

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 15th March, 2017**

**10.00 am**

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





## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 15th March, 2017, 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 - 8 February 2017 (Pages 5 - 8)
4. Site Meetings and Other Meetings

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

1. General Matters

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

1. Application KCC/SH/0005/2017 - Extension to existing Composting Facility along with variation of conditions to Permission SH/14/751 in respect of the inclusion of Bank Holiday deliveries of waste, removal of restriction on sources of material, increase in waste throughput, utilisation of processed material on other surrounding farms and increase in current restriction on vehicle movements at Hope Farm, Crete Road East, Folkestone; J Taylor and Son (Pages 9 - 28)

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

1. Proposal DA/17/34 (KCC/DA/0324/2016) - Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College, Heath Lane, Dartford; Governors of Dartford Science and Technology College (Pages 29 - 42)

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

1. County matter applications (Pages 43 - 46)
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, 7 March 2017

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

**KENT COUNTY COUNCIL**

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**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 8 February 2017.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mr D L Brazier, Mr R H Bird (Substitute for Mr I S Chittenden), Mrs P Brivio, Mr L Burgess, Mr N J D Chard, Mr P M Harman, Mr T A Maddison, Mr S C Manion, Mr R J Parry, 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 C R Pearman

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

**UNRESTRICTED ITEMS**

**7. Minutes - 18 January 2017**  
(Item A3)

RESOLVED that the Minutes of the meeting held on 18 January 2017 are correctly recorded and that they be signed by the Chairman.

**8. Review of Training to Planning Applications Committee**  
(Item B1)

(1) The Head of Planning Applications Group introduced a report on the training that had been provided to Members since the Local Government elections in May 2013. She asked for comments from Members to help facilitate the development of the training programme for future Members and Substitutes of the Committee following the elections in May 2017.

(2) The Committee noted that the Training Day in October 2014 had taken place at Trosley Country Park and that there had also been a session on School Design and Renewables in 2015.

(3) Committee Members commented favourably on the overall programme. They agreed that full training should be mandatory for all Members of the Committee and nominated Substitutes, even if they had received training as District Councillors, and suggested that:

- (a) the initial Induction could be held over a period of 1<sup>1/2</sup> days instead of the concentrated training that had taken place on a single day in 2013;
  - (b) a site tour of permitted developments should take place early in the lifetime of the new Council;
  - (c) topics covered should include Transport, Public Rights of Way; Probity (Including predetermination and bias); Conditions and Informatives; “Grey areas and Judgement issues”;
  - (d) contributions from Statutory Consultees such as the Environment Agency and Sport England, the KCC Flood Risk Project Officer, the County Archaeological Officer, and the KCC Travel Plan Officer would aid understanding of their roles; and
  - (e) the need for planning training should be included in the Members’ Personal Development Plans and set out in the Constitution; and
  - (f) early advance notice of training should be sent to nominated substitutes and, if appropriate, all Members of the Council;
- (4) RESOLVED that the views of Committee Members expressed in (3) above be noted to help facilitate the development of the training programme for future Members and Substitutes of the Committee following the Local Government elections in May 2017.

**9. Update on the Committee's concern on Sport England Advice**  
(Item B2)

- (1) The Head of Planning Applications Group introduced the report which set out the letter from the Chairman to the Secretary of State and the content of the response from the Minister of State for Housing and Planning.
- (2) RESOLVED that:-
  - (a) the response to the Chairman’s letter from the Minister of State for Housing and Planning be noted; and
  - (b) the Head of Planning Applications Group be supported in her aim of seeking a meeting with Sport England to discuss how the Committee’s concerns can be jointly addressed in order to speed up the planning process and ensuring that sporting facilities are appropriately maintained.

**10. Proposal SE/16/03272/KCCRG3 (KCC/SE/0273/2016) - Stand-alone teaching block to provide three new classrooms and associated facilities, new entrance lobby to existing school and expansion of car park at Edenbridge Primary School, High Street, Edenbridge**  
(Item D1)

(1) Mr C R Pearman was present for this item pursuant to Committee Procedure Rule 2.27 and spoke. He also addressed the Committee as a representative of Edenbridge TC. Mr Lee Carroll from Bailey Partnership spoke in reply.

(2) The Head of Planning Applications Group informed the Committee that Edenbridge TC supported the proposal.

(3) In agreeing the recommendations of the Head of Planning Applications Group, the Committee added an Informative that the applicants should consider installing PV panels on the roof of the main school building.

(4) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government and that subject to his decision:-

(a) 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 and approval of details of all construction materials to be used externally; the submission of a revised School Travel Plan prior to occupation of the new classroom building and its ongoing review via the 'Jambusters' system for 5 years with the monitoring results being posted on the school's website; the submission of a Construction Management Plan, providing details of (amongst other matters) times of access to the site (to avoid school peak times), operative parking, wheel washing and delivery vehicle unloading and turning; the provision of the revised parking spaces shown on the site layout prior to occupation, and their permanent retention thereafter; the submission of a scheme of archaeological field evaluation work for approval in writing prior to commencement of the development, as well as the recording and reporting of any findings; and the School undertaking the planting of four native replacement trees in the first planting season following completion of the development; and

(b) the applicants be advised by Informative that:

(i) they should register the School Travel Plan with Kent County Council through the "Jambusters" website;

(ii) they should ensure that all necessary highway approvals and consents are obtained;

(iii) they should ensure that works to trees are carried out outside of the breeding bird season and, if this is not possible, that an ecologist examines the site prior to works commencing; and

(iv) they should consider installing PV panels on the roof of the main school building.

**11. 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.



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.

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Item C1

Extension to existing Hope Farm Composting Facility along with variation of conditions to planning permission reference SH/14/751 in respect of the inclusion of Bank Holiday deliveries of waste, removal of restriction on sources of material, increase in waste throughout, utilisation of processed material on other surrounding farms and increase in current restriction on vehicle movements at Hope Farm, Crete Road East, Folkestone - KCC/SH/0005/2017

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2017

Application by J Taylor & Son for an extension to the existing Hope Farm Green Waste Composting Facility along with the variation of conditions to planning permission reference SH/14/751 in respect of the inclusion of Bank Holiday deliveries of waste, removal of restriction on sources of material, increase in waste throughout, utilisation of processed material on other surrounding farms and increase in current restriction on vehicle movements at Hope Farm, Crete Road East, Folkestone, CT18 7EG - KCC/SH/0005/2017

Recommendation: Permission be granted, subject to conditions.

**Local Members: Miss Susan Carey and Mr Frank McKenna      Classification: Unrestricted**

Site

1. The Hope Farm Green Waste Composting Facility forms part of an agricultural holding extending to over 243 hectares and lies within land situated in between the urban areas of Folkestone and Capel-le-Ferne which falls within the Kent Downs Area of Outstanding Beauty and Special Landscape Area. The site is accessed via a purpose built access road off the B2011 New Dover Road located 1 Km to the south east.

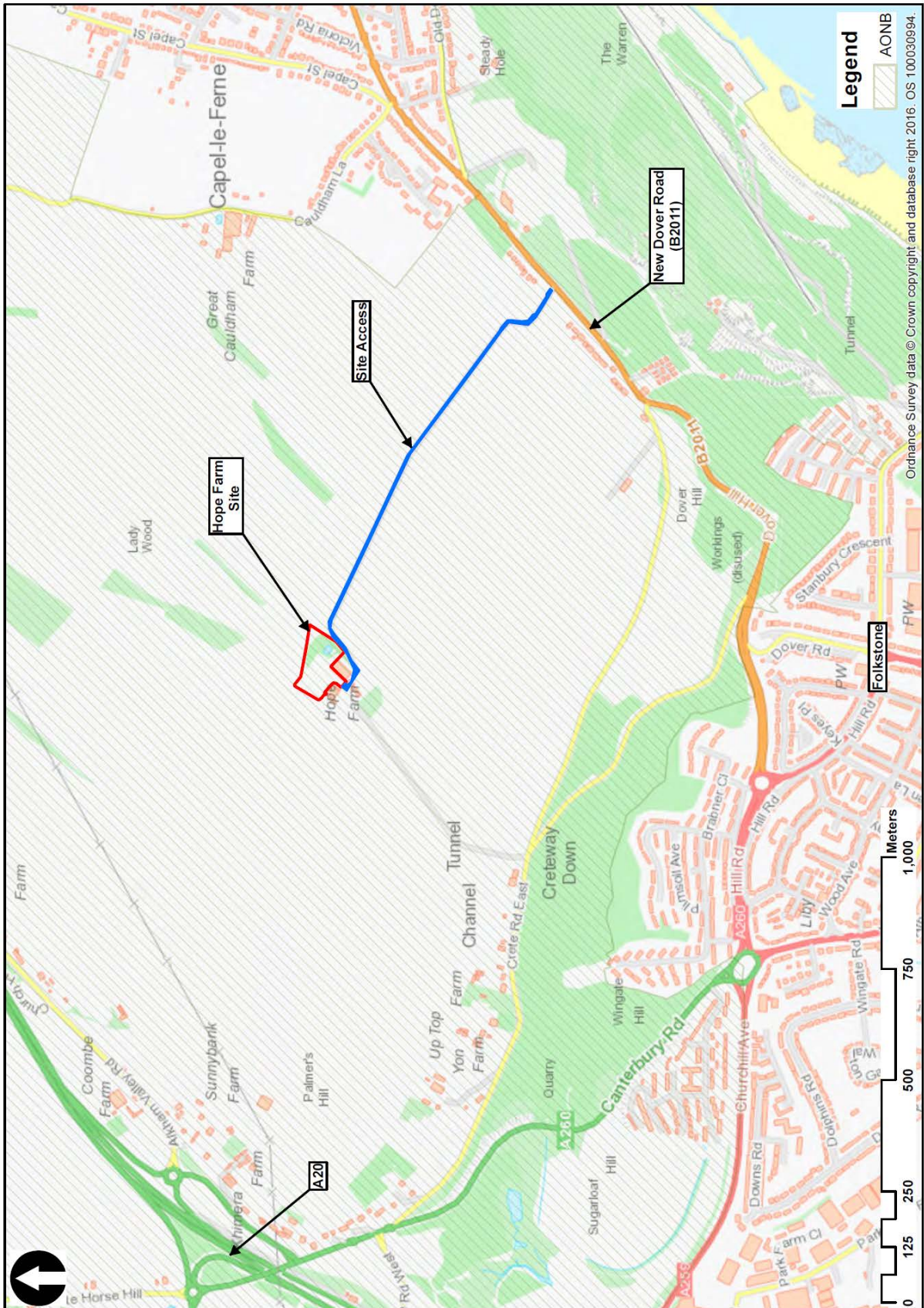
Planning Background

2. Permission was first granted for the composting facility in April 2003 (Ref. SH/03/62) as a means of helping to provide sufficient capacity to dispose of green waste arising in East Kent, primarily from the Dover and Shepway areas. The site has since been subject to a number of further permissions which expanded operations in order to accommodate an incremental growth of green waste in East Kent, the last of which was granted in June 2014 (Ref.SH/14/751).



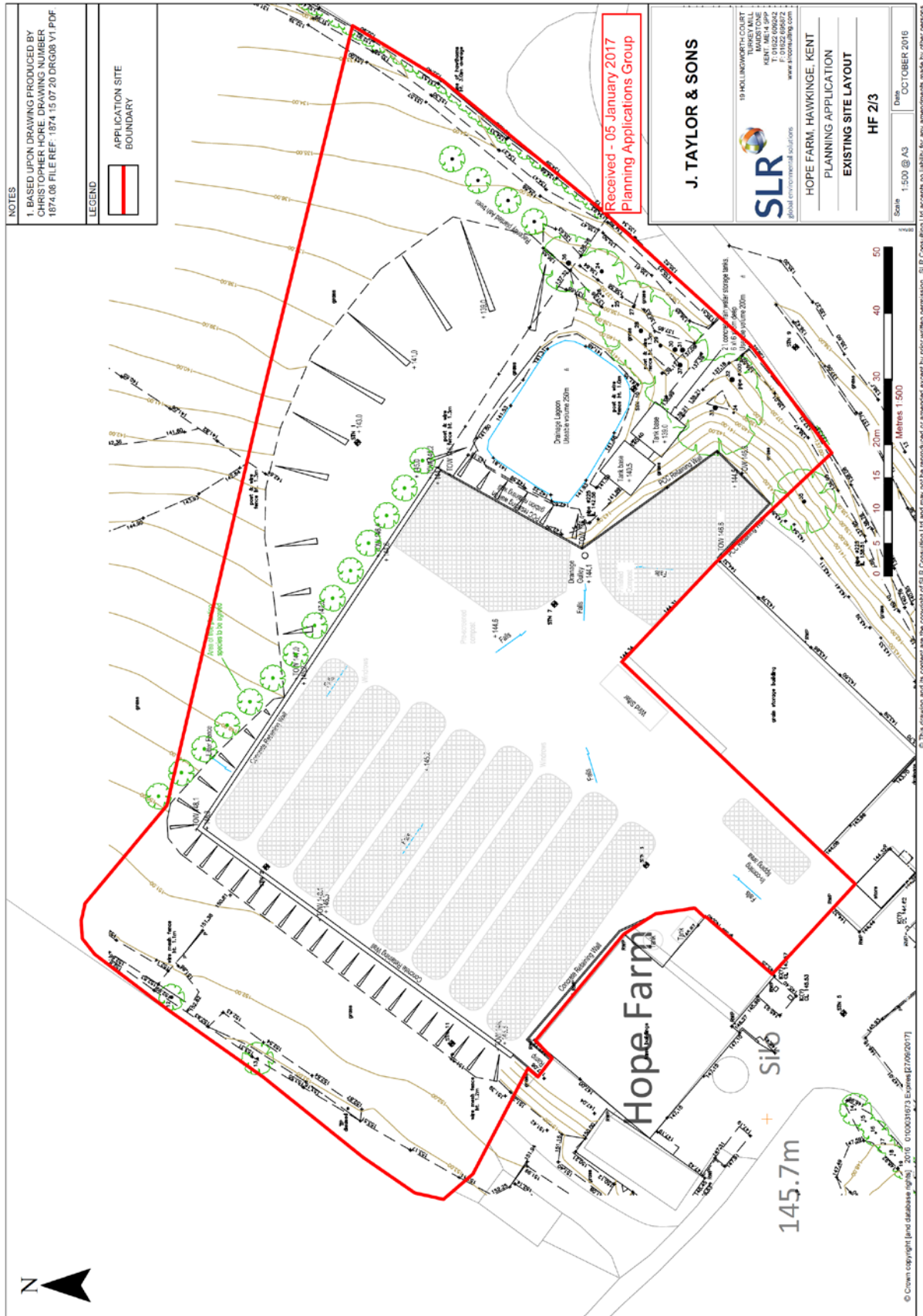
Extension to Hope Farm Composting Facility with variation of planning permission reference SH/14/751 at Hope Farm, Crete Road East, Folkestone - KCC/SH/0005/2017

Site Plan



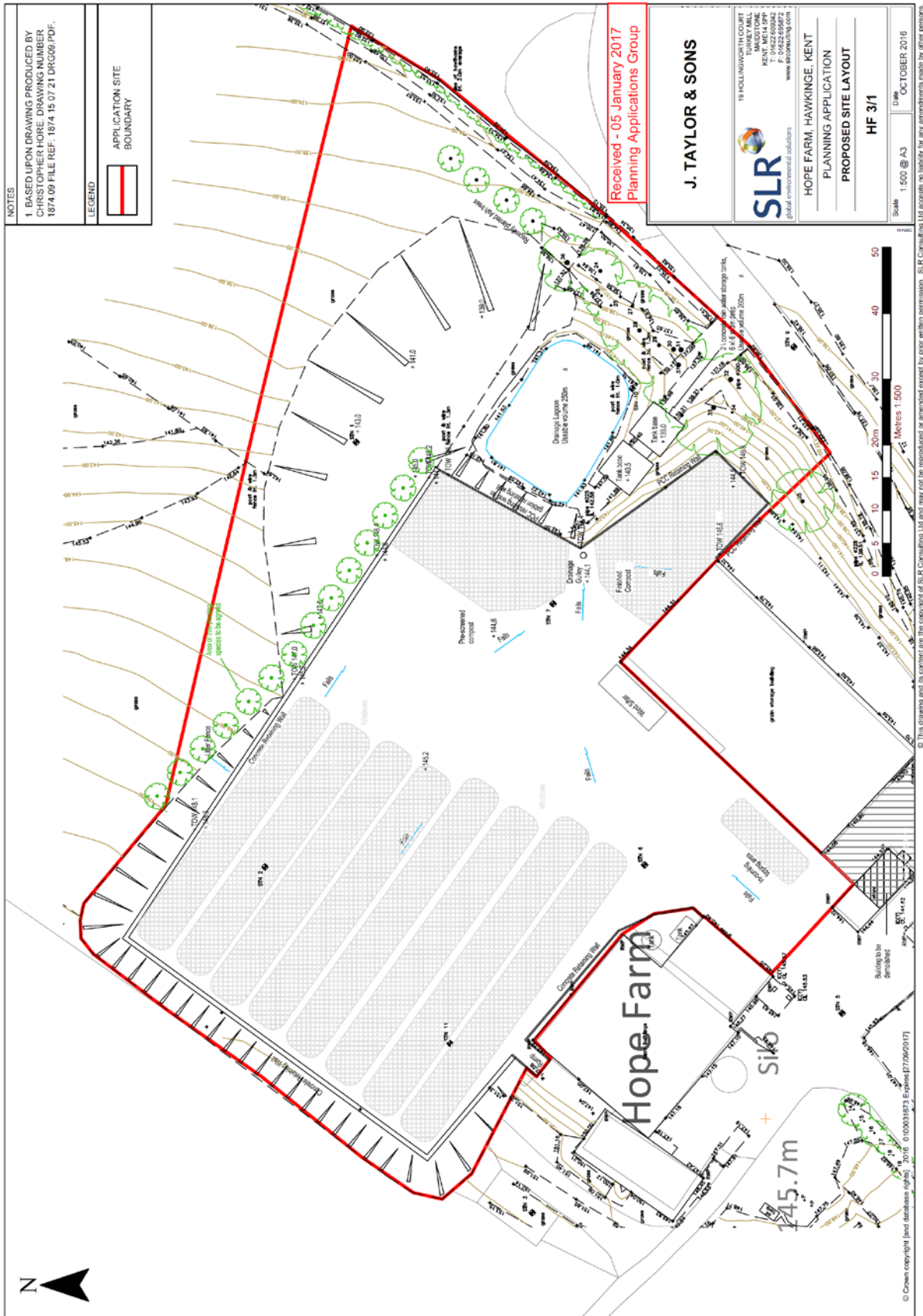
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Existing Site Layout



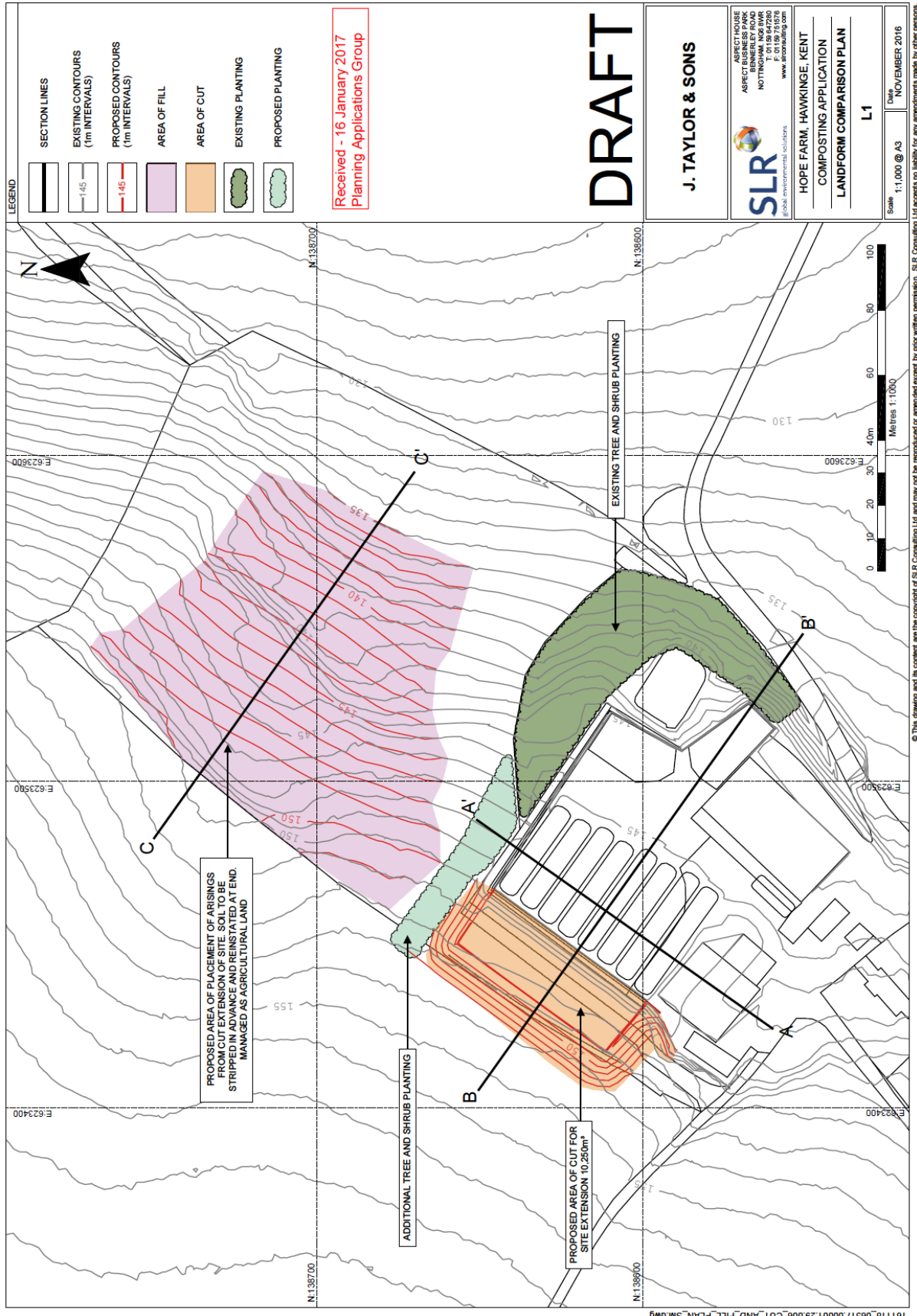
Extension to Hope Farm Composting Facility with variation of planning permission reference SH/14/751 at Hope Farm, Crete Road East, Folkestone - KCC/SH/0005/2017

Proposed Site Layout



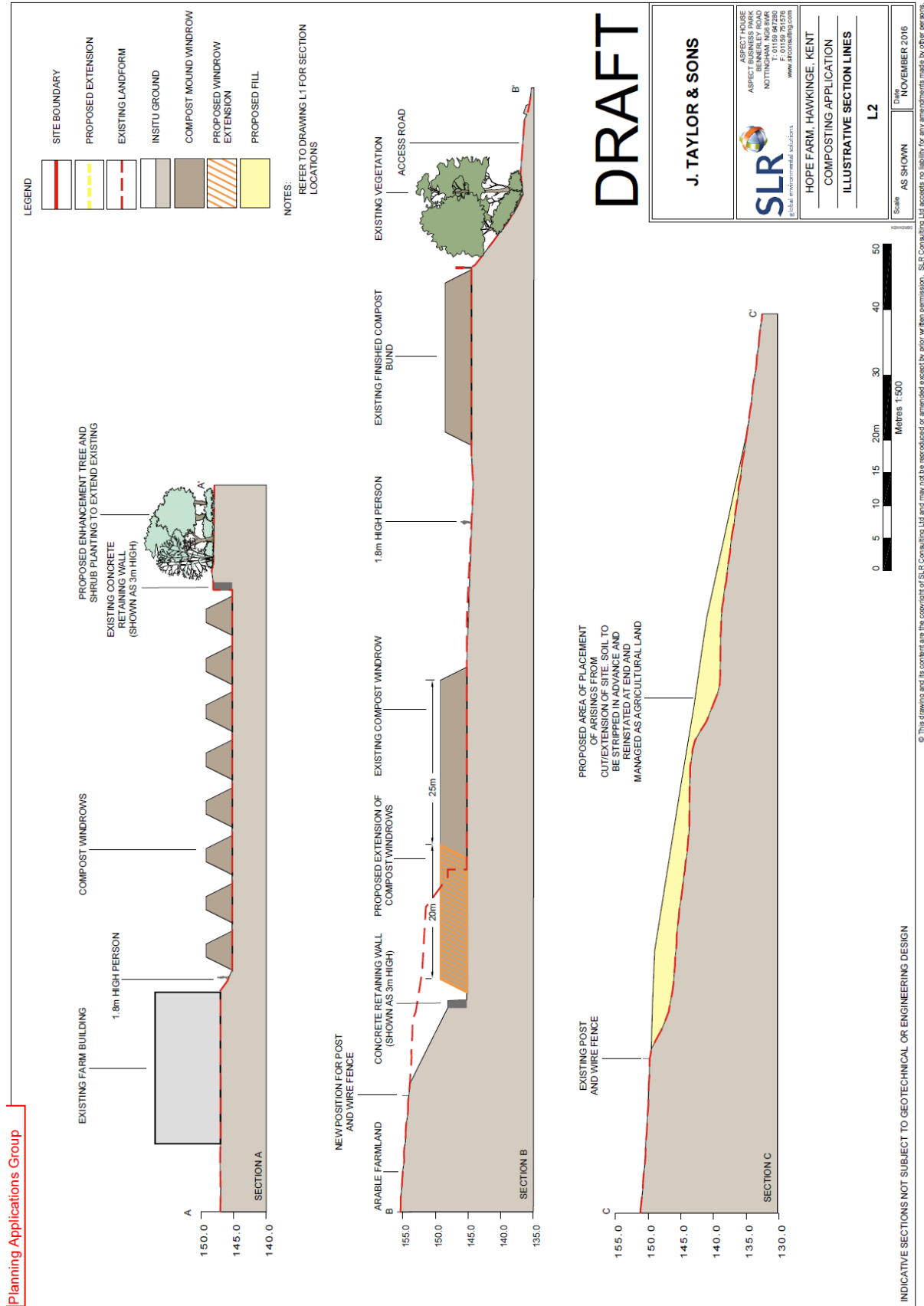
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Landform Comparison Plan



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Illustrative Sections



Planning Applications Group

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### Recent Site History

3. The most recent permission under which the site currently operates increased the capacity of the facility to some 18,000 tonnes per annum with waste now being sourced from Hawkinge, Shornecliffe and Dover District Civic Amenity sites and/or waste kerbside collections together with Park and Gardens green waste collected from within the districts of Shepway, Thanet, Canterbury and Dover.

### Proposal

4. With effect from 1 April 2017, it is anticipated that additional green waste composting capacity will need to become available as a result of the contracts secured in 2014 for all Household Waste Recycling Centres in East Kent, where there has been a phased tonnage increase due to Kent County Council's contractual arrangements with Viridor in respect of their green waste composting site located at the existing Shelford Landfill facility near Canterbury.
5. Whilst the original consented composting capacity at Hope Farm has been increased to allow for additional tonnage inputs due to limited composting facilities in East Kent, a need for further capacity has now arisen in order to accommodate the East Kent Partnership kerbside green waste contracts. Without such further capacity being made available locally a significant proportion of East Kent's green waste will be required to be taken elsewhere, with the potential for some needing to be exported out of the County.
6. In order to meet the anticipated need for additional capacity for the disposal of green waste arising from within East Kent it is proposed that waste throughputs at Hope Farm be increased from 18,000 tonnes per annum to some 35,000 tonnes per annum. To accommodate such an increase will not only require a minor extension to the currently permitted development footprint but also a number of variations to the conditions imposed on the current planning permission. The proposed extension to the permitted development footprint would increase the site area by some 0.15 ha resulting in an overall site area of approximately 1.11 ha. The existing site sits within a side slope and the intention would be for the additional 0.15 ha of land to be further cut into the side slope which would then help screen views of this additional area from outside the site. It is also proposed to carry out additional planting along the North Eastern site boundary to help assimilate the whole site into the landscape.
7. In order to accommodate the proposed increase in waste throughput it is also proposed to vary a number of conditions imposed on the current permission (Ref. SH/14/751) namely:

#### Condition 6 – Hours of operation

8. Condition 6 currently restricts hours of operation at the site from 0700 to 1800 hours Monday to Friday and 0700 to 1500 hours on Saturdays. The volume of green waste available typically fluctuates on a seasonal basis with the maximum volumes coinciding during the Public/Bank Holiday periods. In order to avoid any difficulties with the 'back up' of waste at the site immediately following any such holiday period it is therefore proposed that condition 6 be varied as follows:

*"No activity shall take place at the site, nor shall there be any movement of any vehicles*



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*to or from the site, except between the following times:*

*0700 to 1800 Monday to Friday;*

*0700 to 1500 Saturdays and Public/Bank Holidays.*

*No work shall be undertaken at any time on Sundays”.*

Condition 7 – Source of Material

9. Condition 7 currently stipulates that waste shall only come from existing HWRC's in East Kent, along with waste kerbside collections and Parks and Garden green waste from Shepway, Thanet, Canterbury and Dover. However, under the East Kent Waste Partnership, as from April 2017 it is proposed that in addition to these areas it will also incorporate the geographical areas of Margate, Deal, Richborough, Canterbury, Herne Bay and Faversham. In order to address any future changes to contractual arrangements and to allow for 'flexibility' it is proposed that condition 7 be removed.

Condition 8 – Increase in waste throughput

10. It is proposed that waste throughputs be increased from 18,000 tonnes per annum to some 35,000 tonnes per annum in order to help accommodate the anticipated increase in additional green waste arising from the East Kent contract requirements. Accordingly it is proposed that condition 8 be varied to read:

“The maximum volume of green waste to enter the site shall not exceed 35,000 tonnes per annum”.

Condition 10 – End Product

11. Condition 10 currently restricts the end compost product to be used within the agricultural holding of Hope Farm as a soil conditioner. However, it is considered that the additional waste throughput proposed at the site would also provide an opportunity for a limited amount of the composted end product to be utilised at other surrounding farms in the locality, representing a more sustainable approach to the overall agricultural management of the area by enabling the use of artificial fertilisers to be replaced by a natural product. The applicant asserts that this is consistent with both the objectives of the Kent Downs AONB Management plan as well as those set out in National Policy. It is therefore proposed that condition 10 be removed to allow such use of the composted end product to take place in the future.

Condition 12 – Current vehicle movement restrictions

12. Condition 12 currently restricts green waste vehicle movements to a maximum of 84 (i.e. 42 in/42 out) movements per week. The proposed increase in waste throughput from 18,000 tonnes to 35,000 tonnes per annum will result in the need to increase green waste vehicle movements to and from the site above those currently permitted and which takes into account seasonal fluctuations. It is therefore proposed to vary condition 12 to read:

“Green waste vehicle movements shall be limited to a maximum of 40 (i.e. 20 in/20 out)

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movements per day”.

13. All other conditions currently imposed on planning permission SH/14/751 will remain unchanged including a requirement that all green waste vehicles travelling to and from the site are restricted to using the dedicated access route onto the B2011 New Dover Road.

## Planning Policy

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

15. **National Planning Policy and Guidance (NPPF) March 2013:** came into force on 27 March 2013 and should be read in conjunction with 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 role of the planning system is seen as contributing towards sustainable development which creates 3 overarching mutually dependant roles of the planning system 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 to this proposal this should include being genuinely plan-led, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it and contributing towards the conservation and enhancement of the natural environment. The NPPF also requires that planning policies should support economic growth in rural areas particularly that which promotes the development and diversification of agricultural and other land-based businesses. In facilitating the delivery of 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.

Local Planning Authorities should therefore now approach decision-making in a positive way to foster the delivery of sustainable development with decision-takers at every level seeking to approve applications for sustainable development.

16. **National Planning Policy Guidance (NPPG) (March 2014):** The waste section of NPPG advises that the aim should be for each Local Planning Authority to be self-sufficient in dealing with their own waste in the context of the ‘proximity principle’. It states that there are clearly some wastes which are produced in small quantities for which it would be uneconomic to have a facility for each local authority and therefore there could be significant economies of scale for local authorities working together.
17. **National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF and Waste Management Plan for England (WMPE) 2013. It recognises the need to drive the management of waste up the ‘Waste Hierarchy’ and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country’s waste ambitions through amongst other matters helping to secure the recovery of waste without endangering human health and without harming the environment.

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18. **Waste Management Plan for England (WMPE) 2013:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero waste economy as part of the transition towards a sustainable economy. It summarises how the 'Waste Hierarchy' should be applied which gives top priority to waste prevention followed by preparing for re-use, then recycling, other types of recovery ( including green waste composting), and last of all disposal (i.e. landfill). In this respect particular attention should be given to the location of the site at Hope Farm which helps maximise the opportunities for utilising the composted material.
19. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (July 2016):** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. Policy CSW 1 gives support where, when considering waste development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy.

Consistent with one of Government's key aims to reduce the volume of waste being sent to landfill, the KMWLP seeks to establish a policy framework against which future proposals for waste related developments that will facilitate the management of waste further up the 'Waste Hierarchy' (Policy CSW2) will be considered. Policy CSW4 of the Plan sets out the County Council's strategy for securing sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. In order to achieve this, the KMWLP has to plan for all forms of waste management in the 'Waste Hierarchy' which helps accommodate the transition towards those types of waste development which sit towards the top of the 'Waste Hierarchy'. The Plan aims to address this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by identifying a range of sites including those for green waste composting.

The preference identified in response to early consultations on the Plan was for a mix of new small and large sites for waste management. This mix gives flexibility and assists in balancing the benefits of proximity to waste arisings whilst enabling operators of large sites to exploit economies of scale.

The KMWLP recognises that in rural areas where either the non-processed waste arisings or the processed product can be of benefit to agricultural land (as is the case with composting and anaerobic digestion ), the most proximate location for the waste facility will be within a rural area. Policy CSW6 gives effect to this where planning permission will be granted to meet the needs identified in Policy CSW7 providing amongst other matters, such proposals do not give rise to significant adverse effects upon any designated sites including Areas of Outstanding Natural Beauty. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the hierarchy. The additional capacity required for composting is a minimum given that it is preferable to process organic waste to produce compost rather than it being processed by way of other waste management options which sit lower down the Waste Hierarchy. Sites for

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composting will be granted permission provided in the case of open green waste composting (facilities of less than 100 tonnes per week) are located within a farm unit and the compost is used within that unit.

Policy CSW16 seeks to safeguard sites that have permanent planning permission for waste management, or are allocated in the Waste Sites Plan from being developed for non-waste management uses.

There are also a number of Development Management Policies included in the Plan relevant to the consideration of the proposed development: Policy DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM8 (Safeguarding Minerals Management, Transportation Production & Waste Management Facilities), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way) and DM16 (Information Required in Support of an Application).

20. **Shepway District Local Plan Core Strategy (2013):** Policy CO1 seeks to protect the countryside for its own sake and development will only be permitted in the countryside where amongst other matters proposals maintain or enhance features of landscape and the particular quality and character of the countryside; demonstrate that they cannot be practicably located within an existing settlement and essentially require a countryside location; are acceptable in highway and infrastructure terms.

Policy CO4 Defines Special Landscape Areas including the North Downs (scarp and crest) where proposals should protect or enhance the natural beauty of the Special Landscape Area.

Policy CO16 Planning permission will be granted for the diversification of farm businesses subject to all of the following criteria being met:

- a) The proposal is compatible with surrounding buildings and the location in a rural area in terms of scale and design.
- b) There would be no detrimental impact on local amenity or character, appearance or nature conservation value of the rural landscape. This criterion will be given additional weight in the Kent Downs Area of Outstanding Beauty, and Special Landscape Area and nature conservation designations.
- c) Adequate provision can be made to meet access, servicing and parking requirements.
- d) The proposal would not prejudice the agricultural working of the farm unit.
- e) Where practicable, the proposal re-uses an existing agricultural building.

#### Consultations

21. **Shepway District Council:** Were formally consulted on 18 January 2017. Have not yet responded.

22. **Folkestone Town Council:** Were formally consulted on 18 January 2017. Have not yet

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responded.

23. **Hawkinge Parish Council:** Support the application.
24. **Capel-Le-Ferne Parish Council:** Raise objections on the grounds that there are concerns over what is meant by future proofing any consent (i.e. in order to allow future contractual arrangements to be accommodated) by allowing flexibility in terms of materials permitted to be collected at the site, how much the increased hours of operation will be, the effect the additional traffic flow and movements will have on the village resulting from the increase in waste throughput. There will also be an unacceptable increase in vehicle movements leading to an adverse impact on highway safety due to the inadequacy of the B2011 which already accommodates large volumes of traffic. Also the existing site access located off the public highway is sub-standard.
25. **Kent Highways and Transportation:** Consider that the existing Hope Farm access onto New Dover Road (B2011) has ample vision splays and adequate warning signs on the site's internal road on the approach to the footpath/cycleway. There is no record of personal injury crashes involving HGV's in the vicinity of the site. In the immediate area of the site access, New Dover Road has ample width and is straight with good visibility. Access to the trunk road network is only 1.7 miles to the east (A20) and 2.2 miles to the west (M20/A20). Capel-le-Ferne Parish Council have for some time had aspirations to reduce the speed limit and traffic calm the B2011 as it bisects the village, however its importance locally in highway terms as the priority diversion route for the A20 make physical calming of this section of road unlikely to be acceptable. The fact remains that the resulting additional trips linked to the proposal, although an increase over previous operational levels, when considered against the existing traffic flow on the B2011 cannot be described as having a severe impact on either network capacity issues or highway safety.
- Raise no objection subject to the re-imposition of those conditions imposed on the previous permission in respect of warning signage, traffic to only use the B2011, no sales of the composted product to the general public, all loaded vehicles to be sheeted and maintenance of existing site access visibility splays. Also condition 12 be re-worded such that the number of HGV movements be restricted to a maximum of 40 per day.
26. **Environment Agency:** No objection in principle. Are reviewing the current permit application and will be addressing any environmental issues as part of this process. Until such time as a review by the technical advisory group is completed cannot advise whether it will allow the increase in tonnage and/or require additional measures such as forced aeration or covering of windrows.
27. **Kent Downs AONB:** The proposed extension of the existing facility is relatively well contained within the landscape although views of the facility are possible particularly from the south. If KCC are minded to approve the application would like to see the proposed landscaping extended to include significant tree planting along the entire southern boundary of the site to create an indigenous copse, in addition to the planting proposed to the north east of the site. This would help screen the entire operation from a southerly direction.

As soils and sub-soils will be stripped and re-spread there is an opportunity to create an area of unimproved chalk grassland on the affected land to the east of the facility. This

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would need careful design and should incorporate seed/hay mixes of local progeny and require careful continued management.

The increase in capacity and corresponding increase in vehicular numbers has the potential to impact on tranquillity, an element of the natural beauty of the Kent Downs AONB. We are therefore pleased to see that it is proposed that access to the site is maintained from the B2011 only to avoid an inappropriate increase in HGVs on the local rural road network.

Raise concerns over the potential impact from lighting given that there is insufficient information in the application and would therefore request that any future permission should include a condition requiring full details of any lighting scheme to ensure that impacts can be appropriately managed.

28. **Public Rights of Way (East Kent PROW Team):** Have no comments to make as there appears to be no significant impact on any of the surrounding PROWs.
29. **CPRE Protect Kent:** Were formally consulted on 18 January 2017. Have not yet responded

#### Local Members

30. The local County Members Miss Susan Carey and Mr Frank McKenna were notified of the application on 18 January 2017. Whilst they have not made any written representations Mr McKenna has drawn attention to complaints he had received from some of his constituents regarding obnoxious odours arising in the general area, particularly during the summer months.

#### Publicity

31. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 20 residential properties.

#### Representations

32. In response to the publicity, 6 letters of representation have been received. The key points raised can be summarised as follows:
- No objection in principle to the proposed increase in waste throughput or the corresponding increase in vehicle movements but would request that the Highway Authority consider additional traffic calming measures including reducing the speed limit, additional signage on the public highway and the re-introduction of street lighting during the winter period.
  - Object on the grounds of adverse impacts on highway safety as a result of the increase in vehicle movements along what is already a heavily congestion road.
  - Object on the grounds of increased noise and odour.

Extension to Hope Farm Composting Facility with variation of planning permission reference SH/14/751 at Hope Farm, Crete Road East, Folkestone - KCC/SH/0005/2017

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## Discussion

33. In considering this proposal regard must be had to Government policy and guidance together with the Development Plan Policies outlined in paragraphs (14) to (20) 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
- Landscape (Including potential impacts on the Kent Downs AONB)
- Local Amenity
- Need

### **Traffic**

34. The existing Hope Farm Composting facility has most recently been operating under the terms of a permission granted in June 2014 (Ref. SH/14/751), prior to which the site has been subject to a number of previous permissions, the first of which was granted in 2003 and thereafter has been subject to a number of further permissions as operations have gradually expanded in order to accommodate and treat the growth of green waste arisings in East Kent. The site has therefore become well established over the past 14 years during which time I am not aware of any particular issues arising out of the operations which have led to cause for concern either from traffic impacts or any other adverse effects on the local environment.

35. The proposed increase in waste throughputs will inevitably lead to a corresponding increase in associated HGV movements above those currently permitted. Currently the average number of HGV movements to and from the site amounts to some 80 movements per week (i.e. approximately 14 HGV movements per day), whereas the proposed number of HGV movements per week as a result of the increase in waste throughput would amount to an average of 156 movements per week (i.e. approximately 26 per day). This would result in a net weekly increase of some 76 movements and a net daily increase of some 12 movements above those currently permitted. However, on the evidence of the seasonal variations observed within the recorded site traffic the applicant is proposing that a maximum of 40 movements (i.e. 20 in/ 20/out) per day would be appropriate in order to accommodate such seasonal fluctuations and which would also accommodate the minimal trips that would be generated by the export of a small amount of the composted material to local surrounding farms.

36. On the basis of the above the applicant asserts that the additional traffic that would be generated would not adversely affect the operational capacity of the local road network or exacerbate any existing highway safety issues. Kent Highways and Transportation (KHT) in their formal response on the application concur with this view advising that although it would result in an increase in traffic above existing levels, when considered against existing flows on the B2011 it cannot be described as having a severe impact on either network capacity issues or highway safety. With regard to the traffic calming measures that have been requested by some of the local residents, KHT advise that

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given the importance of the B2011 locally in highway terms as the priority diversion route for the A20, this makes the physical calming of this section of road unlikely to be acceptable. On the basis of the advice from KHT I do not consider there are any overriding objections on highways grounds.

### **Landscape**

37. The site is located within the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area and as such is afforded protection from any adverse landscape impacts. With the exception of the site access road the site itself is remote from any residential areas and is well screened from most views directly into it as a result of the surrounding topography. Those properties with the most direct views of the site lie approximately 3/4 km to the south east situated along the B2011.
38. The natural landform where the existing site sits within a south facing side slope means that the proposed minor northerly extension to the permitted development footprint would be cut in to the embankment largely helping to screen the site. However, as part of the development it is also proposed to carry out additional planting along the north eastern site boundary to help assimilate the whole site into the natural landscape. I am particularly mindful of the comments made by the Kent Downs AONB Unit (KDAONBU) where they state that the existing facility is relatively well contained within the landscape although views of the facility are possible particularly from the south. In the event that members are minded to grant permission they recommend that the proposed planting be extended to include significant planting along the southern site boundary to create an indigenous copse. They also consider the surplus soils and subsoils created from extending the development footprint which are proposed to be re-spread on an area of land to the east of the site, provides an opportunity to create an area of unimproved chalk grassland. However, to be successful this would require careful design and future management. I would therefore recommend that conditions be imposed on any future permission requiring the submission and formal approval of the County Planning Authority of details of proposed tree planting along the north eastern and southern boundaries of the site together with details of an area to be created and managed located immediately to the east of the site as unimproved chalk grassland.
39. Also, whilst it is considered that the proposed increase in HGV movements has the potential to impact on the tranquillity of the area which is an element of the natural beauty of the Kent Downs AONB, the continued use of the existing dedicated access off the B2011 is welcomed which will avoid the use of rural roads.
40. Finally, the KDAONBU have raised concerns over the potential impact from lighting and have requested that any future permission includes a condition requiring full details of any lighting proposed. Whilst in my view the additional tree planting that would be required by condition would help mitigate to some extent adverse impacts from the site being illuminated during the limited hours of darkness it would operate, I would recommend that a condition be imposed on any future permission requiring the submission and formal approval of the County Planning Authority of details of any lighting proposed before being introduced to the site.
41. With the imposition of the conditions as mentioned above, in my view there are no overriding landscape objections to the proposed development.



### Local Amenity

42. Objections have been raised on the grounds of increased noise and odour that would be generated from the proposed development. With regard to noise, whilst the site itself is remote from any noise sensitive properties and therefore it is highly unlikely there would be any adverse effects from noise, the dedicated site access off the B2011 joins the carriageway at a point approximately midway between where residential properties front directly onto the highway, the nearest of which are located approximately 50 metres either side of the site entrance. Whilst the proposed increase in HGV movements to and from the site will result in a daily increase from an average of 14 movements per day to an average of 26 movements, I am mindful that the main noise source affecting these properties is from the existing traffic using the B2011 and where some of those objecting have drawn attention to what they consider is a heavily congested road. A Transport Assessment has been submitted in support of the application and includes the results of an automated traffic count undertaken of typical weekday traffic flows in either direction of the site entrance. These show that during the morning peak period (0800 to 0900 hours) a total of 929 two way movements was recorded of which 107 were HGVs. During the afternoon peak period (1700 to 1800 hours) a total of 981 movements was recorded of which 102 were HGVs. Over a recorded 24 hour period there was a total of 10,243 two way movements of which 1,338 were HGVs. It is therefore clear in my opinion that the main noise impacts on these residential properties is from the existing traffic using the B2011 and where vehicles travelling along this route pass much nearer to these properties than those vehicles associated with the Hope Farm composting operations. To date I have not received any complaints about noise since the site first became operational and I remain satisfied that on the basis of the above there are no overriding objections to the proposed development on noise grounds.
43. An objection has also been raised on the grounds of the potential increase in odour arising from the operations. One of the local County Members has also drawn my attention to complaints he has received from some of his constituents complaining about obnoxious odours arising in the locality generally, particularly during the summer period. Given the proximity of the site itself to the nearest odour sensitive receptors (i.e. some  $\frac{3}{4}$  Km distant), in my view it is unlikely that operations at the site would cause any adverse effects from odour and to date I have not received any complaints about odours arising from the site since it first became operational. However, I am mindful of the comments made by the Environment Agency who in their response to the application have confirmed that they will be addressing any environmental issues through the permit application in relation to the risk to the nearest sensitive receptors. This will include the need to address any potential odour problems in the event that it is considered necessary.
44. Given the rural nature of the area generally much of which is arable farmland inevitably means that during certain periods of the year materials will be spread on the land to replace nutrient levels and which can consist of either artificial fertilisers or raw materials or a combination of both. Such operations form part of the normal yearly farming cycle and do not in themselves require express planning permission. Whilst such operations in this locality would include the spreading of the composted end product from Hope Farm, I am not aware that the use of these materials creates any more odour than that created from other materials used to fertilise the land and neither has it been demonstrated that the complaints made concerning obnoxious odour in the area are directly attributable to it. Given that there is nothing to prevent local farmers spreading

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materials on their land for use as a fertiliser and the controls which the E.A. have confirmed they would impose under the permit controlling the composting operations at Hope Farm, I do not consider there are any overriding objections to the proposed development on the grounds of unacceptable odour.

### Need

45. There is strong policy support for increasing the capacity for green waste composting as advocated in the approved KMWLP where the number of additional facilities identified over the plan period is a minimum given the preference for this method of processing organic waste over other waste management options which sit lower in the Waste Hierarchy. With the contractual changes to the way in which such waste is segregated and collected, this will inevitably result in a stepped increase in the volume of such waste needing to be managed, as already witnessed across the county. Whilst the green waste composting facility located at the Shelford Landfill site near Canterbury has taken a significant amount of green waste from East Kent in the past, due to changes to Kent County Council's contractual arrangements with Viridor in respect of this site will require an alternative facility to be made available. The applicant for Hope Farm considers that his site could accommodate the additional capacity required.
46. In light of the above I consider a strong case of need exists subject to there being no overriding objections and also to there being no adverse effects on the local environment.

### Conclusion

47. The composting facility at Hope Farm has been in operation since 2003 during which time it has become well established as an integral part of the normal farming operations and which has expanded over time to provide additional capacity necessary to accommodate the growth of green waste arisings in East Kent. To date, since it first became operational I am not aware of any particular issues arising which have led to any adverse effects on the local environment neither have I received any complaints about the facility.
48. Rural diversification to support economic growth in rural areas particularly in respect of agriculture and other land-based businesses is fully supported by planning policy at both the national and local level. In my opinion the processing of green waste to produce compost which is then used on the land locally as a replacement for artificial fertilisers is fully consistent with the principles of sustainable development as set out in the NPPF and helps meet waste policy objectives at the national and local level of diverting waste from landfill helping to drive the management of such waste further up the 'Waste Hierarchy'. Furthermore such operations are also consistent with the policy objectives set out in the Kent Downs AONB Management Plan.
49. Subject to the imposition of conditions as recommended in this report in my view there are no overriding objections to the proposed development which I consider should be supported. Accordingly, I recommend that permission be granted subject to the conditions as set out below.

Extension to Hope Farm Composting Facility with variation of planning permission reference SH/14/751 at Hope Farm, Crete Road East, Folkestone - KCC/SH/0005/2017

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## Recommendation

50. I RECOMMEND that:

(A) PERMISSION BE GRANTED to the proposed extension to the permitted development footprint and to the proposed variations to conditions 6, 8, and 12 and the removal of conditions 7 and 10 of planning permission SH/14/751 SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- Hours of operation restricted to 0700 to 1800 hours Monday to Friday and 0700 to 1500 hours Saturdays and Public/Bank Holidays with no operations on Sundays.
- Maximum volume of green waste throughput not to exceed 35,000 tonnes per annum.
- Green waste vehicle movements limited to a maximum of 40 (i.e. 20in/20out) movements per day.
- Prior approval of details of proposed tree planting along the north eastern and southern boundaries of the site.
- Prior approval of details of an area to be created and managed as unimproved chalk grassland.
- Prior submission and approval of details of any external lighting before being introduced at the site.

(B) All other conditions attached to planning permission SH/14/751 be re-imposed.

Case Officer: Mike Clifton
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Tel. no: 0300413350
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Background Documents: see section heading
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SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2017.

To install fourteen 6.9 metre (6 metre above ground level) removable poles to which ball stop netting is attached and raised whilst football games are played - at Dartford Science and Technology College, Heath Lane, Dartford (KCC/DA/0324/2016) (DA/17/34)

Recommendation: Planning permission be granted subject to conditions.

**Local Member:** Mr Jan Ozog

**Classification:** Unrestricted

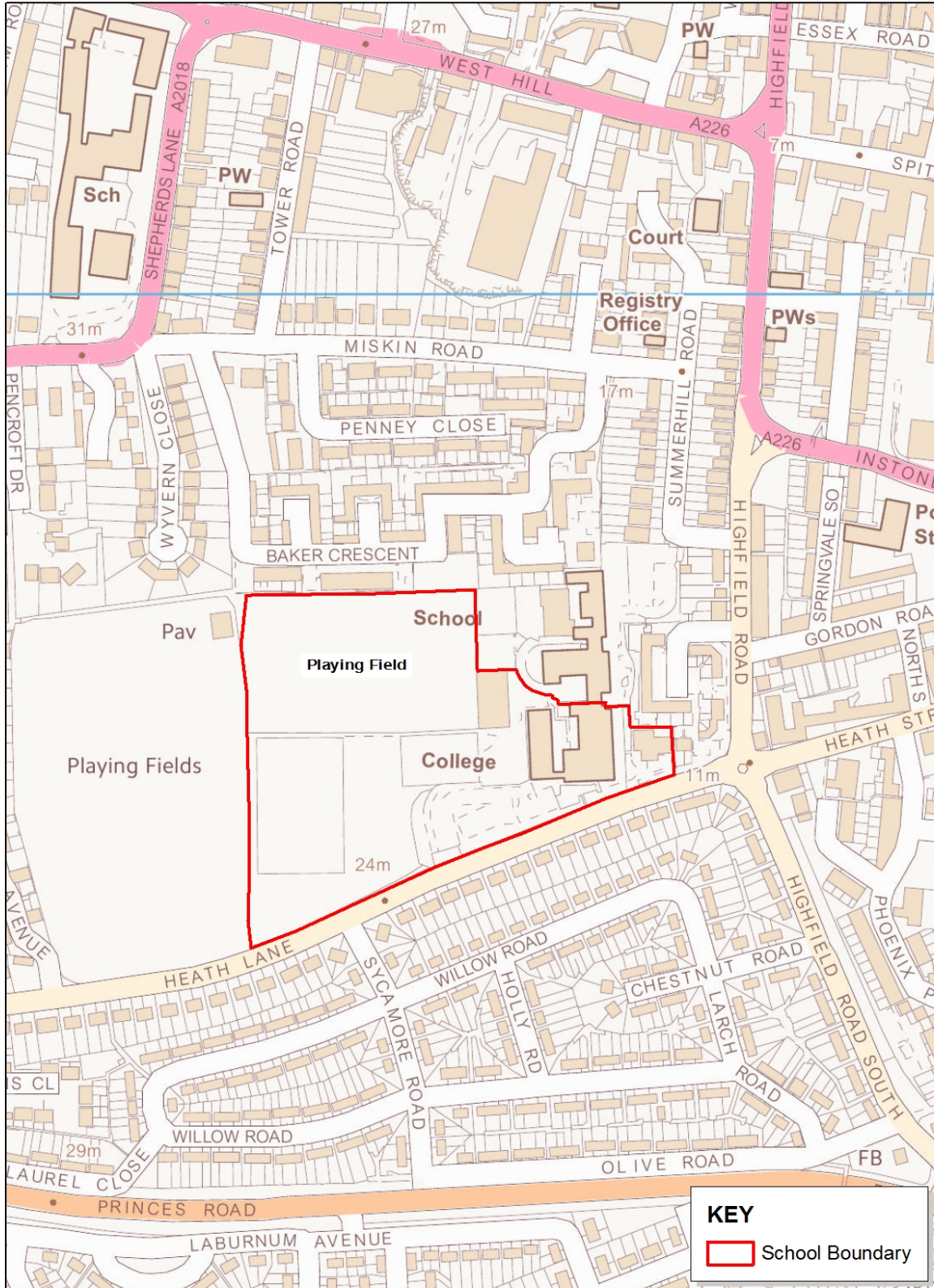
#### Application Site and Relevant Planning History

1. Dartford Science and Technology College is a non-selective secondary school for girls which specialises in science and technology. The School has just over 700 students on its roll, aged between 11 and 18. The school site is located approximately 0.4 of a mile (0.6km) to the south west of Dartford town centre, and was the former home of Dartford West School for Boys. The former boys school was demolished in 2006/7 and the site redeveloped under planning application reference DA/06/373. In addition to the Technology College, which is accessed via Heath Lane, the 'campus' also includes Westgate Primary School (redeveloped in 2005 under application reference DA/05/382), County Council Adult Education Facilities, and the privately run Rainbow Day Nursery, all of which are accessed via Summerhill Road to the north.
2. The school site is bound by Dartford Boys Grammar School's remote playing fields to the west, Heath Lane and facing residential properties to the south, and Highfield Road and properties in Vaughan Close to the east. Properties (apartments and town houses) in Baker Crescent (built in 2004/5 on the former North West Kent College site) back onto the northern site boundary, and overlook the school playing fields. Built development on the school site is contained to the east, with access and car parking to the south eastern corner of the site, and a flood lit multi use games area (MUGA) to the south west. The north/north western area of the site accommodates grass playing fields, as it did prior to the site's redevelopment.

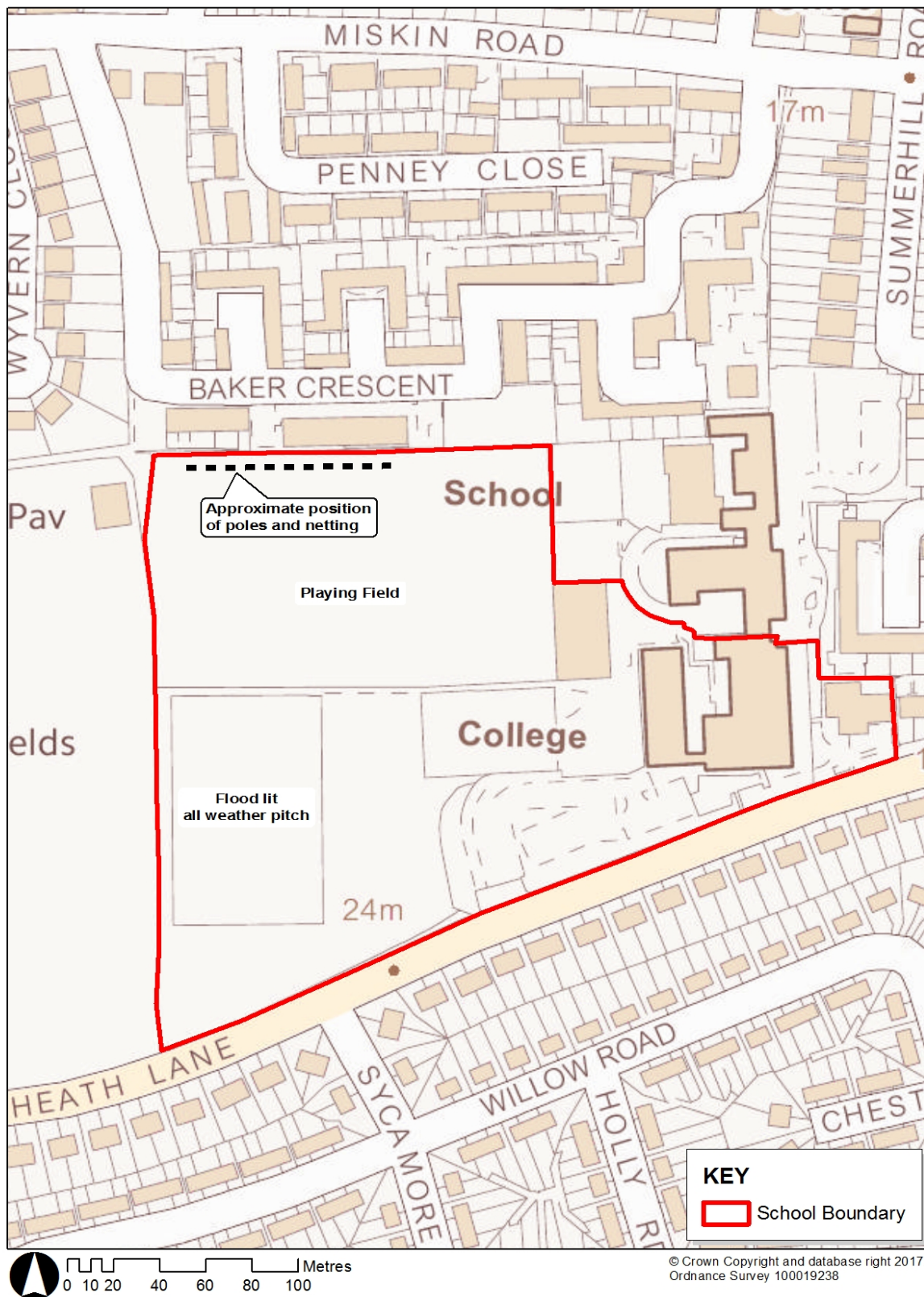
*A Site Location Plan is attached.*

Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

Site Location Plan



Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)



Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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Photograph looking north west showing the town houses in Baker Crescent





Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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Photograph looking north east showing the town houses and flats in Baker Crescent



Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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### Background

3. In November 2016, the County Planning Authority received a letter from Gareth Johnson MP which enclosed two letters from residents of Baker Crescent. The letters raised strong concerns regarding the use of the school playing fields during the weekend and the impact that that was having on the amenity of local residents (noise disturbance, loss of privacy etc.), and the erection of posts and netting to the rear of properties in Baker Crescent. The letters were copied to others, including the County Council Member, Mr Jan Ozog. Mr Ozog subsequently contacted the County Councils enforcement team. Following the receipt of these concerns, the matter was investigated (as set out in paragraph 4 below) and subsequently reported to the County Council's Regulation Committee on the 24 January 2017. At the time of reporting to Regulation Committee, the County Planning Authority had already received this planning application which seeks retrospective approval for the posts and netting. The consideration of this application was agreed by the Regulation Committee as appropriate action for the applicant to take to seek to regularise the breach in planning control and to test the planning merits of the proposal.
4. As referenced in paragraph 2 of this report, sport pitches have been marked out and in use on this playing field for many years (shown on google earth images in 1940), including prior to the redevelopment of the site in 2006/7. Community use of school facilities is encouraged by Local and National Planning Policy, and although the flood lit MUGA on the site has restricted hours of use (due to the amenity impact of the floodlighting), the grass playing fields are not subject to any use restrictions. The laying out of pitches on school playing fields does not require planning permission and, in this instance, neither does community use out of school hours. However, following the concerns received, I visited the site and upon inspection of the installed poles and netting, concluded that planning permission was required for them due to the height of the columns. It should be noted that the Science and Technology College did, in the first instance, seek advice on the requirement for planning permission from Dartford Borough Council, who initially advised that permission for the poles and netting was not required. However, the Science and Technology College subsequently accepted the view that planning permission was required and this planning application was therefore submitted.
5. For the avoidance of doubt, this application seeks to gain planning permission for the poles and netting only. Use of the playing field, including the marked out sports pitches, out of school hours does not require planning permission and therefore cannot be controlled by the County Planning Authority in this instance.

### Proposal

6. This application has been submitted by Dartford Science and Technology College and seeks the retrospective approval for the installation of fourteen 6 metre (20ft) high removable poles to which ball stop nylon mesh netting is attached and raised when the football pitches are in use. The 14 poles have been erected along the northern boundary of the school playing field, varying from approximately 4.6 metres (15ft) at the western end to 6 metres (20ft) at the eastern end in from the school boundary fence. The poles and netting run for 76 metres (250ft) parallel to the boundary fence, behind the goal lines of two of the natural grass football pitches. The poles are 6.4 metres (21ft) away from each other, with a gap of 14 metres (46ft) between the two pitches which does not have netting. For information, the pitches are not flood lit so are only used during daylight hours.

Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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7. The applicant advises that the College is a co-operative community orientated School, offering use of their facilities to local clubs and groups. This mutually beneficial relationship also benefits the students with specialist training in areas such as sports, business, technology and the arts. In this capacity, the applicant advises that Dartford Football Club (Junior Section) approached the Science and Technology College with a view to hiring out the school playing fields out of school hours due to insufficient training facilities for their junior students at their home ground (Princess Park, approximately a mile (1.5km) to the east of the school site).
8. The applicant further advises that the Football Club assessed the sports facilities, and considered that ball stop netting should be provided to prevent (as far as practicable) balls straying into the gardens of properties which back onto the school playing fields. The Football Club, in association with Dartford Science and Technology College, thereafter purchased and installed the poles and netting.
9. Fourteen removable poles at 6 metres in height (20ft) (above ground level) were installed, with each pole inserted into a metal sleeve which is concreted into the ground to a depth of 0.9 metres (2.9ft). The poles are finished in dark green, with black netting strung between them which can be raised by hand using a pulley system when the pitches are in use.
10. It is proposed that the poles would be in situ throughout the football season, with the nets lowered and secured after matches. The applicant and the Football Club have confirmed that the poles and netting would be removed completely and put into secure onsite storage immediately after the second weekend in June, and replaced for the start of the football season immediately prior to the first weekend in September.

#### Planning Policies

11. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:
  - (i) **National Planning Policy Framework (March 2012)**, and the **National Planning Policy Guidance (March 2014)**, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

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;

Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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- planning positively for the provision and use of shared space, community facilities (such as schools and sports venues), and other local services to enhance the sustainability of communities and residential environments;

(ii) 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.

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

**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.

**Policy CS22 Sport Recreation and Culture Facilities:** Seeks to extend sports, cultural and recreational facilities in the Borough and protect existing facilities unless demonstrated that the facility is no longer needed or an equivalent replacement facility is provided elsewhere.

(iv) Emerging **Dartford Development Policies Plan (December 2015)** (This document was submitted to the Planning Inspectorate in June 2016 and the 'Examination in Public' hearings commenced on 18th October 2016. The Proposed Modifications consultation is due to commence shortly, with the plan expected to be adopted by Dartford BC in early 2017.)

**Policy DP1 Presumption in Favour of Sustainable Development:** States that the Plan is written in accordance with national objectives to deliver 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

Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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advertisements.

**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).

**Policy DP24 Open Space:** Development on playing fields, sports pitches and any land shown on the Policies Map as Borough Open Space will not be permitted unless it is clearly demonstrated that development is limited to a small proportion of the land and the proposal supports or enhances this existing space in its primary function; or where the proposal results in a significant loss of open space or sports pitches, replacement provision will be delivered within accessible walking distance of the site, unless it can be demonstrated that there is a surplus in existing and future requirements for sports and recreation facilities in the locality and Borough.

#### Consultations

12. **Dartford Borough Council** raise no objection to the application. The Borough Council request that, should permission be granted, a condition of consent requires the netting to be lowered when the pitches are not in use.

**Sport England** raise no objection to the application because the development is ancillary to the principal use of the site as a playing field.

#### Local Member

13. The local County Member, Mr Jan Ozog, was notified of the application on the 6 January 2017.

#### Publicity

14. The application was publicised by the posting of 3 site notices and the individual notification of 42 neighbouring properties.

#### Representations

15. In response to the publicity 8 letters of representation have been received from 6 local addresses. The key points raised are summarised as follows:

##### Amenity Concerns

- The poles and nets are immediately outside the windows of adjacent properties, are extremely ugly and make residents feel incarcerated in their own homes as they are so imposing and out of keeping with a residential environment;
- Gardens are completely overshadowed by the poles and netting, and made to feel claustrophobic;

Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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- Some adjoining properties are town houses with living accommodation at first floor level, with clear views of the poles and netting;
- The netting obscures views from local properties.

#### General Matters

- Applying for permission 3-4 months after the poles appeared is not acceptable. If residents had not complained planning permission may never have been sought;
- Local residents were given no notification of the works;
- The poles and netting are not considered to be fit for purpose as balls still hit adjoining properties/end up in their gardens. However, one resident does not object to the netting as it protects their property from stray balls;
- It is suggested that the pitches be orientated the other way so that the goals are not to the rear of local properties, meaning that the poles and netting could be removed;
- It is suggested that the netting and poles be removed in the spring and summer months.

In addition, I have received the following comments regarding use of the playing fields for football matches at weekends (a use which is not subject to planning control)

- Until recently, the pitches were not used at weekends. They are now used from 9am to 4pm Saturdays and Sundays,
- Noise and foul language from the football players/spectators is unacceptable. Windows and doors have to be kept closed all day;
- The use of the field for football matches affects resident's way of life and privacy;
- Gardens cannot be used at weekends due to the noise;
- Balls come flying into gardens, and hit local properties causing damage and disturbance;
- Living accommodation at first floor level (in adjacent town houses) is completely visible to players and spectators so curtains have to be kept closed all day;
- The stress the use of the pitches is causing, and the limits it is placing on resident's living environments, is resulting in residents having no option but to consider moving.

#### Discussion

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 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 design and general amenity matters, and whether the development is sustainable in light of the NPPF.
17. As detailed in paragraph 4 & 5 of this report, the grass sport pitches have been marked out and in use on this playing field for many years, including prior to the redevelopment of the site in 2006/7. Community use of school facilities is encouraged by Local and National Planning Policy, and although the flood lit MUGA on the site has restricted hours of use (due to the amenity impact of the floodlighting), the grass playing fields are not subject to any use restrictions. The laying out of pitches on school playing fields does not require planning permission and, in this instance, neither does community use out of school hours. Although I have sympathy with the concerns expressed by local residents with regard to noise, overlooking and loss of privacy resulting from the use of

Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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the pitches, the County Planning Authority has no control over such use. However, the poles and netting do require planning permission (due to their height) and we must therefore consider their acceptability (or otherwise).

18. First, as detailed in paragraphs 4 & 5 of this report, this application is seeking retrospective planning permission for the posts and netting as they were erected on site without the benefit of planning permission. Although local residents are understandably aggrieved that this application has been submitted retrospectively, the Science and Technology College did act swiftly to regularise the breach in planning control (having initially been advised by Dartford Borough Council that planning permission was not required). The matter was reported to Regulation Committee and the action taken by the County Planning Authority and the Technology College (to test the merits of the development via a planning application) was supported by Members of that Committee.
19. The fourteen 6 metre (20ft) high removable poles and netting were erected by the Technology College, in association with Dartford Football Club, with the intention of preventing balls straying into the gardens of local properties. The poles and netting run for a length of 76 metres (250ft) parallel to the northern site boundary fence, behind the goal lines of two of the natural grass football pitches. It has been suggested by local residents that the pitches be reoriented to run from east to west, instead of the current north to south arrangement, which would then negate the need for the poles and netting. Although the County Planning Authority has no control over the pitch layout on the site in this instance, the applicant was asked to consider that suggestion and advised that the pitches could not be reoriented due to the gradient of the playing field. The applicant therefore considers the poles and netting to be necessary to protect local properties, which are to the rear of the goal lines, from stray balls.
20. Some local residents suggest that the poles and netting are not fit for purpose, and that balls still stray into their gardens/damage their property. However, not all the residents of properties that back onto the site have expressed that view, with support for them also expressed as the nets do protect their property from stray balls. Arguably, removal of the posts and netting would result in considerably more balls ending up in neighbouring gardens/possibly damaging local property, exacerbating concerns in this regard. I appreciate that the odd ball may still stray passed the netting, but the only way to prevent that would be to erect higher poles and more netting which, given the concerns expressed about the existing netting, would not be an appropriate solution. I therefore consider that the poles and netting as installed are adequate for the purpose of mitigating, as far as practicable, the impact of stray balls on neighbouring properties. However, their impact on the amenity of local residents needs to be considered and assessed.
21. The fourteen removable poles are 6 metres in height (20ft) (above ground level), with each pole inserted into a metal sleeve which is concreted into the ground to a depth of 0.9 metres (2.9ft). The poles, which are 6.4 metres (21ft) apart, are finished in dark green, with black nylon large gauge mesh netting strung between them which is raised by hand using a pulley system when the pitches are in use. The poles and netting are to the south of the northern site boundary, and vary between 4.6 metres (15ft) from the boundary at the western end and 6 metres (20ft) from the boundary at the eastern end. Local residents consider the poles and netting to be unsightly and, in the case of those living in the townhouses which back onto the site with living accommodation at first floor level, imposing and claustrophobic. Although I do have some sympathy with these concerns, the removal of the posts and netting would only exacerbate the amount and frequency of balls straying into the gardens of these properties/possibly damaging

Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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property. Further, the poles are similar in nature to standard street lighting columns/lampposts, which are often far closer to living accommodation than the poles installed in this case. In addition, the poles are over 6 metres apart, whereas the properties in Baker Crescent are approximately 5 metres in width. They are also finished in dark green which aids in mitigating their visual appearance when viewed from local properties with the grass playing fields behind.

22. When raised, the netting does extend along the northern boundary of the school site to the rear of properties in Baker Crescent, and it is noted that it is considered by some of those living in the properties which back onto the site to be imposing. However, I am advised by the applicant that the nets are only raised when the pitches are in use at the weekend, and are lowered and secured out of these times. They are also not a solid barrier, being a large gauge nylon mesh, so do not block sunlight or completely obscure views out across the site. The gardens of the town houses in Baker Crescent vary between approximately 5 and 6 metres (16.5ft and 20ft) in length, and the flats are approximately 1.5 metres (5ft) from the site boundary, with the poles and netting a further 4.6metres (15ft) to 6 metres (20ft) beyond the site boundary. I consider that these distances offer a reasonable degree of separation, and given the temporary nature of the development and the transparency of the netting, would not result in the netting having an unacceptable impact on the adjacent properties.
23. Further, as suggested by a local resident, the applicant has confirmed that the poles and netting would be completely removed and put into secure onsite storage immediately after the second weekend in June, and replaced for the start of the football season immediately prior to the first weekend in September. Therefore, during the summer months, when gardens are more likely to be used on a regular basis, the poles and netting would be not be in situ. I consider that, should permission be granted, conditions of consent should be imposed to ensure that the netting is lowered and secured when the pitches are not in use, and that the poles and netting be completely removed and put into secure onsite storage from the second weekend in June, and not replaced until the first weekend in September. Notwithstanding the local concerns raised, I consider that, given the benefit of the poles and netting in largely preventing stray balls going over the site boundary, their temporary nature and limited visual impact, that the poles and netting would not have a significantly detrimental impact on residential amenity subject to the conditions outlined above.

### Conclusion

24. Planning permission is sought retrospectively for the erection of temporary ball stop netting and posts whilst football is played at the site. The Planning Authority has no control over the use of the sports pitches/playing fields adjacent to Baker Crescent and the merits of use of this part of the site for sport are not matters for this application. The poles and netting, in my view, are in accordance with the general aims and objectives of the relevant Development Plan Policies, including those that seek to encourage the dual use of School facilities, promote sport and recreation, and protect local residential amenity. In addition, the development is in accordance with the principles of the National Planning Policy Framework. I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental impact on residential amenity. In my view the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. I therefore recommend that permission be granted subject to the imposition of the planning conditions outlined below.



Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

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Recommendation

25. I RECOMMEND that retrospective PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS, including conditions covering:

- the development to accord with the submitted details;
- the netting to be lowered and secured when the pitches are not in use;
- the poles and netting to be completely removed and put into secure onsite storage from the second weekend in June, and not replaced on site until the first weekend in September.

Case officer – Mary Green
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Background documents - See section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT  
PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS -  
MEMBERS' INFORMATION**

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

**Background Documents** - The deposited documents.

AS/17/38	Section 73 application for proposed variation of condition (3) of planning permission AS/16/1192 to accommodate improved noise mitigation measures in respect of operations associated with Network Rail's Track Maintenance Train located at the Waterbrook Park Railhead, Sevington, Ashford Decision: Permitted
DA/16/1459	Recycling facility with associated haulage depot. Littlebrook Business Park, Zone C Plot 2, Albion Road, Dartford Decision: Permitted
SW/11/1291/R3, 5 & 11	Details of vehicle parking, wheel work facilities and dust control measures pursuant to planning permission SW/11/1291. Land to the north of the DS Smith Paper Mill, Kemsley, Sittingbourne Decision: Approved
SW/16/501484/RVAR	Details of surface water drainage, dust management plan and parking arrangements during construction pursuant to conditions (8), (11) and (13) of planning permission SW/16/501484. Countrystyle Recycling, Countrystyle Recycling Ridham Dock, Kemsley Fields Business Park, Ridham Dock Road, Sittingbourne Decision: Approved
SW/16/507687	The construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant. Kemsley IBA Recycling Facility, Ridham Avenue, Sittingbourne Decision: Permitted
TW/16/7847	The erection of an alkalinity Dosing Kiosk. Tunbridge Wells Wastewater Treatment Works, North Farm Lane, Royal Tunbridge Wells Decision: Permitted

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

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

**Background Documents** – The deposited documents.

- DO/16/229/R19 Temporary relaxation of working hours pursuant to condition (19) of planning permission DO/16/229.  
Aylesham Primary School, Attlee Avenue, Aylesham  
Decision: Approved
- GR/16/447/RVAR Submission of Construction Management Plan (Condition 4), Archaeological Specification & Timetable (Condition 5), Details of External Materials (Condition 6) & Planting and Fencing (Condition 8) pursuant to planning permission GR/16/447.  
Meopham Library, Wrotham Road, Meopham, Gravesend  
Decision: Approved
- MA/16/503410/R4 Temporary relaxation of working hours pursuant to condition (4) of planning permission MA/16/503410.  
South Borough Primary School, Stagshaw Close, Postley Road, Maidstone  
Decision: Approved
- MA/16/507442/R8 Details of external lighting pursuant to condition 8 of planning consent MA/16/507442.  
Maidstone Grammar School, Barton Road, Maidstone  
Decision: Approved
- SE/15/2417/R4 & 15 Details of all external lighting and a verification report demonstrating completion of the works set out in the approved remediation strategy, pursuant to conditions (4) and (15) of planning permission SE/15/2417  
Knole East Academy (site), Seal Hollow Road, Sevenoaks  
Decision: Approved
- SE/17/0158 Section 73 application to vary condition 2 of planning consent SE/16/1480 to include minor changes to the footprint and layout and to enable use of different external materials, as well as increasing the height of the buildings.  
Hextable Primary School, Rowhill Road, Hextable, Swanley  
Decision: Permitted
- SW/16/508645 Erection of 4 5x5 play areas with shared shed space in the centre. Footpath to be extended to access these play areas.  
Divisional Office, Avenue of Remembrance, Sittingbourne  
Decision: Permitted

- TH/15/294/R28      Details of community use agreement for sports facilities, pursuant to condition 28 of TH/15/294.  
Land at St George's C of E Foundation School, Westwood Road, Broadstairs  
Decision: Approved
- TH/16/1707      To request an extension of a further 3 years to the temporary planning consent for the x3 existing mobile classrooms located at Royal Harbour Academy by the main reception area.  
Royal Harbour Academy, Newlands Lane, Ramsgate  
Decision: Permitted

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

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**Background Documents –**

- *The deposited documents.*
  - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
  - *The Government’s Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
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- (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/TH/0326/2016 - Request for a Screening Opinion in respect of the proposed solar photovoltaic array.  
Weatherlees Hill Wastewater Treatment Works, Jutes Lane, Weatherlees Hill, Ramsgate, Kent, CT12 5DJ
- KCC/CA/0030/2017 - Section 73 application for the minor material amendment of planning permission CA/15/2375 to increase the permitted tonnage in condition (9). Plots D & E, Lakesview Business Park, Hersden, Nr Canterbury, Kent, CT3 4GP.
- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-
- None

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

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

**Background Documents** -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

KCC/SCO/TM/0325/2016 - Request for a Scoping Opinion relating to the proposed variation of condition 18 of planning permission TM/88/1002 to allow an increase in the maximum instantaneous charge when blasting from 10kg to 25kg at Blaise Farm Quarry, Kings Hill, West Malling, Kent