

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16th November, 2016

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16th November, 2016, 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 D L Brazier, Mr N J D Chard, 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 - 19 October 2016 (Pages 5 - 8)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application GR/15/1192 (KCC/GR/0387/2015) - Improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered work area and ancillary site improvements together with retrospective provision for trommel, picking station and wall at Unit 4, Apex Business Park, Queen's Farm Road, Shorne; RS Skips Ltd (Pages 9 - 54)

2. Application SH/0803/2016 (KCC/SH/0187/2016) - Section 73 application to vary existing conditions 2,7,8,9,11 and 12 of Permission SH/04/1475 to accommodate changes to the site layout, hours of operation and vehicle movements, increase the throughput of waste, clarification of the types of waste and removal of conditions 4 and 6 relating to noise monitoring and landscaping at Ross Depot, Military Road, Folkestone; Veolia ES (UK) Ltd (Pages 55 - 70)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal DA/16/1306 (KCC/DA/0212/2016) - Demolition of existing prefabricated canteen building and erection of two storey extension providing 8 classrooms, group rooms and a hall, and an additional 19 on site car parking spaces at The Brent Primary School, London Road, Stone; KCC Property and Infrastructure Support (Pages 71 - 90)
2. Proposal AS/16/1148 (KCC/AS/0204/2016) - Permeable tarmac playground and trim trail area at Charing CE Primary School, School Road, Charing; Governors of Charing CE Primary School (Pages 91 - 104)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 105 - 108)
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)

John Lynch
Head of Democratic Services
03000 410466

Tuesday, 8 November 2016

(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

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 19 October 2016.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr D L Brazier, Mrs P Brivio, Mr L Burgess, Mr N J D Chard, Mr I S Chittenden, Mr P M Harman, 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 R Truelove

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr P Hopkins (Principal Planning Officer), Mr D Joyner (Transport & Safety Policy Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

44. Minutes - 14 September 2016
(Item A3)

RESOLVED that the Minutes of the meeting held on 14 September 2016 are correctly recorded and that they be signed by the Chairman.

45. Revised dates of meetings in 2017
(Item A4)

The Committee noted the amended dates for meetings in early 2017 as follows:-

Wednesday, 18 January 2017;
Wednesday, 8 February 2017;
Wednesday, 15 March 2017; and
Wednesday, 19 April 2017.

46. Site Meetings and Other Meetings
(Item A5)

The Committee noted the site visit to Apex Business Park in Shorne to take place during the afternoon of Wednesday, 19 October 2016 following the Committee meeting. It also noted that the new date for the site visit to Wilmington would be notified in due course.

47. Proposal CA/16/1822 (KCC/CA/0191/2016) - Infill classroom extension to provide the school with an intervention space at Swalecliffe Junior School, Bridgefield Road, Whitstable; KCC Property and Infrastructure Support
(Item D1)

(1) Mrs P A V Stockell informed the Committee that she had recently become the Deputy Cabinet Member for Education and Health Reform. She had not taken part in any discussions on this particular proposal and was able to approach its determination with an open mind.

(2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee specified that the replacement tree needed to be of a native species.

(3) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard 5 year time limit; the development being carried out in accordance with the permitted details; hours of working during construction and demolition being restricted to between 0800 and 1800 hours on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays with no operation on Sundays and Bank Holidays; measures to manage construction traffic and deliveries in order to minimise conflict with traffic and pedestrians at the beginning and end of the school day; and the provision of a replacement tree of a native species within the next planting season.

48. Proposal SW/16/504626 (KCC/SW/0095/2016) - Two and three storey buildings and new access and parking area for coach and taxi drop-off at Sittingbourne Community College, Swanstree Avenue, Sittingbourne; KCC Property and Infrastructure Support
(Item D2)

(1) Mrs P A V Stockell informed the Committee that she had recently become the Deputy Cabinet Member for Education and Health Reform. She had not taken part in any discussions on this particular proposal and was able to approach its determination with an open mind.

(2) Mr R Truelove was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(3) The Head of Planning Applications Group informed the Committee of two additional Development Plan Policies which were relevant to the determination of the Proposal. These were Policy E7 of the adopted Swale Borough Local Plan (Separation of Settlements); and Policy DM25 in the emerging Swale Borough Local Plan, which was similar to Policy E7 relating to the school being within an important local countryside gap. The issues this raised were covered in paragraphs 51 and 52 of the report.

(4) In agreeing the recommendations of the Head of Planning Applications Group, the Committee included the provision of a box junction on the A2 in the highway scheme condition and specified that the School Travel Plan should include the provision of a responsible parking scheme. It also added an Informative as set out in (5) below.

(5) RESOLVED that:-

- (a) the application be referred to the Secretary of State for Communities and Local Government and that, subject to his decision, permission be granted to the proposal, subject to conditions, including conditions covering the standard 5 year time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; the implementation and maintenance of a scheme of soft and hard landscaping; measures to protect those trees to be retained; no tree removal taking place during the bird breeding season; the habitat area being retained with the implementation of an agreed scheme of enhancement; details of any external lighting being provided; the submission of details dealing with the potential risks associated with ground contamination; the submission of a verification report; no infiltration of surface water drainage into the ground; no piling or any other foundations using penetrative methods being used; the provision and permanent retention of a new coach and taxi parking area prior to the occupation of the proposed development; visibility splays being provided and maintained as approved; hours of working during construction being restricted to between the hours of 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; measures to prevent mud and debris being taken onto the public highway; the submission of a construction management plan, including lorry routing, access, parking and circulation within the site for contractors and other vehicles related to construction operations; a detailed design of the highway scheme being undertaken and implemented accordingly, including the provision of a box junction on the A2; and the submission of a revised School Travel Plan, including the provision of a responsible parking scheme, via the "Jambusters" website, to be placed on the school's website and reviewed annually; and
- (b) the applicants be advised by Informative that in preparing the Construction Management Plan, they shall minimise the impact of construction traffic on Swanstree Avenue. This shall include exploring the potential for early construction of the proposed coach and taxi parking area and the role that it can play in mitigating local construction impacts.

49. 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 DISPOSAL

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

Item C1

Improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent DA12 3HU -20151192 (KCC/GR/0387/2015)

A report back by Head of Planning Applications Group to Planning Applications Committee on 16th November 2016.

Application by RS Skips Ltd for improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent DA12 3HU – 20151192 (KCC/GR/0387/2015)

Recommendation: Planning permission be granted subject to conditions.

Local Member: Mr Bryan Sweetland

Classification: Unrestricted

Deferral

1. This application was originally reported to planning Applications Committee on 14th September 2016, where consideration of the application was deferred pending a Members site visit. Accordingly, a group of Planning Application Committee Members visited the site on Wednesday 19th October 2016 and this item is now reported back for a decision.
2. The Democratic Services Officer's notes of the visit are appended to this report (Appendix 1).
3. The original committee report is also appended to this update report (Appendix 2).

Site Visit

4. The purpose of the visit was to allow Members to see the site itself and also to view its setting in context of the surrounding landscape with regard to considering the potential impact upon the openness of the Green Belt and the Queens Farm Conservation Area.

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Members were taken to the site via Higham and Lower Higham, and following the meeting on site, along Lower Higham Road to Chalk, returning back through Higham.

- Members were given a brief overview of the application proposals, associated traffic movements and viewed the location of the proposed new building. Members were given the opportunity to see inside the picking station and view the overall site from this elevated position. The Applicant explained how the vehicle tracking system worked.

Report back on issues raised at site visit

- Accident data – Concern was expressed that the data contained in the Transport Assessment did not include the latest position regarding fatal accidents in the vicinity. The Highways Officer has investigated the matter and reports as follows:

The KCC injury crash records data base has been reviewed for the main roads in the vicinity of the applicant's site and including Chalk, Lower Higham and Higham village for 5 years to 31 December 2015. Notably we have a record of an injury crash which resulted in a fatality at 20:30 05/12/15 on Lower Road some 0.43 mile (700m) east of the junction with Green Farm Lane. The incident occurred in wet dark conditions involved 2 cars and the driver of vehicle 1 lost control on the brow of a hill and struck vehicle 2 travelling in the opposite direction. We also have a record of an injury crash which resulted in a slight injury involving an HGV (over 7.5t) on Lower Road some 0.40 mile (650m) east of the junction with Church Lane. The incident occurred on 14/08/15 at 17:20 in dry conditions. The driver of vehicle 1 (the car) "hasn't slowed for corner and saw lorry too late" and collided with the front of the HGV. We have no records of injury crashes involving RS Skips lorries.

- On the basis of the above the Highways Officer does not consider the proposal would result in any greater likelihood of accidents. He maintains that increased levels of traffic whilst high in percentage terms over existing traffic levels, they need to be considered in light of the fact that traffic levels are low to begin with.
- HGV movements - Concern was expressed at the number of HGV movements already taking place and the routes taken to the site. It is proposed that a condition restricting the number of HGV movements to a maximum of 74 per day is attached to any permission granted. Furthermore a condition requiring a lorry routeing scheme based upon the information contained in the Transport Assessment is also proposed. This scheme could also include details of how the vehicle tracking system would be monitored and interrogated should any issues arise regarding the routes vehicles take to site. The Applicant issues a list of non-permitted routes which divers of their vehicles are prohibited from using unless they are making a delivery on that route.
- Throughput capacity – Concern was expressed that by granting retrospective permission for the trommel and picking station that the throughput of material would slowly creep up beyond that applied for. It was proposed to restrict the throughput by

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condition to 55,000 tonnes per annum however I suggest that the condition be amended to also require that records of volumes of material handled at the site be made available upon request to the County Council. The Applicant is already required to provide this information to the Environment Agency as part of their permit conditions.

10. Community liaison – My original report recommended an informative be added to encourage the operator to set up a forum for dialogue with the local community. Following comments made at the site visit the Applicant confirmed that they are more than happy to open discussions with the local community as to the format that best delivers the opportunity for open dialogue. To this end the Applicant has already contacted the Parish Council's and local representatives inviting them to discuss the arrangements.

Recommendation

11. A number of minor amendments to the recommendation on the original papers were reported verbally at the Planning Applications Committee meeting in September, as well as no objections from the Council for the Protection of Rural England (CPRE). The amendments related to confirmation of paragraph references, hours of operations and adjustments to noise levels in the proposed noise condition. For clarity the recommendation is set out again taking account of those corrections (referring to the original report) as well as accommodating any amendments arising out of the issues discussed above.
12. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
 - In accordance with approved drawings and submitted documents,
 - Restriction of HGV movements to daily maximum of 74,
 - Hours of operation 0700-1800 Monday – Friday, 0700-1330 Saturdays, no working on Sundays and Bank Holidays.
 - Condition restricting noise levels at the nearest residential buildings at the Queens Farm complex and neighbouring industrial properties to 42dB L_{AR,1hr} (as outlined in paragraph 81 of original report to PAC 14 September 2016),
 - Condition restricting vibration levels at neighbouring industrial properties (as set out in paragraph 83 of original report to PAC 14 September 2016),
 - Maintenance of plant and equipment,
 - Submission of Dust Management Plan for all stages of waste handling and for vehicles leaving the site, including wheel and chassis cleaning and containment of waste loads (lorry sheeting),
 - Submission of an Odour Management Plan assessing risk, proposing mitigation and detailing actions to address nuisance,
 - Scheme detailing proposed materials to be used on the building, including colour of cladding,

20151192 (KCC/GR/0387/2015) - Improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent DA12 3HU

- Submission of a lorry routeing scheme (reflecting the information in the Transport Assessment) and including reference to the vehicle tracking data,
 - Archaeological watching brief (if significant groundworks are required for the construction of the building).
 - Contaminated Land watching brief (if significant groundworks are required for the construction of the building)
13. I FURTHER RECOMMEND that AN INFORMATIVE be added to encourage the operator to set up a forum for dialogue with the local community.

Case Officer: Andrea Hopkins

Tel. no: 03000 413394

Background Documents: see section heading

APPLICATION GR/15/1192 (KCC/GR/0387/2015 – IMPROVEMENT AND ENHANCEMENT OF EXISTING WASTE TRANSFER STATION AT UNIT 4 APEX BUSINESS PARK, QUEEN’S FARM ROAD, SHORNE

NOTES of a Planning Applications Committee Site Meeting at Apex Business Park, Shorne on Wednesday, 19 October 2016.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr D L Brazier, Mr L Burgess, Mr T A Maddison, Mr S C Manion, Mr T L Shonk, Mr C Simkins, Mr A Terry and Mr J N Wedgbury. Mrs D Marsh and Mr B J Sweetland were present as the Local Members.

OFFICERS: Mrs S Thompson and Mrs A Hopkins (Planning), Mr D Joyner (Highways) and Mr A Tait (Democratic Services).

THE APPLICANTS: Mr S Randhawa (RS Skips) and Ms A Watts (SLR Consulting).

SHORNE PC: Mr R Theobald.

HIGHAM PC: Mr J Grey, Mr L Pearton.

LOCAL GRAVESHAM BC COUNCILLOR: Mr L Hills

(1) Members were taken by minibus to the site via Higham and Lower Road. They viewed the site from various locations along Lower Road, and were also shown Green Farm Lane which local representatives said was used by RS Skips’ vehicles despite not being permitted to do so.

(2) The Chairman opened the meeting explaining that its purpose was to enable Committee Members to familiarise themselves with the site and to listen to the views of interested parties.

(3) Mrs Hopkins briefly introduced the application by saying that RS Skips had taken over the site in 2010 following the grant of planning permission to use it as a waste transfer facility. She said that there had been two buildings on the site. The larger building had been approximately 10.7m wide, 41m long and 5.6m high. It had been damaged by a machine and demolished (together with the smaller vehicle maintenance building) in September 2014.

(4) In June 2015, the applicants had erected a trommel and picking station in advance of a planning decision. The application sought retrospective permission for them as well as a retaining wall to the north of the site. It also sought permission for a replacement building.

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(5) Permission had originally been granted for 24 vehicle movements per day (12 in and 12 out). This level had been exceeded and permission was now sought to increase these movements to 74 per day (37 in and 37 out) in order to transport the permitted throughput of 55k tonnes per annum.

(6) Mrs Hopkins then said that the size of the proposed building was 19.85m x 22m (at its widest). It would be 12m in height. It was proposed to extend the steelwork of the building on the north elevation and with a clad wall on the southern elevation to support netting over the whole area to assist the prevention of wind-blown material beyond the building.

(7) Mrs Hopkins then described the proposed operation. The vehicles would tip their load onto the ground in the material reception area in front of the building. Following tipping the material would immediately be swept into the building by a JCB, where very large objects would be separated from the waste stream before the remainder was loaded into the hopper for processing. The material would travel via conveyor to the trommel which would remove the fines from the waste stream into a fines separator before depositing them into a separate container. The waste material would continue along the conveyor into the semi-enclosed sorting and picking station where the operatives would remove recyclable materials by hand, sorting them into various waste streams. Finally the waste would pass through a separator to extract any metals. The residual inert waste would drop into a separate bin. The sorted waste would be baled and prepared for onward distribution to the various recycling companies.

(8) Hours of working would be 0700 to 1800 on Mondays to Fridays and 0700 to 1330 on Saturdays, with no workings on Sundays and Bank Holidays.

(9) Mrs Hopkins concluded her presentation by saying that objections to the application had been received from Gravesham BC, Shorne PC and Higham PC. There had also been objections from local residents (as well as letters of support) together with a petition from residents of Chalk. No objections had been received from technical consultees.

(10) The meeting then adjourned in order that Members of the Committee could be shown aspects of the site, including its current operation, the location of the proposed new building and the retrospectively proposed trommel/picking station.

(11) Before the start of the second half of the meeting, Mr Randhawa was asked to demonstrate the recently-installed vehicle tracking system which enabled RS Skips to check the location and speed of all its vehicles and to maintain a daily record accordingly.

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(12) Mr Randhawa stated that although one RS Skips vehicle had accidentally travelled down Green Farm Lane, the only time that its vehicles would normally do so would be if it was supplying skips there. RS Skips only used its own vehicles to deliver and collect skips.

(13) In response to a question from Mr Shonk, Mr Randhawa said that RS Skips' HGVs had been using the site as their base for 6 years. They knew the designated routes to both Chalk and Lower Higham (which were signposted in any case).

(14) Mr Maddison asked why the applicants had only applied for 24 vehicle movements per day in 2010. Mr Randhawa replied that this had been because when the site started, it had only been operational for 3 to 4 days per week. The throughput had been nowhere near the 55k tpa applied for. This had been an aspirational figure.

(15) Mr Randhawa replied to a question from Mr Wedgbury by saying that the small size of many of the skip vehicles was in response to his customer's needs. The company had also invested in vehicles that could take multiple skips where appropriate as this reduced the number of vehicle movements associated with the site.

(16) Mr Randhawa replied to a question from Mr Brazier by saying that both the Environment Agency and the Fire Authority had confirmed that the site did not pose a significant fire risk. RS Skips had employed a consultant who had assessed the risks and advised them to keep stockpiles low and contained and to have waste moved on a daily basis.

(17) Mrs Thompson asked whether the applicants could provide her with a record of the number of movements undertaken over a typical week.

(18) Mr Sweetland (Local Member) said that he had received many complaints from local residents concerning the site and the vehicles which came from it. He considered that it would be very helpful to take action to set up a local forum to enable issues of concern to be raised and discussed. (as recommended in the Committee report).

(19) Mrs Marsh (Adjacent Local Member) asked why workers on site were not wearing masks. Mr Randhawa replied that all workers on site were provided with masks to wear when dealing with dusty waste.

(20) Mr Hills (Local Gravesham Borough Councillor) asked how the tonnage of waste material sorted on site was controlled and verified. Mr Randhawa replied that it was not possible to pre-check the tonnage before the waste arrived on site.

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The Environment Agency was responsible for ensuring that RS Skips' records of waste throughput were accurate. The waste throughput was not yet near the 55k tonnes per annum which had been permitted.

(21) Mr Theobald (Shorne PC) noted that the original application from RS Skips had been for 75k tonnes per annum. He said it was likely that there would be an annual incremental increase in throughput and asked what assurance could be given that the 55k limit would not be exceeded.

(22) Mr Radhwana agreed that the Trommel and Picking Station was able to take more waste, but that the current application addressed RS Skips' needs.

(23) Mrs Hopkins said that whilst the initial application had asked for 75k tonnes per annum, it was now proposed to remain at 55k and any permission granted would be restricted to that figure by condition.

(24) Mr Grey (Higham PC) asked why RS Skips' were travelling along School Lane in Higham. Mr Radhwana replied that RS Skips' vehicles only did so when doing business with Higham Primary School itself or local residents in the village. He also agreed to provide Higham PC with a list of RS Skips' designated routes.

(25) Mr Pearton (Higham PC) asked whether the proposed figure of 74 vehicle movements per day included staff coming in to work. Mr Radhwana replied that the figure was exclusively about skip lorries. He added that all staff worked a daily shift and that they were encouraged to car share. The applicants would be more than happy to facilitate those who brought bikes in to work, and had made accommodation for this in the proposed layout plans.

(26) Mr Grey said that he disputed the statement made by KCC Highways in the report that there had been no traffic incidents along Lower Road. This road contained a very dangerous S Bend where there had been accidents, including deaths. He was not suggesting that RS Skips had been responsible for any such incident, but he did feel that the question of road safety should be re-evaluated to take into account the tragic incidents he had brought up.

(27) The Chairman thanked everyone for attending. A record of the visit would be appended to the next Committee report.

(28) Following the meeting, Members left the site and travelled along Lower Higham Road to Chalk. They then travelled back past the site and through Higham, observing the site at its surroundings as they did so.

Improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent DA12 3HU -20151192 (KCC/GR/0387/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 14th September 2016.

Application by RS Skips Ltd for improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent DA12 3HU – 20151192 (KCC/GR/0387/2015)

Recommendation: Planning permission be granted subject to conditions.

Local Member: Mr Bryan Sweetland

Classification: Unrestricted

Site and Surroundings

1. Apex Business Park lies to the south of Hoo Railway Junction, approximately 2.5 km north-east of the urban fringe of Gravesend, 2km north of Shorne and 2km north-west of Higham. The site is accessed from Queen's Farm Road and the Lower Higham Road to the west towards the Lion Roundabout in Gravesend, which accesses the A226. Lower Higham is to the east of the junction of Queen's Farm Road with Lower Higham Road. Queen's Farm Road is a cul-de-sac, which terminates at the railway siding. This road also serves a farm and a number of residential properties associated with the farm, but the majority of traffic using the road is associated with the Business Park.
2. The Business Park is located within the generally low-lying area of Shorne Marshes, flat arable farmland which stretches north towards to the River Thames. The North Kent Railway line runs broadly east to west across the landscape. Further to the north is an area of coastal grazing marsh with estuarine mud flats. To the north east of the site is a rail freight sidings and a larger industrial estate consisting of several units. In the distance large industrial structures are viewed to the rear of this flat landscape and include Tilbury Docks, Tilbury Power Station and the new Thames Port Terminal on the Essex side of the River Thames.
3. The Business Park is visible over long distances from the south however it is not generally visible from the north side of the railway because of changes in level and general vegetation along the boundary of the railway.
4. The nearest residential property to the site is approximately 320 metres to the south, at Queens Farm. The original complex of farm buildings located on the east side of Queens Farm Road has planning permission to be converted to residential use. There are new replacement farm buildings on the west side of Queens Farm Road, which

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consist of large-scale steel-framed structures, clad externally with Norfolk Boarding. Queens Farm House is not listed, but, together with the farm cottages, barns etc., is at the centre of the Queens Farm Conservation Area which extends northwards (to a boundary with the industrial estate) and eastward beyond the farm complex across the adjacent former orchard land.

5. As set out above Hoo Junction Railway siding lies immediately to the north of the site. This is a substantial freight depot covering some 2.5 ha (some of which is open scrub/woodland) and is raised slightly above the application site. Crossrail is a cross-London rail connection and in 2018, giving access from Heathrow and Maidenhead in the west to Abbey Wood (which lies on the traditional railway line between Gravesend and London) in the east. There is the possibility of the future extension of Crossrail from Abbey Wood to Gravesend to help address future peak capacity issues. Subsequently an area of land including facilities at Hoo Junction is safeguarded to allow for this. The safeguarding to afford protection to High Speed 1 (HS1 - originally Channel Tunnel Rail Link) also covers the existing rail lines and sidings to the north of the application site.
6. The former British Uralite complex lies to the north of Hoo Junction. This used to manufacture asbestos products, including chimney pots and pipes. It is now known as the Nuralite Industrial Estate, with units varying from 93 sq. m. (1,000 sq. ft.) to over 1858 sq. m (20,000 sq. ft.) in area. And is accessed via Canal Road, Higham.
7. The site lies within the Metropolitan Green Belt, but does not fall within any area specifically designated for nature conservation. However, the South Thames Estuary & Marshes Site of Special Scientific Interest (SSSI) is situated to the north of Hoo Junction, approximately 140 metres from the site. This SSSI forms part of the Thames Estuary & Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). The Kent Downs Area of Outstanding Natural Beauty (AONB) lies approximately 3km to the south of the site. Natural England characterises the site and surrounding area as National Character Area (NCA) 81: Greater Thames Estuary. The site sits on the south western edge of this NCA. The Landscape Assessment of Kent characterises the area encompassing the site as Hoo Peninsular Landscape Character Area (LCA). The Gravesham Landscape Character Assessment characterises the area as the Higham Arable Farmland LCA. These designations recognise the predominantly flat, low-lying alluvial marsh and arable nature of the landscape; and the intrusive nature of development pressures in and around major settlements with urban, industrial and recreational site often highly visible within the low-lying marshes.
8. The Application site itself lies adjacent to the northern boundary of the Business Park and is accessed up a slope off the central estate road and consists of 0.44 ha of concrete hard standing with sealed drainage, some fairly recent. It is bounded by security fencing and the other uses on the Business Park lie to the east, south and west. There is an open area immediately in front of the entrance gate and just to the east of it, there is a weighbridge. There are further storage areas at the east end of the site, together with areas devoted to the repair of vehicles and plant. There are a number of storage containers located here. Storage for empty skips was taking place

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at the western end of the application site, where it is proposed to locate the building being applied for.

9. There are a variety of other uses operating on the estate including scaffolding businesses, portaloos hire company, commercial vehicle depot, another skip hire business (no waste handling), specialist car repairs, a kickboxing gym and industrial generator supply/installation company. All of these uses access the industrial estate along Queens Farm Road.

Background and Recent Site History

10. Prior to considering the merits of this application it is also useful to understand the planning history for this site and to explain the current position on site. I set out below the background to the use of the site and the more recent events that have led to the situation on site at present.
11. RS Skips took over the site following the grant of planning permission to use it as a waste transfer facility in 2010. Prior to that, Unit 4 accommodated a Builders Merchants and Plant Hire Company and housed a variety of single-storey workshops and storage sheds, together with various single-storey and two-storey Portacabins. There were also various storage structures including racks, tanks and containers. Before that, the site previously had a Heavy Goods Vehicle Operating Centre Licence for 7 heavy goods vehicles, and prior to that was used as a specialised vehicle dismantling business involving the depollution of scrapped vehicles. Prior to that, the site was a plant hire and storage yard.
12. There were two existing buildings on site, steel framed prefabricated structures of semi-circular section, and positioned alongside each other. The larger building was approximately 10.7m wide x 41m long x 5.6m high and the smaller building (vehicle maintenance) was approximately 7.5m wide by 10m long x 5.6m high. The larger building was damaged by a machine working on site and both buildings were subsequently demolished in September 2014. The Applicant is now seeking planning permission for a replacement building.
13. The relevant planning history is set out below:
 - 20070873 – Outline Application for the demolition of the existing sheds and Portacabins and the erection of 12 light industrial units in three blocks – Approved 5 March 2008 - not implemented, now lapsed.
 - 20090537 - Outline Application for the demolition of the existing sheds and Portacabins and the erection of 12 light industrial units in three blocks – Approved 25 August 2009.
 - GR/10/412 - Change of use to a waste transfer station, reuse of existing permanent buildings and removal of all except one portacabin - Permitted 8 September 2010.

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- GR/10/412/R3 – Erection of proposed security hut and dog kennel pursuant to condition 3 (restriction of permitted development rights) – Permitted 7 January 2013
 - GR/13/708 – Erection of permanent single-storey office building at the existing waste transfer station to replace portacabin accommodation - Permitted 16 October 2013
 - GR/14/617 – Resubmission of GR/13/708 for the erection of a permanent single-storey office building at the existing waste transfer station to replace portacabin accommodation - Permitted 8 September 2014.
 - KCC/GR/0431/2014 – (Submitted November 2014) Erection of a replacement building to provide covered working area, provision of trommel and picking station at existing waste transfer station. – Withdrawn 25 November 2015
14. Effectively planning permission GR/10/412 sets the parameters within which the current use operates and therefore the conditions attached to it are relevant. As such that application sought permission to change the use of the site to a waste transfer station, to be used for the separation of construction and demolition waste into individual waste streams to be bulked up for onward recycling, and the disposal of non-recyclable materials to landfill. The tipped waste was to be sorted within the larger of the two existing buildings. Fundamentally through the conditions attached to that consent the site is presently restricted to handling no more than 55,000 tonnes per annum of waste, with no more than 24 HGV movements per day, (the applicant explained this would utilise their existing fleet of 6 skip lorries and one additional visit per week by a bulk HGV to collect sorted waste for recycling). In addition no stockpiles, skip stacking, container stacking, portacabin or plant or machinery were to exceed 3m in height.
15. At the same time the buildings were being taken down a 2.7 metre (approx.) high breezeblock wall was constructed on the northern boundary of the site. The Applicant explained this was to retain the bank and soils of the embankment up to the rail sidings land behind, which were falling into the site. The wall was constructed without the benefit of planning permission, and retrospective planning permission is sought as part of this application. At some time, whether when the wall was built or previously, the boundary of the site has been extended northward by a metre or so onto land outside of the industrial estate (and outside of the boundary of planning permission GR/10/412). This was brought to the attention of the Applicant who has now served an additional notice on the owner of that land and retrospective permission is sought for the change of use of the land to part of the waste transfer site.
16. Since the removal of the two Nissan hut type buildings, the waste sorting activities have been taking place in the open. The site is subject to an Environmental Permit for a waste transfer station which is issued and monitored by the Environment Agency (EA). The report issued following the removal of the buildings sets out the EA position at that time and reads:

Inspection date 15 September 2014:-

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(1) "On approach to the site it was observed that the building had been removed and the footings for a new perimeter wall were underway. A large stockpile of soil dug out to accommodate wall footings was present in the middle of the front of the site. The Operator explained that there had been an accident with a 360 and the whole shed had been at risk of collapse so the building had been demolished about 2 weeks ago."

(2) "The building infrastructure has been completely demolished and removed from site due to the accident that deemed the building unsafe. Currently all treatment activities on site are not contained within the infrastructure of a building."

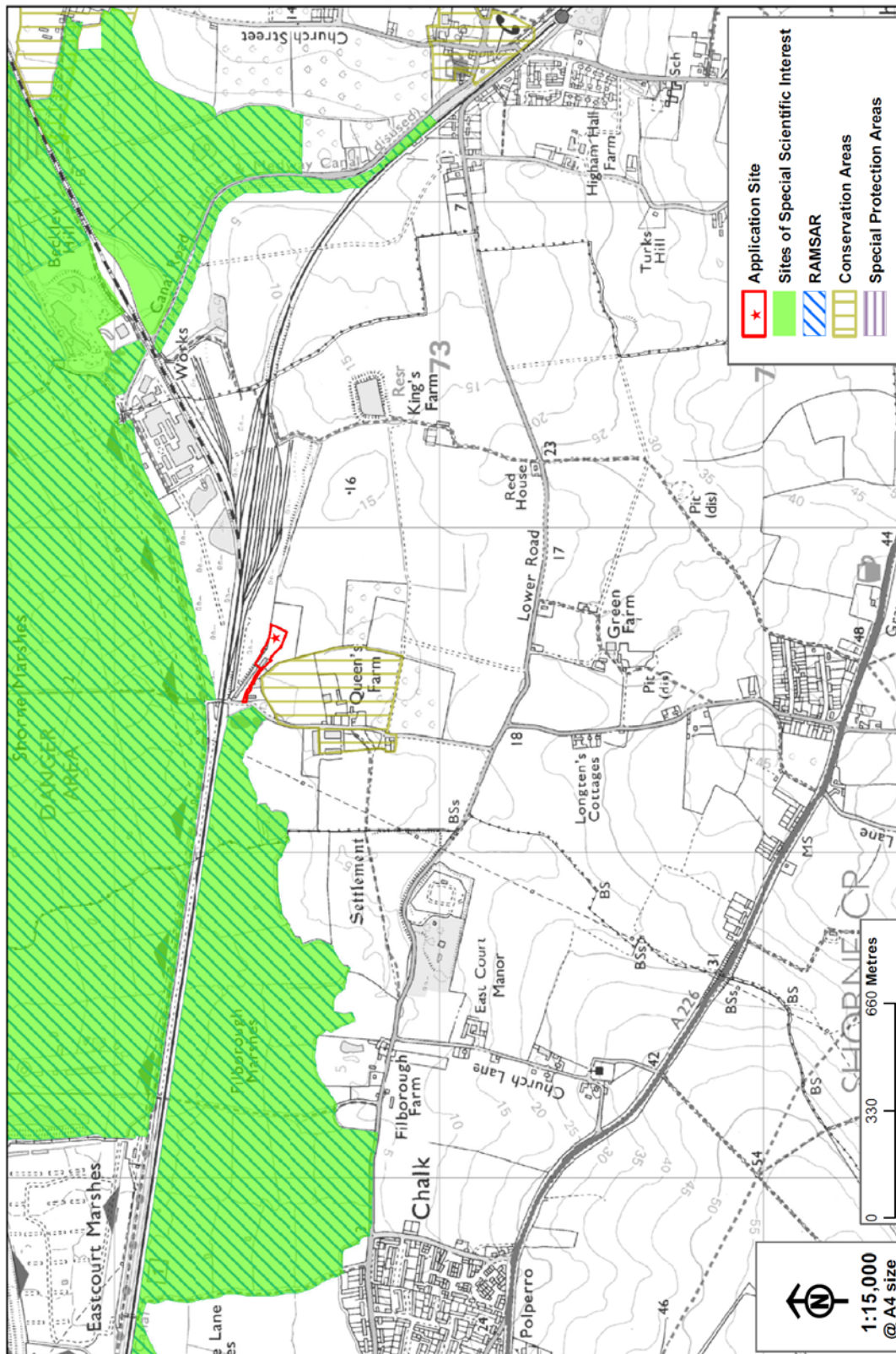
(3) "These serious and considerable permit contraventions cannot continue indefinitely and a solution needs to be found regarding the erection of a new building on site or alternatively the permit needs to be varied to allow these waste activities without a building. Failure to resolve this issue in agreed timescales with the EA will result in the issue of a Notice."

17. Condition 2.3 of the permit (issued by the EA) required the transfer operations to take place within a building. In January 2015 the EA set out an agreed temporary enforcement position with the operator (RS Skips Ltd) which effectively allowed storage of waste outside a building (with some additional conditions) until such times as the relevant planning application is determined.
18. Around June of last year the Applicant chose to erect the trommel and picking station on site in advance of a planning decision on the matter. This is in breach of planning control and they have been advised accordingly. The Applicant sought consent from the Environment Agency to commission the plant and I understand they were given three days to trial the operations after which time they were not to run any waste through the plant. The trommel was operated beyond this deadline. The use of the trommel in this way, without any building to enclose the loading activities, resulted in a significant level of complaint of dust and noise issues arising from the local area. I understand the trommel and picking station do not form part of the current permit for the site and the EA have instructed them not to use it any further.
19. The approved office building (GR/14/617) has now been constructed on site and a condition requires that all remaining portacabin and container structures be removed from site upon first occupation of the new building. However the proposed layout drawing on this application now seeks to retain the vehicle maintenance building at the eastern end of the site.
20. It should be noted that planning application KCC/GR/0431/2014 was for a similar development as that now proposed but had been changed numerous times which resulted in a poorly drafted and confusing submission. Hence the application was withdrawn following a change of Agent and this proposal before Members now seeks permission for a replacement building, retrospective permission for the trommel and picking station and wall, as well as other ancillary changes to the operations on the site, including the retention of the vehicle maintenance building.

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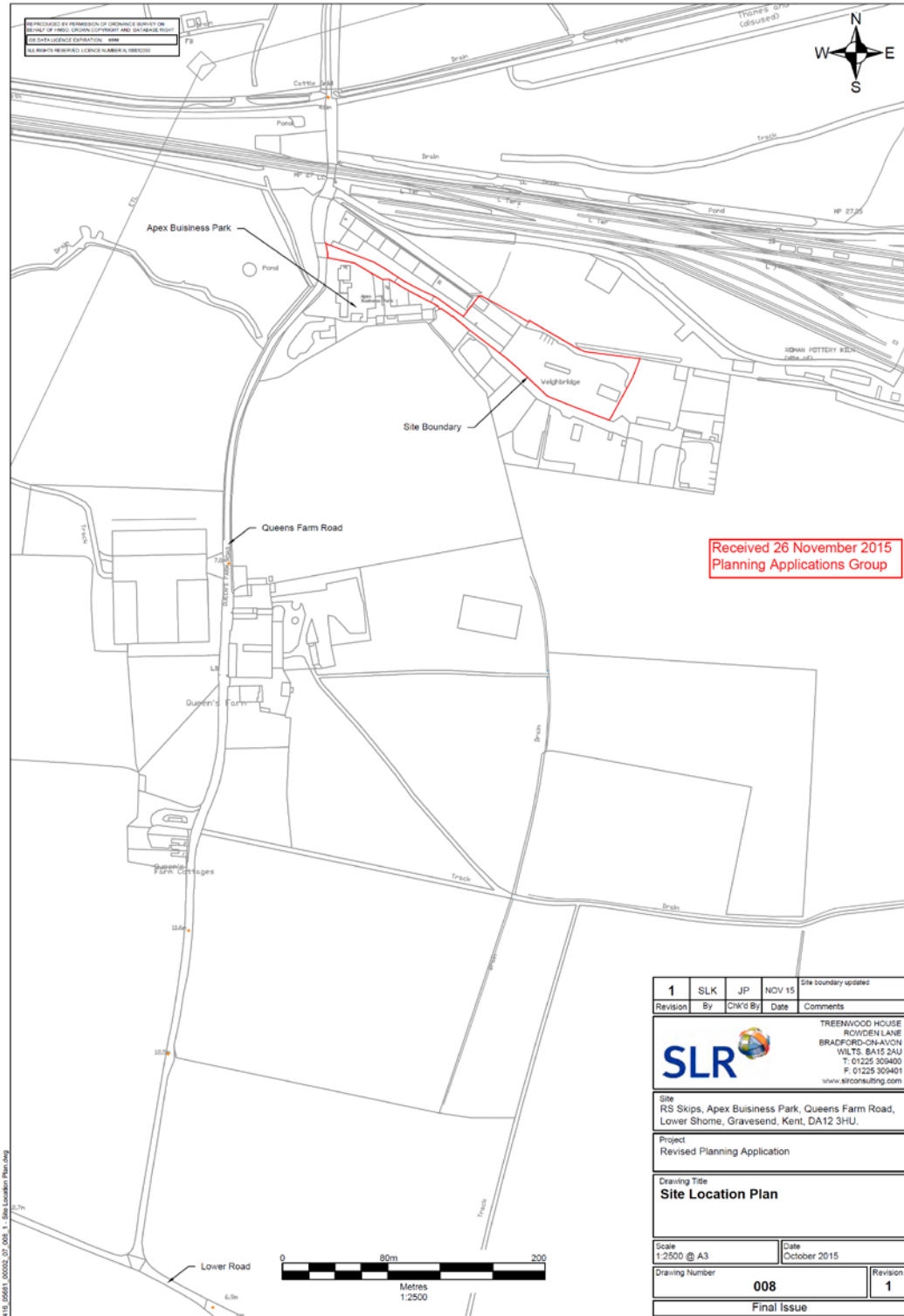
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General Location Plan



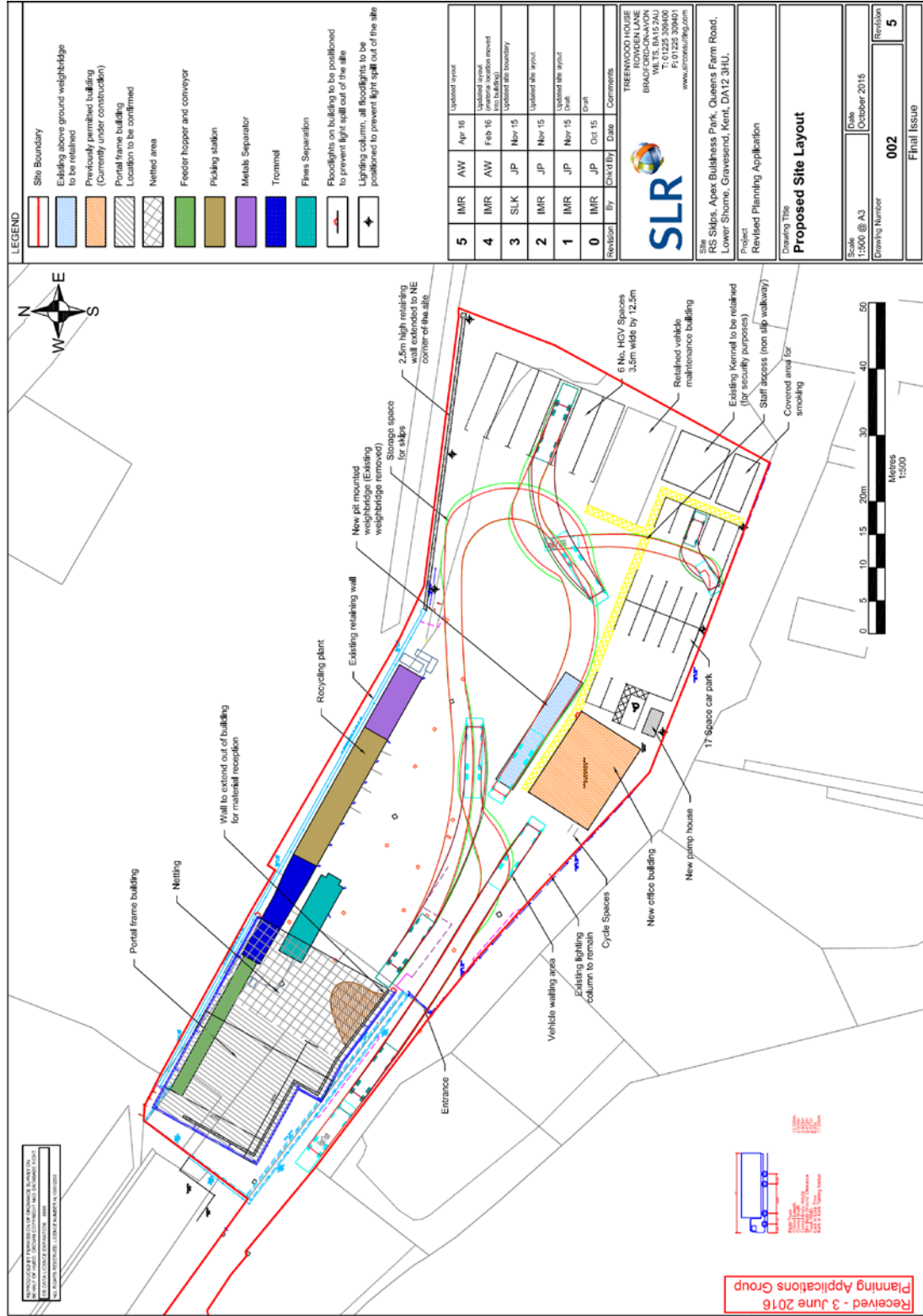
20151192 (KC/C/GR/0387/2015) - Improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent DA12 3HU

Site Location Plan



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Site Layout Plan



Proposal

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21. As set out previously this application was submitted following the withdrawal of an earlier one which involved similar proposals and had been amended several times over the preceding 12 months. This new application was submitted to unify all of those amendments, it too has been amended to reduce the overall size of the building.
22. This application seeks planning permission for the erection of a replacement building to provide a covered working area and retrospective provision of a trommel and picking station at the existing waste transfer site. In addition retrospective planning permission is sought for the erection of the 2.7m high breezeblock wall along part of the northern boundary of the site, as well as the change of use of a small parcel of land to the north which has been annexed into the site boundary. It is proposed that the retaining wall on the northern boundary is extended all the way up to the NE corner of the site. The existing weighbridge is to be removed and replaced and the layout of the site would be adjusted to accommodate all of these changes along with dedicated parking and turning areas.
23. Initially it was proposed to increase the throughput of waste up to 75,000 tpa, along with a significant increase in vehicle movements, but the application has been amended since submission and it is now proposed to remain operating at the consented levels of 55,000 tpa with a smaller increase (than initially proposed in this application) in the associated number of HGV movements from 24 to 74, over those limited by the current conditions.
24. Initially the proposed building was 39.5m x 20m but has now been reduced in size so that the steel frame building would measure 19.85m x 22m at its widest (it is stepped in towards the back of the site to measure 13m x 18m) and is just over 12 metres at its maximum height. It would be located at the western end of the site and sits 1m inside of the 2.7m high retaining wall on the north eastern boundary. The frame is clad with a 2m high blockwork wall with single skin steel sheet cladding above, although most of the north eastern side (adjacent to the retaining wall) of the building is open. It is proposed to extend the steelwork of the building on the north elevation and with a clad wall on the southern elevation (approx. 13m in length) to support netting over the whole area to assist with preventing wind-blown material beyond the building. An internal wall is proposed from the western end all the way along the south western elevation and along the clad wall which supports the netting.
25. The trommel and picking station (already erected on site) measures approximately 70m in overall length. The feed hopper and the first section of conveyor are within the building, the trommel and fines separator are partially within the netted area but also extend by about 2/3rds of their respective lengths beyond, into the open. The picking station is semi-enclosed by cabins along the conveyor before the line terminates with an open metals separator. The plant is a maximum height of approx. 8m with the picking station being just over 6 m for the majority of its length.

Operations

26. The Applicant's fleet of skip loader vehicles would typically bring around 50% of the daily waste imports, with the remaining 50% brought in by a mixture of ro-ro and tipper

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HGVs. Loaded vehicles would arrive at site and be directed to the weighbridge or be held in the waiting area. Once weighed, vehicles would tip their load onto the ground in the material reception area in front of the building. Empty skips would be taken back to the skip storage area if not going out again straight away. Following tipping the material would immediately be swept into the building by a JCB, where very large objects would be separated from the waste stream before the remainder is loaded into the hopper by a 360 excavator, for processing. The material would travel via conveyor to the trommel (drum separator) which would remove the fines from the waste stream into a fines separator before they are deposited into a separate container. The waste material would continue along the conveyor into the semi-enclosed sorting cabin/picking station where the operatives would remove recyclable materials by hand and sort into chutes with containers below for the various waste streams. Finally the waste would pass through a separator to take out any metals and the residue inert waste would drop into a separate bin.

27. The sorted wastes would then be baled and prepared for onward distribution to the various recycling companies, as follows:

Wood, Plasterboard	Countrystyle Group, Ridham
Green Waste	Countrystyle Group, Ridham
Metal	EMR, Strood
Inert Material	Hermitage Quarry, Maidstone
Fines Material (used as cover material)	Pitsea Landfill
Cardboard/Paper	Smurfit Kappa, Snodland
General Residue (RDF Material)	McGrath Brothers Ltd, Essesx
Hard/Soft Plastics	Kingsnorth Waste Mngement, Hoo

28. It is proposed that the permitted level of traffic be increased from 24 to a maximum of 74 HGV movements per day (37 in and 37 out) which the applicant considers is a more realistic level likely to be generated by the permitted throughput (55,000tpa).
29. The site would continue to operate under the existing approved hours of operation which are as follows:-
- Monday – Friday 07:00 to 18:00 hours;
 - Saturdays 07:00 to 13:30 hours; and
 - No working on Sundays and Bank Holidays.

There would continue to be 15 full time staff employed at the site (those presently working in the open yard would be moved into the picking station).

Planning Policy

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30. **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.

The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 9 (Protecting Green Belt land), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment), and accompanying Technical Guidance are of particular relevance.

The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.

National Planning Policy Guidance (NPPG) (March 2014) supports the NPPF including guidance on planning for air quality, natural environment, noise, transport and waste (amongst other matters).

In the case of waste related development, the NPPG requires that applicants be able to demonstrate that their proposals will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy. It goes on to confirm that if the proposal is consistent with an up to date Local Plan, there is no requirement to demonstrate 'need'.

Particularly relevant to this application, the guidance states that "*the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant. Engagement with the local community affected by previous waste disposal decisions will help in these considerations*".

Waste Management Plan for England (December 2013) is a high level document (non-site specific) which provides an analysis of the current waste management situation in England, and evaluates how the objectives and provisions of the revised European Waste Framework Directive will be supported and implemented. It sets out

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the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions through:

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of in line with the proximity principle;
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

National Planning Policy for Waste (NPPW) (October 2014) sets out Government's detailed waste planning policy on waste, and should be read in conjunction with the NPPF and Waste Management Plan for England. Appendix B considers locational criteria in considering suitable sites in the preparation of Local Plans and in determining planning applications.

31. Development Plan Policies:

Kent Minerals and Waste Local Plan (MWLP) 2013-30 July 2016 - Policies include: CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Non-Strategic Waste Sites), CSW7 (Waste Management Facilities for Non-Hazardous Waste), CSW8 (Recovery Facilities for Non-Hazardous Waste), CSW16 (Safeguarding of Existing Waste Facilities), DM1 (Sustainable design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), DM5 (Heritage Assets), DM6 (Historic Environment Assessment), DM10 (Water Environment), DM11 (Health and Amenity), DM13 (Transportation of Minerals and Waste), DM20 (Ancillary Development) and DM22 (Enforcement).

Gravesham Local Plan Core Strategy September 2014 – the most relevant Policies include: CS01 (Sustainable Development), CS02 (Scale and Distribution of Development and Green Belt), CS07 (Economy, Employment and Skills), CS11 (Transport), CS19 (Development and Design Principles) and CS20 (Heritage and Historic Environment).

Gravesham Local Plan First Review (1994) Saved Policies: Policies T1 (Impact of Development on the Highway Network), T2 & T3 (Use of Primary Network), T4

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(Development outside the built up area), T5 (New Access onto Highway Network) and P3 (Vehicle Parking Standards).

32. **Planning (Listed Buildings and Conservation Area) Act 1990** - Section 72 of the requires planning authorotoes to pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character of appearance of a Conservation Area.

Consultations

(Comments relate to the latest amended proposals)

33. **Gravesham Borough Council:** Object – The Borough Council considers that traffic impacts are the key determining issues and the Borough Council would wish to highlight that strong objections have been raised by Higham Parish Council, Shorne Parish Council, The Dickens' Country Protection Society and numerous local residents. These local stakeholders raise a number of important issues but clearly the most significant concerns relate to the impacts of the proposed increased lorry movements on highway safety, residential amenity and the natural and historic environments. The Borough Council shares these concerns.

If planning permission were to be granted for the proposed development, the Borough Council would wish to see conditions attached which restrict the total throughput of waste to 55,000 tpa, the total number of HGV movements, their timing, routeing and road worthiness (e.g. no mud or debris on the public highway) and also to mitigate the environmental impacts of the operation of the WTS. These conditions should include the mitigation of dust, noise, litter, odour, lighting and vibration impacts to the surrounding area. In addition the external facing materials for the building, the colouring of the machinery and the provision of landscaping should be subject to condition. Lastly watching brief soil contamination and archaeology conditions would be requested. A s.106 agreement may provide additional confidence in any routing or tonnage restrictions. KCC may wish to consider whether traffic management, signage, speed and weight restrictions would mitigate the traffic impacts.

Shorne Parish Council: Object – The amended proposals seek to legalise a level of traffic that breaches planning and with three times the number of HGV's and bigger vehicles. The amended building is taller than previously proposed. The estate should look to work together to provide plant screening for the whole site. Views from higher vantage points should be considered as well as the impact on openness,as well as the visual imapct of the vehicles visiting the site, particularly light poluution during the hours of darkness. The transport assessment and data is not accurate or honest about the impacts Other concerns relate to dust control, amenity impacts, heritage impacts, future developements and the need to condition operational volumes. In addition it repeats previous concerns relating to intensification of use, unsuitability of location, number of vehicle movements, unsuitabilty of local roads, road safety concerns, and amenity impacts on local residents, adjoining businesses and the environment.

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Higham Parish Council: Object – The proposals to increase the number of HGV movements along with the increase in general traffic will have a negative impact on the residents of Chalk and Higham with significant loss of residential amenity.

Environment Agency: No objection. As set out earlier in this report they have been closely monitoring activities at this site and have agreed a holding enforcement position whilst this application is determined. Should planning permission be granted they would look to amend the environmental permit and assess the existing permit conditions to ensure the treatment of waste activity is contained,. If permission were refused they would need to consider whether the operator could demonstrate that appropriate measures could be put in place to manage dust risks with a variation to the permit to make the operator compliant.

Natural England: No objection in terms of the impact upon statutory nature conservation sites. Also advises that if undertaken in accordance with the details submitted it does not need to be subject to Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 (The Habitat Regulations). Refers to standing advice on protected species and the need to consider impacts on priority habitats and local sites.

Network Rail: raise no objections to the application but offer advice to the Applicant that both during construction and after completion of works on site the proposal does not encroach onto network rail land, affect the safety, operation or integrity of the company's railway and its infrastructure, undermine its support zone, damage the company's infrastructure, place additional load on cuttings, adversely affect any railway land or structure' over-sail or encroach upon the air-space of any Network Rail land, cause to obstruct or interfere with any works or proposed works or Network Rail. They have also provided a detailed comment on the requirements for the safe operation of the railway and the protection of Network Rail's adjoining land for the Applicant.

HS1 Safeguarding: Has no comment on the application.

Amey (Noise, Dust, Vibration and Odour)

Noise and Vibration - The noise assessment is compliant with the requirements of the National Planning Policy Framework and Planning Practice Guidance and is in accordance with guidance within BS 4142:2014. It is considered that noise levels from the development are acceptable subject to condition to following condition:

The noise level from the site at Queens Farm House shall not exceed a rating level under BS 4142:2014 of 41dB LAr,1h. The noise levels from the site at any neighbouring commercial or industrial site shall not exceed 60 dB LAeq,1h.

In order to avoid potential vibration issues at the neighbouring properties from the use of high weighted machinery, it is recommend the inclusion of the following planning condition:

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Vibration levels generated by the site activities shall not exceed a VDV,16h of 0.8 ms⁻¹.75 when measured inside buildings of neighbouring properties. Groundborne noise generated by activities within the site shall not exceed 45 dB LAmax (re. 2x10⁻⁵ Pa) when measured inside buildings of neighbouring properties. If access to the neighbouring sites is granted, evidence of compliance with the conditions above shall be provided at the request of the County Planning Authority.

Finally, it is recommended that the number of HGV movements be limited to 74 HGV movements per day in line with the traffic flows considered in the transport assessment.

Air Quality – It is recommended that a condition requiring the submission of a dust management plan (DMP) be attached to any permission granted. The DMP should detail how dust will be controlled at each stage of the handling of the waste materials at the site and vehicles leaving the site. The proposed dust suppression system proposed by the Applicant in the letter from the Agent could be one such measure. To ensure the risk of nuisance of odour from the site is minimised it is recommended that conditions relating to:

- The removal of any putrescible waste from the site within 48 hours (as proposed by the Applicant);
- Respond to any complaints within 24 hours, which if justified after investigation, will trigger remedial actions to prevent re-occurrence.

Kent County Council Highways and Transportation: No objection (see comments in full below)

“1. The current application does not increase the throughput of waste materials from 55,000 tonnes / year but it is accepted that the previous Planning Condition restricting HGV movements to 24 per day (12 in, 12 out) is not compatible with the yearly throughput. As a result, the site has been operating with the number of HGV movements (generally skip lorries) exceeding the permitted number for a considerable time.

2. The site access off Queens Farm Road is acceptable having sufficient width and visibility for the type of usage.

3. Queens Farm Road, whilst being narrow in places (up to 5.5m in width) has sufficient passing places and generally adequate forward visibility for the current (which includes proposed skip lorry movements) level of usage. Traffic flows are low as it is a no through road and only serves the remainder of the Apex Business Park, a few residential properties and a farm.

4. The junction of Queens Farm Road with Lower Road meets highway standards in respect of layout and visibility.

5. Lower Road is subject to a 50 mph speed limit and is of adequate width for the traffic volume it carries. The traffic flows along this road in both directions towards

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Higham and towards Chalk are low and well below the road's theoretical capacity. Lower Road becomes Lower Higham Road through the built-up area of Chalk where the carriageway widens to 7.3 m, and has footway and street lighting facilities. Again traffic flows are low compared with the capacity.

6. Both Queens Farm Road and Lower Road currently have low levels of traffic which are confirmed by surveys undertaken in September 2015 (when the proposed level of skip lorry movements was already occurring) For Lower Road, this revealed two-way flows of up to 150 vehicles per hour at peak times (08:00 - 09:00 and 17:00 - 18:00) and up to 110 vehicles per hour at other times. These represent a frequency of 1 vehicle every 24 seconds and 1 vehicle every 33 seconds respectively.

7. Similarly, traffic flows along Queens Farm Road are considered very low with a maximum of 60 vehicles per hour (one per minute) in the am and pm peaks and 50 vehicles per hour at other times.

8. The provision of sustainable means of transport for employees is difficult in such a remote rural location but this application does not propose any increase in existing staffing level. It would be difficult to expect any significant increase in access by employees by sustainable means but car sharing / cycling should be encouraged. It is unlikely to have any impact on traffic movements to and from the site.

9. The 5-year crash record in the vicinity of the site reveals no significant safety problems and no crashes indicate any relationship to road alignment or sub-standard junction. No crashes involved HGVs. Guidance on Transport Assessments recommends that crash records over 5 years old are not relevant and should not be considered.

10. The proposal is likely to result in 74 two-way skip lorry movements per day. This is confirmed by a manual traffic count undertaken at the Queens Farm Road / Lower Road junction in January 2016 when movements in excess of the current permitted level were operating. The survey shows that the peak skip lorry movements did not occur at peak road network times (10:00 - 11:00 and 13:00 - 14:00) therefore the impact on the network is somewhat less than the "worst case". There is no evidence that, even with the current operating level being similar to that applied for, there are any highway safety or congestion issues being experienced on the local road network.

11. The manual survey revealed that, based on current movements, 60% of skip lorry movements from Queens Farm Road onto Lower Road were to / from the West towards Chalk and 40% were to / from the East towards Higham / Shorne. This contradicts statements in the previous TA which indicated that the vast majority of movements were to the West away from the villages of Higham and Shorne. Whilst this does not raise a highway safety or capacity issue considering the number of vehicle movements involved, it does raise questions regarding the routes skip lorries are using when it is alleged that the majority of customers are to the west in Gravesend / Dartford and the major road network is in that direction. It is considered that a lorry routing agreement with KCC Highways may help mitigate the impact of

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the development on local communities and this could be required through a Planning Condition.

12. If the baseline traffic flows in Queens Farm Road and Lower Road are assumed to be the total movements observed in the survey less the number of movements currently associated with RS Skips (74) but adding the number of movements currently permitted (24); the impact in percentage terms of the additional two-way movements identified in this application ($74 - 24 = 50$) can be calculated as an increase of traffic movements of 45% along Queens Farm Road and 40% / 19% along Lower Road to the West / East respectively. However, whilst the increase in vehicle movements over the baseline movements appears high in percentage terms it must be remembered that the flows on both roads both in terms of skip lorry movements and background traffic are low in the first place and therefore there appears to be much greater impact than when considered in absolute numbers which are considered to be fairly insignificant relative to the maximum capacity of these roads.

13. In terms of policy, NPPF Paragraph 32 states that development should not be refused on transport grounds unless the cumulative impact is considered to be severe. In this instance, given the low levels of proposed movements (which already exist on the network) and the low background traffic on both Queens Farm Road and Lower Road and the lack of evidence of existing highway problems, the impact cannot be considered to be severe.

14. I am aware of the local concerns about the impact of an increase of skip lorries using the local road network and this is recognised as a valid concern, but rather than the impact on highway safety and congestion, it must be considered that it is the environmental impact of these skip lorries due to noise, smell, vibration, appearance etc. which are not highway impact issues.

15. In conclusion, taking into account my above observations, there is no highway objection to the proposal but, if possible, a condition should be applied to require a lorry routing agreement to be entered into between the operator and KCC Highways to minimise the impact of the use on local communities.”

Kent County Council’s Landscape Advice Service: No Objection (see comments in full below):

“Site Context - The site is located within a small isolated industrial/business area within the Green Belt. Boundary fencing consists of metal panels and the area has an unattractive appearance. To the south of the site, the surrounding landscape is generally undulating farmland with some very large arable fields where hedgerows have been lost. Hedgerows along roadsides are often gappy although there are some hedgerow trees. Orchards were once prominent but are now in decline. Queens Farm to the southwest has a variety of large industrial type barns and silos which intrude into the landscape. Although the area is a Conservation Area on account of its historic farmstead and workers cottages within their historic rural setting, these are now overshadowed by the more recent agricultural development. Just to the north of the site, the landscape is distinctive consisting of flat open expansive estuarine grazing

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marsh with dykes and channels dividing the fields. Immediately north of the site are a railway line and sidings. Pylons are prominent within both the marshes and in the arable land to the south. There is a belt of trees and scrubby vegetation to the north of the site, which screens and softens the business area. The condition landscape is poor, with a moderate sensitivity to change.

Proposed Development - The main aspect of the development which would be likely to cause adverse landscape and visual impacts, and impacts on the openness of the Green Belt is the replacement building to accommodate the western part of the picking station, which is 12.2m high to the ridgeline.

Submitted Landscape and Visual Impact Assessment (LVIA) - A LVIA has been submitted. It contains much useful information and analysis, although it is not fully compliant with the methodology recommended in the standard guidance. However despite some defects, the report is useful, but overstates some more distant visual impacts.

Visual Impacts - Close hand views have the potential to cause adverse impacts, but longer distance views, beyond 1km are unlikely to be significantly adversely affected. The vegetation to the north of the site and along the railway would also filter and largely screen views from the north.

The Kent Downs Area of Outstanding Natural Beauty (AONB) lies approximately 3km to the south of the site. At this distance the building would have negligible impact being an extremely small component of the view. Roads, villages, pylons and the urban edge of Gravesend would also be elements of the view. In addition much of this area of the AONB is wooded so that panoramic views would be unlikely.

There would be some close views from Queens Farm Road. The proposed building would be partially above the background of vegetation with the existing business development in the foreground. However the belt of existing vegetation would help to soften the impact of some of the proposed building. Additionally there are several pylons prominent as skyline features/detractors in this view. The road is not a highly sensitive receptor so that adverse impacts would not be significant. The views from houses within the Conservation Area are already adversely affected by the adjoining agricultural buildings, and there would be negligible effect from the proposed development. Similarly the setting of the buildings is already badly compromised and the proposed development would not cause any further significant adverse effect.

There is a public footpath about 0.6km east of the site running in a north-south direction. Although this is a sensitive receptor, the change in view would be relatively minor so that adverse impacts would not be significant.

Other receptors have been assessed in the submitted LVIA. The churchyard at St Mary's Church in Chalk is located 1.6km from the site is a sensitive receptor but effects at this distance, with intervening screening and the presence of pylons and distant development on the skyline, would be likely to be only very slight adverse to negligible. This would not be a significant consideration. Similarly the Saxon Shore Way, a promoted route, is located about 1.6km distant. Again intervening vegetation

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and the presence of pylons would mean that any adverse effects on glimpsed/intermittent views from the PROW would not be significant.

Landscape Character Impacts - The development would be a slight intensification of the industrial estate within the existing footprint of the estate, and whilst this would be an adverse effect I do not consider that this would be significant

Openness of the Green Belt - There would be some very slight impact on the openness of the Green Belt because of the height of the building, but again the built extents fall within the footprint of the existing developed area. Overall I would consider this to be very slightly adverse at most.

Mitigation - The applicant states that mitigation with planting is not possible within the site. The exterior treatment and colour of the building would be an important consideration in reducing any adverse impacts, and I would suggest that this aspect could be dealt with a suitable condition should the application be approved.”

Kent County Council’s Ecological Advice Service: - We are satisfied that the submitted information has adequately considered the impact from dust and we advise that the dust mitigation measures detailed within the original dust assessment produced by RPS is sufficient to minimise impact.

Kent County Council’s Conservation Officer: No Objection

The site is in a rural setting adjacent to areas of open farmland (much of which is designated ESA and SSSI) set within an existing small industrial yard. It is bounded by a railway junction to the north, and the Queens Farm Conservation Area abuts to the south.. Green Farm House and Granary are grade II listed buildings set some distance from the site but because of their elevated position, both have views across open farmland onto the proposed building, and thus the proposal will affect their setting. Queens Farm House is not listed but together with the farm cottages, barns etc., is at the centre of the of the Queens Farm Conservation Area and all are considered local heritage assets (as mentioned in para 3.9 of the LVA). Although the height of the proposal continues to mean it will dominate the landscape here, I am pleased to see the overall size of the building has been reduced and it is proposed to clad the building to resemble the other agricultural and non-agricultural modern buildings of a similar scale within the Queens Farm complex. The traffic to and from the site passes through the conservation area and has the potential to have a detrimental impact upon it however it is acknowledged that all traffic from the established industrial estate already has to take that route.

Kent County Council’s Archaeological Officer: No objection

This industrial unit is on the site of a small outfarm “Princes Farm” or later Old King’s Farm. Remains associated with post medieval farming practices may be encountered during any groundworks. As such can I recommend provision is made for an archaeological watching brief during any further groundworks:

Dickens’ Country Protection Society – Object

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The proposed building is out of scale and would have an inappropriate impact on the openness of the Green Belt. The society is concerned that developments on site are resulting in an increase in traffic on local roads.

Local Member

34. The local County Member for Gravesham Rural, Bryan Sweetland has copied a letter from the Parish Council objecting to the proposals and has commented in support of the objectors. The late Member, Jane Cribbon, one of the Members of the adjacent Gravesham East division wrote in support of the earlier withdrawn application and wished her comments to be taken forward onto this application, as follows:

- This is an established industrial area. Green Belt is a little over elaborate term to use. The essential characteristics of openness and permanence do not apply. Site is used as a waste transfer station therefore the site itself is being improved. (Para. 80 NPPF). Is this not “very special circumstances”?
- Site of a brownfield industrial nature since 1940, therefore would not have “ a greater impact on the openness of the Green Belt” than the existing development (NPPF Para. 89).
- KCC gave planning permission for waste transfer station in 2010. It was previously used for vehicle recycling, so an established use
- Borough Council objections in 2010 have now changed to consent, following the Local Plan which has now been agreed (September 2014). Employment issues are a key element. The site has now an established use. GBC wants the site to operate efficiently so raises no objection.
- The building has been sympathetically designed to fit in with local farm buildings and needs to be replaced following an accident which means the a site presently cannot operate effectively.
- The operation of the site has a sustainable function.
- The proposed replacement may be bigger than the original but needs to be sufficiently large in size to operate efficiently. The applicant has reduced the size which it originally proposed. This may well have an effect on the efficiency of the business as large tipping lorries cannot access the building. A new and larger building can be justified because it does not really indicate significant scale and massing and can be camouflaged.
- The proposal will improve the working environment, especially for their staff. It should also be noted that the applicant has made clear that there will be no increase in lorry movements. In the near future, Hoo Junction could play a significant role in a possible Crossrail extension into Kent.
- The National Planning Policy Framework has a presumption in favour of sustainable development. This application is certainly sustainable in function and adverse impacts do not outweigh the benefits. In fact it cannot be said that the development would have a harmful effect on the openness of the Green Belt.
- The Environment Agency is the key organisation which will effectively regulate the site.
- GBC has no objection to the development. Any concerns on size and massing may be overcome by effective landscaping and camouflage. Looking towards the site from higher ground the most prominent building in sight is the Tilbury power station.

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- The important fact is that this is a business enterprise that provides much needed employment for up to 15 workers from the local area, and also provides a much needed recycling service in the local community. There is no intention to increase lorry movements as a result I raise no objection to the application.

Adam Holloway MP sought action to stop the trommel and picking station being run when first brought to site and has since forwarded letters of objection from some of his local constituents (on the earlier withdrawn application).

Gravesham Borough Councillor Leslie Hills who represents Chalk Ward has written in objecting to the application in support of the local residents of Chalk (which has no Parish Council). He further comments that the proposals would blight the lives of residents in Chalk to an even greater extent than at present.

Publicity

35. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 315 nearby properties and neighbouring industrial units. A second round of neighbour notification was also undertaken following receipt of amended plans.

Representations

36. In response to the first round of publicity, 98 letters of objection were received. 40 letters were received in response to the second round of publicity upon the amended plans, the majority of which were repeating previous concerns. A total of 111 responses were objecting to the proposals and 14 were in support of the application and the Applicants business. The **key objections** raised can be summarised as follows (in no particular order):

- Any increase in HGV traffic is unacceptable and will damage the residential amenity of those living nearby or along the routes to and from the site.
- The site is already noisy and dirty and full of litter.
- The roads between Queens Farm Road and Chalk are very narrow and have numerous blind spots and bends and are unsuitable for bulky traffic, especially where there are parked cars on either side and shops and community facilities used by the vulnerable.
- When the trommel was operated for the limited period it caused vibration issues.
- The sizes of the vehicles visiting the site are getting larger.
- The application site is subject to a covenant that restricts the vehicle movements to a maximum of 80 per day.
- There will be significant damage to health from the fumes associated with the vehicle movements.
- The drivers currently over stack the skips, do not cover them, speed along the lanes and are often on their phones.
- Traffic surveys are not up-to-date and do not represent an accurate picture of present traffic levels.

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- The surveys do not take account of new residential development permitted by the Borough Council.
 - The applicant does not abide by current conditions so are unlikely to adhere to any new ones.
 - The site already operates outside of their restricted hours.
 - There are people living on the site.
 - The traffic levels proposed represents a 208% increase over their current condition.
 - The proposed new building is an unacceptable size and scale and is not enclosed, and the plant is extremely large and detrimental to the landscape.
 - Green Farm Lane has weight restrictions on it yet the skip vehicle drivers still use it.
 - The lane is too narrow for this type of traffic and vehicles often encroach onto land outside the highway in order to pass, damage has been caused, these are not proper passing places and should not be relied upon.
 - The entrance to the farm yard off Queens Farm Road should not be used as a passing place.
 - The site is within the Green Belt and is inappropriate for such development.
 - The proposed building is significantly larger in scale, height and bulk and along with the trommel will be highly visible in the area and set a precedent for further development.
 - Despite what the Transport Assessment says there have been accidents on the affected route.
 - The increase in waste would lead to rat infestation to properties and other pests.
 - There would be a national security risk to the high pressure gas plant in Lower Higham Road.
 - The proposal would destroy the quality of life that could reasonably be expected in this rural/semi-rural setting and in the village.
 - The proposal would damage heritage assets in the area.
 - The proposal would have a detrimental impact on house prices.
 - The existing lorry traffic is damaging the old brick walls beside Queens Farm.
37. A petition was received in response to the earlier withdrawn application and a request that it be carried over to this application was agreed. The petition states “We the undersigned residents of Chalk wish to express our concern regarding the substantial increase in the amount of RS Skip lorries using Lower Hiham Road en route to their site at Apex Business Park, Queens Farm Lane.”, and there are 200 signatories.

Discussion

38. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the proposals need to be considered in the context of the Development Plan Policies, the National Planning Policy Framework, other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraphs (30) to (31) above are particularly relevant.

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39. Planning permission was granted for the operation of a waste transfer station at this site in 2010, subject to a number of conditions controlling the activities on site. In principle the waste use was considered acceptable based upon the scale of activities proposed at that time and it being upon an existing industrial estate. Since then an administration building and a dog kennel have been granted permission and built on site. This application seeks retrospective permission for a retaining wall to the rear of the site and for the siting of a processing plant consisting of a trommel and picking station. Planning permission is also sought for a new building to replace the two that were present when permission was first granted for the waste use (and have subsequently been demolished). Consequential amendments to the site layout are also proposed.
40. Although the throughput of waste to be handled at the site is not being increased this proposal sees the introduction of larger scale built development, a processing plant and an increase in the number of HGV movements. It is the introduction of those elements, and the associated increase of activity at the site that should be carefully considered in this Green Belt location. It is necessary to consider the potential impact their introduction would have upon the application site, neighbouring industrial users, the general landscape and residential properties in the vicinity of the site.

Green Belt

41. The whole area surrounding the application site is designated as part of the Metropolitan Green Belt, and therefore this planning application must be considered in the light of this national policy. The Government attaches great importance to Green Belts and this is followed through in Policy DM4 of the Kent Minerals and Waste Local Plan . The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
42. Once Green Belts have been defined, local planning authorities are advised to plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. Whilst it is acknowledged that the whole industrial estate lies within the designated area and development has previously been allowed, it is relevant to consider each new planning application and the implications of the proposals in the light of green belt policy afresh.

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43. The NPPF advises on the types of development that may be acceptable and at the same time identifies developments that should be considered as inappropriate in the Green Belt. For such developments there is then a further level of consideration in policy terms.
44. Particularly relevant in this proposal is the starting point that the construction of new buildings should be regarded as inappropriate in the Green Belt. National Planning Guidance clearly states that if a replacement building is materially larger than the one it replaces, which this one is, then it should be considered inappropriate development.
45. The proposed development is inappropriate not just because of the replacement building but also because the erection of the trommel and picking station introduces a new feature into the landscape which is also large in scale and in terms of its visual impact. It is therefore relevant to consider any potential harm to the Green Belt. One of the stated aims of Green Belt policy is to protect against urban sprawl by maintaining the permanent openness of the landscape. Clearly this does not mean that no development is allowed but that the impacts of each proposal should be considered in light of the effect it would have on the openness.

Impact on Openness of the Green Belt

46. In considering the impact of the proposed development on the openness of the area it is relevant to consider the effects upon landscape and visual appearance of the vicinity.
47. The development is on the very edge of a SSSI and RAMSAR site, and also on the edge of Countryside Stewardship farms. As set out earlier in my report the site lays within national and local landscape designation areas. These designations recognise the predominantly flat, low-lying alluvial marsh and arable nature of the landscape; and the potentially intrusive nature of development pressures in and around major settlements with urban, industrial and recreational sites often highly visible within the low-lying marshes.
48. The applicant argues that Apex Business Park when considered as a whole contains a variety of permanent and temporary structures and in the wider context sits with the adjoining Hoo Railway Junction and the adjoining collection of industrial buildings, which now forms the Canal Road Industrial Estate. It is argued that the site is well screened from the open Green Belt by the railway embankment to the north and the adjoining industrial buildings within the Business Park. The site previously had numerous buildings and portacabins located on it and it is suggested that the proposals would tidy up the site in that respect.
49. It is also acknowledged that historically there has been industrial development at this location and currently a number of different uses occupy the existing buildings on site. It is recognised that the land to the north rises slightly and is covered in trees and as such provides a good level of screening when viewing the site from the north and a green backdrop to the structures when viewed from the south. Longer distance views from the south are over the Thames Estuary towards Tilbury and the port related development near Corringham on the Essex coast. However it is necessary to

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consider whether the proposed new development is more visible in the landscape and the potential impact upon the openness of the countryside here.

50. The erection of the trommel and picking station on site already introduces a large structure with a maximum height of 8 m with the picking station being 6.6 m for its length. The larger of the two original buildings which was removed from site had a maximum height of 5.6 m and was fairly representative of the relatively low rise nature of the old existing buildings on the industrial estate. At 12.02 m high and 20 m long (plus the clad wall section at 8 m high for 13 m in length) the proposed building would be more visible from the surrounding area.
51. Our Landscape advisor states close hand views have the potential to cause adverse impacts, but longer distance views, beyond 1km, are unlikely to be significantly adversely affected. The vegetation to the north of the site and along the railway would also filter and largely screen views from the north. Consideration has been given to impacts upon the AONB (3km to the south), from the nearby listed buildings, from within the Conservation Area and the public footpath running about 0.6km east of the site, St Mary's Churchyard and the Saxon Shore Way (1.6km to the north). It is generally concluded that with existing vegetation, the presence of pylons and the distant development on the skyline any impact upon landscape views are unlikely to be significant.
52. It is acknowledged that the proposed development would result in an intensification of the industrial estate activities, but this would be within the existing footprint of the estate. Therefore it is not considered that the impact upon the landscape character would be significant. A condition requiring approval of the external cladding of the building is recommended to assist with integrating the structure in to the landscape.
53. Given the above considerations there would be some slight impact on the openness of the Green Belt because of the height of the building, although it is within the existing developed area. On that basis and on balance it is considered that the impact on openness is very slight adverse at the most.
54. In conclusion the proposal is inappropriate development, and although there is some impact on visual amenity, it is not considered, on balance, to significantly adversely affect the openness of the Green Belt. So whilst in principle inappropriate development is by definition harmful to the Green Belt, it is not considered that this proposal would fundamentally affect the openness given its containment within the existing industrial estate and considered along with the impacts of existing infrastructure. On balance, the proposed development does not compromise the functions and purpose of Green Belt designation.
55. As indicated above the guidance states, "*...inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances*". It goes on to advise, "*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*". The weight given to the harm is significantly

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reduced by the conclusions above however it is still relevant to consider whether there are very special circumstances sufficient to over-ride Green Belt Policy.

Very Special Circumstances

56. Having considered whether the proposed development causes any other harm it is necessary to consider whether there are very special circumstances sufficient to justify over-riding Green Belt policy.
57. There is no comprehensive list of what are very special circumstances and it can comprise a number of circumstances. The Applicant initially promoted three criteria as being the very special circumstances as follows:
- There is a recognised need in the Minerals and Waste Local Plan for new waste management facilities to be developed in order that Kent can continue to demonstrate that it is maintaining net self-sufficiency in waste management capacity and the Plan recognises the importance of the current stock of permitted waste management facilities in maintaining self-sufficiency. It is considered that the benefits of improving recycling capacity at an existing waste management facility will deliver on both of these points.
 - The application site, as an existing permanent waste management facility, is safeguarded from other development by the Minerals and Waste Local Plan and it is likely the facility will have to close if the proposed improvements cannot be implemented.
 - It has been demonstrated that there are no suitable alternative sites available outside of the Green Belt. SLR (the Agent) has undertaken a site search of industrial land and buildings which are currently on the market within the area that the current waste management facility serves. The results of the search show that the industrial properties that are available are not suitable for the type of waste management development that is proposed and therefore there is a lack of alternative sites available outside of the Green Belt.
58. Essentially the first two points relate to the County Council's waste policy seeking to protect and safeguard existing waste management facilities. It is therefore appropriate to consider those specific policies.

Waste Policies

59. CSW1 states when considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, National Planning Policy for Waste and the Waste Management Plan for England. Waste development that accords with the development plan should be approved without delay, unless material considerations indicate otherwise; any unacceptable adverse impacts should significantly and demonstrably outweigh the benefits.

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60. CSW 6 states that planning permission will be granted for uses identified as appropriate in the Waste Sites Plan to meet the need identified in Policy CSW 7, however there are a number of criteria/ caveats, one of which categorically states that such proposals should not, “represent inappropriate development in the Green Belt”. Policy DM4 seeks that waste proposals within the Green Belt be considered in light of their potential impacts and compliance with national policy and the NPPF.
61. CSW16 recognises that the current stock of waste management facilities are important to maintaining net self-sufficiency and the loss of annual capacity at permitted existing sites could have an adverse effect upon delivering the waste strategy. The policy states that sites that have permanent planning permission for waste management are safeguarded from being developed for non-waste management uses. Policy DM8 also seeks to protect existing waste development from other incompatible development. Policy DM 20 allows for ancillary development provided that there are environmental benefits in providing a close link with the existing site that outweigh the environmental impacts.
62. Certainly waste policy recognises the contribution existing facilities’ make to maintaining net self-sufficiency, although none comment specifically on proposals to expand existing waste management within the permitted site boundaries. The quantity of waste to be handled at this site would not increase however the proposal seeks to improve the quality of the various waste streams for onward recycling which is to be supported. Planning permission was granted in 2010 to use the site as a waste transfer station, albeit in the Green Belt, and it is understandable that the Applicant would wish to locate new equipment on their existing site; however the scale of the proposed development and the ability of that site to accommodate the proposed new development must be taken into account. The fact that policy seeks to safeguard existing facilities does not mean that all proposals to expand those facilities will always be acceptable. It is wholly appropriate that the merits of the current proposals are considered afresh and potential impacts are considered against all relevant planning policy, not just those limited to protecting existing facilities. On that basis, whether general policy support for safeguarding existing waste management facilities’ is sufficient as a very special circumstance on its own is not clear cut.
63. The third point the Applicant made in support of their very special circumstance is that there are no suitable alternative sites that lie outside of the Metropolitan Green Belt. It is acknowledged that the current site is within the Green Belt and therefore serves a market some of which also is within the Green Belt, which I accept. Whilst I do not consider a particularly robust examination of alternative sites has been made, I am mindful of the fact that this proposal is on a site with a permitted waste use and that the through-put is not to be increased. In this case, the applicant is proposing better facilities to increase recycling efficiencies and better working practices. On that basis I have no reason to disagree that a suitable site outside of the Green Belt would be available to the applicant.
64. Since first submission the applicant has also taken the opportunity to submit additional factors that are considered to demonstrate that very special circumstances exist, as follows:

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- The site sits within an established industrial use as part of the wider Apex Industrial Estate.
 - The site already has an established waste use.
 - With the exception of the picking station, no new activities are proposed – it is accepted that the waste use would replace the earlier industrial use(s);
 - It is considered that the proposed development is a reuse of brownfield land, rather than a greenfield location, therefore it does not impact on key green belt principles;
 - The proposal is substantively similar to existing permitted waste use, with no material increase in overall floorspace with the exception of the replacement building which extends the height of building.
 - No changes to the throughput of the site are proposed however the development is focused on operational controls, efficient use of the waste resource and to meet the requirements of the extant waste permission(s);
 - A smaller like for like replacement of the building would open the potential for further issues with damage to the structure and limit the operations that could take place undercover;
 - The operational benefits of the new building meet the terms of sustainable development which seek to balance environmental, social and economic considerations;
 - The proposed development will help to drive waste further up the waste hierarchy by providing improved efficiencies and waste separation (greater separation, enabling appropriate recycling and reuse), contributing to the Kent's network of waste management facilities helping to manage material closer to its source, reducing miles travelled per tonne of waste by bulking up material;
 - Represents a significant investment in improving the site and operations to meet modern standards, including in terms of development control and environmental permitting; and
 - There would be a limited impact on the open character of the area due to the increased height of the building (which is supported by the conclusion set out in the submitted LVIA) however any impact would be outweighed by the very special circumstances outlined above.
65. This proposal is considered inappropriate development; however the harm to the Green Belt is limited by the general conclusions regarding the impact upon openness. The very special circumstances quoted by the Applicant and discussed above, individually would not in my opinion be sufficient to overcome significant harm. However it is recognised that this is an existing site which provides a useful waste management facility, of its type, close to the urban area of Gravesend. There is policy support in principle to safeguard existing facilities and the contribution they can make to the treatment of Kent's waste. The proposals seek to provide an improvement in the operation of the facility and the efficiency of sorting the various waste streams, all of which weigh in support of the proposals. On the basis of the above it is considered that collectively the very special circumstances cited by the applicant could be supported. I am satisfied, on balance, that any harm to the openness and function of the Green Belt could be outweighed by the benefits arising from the proposed development and that as such there are very special circumstances to justify an exception to Green Belt policy.

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66. However it is also relevant to now consider other impacts from the proposed development to balance against these conclusions.

Highways Issues

67. This proposal seeks to increase the number of HGV movements from 24 (currently restricted by condition) to a maximum of 74 HGV movements per day. The applicant has been operating around this level of vehicle movements in breach of the condition for some time whilst these proposals have been considered. The applicant argues that the 24 HGV movements were never realistic in relation to the throughput of material allowed to be handled at the site. Whilst that may be the case, that is what they applied for at the time and it was on that basis that their application was considered.
68. Having confirmed that they do not propose any change to the 55,000 tpa limit on their current permission they are seeking to increase the HGV movements to a figure that they consider is reasonable in relation to that level of throughput. (It should be noted that their earlier withdrawn application which proposed increasing throughput to 75,000 tpa also proposed a higher increase up to a maximum of 104 HGV movements).
69. Significant local objection is raised to the increase in traffic, with many concerned about the suitability of the local roads to accommodate additional traffic. The Highways Officer has given detailed comment and his comments are reproduced in full earlier in my report. He concludes that the access onto Queens Farm Road has sufficient width and visibility for the type of use. The road itself whilst narrow in places has sufficient passing places and adequate visibility for the low level of use. The junction of Queens Farm Road with Lower Road meets highway standards in respect of layout and visibility.
70. He comments that Lower Road is subject to a 50 mph speed limit and is of adequate width for the traffic volume it carries. The traffic flows along this road in both directions towards Higham and towards Chalk are low and well below the road's theoretical capacity. Lower Road becomes Lower Higham Road through the built-up area of Chalk where the carriageway widens to 7.3 m, and has footway and street lighting facilities. Again traffic flows are low compared with the capacity. Both Queens Farm Road and Lower Road are considered to have low levels of traffic, confirmed by the surveys undertaken in September 2015, which essentially includes traffic levels as proposed (as already occurring). There are not considered to be any significant safety problems in terms of crash data.
71. He further comments that the proposal is likely to result in a maximum 74 two-way skip lorry movements per day. This is confirmed by a manual traffic count undertaken at the Queens Farm Road / Lower Road junction in January 2016 when movements in excess of the current permitted level were operating. The survey shows that the peak skip lorry movements did not occur at peak road network times (10:00 - 11:00 and 13:00 - 14:00) therefore the impact on the network is somewhat less than the "worst case". He concludes that there is no evidence that, even with the current operating level being similar to that applied for, there are any highway safety or congestion issues being experienced on the local road network. He suggests the submission of a lorry routing scheme may help mitigate the impact of the

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development on local communities and to ensure that vehicles do not make unnecessary journeys through the villages but use the major road network wherever possible. The applicant has also confirmed that they have trackers on all of their own vehicles and so are able to review routes taken on a daily basis.

72. It is recognised that it would be difficult to increase access by employees by sustainable means but acknowledges that car sharing and cycling are encouraged, including the provision of cycle spaces on the proposed layout.
73. It is concluded that whilst the increase in vehicle movements over the base traffic levels (including permitted movements) appears high in percentage terms (45% in Queens Farm Road and 40% / 19% in Lower Road to the West / East), the flows on both roads both in terms of skip lorry movements and background traffic are low in the first place. NPPF Paragraph 32 states that development should not be refused on transport grounds unless the cumulative impact is considered to be severe. In this instance, given the low levels of proposed movements (which already exist on the network) and the low background traffic on both Queens Farm Road and Lower Road and the lack of evidence of existing highway problems, it is considered the impact could not be considered to be severe. On this basis subject to condition securing submission of a lorry routing scheme (based upon the information contained in the Transport Assessment), there is no highway objection to the proposals.
74. It is acknowledged that some of the concern regarding increases in skip lorries using the local highway network relate to the environmental impacts associated with these vehicles. Matters such as noise, smell and appearance are not highway impact issues but are matters which can be controlled by good management and maintenance on the part of the operator for the vehicles under his control. The Applicant has been made aware of these concerns and other matters and has responded promptly to any complaints raised with him.

Landscape and Visual Impact

75. The Landscape Officer's comments are widely discussed in relation to the impacts on the openness of the Green Belt section of my report and it is concluded that although finely balanced, the impacts are not considered sufficiently significant to affect openness. The proposal will result in a development more prominent in the landscape when viewed from close distance. The plant and new building will introduce development of greater height; however this is set against the backdrop of the existing tree screen on the embankment to the north. It is concluded that a condition requiring submission of the colour of the cladding for approval would aid visual integration and thus mitigate this impact to a sufficient extent.

Conservation Issues

76. The application site is located to the north east of the Queens Farm Conservation Area and within an area of Archaeological Potential. At its closest point the site is some 7 metres away from the boundary of the conservation area. However as the proposals are contained within the existing industrial estate and are generally located on the northern side of the estate there is limited direct impact upon the conservation area.

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The Conservation Officer applauds the reduction in the size of the building (from the initial submission) and the use of appropriate cladding materials recognises that the proposed building reflects the scale of existing buildings within the Queens Farm Complex.

77. The access route of the proposals passes through the historic farmstead which comprises the conservation area and the increased vehicle movements have the potential to have a detrimental impact upon it. It is acknowledged that the character could change from a rural lane to a frequently used industrial access; however it is already in use for a variety of industrial uses located at the Apex Business Park and therefore is unlikely to be significant change as a result of this proposal. The actual increase in overall traffic usage is not significant in highways terms.
78. Overall it is considered that the proposed development has the potential to have detrimental impact upon the character of the conservation area but subject to a condition requiring approval of the colour of the cladding the impact would not be so significant to warrant a refusal.
79. In terms of archaeological impacts, a condition securing a watching brief for any significant groundworks at the site should safeguard against any detrimental impact to archaeological features.

Environmental Impacts

80. A number of objections have also been received from other uses of the industrial estate and their concerns relate to the operations on site and the environmental impacts upon the area. We have sought specific advice from our environmental consultants in relation to noise, dust and odour issue. The Environment Agency are responsible for the pollution control issues and the issuing of the waste permit for the site. As such they have no specific comment on the planning application as they are satisfied that any potential ground contamination issues have been addressed through the sealed hard surfacing of the site. They have stated they will continue to assess the permit conditions to ensure that the treatment of waste activity is contained appropriately.
81. Noise and Vibration – Collected waste is delivered to the site and tipped onto the floor in the waste reception area which is screened by the 7-8 metre high clad wall, before being pushed into the building. The hopper into which the waste is then tipped before transfer by conveyor to the trommel is contained within the proposed open ended building. As the material passes along the plant the fines are separated out and the remaining material passes through the enclosed picking cabins for further separation, although this largely outside of the building. The application was accompanied by a noise assessment which is considered to be in compliance with the requirements of the National Planning Policy Framework (NPPF), the Planning Practice Guidance to NPPF (PPGN) and BS 4142:2014 and its assumptions are considered sound. Consequently, the noise assessment considers that the noise levels from the development are acceptable and there is no requirement to recommend additional mitigation. Our noise advisors concur with this view and in line with the noise levels predicted in the assessment recommend the inclusion of the following noise condition:

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- The noise levels from the site at Queens Farm House shall not exceed a rating level under BS 4142:2014 of 41dB $L_{AR,1hr}$. The noise levels from the site at any neighbouring commercial or industrial site shall not exceed 60 dB $L_{Aeq,1hr}$.
82. Further consideration is given to the potential noise issues associated with the additional HGV movements proposed. Given these movements would occur during the day and that noise levels associated with existing traffic (already at those levels) cause noise levels below the threshold of moderate nuisance this is considered acceptable in terms of noise. A condition restricting the number of HGV movements to a maximum of 74 would ensure noise levels are controlled.
83. In order to avoid potential vibration issues at the neighbouring properties from the use of high weighted machinery, it is also recommended that a further condition be attached as follows:
- Vibration levels generated by the site activities shall not exceed a VDV_{16h} of 0.8 $ms^{-1.75}$ when measured inside buildings of neighbouring properties. Groundborne noise generated by activities within the site shall not exceed 45 dB L_{Amax} (re. 2×10^{-5} Pa) when measured inside buildings of neighbouring properties. If access to the neighbouring sites is granted to investigate noise and/or vibration concerns, evidence of compliance with the conditions above shall be provided at the request of the County Planning Authority.
84. Air Quality – Dust and Odour – Given the sites relatively isolated location and with the absence of any highly sensitive receptors (resident, schools, hospitals etc.), it is considered the sensitivity of the area to dust soiling and human health impacts is low. The dust assessment report considered the risk of dust before mitigation to be medium and that together with the low sensitivity of the area concludes there to be an overall low risk of adverse dust impact. This is considered a reasonable conclusion given the nature of the material and the location of the facility.
85. The assessment goes on to state that mitigation measures are inherent in the design of the semi enclosed nature of the operations, which is not entirely the case. In addition the tipping of the waste in the open and the movement of the material into the building has the potential for dust release. However it is considered the orientation of the site to other receptors is favourable as sections of the plant are to the northern leese of the newly proposed building and screen walling which would offer some protection from the prevailing wind which together with the proposed sprinkler system would adequately control dust. However no specific measures are suggested for the material reception area. On that basis it is suggested that a condition requiring the submission of a Dust Management Plan be attached to any permission granted. This should detail how dust would be controlled at each stage of the handling of the waste materials at the site and for vehicles leaving the site. The proposed dust suppression system could be one such measure.
86. The vast majority of material received at site is construction, demolition or excavation material which typically by its nature would not give rise to odour. However it is acknowledged that a small quantity of green waste may also arrive at site. Some of

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this could give rise to odour during processing and transfer unless it is appropriately handled. Whilst individual conditions could set specific measures to be taken to address odour it is considered that the submission of an Odour Management Plan assessing risk, proposing mitigation and detailing actions to cover all potential nuisance from odour.

87. Given the distance of the designated nature conservation areas and the conclusions above there is unlikely to be any detrimental impact on these areas. The County Council's Ecologist has no objection to the proposals and is satisfied that the proposals adequately mitigate potential environmental impacts.

Residential Amenity

88. The application site is located on an established industrial estate and has planning permission for the use as a waste transfer station. The closest residential properties are some distance away and as such local residents would be most affected by the additional vehicle movements to and from the application site. Indeed the majority of objection to the proposal relates to the noise, vibration, litter, dust and debris impacts associated with the increase in HGV movements. However as set out above, the increase in the level of traffic on the highway network is not considered excessive and conditions controlling numbers of vehicles, hours of operation, routeing and managing their impacts upon the highway can be attached to any planning permission granted. Therefore it is considered that there would be no significant adverse impacts upon residential amenity.
89. The application has arisen out of the need to provide a replacement building to enclose waste sorting activities and to provide modern equipment to improve the efficiency of waste sorting. As set out above conditions could be attached to ensure that the waste transfer station operations would mitigate dust, noise, vibration and odour. Additional conditions could ensure appropriate litter control and lighting details for the site. In addition as set out earlier in my report the site would operate under a permit issued by the Environment Agency, which protect the vicinity from adverse pollution impacts.

Other Issues

90. The application site is located within the safeguarding area for High Speed 1 (Channel Tunnel Rail Link). However HS1 Limited has raised no objection to the application.
91. The application site is located within Flood Zones 2 and 3. However the Environment Agency has raised no objection to the proposed development in terms of flood risk.
92. Gravesham Borough Council's Scientific Officer has requested a watching brief soil contamination condition, given the previous industrial nature of the site and the proximity of the historic landfill site at Higham. It is not expected there will be significant groundworks associated with the construction of the proposed building however a condition would highlight any potential contamination impacts.

Conclusions

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93. The use of this former industrial site as a waste transfer station was permitted in 2010 with a throughput of 55,000 tpa and a restriction of 24 HGV movements per day. Waste sorting activities took place within 2 low level buildings with a combined floorspace of approximately 514 square metres, using a 360 excavator. These buildings were taken down following damage to one of them and waste sorting has been taking place in the open since. There were a number of ancillary portacabins on the site. The hours of operation at the site are 0700-1800 hrs Monday–Friday, and 0700-13.30 on Saturdays with no working on Sundays or Bank Holidays.
94. A new administration building has been built and was granted permission subject to the removal of the portacabins.
95. In principle there is continued policy support for waste management facilities to be located within existing industrial estates; the use of this site within the Green Belt for such purposes has already been established. The facility is well located to serve the urban area of Gravesend and beyond. It is now proposed that a new waste handling building and trommel and picking station are developed to improve the efficiency of waste sorting and to provide a better working environment for the operatives. In addition it is proposed to retain the vehicle workshop building at the eastern end of the site. The throughput of material would not change and the hours of operation would remain the same. It is proposed to amend the level of traffic from that originally restricted by condition (24 HGV movements per day) to a maximum of 74 HGV movements per day, a level at which the site has been operating for at least the last 12 months while this application and the previously withdrawn one were being considered (albeit in breach of the condition).
96. It is proposed to continue to operate at 55,000tpa of waste throughput. The issues are therefore mainly around whether the proposed new building and plant affect the openness of the Green Belt and are acceptable in visual impact and amenity terms; and whether the increases of traffic movements is acceptable in this location.
97. It is concluded that the impact upon the Green Belt, whilst finely balanced, does not affect its openness and thus the principle aims of protection; and the increase in visual impact is offset by the existing topography and landscape screening. I am advised that with appropriate worded conditions the amenity impacts of the operations could be successfully mitigated. The increase in traffic whilst high in percentage terms over and above the level currently restricted by condition is not considered high in numbers given the relatively low level of use of the local highway network. There is not considered to be a highway capacity or safety issue. Given that there are no significant impacts from the proposed development and that there are very special circumstances to weigh against any harm caused by the development, I conclude there is sufficient reason to justify an exception to Green Belt policy.
98. In my view this waste related development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. I therefore recommend that the application be granted subject to conditions and an informative.

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Referral

99. The Town and Country Planning (Consultation) (England) Direction 2009 requires certain types of Green Belt development to be referred to the Secretary of State if the Local Authority is minded to grant planning permission. This applies to inappropriate development which consists of or includes –
- (a) the provision of a building where the floorspace to be created by the development is 1,000 square metres or more; or
 - (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
100. Whilst the proposed building does not exceed the floorspace criteria, the issue of impact on the openness of the Green Belt is finely balanced; however it is concluded that that the proposal would not have a significant impact. On that basis it is not necessary to refer the application to the Secretary of State.

Recommendation

101. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- In accordance with approved drawings,
 - Restriction of HGV movements to daily maximum of 74,
 - Hours of operation 0700-1800 Monday – Friday, 0700-1300 Saturdays, no working on Sundays and Bank Holidays.
 - Condition restricting noise levels at Queens Farm House and neighbouring industrial properties (as set out in paragraph 78),
 - Condition restricting vibration levels at neighbouring industrial properties (as set out in paragraph 80),
 - Maintenance of plant and equipment,
 - Submission of Dust Management Plan for all stages of waste handling and for vehicles leaving the site, including wheel and chassis cleaning and containment of waste loads,
 - Submission of an Odour Management Plan assessing risk, proposing mitigation and detailing actions to address nuisance,
 - Scheme detailing proposed materials to be used on the building, including colour of cladding,
 - Submission of a lorry routeing scheme (reflecting the information in the TA),
 - Archaeological watching brief (if significant groundworks are required for the construction of the building).
 - Contaminated Land watching brief (if significant groundworks are required for the construction of the building)
102. I FURTHER RECOMMEND that AN INFORMATIVE be added to encourage the operator to set up a forum for dialogue with the local community.

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Case Officer: Andrea Hopkins

Tel. no: 03000 413334

Background Documents: see section heading

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Item C2

Section 73 application (SH/04/1475) to vary existing conditions (2, 7, 8, 9, 11 & 12) to accommodate changes to the site layout, hours of operation and vehicle movements, increase the throughput of waste, clarification of the types of waste (mixed recyclates, glass and food waste - no black bag or residual waste); and removal of conditions (4 & 6) relating to noise monitoring and landscaping at Ross Depot, Military Road, Folkestone, Kent, CT20 3SP – SH/16/803 (KCC/SH/0187/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 November 2016

Application by Veolia ES (UK) Ltd which is part retrospective which seeks to regularise changes that have occurred in operational practices since permission was originally granted and to make other changes in order to accommodate future waste growth by way of an application to vary existing conditions (2, 7, 8, 9, 11 & 12) of planning permission SH/04/1475 to amend the site layout, hours of operation and vehicle movements, increase throughputs of waste, clarification of the types of waste (mixed recyclates, glass and food waste - no black bag or residual waste); and removal of conditions (4 & 6) relating to noise monitoring and landscaping at Ross Depot, Military Road, Folkestone, Kent, CT20 3SP – SH/16/803 (KCC/SH/0187/2016)

Recommendation: Permission be granted subject to conditions

Local Member: Mr Hod Birkby

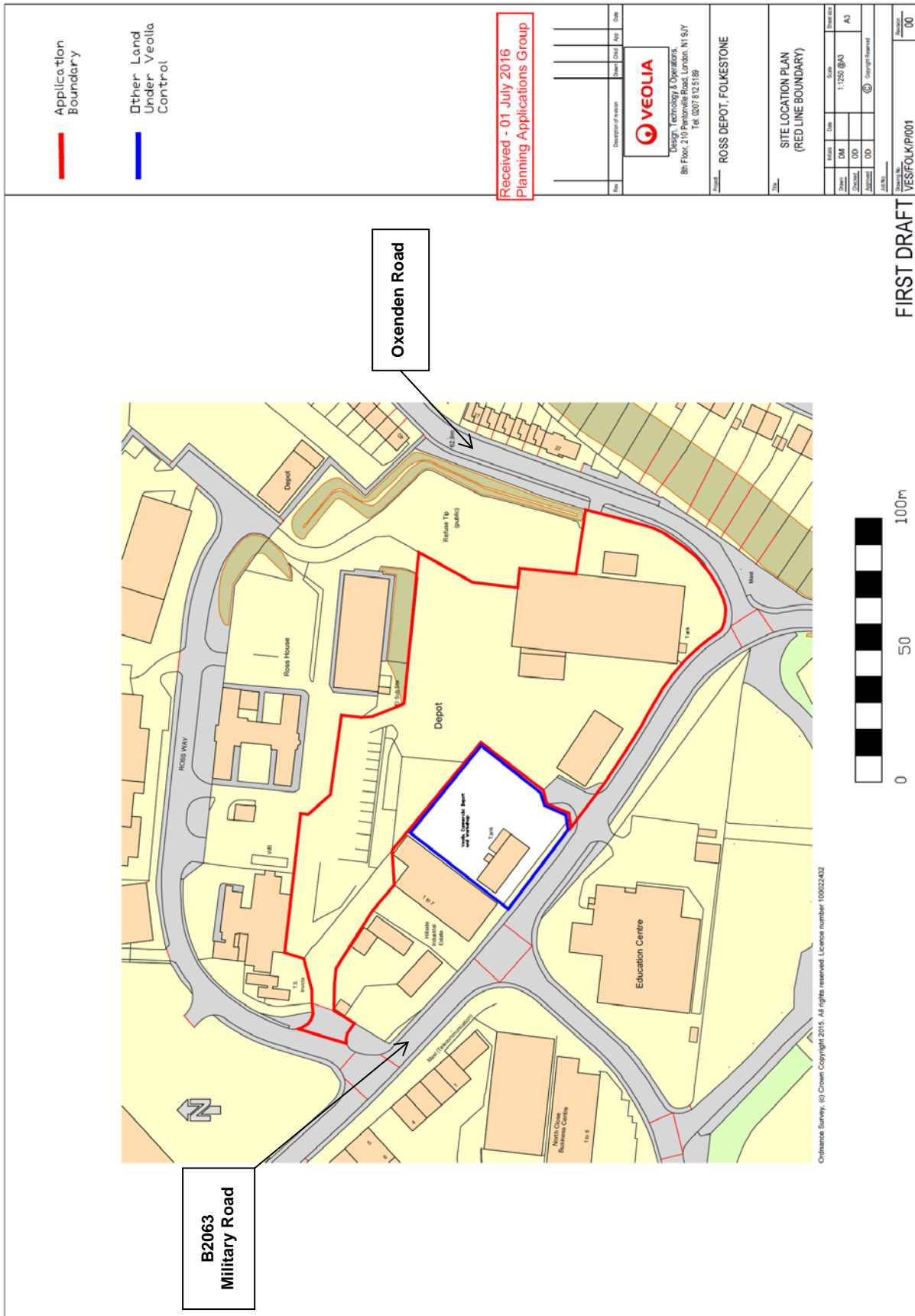
Classification: Unrestricted

Site

1. The Ross Depot site is located within the Shorncliffe Industrial Area of Folkestone with the main access for HGVs to the Depot being from the B2063 Shorncliffe Road/Military Road. Access to a staff car parking area within the Depot is gained separately off Ross Way. (see attached site location plan)
2. The application site falls within an urban location with the surrounding area comprising of a mix of industrial, commercial, military and residential uses. The nearest residential area lies approximately 56 metres off the eastern site boundary east of a Kent County Council Household Waste Recycling Centre (HWRC) operated by Biffa which sits immediately between the application site and this residential area.
3. The application site occupies approximately 0.8 hectares of land owned by Shepway District Council. The Depot consists of three buildings these being a waste reception and transfer building which is the main building on site, with operations also served by two other buildings namely, one used for bin storage and which also houses a road sweeper together with the third used for general storage shared with Shepway District

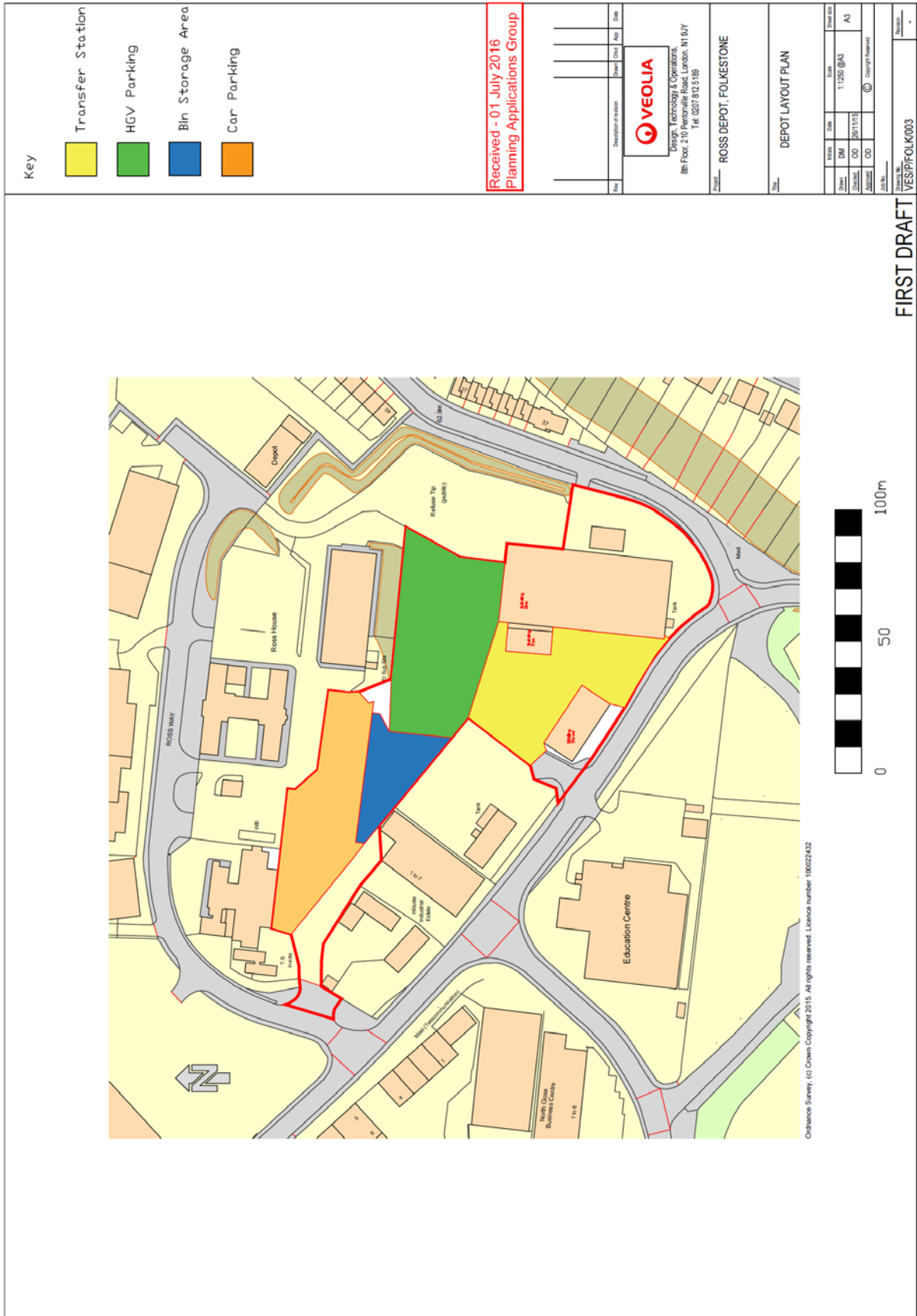
Section 73 application to vary and remove conditions at Ross Depot, Military Road, Folkestone - SH/16/803 (KCC/SH/0187/2016)

Site Location Plan



Section 73 application to vary and remove conditions at Ross Depot, Military Road, Folkestone - SH/16/803 (KCC/SH/0187/2016)

Layout Plan



Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

Council's Park's Department. The remainder of the site is used for HGV parking and car parking in between which there is also a bin storage area. (These features are shown on the Depot Layout Plan attached).

Background

4. The Ross Depot has an extensive history and has operated as a Council Depot since the 1970s. The last permission was granted by Kent County Council in 2005 to Shepway District Council (Ref. SH/04/1475) for the development of the site for a material recycling facility for the reception, processing and storage of waste recycle collected as part of the District Council's weekly kerbside dry recyclables collection service. Materials collected included paper, card, glass and textiles.

Recent Site History

5. In 2011 Veolia, the current site operator, were awarded the new waste collection and street cleansing service contract by Shepway District Council. Since the 2005 permission there have also been changes to the waste collection contract resulting in changes to the way in which waste collection is carried out within the district and which has had a direct impact on how operations are now undertaken at the Depot. An audit undertaken by Veolia of their operations and the extent to which these continue to strictly comply with the terms of the 2005 permission identified a number of areas where this is no longer the case. This current application is therefore made partly in retrospect which seeks to regularise those areas of operations which no longer strictly align with the current permission and which also seeks to make other changes to accommodate future waste growth within the district.

Proposal

6. **Condition 2** of the current permission requires amongst other matters that the approved site layout complies with that as shown on the site layout drawing submitted with the original application. The main changes now sought to the approved site layout include;
 - The provision of external waste storage bays along the western side of the main waste reception and transfer building. The use of these bays would involve waste being tipped into this external area before either being pushed through into a bay within the building or transferred into other external storage containers for transfer off site to be recycled or recovered.
 - The retention of the small building adjoining the western side of the main waste reception and transfer building at its northern end for continued bin storage and the housing of a road sweeper which was originally intended to have formed an extension to the waste reception hall.
 - The erection of a 2m high close boarded fence along that stretch of the southern application boundary adjacent to the northern boundary of the B2063 where it immediately adjoins the area identified on the Depot Layout Plan as a Transfer Station.
7. In addition, other changes that have occurred at the site involve activities that take place within the main waste reception and transfer building where the original MRF plant has been removed and replaced by a simpler operation for baling card. Other recyclable or

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

recoverable materials such as food, plastics and metals are bulked up elsewhere on site for recycling/recovery.

8. **Condition 4** required baseline noise monitoring prior to the commencement of the development and the results along with details of measures to ensure noise levels could be satisfactorily mitigated, to be submitted to and approved by the County Council. The main reason for the imposition of this condition was in order to assess potential impacts from the external operations, particular those relating to glass recycling where this involved glass being collected from households and deposited in an external bay at the site. Whilst it is understood that baseline noise surveys may have been undertaken on behalf of Shepway District Council, there are no records held which indicate that they were ever submitted and the condition formally discharged.
9. Since the original permission was granted external operations have changed and in particular glass collected from households is no longer handled at the site. Although the glass bay has been retained and remains in use this only involves the collection of relatively small quantities of glass from commercial sites, currently 4/5 loads per week.
10. Other external operations are limited to the initial deposit of recyclates within the external bays by Refuse Collection Vehicles (RCVs) with the use of a single loading shovel to load HGV bulk container vehicle removing the recyclate for recycling and food waste recovery elsewhere off site.
11. Given the reduction in the amount of glass handling and the nature of the other existing operations and the fact that these have been ongoing for a number of years, the applicant considers that condition 4 is no longer relevant and has requested that this condition be formally removed. To support this request the application is accompanied by a Noise Assessment which assesses the potential impacts from the limited glass recycling operation together with other potential impacts from traffic as a result of additional hours of working sought which are referred to below.
12. **Condition 6** required the submission and approval of a landscaping scheme although no such scheme has ever been submitted. Officers have held more recent discussions with the site operator and agree that with the exception of a small stretch of the site along the southern boundary which lies adjacent to the northern side of the B2063 Shorncliffe Road/Military Road, there are relatively limited views directly into the site. Furthermore given the nature of the site there are few areas if any, where planting of any significance could be undertaken such that it would help screen the site. Where there are limited views of the site along the B2063, as mentioned in paragraph 6. above, it is proposed to erect a 2m high close boarded wooden fence. The application therefore seeks to remove condition 6 from the existing permission.
13. **Condition 7** currently restricts hours of operation at the site to between 0700 and 1800 hours Monday to Fridays and 0700 to 1300 hours on Saturdays, with no operations on Saturday afternoons, Sundays or Bank holidays. Whilst under **Condition 8** no waste collection vehicles are allowed to leave the site before 0600 hours during the above mentioned days with no vehicles allowed to leave the site on Saturday afternoons, Sundays or Bank Holidays.
14. Notwithstanding the above restrictions on operating hours it is the applicants understanding that prior to Cleanaway who operated the site before Veolia who then subsequently took over the Shepway Council waste collection contract operations from

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them in 2011, the permitted hours of operation at the site would at that time already have been in excess of those permitted. The applicants state that current collection rounds necessitate operations commence on site earlier than those permitted with some RCVs and street sweepers leaving the site from 0500 hours on all days of the week including Sundays and Bank Holidays dependant on the location of the collection round. The first waste operations on site involving either the deposit of waste or removal of waste by HGV bulkers can occur in limited numbers from 0600 hours although in practice the majority of activities occur after 0700 hours. Sunday operations are very limited and are usually restricted to the operation of 3 street sweepers and 2 litter vans.

15. In order to regularise the hours of operation at the site permission is sought to amend conditions 7 and 8 such that they now read:

Condition 7

No operations shall take place at the site except between 0600 to 1800 hours Mondays to Fridays, including Bank Holidays and the Saturday following Christmas and 0600 to 1300 hours on Saturdays and Sundays with no operations on Christmas Day or Boxing Day.

Condition 8

No waste collection vehicles shall leave the site before 0500 hours on Mondays to Fridays, including Bank Holidays and on Saturday mornings and no waste collection vehicles shall leave the site on Christmas Day and Boxing Day.

16. **Conditions 9 and 11** currently restrict maximum HGV movements to 108 per day and maximum waste throughputs to 15,000 tonnes per annum respectively. In support of their application the applicants refer to the Shepway District Council Core Strategy 2013. This predicts an increase of approximately 500 households per annum within the Shepway area over the next 5 years. Combined with increased participation rates in household waste recycling, particularly in food waste recovery, in their view waste growth within the District is expected to result in the need to increase waste throughputs at the application site by over 20,000 tonnes by 2020. To allow a degree of flexibility they consider a limit of 25,000 tonnes per annum at the site is appropriate and would be consistent with the waste throughputs currently permitted under the Environmental Permit.
17. In terms of HGV movements, with a current waste throughput of 15,000 tonnes per annum this generates some 73 HGV movements to and from the site each day. With an increased payload of up to 6 tonnes per vehicle, RCVs transporting waste to the site would increase by a modest 4 movements per day based on the proposed increase in waste throughput up to 25,000 tonnes per annum resulting in some 77 HGV movements to and from the site per day overall. This increase in HGV movement still falls significantly below that which is permitted at the site.
18. Permission is therefore sought to vary condition 11 to allow a maximum waste throughput of up to 25,000 tonnes per annum.
19. **Condition 12** restricts waste types to those set out in the original application. Whilst the original application stated that there would be 'no biodegradable or putrescible waste imported to the site', in 2011 Shepway District Council introduced a food waste

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collection service and since then food waste has been imported to the site for bulking up and transfer to a recovery facility.

20. Approximately 12 tonnes of food waste is imported to the site each day where it is deposited within one of the external storage bays. This waste is regularly removed from the bay throughout the day and stored in a food waste container which has a sealed semi-automatic sheeting system to keep out birds etc. The container is currently removed from the site at the rate of 1 load every other day such that no food waste is kept on site for more than 48 hours. With the anticipated increase in food waste recovery the number of loads transported off site is expected to increase to 1 load per day.
21. Permission is therefore sought to vary condition 12 to only allow those materials for recycling including mixed recyclates, glass and food waste for recovery to enter the site and for black bag or residual waste to be specifically excluded.

Planning Policy

22. The National Policy, Government Guidance and Development Plan Policies summarised below are most relevant to the consideration of this application:
23. **National Planning Policy Framework (NPPF) March 2012:** Should be read alongside National Planning Practice Guidance (NPPG) March 2014. The NPPF sets out the Government's planning policies and its aim to secure sustainable development in a timely manner. The planning system is seen as contributing towards sustainable development which creates 3 overarching mutually dependant roles namely economic, social and environmental. In this context the NPPF sets out 12 core land-use principles which should underpin both plan-making and decision taking. Of particular relevance this should include being genuinely plan-led, encouraging the re-use of existing resources, taking account of the needs of the residential and business communities and encouraging the use of renewable resources (for example, by the development of renewable energy). In facilitating these roles and objectives the NPPF requires that local planning authorities should look for solutions rather than problems. Local Planning Authorities are therefore expected to work proactively with applicants to secure development that improves the economic, social and environmental conditions of the area in a sustainable manner.
24. Local Planning Authorities should therefore now approach decision-taking in a positive way to foster the delivery of sustainable development with decision-takers at every level seeking to approve applications for sustainable development.
25. **National Planning Practice Guidance (NPPG) (March 2014):** The waste section of NPPG requires that waste should be managed according to the 'waste hierarchy' with the aim of reducing the amount of waste being sent to landfill; ensure that the collection of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy; use data to forecast future waste needs; reflect the close co-operation expected between waste planning and district authorities.
26. **National Planning Policy for Waste (October 2014):** Recognises the need to drive waste management up the waste hierarchy; adequate provision should be made for the management of waste and future needs in a sustainable manner consistent with the principles contained in the NPPF.

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27. **The Waste Management Plan for England (December 2013) (WMPE):** Sets out the Government's ambition to work towards a more sustainable and efficient approach to resource management by ensuring amongst other matters that waste management is considered alongside other spatial planning concerns such as housing by enabling waste to be recovered in the case of municipal waste from households, in line with the proximity principle.

Development Plan Policies:

28. **Kent Minerals and Waste local Plan (KMWLP) 2013-30 (July 2016):** Policy CSW 1 requires the County Council to take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, NPPW and the WMPE. Policy CSW 2 requires the delivery of waste management solutions for Kent which demonstrate how they will help drive waste to ascend the waste hierarchy whenever possible. Policy CSW 4 requires that sufficient waste management capacity is provided to manage at least the equivalent of the waste arising in the Kent. Policy CSW 16 seeks to safeguard existing waste management facilities. Policy DM 1 Sustainable Design. Policy DM 8 Safeguarding Minerals Management, Transportation Production & Waste Management Facilities. Policy DM 11 Health and Amenity. Policy DM 13 Transportation of Minerals and Waste
29. **Shepway District Council Core Strategy:** Seeks to achieve the national policy objectives of sustainable development; sets out housing projections over the course of the plan period to 2027.

Consultations

30. **Shepway District Council:** Raised initial concerns over the potential impacts particularly from noise on an application recently granted by them for a small housing development located opposite the depot site along the B2063. In response, the applicants pointed out that the Noise Assessment submitted in support of the housing development identified baseline noise measurements of existing noise sources including the current Ross Depot operations. As a result, sound insulation measures were recommended to be incorporated into the design of the properties in order to mitigate any adverse effects from noise. In their view there is therefore no need for the Noise Assessment submitted in support of the Ross Depot proposal to specifically assess potential impacts from noise on this future housing development. The District Council subsequently confirmed that this satisfactorily satisfied their concerns.
31. **Amey (Noise):** Considers that the Noise Assessment followed the correct methodology for assessing potential noise impacts from this type of development and agrees with its conclusions that the measured and predicted noise levels generated from the various activities at the site at noise sensitive receptors will have a low impact. As such they do not recommend the inclusion of any condition relating to noise.
32. **Amey (Air Quality):** Considers there is no evidence to suggest that odour nuisance would occur beyond the site boundary and that the commitment by the applicant to increase the use of a masking agent from the on-site atomiser in hot weather is considered appropriate mitigation in addition to odour related conditions in the Environmental Permit.

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33. **Kent Highways and Transportation (KHT):** Raise no objection on the grounds that the increase in vehicle movements over the current level is minimal and still within previously conditioned maximum numbers, which should remain in place.
34. **Environment Agency:** Raise no objection. The proposed increase in waste throughputs would align with the current Environmental Permit. There were also no issues with vehicle movements during their visit to the site.
35. **Public Rights of Way:** Have no comments to make.
36. **Sandgate Parish Council:** Considers that most of the on-site changes seem non-controversial. However, raise concerns over the potential impacts from noise on the future housing development located opposite the site along the B2063. Considers that the Noise Assessment submitted in support of the application should have assessed impacts on this future housing development, particularly in the light of the extension to the permitted hours sought to allow vehicles to leave the site from 5a.m. each day. Notes that nonetheless it would appear that vehicles have been operating during these extended hours over much of the last decade. Notes that the proposed close boarded fence along part of the southern site boundary would help screen the site and also help reduce any windblown litter. Whilst consider that this new fence would represent a positive move, there are no specific details of the fence detailing the section of the fence to be replaced or showing what it would look like.
37. **Ministry of Defence:** Have not commented.

Local Member

38. The local County Member Hod Birkby, was notified of the application on 14 July 2016. No comments have been received to date.

Publicity

39. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 84 residential and commercial properties.

Representations

40. In response to publicity, of the 84 individual properties formally notified 7 letters of representation have been received (from 5 individual authors). The key points raised can be summarised as follows:
- Unacceptable increase in vehicle movements in an already congested area and where the adjoining HRWC already causes tailbacks along the B2063 and Ross Way.
 - Unacceptable odour from the existing site together with nuisance caused by scavenging gulls
 - Shepway District Council have fettered their discretion by awarding a waste

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contract to the applicant which means they have to operate the site in breach of the planning permission.

- Disturbance is already caused by noise from the Ross Depot especially during the early mornings often from 7.00 a.m. onwards caused by containers being dropped at the site which causes the hillside to shake.
- If permission is granted there will be an unacceptable increase in noise levels commencing at 5.00 a.m. from the site including at the weekends.
- The outside of the site is already unattractive and Veolia's proposal will make it worse. The visual impact needs improving and landscaping would help this along with reducing noise.
- The applicants already have a track record of breaching the terms of the existing permission and therefore they are unlikely to comply with any future restrictions.
- An independent noise assessment should be commissioned that is not paid for by the applicant.
- There is no need to increase the amount of food waste going to the site as this type of waste is likely to reduce due to social and economic factors which means waste is likely to be imported from further afield.
- The application is contrary to national and development plan policies.
- Folkestone and Sandgate are tourist attractions and the local economy relies on visitors. Making the area more unattractive would not help this.

Discussion

41. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 21 to 28 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. In my opinion, the key material planning considerations in this particular case can be summarised under the following headings:

- Traffic
- Noise
- Odour
- Landscape
- Need

Traffic

42. Based on an original waste throughput of some 15,000 tonnes per annum, condition 9 of the existing permission (Ref. SH/04/1475) currently restricts the number of combined

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HGV movements to and from the site to a maximum of 108 movements per day. This limit was originally based on the applicant's assessment of the maximum number of HGV movements that would be generated as a result of the nature of their proposed development which at that time involved the modification of the existing Depot for use primarily as a Materials Recycling Facility (MRF). At that time Shepway District Council, who were the applicants for the proposed MRF, occupied and used the site as a Depot for the maintenance of vehicles, storage of waste bins and for paper recycling. In support of their MRF application Shepway District Council undertook a survey of the existing vehicle movements to and from the site which showed that approximately 480 (240 in/240 out) vehicle movements were being generated on a typical day involving a range of vehicles including cars, light commercial vehicles and also HGVs. The application for the MRF was submitted by the Council in order to receive recyclable waste collected as part of their weekly kerbside dry recyclables collection service and to enable them to meet their statutory recycling targets for 2005/6. Materials proposed for recycling consisted of paper, card, glass and textiles.

43. In support of this current application submitted by Veolia, they have indicated that based on the existing waste throughputs of 15,000 tonnes per annum, this generates a combined total of some 73 HGV movements to and from the site each day (i.e. 35 movements below that currently permitted). They estimate that by increasing the waste throughputs from 15,000 to 25,000 tonnes per annum as proposed, this would result in an increase of 4 HGV movements per day. They have indicated that the relatively small increase in vehicle movements is due to an increase in the payloads of modern day RCVs where each vehicle can now carry up to 6 tonnes for each vehicle. In my view this represents a relatively modest increase in vehicle movements and would still be significantly below that already permitted at the site. I am also mindful that KHT have raised no objection to the proposal on a similar basis.
44. Notwithstanding objections received on the grounds of adverse impacts from traffic, it is clear that historically the site has been a major generator of vehicle movements. Given that the proposed increase in the number of HGV movements to and from the site would remain well within those levels currently permitted from the site, I do not consider that there are any overriding objections that could be sustained on traffic grounds.

Noise

45. The site is located within an existing industrial estate where there are a number of adjoining industrial activities which generate noise including noise from traffic. I am also particular mindful of the existing impacts both in respect of traffic and noise generated by the HWRC which adjoins the eastern boundary of the application site and which sits immediately between the site and the nearest housing located in Oxenden Road with Valley Road running parallel further to the east of Oxenden Road, two locations from where the majority of the local objections to the application have been received.
46. I have visited the site and surrounding area unannounced on a number of occasions which included monitoring at the nearest housing along Oxenden Road and Valley Road to assess whether there were any audible levels of noise generated from the Ross Depot site. During my visits to Oxenden Road the most audible noise was that generated by the HWRC which was dominated by the waste compactors operated on site with occasional impact noise levels from waste being tipped by members of the public into individual containers. I could also detect a further intermittent noise source which could best be described as the shaking or rattling of some form of metal object.

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Upon later investigation at the Ross Depot site I deduced this to be the noise emitted from the wheeled loader transferring dry recyclates from the external storage bays into the HGV bulk containers. This noise however proved to be of a relatively limited duration and ceased once a vehicle had become full and the materials were transported off site. During other visits to the site I did not witness this particular activity and the only audible noise along Oxenden Road was that created from the HWRC.

47. During my monitoring along Valley Road I could not detect any discernable noise that could be directly attributable to the HWRC or Ross Depot. Valley Road, as the name suggests, sits at a relatively lower level to Oxenden Road and the HWRC and Ross Depot and where therefore it would be expected that noise levels generated from these two facilities would be somewhat less than at Oxenden Road.
48. The Noise Assessment submitted in support of the application undertook baseline survey measurements at the nearest Noise Sensitive Receptors (NSRs) along Oxenden Road and Valley Road. Over the periods monitored during the daytime, noise levels monitored included noise generated from the operation of the site. The assessment concluded that on the basis of the monitoring results, noise levels should not prove a material constraint for the extension in operational hours.
49. From my experience of monitoring undertaken at the nearest noise sensitive locations to the east of the site along Oxenden Road and Valley Road, the noise levels I experienced were consistent with the conclusions set out in the Noise Assessment Report. The County Council's noise advisor Amey considered that the Noise Assessment followed the correct methodology employed to assess noise impacts and concurred with the conclusions in the assessment that noise levels generated from the various activities at the site at the nearest NSRs will have a low impact. From my own monitoring at the site I have no reason to question this and accordingly I do not consider there are any overriding objections to the application on the grounds of adverse impacts from noise.

Odour

50. Given the nature of the materials imported to the site, the only significant source of potential odour is from the food waste element which is deposited and transferred from the site as described under paragraphs 10 and 20. Food waste has been imported to the site since 2011 when the applicant was awarded the new kerbside waste collection contract. Notwithstanding the objections that have been made to this particular element of the proposal the applicants have indicated that they are confident any odour from their operations are not experienced beyond the boundaries of the site and who maintain and use an atomiser on site.
51. The food waste is imported to the site in RCVs which are effectively sealed. Once tipped it is then immediately transferred into a container which has a sealed semi-automatic sheeting system. This system of operation not only helps suppress odour but also acts as a deterrent to scavenging gulls and where the applicant also operates an electronic bird scarer.
52. In the light of the objections relating to odour the applicant has since confirmed that it is their intention to increase the use of the atomiser, especially during periods of hot weather when it is more likely that the potential for odour is likely to increase. Whilst I am mindful that odour controls are already addressed in the Environmental Permit issued by the Environment Agency, should members be minded to grant permission I

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would recommend that an additional condition be imposed which specifically requires odour control measures to be undertaken in accordance with those set out in the application.

Landscape

53. It has been suggested by some of the objectors to the application that the site would benefit from some form of landscaping. However, as I have pointed out under paragraph 11, there are relatively limited views into the site and within the site itself it present very few opportunities if any for any planting to be of any significant benefit. Furthermore, as has been suggested by some objectors, the outside of the site is already unattractive where it is largely surrounded by other industrial type activities. As previously explained the only prominent view into the site is off the B2063 Shorncliffe Road/Military Road, where it is proposed to erect a close boarded fence. This would not only help screen the site from views along this part of the site boundary but would also address the issue of unsightly windblown litter which sometimes catches on the existing chain link fence. Having regard to comments made by the Parish Council concerning what they consider is a lack of any specific detail of the fence, I would propose imposing a condition on any future permission requiring the prior submission and approval of its details before being erected on site.

Need

54. Since the site first became operational as a dedicated waste recycling facility in 2005, it has provided a valuable service towards the collection of recyclable waste arisings in the Shepway area helping Shepway District Council meet its waste recycling targets. Taking into account the Shepway District Council Core Strategy targets for future housing growth over the plan period and given an anticipated increase in participation rates in household waste recycling, waste growth in the area will continue to rise. It is therefore clear that there will be a need for this site to continue to contribute towards the collection and management of such future local waste arisings.

Conclusion

55. The site has been in existence as a Depot since the 1970s during which time it has been used for a variety of activities by Shepway Council who own the site, and subsequently by other private site operators working under contract to the Council to deliver their household waste collection service. The last substantive permission was granted to the District Council in 2005 (Ref. SH/04 1475) for the operation of a MRF which, up until 2011 was operated by Cleanaway under contract to Shepway who then subsequently issued a new contract to Veolia Environmental Services (UK) Ltd, the applicant for this current application, for a new household waste collection and street cleansing service contract.
56. Since the grant of the 2005 permission there have been a number of changes to the waste collection contract most notably the inclusion of the collection of food waste from local households. This together with the street cleansing service undertaken by the applicant on behalf of the District Council has meant that certain operations undertaken at the site fall outside the terms of the 2005 permission. This current application has therefore sought to regularise the position and also seeks to increase the currently permitted waste throughputs at the site in anticipation of increase volumes of waste

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needing to be managed in the future together with seeking the removal of conditions 4 and 6 in respect of noise monitoring and landscaping.

57. Whilst it is clear from the site history that it has operated in breach of some of the conditions imposed on the current permission and continues to do so in order to deliver the requirements of the current waste collection contract, it is evident that a significant number of these would have occurred sometime prior to when the applicant commenced operating the site. Notwithstanding this, up until when the current application was submitted I am not aware of any complaints having been made either to the County Council or Shepway District Council over the nature of the operations.
58. This site continues to provide a valuable service by enabling a sufficient means to collect and manage local waste arisings. It also helps towards the delivery of the District Council's waste recycling targets consistent with national and development plan policies. I am satisfied that having regard to comments received from consultees and with the imposition of the conditions as recommended, there are no overriding objections to the proposal which in my opinion represents sustainable development as set out in the NPPF.
59. As this is a Section 73 application, any decision to grant consent for the proposed variations and deletions sought to the existing conditions would effectively result in the issuing of a new permission. Therefore the formal decision notice will need to include those conditions as proposed to be varied together with the additional conditions recommended in this report along with any remaining conditions which were included on the baseline permission with the exception of where they may have previously been discharged.

Recommendation

60. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The development being carried out in accordance with the approved details
 - Operating hours on site 0600 to 1800 hours Monday to Friday, including Bank Holidays and the Saturday following Christmas and 0600 to 1300 hours on Saturdays and Sundays with no operations on Christmas Day or Boxing Day.
 - No waste collection vehicles to leave the site before 0500 hours on Monday to Friday including Bank Holidays and on Saturday mornings and no waste vehicles to leave the site on Christmas Day or Boxing Day.
 - No more than a combined total of 108 HGVs to enter and leave the site each day.
 - All vehicles to enter and leave the site in a forward motion.
 - Maximum waste throughput of up to 25,000 tonnes per annum.
 - Waste types to only include mixed recyclates, glass and food waste for recovery excluding black bag waste or residual waste.
 - Removal of Permitted Development Rights.
 - Restricting the use of the waste building to the use hereby permitted.
 - Dust control measures.
 - Prevention of mud/debris on the public highway.
 - Details of close boarded fence.
 - Increased use of atomiser.
 - Terms of the permission to be displayed at the site office.

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Case Officer: Mike Clifton

Tel. no: 03000 413350

Background Documents: see section heading

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Two storey 8 classroom extension at The Brent Primary School – DA/16/1306 (KCC/DA/0212/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 November 2016.

Demolition of existing pre-fabricated canteen building and erection of two storey extension providing 8 classrooms, group rooms and a hall, and an additional 19 onsite car parking spaces - at The Brent Primary School, London Road, Stone DA/16/1306 (KCC/DA/0212/2016)

Recommendation: Planning permission be granted subject to conditions.

Local Member: Mrs Penny Cole

Classification: Unrestricted

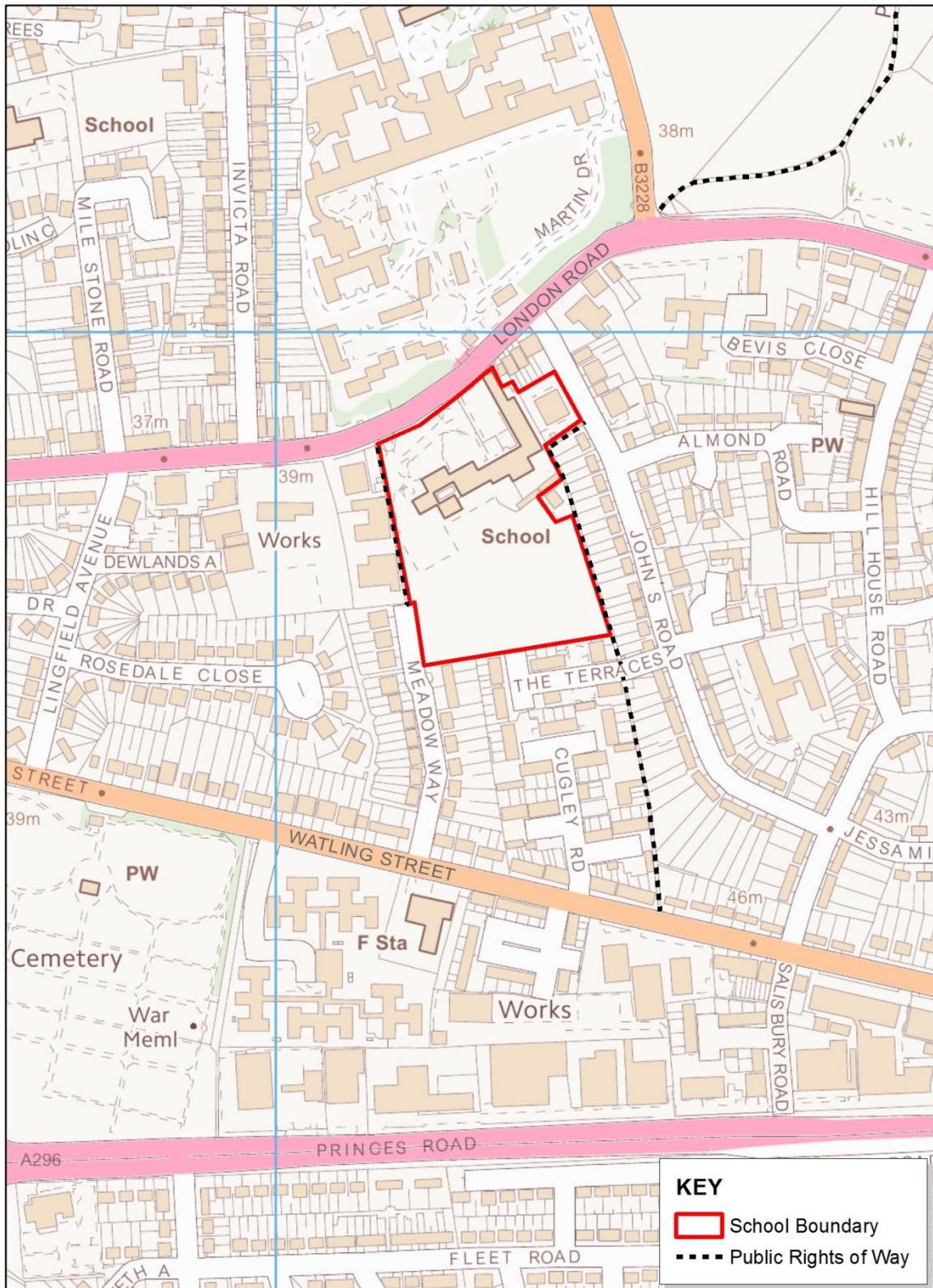
Application Site

1. The Brent Primary School is located just over a mile (1.8km) to the east of Dartford Town Centre, approximately 1.3 miles (2.1km) to the south of the Dartford Crossing. The school is located in a mainly residential area known as The Brent, although London Road, from which the school is accessed, is lined with commercial properties/businesses. London Road, which connects Dartford with Greenhithe and Gravesend beyond, lies to the north of the school site, with separate entrance and exit points to the school both accessed from London Road. Newly completed residential properties back onto London Road opposite the school site. Commercial properties lie to the west of the northern half of the western site boundary, with facing residential properties located to the far side of Meadow Way to the southern half. A Public Right of Way runs down the western site boundary, linking London Road with Meadow Way. Side and rear elevations of local properties border the southern boundary of the site, and properties in St Johns Road back onto the eastern boundary. The school also has a pedestrian and vehicular access via St Johns Road, adjacent to an existing prefabricated 1940s Horsa style building used as the school canteen, which fronts onto St Johns Road. A Public Right of Way runs to the south of the canteen building, between the school boundary and an adjacent residential property, which then continues south running between the school's eastern site boundary and the rear of properties in St Johns Road, linking London Road with Watling Street to the south.
2. The school site can be split into two distinct areas, with playing field occupying the southern half of the site, and the school buildings, hard play, and car parking and access to the north. The original school buildings, located to the north east of the site, date from the Victorian era, with brick facades and steeply pitched slate roofs. To the south west of the original building lie a 1970s flat/low pitched extension and a 1990's shallow pitched roofed building, both brick built. A stand-alone private nursery building is located to the south east of the school buildings, which is accessed via the Public Right of Way from St Johns Road.

A site location plan is attached.

Two storey 8 classroom extension at The Brent Primary School – DA/16/1306 (KCC/DA/0212/2016)

Site Location Plan



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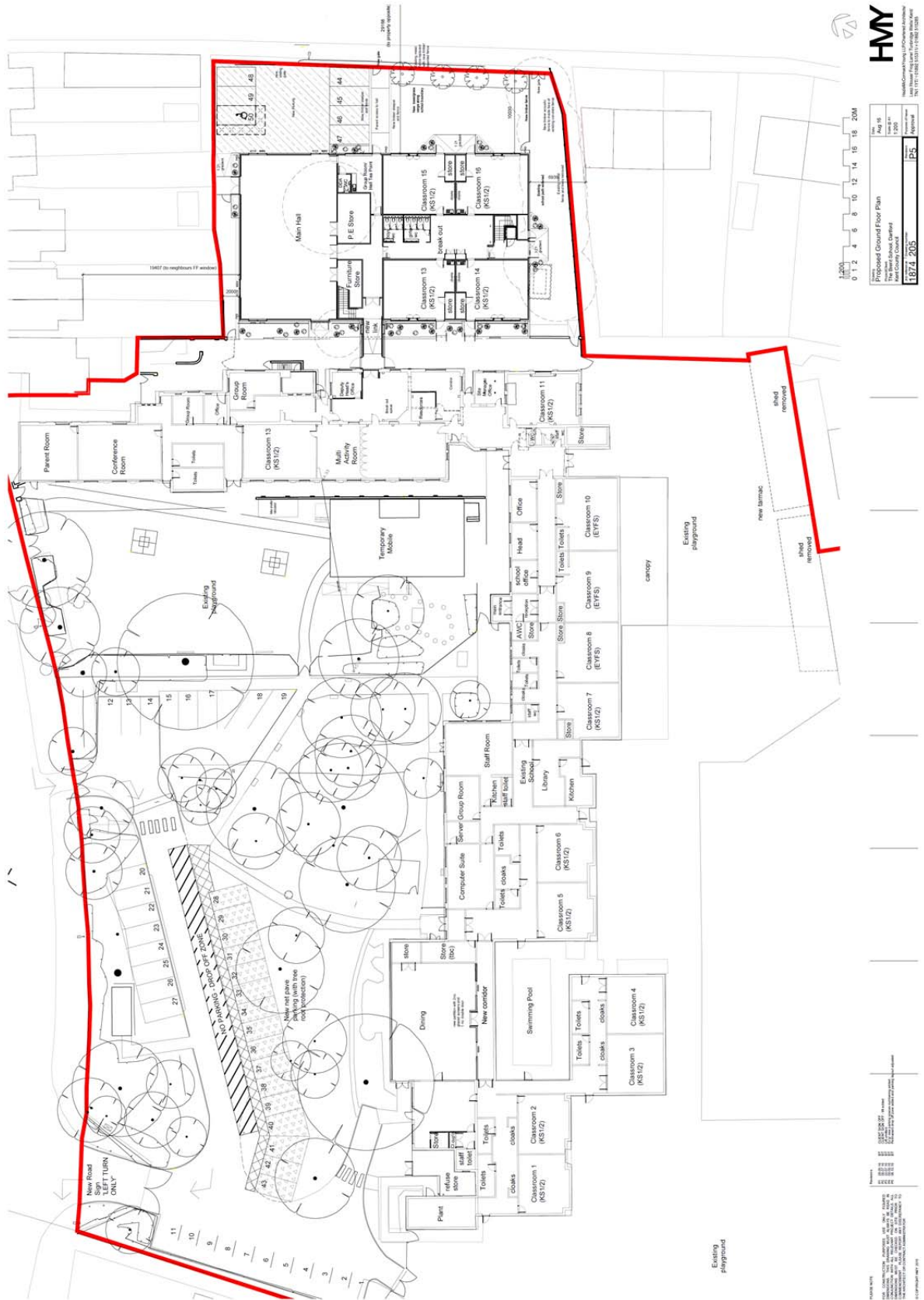
Two storey 8 classroom extension at The Brent Primary School – DA/16/1306 (KCC/DA/0212/2016)

Existing Site Plan



Two storey 8 classroom extension at The Brent Primary School – DA/16/1306 (KCC/DA/0212/2016)

Proposed Site Plan



Two storey 8 classroom extension at The Brent Primary School - DA/16/1306 (KCC/DA/0212/2016)

Proposed Elevations

PROPOSED NORTH EAST ELEVATION

PROPOSED SOUTH WEST ELEVATION

PROPOSED SOUTH EAST ELEVATION

PROPOSED NORTH WEST ELEVATION

MATERIALS

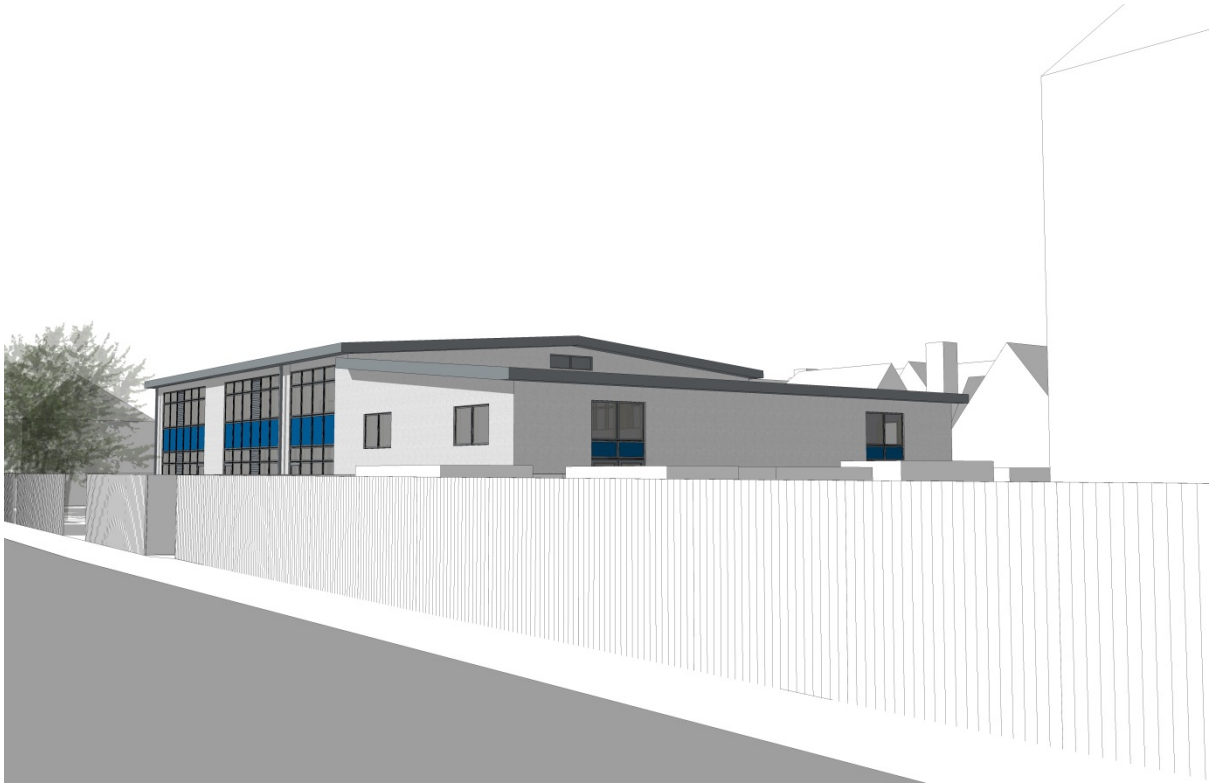
1. Insulated render
2. Insulated pitched roof
3. Single ply flat roof
4. Aluminium truss joists and concealed gutter
5. Coloured insulated panels
6. Coloured insulated panels
7. Sunken planting beds
8. Aluminium square downpipe
9. Aluminium F200 door
10. Aluminium F200 door
11. Aluminium F200 door
12. Window - privacy manifestation

HMV

HAYDON

1874_207

Two storey 8 classroom extension at The Brent Primary School –
DA/16/1306 (KCC/DA/0212/2016)



Two storey 8 classroom extension at The Brent Primary School –
DA/16/1306 (KCC/DA/0212/2016)

Background and Relevant Planning History

3. This application proposes to provide the accommodation required to cater for an expansion of The Brent Primary School from 2 Forms of Entry (FE) to 3FE. The capacity of the school in July 2016 was 423 with 65 staff, and it is anticipated that by 2023 the school roll would be 630 pupils with 82 staff (staff numbers are a total of full and part time). The applicant advises that due to changing demographics in the area, with an increasing birth rate and in-migration, there is an increase in demand for primary school capacity. The Kent Commissioning Plan 2014-2019 forecasts that the increased demand for primary school places shows no signs of reducing over the forecast period. The Brent Primary School has been assessed under current guidance as having sufficient external site area to accommodate an additional form of entry.
4. The applicant advises that the increase in school roll commenced in September 2016, with an additional 30 places provided in the reception year. To accommodate those additional pupils, a new temporary single storey mobile classroom was granted planning permission under consent reference [DA/16/878](#). Other recent developments granted permission at the site are as follows:
 - [DA/12/1331](#) - extension of existing school building to create a multi-purpose teaching room.
 - [DA/10/230](#) – change of a 768m² area of school field from grass to tarmac in order to extend the playground and create a multi-skills area.
 - [DA/08/1742](#) - staff room extension to the front of the school building.

Amendments Following Initial Submission

5. Following the submission of this application and initial consultation responses, minor amendments have been made to the proposal, including the omission of a first floor window on the southern elevation of the proposed building, and the submission of a revised car parking layout to provide a permanent 'drop off zone' within the site for use by parents/carers at peak school times. An updated Transport Assessment was also submitted to address initial queries raised by Kent County Council Highways and Transportation. It is the amended proposal that will be outlined below and discussed throughout this report.

Proposal

6. This application has been submitted by Kent County Council Property and Infrastructure Support and proposes the demolition of the existing pre-fabricated canteen building (to the east of the site facing St Johns Road) and the erection of a two storey extension providing 8 classrooms, group rooms and a hall on the site of the demolished building. The footprint of the building to be demolished is 377sqm (4057sqft), whereas the replacement two storey building would have a total floorspace of 1270sqm (13,670sqft), an increase of 893sqm (9612sqft). An additional 19 onsite car parking spaces are also proposed, in addition to the marking out of an onsite drop off area.
7. The proposed two storey building would be positioned adjacent to the original Victorian school building, and linked to it via a single storey link corridor. The northern end of the building would house a new school hall and this section of the building is proposed as single storey with a monopitched roof rising to the south, where it abuts the two storey section of the building. The two storey section of the building has been designed to accommodate four classrooms, storage and circulation space on each floor, all facing to

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either the east or west. The two storey section of the building would have a 5-degree pitched roof, with an eaves height of 6.7m (22ft) and a ridge line height of 7.6m (25ft).

8. Externally the new classroom block would be finished with an off white render, with vertical bays of grey powder coated aluminium framed windows and blue coloured insulated panels proposed to each elevation. The roof is proposed to be finished with a grey single ply membrane, with upstands at regular centres to provide shadow lines and relief. The roof fascia, soffit and downpipes are all proposed to be grey powder coated aluminium to match the window and door frames.
9. It is proposed to remove two trees, an existing row of vegetation and a metal chain link fence which currently separate the school access path (to the south) and the canteen building to incorporate the access path into the main site. The Public Right of Way which runs to the immediate south of the school access path would not be affected by the proposal, but a timber boarded fence would be erected on the school side of the existing concrete boundary wall (approximately 1m in height) to give a 1.8metre high boundary. The existing galvanised palisade fencing to the St Johns Road site frontage would also be removed and replaced with a timber boarded fence, and replacement tree planting and landscaping is proposed around the building perimeter and along the St Johns Road site frontage.
10. The pedestrian and vehicle access points into the site are not proposed to change as a result of this application. The vehicular access off of St Johns Road would remain for use by school staff only, with 6 staff parking spaces and one accessible space provided to the front of the proposed building. The existing school car park, accessed via London Road, is proposed to be remodelled to create a managed parking system, including a marked out drop off area for use by parents at peak school times. An additional 19 car parking spaces are proposed across the site to bring the total number of spaces provided to 50. 16 spaces would be constructed of grass crete, sited upon an existing grass verge adjacent to the internal access road.
11. The applicant advises that a key aim in designing and constructing the new build is a reduction in carbon emissions. For example, wind catchers, louvres, large opening windows and sun pipes are proposed to mitigate the need for mechanical ventilation and reduce the need for artificial lighting. In addition, photovoltaic cells are proposed at ground level in a small fenced compound to the south of the nursery building. By locating the cells at ground level it is considered that they could be used as a learning resource, in addition to better maintenance access.

The application is supported by a Planning Design and Access Statement, Appendix 1: Supplementary Information to Support Design and Access Statement, School Travel Plan, Traffic Impact Assessment, Transport Assessment Addendum, Arboricultural Impact Assessment, Arboricultural Method Statement, Arboricultural Survey, and Phase 1 Habitat Survey.

Planning Policies

- 12.(i) **National Planning Policies** – the most relevant National Planning Policies are set out in the **National Planning Policy Framework (March 2012)**, and the **National Planning Policy Guidance (March 2014)**, which set out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the

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

The NPPF states that, in determining applications, 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:

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- consideration of whether the opportunities for promoting sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;

In addition, Paragraph 72 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools, and works with schools promoters to identify and resolve key planning issues before applications are submitted.*

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

Development Plan Policies

- (iii) The adopted **1995 Dartford Borough Council Local Plan (Saved Policies September 2011)**:

Policy B1 Development proposals should be appropriate for the location and should not have a detrimental amenity impact on the local area. A high standard of design should be implemented in proposals with layout, materials, adequate infrastructure, access and parking taken into consideration.

Policy S6 Development proposals should conserve and improve the existing built environment and a high quality and standard of design shall be achieved in new development.

Policy T19 Development proposals should be appropriately related to the highway network and not generate volumes of traffic in excess of the capacity of the highway network.

Policy T23 Development proposals should include adequate off-street parking facilities.

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Policy T27 Development proposals shall make adequate provision for pedestrians.

(iv) The adopted **Dartford Borough Core Strategy (2011)**

Policy CS15 Pledges support for minimising the need to travel and minimising car use, whilst making effective use of the transport network. Travel plans will be required for all significant traffic generating development to ensure more sustainable modes of transport are pursued. Kent County Council's parking standards will be applied.

Policy CS21 Seeks the provision of community facilities that are close to the population they serve and that come forward in a timely fashion. Dual use of facilities is sought.

(v) Emerging **Dartford Development Policies Plan (Publication (pre-submission) Document December 2015)** (This document was submitted to the Planning Inspectorate in June 2016 and an Examination is due to commence in October 2016, with the plan expected to be adopted by Dartford BC towards the end of 2016 or early 2017.)

Policy DP1 Presumption in Favour of Sustainable Development: A positive approach to considering development proposals will be had, reflecting the presumption in favour of sustainable development contained in the NPPF and the development needs of the Borough set out in the Core Strategy.

Policy DP2 Good Design in Dartford: Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough by (a) reinforcing and enhancing localities to create high quality places, (b) ensuring heritage assets are retained, re-used and respected, (c) facilitating a sense of place through a mix of uses and careful design, (d) providing clear pedestrian and cycle linkages and permeability, active frontages and a mix of buildings and spaces. Provides further advice about determining planning applications in relation to scale, massing, form, materials, Conservation Areas and areas of heritage sensitivity, inclusive, safe and accessible places, management of natural resources and flood alleviation, and appropriate signage and advertisements.

Policy DP3 Transport Impacts of Development: Development will only be permitted where it is appropriately located and makes suitable provision to minimise and manage the arising transport impacts, in line with Core Strategy Policies. Localised residual impacts on the highway network should be addressed by well-designed off site-transport measures and adverse impacts on residential amenity or the environment must be minimised. Development will not be permitted where the localised residual impacts from the development, on its own or in combination with other planned development in the area, result in severe impacts on one or more of the following: (a) road traffic congestion and air quality (b) safety of pedestrians, cyclist and other road users and (c) excessive pressure for on-street parking.

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Policy DP4 Transport Access and Design: Development should be of a design and layout to promote walking, cycling and use of public transport through provision of attractive and safe routes. Proposals should also include appropriate vehicular access arrangements. Development will only be permitted where proposals ensure that the layout and siting of access is acceptable in terms of residential amenity, highways capacity and safety, free flow of traffic, cyclists and pedestrians, and visual impact.

Policy DP5 Environmental and Amenity protection: Development will only be permitted where it does not result in unacceptable material impacts, and consideration must be given to potential amenity/safety factors such as traffic, access and parking, anti-social behaviour and littering, and intensity of use (amongst other matters).

Consultations

13. **Dartford Borough Council** raise no objection to the proposal.

Stone Parish Council no comments received to date.

Kent County Council Highways and Transportation raise no objection to the application, and comments as follows:

“We continue to have some concerns over parking issues and the possible resulting congestion that this development could create. However the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. That can only be judged on a case by case basis, taking account of all material factors. I have considered the Traffic Impact Assessment and the current and likely future conditions on the local highway network. Whilst it is likely that conditions are likely to be worsened, we are not able to conclude that the proposals would result in significant safety problems or congestion that could be described as a severe impact. It is considered that, with the application of appropriate planning conditions and a pro-active input from the school to improve sustainable travel to and from school by pupils and staff, the impact of the proposals may be reduced significantly. The School Travel Plan is key to this.

I would recommend that, should consent be granted, the following planning conditions should be applied:

- The school to make best endeavours to ensure that cars do not queue out of the drop-off/car-park area and onto A226 London Road;
- The school to make best endeavours to promote car sharing for pupils travelling to school;
- An acceptably updated School Travel Plan to be submitted to the Planning Authority. This should report on the results of the school's endeavours to promote car sharing and prevent cars queuing out of the drop-off / car park, and should also report on any other recent traffic problems associated with the school. In addition, the new Travel Plan should make recommendations and set targets for further reductions in car use;
- The staff car parking area shall not be used for any purpose other than the parking of vehicles;

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- A Construction Management Plan should be submitted to and approved by the Planning Authority prior to any construction or demolition commencing. This should include permitted times of access and details of operative parking. It should also provide undertakings that (a) no HGVs will be permitted to reverse into or out of the site unless under the supervision of a banksman and (b) all vehicles leaving the site should have their wheels checked for mud, stones and similar detritus and cleaned where necessary to ensure that no deposits are left on the public highway.”

Environment Agency raises no objection to the proposal and has assessed the proposed development as having a low environmental risk. Advice to the applicant is provided with regard to foul drainage and surface water drainage, and such advice could be relayed by way of an informative.

The County Council’s Flood Risk Team (SuDs) raises no objection to the application but recommends that the Environment Agency be consulted regarding the use of infiltration at this site.

Public Rights of Way has no objections to the application but requests that the applicant’s attention is drawn to the following points;

- no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
- there must be no disturbance to the surface of the right of way, obstruction of its use, and/or encroachment on the current width, either during or following any approved development; and
- the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

The County Council’s Biodiversity Officer raises no objection to the application and is satisfied that sufficient ecological information has been submitted. However, conditions of consent are required to ensure that there is no tree removal during the bird breeding season, unless supervised by a suitably qualified ecologist, and to require the submission of details of the location of the ecological enhancement measures recommended within the submitted survey.

The County Archaeologist raises no objection subject to a condition being placed on any grant of planning permission requiring the securing of the implementation of archaeological field evaluation works and any subsequent archaeological investigations, to be undertaken in accordance with a written specification and timetable which should be submitted for prior approval.

The County Council’s School Travel Plan Advisor considers that an amended/updated School Travel Plan should be submitted as the current Travel Plan does not include SMART targets (meaning specific, measurable, achievable, realistic and timely). However, it is noted that the School’s objectives are clear. It is advised that the School register with the County Council’s new *Jambusters* system, and prepare the Travel Plan using that purpose built data base.

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Local Member

14. The local County Member, Mrs Penny Cole, and the Member for the adjacent ward, Mr Tom Maddison, were notified of the application on the 15 August 2016.

Publicity

15. The application was publicised by the posting of 5 site notices, advertisement in a local newspaper, and the individual notification of 55 neighbouring properties.

Representations

16. To date, I have received a total of four individual letters of representation, from three local addresses. A summary of the main planning issues raised/points made to date are set out below:

Access and car parking

- Expansion of the school will generate extra traffic;
- Local residents already have to deal with school traffic and daily congestion caused by the Dartford Crossing;
- Residents in London Road have to park in St Johns Road due to local parking restrictions, so parking is already limited;
- Local roads are blocked at peak school times and drivers do not give way to each other causing grid lock;
- Congestion has got worse already, with 7.30am drop offs for breakfast club, the school drop off, the nursery drop off and change over at lunch, and then the afternoon peak;
- Parents start arriving to pick up pupils at 2pm, even though the earliest school finish times is 3.05pm;
- Parents park over driveways and on the corners of roads, which is both dangerous and inconsiderate;
- There is a high risk to the safety of children and families crossing the road;
- The side entrance on St Johns Road should not be made into the main entrance;

Amenity Aspects

- The first floor window to the staircase at the southern end of the proposed building should be removed to prevent overlooking and loss of privacy to the adjacent residents (*N.B. This window has now been removed from the proposed building*).

Discussion

17. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 12 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include parking and access matters, design, massing and siting, and whether the development is sustainable in light of the NPPF.

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Need

18. The expansion of the school is part of the targeted Basic Needs programme to provide new school places across Kent, and the whole country, to cater for the demand created by the previously underestimated national demographic changes. In West Kent this demand is increased by the in-migration of pupils either moving out of London or opting to send children to schools in Kent rather than neighbouring London Boroughs. The National Planning Policy Framework, together with the Planning for Schools Development Policy Statement, strongly promote the provision of new or expanded schools and exhort local planning authorities to work with developers to overcome obstacles in the securing of planning consents. I therefore see no objection in principle to the proposed development.

Design and Siting

19. Development Plan policies promote high quality design, sustainable development, and significant improvements to the built environment. Although no objections to the design and general principle of the proposed development have been received (apart from a request to remove a window as discussed below), it is important to discuss these matters to ensure that the proposal is in accordance with the general design principles expressed in Development Plan policies.
20. The proposed two storey building would be linked to the main school building via a single storey link corridor, and separated from the site boundaries by amenity space, a parking area and proposed planting. The single storey 1940s Horsa style building to be demolished is of a smaller scale and massing than the proposed new building, but given that surrounding residential properties and existing school buildings are predominately two storey, I do not consider that the massing would be unduly out of character with the local area. Further, a single storey building would have a much greater land take than the two storey building proposed, which arguably could have a greater impact on local amenity than the development as proposed. The building would be set back further into the site than the building to be demolished, which would also aid in mitigating any perception of the building being overly dominant in the street scene. A first floor window to the southern elevation was omitted at the request of the neighbouring owner/occupier, and all other windows would, in my view, not result in an unacceptable level of overlooking of neighbouring properties. The single storey hall element to the north of the building has been designed to ensure that the gardens of properties in London Road, which back onto the site, would not experience a loss of light or be overshadowed. In considering the siting and massing of the building, I am satisfied that the development would not lead to an unacceptable loss of light or privacy, or be out of scale with existing development. Further, the location of the teaching block also links well with the existing buildings and facilities on site.
21. Externally the new classroom block would be finished with an off white render, with vertical bays of grey powder coated aluminium framed windows and blue coloured insulated panels proposed to each elevation (the School colours). The roof is proposed to be finished with a grey single ply membrane with the fascia, soffit and downpipes all proposed to be grey powder coated aluminium to match the window and door frames. Although such materials and finishes are not found on adjacent development, I do not consider that the material palette would be unacceptable in this location given the various development types in the locality (residential and commercial properties, industrial units etc). Moreover, very similar materials have been used on various new school development across the County, many of which are in comparable residential locations. Therefore, subject to the imposition of a condition requiring the submission

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and approval of details of all materials to be used externally, I consider the design of the building to be acceptable and in accordance with Development Plan policies.

22. In addition to the proposed new building, additional car parking and a drop off area are also proposed. Given that the proposed car parking and drop off would be provided within the confines of the existing car park and adjacent to the associated circulation road through the site, I consider the siting to be logical and practicable. In addition, in considering that existing car parking is provided in the same broad location, and given the degree of separation from local properties and the level of boundary planting/screening, I consider the location of the additional car parking to be acceptable in amenity terms.

Sustainability

23. As outlined in paragraph 11 of this report, the building design focuses on promoting natural daylighting, with large glazing units and sun pipes proposed to maximise internal illumination. Passive ventilation and passive heat exchange ventilation units would allow the building to exchange warm stale air for cool fresh air using just buoyancy and wind loading as required. Although roof mounted solar PVs are not proposed in this instance, the applicant is proposing photovoltaic cells at ground level in a small fenced compound to the south of the nursery building. By locating the cells at ground level, it is considered that they could be used as a learning resource, in addition to providing better maintenance access. In considering the sustainable design credentials of the proposed building, and the provision of solar PVs in this case, I am of the opinion that no further details are required in this regard.

Parking and Access Matters

24. A small number of local residents have expressed concern regarding this application on the grounds that the increase in staff and pupils would exacerbate existing highway and access problems. As outlined in paragraph 16 of this report, local residents are concerned that local roads cannot accommodate additional traffic, and are frustrated by parents parking inconsiderately in local roads. This application was accompanied by a Transport Assessment, and the highway and access implications of the application have been considered and addressed in detail by Kent County Council Highways and Transportation who raise no objection to this application subject to the imposition of conditions (as outlined in paragraph 13 of this report). Although the Highway Authority recognise that the proposals are likely to generate additional traffic, the impact of that is not considered severe enough to warrant an objection to the development when considered in the context of NPPF guidance.
25. As outlined in paragraph 12 of this report, the location of the pedestrian and vehicle access points into the site are not proposed to change as a result of this application. Local concerns regarding the possible relocation of the main school access point on to St Johns Road are therefore unfounded in this case. The vehicular access off St Johns Road would remain for use by school staff only, with 6 staff parking spaces and one accessible space provided to the front of the proposed building. The existing school car park, accessed via London Road, is proposed to be remodelled to create a managed parking system, including a marked out drop off area for use by parents at peak school times. An additional 19 car parking spaces are proposed across the site to bring the total number of spaces provided to 50. Whilst Highways and Transportation have some reservations over potential parking issues and the resulting congestion that the proposed expansion could create, in this instance they are satisfied that the parking and onsite drop off improvements proposed would be sufficient to ensure that any resulting

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impact would not be severe. However, conditions are required to secure the provision of the additional car parking and the drop off area prior to first use of the development, and its subsequent retention. Subject to conditions covering those matters, I am satisfied that the development would not have a significantly detrimental impact on the local highway network.

26. Highway and Transportation also advise that conditions of consent be imposed to encourage the school to make best endeavors to ensure that cars do not queue out of the drop off area onto London Road, and to promote car sharing for pupils travelling to school. However, it is not appropriate to cover these matters by separate conditions as they are not matters that can be enforced and therefore do not meet the test for imposing conditions. The applicants have, however, confirmed their commitment to manage and monitor the onsite drop off area, and to encourage and promote sustainable transport options. Further, the School has agreed to investigate the possible staggering of start and end times as a measure to ease local congestion. All of these matters should, in my view, be included within a revised/updated School Travel Plan, the submission of which would also satisfy the requirements of Highways and Transportation and the County Council's School Travel Plan Advisor. Therefore, should permission be granted, an updated School Travel Plan should be submitted pursuant to condition prior to occupation of the development, which must contain initiatives to manage and monitor the onsite drop off area, to encourage and promote sustainable transport options, including the possibility of introducing staggered school start and end times, and to set out SMART targets (specific, measurable, achievable, realistic and timely). That Travel Plan must thereafter be subject to ongoing monitoring and review, and should be available to view on the School's website. Further, the Travel Plan should be submitted via the County Council's new online *Jambusters* system.
27. Although it is recognised that parents of pupils do park on the local highway, which can be a nuisance for local residents, Kent County Council Highways and Transportation are of the opinion that this proposal would not significantly increase on-street car parking over and above the existing due to sibling numbers and future School Travel Plan initiatives (as discussed above). Unfortunately, parents parking in local roads is an issue associated with all schools and, although I recognise that some local residents consider it to be dangerous and a nuisance, in this instance Kent County Council Highways and Transportation are satisfied that it does not raise a significant highway safety concern. It also needs to be borne in mind that the local roads are part of the public highway network and, as such, are there for the use of the public as a whole and are not for the sole use of one section of the local community. Further, congestion associated with schools generally equates to less than 10% of the working day and occurs on less than 60% of the total days in the year. It is not a continuously experienced problem of a magnitude that might otherwise warrant refusal of planning permission for development proposals.
28. With regard to the behaviour of a small number of parents, who may park irresponsibly, blocking drives and reducing visibility for other road users, and in some instances being rude to local residents, this is not a matter which the Planning Authority can control, since all drivers have to take responsibility for their own actions. However, the County Council's School Travel Planner and the School may be able to provide information to parents explaining the importance of safe parking and general highway safety as part of the Responsible Parking initiative which should be included within the Travel Plan. This is an important message that the School should relay to parents, in addition to the need to consider local residents when parking.

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29. In considering the above, and in light of the views of the Highway Authority, I consider that subject to the imposition of conditions regarding the submission of an updated Travel Plan and the provision and permanent retention of the car parking and drop off area, as shown on the submitted plans, that the development would not have a significantly detrimental impact overall on the local highway network. I therefore see no reason to refuse this application on highway and parking grounds.

Landscaping and Ecology

30. The proposal necessitates the removal of some trees and a row of vegetation within the school site, which is regrettable but unavoidable given the extent of trees on the site and the lack of alternative space within the grounds that is not needed for other purposes (such as car parking and playing field). Nevertheless, I am satisfied that there would sufficient trees retained within the site to not unduly alter the existing landscape character. In addition, replacement trees and general landscaping works are proposed as part of the proposals. Should planning permission be granted, I consider that a condition of consent should be imposed requiring the submission of a detailed scheme of landscaping/replacement native tree planting which should consider both local landscape character and learning outcomes (the use of landscaping for well-being and educational purposes), and should also include details of the location of the ecological enhancement measures recommended within the submitted Habitat Survey. In addition, a further condition of consent would ensure that there is no tree removal during the bird breeding season, unless supervised by a suitably qualified ecologist. Such conditions would also meet the requirements of the County Council's Biodiversity Officer. Subject to the imposition of the conditions outlined above, I am of the view that the development would not have a detrimental impact on the local landscape, trees on site, or ecology/biodiversity.

Public Right of Way

31. As outlined in paragraph 1 of this report, a Public Right of Way lies to the immediate south of the proposed development. As can be seen in paragraph 13 of this report, Public Rights of Way have provided advice with regard to temporary closures during construction works and general points with regard to erecting furniture, disturbance to the surface, obstruction of use, and planting. The applicant has confirmed that the Public Right of Way would be unaffected by the development, that no works are proposed to be undertaken to the Right of Way, and that no temporary closure would be required during construction works, should permission be granted. Further, I am satisfied that the development would not unduly alter the setting and urban character of the Public Right of Way. In this instance, therefore, I consider it sufficient to draw the applicant's attention to the advice provided by Public Rights of Way by way of an informative only.

Archaeology

32. The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, a condition of consent should be imposed. It is requested that no development takes place until the applicant has secured the implementation of archaeological field evaluation works and any subsequent archaeological investigations, to be undertaken in accordance with a written specification and timetable which should be submitted for prior approval. I consider that the suggested condition would be an appropriate requirement in ensuring an acceptable level of evaluation and mitigation of the archaeological potential of the site. Therefore,

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subject to the imposition of the required condition, I do not consider that this proposal would have a detrimental impact on archaeological remains.

Construction Matters

33. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of demolition and construction to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
34. I also consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak school times, and details of any construction accesses. Such a strategy would also address the conditions required by Highways and Transportation with regard to the construction of the development. Therefore, should permission be granted, a Construction Management Strategy should be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

Conclusion

35. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. The development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the character and appearance of the local area, the local highway network or the amenity of local residents, and would accord with the principles of sustainable development as set out in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions.

Recommendation

36. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- the standard time limit;
 - the development to be carried out in accordance with the permitted details;
 - the submission of details of all materials to be used externally;
 - a scheme of landscaping, including native tree planting, ecological enhancement measures, and hard surfacing, its implementation and maintenance;
 - no tree removal during the bird breeding season;
 - submission of an updated Travel Plan prior to occupation, and thereafter ongoing monitoring and review. Updated Travel Plan to include measures to manage and monitor the onsite drop off area, to encourage and promote sustainable transport options, including the possibility of introducing staggered school start and end

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- times, and to set out SMART targets (specific, measurable, achievable, realistic and timely), amongst other matters;
- provision (prior to occupation) and retention of car parking, drop off area & circulatory routes;
 - the implementation of archaeological field evaluation works and any subsequent archaeological investigations;
 - hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
 - construction management strategy, including access, lorry routing, parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations, details of how the site access would be managed to avoid peak school times, and measures to prevent mud and debris being taken onto the public highway.

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

- With regard to the requirement to prepare and submit a (revised/amended) School Travel Plan, the applicant is advised to register with Kent County Council's Travel Plan Management system 'Jambusters' using the following link <http://www.jambusterstpms.co.uk>. Jambusters is a County Wide initiative aiding Schools in the preparation and ongoing monitoring of School Travel Plans.
- The applicant's attention is drawn to the letter from the Environment Agency in which advice and guidance is provided with regard to foul and surface water drainage.
- The applicant's attention is drawn to the letter from Public Rights of Way which contains general informatives with regard to works adjacent to and/or on a Public Right of Way. It is also advised that 'the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority';

Case officer – Mary Green	03000 413379
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Background documents - See section heading
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Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 16th November 2016.

Application on behalf of the Governors of Charing Church of England Primary School for a permeable tarmac playground with netball markings, drainage, trim trail & alterations to existing adjacent footpaths, Charing Church of England Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

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

Local Member: Mr C. Simkins

Classification: Unrestricted

Site

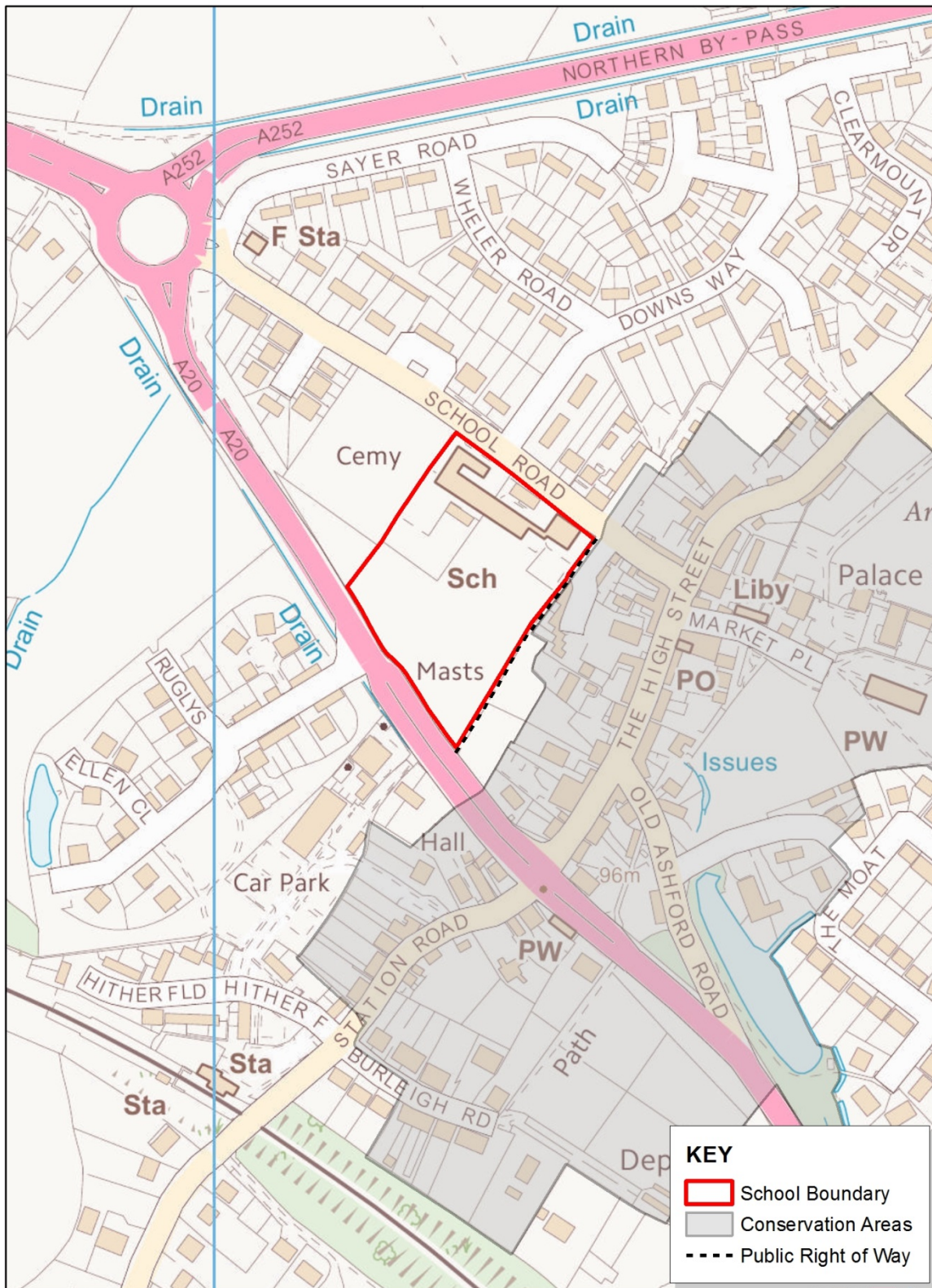
1. Charing Church of England Primary School is situated in the village of Charing, approximately 6 miles (9.6 kilometres) from the town of Ashford. The school site is bounded by School Road to the north east, Maidstone Road to the south west, Charing Church Cemetery to the north west and Monks Walk residential development to the south east. A public right of way runs along the south eastern boundary of the site beyond which lies Charing Conservation Area. The school buildings are situated to the north east of the site running along School Road. The school playing field lies to the south of the site, adjacent to Maidstone Road. A site location plan is attached.

Background

2. Charing Primary School is a Voluntary Aided Church School. The school has been serving the village of Charing since 1872 and now serves a wider area including Ashford and the surrounding villages. The school currently has 91 pupils on roll, with 8 full time teaching staff and 3 part time teaching staff. The school offers a wide range of sports clubs and before and after school activities.
3. The school comprises of two blocks: a Victorian school building (with later additions) on the western half of the site, which contains the school administration, staff facilities, dining hall and kitchen; and a later 20th century block on the eastern half of the site, which contains the school hall and most of the schools classrooms. Most of the older block is not considered fit for purpose by the School, with the kitchen and dining hall addition being a HORSAs hut of poor quality.
4. The school has highlighted that there has been a long held aspiration to consolidate the original school building into the new block of the school, which would need to be extended to facilitate this. A new classroom extension was completed in 2013 and the school is continuing to work towards further improvement and future expansion of its facilities, including plans to provide new administration accommodation, kitchen facilities and a new classroom.

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

General Location Plan



KEY

- School Boundary
- Conservation Areas
- Public Right of Way

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Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

Site Location Plan

Notes:
 Do Not Scale.
 Report all discrepancies, errors and omissions.
 Verify all dimensions on site before commencing any work on site or proceeding with any design.
 All proposed work must comply with the relevant standards. Consider the manufacturer's recommendations for the use of any materials.
 For all specific work, see relevant drawings.
 The drawings and designs are copyright of Diocesan Architectural and Design Services Ltd. All Rights Reserved.

Ref	Date	Description
A	Aug 16	Location of existing running track added



6, 6-11 The Courtyard
 Paragon Park, 100
 Thornaby, Darlington
 North East, UK
 Tel: 01781 802200
 Fax: 01781 802106
 www.diocesan.co.uk

PROJECT TITLE:
 CHARING C OF E (AIDED)
 PRIMARY SCHOOL, CHARING
 SCHOOL ROAD, TN 27 0JN
 PLAYGROUND ALTERATIONS
 PROJECT 15-070

DRAWING DESCRIPTION:

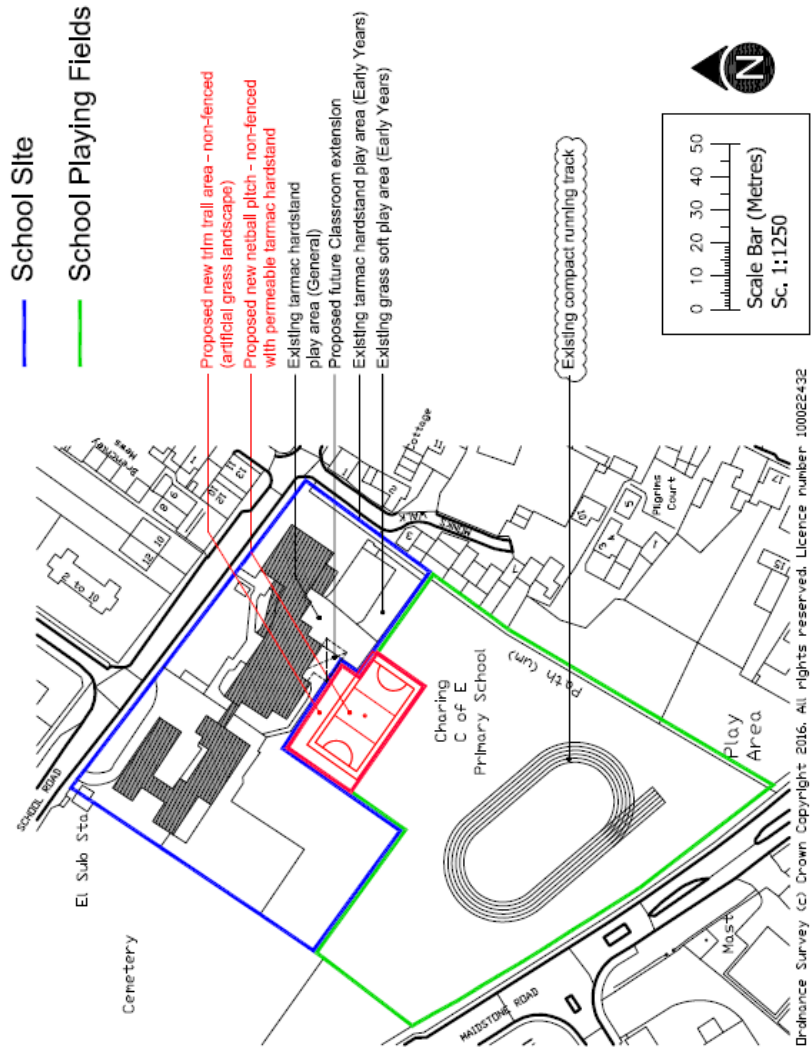
SITE LOCATION PLAN

SCALE: 1:1250 @ A3
DATE: JULY 2016
CHECKED BY:
DRAWN BY:

STATUS: PLANNING

DRAWING NUMBER: 15-070/ 00
REVISION: A

- Proposed Playground Redevelopment Area
- School Site
- School Playing Fields (KCC)



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SITE LOCATION PLAN
 SC. 1:1250

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

Proposed Tree Removal

NOTE:
Do not block.
Record all discrepancies, errors and omissions.
Verify all dimensions on site before commencing any work on site or proceed by stop work.
All work to be completed and satisfactory to Council with the relevant LPO Officers. Copies of maps and reports to be submitted to the relevant LPO Officers for their review and approval.
For all work to be done, see relevant drawings.
All dimensions and notes are the copyright of Diocesan Architects and shall be used in accordance with the relevant LPO Officers.

Rev	Date	Description

Detail from Survey by:
J. C. White Geomatics Limited
Shrine Farm, Shrine Farm, Searidge Road
Poole, Dorset, BH12 4BE
Tel: 01303 281212 Fax: 01303 284040



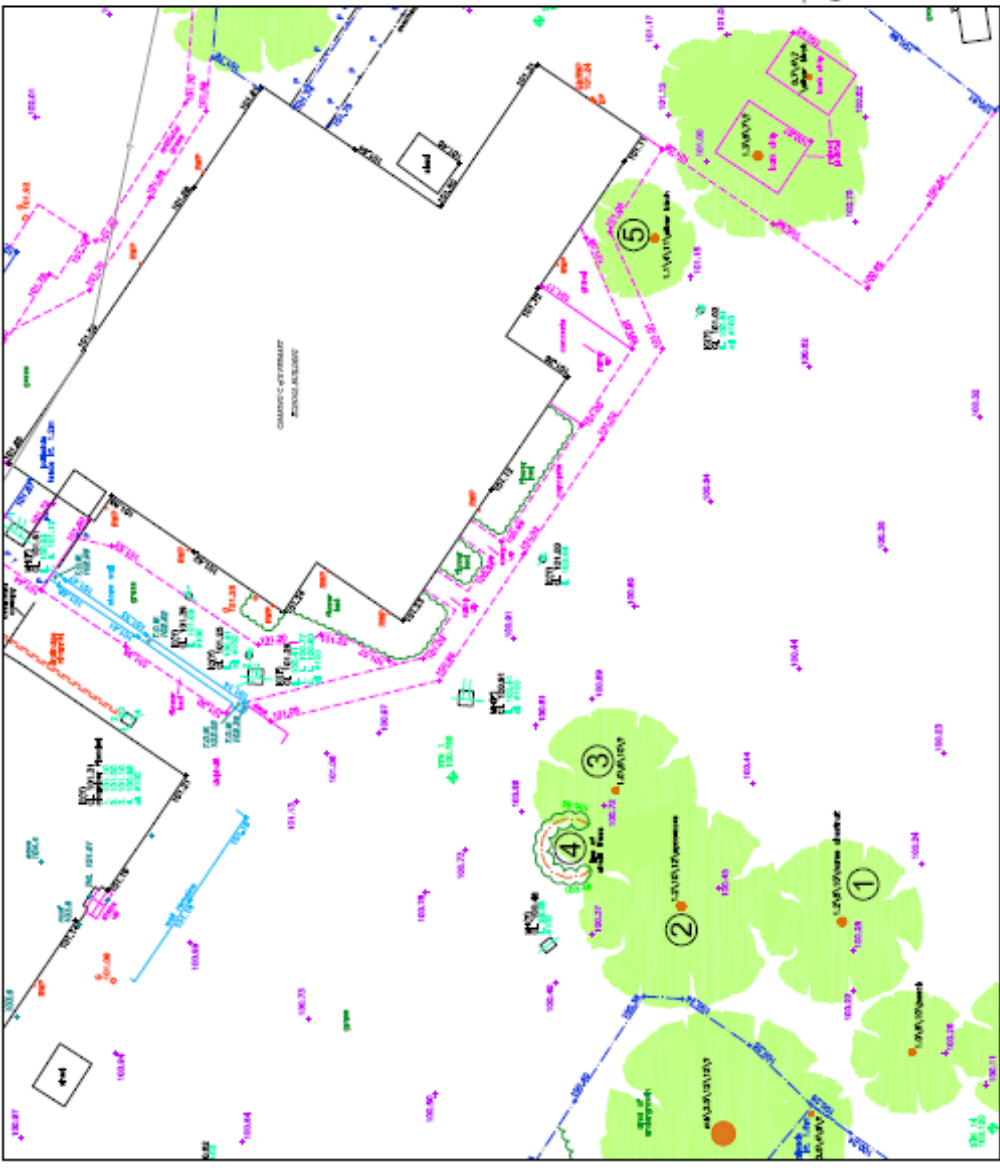
0.5.11 The Client
Charing School
Charing Primary School, Charing
School Road, TN 27 0JN
Project Ref: 15-070

PROJECT TITLE:
CHARING C OF E (AIDED)
PRIMARY SCHOOL, CHARING
SCHOOL ROAD, TN 27 0JN
PLAYGROUND ALTERATIONS
PROJECT 15-070

DRAWING DESCRIPTION:
EXISTING TREES AT PLAYGROUND
DETAIL FROM JCW TOPOGRAPHICAL
SURVEY REF 1200053

SCALE: 1:200 @ A3
DATE: AUG 2016
ISSUED BY: [Name]
DRAWN BY: [Name]

STATUS: PLANNING
DATE: 15-07-07



- Tree Identification review (2016)
(by Diocesan Architects)
- ① Horse chestnut
Aesculus hippocastanum
 - ② Silver maple
Acer saccharinum
 - ③ Lime tree
Tilia cordata
 - ④ line of small trees
 - ⑤ Silver birch
Betula pendula



● TREE (number of holes/girth/height/circumference)
EXISTING TREES AT PLAYGROUND
SC. 1:200

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

Recent Site History

- | | | |
|----|------------|--|
| 5. | AS/14/1428 | School kitchen and pathway extension
Granted planning permission. |
| | AS/12/1150 | Demolition of the existing polycarbonate canopy and construction of 3 new classrooms, 3 offices, storage, circulation and welfare facilities.
Granted planning permission. |
| | AS/11/828 | Timber framed shelter for parents use
Granted planning permission. |
| | AS/09/1226 | Renovation works to four areas on the existing school site including the demolition of a defunct mobile classroom allowing for a new decking area, removal of a two class mobile allowing for a new car park to be created, improvement of existing covered walkway and a new canopy to the reception class.
Granted planning permission. |
| | AS/07/1196 | Retention of a mobile classroom unit with cloakroom facilities and store.
Granted planning permission. |
| | AS/03/1729 | Installation of new mobile classroom.
Granted planning permission. |

Proposal

6. Planning permission is sought for the construction of a permeable tarmac playground to be used as a multi-use games area (MUGA), with a new sustainable shallow drainage soakaway, the installation of a new trim trail with an artificial grass surface and the replacement of the existing 1.25 metre (4.1feet) wide adjacent concrete footpath with a 1.8 metre (5.9 feet) wide non-permeable tarmac surface footpath. It would involve the removal of 4 trees and a small low circle of saplings.
7. The proposed site would have a combined overall area of 900m² (9687ft²). The applicants consider that the existing hard-surface playground facility is not appropriate to offer specific games and team sport activities such as netball. The proposal would not result in any additional increase in the current pupil or staff roll.
8. The existing playground sits to the south west of the Victorian school building, which is separate from the Early Years play area situated to the south east of the new block. The playing surface of the existing playground has deteriorated, making it increasingly unsuitable as a games surface. The school has stated that its location creates supervision issues during break and lunchtime periods being detached from the playing field, other play areas on the site and the school's classrooms. As a small school, the school has indicated having limited staff resources with which to manage this situation.
9. The proposed development is to be situated to the south of the new block of the school on a section of the playing field. This is intended to improve efficiency of staff deployment, allowing staff to be more engaged in providing supervised games at break and lunchtime. The new games area would provide a more appropriate space on which

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

games and sports can be played throughout the year, enhancing the opportunities available to the school's pupils. The School also seeks to make the existing play facilities more attractive by adding the proposed new trim trail area, thus supporting the physical education curriculum.

Planning Policy

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

- (i) The **National Planning Policy Framework (March 2012)** and the **National Planning Policy Guidance (March 2014)** sets out the Government's planning policy and guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning 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 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:

- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation;
- The promotion of healthy communities;
- That access to high quality open spaces and opportunities for sport and recreation are important in their contribution to health and well-being. In addition Paragraph 74 states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

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

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

(iii) **Ashford Borough Local Development Framework Core Strategy 2008:**

- Policy CS1** *Guiding Principles*
Sustainable development and high quality design are at the centre of the Council's approach to plan making and deciding planning applications.
- Policy CS9** *Design Quality*
Development proposals must be of high quality design and demonstrate a positive response to each of the following design criteria: character, distinctiveness and sense of place, permeability and ease of movement, legibility, mixed use and diversity, continuity and enclosure, quality of public spaces, flexibility, adaptability and liveability, richness in detail, and efficient use of natural resources.
- Policy CS18** *Meeting the Community's Need*
Public open space, recreation, sports, children's play, leisure, cultural, school and adult education, youth, health, public service and community facilities to be provided to meet the needs generated by new development.
- Policy CS20** *Sustainable Drainage*
All developments should include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality.

(iv) **Ashford Borough Local Plan (Consultation Draft June 2016) 2030:**

- Policy SP1** *Strategic Objectives*
A number of identified strategic objectives that form the basis of the Plan's policy framework as well as core principles that planning applications are expected to adhere to including, amongst other things, protection and enhancement of the Borough's historic and natural environment; the creation of the highest quality design which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the relationship of buildings with each other and the spaces around them, and which responds to the prevailing character of the area.
- Policy SP6** *Promoting High Quality Design*
Development proposals must be of high quality design and demonstrate a careful consideration of and a positive response to each of the following design criteria: character, distinctiveness and sense of place, ease of movement, legibility, mixed use and diversity, public safety, quality of public spaces and their future management, flexibility and liveability, richness in detail, and efficient use of natural resources.

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

- Policy ENV5** *Protecting Important Rural Features*
Lists a number of features in the rural areas of the Borough which development shall protect and where possible enhance, including Public Rights of Way.
- Policy ENV9** *Sustainable Drainage*
All development should include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to mimic the drainage from the pre-developed site.
- Policy ENV14** *Conservation Areas*
Proposals for inappropriate demolition, alteration or extension of buildings in Conservation Areas or which could prejudice important views into or out of a Conservation Area will be resisted where such proposals would be detrimental to their character or setting.

Consultations

11. **Ashford Borough Council** raises no objection subject to conditions including the standard time limit, submission and approval of a landscaping scheme, maintenance of new planting, submission and approval of drainage works, and the development to be carried out in accordance with the submitted plans unless otherwise approved.

Charing Parish Council raises no objection.

Sport England objects to the application and comments as follows:

“Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England’s Playing Fields Policy, which is presented within its Planning Policy Statement titled ‘A Sporting Future for the Playing Fields of England.’

Sport England’s policy is to oppose the granting of planning permission for any development affecting playing field unless it meets with one or more of the five exceptions stated in its policy.

The proposed development appears to be sited on an area of existing playing field. Locating this aspect of the proposed development on the existing playing field would prejudice the use of the playing field.

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England’s Playing Fields Policy or with Paragraph 74 of the NPPF.

Should your Council be minded to grant planning permission for the development then in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

However, Sport England would be happy to review its position if it can be demonstrated that Sport England's Playing Fields Policy can be met. A potential way forward would be to ensure that the proposed MUGA is in line with Sport England's design guidance and is fenced and floodlit. It would then constitute a formal sports facility. Sport England would assess this proposal against E5 of Sport England's Playing Fields Policy. Another way forward would be to move the proposed MUGA to the north so it is sited on the area of open space between a hard standing area and existing mature trees."

Local Member

12. The local County Member, Mr Simkins was notified of the application on 28 July 2016.

Publicity

13. The application was publicised by the posting of two site notices and the notification of 7 neighbouring properties.

Representations

14. In response to the publicity no letters of objection were received. 5 letters in support of the application have been received.

Discussion

15. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 12 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, including the National Planning Policy Framework (NPPF), Planning Policy Statement for Schools Development and other material planning considerations arising from consultation and publicity.

16. This application is being reported for determination by the Planning Applications Committee following the receipt of an objection from Sport England. In my opinion the main issues to consider are the impact upon the playing field, loss of trees, potential impact on the Public Right of Way and Conservation Area, and amenity issues.

Impact upon playing field

17. The applicant has outlined a need to provide a tarmac play surface that can be used all year round to enable the provision of additional games, activities and sports such as netball. The existing hard surface playground is considered unsuitable for use due to its deterioration. The school considers that it has ample grass playing field provision, but does require an improved hard surfaced play area for weather dependant activities.

18. The proposed development would be sited to the south of the school hall in the newer section of the school where the aspiration is to consolidate the school accommodation and activities. In terms of the siting of the proposed development and the impact upon the playing field, consideration must be given to the objection received from Sport

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

England which has made two alternative suggestions as to how this might be overcome and enable it to review its objection.

19. First, it is suggested that the MUGA be relocated to the north west of the proposed site to occupy an area of open space between the existing hard surface playground, buildings and group of mature trees. This open space is separated from the main part of the school playing field and arguably would not therefore jeopardise the current provision of playing field at the school. However it could not be accommodated without the loss of a greater number of trees than that of the current proposal which in my view would not be acceptable. In addition, the School has expressed a desire for the proposed playground to be sited closer to the newer school buildings for ease of supervision. The applicants have said that it would also compromise further development plans to improve the school.
20. Secondly, it has been suggested that the proposed MUGA should comply with Sport England's design guidance and that it is fenced and floodlit. It would then meet Sport England's Policy E5 and as a formal sports facility be of sufficient benefit to the development of sport to outweigh the detriment caused by the loss of the playing field. However the applicants have made it clear that the proposed development is intended to serve the school's need rather than being for community use, which they consider is already adequately provided for within the village with a variety of sport facilities, including flood lit tennis courts, a cricket ground and a number of football pitches. Moreover the applicants have stated that the installation of fencing surrounding the playground would reduce the flexibility and functionality of the playground as an open space for sports and other activities for the school's own use. They are also concerned that the addition of fencing may raise concern from neighbouring residents in terms of visual impact and the installation of floodlighting would create problems for the local community due to light pollution.
21. The applicants are of the opinion that although it would be regrettable to lose the proposed area of playing field, the availability to deliver sports and games all year round and the value provided in terms of pupil's skills development resulting from the provision of the hard surfaced games area would outweigh this loss. Furthermore they consider that the proposed siting of the playground provides the best use of the space available on the school site with easy, direct access from what is now the main section of the school.
22. Clearly the proposal does involve some encroachment onto the playing field but I do not consider it would unduly prejudice the use of the remaining area of the playing field which is more than adequate for school sport and recreation. Even though it would not meet Sport England's design guidance, the MUGA would provide improved sport and recreation facilities for the school in conjunction with the rest of the playing field and make better use of the space as a whole. In my view, therefore it would accord with paragraph 74 of the NPPF, in that the development is for alternative sports and recreation provision, the needs for which outweigh the loss of this part of the playing field.
23. However given that Sport England has objected to the application, if Members are minded to grant permission the application would have to be referred to the Secretary of State for Communities and Local Government via the National Planning Casework Unit.

Loss of Trees

24. The development of the MUGA in the proposed location would result in the loss of a horse chestnut, a silver maple tree, lime tree and a small low circle of saplings in between the existing hard surfaced playground and the school playing field. A silver birch tree would also be removed which currently sits adjacent to the proposed extension of the existing tarmac playground in between the development site and the school and is considered to have a potentially damaging impact on this section of the building.
25. The applicants were asked to consider relocating the MUGA to the south east in order to prevent the loss of the mature trees. However, for a number of reasons it was rejected, including the slope to the east, the need to remove a grassed mound feature used as a soft landscape play area by pupils during the summer months and that it would also require the re-siting of an existing crate soakaway system. It would also encroach further on to more of the usable area of playing field. I am also mindful that if the playground was to be sited further to the south east, it would be closer to the boundary with the residential properties on Monks Walk on the other side of the Public Right of Way. As such, there may be concern from the neighbouring residents in terms of noise and visual impact.
26. Overall, I consider that the siting of the extended playground and MUGA is optimum in terms of its relationship to the existing buildings, minimising impact on the playing field and its distance from the site boundary. A group of trees of significant amenity value would be retained adjacent to those that would be removed and the applicants have indicated a commitment to plant replacement trees elsewhere on the site. That could be covered by an appropriate condition and therefore I would not raise a planning objection to the loss of those trees identified in the application for removal.

Public Right of Way

27. The school site is bordered by a Public Right of Way (PROW) which runs along the eastern boundary of the site. Beyond this Public Right of Way lays Charing Conservation Area. The development would be visible by members of the public accessing the PROW but no part of the PROW would be affected or compromised as a result of the development. There is currently a hard surfaced and soft surfaced play area used by the early years at the school situated adjacent to the PROW that would remain closer to the boundary than that of the proposed development. The playground is likely to see more use than the area of playing field it would occupy with it being available more months of the year, but it would be integrated within the playing field and without fencing or floodlights would not be particularly dominant in views from the PROW. The stretch of the PROW bordering the school site runs largely along the school playing field which is already in regular use by pupils at the school. Given that the proposed hard surfaced playground would be of a low level, approximately 25 metres (82 feet) from the boundary with the PROW and the fact that the playing field is already in regular use, I do not consider it would have a significant effect on the setting of the PROW.

Conservation Area

28. The boundary of the Conservation Area, as can be seen on the general location plan on page D2.2 of this report adjoins the PROW that runs adjacent to the application site boundary. The section of Conservation Area in closest proximity to the application site is

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

characterised largely by residential properties and would be in excess of 25 metres (82 feet) from the proposed development. Paragraph 132 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'. Although some views of the school and its playing field may be afforded from vantage points within or from the edge of the Conservation Area, I do not consider overall that the proposal would have a negative effect on the character and/or appearance of the Conservation Area, including views from the Conservation Area. Similarly, views from the school site looking towards the Conservation Area may be altered with the provision of the hard surfaced playground in place of the current grassed area of playing field. However, given that the playground would be integrated within the playing field and without fencing and floodlights, overall I do not consider that there would be any significant impact on views looking towards the Conservation Area.

Amenity Issues

29. The hard surfaced playground would be visible from the residential properties on Monks Walk to the east of the school. Although no objections have been received, the development would to some extent alter the views from the overlooking properties of that of the current playing field. The proposed playground would be approximately 25 metres (82 feet) from the nearest residential property, and further away than the early years hard and soft playground space running along the school's boundary, it is not therefore considered to have any significant impact on the amenity the neighbouring residential properties.
30. However, given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. In addition, it is good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day and this could also be conditioned.

Conclusion

31. In summary, I consider that, subject to the imposition of appropriate planning conditions, the proposed development would constitute sustainable development, with an acceptable siting which would not result in any significant loss of playing field or prejudice the use of the remaining playing field. Furthermore, I do not consider that it would have any significant or adverse impact on the setting of the PROW, the character and appearance of the Conservation Area or local amenity; and is in accordance with the general aims and objectives of the relevant Development Plan Policies, as well as the National Planning Policy Framework. However, in view of Sport England's objection, I recommend that the application be referred to the Secretary of State for Communities and Local Government and subject to his decision, permission be granted subject to conditions.

Permeable tarmac playground and trim trail area, Charing Primary School, Charing – AS/16/1148 (KCC/AS/0204/2016)

Recommendation

32. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and subject to his decision, PERMISSION BE SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard 5 year time limit;
- The development to be carried out in accordance with the permitted details;
- Hours of working during construction to be restricted between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operation on Sundays and bank holidays;
- Construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day;
- A scheme of landscaping, including the provision of replacement trees of native species in an appropriate location, its implementation and maintenance.

Case Officer: Francis Carpenter

Tel. no: 03000 410842

Background Documents: see section heading

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

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

Background Documents - The deposited documents.

- AS/10/295/R14 Details of foul and surface water drainage provisions pursuant to condition 14 of planning permission AS/10/295
Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent, TN24 0GB
Decision: Approved
- AS/10/295/R16 Details of a dust monitoring scheme pursuant to condition 16 of planning permission AS/10/295
Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent, TN24 0GB
Decision: Approved
- DA/15/887/EC/RA Application for a non-material amendment to update access road layout
Eastern Quarry Wastewater Treatment Works, Watling Road, Swanscombe, Ebbsfleet, KENT, DA10 0BF
Decision: Approved
- DA/15/887/EC/R5 Details pursuant submission to discharge condition 5 'lighting scheme' for phase 1 of development of planning permission DA/10/887/EC
Eastern Quarry Wastewater Treatment Works, Watling Road, Swanscombe, Ebbsfleet, KENT, DA10 0BF
Decision: Approved
- GR/16/388/R4 Details pursuant to condition 4 of GR/16/388 - Construction Environmental Management Plan
Southern Water Treatment Works, Dering Way, Gravesend, Kent, DA12 2QF
Decision: Approved

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

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

Background Documents – The deposited documents.

- CA/15/2379/R Non-material amendment to alter some windows and doors. 3 condenser units to facilitate the air conditioning at Hoath Primary School
Hoath Primary School, Hoath Primary School, School Lane, Hoath, Kent, CT3 4LA
Decision: Approved
- CA/16/1822 Infill classroom extension to provide the school with an intervention space
Swalecliffe Junior School, Bridgefield Road, Whitstable, Kent, CT5 2PH
Decision: Permitted
- DO/15/1079/
R14,18,19 Discharge of conditions (14) - Contamination and (18) and (19) – Surface Water Drainage of planning permission DO/15/1079
Portal House School, Sea Street, St Margarets At Cliffe, Kent, CT15 6SS
Decision: Approved
- GR/12/551/R2 Relocation of signal engineers hard standing area to south side of the road adjoining 15 Darnley Road pursuant to condition 2 of planning permission GR/12/441
Rathmore Road Link, Land at and surrounding Rathmore Road, south of the Railway, Gravesend, Kent, DA11 0HP
Decision: Approved
- GR/15/893/R4 Details of a scheme of landscaping and tree planting pursuant to condition 4 of planning permission GR/15/893
Singlewell Primary School, Mackenzie Way, Gravesend, Kent, DA12 5TY
Decision: Approved
- GR/16/823 Proposed rear extension to form community room
Northfleet Nursery School, 140, London Road, Northfleet, Gravesend, Kent, DA11 9JS
Decision: Permitted
- MA/14/504946/R6 Submission of external lighting proposals pursuant to condition 6 of planning permission MA/14/504946
Five Acre Wood School, Boughton Lane, Maidstone, Kent, ME15 9QF
Decision: Approved

- SE/16/141/R4&R5 Details of external lighting and a scheme of landscaping pursuant to conditions 4 and 5 of planning permission SE/16/141
Sevenoaks Primary School, Bradbourne Park Road, Sevenoaks, Kent, TN13 3LB
Decision: Approved
- SE/16/2762 New single storey classroom block and extension to the existing school kitchen
Hever C Of E Primary School, Hever C Of E Primary School, Hever Road, Hever, Kent, TN8 7NH
Decision: Permitted
- TH/15/294/R25 Details of archaeology pursuant to condition (25) of planning permission TH/15/294
Land at St George's C of E Foundation School, Westwood Road, Broadstairs, Kent, CT10 2LH
Decision: Approved
- TM/15/3800/R7 Details of a reinstatement plan pursuant to condition (7) of planning permission TM/15/3800
Land to the east of Castle Way, Leybourne, Kent, ME19 5HW
Decision: Approved

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

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/SCR/SW/0249/ Request for a Screening Opinion to determine whether the proposed
/2016 100 car parking spaces and pond area on land adjoining the existing waste management facility requires an Environmental Impact Assessment
Countrystyle Recycling Ltd, Ridham Dock, Iwade, Sittingbourne, Kent, ME9 8SR

KCC/CA/0252/2016 Section 73 application to vary conditions 1, 2 & 3 of CA/13/1987 to allow a maximum volume of liquid waste of 1000m³ per week and no more than 56 tanker movements per week and removing restrictions on tanker movements between 07:30 and 09:30am weekdays
Canterbury Wastewater Treatment Works, Sturry Road, Canterbury, Kent, CT2 0AA

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

None

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

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

Background Documents -

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

None