

PLANNING APPLICATIONS COMMITTEE

Friday, 7th June, 2013

2.00 pm

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Friday, 7th June, 2013, at 2.00 pm
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 (10): Mr J Davies (Chairman), Mr M J Angell, Mr M A C Balfour,
Mr T Gates, Mr P J Homewood, Mr S C Manion, Mr R J Parry,
Mr C Simkins, Mr C P Smith and Mr J N Wedgbury
- UKIP (4) Mr M Baldock, Mr M Heale, Mr T L Shonk and Mr A Terry
- Labour (3) Mr T A Maddison, Mrs E D Rowbotham and Mr R Truelove
- Liberal Democrat (1): Mr I S Chittenden

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. Election of Vice-Chairman
4. Dates of meetings in 2013
Wednesday, 17 July 2013
Wednesday, 14 August 2013
Wednesday, 11 September 2013
Wednesday, 9 October 2013
Wednesday, 6 November 2013
Wednesday, 11 December 2013
5. Minutes (Pages 1 - 10)
10 April 2013
23 May 2013
6. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application AS/12/1041/ (KCC/AS/0306/2012) - Scrap metal recycling facility for the processing and storage of End of Life Vehicles (ELV) with some waste electrical and electronic equipment, construction of a concrete slab base, processing building, weighbridge, portacabin and welfare facilities, and use of a mobile crane and crusher at Glebe Farm, Duck Lane, Shadoxhurst; Highview Park Ltd (Pages 11 - 64)
2. AS/12/1322 (KCC/AS/0033/2012) - Change of use from warehousing storage to waste transfer station/ waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford; B Ball Contractors (Pages 65 - 76)
3. Application SW/12/1184 (KCC/SW/0310/2012) - variation of Condition 9 of Permission SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix Incinerator Bottom As (IBA) Recycling Plant, Ridham Dock Industrial Complex, Iwade, Sittingbourne; Ballast Phoenix Ltd (Pages 77 - 90)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SE/13/487 (KCC/SE/0039/2013) - Single storey building to accommodate 5 classrooms and associated works at Lady Boswell's CEP School, Plymouth Drive, Sevenoaks; KCC Property and Infrastructure Support (Pages 91 - 120)
2. Proposal GR/13/146 (KCC/GR/0032/2013) - Two storey building, additional car parking and parents' drop-off at St Botolphs CEP School, Dover Road, Northfleet; Governors of St Botolph's CEP School and KCC Property and Infrastructure Support (Pages 121 - 146)
3. Proposal MA/13/0091 (KCC/MA/0436/2012) - Multi use games area (MUGA) at Roseacre Junior School, The Landway, Bearsted; Governors of Roseacre Junior School (Pages 147 - 164)
4. Proposal SE/13/1206 (KCC/SE/0137/2013) - Single storey extension to provide 2 classrooms at St John's CEP School, Bayham Road, Sevenoaks; KCC Property and Infrastructure Support (Pages 165 - 182)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 183 - 188)
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.)

Thursday, 30 May 2013

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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, 10 April 2013.

PRESENT: Mr J Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr I S Chittenden, Mr T Gates, Mr B 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

ALSO PRESENT: Mr R A Marsh

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

UNRESTRICTED ITEMS

21. Minutes - 13 March 2013

(Item A3)

RESOLVED that the Minutes of the meeting held on 13 March 2013 are correctly recorded and that they be signed by the Chairman.

22. Site Meetings and Other Meetings

(Item A4)

(1) The Committee noted that its provisional additional meeting on 18 April 2013 would not take place. This was because there were now no urgent School Basic Needs applications needing to be considered by the Committee before its next meeting in June and because the applicants for the only other application which might have been considered had very recently provided additional technical and legal information to the Planners that needed further consideration.

23. Oaken Wood Public Inquiry

(Item B1)

The Head of Planning Applications Group informed the Committee that the Public Inquiry into the proposed westerly extension to Hermitage Quarry, Aylesford (Minutes 2011/37 and 2012/69) had ended and that the Planning Inspector had concluded his report, which had been forwarded to the Secretary of State for Communities and Local Government for his decision. This report remained confidential pending a final decision by the Secretary of State.

24. 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
(Item C1)

(1) Mr J A Davies informed the Committee that he had received correspondence from Julian Brazier, MP and from Sir Roger Gale, MP in respect of the application. He was acquainted with Julian Brazier, MP but this was not a close personal association. He was therefore to approach the determination of the application with a fresh mind.

(2) Mr C Hibberd informed the Committee that he was acquainted with Sir Roger Gale, MP. This was not a close personal association and he had not discussed the application with him. He was therefore able to approach the determination of the application with a fresh mind.

(3) Mr R A Marsh was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(4) Mr Huw Edwards from Barton Willmore addressed the Committee (with the agreement of the Chairman) as a representative of all the businesses on the estate. Mr George Wilson and Mrs Georgina Glover (Westbere PC) also addressed the Committee in opposition to the application. Mr Mike Goddard (Goddard Planning Consultancy) spoke in reply on behalf of the applicants

(5) The Chairman informed the Committee that both Julian Brazier, MP and Sir Roger Gale, MP had written to him in his capacity as Chairman of the Committee and had asked him bring the views they had expressed to the Committee's attention. The Chairman then read their letters to the meeting.

(6) The Head of Planning Applications Group reported additional correspondence dated 6 April 2013 from residents of Upstreet opposing the application. She advised that the correspondence did not raise any additional issues to those raised in the report.

(6) Mr W A Hayton moved, seconded by Mr C P Smith that the recommendations of the Head of Planning Applications Group be agreed.

Carried 9 votes to 8.

(7) RESOLVED that:-

- (a) permission be granted to the application subject to conditions including conditions covering 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; 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 being 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; noise from the entire development being limited to 52dB L_{Ar,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

- (b) the Applicants be advised by Informative 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.

25. 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
(Item C2)

(1) Mr R J Parry informed the Committee that he had been lobbied as the Local Member by a number of constituents about the application. He had not, however, debated the merits of the application with them and he remained in a position to approach its determination with a fresh mind.

(2) Mr R J Parry left the meeting before this item was considered. The Chairman had previously agreed to his request to formally move an amendment to the Head of Planning Applications Group's recommendations. This amendment was seconded by Mr C P Smith. The proposed amendment asked the Committee to include a condition prohibiting lorry movements during the morning and evening rush hours in order to mitigate the increased congestion on the A25. It also sought to ensure that all noisy "house keeping" activities took place in the morning rather than in the evening after the site had closed to the public.

Motion Lost

- (3) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government and that subject to him giving no direction to the contrary permission be granted to the application subject to the prior satisfactory conclusion of a Section 106 Legal Agreement to secure the draft Heads of Terms set out in Appendix A of the report and to conditions, including conditions covering the development being commenced within 5 years; the development being carried out in accordance with the submitted plans and any approved pursuant to the conditions set out below; the 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; 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 being implemented as proposed; the implementation of the mitigation and enhancement measures proposed with in the Ecological Evalution and Impact Assessment; details of 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 hours of operation of both the Waste Transfer Station (WTS) and the Household Waste recycling Centre (HWRC) to those applied for (as set out in paragraph 19 of the report); the entrance to the site being secured outside operational hours; all external lighting being extinguished outside the hours of operation (with the exception of low level security lighting or during any repair or maintenance); 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) being received, deposited, stored or managed on site; all waste associated with the WTS being loaded, unloaded, sorted and stored within the building; the external doors and shutters within the building being closed outside the opening hours; no waste being stored outside except within the HWRC; all biodegradable/ putrescible waste being removed within 48 hours of arrival on site; controls on the overall number of HGV movements to those applied for (256 HGV movements per day -128 in / 128 out); the waste catchment for the WTS 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 being maintained for a period of 3 years and made available on request; all loaded, open backed HGVs leaving the site being sheeted or netted; only those vehicles and storage containers ancillary to the development being stored within the site; all vehicles, plant and machinery operated on site being maintained in accordance with the manufacturer's specification at all times, with effective silencers being fitted and used; the hard surfacing on site being 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) being stored outside the developed area of the WTS / HWRC; unauthorised material deposited on site being removed to an authorised waste disposal facility within 48 hours; restriction of permitted development rights; the terms of the planning permission being made known to any person(s) given responsibility for the management of the site; all uses and operations associated with Permissions 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 and operations associated with Permissions 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 WTS and shall not recommence thereafter; all existing built development, structures, plant, equipment and waste within the red line area being removed from site; all land outside the final area of the WTS and HWRC (but within the red line area of the development hereby permitted) not being used except as may be permitted by

a subsequent valid planning permission; and within 12 months of the first importation of waste to the new facilities (except as may be permitted by a subsequent valid planning permission) the applicant submitting a scheme for the demolition and remediation of the existing waste transfer building and other land outside the final developed area of the WTS and HWRC (and thereafter this scheme being implemented as approved).

26. 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 (Skipton)
(Item C3)

RESOLVED that permission be granted to the application subject to conditions covering the standard time limit; the development being carried out strictly in accordance with the approved details; hours of operation being 0800 to 1730 on Mondays to Fridays and 0800 to 1300 on Saturdays; types and throughput of materials; the area set aside for storage; manoeuvring and parking areas being safeguarded for such purposes; a height restriction on stockpiles and skip storage; a noise levels restriction on vehicle movements; measures to avoid mud and debris on the public highway; prior to commencement of development: details of a scheme of ecological enhancements outlined in the ecology report, together with their longer term management; specific details of the fencing to be installed, including measures to ensure that the existing hedge screening is protected during its erection; and details of a surface water management scheme for the site.

27. 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
(Item D1)

(1) A copy of a letter from Mr J Edwards-Winsor had been sent to all Members of the Committee with the agenda papers.

(2) The Head of Planning Applications Group reported additional correspondence from residents of Warham Road opposing the proposal and objecting in particular to the proposed height of the new building, and its compatibility with the Conservation Area.

(3) Mr Martin Whitehead (Otford Parish Council), Mr Rod Shelton (Otford Society and Chairman of Otford Parish Plan) and Mr John Edwards-Winsor (Local District Councillor) addressed the Committee in opposition to the proposal. Mr Jay Neil (KCC Property and Infrastructure) spoke in reply.

(4) The Chairman moved, seconded by Mr A T Willicombe that the Head of Planning Applications Group's recommended condition requiring a revised Travel Plan be amplified by a requirement for initiatives to be developed in liaison with the Parish Council and its Parish Plan Team, and targets for its implementation for its implementation and ongoing review.

Motion carried

(5) On being put to the vote, the revised recommendations of the Head of Planning Applications Group were carried by 12 votes to 1

(6) RESOLVED that permission be granted to the proposal 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; details of an archaeological watching brief; the submission of a scheme for the disposal of foul and surface waters; land contamination; the submission of a revised School Travel Plan within 6 months of the date of this permission, with initiatives to be developed in liaison with the Parish Council and its Parish Plan Team, and targets for its implementation and ongoing review; tree protection measures; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management plan, including the provision of access, parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations; details of the use of Warham Road; local consultation on the 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; and measures to prevent mud and debris being taken onto the public highway.

28. 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
(Item D2)

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the mobile classroom being removed from the site by no later than 30 September 2015; the building being positioned 5.7 metres from the boundary; the building being finished in light green; details of the covered link being submitted for approval; obscure film being 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 Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays; provision for parking of the 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.

29. 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).

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PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 23 May 2013.

PRESENT: Mr M J Angell, Mr M Baldock, Mr M A C Balfour, Mr I S Chittenden, Mr J Davies, Mr T Gates, Mr M Heale, Mr P J Homewood, Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mr C P Smith, Mr A Terry, Mr R Truelove and Mr J N Wedgbury

IN ATTENDANCE: Mr P Sass (Head of Democratic Services)

UNRESTRICTED ITEMS

30. Membership

(Item 1)

The Committee noted its membership as set out above.

31. Election of Chairman

(Item 3)

RESOLVED that Mr J A Davies be elected Chairman of the Committee.

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Development of a scrap metal recycling facility for the processing and storage of End of Life Vehicles (ELV) with some Waste Electrical and Electronic Equipment (WEEE), construction of a concrete slab base, 93sqm processing building, weighbridge, portable cabin and welfare facilities, and use of a mobile crane and crusher at Glebe Farm, Duck Lane, Shadoxhurst, Kent, TN26 1LT - KCC/AS/0306/2012 12/01041/AS

A report by Head of Planning Applications Group to Planning Applications Committee on 7 June 2013.

Application by Highview Park Limited for Development of a facility for the processing and storage of End of Life Vehicles (ELV), with construction of a concrete slab base, 93sqm processing building, weighbridge, portable cabin and welfare facilities, and use of a mobile crane and crusher at Glebe Farm, Duck Lane, Shadoxhurst, Kent, TN26 1LT - KCC/AS/0306/2012

Recommendation: Permission be refused.

Local Member: Mr M.Angell

Classification: Unrestricted

Site

1. Glebe Farm is situated in the Parish of Shadoxhurst, approximately 2.5km to the south east of the urban area of Ashford. It is in a rural location outside the confines of Shadoxhurst however the sole route of access is through the village, and then 500m down Duck Lane via Church Lane. The immediate area is a mixture of woodland (much of which is designated Ancient Woodland), agricultural land and buildings, and residential properties. The application site is within the 'Woods and Meadows near Shadoxhurst' Local Wildlife Site' (LWS-AAS56). The Ashford Draft Landscape Character Supplementary DPD (Jacobs 2009) describes the Shadoxhurst area as being mixed farmland, with little intensive land use, and a field pattern defined by an extensive woodland framework. The mixed woodland and hedgerows create a strong sense of enclosure, with field ponds and narrow stream corridors along narrow wooded valleys. Roads are typically ditch-lined and enclosed by woodlands and hedgerows.
2. The application site is a portion of land, of approximately 0.31ha in area, which extends into the woodlands of Colebran/Colham Wood, at the end of Duck Lane. The site is functionally linked to the adjacent Glebe Farm House and outbuildings. It consists of a crushed hardcore level base throughout, bordered by a 2.4m weld mesh green fence,

Development of a scrap metal recycling facility for the processing and storage of End of Life Vehicles (ELV) with some Waste Electrical and Electronic Equipment (WEEE), construction of a concrete slab base, 93sqm processing building, weighbridge, portable cabin and welfare facilities, and use of a mobile crane and crusher at Glebe Farm, Duck Lane, Shadoxhurst, Kent, TN26 1LT - KCC/AS/0306/2012 (12/1042/AS)

with access off Duck Lane through gates to the eastern boundary. There are no buildings on site, but a couple of posts mark the location of the site of a collapsed shed. The northern edge is bounded by a strip of trees between the application site and a tributary to the River Beult. To the west there is recovering woodland, which has previously been stripped back. The southern edge is bordered by more woodland and a Public Right of Way (PROW), which divides the site from Glebe Farm and the rest of the applicant's land.

3. It is worth noting at this point that the developed area which makes up the application site is in fact larger than the red line area within the application. This is in order to restrain the planning proposal within the area of a 1996 Lawful Development Certificate (which I will explain in greater detail within discussion of the planning history).
4. Glebe Farm House is the nearest dwelling, within 20m, with Glebe Retreat 50m to the east and a number of agricultural buildings beyond. The Glebe Farm area is approached via Duck Lane, a single lane public road of approximately 500m. Duck Lane is bordered by a number of residential properties, hedgerows, agricultural fields and an established business 'Kent Tractors'. The lane is single width along its entire length, with a drainage ditch along one side. It ends at Glebe Farm at the point of the bridge over Whitewater tributary, and public access continues either along the PROW which bisects the applicant's land and leads south west, or east along a byway track which then heads South towards extensive wooded areas and a Site of Special Scientific Interest (SSSI).
5. As stated above the application site is at the end of Duck Lane, which is accessed via Church Lane within Shadoxhurst. This junction is at the centre of a Conservation Area which includes the nearby houses (many of which are Listed Buildings), focussed around the St Peter and St Paul's Church, and a small area of village green with a Grade II listed Village Pump.
6. Glebe Farm is divided into two portions of land, partitioned by the PROW, and each forms a distinct planning unit with uses acquired over time and formalised with Lawful Use applications determined by Ashford Borough Council. Both are under ownership of the applicant. Establishing the planning history is important in performing a proper assessment of the proposal, and understanding how the site has established into what it is today.

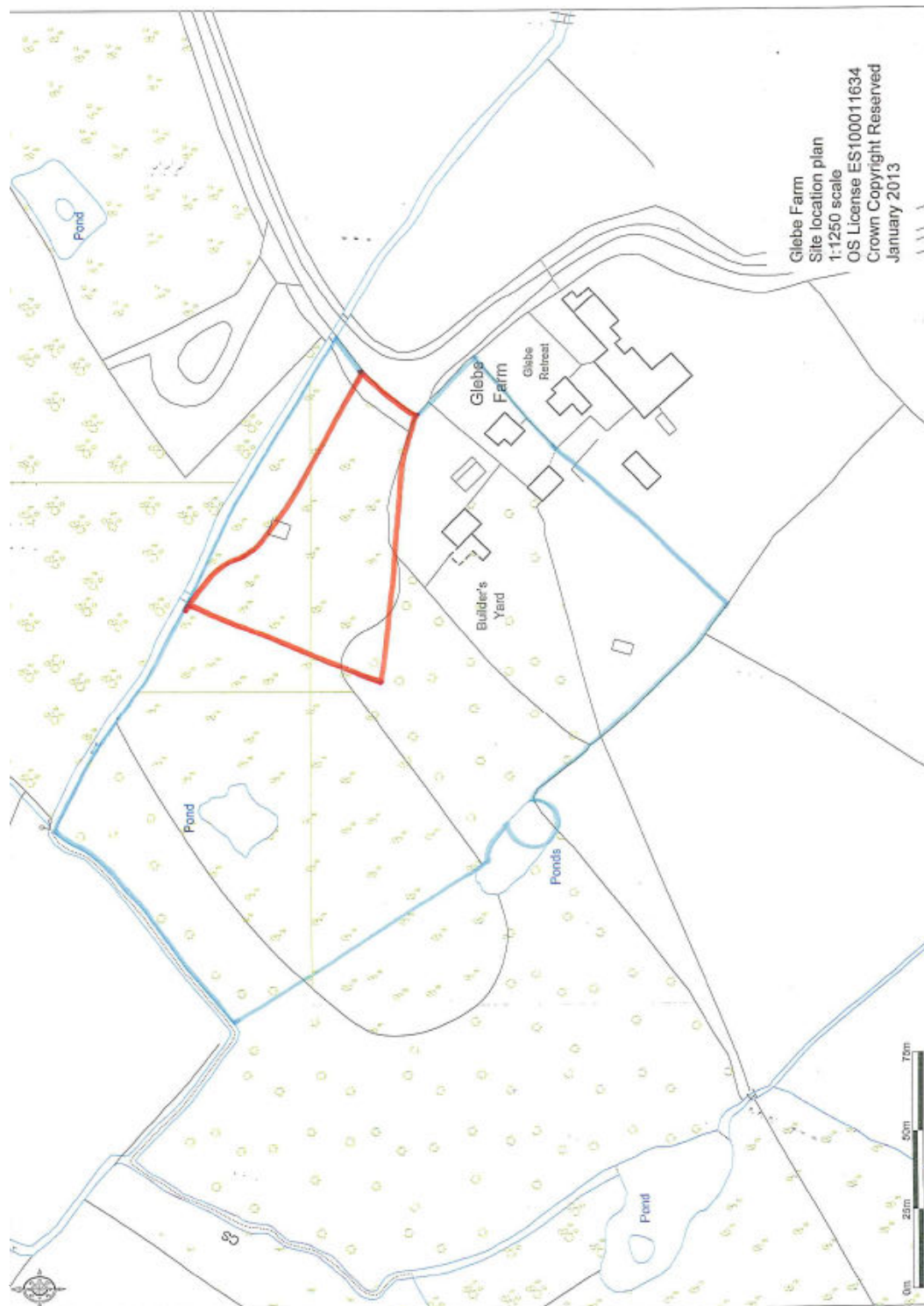
Development of a scrap metal recycling facility for the processing and storage of End of Life Vehicles (ELV) with some Waste Electrical and Electronic Equipment (WEEE), construction of a concrete slab base, 93sqm processing building, weighbridge, portable cabin and welfare facilities, and use of a mobile crane and crusher at Glebe Farm, Duck Lane, Shadoxhurst, Kent, TN26 1LT - KCC/AS/0306/2012 (12/1042/AS)

Fig. 1 - General Location Plan



Development of a scrap metal recycling facility for the processing and storage of End of Life Vehicles (ELV) with some Waste Electrical and Electronic Equipment (WEEE), construction of a concrete slab base, 93sqm processing building, weighbridge, portable cabin and welfare facilities, and use of a mobile crane and crusher at Glebe Farm, Duck Lane, Shadoxhurst, Kent, TN26 1LT - KCC/AS/0306/2012 (12/1042/AS)

Fig. 2 - Site Location Plan



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Development of a scrap metal recycling facility for the processing and storage of End of Life Vehicles (ELV) with some Waste Electrical and Electronic Equipment (WEEE), construction of a concrete slab base, 93sqm processing building, weighbridge, portable cabin and welfare facilities, and use of a mobile crane and crusher at Glebe Farm, Duck Lane, Shadoxhurst, Kent, TN26 1LT - KCC/AS/0306/2012 (12/1042/AS)

8. In 1996 the then site owners applied for a Lawful Development Certificate (LDC) for the 'parking and storage of cars and commercial vehicles servicing of cars and commercial vehicles and retailing of bathroom equipment, building materials etc, retail sales of up to six second hand cars and use as a builders yard'. The LDC was issued in 1998 by Ashford Borough Council confirming that at the point of application, the uses listed within the LDC first schedule has been in for a period in excess of 10 years and is therefore immune from enforcement action. It is worth noting that although the description within the LDC, as quoted above, includes the 'retailing of 6 second hand cars', this part of the use was omitted from the approved description within Schedule 1 of the LDC. Analysis of the background documents and discussions given to us by the Borough Council does not account for this discrepancy. Therefore it could be legitimately argued that the LDC decision notice confirms the car sales element. The LDC is included as an appendix.

Both Sites

9. In 2011, following complaints to Ashford BC, a part retrospective application was submitted for the 'erection of security fence and gates and hard surfacing, together with replacement storage containers at existing commercial area'. This was subject to a number of objections, and was approved in December 2011. The Borough case officer confirmed within the application report that the fencing and hardstanding was approved on the basis that it covers only the LDC area, and that only the LDC uses can take place within this area. The hard surfacing covers all of the Southern Site, the current application site and the PROW. The fencing encloses both sites separately. The application was approved with a landscaping condition which has been discharged by Ashford BC. The condition required the landscaping to be undertaken within 1 year of the date of approval, which has not taken place. No enforcement action has been taken by the Borough Council.
10. Within the application site the hard surfacing and fencing has been constructed to cover an area of approx. 3780sq.m and goes beyond the boundaries of the approved LDC area (3060sq.m). Additionally, the security fencing has been erected outside the approved area, abutting the nearby tributary. The approved plans (and LDC limits) allow the fencing to follow a line set into the site, thereby leaving a strip of vegetation and trees which form part of the Ancient Woodland. This situation was brought to our attention at the outset by Ashford BC. No enforcement action against either the fencing, hard surfacing or the unimplemented landscaping scheme has been taken by the Borough Council.

Site Disputes

11. A number of representations from local residents, and a petition, raise complaints about the establishment of the current situation on site, including the planning history and the way it has developed. The general insinuation, particularly from those who have lived in the area a number of years, is that the LDC was granted under misrepresented information and that the uses made lawful by the LDC either never took place, or only

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took place in the immediate vicinity of the Glebe Farm House. Representations have stated that the application site has only been used for tipping of unwanted materials, and no commercial activities have taken place.

12. The application methodology (to be discussed below) is to compare the proposal against baseline activities allowed under the LDC. This has also provoked objections, primarily on the grounds that not only did the LDC uses never take place in this area, but that they never were undertaken at the level of intensity which the application compares. Local residents have also argued that the site has largely been unused over the past 10 years, until the applicants took ownership. At that point, the new owners removed up to 90 tonnes of rubbish from the LDC area, burned off rubbish, stripped the site back and covered it with hard surfacing. These complaints prompted an investigation by Ashford BC which resulted in the part-retrospective application being submitted and approved in 2011.
13. Ashford BC originally submitted objections relating to the amenity impacts of the proposal. However, over the course of processing the application, we received further representations from the Borough Council stating that they have obtained legal advice and are of the opinion that the uses under the LDC have been abandoned. We have viewed this legal opinion, and all other evidence given to us by the BC, and sought legal advice on this ourselves and have come to the conclusion that we - on the face of the evidence put before us and in the absence of formal action from Ashford BC – cannot agree that the use has been abandoned. The legal status of the LDC cannot properly be challenged through the determination of this planning application, and would require formal enforcement action from the determining authority. Therefore, I am of the opinion that the LDC exists for the purpose of establishing the baseline planning history and determining this proposal. If no LDC were in place, then due to the location and constraints, planning policy would presume against development in this area and this application would have been discouraged pre-submission. The Borough Council also approved the 2011 application for fencing and hardstanding, with objections, and within the officer's report it was stated that the use had not been abandoned and this was a fundamental reason for granting approval, and an informative was included reminding the applicants that only the activities contained within the 1996 LDC could take place within the site, thereby formally affirming the uses within a site assessment. Arguably, had there been no lawful use within the site, the fencing and hardstanding would not have development plan support.
14. The LDC as granted – and interpreted by the applicants – places no restrictions other than the uses listed within Schedule 1 on the LDC decision notice. Therefore, there is no mention of operational limits such as throughput, hours of operation, vehicle movements and other key considerations, that would normally be controlled by condition within a planning application for a commercial land use such as that allowed under the LDC. In planning terms, it is broad and unspecific, as unlike a planning permission an LDC is a statement of legal fact at a point in time, and we as a planning authority are not able to 'look behind the LDC' to ascertain approved plans, and other approved documents, which would give an indication as to activity levels. Therefore, the benefit of having a planning application put forward for this site is that if Members

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are minded to grant planning permission restrictions could be imposed by condition which would allow the planning authority to gain some control over the amenity impacts of the site.

Proposal

15. The applicant, Highview Park Ltd., is proposing to develop a metal recycling facility within the northern site of Glebe Farm. The submission has been subject to amendments following the first round of consultation, and the proposal explanation below is reflective of these changes. It should be noted that the applicant has been very willing to provide additional surveys and documentation in response to planning concerns raised.
16. The facility would process, depollute and sort scrap metal primarily from End of Life Vehicles (ELVs), although the application indicates that some waste would come on site in the form of Waste Electrical and Electronic Equipment (WEEE) and 'other scrap metal'. The exact proportions have not been explained however would be controlled through an Environmental Permit. In general the proposal suggests an annual throughput of 20,600tpa (400 tonnes per week). Scrap would be transported to the site by Heavy Goods Vehicle (HGV), and received via a weighbridge and site office. The proposal incorporates a 93sq.m 'pollution control building' which would be used for the removal of contaminants (oils, fluids etc) from vehicles and other scrap, before the remaining scrap metal is crushed and sorted for onward transportation. Processing activities are proposed to take place on a concrete base, in order to trap surface water and spills, which would then drain to an interceptor for pollution control. The site layout plan indicates the general arrangement, and a large proportion of the site is presumed to be used for storage of unprocessed vehicles; however, details such as stockpile heights and storage arrangement have not been confirmed. The applicant states that the LDC currently allows for unrestricted stockpiles of scrap, but they are willing to accept a restriction on this by condition to levels requested by the Environment Agency and the County Planning Authority.
17. The pollution control building is proposed to be of a simple functional design, creating a floor space of 93sq.m. It is proposed to be constructed within the north eastern corner of the concrete base and to be of a simple functional design – steel framed construction, with a pitched roof and clad in steel sheeting, approximately 4.8m in height at the apex, and 3m at the eaves. There would be an access door to the south eastern elevation and open sided to the north western elevation. The finish has been stated to be dark green, and this could be controlled by condition.
18. The operational site area would be enclosed by the erection of 2.4m weld mesh powder-coated fencing. The submitted plan shows that this would enclose a reduced area to the existing hard surfacing and fencing, and would formalise the area which is subject to the LDC. The applicant has not put forward information for the future plans for the remaining land, or as to whether the excess fencing and hardstanding would be removed.

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19. The applicant states that the proposal would provide a reuse of an existing employment site and provide local jobs in a rural area, in accordance with planning policy on rural employment and the principles of sustainable development within the NPPF.

Comparison with Baseline

20. As stated above, the applicant has submitted this proposal working from the baseline position of the existence of the LDC. The methodology employed to assess potential amenity impacts from the proposal, is to compare the proposal against what they believe could lawfully take place on site without the need for further planning permission. In October 2012 we sought the opinion of the determining authority of the LDC as to what level of activity they believe the Certificate allows, and as to whether the levels argued by the applicant are representative. The Borough Council had submitted comments that they believe the site to be abandoned, but to date had not commented on the levels of activity allowed under the LDC.

Highways

21. The original Trip Report submitted with the application proposed that the number of vehicle movements generated by the operation of this facility would be 58 per day, of which 32 would be in the form of HGVs. This assumes that scrap metal would arrive on site on skip lorries, and processed material would leave in 20 tonne tipper HGV, or roll-on-off container, with a maximum throughput of 400 tonnes per week. The report suggests that this would result in a net decrease in the 'existing' vehicle movements. This conclusion has been calculated by dividing the total land area of the LDC between the various lawful uses within the LDC description, and using the TRICS database (a database which assesses the potential transport impacts of development – Trip Rate Information Computer System) to calculate the likely vehicle movements for each use. This method worked from a number of assumptions, including that the LDC would operate with a 100sq.m building and a 300sq.m external working area.
22. The Trip Report concludes that the LDC allows for an existing use generating 128 vehicle movements per day, of which 23 movements would be HGVs. The proposed use is suggested to reduce the net daily vehicle movements by up to 70 however the number of HGV movements would increase by 9 per day. It is stated that this represents a 'worst-case scenario' by assuming that delivery HGVs leave the site empty.
23. The original Trip Report referred to above received objections from consultees, including KCC Highways & Transportation, on the grounds that the methodology was not robust in predicting the level of 'existing' trips from the baseline planning history. Despite the baseline, the Trip Report predicted an increase of daily HGV movements, which raised objections on the grounds of highways safety. In response to this, the applicant amended the methodology.
24. The original Trip Report assumed a mixed use applied over the entire site, made up of assumed proportions of the listed LDC uses, then working from a 'first principles'

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approach calculates the likely level of vehicle movements. The Revised Report changed this methodology to isolate the 'builders merchants' use and operate this over the entire site, due to the external nature of the storage and therefore no need for buildings and further planning permission. The resulting calculations raise the predicted existing daily movements from 128 to 429, and the HGV movements from 23 to 33. The new figures are calculated for a builder's merchant over the entire site area of 3080sq.m, but the report also includes figures for a 2500sq.m site area with the remainder dedicated to movement and parking – 348 total daily movements of which 27 are HGVs.

25. The revised Report states that the application proposal would result in 58 total vehicle movements of which 32 would be HGVs, which would account for a reduction from the existing of 290 residual daily trips, but an increase of 5 HGVs (when working from the smaller 2500sq.m calculations). The conclusion being that although there would be a slight increase in HGV movements, overall there would be a benefit from operating the proposal at the site above that of the LDC. Members should *note that Kent H&T has challenged the number of proposed HGV movements and considers that an estimate of 44 (two-way total) HGV movements per day is more appropriate.*

Noise

26. The noise impact assessment submitted adopts a similar methodology to the highway trip report – calculating the baseline permitted impacts generated under the 'existing' uses, including operational activities, vehicle movements and assumed plant and machinery which are likely to have been operated with the lawful uses. These calculations have been compared to the proposed uses and activities.
27. The noise assessment concludes that the uses under the LDC would result in a noise level of 80dB_{L_{aeq}} at the nearest noise sensitive receptor – Glebe Farm House approximately 20m to the south of the application site boundary. This assumes the operation of a wheeled loader, tracked excavator, forklift, 32 tonne HGVs, 10 tonne van/lorries and cars. The report calculates that the proposed use - using a crusher, loader, excavator, forklift, 32 tonne HGVs, 10 tonne van/lorries and car – would also result in a noise level of 80dB at the nearest receptor. The conclusion is that the proposed waste metal processing facility, when compared with the 'existing' ambient noise levels allowed by the lawful use of the site, should not have an adverse impact on residential amenity.
28. In response to comments received from technical consultees, the applicant submitted an addendum to the noise assessment to take into account other sources of noise, in particular the loading of waste material into metal containers. The resulting calculations predict an increase of 1dB above that already presented in the original assessment. The conclusion is that the resulting noise level of 81dB is not a significant increase above the 'existing' 80dB predicted to be allowed by the LDC. A further response from the Applicant's noise consultants comments on the appropriateness of using BS:4142 to consider the proposals and the possible use of mitigation measures. It remains of the view that BS:4142 (as used by the Council's advisor) is not the appropriate assessment

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tool for assessing this proposal and that proposed mitigation measures would significantly reduce any noise experienced at nearby residential properties. These measures include rubberised lining of containers and bins and the possibility of a 3-4m acoustic screen. It affirms the view that the proposal will reduce noise levels.

Visual Impact and Design

29. The general position of the application is that the proposed development would not have an adverse impact on the visual amenity of the area, that it is appropriate to the context of the established uses in the area, and that the development in combination with the hard surfacing and fencing would result in an overall improvement to the site in comparison to when it was purchased. The applicant states that this site is 'within an established commercial area' which is bounded by woodland, of a level topography and enclosed by well designed fencing. Also, that since purchasing the site, they have removed and cleared a significant amount of rubbish from within the woodland and surfaced the area to a high standard. The applicant asserts the position that the proposal should take into account the clear-up operation and improvement to the LDC area. The planning statement states that the operational development proposed is appropriate for the rural setting, would be viewed as being set within the existing hardstanding and would be no different to the visual impact of the activities which could lawfully take place within the site.
30. The site lies within the 'Shadoxhurst Wooded Farmland Low Weald' character area, and a Local Wildlife Site. The applicant states that the impact on these designations would be positive by enclosing the site and providing security and an ordered layout, which would also prevent fly-tipping and anti-social behaviour to an area vulnerable to these activities. Secondly, the applicant states that as they also own large areas of woodland adjacent to the application site that they are able to improve tree planting.
31. The application has been submitted with a planting scheme, which the applicant states will mitigate the visual impact of the site, as well as provided benefits in re-establishing tress within the historic Ancient Woodland area and general benefits to biodiversity. It should be noted that the submitted planting/landscaping scheme is made up of the same plans and specifications submitted to Ashford BC under the 2011 permission for fencing, hardstanding and containers. This scheme was approved by condition and should have been implemented within one year.

Flood Risk

32. The submitted application is accompanied by a Flood Risk Assessment due to its location within Flood Zones 2 and 3.
33. The applicant states that the site was purchased with the benefit of the LDC verifying that a wide range of uses may be carried without the need to obtain further permission. At each stage of the process they state they have been willing to engage the regulatory authorities in order to address concerns, including the expense of traffic and noise

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surveys. They have made a substantial investment in purchasing and clearing the site prior to pursuing planning permission. The conclusion of the application is that the proposal would have no greater effect than the existing lawful uses, is in accordance with the rural employment provisions of the NPPF and there is no conflict with the Development Plan.

Development Plan Policies

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

National Planning Policy Framework (NPPF)

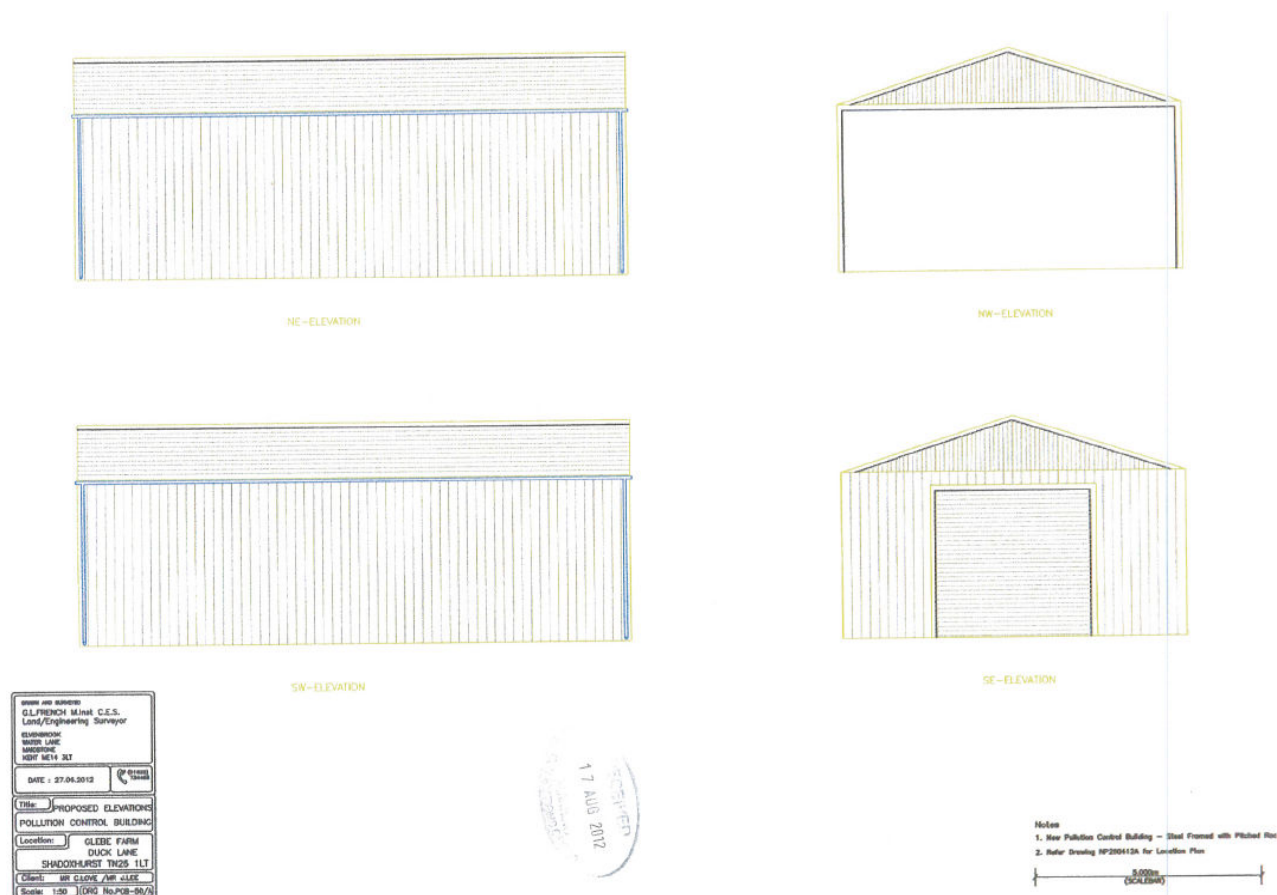
35. The NPPF is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. Planning decisions should ensure that a site is suitable for a new use taking account of ground conditions or former activities such as pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment. Amongst other things, the NPPF also promotes the conservation and enhancement of the natural environment and requires that decisions prevent unacceptable effects on the natural environment and amenity.

Planning Policy Statement 10: Planning for Sustainable Waste Management

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

[illegible]

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(surface and groundwater); W20 (land drainage and flood control); W21 (landscaping); W22 (road traffic and access); W25 (plant and buildings); W27 (public rights of way);

Draft Kent Minerals and Waste Plan

38. Draft Core Strategy 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); CSW16 (other forms of waste development); DM1 (sustainable design); DM2 (sites of international, national and local importance); DM8 (health and amenity); DM10 (transportation of minerals and waste); DM11 (public rights of way) contained within the Strategy and Policy Directions Consultation (May 2011).

Ashford Borough Local Plan (Saved Policies)

39. Policies GP12 (protecting the countryside); EN31 (important habitats); EN32 (protection of trees and woodland).

Ashford Borough Local Development Framework (LDF) Core Strategy (July 2008)

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40. Policies CS1 (Guiding Principles); CS9 (Design Quality); CS11 (Biodiversity); CS15 (Transport), CS19 (Development and Flood Risk); CS20 (Sustainable Drainage).

Ashford LDF: Tenterden and Rural Sites Development Plan (Oct 2010)

41. Policies TR17 (Landscape Character & Design); TRS18 (Important Rural Features); TRS8 (Extensions to Employment Premises);

Ashford LDF: Landscape Character Supplementary Planning Document (April 2011)

42. Landscape Character Areas (Jacobs 2009): Area 21 – Shadoxhurst Wooded Farmlands

Consultations

43. **Ashford Borough Council:** To date we have received three responses from Ashford BC:

- 10 October 2012 - Strongly objects as the proposal is contrary to development plan policies for the following reasons:
 - The site is not identified within the development plan for waste facilities. It is in a rural site at the end of a narrow country lane with residential properties close to the road.
 - The site is larger than the lawful use site therefore the development is likely to increase the amount of traffic, noise and general activity close to a residential property.
 - The visual impact of the proposal will be significant and will detract from the character of this rural area and will be detrimental to the users of the adjacent public footpath.
 - The need for this development has not been adequately established.
- 23 November 2012 – Reaffirms strong objections to the development as being contrary to development plan policies:
- 25 February 2013 – Very strongly objects:
 - The site is not identified for waste use.
 - The council is of the view that the previous use has been abandoned, there is no fall back position to be relied upon by the applicant's agent.

44. **Shadoxhurst Parish Council** – Strongly object to the application on the following grounds:

- Highways – The access roads are far too narrow to cope with the size and number of vehicles from this development. Few passing places. Soft verges unsuitable for HGVs. Road surface unsuitable for increased traffic and HGVs.
- Byways – The access to the site is from a byway rather than a highway. The increase in the number of vehicles and HGVs would pose a danger to users of the

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byway, and those accessing the PROW network.

- Local Environment – The proposal would be detrimental to the surrounding environment. The entry to the site is through a Conservation Area. The site is next to Ancient Woodland. The local church and village green are at the junction of Duck Lane and Church Lane and when events are taking place in the church a large number of cars have to park around this junction, which will conflict with HGVs. There is serious concern regarding chemical pollution from the site entering White Water Dyke. The site is acknowledged as being in a Flood Risk Zone. The development will have a major impact on local wildlife, flora and fauna.
- Impact on Local Residents – The development would impact upon the quality of life for local residents in the village through excessive amount of HGVs and other vehicles using an access route through a built up area used by children and the elderly, with limited pavement. There is concern about noise and light pollution harming the character of the area.
- Site – There is no designated area for the storage of tyres. The area is also well served by at least 3 other yards dealing with End of Life Vehicles.
- Local Opposition – There is a great deal of local opposition to this development with a petition of at least 400+ signatures, and 18 residents attended the Parish meeting to voice their objections. A copy of the Petition is attached as an appendix.

45. **Kent County Council Highways & Transportation** – Recommends refusal and objects to the proposal on the following grounds:

HIGHWAY SAFETY

- The site is accessed from Duck Lane, which is significantly constrained in relation to its use by Heavy Goods Vehicles (HGVs) between its junction with Church Lane and the site entrance. The measured width of the metalled surface of Duck Lane is 3.0m, compared to a minimum width of 5.5m for two HGVs to pass in free flow, and 4.8 metres for a car and a HGV to pass. Indeed, Duck Lane is not even wide enough for two cars to pass. The absence of vehicle passing places and/or off-site turning areas along the length of Duck Lane results in a situation whereby if one vehicle were to encounter another passing in the opposite direction there would be no opportunity for one vehicle to make sufficient room for the other vehicle to pass. Moreover, towards the south-western extent of Duck Lane the strip of vegetation adjacent to carriageway falls away relatively sharply to provide a drainage ditch to capture highway runoff. This poses a potential safety concern in those instances where an HGV were to encounter (say) a pedestrian or another vehicle and attempt to allow sufficient space to pass.
- The layout of Duck Lane is so constrained that frequent vehicular use is not only likely to give rise to vehicular conflicts, but it is also likely to result in damage to the roadside margins and boundary treatments.
- In the context of the 'wider' site access, Duck Lane is directly accessed from

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Church Lane. There is only a footway connection on the eastern kerbside of Church Lane, which provides an important pedestrian connection to local services. It is considered that the level of HGV movements associated with the proposed ELV facility at the application site could result in the increased potential for conflict between pedestrians and HGVs. Moreover, both sides of Church Lane are utilised by local residents parking, which narrows down the carriageway. Local residents park their vehicles 'on-road' on sections where there is limited forward visibility, and car drivers proceed with caution when passing along Church Road. Whilst appropriate for the current levels of usage, an increase in large vehicle movements along Church Lane could lead to associated hazards. The changing alignment of Church Lane, which restricts forward visibility along certain sections of carriageway, coupled with the presence of legitimate on street parking, means the receiving environment could not adequately cater for a steady flow of HGV movements to coincide with the proposed operating hours.

- Against these concerns about highway safety, the potential for vehicular activity associated with the site ('baseline') must be considered in relation to likely trip generation of the proposed use.

BASELINE VEHICULAR TRIP GENERATION – A FIRST PRINCIPLES APPROACH

- It is important to recognise that the situation which has prevailed at the site has been one of very low activity. In establishing a baseline position for trip generation, it could be argued that the site would only appeal to a single operator, for example a local builder, that has a need to store vehicles/plant and materials. Use of the site in this capacity would translate into limited potential for trip generation – perhaps 2 employees travelling to site in their own vehicles to collect work vehicles/plant that cannot be left outside their home address. This kind of operation would generate in the region of 4 car movements (two-way total) per day (employees arriving and departing) and perhaps 8 HGV movements (two-way total), i.e. 2 vehicles out in the morning, returning to site once during the day to collect additional materials, before returning to the compound later in the day. However, while this 'single operator scenario' may be realistic, it does not fully recognise the potential arising from lawful use of the site.
- The applicant's transport consultant has applied trip generation figures obtained from TRICS, which is the industry standard (Outside London) for estimating the likely trip generation of development proposals. TRICS uses a comprehensive database of surveys of sites with a wide range of land uses. However, in relation to the application site and the uses covered by the Lawful Development Certificate, the local highway authority is of the view that the use of TRICS provides inflated trip rate estimates. This is because the sites surveyed for TRICS are all commercially active and benefit from appropriate facilities. The application site as it is currently laid out lacks welfare and office facilities,

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meaning it is not plausible for 'all-day' activities to take place at the site. Furthermore, the inclusion of welfare facilities within the application site could not be provided under permitted development rights, meaning a planning application would need to be submitted to the local planning authority. In reviewing the Transport Assessment, the starting point for the highway authority must be one of a situation where the baseline trip generation has been overestimated.

- It is also pertinent to assert that the site has remained vacant for a period of time, despite being marketed in an attempt to attract occupiers, which is a strong indication of a prevailing lack of occupier demand. The lack of site activity is reflected in the fact the applicant has not sought to conduct a trip survey for the existing use, as the associated number of trips based on current observations would be negligible.
 - In the light of the above, a 'first principles' approach has been applied to arrive at a reasonable estimate of the baseline trip generation, based on the Lawful Development Certificate uses.
- a) **Commercial vehicles:** this use could legitimately involve a local bus/commercial vehicle company making use of the site. Employees (it is assumed that three employees would all arrive by private car) would generate trips to the site. In terms of operational use, it is assumed that commercial vehicles would leave the site to complete deliveries/public transport journeys (e.g. school trips), and drivers would return to the depot before completing similar tasks during the afternoon period. The corresponding trip generation for this use is as follows:
- Employees (departures and arrivals) = 12 movements (two-way total) per day (including trip out for lunch period)
 - Vehicles (departures and arrivals) = 12 movements (two-way total) per day (all large vehicles/HGVs)
 - **Total daily trip generation = 24 movements (two-way total), including 12 such movements by HGVs**
- b) **Cars for sale** (to include arrivals of cars to be sold): in all reasonableness, the likelihood of car sales taking place at site in the absence of welfare/office facilities is modest, and so the trip generation potential is based upon 1 part-time employee and limited turnover of vehicle stock. The daily trip rate is assumed to not exceed 8 movements per day, equating to two movements generated by one part-time employee and 6 movements relating to a combination of potential customers and new stock arriving.
- **Total daily trip generation = 8 movements (two-way total), all cars**
- c) **Builder's yard** (operational use): the type of operation that might take place at the site would be akin to an operation whereby a limited number of businesses (e.g. General Builder and/or Scaffold company) could use the site as a store

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compound. On the assumption that the site could accommodate the business needs of two businesses, each with 4 employees and 2 commercial vehicles, the resulting trip generation assumptions would be as follows:

- Employees (departures and arrivals) = 14 per day (based on one car share)
- Vehicles (departures and arrivals) = 8 per day (comprising 4 HGV movements and 4 Light Goods Vehicle (LGV) movements)
- **Total daily trip generation = 22 movements (two-way total), including 4 such movements by HGVs and 4 by LGVs**

d) **Storage of building materials and scrap:** it is assumed that this use would involve a number of deliveries to the site of scrap and bathroom equipment, but in the absence of office/welfare facilities the operations would be limited in nature. It is assumed there would be one temporary employee, which would generate 2 vehicle movements a day. Deliveries are assumed to amount to no more than 4 movements per day (2 arrivals and 2 departures), and customers would not exceed 10 movements per day (5 arrivals and 5 departures)

- **Total daily trip generation = 16 movements (two-way total), including 4 such movements by HGVs**

e) **Total trip generation**

Total daily trip generation = 70 movements (two-way total), including 20 such movements by HGVs and 4 by LGVs

COMPARISONS WITH CONSULTANT'S TRIP GENERATION ESTIMATES

LAWFUL USE

- The 'first principles' review of the LDC uses undertaken by KCC H&T (see above) has assumed that lawful uses at the site could generate an absolute maximum of 70 daily (two way total) movements, of which 20 would be HGVs. The number of HGV trips is broadly comparable with the assumptions made by DHA (23 movements). The significant difference is in the number of car/LGV trips, with DHA assuming 105 car movements a day compared to the local highway authority's calculation of 50 movements a day (46 cars, 4 LGVs), a difference of 55 vehicle movements.

PROPOSED USE

- There is no reference to End of Life Vehicles (ELVs) in the Trip Report prepared by DHA Transport dated January 2013. This has implications for the trip generation of the proposed use.
- Research into an existing ELV facility in Kent has evidenced that flatbed lorries are commonly used to transport ELVs to processing sites. While DHA's reference to the

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likely use of larger transporter vehicles is acknowledged and accounted for (see below), such are the concerns about highway safety that the use of larger HGVs (albeit less frequently) would be likely to give rise to a greater potential for vehicular conflict on the approach roads. Indeed, it may prove to be the case that larger vehicles could not reasonably access the site, meaning that a tonnage based approach would inevitably mean many more flatbed HGV movements.

- A flatbed lorry can only accommodate one ELV per load. Information presented in section 3 of the Trip Report explains that a total of 72 tonnes is expected to arrive at the site each day. It is then assumed that each load will be 6 tonnes, generating 12 trips in and 12 out per day. Taking the same weight of material (72 tonnes) arriving at the site per day, but allowing for the arrival of only one ELV at a time represents the worst-case scenario. This level of trip generation would amount to 72 HGV (two-way total) movements a day (i.e. 36 outbound trips and 36 inbound trips), which is a factor of 3 times the trip generation estimate stated in the Trip Report under the section titled 'Input Trips'. When adding the output trips (assumed to amount to 8 (two-way) movements per day), the total HGV generation from the proposed use amounts to 80 (two-way total) movements per day.
- DHA have responded (letter dated 19th March 2013) to the points raised by the local highway authority concerning trip generation to advise that:

"the applicant has undertaken to enter into preliminary contracts with a number of fleet suppliers and other organisations, subject to planning, for the bulk recycling of ELVs."

- As indicated above, KCC H&T considers that 6 tonne loads represent an over-estimate of typical vehicle, but is willing to apply a degree of pragmatism to the discussion by applying a mid-point value of 2 vehicles (i.e. 4 tonnes) per load, which assumes the theoretical operation of the application site as an ELV facility might reasonably employ a combination of flat-bed lorries and larger transporters, if the latter can physically access the site.
- The HGV trip generation potential for the development proposal (to include 8 output HGV movements a day), when applying a mid-point value, is 44 HGV (two-way total) movements each day. This is an increase of 24 HGV trips a day above the KCC estimate for LDC uses of 20 such HGV movements, derived using a 'first principles' approach. An increase of 24 HGV movements a day, over and above the 'worst case' LDC scenario, represents a 120% increase in the intensity of HGV movements associated with the site. Furthermore, all such movements are additional to current levels of activity at the site.
- In DHA's update letter of March 2013, the number of movements likely to be made by cars and LGVs is estimated to be in the proportion of 45:55 compared with HGVs. This contrasts with a proportion of 55% cars and LGVs to 45% HGVs as presented in DHA's August 2012 Trip Report. KCC H&T is in agreement with the ratio applied

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in the August 2012 Trip Report. Against the DHA estimate of 32 HGV movements (and applying the 45% HGVs to 55% cars and LGVs ratio), this equates to 39 car and LGV movements. This is not disputed, hence there is no uplift in the figure, despite the higher estimate of HGV movements.

- Table 1 summarises the trip generation estimates of the respective parties for lawful use and the development proposal.

TABLE 1. Comparison of DHA and KCC estimates for LDC and proposed use traffic generation

Estimates for LDC uses	All Arrivals (HGVs)	All Departures (HGVs)	All Vehicles Total (HGVs)
DHA	63 (12)	65 (11)	128 (23)
KCC	35 (10)	35 (10)	70 (20)
Estimates for proposed development			
DHA	36 (16)	35 (16)	71 (32)
KCC	42 (22)	41 (22)	83 (44)

Given the serious concerns over highway safety and the potential for damage to roadside margins, and having regard for uncertainty over how the ELVs will be delivered, the potential increase in HGV movements, over and above the estimate of movements that might be associated with the lawful uses, is considered to be unacceptable.

RECOMMENDATION -Refusal for the following reason:

By reason of the limited width of Duck Lane, on-street parking on Church Lane, and limited facilities for pedestrians on the entire local approach route, the likely levels of HGV traffic associated with the proposed development would give rise to unacceptable vehicular conflicts, an increased potential for damage to highway margins, and danger to pedestrians and other vulnerable road users.

46. Kent County Council Biodiversity Projects Officer – Submitted comments to the original application and subsequent additional information:

- The proposal has the potential to result in ecological impacts and is adjacent to Ancient Woodland and within a Local Wildlife Site.
- Acknowledge that the footprint of the site has limited potential for ecological impacts as the whole site is hardstanding granted permission by ABC. We are aware that fencing and hardstanding has not been constructed as approved. If the site is being altered and impacts upon the surrounding habitat there will be a need to consider the direct impact the proposed works would have on the designated sites and protected species.
- No information has been submitted on the potential impacts on the designated

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sites. Concerned that the development would have result in the sites being negatively impacted by noise or dust.

- The area of hardstanding should be reduced in area.
[Following receipt of additional information]
- Reiterate previous comments requested information is submitted assessing the potential impact of the development on designated sites and protected species. This has not been addressed in the submitted additional information.
- The submitted noise assessment does not consider the impact upon designated sites.

47. Environment Agency – Submitted comments:

- 8 October 2012 – Serious concerns as to whether the proposals can be operated to protect people and the environment, but if permission is granted then the following conditions should be imposed
 - A surface water management strategy is submitted.
 - Minimum 5 metre buffer adjacent to the watercourse for biodiversity and to reduce the chance of surcharge.
 - Buildings should incorporate flood resilience methods.
 - Finished floor levels should be as high as practicable.
 - Additionally submitted comments that they are uncertain that noise and vibrations can be mitigated to a level required for the environmental permit, therefore this should be considered through the planning process.
- 30 October 2012 – Object on the following grounds:
 - Consider management of waste heights and volumes of waste to be a material consideration when seeking an environmental permit. The amended plans appear to have reduced the site area giving the operator a compact site. Therefore there are concerns that the reduced area would affect the ability to grant a permit.
 - The noise report does not assess the impact of noise generated from the noise associated with the loading of processed metal into lorry trailers or containers. This would need to be considered for the permit.
- 13 November 2012 - Following the receipt of representations commenting on the fear of pollution and contamination, the question was put to the Environment Agency regarding potential contamination issues. A response was received as follows
 - The site has previously been used for commercial purposes therefore could have contained a possible source of contamination. However the site has since undergone a cleanup process which appears to have removed scrap metal and bathroom fittings and resurfaced the site. This clean up would likely have removed any potential sources of contamination – e.g. tanks and oil drums.
 - The area is underlain by Wealden Clay which has a low permeability. This will restrict the movement of groundwater and promote attenuation. This clay has a low risk of contamination.
 - The risk to groundwater is considered low because the clay contains properties which reduce the potential for viable pathways.

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- The ditch may be susceptible due to surface run off but the application contains details of pollution prevention measures to prevent contaminated liquid from entering the ditch

- 48. **Kent County Council Noise Advisor** – Objects: does not consider it appropriate for KCC to allow an application which would clearly result in adverse noise impact to residents. Furthermore it is considered highly unlikely that noise from the site could be suitably reduced to ensure acceptable noise levels prevail, therefore object on the grounds of certain loss of amenity to nearby residents due to noise emissions. (Comments are given in full later in the report). In response to further representation from the applicant's noise consultant further disputing the use of BS:4142 as the assessment methodology for this type of development and the relevance of the LDC to form the background noise levels, the County Council's noise advisor confirms his view that BS:4142 is relevant to this site and provides a valid tool for assessing the potential noise impact arising from the site.

- 49. **Public Rights Of Way** – Comments that although no development is proposed directly on either of the Rights of Way, if approved the activities on site will impact on users of the paths. In particular equestrian use of the Byway AW341 could be adversely impacted by the noise associated with the operating of machinery such as the crusher and crane are likely to be sudden. In order to reduce potential conflict with users of the byway I would request that a condition prohibiting access via the byway and restricting the number of HGV vehicle movements per day to the site. Advises further conditions; prohibiting the erection of furniture on or across the PROW; no disturbance of the PROW, or obstruction of its use, by the construction of the development or following; no crossboard fencing over 1.2m in height or similar structure which would block out the views; no hedging or shrubs to be planted within 1.0m of the path.

- 50. **Woodchurch Parish Council** – Objects to the application on the grounds that the site as at the end of a narrow country lane, the business would generate an increase in the number of lorries driving through Woodchurch, and industrial effluent could enter the adjacent watercourse.

- 51. **Kent Wildlife Trust** – No objection in principle due to the LDC, but offers the following comments:
 - The site lies within Local Wildlife Site (LWS-AS56) and was historically woodland habitat, which since its designation has been cleared and hard surfaced, so is now unlikely to meet the criteria for LWS designation.
 - Concerned that the nature and extent of the use could threaten the condition of the valued habitat immediately adjacent to the site – particularly the northern and south western boundary. A watercourse lies to the north, and the remnants of the Ancient Woodland to the south west.
 - In addition to pollution control conditions, urge the County Council (should permission be granted) to impose landscaping conditions that will secure tree planting along the sensitive boundaries to provide a buffer.

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- There is evidence of a woodbank, contemporary with the original Ancient Woodland, along the site frontage to Duck Lane. I would applaud efforts to avoid its loss.

52. CPRE Protect Kent – Strongly objects, with two responses received:

- 24 October 2012
 - The site has for many years been subject to abuse by owners, it has been a dumping ground for many objects and could be considered gross fly-tipping in the countryside.
 - The fact that it is in new ownership and has been tidied up does not weigh in favour of this proposal.
 - The site is unsuitable for such a facility. It is a rural site, access is down a narrow residential lane unsuitable for the type of traffic proposed, which cause noise and pollution for residents.
 - The development would be, and has been, completely at variance with the surrounding countryside. It would have detrimental affect on the enjoyment of the PROW, which has in the past been blocked by dumping.
 - This use should be on an industrial site in an urban setting, and no justification for this use has been established. There are similar sites in Ashford, and is not identified within the KCC waste plan.
- 6 February 2013 – after considering amendments maintain strong objections
 - The LDC gives permission for storage, not for destruction of ELVs.
 - Our view is that any business use of this site should be agricultural related which requires a rural site. The proposed use is not rural related therefore does not require a rural site.
 - There is no need for the site, as there are several in the Ashford area.
 - The site does not have good traffic connections to major roads for the type of vehicle this activity would generate.
 - Detrimental to enjoyment of the PROW.

53. KCC Conservation Officer – No objections subject to heavy tree planting and landscaping proposals successfully screening the fencing, operations and scrap storage.

54. KCC Landscaping Officer – The site is in a sensitive location protected for its biodiversity and heritage assets, and a local wildlife site. Given this, the submitted scheme needs to be of a high quality. The submitted scheme requires further work.

- Any landscape scheme should look to support identified landscape character objectives. It is unclear why the scheme refers to the Kent Downs AONB Management Plan as it is in the Low Weald and nearer to the High Weald AONB.
- Local wildlife site adjacent to the development will have its own species list, habitats and aims, and this should be incorporated into the management plan. The applicant has stated that their aim is to improve biodiversity,

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therefore this should be easily achievable.

- The management plan should be submitted for comment, including management for Areas 1 and 2 and any other areas of woodland owned by the applicant at this site. The plan should provide the overall aims for the site (stated by the applicant to improve biodiversity), the baseline and the actions to be taken to achieve stated aims. Consideration of heritage assets should be included given the status of the woodland.
- The hard standing that exists beyond the revised site boundary should be removed. These areas should be restored appropriately – natural regeneration is recommended given the proximity of an established seed source.
- The applicant must remove all Ash from the species list for planting, and all species should be native and of local provenance to avoid the spread of disease.
- The trees that remain along the boundary should be retained; advice from an arboriculturalist may need to be sought.
- The existing landscape proposals are not sufficient given the site's location close to sensitive ancient woodland, and the proposed use of the site. Therefore a plan should be submitted for additional screening. This should be designed to help mitigate the visual impacts, and offer additional habitat to replace that which has been removed (to be included in the management plan).
- The visual implications of the site have been underestimated, so additional work to screen the site and begin to mitigate the impacts of the development is necessary. The landscape proposals show no recognition of the importance of Ancient Woodland for heritage assets as well as biodiversity. Assessing heritage assets early on can provide vital information, which can be used to determine the most appropriate method to follow for site restoration schemes such as this.

55. **Upper Medway Internal Drainage Board** – No comments received.

56. **Weald of Kent Protection Society** – Object to the proposal. The application should be refused due to unsuitable location with adverse impacts on three grounds: increased HGVs down a narrow residential lane; noise pollution from vehicles and use of the scrap yard; concerns lubricants will seep and contaminate the soil and adjacent watercourse.

Local Member

57. The local County Member, Mr Mike Angell, was notified of the application on 14 September 2012. The following comments were submitted:

"I fully and unreservedly support the objectors to this application. It is apparent to me that the site is not in keeping with the environment and would be, if approved, exceedingly detrimental to the area, and outlying villages. The report from Highways confirms my opinion as to the unsuitability and dangerous risk to the neighbourhood. It

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has also been made clear to me having read a copy of counsel opinion [sought by Ashford BC] that the site was and has been abandoned since the original application to Ashford Borough Council."

Publicity

58. The application was publicised by the posting of a site notice(s), an advertisement in a local newspaper, and the individual notification of 75 residential properties.

Representations

59. In response to the publicity relating to the original application, and subsequent amendments and additional information, the following letters of representation have been received.
- 42 individual letters of objection.
 - 2 objection reports submitted through an agent on behalf of a residents group with 19 signatories.
 - A petition submitted to the Chairman of the County Council by the local member Mr Mike Angell, with approximately 218 signatories. A copy of the petition is appended to this report.

The grounds for objection can be summarised under the following headings:

Noise

- Vehicles would bring noise to residential area and country lanes.
- Scrap yard noise of crusher and plant would spoil quiet and tranquil rural character.
- Noise would have an adverse affect on PROW and adjacent LWS habitats.
- 12 hours a day, 6 days a week, industrial noise would spoil the area.

Highways

- Duck Lane and surround road are too narrow for HGVs.
- HGVs would cause damage to road surfaces, hedges and trees. There are currently very few HGVs, and the occasional few do cause damage.
- HGVs have caused damage to the water main along Duck Lane.
- Duck Lane is a no through road with no turning or passing places.
- HGV traffic would cause conflict with other road users, such as horses, walkers and cyclists, accessing the local PROW network.
- Residents park along Church Lane which is too narrow for HGVs

Pollution

- The dismantling of cars would result in lubricants and other chemicals contaminating soil and water.
- Pollution would have an impact on the adjacent habitat and watercourse.

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- Flood lighting would be detrimental to the adjacent Ancient Woodland and Local Wildlife Site (LWS).
- The applicant claims that they cleaned up the site, however there is no way that all the materials were removed as many lorries had been tipping rubbish in the woods over a period of 12 months+. The clean up took a few weeks. Most of the waste is unknown and has either been burned or buried in the woods and under the hard surfacing.
- The bagged rubbish didn't come out, only the scrap metal.

Flooding

- The site and the surrounding area at the end of Duck Lane regularly floods, thereby increasing the risk of contamination

Inappropriate and Sensitive Location

- The development would cause negative visual impact to the countryside location and sensitive designations, as well as the landscape character.
- There are more suitable sites, and there is a reason uses such as this are located in industrial locations, close to major roads.
- The development and the HGVs would cause harm to the character of the nearby Conservation Area and the setting of listed buildings.
- There is a serious risk of contamination due to the quantity of waste dumped in around the site, which has now been covered in hard surfacing.

Relationship to 'Existing Use' under LDC

- The site has never been used for anything more than the dumping of scrap and the occasional retail of bathroom equipment.
- The site has been largely overgrown and unused since 1992, therefore the claimed level of existing noise and highways is unfounded.
- The uses asserted in the LDC have never taken place and this was explained to the council before the LDC was issued.
- The LDC uses have never taken place in the proposal area, and the area which Borough Council approved, all that has ever happened was the occasional trading of bathroom equipment in and around the Glebe Farm house.

Sustainable Development

- The site does not lie near any public transport, and is at the end of a country lane, therefore goes against the principles of sustainable development.

Need

- There is no proven need for this facility in this location.
- There are several other facilities within the Ashford area with capacity.

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Discussion

60. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 34-41 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
61. The applicant has based their case on the planning history of the site, and the existence of the Lawful Development Certificate (LDC) which allows for the *'parking and storage of cars and commercial vehicles servicing of cars and commercial vehicles and retailing of bathroom equipment, building materials etc., and use as a builders yard'*. The assertion is that the proposed change of use to a scrap metal yard is not materially different to the uses permitted under the LDC, and a comparison of the existing and proposed amenity impacts of the development mean there would be no material negative impact from the proposal. Therefore, the LDC is a key planning consideration in establishing the baseline planning permission and the 'fallback' position against which the proposal has been submitted. Ashford Borough Council, as determining authority for the LDC, strongly asserts that the lawful uses within the LDC have been abandoned which is backed up with a supporting argument drafted by counsel.

Abandonment Argument

62. In order to assess the amount of weight the County Council - as determining authority for the planning application but not for the LDC – could give to the claim of abandonment, legal advice was sought. The advice given states that the Ashford BC counsel's opinion does not constitute a strong argument on abandonment. The evidence available to us in the form of the planning history, especially the 2011 permission for fencing, weighs in favour of confirming that the LDC exists. Subsequently, the applicant made us aware that Ashford BC had circulated this 'opinion' amongst objectors to the proposal, but not themselves. Some objectors have also referred to the opinion within their representations, and an officer at Ashford has stated in an email 22 March that they intended for the 'opinion' to be made public. Therefore, in considering the abandonment argument this report will consider the opinion as forming part of the formal views of Ashford BC.
63. The applicant only had first sight of this opinion on 22 March, but have also sought their own Counsel Opinion on the applicability of the LDC in consideration of the 'baseline' position. Their advice concludes that the evidence does not show that the uses have been abandoned, the Certificate is still applicable and hence capable of being a 'fall back' to establish the baseline for the current application.
64. Therefore, in considering this proposal, this report shall be structured to consider the planning merits of the proposal in the instance of a) the lawful uses being abandoned;

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b) the LDC uses being allowed in their entirety and to the interpretation of the applicant within the technical assessments; and c) the County Council's own views on the LDC.

65. Within this context the determining issues for this application are:

- The impact the development would have on the character and amenity of the area having regard to landscape, traffic and noise, and taking into account the planning constraints of the designated sites, the alternative fallback uses and the nearby residential properties;
- Whether any harm identified is outweighed by a need for the development.

If the Lawful Use has been abandoned

66. Objectors to the proposal, including Ashford Borough Council, have claimed that the site has remained unused for many years and that the lawful use has in fact been abandoned. Lawful Use Certificates are fundamentally different from planning permissions, in that they are statement of fact that a use has been ongoing and therefore immune from enforcement action - whether the claimed use breaches or conforms to any planning policies is not material to the granting of an LDC. Rights confirmed by a LDC may only be removed by revocation – Section 193(7) and (8) of the Town & Country Planning Act 1990 – where it is clear to the determining authority that a LDC has been erroneously based upon a false statement or misrepresentation, or relevant information has been withheld. Or LDC rights may 'fall away' by abandonment. Ashford BC state that they sought counsel's opinion which supports their view that the use under the LDC has been abandoned.

67. Given the rural setting outside any urban or village confines, adjacent designated sites, sensitive location, transport links and landscape amenity value, I am of the opinion that planning policy, the National Planning Policy Framework (NPPF) and the principles of sustainable development would presume against development in this location. Therefore any development on this site would not gain policy support, whether it is physical or operational. The conclusion would therefore be that if the LDC uses have been abandoned, and the planning unit returned to 'nil-use', the proposal submitted before us would not be supported by development plan policies and I would recommend refusal.

If the LDC remains extant

68. It is the opinion of the applicant that the lawful use remains as described within the 1996 LDC, and that the uses have not been abandoned. As stated above, the applicant has adopted the fallback position as the principle material consideration to assess the impacts of the proposal in comparison with what could lawfully take place on site. Following our own legal advice the County Council is not at odds with the principles of this approach, but this will be expanded upon later in the report. If this approach is adopted then the next step is to weigh the potential impacts against policy and other material considerations, on balance.

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Noise

69. The applicant has submitted a noise assessment, and subsequent amendments, in order to put forward a case that the proposed development does not produce a noise impact over and above the existing permitted noise impact. The submitted assessment states that the scrap facility would produce 81dB at the nearest noise sensitive receptor, Glebe Farm House. This is stated to represent a minor increase above the permitted 'existing' noise level under the LDC, which the assessment predicts to be 80dB. The conclusion put forward is that 1dB is well below the 3dB increase at which a perceptible change is perceived by the human ear, and therefore the proposal is acceptable. Additional information submitted by the applicant does put forward a number of mitigation measures which could further reduce the site noise level from 81dBA (A) to 71 dB(A), (although the submission refers to a reduction of 9dB(A) not the 10 dB(A) the calculations suggests).
70. The assessment and subsequent amendments have been reviewed by our noise consultant. Noise issues are a key material consideration to determining this planning application and I therefore set the comments in full below:

"The Applicant's acoustic consultant has provided a further submission in response to previous comments made by Jacobs and KCC. The submission continues to promote that existing noise levels at nearby residential premises could theoretically be 80 dB $L_{Aeq,T}$ under the potential current use as allowed by the Lawful Development Certificate (LDC). Thus, the submission continues to suggest that the proposed site will not result in adverse impacts. Nevertheless, the submission does put forward a number of mitigation measures which could reduce the site noise level from 81 dB(A) to 71 dB(A). (N.B. The submission suggests a 9 dB(A) reduction to 71 dB(A); therefore 1 dB(A) is unaccounted for).

Reiterating my previous comments, I consider the use of theoretical existing activities on site, as covered by the LDC, to determine the baseline noise conditions is inappropriate. Fundamentally, the site is unlikely to operate at such noise levels under the current 'permission'. That is, subjecting nearby residents to noise levels of 80 dB $L_{Aeq,T}$ would certainly result in enforcement action from Ashford Borough Council (ABC) under the Environmental Protection Act (EPA) 1990 for noise nuisance. At this point it shall be noted that the nearest residential property to the site, Glebe Farm, is in fact occupied by the Applicant. However, the adjacent property is only some 15m further back, and therefore, site noise levels would only reduce in the order of 3 to 4 dB.

It shall be noted that a LDC or even conditions set through the planning process do not provide protection against action under the EPA. That is, under the EPA local authorities are required to prevent a noise nuisance from occurring or recurring. Therefore, despite a LDC, the site would still have a duty to minimise noise impacts on nearby receptors. In a similar way that a pub has a duty to prevent adverse impacts despite it possessing a music licence. Thus, noise levels from the existing 'permitted' use are likely to be well below 80 dB(A).

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In the circumstance that the LDC is considered relevant to define the baseline condition, e.g. a legal review, it is clear when considering the above that the site would not expose residents to noise levels approaching 80 dB, and if it did, the site would certainly be subject to actions under the EPA. Therefore, with a likely lower existing noise level from the site, the noise emanating from the plant proposed in the application of 71 dB(A) (mitigated) or 81 dB(A) (no mitigation) would likely be well in excess of this.

The determination of nuisance under the Environmental Protection Act is normally formed though both a qualitative approach, e.g. "would the noise interfere with one's enjoyment of their property" or "would the noise prevent one from resting", etc and through the use of measured noise levels. In the case of plant noise, an assessment in accordance with BS 4142 is usually undertaken to assist in determining potential noise impact. As such, a comparison is made between the background noise (LA90), without the activity occurring, against the noise level with the activity occurring. This approach would be appropriate at Glebe Farm, irrespective of a LDC or planning conditions.

KCC usually look for plant noise to not exceed the existing background noise level. This level provides a level of protection to residents and is typical of that stipulated by many local authorities. Although it is not known the limit which ABC's would consider appropriate, at worst it would be no greater than + 5 dB(A) of the existing background noise level. Thus, with a probable existing background noise level in the low to mid 30's dB(A) in the vicinity of Glebe Farm, a noise level of either 80 dB(A) (suggested existing noise level for activities under the LDC), 81 dB(A) (with proposal - no mitigation) or 71 dB(A) (with proposal - with mitigation) would exceed this by at least 40 dB. On this basis, in conjunction with the ABC's officer's subjective assessment of the noise, ABC would be required by law to serve a noise abatement notice to prevent a nuisance occurring. It is therefore clear that both the theoretical current use of the site and proposed future use of the site would result in severe adverse impacts to residents and would therefore be subject to a potential noise abatement notice.

To get some perspective, I have produced a list below of typical noise levels from a variety of sources representing noise levels between 70 dB(A) and 80 dB(A). These demonstrate the level of noise that, according to the Applicants Noise Assessment, residents would be exposed to:

- 10m from a 40 tonne tracked excavator undertaking earthworks – 79 dB(A)*
- 10m from a 14 tonne tracked excavator undertaking earthworks – 70 dB(A)*
- 10m from a 41 tonne Bulldozer undertaking earthworks – 80 dB(A)*
- 10m from a circular saw cutting concrete blocks – 79 dB(A)*
- 10m from a 25KW diesel water pump – 71 dB(A)*
- 10m from a heavily trafficked motorway (e.g. M25) – 80 dB(A)*

It is my consideration that to adequately consider the potential impact of this site, an assessment in accordance with BS 4142 should be undertaken. Furthermore, the baseline situation should be defined with no existing site activity. I would usually recommend a condition requiring no exceedance of the existing background noise level

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as per the standard KCC approach. I am minded though, due to the specific situation at this site, to compromise on a limit of 5 dB above the background noise level. However, it shall be noted that it is very unlikely that the site will be able to achieve such noise levels.

In summary, I do not consider it appropriate for KCC to allow an application which would clearly result in adverse noise impact to residents. Furthermore, I consider it highly unlikely that noise from the site could be suitably reduced to ensure acceptable noise levels (see above) prevail. Therefore, I would raise an objection to this site on the grounds of certain loss of amenity to nearby residents due to noise emissions."

71. The Applicant's consultant has provided further representations disputing the use of the BS:4142 as the assessment methodology for this type of development and the relevance of the LDC to form the background noise levels. I note that the County Council's noise advisor confirms his view that BS:4142 is relevant to this site and considers that this provides a valid tool for assessing the potential noise impact arising from the site. The British Standard describes methods for determining, *at the outside of a building*: a) noise levels from factories, or industrial premises, or fixed installations, or sources of an industrial nature in commercial premises; and b) background noise level. The standard also describes a method for assessing whether the noise referred to in (a) is likely to give rise to complaints from people residing in the building. For noise assessment, the application site would be considered an "industrial premises", furthermore there is no reference in the Standard to it not being relevant to moving noise sources. Furthermore, discussions with officers from the Environmental Health Team of Ashford BC have confirmed that this is the approach that would be taken should it be necessary to establish whether a noise nuisance is occurring from the site.
72. It is considered that despite the LDC, the approach taken by the applicant is not acceptable. The existence of a planning permission or a use right arising under an LDC does not provide immunity to an action in noise nuisance. Noise levels emanating from the proposed application site, as presented by the applicants, would result in severe adverse impacts at nearby residential premises. Allowing the site to operate at such noise levels would be likely to lead to enforcement action by Ashford Borough Council under the Environmental Protection Act. (This position is confirmed by the Borough Council's Environmental Health Officer). The Applicant's defence that the site could operate at levels approaching 80 dB(a) under the LDC is not applicable as this does not protect them from action by the Borough Council. To minimise risk of adverse noise impact, a rating noise level emanating from the site not exceeding the background noise level by 5 dB assessed in accordance with BS4142 would be relevant. However it is highly unlikely that noise from the site could be reduced to meet this required noise level.
73. The Environment Agency has also raised concerns that the application indicates that the proposed site would be unlikely to operate without causing noise and vibration impacts to a level which would prevent the issuing of an Environmental Permit. They have requested that although the permit would set noise limits, there is no evidence that noise and vibration could be mitigated therefore this should be an issue considered at

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the land-use planning stage.

74. In consideration of the above, I am of the opinion that the proposed noise levels are not acceptable in planning or policy terms, as they would have a detrimental impact to the nearby residential property at a level capable of causing harm to human health and complaints under the Environmental Protection Act. On that basis the noise levels proposed would also have an adverse impact on the rural character, nearby habitats of the Local Wildlife Site and users of the adjacent PROW. Therefore the development is not acceptable under Saved Policies W3 and W7 of the Waste Local Plan 1998, or the principles of PPS10 and Sustainable Development within the NPPF. Indeed the NPPF seeks that the planning system contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by, noise pollution. The Framework requires decisions should ensure that new development is appropriate for its location. Paragraph 123 specifically states, *"Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life arising from noise from new development."* By way of explanation the text also refers to Noise Policy Statement for England (NPSE) (Department for the Environment Food and Rural Affairs), which applies to all forms of noise including environmental noise, neighbour noise and neighbourhood noise and sets out the long term vision of Government noise policy to: *Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.*
75. On the basis of the obvious noise impact that would result and the unlikelihood that noise levels could be adequately reduced to an acceptable level, the proposed development would be unsustainable and unacceptable.

Highways

76. The publicity process for this application has resulted in the receipt of a number objections, most of which relate to the impact that the proposed development would have upon the highway network and highway safety. Local residents are concerned that the increase in HGV movements along Duck Lane would result in damage to the highway, conflict with other road users (walkers, horses, cycles, and cars), additional noise and pollution, as well as impacts upon the residents of Duck Lane and Church Lane. Duck Lane is approximately 450m long and single track along its entire length, with few opportunities to pass and no formal passing places. It is a no-through road with a maximum width of 3m, which in places is stated to reduce to 2.7m. The adjacent verge is soft, and falls away steeply to a drainage ditch towards the Glebe Farm end of Duck Lane. Other users of Duck Lane are residential properties, and another business, Kent Tractors – although residents have stated that HGV movements are very occasional. Kent Highways and Transportation have recommended refusal of the proposal, raising concern about safety on Duck Lane and Church Lane; the inability for HGVs to pass on a long road with no passing places; inappropriate methodology to calculate potential movements; inappropriate comparison with a dissimilar facility; an unsustainable location; and a deficient site plan which does not show vehicle parking

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nor an area for HGVs to turn. The Highway Authority views are set out in detail in paragraph 45 of this report. Members will note that Kent H&T have challenged the number of proposed vehicular movements and considers that an estimate of 83 (44 HGVs) two-way total movements per day is more appropriate than the applicants assessment of 71 (32 HGVs).

77. The applicant had adopted a comparative approach in which they had estimated the 'existing' vehicle movements under the LDC by assigning the different uses proportions of the site area. On that basis the conclusion of the applicant was that the proposal would result in a net reduction in daily vehicle movements, however it would increase the total number of HGV movements.

Relationship with the LDC

78. The Trip Report considering traffic movements associated with the LDC had estimated a permitted number of vehicle movements, based upon several assumptions. Within these assumptions are that the activities under the LDC would utilise a 100sq.m building and a 300sq.m external area. When comparing a planning proposal against a fallback position, the correct approach would be to look at what can legitimately take place on the site without the need for any additional consent. A 100sq.m building would require planning permission, and it is likely the 300sq.m external area would also require permission if it required engineering of a concrete base. Therefore, in my opinion the Trip Report calculations are based upon a flawed assessment, and this indicates that the calculated 'existing' vehicle movements are overstated to some degree. Furthermore, Kent Highways and Transportation raise two additional concerns. Firstly it considers that the use of TRICS provides inflated trip rate estimates because the sites surveyed for TRICS are all commercially active and benefit from appropriate ancillary facilities. The application site as it currently is lacks welfare and other facilities that it is not plausible for all day activities to take place at the site. Such facilities would require planning permission in their own right. Secondly, the Trip Report assessment makes no reference to End of Life Vehicles (ELV) and the implications this has for the nature of vehicles to be used in transportation and for trip generation.

Revised Trip Report

79. In response to initial concerns with the Trip Report, the applicant revised the methodology as set out in paragraphs 24-25 above. The revised report isolated the 'builders merchant' use listed in the LDC description, and made it the sole use, under the assumption that this would not require any further planning permission and would result in a high level of activity and therefore a higher number of vehicle movements associated with the fallback position. The Report concludes that there would be a large reduction in residual daily vehicle movements but a minor increase in HGV movements. KCC Highways & Transportation initially responded that if the revised approach was appropriate in planning terms, then a solution would be to cap the vehicle movements via condition. Further consideration of the highway merits of the case has however concluded that this approach is not an appropriate one and the formal view of the

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Highway Authority is to recommend refusal as set out in paragraph 45 above.

80. I am advised that the approach of the revised trip report is also unsound in planning terms. The LDC allows for a sui generis mixed use for:

- Parking and storage of cars and commercial vehicles;
- Servicing of cars and commercial vehicles;
- Retailing of bathroom equipment, building materials etc.;
- Retail sales of up to six second hand cars; and
- Use as a builders yard

It is not appropriate in planning terms to isolate a single use and extend this over the entire planning unit as the principle use. To do this would amount to a material change of use requiring planning permission. To change the character and use of land by increasing one use, at the expense of other uses within a previously mixed use, would require planning permission. The separate LDC uses are not connected to each other's operation, therefore it is not possible to identify one as a primary use, nor the others as being merely ancillary. Therefore I am of the opinion that the mixed use approach of the original Trip Report is the correct basis for assessing the proposal in highways terms

81. In light of the above, Kent Highways and Transportation has adopted a 'first principles' approach to arrive at a reasonable estimate of the baseline trip generation, based upon the LDC uses. This approach assumed the operations of the lawful use at the site would generate a total of 70 (two-way total) daily movements, of which 20 would be by Heavy Goods Vehicles. The number of HGV trips is broadly comparable with the assumptions made by the applicant's highway advisors DHA (23 movements). The significant difference is in the number of car/LGV trips, with DHA assuming 105 car movements a day compared to the local highway authority's calculation of 50 trips a day (46 car trips, 4 LGV), a difference of 55 vehicle movements. The Table below compares the DHA estimates for traffic generation arising from the lawful uses, submitted in support of the application, with the estimates of KCC H&T. It also compares estimates for the proposed use (see paragraph 82 below).

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TABLE 1. Comparison of DHA and KCC estimates for LDC and proposed use traffic generation

Estimates for LDC uses	Arrivals (HGVs)	Departures (HGVs)	Total (HGVs)
DHA	63 (12)	65 (11)	128 (23)
KCC	35 (10)	35 (10)	70 (20)
Estimates for proposed development			
DHA	36 (16)	35 (16)	71 (32)
KCC	42 (22)	41 (22)	83 (44)

82. KCC H&T has challenged the number of proposed HGV movements and considers that the HGV trip generation potential for the development proposed (to include 8 output HGV one-way movements a day) is 44 (two-way total) HGV movements a day. This is based upon a combination of flat-bed lorry movements and larger transporters. This is an increase of 24 such HGV movements a day above the local highway authority's baseline trip generation value of 20 HGV movements a day for the lawful use of the site in applying a 'first principles' approach. The increase of 24 such HGV movements a day generated by the development proposal represents a 120% increase in the intensity of HGV movements compared with the highest estimate for the lawful use of the site. An increase of such magnitude needs to be considered in relation to the nature of the approach route, with particular regard for highway safety.

Highway Safety

83. Objections received to this application state that the proposed HGV movements would result in issues of highway safety on Duck Lane and Church Lane. The advice from Kent Highways is in agreement with this view on the grounds that Duck Lane is single carriageway with no passing places along its length. Specifically they comment:
84. "The site is accessed from Duck Lane, which is significantly constrained in relation to its use by Heavy Goods Vehicles (HGVs) between its junction with Church Lane and the site entrance. The measured width of the metalled surface of Duck Lane is 3.0m, compared to a minimum width of 5.5m for two HGVs to pass in free flow, and 4.8 metres for a car and a HGV to pass. Indeed, Duck Lane is not even wide enough for two cars to pass. The absence of vehicle passing places and/or off-site turning areas along the length of Duck Lane results in a situation whereby if one vehicle were to encounter another passing in the opposite direction there would be no opportunity for one vehicle to make sufficient room for the other vehicle to pass. Moreover, towards the south-western extent of Duck Lane the strip of vegetation adjacent to carriageway falls away relatively sharply to provide a drainage ditch to capture highway runoff. This poses a potential safety concern in those instances where an HGV were to encounter

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(say) a pedestrian or another vehicle and attempt to allow sufficient space to pass.

85. The layout of Duck Lane is so constrained that frequent vehicular use is not only likely to give rise to vehicular conflicts, but it is also likely to result in damage to the roadside margins and boundary treatments.
86. In the context of the 'wider' site access, Duck Lane is directly accessed from Church Lane. There is only a footway connection on the eastern kerbside of Church Lane, which provides an important pedestrian connection to local services. It is considered that the level of HGV movements associated with the proposed ELV facility at the application site could result in the increased potential for conflict between pedestrians and HGVs. Moreover, both sides of Church Lane are utilised by local residents parking, which narrows down the carriageway. Local residents park their vehicles 'on-road' on sections where there is limited forward visibility, and car drivers proceed with caution when passing along Church Road. Whilst appropriate for the current levels of usage, an increase in large vehicle movements along Church Lane could lead to associated hazards. The changing alignment of Church Lane, which restricts forward visibility along certain sections of carriageway, coupled with the presence of legitimate on street parking, means the receiving environment could not adequately cater for a steady flow of HGV movements to coincide with the proposed operating hours."
87. Likewise, other road users, such as horse riders, cyclists and walkers using the lane to access the PROW network would not be able to safely move out the way, especially at points where the drainage ditch is steep.
88. Even accepting there would be a certain amount of HGV movements associated with the lawful use of the site, due to the location, unsuitable road, distance from the primary road network and safety concerns, any increase would be unacceptable in policy terms unless there are significant material considerations weighing in favour of the proposal, due to the increase in harm to highway safety.

Other issues

89. Kent Highways and Transportation have commented that the site layout allows limited space for storage of scrap, which has implications for potential vehicle movements. Additionally, the site plan does not show any area for site parking or HGV turning. This would place an additional pressure on the site area and the availability of space to store scrap. If permission were to be granted, any condition placed upon stockpile heights would therefore restrict the storage capacity of scrap vehicles waiting processing. This has possible implications for highways movements and throughput which would need to be clarified for an accurate assessment.
90. In consideration of the above, I am of the opinion that the proposed development would result in an unacceptable level of HGV movements along a rural lane resulting in severe risks to highway safety for other road users. It is therefore contrary to development plan policy, the National Planning Policy Framework and the objectives of sustainable development.

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Impact on Conservation Area and Listed Buildings

91. As discussed above, there would be an increase in HGV movements resulting from the proposal. All HGVs would need to enter and leave the site via Duck Lane, using Church Lane to connect to the primary road network. The junction of Duck Lane and Church Lane is at the focal point of the St Peter & St Paul's Church Conservation Area, which also has a number of listed buildings, a small green with a listed pump, and an open area with the appearance of a village square.
92. In my opinion the introduction of an increase in HGVs, turning into and out of Duck Lane at this prominent point, would result in material harm to the character of the Conservation Area and the settings of the Listed Buildings/features contrary to development plan policies. Therefore, permission should only be granted if there are material benefits of the proposal which outweigh the harm.

Visual Impact and Landscaping

93. In discussion about the visual impact of the proposal, the applicant has stated that they have removed extensive quantities of rubbish from the site, and covered the area with hardstanding and fencing, approved retrospectively by Ashford BC. Therefore the existing appearance is of an open area, enclosed by 2.4m fencing surrounded by woodland. The Applicant may well have tidied up the site and improved the visual appearance of the site from its previous untidy state; however it has also significantly changed the appearance from its former rural nature. It is recognised that the Borough Council granted retrospective planning permission for these changes.
94. It is not possible to conduct a direct comparison with the visual impact of the lawful use with that of the proposal given the site is currently vacant; however an opinion can be reached on the information provided. The physical development would be set back into the site, incorporating the construction of a processing building, concrete base, weighbridge, office facility and operational plant. The remainder of the external area is envisaged to be used to store scrap vehicles waiting processing – although the exact layout of this storage has not been submitted by the applicant.
95. The LDC contains many elements which would have a similar appearance to the proposal, particularly the storage of cars. Therefore, this element could be viewed as being largely similar to the LDC. However, the building would introduce a new industrial element to the site, along with various plant, which could be viewed as having a negative impact on the surrounding area. On balance, I am of the opinion that – if the lawful use rights under the LDC are likely to be invoked – this application represents an opportunity to control and improve a potentially unchecked scrap vehicle storage use. The site layout could be conditioned, along with stockpile heights, as well as removing permitted development rights to ensure that any further proposals associated with the site are suitable for the location.

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96. Whilst there has been piecemeal erosion of this rural woodland site, planning permission has been granted by the Borough Council for fencing and hardstanding, which serves to formalise the LDC area. Therefore the opportunity presented at that time to seek to return the site to its original state appears to have been missed. Notwithstanding this, there may still be an opportunity to improve on the general landscaping scheme should Members be minded to support the development.

Landscaping

97. The applicant has submitted plans for planting and landscaping with this application. However, Members should note that this landscaping scheme is identical to that already required to be implemented and completed pursuant to a condition attached to the 2011 permission for fencing and hardstanding. The condition stated that the landscaping should be undertaken within one year, expiring December 2012. However, to date, no enforcement action or Breach of Condition notice has been issued by the borough council.
98. The 2011 permission has been acknowledged by the Borough Council as being implemented incorrectly, due to the area of hardstanding going beyond the limits of the red line boundary which forms the LDC area. Additionally, the fencing is erected beyond the boundary. If Members are minded to grant permission, I would recommend that conditions are attached requiring the removal of the excess hardstanding and fencing, and a landscaping plan submitted showing tree planting in these areas. The aim would be to secure a retreat of the hard surfacing and fencing which has been allowed to creep unchecked beyond the LDC boundary.
99. The KCC Landscape Officer is of the opinion that the submitted landscaping scheme is not sufficient. It refers to a landscape character area which is not related to the site. The Plan does not refer to the Ancient Woodland and its importance to heritage and biodiversity. Further work needs to occur to mitigate the proposal. The existing landscape plans would need to be improved to include additional planting and additional habitat to compensate for that which has been removed. Planting would need to incorporate native species of local provenance, omitting Ash, and the existing trees should be retained and protected. The hardstanding that has been laid beyond the permitted LDC line should be removed. A management plan for the landscaping would also be expected.
100. I am satisfied that additional and improved landscaping could be secured by condition. However, the scheme before me does not address these issues.

Pollution

101. A number of residents have expressed concern that the operation of this facility could result in contamination of the soil, groundwater and the nearby Whitewater Dyke, especially considering the location with Flood Zone 2 & 3. The Environment Agency is responsible for pollution control, and they have passed comments that there is a low risk of contamination due to the nature of the Wealden Clay soils, and details of

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pollution prevention have been submitted. If permission is granted, I recommend conditions are imposed requiring submission of a surface water management strategy, incorporation of flood resilience methods to the construction of the buildings and pollution prevention measures. It is the responsibility of the Environment Agency as the relevant competent authority to control these issues through the Environmental Permit and approval of pollution control methods.

Location

102. The proposal involves the development of a waste processing activity on a rural site. Objectors to the proposal have stated that they believe a use such as this should be located in an industrial area, close to the primary road network, and not within the open countryside. Also that the proposed site is not allocated within the development plan for waste use.
103. The applicant is arguing that the site is suitable for waste development, because it is located within an 'established commercial area' due to the existence of the LDC, and another business 'Kent Tractors' along Duck Lane. Policy W3 of the Waste Plan 1998 states that unallocated sites can be suitable for Waste development provided they: *avoid the need for road access, or can gain ready access to the primary or secondary road network; are located within or adjacent to an existing waste management operation or within an area of established or proposed general industrial use.* The draft development management policies of the Core Strategy Policy Directions Consultation (Policy CSW6) support the view that industrial/employment land is suitable.
104. In my opinion the proposal site does not meet the criteria within these policies. The site does not enjoy 'ready access to the primary road network' required under Policy W3, due to its location 450m down a single track rural lane. Additionally, as discussed above, there would be unacceptable amenity impacts to sensitive receptors resulting from noise and highways. It is considered that the term 'industrial area' could imply an industrial estate location, with surrounding compatible land uses away for residential properties. This view is supported in the wording to the preamble to draft Policy CSW6 which refers to 'industrial estates'. Therefore, although a site may have historically been used for commercial activities, there are other material factors that need to be weighed in favour before it can be presumed to have policy support.

Ecology

105. In my opinion there are locational constraints, which when weighed against the amenity impacts of the proposal, on balance presume against the development. The proposal site is adjacent to Ancient Woodland, within an extensive Local Wildlife Site and alongside a watercourse. It had previously lain dormant for a period of years until the new owners took control, and would have (up until this point) had the potential for protected species. I agree with the view of the Kent Wildlife Trust in that the hard surfacing of this area has rendered it incapable of providing habitat for the LWS designation however it is unfortunate that protected species were not considered as part of the 2011 application. The KCC Biodiversity Officer is of the opinion that the

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operation of the scrap processing facility (rather than the physical development) has the potential to impact upon the designated sites, and therefore habitats and protected species. A request was made for the noise assessment to consider the impacts upon the designated sites; however this has not been done. The officer also recommends that the excess hardstanding should be removed. Therefore, due to the deficient information I am unable to assess the impact the proposal would have upon biodiversity.

Need

106. There is a general policy support for recycling facilities. PPS10, the Waste Framework Directive and the emerging Waste Local Plan support the movement of waste up the waste hierarchy. The European End of Life Vehicle Directive requests a national target recovery rate of 95% to be achieved by 2015, and currently the UK is achieving approximately 81%. Therefore, there is an in principle support for facilities such as this to come forward, and no general necessity for allocated sites or to prove a capacity 'need'. Saved Policy W6 of the Waste Local Plan 1998 however, states that where a planning application would result in *'demonstrable harm to an interest of acknowledged importance, need will be a material consideration in the decision'*.
107. In my opinion the above assessments of the development demonstrate that the proposal, by virtue of its amenity and highways impacts, would cause harm. Therefore the application would have to prove an identifiable need sufficient to outweigh the harm.
108. The Council's Minerals and Waste Local Plan Team have advised that metal/ELV recycling facilities are well established in the county both with an excess of existing capacity well above current and future needs and in terms of geographic distribution. Therefore, Metal/ELV has not presented any specific need for the emerging Minerals and Waste Plan to identify sites for this specific waste management use. Additionally, there are a number of permitted and operational facilities within the Ashford area.

KCC Planning view on the LDC

109. It is acknowledged that the LDC, for the purposes of assessing this planning application, exists and is therefore a material consideration. I am advised that there is little evidence to support a case for abandonment, particularly in light of the 2011 retrospective planning permission for fencing and hardstanding. Ashford BC strongly believe that the site has been abandoned, which appears to have been prompted by evidence from objectors. However, there were objections raising the same points at the time of the 2011 application (for hard surfacing and fencing of the site) – this would have been the time, in my view, when this argument should have been put forward. Despite this, permission was granted under delegated powers, and therefore the lawful uses effectively reaffirmed. The officer's report confirms this as being the primary reason for grant of approval.
110. Ashford BC have also put forward comments that the 2011 permission has not been implemented properly – the fencing and hardstanding goes beyond the permitted

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boundary and the approved landscaping scheme has not been implemented within the conditioned timescale. However, no breach of condition notice or other enforcement action has been forthcoming. Although the applicant has amended this application to create an internal operating area that is conducive to the site area of the LDC, at the moment, the landscaping scheme relies upon plans that are evidence of a breach of condition.

Fallback Position

111. In considering the fallback position one of the tests is to prove whether there is a reasonable prospect of that position materialising. I am advised that it is appropriate that if we accept that the site has a lawful use then the assessment of the prospect for traffic and noise generation must reflect the full potential of that mixed use. However this becomes less of a consideration if we are not persuaded that the fall back position would be resorted to. Aerial photos, site photos, and representations from residents are evidence that the fallback position has not been in operation for a considerable number of years, the site having been vacant for a number of years. It could also be inferred that, since acquiring the site in 2010, the site has been prepared and an application submitted for a scrap facility, and on that basis the prospects are slight.
112. The impacts of implementing the fallback position would need to be high in severity or likelihood, so that approving a conditional planning permission for an alternative land use would be more favourable in land use and policy terms. The applicant in my view has demonstrated that the worst case scenario would result in unacceptable impacts upon the character and amenity of the area, but also that the proposal would have similar or potentially greater impacts. Although the applicant has stated they would invoke the fall back position, there is no supporting evidence that it would be utilised to the levels used in the baseline comparison.

Baseline Levels of Activity

113. As discussed above, I am of the opinion that the baseline levels of activity have not been proven to demonstrate that the proposal would not have a greater impact than the fallback position. The updated Trip Report utilises a methodology that uses one land use from the LDC, whereas the Noise Report assumes a worst case scenario from using all the LDC activities in combination. This mixture of methods is not a robust approach to demonstrating the baseline as there is no consistency to establishing the fallback position. Comments from my noise advisor suggest that the assumed noise levels of the fallback position have been presented at a level which is harmful to human health and would have given rise to enforcement action by the local authority, and would not gain an environmental permit.
114. The levels of activity - to the reasonable man viewing the site history, aerial photos, site photos, proximity of houses and general location - are likely to be viewed as being very low key. The intensity of use is likely to be limited by the inappropriateness of the location due to its poor access, proximity to local houses and sensitive location. It is from these considerations that the baseline should be established. In my opinion the

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method should have been to calculate what activities and intensity would have resulted in a noise level not above background at the nearest sensitive receptor so as not to give rise to complaints. Once this activity level is established, then the likely vehicle movements, throughput, and physical impact could be properly calculated. This baseline would then need to be assessed against the properly implemented permissions on the site, with breaches remedied, in order to consider future proposals within the sensitive landscape setting, historic Ancient Woodland and ecological important Local Wildlife Site surroundings.

Conclusion

115. The applicant is proposing to construct and operate a scrap metal facility within a site located at Glebe Farm, Duck Lane, Shadoxhurst. The foundation of the application is that there is an extant Lawful Development Certificate (although challenged by the determining authority, Ashford Borough Council) which allows a baseline level of activity against which the impacts of the proposal are compared. Whilst it is acknowledged that the LDC exists we should remember that we are considering a planning application for a waste proposal as the Waste Planning Authority and not what the LDC allows. We cannot 'go behind' the Certificate, as certainty of its interpretation would be a matter for the issuing authority and the Courts, however where appropriate, the level at which the lawful activities may take place has also been given due consideration in the specific sections of the report above.
116. The applicant sets out their fallback position, although the approach to establishing this differs for noise and highways issues. In the applicant's view, the proposal would not result in greater impact. However the case made for the fallback position asserts a level of activity that is not supported by recent evidence to be likely.
117. Notwithstanding the situation of the fallback position, the application would result in unacceptable harm to the character and amenity of the locality, through impacts arising from noise, traffic generation (particularly HGVs) and visual impact to the historic value of the Ancient Woodland, as well as causing harm to the character and setting of the Conservation Area and adjacent Listed Buildings. The demonstrable harm from the proposal has not been demonstrated to be outweighed by an overriding need for the facility. Although there is general policy support for recycling facilities, the application has not demonstrated an overriding need for additional End of Life Vehicle facilities, and there are several already operating within the Ashford area. The current status of the site, with a number of breaches identified by Ashford BC, also confuses the situation and the ability to conduct an adequate assessment of the planning merits. Therefore, I am of the opinion that the proposal is not sustainable development and that permission should be refused.

Development of a scrap metal recycling facility for the processing and storage of End of Life Vehicles (ELV) with some Waste Electrical and Electronic Equipment (WEEE), construction of a concrete slab base, 93sqm processing building, weighbridge, portable cabin and welfare facilities, and use of a mobile crane and crusher at Glebe Farm, Duck Lane, Shadoxhurst, Kent, TN26 1LT - KCC/AS/0306/2012 (12/1042/AS)

Recommendation

118. I RECOMMEND that PERMISSION BE **REFUSED** for the following reasons

- (i) The site is not identified within the development plan for waste facilities and given its inappropriate rural location, with poor access along a rural lane is considered to be contrary to the Kent Waste Local Plan Policies W3 and W9 and Policy CSW6 of the Minerals and Waste Local Plan Core Strategy – Strategy and Policy Directions Consultation May 2011.
- (ii) By reason of the limited width of Duck Lane, on-street parking on Church Lane, and limited facilities for pedestrians on the entire local approach route, the likely levels of HGV traffic associated with the proposed development would give rise to unacceptable vehicular conflicts, an increased potential for damage to highway margins, and danger to pedestrians and other vulnerable road users; the development is therefore contrary to National Planning Policy Framework, Kent Waste Local Plan Policy W3 and W9, Policy DM10 of the Minerals and Waste Local Plan Core Strategy – Strategy and Policy Directions Consultation May 2011, Policy CS15 of the Ashford Borough Council Local Development Framework Core Strategy and Policy TR18 of the Tenterden and Rural Sites DPD October 2010.
- (iii) Noise levels proposed in the application would result in severe adverse impact at nearby residential premises and it is considered unlikely that the proposed development would be able to operate at levels when assessed in accordance with BS4142 that would be considered acceptable and as such is contrary to National Planning Policy Framework, Kent Waste Local Plan Policy W18, Policy DM8 of the Kent Minerals and Waste Local Plan Core Strategy - Strategy and Policy Directions Consultations.
- (iv) The proposed development would have an unacceptable impact upon the nearby Ancient Woodland and Local Wildlife Site and as such would be contrary to national Planning Policy Framework, Kent Waste Local Plan Policy W9. Policy DM2 of the Kent Minerals and Waste Local Plan Core Strategy - Strategy and Policy Directions Consultations 2011, and Policies TR117 and TR18 of the Tenterden and Rural Sites DPD October 2010.
- (v) The proposed development by virtue of the associated traffic would have a detrimental impact passing through the nearby Conservation Area and passing by Listed Buildings and as such would be contrary to National Planning Policy Framework, Policy DM4 of the Kent Minerals and Waste Local Plan Core Strategy - Strategy and Policy Directions Consultations 2011.
- (vi) Traffic generated in association with the proposal would cause conflict with users going on to access Byway AW341 at the end of the lane and as such would be contrary to Policy DM11 of the Minerals and Waste Local Plan Core Strategy –

Development of a scrap metal recycling facility for the processing and storage of End of Life Vehicles (ELV) with some Waste Electrical and Electronic Equipment (WEEE), construction of a concrete slab base, 93sqm processing building, weighbridge, portable cabin and welfare facilities, and use of a mobile crane and crusher at Glebe Farm, Duck Lane, Shadoxhurst, Kent, TN26 1LT - KCC/AS/0306/2012 (12/1042/AS)

Strategy and Policy Directions Consultation May 2011, and TR18 of the Tenterden and Rural Sites DPD October 2010.

- (vii) There is no proven need for the proposed development and as such the proposal is contrary to policy W6 of the Kent Waste Local Plan and Policy CSW16 of the Kent Minerals and Waste Local Plan Core Strategy - Strategy and Policy Directions Consultations May 2011
- (vii) The proposed development is contrary to the National Planning Policy Framework, 2012 in that it fails to achieve the concept of sustainable development.

I further RECOMMEND that I be granted delegated authority to finalise the exact wording of the grounds of refusal.

Case Officer: Andrea Hopkins	Tel. no: 01622 221056
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Background Documents: see section heading

Development of a scrap metal recycling facility, Glebe Farm, Duck Lane, Shadoxhurst, Kent KCC/AS/0306/2012 12/01041/AS

The 1998 Lawful Development Certificate APPENDIX 1

1996 LDC DECISION



BOROUGH PLANNING OFFICER
A DEPUTY CHIEF EXECUTIVE
Anthony Slack MRTPI

TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS

Determination as to whether planning permission is required
Application no: 96/0256/AS

Applicant MR J E RIPLEY
C/O JOHN BISHOP & ASSOCIATES

Date of
Application: 29.02.96

Correspondent JOHN BISHOP & ASSOCIATES
HALDEN HOUSE
HIGH HALDEN
ASHFORD KENT TN26 3BT
FAO: MR R STEVENSON

Date of
Decision: - 6 MAR 1998

Description and Location of Application

APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE EXISTING
DEVELOPMENT: PARKING AND STORAGE OF CARS AND COMMERCIAL
VEHICLES SERVICING OF COMMERCIAL VEHICLES STORAGE OF SCRAP
STORAGE AND RETAILING OF BATHROOM EQUIPMENT BUILDING MATERIALS
ETC AND USE AS A BUILDERS YARD
GLEBE FARM DUCK LANE SHADOXHURST (TQ 966 374)

- 01 That Ashford Borough Council hereby certify that on 1st March 1996 the development described in the first schedule thereto in respect of the land specified in the second schedule hereto and edged black on the plan attached to this certificate would have been lawful within the meaning of the Section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

- (a) That the certificate be issued as the use of the site for
Parking and storage of cars, parking of three commercial vehicles,
servicing of those commercial vehicles, storage of scrap, storage
and retailing of bathroom equipment, building materials etc.
retail sales of up to six second hand cars and use as a builders
yard has been for a period in excess of 10 years and is therefore
immune from enforcement action under Section 171 of the Town and
and Country Planning Act 1990 (as amended).

FIRST SCHEDULE

Parking and storage of cars and commercial vehicles servicing of
cars and commercial vehicles servicing of commercial vehicles
storage of scrap storage and retailing of bathroom equipment
building materials etc and use as a builders yard.

SECOND SCHEDULE

Glebe Farm, Duck Lane

Application 96/0256/AS continued on next page

ASHFORD
An area of
INVESTMENT
OPPORTUNITY

Development of a scrap metal recycling facility, Glebe Farm, Duck Lane, Shadoxhurst, Kent KCC/AS/0306/2012 12/01041/AS



ASHFORD BOROUGH COUNCIL

BOROUGH PLANNING OFFICER
& DEPUTY CHIEF EXECUTIVE
Anthony Slack, MRTPI

Application 96/0256/AS continued from previous page

Borough Planning Officer C-

Refer to the Statement of Applicants' rights and General
Information attached hereto.

NP



ASHFORD BOROUGH COUNCIL
Council Offices, 100 High Street, Ashford, Kent, TN23 1BQ

ASHFORD
an area of
INVESTMENT
OPPORTUNITY

Development of a scrap metal recycling facility, Glebe Farm, Duck Lane, Shadoxhurst, Kent KCC/AS/0306/2012 12/01041/AS

ASHFORD
BOROUGH COUNCIL



CIVIC CENTRE,
TANNERY LANE,
ASHFORD,
KENT TN231PL

(01233) 637311
Fax No: (01233) 645654
DX 30204 Ashford (Kent)

NOTES:

1. This certificate is issued solely for the purpose of section 191/192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/~~operations/matter~~ specified in the First Schedule taking place on the land described in the Second Schedule was/~~would have been~~ lawful, on the specified date and, thus was not/~~would not have been~~ liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use/~~operations/matter~~ described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/~~operations/matter~~ which is materially different from the described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

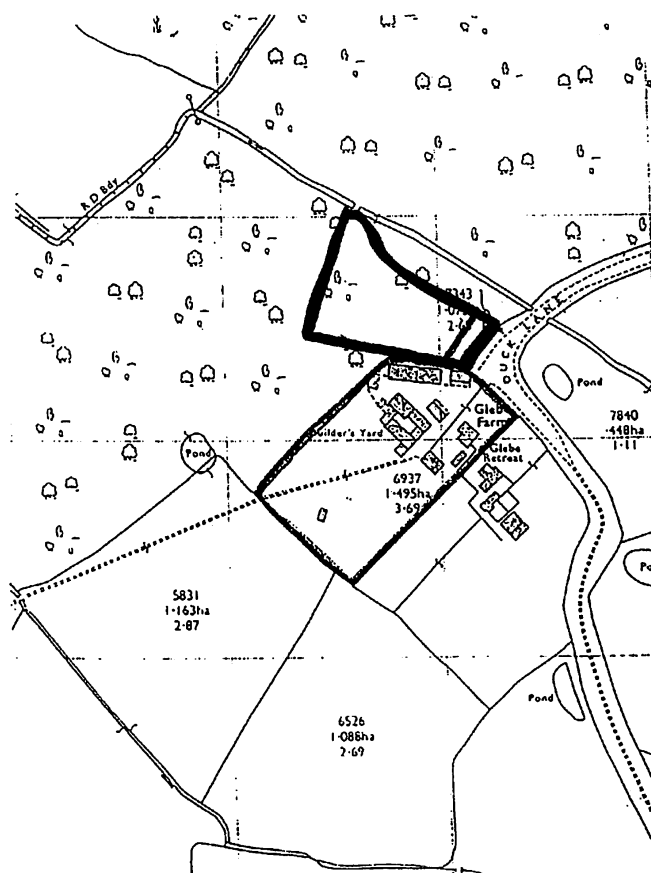
n.p. notes

Development of a scrap metal recycling facility, Glebe Farm, Duck Lane, Shadoxhurst, Kent KCC/AS/0306/2012 12/01041/AS

96/256

GLEBE FARM, DUCK LANE, SHADOXHURST

Application for Lawful Use Certificate



Scale 1:2500

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OS License No. ES74004E0001

96/10/A



**Halden House
High Halden, Ashford
Kent TN26 3BT
Tel: 01233 858541
Fax: 01233 858573**

Development of a scrap metal recycling facility, Glebe Farm, Duck Lane, Shadoxhurst, Kent KCC/AS/0306/2012 12/01041/AS



BOROUGH PLANNING OFFICER
CITY CHIEF EXECUTIVE
CITY OF ASHFORD

Department Fax : (01233) 330682
Direct Dial : (01233) 330247
Case Officer : Mrs C Ridings

Application No: 96/0256/AS
Date 9- APR 1998

Dear Sir/Madam,
APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE EXISTING DEVELOPMENT:
PARKING AND STORAGE OF CARS AND COMMERCIAL VEHICLES SERVICING OF
COMMERCIAL VEHICLES STORAGE OF SCRAP STORAGE AND RETAILING OF BATHROOM
GLEBE FARM DUCK LANE SHADOXHURST (TQ 966 374)

NOTIFICATION OF DECISION.

You recently sent me your observations on the above proposal which has now been formally considered. Any proposal which attracts objections must be determined by the Members of the Borough Council and the appropriate Committee will have been informed of all representations before arriving at its decision.

I must inform you that the Borough Council has determined that a planning application is not required for the specified proposal.

A copy of the decision can be inspected in the Planning Department Ashford or by prior arrangement at the Council's Office in Tenterden. A copy of the decision notice has also been passed to the Parish Council (where appropriate).

Yours faithfully,

ANTHONY SLACK

Borough Planning Officer

CPRE KENT
COLDHARBOUR FARM
WYE ASHFORD KENT
TN25 5DE

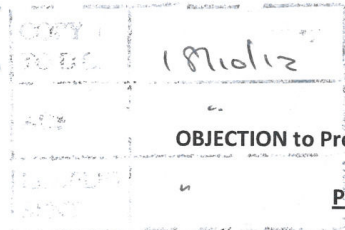

ASHFORD
an area of
INVESTMENT
OPPORTUNITY

Development of a scrap metal recycling facility, Glebe Farm, Duck Lane, Shadoxhurst, Kent KCC/AS/0306/2012 12/01041/AS

APPENDIX 2

Petitions Received

Petition 1

	<p>Cooper & Associates</p>
<p>OBJECTION to Proposed Recycle Facility at Glebe Farm, Duck Lane, Shadoxhurst</p>	
<p><u>PLANNING REFERENCE PAG/KCC/AS/0306/2012</u></p>	
	
<p>Executive Summary This document represents the summary of concerns expressed by residents of Shadoxhurst Village and immediate environs to the Application for processing End Of Life Vehicles at Glebe Farm. Their concerns are detailed in the main document but are expressed in simple summary as follows:-</p>	
<ol style="list-style-type: none"> 1) The site is located within Ancient Woodland and is itself noted as a Local Wildlife Site by Kent County Council. The site was until recently a quiet, overgrown location but has been cleared by the current owners with scant regard for the damage done to local habitats. 2) The site has not been used for major business activity in the last 40 years as can be evidenced by residents of very long standing in the village. Residents should be allowed to continue to enjoy that peace and quiet. 3) The site is accessed via Duck Lane, which is a very narrow lane of shallow construction with no footway provision and soft verges. The lane is less than half the width recommended by Kent County Council and others as being the minimum standard for an Industrial Site Access. 4) Duck Lane is used by many villagers and ramblers from further afield to access the woodland walks. Residents also walk along the lane to access village facilities. Introduction of large HGV's will be very hazardous. 5) Duck Lane has old residential dwellings fronting onto it, including Grade II listed buildings that will become compromised by heavy traffic use 6) The access road to the site regularly floods, as do parts of the site. This is evidenced by the Environment Agency who confirms it is in Flood Zones 1, 2 and 3. This suggests a significant risk of regular contamination by oils and chemicals in the event of inundation of the site. 7) The site is now and has always been very quiet. It will be changed out of all recognition to the detriment of the ancient woodland around it if consent is granted. 8) If granted the development will bring unacceptably high levels of noise, dust, dirt, odours and bright artificial light into the heart of Ancient Woodland with consequent risks of impact on local wildlife. 9) The claimed levels of traffic use will have a severely detrimental impact on all village roads that are not appropriately sized to deal with large numbers of large vehicles. 	

Development of a scrap metal recycling facility, Glebe Farm, Duck Lane, Shadoxhurst, Kent KCC/AS/0306/2012 12/01041/AS

**Petition 1
Continued**

OBJECTION to Proposed Recycle Facility at Glebe Farm, Duck Lane, Shadoxhurst
PLANNING REFERENCE PAG/KCC/AS/0306/2012

Appendix A
Schedule of Shadoxhurst Residents supporting this Objection

Signed by 19 petitioners

Development of a scrap metal recycling facility, Glebe Farm, Duck Lane, Shadoxhurst, Kent KCC/AS/0306/2012 12/01041/AS

Petition 2

Cooper & Associates

OBJECTION to Proposed Recycle Facility at Glebe Farm, Duck Lane, Shadoxhurst

PLANNING REFERENCE PAG/KCC/AS/0306/2012



Executive Summary

This document represents the summary of concerns expressed by residents of Shadoxhurst Village and immediate environs to the Application for processing End Of Life Vehicles at Glebe Farm. This is a supplemental note to the one issued at time of original application and addresses the information in the revised application and further information provided by both Ashford Borough Council and Kent County Council. The residents concerns are detailed in the main document but are expressed in simple summary as follows:-

- 1) The applicants case relies wholly upon a Lawful Use of the development site. It is the opinion of Counsel, as engaged by Ashford BC, that there is no meaningful Lawful Use to rely upon as evidenced by available documents and records. Accordingly the proposed redevelopment and use of the site is wholly unacceptable due to environmental, highway and safety impacts on the village of Shadoxhurst.
- 2) The Highway Officer comments from Kent County Council Highway Department calls into question the validity of the Applicants assessments of traffic and noise as well as confirming our own opinions as to inadequacy of the access road, lack of safety margins and suitability of the highway for such high level of use. The KCC comments are based on an acceptance of the Applicants claimed Lawful Use – that use is now abandoned and as such KCC Highway concerns and objection will undoubtedly strengthen as a result.
- 3) The Applicants revised information and explanatory note do not materially change the facts of the matter as noted in the body of this response.
- 4) The new information and opinion from Counsel shows that the impact of the proposed development will be far greater than that envisaged at the outset and are therefore wholly unacceptable in a rural village location next to Conservation Area, Ancient Woodland and areas of ecological and environmental sensitivity.

Introduction

The application is for the storage and processing of End of Life Vehicles on a small rural site in the village of Shadoxhurst. The additional information submitted by the Applicants in January 2013 is to correct errors in the original application regarding size of the site and to address concerns from consultees. Ashford Borough Council sought Counsel Opinion on the matter of Lawful Use of the site as this forms the central plank of case for the Applicants. Kent County Council has provided detailed Highway comments about the application. Following review of all the new information, this note is a formal OBJECTION to the proposals for reasons that are

Development of a scrap metal recycling facility, Glebe Farm, Duck Lane, Shadoxhurst, Kent KCC/AS/0306/2012 12/01041/AS

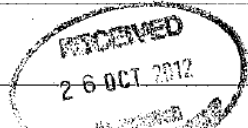
**Petition 2
Continued**

OBJECTION to Proposed Recycle Facility at Glebe Farm, Duck Lane, Shadoxhurst
PLANNING REFERENCE PAG/KCC/AS/0306/2012

*Appendix A
Schedule of Shadoxhurst Residents supporting this Objection*

Signed by 19 petitioners

Petition 3



Petition against Glebe Farm Planning Application

KCC Application: KCC/AS/0306/2012 dated 12/9/2012

ABC Application: 12/01041/AS dated 17/9/2012

We, the undersigned, wish to register our objection to the above application for the "*Development of a facility for the processing and storage of end of life vehicles (ELV), with construction of a concrete slab base, 93 sqm processing building, weighbridge, portable cabin and welfare facilities, and use of a mobile crane and crusher*" at Glebe Farm, Duck Lane, Shadoxhurst, Kent.

Signed by 218 petitioners

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Change of Use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford AS/12/1322 (KCC/AS/0033)

A report by Head of Planning Applications Group to Planning Applications Committee on 7 June 2013

Application by B Ball Contractors. Proposed change of use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford.

Recommendation: Permission be granted subject to conditions.

Local Member: Jim Wedgbury

Classification: Unrestricted

Site description and Background

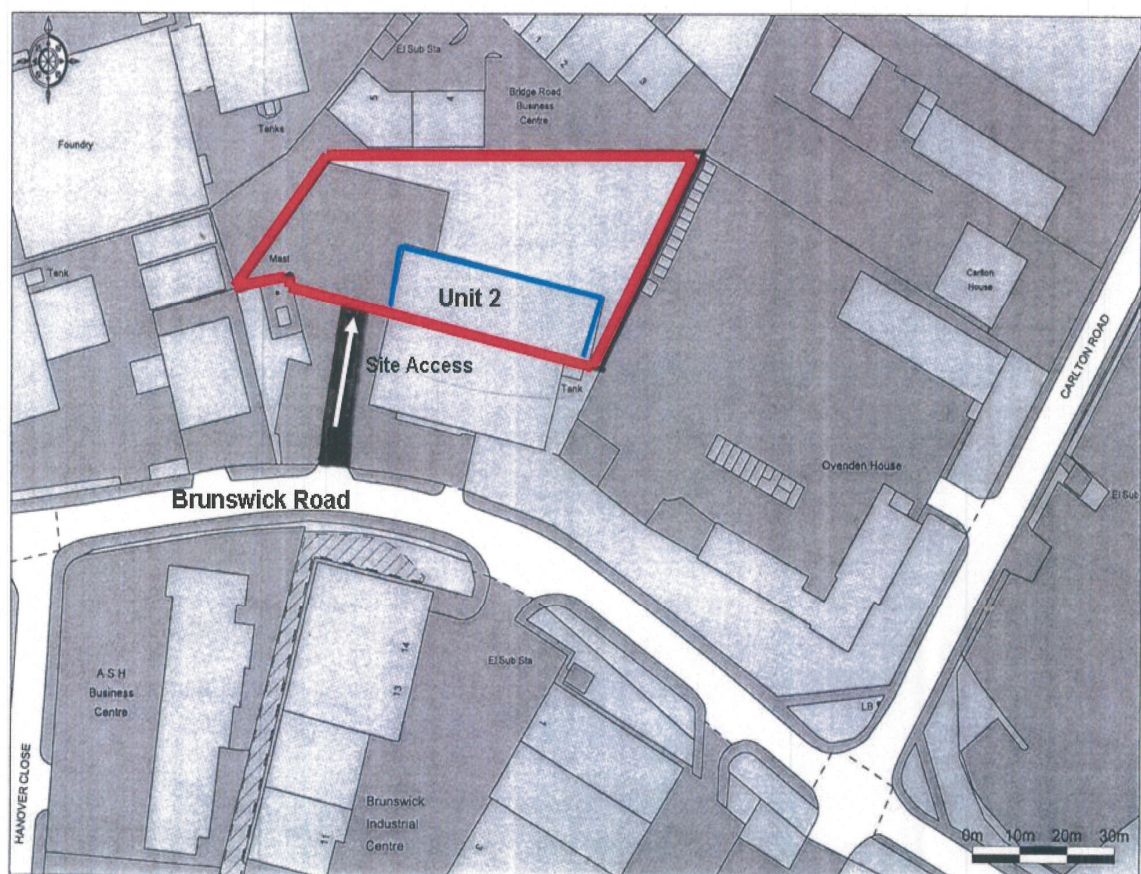
1. The application site lies centrally within the large industrial area known as Cobbs Wood Industrial Estate in Ashford. It is bordered to the north and west by a scrap metal recycling facility and foundry and to the south by a retail plumbing merchant. To the northeast is a business centre. To the immediate east and on the corner of Brunswick Road and Carlton Road are a vehicle hire depot and a vehicle recovery business. The wider industrial area is characterised by dense development of commercial and industrial premises ranging from offices, business centres and light retailing (trade counters) through to HGV servicing and waste transfer stations. Further industrial type uses are located beyond the railway to the south on Leacon Road.
2. The application site as a whole lie to the north of Brunswick Road which forms the main spine road serving the industrial estate. Chart Road (A28) comprises the primary access route to Cobbs Wood Industrial Estate, providing direct links to the M20 and surrounding highway network. There are three main access points into the estate leading off Chart Road, via Brunswick Road, Hilton Road and Carlton Road (off Chart Road/ Templer Way Roundabout).
3. At this western end of Brunswick Road lies the KCC Household Waste Recycling Site and at the eastern end is the Viridor waste transfer station, European Metal Recycling Ltd., and Green Box Recycling (skip hire and recycling business).
4. The application site itself is roughly rectangular in shape and measures 0.1ha. It is relatively flat with a landscaped bank which rises to the north and east of the site. Access to the site is via a shared driveway directly from Brunswick Road, which passes an industrial unit occupied by a plumbers' merchant. The access passes this unit into the yard area of the application site and Unit 2 is attached at the rear to the plumbers' merchants building. The existing sectional building measures approximately 13.4m x 42.8m and contains existing offices, kitchen and toilets. Planning permission was granted by the Borough Council (10/01703/AS) for external changes to the appearance of the building to create a multifunctional Head Office for the applicant. Some of these have taken place as have some additional internal

Change of Use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford AS/12/1322 (KCC/AS/0033)

alterations such as the creation of a mezzanine first floor and an internal dry store.

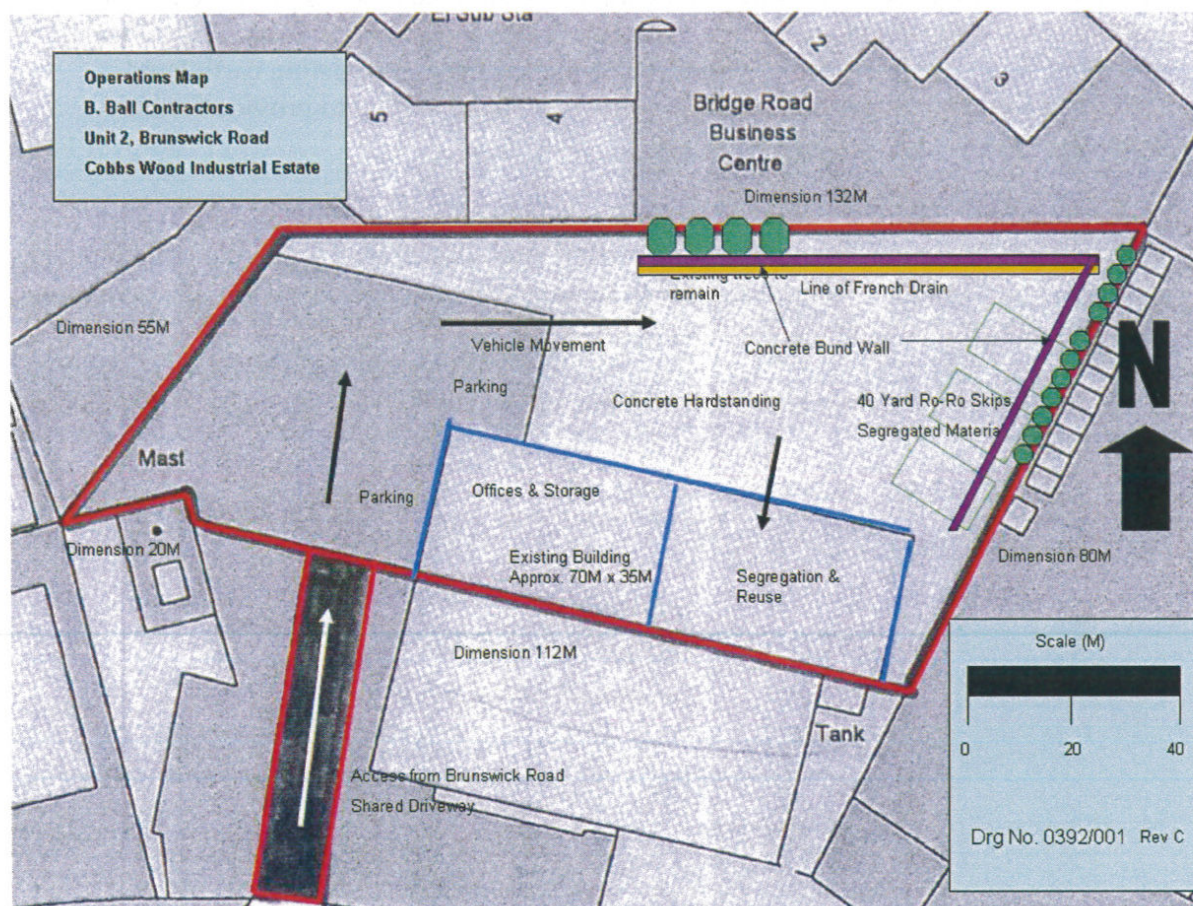
5. The yard area is laid to concrete and has separate foul and surface water drainage including an interceptor connected to the surface water drain.
6. The application site is located within the confines of the urban area as defined by the Ashford Local Development Framework Proposal Map. There are no other site specific designations, although more general Development Plan policies are set out later in the report.

Fig. 1 Site Location Plan



Change of Use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford AS/12/1322 (KCC/AS/0033)

Fig. 2 Site Layout Plan



Proposal

7. The application seeks a change of use from warehouse/storage use to a waste transfer station/ waste segregation and storage of non-hazardous waste streams. It is proposed that skip vehicles will bring the waste to the site and deliver the skips into the waste sorting section of the building. It is then intended that the waste will be hand-picked and sorted into the various waste streams and then deposited into the roll-on, roll-off (Ro-Ro) containers on the yard for onward delivery to reprocessing plants as and when they are full. This is anticipated to be approximately three to four times a month. An area would be set aside for the storage of empty skips within the yard. The only machinery anticipated at this point is a baling machine for cardboard

Change of Use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford AS/12/1322 (KCC/AS/0033)

and paper which would be located within the building and a small front loading wheeled vehicle to handle the small quantities of hardcore that are anticipated.

8. It is anticipated that the proposed development would generate an estimated 36 vehicle movements (18 in and 18 out) per day. These vehicle movements comprise 16 light goods vehicles and cars, and 20 made by HGV's, however on average it is expected that there would be only 6 HGV movements per day, including the collection of the Ro-Ro containers. Twelve parking spaces would be created for site staff and visitors. In addition it is proposed there would be a single space reserved for disabled parking and a further parking area would be designated for motorcycles. An area adjacent to the existing building would be allocated for secure cycle storage.
9. The proposed hours of operation would be:
 - 0730 – 1730 hours Monday to Friday
 - 0800 – 1400 hours on Saturday
 - no working on Sundays or Bank Holidays.
10. It is proposed that existing on site drainage would be utilised which currently has separate foul and surface water drainage including an interceptor has connected to the surface water drain. It is proposed that a low bund wall would be constructed at the base of the bank which houses the trees and shrubs on the north and eastern boundaries of the yard area. Adjacent to the northern section it also proposed to install a French drain to further protect the tress and bank.
11. The Application is accompanied by a Predictive Noise Assessment and a Transport Assessment, as well as a Planning, Design and Access Statement.

Planning Policy Context

12. **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.
13. 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

Change of Use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford AS/12/1322 (KCC/AS/0033)

planning system -- economic, social and environmental. These roles are mutually dependent. In facilitating the delivery of these roles the Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

14. **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).
15. **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)
16. **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).

Consultations

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

Ashford Borough Council: No objection subject to conditions controlling the hours of use, the nature and amount of waste that can be handled on the site and the protection of the important trees on the boundary of the site.

Environment Agency: No objection, but offer advice to the applicant that a full drainage plan should be designed for the site, demonstrating no discharge of potentially contaminated drainage to the ground; hardstanding should leave no paths for potential contaminants to drain through, should be regularly maintained and cracks sealed at the earliest opportunity. All storage for waste should be sealed and secured at night when the site is not in operation.

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

The total number of daily HGV movements shall not exceed 20 (10 in and 10 out). A log book of all daily HGV movements shall be kept and made available on request to the Local Planning Authority.

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

Change of Use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford AS/12/1322 (KCC/AS/0033)

Noise

No objection. There would be negligible noise increases resulting from the anticipated worst case daily HGV movements. Again the noise impacts from the operations on site are considered to be negligible due to proximity of sensitive receptors, existing noise levels in the area, the screening effect of other units around the site, the baling machine being within the building and nearest commercial premises already being exposed to high levels of noise.

Dust

No Objections subject to employment of the measures set out in the Dust Management Plan

Odour

No objection.

KCC Landscape Comments: No objections however suggest conditions requiring materials other than concrete for protective wall and submission of a more detailed drainage plan showing the exact location of the drain and wall in relation to all trees on the site.

HS1: No Objection

Representations

20. The application has been publicised both by site notice and newspaper advertisement and the nearest neighbouring properties were notified. Two letters of representation have been received. The following comments have been received:
- There is a proliferation of waste sites on this industrial estate with the associated dust and filth;
 - The waste operators damage the image of the industrial estate and those more prestigious companies who occupy nearby units;
 - Brunswick Road is crumbling badly and this proposal will make matters worse;
 - Tipper lorries thunder up and down the roads;
 - Parked cars and vans near to this site seriously reduce visibility for other drivers.

Local Members

21. The County Council Member at the time of consultation was Mrs Elizabeth Tweed who was notified of the application and the additional information/response to consultees. No written comments have been received to date. The Member for this area following local elections is now Mr Jim Wedgbury.

Change of Use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford AS/12/1322 (KCC/AS/0033)

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) 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 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. 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. Saved Policy W9 of the Kent Waste Local Plan supports proposals for waste development where they are not specifically allocated, where they are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial-type area. The application site lies centrally within an established general industrial area and the proposed change of use therefore accord with this policy.
25. The evolving Minerals and Waste Local Plan also seeks to support waste related development. 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.
26. Furthermore as part of the work being done to develop the Minerals and Waste Local Plan, assessments are being made of all industrial estates in Kent for suitability for future waste management developments in addition to sites being specifically identified in the Waste Sites Plan. It is expected this would culminate in a policy giving a presumption in favour of waste development in identified industrial estates, providing that all waste handling is carried out within buildings, in the Core Strategy. The preferred industrial estates are being identified through the predominance of existing B2/B8 uses and site visits. The Cobbs Wood Industrial Estate in Ashford is one of the potential preferred estates.

Change of Use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford AS/12/1322 (KCC/AS/0033)

27. Concern has been expressed at the proliferation of waste activities on this estate. Each waste proposal must be considered on its own merit and against the relevant policy for locating these types of activities. In policy terms the industrial location of this particular site is considered acceptable in principle, however it is also appropriate to consider the potential amenity impacts that might arise from the proposed operations on this particular site, given its context and surroundings. This I will do later in my report.
28. Need - The Applicant is a well-established Ashford based business whose core operations are the refurbishment of property owned and operated by Ashford Borough Council, principally replacement of kitchens and bathrooms and refurbishment of empty properties. In recent years B. Ball Contractors has established its own waste management business, to transport and dispose of its own waste arising from the refurbishment projects, and also runs a small skip hire business. The company seeks to maintain high environmental credentials and has worked closely with Remade South East to minimise its environmental impact. Working with a range of local, national and regional partners, including the County Council and Ashford Borough Council, Remade seeks to minimise the region's environmental footprint by saving natural resources and reducing CO2 emissions, encouraging recycling and creation of new products from waste. (B Ball Contractors is also involved in the Green Deal an initiative to establish a framework to enable private firms to offer consumers (households, communities and workplaces) energy efficient improvements to their homes, at no upfront cost, paying back the cost of such improvements through their energy bills). To further their sustainable approach to the business this application proposes a change of use of the building and yard area from general warehousing to a small waste transfer station
29. 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"*. In terms of the waste hierarchy, the proposed development aims to separate waste into the various streams, and increase recycling of waste and would provide a more desirable waste management option for up to 12,000 tonnes per annum. The proposal would therefore contribute to sustainable waste management in the form of diversion of waste from landfilling to recycling. Whilst the tonnage contribution to such diversion would be minimal, planning policy supports such development. It is acknowledged that there is sufficient general waste management capacity already existing in Ashford, but the proposed facility would provide a specific increase in capacity for recycling in Ashford and would assist in moving the management of waste up the waste hierarchy.
30. Whilst it can be seen there is in principle support for this proposal in this specific location it is also relevant to consider the potential impacts arising from the proposed

Change of Use from warehouse/storage to waste transfer station/waste segregation and storage of non-hazardous waste streams at Unit 2, Thomas R Hills Ltd Site, Cobbs Wood Industrial Estate, Brunswick Road, Ashford AS/12/1322 (KCC/AS/0033)

operations at the site.

31. Traffic – The planning application is accompanied by a Transport Assessment in support of the proposals which considers access to the site as well as circulation space within it, and existing and proposed vehicle movements.
32. The assessment identifies that access to the site would be from The TA roundabout, via Carlton Road and onto Brunswick Road into the site. Whilst it would not be possible to condition that vehicles take this route it is within the gift of the Applicant to ensure that all their own vehicles do indeed follow this approach. In practice it is likely that most vehicles would use this route in any case as it offers the nearest exit on to the main highway network and avoids the busier junction with Chart Road at the other end of the industrial estate and Brunswick Road.
33. There is sufficient room for all vehicles to turn around within the site so that they could leave in a forward gear thus avoiding any obstructions on the highway. Similarly the transport assessment acknowledges that proper management would ensure that there would be no queuing of vehicles on the public highway waiting to enter the site. No alterations are proposed to the current access arrangements and vision splays. Whilst I acknowledge the concerns relating to traffic and the state of Brunswick Road, the level of traffic associated with this development is relatively low compared to overall use of the industrial estate.
34. My Highways Advisor has no objection to the proposals subject to a condition limiting the number of daily HGV movements to 20 (10 in and 10 out) and log being kept and made available upon request.
35. Landscape – This particular site is unusual for an industrial estate in having a number of trees within the boundary which contribute to softening the appearance of the site and its surroundings. The existing trees help to break up the extensive areas of hard standing surrounding the site and also provide some seasonal variety and add some amenity value to the site. It is therefore imperative that these trees are maintained and protected. To that end it is proposed that a retaining wall is constructed at the base of the bank which contains the trees to ensure that there is no possibility of the vehicles manoeuvring on site and damaging the tree roots by driving into the bank. It is also proposed that a French drain would be installed at the base of the bund wall. To ensure the trees are adequately protected a condition requiring a plan plotting the exact location of all the trees (including details of their species and root spread) relative to the wall and drain be submitted for approval could be attached to any permission granted.
36. Subject to conditions securing the approval of materials for the bund wall and the landscape plan (to include details of seeding of the bank) referred to above my Landscape Advisor has no objection to the proposals.
37. Noise, Dust and Odour – The planning application is accompanied by a Predictive Noise Assessment in support of the proposals. It submits that noise increases from

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the traffic associated with the proposals would be negligible due to the existing high numbers of vehicles on the estate roads versus the relatively low numbers expected with the application. I am also advised that noise increases from the site operations are also likely to be negligible. The site is more than 200 metres from the nearest residential property which is currently exposed to relatively high existing noise levels from the roads, rail and the industrial estate. Due to the shielding effects of surrounding industrial units and containment of the baling machine within the building the resulting noise level at the residential premises is likely to be very low. The nearest commercial premises are already exposed to high levels of noise associated with existing industrial units and it is unlikely that for the reasons stated above, noise from the application site would result in elevated noise levels over and above the general noise background.

38. Following initial concerns relating to dust issues the Applicant has now submitted a Dust Management Plan, which contains a number of measure to minimise and manage dust arising from the operations at the site. Essentially dampening down with a water bowser and sprays as required and careful management of the waste handling activities will ensure that dust generation is minimised and adequately suppressed. The access road, manoeuvring areas and the vehicles themselves will be kept free of mud and debris, and loads will be sheeted as appropriate to and from the site.
39. The waste streams entering the site are inert and therefore will not give rise to odour emissions.
40. It is concluded that subject to conditions securing the measures outlined in the application for the control of noise and adherence to the Dust management Plan there are no outstanding objections on the grounds of noise, dust and odour.

Conclusion

41. The proposed development is considered acceptable in principle given that the site lies within an established industrial estate. There is also strong support for moving waste up the waste hierarchy, away from landfill and increasing waste separation for recycling. The Applicant already operates in areas local to the site providing a service to the Borough Council by upgrading and refurbishing local housing stock and municipal buildings. The application site affords the opportunity to increase recycling of waste materials arising in the local area by sorting, separating and bulking up the various waste streams, in addition to allowing for reuse back to local outlets including a number of local charities. The Applicants are keen to maintain their sustainable approach to their business by selecting as many local reprocessing companies as possible, thereby reducing their carbon footprint.
42. The likely impact arising from this small scale waste management proposal would not result in any significant harm and would, with appropriate conditions, be acceptable in all respects. On this basis, the application accords with the relevant development plan

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policies and there are no material planning considerations that lead me to any conclusion other than that planning permission should be granted for this sustainable waste management proposal.

Recommendation

43. I RECOMMEND that PERMISSION BE GRANTED subject to conditions including, amongst other matters: time limit for implementation, strictly in accordance with the application plans and details, restriction on types waste and throughput, hours of operation, use of equipment within the building, safeguarding areas for storage of skips, containers, parking and manoeuvring, restriction on number of HGV's, submission of landscape plan including details of existing tree and shrubs and, retaining wall and French drain, adherence to dust management plan.

Case Officer: Andrea Hopkins	Tel. No. 01622 221056
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Background Documents: see section heading.
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Item C3

Variation of condition 9 of planning permission SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix Incinerator Bottom Ash (IBA) Recycling Plant at Ridham Dock Industrial Complex, Iwade, Sittingbourne, Kent, ME9 8SR – SW/12/1184 (KCC/SW/0310/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 7th June 2013.

Application by Ballast Phoenix Ltd for Variation of condition 9 of planning permission SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix Incinerator Bottom Ash (IBA) Recycling Plant at Ridham Dock Industrial Complex, Iwade, Sittingbourne, Kent, ME9 8SR – SW/12/1184 (KCC/SW/0310/2012).

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Roger Truelove & Mr Lee Burgess

Classification: Unrestricted

Site

1. The application site is located within the Ridham Dock Industrial Complex, to the north of Sittingbourne and Kemsley and to the east of Iwade village. It lies within an area identified as suitable in principle for the preparation of Category A (inert) waste for re-use and the separation and transfer of category B and C (slowly degradable and putrescible) waste in the Kent Waste Local Plan (March 1998). The same area is also identified in the Kent Minerals Local Plan: Construction Aggregates (1993) as suitable for wharves and depots to receive and dispatch aggregates and is safeguarded for such purposes. The Ridham Dock Industrial Complex is located near to a number of important nature conservation designations including The Swale Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI) and the Elmley Marshes National Nature Reserve (NNR).

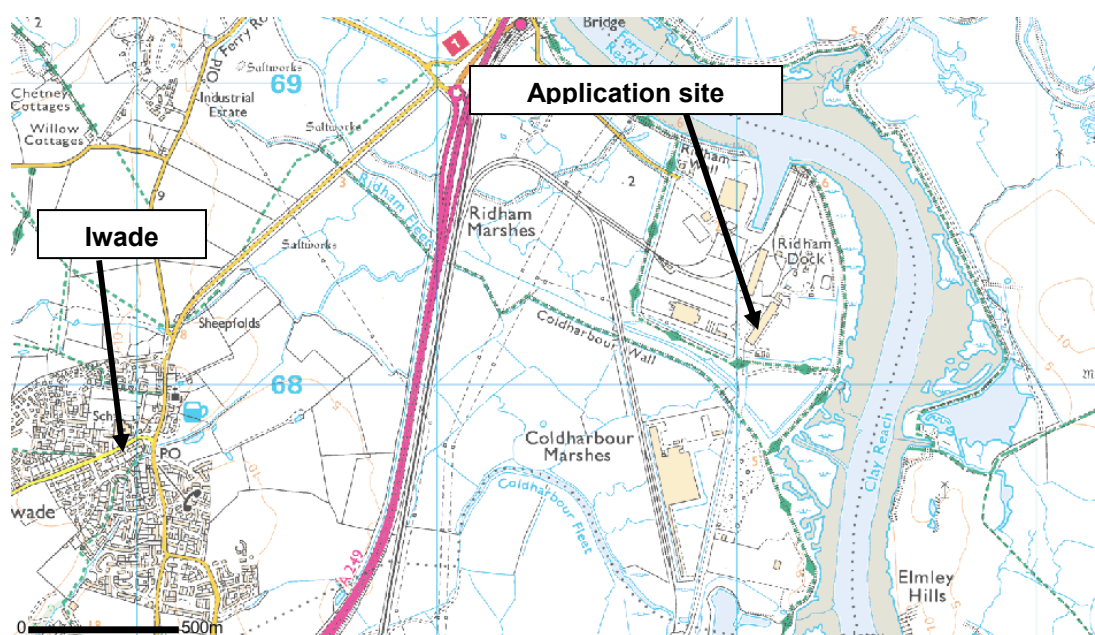
Background

2. Planning permission for a plant to process incinerator bottom ash into secondary aggregates for recycling at the site (SW/05/1203) was granted subject to a number of conditions on 6 April 2006. Since then a number of details required by the permission have been approved and planning permission (SW/09/1998) granted to revise the site layout.
3. The site has been operational since 2009, receiving incinerator bottom ash (IBA) from the Allington waste to energy facility in Maidstone and producing a recycled product called incinerator bottom ash aggregate (IBAA). The permission currently allows the external storage of IBA which is classified as a non-hazardous waste and the external storage of the recycled product (IBAA). The IBAA is used as a secondary aggregate (i.e. a direct replacement for sand, gravels and stone).

Variation of SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix IBA Recycling Plant at Ridham Dock Industrial Complex, Iwade, Kent – SW/12/1184 (KCC/SW/0310/2012)

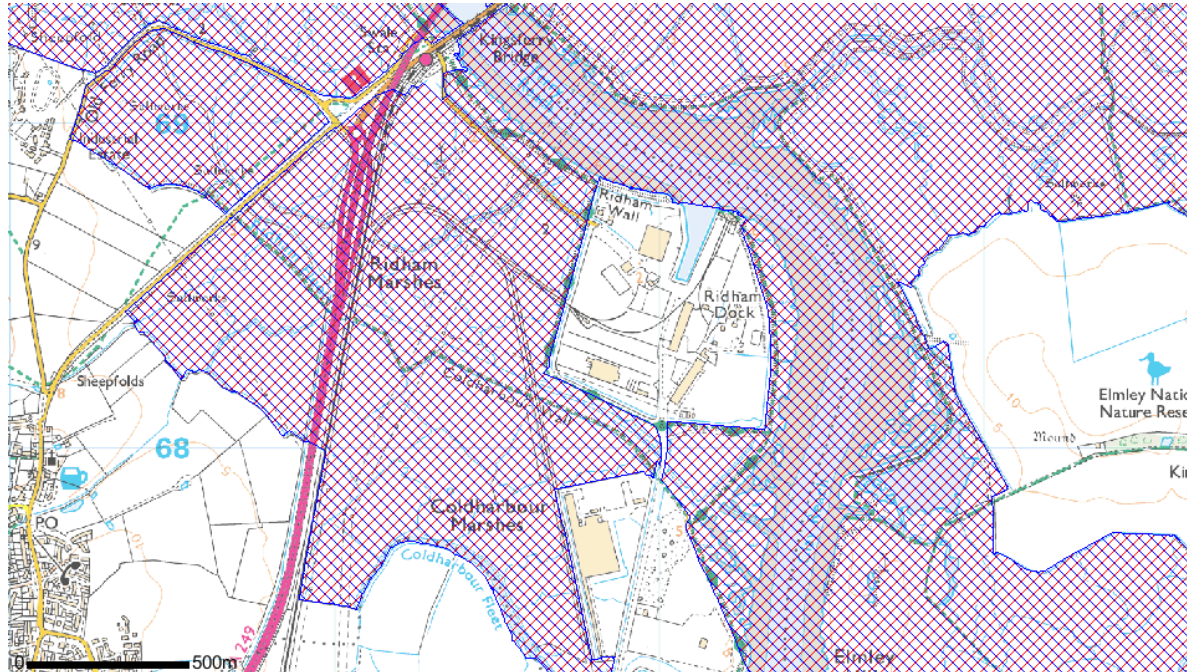
4. The site also has an Environmental Permit issued by the Environment Agency which restricts the waste types that can be accepted at the site to non-hazardous IBA. The current Permit does not restrict external storage or stockpile heights. However, the current planning permission requires that materials are stored in stockpiles within 3m high “A frame” bays to a height not exceeding 1m from the top of the bay. This limits the permitted storage height of the IBA and IBAA material to 2m.
5. There are a number of waste and industrial activities located within and near to the Ridham Dock Industrial Complex which involve the external storage of materials. Some of these have planning permissions granted by the County Council. Whilst some of these permissions contain no limits on stockpile heights, such as the nearby aggregate sites operated by Brett Aggregates Ltd (SW/94/900) and Thames Steel Ltd (SW/95/810), others have restrictions ranging from 3m to 6m. 3m high stockpiles are permitted for the external storage of wood waste (SW/12/445), and 4m high stockpiles for maturation material (SW/13/431) within the waste recovery and in-vessel composting facility operated by Countrystyle Recycling Ltd, 4.5m and 5m high stockpiles are permitted for the waste wood storage area for the approved Ridham Biomass Power Plant (SW/12/1132) and 6m high stockpiles are permitted at both the recently permitted change of use of a wood storage building to wood shredding and wood storage in the external yard at Unit 17 Ridham Dock (SW/12/927) and the SITA UK site at Unit 15A (SW/11/503). The surrounding area also contains a number of existing or permitted industrial activities that allow external storage of materials and which have planning permissions granted by Swale Borough Council. These include Kemsley Paper Mill (external paper storage areas) and the Knauf Plant (a large external gypsum stockpile). The Knauf Plant has a further planning permission for an open air gypsum store (SW/06/0617) which allows stockpile heights of up to 6m within a bunded area.

General Location Plan

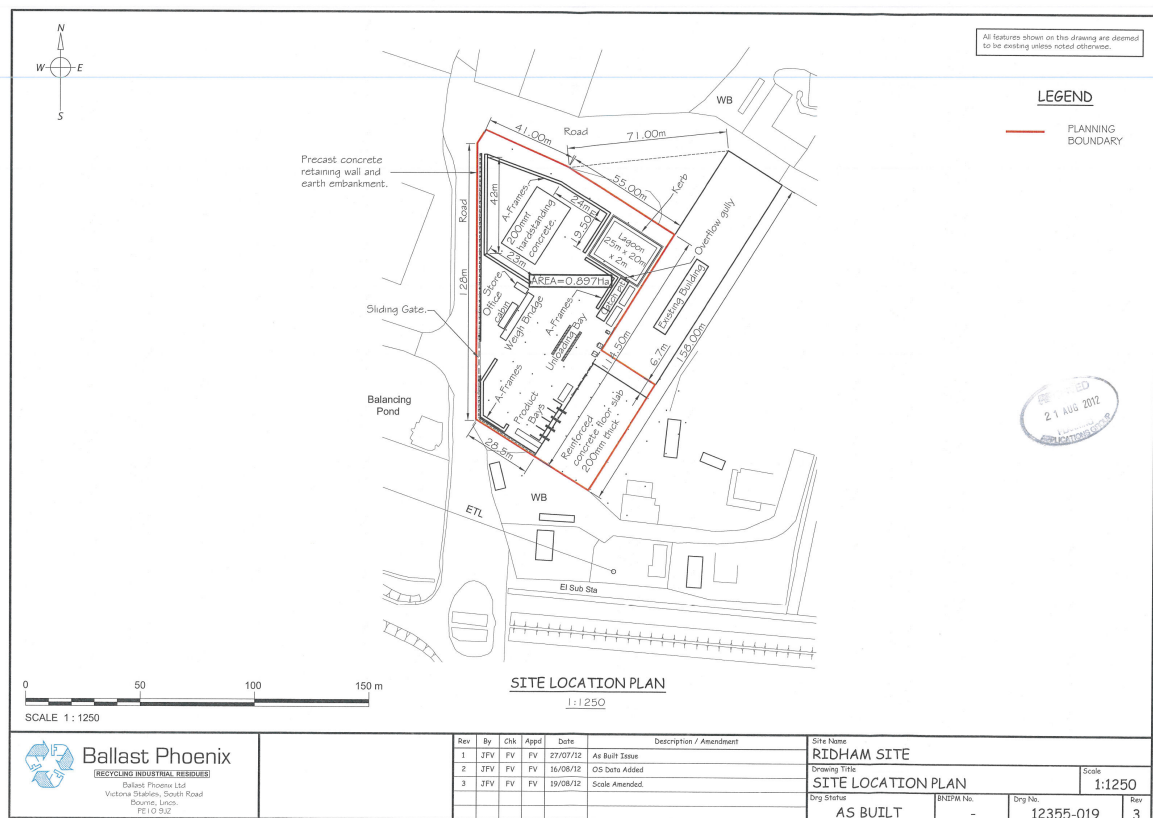


Item C3 **Variation of SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix IBA Recycling Plant at Ridham Dock Industrial Complex, Iwade, Kent – SW/12/1184 (KCC/SW/0310/2012)**

Location of designated areas (SPA, Ramsar, SSSI, Elmley Marshes NNR)

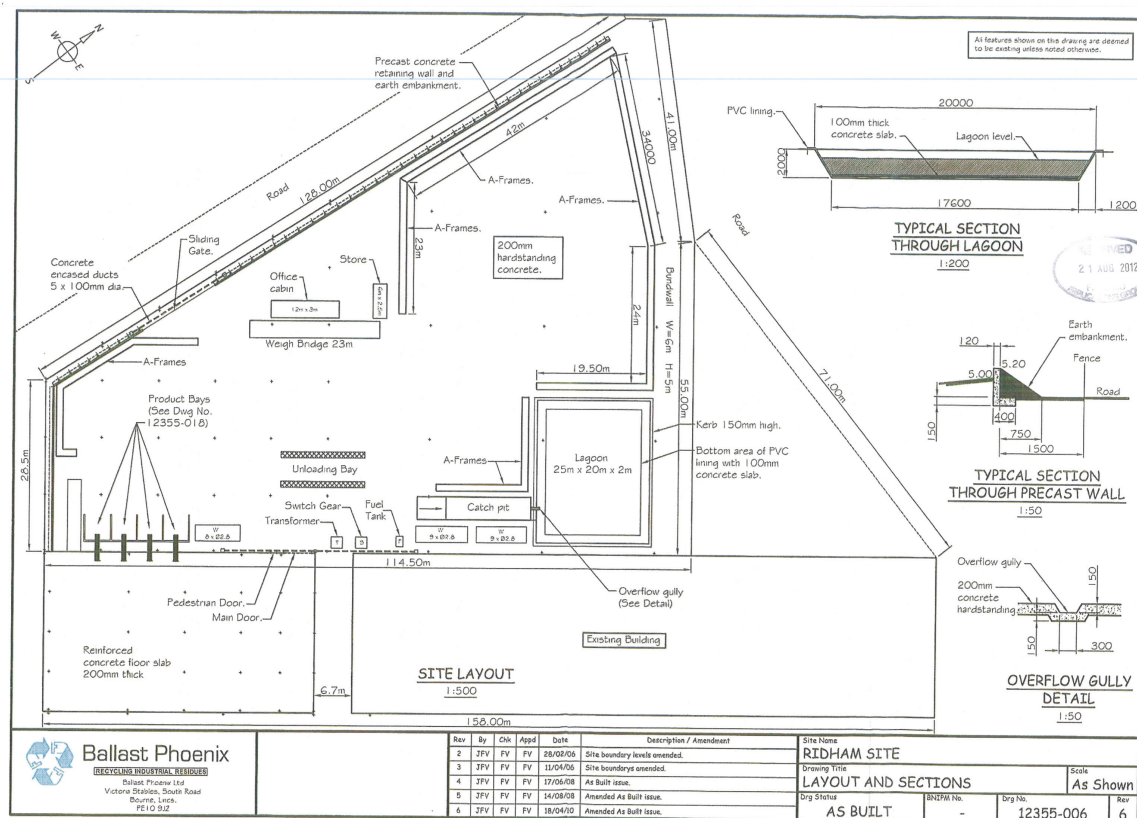


Site Layout



Variation of SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix IBA Recycling Plant at Ridham Dock Industrial Complex, Iwade, Kent – SW/12/1184 (KCC/SW/0310/2012)

Site Layout



Proposal

- The proposal from Ballast Phoenix Ltd (BPL) is to amend the permitted stockpile heights for the external storage of IBA and IBAA such that they would not exceed 6m in height. The applicant considers that the current permitted stockpile levels are no longer appropriate given improvements at the site over time and as the dust suppression and management system now in place at the site is more advanced than proposed at the time the original permission was granted. The applicant considers that this increase represents a minor amendment to its operation. No other changes are proposed.
- The current application was originally received in August 2012. To further support the proposal and in response to various comments by consultees (including the Parish Council), the applicant has added to the information which was originally submitted. Additional information was provided in December 2012 and in March 2013 and includes a Fugitive Emissions Management Plan and Risk Assessment. This considers the potential for fugitive emissions from all activities at the site, potential pathways from the site, potential impacts on sensitive receptors and measures that would be put in place to reduce risk. It relates to all activities at the site and identifies those that have the potential to cause harm. These include potential dust impacts associated with the transfer of IBA and IBAA to and from stockpiles and whilst these materials are stored in the stockpiles. The measures to reduce the risk of airborne dust reaching sensitive receptors include the unloading of

Variation of SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix IBA Recycling Plant at Ridham Dock Industrial Complex, Iwade, Kent – SW/12/1184 (KCC/SW/0310/2012)

IBA directly into the waste reception bay which is fitted with a water quenching system to drench the material to prevent it from releasing dust. The Fugitive Emissions Management Plan and Risk Assessment also includes monitoring and control mechanisms.

Planning Policy

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

National Planning Policy and Guidance – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) 2012 (in so far as it is relevant), Planning Policy Statement 10: Planning for sustainable waste management (2005) and the Waste Strategy for England (2007).

Kent Waste Local Plan (1998) – saved Policies W3 (location criteria), W6 (Need), W7 (locations for preparation of waste for reuse), W18 (control over impacts), W19 (protection of water resources), W20 (flood control), W21 (nature conservation), W22 (road traffic and access), W25 (control over operations) and W31 (landscaping).

Kent Minerals Local Plan: Construction Aggregates (1993) – saved Policies CA4 (proposed locations), CA16 (access), CA18 (noise, vibration and dust).

Swale Borough Local Plan (2008) – saved Policies E1 (general development criteria), E11 (protecting biodiversity), B1 (supporting and retaining employment land and business), SP1 (sustainable development), SP2 (Environment), SP3 (Economy), TG1 (Thames Gateway Planning Area) and Swale Landscape Character and Biodiversity Appraisal 2011 supplementary planning document.

Kent Minerals and Waste Development Framework Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (2011) – draft Policies CSM1 (sustainable development and climate change), CSM5 (secondary and recycled aggregates), CSW1 (sustainable waste management and climate change), CSW2 (waste hierarchy), CSW3 (strategy for waste capacity), CSW5 (strategy for non-strategic waste sites), CSW6 (location of non-strategic waste sites), CSW7 (approach to waste management for MSW and C&I waste), CSW16 (other forms of waste development), DM1 (sustainable design), DM2 (sites of International, national and local importance), DM7 (protection of the water environment), DM8 (health and amenity) and DM9 (cumulative impact).

Consultations

9. **Swale Borough Council** - No objection subject to the following:
 - permission being restricted to a two year period;
 - stockpiles being limited no more than 6 metres in height;
 - details of the dust suppression systems being submitted to and approved by KCC prior to installation and being maintained in working order in perpetuity;
 - the site being operated in accordance with the submitted management plan; and

Variation of SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix IBA Recycling Plant at Ridham Dock Industrial Complex, Iwade, Kent – SW/12/1184 (KCC/SW/0310/2012)

- any conditions recommended by Natural England, KCC's ecologist and those of any other statutory consultees.

10. Iwade Parish Council – No objection subject to the following:

- stockpiles not exceeding 6m in height;
- any permission being for a temporary period.

The Parish Council suggest that a temporary time period would enable assessment as to whether the increase in stockpile heights would lead to any increase in dust emissions on designated or other areas around the site (including Iwade and Kemsley Fields). In the event that dust sampling during this period could prove that the increased height had not created any problems, it states that permission could then be made permanent. It has also expressed concerns about whether toxins, dioxins and carcinogens may be present in the IBA and requested that any decision take account of whether or not the materials have been tested.

- 11. Environment Agency (Kent Area)** - No objection. Advises that it is satisfied with the additional information provided by the applicant and that operations will be reviewed as part of on-going compliance assessments in relation to the site Permit. The site would continue to be subject to controls under the Environmental Permit and that site operations relating to the external storage of IBA would be further reviewed when the Industrial Emissions Directive is transposed into domestic legislation.
- 12. Natural England** – No objection subject to the development being implemented as proposed and the requirements of the Dust Management Plan and Fugitive Emissions Management Plan and Risk Assessment being complied with. It is satisfied that the designated areas would not be damaged if these controls are in place.
- 13. KCC Noise, Air Quality and Dust Consultant** - No objection. Comments that the dust management system employed at the site would be capable of treating the larger stockpiles and that provided this is maintained the proposal would be unlikely to impact on any sensitive receptors.
- 14. KCC Biodiversity Projects Officer** – No objection. Comments that the Dust Management Plan must be implemented to ensure no adverse impact on designated sites.

Local Member

- 15. Mike Whiting and Alan Willicombe** (the local County Members at the time that the application was received) were notified of the application on 28th August 2012. Roger Truelove and Lee Burgess (the local County Members following the County Council elections in May 2013) were notified of the application on 8th May 2013.

Variation of SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix IBA Recycling Plant at Ridham Dock Industrial Complex, Iwade, Kent – SW/12/1184 (KCC/SW/0310/2012)

Publicity

16. The application was publicised by site notice, an advertisement in a local newspaper and the individual notification of 15 industrial / commercial properties.

Representations

17. No letters of representation have been received.

Discussion

18. The application is being reported to the Planning Applications Committee as a result of the fact that Swale Borough Council and Iwade Parish Council have requested that if permission is granted this be limited to two years.
19. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal therefore needs to be considered against the Development Plan Policies and Government Policy and Guidance referred to in paragraph 8 above and any other material planning considerations.
20. The main issues for discussion in this instance are:-
- Need;
 - Location;
 - Environmental and amenity impact (e.g. air quality / dust, drainage and visual impact).

Need

21. The existing planning permission already allows the operator to separate waste metals from the IBA waste stream and process the remaining waste so as to produce a range of IBAA materials of various size specifications which would be suitable for use as a secondary aggregate in construction. The facility therefore contributes to the provision of secondary aggregates and the recycling of waste rather than the disposal of waste by landfill. This is supported by national planning policy (the NPPF and PPS10) which seeks to encourage the provision of secondary aggregates as opposed to the use of primary aggregates and the recycling of waste looking to waste disposal by landfill as the last option within a hierarchy of waste management options.
22. The only waste stream handled at this facility is IBA waste arising from the Allington Waste to Energy facility in Maidstone. There would be no change to the type or quantity or quality of waste to that already dealt with at the facility and which is classified as a non-hazardous waste. Whilst the proposal would not therefore add to the overall tonnage of waste being diverted from landfill to recycling, it aims to make more efficient and effective use of available storage capacity at the site for IBA and for the amount of processed waste (IBAA) being stored before removal off site for use as a construction material. The IBAA is a saleable product and sufficient on site

Variation of SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix IBA Recycling Plant at Ridham Dock Industrial Complex, Iwade, Kent – SW/12/1184 (KCC/SW/0310/2012)

storage space is therefore important to the economics of the operation in the current climate.

23. In my view the efficient and effective use of space is desirable and maximising the potential capacity of an existing site would contribute to sustainable waste management for this waste stream. Planning policy also supports the use of secondary and recycled aggregates to add to the supply of primary land won aggregates and the evidence base for the emerging Kent MWDF indicates that additional capacity for secondary and recycled aggregates will be needed in the period until 2020. The efficient and effective use of existing available capacity is therefore also desirable to achieving sustainable waste management and the efficient use of space is also a core planning principle. However, the potential for additional impacts to arise as a result of the proposal needs to be considered further.

Location

24. The application site is located within the Ridham Dock Industrial Complex which is identified in the Swale Borough Local Plan (Swale BLP) as an existing industrial area. The site is also identified in the Kent Waste Local Plan (Kent WLP) as part of a larger area which is suitable in principle for the preparation of waste for reuse (Policy W7). The application site is also used for waste management operations. The nearest residential properties are at Iwade, approximately 1.8 km to the south west of the site. However, the site is located close to other industrial / commercial properties within the Ridham Dock Industrial area.
25. The Ridham Dock Industrial Complex is located near to The Swale. The Swale contains a number of nationally and internationally important nature conservation sites including a RAMSAR site, a Special Protection Area and a Site of Special Scientific Interest. It is also close to the Elmley National Nature Reserve. These designated sites are protected in planning policy terms by the NPPF which requires that development proposals are appropriate for the location and that the potential effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area to adverse effects from pollution are taken into account in decision making.
26. The proposal relates to an existing operational site which already has external storage of IBA and IBAA. In planning terms, it has therefore already been determined that the location is acceptable and that there are suitable controls in place in relation to the likely impacts of the use including external storage to a height of 2m in 3m high “A frame” bays. The information submitted by the applicant demonstrates that there is sufficient space on site to accommodate the increased stockpile height within the footprint of the existing “A” frames. The key issue is therefore whether the proposed increase in stockpile heights to 6m would give rise to any unacceptable environmental or other impacts.

Environmental and amenity impact (e.g. air quality / dust, drainage and visual impact)

27. The NPPF states that local planning authorities should aim to prevent unacceptable risks from pollution and conserve and enhance biodiversity when determining planning applications. PPS10 requires that waste planning authorities should consider the likely impact on the local environment and on amenity when determining

Variation of SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix IBA Recycling Plant at Ridham Dock Industrial Complex, Iwade, Kent – SW/12/1184 (KCC/SW/0310/2012)

planning applications. Kent WLP Policy W18 requires satisfactory means of control over dust and other emissions, particularly in relation to its potential impact on neighbouring land uses and amenity. Policies W19 and W20 respectively seek to protect ground and surface water interests and safeguard land drainage and flood control. Policy W21 requires consideration of the impacts of a waste management proposal to ecological interests of the site surroundings and provision to be made for safeguarding important features. Swale BLP Policy E1 requires that development should not have an adverse impact on (amongst other things) residential amenity and other sensitive areas. Policy E11 requires that biodiversity interests be maintained or enhanced.

28. Swale Borough Council initially objected to the proposed development on the grounds that the applicant had not demonstrated that the increase in stockpile heights would not give rise to an unacceptable level of dust emissions and because this would be detrimental to air quality and the general amenity of the area contrary to Swale BLP Policy E1. However, following the submission of the additional information in March 2013 it raised no objection subject to (amongst other things) permission being limited to 2 years and details of the dust suppression system being submitted to and approved by KCC prior to installation and being maintained thereafter. It is worth noting that the officer report presented to Swale Borough Council's Planning Committee on 9 May 2013 stated that the Head of Service Delivery did not raise objection and was satisfied that the submitted details demonstrated the ability to manage dust issues and appropriately mitigate them on an ongoing basis. The officer report did not recommend that permission be restricted to 2 years.
29. Iwade Parish Council initially objected on the basis that the applicant had not substantiated a number of statements made in the submitted details relating to noise, dust, odour and traffic, that it had not demonstrated that its operations were not responsible for complaints relating to dust nuisance in the area and as it believed that increasing stockpile heights from 2m to 6m would exacerbate air quality problems generally and lead to pollution of the designated areas. It has also stated that other operators in the area have reduced their external stockpiles as a result of air quality and visual impact concerns and that the cumulative impact of these operations should be considered when the application is determined. These objections were largely overcome following the submission of the additional information in March 2013. However, it remains concerned about the nature of the waste and the potential impact on the designated areas and on Iwade and Kemsley villages and has requested that any permission be limited to 2 years to enable the effects to be monitored.
30. Natural England (*the Government's key advisor on the natural environment with a remit to protect designated areas like those in The Swale*) initially raised a holding objection due to there being insufficient information to determine the effect on the designated areas. However, this objection was removed following consideration of the additional information submitted by the applicant. Natural England now has no objection to stockpile heights being raised to 6m subject to compliance with these details and any requirements of the Environment Agency.
31. The Environment Agency (*the organisation responsible for the permitting of waste management activities such as those undertaken at the site*) has consistently raised

Variation of SW/05/1203 to amend permitted stockpile heights at Ballast Phoenix IBA Recycling Plant at Ridham Dock Industrial Complex, Iwade, Kent – SW/12/1184 (KCC/SW/0310/2012)

no objection to the proposed development. It initially advised that it would wish to see a formal more detailed risk assessment for the stockpiles at the proposed heights to ensure that all the dust mitigation measures were considered prior to determination. It set out the information that would be need to be submitted for the environmental permit in relation to this and advised that the external storage of IBA did not accord with the best available techniques that would be required by the environmental permit once the Industrial Emissions Directive was transposed into domestic legislation. It also advised that whilst the current environmental permit does not restrict external storage or stockpile heights, this would also need to be reviewed in 2015 when the requirements of the European Industrial Emissions Directive is transposed into domestic legislation. However, following consideration of the additional information submitted in March 2013, it has further advised that it now accepts the applicant's response to its earlier comments and will further review site operations as part of its ongoing compliance assessments for the environmental permit. Given this, it has no objection to stockpile heights being raised to 6m and no particular additional comments that need to be taken account of in decision making relating to this proposal.

32. The 2006 permission (SW/05/1203) required that water sprays be used to provide dust suppression in the "A" frame bays. Since that time, the dust suppression system has been improved such that the whole site is covered by an enhanced system which uses water and mist sprays, a quenching spray for incoming loads, fixed water sprays at the site boundary and at other locations within the site and mobile and remote controlled water sprays for use within the site. These further details have been included in additional information submitted by the applicant and have already been installed at the site and can be further reinforced by condition.
33. Although the site is in a flood risk area, it is already surrounded by a pre-cast concrete retaining wall, solid gates to the same elevations and an earth embankment. No changes to these flood protection measures are proposed. The entire site is surfaced in concrete with drainage directed to a catch pit and lagoon. No changes are proposed to the site drainage and water collection systems. Since there would continue to be no external discharge from the site there would be no additional risk of waterborne pollution as a result of this proposal provided that the existing controls are maintained.
34. Whilst the Parish Council has expressed concerns about the nature of the IBA, it should be noted that this material is classified as non-hazardous waste and is already able to be processed at the site by virtue of the existing planning permissions and environmental permit. The Environment Agency's response is clear that it has had regard to the type, content and classification of waste being handled at the site and considers its continued processing to be acceptable. Given this and the other responses it is not appropriate to revisit the acceptability or otherwise of the waste stream at this stage.
35. As set out in paragraph 5 above, there are a number of activities in the Ridham Dock Industrial Complex and surrounding area that rely upon the open storage of materials and the permitted stockpile heights associated with these are not all the same. Whilst some of these permitted heights may well be a result of historic practices (e.g. the much older permissions are unlikely to include restrictions at all), others may simply reflect the height proposed at the time each application was

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submitted. What is most important is that the permitted height reflects the nature of the materials to be stockpiled and does not give rise to unacceptable environmental or amenity impacts. The nature of the Ridham Dock Industrial Complex is such that it already contains a number of large buildings, structures and stockpiles of materials. The proposed increase in height at the application site would not be out of keeping with the rest of the area and would not lead to any significant additional adverse visual impacts. Both the application site and those other activities in the area and referred to elsewhere in this report that have external stockpiles of materials are subject to a range of regulatory controls designed to prevent pollution and protect people and the environment. These include those provided by the Environment Agency and Swale Borough Council under the environmental permitting regime. Natural England also maintains a key role in seeking to ensure that the nationally and internationally designated areas are protected. All of these organisations have responded to the application in the knowledge that these other activities and external stockpiles exist. Given their responses, I am satisfied that it is not necessary to further consider potential cumulative impact prior to determining the application.

36. Given the above responses from Natural England and the Environment Agency, KCC's Air Quality / Dust Consultant and Biodiversity Officer and Swale Borough Council's Head of Service Delivery (dealing with environmental health issues) have no objection subject to compliance with the submitted details (including the dust management system), since the dust management system (which is already in use at the site) can be secured by condition and all other controls contained in the existing permissions could be replicated if planning permission is granted, I consider that the proposals accord with development plan and national planning policies and that there are no technical reasons to refuse the application.
37. The operator seeks a permanent amendment to increase the stockpile heights. However, both Swale Borough Council and Iwade Parish Council have requested a temporary approval to enable the provision of further reassurance that dust does not impact on local amenity. Swale Borough Council has suggested a 2 year temporary period.
38. The decision making principles in relation to sustainable waste management indicate that the controls within the planning and pollution control regimes should complement rather than duplicate each other and that conflicting conditions should be avoided. PPS10 advises that planning decisions should be made on the assumption that the relevant pollution control regime will be properly applied and enforced and this is repeated in the NPPF. The Environment Agency intend to review the on-site compliance with the Dust Management Plan on an ongoing basis as well as the overall site Permit requirements in 2015. I am satisfied therefore that the pollution control regime will provide a means of regular monitoring and review of all activities at the site.
39. The NPPF provides a presumption in favour of sustainable development whereby proposals that accord with the development plan should be approved without delay unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF. The application, including the submitted Fugitive Emissions Management Plan and Risk Assessment, takes account of the various activities that might give rise to dust and the likelihood and

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consequence of adverse impacts. It concludes that the overall risk to exposure is low. Taking into account the responses from the Environment Agency and Natural England, I am persuaded that the Fugitive Emissions Management Plan contains sufficient and varied control mechanisms and mitigation measures to monitor and then respond to day to day conditions using a dust suppression system including fixed and mobile water sprays and quenching of incoming waste and stockpile management techniques within the proposed 6m limit. The measures proposed also include temporary suspension of operations should weather conditions require this. Given that further information has been provided to satisfy the current standards and expectations of Natural England, the Environment Agency, KCC's Air Quality / Dust Consultant and Biodiversity Officer and Swale Borough Council's Head of Service Delivery (dealing with environmental health issues), I therefore conclude that the information submitted by the applicant demonstrates that the proposal would not have significant adverse impacts on the environment and amenity and that to withhold a permanent permission in favour of restriction to a temporary permission in this particular case would not be justified in planning policy terms. I therefore do not feel it necessary or reasonable to delay decision making by granting permission on a temporary basis or by requiring further detailed submissions in this case.

Conclusion

40. This proposal relates to an existing IBA recycling site and the need, location and potential impacts of the overall operation have already been considered to be acceptable in planning terms. This decision therefore only relates to the acceptability in planning terms of increasing stockpile heights from 2m to 6m at this location.
41. The proposed development itself is acceptable in principle given that it lies within an established industrial estate, on land identified for such uses in the Kent Minerals and Waste Local Plans and at an existing waste management facility. There is also strong policy support for moving waste up the waste hierarchy, away from landfill and increasing waste separation for recycling. I am satisfied that the proposal contributes to sustainable waste management in that it seeks to make more efficient use of an existing waste management site. I am also satisfied that sufficient information has been submitted to assess the proposed increase in stockpile height and that it has been successfully demonstrated that the proposal could be permitted without giving rise to any significant harm to the environment or amenity provided appropriate conditions are imposed to require that the development be implemented as proposed (including adherence to the provisions of the Fugitive Emissions Management Plan and Risk Assessment). On this basis, I am further satisfied that it is neither necessary nor reasonable to only grant a temporary planning permission in this instance.
42. Given the above, I conclude that the proposed development accords with development plan and national planning policies and that there are no material planning considerations sufficient to outweigh the usual presumption on favour of granting planning permission in this instance. In reaching this conclusion, I have had particular regard to the responses from the Environment Agency and Natural England, the fact that Swale Borough Council's Head of Service Delivery (dealing with environmental health issues) raised no objection and was satisfied that the submitted details demonstrated the ability to manage dust issues and appropriately

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mitigate them on an ongoing basis and the fact that the Environment Agency has advised that it will continue to monitor and review operations at the site (including those related to stockpiles and measures to minimise related impacts) as part of its permitting compliance role. I therefore recommend accordingly.

Recommendation

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

- 5 year implementation period;
- The development to be carried out in accordance with the submitted details;
- Implementation of the Fugitive Emissions Management Plan and Risk Assessment submitted 12th March 2013;
- Monitoring and maintenance of the dust management system;
- Inclusion of all other conditions relevant to the existing permissions SW/05/1203 and SW09/198.

Case Officer: H Mallett	Tel. no: 01622 221075
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Background Documents: see section heading

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SECTION D**DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL**

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

Item D1

Single storey building to accommodate five classrooms, and associated works at Lady Boswell's CofE Primary School, Plymouth Drive, Sevenoaks – SE/13/487 (KCC/SE/0039/2013)

A report by Head of Planning Applications Group to Planning Applications Committee on 7 June 2013.

Application by Kent County Council Property & Infrastructure Support for a single storey building to accommodate five classrooms with associated welfare facilities, extension to the existing hall to achieve a second hall space, extension to existing classrooms, extension of playground area, upgrading of existing pedestrian access path from the Leisure Centre, installation of wall mounted canopy and existing bank adaptations to provide new emergency vehicle access to the rear of the school at Lady Boswell's CofE Primary School, Plymouth Drive, Sevenoaks – SE/13/487.

Recommendation: Permission be granted subject to conditions.

Local Member: Mrs Margaret Crabtree

Classification: Unrestricted

Members' Site Visit

1. Representatives of the Planning Application Committee visited the application site on the 27 March 2013 to acquaint themselves with the proposals and the issues they raise. The Democratic Services Officer's notes of the visit are attached as Appendix 1.

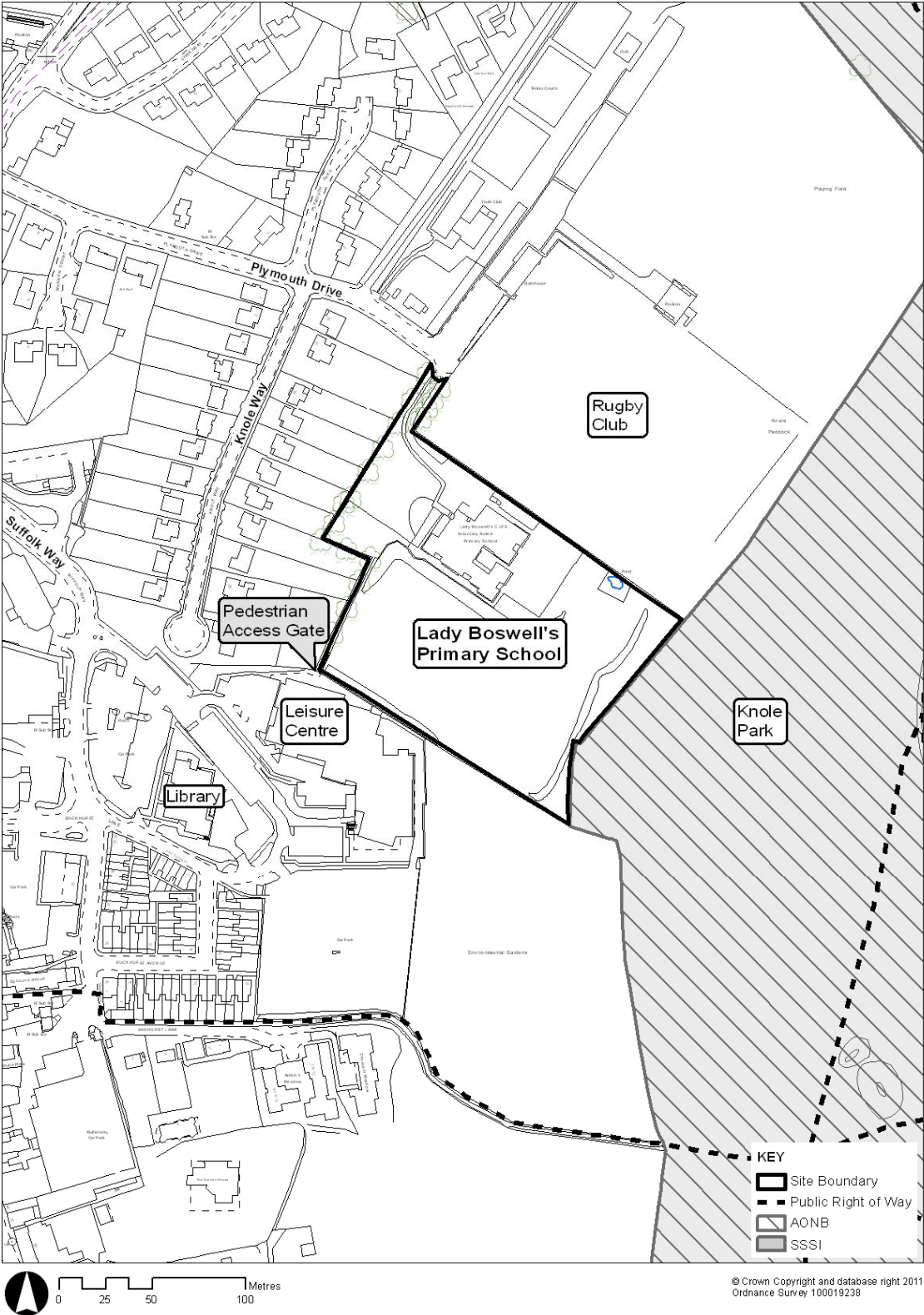
Site Description

2. Lady Boswell's Primary School is located to the south east of Plymouth Drive, approximately 300 metres to the east of Sevenoaks Town Centre. Surrounding the site, the Sevenoaks Rugby Club at Plymouth Drive lies directly to the north of the school. A residential area lies to the west of the site, with an area of wooded park land (Knole Park) to the east and the Sevenoaks Leisure Centre to the south.
3. The part of the school site affected by the proposed development includes a strip of land on the north side of the existing school buildings, a strip of land to the south side of the buildings, infill of an existing courtyard space, the extension of the existing playground to the east side of the school buildings and some minor works to the existing south west corner access path. The rest of the school site is otherwise not directly affected, although the site as a whole is included within the Metropolitan Green Belt, and is adjacent to an Area of Outstanding Natural Beauty, which includes Knole Park (which is also a Site of Special Scientific Interest). The application has, due to the site's location within the Green Belt, been advertised as a Departure to the Development Plan.

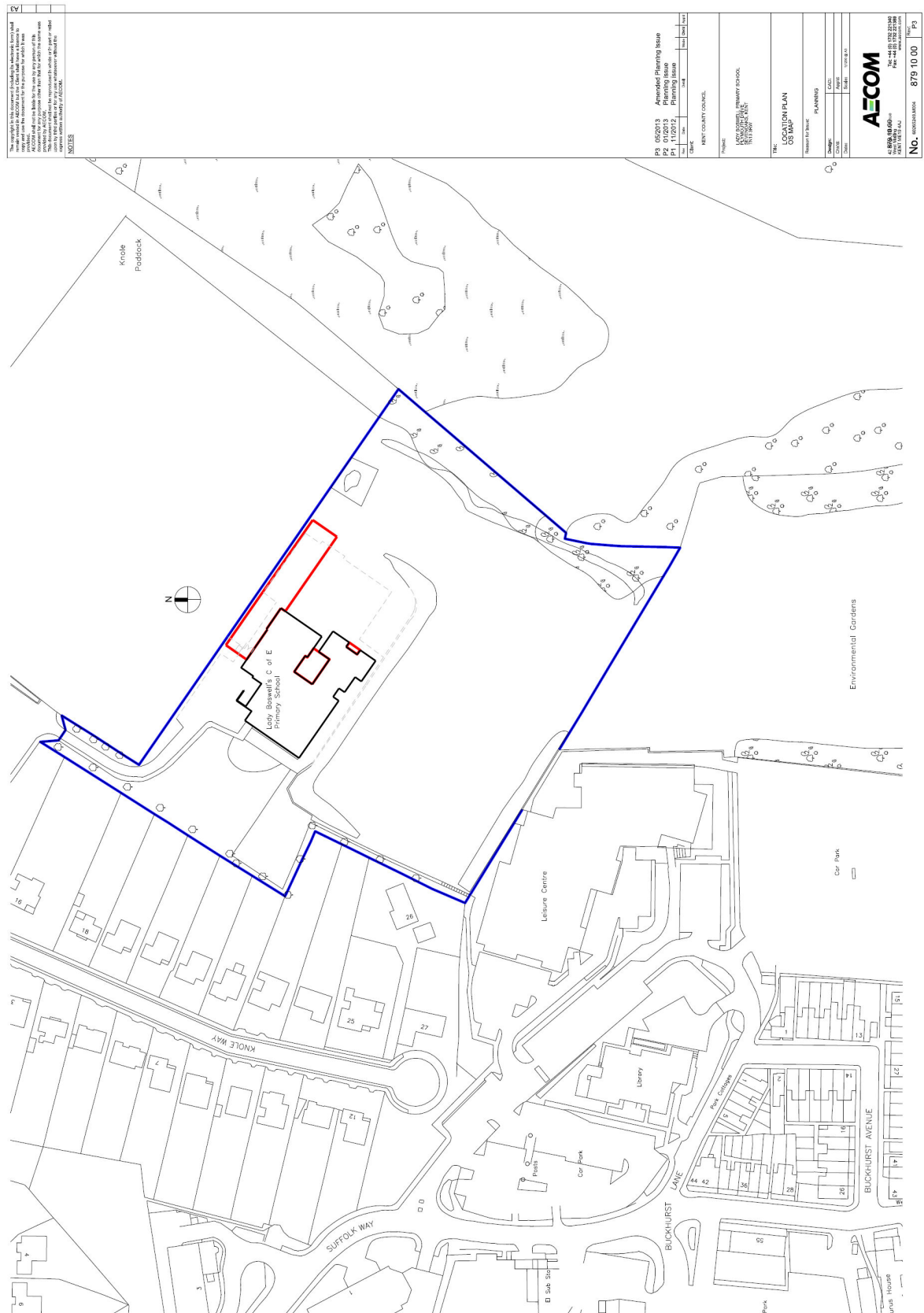
A site location plan is attached.

Single storey building to accommodate five classrooms, and associated works at Lady Boswell's CofE Primary School, Plymouth Drive, Sevenoaks – SE/13/487 (KCC/SE/0039/2013)

Site Location Plan

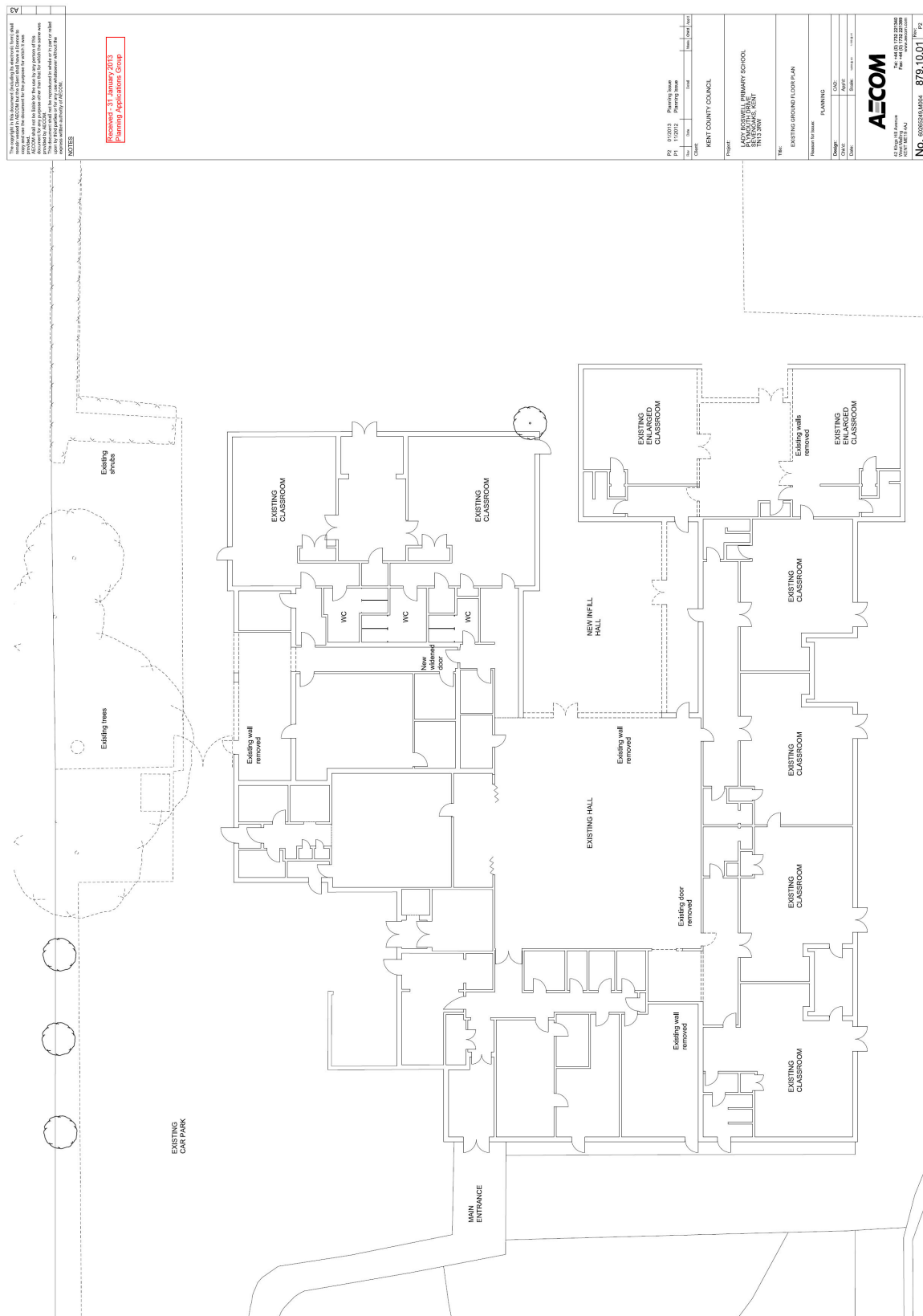


Item D1
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Single storey building to accommodate five classrooms, and associated works at Lady Boswell's CofE Primary School, Plymouth Drive, Sevenoaks – SE/13/487 (KCC/SE/0039/2013)

Existing Ground Floor Layout Plans



[illegible]

[illegible]

Single storey building to accommodate five classrooms, and associated works at Lady Boswell's CofE Primary School, Plymouth Drive, Sevenoaks – SE/13/487 (KCC/SE/0039/2013)

Proposed Elevations (North and West)

[illegible]

[illegible]

Single storey building to accommodate five classrooms, and associated works at Lady Boswell's CofE Primary School, Plymouth Drive, Sevenoaks – SE/13/487 (KCC/SE/0039/2013)

Background and amendments

4. The proposed development is part of the County Council's current Basic Need programme for the expansion of school places across the county. Lady Bowell's CofE Primary School provides schooling for central Sevenoaks, but also draws pupils from a wider catchment because of its faith status. Because of the changing population demographics in the area there is a demand for this school to enlarge its Pupil Admission Number from one to two Forms of Entry (ie. from 30 to 60 pupils per year). The County Council as Education Authority has a statutory duty to provide school places for these children. However, such growth would be incremental year on year with overall pupil numbers at this school predicted to rise from 216 in September 2012, to 248 in 2013, 278 in 2014 and thence 30 per year until reaching 420 by 2019. The Kent Commissioning Plan 2012-2017, produced by the Education Authority and setting out how it is intended to meet the demand for school places, forecasts Reception Year pupil numbers to continue to increase and to outstrip the actual number of available places.
5. When this application was originally submitted, the proposal was for a six classroom extension, which extended approximately 6 metres further to the south east than the five classroom extension as now proposed. The applicant has confirmed that the sixth classroom has been omitted from the proposal due to the location of an existing mains gas supply, which was identified as part of the survey work undertaken following submission of the application. The gas main cannot be built over. The cost of diversion would be substantial, and would affect the gas supply to the Leisure Centre. Therefore, it is proposed that the future requirement for the School to become a full 2FE would be met with a sixth classroom to be proposed to the front of the school building. That proposal would be subject to a future planning application. It is the amended proposal that will be discussed and considered throughout this report.

Proposal

6. The existing school development comprises a single storey, flat roofed arrangement of buildings, with largely brick faced walls. It dates from the mid 1980s, but has had some extensions in 2002 and 2010 of similar construction. The proposed new development would enable the school to expand within a permanent timber framed structure linked to the main school building. An extension to the existing school hall would provide a second large space, as required to comply with Department for Education guidance. The key elements of the proposals include:
 - a. **new teaching accommodation** – an extension on the north east side of the school building is proposed, along the boundary with the neighbouring Rugby Club site, to provide 5 additional classrooms (65m² each with 4m² store) with associated storage and cloakrooms, and additional toilets. The existing prayer room would also be extended into the new extension to form a new IT suite, whilst the adjacent music room would be removed to provide a connecting corridor and the main entrance in on the north east elevation;
 - b. **hall extension** – an extension to the existing hall would be created by a single storey infill to the adjacent courtyard, providing an extra 80m² of floorspace, with a sliding partition to provide flexibility of use;
 - c. **other works** - the existing IT room and lobby would need to be converted into an additional Year 2 classroom, and the existing Year 4 classroom would be enlarged to

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ultimately provide a further Year 2 classroom. A small infill to the existing classrooms on the south east side of the main buildings would enable the provision of the two classrooms (of 60m²). The IT suite would be relocated to the new extension;

- d. **outdoor play space** – an extension to the existing hard games court to the south east of the site would be provided, to compensate for the encroachment of the building works onto the existing hard play area. The existing layout of sports pitches is otherwise unaffected by the proposed developments;
 - e. **upgraded pedestrian access** – the pathway from the adjacent Sevenoaks Leisure Centre would be upgraded by removing the existing steps to provide ramped access with some low level bollard lighting, to accord with DDA requirements; and
 - f. **emergency access** – a new access route for emergency vehicles would be created by works to the embankment area and adjusting an existing footpath alignment.
7. The proposed new build would be of timber frame construction, cavity brick/block work, with cream colour rendered panels and external brickwork to match that of the existing school elevations. The proposed roofing would be grey powder coated standing seam aluminium, and the windows and doors would be aluminium framed units, in white powder coated finish, to match existing replacement windows at the school. The proposed rainwater goods would similarly be white coated aluminium. The flat roofed hall extension is also proposed to be constructed using a facing brick to match the existing, with roof lights in the flat roof to provide additional light and ventilation to the hall. To the south west of the existing school building it is proposed to erect a wall mounted powder coated aluminium framed canopy, to serve the reception year classroom. The applicant advises that the project would achieve a minimum 'Very Good' rating under BREEAM for schools.
 8. A Tree Survey has been undertaken and submitted with this application, which concludes that the proposed five classroom extension would result in the loss of 4 trees which are all adjacent to the boundary with the Rugby Club. The applicant has confirmed that replacement tree planting would be provided on site. With regard to ecology, an Ecological Scoping Survey Report has been submitted which concludes that the development would not have a detrimental impact on biodiversity, subject to precautionary approaches with regard to nesting birds, bats, hedgehogs and the common toad.
 9. The existing school car park provides 21 spaces for staff only, with visitors and parents using the adjacent Sevenoaks District Council car park at the Leisure Centre (Suffolk Way Car Park). Due to the restricted access and lack of parking within the school grounds, restricted on-street parking within Plymouth Drive and at the adjoining Rugby Club, a significant number of parents use the pedestrian access in the south west corner of the site, which links to the Suffolk Way car park. Proposals to upgrade this access, to remove the steps and provide low level bollard lighting, are to further encourage its use. In addition, the School are reviewing a walking bus scheme, with allocated car parking bays proposed within the public car park for parent drop off and pick up. It is advised by the applicant that approval has been obtained for these works, for use a peak school times. In addition, the submitted Transport Statement Addendum confirms that parents are issued with permits to park in the Suffolk Way car park, which are recognised by Sevenoaks District Council. The permits allow for up to half an hour free car parking between 8.45am and 9.15am, and 3.15pm and 3.45pm, on school days only.

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10. No extension to the school car park is proposed because it is not physically practicable without removing important landscape planting, or impinging on areas needed for sports and outdoor play purposes. The School currently have 34 teaching staff and are expecting to manage the available parking facility, in association with their School Travel Plan, which accompanies the planning application and includes initiatives to reduce car travel associated with the school.

The planning application is accompanied by a Supporting Statement & Design and Access Statement, Tree Survey Report, Arboricultural Implications Assessments and Method Statement, Ecological Scoping Survey Report, School Travel Plan, Transport Statement, and a Transport Statement Addendum.

Planning Policy Context

11. **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. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given). 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;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;

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- 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 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
- Chapter 12 (Conserving and enhancing the historic environment).

Chapter 9 states that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open. 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.

12. 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.

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- 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 EN26** - The Proposals Map identifies a number of historic parks and gardens and the Local Planning Authority will protect these sites and their settings from intrusive development.
- 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 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 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 SP11** - Seeks to conserve biodiversity, to ensure no net loss through development and to promote opportunities to enhance biodiversity.

Consultations

13. **Sevenoaks District Council** – Objects on the basis that the proposals would have a detrimental impact on the openness of the Green Belt. It does not consider that the "very special circumstances" put forward clearly outweigh this harm.

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The Council also objects to the proposals on the basis that they would have a detrimental highway impact upon the amenities of local residents in the surrounding area. The proposals are therefore considered to conflict with Policies EN1 and VP1 of the Sevenoaks Local Plan.

Sevenoaks Town Council – *initially* recommended refusal on the following grounds: -

- the “very special circumstances” required by the NPPF have not been demonstrated to justify development within the Green Belt;
- the included travel plan is speculative and inadequate, and will not mitigate the significant increase in traffic as a result of the proposed extension;
- the on-site parking is inadequate;
- the reduction in outside amenity space is unacceptable, and would result in insufficient recreation area;
- there would be an unacceptable loss of trees on the site;
- the proposal would have a detrimental impact on the amenities of neighbouring properties and result in an ‘urbanisation’ of the area; and
- the proposal would have a detrimental impact on the setting of Knole Park.

However, following the submission of the Transport Statement Addendum, Sevenoaks Town Council now recommends approval of the proposed development.

Kent Highways and Transportation – comment as follows:

“I am grateful for the additional work which has been undertaken with respect to Highways and Transportation matters and for the further information provided in the Transport Statement Addendum. This provides a much clearer understanding of the car parking permit scheme arrangements undertaken at the southern access point to Lady Boswell School and I note the school and Sevenoaks District Council’s commitment to continue and extend this scheme at the Suffolk Way car park. I note in paragraph 3.2.4 of this document that it is also intended to encourage older children at this point to walk the short distance from the car park to the school southern entrance independently. Whilst it may be that more than one staff member in attendance would be better to give more confidence in this activity, both the permit scheme and a commitment to oversee a drop off arrangement is welcomed.

I also note the School’s commitment to hold regular consultations as necessary with professionals and local residents in the school’s build up to a two form entry to 2019 and beyond. This again is considered to be good practice and is welcomed. Development of the School Travel Plan as outlined involving liaison with officers in Highways and Transportation, including walking buses and engagement of parent ‘champions’ to bring this about is similarly considered to be an achievable and positive step forwards. I consider that the Transport Addendum provided addresses initial concerns and gives a greater confidence to the application and School’s commitment to minimise impacts in Transport terms.

I would not wish to recommend a refusal. However, suitable conditions regarding the following matters are considered necessary should approval be given:

- *Continuation and extension of the car parking permit scheme;*
- *Holding regular liaison meetings including invitations to residents; and*
- *Supervision at the southern access gate and Suffolk car park to encourage a dropping off arrangement;*

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In addition suitable conditions regarding the following matters are also considered necessary:

- *the continued development of the School Travel Plan; and*
- *the applicant providing a construction method statement prior to commencement, which should include*
 - securing safe compound(s),
 - hours of working,
 - delivery procedures,
 - before and after highway condition surveys,
 - any abnormal loads and/or delivery times,
 - community relations, contact arrangements and site notices.”

Environment Agency – No objection to the proposals, however requests conditions be attached to any consent covering the following matters:

- no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the County Planning Authority; and
- potential ground contamination and any necessary remediation.

English Heritage – no comments received.

National Trust – no comments received.

Natural England – Notes that the application is within the setting of the Kent Downs Area of Outstanding Natural Beauty, however has no comment to make on the proposals in this respect as it does not consider that the development is likely to impact on the reasons for which the site is designated. The application is also in close proximity to the Knole Park Site of Special Scientific Interest. However, given the nature and scale of the proposals, it is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in accordance with the details submitted in the application. Aside from the comments on designated sites, it expects the County Planning Authority to assess and consider other possible impacts resulting from this proposal on the following matters:

- Protected or Biodiversity Action Plan species on the site;
- Local wildlife sites;
- Local landscape character; and
- Biodiversity enhancements.

KCC Landscape Advisor – concludes as follows:

“The overall scheme generates limited landscape issues. The building design is in keeping with the existing school and remains within the school boundary. The scheme is supported and we would simply stress the use of landscape information to inform the final planting on site, and any boundary treatments required. Any views into the school from the AONB and Knole Park should also be borne in mind.”

Kent Downs AONB Unit – no comments received .

KCC Biodiversity Projects Officer – is satisfied that sufficient information has been provided with the application. It is noted that the Ecological Survey has identified a low potential of bats and reptiles being present within the site and it is recommended that precautionary mitigation is carried out to minimise the potential of these species being

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impacted. It is therefore recommended that a condition be imposed on any consent securing the precautionary mitigation details in the application. The Officer considers that any site lighting should be designed appropriately and that the potential for biodiversity enhancements be explored as part of the proposals.

KCC Archaeological Officer – states that the site lies adjacent to the registered parkland of Knole Park. The historic landscaped grounds are of heritage interest, and measures should be taken to ensure that there is no detrimental impact on the setting of the park.

Sport England – Does not object to the application, on the grounds that the proposed developments would appear to be sited on areas incapable of accommodating a playing pitch.

Kent Fire and Rescue Service – Confirms that the means of access is considered satisfactory. On site fire safety issues will be addressed during the Building Regulations process with the Building Control Department.

Representations

14. The application was publicised by the posting of several site notices around the application site, a newspaper advertisement, and the individual notification of 21 nearby properties. The site notices and newspaper advertisement identified that the proposed development is a departure application as it does not accord with the provisions of the development plan in force in the area, owing to the site's location within the Metropolitan Green Belt.
15. Following the submission of the amended proposal, which removed a classroom from the development, those residents who had made representations on the application were notified of the amended details.
16. At the time of writing this report, 8 letters of representation have been received. The main points of objection are summarised as follows:-

Access and Highway matters

- Parking and traffic implications of the expansion have not been properly assessed, and a doubling of pupil numbers would increase traffic volumes and create gridlock in Plymouth Drive, which had to be widened a few years after the school opened to cater for the traffic;
- Increasing the average distance for pupil journeys conflicts with the KCC Transport Plan relating to developing a strategy to encourage greater levels of active travel to schools, and the Sustainable Travel to School Strategy which aims to boost walking to school. 50% of the additional pupils should be allocated on the basis of proximity to the school;
- The parking in the area is already inadequate for the numbers using the area, and the narrow cul-de-sac would become even more hazardous and congested;
- Congestion will also arise at the top of Seal Hollow Road, together with greater pressure being put on the South Park traffic lights and the junctions with Plymouth Drive and the Dartford Road;
- Parents already stop on double yellow lines when the permissive spaces are all taken;
- There would be an increase in noise and air pollution from the increased traffic, and

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- a 20mph limit should be introduced;
- The submitted Transport Statement is shockingly poor and unconvincing, with many non-sequitur conclusions and heroic assumptions;
- To permit expansion of the school without even a traffic survey of the local road network would create enormous problems for the future;
- The Transport Statement assumes that parents and children will continue to respond to 'good practice', with no sanctions if they do not;
- Pedestrian access via Plymouth Way is hampered by overgrown vegetation and parked cars, and the poor condition of the road will deteriorate with increased traffic;
- Basing the Transport Statement's projections on the Travel Plan rather than facts produces unsubstantiated and over-optimistic conclusions;
- The Town Council car park is already fully occupied by commuters from 8.30 am;

General matters

- Little regard has been taken of the school's wider catchment on faith grounds, so there is little prospect of more places being taken up by local children;
- This is not a local school because as a near neighbour, I have to take my child by car to another school, since places are taken up by church going families from further afield;
- No objection to the siting or the design of the proposed buildings;
- As a neighbour occupier, we were assured that there would be no expansion of the school because it was in the Green Belt;
- If the development proceeds, then the boundary fencing should be upgraded to provide some noise attenuation, given the increase in number of children.

17. Representations have also been received from the **Knole Paddock Residents' Association**, which objects to the application as follows:

"KPRA strongly objects to the proposal on the grounds that the road network and parking infrastructure surrounding the site are not sufficient to withstand the increase in traffic movements that would arise from the proposed expansion. Our objection fully supports that of the Sevenoaks Town Council Planning Committee (ref. minutes of the meeting held on 15 October 2012). Please note that KPRA does not contest the need for the expansion of Lady Boswell's School, and has no objection to the design of the proposed new buildings.

We submitted our concerns and suggestions about the proposed expansion during the Public Consultation phase of the project and fully anticipated that they would be addressed in the Transport Statement which was published in February 2013. However, the Transport Statement completely fails to address our concerns, is badly written with poorly argued points, and relies far too heavily on inadequately researched data and a revised Travel Plan (a document produced by the School itself rather than professional consultants) which is nothing more than a wish list, when what is needed is a committed, fully researched plan to reduce traffic and improve road safety.

Contrary to the astonishing conclusion in the Transport Statement, (*"the uplift in pupil numbers can be mitigated to the point where the increase in traffic movements is not material or significant"*) we believe that the expansion of the school will result in a huge increase in vehicle numbers, causing traffic gridlock, continuing and aggravated deterioration of the road surface in Plymouth Drive and an increased safety risk to pedestrians, cyclists and other road users.

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The document contains a number of serious errors and omissions, and we reiterate that we are extremely concerned that the Transport Statement is of such a poor quality and fails to address the very real concerns expressed by Sevenoaks Town Council and ourselves on behalf of over 50 affected households during the public consultation on this expansion proposal. Unless and until these concerns are properly researched and practicable solutions developed, this planning application should not be granted consent."

Local Member

18. At the time the application was submitted, the County Council Local Member Mr John London was notified of the application, in February 2013. Mr London commented as follows:

"Road safety measures need to be addressed, particularly at the end of the school day, with parents collecting their children from the main entrance in Plymouth Drive. It would be preferable if children being collected by car could use the Leisure Centre car park if some arrangement could be organised with Sevenoaks District Council."

Following the County Council elections on the 2 May 2013, the County Council Local Member is now Mrs Margaret Crabtree. Mrs Crabtree was notified of the application on the 13 May 2013

Discussion

19. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 11 & 12 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the new National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon the Metropolitan Green Belt and wider landscape (including siting, massing & design), highway implications and access, and whether the development is sustainable in light of the NPPF.
20. In this case the key determining factors, in my view, are the impact upon the local highway network, the local protected landscape and the Green Belt, 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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21. Policy EN1 of the Sevenoaks District Local Plan, and Core Strategy Policy SP1, seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly relevant to this site which is identified within the Sevenoaks District Local Plan as being within the Metropolitan Green Belt. The site is also adjacent to the National Trust property of Knole Park, and borders the Kent Downs Area of Outstanding Natural Beauty (AONB). Policy LO8 of the Sevenoaks District Core Strategy seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances. The Policy also states that the distinctive character of the AONB and its setting will be conserved and enhanced. Reference is made within Policy LO8 to PPG2 which has been replaced by the NPPF. The NPPF states “as with previous Green Belt Policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. The NPPF does not explain in any detail what ‘very special circumstances’ means, but does go on to state “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and other harm, is clearly outweighed by other considerations”. Any built development within the Metropolitan Green Belt could affect the openness of it and would be contrary to planning policies. On this basis the development proposed must be considered as a departure from the Development Plan, and has been advertised as such. The need, or otherwise, to refer the application to the Secretary of State for determination will be considered and assessed in the following section of this report

Green Belt and wider landscape considerations

22. The NPPF, section 9, paragraph 80 states that the Green Belt serves five purposes:
- 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.

The NPPF goes on to state (paragraph 89), that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt, but lists a number of exceptions to this assumption. One such exception is the extension or alteration of a building provided it does not result on disproportionate additions over and above the size of the original building. Although the proposed extensions are of a similar scale and massing to that of the original building, in terms of being single storey, the provision of an additional 5 classrooms, and associated amenity spaces, cannot be considered to be a proportionate addition in this regard. The development is therefore, in my mind inappropriate and needs to be considered accordingly.

23. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted. Such development should not be approved, except in very special circumstances. It is, therefore, necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against inappropriate development.
24. Sevenoaks District Council raises objection to this application on the basis that they consider that the development would have a detrimental impact on the openness of the Green Belt. The District Council does not consider that the case of very special circumstances put forward by the applicant clearly outweighs ‘this harm’. The Town Council also initially raised objection on this ground but, following the submission of the

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Transport Statement Addendum, now recommends approval of this application. The applicants have accepted that the development is, by definition, inappropriate and have, therefore, set out the planning policies relevant to the development and have provided what they consider to be a case of very special circumstances.

25. First, the applicant states that extensions to the school are necessary to provide adequate educational facilities to meet the demand of the locality. The publication of the Commissioning Plan for Education Provision in Kent 2012-2017 provided forecasting that clearly indicated that demand in Sevenoaks Town Centre (as a planning area as defined by the Education Authority) was exceeding the number of places available. Permanent extensions in Pupil Admission Numbers (PAN) were considered necessary. A preliminary study on possible solutions to this situation identified that, although all schools in the planning area were forecast to exceed their capacity in the coming years, only three schools could accommodate a permanent expansion. These three Primary Schools are St Johns CofE, Sevenoaks and Lady Boswell's.
26. The prospect of a reversal of demand has also been considered by the applicant but, as the future pupils already live within the area, the applicant considers that any such change would have to relate to a sudden out migration of young families. There is no evidence that this is likely to occur, or that the demand for new residential development is to decline. The applicant states that there is a basic demand from the population for Primary School education. There is a duty on the Education Authority to meet that demand and it is reasonable, in the case of state funded primary provision, that this be located fairly close to the homes of the pupils. The Education Authority has explored all options for capacity increases, and no other alternatives to the three Primary Schools listed above exist. The applicant considers this need to be a very special circumstance, which they consider should override the presumption against inappropriate development within the Green Belt.
27. In addition to the need outlined by the applicant above, it should be noted that the NPPF and the Policy Statement 'Planning for Schools Development' (August 2011), fully support the creation and development of state funded schools. The Statement requires Local Authorities to apply a presumption in favour of the development of state funded schools, and states that the Secretary of State will attach significant weight to the need to establish and develop state funded school when determining applications that come before him. This strong Policy support further expands on the case provided by the applicant, and in my view constitutes part of the case of very special circumstances to be considered in the determination of this application. However, other matters must also be considered, such as the siting of the development and its impact on the openness of the Green Belt, and the impact of the development of the functioning of the Green Belt.
28. It is important to note that Sevenoaks is surrounded by Green Belt. As previously explained, there are no alternative school sites (other than the three identified) that could accommodate an expansion, but before considering the merits of the development proposed, it is important to consider if a non-school site could accommodate a 1FE school to account for the additional demand for Primary School places. However, the applicant confirms that there are no sites available within the urban confines of Sevenoaks which are of a suitable size and nature to accommodate a new Primary School. Any new site would therefore be outside of the urban confines of the town and would, therefore, be within the Green Belt. The redevelopment of an existing developed site would be preferable in Planning Policy terms to the development of the green field site and, therefore, the development of Lady Boswell's Primary School

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would, in my view, be preferable to the establishment of an additional school. The use of an existing site has benefits in that the core school building and infrastructure is already in situ. Use of an alternative site, which would also be within the Green Belt in this case, would involve the provision of a whole new school, including the associated infrastructure and outside space requirements. I therefore consider that use of the Lady Boswell site is an acceptable option in this instance, with the expansion of the existing school being a more efficient use of land, minimising land take and impact on the Green Belt.

29. The proposed expansion of Lady Boswell's Primary School would be contained within the existing grounds of the school, with no expansion of the boundaries required to accommodate the space requirements associated with a 2 form of entry school. In order to minimise the impact of the development on the functioning and openness of the Green Belt, the built development proposed either infills spaces between existing buildings (the hall extension for example), or has been sited on existing hard standing as far as is practicable. In addition, the five classroom extension would be attached to the side elevation of the school building, minimising the amount of built development which would extend beyond the existing building line. The five classroom extension would also run along the site boundary, minimising the perception of encroachment into any open areas and would result in a compact grouping of buildings. The site boundary to the South East of the site is heavily wooded and well screened, with the National Trust property of Knole Park, which is within the AONB, lying beyond this boundary. The school site and the adjoining rugby club almost act as a buffer between the urban edge of Sevenoaks and the AONB and Knole Park beyond. The character and appearance of the AONB would not, in my view, be adversely affected by the proposed development, and the development itself would not be visible from with Knole Park due to the extensive mature screening. The low ridge height of the single storey classroom extension, with its shallow pitch roof, would also aid in reducing the impact of the development on the openness and functioning of the Green Belt, and the character and appearance of the wider landscape beyond.
30. Overall, I accept the applicant's assessment and application of Green Belt Policy as set out in the submitted documentation, and I have considered this in the context of the amended policy following publication of the NPPF. The development is inappropriate development for the purposes of Green Belt consideration and is, therefore, by definition harmful. Nevertheless, in my view, the considerations summarised above are sufficient collectively to constitute very special circumstances capable of outweighing harm, in this particular case. Furthermore, I accept that the particular siting and design of the proposals has been carefully considered to help mitigate and minimise the impact of the development on the functioning and openness of the Green Belt. The proposed layout represents the option which strikes the best balance between minimising intrusion into the Green Belt and providing sufficient accommodation and facilities to enable the School to deliver its educational requirements and operate successfully. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted in this particular case. In addition, I do not consider that the development as proposed would adversely affect the character and appearance of the adjoining AONB and/or Knole Park. This view is supported by Natural England, who state that they have no comment to make on the proposals in respect of the AONB as they 'do not consider that the development is likely to impact on the reasons for which the AONB is designated'.
31. The Town and County Planning (Consultation) (England) Direction 2009 states that inappropriate developments within the Green Belt should be referred to the Secretary of

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State for determination if the floor space to be created is 1000 square metres or more, or if the development, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. In considering this application, and taking into account the matters discussed and addressed above, I do not consider that the scale, nature or location of this development would have a significant impact on the openness of the Green Belt. In addition, the development is under the 1000 square metre threshold. For these reason, I do not consider that this application needs to be referred to the Secretary of State for determination in this instance.

Siting and Design

32. Having accepted the siting of the proposed facilities in Green Belt terms, the siting must also be considered in terms of residential and local amenity. It should be noted that the local residents' association and local residents have expressed in writing that they have no objection to the siting or design of the development as proposed. The built development proposed, including the playground extension, is all to the east and south east of the existing school building, screened from local properties by the existing school building. A neighbouring resident has requested that the boundary fencing be upgraded to provide some noise attenuation given the increase in pupil numbers. However, due to the fact the properties back onto the site, separated from the school boundary by fairly sizeable rear gardens, and the fact that the school building itself is fairly central to the site, with the main playground to the rear of the school, I do not consider that additional noise from the increase in pupils would be perceptible or detrimental to local residents. In addition, to upgrade the boundary fencing would reduce the open nature of the site, and would affect boundary hedging and planting, which would be detrimental to the character of the site.
33. The design of the proposed hall extension and classroom infill is appropriate for the site, and would be visually unobtrusive due to the location and choice of materials to match the existing. With regard to the five classroom extension, the building would be single storey, with a shallow pitched roof, with facing brickwork to match the existing. The only concern that I have regarding the design and materials proposed is the proposed use of a standing seam aluminium roof. I would like to see a higher quality of roof finish. However, should that not be possible, the powder coated colour finish to the roof would need to be carefully considered, and should be of a dark shade so as not to appear as a galvanised/patinated finish. Therefore, 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. I also see no reason to refuse the application on the grounds of siting and/or design.

Landscaping and Biodiversity

34. As detailed in paragraph 8 of this report a Tree Survey has been undertaken and submitted with this application, which concludes that the proposed five classroom extension would result in the loss of 4 trees which are all adjacent to the boundary with the Rugby Club. The trees to be removed are not important in terms of boundary screening, and are not of significance in terms of species, age or height. In my view, the removal of the trees as proposed would not adversely affect the overall character and appearance of the adjoining AONB, or that of the school site and the adjoining rugby club, given the extent of mature trees surrounding the site that are not affected by these proposals. The County Council's Landscape Advisor also confirms that 'overall, the

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scheme generates limited landscape issues'. However, I do consider that replacement tree planting should be provided, and the applicant has confirmed that that is their intention. Should permission be granted, I consider that it would be appropriate to require the submission of a scheme of landscaping, to include replacement tree planting and protection of trees to be retained, pursuant to condition.

35. With regard the ecology, an Ecological Scoping Survey Report has been submitted which concludes that the development would not have a detrimental impact on biodiversity, subject to precautionary approaches with regard to nesting birds, bats, hedgehogs and the common toad. The school site is adjacent to an SSSI, which further adds to the importance in considering the ecological impacts of the proposed development. However, Natural England states that 'given the nature and scale of the proposals, it is satisfied that there is not likely to be an adverse effect on the SSSI as a result of the proposal being carried out in accordance with the details submitted'. The County Council's Biodiversity Officer is also satisfied with the information provided. However, should permission be granted, conditions of consent should be imposed requiring that the development is undertaken in accordance with the recommendations and precautionary measures as detailed within the submitted Ecological Scoping Survey Report. Biodiversity enhancement measures should also be explored, and I consider that this matter could be dealt with by way of an informative.

Access, parking and highway issues

36. Having accepted the proposed development in terms of siting, design, and impact on the Green Belt and wider landscape, it is now important to consider the implications of the expansion of the school in terms of impact on the local highway network. Sevenoaks District Council, the Town Council, and local residents, including the Knole Paddock Residents Association, have all raised objection to this application on the basis that the proposals would 'be detrimental to the local highway network', impacting upon the amenity of local residents in the surrounding area.
37. As outlined in paragraph 4 of this report, this application is part of the County wide Educational Basic Needs Programme, and is proposing to provide sufficient accommodation on site to accommodate a full 2 form of entry (2FE). At present the total number of pupils at Lady Boswell's Primary School is 216, with pupils at the school aged from 4 – 11 years old. The current total number of staff employed at the school is 34, although the applicant considers that no more than 20 staff are on site at any one time. The school has 21 formal car parking bays on site, and parents are not permitted to use the on site parking facilities at peak school times. Parents that take their children to school by car instead make use of local roads, the adjacent Sevenoaks Town Council parking facilities at the Rugby Club, and the Suffolk Way car park to the south east of the school site.
38. This application seeks to expand the existing primary school from 1FE to 2 FE, which would increase pupil numbers from the current 216 to approximately 420. Currently, each year group comprises around 30 pupils. It is proposed that in September 2013 the pupil admission numbers increase to 60 per year. However, such growth would be incremental year on year with overall pupil numbers at this school predicted to rise from 216 in September 2012, to 248 in 2013, 278 in 2014 and thence 30 per year until reaching 420 by 2019. To accompany the pupil increase, it is proposed that a total of 42 staff would be employed (8 more than existing), although it is not expected that more than 30 staff would be on site at any one time.

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39. This application, which is for 5 of the 6 classrooms required to accommodate a full 2FE, does not propose any change to the vehicle access to the school via Plymouth Drive, or any additional car parking. Pedestrian accesses are also to remain as existing, via Plymouth Drive and the Suffolk Way car park to the south east of the site. It is, however, proposed to upgrade the pedestrian access path to the south east of the site, removing the existing steps to create a ramped access which would be DDA compliant, and to provide low level bollard lighting. It is expected that such an upgrade, in addition to Travel Plan targets, to be discussed later in this report, would encourage increased use of this access, reducing the use of Plymouth Drive and other local roads.
40. It should be noted that the school is a faith school and, therefore, has a large catchment area. Having such a wide catchment area does mean that some parents have no option other than to travel to the school by car, and this matter has been referred to by the local community as being contrary to the County Council's policies to encourage active and more sustainable transport to schools. Admissions are, however, not something that the Planning Authority can control, and this matter cannot be considered in the determination of this application, nor would it be appropriate to discriminate against faith schools. However, the highway implications of the expansion of the school must be considered, taking into account the concern expressed by the local community with regard to inadequate parking provision, increased congestion at school peak times, air and noise pollution, and inconsiderate/unsafe driving. It is also suggested that the Transport Statement 'is poor and unconvincing'.
41. It should be noted that a Transport Statement Addendum was submitted during the determination process, which was sent to consultation with relevant interested parties. As a result of this submission, Sevenoaks Town Council now recommends approval of the proposed development, which suggests that the content of the document has addressed their initial points of objection with regard to traffic and highway impacts. It is also important to note that Kent County Council Highways and Transportation raise no objection subject to the imposition of various conditions of consent, as outlined in paragraph 13 of this report, primarily relating to initiatives included within the submitted Transport Statement Addendum, which I shall discuss below.
42. The Highway and Transportation Officer considers that the Transport Statement Addendum gives a 'greater confidence to the application and the School's commitment to minimising impacts in transport terms'. The Addendum sets out how the school intend to manage the increase in traffic associated with the expansion of the School, including the main initiative to direct the majority of vehicles towards to Suffolk Way/leisure centre car park, and the upgraded pick-up/drop-off system. That would limit the increase in traffic on Plymouth Drive and other local roads, mitigating the impact on local residents in terms of additional traffic and inconsiderate parking. In order to further increase and encourage use of the Suffolk Way Car Park the School are reviewing a walking bus scheme, with allocated car parking bays proposed within the public car park for parent drop off and pick up. It is advised by the applicant that permission has been obtained for these works within the car park, for use at peak school times. In addition, the submitted Transport Statement Addendum confirms that parents can apply for permits to park in the Suffolk Way car park, which are recognised by Sevenoaks District Council. The permits allow for up to half an hours free car parking between 8.45am and 9.15am, and 3.15pm and 3.45pm, on school days only.
43. The Transport Statement estimates that there may be up to 54 additional vehicles travelling to and from the school by the time the school reached full 2FE capacity in 2019. However, independence for children at primary school age is encouraged, and

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the School intend to operate a drop-off/collection system whereby pupils are dropped off by parents and escorted to the pedestrian access from the Suffolk Way car park by school staff. This initiative would, it is estimated, reduce the demand for additional parking spaces within the Suffolk Way car park from 54 to approximately 27. This increase in use of the public car park has been discussed with the District Council, who have, I am advised, provided approval, and the permit based system for parents would be continued and amended as necessary to allow for the additional numbers. This would be reviewed through the School Travel Plan on an annual basis. It should also be borne in mind that this increase is incremental, with an increase of 30 pupils per year until full capacity is reached in 2019.

44. Kent County Council Highways and Transportation raise no objection to this application subject to the imposition of conditions to cover the following:

- *continuation and extension of the car parking permit scheme;*
- *holding regular liaison meetings including invitations to residents;*
- *supervision at the southern access gate and Suffolk Way car park to encourage a dropping off arrangement; and*
- *the continued development of the school travel plan.*

I consider that, should permission be granted, conditions covering these matters should be included within the planning permission. It is essential that the Travel Plan initiatives, the car park permit scheme, and staff supervision of the Suffolk Way access are continued, and reviewed on a regular basis. In addition, representatives from local residents should be included within this review process, and given opportunity to express their concerns, views and suggestions. In my view, this liaison should be undertaken as part of the School Travel Plan annual review process, and this matter could be secured by condition of consent should permission be granted.

45. It is considered by the applicant that, following the implementation of the Travel Plan initiatives, which include those discussed above, which would be secured by condition of consent, that the uplift in pupil numbers could be mitigated to the point where the increase in traffic movements would not be material and/or significant. This view is supported by Kent County Council Highways and Transportation. I consider that, subject to the imposition of conditions regarding the continuation and extension of the permit scheme, drop off supervision at the Suffolk Road car park, and the submission of an updated School Travel Plan, to be prepared in conjunction with liaison with local residents, that the development would not have a significantly detrimental impact on the local highway network. I therefore see no reason to refuse the application on this ground.

Drainage and land contamination

46. The Environment Agency raises no objection to the proposal, however requests a condition be attached to any consent requiring that there is no infiltration of surface water drainage into the ground at the site without the express written consent of the County Planning Authority. A further condition regarding land contamination is required. 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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Construction matters

47. 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.
48. I consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, community liaison & contact arrangements, details of how the site access would be managed to avoid peak school times and details of any construction accesses. Therefore, 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. In addition, I consider it appropriate that a further 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. The conditions outlined above also address the requirements of Kent County Council Highways and Transportation.
49. In addition to the above, should permission be granted, conditions of consent would ensure that dust, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

50. This proposal has given rise to a variety of issues, including the need for very special circumstances to justify inappropriate development in the Green Belt and the impact of the proposed development on the openness of the Green Belt. However, I consider that very special circumstances have been demonstrated in this particular case for overriding Green Belt policy constraints in terms of i) the education need for additional school accommodation to cater for pupils resident in this Green Belt District, ii) the lack of alternative sites and sites not in the Green Belt and iii) the design and siting of the development with regard to minimising the visual impact on this part of the Green Belt, and its functioning. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network or residential amenity, and would accord with the principles of sustainable development as set out in the NPPF. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions

Single storey building to accommodate five classrooms, and associated works at Lady Boswell's CofE Primary School, Plymouth Drive, Sevenoaks – SE/13/487 (KCC/SE/0039/2013)

Recommendation

51. 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;
 - the submission of a scheme of landscaping;
 - tree protection measures;
 - the development to be undertaken in accordance with the recommendations of the Ecological Scoping Survey;
 - surface water drainage and infiltration to ground;
 - land contamination;
 - submission of a revised School Travel Plan within 6 months of the date of this permission, its implementation and ongoing review. This document is to be prepared in liaison with local residents, and should include mechanisms for ongoing liaison in the future. Continuation and expansion of the parent permit scheme and increased supervision of the drop-off at the Suffolk Road car park should also be included;
 - 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;
 - the submission of a Construction Management Strategy, including the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, community liaison & contact arrangements, and details of any construction accesses & management of the site access to avoid peak school times;
 - the submission of 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.
52. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:
- Account should be taken of Environment Agency's advice relating to surface water drainage, waste and pollution prevention;
 - the potential for biodiversity enhancements should be explored.

Case officer – Mary Green	01622 221066
Background documents - See section heading	

Single storey building to accommodate five classrooms, and associated works at Lady Boswell's CofE Primary School, Plymouth Drive, Sevenoaks – SE/13/487 (KCC/SE/0039/2013)

Appendix 1

APPLICATION KCC/SE/0039 – SINGLE STOREY BUILDING TO ACCOMMODATE 6 CLASSROOMS WITH WELFARE FACILITIES. EXTENSION TO HALL, CLASSROOMS AND PLAYGROUND AREA, UPGRADING OF PEDESTRIAN ACCESS PATH FROM THE LEISURE CENTRE, ETC AT LADY BOSWELL'S CEP SCHOOL, PLYMOUTH DRIVE, SEVENOAKS

NOTES of a Planning Applications Committee Site Visit to Lady Boswell's CEP School, Sevenoaks on Wednesday, 27 March 2013.

MEMBERS PRESENT: 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.

OFFICERS: Mrs S Thompson, Mr J Crossley and Ms M Green (Planning); Mr R White (Highways) and Mr A Tait (Democratic Services).

THE APPLICANTS: Lady Boswell's CEP School: represented by Mrs S Saunders (Head Teacher), Mrs E Holmes (Deputy Head Teacher), Mrs C Whitaker (Chair of Governors), Mr J Saunders (Project Manager) and Ms K Wicks (Tuke Manton Architects).

(1) The Chairman explained that the purpose of the visit was for Members of the Planning Applications Committee to familiarise themselves with the application site. Although invitations had been sent to both Sevenoaks District and Town Councils, neither of them was represented.

(2) Mr Crossley introduced the application which was part of a programme of expansions to primary schools in Kent designed to cater for the high demand for school places, and several schools in the Sevenoaks area were affected. This was reflected by the need for Lady Boswell's CEP School to enlarge its Pupil Admission Number (PAN) from 30 to 60 pupils per year.

(3) The school had been built in the early 1980s and was sited in a residential area near the town centre. The main entry point to the site was via a cul-de-sac. The school lay within the Metropolitan Green Belt, next to an Area of Outstanding Natural Beauty which included Knole Park (a Site of Special Scientific Interest).

(4) Mr Crossley then turned to the proposal itself. He said that six additional classrooms would be provided in the main extension with associated storage and cloakrooms, with additional toilets. The existing prayer room would be extended to provide a new IT suite, whilst the adjacent music room would be removed to provide a connecting corridor and the main entrance on the north east elevation.

(5) The proposal also involved an extension to the existing hall, the conversion of the existing IT room and lobby into an additional Year 2 classroom, the enlargement of the existing Year 4 classroom to provide a further Year 2 classroom, an extension to the existing hard games court to the south west of the site, upgraded pedestrian access from the adjacent Sevenoaks Leisure Centre, and emergency access which would be created by works to the embankment area and adjusting an existing footpath alignment.

(6) Mr Crossley then said that Sevenoaks DC had objected to the proposal due to its impact on the Green Belt. The District Council also considered that the proposal would

Appendix 1

have a detrimental highway impact on the amenity of local residents in the surrounding area.

(7) Sevenoaks Town Council had also objected because of the impact on the Green Belt. It did not consider that the travel plan was fit for purpose. It also objected on grounds of the inadequacy of the on-site parking, the reduction of outside amenity space, the loss of trees on site, the detrimental impact on the amenities of neighbouring properties and on the setting of Knole Park.

(8) Mr Crossley continued by saying that 8 local residents had written to object to the proposal. Their main grounds were noise, air pollution, traffic and impact on the Green Belt and AONB.

(9) Mr Crossley concluded his presentation by outlining the determining issues. The National Planning Policy Framework contained a presumption in favour of sustainable development as well as a policy presumption relating to schools developments. In this case, the determining issues were: the principle of development of extending a primary school within the Metropolitan Green Belt; the quality of the proposed design solution and its relationship to existing built developments; the impacts on the AONB and SSSI; the impact on traffic and road safety; and the impacts on neighbouring residential amenity.

(10) Mr White (KCC Highways) commented that the arrangements to cater for the doubling of the traffic numbers were surprisingly generous. There was room to turn round and drop-off, and there were no space constraints. It was recognised that difficulties could arise at the junction of Plymouth Drive. Consequently, KCC Highways was assisting the School in the development of its Travel Plan. A clear and forceful travel plan, developed through full engagement with the local community, would offset the effects of increased traffic. For this reason, there were no objections on highways grounds.

(11) Mr Willicombe asked whether any comments had been received from the Kent Downs AONB. Mr Crossley replied that they had not responded to date.

(12) Mrs Tweed asked why the Rugby Club Car Park at the bottom of Plymouth Drive was full. Mr Crossley replied that this car park was owned by the Town Council. He did not know why it was fully occupied, but being close to the town centre, it would, no doubt, be used by various users.

(13) Ms Wicks (Tuke Manton Architects) said that the Town Council was organising a Forum to see if it would be possible to set aside some spaces in the car park for use by the School.

(14) Following the discussion, Members inspected the site. They saw the trees that were to be removed, the area where it was proposed to build the new classrooms, and the Quiet Area where the new connecting corridor would be located.

(15) The Chairman thanked everyone for attending the visit. The notes would be appended to the report to the Committee meeting which determined the application.

END

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Item D2

Two storey building, additional car parking and parents drop off area, St Botolph's CofE Primary School, Dover Road, Gravesend - GR/13/146 (KCC/GR/0032/2013)

A report by Head of Planning Applications Group to Planning Applications Committee on 7 June 2013

Application by St Botolph's C of E Primary School and Kent County Council for a new two storey building to accommodate eight classrooms inclusive of welfare facilities and 11 additional car parking spaces; creation of a parents drop off area next to the school's main entrance. St Botolph's CofE Primary School, Dover Road, Northfleet, Gravesend (Ref: and GR/13/146 and KCC/GR/0032/2013)

Recommendation: The application be referred to the Secretary of State for Communities and Local Government and subject to his decision planning permission to be granted, subject to conditions.

Local Members: Mrs S Howes and Mr N Thandi

Classification: Unrestricted

Site

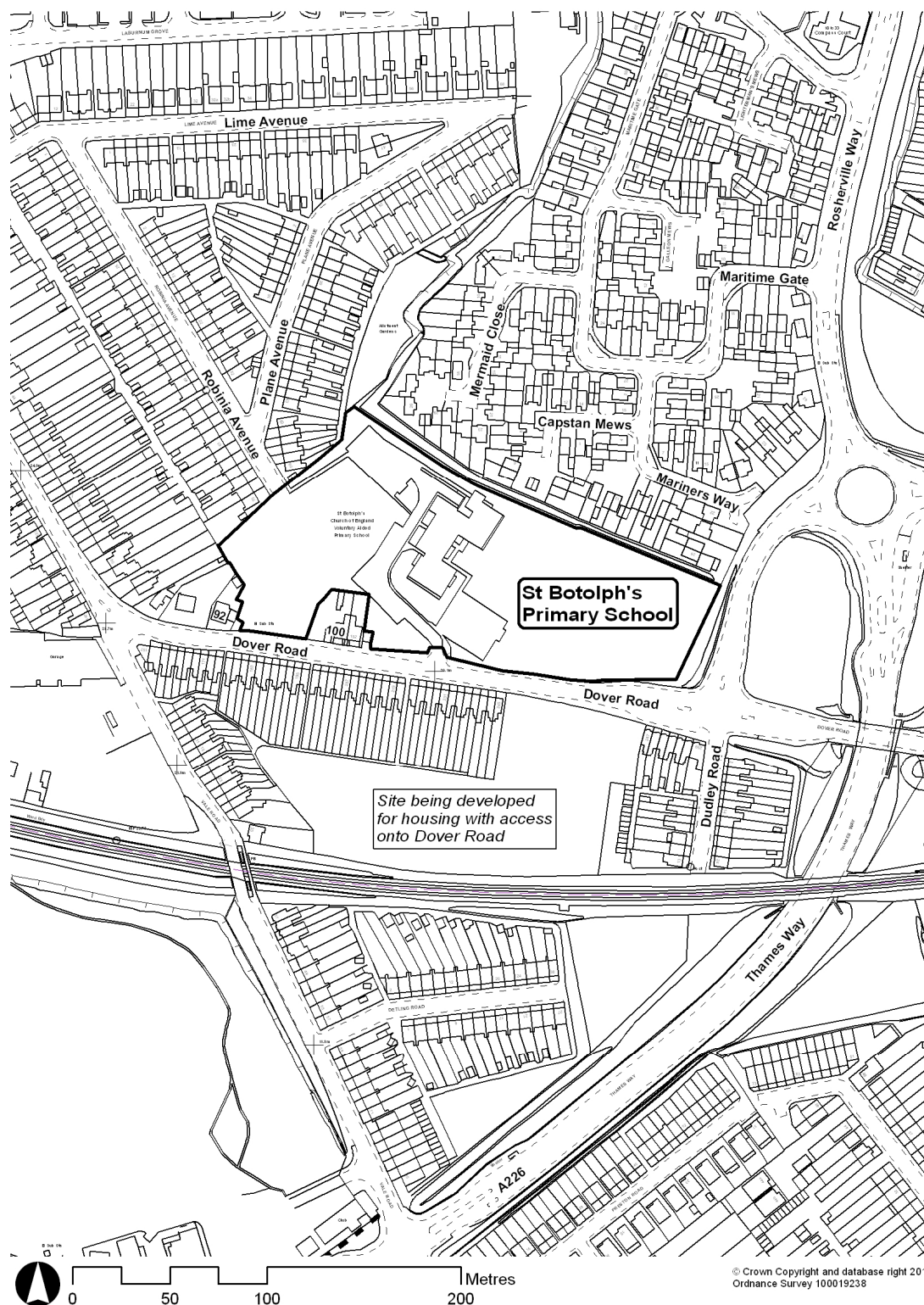
1. St Botolph's C of E Primary School is a co-educational voluntary aided school situated in Dover Road, Northfleet. The site is surrounded by housing to the north, south and west. Most of the housing is terraced properties and a modern housing estate has been built to the north of the school site. A new housing estate has been granted planning permission for some 83 properties at Dykes Pit located opposite the school site with the main vehicular and pedestrian entrance located off Dover Road. Work has commenced on building these new residential properties. To the east of the school site is a slip road to the A226 Thames Way. A site location plan is attached.
2. Vehicular and pedestrian access to the site is provided via the main entrance in Dover Road and a pedestrian only access is provided via the back gate entrance in Robina Avenue. The school building is located to the middle of the site with separate junior and infant tarmac playgrounds, a playing field to the southeast, which includes a marked out football pitch and a sports field with markings to the southwest of the site. There are currently 23 car parking spaces located within the school grounds with no dedicated disabled parking space. Access to these parking spaces is restricted to staff and parents/carers with disabilities.

Background and amendments

3. The School has been serving the local community of Northfleet since 1838 when it was originally known as Northfleet National School. It was rebuilt on its current site in 1976 as a single storey brick building and extended in 2012. St Botolph's C of E Primary School is designated as a 1 form entry (FE) school with three infant classes and four junior classes, a separate ICT suite and a large multi-purpose hall. The proposed development is part of the County Council's current Basic Need programme for the expansion of school places across the county. Due to the changing demographics in the area with the increasing birth rate and people relocating from London to the Gravesend area, this has created a demand that requires the school to be changed from a 1FE to a 2FE. The County Council as Education Authority has a statutory duty to provide school places for these children. The additional accommodation proposed within this planning application will enable the school to be housed within a permanent

**Two storey building at St Botolph's CofE Primary School, Gravesend
(GR/13/146)**

Site Location Plan





Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)



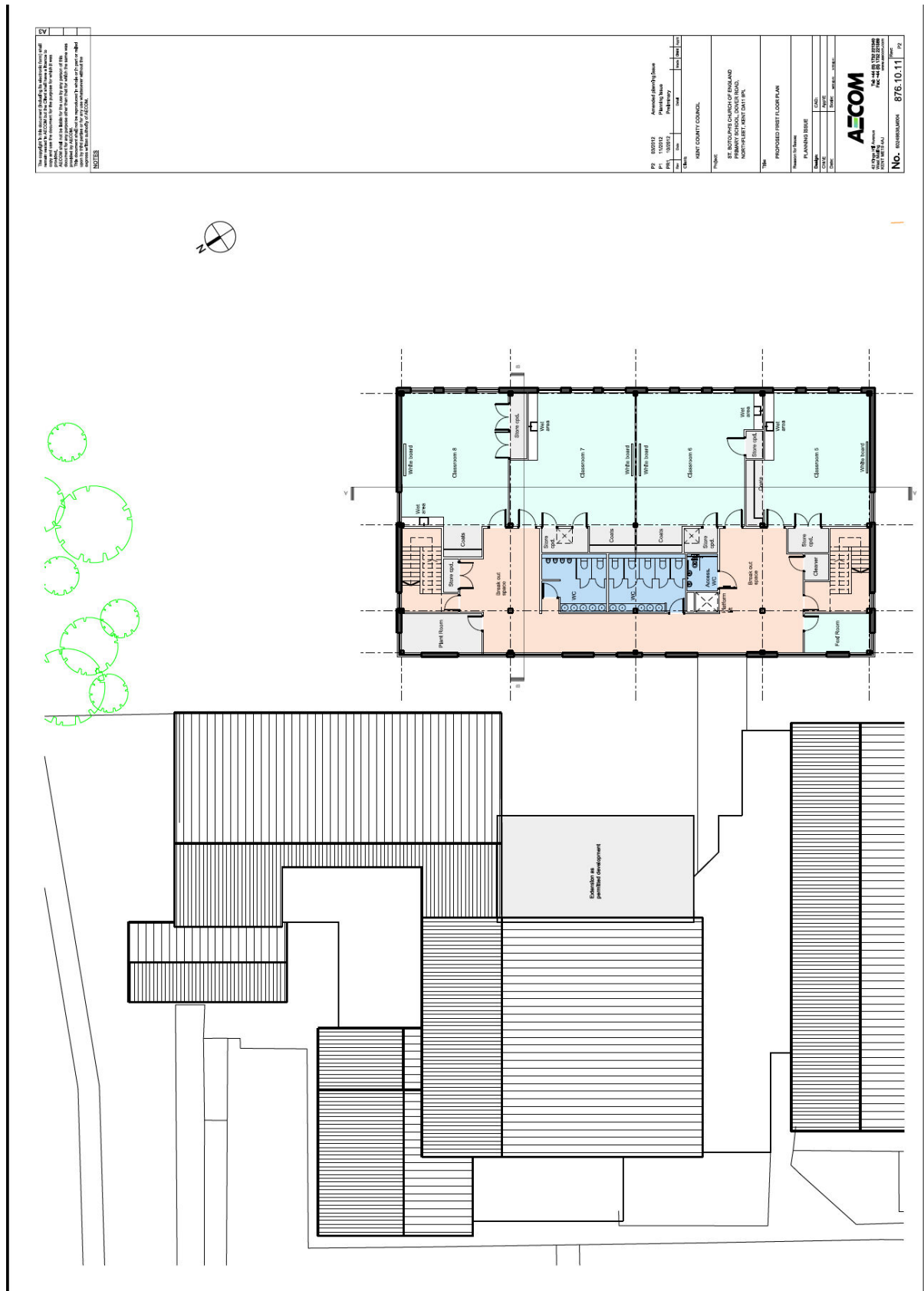




Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)



Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)



Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)



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Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)



Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)

steel framed structure which would be linked to the main school.

4. The School currently employs 33 members of staff which includes midday supervisors and cleaners. Of the 33 staff, there are 10 full time equivalent and the remainder are employed part time. There are also 3 members of staff employed by the School's catering contractor. Of the 33 members of staff, 25 drive to school on a regular basis. There are currently 23 parking spaces at school within the school grounds and access is restricted to staff and parents/carers with disabilities. There is very limited parking available in the roads adjacent to the school as it is surrounded by terraced housing which generally has no off-street parking available. Parking and congestion are already a major cause of local concern at school peak times.
5. The Kent Commissioning Plan 2012-2017, produced by the Education Authority and setting out how it is intended to meet the demand for school places, forecasts Reception Year pupil numbers to continue to increase and to outstrip the actual number of available places. The School currently has 210 pupils and with effect from September 2012 it is planned to begin an expansion programme to become a 2 form entry with the pupil admission numbers increasing from 30 to 60 pupils. By September 2018 it is expected that the School will have a roll of 420 pupils. For each additional class of 30 pupils that is added to the school, two additional members of teaching staff will be appointed and it will also be necessary to appoint additional premises staff and midday supervisors. It is expected that by September 2018 the School will have approximately 50 members of staff. The Kent Commissioning Plan 2012-2017, produced by the Education Authority and setting out how it is intended to meet the demand for school places, forecasts Reception Year pupil numbers to continue to increase and to outstrip the actual number of available places.
6. When this application was originally submitted, the proposal was for the parents drop off area to be located between property numbers 92 and 100 Dover Road. The school has a section of land that fronts onto Dover Road and it was proposed to create an entrance and exit behind a row of mature conifer trees, with an area for up to 4 vehicles to be able to park and drop off children. An internal footpath was also proposed to link the drop off area to the school's main entrance. However the proposed location of this drop off was met with objection from local residents due to it being proposed opposite the terraced housing in Dover Road and the fact that a number of on-street parking spaces would be permanently lost in the creation of a new entrance and exit off Dover Road. (A list of all the objections can be read in paragraph 15). A petition was also received that objected to creation of the drop off area. The petition stated that Dover Road is already a notoriously busy main road, with only enough room to have one car come up or down the road due to existing level of on-street parking. The residents objected to the potential loss of up to 12 parking spaces whilst the drop off would only create space for 4 off-street parking spaces. A revised drop off location is now proposed as part of the amended planning application, and this is located to the east of the main vehicular and pedestrian access to the school, incorporating the access as the entrance to the drop off. It is still planned that the drop off area would provide parking for 4 vehicles.
7. Two further representations were received from residents who live to the north of the school site objecting to the proposed location of the two storey building being located too close to their properties and thus blocking out light in their gardens. Due to the properties in Capstan Mews being located on a lower elevation as the land falls away

Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)

along the north boundary, the school grounds are slightly higher than these properties and the residents were concerned that the two storey building would feel more like a three storey building. The original location of the building was proposed approximately 20 metres away from this northern boundary. The application has therefore been amended to take into account these concerns and the new footprint of the building has now been repositioned some 10 metres further south into the site, so now it is proposed to be some 30 metres away from the nearest garden boundary in Capstan Close.

8. As part of the original planning application, proposals were also included to increase the size of the existing school hall and staff room, as both are substandard in size. The Kent County Council Design Brief states that for schools with more 10 classes, a second large space is required to be used for activities such as dance and drama. It is therefore proposed that the existing hall should be extended with a single storey infill to the adjacent courtyard and a sliding folding partition installed to provide flexibility to separate the area when required. However it has been agreed that this element of the original planning application could be carried out as Permitted Development, as both the hall and staff room extension is below the maximum floorspace of 100sqm that can be carried out as Permitted Development. Therefore this element of the original planning application has been withdrawn as part of the amended planning application. It is the amended proposal that will be discussed throughout this report.

Proposal

9. The amended planning application proposes a standalone 2 storey extension to the southeast elevation of the school, to provide 8 no additional classrooms with associated storage, cloak area and toilets and an outside learning area. The extension would be linked to the existing school buildings via a new corridor at ground floor level. External play areas are planned off the classrooms located on the ground floor. An additional 10 car parking spaces are proposed plus the widening of an existing parking space to make it a disabled parking space, bringing a total of 33 staff parking spaces at the school, plus one disabled parking space.
10. The amended planning application also proposes a parents drop off area, to be located off the existing vehicular and pedestrian entrance to the school and providing a total of 4 parking spaces. An internal footpath off Dover Road is also proposed to the southeast of the school site, which is proposed to alleviate pedestrian traffic from the existing main vehicular and pedestrian entrance

Planning Policy

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

National Planning Policy Framework (March 2012) sets out the Government's planning policy guidance for England and as guidance is a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to the development plan policies will depend on

Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)

their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

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

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

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

- consideration of whether 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 protection provided for open space, including playing fields;
- 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
- conserving and enhancing the natural environment.

Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)

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.

(ii) Development Plan Policies

The adopted **1994 Gravesham Local Plan 1st Review (Saved Policies)**

Policy T1 The Local Planning and Highway Authorities will consider the impact on the transport system and on the environment of traffic generated by new development and will wish to ensure that all proposed developments are adequately served by the highway network.

Policy P3 Proposed developments are expected to make provision for vehicle parking in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council.

Policy LT3 Seeks the protection of playing fields.

Consultations

12. **Gravesham Borough Council:** Raised objection to the planning application as originally submitted. The comments are as follows:

"Whilst the need for the expansion of the school is acknowledged and principle of development is considered acceptable subject to referral to the Secretary of State due to the playing field loss, it is considered that the shortfall of 18 parking spaces would result in an unacceptable level of overspill parking into the street, exacerbating congestion at pick up and drop off times. No adequate justification has been given as to why pre application advice given by the County Council's Highways Officer has not been followed. Further, the proposed drop off space will have inadequate turning circles and offer poor standards of visibility for vehicles egressing and accessing the site amongst cars parked on Dover Road. The proposal is therefore considered contrary to Gravesham Borough Council policies T1 and P3, by virtue of creating an unacceptable highway safety hazard and it is recommended that the scheme is amended to overcome these concerns."

Upon receipt of the amended details Gravesham Borough Council raised no objection, subject to the following comments:

"Following the submission of amended plans relating to the lay-by location, position of new school building and construction of the hall/staff room under permitted development, attention is drawn to a recently approved application (GR/10/0166) for major residential development at Dykes Pit. As part of this application it is understood that a pedestrian crossing point (dropped kerbs) to serve the school was required as part of a Section 38 Agreement (Highways Act 1980) with the Highway Authority. This work is to be completed prior to the first occupation of the dwellings at Dykes Pit. The proposed development the subject of this application may well conflict with a pedestrian

Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)

crossing point agreed and so its location may need to be reconsidered by KCC Highways. Owing to the progress of the Dykes Pit development it is recommended that discussions regarding the re-location of this pedestrian access point take place at the earliest opportunity. Attention is drawn to the management of the drop off area which may be used by non-school related vehicles if left unchecked. The Council also draws attention to the need for any re-marking of the road to be subject to a TRO procedure which, it is acknowledged, is a matter for KCC Highways and Transportation.

Notwithstanding the above issue, the initial concerns regarding the position of the drop off area have been overcome by its re-location. It is considered that the repositioning of the new building further from the northern boundary and lowering the roof will have considerably less impact on neighbouring residential properties to the north. Whilst the Council are aware of concerns from Sport England regarding the loss of playing fields, on balance, the benefits in terms of education provision, design and the overall retention of play space within the scheme are considered to outweigh the perceived loss."

Kent County Council Highways and Transportation: Raised no overall objection and comments as follows to the application as originally submitted:

"There is currently no on-site parking for parents and this would remain the case. There would however be some additional space for the extra staff parking requirements within the ground. My understanding is that the School is concerned about parking problems at the start and end of the school day and the drop off lay-by has been proposed to try to respond to these problems. I also understand that it would be extremely difficult to create more drop off and pick up parking spaces within the site without a serious impact on the School's playing field. It would also appear that the School is promoting the encouragement of more parents to walk to and from the School via the Travel Plan Action Plan. Within the limits of the very constrained site, it would appear that the School is using its best endeavours to mitigate the impact of the proposed increase in the number of pupils.

In terms of design of the new lay-by, an amendment would be required which would make manoeuvring in and out of the bays a bit easier but this can be looked at the detailed design stage. This lay-by will not form part of the public highway and will be managed by school staff to make the most efficient use possible of the four bays. The proposed hatched markings could not be used in this location and suggest that, initially, white bar markings are used to identify the length of road where parking should not take place during time when the lay-by is being used. This would avoid the formal Traffic Regulation order and hence avoid the need to be prescriptive about specific times of the day and weeks of the year when access was in operation and thus allowing the residents to make the maximum use of on-street parking available outside school hours. However this would rely on both parents and residents parking considerately, as the markings have no legal standing. If the School experiences problems, such as the gates being obstructed, the options of formal parking restrictions could subsequently be explored at the School's expense. This would either be the use of additional 'School Keep Clear' markings as are used to protect the main entrance or double yellow lines."

Upon receipt of the amended details Kent County Council Highways and Transportation raised no objection in principle, subject to the following comments:

Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)

"There are a number of minor detailed points to be dealt with in due course, such as the location of the dropped kerbs, extent of the parking restriction, boundary of adopted public highway and extent of footway along the back of the drop off parking bays, but I would confirm that I would have no objection to the principle of the application. I recognise that this will not resolve all the concerns about the traffic generated by the proposed extension to the school, but would appear to be the best that could be achieved without major reduction of the school's playing field it play area."

Kent County Council Landscape Officer: Has raised the following concerns to the original planning application:

"There is no information provided to be able to make a comment on the proposals from a landscape point of view."

Upon receipt of the amended details Kent County Council Landscape Officer supports the application, subject to the following comments:

"The issues at this site are primarily concerned with tree removal and replanting. From a landscape point of view, it is important to get the appropriate species and location correct. However there is still some outstanding information about the specific detail of the tree removal and replanting, some of which has not been provided. Therefore further information is required covering species, source, location of saplings to be planted as mitigation and visual impact information."

Kent County Council Biodiversity Officer: Has raised no objection, subject to the following comments:

"I am satisfied with the results of the ecological survey which has been submitted and require no additional information to be provided prior to determination. Conditions covering roosting, foraging and commuting bats; lighting to be designed to have minimal impact on bats and replacement trees planted to replace the trees lost as a result of this development, to be added to any planning permission."

Sport England: Raised objection to the planning application as originally submitted. The comments are as follows:

"Sport England objects to development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. The proposed two storey classroom block would appear to be sited on an existing area of open space and mature trees. This area is therefore incapable of accommodating a playing pitch or part thereof. However the proposed new outside learning area would significantly encroach onto an existing playing field. Locating this aspect of the proposed development on the existing playing field would prejudice the use of the playing field and prevent the existing football pitch from being rotated. In the light of this, Sport England objects to the proposal because it is not considered to accord with any of the exceptions on Sport England's playing field policy."

Upon receipt of the amended details Sport England maintains its objection to this planning application, for the following reasons;

Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)

"The proposed two storey classroom block and surrounding hard standing area would appear to be sited on an existing area of open space, mature trees and part of the existing playing field. Therefore this aspect of the proposed development would significantly encroach onto an existing playing field. Locating this aspect of the proposed development on the existing playing field would prejudice the use of the playing field and prevent the existing football pitch from being rotated. Should Kent County Council be minded to grant planning permission for the development then in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit."

Environment Agency: Raised objection to the planning application as originally submitted. The comments are as follows:

"There is a possibility of contamination at this site because of the previous use (landfill). The applicant noted this in the application form but has not submitted a preliminary contamination risk assessment. The Environment Agency's Groundwater and Contaminated Land specialist would like to object to the application based on a lack of information."

Upon receipt of the amended details the Environment Agency raises no objection, subject to the imposition of conditions covering the following;

- No development to take place until a scheme to deal with the risks associated with the contamination of the site shall be submitted and approved in writing by the County Planning Authority;
- No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the County Planning Authority, and
- No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the County Planning Authority.

Local Members

13. The previous local County Members, Mr Leslie Christie and Mr Harold Caske were notified of the application on 14 February 2013 and on 23 April 2013 regarding the amended planning application. Due to the County Council elections which took place on 2 May 2013, the local County Members for this division changed. Mrs Sue Howes and Mr Narinderjit Thandi were accordingly notified on 8 May 2013.

Publicity

14. The original application was advertised by the posting of site notices and the notification of 72 neighbouring properties. An advertisement was placed in the Kent on Sunday on 17 February 2013. Due to a number of objection letters received to these proposals, the planning application was amended and on this occasion 77 neighbouring properties were notified of the amended application. All the neighbours who wrote in to the original application, as well as the owner of the petition, were notified of the amendments. None of these neighbours or the owner of the petition have written back on these amendments and so it can therefore assumed that their original objections have been addressed and are no longer relevant to the amended proposals.

Two storey building at St Botolph's CofE Primary School, Gravesend (GR/13/146)

Representations

15. 10 letters of representation have been received in objection to the application as originally submitted, as well as a petition containing 58 signatures. The main points of objection can be summarised as follows:

- The drop off would result in taking away valuable parking spaces away from local residents.
- Unless the drop off provides enough parking spaces for all the parents then it is a total waste of time and money.
- Too few parking spaces in Dover Road as it is without taking away more.
- Not enough parking as it is without losing a large section for the drop off.
- An added danger of the drop off is that it would cause a backlog of traffic from parents trying to get in to collect children.
- The drop off would result in cars queuing to get into this area thus obstructing other users of the road, especially as cars would be arriving at the school from both directions.
- School children who walk to school would have to walk across all the queuing cars trying to get into the drop off.
- Dover Road is a busy road with only enough room for one car to come up or down due to all the on street parking.
- The new proposed housing development opposite the school site would bring added problems as the residents and visitors will try to park out on Dover Road.
- Would someone be employed to manage the traffic jam that would occur in Dover Road when the traffic starts to gridlock?
- The drop off would result in the demolition of part of the school wall and the loss of 12 car parking spaces.
- The proposed 8 new classrooms would accommodate 240 extra pupils with reduced on street parking outside, a drop off and collection for 4 cars would not be able to cope at school opening and closing times when parents leave their cars and collect their children.
- The school infrastructure would also be compromised by the proposed increase in the number of pupils.
- The disruption caused by the proposed building works to the education of the students within the school remains a grave concern for the majority of parents.
- Space for communal play, sport and social events would be significantly reduced while pressure on other shared learning environments such as the computer room would be increased.
- Do not want the trees removed for the drop off as it affords privacy to the properties either side of the drop off.
- It is unclear how the drop off would work in the afternoons when it is only 4 spaces.
- Proposed development would block out what little sunshine that there is in my garden.
- The bank between my property and the school is already one storey high and a two storey building on top of that would result in a building as high as a three storey building right next to me property.

16. One letter of representation has been received on the amended proposals for the site. The main points of concerns can be summarised as follows:

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- Assume that the drop off will be one way with traffic turning right into the entrance will block traffic travelling from the east along Dover Road
- The exit from the drop off will be virtually opposite the entrance to the new housing estate being built.

Discussion

17. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph 11 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF) and other material planning considerations arising from consultation and publicity. In summary, the relevant planning policies, as well as strongly supporting provision of education facilities, promote sustainable development, seek a high standard of design, have regard to local context, the amenity of nearby properties and the surrounding area, seek to protect playing field land and require adequate access and parking.
18. This application has been reported for determination by the Planning Applications Committee following the receipt of an objection from Sport England and local representations. The main issues relating to this application are siting & design, tree loss and landscaping issues, Sport England's objection and transport issues.

Siting and Design

19. As mentioned in paragraph 15 above, two objections had been received from residents who live to the north of the school site to the proposed location of the new two storey building. The original location of the building was proposed approximately 20 metres away from this northern boundary. However, as the school site is located on slightly higher ground than the properties to the north of the school, the residents considered that the proposed two storey extension would look like a three storey extension, taking into account the level difference. There was a concern of loss of light in the neighbouring gardens as well as an element of overlooking from the new building.
20. The application has been amended accordingly to take into account these comments and the new building has been repositioned some 10 metres further south into the site, so now being approximately 30 metres away from the nearest property boundary in Capstan Close. This distance is greater than the widely recognised minimum separation distance of 21 metres for house to house windows of habitable rooms. Please note that in this instance, the measurement provided is to the garden boundary of the property and so the distance to the properties in Capstan Close and thus the windows is actually greater than quoted. The roof of the proposed two storey building is also to be of a shallow pitch to further minimise the overall ridge height. The roof finished is also now proposed to be a single ply membrane to achieve a minimum pitch and further reduce the ridge height. Furthermore landscaping can also be improved along this northern boundary to provide more shielding of the two storey building from these residential properties.
21. It is proposed that the standalone two storey extension would be added to the southeast elevation of the school, complete with a corridor at ground floor level that will link it to the remainder of the school buildings. It is proposed to provide eight additional

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classrooms with associated storage and cloak areas, together with additional toilet facilities. The building is expected to be a steel frame construction over piled foundations, cavity brick/block envelope with brick details to match the existing school building, complete with contrasting blue/grey soldier course detail to window cill and heads. Windows and doors are to be aluminium framed units powder coated finish in white. Aluminium guttering and rainwater down pipes are proposed, finished in white. The roof, as already mentioned, would be a single ply membrane to achieve a minimum pitch and further reduce the ridge height.

22. Overall I consider that the revised siting and layout of the proposed development are acceptable in planning terms taking into consideration the school being located on slightly higher ground than the properties to the northern boundary and surrounding neighbouring properties. I also consider that the proposed design of the building, including the scale, form appearance and materials, would be appropriate and acceptable. I would not therefore raise a planning objection to the proposal on grounds of design, siting and layout subject to the considerations below.

Tree Loss and Landscaping Issues

23. The application proposes the removal of twelve trees to accommodate the proposed new building and drop off area. One tree is a Category A (most worthy of retention) and five trees are a Category B and the remainder classified as a Category C or below, are proposed to be removed. The County's Landscape Officer has concluded that the proposed tree removal is acceptable under the circumstances, but from a landscape point of view it is essential to get the appropriate species and location correct.
24. In mitigation for the loss of trees on the site, no details of the proposed landscaping scheme, in terms of species or location, have been provided. I would recommend that should the application be granted planning permission then a landscaping scheme, dealing the proposed species and their location be submitted and approved by the County Planning Authority, be made a condition of any decision. I would also advise that the planting to the northern boundary of the school site, in the vicinity of the two storey building, be investigated and measures put in place to increase the level of landscaping, if deemed necessary. I would further recommend that the completion of the proposed landscape scheme to be carried out within the first planting season following occupation of the development, be made a condition of any decision. I would therefore not raise any objection to the application on landscape grounds, subject to conditions covering amongst other matters, the provision of a proposed landscaping scheme; a review of the existing planting along the northern boundary of the school site in the vicinity of the proposed building and replacement planting should there be any failures within the scheme and tree protection measures during construction for the remaining trees on site.

Sport England Objection.

- 25 Sport England objected to the planning application as originally submitted on grounds that the proposed outside learning areas would significantly encroach onto the existing playing field and would prejudice the use of the playing field and prevent the existing football pitch from being rotated. Sport England continues to object to the application as amended on a similar basis. It is acknowledged that there would be some encroachment onto the usable part of the playing field mainly from the hard surface play area outside the new building which links up to the existing playground to the south.

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This means that the existing marked out pitch would have to be moved eastwards but this would be without reducing it in size and with room for run-off area. In response to the objection the applicant has provided the following response which has been sent to Sport England for its further consideration:

"The proposed location of the classroom block does not affect the existing playground and associated hard court to the southeast of the main building, which would be retained as existing. Although the total area of the playing fields to the east of the site will be reduced, the existing junior football pitch would be maintained within the same grass area, relocated to suit. The existing playing fields to the west of the main school building are unaffected by the proposals.

The existing marked football pitch is located to the east of the school and oriented west north west to east south east, as depicted on the planning drawings. The proposed location for the marked football pitch is in the same orientation but relocated to the east. The existing school playing fields and school boundaries to the playing field are such that it is not possible to rotate the orientation of the football pitch through 90 degrees as the site boundary is too restrictive. The proposed build and consequentially revised location of the football pitch is inconsequential of this fact.

Irrespective of the planned development, the existing marked football pitch cannot be rotated through 90 degrees.

The proposed drop off point to the south east of the main building accommodates a currently unused area of trees and sloping grassland along the southern boundary of the existing playing fields and does not affect the usable grass play areas and sports pitches to the east of the site. A new footpath is proposed to run along the south eastern boundary, which is along the perimeter of the playing fields on what is currently light vegetation and not usable grass play area.

The proposed new parking areas within the school site would occupy existing soft landscaped areas that are not currently used by the school and are too small to be of any beneficial use other than ornamental.

The area of playing fields following the proposal would be 8995m² which exceeds the DfE requirement of 8400m², and all existing sports pitch facilities would be retained."

26. A response to the above comments has not been received prior to completion of this report and any comments received subsequently will be reported verbally at the committee meeting. If Sport England continues to maintain its objection to the application and Members are minded to grant planning permission, the application would need to be referred to the Secretary of State for Communities and Local Government for his consideration.
27. In my view, this is a relatively minor encroachment onto the usable part of the playing field that has to be balanced against the need for the development and wider benefits to the community of this education facility. The substantial part of the playing field would remain unaffected by the development where it would still be possible to accommodate the same size football pitch with space around it. The fact that it could not be turned through 90 degrees is no change from the current position. In my view, the use of the playing field would not be adversely affected either for formal sports or indeed more informal recreation. I do not therefore consider there is any basis for a planning

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objection on the grounds that the development would lead to unacceptable loss of playing field land or would affect the ability of the School to use the playing field.

Transport Issues

28. As mentioned in paragraph 6 above, a drop off area for 4 vehicles was proposed between property numbers 92 and 100 Dover Road. Due to all the objections received about its proposed location along Dover Road, an amended site has been proposed under the amended proposals. The new drop off area has been relocated to the east of the existing main vehicular and pedestrian entrance, therefore utilising the existing main entrance for ingress and creating only one additional vehicle exit and minimising the impact on the highway. The amended proposal still provides a single lane drop off area with parking for up to four vehicles at one time. This would be open with collapsible bollards to prevent residents' parking and is to be managed carefully by the School. Additional signage and road markings within the drop off area are proposed to prevent residents and the public from using the drop off area as a parking area out of school hours. As the main vehicular and pedestrian entrance already has 'School Keep Clear' road markings to either side of this entrance, and so the proposed location of the drop off area will not remove any on-street parking, as no parking is currently allowed along this section of Dover Road. To ensure that the exit from the drop off area is kept clear of parking and that visibility splays are maintained, the 'School Keep Clear' markings will have to be extended. The existing security gate to the main site entrance will be relocated further into the site to accommodate the drop off area and alleviate congestion at this point.
29. Whilst it has been identified that the new drop off area will not alleviate all the congestion problems that the school expansion might bring, it is intended to help reduce such problems by providing some off road parking for parents. However it will be down to the School to manage effectively the drop off area and to ensure that vehicles spend as little time as possible when dropping off their children. The drop off will need to be manned by school staff and to help children out of the car and then to ensure that they get to school safely. This requirement can be included in the School Travel Plan so that the School takes ownership of the drop off area and manages it effectively. There might be an element of queuing but if parents realise that they are unable to get into the drop off area, then may decide to park away from the school site and walk the remaining distance. A new pedestrian gate is also being provided to the south east corner of the school site so encouraging more parents to walk to school or to park further away and walk the remaining distance. The school also has another gate from Robina Avenue, so there are potential three access points to the school site so this should ensure a spread of traffic and pedestrians.
30. The School is also providing additional parking within the school site to alleviate any parking problems that might be caused by staff parking. Through the workings of the School Travel Plan, the school can encourage new school staff to walk or car share, which a proportion of staff already embrace these measures.
31. The issue raised by Gravesham Borough Council about the Section 38 Highways Agreement with the developer of Dykes Pit will be addressed by KCC Highways and Transportation, to ensure that any works carried out in providing a dropped kerb crossing is co-ordinated and is not affected by the proposed drop off area. This is something that can be covered as an informative to any planning consent given.

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32. Overall I am satisfied that the School has made effort to provide a road drop off area for parents to drop off their children safely and increased the number of staff car parking spaces within the school site. The School is also proposing an additional footpath link to the school site from Dover Road, thus separating the pedestrian flow into the school. An existing footpath to the rear of the school site from Robina Avenue already provides another pedestrian point to the school which is located away from the main entrance. I would therefore not raise any objection to the application on landscape grounds, subject to conditions covering amongst other matters such as the location of the dropped kerbs, extent of the parking restriction, boundary of adopted public highway and extent of footway along the back of the drop off parking bays.

Conclusion

33. In summary, I consider that, subject to the imposition of appropriate planning conditions, this proposed development constitutes sustainable development, with an appropriate standard of design and layout, which would not have significantly detrimental effects on the sporting facilities at the school, landscaping, residential amenity or upon the local highway. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, as well as the National Planning Policy Framework. I am aware of no material planning considerations that indicate that the conclusion should be made otherwise.
34. However I recommend that various conditions be placed on any planning permission, including those outlined below. However, given the Sport England objection, should Members support my views expressed in paragraphs 25 to 27 above and decide against refusal of this application, the County Planning Authority is required to consult the Secretary of State for Communities and Local Government at the National Planning Casework Unit and not grant planning permission until the Secretary of State has first had opportunity to consider the application. The Town and Country Planning (Consultation) (England) Direction 2009, requires that the Authority may only proceed to determine an application once the Secretary Of State has had an opportunity to consider whether or not to call in the application for his own determination.

Recommendation

35. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and SUBJECT TO his decision, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The standard time limit;
 - The development carried out in accordance with the permitted details;
 - The submission of details of all materials to be used externally;
 - A scheme of landscaping, including details of species, source, location of saplings to be planted as well as mitigation and visual impact information be provided, and hard surfacing, its implementation and maintenance;
 - Investigate the landscaping to the northern boundary of the school, near to the proposed extension;
 - Measures to protect trees to be retained;
 - Mitigation measures for potentially roosting, foraging and commuting bats;
 - Lighting to be designed to have minimal impact on any bats;

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- Development to accord with the recommendations of the ecology survey;
- No tree removal during the breeding birds season;
- Planting replacement trees for the ones lost as a result of the development;
- Hours of working during construction to be 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 and Bank Holidays;
- Measures to prevent mud and debris being taken onto the public highway;
- Construction management plan, including access, parking and circulation within the site for contractors and other vehicles related to construction operations;
- Details to be submitted and approved, including location of dropped kerbs, extent of the parking restriction, boundary of adopted public highway and extent of footway along the back of the drop off parking bays;
- A scheme to deal with the risks associated with the contamination of the site shall be submitted and approved in writing by the County Planning Authority;
- A verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the County Planning Authority;
- No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the County Planning Authority;
- An informative is added to any planning consent that any works carried out providing a dropped kerb crossing as part of the Dykes Pit housing development is co-ordinated and not affected by the proposed drop off area.

Case officer – Lidia Cook	01622 221063
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Background documents - See section heading
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Item D3**Provision of multi use games area (MUGA), Roseacre Junior School, Bearsted - MA/13/91 (KCC/MA/0436/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 June 2013.

Application by Roseacre Junior School for a new MUGA with 3m enclosing fencing and pathway access at Roseacre Junior School, The Landway, Bearsted, Kent, ME14 4BL – MA/13/91 (KCC/MA/0436/2012).

Recommendation: Permission be granted subject to conditions

Local Member: Mr P Carter

Classification: Unrestricted

Site

1. Roseacre Junior School is located in a residential area off The Landway to the west of Bearsted. Thurnham C of E Infant School is located to the east of the school site, beyond which is Roseacre Lane. An aerial photo and location map showing the location of the site in relation to its surroundings is included below.
2. This application seeks to ease congestion on the school's existing hard play areas and develop the sports facilities at the school by provision of a multi activity games area (MUGA) on the school playing field. Included within the proposal is 3m high fencing and a pathway to the MUGA.

Background

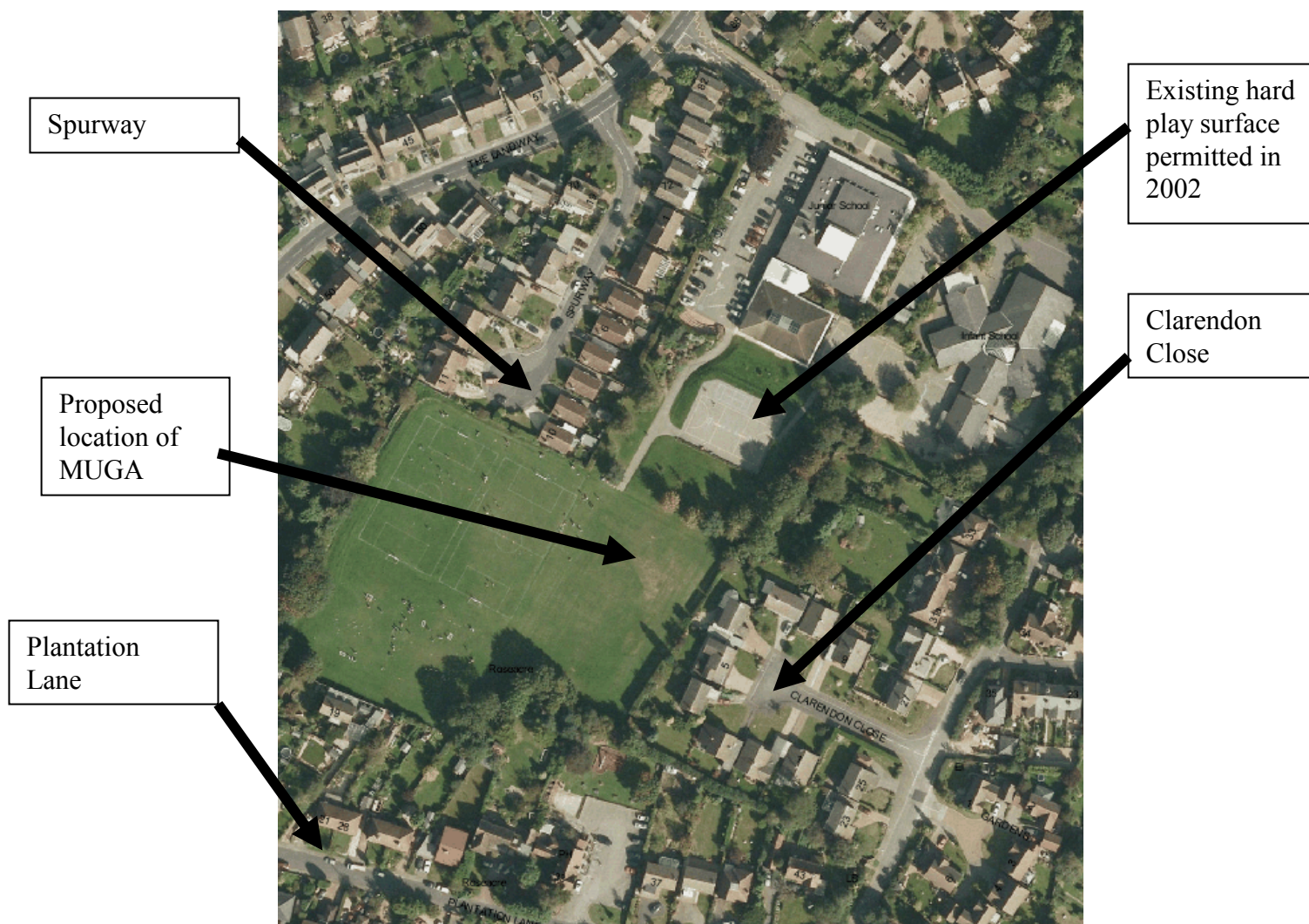
3. The last planning application received in relation to the Roseacre Junior School was in 2005 (MA/05/2319) for a small extension in the north east corner of the school to give more teaching space. In 2004 there was a proposal to convert a courtyard area to teaching accommodation (MA/04/1128) and in 2003 conversion of a storage area to classroom space (MA/03/1412). Of more relevance to this proposal, on 13th August 2002 the Planning Applications Committee decided in favour of a proposal for a tarmac playground area measuring 34m by 24m with 2.4m high green fencing, gates and car parking at the school (MA/02/841). The development can be seen on site located to the north of this proposal.

Proposal

4. The original proposal was to use part of the north east corner of the field for a hard surfaced play area for multi use games activities enclosed with a 3m high fence. To the north there would be a 1.8m wide bitumen macadam footpath between the existing school playground and the proposed MUGA. The MUGA area concerned measured 30m by 33m (990sq.m) and was approx. 7.7m from the fence with neighbouring property to the east in Clarendon Close. However, the location and size of the proposal has been significantly amended in response to neighbour, Parish Council and Sport England comments.

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Aerial Photo (2008) showing Roseacre Junior School Playing Field

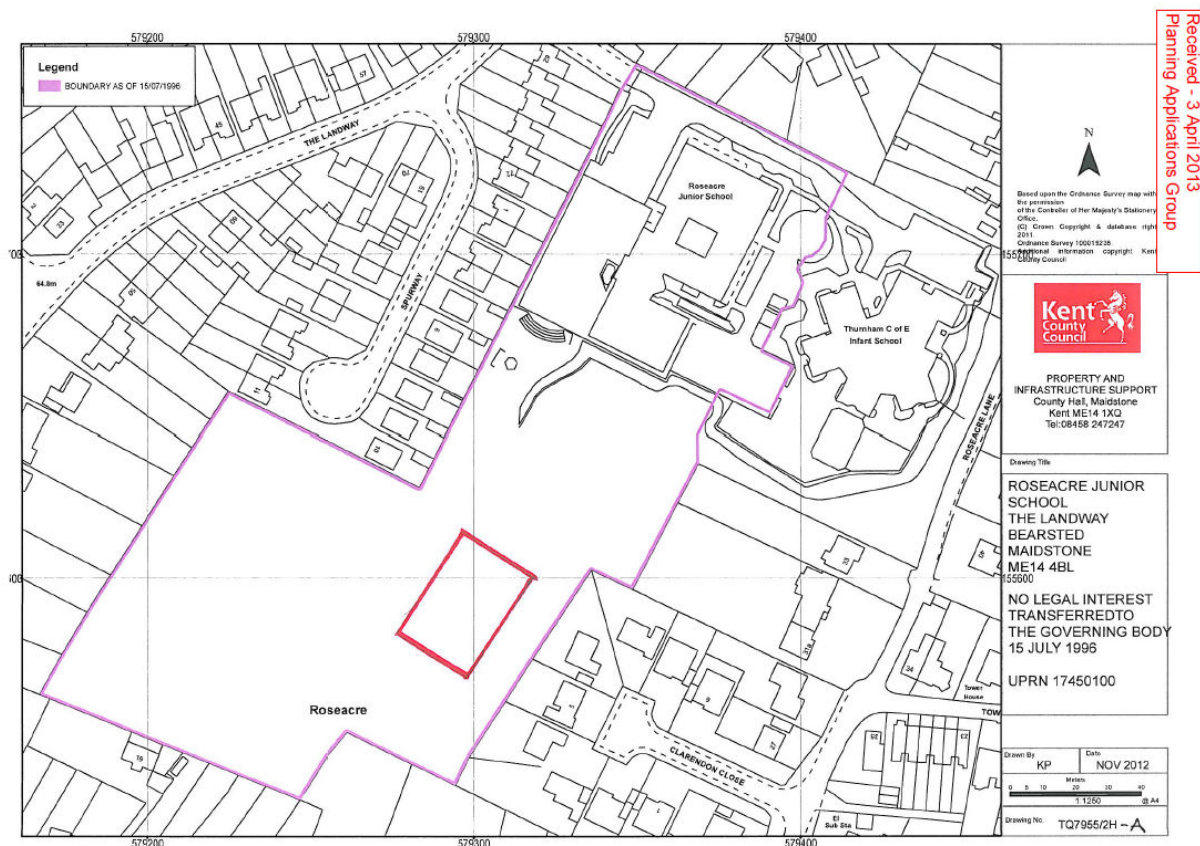


5. The revised proposal is also located on part of the north east corner of the field. However, it is now proposed to be located at a distance of between 13.6m and 14.2m from the boundary with neighbouring property to the east in Clarendon Close and the proposal is located 1m further to the west. The MUGA area concerned has been reduced to 25.1m by 36.7m (921sq.m). The revised proposal is to use the existing path to the west of the proposal with a small extension to the personnel gate in the north west corner of the MUGA fence.
6. The proposal would involve “cut and fill” of the slight slope of the field so that a level surface is created for the MUGA. The MUGA surface would be constructed from porous bitumen macadam and would be marked with lines for the games activities proposed which would be one netball court, two five-a-side football pitches and four mini tennis courts.

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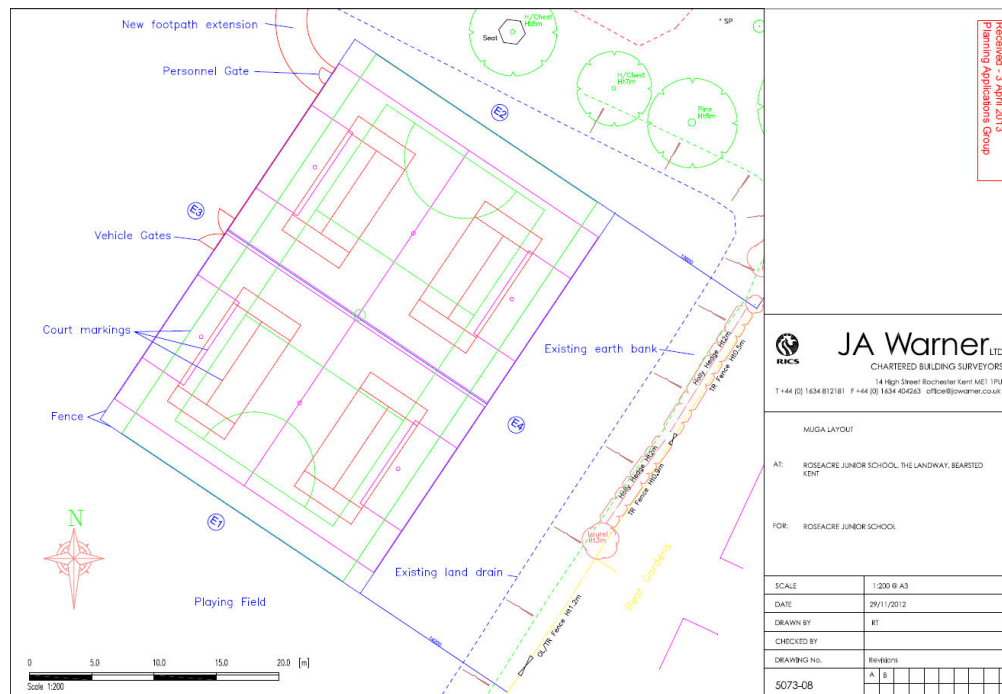
7. It is proposed that the MUGA court would be contained by a 3m high fence which the applicant proposes would be polyester powder coated steel weldmesh between stanchions in dark green colour. There would be a single personnel gate and a pair of gates for emergency and maintenance vehicular access to the west side.
8. The proposal is intended for the School's own use. The hours of use proposed by the applicant are intermittently between the hours of 08:30 and 17:00 during weekdays during term time only. No lighting is proposed.
9. No increase to the existing school roll or teacher numbers is associated with the proposal and the proposal does not include alteration to existing parking or access arrangements at the site.

Location of proposed site

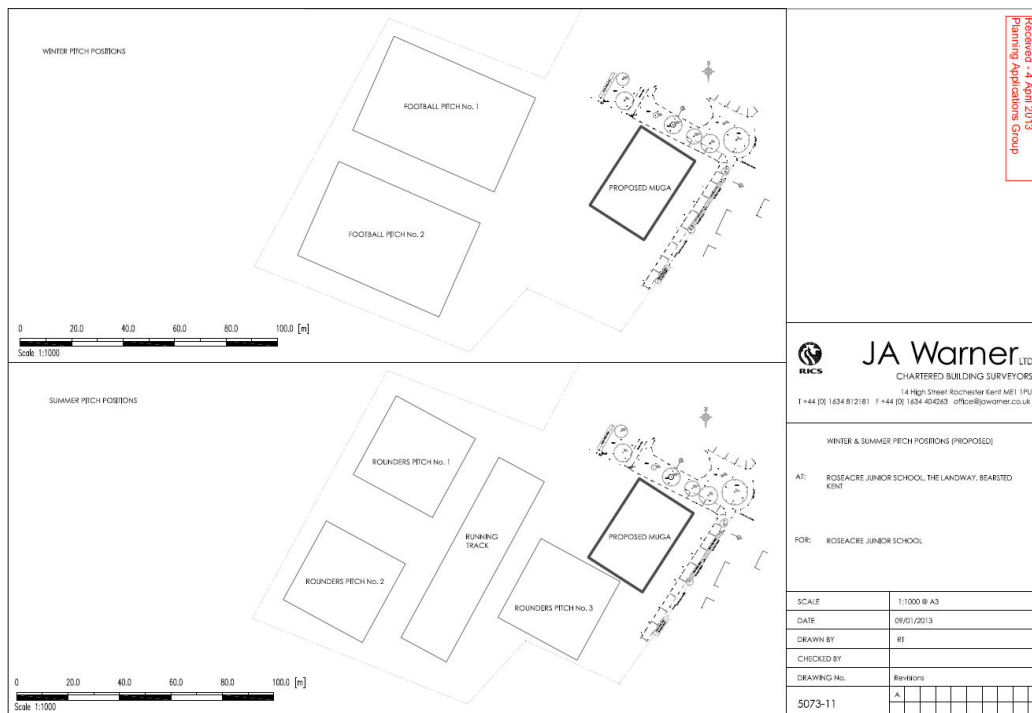


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Layout of proposed MUGA



Winter and summer pitch positions proposed



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View of the proposed location, boundary earth bank, planting and looking toward
neighbouring property in Clarendon Close



View of the proposed location for the MUGA taken from neighbouring property in
Clarendon Close. Looking towards the west of the site



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Planning Policy

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

- (i) **National Planning Policy and Guidance** – the most relevant national planning policy guidance is set out in the **National Planning Policy Framework (NPPF)** where there is a presumption in favour of sustainable development. In relation to this particular development proposal the following NPPF guidance is particularly relevant:

Chapter 1 – building a strong, competitive economy
 Chapter 7 – requiring good design
 Chapter 8 – promoting healthy communities
 Chapter 11 – conserving and enhancing the natural environment;

Planning Statement on planning for schools development - where there is commitment for planning to work in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools and that there should be a presumption in favour of the sustainable development of state-funded schools as expressed in the NPPF.

- (ii) **Borough/ District Local Plan / Local Development Framework policies**, are contained in the Maidstone Borough Local Plan (2000) as saved policies.

Policy ENV22 encourages regard to the visual impact and appearance of the locality and conservation of wildlife habitats in decision making concerning existing open areas;

Policy ENV23 requires consideration to loss of urban open space/recreation facilities, need and alternative provision;

Policy ENV6 encourages the provision of a landscaping scheme as part of development proposals where appropriate.

Consultations

11. **Maidstone Borough Council:** Raises no objections to the original and amended proposals.

Bearsted Parish Council: Objected to the original proposals because of the close proximity of the proposed MUGA to the rear of 4, 5 and 6 Clarendon Close. Their view was that there would be severe detriment to the residential amenities of these properties by virtue of noise, disturbance and visual intrusion. In particular, the proposed 3m fencing only 5m away from very short gardens of 5 and 6 Clarendon Close would in the Parish Council view have an imprisoning visual effect on these properties. Notwithstanding their objection

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to the application, the Parish Council would wish conditions to be imposed restricting the use of the MUGA to the hours 0830 to 1700 or dusk, whichever is the sooner on Mondays to Saturdays only with no use on Sundays or Bank Holidays, preventing the use of any flood lighting and restricting the use of the facility to children of only primary school age up to 11 years old. The Parish Council was not opposed to the principle of a MUGA being constructed within the school grounds but considered that it must be located centrally within the school field to be as far away as possible from as many of the surrounding houses as possible.

The Parish Council also raises objection to the revised proposals, whilst appreciating that the revised positioning is an improvement on the original proposal. In their view the proposal is still too close to the rear of 4, 5 and 6 Clarendon Close and in their view would be detrimental to residential amenity by virtue of noise, disturbance and visual intrusion. The Parish Council suggests that the proposal be positioned more equidistant between the residential properties surrounding the playing field. The Council also comments that the proposed position of the MUGA is within one of the best drained parts of the school playing field and that, contrary to what is shown on the application plans, is in the winter location of the school football pitch because it is so well drained and allows matches to be played consistently throughout the winter months. They say that the school field drains from east to west and that some parts towards the west are unusable in the winter because of poor drainage. To maximise use of the entire school field for the benefit of the School and the local community, the Parish Council suggests that the MUGA be positioned within a poorly drained area so that its construction can overcome any existing drainage problems and allow other well drained areas, in particular the proposed location for the MUGA, to remain in current use as a grassed area for activities throughout the year.

Kent Highways and Transportation: Do not wish to raise objection to the proposal. They comment that the proposal is for School use during term time and is not likely to lead to any significant increase in traffic flows.

Sport England: Comments that the provision of a MUGA meeting current design standards would represent the provision of a significant new facility and would outweigh the potential loss of part of the existing playing field. In their view the original proposal had the potential to meet exception E5 of playing field policy and did not wish to raise objection to the application, subject to conditions requiring further details of the design and layout before commencement of the development. However, in relation to the amended proposal Sport England considers that the proposal meets exception E5 of their playing fields policy and has removed their requirement for a condition requiring details of the design and layout of the MUGA to be attached to any decision notice. Sport England states that the proposed (revised) MUGA is in line with Sport England design guidance.

Kent County Council Biodiversity: Comment that the proposed development site comprises short maintained amenity grassland which is unlikely to have a high ecological value and that the proposal is unlikely to affect trees near to the site. Comment that opportunities to incorporate biodiversity in and around developments should be encouraged in this case by measures that could be introduced to the wider school site that might provide improved opportunities for wildlife, such as relaxation of the mowing regime at the margins of the site around field boundaries.

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Kent County Council Heritage Conservation: Have no comments on the proposal.

Environment Agency: Have no comments to make on the proposal.

Local Member

12. The local County Member, Mr Paul Carter was notified of the original application on 15th January 2013. No comments have been received to date.

Publicity

13. The original application was publicised by the posting of a site notice, and the individual notification of 53 neighbouring residential properties. It has also been advertised on our website. The revised application was further publicised by an additional neighbour notification and by re-notification to 7 neighbouring properties.

Representations to the original proposal

14. In response to the original neighbour publicity, 7 neighbour letters of representation have been received, 6 of which objected to the proposal. Neighbour concerns related predominantly to the location of the proposal and the impacts of the proposal to residential amenity. A number of suggestions were made including reduction and amendments to the proposed MUGA size, location, height of the fence and position of the path.
15. The location of the proposal on the field was queried. One neighbour states that the proposal is on the drier side of the field and to place it there would reduce the area of school field that the children could play on in most weathers. It is suggested by the neighbour that it would be better to place the MUGA on an area of the field where it is frequently wet thus increasing the usefulness of the field. One neighbour notes that the football pitch in main use during the winter is not shown on the submitted plan and that footballers use the east side of the field where it is driest; the two pitches shown on the west side of the plan they say are only fit for practice due to the wet and soft ground.
16. A number of residents in Clarendon Close said that the original proposal was too close to residential properties in Clarendon Close.
17. In relation to the potential impacts of the proposal, there were concerns predominantly about noise, visual impact as well as more general impacts such as on health, ecology, drainage, and concern about the potential for future amendments to the proposal.
18. Neighbour comments in relation to noise were that when compared to the current usage of the field, more children would be concentrated into a smaller area which would impact detrimentally upon neighbouring residents and that this would affect the reasonable enjoyment of properties in Clarendon Close. There were concerns about additional noise from use of the proposed path to the MUGA and that whilst noise from children is expected during school hours between 8am and 5pm during the week, an extension of this time

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would be unacceptable.

19. Neighbour comments in relation to the visual impact were that the proposal would change the aspect and outlook of the properties in Clarendon Close. Neighbours considered that the proposed 3m high fence would be unsightly and detrimentally affect the outlook from adjacent properties in Clarendon Close, the Landway and Spurway. Neighbour comments were that the fencing would be clearly visible from downstairs windows and from the garden and that the fence would reduce enjoyment of the garden and the view.
20. There were also neighbour concerns about the impact of lighting and light pollution and about health, ecology, drainage, and the potential for future amendments to the proposal. There was concern that it would reduce the green field area which would not be a general health benefit when compared to grass; the ecology would be affected by the area of hardstanding as it would not be able to fully absorb the rainfall and that it would affect the quality of life for residents of properties adjoining the school field.
21. There were concerns that the proposed hours of use may be increased in the future; that it would cause a reduction in property value; it might be used by external parties; that there should not be any sports in a quiet residential area; that the balls could easily enter property and cause damage and possible injury. It was stated that balls from the school field are already going over garden fences into property in the Spurway causing damage to fencing and plants and neighbour concerns about broken glass.
22. Some neighbours made suggestions for amendments to the proposal, mainly in relation to the size of the MUGA proposal and the height of the fencing. These included suggestions that it could be amended to a single unit MUGA and that by reduction to one MUGA, the football pitch on the east side could still exist.
23. It was suggested that the proposal could be repositioned. It was also suggested that the existing access to the playing fields could be used instead of the proposed new path. It was suggested that a reduced size would allow the MUGA to be situated away from the existing housing; that the fencing is unnecessarily high and could be reduced from 3m to 2m high to improve the application.
24. Some comments about the fencing for the existing MUGA at the site were also received, including that it only has fencing on the sections with a downward slope and that the sections with an earth bank only have a low fence. Another notes that the existing MUGA provided in 2002 originally proposed 2.7m high fencing which was then reduced to 2.4m.
25. Some general comments were also received making suggestions should the proposal be approved. That included restriction of hours to 8.30 to 5pm excluding evenings and until the end of natural light, and also no use on Sundays and that there should be no floodlights, letting and that the facility should be restricted to use by children only. It was suggested that if approved it should only be used by children of Roseacre School and be supervised by school staff.

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Representations to the amended proposal

26. In response to the additional neighbour publicity/re-notification, 4 letters of representation have been received.
27. One neighbour no longer has any objections subject to conditions that they would wish to see imposed regarding hours of use between 8.30 am and 5.30pm during term time; use only by pupils from Roseacre Junior School and supervised by school staff: and excluding use of floodlighting.
28. Three respondents maintain objections to the proposal, although 2 indicate that the amended proposal represents a marginal improvement. The objections to the amended proposal include the following:
 - the site plan that was submitted with the proposal was old and did not show the existing area between the school and the green area which includes a hard play area (approved in 2002), large netball and games area and other equipment;
 - the position of the proposal would affect the use of the existing football pitches used by Bearsted Football Club at the weekends during the winter season and that this could result in the need for alternative sites thereby affecting the Community use of the field. It is stated that the position of the proposal should be such that the present major football area towards the east of side of the field should be maintained;
 - that the summer/winter plan used is misleading in that the main football pitch in use for matches is on the east side of the field where it is driest which overlaps the revised MUGA location and that if approved the Community use of the field for matches would be lost;
 - that the two pitches shown on the west side of the plan are only fit for training and practice due to the wet and soft ground. It is suggested that the ideal location to make best use of the whole field would be where football pitch one is shown just past the running track and still giving easy access from the track up to the field or not at all;
 - The proposed location is still too close to the boundary of houses in Clarendon Close;
 - Objection to the increase in volume of noise caused by children being confined in a fenced area. The noise will be greater than that of them playing over the vast area of the playing fields much less densely;
 - Objection to the visual impact to all properties in Clarendon Close, Landway and Spurway adjoining the school playing fields of 3 metre fencing;
 - Concerns about the future implications for use of the proposal for extended hours by external parties, impacting on quality of life;
 - It is requested that should the proposal be given permission, letting and lighting will be restricted by conditions.

Discussion

29. In considering this proposal regard must be had to the Development Plan Policies outlined in **paragraph 10** above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development

Multi use games area (MUGA), Roseacre Junior School, Bearsted - MA/13/91 (KCC/MA/0436/2012)

Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key planning considerations in this particular case can be summarised within the following headings:

Need

30. There is strong planning policy support for improvement of school facilities and for local planning authorities to take a positive approach when dealing with such proposals. The purpose of the application is to increase opportunity for sports and play for the pupils at the school, on a hard surfaced area all year round and to ease congestion on the existing hard play surfaces. The proposal is entirely for the School's own use. The children at the school range in age from 7 to 11 years and the current roll is 411 pupils. Fencing is included so as to contain ball activities within the MUGA area and a path is included to connect the MUGA to an existing path to the west and therefore to other parts of the school site.
31. I am therefore persuaded that the School has a need for increased opportunity for sports and play facility at the site whilst reducing the health and safety risks associated with congested play areas. However, in my view, the need for the proposal needs to be balanced against the likely impacts as a result of the location chosen for the proposal. This is considered further below.

Location

32. The principle of location of a MUGA within the school site is in my view generally acceptable and in land use terms akin to the wider school environment. Planning policy seeks to promote healthy communities giving access to high quality open spaces and opportunities for sport and recreation as these make important contributions to health and well being.
33. However, this proposal is located on playing field land also subject to planning policies which seek to protect playing fields from development. The exact choice of location within the playing field in relation to neighbouring property, distance from boundaries and whether the proposal is located in the most appropriate location on the field when considering the site context therefore needs to be considered further to determine whether the proposal could be regarded as a sustainable development. This is discussed further below in relation to location and the potential for significant adverse impacts.
34. Neighbour representations about the choice of location on the field in relation to the ground conditions, drainage, existing pitch layouts and current use of the field pitches for football, challenge the applicant's choice of location within the site for the original and amended proposal. Amendments to the location and dimensions of the proposal have to some extent taken account of this although not all of the concerns have been resolved in the revised proposal. The applicant advised that the originally proposed location of the MUGA in their view makes best use of the space available on the field considering the ground conditions and without compromising the overall available space. The applicant advised that the

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proposed location is on the worst ground so that it would enable sports to be played when the ground conditions would otherwise restrict sport activities.

35. The applicant has submitted details of the existing summer pitch locations. There are 3 rounders pitches and a running track on the playing field. The applicant proposes that the rounders pitch that would be affected by the proposed MUGA location could be moved and that the field could accommodate all summer facilities.
36. The existing winter pitch locations submitted by the applicant (drawing 5073-10) indicate that in the winter no pitches are laid out to the east of the field where the MUGA is proposed (two football pitches labelled 1 and 2 are shown laid out to the west of the field). Neighbours question the accuracy of this. The School advises that the west side of the playing field is currently marked up for football and that football is not played on the east side. However, aerial photos of the field show that there have been a number of different pitch configurations on the field over time. For example, in 2007 a pitch was marked up on the east side of the field, but not in 2008 and in 2003 no pitches were marked out. It is therefore noted that at times there has been a football pitch laid out to the east of the field where the MUGA is proposed by the applicant.
37. Whilst the proposal seeks to increase opportunities for sports at the same time it affects land which is or capable of being used as a playing field. The applicant's amendments to the proposal would impact on the area to the east of the field which has evidently been laid out as a winter football pitch from time to time. Planning policy seeks to protect all parts of a playing field not just those that happen for the time being to be laid out as pitches. All parts of the playing field are a resource which may be needed now or in the future and so are afforded the same level of planning policy protection regardless of the current pitch layout. The views of the statutory consultee for planning proposals affecting playing fields, Sport England, are relevant to whether in planning terms it is appropriate to use any part of the school playing field for this proposal, irrespective of how the pitches are currently laid out and what sports activities the field is currently being used for.
38. Sport England has confirmed that the proposal meets exception E5 of their playing fields policy. In their view, the proposed development is for a sports facility which is of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the land as playing field. There have been suggestions from neighbours and the Parish Council that other possible locations on the playing field would be more appropriate and less disruptive to the current playing field layout and uses. However, other locations have not been proposed by the applicant and a decision needs to be made in relation to the application which has been made. Taking account of the views of Sport England and given the amendments to the original proposal, I consider that the impact of the proposal on the existing use of the playing field as a sports facility is therefore acceptable in planning policy terms.
39. However, the location of the proposal in relation to the potential for adverse impacts arising from the proposal needs further consideration.

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Potential for impacts as a result of the revised proposal

40. As a result of revisions to the proposal the nearest property would be located between 13.6m and 14.2m from the fence line with rear gardens in Clarendon Close. It is located approximately 17m from the nearest boundary fence line in Spurway. Whilst the revised proposal has attracted fewer neighbour representations than the original proposal, there are still concerns that the revised proposal would be too close to property.
41. The Parish Council considers that a location centrally on the school field as far away as possible from as many of the surrounding houses as possible would be preferable to what has been proposed.
42. In response to concerns regarding the proximity of the original proposal to residential property in Clarendon Close, the applicant advised that they were aware of the proximity of the proposal to the boundaries of nearby residential property but that the location had been carefully considered so as to limit the impact on the school playing field including pitches and to affect the least number of nearby residents as possible and to make the best use of the space available and the ground conditions. The original position of the proposal was chosen by the applicant as it took account of the ground investigations and geotechnical advice received in relation to the whole playing field, allowed easier access to the main school buildings to the north, as well as making best use of the screening from trees on site and from the earth banks at the eastern and northern edge of the playing field. In making revisions to the proposal, the applicant's view was that the originally proposed location would have been the most suitable.
43. In my opinion, the key determining issues in relation to this application are the potential for visual impact and noise related impacts to residential amenity. These are discussed below.

Visual Impact

44. The boundary between the amended proposal and the closest neighbouring property (generally houses) in Clarendon Road to the east of the proposed site is marked by fencing ranging in heights from 0.5m at the north east to 0.9m high and 1.2m high at the south east of the proposal. In front of the fence line there is a range of planting including a Hazel which at the time of the site survey in November 2012 was 4m high, holly hedging 2m high and a Laurel 3m high. To the south of the proposed site there is beech hedging. There are breaks in the hedging and fencing in at least two locations where neighbours currently have gated access onto the open school field. To the east between the Clarendon Close boundary and the school playing fields there is also a perimeter earth bank.
45. The proposal involves cut and fill of the site surface in order to produce a level MUGA surface. The applicant has submitted a site level plan and elevations to show the proposal set between 0.45m and 0.69m below the current ground level. The reduction in ground level achieved by the cut and fill when combined with the earth bank located at the eastern boundary would reduce the visual impact of the proposed fence such that at the eastern boundary the lower section of the fence would be screened by the height of the earth bank. The boundary planting in combination with the boundary fencing would further obscure the visual impact of the proposed fence. The applicant has commented that the location of the

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earth bank and boundary hedges is expected to be above the height of the top of the fencing thereby reducing the visual impact of the fence. There is also opportunity to let the boundary planting grow higher. The proposal would however result in views which are very different to the existing openness of the school playing field.

46. To the south of the amended proposal the boundary of the school field with properties in Plantation Lane is well screened by mature trees and vegetation.
47. To the west of the amended proposal the closest residential property is in Spurway, approximately 17m from the proposal. At the boundary with these properties there is a beech hedge line and occasional mature trees. This edge does not benefit from further screening from a perimeter earth bank. Properties in the Landway also back onto the school field. However, views from the boundary with these properties tend to be mostly screened by mature trees.
48. The proposed bitumen macadam hard surface MUGA, which would be marked up to delineate the courts would clearly differ to the existing short maintained amenity grassland that currently exists. Concern has been expressed about the visual impact of the proposed MUGA particularly in relation to the 3m fencing that would surround the MUGA. The applicant does not wish to reduce the height of the proposed fence. The applicant advises that the proposed height of the fence at 3m is normal height for enclosure of a MUGA facility. They expect the location and height of the nearby earth bank (which is between approximately 1m and 1.4m above the current ground level) and boundary hedges at Clarendon Close to reduce the impact of the fence to those residents. The green colour treatment of the fence and the open texture of the fencing proposed has been selected to be less visually intrusive than other possible types of fencing such as chain link fencing.
49. In my view, the potential for change to the views and for visual impact would be mainly to those houses in Clarendon Close and in the Spurway that are nearest to the proposal. Given that the proposal is set at least 13.6m in from the nearest boundary and is in places well screened by existing planting and to the east a perimeter earth bank, in my opinion, the visual impact of the proposed fence could be further screened over time by additional landscape planting, particularly to the east and northwest of the proposal. I am satisfied that this could be secured by imposing planning condition if planning consent were to be given.
50. The proposal does not include floodlighting. A planning condition also could be imposed to exclude the introduction of artificial lighting. Subject to further planting and screening proposals being required, I am satisfied that whilst the proposal would change private views of the playing field, the amended proposal would not be seriously detrimental to visual amenity. Members need to be aware that the protection of privately obtainable views across neighbouring land is strictly not a material planning consideration.

Disturbance and Noise Impacts

51. There is concern that has been raised that the proposal would increase noise impacts from children playing and that the noise would be more concentrated if it is within the proposed MUGA. The School is aware that there are concerns from neighbours about the potential

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for impacts arising from the proposal.

52. However, in planning terms the area is an area of urban open recreational space and this use is not incompatible with the location on an existing school site. The proposed hours of use are term time only, when it would be used intermittently throughout the school year, between 08:30 and 17:00 hours (or until the end of natural light if earlier than 17:00 hours) and it is proposed that the MUGA be for supervised School use only.
53. In my view, given the location on an existing school site, there would not be sufficient planning grounds to refuse the proposal in relation to the potential for noise impacts alone, and the potential for noise and disturbance impact on residential amenity which may arise from construction works could be suitably controlled via a condition restricting hours of construction.

Other issues in terms of design, healthy communities and plan detail

54. The applicant advises that the proposal would allow a greater number of pupils at the school to undertake a greater range of sporting activity even when the weather conditions would usually prevent use of the field. They advise that the remaining area of open school field is still also sufficient for the School's sporting activities. In my view the proposal increases the range of opportunities for sports for children at the school whether that be on grassed or on hard surface, that being important also in planning for healthy communities.
55. The proposal is for the School's own use. Neighbours have suggested that the proposal might reduce the current community use of the playing field. However, the applicant advises that the existing letting of the school field for Saturday morning football with Bearsted Football Club only on the marked field pitches would continue as normal.
56. The original proposal dimensions have been amended to respond to Sport England comments about minimum sports pitch and court dimensions for the sports activities originally proposed. The amendments to the proposal reflect the Sport England design guidance and resulted in a reduced overall size of the proposal. This allowed the proposal to be re-positioned on the field. The overall design of the MUGA is considered to be fit for purpose for the sport activities proposed.
57. Concerns of neighbouring residents are that in the future the applicant might seek to increase the hours of operation, or seek artificial lighting or seek wider community use. This is not currently being proposed by the applicant. The planning merits of any such proposals would in any event need to be considered at the appropriate time should such amendments be proposed in the future.
58. The applicant had submitted a site plan that did not show the tarmac playground area permitted in 2002. Whilst not shown on the site plan, the other playing ground area was referred to by the applicant in the supporting information. This report takes account of the presence of the tarmac playground area permitted in 2002. The aerial view on page 2 of this report clearly shows the tarmac playground area.

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Conclusion

59. Planning policy seeks to promote healthy and inclusive communities. It also seeks to prevent the loss of recreational and open space which can make an important contribution to the health and well being of communities. In this case, taking account of the views of Sport England, I consider that the benefits of the proposed MUGA to sports outweigh the detriment caused by loss of part of the playing field.
60. Securing high quality design and a good standard of amenity is also a core planning principle. The design of the proposal is fit for the intended purpose and meets Sport England Guidance. The applicant has been encouraged to amend the original proposal to take account of local opinion regarding the potential for adverse impacts due to the proximity to housing. As a result, the applicant has put forward an amended proposal, with reduced overall size, located further from the boundary with property in Clarendon Close. That represents an overall design improvement to the original proposal. However, there remain local concerns that the proposal is too close to housing and that consequently there would be potential for adverse visual and noise impacts.
61. However, taking account of the comments arising from statutory consultation, including no objection from Maidstone Borough Council, I consider that the proposal accords with the general aims and objectives of national and local planning policy requiring good design, promoting healthy communities, schools development and sustainable development. The proposal is capable of being further screened by new planting which can be required by planning condition. Although the proposal may lead to part of the school playing field being used more intensively by children taking part in sports activity, this would be intermittent during term time only and during restricted hours with use restricted to the School. The proposal does not include floodlighting. The proposal in my view therefore respects the site context in so far as it is possible in this location and, whilst the views to the open playing field would change, in planning terms this would not be significantly detrimental to the built environment, or to residential and visual amenity. I consider that this proposal accords with the development plan and that there are no material planning considerations that indicate that planning permission should be withheld. I would however recommend the inclusion of various planning conditions and informative.

Recommendation

62. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The standard 5 year time limit
 - That the development be carried out in accordance with submitted details
 - Restriction of construction hours
 - Details of temporary construction compound and storage areas
 - Hours of use to be restricted to term time only
 - Restriction to School's own use
 - Restriction to prevent the use of floodlighting at the proposed site
 - Submission of landscaping and planting proposals for the site

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- Tree protection measures.

63. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informative:

- Opportunities should be sought for improving biodiversity at the site.

Case Officer: H Mallett	Tel. no: 01622 221075
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Background Documents: see section heading

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Item D4

Single storey extension to provide two classrooms at St John's CEP School, Sevenoaks – SE/13/1206 (KCC/SE/0137/2013)

A report by Head of Planning Applications Group to Planning Applications Committee on 7 June 2013.

Application by Kent County Council Property and Infrastructure and Support for a single storey extension to provide two classrooms, office and toilet accommodation at St John's Church of England Primary School, Bayham Road, Sevenoaks, Kent, TN13 3XD – SE/13/1206 (KCC/SE/0137/2013).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mrs M. Crabtree

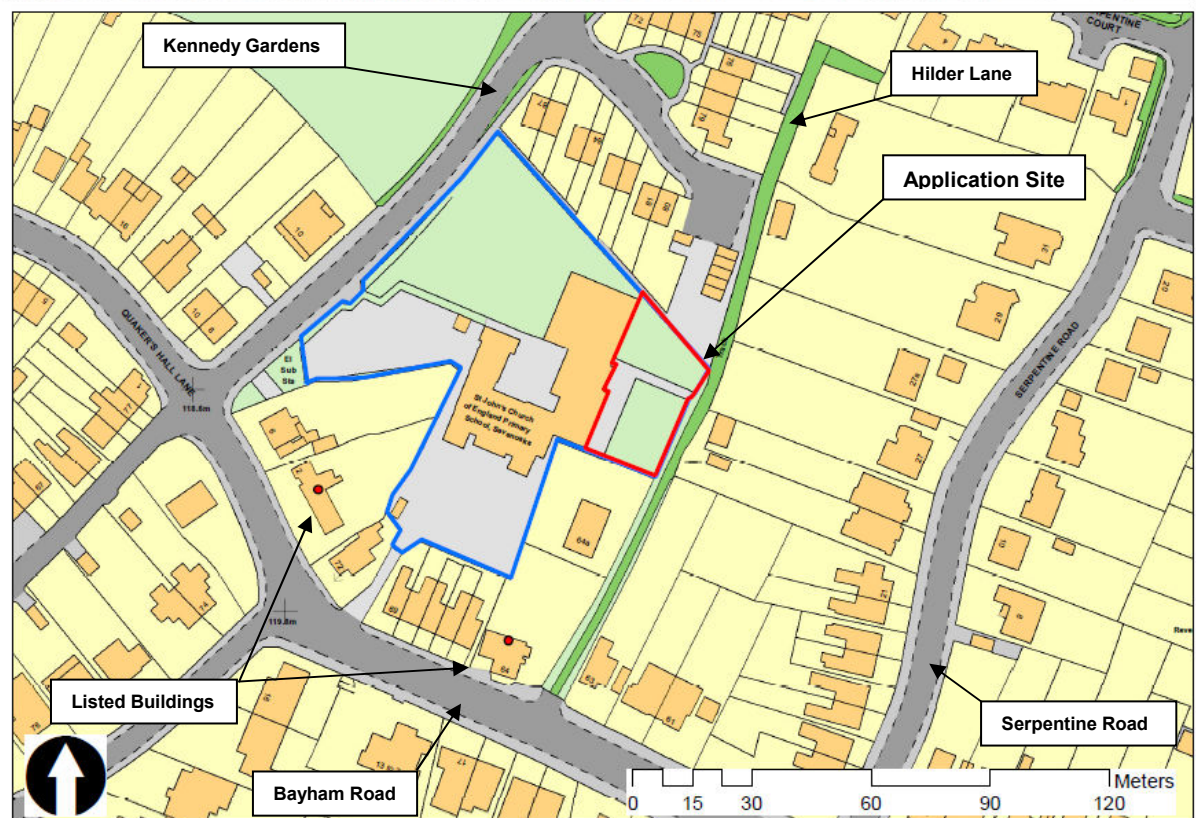
Classification: Unrestricted

Site

1. The application site falls within the grounds of St John's CE Primary School, Bayham Road, Sevenoaks. The school grounds are located within the built confines of Sevenoaks town, approximately 1km north north-east of the town centre. The school is positioned on a relatively small plot of land (approximately 0.59ha) surrounded by residential properties. The original school house forms a pitched roofed brick building set back from Bayham Road to the rear of residential properties that front the highway. A large part of the School's existing accommodation consists of extensive single storey flat roof extensions, mainly to the north and north-east. The primary vehicular access and dedicated car park (26 spaces) are located off Kennedy Gardens to the west. Pedestrians are able to access the grounds from Kennedy Gardens and Bayham Road to the south. The School's playing fields are located off site to the north-east and can be accessed via Hilder Lane immediately to the east, an informal track that provides rear access to a number of properties, including the School. St John's Primary School currently accommodates 185 pupils aged 5-11 years with approximately 50 full time and part time staff.
2. The application site forms a small open space between the main single storey classroom extensions on site and the south-eastern boundary with Hilder Lane. The location is not visible from the public highway, and currently consists of a mixed paved and grassed amenity area. The space is enclosed by closeboard fencing, which is supplemented by a mixed hedgerow to the south-eastern boundary and approximately 7 trees of varying ages.
3. The closest residential property is immediately to the south of the application site, located off Bayham Road. Further residential properties on Kennedy Gardens to the north-west and Serpentine Road to the east (on the far side of Hilder Lane) back onto the site. The area immediately to the north forms a garage block that serves the properties on Kennedy Gardens. A mature English Oak tree is growing within the rear garden of a property on Serpentine Road to the east, the root zone of which is likely to extend under part of the proposed site. The wider surrounding area includes two listed buildings that front on to Bayham Road to the south, neither of which are visible from the application site (please see the attached location plan). The school grounds are positioned within a Groundwater Source Protection Zone 2 overlying

Single storey extension to provide two classrooms at St John's CEP School, Sevenoaks – SE/13/1206 (KCC/SE/0137/2013)

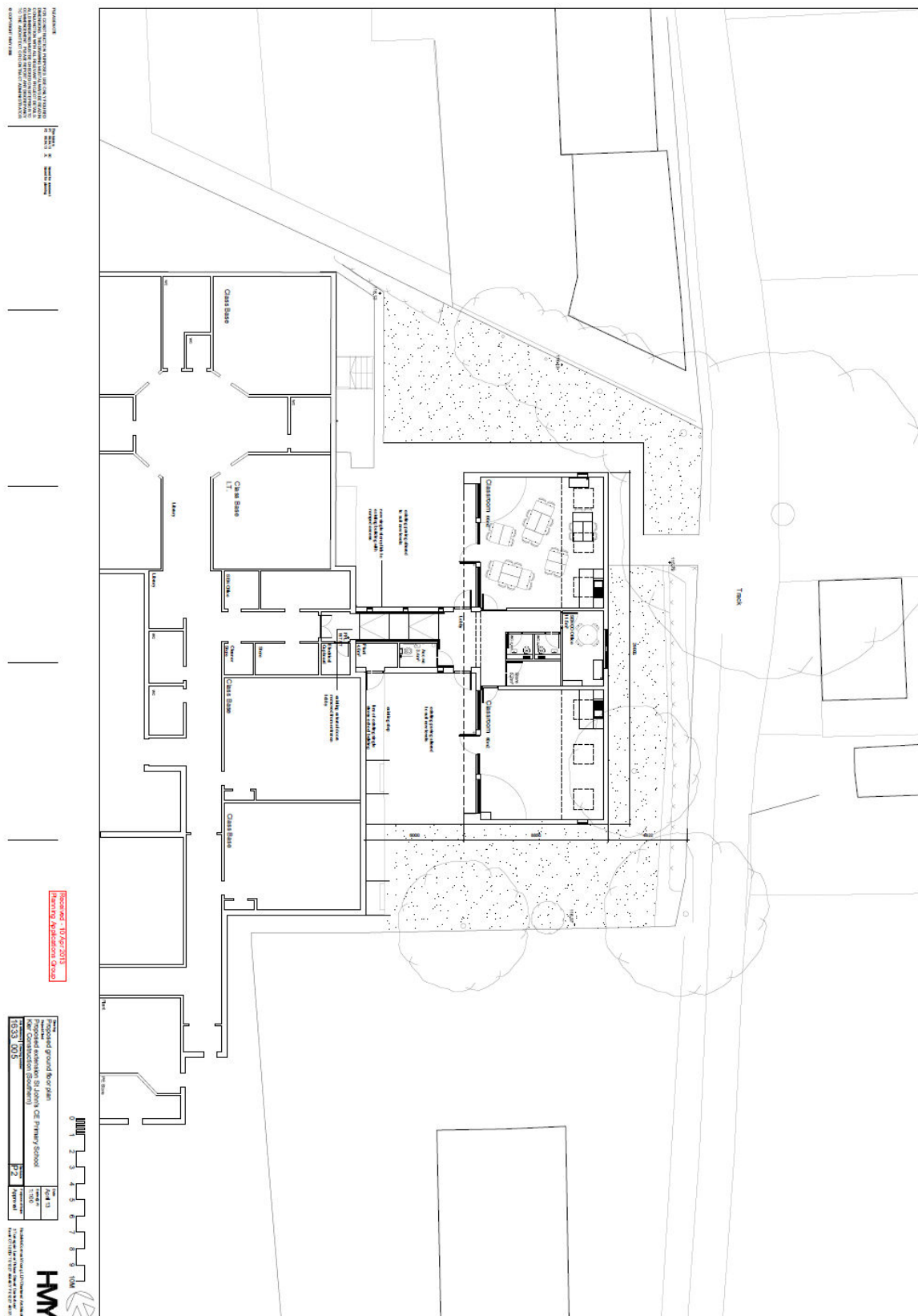
General Location Plan



The site plan for Kennedy Gardens shows a large area outlined in red, representing the proposed extension. A blue rectangle within this area indicates the 'Proposed Extension'. To the right of the main site is a 'Garage Block'. The plan includes a 'Vehicle Access' point on the left, a 'Pedestrian Access' point at the bottom, and a 'Playground' area. Surrounding features include 'Kennedy Gardens', 'Oak Tree', 'Car Park', and 'Visitors Entrance'. The site is bordered by 'Bayham Road' and 'Hilder Lane'. A scale bar (0-30M) and a north arrow are provided. A red stamp reads 'Received - 10 Apr 2013 Planning Applications Group'. A table at the bottom left contains project details: 'Proposed Site Plan', 'Proposed Extension to St. John's CE Primary School', 'Kier Construction (Southern)', '1633 004', 'P2', 'Date: April 2013', 'Drawn by: 1583', and 'Approved: 1583'.

Single storey extension to provide two classrooms at St John's CEP School, Sevenoaks – SE/13/1206 (KCC/SE/0137/2013)

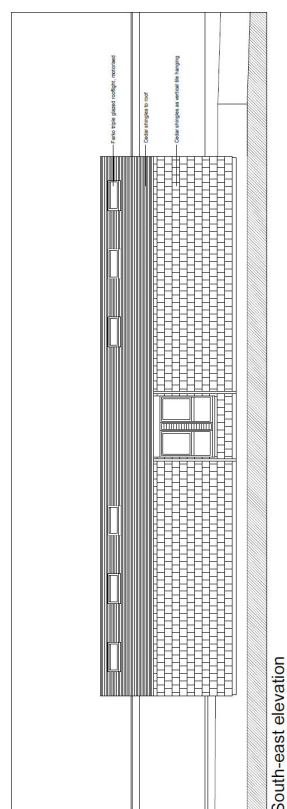
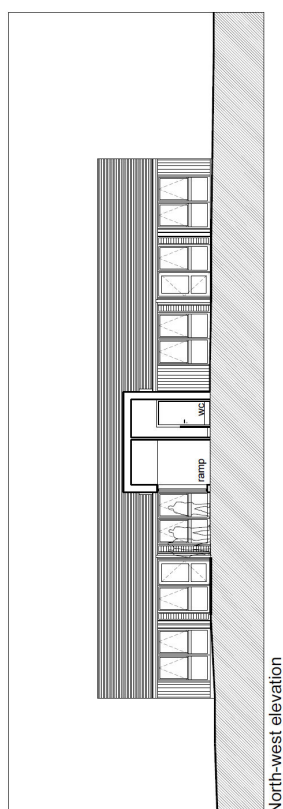
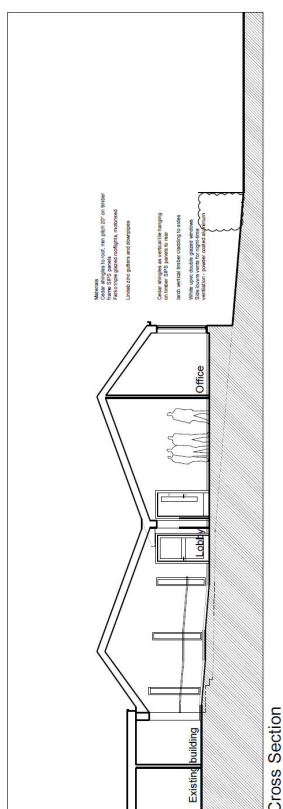
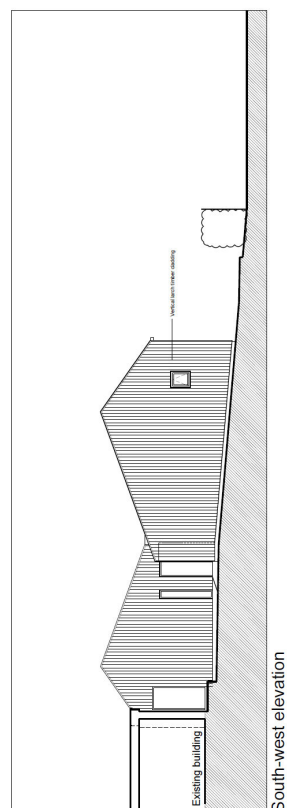
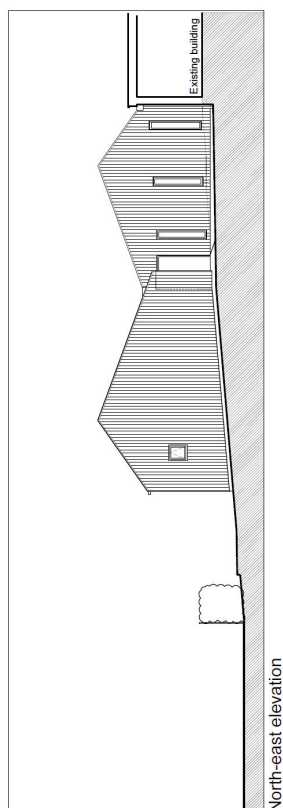
Proposed Floor Plan



Single storey extension to provide two classrooms at St John's CEP School, Sevenoaks – SE/13/1206 (KCC/SE/0137/2013)

Proposed Elevations

- Materials**
- Cedar shingles to roof (min pitch 20°);
 - Triple glazed rooflights;
 - Zinc gutters and downpipes;
 - Cedar shingles as vertical tile hanging to SE wall;
 - Larch vertical timber cladding to sides;



[illegible]

Single storey extension to provide two classrooms at St John's CEP School, Sevenoaks – SE/13/1206 (KCC/SE/0137/2013)

a Major Aquifer, as defined by the Environment Agency. There are no other site specific designations, although more general development plan policies are set out in paragraph (9) below.

Background

4. The recent planning history for the school site includes a planning permission granted in March 2012 to demolish an existing kitchen, store and 'mobile' library unit and to construct a new detached multi-purpose hall and kitchen plus boys and girls changing areas (under reference SE/11/196). The proposed building is permitted on land to the north of the main school adjacent to the car park. To date the development has yet to be implemented, the permission runs until in March 2015 and could be implemented at any point up until this date.

Proposal

5. The application proposes the construction of a single storey extension that comprises two 60m² classrooms, three toilets (including full accessible facilities), a storage room, and an office for a Special Educational Needs teacher. The proposed extension would be linked to an existing single storey classroom building by a new link corridor, with a shallow ramped access to allow a fully accessible route down into the proposed building. The extension (including the link) would create approximately 184m² of new floorspace and would be located to the rear of the school within an open area which falls to the eastern boundary.
6. The new classrooms would ease pressure within the existing school by providing new accommodation to meet the needs of the current group of pupils (185 children) and would enable the school roll to expand to 220 pupils to help meet a local increase in need for primary school places. The proposed increase in pupil numbers would result in the employment of one additional full time teacher and one classroom assistant.
7. The design of the proposed extension would adopt a timber frame construction providing a shallow pitched roof with a low eaves height. This built form would be mirrored by the link to the main school building. The classroom building would measure approximately 21.5m by 8.85m, and about 5m in height (when measured in line) to the ridgeline. Due to a general fall in the site from west to east, the eastern section of the extension would be built up to achieve a level floor height within the extension. This change in level would add about a metre to the overall height from ground level on the east side. The roof and rear (east) wall would be clad in western red cedar shingles, with the side gable elevations clad in vertical larch boarding (approximately 125mm wide). The timber finish would be allowed to weather naturally to achieve a sympathetic finish that seeks to reflect the surrounding gardens and trees, whilst screening the existing single storey classroom building. The windows would be white double glazed upvc units to match the adjacent school building with powder coated aluminium doors. The classrooms would face back towards the main school allowing the design to incorporate fewer windows in the side and rear elevations. Six roof lights would provide increased light to the interior. The applicant states that the lightweight materials and construction would enable a faster build time, superior thermal performance and reduce loads onto the foundations.
8. The application proposes to retain the existing boundary hedge (to the east) and closeboard fencing that surrounds the site. Seven trees fall within the application site

Single storey extension to provide two classrooms at St John's CEP School, Sevenoaks – SE/13/1206 (KCC/SE/0137/2013)

with a further oak tree close by within a neighbouring garden. The application includes a tree survey as well as an arboricultural impact assessment and method statement. The reports identify six trees that should be removed either to accommodate the development or for arboricultural reasons and that none of them are considered to be of particularly high value, three of which are considered to have a limited remaining lifespan. The remaining tree and mixed hedge long the south-east would be protected during construction. The attached 'tree protection and retention plan' shows that a small area of the footprint of the building and associated footpath falls within the predicted root protection zone of the mature oak tree located within a neighbouring garden. The application proposes a number of protection measures for this area in accordance with the British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction'.

Planning Policy

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

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

National Planning Policy Framework (March 2012) sets out the Government's planning policy guidance for England 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 development plan to the policies in the NPPF, the greater the weight that may be given).

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

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live their lives;
- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution
- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;

Single storey extension to provide two classrooms at St John's CEP School, Sevenoaks – SE/13/1206 (KCC/SE/0137/2013)

- 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 NPPF guidance and objectives covering the following matters is particularly relevant:

- consideration of whether 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
- conserving and enhancing the natural environment.

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.

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.

(ii) Development Plan Policies

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

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

Policy EN4A Proposals for all forms of new non-residential development must make provision for the safe and easy access of those with disabilities.

Policy NR10 Proposals for all forms of development should minimise pollution of the environment through careful design and layout of any buildings or land uses.

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Policy VP1 Vehicle parking provision in new developments will be made in accordance with KCC adopted vehicle parking standards.

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

Policy LO1 Seeks to focus development within the built confines of existing settlements.

Policy LO2 Seeks to protect the setting of the urban area and the distinctive character of the local environment.

Policy SP1 Seeks new development to be designed to a high quality and respond to the distinctive local character of the area. New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity. The District's heritage assets and their settings, including listed buildings, will be protected and enhanced.

Policy SP2 Sets out standards for sustainable design and construction. New institutional development will be required to achieve a BREEAM rating of at least 'very good'. Achievement of this standard is expected to include 10% energy savings through renewable sources.

Policy SP11 Seeks to conserve and enhance biodiversity.

Sevenoaks Local Development Framework: Supplementary Planning Document: Sevenoaks Residential Character Area Assessment (April 2012)

This document seeks to identify particular residential areas within the urban area of Sevenoaks (excluding Conservation Areas and non-residential development) and the distinctive features that define their local character and sets out appropriate design guidance.

Consultations

10. **Sevenoaks District Council** raises no objection providing that that the proposed works are carried out in full accordance with the submitted Arboricultural Impact Assessment and Method Statement and Tree Protection and Retention Plan, and provided that the County Highways Engineer is satisfied with the proposals.

Sevenoaks Town Council raises no objection and welcomes the investment, subject to conditions:

- *'The impacts on Hilder Lane House, immediately to the south, is mitigated by suitable evergreen planting along the boundary, and landscaping, and if possible by reducing the height of the floor slab which in the current plan is significantly above ground level.*
- *Action is taken to improve safety of Children attending the school, by reducing the speed of passing traffic and encouraging more students to walk to school; the Town*

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Council would strongly support the provision of a formal pedestrian crossing to ensure safe access'.

Environment Agency has no comments to make, assessing the application as having a low environmental risk.

Kent Highways and Transportation raises no objection. Comments received read as follows:

'The adjoining roads to St John's School noticeably have little parking restriction present indicating relatively low levels of parking stress in the area. Whilst the school is in a residential area, the main entrance is off Kennedy Gardens where there are few nearby residential accesses. There are allotments on the northern side and adjacent properties are principally 'side on' to the road limiting conflicting points with school activity. Kennedy Gardens is also a cul-de-sac limiting the amount of passing traffic.

I have studied the injury crash record for the area and there have been no injury crashes on Kennedy Gardens for at least the last 10 years. The proposals comprise an expansion which amounts to a 19% increase in pupil numbers and an increase in staff of one additional full time teacher and one classroom assistant. I consider that in transport terms this expansion can be accommodated in this area without undue detriment or need for remedial measures. I write to confirm therefore that I have no objection to this application'.

Local Member

11. The previous local County Member for Sevenoaks Central, Mr J. London was notified of the application on 18 April 2013. Mr London responded on 2 May 2013 as follows:

'This is a very congested site with a lot of parents waiting to collect their children at the end of the school day. Bayham Road is also a commuter "rat run" in the morning and with cars parked along Bayham Road making safety an issue. Is it possible to put in force planning restrictions re waiting and parking at the end of the school day?'

12. Following the elections the new County Member, Mrs M Crabtree was notified of the application on 9 May 2013.

Publicity

13. The application was publicised by the posting of a site notice and the individual notification of 36 neighbouring properties.

Representations

14. In response to the publicity, 5 letters of representation have been received raising concerns about the proposals. The key points raised can be summarised as follows:

- Objects to the application due to the potential impact of the construction of foundations (and pile driving) within the root zone of a large Oak tree (within the garden of a nearby property on Serpentine Road). Notes that the tree is potentially several hundred years old, in good condition and forms a major landscape feature in

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the local area.

- Considers that the removal of trees from the site would result in a loss of local amenity and should be avoided unless absolutely necessary. Notes that it is not clear how some of the trees on the northern boundary proposed for removal would interfere with the development.
- Requests consideration be given to the provision of suitable planting to help screen / soften the visual impact of the development.
- Seeks the removal of the single tree to be retained on the south-west boundary as the species is considered too large for the position in which it grows and its retention would potentially inhibit more suitable screen planting.
- Appreciates the consideration that has been given to the design, particularly the use of materials. Considers that the good quality materials and the asymmetric roof profile would go some way to mitigate the visual impact.
- Considers that the 6 metre separation between the development and the boundary of residential property is the minimum that would be acceptable.
- Asks whether the building could be sunk into the ground to reduce the overall height of the roof.
- Seeks reassurances that the detailed design of the junction between the gable walls and roof would continue to use similar materials and would not be visually disruptive.
- Seeks reassurances that should any attachments be installed on the roof (aerials, satellite dishes or security equipment, PV arrays, for example) consideration should be given to local visual amenity so as not to spoil the original design concept.
- Notes that the building has been designed to avoid issues of overlooking. Asks that light spill from the development either from windows or any external lighting be minimised and suitably controlled.
- Requests that should the existing boiler plant within the main school building need to be upgraded as a result of the proposed development attention be given to measures to minimise the transmission of noise, as the provisions are in close proximity to a residential property.
- Objects to the potential for noise to be generated during the construction period, considers this to be highly invasive to a large number of nearby houses.
- Seeks construction noise associated with the building be kept to a minimum at reasonable hours of the day, avoiding work at weekends.
- Raises concern should Hilder Lane to the rear of the school, between the application site and properties on Serpentine Road, be used for construction access. The access track is narrow and unsuitable for HGVs and heavy equipment as there is nowhere to turn or park vehicles, or store materials, without blocking the lane. Notes that a number of properties have a continuous right of way and own land directly to the rear of the gardens, which include a garage that opens onto the track. Raises concern that any construction use would churn up the unmade surface of the lane making it unusable for ordinary vehicles.
- Seeks reassurances that the access to the site during construction and following the development would not change, including no change to the future use of Hilder Lane as a result of the development.
- Considers that permission should not be granted until extensive road safety measures around the junctions, and along stretches, of Bayham Road, Quaker's Hall Road and Kennedy Gardens have been implemented. Considers that the children attending the site face extreme danger from traffic when arriving, and leaving, school.
- Raises concern that this is the second application to expand the built development at the school in a relatively short period of time. Seeks confirmation whether the

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previous application to construct a sizeable structure (new school hall and kitchens) has been abandoned or whether it is intended to proceed with both developments. Considers both developments would represent a major redevelopment and expansion of the school and be a significant nuisance during construction work.

Discussion

Introduction

15. The application seeks planning permission to construct a new single storey classroom extension at St Johns CEP School. The proposals would provide two new classroom spaces to support existing pupil numbers and enable up to an additional 35 pupils to attend the site. The application is being reported to the Planning Applications Committee as a result of objections and concerns received from neighbouring residents primarily relating to the design of the development, tree protection and highway safety considerations as outlined in paragraph (14) above.
16. In considering this proposal, regard must be had to the Development Plan Policies and Government Guidance outlined in paragraph (9) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, National Planning Policy Framework, other Government Guidance and any other material planning considerations arising during the consideration of the application. In brief, the relevant planning policies, as well as strongly supporting provision of education facilities, promote sustainable development, seek a high standard of design, have regard to local context, the amenity of nearby properties and the surrounding area, and require adequate access and parking.
17. In my opinion, the key material planning considerations in this case can be summarised by the following:
 - siting and design considerations;
 - impact on local and residential amenity;
 - impact on trees; and
 - highways considerations.

Siting and design considerations

18. Policies EN1 of the Saved Local Plan Policies and SP1 of the adopted Core Strategy require development that respects, conserves and enhances the surrounding environment, and of a high quality design that responds to the character of the area. The proposed single storey extension would be located to the rear of the school buildings on what is mainly an area of grass with a concrete paved area along the edge of the existing building, and a path to a gate in the rear boundary. This is a separate area of the school site, enclosed by the existing buildings to the west, fencing, a length of hedgerow to the east, and boundary trees, and is similar in character to nearby gardens.
19. The applicant states that the location of the extension in this part of the site means that it can be easily linked to adjacent teaching areas. The main part of the extension would stand 6 metres away from the existing building. This allows room for the link to have a

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ramped access to the extension, as site levels mean that it would be at a lower finished floor level than the existing building.

20. The extension would be between about 5.5 and 4 metres away from the boundary fence and hedgerow on the eastern boundary which adjoins the access track known as Hilder Lane. Although the properties in Serpentine Road also back onto the track where there are several garages adjoining it, the houses would be some 50 metres away from the extension. To the south, the extension would be about 6 metres from the boundary with the nearest residential property and about 18.5 metres from the facing gable end of the house. To the north, the extension would be between 5.5 and 9.5 metres from the boundary with the adjoining garage block in Kennedy Gardens. The size and position of the extension would allow a reasonable space surrounding it which (with the exception of paving between the buildings and the diverted path) the applicant states will be retained as mown grass with the possibility of the School developing it as a nature area at some time in the future. It would however be appropriate to require a landscaping scheme should permission be granted to ensure that some tree planting is included as part of the development to compensate for those that would be removed.
21. It is proposed that the extension would have a shallow pitched roof of 20 degrees with a low eaves height. The overall height from ground levels immediately around the building would vary due to the fall in ground levels from west to east, as referred to in paragraph (7) above. However in terms of its relationship with the adjacent flat roof of the existing school building, the ridge line would only be 1.2 metres above it. To lower the building, as requested by the Town Council and a resident from the adjoining property, would cause difficulty in achieving an acceptable ramped access between the buildings without moving the extension further towards the eastern boundary. In my view, taking account of its location within the site, the space around it and the intervening boundaries, the extension would not be significantly taller, nor would it be out of scale with the existing school buildings and surrounding residential properties. Furthermore, even though views of the site would change from adjoining properties including the nearest property to the south, I do not consider that the height of the extension would have an unacceptable impact on the amenity of that property. Moreover the choice of cedar shingles and larch boarding would help to soften the appearance of the building, would weather naturally and be sympathetic to the garden character of the area. With regard to the point made by a resident about the detailed design of the junction between the gable walls and roof (i.e. the roof verge), the applicant has confirmed that the cedar shingles would form the verge and the top of the vertical larch cladding to the gable ends under the verge would be finished with a larch trim to protect the end grain.
22. In respect of sustainable design and construction, it will be noted that Policy SP2 of the adopted Core Strategy requires new institutional development to achieve a BREEAM rating of at least 'very good'. The applicant has commented that the proposed development is a small extension to the existing school and as such BREEAM accreditation would not be applicable. However the design would insulate the building fabric with U values above Building Regulations requirements in line with PassiveHaus levels to minimise the heating energy required. Specification of natural sustainably sourced cladding materials and a timber frame construction would also assist in providing a sustainable development.
23. In the light of the above considerations, I am of the view that overall, both the siting and design of the proposed extension are acceptable and accord with the policy objectives for high quality sustainable design that respects the local context.

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Impact on local and residential amenity

24. A number of matters have been raised that might have a bearing on residential amenity of the nearest property to the south as well as more generally. Amongst other criteria in Policy EN1 of the Local Plan there is a requirement that development does not have an adverse impact on the privacy and amenities of the locality. The issue about the height of the building is already considered in paragraph (21) above, the matters relating to trees are considered in paragraph (27) below and those relating to construction in paragraph (28) below.
25. With regard to the possibility of attachments being made to the roof such as aerials, satellite dishes and security equipment, photo voltaic panels, the applicant has stated that none are envisaged as part of the current proposal. These types of equipment are normally treated either as being de minimus or are covered by permitted development rights. Although I accept such paraphernalia could detract from the design concept, I do not consider that there are special reasons in this particular case either to take away permitted development rights or to impose any further controls in perpetuity.
26. The main windows for the classrooms of the extension face the existing building to the west and to the east side of the classrooms roof lights are proposed, windows in the link are on the north side. There is otherwise a window facing east for the office between the two classrooms and one small window in the north and one in the south elevation. The latter elevation faces the nearest property but given the size of the window, the intervening fence and the distance of the house itself, which has one small window in the gable end at first floor level, I do not consider that there would be any loss of privacy from overlooking. A resident from this property has however raised concerns about light spillage from the windows, suggests the fitting of blinds and presence detecting lighting controls to reduce unnecessary usage. In my view, this is initially a matter for consideration at the detailed design stage and subsequently for the School to manage, but not something I consider appropriate to control by condition or for which a planning objection could be justified.
27. In respect of external lighting, the applicant states that low level emergency lighting would need to be provided externally to the footpaths around the building for means of escape and would not illuminate directly onto the boundaries. It is also stated that lighting would be controlled by sensors to switch off lights when not in use, a CO2 reduction requirement of Building Regulations.
28. A further concern raised by a resident of the nearest property relates to potential noise from any mechanical plant associated with the extension including the possibility of upgrading the existing boiler which is in close proximity to the other boundary of the school with his property. He requests that measures are taken to minimise the transmission of noise from such plant. The applicant states that the requirements for new plant have not yet been finalised but would only be required to heat the extension and ventilate the toilet areas. Also, that any new plant would be located away from boundaries and its noise levels would meet with relevant environmental standards.

Construction

29. A number of concerns have been raised about noise and disturbance during the construction period. If planning permission is granted, it would be appropriate to

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impose a condition restricting hours of construction in order to protect the amenity of the nearby residential properties. 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. The applicant has confirmed that the site would be registered with the Considerate Constructors Scheme. A condition could also be included requiring measures to be implemented to prevent mud and other debris being taken onto the highway.

30. With regard to concerns about the use of Hilder Lane for the construction access, the applicant is currently considering options but has commented that this track is limited in width and would only be considered for use by occasional transit type van deliveries, would only be used occasionally and between the hours of 9.30am and 2.30pm. The applicant states that a condition survey would be carried out prior to the works commencing and discussions with the immediate neighbours would be held about their proposals. Also, that protection to trees would be afforded as set out in the recommendations of the arboriculturalist report.

Impact on trees

31. As referred to in paragraph (8) above a number of trees are affected by the proposed development. Significantly, the north east corner of the extension falls within the predicted root protection zone of a mature oak tree within a neighbouring garden. Measures proposed to minimise any damage and adverse impact to the health of the tree include a pile and beam foundation for this particular part of the building, ground protection boarding and 'no dig' construction methods for the access path around the building. Tree protection fencing is proposed for other trees that it is intended to retain. Providing the measures outlined in the Arboricultural Assessment and Method Statement, and shown on the Tree Protection and Retention Plan are implemented, I do not see any reason to raise an objection in respect of the potential impact on the retained trees.
32. With regard to the trees identified for removal questions have been raised by a resident from Kennedy Gardens to the north as to why certain trees on the northern boundary would have to be removed. The applicant has reconsidered the position and confirmed that they are happy to retain these trees but state that future maintenance may require their removal for the reasons cited in the arboricultural report. On the contrary a resident from the nearest property to the south would like to see a tree intended to be retained adjoining his boundary removed. In response the applicant has confirmed that they would be willing to remove this tree and replace with a similar species set away from the fence.

Highways considerations

33. The Development Planning Manager (Highways and Transportation) has raised no objection and considers that in transport terms the expansion can be accommodated in this area without undue detriment or need for remedial measures. However, a number of concerns have been raised about pedestrian safety, traffic speeds and congestion at school peak times along with suggestions that road safety measures and parking and waiting restrictions be introduced. In response to these concerns the Development Planning Manager (Highways and Transportation) has commented that in view of the good crash record there would be no justification for a lower speed limit or reducing the speed of traffic through traffic calming measures. He also considers that parking

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restrictions in the area could be a detrimental step and comments that, reference to congestion is indicative of slow speeds and freeing road space by removing parked cars tends to increase traffic speeds and the potential for injury crashes. He further comments that if there is a demand for parking, that need would not disappear and parking is likely to simply relocate somewhere else nearby.

34. However to assist with awareness of pedestrians crossing in the vicinity of the school, he considers that an appropriate enhancement may be to add flashing beacons to the school signs on Bayham Road at the junction with Serpentine Road and on Quaker's Hall Lane prior to Kennedy Gardens. He therefore considers that, in view of local concerns, the addition of beacon lights would be a desirable and proportional enhancement to the scale of development proposed but given the good crash record does not consider they are essential. The applicant has agreed to commit up to £5000 to fund this provision based on the estimate of cost provided by the Development Planning Manager (Highways and Transportation).
35. The Development Planning Manager (Highways and Transportation) has further commented that encouraging more students to walk to school is a widely recognised objective offering multiple benefits. I understand that the School is currently updating its Travel Plan and have set up a working group 'Safety Around St John's'. If planning permission is granted a condition could be imposed requiring an updated School Travel Plan to be submitted for approval within an appropriate period of time. Subject to this and the applicant funding the provision of beacon lights to the school signs, I do not consider that there is any basis on which to raise a highway objection to the proposed extension.

Other matters

36. Concerns have been raised by a resident about both this proposal and the proposal for a new detached multi-purpose hall (in a different part of the site) granted permission in 2012 resulting in a major redevelopment and expansion of the school site. In response to this, the applicant has confirmed that they will not be proceeding with the hall project as the School's priorities have now changed and are prepared to relinquish the planning approval previously given. However the current application must be determined on its merits and I do not consider that the existence of the permission and the possibility of the hall being built would be a justifiable reason to preclude permission being granted for the extension to provide the additional classrooms.

Conclusion

37. In conclusion, I consider that the proposed extension would be an acceptable addition to the school buildings. The design is considered to be of a high standard that would preserve the appearance and character of the surrounding area. I am satisfied that the application accords with the relevant Development Plan Policies in place and the relevant Government guidance, including the strong support for the provision of education facilities, would be consistent with sustainable development, and consider that planning permission should be granted subject to conditions as set out below.

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Recommendation

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

- the standard time limit,
- materials controlled to those proposed,
- tree protection measures to be implemented as proposed,
- landscape scheme to be submitted,
- hours of construction,
- measures to prevent mud on the highway,
- provision of beacon light to the 'school signs', and
- a revised School Travel Plan.

Case Officer(s): James Bickle / Paul Hopkins
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Tel. no: 01622 221068

Background Documents: see section heading

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

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

Background Documents - The deposited documents.

AS/10/295/R5&R9	Details of vehicle movement monitoring plan and landscaping scheme. Waterbrook Park, Waterbrook Avenue, Sevington, Ashford
AS/12/518/R7	Details of new vehicular access. Eclipse Business Park, Brunswick Road, Ashford
CA/96/794/R17A	Non-material amendment to the plant and equipment sited within the landfill gas compound pursuant to condition (17) of planning permission CA/96/794. Shelford Landfill Site, Broad Oak Road, Canterbury
DA/98/331/MR28/ R21	Replacement/retention of ready mix concrete plant pursuant to condition 21 of planning permission DA/98/331/MR28. Darenth Court Quarry, Darenth Road, Darenth, Dartford
DO/13/68	Installation of three GRP kiosks in connection with upgrade works to existing wastewater treatment works. Dambridge Wingham Wastewater Treatment Works, Off Staple Road, Wingham
GR/10/1127/RVAR	Application by Crossrail Ltd for a non-material amendment to planning permission GR/10/1127 to allow an increase in the stockpile height of the excavated material stockpile and variations to the drainage design, location of train re-fuelling tank and hardstanding and lighting design. Northfleet Tunnelling Logistics Facility, Northfleet Works, The Shore, Northfleet, Gravesend
SW/13/431	Section 73 application to vary condition 16 of planning permission SW/12/445 to allow for inert, commercial and municipal waste to be brought to the site. Countrystyle Recycling Ltd, Ridham Dock, Iwade, Sittingbourne
TM/09/1888/R8C	Approval of details submitted under condition 8 of planning permission TM/09/1888 – Annual report detailing engineering and restoration works for 2012 and 2013. Offham Landfill Site, Teston Road, Offham, West Malling
TM/13/397	Variation to the approved recycling scheme pursuant to condition (20) of TM/95/761 to enable soil blending with imported compost. Hermitage Quarry, Hermitage Lane, Aylesford

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

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

Background Documents – The deposited documents.

- AS/11/994/R Application for a non-material amendment to the approved development including;
- inclusion of additional casements within windows in curtain walling; &
 - enlargement of rooftop louvred plant enclosure (over central LRC space)
- Goat Lees School Site, Between Hurst Road and Guernsey Way, Kennington, Ashford
- AS/11/994/
R20 Application for approval of details pursuant to condition 20; extended hours of construction on Saturdays until 6 April 2013.
Goat Lees School Site, Between Hurst Road and Guernsey Way, Kennington, Ashford
- AS/11/994/
R20A Application for approval of details pursuant to condition 20; extended hours of construction on Saturdays until 31 August 2013.
Goat Lees School Site, Between Hurst Road and Guernsey Way, Kennington, Ashford
- AS/12/1340 Reorganisation of the academy site to include the demolition of part of the existing main academy building (Hall and Gym), erection of a new two storey assembly/theatre building and a separate three storey teaching building, reorganisation of hard and soft landscaping and provision of 127 vehicle parking spaces and 104 cycle parking spaces.
The John Wallis Academy, Millbank Road, Kingsnorth, Ashford
- DA/13/457 Proposed renewal of temporary planning permission for modular building originally granted temporary permission under consent reference DA/12/625.
Oakfield Community Primary School, Oakfield Lane, Dartford
- MA/12/1272/
R3 Details of materials pursuant to condition (3) - Reorganisation of the main academy campus to include demolition of the east block and erection of a new two storey teaching building; retention of the west block; general teaching block and general purpose hall; provision of a new two court, floodlit multi use games area; 59 car parking spaces; 56 cycle parking spaces; 6 motor cycle parking spaces and 1 mini bus parking space and provision of associated hard and soft landscaping. Creation of a new surfaced car parking area on academy land to the north of the main campus to provide 28 car parking spaces with associated hard and soft landscaping.
St Augustine Academy, Oakwood Park, Maidstone

- MA/12/1272/
R5 Details of construction management strategy pursuant to condition (5) – Reorganisation of the main academy campus to include demolition of the east block and erection of a new two storey teaching building; retention of the west block; general teaching block and general purpose hall; provision of a new two court, floodlit multi use games area; 59 car parking spaces; 56 cycle parking spaces; 6 motor cycle parking spaces and 1 mini bus parking space and provision of associated hard and soft landscaping. Creation of a new surfaced car parking area on academy land to the north of the main campus to provide 28 car parking spaces with associated hard and soft landscaping.
St Augustine Academy, Oakwood Park, Maidstone
- MA/12/1272/
R27 Details of archaeology pursuant to condition (27) – Reorganisation of the main academy campus to include demolition of the east block and erection of a new two storey teaching building; retention of the west block; general teaching block and general purpose hall; provision of a new two court, floodlit multi use games area; 59 car parking spaces; 56 cycle parking spaces; 6 motor cycle parking spaces and 1 mini bus parking space and provision of associated hard and soft landscaping. Creation of a new surfaced car parking area on academy land to the north of the main campus to provide 28 car parking spaces with associated hard and soft landscaping.
St Augustine Academy, Oakwood Park, Maidstone
- MA/12/1272/
R28 Details of landscape pursuant to condition (28) – Reorganisation of the main academy campus to include demolition of the east block and erection of a new two storey teaching building; retention of the west block; general teaching block and general purpose hall; provision of a new two court, floodlit multi use games area; 59 car parking spaces; 56 cycle parking spaces; 6 motor cycle parking spaces and 1 mini bus parking space and provision of associated hard and soft landscaping. Creation of a new surfaced car parking area on academy land to the north of the main campus to provide 28 car parking spaces with associated hard and soft landscaping.
St Augustine Academy, Oakwood Park, Maidstone
- MA/13/502 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
- SE/12/1163/
R4 Details and samples of all materials to be used externally
Knole Academy, Bradbourne Vale Road, Sevenoaks
- SE/13/271 To renew planning permission for an existing single mobile classroom.
Hartley Primary School, Round Ash Way, Longfield
- SE/13/620 Construction of a single storey front entrance extension with a canopy to the rear doors and a new 1.8m high fence and gate.
Chevening St Botolph's CE Primary School, Chevening Road, Chipstead, Sevenoaks
- SW/13/189 To install a temporary portakabin Ultima building to be used as additional teaching space for the Hair and Beauty School that were omitted for the new plans. To be hired from Portakabin Ltd for a period of 5 years.
Isle of Sheppey Academy East Site, Minster Road, Minster-On-Sea, Sheerness

SW/13/193	Construction of a building to provide two classrooms with toilets and ancillary space. Byssing Wood Primary School, Lower Road, Faversham
SW/13/209	Installation of a temporary mobile classroom unit to the rear of Lansdowne Primary School site. Lansdowne Primary School, Gladstone Drive, Sittingbourne
TH/13/51	Construction of an enclosed fire escape staircase in an extension to the existing school building including minor internal alterations to give access from each floor. Stone Bay School, 70 Stone Road, Broadstairs
TH/13/102	Provision of 2 mobile/sectional buildings. The Foreland School, Lanthorne Road, Broadstairs
TH/13/105	An independent classroom block to the rear of the existing school site to provide four classroom areas with toilets. Palm Bay Primary School, Palm Bay Avenue, Cliftonville, Margate
TH/13/113	Single storey extension to the north of existing main school building to provide additional classrooms, storage and toilet facilities, and an extension of existing playground. Northdown Primary School, Tenterden Way, Margate
TH/13/218	Extension at first floor level to provide new teaching rooms and staff kitchen. St. Gregory's RC Primary School, Nash Road, Margate
TH/13/303	Extension at first floor level to provide an enlarged music and group room. St. Gregory's RC Primary School, Nash Road, Margate
TW/12/814/ R4	Details pursuant to condition 4 – materials – Proposed extension to rear of building to house new lift. Tunbridge Wells Library, Mount Pleasant Road, Tunbridge Wells
TW/12/1694/ R13	Details of cycle parking facilities pursuant to the terms of condition (13) of planning permission TW/12/1694. The Skinners Kent Academy, Land East of Blackhurst Lane and between Sandown Park & Pembury Road, Tunbridge Wells
TW/12/1694/ R19	Details of noise associated with biomass boiler wood pellet deliveries pursuant to the terms of condition (19) of planning permission TW/12/1694. The Skinners Kent Academy, Land East of Blackhurst Lane and between Sandown Park & Pembury Road, Tunbridge Wells
TW/12/1694/ R20	Details of biomass boiler and its associated fuel source pursuant to the terms of condition (20) of planning permission TW/12/1694. The Skinners Kent Academy, Land East of Blackhurst Lane and between Sandown Park & Pembury Road, Tunbridge Wells
TW/12/1694/ R31	Details of car park and general areas lighting pursuant to the terms of condition (31) of planning permission TW/12/1694. The Skinners Kent Academy, Land East of Blackhurst Lane and between Sandown Park & Pembury Road, Tunbridge Wells

- TW/13/641 New single storey kitchen extension with corridor infill. New walkway canopy to link with existing mobile. New canopy to reception class play area.
St James CE (aided) Infant School, Sandrock Road, Tunbridge Wells
- TW/13/870 Renewal of planning consent TW/07/1744 for the retention of the temporary two storey science block.
Tunbridge Wells Grammar School for Boys, St Johns Road, Tunbridge Wells
- TW/13/913 New Combined Cadet Force (CCF) mobile on existing school site.
Tunbridge Wells Girls' Grammar School, Southfield Road, Tunbridge Wells

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

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/SCR/AS/0113/2013 – Request for a screening opinion as to whether the proposed upgrade works requires an Environmental Impact Assessment at Wittersham Wastewater Treatment Works, The Street, Wittersham
- KCC/AS/0159/2013 - Renewal of planning permission for a mobile classroom (for joint use by Wittersham CEP School and Stepping Stones Nursery) at Wittersham CEP School, The Street, Wittersham, Tenterden, Kent, TN30 7EA.
- KCC/SCR/GR/0129/2013 – Ground works and a temporary waste handling facility for excavated material at Church Path Pit, Northfleet Works, the Shore, Northfleet, Kent
- KCC/SCO/SW/0056/2013 – Request for a scoping opinion for brickearth extraction at Paradise Farm, Lower Hartlip Road, Hartlip
- KCC/TM/0142/2013 – Section 73 application to vary condition 12 of planning permission TM/09/3231 to align the catchment area restriction for the established composting facility at Blaise Farm Quarry granted under planning permission TM/09/3231 with that of the anaerobic digestion plant at Blaise Farm Quarry granted under planning permission TM/12/2549 at New Earth Solutions Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling
- KCC/SCR/TW/0120/2013 – Proposed development of North Farm Link Road highway improvement scheme at Longfield Road, North Farm, Tunbridge Wells

KCC/TW/0154/2013 – New modular building to provide two additional classrooms. To include the replacement of an existing, single mobile classroom unit that will be demolished at Pembury School, Lower Green Road, Pembury, Tunbridge Wells.

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

None

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.

None

Background Documents -

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

None