

PLANNING APPLICATIONS COMMITTEE

Wednesday, 10th April, 2013

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 10th April, 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 - 13 March 2013 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application CA/13/18 (KCC/CA/0426/2012) - Change of use to a facility handling domestic and source-separated food waste (in addition to its present functions) at Plots D and E, Lakesview Business Park, Hersden; Ling (UK) Holdings Limited (Pages 5 - 56)
2. Application SE/12/2790 (KCC/SE/0298/2012) Replacement waste transfer station and household waste recycling centre at Dunbrik Household Waste Recycling Centre, Main Road, Sundridge, Sevenoaks; Darenth River Ballast Company (Pages 57 - 96)

3. Application AS/12/622 (KCC/AS/0153/2012) Change of use from a skip depot with construction of a new building, portacabin and weighbridge at Woodleas Farm, Goldwell Lane, Aldington; R H Butler Ltd (Skipshire) (Pages 97 - 110)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SE/13/132 (KCC/SE/0439/2012) - Demolition of existing swimming pool and erection of a new building to accommodate 3 additional classrooms with associated welfare facilities and extension to existing school hall at Otford Primary School, High Street, Otford; KCC Property and Infrastructure (Pages 111 - 150)
2. Proposal TH/13/104 (KCC/TH/0036/2013) - Mobile building to the north of Saxon House at The Foreland School, Lanthorne Road, Broadstairs; KCC Property and Infrastructure (Pages 151 - 160)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

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

Peter Sass
Head of Democratic Services
(01622) 694002

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

Tuesday, 2 April 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, 13 March 2013.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr P J Homewood, Mr J D Kirby, Mr S J G Koowaree (Substitute for Mr I S Chittenden), Mr R J Lees, 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

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Mr J Moat (Planning Officer), Mrs R Goudie (Strategic Transport and Development Planner) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

13. Minutes - 12 February 2013

(Item 4)

RESOLVED that the Minutes of the meeting held on 12 February 2013 are correctly recorded and that they be signed by the Chairman.

14. Site Meetings and Other Meetings

(Item A4)

(1) The Democratic Services Officer informed the Committee that the provisional date of Tuesday, 16 April for an additional meeting would not now be needed. A final decision on the need for a meeting on Thursday, 18 April would be notified to all Committee members at a later stage.

(2) The Committee noted that the afternoon's site meeting at Glebe Farm, Shadoxhurst had been cancelled due to the inclement weather, the prevailing road conditions in the Ashford area, and the likelihood that the site itself would not be seen in its normal condition. An enhanced visual presentation would be made to the Committee meeting which determined the application.

(3) The Committee agreed to visit Lady Boswell School in Sevenoaks and Otford Primary School on Wednesday, 27 March 2013.

15. Planning Policy Guidance and Development Plan changes

(Item B1)

RESOLVED that the contents of the report be:-

- (a) noted in respect of the South East Plan and the National Planning Policy Framework; and

- (b) taken into consideration in the determining of planning applications.

16. Application TM/97/1064/R2, R5, R12 and R14 - Non-material amendments to allow revisions to approved details and timescales for the restoration of Margetts Pit Landfill Site, Margetts Pit, Burham; Aylesford Newsprint Ltd
(Item C1)

RESOLVED that approval be given (pursuant to Conditions 2, 5, 12 and 14 of Permission TM/97/1064) to allow revisions to approved details and timescales for the infilling and restoration of Margetts Pit Landfill Site, together with a proposed aftercare scheme. This permission is subject to a condition limiting HGV movements to no more than 150 per day (75 in / 75 out) and to an Informative reminding the applicant that all other conditions imposed under Permission TM/97/1064 remain in effect.

17. Proposal MA/13/15 (KCC/MA/0427/2012) - Two classroom extension, internal alterations, playground area and fencing at St John's CE Primary School, Grove Green, Maidstone
(Item D1)

- (1) Correspondence from Boxley Parish Council was tabled at the meeting.
- (2) The Head of Planning Applications Group informed the Committee of three minor amendments to the Proposal. These consisted of a second door on the North elevation exiting from the cloakroom area, the alteration to the canopy over the door and extra rooflights. These amendments had been accepted by Maidstone BC in its role as a statutory consultee.
- (3) In agreeing the recommendations of the Head of Planning Applications Group, the Committee included a condition requiring compensatory planting to mitigate the loss of landscaping as requested by Maidstone BC and Boxley PC.
- (4) RESOLVED that permission be granted to the Proposal (as amended in (2) above) subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; details of all external lighting; a scheme of landscaping, including hard surfacing, its implementation and maintenance; compensatory planting to mitigate the loss of landscaping; measures to protect those trees to be retained; no tree removal taking place during the bird breeding season; fencing being installed in accordance with the submitted details; cycle parking being provided prior to occupation of the development; hours of working during construction and demolition being restricted to between 0800 and 1800 Mondays to Fridays and between 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management plan, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations; and measures to prevent mud and debris being taken onto the public highway.

18. Proposal SW/12/1317 (KCC/SW/0342/2012) - Temporary change of use of land from agricultural to a 10 space car park for a period of 5 years at Tunstall CE Primary School, Tunstall Road, Tunstall; Governors of Tunstall CE Primary School
(Item D2)

(1) Mrs Allyson Spicer (a local resident) addressed the Committee in opposition to the proposal. Mr Robert Stevenson from John Bishop Associates spoke in reply on behalf of the applicants.

(2) RESOLVED that PERMISSION BE REFUSED on the grounds that:-

- (a) the proposal would result in the decrease in safety on the highway network due to a lack of visibility at the access onto the public highway, contrary to Policies E1 and T1 of the Swale Borough Council Local Plan (Saved Policies) 2008;
- (b) the proposal would be detrimental to existing trees and produce unacceptable landscape and visual impacts, contrary to Policies E6 and E10 of the Swale Borough Council Local Plan (Saved Policies) 2008; and
- (c) the proposal would have an indirect visual detriment to the Conservation Area and the setting of the Listed Building, by virtue of the retention of vehicle parking to the front of the school site, contrary to Policies E14 and E15 of the Swale Borough Council Local Plan (Saved Policies) 2008.

19. County 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).

20. Mr Julian Moat
(Item)

The Chairman informed the Committee that Mr Julian Moat would shortly be leaving Kent County Council to take up a position at Tonbridge and Malling BC. He thanked Mr Moat on behalf of the Committee for his excellent work on its behalf and wished him well in his future endeavours.

SECTION C
MINERALS AND WASTE MANAGEMENT

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

Item C1

Application for Change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18 (KCC/CA/0426/2012)

A report by Head of Planning Applications Unit to Planning Applications Committee on 10 April 2013.

Application by Ling (UK) Holdings Ltd for a change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent, CT3 4GP.

Recommendation: Permission be granted subject to conditions.

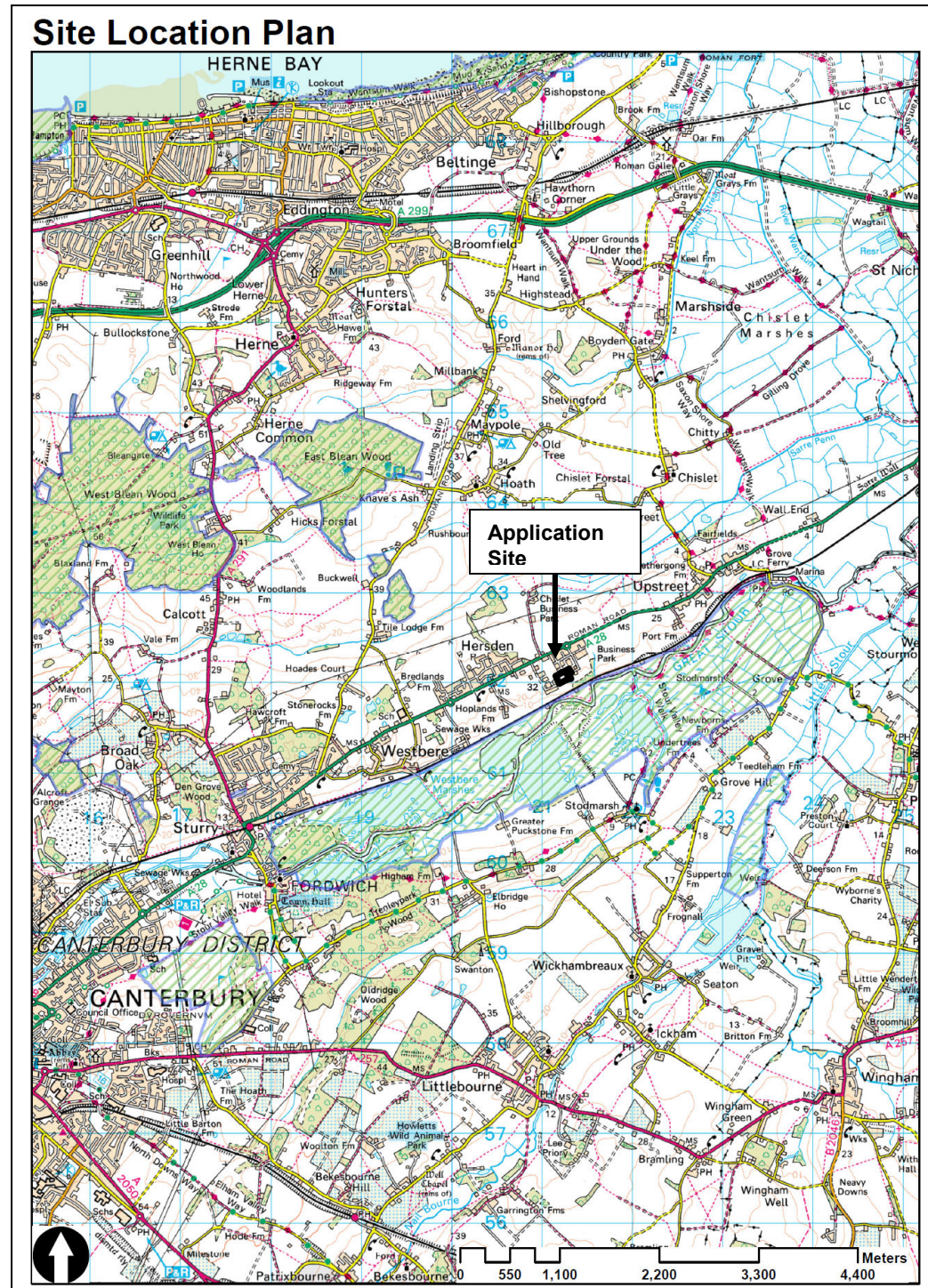
Local Members: Mr RA Marsh

Unrestricted

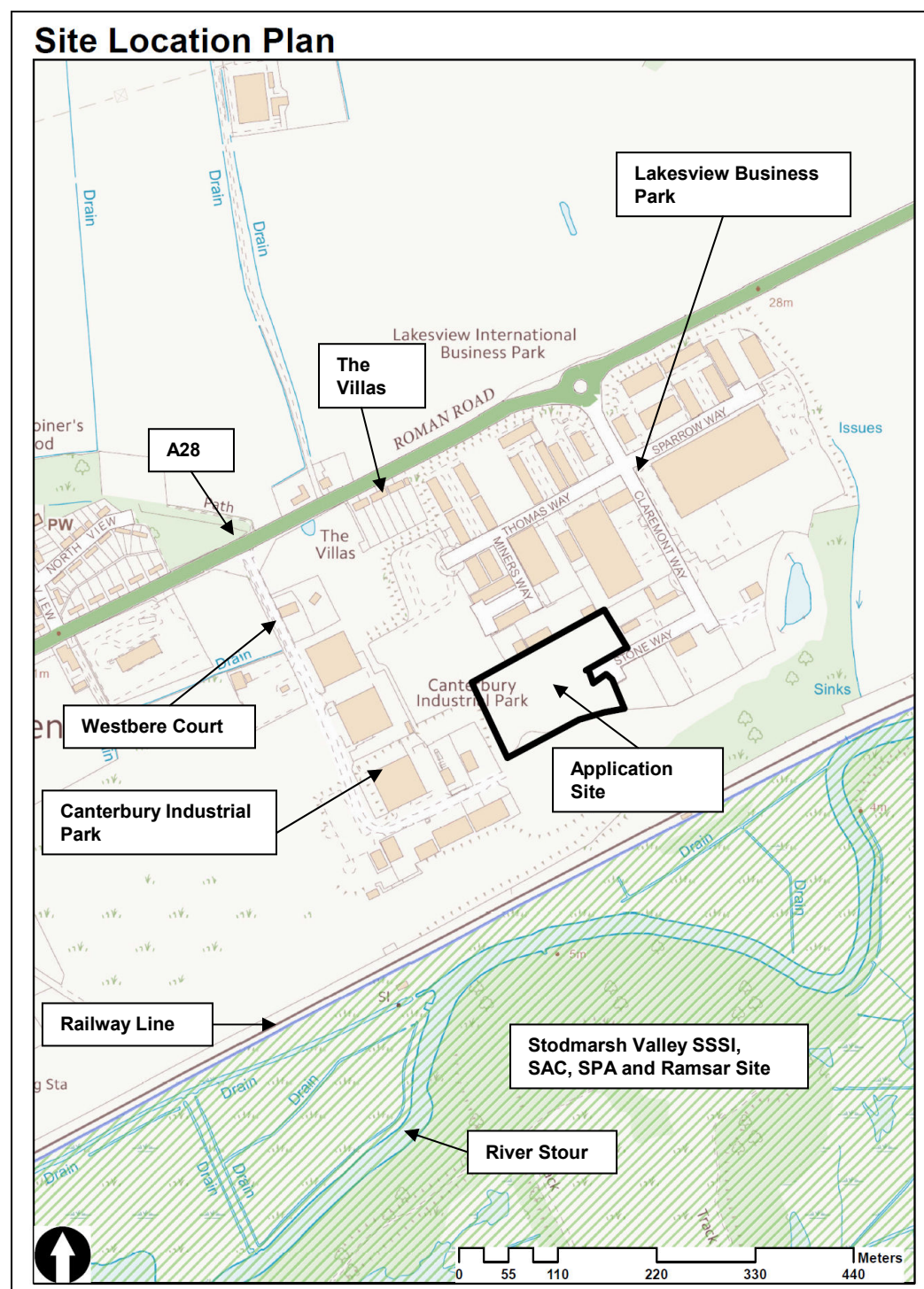
Site description and background

1. The 1.47 hectare application site lies within the Lakesview Business Park at Hersden, approximately 5km to the north east of Canterbury. The Business Park, which lies on the land previously occupied by the former Chislet Colliery, is located to the south of the A28 (Island Road) and north of the Canterbury to Margate railway line and is accessed from a roundabout on the A28. The application site is bounded to the north and east by other units within the Business Park and to the south and west by those within the Canterbury Industrial Park. The site lies approximately 200m to the north of the River Stour and associated Stodmarsh Valley SSSI, SAC, SPA and Ramsar Site. The nearest residential properties are those approximately 200m to the north west of the application site on the A28 (“The Villas”) and to the east of the access road leading to the Canterbury Industrial Park (“Westbere Court”). The application site lies within an area identified on Proposals Map Inset L of the Kent Waste Local Plan (March 1998) as suitable in principle for the preparation of inert waste for re-use (Policy

Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18



Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18



Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18

W7) and waste separation and transfer (Policy W9). Lakesview Business Park is also safeguarded for employment use by Policy ED1 of the Canterbury District Local Plan First Review (July 2006).

2. Planning permission (CA/09/607) was granted for the development of a metal and vehicle recycling and transfer centre together with a materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles on 17 November 2009 following a resolution of the County Council's Planning Applications Committee on 3 November 2009. The application was accompanied by an Environmental Statement. This 2009 permission (which contained 27 conditions) was intended to enable the applicant to relocate its metals recycling business from its existing site at Parham Road, Canterbury, and to develop a range of other waste recycling operations. The main elements of the permitted facility are a pre and post treated waste storage building (43.6 x 27 x 14m), a materials recycling facility (MRF) building (65.1 x 27 x 14m), a shredded tyre storage shed (17 x 5 x 7m), a battery and redundant electrical items storage shed (27.8 x 5 x 7m), a two-story office building (15 x 10 x 7.6m), a two-storey non-ferrous building with canteen (19 x 12 x 7.4m), two weighbridges and weighbridge office (5 x 2.9 x 3.3m), a scrap metal processing area and parking for staff and visitors. The site would be surrounded by an existing 2.1m high palisade fence.

3. Planning permission (CA/10/285) was granted to amend condition 18 of planning permission CA/09/607 on 2 August 2010 following a resolution of the County Council's Planning Applications Committee on 27 July 2010. This 2010 permission (which contained 29 conditions which were largely identical to those included in 2009) additionally allowed recovered abandoned vehicles to be delivered to the site at any time and for permitted waste types to be delivered from Civic Amenity sites and for members of the public to bring electrical / recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours only. Those conditions attached to the 2010 permission that required the submission to and approval of further details by the County Council were approved or discharged on 8 August and 20 December 2012. The 2010 permission had been implemented at the time the current application was submitted in so far as the development platform was in the process of being created. At the time of the most recent site visit on 25 February 2013, other works had been undertaken. These included the erection of the pre and post treated waste storage building and areas of concrete hardstanding. The development that had taken place at that time was not entirely consistent with that permitted in that no pedestrian doors had been installed on the northern elevation (rear) of the pre and post treated waste storage building, the pedestrian doors on the eastern and western elevations had been relocated approximately 10m further south than permitted and a vehicle washdown area was being created (with associated infrastructure) just to the east of the permitted MRF building. A cesspool (with associated infrastructure) had also been installed between the pre and post treated waste storage building and MRF building.

Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18

4. The key controls imposed on the 2010 permission are as follows:-

- The only permitted waste types are batteries, end of life vehicles (ELV), scrap metal, tyres, electrical waste (including fridges) and dry recyclables;
- The maximum volume of waste permitted to enter the site for treatment, processing or recycling is 82,000 tonnes per annum (tpa);
- No more than 324 HGVs (162 in / 162 out) shall enter / leave the site each day;
- With the exception of waste sorting activities permitted in the MRF and the delivery of abandoned vehicles to the site, no activities on site or deliveries to or from the site shall take place except between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays;
- Waste materials collected from Civic Amenity sites may also be delivered and members of the public may also take electrical / recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours; and
- Abandoned vehicles can only be delivered and off-loaded at the site between 07:00 and 23:00 hours.

5. The County Council as Waste Disposal Authority recently undertook a tender process for waste transfer services for the Thanet and Canterbury District areas. The contracts will require domestic (“black bag”) waste and source-separated food waste collected from within each of these Districts to be delivered, “bulked up” and then transported onwards to an appropriate waste treatment or disposal facility. The contracts would not include any waste treatment or disposal. The new contracts were intended to commence on 1 April 2013. Although a contract was awarded for Thanet, this was not the case for Canterbury due to a legal challenge to the tender process. It is understood that this challenge was not related to planning issues. Awarding a contract subject to the necessary planning and permitting requirements being satisfactorily addressed is not unusual or inappropriate and in such cases a conditional contract may be issued. In the event that planning or other permissions are then not obtained within a given timescale it is usual for the conditional contract to lapse. It is understood that the Canterbury contract will be re-tendered shortly and require the submission of tenders during May 2013. It is also understood that the intention is for the contract to be awarded to the successful bidder in July 2013 and now commence on 1 October 2013.

6. A Planning Applications Committee Members’ site visit and public meeting were held on 25 February 2013. The site visit was also attended by the applicant. The public meeting was attended by local residents, occupiers of business units, the applicant and other interested individuals. Notes of the public meeting are attached at Appendix 1.

The Proposal

7. The application proposes a change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical

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goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent.

8. The applicant states that the proposed change of use is required to enable it to meet the terms of the waste management contract for the Canterbury District referred to in paragraph 5 above because the existing 2009 and 2010 permissions do not allow domestic (“black bag”) waste and source-separated food waste to be handled at the site. At the time the application was submitted in December 2012, the applicant believed that it had been awarded the Canterbury contract and referred to this in its Planning, Design and Access Statement. If the Canterbury contract is awarded to the applicant and planning permission is granted, one of the previously permitted buildings would be used as a waste transfer station for the contracted wastes.
9. The applicant states that domestic waste (including bulky waste collected from households) would be delivered to the site, “bulked up” and stored within the permitted pre and post treated waste storage building and then collected by lorry to be transported to other waste management facilities for treatment or disposal. It states that these may include Shelford Landfill and Allington EfW Facility. It also states that the proposed development would enable domestic (“black bag”) waste collected from within the Canterbury City Council area to be handled at a site which is relatively central to the main towns and larger villages of the District and increase the range of waste materials already permitted to be handled and recycled at the site. It further states that the proposed development would enhance the viability of the facility, create an additional 5 jobs and help in achieving regional and sub-regional self-sufficiency and meet targets for the diversion of waste going to landfill.
10. The applicant states that with the exception of the introduction of domestic (“black bag”) waste and source-separated food waste, the only real change to site operations would be to allow the handling of these waste streams on Bank Holidays in order to meet contractual requirements. With this in mind, the applicant proposes that the existing 82,000tpa limit on the maximum volume of waste permitted to enter the site and the maximum number of HGV movements each day would remain. It has submitted revised details of the anticipated distribution of waste materials to reflect the fact that up to 40,000tpa of domestic (“black bag”) waste would be imported for transfer. This has resulted in a reduction in the volumes of other waste materials that could potentially be handled at the same time (as follows):-

Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18

| Type of waste | Existing tonnages at Parham Road | Permitted tonnages at Hersden | Proposed tonnages at Hersden |
|--------------------------------------|----------------------------------|-------------------------------|------------------------------|
| Batteries | 600 | 2,000 | 1,000 |
| ELVs | 3,200 | 6,000 | 6,000 |
| Scrap metal | 8,100 | 20,000 | 20,000 |
| Tyres | 650 | 4,000 | 1,000 |
| Electrical waste (including fridges) | 2,700 | 16,000 | 9,000 |
| C&I dry recyclables | 0 | 34,000 | 5,000 |
| Mixed municipal / Domestic | 0 | 0 | 40,000 |
| Total | 15,250 | 82,000 | 82,000 |

11. The applicant states that no material changes are proposed to the permitted built development or the broad nature of activities to be undertaken on site and that the majority of permitted site infrastructure (including weighbridge, parking, etc) would continue to be used but that the permitted pre and post treated waste storage building in the north east corner of the site would be used as a waste transfer building for the new waste streams. The only changes to the building would be the inclusion of additional roof lights (to enable at least 10% of the roof area to allow natural light into the building), the use of free standing “A” frame dividers within the building (adjustable to suit operational requirements, but primarily intended to provide 3 waste bays for domestic (“black bag”) waste, source-separated food waste and bulky waste), the installation of an odour suppression system (designed to minimise odour impact by utilising sprays with neutralising additives) and the installation of double doors on each vehicle access. The double doors would comprise an outer steel security door which would remain open when the waste transfer building was in use and an inner fast action fabric door which would automatically open and close to allow vehicles to enter and leave (with a manual back-up system) during the working day.
12. Other changes to what has already been permitted and approved include the addition of foul drainage within the proposed waste transfer building (an open slot drain formed within the floor) linked to a sealed underground cesspool to collect any leachate from within the building and an associated inspection chamber (both sited just outside the north western corner of the building), together with a vehicle / plant washdown area linked to foul sewer via an interceptor between the proposed cesspool and the permitted MRF building. The cesspool would have a capacity of 18,000 litres which would need to be emptied every 3 or 4 weeks depending upon exactly how much water is used to wash down the bays within the WTS. Assuming a suitable cold water high-pressure washer is used to wash down the domestic (“black bag”) waste and source-separated food waste areas at the end of each day, the applicant estimates that it would need to be emptied every 3 weeks if 750 litres of water were used each day 6 days a week and the cesspool were emptied when the 75% capacity alarm

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triggered (i.e. 750 litres x 6 days = 4,500 litres x 3 weeks = 13,500 litres). The applicant has advised that there are plenty of leachate tankers available locally and that exported liquid would probably be taken to the waste water treatment works (WWTW) to the north east of Canterbury.

13. The applicant states that both domestic (“black bag”) waste and source-separated food waste would be tipped from refuse collection vehicles (RCVs) onto the floor of the respective waste bays in the transfer building and then immediately transferred (respectively by selector grab and loading shovel) into covered / leak proof trailers designed to export these materials in bulk for appropriate treatment or disposal. Bulky waste which would be collected and delivered to the site separately would be stored within the third waste bay before being bulked up and exported.

14. The applicant states that the company responsible for waste collection in Canterbury District (Serco) will take over the Viridor depot on the Canterbury Industrial Park from 1 April 2013 with a view to running RCVs from that location from 1 August 2013. It has advised that 8 RCVs would collect domestic (“black bag”) waste and source-separated food waste each day Monday to Friday and that each RCV would make 2 rounds, resulting in 16 RCV deliveries to the application site each day (32 HGV movements). In addition, it estimates that there would be 6 trailers of domestic (“black bag”) waste to Allington each day (12 HGV movements), 1 trailer of source-separated food waste to a treatment facility each day (2 HGV movements), 4 loads of bulky waste imported each day (8 LGV movements) and no more than 1 trailer with bulky waste to Shelford Landfill each day (2 HGV movements). The resultant total number of HGV movements (including RCVs) associated with the transportation of domestic (“black bag”) waste, source-separated food waste and bulky waste would therefore be 48 (i.e. 24 in / 24 out) per day. There would also be 8 LGV movements associated with the importation of bulky waste (i.e. 4 in / 4 out). This would require the inner fast action fabric doors of the transfer building to open and close about 112 times a day (i.e. 56 x 2). Approximately once every 3 weeks, a leachate tanker would additionally enter and leave the site (2 movements). However, this would not use the transfer building. These figures are based on the latest estimates of vehicle movements associated with the proposed new waste stream provided by the applicant which are significant lower than those referred to in the application documents submitted in December 2012. The applicant has advised that the reason for the change is that the initial figures were based on details supplied in the WDA contract tender information but that subsequent discussions with the WCA’s collection contractor have clarified the requirements and enabled the estimates to be reduced. On this basis, the assessments provided in December 2012 can be regarded as worst case. The applicant has also provided details setting out how HGVs and trailers would manoeuvre within the site and enter and leave the waste transfer building. These details illustrate that it would be necessary to open the second access gate onto Stone Way (to the southeast of the waste transfer building) in order to allow an articulated lorry to reverse into the building and that it may be desirable for them to leave the site through the same gate. However, the details also indicate that it is possible for these

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and other HGVs to enter and leave the site via the main gate and weighbridges.

15. The applicant has advised that it is unlikely that any domestic (“black bag”) waste, source-separated food waste or bulky waste would be imported to the site before 10:00 hours on any day due to the time taken for each RCV or other collection vehicle to complete its first collection round. It has also advised that whilst domestic (“black bag”) waste and source-separated food waste should never need to be stored within the transfer building (in trailers) for more than 48 hours, it would normally remain within the building for significantly less time as waste imported on one day (after 10:00 hours) would need to be exported by about 15:00 hours on the next day (i.e. about 29 hours). It has further advised that domestic (“black bag”) waste and source-separated food waste would only need to be delivered to the site on a Saturday morning in exceptional circumstances (such as occasional interruptions to the normal regime) and that in such cases it would endeavour to remove all waste from the building by 12:00 hours to enable bulk waste lorries to be sent to receptor sites and the building cleaned before closing at 13:00 hours.
16. The applicant proposes a number of measures designed to control vermin at the site and has confirmed that appropriate measures would be required as part of the environmental risk assessment which forms part of the Environmental Permit. The applicant believes that waste collection arrangements (including the requirement to use approved containers and educate those disposing of waste) would limit the risk of mice or rats being transported to the site within imported waste and that the impermeable site surface and building design should limit the potential for vermin to gain access from adjoining land. It also believes that the use of appropriate management controls (e.g. keeping the floors of the building clear of waste for any extended period / over-night, monitoring the integrity of the building and effecting any necessary repairs, keeping the doors to the building closed when waste is not being accepted and the use of baiting by a contracted professional pest control service) should serve to limit the potential for problems. It considers that pests such as flies could also be successfully controlled by removing food from the site regularly and by maintaining the cleanliness of site surfaces. If necessary, it states that the pest control service could undertake spot treatment with pesticides. The applicant believes that concerns about gulls are unfounded since all of the proposed waste would be handled within the building.
17. The site would be regulated by the Environment Agency under the terms of an Environmental Permit. The applicant has already submitted an application to the Environment Agency seeking a variation to the existing Environmental Permit (which already provides for the existing permitted development) to additionally provide for the development now proposed. The Environment Agency issued the necessary variation on 6 March 2013.
18. The application is supported by a Planning, Design and Access Statement, a Noise Assessment, an Odour Assessment, an Air Quality Assessment, a Flood Risk

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Assessment and a number of drawings. Further information relating to noise and air quality / odour (including updates to the associated assessments) has also been submitted to address issues raised by the County Council’s Noise and Air Quality Consultant. The applicant has also provided further information in response to issues raised at or since the public meeting. The further information includes a more detailed odour management plan that has also been submitted to the Environment Agency in support of the application to vary the existing Environmental Permit, proposed vermin and pest control measures and clarification on proposed operations and associated management practices and the number of vehicle movements likely to be associated with the proposed collection and transfer of the proposed wastes. Where this information assists in explaining the proposed development it has been referred to above. It is also referred to as appropriate in the discussion section.

Planning Policy Context

19. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012), the Technical Guidance to the NPPF (March 2012), PPS10: Planning for Sustainable Waste Management (July 2005, as amended in March 2011) and Planning for Sustainable Waste Management: Companion Guide to PPS10 (2006). These are all material planning considerations.

Paragraph 14 of the NPPF states: At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means (unless material considerations indicate otherwise): approving development proposals that accord with the development plan; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth. Paragraph 109 of the NPPF states (amongst other things) that the planning system should contribute to and enhance the local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air or noise pollution. Paragraph 122 of the NPPF states that in making planning decisions, local authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that local planning authorities should assume that these regimes will operate effectively. The Technical Guidance to the NPPF includes (amongst other things) detailed guidance on dust and noise emissions.

PPS10 is also clear that noise, dust, visual intrusion, traffic and access and proximity

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to sensitive receptors are important considerations when making decisions on waste management development. However, it also makes it clear 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 (paragraph 26); the planning and pollution control regimes are separate but complementary; pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level and ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health; the planning system should focus on whether development is an acceptable use of land and the impacts of those uses on the development and use of land and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced (paragraph 27); and the detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities (paragraph 30).

20. **Kent Waste Local Plan (March 1998)** – This includes Saved Policies W6 (Need), W7 (Re-use), W9 (Waste Separation and Transfer), W18 (Noise, Dust and Odour), W20 (Land drainage and flood control), W21 (Nature conservation), W22 (Road traffic and access) and W31 (Landscaping impact).
21. **Canterbury District Local Plan First Review (July 2006)** – This include Saved Policies ED1 (Safeguarding existing employment sites and premises), BE1 (Built environment), NE1 (Natural environment), C1 (Transport), C39 (Air quality), C40 (Potentially polluting development) and C41 (Waste management and recycling).
22. **Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – Has not yet reached Deposit stage such that it carries little weight as a material planning consideration. The draft policies relating to the delivery strategy for waste are of limited significance to the proposed development although the following are of some relevance: CSW1 (Sustainable waste management and climate change), CSW2 (Waste hierarchy), CSW3 (Strategy for waste management capacity), CSW5 (Non strategic waste sites), CSW6 (Location of non strategic waste sites) and CSW7 (Approach to waste management for MSW and C&I waste). The following draft development management policies are also relevant: DM1 (Sustainable design), DM2 (Sites of International, National and Local Importance), DM7 (The water environment), DM8 (Health and amenity), DM9 (Cumulative impact), DM10 (Transportation of minerals and waste).
23. **Kent Minerals and Waste Development Framework: Waste Sites Plan Preferred Options Consultation (May 2012)** – The emerging Waste Sites Plan identifies land at Unit 14 Canterbury Industrial Park (immediately to the south of the application site) as a preferred location for waste treatment / recycling facilities.

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24. **Kent Joint Municipal Waste Management Strategy (April 2007)** – This includes Policy 20 which states that the transfer station network will be improved across Kent to promote efficient transport of wastes for treatment, recovery and disposal. It also includes a number of other policies intended to assist in increasing recycling and composting rates whilst providing appropriate residual waste management services.

Consultations

25. **Canterbury City Council** – No objection, but asks that the following points are taken into account and satisfactorily addressed before any permission is granted:-
1. KCC is satisfied that the use would be implemented and operated in a manner that would have no unacceptable impact on the surrounding areas of ecological importance and the wildlife it contains.
 2. That appropriate conditions are imposed to ensure that the future operation of the facility does not adversely affect the surrounding area. Conditions relating to the height of external storage, restriction on noise levels, control of odour levels and external lighting are highlighted as being of particular importance.
 3. That the proposed buildings are finished using the olive green colour currently proposed, or some alternative suitable dark green finish.
26. **Westbere Parish Council** – Is totally opposed to the proposed development due to concerns about air quality and pollution, unpleasant odour, poor provision for surface water run-off, increased heavy traffic volume and noise. It has also stated that certain constraints around landscaping were imposed historically on the plots at the Lakesview Business Park and should be upheld. It has also said that the health and wellbeing of the residents of Westbere and Hersden and possible adverse effects on the adjacent Stodmarsh SSSI and Ramsar Site should be a priority when the application is determined. It has also expressed concerns about the consultation process.
27. **Chislet Parish Council** – Has advised that it has no comments on the application.
28. **Sturry Parish Council** – Objects strongly to the proposals for the following reasons:-
- Odour impact resulting from the handling of food waste and black bag waste, including damage to lifestyle and distress to residents (particularly during hot weather when people wish to open their windows);
 - Air quality and pollution impacts due to increased HGV and other vehicle movements, adding to existing congestion in Sturry (e.g. rail level crossing) in peak hours and resulting in potential adverse health impacts (e.g. childhood asthma).
 - Adverse impact on groundwater and adjoining land (including nearby tidal lakes) due to contaminated surface water run-off;

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- Threat to the health, natural beauty and sensitive ecosystem of Westbere Marshes as a result of gulls and other pests being attracted to the area. States that the Westbere Marshes are home to a number of rare species including the Desmoulin's Whorl Snail (which is categorised as a species threatened with extinction by the International Union for the Conservation of nature Red List) and the Natterjack Toad (one of only three amphibian species highlighted as in danger by the National Biodiversity Action Plan); and
 - As the roads within the Business Park are unadopted, there is no guarantee that they would be suitable for increased use by heavy vehicles. Damage to these roads would pose a serious health and safety risk, adversely affect other businesses and lead to additional costs of repairing unadopted roads.
29. **Wickhambreaux Parish Council** – No comments received.
30. **Environment Agency** – No objection. Has advised that it is happy with the odour management plan that has been submitted in support of the Environmental Permit Variation for the site which has been submitted in parallel with the planning application. Has also advised that the new Permit has been drafted and will be issued shortly. This would be used to control and regulate any potential odour issues from the site and would require that operations are controlled through enforcing the odour management plan that has now been approved. The Environmental Permit Variation was determined / issued by the Environment Agency on 6 March 2013. Amongst other things, this provides detailed operational controls in respect of odour, vermin and pests.
31. **Health Protection Agency (Kent Health Protection Unit)** – No comments received. The Health Protection Agency was consulted on 29 January 2013.
32. **Southern Water** – Has raised no objections but has advised that a formal application would need to be made for connection to a sewer by the applicant or developer (and that an informative to this effect be included on any permission granted). It has also advised the applicant to discuss discharge issues with its Trade Effluent Inspectors. It further advises that there are no public surface water sewers in the area to serve the development and that the disposal of surface water should not involve connection to the foul water system.
33. **Natural England** – No objection in terms of potential impact on the Natura 2000 Site (i.e. SAC, SPA and Ramsar Sites) and SSSI provided the proposed development is carried out strictly in accordance with the submitted details. It has also advised that KCC does not need to undertake an Appropriate Assessment to assess the implications of the proposed development on the Natura 2000 site's conservation objectives.
34. **KCC Biodiversity Projects Officer** – Has advised that the proposed development would not result in an increase in noise or dust or vehicles visiting the site (compared

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with those already permitted and that there is limited potential for the proposed development to impact on the adjacent designated site.

35. KCC Noise and Air Quality Consultant (Jacobs) –

Noise: Has advised that he is satisfied with the conclusions of the applicant's noise assessment and has no objection to the proposed development in terms of noise impact subject to the imposition of the following condition:-

“At no time during the operation of the site shall the noise rating level, $L_{Ar,T}$ (free field) at nearby residential properties, derived in accordance with BS4142:1997, attributable to the operation of all fixed and mobile plant and machinery installed or otherwise used at the premises exceed 52 dB.”

Air Quality: Has advised that the potential small increase in car / light goods vehicle movements would not have a significant impact on local concentrations of traffic related pollutants and that local air quality would be unaffected. Has also advised that the proposed enclosure of waste handling within the building would also result in a low potential for dust generation. Has advised that he is satisfied with the conclusions of the applicant's odour assessment (following its revision to include adjacent commercial units as being of high sensitivity to odour). The assessment concludes that the likely odour impact would be low provided the proposed mitigation measures are employed. Has no objection to the proposed development subject to the imposition of conditions similar to those included on the existing permission and the use of the proposed odour suppression system. Notes that food waste would be placed in covered leak-proof trailers within the building. Has also pointed out that the site would be subject to an Environmental Permit which would require operations to be controlled through the implementation of an Odour Management Plan.

36. KCC Highways and Transportation – No objection subject to conditions on the following matters being applied or carried forward from the existing planning permissions:-

- Measures to avoid mud or other materials being deposited on the highway;
- Parking for staff and visitors;
- Measures for disposal of surface water;
- Appropriate loading, unloading and turning provision during construction;
- Provision of suitably surfaced and drained vehicle parking, loading, off-loading and turning areas, and these areas remaining available for such uses; and
- Cycle parking.

Has also advised that the proposed development would not increase the level of HGV activity beyond that envisaged by the consented schemes and would only result in a relatively insignificant amount of additional cars and LGVs. Also notes that the internal layout of the site would not be altered in general terms from that already approved and

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raises no additional issues.

37. **KCC Waste Management Group** – Has advised that the Waste Disposal Authority (WDA) has a statutory duty to seek provision for dealing with domestic waste disposal arisings in Kent. The additional proposed waste handling and transfer capability for residual municipal solid waste (MSW) and separately collected food waste, which constitutes a key component of the waste stream, is to be welcomed. In principle therefore, the WDA would support the additional handling and processing capacity for these categories of waste. The “Kent Joint Municipal Waste Management Strategy” clearly identifies a requirement to reduce the amount of untreated waste to be able to meet ever stricter EU Directives, Government targets and Best Value Performance Indicators. It also promotes the use of waste as a resource. The additional transfer capacity would readily allow some 30,000 tonnes per annum of MSW currently going to landfill in Canterbury, to be re-handled locally and delivered to either Allington Energy from Waste facility at Maidstone or, in the case of separately collected food waste, to specialist processing facilities elsewhere in Kent. The proposed Hersden location would ideally suit the local Waste Collection Authority (WCA), insofar as the site is situated strategically located within their geographical area of operation. The potentially available alternative Waste Transfer Station locations are situated some distance away at Ashford and Richborough, and would require additional travel time and fuel to access. In order to meet its statutory obligations under the Environmental Protection Act 1990, and deliver Value for Money, the WDA routinely seeks Competitive Tenders for the processing of all domestic waste arisings in Kent. The WDA is currently seeking to procure transfer capacity for MSW arisings in the Canterbury area. The Contract Criteria will include inter alia that particular consideration be given to the environmental impact of the proposal, recycling targets set by Government, the operational requirements of the WCAs (District Councils), the minimisation of traffic and the technical sustainability and deliverability of the proposal.
38. **KCC Economic and Spatial Development (Business Strategy and Support)** – Has advised that it is inevitable that the proposed use would affect the marketability of Lakesview Business Park for business users and investor confidence due to concerns about potential odour, vermin and traffic generation. However, it is unable to estimate how many jobs could potentially be affected without detailed comparison and analysis. It has also advised that a lot of work is being undertaken in East Kent, in particular, to encourage investment and job creation. It has further advised that Locate in Kent (KCC’s inward investment agent) has supported these concerns and expressed the opinion that the current proposals are already creating uncertainty over the sale of one of the buildings on the Lakesview Business Park.

Representations

39. The application has been publicised both by site notice and newspaper advertisement. All properties within 250 metres of the site were notified.

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40. 93 letters of objection have been received. These include those from a significant number of occupiers of other units on the Lakesview Business Park, representatives of the owners of parts of the Business Park, the Thanet and East Kent Chamber Ltd (representing local business interests), local residents, Hoath Parish Council, Sir Roger Gale MP and Julian Brazier MP. The objections relate to:-

- Adverse amenity impacts on adjoining businesses and residents (e.g. air quality; odour; noise);
- Lack of confidence in the proposed odour suppression equipment;
- Increased risk of vermin, insects / flies and birds / gulls;
- Proximity of proposed use to other units (some immediately adjoining), particularly those associated with food distribution, packaging and pharmaceuticals;
- Adverse health impacts (e.g. asthma and stress);
- Pollution of water resources (groundwater and surface water);
- Adverse impact on adjoining wildlife interests;
- Visual impact (proposed buildings);
- Adverse effect on viability of adjoining businesses and employment land during particularly difficult economic times (leading to substantial trade and job losses, failure to renew leases, company relocations from the site and loss of attractiveness of / investment in the Business Park);
- Inappropriate location (i.e. business park as opposed to an industrial estate);
- Increased traffic, congestion (within the Business Park and on other roads in the area) and related impacts;
- Lack of space for manoeuvring large trailers in and out of the waste transfer building within the application site (resulting in additional noise or other impacts);
- Failure of KCC to adopt the roads within Lakesview Business Park (meaning that other occupiers have to pay for their maintenance);
- The proposed reductions on other waste management activities (designed to show no net increase in overall waste tonnages and associated vehicle movements) are arbitrary;
- There are other better locations for such a facility, including other business parks in Hersden, that are less attractive and more suited to the proposed use (these have not been explored);
- The applicant’s reference to being awarded a contract for the proposed waste streams is incorrect (the process is being undertaken again as a result of procedural errors);
- Lack of consultation;
- Failure of submitted plans to show all units (including some immediately adjacent to the proposed waste transfer building);
- Adverse impacts on property prices (residential and commercial); and
- The proposed development is significantly different than the permitted waste management operations.

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A copy of a letter dated 27 March 2013 from Barton Willmore on behalf of George Wilson Holdings (stated to be the owners of Lakesview International Business Park) and the occupiers of the Business Park is attached at [Appendix 2](#).

Local Members

41. County Council Member Mr RA Marsh (Herne and Sturry) was notified in December 2012. Adjoining County Council Member Mr M Northey (Canterbury South East) was also notified as Wickhambreaux Parish Council was consulted as an adjoining parish council. Mr Marsh has strongly opposed the proposed development and supports the objections and concerns referred to in paragraph 40.

Discussion

42. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 20 and 21 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 19, the emerging Kent minerals and waste policies referred to in paragraphs 22 and 23 and the Kent Joint Municipal Waste Management Strategy policies referred to in paragraph 24. A report which (amongst other things) explained the weight that should be given to development plan policies adopted prior to publication of the NPPF was presented to KCC’s Planning Applications Committee on 13 March 2013 (Item B1). Annex 1 to the NPPF states that development plan policies should not be considered out of date simply because they were adopted prior to publication of the Framework. It also states that for the 12 month period from publication of the NPPF (i.e. from 27 March 2012) decision takers may continue to give full weight to relevant development plan policies adopted since 2004 (i.e. after publication of the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF but that after this 12 month period (i.e. after 27 March 2013) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (with greater weight given to policies that more closely accord with the Framework). It is important to note that this does not change the statutory status of the development plan which remains the starting point for decision making. Members should also note that the South East Plan was formally abolished on 25 March 2013 and is no longer part of the development plan.
43. The main issues to be considered relate to:-
 - The principle of development at Lakesview Business Park;
 - Need / sustainable development;
 - Local amenity (e.g. air quality / odour, noise, health and visual impact);

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- Highways and transportation;
- Water environment (ground and surface water);
- Biodiversity (e.g. SSSI, SAC, SPA and Ramsar Site); and
- Employment / economic development.

44. A number of other issues have also been raised which need to be addressed. These are the consideration of alternatives, landscaping and the fact that the applicant may have pre-empted a decision on the application.

The principle of development at Lakesview Business Park

45. The application site already has the benefit of planning permission for waste management uses and lies within an area identified on Proposals Map Inset L of the Kent Waste Local Plan (March 1998) (Kent WLP) as suitable in principle for the preparation of inert waste for re-use (Policy W7) and waste separation and transfer (Policy W9). Policy W9 specifically relates to Category B and C wastes. The Plan defines these respectively as degradable wastes (primarily industrial) and putrescible wastes (including domestic refuse). The supporting text to Policy W9 states that locations are needed for sorting and separation of materials capable of being re-used, recycled and recovered and for the bulking-up of mixed waste that is not able to be sorted for onward transhipment for disposal elsewhere. The Plan goes on to say that a network of such facilities will be needed to meet waste management requirements across Kent. Given the existing waste permissions and Kent WLP allocation, the proposed development is acceptable “in principle”.
46. It is worth noting that the principle of employment use at Lakesview Business Park was established through the allocation of the former Chislet Colliery site for this use in the Canterbury District Local Plan (November 1998). Outline planning permission CA/98/0224 was granted by the City Council on 5 May 2000 for use of land as a business estate (Class B1 and B8). This also provided for the roundabout which now serves the business park. A number of more recent planning permissions have been granted by the City Council that include B2 uses on land to the south and east of application site (i.e. towards the rear of the business park). The employment allocation was carried forward into the Canterbury District Local Plan First Review (July 2006) (Canterbury DLP) where Policy ED1 seeks to safeguard existing employment sites and premises. Paragraph 20 of PPS10, Policies W3, W7 and W9 of the Kent WLP and draft Policies CSW5 and CSW6 of the Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (Kent MWDFCS) all support the location of waste management facilities within or adjacent to existing waste management operations and / or industrial uses. On this basis, regardless of the permitted waste use and the Kent WLP allocation, proposals for waste management facilities at the Lakesview Business Park would in principle be viewed favourably provided they are consistent with other policies and relevant criteria.

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47. Having established that the proposed development is acceptable in principle on Plots D and E of the Lakesview Business Park, it is necessary to consider whether it is acceptable in all other respects. These issues will be addressed in the following sections.

Need / Sustainable development

48. Whilst Policy W6 of the Kent WLP states that need will be a material consideration in the determination of applications for waste management development on sites outside those identified in the Plan where demonstrable harm would be caused to an interest of acknowledged importance, the policy does not specifically apply to proposals on sites allocated in the Plan. Paragraph 22 of PPS10 states that when proposals are consistent with an up to date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal. In this case, I consider that the development plan is generally consistent with the NPPF. However, given that need is an important element of sustainable development it remains relevant and should properly be considered and weighed against any disbenefits that may arise from the proposed development, particularly where material harm would be likely to arise. Canterbury DLP Policies BE1 and C41 state that the need for development will be a consideration when applications are considered.
49. Policy 20 of the Kent Joint Municipal Waste Management Strategy (Kent JMWS) states that the transfer station network will be improved across Kent to promote efficient transport of wastes for treatment, recovery and disposal. This is reflected in draft Policy CSW7 of the Kent MWDFCS which states that waste management capacity for MSW and C&I wastes will be provided through (amongst other things) a new waste transfer station at Ashford to bulk MSW going from East Kent to Allington and replacement waste transfer stations and household waste recycling centres (HWRCs) to serve Sevenoaks and Swale and a network of existing and improved sites for MSW transfer and recycling and household waste recycling facilities. Permission has recently been granted for a facility which is now under construction at Brunswick Road, Ashford. The Kent JMWS also includes a number of policies intended to assist in increasing recycling and composting rates whilst providing appropriate residual waste management services.
50. KCC Waste Management Group states that the Waste Disposal Authority (WDA) supports in principle the provision of additional waste handling and transfer capability for residual municipal solid waste (MSW) and separately collected food waste to serve the Canterbury District for the reasons set out in paragraph 37 above. It has also confirmed that the WDA is currently seeking to procure transfer capacity for MSW arisings in the Canterbury area and indicated that the proposed site appears to offer a number of benefits.
51. Paragraph 14 of the National Planning Policy Framework (NPPF) states that there is a

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presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved. It also states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth. Sustainable waste management, as its title suggests, is at the heart of PPS10. The need for sustainable development is also reflected in many of the policies referred to in paragraphs 20 to 22 and 24 above.

52. Given the above, I am satisfied that there is a need for waste handling and transfer capacity to meet the requirements of the WCA and WDA. However, it remains to be determined whether the proposed location is acceptable having regard to other development plan policies and material planning considerations. Until the proposed development has been fully assessed against other policies and material considerations, it is not possible to say if this is the case and whether it represents sustainable development.

Local amenity (e.g. air quality / odour, noise, health and visual impact)

53. As indicated in paragraph 19 above, Government policy on waste seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. PPS10 makes it clear that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health and that the detailed consideration of a waste management process and the implications (if any) for human health is the responsibility of the pollution control authorities. It further states that: the planning and pollution control regimes should complement rather than duplicate each other; waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities; and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Paragraph 109 of the NPPF states (amongst other things) that the planning system should contribute to and enhance the local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air or noise pollution. Although the NPPF does not include waste policy, paragraph 122 states that in making planning decisions, local authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that local planning authorities should assume that these regimes will operate effectively. Paragraph 123 states that planning decisions should aim to avoid noise from new development giving

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rise to significant adverse effects on health and quality of life and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

54. Kent WLP Policy W18 requires planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Canterbury DLP Policy BE1 states that the compatibility of the use with adjacent uses and the amenity of the existing environment will be considerations when applications are considered. Policies C39 and C40 seek to safeguard air quality and prevent pollution (including that associated with noise) and state that mitigation measures will be required as necessary. Policy C41 states that waste proposals should address (amongst other things) air quality and the impact on public health, noise impact and residential amenity.
55. Westbere, Sturry and Hoath Parish Councils, as well as all those who have responded to the notification and publicity on the application (including a significant number of occupiers of the adjoining and nearby business units), have objected due to potential adverse impacts on the environment and local amenity both as a result of operations on site and HGVs transporting waste to and from the site. Although the objections have referred to air quality / odour, noise, vermin (e.g. rats, mice, insects, flies and gulls), health and visual impact, it is concerns relating to odour associated with the proposed wastes (either when on site or whilst in transit) and the potential for vermin to be either brought to the site in collected wastes or attracted to the site as a result of operations that have given rise to greatest concern. These and other issues were also raised at the public meeting. At the public meeting, a letter from Julian Brazier MP was read out. Amongst other things, this referred to the fact that odour suppression equipment had not prevented significant odour from the Cheale Meats’ rendering plant drifting at least 2 miles.
56. Although Canterbury City Council has not objected, it has asked that appropriate conditions relating to noise, odour and lighting be imposed to ensure that the operation of the proposed facility does not adversely affect the surrounding area.
57. The Environment Agency has no objection to the proposed development and has already issued a variation to the existing Environmental Permit that would enable the proposed wastes to additionally be handled on site. It has also advised that it is happy with the odour management plan that has been submitted as part of the permitting process and which would have to be complied with as a requirement of the Permit. This odour management plan, which is more detailed than that originally submitted with the planning application and further explains how odour issues would be managed at the site, was submitted after the public meeting and now forms part of the planning application. Details of those measures designed to minimise the potential for odour are set out in paragraphs 11 to 15 above. The key features are a sealed building, automatic fast action fabric inner doors, an odour suppression system and

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the implementation of various management practices (e.g. minimising the time waste is stored within the waste transfer building, transferring domestic / “black bag” and source separated food waste into covered / leak proof trailers quickly rather than leaving this on the floor of the waste bays and washing down the waste bays at the end of each day).

58. KCC's Air Quality Consultant has no objection on air quality grounds provided conditions similar to those included in the existing permission are imposed and the proposed odour suppression system is installed and used. Existing conditions include the implementation of dust suppression measures (e.g. road sweeping, use of a water bowser / sprays and speed limits on site) and the requirement to keep the site access, internal road and areas used for vehicle manoeuvring free from mud or other debris with such measures as are necessary to ensure that vehicles connected with the development do not deposit mud or debris on the highway. The proposed odour suppression system is used at a number of waste management sites in England and, as with similar systems, has been demonstrated to be capable of satisfactorily suppressing odour. The system is used at the In-Vessel Composting (IVC) Facility operated by the Countrystyle Group at Ridham Dock.
59. Notwithstanding the concerns expressed by respondents, the proposed measures to control odour emissions are considered to be acceptable by all technical consultees and enable the proposed development to be viewed favourably in the context of the development plan policies referred to in paragraph 54 above. Given the advice in paragraph 122 of the NPPF and paragraphs 27 and 30 of PPS10 which seek to avoid duplication between the planning and permitting regimes, enable local planning authorities to assume that the permitting regime will operate effectively and defer consideration of detailed waste management processes and the implications, if any, for human health to the pollution control authorities, there is no need for detailed operational measures relating to odour to be secured as part of any planning permission that may be granted. Indeed, it would be entirely appropriate and in accordance with PPS10 and the NPPF for these operational matters to be left to be dealt with by the Environment Agency. However, in this instance I believe that it would be desirable to specifically require that a number of controls be imposed by condition if planning permission is granted. These should include the implementation of measures such as those proposed (with precise details to be addressed in the Environmental Permit), the installation and use of an odour suppression system, the closure of the automatic fast action fabric inner doors of the waste transfer building at all times except to allow vehicles to enter and leave the building (or for emergency maintenance when such repairs cannot be undertaken when the building contains no waste) and for waste to be stored within the waste transfer building for no more than 48 hours and, wherever possible, not after 12:00 hours on Saturdays or at any time on Sundays. I do not consider that the concerns expressed about odour from the Cheale Meats' rendering plant are relevant to the determination of this application since the operations at that site are not comparable with those now proposed and the nature of odour suppression equipment stated to have been used in that case are unknown.

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Any air quality issues associated with HGV and other vehicle movements are addressed in the highways and transportation section below.

60. KCC's Noise Consultant has no objection on noise grounds provided the noise condition set out in paragraph 35 is imposed (i.e. limiting the noise rating level $L_{Ar,T}$ (free field) associated with site operations to 52dB when measured at residential properties).
61. The 2009 and 2010 permissions do not contain any specific noise limits. Instead, the primary means of control over noise is secured through restrictions on hours of use, a requirement for the doors to the MRF building to be closed except when waste is being delivered to it and for the development to be implemented as permitted / approved. Although the proposed development would have no material impact on noise emissions from the site for nearby residents or businesses, the imposition of a further restriction specifically limiting noise from the entire development to 52dB when measured at any residential properties would serve to provide an additional control over operations at the site. The proposed restriction would not apply to noise levels at business properties since the relevant standard (BS4142) does apply to these. KCC's Noise Consultant is also satisfied that the proposed development would not give rise to a worsening of the noise environment already permitted and that it is not necessary to impose any specific noise limits for business properties. Appropriate conditions relating to those other matters included previously should also be imposed again such that there is no relaxation of the earlier controls, unless specifically applied for as part of the current application. Subject to these conditions, the proposed development should be viewed favourably in the context of the development plan policies referred to in paragraph 54 above. In respect of the concern that there may be a lack of space for manoeuvring large trailers in and out of the waste transfer building within the application site, I am satisfied that this can be done and would not give rise to unacceptable noise impact.
62. Details of the measures designed to control vermin and pests (e.g. flies) at the site are set out in paragraph 16 above. These would be required as part of the Environmental Permit.
63. The proposed measures to control vermin and pests (e.g. flies) are in principle considered to be acceptable. Given the advice in paragraph 122 of the NPPF and paragraphs 27 and 30 of PPS10 which seek to avoid duplication between the planning and permitting regimes and enable local planning authorities to assume that the permitting regime will operate effectively, there is no need for these detailed operational measures to be secured as part of any planning permission that may be granted. Indeed, it would be entirely appropriate and in accordance with PPS10 and the NPPF for these operational matters to be left to be dealt with by the Environment Agency. However, in this instance I believe that it would be desirable to specifically require the implementation of measures such as those proposed by condition if planning permission is granted.

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64. No changes to the lighting arrangements approved pursuant to the 2010 permission on 8 August 2012 are proposed. On this basis, these do not require further consideration. The proposed changes to the built development already permitted are minor and I am satisfied that they would have no significant impact in terms of visual amenity.
65. Whilst Westbere and Sturry Parish Councils and those local residents and businesses who have responded clearly have concerns about potential impact on local amenity (e.g. air quality / odour, noise, health and visual impact), I am satisfied that the proposed development can be satisfactorily controlled (both through the planning and environmental permitting regimes) and would accord with the requirements of the development plan policies referred to in paragraph 54 above subject to the imposition of those conditions referred to elsewhere in this section. I do not believe that the perceived harm expressed by respondents on these issues is sufficient in this case to outweigh the clear policy support for the proposed development.

Highways and transportation

66. As indicated in paragraph 19 above, Government policy on waste seeks to ensure that transportation impacts of development proposals are minimised. PPS10 states that the selection of sites for new or enhanced waste management facilities should involve consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and that the suitability of the road network and the extent to which access would require reliance on local roads are criteria that should be considered. These aims are also reflected in many of the adopted and emerging development plan policies referred to in paragraphs 20 to 22 above. Policy W22 of the Kent WLP requires waste management proposals to be acceptable in terms of highway safety and capacity. Canterbury DLP Policy C1 states that the level and environmental impact of vehicular traffic will be controlled when considering the location of development.
67. Westbere, Sturry and Hoath Parish Councils, as well as many of those who have responded to the notification and publicity on the application, have objected on the basis that the proposed development would lead to an increase in HGV traffic both within the Lakesview Business Park and on other roads in the area. Sturry Parish Council is also concerned that as the Lakesview Business Park estate roads are unadopted, these may be unsuitable for the additional HGV traffic and that damage to them could pose a serious health and safety risk, adversely affect other businesses and lead to additional repair costs. A number of respondents have also criticised KCC for failing to adopt the estate roads. As stated in paragraph 55 above, a number of respondents have also objected on the grounds that HGVs transporting waste to and from the site would also give rise to odour, particularly if they were required to queue on estate roads as a result of being held up by other traffic or simply unable to enter the application site due to the number of vehicles entering or leaving. Concerns have

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also been expressed about the proposed increase in LGVs.

68. KCC Highways and Transportation has no objection to the proposed development on the basis that there would be no increase in HGV movements beyond that already provided for by the 2009 and 2010 permissions, only a relatively insignificant increase in cars and LGVs and as the internal layout of the permitted site would not generally be altered. However, it has recommended that the conditions referred to in paragraph 36 be imposed. These all relate to matters that are addressed in conditions attached to the 2009 and 2010 permissions such that they could effectively be carried forward into any new planning permission that may be granted. KCC's Air Quality Consultant is also satisfied that the proposed development would not have a significant impact on local concentrations of traffic related pollutants and that local air quality would be unaffected.
69. The 2009 and 2010 planning permissions already allow up to 324 HGV movements (162 in / 162 out) per day associated with waste management operations at the site. Neither of the existing permissions include any restriction on waste sources or required locations for the subsequent use, treatment or disposal of wastes taken to the site such that HGVs and other vehicles associated with permitted operations could reasonably be expected to transport waste to and from the site in all directions and potentially over significant distances. Although odour may well be detectable when standing close to an RCV or other HGV transporting waste to and from the site, I do not believe that this would present an unacceptable impact given the relatively small number of vehicles likely to be associated with the carriage of domestic “black bag” waste and source separated food waste each day and the number of RCVs involved in waste collection in the Canterbury District (as referred to in paragraph 14 above). I am also satisfied that it would be in the interests of the applicant, the WCA and WDA to ensure that vehicles involved in importing and exporting waste can enter and leave the site without undue delay and that this would encourage management practices designed to avoid queuing or waiting. I am also mindful that RCVs collecting these type of wastes already travel extensively around residential and employment areas without significant adverse impacts. With regard to the concerns about the proposed increase in LGV movements associated with the proposed new waste streams, I am satisfied that the numbers are acceptable (particularly given the clarification on these set out in paragraph 14 above).
70. As the 2010 permission has been implemented and the proposed development would not alter the maximum number of HGV movements (provided a similar condition were to be imposed) there can be no justification for refusing permission on highway grounds.

Water environment (ground and surface water)

71. PPS10 states that locational criteria for waste management facilities should include the proximity of vulnerable surface and groundwater. Paragraph 120 of the NPPF

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states that planning decisions should ensure that new development is appropriate for its location and that the effects of pollution on the natural environment and the potential sensitivity of the area should be taken into account. Paragraph 100 seeks to ensure that development in areas of highest flood risk is avoided and that development does not increase the likelihood of flooding elsewhere. Policy W19 of the Kent WLP requires the quality and quantity of surface and groundwater resources to be protected. Policy W20 of the Kent WLP requires land drainage, flood control and land stability to be safeguarded. Canterbury DLP Policy C40 seeks to prevent pollution and states that mitigation measures will be required as necessary. Policy C41 states that waste proposals should address (amongst other things) hydrology and ground conditions.

72. Westbere and Sturry Parish Councils, as well as many of those who have responded to the notification and publicity on the application, have objected on the basis that the proposed development would lead to contaminated surface water flows from the site with resultant pollution of ground and surface water. The specific concerns that have been raised about potential impacts on the Stodmarsh Valley / Westbere Marshes SSSI, SPA, SAC and Ramsar Site are addressed in the following Biodiversity section.
73. Both the 2009 and 2010 permissions included conditions requiring details of surface water drainage to be submitted to and approved in writing by KCC as well as conditions requiring appropriate storage arrangements for oils and chemicals. The surface water details required by the 2010 permission were approved by KCC on 20 December 2012 following consultation with / no objection from (amongst others) the Environment Agency, Southern Water and Natural England. These details included proposals for foul and surface water drainage associated with the permitted development. The current application also includes details of both foul and surface water drainage. These are identical to those already approved with the added provision of foul drainage within the proposed waste transfer building (an open slot drain formed within the floor) linked to a sealed underground cesspool to collect any leachate from within the building and an associated inspection chamber (both sited just to the west of the north western corner of the building), together with a vehicle / plant washdown area linked to foul sewer via an interceptor between the proposed cesspool and the permitted MRF building. Correspondence with the applicant indicates that discussions between it and Southern Water are well advanced on those matters referred to in Southern Water’s response (see paragraph 32). The applicant has also confirmed that surface water drainage will be discharged through bypass separators to the Lakesview Business Park private drainage system (drainage pipes) and associated balancing / storage pond at the south eastern end of the Business Park (as has already been permitted and approved).
74. Given that the Environment Agency, Southern Water and Natural England have all examined the application details and advised that they have no objection to the proposals and as the Environment Agency has also issued a variation to the existing Environmental Permit for the additional wastes, such that it must be confident that the

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proposed development should not give rise to pollution, I am satisfied that the proposed development accords with the development plan and other policies relating to ground and surface water referred to above and see no reason to refuse the application for ground or surface water reasons subject to the development being implemented as proposed. Natural England’s response in respect of the designated areas is addressed in the following biodiversity section.

Biodiversity (e.g. SSSI, SAC, SPA and Ramsar Site)

75. PPS10 states that locational criteria for waste management facilities should include consideration of whether there would be any adverse effect on a site of international importance for nature conservation (SPA, SAC and Ramsar Sites) or a site with a nationally recognised designation (SSSI or NNR). Paragraph 118 of the NPPF states that local planning authorities should seek to conserve and enhance biodiversity when determining planning applications. It also states that permission should not normally be granted for development on land outside a SSSI that is likely to have an adverse effects on the SSSI and emphasis the importance of protecting European designated sites (e.g. SAC, SPA and Ramsar Sites). Policy W21 of the Kent Waste Local Plan states that the planning authority will need to be satisfied that the ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of species of wildlife importance. Canterbury DLP Policy C41 states that waste proposals should address (amongst other things) ecology and nature conservation interests.
76. Westbere and Sturry Parish Councils, as well as many of those who have responded to the notification and publicity on the application, have objected on the basis that the proposed development would have an adverse impact on the Stodmarsh Valley / Westbere Marshes SSSI, SPA, SAC and Ramsar Site. To a large degree, these issues have already been addressed in the water environment section above.
77. Natural England and KCC’s Biodiversity Projects Officer are both satisfied that the proposed development would not adversely affect the designated sites and have no objections. Natural England has also advised that there is no need for KCC to undertake an Appropriate Assessment in this case.
78. Given the absence of any technical objections relating to the water environment in the above section and as neither Natural England nor KCC’s Biodiversity Projects Officer have any objection to the proposals, I am satisfied that the proposed development accords with the development plan and other policies relating to biodiversity referred to above and see no reason to refuse the application for biodiversity reasons subject to the development being implemented as proposed.

Employment / economic development:

79. The NPPF establishes a presumption in favour of sustainable development. This

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involves consideration of economic, social and environmental factors. It also states that development proposals that accord with the development plan should be approved unless material considerations indicate otherwise and that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework’s policies taken as a whole or if specific policies in the Framework indicate development should be restricted. Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth.

80. As explained in the above sections, I am satisfied that the proposals accord with relevant development plan and national planning policies (including those in NPPF and PPS10).
81. Notwithstanding this, a large number of respondents have objected to the proposed development on the grounds that they consider it would give rise to harm in the form of adverse impacts on the environment and local amenity. They also consider that such impacts would, in turn, lead to negative effects on the viability of Lakesview Business Park and its constituent elements (e.g. loss of trade, job losses, firms closing or relocating elsewhere and difficulties in selling or letting vacant units). The potential adverse effect on the marketability of Lakesview Business Park has also been raised by KCC’s Economic Development and Spatial Development (Business Strategy and Support) Group and is understood to be shared by Locate in Kent. Linked to this, a number of respondents and those at the public meeting have expressed the opinion that Lakesview Business Park is of a higher quality than many other industrial estates (such as the Canterbury Industrial Park) and is unsuitable for accommodating the type of development now proposed.
82. Given the lack of technical objections to the proposals, as endorsed by the views set out in paragraphs 25 and 30 to 36 above, these objections must be regarded as being based on “perception” or “fear”. Case law has established that such perceived impacts can be regarded as material planning considerations. Whilst case law and any associated precedent is not definitive on this issue, it would appear that the weight to be given to such concerns should relate to the extent of any evidence presented in support of them. In this case, no substantiated evidence has been presented by any party that the stated adverse effects would occur and KCC’s Economic Development and Spatial Development (Business Strategy and Support) Group has been unable to provide any assessment of potential economic development / employment impacts. Members should note that a significant number of respondents have expressed such concerns and that a “show of hands” at the public meeting indicated that a number of those members of the business community present indicated that they would relocate if the application were permitted.
83. As no technical objections have been received, as the proposed waste transfer would take place within an enclosed building and as the proposed development is capable of

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being satisfactorily operated and controlled through the planning and permitting regimes, as it accords with relevant development plan and national planning policies and as no substantiated evidence has been submitted to support the perceived impacts, I do not consider that the perceived impact on the viability and attractiveness of the Business Park and related concerns are sufficient to outweigh the usual presumption in favour of granting planning permission in this instance. In coming to this view, I have also had regard to the fact that the proposed development would create 5 new jobs, assist in underpinning the ability of the applicant to relocate its existing site at Parham Road and expand its waste recycling operations (safeguarding more jobs) and enable the Parham Road site to be redeveloped for housing in accordance with the Canterbury District Local Plan. I have also had regard to the fact that planning permissions have been granted for waste management development on other industrial land in Kent and elsewhere despite objections from adjoining business and residential occupiers and that to refuse an application of this type based on unsubstantiated concerns and anecdotal evidence about related impacts could set a dangerous precedent which could undermine the ability of KCC and other waste planning authorities to secure new and improved waste management capacity necessary to achieve national and local planning policy objectives.

84. With regard to the suggestion that Lakesview Business Park should not be required to host the proposed development due to the quality of other existing and potential uses on the business park, it should be noted that in elaborating on how waste planning authorities should seek to identify suitable locations for new or enhanced waste management facilities the Companion Guide to PPS10 states that most waste management activities are now suitable for industrial locations and many fall within the general industrial class (i.e. B2) in the Town and Country Planning (Use Classes Order) 1987. Given that a number of the other units on the Lakesview Business Park have the benefit of permitted B2 uses (as referred to in paragraph 46 above) and as the proposed development is capable of being satisfactorily operated and controlled through the planning and permitting regimes and accords with relevant development plan and national planning policies, I do not accept the suggestion that the proposed development is inappropriate in this location.

Other issues

85. A number of other issues have been raised that are not already addressed above.
86. Alternatives: A number of respondents, including the local MPs, have stated that there are other better locations for such a facility and that these have not been explored. Specific examples that have been referred to are the Canterbury Industrial Estate to the west and the existing waste management facility at Richborough.
87. KCC Waste Management Group states that the proposed location would ideally suit the Waste Collection Authority (WCA) as it is strategically located within the geographical area of operation and that alternative potential waste transfer station

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locations are situated some distance away at Ashford and Richborough, such that their use would require additional travel time and fuel.

88. I am satisfied that the proposed site is reasonably well located in relation to the proposed waste collection area since it lies relatively centrally within Canterbury District between the three main urban areas (i.e. Canterbury, Whitstable and Herne Bay) such that collected waste could be bulked up at a single location without unnecessary road travel. Given the strong policy support for locating the proposed facility at the application site and the absence of any material harm being demonstrated, I do not consider it necessary to consider whether there are better alternative locations in this instance. Where proposed development is EIA development, it is necessary for any Environmental Statement to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice made, taking into account the environmental effects. However, as the proposed development is not EIA development this is not necessary in this case. If the Committee was to determine that there would be material harm or a realistic prospect of harm such that sufficient weight could be given to that perceived by local residents and businesses to merit refusal, the fact that domestic waste collected from the Canterbury District could be dealt with elsewhere could be regarded as a material planning consideration.
89. Landscaping: Concerns have been expressed by Westbere Parish Council about landscape planting around the site. These issues are being addressed by Canterbury City Council which is pursuing the developer of the Business Park to re-plant and consolidate planting in accordance with the planning permission it granted for the larger site. In the event that these efforts do not have the desired effect, KCC could seek to secure compliance with a condition attached to the 2009 or 2010 permissions which required the submission, approval and implementation of a landscaping scheme along the southern boundary of the application site. The current position on this matter is that KCC has not approved such a scheme and has reserved judgement on whether it will be necessary until such time as the results of the City Council's efforts are known. This approach was considered appropriate since it would avoid unnecessary duplication and assist in ensuring a more consistent approach to landscaping throughout the Lakesview Business Park. The issue is complicated by the fact that the applicant does not own or control the land immediately adjoining the southern boundary of the application site. Any scheme required by condition could only relate to land within its control which, in this case, is relatively narrow given the buildings, structures, fencing and hardstanding already permitted and approved in this area. However, in the circumstances, and for the avoidance of doubt, I consider that it would be appropriate to include a condition on any permission that may be granted in respect of the current application requiring any additional planting that is possible should this become necessary.
90. Pre-empting planning permission: Concerns were expressed at the public meeting that the applicant has pre-empted a decision on the current application by failing to

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implement the development already permitted strictly in accordance with either the 2009 or 2010 permission. The discrepancies are set out in paragraph 3 above. Whilst it is unfortunate that this situation has arisen, the discrepancies are relatively minor and could be regarded as “non-material” in planning terms. This said, if planning permission were to be refused, the applicant would either need to secure permission or approval for any necessary amendments to the development already permitted or amend the development to comply with the permitted details. This approach reflects Government advice on planning enforcement matters.

Conclusion

91. For the reasons set out above, including in particular the Kent WLP allocation and the planning policy support for waste management facilities to be located on industrial estates and to be co-located with other waste management development, I am satisfied that the proposed development is acceptable in principle and that there is a need for waste transfer capacity for domestic waste collected in the Canterbury District. I am also satisfied that the proposed development is acceptable in terms of local amenity, highways and transportation, the water environment and biodiversity subject to the imposition of those conditions referred to above, conditions designed to ensure that the development is undertaken as proposed and any others carried forward from the 2010 permission (including details already approved pursuant to that permission) to enable a single planning permission to be issued to control all waste management uses at the site. As a result, I am further satisfied that there would be no material harm and that there is therefore no need to consider whether better alternative sites exist to handle the domestic waste collected from within the Canterbury District. Notwithstanding the concerns that have been raised by respondents, I do not consider that these are sufficient to override the usual presumption in favour of granting planning permission in this case. Given the strong policy presumption in favour of granting planning permission, if permission were refused and the applicant were to appeal, it would in my view be very difficult to substantiate an objection and KCC would be at risk of having costs awarded against it. I therefore conclude that the proposed development is sustainable and should be permitted. I therefore recommend accordingly.

Recommendation

92. I RECOMMEND that PERMISSION BE GRANTED SUBJECT to:

(i) conditions to address the following:-

- The existing conditions on the 2010 permission or details approved pursuant thereto being carried forward as appropriate (except where amended by those below);
- Waste types and quantities;

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- The installation and use of an odour suppression system;
 - The closure of the automatic fast action fabric inner doors of the waste transfer building at all times except to allow vehicles to enter and leave the building (or for emergency maintenance when such repairs cannot be undertaken when the building contains no waste);
 - Waste to be stored within the waste transfer building for no more than 48 hours and, wherever possible, not after 12:00 hours on Saturdays or at any time on Sundays;
 - Hours of use (as applied for);
 - Noise from the entire development being limited to 52dB $L_{A,T}$ (free field) when measured at any residential property;
 - The implementation of measures to control vermin and pests (e.g. flies);
 - No more than 324 HGV movements (162 in / 162 out) per day associated with all waste management operations at the site;
 - The proposed foul water arrangements being implemented as proposed; and
 - The requirement for a further landscaping scheme to be submitted, approved and implemented in the event that Canterbury City Council is unable to secure any necessary re-planting and consolidated planting in accordance with the planning permission it granted for the larger site; and
- (ii) an Informative advising that in accordance with Government policy and associated guidance, detailed controls in respect of odour vermin / pests will be matters for the Environment Agency under the terms of the Environmental Permit.

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| Case Officer: Jim Wooldridge |
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| Tel. no. 01622 221060 |
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| Background Documents: see section heading. |
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NOTES of a Planning Applications Committee Public Meeting at Hersden Neighbourhood Centre on Monday, 25 February 2013.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr W A Hayton, Mr C Hibberd, and Mrs E M Tweed.

LOCAL MEMBER: Mr R A Marsh.

OFFICERS: Mrs S Thompson and Mr J Wooldridge (Planning); Mr R White (Highways) and Mr A Tait (Democratic Services).

THE APPLICANTS: Ling UK Holdings Ltd: represented by Mr R Ling and Ms J Maine, together with Mr M Wickenden (Cardy Construction), Mr R Stevenson (John Bishop and Associates), Mr F Gardener (Viridor), Mr P Lavender (BSF Consulting Engineers) Mr M Mehegan (Waterman Group) and Mr M Goddard (Goddard Planning Consultancy).

CANTERBURY CC: Mrs G Glover.

WESTBERE PC: Mrs J Dawson (Chairman).

ALSO PRESENT were some 50 members of the public.

- (1) Members of the Committee visited the application site prior to the meeting in order to familiarise themselves with the site layout.
- (2) The Chairman opened the meeting by explaining that its purpose was for the Planning Applications Committee Members to listen to the views of local people concerning the application. The Committee Members had visited the site earlier that afternoon and now had a good understanding of the site layout.
- (3) Mr Wooldridge introduced the application by saying that the application site was 1.47 hectares and lay within the Lakesview Business Park at Hersden, approximately 5km to the north east of Canterbury. It was bounded to the north and east by other units in the Business Park and to the south and west by those within the Canterbury Industrial Park. It was approximately 200m to the north of the River Stour and Stodmarsh Valley SSSI, SAC, SPA and Ramsar Site. The nearest residential properties were some 200m to the north west on the A28 and to the east of the access road leading to the Canterbury Industrial Park. The site was within an area identified in the Kent Waste Local Plan as suitable in principle for the preparation of inert waste for re-use and for waste separation and transfer. Lakesview Business Park was also safeguarded for employment use in the Canterbury District Local Plan.
- (4) Mr Wooldridge went on to say that the site had been granted permission in 2009 for a metal and vehicle recycling and transfer centre together with a materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste

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and waste products and of demolition and contracting plant and vehicles. The main elements of this permission were a pre and post treated waste storage building, a Materials Recycling Facility (MRF) building, a shredded tyre storage shed, a battery and redundant electrical items storage shed, a two-story office building, a two-storey non-ferrous building with canteen, two weighbridges and a weighbridge office, a scrap metal processing area and parking for staff and visitors.

- (5) This permission had been amended in 2010 to allow additionally recovered abandoned vehicles to be delivered to the site at any time and for permitted waste types to be delivered from Civic Amenity sites. It also permitted members of the public to bring electrical and recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours only.
- (6) Mr Wooldridge then set out the key controls imposed by the 2010 permission. These limited the permitted waste types to batteries, end of life vehicles (ELVs), scrap metal, tyres, electrical waste (including fridges) and dry recyclables; limited the maximum volume of waste permitted to enter the site for treatment, processing or recycling to 82,000tpa; set a limit of 324 HGVs (162 in / 162 out) entering and leaving the site each day; prevented activities on or deliveries to the site taking place except between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays (with the exception of waste sorting activities permitted in the MRF and the delivery of abandoned vehicles to the site); and allowed abandoned vehicles to only be delivered and off-loaded at the site between 07:00 and 23:00 hours.
- (7) Mr Wooldridge then said that KCC (as Waste Disposal Authority) had recently undertaken a tender process for waste transfer services for the Thanet and Canterbury District areas. The contracts would require domestic (“black bag”) waste and source-separated food waste collected from within both of these Districts to be delivered, “bulked up” and then transported onwards to an appropriate waste treatment or disposal facility. The contracts would not include any waste treatment or disposal and were intended to commence on 1 April 2013. A contract was awarded for Thanet, whilst it was understood that the Canterbury contract would be re-tendered shortly.
- (8) Mr Wooldridge then described the application itself. This was for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above together with domestic (“black bag”) waste and source-separated food waste.
- (9) Mr Wooldridge said that the application had been supported by a Planning, Design and Access Statement; a Noise Assessment; an Odour Assessment; an Air Quality Assessment; a Flood Risk Assessment and a number of drawings. Further information relating to noise and air quality / odour (including updates to the

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associated assessments) had also been submitted to address issues raised by the County Council’s Noise and Air Quality Consultant.

- (10) Mr Wooldridge said that applicants said that the proposed change of use would enable them to meet the waste management contract for the Canterbury District as the existing permissions did not allow domestic (“black bag”) waste and source-separated food waste to be handled at the site. At the time when the application was submitted in December 2012, the applicants had believed that they had been awarded the Canterbury contract. They had referred to this in their Planning, Design and Access Statement. If the Canterbury contract was awarded to the applicant and planning permission was granted, one of the previously permitted buildings (in the North East corner of site) would be used as a waste transfer station for the contracted wastes.
- (11) Mr Wooldridge continued by saying that the application also sought Bank Holiday working in order to meet contractual requirements. It proposed that the existing 82,000tpa limit on the maximum volume of waste permitted to enter the site and the maximum number of HGV movements each day (324 – 162 in/out) would remain as already permitted.
- (12) Mr Wooldridge then referred to the table set out in the briefing note which gave revised details of the anticipated distribution of waste materials to reflect the proposed 40,000tpa of domestic (“black bag”) waste for transfer (resulting in a reduction in the volumes of other waste materials that could potentially be handled at the same time.)
- (13) Mr Wooldridge then said that there would be no material changes to the permitted built development or in the broad nature of activities to be undertaken on site. Domestic waste would be delivered to the site, “bulked up” and stored within the permitted pre and post-treated waste storage building and would then be collected by lorry for transportation to other waste management facilities for treatment or disposal (e.g. Shelford Landfill and Allington EfW Facility).
- (14) The application included an odour suppression system. Food waste would be placed in covered leak-proof trailers within the building. The same trailers would then be used to transport the waste from the site. The doors to the building would be closed during transfer operations in order to reduce the potential for adverse odour impacts. An Environmental Permit would be required.
- (15) Mr Wooldridge said that the applicants had stated that the proposed development would enable domestic (“black bag”) waste collected from within the Canterbury City Council area to be handled at a site which was relatively central to the main towns and larger villages of the District and increase the range of waste materials already permitted to be handled and recycled at the site. They had also stated that the proposed development would enhance the viability of the facility, create an additional 5 jobs and help to achieve regional and sub-regional self-sufficiency and meet targets for the diversion of waste going to landfill.

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- (16) Mr Wooldridge then turned to the responses from statutory consultees. Canterbury City Council had made no objection subject to KCC being satisfied in respect of the impact of the proposal on the surrounding area and ecology.
- (17) Westbere and Sturry Parish Councils had both objected strongly on the grounds of air quality, odour, pollution, health, water issues, HGVs and noise. They had also raised concerns about the impact on designated areas (such as the adjacent Stodmarsh SSSI and Ramsar Site) and landscaping as well as the cost of additional repairs to unadopted roads in the business park.
- (18) Chislet and Wickhambreaux Parish Councils had made no comment.
- (19) The Environment Agency was unable to comment at this stage as it was still considering relevant issues and information submitted in support of the Environmental Permit application. A full response was expected by the end of February 2013.
- (20) No comment had been received from the Health Protection Agency (Kent Health Protection Unit).
- (21) Southern Water had requested an Informative advising on the need for a sewer connection and had asked for the applicant to discuss related issues directly with them. They had also requested clarification on surface water issues.
- (21) Natural England, the KCC Biodiversity Projects Officer and KCC Highways and Transportation had raised no objection.
- (22) KCC Noise and Air Quality Consultant (Jacobs) had raised no objection on noise subject to the imposition of a noise limit condition (52dB LArT rating level at residential properties). They had also raised no objection subject to the imposition of conditions similar to those included on the existing permission and the use of the proposed odour suppression system. They had noted that food waste would be placed in covered leak-proof trailers within the building and that the site would be subject to an Environmental Permit (Odour Management Plan).
- (23) KCC Waste Management Group had raised no objection. They supported the additional handling and processing capacity for these categories of waste as it would allow some 30,000tpa of municipal solid waste (MSW) that was currently going to landfill to be re-handled locally and delivered to Allington EfW or specialist processing facilities. They had stated that the proposed location was well located for Canterbury District and that alternative potentially available locations would be some distance away at Ashford and Richborough. They had confirmed that the Waste Disposal Authority was currently seeking to procure transfer capacity for MSW arisings in the Canterbury area.

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- (24) KCC Economic and Spatial Development (Business Strategy and Support) had commented that the proposed use would affect the marketability of Lakesview Business Park due to concerns about potential odour, vermin and traffic generation but was unable to estimate how many jobs could potentially be affected without detailed comparison and analysis.
- (25) Mr Wooldridge then said that the application had been publicised both by site notice and newspaper advertisement. All properties within 250 metres of the site had been notified. Forty four letters of objection had been received at the time the briefing note was prepared, including letters from a significant number of occupiers of other units on the Lakesview Business Park, representatives of the owners of parts of the Business Park, the Thanet and East Kent Chamber Ltd (representing local business interests), local residents, Sir Roger Gale MP and Julian Brazier MP.
- (26) The objections related to adverse amenity impacts on adjoining businesses and residents (e.g. air quality; odour; noise); a lack of confidence in the proposed odour suppression equipment; the increased risk of vermin, insects, flies and birds such as gulls; the proximity of the proposed use to other units (some immediately adjoining)-particularly those associated with food distribution, packaging and pharmaceuticals; adverse health impacts (e.g. asthma and stress); the pollution of water resources (groundwater and surface water); adverse impact on adjoining wildlife interests; visual impact (particularly of the proposed buildings); adverse effect on the viability of adjoining businesses and employment land during particularly difficult economic times (leading to substantial trade and job losses, failure to renew leases, company relocations from the site and loss of attractiveness of investment in the Business Park); the inappropriateness of the location as this was a business park as opposed to an industrial estate; Increased traffic, leading to congestion (within the Business Park and on other roads in the area) and related impacts; the failure of KCC to adopt the roads within Lakesview Business Park (meaning that other occupiers had to pay for their maintenance); the arbitrariness of the proposed reductions on other waste management activities (designed to show no net increase in overall waste tonnages and associated vehicle movements); the existence of other, better locations for such a facility (which had not been explored); the applicant's reference to being awarded a contract for the proposed waste streams was incorrect (*the process is being undertaken again as a result of procedural errors*); lack of consultation; the failure of the submitted plans to show all units (including some immediately adjacent to the proposed waste transfer building); adverse impacts on property prices (residential and commercial); and that the proposed development was significantly different from the permitted waste management operations.
- (27) Mr Wooldridge concluded his presentation by setting out the determining issues. These were the principle of development at Lakesview Business Park; the need and sustainability of the development; local amenity (e.g. air quality / odour, noise, health and visual impact); highways and transportation; the water environment (ground and surface water); biodiversity (e.g. SSSI, SAC, SPA and Ramsar Site); and employment

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/ economic development.

- (28) Mr Ling (the applicant) said that he considered Mr Wooldridge's presentation to be a fair reflection of the application.
- (29) Mrs Tweed asked whether food waste would be kept on site overnight and, if so, whether this would increase the risk of vermin. Mr Wooldridge replied that the answer to this question was not entirely clear from the application and would be clarified prior to determination. It would also be fully considered as part of the Environmental Permit process.
- (30) Mr Smith asked for confirmation that the applicants would be able to continue their permitted operations on site if permission were not granted. Mr Wooldridge confirmed that this was the case and that the only real change would be the use of one of the existing buildings as a waste transfer station for black bag waste and source-separated food waste. The food waste would then be taken to another facility for treatment, whilst the black bag waste would go to Allington.
- (31) In response to a question from Mr Manning, Mr Wooldridge said that the precise arrangements for dealing with both black bag and source-separated food waste needed further investigation. The Planning Applications Committee could also consider imposing a condition relating to overnight storage. Mr Goddard (Goddard Planning Consultancy) said that the applicants would have no objection to any such condition.
- (32) Mr Marsh (Local Member) said that it was important to remember that KCC's Planning Applications Committee would determine the application as it stood. He had objected in July 2012 to this particular site's inclusion in the Kent Waste and Minerals Local Plan for the proposed use as a waste transfer station taking waste for all aspects of recycling and aggregate production. The site currently had permission for the storage of dry wood and rubble in a building that was entirely enclosed. The applicants now proposed a change of use to include food waste, which was not inert.
- (33) Mr Marsh continued by saying that he was delighted to see that the applicants' business was growing and that their business would continue to be a success if the application were refused.
- (34) Mr Marsh then said that food waste needed to be processed by anaerobic digestion. Thanet Waste Management was able to process such waste by this method and had been expecting the business. This proposal was for a waste transfer station and the applicants did not have permission to process food waste in any way. Yet the proposed bulking up method was itself a form of waste disposal.
- (35) Mr Marsh then turned to the question of the odour suppression system. He said that, whilst he could not say whether or not it would work effectively, the doors to the facility

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would need to be opened so often that it would place the system under very considerable pressure.

- (36) Mr Marsh said that the briefing note set out the applicants’ statement that there would be no material changes to the permitted infrastructure. It now transpired, however, that there would be two more weighbridges – indicating that the volume would probably exceed the limit set out in the application.
- (37) Mr Marsh concluded his remarks by saying that the application was not in conformity with KCC’s waste management policies, that over 100 objections had been received by the Planners and that he was sure that the Planning Applications Committee would carry out its duties correctly.
- (38) The Chairman had received a letter from Julian Brazier, MP which he read to the meeting. This letter had given Mr Brazier’s view that whilst Lakesview Business Park was an appropriate location for metals recycling, it was the wrong venue for “black bag” and food waste, which attracted vermin and wildlife. If permission were to be granted, it could cause a devastating reduction in the value of the business park and could lead to businesses closing. The letter also referred to Cheale Meats’ rendering plant where odour suppression equipment had not prevented the appalling smell from that site drifting at least 2 miles.
- (39) Mrs Glover (Local Member – Canterbury CC) said that the biggest concern was the length of time that it would take to remove the rats and seagulls that would be attracted by the proposed facility. She added that it had taken five years to remove the rats from a former waste site at Manston. She considered that the proposed facility would pollute the river and the SSSI. Furthermore, it would be an inappropriate development on a prime business site.
- (40) Mrs Dawson (Chairman of Westbere PC) said that her Parish Council was in complete agreement with the views expressed by Mrs Glover, particularly in respect of vermin and smell.
- (41) The Chairman invited local people to address the meeting. The comments are summarised below:
 - (a) Mr Kenneally (UK Stone Imports) said that his company’s site and its ventilation system were just 15 metres away from the application site. The effects described by the MP about the odour impacts over a distance of 2 miles would be very much greater for his business site. He calculated that the number of lorry movements would require the doors to the facility to be opened every 2 minutes, and that they would therefore be open for longer periods than they were shut. *Mr Wooldridge said that not every lorry would be going into the Waste Transfer Station as some would be associated with the permitted operations. He would find out how many would actually do so.*

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- (b) Another company’s representative said that his site was between 20 and 30 metres from the proposed development. He had experienced a similar situation in Bromley from a distance of 100 metres. All the vehicles had been covered in dust during the summer months and by concrete during the winter. The number of vehicles proposed would lead to queues stretching all the way to the roundabout on the A28 which, in turn, would lead to accidents.

Mr White (KCC Highways) explained that the proposed number of HGV vehicles was no different to the number already permitted. Their impact had already been assessed and agreed by the Committee.

- (c) Mr Seeley (Mattressnextday) said that his greatest concern was over rats. He said that they could devastate his mattress stock. He added that the Committee Members should consider the impact on his premises (whose windows faced the site) of the food waste not being sealed on delivery and of the black bags being dumped outside and scooped into containers.
- (d) Mr Lawrie (Ale Business Machines) asked whether consideration had been given to the leakage that would be caused if the road was blocked and those lorries carrying food waste were forced to wait. He also gave Mr Wooldridge a number of photographs showing vehicles obstructing the road outside the site during the construction phase *Mr White replied that Kent Highways did not anticipate that lorries would be queuing up to enter the site and that those illustrated were associated with the current development of the site rather than its operation. He also said that there was plenty of room within the site for lorries to wait if necessary and that site management could be used to address any problems that might arise.*
- (e) Serco had been appointed to collect waste in Canterbury and would be collecting a variety of waste types. If permission were granted, would the fact that they had to deliver to Lakesview Business Park mean that they would be travelling half empty to other sites?
- (f) Mr Claire (Claire House Partners LLP) said that he lived in Maidstone where food waste was not always collected separately. He asked what purpose would be served in bringing such waste to Lakesview. He referred to the table in the briefing note and asked where the permitted tonnages would need to go to if they were no longer to be transported to the site in question. He also showed Mr Wooldridge a copy of the planned layout of the site and suggested that there was a discrepancy between the planned and approved site layouts. *Mr Wooldridge thanked him for the information and said that he would seek an explanation.*
- (g) Mr Wilson (George Wilson Holdings) stressed that Lakesview was an

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International Business Park. He said that when permission had been sought for the business park development KCC had proposed that the entrance should be via the Canterbury Business Park. He had needed to persuade the County Council to construct the roundabout, and this had been essential to its success. He did not object to any human being from making a living in any legal way they saw fit. However, he believed that if permission were granted to this application the entire development would be jeopardised. Tesco's was constructing a factory which could employ between 400 and 500 workers. He asked how they would be expected to react to the news that black bag waste and source-separated food waste was being transported into the Lakesview International Business Park.

- (h) A local resident said that he owned the SSSI land between the railway and the River Stour. He was opposed to any development that could bring vermin onto this land. He said that Canterbury City Council had said that the waste would be transported to Richborough. He asked why it was now thought appropriate to send it to Hersden instead.
- (i) The owner of a physiology company said that he employed 25 people and that his company was intending to purchase a building at Lakesview. He was now nervous about doing so because of the proposed development. He believed that if permission were granted, the value of the property would drop as a consequence.
- (j) *In response to a question from a member of the public, Mr White said that the proposed number of vehicle movements was a maximum. It represented a ceiling which the applicants would not be able to go above. Each future application would be evaluated through Kent Highway's Transport Assessment. He added that Lakesview Business Park had a lot of inbuilt vehicle capacity.*
- (k) Mr Kenneally (UK Stone Imports) said that Lakesview International Business Park had customers from as far afield as India and China. Everything had to be perfect if international businesses were to be attracted. In this context, he said it should be noted that the traffic stopped whenever a lorry pulled out of any Unit as no other vehicle was able to pass. If businesses now discovered that food waste was stacked outside, they would leave. The five jobs that the proposed operation would create would not compensate for those lost due to an exodus from Lakesview. *At this point a number of members of the business community indicated by a show of hands that they would strongly consider re-locating if permission were granted to the application.*
- (l) A resident from Chislet said that he could not understand why Chislet PC had not objected. He was aware of covered wagons going through the village and asked whether there were any plans to divert traffic away from the country roads. Mr White replied that if lorries were going through Hoath and Chislet they

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would continue to do so whether permission was granted or not. Any traffic problems that might arise on these areas would need to be dealt with as a separate issue.

- (m) The Chairman asked whether any response had been received in respect of the River Stour. Mr Wooldridge replied that the Environment Agency would be commenting on both odour and water quality. There would need to be a surface water management scheme for the whole site, including a foul water tank for the leachate.
 - (n) A local resident said that she lived 230 yards from the site and that she would be affected by both the smell and the rats.
 - (o) *In response to a question from a member of the public, Mr Wooldridge said that whilst he was aware of the tendering process for the waste contract to serve Canterbury District it would be inappropriate for him as a planning officer to comment or become involved in the details of the waste management contract. He could confirm that the contract would be let by KCC as the Waste Disposal Authority in conjunction with Canterbury CC as Waste Collection Authority.*
- (42) The Chairman thanked everyone for attending and making their views known. It was likely that the application would be determined in April and there was provision for a limited number of people to speak to the Committee on the day. Meanwhile, the notes of the meeting would be appended to the Committee report.

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22175/A3/KD/djg

27 March 2013

Dear Mr Wooldridge

PROPOSED CHANGE OF USE OF PLOTS D AND E, LAKESVIEW INTERNATIONAL BUSINESS PARK, HERSDEN TO INCLUDE THE RECYCLING OF 'BLACK BAG' (HOUSEHOLD) WASTE AND SOURCE SEPARATED FOOD WASTE (REFERENCE NO.KCC/CA/0426/2012)

RESPONSE ON BEHALF OF THE OCCUPIERS OF LAKESVIEW INTERNATIONAL BUSINESS PARK AND GEORGE WILSON HOLDINGS AS AGENT FOR THE FREEHOLD OWNERS.

I am pleased to enclose below an objection to the above planning application on behalf of George Wilson Holdings, which owns Lakesview International Business Park at Hersden and the occupiers of Lakesview International Business Park (please see schedule attached).

1. Context

Planning permission was granted in 2009 for the development of a metal and vehicle recycling and transfer centre and a materials recycling centre for dry recyclable waste and electrical goods (Reference number: CA/09/607) on the site. The permission enabled the erection of four buildings for the handling of waste in addition to an office, canteen and two weighbridges. This included a pre and post treated waste storage building in the eastern part of the site. In 2010, permission was granted for a variation of conditions to the planning permission to enable the delivery of recovered and abandoned vehicles to the site and for waste to be delivered from Civic Amenity sites. In addition, the permission allowed members of the public to bring electrical and recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours.

The current planning application relates to a change in use of the pre and post treated waste storage building in the eastern part of the site to enable the handling of household waste and source separated food waste in a Waste Transfer Station (WTS). The applicant proposes to use the building for the storage and bulking up of household waste and food waste before it is transported offsite for disposal.



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| Type of Waste | Permitted Tonnages at Hersden | Present Proposed Tonnages at Hersden |
|--------------------------------------|-------------------------------|--------------------------------------|
| Batteries | 2,000 | 1,000 |
| ELV's | 6,000 | 6,000 |
| Scrap Metal | 20,000 | 20,000 |
| Tyres | 4,000 | 1,000 |
| Electrical Waste (including fridges) | 16,000 | 9,000 |
| C&I Dry Recyclables | 34,000 | 5,000 |
| Mixed Municipal/Domestic | 0 | 40,000 |
| Total | 82,000 | 82,000 |

Access to the site can be gained from Stone Way which joins Claremount Way and the A28 via a roundabout. Claremount Way is a single carriageway road which narrows at the bend with Stone Way.

- National Planning Policy Framework (March 2012);
- Planning Policy Statement 10: Planning for Sustainable Waste Management (March 2011);
- Canterbury City Local Plan First Review (adopted July 2006); and
- Kent Waste Local Plan (adopted 1998)

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27 March 2013

i) The Principle of Development

The Presumption in Favour of Sustainable Development is seen as the golden thread running through the planning system. Paragraph 7 of the NPPF requires sustainable development to play:

- An economic role;
- A social role; and
- An environmental role.

The economic role of the proposal is considered below. The social implications of the development are addressed through an analysis of the impact of the development on the existing businesses at Lakesview International Business Park. The environmental implications of the proposal are addressed below in the odour and emissions sections.

Canterbury City Local Plan Review was adopted 7 years ago, whilst the Kent Waste Plan was adopted over 10 years ago. The weight of the policies within these documents is therefore limited with the NPPF taking precedence in the decision making process.

"Saved" Policy C41 of the Canterbury City Adopted Local Plan First Review (July 2006) states:

Any major proposal for waste disposal, waste incineration, energy generation from waste or other waste-related proposals, will need to address the following issues:

- a) The need for the proposal;
- b) Consideration of alternative sites;
- c) Air quality and the impact on public health;
- d) Impact on the landscape and visual amenity;
- e) Geology, hydrology and ground conditions;
- f) Ecology and nature conservation interests;
- g) Noise impact;
- h) Archaeology;
- i) Traffic generation and alternative methods of transportation of waste by means other than by road;
- j) Impact on residential amenity; and
- k) Lifetime of the scheme and any subsequent restoration of the site

The information provided by the applicant fails to provide a justification for the need for the proposal or consider alternative locations for the Waste Transfer Station as required in "Saved" Policy C41. The proposal therefore fails to meet the requirements of "Saved" Policy C41.

Granting permission for the handling of municipal waste would significantly and demonstrably outweigh the benefits as outlined below and be contrary to the NPPF (Para 19).

ii) Economic Impacts

Lakesview International Business Park comprises a mixture of small industrial and commercial units and several larger units. The Business Park currently has a high occupancy level with a range of small businesses in operation each employing between 2 and 20 staff. The good state of repair of the Business Park is a significant "pull factor" for businesses looking to relocate in the area. The existing occupants of the Business Park are not engaged in noisy, dirty or smelly operations and as a result the Business Park is in a good condition and a popular location for small independent businesses.

A WTS and associated traffic, odour and noise will have a significant adverse impact on the existing business. A number of businesses have confirmed they would relocate elsewhere if permission is granted for the WTS due to the adverse impact of the proposal on their amenity.

A WTS on the Business Park would reduce the desirability of the Business Park and make it significantly more difficult to re-let or sell empty units. It is understood Locate in Kent share similar concerns regarding the impact of the proposal on the re-letting and selling of empty units.

Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic ("black bag") waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18

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The National Planning Policy Framework (Para 19) states:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. 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.

The adopted Canterbury City Local Plan First Review remains silent on the location of waste facilities within the Borough and the Saved Policies from the Kent Waste Local Plan also remain silent on the economic impact of waste uses on their surroundings. Therefore the NPPF is regarded as the primary document against which this is issue can be assessed.

In order to meet the requirements of the NPPF the proposal would need to *"encourage and not act as an impediment to sustainable growth"* by creating a net increase in jobs on the Business Park. It is noted that the proposed WTS will create 5 full time jobs. The loss of businesses and jobs from the Business Park as firms relocate will be greater than the number created by the WTS (as shown in the attached schedule). Therefore the proposal does not represent sustainable economic growth and is contrary to the NPPF (Para 19). When determining the planning application consideration should be given to the cumulative detrimental effect of the proposal on the Lakesview International Business Park.

iii) Odour

The adopted Canterbury City Local Plan First Review and Saved Policies from the Kent Waste Local Plan remain silent regarding the impact of odour on a site's surroundings. Therefore the NPPF is the primary source against which the proposal will be assessed.

The National Planning Policy Framework (Para 120) states

...planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.

Planning Policy Statement 10: Planning for Sustainable Waste Management requires local planning authorities when determining waste applications to:

consider the likely impact on the local environment and on amenity (para 29)

Annex E of the document states:

Considerations will include the proximity of sensitive receptor and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.

The policies require applicants to assess the cumulative effects of their proposals (i.e. beyond the boundary of the application site).

The planning application is accompanied by an Odour Assessment and Odour Management Plan in addition to details of the proposed odour suppressant system for the WTS.

The Odour Assessment assesses the impact of odour from the proposal on the nearest residential properties and the surrounding commercial and industrial units on the Lakesview International Business Park. The document concludes the industrial units will be moderately sensitive to the impact of odour from the application site.

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Mitigation measures proposed by the applicant are as follows:

- Vehicle access doors to the building will remain closed when waste is delivered or removed from the building;
- The storage of all biodegradable waste and all activities involving odorous materials will be carried out within the building;
- Maximum holding time on site of putrescible material will be limited to 24 hours (48 hours at a weekend);
- Good housekeeping practices will be implemented to ensure waste is kept within the tipping floor area; and
- An Odour Management Plan will be implemented

The Planning, Design and Access Statement and the Odour Assessment refer to the doors of the building remaining closed during the delivery and removal of waste, however the planning application does not specify if the doors of the WTS will remain open when waste is not being delivered or removed from the site. The fast turnaround of refuse vehicles on the site will result in the doors of the WTS remaining open during hours of operation which would adversely affect the amenity of existing businesses and the health of their staff through the release of odours from the site into the surroundings and associated vermin.

The commercial units overlooking the site have windows overlooking the site which they open during the summer months. The odour from the WTS will result in businesses being unable to open these windows and therefore significantly affect their amenity.

In summary, the Odour Assessment submitted by the applicant does not sufficiently assess the wider impacts of the scheme as required by the NPPF (para 120) and PPS10 or its effect on the nearby businesses at Lakesview International Business Park. It is therefore questionable whether the proposed "odour suppressant system" is sufficient to mitigate against the odour generated from the waste handled at the WTS. The implications of the doors of the WTS remaining open during operation would have a significant adverse impact on the health and amenity of nearby businesses and their staff and be contrary to the NPPF (paragraph 120), paragraph 29 of PPS10 and Annex E of the same document.

iv) Noise

A Noise Assessment for the WTS has been submitted as part of the planning application. Figure 3.1 of the Assessment shows the predicted specific noise level from the proposed WTS, whilst Figure 3.2 shows the predicted specific noise level from the consented Waste Management Facility.

Comparison of the two figures indicates the proposed change of use will result in a significant reduction in noise to that predicted for a waste management facility although the buildings would be very similar. The Noise Assessment appears to assess noise from the site on the surrounding area, but does not model the impact of noise from vehicles travelling along Claremont Way or Stone Way to and from the site.

The Noise Assessment also fails to take into account the impact of the additional 20 no. daily LGV movements to and from the site, which will increase noise levels for the existing businesses at Lakesview International Business Park.

The NPPF (para 120) of the NPPF requires development to avoid having an adverse impact on the general amenity of the area. Saved Policy W25 of the adopted Kent Waste Plan requires "*designs and means of operation minimise visual and noise intrusion*". The Noise Assessment is considered to be insufficient to determine the potential impact of the proposal on the surrounding businesses. The increase in traffic from the proposal and associated noise will have an adverse impact on the health and amenity of business and their staff therefore making the proposal contrary to the NPPF (para 120).

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v) Transport

"Saved" Policy C41 of the Canterbury City Local Plan and the NPPF (paragraph 32) requires developments to assess traffic generation from the proposal. The current planning application is not supported by a Transport Statement or Transport Assessment and therefore fails to meet the requirements of the NPPF and "Saved" Policy C41.

The 2009 planning permission allows no more than 324 refuse vehicles (162 in/162 out) to enter/leave the site each day. The table in the letter from RPS (dated 30 November 2012) indicates the number of daily movements of refuse vehicles to the site will remain unchanged at 324 per day. However, the number of LGV movements to the site will increase to that permitted in 2009 by 20 per day and will all be linked to the operation of the proposed WTS.

The Planning, Design and Access Statement explains refuse vehicles visiting the site will deliver waste into the WTS and then be refilled with existing municipal waste from within the WTS before leaving the site. The letter (dated 30 November 2012) from RPS to KCC indicates there will be 80 refuse vehicle movements of municipal waste per day (the equivalent of 40 HGVs entering the site and 40 leaving the site daily from Monday to Friday between the hours of 08:00 and 18:00 hours). This would be the equivalent of an average of 7.2 refuse vehicle movements per hour (or 1 refuse vehicle every 8 minutes).

In addition, 20 no. LGV movements are also proposed daily. This is the equivalent of an average of 1 LGV visiting the site every hour between 08:00 and 18:00 hours Monday - Friday.

The refuse vehicles and LGV movements combined would result in an average of 4.5 refuse vehicles entering the WTS an hour to be processed in an average of 13 minutes.

In these 13 minutes waste vehicles would need to complete the following:

- Drive into the site;
- Go to the weighbridge and be weighed;
- Drive to the WTS;
- Reverse into the WTS;
- Empty waste from the vehicle;
- Refill the vehicle with waste; and
- Vehicle to exit the site (possibly via the weighbridge)

This calculation is based on the vehicles entering the site at a regular frequency during the hours of 08:00 and 18:00. In reality it is unlikely this will happen and the vehicles will not arrive at the site at a regular rate. The limited space on site will mean vehicles waiting to be processed will have to park up along Stone Way and Claremont Way. Both roads are single carriageway and are the main vehicular access to other industrial units on the Business Park.

Many of the existing businesses on the Business Park have HGV deliveries regularly through the day. The presence of addition HGVs using Stone Way and Claremont Way and the presence of vehicles waiting to be processed will significantly impact highway safety through reduced visibility and the narrowing of Claremont Way and Stone Way. This in turn will make it more difficult for vehicles to move freely along Claremont Way and Stone Way resulting in congestion for the existing businesses at Lakesview International Business Park. Saved Policy W22: Road Traffic and Access from the Kent Waste Plan states:

When considering applications for waste management facilities the planning authority will:

i) normally refuse permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:-

a) the safety (or would exceed the capacity) of the highway network

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- b) the character of historic rural lanes
- c) the local environment including dwellings, conservation areas and listed buildings.

The proposal is considered to adversely affect the safety of the existing highway network and therefore contrary to Saved Policy W22. The application should be refused as it fails to assess and ascertain the effect of the additional vehicle movements on the network as required under the NPPF (para 32) and "Saved" Policy W22.

4. Proposed Location of the WTS

The Proposed Site Plan shows the WTS located in the eastern part of the site and set back from the southern boundary with Stone Way by approximately 17.5 metres. The planning application does not show the proposed vehicle movement paths or provide an explanation of how vehicles will move through the site.

Details submitted by the applicant indicate the refuse vehicles visiting the site will comprise a trailer measuring 13 metres in length and a cab (length unknown). The Layout and Front Elevation Plan shows vehicles will reverse into the WTS to be processed. From analysing the plans it is unclear if there is sufficient space between the boundary and WTS to enable vehicles to turn in one movement. A space of 17.5 metres is insufficient to enable vehicles measuring over 13 metres in length to turn and would result in vehicles undertaking several manoeuvres to gain entry to the WTS. This again would increase noise and emission from the site and adversely affect the amenity of the existing businesses in the Business Park particularly those adjacent to the site.

5. Conclusion

In summary, the proposal is considered not to represent sustainable development as it fails to support sustainable economic growth as outlined in the NPPF (para 19). The application fails to consider the cumulative and substantial adverse impacts on the amenity and health of existing businesses and their staff at Lakesview International Business Park through increased levels of emissions, noise and vermin. Finally the proposal is contrary to "Saved" Policy W22 of the Kent Waste Local Plan and the NPPF (para 32) which requires the impact of highway movements from proposals to be assessed. The proposals would result in significant additional traffic on the existing roads at Lakesview International Business Park which will adversely impact on highway safety and the amenity of existing businesses.

I would be grateful if you could take into consideration the above when preparing your report and recommend the application be refused on the above grounds.

Yours sincerely

K. S. Dove

P.P. **HUW EDWARDS**
Partner

enc. Schedule of Businesses at Lakesview International Business Park

cc. George Wilson – George Wilson Holdings

Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic ("black bag") waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18

LAKESVIEW INTERNATIONAL BUSINESS PARK

SCHEDULE OF BUSINESSES

| BUSINESS | NUMBER OF PERSONS EMPLOYED |
|---|----------------------------|
| AEF Solutions | 5 |
| ALE Buiness Machines Ltd | 10 |
| Andrew Gibbens Furniture Ltd | 1 |
| Atkin Guitars | 2 |
| Barretts Car Compound | 4 |
| Blightline Units 5-10 Sparrow Way (no longer occupies the unit, however a future occupier is likely to employ a similar number of people) | 250 |
| Bull & Bull Solicitors | 7 |
| Capital Press | 4 |
| Christie and Cochlin Ltd | 5 |
| Claremont & May | 20 |
| Concorde Trading | 2 |
| Cryoquip Ltd | 20 |
| Cutting Edge builders | 8 |
| DJ Invicta Supplies | 6 |
| DM Paint | 8 |
| Deepwater EU Ltd | 3 |
| DR Burville | 2 |
| East Kent Foods Ltd | 9 |
| Easy Innovations Ltd | 7 |
| Ektra Ltd | 10 |
| Elite Blinds | 3 |
| Embassy Services | 2 |
| Generator Support Services | 3 |
| GoKart Electric Golf | 10 |
| Grow Create Ltd | 7 |
| Hi-Way Services | 40 |
| Invicta Roofing | 6 |
| Kent First Aid Supplies | 2 |
| Mattress Next Day | 30 |
| Mears | 40 |
| NHS (from 1 st May 2013) | 70 |
| OGC Maintenance Ltd | 11 |
| Panel Care Ltd | 4 |
| Paul Young Crane Hire Limited | 2 |
| Pharmadynamics UK Ltd | 3 |
| Premier Caravan Services | 3 |
| Premier Diamond Products Ltd | 9 |
| Premier Framework | 3 |
| Primary ICT Ltd | 4 |
| Robins Paper Bag Ltd | 10 |
| Rye Commercials | 2 |
| Safe & Sound Control Systems Ltd | 14 |
| Sweetie Darling | 1 |
| T Northey | 1 |
| Tele Radio Expert Service Ltd | 5 |
| Tenant Referencing Services | 15 |
| UK Stone Imports Ltd | 3 |
| Steve Snell, Landlord of two units for rental | empty |
| TOTAL EMPLOYEES | 688 |

Application for the change of use from a metal and vehicle recycling and transfer centre with materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles to a facility handling all of the above and domestic (“black bag”) waste and source-separated food waste at Plots D and E, Lakesview Business Park, Hersden, Canterbury, Kent – CA/13/18

LAKESVIEW INTERNATIONAL BUSINESS PARK

SCHEDULE OF BUSINESSES

There are an additional 20 businesses at Lakeside International Business Park not listed above where the number of employees employed is not included on the above schedule.

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Item C2

Replacement waste transfer station and household waste recycling centre at Dunbrik Household Waste Recycling Centre, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2013.

Application by Darenth River Ballast Company for cessation of existing green waste composting facility and transfer station and development of a new transfer station with replacement household waste recycling centre and landscape improvements at Dunbrik Household Waste Recycling Centre, Main Road, Sundridge, Sevenoaks, TN14 6EP – SE/12/2790 (KCC/SE/0298/2012).

Recommendation: Subject to no direction from the Secretary of State for Communities and Local Government and the prior completion of a Section 106 Legal Agreement, conditional planning permission be granted.

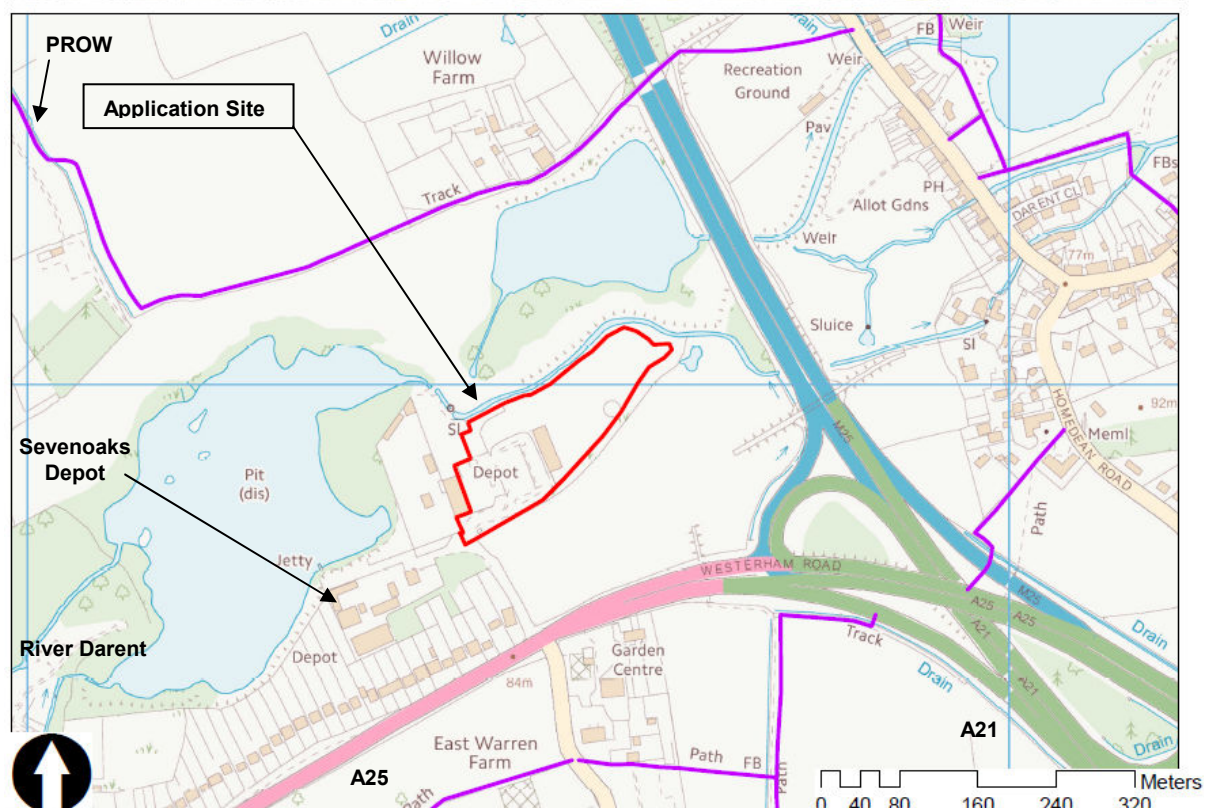
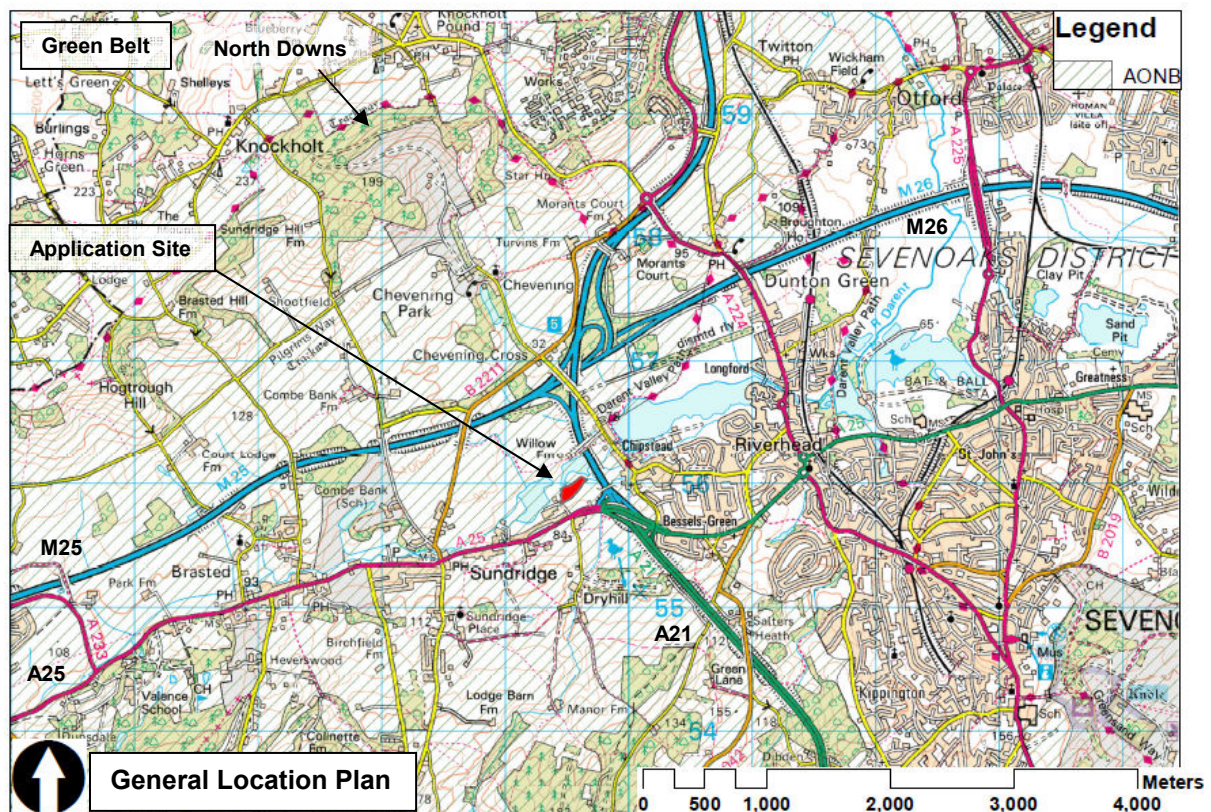
Local Member: Mr R. Parry

Classification: Unrestricted

Site

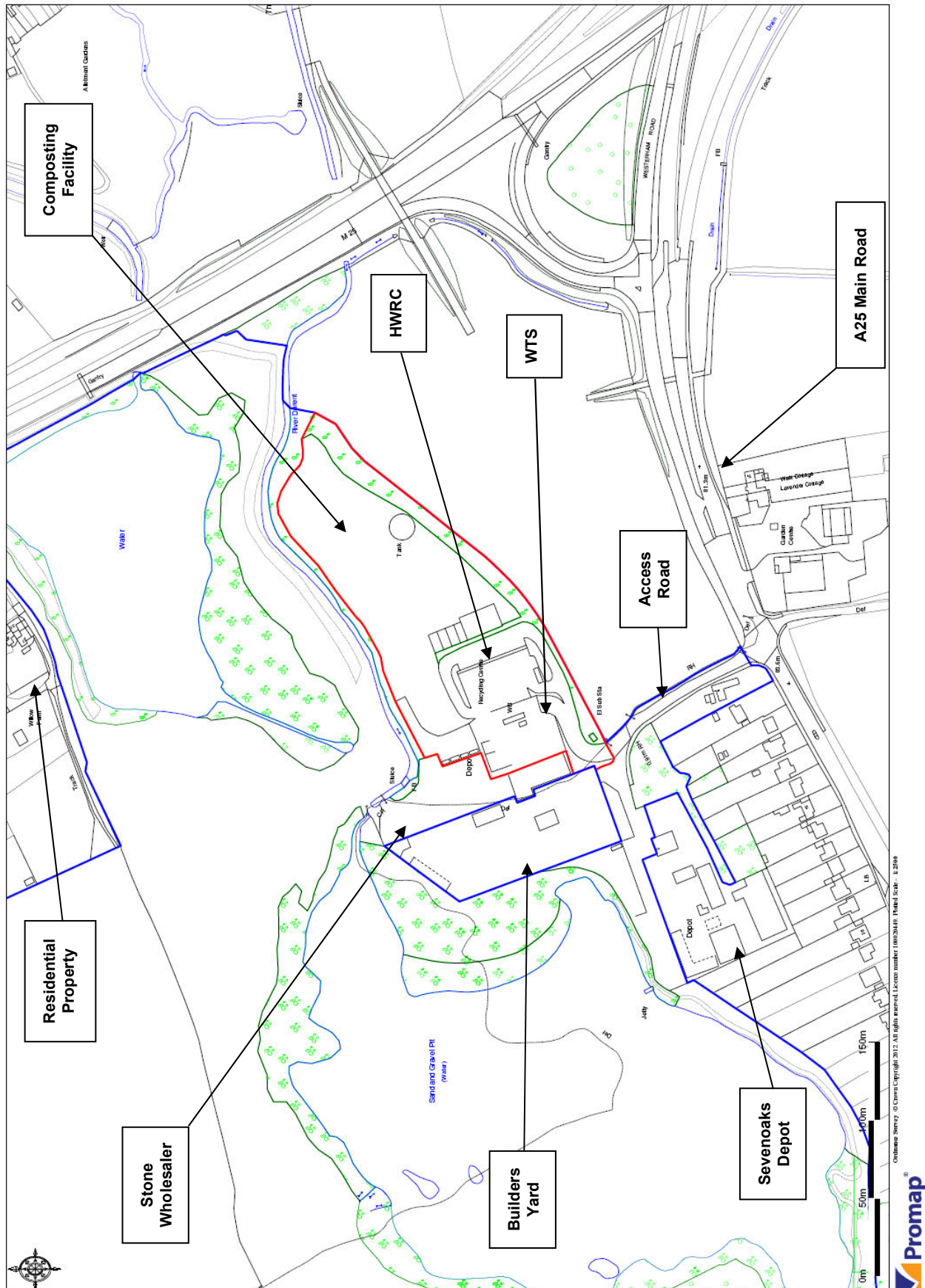
1. The application site is located within a small industrial estate in Sevenoaks District. The industrial estate is located to the north of Main Road (A25), approximately 1km east of Sundridge and 3km north-west of Sevenoaks town centre. Junction 5 of the M25 is located to the north-east, close to the interchange with the A21, which passes to the east of the site. See attached general location plans.
2. The application site covers approximately 2.24 hectares (ha) of previously developed land, which consists of 3 separate uses that comprise the area of land known as Dunbrik Works. The eastern part of the site is occupied by a green waste composting facility (GWCF) that covers approximately 1.5ha. This use comprises a series of open windrows on an area of hard standing with ancillary storage building, covered bays, portacabin, water storage tank, mobile plant and machinery. To the west of the GWCF is a household waste recycling centre (HWRC), which covers 0.4ha. The HWRC comprises open hard-standing with a raised vehicle platform including a mixture of small temporary buildings and mobile storage container units / skips. The western part of the application site consists of open hard-standing associated with a waste transfer station (WTS), including a weighbridge, parking and manoeuvring space and external storage areas. Directly adjacent to this (but outside the application area) is an existing WTS building. Both the HWRC and WTS are provided to deal with municipal waste streams generated within Sevenoaks and the surrounding area.
3. The application site is accessed via a shared private road that serves the industrial estate and benefits from a dedicated junction with the A25 (approximately 100m to the south).

Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

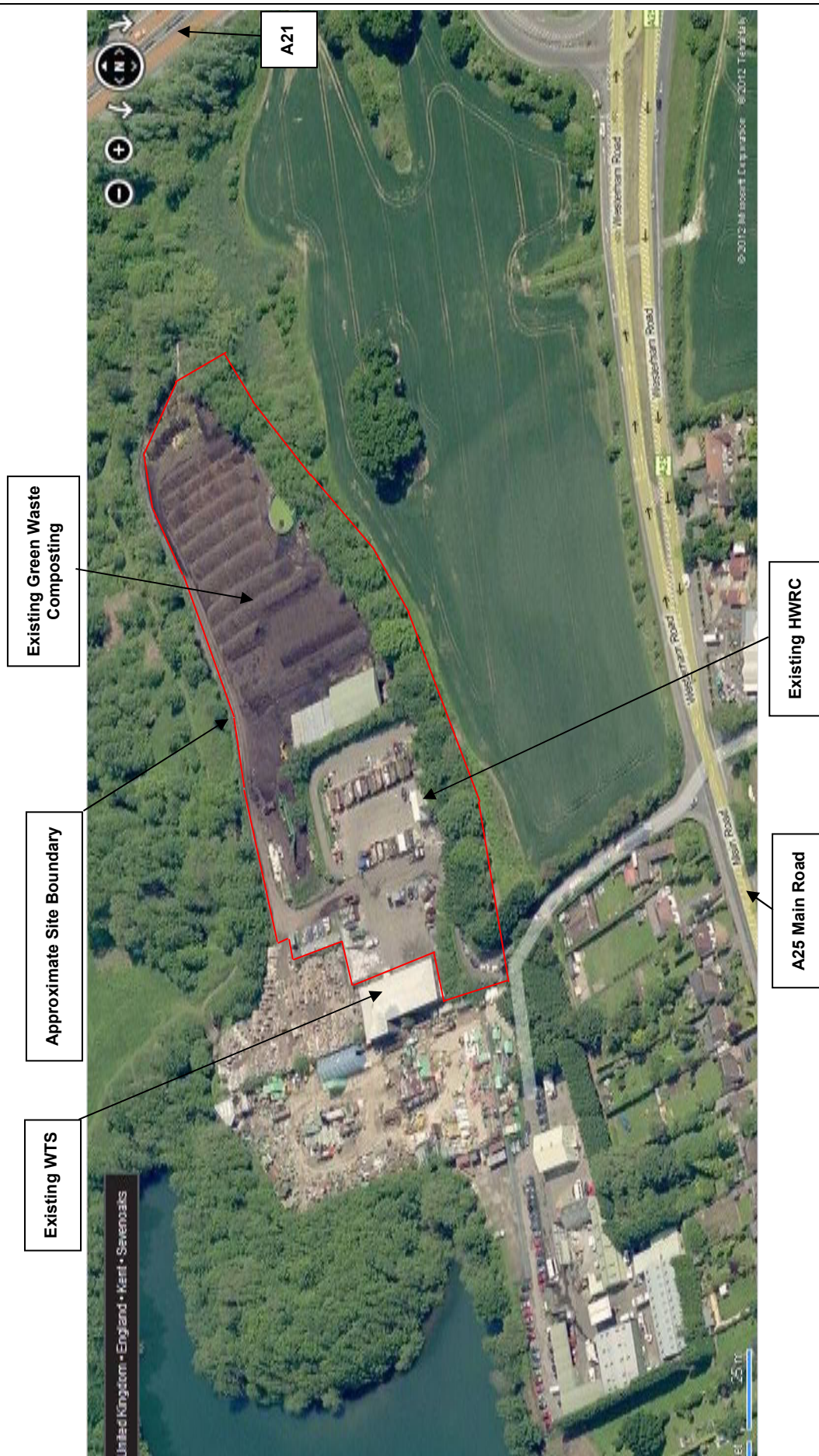


Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

Existing Site Layout Plan

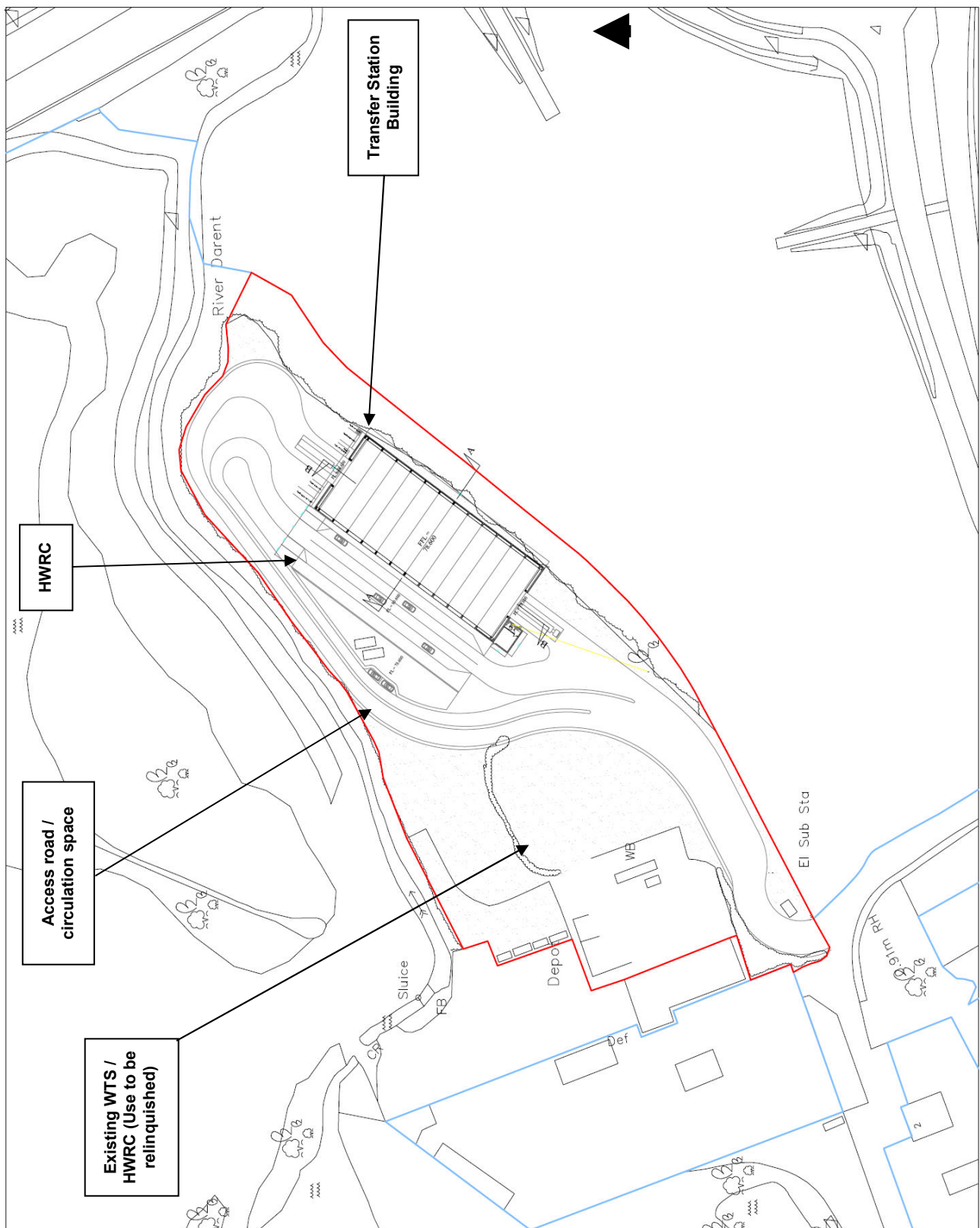


Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)



Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

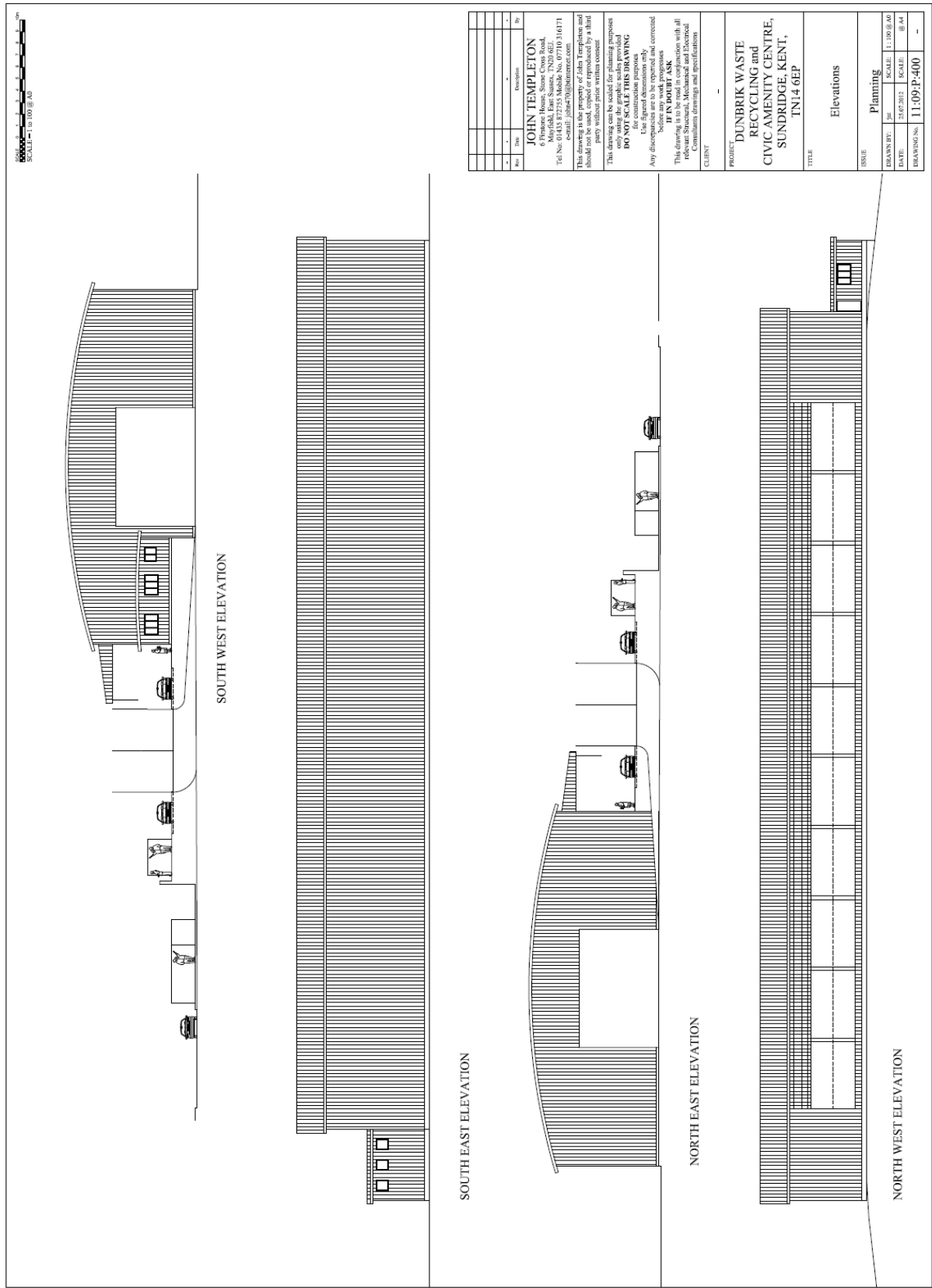
Proposed Site Layout Plan



Item C2

Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

Proposed Elevations



Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

Landscape Scheme

Received - 10 August 2012
Planning Applications Group

Legend

- Existing Tree Cover - Retained**
Existing trees to be retained and protected on site in accordance with BS 5837: 2012. Trees in Relation To Design, Demolition & Construction.
- Tree (Shrub) Planting - Retained**
Tree & shrub removal in accordance with BS 5837: 2012. Trees in Relation To Design, Demolition & Construction. Refer to drawing LLD-1802 Tree Retention & Protection Plan and LLD-1803 Existing Tree Schedule and Arboricultural Assessment.
- Tree Groups - Proposed**
Proposed native tree species tree group planting to bolster woodland edge.
- Environment Agency Easement Zone - Proposed**
Proposed 8.0m width Environment Agency access & maintenance Easement Zone adjacent to northern edge of the River Darent.
- River Darent**

| Rev | Description | Date | Initials |
|-----|----------------|----------|----------|
| 00 | Planning Issue | 09.08.12 | PB |

Lizard Landscape Design

Lizard Landscape Design
19 Broadwater Street East
Welling
Kent
DA16 3AA
Tel: 01893 216033
Fax: 01893 214777
Email: liz@lizard-landscape.com

| | |
|---|-------------------------|
| Project title Dunbrik Waste Transfer Station Sundridge, Kent | |
| Drawing title Landscape Strategy and Mitigation Proposals | Date 09.08.12 |
| Scale 1:1000@A3 | Drawn PB |
| Drawing No LLD418 / 03 LLD18 / 18Design | Revision 00 |



Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

4. The southern boundary of the application site consists of a narrow band of coniferous and broadleaved trees. The land between these and the A25 to the south is in agricultural use. A row of houses front onto the A25 to the south-west. The nearest residential property is approximately 80m from the entrance to the site adjacent to the shared access road to the industrial estate.
5. Land to the west of the application site, within the industrial estate, includes a natural stone wholesaler and a builder's yard. Beyond this, and immediately behind the residential properties on the A25, is a Sevenoaks District Council depot which (among other uses) houses the District Council's Refuse Collection Vehicles (RCVs).
6. The dualled A21 passes approximately 90m to the east of the application site with a woodland belt between the two. The built-up area of Sevenoaks is located further to the east. A staggered junction between the A21 and the A25 is positioned to the south-east.
7. The River Darent flows along the northern boundary of the site, with two lakes just to the north and west. The land to the north of the river and surrounding the fringes of the lakes forms a broad-leaved woodland and wetland area. Beyond these is a public right of way passing east-west. A small number of residential properties are located to the north of this footpath (approximately 180m from the site boundary). Open agricultural land lies further to the north and west to the south of the M25 (approximately 750m to the north). The foot of the scarp slope of the North Downs is approximately 2km north of the site. The application site falls within the Chevening Parish, whilst the access road and land to the west is within Sundridge with Ide Hill Parish.
8. The Sevenoaks Local Development Framework Proposals Map designates the application site as being outside the confines of built development, within the Metropolitan Green Belt and as part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The site overlies a principle aquifer and is identified by the Environment Agency as being within a Groundwater Source Protection Zone (SPZ) 3. Whilst the application site is in close proximity to the River Darent, the site is designated within Flood Zone 1 with a low probability of flooding. However, the land surrounding the industrial estate immediately to the north, east and west falls within Flood Zones 2 and 3 with an increased probability of flooding of 1% (1 in 100) or greater. Land to the north and east of the site has (in the past) been used for landfill. There are no other site specific designations, although more general development plan policies are set out in paragraph (26) below.

Background

9. The site has served a waste disposal function since the 1960's following an earlier history of mineral extraction. In 1991 planning permission was granted for a permanent waste transfer station and household waste recycling centre (under reference SE/90/1302). The transfer station resulted in the change of use of a part-built office / store building. Planning permissions were granted for a green waste composting facility on parts of the site in 1992 and 1994 (SE/91/1958 and SE/94/113). The above permissions have been subject to minor variations over the years, revising operational arrangements, including various changes to opening hours and storage arrangements on site.

Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

10. The permitted operations provide waste management facilities that allow waste generated in the local area to be deposited temporarily and then bulked up with material of a similar nature or common destination for onward transport. The waste arisings are generated from members of the public visiting the HWRC, kerbside collections by Sevenoaks District Council as Waste Collection Authority and to a less extent other commercial and industrial sources.
11. Planning permission was granted in 2007 to redevelop the site (under reference SE/05/2526) to provide a new waste transfer station with modifications to the existing HWRC, including the cessation of the existing green waste composting facility. The proposals were to provide a new transfer building (60m x 40m x 10m high) and improved HWRC (similar in principle to the current application). This permission was subsequently varied in 2010 (under reference SE/08/621) to allow various operational changes. Neither of the above planning permissions were implemented and have both since lapsed.

Proposal

12. The Darenth River Ballast Company is applying for the cessation of the existing green waste composting facility and transfer station and to develop a new WTS with replacement HWRC with associated landscape improvements.
13. The application proposes the construction of a single main waste transfer building, oriented on a broadly northeast / southwest axis. The building would be located on the southern boundary of the site, on land which currently comprises part of the existing green waste composting facility. The building would measure approximately 75m in length by 30m wide, with a curved roof rising to a maximum of 11m in height. The finished floor level for the WTS building would be typically 78.6m AOD, which follows the existing ground levels on site. The building would create approximately 2,254m² of operational floorspace within the transfer station. The design proposed incorporates a profile metal sheet finish to the exterior with a curved roof line and a grey colour finish. Attached to the northwest corner would be a small administration building / office space extension to serve the transfer station. This structure would measure approximately 9m x 6m x 3m in height, finished to match the main building.
14. The proposed WTS would continue to receive primarily municipal solid waste (MSW) ('black bag' and source separated food waste) as well as dry recyclates from kerb side collections in the Sevenoaks area, alongside a less significant amount of commercial waste sourced principally from the local Sevenoaks urban area. The applicant states that the scale of the building is the minimum necessary to ensure the facilities adequately serve the future waste management needs of the local residential population, both in terms of the HWRC facility and collection and transfer of municipal solid waste and recyclables. The length of the building would provide improved capacity for members of the public visiting the site and allow greater separation of waste materials improving recycling rates.
15. Directly to the north of the proposed waste transfer building a new HWRC would be provided in the form of a raised operational area, some 2m above ground level and the finished floor level of the adjacent building. This raised platform would allow members of the public to use a series of open bays within the side of the proposed building to deposit bulky materials into specific bays. Further recycling containers are

Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

proposed to the north of the HWRC. Vehicle access to the operational area would be gained via a ramp with 2 vehicle lanes to ensure through-flow, with pull-in lay-bys for parking to either side.

16. The application proposes to continue to use the existing shared access point into the industrial estate off the A25. Internally, the whole site would operate a one-way system to facilitate vehicle flow. The provision of two dedicated access roads would separate vehicles visiting the HWRC from those attending the WTS and allow space for any queuing traffic within the site. These two internal roads would pass along the northern boundary of the site connecting to the east side of the respective facilities. Vehicles would then pass through the HWRC and WTS in a forward gear, exiting to the west.
17. The new facilities are proposed to improve the operational efficiency of the existing provisions, which are authorised to operate up to 91,740 tonnes per annum. The applicant confirms that due to the constraints of the existing facilities the site does not operate at this level. The replacement WTS is designed to allow a maximum throughput of 100,000 tonnes per annum (tpa) of waste material, with the HWRC providing capacity for up to a further 20,000tpa of waste delivered directly to the site by members of the public. The types of waste accepted on site would be strictly controlled under any future environmental permit and would be similar to the existing arrangements in the form of mixed putrescible waste streams with a limited amount of waste classified as hazardous received by the HWRC. This arrangement is exactly the same for all HWRCs, including the existing provisions on site. The types of hazardous materials received would include oils, batteries, gas bottles, florescent tubes, pesticides, paints and other similar household items brought to site by members of the public.
18. The application proposes a maximum of 256 HGV movements per day (128 in / 128 out) to enable the proposed facility to operate at its projected capacity (with some allowance for daily variations). It is noted that a number of the HGV movements relate to Refuse Collection Vehicles (RCVs) that operate out of Sevenoaks District Council's adjacent depot.
19. To accord with the current practices and provide future flexibility, the following public opening hours are proposed for the proposed facilities:

Waste Transfer Station:

07:00 – 18:00 Mondays to Fridays;

07:00 – 13:00 Saturdays;

09:00 – 16:00 Bank Holidays; and

07:00 – 16:00 on the Saturdays following Bank holidays.

Household waste Recycling Centre:

08:00 – 16:30 Mondays to Saturdays; and

09:00 – 16:00 Sundays and Bank Holidays.

The applicant proposes that the HWRC would need to operate 30 minutes before and 30 minutes after the public opening hours each day to allow staff to prepare / tidy up the site.

20. On the basis of the size of the site and its proximity to land sensitive to flooding the

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application includes a Flood Risk Assessment and Drainage Strategy. The existing site area is almost 100% impermeable, surfaced in connection with the existing waste uses. The proposed arrangements would maintain / resurface these areas of hard-standing to prevent any contaminated surface water run-off entering the ground. To control run-off and minimise any environmental / flood concerns, the application incorporates a new drainage scheme that sub-divides the existing site catchment area and provides underground storage to slow the discharge from the site. The proposed scheme includes interceptors and appropriate pollution prevention control measures.

21. The application includes a Landscape Visual Impact Assessment which assesses the potential visual impact of the proposals. The application seeks to maintain and protect the existing mixed species boundary treatment, with additional species planted to infill and strengthen existing boundary treatments and further planting within land in the ownership of the applicant, to bolster and enhance the woodland adjacent to the northern boundary.
22. The existing green waste composting facility (GWCF) would cease, with the windrows, water tank, building and covered bays removed to enable the construction of the proposed facilities. On completion of the proposed transfer station building and associated HWRC, the existing HWRC with its ramped access and associated infrastructure would be removed. The existing WTS building and yard area would cease operations on completion of the development and the existing planning permissions offered up for revocation without compensation as part of a legal agreement.
23. The application is in essence a revised resubmission of the schemes previously approved in 2007 and 2010. The revisions to the previous schemes include changes to the site layout and building to improve functionality and to reflect best practice and to allow the continued use of the existing WTS and HWRC during construction of the new facilities.
24. The application is accompanied by the following supporting documents:
 - An Alternative Sites Assessment – provided due the site's location within the Green Belt and Kent Downs AONB, which establishes that there is a lack of available sites of an appropriate size within Sevenoaks and a lack of any sequentially preferable sites within the urban area;
 - A Landscape Character and Visual Impact Assessment;
 - A Tree Survey and Retention and Protection Plan;
 - A Landscape Strategy and Outline Planting Specification;
 - A Transport Statement;
 - A Flood Risk Assessment;
 - A Drainage Strategy;
 - A Geo-environmental Investigation into ground conditions;
 - A Dust and Odour Assessment; and
 - An Ecological Evaluation and Impact Assessment.
25. Following comments received from the various consultees, the applicant has provided additional supporting information amplifying the application, including:
 - An amended Noise Assessment;

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- An addendum to the Transport Statement;
- An addendum to Landscape Character and Visual Impact Assessment: Additional Viewpoints Report – that provides further consideration of the potential visual impact of the development from higher ground within the Kent Downs AONB (including panoramic photos taken from 6 public vantage points); and
- An External Lighting Scheme, which includes illumination of proposed internal roadways and HWRC.

This additional information has been subject to further round of consultations with the statutory consultees.

Planning Policy

26. The most relevant Government Policy and 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 a material consideration in 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 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

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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);
- Chapter 8 (Promoting healthy communities)
- Chapter 9 (Protecting Green Belt land)
- Chapter 10 (Meeting the challenge of climate change, flooding and coastal change);
- Chapter 11 (Conserving and enhancing the natural environment); and
- Accompanying Technical Guidance.

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

Planning Policy Statement (PPS) 10 (Planning for Sustainable Waste Management) sets out Government policy on waste. The key planning objectives set out in PPS10 can be summarised as: providing a framework for delivering sustainable waste management through the movement of waste management up the waste hierarchy; helping implement the national waste strategy and supporting targets that are consistent with obligations required under European legislation; helping secure the recovery or disposal of waste without endangering human health and without harming the environment; ensuring that communities take more responsibility for their own waste (self sufficiency) and enabling sufficient and timely provision of waste management facilities to meet the local needs; enabling waste to be managed in one of the nearest appropriate installations (proximity); and protecting the Green Belt but recognising the particular locational needs of some types of waste management, together with 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.

(ii) Development Plan Policies:

Kent Waste Local Plan (KWLP) (1998) (Saved Policies) – the most relevant saved policies include: W3 (Locational Criteria), W6 (Need), W9 (Separation and

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Transfer - Location of Facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings) and W31 (Landscaping).

Sevenoaks Local Development Framework: Saved Local Plan Policies Compendium (2008) Policies: EN1 (Development Control General Principles), EN6 (Areas of Outstanding Natural Beauty), EN31 (Outdoor Lighting), NR10 (Pollution Control), GB1 (Metropolitan Green Belt), T8 (Access to Highway Network) and VP1 (General Parking Standards).

Sevenoaks Local Development Framework: Core Strategy (2011) Policies: LO1 (Distribution of Development), LO8 (Countryside and Rural Economy), SP1 (Design for New Development and Conservation), SP2 (Sustainable Development), SP9 (Infrastructure Provision) and SP11 (Biodiversity).

(iii) **Emerging Development Plan Policy**

Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (2011) – Draft Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW5 (Non Strategic Waste Sites), CSW6 (Location of Non Strategic Waste Sites), CSW7 (Waste Management for MSW and C&I Waste), CSW9 (Inert Waste Management Provision), CSW16 (Other Forms of Waste Development), DM1 (Sustainable Design), DM2 (Sites of International, National and Local Importance), DM7 (The Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact) and DM10 (Transportation of Minerals and Waste).

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

(iv) **Other Policies**

Kent Downs Area of Outstanding Natural Beauty Management Plan 2009 – 2014 (First Revision April 2009) – Policies LLC2 and LLC8 (Landform and Landscape Character), GNR5 and GNR6 (Geology and Natural Resources) and SDT2 and SDT12 (Sustainable Development and Travel).

Kent Joint Municipal Waste Management Strategy (April 2007) – This includes Policy 20 which states that the transfer station network will be improved across Kent to promote efficient transport of wastes for treatment, recovery and disposal. It also includes a number of other policies intended to assist in increasing recycling and composting rates whilst providing appropriate residual waste management services.

Consultations

27. **Sevenoaks District Council:** raises no objection in principle, subject to the County Council being satisfied that the proposal complies with relevant development plan

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policies and the criteria set out in the National Planning Policy Framework (NPPF).

28. **Chevening Parish Council:** raises several concerns about the application and recommends refusal unless the following points are addressed satisfactorily:

- *‘Height - It is noted that the proposed building is 1 metre higher than the original approved building. Members consider that this increase in height over a large expanse could have a detrimental effect on the Green Belt.*
- *Vehicle movements - There is considerable concern about the number of vehicle movements. Since the previous application, traffic levels generally appear to have increased. 256 HGV movements will have an impact over a wide area and add considerably to traffic congestion which is particularly bad at peak times. Perhaps this could be limited by making a condition that the Depot is restricted to dealing with waste from the urban Sevenoaks area and vehicles may only travel a limited number of miles to the site.*
- *Dust and odour - The increase in activity will lead to increased pollution by way of dust and odours, although it is noted that the composting site will be removed, which is welcomed. Stringent controls must be applied to prevent dust and odour becoming a nuisance to neighbouring properties which has been a constant problem with the composting site.*
- *Current facility - It is requested that all current permissions regarding the existing site are revoked and a condition is made requiring the existing area to be cleared and all materials removed from the site. Further, that any future use of the area for whatever purpose will require a new planning application’.*

29. **Sundridge with Ide Hill Parish Council:** expresses a number of concerns about the application:

- Significant increase in HGV movements;
- Future use of the current waste transfer station;
- Hours of operation; and
- Environmental impact.

‘The Parish Council supports, in principle, improving the efficiency of the facility if the above concerns can be addressed in the following ways:-

- *HGV’s – The proposed HGV movements are considered to be excessive and should be significantly scaled back.*
- *Ensure by a unilateral undertaking, the unconditional extinguishing of the uses connected with the existing waste transfer station and all associated buildings, be they permanent or temporary, and which should include the removal of all buildings and structures, in order to minimise the impact on the Green Belt due to the proposed development of the new building (of some 11m in height and totalling almost 25,000 sq ft) which the applicant is justifying by arguing that “very special circumstances” exist.*
- *The hours of operation are acceptable but the Council are opposed to the additional ½ hour on Sundays. The household waste centre should not open earlier than 9am.*
- *The applicant must make sure that adequate controls are put in place to deal with all aspects that will impact on the environment including, dust, contamination, pollution, noise and smell.*

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- *A restriction on the introduction of additional types or quantities of hazardous waste to the new facility other than that which currently exists.*
- *Any additional external lighting should only be permitted to be illuminated during hours of operation’.*

30. **Environment Agency:** raises no objection, subject to a condition setting out measures to be undertaken if contamination not previously identified is found.

As guidance to the applicant, the Agency highlights that the site is extremely sensitive in terms of groundwater vulnerability. The site lies on the Folkestone formation, which is classified as a principal aquifer and falls within a Source Protection Zone (SPZ) 3. However a SPZ1 for the Sundridge pumping station public water supply boreholes is located approximately 130m to the west. The Agency therefore identified that potable supplies are at risk from activities at this site and recommends all precautions should be taken to prevent discharges and spillages to ground, both during and after construction. In response to the drainage scheme submitted, the Agency is satisfied the planned scheme would adequately control any pollution on site.

In addition to the above, the Agency provides guidance to the applicant concerning the need for further consent under Water Resources Act 1991 for any works within 8 m from the top of the river bank.

With regard to the Environmental Permitting regime, the Agency recommends that the applicant make contact to discuss Permitting requirements for the development and to discuss any remediation that may be required if it is proposed to remove any of the current site from the existing permitted areas. With regard to potential dust, odour and air quality issues, the Agency confirms that these aspects of the development would be regulated as part of Environmental Permitting.

31. **Natural England:** although it does not consider that the landscape and visual impact assessment accompanying the application (and supplemented by the addendum with additional panoramic photographs referred to in paragraph 25) has been undertaken fully in accordance with good practice guidelines, it is satisfied that further view points or landscape assessments are not required in this instance having considered information provided by the County Council's Landscape Consultant (Jacobs) and the local knowledge of the Kent Downs AONB Unit. On this basis, it recommends that the County Council ensure that the mitigation proposals are in accordance with the AONB Management Plan and are of a sufficiently high standard to ensure that the scheme is 'good enough to approve'. It also states that it has discussed the proposals with AONB officers, believes that the AONB Unit's advice will be important to the County Council in reaching its decision and recommends that the advice of the AONB Unit should be sought in respect of detailed mitigation proposals.
32. **Kent Downs AONB Unit:** advises that it is not impressed with the general standard of the landscape and visual impact assessment. Its main concerns are that the landscape proposals should properly mitigate the impact of the development on nearby views and those from around and above the site. It recognises that the visual and operating impact of the site is currently unacceptable and that the new development could improve this. It regards the proposal as an opportunity to ensure that the operations and the amenity, environmental and visual impacts of the development can be considerably ameliorated and the area improved to be 'good enough to approve' in the AONB. It has referred to advice in the Kent Downs

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Landscape Design Handbook (e.g. on boundary treatment, gates and planting) and policies in the Kent Downs AONB Management Plan (i.e. LLC2, LLC8, GNR5, GNR6, SDT2 and SDT12) and advised that it would expect the development to be of a high standard and controlled by conditions which would be enforced to ensure:

- Working hours no longer than 07:00 to 18:00 hours Monday to Friday and shorter periods at weekends;
- Dust control;
- Maintenance of landscaping around the site;
- Maintenance of high quality of working areas and the access;
- Treatment of the access to the A25 to be in character and in keeping with the residential character of the village – any security gates and fencing to be closer into the site and to be screened with planting;
- Maintenance of exemplar operating conditions throughout the life of the operations.

33. **Thames Water Utilities:** raises no objection concerning the water infrastructure.
34. **Biggin Hill Airport:** no comments received on writing this report. Any received prior to the committee meeting will be reported verbally.
35. **Kent County Council Highways and Transportation:** raises no objection to the proposal, subject to a condition requiring final details of staff / visitor parking on-site. Comments as follows:

'The proposed transfer station and replacement HWRC has been subject to some considerable amount of assessment by the applicant's consultant with regard to the highway impact through an initial transport statement and a further addendum note to that transport statement'.

'Some concern has previously been raised locally by the Parish Council about the impact of the potential increase in vehicle movements associated with the proposal. These additional movements have subsequently been carefully considered and assessed in order to fully understand the proposed impact and I have attempted to put this impact into context below - specifically with regard to movements at the junction of the site access with the A25:

It should firstly be noted that the applicant has provided 'PICADY' junction modelling inclusive of the maximum flow projections to and from the site (i.e. 256 in/out movements) and this modelling shows that the junction of the access road and the A25 works well within capacity during the a.m. and p.m. peak hour (i.e. at the times of maximum vehicle flow on the adjacent highway network) both now and during future year projections.

With regard to vehicle numbers, existing surveyed in/out movements at the site access can be seen to represent just over 10% of the existing daily 12 hour flow measured from 07:00 to 19:00 on the A25 past the site access.

The impact of the proposals at the maximum potential daily flow of 256 in/out movements would result in a 12 hour in/out movement increase from the site of 128 vehicle movements - i.e. an approximate 7.5% increase in the number of vehicle movements into and out of the site over that 12 hour period which, without evidence of

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any related junction capacity issue is not considered significant with regard to highway impact. It should also be noted that this increase actually represents a percentage increase of less than 1% additional vehicle movements on the A25 over the 12 hour daily flow period.

Likewise, the maximum projected percentage increase in potential vehicle movements at the junction of the access road and the A25 during the am peak hour (07:15 - 08:15) and the pm peak hour (16:00 - 17:00) equates to less than 1% and just over 3% respectively which again is not considered significant with regard to highway impact.

In conclusion, the projected current and future year impact of this proposal in relation to both junction capacity and percentage increase in vehicle movements is not considered significant when assessed against the existing permitted background flows and as a result no KCC Highways and Transportation objections to the proposals are raised'.

In response to additional information, Highways and Transportation advises that there is adequate space on site to ensure vehicle parking for staff and operatives can be provided within the scope of the adopted vehicle parking standards. To secure this it recommends a condition be placed on any permission requiring details of the final on-site parking arrangements.

36. **The County Council's Noise Consultant:** raises no objection to the application, subject to the development being delivered and managed as proposed within the application.

The Noise Consultant advises that the Addendum to the Noise Assessment models the potential 'worse-case' scenario in terms of vehicle movements, alongside noise generate by proposed operations on-site, and that typical vehicle movements would be considerably lower. He states that whilst the increase in vehicle movements would potentially lead to a (worse-case) noise level change of +0.7 dB L_{Aeq} at the rear of property immediately adjacent to the access road, this would not be subjectively perceptible. Noise levels at other nearby properties would marginally decrease due to the movement of the WTS. In conclusion, he considers that the proposal would be acceptable in noise terms.

37. **The County Council's Dust & Odour Consultant:** raises no objection to the application.

The Dust & Odour Consultant notes that the submitted assessment concludes that with the new facility (incorporating part of the HWRC) being enclosed, and waste dealt within an internal environment, the dust and odour emissions could be managed and controlled. He also notes that the new building would include odour and dust suppression systems and closable doors and shutters which would minimise the potential for emissions from the proposed WTS.

The Consultant advises that the removal of the existing green waste composting area would further reduce the potential for odour and dust emissions from the site, which would potentially improve the existing conditions. He concludes that emissions generated by the proposed development are unlikely to result in adverse dust or odour impacts upon the nearest houses which lie more than 100m away to the south-east of

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the proposed building and operational areas.

38. **The County Council's Landscape Consultant:** raises no objection to the application.

The Landscape Consultant advises that whilst the submitted Landscape Character and Visual Impact Assessment (LVIA) was not undertaken fully in accordance with best practice, its overall conclusions are acceptable. She also advises that whilst the site is situated within the highly sensitive Kent Downs AONB, it is visually very well contained. She further advises that the proposed development would be set within the context of an existing waste site and other landscape detractors, including major highway infrastructure and the residential area of western Sevenoaks. She concludes by saying that the proposals would not cause any significant landscape or visual impacts.

In responding to the addendum to the LVIA – 'Additional Viewpoints Report', the Landscape Consultant has confirmed that the additional long distance photographs from the North Downs were taken in accordance with latest technical guidance and notes that the winter views illustrate a worse-case scenario without leaf cover. She further advises that in the most open, panoramic views from the scarp, the site is difficult to discern because of the distance and vegetation and forms a very small part of the wider view. She concludes her comments on the addendum report by saying that the proposals would not cause any significant adverse visual impacts on sensitive views from the scarp of the North Downs.

39. **The County Council's Biodiversity Projects Officer:** raises no objection, subject to the avoidance, mitigation and ecological enhancement measures recommended within the *Ecological Evaluation and Impact Assessment* report being implemented.
40. **The County Archaeologist:** raises no objection to the application.
41. **Kent County Council Waste Management Group:** raises no objection to the application

'The Waste Disposal Authority has a statutory duty to seek provision for the disposal of domestic waste disposal arisings in Kent. The existing facility and the subject of the proposed upgrade are integral to current and future arrangements for the Sevenoaks area. Under the provision of existing contractual arrangements, there is the option to divert material away from the final disposal to landfill and to feed into the operational Allington EfW facility. However some waste will not provide a suitable feedstock for the EfW plant and will need to be separated, for which floor space is required. The proposal seeks to address these issues and to give the proposed new facility the operational space and layout to become fully flexible and functional. It will also readily allow other materials currently in the residual waste stream to be separated for recycling as new processing technology is developed in the future.'

In principle therefore, the Waste Disposal Authority welcomes the additional handling and processing capacity for this type of waste which will ensure increased choice, operational flexibility, and a reduction in waste haulage in Kent is maintained. Notwithstanding the overall capacity requirements, operationally the redevelopment and upgrading of this established facility would be a particularly welcome outlet for treating this category of material. The "Joint Strategy for the Sustainable Management of Household Waste for Kent" clearly identifies a requirement to reduce the amount of

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waste being sent to landfill in order to be able to meet strict Government targets set out under “Waste Strategy 2000” and Best Value Performance Indicators.

In order to meet its statutory obligations under the Environmental Protection Act 1990, the Waste Disposal Authority is required to seek Competitive Tenders for the processing of all domestic waste arisings in Kent. The Contract Criteria includes inter alia that particular consideration be given to the environmental impact of the proposal, recycling targets set by Government, the operational requirements of the Waste Collection Authorities (District Councils), the minimisation of traffic and the technical sustainability of the process.

This proposal would provide an opportunity to reduce the usage of Kent’s roads by refuse vehicles. The Strategy referred to above, together with the National Waste Strategy and the Landfill Directive, seeks to move away from a heavy dependence on landfill, by diverting a significant proportion of the waste stream into alternative sustainable technologies and techniques’.

Local Member

42. The local County Member for Sevenoaks West, Mr R. Parry was notified of the application on 18 October 2012.

Publicity

43. The application was publicised by the posting of a site notice, an advertisement in a local newspaper and the individual notification of 58 nearby properties.

Representations

44. In response to the publicity, 1 letter of representation objecting to the application has been received from a nearby property. The key points raised can be summarised as follows:
- Concern that the impact of the proposals on properties 200m to the north of the application site may not have been adequately assessed within the application documents;
 - Concern about the potential noise impact of the development on residential properties, including from traffic movements, reversing beepers and general operational noise as a result of waste materials and storage containers being moved on site;
 - Concerns about potential light pollution from the proposed use, considers that the deciduous trees that surround the site will offer little screening in winter months;
 - Concern about odour generated by the existing Green Waste Composting site. Notes that whilst the prevailing wind is in the south-west, in recent years the wind has increasingly come from south or south-east, amplifying odour concerns for the properties to the north. Notes that the composting would cease, however has concern that the smell of putrefying waste would be carried towards properties to the north and within Chipstead; and
 - Seeks clarification of the proposed operation of the doors and shutters whilst the site is operational.

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Discussion

45. The application seeks planning permission for the cessation of existing green waste composting facility and transfer station and development of a new waste transfer station with replacement household waste recycling centre. The application is being reported to the Planning Applications Committee as a result of concerns raised by Chevening and Sundridge with Ide Hill Parish Councils and 1 letter of objection received from a nearby property. See paragraphs 27 to 41 and 44 for details of all representations and consultee views received.
46. 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, the National Planning Policy Framework, other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraph 26 above are particularly relevant.
47. The main issues in this particular case are:
- location;
 - design and layout;
 - highway considerations;
 - local amenity impacts (including noise, dust, odour and air quality);
 - water environment (flood risk / ground and surface water impacts); and
 - biodiversity.

Location

48. The Sevenoaks District Local Plan identifies the site as being outside the confines of the built environment, within the Metropolitan Green Belt and part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The proposed site is not specifically allocated for waste management use in the Kent Waste Local Plan, although the established existing uses of the land relate to similar waste activities. Any new development proposed in this location is subject to a number of Development Plan and Government policies that seek to protect and enhance the character and openness of the countryside. The broad thrust of these policies presumes against inappropriate development, subject to a limited number of exceptions.
49. The Development Plan Policies in place include Sevenoaks Saved Local Plan Policies EN1, EN6 and GB1 and Sevenoaks Core Strategy Policies LO1, LO8 and SP1. These seek to protect the countryside from unnecessary development and preserve its openness and the special character of its landscape, particularly in relation to Green Belt and the AONB. Government policy is set out within the NPPF, including Chapters 9 (Protecting Green Belt land) and 11 (Conserving and enhancing the natural environment). Other material considerations include policies set out within the Kent Downs AONB Management Plan which seek to protect, conserve and enhance the natural beauty, landscape and historic character of the AONB.

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Green Belt

50. Chapter 9 of the NPPF (Protecting Green Belt land) confirms that the five purposes of the Green Belt are:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
51. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. The NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
52. Government policy set out in PPS10 states that priority should be given to safeguarding and expanding suitable sites with an existing waste management use, with good accessibility from existing urban areas, good transport connections, compatible land uses (including previously developed or existing industrial land uses), and capable of meeting locally based environmental and amenity criteria. Both Government and Development Plan policies indicate that the principle of waste management facilities should not be precluded from the Green Belt (or from Areas of Outstanding Natural Beauty) if the proposal would meet a local need.
53. The proposals in this instance are considered to be 'inappropriate development' in terms of the Green Belt designation as the development would not meet any of the exceptions set out within the NPPF.
54. In order to justify developing a site within the Green Belt (and AONB) the applicant has undertaken an alternative sites assessment which considers the merits of a number of other potential sites in and around the Sevenoaks area. These include industrial and commercial properties both currently available (the majority of which were considered too small) and, for completeness, those which are currently unavailable but which are of an adequate size. The assessment indicates that there is a lack of existing sites of appropriate size within Sevenoaks. Having regard to a range of constraints, it concludes none of the sites are ideally suited for a waste management facility of the scale and nature of the facilities proposed and that the application site represents the most sustainable option. Having examined the sites assessment, I am satisfied that there are no suitable alternative local sites within the built up area of Sevenoaks and outside the designated areas that could be developed instead of the application site and no more suitable sites within the AONB or Green Belt.
55. It is therefore necessary to consider the potential harm from the development of the proposed site on the Green Belt. The development would have an impact on the openness of the site as it would introduce a large waste transfer building (approximately 75m x 30m x 11m high) along the southern boundary. The proposals also include additional storage containers and other associated infrastructure to support the new HWRC and WTS. These factors have to be balanced against the fact that the proposals would modernise and replace the existing HWRC and WTS

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and involve the cessation of the green waste composting facility (including the removal of all associated built development, plant, equipment and windrows). The existing waste transfer building is excluded from the application site and would be retained within the industrial estate. The applicant has agreed to enter into a legal agreement (S106) with the County Council to ensure that all uses associated with the existing waste planning permissions cease (without any compensation).

56. The site is generally well contained on all sides by surrounding soft landscaping, with dense boundary planting and extensive woodland which limit the visual impact of the site from the wider area. At 11m high the top of the domed roofline would potentially be visible above parts of the surrounding tree / hedge line. However, the majority of the proposed site is well screened. In my opinion, any visual impact on the Green Belt would be minimal and generally localised to within the site boundaries. It should be noted that the application site is also previously developed land that falls within an established industrial estate. On this basis it would be difficult to argue that the development would involve material encroachment on the countryside or impact on urban sprawl. Whilst the above considerations are not positive benefits, they are important in balancing the overall harm.
57. It is consequently necessary to consider whether 'very special circumstances' exist which outweigh the harm caused to the openness of the Green Belt by reason of inappropriateness and other material harm described above. The applicant has put forward a case of 'very special circumstances' which include:
 - *The application site has had a long history of mineral extraction and subsequent waste disposal. The three existing uses having lawfully operated from the site for the last 20 years or so. The application envisages the cessation of the green waste composting facility and continuation of the WTS and HWRC. The application therefore does not propose any new uses on site.*
 - *The application site comprises "brownfield" previously developed land. Planning policy specifically supports the reuse of previously developed land as the focus of new development in favour of Greenfield locations.*
 - *This application is substantively similar to the scheme submitted in 2005, approved in 2007 and the subject of a varied consent in 2010. The changes now envisaged do not result in an increase in floor space but will facilitate an improved operation of the facility and seamless transfer of existing operations without the need for a temporary cessation of use.*
 - *The application site is located in close proximity to the Sevenoaks Urban Area. The facility is primarily designed to serve this local resident population, both in terms of an HWRC and dealing with MSW and recyclables as part of Local Authority collection services. All tiers of planning policy advocate the proximity principle in the location of waste management facilities. As part of this application, an alternative site assessment has been prepared and this demonstrates that there are no other sites for this facility which are in a better location.*
 - *Waste management policy advocates the benefit of co-location of facilities. This site enables the combination of a WTS and HWRC. Furthermore, the site is located close to the Sevenoaks depot for refuse collection vehicles. There is therefore a benefit in highway terms of co-locating the WTS with this depot, by reducing the number of movements and overall distances that need to be travelled by refuse collection vehicles.*
 - *National planning guidance and the Development Plan for this area all*

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acknowledge that waste management facilities should not be precluded from being located within Green Belt and AONB locations in principle. Furthermore, the emerging Kent Waste LDF specifically seeks to acknowledge that there is in principle policy support for the retention and alteration of waste management facilities at this site. The application is therefore in compliance with the adopted and emerging Development Plan.

- *The redevelopment of the site will provide improved WTS and HWRC facilities. This would have significant, material benefits in the use of waste that goes through the facility for reuse. This is achieved by the ability to hold the waste with greater separation, enabling appropriate recycling and reuse including as part of the energy from waste scheme at Allington. This is a clear aspiration in planning policy.*

58. Having considered the harm caused to principles of the Green Belt by virtue of inappropriateness and the extent of any harm on the openness and character of the countryside, I consider that the 'very special circumstances' put forward by the applicant are sufficient to outweigh any harm in this instance.
59. Should the Committee resolve to grant planning permission, it would be necessary to refer the application to the Secretary of State for Communities and Local Government under the provisions of The Town and Country Planning (Consultation) Direction 2009 to establish whether he wishes to call it in for his own determination because the proposals are on land allocated as Green Belt where the floorspace to be created would be more than 1,000 square metres.

Area of Outstanding Natural Beauty

60. The application site falls within the Kent Downs AONB where Development Plan policies and paragraph 115 of the NPPF require planning authorities to give great weight to conserving landscape and scenic beauty. Government policy states that planning permission for major development in the AONB should be refused unless there are exceptional circumstances and it can be demonstrated that the development is in the public interest. The policy indicates that consideration should be given to the need for the development, the scope for developing outside the designated area, any detrimental effect on the environment and landscape and the extent to which any such effect could be moderated.
61. Taking account of the 'very special circumstances' set out above, I consider that the redevelopment and modernisation of the site is in the public interest. The existing facilities form a vital part of the local infrastructure available to handle municipal waste streams arising from Sevenoaks and the surrounding area. The existing facilities are no longer considered adequate to handle the volumes of waste being generated or to enable this to be separated effectively to ensure more sustainable waste management and the movement of waste up the waste hierarchy. As discussed above, the application includes an alternative sites assessment which establishes that there are no alternative sites within the built-up area of Sevenoaks or outside the Green Belt and AONB that are suitable for the proposed local use.
62. Given that there is clearly an established need that is in the public interest and as there are no suitable alternative sites, it remains necessary to consider whether the proposed development would have a detrimental effect on the environment and landscape and, if so, the extent to which this could be moderated.

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63. The application includes a Landscape Character and Visual Impact Assessment which has been supplemented following initial responses from the County Council's Landscape Consultant, Natural England and the Kent Downs AONB Group. The Assessment demonstrates that due to the rolling and undulating topography of the valley floor rising up to the North Downs, coupled with the enclosure provided by woodland cover to the scarp slopes and valley floor, the proposed site is barely perceptible within the winter view (worse-case) from public assess points on higher ground and surrounding area. The Assessment concludes that depending on the vantage point (including long distance or more locally) the development proposals would either have 'No Change' or a 'Low / Slight' change on wider landscape quality.
64. Notwithstanding the adverse comments about the quality of the Landscape Character and Visual Impact Assessment by Natural England and the Kent Downs AONB Unit referred to in paragraphs 31 and 32, both have accepted that the assessment (including the supplementary work) is sufficient in this case to demonstrate the acceptability of the proposed development in the AONB provided the mitigation measures set out in the application are secured and conditions are imposed to address a number of issues. The proposed mitigation includes a Tree Retention and Protection Plan (which would ensure that existing landscape planting is protected as part of the development) and a Landscape Strategy (including mitigation proposals and an outline planting specification). The Strategy proposes to retain, protect and enhance the existing landscape features, including reinforcing the boundary planting to the east and bolstering the extended woodland beyond the northern boundary of the site which also falls within the applicants control. The outline scheme proposes the planting of native tree groups that would help enhance the existing mature planting and serve to soften and filter views towards the new development, including from the public footpath to the north (see the Outline Landscape Strategy included on page C2.7).
65. Having carefully examined the proposals and undertaken a visit to the site and surrounding area, the County Council's Landscape Consultant is also satisfied that the information provided by the applicant is acceptable and that the proposals would not cause any significant landscape or visual impact. The County Council's Landscape Consultant has also advised that whilst the site is located within the highly sensitive AONB, it is very well contained visually and would be set within the context of existing commercial uses and other landscape detractors, including major highway infrastructure and the western part of Sevenoaks.
66. As set out in the above section, I have accepted that there is an established need for the development and that the applicant has demonstrated that the proposals could not reasonably be located on land outside the AONB. Having regard to the comments from Natural England, the Kent Downs AONB Unit and the County Council's Landscape Consultant, and given the existing nature of the application site and immediately surrounding area, I am satisfied that the proposed development would not have a significant detrimental impact on the landscape and that the slight impact that would result could be suitably mitigated through the provision of a detailed landscape strategy based on that proposed in outline. I am also satisfied that the proposed development accords with the relevant development plan and NPPF policies relating to landscape and the AONB and is consistent with the objectives of the AONB Management Plan.

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General location

67. PPS10 states that waste planning authorities should assess the suitability of the site in terms of physical and environmental constraints on development, the cumulative effect of previous waste disposal facilities and the capacity of existing and potential transport infrastructure. The Statement suggests that suitable locations for new waste management facilities include industrial sites and that opportunities to co-locate facilities with complementary activities, including giving priority to the re-use of previously-developed land, should be supported in principle. Kent Waste Local Plan Policies W3 and W9 require proposed sites that are not allocated in the Plan to be located to minimise impact on local and natural environments, have ready access to the main road network and be located within or adjacent to existing waste management operations or within an area of established industrial use. Policy W6 states that where sites are located outside a location identified in the Plan and it is judged that proposals would cause demonstrable harm, need is a material consideration in the decision. The Kent Joint Municipal Waste Management Strategy (Kent JMWMS) includes policies that encourage an increase in recycling and composting rates whilst providing appropriate residual waste management services. The Strategy specifically identifies the need to improve the waste transfer network across Kent, to promote efficient transport of wastes for treatment, recovery and disposal. Emerging Policy CSW7 of the draft Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy reflects the call to provide improved waste management capacity and specifically identifies the need for replacement WTS and HWRC facilities to serve the Sevenoaks area.
68. In this instance, the application site comprises three existing waste facilities which are located within an established industrial estate on the outskirts of Sevenoaks. The surrounding uses include a stone wholesaler, large builder's yard and a Sevenoaks District Council depot. The latter houses (among other uses) the District Council's Refuse Collection Vehicles (RCVs). The proposed development would maintain and improve the co-location of the WTS and HWRC. The closest residential properties are over 80m to the south and approximately 180m to the north. The site is well located to serve the wider Sevenoaks area and has direct access onto the primary transport network. The implications of the application on the local highway network are considered in more detail below.

Location: Summary

69. Overall, taking account of the lack of suitable alternate sites, the limited harm from the development on the openness of the Green Belt and the character of the AONB, I am satisfied that in this instance 'very special circumstances' exist that clearly outweigh the harm to the above designations and the usual presumption against inappropriate development. In respect of the broad location, taking into account the site's proximity to waste streams, the good access to the primary highway network, the existing waste uses, the benefits of co-locating the WTS with the HWRC (in terms of sustainable transport and improved levels of recycling) and the location within an established industrial estate, I am satisfied that the proposed location is generally acceptable in principle for waste uses and is generally in accordance with relevant development plan and National planning policies. This view is subject to appropriately worded conditions being placed on any planning permission granted requiring the submission of a detailed landscaping strategy and ensuring the tree protection measures set out in the application are adhered to on site. Further consideration of issues relating to design

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and layout, highways, local amenity impacts, the water environment, biodiversity, together with any other material planning considerations, are set out within the sections below.

Design and layout

70. Chapter 7 of the NPPF, Sevenoaks Saved Local Plan Policy EN1, Sevenoaks Core Strategy Policies SP1 and SP2 and Kent Waste Local Plan Policy W25 require development to be designed to a high quality that responds positively to local character, incorporates principles of sustainable development and conserves or enhances the surrounding environment, including local amenities. PPS10 states that landscape, design and visual impact are important locational criteria when considering waste management proposals.
71. The application proposes the removal of existing buildings, structures and plant within the application site, excluding the existing waste transfer station building (which falls outside the site area). The existing buildings would be replaced by a single main waste transfer building with a small administration building attached. The development would comprise a light industrial building clad in profile metal sheeting finished in a grey colour, with a curved barrel vaulted roof line. The WTS building would measure approximately 75m x 30m x 11m maximum height (to the top of the roof line). The administration building is shown to the west of the main building and would appear as a small extension (approximately 6m x 9m x 3m high). The total floorspace of the development would measure approximately 2,304m². This would enable a throughput of waste materials up to a maximum of 100,000 tonnes per annum (tpa) for the WTS and 20,000 tpa for the HWRC. The applicant states that the scale and size of the proposed building is the minimum necessary to ensure the facilities are able to adequately serve the waste management needs of the local population, both in terms of the collection and transfer of MSW and recyclables and the operation of the HWRC. The HWRC is proposed to the north-west of the main building and incorporates a raised operation area, approximately 2m above ground level. The raised platform would include ramped access for vehicles with 4 lanes providing operational space. The platform would allow a drop into the adjacent building providing capacity for members of the public to deposit materials into open bays in the side of the building. New internal access roads pass to the north of the development, providing separate access routes to the waste transfer building and HWRC. The application also includes parking for staff, new internal fencing to the western boundary and lighting columns to the access road and operational area. The layout of the proposed development would allow the existing WTS and HWRC to remain operational during construction, with the functions to be transferred on completion of the building and new HWRC.
72. Chevening Parish Council has raised concerns about the overall height of the proposed development, noting that the proposals would be approximately 1m taller than the unimplemented building permitted under SE/05/2526. The Parish Council consider that the increase in height over a large expanse of roof line could have a detrimental visual impact on the surroundings, including the Green Belt.
73. Neither Sevenoaks District Council nor the County Council's Landscape Consultant has raised objection to the application on design grounds, including the overall size of the proposed building. The Landscape Consultant's comments conclude that the proposals would not cause any significant landscape or visual impact. Whilst it is

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noted that the building would be slightly taller than that previously permitted, the floorspace created by the current proposals would be marginally less than the previous building. The applicant is promoting a grey finish to the building as this is considered to be a recessive colour that would reflect the mixed colours seen throughout the seasons in this location. I am satisfied that the additional height of the proposed building would not significantly detract in terms of landscape and visual amenity. The continued retention and enhancement of the mixed planting to the boundaries and within the woodland to the north would serve to filter and contain views of the site minimising any wider visual impact.

74. One letter of representation has been received from a nearby resident which objects to the application on a number of grounds. These include concerns about the potential for light pollution, particularly during winter months. The application (as amended) includes an external lighting scheme that encompasses 8m lighting columns and luminaries that would provide light to the access roads and circulation space. The scheme has been designed to include sustainable LED light modules that direct light downwards and reduce glare, minimising the light spill from the intended area. The application proposes that, with exception of low level security lighting and general maintenance, all external lighting would be extinguished outside the proposed opening hours. This approach would reflect Sundridge with Ide Hill Parish Council's comments that operation of the external lighting be restricted to the hours of use.
75. I am satisfied the lighting scheme proposed is appropriate for the use and is essential on health and safety grounds given the public access to the site. The scheme would be designed to minimise light spill to the areas on site that need to be illuminated, ensuring that Lux levels fall away quickly around these areas and minimising light pollution outside the site. I also note that the system would only be in use during the mornings and early evenings in the winter months as the site would not be open late enough to need external lights at other times. Given that the closest residential properties would more than 80m from the nearest lighting column, I am satisfied that the lighting scheme proposed would accord with relevant development plan policies, including KWLP Policy W25 and Sevenoaks Local Plan Policies NR10 and EN31.
76. For the reasons set out above, the scale, location and design of the development would respect the context of the site, including the adjacent industrial estate and would preserve the visual amenities of the locality. I consider that the proposals accord with the development plan policies indicated above. I recommend that any planning permission include (amongst other matters) conditions ensuring that the proposed tree protection measures are implemented, the submission of a final landscape specification, controls ensuring the external lighting is implemented as proposed (including the hours of use) and the submission of final details of the colour treatment proposed for the building.

Highway considerations

77. Government policy on transport matters set out within Chapter 4 of the NPPF recognises that land use planning has a key role in delivering sustainable transport choices and reducing the need to travel, including the movement of goods and supplies. Traffic related impacts associated with waste developments are also covered within PPS10. This outlines traffic and access issues as key locational criteria in the identification of suitable sites, including consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of

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waste. Kent Waste Local Plan Policies W3, W9 and W22 require new waste management facilities to be well related to the primary and secondary road network and for proposals to ensure that there would be no material adverse effect on highway safety and the local environment from traffic movements.

78. The site is well related to the primary transport network and benefits from a dedicated access via the industrial estate directly onto the A25. This allows easy access to the wider urban area of Sevenoaks, the A21 and the M25. The existing planning permissions for the current WTS, HWRC and GWCF have no specific restrictions on the total numbers of HGV movements associated with the site. The waste transfer station is currently licensed by the Environment Agency for a throughput of 91,740 tpa although under normal conditions the actual throughput is approximately 56,000 tpa. The throughput achieved is constrained by the size of the existing building and is one of the key reasons for the current application. In addition to the WTS, the existing HWRC handles approximately 11,000 tpa and the green waste composting facility is restricted to 18,000 tpa of green waste (under the terms of the waste management licence).
79. The application seeks permission for a maximum waste throughput of 120,000 tpa for the combined facilities proposed (WTS and HWRC). In connection with this throughput, the applicant is seeking to retain the previously consented maximum limit of 256 HGV movements per day (128 in / 128 out) provided for under SE/05/2526 as amended by SE/08/621. The proposed HGV movements need to be considered alongside the vehicle movements that would be associated with continued public use of the new HWRC.
80. Access to the development would continue to be via the existing industrial estate road off Main Road (A25). Main Road is a designated primary route, which is subject to a 40 mph speed limit in the vicinity of the access road and includes a right turn lane into the estate with good visibility in both directions. The application confirms that the Personal Injury Accident (PIA) data for the three year period up to September 2011 includes only two recorded accidents, both classified as 'slight' and attributed to human error.
81. A Transport Assessment is included in support of the application. This models the capacity of the existing junction with the A25 both before and after the proposed development. The modelling work is based on a detailed traffic survey undertaken in March and April 2012 which establishes that the existing facilities generate approximately 124 HGV movements over a 12 hour period (62 in / 62 out) in addition to approximately 760 non-HGV movements (380 in / 380 out) primarily associated with the HWRC. An addendum report to the Transport Assessment models traffic associated with the development for future years 2015 and 2017 reflecting the 'worse-case' scenario (based on 256 HGV movements per day and predicted non-HGV traffic associated with the new HWRC). The maximum number of HGV movements proposed would enable the facility to operate at its projected capacity with some allowance for daily variations and the predicted average number of HGV movements is considered to be closer to 176 per day (88 in / 88 out). Taking account of growth rates in traffic flow on the A25 and the full operation of the proposed development (the 'worse-case') the Assessment concludes that the junction with the A25 and the local highway network would still have significant amounts of residual capacity. The Transport Assessment concludes that the proposals would not have a detrimental impact on road safety, the free-flow of traffic or operation of the local highway network.

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82. The application also includes significant improvements to the internal layout and operation of the HWRC compared with existing provision. These include new separate access lanes for the HWRC and WTS providing one-way circulation and allowing vehicles to enter and leave in forward gear. The improved arrangements should serve to increase the efficiency of the facilities and provide considerable additional capacity for vehicles to queue on site at busy times whilst waiting to use the site. The changes would improve highway safety at busy times by addressing an existing issue whereby vehicles waiting to enter the site queue on the estate road, which at times can back up to the A25.
83. Members will note that both Chevening and Sundridge with Ide Hill Parish Councils have raised concerns about the predicted number of vehicle movements and the potential impact on congestion, particularly at peak times. KCC Highways and Transportation has raised no objections to the application, confirming that it is content that the additional vehicle movements that would be associated with the proposal have been carefully considered and assessed. The comments received confirm that Kent Highways are satisfied that the projected current and future impacts of the proposal, in relation to both junction capacity and percentage increase in vehicle movements, are not considered significant when assessed against existing permitted background flows.
84. Members will also note Chevening Parish Council's suggestion that the waste sources entering the waste transfer station could be restricted to the Sevenoaks urban area to limit the number of vehicle miles travelled. Given that it has been demonstrated by the applicant that the local highway network has more than adequate capacity to accommodate the proposed traffic levels, I do not consider that there is sufficient justification to seek to restrict the waste sources to the Sevenoaks urban area purely on highways grounds. However, it is noted that part of the 'very special circumstances' put forward by the applicant is that the facilities are proposed to meet the needs of the Sevenoaks urban area. On this basis, a condition controlling the waste catchment for the transfer station to the Sevenoaks District would be justified given that this has been used to justify its location in the Green Belt and AONB. I am satisfied that controls on the waste catchment could be secured by an appropriately worded condition.
85. Given Kent Highways and Transportation's clear professional views on the application, the established permitted operations and the fact that the proposed level of highways movements has previously been accepted by the County Council, I consider that the highway implications of the development would be acceptable subject to the imposition of a condition restricting the maximum number of HGV movements to 256 per day (128 in / 128 out) and conditions requiring records of HGV movements to be kept and made available by the operator, all open vehicles to be sheeted or netted and precautions during construction to prevent mud being tracked onto the highway. Subject to these conditions, I am satisfied that the proposals conform with the development plan and Government policies relating to highway matters as set out above.

Local amenity impacts (including noise, dust, odour and air quality)

86. Policy W22 of the KWLP seeks to protect and enhance air quality and reduce the environmental effects of traffic and minimise noise pollution. Policies W18 and W25

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of the KWLP require planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Sevenoaks Local Plan Policies EN1 and NR10 seek to protect local amenities, including sensitive land uses and residential development. These policies seek all forms of development to minimise pollution of the environment through careful design and layout of any buildings or land uses and, where appropriate, to include suitable mitigation from any material harm as a result of noxious emissions, noise, dust, vibration, light or heat.

87. PPS10 states that when considering planning applications for waste management facilities, waste planning authorities 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'. Although the NPPF does not include waste policy, paragraph 122 states that in making planning decisions, local authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that local planning authorities should assume that these regimes will operate effectively.
88. The potential impact of the development on the local environment from noise, dust and odour has been raised by both Chevening and Sundridge with Ide Hill Parish Councils. If planning permission is granted both Parish Councils recommend that adequate controls are put in place to prevent noise, dust, odour or any other emissions from impacting on the local environment. I also note that the key concerns and objections raised by the one letter of representation received from a local resident focus primarily on potential amenity impacts.

Noise

89. The application is supported by a noise assessment which establishes the existing background noise and models the noise levels with and without the development for the surrounding environment. The report concludes that the development would result in a marginal change in the existing noise levels taking account of the combined traffic and on-site noise sources. The modelling demonstrates that the 'with development' scenarios would result in a slight increase in noise levels at the closest residential properties as a result of increased traffic movements. However, this would be offset by the relocation of the operational noise generated by the WTS and HWRC further away from the closest residential properties and the movement of more activities to within the proposed building. Despite the increase in waste throughput, the changes to the operations on site are considered to provide better acoustic attenuation than the existing arrangements.
90. The hours of use proposed for the Waste Transfer Station are 07:00 to 18:00 hours Monday to Friday, 07:00 to 13:00 hours on Saturdays, 09:00 to 16:00 hours on Bank Holidays and 07:00 to 16:00 hours on the Saturdays following Bank holidays. Those for the Household Waste Recycling Centre are 08:00 to 16:30 hours Monday to Saturday and 09:00 to 16:00 hours on Sundays and Bank Holidays. The applicant

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proposes that the HWRC would be open to staff only 30 minutes before and 30 minutes after the public opening hours each day to allow staff to prepare / tidy up the site.

91. It is worth noting that the proposed public opening hours reflect those permitted for the existing operations, those approved by the previous unimplemented permissions and are entirely consistent with other similar facilities around the County. Although Sundridge with Ide Hill Parish Council considers the hours of use generally acceptable, it is opposed to the additional 30 minutes on Sunday mornings and has suggested that the HWRC should not be open before 09:00 hours.
92. The additional 30 minutes proposed before the public opening hours would be restricted to preparation work by staff only and on Sundays the HWRC would not be open to the public until 09:00 hours. Given the public access to the site, the proposed preparation time is considered essential on health and safety grounds. As much of the preparation work and the operations in general would take place within or immediately adjacent to the proposed building and as the separation between the use and the closest residential properties would increase, I see no reason to prevent the additional setting-up periods requested by the applicant.
93. The County Council's Noise Consultant has considered the application (including the noise assessment and proposed hours of use) and has raised no objection subject to the development being implemented and managed as proposed.

Dust, Odour and Air Quality

94. Due to the proposed operations and the nature of the waste materials that would be accepted on site, the proposed development has the potential to generate dust and odour in a similar way to the existing waste uses on site. It is not anticipated that the mix of waste streams would change from the existing uses, albeit that the facilities are designed to allow for an increase in the throughput to cover existing and predicted growth in Municipal Solid Waste and would provide for an increase in source separated recyclables and food waste were these to be collected separately. The waste materials taken to the site would primarily comprise kerb side collections of recyclables, general putrescible 'black bag' waste and source separated food waste, alongside some commercial and industrial waste generated within the Sevenoaks area. The HWRC would also continue to accept waste brought to site by members of the public, which includes a range of materials for disposal and recycling. The make-up of this material includes possible putrescible material (like green waste) and a number of waste types that are classified as hazardous (such as batteries, florescent lights, gas bottles, paints, pesticides, and other household chemicals). The application does not propose to change the types of waste already received by the HWRC. The exact nature of the waste received through both the WTS and HWRC would be controlled in detail by the Environment Agency under an Environmental Permit.
95. The Dust and Odour Assessment received with the application concludes that there would be no material air quality impacts as a result of traffic movements on nearby residential receptors or at the site. The assessment also considers that there would not be a material impact from dust or odour as a result of the development due to the distance to sensitive receptors and subject to a number of mitigation measures. The proposed on-site mitigation measures include the provision of the building to enclose

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odorous waste materials, closable doors and shutters and the provision of an odour and dust suppression system with the building. The assessment states that these would serve to minimise any adverse impacts. The assessment also states that an Environmental Management Plan or similar document would be prepared as part of the operation which would provide further detail on how dust and odour emissions for the site would be managed and controlled.

96. Neither the Environment Agency nor the District Council has raised an objection to the application. The Agency has confirmed that the site would require an Environmental Permit which would provide for control over potential emissions such as dust, odour and litter. The County Council's Dust & Odour Consultant has advised that the nearest residential properties would be unlikely to be significantly affected by dust and odour emissions from the development.
97. The concern raised by a nearby resident that the proposals do not adequately consider the impact of the development on properties approximately 180m north of the site is noted. The application includes a number of assessments and reports that seek to demonstrate the potential impact of the development on the surroundings. On the basis of the professional advice received from the County Council's noise, dust and odour consultants, I am content that the impacts have been adequately assessed. The representations received also seek clarification of the use of the roller shutter doors proposed within the waste transfer building. The applicant confirms that the doors and shutters within the building would be lowered outside of the proposed hours of use. Given the findings of the assessments received and the advice received from the County Council's noise, dust and odour consultants, I am satisfied this approach is satisfactory, particularly as much of the operations currently take place in the open. The proposed WTS and HWRC would both need to be operated in accordance with an Environmental Permit (issued by the Environment Agency) as set out above.
98. The proposed modernisation of the HWRC and WTS would provide a number of improvements compared to the existing operations in terms of local amenity considerations. The application would result in the cessation of the green waste composting facility (GWCF) and the movement of the existing WTS and HWRC away from the closest residential properties. Both changes would have positive impacts in terms of noise generated by the site at the closest receptors, especially as the composting operations include the delivery, storage and treatment of green waste outdoors. The cessation of the GWCF would also remove a potential odour source from the local area, which has been the subject of local concern in the past. It is acknowledged that the existing waste transfer building is too small to enable existing throughputs to be adequately contained within the building. This is demonstrated by a number of recent amendments granted by the County Council to allow storage of some types of materials outside the building. The proposed facility would allow all of the main activities associated with the WTS, including delivery, handling and storage, to be completely contained within the proposed building. The provision of storage connected with the HWRC to within the proposed building would further serve to move existing operations inside, with the associated acoustic, dust and odour attenuation this would provide. The proposed site layout is also designed to operate a one-way system that would limit the need for vehicles (both HGVs and members of the public) to reverse on site, helping to reduce on-site traffic noise. The layout would improve the efficiency of the HWRC and provide more space for vehicles to queue on site, which would address the existing problem of traffic building up on the industrial estate road directly adjacent to the residential properties on Main Road.

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99. Taking the above considerations into account, I am satisfied that amenity concerns would not present a significant problem and can be adequately controlled and regulated by the imposition of conditions ensuring collected waste is handled and stored within the building, limiting the length of time biodegradable waste can be retained on site, the submission of details of the dust and odour suppression system and associated management practices, and the Environmental Permit (including ongoing compliance checks and management required under the pollution control regime). I am therefore satisfied that the proposed development would be acceptable in amenity terms and would accord with the relevant development plan and Government policies detailed above.

Water environment (flood risk / ground and surface water impacts)

100. The site is identified within a Flood Zone 1 by the Environment Agency where there is a low probability of flooding. However, due to the proximity of the River Stour immediately to the north of the site much of the surrounding land falls within Flood Zones 2 and 3 where there is a greater risk of flooding. Given the sensitivity of the surrounding area, and as the site exceeds 1 hectare in size, the application includes a Flood Risk Assessment (FRA) and a drainage strategy for the development site. The application site also falls within a Groundwater Source Protection Zone (SPZ) 3, although it is close to the SPZ1 for the Sundridge public water supply boreholes. It is therefore particularly relevant to consider any potential impacts on the local ground and surface water environments.
101. Chapter 10 of the NPPF (Meeting the challenge of climate change, flooding and coastal change) and the associated Technical Guidance seeks opportunities to reduce the overall flood risk on site and beyond through the layout and form of the development and the appropriate application of sustainable drainage systems. Policies W19 and W20 of the KWLP and NR10 of Sevenoaks Local Plan require the protection of surface and groundwater resources and sustainable flood risk management.
102. I note that the Flood Risk Assessment and Drainage Strategy have been prepared in consultation with the Environment Agency. The Agency accepts that the proposed location is an existing brownfield site which already discharges at impermeable rates to the surrounding area. However, it has recommended that improvements be made to the discharge rates as part of the redevelopment of the site. The proposed drainage strategy therefore incorporates recommended improvements, including subdividing the existing site drainage catchment and the construction of a formal drainage system, featuring underground surface water attenuation tanks. This approach would serve to reduce the surface water drainage flows off site during peak events, helping to reduce flood risk downstream. The drainage proposals also incorporate appropriate pollution prevention control measures, including the provision of interceptors to prevent contamination of the River Darent or local groundwater.
103. The application is also accompanied by a Geo-environmental Investigation Report into the ground conditions. The report states that the site generally consists of made ground over river terrace deposits and Folkestone formation. The investigations that have been carried out, which include soil contamination, leachate and groundwater tests, revealed no elevated concentration of contaminants recorded on site. However, gas monitoring revealed increased levels of carbon dioxide and methane produced in

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the ground due to historic landfills within neighbouring land. Having regard to the findings, the development would incorporate mitigation measures to minimise risk associated with any landfill gas.

104. In responding to the application, including the flood risk assessment and proposed drainage strategy, the Environment Agency has raised no objection subject to a condition setting out measures to be undertaken if contamination not previously identified is found. The Agency has also provided further guidance to the applicant in respect of the Environmental Permitting regime, works adjacent to a 'main river' controlled under the terms of the Water Resources Act 1991 and ground water protection measures during construction and operation of the site. The Agency has confirmed that the proposed drainage scheme would adequately control surface water drainage to prevent any pollution resulting on site.
105. Subject to the development being implemented as proposed and the condition referred to above, I am satisfied that the proposed development would meet the requirements of the NPPF and relevant development plan policies relating to the water environment, including flooding and ground and surface water protection.

Biodiversity considerations

106. Chapter 11 of the NPPF (Conserving and enhancing the natural environment) recognises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. Policies W21 of the KWLP and SP1 and SP11 of the Sevenoaks Core Strategy all seek to protect existing habitats and biodiversity and, where possible, seek opportunities to incorporate biodiversity enhancements in and around development.
107. The application documents include an Ecological Evaluation and Impact Assessment. The report notes that the site proposed to be redeveloped consists of hard compacted surfaces with few features that could provide refuge or habitat and which is almost entirely subject to regular and intense disturbance by vehicles and plant. The report judges the site to be of 'negligible ecological value' that does not offer habitat that would support populations of protected species of plant or animal. The report concludes that the proposed planting within land around the site would enhance the ecological value of the surrounding area. Protection measures for the trees to be retained on site and precautionary measures during construction to ensure wildlife that surrounds the site is safeguarded are included in the recommendations. The assessment also advocates habitat enhancement measures to improve the ecological value of the surroundings in conjunction with the development, including installation of bat and bird boxes, log and stone piles and other refuges and hibernacula.
108. Natural England and the County Council's Biodiversity Projects Officer have raised no objections to the application on biodiversity grounds, subject to the avoidance, mitigation and ecological enhancement measures recommended with the Ecological Evaluation. These measures could be adequately secured through the inclusion of an appropriately worded condition on any planning permission. The County Council's Biodiversity Officer has recommended that any lighting on site must be sensitive to potential bat use of surrounding habitats, particularly to the north. In response to this, the applicant has provided details of a proposed lighting scheme that includes lighting columns and luminaries designed to minimise light spill. The scheme includes LED lamps that emit no UV light in accordance with the recommended guidance *Bats and*

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Lighting in the UK.

109. I note that previous applications at this site have identified Japanese Knotweed as being present on site. Members will note that this is an invasive weed controlled under UK Legislation. The applicant has confirmed that since September 2007 a specialist company has been treating the Knotweed on a regular basis. Since commencement of the eradication programme, no new areas have emerged and pre-existing areas have shown an annual reduction in the number of plants and the growth rate. In 2012 no evidence of Japanese knotweed plants were found within the application site. The area continues to be subject to a monitoring programme although the applicant indicates that the latest findings suggest that the issue has now been addressed.
110. Given the views of Natural England and the County Council's Biodiversity Officer, I am satisfied that the proposed development would accord with the relevant Government and development plan policies referred to above subject to condition securing the biodiversity protection and enhancement measures recommended in the Ecological Evaluation report received with the application.

Other issues

111. Members will note that the applicant has agreed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in order to allow the revocation (without compensation) of the planning permissions covering the existing waste transfer station, household waste recycling centre and green waste composting facility. The draft 'heads of terms' proposed to address this are included in Appendix A of this report. Whilst the existing WTS would no longer be required for the transfer of MSW in Sevenoaks if the proposed development were implemented, the permitted use would nevertheless remain and could continue to be used for the transfer of waste unless the relevant planning permissions were formally revoked or an appropriate legal agreement secured to ensure that the use could not continue. A similar scenario may apply to at least part of the HWRC (given its location) although it is probably not the case for the GWCF. However, it is considered desirable to address these permissions in a similar way. The proposed 'heads of terms' would be similar to those adopted under the previous unimplemented permissions and are considered the best way of ensuring the cessation of the existing uses. The revocation / cessation of the permissions is considered necessary as it forms part of the 'very special circumstances' and justification put forward by the applicant in support of the proposed development. It is also necessary to ensure that the potential cumulative impact of the proposed and existing uses does not adversely impact on the local environment.
112. As part of the draft 'heads of terms' the applicant has agreed that all built development, plant and equipment connected to the existing uses would be removed apart from the existing waste transfer building which would be retained. It would be necessary for a further planning permission to be obtained from the relevant planning authority before the building could be used for any use. This was the case with the legal agreements associated with the previous planning permissions.
113. Members will note that the comments received from Sundridge with Ide Hill Parish Council seek the removal of the existing waste transfer building as part of the legal agreement in order to minimise the impact on the Green Belt. The applicant has expressly excluded this building from the redevelopment of the site and has declined

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to include its demolition in the draft 'heads of terms'. The application therefore needs to be considered on this basis. Although I am satisfied that the building could reasonably be used for another purpose and that planning permission could be obtained for such (as was the case previously), I would not wish it to remain unused in this location indefinitely. I therefore propose that a condition be included on any new permission which requires the submission of a scheme for the demolition and removal of the WTS building and remediation of the affected land within 12 months of the cessation of use and for the implementation of the scheme as approved thereafter if an alternative permission is not obtained. This would enable the merits of any alternative use to be properly considered by the relevant planning authority but ensure that the building does not become derelict and unsightly for any prolonged period of time. I believe that this approach would sit reasonably comfortably with relevant Green Belt and AONB objectives.

Conclusion

114. The application has been considered in the context of the Development Plan and material planning considerations including the NPPF and PPS10. For the reasons set out above, I conclude that the proposed development would not have significant material impacts on the openness or character of the landscape in terms of the Green Belt and the Kent Downs AONB. The applicant has demonstrated 'very special circumstances' that, in my opinion, clearly outweigh the identified harm to the Green Belt such that it would justify setting aside the normal presumption against inappropriate development. Should the Committee resolve to permit the proposed development, the application would need to be referred to the Secretary of State under the requirements of the 2009 Direction given the size of the proposed development (floorspace) within the Green Belt to establish whether he wishes to call-in the proposals for further consideration. Although the application has given rise to some concerns from the local Parish Councils and one local resident, I consider that the benefits associated with the proposal (i.e. the improvement of a waste management facility to facilitate local municipal waste transfer and recycling and movement of waste management up the waste hierarchy) clearly outweigh any real or perceived harm to the environment, local amenity or the local highway network. I also consider that any potential adverse impacts arising from the development could reasonably be mitigated and controlled by way of a legal agreement to secure the 'heads of terms' set out in Appendix A, the conditions set out below and by the Environmental Permitting process. I am therefore satisfied that the proposed development is sustainable and consistent with the relevant development plan policies and government policies against which the development should be considered and that there are no material planning considerations that mean the application should be refused. I therefore recommend accordingly.

Recommendation

115. I RECOMMEND 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 that PLANNING PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a Section 106 Legal Agreement to secure the draft Heads of Terms set out in Appendix A and planning conditions to cover (amongst others) the following matters:

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- 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;

Pre-commencement conditions

- the submission of details of the final colour finish to the building;
- the submission of details of all fencing and boundary treatment including any retaining walls;
- the submission for approval of a final landscape strategy and planting specification;
- the submission for approval of the final car park layout;
- the submission of details of the proposed dust and odour suppression system and associated management practices;

Controls on the construction phase

- tree protection measures during construction;
- the foul and surface water drainage scheme shall be implemented as proposed;
- the implementation of the recommendations set out with the Geo-environmental Investigation report, including recommended gas protection measures;
- the external lighting shall be implemented as proposed;
- the implementation of the mitigation and enhancement measures proposed with in the Ecological Evalution and Impact Assessment;
- measures to be taken during construction if contamination not previously identified is found on site;
- precautions to guard against the deposit of mud on the highway during the construction period;
- controls on the hours of operation during the construction period;

Controls on the operation of the development

- controls on the hours of operation for WTS and the HWRC to those applied for;
- the entrance to the site to be secured outside operational hours;
- with the exception of low level security lighting or during any repair or maintenance, all external lighting shall be extinguished outside of the permitted hours of operation;
- controls on the total combined waste throughput (to a maximum of 120,000tpa);
- only those wastes specified within the planning application, namely municipal wastes, household waste and commercial / industrial waste shall be received, deposited, stored or managed on site;
- all waste associated with the Transfer Station to be loaded, unloaded, sorted and stored within the building;
- the external doors and shutters within the building shall be closed outside the opening hours;
- no waste to be stored outside except within the HWRC;
- all biodegradable/ putrescible waste shall be removed within 48 hours of arrival on site;
- controls on the overall number of HGV movements (to those applied for, being 256 HGV movements per day (128 in / 128 out));

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- the waste catchment for the Transfer Station being restricted to Sevenoaks District, unless otherwise agreed by the County Council;
- records of all HGV movements and details of quantities and sources of all waste handled at the site shall be maintained for a period of 3 years and shall be made available on request;
- all loaded, open backed HGV's leaving the site shall be sheeted or netted;
- only vehicles and storage containers that are ancillary to the development shall be stored within the site;
- all vehicles, plant and machinery operated on site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers;
- the hard surfacing on site shall be maintained in a good state of repair, kept clean and free of mud and other debris;
- no plant, equipment or associated materials (including waste containers and skips) shall be stored outside the developed area of the WTS / HWRC;
- unauthorised material deposited on site shall be removed to an authorised waste disposal facility within 48 hours;
- restriction of permitted development rights;
- the terms of the planning permission shall be made known to any person(s) given responsibility for the management of the site.

Controls on existing permissions / development

- all uses / operation associated with planning permission references SE/91/1958, SE/94/113, SE/03/902 and SE/03/1180 (*i.e. the Green Waste Composting Facility*) shall permanently cease upon implementation of this permission and shall not recommence thereafter;
- all uses / operation associated with planning permission references SE/90/1302 and SE/12/2342 (*i.e. the existing waste transfer station and household waste recycling centre*) shall permanently cease within 14 days of the first importation of waste to the new waste transfer station and the uses / operations shall not recommence thereafter;
- all existing built development, structures, plant, equipment and waste within the red line area shall be removed from site;
- all land outside the final area of the WTS / HWRC, but within the red line area of the development hereby permitted, shall not be used except as maybe permitted by a subsequent valid planning permission;
- Except as may be permitted by a subsequent planning permission, within 12 months of the first importation of waste to the new facilities, the applicant shall submit a scheme for the demolition and remediation of the existing waste transfer building and other land outside the final developed area of the WTS / HWRC, and thereafter the scheme shall be implemented as approved.

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| Case Officer: James Bickle | Tel. no: 01622 221068 |
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| Background Documents: see section heading |
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APPENDIX A TO ITEM C2

Draft Heads of Terms for Legal Agreement

To cover the issues set out in the draft covenants below:-

Draft Owner's Covenants

1. To give KCC one month's prior written notice of its intention to commence the development.
2. To give KCC written notice of when the development has commenced within one week of such commencement.
3. To pay to KCC upon execution of the S106 Agreement all of KCC's reasonable legal, planning and administrative costs for the preparation and completion of the Agreement and to pay any abortive costs if the agreement is not concluded for any reason within 6 months of the date of the planning decision
4. To cease all uses / operations associated with planning permission references SE/91/1958, SE/94/113, SE/03/902 and SE/03/1180 (all relating to green waste composting) upon implementation of the permission and not to recommence these uses / operations thereafter and not to make any claim for compensation for these permanent cessations.
5. To cease all uses / operations associated with planning permissions SE/90/1302 and SE/12/2342 (relating to the existing Waste Transfer Station and Household Waste Recycling Centre) and, with the exception of the existing Waste Transfer Station building itself, to remove all built development, plant, equipment, machinery and structures associated with the Waste Transfer Station and Household Waste Recycling Centre within 14 days of the first importation of waste to the new Waste Transfer Station and Household Waste Recycling Centre and not to recommence these uses / operations thereafter and not to make any claim for compensation in respect of these matters and if necessary to indemnify the Council against any future claims by successors in title to the Site.
6. Except as permitted by any permission granted in respect of planning application SE/12/2790, not to use any of the land covered by planning permissions SE/90/1302 and SE/12/2342 for any other purpose except as permitted by a valid planning permission.
7. To implement any landscape, biodiversity or associated management prescriptions required pursuant to conditions attached to any planning permission granted in respect of planning application SE/12/2790 for the life of the development.

Item C3**Proposed change of use from a skip depot and agricultural land to a waste transfer depot with construction of a new building, provision of a portacabins and a weighbridge at Woodleas Farm, Goldwell Lane, Aldington, Ashford. AS/12/0622 (KCC/AS/0153/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2013

Application by R. H Butler Ltd (Skip Hire) Proposed change of use from a skip depot and agricultural land to a waste transfer depot with construction of a new building, provision of a portacabins and a weighbridge at Woodleas Farm, Goldwell Lane Aldington, Ashford

Recommendation: Permission be granted subject to conditions.

Local Member: Andrew Wickham

Classification: Unrestricted

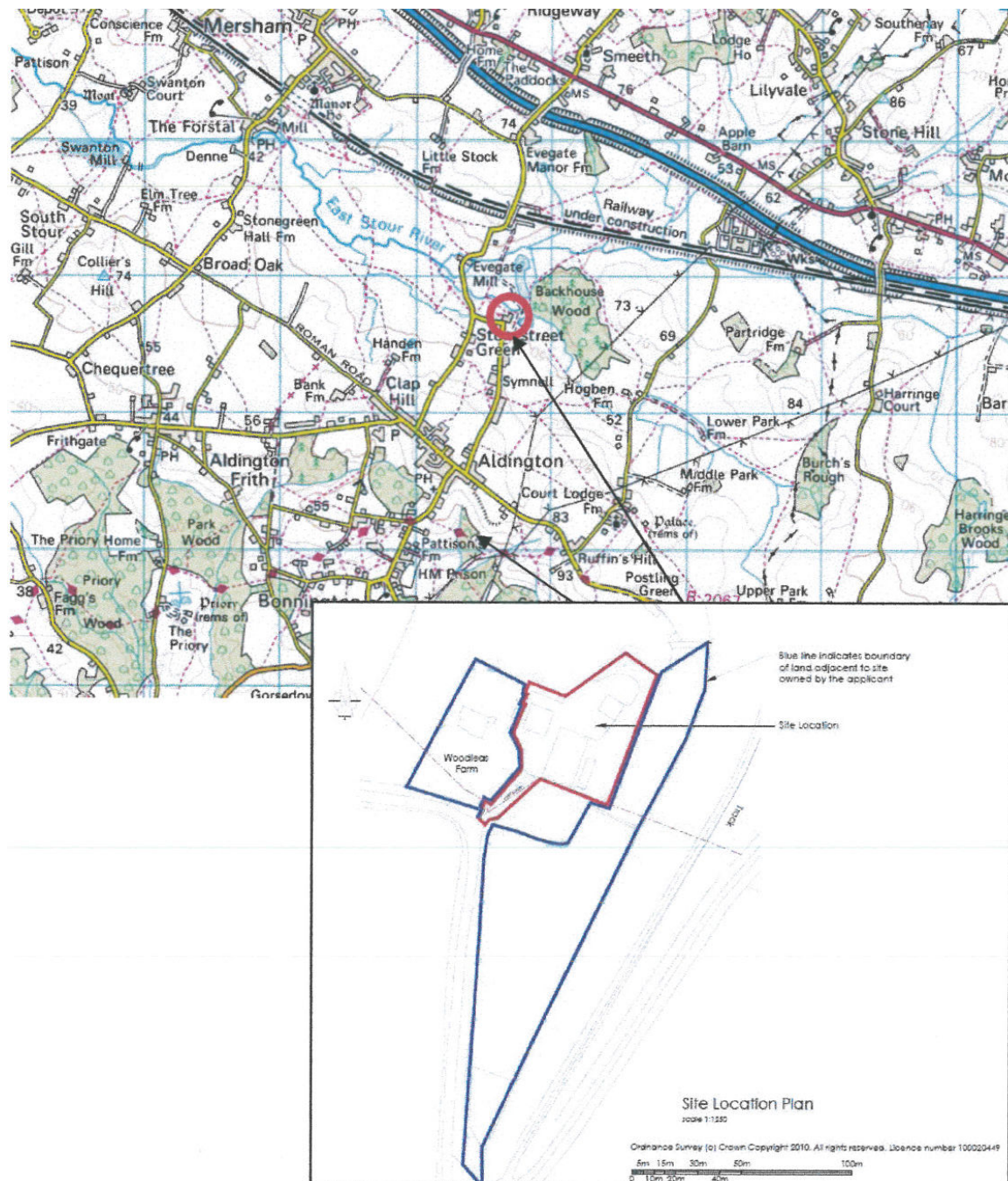
Site description

1. The site lies is a rural location to the south of the M20 and Channel Tunnel Rail Link (CTRL) where the land slopes gently southwards towards the village of Aldington. The application site itself is relatively flat and lies outside any designated landscape area. The small built development is a made up of the application site, a residential property and a small rural depot all served off an access road from Goldwell Lane. The surrounding land is all in agricultural use. A site location plan is provided below for reference.
2. The site lies on a right angled bend to the north east of Goldwell Lane which runs between Stone Street Green and Aldington. Further to the east of the site is the flood retention embankment of the Aldington Flood Storage Area. The site lies within flood zone 1 and is therefore considered as being at low risk of flooding.
3. Immediately to the left off the access road is the driveway to the residential property (chalet bungalow) owned by the applicant, and a little further along on the right is a gated access into a yard operated by the Environment Agency, which is bounded by metal palisade fencing. Beyond that the access opens up into the yard area that forms the application site. Within the yard are a number of existing buildings; a workshop building, four barns (of varying size), a stable block and a static caravan. At the time of my site visit there were a large number of empty skips (and containers) being stored in a haphazard fashion over large parts of the application site and beyond, a large stockpile of soils and hardcore, and quantities of waste paper.
4. There are 2 Public Rights Of Way (PROW) adjacent to the site. Footpath AE456 runs from the east of the site, crossing the large flood defence berm, along the side of the existing workshop building and across the access road out onto Goldwell Lane. At this point footpath AE436 heads north westwards across the garden of Woodleas Farm Bungalow in a diagonal beyond and across the agricultural fields.

Item C3

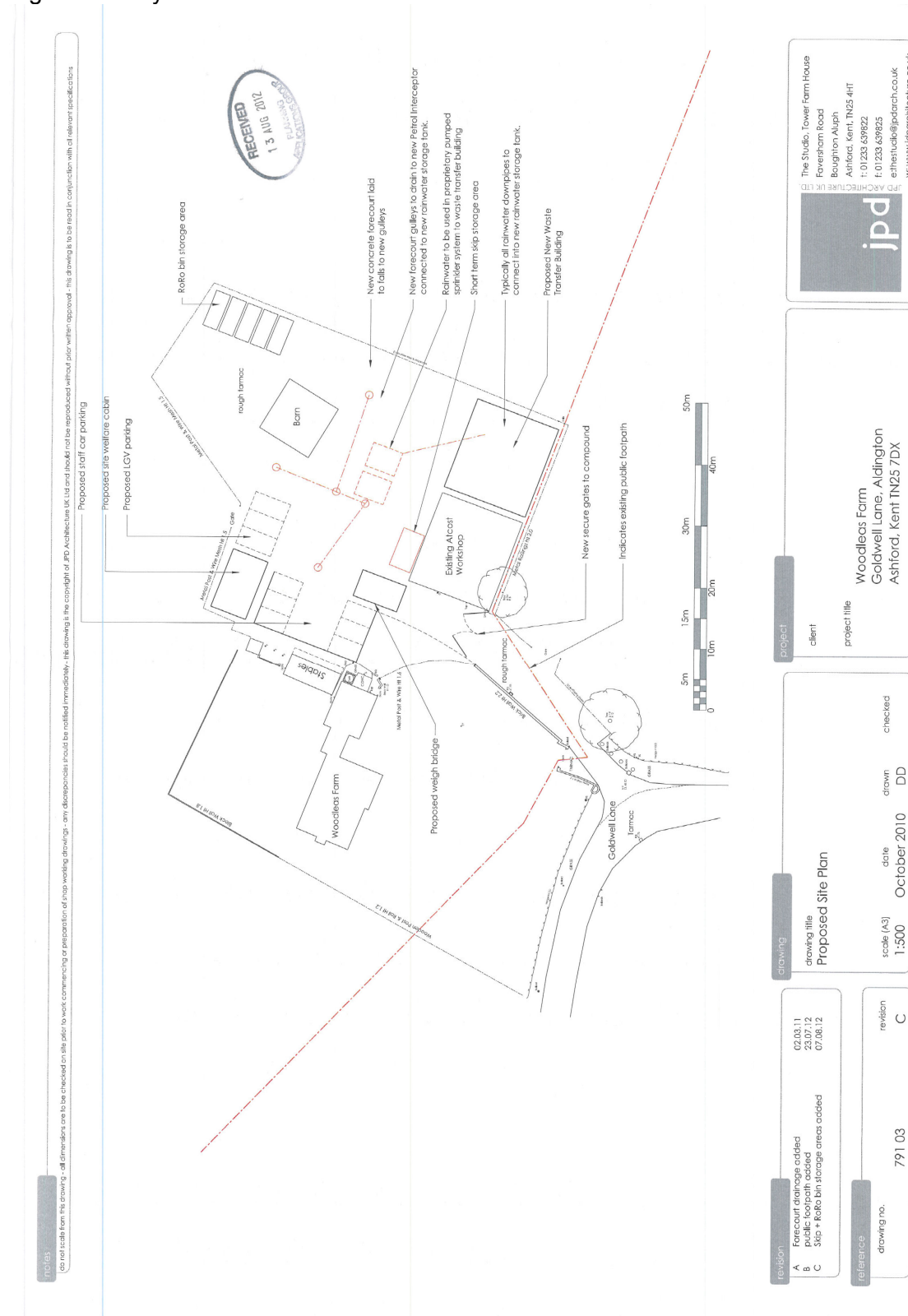
Proposed change of use from a skip depot and agricultural land to a waste transfer depot with construction of a new building, provision of a portacabins and a weighbridge at Woodleas Farm, Goldwell Lane, Aldington, Ashford. AS/12/0622 (KCC/AS/0153/2012)

Fig. 1 Site Location Plan



Proposed change of use from a skip depot and agricultural land to a waste transfer depot with construction of a new building, provision of a portacabins and a weighbridge at Woodleas Farm, Goldwell Lane, Aldington, Ashford. AS/12/0622 (KCC/AS/0153/2012)

Fig. 2 Site Layout Plan



Proposed change of use from a skip depot and agricultural land to a waste transfer depot with construction of a new building, provision of a portacabins and a weighbridge at Woodleas Farm, Goldwell Lane, Aldington, Ashford. AS/12/0622 (KCC/AS/0153/2012)

Planning History

5. In March 2011 the Applicant submitted a similar planning application to Kent County Council which was withdrawn following advice from officers that such a proposal would be unlikely to receive support for a new use of that type in the countryside unless the historical use of the site could be established. Shortly afterwards they submitted an application for a lawful development certificate (LDC) to Ashford Borough Council for the use of the land for a skip hire depot. The use was held to be lawful on the basis that the use had been taking place in excess of 10 years. The certificate describes the use as follows "*Skip Hire Depot with 2 HGV's operating from the site*" and covers an area of land slightly smaller than the planning application. Following the issue of the LDC the Applicant submitted this application. It is important to note that the certificate had no other qualifications or conditions relating to the use described.
6. Prior to this certificate being issued planning permission had been granted by Ashford Borough Council firstly in 1994 for the use of the site as an operating centre for 2 HGV's and in 2002 for the removal of an agricultural occupancy condition on the farmhouse.

Proposal

7. The application seeks a change of use to a waste transfer station from the established skip hire use and proposes the erection of a new building. Because the site area extends slightly beyond the boundary of the plan accompanying the LDC decision notice, the application also involves the change of use of other land whose permitted use is likely to be agricultural; although historically it appears to have been used in the more recent past in association for the skip hire business.
8. It is proposed that the existing Atcost building which is currently used as a workshop would remain in place and that a new building of the same design and proportions (214 m²) be erected to the east of it, following removal of 2 smaller structures. The new building would be open fronted and would be used for sorting of the skip waste (mainly from civil engineering and construction projects) into waste types by a 360° excavator (into small metal bins) for transfer by loading shovel into large metal Ro-Ro type containers. Once the containers were full they would be taken off-site for onward transfer to the relevant recycling business or landfill as appropriate. The application plan shows an area set aside for 6 of the larger containers, although there may be up to 10 as a maximum. It is expected that the following waste types would be handled through the site; metal, glass, timber, soils, concrete, plasterboard, green waste and plastics, with an expected throughput of 39,600 tonnes per annum.
9. In the middle of the site is another small existing barn. It is proposed that this would be used for paper storage, although the Applicant has stated that in the longer term this is likely to be removed, after which time waste paper would be stored within one of the Ro-Ro containers. The stables block, caravan and another barn building would be

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removed from the site to make way for the portacabin (office/mess facilities), vehicle parking and the proposed weighbridge. It is anticipated that there would be an extra 2 full time employees taking the total to 4.

10. In addition to the grab machine and loading shovel the Applicant's would operate 2 vehicles on site, a small 18 tonne lorry for moving and positioning skips and a 30 tonne lorry handling delivery and removal of the Ro-Ro containers, accessing the site once a day. It is anticipated that on an average day there would be 8-10 skip lorry movements and 1 visit by the larger container vehicle (2 movements). It is proposed the site would operate Monday to Friday 0800 -1730 hours, and on a Saturday morning 0800 to 1300 hours.
11. It is proposed that the existing stockpile of hardcore would be spread over the surface of the application area to form a sub base, before the yard area is concreted with additional appropriate drainage installed. The application proposes a metal post and wire mesh fence to a maximum of 1.5 metres around the site. At the entrance to the yard, following negotiations it has been agreed to set back the entrance gate beyond the public right of way which would significantly reduce the potential for conflict between users of the footpath and the proposed transfer station.
12. The Application is accompanied by a Flood Risk Scoping Report, a Noise Impact Assessment and a Transport Statement, as well as a Design and Access Statement and Planning Policy Assessment.

Planning Policy Context

13. **National Planning:** The National Planning Policy Framework came into force on 27 March 2012; it replaces all previous national planning policy guidance. However, the framework does not contain specific waste policies since national waste planning policy is to be published alongside the National Waste Management Plan for England. Pending this, Planning Policy Statement 10 (Planning for Sustainable Waste Management) is to remain in place. The other matters addressed in the framework primarily carry forward previous national planning policy guidance.
14. The NPPF presumes in favour of sustainable development. Sustainable development seeks to ensure that society can meet the needs of the present without compromising the ability of future generations to meet their own needs. The new Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system -- economic, social and environmental. These roles are mutually dependent. In facilitating the delivery of these roles the Framework also requires that local planning authorities should look for solutions rather than problems. It states that

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those determining applications should seek to approve applications for sustainable development where possible.

15. The NPPF is also accompanied by a technical guidance document which provides additional guidance on flood risk and minerals policy. With regard to flood risk it states that it retains key elements of previous Planning Policy Statement 25 'Development and Flood risk' which gives specific advice on steering development away from areas at risk of flooding, depending upon the vulnerability of the proposed use. This guidance is an interim measure pending a wider review of guidance to support planning policy.
16. **Kent Waste Local Plan (Saved Policies) (March 1998):** Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use), W9 (Separation and Transfer - Location of facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W21 (Landscaping).
17. **Kent Minerals and Waste Local Plan (Draft):** Draft Policy CSW16 of the Kent Minerals and Waste Local Plan: Strategy and Policy Directions Consultation (May 2011)
18. **Ashford Local Development Framework (LDF) Adopted July 2008:** There are a number of sustainability policies that specifically seek to address waste reduction; CS1 (Guiding Principles), CS9 (Design Quality) and CS10 (Sustainable Design and Construction) as well as other general policies which should be considered CS15 (Transport) and CS19 (Development and Flood Risk).

Consultations

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

Ashford Borough Council: Final views awaited. On 7 September 2012 responded that the Applicant had not justified the size and scale of the building and would issue a final decision in due course. This has not been forthcoming. . Consulted with additional information on 10 September 2012, 22 November 2012, 23 January 2013, and reminder sent on 26 February 2013, no further response received to date.

Aldington and Bonnington Parish Council: Object on the grounds that vehicles visiting from recycling sites will be too large for the narrow and windy country roads leading to Goldwell Lane. A weighbridge (in the future) will mean even larger and higher quantity of vehicles on the country roads. Goldwell Lane is not deemed suitable for large lorry movements and an increase in heavy lorry traffic.

Smeeth Parish Council: *"Raise concern that although this is an isolated site, and can't be seen from the road or neighbours, it can clearly be seen from the flood barrier. We support the application with however 2 major concerns. One, there are footpaths to the North & South these must be protected. Two, any increase in large*

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lorries negotiating the very narrow lanes around the Evegate Mill complex with its tight bends could be dangerous. Traffic to & from this site would have to go this way which is 500 m away”

Environment Agency: No objection subject to a suitable surface water management system and no discharges to the ground. *NB. Following discussions with EA Officers they have confirmed they their support for the application is on the basis that should planning permission be granted they would work with the Applicant towards the issue of an Environmental Permit which would allow future control over the site.*

Divisional Transport Manager (East Kent): No objection subject to the following conditions being attached:

1. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with the proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

2. The area shown on the submitted layout as vehicle parking spaces and turning spaces shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

3. Notes:-

It should be noted that the proposal will generate 8-10 skip lorry movements a day and 2 movements from the lorry handling the contents of these skips. The number of movements from the proposed use is therefore similar to that of the current use of the site and the proposal is therefore acceptable.

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

Noise

The updated noise assessment demonstrates the rating level of the proposed facility is unlikely to exceed the background noise level at nearby receptors. It is recommended that a noise condition be attached setting noise level ratings (although this would exclude the adjacent residential property occupied by the Applicant). It is also recommended that a re-evaluation of the potential for noise impacts should be carried out if the occupancy of Woodleas Farm changes.

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Dust and Odour

No objection.

KCC Biodiversity Officer: No objection subject to a condition requiring the Applicant take the precautionary approach within the area of rough grassland to the east of the site, in addition to the securing of the enhancements identified in the Ecological Scoping Survey. It is also advised that the Bat Conservation Trust's '*Bats and Lighting in the UK*' guidance is adhered to in any lighting scheme.

KCC Public Rights of Way: No objections on the basis that the gates and security fencing across the entrance to the site would be erected to the north of the point where Public Footpath AE456 joins the driveway. Also the Applicant has agreed to apply to divert Public Footpath AE436 away from their garden by routing it along the northern verge of Goldwell Lane, then northwards along the field edge to rejoin the existing route of the footpath.

KCC County Archaeologist: No comments.

Protect Kent (Council for Protection of Rural England): The site is not suitable for the proposed use as it is in a remote rural area accessed by narrow roads not appropriate for large vehicles. The proposed use does not need a rural location and should be located on an urban industrial site. The development would be detrimental to the natural beauty of the adjacent Kent Downs AONB. The ecological survey is totally unsatisfactory and has not been carried at the correct time of year or thoroughly enough.

Representations

20. The application has been publicised both by site notice and newspaper advertisement and the nearest residential properties were notified. No letters of representation have been received.

Local Members

21. The County Council Member Mr Andrew Wickham was notified of the application and the additional information/response to consultees. No written comments have been received to date.

Discussion

22. The Development Plan - Specifically Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Material planning considerations include the National Planning Policy Framework (NPPF)

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which promotes sustainable development and the local plan policies.

23. Given the nature of the proposal the NPPF it is of less relevance in this case as PPS10 is to remain in place until any new waste policies are published alongside the new National Waste Management Plan for England. However the presumption in favour of sustainable development still applies, particularly on previously developed land and of specific relevance are the following: Delivering Sustainable Development, Part 1 – Building a strong, competitive economy; Part 3 – Supporting a prosperous rural economy, Part 7 – Requiring good design; Part 10 – Meeting the challenge of climate change, flooding and coastal change and Part 11 - Conserving and enhancing the natural environment (paragraphs 120 and 123, pollution and noise respectively). I will discuss the details in so far as they are relevant to the proposal later in the report.
24. The main issues to be considered in this case relate to:
 - a. Need
 - b. Location
 - c. Traffic
 - d. Biodiversity
 - e. Landscaping and Visual Amenity
 - f. Flooding
 - g. Noise
 - h. Other Amenity Impacts
25. Need - PPS 10 states the overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible; it states *“By more sustainable waste management, moving the management of waste up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste”*. Furthermore PPS10 advises that a broad range of locations for waste management facilities should be considered, looking for opportunities to co-locate complimentary activities. In considering proposals on unallocated sites PPS10 states they should be considered favourably when consistent with other criteria in the PPS namely, neighbouring land uses; impact upon the well being of the local community, including when considered cumulatively with other waste facilities; capacity of the transport infrastructure and with priority being given to re-use of previously developed land.
26. The evolving Minerals and Waste Local Plan seeks to support these aims. Draft Policy CSW16 of the Minerals and Waste Local Plan: Strategy and Policy Directions Consultation (May 2011) states that forms of waste development not covered by specific policies in the Core Strategy will be granted planning permission subject to there being a proven need for the facility and it would not cause unacceptable harm to the environment or communities.
27. The application proposes a base within a rural area for the bulking up of a number of waste types for onward transfer to recycling companies wherever possible, and landfill

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as a last resort. The transfer station is expected to serve the surrounding areas (many of whom are existing customers of the skip hire business). The proposals would reduce the number of visits of the skip vehicles to larger transfer stations/landfill sites further afield. Currently most of the skips are likely to be taken into the centre of Ashford for waste transfer. Whilst no specific need case has been put forward by the Applicant, the proposal does meet Government Policy in that it would provide a recycling opportunity at a local scale within a rural location for a number of waste streams, albeit small in terms of volumes. Whilst it is acknowledged that these larger existing waste sites may carry out their own sorting and recycling activities, the application site offers a local solution to the surrounding rural community for sorting and bulking up of waste arisings. The Applicant also points to the co-location and complementary opportunities the proposed waste transfer activities provides, sitting alongside the skip hire depot. It is argued that the sorting of material contained within the skips that are already hired from the site forms a natural progression for the existing business, providing the opportunity to carry out the two functions at one site. It would in my view help to support a strong competitive economy and the social planning role by providing a business opportunity that meets a local need.

28. Location - Policies W3, W6, & and W9 of the Kent Waste Local Plan identify the location criteria against which individual proposals will be considered, whilst policies W18 to W22 and W25, W27 and W31 set out the operational criteria.
29. The application site is not an allocated waste site within the Local Plan nor is it identified as such in the evolving waste development framework. However it is on a site with an established skip hire use. Policy W9 also considers proposals at locations other than on allocated sites. It supports proposals that are within or adjacent to existing waste management facilities or are part of a location with an established general industrial type area. The existing skip hire business may not sit exactly within either of these categories; however, the running of the skip hire business and its associated vehicle movements is lawful and can continue irrespective of the outcome of this application. This proposal offers the opportunity to co-locate a waste management activity on the same site as a commercial activity which already serves the waste industry.
30. The First Schedule of the Lawful Development Certificate sets out the exact terms of what is considered lawful. In this case the description is very limited in describing the use as 'skip hire depot with two HGV's operating from the site'. The loose wording on the certificate enables a relatively broad level of activity associated with the skip hire business along with the associated amenity impacts. As such PPS 10 would support the use of this site as proposed as it offers co-location opportunities and the re-use of previously developed land.
31. Traffic – The planning application is accompanied by a Transport Statement in support of the proposals which acknowledges the existing use of the site, considers existing highway conditions and existing trip generation against the proposed activities and associated traffic generation.

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32. The LDC allows two HGV's to operate from the site in association with the skip hire business, 7 days a week, 24 hours a day, although currently it is acknowledged that at present there are 7-8 lorry movements to the site on a daily basis. The Application proposes that there would be 8-10 skip lorry movements per day and 1 larger 30 tonne gross axle weight vehicle visiting per day to drop off and pick up the RoRo containers. In addition a small number of private cars would visit the site (maximum 4) and 6 car parking bays have been identified within the site layout. It is proposed that all vehicle movements would take place within the proposed hours of use that is 0800 -1730 hours Monday to Friday and 0800 -1300 hours on Saturdays. An autotrack analysis demonstrates the ability to manoeuvre the HGV within the site so that it could exit in a forward gear. My Highway's advisor considers the number of movements from the proposed use is similar to that of the current use of the site and on that basis he has no objection to the proposals. It should also be recognised that it is only the number of vehicles operating from the site that is currently restricted and there is no control over the number of visits that could be made or the times at which they could visit.
33. Biodiversity – The site itself has been used for the skip hire business and its associated activities for many years and the scope for significant wildlife interests is limited due to its continued use. On this basis and due to the limited potential for suitable habitats a scoping survey was submitted in agreement with the County Council's ecologist. The scoping report considers the present habitat and the potential for impacts upon protected species and the flora and fauna of the area in general. The report recognises that there are only small amounts of habitat present on site with limited probability for protected species with no further surveys required but suggests a scheme of ecological enhancements and habitat management. My ecology advisor is supportive of this approach and recommends that a planning condition secures the measures identified in the report and submission of a scheme of enhancements and their longer term management. In addition it is recommended that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to.
34. Landscape and Visual Amenity – It is recognised that the proposals would be within the boundary of the skip hire depot, although the extent of the lawful development certificate covers a slightly smaller area, following what appears to have been a somewhat arbitrary boundary. The description of the application was revised at my suggestion to formally change the use of this strip of land to the north and east of the LDC boundary, but within the existing hedgerow, should permission for the waste transfer use be granted.
35. The main views into parts of the site would be from sections of the public footpaths and surrounding roads. However further planting is not considered necessary as the proposals would not cause a significant change in the character of, or any deterioration in, views of the site. My landscape advisor does not consider that the change of use would cause any significant adverse landscape and visual effects. The removal of some of the buildings and existing elements on site is considered to reduce the visual complexity of the site, with the proposed buildings reflecting the bulk, design and materials of those building which would remain. The proposed sorting building is effectively screened by the existing workshop building, which replicates its form, size and scale. The existing boundary hedgerow planting would be retained and new

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security fencing erected, a condition would ensure that this is installed so that the hedgerow is protected.

36. Flooding – The site lies within Flood Zone 1 and has less than 0.1% probability of flooding and is therefore considered at low risk. However the site is approximately 21m away from the flood retention embankment of the Aldington Flood Storage Area. The Borough Council has confirmed to the Applicant that the topography of the land and boundary of the flood zone indicate that the application site is not directly in the path of any flood waters, should they overspill the embankment, which follow the route of the river to the north of the property. The application is accompanied by a technical note which assesses whether a more detailed Flood Risk Assessment is required. Taking into account the site area and the low risk of potential flooding having regard to current policy guidance it is concluded that a site specific Flood Risk Assessment is not required. The Environment Agency has no objection to the proposals but recommends the surface water management scheme be designed to accommodate the predicted rise in rainfall as a result of climate change. This can be addressed via a planning condition.
37. Noise – The planning applications is accompanied by a Noise Assessment Report which has been revised following discussions with the County Council's noise consultants and considers the proposals against the background of the existing activities and the LDC. The dominant background noise is from the M20 and some intermittent local road traffic and train noise. In order to assess potential noise from the proposed activities the items of plant to be used as part of the proposal were brought to the site for the purpose of the noise assessment, including the dropping of waste into a container. The movement of skip vehicles was excluded from the assessment as they were not likely to be any different from the existing use of the site.
38. The LDC allows the operation of a skip hire business and does not place any further restriction on the way in which the site is operated other than allowing the operation of 2 HGV's from the site. A skip hire business would normally be taken to mean the transport of skips to and from the site and would not involve any waste material being brought to the site. In practice this has occurred at the site. Currently the movement and storage of skips could take place 24 hours a day and over the entire site area. It should also be borne in mind again that there is no restriction on noise levels associated with the skip hire business authorised by the LDC.
39. The updated noise assessment concludes that the rating level of the proposed facility is unlikely to exceed the background noise levels at nearby receptors. The assessment does not take into account the Applicant's own residential property which is immediately adjacent to the application site. Noise from the proposed waste transfer depot would adversely impact the noise environment at this property and it is considered unlikely that the 0dB rating noise level over background noise level criterion can be met, although there is approximately 50 metres distance between the boundary of the farmhouse and the noisiest of the proposed activities. It is recognised that the adverse impacts would be self imposed and equally capable of control by the Applicant. The farmhouse and the adjacent yard were most likely originally part of a single farmyard planning unit. The Borough Council granted permission for the

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removal of an agricultural occupancy condition in 2002, after permission had been granted at the site for an operating centre for two HGV's in 1994. Even following these changes the farmhouse and adjacent yard have continued to be occupied by the same person. It has been suggested that the noise situation should be re-evaluated should the Woodleas Farm itself change ownership and an informative to that effect could be attached if planning permission were granted. It is also the case that anybody occupying the farmhouse would do so in the knowledge of the permitted activities on the adjacent site.

40. My noise advisor is satisfied with the noise assessment subject to a condition controlling noise levels (excluding Woodleas Farmhouse).
41. Other Amenity Impact – The operations proposed in the application include a number of measures to put controls in place limiting the impacts of the activities on the environment. Specifically it intended that a new concrete forecourt is laid including appropriate drainage measure to ensure that a petrol interceptor could be installed. Rainwater would be collected and utilised in a dust suppression sprinkler system within the proposed waste transfer building. The improved surfacing of the site would improve the dust levels that might arise from the vehicular manoeuvring on the site, enable better dust mitigation and greatly improve the visual appearance of the yard area itself. The proposed waste transfer use is intended to handle inert materials only and therefore it is not considered likely to give rise to any odour issues.

Conclusion

42. The site has been used for many years for a skip hire business and the Borough Council issued a lawful development certificate (LDC) for that use including 2 HGV's operating from the site in 2011. There are no further restrictions on the way in which the site is operated and it is against this background that this proposal must be considered. There is presumption in favour of sustainable development. This proposal offers the opportunity to recycle waste that may otherwise go straight to landfill and in so doing accords with waste management policy by moving the waste stream up the waste hierarchy. The establishment of a waste transfer station would enable a local solution to the sorting and bulking up of waste to the rural community on an established previously developed commercial site.
43. It is proposed that the site be changed to operate as a waste transfer station for the sorting and bulking up of materials that have historically been collected by the skip hire business but taken further afield for transfer. The weighbridge, portacabin and new sorting building along with the newly concreted yard area offer the potential to significantly improve the efficiency of operations and the visual appearance of the site. The Applicant acknowledges that investment in the proposals would allow the site to be tidied up and run on a more professional footing. The Environment Agency supports the proposals and is keen to bring the site within the permitting regime.
44. In normal circumstances this would be unlikely to be considered a suitable location for this type of activity, especially given the close proximity of the applicants residential property. However I have to consider the existing lawful use and lack of control over

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current activities at the site. This application offers a sustainable development that along with appropriate conditions and mitigation measures would ensure much greater control over the potential impacts arising from the proposed use. I am satisfied that there are no material considerations to outweigh the presumption in favour of the development and therefore on balance recommend that in the circumstances planning permission be granted.

Recommendation

45. I RECOMMEND that PERMISSION BE GRANTED subject to conditions including amongst other matters: standard time limit, strictly in accordance with approved details, hours of operation, types and throughput of materials, area set aside for storage, manoeuvring and parking to be safeguarded for such purposes, height restriction on stockpiles and skip storage, noise levels restriction on vehicle movements, measures to avoid mud and debris on public highway. Prior to commencement of development: details of a scheme of ecological enhancements outlined in ecology report and their longer term management, specific details of the fencing to be installed and measures to ensure the existing hedge screening is protected during its erection, details of a surface water management scheme for the site.

| | |
|------------------------------|-----------------------|
| Case Officer: Andrea Hopkins | Tel. No. 01622 221056 |
|------------------------------|-----------------------|

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| Background Documents: see section heading. |
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SECTION D**DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL**

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

Item D1

Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2013.

Application by Kent Council Children Property & Infrastructure Support for the demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms, with associated welfare facilities, and an extension to the school hall, at Otford Primary School, High Street, Otford, Sevenoaks – SE/13/488.

Recommendation: permission be granted subject to conditions.

Local Member: Mr Nick Chard

Classification: Unrestricted

Members' Site Visit

1. A group of Planning Application Committee Members visited the application site on the 27 March 2013 to acquaint themselves with the proposals and the issues they raise. See notes in Appendix 1.

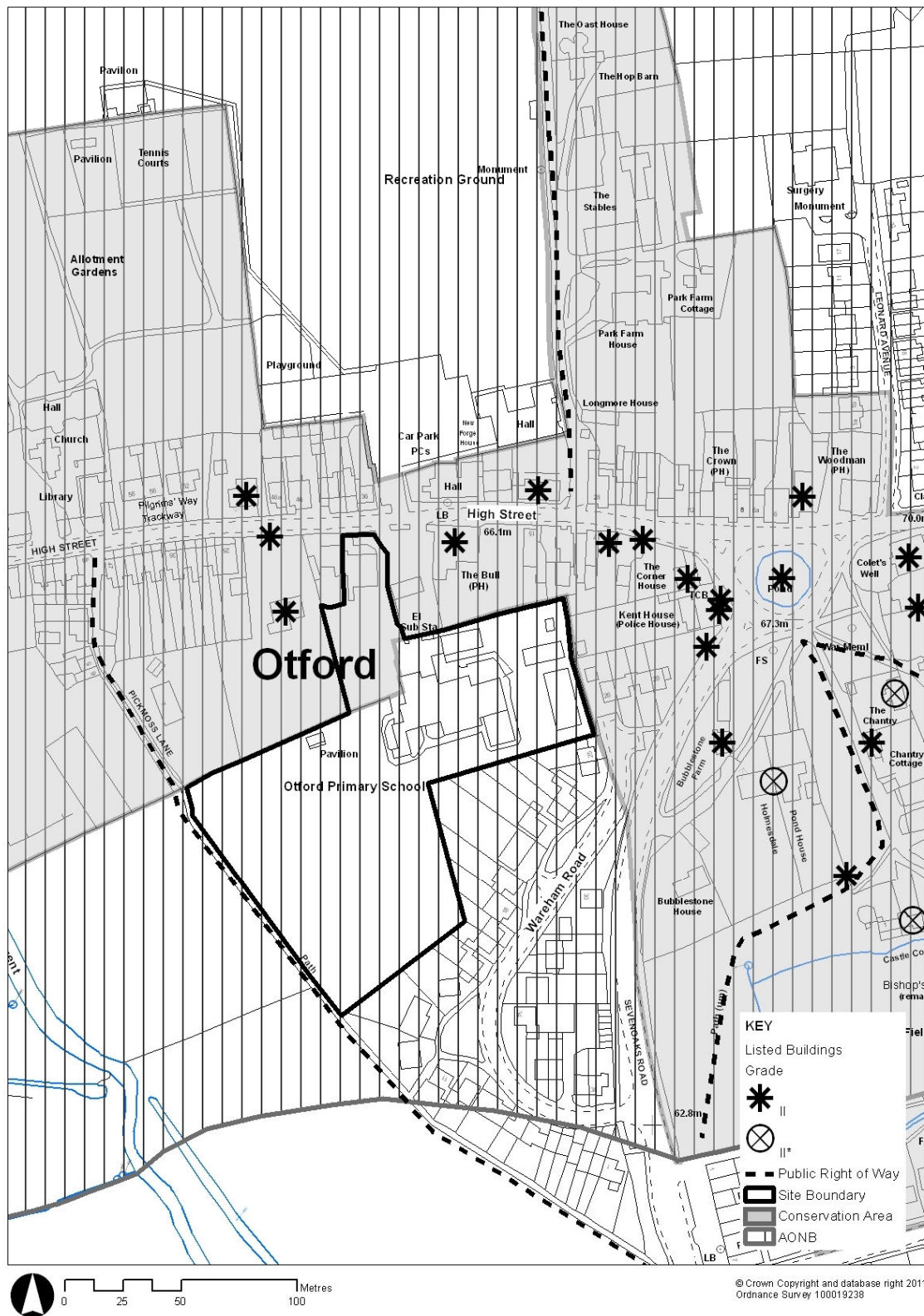
Site Description

2. Otford Primary School is located within the centre of Otford village, accessed via the High Street, the main road through the village centre which links the A225 Sevenoaks Road to the east with the A224 London Road to the west. Otford lies approximately 2 miles to the north of Sevenoaks, separated from the town by open countryside, which is intersected by the M26. The centre of the village of Otford is a designated Conservation Area, the boundary of which runs through the school site and immediately to the east of the application site (the application site is not within the Conservation Area). The school playing fields are designated as Metropolitan Green Belt and the whole of the school site is within the Kent Downs Area of Outstanding Natural Beauty. A number of Listed Buildings surround the site.
3. The school site comprises two main single storey buildings, one of traditional brick construction built c1890 located on the site frontage on the High Street, and the other being a 1970's system build (SEAC), located to the south of the original school building and its associated playground. Two modular classroom units are also located on site, accommodating four additional classrooms in total. A timber frame detached building also provides a single classroom for the school, and an additional room and outdoor play area which accommodates a private pre-school nursery. Playing fields extend to the south west of the site, beyond which lie open countryside. To the immediate south of the 1970s classroom building residential houses in Warham Road back onto the school site.

Item D1

Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

Site Location Plan



Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

[illegible]

Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

Architectural site plan for Offord Primary School. The plan shows existing buildings in grey, a proposed hall extension in white, and a new perimeter path in yellow. Landscaping is indicated by green circles of varying sizes. A north arrow is located in the top right corner, and a scale bar is in the bottom right corner.

Annotations on the plan:

- New perimeter path with planting to building perimeter
- Existing path adapted to suit new layout
- Proposed hall extension

Scale: 1:500

North Arrow

Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

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Item D1

Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

Proposed Elevations (North and South)

NOTES
Do not make dimensions off this drawing
The drawings are to be used as a guide only
for the architect's reference only and are not
to be used for construction purposes
Discrepancies between the drawings and other
contract documents

REV P1 SEP/2012 PLANNING ISSUE

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JOB

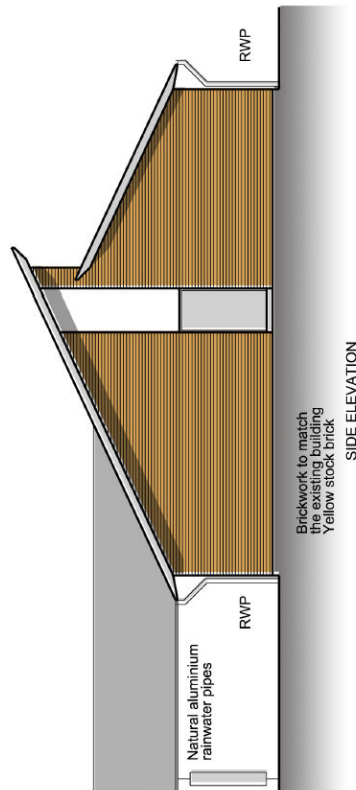
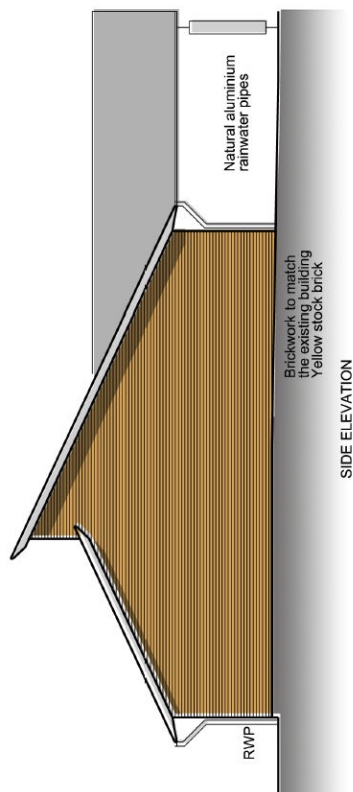
ACCOM
DEMOLITION AND ERECTION OF
THREE ADDITIONAL CLASSROOMS
OTFORD PRIMARY SCHOOL
HIGH STREET
OTFORD, KENT TN14 5PG

DATE

29

PROPOSED ELEVATIONS 2

| NO. | DATE | REVISION |
|-----|----------|----------|
| 001 | 29/09/12 | HC |
| 002 | 29/09/12 | HW |
| 003 | 29/09/12 | PI |



Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

notes

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jpo
 AECOM
 HENRY PRIMARY SCHOOL
 HIGH STREET
 OTTENDEN
 PLYMOUTH SPG

og
 PROPOSED HALL EXTENSION

| SBSA | | PLANNING | |
|------------|-----------|----------|--|
| scale | date | city | |
| 1:500 (A3) | SEP/2012 | PG | |
| og/ro | | PG | |
| | SEP 19 11 | PG | |



Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

4. To the east of the school site, adjacent to Warham Road, lies a detached aluminium framed swimming pool building. The swimming pool building runs parallel to the eastern site boundary, which consists in 1.2 metre high chestnut paling fencing and an area of hedgerow at this point. The building is currently used for storage only, and is in a poor state of repair.
5. Vehicular and pedestrian access to the school site is via the High Street, controlled by security gates. Parking on site is limited, with a total of twelve parking bays for staff and visitors located to the south east of the access. Otford Village Car Park, which is owned and managed by Otford Parish Council, is located opposite the school, and a zebra crossing on the High Street is located to the east of the school and the Parish Car Park entrance.

A site location plan is attached.

Proposal

6. This application has been submitted by Kent County Council Property and Infrastructure Support and is part of the County wide Basic Needs Programme. The application proposes the demolition of the existing swimming pool building and the erection of a new building to accommodate three additional classrooms and associated welfare facilities, and an extension to the existing school hall. The applicant advises that Otford Primary School currently has insufficient teaching accommodation for the current pupil intake numbers. Pupil Admission Numbers (PAN) is 60 pupils per academic year, and this has been the case for the last 3 years, and is set to continue. Due to insufficient classroom space on site, teaching spaces currently occupy non teaching rooms, such as a converted kitchen and library spaces. The applicant advises that since the increase in PAN in September 2009, the School has continually reorganised the teaching space available to accommodate the 2 Form Entry intake, including the addition of modular teaching accommodation. However, from September 2013, I am advised that the school will require a further 3 classrooms in total as the pupil numbers level out across all year groups.
7. This application proposed the demolition of the existing swimming pool building, and the erection of a three classroom building upon the same footprint, re-using the existing foundations. The proposed building would also accommodate toilet and cloakroom space, and a new covered entrance would be provided to the western elevation, which would be the only element of the building which would extend beyond the footprint of the existing swimming pool. The school hall is also proposed to be extended to meet the minimum requirements set out in Kent County School Design Brief October 2011, and the DfE Guidelines for the Primary School Accommodation, for a 2FE Primary School.
8. The existing detached swimming pool building is located along the eastern boundary of the school site, which also marks the boundary of the Conservation Area, and beyond which lie residential properties in Warham Road. The footprint of the existing swimming pool building is 25.4 metres by 11.7 metres, equating to 297.2 m². The existing building is approximately 4 metres high, and has a simple pitched roof constructed of GRP semi translucent infill panels. A dwarf brick wall and a aluminium frame support the same GRP panels as the roof, forming the walls of the existing building. It is proposed to replace the super structure of the swimming pool building with a timber framed single storey building, approximately 6.25 metres in height. The existing foundations are

Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

proposed to be retained, and the existing floor slab adapted to cater for the proposed building. The building footprint would, therefore, be as existing, with the only addition being the entrance porch.

9. The timber framed structure would be clad in a yellow stock brick, to match the existing main school building. The roof is proposed at a shallow pitch, finished in artificial slate tiles, with high level clerestory glazing proposed facing towards the east, Warham Road. The high level clerestory glazing, in addition to roof lights, would provide natural light and ventilation to the classrooms, whilst ensuring that windows are not introduced into the eastern elevation to face residential properties. Aluminium door and window frames are proposed to be finished in a mix of grey and white, to provide a colour contrast as required by the Disability Discrimination Act. Fire exit doors are positioned along the south and east elevations of the building, which would be for emergency use only. A small plant room would also be accessed via a door on the eastern elevation.
10. The proposed building would accommodate 3 classrooms for Key Stage 2 pupils, with each classroom providing 60m² of internal floor space, in addition to a resource store and wet area. Storage and cloak areas would be provided for each classroom, in addition to pupil and staff WCs. The building would be accessed via an existing tarmac pathway, linking with the existing school buildings and external play spaces.
11. The main entrance to the proposed building would be on the west elevation, facing an open area of grass amenity space, beyond which lies the main school building. Natural light from windows along this elevation would provide light to the internal spaces, with low cill heights on this elevation to ensure pupils can gain views across the school site. High level clerestory glazing and roof lights are proposed to keep running costs low by providing passive ventilation, with louvre vents to the windows left open at night whilst the building would be secure to allow purging of the internal air. Heating is proposed to be stand alone from the main school building, with an air source heat pump proposed to be installed. The applicant considers that this would provide cost effective central heating via under floor heating.
12. Building Bulletin 99 sets out minimum external space recommendations for Primary Schools. A 1FE Primary School would require 2,500m² of playing field space, increasing to 5,000m² for a 2FE school. The applicant states that Otford Primary School has 8,693m² of playing field space. With regard to hard surface play space, a 2FE Primary School would require 1,030m² under Building Bulletin 99. Otford Primary School has a total of 1170m². It should be noted that the proposed development is upon the footprint of an existing building and would not impact upon playing field or hard play provision. The development would also not result in the removal of any trees.
13. In addition to the proposed classroom extension, it is also proposed to extend the existing school hall. The hall currently provides a floor space of approximately 180m². The applicant states that regulations stipulate a space requirement of 0.45m² per pupil. The existing hall has a capacity for 400 pupils for assembly purposes and, consequently, the school hall is insufficient in size to accommodate all the pupils and staff associated with a 2FE school (420 pupils). DfE advise a minimum hall size of 180m² for a 2FE Primary School, with a further small hall/studio of 80m². This application therefore includes the proposed extension of the existing main hall to provide a further 80m² of floor space. The applicant is proposing to extend through the window/curtain walling elevation to the south of the hall by 5 metres, to meet the building line of the adjacent classroom. The extended hall would appear as existing in

Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

terms of elevational treatment and design. The extension would cover over an area of overgrown garden and a tarmacadam path.

14. It is not proposed to alter or improve existing vehicular and pedestrian access to the site as part of this application. However, this application is accompanied by a School Travel Plan which sets out how the School manage parking and access, and future intentions for further management, such as the provision of a walking bus. Recently added security gates, with automated vehicle and pedestrian gates, controlled by intercom call points, have vastly improved the school's security.
15. The applicant states that the site compound associated with this development would be located on the area of grass to the west of the existing swimming pool. Temporary access for materials is proposed from Warham Road, where materials would be transferred from delivery vehicles over the boundary fence to the site compound. The applicant states that, where possible, prior notification would be given to the residents of Warham Road in advance of such bulk material deliveries. Work operative vehicles would access the site via the main school entrance on the High Street, and would park on site. Controls would be in place to protect the public and pupils from construction vehicles/activities, and deliveries would avoid peak school times. The build would take approximately 10-16 weeks. The applicant states that all surfaces and boundary fencing would be reinstated on completion, and that additional planting to the boundary with Warham Road would be provided if required.

The planning application is accompanied by a Design and Access Statement, School Travel Plan and a Transport Assessment.

Planning Policy Context

16. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012) which sets out the Government's planning policy guidance for England and as guidance is a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. The NPPF replaces the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).

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

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

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

- Chapter 4 (Promoting sustainable transport)
- Chapter 7 (Requiring good design);
- Chapter 8 (Promoting healthy communities);
- Chapter 10 (Meeting the challenge of climate change, flooding and coastal change);
- Chapter 11 (Conserving and enhancing the natural environment); and
- Chapter 12 (Conserving and enhancing the historic environment).

Chapter 11 states that great weight should be given to conserving landscape and scenic beauty in (amongst other designated areas) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. It goes on to state that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

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 **Policy Statement on Planning for Schools Development (August 2011)** is also relevant, in so far as it identifies that there should be a presumption in favour of the development of state-funded schools.

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17. Sevenoaks District Local Plan: Adopted 2000:

- Policy EN1 -** Proposals for all forms of development and land use must comply with the policies set out in this Plan, unless there are overriding material considerations. Scale, height, design, layout, retention of important features (such as trees), residential and local amenity, access and parking are just some of the criteria which should be considered in the determination of a planning application.
- Policy EN4A -** Proposals for all forms of non-residential development must make satisfactory provision for the safe and easy access of those with disabilities.
- Policy EN6 -** The Kent Downs and High Weald Areas of Outstanding Natural Beauty are shown on the Proposals Map. Development which would harm or detract from the landscape character of these areas will not be permitted.
- Policy EN23 -** Proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting. The design of new buildings and alterations to existing buildings should respect local character, whilst the treatment of external spaces including hard and soft landscaping, boundary walls, street furniture and signs should be compatible with and enhance the appearance of the area
- Policy NR10 –** Proposals for all forms of development should minimise pollution of the environment through the careful design and layout of any buildings or land uses.
- Policy VP1 –** Vehicle parking provision in new developments will be made in accordance with KCC adopted vehicles parking standards.

Sevenoaks District Core Strategy: Adopted February 2011:

- Policy LO7 -** Within the rural settlement confines of Otford development on a modest scale will be permitted where it can take place in an acceptable manner consistent with local character. Within all the settlements covered by this policy new development should be of a scale and nature appropriate to the village concerned and should respond to the distinctive local characteristics of the area in which it is situated
- Policy LO8 –** Seeks to maintain the extent of Green Belt, and conserve and enhance the countryside, including the distinctive features that contribute to the special character of its landscape and its biodiversity. The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting, will be conserved and enhanced.
- Policy SP1 –** Requires all new development to be designed to a high standard, reflect the distinctive local character of an area, create safe, inclusive and attractive environments, incorporate sustainable development principles

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and maintain biodiversity. Account should be taken of guidance adopted by the District Council in the form of Conservation Area Appraisals and Parish Plans, amongst other matters. The Districts heritage assets and their settings, including listed buildings, conservation areas, historic buildings, archaeological remains, landscapes and outstanding views will be protected and enhanced.

Policy SP2 - Sets standards for sustainable design and construction. Institutional development will be required to achieve a BREEAM rating of at least 'very good'. In order to achieve this, the proposal will be expected to demonstrate 10% energy savings through renewable sources.

Policy SP10 – Promotes the provision of multifunctional green space by linking existing green space areas. The Policy also seeks the retention of open space, sports and recreational facilities, including indoor facilities of value to the local community, unless any loss can be justified by additional provision of at least equivalent value to the local community.

Policy SP11 - Seeks to conserve biodiversity, to ensure no net loss through development and to promote opportunities to enhance biodiversity.

Consultations

18. Sevenoaks District Council – comments as follows:

“Due to its height, bulk and design, the proposed building for three classrooms is felt to be detrimental to the character of the Area of Outstanding Natural Beauty and the neighbouring Conservation Area. This would not be in accordance with policies LO8 of the Sevenoaks Core Strategy, and EN23 and EN1 of the Sevenoaks District Local Plan.

At the request of the ward councillor for Otford, the District Council would also draw the County Council's attention to the concerns raised with regard to the parking/highways issues that have been raised.”

Otford Parish Council – objects to this application on the following grounds: -

- Do the hard play calculations provided include the area used for car parking?
- Air-source heat pumps give rise to noise concerns;
- Access from Warham Road should not be allowed for material deliveries. Any access would cross private land;
- The data used in the Travel Assessment is low quality and inaccurate;
- The conclusion of the Travel Plan is not accepted. The conclusion states that 'overall it has been demonstrated that with continued effectiveness of the Travel Plan and the future proposals for the village car park there are no transport or highway reasons to prevent the extension of the school'. The village car park is owned by the Parish Council, and operated for the benefit of the whole community, and KCC has no say in how the Parish Council should operate it, particularly for the benefit of one sector of users above others.
- It is not clear how pupils will be safely picked up/dropped off by vehicles. Currently, pupils are observed being dropped off from vehicles in the High Street whilst the traffic is halted by the pedestrian crossing, within the zip zag zones;

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- The Parish Council has provided details of possible school pick-up/drop-off areas within the Parish Car Park, which would have to be funded, provided and managed by the County Council and Otford Primary School. However, these options would result in the loss of car parking spaces, and the Parish Council does not consider that they would not solve the existing and proposed problems;
- The Parish Car Park is over used already, and at peak school times, people park in unmarked bays, causing a danger to other users and school pupils;
- The Parish Council is currently carrying out a risk assessment of the car park, and will be meeting with their insurers to discuss this. The Parish Council must take advice from their insurers with regard to risks arising from anticipated additional traffic in the car park, and their overriding concern must be the safety of all users of the car park;
- The Parish Council may have to introduce a control on the numbers of vehicles entering the car park, to ensure the safety of its users;
- It is the responsibility of KCC to provide the necessary safe drop off and pick up areas for the school, not the Parish Council.

Divisional Transportation Manager – comments as follows:

“Parents and teachers using the village car park must do so in accordance with the regulations in force. As such, should a charging system be introduced, those wishing to stay longer than any discretionary period will have to pay, or face being dealt with under any enforcement regime. The planning application must be considered in the light of a 20% increase in pupils, and a minor increase in staff, which does not necessarily represent undue additional pressure on traffic in the village and on the use of the car park.

It is inevitable that some use of the car park will relate to the circulation and turning areas, rather than solely to marked bays. This is typical of how car parks perform during periods of very high demand. Without suggesting that this represents 'the School taking over the car park', it does mean that, through the Travel Plan, the School should take more responsibility for vehicle and pedestrian movements that it generates.

Whilst it may be of some benefit to the village for a new car park serving the school to be built, such a facility is not being proposed, neither is it appropriate to consider a possible location. Should such a proposal come forward, it will have to be supported with appropriate highway and transport information.

It is accepted by Kent County Council Highways and Transportation that during the morning and evening 'school run' periods, the village becomes congested. The actual figures for pedestrian and vehicular traffic flow, vehicle occupancy, turning movements and crossing movements vary from day to day. As such, there is no ability to model the situation, or to prove that the proposed expansion will make it unacceptably worse. Indeed, such situations tend to be self-limiting, with people modifying their behaviour in response to how the daily variations impact on their journeys. For this reason, disputes over the numbers used in the application, and estimates of the impact of Travel Plan measures are not crucial to the overall highway recommendation. There is no realistic prospect of preventing short term congestion, but things can be done to improve safety, manage behaviour and reduce conflict.

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It is apparent from the representations that the development of the Travel Plan needs to embrace the village community in order to achieve outcomes that not only mitigate the impact of the expansion, but that also address existing concerns. I do not believe that the Travel Plan needs to be agreed before consent is granted, but rather that it should be the subject of a condition with a reasonably challenging timescale for discussion, agreement and submission for approval.

Subject to such a condition being secured and a further condition to ensure that appropriate wheel washing facilities are provided on site prior to the commencement of construction works and for the duration of construction, there are no KCC Highways & Transportation objections to the proposals.”

Environment Agency – raises no objection to the proposal, however requests a condition be attached to any consent requiring the submission and approval of details of a scheme for the disposal of foul and surface waters, and a further condition regarding land contamination.

Kent Downs AONB Unit – views awaited.

The County Council's Archaeological Officer – raises no objection subject to the imposition of a condition requiring the submission of a written programme and specification of works associated with securing the implementation of a watching brief.

The County Council's Conservation Architect – comments as follows:

“I raise no adverse comments to the proposed replacement of the swimming pool building with a block of classrooms and the extension of the existing hall. I note that there are limited windows to the classrooms, other than the high level roof and clerestory lights, which limits overlooking of neighbours. If necessary, further neighbour privacy could be achieved with hedge planting to establish a "green" screen along the eastern side of the site.

The proposed roof is to be covered in man made slate, a material that can achieve a lower roof pitch than tile, which generally requires a steeper roof pitch. Due to the siting of the building adjacent to modern residential dwellings, I consider the use of slate, albeit man made, to be acceptable for the type and design of building. Another nearby building with a slate roof is The Grange, a large 19th century residential property set back from the High Street, which due to its siting is not an inappropriate roof material.

I assume that conditions will be applied for the external materials - roof, wall, window and door fenestration - to be approved prior to commencement of the development.”

Local Member

19. The County Council Local Member Mr Nick Chard was notified of the application on the 16 January 2013. The following written comments have been received:
“I am in broad support of the application having read the Transport Assessment dated 28 January 2013.”
(See the notes of the Members Site Visit in Appendix 1 for further views.)

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Representations

20. The application was publicised by the posting of 3 site notices around the application site, a newspaper advertisement, and the individual notification of 25 nearby properties.
21. At the time of writing this report, 6 letters of objection have been received. It should be noted that one of the objectors is the 'Chairman of the Parish Plan', a document referenced in Sevenoaks District Core Strategy Policy SP1. The main points of objection are summarised as follows:-

Traffic, access, parking and highway issues

- The proposed expansion of the school makes no allowance for the increase in traffic for the dropping off and collection of children, or additional staff parking;
- A problem currently exists around peak school times with regard to parking and congestion. This proposal would exacerbate this dangerous situation further;
- The declared need for additional places at this school is not from the village population but a direct result of the ever broadening catchment area;
- The proposal is supported by a School Travel Plan which is found to be wholly inaccurate and lacking in relevant content in its justification;
- Road use and pedestrian safety are two of the major concerns expressed in the Otford Parish Plan: these are not addressed in the planning application;
- As only half of the school population are within walking distance of the school, and many of those live in local areas where walking to school would be dangerous (as stated in the TA), walking buses would not address the travel needs of the majority of parents. Car use is the only option for them and management of car use is not addressed;
- Even parents who live in the village drive to the school as it is too dangerous to walk due to the volume of traffic, lack of pavements, and inconsiderate parking;
- Traffic congestion and a lack of school parking facilities needs to be addressed within this planning application;
- The Parish Car Park cannot accommodate the slow increase in the size of the school;
- The village is grinding to a standstill, and visitors and local residents cannot use the Parish car park due to the school's use, and therefore local businesses are suffering;
- Local roads are also used for school parking, which creates danger to road users and pedestrians, and is inconvenient to local residents;
- A new school car park should be provided, and a possible site is identified in the Parish Plan;
- The village has reached parking saturation point. If safe access to the school cannot be gained, there is little point in enlarging it. Unless KCC and the School Travel Plan can provide a solution, the residents of Otford, as represented by their Parish Plan, cannot support the further expansion of the school;
- There is simply no more room to park on the streets or designated parking areas in Otford, whether it be an additional 50 or 150 cars, there is no room;
- A number of matters are raised which the local community consider should be addressed in detail within the School Travel Plan, such as the provision of alternative drop off sites within the village. Traffic surveys have been undertaken and submitted by the local community;

Design and Appearance

- The design of the building is totally inappropriate for the surrounding area;

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- The brick proposed does not blend in with the houses in Warham Road;
- The artificial slate roof does not match local properties, which have tiled roofs;
- The style of the building does not blend with the Otford High Street Conservation Area, the boundary of which is adjacent to the development;

General matters and amenity concerns

- The community applauds the achievements of the school authorities in raising teaching standards over the past year;
- The redevelopment of the swimming pool is a sound use of available space;
- The school has insufficient hard play areas;
- Noise pollution will increase, as approximately 100 pupils will be in an unscreened building just a few metres away from residential properties;
- Security lighting will create light pollution, in addition to that already experienced due to lighting of the school buildings;
- Asbestos surveys should be undertaken before any works commence;

Construction

- Warham Road is a residential cul-de-sac and is totally unsuitable for the heavy vehicles that would be used to deliver materials to site;
- The school has no access on to Warham Road, and the actual boundary between the school and the public road is about 7 metres in length. Every lorry delivering building materials would completely block the drives of 3 residential properties and seriously inconvenience many others;
- Warham Road is quite narrow and has several bends, giving poor sight lines. On street parking by visitors to the village and school parking add to the danger of using this road;
- Should permission be granted, conditions should be imposed to ensure that all construction traffic, including material deliveries, should access the site via the school's entrance on the High Street.

I have also received a letter of objection from Sevenoaks District Council Member, Councillor J. Edwards-Winsor. The main points raised are summarised as follows:

- Although the application documents state that pupil numbers are increasing by only 70, no consideration has been given to the fact that the school roll has been increasing for the past 20 years, and that the site is over capacity;
- Nothing has been done to address car usage and/car parking;
- Alternative parking should be provided, and KCC should compulsorily purchase fields to the rear of the site under the 'exceptional circumstances' rule to enable a 'green' car park to be provided. The Parish Plan refers to such a car park, with vehicular access opposite Bubblestone Road;
- Safety of pupils does not start and stop at the school gate, it also encompasses safe transit to and from the school. Increasing pupil numbers will exacerbate an existing difficult situation;
- Sevenoaks Primary School is also due to expand. Will pupils that live in Sevenoaks leave Otford Primary School when Sevenoaks Primary School expands?
- Deliberately letting the swimming pool decay, and then quoting expensive maintenance and lack of use, is not a reason for redevelopment;
- Asbestos removal needs to be considered;
- The air-source heat pump could create noise that would be a nuisance;
- Is sufficient hard play provided on site?

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- 30 members of staff at the school drive, but the school only provides 11 car parking spaces. 19 are therefore expected to park on local roads or within the Parish Car Park. This is not an acceptable solution;
- The Travel Plan does not appear to be accurate, and targets such as walking buses have not been implemented;
- The village comes to a crawl at best during peak school times, exacerbated by uncontrolled random use of the zebra crossing;
- Local pavements are very narrow;
- Traffic survey information has been provided, assessing use of the Parish Car Park. Essentially, Otford has reached saturation point with respect to cars and parking;
- The current situation maybe helped by the introduction of a crossing patrol person to supervise use of the zebra crossing;
- The conclusion of the Transport Assessment is flawed;
- This application for the school expansion is the 'straw that breaks the camel's back'. The only solution is to provide a new car park.

DiscussionIntroduction

22. This application seeks planning permission 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 school hall at Otford Primary School. In considering this proposal regard must be had to the Development Plan Policies referred to in paragraphs 16 & 17 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 access, parking & highway issues, design and appearance, including impact on the Conservation Area and Area of Outstanding Natural Beauty, general amenity concerns, and construction matters.
23. In this case the key determining factors, in my view, are the impact upon the local highway network and the local landscape, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations. In the Government's 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 and reflected in the Policy Statement for Schools. 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.

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Access, parking and highway issues

24. This application is part of the County wide Basic Needs Programme, and is proposing to provide sufficient accommodation on site to accommodate a full 2 form of entry (2FE). The applicant advises that Otford Primary School currently has insufficient teaching accommodation for the current pupil intake numbers. Pupil Admission Numbers (PAN) is 60 pupils per academic year, and this has been the case for the last 3 years, and is set to continue. Due to insufficient classroom space on site, teaching spaces currently occupy non teaching rooms, such as a converted kitchen and library space. The applicant advises that since the increase in PAN in September 2009, the School has continually reorganised the teaching space available to accommodate the 2 Form Entry intake, including the addition of modular teaching accommodation. However, from September 2013, I am advised that the school will require a further 3 classrooms in total as the pupil numbers level out across all year groups.
25. This application has met with significant objection on the grounds of increased staff and pupil numbers, and the associated increase in traffic. Sevenoaks District Council, Otford Parish Council, the District Ward Member, and a number of local residents, including the Chairman of the Parish Plan group, have expressed their strong objection and concern over the additional traffic that the school expansion would generate. First, it is important to clarify the existing number of staff and pupils at the site, and confirm how many additional pupils and staff would be accommodated on site as a result of this development.
26. The applicant has confirmed that Otford Primary School currently has 342 pupils being taught in 13 classrooms, 2 of which do not satisfy DfE guidelines as they are converted kitchen and library spaces. This application proposes to provide 3 classrooms, 2 of which would accommodate the classes currently being taught in the non standard teaching rooms. The total number of classrooms that would be provided on site as a result of this application would therefore be 14, only one more than existing, providing a total full capacity of 420 pupils. The applicant confirms that in September 2013, the reception class intake would be 60 instead of the usual 30. However 35 year 6 pupils would be moving up to secondary school, giving an increase in pupil numbers on site of 25. The new reception class would accommodate the remaining new classroom, with 2 new members of staff - a teacher and teaching assistant. I am advised by the applicant that of the 60 new reception class pupils, 50% are siblings of pupils already at the school. Over the coming years, the increase in admission numbers will progress through the school years, resulting in a maximum number of 420 pupils, 60 per year group. The applicant considers that the school is unlikely to operate at maximum capacity, and that each year group would more likely contain 55 pupils, a total of 385 pupils over the 7 year groups. That is an increase of 43 pupils over the existing roll of 342, and worse case scenario, a maximum school roll would be an increase of 78 pupils over the existing. However, as previously stated, only 25 additional pupils would be on the school roll this September, 50% of which would already have siblings at the school.
27. Otford Primary School is a village school, with a single vehicular and pedestrian access via the High Street. On site car parking is limited to 12 car parking spaces, and there is no provision of pupil pick-up/drop-off within the site. The village car park, owned and operated by the Parish Council is on the opposite side of the High Street to the school, and is heavily used at peak school times by parents picking up and dropping off pupils. A zebra crossing is near to the school. This application does not propose to provide any additional car parking on site, or provide any facilities for pick-up/drop-off or improved access.

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28. Objections have been raised to this application on access, parking and highway issues, and a number of matters have been raised which need to be considered and addressed in turn. The matters to be addressed in the following section of this report include:
- provision of additional car parking on the school site;
 - provision of an off site car park;
 - use of the Parish Car Park, and the possible provision of a formal drop-off/pick-up facility within this car park;
 - Transport Assessment conclusions and Travel Plan targets;
 - general conclusions.
29. Before discussing the matters listed above it is important to note the views of Kent County Council Highways and Transportation, as detailed within paragraph 18 of this report. Highways and Transportation accept that during the morning and evening 'school run' periods the village becomes congested, with figures for pedestrian and vehicular traffic flow, vehicle occupancy and crossing movements varying from day to day. It is the opinion of Highways and Transportation that this variation in figures means that there is no ability to effectively model the existing situation, or to prove that the proposed school expansion would make the existing situation unacceptably worse. However, Highways and Transportation consider that such situations tend to be self-limiting, with people modifying their behaviour in response to how the daily variations impact upon their journeys. The Highway Officer advises that, there is no realistic prospect of preventing short term congestion at the school's peak times, but actions can be taken to improve safety, manage behaviour and reduce conflict, such as development of the School Travel Plan to include specific targets. In this particular case, this application must be considered on its own merits and in light of the increase in pupils, which is to be 25 in September 2013, and 53 over the coming years. The Highway Officer considers that this does not necessarily represent undue additional pressure on the traffic in the village, nor on use of the Parish Car Park. In particular, some short term congestion has to be expected and tolerated close to school sites, and it is unrealistic to expect to fully cater for that activity by creating generous parking facilities for such short term use. On the basis of this Kent County Council Highways and Transportation raise no objection to the application.

Provision of additional car parking on the school site

30. It has been suggested by those making representations that additional car parking should be provided on the school site. As previously stated, there is currently capacity for 12 car parking spaces on site in total, and this application is not proposing any increase in car parking, or change in access arrangements. Although Kent County Council Highways and Transportation do not require any additional car parking to be provided on site, this matter has been raised with the applicant. However, as will be discussed later in this report, Otford Primary School only has a total of 1,170m² of external hard play space, excluding 281m² of reception hard play area and an area set aside for the provision of car parking. Under Building Bulletin 99 a 2 FE Primary School requires 1,030m². This leaves a surplus of only 140m², which the School cannot reasonably give up to car parking due to the site layout and the fact that they currently meet only the minimum recommendations. The school does have an over provision of playing field, which could potentially be used to accommodate car parking but the playing fields are within the Green Belt and the Kent Downs Area of Outstanding Natural Beauty, and car parking could affect the layout of sports pitches which could result in a Sport England objection. In addition, access to any such car parking would have to be over the school's hard play area, which would reduce the provision of hard

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play to below requirements, and could result in vehicle/pupil/pedestrian conflict. There is also an ethical consideration to removing sports and play space for children in favour of parking space for adults, when the school is essentially there for the education of children and there is a limit as to how much space should be taken up by non-curricular activity.

31. In addition to the above, as previously stated, the school only has one shared pedestrian and vehicular access which is restricted in width by an existing school building and adjacent site boundary. The applicant would not want to encourage increased vehicular movements at this access due to pupil safety. In considering the lack of a requirement to provide additional car parking spaces, the constraints of the site, and the information provided above, I do not consider that additional car parking could be provided on site in this instance without compromising the safety of pupils and/or hard play area provision, or attracting resistance from Sport England. .

Off site car park

32. Local objectors, including the District Ward Councillor and the Parish Council, have stated that off site parking facilities should be provided by the County Council to accommodate the existing and proposed traffic generated by Otford Primary School. To ease the pressure on the local highway network and the Parish Car Park, it is suggested that the County Council purchase land to the rear of the school site and provide a purpose built car park for the school. It is suggested that this could be accessed via an existing Public Right of Way which runs from opposite Bubblestone Road. The applicant has considered this suggestion, but confirms that it is not a feasible option at this time. First, the land ownership is unknown, and the financial and programme impact of purchasing the land would present major risks to the development going ahead. Moreover, it is unclear whether the land is available for an alternative use, and the owner is amenable to selling, leasing or volunteering the land for what would be only occasional use. In addition, there is no existing road access to the site, just pedestrian access via a Public Right of Way. Substantial and expensive highway infrastructure works would therefore be required, in addition to any necessary works to the Public Right of Way. Lastly, the land in question is within the AONB and the Green Belt and development of the field in question would extend the built confines of the village and would be contrary to the principles of Development Plan Policy.
33. Kent County Council Highways and Transportation have also commented on this suggested remote car park, and conclude that 'whilst it may be of some benefit to the village for a new car park serving the school to be built, such a facility is not being proposed, and neither is it appropriate to consider a possible location'. Should such a proposal come forward in the future it would have to be supported by appropriate highway and transport assessment information. However, at this time, the provision of additional car parking is not required by Kent County Council Highways and Transportation as a result of this application. I therefore see no justification for the requirement for an off site car parking facility, and consider that such a matter would have to be considered in its own right as a full planning application with appropriate supporting information, including a case of Very Special Circumstances for overriding Green Belt Policy, should a future need be identified, and should the land be purchased for such a purpose. Having considered the information provided above, I see no reason to refuse this application on the grounds that off site car parking is not provided in this instance.

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Use of the Parish Car Park, and the possible provision of a formal drop-off/pick-up facility within this car park

34. The parents of pupils at Otford Primary School do appear to rely heavily on the Parish Car Park, in part due to its location immediately opposite the school site. The Parish Car Park is already over used, and at peak school times people park in unmarked bays, causing a danger to other users as well as school pupils. The Parish Council have carried out a risk assessment of the car park and have met with their insurers to discuss the results of the assessment. The Parish Council advises that it may have to introduce a charging regime and/or a control on the number of vehicles entering the car park, to ensure the safety of its users. Whilst the Parish Council states that “it is the responsibility of the County Council to provide the necessary safe drop-off and pick-up areas for the school, not the Parish Council’s”, the Parish Council has provided a sketch drawing showing two possible locations within their car park which could be marked out as a formal school pick-up/drop-off area. Its intention is that such a facility would have to be funded and provided by the County Council, and managed very closely by the School to escort pupils through the car park, across the High Street and into the school. It should be noted, however, that the Parish Council does not consider that such a facility would solve the existing and/or proposed problems associated with the school.
35. First, it is important to consider the everyday use of the Parish Car Park. Parents and teachers using the Parish Car Park must do so in accordance with the regulations in force. As such, should a charging system be introduced, those using the car park would have to pay the appropriate charge or face being dealt with under any enforcement regime. It is considered by Kent County Council Highways and Transportation that this application must be considered in the light of the increase in staff and pupils (figures detailed in paragraph 26), and that this increase does not necessarily represent undue additional pressure on traffic in the village and on the use of the car park. Highways and Transportation also state that it is inevitable that some of the use of the car park would relate to the circulation and turning areas, rather than solely to marked bays. That is considered to be typical of how car parks perform during periods of high demand. However, Kent Highways and Transportation do consider that the School should take more responsibility for the vehicle and pedestrian movements it generates, and that this should be addressed through School Travel Plan targets. This will be discussed in more detail later in this report, but should permission be granted, and updated School Travel Plan would be required pursuant to planning condition.
36. The suggested pick-up/drop-off areas that could be provided within the Parish Car Park have been considered by Highway Officers, the applicants and myself, and are not deemed to be appropriate, necessary or acceptable in this particular case. First, as previously noted, Kent County Council Highways and Transportation are not requiring any specific mitigation measures as a result of this application, other than a recommended update and review of the School Travel Plan. However, both of the options suggested by the Parish Council would have resulted in the loss of a small number of car parking spaces, and alterations to the circulation route and car park configuration. Further assessment of the impacts of the layout changes would be required before they could be agreed. Neither option would be viable without an accompanying robust management plan controlling such issues as supervised walking routes through the car park and an appropriate high street crossing patrol facility, plus wider issues such as the availability of the facility during peak school times (i.e. an enforcement regime to prevent parking within the drop off area). Neither option includes a dedicated pedestrian route through the car park, without which the management of pedestrian movements would be considerably more difficult and very likely to result in

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periodic movement restrictions within the car park for both pedestrians and vehicles.

37. Having considered the above, and bearing in mind that the County Council do not own or have any control over the use of the Parish Car Park, and in view of the fact that Kent County Council Highways and Transportation are not requiring any mitigation in this case, I do not consider that a formal pick-up/drop-off facility could be safely provided within the car park. Whilst we would normally support pick-up/drop-off facilities, and appreciate the Parish Council's constructive suggestions, these particular arrangements are not sufficiently workable nor close enough to the school site to guarantee effective management by School staff. Although I appreciate that use of the car park by parents could inconvenience other users of the facility, the car park is available to the public and its use is managed and controlled by the Parish Council. However, the School do need to take some responsibility for the pedestrian and vehicle movements that it generates, and an updated School Travel Plan should be submitted pursuant to condition, including specific targets for reducing car use and encouraging alternative means of transport. Should permission be granted, that would form a condition of consent.

Transport Assessment conclusions and Travel Plan targets

38. The Parish Council and the local community have questioned the accuracy of the figures contained within the submitted School Travel Plan and Transport Assessment. However, I can confirm that the facts and figures provided in paragraph 26 of this report, with regard to staff and pupil numbers are correct and have been confirmed by the applicant. The traffic counts and surveys within the submitted School Travel Plan and Transport Assessment are considered by some objectors to be incorrect, and local representatives have undertaken their own surveys and submitted the associated data for consideration. However, Kent County Council Highway and Transportation are of the view that during the morning and evening 'school run' periods the village becomes congested, with figures for pedestrian and vehicular traffic flow, vehicle occupancy and crossing movements varying from day to day. It is the opinion of Highways and Transportation that this variation in figures means that there is no ability to model the existing situation, nor does that prove that the proposed school expansion would make the existing situation unacceptably worse, i.e. increased use of the public highway by the public alone is not an argument for imposing an embargo on further development. The key issue is more about how increased traffic can be better managed.
39. The Transport Assessment concludes that 'with continued effectiveness of the Travel Plan, and the future proposals for the village car park, there are no transport or highway reasons to prevent the extension of the school roll'. However, I consider that this statement is clearly flawed as there are no future proposals for the village car park included within this application and, as discussed above, the car park is owned and operated by the Parish Council and is out of the County Council's control. Kent County Council Highways and Transportation have been sent the Transport Assessment, and although have noted its content, have come to a judgement on this application related to safety and congestion matters, and do not believe that there are significant risks associated with either of these highway matters. Highways and Transportation state that the vast majority of schools rely on 'available parking' rather than on site provision for dropping-off and picking-up, and that Otford Primary School unusually has the 'luxury' of a public car park.
40. However, as discussed above, the School does need to take some responsibility for the pedestrian and vehicle movements that it generates, and an updated School Travel

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Plan should be submitted pursuant to condition, including specific targets for reducing car use and encouraging alternative means of transport. Should permission be granted, this would form a condition of consent. Kent County Council's School Travel Plan Officer is already working closely with the School in the preparation of a revised/updated Travel Plan, and I consider that its submission within 6 months of the date of the permission would be reasonable in this instance. The document would also be subject to ongoing monitoring and review.

General conclusions

41. In light of the above, and the fact that this application must consider only the increase in staff and pupil numbers proposed, and not seek to resolve existing issues with access and parking in the locality, I consider that this application would not have a significantly detrimental impact on the local highway network. Only a relatively small increase in pupil numbers is proposed, and it is estimated that approximately 50% of these additional pupils are expected to be siblings of existing pupils. Kent County Council Highways and Transportation are satisfied that this proposal would not have a detrimental impact on the local highway network, and raise no objection on that basis. I therefore see no reason to refuse this application on this ground, subject to the imposition of a condition requiring the submission and implementation of a revised/updated School Travel Plan within 6 months of the date of the permission.

Design and appearance**Impact on Area of Outstanding Natural Beauty and the Conservation Area**

42. As shown on the site location plan on page 2 of this report, and as detailed within paragraph 2, the application site is within the Kent Downs Area of Outstanding Natural Beauty (AONB). In addition, the school playing fields are within the Metropolitan Greenbelt, and the eastern school boundary, adjacent to the application site marks the boundary of the Conservation Area. For the avoidance of doubt, the application site is not within the Metropolitan Green Belt or the Conservation Area, although views into and out of the Conservation Area could be affected. Sevenoaks District Council raises objection to this application on the ground that 'due to its height, bulk and design, the proposed building for three classrooms is felt to be detrimental to the character of the AONB and the neighbouring Conservation Area'. The District Council therefore considers that the development would not be in accordance with Policy LO8 of the Sevenoaks Core Strategy, and Policies EN23 and EN1 of the Sevenoaks District Local Plan. These policies are outlined in paragraph 17 of this report, and seek to achieve a high quality of design that is of a scale, height and layout appropriate for the locality, protect residential and local amenity, preserve and enhance the character and appearance of Conservation Areas and their settings, and conserve and enhance the distinctive character of the Kent Downs AONB.

Principle of use of the swimming pool site

43. The existing swimming pool building is in a poor state of repair, is not aesthetically pleasing being utilitarian in appearance, and is used by the School for storage space only. In considering the constraints of the site, including the limited hard play space, the layout of the existing buildings on site which limits available space for a new building, surrounding residential properties, the AONB designation, and the fact that the school playing fields are within the Metropolitan Green Belt, to build on the footprint of an existing unused building appears to be a logical and sensible option. In fact, a

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representation received from the local community states that the 'redevelopment of the swimming pool is a sound use of space'. I consider that by developing on the footprint of an existing building, the proposals minimise the impact on the layout and functioning of the site. It also means that the proposed development is no closer to existing residential properties than the building already in situ. I therefore support the reuse of the swimming pool site in principle, but the design, height and massing of the 3 classroom building proposed needs to be considered.

Design, height and massing

44. The District Council and some local representations have raised objection to this application on the ground of design. However, the existing building is poor quality in terms of design and does nothing to enhance the adjacent Conservation Area, or the AONB. The proposed building is, in my view, a significant improvement over the existing swimming pool building, and is of a design which is not out of keeping with the locality. It should also be noted that views of the proposed classroom building from outside of the school site are limited to those gained from Warham Road, a road which is not representative of the local design and historical characteristics of the Conservation Area. The external materials proposed will be discussed below, but the design of the building has considered the amenity of adjoining residents by only incorporating high level clerestory glazing into the eastern elevation, and has included only emergency exit doors in the eastern and southern elevations. The design of the building would, in my view, be appropriate for the locality and could be said to enhance the appearance of the Conservation Area when considering the poor design of the existing building to be replaced. Whilst the approach to Conservation Areas can also be important in protecting their visual appearance, the new building would not be positioned on any public or conspicuous approach into the Conservation Area, despite being immediately outside it.
45. With regard to the height and massing of the proposed building, the footprint of the proposed classroom building is the same as the existing swimming pool building, apart from a small entrance porch proposed to extend to the west. By re-using the existing foundations, the building would not be any larger in footprint than the existing, meaning that distance from the school boundary and neighbouring properties would not change. However, the existing building is approximately 4 metres in height, whereas the proposed classroom building would be approximately 6.25 metres at the highest point. It should be noted that due to the design of the roof, the lowest element would be closer to Warham Close, with the highest part of the roof situated above the line of clerestory glazing. The proposed single storey building, even at 6.25 metres, would also be considerably lower than the neighbouring two storey residential properties. The applicant has also advised that to lower the height of the building by sinking the building into the ground, additional waste material would be generated as the existing foundations would have to be removed, as well as additional earth removal. Given the constraints of the site, waste would have to be removed from the site via transfer over the boundary with Warham Road. Use of this road (to be discussed in the construction section of this report) needs to be kept to a minimum to reduce the impact on residential amenities. By reusing the existing foundations, the build programme is also quicker and cost savings can be made, which can be spent better elsewhere on the development, resulting in an otherwise higher quality finish and appearance.
46. In summary, therefore, given the fact that the proposed building would be built upon the footprint of the existing swimming pool, and only extended in height by just over 2 metres, I consider the proposed scale and massing of the building to be acceptable. In

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my view, the development would not have a detrimental impact on the character and appearance of the adjoining Conservation Area, or the Kent Downs AONB, and if anything would be an improvement over the existing pool quality building.

Materials

47. In addition to the design of the building, the materials proposed for the walls and roofing of the development have met with objection from local residents, who consider that the materials do not blend with those used on local properties. First, with regard to the brick, it is proposed to use a yellow stock brick to match the existing buildings on the school site. Although properties in Warham Road are constructed using a red/brown brick, I do not consider that the use of a yellow stock brick would be inappropriate in this instance. By matching the brick to the existing school building, the three classroom building proposed would read as a school building, giving a sense of identity and unity across the school site. Although the proposed building is just outside of the Conservation Area, I do not consider that the use of a yellow stock brick would detract from the character and appearance of the Conservation Area, or have a negative impact on views from the Conservation Area. It should also be noted that views of the proposed classroom building from outside the school site are limited to those gained from Warham Road, a road which is not representative of the local design and historical characteristics of the Conservation Area.
48. Likewise, the applicant is proposing to finish the shallow pitched roof with a man made slate tile. This has again met with limited local objection. However, the County Council's Conservation Architect considers that, due to the siting of proposed building, adjacent to modern residential dwellings, the use of slate, albeit man made, to be acceptable for the type and design of the building proposed. An alternative roof finish at the pitch proposed, such as standing seam metal roofing, would not be appropriate, and a steeper pitch would increase the height, massing and scale of the building, something which the applicant has sought to reduce. The Council's Conservation Architect states that there are local buildings with slate roofs, such as The Grange, a 19th Century residential property set back from the High Street. Although the slate proposed is artificial, I do not consider that its use would be out of keeping with the local area. I also consider that alternative options for the roof material and/or pitch would not be acceptable, and could have a detrimental impact upon the character and appearance of the Conservation Area. However, in order to control the development and to ensure a satisfactory appearance, I consider that final details of all materials to be used externally should be submitted pursuant to condition, should permission be granted. Subject to the imposition of this condition, I see no reason to refuse this application on the grounds of the building materials proposed.

Hall extension

49. It should be noted that none of the consultation responses and/or representations received have raised comment or objection to the proposed extension of the school hall. As outlined in paragraph 13 of this report, current guidelines stipulate a floor space of 0.45m² per pupil. The existing hall has a floor space of approximately 180m², providing space for 400 pupils for assembly purposes. The DfE advise a minimum hall size of 180m² for a 2FE Primary School, with a further small hall/studio of 80m². This application therefore proposes an extension of the existing hall to provide a further 80m² of space. The extension would extend the hall a further 5 metres to the south, filling in an existing recess between classrooms either side of the hall. The elevational finish and materials would match the existing, altering the appearance of the southern

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elevation only slightly by removing the recessed area. I do not consider that the proposed hall extension would have a negative impact on the AONB, the character and appearance of the locality, or local residential amenity, and therefore consider that permission should be granted for this element of the proposal.

General matters and amenity concerns

50. The consultation process has identified a number of general matters and amenity concerns that need to be considered and addressed in the determination of this application. With the exception of construction matters, which will be discussed later in this report, I will address general matters and amenity concerns in the following paragraphs.

Noise pollution

51. Concern is raised over potential noise pollution from the new classrooms building, both in terms of noise from plant, principally the air sourced heat pump, and noise from pupils using the building. First, with regard to noise from plant, specifically the air sourced heat pump, the applicant confirms that the noise level would be 53DbA at a distance of 1 metre. The exact mounting location is to be confirmed, but the applicant advises that the associated plant would be over 10 metres from the boundary, and that beyond 10 metres the plant is not audible. In addition, the plant would run constantly for long periods of time, but would not run often at night, although this could happen due to self managed frost protection. However, in considering that the unit would be over 10 metres from the site boundary, and that beyond 10 metres the units are not audible, I do not consider that the noise generated by the plant associated with the building would have a detrimental impact on the amenity of local residents.
52. With regard to noise generated by pupils using the building, it is important to note that the proposed classroom building would be built upon the same footprint as the existing swimming pool building. However, in designing the building, the applicant was conscious of the potential impact on neighbouring residents, and for that reason there are no windows on the eastern or southern elevations facing local properties. Only roof lights are proposed, to allow natural light and ventilation into the building, whilst protecting the amenity of adjoining residents with regard to overlooking and noise breakout. Doors on the southern and eastern elevations would be for emergency use only. The applicant advises that the building is designed to be fully compliant with Building Bulletin 93 acoustic requirements, which ensure stringent noise breakout performance. In light of the above, I consider that the building proposed would be a significant improvement in terms of noise over that that could be generated by use of the existing swimming pool building, should it be bought back into use. The applicant has considered this matter in the design of the building, and I do not consider that noise generated by use of the building would have a significantly detrimental impact on the amenity of local residents.

Light pollution

53. Local residents have raised concern over the light pollution they experience from existing building on site, and consider that security lighting on the proposed classroom extension could exacerbate the existing situation. The applicant states that “although governed by the requirement to adhere to the design ethos of Secured by Design, there is some potential for the external lighting on the new building to be controlled by motion sensor so that it would only come on when movement is detected”. The applicant also

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confirms that any lighting would be low level and/or directional lighting, which would minimise any light pollution. I appreciate that motion sensors are not always an ideal solution, but in this instance, in a residential area, it is not appropriate to have security lighting on during the night as it would be a nuisance to local residents, so motion sensors and/or timers could be a viable solution. However, as little detail with regard to external lighting has been proposed, I consider that further details should be submitted pursuant to condition, should permission be granted. The lighting would then have to be installed and maintained in accordance with the submitted details. Subject to the imposition of such a condition, I consider that external lighting of the building can be controlled to ensure that it does not have a negative impact upon local amenity.

Asbestos

54. Local residents and the Sevenoaks District Ward Member consider that asbestos surveys should be undertaken prior to the demolition of the swimming pool building, as it is more than likely due to the age of the building that it contains asbestos. The applicant has confirmed that they are in possession of an asbestos management survey, which identifies locations and types of potential asbestos. The applicant has also confirmed that prior to any works commencing, a full refurbishment and demolition survey would be undertaken, and any asbestos removal required would be carried out under controlled conditions by a competent professionally qualified contractor. I consider that the applicant is taking all necessary and reasonable precautions, and that any asbestos found on site would be removed in the correct manner. I therefore see no reason to refuse this application on the grounds of potential asbestos removal.

Provision of hard play areas

55. Local residents, Otford Parish Council, and the Sevenoaks District Ward Member have expressed concern over the amount of hard play space on site, and suggest that there is insufficient area for a 2 FE Primary School. As outlined in paragraph 12 of this report, Building Bulletin 99 sets out minimum external spaces recommended for Primary Schools. With regard to hard surface play space requirements, a 2 FE Primary School would require 1,030m² under Building Bulletin 99. Otford Primary School has a total of 1,170m², excluding 281m² of reception hard play area and an area set aside for the provision of car parking. In addition, Otford Primary School has 8,693m² of playing field space, well above the 5,000m² recommended for a 2 FE Primary School. It should also be noted that the proposed development is upon the footprint of an existing building and would not impact upon playing field or hard play provision. In light of this, I consider that the site has sufficient hard play space and playing field space for a 2 FE Primary School and, therefore, I am of the opinion that this application cannot be refused on this ground.

Drainage

56. The Environment Agency raises no objection to the proposal, however requests a condition be attached to any consent requiring the submission and approval of details of a scheme for the disposal of foul and surface waters, and a further condition regarding land contamination. Therefore, should permission be granted, conditions would be imposed covering the matters raised above. That would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Development Plan Policy.

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Archaeology

57. Although the proposed classroom extension is intended to be constructed using the existing foundations of the swimming pool building, the front entrance porch and the extension to the school hall would require the digging of foundations. It is possible that the swimming pool foundations may require some additional support also, so some ground works may 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, a condition of consent be imposed. It is requested that no development takes place until the applicant has secured and implemented an archaeological watching brief. The watching brief shall be carried out in accordance with a written specification which must be approved in writing by the County Planning Authority prior to the commencement of development. Therefore, subject to the imposition of the required condition, I do not consider that this proposal would have a detrimental impact on archaeological remains.

Construction matters

58. Local residents and Otford Parish Council have raised concerns and objections to the proposed use of Warham Road for the delivery of materials to the site. As outlined in paragraph 15 of this report, it is the applicant intention to locate the site compound associated with this development on the area of grass to the west of the existing swimming pool. Access to the compound for site operatives and personnel would be via the main school entrance on the High Street, and would be controlled to protect pupils and members of the public from construction vehicles/activities, with access and deliveries limited during peak school times. However, the applicant is proposing that materials would be delivered to site via Warham Road, where materials would be transferred from delivery vehicles over the 1.2 metre high boundary fence/hedge to the site compound. It is not proposed to create an access here, but materials would be transferred over land currently outside of the applicant's ownership. It is my understanding that the applicant is seeking to purchase the small strip of land between the edge of the highway and the school boundary but, should that not be successful, a licence to cross the land would need to be obtained. The applicant advises that the County Council, as Highway Authority, have been maintaining the strip of land for a prolonged period, and that the County Council has an existing 'deed of right to enter' for gas maintenance purposes. However, this is a matter for the applicant to address, and should they not be successful in gaining rights to cross the land, an alternative option would have to be sought.
59. However, the points of objection raised to the use of Warham Road do not concern the right of access over the land, but the suitability of the road to accommodate the heavy goods vehicles that would deliver materials to the site and the blocking of drive ways and the turning head. With regard to the suitability of the road, concern is expressed that the road is too narrow, with several bends, giving poor sight lines. On-street car parking is also said to exacerbate these matters, and it is suggested that all materials should be delivered to site via the school's main entrance on the High Street. The applicant states that it is their intention to use Warham Road for the delivery of bulk materials, and bulk waste removal if required. The applicant considers that 'due to the confined nature of the site, and the inappropriate access through the site from Otford High Street, it is deemed necessary for Warham Road to be used for bulk deliveries'. It is the applicant's intention to meet with residential representatives prior to any use of Warham Road to discuss the implementation of a condition survey of the road, and to discuss preferred delivery times and dates. The applicant considers that with sufficient

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liaison with local residents, any inconvenience can be managed and mitigated. The contractor would also be a registered as part of the 'considerate contractor' scheme.

60. Kent County Council Highways and Transportation have assessed the suitability of Warham Road for use by vehicles delivering bulk materials to site, and possible bulk spoil/waste removal. Highways and Transportation note that Warham Road is suitable for refuse freighters and other service vehicles associated with the servicing of residential properties. As such, its use by large/heavy good vehicles is considered acceptable subject to the following:
- i) in connection with a Construction Management Strategy, the contractor would have to assess the maximum size of vehicles that can reasonably use the route; &
 - ii) pre and post construction surveys of Warham Road would be required, and any damage made good at the developers expense.
- The Highways and Transportation Officer further states that, on plan, Warham Road appears to be the only viable route for construction purposes.
61. Having considered the information provided by the applicant, the views of Kent County Council Highways and Transportation, and the fact that the development has a predicted 16-20 week build programme, I am of the view that Warham Road could be used for the delivery of bulk materials and bulk waste removal, if required, subject to the imposition of conditions of consent. First, I consider that the applicant should submit a Construction Management Strategy, which must include, amongst other matters details of the location of the site compound and operative/visitors parking, details of site security and safety measures, details of any construction accesses and lorry routing, details of the size of good vehicles that could safely access and turn in Warham Road and details of the advance consultation that would be undertaken with local residents prior to use of Warham Road. The provision of such a strategy would also address the conditions required by Kent Highway Services with regard 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.
62. In addition, I consider it appropriate that a condition of consent requires the submission of a pre-construction condition survey of local roads, a post construction condition survey, and that any damage as a result of vehicles associated with the construction of the development be made good within an agreed timeframe. Subject to these conditions, and the applicant undertaking the consultation as agreed, I consider the use of Warham Road for the delivery of bulk materials and limited bulk spoil removal only to be acceptable in this instance.
63. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate 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. I consider it appropriate that details of how the site access would be managed to avoid peak school times should also be included within the Construction Management Strategy.
64. 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

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construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

65. 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 the landscape and the local highway network. 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 impact on the local highway network, the Kent Downs Area of Outstanding Natural Beauty, the local landscape, including the Conservation Area, or residential amenity. 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

66. 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;
- details of all external lighting;
- details of an archaeological watching brief;
- submission of a scheme for the disposal of foul and surface waters;
- land contamination;
- submission of a revised School Travel Plan within 6 months of the date of this permission, its implementation and ongoing review;
- tree protection measures;
- 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 the provision of access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations, details of the use of Warham Road and local consultation, & management of the site access to avoid peak school times;
- pre construction and post construction road condition surveys, and the making good of any damage;
- measures to prevent mud and debris being taken onto the public highway.

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| Case officer – Mary Green | 01622 221066 |
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| Background documents - See section heading |
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Appendix 1**Members' Site Visit Notes**

A Members' site visit was held on Wednesday, 27 March 2013. It was attended by;

KCC Planning Applications Committee: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr R F Manning, Mrs E M Tweed and Mr A T Willicombe. Mr N J D Chard was present as the Local Member.

Officers: Mrs S Thompson - Head of Planning Applications Group with Mr J Crossley and Ms M Green; Mr R White (Highways); and Mr A Tait (Democratic Services).

Applicants: Mrs N Caistor (Head Teacher); Mr J Neil (KCC Property Services – Project Manager).

Sevenoaks DC: Mr J Edwards-Winser.

Otford PC: Mr M J Whitehead (Chairman); Mr D G Cracknell; Mr R Shelton (Chair of the Parish Plan Steering Group).

Members were shown the location of the existing swimming pool building which would be demolished and replaced by a new building as well as the existing school hall and the limits of its proposed extension. They also saw the temporary access point from Warham Road where materials would be transferred from delivery vehicles onto the site compound.

Mr White (KCC Highways) said that the Divisional Transportation Manager's response to the consultation had been made purely in the context of the additional number of vehicles rather than in response to current parking and congestion deficiencies. The increase in the number of staff and pupils was not likely to create a significant amount of additional pressure on traffic in the village or in the use of the car park. For this reason, there was no reason to recommend refusal on safety, congestion or parking grounds. This also applied to the Warham Road access point which would not have been able to accommodate a large amount of construction traffic but could cope with the amount envisaged. Nevertheless, the School did need to engage with the local community (particularly the Parish Council) in order to develop a Travel Plan that addressed current ongoing concerns.

Mr Neil (Project Manager) was asked why it was intended that the new building would be 2m higher than the existing swimming pool and whether it would be preferable to drop it by that amount. His response was that the result of lowering the ground level of the new hall would be that a great deal of waste and other materials would otherwise be generated and would need to be removed from the site if this approach were to be adopted.

Appendix 1

Demolition of existing swimming pool building and erection of a new building to accommodate three additional classrooms at Otford Primary School, High Street, Otford – SE/13/488 (KCC/SE/0439/2012)

Mr Neil answered other questions by saying that there was asbestos on the boiler house flu which would be bagged and removed. The construction period would be 20 weeks, which would eat into the school term. A Construction Management Plan would be submitted to ensure that the deliveries and removal of materials would not clash with the setting down and picking up periods at the beginning and end of the school day. The reason that the new building would be 2m higher than the existing one was because of the minimum angle of pitch needed for roof covering (taking account of the weight of slates compared to other roof finishes and the height of the classrooms and ceilings.)

Mr Chard (Local Member) said that the local community supported the School and its endeavours. There were, however, local concerns over the travel plan which envisaged pupils walking to school when this was not always practical (on grounds of distance). He added that congestion and parking were chaotic at the start and end of school days and that the parish Council was considering options to manage it – such as charging for use of its car park. Because of these current pressures, there was a local expectation that there would be enlarged parking provision within the school to cope with its expansion. The Travel Plan could be used to identify alternative drop off points for children within the village.

Mr Edwards-Winser (Sevenoaks DC) said that he was concerned that the consultation arrangements had not been robust. In particular, the public meeting arranged by the Education Authority had informed the public that the new building would be no higher than the existing swimming pool. He also noted that SPG4 said that schools should provide 44 spaces for 39 members of staff and that Otford Primary School only had 11.

Mr Whitehead (Otford PC) said that he was astounded that the applicants had not been in a position to let the public know that the new building would be 2m higher than its predecessor – as this was a fundamental design aspect. He also believed that it should not be too difficult for the School to provide a small increase in car parking provision on its land. He disputed the views of Mr White by saying that the Parish Council had carried out a survey and had averaged the number of car parking spaces available at any one time. This gave a figure of 33, meaning that the provision of 2 additional spaces by the School would make a considerable difference.

It was agreed that Mr Edwards-Winser's correspondence on the application would be sent to all Members of the Committee as a separate Appendix to the agenda papers.

END

Oastbrook
Telston Lane
Otford
Kent TN14 5JZ



Public Consultation Otford Primary School
KCC/SE/0439/2012

Dear Sir,

Following the public meeting/consultation evening held at Otford Primary School and the recent publication of your planning application to expand the school, I wish to make the following observations.

- 1 Although it appears from this proposal that the school numbers are only increasing by 70, taking the school roll from 350 to 420, you have failed to mention that over the last 30-40 years the roll has gradually risen from aprox 200 in the late 70's early 80's, to the proposed 420 - ie a doubling the school roll in that period. During that time, KCC has done nothing to improve the situation with respect to responding to the growth in car usage by staff or parents, whereas Otford Parish Council has taken active steps to try and ameliorate the situation by doubling the size of its car park. Unfortunately we are now at a point where it is impossible to expand the current car park further and the only solution would be for more parents to walk, or for somebody to provide or assist with an alternative car park.
2. Bearing in mind that at least 40% of pupils come from outside the parish boundary, either through parental choice, or forced on them by lack of spaces in the surrounding towns and villages and that this is likely to grow as the school becomes more successful and local large developments become populated. I would respectfully suggest that alternative parking facilities are more likely to be able to be provided by KCC making a compulsory purchase of green fields under the "exceptional circumstances" rule, than for OPC to go down that route.
3. The village outlined in it's Parish Plan, written in 2008, that a "green" car park could be provided (solely for school use) in the field behind the school playing fields, with vehicular access opposite Bubblestone Road and with a pathway between the car park and the school giving direct access, thereby eliminating any safety problems associated with the village car park and removing a continuous problem with respect to traffic and children in the High Street at school opening and closure times. It could also be used by the extra school staff (paid or voluntary) that currently have to use the village car park, some on an all-day basis, rather than the transitory use, which is it's main function in catering for the village hall, shops, walkers and recreation field users. The issue of being in the Green Belt should not be too great an obstacle since recently the school had no difficulty in building two extra classrooms on the edge of their playing fields, which are in the Green Belt.
4. I would like to point out that safety of the children does not start and stop at the school gates, it also encompasses safe transit to and from the school and by attracting more pupils you are exacerbating an already difficult situation.
5. What will happen to the children that currently attend OPC and live in the Sevenoaks area when Sevenoaks primary school expands to its proposed 600? Will they still travel to Otford, or will they be expected to transfer to Sevenoaks, thereby freeing up spaces for Otford children.



6. I now come to the proposed building plans. There is little point in objecting to the new usage/development of the swimming pool area, although on a personal basis I think that deliberately letting such a facility (which was paid for by the parents of my era) run into decay and then quoting expense of maintenance and resulting lack of usage as a reason for redevelopment is bordering on the criminal.
7. As the "new" part of the school was built during the 60's I am sure you are aware of any problems involving asbestos and will have taken them into account during the removal of the existing facilities, both at the swimming pool and with the proposed "moving" of the school room window-wall.
8. General questions and observations:-
 - a. Para 3.3 refers to air-sourced heat pumps and having witnessed several similar fan driven system
 - i. What is their noise level?
 - ii. Is it constant or intermittent?
 - iii. Where will they be situated?
 - iv. Will they be running all night?
 - v. Is there a polar plot of their noise profiles if not, in which direction do they face?
 - b. para 3.5 - it is not stated what the consumption of the new block will be, or of the heat pumps, but as the "spare" consumption of 2 of the existing phases is only 52A, it will put the overall consumption perilously close to the maximum available, which must be questionable.
 - c. Para 3.8 - does the 1170m² hard playing area include the area set aside for on-site car parking?
 - d. From the table in Appendix B (Lisa Alexander's letter), it can be seen that there are 36 staff employed (not counting cleaners) and that only 6 of them do not drive to work, leaving 30 that do drive. The school only provides 11 parking spaces (plus one disabled), meaning that 19 drive and will expect to park in the Parish car park. It should not be down to the parish to provide suitable parking spaces.
 - e. The travel plan mentions a good percentage of children that walk to school "on one day a week", but no figures are given - what is this percentage? From my observations there are far more that are driven than walk.
 - f. The travel plan mentions a feasibility study into a walking bus route from the village car park to the school, but to date no such report has been issued. There has been an attempt to implement a walking bus from the East of Otford (Tudor drive area), but to my knowledge this no longer functions and the proposed one from the West, never started!
 - g. The mention of lack of street lights has been passed to KHS several times and rebuffed as not current policy, in fact street lights are being removed or lighting hours being reduced for environmental reasons. They would also effectively reduce pavement width as they cannot easily be placed on private ground.
 - h. The speed of vehicles during school in/out times is a perceived problem and not supported by data. Indeed at in/out times the speed through the village is reduced to a crawl at best, resulting in queues along the length of the High Street, expanding

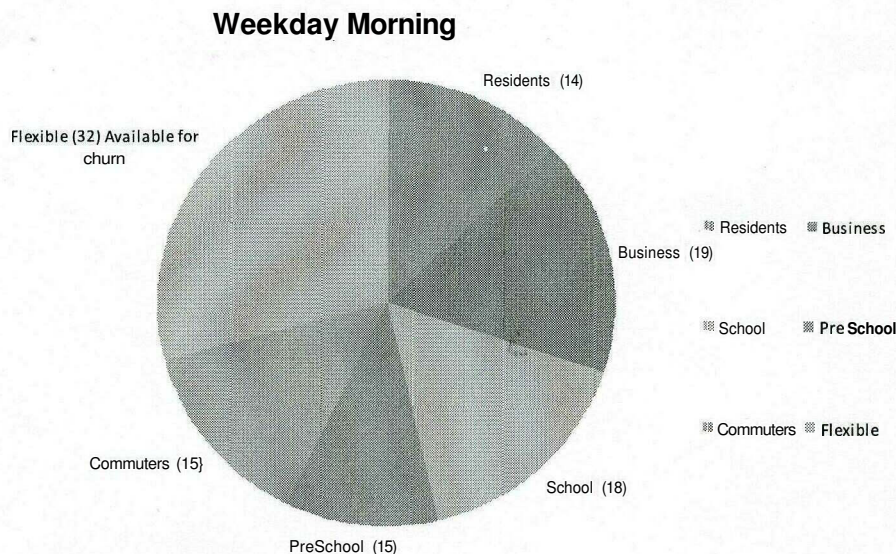
towards Rye Lane in one direction and the Sevenoaks Road in the other. These queues are exacerbated by the uncontrolled random use of the Zebra crossing by parents and the give way at the High Street junction with the pond.

- i. The lack of and reduced width of some pavements again is a KHS issue that they are unable to resolve due to the narrowness of the road and the classification (listed) of adjacent buildings.
 - j. Appendix D (the Jacobs survey) shows that the parish office is within the curtilage of the school. It is not.
9. I attach some data for you to consider. This data was presented to "Otfordians" last June following a request from them to "do something" about their car park. The data was collected over a period of 3 days and interviews regarding parking habits/reasons were held with those that had the time. Since then other random surveys have been conducted in response to specific questions by residents. The current situation is that the Parish Council intends to introduce "pay-and-display" with tariffs set such that short-term parking will not be penalised, but long-term will be.

Prior to this survey it was thought that commuters were responsible for blocking the bays.

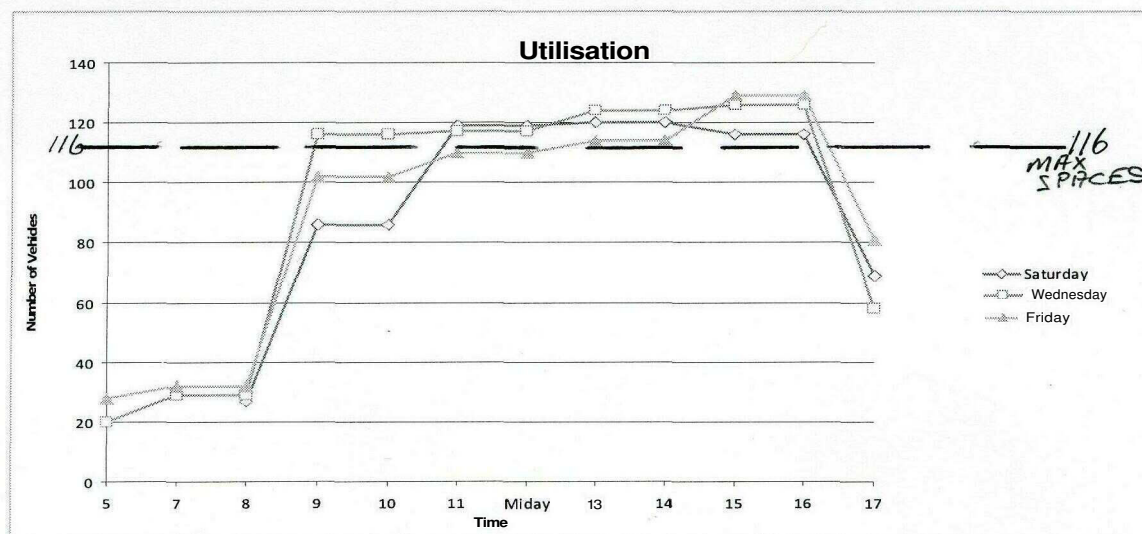
There are currently 114 parking spaces plus 2 disabled bays available.

The pie-chart below was collated at 9.00am over 3 weekday mornings and presented to the parish on June 29th 2012. There are 28 residents vehicles in the car park overnight (figures verified at 5.30am, and 6.30 am). 14 remained at 9.00am.



The maximum number of parking spaces is 114 + 2 disabled.

From the dotted line indicating the 116 parking spaces available, you can see that the car park is currently over utilised between 8.45am and 4.00pm



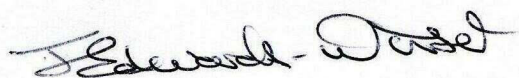
10. I understand that Mr Sheldon (Chairman of the Parish Plan Committee) has carried out an impromptu survey of cars carrying children into Otford and over 3 days has collected data from several popular parking areas as well as the main car park.

I summarise this data for you.

11. The school travel plan (from a hands-up survey) indicates that 22% of children arrive in their own car and that 33% of the remaining share cars. You have already admitted that 40% of the pupils come from outside the parish and ipso facto are driven to school. $40\% = 198$ children = approx 150-160 cars, which equates to Mr Sheldon's figures for on-street and car park usage. On top of that you have the residents of Otford who drive and drop-off their children on their way to work as well as those that return home under the premise that it's too dangerous for their children to walk to school. This of course is a self-fulfilling prophesy.
12. Otford has reached saturation point with respect to cars and parking and any further expansion of the school will exacerbate the problem and the resultant safety aspects. The current situation might be helped if there was a "lollipop lady" on the zebra crossing and parents and pupils did not cross between stationary cars or parents "drop-off whilst waiting in the high street jams.
13. Of course it must not be forgotten that the car park is required for ALL attendees to the Village and Church Halls at the same time as pupil drop-off time. The growing number of parent's cars is impacting on the financial viability of the halls as well as the shops.
14. The transport assessment by MLM is so flawed as to make it risible. As stated above, the school parents are not the sole users of the car park. The Village Hall is losing trade as a result of the already overcrowded situation, there is a pre-school operating from the Church Hall and there are of course the shops that require somewhere for their staff and customers to park. There are also the walkers and the recreation ground users - all conveniently forgotten in this report. The concluding paragraphs 6.9 and 6.10 are contradictory in themselves. In 6.9 it states that - *Improvements to the car park will attract more parents to use it and congestion "May" still arise within it.* It certainly will!

15. Para 6.10 states that:- *"Overall it has been demonstrated that with continued effectiveness of the travel plan and the future proposals for the village car park there are no transport or highways reasons to prevent the extension of the school from its current maximum pupil roll of 350 to 420."* This statement conflicts with the statement above that says congestion *"may still arise"*

16. Although I appreciate the school requirement to increase the class sizes, I am unable to support this application and therefore support both the Parish Council and the Otford Society in their objections. This expansion is felt by the majority of Otford residents that it will become the straw that breaks the camels' back. The only way I and the majority of "Otfordians" could support the venture would be for KCC to support and fund the "green" car park in the field next door to the school as indicated in our Parish Plan. This would of course require compulsory purchase of the field, which the Parish Council would support, but they would be unable to either fund or request.



Cllr. J Edwards-Winser

Cc Cllr. N Chard, KCC member
Otford Parish Council

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Item D2**Mobile/Sectional Building, The Foreland School, Lanthorne Road, Broadstairs – TH/13/0104 (KCC/TH/0036/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2013

Application by Kent County Council (Property and Infrastructure Support) for provision of a mobile/sectional building, The Foreland School, Lanthorne Road, Broadstairs, CT10 3NX – TH/13/0104 (KCC/TH/0036/2013)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr. R. Bayford and Mr. B. Hayton

Classification: Unrestricted

Site

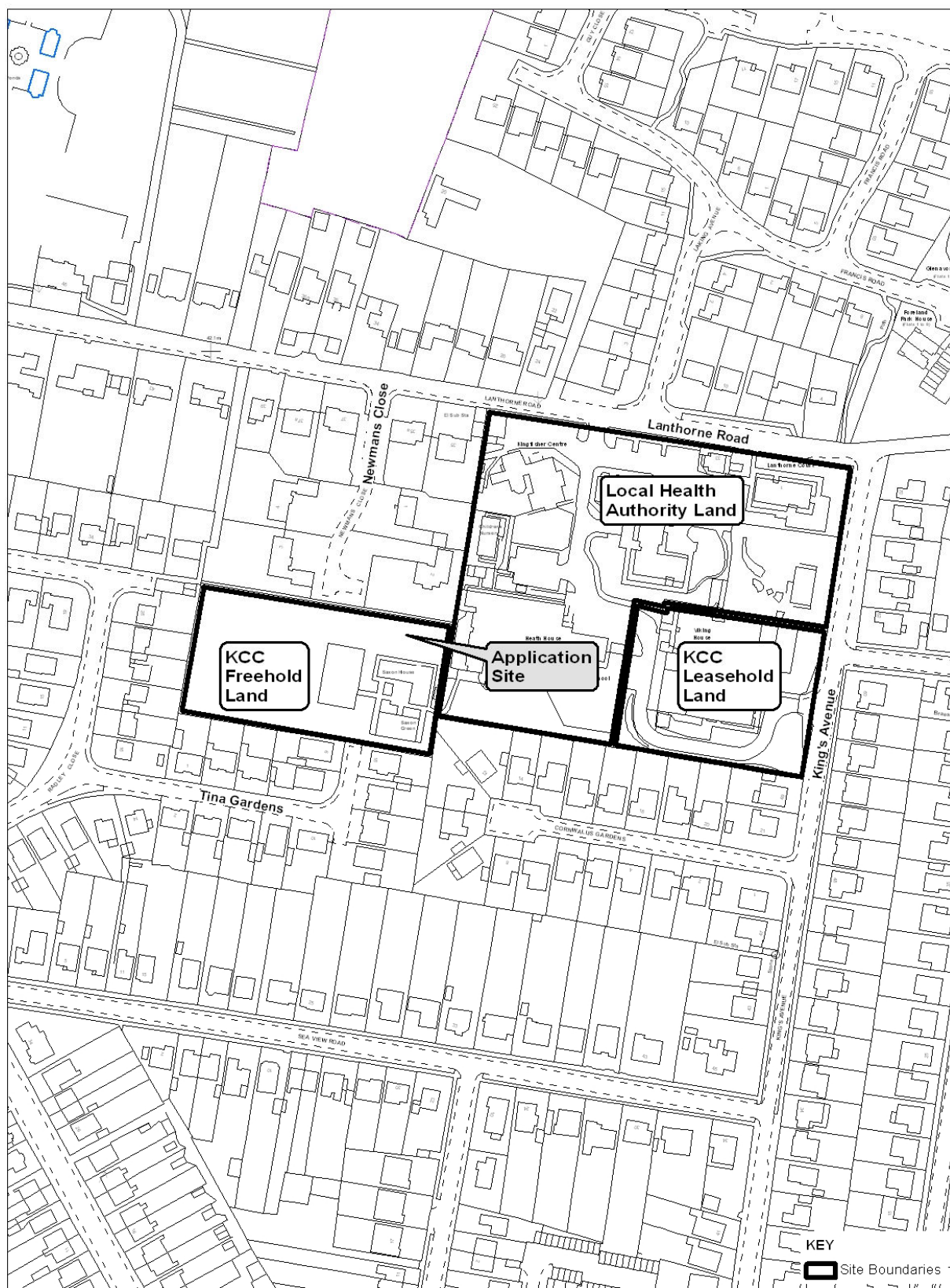
1. The Foreland School, Broadstairs is located to the south side of Lanthorne Road and to the west of King's Avenue within a predominantly residential area. Access to the school is via Lanthorne Road and egress is onto Kings Avenue as the School have a one way policy in place to avoid congestion at the busiest times of the day.
2. The school site is shared with the Local Health Authority with three parcels of land. The largest of these is owned and maintained by the Local Health Authority, the second to the south east of this is leased by the County Council from the Health Authority and the third to the west is in the ownership of the County Council. This application relates to the land in the County Council's ownership. This part of the site includes a single storey building of brick construction (Saxon House) at the eastern end, together with a modular classroom building, a fenced off play area, several sheds and garden areas, and an area of playing field to the west. With the exception of the main school site adjoining, this part of the school site otherwise shares its boundaries with residential properties. The boundaries comprise a mixture of timber fencing of approximately 1.8 metres high and mature boundary trees. There are gated access points onto the playing field land from Newman's Close to the north and Tina Gardens to the south. *A site location plan is attached.*

Background and Proposal

3. The Foreland School is a special school designated to meet a wide range of special needs, including the needs of children with profound, severe and complex/autistic spectrum disorder/communication and interaction difficulties. It caters for children/students between the ages of 2 and 19.
4. The applicant has stated that due to an increasing number of local students with statements of educational needs that can only be met at The Foreland School, the roll has increased in recent years. The school has been able to admit some additional pupils by imaginative use of existing space and internal adaptations. However, there is now no further capacity to create additional teaching space and specialist rooms are also being used for general teaching. As the need for places at the school is projected to increase further (from its current roll of 168 to 200 by 2014/15), additional accommodation will be needed.

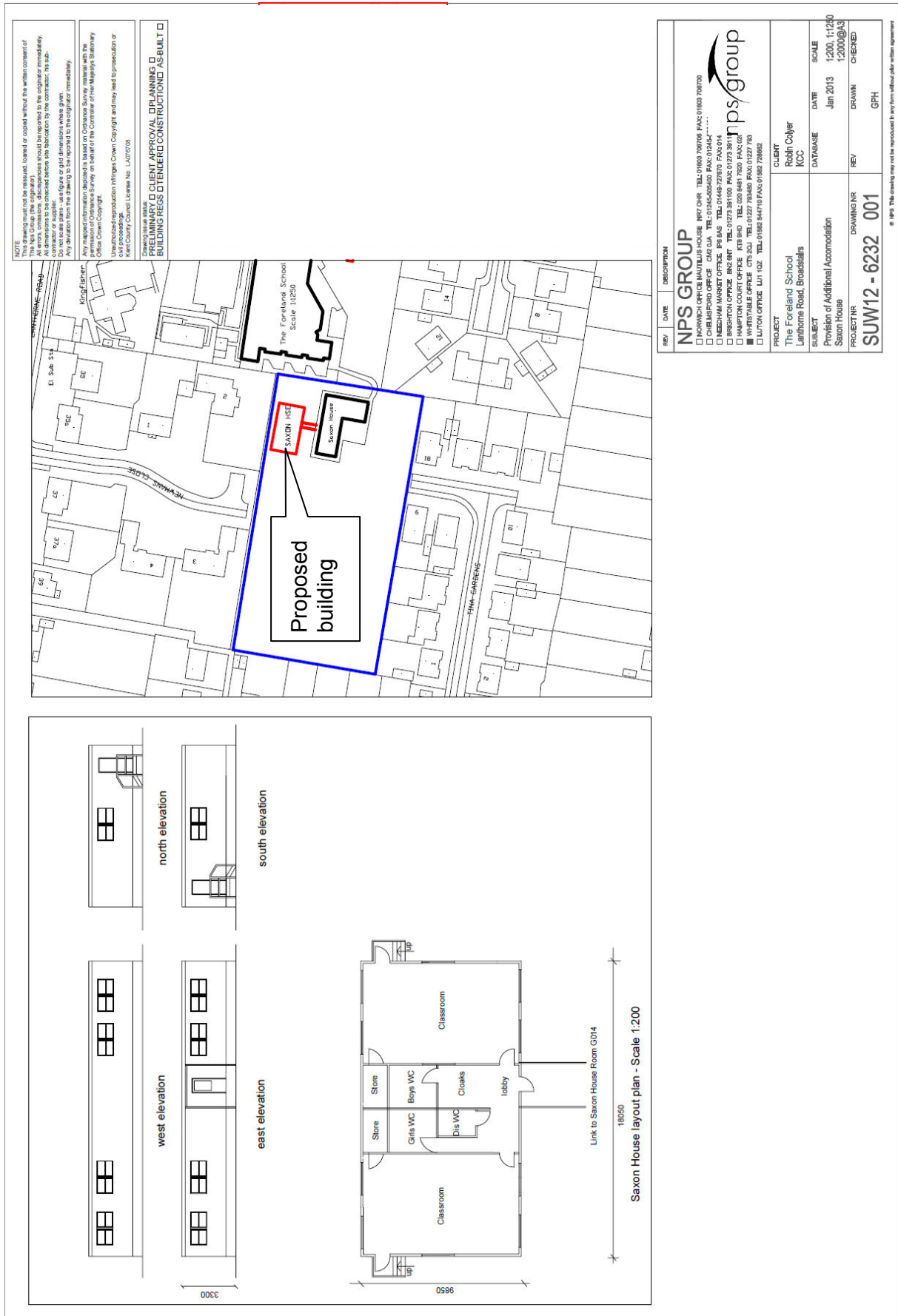
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Site Location Plan



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Drawing originally submitted with the application



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5. There is a proposal for the school to be rebuilt on a new site at Pysons Road, Ramsgate which already has outline planning permission for a new special school. Subject to (amongst other things) detailed planning permission being obtained, it is intended that the new school would be constructed and ready to open in 2015. In the meantime temporary accommodation is required to cater for the additional pupils that need to be admitted in September 2013 and 2014.
6. This application seeks permission for a mobile/sectional building to provide two additional classrooms with ancillary accommodation. A related application seeks permission for two similar buildings elsewhere in separate locations on the school site. [At the time of writing that application is expected to be determined under delegated powers.] The separate locations of the three buildings have been chosen to reflect the need to provide additional accommodation in both the primary and secondary phases which are located in different parts of the school site.
7. The proposed building the subject of this application would be located between the north side of the single storey brick building (Saxon House) and the site boundary with 2 Newman's Close. The proposed building is shown to be 18.05 metres by 9.85 metres wide and 3.3 metres in height. The drawing shows it to be of a standard design for this type of temporary building. It is indicated that it would have a flat/shallow pitch roof and that the walls would be clad in a steel/plastisol covered panel or a treated ply panel (depending on the supplier) with UPVC windows and timber doors, and that it would be finished in a colour to be confirmed. It is also indicated that it would have a covered/enclosed link to Saxon House, although full details are not shown. It has been indicated that the gateway from Tina Gardens would most likely be used for construction access. *A reduced copy of the drawing showing location of the proposed building on the site, floor plan and elevations is attached.*
8. No additional parking is proposed as part of this development even though it is expected that the numbers of staff would increase from 140 FTE by 12 FTE when pupil numbers go up in September. There are currently 30 on-site car parking spaces allocated for the school staff and many of the staff need to park on surrounding streets, although they are encouraged where possible to park along the boundaries of the school rather than outside neighbouring houses. Sustainable travel is encouraged where possible. Covered cycle parking is also provided for 10 cycles.
9. The majority of students are transported to school by minibus or taxi and their needs usually prevents them walking to school or using public transport. There are 6 drop off parking spaces available for parents and 9 parking bays for minibuses/taxis.

Planning Policy

10. The following National Planning Policy guidance and Development Plan Policies summarised below are relevant to the consideration of the application:
 - (i) **National Planning Policy Framework (NPPF)** March 2012, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the

Mobile/Sectional Building, The Foreland School, Lanthorne Road, Broadstairs – TH/13/0104 (KCC/TH/0036/2013)

development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are also relevant:

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
 - achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - the great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools; and
 - the protection provided for open space, including playing fields.
- (ii) The **Policy Statement – Planning for Schools Development** August 2011 states that there should be a presumption in favour of the development of state-funded schools.
- (iii) **Thanet District Local Plan** adopted June 2006 – Saved Policies:
- Policy TR15** Seeks measures to encourage and facilitate walking, cycling and use of public transport in preference to private car travel through School Travel Plans.
 - Policy TR16** Proposals for development will be required to make satisfactory provision for the parking of vehicles.
 - Policy D1** Requires high quality and inclusive design, sustainability, layout and materials. Also sets out the need for compliance with certain criteria including (amongst other things) that proposals will only be permitted if they respect or enhance the character and appearance of the surrounding area, are compatible with neighbouring buildings and spaces, and do not lead to unacceptable loss of amenity.
 - Policy HE12** Seeks the preservation and protection of archaeological sites.
 - Policy SR12** Seeks to protect playing fields from development.
 - Policy CF1** States that planning permission will be granted for new community facilities if the proposals are not contrary to other local plan policies and the community use and location are demonstrated as appropriate.

Consultations

11. **Thanet District Council** raises no objection to the proposal, subject to no issues being raised in relation to highways or archaeology.

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Broadstairs and St Peter's Town Council raises no objection.

Sport England does not wish to comment.

Environment Agency has no comments to make.

KCC Highways and Transportation raises no objections to the mobile building for a temporary period until the school relocates. In addition states that wheel washing facilities must be available on site during construction and that parking for contractor's vehicles must be contained within the site.

The County Archaeologist recommends that a condition be imposed requiring a programme of archaeological works to be implemented before any development takes place in accordance with a written specification and time table that has first been submitted to and approved by the County Planning Authority.

Local Member

12. The local County Members, Mr. R. Bayford and Mr. B. Hayton, were notified of the application on the 5 February 2013.

Publicity

13. The application was publicised by the posting of a site notice and the individual notification of 26 neighbouring residential properties.

Representations

14. I have received one representation from a resident of the adjoining property to the north of the proposed building. An objection is raised for the following reasons:
- The building is very close to the boundary fence bordering his garden.
 - The building appears to have a number of windows close to and directly overlooking his house and garden which would have an adverse affect on privacy.
 - There is no indication of the proposed height of the building.
 - The resident is worried about the effect on outlook.

DiscussionIntroduction

15. This proposal has arisen as the result of an expected increase in the school roll from September 2013 and need for additional accommodation. Whilst the education use of the site is well established there are issues relating to the siting and design of the mobile classroom which are reflected in the representations that have been received, summarised in paragraph (14). The proposal needs to be considered in the context of the relevant Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In brief, the relevant planning policies, as well as strongly supporting provision of education facilities, protect playing field land, promote sustainable development, seek a high standard of design,

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have regard to local context, the amenity of nearby properties and the surrounding area, require adequate access and parking, and seek protection of archaeology.

Siting and design

16. The site of the proposed building is an area of grass between an existing brick building and part of the wider open space/playing field area. A number of sheds of varying sizes have been placed in this and the adjoining area to the west on the playing field where some garden plots have also been dug for educational use. I regard four of these sheds as being unauthorised, not benefiting from permission or permitted development rights. Two would be displaced by the proposed building and would need to be relocated elsewhere subject to planning permission being obtained unless permitted development rights applied to the new location. A planning application is to be submitted for this relocation, as necessary, and for the retention of the remaining two in order to seek to regularise the position.
17. With regard to development of this particular location, arguably it is not an area of the site that is suitable for formal sport and recreation use, is not capable of forming, or forming part of a playing pitch. Furthermore it would not impact on the main part of the playing field. In addition, it will be noted that Sport England does not wish to comment and that the proposed building is intended only to be a temporary solution pending the school relocating to a new site, as referred to in paragraph (5) above. I would not therefore raise an objection on the basis of loss of open space or playing field land.
18. Positioning the building between the existing brick building and the boundary does provide a discreet location which minimises any impact on the character of the site and wider visual amenity. However it is in close proximity to the residential property immediately adjoining to the north and has given rise to an objection as referred to in paragraph (14) above. There is a close boarded fence along this boundary of about 1.8 metres in height. On the school side of this there is a row of hedgerow trees close together and well above the height of the fence. Whilst in general they provide a reasonable screen along the boundary, during the winter months when there are no leaves, views above/over the fence are more evident. Therefore, as the building would be 3.3 metres in height, it would be seen from the neighbouring property. Also, as the windows are above the height of the fence, there is the potential for some overlooking of that property, particularly of first floor windows. The drawing originally submitted with the application shows the proposed building approximately two metres from the boundary and therefore the nearest façade of the neighbouring property would be about 15 metres away.
19. In order to address the objection raised, the applicant has agreed to move the building further away so that it would be 5.7 metres from the boundary. In addition the applicant has agreed to apply an obscure film to the windows which face the boundary to ensure there is no possibility of overlooking. On this basis, I do not consider that the siting would result in an unacceptable impact on the visual amenity or would lead to loss of privacy from overlooking. *A copy of the amended drawing is attached.*
20. Given the type of building proposed, it would be rather utilitarian in appearance and therefore it could be argued that it does not meet all the planning policy objectives for a high standard of design. However, as it is intended to be temporary I do not consider an objection on these grounds would be justified in this particular case. It would nevertheless be appropriate if the building was finished in a similar light green colour as the modular classroom building located on the south side of the brick built building, and this could be covered by condition if permission is granted. No elevational details of the

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The figure contains several architectural drawings for 'Saxon House':

- Elevations:** Four elevation drawings are shown, each with a height dimension of 3300. From left to right:
 - west elevation:** Shows a long wall with a series of windows.
 - north elevation:** Shows a wall with a central entrance and windows.
 - east elevation:** Shows a wall with a series of windows.
 - south elevation:** Shows a wall with a central entrance and windows.
- Floor Plan:** A detailed floor plan of the 'Saxon House layout plan - Scale 1:200'. The plan shows:
 - Two 'Classroom' spaces.
 - Two 'Store' rooms.
 - Two 'WC' (Toilet) rooms, labeled 'Girls WC' and 'Boys WC'.
 - A 'Dis WC' (Disabled Toilet).
 - A 'Clerks' area.
 - A 'lobby' area.
 - Dimensions: 9650 (width) and 18050 (length).
 - A note: 'OBSCURE WINDOW FILM TO WINDOWS ON NORTH ELEVATION'.
 - A link: 'Link to Saxon House Room G014'.

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link to the existing building have been provided but this is a relatively minor detail that could be reserved out by condition if permission is granted.

21. The siting of the proposed building could arguably bring an increased concentration of activity closer to the adjoining residential property. However, the general area of this part of the school site is already in use and the main access to the building would be from the south side of the building away from the boundary. I am also mindful of the relatively short duration of the school day, the break in activities at the site during weekends and school holidays, and of the intended temporary nature of the development and use proposed. On this basis I do not consider that residential amenity would be adversely affected.

Transport, access and parking issues

22. Following some initial concern about additional off street parking not being provided as part of the proposal the Development Planning Manager (Highways and Transportation) raises no objections to the mobile building on the basis of it being for a temporary period until the school relocates. This conclusion was reached following monitoring of the school in the morning and afternoon at the drop off and pick up times. It was confirmed that whilst some staff parking occurs on Lanthorne Road itself, it is not causing a problem. It was also noted that there is plenty of spare capacity on roads in the near vicinity of the site should on street parking be required, without causing disruption to neighbouring properties. With regard to the dropping off and picking up of pupils it was observed that it is largely by minibus and that the arrival and departure times are staggered. No conflicts were seen arising at the access point to delay free flowing traffic on Lanthorne Road. In these circumstances and bearing in mind the views of the Development Planning Manager (Highways and Transportation), I do not consider that there is any basis on which to raise a highway objection in this particular case.

Archaeology

23. The site of the proposed building lies within an area which has revealed extensive remains of prehistoric and later activity. A desk based assessment providing a description and analysis of the archaeological discoveries to date on and around the school site was submitted with the application. On the basis of the information provided the County Archaeologist has requested an appropriate condition to ensure that features of archaeological interest are properly examined and recorded.

Construction

24. As there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect their amenity. I would suggest that this should be 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 or Bank Holidays. Similarly, the matters referred to by KCC Highways and Transportation relating to construction activity could be covered by appropriate conditions.

Conclusion

25. The applicant's reasons for the installation of the mobile building will be noted, together with the current intentions to relocate this school to another site. The principle of the

Mobile/Sectional Building, The Foreland School, Lanthorne Road, Broadstairs – TH/13/0104 (KCC/TH/0036/2013)

school expansion and development required would be in accordance with National Planning Policy and Policy CF1 of the Local Plan. Whilst the proposal does not fully accord with Development Plan Policies or the NPPF in respect of design, given the temporary nature of the building, I do not consider that an objection would be warranted in this particular case. Subject to imposition of appropriate conditions and on the basis of the amended position of the building, I am of the opinion that the proposed development would otherwise be in accordance with the general aims and objectives of the relevant Development Plan Policies and the NPPF and do not consider the proposal would have any significant detrimental impact on the local highway network or on local/residential amenity. I therefore recommend that planning permission be granted for a temporary period until 30 September 2015 subject to the further conditions set out below.

Recommendation

26. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- the mobile classroom to be removed from the site no later than 30 September 2015;
- the building being positioned 5.7 metres from the boundary;
- the building to be finished in light green;
- details of the covered link to be submitted for approval;
- obscure film to be applied to the windows on the northern elevation of the building;
- hours of working during construction being restricted to 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 or Bank Holidays;
- provision for parking of contractor's vehicles within the site; and
- measures being taken to ensure that the public highway is kept clean of mud and debris occasioned by the works.

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| Case officer - Paul Hopkins | 01622 221051 |
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| Background documents - See section heading |
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

| | |
|--------------|---|
| AS/12/518/R3 | Details of a scheme of landscaping (condition 3) pursuant to the terms of planning permission AS/12/518. Eclipse Business Park, Brunswick Road, Ashford |
| AS/12/518/R6 | Details of on-site parking and turning (condition 6) pursuant to the terms of planning permission AS/12/518 Eclipse Business Park, Brunswick Road, Ashford |
| SH/13/111 | Provision of sampling kiosk, ferric dosing unit, stand by generator and fuel tank, inlet works, Motor Control Centre kiosk and addition to existing Motor Control Centre kiosk. Sellindge Wastewater Treatment Works, Church Lane, Sellindge |
| SW/11/503/R3 | Prior approval of siting, design, specification and external appearance of additional portacabin buildings pursuant to the terms of condition (3) of planning permission SW/11/503. Unit 15A Ridham Dock, Ridham Dock Industrial Estate, Ridham Dock Road, Ridham, Sittingbourne |

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.

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|---------------|---|
| DA/12/14/R5 | Details of all external lighting pursuant to condition 5 of planning permission DA/12/14. Wilmington Academy, Common Lane, Wilmington, Dartford |
| MA/13/70 | Provision of an additional classroom off the existing gymnasium block within the central area of the existing school. Bower Grove School, Fant Lane, Maidstone |
| SE/10/3004/R3 | Details of external materials pursuant to condition (3) of planning permission SE/10/3004. Penshurst Primary School, High Street, Penshurst |

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|-------------------------------|---|
| SE/12/1163/R6, 9, 18, 27 & 31 | Details of tree removal and vegetation clearance and areas to be retained and protected (part of landscaping scheme), reptile mitigation works, a scheme to deal with the risks associated with contaminated land, an archaeological watching brief and construction management strategy. Knole Academy, Bradbourne Vale Road, Sevenoaks |
| SH/11/399/R12, 22 & 25 | Details of a detailed bat survey and any required mitigation, a written specification for a programme of archaeological work and a construction management strategy. Marsh Academy (inclusion centre), Station Road, New Romney |
| SW/10/64/R17 | Details of access pursuant to condition 17 of planning permission SW/10/64. Isle of Sheppey Academy (West Site), Jefferson Road, Sheerness |
| SW/13/116 | Renewal of planning consent for change of use from Class (A1) retail to Class (D1) non-residential education and training centre. Temporary consent to run from 30 April 2013 to 28 January 2014. Unit 20, The Forum Centre, Sittingbourne |
| TM/13/210 | To construct a new teaching block to the south west of the existing site comprising two classrooms, cloak area, boys and girls toilets and a group room. Snodland CE Primary School, Roberts Road, Snodland |
| TM/13/303 | The proposed development is to extend the smaller mono pitched structure to the front of the building towards the car park to form two additional classrooms and WC provisions. Kings Hill Primary School, Crispin Way, Kings Hill, West Malling |

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/MA/0095/2013 - Section 73 application to vary the wording of condition 21 (acoustic barrier) of planning permission MA/12/1272 from 'details to be submitted prior to commencement of development on site' to 'details being approved and construction of acoustic barrier prior to the first use of the Multi Use Games Area (MUGA)'.
- St Augustine Academy, Oakwood Park, Maidstone, Kent, ME16 8AE.

- (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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