

PLANNING APPLICATIONS COMMITTEE

Wednesday, 6th November, 2019

10.00 am

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





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 6th November, 2019, 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 (13)

Conservative (10): Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr P Bartlett (Substitute), Mrs R Binks, Mr A Booth, Mr P C Cooper, Mr M D Payne, Mr H Rayner, Mr C Simkins, Mrs P A V Stockell and Mr J Wright

Liberal Democrat (1): Mr I S Chittenden

Labour (1) Mr J Burden

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 9 October 2019 (Pages 7 - 14)
 4. Dates of future meetings
- A4 4 December 2019
15 January 2020
5 February 2020
4 March 2020
13 May 2020
17 June 2020

15 July 2020
12 August 2020 (Provisional)
16 September 2020
14 October 2020
4 November 2020
9 December 2020
13 January 2021
10 February 2021
17 March 2021
21 April 2021
16 June 2021

5. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application SW/19/500380 (KCC/SW/05/2018) - Change of use of land from storage and parking of HGVs to a small-scale waste management facility at Units 1 and 2 Marshbank Industrial Estate, Old Ferry Road, Iwade; ADS Skip Hire (Pages 15 - 68)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal CA/19/1633 (KCC/CA/0166/2019) - 5 FE secondary school comprising 3-storey building, separate sports hall, MUGA, creation of two new vehicular accesses and associated parking landscaping and ancillary work at former Chaucer Technology School, Spring Lane, Canterbury; Kent County Council and Keir Construction (Southern) (Pages 69 - 106)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 107 - 110)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None)

F. KCC RESPONSE TO CONSULTATIONS

1. Application TM/17/01595/OAEA - Outline application: The erection of up to 840 dwellings (including affordable home) with public open space, landscaping, sustainable drainage systems, land for a Primary School, doctors surgery and for junction improvements at Hermitage Lane/A20 junction, and a link road between Poppy Fields roundabout and Hermitage Lane. Vehicular accesses into the site from Poppy Fields Roundabout and Hermitage Lane. All matters reserved with the exception of means of access at Land South of London Road and East of Hermitage Lane, Aylesford. (Pages 111 - 116)

2. Application CA/18/00868/FOS - Hybrid planning application comprising: detailed planning application for 456 residential dwellings (405 houses and 512 flats) with associated open space, landscaping, car parking, access and other infrastructure (following demolition of 52 Shalloak Road, existing agricultural buildings and structures); outline planning application (with all matters reserved) for the development of a commercial area with up to 212sqm of retail and 617sqm of office/light industrial use at Broad Oak Farm, Sweechgate, Broad Oak, Sturry. (Pages 117 - 122)
3. Application CA/17/01383/OUT - Outline application (with all matters reserved) for the development of up to 650 houses and associated community infrastructure comprising primary school, community building, public car park and associated amenity space, access, parking and landscaping; and detailed/full application for the construction of part of the Sturry Link Road and a local road from the Sturry Link Road to Shalloak Road at Land at Sturry/Broad Oak, Sturry (Pages 123 - 128)
4. Application CA/17/01866/FOS - Mixed use development including up to 955 dwellings comprising: Detailed proposals for 194 new dwellings, 1 Local Equipped Area of Play, new vehicular access (via priority junction) onto Sweechbridge Road (north), realigned vehicular access to Sweechbridge Road (south), new westbound on-slip to and modified off-slip from A299 Thanet to Heart in Hand Road, upgraded alignment of May Street, associated internal roads/footpaths/cycleways, sustainable drainage system, earthworks, public open space landscaping (including woodland) and street lighting. Outline application for up to 761 additional dwellings with all matters reserved excess access (excluding internal circulation) also including up to 33,000sqm of employment/commercial floorspace with associated parking spaces comprising employment units (within Use Class B1(a), B1(c), B2 and B8) (27,000 sqm) and 65-bed care home (Use Class C2) (4,500sqm) at Land at Hillborough, Sweechbridge Road, Herne Bay (Pages 129 - 136)
5. Benenden Neighbourhood Development Plan - Regulation 14 (Pages 137 - 144)

G. 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)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 29 October 2019

(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.)

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KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 9 October 2019.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr P Bartlett (Substitute for Mr C Simkins), Mrs R Binks, Mr A Booth, Mr D L Brazier (Substitute for Mr P C Cooper), Mr J Burden, Mr I S Chittenden, Ms S Hamilton (Substitute for Mr M D Payne), Mr P M Harman, Mr H Rayner, Mrs P A V Stockell and Mr J Wright

ALSO PRESENT: Mr D S Daley

IN ATTENDANCE: Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr P Hopkins (Principal Planning Officer), Mr D Payne (Planning Consultant), Ms M Green (Principal Planning Officer), Mr D Joyner (Transport & Development Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

43. Minutes - 11 September 2019

(Item A3)

RESOLVED that the Minutes of the meeting held on 11 September 2019 are correctly recorded and that they be signed by the Chairman.

44. General Matters

(Item B1)

The Committee noted that Mrs Sharon Thompson, Head of Planning Applications Group had sent her apologies as she was representing the County Council at the Kent Minerals and Waste Local Plan Public Inquiry.

45. Application KCC/AS/0056/2019 - Amendment to site layout provided for by Permission AS/12/518 (involving demolition of an existing shed, alterations to weigh-bridges, repositioning the shear and altering the surface water drainage system, fencing and boundary treatment and landscaping) and the erection of a replacement End of Life Vehicle shed, associated storage tanks, additional boundary fencing and new non-ferrous metal storage/reception building at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford; European Metal Recycling Ltd

(Item C1)

(1) Mr P Bartlett informed the Committee that he would be addressing the Committee in his capacity as Local Member but would not participate in the determination of the application.

(2) Cllr Brian Heyes and Mr Vernon Seagar (Godinton Residential Community) addressed the Committee in opposition to the application. Mr Tom Robinson (JLL) spoke in reply on behalf of the applicants.

(3) Mr R A Pascoe moved, seconded by Mr J Burden that permission be granted and that the applicant be required to undertake further noise monitoring in a manner agreed by the County Planning Authority to demonstrate that the noise condition is being met.

Lost 5 votes to 6

(4) Mr A Booth moved, seconded by Mr P M Harman that consideration of the application be deferred to enable the applicant to undertake noise monitoring of the existing facility to demonstrate whether the proposed (retrospective) development is acceptable in terms of noise impact; that the results of that monitoring be submitted to KCC in support of the application to supplement the modelled noise information that has already been provided; and for the application to be reported back to Committee.

Carried 9 votes to 2.

(5) RESOLVED that consideration of the application be deferred to enable the applicant to undertake noise monitoring of the existing facility to demonstrate whether the proposed (retrospective) development is acceptable in terms of noise impact; that the results of that monitoring be submitted to KCC in support of the application to supplement the modelled noise information that has already been provided; and for the application to be reported back to Committee.

46. Proposal AS/19/705 (KCC/AS/0088/2019) - 2 FE primary School at Chilmington Green, Ashford; KCC (Gen2)

(Item D1)

(1) Mr P Bartlett informed the Committee that he was a Member of Ashford BC which had commented on the proposal. He had taken no part in its discussions of the proposal and was able to approach the determination of the application with a fresh mind.

(2) The Principal Planning Officer reported comments received from the Local Member, Mr C Simkins in support of the proposal.

(3) In agreeing the recommendations of the Head of Planning Applications Group, the Committee added Informatives encouraging the School to make the sports hall available for community use and to increase the number of cycling spaces in order to encourage sustainable transport.

(4) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering a 3 year time limit for implementation; the development being carried out in accordance with the permitted details; the submission and approval of details of all materials to be used externally, including details of joinery, colour finishes, depth of reveals, and details of the jointing of the cladding panels; the submission and approval of details of all external lighting, including hours of operation; the submission and approval of a scheme of landscaping, including details of tree planting, soft landscaping,

fencing and hard surfacing; the submission and approval of a School Travel Plan within six months of occupation, and its ongoing monitoring and review thereafter; the provision and retention of car parking, access and circulation space, including 5 electric vehicle charging bays, prior to first occupation of the school; the provision and retention of covered cycle parking prior to first occupation of the school; the provision and retention of vehicle and pedestrian accesses and visibility splays prior to first occupation of the school; all gates opening away from the highway; the development meeting the sustainable design standards set out in the application documents to meet a BREEAM or equivalent standard of 'very good'; no tree or hedge removal taking place during the bird breeding season; the development being undertaken in accordance with the submitted badger mitigation proposals; no works commencing within the 30 metre buffer zone around the badger sett until a walkover survey has been undertaken and its results submitted and approved, together with details of any further required mitigation; the development being undertaken in accordance with the submitted reptile mitigation proposals; the submission of details of biodiversity enhancement measures within 6 months of the commencement of the development; no development taking place over the Public Right of Way until confirmation of its diversion or extinguishment and certification of the new route; the submission and approval of a written specification and timetable for the implementation of a phased programme of archaeological work, to be undertaken prior to commencement of the development; the submission and approval of a detailed Sustainable Surface Water Drainage Scheme prior to the commencement of the development (other than works associated with the installation of the foundations); the submission and approval of a verification report prior to occupation of the development (or within an agreed timeframe); the development ceasing if contamination not previously identified is found to be present at the site; the submission and approval of a Construction Management Strategy, including the hours of working, location of the site compound and operative parking, wheel washing/cleaning facilities, lorry routing and waiting details, and details of the construction access and management of the site access; and

- (b) the applicants be advised by Informative that:-
- (i) they should prepare and submit their revised/amended School Travel Plan with Kent County Council's 'Jambusters' Travel Plan Management system;
 - (ii) their attention is drawn to the letter from Public Rights of Way which contains general information in respect of works adjacent to and/or on a Public Right of Way;
 - (iii) they are encouraged to make the sports hall available for community use; and
 - (iv) they should seek to increase the number of cycling spaces available in order to encourage sustainable transport.

47. Proposal 19/502955 (KCC/MA/0110/2019) - Sports Hall extension to provide shower and changing facilities and a classroom/conference room at Maidstone Grammar School for Girls, Buckland Road, Maidstone; Governors of Maidstone Grammar School for Girls

(Item D2)

(1) The Principal Planning Officer drew attention to correspondence from Dr Brian White in respect of the proposal which had previously been circulated to all Members of the Committee.

(2) The Principal Planning Officer asked the Committee to note that the community use condition set out in the recommendations should be amended to specify that there should be no community use during school hours. He also asked the Committee to amend the School Travel Plan condition so that it was to be submitted within 6 months of the permission and to add an additional Informative that the updated School Travel should be submitted via the "Jambusters" website. These amendments were agreed.

(3) In agreeing the recommendations, the Committee specified that the Construction Management Plan was to include vehicle parking on site.

(4) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions, including conditions covering the standard 3 year time limit for implementation; the development being carried out in accordance with the permitted details; the submission of a scheme to deal with the risks associated with contamination of the site in order to address the comments made by the Environment Agency; the submission of a Construction Management Plan including parking for construction related vehicles on site; the submission of a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation prior to occupation of the development; the retention/maintenance of at least 50 car parking spaces being kept available for use of the development outside of school times; no drainage systems for the infiltration of surface water drainage into the ground being permitted other than with the express written consent of the County Planning Authority; measures to deal with unexpected contamination found to be present during development at the site; no piling or any other foundation designs using penetrative methods being permitted other than with the express written consent of the County Planning Authority; hours of construction being limited to between the hours of 0800 and 1800 on Mondays to Fridays and between 0900 and 1300 on Saturdays; tree protection during construction works; hours of use of the development being between the hours of 0800 and 2200; no external community use of the development during school hours (i.e. between 0800 and 1700 on Mondays to Fridays during term time); the submission of details of external materials; the submission of details of external lighting, including bat sensitive lighting in relation to the site boundaries; and the submission of an updated School Travel Plan within 6 months of the date of the permission; and

(b) the applicants be advised by Informative:-

- (i) that they should ensure that the community use agreement for the existing sports hall contains adequate arrangements to respond to complaints or concerns resulting from community use of the facility;
- (ii) of general highway approval matters; and
- (iii) that they should prepare and submit their revised/amended School Travel Plan via Kent County Council's 'Jambusters' Travel Plan Management system.

48. Proposal MA/19/503387 (KCC/MA/0107/2019 - 2 FE expansion involving: a) erection of a new freestanding 3 storey teaching block; b) single-storey extension of existing dining area; c) additional 22 car parking spaces; and d) associated landscaping works at Maplesden Noakes School, Buckland Road, Maidstone; KCC Infrastructure
(Item D3)

(1) Mr D S Daley was present for this item pursuant to Committee Procedure Rule 2.27 and spoke. He particularly stressed his concerns over the absence of parking restrictions in the vicinity of the application site.

(2) The Principal Planning Officer drew attention to correspondence from Dr Brian White in respect of the proposal which had previously been circulated to all Members of the Committee.

(3) The Principal Planning Officer advised the Committee that the applicants had agreed to install PV panels. This necessitated an additional condition requiring the submission of details and that they be installed when the development was constructed, and the deletion of the relevant recommended Informative.

(4) The Committee agreed to the Principal Planning Officer's request to amend the native planting condition to include species suitable for bee pollination.

(5) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions the standard 3 year time limit for implementation; the development being carried out in accordance with the permitted details; submission of details of external materials; measures to protect existing trees during construction, including those set out in the Arboricultural Method and Impact Statement; submission and approval of a Verification Report pertaining to the surface water drainage system to address matters raised by KCC Sustainable Drainage; restriction of infiltration of surface water drainage into the ground and restriction of piling or any other foundation designs using penetrative methods to address comments raised by the Environment Agency; submission of a Construction Management Plan and Strategy including parking for construction related vehicles on site; submission of a Dust Management Plan during construction; submission of a Construction Logistics Plan; provision prior to occupation of vehicle car parking spaces and their

permanent retention; provision prior to occupation of vehicle loading and unloading and turning areas and their permanent retention; provision prior to occupation of covered secure cycle parking spaces and their permanent retention; inclusion of 3 electric vehicle parking bays within the new parking spaces provided and inclusion of the air quality mitigation measures proposed in the application; construction hours being limited to between 0800 and 1800 on Mondays to Fridays and between 0900 and 1300 on Saturdays with no work on Sunday or Bank Holidays; submission of an updated school travel plan within 6 months of occupation of the building with annual review via the “Jambuster” system thereafter; submission of a bat sensitive lighting plan for the site boundaries; submission of external lighting details; submission of an ecological enhancement plan; submission of details of proposed planting to include native species and species suitable for bee pollination; and; submission of details of PV panels to be installed when the development is constructed; and

- (b) the applicants be advised by Informative on:-
 - (i) the timing of works to protect nesting birds;
 - (ii) the need for the developer to consult South East Water regarding water supply;
 - (iii) cleaning the existing soakaway system; and
 - (iv) works to tree T41 should they be required.

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 2017; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None).

50. KCC responses to consultations

(Item F1)

RESOLVED to note Kent County Council’s responses to the following consultations:-

- (a) Maidstone BC Local Plan review;
- (b) Maidstone BC Community Infrastructure Levy Regulation 123 List review; and

(c) Lamberhurst Neighbourhood Plan.

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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

Application for the change of use of land from storage and parking of HGVs to a small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, Kent ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2019.

Application by ADS Skip Hire for the change of use of land from storage and parking of HGVs to a small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, Kent ME9 8SW - SW/19/500380 (KCC/SW/0506/2018).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr. M. Whiting

Classification: Unrestricted

Site

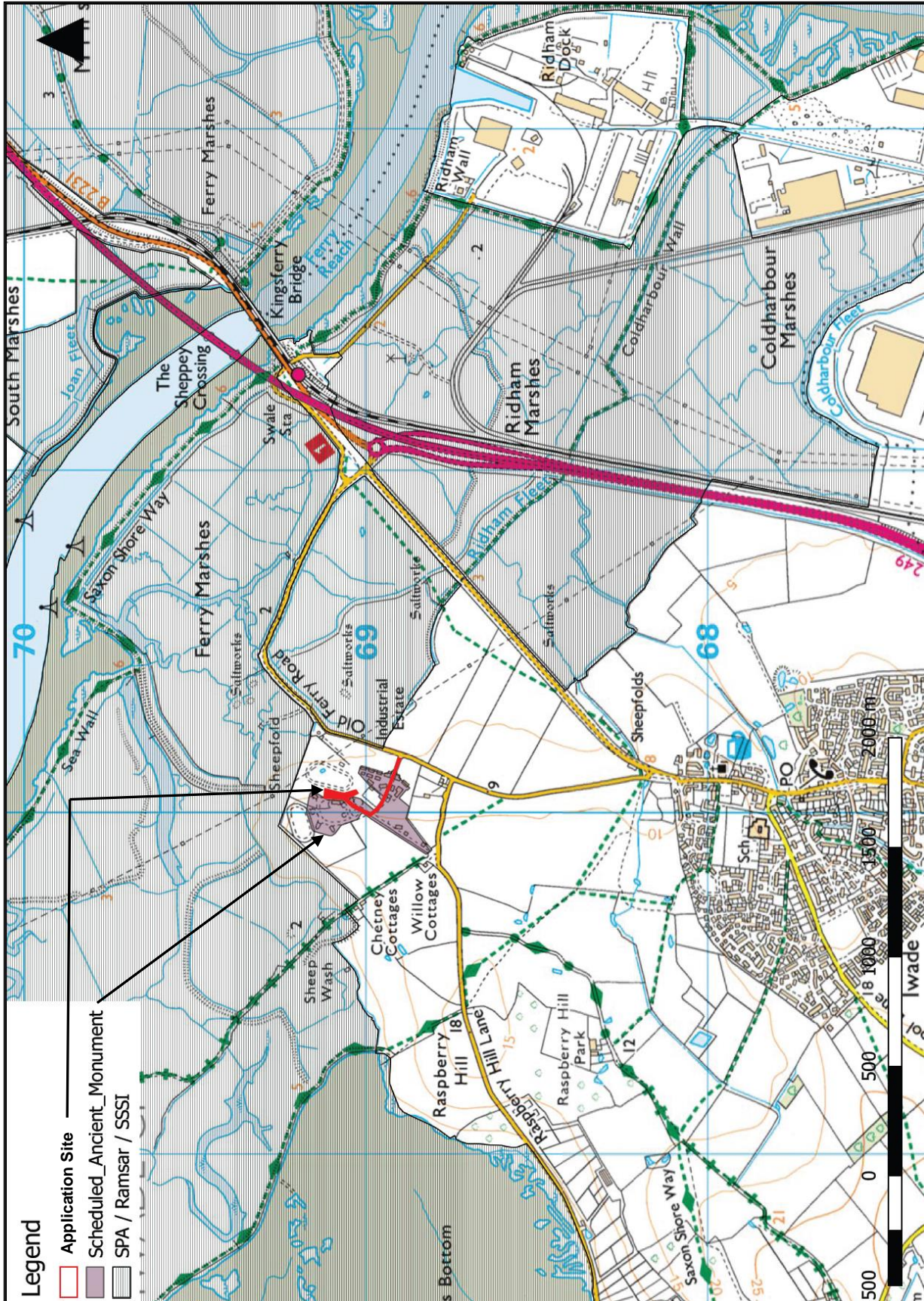
1. The application site ('the site') forms an area of land approximately 0.15 hectares immediately to the north-west of Marshbank Industrial Estate ('the estate'). Marshbank Industrial Estate is a small complex, consisting of single storey workshop buildings and open storage, which house a variety of industrial uses. The estate is located 4.5 km (2.8 miles) north of Sittingbourne and 800m (0.5 miles) north of Iwade, off Old Ferry Road. A junction off the A249 on the southside of the Sheppey Crossing is approximately 900m to the north east and is accessible directly via Old Ferry Road.
2. The application site is currently in use as open storage by the applicant (ADS Skips) to store skips and HGVs associated with the company's existing business. The site consists of made ground partly covered with a hardcore base, with no other structures or permanent development. It falls outside the permitted industrial estate boundary. The land is technically in open countryside, i.e. outside the defined boundaries of the built-up area shown on the Swale Proposals Map (Swale Local Plan (2017) Policy ST3). The site is enclosed to the north and east by screening bunds (approximately 3.5 – 4.0m high), which appear to have been originally constructed as part of historic motor racing activities adjacent to the site. To the south, the site adjoins land used as a scaffolding yard and beyond this there are two sites used by other skip hire businesses. To the west, the site fronts onto an unmade roadway that provides access to the industrial estate and the main access onto Old Ferry Road. Further west there appear to be other industrial uses taking place, including buildings that formed part of the former military base. It is not clear whether all the surrounding activities, outside the defined estate boundary, benefit from planning permission.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

3. Marshbank Industrial Estate was formed from buildings erected as part of a former military camp that was operational during and after the second world war in support of a heavy anti-aircraft gun battery. The remnants of gun emplacements and supporting infrastructure form a Scheduled Monument designated under the Ancient Monuments and Archaeological Areas Act. The Monument contains the industrial estate, part of a speedway complex and surrounding land, which were in place when the site was designated. The application site falls immediately outside this designation to the east; however, access to the land passes through the estate and therefore the Monument area.
4. The surrounding landscape is relatively flat open countryside, including farmland and marshland. Overhead powerlines pass across the landscape north-west to south-east. Ridham dock is positioned on the far side of the A249 approximately 1.6km (1 mile) to the east. There are a small number of residential properties to the south and west of the estate, located off Old Ferry Road and Raspberry Hill Lane. The closest of which is 215m to the south of the site on the far side of the industrial estate. Further properties face the application site approximately 300m to the west. Land to the south of the industrial estate is used to store fairground equipment. See attached location plan.
5. The Swale Estuary is 700m to the north with Ferry Marshes between. The Medway Estuary is 750m west with Chetney Marshes stretching out to the north-west. These areas form part of the Medway Estuary and Marshes Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI). The boundaries of which surrounds the site on three sides (100m north, 150m west and 140m east at the closest points). The Swale SPA, Ramsar and SSSI are located 500m further to the east. These areas are also designated as Areas of High Landscape Value under Policy DM24 of the Swale Local Plan (2017) (part of the Chetney and Greenborough Marshes Character Area). The application site and adjacent industrial estate fall within the Lower Halstow Clay Farmlands Character Area, which is not a designated landscape. Old Ferry Road is designated by Policy DM26 of the Swale Local Plan (2017) as a 'rural lane'. Land surrounding the industrial estate and application site to the north, east and west falls within Flood Zones 2 and 3 at risk of flooding from the sea. The application site falls within a larger area stretching to the south identified as Grade 3 agricultural land.
6. The key site-specific planning constraints are referenced above, other development planning policies that relate to the development are set out in the 'Policy' section below.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

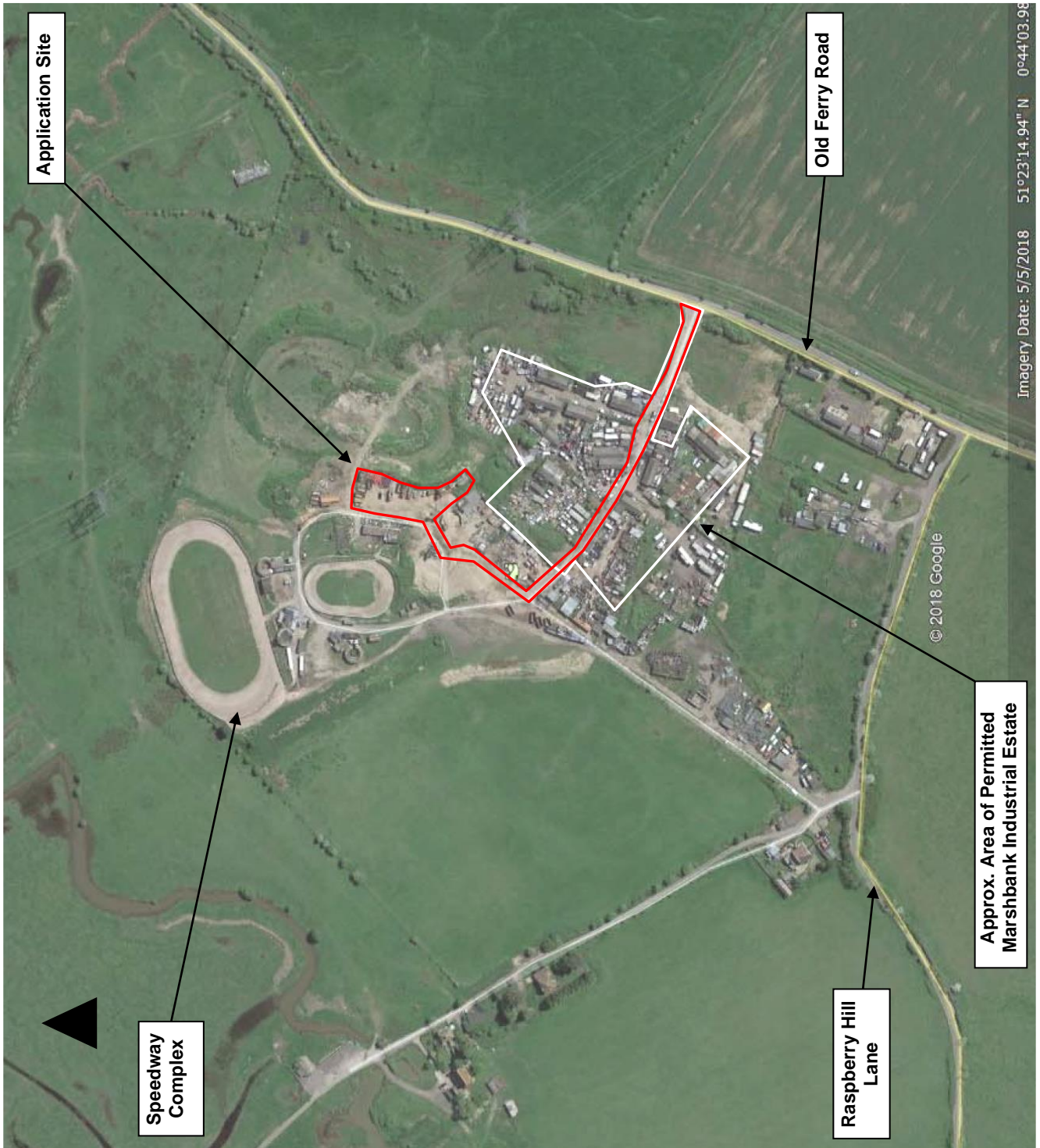
General Location Plan



Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

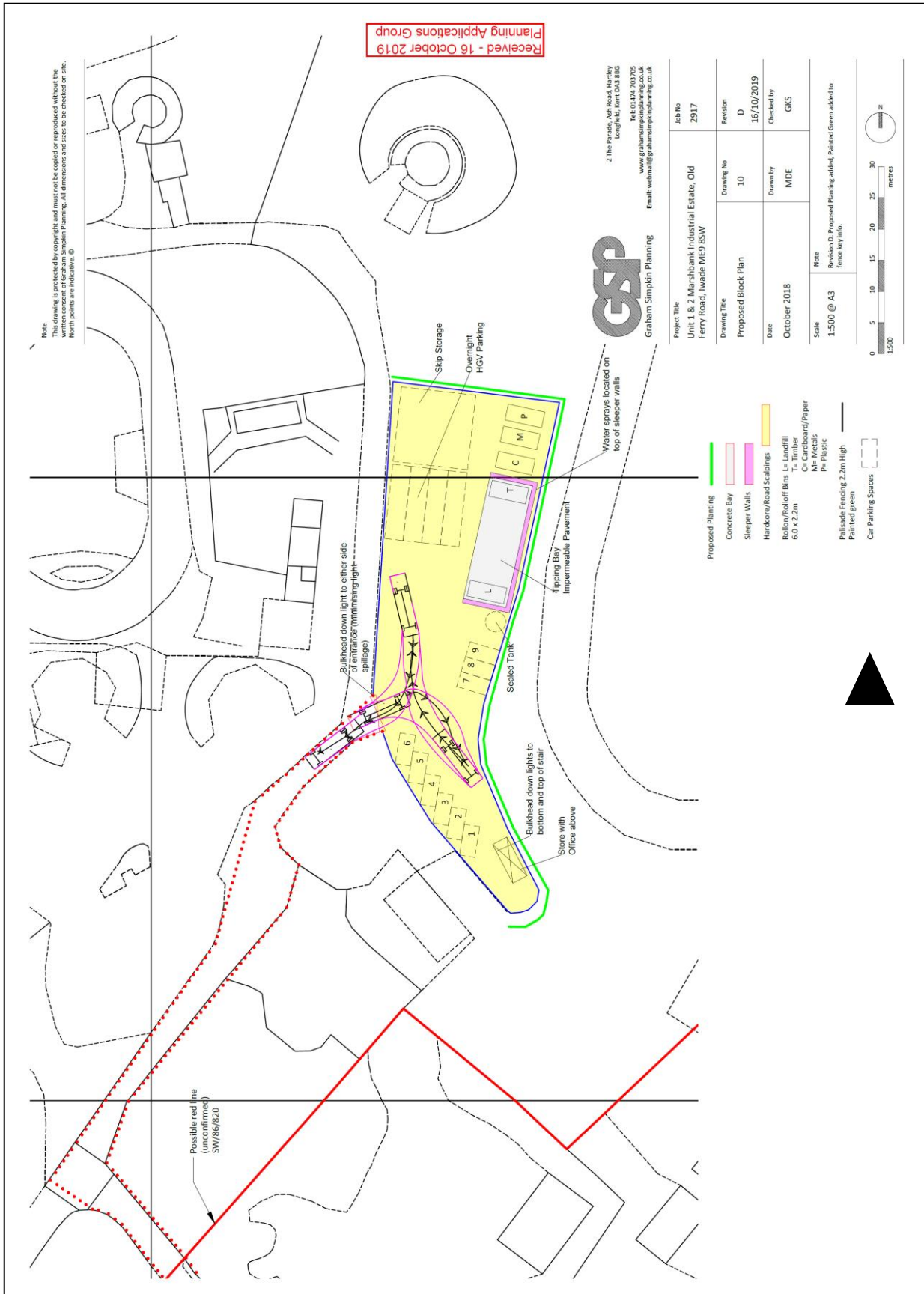
Aerial Photograph

(Colour copy available on electronic version; image will be displayed at the committee meeting)



Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

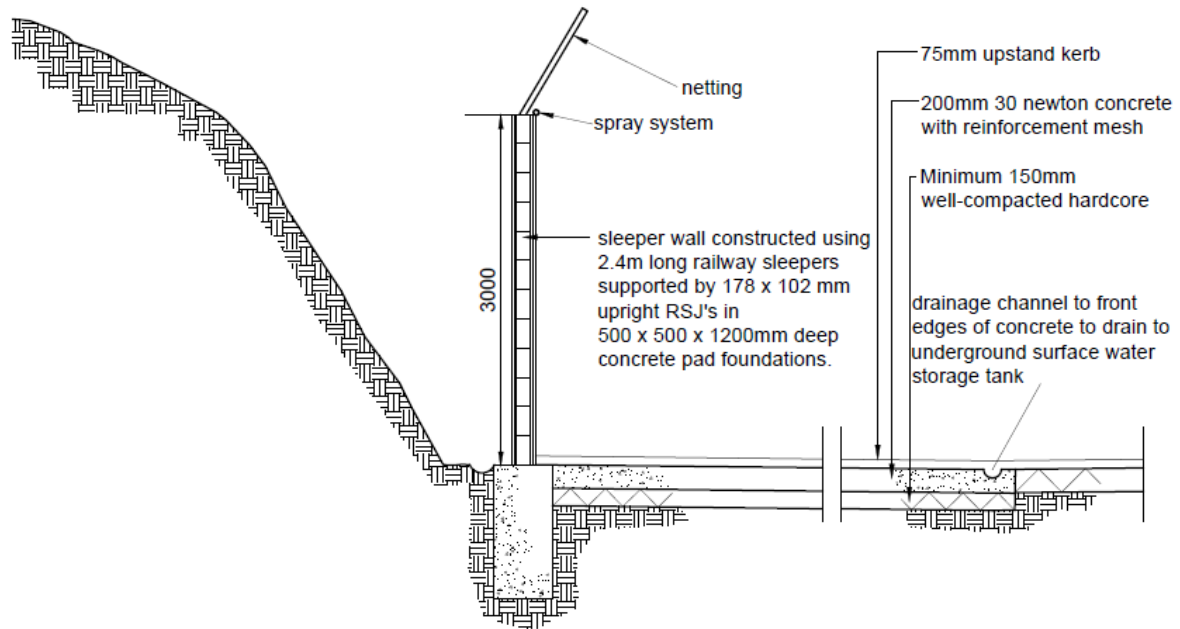
Site Plan



Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

Waste Reception Bay Section Drawing

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Section A-A



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Project Title Unit 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade ME9 8SW		Job No 2917	Drawing Title Section A-A	Drawing No 05	Revision B
Date OCTOBER 2018	Drawn by MDE	Checked by GKS	Scale 1:50 @ A4	Note Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright License No. AL818151	

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

Background

7. As stated earlier, Marshbank Industrial Estate was formed from a military camp around the 1970s. The industrial estate was granted retrospective planning permission for a light industrial use in October 1986, under Swale Borough Council permission reference SW/86/820. This permission covers 1.2 hectares and approximately 20 buildings. The planning permission is subject to few planning conditions, which relate to landscaping, the access arrangements and the extent of open storage only.
8. The site identified within the application as Units 1 and 2 Marshbank Industrial Estate fall outside the confines of the permitted industrial estate. As such, the application site would be considered to fall within open countryside. There is no evidence that the land benefits from planning permission for the existing skip hire business or any other industrial use. There appear to be several commercial, industrial and potentially waste uses continuing close to the estate that also do not benefit from the necessary permissions. Notwithstanding, historic aerial photographs of the site would suggest that there have been informal uses on most of the application site for over 10 years; the key date for establishing a lawful development consent proposal. Previous informal uses appear to include activities associated with the motor racing / speedway complex, skip hire and open storage.
9. The most relevant background planning history relating to the industrial estate and surrounding land is included below.
10. Land to the north-west has been used for speedway / motor racing activities since the 1970s. This use has expanded and developed over the years to include a main "adult" track, a "junior" track and previously a separate "banger" racing track (since closed). The motor racing uses have been subject to enforcement action by Swale Borough Council in the past. However, in 2001 the Planning Inspectorate upheld an appeal against enforcement action indicating that the main track had a lawful use for speedway training, practising and associated activities.
11. In 2015, Swale Borough Council granted planning permission for the mixed use of land at the speedway track for holding of a maximum of 14 public/league speedway events between 1st April and 31st October (including up to two Sundays per month), use for speedway practice once per week and use of central grassed area for youth football training (reference SW/13/0435).
12. In May 2007, Swale Borough Council granted planning permission for an extension to an existing scaffolding yard at The Old Gun Site, Marshbank Farm, Old Ferry Road, Iwade (south of the application site) (reference SW/07/0118).
13. In September 2009, the planning inspectorate dismissed an appeal against refusal by Swale Borough Council to grant planning permission for change of use of part of the former gun site for external storage of portable/demountable fencing and barriers at land adjoining Marshbank Industrial Estate, Raspberry Hill Lane, Iwade (reference SW/09/0021 - appeal reference APP/V2255/A/09/2101647). This site was located south of the current application site and the industrial estate and is within the Scheduled Monument area. The inspector dismissed the appeal on the grounds that the proposal would result in significant harm to the character and appearance of the area and would cause harm to the setting of the Scheduled Monument.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

14. The applicant (ADS Skip Hire) previously operated a skip hire and waste management business from a site at Unit 18 Morgan's Yard, Knight Road, Strood. This included household and commercial collections for customers in Medway, Maidstone and Swale. The applicant was given notice to quit the Strood site due to proposals to redevelop it as part of the Strood Riverside Redevelopment Programme. Since 2017, it has operated the skip hire side of the business from the application site. No waste is imported to site as part of this use. Due to the disruption to the business caused by the notice to quit its main site, the applicant decided to reduce the scale of its operations down to running only skip lorries from Marshbank Industrial Estate. Members will note that a skip hire business, which does not involve the import of waste, would be considered an industrial use and would be a matter for Swale Borough Council, as the local Planning Authority. The applicant has since decided to promote proposals to import and transfer waste to complement the skip hire side of the business, this would subsequently be considered a waste use that needs permission from the County Council, as the local Waste Planning Authority.

Proposal

15. The application, made on behalf of ADS Skip Hire, seeks planning permission for a change of use of land identified as Units 1 & 2 Marshbank Industrial Estate to form a small-scale waste management facility. The proposed facility would handle a maximum of 5,000 tons of waste per year from commercial, industrial and municipal waste streams associated with the applicant's existing skip hire business. The materials transported to site would be separated into dry recyclables like cardboard, metals, plastics, timber from general waste, with the residual being sent to landfill. The waste received would be inert non-hazardous material, excluding food and black bag waste (other than in small contaminant quantities). The waste material would be received and sorted on the same day into the separate waste streams. No waste would be left unsorted overnight. The application states that not all waste collected by the business would be brought to site; skips containing predominantly soils or brick rubble would be taken directly to other licenced facilities better able to process this material. No crushing or screening plant are proposed on site.
16. The application proposes that 10 skip loads would be brought to the site each day, with one bulk transporter removing material. This would generate a total of 22 HGV movements per day (11in/11out). The application states that the existing skip hire business has accommodated up to 10 HGVs based on site, each making 2 movements per day, resulting in 20+ HGV movements connected with the existing use. Access would be gained from the public highway (Old Ferry Road) via existing private estate roads. Sections of this private access are in a poor state of repair. The application states that the applicant would work with the landowner to secure improvements.
17. The proposed facility would be enclosed by 2.2m high palisade security fencing finished in dark green with a single access onto the estate roads. The waste would be sorted within a proposed waste reception bay, consisting of a sealed concrete pad with positive falls towards a drainage channel. This pad would be surrounded on 3-sides with by 75mm upstand kerbs with 3m high sleeper walls and netting on top to contain any windblown litter. The fourth side would be open and level, with a drainage channel running the entire length to collect surface water runoff from the pad. The collected

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

water would discharge via silt traps to an underground sealed storage tank. This would be emptied on a regular basis by tanker and the contents disposed of at a licensed facility. The remainder of the yard is already surfaced with hardcore and brick rubble and would be further covered with recycled aggregates. No waste material would be deposited or stored directly on this permeable surface.

18. Two containers for storage of timber and residual waste destined for landfill would be positioned within the proposed waste reception bay. Further containers housing sorted recyclables would be positioned adjacent the proposed bay.
19. The application would increase current employment on site from 5 to 10 staff members. On-site parking would be provided for 9 cars and overnight parking for HGVs. There are no controls imposed on the hours of use relating to the current use. The hours of use proposed would be 0700 to 1700 hours Monday to Fridays, 0700 to 1300 hours on Saturdays with no working on Sundays and Bank Holidays.
20. A site office and staff accommodation, formed from two steel containers double stacked, would be positioned in the south-east corner of the site. The building would measure 7m x 2.7m x 5.4m high. An external staircase would allow access to the upper floor. The external lighting proposed would be restricted to low powered bulkhead lights on the stairs and at the entrance provided for pedestrian safety. These lights would be switched off outside the proposed hours of operation. No floodlighting is proposed as part of the scheme.

Additional / revised information received from the applicant during the processing of the application

21. In response to representations received from statutory consultees and the local community during the consideration of the current application, the applicant provided further supporting information including (amongst other matters):
 - Additional supporting information relating to the access roads, nearby landscape bunds, cumulative impacts, odour and vermin.
 - Dust management provisions;
 - Drainage arrangements;
 - Lighting details;
 - Provision for landscape planting to the north / east boundaries outside the fence line.
 - Confirmation that work to repair / improve the access from the proposed facility to the public highway would be completed within 4 months of the date of planning permission.
 - An acoustic assessment – demonstrating that the predicted noise from the development would be below the existing background noise levels during the proposed operating times at the closest ecological and residential receptors (minus 13dB and minus 16dB respectively). A British Standard (BS) 4142¹ assessment completed suggests that there is unlikely to be a negative noise impact as a result of the proposals.

¹ *British Standard 4142: Method for rating industrial noise affecting mixed residential and industrial areas.*

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

- An assessment of the planning status of the site – including historic aerial photographs demonstrating activity on part of the site over the past 10 years.
 - A sworn legal declaration by the landowner confirming that the main part of the proposed site has been used as an unlicensed skip hire business (by Sittingbourne Mini Skips) between 2005 and 2015.
22. The additional information received has been subject to further consultations with key statutory consultees and representatives of the local community (where appropriate). The consultee responses included below represent the most recent views received in each case.

Planning Policy

23. The most relevant Government Guidance and Development Plan Policies are summarised below and are essential to the consideration of this application:
24. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (2019) (NPPF) and the associated National Planning Practice Guidance (NPPG), the National Planning Policy for Waste (2014) (NPPW) and HM Government: Our Waste, Our Resources: A Strategy for Waste (2018). Government policy and guidance are material planning considerations.
25. **Kent Minerals and Waste Local Plan 2013-30 (2016) (MWLP)** – Policies CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW 7 (Waste Management for Non-hazardous Waste), DM1 (Sustainable Design), DM 2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM5 (Heritage Assets), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste) and DM16 (Information Required In Support of an Application).
26. **Kent Waste Local Plan (1998) Saved Policies (KWLPSP)** – W7 (Locations suitable in principle for inert waste to be prepared for re-use) and W9 (Locations suitable in principle for waste separation and transfer).
27. **Emerging – Partial Review of the Kent Minerals and Waste Local Plan 2013-30 (November 2018 - Pre-Submission Draft) (EPRMWLP)** - the Partial Review proposes changes to (amongst other matters) Policies CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities) and CSW7 (Waste Management for Non-hazardous Waste). One of the drivers for the Partial Review was to update the assumptions about waste management capacity underlying Policies CSW7 and CSW8.
28. **Bearing Fruits 2031: The Swale Borough Local Plan (2017) (Swale LP)** Policies: ST1 (Delivering sustainable development in Swale), ST3 (The Swale settlement strategy), ST4 (Meeting the Local Plan development targets), ST5 (The Sittingbourne area strategy), CP1 (Building a strong, competitive economy), Policy CP2 (Promoting sustainable transport), CP4 (Requiring good design), CP5 (Health and wellbeing), CP7 (Conserving and enhancing the natural environment - providing for green infrastructure), CP8 (Conserving and enhancing the historic environment), DM3 (The

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

rural economy), DM6 (Managing transport demand and impact), DM7 (Vehicle parking), DM14 (General development criteria), DM19 (Sustainable design and construction), DM21 (Water, flooding and drainage), DM24 (Conserving and enhancing valued landscapes), DM26 (Rural Lanes), DM28 (Biodiversity and geological conservation), DM31 (Agricultural Land) and DM34 (Scheduled Monuments and archaeological sites).

Consultations

29. **Swale Borough Council – objects** to the application on the following grounds.

The proposal represents unjustified industrial development in a manner harmful to visual and rural amenity and the character, appearance, and wider amenity value of the countryside. As such the scheme is considered contrary to policies ST1, ST5, CP4, DM3 and DM14 of the adopted Swale Borough Local Plan 2017 and the advice of paragraphs 8 and 170 of the National Planning Policy Framework.

30. **Iwade Parish Council – no objection**, subject to conditions.

The Parish Council supports recycling and as such would not wish to object to the application, particularly as the applicant appears to be trying to improve their area. The Parish Council comments as follows:

- The access road is not considered fit for purpose; debris from the access already washes down onto the public highway. It recommends a wheel washing facility (as a necessity);
- HGV movements should be limited to the proposed 22 (11in/11out) per day, without provision for further increases in the future.
- All HGV movements should be routed away from Iwade Village.

The Parish Council express concerns regarding the condition of the industrial estate in general, including other skip hire businesses within the estate and the possible storage of waste on these sites; concerns about potential contamination of surface water and the impact on the SPA/Ramsar/SSSI; and concerns about whether other uses on the industrial estate are suitably regulated and inspected. The Parish Council's comments appreciate that KCC must look at this application on an individual basis, however it urges that the whole industrial estate is reviewed.

31. **Environment Agency (EA) – no objection** to the change of use to a proposed waste management facility in this location.

The EA advise that the development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. It also confirms that drainage arrangements associated with this development may also require an Environmental Permit, unless an exemption applies.

32. **Natural England (NE) – no objection.**

NE initially considered that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Medway Estuary and Marshes SPA and Ramsar site.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

- damage or destroy the interest features for which Medway Estuary and Marshes Site of Special Scientific Interest (SSSI) has been notified.

NE required an Appropriate Assessment (AA) of the application and the proposed mitigation measures in connection with the designated sites. Officers prepared an AA and submitted the document for NE's approval under the Conservation of Habitats and Species Regulations (please see a copy of the AA attached in Appendix 1)

NE has subsequently confirmed that it concurs with the conclusions of the AA that the proposal will not have an adverse effect on the integrity of The Medway Estuary & Marshes SPA, Ramsar, SSSI sites or The Swale SPA, Ramsar, SSSI sites, subject to the mitigation measures proposed.

33. **Historic England** – advise that based on the information available, it does not wish to offer any comment on the application. The response suggests that the authority seeks the views of a specialist conservation and archaeological advisers, as relevant.
34. **Kent County Archaeological Officer – no objection**, subject to a condition requiring submission and implementation of a watching brief.
35. **Kent County Council Highways and Transportation – no objection** on behalf of the local highway authority, subject to conditions securing provision and permanent retention of the vehicle parking spaces and the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing. Highways and Transportation also recommends an informative setting out advice if the development directly impacts on highway land.
36. **Kent County Council's Ecological Advice Service (EAS) – no objection**, subject to conditions securing the mitigation measures within the AA.

The EAS confirm that given existing uses it is satisfied that the site does not provide suitable habitat for protected/notable species, nor would it provide functionally linked habitat² in connection with the SPA / Ramsar / SSSI sites. Taking account of the advice of the County Council's Noise Consultants and Sustainable Drainage Team, the EAS recommends that the information received has provided reassurance that the development would not result in a likely significant effect on the designated sites and no further information is required prior to determination of the planning application.

37. **Kent County Council's Sustainable Drainage Team (SDT) – no objection** to the development.

The SDT note the development boundary includes existing paved and hard standing. The site is not crossed by any known flow paths. Surface water would appear to flow in a north-easterly direction. A sensitive site is located approximately 130m to the northeast. The land falls 4m from the development area to the sensitive site boundary.

As with any waste facility, the expectation would be that appropriate surface water management is implemented in and around the proposed waste reception area. The

² *Functionally Linked Habitat is habitat which is used by species for which a site has been designated that is not within the designated area.*

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

applicant has indicated that the waste would be tipped and sorted within a bay which has a concrete base and would have a drainage channel from which water will be directed to a sealed tank.

The proposed development provides mitigation to manage any excess surface water from the area where it may collect any potential pollutants. There do not appear to be any other significant changes to the access road or parking area that change the level of risk associated with surface water management.

SDT recommend that based upon the description provided, the proposed development would not appear to represent a significant risk to surface water drainage flood risk or water quality given the inclusion of appropriate mitigation.

38. **Kent County Council's Noise Consultant (Amey) – no objection**, subject to a condition securing the preparation of a site management plan.

Amey confirms it is satisfied that, due to the location, limited scale and size of the operation, along with the limited additional number of vehicles accessing the site and the proposed preparation of detailed site management plan, noise would not be a significant cause for concern and no further noise assessment is required.

39. **Kent County Council's Air Quality Consultant (Amey) – no objection**, subject to the dust mitigation measures proposed by the application and the preparation of a site management plan being secured by condition.
40. **UK Power Networks – no objection**, the comments received provide advice to the applicant on development close to UK Power Network assets.
41. **National Grid** – no representations received.

Local Member

42. The local County Member for Swale West, Mr Mike Whiting was notified of the application on 23 January 2019.

Publicity

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

Representations

44. In response to the publicity, 3 letters objecting to the application have been received. The key points raised can be summarised as follows:
- Amenity impacts of existing uses within the industrial estate. This includes vehicle movements / hours of operation (0630 to 1900 hours) / mud and debris on the road / large stockpiles of (waste) material / fires and burning waste / unauthorised development and/or uses.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

- Amenity impacts from the proposed use including noise, dust, odour and an increased risk of vermin.
- Concerns about foul and surface water drainage arrangements.
- Landscape and visual impacts, appropriateness of the development in the countryside.
- Cumulative impacts on biodiversity and wildlife designations.
- Impacts on heritage assets.
- Conflicts with surrounding land uses, including existing and new housing permitted in the locality.
- Concerns that the applicant already operates a skip business from the site.
- Highway safety concerns, including the number of HGV movements, vehicles queuing to enter the site / estate, the potential to exacerbate debris on the road and associated risk to other road users (including punctures).
- Concerns about fires and burning waste resulting from existing development within the industrial estate.

Discussion

45. The application proposes the formation of a small-scale waste management facility in connection with an existing skip hire business informally located on land adjacent to the Marshbank Industrial Estate. The proposals would allow the importation of up to 5,000 tonnes of inert waste per year within skips for sorting and separation of recyclable materials, with the residual being bulked up for transfer to landfill. The application includes the construction of a waste reception bay with 3m sleeper walls, a concrete pad and an integrated (sealed) drainage system and associated surface water storage tank. The surrounding compound would be enclosed by palisade fencing and surfaced with recycled aggregates. This area would provide space for a double stacked container building (providing office accommodation and storage), further containers (for storage of recyclables), storage of empty skips, staff parking and overnight parking for HGVs. A total of 22 HGV movements per day (11in/11out) are proposed. The development would increase employment on site from 5 to 10 members of staff. The hours of use proposed are 0700 to 1700 hours Monday to Fridays, 0700 to 1300 hours on Saturdays with no working on Sundays and Bank Holidays.
46. The application is being reported to the Planning Applications Committee as a result of objections received from Swale Borough Council and 3 letters of objection from the local community. The objections relate to unjustified industrial development in a rural location contrary to the character, appearance, and wider amenity value of the countryside; impacts on residential amenity (noise, dust, odour, risk of vermin); highway safety concerns; pollution impacts on water and wildlife designations; impacts on heritage assets; and cumulative impacts with existing industrial uses. See the Consultations and Representations sections above for details of views / objections / recommendations received.
47. In considering this proposal regard must be had to the Development Plan Policies outlined in the Planning Policy section above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The proposal needs to be considered in the context of the Development

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

Plan policies and other material planning considerations, including national planning policy and those arising from consultation and publicity summarised above.

48. In accordance with government guidance the planning authority has engaged with the applicant and other interested parties to address issues arising during the processing of this planning application to ensure Members are appropriately informed when the Committee makes its decision.
49. In my opinion, the key determining planning considerations in this case can be summarised by the following headings:
- Principle / Need;
 - Location;
 - Landscape and visual impacts (including lighting);
 - Highways and access;
 - Air emissions, including dust and odour;
 - Noise;
 - Water quality and resources and flood risk management.
 - Nature conservation;
 - Historic environment; and
 - Residential amenity.

Principle / Need

50. Paragraphs 7 – 14 of the NPPF sets out national policy on achieving sustainable development, including the three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. The presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 177 states the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site³, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the designations. Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.
51. Paragraph 1 of the NPPW states that positive planning plays a pivotal role in delivering the 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

³ *Definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 including Sites of Community Importance, Special Areas of Conservation, Special Protection Areas, any relevant Marine Sites and Ramsar sites.*

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

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, amongst other matters.

52. Paragraph 7 states that in determining applications, Waste Planning Authorities should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan.
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (see sections below) and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure waste management facilities are well-designed, so that they contribute positively to the character and quality of the area;
- concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities.

53. Policy CSW1 and CSW2 of the MWLP reflect the national requirements on sustainable waste development, including driving waste management up the waste hierarchy. Policy CSW4 states that the strategy for waste management in Kent is to provide enough waste management capacity for at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. The Kent Waste Needs Assessment (Sept 2018 Update): Non-Hazardous Waste Recycling/Composting Capacity Requirement concludes that the combined consented recycling/composting capacity would be enough to meet the overall recycling/composting targets associated with the management of non-hazardous waste over the MWLP period as proposed in the revision to Policy CSW4. Therefore, net self-sufficiency in recycling/composting capacity could be achieved in Kent without provision for additional capacity. The preamble to Policy CSW4 (as amended by EPRMWLP) reflects this conclusion.

54. Notwithstanding, Policy CSW7 and the associated preamble (taking into account of both the adopted MWLP and the amendments proposed by the EPRMWLP) make it clear that in terms of additional waste management capacity there is no intention to restrict the amount of new capacity for recycling or preparation of waste for reuse or recycling provided it moves waste up the hierarchy and recovery of by-products and residues is maximised. The MWLP indicates this approach will reduce the amount of Kent waste going to landfill and so conserve existing non-hazardous landfill capacity for any waste that cannot be reused, recycled, composted or recovered. On this basis, there is policy support in principle for additional capacity for recycling and preparing waste for reuse. The MWLP policies seek to drive a major change in the way that waste is managed in Kent in accordance with national policy. Helping to enable a change in perception of waste from being something that must be disposed to something that can be used as a resource.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

55. Subject to further consideration of matters set out below, Policies ST1 and DM3 of the Swale LP lend support to sustainable growth and expansion of business and enterprise in the rural area, supporting a prosperous rural economy.
56. I am content that the above policies provide support for the development in principle, on the basis that the proposals would add to the county's capacity to manage waste by diverting material that would otherwise end up in landfill. The operations proposed would provide a small-scale operation to help manage local skip waste and would add to rates of recycling. The 'in principle' support is subject to the application according with other development plan policies, including further consideration of location, landscape and visual impacts; highways, emissions to the environment, nature and historic conservation within the sections below. This includes further consideration of the impact on nearby habitat sites in the context of the presumption in favour of sustainable development.

Locational Considerations

57. The application proposes the development of 0.15 hectares (ha) of land. This area of land is located outside the permitted boundary of the adjacent industrial estate on land that technically falls within the open countryside. The site is currently being used by the applicant as a depot for a skip hire business. No planning permission exists for this use or any other industrial activity on the compound area. However, land to the south forms the Marshbank Industrial Estate, which includes the access road. The existing use is one of several industrial type activities that appear to have informally grown out of the adjacent industrial estate and/or the motor racing activity to the north.
58. Paragraph 38 of the NPPF seeks local planning authorities to approach proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Paragraph 83 provides support for the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. In this instance it encourages use of previously developed land, and sites that are physically well-related to existing settlements where suitable opportunities exist. Paragraph 117 promotes effective use of land that makes as much use as possible of previously developed or 'brownfield' land, except where this would conflict with other policies in the Framework, including causing harm to designated sites of importance for biodiversity.
59. Paragraph 4 of the NPPW seeks planning authorities to consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. It also encourages giving priority to the re-use of previously developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages. Paragraph 7 requires the suitability of waste sites to be assessed against criteria set out in Appendix B of the policy document (these criteria are considered in more detail in the sections below).
60. Policy CSW6 of the MWLP and emerging Draft (modified) Policy CSW6 of the EPRMWLP, subject to other environmental criteria (considered in more detail in the

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

Sections below), provide support for the location of waste development within or adjacent to an existing mineral development or waste management uses, new major development for B8 employment or mixed uses, within existing industrial estates, other previously developed, contaminated or derelict land not allocated, and redundant agricultural and forestry buildings and their curtilages. For proposals defined as greenfield land, Policy CSW6 indicates that waste uses should only be permitted if it can be demonstrated that no suitable location that accord with the above list within the intended catchment area are available or the nature of the use requires an isolated location.

61. Policies ST1, ST3 and ST5 of the Swale LP seek development that accords with the Swale settlement strategy, which seeks to restrict development outside the built-up area boundaries, unless supported by national planning policy and where it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. Policies CP1 and DM3 seeks to support a strong, competitive economy, including the sustainable growth and expansion of business in rural areas. These policies seek to guide development towards existing employment sites, industrial areas or re-use of existing buildings or other previously developed land. Where suitable sites at the above locations are not available, provided the development plan policies are not significantly compromised, Policy CP1 guides development towards extensions to existing employment sites and sites well related to the A249, A2, Sittingbourne Northern Relief Road or A299 Thanet Way. Policy DM3 seeks the design and layout of development to be sympathetic to the rural location and appropriate to their context, result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area; and avoid scales of traffic generation incompatible with the rural character. Policy DM31 seeks to protect agricultural holdings and prevent significant losses of high-quality agricultural land.
62. Swale Borough Council has raised an objection to the application (as originally received) as it considers the proposal represents unjustified industrial development in a manner harmful to visual and rural amenity and the character, appearance, and wider amenity value of the countryside. Following this initial objection to the principle of the development in this location, Swale Borough Council has not commented on the further information submitted by the applicant in response to the concerns raised.
63. In response the applicant provided further supporting information that seeks to demonstrate the main part of the proposed site has historically been used for industrial activity for a significant length of time. The information provided includes a sworn declaration by the landowner, confirming that part of the site has been in use as an (unlicensed) skip hire business (previously run by Sittingbourne Mini Skips) between 2005 and 2015. Since 2015, the site has been cleared of waste material and has been used for open storage and HGV parking. The applicant's use of the site commenced in 2017. The submitted information also includes historic aerial photographs of the site from 2007 onwards, which appear to support the argument that some form of historic use has continued for more than 10 years.
64. The Planning and Compensation Act 1991 introduced rolling time frames within which local planning authorities can take enforcement action against breaches in planning control. In the instance of the use of the application site it would be a 10-year period starting from the date the breach in planning control was committed. Once 10 years

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

have passed with the site in continuous use the development can potentially be considered lawful in planning terms and exempt from planning enforcement action. To formalise this the applicant would need to apply for a lawful use certificate. This would be a matter for Swale Borough Council as the local planning authority. The County Council as Waste Planning Authority is not in a position to establish whether previous or existing uses are lawful in this instance.

65. Notwithstanding the above, the applicant has decided to apply for full planning permission rather than a lawful use certificate, as the waste use proposed would be different from the previous activities described at the site. Whilst the Waste Planning Authority cannot legally establish a lawful use, it is reasonable, in determining the current application, to consider whether it could be established under the right circumstances. This would be material to the decision in front of Members and has a direct bearing on how the existing use is defined and in turn the Development Plan Policies that apply to the current application, as set out above.
66. Taking into account the information received in support of the application and that available to the Waste Planning Authority from other sources, it is clear that land surrounding the application site has been used for a wide range of activities in the past, including as part of the former military base, motor racing activities and industrial uses. This variety of uses have continued for more than 80 years. It would therefore be difficult to suggest that the development site is open countryside or greenfield in its traditional sense. In my opinion, whilst the information supplied does not provide enough detail to define the scale or intensity of the historic use(s) of the application site, the aerial photographs available, backed up by the landowner's declaration, would support the view that some sort of industrial activity has continued for more than 10 years. I am therefore satisfied in the context of the current application that sufficient information is available to reasonably conclude that the site could be viewed as previously developed land, as opposed to a greenfield site.
67. This conclusion changes the Development Plan Policies that potentially apply in this instance. As indicated above, the NPPF, NPPW and Policy CSW6 of the MWLP provides support in principle for waste development within existing industrial estates, on other previously developed, and contaminated or derelict land not allocated, amongst other locations. Policies CP1 and DM3 of the Swale LP also seek to guide economic development in rural areas towards existing settlements, employment sites, industrial areas or re-use of existing buildings or other previously developed land. Provided development plan policies are not significantly compromised, Policy CP1 guides development towards extensions to existing employment sites and sites well related to the A249, A2, Sittingbourne Northern Relief Road or A299 Thanet Way.
68. The site is technically classified as grade 3 agricultural land by the planning constraints; however, the land has been out of agricultural use for more than 80 years. Given the level of disturbance that appears to have taken place, the site would have limited value for agricultural purposes and is further confined by the permitted industrial estate and speedway track that surround the location. I am therefore content that little weight should be afforded to the historic agricultural classification.
69. Concerns have been raised by one local resident that the location of the application site would conflict with the Iwade Village Expansion allocated within the Swale LP Policy ST4 (Meeting the Local Plan development targets). At its closest point the

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

allocated site is over 680m away, well to the south-east of the Marshbank Industrial Estate on the outskirts of Iwade. The proposed development is not of a scale that would impact a development at that distance, particularly given the established industrial uses in between.

70. Taking the above into account, along with the existing nearby industrial uses and other surrounding activities, subject to further detailed consideration of landscape and visual impacts; highways, emissions to the environment, nature and historic conservation within the sections below, I am content to recommend that under the circumstances the principle of the use of the land in this location would not be unacceptable and would benefit from policy support in principle.

Landscape and visual impacts (including lighting)

71. As indicated above, the site currently consists of an open area of land surfaced with hardcore and used for parking and open storage. The application proposes to formalise the use of the land to allow the formation of a small-scale waste management facility. The proposed activity would take place in the open. The built development would consist of a waste reception bay with 3m high sleeper walls, a concrete base and integrated drainage, storage containers, a two storey container building providing office and storage space, surfacing of the site with recycled aggregates, storage of skips, overnight HGV parking, enclosed with 2.2m high palisade security fencing. The application states that the container building and the fencing would be finished in dark green. This is proposed to limit the visual impact of the built development in the context of the wider landscape.
72. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 180 states that new development should be appropriate for its location considering the likely effects of pollution on health, living conditions and the natural environment. It states that development should, amongst other matters limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
73. Paragraph 7 of the NPPW states that when determining applications Waste Planning Authorities should consider the likely impacts on the local environment and local amenity against various locational criteria and other matters. Key locational considerations include landscape and visual impacts and seek design-led solutions that respect landscape character; the need to protect landscapes or designated areas of national importance and any localised height restrictions. Appendix B of the NPPW requires that, amongst other matters, light pollution is considered.
74. Policy CSW6 of the MWLP states that planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan providing (amongst other things) the landscape is able to accommodate associated structures after mitigation. Draft (modified) Policy CSW6 of the EPRMWLP does not change the decision-making criteria but removes reference to the need for a Waste Sites Plan. Policy DM1 states that minerals and waste proposals should demonstrate that they have been designed to avoid causing any unacceptable adverse impact on the environment and communities by appropriate measures to protect and enhance the

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

character and quality of the site's location. Policy DM11 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from illumination and visual intrusion. Policy DM12 states that permission will be granted for waste development where it does not result in an unacceptable adverse, cumulative impact on the environment.

75. Policies ST1, ST5, CP4, CP7, DM3, DM14 and DM24 of the Swale LP all seek to deliver sustainable development, through the protection, and where possible, enhancement, of the intrinsic character, beauty and tranquillity of the landscape and local character. Ensuring high quality design that responds to the landscape character, condition, sensitivity and any limitations from its overall capacity for change, in the context of the guidelines set out within the Landscape Character and Biodiversity Assessment SPD and Guidelines and Urban Extension Landscape Capacity Study. The above Swale LP Policies require development that is well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. Policy DM26 of the Swale LP seeks to protect the character of rural lanes, including Old Ferry Road, which serves the Marshbank Industrial Estate and the application site.
76. Policy DM24 states that development decisions should protect, enhance and manage landscape areas in accordance with the significance of the landscape value. For non-designated landscapes the policy requires development to minimise and mitigate any adverse landscape impacts. The Swale Landscape Character and Biodiversity Appraisal (SLCBA) and The Swale Urban Extension Landscape Capacity Study (2010) Supplementary Planning Documents identify that the application site and adjacent industrial estate fall within the Lower Halstow Clay Farmlands Character Area. This landscape is not designated and is in moderate condition, with localised areas in poorer condition, including Marshbank. SLCBA states that the area borrows a considerable degree of its sense of place from the neighbouring marshlands and coast with long open views across the arable landscape. The marshland provides a unique setting to an otherwise small-scale rural landscape. Land to the north, east and west falls within the Chetney and Greenborough Marshes Character Area designated as an Area of High Landscape Value. The SLCBA seeks development that reduces the influence of smaller scale urban or industrial elements by introducing appropriate planting, such as dense thorn scrub, and avoids proposals that would be unduly prominent on high or open ground that have particular regard to sensitive views from the marshes to the north. This includes minimising the impacts of external lighting on the dark night-time character.
77. Whilst the application site is not in a particularly sensitive landscape, its proximity to the more sensitive marshland and coastal designations require careful consideration of the potential impacts. The application site is immediately adjacent to the industrial activity associated with the estate and other development including the speedway track to the north. As a result of previous informal activities in the locality, potentially connected with the former and current motor racing activity, there are several mounds of material to the north and east (approximately 3.5 – 4m high) that generally screen the site. Due to the small scale of the proposals the mounds coupled with the existing built development associated with the estate and the former military base would serve to screen the development from the wider landscape. The tallest element proposed would be the container office building, which would be approximately 7m by 2.7m by 5.4m high. The remainder of the development would be less than 3m in height, this

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

includes the proposed overall height of any materials or skips stored on site. It would be possible to secure this by way of a suitably worded condition.

78. There is some question over the planning status of the mounds referenced above. This along with several other potential breaches in planning control are issues that the Borough Council and potentially the County Council will need to consider separately. Notwithstanding this, the scale of the development proposed is such that even without the bunds the site would not have a significant impact on the landscape given the surrounding land uses. Following comments received from consultees and residents the applicant submitted further supporting information, including confirmation that the office building and fences would be finished in a dark green and an agreement to provide boundary planting. The proposed landscape planting would consist of a 2m deep belt of thorn scrub to the northern and eastern boundaries (see above site layout plan). This provision would accord with the recommendations set out in the SLCBA. I agree with Iwade Parish Council's comments that the applicant is attempting to improve the appearance of the area. The regularisation of the use would offer the potential to help improve the overall appearance of the site by bringing activity under planning control.
79. In considering the potential impact of the proposed development on the Old Ferry Road as a designated rural route in the landscape under Policy DM26 of the Swale LP, it should be noted that the route has accommodated military and subsequent industrial estate traffic for a significant number of years. Given the relatively small number of HGV movements proposed (i.e. 22 HGV movements per day (11 In / 11 Out) and taking account of the existing movements associated with the skip hire use, the proposed small-scale activities are unlikely to change the character of this rural route. The road is of reasonable size and for much of the short distance out to the primary road network allows for two-way traffic.
80. The landscape guidance for the area highlights the importance of preserving the dark night-time character of the surrounding landscape. The application proposes minimal external lighting, on the stairs to the office and at the main gate, to comply with health and safety requirements. This lighting would only be operated during the proposed hours of use (i.e. 0700 to 1700 hours Mon-Fri and 0700 to 1300 hours Sat). Waste sorting would not take place outside of daylight hours with no flood lighting proposed. I am content that the above arrangements can be secured by planning condition if permission were to be granted. This could further restrict any changes to the setup without the prior written approval of the Waste Planning Authority. I am content that the lighting proposed would have no significant impacts on the surrounding landscape, local community nor ecological designations and would accord with the relevant development plan policies.
81. I am satisfied that the proposed development is of a scale, design and appearance that would not be inappropriate in this location given the existing uses that surround the site. The nature of the development is such that it would not be unduly prominent and would not have an unacceptable impact on the wider landscape, including the surrounding marshland. Subject to conditions securing the proposed landscape planting, colour treatment of the building and fencing, storage of skips and materials not to exceed 3m in height and no additional external lighting without approval, I am content to recommend that the development as proposed would be acceptable in the

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

context of the development plan policies relating to landscape and visual impact, including those summarised above.

Highways and access

82. The application proposes to use the existing unmade estate roads to access the public highway via an established access. From there the proposed route would head along Old Ferry Road to the junction with the A249, south of the Sheppey Crossing. This would allow access to the applicant's customer base within the Sittingbourne, Medway and the Isle of Sheppey areas. The development would generate 22 HGV movements per day (11 In / 11 Out). This is anticipated to be 10 skip lorries importing material and skips and 1 bulk transporter exporting recyclables and/or residual waste. The application states that the existing use of the site as part of the applicant's skip hire business generates approximately 20 HGV movements per day.
83. Paragraphs 108 - 109 of the NPPF state development should promote sustainable transport modes, taking account of the type of development and its location; ensure safe and suitable access; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 84 recognises that sites to meet local business and community needs in rural areas may have to be found. In these circumstances, it seeks development that is sensitive to its surroundings; that does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
84. Paragraph 7 of the NPPW states that consideration should be given to the likely impact on the local environment and on amenity against the criteria set out in Appendix B of that document. In terms of traffic and access, Appendix B states that considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.
85. Policy CSW6 of the adopted MWLP states that planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan providing such proposals (amongst other things) are well located to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road. Draft (modified) Policy CSW6 of the Partial Review of the Kent MWLP removes any reference to a Waste Sites Plan but retains the same criteria for decision making.
86. Policy DM13 of the MWLP states that development will be required to demonstrate that emissions associated with road transport movements are minimised so far as practicable. It also states that proposals will be required to demonstrate that: (1) the proposed access is safe, appropriate in scale and is not detrimental to road safety; (2) the highway network can accommodate the traffic flows and that these do not have an unacceptable adverse impact on the environment or local community; and (3) emission control and reduction measures. Policy DM15 states that development will be granted planning permission where it would not give rise to unacceptable impacts on road transport or where these impacts are mitigated.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

87. Policies CP2 and DM6 of the Swale LP require development that safeguards highway capacity and safety, ensuring that proposals involving the intensification of use of any existing access onto a strategic, primary or other route has capacity and meets relevant safety standards. Policy DM7 seeks vehicle parking which considers the accessibility of the development and availability of public transport; the type, mix and use of the development proposed; and that development proposals do not exacerbate on-street parking to an unacceptable degree. Policy DM14 requires development that achieves safe vehicle access, convenient facilities for pedestrians and cyclists, access to public transport, together with parking.
88. Objections received from residents raise concerns about the potential cumulative impact of the development with the existing industrial estate on the highway network. This includes concerns about the vehicle numbers, vehicles queuing to enter the estate and the condition of the estate roads, which allegedly result in debris being tracked onto the public highway impacting on highway safety. Iwade Parish Council raise no objections to the application; however, it asks that consideration be given to: improvements to the access road to prevent debris reaching the public highway and provision of wheel cleaning facilities; HGV movements limited to the proposed 22 (11in/11out) per day (without provision for further increases in the future); and all HGV movements should be routed away from Iwade Village. Kent Highways and Transportation raise no objections to the application on highway grounds, subject to conditions securing vehicle parking and the manoeuvring space on site.
89. As set out above, the application does not propose a significant change in the number of HGV movements associated with the existing use(s). Whilst the existing use may not benefit from express planning permission, the use as part of a skip hire business has continued for a significant amount of time, along with associated HGV movements. Swale Borough Council are responsible for this use of the site and have not disputed the applicant's evidence that the site has been in use more than 10 year or sought to enforce against the activity during this period. Irrespective of whether the site benefits from any lawful use, the proposed operations are small in scale with relatively few HGV movements. This level of activity is not necessarily out of keeping with a more rural location given the surrounding road network. If spread across the proposed hours of use the number of movements would equate to an average 2 / 3 movements per hour. Vehicles accessing the estate would use a short stretch of Old Ferry Road before reaching the junction with the A249. The proposed number of HGV movements (i.e. 22 HGV movements per day) could be secured by condition, as could the proposed routing strategy, which would only see HGVs associated with the proposed use travelling south from the estate if collecting from Iwade or Lower Halstow. With reference to the Parish Council's request to limit any future increases in HGV movement, this would be controlled through the planning system. Should the applicant decide to seek changes to the HGV numbers proposed it would need to apply for planning permission and seek to demonstrate the acceptability of the changes in the usual way. It is only at this point that the planning authority would be in a position to assess whether any proposed changes are acceptable or otherwise.
90. Following a visit to site, officers note that the industrial estate roads would benefit from maintenance and improvement. Such improvements should limit the potential for mud and debris to be tracked onto the highway. Whilst these roads are outside the applicant's direct control and the proposals would not significantly alter the number of

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

HGV movements already taking place in connection with the site, the applicant has agreed to work with the landowner to improve the roadways with recycled aggregates. The application notes that this work would benefit all the businesses using the estate roads despite limited changes to the existing number of movements. I am content that the improvements proposed by the applicant are reasonable under the circumstances and could be secured by condition, alongside measures to limit mud and debris being deposited on the public highway. Members should note that any controls imposed would only relate to the proposed use, the applicant cannot be reasonably expected to resolve issues relating to the wider uses on the industrial estate.

91. Given the scale of the proposed development and the existing uses taking place at site, I am content that the proposed use would not have a significant impact on the highway network and represents an opportunity to secure improvements over the existing arrangements. I note that Kent Highways has not raised an objection or any specific concerns over the proposed development, which would have good access to the primary road network. Subject to the further consideration of air emissions below and conditions securing HGV numbers, improvements to the access, measures to limit mud on the highway and the proposed routing strategy, I am satisfied that the proposed development would accord with the relevant Development Plan and Government policies relating to highways and access.

Air emissions, including dust and odour

92. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) preventing development from contributing to unacceptable levels of soil, air, water or noise pollution and that development should, wherever possible, help to improve local environmental conditions such as air and water quality. Paragraph 180 states that that new development should be appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site / wider area. Appendix B of the NPPW states that proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled using appropriate and well-maintained and managed equipment and vehicles, should form part of the decision process.
93. Policies DM11, DM12 and DM13 of the MWLP seeks development that does not generate unacceptable adverse impacts from dust, emissions, odour, traffic or exposure to health risks and associated damage to the amenity and wellbeing of local communities and the environment. Policy CP5 of the Swale LP seeks development that safeguards the health and wellbeing of the local community. Policy DM3 support sustainable growth and expansion of business and enterprise in the rural area, subject to several controls, including avoiding scale of traffic generation incompatible with the rural character. In assessing impact on the highway, policy DM6, amongst other matters, seeks to integrate air quality management and environmental quality into the location and design of, and access to, development and, in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree especially taking into account the cumulative impact of development schemes within or likely to impact on Air Quality Management Areas. Policy DM14 supports development that causes no significant harm to amenity and other sensitive uses or areas.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

94. In this instance there are no AQMAs at or close to the site, nor the primary access route. Notwithstanding it is appropriate to consider the air quality implications of the development on local amenity and the local wildlife designations. As stated above, the application does not propose a significant number of HGV movements nor a material change to the number that already exists on the highway network in association with the applicant's skip hire business. There are therefore no material grounds to raise concerns about emissions from HGV movements.
95. The importation of waste has the potential to generate dust. The material received would be imported in skips, which would be restricted to mixed loads. Any skips containing mainly construction and demolition waste would be redirected to an alternate licenced waste facility that is better placed to manage this waste stream. The diversion of construction waste to other more suitable sites reduces potential for dust. The application proposes several dust mitigation measures that would seek to manage operations to minimise emission, these include the following:
- Construction of a waste reception bay, including 3m high sleeper walls, a concrete hardstanding with integrated drainage and the surfacing of the remainder of the site with recycled aggregates.
 - Installation and routine use of fixed dust suppression spray system to be installed on the sleeper walls surrounding the tipping area.
 - Minimising movement of materials.
 - Minimising drop heights.
 - Use of a water bowser to damp down other surfaces when necessary.
 - Storing of waste in containers or the waste reception bay.
 - Limits on total HGV movements each day.
 - Skips containing predominantly soils and brick rubble to be diverted for processing off-site.
 - Suspending works if weather is likely to make mitigation ineffective.
 - No material stored on site to exceed the height of the sleeper walls (3m).
 - Provision of chassis / wheel cleaning facilities.
 - All loaded vehicles to be covered.
 - Improvements to the access road.
96. In terms of the potential for odour, the application proposes to accept inert waste only. This should limit the potential for there to be any impacts on the surroundings from odour generated on site. The only putrescible elements received would be small contaminant quantities as part of the odd mixed skip load, which if identified would be set aside to be removed from site to a suitable management facility as soon as practicable with the remaining residual waste destined for landfill. If planning permission were to be granted, a condition controlling the waste types to those applied for would limit the potential for any unacceptable impacts.
97. The Environment Agency raise no objections to the application, confirming that the proposed waste use and associated drainage arrangements would be subject to a separate Environmental Permit if planning permission were to be granted. This Permit would control emissions to the environment to meet environmental standards set by the Government. Natural England and the County Council's Ecological Advice Service also commented on the development raising no objections, subject to conditions securing the mitigation measures proposed and as set out in the attached Appropriate Assessment prepared under the Habitat Regulations (see the Nature Conservation section below for details).

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

98. The County Council's Air Quality Consultants (Amey) has considered the application and raises no objections. Due to the location, limited scale and size of the operations proposed, along with the limited additional number of vehicles accessing the site, dust, pollution and odour emissions would not be significant and it is considered that no further detailed assessments are necessary. Amey are content that the dust mitigation measures proposed (referenced above), would ensure there would not be a significant impact from the proposals on the nearby European designated sites or other local receptors. The application states that a detailed site management plan would form part of the application for an Environmental Permit for the site if permission were granted. Amey recommend that a site management plan incorporating the mitigation measures proposed could reasonably be secured by condition. I am content that the approval of a management plan and its retention on site would serve to secure and draw attention to the mitigation measures required.
99. Taking account of the recommendations received from the statutory consultees, subject to the mitigation measures proposed in the application (and set out above) and those included within the attached Appropriate Assessment, I am content that the proposals would accord with the relevant Development Plan and Government Policies relating to emissions to air, including dust and odour.

Noise

100. Paragraph 170 of the NPPF seeks to prevent development from contributing to, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 180 of the NPPF states that development should be appropriate for its location, considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. It states that development should: mitigate and reduce to a minimum potential adverse impacts resulting from noise; and protect tranquil areas that have remained relatively undisturbed.
101. Appendix B of the NPPW requires consideration of the proximity of sensitive receptors. It states the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed, particularly if night-time working is involved.
102. Policy DM11 of the MWLP states waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, amongst other matters. Policy DM14 of the Swale LP requires development that causes no significant harm to amenity and other sensitive uses or areas.
103. Objections received from residents raise concerns that the proposed development would impact on local amenities, including as a result of noise. There are a small number of residential properties located to the south and west of the industrial estate. The closest is located off Old Ferry Road 215m to the south. There are further properties approximately 300m to the west, located off a private road leading to Raspberry Hill Lane.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

104. Following the representations received the applicant undertook an acoustic assessment in accordance with British Standard 4142. This assessment considered the potential impacts from the proposed development on residential properties and at the closest edge of the nearby Medway Estuary and Marshes SPA, Ramsar and SSSI. The assessment established that background noise levels at the location ranged from 36dB_A to 49dB_A (excluding noise from the speedway track). The noise calculations for the proposed waste management facility establish that the predicted noise would be well below the lowest recorded background levels at both the designated sites and the closest noise sensitive properties.
105. In responding to the application the County Council's Noise Consultants (Amey) draw attention to the conclusions of the noise assessment that the noise from the industrial estate (without the proposed use) is audible in the SPA/Ramsar/SSSIs, however that due to the nature of the proposed use the results show that the noise from the waste management activity would be inaudible in the context of the background levels. The calculated impacts of the development at the closest boundary of the designated sites would be 13dB below the lowest measured background noise level (21dB_A). The BS4142 assessment of the proposed development at the nearest residential properties demonstrate that the noise from the development would be 16dB below the lowest measured background noise level. In terms of BS4142, this rating demonstrates that there is unlikely to be a negative impact due to the waste management activity. Amey concludes that it is satisfied that, due to the location, limited scale and size of the operation, along with the limited additional number of vehicles accessing the site, noise would not be a significant cause for concern.
106. Subject to further consideration below relating to nature conservation, given the information received with the application and the views of the County Council's Noise Consultants, I am satisfied that the proposed development due to its nature and scale would not have a negative impact on the local noise environment, particularly when considered in the context of the existing use of the site which is not significantly different in its nature. I therefore recommend that the application accords with the relevant Development Plan and Government Policies relating to noise.

Protection of water quality and resources and flood risk management

107. The application site is located outside, although nearby, land identified as being at increased risk of flooding. As set out above, the site is also close to land designated as part of the Medway Estuary and Marshes SPA, Ramsar and SSSI. Natural England advise that the above interest features rely on water quality and stable water levels; as such development proposals must demonstrate how negative impacts on water quality and water levels are avoided and / or minimised. Natural England note that the application identifies the potential for contaminated runoff from the waste reception bay and that it proposes an impermeable surface, drainage scheme and a sealed underground storage tank to mitigate the potential for any impact. As indicated above, following Natural England's recommendations an Appropriate Assessment has been prepared (see copy attached in Appendix 1). This considers the potential for significant impacts on the integrity of the designated ecological sites, including water quality.
108. Paragraphs 157, 158 and 163 of the NPPF seek to steer development away from areas at increased risk of flooding and ensure it does not increase flood risk

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

elsewhere. Paragraph 165 requires major development to incorporate sustainable drainage systems. Paragraph 7 of the NPPW states planning authorities should consider the likely impacts on the environment and amenity, including protection of water quality and resources and flood risk management. Key locational considerations set out in Appendix B, include the proximity of vulnerable surface and groundwater or aquifers, and the suitability of locations subject to flooding, with issues relating to the management of potential risks posed to water quality from waste contamination requiring particular care. Paragraph 7 also indicates that waste planning authorities should concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

109. Policy CSW6 of the Kent MWLP states that planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan providing (amongst other things) the proposals do not give rise to significant adverse impacts on groundwater resources and avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b. Draft (modified) Policy CSW6 of the Partial Review of the Kent MWLP removes any reference to a Waste Sites Plan but retains the same criteria for decision making. Policy DM1 states that minerals and waste proposals should include sustainable drainage systems wherever practicable. Policy DM10 states that permission will be granted for minerals and waste development where it does not: result in the deterioration of the physical state, water quality or ecological status of any waterbody; have an unacceptable impact on groundwater Source Protection Zones; or exacerbate flood risk in areas prone to flooding or elsewhere.
110. Policy ST1 of the Swale LP seeks development that conserves the natural environment. Policy ST5 seeks development that is appropriate to the level of risk from climate change, flooding and coastal change. Policy DM21 seeks to avoid inappropriate development in areas at risk of flooding and where development would increase flood risk elsewhere and include integrated drainage measures.
111. Whilst the application site is located close to land identified as being at increased risk of flooding, it falls within Flood Zone 1 (the lowest risk). The development proposed would not significantly change the existing land use with most of the site retained as a permeable surface. An area of the site would be covered by an impermeable concrete pad, which as confirmed above would include integrated drainage and sealed surface water storage. Taking account of the proposed arrangements I am content that the development would not increase the chances of flooding off site, nor would it be at increased risk of flooding due to its location outside the flood risk zones.
112. In terms of preserving water quality the application includes several mitigation measures. These include the above-mentioned waste reception bay and integrated drainage. The proposed bay is designed to contain and manage surface water to prevent its discharge to the environment. The measures include an impermeable concrete base with positive fall towards a drainage channel installed along the open side of the bay and 75mm kerb stones to the other boundaries. The drain would discharge all surface water runoff from the pad via a silt trap to a sealed underground storage tank. The tank would be emptied on a regular basis with the contents disposed of at a suitable licenced facility.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

113. The application states that the site would handle only inert waste. This would exclude receipt of any food or black bag waste. The application also states that no hazardous wastes would be received. Waste accepted would be sorted within the reception bay and transferred into several separate containers, including general (landfill) waste and wood storage containers positioned on the sealed hardstanding and further containers proposed for the storage of inert recyclables stored within the wider compound.
114. The application proposes overnight parking of HGVs and the storage of skips within the compound. The surface of the site beyond the storage bay would incorporate the existing hardcore base topped with recycled aggregate. This surface would be permeable. Given the existing use of the site there would be no significant change to the proposed function or drainage arrangement for this part of the site. The application states that vehicles operated from the site are modern and regularly maintained off-site by the manufacturer's main dealer. It indicates that this reduces the risk of contamination from the storage of these vehicles. Any fuel kept on site would be appropriately banded / contained in accordance with Government regulations.
115. The Environment Agency raises no objection to the application and highlights that the proposed waste use and associated drainage would be subject to the Environmental Permitting regime. This would control any emissions to the environment and would include surface water drainage and flood risk amongst the relevant considerations. Natural England has considered the application and the Appropriate Assessment prepared and agrees with the conclusions that, subject to the mitigation measures identified, the development would not have an unacceptable impact on water quality.
116. The mitigation measures proposed in relation to water quality would include implementation and maintenance of the waste reception bay and associated drainage scheme, controls on waste types accepted to those applied for (excluding putrescible or black-bag waste) and all stored materials to be located either within the waste reception bay or the containers, as proposed.
117. I am content that the materials that would be accepted do not pose a significant risk to ground and surface water resources, and measures to minimise contamination of the water resources can be imposed on any permission. Considering the recommendations received from the Environment Agency, Natural England and the County Council's Sustainable Drainage Team, I am satisfied that the proposed development would safeguard against impacts on surface water quality and flood risk if the planning condition(s) recommended above and below were included on any planning permission. I therefore recommend that the development would comply with the relevant Development Plan and Government Policies relating to the water environment and flood risk.

Nature conservation

118. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) protecting and enhancing sites of biodiversity value (in accordance with their statutory status), whilst minimising impacts on, and providing net gains for, biodiversity. Paragraph 175 states that planning applications should be determined in accordance with the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

refused; (b) development which is likely to have an adverse effect on designated features of an SSSI should not normally be permitted; and (d) opportunities to incorporate biodiversity improvements should be encouraged. Paragraph 176 states (amongst other things) that listed or proposed Ramsar Sites should be given the same protection as habitats sites. Paragraph 177 states that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an Appropriate Assessment has concluded that the project will not adversely affect the integrity of the habitats site.

119. In terms of nature conservation, Appendix B of the NPPW states that considerations should include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.
120. Policies DM1, DM2 and DM3 of the MWLP seeks to protect and enhance biodiversity interests or mitigate and if necessary, compensate for any predicted loss, including ensuring no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, habitats or geological interests of sites of international, national and local importance. Policy DM10 seeks to ensure no deterioration, and where possible improvements to, the ecological status of all waterbodies.
121. Policies ST1, ST5, CP7, DM3, DM14 and DM28 of the Swale LP seek to conserve, protect and enhance biodiversity, including the integrity of sensitive areas and natural assets like a SAC, SPA, Ramsar and SSSI. The weight afforded to the protection of designated sites should be equal to the significance of the status.
122. Natural England's initial response to the application drew attention to the mitigation measures proposed to retain surface water drainage from the waste reception bay to prevent polluted run-off entering local surface and ground water resources. Without this mitigation Natural England consider that the application would have the potential to have an adverse effect on the integrity of the Medway Estuary SPA. An Appropriate Assessment of the project is therefore necessary under the The Conservation of Habitats and Species Regulations 2017. Following this recommendation, KCC officers undertook an Appropriate Assessment of the proposals. Please find a copy of the Appropriate Assessment approved by Natural England included in Appendix 1. In determining this application, I also ask Members of the Committee to endorse the conclusions of the Appropriate Assessment (AA).
123. The measures recommended by the AA to protect the designated sites include: the development to be carried out in accordance with the submitted documentation and plans; a throughput of 5,000 tonnes per annum (tpa); 22 HGV movements per day (11 In / 11 Out); controls on types of waste received to those applied for; hours of operation (7:00 – 17:00 Monday to Friday and 7:00 – 13:00 Saturdays); delivery and maintenance of drainage scheme; dust mitigation measures proposed; all waste received within the reception bay; no waste stored on the ground outside this bay; stockpiles not to exceed 3m; submission of a site management plan; any fuel, oil or chemicals stored in accordance with national regulations; no new external lighting or flood lighting to be installed without prior approval; and the site infrastructure, including hard surfaced areas, drainage scheme and storage tank delivered and maintained for

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

the life of the development.

124. The Appropriate Assessment concludes:

“The application proposed is for a small-scale waste operation (5,000 tonnes per year / 22 HGV movements per day). This would not significantly alter the level of activity already taking place on site nor the in-combination impacts with the surrounding industrial activity and other land uses.

Following the advice received from consultees set out above, including Natural England, Kent County Council as the competent authority concludes that this project alone or in-combination would not have an adverse effect on the integrity of the Medway Estuary & Marshes SPA and Ramsar site nor the Swale SPA and Ramsar site, provided the works are carried out as set out in the application and the mitigation measures outlined above (amongst other matters) are secured by condition should planning permission be granted”.

125. Natural England as the technical authority on the AA process, has subsequently confirmed that it concurs with the conclusions of the AA that the proposals would not have an adverse effect on the integrity of The Medway Estuary & Marshes or The Swale SPA and Ramsar sites, subject to implementation of the proposed mitigation measures. The County Council’s Ecological Advice Service (EAS) confirms the site is a mixture of hard standing/hard core, bare earth, sparse vegetation and rubble. The EAS understand that the site is currently being used as a vehicle depot and skip storage site and as such are satisfied that the site does not provide suitable habitat for protected / notable species.

126. Consideration of the application set out within the sections above establishes that the development would be unlikely to have unacceptable or significant impacts on the surrounding ecological designations as a result of external lighting, emissions to air, noise, HGV movements or impacts on water quality.

127. Further to completion of the Appropriate Assessment the applicant has agreed to include landscape planting to the site boundaries in the form of a belt of thorn scrub. This provision would accord with the Borough Council’s Landscape recommendations for the area. The proposals would also provide a biodiversity net gain increasing the available habitat on what is currently a sparse previously developed site. This arrangement could be secured by way of a suitably worded condition should permission be granted.

128. In accordance with paragraph 177 of the NPPF, further to the conclusions of the Appropriate Assessment (as verified by Natural England) that the project would not adversely affect the integrity of the habitats sites the presumption in favour of sustainable development set out in the framework can be applied in this instance.

129. Taking account of the recommendations within the attached Appropriate Assessment, the views of Natural England and KCC’s Ecological Advice Service, I am content that, subject to the mitigation measures proposed, the development is unlikely to have a significant impact on the designated habitat sites or nature conservation interests and is in accordance with the relevant Development Plan and Government policies relating to nature conservation and biodiversity matters.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

Conserving the historic environment

130. Paragraph 20 of the NPPF seeks development that makes provision for conservation and enhancement of the natural, built and historic environment. Paragraph 127 states that decisions should ensure development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 190 – 193 require planning authorities to identify and assess the significance of any heritage asset that may be affected taking account of the available evidence and any necessary expertise. Planning decisions should avoid or minimise any conflict between the heritage asset's conservation and new development. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, including scheduled monuments, should be wholly exceptional.
131. Policy DM5 of the MWLP requires development that would have no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities sought to maintain or enhance historic assets affected by proposals. Policies ST1, ST5, CP8, DM3, DM14 and DM34 of the Swale LP seek to protect and enhance the diversity, character, appearance and setting of the area's designated and non-designated historic assets, including listed buildings, conservation areas, Scheduled Monuments and archaeological sites. Policy DM34 states that development will not be permitted which would adversely affect a Scheduled Monument, and/or its setting.
132. There are no listed buildings or conservation areas close to the site or along the main access route. However, as indicated above, the application site does lie immediately adjacent and partly within (the vehicle access) the Iwade Heavy Anti-Aircraft (HAA) Battery Scheduled Monument. The former gun battery and associated camp was designated a Schedule Monument by the Secretary of State in February 2002, as an example of a 20th century military site, seen as historic survival and representing a defining episode in the history of warfare and of the century in general. The designation was made in full knowledge of the industrial estate and speedway track which existed when the decision was made. The Monument entry excludes the more modern features within the designated site, including those associated with the speedway tracks; all modern surfaces, fences, gates and structures; materials to update surviving buildings; all modern materials, vehicles and equipment stored within and around the emplacements, camp buildings and operational structures. However, it states that the ground beneath all these features, and/or the structures to which they are attached, are included.
133. Therefore, it is necessary to consider whether the proposed development would cause harm to the Scheduled Monument and/or its setting. Scheduling refers to the legal system for protecting nationally important monuments and archaeological remains in England. Its aim is to preserve the best examples of these for the benefit of current and future generations. Historic England retain responsibility for the Scheduled

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

Monuments protection, which is protected under the Ancient Monuments and Archaeological Areas Act 1979 (as amended). Scheduled Monument Consent from Historic England is required for any works resulting in the demolition or destruction of or any damage to a scheduled monument; any works for the purpose of repairing or making alterations; and any flooding or tipping operations on the land.

134. Historic England (HE) were consulted on the application and responded advising that based on the information available, it does not wish to offer any comment. HE suggests that the authority seeks the views of a specialist conservation and archaeological advisers, as relevant. HE's response did not indicate that Scheduled Monument Consent was necessary in this instance.
135. The County Archaeologist raises no objections to the application, subject to an archaeological watching brief of the groundworks. The County Archaeologist response notes that the development proposes the construction of a waste management facility on an area presently used for storage and parking immediately adjacent to the Iwade Heavy Anti-Aircraft (HAA) Battery Scheduled Monument. He notes that the development falls outside the area of the Scheduled Monument and any impacts on the designated heritage asset are likely to be confined to its setting. The advice confirms that this is an aspect that Historic England should lead on and notes that it has not raised an objection to the proposal in its present form. Taking account of the present condition of the setting within the industrial estate, the advice confirms that the proposals are unlikely to cause additional harm to the setting of the Scheduled Monument. The advice notes that it is possible that associated archaeological remains may extend outside the designated monument area. Whilst the application site consists of made ground it is considered that there is still scope for remains, which would justify inclusion of a condition requiring an archaeological watching brief.
136. Based on the above, it is considered that the development would impact on the setting of the Schedule Monument; however, this must be considered in the context of the surrounding development, much of which existed when the monument was designated. Being near the industrial estate and speedway tracks, the proposed development would be well screened from distant views of the Monument, including public accessible areas. The application site is already heavily disturbed and as established above continues to be in use as part of a skip hire business. As noted above, the designation for the Scheduled Monument takes account of the industrial uses located within and close by the protected area. The permanently visible elements of the proposed development would consist of the office building, waste reception bay, storage containers, fencing and landscape planting. This type of development is arguably not out of keeping with that anticipated within or near an industrial estate. It is also worth noting that the proposed investment in the site, including landscape planting, would likely bring about an improvement over the existing arrangements. The repairs to the estate road that passes through the designation would again arguably improve the current circumstances. I note from the recent planning history for the surrounding area that Swale Borough Council has both granted permission for and refused development in this location. The development for external storage of portable/demountable fencing and barriers that was refused on appeal due to significant harm to the character and appearance of the area and harm to the setting of the Scheduled Monument in 2009, was located within the Scheduled Monument site. At the time English Heritage (now Historic England) expressed concern about the risk of physical damage to the monument and about harm to its

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

setting.

137. Having regard to the policy conditions set out within the NPPF and the Development Plan, Historic England and the County Archaeologist are raising no technical objections, subject to an archaeological watching brief. Bearing this in mind and that the existing uses that have continued on site for more than 10 years, given the small scale of the development proposed, I do not consider that it would result in material harm to the setting of the heritage asset. On this basis, I am content that there are not the grounds to raise an objection to the application on heritage matters.

Residential Amenity

138. Residents objecting to the application have raised concerns regarding residential amenity arising from impacts associated with the proposed development. These include noise, air quality, odour, and visual impacts. These have been addressed in the discussion section above and below and I am satisfied that there are no overriding considerations that would justify refusal of the development on residential amenity grounds.

Other considerations

Vermin, birds and litter

139. Appendix B of the NPPW states that some waste management facilities, especially landfills, which accept putrescible waste, can attract vermin and birds and can also cause concern about litter. It states that the primary aim is to guard against new or increased hazards caused by development whilst taking account of the proximity of sensitive receptors. Policy DM11 of the MWLP (amongst other matters) seeks to protect neighbouring land uses. Policy DM14 of the Swale LP requires development that causes no significant harm to amenity and other sensitive uses or areas.
140. As stated earlier, the application proposes that the waste received would be limited to inert non-hazardous material only. This could reasonably be controlled by way of a suitably worded condition. All waste would be stored within the waste reception bay or within containers. Any contaminant quantities of putrescible or food waste received within the skip waste could reasonably be set aside to be removed at the earliest opportunity to a licenced site. Given the nature of the material that would be received, there is unlikely to be a significant risk of increased vermin or birds as the waste would not contain the potential food sources that could attract problems.
141. The potential for windblown litter would be minimised by good housekeeping and the design of the development, including the reception bay and storage of recyclables and residual waste within the containers proposed. The design of the proposed bay includes dust suppression measures and netting on top of the sleeper walls that would further limit the potential for problems to arise.
142. The Environment Agency has confirmed that the proposed waste use would be subject to the Environmental Permitting regime, which would include further controls on any potential emissions. Given this, I am content that the proposed development would accord with the relevant Development Plan Policies outlined above.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

Fires

143. Linked to the above concerns, representations received from residents have raised objection to the alleged use of fires in and around the industrial estate to burn material and potentially waste. These concerns appear to be directed at the estate as a whole, including the applicant's existing skip hire business. The representations received consider that the development would have the potential to exacerbate an existing problem.
144. In response the applicant has stated that under its current operations no waste is imported, nor are any materials burnt on site. There was no evidence of fires on the application site during the officer's visit.
145. Subject to a limited number of exceptions, the burning of waste material is controlled by the Environmental Permitting regime and breaches in control are open to prosecution. The concerns received have been passed onto the Environment Agency. It recommends that specific incidents are reported to the EA's Incident Hotline direct so that they can be investigated by local enforcement officers. As indicated above, if the proposed waste use is permitted it would require an Environmental Permit. This would restrict emissions to the environment, including use of fires on site. Whilst I appreciate the concerns about other activities within the industrial estate, the question of pollution from fires is not a material consideration in the context of the current application.

Other operations within / around the industrial estate

146. Whilst raising no objections to the application, the Parish Council has expressed concerns regarding the condition of and general uses taking place in and around the Marshbank Industrial Estate. The comments highlight other skip hire businesses within the estate and the possible storage of waste on these sites; concerns about potential contamination of surface water and the impact on the SPA/Ramsar/SSSI. The Parish Council are concerned about whether other uses on the industrial estate are suitably regulated and inspected. The Parish Council's comments appreciate that KCC must look at this application on an individual basis, however it urges that the whole industrial estate is reviewed.
147. The current applicant is not able to address the above concerns as part of its proposals. It being neither the landowner nor operator of the sites in question. As indicated previously, arguably, the potential investment in the site being proposed would serve to improve its appearance and operation; something the Parish Council's comments acknowledge. The introduction of a legitimate waste operation within the industrial estate could also serve to encourage other operations to seek compliance.
148. The question of monitoring and enforcing the permitted uses at and around the Marshbank Industrial Estate is a complicated one, that would require co-operation between the Borough Council, the Environment Agency and the County Council (where waste uses are taking place). KCC Officers are content to meet with the other relevant parties to take this work forward. However, this should not hold up the determination of the above application, which needs to be considered on its own merits.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

Conclusion

149. The application proposes the redevelopment of an existing (unauthorised) skip hire business to regularise the use and provide a small-scale waste management facility. The proposals would involve the development of an open waste reception bay and drainage, the provision of a containerised office building, security fencing, hardstanding and storage space for containers, skips and overnight parking of HGVs. The facility would accommodate a throughput of 5,000tpa of inert non-hazardous waste that would be separated into dry recyclables and residual waste material. The overall scale of the development proposed is significantly smaller than most of the waste operations the County Council normally considers.
150. The application has attracted objections from Swale Borough Council and 3 residents. The principle concerns relate to the site's location outside the permitted built confines within the countryside, its potential impacts on the character of the area, local biodiversity and wildlife designations, local heritage assets, highway safety and residential amenity. There are no objections to the application from any of the other technical consultees, subject to the conditions indicated above and below. These consultees include the Environment Agency, Natural England, Historic England, the County Council's technical consultants on highways, archaeology, ecology, sustainable drainage, noise and air quality. As part of the consideration given to the nearby ecological designations, the application has been subject to an Appropriate Assessment under the Habitat Regulations. The assessment, approved by Natural England, concludes that the development would not have an adverse effect on the integrity of SPA and Ramsar sites, subject to implementation of the proposed mitigation measures, included within the recommendation below.
151. The conclusions drawn in the above discussion, confirm that there is an established need and policy support for the development as part of the county's capacity to drive the handling of local waste arisings up the waste hierarchy. I am content that the supporting information received establishes some form of industrial use of the land has continued for more than 10 years, and as such must be considered in the context of the site's location. Subject to the conditions set out below, I am content that the proposals would accord with the relevant Government and Development Plan Policies set out above and therefore recommend accordingly.

Recommendation

152. I RECOMMEND that MEMBERS ENDORSE the attached Appropriate Assessment made under The Conservation of Habitats and Species Regulations (2017) and that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- Permission to be implemented within 3 years.
- The development to be carried out in accordance with the submitted documentation and plans.

Operational controls

- No waste shall be imported until the site infrastructure, including waste reception bay, concrete pad, drainage channels, silt traps, underground storage tank,

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

sleeper walls and dust suppression system, is provided. Thereafter the above shall be maintained in a good state of repair.

- Submission of a site management plan referenced in supporting statement. This plan shall consolidate the mitigation measures, including, amongst other matters, the measures as set out in document titled 'Supplementary Information: Dust Management' dated 26 April 2019 (Reference: 2917).
- Overall throughput to be restricted to a maximum of 5,000 tpa.
- No skips, containers or waste / recyclable materials stored shall exceed 3m in height.
- A copy of the permission to be made available on site.
- Withdrawal of permitted development rights.

Highways

- A maximum of 22 HGV movements per day (11 In / 11 Out).
- Records shall be maintained by the site operator of all HGV movements.
- HGVs to be routed north along the Old Ferry Road toward the A249 corridor, unless delivering / collecting locally within Iwade or Lower Halstow.
- Measures shall be taken to ensure that vehicles connected with the use hereby permitted shall not deposit mud or other materials on the public highway.
- All loaded HGVs entering or leaving the site shall be enclosed, covered or sheeted.
- The site access road shall be upgraded and repaired within 4 months of the grant of permission.
- Provision and permanent retention of the vehicle parking and the vehicle loading/unloading and turning facilities.

Hours of Use

- Operating hours 0700 – 1700 Mon – Fri / 0700 – 1300 Sat / nil on Sundays and Bank holidays.
- Entrance gates to be closed outside of permitted operational hours.

Noise

- Employment of Best Practicable Means (BPM) to minimise noise, including all vehicles, plant and machinery to be fitted with closed engine covers, effective silencers and be effectively maintained.
- Plant, equipment and vehicles shall only work from ground level and shall not operate on stockpiles or stored materials.

Waste types

- Waste types to be restricted to those applied for.
- Any contaminant quantities of putrescible waste received to be removed to an authorised facility within 48 hours.
- All incoming waste to be deposited within the waste reception bay with no waste destined for landfill to be stored beyond the concrete pad.
- All other sorted waste shall be stored within the bay or the storage containers proposed. No waste shall be deposited or stored directly on the ground outside the reception bay.

Small-scale waste management facility at Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, ME9 8SW - SW/19/500380 (KCC/SW/0506/2018)

Water Protection and Pollution Controls

- Site infrastructure, including hard surfaced areas, drainage channels, silt traps and storage tank to be maintained in a good state of repair, inspected regularly and any damage repaired immediately.
- The underground surface water storage tanked permitted to be emptied when necessary with the contents transported to a licenced facility for disposal. This shall continue for the lifetime of the development.
- Measures to be taken if unidentified contamination is found to be present during construction.
- All foul drainage shall be connected to mains drainage or a sealed cesspool.
- All fuel, oil or chemicals shall be stored in accordance with Government Guidance / Regulations.

External lighting

- Except for low-level lighting proposed in the application, no external lighting or flood lighting shall be installed on site without prior written approval.

Archaeology

- Submission of an archaeological watching brief and its subsequent implementation.

Landscape

- Proposed planting to be delivered within first planting season following completion of the development and maintained with any plants diseased or dying replaced with suitable planting stock.
- The office building and fencing to be finished in a dark green colour.

Case Officer: Mr James Bickle

Tel. no: 03000 413334

Background Documents: see section heading



PLANNING APPLICATIONS GROUP

**RECORD OF APPROPRIATE ASSESSMENT
(UNDER REGULATION 63 OF THE CONSERVATION OF HABITATS AND SPECIES
REGULATIONS 2017)**

Application reference:	SW/19/500380 (KCC/SW/0506/2018)
Application address:	Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, Kent, ME9 8SW
Application Description:	Application for planning permission for the change of use of land from storage and parking of HGVs to a small-scale waste management facility
Applicant:	ADS Skip Hire
HRA Date:	September 2019

European site or sites potentially impacted by planning application, plan or project:	<p>Nearby (approx. 130m north) Medway Estuary & Marshes Special Protection Area (SPA) and Medway Estuary & Marshes Ramsar (the Medway Estuary & Marshes Site of Special Scientific Interest (SSSI) occupies a similar area)</p> <p>Nearby (approx. 500m east) The Swale SPA and The Swale Ramsar (The Swale SSSI occupies a similar area)</p>
Is the planning application directly connected to the management of the site?	No
Are there any other projects or plans that together with the planning application being assessed could affect the site?	Yes – other development in and around the Marshbank Industrial Estate; the permitted speedway track and emerging Swale Borough Council Local Plan.

INTRODUCTION

1. ADS Skip Hirer (the Applicant) has submitted a planning application to Kent County Council as the Waste Planning Authority (WPA) for change of use of land from storage and parking of HGVs to a small-scale waste management facility at Units 1 & 2, Marshbank Industrial Estate, Old Ferry Road, Iwade, Kent.

2. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (the Habitat Regulations) requires an assessment where a plan or project, either alone or in combination with other plans and projects, may give rise to significant effects upon any Natura 2000 sites (also known as 'European sites').
3. Natura 2000 sites are a network of areas designated to conserve natural habitats and species that are rare, endangered, vulnerable or endemic within the European Community (EC). This includes Special Areas of Conservation (SAC), designated under the Habitats Directive for their habitats and/or species of European importance; and Special Protection Areas (SPA), classified under the Birds Directive for rare, vulnerable and regularly occurring migratory bird species and internationally important wetlands.
4. The following document is a record of an Appropriate Assessment under the Habitat Regulations considering the implications for the European Sites in view of the development being proposed in the context of the designated conservation objectives. In accordance with the Habitat Regulations, Kent County Council, as a 'competent authority' under the Regulations, must be satisfied that the project will not cause an adverse effect to the integrity of any European designated site before it can grant permission for the works.
5. The following assessment has been undertaken by Kent County Council and is based on the information provided by Graham Simpkin Planning Ltd on behalf of ADS Skip Hire as part of the above planning application.

PROJECT INFORMATION

6. The proposal consists of the development of a small-scale waste management facility on land adjacent to an existing industrial estate that has been used for storage and parking of HGVs. Vehicle access would be via a private access road off Old Ferry Road that serves the existing industrial estate. The waste management facility would provide for the receipt and handling of 5,000 tonnes of waste per year, which would be collected as part of the Applicant's skip hire business. The material would be collected from commercial customers and households and brought back to site to be sorted. The application proposes the construction of a waste reception bay consisting of a sealed concrete pad with integrated drainage system, including positive falls to a drainage channel and silt traps and a sealed surface water drainage tank. The contents of the tank would be regularly emptied with the contents disposed of at another licenced site. The bay would consist of 3m high sleeper walls on 3 sides with netting on top. The material received would be divided into recyclables, including cardboard, metals, plastics, timber and residual landfill waste. These materials would be placed into separate containers for onward transportation (in bulk) for recycling or disposal (in the case of residual waste). The applicant indicates that a maximum of 22 HGV movements per day, with 10 HGVs based on site overnight. The site area surrounding the waste reception bay is already surfaced with hardcore and brick rubble and would be finished with road scalplings / plannings. The proposed development includes double stacked steel containers that would serve as storage and site office. The remainder of the site would be given over to turning, manoeuvring, parking and the storage of empty skips.
7. The working hours proposed would be 0700 to 1700 Monday to Friday and 0700 to 1300 Saturdays with no operations on Sundays or bank holidays. The stored material would not exceed the height of the sleeper walls (3m). Waste would be sorted each day so that no waste is left unsorted at the end of each day. The development proposes dust mitigation measures, including good housekeeping and best practice, provision of water strays around the waste reception bay, use of a water bowser, provision of the reception bay, storage of waste /

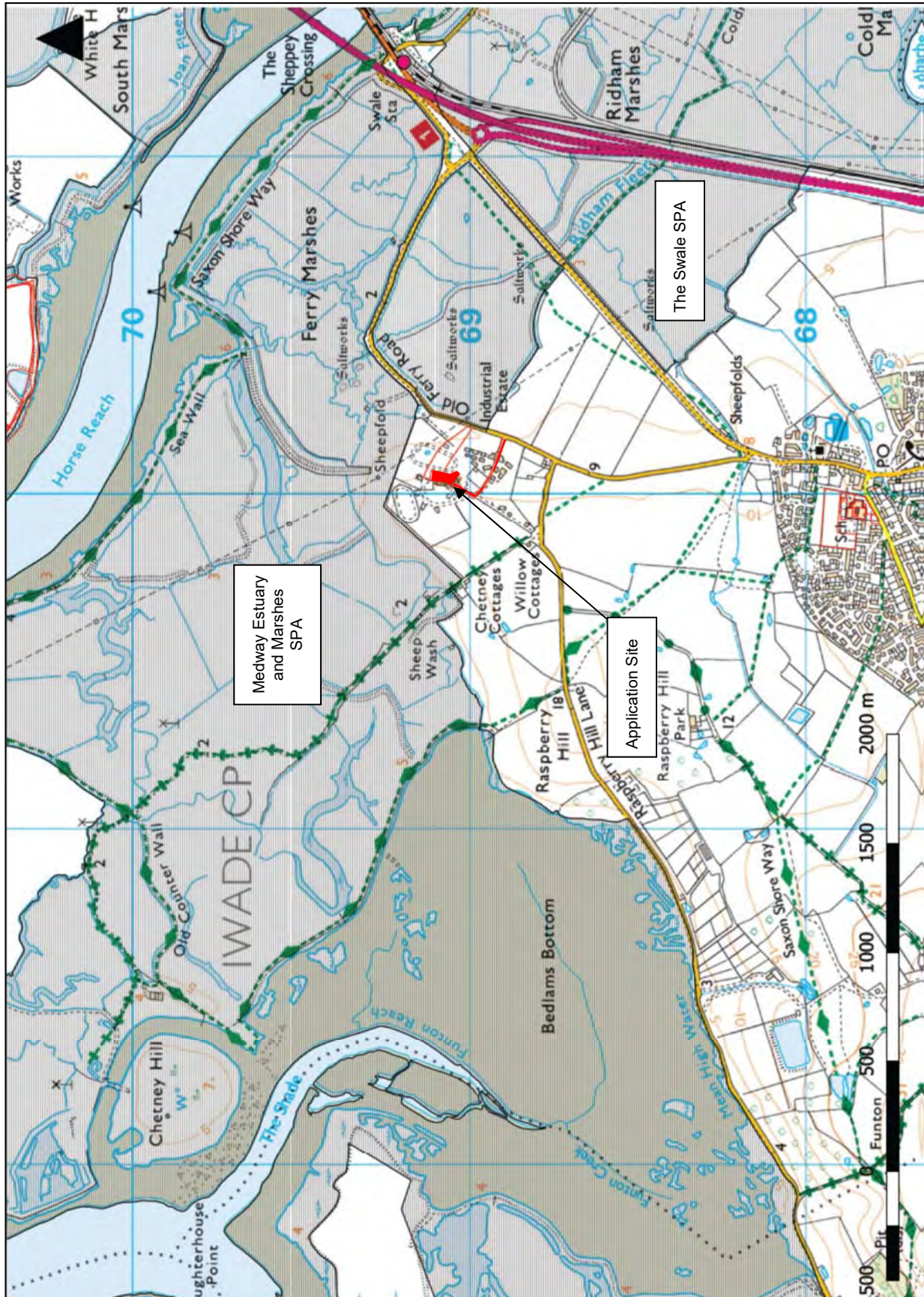
recyclables in containers, skips containing predominantly soils and brick rubble to be redirected to be dealt with at another facility, loaded vehicles to be covered and a mechanical wheel wash provided. Any fuel stored on site would be appropriately bunded. The site would not operate outside daylight hours and does not propose floodlighting. The only lighting on-site would be low-level bulkhead lights on stairs and at the entrance to site to facilitate safe exist. No floodlighting is being proposed.

SITE DETAILS

8. The application site is identified as Units 1 & 2 Marshbank Industrial Estate, Old Ferry Road, Iwade, Sittingbourne, Kent ME9 8SW. The map included below shows the application site in relation to the boundaries of the European, Ramsar and SSSI sites (which overlap). The site falls outside these designations. The Medway Estuary & Marshes SPA / Ramsar / SSSI surrounds the site on three sides to the north, east and west and at the closest point is 100m from the site. The Swale SPA / Ramsar / SSSI are located 500m further to the east (at the closest point).
9. The surrounding land uses included the Marshbank Industrial Estate and surrounding industrial activities (housing several local businesses). The Sittingbourne Speedway track is located to the north. A small number of residential properties are located to the south and west. Beyond the above, the surrounding landscape forms open countryside, chiefly in agricultural use. The industrial estate, speedway track and other surrounding land falls within a Scheduled Ancient Monument formed from a surviving World War II gun emplacement and the associated military camp.

REASON FOR AN APPROPRIATE ASSESSMENT

10. Whilst not within the designated sites the proposed development needs to be considered in the context of the Habitat Regulations. The changes proposed could alter the impact of the existing use such that the potential for an impact on the European Sites should be considered in the context of the mitigation measures that form part of the application.
11. An Appropriate Assessment has been prepared by the Council following the recommendations of Natural England and Kent Ecological Advice Service that without mitigation measures the development proposed could give rise to significant effects on the nearby European sites through the potential for the development to result in the contamination of ground and surface water resources impacting on water quality. The European sites are internationally important wetland sites designated predominantly for their wetland features such as: birds, invertebrates and vegetation. These features rely on high water quality and stable water levels. Natural England's advice recommends the proposals must demonstrate how negative impacts on water quality and water levels are avoided or mitigated.
12. The application, as amplified and amended, includes supporting information on the potential for impacts on ground and surface water, alongside drainage arrangements and other mitigation measures. This information, along with advice from Natural England, the Environment Agency, the County Council's Ecological Advice Service, Noise and Air Quality Consultants and Sustainable Drainage Team, can be used to inform the Appropriate Assessment.



EUROPEAN SITES POTENTIALLY AFFECTED

13. The following table lists the designated sites potentially affected by the proposed development and the reason for the designation.

Name of Site / Legal Status	Proximity to Site (at closest point(s))	Qualifying Features
Medway Estuary and Marshes SPA	130m	<p>ARTICLE 4.1 QUALIFICATION (79/409/EEC) During the breeding season the area regularly supports: Recurvirostra avosetta (Western Europe/Western Mediterranean - breeding) 6.2% of the GB breeding population (5-year mean, 1988-1992) Sterna albifrons (Eastern Atlantic -breeding) 1.2% of the GB breeding population (5-year mean, 1991- 1995) Sterna hirundo (Northern/Eastern Europe - breeding) 0.6% of the GB breeding population (Count as at 1994) Over winter the area regularly supports: Cygnus columbianus bewickii (Western Siberia/North-eastern & North-western Europe) 0.2% of the GB population (5-year peak mean 1991/92-1995/96) Recurvirostra avosetta (Western Europe/Western Mediterranean - breeding)24.7% of the GB population (5-year peak mean 1991/92-1995/96)</p> <p>ARTICLE 4.2 QUALIFICATION (79/409/EEC) Over winter the area regularly supports: Anas acuta (North-western Europe)1.2% of the population (5-year peak mean 1991/92-1995/96) Anas clypeata (North-western/Central Europe) 0.8% of the population in Great Britain (5-year peak mean 1991/92-1995/96) Anas crecca (North-western Europe) 1.3% of the population in Great Britain (5-year peak mean 1991/92-1995/96) Anas penelope (Western Siberia/North-western/North-eastern Europe) 1.6% of the population in Great Britain (5-year peak mean 1991/92-1995/96) Arenaria interpres (Western Palearctic - wintering) 0.9% of the population in Great Britain (5-year peak mean 1991/92-1995/96) Branta bernicla bernicla (Western Siberia/Western Europe) 1.1% of the population (5-year peak mean 1991/92-1995/96) Calidris alpina alpina (Northern Siberia/Europe/Western Africa) 1.9% of the population (5-year peak mean 1991/92-1995/96) Calidris canutus (North-eastern Canada/Greenland/Iceland/North-western Europe) 0.2% of the population (5-year peak mean 1991/92-1995/96) Charadrius hiaticula (Europe/Northern Africa - wintering) 1.6% of the population (5-year peak mean 1991/92-1995/96) Haematopus ostralegus (Europe & Northern/Western Africa) 1% of the population in Great Britain (5-year peak mean 1991/92-1995/96) Limosa limosa islandica (Iceland - breeding) 12.9% of the population in Great Britain (5-year peak mean 1991/92-1995/96) Numenius arquata (Europe - breeding) 1.7% of the population in Great Britain (5-year peak mean 1991/92-1995/96) Pluvialis squatarola (Eastern Atlantic - wintering) 2% of the population (5-year peak mean 1991/92 1995/96) Tadorna tadorna (North-western Europe) 1.5% of the population (5-year peak mean 1991/92-1995/96) Tringa nebularia (Europe/Western Africa) 2.6% of the population in Great Britain (No count period specified)</p>

		<p>Tringa totanus (Eastern Atlantic - wintering) 2.1% of the population (5-year peak mean 1991/92-1995/96)</p> <p>ARTICLE 4.2 QUALIFICATION (79/409/EEC): AN INTERNATIONALLY IMPORTANT ASSEMBLAGE OF BIRDS</p> <p>Over winter the area regularly supports:</p> <p>65496 waterfowl (5-year peak mean 1991/92-1995/96) Including: Gavia stellata, Podiceps cristatus, Phalacrocorax carbo, Cygnus columbianus bewickii, Branta bernicla bernicla, Tadorna tadorna, Anas penelope, Anas crecca, Anas platyrhynchos, Anas acuta, Anas clypeata, Aythya ferina, Haematopus ostralegus, Recurvirostra avosetta, Charadrius hiaticula, Pluvialis squatarola, Vanellus vanellus, Calidris canutus, Calidris alpina alpina, Limosa limosa islandica, Numenius arquata, Tringa totanus, Tringa nebularia, Arenaria interpres.</p>
<p>Medway Estuary and Marshes Ramsar</p>	<p>130m</p>	<p>A complex of rain-fed, brackish, floodplain grazing marsh with ditches, and intertidal saltmarsh and mudflat. These habitats together support internationally important numbers of wintering waterfowl. Rare wetland birds breed in important numbers. The saltmarsh and grazing marsh are of international importance for their diverse assemblages of wetland plants and invertebrates.</p> <p>Ramsar criterion 2</p> <p>The site supports a number of species of rare plants and animals. The site holds several nationally scarce plants, including sea barley <i>Hordeum marinum</i>, curved hard-grass <i>Parapholis incurva</i>, annual beard-grass <i>Polypogon monspeliensis</i>, Borrer's saltmarsh-grass <i>Puccinellia fasciculata</i>, slender hare's-ear <i>Bupleurum tenuissimum</i>, sea clover <i>Trifolium squamosum</i>, saltmarsh goose-foot <i>Chenopodium chenopodioides</i>, golden samphire <i>Inula crithmoides</i>, perennial glasswort <i>Sarcocornia perennis</i> and one-flowered glasswort <i>Salicornia pusilla</i>. A total of at least twelve British Red Data Book species of wetland invertebrates have been recorded on the site. These include a ground beetle <i>Polistichus connexus</i>, a fly <i>Cephalops perspicuus</i>, a dancefly <i>Poecilobothrus ducalis</i>, a fly <i>Anagnota collini</i>, a weevil <i>Baris scolopacea</i>, a water beetle <i>Berosus spinosus</i>, a beetle <i>Malachius vulneratus</i>, a rove beetle <i>Philonthus punctus</i>, the ground lackey moth <i>Malacosoma castrensis</i>, a horsefly <i>Atylotus latistriatus</i>, a fly <i>Campsicnemus magius</i>, a soldier beetle, <i>Cantharis fusca</i>, and a crane fly <i>Limonia danica</i>. A significant number of non-wetland British Red Data Book species also occur.</p> <p>Ramsar criterion 5</p> <p>Assemblages of international importance:</p> <p>Species with peak counts in winter:</p> <p>47637 waterfowl (5-year peak mean 1998/99-2002/2003)</p> <p>Ramsar criterion 6 – species/populations occurring at levels of international importance.</p> <p>Qualifying Species/populations (as identified at designation):</p> <p>Species with peak counts in spring/autumn:</p> <p>Grey plover, <i>Pluvialis squatarola</i>, E Atlantic/W Africa -wintering 3103 individuals, representing an average of 1.2% of the population (5-year peak mean 1998/9-2002/3)</p> <p>Common redshank, <i>Tringa totanus totanus</i>, 3709 individuals, representing an average of 1.4% of the population (5-year peak mean 1998/9-2002/3)</p> <p>Species with peak counts in winter:</p>

		<p>Dark-bellied brent goose, <i>Branta bernicla bernicla</i>, 2575 individuals, representing an average of 1.1% of the population (5-year peak mean 1998/9-2002/3) Common shelduck, <i>Tadorna tadorna</i>, NW Europe 2627 individuals, representing an average of 3.3% of the GB population (5-year peak mean 1998/9-2002/3) Northern pintail, <i>Anas acuta</i>, NW Europe 1118 individuals, representing an average of 1.8% of the population (5 year peak mean 1998/9-2002/3) Ringed plover, <i>Charadrius hiaticula</i>, Europe/Northwest Africa 540 individuals, representing an average of 1.6% of the GB population (5-year peak mean 1998/9- 2002/3) Red knot, <i>Calidris canutus islandica</i>, W & Southern Africa (wintering) 3021 individuals, representing an average of 1% of the GB population (5-year peak mean 1998/9- 2002/3) Dunlin, <i>Calidris alpina alpina</i>, W Siberia/W Europe 8263 individuals, representing an average of 1.4% of the GB population (5-year peak mean 1998/9-2002/3)</p> <p>under criterion 6. Species with peak counts in spring/autumn: Black-tailed godwit, <i>Limosa limosa islandica</i> Iceland/W Europe 721 individuals, representing an average of 2% of the population (5-year peak mean 1998/9- 2002/3)</p>
<p>The Swale Special Protection Area (SPA)</p>	<p>500m</p>	<p>6514.71ha This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive: During the breeding season; <i>Avocet Recurvirostra avosetta</i>, 103 pairs representing at least 17.5% of the breeding population in Great Britain (RBBP 1996) <i>Marsh Harrier Circus aeruginosus</i>, 24 pairs representing at least 15.0% of the breeding population in Great Britain (Count, as at 1995) <i>Mediterranean Gull Larus melanocephalus</i>, 12 pairs representing at least 120.0% of the breeding population in Great Britain (RBBP 1996) Over winter; <i>Avocet Recurvirostra avosetta</i>, 89 individuals representing at least 7.0% of the wintering population in Great Britain (5-year peak mean 1991/2 - 1995/6) <i>Bar-tailed Godwit Limosa lapponica</i>, 542 individuals representing at least 1.0% of the wintering population in Great Britain (Count as at 91/92-95/96) <i>Golden Plover Pluvialis apricaria</i>, 2,862 individuals representing at least 1.1% of the wintering population in Great Britain (5-year peak mean 1991/2 - 1995/6) <i>Hen Harrier Circus cyaneus</i>, 23 individuals representing at least 3.1% of the wintering population in Great Britain (Count as at 1996/8) This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species: On passage; <i>Ringed Plover Charadrius hiaticula</i>, 683 individuals representing at least 1.4% of the Europe/Northern Africa - wintering population (5-year peak mean 1991/2 - 1995/6) Over winter; <i>Black-tailed Godwit Limosa limosa islandica</i>, 1,755 individuals representing at least 2.5% of the wintering Iceland - breeding population (5-year peak mean 1991/2 - 1995/6) <i>Grey Plover Pluvialis squatarola</i>, 2,021 individuals representing at least 1.3% of the wintering Eastern Atlantic - wintering population (5-year peak mean 1991/2 - 1995/6)</p>

		<p>Knot <i>Calidris canutus</i>, 5,582 individuals representing at least 1.6% of the wintering Northeastern Canada/Greenland/Iceland/Northwestern Europe population (Count as at 91/92-95/96)</p> <p>Pintail <i>Anas acuta</i>, 966 individuals representing at least 1.6% of the wintering North-western Europe population (5-year peak mean 1991/2 - 1995/6)</p> <p>Redshank <i>Tringa totanus</i>, 1,640 individuals representing at least 1.1% of the wintering Eastern Atlantic - wintering population (5-year peak mean 1991/2 - 1995/6)</p> <p>Shoveler <i>Anas clypeata</i>, 471 individuals representing at least 1.2% of the wintering Northwestern/Central Europe population (5-year peak mean 1991/2 - 1995/6)</p> <p>Assemblage qualification: A wetland of international importance. The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl. Over winter, the area regularly supports 65,390 individual waterfowl (5-year peak mean 1991/2 - 1995/6) including: White-fronted Goose <i>Anser albifrons albifrons</i>, Golden Plover <i>Pluvialis apricaria</i>, Bar-tailed Godwit <i>Limosa lapponica</i>, Pintail <i>Anas acuta</i>, Shoveler <i>Anas clypeata</i>, Grey Plover <i>Pluvialis squatarola</i>, Knot <i>Calidris canutus</i>, Black-tailed Godwit <i>Limosa limosa islandica</i>, Redshank <i>Tringa totanus</i>, Avocet <i>Recurvirostra avosetta</i>, Cormorant <i>Phalacrocorax carbo</i>, Curlew <i>Numenius arquata</i>, Dark-bellied Brent Goose <i>Branta bernicla bernicla</i>, Shelduck <i>Tadorna tadorna</i>, Wigeon <i>Anas penelope</i>, Gadwall <i>Anas strepera</i>, Teal <i>Anas crecca</i>, Oystercatcher <i>Haematopus ostralegus</i>, Lapwing <i>Vanellus vanellus</i>, Dunlin <i>Calidris alpina alpina</i>, Little Grebe <i>Tachybaptus ruficollis</i>.</p>
The Swale Ramsar	500m	<p>The site covers an area of 6,514.71ha and is classified under Criteria: 2, 5, and 6.</p> <p>Criterion 2: The site supports nationally scarce plants and at least seven British Red data book invertebrates.</p> <p>Criterion 5: Assemblages of international importance: Species with peak counts in winter: 77501 waterfowl (5-year peak mean 1998/99-2002/2003).</p> <p>Criterion 6: species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation): Species with peak counts in spring/autumn: Common redshank, <i>Tringa totanus tetanus</i>, 1712 individuals, representing an average of 1.4% of the GB population (5-year peak mean 1998/9-2002/3) Species with peak counts in winter: Dark-bellied brent goose <i>Branta bernicla bernicla</i> 1633 individuals, representing an average of 1.6% of the GB population (5-year peak mean 1998/9-2002/3); Grey plover <i>Pluvialis squatarola</i>, E Atlantic/W Africa -wintering 2098 individuals, representing an average of 3.9% of the GB population (5-year peak mean 1998/9-2002/3) Species/populations identified after designation for possible future consideration under criterion 6. Species with peak counts in spring/autumn: Ringed plover <i>Charadrius hiaticula</i>, Europe/Northwest Africa 917 individuals, representing an average of 1.2% of the population (5-year peak means 1998/9-2002/3) Species with peak counts in winter: Eurasian wigeon <i>Anas Penelope</i>, NW Europe 15296 individuals, representing an average of 1% of the population (5-year peak mean 1998/9-2002/3); Northern pintail <i>Anas acuta</i>, NW Europe 763 individuals, representing an average of 1.2% of the population (5-year</p>

		<p>peak mean 1998/9-2002/3); Northern shoveler <i>Anas clypeata</i>, NW & C Europe 483 individuals, representing an average of 1.2% of the population (5-year peak mean 1998/9-2002/3); Black-tailed godwit <i>Limosa limosa islandica</i>, Iceland/W Europe 1504 individuals, representing an average of 4.2% of the population (5-year peak mean 1998/9-2002/3).</p>
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CONSULTEE RESPONSES

14. The following consultee responses were received in the relation to the application and are relevant to this assessment.

15. **Natural England: No objection - subject to appropriate mitigation being secured.**

NE consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Medway Estuary and Marshes Special Protection Area (SPA), Ramsar site.
- damage or destroy the interest features for which Medway Estuary and Marshes Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- an appropriate assessment of proposed mitigation measures for the nearby designated site.

NE advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

16. **Environment Agency: No objection to the change of use to the proposed waste management facility in this location.**

The EA advise that the development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

It also confirms that drainage arrangements associated with this development will also require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, unless an exemption applies.

17. **Kent County Council's Ecological Advice Service: No objection – subject to the conclusions of an appropriate assessment.**

Protected/Notable Species

The EAS advise that a review of the current aerial photos and photos provided by the planning officer confirm the site is a mixture of hard standing/hard core, bare earth, sparse vegetation and rubble. The EAS understand that the site is currently being used as a vehicle depot and skip storage site and as such are satisfied that the site does not provide suitable habitat for protected/notable species.

Designated Sites

The site is within 200m of the Swale SPA/SSSI/Ramsar which have (in part) been designated for their wintering bird interest. Due to the distance from the designated sites when the EAS originally commented it raised concerns that the proposed works may have a negative impact on the designated sites due to an increase in noise, dust, lighting, pollution from both works

being carried out within the site and from vehicle movements to and from the site. The EAS accept that due to the habitats currently within the site the site does not provide functionally linked habitat (functionally linked habitat is habitat which is used by species for which a site has been designated but is not within the designated area). It notes that additional information has been submitted by the applicant to try and address earlier concerns.

From reviewing the planning statement and the additional information provided the EAS note the following:

- 22 HGV vehicle movements in and out of the site a day (no significant increase from current use)
- The materials to be sorted externally, dry recyclables would be separated from the general waste including cardboard, metals, plastics and timber.
- Working hours would require the need for some external lighting but no flood lighting would be used.
- Dust suppression methods would be used to minimise dust leaving the site.
- Surface water drainage would be into a sealed tank.

The EAS notes the advice of the County Council's Noise Consultants and Sustainable Drainage Team on the application as amplified and amended.

- Noise – The information submitted is sufficient and the noise levels from the proposed development are unlikely to result in a significant impact on the designated sites
- SuDS – The measures proposed for surface water drainage are appropriate to ensure the development will not result in polluted water entering the designated sites and adjacent habitat.

The EAS advise that the provision of that additional information has provided reassurance that the development would not result in a likely significant effect on the designated site and no further information is required prior to determination of the planning application.

Appropriate Assessment

Notwithstanding, the EAS advises that due to the need for measures to be implemented to avoid an impact on the designated sites an Appropriate Assessment is required.

From reviewing the submitted information the EAS consider that the AA should cover:

- Dust
- Surface Water Drainage.

Noise and lighting can be ruled out as it is satisfied that, following receipt of additional supporting information, no mitigation would be required to avoid a likely significant effect on the designated sites.

18. **Kent County Council's Noise Consultant (Amey): No objection given the nature of the use and the context of the surrounding site, subject to a condition securing the preparation of a site management plan.**

However, it notes the concerns regarding potential effects of the development on the adjacent SSSI/RAMSAR/SPA ecologically designated sites. Amey advise that there are no current guidance documents for assessing noise affecting ecological species. It notes that a noise levels of 55dB_{L_{Aeq}} and 85dB_{L_{Amax}} are often used, however these controls based established ecological guidance and are most likely adapted from other guidance relating to noise effects on humans. It notes that experience shows that wetland/foreshore bird species habituate readily to steady noise, irrespective of level, and are generally disturbed by intrusion i.e. by humans, dogs etc. or by sudden loud noises, again, irrespective of noise level.

Amey draw attention to the conclusions of the noise assessment that the noise from the industrial estate (without the proposed use) is clearly audible in the SPA/Ramsar/SSSIs,

however that due to the nature of the proposed use the results show that the noise from the waste management activity would be inaudible in the context of the background levels. The calculated impacts of the development at the closest boundary of the designated sites would be 13dB below the lowest measured background noise level (21dB_A). The BS4142 assessment of the proposed development at the nearest residential properties demonstrate that the noise from the development would be 16dB below the lowest measured background noise level. In terms of BS4142, this rating demonstrates that there is unlikely to be a negative impact due to the waste management activity.

Amey confirms it is satisfied that, due to the location, limited scale and size of the operation, along with the limited additional number of vehicles accessing the site and the proposed preparation of detailed site management plan, noise would not be a significant cause for concern and no further noise assessment is required.

19. **Kent County Council's Air Quality Consultant (Amey): No objection, subject to the dust mitigation measures proposed by the application and the preparation of a site management plan being secured by condition.**

Amey recommend that, due to the location, limited scale and size of the operation, along with the limited additional number of vehicles accessing the site and the preparation of detailed site management plan, dust, pollution and odour emissions would not be significant and no further detailed assessments are necessary.

Concerning the nearby ecological designations, Amey recommend that the dust mitigation measures proposed by the applicant, alongside considerations referenced above, would ensure there would not be a significant impact from the proposals.

20. **Kent County Council's Sustainable Drainage Team (SDT): No objection to the development.**

The SDT note the proposed development boundary includes existing paved and hard standing. The site is not crossed by any flow paths. Surface water would appear to flow in a north-easterly direction. A sensitive site is located approximately 130 m to the northeast. The land falls 4m from the development area to the sensitive site boundary.

As with any waste facility, the expectation would be that appropriate surface water management is implemented in and around the proposed waste reception area. The applicant has indicated that the waste would be tipped into skips and sorted within a bay which has a concrete base and would have a drainage channel from which water will be directed to a sealed tank.

The proposed development provides mitigation to manage any excess surface water from the area where it may collect any potential pollutants. There do not appear to be any other significant changes to the access road or parking area which changes the level of risk associated with surface water management.

SDT recommend that based upon the description provided the proposed development would not appear to represent a significant risk to surface water drainage flood risk or water quality given the inclusion of appropriate mitigation.

ASSESSMENT

21. The Habitats Regulations assessment process involves a test of whether a plan or project has the potential to cause a Likely Significant Effect on European designated sites.

22. In considering the significance of an impact the following factors were considered in relation to the identified effect:
- Extent– will the effect be localised or occur across the whole site?
 - Complexity – is the impact pathway direct or are there potentially multiple routes?
 - Probability – how likely is it that the effect will occur?
 - Duration – how long is the effect likely to last?
 - Frequency – is the effect likely to occur on a regular basis?
 - Reversibility – will the effect be temporary or permanent?
23. Further to the recommendations of the consultees included above only air quality and drainage are considered in this assessment. Information submitted with the application demonstrates that lighting, noise and vibration associated with the proposed development would not have a significant impact on the designated sites.

AIR QUALITY (DUST)

24. Dust deposition can have a detrimental impact on the composition and condition of habitats, primarily through localised dieback as a result of smothering of plants. Given the proximity of the site to the Swale SSSI/SPA/Ramsar, it is important to understand whether dust is likely to have a negative impact on the designated site and determine whether dust suppression methods are required to avoid dust impacting on the designated site.
25. The application proposes a small-scale outdoor waste management facility. In terms of the baseline, the application states that the site is already the operating centre for the applicant's skip hire business and associated vehicles and that the number of HGV movements per day would not be significantly different from the present use of the site. Waste would be tipped and sorted on site within a purpose-built waste reception bay, which would include integrated drainage and dust suppression systems with netting to prevent windblown litter. Once sorted waste material would be stored in containers for onward transportation in bulk. The application proposes 10 skip loads would be delivered to the site each day with a further vehicle relating to the exportation of bulked up waste from site. The application states that skips containing predominantly soils or hardcore / brick rubble would be directed directly to another licenced site to be recycled.
26. The application sets out a dust management strategy, which includes:
- Construction of a waste reception bay including concrete hardstanding with integrated drainage and the surfacing of the remainder of the site with road planings;
 - Installation and routine use of fixed dust suppression spray system to be installed on the sleeper walls surrounding the tipping area;
 - Minimising movement of materials;
 - Minimising drop heights;
 - Use of a water bowser to damp down other surfaces when necessary;
 - Storing of waste in roll on/roll off containers
 - Skip containing predominantly soils and brick rubble to be diverted for processed off-site;
 - Suspending works if weather is likely to make mitigation ineffective.
 - No material stored on site shall exceed the height of the sleeper walls hereby permitted.
 - Use of a mechanical wheel wash at the entrance to the yard.
 - All loaded vehicles to be covered.
27. The most recent response from Natural England raises no objections subject to the mitigation measures proposed being secured by condition.

28. Should planning permission be granted, I am content that the above avoidance and mitigation measures could be secured by way of a suitably worded condition. Taking account of the consultees responses above and the mitigation proposed, the small amount of waste that would be received, the low number of HGV movements, the types of waste that would be processed and the way these materials would be received and stored, officers are content that dust and air quality is not likely to have a negative impact on the Swale SSSI/SPA/Ramsar.

WATER QUALITY

29. The application proposes the management and sorting of the waste within a waste reception bay. The proposed bay is designed to contain and manage surface water discharge to the environment. The bay would consist of an impermeable concrete base surrounded with sleeper walls on three sides with netting on top (containing the waste materials within the bay). The concrete base would have a positive fall towards a drainage channel installed along the open side of the bay. This drain would discharge all surface water runoff from the area receiving waste into a sealed storage tank. The tank would include a silt trap, which would be regularly cleaned. The tank would be emptied on a regular basis with the contents disposed of at a suitable licenced facility.
30. The application proposes that the site would handle only inert waste. This would exclude receipt of any food or black bag waste. The application also states that no hazardous wastes would be received. Waste accepted would be sorted within the reception bay and transferred into a number of separate containers, including general (landfill) waste and wood storage containers positioned on the sealed hardstanding and further containers relating to storage of inert recyclables like cardboard, metal and plastic stored within the wider compound.
31. The application also includes the overnight parking of HGVs and the storage of empty skips within the wider compound. The surface of the site beyond the storage bay would incorporate the existing hardcore base topped with road scalplings / planings (recycled aggregate). This surface would be permeable. Given the existing use of the site there would be no significant change to the proposed function and drainage of this portion of this site. The application states that the applicant operates a modern fleet of vehicles that are maintained off-site by the manufacturer's main dealer. This reduces the risk of contamination from the storage of vehicles on site. Any fuel kept on site would be appropriately bunded / contained in accordance with Government regulations.
32. The Environment Agency's response raises no objection and highlights that the proposed waste use and associated drainage would be subject to the Environmental Permitting regime. This would control any emissions to the environment.
33. Should planning permission be granted, I am content that the proposed mitigation measures could be secured by way of suitably worded conditions. These conditions would include securing delivery and maintenance of the waste reception bay and associated drainage scheme, controls on waste types that could be accepted to those applied for, excluding putrescible or black-bag waste and all materials stored on site shall be positioned either within the waste reception bay or roll-on / roll-off containers as proposed.
34. I am content that the materials proposed for acceptance do not pose a significant risk of pollution of water resources, and measures to minimise contamination of the water resources can be imposed on any permission. Considering the advice received from the EA, Natural England and the County Council's Sustainable Drainage Team, I am satisfied that the proposed development would safeguard against impacts on the integrity of the European Sites from run-off and ground pollution if the planning condition(s) recommended above and below were included on any planning permission.

AVOIDANCE AND MITIGATION MEASURES TO BE SECURED THROUGH CONDITION

35. Should planning permission be subsequently granted by the County Council, Officer's would ensure that the following conditions are reflected in any recommendation to permit the development, with the key details to be submitted and agreed in writing (as necessary) by the County Council, in consultation with Natural England:
- The development to be carried out in accordance with the submitted documentation and plans.
 - The overall throughput to be restricted to a maximum of 5,000 tonnes per annum (tpa);
 - The maximum number of HGV movements to be restricted to 22 per day (11 In / 11 Out);
 - Controls on the nature of the waste material that could be accepted to those applied for, excluding putrescible or black-bag waste.
 - The working hours to be restricted to 7:00 – 17:00 Monday to Friday and 7:00 – 13:00 Saturdays, with no working on Sundays or bank holidays.
 - The surface water drainage scheme proposed within the waste reception bay to be delivered before any waste is received and maintained in a good state of repair for the lifetime of the development.
 - The dust mitigation measures as set out in document titled 'Supplementary Information: Dust Management' dated 26 April 2019 (Reference: 2917), including those referenced above.
 - All incoming waste to be deposited within the waste reception bay with no waste destined for landfill to be stored beyond the waste reception bay, all other sorted waste shall be stored within the waste reception bay or the storage containers proposed. No waste shall be deposited or stored on the ground outside the reception bay.
 - No material stored on site shall exceed the height of the sleeper walls hereby permitted.
 - The submission of a site management plan reflecting the mitigation measures above and ensuring their continued implementation on site.
 - Any fuel, oil or chemicals stored on site, shall be stored in accordance with Government regulations.
 - The external lighting implemented on site shall be restricted to low-level lighting proposed within the application. No other external lighting or flood lighting to be installed without prior approval.
 - Site infrastructure, including hard surfaced areas, drainage channels and tank to be kept in good condition, inspected daily and any damage repaired immediately.

CONCLUSION

36. The application proposed is for a small-scale waste operation (5,000 tonnes per year / 22 HGV movements per day). This would not significantly alter the level of activity already taking place on site nor the in-combination impacts with the surrounding industrial activity and other land uses.
37. Following the advice received from consultees set out above, including Natural England, Kent County Council as the competent authority concludes that this project alone or in-combination would not have an adverse effect on the integrity of the Medway Estuary & Marshes SPA and Ramsar site nor the Swale SPA and Ramsar site, provided the works are carried out as set out in the application and the mitigation measures outlined above (amongst other matters) are secured by condition should planning permission be granted.

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 proposal dossier for each case and also as might be additionally indicated.

Item D1

Proposed erection of a 5FE Secondary School comprising 3-storey building, separate sports hall, MUGA, creation of two new vehicular accesses and associated parking, landscaping and ancillary work, Former Chaucer Technology School, Spring Lane, Canterbury, Kent, CT1 1SU – CA/19/1633 (KCC/CA/0166/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2019.

Application by Kent County Council and Kier Construction (Southern) for the proposed erection of a 5FE Secondary School comprising a 3-storey building and a separate sports hall together with hard and soft landscaping, a new Multi-Use Games Area (MUGA), creation of two new vehicular accesses on Spring Lane together with parking and ancillary works – Former Chaucer Technology School, Spring Lane, Canterbury, CT1 1SU (Ref: KCC/CA/0166/2019 and CA/19/1633).

Recommendation: Planning permission to be granted, subject to conditions.

Local Member: Mrs I Linfield

Classification: Unrestricted

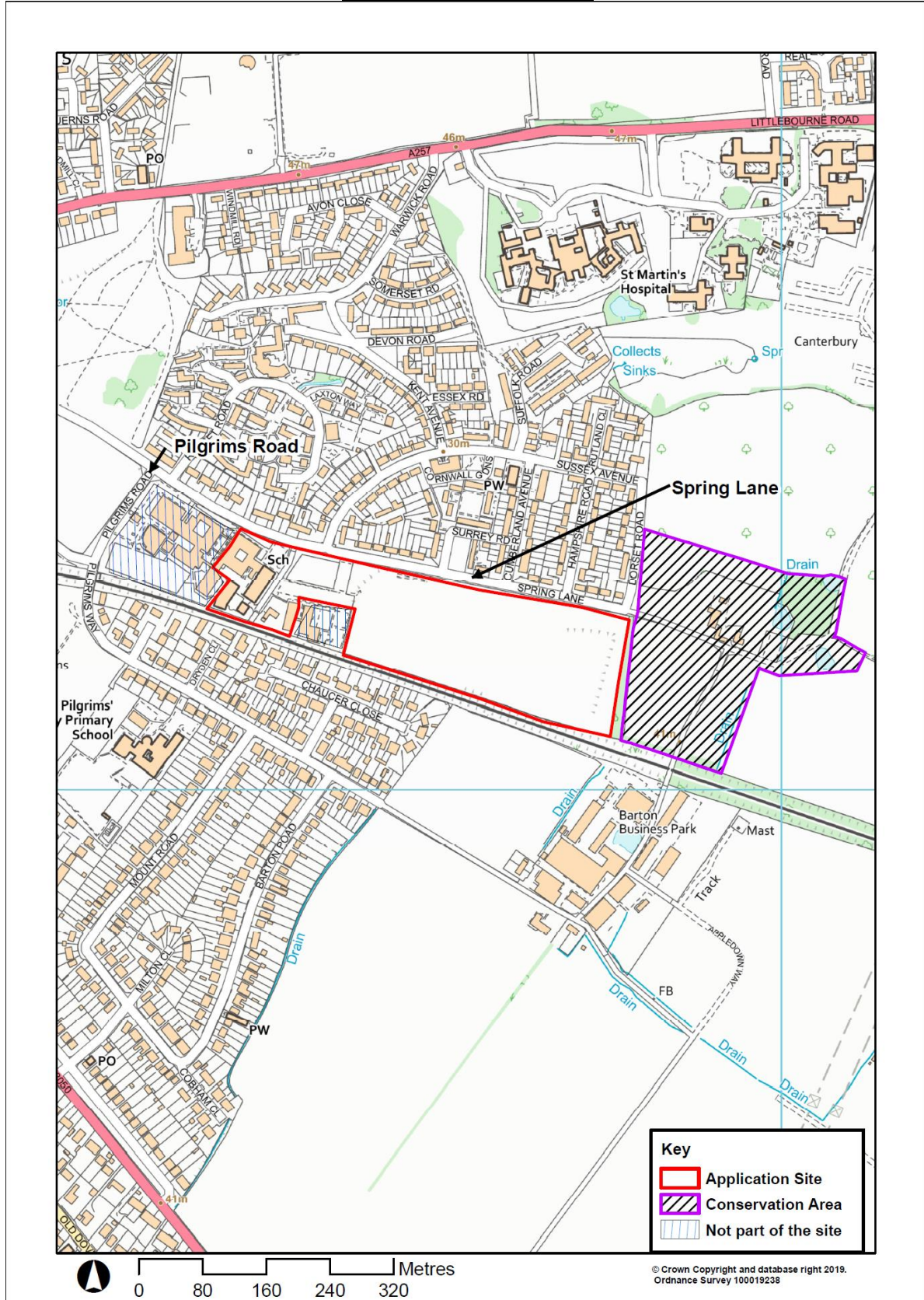
Site

1. The site is currently occupied by the former Chaucer Technology School and is located approximately 1.5km southeast of Canterbury city centre. The school sits in a site of approximately 6.62 hectares and is located on the western side of Spring Lane on the outskirts of Canterbury. The existing site comprises of derelict/disused former education buildings of various ages and states of disrepair, and ground/playing fields of the former Chaucer Technology School site, with certain buildings currently let to private tenants including the Spring Lane Day Nursery. It is proposed that the existing nursery would remain in operation throughout the proposed construction period and continue to operate independently to the proposed new Free School. Therefore, the area of the existing Nursery is not included within the development area of this planning application. Also excluded from this planning application is the western most part of the former Chaucer Technology School site, and this can be viewed on the Site Location Plan overleaf.
2. The site is currently owned by Kent County Council and the former Chaucer Technology School, which was a partially selective, mixed ability comprehensive school and has been closed since September 2015. The historic site use falls within class D1 (education) of the Town and County Planning (Use Classes) Order 1987 (as amended). The former school was served by a single vehicular entrance from Spring Lane. The Education Authority consider that the existing school buildings are no longer suitable for the modern curriculum with the current layout failing to meet the requirements of a secondary school and sixth form.

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Site Location Plan



Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Site Location Plan



Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Site Location Plan



- LOCATION PLAN**
- Legend:**
- Overnight Boundary
 - Development Site Boundary
 - Proposed Building
 - Vehicle Access (Access roads and parking lots)
 - Concrete Flag Paving
 - Pedestrian Asphalt
 - MUGA Court (Asphalt)
 - Bit Stone (Turf or Paved Enclosure)
 - Cycle Rider
 - External Steps and Ramp
 - Existing Tree Retained
 - Existing Tree Removed
 - Proposed Semi Mature Tree (13 No)
 - Proposed Standard Tree (13 No)
 - Proposed Boundary Hedge
 - Proposed Shrub Planting
 - Amenity Grass
 - Reforested Grass for vehicular access
- Key:**
- 1. Retain the existing 2.1m high boundary fence to be provided to this area as part of development.
 - 2. Proposed Three Court MUGA, with boundary fence and gates.
 - 3. Proposed New Teaching Block.
 - 4. Proposed Indoor Sports Block.
 - 5. Existing vehicular Site Entrance to be closed up, with access to be retained as Main Pedestrian Entrance.
 - 6. Vehicular Entrance / Fuel Point.
 - 7. Vehicular Entrance Point.
 - 8. Proposed Bit Stone.
 - 9. Main Bus Parking.
 - 10. Visitor to Sports Hall Parking (Asphalt).
 - 11. Main Reception Entrance.
 - 12. Sports Hall Line area.
 - 13. Visitor (Staff) Cycle Parking (24 spaces).
 - 14. Pupil Cycle Parking (24 spaces).
 - 15. Access Ramp and Steps.
 - 16. Proposed Sub Station location (If Required).
 - 17. Proposed External Dining area.
 - 18. Proposed Main Courtyard including gardens, and outdoor seating area (Performance Space).
 - 19. Outdoor Teaching Area (Performance Space).
 - 20. Cycle stands to be provided for additional 230 cycle stands to be provided if and when required.
 - 21. Automated Vehicular Barrier.



KIER

PROJECT: Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works – Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633
 DRAWING NO: CA/19/1633-01-01
 DATE: 15/01/2024
 SCALE: 1:500
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Proposed north & south elevation – Main school building



Elevation Key

1. Mullion - Exteriors, TEC
2. PPC Aluminium Cladding Colour: RAL 7035
3. PPC Aluminium Cladding with operable window in light: Colour RAL 7035
4. Metal Panel System: RAL 9007, 9016, 9018
5. Metal Roof: Colour RAL 7035
6. Aluminium Cladding Wall System: Colour RAL 7035
7. Proposed Glazing: Black frame and / colour TEC
8. PPC Metal Louvre: Colour RAL 9007
9. PPC Metal Louvre: Colour RAL 7035
10. Grey Irish Path



NOVIJUN ARCHITECTS

NOVIJUN ARCHITECTS LTD
 100-102, The Arcade, Canterbury, Kent, CT1 1JH
 Tel: 01226 282222
 Email: info@novijun.co.uk
 Website: www.novijun.co.uk

Project: 5FE Secondary School
 Drawing: 21 - 03 - A - 10112
 Date: 10/01/2023
 Scale: 1:100
 Author: J. Smith
 Check: J. Smith
 Date: 10/01/2023



Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Proposed east & west elevation – Main school building

Elevation Key

1. Main Block - Exposed Brick TBC
2. PPC Aluminium Cladding Colour
3. PPC Aluminium Cladding with operable windows & light Colour RAL 7035
4. Metal Panel System - RAL 9007 Colour M16
5. Metal Door Colour RAL 7035
6. Aluminium Cladding System Colour RAL 7035
7. Proposed Signage - Exact material / colour TBC
8. PPC Metal Louvre Colour RAL 9007
9. Signage Colour RAL 9007
10. Core Brick Path

BAIRD CLAYTON ARCHITECTS

NO.:	22005
DATE:	21/08/2024
PROJECT:	5FE SECONDARY SCHOOL
CLIENT:	CHAUCHER TECHNOLOGY SCHOOL
LOCATION:	SPRING LANE, CANTERBURY
SCALE:	1:100
DRAWN BY:	BAIRD CLAYTON ARCHITECTS
CHECKED BY:	BAIRD CLAYTON ARCHITECTS
DATE:	21/08/2024

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1 West Elevation
1:100

2 East Elevation
1:100

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works- Former Chaucer Technology School, Spring Lane, Canterbury - CA/19/1633

Proposed elevation - Sports Block

Elevation Key

- 1. Mull Brick - Exact brick TBC
- 2. PPC Aluminium Coping, Colour RAL 7039.
- 3. PPC Aluminium window with operable and/or fix sgh, Colour RAL 7039.
- 4. Metal Panel System, RAL 9007 Chrom Matt.
- 5. PPC Metal door, Colour RAL 7039
- 6. Aluminium Curtain Wall System, Colour RAL 7039.
- 7. Proposed Sprinkle, Exact material / colour TBC.
- 8. PPC metal Louvre, Colour RAL 9007
- 9. Stairrail Panel, Colour RAL 7039.
- 10. Grey Brick Plinth.

1 North Elevation
1:100

2 East Elevation
1:100

3 West Elevation
1:100

4 South Elevation
1:100

Location Map: Shows the project location on a site plan labeled 'Balnecourt Free School'.

NO.:	PROJECT:	DATE:	SCALE:

NOVIUM ARCHITECTS

Project: Balnecourt Free School
Department: Proposed Education (Sports Block)
Date: 11/10/21
Drawn by: JACOB
Checked by: JACOB
Project No.: Z0388 - NOV - 22 - 00 - DR - A - PLG14
Scale: ARCHITECTURE
Sheet No.: A1
Project Information: Proposed 5FE Secondary School

Level 01
37'300

Level 02
35'000

Level 03
29'000

Level 04
26'000

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Proposed 3D visuals



1. Aerial view looking South East towards the main school building and sports block



2. Aerial view looking East towards the main school building and sports block

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Proposed 3D visuals



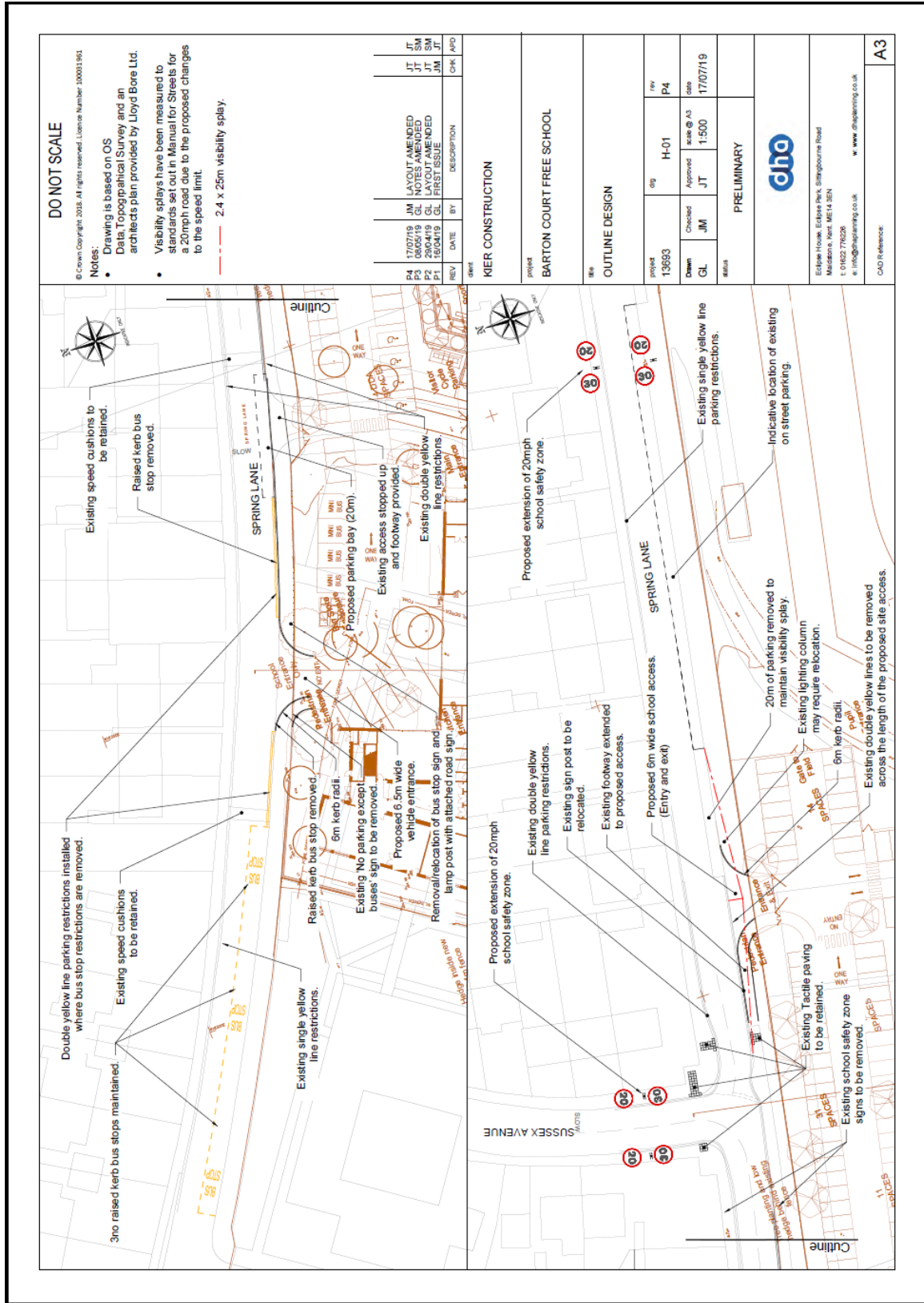
3. A view looking West along Spring Lane



4. A view looking South from Spring Lane

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Proposed Highway Works/Changes



Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

3. The applicant further advises that the structural condition of the existing accommodation is very poor and would require extensive refurbishment to return the buildings to even a basic condition. The derelict school buildings would require significant structural work to their external fabric to create a school environment that would comply with modern standards. Internally significant refurbishment to the floors, walls, electrics, heating and communications system would be required. Elements containing asbestos would also need to be removed, in addition to the removal of external foliage that has made its way inside the school buildings. An application for the prior notification for the demolition of buildings has been submitted separately to Canterbury City Council, who concluded that the prior approval of the details of the proposed works was not required. Therefore, this planning application does not include any details of the proposed demolition works.
4. The school site is predominantly level around the former Chaucer Technology School buildings and rises from the west to east of the site towards the Spring Lane Day Nursery and terraced sports field, which is located to the east of the existing derelict school buildings. The total rise in level is around 3-4m across the developed area of land.
5. In terms of the wider surrounding area, the site is bound by Spring Lane to the north of the school site and there is a mixture of terraced and semi-detached residential properties on the opposite side of the road. The eastern boundary is to the far end of sports pitches and backs onto an area of open land which is screened by a row of mature trees and shrubs. Beyond this boundary is the Little Barton Conservation Area which includes Little Barton Farmhouse, a Grade II Listed Building. However, the proposal would not affect the character or appearance of the Conservation Area as there are no proposed changes to the eastern part of the school site, as it will remain as a playing field. The southern boundary backs onto a railway line and which is screened by a row of mature trees and shrubs. On the other side of the railway line are residential properties. The western boundary is adjacent to an area of the former Chaucer Technology School site that has been designated as an area for potential future development and is not included within this application.

Background

6. In 1967, the site was designated for educational use following the relocation of Canterbury Technical High School for Boys to the site. The school was subsequently re-established as a mixed comprehensive school for Canterbury. Prior to its closure, Chaucer Technology School was a non-selective secondary school with a capacity of 1,389 pupils. In July 2015, Kent County Council announced the closure of the Chaucer Technology School due to low pupil intake. Some of the existing school buildings have been derelict since, whilst others are rented by the Performance School and Metropolitan Police for training.
7. Evidence of demand for school places and available capacity is provided by planning area for both the Kent Commissioning Plan and the annual return to the Department of Education (the School Capacity Collection). Kent is deemed a wholly selective authority with 32 selective (grammar) schools receiving around 25-30% of annual Year 7 cohort, operating alongside the 65 non-selective (comprehensive) schools.

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

8. There are three 'planning groups' which are within Canterbury District or which cross the District boundary. The Grammar Planning groups covers Canterbury and Faversham and is based on patterns of travel to school. There are two non-selective Planning Groups: Canterbury Coastal and Canterbury City, although a high proportion of secondary age children resident in the coastal towns or Herne Bay and Whitstable, travel into schools in and around Canterbury City. The demand for a new school to serve the Canterbury non-selective pupil population was identified in previous iterations of the Kent Commissioning Plan for Education provision and is reflected in the current Plan 2019-2023.
9. The table below is an extract from the Canterbury Secondary section of the Plan, which shows the Year 7 surplus/deficit if no action is taken and planned housing is delivered:

	2017-18 capacity	2017-18 (A)	2018-19 (F)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2024-25 capacity
Canterbury City Non-Selective	550	7	-49	-81	-119	-135	-191	-201	-198	530
Canterbury Coastal Non-Selective	625	105	117	74	28	36	-1	-16	23	618
Canterbury and Faversham Selective	580	-15	-35	-37	-63	-72	-115	-133	-111	575

10. The need to provide a new school for opening in September 2021 on the former Chaucer Technology School site was agreed by the Education Authority, following applications made to the Department for Education, based on identified and published need set out within Kent's Commissioning Plan. In recent years Canterbury Academy and Spires Academy have both been expanded to meet growing demand arising from a growing primary age population and planned new housing for the area. Feasibility work is being carried out to look at options to meet a growing demand on the coast. Despite these expansions, demand continues, and the new secondary school planned on the former Chaucer Technology School land is a key part of meeting the growing demand for secondary school places.

Recent Planning History

11. The most relevant recent site planning history is listed below;

CA/07/743

A new 2-storey sixth form teaching block providing 4no. general teaching rooms, 5no. seminar rooms, a students social area with associated kitchen and dining facilities, a meeting/assembly space, 2no. staff offices and toilet facilities and creation of a pedestrian access onto Pilgrims Road. Granted with conditions.

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

CA/06/1187	Erection of fencing along school playing field boundary. Granted with conditions.
CA/03/1194	Extension to existing car park using grasscrete blocks to create additional parking. Granted with conditions.

Proposal

12. The planning application seeks permission for the erection of a new 5 forms of entry (FE) secondary school on the former Chaucer Technology School site. The scheme is comprised of:
 - A 2-3 storey teaching block of circa 7,200sqm;
 - A smaller 2-storey sports block circa 1,200sqm;
 - A Multi-Use Games Area (MUGA);
 - Hard and soft landscaping;
 - Retention of the existing playing fields;
 - Creation of two new vehicular and pedestrian entrances along Spring Lane; and
 - Provision of 98 parking spaces (including 2 dedicated visitor and 4 DDA parking spaces) and 36 cycle parking spaces.
13. The applicant advises that the design approach has been considered to ensure that the visual scale and mass respond positively to the local context whilst also respecting the amenities of the existing residents. The proposal would effectively utilise a previously developed site by demolishing the existing school and constructing a replacement building in its place. This proposal seeks to construct a 2-3-storey school building positioned at the western end of the development area of the site. While similar in the total area of the former Chaucer Technology School, the proposed school has a smaller building footprint as it is arranged in a more efficient way, with accommodation set over 2-3 storeys. This allows for the creation of substantially larger outdoor play and sports facilities for the school while reducing the expanse of the built form on the Spring Lane frontage.
14. The applicant further advises that the design proposals were developed around the following concepts:
 - The articulation of building mass to improve response to site context and boundaries;
 - To create and highlight building entrances through architectural form;
 - The position of the sports block at the front of the site encourages community use through its prominent location;
 - The main school building and sport block use a considered palette of materials, that is articulated through the architectural form of both buildings to create a strong visual harmony between the two separate structures;
 - The buildings are positioned on the site to integrate the secure line and to maximise the south-facing aspect through the creation of a courtyard playground;
 - Entrances to the site have been created to ease traffic flow on and off the site, with a designated pedestrian only entrance;
 - The main school building is organised around a central atrium that contains the main dining spaces and creates the 'heart' of the school, and

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

- Teaching spaces are organised rationally in ‘wings’ that stem from the main atrium with informal breakout spaces around and below smaller atria.
15. The proposal adopts a modern design approach using quality materials including brick, metal cladding and curtain walling. The external material choices on the building have been specially selected in respect of appropriateness in a school environment, robustness and suitability within the local context. In accordance with Local Plan policy DBE1, the proposed school would be designed according to BREEAM ‘very good’ principles and would employ measures to reduce carbon emissions. A building which accords with this standard would comprise a much more environmentally sustainable building than the former school, creating significant environmental benefits. The proposal also retains the existing tree line along Spring Lane and introduces additional trees around the site to provide additional screening of the proposed development.
 16. The main school building entrance is proposed to be set back into the site off a central shared pedestrian piazza, creating a paved piazza area with benching. There would be a direct access into the visitor’s entrance, which would be securely controlled, with good aspect from the main reception to monitor visitors approaching the building. In addition to the main entrance, three designated pupil entrances would provide additional points of access into the building at the beginning and end of the school day. The main hall would be positioned on the ground floor on the northern façade of the building and allowing for the facility to become part of the active frontage of the school. The main hall has been designed to accommodate assemblies of over 330 pupils with lecture theatre style seating, that would also act as a connection to the music suite on the first floor. The adjacent drama space would be connected through a sliding folding partition to allow this to open out and maximise capacity as well as providing a dedicated staging area. The main atrium area is proposed to be located above the dining area. It would be made up of two atriums which would be split by a central link bridge connecting the music suite at first floor and ICT at the second floor. The use of large rooflights would allow natural daylight to flood into the space all the way through the building. Alongside the main atrium, both teaching wings have been designed to create central breakout teaching spaces between the flanking classrooms. To ensure excellent natural daylight to these spaces, there would be atriums linking through the building with rooflights providing natural daylight.
 17. The proposed 2-storey sports block has been developed as a standalone facility linked to the main school building through form and design. The separation of the buildings has been driven not only by constraints of the site but to also to provide the option of segregating this facility for out of hour/community use. This proposed building would be made up of a main central entrance area, changing facilities to suit internal and external sports, a 4-court sports hall and an activity studio (dance) located at first floor.
 18. The former Chaucer Technology School playing fields are proposed to form part of the new school site and would provide a total area of 44,100sq.m of playing field, which is in excess of the 42,750sq.m required by BB103. The school would therefore be well provided for in terms of outdoor sports provision. Currently these areas have been formerly marked out and are able to support the following sports provision the main lower field:
 - 2 x senior football pitches;
 - 1 x senior rugby pitch;
 - 1 x 9 wicket cricket oval;

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

- 1 x 400m, 8 lane running track, and
 - A full array of athletic field events, including javelin, discus, hammer and shot putt.
19. The middle field would also support a 1 x U16 football pitch. Currently the upper field is not used for sport but could be returned to use if required by the school in the future and could support a further U16 football pitch. In addition, this application proposes a 3 court MUGA to the south east of the proposed school building. Floodlighting of the MUGA is not proposed.
20. In terms of access, it is proposed that the existing vehicular access along Spring Lane would revert back to a pedestrian access only. Two new vehicular and pedestrian entrances would be created along the northern boundary of the school site onto Spring Lane. It is also proposed that the eastern most entrance off Spring Lane would serve as a new access for the retained nursery which would remain located on the school site. This would provide a clear separation between the school and nursery in terms of access and circulation, in order to ensure a clear separation in identity between the two and for secure and safe-guarding objectives. The newly formed western entrance would act as a vehicle 'entry' only for the new school, ensuring that only school related traffic crosses directly in front of the new building and creating an internal one-way traffic system. The new eastern entrance is proposed to act as both an 'exit' for all school vehicles and also as a separate 'entry and exit' for the nursery vehicles.
21. The planning application proposes to provide a total of 98 car parking spaces for use by the school, including 2 dedicated visitor parking spaces and 4 DDA complaint parking spaces. 2 spaces would be electric vehicle charging bays. In addition, it is also proposed to provide the school with 4 minibus parking spaces and a dedicated delivery bay/coach pick up and drop off facility. There would also be provision for up to 156 covered cycle parking spaces and initially a total of 36 cycle parking spaces would be provided when the school would first open as there would only be one year's intake of pupils. It is proposed that the school would then monitor the ongoing demand for cycle parking as the pupil numbers increased.
22. The new school would be a 5FE secondary school with a sixth form for 1050 pupils aged between 11-18 years and it would be organised that the secondary school would have 750 pupils and the sixth form would have 300 pupils. It is currently proposed to employ between 70 to 80 members of staff.

Planning Policy Context

23. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:
- (i) **National Planning Policy Framework (NPPF) February 2019** and the **National Planning Policy Guidance** (first published in 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

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

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

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, 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:

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Taking a positive approach to applications that make more effective use of sites that provide community services such as schools, provided this maintains or improves the quality of service provision and access to open space and making decisions that promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Ensure that planning policies and decisions provide the social, recreational and cultural facilities and services the community needs, by planning positively for the provision and use of shared spaces and community facilities such as sports venues or open spaces to enhance the sustainability of communities and residential environments;
- Meeting the challenge of climate change and flooding and incorporating SuD's;
- Conserving and enhancing the natural environment;
- Ensure that planning policies are based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Through access to high quality open spaces and opportunities for sport and recreation, an important contribution to the health and well-being of communities can be achieved;
- Ensure that planning policies and decisions should aim to achieve healthy, inclusive places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs through the provision through the provision of sports facilities.
- Ensure that existing open space, sports and recreational buildings and land, including playing fields, are not be built on unless 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;

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

- Planning policies and decisions should prevent unacceptable risks from pollution and land instability and should ensure that new development is appropriate for its location;
- Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from the development, whilst recognising that development will often create some noise;
- Encourage through good design and planning policies the requirement to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

In addition, Paragraph 94 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.*

- (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. In particular, the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.

(iii) **Canterbury District-Local Plan (July 2017) – Policies:**

Policy SP1 Sustainable Development. This states that when considering developments, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy EMP9 Education Needs. This states that the City Council will work with the Education Authority and other school and education providers to ensure that provision is made for educational needs, including those arising from new development.

Policy OS9 Protection of Existing Open Space. This policy states that proposals which would result in the loss of protected existing open space (as identified on the proposals map) will only be permitted if there would be no material harm to the contribution the open space makes to the visual or recreational amenity of the area; the open space has been assessed by the City Council as making no positive contribution to its overall open space strategy; where there would be material harm this would be balanced against demonstrable need for the development; and there are no alternative sites available to accommodate the proposed development and any harm could be offset by the provision of other open space.

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

- Policy DBE1** **Sustainable Design and Construction.** States that all development should respond to the objectives of sustainable development. Development schemes will be required to incorporate sustainable design and construction measures to show how they respond to the objectives of sustainable development.
- Policy DBE2** **Renewable Energy.** Ensure that any proposed development that includes renewable equipment within its application is given sufficient weight to the environmental, social and economic benefits and has considered the mitigation of any adverse impacts.
- Policy DBE3** **Principle of Design.** Ensure that any proposed development to be well designed, of high quality, sustainable and to promote the distinctive character, diversity and quality of the Canterbury District. New development must contribute positively to its local context and create attractive, inspiring and safe places.
- Policy DBE5** **Inclusive Design.** States the requirement for all developments to meet the highest standards of accessibility and inclusion. Proposals should ensure that they can be used and accessed safely and easily by all and are flexible and responsive to users needs.
- Policy DBE9** **Outdoor Lighting.** Seeks to ensure that proposals for outdoor lighting does not adversely impact on their surrounding environment.
- Policy LB9** **Protection, Mitigation, Enhancement and Increased Connectivity for Species and Habitats of Principal Importance.** This policy states that all development should avoid a net loss of biodiversity/nature conservation value and actively pursue opportunities to achieve a net gain, particularly where there are wildlife habitats/species identified as Species or Habitats or Principal Importance; there are habitats/species that are protected under wildlife legislation; or where the site forms a link between or buffer to designated wildlife sites.
- Policy HE1** **Historic Environment and Heritage Assets.** This policy states that the City Council will support proposals which protect, conserve and enhance the historic environments and the contribution it makes to local distinctiveness and sense of place. Amongst other matters, it goes on to state that where development would harm the significance of heritage assets, it would be permitted if the loss would be outweighed by the benefit of bringing the site back into use. Any development affecting a heritage asset will be required to submit a Heritage Statement.
- Policy HE11** **Archaeology.** This policy states that for planning applications where there is the potential for an archaeological heritage asset, the application must include a desk-based assessment. Where potentially significant archaeological heritage assets may exist, field evaluations will need to be carried out. Where development affects a heritage asset, the archaeological remains should be preserved in situ, but if

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

this is not possible archaeological recording should be undertaken in accordance with a specification agreed with the County's Archaeological Officer.

- Policy QL1** **Social Infrastructure.** This policy states that proposals for new buildings or uses for local communities to provide social infrastructure and community facilities will be encouraged and granted planning permission on the basis that any new building is appropriately designed and located, and highway safety and residential amenity would not be prejudiced.
- Policy T9** **Parking Standards.** The policy states that the City Council will have regard to the local parking standards set out in appendix 4 of the Local Plan. Where cycle parking is provided it should be convenient, secure, covered and where possible complemented by showering and changing facilities.
- Policy T17** **Transport Assessment and Travel Plans.** This policy states that development proposals considered to have significant transport implications are to be supported by a Transport Assessment and where applicable a Travel Plan.
- Policy CC4** **Flood Risk.** This policy requires all sites within Flood Zone 2 or 3 and sites larger than 1ha in Flood Zone 1 to be accompanied by the Flood Risk Assessment (FRA). Measures identified to mitigate effects shall be installed and maintained as informed by the findings of the FRA.
- Policy CC11** **Sustainable Drainage Systems.** This states that all development applications should include drainage provision to ensure that surface water is appropriately controlled within the development site, and that the risk of on-site or off-site flood risk is not exacerbated by the development. Surface water run off should be managed as close to its source as possible using the Council's hierarchy of discharging into the ground, to a surface water body, to a surface water sewer, highway drain or other drainage system, and to a combined sewer when there are no other options. Approval for the design of long-term management and maintenance of SuDS will be required prior to commencement of development.

Consultations

24. **Canterbury City Council:** Raises no objection to the proposed application.

Kent Highways: Raises no objection subject to the imposition of conditions, including the provision and permanent retention of the vehicle and cycle parking facilities and vehicle loading/unloading and turning facilities; implementation of the School Travel Plan and to be reviewed regularly; completion and maintenance of the accesses; extension to the existing 20mph speed limit School Safety Zone and progress a Traffic Regulation Order; all highways works/changes to be completed via a Section 278 Agreement; gates to open away from the highway and be set back 6m; vehicle accesses to must be

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

open during school start and finish times and 30 minutes prior to school opening and closing times; submission of a Construction Management Plan, and visibility and accesses into the site be kept clear through the applicants best endeavours to progress the installation of double yellow line parking restrictions. Kent Highways also has the following comments:

“When the site previously operated as a school it had a pupil role capacity of 1,389 pupils, and this included 208 of which were estimated to be sixth form pupils. This is notably more than the 1,050 pupil capacity (along with 300 sixth form pupils) proposed in this application currently being considered. Based on these numbers there would be a decrease in trip movements generated by this site compared to the existing approved school roll/numbers, as such the Highway Authority cannot reasonably request mitigation and highway alterations in the wider area.

The applicants have confirmed that the internal loop road will be kept open at school start and finish times and can be used for parent drop off to help reduce queuing and dropping off movements in Spring Lane and the nearby pupil highway. This will need to be secured via a planning condition. I also note that 2 charging points are to be provided to ensure some electronic vehicle charging provision is available on site.”

Archaeology: Raises no objection subject to the imposition of a condition and has the following comments:

“The application was accompanied by a Desk Based Assessment (DBA). This DBA provided a good account of the site’s archaeological potential. It notes that the site has the potential to contain archaeological remains from a variety of periods as a result of its location in a favourable situation in the hinterland of Canterbury, which has acted as an important settlement focus since the Iron Age. Additionally, the DBA notes the potential for remains of WW2 date associated with anti-invasion defences along the railway line.

The redevelopment of the school site could impact upon archaeological remains. It is recommended that provision is made in any forthcoming planning consent for a programme of archaeological work.”

KCC’s Conservation Officer: Raises no objection to the planning application and has the following comments:

“I can confirm that no designated heritage assets would be physically affected by the implementation of the proposed development. The site does not lie within the setting of the adjacent Little Barton Farm Listed Building and Conservation Area, and therefore is not considered to contribute to its significance. Finally, the proposed development will have no impact on the setting, and in turn significance of any heritage assets that lie within the study area of the Archaeological Desk Based Assessment document.”

KCC’s Biodiversity Officer: Raises no objection subject to a condition and has the following comments:

“The submitted ecological report has carried out the required range of protected species surveys and has taken into consideration any detrimental impacts. The buildings on site have been assessed as having negligible roosting potential for bats and subsequently no further surveys have been recommended. We are satisfied with

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species. As there is habitat for breeding birds on site, we recommended that a condition that protects breeding birds is attached to any granted planning application.

Furthermore, the proposed development provided opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of bar/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of planning permission, if granted.”

KCC’s Sustainable Drainage Officer: Raises no objection subject to the imposition of conditions requiring the submission of detailed sustainable surface water drainage scheme, and that no building be occupied until a verification report is submitted and agreed with the County Planning Authority.

Environment Agency: Raises no objection subject to the imposition of conditions including dealing with any potential contamination being found present, no infiltration of surface water drainage into the ground, and no piling or other foundation designs using penetrative methods to be permitted, unless with the express written consent of the County Planning Authority. The EA also requested that two Informatives were added covering further information about piling and the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2).

Sport England: Raises no objection to the planning application and has the following comments:

“The proposal relates to, in part, the construction of a replacement MUGA and a new sports hall. Both the MUGA and sports hall area will be marked out for games court use to meet Sport England/NGB specifications and represents a qualitative improvement on sports provision at this site. In addition, the facility does not impact on any existing sports pitches or the potential to site additional sports pitches in the future.

Consequently, Sport England are of the view that the proposal meets exception 5 of our playing field policy, in that:

‘The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.’”

Network Rail: Has the following observations to make:

The developer must ensure that their proposal, both during construction and after completion of the works in site, 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;

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

- Over-sail or encroach upon the airspace of any Network Rail land, and
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Network Rail have also stated that the developer should comply with the requirements for the safe operation of the railway and the protection of Network Rail's adjoining land, which include that any future maintenance can be conducted solely on the applicant's land; that storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail; that all cranes and mechanical plant working adjacent to Network Rail's property must be carried out in a 'fail safe' manner to ensure that no plant or materials are capable of falling within 3m of the boundary with Network Rail; that any scaffolding which is constructed within 10m of the railway boundary fence must not over sail the railway and protective netting is used around such scaffold; that where piling plant is used details of the machinery and a method statement is submitted to Network Rail for approval; that the developer provide and maintain a substantial, trespass proof fence along the development side of the existing boundary fence and to a minimum height of 1.8m; that any lighting associated with the development must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains; that the potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework, and that any landscaping must be carefully considered in terms of species and the distance of planting away from the railway line.

Network Rail have requested that they would like to be involved in the approval of any landscaping scheme adjacent to the railway.

Local Member

25. The local County Member Mrs Linfield was notified of the application on 16 August 2019. Mrs Linfield has made comments on the application which are summarised below.

- The Transport Assessment fails to mention the proximity of the site to the A257 and is incomplete as it does not mention new, proposed or allocated housing sites in the vicinity of the school site, and that the maps used are out of date.
- A total of 4 housing developments have been omitted and no consideration has been given to children who will travel through from the other side of Canterbury on the A28 link, from the Howe Barracks site or from villages to the east of Canterbury.
- Request for a safe crossing point on the A257 and a reduction on the speed limit from 40mph to 30mph.
- The draft School Travel Plan fails to mention if electronic vehicle charging points are to be provided.
- It also fails to mention that there will be an increase in numbers of cars travelling to and from this site and that nothing is being done to alleviate the extra pollution.
- As there will be an increase in the volume of traffic along Spring Lane, a 15mph speed limit is requested.
- Concern about additional pollution as well as lack of sustainability in the building, with a lack of solar panels, car charging points, water collection, recycling.
- Concern about disposal of asbestos.
- Concern about construction work on a Saturday.

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Publicity

26. The application was advertised by the posting of a site notice and the notification of 450 neighbouring properties and an advertisement was placed in the local newspaper on 22 August 2019.

Representations

27. A total of 7 representations have been received to the planning application. 2 representations objected to the application, 2 representations were in support of the application and 3 representations raised comments. The main points are summarised below;

Objections

- Noise, anti-social behaviour and parking difficulties will revert to those in place when the previous school was operational.
- If the school reopens the roads are going to become worse due to traffic (speeding) and parking. The council should think about putting drives for the council properties to help with the parking and this should stop people parking on the estate as they then can put parking meters on the roads.

Comments raised

- Concern about large articulated lorries along Spring Lane during the construction phase, as there is extensive car parking on the approach to the site staggered on each side of the road.
- Whilst it is fantastic news that the school will be rebuilt thereby serving the children and families of the area once again, I have concerns for the safety of the students of both the secondary and Pilgrims Way Primary School, as well local residents concerning the parking of buses on the road outside the school when dropping off and collecting the students, which used to be an issue.
- Dedicated bus laybys/an area off the road/on the school grounds for buses should be considered to help alleviate congestion and potential accidents in the area.
- Concerns as to the safety of people using the junction of Sussex Avenue onto Spring Lane, as the increased traffic is going to use that junction will cause chaos, not only for the new school but also for Pilgrims Way children, many who go in cars and come out at that junction.
- This is an area of high student occupation which brings many vehicles to the area and is also a rat run.

Support

- I look forward to the regeneration of the site.
- At least something that is desperately needed is being put forward.
- A new state of the art school where young people can excel.
- I hope that no more time is wasted, and this school gets to go ahead as soon as possible.

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Discussion

28. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (23) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity.
29. This application is being reported for determination by the Planning Applications Committee due to the letters of representation received objecting or commenting to the planning application as set out in paragraph 27. In this case, the key determining factors, in my view, are the principle of the development and educational need, siting and design, residential amenity, highway and access matters, archaeology/heritage, sustainable design, drainage, landscaping, and construction matters.

Principle of Development and Education Need

30. In the Government's view, the development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in paragraph 55 of the NPPF.
31. Planning policy guidance in the form of both the NPPF and the Policy Statement for School Development are strongly worded to ensure that proposals for the development of state funded schools should, wherever possible, be supported. The policy support and guidance is set out in paragraph 23 above and in summary states that there should be a presumption in favour of the development of state funded schools; that planning authorities should take a proactive, positive and collaborative approach to meeting this requirement; and that any refusal would have to be clearly justified. Furthermore, at the local level Policy EMP9 of the Canterbury City Local Plan states that the City Council would work with the Education Authority to ensure that provision is made for educational purposes.
32. The planning application site, which is previously developed land, falls within the urban area boundary of Canterbury, which is the principle focus for development under Local Plan Policy SP4. The site has also been in educational use since 1967 and therefore provides an ideal opportunity for redevelopment for educational purposes. The existing playing fields are designated as 'Existing Open Space', however the playing fields would be retained as part of the proposed development and would continue to be used as sports pitches. As such the proposal would not affect any of the designated open spaces, and the proposal accords with Local Plan Policy OS9.

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

33. As set out in paragraphs 8 to 10 of this report, there is an identified need for additional Secondary School places within Canterbury, hence the Education Authorities agreement to provide a new school on the former Chaucer Technology School site. The existing school buildings are not fit for purpose and would require significant structural work to create a school environment that would comply with modern standards (see paragraph 3). In addition, the proposed scheme would make more effective use of the site by introducing a building with a smaller footprint whilst also delivering associated facilities including a separate Sports Block, MUGA, playing fields and landscaping across the site. I am therefore satisfied that this proposal would deliver much-improved teaching and learning spaces for local pupils on a former education site, subsequently enhancing the educational facilities in Canterbury and meeting the identified need for secondary school places in the Canterbury area.
34. The site falls within a built-up area on a previously developed site and the principles of a school being on this site has previously been established. There is planning policy support at both local and national level for the provision of new and improved educational facilities. Furthermore, the proposed planning application would meet an identified need and would significantly improve the educational facilities at the School, which would benefit local school pupils and staff as well as the local community. It is therefore considered that the replacement school is acceptable and would be in accordance with the NPPF, the Policy Statement for School Development, and Local Plan policies SP1 and EMP9. I would therefore not raise a planning objection on this matter.

Siting and design

35. The proposed replacement buildings would be located to the western part of the application site (please note that the most western part of the existing school site is not included within this planning application) and this is proposed to avoid encroaching on the playing fields that are located at the eastern end of the site. It is proposed to create a school 'street frontage' and providing the proposed Barton Court Academy Free School with an active presence within the local community. The proposed scheme would make more effective use of the site by introducing a building with a smaller footprint. The main school building would be 2-3 storeys in height, which would introduce further variation in height, would have a flat roof and would be set back from Spring Lane with parking and circulation areas between the school and Spring Lane. The proposed 2-storey sports hall would be located on the higher part of the site and thus utilising the existing site levels.
36. The proposed design has been prepared to respond positively to the character and appearance of the locality and as such would not result in overdevelopment. The predominant material of the new school building are proposed to be red brick with strategically placed metal cladding to provide visual relief to the mass. The proposed development would be sufficiently well separated from the site boundaries and would not in my view result in a cramped form of development in relation to the site and its boundaries and other surrounding buildings.
37. The proposed school buildings would be modern in design and appearance and would occupy a smaller footprint than the buildings they would replace due to a more efficient layout. Overall it is considered that the siting and layout of the school buildings would be appropriate for this site and would comply with the aims of Policies DBE3 and QL1 of the Local Plan. I would therefore not raise a planning objection on these matters.

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

Residential Amenity

38. National Planning Policy Framework (paragraph 17) states that it is a core planning principle that a good standard of amenity is achieved for all existing and future occupants of land and buildings. This is reflected in Local Plan Policy DBE3, which seeks to ensure that new development is compatible with neighbouring buildings and spaces and does not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure. The protection of surrounding residential amenity has influenced the design and layout of the proposal. Careful consideration has been given as to how the proposed scheme would address the adjoining neighbouring properties, and how its design and massing could minimise any impact to an acceptable level.
39. The site is in relatively close proximity to the residential properties along Spring Lane. Whilst there has previously been a relationship between these properties and the existing school buildings, the protection of surrounding residential amenity has been an important influence on the design and layout of the proposal. Careful consideration appears to have been given to potential impacts on the amenity of these properties with regard to visual intrusion (overbearing), overshadowing, loss of privacy, noise nuisance and light intrusion. In particular, the new buildings have been sited to the centre of the existing built form, with the most western section of the existing school not being redeveloped.
40. Whilst the separation distance between the residential properties and the new main building are considered to be adequate, the façade closest to the neighbouring properties has deliberately been designed with minimal windows. This, together with the existing and proposed screening along the site frontage, would reduce any issues of overlooking or loss of privacy to an acceptable level. Given the above, the proposal would not have a harmful impact on the amenities of nearby residents and therefore the proposal is considered to be acceptable in this respect and is in accordance with the NPPF and Canterbury City Council Local Plan Policy DBE3. I would therefore not raise a planning objection on this matter.

Highway Matters

41. Local residents have raised objection to this application on highway, traffic and parking grounds, and consider that the development would result in an increase in traffic and parking during the school day and that this would affect the safety of pedestrians in the vicinity of the school.
42. Vehicle access to the site is currently taken from Spring Lane to the east of the existing school buildings. This access measures approximately 4.5m in width and provided access to a number of internal parking areas, comprising 113 parking spaces. A footway is provided along the western side of the internal road. Spring Lane measures approximately 6m in width and routes in a general east to west direction along the northern boundary of the site. The road is subject to a 20mph School Safety Zone for a point approximately 25m east of the existing access to its junction with Pilgrims Road and Pilgrims Way and encompassing Pilgrims Way Primary School, which is located to the south of Pilgrims Way and located on the other side of the railway line. There is traffic calming provided along Spring Lane in the form of speed cushions. In addition, a 'build-out' is present immediately to the east of Russet Road. Whilst there is still

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

sufficient space for two cars to pass in this location, this feature acts to slow traffic routeing along Spring Lane.

43. Parking restrictions are provided along much of Spring Lane, with a mixture of double and single yellow lines present. Where single yellow lines are provided, these restrict parking between the hours of 09.00 to 10.00 and 14.00 to 15.00 Monday to Friday. Adjacent to the school playing fields, marked parking bays are provided along the southern side of Spring Lane. No restrictions are present on these bays, except for a single space reserved for disabled users.
44. Footways are provided on both sides of Spring Lane, to a point approximately 55m east of the existing site access. At this point the footway continues on the northern side of the carriageway only. Within the vicinity of the site, footways measure at least 1.8m in width and are subject to street lighting and dropped kerbs with tactile paving. Bus stops are located to the west of the existing site access on Spring Lane. A bus cage is provided on the southern side of the carriageway, measuring approximately 118m in length. Five raised kerbs are provided along this length to facilitate bus boarding. On the northern side of the carriageway a bus cage measuring approximately 19m in length is provided.
45. As mentioned in paragraph 20, the existing access would become a pedestrian access and it is proposed to provide two new accesses which would introduce a one-way route through the site. The entrance to the site would be provided approximately 40m west of the existing access and provide entry only for all vehicles. A second access would be provided approximately 30m east of the Spring Lane/Sussex Avenue junction and would provide a two-way access. This access would provide an exit for users of the secondary school and would act as an entrance and exit for the existing nursery located on the previous school site. Both accesses would be 6.0m in width and achieve visibility splays in accordance with a 20mph speed limit. Gates would be provided at each access and would remain open for the entirety of the school day with an internal barrier which would be operated by an intercom system. Additionally, the existing footpath along the southern side of Spring Lane is proposed to be extended into the new eastern access into the site.
46. Other off-site highway works propose shortening the existing bus cage on the southern side of Spring Lane from 118m to 60m (due to the new proposed eastern access) and this would have the capacity to accommodate three buses. The raised bus boarders would be re-provided in appropriate locations, with two boarders removed. It is also proposed to extend the existing 20mph School Safety Zone to accommodate both accesses to the site. This would be the subject of a Traffic Regulation Order (TRO) following the granting of a planning permission. Finally, in order to accommodate the eastern access and its associated visibility splays, approximately 20m of designated on-street parking would be lost. This would equate to just over three car parking spaces. These spaces are proposed to be re-provided on the southern side of Spring Lane, between the two proposed access points of the site. Kent Highways have been consulted on these proposals and raise no objection subject to planning conditions to ensure that all highways works/changes are completed as shown on the submitted plans (via a Section 278 Agreement and a TRO).
47. A total of 98 parking spaces are proposed at this site and this includes 4 DDA complaint parking spaces. These parking spaces are intended to accommodate both staff and visitors to the site. In addition, 4 minibus parking spaces are included in the

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

planning application. A total of 156 covered cycle parking spaces are also proposed and initially 36 cycle parking spaces would be provided when the school would first open as there would only be one year's intake of pupils. It should also be noted that the MUGA will be designed in such a way that it could be used for overflow parking during events at the school. The Kent and Medway Structure Plan: SPG4 sets the maximum parking standards for non-residential development in Kent. These standards prescribe a maximum parking quantum of one space per member of staff plus 10 percent, which in this case would equate to a maximum provision of 88 parking spaces. It is noted that the level of parking proposed is in slight exceedance of these standards, however it is not considered that this would be to the detriment of highway safety or capacity.

48. Kent Highways have requested that a drop off facility is provided for parents dropping off or collecting their children, and so the internal access road would be used for this purpose. To this extent Kent Highways have requested that a condition is added to the planning consent requiring that the vehicular accesses to the site must be open during school start and finish times and for 30 minutes prior to school opening and closing times, to allow use by parents/guardians for the purpose of dropping off pupils within the school grounds to reduce congestion and inconsiderable parking or stopping on the public highway.
49. As the school is not yet operational, to understand the likely mode share of pupils and staff travelling to and from the new school data has been sourced from existing School Travel Plans of other secondary schools within Canterbury and applied to the total number of pupils and staff that would be at the site if it were operating at full capacity. The results predict that the majority of pupils (40%) would have travelled to the site by bus, and that 27% of pupils would have walked to school. It is predicted that some 21% of pupils would arrive by car (not including car sharing). With regard to staff travel, the majority are predicted to arrive by car (73%), with a proportion also likely to have arrived at the site on foot. It should be noted that the proposed Barton Court Academy Free School would have less pupils than the Pupil Admission Numbers (PAN) of the former Chaucer Technology School and a residual trip attraction of the site has been calculated by subtracting the existing trips (based on a pupil roll/capacity of 1,389 pupils) from the proposed development trips (based on a pupil roll of 1,050 pupils). This calculation shows that the proposed development would be likely to lead to a reduction in vehicles trips between the old school and new school. As the proposed site could theoretically operate as a secondary school with consented highway movements in excess of the current proposal, this current application would result in a reduction in trip movements generated by this site. Given this information, it is not considered that the development proposal would lead to any significant or severe impacts on the local highway network. Kent Highways have acknowledged this and have raised no objection to this application, subject to the conditions referred to above.
50. Objections were also raised on parking grounds and that parking around the school site would increase as a result of the school re-opening. The school is proposing to provide a staff and visitors car park, as well as allowing parents onto the school site both in the morning and afternoon to allow children to be dropped off within the school site. This should assist in reducing the amount of vehicles stopping or parking in the vicinity of the school. Delivery vehicles would also be allowed onto the site. A parking survey has been undertaken on the local highway network to support the case that sufficient space is available to facilitate the pick-up/drop-off of pupils, as well as to accommodate any limited parking which may be associated with sixth form pupils. Streets in the

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

vicinity of the school site were surveyed and took into account the location of double yellow lines, single yellow lines, bus stops, pedestrian crossings and dropped kerbs. A distance of 5.5m was allowed for each parked car and areas within proximity of junctions was also excluded. The parking stress (is the recognised approach to showing the usage level in percentage terms and these percentage results are used to highlight the level of parking in the agreed survey area) for the survey area ranged from 12% to 76% (Spring Lane). The average parking stress was recorded at 54% with a total of 367 spaces recorded as unoccupied during the surveyed period. During the school peak hours, the average parking stress was 52% from 08-00 to 09.00 hours and 56 % from 15.00 to 16.00 hours. Given this, it is not considered that the whole area is under parking stress. Kent Highways were consulted on this planning application and raised no objection.

51. Furthermore, a request was received to provide the council owned properties in the area with drives to help with parking and to prevent people parking on the local estate roads. Unfortunately, this request is outside of the remit of this planning application as any works would be outside of the land ownership of the applicant and effectively on third party land. In addition, the roads in the vicinity of the school are public highway therefore and every driver has a right to drive along these roads subject to any parking restrictions and to park on them. As the parking survey, referred to above, demonstrates that there is sufficient parking capacity in the vicinity of the school and that no further parking restrictions are necessary as part of this planning application apart from the works proposed immediately outside of the school.
52. Comments have been raised by the local Member regarding the Transport Statement and draft School Travel Plan, as summarised in paragraph 25, that the Transport Statement (TS) that accompanied this planning application was both incomplete and inaccurate. Kent Highways were consulted on this planning application and the Transport Statement and raised no objection. The applicant has confirmed that at the time of preparing and writing the TS, the information presented was as up to date as possible. The description of the land to the east of the site is accurate and according to the Local Plan Proposals Map 2017, there are no plans for housing development to the east of the site on Spring Lane. The applicant also confirmed that the redevelopment of the old St Martins Hospital was actually located approximately 370m to the north of the site.
53. Kent Highways also confirmed that if this planning application were of a scale which would require detailed junction modelling then the applicants would have been required to ensure committed and allocated developments (such as Howe Barracks) were included in the modelling and assessment figures. However, this application is proposing to rebuild and re-establish an already approved use as a secondary school, which would have less capacity than the previous operating school that was on the site. As such the site would not result in any notable traffic generation above the already approved use of the previously known Chaucer Technology School. Given the above there is no identified justification to provide a pedestrian crossing as a result of this application.
54. With regard to bus travel, the applicant has considered that the majority of pupils accessing the services on the A257 would do so from the bus stops located to the west of Windmill Road. There are two routes to these stops for pupils, the first via Russet Road and Warwick Road using the network of informal footpaths (approximately 650m) and the second via Sussex Avenue, Kent Avenue and Warwick Road (approximately

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

778m). The route to the stops to the east of Warwick Road would be approximately 726m in length and therefore not substantially shorter than the routes to Windmill Road. Furthermore, a signalised crossing is provided to the west of Windmill Road, and a staged, uncontrolled crossing is provided to the east, providing safe crossing facilities to the eastbound bus stop. Pupils using the eastbound stop adjacent to Warwick Road would have no crossing facilities and would be forced to congregate in a small area owing to the lack of a footway provision on the northern side of the A257 in this location. All of these bus services which stop at the Warwick Road stops (in fact more services stop at the Windmill Road stops) and therefore it is not considered that there would be any incentive for pupils to use the Warwick Road stops. Given this, it is not considered that a crossing or change in speed limit should be required as a result of the proposed development.

55. A draft School Travel Plan has been produced to accompany the planning application. Given that the school is not yet occupied, no base travel data is available and therefore interim targets have been set. These are included in the Travel Plan and would be adjusted once travel surveys have been undertaken at the new school. Targets would be set such as to reduce staff travelling to the site in single-occupancy vehicles by at least five percent in the first five years and reduce the proportion of pupils travelling by car by at least ten percent in the first five years. This would be a working document which would be required through a planning condition, should planning permission be granted, and would need to be updated regularly once the school was operational.
56. Furthermore, a 15mph speed limit has been requested due to the possible increase in the volume of traffic along Spring Lane. Firstly, it should be remembered that this site operated as a school site until September 2015, and therefore there was traffic associated with the school travelling along Spring Lane previously. However, I suspect that residents have got used to the school being shut and no vehicular or pedestrian traffic being generated to and from the site. The school could reopen tomorrow without the need for planning permission and previously it had a larger school roll than what is being proposed in this planning application, and there would likely be more vehicular and pedestrian traffic travelling to and from the site than what is currently proposed. Secondly there is currently a 20mph School Safety Zone outside the school site, which is proposed to be extended as part of this planning application. This existing 20mph School Safety Zone is also reinforced by traffic calming measures that are provided along Spring Lane in form of speed cushions and a build-out is present immediately to the east of Russet Road. 15mph speed limits are more typically reserved almost entirely for the use on construction sites or other 'off highway areas' than on the public highway. The speed limit in Spring Lane is already 20mph so I do not see the benefit of reducing it any further.
57. Paragraph 32 of the NPPF states amongst other matters that the development should not be refused on transport grounds unless the cumulative impact is severe. In this instance the school proposes a 98 space car park, a drop off and collection facility for parents and highway and pedestrian improvements in Spring Lane. Additionally, the proposed school would have a smaller school roll than the previous school on this site so there would be less traffic and pedestrians accessing this site. I therefore do not consider the impact to be severe in this instance and advise that a highway objection is not warranted. Kent Highways has raised no objection and have asked for conditions to be included securing a 20mph speed limit extension via a TRO to the existing 20mph School Safety Zone and ensuring that all the proposed highways works/change, as shown in the Proposed Highway Works/Changes drawing (included in this report), are

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

completed via a Section 278 Agreement. On this basis, I consider that the proposal would not lead to material impacts on the local highway and is in accordance with the Local Plan policies T9 and T17 and Paragraph 109 of the NPPF, I would not raise an objection on this matter.

Archaeology and Heritage Issues

58. An Archaeological Desk Based Assessment (DBA) has been undertaken and it states that there is archaeological interest within the site, and in particular relating to the remains of a World War II anti-tank ditch. The anti-tank ditch was excavated 20m north of the railway line and ran for 400m running northwest to southwest within the site. It also stated that a set of rail blocks were also located within the site at the eastern end of the anti-tank ditch but had been removed by 1960.
59. The DBA also noted that a low potential has been assigned to the prehistoric Romano-British, Anglo-Saxon and medieval periods. This archaeological interest relates to its position within the hinterland region of Canterbury and the potential that it may have been used for arable purposes during the 19th century. Based on the above findings I therefore recommend that, should permission be granted, a written specification and timetable for a programme of archaeological works be submitted prior to commencement of the development. Subject to that condition, I am satisfied that the development would not have a detrimental impact upon archaeological interests.
60. As noted in paragraph 4, the Little Barton Conservation Area and the Grade II Listed Building lies to the east of the school site. The proposed built development is to the west of the school site and the east of the school site would remain untouched open as it currently is. I therefore am satisfied that local heritage assets would not be adversely affected.

Sustainable Design

61. Planning policy at all levels recognises the need to address climate change and to reduce the amount of energy consumed by development. The NPPF places a presumption in favour of development that is sustainable, and planning policy SP1 of the Local Plan reflects this guidance. Policy DBE1 states that development should incorporate sustainable design and construction measures to show they respond to the objectives of sustainable development, and states that non-residential development should meet a very good BREEAM rating.
62. The proposed scheme has been designed to offer a sustainable solution, which is practical and meets the needs of the school, within the constraints of a fixed budget. The Department for Education do not request formal BREEAM certification, and therefore the proposed scheme has not followed this certification process. However, the development does have to adhere to the Department for Education's 'Government Output Specification 2017', which sets out detailed specifications of new buildings. The applicant has advised that Annexe 2H of Part B of the guidance sets out the required technical standards and performance criteria for energy in new school buildings and sets a very onerous requirement in terms of new school buildings. This criteria when assessed against an environmental assessment such as BREEAM it achieves a minimum BREEAM rating of 'very good'.

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

63. The energy approach proposed is predominantly a passive one, which is a fabric first approach whereby the thermal envelope of the new building is enhanced, and the thermal mass maximised with the use of concrete structure (floor and ceilings) to all floors including the top floor. The use of natural ventilation to the majority of areas, coupled with excellent use of daylight would create a healthy environment to the teaching spaces. The heating system would be very energy efficient and simple to maintain and operate. The proposed lighting system would consist of energy efficient LED technology, which coupled with simple and effective presence/absence detection and controls would maximise the use of natural daylight to the spaces.
64. The buildings have used a number of passive and active design measures to minimise the carbon footprint and these measures include:
- Limiting the heat loss through walls, floors, roof, windows, doors etc;
 - Improve day lighting to reduce lighting loads;
 - The use of thermal mass;
 - Night cooling;
 - Natural ventilation;
 - Solar shading in summer;
 - Reducing air permeability;
 - Advanced control strategies;
 - High efficiency plant and equipment; and
 - Advantageous solar gain in winter.
65. The following energy saving products and techniques have also been integrated into the building's design to achieve reductions in CO₂ emissions:
- Dimming controls linked to daylight sensors;
 - Local light switching;
 - Movement and absence sensors for lighting control;
 - Low energy lighting;
 - Variable speed drives on air handling plant and pumps;
 - Heat recovery mechanical ventilation;
 - Low specific fan power;
 - Metering for energy management;
 - Rigorous commissioning;
 - Heating controls to optimise plant efficiency;
 - Controls set up to dynamically adjust heating, ventilation, cooling hot water generation to reduce carbon emissions and maximise energy efficiency; and
 - High efficiency water heating plant.
66. Photovoltaic panels have often been the default renewable technology of choice in recent years however the applicant has confirmed that given the above sustainable features and changes and operational aspects, photovoltaic panels are not currently part of the design. However, the negotiations are ongoing with the applicant and DfE who are funding the project under the ESFA Contractors Framework 2017 to their possible inclusion and I will update Members on this matter at the Committee meeting.
67. The planning application does propose the infrastructure for two electronic charging bays within the school's car park.

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

68. Given that the new school building and sports hall would incorporate energy saving features that would be the equivalent a 'very good' BREEAM rating, it is considered that the development would meet the aims of Policy DBEM1 of the Canterbury City Council Local Plan and NPPF guidance relating to sustainability, I would therefore not raise a planning objection on this matter.

Drainage

69. The Environment Agency has raised no objection to this application subject to the imposition of conditions and informatives, and the County Council's Flood Risk Team (SuDs) raise no objection subject to the imposition of conditions. The Flood Risk Team require the submission of a detailed Sustainable Surface Water Drainage Scheme prior to the commencement of the development, and that no building be occupied until a verification report is submitted and agreed with the County Planning Authority. A Flood Risk was submitted as part of the planning application and attracted no objection. Should permission be granted, the conditions as outlined above would be imposed upon the consent to ensure that drainage of the site was both sustainable and effective.

Landscaping

70. The planning application seeks to establish a high-quality landscaping scheme to provide relief to the built form. The landscaping proposals have been developed to create an attractive and inspiring external environment for staff and pupils, provide screening and privacy along site boundaries and enhance site biodiversity and ecological value. The existing trees and hedges which mark the site's boundaries are considered to play a vital part in reinforcing the 'sense of place' in the development and contribute to the landscape character and quality of the area. Furthermore, Network Rail have requested that they would like to be involved in the approval of any landscaping scheme adjacent to the railway to ensure that any landscaping is carefully considered in terms of species and the distance of planting away from the railway line.

Construction

71. Given that there are nearby residential properties, if planning permission were to be granted it would, in my view, be appropriate to impose a condition restricting the hours of construction to protect residential amenity. I recommend 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. Whilst it is noted that the County Member raised concern on behalf of residents living close to the school site and that they did not wish to have any construction work on a Saturday, the proposed working hours on a Saturday would only be up to 4 hours, if the applicant decided to work on a Saturday.
72. I also consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of the 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 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

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

the development. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

Conclusion

73. This application seeks permission for the creation of a 5FE secondary school comprising of 2-3 storey building, separate sports hall, MUGA, creation of two new vehicular accesses and associated parking, landscaping and ancillary works on the former Chaucer Technology School site. It is proposed to replace the existing dated, substandard and derelict facilities and provide the Canterbury area with another much-needed non-selective secondary school. The proposal places emphasis on good design, innovation and sustainability. The design and materials of the proposed development would enhance thermal and acoustic insulation, natural light and ventilation, thus improving energy efficiency and comfort for teachers and pupils. Landscaping improvements would further enhance the social environment and facilities available to the pupils and the community generally.
74. 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 and the guidance contained in the NPPF. The new school would propose a smaller pupil roll of 1,050 against the roll of the former Chaucer Technology School, which would have had 1,389 pupils in its school roll when fully occupied. It would therefore bring no additional impacts in terms of school traffic and parking. Subject to the conditions below, I do not consider that the development would have an unacceptable effect on the character and amenities of the local area and would not have an unacceptable impact on the local highway.
75. The development is in accordance with the principles of the National Planning Policy Framework and has strong policy support in the Planning Policy Statement for School (2011). It is also in accordance with the aims of the Canterbury Local Plan policies. Subject to the imposition of conditions as outlined throughout this report, I consider that the proposed development is acceptable. I therefore conclude that the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. I recommend that planning permission to be granted, subject to the planning conditions listed below.

Recommendation

76. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The standard 3 year time limit;
 - The development carried out in accordance with the permitted details;
 - No development shall take place until the applicant has secured a programme of archaeological work in accordance with a written specification and timetable to be approved in writing by the County Planning Authority;
 - No development shall take place until a detailed sustainable surface water drainage scheme has been submitted for approval, and thereafter shall be implemented as approved;

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

- The landscape scheme set out in the Landscape Submission shall be implemented as set out within the first available planting season once the development is occupied;
- Any plants or trees that die within the first 5 years after planting shall be replaced;
- Prior to the completion of the development, details of how the development will enhance biodiversity shall be submitted to and approved by the County Planning Authority;
- No tree removal during the bird breeding season;
- Details of any external lighting to be provided;
- If during development contamination not previously identified as found to be present, then no further development shall take place until a remediation strategy has been agreed with the County Planning Authority;
- No infiltration of surface water drainage into the ground is permitted other than the written consent of the County Planning Authority;
- No piling or penetrative foundation methods to be used on site without prior written consent of the County Planning Authority;
- No building on any phase to be occupied until a Verification Report has been submitted and approved by the County Planning Authority;
- No development shall take place until a construction management plan, including lorry routing, access, parking and circulation within the site for contractors and other vehicles related to construction operations, timings of deliveries, provision of wheel washing facilities, temporary traffic management/signage, has been submitted for approval and thereafter shall be implemented as approved;
- Measures to prevent mud and debris being taken onto the public highway;
- Hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- Measures to protect the existing trees during construction;
- The provision and permanent retention of the vehicle parking spaces as shown on the submitted plans prior to the occupation of the school and their retention thereafter;
- The provision and permanent retention of secure, covered cycle parking facilities as shown on the submitted plans prior to the occupation of the school and their retention thereafter;
- The provision and permanent retention of vehicle loading/unloading and turning facilities, as shown on the submitted plans, prior to the occupation of the school;
- The completion and maintenance of the accesses shown on the submitted plans prior to the occupation of the use of the site commencing;
- All the highway works/changes, including the amended accesses and footways, are to be completed via a Section 278 Agreement with the Highway Authority at the applicant's expense and as shown in Drawing Number 133693 H-01 Rev P4 and a timeframe for the implementation of these works shall be submitted to the County Planning Authority;
- Gates are to open away from the highway are to be set back a minimum of 6 metres away from the edge of the carriageway;
- The vehicular accesses must be open during the school start and finish times and for 30 minutes prior to school opening and closing times, to allow use by parents/guardians for the purpose of dropping off/collecting pupils within the school grounds to reduce congestion and inconsiderable parking/stopping on the public highway;

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

- 2no. electronic vehicle charging points are to be provided prior to
- Implementation of the submitted School Travel Plan and measures therein, within 6 months of the occupation of the development hereby permitted. The travel plan must be submitted to the KCC Jambusters website and reviewed regularly.

77. I FURTHER RECOMMEND that the applicant BE ADVISED of the following informatives:

Sustainable issues

- The applicant is encouraged to continue to explore the potential for the inclusion of photovoltaic panels as part of the development;

Ecology issues

- With regard to the requirement to prepare and submit a scheme of landscaping, consideration shall be given to the inclusion of species that encourage Bees;

Further views of the Highway Authority

- Visibility and access into the site may be impeded by inconsiderably parked vehicles on Spring Lane. The applicant must, through their best endeavours, progress the installation of double yellow lines parking restrictions in Spring Lane as shown on the submitted Drawing Number 13693 H-01 Rev P4, to ensure safe access to the proposed development;
- It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all the necessary highway approvals and consents, where required, are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority;

Further views of the Environment Agency

- Piling can result in the risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment must be submitted written in accordance with EA guidance document 'Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance in Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73'.
- The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.
Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to the Position

Item D1

Proposed 5FE Secondary School, comprising of a 3-storey building, sports hall, MUGA, landscaping, access, parking and ancillary works– Former Chaucer Technology School, Spring Lane, Canterbury – CA/19/1633

statement on the Definition of Waste: Development Industry Code of Practice and the Environmental regulations page on GOV.UK.

Case officer – Lidia Cook	Tel No.03000 413353
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Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

- MA/19/503796 Section 73 application to vary conditions 1, 2, 6, 18 & 19 of planning permission MA/04/1168/MR43 (as amended by MA/06/2217) to: (a) extend the life of the site by 25 years; (b) amend the restoration scheme to enable additional clay extraction; (c) allow retail payments on site; and (d) increase the number of vehicle loads of finished tiles transported from the site per day from 1 to 2 using vehicles with a maximum gross vehicle weight of 7.5 tonnes; and obtain the prior approval of the County Planning Authority pursuant to conditions 5 and 10 for: (e) an amended scheme of working; and (f) a replacement kiln and clay processing building and extension to existing polytunnel storage.
Babylon Tileworks, Babylon Lane, Hawkenbury, Kent TN12 0EG
Decision: Permitted
- TM/18/2555/RE35 Details of a new storage, garaging and workshop building and the repair and refurbishment of the existing yard area to be used ancillary to the new building pursuant to condition E35 of planning permission TM/18/2555.
Aylesford Quarry, Rochester Road, Aylesford, Kent ME20 7DX
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.

- AS/17/236/R6&R11 Details of a School Travel Plan (Condition 6) and Surface Water Drainage Strategy (Condition 11) pursuant to planning permission AS/17/236.
The John Wallis Church Of England Academy, Millbank Road, Kingsnorth, Ashford, Kent TN23 3HG
Decision: Approved

CA/19/1669	<p>Modify existing curtain walling - subdivide 8 no. existing large panes into 4 no. smaller panes/panels Orchard School, Cambridge Road, Canterbury, Kent CT1 3QQ Decision: Permitted</p>
DA/1413/R4	<p>Details of a Travel Plan pursuant to Condition 4 of planning permission DA/16/1413. Craylands Primary School, Craylands Lane, Swanscombe, Kent DA10 0LP Decision: Approved</p>
DO/17/1057/R	<p>Non-material amendment of planning permission DO/17/1057 for the reconfiguration of the approved curtain walls and windows. Land on the South East Side of Archers Court Road, Whitfield, Kent, CT16 3HU Decision: Approved</p>
MA/19/501705/R3	<p>Details of external materials pursuant to Condition 3 of planning permission MA/19/501705. Harrietsham CE Primary School, West Street, Harrietsham, Maidstone, Kent ME17 1JZ Decision: Approved</p>
SE/18/1521/R15	<p>Details of the maintenance of the sustainable surface water drainage scheme pursuant to Condition 15 of planning permission SE/18/1521. Seal C of E Primary School, Zambra Way, Seal, Sevenoaks, Kent TN15 0DJ Decision: Approved</p>
TH/19/1122	<p>Removal of an existing single mobile classroom, log cabin, steel container and the repositioning of paladin waste bin store area to enable a new Modular building to be installed, and the erection of new fencing to match existing in various areas around the modular building. St Peter In Thanet C Of E Junior School, Grange Road, Broadstairs, Kent CT10 3EP Decision: Permitted</p>
TW/18/2129/R3	<p>Details of Materials pursuant to condition 3 of planning permission TW/18/2129. St Gregory's Roman Catholic Comprehensive School, Reynolds Lane, Royal Tunbridge Wells, Kent TN4 9XL Decision: Approved</p>
TW/18/2129/R14	<p>Details of a Construction Management Plan pursuant to Condition 14 of planning permission TW/18/2129. St Gregory's Roman Catholic Comprehensive School, Reynolds Lane, Royal Tunbridge Wells, Kent TN4 9XL Decision: Approved</p>
TW/18/2548/R4	<p>Details of a Construction Management Plan pursuant to Condition 4 of planning permission TW/18/2548. Tunbridge Wells Boys Grammar School, St Johns Road, Tunbridge Wells, Kent TN4 9XB Decision: Approved</p>

TW/18/7023/RVAR Details pursuant to condition 5 - (Archaeology), 6 - (Updated Construction Management Plan), 7 - (Wildlife Tunnel), 8 and 9 - (Foul and Surface Water Drainage and SUDS), of planning permission TW/18/7023.
Hawkenbury Farm, Hawkenbury Road, Royal Tunbridge Wells, Kent, TN3 9AD
Decision: Approved

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government’s Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (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/TM0202/2019 - Section 73 application to vary conditions 7 (documents & drawings), 19 (Combined tonnage) and 22 (HGV movements) of planning permission TM/12/2549 (AD/ATC Plant) and consequentially vary conditions 4 (surface water drainage scheme), 5 (lighting scheme), 12 (external colour treatment) & 18 (Advanced Thermal Conversion percentage inputs)
Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling, Kent ME19 4PN

KCC/TM0203/2019 - Section 73 application to vary condition 13 (combined tonnage) of planning permission TM/14/532 (IVC Plant)
Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling, Kent ME19 4PN

KCC/TM0211/2019 - Temporary development of an Anaerobic Digestion plant with ancillary gas-to-grid plant and associated infrastructure (part retrospective)
Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling, Kent ME19 4PN

KCC/SCR/TM/0217/2019 - Request for a Screening Opinion to determine whether the proposed development of a household waste recycling centre (HWRC) requires an Environmental Impact Assessment.
Land at Laverstoke Road, 20/20 Business Park, Allington, Maidstone, Kent, ME16 0LE

- (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 2017 – 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 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None

SECTION F KCC RESPONSE TO CONSULTATION

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.

KCC Response to Consultations

Reports to Planning Applications Committee on 6 November 2019.

These reports set out KCC's responses to consultations.

Recommendation: To note the reports

Unrestricted

1. Introduction and Supporting Documents.

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

F1 Application TM/17/01595/OAEA - Outline application: The erection of up to 840 dwellings (including affordable homes) with public open space, landscaping, sustainable drainage systems, land for a Primary School, doctors surgery and for junction improvements at Hermitage Lane/A20 junction, and a link road between Poppy Fields roundabout and Hermitage Lane. Vehicular accesses into the site from Poppy Fields Roundabout and Hermitage Lane. All matters reserved with the exception of means of access at Land South of London Road and East of Hermitage Lane, Aylesford.

F2 Application CA/18/00868/FOS - Hybrid planning application comprising: detailed planning application for 456 residential dwellings (405 houses and 51 flats) with associated open space, landscaping, car parking, access and other infrastructure (following demolition of 52 Shalloak Road, existing agricultural buildings and structures); outline planning application (with all matters reserved) for the development of a commercial area with up to 212sqm of retail and 617sqm of office/light industrial use at Broad Oak Farm, Sweechgate, Broad Oak, Sturry.

F3 Application CA/17/01383/OUT - Outline application (with all matters reserved) for the development of up to 650 houses and associated community infrastructure comprising primary school, community building, public car park and associated amenity space, access, parking and landscaping; and detailed/full application for the construction of part of the Sturry Link Road and a local road from the Sturry Link Road to Shalloak Road at Land at Sturry/Broad Oak, Sturry.

F4 Application CA/17/01866/FOS - Mixed use development including up to 955 dwellings comprising: Detailed proposals for the erection of 194 new

dwellings, 1 no. Local Equipped Area of Play (LEAP), a new vehicular access (via priority junction) onto Sweechbridge Road (north), provision of realigned vehicular access to Sweechbridge Road (south), new westbound on slip to, and modified westbound off-slip from, A299 Thanet Way to Heart in Hand Road, upgraded alignment of May Street, associated internal roads/footpaths/cycleways, sustainable drainage system, earthworks, public open space, landscaping (inc woodland) and street lighting. Outline application for up to 761 additional dwellings with all matters reserved except access (excluding internal circulation) also including: up to 33,000 sq.m. of employment/commercial floorspace with associated parking spaces comprising employment units (within Use Class B1(a), B1 (c) B2 and B8) (27,000 sqm) and a 65 no. bed care-home (Use Class C2) (4,500 sq.m) at Land at Hillborough, Sweechbridge Road, Herne Bay.

F5 Benenden Neighbourhood Development Plan – Regulation 14.

Recommendation: To note the reports

Background documents; As set out in the reports.



Tonbridge & Malling Borough Council
Development Control
Gibson Building
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Kings Hill
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Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 23 September 2019

Application - TM/17/01595/OAEA

Location - Land South Of London Road And East Of Hermitage Lane Aylesford Kent

Proposal - Outline application: The erection of up to 840 dwellings (including affordable homes) with public open space, landscaping, sustainable drainage systems, land for a Primary School, doctors surgery and for junction improvements at Hermitage Lane/A20 junction, and a link road between Poppy Fields roundabout and Hermitage Lane. Vehicular accesses into the site from Poppy Fields Roundabout and Hermitage Lane. All matters reserved with the exception of means of access

Dear Matthew

A significant amount of information has been provided to inform of the impact of this development proposal on the highway. This information has been reviewed by KCC Highways with detailed comments previously provided.

The site is included in the Tonbridge and Malling draft Local Plan and the application includes a new link road between Hermitage Lane and the A20 at Poppyfields roundabout. This link road will reduce congestion at the junction of A20/Hermitage Lane by providing an alternative route to the A20 and the M20.

Access

Access is proposed from the new link road and initially improvements will be made to the Poppyfields roundabout in order that access can be made to the development. The link road will be open to traffic following the occupation of no more than 175 dwellings. A Technical Note has been provided which assesses the impact of this level of development on the existing highway network and the assessment indicates that there would be no significant impact on the local junctions. This assumes that the programmed improvements have been implemented to the Coldharbour roundabout.

Sustainability

Improvements to pedestrian and cycle infrastructure are proposed which link the development to Barming Station and the A20 as shown in principle on drawing number 4964-00-29. Additionally, contributions are to be made towards bus services to allow a fast and frequent service to Maidstone Centre.

Impact

Comprehensive modelling and assessments of the highway network have been completed. A VISUM model has been developed for the A20 corridor which includes M20 junctions 4 and 5. This has been used to assess the impact of the Local Plan development strategy. Individual key junctions have been assessed for the 2031 future year with and without the Local Plan development.

M20 Jn 5

The junction has been assessed and mitigating measures are not required to this junction. Furthermore, Highways England have indicated that the proposed development, if permitted, will be unlikely to materially affect the safety, reliability and / or operation of the strategic road network. They also confirm that they do not wish to raise objection to this application.

A20/St Laurence Avenue/access link Road (Poppyfields Roundabout)

The improvements to the roundabout will be provided by the developer and will allow the connection to the new link road. The roundabout is expected to operate within capacity in 2031 with the Local Plan development included.

A20/Hermitage Lane

The capacity assessment in respect of this junction indicates that the provision of the link road between Hermitage Lane and the A20 improves capacity as the new link road provides an alternative route to the A20 and M20 from Hermitage Lane.

Coldharbour Roundabout

KCC Major Projects have programmed the delivery of a roundabout improvement scheme. Funding is secured from SELEP and existing S106 pooled contributions. Third party land is required, and this has been agreed. The scheme is programmed to commence construction April 2020 in line with the completion of SMART motorway. The improved roundabout scheme is expected to operate within capacity in 2031 with the Local Plan development included.

A20/Mills Road/Hall Road

KCC Major Projects have programmed the delivery of a roundabout improvement scheme. Funding towards the scheme has been secured from SELEP and the developer is willing to contribute in order that the full costs of the scheme can be met. Third party land is needed to deliver the proposed scheme and the landowner has agreed to this although the agreement is yet to be signed. The detailed design will be completed November 2019 and will be programmed for delivery with the A20 Coldharbour Roundabout scheme starting April 2020. The proposed roundabout scheme will significantly improve capacity at the junction.

Hermitage Lane/St Andrew's Road/Fountain Lane/Heath Road and A26/Fountain Lane/Farleigh Lane

The development of the Whitepost Field site is expected generate approximately 95 additional vehicle trips in the peak hours at the junctions south of Hermitage Lane and this is an increase of between 4 and 5%. A comprehensive package of sustainable transport measures is included with the application's mitigation measures and this will provide future residents with a choice of travel options and will help to reduce the number of car trips.

The junctions to the south of Hermitage Lane are over capacity and therefore the traffic generated by the development is considered to be a material impact. Improvement solutions to the junctions are currently being designed and third-party land is being negotiated. It is likely that additional funding will be required in order that a longer-term solution to the junctions can be delivered. With this in mind contributions to the junction improvement scheme are required.

Conclusion

Additional information and progress have been made which address the concerns previously raised and I am sufficiently confident that adequate mitigating measures and contributions towards planned improvements can be provided to make this development acceptable in terms of highway impact. I therefore confirm that I do not wish to raise objection subject to the following conditions:

1. No development shall commence until the planned improvements, being delivered by KCC Highways, are substantially completed to the junctions of A20/Coldharbour roundabout and A20/Mills Road/ Hall Road.
2. No occupation of development until the improvement to the junction of A20/ St Laurence Avenue/access link Road (Poppyfields Roundabout) are completed. These works to be provided by the developer as shown in principle on Drawing number 4964-00-16 A in accordance with a S278 Agreement. All details to be agreed with KCC Highways.
3. No more than 175 dwellings shall be occupied until the Link Road and associated roundabout on Hermitage Lane have been completed. The Link Road and associated roundabout shall be completed within 3 years of the first occupation of any dwelling.
4. Prior to 1st occupation of the development footway/cycleway improvements are required along Hermitage Lane between the A20 and Barming Station and linking to that provided by the Croudace development on the south side of the railway station. This is shown in principle on Drawing Number 4964-00-28 and should be provided under a S278 Agreement, all details to be agreed with KCC Highways.
5. Additional pedestrian crossing facilities are required on both Hermitage Lane and on the new Link Road. To be provided prior to 1st occupation under a S278 Agreement details of which to be agreed with KCC Highways.
6. A financial contribution of £910 per dwelling is required towards bus service enhancements/ bus infrastructure and or bus journey time improvements in order to encourage sustainable travel.
7. A financial contribution of £1.3m is required towards improvement to key junctions along the A20 and / or the B2173 corridors, namely A20/Mills Road/Hall Road and /or A26/Fountain Lane and Hermitage Lane/Heath Road/ Fountain Lane/St. Andrews Road.
8. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
9. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours sincerely

Louise Rowlands

Principal Transport & Development Planner



Canterbury City Council

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 7 October 2019

Application - CA/18/00868/FOS

Location - Broad Oak Farm, Sweechgate, Broad Oak, Sturry, CT2 0QR

Proposal - Hybrid planning application comprising: detailed planning application for 456 residential dwellings (405 houses and 51 flats) with associated open space, landscaping, car parking, access and other infrastructure (following demolition of 52 Shalloak Road, existing agricultural buildings and structures); outline planning application (with all matters reserved) for the development of a commercial area with up to 212sqm of retail and 617sqm of office/light industrial use.

Thank you for your further consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Base traffic flows

The explanation for the variances of the modelling is accepted however a further specific base junction assessment is requested as the combined 2018 Northbound flows at the Sweechgate/A291 junction appear irregularly low. The applicant is requested to complete a stand-alone assessment uplifting the 2015 observed figures by the agreed TEMPRO rates and provide a base assessment of that junction using the revised figures. A demonstration of the updated flows for this junction will need to be demonstrated.

Trip Rates

The applicants have submitted a detailed breakdown of trips by development parcel as requested by the highway authority (HA) and these have been assessed against the expected trip rates. The trips assessed in the junction modelling is slightly higher than our calculations and as such considered robust. For the AM peak there are an anticipated 46 arrivals and 102 departures for the Northern access. For the Southern access there are an anticipated 40 arrivals and 54 departures.

Phasing of development

It has been confirmed that occupation of 325 homes on Land at Sturry have been assumed to be built prior to the completion of the Sturry Link Road and that the 325 dwellings are expected to be built by 2024. The development provides appropriate contributions towards the Sturry Link Road making an £8.8m contribution towards the viaduct. Notwithstanding this, it is imperative that the section of the link road through the Sturry application is, where possible, delivered in accordance with the Heads of

Terms agreed as part of the Local Plan process. In that process it was accepted by the HA that some temporary deterioration of highways conditions would need to be tolerated. Nonetheless, it is the responsibility of the HA to seek to manage and minimise this deterioration in conditions and therefore it is recommended that a S.106 obligation be secured, whereby after the 325th house is occupied, a mechanism is provided to restrict the number of annual occupations at the development until such a time as the Sturry Link Road is open and available.

In the event that the Sturry Link Road is not open and available to the public on occupation of the 325th dwelling, further annual occupations would be subject to restrictions subject to agreement with KCC as HA and dependant on the prevailing conditions.

Popes Lane

An assessment of the Popes Lane junction has been completed as requested. This has been reviewed and the findings accepted. The current performance demonstrates that the junction is operating at capacity with an RFC of 0.95 in the AM peak with long delays in both the AM and PM peaks. The 2031 scenario with the link road in place provides a significant improvement to the junctions performance.

The performance of this junction is a consideration for additional movements being generated from the application. The Northern site access has now been amended to a roundabout and this will introduce both a reduction to speeds and create gaps for traffic exiting Popes Lane. It is therefore recommended that the Northern site access is provided prior to the 1st occupation.

Northern Site Access

The proposed roundabout performance has been reviewed and is agreed as having spare capacity. Whilst the turning movements out of the site do not accord with the submitted update note, the difference of modelled PM arrival movements (62) against the TRIC's calculated and expected (86) would not unduly impact the junction's performance to a level of risk to the Highway.

The access as demonstrated on drawing 13-037-54 REV D has been reviewed in respect of tracking and layout and is agreed as appropriate. Tracking has been provided to demonstrate that the proposed compact roundabout is suitable for all movements, including 16.5 metre long articulated lorries on the A291 arms. Before the HA can approve the new junction a full stage 1 road safety audit (RSA) will need to be carried out and submitted to the HA for comment. It is noted that the bus stop located between the proposed roundabout and the Sweechgate junction may obstruct junction visibility and cause queueing back onto the new roundabout. This will need to be assessed in detail through a stage 1 RSA and an alternative location for the bus stop may need to be identified. A Toucan crossing is demonstrated on the drawing; however, it has been agreed that this would be provided by other developments.

Southern Site Access

The updated drawing for the T-junction access for the Southern parcel is agreed as demonstrated in drawing 13-037-056 REV B.

Performance modelling and tracking has been reviewed and is agreed as appropriate. An RSA of the layout will be required prior to approval.

Cycling

To assist with a future cycle route improvement / connection between Mayton Lane and Giles Lane / Kent University, the applicants have agreed to provide a £100,000 contribution and this is detailed within the submitted travel plan.

In addition to the contribution towards cycle route improvements the existing footways on Herne Bay Road A291 are to be widened either side of the new Toucan crossing to allow for a 3 metre wide shared use footway / cycleway into the development site which will terminate at Popes Lane. The HA have requested a 3 metre wide cycle route connection be provided between the two development sites at Sturry and Broad Oak, however due to the existing planting and tree alignment of the ancient woodland this is not possible. Instead the applicants have proposed to include a footway / cycleway to the perimeter of the ancient woodland, on both sides, with a provision for dismounting for a short section of unbound surfaced route through the woodland. The HA agrees with this as a suitable measure.

Comments on the detailed layout

Footways were requested for a number of shared space streets (serving plots 278-281 and 324-329), these have now been included on the updated drawings.

Parking

No second space parking bays are required for flats, instead it is recommended that the 2nd space be provided as unallocated visitor parking bays, the applicants will need to ensure that the site parking and cycle storage plan is updated accordingly.

The applicants have advised that additional parking bays have been provided to assist with the high use of tandem parking spaces serving plots 24-37, this will need to be shown on the revised parking plan. It is also noted that there are no visitor parking bays to serve plots 288-297, at least 2 visitor spaces will need to be provided.

The parking bay widths and chamfered edges to parallel visitor bays have all been amended accordingly to comply with the HA's recommendations.

Emergency Access Arrangement

The proposed emergency access locations are agreed.

Travel Plan

Hard measures - Measures include appropriate walking and cycling connectivity between the Sturry and Broad Oak sites and existing amenities.

Two additional bus stops are to be provided along Broad Oak Road which will both benefit new residents on the Western side of the development and existing residents of Broad Oak.

All on plot residential parking will include passive electrical supply provided to allow a simple upgrade to live provision. The developer will also provide a free upgrade for the first 10% of new households to the active provision of their choice. 10% of all off-plot shared parking will be passively provided for.

Cycle parking will be provided for in accordance with policy.

It is noted that increases in population would result in additional vehicular trips being made through the existing community in Sturry. An inclusion to provide a 20MPH zone between the existing settlement bound between Popes Lane and the A28 should be made for reasons of highway safety. An additional cost to be capped at £10,000 should be provided to facilitate the 20MPH zone delivering reduced speeds and providing safer streets for the existing community in Sturry.

Soft Measures -

A Travel Plan co-ordinator (TPC) will be appointed prior to the first occupation. The TPC should be in place until the final occupation of the development and performance reviewed every three years.

The triangle bus service will divert, at times, through the newly provided link and associated infrastructure avoiding the Sturry crossing and as such improving journey time reliability.

The strategy for free bus use however needs to be clarified. The Framework Travel Plan (FTP) as updated appears inconsistent referencing free bus use for a week, a month and a year. The HA see bus accessibility prior to the link road as an imperative component of promoting sustainable access and reducing the impact on the highway. The FTP needs to be explicit on the offer being made. The HA recommends that each household is offered free bus vouchers for 6 months.

Summary

Should the applicant provide the above-mentioned outstanding information the HA would suggest that there are no highways grounds to refuse the application subject to the following conditions and Section 106 inclusions. For clarity, the outstanding information yet to be agreed with the HA are in respect of; a revised Parking Plan, an assessment of the Sweechgate/A291 junction and Road Safety Audits for the two access junctions.

Section 106

1. A contribution of £8,800,000.00 (eight million, eight hundred thousand) to be payable towards the Sturry Link Road apportioned equally against the first 320 dwellings and paid quarterly on occupation.
2. Availability of a financial bond to cover the above Link Road contribution from the 1st April 2020 and all terms agreed prior to commencement of the development.
3. Indemnify any costs incurred by the County Council associated with the planning and preparation costs of the Sturry Link Road to a cap of £250,000 should the conditions of the SELEP funding not be met.
4. A contribution of £100,000 towards the Broad Oak to University of Kent cycle route.
5. A commitment to provide each household with 6 months free bus travel in Canterbury.
7. A contribution of £5,000 to the County Council for the purposes of monitoring the Travel Plan.
8. The applicant will be obliged to cover one third of the £5.9m SELEP grant should it be unable to be secured by the County Council.
10. A commitment within the Framework Travel Plan to provide a 20MPH zone through the existing community at Sturry between Popes Lane and the A28 capped at £10,000.

Conditions are subject to further information being supplied and agreed by the Highway Authority and as such are proposed as indicative only at this time;

1. The Northern Access roundabout as shown on drawing 13-037-54 Rev D is delivered through a Section 278 agreement and is open and available for public use prior to the occupation of the first dwelling.

2. The Southern Access as shown on drawing 13-037-56 Rev B is delivered through a Section 278 agreement and is open and available for public use prior to any occupations of a unit accessing that point.

3. Submission of a Construction Management Plan to be approved by the Planning Authority before the commencement of any development on site to include the following:

(a) Routing of construction and delivery vehicles to / from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

4. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

5. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

6. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

7. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

8. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

(a) Footways and/or footpaths, with the exception of the wearing course;

(b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

9. In the event that the Sturry Link Road is not open and available to the public on occupation of the 325th dwelling a restriction on the number of annual occupations should be agreed with the Highway Authority dependant on the prevailing highway conditions.

10. The proposed roads, footways, footpaths, verges, junctions, street lighting, and visibility splays to be laid out as indicatively demonstrated on drawing 17.2045/SK-01 REV P

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Colin Finch

Principal Transport & Development Planner



Canterbury City Council

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 7 October 2019

Application - CA/17/01383/OUT

Location - Land at Sturry/Broad Oak, Sturry

Proposal - Outline application (with all matters reserved) for the development of up to 650 houses and associated community infrastructure comprising primary school, community building, public car park and associated amenity space, access, parking and landscaping; and detailed/full application for the construction of part of the Sturry Link Road and a local road from the Sturry Link Road to Shalloak Road.

Thank you for your further consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Base traffic flows

The explanation for the variances of the modelling is accepted however a further specific base junction assessment is requested as the combined 2018 Northbound flows at the Sweechgate/A291 junction appear irregularly low. The applicant is requested to complete a stand-alone assessment uplifting the 2015 observed figures by the agreed TEMPRO rates and provide a base assessment of that junction using the revised figures. A demonstration of the updated flows for this junction will need to be demonstrated.

Trip Rates

The applicants have submitted a detailed breakdown of trips by development parcel as requested by the highway authority (HA) and these have been reviewed and are now agreed.

The figures presented in Table 2.1 demonstrate the 7 parcels however a further explanation was required as to how these relate to the 5 previously modelled junctions of the updated TA. This analysis has now been provided and the Highway Authority is content that all access junctions on the link road would operate with reserve capacity.

Phasing of development

The development provides appropriate contributions and facilitates the delivery of the Sturry Link Road. Written within the Section 106 should be a commitment to deliver the developers portion of the link road at a point 150 weeks after the granting of consent of the first Reserved Matters application with

submission of a Section 38 details received by the Highway Authority within 6 months of Outline consent being granted.

Cross section drawings

The application includes three scheme design drawings for the internal Spine Road and its external connections. Drawings 13-012-2040, 13-012-2041 and 13-012-2042 dated January 19 are agreed as appropriate. The spine road is designed to include a 3.5m wide shared footway/cycleway on the South (school) side of the road with a 2m ped only facility on the North. Crossing facilities are provided along the route. All other routes will be designed in accordance with Kent Design guidance.

Design code

Details on street hierarchy are contained on page 30 to 33 of the design code. The width of 5.5m for primary roads is acceptable and in accordance with Kent design standards however there is mention of on road cycling. Where there is no other alternative cycle route available some primary streets will need to provide safe routes for cyclists, in particular to gain access to the Primary School. The Design Code should be amended to state that some Primary streets would have off-road shared use provision on one side of the street.

Secondary streets are described as having a width of 4.8m and again accord with Kent Design Standards. Cycling is described as on-street which in these environments is appropriate.

Parking

Section 3.6.1 confirms that parking will meet the standards of “suburban edge/village” and not of suburban as referenced in Section 5 of the Design Code. The design code will need amending.

Cycling

To assist with a future cycle route improvement / connection between Mayton Lane and Giles Lane / Kent University, the applicants have agreed to provide a £50,000 contribution

In addition to the contribution towards cycle route improvements the link road through the development includes a 3 metre wide shared use footway/cycleway throughout along with a controlled crossing at a location close to the proposed primary school. The Reserved Matters applications will be expected to deliver off-road cycle permeability from residential areas to the North of the spine road directly to the controlled crossing for access to the school. A decision as to the most appropriate form of the controlled crossing should be made during the Section 38 process.

It should also be noted that the design for the side roads will need to be designed in such a way that priority is maintained for cyclists using the cycle path alongside the Spine Road.

Travel Plan

An updated Framework Travel Plan will need to be submitted in line with that submitted for the Broad Oak application.

It is also noted that increases in population would result in additional vehicular trips being made through the existing community in Sturry. An inclusion to provide a 20MPH zone between the existing settlement bound between Popes Lane and the A28 should be made. An additional cost to be capped at

£10,000 should be provided to facilitate the 20MPH zone delivering reduced speeds and safer streets within Sturry.

In the interest of pedestrian safety a contribution should be made towards the installation of a remote ticket machine for the London bound platform of the Sturry station to avoid unnecessary crossing of the A28.

The application is made with the inclusion of a car park for use of rail passengers of the Sturry Train station. Mention should be made of this provision along with a commitment to the car park being made available to passengers of the Sturry train station for as long as the station is in operation.

Summary

Should the Planning Authority be minded to approve the application the following conditions and 106 inclusions should be applied;

Section 106 -

1. A contribution of £8,800,000.00 (eight million, eight hundred thousand) to be payable towards the Sturry Link Road apportioned equally against the first 320 dwellings and paid quarterly on occupation.
2. Availability of a bond or land charge to cover the above Link Road contribution from the 1st April 2020 or any other date agreed by the County Council prior to commencement.
3. Indemnify any costs incurred by the County Council associated with the planning and preparation costs of the Sturry Link Road to a cap of £250,000 should the conditions of the SELEP funding not be met.
4. A contribution of £50,000 towards the Broad Oak to University of Kent cycle route.
5. A commitment to provide each household 12 months free bus travel on occupation of each dwelling.
6. A contribution of £5,000 to the County Council for the purposes of monitoring the Travel Plan.
7. The County Council will need to have a mechanism to be provided with land necessary for delivery of the spine road should it be necessary to do so.
8. The applicant will be obliged to cover one third of the £5.9m SELEP grant should it be unable to be secured by the County Council.
9. A grant of the land from Kings School for the section of the Sturry Link Road being delivered by the County Council. Extent of land to be agreed with the County Council
10. A grant of temporary rights for working space from Kings School for the construction of the Sturry Link Road be agreed with the County Council. Area of working space to be agreed with the County Council.
11. A grant of temporary rights of access from Kings School for the construction of the Sturry Link Road on land between the two branches of the river Great Stour.
12. A grant of temporary rights for access for the construction access to the portion of the Sturry Link Road north of the Canterbury to Ramsgate Railway being delivered by the County Council.

13. A grant of rights and access to undertake environmental mitigation, on land owned by Kings School. Extent of environmental mitigation to be agreed with the County Council.
14. A commitment within the Framework Travel Plan to provide a 20MPH zone through the existing community at Sturry between Popes Lane and the A28 capped at £10,000.
15. A contribution towards the installation of a remote ticket machine for the London bound platform of Sturry train station.

The following conditions should be applied;

1. The spine road works as indicatively shown on drawings 13-012-2040, 13-012-2041 and 13-012-2042 dated January 19 be delivered through a Section 38 agreement and is open and available for public use by a point 140 weeks from granting of consent of the first reserved matters application, with no further occupations being permitted beyond that date without the consent of the Highway Authority.
2. Pedestrian and vehicular access be maintained at all times for the existing residents of Sturry Hill.
3. Submission of a Construction Management Plan to be approved by the Planning Authority before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
5. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
6. Development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.
7. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
8. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;

(b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

9. The Sturry Station Car Park be available for rail users only and provided meeting Network Rails Design standards for so long as the Sturry Train station is in public use prior to occupation of the 200th dwelling

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Colin Finch
Principal Transport & Development Planner

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Canterbury City Council

Highways and Transportation

Ashford Highway Depot

4 Javelin Way

Ashford

TN24 8AD

Tel: 03000 418181

Date: 27th September 2019

Application -	CA/17/01866/FOS
Location -	Land at Hillborough, Sweechbridge Road, Herne Bay
Proposal -	Planning application for a mixed use development including up to 955 dwellings comprising: Detailed proposals for the erection of 194 new dwellings, 1 no. Local Equipped Area of Play (LEAP), a new vehicular access (via priority junction) onto Sweechbridge Road (north), provision of realigned vehicular access to Sweechbridge Road (south), new westbound on slip to, and modified westbound off-slip from, A299 Thanet Way to Heart in Hand Road, upgraded alignment of May Street, associated internal roads/footpaths/cycleways, sustainable drainage system, earthworks, public open space, landscaping (inc woodland) and street lighting. Outline application for up to 761 additional dwellings with all matters reserved except access (excluding internal circulation) also including: up to 33,000 sq.m. of employment/commercial floorspace with associated parking spaces comprising employment units (within Use Class B1(a), B1 (c) B2 and B8) (27,000 sqm) and a 65 no. bed care-home (Use Class C2) (4,500 sq.m.

Following our earlier responses, we have the following additional information to submit;

Development proposals

Sweechbridge Road Priority Junction

The updated drawing ITB8344-SK-36 REV D includes additional kerb radius to accommodate the 12m bus and 11.4m refuse vehicle as requested. The arrangement as revised is now agreed.

It has been agreed with the applicant that this will be provided prior to the occupation of any dwelling.

Sweechbridge Road/May Street/Heart in Hand Roundabout

The principles of this junction arrangement are agreed as outlined on drawing number ITB8344-SK-20. The arrangement had previously been tracked for a 16.5m long HGV's and a 12m rigid bus and are agreed to operate effectively.

A condition will be required to ensure that the junction will be completed either; prior to the first occupation of land to the South of the railway or the opening of the May Street Link, whichever

is the sooner. A Road Safety Audit would be completed at the time of any reserved matters applications.

The Boulevard Access/Altira Link

The principles of this junction arrangement were agreed as outlined on drawing number ITB8344-SK-026 however the applicant has sought to amend this with disagreement from the Highway Authority.

Detailed drawings must be agreed with the Highway Authority through the appropriate reserved matters application. It has been agreed that this link to the Sainsburys will be delivered by the 125th occupation South of the railway to provide a direct link to the amenities with restrictions for HGV use.

Sweechbridge Road Shuttle workings

The applicant has provided a detailed review of the shuttle workings having included the second bridge, May St, in their evaluation. An analysis of the updated note has been completed on the tests both for a scenario of the May St bridge being open and that prior to the opening.

Scenario 1 - May St bridge open. The applicant has been asked to demonstrate that the shuttle workings operate with the second bridge being open for 50,75 and 100 units choosing Sweechbridge rather than the May St bridge. The applicant has suggested that only 50 units would choose the Sweechbridge route as the alternative, May St bridge route would be both shorter and offer better reliability of journey time. Whilst it is acknowledged that the layout of the Masterplan would suggest that 50 units is the appropriate test, the applicant has tested the higher 75 and 100 units levels as requested by KCC should a greater number of households use the Sweechbridge route. In all tests the traffic lights would operate below 80% RFC and as such operate with acceptable levels of reserve capacity.

Scenario 2 - Before May St bridge is open. The applicant sought to demonstrate that occupation of the 350th unit was the point at which the bridge needed to open, that being when the lights operate at a point of 85% RFC with a queue of 12 vehicles. The proposed traffic lights are 45m South of the development entrance and therefore any queues beyond 10 vehicles would start to impact on that junction. The applicant has now agreed to provide the May St bridge by the 300th occupation should the traffic lights be necessary. At that point the development would be expected to generate 101 Southbound movements and 36 movements in the AM peak. Including all future base traffic and 300 dwellings the traffic lights would be expected to operate Southbound with queues reaching a maximum of 11 vehicles at an RFC of 74% with Northbound having lower levels. Southbound would have an average delay of 35 seconds, Northbound would have an average delay of 45 seconds. These represent the worst-case operations of the lights being prior to opening of the second bridge.

Scenario 3 – Full occupation of the Hillborough allocation with the May st bridge open.

The last scenario tested includes the full Hillborough allocation using the Eastern access points only. This again represents a worst-case scenario with the reality being that some of the allocation would be expected to distribute from the allocated site through entrances to the West or North. As those applications providing the alternative exits are yet to be determined it was agreed with the applicant to test the worst-case scenario. This demonstrates that the lights would operate Southbound in the AM at a capacity of 76% with an average delay of 42.6 seconds. In the PM the Southbound operation of the lights is at 72% capacity with an average delay of 53.8 seconds and Northbound in the PM at a capacity of 77% with an average delay of 32 Seconds. In neither the AM or PM does the capacity exceed 80% and as such traffic would be expected to clear in each green phase. The above results cannot be seen as “severe” in respect of the NPPF test and as such it is agreed that the above proposed mitigation does

mitigate the impact of the development. Further to that, as mentioned above, this represents a worst-case scenario whereby all the allocated traffic enters and exits from Sweechbridge Road which is not the intension of the Masterplan included in the City Councils Local Plan.

Notwithstanding the above the Highway Authority are of the opinion that due to the delays caused by signalisation, 2-way working, meeting the Kent Design guide 6m minimum through the 150m narrowing North of the railway bridge is required. As a last resort the Highway Authority would accept the shuttle workings, but only in the event that the Highway Authority and developer have a subsequent agreement that widening is unable to be delivered. A condition is therefore needed that requires either the widening of Sweechbridge Road or signalised shuttle workings to be in place prior to the 100th occupation. Widening works will be required through a Section 278 process along with a Section 106 contribution of £15,000 to be provided for the purposes of securing the additional land required. Prior to signalisation being implemented it must be agreed between the Developer and the Highway Authority that the widening is undeliverable by no later than the 50th occupation.

May Street Bridge

As mentioned above the May Street bridge works as indicatively shown on drawing T306/71 is agreed to be open and available for public use by occupation of the 300th dwelling should the traffic lights on Sweechbridge Road be required. A suitable inclusion to the Section 106 will be needed. An alternative approach has been agreed should the Sweechbridge Road be widened whereby the May Street bridge works would not be required until occupation of the 400th dwelling as in this scenario there would be far less concern on any delays on the Sweechbridge Road. The link is however still required to provide direct links towards the Margate Interchange and Altira link.

Sweechbridge Road/May Street/Heart in Hand Roundabout – The principles of this junction arrangement are agreed as outlined on drawing number ITB8344-SK-20. This access will be required at either the point at which the May Street Bridge opening or first occupation South of the Railway, whichever is the sooner.

May St Walking/cycling link to Reculver. The improvements shown in the application will be required prior to the first occupation of the development.

Hoath distribution and Herne Relief Road

Clarity has now been provided on the approach to the above areas and is as follows. The applicant has agreed to the payment of the full Herne Relief Road contribution for the allocation of £2,249,000.00 and reduced the trigger by 400 dwellings to being prior to the 350th occupation, that being in line with the expected buildout of the 250th trigger required by the Planning Inspectorate determining the Strode Appeal. Given the findings of the Planning Inspectorate on the existing capacity of the A291 though Herne along with concerns regarding the air quality levels, the HA would recommend receipt of this money was made sooner. It will however be a matter for the Planning Authority, through their assessment of the applications viability, as to whether earlier payment is viable. The Highway Authority requests that payment of the £2,249,000 is made at the earliest viable opportunity recommended by the Planning Authority with an absolute maximum of 350 dwellings being occupied by Taylor Wimpy or 515 from the allocated site, whichever is the sooner.

Included in the Strode decision was a condition requiring the developer/owner to cover 51% of any additional costs incurred by the Highway Authority. A similar condition will be required from

this application for the outstanding 41%. It is appreciated that this will need to be capped and at this point in time no limit has been agreed.

The contribution for implementation of measures to deter traffic through the village of Hoath has been agreed to be increased from £20,000 to £30,000. It is envisaged that schemes that include signage and speed reductions North and South of Hoath would be implemented, however an approach on how the funding is to be used would be agreed with the Parish. The applicant has indicated that this amount would be available prior to the 50th occupation which is agreed as reasonable.

Thanet Way on slip

The applicant has sought to demonstrate that the on-slip improvements would not be necessary until the occupation of the 250th dwelling based upon the predicted capacity. At 250 dwellings the number of turnings towards this junction from the development would be 59 in the AM peak. At the same point in time the modelling suggests that the average time waiting to exit would be 65 seconds and a queue of 4 vehicles. The Highway Authority are therefore willing to accept the 250 occupational trigger represents an acceptable level of development beyond which there would be concerns to the severity of safety and congestion. Albeit temporary, it is considered that driver choice could be significantly influenced by an expected average 65 second delay at this junction, causing unacceptable impacts on the rural lanes of Hoath. As such the applicant has agreed to payment of the Hoath Road contribution prior to the 50th occupation so that measures maybe installed to reduce the appeal of the Hoath Road link and any other routing that may occur through Broomfield and Herne.

Bus service infrastructure:

The revised plans (drawing ref: T306/85) show the bus turning area and bus only markings as requested. No details have been provided in regard to the remaining bus stop infrastructure. A hard standing with footway connection must be provided at every bus stop within the phase 1 development, along with a shelter and bus stop flag.

Kitewood Land Public Highway Link

It is recommended that the link between the Taylor Wimpy land and the application number 19/00557 is open and available for public use, to an adoptable standard, prior to the occupation of the 450th dwelling North of the railway or 1st occupation South of the Railway whichever is the sooner.

Kitewood construction access

Our response to application 19/00557 includes a requirement to avoid any construction traffic using unsuitable residential streets to the North in Beltinge. It will therefore be a requirement on this application to provide construction access and it is considered by the Highway Authority that this should be achieved by the point of 280th occupation North of the railway or 38 months from construction of the first dwelling, whichever is the sooner. Construction access can be provided at any boundary between the sites up to the point at which the Primary School is open. At the point at which the Primary School is open the construction route would not be permitted to be opposite the school land and should be on the intended Masterplan connection to the North West.

Bogshole Lane pedestrian/cycling improvements

Clarity is needed on the design and timing of the Bogshole Lane pedestrian and cycling link. The expectation is that pedestrian and cycling access to the nearby supermarket should be available at an early stage of development. It is suggested that conditions be placed requiring the developer to provide detailed drawings of the Bogshole Lane improvements prior to the occupation of any dwelling for the approval of the Highway Authority and that any on site improvements should be open and available the public on occupation of the 280th dwelling. The extent of off-site works should be agreed by condition with the Highway Authority.

EV charging

The applicant has suggested that they are limited to providing 20% on plot EV charging facilities rather than the 100% requested by the Highway Authority. The subject of air quality is a concern for the Planning Authority, and they will need to determine whether or not this meets their policy expectations taking into consideration any traffic related impacts on the local area.

Summary

Should the Planning Authority be minded to approve the application the following conditions and Section 106 inclusions would be required by the Highway Authority.

Section 106 -

1. A contribution of £2,249,000.00 to be payable towards the Herne Relief Road at the earliest viable opportunity or in any event no later than the 350th occupation of this application or 515th of the allocated Hillborough site whichever is the sooner.
2. Indemnify 49% of any increases to cost of the Herne Relief Road as identified by the Highway Authority capped at a limit of ***.
3. A contribution of £30,000 towards Highway changes design to deter use of development traffic on the Hoath Road.
4. The provision of bus access and infrastructure detailed as follows;
 - a. Phase 1 (193 units) – Diversion of the existing Stagecoach Route 7 and Regency Coaches Route 36 into the site. Provision of two bus stops [Stop 1 - Flag Post and Raised Kerb; Stop 2 – Provision of Turning Facility and Shelter with Realtime Information]. New Route 7A into give additional services between site and Herne Bay via Sweechbridge Road and Reculver Road
 - b. Phase 3B – Diversion of the existing Stagecoach Route 7, Regency Coaches Route 36 and new route 7A across May Street Bridge, provision of Stop 3 – Shelter and Realtime Information.
 - c. Phase 4 – Diversion of new Route 7A upon completion of The Boulevard to provide a new eastern Herne Bay Circular. Provision of Stop 4 Shelter and Realtime Information.
5. A commitment to provide each household with 6 months free bus travel in Canterbury.
7. A contribution of £5,000 to the County Council for the purposes of monitoring the Travel Plan.
8. A commitment to provide 100% of dwellings with external sockets that would be available for EV charging.
9. A contribution of £15,000 towards the purchase of land should the Highway Authority agree that the widening of Sweechbridge Road is feasible.
10. A contribution of £50 cycle voucher for use in a local cycle store.

Should the Planning Authority be minded to approve the application we recommend the following conditions should be applied;

1. The Northern Access as shown on drawing ITB8344-SK-36 REV D is delivered through a Section 278 agreement and is open and available for public use prior to the occupation of the first dwelling.
2. The Southern Access as indicatively shown on drawing ITB8344-SK-20 is delivered through a Section 278 agreement and is open and available for public use prior to any occupations South of the Railway or opening of the May Street Bridge, whichever is the sooner.
3. That The Boulevard link to Sainsburys south of the Railway is open between the Sweechbridge Road and the existing adopted section of "The Boulevard" will be open and available to the public at an adoptable standard prior to the 125th occupation South of the railway with restrictions on HGV use.
4. That the Sweechbridge Road shuttle workings as indicatively shown on drawing ITB8344-SK-039 Rev E or widening of the Sweechbridge Road without shuttle workings to be in place prior to the 100th occupation. Both the widening works or shuttle workings will be required through the Section 278 process. Prior to shuttle workings being approved it must be agreed by the Highway Authority that the preferred widening is unfeasible at the point of the 50th occupation.
5. That the May Street bridge works as indicatively shown on drawing T306/71 be open and available for public use to an adoptable standard by occupation of the 300th dwelling should the traffic lights on Sweechbridge Road be delivered or occupation of the 400th should the widening of Sweechbridge Road being delivered.
6. That the May Street walking/cycling link as shown on drawing ** be open and available to the public to an adoptable standard prior to any occupation.
7. That the Thanet Way on slip works as demonstrated on drawing ITB8344-SK-017 Rev B are open and available to the public at an adoptable standard prior to the occupation of the 250th dwelling.
8. That a publicly accessible all vehicle link is open and available for public use between the Taylor Wimpy land and the application number 19/00557 prior to the occupation of the 450th dwelling North of the railway or 1st occupation South of the Railway whichever is the sooner.
9. To provide construction access to land within planning application 19/00557 prior to the 280th occupation North of the railway or 38 months from construction of the first dwelling, whichever is the sooner. Construction access can be provided at any boundary between the sites up to the point at which the Primary School is open. At the point at which the Primary School is open the construction route would not be permitted to be opposite the school land and should be on the intended Masterplan connection to the North West.
10. Detailed drawings of the on-site Bogshole Lane walking/cycling improvements be submitted and approved by the Highway Authority and that any on site improvements should be open and available the public on occupation of the 280th dwelling or opening of the school whichever is the sooner. The extent and timing of off-site works are to be agreed with the Highway Authority.
11. Submission of a Construction Management Plan to be approved by the Planning Authority before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
12. Provision and permanent retention of the cycle parking facilities shown on the submitted Phase 1 plans prior to the use of the site commencing.
13. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel

Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

14. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

15. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted phase 1 plans prior to the use of the site commencing.

16. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

(a) Footways and/or footpaths, with the exception of the wearing course;

(b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Colin Finch
Principal Transport & Development Planner

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Caroline Levett
Clerk to Benenden Parish Council
 Parish Office
 Benenden Village Hall
 The Street
 Benenden
 Kent
 TN17 4DE

**Environment, Planning and
 Enforcement**

Invicta House
 County Hall
 Maidstone
 Kent
 ME14 1XX

Phone: 03000 415673
 Ask for: Francesca Potter
 Email: francesca.potter@kent.gov.uk

21 October 2019

BY EMAIL ONLY

Dear Ms. Levett

Re: Benenden Neighbourhood Development Plan - Regulation 14

Thank you for consulting Kent County Council (KCC) on the Benenden Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council acknowledges the references made to the Tunbridge Wells Draft Local Plan. KCC has not provided direct commentary on the proposed sites within the Neighbourhood Plan, as these will be considered through the KCC response to the Tunbridge Wells Draft Local Plan Regulation 18 Consultation, which is running concurrently with this consultation.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided comments structured under the chapter headings and policies used within the Neighbourhood Plan.

Introduction

The introduction to the Neighbourhood Plan describes, in detail, the extent and importance of Benenden's heritage and the role it has played in shaping the Parish. To this end, the County Council recommends that the Plan should include policies for conserving and enhancing this heritage. The Plan provides an opportunity for the Parish Council to describe how Benenden's heritage can contribute to achieving the Vision, as outlined on page 7, by helping to integrate new development into the existing community. This can ensure that new build developments contribute to the existing historic character and emphasise the role of

the historic environment as a contributor to the 'historic beauty' that the Plan wants to preserve. Heritage also has a significant role to play in the health and well-being of residents and visitors. The County Council therefore recommends that there is a specific historic environment policy within the Neighbourhood Plan.

History

The text mentions the Roman roads that cross Benenden and the settlement at Hemsted, but there are numerous other Roman sites in the parish. These include a paved Roman ford near Stream Farm and iron working sites at Spring Wood, Benenden School and Flight Wood. The Benenden School site may have also comprised a small roadside settlement.

Chapter 1 – Landscape and the Environment

The text rightly notes the historic nature of the landscape and some of its components in the form of field boundaries, footpaths and routeways. KCC recommends that the Neighbourhood Development Plan should make clear the role the Historic Landscape Characterisation (HLC) for Tunbridge Wells Borough that was developed by the Borough Council in 2017¹. The HLC examined the Borough's landscape in detail and is an important tool for helping developers and planners assess the impact of their proposals. An assessment of proposals against the HLC should be considered as a requirement, where appropriate, for development proposals in rural areas.

The Plan does not specifically mention development within farmsteads but it is likely that development proposals of this type will come forward. It should be noted that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. Historic England, KCC and the Kent Downs AONB Unit have published guidance on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with existing character².

Whilst it is recognised that a large percentage of the Public Rights of Way (PRoW) network in Benenden consists of Public Footpaths, there is a Public Bridleway and Restricted Byway passing through the Parish, providing higher rights of access for equestrians and cyclists. In addition to footpath enhancements, there is also an aspiration to improve access for cyclists and equestrians across the region. With these points in mind, it is requested that the term '*Footpaths*' is replaced with the wording 'Public Rights of Way', as this would encompass the full range of different classifications of PRoW.

Open Space and Recreation

It is important to ensure that any development takes account of the Sport England Guidance³. Sport England's strategies for sport are very much focussed on tackling inactivity

¹ <https://beta.tunbridgewells.gov.uk/local-plan/evidence/resources/environment-and-landscape/historic-landscape-characterisation-2017>

² <http://www.highweald.org/look-after/buildings/farmsteads-and-hamlets.html>

³ > <https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>

> <https://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>

and supporting/encouraging under-represented groups to be active. Through the national Active Lives Survey, approximately 25% of people nationally (24% now in Kent - 26% two years ago) are inactive and this is having knock on effects on physical and mental health, as well as individual and social/community development. Therefore, the plan should specify that any development proposals should consider this and, where appropriate, incorporate a mix of formal and informal areas/spaces (indoor and out) where people can be active, including walking and cycling routes and open spaces.

Policy LE2

Studies have shown that green spaces provide considerable health and well-being benefits for the public, but these spaces will face increasing pressures from new developments and a growing population. There is a risk that the quality of green spaces will deteriorate, unless appropriate steps are put in place to protect the sites and manage access. To cope with the increasing demands of a growing population, it is recommended that Neighbourhood Plan policy seeks to protect and increase open space provision.

It is imperative that open spaces can be accessed through sustainable modes of transport. To encourage active travel, the wording of this policy text should be strengthened to ensure that visitors can walk or cycle to open spaces. Alternatively, good public transport links with open spaces should be made available, so that the public are not dependent on private vehicle use to visit these sites.

Footpaths

The inclusion of paragraphs 1.6 and 1.6.1 regarding footpaths is welcomed by the County Council. However, there is no specific policy for footpaths or the wider PRoW network. To address this matter, it is requested that a specific policy for the protection and enhancement of PRoW is included within the Neighbourhood Plan.

The PRoW network provides significant opportunities for active travel and outdoor recreation across the parish. The increased population will undoubtedly add to the pressure on, and importance of, the surrounding PRoW network. It is critical therefore that some wording is included within this new policy to secure funding from new development to ensure these highly regarded links are not degraded and where possible are enhanced.

Considering the value of the PRoW network, it should be expected that section 106 contributions (or CIL should it be introduced) will be sought to fund PRoW improvements across the parish, in preparation for the expected increase in path use. Developer contributions could be used to upgrade existing routes and create new path links that address existing network fragmentation issues highlighted by the public.

> <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>
> <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/facilities-planning-model/>
> <https://www.sportengland.org/facilities-planning/active-design/>

In addition to footpath improvements, new development should, where appropriate, contribute towards PRow enhancements that also benefit cyclists and equestrians. The KCC PRow and Access Service would welcome engagement with the Parish Council to consider local aspirations for access improvements, the delivery of these schemes and potential sources of funding for these projects.

It is requested that applicants for new developments engage with the County Council at the earliest opportunity. This is to allow for reviews of access improvements to be carried out and consider appropriate developer contributions for PRow network enhancements, which would ensure there are sustainable transport choices available that provide realistic alternatives to short distance car journeys.

The reference to the National Planning Policy Framework (NPPF) on page 21 of the Plan is welcomed. The KCC Rights of Way Improvement Plan (ROWIP) should also be referenced within this section, as it is a statutory policy document for PRow, setting out a strategic approach for the protection and enhancement of PRow. This will enable successful partnership working to continue and deliver improvements to the PRow network in Benenden. Joint delivery of this strategic plan will ensure significant benefits, while its omission could result in a significant loss of access to additional funding opportunities. KCC would welcome future engagement with the Parish Council to consider local aspirations for access improvements and the potential delivery of these schemes.

Environmental aspects of new development

The Neighbourhood Development Plan considers that development should seek to protect and enhance the biodiversity of the site and the surrounding and sites must be surveyed prior to development, in order to ensure important natural features are identified. The County Council would like to highlight that Ecological Surveys and mitigation strategies for habitats and protected/notable species must be submitted to demonstrate they are following the mitigation hierarchy to “avoid, mitigate and compensate” any impact.

The Plan also highlights the importance of biodiversity and the need for a provision for the creation of new wildlife habitats, the joining up with existing biodiversity rich areas and net gain. The County Council is supportive of this approach and advises that where green spaces are proposed, they ideally should be located within the areas where there are existing habitats, rather than creating new habitat.

Policy LE8

The County Council as Lead Local Flood Authority has provided comments directly to the Parish Council, which set out a number of matters to be considered in relation to this policy.

Chapter 3 Design and the Built Environment

Policy HC2

The draft policy states that materials should be used that are similar in appearance to those used in Benenden’s historic buildings. The County Council supports this requirement but

would note that this may be dependent on such materials being available. KCC recommends that a clause be added to state that development proposals will not be accepted if materials required for their appearance leads to the destruction of natural resources.

Chapter 5 Transport and Infrastructure

The County Council as Local Highway Authority has no comments on the Neighbourhood Development Plan as currently drafted.

Policy T1

The inclusion of this policy is supported, as it would ensure that new developments provide opportunities for walking and cycling, enabling active lifestyles.

Policy T2

Rural lanes provide useful connections for Non-Motorised Users (NMUs) travelling between off-road PRoW. The potential for additional vehicle traffic along these country lanes is therefore a concern, as increased movements could introduce safety concerns for NMUs and potentially deter public use of the PRoW network. With this in mind, Policy T2 should include wording that requires developers to submit traffic impact studies in support of their applications. Where negative impacts on NMUs are identified, developers should provide or contribute towards appropriate mitigation measures.

Policy T5

The County Council recommends that the Plan has a focus on energy and low emissions as opposed to climate change within this policy.

KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely,



Katie Stewart

Director - Environment, Planning and Enforcement

Enc.
Appendix 1: KCC SUDS Response dated 29 August 2019

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Flood and Water Management

Invicta House

Maidstone

Kent

ME14 1XX

Website: www.kent.gov.uk/flooding

Email: suds@kent.gov.uk

Tel: 03000 41 41 41

Our Ref: NON/2019/075251

Date: 29 August 2019

Location: Benenden Parish

Proposal: Neighbourhood Development Plan

Thank you for the opportunity to provide review of your neighbourhood plan.

The natural environment of the Benenden Parish includes an extensive local network of ordinary watercourses contributing in the most part to the Rother Levels, excepting for a small contribution in the north west of the parish to the River Beult.

It is therefore appreciated that the Neighbourhood Plan recognises the importance of maintenance of this landscape character specifically with inclusion of Policy LE8. However, we would recommend inclusion of additional policy which relates to wider matters with respect to local flood risk and surface water management.

It would be beneficial if Policy LE8 Sustainable includes consideration of the following matters:

- a) Ordinary water courses may often be impacted significantly with new development. These drainage channels should be incorporated into drainage design for any new development reflecting the value they provide for amenity and biodiversity. Appropriate setbacks should be provided to ensure that maintenance can be undertaken.
- b) It would be recommended that a clear statement to the effect that drainage should incorporate surface water features which promote multi-functionality, including amenity, biodiversity and water quality benefits.
- c) Though Benenden Parish does not suffer from extensive areas of fluvial flood risk, local flood risk may occur along the lengths of ordinary watercourses. Any development should give due consideration to Surface Water Flood Maps as produced by the Environment Agency.

Kent County Council has a Drainage and Planning Policy Statement (2017, currently out for consultation 2019) which provides direction as to incorporation of surface water drainage within new development. We would recommend that reference is made to this document to ensure that surface water management is considered appropriately.

Yours faithfully,

Bronwyn Buntine
Sustainable Drainage Team Leader
Flood and Water Management