

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 13th May, 2015**

**10.00 am**

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





## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 13th May, 2015, at 10.00 am**  
**Council Chamber, Sessions House, County**  
**Hall, Maidstone**

Ask for: **Andrew Tait**  
Telephone: **03000 416749**

*Tea/Coffee will be available from 9:30 **outside the meeting room***

#### **Membership (19)**

- Conservative (10): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),  
Mr M J Angell, Mr N J D Chard, Mr T Gates, Mr S C Manion,  
Mr R J Parry, Mr C Simkins, Mrs P A V Stockell and  
Mr J N Wedgbury
- UKIP (4) Mr M Baldock, Mr L Burgess, Mr T L Shonk and Mr A Terry
- Labour (3) Mrs P Brivio, Mr T A Maddison and Mrs E D Rowbotham
- Liberal Democrat (1): Mr I S Chittenden
- Independents (1) Mr P M Harman

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

#### **A. COMMITTEE BUSINESS**

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 8 April 2015 (Pages 5 - 12)
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

1. General Matters

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

1. Application GR/14/972 (KC/GR/0340/2014) - Temporary relocation of portable office, portable toilets, portable staff lounge, wheel wash and weighbridge and mixing wall, laying out of 8 associated parking spaces and relocation of existing stockpile of aggregate at Red Lion Wharf, Crete Hall Road, Gravesend; Stema Shipping UK Ltd (Pages 13 - 36)

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal MA/15/501363 (KCC/MA/0385/2014) - Modular classroom block with 2 classrooms, office and toilets, along with a small agricultural style barn with 2 store rooms. Use of land as school farm including creation of paddocks and horticultural teaching area at New Line Learning Academy, Boughton Lane, Maidstone; KCC Property and Infrastructure Support (Pages 37 - 60)

#### **E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matters dealt with under delegated powers (Pages 61 - 66)
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  
03000 416647

Tuesday, 5 May 2015

*(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.)*

## KENT COUNTY COUNCIL

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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 Wednesday, 8 April 2015.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mrs P Brivio, Mr D L Brazier (Substitute for Mr R J Parry), Mr N J D Chard, Mr I S Chittenden, Mrs V J Dagger (Substitute for Mr T Gates), Mr T A Maddison, Mr S C Manion, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mrs P A V Stockell, Mr A Terry and Mr J N Wedgbury

ALSO PRESENT: Mr M A C Balfour

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Principal Planning Officer - County Council Development), Ms A Hopkins (Principal Planning Officer - Enterprise and Environment), Mr A Pigott (Strategic Transport and Development Planner) and Mr A Tait (Democratic Services Officer)

#### UNRESTRICTED ITEMS

**21. Minutes - 11 March 2015**  
(Item A3)

RESOLVED that the Minutes of the meeting held on 11 March 2015 are correctly recorded and that they be signed by the Chairman.

**22. General Matters**  
(Item )

The Head of Planning Applications Group referred to Minute 82/14 and informed the Committee that the Secretary of State had decided not to call in the Proposal for a 1 FE Primary School at St Mary's Playing Field in Folkestone.

**23. Site Meetings and Other Meetings**  
(Item A4)

The Committee confirmed its visit to Wrotham Quarry on 13 May 2015 and the tour of permitted developments on 29 June 2015. It also set aside the afternoon of 10 June 2015 for a site visit to Charing Quarry.

**24. Application SE/15/315 (KCC/SE/0025/2015) - Section 73 application to vary Conditions 3 (to allow additional time for completion of landfill to enable restoration to appropriate levels) and 10 (a) (to update the phasing scheme to reflect the amended operational period) of Permission SE/10/3111 at Greatness Quarry, Bat and Ball Road, Sevenoaks; Cory Environmental Ltd and Ibstock Brick Ltd**  
(Item C1)

(1) Mr N J D Chard advised the Committee that he was the Local Member for this item. He clarified that he had not pre-determined the planning merits of the application and that he was able to approach its determination with a fresh mind.

(2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee agreed that the Environment Agency would be requested to specifically assess the effectiveness of Odour Control at the site.

(3) The Chairman offered to write to the three local resident objectors to let them know that it would be appropriate for them to raise their concerns about Odour Controls at the Site Liaison Group meetings.

(4) RESOLVED that:-

(a) subject to the applicant entering into and the satisfactory completion of a Section 106 Agreement, permission be granted to the application subject to conditions, including the re-imposition of the conditions previously imposed on Permission SE/10/3111 updated and amended as necessary; a variation of Condition 3 to allow additional time for completion of landfill and restoration operations until September 2019; and a variation of Condition 10 (a) to update the phasing schemes to reflect the amended operational period; and

(b) an Informative be included in the decision notice drawing attention to the concerns raised regarding odour and that, as part of its regular monitoring visits, the Environment Agency be encouraged to assess the effectiveness of odour controls at the site.

**25. Proposal TM/15/121 (KCC/TM/0435/2014)- Change of use from agricultural land to recreational playing field to serve The Judd School, together with associated ancillary development, including access, parking and hard landscaping works at Land off Lower Haysden Lane, Tonbridge; Governors of The Judd School and KCC Property and Infrastructure Support**  
*(Item D1)*

(1) Mr C P Smith advised the Committee that he was the Local Member for this item. He clarified that he had not pre-determined the planning merits of the application and that he was able to approach its determination with a fresh mind.

(2) Mr David Cure (Local Borough Councillor) addressed the Committee in opposition to the Proposal. Mr I Shokar (Resolution Planning) spoke in reply on behalf of the applicants.

(3) During discussion of this item, the Committee agreed that if permission were granted, it should include additional conditions requiring that no hedgerows would be removed without the consent of the Planning Authority and that some screening would be provided for the containers. There would also be Informatives advising that that there should be toilet facilities on-site and that less conspicuous alternatives to the gravel surface for the car park should be considered.

(4) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried (as amended in (3) above) by 11 votes to 6.

(5) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit for implementation; the development being carried out in accordance with the permitted details; the completion and availability of the footpath link prior to first use of the facility, and its subsequent retention; the completion and availability of the vehicular access and car park prior to first use of the facility, and its subsequent retention; the provision and maintenance of the visibility splays; no coaches using the car park; no community use of the facility; tree/hedge protection measures and the development being undertaken in accordance with the recommendations of the Hedgerow Survey; the submission of a detailed planting scheme to include replacement hedge planting and species; the development being undertaken in accordance with the recommendations of the Ecological Scoping Survey; the submission of an ecological mitigation and management plan for the site, which should detail management of the hedgerows to maintain and enhance their ecological value, including the provision of bird and bat boxes, and possible dormice bridges; further details of drainage (specifically any outfall to the adjacent ditch) being submitted for the written approval of the County Planning Authority, in consultation with the Upper Medway Internal Drainage Board; no floodlights or car park/security lighting being installed on site without the submission of a full detailed planning application; 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; the submission of a Construction Management Strategy, including the location of site compound and operative parking, wheel washing/cleaning facilities, and details of the construction access and management of the site access to avoid conflict with vehicles using Lower Haysden Lane; measures to prevent mud and debris being taken onto the public highway; no hedgerows being removed without the written consent of the County Planning Authority; and the provision of screening for the containers; and
- (b) the applicant be advised by Informative that:-
  - (i) their attention is drawn to the letter from KCC Highways, Transportation and Waste in which it is noted that it is the responsibility of the applicant to ensure that all necessary highway approvals and consents are obtained;
  - (ii) they are to undertake discussions with the Upper Medway Internal Drainage Board, and seek any necessary approvals from them with regard to surface water drainage;
  - (iii) toilet facilities should be provided on site; and
  - (iv) less conspicuous alternatives to the gravel surface for the car

park should be considered.

**26. Proposal DO/14/01067 (KCC/DO/0361/2014) - New sports hall including changing rooms, disabled changing rooms, fitness suite, sports office, plant room, viewing galleries, storage and additional on-site parking at Dover Grammar School for Boys, Astor Avenue, Dover; Governors of Dover Grammar School for Boys and KCC Property and Infrastructure Support**  
*(Item D2)*

(1) Mrs P Brivio advised the Committee that she was the Local Member for this item. She clarified that she had not pre-determined the planning merits of the application and that she was able to approach its determination with a fresh mind.

(2) The Head of Planning Applications Group informed the Committee of representations received from Dover TC raising no objection to the proposal.

(3) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 5 year time limit for implementation; the development being carried out in accordance with submitted details; the submission and approval of a Community Use Agreement before the use commences; the installation of a 34m section of acoustic fence prior to construction work commencing and monitoring during construction work with provision for construction of further sections of acoustic fencing if required; the submission and approval of external lighting details to the proposed building and car park area prior to installation; no external floodlighting to existing pitches being installed; the submission and approval of samples of materials for the external building materials prior to commencement; the submission and approval of details of p v panels including colour, manufacturer, size and orientation; a remediation strategy should contamination not previously identified be found to be present; restriction of construction working hours to between 0800 and 1800 Mondays to Fridays and 0800 to 1300 Saturdays with no work on Sundays and Public Holidays; restriction on construction vehicles delivering materials to between the hours of 0930 and 1430 Mondays to Fridays; the submission of details of the construction management plan to include access routes, vehicle loading, unloading, turning, circulation and parking and details of the location of the construction compound prior to commencement of work on site; the provision of additional vehicle and cycle parking on site; restoration and making good of any disturbed areas of field or planting; the provision of wheel washing facilities prior to commencement of work on site and for the duration of construction; and the provision of swift nest boxes along the eaves of the north eastern elevation; and
- (b) the applicant be advised by Informative of the need to include appropriate management measures within the Community Use Agreement to ensure that parking on site is appropriately managed during community use and of the need for the provision of appropriate details for users of the facility.



**27. Proposal MA/14/504946 (KCC/MA/0319/2014) - Refurbishment of existing school and construction of a new two storey extension to existing school, extension to dining hall, relocation of existing car parking facilities and additional car parking with improved access and drop-off circulation within the site and new fenced multi-use games area and associated landscaping at Five Acre Wood School, Boughton Lane, Maidstone; KCC Property and Infrastructure Support.**  
*(Item D3)*

(1) Mr I S Chittenden informed the Committee that the Local Member, Mr B E Clark had asked to be consulted on the details of the landscape and lighting conditions.

(2) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions, including conditions covering the standard 5 year time limit for implementation; the development being in accordance with the details submitted; a remediation strategy being submitted should contamination not previously identified be found; the submission of an updated school travel plan; the submission of a detailed lighting strategy; the implementation of an archaeological watching brief; the submission of details of drainage design incorporating site specific infiltration rates; the submission of a mitigation and enhancement plan for woodland and meadow areas; the submission of landscaping, fencing and planting details; no floodlighting of the MUGA area; restoration of site surfaces following removal of the existing mobiles at the site; the submission of details of a precautionary approach to felling tree T53; control over hours of use to between 0730 and 2200 on Mondays to Fridays and 0900 to 2200 at weekends for community use; the provision of further information concerning management and parking arrangements in advance of any community use; control over hours of construction to between 0800 and 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays with no work on Sundays and Public Holidays; the provision of details of construction traffic routing, the location of the construction compound and parking arrangements during construction work; the provision of wheel washing facilities prior to commencement of work on site for the duration of construction works; and the submission of details and samples of external building materials prior to commencement; and

(b) the applicant be advised by Informative of:-

(i) the PROW advice regarding works near to footpaths and ecology advice regarding bats and lighting; and

(ii) the opportunity for working with the North Loose Residents Association/Neighbourhood Planning Forum with regard to traffic issues and with the neighbouring schools on the New Line Learning Complex with regard to the School Travel Plan and good neighbour issues.

**28. Proposal TH/14/0027 (KCC/TH/0451/2014) - Conversion of existing store (former garage) and extension to the rear to provide a new nurture room at Holy Trinity and St John's CEP School, St John's Road, Margate; Governors of Holy Trinity and St John's CEP School and KCC Property and Infrastructure Support**  
*(Item D4)*

- (1) The Committee noted that the application reference number was TH/14/0027 rather than TH/15/0027 as it appeared in the agenda and on the report heading.
- (2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit of 5 years for implementation; the development being carried out as set out in the application; the use of external materials and colours being as submitted; limitation on construction hours to between 0800 and 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays with no work on Sundays and Public Holidays; the requirement for an archaeological watching brief; and the canopy frame being painted black.

**29. Proposal TM/15/0500/CR3 (TM/14/1929/R) - Amendment of junction configuration at Junction of new access road and Gibson Drive at Land at Gibson Drive, Kings Hill, West Malling; KCC Education and Young People's Services**  
*(Item D5)*

- (1) Mr M A C Balfour was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.
- (2) Mrs Sarah Barker from Kings Hill PC addressed the Committee in opposition to the proposal.
- (3) During discussion of this item, the Chairman agreed to write to Kent Police on the Committee's behalf to urge that enforcement of the one way section of Gibson Drive be undertaken.
- (4) RESOLVED that approval be given to the proposal.

**30. 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) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and

- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

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SECTION C  
MINERALS AND WASTE MANAGEMENT

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

Item C1

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 13 May 2015.

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent, DA11 9AA – GR/14/972 (KCC/GR/0340/2014)

Recommendation: Temporary (5 years) permission be granted subject to conditions.

Local Member: Mr N Thandi and Mrs S Howes

Unrestricted

Site description and background

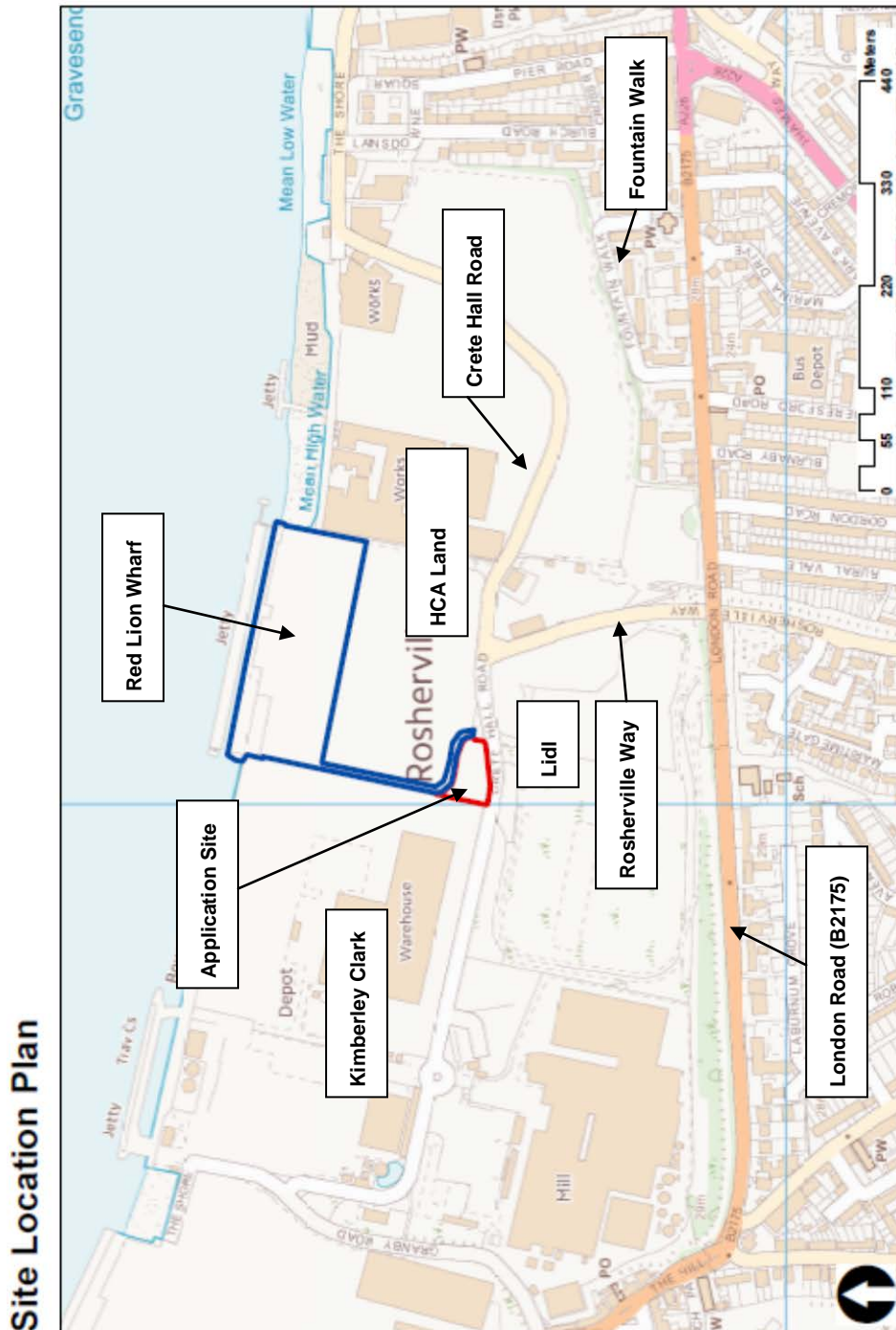
1. The 0.23 hectare (ha) application site lies in Northfleet, to the west of Gravesend. It is located immediately to the north of Crete Hall Road, to the south and west of the unnamed access road to Red Lion Wharf and approximately 140m to the south of the wharf itself. The application site is currently vacant / unused. Land to the south and west is occupied by a Lidl distribution warehouse and Kimberly Clark's manufacturing and distribution buildings. Land to the east is vacant but is in the process of being raised using imported excavated (waste) materials to create a flood resistant platform for future development covering a much larger area between the site and Gravesend owned by the Homes and Communities Agency (HCA) (previously the South East England Development Agency / SEEDA). The entire area lies at a relatively low level between the River Thames (to the north) and a high chalk face (to the south), above which lies the B2175 London Road and Fountain Walk (further east).

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)



Site Location Plan

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)



Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)



**Kent Drawing Services**  
 3943 Weatham Road, Gravesend, Kent, DA11 0PN  
 t: 01473 392809  
 m: 07793 566433  
 info@kentdrawing.com

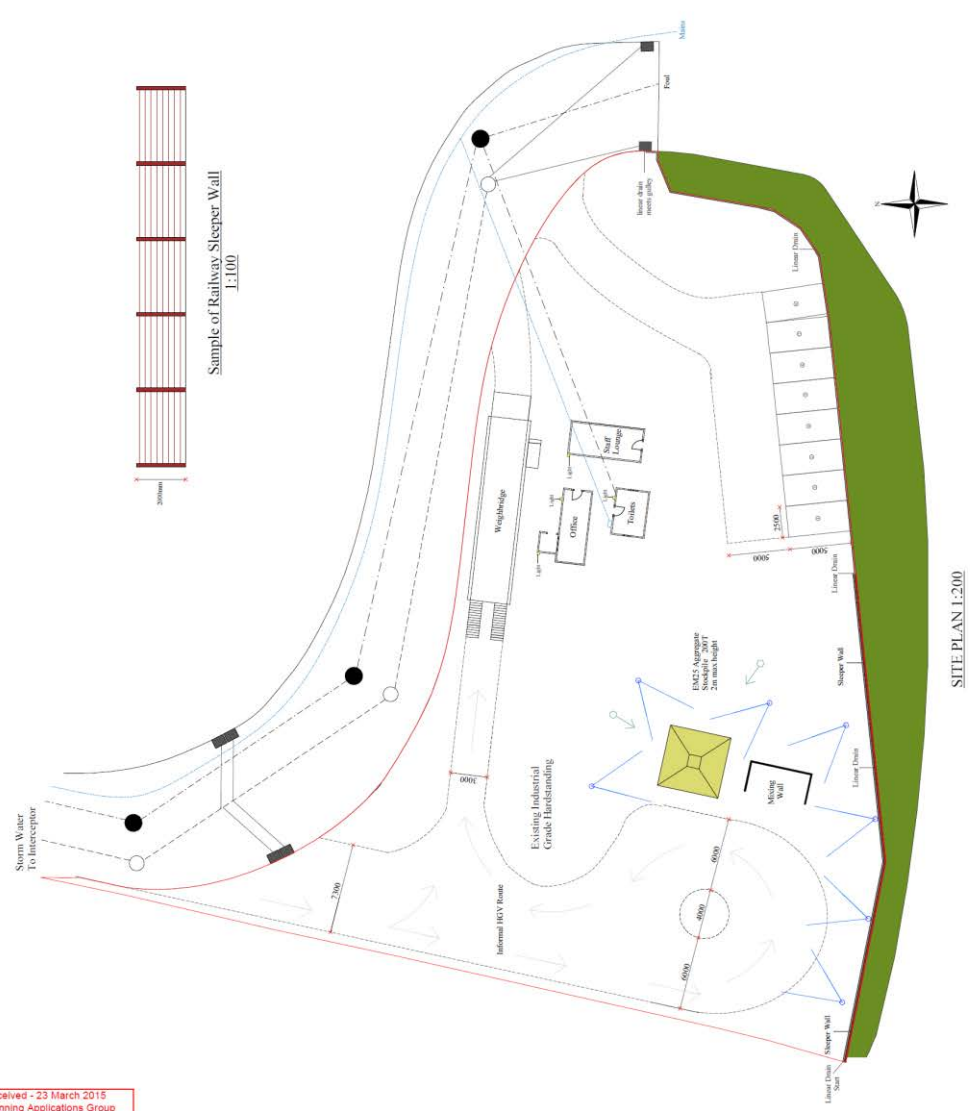
Title		Relocation of main facilities	
Address		Red Lion Wharf, Crete Hall Road	
Scale	Size	Date	Drawn by
1:200	A2	11/03/2015	DSH/001
		DLL	

\* All measurements to be set out before any site work commences.  
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 \* Drawings are for indicative or illustration purposes only.

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- KEY**
- Foul Water Manhole
  - Storm Water Manhole
  - Road Gully
  - ▽ Mistig Nozzle
  - ↑ Sprinkler
  - Mains Supply
  - Foul Sewer
  - Storm Water Sewer
  - Led Lighting

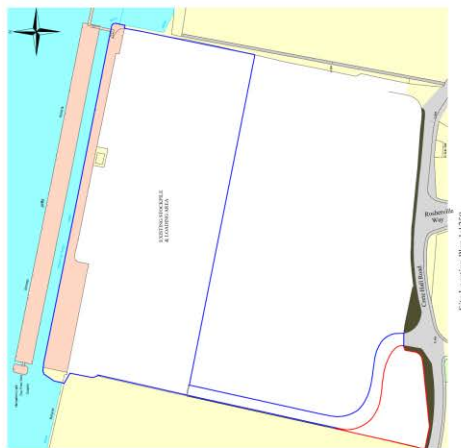
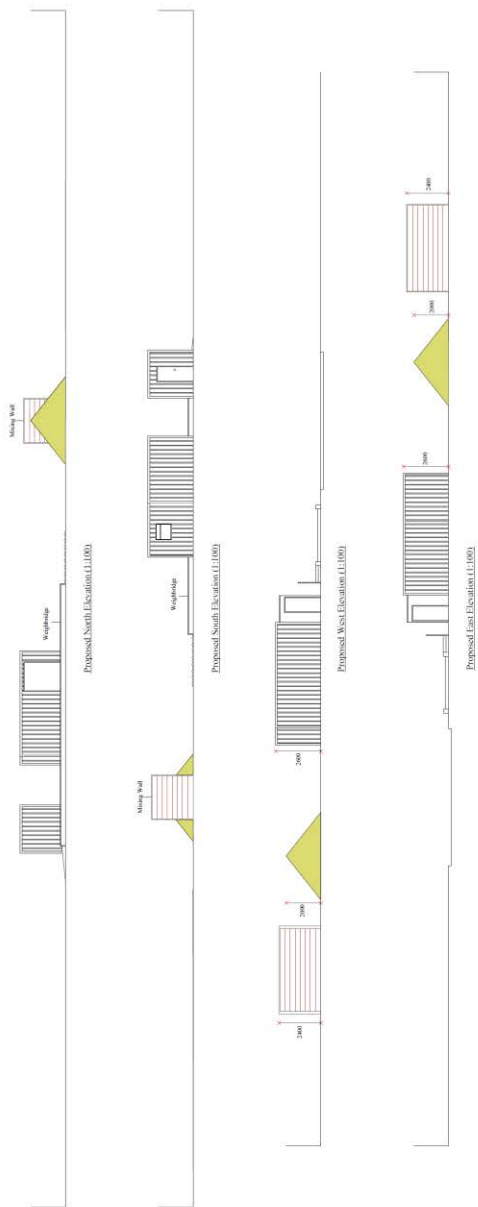


Received - 23 March 2015  
 Planning Applications Group



Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

Received - 23 March 2015  
Planning Applications Group



<p><b>KDS</b> Kent Drawing Services</p> <p>3043 Witham Road Gravesend Kent SE13 3JG t: 07792 266413 e: info@kentdrawing-services.co.uk</p>		<p>Proposal Relocation of facilities</p> <p>Scale 1:100 1:250</p> <p>Drawn by D.G.H.</p> <p>Date 13/03/15</p> <p>Project No. SS001</p> <p>Rev. 02/002</p> <p>Site Plan Address Red Lion Wharf, Gravesend</p> <p>Do not scale from this drawing All dimensions to be verified on site</p>
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Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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2. Red Lion Wharf, which is operated by the applicant (Stema Shipping UK Ltd), is primarily accessed via Crete Hall Road, Rosherville Way (under the B2175) and the A226. The nearest residential properties lie at a much higher level on London Road and Fountain Walk over 250m from the application site.
3. Both Red Lion Wharf and the application site lie within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area identified in the Gravesham Local Plan Core Strategy (September 2014). They also lie within the Northfleet Embankment East Regeneration Area (sub-area 1.8) which the Core Strategy defines as a Key Site. The area is to be included within the Ebbsfleet Garden City Urban Development Corporation boundary. Red Lion Wharf is safeguarded in the Gravesham Local Plan Core Strategy. It is also proposed to be safeguarded (Site K) for the importation of minerals in the Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014). However, the application site is outside this area. Neither the application site nor land in the immediate vicinity are subject to any environmental designation.

#### Planning History

4. Red Lion Wharf and other land in the immediate vicinity, including the application site, used to form part of Northfleet Power Station. The power station closed in 1991. A number of planning permissions were granted but not implemented.
5. Planning permission (GR/01/288) was granted by Gravesham Borough Council for the change of use to full port operational use including the unloading and loading, storage, trans-shipment and distribution of aggregates together with the erection of ancillary offices, associated parking spaces, cargo handling equipment and a boundary wall and construction of access to the property on 30 November 2001. The permission covered the jetty itself, the wharf and land immediately to the south and access to the site from Crete Hall Road. The permission includes 19 conditions which (amongst other things) restrict stockpiles of aggregates or other materials to no more than 10m in height (condition 4), preclude stockpiles being stored within 8m of the flood defence wall (condition 5) and only allow operations between 07:00 and 19:00 hours on weekdays, 08:00 and 14:00 hours on Saturdays with no working on Sundays and Public Holidays (condition 6). The permission also requires dust control measures to be undertaken in accordance with a scheme agreed by the Borough Council (condition 3).
6. Another permission (GR/01/279) was granted by the Borough Council for the erection of a B8 warehouse with 10 dock level loading bays, ancillary offices, 88 lorry and 120 car parking spaces, vehicular access and cycleway on land between the wharf and Crete Hall Road (including the current application site) on 15 March 2002.

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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7. Planning permission (GR/07/383) was granted by the Borough Council for the continued use of land for the storage of aggregates on the current application site for a temporary 2-year period on 15 August 2007.
8. Planning permission (GR/10/533) was granted by the County Council for the temporary use of land for wood storage and comminution for recycling and recovery on part of the land covered by GR/01/279 for a 3-year period on 13 December 2010.
9. Planning permission (GR/11/320) was granted by the Borough Council for engineering operations comprising land raising and the creation of a development platform including demolition of 5 additional buildings on a phased basis and revised land raising design on the HCA land on 11 November 2011. The permission does not itself provide for any built development or for any specific after use(s).
10. Applications were submitted to the Borough Council for the variation of condition 4 of planning permission GR/01/288 to increase stockpile heights from 10m to 15m (GR/11/558) and for the storage of aggregates on land immediately to the south of the wharf (GR/11/544) in 2011. The storage of aggregates had taken place on the land subject to application GR/11/544 for some time without the benefit of planning permission. Both applications were subsequently withdrawn.
11. Given the description of the development provided for by GR/01/288 including both district and county matters, resulting in some uncertainty as to which planning authority should determine applications at Red Lion Wharf, discussions took place between officers of the County and Borough Councils in 2011 and again in 2013. It was agreed that applications relating to mineral development should be determined by the County Council as Mineral Planning Authority (MPA) in accordance with Schedule 1, Section 1, Paragraph 1 (1) (e) of the Town and Country Planning Act 1990 (as amended).
12. Notwithstanding the agreement referred to in paragraph 11 above, planning permission (GR/14/423) was granted by the Borough Council for the variation of condition 6 of planning permission GR/01/288 to allow unrestricted operating hours on weekdays until 31 December 2015 on 23 June 2014. The reason given on the decision notice for only allowing an 18-month period was to enable the extended hours to be monitored and in the interests of safeguarding amenity.
13. An application (GR/14/831) was submitted to the Borough Council for the relocation of portable office, portable toilets, portable staff lounge, wheel wash and weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate on the current application site in August 2014. The Borough Council returned the application to the applicant on 29 September 2014 on the basis that it should be determined by the County Council as a county matter.

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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## The Proposal

14. The application was submitted to the County Council (as MPA) in October 2014. It initially proposed the relocation of portable office, portable toilets, portable staff lounge, wheel wash and weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate (i.e. as submitted to the Borough Council). The application was accompanied by a planning statement and drawings showing the proposed development and its relationship with the permitted minerals wharf. A flood risk assessment was submitted in November 2014.
15. The proposed facilities are currently located in the south east corner of the existing minerals wharf where the access road enters the site. The facilities initially proposed to be relocated comprised the following: office (6m x 2.7m x 2.6m high); staff lounge (6m x 2.7m x 2.6m high); toilets (3.8m x 2.8m x 2.6m high); mixing wall (5m x 2m x 2.4m high); aggregate stockpile (2m maximum height); parking spaces (5m x 2.5m each); weighbridge (15m x 3.4m) and wheel wash (7m x 3.2m).
16. Following the receipt of the Borough Council's initial objections to the application in November 2014 (referred to in paragraph 25 below), and discussions with the applicant with the intention of seeking to overcome those and address other issues I had identified, the applicant submitted a revised planning statement and revised drawings in March 2015. As well as clarifying the proposals, the revised details also included a number of amendments to the application. The application will now be determined in its amended form.
17. The application was amended to include a new 30m long and 2m high boundary wall between the proposed mixing wall, aggregate stockpile and collection area and Crete Hall Road consisting of wooden railway sleepers laid horizontally between upright steel girders. The relocation of the wheel wash was also removed from the proposed development on the basis that it would be preferable for it to be retained in its current location. The applicant also stated that it would be prepared to accept a 5-year temporary planning permission. The description of the proposed development was also amended to read “the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates” in order to more clearly reflect the relationship with the permitted facility and the fact that the wheel wash would no longer be relocated.
18. The revised planning statement and revised drawings included additional information on the nature of the minerals proposed to be stored and mixed and how this would be

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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undertaken, dust control measures, lighting and drainage. The planning statement also provided further information on the need for the proposed development.

19. The applicant states that the aggregate stockpile (referred to in the application as containing EM26 aggregate) would contain materials suitable for the production of micro-asphalt (i.e. 0.2mm and 0.2 to 6mm aggregate) and that this would be mixed at the mixing wall using a loading shovel before being collected by lorries. No additives or other processes would be involved. The applicant proposes the installation of a misting system around the aggregate stockpile and mixing wall and a sprinkler system adjacent to the aggregate stockpile. The misting system would comprise portable adjustable towers (1.3m to 2.1m high) capable of being moved and directed as necessary whilst the pulsating sprinklers would be fixed but capable of being used on 14m high stockpiles such that they would be more than able to control any dust associated with the proposed 2m high stockpile. The applicant states that both systems are designed to operate on low water pressure (80 pounds per square inch (psi) and 30 to 45 psi respectively) such that they could use mains water supply. The applicant states that lorries collecting aggregates would be sheeted, that it operates a procedure whereby those which do not are banned and that it would be prepared to accept a condition requiring the sheeting of all lorries taking aggregate from the site. The only external lighting proposed would comprise 4 x 30W LED lights mounted on the proposed buildings at a height of about 2.2m. The revised drawings also illustrate the existing surface water drainage, foul drainage and mains water supply arrangements which would be connected to and used. Given that the site slopes slightly to the south and east, a new linear surface water drain is also proposed along the southern and eastern boundary of the site that would link to an existing road drain. The applicant proposes that the facility would operate on a 24 hour basis Monday to Friday until 31 December 2015 and then revert to 07:00 to 19:00 hours (as with operations at Red Lion Wharf) and from 08:00 until 14:00 hours on Saturdays and be closed on Sundays and Bank Holidays. It has also indicated that the EM26 aggregate for micro asphalt would only be collected between normal working hours.
20. The applicant states that it is necessary to relocate the facilities as there is insufficient space within the permitted site as a result of operations being removed from the unauthorised land referred to in paragraph 10 above. It also states that the land has been requisitioned by the HCA for its own development objectives and is therefore no longer available for mineral uses. The applicant also states that: the volume of aggregate passing through Red Lion Wharf has approximately doubled since planning permission was granted in 2001 due to market demand; more grades of aggregate are handled than initially envisaged (all requiring separate stockpiles); the aggregates required for micro-asphalt (used in highway maintenance in Kent) need to be mixed; the size of vessels transporting aggregates has increased (requiring a larger stockpile footprint when unloading); and improved traffic management has been required to meet legislative changes. It also states that if the proposed relocation is not permitted,

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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it would be necessary to reduce the scale of operations at Red Lion Wharf resulting in the need for the aggregate required for micro-asphalt being sourced and imported from elsewhere. The applicant further states that the proposed development would not generate any additional traffic over and above that already permitted (since it only involves the relocation of existing facilities) and that there would be no detrimental impact on the environment or character or appearance of the immediate area as the existing employment activities operate 24 hours a day and 7 days a week

#### Planning Policy Context

21. **National Planning Policies:** the most relevant National Planning Policies are set out in the National Planning Policy Framework (“NPPF”) (March 2012) and the associated Planning Practice Guidance (“PPG”). These are material planning considerations.
22. **Kent Minerals Local Plan Construction Aggregates (December 1993):** Policies CA1 (Access Considerations), CA2C (Primary Planning Constraints), CA3 (Local Considerations), CA4 (Proposed Locations), CA16 (Traffic Considerations), CA18 (Noise, Vibration and Dust), CA20 (Plant and Buildings) and CA22 (Landscaping).
23. **Gravesham Borough Council Local Plan Core Strategy (September 2014):** Policies CS01 (Sustainable Development), CS02 (Scale and Distribution of Development), CS03 (Northfleet Embankment and Swanscombe Peninsula East Opportunity Area), CS07 (Economy, Employment and Skills), CS11 (Transport), CS18 (Climate Change) and CS19 (Development and Design Principles).
24. **Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014):** Draft Policies CSM1 (Sustainable Development), CSM10 (Sustainable Transport of Minerals), CSM11 (Safeguarded Wharves and Rail Depots), DM1 (Sustainable Design), DM9 (Water Environment), DM10 (Health and Amenity), DM11 (Cumulative Impact), DM12 (Transportation of Minerals and Waste), DM15 (Information Required in Support of an Application) and DM21 (Ancillary Development).

#### Consultations

25. **Gravesham Borough Council:** Objects to the application as clarified and amended for the following reasons:-
  - (a) the application site is not within the proposed safeguarded area for Red Lion Wharf in the draft Kent Minerals and Waste Local Plan;
  - (b) the loss of part of the Stema site (i.e. that part of the HCA land referred to in paragraph 10 above) should not be regarded as a material planning consideration as the use of that land was unauthorised;

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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- (c) potential noise, dust, air quality and odour impacts associated with creating a separate compound for the handling of EM26 aggregates close to Crete Hall Road;
- (d) potential impact on the future mixed-use regeneration of the area due to the low grade form of development on the Crete Hall Road frontage;
- (e) insufficient information has been provided in respect of the use of the mixing wall and the nature of EM26 aggregate and potential impacts of the processing / handling of these materials;
- (f) the proposed development would not bring significant benefits through the delivery of new housing and jobs whilst achieving environmental improvement, especially in air quality and a high standard of design as required by Policy CS03 of the Gravesham Local Plan Core Strategy (2014) (which relates to the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area) nor would it achieve the visually attractive high quality design required by Policy CS19;
- (g) the proposed development would adversely affect future uses within the Northfleet Embankment East Regeneration Area (a sub-area of the above Opportunity Area) which is identified as a Key Site for mixed-use regeneration;
- (h) temporary permission GR20070383 (for temporary storage of aggregates on the application site) should not be regarded as having set a precedent;
- (i) the area is now likely to be under the jurisdiction of the Ebbsfleet Garden City Urban Development Corporation;
- (j) the fact that the area is currently industrial in character should not be seen as a justification for the perpetuation of the status quo when an environmental step change is required to provide an appropriate setting for higher quality employment and residential development; and
- (k) the proposed development is an inappropriate low grade use that could potentially compromise the proper master planning of the wider development.

It also states that if the County Council is minded to grant permission, a condition should be imposed requiring all lorries removing material from, or delivering material to, the site to be properly covered to control dust (due to concerns about unsheeted lorries using Rosherville Way).

The Borough Council's initial response included the above concerns / objections as well as a suggestion that the description of development should include reference to it being ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates.

26. **Homes and Communities Agency (HCA):** No formal / written comments received. However, one of its officers has confirmed verbally that the HCA:

- owns the application site;

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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- has agreed a 5-year lease with Stema Shipping UK Ltd ending in November 2019 (and not subject to automatic renewal);
  - required the applicant to leave that part of the land within HCA ownership immediately to the south of Red Lion Wharf to enable the permitted landraising to be completed;
  - received the requisite notification (as landowner) from the applicant that the application had been submitted in October 2014;
  - received the consultation from the County Council inviting comments on the proposed development in March 2015; and
  - does not consider that the proposals sought will impact on the ability for the site to maximise the potential for appropriate uses in the future.
27. **Port of London Authority:** Supports the application. States that: approximately 750,000 tonnes of sand, gravel and aggregates are imported to Red Lion Wharf each year and that about 150,000 tonnes of this is then exported by barge; the operation utilises sustainable transport methods which are in line with the NPPF; and the loss of the HCA land to the applicant is disappointing but hopes that this will not detrimentally impact on the volumes of material handled at the site.
28. **KCC Highways and Transportation:** No objection given that the impact on the public highway remains unchanged by this proposal.
29. **Environment Agency (Kent Area):** Has assessed the application as having a low environmental risk and therefore has no comments to make. Has also confirmed that it is satisfied with the FRA and that the site would use existing foul drainage.

#### Representations

30. All properties within 250m of the application site were notified. No responses have been received.

#### Local Member

31. County Council Members Mr N Thandi and Mrs S Howes were initially notified in January 2015. They were notified again in March 2015 following receipt of the amended details.

#### Discussion

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the



Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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development plan policies outlined in paragraphs 22 and 23 above are of most relevance. Material planning considerations include the NPPF and associated PPG (paragraph 21) and the emerging Kent Minerals and Waste Local Plan (“draft Kent MWLP”) policies referred to in paragraph 24.

33. The main issues to be considered relate to:-

- The principle of the proposed development at this location;
- The need for the development;
- Environmental and amenity impacts (including noise and air quality / dust);
- Highways and transportation;
- Water environment; and
- Could the proposed development compromise the proper master planning of the wider development of Northfleet Embankment and Swanscombe Peninsula East Opportunity Area)?

The principle of the proposed development at this location

34. The application site is not identified or safeguarded in the adopted Kent Minerals Local Plan: Construction Aggregates (“Kent MLPCA”) or in the emerging Kent MWLP, although Red Lion Wharf is safeguarded in the latter. The application site lies within the Northfleet Embankment East Regeneration Area Key Site (sub-area 1.8 of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area) identified in the Gravesham Local Plan Core Strategy (September 2014) (“Gravesham LPCS”). Although not technically a wharf, the proposed development would be ancillary to activities at Red Lion Wharf and merits consideration against a number of policies in the Kent MLPCA and draft Kent MWLP. These and other policies are addressed as necessary in the relevant sections of this report.
35. Paragraph 143 of the NPPF states that in preparing local plans Mineral Planning Authorities (MPAs) should safeguard existing wharfage and associated storage, handling and processing facilities for the bulk transport by sea or inland waterways of minerals. Paragraph 006 of the Minerals PPG states that planning authorities should safeguard existing, planned and potential storage, handling and transport sites to ensure that sites for these purposes are available should they be needed.
36. Policy CA2C of the Kent MLPCA states that wharves or depots to receive aggregates will (amongst other things) not normally be permitted outside of existing port or industrial areas.
37. Policy CS01 of the Gravesham LPCS supports sustainable development and is worded in a similar way to draft Policy DM1 of the Kent MWLP. Policy CS02 states

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

---

(amongst other things) that the development strategy for the Borough is to retain and improve the existing stock of housing and suitable employment land and make provision for new dwellings and employment floorspace. It also promotes regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area, principally through redevelopment of former industrial sites in the Opportunity Areas to create new residential neighbourhoods and employment areas. Policy CS03 states that the Northfleet Embankment East Regeneration Area Key Site (sub-area 1.8) will provide an employment led development of around 87,550sqm gross new employment floorspace including a major industrial and warehousing development (use classes B1, B2 and B8) with multimodal access, subject to master planning and overcoming identified constraints. It also states that the Area will provide around 250 dwellings at the eastern end of the site and that a buffer zone comprising open space, landscaping and business development (use class B1) will be required between the residential development and industrial and warehousing development. It further states that proposals for the Key Site will be required to retain Red Lion Wharf for commercial river based use that is appropriate to context, subject to capacity for the transshipment of minerals being maintained through alternative provision off-site. The application site and Red Lion Wharf lie within an area identified for “Multimodal Industrial and Warehousing Development” on Figure 8: Key Site 1.8 Northfleet Embankment East Regeneration Area Schematic Plan that also identifies a possible rail connection through land owned by Kimberly Clark from the existing rail sidings at Wharf 42 (owned by Lafarge Tarmac). Policy CS07 states (amongst other things) that the Borough Council will seek to secure the delivery of new employment floorspace and protect existing commercial wharves.

38. Draft Policy CSM1 of the draft Kent MWLP reinforces the presumption in favour of sustainable development set out in the NPPF and PPG. Draft Policy CSM11 safeguards Red Lion Wharf and sets out criteria against which proposed development will be assessed in that context. Draft Policy DM21 states that ancillary development within or in close proximity to mineral development will be permitted provided it is necessary to enable the main development to proceed, would not cause unacceptable adverse impacts to communities or the environment and it has been demonstrated that there are environmental benefits in providing a close link with the existing site that outweigh the environmental impacts. It further states that where permission is granted, the operation and retention of the associated development will be limited to the life of the linked mineral facility.
39. It should be noted that the Borough Council has objected to the proposed safeguarding of Red Lion Wharf in the emerging Kent MWLP due to potential conflict with its own aspirations for Northfleet Embankment East (as expressed through Policy CS03). The Borough Council also attended the Kent MWLP Examination (which was held between 14 and 23 April 2015 and is scheduled to continue between 26 and 29

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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May 2015) in support of its objection. The County Council's strategy for minerals in Kent will increasingly rely on the availability of imported minerals. The continued existence of wharf capacity (such as that at Red Lion Wharf) is vital and the County Council is therefore strongly resisting any attempt to have the proposed safeguarding removed.

40. Regardless of the outcome of the Kent MWLP Examination and the safeguarding of Red Lion Wharf, as the application site is within both an existing and proposed industrial area I consider the proposed development to be acceptable in principle at this location. The application site does not need to be within the proposed safeguarding area for permission to be granted as the Borough Council appears to suggest. As noted above, there is also policy support for ancillary development in close proximity to mineral development (which could include a minerals wharf). Whilst it is questionable as to whether it is actually necessary to enable the main development to proceed (in this case continue) it would certainly be beneficial and would assist in securing continued mineral supplies in the quantities currently dealt with at Red Lion Wharf (including the mineral provided to enable micro asphalt to be produced and used by Kent Highways and others). There is also further policy support for the proposed development provided this is linked to the life of the related mineral facility. The issue of whether the various criteria contained in the above and other policies are met is addressed in the following sections. The question as to whether the proposed development could compromise the master planning of the area is addressed in paragraph 64 below.

#### The need for the development

41. The applicant states that the proposed development is necessary due to the lack of space within the existing site following the cessation of operations on that part of the HCA land immediately to the south of Red Lion Wharf and more generally as a result of the fact that demand has increased, larger vessels are used with larger loads delivered, more grades / specifications of aggregate are handled (requiring separate stockpiles), some aggregates need to be mixed to supply demand (e.g. for micro asphalt) and improved traffic management has been required to meet legislative changes since permission was initially granted in 2001.
42. Whilst I agree with the Borough Council that the loss of the land that was being used without the benefit of planning permission should not be regarded as a material consideration when determining the current application, I do consider that the problems that withdrawal from that land has created in terms of lack of operational space is of relevance since its use had served to disguise the fact that the permitted area was no longer adequate to meet the requirements of the applicant's recent operations. Maintaining the existing quantity and range of aggregates from Red Lion Wharf by providing additional land for the proposed facilities would be

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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consistent with mineral policies provided that this is acceptable in other respects. The proposed 5-year period should provide the applicant with sufficient time to re-evaluate its operational needs at Red Lion Wharf and make suitable plans for how it intends to operate thereafter (either at the site or elsewhere).

Environmental and amenity impacts (including noise and air quality / dust)

43. Paragraph 144 of the NPPF states that local planning authorities should ensure that there are no unacceptable adverse impacts on human health when granting permission for mineral development and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. Paragraph 013 of the Minerals PPG states that noise, dust, air quality and lighting are principal issues that Mineral Planning Authorities (MPAs) should address when determining mineral applications.
44. Policy CA3 of the Kent MLPCA states (amongst other things) that when considering proposals for wharves or depots to receive aggregates, the County Council will normally require that the proposal does not adversely affect local features of identified importance or their setting or compromise site specific protection policies or areas of conservation significance and operations can be carried out in accordance with those policies relating to the impact of development / principles of working and reclamation and not be unduly obtrusive in the landscape. Policy CA18 states that the County Council will have to be satisfied that noise, vibration and dust from both the site and haulage vehicles can be satisfactorily controlled before permission is granted for the working or supply of construction aggregates. Policy CA20 seeks to ensure that development involving fixed plant and buildings is acceptable in terms of siting, design and external appearance. Policy CA22 states that before mineral extraction or supply commences, the County Council should be satisfied that an appropriate landscaping scheme is an integral part of the development.
45. Policy CS19 of the Gravesham LPCS states (amongst other things) that new development should conserve and enhance the character of the local built environment and integrate well with the surrounding area as well as avoid adverse environmental impacts from pollution (including noise, air, odour and light pollution).
46. Draft Policy DM1 of the draft Kent MWLP states that proposals for mineral development will be required to demonstrate that they have been designed to avoid causing any unacceptable adverse impact on the environment and communities. Draft Policy DM10 states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from (amongst others) noise, dust, vibration, odour, emissions, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Draft Policy DM11 states that

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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permission will be granted for minerals development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community. Draft Policy DM21 states (amongst other things) that proposals for ancillary development will be permitted provided it would not cause unacceptable adverse impacts to communities or the environment. In addition to safeguarding Red Lion Wharf, draft Policy CSM11 also states that planning applications for development adjacent to or opposite it will need to demonstrate that acceptable levels of noise, dust and air emissions derived from the mineral site would be experienced at the proposed development.

47. The Borough Council has objected on the grounds that the proposed development has the potential to create adverse noise, dust, air quality and odour impacts and as it believes the applicant has not provided sufficient information on the use of the mixing wall, the nature of the EM26 aggregate and the potential impacts associated with these operations. I understand from discussions with Borough Council officers that concerns about these issues have been significantly influenced by experiences at Red Lion Wharf itself where stockpile heights are permitted to be 10m high and dust control measures have not always been effective. I also understand that the Borough Council considers the applicant to have a poor compliance record in terms of dust control at Red Lion Wharf. These are primarily matters for the Borough Council to address and enforce as necessary since it granted permission for the development currently in place at Red Lion Wharf.
48. The proposed development involves relocating existing facilities rather than creating entirely new ones and EM26 aggregate is already stockpiled on and a mixing wall used at Red Lion Wharf. The application proposes that the new stockpile of EM26 aggregate be restricted to 2m in height as opposed to being subject to a 10m limit at Red Lion Wharf. The proposed 2m maximum height could be secured by condition if permission is granted. As the proposed stockpile would be significantly lower, any dust impacts would also be more limited and the effectiveness of the proposed dust control measures (sprinklers and misting systems) far better than current arrangements provided sufficient water supplies are provided (see paragraph 62 below). The provision of the 2.4m high mixing wall itself, together with a 2m high sleeper wall along that part of the southern boundary near the EM26 aggregate stockpile, mixing and collection areas, would also serve to further reduce the likelihood of significant dust emissions from the site. The mixing and boundary walls would additionally serve to reduce the noise impact of operations on adjoining employment uses. Residential properties are unlikely to be affected in any way by operations on the site given the distance between the two, the difference in land levels and (in places) intervening buildings (e.g. the Lidl distribution warehouse to the south). Whilst lorries associated with operations at the site may impact on residential properties on Rosherville Way or elsewhere, such impacts would occur regardless of whether permission is granted since materials would continue to be dispatched from Red Lion

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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#### Wharf.

49. As noted in paragraph 12 above, planning permission (GR/14/423) was granted by the Borough Council for the variation of condition 6 of planning permission GR/01/288 to allow unrestricted operating hours at Red Lion Wharf on weekdays until 31 December 2015. Permitted hours would thereafter return to those allowed by GR/01/288 (i.e. 07:00 to 19:00 hours Monday to Friday and 08:00 to 14:00 hours on Saturdays with no operations on Sundays or Public Holidays). Other employment development in the area operates 24 hours a day 7 days a week. If permission is granted, I consider it appropriate to restrict operating hours on the proposed site in the same way as Red Lion Wharf since the two operations are linked and the proposed facilities would continue to be needed to serve wharf and distribution operations. I further consider it appropriate to restrict any permission to the 5-year temporary period sought. This would enable the impact of the development to be monitored, as well as serve to address matters discussed elsewhere in this report.
50. Any visual impacts arising from the proposed development need to be considered in context of existing landraising and other site preparation and industrial development in the area (including that at Red Lion Wharf). Given this and as development would be restricted to 5-years, I see no need to impose additional landscaping requirements in this case. The effective landscaping of the area should more properly be addressed as part of the master planning and regeneration of the area referred to by the Borough Council. However, it would be appropriate to ensure that all plant, equipment, buildings, structures and stockpiles are removed from the site at the end of any temporary period granted or within an appropriate time period if operations cease and are not likely to resume (whichever is the sooner) by imposing a suitable condition(s). I am satisfied that the proposed lighting is acceptable and that it would be possible to control any additional lighting that may subsequently be required by the inclusion a condition(s). Given the size, layout and location of the site and to avoid the possibility of unacceptable development taking place under permitted development rights I consider it appropriate to remove such rights in this case. In this way, development that would otherwise be permitted development would need to be approved by the County Council. Given the nature of the proposed operations and materials I can see no reason for any odour impacts.
51. I am satisfied that the proposed development would not give rise to unacceptable adverse environmental and amenity impacts and is acceptable in planning policy terms subject to the imposition of conditions to secure what is proposed and those matters referred to above.

#### Highways and transportation

52. Paragraph 32 of the NPPF states that decisions should take account of whether safe

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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and suitable access to the site can be achieved. It also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Paragraph 143 states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from traffic. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications.

53. Policy CA1 of the Kent MLPCA states (amongst other things) that when considering potential locations for wharves to receive aggregates, the County Council will normally require that they have no undue impact on road safety and congestion and avoid residential areas. Policy CA16 states (amongst other things) that permission for the working or supply of construction aggregates will be refused if it is considered that the proposed access, or the effects of vehicles travelling to and from the site would adversely affect in a material way the safety and capacity of the highway network. Policy CA18 states that the County Council should also be satisfied that noise, vibration and dust from haulage vehicles can be satisfactorily controlled.
54. Policy CS11 of the Gravesham LPCS states (amongst other things) that new developments should mitigate their impact on the highways network and provide sufficient parking and that wharves will be safeguarded.
55. Draft Policy CSM10 of the draft Kent MWLP states that planning permission for any new wharf importation operation that includes the transport of minerals by sustainable means (e.g. sea and river) as the dominant mode of transport will be granted where well located in relation to key arterial routes across Kent and operations can be controlled so that there are no unacceptable adverse impacts on the local environment or communities. In addition to safeguarding Red Lion Wharf, draft Policy CSM11 also states that vehicle access to and from the wharf must not be jeopardised. Draft Policy DM12 states that minerals development will be required to minimise road miles except where there is no practicable alternative to road transport that would be environmentally preferable. It also states that where new development would require road transport, the proposed access arrangements must be safe and appropriate and the impact of traffic generated not detrimental to road safety and that the highway network must be able to accommodate the traffic and that its impacts on the environment and community must not be unacceptable.
56. The application proposes to use existing access arrangements and relocate existing facilities rather than provide additional ones. The proposed development would not adversely affect access to Red Lion Wharf and would assist in enabling the continued use of sustainable transport (i.e. sea and river) for the movement of aggregates. No new vehicle movements are proposed, such that there would be no additional impacts

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

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associated with traffic, and KCC Highways and Transportation has no objections. Given this, as there are no restrictions on lorry movements relating to activities at Red Lion Wharf and as the proposed site would operate ancillary to that permitted, I do not consider that it would be reasonable to impose any restrictions in this case. I am satisfied that retaining the wheel wash (as the amended application proposes) is preferable to its relocation as it would enable lorries to be cleaned before leaving the main site and allow the length of internal access road to further reduce potential impacts on the public highway. I believe that potential adverse impacts associated with lorries transporting aggregates could be further reduced by requiring vehicles to be sheeted as suggested by the Borough Council. I also consider that the proposed car parking arrangements are sufficient to accommodate those that would be working at or visiting the site and that the layout of the proposed site is acceptable.

57. I am satisfied that the proposed development is acceptable in terms of highways and transportation and relevant planning policies subject to the imposition of conditions to require the sheeting of lorries carrying aggregates to and from the site and measures to ensure that both the access road between Red Lion Wharf and the application site and Crete Hall Road more generally are kept clean / clear of unwanted materials or other debris.

#### Water environment

58. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from flooding, the flow and quantity of surface and groundwater and contamination (including cumulatively). Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Advice on these how these issues should be addressed in preparing and determining planning applications is contained in the PPG relating to water supply, wastewater and water quality.
59. Policy CS18 of the Gravesham LPCS states (amongst other things) that proposals in areas at risk from flooding must be accompanied by a flood risk assessment and that the Council will seek to minimise the impact of drainage and reduce the overall carbon footprint of the Borough.
60. Draft Policy DM1 of the draft Kent MWLP states that minerals and waste proposals should be designed to avoid causing any unacceptable adverse impact on the environment and communities by appropriate measures to utilise sustainable drainage systems wherever practicable. Draft Policy DM9 states that planning permission will not be granted for minerals development where it would adversely affect the water environment or exacerbate flood risk.



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61. The proposed development would be connected to existing foul and surface water drainage and mains water supply within the internal access road serving Red Lion Wharf and includes provision for the control of surface water drainage within the site.
62. The Environment Agency is satisfied that the submitted flood risk assessment has demonstrated that the proposed development is of low risk and that the existing foul drainage system would be used. The provision of mains water supply should ensure that sufficient water is available for dust control and other requirements on site. Connections to the foul and surface water drainage system and to the mains water supply should be undertaken before operations commence on site.
63. I am satisfied that the proposed development is acceptable in terms of the water environment and related policies subject to the imposition of conditions to secure what is proposed and those matters referred to above.

Could the proposed development compromise the proper master planning of the wider development of Northfleet Embankment and Swanscombe Peninsula East Opportunity Area?

64. Given that the application site lies within the Northfleet Embankment East Regeneration Area Key Site (sub-area 1.8 of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area) identified in the recently adopted Gravesham LPCS and that a master plan is to be prepared for the major re-development of the area, I do not consider that it would be appropriate to grant a permanent permission at this time. However, I do not accept that a 5-year temporary planning permission would compromise the proper master planning of the area. This opinion would appear to be supported by the HCA which, as landowner of the site and much of the surrounding land, has agreed a 5-year lease with the applicant for the application site. Whilst the Gravesham LPCS includes a schematic plan illustrating in very general terms how industrial / warehousing and residential development could be accommodated and separated by open space / employment buffer zones within the Northfleet Embankment East Regeneration Area, there is currently no master plan and no applications (either outline or detailed) have been submitted for the re-development of the area. Planning permission GR/11/320 only provides for land raising, the creation of a development platform and demolition (see paragraph 9 above). In my opinion, the likelihood of the application site actually being required for future development within the next 5 years (or the remaining period of the lease granted to the applicant by the HCA) is remote and should not prevent a temporary planning permission being granted.
65. Whilst the Borough Council is correct to point out that the site and surrounding land is likely to be under the jurisdiction of the Ebbsfleet Garden City Urban Development

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Corporation, I do not consider that this has any direct bearing on the proposed development or for the determination of the application.

### Conclusion

66. Having regard to the issues set out above, I consider that the proposed development would not give rise to significant or unacceptable adverse effects and that potential adverse effects (such as dust emissions) could reasonably be addressed by the imposition of conditions to secure the mitigation proposed by the applicant or other matters referred to in this report. I do not consider that the proposed development would compromise the proper master planning of the area as stated by the Borough Council provided any permission is limited to no more than 5 years. Any permission granted should be linked to those relating to the applicant's existing operations at Red Lion Wharf (i.e. permissions GR/01/288 and GR/14/423). In this way, unrestricted operating hours on weekdays (excluding Public Holidays) would only be permitted until 31 December 2015 (as provided for by GR/14/423) after which operating hours on weekdays would return to those provided for by GR/01/288 (i.e. 07:00 to 19:00 hours). I further consider that a 5-year period should provide sufficient time for greater certainty on the regeneration of the area to be established and provide the applicant with sufficient time to fully review its operations and requirements in the context of that development consistent with the objectives of the draft Kent MWLP. I therefore recommend accordingly.

### Recommendation

66. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including those to address the following:-

- 5-year temporary planning permission (from the date of the permission);
- The development being implemented and operations taking place as proposed;
- The stockpile of aggregate being restricted to the area proposed and limited to no more than 2m in height;
- The mixing of aggregates only taking place at the mixing wall;
- Operations taking place at any time weekdays and between 08:00 and 14:00 hours on Saturdays with none on Sundays and Public Holidays until 31 December 2015 and thereafter only taking place between 07:00 and 19:00 hours on weekdays and 08:00 and 14:00 hours on Saturdays with none on Sundays and Public Holidays;
- The proposed dust control measures (sprinkler and misting systems) being installed and available for use before operations commence and thereafter maintained and used as necessary for the life of the development;
- The proposed boundary sleeper wall being fully implemented before operations

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commence;

- The access road between Red Lion Wharf and the application site being kept clean and free of debris or other materials at all times;
- Wheel cleaning facilities being maintained at Red Lion Wharf and employed as necessary, supplemented as necessary by other measures (such as a road sweeper);
- The sheeting of lorries transporting aggregates to or from the site and Red Lion Wharf;
- No additional lighting being installed or used without the prior approval in writing of the County Council;
- No operations taking place until the proposed linear drain has been installed and the site and its facilities have been connected to and are able to use the foul and surface water drainage and mains water supply as proposed;
- The proposed car parking arrangements being implemented and available for use before operations commence;
- Removal of permitted development rights;
- Removal of all plant, equipment, buildings, structures and stockpiles at the end of the 5-year temporary period or within 1 month of the cessation of operations at the site (whichever is the earlier).

Case Officer: Jim Wooldridge	Tel. no. 03000 413484
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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

Use of land as School Farm at New Line Learning  
Academy, Maidstone – KCC/MA/0385/2014 (MA/15/501363)

A report by Head of Planning Applications Group to Planning Applications Committee on 13<sup>th</sup> May 2015

Application by Kent County Council Property & Infrastructure Support for the erection of a modular classroom block with 2 classrooms, an office and toilets, along with a small agricultural style barn with 2 store rooms. Use of land as school farm including creation of paddocks and horticultural teaching area for New Line Learning Academy.

Recommendation: Permission be granted subject to conditions.

**Local Member:** Mr B Clark                      **Classification:** Unrestricted

#### Site

1. The proposed site is located to the east of the New Line Learning Academy which is accessed via Boughton Lane, off Loose Road, Maidstone.
2. The proposed development site is bordered to the west by Public Right of Way KB26.
3. The site is bounded by trees to the north, east and west and by agricultural fields to the south. The site is currently in agricultural use and is regarded as good quality agricultural land (grade 3a). It is adjacent to the Maidstone Urban Area in the Southern Anti-Coalescence Belt and within the North Loose Neighbourhood Area.
4. There are residential properties located to the east of the site, the Mangravet play area to the north of the site, New Line Learning Academy to the west.

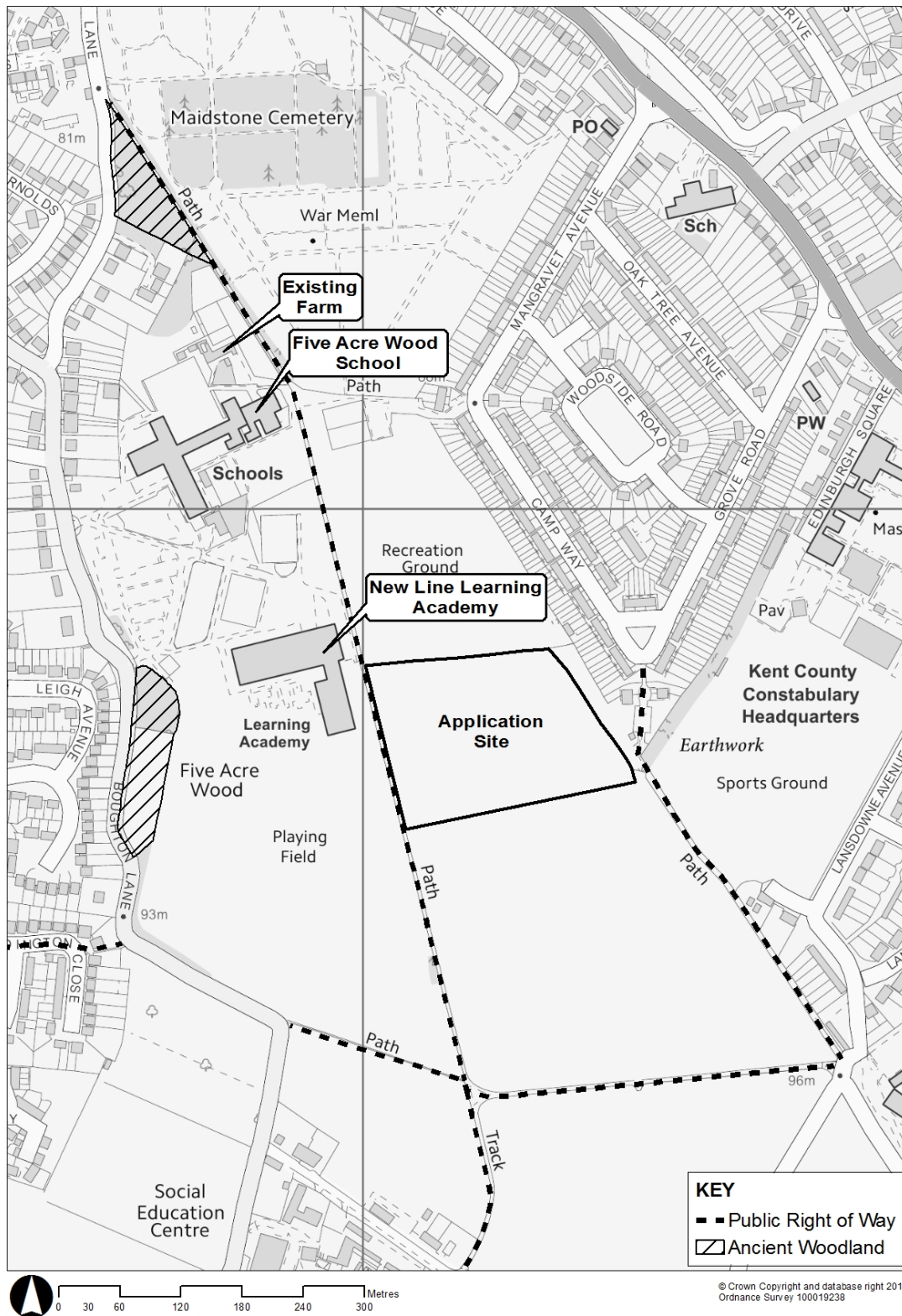
#### Background

5. The current School Farm is located within the Five Acre Wood school grounds. The proposed refurbishment and expansion of the Five Acre Wood school to cater for the increasing pressure and demand for school places for children and young people with profound, severe and complex learning difficulties application reference KCC/MA/0319/2014 (MA/14/504946), would require the relocation of the existing School Farm in order to provide for a new car parking and drop off area. The proposal was reported to the April 8<sup>th</sup> 2015 Planning Applications Committee where Members resolved to grant permission subject to conditions. The relocation of the school farm to a new site would be required early within the Five Acre Wood development proposal to allow continued provision of the School Farm and to allow space for the redevelopment works to proceed. This application is for the proposed new School Farm site.

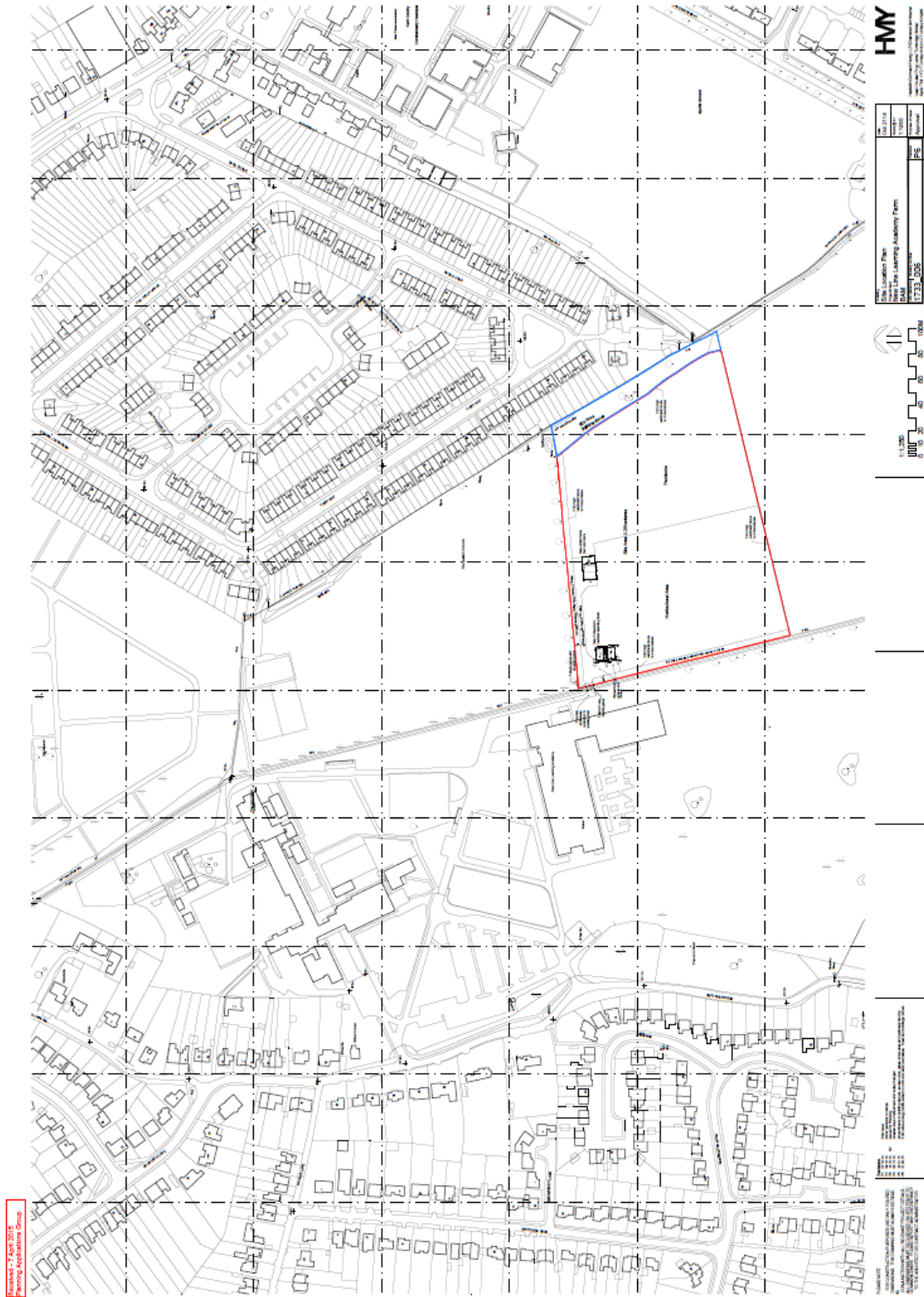
### Recent Site History

6. The site area is 3.25 Ha (8 acre), undeveloped and in agricultural use. However, the site area was included within a larger site where there has been an application by Kent County Council and Future Schools Trust, to Maidstone Borough Council (reference MA/13/2197). That application seeks planning permission for a 18.95 Ha (46.8 acre) site for the erection of 220 residential dwellings together with access, parking, landscaping, and ancillary works and provision of new playing fields for New Line Learning Academy. That development included use of 12.12 Ha (29.9 acre) of agricultural land of which 8.65 Ha (21.4 acre) would be used for playing fields for New Line Learning Academy and 3.5 Ha (8.6 acre) would be retained for the School Farm. The Landscape Masterplan for that development showed the site area that would be retained for the School Farm left clear, whilst the proposed new playing fields were on land to the south of the current application site. The applicant for this proposal states that the site area was not required for formal playing fields or sports use and could have accommodated the school farm, although did not include the relocation of the School Farm.
7. It should be noted that whilst the development proposal for residential development and relocation of school playing fields included an area of land for the school farm, it did not include the provision of the school buildings and agricultural style barn which are included in the proposal currently before the County Planning Authority.
8. Maidstone Borough Council refused planning permission for the residential application MA/13/2197 on 29<sup>th</sup> July 2014. The reasons given for refusal can be summarised as the impacts of the proposed access road and footways on designated Ancient Woodland, which were considered to erode the setting of the woodland as a landscape feature and result in the loss and deterioration of Ancient Woodland, plus the insufficient provision of affordable housing. An appeal has been lodged and an inquiry into the appeal is scheduled to open on Tuesday 7<sup>th</sup> July 2015.

**General Location Plan**



**Site Location Plan**



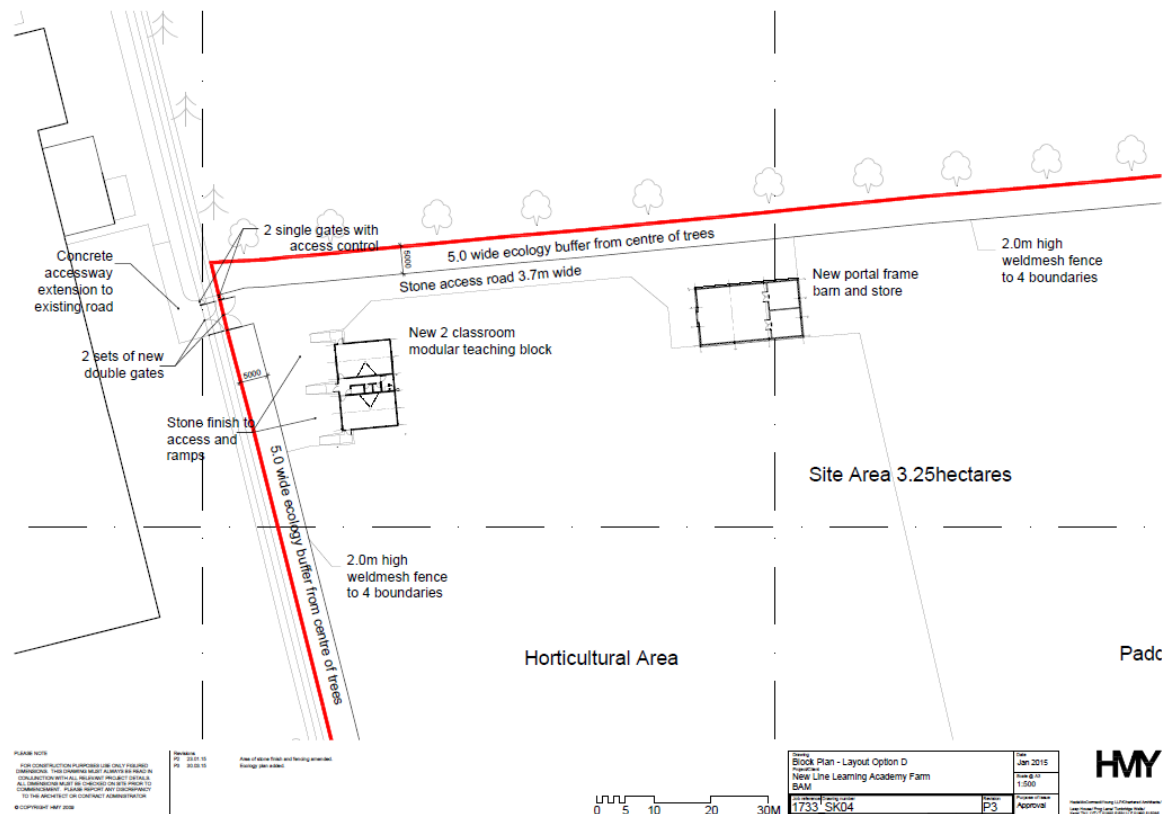


Use of land as a School Farm at New Line Learning Academy,  
Maidstone – KCC/MA/0385/2014 (MA/15/501363)

**View of Proposed Site**

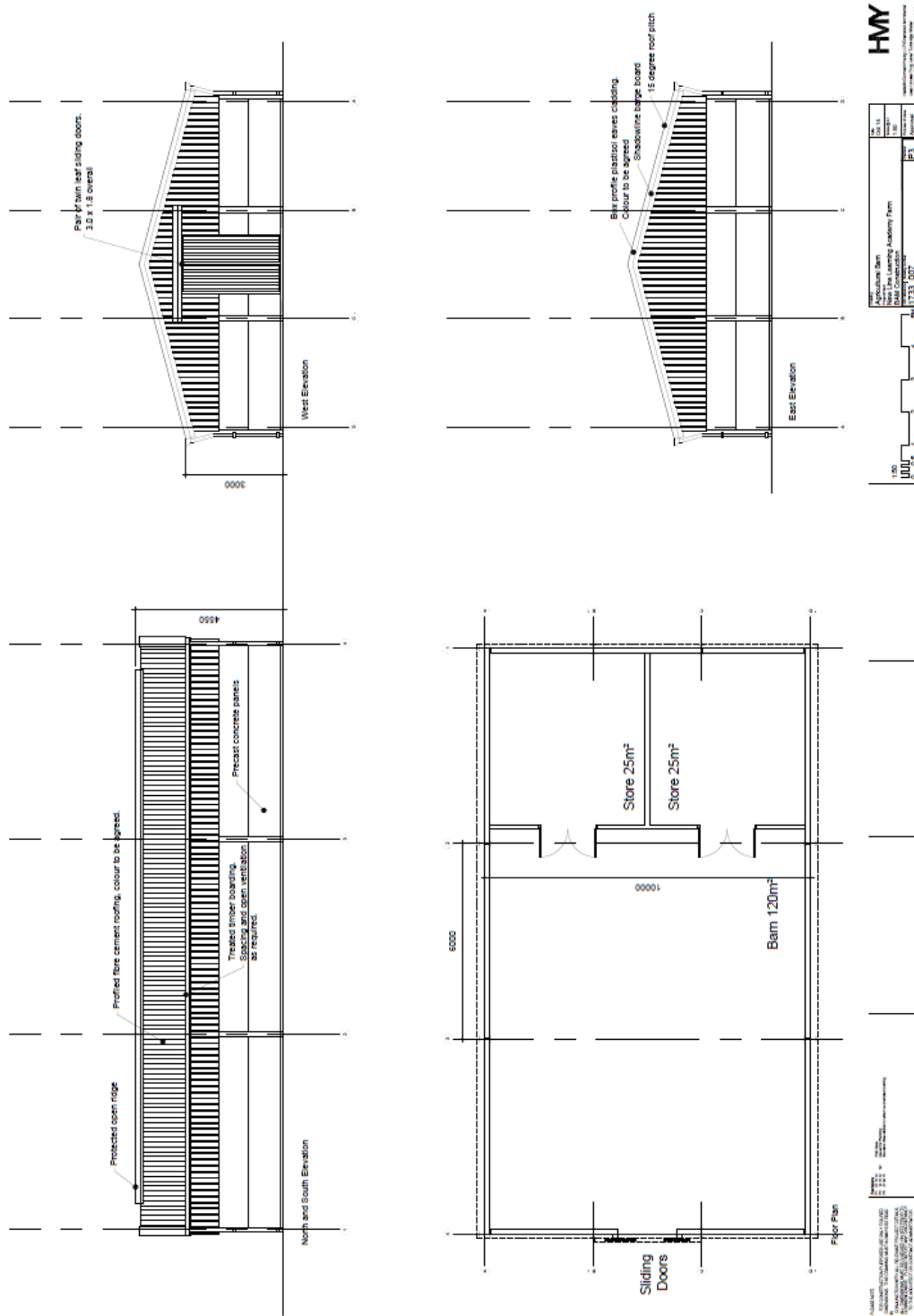


**Location of classroom and barn and access arrangement**



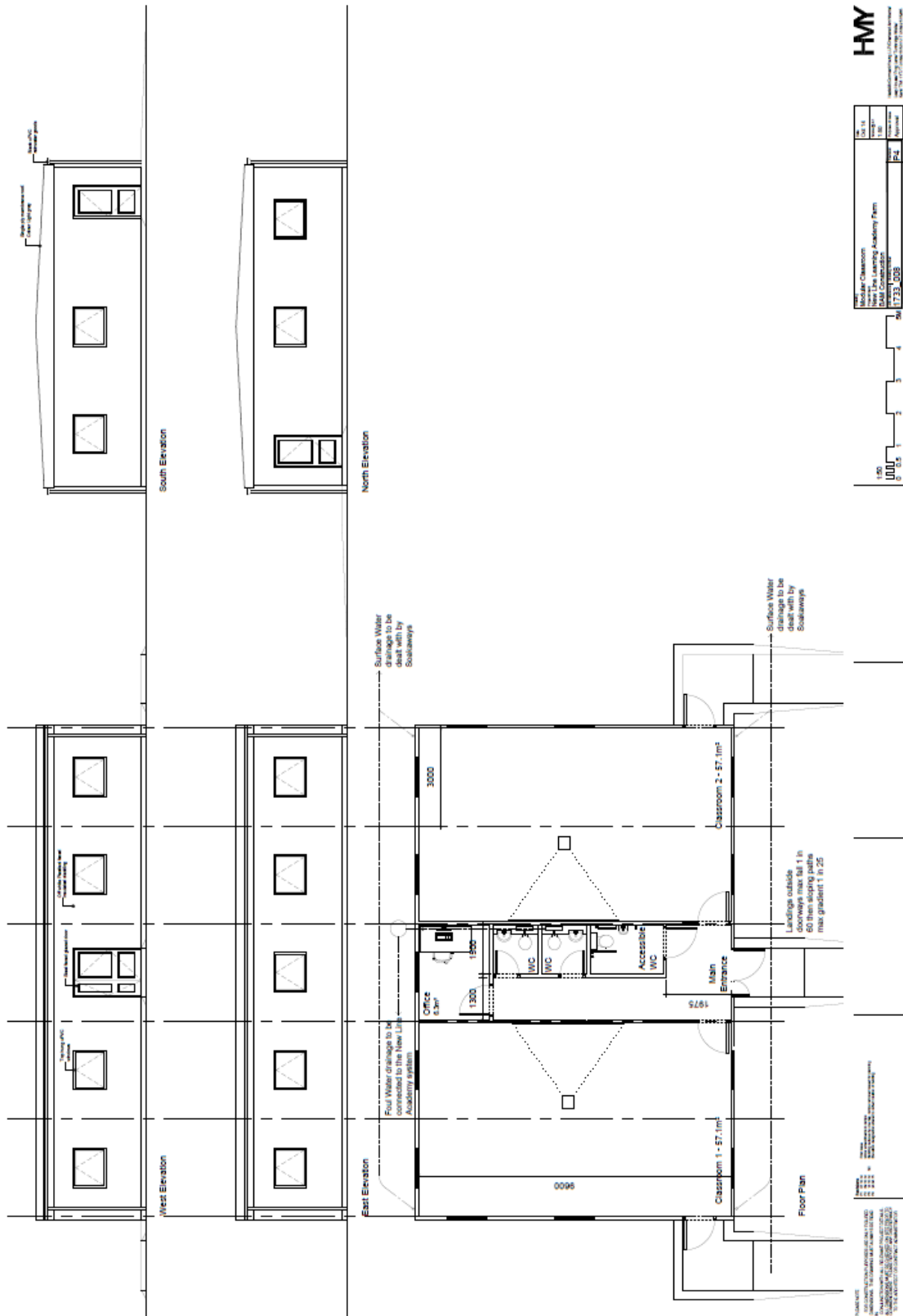
Use of land as a School Farm at New Line Learning Academy,  
Maidstone – KCC/MA/0385/2014 (MA/15/501363)

**Proposed Barn Elevations**



Use of land as a School Farm at New Line Learning Academy,  
Maidstone – KCC/MA/0385/2014 (MA/15/501363)

Proposed Classroom Elevations



## Proposal

9. This proposal involves the change of use of land measuring 3.25 Hectares (8 acre) and which is currently in agricultural use to educational use. It includes the provision of a permanent classroom block with 2 classrooms an office and toilet and an agricultural barn with two store rooms. The classroom block would be approx. 9.6m x 15m (31ft x 49ft) with a 3.6m (12ft) ridge above ground level. The construction would be lightweight fabricated from steel plastisol flat panels with top hung uPVC windows and steel glazed doors. The colour proposed is off-white. The agricultural style barn would be 18m x 10m (59ft x 33ft) with a 4.55m (15ft) high ridge, constructed with timber stained boarding above pre-cast concrete facing panels with exposed galvanised steel portal frames. The roof would be constructed from fibre cement sheeting. The applicant proposes to connect the buildings to the foul drainage facilities of the New Line Learning Academy to the west of the site.
10. It is proposed that access to the site would be predominantly pedestrian access only and via the existing New Line Learning site. There would be no requirement for a dedicated vehicular access from the highway. There would be a concrete access extension to the existing road through a new single access gate, across the public footpath and via a single access gate to the proposed site. Vehicular access would be via a set of new double gates within the fence line of the New Line Learning Academy and within the proposed fence to this proposal. Access would be controlled via the gates.
11. Car parking would take place within the main school car park, although occasional farm vehicles and emergency vehicles would be able to gain access to and park on site, adjacent to the proposed barn and school building.
12. A 2m (6.5ft) weldmesh fence is proposed around the boundary of the site and a stone access road between the modular classroom teaching block and the proposed portal frame barn and store.
13. A 5m (16ft) landscape buffer zone would be provided along the site boundary to the north and west of the site where hedgerows are located. It is not proposed to remove any trees or hedgerows in order for the development to take place.
14. The proposed site would be used for education as a school farm, with a horticultural area and a paddock area. The proposed hours of use are 0600 to 2100 hours Monday to Saturday and 0600 to 0900 hours on Sundays and Bank Holidays, which are the same as the existing School Farm.

## Planning Policy

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

**National Planning Policy Framework (NPPF) March 2012**, and the 2014 guidance sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development.

The NPPF guidance for interpretation of the presumption in favour of sustainable

development for decision-taking is that this means approving development proposals that accord with the development plan *without delay* and where the development plan is absent, silent or relevant policies are out of date, granting permission unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate that development should be restricted.

The NPPF guidance is a material consideration for the determination of planning applications 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).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- Supporting a prosperous rural economy;
- Promoting sustainable transport, including consideration of safe and suitable access to the site can be achieved for all people;
- Requiring good design;
- Promotion of healthy, inclusive communities, including that great weight 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, including the impact to agricultural land and minimising the effects on biodiversity.

**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.

#### **Maidstone Borough Local Plan 2000 Saved Policies:**

ENV6 Seeks to incorporate the retention of existing trees, woodland, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area and requires provision of a new scheme of planting.

ENV21 Seeks new development to be accessible with good access to existing public transport points, making provision for cyclists and pedestrians.

ENV22 Seeks to protect open areas within urban areas and village settlements and the visual contribution to the urban or village landscape and the need to uphold and improve the appearance of the locality and to conserve wildlife habitats.

ENV26 Seeks to protect Public Rights of Way.

ENV28 seeks to protect the countryside from development which harms the character and

appearance of an area or the amenities of the surrounding occupiers by confining development to that including that which is necessary for agricultural, open air recreation and ancillary buildings providing operational purposes, the provision of public or institutional uses for which a rural location is justified and that proposals include measures for habitat restoration and creation to ensure there is no net loss of wildlife resources.

ENV32 Seeks to protect the rural settlements surrounding Maidstone from coalescing with the urban area and with each other. Development which significantly extends the urban area or the built up extent of any settlement, or which, as a result of infilling, consolidates existing areas of development within the Southern Anti-coalescence Belt is resisted.

ENV43 Sets criteria for proposals for new agricultural buildings including that they are necessary for agriculture, located within or adjacent to an existing group of buildings unless it can be demonstrated that a more isolated location is essential and that it has been chosen to minimise the impact of the building on the character and appearance of the countryside and that the proposal is accompanied by a landscaping scheme reflecting the landscape character of the area and is of a design which is sympathetic to its surroundings in terms of scale, materials colour and detail and will not have an adverse impact on the character and setting or residential amenity.

ENV49 Seeks to control external lighting to ensure that it is the minimum required and to minimise light spillage.

T3 Requires adequate provision for public transport and pedestrian access routes and for disabled access within development proposals.

T13 Seeks compliance with adopted parking standards.

T23 Requires the impact of development proposals on the transport system and on the environment to be considered and seeks to ensure that new developments are adequately serviced by the Transport Network.

CF3 Requires provision of acceptable replacement community facilities where proposals for development would lead to significant loss of community facilities.

CF9 Seeks to encourage the dual use of educational facilities where appropriate.

### **Emerging Maidstone Borough Local Plan Policies 2014 (Consultation)**

DM4 Concerns the quality of design of proposals and seeks design criteria which takes account of accessibility, permeability and linkages to the surrounding area; the natural and historic character of the area; design materials; the amenities of occupiers of neighbouring properties and users and by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion and that the built form would not result in unacceptable loss of privacy or light; incorporate natural feature worthy of retention within the site; consider sustainability, biodiversity within the design; safely accommodate vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access; create a safe and secure

Use of land as a School Farm at New Line Learning Academy,  
Maidstone – KCC/MA/0385/2014 (MA/15/501363)

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environment ; provides for adequate vehicular and cycle parking and incorporates waste storage facilities and is flexible towards future adaptation in response to changing life needs.

- DM6 Requires external lighting to be only the minimum necessary to achieve the required purpose and to not be visually detrimental to the immediate or wider setting.
- DM10 Concerns the protection and enhancement of the historic and natural environment including the protection of positive historic and landscape character, areas of ancient woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological interest and the existing public rights of way network from inappropriate development and to ensure that these assets do not suffer any adverse impacts as a result of development. DM10 also seeks to control pollution to protect water resources and to enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented ancient woodland and enhance and connect habitats. The policy seeks to protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by careful, sensitive management and design of development.
- DM12 Concerns the adequate provision of community facilities including education facilities and the provision of replacement facilities where proposals would lead to loss of facilities, unless demand no longer exists in the locality. Also encourages the dual use of facilities.
- DM13 Concerns the highways impact of proposals and demonstration of the impact of trips generated to and from the development and the impacts on air quality.
- SP5 Concerns development outside the urban area and restricts development in the Countryside with some exceptions where proposals do not harm the character and appearance of an area. Reference to the Maidstone Borough Landscape Character Guidelines Supplementary Planning Document (SPD) is encouraged.
- DM30 Seeks design principles for development in the countryside which respect the landscape character of the locality and where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Requires any new buildings where practicable, to be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area requires account to be taken of the Maidstone Borough Landscape Character Guidelines SPD.
- DM31 Seeks to ensure that proposals for new agricultural buildings and structures which are necessary for the purposes of agriculture and which would not have an adverse impact on the amenity of existing residents are located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding.

Note that emerging Policies within the Local Plan Policies are not formally adopted and should therefore be afforded less weight in the decision making process than adopted policies.

**Emerging North Loose Neighbourhood Plan (2014) Policies:**

The North Loose Neighbourhood Plan has been submitted to Maidstone Borough Council and there has recently been a period of public consultation. Emerging policies within the North Loose Neighbourhood Plan are not part of the Development Plan until they are formally adopted and as such they currently have less weight in the decision making process than adopted policies.

HWTa Policy 4 concerns convenient, safe and direct pedestrian and cyclist links to local facilities and Maidstone Town Centre.

HWTa Policy 8 seeks to preserve green wedges to maintain and improve quality of life, manage air quality, biodiversity and encourage recreation with health and sport. The existing School Farm location and the New Line Learning Academy playing fields are identified as green wedges and land to the east of the New Line Learning Campus.

GSSR Policy 1 seeks to maintain and enhance green corridors from the New Line Learning sports field adjacent to Mangravet Recreation Field in order to maintain the continuous link with the open countryside, in order to provide open recreation areas for Boughton Lane residents and those within the wider North Loose Plan area and provide a buffer zone around ancient woodland.

GSSR Policy 2 seeks to protect and improve open space and ancient woodland, and seeks to ensure a buffer zone of a minimum of 15m around ancient woodland.

GSSR Policy GSSR3 seeks opportunities to create new areas of open space and identifies the Farmland as an existing green space in the NLRA area.

SD Policy 2 seeks preference to the use of durable, attractive and locally available or reclaimed materials.

SD Policy 4 seeks to manage the use of lighting.

Consultations

**16. Maidstone Borough Council**

Has raised no objection to the proposal.

**Kent County Council Biodiversity Officer**

Has raised no objection to the proposal.

The ecological survey has stated that there is potential for reptiles to be present within the hedgerows and reptiles have been recorded within the boundary of the site. The block plan submitted with the planning application detailed that a stone access road and a 2 metre high fence would be installed directly adjacent to the hedgerows. Amendments to the application have been made to move the access track and fence in order to create a 5m buffer zone to the north and west of the site and with the inclusion of the proposed buffer zone, the proposed development is acceptable to the Biodiversity Officer who recommends that the area is managed as a wildflower meadow and only mown a maximum two times a year and that a simple



management plan is produced in order to enable the school to manage the area. They recommend that access to the meadow area between the fence and hedge is provided to allow maintenance.

#### **Kent County Council Landscape Officer**

Has raised no objection to the proposal. Comments that the site sits within a green wedge of Maidstone and retaining the site's open characteristics will therefore be important. Comments that the location offers an important open space in terms of planning, landscape character and visual amenity for existing residents. The site is within the Boughton Farm Landscape Character Area where the associated actions include restoring the hedgerow network, retaining the rural farmed character of the landscape, and using planting as a means of minimising visual impacts of new development and lighting. With regard to lighting, the Landscape Officer notes that no detail on external lighting has been included in the application and comments that ideally the site would receive no light at night to maintain the break in green wedge development. The Landscape Officer comments that fencing should be agricultural in character in such locations preferably using natural materials as sensitive boundary treatments are required by the Maidstone Borough Council Landscape Character Assessment. However, the Officer notes that if security fencing is an absolute necessity, it should be black or dark grey in colour and not green and a hedgerow associated with it should also be planted. The Landscape Officer states that ideally, from a landscape character point of view, retaining the agricultural features within the landscape will be important to respect character, whilst ensuring suburban features do not encroach into the area. There are no Landscape concerns about the specifications for the barn, but it is suggested that materials, and in particular their colour (for the timber and roof) are chosen carefully and agreed with KCC before works begin. The Landscape Officer comments that the classroom style appears to be temporary rather than permanent and that this would have an impact upon the character of the site, as it is not associated with agriculture. Ideally the Landscape Officer would hope for a building that is more permanent in design and more agricultural in its character, design and materials.

The advice concludes that use of the site as a small farm for the school supports the agricultural status of the land and the character of the area. With the inclusion of new hedges to the site boundary, this proposal could respect landscape character; introduce new habitats for wildlife, and in the longer term this would reduce the visual impact of the proposal. Depending upon the aims for the farm, orchard trees would also be an appropriate use of the land within this site, and it is recommended that growing hazel as part of the species mix around the site is included.

#### **Environment Agency (Kent Area)**

State that the application has been assessed as having a low environmental risk and have no comments to make.

#### **North Loose Residents Association (NLRA)**

States that the land forms part of an overall land swap scheme with a separate application for residential development on some of the land and that an application for residential development would only be achievable through this land being swapped with the Academy playing field. Comments that there is considerable local

concern that a decision on the application will be seen as a presumption of approval by the Inspector of the application for 220 houses and could possibly influence the Inquiry decision. The NLRA requests that the County Council delays making a decision on the application until after the Inquiry so that there would be no chance of influencing the result of the Inquiry.

### **Kent County Council Highways and Transportation**

Has raised no objection to the proposal noting that the site will be primarily accessed on foot from the main school campus. Apart from occasional farm vehicles and possibly emergency vehicles, there are no requirements for dedicated vehicular access, assuming that this application does not in itself generate additional school capacity, roll or vehicular movements visiting the school complex as a whole. Recommends that the views of rights of way officers are sought with respect to details at the public footpath and that the views of Kent Fire and Rescue Service should also be sought.

### **Public Rights of Way (West Kent PROW Team)**

Has raised no objection to the proposal and states that the development does not directly affect the Public Right of Way Footpath KB26. They would require that there would be no surface alteration to the footpath; that the proposed gates will not open onto the path or restrict the footpath width and that traffic management is in place when vehicles cross the path to maintain the safety of walkers on the path and the applicant has confirmed that this would be the case. They suggest informatives with regard to the Right of Way.

**County Archaeological Officer** - no comments received.

**South East Water** - no comments received.

**The County Fire Safety Officer** - no comments received.

### Local Member

17. The local County Member, Mr B Clark was notified of the application on 24<sup>th</sup> February 2015. Mr Clark has responded with concern about the connection between this application and a separate application (MA/13/2197) for residential development at Land at Boughton Lane, with Maidstone Borough Council which is now subject to public inquiry after an appeal to the Planning Inspector ref APP/02235/A/14/222839. Mr Clark states that at the public consultation for that scheme, the land on which the farm is to be relocated was considered as part of a land swap scheme with the field where the farm will be located to become part of the New Line Learning Academy and the existing playing field for New Line Learning developed for housing. Mr Clark states that the land on which the farm is being relocated had been part of a green wedge historically and given its involvement in the application mentioned there is a risk that granting planning permission could influence the inquiry. Mr Clark states that if KCC were to approve the application there is a risk that it may be considered that the land swap has effectively begun before the public inquiry on the housing (as the 220 house scheme requires the two fields to be swapped in order to provide a new playing field /farm area for the Academy). Mr Clark encourages careful review including consultation with Maidstone Borough Council Planning Committee, such

Use of land as a School Farm at New Line Learning Academy,  
Maidstone – KCC/MA/0385/2014 (MA/15/501363)

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that any decision would not conflict with the Maidstone Borough Council's Planning Committee Decision to refuse the planning application MA/13/2197.

18. The adjoining County Member, Mr G Cooke was also notified of the application.

#### Publicity

19. The application was publicised by the posting of a site notice in two locations, and the individual notification of 36 residential properties.

#### Representations

20. It should be noted that Mr Clark, the local County Member, is also a local resident. In response to the publicity, no other letters of representation have been received from local residents.

#### Discussion

21. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (15) 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.

22. The proposal is being reported to Members as a result of the comments received from the North Loose Residents Association and the local County Member, both effectively requesting that a decision to this application be delayed until the outcome of the Planning Inquiry against refusal of the application to Maidstone Borough Council reference MA/13/2197 is known.

23. The relevant planning considerations for this proposal relate to whether the proposal is in accordance with the Development Plan and whether material considerations indicate that a decision on the application should be delayed or refused.

24. The key planning considerations relating to the application are whether the location, need and impacts are acceptable and these are discussed below. However, the timing of a decision in relation to the application is a planning procedural matter and this is also discussed below together with consideration of whether there are any material planning considerations that are relevant to delaying the determination of this planning application.

#### Need

25. As discussed in the background section to this report, relocation of the School Farm from its current location is needed in order to allow development of the Five Acre Wood School proposal. In order to guard against the loss of a School Farm as an educational facility and given the strong policy support for schools related development, I am satisfied that there is a need for a new site in a location which is suitable for a School Farm.

26. In my opinion, the need for a new School Farm site in order for the Five Acre Wood School refurbishment and expansion to take place needs to be balanced against the impacts to the location of the development proposed which are the impacts to agricultural grade land, impacts to landscape and impacts resulting from-coalescence of development, along with amenity and transport considerations. These are considered below.

### Location

27. The application site is located on land currently used for agriculture in the countryside and outside of the urban boundary of Maidstone.
28. The development is the provision of education which is a public or institutional use involving agriculture and horticulture and as such the location outside of the urban area is justified in accordance with Local Plan saved policy ENV28, as the School Farm is a suitable use in a rural location.
29. The current Local Plan policy requires consideration as to whether the development would significantly extend the urban area or the built up extent or result in consolidation of existing development. This relates to Development Plan Saved Policy ENV32 and the Southern Anti-coalescence Belt. The proposal is for an educational use and as such the school site which is also within the Anti-coalescence Belt, would essentially be extended eastwards in order to accommodate the land required for the School Farm. However, the built development would be limited to fencing, access tracks, the classroom and agricultural barn. The extent of the built development would therefore be limited with the remainder of the site being used for agricultural and horticultural education purposes.
30. However, the impacts of built development, ie. fencing, buildings and materials, in this location are potentially relevant to the landscape character and green wedge location. This is discussed further below in relation to landscape impacts. Proposals for agricultural buildings would also be acceptable in this location in planning policy terms, provided that they are necessary for agriculture and located near to other buildings. In this case the proposal is for an agricultural barn and classroom building located close to each other in what is currently an open field. However, the buildings are located close to existing screening vegetation and close to the site boundary to the northern boundary of the site. This is also discussed further below.
31. The proposal would extend the boundary of the educational facilities at the New Line Learning Academy site. However, given the location of the site in relation to the New Line Learning Academy, and the acceptability of the use in relation to Saved Policy ENV28, I do not think the proposal for a School Farm would result in significant extension or consolidation of development given that the links to agriculture and the rural economy are being retained.
32. Emerging Local Plan Policy SP5 also seeks to protect countryside locations from inappropriate development. However, educational and Institutional uses for which a rural location is justified are not accorded specific reference in the policy as they are in Saved Policy ENV28, although the policy does refer to other exceptions which do not harm the character and appearance of an area with reference to the Maidstone Borough Landscape Character Guidelines supplementary planning document. Given

Use of land as a School Farm at New Line Learning Academy,  
Maidstone – KCC/MA/0385/2014 (MA/15/501363)

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that this is an emerging policy, I conclude that the established policy ENV28 should be given more weight in decision making.

33. The location is also identified within the emerging North Loose Neighbourhood Plan Policy HWTA8 as a green wedge location to the east of the New Line Learning Campus. That policy seeks to preserve green wedges to maintain and improve the quality of life, manage air quality, biodiversity and to encourage recreation with health and sport. The farmland is also identified in Policy GSSR3 as an existing green space. However, the current site is in agricultural use and whilst currently unfenced, does not afford unrestricted public access and the proposed fencing to this proposal would not impact on public access to the site.
34. Whilst the proposal is located in an area identified as a green wedge location in the NLRA emerging neighbourhood plan, and Policy HWTA 8 seeks to preserve such green wedges, the proposed use as a School Farm would not in my view prejudice the green wedge objectives as a School Farm and is consistent with the types of locations identified in the emerging neighbourhood plan for green wedge locations.
35. I do not therefore consider the location of this proposal to be unacceptable in terms of these emerging policies, given the strong policy support for schools related development and the intended use of the site including paddocks and a horticultural area. Such activities would retain links to agriculture, albeit ancillary to the established educational use (on adjoining land), and the provision of land based education is also important and necessary to the rural economy and therefore compatible with planning policies.

### Impacts

#### Traffic and access

36. The proposal would not create any additional vehicular traffic, given that access to the site already exists within the New Line Learning Complex and that it is a relocated School Farm site. Staff and students would access the proposed farm on foot via the New Line Learning Campus via gates to the north west of the site. Vehicular access for emergency and farm vehicles would also be via gates to the north west of the site from the New Line Learning Academy with occasional parking within the proposed site adjacent to the barn and school building. The access to the proposed site from the New Line Learning site would cross a PROW. Saved Policy ENV26 seeks to protect PROWs and Policy T3 requires adequate access arrangements to be in place. The applicant has confirmed that there would be no surface alteration to the footpath; that the width of the footpath would be unaffected; that the proposed access gates would open away from the footpath and not onto the footpath; and that there would be traffic management in place during use of the gates. Given that the PROW Officer does not object to the proposals in relation to the PROW, and that the Highways Officer does not object to the proposals in terms of the impacts to the Highway, I conclude that there are no adverse highway impacts.

#### Agricultural land

37. The proposed site is located on land which is indicated to be grade 3a agricultural land. There are 5 grades of agricultural land of which grades 1, 2, and 3a are considered to be the best and most versatile and grades 3b, 4 and 5 are considered

to be of poorer quality. The saved development plan documents do not include a specific policy with regard to protection of agricultural land.

38. The guidance in the NPPF concerning development and agricultural land is that account must be taken of the economic and other benefits of the best and most versatile agricultural land and that where significant development of agricultural land is demonstrated to be necessary, planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality when considering development proposals resulting in the loss of farmland. Significant development is not defined and is a matter of planning judgement.
39. Given the size of this site with the retention of links to agricultural use delivered via educational use, and the location next to the school site, I do not regard the significance of the development to be such that the location should be directed towards a site with a poorer quality agricultural land classification. When balanced against the need for relocation of the School Farm, and the policy support for schools related development, I do not consider the proposed School Farm development in this location to be so significant as to justify refusal of the application on the grounds of the loss of the best and most versatile agricultural land. Moreover, the proposal itself relates to the agricultural use of the land and therefore could not be presumed against on the basis of the loss of such land.
40. Furthermore, it is not expected that the development is likely to lead to significant further loss of agricultural land linked to this proposal. Whilst small scale extensions to the proposed barn may be likely in order to accommodate the School Farm use over time, this is most likely to be within the proposed site boundary.
41. It is important to note that relocation of the School Farm is linked to the expansion of the Five Acre Wood School and not the proposed residential development and relocation of New Line Learning Academy School playing fields. Without a new School Farm site, the expansion and refurbishment of Five Acre Wood School cannot proceed.

#### Biodiversity Impacts

42. There are no designated sites nature conservation sites on or adjacent to the site. Ancient Woodland at Mangravet Wood is located approx. 470m (1542ft) to the north west of the site and at Five Acre Wood approx. 190m (623ft) west of the site. The application site itself has been cultivated as farmland. At the north eastern and western boundary there are mature treelines with field margin plants and scrub. Beyond the eastern boundary there is a small woodland area which is outside the site area. At the southern boundary the site is in agricultural use.
43. The applicant has submitted an extended phase 1 ecological habitat survey report with the application which concludes that there is potential for mature trees at the north eastern and western site boundaries to have the potential to support nesting birds and roosting/foraging bats and that the field margins have the potential to support reptiles.
44. Since submission the application has been amended to include a 5m (16ft) buffer zone at the field margins between the edge of the site and the proposed fence line to the north and west where there are hedgerows which have the potential to support

Use of land as a School Farm at New Line Learning Academy,  
Maidstone – KCC/MA/0385/2014 (MA/15/501363)

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reptiles. My Biodiversity Officer recommends that the buffer zone be managed as a wildflower meadow and mown a maximum of twice a year. It is also recommended that a simple management plan be produced to enable the School to manage the buffer zone and that they ensure that they can access the meadow area to carry out the management plan.

45. The proposal does not require the removal of any trees or hedgerows at the site and accords with the Saved Policy ENV6. It does not affect the PROW and the habitat alongside the PROW to the west of the site will be included within the 5m buffer zone. Taking account of the comments from the KCC Biodiversity Officer, I am satisfied that biodiversity impacts have been addressed within the application. Biodiversity enhancements including placing bat boxes in appropriate locations on trees and bird boxes on trees across the site and on the proposed buildings together with a bird table are also included within the application.
46. The application does not include reference to external lighting requirements at the site, although the ecological survey report submitted recommends that any proposed lighting at the site is kept to a minimum and avoids lightspill onto the treelines near to the site and have due regard to bats. Saved Policy ENV49 seeks to control external lighting and to ensure that lighting is the minimum required in order to minimise light spillage. Emerging Policy DM6 requires external lighting to be only the minimum necessary to achieve the required purpose and to not be visually detrimental to the immediate or wider setting. Neighbourhood Plan emerging Policy SD4 also seeks to manage the use of lighting in development. I am satisfied that a condition can be used to control the use of lighting in relation to the site context in response to these policy requirements should Members decide to grant permission.

Landscape impacts, design and amenity impacts

47. The influences of an urban edge location are apparent in the recreation ground and playing fields to the north of the site, the modern buildings and security fencing at New Line Learning Academy to the west and to the south east at the Police Headquarters and at the rear of residential development along Camp Way and Grove Road. The application site is outside of the defined urban area and within a green wedge between development.
48. Actions associated with the Supplementary Planning Document Maidstone Borough Landscape Character Guidelines suggest that developments in this location, which is part of the Boughton Farm Landscape Character Area, include restoring the hedgerow network, retaining the rural farmed character of the landscape and using planting as a means of minimising visual impacts of new development and lighting.
49. I therefore consider the main impacts to the landscape in this location to be the proposed site fencing, buildings and external materials. These impacts are capable of being reduced by landscape planting, careful choice of design and external materials.
50. The proposal includes two new permanent buildings, located to the northern edge of the site which would be connected to each other via a stone access road along the northern edge of the site.
51. The proposed portal frame barn is approx. 80m (262ft) from the western site boundary, 90m (295ft) from the eastern site boundary and approx. 12m (39ft) from

the northern site boundary. Since the original application was submitted there have been some amendments to reduce the height of the barn from 5.687m (19ft) to 4.55m (15ft). The proposed building would have a pitched roof (15 degree pitch) and be taller than the modular building with maximum height of 4.55m (15ft) to the ridge. The construction proposed is pre-cast concrete panels at the lower levels with treated timber boarding allowing spacing and ventilation. The proposed pitched roof would be profiled fibre cement with roof lights, although the proposed roof colour is not detailed. This would need to be addressed using a condition should Members decide to grant permission. There would be a pair of twin leaf sliding doors for access on the western elevation also facing New Line Learning Academy. I am satisfied that the design of the barn is appropriate for this location, subject to submission of a sample of the treated timber boarding and roof material colour proposed, as recommended by the Landscaping Officer. I am also satisfied that the design of the barn is capable of small scale expansion so as to limit the need for further buildings within the site area and avoiding the potential for impacts as a result of sprawl and further coalescence.

52. The proposed off-white colour modular classroom building would provide two permanent classrooms. It would be located approx. 14m (46ft) from the western site boundary and approx. 40m (131ft) from the nearest New Line Learning Academy building; approx. 16m (52ft) from the northern site boundary and approx. 160m (525ft) from the eastern site boundary. The modular building would be oriented with the access facing New Line Academy to the west. The proposed design is typical to that of the temporary modular classroom with a height of between 3.3m (11ft) and 3.55m (12ft).
53. A classroom building that could be regarded as being more in keeping with an agricultural use such as the proposed barn would in my view have been preferable to the modular style classroom proposed as a permanent building proposal. However, there have been no objections on design or landscape grounds although the Landscape Officer advises also that the design could be improved upon. The applicant has indicated that the modular building could be over-clad with timber in order to match the appearance of the barn and to be more in keeping with the location.
54. Taking into account the location of the classroom nearest to the New Line Learning Academy, the height and size of the building and the natural screening of existing vegetation along with the proposed use and the ability to introduce further landscape screened at the site boundary, I do not consider this matter to warrant refusal of the proposal on the grounds of the utilitarian design or impact to the landscape in this location. I consider that the suggested overcladding of the proposed classroom would be an acceptable solution subject to further consideration of the colour and type of proposed external materials and that further details could be required by a condition, should Members decide to grant permission.
55. To the north of the two proposed buildings there is a mature tree belt and the Mangravet Recreation Ground. To the east there is a tree belt beyond the site and residential development in Camp Way, approx. 105m (345ft) (measured to the rear garden boundary) from the proposed new barn and store to the rear of residential gardens. Because of the tree belts, I consider the buildings would be well screened from views from residential property, although there would be open views towards the site from agricultural land from the south, interrupted by the proposed 2m (6.5ft) high security fence.



56. The proposed fencing would be intermittently screened from views from users of the PROW to the east of the site, and by the northern tree line between the site and the recreation ground to the north and from residential development at the east of the site. However, the fencing to the south of the site would need to be screened by new planting in order to reduce the visual impact to the landscape character.
57. The proposed installation of a 2m (6.5ft) high mesh fence around the site would introduce an urbanising effect to the landscape. My Landscape Officer advises that fencing should ideally be agricultural in style in this location and if security fencing is required it should be black or dark grey in colour and screened by additional planting.
58. I consider that given the educational context of the site and existing security fencing in the vicinity of this proposal, a security fence rather than a traditional agricultural fence is a requirement of this proposal. I consider that a condition could be used to requiring security fencing colour to be black or dark grey and that additional hedge planting would soften the appearance of the security fencing proposed. A landscaping scheme can be required by condition to address the landscape impact of the proposed fence in this location. I consider that with additional screen planting, the proposed security fence would not be unacceptable to the landscape character.
59. Lighting details have not been provided within the application. Given the comments of the KCC Biodiversity and Landscape Officers, any lighting at the site would need to be designed so as to have regard to the potential impacts to bats and to the impact to the landscape and visual amenity. It would be important that any lighting should not be left on at night outside of the hours proposed and that the impacts of any lighting proposed to bats and to the landscape given the green wedge location are taken into account. I therefore consider that a condition could be used to ensure that details of any external lighting are provided before use should Members decide to grant permission.
60. The proposal does introduce a more intensive use to the existing site than is currently the case and as a result there would be some change to the existing noise environment. However, given the location near to existing educational uses, the existing recreation ground to the north and the Kent Police sports facility to the south east, I do not consider that the proposal would give rise to significantly unacceptable noise impacts to residential property located within Camp Way and Grove Road. The nearest residential property to the agricultural barn is 105m (344ft) when measured to the garden boundary to the east in Camp Way and the nearest residential property to the site boundary where the paddocks would be located is approx. 20m (65ft) east of the proposed site fence in Grove Road which is within the Maidstone Urban boundary. However, it is unlikely that there would be significant unacceptable noise impacts to this location given that this would be a paddock area. Given the existing screening of the site to residential property in Camp Way and Grove Road by vegetation I consider that it is unlikely that there would be any other significant amenity impacts to residential amenity such as from overlooking or lighting.
61. I therefore conclude that, with the use of conditions concerning lighting, fencing colour, external materials and landscape planting, the landscape, design and amenity impacts are acceptable in this location.

Other considerations

62. The applicant had originally intended to submit the application in parallel with the application for the extension and refurbishment of the Five Acre Wood School. However whilst the Five Acre Wood School application was received in September 2014, the relocation of the school farm application was not received by KCC until 13th November 2014. Furthermore, the application could not be made a valid application until the proposal had been clarified and sufficient information received on the 11th February 2015.
63. The application was submitted to KCC for determination as the Five Acre Wood expansion development by KCC would result in displacement of the established New Line Learning Academy Farm from the KCC property at Five Acre Wood School. KCC Property and Infrastructure Support are therefore required to provide a new location for the school farm for New Line Learning Academy.
64. Had the application been submitted by the New Line Learning Academy, it would have been submitted to Maidstone Borough Council to determine. However, this was not the case and the application now needs to be decided by KCC as the determining authority, taking account of the statutory consultation which includes the views of the Maidstone Borough Council and the NLRA Neighbourhood Plan Forum.
65. The concerns expressed by the Member and the NLRA with regard to land swap issues are matters which have previously been drawn to the attention of Kent County Council Property and Infrastructure Group as these are property management issues and not material to the determination of the planning application. The matter arose also in consideration to the Five Acre Wood School refurbishment and extension proposal reported to Members in April 2015. The influence that a decision in relation to this proposal might have, or is perceived to have, on land exchange and property matters is also not material to determination of the planning application.
66. There is also concern that this proposal is connected to the application for residential and relocation of New Line Learning School playing fields development proposal refused by Maidstone Borough Council. The concern is that that determination of this application may impact upon the outcome of the appeal of that proposal. However, this application is not connected to the application to MBC. This proposal is not dependent on the outcome of the appeal, and even so planning authorities have to consider proposals that are before them and cannot defer decisions on the basis of other applications that may not be finally determined yet, or indeed any other development proposals that may be yet to emerge. Whether applicants are able to implement their proposals pending other decisions or events, is also not a material planning consideration, being a matter for the applicants and their advisors to resolve separately.
67. I also do not consider that the outcome of this proposal will prejudice the outcome of the appeal. It is a different planning proposal and must be considered on its own planning merits. The planning system does not allow for a delay to be made to the determination of an application. Proposals such as this are required to be decided within 8 weeks of validation unless an extension of time is agreed with the applicant. An extension of time has already been sought for this proposal.

68. Given that the reasons for reporting this proposal are not considered to be material planning considerations but rather procedural matters, I consider that it would be unreasonable to delay decision making further.
69. NPPF guidance is that the presumption in favour of sustainable development for decision taking when approving development proposals means approving proposals which accord with the development plan without delay. Whilst this proposal sits within the Southern Anti-coalescence Belt, I do not consider the extent, type and purpose of the proposed built development would have a significant detrimental impact to rural settlement nor significantly consolidate existing development or prejudice the objective of the policy. Given also that Maidstone Borough Council does not raise objection, I consider that this proposal accords with the development plan in place which must be afforded more weight than then emerging policies, and that there is no planning reason to delay decision making.
70. Careful review of the proposal has taken place, including statutory consultation with Maidstone Borough Council, which does not raise objection, nor do they provide any comments to indicate that the decision should be delayed. Referral of the application to the Maidstone Borough Council Planning Committee would be for the Officers at Maidstone Borough Council to decide depending on their own scheme of delegation.
71. Furthermore, the reasons for refusal given by Maidstone Borough Council in relation to the application for residential development and new playing fields were related to the impact of a proposed access road to Ancient Woodland and of proposed footways to buffer zones adjoining ancient woodland together with the proposed proportion of affordable housing. This proposal would not impact on Ancient Woodland. No concerns have been raised either from KCCs Biodiversity Officer or from Maidstone Borough Council in relation to the impact of this proposal to biodiversity or Ancient Woodland. The proposed site is approx. 190m (623ft) from Five Acre Wood and 470m (1541ft) from Mangravet Wood. The access is via the existing New Line Learning site and the footways within the site are not within any buffer zones. No residential development is being proposed.
72. I conclude that any decision on this separate proposal cannot in turn result in an implication of a presumption in favour of a separate application subject to appeal. The planning system requires each planning application to be decided on its own merits and for this proposal I do not consider there to be any planning material considerations that indicate that the proposal should be refused, or that a decision should be delayed until after that planning inquiry. In coming to this conclusion, I take account of the DCLG Policy Statement Planning for Schools Development which requires Planning Authorities to facilitate the efficient and positive delivery of schools development including ensuring that the process for submitting and determining state funded schools applications is as streamlined as possible and in particular, is proportionate in the information sought from applicants. It also requires clear justification for refusal of any application or for the imposition of conditions.

## Conclusion

73. This proposal is important to ensure the continued provision of a School Farm for New Line Learning Academy and to ensure that the redevelopment and refurbishment of the Five Acre Wood School can progress. The proposal is made independently of the application for residential development and relocation of school

Use of land as a School Farm at New Line Learning Academy,  
Maidstone – KCC/MA/0385/2014 (MA/15/501363)

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playing fields and requires a decision based on its own planning merits. There have been no objections to the proposal and the comments made by the KCC Biodiversity and Landscape Officer indicates that the development is acceptable with the appropriate use of conditions. The concerns received from the NLRA and the County Council Member with regard to the timing of the decision in relation to the appeal against another planning proposal are not considered to be relevant reasons to withhold permission, or to delay making a decision on a proposal which in my opinion is acceptable in all other regards, given the advice contained in the NPPF on decision taking and the presumption in favour of sustainable development and the strong policy support in favour of the sustainable development of schools related development.

#### Recommendation

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 in accordance with the details submitted with the application
- That a buffer zone be provided and managed as a wildflower meadow
- That a management plan is required for the buffer zone including arrangements for access to the meadow area and mowing;
- Submission of a landscaping scheme in order to screen the proposed fencing at the site.
- Governing the PROW requirements in relation to the footpath.
- Governing the submission of lighting details prior to the installation of external lighting
- Governing the submission of samples and colour of external materials for the agricultural barn
- Submission of details of colour and type and appearance of overcladding for the proposed classroom
- Governing the control over hours of use as detailed in the application
- Governing the control of lighting outside of hours
- Governing the fencing colour, which should be black or dark grey.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of:

- PROW advice regarding works near to footpaths and ecology advice regarding bats and lighting;
- Landscaping advice with regard to the landscaping plan and species mix;
- That the applicant checks the requirements for planning permission for the concrete access path out of the Academy site and the introduction of access gates within the existing New Line Academy fence.

Case Officer: H Mallett	Tel. no: 03000 413411
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Background Documents: see section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT  
PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS -  
MEMBERS' INFORMATION**

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

**Background Documents** - The deposited documents.

- AS/93/1204/R2 ,R9 & R11 Details of a reception kiosk, site office and toilet, new access gates and extension of existing clay stockpiling area and access track and turning area pursuant to conditions (2), (9) and (11) of planning permission AS/93/1204.  
Pluckley Brickworks, Station Road, Pluckley, Ashford
- DA/14/1532 Variation of planning application DA/13/1491 (Temporary consent (5 years) for the operation of a construction and recycling facility for concrete and road/base planings and ancillary plant storage areas, reception weighbridge office and parking) to amend conditions 2 (development to be built in accordance with approved details), 4 (Hours of operation), 5 (increase in maximum throughput per annum) and 6 (increase in maximum HGV movements).  
Eastern Quarry, Watling Street, Swanscombe, Dartford
- SW/14/503276 Location and operation of an aggregate recycling plant (including weighbridge office and car parking) to process up to 150,000 tpa of construction, demolition and excavation materials from local developments and crushing and screening, via industry standard processes, into recycled secondary aggregates for re-sale into the local market.  
Milton Pipes Site, Gas Road, Sittingbourne
- SW/14/506680 Section 73 application to vary conditions (2) & (4) of planning permission SW/10/444 to allow a variation to the permitted hours of delivery to allow for 24 hours 7 days per week operation.  
Land at Kemsley Paper Mill, Kemsley, Sittingbourne
- SW/15/500406 Change of use of land in connection with adjacent scrap yard and depollution centre comprising proposed two new storage units, vehicle weigh bridge, amenity unit. Re opening original access road to provide separate car and heavy goods entrances and vehicle parking.  
London & Kent Metals, Unit D9, Eurolink Business Park, Sittingbourne
- TW/14/501345/RA Non-material amendment relating to the approved layout of planning permission TW/14/501345 including orientation of the damp walls and the re-organising of ancillary elements to allow safe operation of the clamps and increase efficiency of the site during operation.  
Conghurst Farm, Conghurst Lane, Hawkhurst

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

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

**Background Documents** – The deposited documents.

AS/14/606/RVAR	Details of external materials, fencing, programme of archaeological work and construction management strategy pursuant to conditions (3), (4), (14) and (18) of planning permission AS/14/606. Furley Park Primary School, Reed Crescent, Kingsnorth
AS/14/854	Installation of a 1.8m high black bow top metal fence. Kingsnorth C of E Primary School, Church Hill, Kingsnorth, Ashford
CA/15/425	Erection of a new 1.8m high pedestrian access gate to the eastern boundary of the school for use as main pedestrian access and permanent retention of 2 play structures within the school playground. Whitstable Junior School, Oxford Street, Whitstable
CA/15/580	A single storey new classroom and a classroom extension, including corridor and canopy. Hampton Primary School, Fitzgerald Avenue, Herne Bay
DA/14/19/R	Application for a non-material amendment; minor changes to doors, addition of a brick work plinth to the main hall, change to retaining wall finish and change to the fencing to the rear of the drop off area. Oakfield Community Primary School, Oakfield Lane, Dartford
DO/15/253	New windows and doors to main school block. St Edmunds Catholic School, Old Charlton Road, Dover
SE/14/13/R5&R9	Details of; a scheme of landscaping and treeplanting; and details of all fencing, gates and other means of enclosure, including fencing to the southern site boundary pursuant to conditions (5) and (9) of planning permission SE/14/13. Knole (east) Academy, Seal Hollow Road, Sevenoaks
SE/14/13/R32	Details of a written specification and timetable securing the implementation of a programme of archaeological work pursuant to condition (32) of planning permission SE/14/13. Knole (east) Academy, Seal Hollow Road, Sevenoaks

SH/14/711/RVAR	Discharge of conditions imposed on SH/14/711 for the construction of a two storey special educational needs school with car parking and landscaping. Condition (3) - External materials, (21) - Details of site compound, (22) - Details of access to site, (25) - Mud prevention measures. Land at Former Channel School, Park Farm Road, Folkestone
SW/14/506792	New modular building to cater for the relocated nursery class. Rose Street Primary School, Rose Street, Sheerness
SW/14/614/R	Non-material amendment to planning permission SW/14/614 to alter the link building from being glazed to being rendered. Ospringe C of E School, Water Lane, Ospringe, Faversham
SW/14/614/R3&R8	Details of external materials and construction management strategy pursuant to conditions (3) and (8) of planning permission SW/14/614. Ospringe C of E School, Water Lane, Ospringe, Faversham
TH/14/79/RVAR	Details of external materials, archaeological watching brief and construction management strategy pursuant to conditions (3), (5) and (6) of planning permission TH/14/79. Garlinge Primary School, Westfield Road, Margate
TH/14/148/R14	Submission of details pursuant to condition (14) - Roof extract plant of planning permission TH/14/148. Cliftonville Primary School, Northumberland Avenue, Margate
TH/14/1064/R5A	Temporary relaxation of the normal hours of work as set out in condition (5) of planning permission TH/14/1064. St Anthony's School, St Anthony's Way, Margate
TH/15/168	New storage container for sports equipment. The Ellington and Hereson School, Newlands Lane, Ramsgate
TH/15/170	Amendment to existing planning approval TH/14/797 for provision of a modular classroom building at Minster-In-Thamet to replace the existing dilapidated classroom unit. Minster Primary School, Molineux Road, Minster, Ramsgate
TM/14/3658/R3	Details of materials pursuant to condition (3) of planning permission TM/14/3658. Ightham Primary School, Oldbury Lane, Ightham, Sevenoaks
TM/15/20	Erection of a covered play area/canopy. No change of use. St Peter's Church of England Primary School, Mount Pleasant, Aylesford
TM/15/162	To install equipment in Coronation Gardens, adjacent to the school, to encourage physical activity. St Peter's Church of England Primary School, Mount Pleasant, Aylesford

TM/15/554	Proposed expansion of The Judd School (Brook Street, Tonbridge) from 4 to 5 forms of entry involving the demolition of existing kitchen and part of the dining space and reinstatement of former external façade, erection of a part two and three storey building, provision of 9 additional car parking spaces and associated landscaping works. The Judd School, Brook Street, Tonbridge
TW/14/504142/RVAR	Details of external materials, archaeological watching brief and construction management strategy pursuant to conditions (3), (8) and (9) of planning permission TW/14/504142. Broomhill Bank School, Broomhill Road, Tunbridge Wells
TW/15/501572	Proposed single classroom modular building and reception play area. Broadwater Down County Primary School, Broadwater Lane, Tunbridge Wells

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

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**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/SH/0101/2015 New chair store to be situated to the front of the existing school hall.  
Selsted Primary School, Stockham Lane, Selsted
- KCC/SW/0105/2015 Phased extraction of brickearth over 4 summer campaigns, storage and transportation of materials to nearby brickworks throughout the year, creation of a new vehicle access and the phased restoration of land back to agricultural use.  
Orchard Farm, School Lane, Iwade, Sittingbourne
- KCC/TW/0083/2015 New multi-use games area (MUGA) within existing playing field, enclosed by 3m high rebound fencing.  
St Marys C of E Primary School, Pearse Place, Lamberhurst, Royal Tunbridge Wells



KCC/SCR/DA/0088/2015 Request for a screening opinion as to whether the proposed wastewater treatment works requires an Environmental Impact Assessment.  
Eastern Quarry Wastewater Treatment Works, Watling Road, Swanscombe, Ebbsfleet

- (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**

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

**Background Documents -**

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

None

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