controlled. PPS10 also states that 'controls under the planning and pollution control regimes should complement rather than duplicate each other' and that 'in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities'.

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

32. Accordingly any pollution issue, including odour, arising from the operation of the development would be subject primarily, to control by the Environment Agency through its own legislative powers. The Agency has been consulted on this application and has raised no objection to the development. I also note that the development has the potential to contribute to improving the existing odour controls by modernising the treatment process on site to meet current and future standards.
33. On this basis it is considered that the proposed development of the kiosks is acceptable in terms of any local amenity impacts that would result from the proposals. All pollution control matters should be adequately controlled and regulated by the Environmental Permit process, including ongoing compliance checks and management required under the pollution control regime.

Landscape and visual considerations

34. South East Plan Policies CC4, CC6, Waste Local Plan Policy W25 and Canterbury Local Plan Policies BE1, C41 and NE5 seek development that is of a high standard of design that responds positively to the objectives of sustainable development, respects and enhances the character of the site and its context and surroundings.
35. The proposed development consists of the erection of a Ferric Dosing and Storage Kiosk (approximately 9.6m by 4m by 3.75m in height) located towards the centre of the treatment works, and an Effluent Monitoring Kiosk (1.65m by 1.65m by 2.25m in height) proposed at the eastern end of the site. Both buildings would be constructed from Glass Reinforced Plastic finished in dark green, and would be positioned amongst the existing structures, plant and built development within the site.
36. The kiosks must be sited within the operational boundary of the treatment works, close to existing structures and equipment. The proposed buildings are small structures both in absolute terms and within the context of the existing development within the treatment works. The siting of the proposed buildings is driven by operational reasons, since the equipment would form an integral part of the process stream, which takes place within a prescribed order. However, due to the overall size of this site the applicant has been able to position the proposed development to allow a reasonable level of separation between the buildings and the site boundaries in consideration of neighbouring land uses. The proposed Ferric Dosing Kiosk would be approximately 60m from the closest site boundary and more than 100m from the closest residential property. Similarly, the Effluent Monitoring Kiosk would be 45m from the closest site boundary and more than 200m from the nearest house.
37. The structures are of simple design, functional and entirely fit for the purposes of water treatment. Any views of the development from outside the site would be broken up by existing landscape planting around the site boundary, and in the context of the larger existing plant and built development within the treatment works.
38. The application includes the provision of limited external lighting to the exterior of the proposed Ferric Dosing and Storage Kiosk. This would consist of bulkhead lights fitted to illuminate the tanker fill point and both external doorways. The application confirms that these would only be switched on when required, and would not be left on overnight. This type of low impact lighting is entirely appropriate and necessary in the context of the wider treatment works. Consequently, I raised no objections to the lighting

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

proposed, subject to a condition ensuring that the external lighting be installed as proposed within the application.

39. I consider that the design of the proposed kiosks is acceptable and fit for the intended purpose. I also consider that the development would have limited visual impact on the local landscape and visual amenity, given the proposed location within the site, the context of the existing structures, and the distance between the development and public vantage points. These vantage points include the public highway, Public Right of Way and local residential properties. The temporary construction compound, required for the duration of the construction period, would include the provision of temporary mobile buildings, providing office space, welfare and storage facilities. The construction compound would be permitted development and would be removed from site on completion of the development. In my opinion the development would accord with the development plan policies in place in terms of its design and visual impact.

Highway Considerations

40. Access to the site is from May Street, approximately 15m from the junction with Sweeneybridge Road and Heart In Hand Road, and 200m from a junction with the A299 (Thanet Way). The treatment works has a dedicated access road from the public highway, including internal driveways enabling access to the site area. No changes to the access road are proposed as part of the development.
41. The WTW is not permanently manned, however Southern Water staff visit the site on a daily basis to attend to routine maintenance and operational tasks. This arrangement would not change as a result of the proposed development. Other existing traffic includes HGV/ tankers visiting the site approximately 6 times a week to remove sludge for further treatment, and a skip lorry once a week to remove a screening and grit skip.
42. The construction period for the whole redevelopment of the site, including the work proposed under permitted development, is expected to take 68 weeks. During the mobilisation period (approximately 2 weeks) additional traffic to the site would consist of up to 10 HGV and approximately 8 light vehicles per day. The application states that during the construction period traffic volumes would vary depending on the schedule work. The excavation work at the start of the programme is expected to generate the most HGV movements, up to approximately 80 HGV movements per week. It is expected that for the majority of the construction period the development would generate an average of 16 HGVs per week and approximately 20 light vehicles per day. Parking for all vehicles would be provided within the treatment works.
43. Following completion of the development, there would be a small increase in the existing vehicle movements. The applicant confirms that ferric dosing improves the treatment process and as a result sludge production would increase by 30%. This would consequently require a small increase in the number of tankers attending the site from 6 per week to approximately 8 per week. The ferric solution required in the process would be delivered to the site by tanker generating an estimate delivery once every 15/16 days.
44. Kent Highways and Transportation has considered the application, including the proposed changes to existing vehicle movements, and raise no objection in respect to highways matters, subject to conditions seeking precautions during any construction period to minimise any impact on the public highway.

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

45. Taking into account the view of Kent Highways and Transportation, I am satisfied that, whilst the construction period would result in an increase vehicle movements to the site, subject to precautionary conditions, the level proposed is not particularly high and would not have a significant or unacceptable impact on highway safety, congestion or local amenities for a temporary period. I am also mindful that much of the work is covered under permitted development rights and could be completed without the need for planning approval, including any vehicles associated with the construction period. Given the relatively small change in the number of vehicle movements proposed following completion of the development (approximately 4 HGVs per week), I am satisfied that the proposals are acceptable in terms of the potential highway implications. I recommend that any planning permission include conditions covering, amongst other matters, provision of space on site for parking, manoeuvring, loading and off-loading of all vehicles associated with construction; and precautions to guard against mud and similar substances reaching the public highway.
46. I note that Southern Water have, and continue to carry out upgrades on a number of similar sites across the county over recent years and have established good practice to manage any potential impacts resulting from the construction. As indicated above, the company's standard practice is to produce a Health, Safety and Environmental Management Plan (HASEMP) covering the construction period, which would include the management of construction traffic in accordance with best practice in order to minimise any impacts.

Biodiversity considerations

47. The application includes a desktop assessment and walkover survey of the site carried out by a qualified ecologist. The assessment concludes that the majority of the site consists of large areas of managed grassland with concrete and brick structures, all of which has limited ecological value and are considered to be unsuitable habitat for protected species. Notwithstanding this, the applicant is proposing to take a precautionary approach during construction and confirms that the HASEMP prepared for the site would ensure that any ecological impacts would be minimised, and that The Wildlife and Countryside Act (1981) and all other environmental protection regulations are fully complied with.

Other issues arising from publicity / consultations

48. Members will note that Mr Hirst has asked for careful consideration of the long term plans for the wider Herne Bay area, and the potential implication of these future aspirations on the continued development and operation of the Herne Bay WTW. He has asked that Southern Water give careful consideration to investing in the current facilities before the Canterbury District Local Development Framework has been adopted; suggesting that should further housing be planned in the locality this might be an opportunity for the treatment works to be moved away from the nearby residential properties as a result of the need for improved treatment capacity.
49. Southern Water has advised that the site treats local residential and business flows for an approximate population equivalent (p.e) of 38,984. The current predicted design size for the treatment works at 2020 is for a population equivalent 41,084. This would result in an increase in effluent flow of approximately 5%, which Southern Water indicates

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

could be accommodated within the current treatment units. The company advise that the wholesale relocation of the treatment works is unlikely given that the site has existing capacity (and further land available if needed) to accommodate foreseeable flows from any population increase.

50. The applicant suggests that, notwithstanding the above considerations, the difficulties which would be encountered in finding an alternate site, along with the additional sustainability issues of pumping flows greater distances, would potential prevent Southern Water's regulators (OFWAT) from approving a move once net benefits had been considered.
51. I note that the pre-submission consultation draft of the Canterbury District Local Development Framework is due to be published until April 2013, and the final plan is not anticipated to reach adoption stage until April 2014. I accept that careful consideration of the wider aspirations for the Herne Bay area will have a bearing on Southern Waters longer term plans for this site, once Canterbury District Council has published an adopted approach to the provision of housing. I understand that Southern Water are a statutory consultee in the preparation of the Development Framework and will continue to feed into the process at each stage.
52. In the context of the current application, Members can only consider the proposals that are submitted at this time. It is unreasonable to expect the statutory undertaker to relocate the treatment works given that the site has been established to serve the needs of the local community and continues to form a vital part of the local infrastructure. The applicant has demonstrated a clear need for the proposed development in the short term to allow the facilities to continue to support the local community whilst meeting statutory environmental controls set down by the European Water Framework Directive, national regulators DEFRA and OFWAT and the Environment Agency. I am satisfied that the 2 kiosks proposed in the application accord with the current Development Plan and the principles of sustainable development and therefore recommend that the development should be supported.

Conclusion

53. The proposal is for the erection of two kiosks to support an upgrade to the WTW, which includes other works that fall under permitted development rights. Southern Water is obliged to provide upgraded sewage treatment and improved discharge quality in order to comply with European water quality objectives. The proposals are designed to improve the operation of the existing facility, which provides an essential service for the community of Herne Bay and the surrounding area.
54. I consider that the applicant has demonstrated that there is a clear need for the development, and that the location and design of the kiosks is acceptable and proportionate to the use proposed. I am satisfied that the development would not give rise to any significant adverse impacts upon local amenity or the environment, and that there are no other material considerations that suggest that the decision should not be taken in accordance with the Development Plan. On this basis, I consider that the application accords with National and Regional Policy and the relevant policies of the Waste Local Plan and Canterbury City Local Plan referred to above. I therefore recommend that, subject to the imposition of appropriate conditions, planning permission should be granted.

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

Recommendation

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

- development to be commenced within 5 years;
- the development being carried out in accordance with the submitted plans and any approved pursuant to the conditions set out below;
- the external lighting proposed should be implemented in accordance with the application documents;
- controls on the construction phase to minimise any impact on the public highway during this period, including precautions to guard against the deposit of mud and similar substances on the public highway; and
- controls on the hours of operation during the construction period.

Case Officer: James Bickle

Tel. no: 01622 221068

Background Documents: see section heading

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SW/0089/2012 – Section 73 application to continue development without complying with conditions 3, 21 and 24 of planning permission SW/10/1436 at Ridham Dock Road, Iwade, Sittingbourne, Kent

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2013.

KCC/SW/0089/2012– Section 73 application to continue development without complying with conditions 3, 21 and 24 of planning permission SW/10/1436 at Ridham Dock (MR. 921 674)

Recommendation: Permission BE GRANTED subject to conditions.

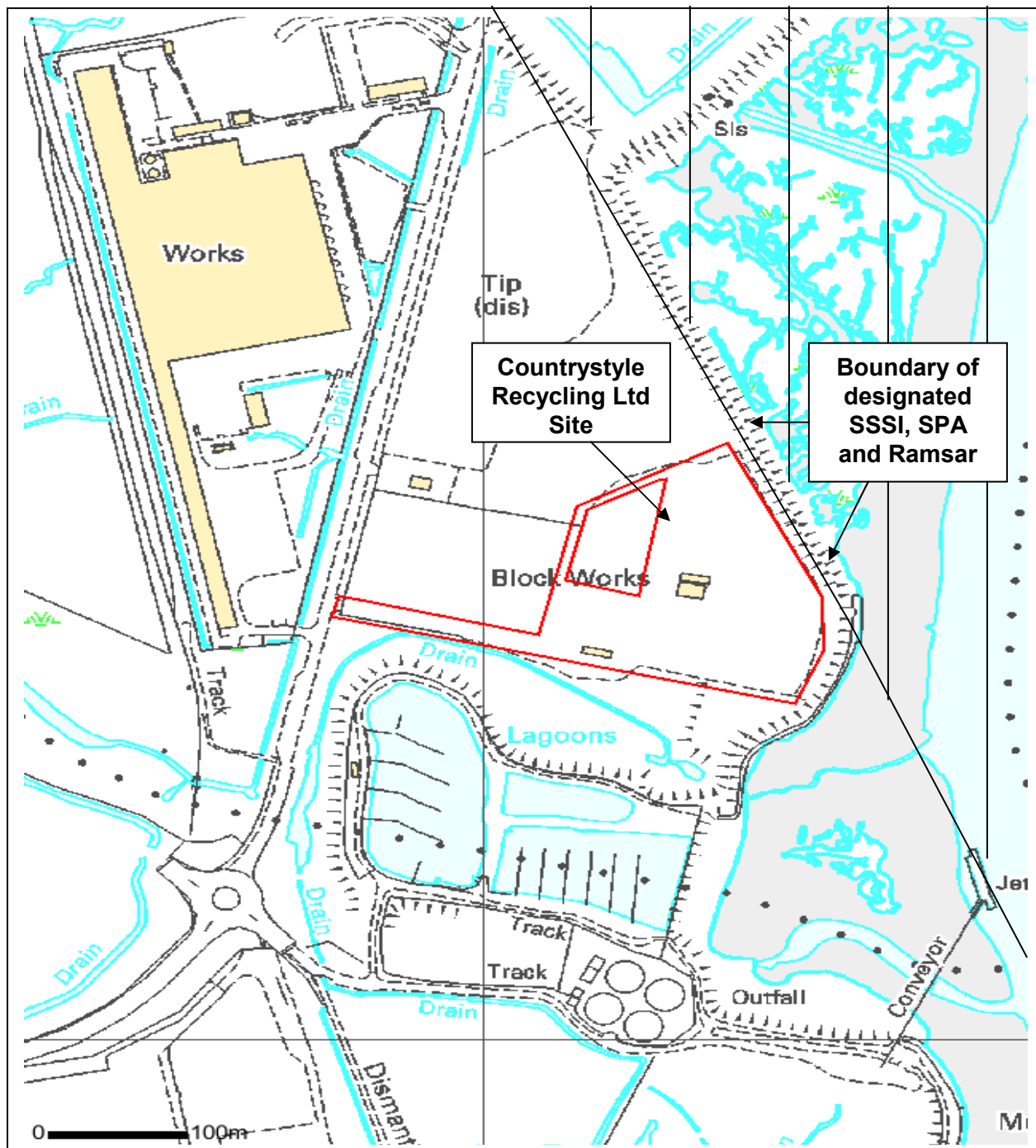
Local Member: Mr A Willicombe & Mr Whiting

Classification: Unrestricted

Background and Site Description

1. Planning permission was granted in 2006, for a material recovery facility (MRF), in-vessel composting facility (IVC) and the continuation of secondary aggregate recycling operations at the Countrystyle Recycling Limited (CRL) site, Ridham Dock, under planning consent reference SW/05/1392. A Section 73 planning application was later permitted which included, amongst other matters, a variation of opening hours (permitted under reference SW/10/1436). This s73 permission allows for waste deliveries and transportation of materials off site between 0530 and 2000 hours on Monday to Sunday and Public Holidays (excluding Christmas Day, Boxing Day and New Years Day). However no operations other than the processing of compostable material within the in-vessel system and processing of materials within the MRF building shall take place outside these hours.
2. The site itself lies some 2km north of Kemsley, 2.1 km to the east of Iwade and 1.2km to the east of the A249. It lies close to habitats which form part of the Swale SSSI, SPA and the Medway Estuary and Marshes Ramsar site respectively. The closest residential properties (Kemsley Fields) are approximately 1.2km from the site. A site location plan is included below.
3. Following a routine monitoring visit to the site in November 2011, a number of planning issues were identified, which resulted in a report to the January 2012 Regulation Committee for Members endorsement on appropriate action. Two retrospective planning applications were subsequently submitted in order to regularise the matter. One of which was for the implementation of a concrete pad. This was granted planning permission by Members at the July 2012 Planning Applications Committee.
4. The second application, which is the subject of this report, relates to a number of alterations to the approved site layout along with some process changes at the site.

Section 73 application to continue development without complying with conditions 3, 21 and 24 of planning permission SW/10/1436 at Ridham Dock Road, Iwade, Sittingbourne, Kent



Site Location Plan

Section 73 application to continue development without complying with conditions 3, 21 and 24 of planning permission SW/10/1436 at Ridham Dock Road, Iwade, Sittingbourne, Kent

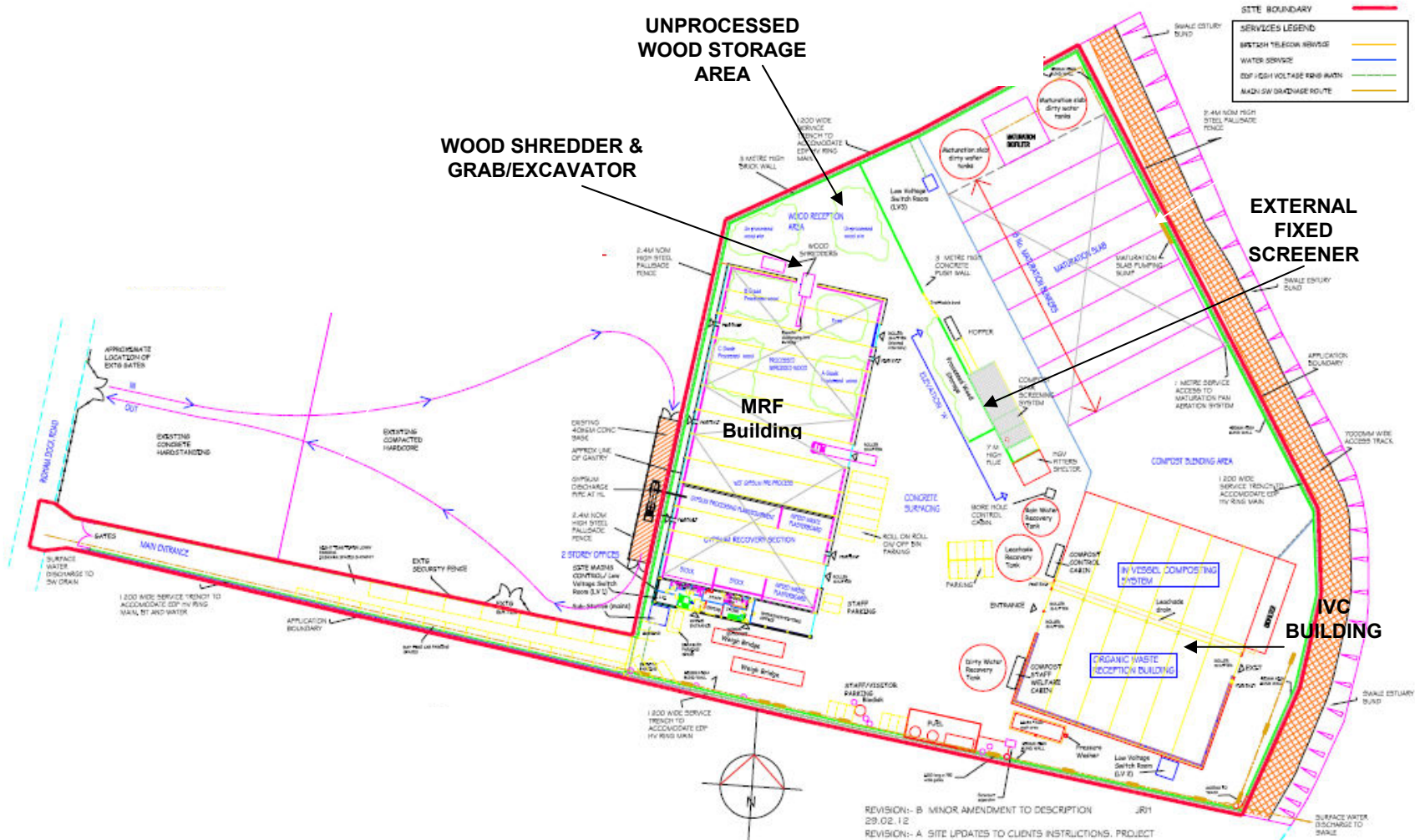
Proposal

5. The applicant has submitted a section 73 planning application which is in essence twofold. Firstly it seeks a number of minor alterations to the approved site layout which comprise:
 - HGV fitter's shelter adjacent to a fixed compost screener
 - Construction of a 3m high outdoor bay to store processed wood;
 - Day time car parking spaces along the southern side of the site access road;
 - Vehicle washdown and refuelling area to the south of the organic waste reception building; and
 - Changes to MRF elevations (i.e. additional doors)
6. Secondly, a variation is sought to enable some external changes to the wood processing and compost screening operations. These are summarised as follows:
 - Use of wood shredders and grab/excavator outside the MRF Building
 - Stockpiling of unprocessed wood outside of the MRF
 - Location of fixed compost screener and mobile screener outside the IVC building
7. The proposed site layout is shown overleaf.

Background to proposed changes to the wood shredding activity

8. Whilst the minor layout changes are a result of day to day operational efficiencies, the reason for the changes to the wood processing on site is linked to a previous project. Permission was granted by Members of the Planning Applications Committee in May 2010 under reference SW/09/894. This allowed for the implementation of a small scale biomass plant, in partnership with Bioflame Limited, using low grade wood waste as feedstock. This facility was to be located within the existing MRF building at the site. In order to accommodate the new biomass plant and the processing of wood waste, the applicant sought to extend the MRF building to ensure that all operations associated with this activity could take place within a fully enclosed building. Whilst the applicant commenced wood processing on site, Bioflame Limited, who were the main drivers for the biomass plant technology, went into liquidation and the project did not go ahead as permitted. The applicant at the time considered that wood shredding and processing could take place at the site, albeit that the MRF building was not extended as had been previously planned. In order to ensure as much of the process as possible is contained within a building, the applicant therefore operates a 'part in part out' activity which is explained further below.

Section 73 application to continue development without complying with conditions 3, 21 and 24 of planning permission SW/10/1436 at Ridham Dock Road, Iwade, Sittingbourne, Kent

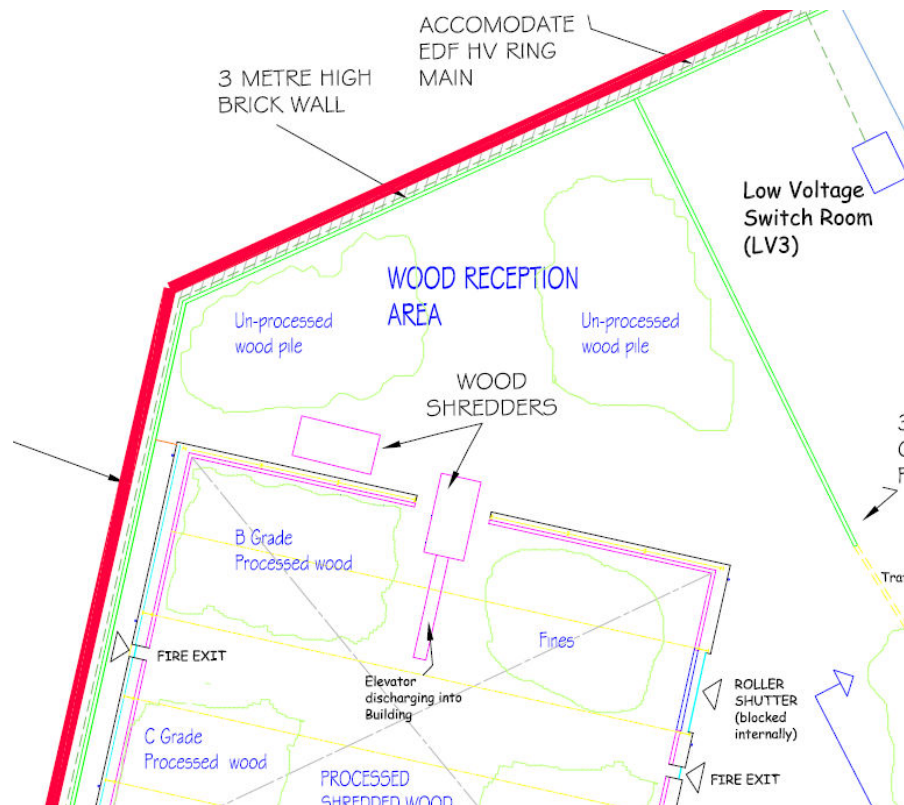


Proposed Site Layout

Section 73 application to continue development without complying with conditions 3, 21 and 24 of planning permission SW/10/1436 at Ridham Dock Road, Iwade, Sittingbourne, Kent

Process

9. Unprocessed wood waste is brought to the site and stored externally within a designated area to the north west of the site. Wood is loaded by grab machine into the 'input' end of a shredder and discharged at the output end which is located within the existing MRF building (as illustrated on the extract from drawing number 11.09B01 B below).



10. In terms of the planning status, whilst a planning permission exists to process wood at the site, originally this was intended to have taken place within the MRF building once extended. Bioflame's withdrawal from the biomass project meant that the MRF building was not implemented as had been originally intended and that the site operator has continued to process wood within the confines of the space available to him. The operator does however seek to significantly reduce the wood throughput from the currently permitted (under SW09/894) 30,000 to 10,000 tonnes per annum.
11. In addition to the external wood shredding activity the other main external element to what is proposed as part of this s73 applications is the use of both an fixed and mobile screener which is located outside the existing IVC building.

Section 73 application to continue development without complying with conditions 3, 21 and 24 of planning permission SW/10/1436 at Ridham Dock Road, Iwade, Sittingbourne, Kent

12. In terms of the minor changes sought in relation to the site layout, these elements relate largely to operational efficiency and the need to ensure staff car parking is provided without impact on operational procedures. Whilst I do not consider these to be fundamental in themselves, I do consider that the changes to external processes (i.e. the wood processing activity and the external screener) could give rise to noise, dust and odour impacts on nearby designations.

Planning Policy Context and Government Guidance

13. The key National and Development Plan Policies most relevant to the proposal are summarised below:
14. **National Planning Policy Framework, March 2012** - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. It is committed to ensuring that the planning system does everything it can to support economic growth whilst ensuring that development is sustainable. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
15. In particular Para 122 of the Framework states: *Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.*
16. **Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management** – Underlines the importance of planning for and consenting the necessary number and range of facilities in order to ensure that adequate provision is made for the future management of our waste.
17. The key aim of moving waste management up the 'waste hierarchy' forms the underlying objective of national policy. The proximity of waste disposed and 'self sufficiency' are also expected to represent the fundamental key to securing such objectives to ensure that communities take responsibility for their own waste.
18. Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' through the descending order of reduction, re-use, recycling and composting, using waste as a resource of energy and only disposing of waste to landfill as a last resort, government aims to break the link between economic growth and the growth of waste.

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19. **Waste Strategy 2007** – aiming to reduce waste by making products with fewer natural resources, breaking the link between economic growth and waste growth; products should be re-used or their materials recycled.
20. **South East Plan (2009)** – The most relevant policies are: W3 (Regional Self Sufficiency), W4 (Sub-Regional Self Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling) W8 (Waste Separation), W17 (Location of Waste Management Facilities), CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable Design and Construction), NRM4 (Sustainable Design and Construction), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality).
21. 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.
22. **Kent Waste Local Plan (1998)** – The most relevant saved policies are: W3 (Locational Criteria), W6 (Consideration of need), W9 (Waste separation and transfer), W18 (Noise, Dust and Odour), W19 (Groundwater protection), W21 (Nature Conservation), W22 (Provision for adequate access arrangements), W25 (Plant and Buildings) and W31 (Visual Impact and Landscaping).
23. **Swale Borough Local Plan (2008)**

Policy SP2: In order to provide a robust, adaptable and enhanced environment, planning policies and development proposals will protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough and promote good design in its widest sense. Development will avoid adverse environmental impact, but where there remains an incompatibility between development and environmental protection, and development needs are judged to be the greater, the Council will require adverse impacts to be minimized and mitigated. Where a planning decision would result in significant harm to biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensation measures will be sought.

Policy E12: Sites designated for their importance to biodiversity or geological conservation.

Policy B2: Providing for new employment.

Policy B10: Ridham as an existing committed employment site.

Section 73 application to continue development without complying with conditions 3, 21 and 24 of planning permission SW/10/1436 at Ridham Dock Road, Iwade, Sittingbourne, Kent

24. Emerging Policy

Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) – The strategic objectives for the Waste Core Strategy seek to increase amounts of Kent's waste being re-used, recycled or recovered and promote the movement of waste up the waste hierarchy by enabling the waste industry to provide facilities which enable a major reduction in the amount of Kent's non-hazardous waste being disposed of to landfill. It also seeks to provide opportunities for the generation of renewable energy for use within Kent through energy from waste.

Waste Sites Plan (Preferred Option Consultation May 2012) – it identifies the site as having existing planning permission for an in-vessel composting facility, a materials recycling facility, aggregates recycling and waste wood combined heat and power plant. It gives support to the development of the site subject to the nature and scale of development being similar to that of the current planning permissions.

25. Consultations

Swale Borough Council: Objections are raised on the grounds of odour generated from existing composting activities. The Borough Council state the following:

“The Borough Council’s Environmental Protection Team regularly receives complaints concerning odour from the composting activities carried out at this site. It considers that the majority of these complaints arise from the odours of composting activities that are carried out outside, and subsequently removal of the conditions would have a wholly unacceptable impact on the amenities of residential properties in Iwade and Kemsley. The Council considers all composting must be undertaken within the buildings and as such considers Conditions 3, 21 and 24 remain.”

The Borough Council were consulted on revised details on 1 June 2012 and 21 November 2012. No further comments have been received.

Iwade Parish Council: No objections are raised subject to planning conditions restricting the annual waste wood throughput, appropriate controls on noise, dust and odour and a condition requiring the wood shredder to be loaded externally but depositing processed wood inside the MRF building.

In addition the Parish Council request that strict fire controls are sought, along with assurances that monitoring will be carried out on a regular basis by the County Council.

Environment Agency: No objection is raised.

Biodiversity Projects Officer: No comments to make.

Jacobs (Noise, Dust, Odour): No objection is raised on noise, dust or odour grounds.

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Transport Planning (Kent Highways and Transportation): No objection is raised.

Local Member

26. The Local County Members, Mr A Willicombe and Mr M Whiting were notified of the application on 2 April 2012.

Publicity

27. The application was publicised by the posting of a site notice and advertisement in the local newspaper.

Representations

28. No letters of representation have been received to date objecting to the proposal.

Discussion

29. 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 adopted National Planning Policy Framework (NPPF) which promotes sustainable development and the regional and local plan policies set out above together with PPS10. It should be noted that the South East Plan remains part of the 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.
30. Given the nature of the proposal the NPPF should be read together with PPS10 which is to remain in place until new waste policies are published alongside the new National Waste Management Plan for England. However the presumption in favour of sustainable development which lies at the heart of the NPPF still applies. In order to achieve this objective the NPPF identifies a number of key areas, which in my view are of specific relevance namely: Delivering Sustainable Development, Part 1 – Building a strong, competitive economy; Part 7 – Requiring good design; Part 10 – Meeting the challenge of climate change and Part 11 – Conserving and enhancing the natural environment.
31. Policy W9 of the Kent Waste Local Plan identifies the locational criteria against which individual proposals will be considered, whilst policies W18 to W22 and W25 set out the operational criteria. The site is identified under Policy W9 as being suitable in principle for waste transfer and recycling and is an existing operational waste management facility currently run by Countrystyle Recycling Limited as an In-Vessel Composting and material

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recycling facility (MRF).

32. The site already operates with the benefit of an existing planning permission for a MRF, (along with gypsum recycling) and IVC facility and the principle for accepting wood to the site has been established as part of the 2009 biomass project albeit within a fully enclosed building. As indicated above, this current planning application has been submitted following a report to Members of the Regulation Committee by the Head of the Planning Applications in 2012. This required the operator to submit a planning application in order to regularise a number of breaches recorded following a routine monitoring visit by officers to the site.
33. Members of this Committee will be aware that retrospective applications are determined on their planning merits and as if the development had not been implemented.

Swale Borough Council Views

34. The Borough Council have raised an objection to the planning application on the grounds that their Environmental Protection Team regularly receive complaints concerning odour from the composting activities taking place at the site. They consider that the majority of the complaints arise from odours associated with external composting activities and therefore consider that removal of conditions would have a wholly unacceptable impact on amenities of residential properties in Iwade and Kemsley. On this basis the Borough Council considers that conditions 3, 21 and 24 remain.
35. Having set out the Borough Councils view on this section 73 planning application, it is considered necessary to clarify that the applicant is not seeking the removal of conditions 3, 21 and 24. The operator is seeking a variation of condition 3 (revised site layout); and variations of conditions 21 and 24 which currently restrict activities relating to the IVC and MRF processes to within the existing buildings.

Minor Amendments to the Approved Site Layout (condition 3)

36. It is generally accepted that active sites of this scale and nature are likely to be subject to minor changes in terms of general layout in order to suit the daily practicalities of operating such a site. No specific objections have been received in relation to the location of the HGV fitter's shelter, 3m high storage bays, day time car parking spaces along the southern side of the site access road, vehicle washdown and refuelling area to the south of the organic waste reception building and minor changes to the MRF building elevations (i.e. additional doors).
37. However in respect of changes sought to the wood processing activity and location of an external compost fixed screener/mobile screener, I consider that those elements could give rise to noise, dust and odour impacts.

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Noise

38. This established waste site operates within the Ridham Industrial Estate complex and seeks permission to operate a wood shredder partially outside the existing MRF building, external stockpiling of unprocessed wood and the use of a fixed and mobile compost screener outside of the existing IVC building.
39. The Parish Council had initially raised concerns over the potential to cause adverse noise impacts on the nearby residential development, which are some 1.2 km distant from this site. Those concerns relate specifically to the equipment used in relation to the external wood processing activity as well as the external screeners associated with the IVC activities. Given the close proximity of the site to the designated SPA, SSSI and Ramsar, the Applicant has provided a noise assessment in support of his application. The assessment identifies potential noise sensitive receptors as the nearby designations, along with Lloyd Drive which is the nearest residential area (i.e. Kemsley Fields). The assessment, which was conducted in accordance with guidance contained in BS4142, concluded that predicted rating levels from operations at the MRF and existing IVC facility would lead to a situation where there would be a positive indication that complaints would be unlikely during the daytime and a situation between marginal significance and a positive indication that complaints would be unlikely during the night-time. Given the distance between the site and the nearest residential properties the Applicant considers additional noise mitigation measures unnecessary.
40. Jacobs, the County Council's noise consultants have been consulted and comment that having regard to the distance of the nearest residential properties, noise levels are predicted to fall well below existing noise levels at the nearest properties and that there are unlikely to be complaints in relation to noise generated from the site.
41. However the Applicant's ambient noise assessment indicated a *minor, barely perceptible impact during the day time and moderate impact during the night-time* on the nearby SPA, SSSI and Ramsar. By way of mitigation the Applicant considers restrictions on the use of external plant necessary and specifically that any external plant located nearest to those designations should not be operated outside the hours of between 0700 and 1900. Having sought advice with regard to the possible impact from noise on the nearby designations, Jacobs raise no objection provided the County Council's own Ecologist considers that there would be no noise impact on the nearby SPA and Ramsar.
42. The County Ecologist has been formally consulted on the planning application along with the accompanying noise assessment and has also raised no objection to the proposal stating that, in their view, the proposed changes to the site would have *minimal impact* on the surrounding designated sites. However they further advise that the mitigation detailed in the noise assessment should be carried out as specified by the operator. I concur with the views of consultees and consider that noise is not likely to be a cause for concern at the site, either on residential properties nor nearby designated areas, provided planning conditions are imposed to control the operating hours of the external plant, being the fixed and mobile screener and that the wood processing equipment (grab/excavator and shredder) continues to be operated as it is currently (partially within the MRF building). On

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this basis I am satisfied that the proposal meets the requirements of Policy W18 of the KWLP therefore should Members resolve to grant planning permission, noise could be controlled at the site.

Dust

43. The Parish Council initially raised concerns that the shredding of wood outside the building could present a dust hazard. Dust mitigation measures are already employed at the site under the terms of the existing planning consent and whilst there had been some dust issues at the site previously, these were linked to a faulty roller shutter door at the MRF where gypsum was processed. This was remedied some while ago and I am satisfied, following my last site visit, that continued maintenance of the doors are a priority for the applicant. Dust mitigation at the site includes the use of dampening down measures and the closure of the roller shutter doors except when deliveries are taking place. Dust emissions are also covered under the site's Environmental Permit, therefore in my view can continue to be monitored and controlled at this site under the terms of both the existing planning permission and the Permit. Jacobs, the County Council's advisors on such matters have raised no objection in relation to dust and I am satisfied that effective dust mitigation measures and good housekeeping practices remain in place. I therefore consider that the dust can continue to be controlled in accordance with policy W18 of the KWLP and SP2 of the Swale Borough Local Plan as well as meet the objectives set out in Part 7 - minimising impacts on the environment and Part 11 - through good design, of the NPPF.

Odour

44. In relation to odour management at the site, particularly in relation to in-vessel composting (IVC) activities, the original planning permission restricted all activities relating to the IVC within the fully enclosed building, with the exception of the maturation area as identified on drawing number 11.09B01 B (above). This application retrospectively seeks formal permission to operate a fixed screener and mobile screener in an area outside the IVC building, albeit these have been in place for some considerable time. The applicant has submitted an odour assessment in support of his application.
45. The Borough Council have raised concerns in relation to potential odour generated from external activities associated with the IVC and specifically refer to an number of complaints received via their own Environmental Protection Team. They are concerned that allowing any screening to take place in the open would impact on the nearest residential properties. The Applicant is aware that there have been some concerns relating to odour and accept that notwithstanding their close location to a sewage treatment works, have looked to improve odour management on their own site.
46. The EA, who regulate and monitor the site under the existing Permitting regime, have been working closely with the operator on this matter and requested that the applicant submit an Odour Management Plan (OMP) in support of both the planning application and the existing Permit. The County Council have continued to liaise with the EA and the

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operator and it is understood that the operator has investigated in more depth how the mix of waste has the potential to generate odour from the site. The applicant has sought to address this with the EA and as a result the operator has now provided a new OMP for the site and whilst it was formally submitted to the County Council in May 2012, the Borough Council have made no further comments on this to date. The EA have raised no objection to the application, and specifically the OMP, acknowledging that the operator has invested in monitoring equipment which will continue to provide evidence and improve understanding of the waste which is to be screened and therefore help to implement changes to reduce any odour. Consistent with advice set out in the National Planning Policy Framework, odour will continue to be managed at the site as a requirement of the Permitting regime and it would therefore be inappropriate to duplicate the controls covered by the EA's permitting process.

47. I am re-assured that no further complaints have been relayed to me via the Borough Council since mid 2012 and consider that this is likely to have been as a result of ongoing dialogue between the operator and the Environment Agency. Odour will continue to be managed at the site as a requirement of the Permitting regime. I am therefore satisfied that odour can continue to be successfully managed and that there is no reasonable ground to withhold planning permission on this aspect.
48. Having considered the external elements of this proposal, in particular from the external wood shredding and compost screeners, in terms of the possible noise, dust and odour impacts I am satisfied that with suitable controls in place development can be carried out without having any unacceptable adverse impacts. Given the proposed reduction in wood waste throughput, to 10,000 tpa, I also consider this element to be relatively a low key activity. In the absence of any technical objections to the proposal from consultees I consider that a refusal of the planning application would be difficult to defend were the applicant to appeal.

Other matters

49. Whilst, with the exception of the Borough Council, no other objections have been raised specifically in relation to this planning application, Iwade Parish Council were previously raised concerns in relation to the number of proposals linked to wood storage within the Ridham Industrial complex generally. Whilst the Countrystyle site already processes wood at this site, they also gained planning permission, in September 2012, to locate similar wood processing and storage activities at Building 17 within the Dock area (under permission reference SW/12/927) and had initially intended to fully cease wood shredding and storage at this site in favour of Building 17. However for operational reasons CRL now wish to retain some flexibility and have requested to continue wood shredding and storage on site, albeit at a significantly reduced annual throughput compared to that currently permitted at the site. The Parish Council have raised no objection to this, subject to a condition restricting the annual throughput to 10,000 tonnes per annum, which the applicant is content to accept.

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50. Finally, the past history of the operator at this particular site was documented at the July 2012 Planning Applications Committee, following concerns raised by the Parish Council. They have again raised the matter of the operator submitting 'retrospective' planning applications and although I accept that this has been an issue previously, in this instance I have found the Applicant committed to ensuring compliance at the site and addressing the breaches of planning control. Members will be aware that planning enforcement guidance where development is acceptable in principle, encourages breaches of planning control to be tested by a planning application. The determination of the application however is on its merits and assumes that the development has not taken place. I do however consider that the most appropriate way to ensure continued cooperation is for regular site monitoring to be carried out by Officers in order to maintain planning control.

Conclusion

51. In conclusion, I am of the opinion that the proposal is consistent with the policies set out in the NPPF including paragraph 122 which advises that LPA's focus on whether the development itself is an acceptable use of the land, South East Plan, Kent Waste Local Plan and Swale Borough Local Plan. In my opinion provided any future permission contains appropriate conditions, particularly those required to mitigate any adverse impacts on the nearby designated sites, the development would not result in any adverse impacts on residential amenity and nearby sensitive designations. The site will require regular monitoring to ensure compliance in the future. Having regard to the objectives in the NPPF, the application in my view represents sustainable development. I therefore recommend accordingly.

Recommendation

52. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO CONDITIONS covering amongst other matters, that development be carried out strictly in accordance with drawing number 11.09B.01 B (which also identifies an area for storage of unprocessed wood), a restriction on the times of use of external plant, noise, mitigation measures set out in the dust and odour management plans, along with restrictions on the wood waste throughput to 10,000 tonnes per annum and evidence to demonstrate compliance and external stockpile height restrictions to 3m.

Case Officer: Angela Watts	01622 221059
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Background Documents: See Section Heading

Item C3

Retrospective change of use from a vehicle crash repair site to a metal recycling facility and parking of two skip hire delivery lorries at Unit 1, Park Farm Close, Park Farm Industrial Estate, Folkestone, Kent, CT19 5DU – SH/12/1032 (KCC/SH/0333/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2013.

Application by Johnson's Recycling Ltd for Retrospective change of use from a vehicle crash repair site to a metal recycling facility and parking of two skip hire delivery lorries at Unit 1, Park Farm Close, Park Farm Industrial Estate, Folkestone, Kent, CT19 5DU – SH/12/1032 (KCC/SH/0333/2012)

Recommendation: Permission be granted subject to conditions.

Local Member: Richard Pascoe

Classification: Unrestricted

Site

1. Unit 1 Park Farm Close is located at the end of a cul-de-sac within the established employment area for offices, warehousing and distribution at the Park Farm Industrial Estate in Folkestone.
2. To the north of the site there is an existing waste facility operated by the Countrystyle Group. To the south, there are offices and car parking. To the east, across Park Farm Close, there is a warehouse occupied by East of India Company, part of which is also used for the storage of skips operated by the Countrystyle Group. To the west, there is a warehouse and yard occupied by Park Farm Joinery.
3. The nearest residential properties to the site are approximately 85m to the north east on Downs Road. These are generally single storey bungalows where they back onto the skip storage yard within the industrial estate although the properties are two storey further north and south. Those to the north are in a more elevated position.
4. The site is gated and fenced and comprises a hardstanding yard and a 420m² semi detached warehouse building. The total site area is 0.08 hectares.

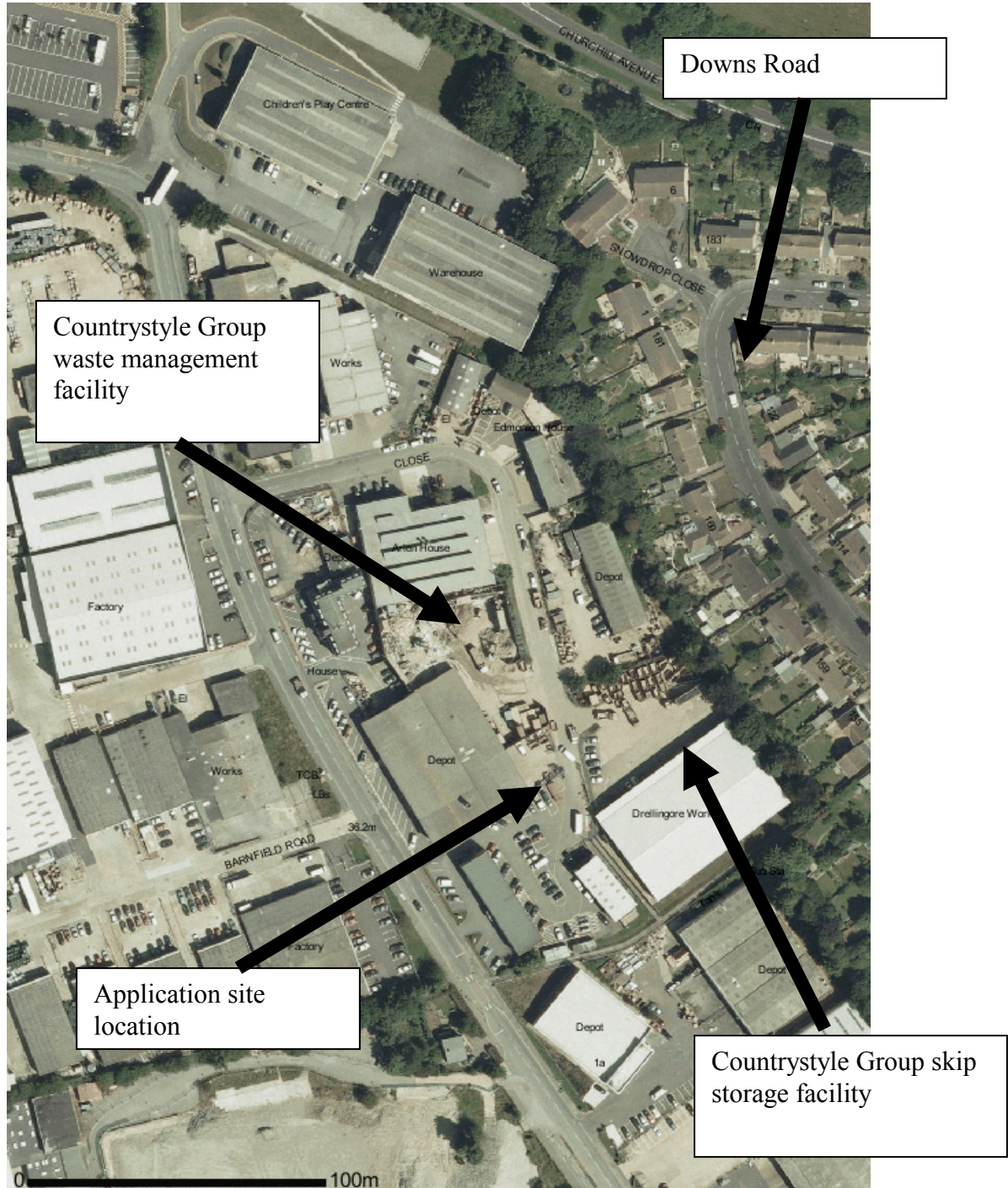
Proposal

5. This is a retrospective application for a change of use from a vehicle crash repair site to a metal recycling facility with the parking of two skip hire delivery vehicles. Planning permission for the vehicle crash repair site was granted by Shepway District Council in January 2003 (reference Y02/1216/SH).

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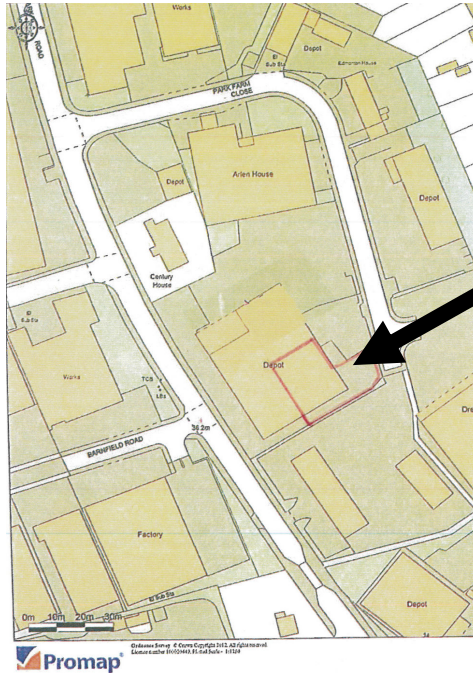
General Location Plan



Item C3

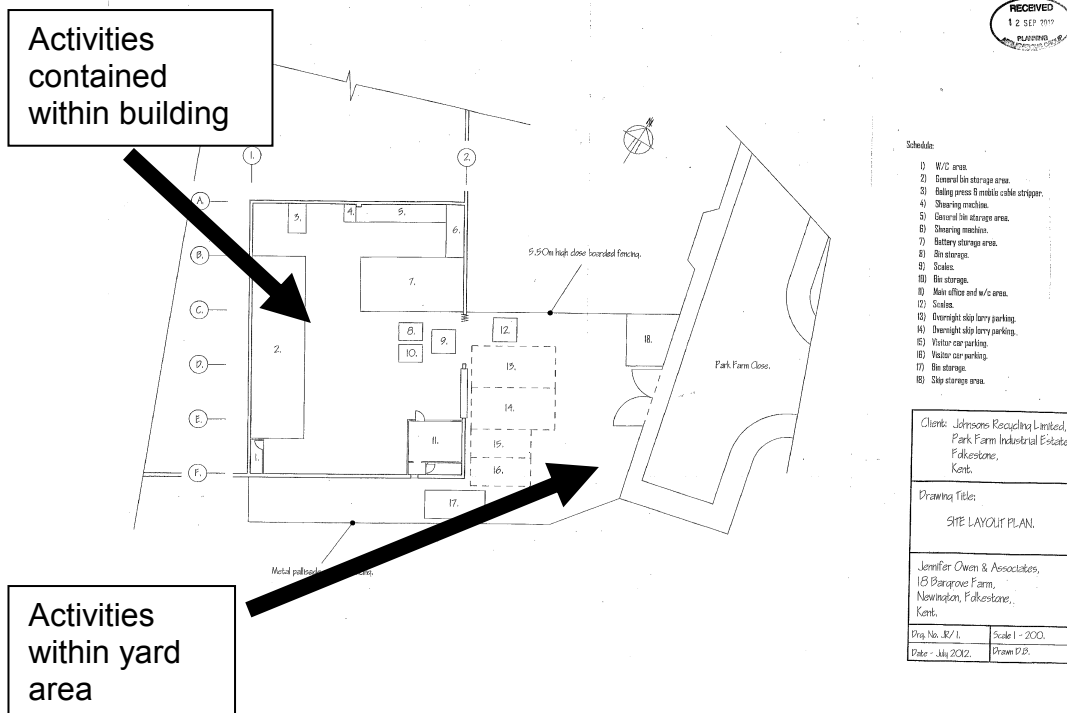
Retrospective change of use from a vehicle crash repair site to a metal recycling facility and parking of two skip hire delivery lorries at Unit 1, Park Farm Close, Park Farm Industrial Estate, Folkestone, Kent, CT19 5DU – SH/12/1032 (KCC/SH/0333/2012)

Application Plan



Application
area Unit 1
Park Farm
Close

Site layout plan



Item C3

Retrospective change of use from a vehicle crash repair site to a metal recycling facility and parking of two skip hire delivery lorries at Unit 1, Park Farm Close, Park Farm Industrial Estate, Folkestone, Kent, CT19 5DU – SH/12/1032 (KCC/SH/0333/2012)

View of Unit 1 Park Farm Close building and yard area



View of neighbouring waste facility operated by Countrystyle Group acoustic fence



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6. No new building works are proposed. It is proposed that the building and open yard would be used in connection with the metal recycling site for ferrous metals (such as iron, steel and stainless steel) and non ferrous metals (such as aluminium, copper, brass, zinc, lead and nickel).
7. The proposal would provide for a maximum annual operational throughput of 5,050 tonnes per annum (tpa), of which 5,000tpa would be non-hazardous commercial and industrial metal waste and 50tpa would be for the storage of waste batteries which is categorised as hazardous waste storage.
8. The applicant proposes hours of operation between 0730 and 1700 Monday to Friday and 0830 and 1200 Saturday with no operations on Sundays and Bank or Public Holidays. Within these proposed hours the applicant states that the noise generating activities (the receiving of waste, moving waste in the yard and operating machinery in the building) would be restricted to between 0800 and 1600 hours Monday to Friday and 0830 and 1145 hours on a Saturday.
9. Customers would bring metal waste to the site for weighing, sorting, storage, some processing and “bulking up” into larger loads by Johnson’s Recycling. Metals would be off-loaded either onto the scales located in the building or in the yard. Some metals would be taken to the shearer located within the building to be cut into smaller pieces and then transferred into either the indoor or outside storage area. Cables would be taken to the cable stripper located within the building and processed within the building. The separated materials would be stored in the building. Aluminium cans would be taken to the bailer in the building and then stored either within the building or in the yard outside. Waste batteries would also be accepted at the site and would be stored in containers in a battery storage area located within the building before being transferred off site for processing. Materials would be moved around the site by hand or using a metal tipper which is moved to the scales by forklift truck. It is proposed that there would be 4 skips located in the yard for storing metals in. Once the skips are almost full it is proposed that a tracked excavator with a grab fitted to the hydraulic arm would be used to compress the metal in order to make room in the skips for more waste. This could happen up to twice a day. Once there is sufficient sorted and stored waste within the containers, they would be taken off site for further waste processing and recycling.
10. The proposal includes the retention of two parking spaces for cars bringing material to the site and 1 space for light goods vehicles, 4 cycle spaces within the building for staff and 2 HGV spaces for the parking of the two skip hire delivery vehicles overnight. The applicant does not propose to bring skips loaded with general waste back to the site for storage as these would be taken directly to the neighbouring waste management site operated by the Countrystyle Group for emptying. The applicant proposes that only waste destined for metal waste recycling would be brought to the site and that the site would not accept end of life vehicles.

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11. It is proposed to store empty skips from the applicant's skip hire business within the yard. This and the parking for the two skip hire vehicles are considered by the applicant to be ancillary to the metal recycling and storage use. One of the skip vehicles parked overnight would be used during the day for off site collections and the other used during the day to move skips containing sorted metal waste from the proposed site to other sites for further recycling.
12. It is proposed that the site would provide employment for 6 existing full time equivalent employees.

Planning Policy

13. The Government policies and guidance and Development Plan Policies of most relevance to the proposals are summarised below:-
 - (i) **National Planning Policy and Guidance** – the most relevant National Planning Policy is contained in the National Planning Policy Framework (NPPF) 2012, Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) revised in 2011 and the Waste Strategy for England 2007.
 - (ii) **Regional Planning Policy** – is set out in the South East Plan (2009). Policies that are particularly relevant to this proposal are CC1 (Sustainable development); NRM1 (sustainable water resources and groundwater quality); NRM2 (water quality); W3 (regional self sufficiency); (W4 sub regional self sufficiency); W5 (diversion of waste from landfill); W6 (recycling and composting); W7 (waste management capacity); and W17 (location of waste management facilities).

***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)** – Policies W3 (location criteria); W6 (need); W9 (waste separation and transfer); W18 (control of noise, dust and other impacts); W19 (water resources, leachate and groundwater); W22 (road traffic and access); and W25 and W25A (plant and buildings).

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- (iv) **Shepway District Local Plan Review (2006)** – Policies SD1 (sustainable development), E1 (employment sites) and E5 (control of industrial, warehousing and office development).
- (v) **Kent Minerals and Waste Development Framework** – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (2011) draft Core Strategy Policies CSW1 (sustainable waste management and climate change); CSW2 (waste hierarchy); CSW3 (strategy for waste capacity); CSW5 (strategy for non strategic waste sites); CSW6 (location of non strategic waste sites); CSW7 (approach to waste management for MSW and C&I waste); CSW16 (other forms of waste development); DM1 (sustainable design); DM7 (protection of the water environment); DM8 (health and amenity and DM9 (cumulative impact).

Consultations

- 14. **Shepway District Council** - No objection to the proposal but recommends that: the hours of use be limited to those specified in the application form; an acoustic fence similar to that erected on the adjoining site is continued along the boundary edge; and the number of skip lorries parked on site is restricted to that currently in use.
- 15. **Folkestone Town Council** – No comments received
- 16. **Environment Agency (Kent Area)** – No objection to the proposal. Advises that: stored waste should be sealed and secured at night and when the site is not in operation; the applicant develop a full drainage plan for the site; all potentially contaminated drainage is contained and drained to foul sewer with no discharge of potentially contaminated drainage to ground; site surfaces be maintained; and oils stored appropriately.
- 17. **KCC Highways and Transportation** – No objection to the proposal subject to conditions to ensure the provision and retention of the proposed vehicle parking spaces on site and 4 cycle parking spaces.
- 18. **Southern Water** – Has commented that any new connection to the public sewer would require a formal application to be made to Southern Water.
- 19. **Kent County Council Noise, Air Quality and Dust consultant** – No objection subject to the imposition of the following noise condition:-

At no time during the operation of the site shall the noise rating level $L_{A,T}$ (free field), calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant and machinery installed or otherwise used at the premises exceed the background noise level $L_{A90,T}$ at any residential property.
- 20. **County Archaeological Officer** – No comments.

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Local Member

21. The local County Member, Richard Pascoe was notified of the application on 7 November 2012. Mr Pascoe has commented that there is already a large recycling facility adjacent to the site. He has also requested that conditions be added to cover noise from dropped skips and the movement of empty skips.

Publicity

22. The application was publicised by the posting of a site notice, an advertisement in a local newspaper and the individual notification of 186 properties.

Representations

23. In response to the publicity, two letters of representation have been received from residential properties located on Downs Road. One of the representations seeks confirmation that the facility is not going to smelt metals by furnaces. The proposal does not include smelting of metals and there are no furnaces proposed. The other representation objects to the proposal because of concerns regarding an increase in noise to that already heard from the building material recycling facility located in the area and because of concerns that this will impact on quality of life and ability to enjoy residential amenity.

Discussion

24. 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. The proposal therefore needs to be considered against the Development Plan Policies and Government Policy and Guidance referred to in paragraph 13 above and other material planning considerations.
25. The main issues in this instance are:-
- Location;
 - Need;
 - Local amenity (e.g. noise and air quality);
 - Highways;
 - Ground and surface water; and
 - Visual impact.

Location

26. Unit 1 Park Farm Close is a very small site which already has permission for vehicle crash repairs. The proposed site is not allocated for waste management use in the Kent Waste

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Local Plan (Kent WLP). The suitability or otherwise of the proposed location for a metal recycling facility therefore needs to be considered against the criteria set out in Kent WLP Policy W3. This requires (i) ready access to the main highway network and (ii) locations which are within or adjacent to existing waste management operations or within areas of established or proposed general industrial use. Draft Policies CSW5 and CSW6 of the Kent Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (Kent MWDFCS) state that non strategic waste sites should be located in or close to urban areas (CSW5(c)), on land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated as a result of co-location (CSW6(a)) and on existing suitable industrial / employment land (CSW6(c)). These criteria are consistent with those set out in PPS10.

27. The location of the proposed facility (i.e. a non strategic waste proposal) on Park Farm Industrial Estate within the urban area of Folkestone would accord (in principle) with Kent WLP Policy W3(ii) and Kent MWDFCS draft Policy CSW5(c). Subject to being able to conclude that the location is suitable and there being no unacceptable harm to sensitive receptors it would also accord with draft Policy CSW6.
28. The general suitability of a location within the Park Farm Industrial Estate (which is predominantly warehouse and office use) for a waste management activity has previously been considered in relation to the adjacent site operated by the Countrystyle Group. The County Council's Planning Applications Committee has considered various planning applications for that site on 17 February 2010 (SH/09/806), 19 June 2007 (SH/07/589), 14 June 2005 (SH/05/274) and 20 March 2001 (SH/01/50) and the principle of a waste use at the Industrial estate has already been accepted. The site has good access to the highway network consistent with Kent WLP Policy W3(i).
29. The location of this proposal next to an existing waste management operation offers some co-location benefits to the operator in relation to the skip hire business which would mean that loaded skips not containing metals or batteries could be taken directly to the neighbouring site. Whilst the proposed development is conveniently located next to other waste management and skip hire activities, it is functionally separate from these (see general location plan).
30. Park Farm Industrial Estate is identified as an established employment site in the Shepway District Council Local Plan (Shepway DCLP) where Policy E1 states that planning permission for industrial and commercial development or redevelopment will be granted subject to compliance with Policy E5 (which seeks to ensure acceptable environmental impacts and access, etc). The proposed change of use does not conflict with the aim of protecting employment sites. Full compliance with Policies E1 and E5 can only be assessed once other issues have been considered.
31. I consider that a change of use from vehicle crash repairs to a metal recycling facility together with parking of two skip hire delivery vehicles would be acceptable in principle and be consistent with the above locational policies subject to satisfying a number of

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other detailed considerations.

Need

32. PPS10 seeks to drive waste management up the waste hierarchy, regarding waste as a resource and looking to waste disposal as the last option. In terms of the waste hierarchy, the proposed development aims to separate waste metals from the waste stream in order to increase separation and recycling of waste and would provide a more desirable waste management option for up to 5,000tpa of industrial / commercial ferrous and non ferrous metal and 50tpa of hazardous waste in the form of waste vehicle batteries. The proposal would therefore contribute to sustainable waste management in the form of diversion of waste from landfill to recycling. Whilst the tonnage contribution to such diversion would be minimal, planning policy supports development that contributes to moving waste up the hierarchy.
33. Whilst there is currently sufficient recycling capacity for commercial and industrial waste in Kent to meet South East Plan (SE Plan) requirements, the evidence base for the emerging Kent MWDF indicates that additional capacity will be needed later in the Plan period (i.e. from about 2020). The proposal would assist in providing this capacity in a relatively small way and add to the number and mix of small recycling facilities in the area.
34. Given that the proposal would contribute to more sustainable waste management within the waste hierarchy, contribute to a mix of small sites and be in an acceptable location in principle, it remains to consider whether the proposed development would give rise to material harm and, if so, whether or not this could be satisfactorily controlled by planning conditions. This is assessed in the following sections.

Local amenity (e.g. noise and air quality)

35. Kent WLP Policy W18 requires satisfactory means of control over noise, dust, odour and other emissions, particularly in relation to its potential impact on neighbouring land uses and amenity. Linked to this, Policy W25 requires that the design and operation of development minimise visual and noise intrusion. PPS10 also requires consideration of the impact of a proposal to wellbeing and that there should not be significant adverse impact to environmental quality. Shepway DCLP Policy E5 states (amongst other things) that planning permission for development on employment sites will be permitted unless it would result in adverse noise and dust impacts.
36. The current planning permission for vehicle crash repairs at the site requires that activities take place within the building. The Kent WLP encourages waste separation and transfer activities for anything other than inert waste to be entirely under cover and it is expected that all but the smallest operations would be fully enclosed. Whilst the application proposes that most of the proposed activities would take place in the building (including cutting, bailing and cable stripping) some activities would also take place in the yard and between the yard and the building. This, allied with the nature of site operations (whereby

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materials are delivered to and handled on different parts of the site), would necessitate the doors to the building being left open whilst the facility is operational.

37. The applicant has carried out a noise survey in order to establish the noise impact of the proposal at the nearest residential dwellings during the proposed hours of operation when noise generating activities would be occurring. The survey and associated noise assessment takes account of the existing noise climate (including noise associated with existing waste management operations) such that potential cumulative effects are addressed. The noise assessment identifies the existing noise sensitive properties as being those located on Downs Road to the east approximately 85m from the site boundary and immediately adjacent to the skip storage yard operated by Countrystyle Group. It states that the main constant noise source in the area is machinery located and used within the neighbouring waste facility and traffic from local roads. It also states that other noise sources include occasional HGV movements, bangs from skips being moved within the neighbouring skip storage site and metal being moved within the application site and cars moving along Park Farm Close and Downs Road. The assessment states that noise generated from the proposed activities is likely to be impact related when recyclable metal is being moved around the site rather than continuous. The assessment concludes that the noise climate in the area is dominated by noise from other industrial facilities not associated with the proposed development and that the proposal would not impact on the ambient noise levels. It also states that the highest noise levels from the site when measured at the nearest residential dwellings would be below those already experienced due to other noise sources in the area. On this basis, the assessment concludes that noise should not be a reason to refuse planning permission.
38. Shepway District Council has not objected to the proposal but has recommended that an acoustic fence similar in height to that erected on the adjoining Countrystyle Group site should be extended to provide additional protection to local residents. One of the respondents (living in a property in an elevated position approximately 225m from the site in Downs Road) has objected to the proposal due to concerns about noise impact and as this would add to noise already emitted by existing waste management operations in the area.
39. The Countrystyle Group site has a 5.5m high acoustic fence containing site operations. However, those waste management operations are primarily external, involve screening and sorting waste materials using specialised plant and machinery (including an electric trommel screen) and are of a far greater scale than those proposed. In contrast to the neighbouring site activities, the proposed development benefits from being largely enclosed. This offers significant screening for the proposed activities. The applicant does not consider an extended 5.5m high acoustic fence to be necessary or reasonable due to the cost implications, as it would add little additional noise screening benefit and as it considers the proposed development to be acceptable in noise terms without such a fence. It should be noted that the potential benefit of such a fence has not been quantified or specifically assessed by the applicant and that access to the site would need to be obtained through it. Any requirement for a 5.5m high acoustic fence would need to

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be assessed against those issues raised by the applicant and be balanced against the small scale of the proposed operation, the potential benefit that any new fence might offer and other potential impacts (e.g. visual). There is also a 3m high acoustic fence between the skip storage area and the nearest housing on Downs Road which would continue to provide some acoustic benefit to those houses from any noise arising from the proposed development.

40. Whilst the noise assessment carried out by the applicant concludes that it is unlikely that the proposed development would add to the existing noise climate in the area, KCC's Noise Consultant has advised that it would have been preferable for the applicant to have provided noise monitoring data that removed the effect of passing traffic in Downs Road and / or used a monitoring location in one of the rear gardens of houses in Downs Road (rather than on Downs Road itself in a location between houses and a clear sight of the application site). Notwithstanding this, KCC's Noise Consultant has advised that he considers it likely that a noise assessment undertaken in this way would not indicate a problem with the proposed development and is satisfied that potential noise impacts could be reasonably addressed by the imposition of the following condition:-

- *At no time during the operation of the site shall the noise rating level $_{LA,T}$ (free field), calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant and machinery installed or otherwise used at the premises exceed the background noise level $_{LA90,T}$ at any residential property.*

41. I am satisfied that the proposed condition meets the relevant tests for planning conditions set out in Circular 11/95 (i.e. it is necessary, relevant to planning and the proposed development, enforceable, precise and reasonable) and that it would provide an acceptable means of addressing potential noise impact and protecting the amenity of local residents. I am also satisfied that there is no need in noise terms to extend the 5.5m high acoustic fence as suggested by the District Council. Subject to the imposition of the above condition, the proposed development would accord with the requirements of PPS10, Kent WLP Policy W18 and Shepway DCLP Policy E5 in so far as these relate to noise impacts.
42. Although some of the proposed operations would take place outside, I am satisfied that these are acceptable in this instance due to their limited scale (particularly when compared to other waste management operations nearby) and since the waste processing activities which have the most potential to be noise generating because of the use of machinery for cutting, bailing and cable stripping would be undertaken inside the building. The outdoor activities (i.e. the transfer of scrap metal into one of four containers located in the yard area and the compacting of metal by machine within these) are necessary for the effective operation of the proposed facility, would result in occasional noise impact and have been deemed to be acceptable by KCC's Noise Consultant. The requirement for specific operations to be undertaken within the building can be required by condition.

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43. Given the nature of the proposed waste streams and activities, I am satisfied that the proposal would not generate any other significant dust or other air quality impacts. On this basis, the proposed development would also accord with the air quality elements of PPS10, Kent WLP Policy W18 and Shepway DCLP Policy E5.

Highways

44. The application proposes on site parking for customers bringing material to the site. The applicant states that these would generally be by car and light goods vehicle and that site activities would peak towards the end of the working day when customers visiting the site would be in the order of 10 to 15 over an hour. There would be 2 HGV spaces for the parking of the two skip hire delivery vehicles overnight. One of the skip vehicles parked overnight would be used during the day for off site collections returning to the site only at the end of the working day. The other skip lorry would be used to move each of the four skips in the yard when they are full and to take them off site for further recycling. At busy times this could happen once a day.
45. KCC Highways and Transportation has no objection subject to conditions requiring the provision and retention of the proposed vehicle parking spaces and 4 cycle parking spaces. Given the size and nature of the proposed development and as the existing permission for vehicle crash repairs has no controls on the numbers of vehicles using the site, I am satisfied that the proposed development would not result in any unacceptable impacts on the highway.
46. The proposed facility would be located on an existing site in an industrial estate with ready access to the main highway network. Given this and the advice from KCC Highways and Transportation, I am satisfied that the proposed development is acceptable in highways terms and accords with the highways elements of PPS10, SE Plan Policy W17, Kent WLP Policy W22 and Shepway DCLP Policy E5.

Ground and surface water

47. Although the application proposes a change of use, with no amendments to the existing site infrastructure such as drainage systems currently in place, applications for waste management development should include satisfactory provision for control of site drainage in order to minimise the potential for adverse impacts on groundwater and surface water systems.
48. The Environment Agency has no objection to the proposal but has advised that all storage facilities for waste should be sealed and secured at night and when the site is not in operation. It has also advised that all potentially contaminated drainage from yard areas should be contained and discharged to foul sewer and that there should be no discharge of potentially contaminated drainage to ground.

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49. The Applicant has confirmed that all waste in the yard would be stored in skips unless contained within the building. No waste would therefore be stored on the ground in the open. When the site is not open, the building door would be closed and the gates would be locked. The applicant states that storage of material in skips in the yard would prevent any surface water contamination and that if accidental spillage were to occur it could be dealt with by the use of absorbent materials without danger to surface water or groundwater. Fuel storage is located in the yard area in double skinned tanks and the applicant advises that there is an oil interceptor in the yard area. The applicant does not currently propose to connect the yard site drainage to foul sewer, although it has confirmed that two toilets within the site building are connected to the foul sewer system. Any new sewer connections would need to be agreed with Southern Water.
50. I am satisfied that appropriate control over the potential impacts on groundwater and surface water can be achieved by imposing conditions relating to site drainage, site surfaces and fuel / oil storage arrangements. This would satisfy the requirements of PPS10, SE Plan Policies NRM1 and NRM2, Kent WLP Policy W19 and Shepway DCLP Policy E5. I am also mindful that waste management operations at the site would also be further regulated by the Environment Agency as part of its pollution control function.

Visual impact

51. The proposed development is for the change of use of an existing building and associated yard area which are already visible from outside the site (including from some properties in more elevated positions in Downs Road). Most of the proposed activities would take place within the established building and the other activities that would take place outside in the existing yard would not lead to unacceptable visual impacts within the context of a well established industrial estate. No amendments to the fencing, security, lighting or the building are proposed.
52. The suggested extension of the 5.5m high acoustic fence would have a significant visual impact on the area. Given that such an extension is not required in order for the proposed development to be acceptable in noise terms, I see no justification for this additional visual impact.
53. I am satisfied that the external appearance and visual impact of the proposed development would not cause significant adverse visual impact and is acceptable in terms of the requirements of PPS10, SE Plan Policy W17, Kent WLP Policy W25 and Shepway DCLP Policy E5.

Conclusion

54. The proposed development at Unit 1 Park Farm Close is acceptable in principle given that it lies within an established industrial estate and adjacent to another waste management facility. There is also strong policy support for moving waste up the waste hierarchy, away from landfill and increasing waste separation for recycling. The likely impacts

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arising from this small scale waste management proposal would not result in any significant harm and would, with imposition of appropriate conditions, be acceptable in all respects. On this basis, the application accords with relevant development plan policies and there are no material planning considerations that lead me to any conclusion other than that planning permission should be granted. I therefore recommend accordingly.

Recommendation

55. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions covering (amongst other matters) the following:-

- 5 year implementation period;
- The development to be carried out in accordance with the submitted application and any subsequently approved details;
- Restricting waste types to those described in the application;
- Limiting the annual maximum throughput to 5,050tpa;
- Prohibiting end of life vehicles (ELV) from being accepted at the site for breaking and general domestic and industrial / commercial skip hire waste from being delivered, stored, transferred or held within the site;
- Hours of opening being restricted to between 0730 and 1700 Monday to Friday and 0830 and 1200 on Saturday with no operation on Sundays and Bank Holidays;
- Hours of operation for potential noise generating activities (e.g. receiving waste, moving waste in the yard and operating machinery in the building) being limited to between the hours of 0800 and 1600 Monday to Friday and 0830 and 1145 on Saturday;
- Use of the bailer, shearer and cable stripper to be only inside the building;
- Storage of waste batteries to be only within the building;
- Outdoor storage for metal waste being limited to 4 skips at any one time and the skips being covered at night;
- The parking of skip delivery vehicles on site being limited to two vehicles and restricting skip storage to specified locations;
- Provision and permanent retention of the vehicle parking and cycle parking spaces on site;
- Site drainage to be directed to be contained and discharged to foul sewer;
- Containment and bunding of oil and fuel storage facilities;
- Operational safeguarding measures in relation to dust, odour, lighting, mud and debris on the road; and
- The noise condition recommended by KCC's Noise Consultant.

Case Officer: H Mallett	Tel. no: 01622 221075
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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

Partial demolition of Adult Education Centre (AEC), and erection of a new 2 storey building within the retained façade at St John's Primary School, Canterbury–CA/12/1681 (KCC/CA/0338/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2013.

Application by Kent Council Children Property Group for the partial demolition of building known as the AEC (Adult Education Centre), and erection of a new 2 storey building within the retained façade of AEC, new link to existing Primary School, minor demolition of part of WC on rear elevation of existing Primary School, and associated landscaping and external works, at St John's Primary School, St John's Place, Canterbury – CA/12/1681.

Recommendation: permission be granted subject to conditions.

Local Member: Mr Graham Gibbons

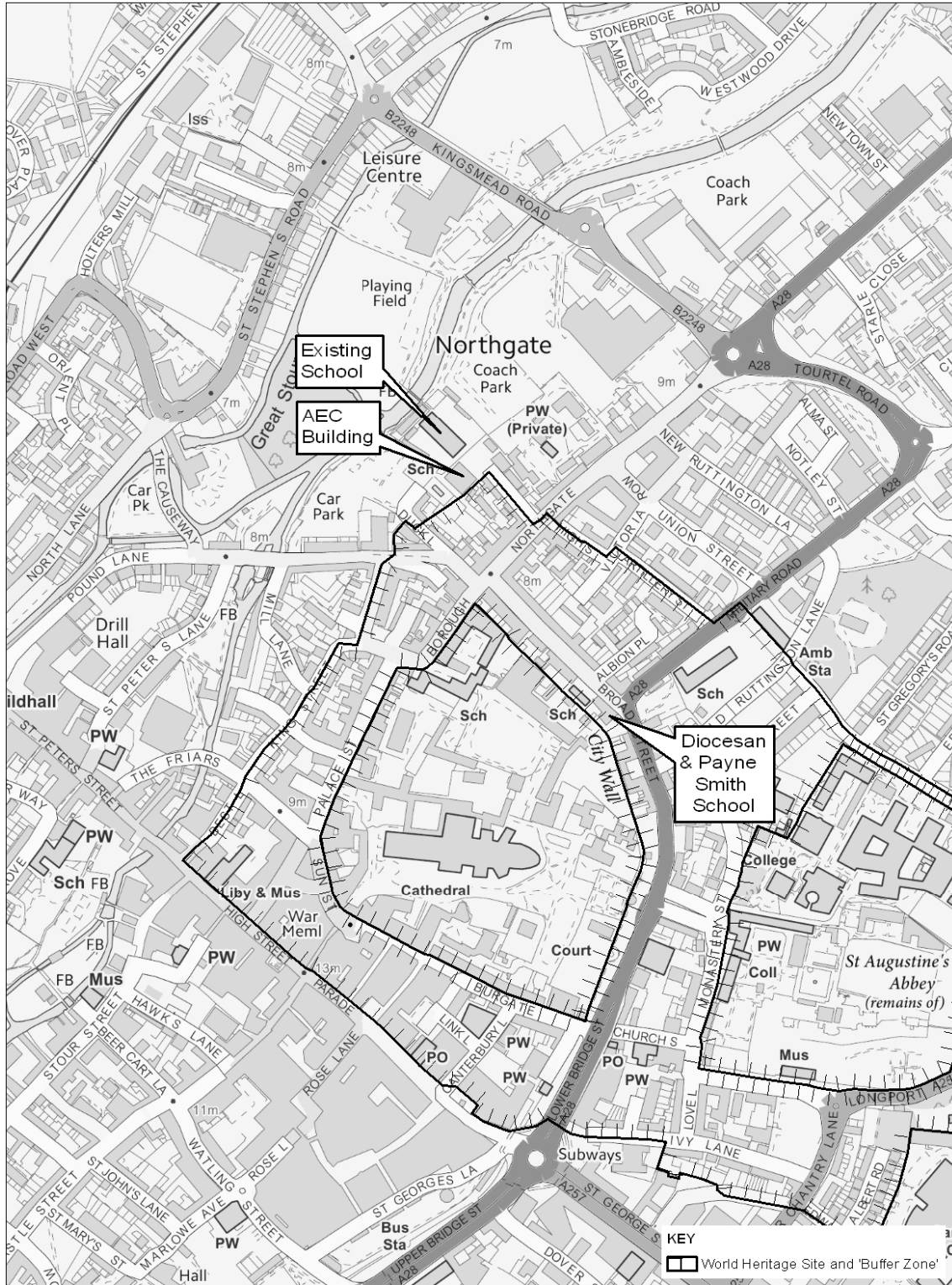
Classification: Unrestricted

Site

1. St John's Primary School (formally Kingmead Primary School) is located within the City of Canterbury, to the east of the River Stour between St Radigund's Car Public Car Park and the City's main coach park. It is bounded to the south east by residential development, and local commercial/retail properties. The school site is currently accessed from St John's Place and Duck Lane/St Radigund's Place, which are narrow thoroughfares only really suited to single direction vehicular traffic, typical of many roads within the urban centre of Canterbury. The design of the Primary School building is typical of a late Victorian school building, and was completed in 1903. It is a two storey building composed of solid red brick walls with a steeply pitched clay tiled roof. Decorative stonework is used around the building for exposed window lintels, sills, entrance canopies and gable copings. Tall traditional timber sash windows and timber doors add to the architectural interest of the building.
2. The AEC building lies to the south of the Primary School, and is of a similar age and character, although single storey. The architecture is comparable to the Primary School in terms of material use, fenestration and proportion. However, the AEC has been unoccupied for a number of years and has suffered also through a lack of maintenance and general neglect. The main frontage of the AEC building faces a small car park area which was formally shared by the AEC and St John's Board School (now closed), located to the north east of the school site. The land immediately to the south west of the AEC building is currently fenced off and heavily overgrown, and contains the remains of an outdoor swimming pool. There is currently a footpath which runs between the fenced boundaries of the Primary School and the AEC, leading from St Radigund's car park to St John's Place. This footpath is not a Public Right of Way, but is used by members of the public as a cut-through.

Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

Wider Location Plan

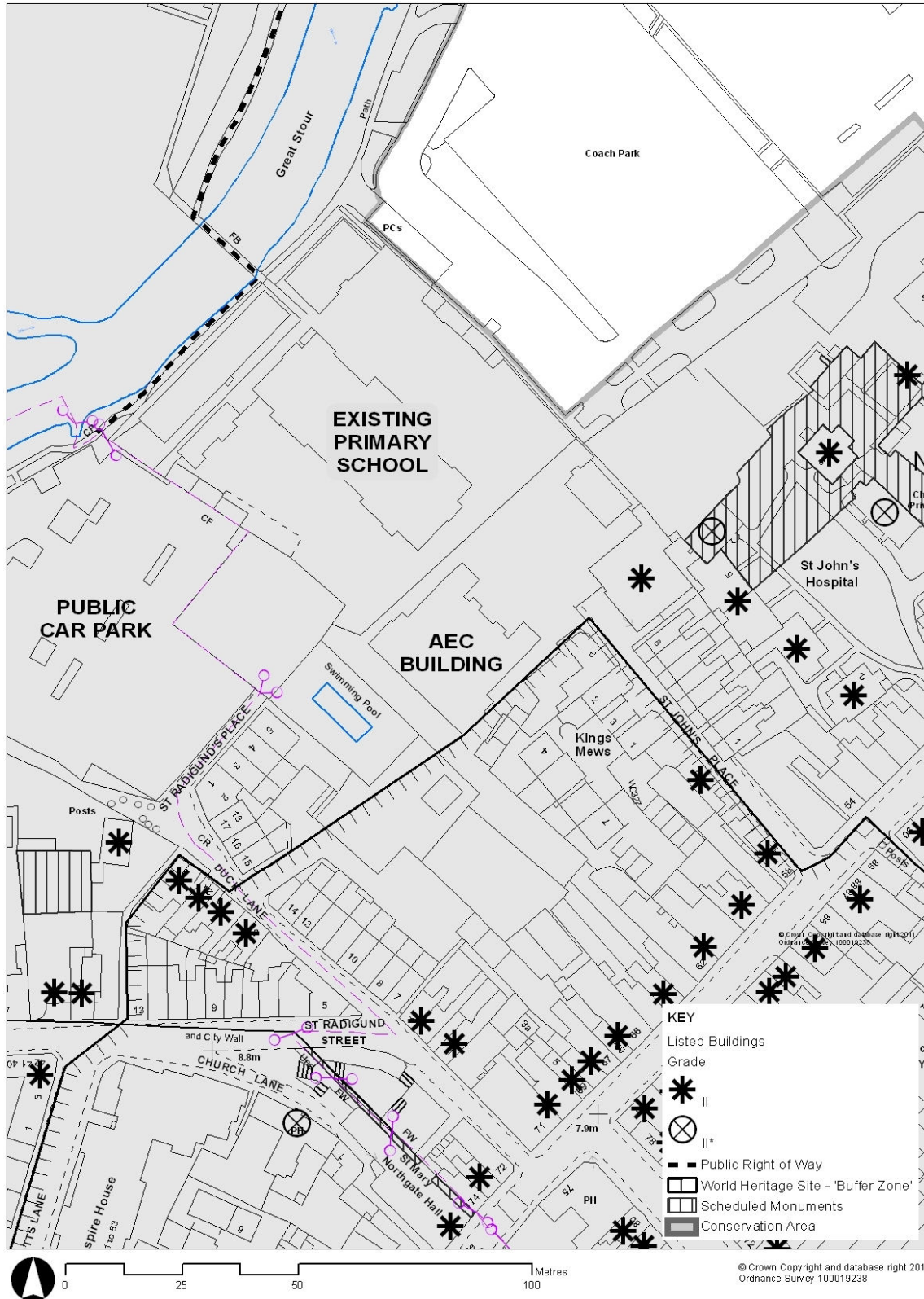


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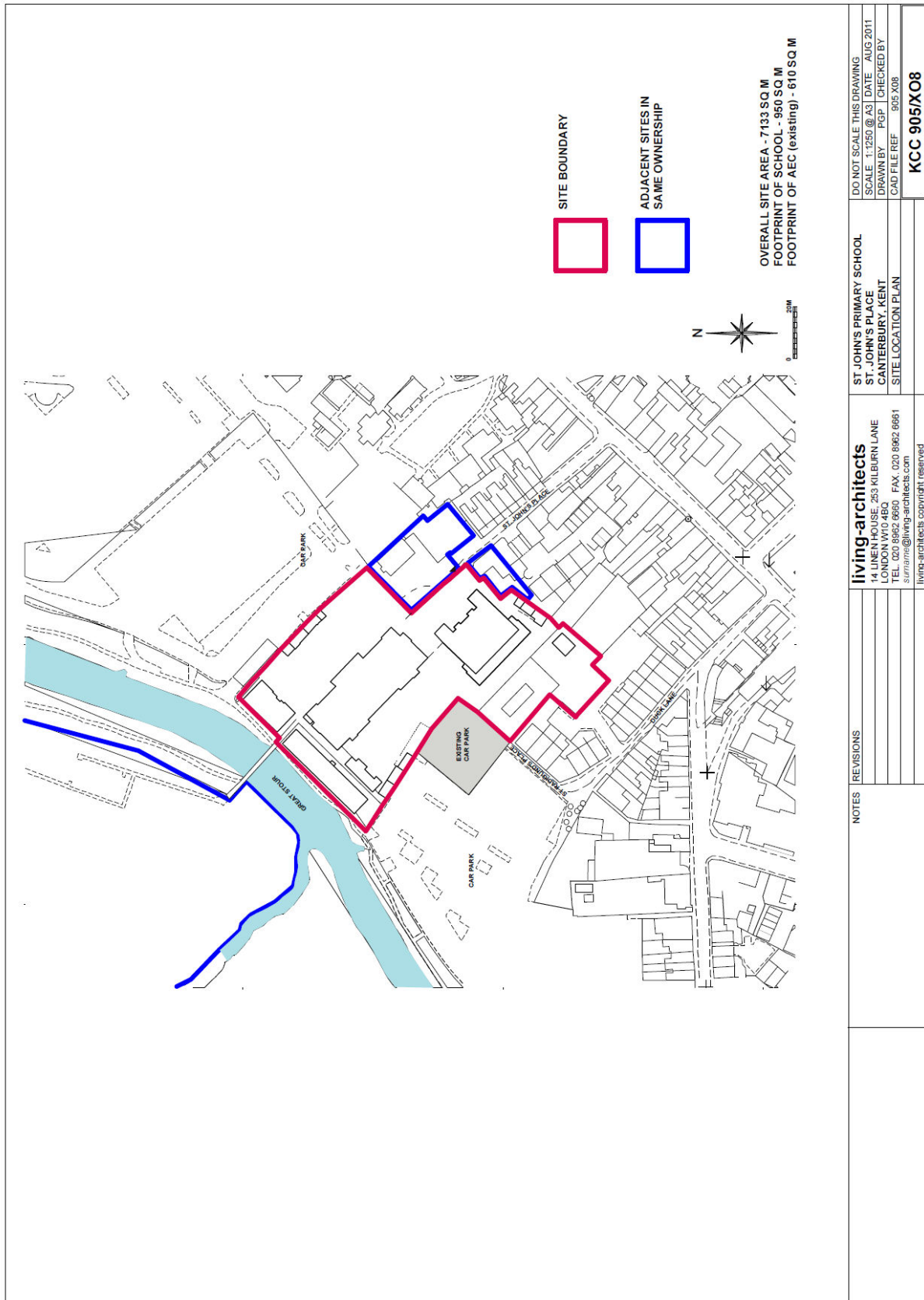
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Ordnance Survey 100019238

Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

Site Location Plan



Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

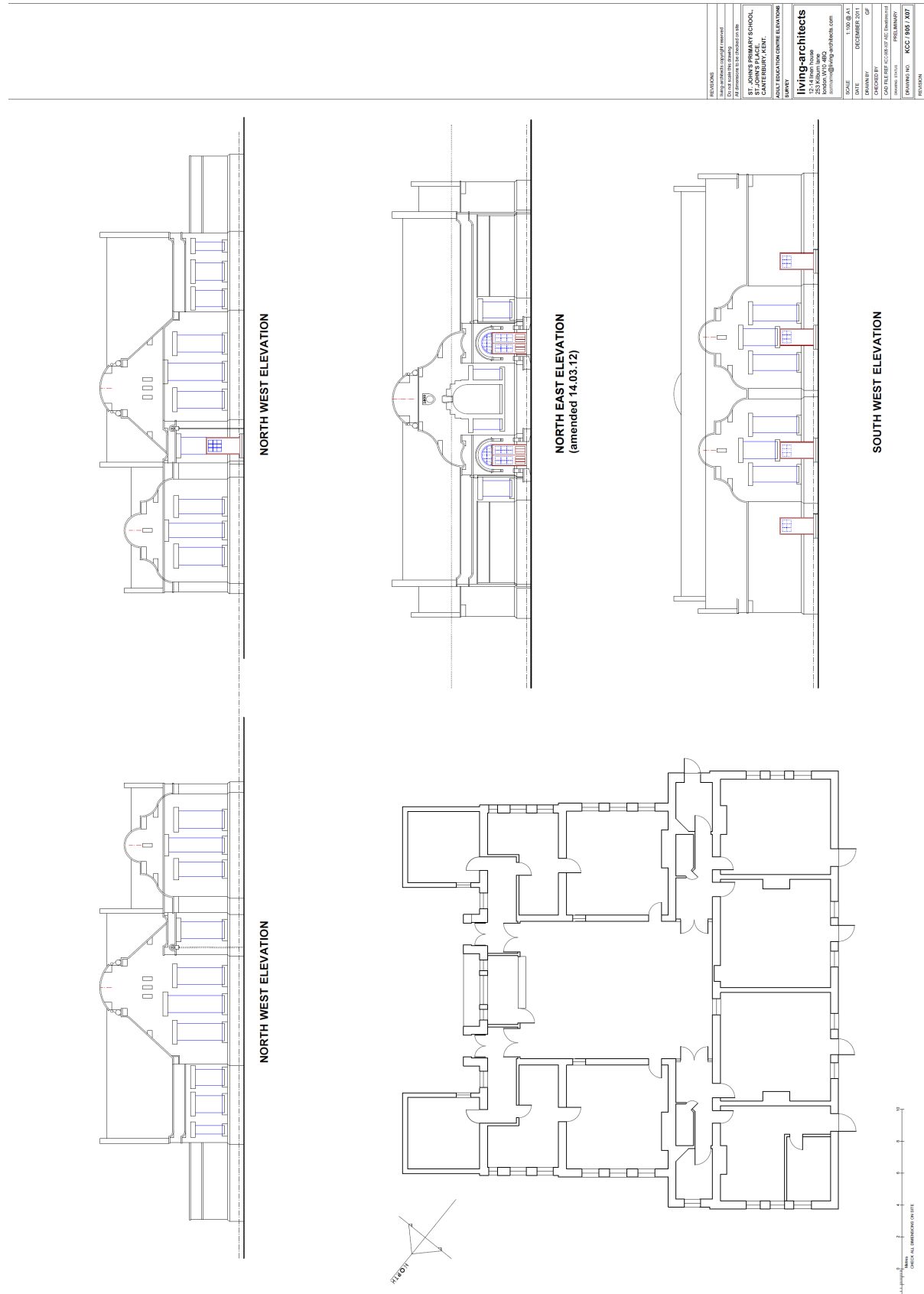


Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury- CA/12/1681

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Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

Existing Elevations of the Adult Education Centre



Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

Existing Elevations of the Primary School Building



Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury- CA/12/1681

[illegible]

Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

3. The application site is located within the Canterbury City Conservation Area, and is in close proximity to the extents of the old city wall. A number of Listed Buildings are located in the vicinity of the site, including the adjacent St John's Board School building, and the Canterbury City World Heritage Site, which includes Canterbury Cathedral, lies to the south of the application site. The 'buffer zone' around the World Heritage Site runs up to the boundary of the application site, adjacent to the southern elevation of the AEC. To the north east of the application site lies a Scheduled Ancient Monument, and the whole school site is within an Area of Archaeological Protection. A Public Right Of Way runs along the River Stour to the north of the Primary School. *A site location plan is attached*

Background

4. The refurbishment and extension proposed to the previously named Kingsmead School is to facilitate an amalgamation between Kingsmead Primary School and the nearby Diocesan and Payne-Smith Primary School to form the new St John's Primary School. Each of the existing schools are 1FE (240 pupil capacity) with nursery provision. The capacity of the new 2FE St John's Primary would be 420 pupils, with a maximum of 30 children in the nursery (split over 2 sessions). The existing buildings at St John's Primary School are larger than required for its current intake, so the building is currently shared with community services, who occupy a partitioned off area of the first floor. Community Services are being re-located within Canterbury and will no longer occupy part of the school site. It is considered that the proposed development would provide improved facilities compared to those at the existing schools, bringing teaching areas and facilities in line with Building Bulletin 99 Area Guidelines. The development of the school would, the applicant states, provide improved acoustics, natural ventilation and means of emergency escape, and would enable the School to be more efficient in terms of the available teaching resources and running costs on the single site. The development would also bring the existing building up to current accessibility standards.
5. A previous application, reference number KCC/CA/0133/2012, for a similar development was submitted in April 2012, and was withdrawn by the applicant in September 2012. That application was withdrawn so that the scheme could be amended slightly, mainly to the link between the proposed new build and the existing Primary School. The link as previously proposed was two storey but a water main was found which could not be built over. The link therefore was amended to first floor only. In addition, common newts were translocated from the existing stagnant and unused swimming pool to an agreed receptor site.
6. Minor amendments to the design of the building and the external works have been made in an effort to address concerns raised regarding the protection of historic walls, and the relationship between the existing facades and the new build element of the development proposed. It is the revised scheme that will be discussed and highlighted throughout this report. It should also be noted that the applicant has submitted a Conservation Area Consent application to Canterbury City Council for the demolition works proposed.

Proposal

7. Kent County Council Property Group is seeking planning permission for the partial demolition of the Adult Education Centre (AEC), and the erection of a new two storey building within the retained façade of the AEC. An upper storey link to the existing

Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

Primary School building is also proposed, in addition to associated landscaping and external works. It is also proposed to demolish part of a toilet block to the rear elevation of the Primary School building. The existing Primary School building has a gross internal floor area of 1629 square metres. The area requirements for a 2FE Primary School plus nursery are such that a further 800 to 900 square metres of accommodation are required on site.

8. Due to the constraints of the site, including limited playground space, historical designations and resultant design considerations, and adjoining residential properties, the applicant considers that the redevelopment of the existing AEC building is the most suitable way of providing the additional floor space required. In addition, the AEC building has suffered from years of vacancy and neglect and is now in extremely poor condition. It is considered that should the AEC not be included in the development proposals at this time, it would fall into further disrepair as future funds would not be available for refurbishment. The applicant advises that various options were considered for the redevelopment of the AEC, including total demolition and rebuild, but it was concluded that the majority of the facades would be retained, and a new build constructed within the retained walls.
9. The main entrance façade of the AEC building would be retained in its entirety, and approximately 60% of the two flanking facades would also be retained. The rear elevation would be completely demolished, as would the interior of the building, behind the facades to be retained. Within the retained facades of the AEC a new two storey building is proposed, which is modern in design to contrast rather than mimic the Victorian architecture on the site. An upper storey glass link would connect the new building to the existing Primary School. At ground floor level, all new walls would be constructed of stock brickwork to match the retained facades, whereas the upper storey, which would be visible behind the retained gables, would be of timber frame construction with a mixture of through colour render and glazing. The glazed link would extend from the upper storey of the new building, and turn 90 degrees to form a new contemporary glazed school entrance along the south east façade of the Primary School building. A lift would also be incorporated into the new glazed entrance to allow DDA compliant access to both storeys. The proposed building would have a flat roof, and would be lower in height than the highest point of the dutch gables to be retained.
10. The detail in connecting the new building to the retained facades is very important in making sure the building reads as one whilst maintaining the distinction between old and new. The rendered elements of the new build would be set back from the retained gables, to create a shadow gap. The shadow gap would be emphasised further by aluminium capping, to be finished in dark grey.
11. The proposed new building would accommodate additional teaching facilities and a new school hall and dining facility. The introduction of a school hall capable of accommodating the whole school for assemblies also has potential for use by the wider community, and would enable the School to offer a greater range of extra curricular activities. The rear elevation of the new build would be entirely new, of brick and render construction, but would be built further to the north east than the rear elevation of the existing AEC as the addition of a second storey has enabled the footprint of the building to be reduced. To the rear of the building, an existing disused swimming pool is to be removed and the over grown garden cleared and landscaped to provide useable outside play/amenity space. Historic flint walls which run through this area are to be retained.
12. Existing timber fencing to the south of the Primary School building is to be removed and replaced with 2.0 metre high hooped top fencing. The fencing would also extend to the

Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

front of the new building, and enclose the new link and main school entrance, to create a secure site boundary. 1.8 metre boarded fencing is also proposed to the south of the new building, to secure the landscaped amenity space. Existing historic elements of boundary walls would be retained and protected throughout the works.

13. At the moment, the Primary School building and the AEC are secured separately, and a footway runs between the two, linking St John's Place to the St Radigund's Car Park and the City Centre beyond. This route is not a Public Right of Way, but a through route used by members of the Public. It is proposed to remove this through route, and secure both buildings within one secure boundary line.
14. The existing access routes to the school site are somewhat random due to the nature of the surrounding roads, and the school currently lacks a focal entrance point. The existing school frontage faces the St Radigund's Car Park, but is separated from it by outbuildings and the leased car parking area currently used for staff parking. Although the proposed main entrance would face St John's Place, it is proposed that vehicular access would remain largely as it is at present. The main pedestrian access points to the school would remain unchanged, via St John's Place and St Radigunds. It is however, proposed to provide 3 car parking spaces in a new parking area immediately to the left as one enters the school site from St John's Place.

The application is accompanied by a Design and Access Statement, Heritage Statement, Ecological Scoping Report, Reptile & Bat Survey Report, Amphibian Assessment, Level 1 Flood Risk Assessment, Desk Based Archaeological Assessment, Arboricultural Assessment, School Travel Plan and Transport Statement.

Planning Policy

15. The following Guidance/Statements Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **The National Planning Policy Framework (NPPF)**

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

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

1. be genuinely plan-led;

Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

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

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

The NPPF sets out the Government's objectives for promoting sustainable growth and prosperity, whilst planning for strong vibrant and healthy communities. Good design is identified as important for sustainable development, with the planning system expected to promote good design for all development. As part of the Government's objective to promote healthy and sustainable communities, paragraph 72 of the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools, ensuring that a sufficient choice of school places is available to meet the demand of existing and new communities. The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible. The NPPF also sets out planning's important role in tackling climate change, protecting the natural environment, protecting and enhancing biodiversity, limiting noise and light pollution, and protecting the historic environment. Section 7 of the NPPF (in particular paragraphs 56-64) sets out guidance to achieve good design, and section 12 sets out guidance with regard to conserving and enhancing the historic environment (in particular paragraphs 128 – 140).

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

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

- Policy CC1** Seeks to achieve and maintain sustainable development in the region.
- Policy CC4** Refers to sustainable design and construction.
- Policy CC6** Refers to sustainable communities and character of the environment.
- Policy 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 NRM4** Confirms that the sequential approach to development in flood risk areas set out in PPS25 will be followed.
- 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 BE1** Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.
- Policy BE6** Management of the historic environment.
- Policy S3** States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
- Policy S6** Encourages the mixed use of community facilities, and requires community facilities to be located and designed appropriately.
- Policy W2** Encourages sustainable design, construction and demolition.

Important note regarding the South East Plan:

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

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(iv) The adopted (2006) **Canterbury District Local Plan First Review:**

- Policy BE1 -** The City Council will expect proposals of high quality design which respond to the objectives of sustainable development.
- Policy BE3 -** Design statements and/or Development Briefs shall be submitted with planning applications setting out the principles used in the scheme to relate the development within and to its context. This will apply to all planning applications, where the development is visually significant or is significant to its neighbours.
- Policy BE4 -** The City Council will regard the status of the World Heritage Site (WHS) as a key material consideration in determining planning applications, and applications for listed building consent that would affect the WHS or its setting.
- Policy BE7-** Development within, affecting the setting, or views into and out of a Conservation Area should preserve or enhance all features that contribute positively to the areas character or appearance.
- Policy BE8 -** The demolition of buildings or other structures within a conservation area will not be permitted unless their removal and/or replacement will preserve or enhance the character or appearance of the conservation area.
- Policy BE10-** The historic landscape, including archaeological features, will be preserved and enhanced.
- Policy BE14 -** Development which would adversely affect the site or setting of a Scheduled Ancient Monument, or other nationally important archaeological sites, will not be permitted.
- Policy BE15 -** Prior to determination of applications for development that may affect a known or potential site of archaeological interest, prospective developers will be required to make provision for an appropriate archaeological evaluation.
- Policy NE1 -** Where development proposals are being considered for a site known, or likely to have, protected species, or species identified in national or Kent Biodiversity Action Plans, developers will be expected to carry out a survey and present proposals for mitigation.
- Policy TC13 -** A Regeneration Zone is designated for the redevelopment of the Kingsmead and Riverside Area. Development appropriate for this area includes a mix of cultural, leisure and recreation facilities, housing, business, open space and education.
- Policy C9 -** The City Council will apply Kent County Council's adopted Vehicle Parking Standards to development proposals.
- Policy C11-** Proposals for new buildings or uses for local communities to provide social infrastructure will be encouraged and granted planning

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permission on the basis that any new building is appropriately designed and located, and highway safety would not be prejudiced.

Consultations

16. **Canterbury City Council** raises no objection to the application, and considers that the application accords with the aims of Policies BE1, BE7 and BE8 of the Canterbury District Local Plan, and Policies BE1 and BE6 of the South East Plan. It is recommended that conditions be imposed requiring details of materials, colour of render and the form of glazing (windows and doors) to be submitted to the County Planning Authority for approval. Canterbury City Council would encourage the applicant to look again at the detailing of the proposed south west elevation to potentially create more vertical emphasis, rather than horizontal. The City Council consider that all other matters can be dealt with by the relevant Kent County Council advisors and the County Planning Applications Group, being the appropriate determining Authority.

The Divisional Transportation Manager comments as follows:

“The proposal would lead to the amalgamation of two established schools which are located in relatively close proximity to one another. The proposals would lead to a small increase in roll across the two, however, in the first instance this is not considered to represent a material increase. This application has been subject to pre application discussion during which numerous matters and potential improvements were discussed, particularly relating to pedestrian linkage at the school.

The school is located in a central location. The existing school inevitably generates local congestion at times of pick up and drop off, although I do note that the majority of parents choose to pick up and drop off via local car parks, which are situated a short walk from the school grounds. I expect traffic activity to increase as a result of the amalgamation. However, this would largely represent a redistribution of trips in the locality, as the majority of these would be transferred from the existing Diocesan & Payne Smith school site.

Given the location of the school, it is not strictly necessary to provide dedicated pick up and drop off facilities. In terms of pedestrian access, links to the school are not ideal with particular reference to the existing access via St John's Place. Ideally this should be upgraded to a shared facility, however I am mindful that this would represent a significant engineering task and may be unpopular with local residents. There are further conservation considerations that would increase the complexity of such a scheme. The existing arrangements result in pedestrians using both the footway and carriageway at times of peak demand and this appears to operate without causing any overbearing safety concerns. Whilst improvements to this link would be preferred, the level of engineering required to achieve a shared facility would be out of context with the scale of the development. Therefore, on balance, given that there is no history of overbearing safety concerns in St John's Place, I consider that it would be unreasonable to insist on improvements.

I recommend that a full construction management plan be submitted to and approved by the planning authority prior to commencement of the development. This plan should include measures such as identifying access routes,

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construction timing, details of wheel washing facilities, parking for site operatives and associated traffic management.

Subject to this, I do not wish to oppose this application.”

Environment Agency has no objection to the application, subject to the imposition of conditions requiring the submission of a scheme detailing appropriate flood resistance/resilience measures, a flood evacuation plan, finished floor levels and a scheme for the disposal of surface waters. A condition regarding land contamination is also required. In addition, advice is provided with regard to flood risk, ground water, drainage, and the storage of fuel, oil and chemicals.

The County Council’s Biodiversity Officer has no objection to the application subject to the imposition of conditions to ensure that the recommendations and precautionary approaches set out within the submitted Protected Species Reports/Surveys are implemented and adhered to, and that details of ecological/biodiversity enhancement measure are submitted.

English Heritage advises that the application should be determined in accordance with national and local policy guidance, and on the basis of the County Council’s specialist conservation advice.

The County Council’s Archaeological Officer raises no objection subject to conditions requiring the implementation of a programme of archaeological work, and a programme of building recording.

The County Council’s Conservation Architect has no adverse comments to make. A condition of consent is required to ensure correct flashing details between the new build elements and the existing stone copings, and conditions should be imposed requiring the submission of details of external materials, including cladding, bricks, roofing and window/doors. This would ensure an appropriate quality of construction.

Public Rights of Way Officer comments as follows:

“I note the comments regarding the footpath from St Radigund’s Place, passed the AEC building and through to St John’s Place, and the intention to remove access at this location. Although the route is not a public right of way on the Definitive Map, this is not conclusive and paths can be added through the claims process. If the path cannot be accommodated through the site, I would advise the applicant that if access is removed, a claim may be made to get the footpath recorded and added to the definitive map.”

Footpath CC72 runs immediately adjacent to the site, along the bank of the River Stour. General informatives are provided with regard to works that cannot be undertaken on or immediately adjacent to the footpath.

Local Member

17. The local County Member, Mr Graham Gibbons, and the County Member for the adjoining ward, Mr Martin Vye, were notified of the application on the 21 September 2012.

Martin Vye fully supports the application.

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Publicity

18. The application was publicised by an advertisement in a local newspaper, the posting of 4 site notices and the individual notification of 99 neighbouring residential properties. In addition, three local conservation groups/residents associations were notified of the application, The Canterbury Conservation Advisory Committee, St Peter's Residents Association and The Canterbury Society.

Representations

19. To date, I have received 5 letters of representation from the Canterbury Conservation Advisory Committee, St Peter's Residents Association, and a local resident. A summary of the main issues raised/points made is set out below:

Design/Conservation/Heritage

- The former AEC is a beautifully detailed building using quality materials, local red brick and peg roof tiles, with stone dressings to attractive Dutch gables and entrance porches. The overall design has much character and as such is an 'ornament' to the Conservation Area;
- Appalled to realise that it is proposed to demolish most of the AEC, leaving only three external walls and three of the seven Dutch gables;
- Retention of the facades, and construction of a modern 'box' within it will appear 'ridiculous' and would rob the building of its existing coherence;
- The proposed building, with white render and a flat roof, modern in style, would be completely out of character with the Conservation Area, and would be intrusive in the local townscape;
- The design is inappropriate for the centre of Canterbury;
- Object to the demolition of the ancient flint boundary walls;
- The wall and entrance gateway at the end of St John's Place help create a sense of enclosure and should be retained;
- There are important views of the Cathedral from the site, especially if standing in the coach/car park to the east of the school. It is important to recognise the World Heritage Site and the arrival of visitors to the City. Views of the Cathedral should not be compromised;
- The pitched roof of the AEC building is to be replaced with an expansive flat roof; whilst no higher than the existing it would be clad in smooth white render and floor to ceiling glazing, detracting from the traditional roofscape setting to the Cathedral;
- The new flat roofed lift building will be visually prominent and would restrict the width of the view of the Cathedral;
- Canterbury City Council policy is clear that views of the Cathedral should be protected and flat roofs are unacceptable in conservation areas;
- The development would not preserve or enhance the character or appearance of the Conservation Area;
- The main school building and the AEC form an important visual focus at the end of St John's Place, and compliment the adjacent listed St John's Board School;
- Consent is unlikely to be granted for the demolition of a building or structure that makes a positive contribution to the Conservation Area, as supported by Policy BE8 of the Canterbury Local Plan;
- There is a strong case for the Primary School building and the AEC to be locally listed due to their character and architectural interest;
- The proposal is contrary to English Heritage Conservation Area Practice;

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- Other options for the development/expansion of the site should be considered, including the erection of a new building to the northeast of the existing school building, on the playground, or development of the St John's Board School building;

Highways/Access

- The proposed entrance at the end of St John's Place is impractical due to the narrowness of the road;
- Strong objection is raised to the proposal to block/close the current pedestrian route between the end of St Radigund's and St John's Place. The route is well used and invaluable to local residents as a shortcut to the riverside walk and into Northgate. The route has been freely available ever since the school was built in 1903 and it should not be stopped up;

DiscussionIntroduction

20. This application seeks planning permission for the partial demolition of the building known as the Adult Education Centre (AEC), and the erection of a new 2 storey building within the retained façade of the AEC and a new link building to the existing Primary School. Minor demolition of part of a WC on the rear elevation of the Primary School, and associated landscaping and external works are also proposed. In considering this proposal regard must be had to the Development Plan Policies referred to in paragraph (15) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include design, conservation and heritage matters, and general access and highway issues, including the proposed removal of a footway through the site.
21. In this case the key determining factors, in my view, are the impact upon heritage interests and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increase choice and raise educational standards, subject to being satisfied on amenity and other material considerations. In the Governments view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

The principle of building on the site of the AEC

22. Before considering the merits of the proposal, I consider it important to first assess alternative options for the development of the site. Representations received suggest that alternative options should be considered, including the redevelopment of the St John's Board School and the provision of a new building elsewhere on the school site.

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The need for the amalgamation of the two schools has not been questioned, but the resultant impact of this is the requirement for additional accommodation on site. It is important to note that the whole of the application site is within the Canterbury City Conservation Area, adjacent to the buffer around the World Heritage Site, and within an Area of Archaeological Protection. A number of Listed Buildings also surround the site, including the St Johns Board School building, and a Scheduled Ancient Monument lies to the north east of the site.

23. The applicant advises that the location of a new building on site is to a large degree pre-determined by the nature and location of the existing buildings on site, and the proximity of neighbouring development/properties. The applicant further advises that the following factors influenced the decision to develop in the location proposed:
- a. The site falls within a Conservation Area and all demolition needs to be strongly justified;
 - b. Avoiding development which would have a detrimental impact on the existing School or the limited playground space (e.g. obscuring views of and from the school, restricting circulation and the flow of pupils around the site);
 - c. Avoiding a reduction in playground space;
 - d. Avoiding development which would have a detrimental impact on adjoining properties – notably the residential developments to the south and east of the site;
 - e. Encouraging development which enhances the existing buildings on site;
 - f. Providing a clearer signal of the school entrance;
 - g. Segregating pedestrian and vehicular access to the school as far as possible;
 - h. Reducing the amount of undeveloped land to be used, and hence minimise the risk of an archaeological find;
 - i. Restricting development to existing developed areas to minimise potential mitigation works detailed in the Flood Risk Assessment.
24. In light of the above, I consider that the applicant has assessed the possibility of introducing a new building onto the site, but has had to discount this for various reasons. Most notably, a new build would result in a significant loss of playground space (which is already limited), could result in a substantial amount of archaeological work, and would need to include mitigation with regard to flood risk. In addition, a new build element within the playground could have a detrimental impact on the existing school in terms of restricting views to and from the school, restricting circulation and impacting on the flow of pupils around the site. It should also be noted, that a new build on the playground could trigger the need to demolish the AEC building to compensate for the loss of playground space. I find it unlikely that such justification for total demolition within a conservation area would meet with approval, which would leave the school with an under provision of outdoor play space. Considering the information provided by the applicant, I agree with the conclusion made in that a new building on the playground would not be appropriate or acceptable. This therefore leaves one option, to develop an existing building on site.
25. It has been suggested by local community/conservation groups that the St John's Board School building should be developed to provide the additional accommodation provided. However, this building is listed, and the necessary internal and external alterations would require listed building consent. In addition, this building is separated from the existing school by a car parking area and an existing Horsa hut building, which would make the linking of these two buildings unviable due to the distance involved. The amalgamated school needs to be unified and cohesive, and the development of the St John's Board building would not facilitate this. I therefore conclude that the development of that building would not provide the accommodation required by the applicant in this case.

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26. Having considered the above, I consider the development of the AEC building to be the only viable option on this restricted site. In addition, it should be noted that the AEC building is in a poor state of repair as it has suffered from years of neglect. Unless the AEC building is refurbished/developed in some way as part of this application, further funds for future maintenance and/or refurbishment would almost certainly not be available. The building would, therefore, continue to deteriorate.

Development options for the AEC building

27. Having concluded that the development of the AEC building/site is the optimum location for the additional accommodation required on site, the options for the development of this area must be considered and assessed. The applicant advises that three options were considered for the development of the AEC:

- Refurbish and extend the existing AEC, retaining most of the building whilst extending the building to the south to provide the additional accommodation required;
- Complete demolition of the AEC building and construction of a new build development;
- Retention of the majority of the AEC facades, and construction of a new build scheme within the retained walls.

The general principle behind all three options was to minimise the extent of significant works to the existing Primary School building. Whilst not listed, it is considered to be locally important and is subject to significant interest from local Conservation Officers and Groups. Works to the Primary School building would also prove costly and disruptive to pupils and the local community.

28. The applicant advises that the existing AEC building covers an area of approximately 560 square metres, but does not lend itself to the school accommodation required. It is a single storey building with a very high roof and internal spaces, the windows are too high to provide views for children, internal spaces are not suitable for teaching, and the internal walls are mainly load bearing, making alterations costly and difficult. The first option, to refurbish and extend the AEC, retaining most of the building, would be the favourable option in Conservation terms. However, the building is very high for a single storey, but too low to convert to two storeys due to the pitched roof. An extension to the building would be required which, to provide the additional space needed, would be nearly as big as the AEC itself. Circulation within a large single storey building would be difficult and inefficient, and a large single storey extension would involve significant land take, and the removal of historic boundary walls. In light of this reasoning, I do not consider this option to be viable in this instance.
29. The second option, to completely demolish the AEC, would have the significant advantage of being able to plan and layout a new building which would be fit for purpose and not constrained by the existing building. A new design would have the opportunity to reflect the newly formed St John's Primary School, and an efficient single or two storey layout would reduce construction costs. However, total demolition of the AEC would require strong justification due to its location within the Canterbury City Conservation Area, and a replacement building would also be required to enhance the appearance of the Conservation Area above and beyond the existing AEC. The AEC was built at the same time as the Primary School and the exterior of the buildings share many common design features which unify the buildings. In this instance, I consider that total demolition and replacement would be hard to justify, and would detract from the unity of the site and the character and appearance of the Conservation Area and the

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local townscape as a whole. I therefore do not consider this option to be suitable in this particular case.

30. The third option considered by the applicant, and as proposed, retains the majority of three facades of the AEC building with a new build structure contained within the facades. The applicant considers the advantages of this option to be the retention of key features contributing to the Conservation Area, retention of the facades allows for a more modest and economical use of materials within, and demolition of the interior of the building provides a clear open space for freedom of planning and layout. A two storey building also becomes possible, reducing landtake and, in fact, decreasing the footprint of the building compared with that of the original AEC. However, internal demolition would come at a cost, as would propping up and securing the retained facades. There is also a risk that this option would not satisfy either the applicant's, the School, or conservation interests.
31. Having concluded that development of the AEC is the most appropriate for the site, and having assessed the three options for the development of the AEC I consider that, on balance, the third option, as proposed by the applicant, is the favourable option in terms of balancing the retention of the building and conservation interests with the space and accommodation requirements of the school. Retaining the facades of the building retains some of the historic integrity of the building and the unity between the existing buildings on site. The new build element allows for well designed and planned spaces to be provided which are fit for purpose and meet the additional accommodation requirements of the School, whilst actually reducing the footprint of the building when compared to the existing. On balance, I agree with the applicant and consider this to be the most appropriate and suitable option in this case. However, the implications of the development as submitted need to be assessed in terms of design, and impact on conservation and the historic environment.

Design, conservation and heritage implications

32. As outlined in paragraphs 9 to 11 of this report, the applicant is proposing to retain the whole of the entrance façade to the AEC building, and 60% of the two flanking facades, retaining 3 of the Dutch gables. The rest of the building, including the rear elevation, would be completely demolished and a new two storey building would be constructed within the retained facades. The proposed new build would be modern in design, and constructed of brick work at ground floor level, to match the retained facades, and through colour render and floor to ceiling glazing at the upper storey level. A two storey glazed entrance building is proposed to run parallel to the south east elevation of the Primary School building, turning 90 degrees from the AEC, creating a new focal entrance for the school. An upper storey glazed link is proposed from the entrance building to the existing Primary School. The detail in connecting the new building to the retained facades is very important in making sure the building reads as one, whilst maintaining the distinction between the old and new. The rendered elements of the new build would be recessed back from the retained gables to create a shadow gap, which would be emphasised further by dark grey aluminium capping. The glazing element would sit forward of the render, on top of the retained brick at ground floor level. The rear elevation of the new building would be entirely new build, constructed of brick and render.
33. Due to the constraints of the site, the site is protected by specific Development Plan Policies with regard to conservation and heritage, in addition to general design Policies. The site is in a sensitive location and the design of the development needs to be assessed against Policy. Although the City Council, the County Council's

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Conservation Architect and English Heritage have raised no objection to the application, local objection has been raised to the design, and further impacts upon the City townscape and the views of the Cathedral. These matters will be discussed below. It should be noted that objection has also been raised to the demolition of the AEC building, but this matter is determined by Canterbury City Council under a Conservation Area Consent. My understanding is that the City Council, which has no objection to this application, will approve the Conservation Area Consent should Members be minded to agree with the recommendation in this report, and planning permission is granted. The City Council has not approved the Conservation Area Consent as yet since they would not wish to permit demolition unless the AEC site is redeveloped as proposed.

34. As outlined in paragraph 18 of this report, the main points of objection raised relate to design, impact on views of the Cathedral, and general heritage matters. First, I consider it important to note that the proposed development would retain most of the facades of the existing building, maintaining important design features which link the existing buildings on site. I consider this to be a positive feature of the development, which would aid in maintaining the character of the site. However, the new element of the development is of a modern design, to contrast and complement, rather than mimic, the existing buildings on site. The flat roof of the building proposed would be no higher than the existing pitched roof of the AEC and, in fact, the Dutch gables that are retained would extend above the proposed roof line. Local representations consider the design to be inappropriate within the City of Canterbury, and state that the construction of a modern box, within retained facades, would appear 'ridiculous'. However, as outlined above, additional accommodation is required on site and various options have been considered, and the approach as proposed is considered to be the most appropriate and suitable. Moreover, to rebuild the centre of the AEC, behind the retained walls, using a traditional approach, would be visually incongruous and could detract from the character and appearance of the Conservation Area. A traditional construction would also require a pitched roof which, on a two storey building, would significantly increase the height of the building. This would have a significantly worse impact on the local townscape and views of the Cathedral than the flat roof proposed.
35. The modern design solution, I consider, creates a new identity for the site, linking existing buildings, both physically and in appearance. The materials proposed are unobtrusive and typical of other modern developments within the City Centre, including the Marlowe Theatre and Whitefriars Shopping Centre. The glazing would allow views through it in places, such as the glazed link, enabling views of the building behind, and the render would offer a crisp and clean finish, contrasting with existing brick and stonework. The existing AEC is in a poor state of repair and does little to enhance the character and appearance of the Canterbury City Conservation Area, or the setting of adjacent Listed Buildings. The retention of the facades of the AEC building would maintain the existing character of the building, whereas the new build element would add a modern design solution and provide the facilities required by a modern day Primary School. The retained elements of the AEC would be maintained and repaired, improving their appearance over their existing state of deterioration. This particular approach has been successfully followed on similar redevelopments with heritage interests, including the recently remodelled Gravesend Library.
36. As previously stated, the City Council raises no objection to this application. It is considered that the development accords with the principles of Development Plan Policies, including Local Plan Policies BE1, BE7 and BE8, and Policies BE1 and BE8 of the South East Plan. However, the City Council did suggest that the applicant look again at the design of the rear elevation of the building, to create more vertical emphasis, rather than horizontal. However, the applicant advises that the window size

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and layout has been led by the need to maximise natural daylight and ventilation into the classrooms within the building, and that this is the only elevation of the building that allows that opportunity. The design also incorporates horizontal louvres, acting as brise soleil, but these are an essential component on a south facing elevation. This elevation of the building is well screened from outside of the site, and is set against existing planting and boundary walls. Only those within the new outside recreation area (on the site of existing swimming pool) would see this view head on. The oblique view afforded from St Radigund's car park does emphasise the vertical by means of mullions within the fenestration. In light of this, I see no overriding reason to amend the design of the rear elevation.

37. Having considered the views of the City Council, English Heritage and the County Council's Conservation Architect, and assessed the proposal against the relevant principles of Development Plan Policy, I see no reason for the refusal of the application on design grounds. I do not consider that the development would detract from the character and appearance of the Canterbury City Conservation Area, or significantly adversely affect the setting of nearby Listed Buildings. However, as requested by the City Council and the County Council's Conservation Architect, conditions of consent should be imposed to require the submission of details of materials, colour of the render, form of glazing, roofing, and windows and doors. In addition, I consider that detailed drawings of the specific junctions between the retained facades and the new build elements, especially behind the gables, should be submitted for approval. Therefore, should members be minded to permitted, conditions of consent would be imposed as outlined above.
38. However, although I accept the design in terms of impact upon the character and appearance of the Canterbury City Conservation Area, and the setting of Listed Buildings, objection has also been raised on the grounds of the development adversely affecting views of Canterbury Cathedral. As outlined in paragraph 3 of this report, the Canterbury City World Heritage Site 'buffer zone' runs up to the boundary of the application site, adjacent to the southern elevation of the AEC. For the avoidance of doubt, the application site is not within the buffer zone. Views of the Cathedral from within the School site are limited, and it cannot be seen clearly from the front of the AEC or from the area proposed to be developed. However, views of the Cathedral can be afforded from the adjacent main Canterbury coach park. This is an arrival point for many tourists visiting the City, and views of the Cathedral from this car park, although limited and obscured in places, are important.
39. The applicant has looked at the views from the coach park, and has prepared a photomontage of 'before and after'. Although the development would alter the foreground of views of the Cathedral, I do not consider that the views of the Cathedral would be obscured or unduly impaired. It should be noted the views of the Cathedral from the Coach Park are limited, especially when leaves are on the trees, and that all these views have built development, albeit historic or modern, in the foreground. Moreover, the view of the main tower would not be affected in any way, and only a small part of the roof could be obscured by the proposed development when viewed from a specific point. Although I accept that views of the Cathedral would change as a result of this modern glass and render development in the foreground, I do not consider that the development would obscure or significantly detract from the views currently afforded. I therefore see no reason to refuse the application on this ground, and do not consider that the development would affect the World Heritage Site or its buffer zone.

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Landscaping

40. As outlined in paragraphs 11 & 12 of this report, to the rear of the proposed building lies an existing swimming pool which is to be removed, and an overgrown garden which it is proposed to clear. This area would then be landscaped to provide a useable outside play/amenity space. Local objectors have raised concern regarding the removal of historic flint boundary walls in this area of the site. The applicant has confirmed that the walls are to be retained within this amenity space, and would be protected from development and future use of the site. In addition, existing brick boundary walls and brick piers at the St John's Place entrance to the site are to be retained. Retention of these walls is welcomed, and would be secured by condition should permission be granted.
41. Existing timber fencing to the south of the Primary School building is to be removed and replaced with 2.0 metre high hooped top fencing. The proposed fencing would also extend to the front of the new building, and enclose the new link and school entrance, to create a secure site boundary. 1.8 metre boarded fencing is also proposed to the south of the new building, to secure and enclose the landscaped amenity space. I consider that the fencing types proposed are acceptable when taking into account the sites sensitive location, but further details should be submitted should permission be granted so that detailed specification and colour finishes can be confirmed. In addition, should Members be minded to permit, I also consider that a scheme of landscaping should be submitted, to include details of proposed hard and soft landscaping. Subject to the imposition of these conditions, I consider that the development is acceptable in terms of landscaping and, if anything, has the potential to improve the appearance of existing derelict/overgrown areas of the site

Archaeology

42. As previously stated, the whole of the application site is within an Area of Archaeological Protection. This designation is one of the reasons why developing upon the existing footprint of the AEC is the most appropriate in this case, as archaeological remains are less likely to be disturbed. However, given that ground works will be required, the County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, conditions of consent be imposed. It is requested that no development takes place until the applicant has secured and implemented a programme of archaeological work and a programme of building recording. The works shall be in accordance with written specifications which must be approved by the County Planning Authority prior to the commencement of development. Therefore, subject to the imposition of the required conditions, I do not consider that this proposal would have a detrimental impact on archaeological remains.

Access, Public Right of Way, and through route

43. As outlined in paragraphs 13 & 14 of this report, access to the site is to remain largely as existing, with vehicular access via Duck Lane/St Radigunds, and pedestrian access via here and St John's Place. It is also proposed to provide 3 designated disabled car parking spaces in a new parking area immediately to the left as you enter the school site from St John's Place. Access and Highway matters have not generated any local objection, and Kent County Council Highways and Transportation have not raised objection to this application. As such I see no reason to refuse the application on highway grounds

Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

44. A Public Right of Way runs along the River Stour, to the northwest of the site. It is not proposed to affect this PROW as part of this development, nor would the development be visually prominent from the route. The County Council's Public Rights of Way Officer has no objection to the application but provides general informatives with regard to works that cannot be undertaken on or immediately adjacent to the footpath. Should permission be granted, I consider it appropriate to add an informative to cover these matters. Subject to this, I am satisfied that the proposed development would not adversely affect the Public Right of Way.
45. Although not a Public Right of Way, as explained in paragraph 13 of this report, a footway runs between the existing Primary School building and the AEC, linking St John's Place to the St Radigund's Car Park and the City Centre beyond. This route is used by members of the public, and is available at the moment as the Primary School and the AEC are secured separately. It is proposed to link these two buildings and enclose them within one secure site, thereby removing this through route. Local objection to the closure of this route has been received, and it is stated by the local community that the route has been freely available ever since the school was built in 1903. However, the route is not a Public Right of Way, and the land is in the ownership of the applicant. Due to security and child protection issues, it is not possible to maintain this route once the AEC is developed for school use. Although I appreciate that this route is well used as a short cut, alternative pedestrian routes are available. The route is not a Public Right of Way and, therefore, does not need to be formally closed/diverted. I cannot therefore refuse the application on this ground.

Flooding, surface water and land contamination

46. The Environment Agency raises no objection to this application subject to the imposition of conditions regarding flood resilience measures, a flood evacuation plan, finished floor levels, land contamination and a scheme for the disposal of surface water drainage. In addition, advice is provided with regard to flood risk, land contamination, drainage, and the storage of fuel, oil and chemicals, and I consider it appropriate to draw the applicant's attention to this advice, should permission be granted. Therefore, I consider that subject to the imposition of the conditions outlined above, and an informative drawing the applicant's attention to the advice provided, the development could be controlled to ensure that it would not result in unacceptable flood risk and/or pollution levels, in accordance with the principles of Development Plan policy.

Biodiversity

47. An Ecological Scoping Report, Reptile & Bat Survey Report, and Amphibian Assessment have been submitted in support of this application. The Ecology Surveys conclude that no further survey work is required, but make a number of recommendations which should be followed prior to and during construction works, such as the protection of nesting birds. In addition, ecological/biodiversity enhancement measures should be included within the development proposals. Subject to the imposition of conditions requiring that the recommendations detailed within the Protected Species Surveys be followed, and that details of ecological/biodiversity enhancement measures be submitted, I do not consider that the development would have an adverse impact upon protected species.

Construction

48. Given that there are neighbouring residential properties, and a confined nature to the local road network, if planning permission is granted it would, in my view, be appropriate

Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

to impose a condition restricting hours of construction to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.

49. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. The strategy should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures and details of any construction accesses and lorry routing. The provision of such a strategy would also address the conditions required by Kent Highway Services with regards to construction activities. Should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
50. In addition to the above, should permission be granted, conditions of consent would ensure that dust, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

51. 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, including those that seek to protect important heritage assets. In addition, the development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011). I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental effect on the historic landscape, including the setting of the Cathedral and the character and appearance of the Canterbury City Conservation Area, or the local highway network. In my view the development is sustainable and there are 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

52. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- the standard time limit;
 - the development to be carried out in accordance with the permitted details;
 - the submission of details of all materials to be used externally, including glazing;
 - the submission of details of windows and doors;
 - detailed drawings showing the junctions between the retained facades and the new build elements of the development;
 - details of all external lighting;
 - a scheme of landscaping, including hard surfacing, its implementation and maintenance;
 - measures to protect trees to be retained;

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Partial demolition of AEC, with new 2 storey building within retained façade at St Johns Primary School, Canterbury– CA/12/1681

- details of fencing, gates and means of enclosure, including colour finishes;
- retention of historic flint walls, and brick wall and piers to the school entrance via St John's Place;
- no tree removal during the bird breeding season;
- development to accord with the recommendations of the ecological surveys;
- the submission of biodiversity enhancement measures;
- a programme of archaeological works;
- a programme of building recording;
- submission of a detailed surface water drainage scheme;
- submission of flood resistance/resilience measures;
- submission of a flood evacuation plan;
- submission of finished floor levels;
- land contamination;
- submission of a revised School Travel Plan, its implementation and ongoing review;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- construction management 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.

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

- Account should be taken of Environment Agency's advice relating to flood risk, land contamination, drainage, and the storage of fuel, oil and chemicals.
- Account should be taken of the County Council's Public Rights of Way Officer's general informatives with regard to works that cannot be undertaken on or immediately adjacent to the footpath.

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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Item D2**Four single storey extensions to main school building at Ethelbert Road Primary School, Ethelbert Road, Faversham – SW/12/884 (KCC/SW/0180/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2013.

Application by Kent County Council Education, Learning and Skills for four single storey extensions to main school building, including staff room, planning preparation area room, learning resources area and ancillary accommodation, enabling the provision of an additional classroom within the existing building (amended application) at Ethelbert Road Primary School, Ethelbert Road, Faversham, ME13 8SQ – SW/12/884 (KCC/SW/0180/2012).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr T. Gates

Classification: Unrestricted

Background

1. This application was originally report to the Planning Applications Committee on 9th October 2012, when Members resolved that consideration of the application be deferred to enable further discussion between the applicant and planning officers over the aspect of the application that led to the earlier recommendation for refusal.
2. Following further negotiations, the applicant has proposed an amendment to the original application that makes changes to the design of the development in response to concerns over the layout and proximity of the development to neighbouring property. The amendments proposed are set out in detail below, and include a reduction in the footprint of the front/ north-west side extension, a change to the design of the north-west side extension to incorporate a pitched roof, a new infill extension to the front porch below a mono-pitched roof, and relocation of the main entrance to the school building to allow a level access.
3. This report provides details of the amendments made to the application, the outcomes from a second round of consultations undertaken, and a consideration of the changes to the development and any subsequent representations received that were not covered by the original committee report. The original report is attached as Appendix 1. In determining this now amended application, Members should refer to both reports for the full consideration.

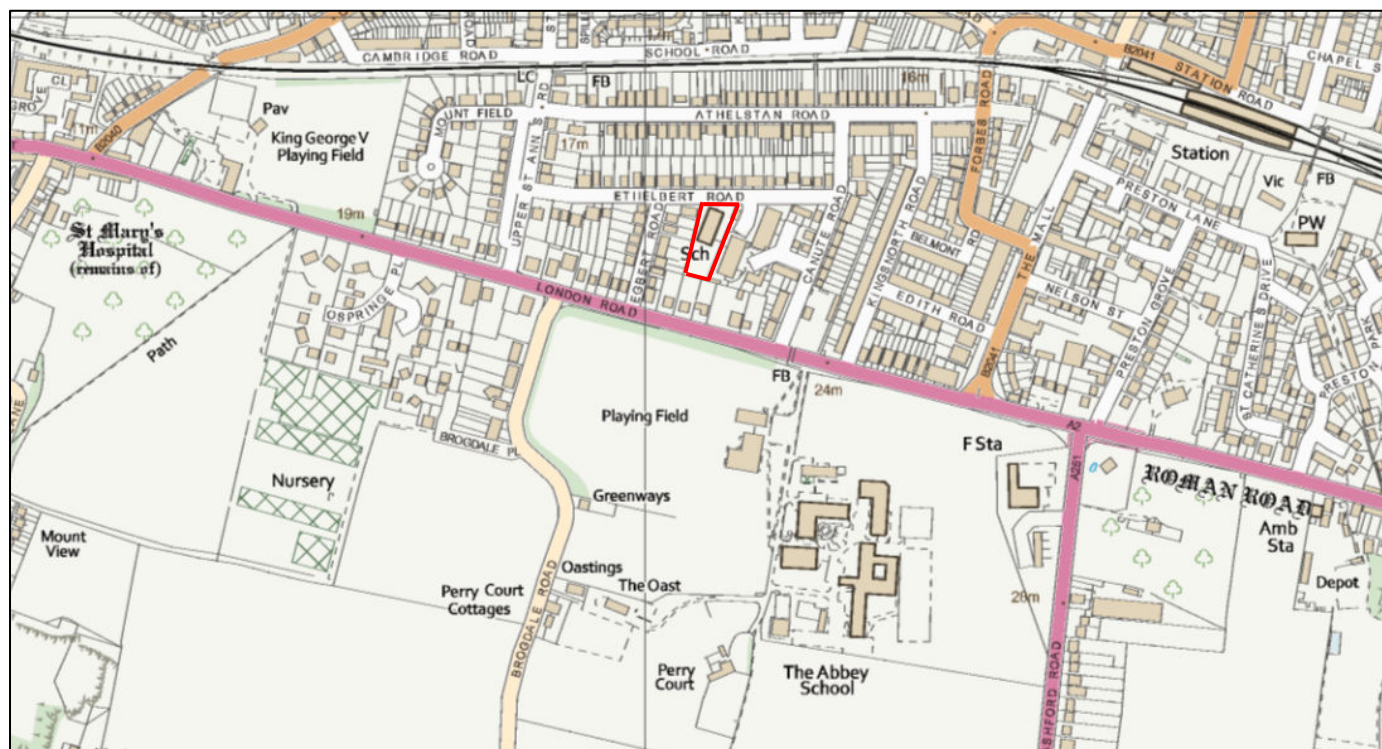
Site

4. The application site falls within the grounds of Ethelbert Road Primary School, Faversham. Ethelbert Road is a small primary school located to the south of Faversham town centre, close to London Road (A2). The school is positioned on a small plot of land (approximately 0.24ha), and is surrounded by residential properties, with a single point of access off Ethelbert Road to the north.

Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

5. The main school building fronts onto Ethelbert Road to north-west of the plot, with a car park (approximately 6 spaces) and rear access to the north-east, main hard play space to the south, and a small modern classroom building positioned to the rear of the school adjacent to the western boundary. The site is enclosed by a traditional brick wall to the south, east and west. The school building is constructed in a Victorian style and dates from the early twentieth century. A typical elevation consists of yellow stock bricks interspersed with stone work, with double height sash windows. The building features steeply pitched tiled roofs with distinctive gable ends. The building forms an important part of the character and history of the area, although it is not formally listed.
6. The application site falls within the school grounds and consist of 3 small areas of hard standing and an infill extension to the front porch (totalling approximately 120m²). These areas are positioned immediately to the north, north-west, west and south-east of the main building, and are used as pedestrian circulation space, access and storage, with the area to the south east currently accommodating a wooden shed.
7. The Primary School currently consists of 7 year groups totalling 164 pupils from September 2012 with approximately 20 (full time equivalent) members of staff.
8. The application site falls within the built-up area of Faversham as defined by the Swale Borough Local Plan Proposals Map. The school grounds are also within a Groundwater Vulnerability Zone overlying a Major Aquifer, as defined by the Environment Agency. There are no other site specific designations, although more general development plan policies are set out within the original Committee report attached in Appendix 1 – paragraph 10.

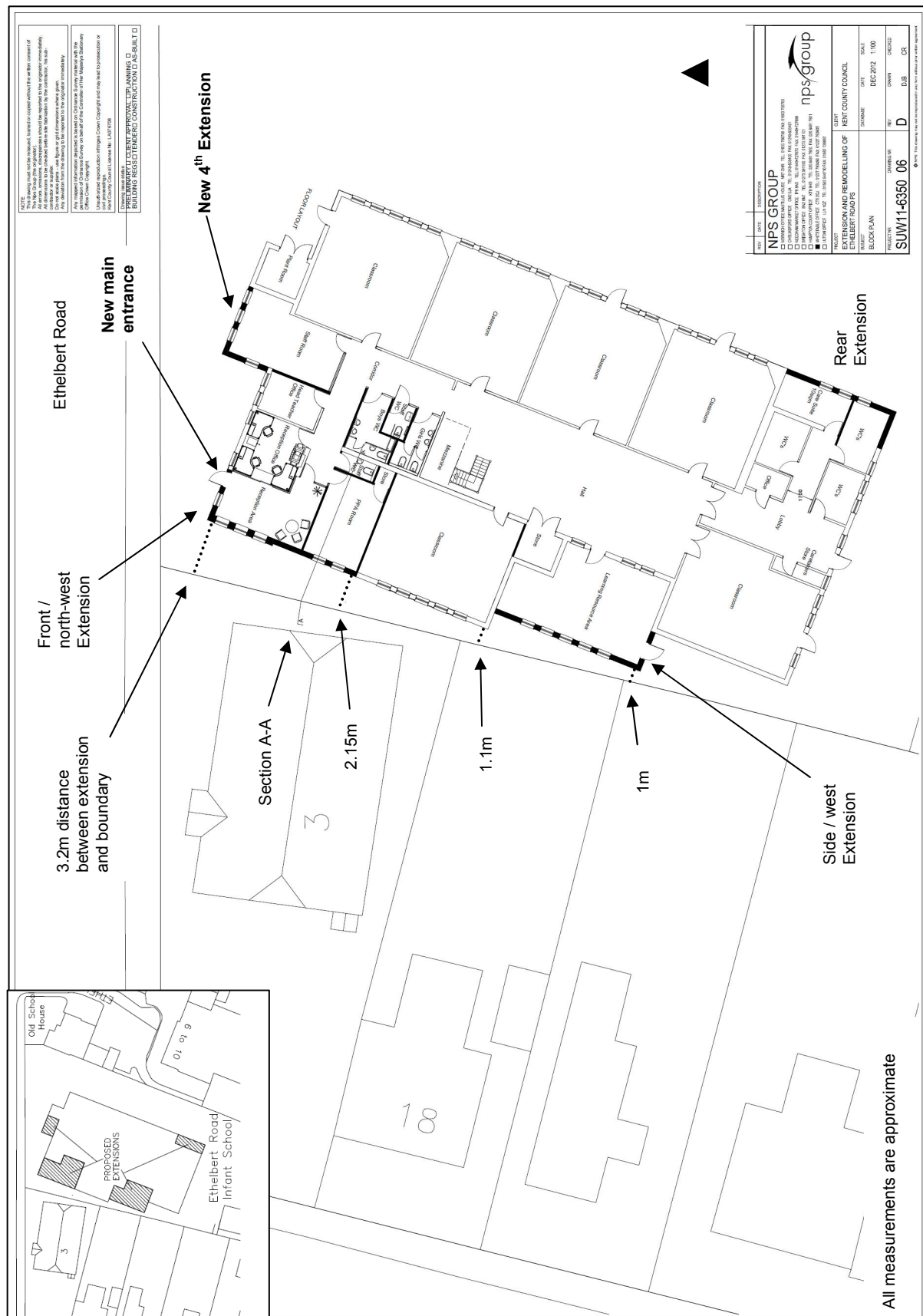
Site Location Plan



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Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

Amended Block Plan



Item D2 **Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)**

Existing Elevations



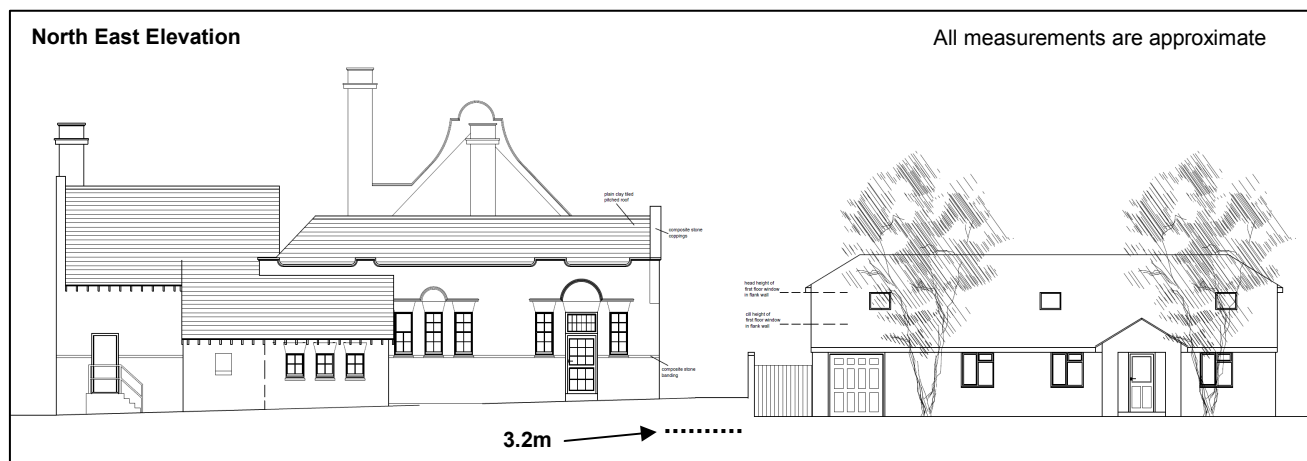
Proposed Elevations (as amended)



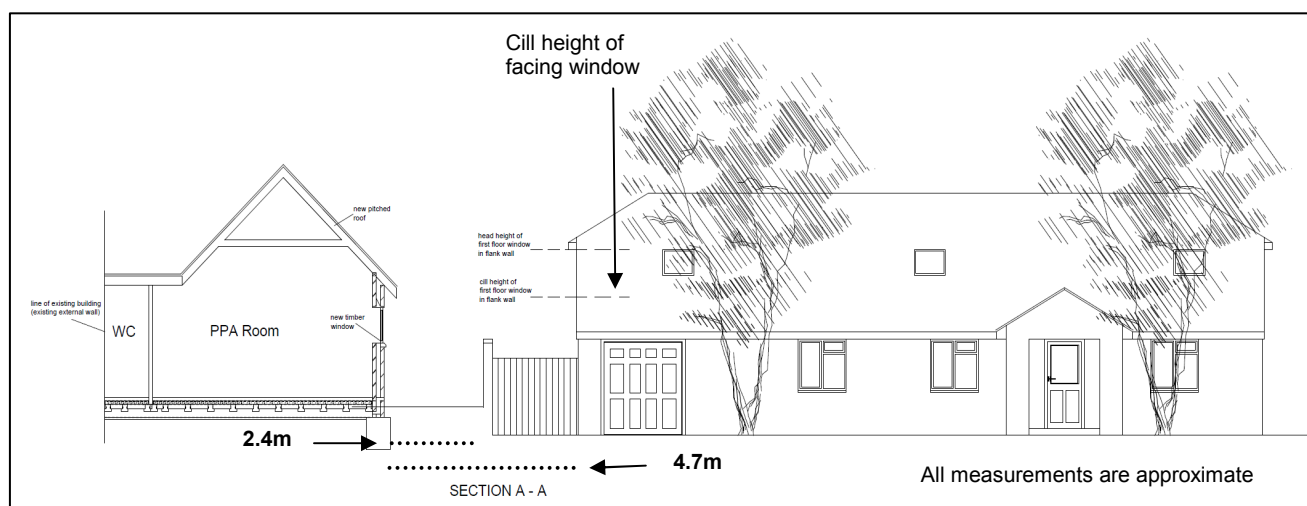
Item D2

Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

Proposed section showing the amended street scene elevation (including 3 Ethelbert Road)



Proposed section drawing (A-A) through the north-west side extension (indicating the proposals directly opposite the facing window within the adjacent residential property)



Amended Proposal

9. Members will recall that the original application (reported in October), proposed the construction of 3 separate single storey extensions to the main school building with a new ramp to the front entrance. The amended application now proposes the construction of an additional single storey extension to the front elevation to enable changes to the original design without a material reduction in the floorspace that would be created. The development now proposes 4 new single storey extensions.
10. Following consultation with officers, the footprint of the original extension proposed to the front (north-west corner) of the building has been reduced by approximately 11m². This extension now proposes to carry forward the building line adopted by the existing side extension (permitted in 2002), along with the pitched roof line (which amends a previous proposed flat roof).

Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

The change to the footprint would move the building line back by an extra metre from the boundary with the adjacent residential property. Whilst the footprint has changed, the general design of the front part of the extension, facing the street, remains the same. This part of the development would extend the existing facade west, re-creating the steeply pitched roof line with a gable end.

11. The amended application proposes to relocate the main pedestrian entrance to the school building as part of the extension to the north-west corner. The ground levels at this part of the site would enable a new entrance to provide an inclusive level access to the building, without the need for steps or a new ramp. The layout of the north-west extension and the adjacent part of the existing main school building (including the main and head teacher's offices) would be redesigned to accommodate the revised access arrangements being proposed. The north-west extension would include a new reception area, a planning preparation area room and staff toilets.
12. As a direct result of the reduced footprint of the development proposed to the north-west corner of the school, a small fourth extension is being proposed to the front elevation, facing Ethelbert Road. This extension would be achieved by infilling and extending the existing front porch area and entrance under a mono-pitched roof, to match the adjacent plant room. This extension would create approximately 11m² of new floorspace. The existing school entrance would be relocated (as set out above) and the fourth extension in connection with part of the existing corridor space behind would be adapted to create a new staff room.
13. Following further consideration of the potential access issues during any construction programme, the applicant has indicated that they may need to demolish part of the existing side extension (permitted in 2002) to enable the construction of the learning resource area extension behind. Any part of the side extension demolished would then be rebuilt as part of the development. The design, footprint and height of this extension would remain the same, with the exception of new facing windows to the west elevation.
14. The design of the proposed learning resource area extension behind, to the west of the school building, would remain unchanged. This part of the development proposes to infill a courtyard area between the building and the boundary wall with a flat roofed extension featuring parapet walls and sash windows. The design of the smaller third extension, located to the south east corner (to the rear of the school site) also remains unchanged.
15. The design approach proposed for all 4 extensions would continue to reflect the architectural style of the main school building, attempting to duplicate existing features and external materials used.

Planning Policy

16. Please see the appended earlier report for a summary of the most relevant Government Guidance and Development Plan Policies – paragraph 10 of Appendix 1.

Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

Consultations

17. The following consultee responses have been received concerning the amended application. Please see the earlier report at Appendix 1 (paragraph 11) for details of all original comments received, including from the Environment Agency and Kent Highways and Transportation.

Swale Borough Council – no objection to the amendments to the application.

Faversham Town Council – no objection to the amended application.

Local Member

18. The local County Member for Faversham, Mr T. Gates was notified of the amended application on 4 January 2013.

Publicity

19. The amended application was publicised by the re-notification of all neighbouring properties originally consulted and all residents that made representations concerning the application.

Representations

20. Members may recall that a representation was reported verbally to the Planning Applications Committee meeting on 9th October 2012. This consisted of a letter from the current owner/occupiers of no. 3 Ethelbert Road confirming that they had no objections to the design of the original proposals and supported the application. No further correspondence has been received from this property in response to the amended application.
21. In response to the second round of consultations, 3 further letters of representation have been received from neighbouring properties. The key points raised can be summarised as follows:
- Suggests that consideration be given to reinstating the iron railings that historically fronted the school site. Notes that considerable attention is given in the proposal to sympathetically blending in the developments with the materials and features of the original building. Considers that the reinstatement of the railings would neatly fit with this objective and considerably enhance the visual appearance of the school building and proposed changes.
 - Notes that an increase in commuters parking in the surrounding streets on weekdays leaves limited on street parking for parents. This can cause congestion and inconsiderate parking at peak travel times. Asks whether thought has been given to parking for parents dropping off and picking up children? Suggests that if a way could be found to remove the commuters from the roads this would alleviate the problem.

Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

- Raises no objection to the application, however has concerns regarding the availability of on street parking during the school day. Asks whether an unused area to the west of the school building could be converted into an additional school parking area?

Discussion

22. The application seeks planning permission for four extensions to Ethelbert Road School. The application is being re-reported to the Planning Applications Committee following October's Committee meeting, when Members resolved that consideration of the application be deferred to enable further thought to be given to the layout of the development in relation to a neighbouring residential property. The applicant has subsequently submitted amended plans for the extensions in response to the concerns being raised.
23. Please see paragraphs (17) and (21) for details of all responses received concerning the amended application. Details of all representations originally received are set out within Appendix 1 (paragraphs 11 and 14); these include 2 letters of representation received from nearby residents objecting to the application, primarily on highway grounds and the capacity of the school to accommodate an increase in pupil numbers. These issues were considered in more detail within the appended report.
24. In considering this proposal, regard must be had to the Development Plan Policies and Government Guidance outlined within the appended report. 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.
25. The key issues to consider as a result of the amended design, and the further representations received can be summarised under the following headings:
- design and layout; and
 - other relevant planning considerations raised concerning the application as amended.

Design and layout

26. Members will recall that in general I was happy to recommend that the design of the original application was considered acceptable in principle and performed positively against the development plan policies in place. However, in my opinion, the layout of the original proposals in relation to neighbouring property at that time was misconceived and too close given the height and mass of the extension proposed.
27. In response to those concerns the applicant has revised layout and design of the proposed front / north-west extension, closest to neighbouring property. The new layout allows for an increased level of separation between the new development and no. 3 Ethelbert Road, moving the extension approximately 1.2m further back from the shared boundary. As a result of the changes, the window to window distance would increase

Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

from around 2.5 / 3m under the original proposals to in excess of 4m. As set out in the original report, I am satisfied that, given the cill height of the window within the neighbouring property, it is likely that the neighbouring property would overlook rooms within the proposed development, as opposed to the other way around.

28. The revised design now incorporates a pitched roof line to the rear part of the front extension, in place of the previously promoted flat roof with parapet wall. The change in the design would serve to reduce the height of the extension at the closest point between the buildings, opposite the facing window within 3 Ethelbert Road. The proposed pitched roof line copies the design of the existing side extension, detailing an eaves height of 2.8m (in comparison with flat roof with parapet wall originally proposed, which would have measured 3.7m in height at the closest point). Please see the elevation and section drawings included above for more information.
29. The increased separation between the buildings, coupled with the lower eaves height and the pitched roof would now serve to reduce any potential impacts on 3 Ethelbert Road to a more acceptable level. The amended layout also pulls the one and a half storey gable end proposed to the front part of the extension further back from the boundary, reducing the potential for overshadowing or a sense of enclosure to the front of the residential property.
30. Whilst the revised development would still have some impact on the adjacent property, I am now satisfied that the proposals are appropriate in terms of scale, height, massing and appearance, and would not have an unacceptable impact due to the proximity of the buildings. Given the size and nature of the development and the layout of the adjacent residential property, in this instance, I consider that the proposal is sited sufficiently far from 3 Ethelbert Road to not result in material harm to the living conditions which the present and future occupiers can expect to enjoy.
31. I am also satisfied that, if necessary, the proposals to demolish and rebuild part of the existing side extension, including the provision of new windows within the west elevation, would be acceptable in the context of the surrounding built environment.
32. The revised entrance to the school building is considered an improvement, in that it would provide an inclusive level access and would avoid the need for a new ramp that could potentially detract from the overall appearance of the building in the street scene.
33. The fourth extension proposed in the north elevation fronting on to Ethelbert Road, would create approximately 11m² of additional floorspace, replacing that lost as a result of the revisions to the design. This extension would be used in combination with part of the existing hallway and lobby within the main building to provide a replacement staff room. The extension would be achieved by infilling and extending the existing porch under the mono pitched roof, which covers the porch and adjacent plant room. The proposed extension would have a limited visual impact given that it would adapt and re-create an existing design. Subject to the use of suitable matching materials, I consider that the extension would preserve the character of the building and would be acceptable in the street scene.
34. In my opinion, the amended application adequately addresses my earlier concerns about the layout of the development in the context of the surrounding residential properties. I also consider that the changes to the design and new elements of the proposal are all

Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

considered acceptable. Subject to a condition requiring the submission of all external materials for prior approval, I recommend that the application (as amended) is considered acceptable within the provisions of the Development Plan Policies in place in terms of its layout, sitting, scale, height, mass, overall design and impact on the surrounding built environment.

Other relevant planning considerations

35. Members will note the suggestion made by a neighbouring resident that consideration be given to reinstating the iron railings to the front of the school grounds. I understand from the correspondence received that the original railings may have been removed during the Second World War. Please note that the current application does not include any work to the existing boundary treatment. I completely agree that reinstated railings would serve to enhance the appearance of the building; however there is no scope to require this in the context of the current application as Members are required to determine the application as submitted. I have forwarded the suggestion on to the applicant, and ask that they give the views consideration should a proposal to provide new fencing to the front of the school be forthcoming at any point in the future.
36. With reference to the concern raised by local residents about the increase in commuter parking on the surrounding roads, as stated in the attached report this appears to have been as a result of an extension to the area covered by the local parking permit scheme surrounding Faversham town centre. The control and enforcement of on street parking falls within the Borough Council's remit and cannot be directly influenced by the School or the County Planning Authority. One representation also raised a question as to whether additional parking could be provided on an area to the west of the school building within the school grounds. I note that there is no space on site to expand the existing car park, and that the area identified by the resident potentially falls within the footprint of the development proposed within this application.
37. Kent Highways and Transportation has assessed the scheme in the context of existing and potential highway demand and is raising no objection to the application (please see Appendix 1). I am satisfied that the consideration given to highways matters within the earlier report still stands and therefore I do not raise any concerns over the application from a highway perspective.
38. Please see the appended report (included in Appendix 1) for consideration of other key issues raised in connection with this application. I remain satisfied that the proposals are still acceptable in terms of the various other issues considered in the 9 October 2012 committee report.

Conclusion

39. Having considered the amended application, the additional representations received since 9 October 2012, and all other issues arising from reconsidering the proposed development, I am satisfied that the proposal is now acceptable in terms of its design and layout in relation to the existing built development.

Four single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

40. I also remain satisfied that the proposals are acceptable in terms of the various other issues considered in the attached October 2012 committee report (included in Appendix 1), including in terms of highway considerations and the capacity of the school site to accommodate an increasing school roll. On this basis, I recommend that planning permission is granted subject to the conditions set out below.

Recommendation

41. I RECOMMEND that PERMISSION BE GRANTED to the proposed development as now amended, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- the development to be commenced within 5 years;
- the development to be carried out in accordance with the permitted details;
- details of all external materials to be submitted for prior approval;
- the existing boundary wall to be protected and maintained on site;
- precautions to prevent the deposit of mud on the highway; and
- controls on the hours of operation during construction work.

Case Officer: James Bickle

Tel. no: 01622 221068

Background Documents: see section heading

Appendix 1 to Item D2

Three single storey extensions to main school building at Ethelbert Road Primary School, Ethelbert Road, Faversham – SW/12/884 (KCC/SW/0180/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 9 October 2012

Application by Kent County Council Education, Learning and Skills for three single storey extensions to main school building, including staff room, planning preparation area room, learning resources area and ancillary accommodation, enabling the provision of an additional classroom within the existing building, alongside provision of new ramp to front entrance at Ethelbert Road Primary School, Ethelbert Road, Faversham, Kent, ME13 8SQ – SW/12/884 (KCC/SW/0180/2012)

Recommendation: Permission be refused.

Local Member: Mr T. Gates

Classification: Unrestricted

Site

1. The application site falls within the grounds of Ethelbert Road Primary School, Faversham. Ethelbert Road is a small primary school located to the south of Faversham town centre, close to London Road (A2). The school is positioned on a small plot of land (approximately 0.24ha) surrounded by residential properties, with a single point of access off Ethelbert Road to the north. The main school building fronts onto Ethelbert Road to north-west of the plot, with a car park (approximately 6 spaces) and rear access to the north-east, main hard play space to the south, and a small modern classroom building positioned to the rear of the school adjacent to the western boundary. The site is enclosed by a traditional brick wall to the south, east and west. The school building is constructed in a Victorian style and dates from the early twentieth century. A typical elevation consists of yellow stock bricks interspersed with stone work, with double height sash windows under steeply pitched tiled roofs, featuring distinctive gable ends. The building forms an important part of the character and history of the area, although it is not formally listed.
2. The application site falls within the school grounds and consist of 3 small areas of hard standing (totalling approximately 120m²) positioned immediately to the north-west, west and south-east of the main building. It is noted that the proposed locations to the north-west and west of the school are positioned close to the boundary wall shared with adjacent residential property. The areas identified are currently used for pedestrian circulation space, access and storage, with the area to the south east currently accommodating a wooden shed.
3. The Primary School currently consists of 7 year groups totalling 164 pupils from September 2012 with approximately 20 (full time equivalent) members of staff.

Three single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

4. The application site falls within the built-up area of Faversham as defined by the Swale Borough Local Plan Proposals Map. The school grounds are also within a Groundwater Vulnerability Zone overlying a Major Aquifer, as defined by the Environment Agency. There are no other site specific designations, although more general development plan policies are set out in paragraph (10) below.

Background

5. Ethelbert Road School changed its status in September 2008 from an Infant to a Primary School. At the time the Infant School had a planned admission number (PAN) of 37 children across 3 year groups with an approximate total of 111 pupils. An additional 52 nursery children were also accommodated on site within a private nursery school (163 pupils in total). Following the change in status in 2008 the Primary School had a PAN of 15 pupils across 7 years. Due to local demand for school places, in 2011 the Primary School was officially expanded to a full 1 form-entry school (with a PAN of 30 pupils allowing for up to 210 children in total). Following this decision the school roll is currently expanding as the smaller year groups move through the school and the full planned admission of 30 pupils start from the reception year. As previously indicated, a total of 164 pupils are attending the School from September 2012.
6. The increase in the number of classes and pupils has been achieved to date through the relocation of the privately run pre-school away from the site (relocating 52 children), and through the use of additional teaching spaces provided within existing extensions to the original school building. These extensions include a single storey art classroom building that was permitted to the rear of the main school in 2010 (under reference SW/10/288), and an extension to the west of the main school (permitted under SW/02/1228) which (at the time) provided special needs facilities including therapy space, office, storage and toilets. In more recent years this space has been used to provide additional teaching space.

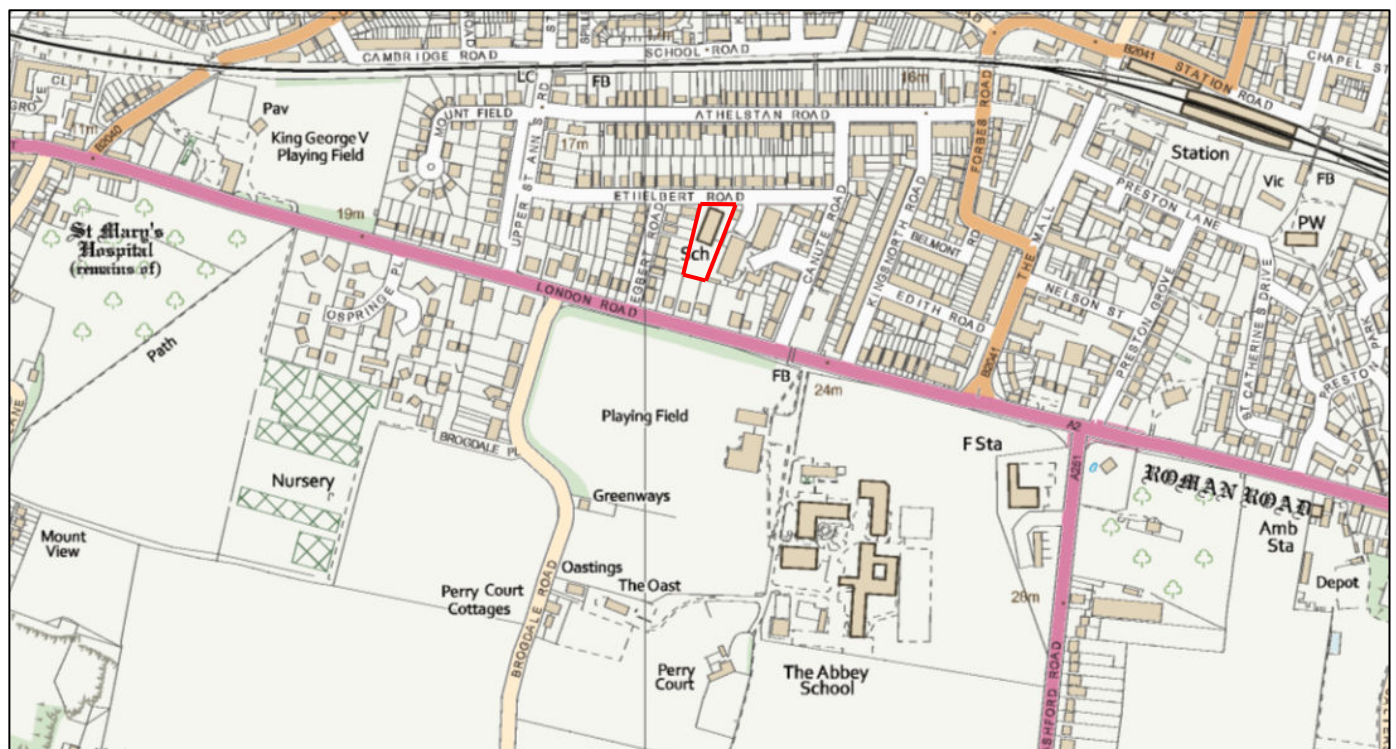
Proposal

7. The application proposes the construction of 3 separate single storey extensions to the main school building with a new ramp to the front entrance. The first extension proposed to the north-west corner of the main building (fronting onto Ethelbert Road) would accommodate a replacement staff room (30m²) and a planning preparation area room (25m²). Immediately behind which is the existing extension permitted in 2002 referred to above. Beyond this (to the west of the main school), the second extension proposed would provide a learning resources room (40m²) by infilling a small courtyard area between the building and the boundary wall. The third extension would be located to the south east corner (to the rear of the school building) and would provide new toilet and care suite facilities (20 m²). A total of 115m² of additional floorspace would be created by the proposed development.
8. The provision of new accommodation would enable existing floorspace within the main building to be remodelled. The revised internal layout (which on its own does not require planning permission) would provide additional toilet facilities and allow an existing undersized teaching area to be expanded to provide a full classroom (49 m²). This extended teaching space would bring the total number of full classrooms available within the school to 7 (6 rooms within the main school and 1 within a small building to the rear).

Three single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

9. The design of the proposed extensions would reflect the architecture of the main school building, duplicating existing features and external materials. This would include: matching brickwork, composite stone banding and coping, gauged brick arches over external openings and timber sash windows. The design approach proposed for the front extension for the new staff room (facing the street) extends the existing façade to the west, re-creating the pitched roof line with gable end adjacent to the site boundary. Behind which the extensions proposed to the side and rear of the main school building would feature timber sash windows with parapet walls and composite stone copping above a flat roof. New window openings are also shown to the west elevation of the existing extension permitted in 2002, to compensate for light lost as a result of the extensions proposed immediately to the north and south of this part of the school building.

Site Location Plan

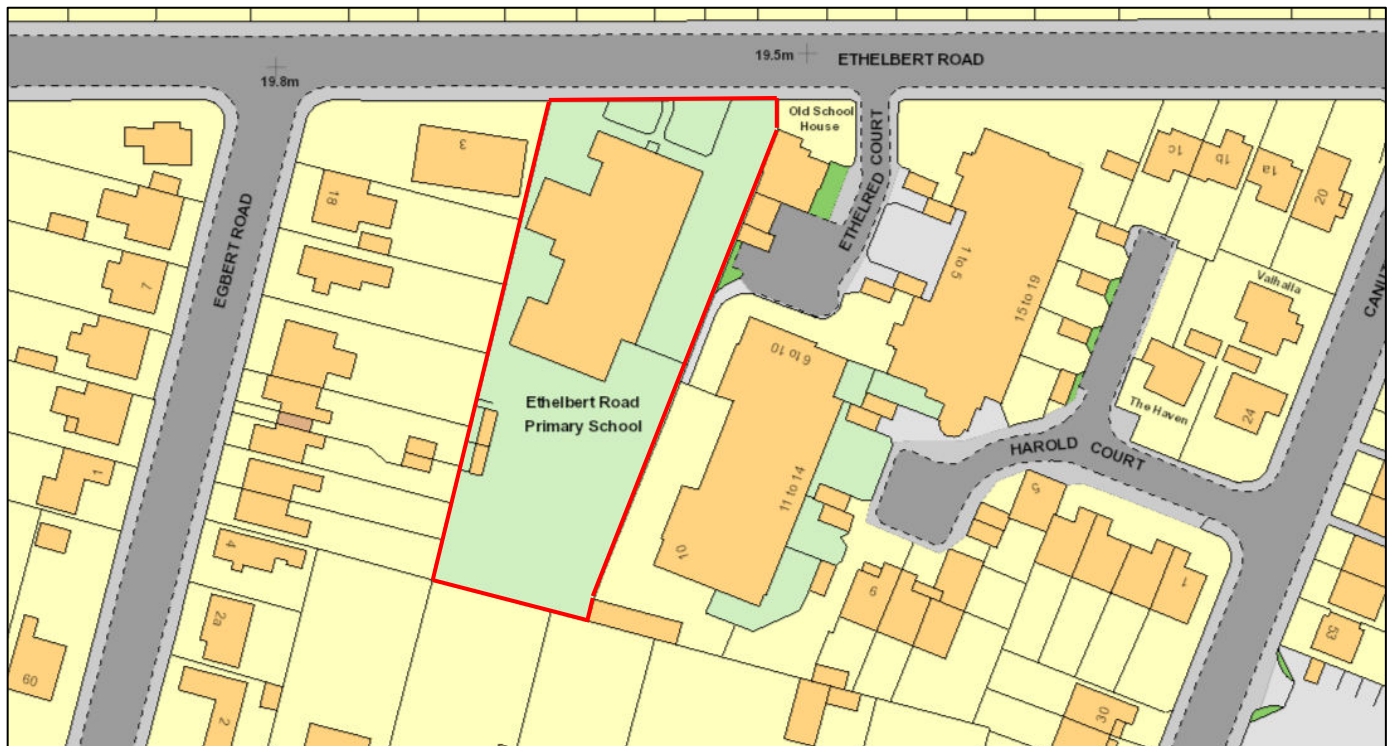


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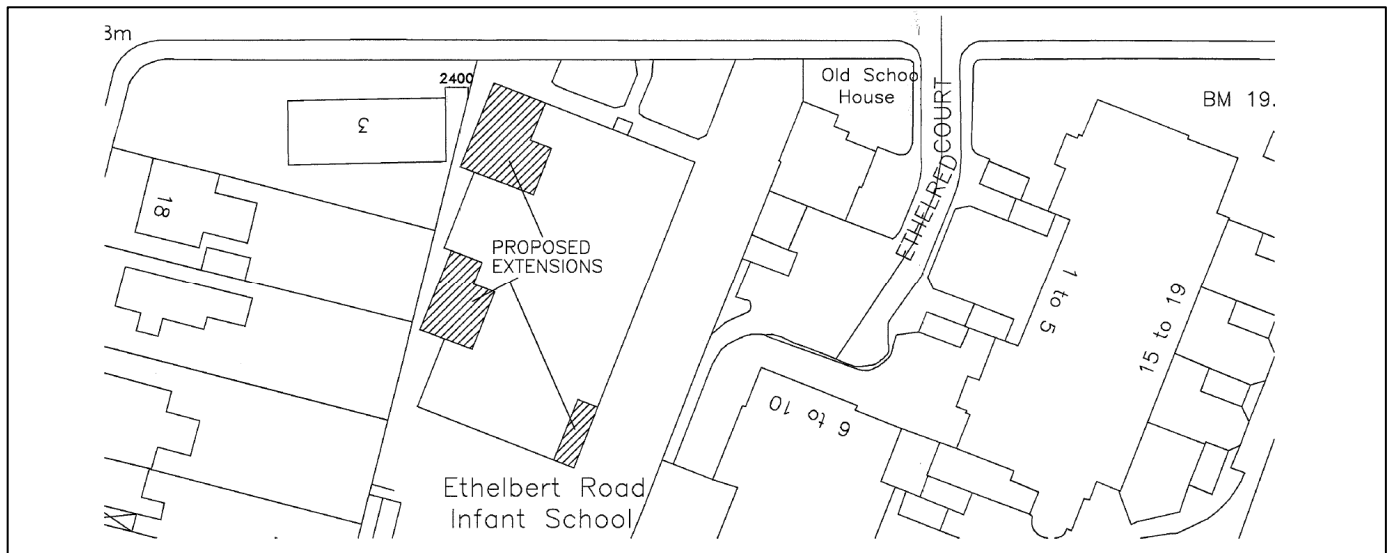
Appendix 1 to Item D2

Three single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

Existing Block Plan



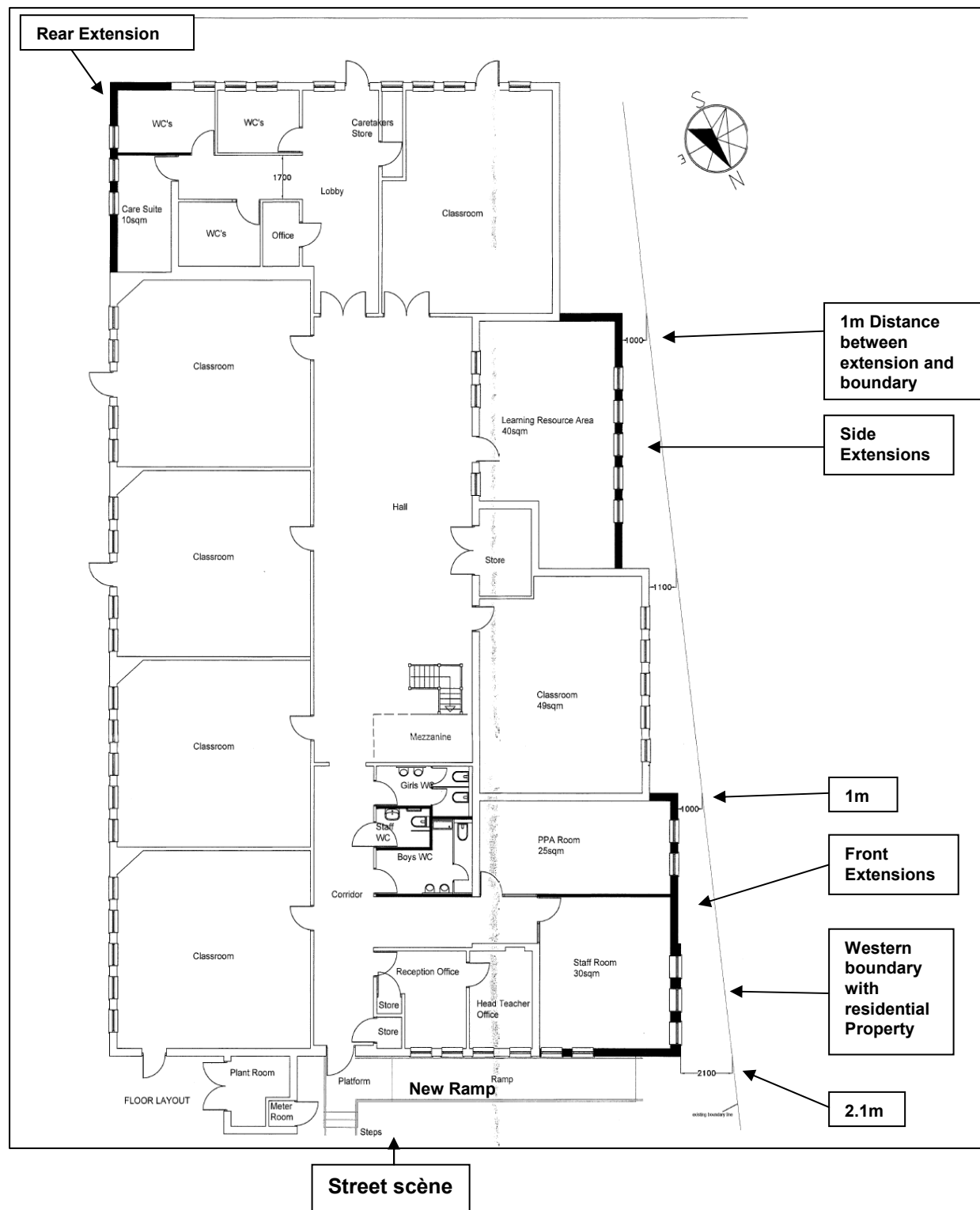
Proposed Block Plan



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Proposed Floor Plan



Three single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)

View south east from Ethelbert Road showing location of front extension - school building (left) and residential property at 3 Ethelbert Road (right).



View south from Ethelbert Road showing location of front extension including the relationship with adjacent residential property at 3 Ethelbert Road (right) and existing extension permitted in 2002.



View north west from rear playground toward main building showing proposed location of rear extension.



Appendix 1 to Item D2 **Three single storey extensions to main school building at Ethelbert Road Primary School, Faversham – SW/12/884 (KCC/SW/0180/2012)**

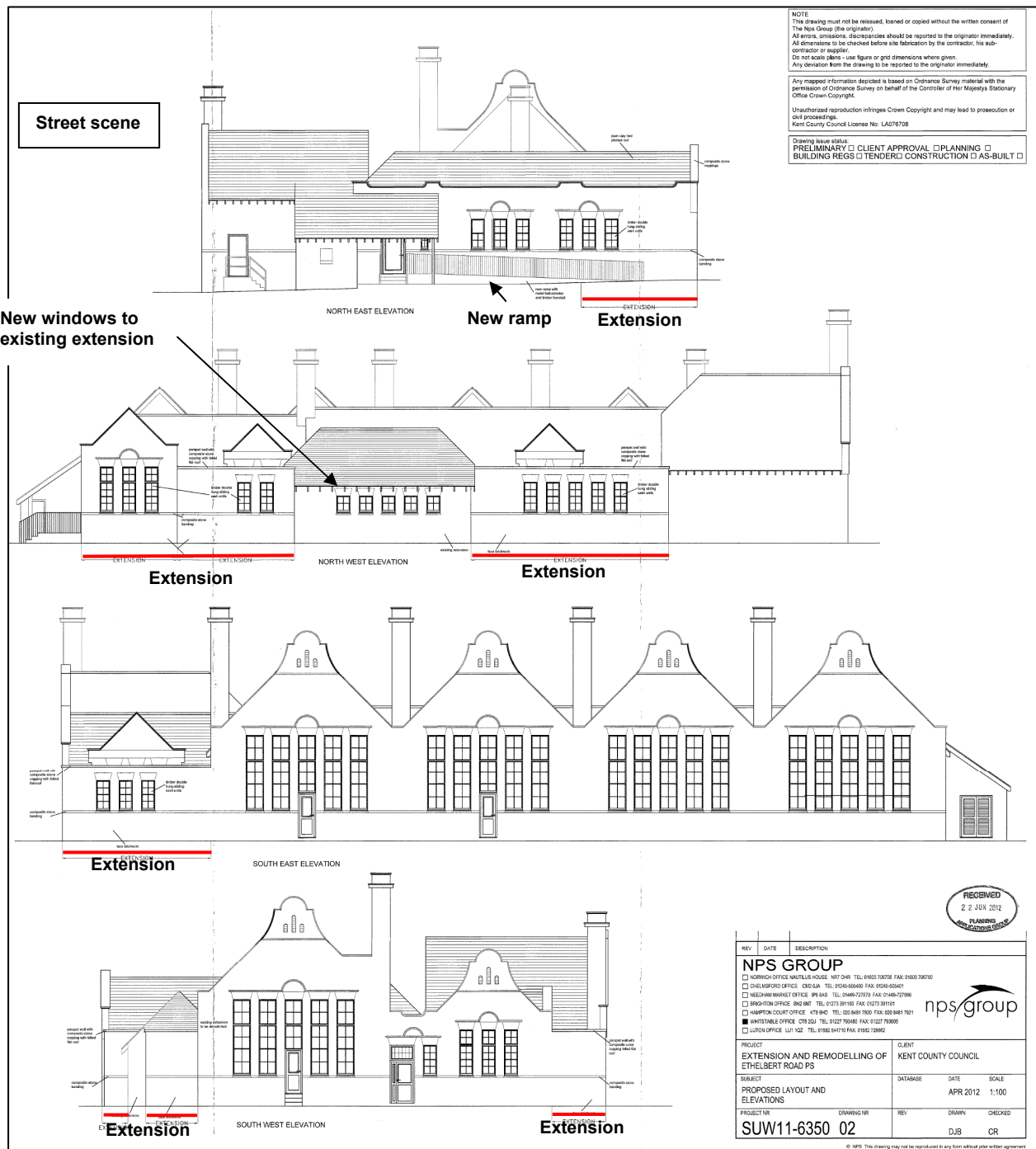
Existing Elevations



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Proposed Elevations



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Planning Policy

10. 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 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

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

(ii) The South East Plan (2009):

- Policy SP3 Seeks to focus development within urban areas to foster access to services and avoid unnecessary travel.
- Policy CC1 Seeks to achieve and maintain sustainable development in the region.
- Policy CC4 Seeks new development to adopt sustainable construction standards and techniques.
- Policy CC6 Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy NRM1 Seeks to maintain and enhance ground water quality through the avoiding adverse effects of development on the water environment.
- Policy BE1 Seeks new development to help improve the built environment with design solutions relevant to local character, distinctiveness and sense of place.
- Policy S3 Seeks to ensure the adequate provision of pre-school, school, and community learning facilities.

Important note concerning the South East Plan:

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

(iii) Swale Borough Local Plan (2008) Policies:

- Policy SP1 In meeting the development needs of the Borough, proposals should accord with principles of Sustainable Development, including minimising impact on the environment, ensuring provision of community infrastructure, supporting existing local services, and a high quality of design that respects local distinctiveness.
- Policy SP2 Requires development proposals to protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough and promote good design in its widest sense.
- Policy SP7 Seeks the provision of new community facilities and services.

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- Policy FAV1 Within the Faversham Area, amongst other matters, conservation of the historic and natural environment is the prime and overriding consideration. In this context the policy seeks to enhance the role of the market town to support its own local needs, to set scales of development that reflect local needs and environmental character, and to raise the standard of the environment through high quality design, and the protection, enhancement, and management of environmental resources.
- Policy E1 Development proposals should, amongst other matters, seek to reflect the positive characteristics of the locality; protect and enhance the natural and built environments; be well sited and of a scale, design and appearance that is appropriate to its location; cause no demonstrable harm to residential amenity and other sensitive uses.
- Policy E2 Requires development all development proposals to minimise and mitigate pollution impacts.
- Policy E19 Seeks development to be of high quality design that responds positively to creating safe, accessible, and attractive places; enriching the qualities of the existing environment by promoting local distinctiveness and strengthening the sense of place; appropriate to its context in respect of scale, height and massing; making best use of texture, colour, pattern and durability of materials; and achieving flexibility to respond to future changes in use, lifestyle and demography.
- Policy E20 The Borough Council expects proposals to integrate security and safety measures within their design and layout.
- Policy E24 Requires extensions to existing buildings that are high quality design, in scale (by height and massing) in relation to the building's surroundings, maintain or enhance the character of the street scene, preserve architectural, landscape, or nature conservation features of interest and protects residential amenity.
- Policy C1 Supports proposals for new or improved community facilities, where proposals would meet an identified local need in an accessible location; and supports proposals that would help maximise the use of existing public and private community services and facilities.

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Consultations

11. **Swale Borough Council – no objection**, subject to the development commencing no later than 3 years from the date of planning permission.

Faversham Town Council – no objection, supports the expansion of this school to a full primary.

Environment Agency – no comment, the Agency has assessed the application as posing a low environmental risk, directing the applicant to its best practice guidance.

Kent Highways and Transportation – no objection to the proposal in respect of highway matters

In response to the application and the objections received from local residents Kent Highways comments can be summarised as follows:

Kent Highways appreciate that the total number of pupils attending the school would be able to rise if the proposed extension were permitted, however this appears possible merely due to an existing classroom being enlarged to compare with the other classrooms at the school. The proposal would not affect the numbers of classes at the school, and the number of teaching staff would remain the same, although it is expected that support staff will reduce slightly. As parking provision required for primary schools is based upon staff numbers, and this would not increase with the current application, there would be no requirement to seek additional parking provision.

Kent Highways note that whilst local residents may have concerns over parking at the beginning and end of the school day, with parents dropping off or collecting their children, this is an existing situation that only occurs over a relatively short period of the day. On- street parking is allowed in the immediate area surrounding the school, and the saturation of parking demand at those times just means that availability is less, and vehicles may have to park further away than they would desire to find a parking space. Any increase in parking demand as a result of this proposal is unlikely to be significant, and would be absorbed into the surrounding streets.

Local Member

12. The local County Member for Faversham, Mr T. Gates was notified of the application on 25 June 2012.

Publicity

13. The application was publicised by the posting of a site notice, and the individual notification of 22 neighbouring properties.

Representations

14. In response to the publicity, 2 letters of representation have been received from neighbouring properties objecting to the application. The key points raised can be summarised as follows:

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- Objects to the expansion in number of pupils that would attend the school; notes that the school roll has risen in recent years from a half form-entry (*approximately* 105 pupils + 52 nursery pupils) to a proposed 1FE primary school (210 pupils). Draws attention to the steady increase in the school roll from 69 pupils in 1997.
- Objects to the potential increase in vehicle movements that would accompany an expansion of the school roll, including associated parking and access problems generated by parents using the surrounding residential roads.
- Considers that an increase in vehicle movements would have an undue impact on the public highway and in turn residential amenities, through the number and volume of movements generated on a daily basis.
- Raises concern about the number of vehicles already parking in the street in connection with evening events taking place at the school.
- Raises concerns that the size of the school roll is becoming too large for the space available on site, including the communal facilities like outdoor playground space, school hall and the toilet facilities available.
- Highlights the findings of a 2003 Ofsted report (prepared when 91 pupils attended the school) which raised concern that the main hall only provided adequate space for physical education for the number of pupils at that time.
- Points out that the provision of the large art room extension in 2011 impacted on the amount of outdoor play space available within the site.
- Raises concern about footballs and other objects travelling from the playground over school wall into neighbouring residents gardens, is concerned that the proposed expansion of the school would only intensify this issue;
- Raises concerns about loud music played during outdoor lessons and break times impacting on residential amenities.

Discussion

15. The application seeks planning permission for 3 small extensions to Ethelbert Road School, including a new pedestrian access ramp. The application is being reported to the Planning Applications Committee as a result of 2 letters of representation received from nearby residents objecting to the application, primarily on highway grounds and the capacity of the school to accommodate an increase in pupil numbers. Please see paragraphs (11) and (14) for details of the representations received.
16. In considering this proposal, regard must be had to the Development Plan Policies and Government Guidance outlined in paragraph (10) 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.
17. In my opinion, the main determining issues in this particular case can be summarised by the following:
 - design and layout;
 - highway considerations; and
 - other relevant planning considerations.

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Design and layout

18. Swale Borough Local Plan Policies FAV1, E1, E19 and E24 seek new development within the Faversham area that conserves or enhances the built environment through high quality design that reflects local distinctiveness and is appropriate to its context in terms of scale, height, massing and appearance, and that causes no material harm to residential amenity.
19. The design approach proposed in this instance seeks to reflect the character of the main school by picking up on key features and materials. The most visually prominent of the three extensions fronts onto Ethelbert Road in a location that would have an impact on the appearance of school within the street scene. The proposals extend the existing façade approximately 6m to the west, recreating the fenestration and roof line with materials to match the existing building. The detailing proposed would include stone work, feature brickwork and double hung sliding sash windows. To the front of this elevation, the new pedestrian access ramp proposed to the main entrance includes a metal balustrade and timber handrail. The extensions behind this front elevation, proposed to the side and rear of the school, would adopt a smaller scale flat roof construction set behind parapet walls with composite stone copping to reflect the detailing on the main building.
20. In my opinion, the visual appearance of the proposals would be sympathetic to the existing built development, the design responds positively to the style and character of the school building, and conserves the local distinctiveness. Subject to a condition requiring the submission of external materials for approval, I have no reservations over the design approach in terms of the external appearance and am satisfied that this aspect of the development would accord with the relevant development plan policies.
21. However, notwithstanding the above, I draw Members' attention to the layout of the proposals in relation to the western site boundary and residential properties beyond. Due to the limited space available within the school grounds, the proposed layout would see two of the extensions constructed close to the existing site boundary wall. The proposals allow for a side passageway between the building and the wall to be retained, which narrows at the closest point to approximately 1m wide. The proposed layout generally reflects the building line adopted by an existing side extension permitted in 2002, and is not dissimilar to the degree of separation achieved between the surrounding residential development. I am content that the scale and mass of the extensions reflect the character of the main school building. However, in my opinion, the key consideration in this case is the proximity, scale, height and massing of the proposals in relation to the adjacent residential properties.
22. Whilst I note that the development would include a number of new facing windows, I am satisfied that the proposals (including the new windows proposed within the existing extension) would not have a material impact on the privacy of adjacent residential properties. In particular, views from the proposed ground floor openings to the west would be largely screened by the boundary wall, which would be retained as part of the development, and by planting to the rear of the gardens that back onto the site. However, Members will note that the property at 3 Ethelbert Road (directly adjacent to the front extension) is oriented such that a flank elevation faces the school. This elevation has one facing window to a second storey room. Given this window's height above ground, it is likely that the neighbouring property would overlook rooms within the proposed development, as opposed to the other way around.

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23. The elevation to elevation distance between the proposed front extension and 3 Ethelbert Road would be approximately 2.5m at the closest point, widening out to approximately 3.5m nearer to the street. As can be seen in the photographs above, this residential property is a bungalow that includes a loft extension. The house contains a facing window to a first floor room to the east of the property, below which is a garage. A number of roof lights increase light to the interior of the building.
24. The north-west corner of the extension proposed to the front of the school grounds includes a double height gable end mirroring the existing roofscape. The height of this gable end would reach 6.5m at the ridgeline at less than 2m from the shared boundary. This part of the proposals would be adjacent to the drive way and the north east corner of 3 Ethelbert Road and has the potential to overshadow the adjacent property. Behind the pitched roofed element of this extension, a flat roof above the proposed planning preparation (PPA) room would rise up to approximately 3.7m in height (including the parapet wall) at 1m from the boundary and directly adjacent to the side wall of 3 Ethelbert Road.
25. Due to the proportions and massing of the proposed front extensions and the proximity to the adjacent bungalow I have reservations that the development could have an undue impact through overshadowing, a potential loss of light and an overbearing sense of enclosure. I also note that due to the proximity of the buildings, daylight reaching rooms within parts of the proposed extensions and existing school building would be restricted. Whilst it is not a planning consideration and therefore not a matter for the Planning Applications Committee, the proposed close proximity of the buildings each with window openings could also present a fire spread issue, which would need to be addressed under Building Regulations should permission be granted.
26. Members will note that no objections have been received from Swale Borough Council, Faversham Town Council or neighbouring residents on design grounds. Whilst there have been no objections received concerning the design of the development, including from the nearest neighbouring occupier, it is still important to safeguard the amenities of both present and future occupants of neighbouring properties. The layout of 3 Ethelbert Road is such that only one habitable room is located directly adjacent to the shared boundary; the space below is occupied by a garage. Whilst this layout would serve to minimise the potential for a loss of light to the interior of the house, due to the proximity and size of the extension proposed, the development would still have the potential to overshadow the property, particularly the facing window, potentially skylights to the eastern end of the roof and the area fronting the house.
27. Whilst the overall design of the extensions is considered acceptable and performs positively against the development plan policies in place, in my opinion, the layout of the development in relation to neighbouring property is misconceived and too close given the height and mass of the extension proposed. On this basis I consider that the development would be contrary to Swale Borough Local Plan Policies E1, E19 and E24, which seek development that is well sited and of a scale, height and massing that is appropriate to its location, and causes no material harm to residential amenity. Taking the above into consideration, on balance, I am inclined to raise an objection to the layout of the development as proposed.

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Highway considerations

28. The objections received from nearby residents include concerns about the increasing school roll and the potential for an associated increase in congestion generated on the public highway network during peak times. The objections received highlight that any increase in pupil and/or staff numbers could exacerbate highway impacts which in turn could have a detrimental effect on residential amenities. The highway issues raised include perceived access and parking problems on the surrounding roads at the start and end of the school day, as well as during any evening use of the school site.
29. Representations received from residents highlight the change to the status of the school, from an infant to a primary school, that took place in 2008, and the subsequent expansion in the overall number of pupils attending the site over the intervening years. It should be noted that the current school roll (as of September 2012) is 164 pupils; this is not dissimilar to the numbers of pupils that attended the site prior to 2008, only that the make up of pupils is slightly different. Pre 2008 approximately 100 pupils attended the Infant School with a further 52 children attending a privately run nursery that shared the accommodation. This private nursery was subsequently relocated off site, which released space to accommodate the expansion of the Primary School. It should be noted that the school is in the process of a gradual expansion up to a total of 210 pupils with a planned admission number of 30 pupils per year. Whilst these changes may in the future slightly increase the number of people attending the site above previous levels, the decision to accept this change has long since been adopted by the Education Authority and does not form part of the current proposals.
30. The current application seeks to ease pressure for space within the school building by providing ancillary accommodation, such as a staff room and learning resources area, which would support the overall education use. The extensions do not provide for additional classroom space; should the current application be refused there would no reduction in numbers of people attending the site, now or in the future. It is noted that the applicant plans to re-organise the internal layout of the existing building to provide a 7th classroom by expanding an existing room within the main school used to teach smaller groups to provide a full classroom space. This arrangement would bring the number of classrooms on site up to the number needed to support a 1 form-entry primary school. However, these internal works do not require planning approval and could be carried out irrespective of any decision on this application.
31. Notwithstanding this, Kent Highways and Transportation has commented on the application including the objections received from local residents. The Local Highway Authority raises no objection to the application in respect of highway matters, confirming that the congestion and demand for parking on the public highway generated by the enlarged school roll is unlikely to be significant, and could be absorbed into the surrounding streets without an unacceptable impact in highway terms.
32. In response to the objections received concerning the application the headteacher has confirmed that the School are currently working with Kent Highways and Transportation to update their Travel Plan. The headteacher highlights that the vast majority of pupils (85%) walk to and from school on a daily basis or attend breakfast and after school club, which serves to stagger the start/end to the school day reducing congestion. The headteacher also points out that an expansion of the local residential parking permit scheme into nearby roads has potentially caused commuters to now park in Ethelbert, Canute and Egbert Roads which may have increased local residents awareness of on

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street parking issues. The headteacher has confirmed that the School does have some evening functions including regular community use of the school hall. I am led to believe that the existing community uses do not generate significant demand for parking. The headteacher does acknowledge that occasional school events, like performances or parent/teacher meetings, do generate on street parking in the evenings, and she has undertaken to encourage more parents to walk to these events.

33. The above information is helpful in responding to local residents concerns, however, on the basis that the application does not directly enable an increase in the number of staff and/or pupils I do not consider that there are grounds to sustain a material planning objection to the proposals in respect of highway matters.

Other planning considerations

34. The application site overlies a principal aquifer, which means groundwater would be at risk from activities on site. The Environment Agency has indicated that the application poses a low environmental risk and that subject to the applicant following its best practice guidance the development would be acceptable in this location. Should planning permission be granted I recommend an informative drawing the applicant's attention to the Agency's guidance.
35. An objection received from a nearby resident raises concern that the shared facilities within the school buildings and grounds, like the assembly hall, toilet facilities, and external playground space, would not be adequate to support the expanding school roll. Whilst this clearly is a practical consideration, I do not consider it to be material from a land use planning perspective or grounds to consider refusing the application. The proposed extensions would result in a small reduction in available play space, however none of the extensions are excessively large (in terms of floorspace) and none are located on areas that form part of the main playground. In my opinion, this issue is more a site management consideration for the Education Authority and the School's Governing Body to reassure themselves on.
36. In response to this point the applicant has confirmed that the available playground space would be adequate for 210 pupils. The School currently staggers lunchtimes between key-stages 1 and 2 children. The headteacher acknowledges that the school hall does not provide adequate space to teach the full physical education curriculum, and for many years the School have used alternate arrangements in nearby Faversham Gym and Abbey School. The headteacher confirms that the school hall is considered large enough for whole school assemblies and lunchtime use, even for 210 pupils. It is noted that the extensions proposed seek to provide additional ancillary accommodation that enables the provision of new facilities to support the school curriculum, such as a new learning resources area and staff preparation space and accommodation, alongside the provision of additional toilet facilities. The applicant confirms that the new toilet facilities will meet the needs of the children and staff.
37. A neighbouring resident has also raised concern over amenity impacts resulting from the number of footballs and other objects that find their way into local residents gardens as a result of the use of the playground. Alongside reservations about the use of loud music during outdoor lessons. The letter received raises concern that any increase in pupil numbers could exacerbate these issues through the intensification of the use of the play space. Both of the above considerations are site management issues that would need to be addressed outside of the planning process. The headteacher has confirmed

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that in response to previous complaints playtime supervision has been increased and the School will continue to work with residents in response to any ongoing concerns.

Conclusion

38. In concluding, I note that the application has attracted objections from neighbouring residents concerning the potential expansion of the school roll. As set out above, I do not consider that this issue is a key material consideration for the current application, as the extensions proposed would not directly provide for an increase in classroom space. The facilities proposed would provide ancillary accommodation that would support delivery of the curriculum as opposed to enabling an expansion of the school. The decision to allow the ongoing expansion of this primary school was taken by the Education Authority and the School Management Team in 2011 and can not be revisited as a result of the current application.

39. I consider that the external appearance of the proposed extensions would be acceptable, in preserving the character and appearance of the surrounding built environment and the street scene. However, given the concerns over the layout of the front extension in relation to the adjacent residential property I am unable to conclude that the development would have no adverse impacts on residential amenities.

40. Whilst the benefits of the proposed development to this community facility are an important consideration, on balance, taking into account the provisions of the Development Plan and material considerations raised during the processing of this application, I recommend that planning permission be refused in this instance on the grounds set out below.

Recommendation

41. I RECOMMEND that PERMISSION BE REFUSED, on the following grounds:

- The proposals, by reason of siting, scale and proximity to the boundary, would have a detrimental overbearing and overshadowing impact upon adjacent residential property at 3 Ethelbert Road, to the detriment of the residential amenities of this property. The proposal is therefore considered contrary to Policies E1, E19 and E24 of Swale Borough Local Plan.

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

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

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

Background Documents - The deposited documents.

- | | |
|-------------------------------------|--|
| CA/10/285/R1,11,
12, 13, 23 & 24 | Request for discharge of conditions 1 (notification of commencement of works), 11 (surface water disposal), 12 (cycle parking), 13 (surface finishes), 23 (signage at site entrance) and 24 (landscaping) of planning permission CA/10/285.
Plots D & E, Lakesview Business Park, Hersden, Canterbury |
| DA/11/1043/R50 | Request for approval of a scheme for the improvement and maintenance of the external appearance of Pinden Quarry (including the old quarry used for skip storage) pursuant to condition 50 of planning permission DA/11/1043.
Pinden Quarry, Green Street Green Road, Dartford |
| GR/10/412/R3 | Erection of proposed security hut and dog kennel pursuant to condition 3 (restriction of permitted development rights) of GR/10/412.
Unit 4 Apex Business Park, Queens Farm Road, Shorne |

E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS MEMBERS' INFORMATION

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

Background Documents – The deposited documents.

- | | |
|--------------|---|
| AS/10/512/RA | Application for a non-material amendment to the approved development including: - details of external hoop top fencing; change of timber to classroom stores and shiplap fencing; painting of steels supporting the roof over stores; and finish to benches.
Repton Primary School, Former Rowcroft and Templer Barracks, Templer Way, Ashford |
| AS/11/20/R7 | Details of travel plan pursuant to the terms of condition (7) of planning permission AS/11/20 for the new Primary School Wing.
New Primary School Wing, The Wyvern School, Great Chart Bypass, Ashford |

AS/12/1380	Construct small (5.6 x 4.8M) sports equipment extension off the main hall. Traditionally constructed to match the year 2000 built hall. Kennington CE Junior School, Upper Vicarage Road, Kennington, Ashford
DA/12/762/R3,4,5, 11 & 14	Details of materials to be used externally; external lighting; landscaping; school travel plan and construction management strategy. Oakfield Community Primary School, Oakfield Lane, Dartford
DA/12/1331	Extension of school building for multi purpose teaching room. The Brent Primary School, London Road, Dartford
GR/11/92/R	Non-material amendment to amend the building position, door layout, shutters, fence alignment and hard paving associated with the satellite toilet block/refurbishment kiosk permitted by consent GR/11/92. Shorne Woods Country Park, Brewers Road, Shorne, Gravesend
GR/12/986	To renew planning permission for an existing single mobile classroom. Dover Road Community School. Dover Road, Gravesend
SE/11/1478/R3	Details of external materials of the toilet block pursuant to condition (3) of planning permission SE/11/1478. Lullingstone Country Park Visitors Centre, Kingfisher Bridge, Castle Road, Eynsford, Dartford
SH/12/109/R5	Details pursuant to condition (5) – Details of gate arrangement – Provision of new modular two classroom building, additional car parking, fencing, fire access road and relocation of existing poly tunnel (this is an alternative to the single modular classroom permitted under SH/11/738). Highview School, Moat Farm Road, Folkestone
SH/12/1118	To increase the size of the gym at the Pent Valley Leisure Centre by 8m x 10m. Pent Valley Technology College, Surrenden Road, Folkestone
SW/10/349/R	Non-material amendment to remove an approved casement window and replacement with aluminium French doors. Bobbing Village School, Sheppey Way, Bobbing
TH/12/952	Erection of sunsail and decking. Priory Infant School, Cannon Road, Ramsgate
TW/12/2867	Proposed additional parking and associated access. Broomhill Bank School, Broomhill Road, Rusthall, Tunbridge Wells
TW/12/3351	Permanent retention of existing studio building. Tunbridge Wells Grammar School for Girls, Southfield Road, Tunbridge Wells

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/SE/0439/2012 - Application for the demolition of the existing swimming pool building and the erection of a new building to accommodate three additional classrooms with associated welfare facilities and an extension to the existing school hall.
Otford Primary School, High Street, Otford, Sevenoaks, Kent, TN14 5PG.
- (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

E4 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

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