

PLANNING APPLICATIONS COMMITTEE

Wednesday, 10th February, 2021

10.00 am

Online





AGENDA

PLANNING APPLICATIONS COMMITTEE

**Wednesday, 10th February, 2021, at 10.00
am
Online**

Ask for: **Andrew Tait**

Telephone: **03000 416749**

Membership (13)

Conservative (10): Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour, Mrs R Binks, Mr A Booth, Mr A H T Bowles, Mr P C Cooper, Mr H Rayner, Mr C Simkins and Mr J Wright

Liberal Democrat (1): Mr I S Chittenden

Labour (1) Mr J Burden

Independents (1) Mr P M Harman

In response to COVID-19, the Government has legislated to permit remote attendance by Elected Members at formal meetings. This is conditional on other Elected Members and the public being able to hear those participating in the meeting. This meeting of the Cabinet will be streamed live and can be watched via the Media link on the Webpage for this meeting.

Representations by members of the public will only be accepted in writing. The transcript of representations that would normally be made in person will be provided to the Clerk by 12 Noon two days ahead of the meeting and will be read out by the Clerk of the meeting at the appropriate point in the meeting. The maximum length of time allotted to each written representation will be the 5 minutes that it takes the Clerk to read it out.

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. Dates of future meetings
- A3 17 March 2021
21 April 2021
16 June 2021
14 July 2021
11 August 2021 (provisional)
15 September 2021
13 October 2021
10 November 2021
8 December 2021
12 January 2022
9 February 2022
16 March 2022
20 April 2022
18 May 2022
15 June 2022
4. Minutes - 13 January 2021 (Pages 1 - 4)
 5. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

1. Application FH/20/2590 (KCC/FH/0209/2020) - Recycled Aggregate Production Facility with associated hardstanding and storage, gatehouse and site office, security gates and lighting, fencing, drainage and parking (part retrospective) at Land to North East of Cross Keys Coaches, Ceasar's Way, Folkestone; G McAleer Contracts Ltd (Pages 5 - 38)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 39 - 42)
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

F. KCC RESPONSE TO CONSULTATIONS

1. Former Broke Hill Golf Course, Stonehouse Park, Sevenoaks Road Halstead Kent TN14 7HR: Proposal - Outline application for residential development of up to 800 dwellings, incl. affordable housing units and self-build plots; up to 4.75 ha of retirement living; primary school hub with associated sports facilities/outdoor space; sports hub incl. rugby and hockey pitches with separate car park and clubhouse areas; 2 ha of commercial B1 use; local centre incl. commercial, retail & community facilities and undercroft car parking for Knockholt station; country park/ open space incl. landscaping, infrastructure & groundworks; with all matters reserved except for access (Pages 43 - 52)
2. Land At Sturry/Broad Oak, Sturry: Proposal - Outline application (with all matters reserved) for the development of up to 630 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 - CA/20/02826 (Pages 53 - 54)
3. Government Consultation - Supporting Housing Delivery & Public Service Infrastructure (Pages 55 - 78)
4. Ash Parish Council Neighbourhood Development Plan - Regulation 16 (Pages 79 - 84)

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, 2 February 2021

(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)

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KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held Online on Wednesday, 13 January 2021.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour, Mrs R Binks, Mr A Booth, Mr A H T Bowles, Mr J Burden, Mr I S Chittenden, Mr P C Cooper, Mr P M Harman, Mr J P McInroy (Substitute for Mr C Simkins), Mr H Rayner and Mr J Wright

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**1. Minutes - 9 December 2020**

(Item A3)

RESOLVED that the Minutes of the meeting held on 9 December 2020 are correctly recorded and that they be signed by the Chairman.

2. Site Meetings and Other Meetings

(Item A4)

The Head of Planning Applications briefly informed the Committee that it was still not possible for the Committee to undertake a site visit to Covers Farm, Westerham in the light of the current Covid-19 pandemic.

3. General Matters

(Item B1)

The Committee noted that its informal briefing on the Supporting Housing and Infrastructure Consultation by the DHCLG would take place during the afternoon following the meeting.

4. Proposal DOV/20/01048 (KCC/DO/0178/2020) - Creation of two sectors of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only. Section 1 - New road, 1.0 km in length, connecting Whitfield Urban Expansion to Tesco roundabout at Honeywood Parkway via new overbridge over A2. Access to bridge will be controlled by bus gates. Section 2 - New road, 1.1 km in length connecting B & Q roundabout on Honeywood Park Road to Dover Road near Frith Farm, with access to Dover Road controlled by a bus gate, providing access to future phases of White Cliffs Business Park at Dover Fastrack - Land to the north of Dover and to the south of Whitfield; KCC Major Capital Projects

(Item D1)

The Head of Planning Applications advised that in light of correspondence from Guston PC received on 12 January 2021, the Chairman had agreed to her request

for the application to be withdrawn from the agenda in order to enable further consideration of the matters raised in relation to the proposed Special Development Order (SDO) for the Border Force facility and any changes that might be made following the SDO public consultation, and to establish whether the recommendation and advice to the Committee would require amendment.

5. 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).

6. KCC Responses to Consultations

(Item F1)

(1) Mr J Burden informed the Committee that he had participated in the production of the Gravesham Local Plan Emerging Local Plan Partial Review in his capacity as a Member of Gravesham BC. He therefore would not take part in any debate on this matter.

(2) In response to a question from Mr H Rayner, the Head of Planning Applications explained that the Scoping Opinion on the proposed development at Broadwater Farm, West Malling had been developed as a technical highways response which had not necessitated any reference to the emerging Tonbridge and Malling Local Plan.

(3) RESOLVED to note Kent County Council's responses to the following consultations:-

- (a) Proposal TM/20/02249/EASP - Request for Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Outline planning application for a residential- led development at Broadwater Farm, West Malling - KCC's response as Highway Authority to Tonbridge and Malling BC;

- (b) Proposal TM/20/01820/OAEA - Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks at Aylesford Newsprint, Bellingham Way, Larkfield, Aylesford; KCC's response as Highway Authority to Tonbridge and Malling BC;
- (c) Proposal - Hybrid application for outline permission for provision of up to 2000 residential units (including up to 100 Extra Care units), care home (Use Class C2), two form entry primary school (Use Class F.1(a)), health facility (Use Class E(e)) and mixed use centre (Use Classes E(a-g), Sui Generis (drinking establishments and hot food takeaways)/C2/C3/F.1(a-g) and F.2 (ad), with vehicular access onto Dent de Lion Road, Garlinge High Street, Minster Road, Shottendane Road, Briary Close, Victoria Avenue, Belmont Road, and Brooke Avenue, along with new Primary Route Corridors between Shottendane Road and Minster Road and Shottendane Road and Dent De Lion Road, with all matters reserved, except access with; Full application for the erection of 120 residential units (within Class C3) forming Phase 1 including parking, access, landscaping, equipped play area, and other associated works at Land South Of Westgate And Garlinge, Margate - KCC's response as Highways Authority to Thanet DC;
- (d) Otham Neighbourhood Plan Regulation 16 - KCC's response to Maidstone BC;
- (e) Cranbrook and Sissinghurst Neighbourhood Plan Pre-submission Regulation 14 - KCC's response to Tunbridge Wells BC;
- (f) Benenden Parish Neighbourhood Development Plan 2020-2036 Regulation 16 - KCC's response to Tunbridge Wells BC;
- (g) Lamberhurst Parish Neighbourhood Development Plan 2016-2036 Regulation 16 - KCC's response to Tunbridge Wells BC;
- (h) Gravesham Local Plan - Emerging Local Plan Partial Review, Site Allocations and Development Management Policies Regulation 18(2) - KCC's response to Gravesham BC; and
- (i) Maidstone Local Plan - Regulation 18 (2) Local Plan Review Preferred Approaches Consultation December 2020 - KCC's response to Maidstone BC.

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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

Recycled Aggregate Production Facility with associated hardstanding and storage, gatehouse and site office, security gates and lighting, fencing, drainage, and parking (part retrospective) at Land to north East of Cross Keys Coaches, Caesar's Way, Folkestone CT19 4AL- (FH/20/1590)

A report by Head of Planning Applications Group to Planning Applications Committee on 10th February 2021.

Application by G McAleer Contracts Limited for Recycled Aggregate Production Facility with associated hardstanding and storage, gatehouse and site office, security gates and lighting, fencing, drainage, and parking (part retrospective) at Land to north East of Cross Keys Coaches, Caesar's Way, Folkestone CT19 4AL

Recommendation: Permission be GRANTED subject to conditions.

Local Member: Mr David Monk

Classification: Unrestricted

Site

1. The site comprises a 1.01ha area of industrial land situated at the end of Caesars Way at the north western end of Shearway Business Park at the northern edge of Folkestone. The M20 motorway (between junction 12 and 13) lies to the immediate north with the Shearway Business Park to the east, industrial and warehouse uses to the south, and Crosskeys Coaches to the immediate south west.
2. The site is generally flat, clear of vegetation and partly paved with part concrete and hardcore hardstanding. Some site preparation and levelling work has been undertaken, and the site appears to be in use with piles of aggregate, a range of machinery, a number of portacabins, a store, and a number of skips and containers on site. Security fencing and gates have been installed at the site entrance. A concrete retaining wall has also been installed along the south western perimeter of the site.
3. Access to the site is via Caesars Way off Biggins Wood Road and Tile Kiln Lane. The closest residential dwellings are located approximately 150m to the south west at Elventon Close. These are separated from the site by Centurion Business Park and associated industrial buildings.

Background / Recent Site History

4. The applicant's Design and Access Statement indicates that the site was historically in various types of industrial uses, including a brickworks at the turn of the 20th

Item C1 - Recycled Aggregate Production Facility - Land to north East of Cross Keys Coaches, Caesars Way, Folkestone CT19 4AL FH/20/1590 (KCC/FH/0209/2020)

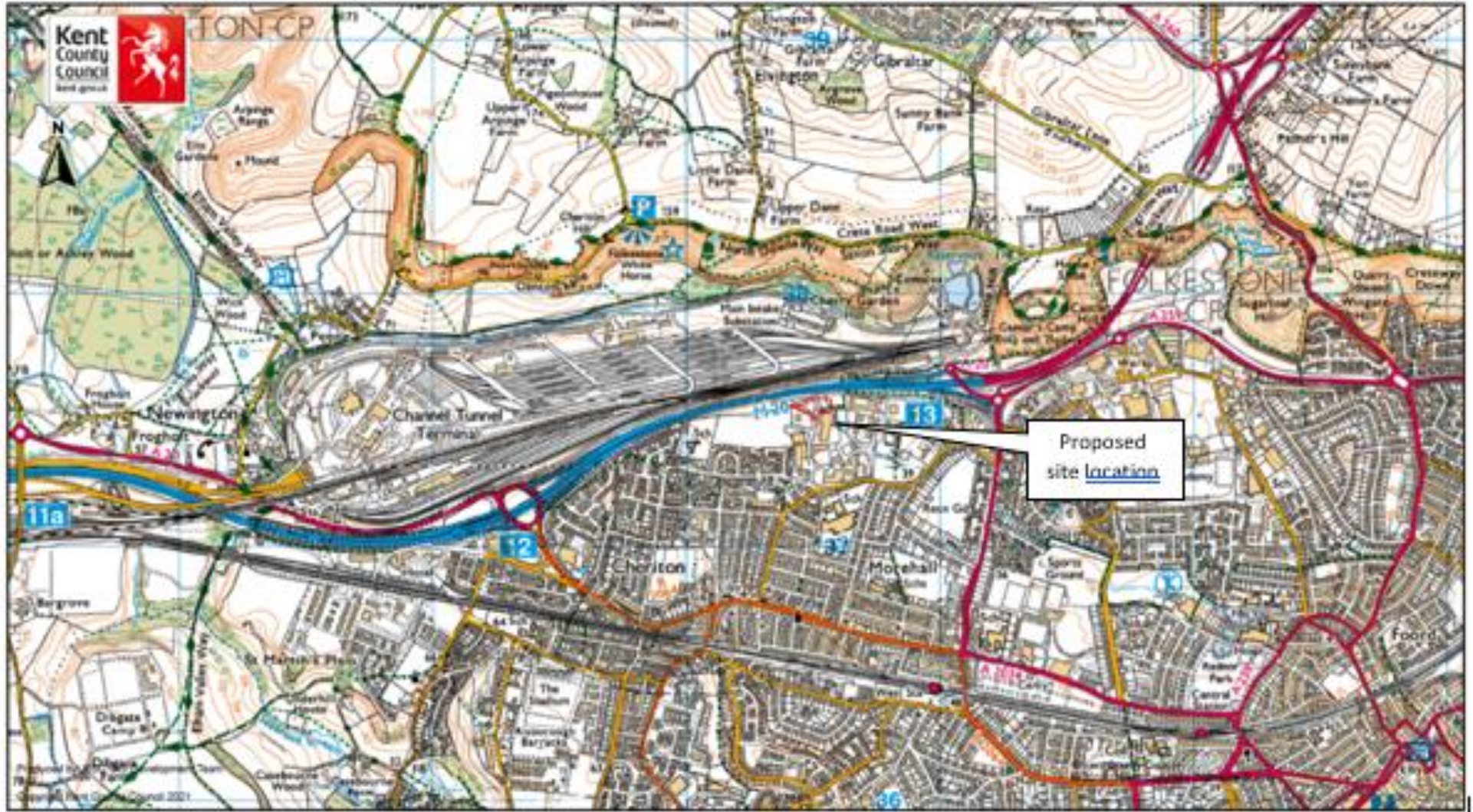
Century and unspecified 'works' including a conveyor (suggesting minerals use) in the 1960s, but that there has been little change to the site and its surroundings for the last 20 years.

5. More recently the planning history indicates that a concrete batching operation has been permitted on the site:
 - **SH/87/1382** Replacement of existing ready mixed concrete plant by a new plant (Approved May 1988, with conditions)
 - **SH/88/0658** Erection of concrete batching plant together with ancillary facilities (Approved August 1988, with conditions)
 - **89/1218/SH** Installation of a silo for the storage of readymix concrete (Approved November 1989)
 - **SH/89/1420** Installation of plant machinery in connection with production of readymix concrete (Approved June 1990, with conditions)
 - **91/1052/SH** Erection of building for storage use for Multi Mix Concrete (Approved February 1992, with conditions)
 - **95/0094/SH** Retention of a concrete batching plant and mobile office building (Approved by Shepway District Council, April 1995, with conditions including that the buildings be removed and the land restored to its former condition on or before 30th April 1998)
 - **Y14/0066/SH** Retrospective application for the continued use of the land as an over-night lorry park (withdrawn) - covering the eastern part of the application site.
 - **FH/0044/2019** Concrete recycling facility and concrete batching plant, storage area, with associated hardstanding, fencing, drainage, parking and lighting, site office and controlled site access (withdrawn)

6. A mixed use development of commercial and residential property has been granted permission on the land to the west of the site (Folkestone & Hythe DC reference outline permission Y13/0024/SH, and subsequent applications for details pursuant to the outline planning permission Y16/0065/NMC, Y16/0403/SH and Y17/0888/SH), which includes a 'green mitigation area' (including for reptile translocation) retained in the area to the immediate north of the site next to the M20. The commercial components (light industrial) of this development would be approximately 40m from the site boundary to the west, with the nearest residential property approximately 110m from the site boundary to the south west.

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Site Location Plan



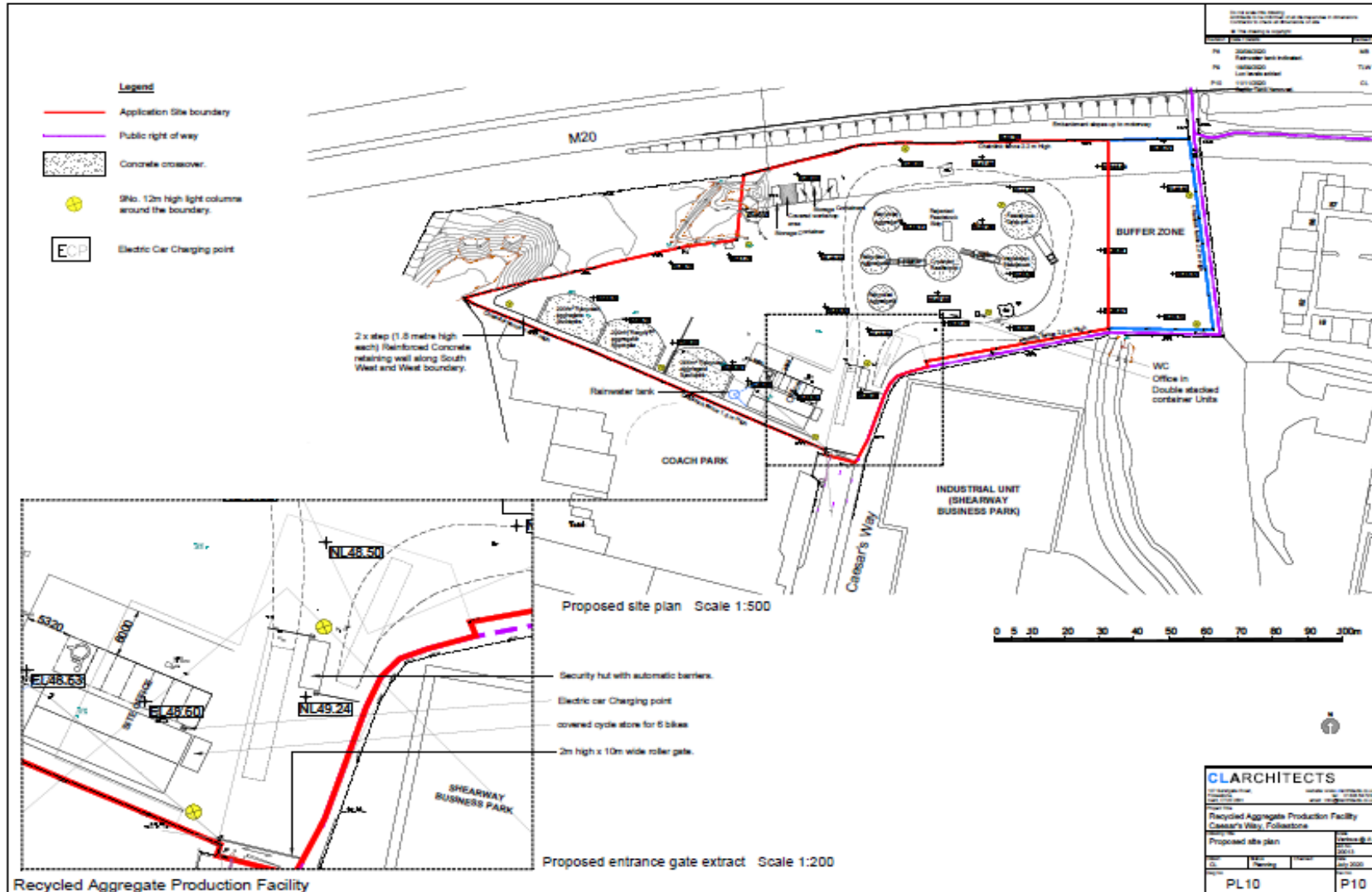
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Proposal

7. The application is submitted on behalf of G McAleer Contracts Limited for the development of a Recycled Aggregate Production Facility with associated hardstanding and storage, gatehouse and site office, security gates and lighting, fencing, drainage, and parking.
8. The throughput of the site would be up to 75,000 tonnes of aggregate per year (75,000 tonnes input of construction and demolition waste, and an equivalent output of recycled aggregates and a small amount of un-recyclable material for disposal).
9. I consider the application to be part-retrospective, as the site appears to be currently in use for processing and storage of aggregates, with a number of structures (fencing, lighting, gatehouse, portacabins, containers and a covered workshop area) as well as machinery already on site. This is confirmed by the photographs in the Design & Access Statement and other supporting documentation.
10. The proposed development is of a recycled aggregate production facility comprising:
 - An entrance zone with concrete crossover, gatehouse (single-storey modular building with floorspace of 2.5mx6m, total 15m²) security barriers, automated gate and CCTV cameras facing the entrance;
 - On-site roadways formed from crushed concrete with geotextile underneath, and trafficked areas surfaced with crushed concrete (existing)
 - Office and welfare facilities (2No single-storey modular buildings with floorspace 18mx4m, total floorspace 144m²)
 - Parking spaces - 7 including 1 disabled space
 - Secure on-site vehicle storage
 - 4No. storage containers and covered workshop on the northern part of the site
 - Vehicle washing station and interceptor
 - 3No. 200m³ aggregate stockpiles along the south western boundary of the site with retaining walls, and feedstock and process aggregates in centre of site
 - 2No. step reinforced concrete retaining walls (1.8m high) along south western perimeter
 - 9No. 12m high lighting columns
 - Steel palisade security fencing (2m high) with dust screening, and automated roller gate (2m high x 10m) at site entrance
 - Mobile machinery including (specified in the Design & Access Statement):
 - ROCO R9 Tracked Jaw Crusher
 - Maximus 518T Tracked Vibrating Screener
 - Other machinery likely to include shovels, dumpers, tractor and dowsers, plus the applicant's own HGV vehicles for delivery and export of material, and smaller vehicles for site visits.
11. The proposed Site Layout is presented below:

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Site Layout Plan (PL10 P10)



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12. The application was submitted in September 2020 and validated in October 2020, and was supported by:
- Design and Access Statement
 - Planning Policy Compliance Review
 - Associated plans and drawings:
 - Site Location Plan and Existing Site Plan (PL01 P1)
 - Proposed Site Plan (PL10 P9)
 - Drawings of Proposed Office (PL12 P1)
 - Drawings of Proposed Gatehouse (PL13 P1)
 - Transport Statement
 - Flood Risk Assessment
 - Dust & Noise Management Plan
 - Acoustic Assessment
 - Lighting Plan
13. Further information was provided in December 2020 and January 2021 in response to concerns raised by consultees and the case officer. This included responses to Highways England concerns, primarily the potential risk of dazzling and distraction of drivers on the M20 from lighting and vehicle manoeuvring on the site, drainage plans, and potential for dust emissions to affect the M20 and Highways England assets. These comprised:
- A Highway Visual Impact Assessment
 - Technical specifications for site lighting
 - Flood Risk Assessment & Drainage Strategy
 - Revised Proposed Site Plan (PL10 P10)
 - Proposed Site Office and Parking Plan (PL14 P1)
 - A Dust Environment Management Plan that has been produced in support of an application for a bespoke Environmental Permit at the site.
 - Environmental Desk Study submitted with the previous, withdrawn, application on the Site (FH/0044/2019).
 - Details of lighting columns (P1)
14. The proposed hours of operation are Monday-Friday 07.00-19.00, Saturdays 07.00-14.00.
15. The applicant estimates that the proposed development will require 12 full-time employees working in 2 shifts (6 employees on site at a time), in addition to drivers delivering and exporting material to and from the site.

Planning Policy

16. The most relevant national planning policy and guidance, and development plan policies, to the determination of this application are summarised below:
17. **National Planning Policies** – the National Planning Policy Framework (2019) and National Planning Policy for Waste (2014) are material planning considerations. Further advice on implementation of national policy is provided in Planning Practice Guidance, including for waste. Other documents of relevance include Clean Air Strategy (2019), Our Waste, Our Resources: A Strategy for Waste (2018), A Green Future – Our 25 Year Plan to Improve the Environment, and Noise Policy Statement

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for England (2010) (NPSE). Government policy and guidance are material planning considerations.

Development Plan

18. **Kent Minerals and Waste Local Plan (KMWLP) 2013-30 as amended by Early Partial Review (September 2020)** - Policies: CSM1 and CSW1 (Sustainable Development); CSM8 (Secondary and Recycled Aggregates); CSW2 (Waste Hierarchy); CSW4 (Strategy for Waste Management Capacity); CSW6 (Location of Built Waste Management Facilities); DM1 (Sustainable Design); DM3 (Ecological Impact Assessment); DM10 (Water Environment); DM11 (Health and Amenity); DM13 (Transportation of Minerals and Waste); DM14 (Public Rights of Way); DM16 (Information Required in Support of an Application).
19. The Partial Review of the KMWLP resulted in changes to the previously adopted KMWLP including Policies CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), and DM8 (Safeguarding Minerals Management, Transportation Production & Waste Management Facilities). This updated the assumptions about waste management capacity underlying Policies CSW7 and CSW8 and the consequent impact on the need for a Waste Sites Plan.
20. **Shepway Core Strategy Local Plan 2013** – Policies: DSD (Delivering Sustainable Development); SS3 (Place-Shaping and Sustainable Settlements Strategy); and SS4 (Priority Centres of Activity Strategy).
21. **Folkestone & Hythe Places and Policies Local Plan (2020)** – Policies: UA11 (Affinity Water, Shearwater Road, Cheriton); E1 (New Employment Allocations, which includes Shearway Business Park (picture 6.11) including the application site); E2 (Existing Employment Sites); T2 (Parking Standards); T4 (Parking for HGVs); NE2 (Biodiversity); NE3 (Protecting the District’s Landscapes and Countryside); NE5 (Light Pollution and External Illumination); NE7 (Contaminated Land); CC3 (Sustainable Drainage Systems); and HW2 (Improving health and wellbeing).
22. The following plan is at an advanced stage of preparation, and although not yet adopted should be accorded appropriate weight:
23. **Folkestone & Hythe Core Strategy Review 2020 (Submission Regulation 19 incorporating housing Numbers Consultation)** – Policies: SS1 (District Spatial Strategy); SS2 (Housing and Economic Growth Strategy); SS3 (Place-shaping and Sustainable Settlements Strategy); and SS4 (Priority Centres of Activity Strategy).

Consultations

24. **KCC Highways and Transportation** Accept that the proposed vehicle movements described in the Transport Statement accompanying the application will not impact severely on the background highway network, taking into account the previous use of the site. Further details requested:
 - Confirmation of office space being proposed, to assess adequacy of parking provision (requiring 7 spaces) and accessibility;
 - Parking spaces to be 2.5m x 5m, and the disabled bay 3.7m x 5.5m, which should be detailed on plans;

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- The disabled bay needs to be in addition to the 7 proposed, ideally next to the EV charging point;
- Bicycle storage should include a space for an adaptive bicycle 1.5m wide.

The applicant subsequently provided these details to the satisfaction of the Highways Authority, subject to conditions being applied to planning permission requiring provision and retention of the parking spaces, covered cycle storage, EV charging point, bound surface for the first 10 metres at the entrance, and measures to prevent water discharge onto the highway.

25. **KCC Flood and Water Management (as Lead Local Flood Authority)** Agree in principle to the proposed development, having considered the Flood Risk Assessment accompanying the application. Recommends conditions to be attached to a permission to ensure the Drainage Strategy is implemented and that storage of materials does not have an impact on groundwater:

Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment P02 prepared by Considine dated 11 November 2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

26. **Public Rights of Way (East Kent PROW Team) – no objection.**

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27. **Environment Agency (Kent Area) - no objection** from a groundwater perspective. Initial concerns were raised over foul water drainage were resolved through provision by the applicant of the Flood Risk Assessment and Drainage Strategy. It recommends that conditions are attached to any permission:

Condition

No development shall commence until a foul drainage strategy is submitted to, and approved in writing by, the local planning authority.

Condition

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Informative

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

A number of additional informatives relating to Environmental Permitting are also recommended.

28. **Kent County Council Archaeology** – unlikely that the proposed development would have a significant archaeological impact and no additional comment.
29. **Highways England (HE) – No objection**. Raised a number of detailed concerns relating to traffic generation and potential impact on Highways England assets (M20) and the safe operation of the road. It considered that there is insufficient information to satisfy that the proposals would not materially affect the safety and/or operation of the Strategic Road Network (SRN), and requested that the application is not determined until all of the requested information is provided. Further information was requested as follows:

Traffic Generation

- Clarification required on vehicle movements and whether the 75,000 tonnes refers to movements each way or only imports, and consideration of worst-case scenario should a higher number of smaller vehicles be used resulting in more movements . In response the applicant confirmed that the 75,000 tonnes per year is the maximum two-way throughput and includes all vehicles. HE requested that conditions be

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applied to restrict throughput to no more than 75,000 tonnes per annum, and that a Travel Plan be submitted and approved within two months of permission being granted to promote vehicle movements outside of peak periods of 0730-0900 and 1630-1830.

Strategic Road Network

- Site boundary: The site boundary is within 9.5m of the M20. The Tensioned Corrugated Beams in place are sufficient to restrain vehicles [in the event of an accident]. Confirmation required that construction and maintenance of boundary features (the chain link fence on the northern boundary and retaining walls) does not require encroachment on Highways England land or affect Highways Assets. The extent of the reinforced concrete wall (on SW boundary of site) should be clearly shown on Site Layout drawings. In response the applicant confirmed that the chain-link fence on the northern boundary is already in place, and that the retaining wall is constructed along the south west boundary with the Cross Keys site, which is over 85m from the M20, and all access for maintenance is via the application site and no access to any other site structures will require encroaching on Highways England land.
- Driver distraction: Need for demonstration that vehicles manoeuvring on the site will not dazzle or distract motorists on the M20, as well as demonstration that vehicles will not represent a risk to HE assets or M20 traffic. Details of boundary treatment suitable to screen the site from the M20 and of boundary restraint details should be provided. In response, the applicant provided a Highway Visual Impact Assessment report demonstrating that no dazzling or distraction will be caused to users of the M20 by onsite operations, to the satisfaction of Highways England.
- Drainage: Clarifications demonstrating that the proposed drainage will be sufficient to prevent any surface run-off, and confirmation that there will not be any surface water draining into Highways England drainage systems. A condition to this effect is required to be attached to any permission. The site drains east to west and north to south and so there is a risk of surface waters flowing towards the M20 and must be intercepted to avoid risk of undermining the embankment. In response the applicant provided a Flood Risk Assessment and Drainage Strategy and confirmed that the site will have its own drainage arrangements and will not drain to the Highways England system. HE requested that a standard condition be applied to any permission requiring no water run-off into the highway drainage systems, and connections made to those systems.
- Recycled aggregate: There is no indication of the height of spoil or stockpiles. Details of working methods to demonstrate that there is no risk to SRN assets or highway safety due to materials (dust/debris) blowing onto the SRN. In response the applicant confirmed that stockpiles would be kept 0.5m below the height of the retaining wall and that operations will be undertaken in accordance with the Dust Emissions Management Plan submitted with the application. It also highlighted that the site operations would be subject to an Environment Agency Environmental Permit. These measures satisfied Highways England subject to a condition requiring implementation of the Dust Emissions Management Plan. HE requested these restrictions be applied through condition.

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- Signage: Confirmation required on whether any signage are to be provided within a distance less than 1.5x the overall height of any structure. In response the applicant confirmed that no advertisement signage is proposed.
 - On-site lighting: Further information to demonstrate there will be no dazzling of motorists on the M20, and structural drawings of lighting columns that are proximate to the M20 (within 1.5x the height of the column, so 18m). In response the applicant referred to the light spill diagram, and provided details of the fittings and installation of the lighting columns including a sectional drawing and confirmation that this had been to the manufacturers' standards with a root-mounted base driven 2m below ground level, and that light spill shields had been fitted. They also confirmed that all lighting was already in situ, and that the lighting column closest to the M20 is 12m from the carriageway. Highways England confirmed it was content that the structures, foundations and lighting heads are acceptable.
30. **Natural England - No objection** - it considered that the proposed development will not have likely significant effects on the Folkestone to Etchinghill Escarpment Special Area of Conservation (SAC). Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the Folkestone to Etchinghill Escarpment Site of Special Scientific Interest (SSSI) has been notified and has no objection.
31. **Kent County Council Ecological Advice Service** - the proposed development has limited potential to result in ecological impacts due to the current industrial use of the site and lack of ecological features/habitats on site.
32. **Kent County Council Public Rights of Way Team (East) - no objection**.
33. **Folkestone & Hythe District Council - no objection** subject to taking its comments into consideration:
- The site is an existing employment site protected for business purposes under Places and Policies Local Plan policy E2 for B1 and B8 uses, yet the proposed use would be likely to fall within use class B2. There is extensive history of the site being used as a concrete batching plant, which would be a B2 use. Consequently, as the use already falls outside of the protected use, this issue has fallen by the wayside.
 - The principle of locating the use here is, therefore, supported by KMWLP Policy CSM8 subject to the criteria it lists. In this respect, the key considerations would be with regard to mitigation of noise, dust, vibration and vehicular movements (the routing & volume of these), and how they would impact upon existing surrounding land uses and those emerging, such as in reference to Y16/0403/SH for 77 dwellings at Land rear of Church & Dwight, Caesar Way. The findings of the submitted reports and the recommendations within these should be secured via condition. The Environmental Health team have also suggested that hours of operation reflect those of surrounding businesses.
 - In reference to vehicle routing, the Transport Statement identifies that vehicles over 7.5 tonnes are not permitted on Tile Kiln Way at weekends, but will instead use Ashley Avenue after entering via Cheriton. As Ashley Avenue runs through a residential area with many traffic control measures, this is unacceptable and alternative options should be explored.

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- As regards visual impact, the site is an industrial one amongst other industrial buildings and the proposal would not result in a negative visual impact relative to the existing appearance. However, there should be some restriction upon the maximum height of imported material awaiting processing.
34. **Kent County Council's Lighting consultants (Amey)** reviewed the Lighting Plan, Design & Access Statement and Site Plan accompanying the application. It advised that further details are required in order to determine Light Intrusion and Sky Glow, including manufacturers data sheet of proposed floodlight to confirm luminaire details (types, number, dimensions, weight, lamp output and finish) and details of any cowls/hoods/shades/baffles and compliance of Upward Light Ratio <5%. Due to proximity of nearby properties to the east and motorway to the north it is recommended that light shields and/or baffles are to be fitted to the floodlights to the east and north of the facility. This would reduce the glare into neighbouring properties and the possible effect of disability glare from the installation for motorists using the nearby M20. The applicant provided details and confirmed that the lighting has been installed to the manufacturers specifications which satisfied Amey's requests.
35. **Kent County Council's Air Quality consultants (Amey)** reviewed the Design & Access Statement, Noise & Vibration Assessment and Transport Statement, Dust and Noise Management Plan accompanying the application. It noted that the site is not within an Air Quality Management Area (AQMA) and the number of and change in predicted HGV movements falls below the threshold set out in IAQM guidance at which further assessment would be required. It is satisfied that the mitigation measures committed to in the Dust Management Plan including damping, minimising drop heights, sheeting and monitoring will minimise risk to neighbouring receptors and if implemented any residual impact would not be significant. Due to the nature of the materials to be handled on site, odour does not require further assessment.
36. **Kent County Council's Noise consultants (Amey)** reviewed the Design & Access Statement, Noise & Vibration Assessment and Transport Statement accompanying the application. It was satisfied that the assessment was carried out with reference to the appropriate guidance and are confident that the predicted levels of noise from the recycling operations are correctly derived. It agreed with the conclusion to the assessment that noise from the site will have a "low impact" and is therefore considered acceptable. It recommended a condition restricting the use of the crusher and screener to between the hours of 0700 and 1800 and the submission of a noise management plan.
37. **Folkestone Town Council** strongly **objects** to such a potentially dirty and heavy traffic-creating proposal, complaining about the lack of details and consultation. It should be noted that the consultation letter included a link to the Kent County Council planning applications website where all documentation associated with the application providing the required details are available].

Local Members

38. The local County Member for Folkestone West, Mr David Monk, and adjoining Member for Cheriton, Sandgate & Hythe East, Mr Rory Love were notified of the application on 26 October 2020. No views have been received.

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Publicity

39. The application was publicised by the posting of a site notice, and an advertisement in a local newspaper (Folkestone & Hythe Express, 4th November 2020).

Representations

40. No additional representations were received in response to the publicity of the application described above.

Discussion

41. The proposed development is a Recycled Aggregate Production Facility with associated hardstanding and storage, gatehouse and site office, security gates and lighting, fencing, drainage, and parking.
42. The application is similar to that previously submitted and withdrawn for a recycled aggregates facility as well as a concrete batching plant on the site in 2019 (reference FH/0044/2019).
43. I consider that the application is part-retrospective, as there are a number of structures already present on site including portacabins and workshop area, retaining walls along the south west boundary, security fencing and gate, lighting columns, and there are aggregates stored on the site. The site has a long history of use for concrete batching and so receipt of aggregates and export of concrete.
44. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 16-23 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, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
45. KMWLP Policies CSW1 and CSM1 and the NPPF reflect Sustainable Development objectives and provide for applications for mineral or waste development that accord with the development plan to be approved without delay, unless material considerations indicate otherwise.
46. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:
- Policy & need
 - Locational considerations including flood risk and drainage, ecology, and impact upon neighbouring Business Park
 - Highways and access
 - Air emissions including dust
 - Noise
 - Landscape and Visual Impact (including lighting)

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Policy/need

47. KMWLP Policy CSW4 (Strategy for Waste Management Capacity) sets out the strategy to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent, with some additional non-hazardous waste from London, and achieve targets for recycling and other recovery, although these targets do not specifically include inert construction and demolition (C&D) waste.
48. The updated Waste Needs Assessment for Construction Demolition and Excavation (CDE) Waste (2017), produced to support the Early Partial Review of the KMWLP, suggests appropriate targets to apply to the hard inert fraction of CDE waste (for production of recycled aggregate) would rise from 48% in 2021 to 56% in 2031.
49. KMWLP Policy CSM8 (Secondary and Recycled Aggregates) provides for maintenance of processing capacity to allow the production of at least 2.7 million tonnes per annum of recycled and secondary aggregates throughout the plan period. It states that the Minerals Sites Plan will identify sites to deliver this, with the supporting text clarifying that this includes provision to compensate for loss of capacity located on temporary sites. However, the adopted Minerals Sites Plan (September 2020) does not identify any sites for production of recycled aggregates. Applications for such facilities will be considered against the policies in the Plan.
50. The supporting text to Policy CSM8 identifies that current consented capacity for secondary and recycled aggregates processing exceeds 2.7mtpa (of which 0.63mtpa is temporary) which exceeds estimated arisings of construction, demolition and excavation waste in Kent of 2.6mtpa. The Waste Needs Assessment (2017) identifies that the requirement for inert waste recycling (production of recycled aggregates) would be 1.2mtpa in 2021 rising to 1.4mtpa in 2031, against capacity of between 2.07 and 2.7mtpa.
51. The 13th Annual Minerals and Waste Monitoring Report (May 2020) also indicates that sales of secondary and recycled aggregates in Kent have only exceeded 1mtpa in two years (2009 and 2016) in the preceding decade (2009-2018), with the ten-year average of sales being 0.816mtpa, indicating that capacity exceeds supply. The latest Kent Local Aggregates Assessment data (November 2020 'dashboard') indicates that 2018 sales of recycled aggregates were slightly below the 10 year average at 0.757mt, while the 3 year average of 0.897mt indicates overall trend of growth. So, on the face of it there is no clear need for additional capacity.
52. The applicant has not provided evidence to demonstrate the need for additional recycling capacity at this location, nor details regarding the need for or market to be served by concrete mixed at the proposed concrete batching plant.
53. However, KMWLP policy CSM8 does not preclude new increased capacity being permitted where sufficient capacity already exists. The Policy is positively worded to permit additional capacity for secondary and recycled aggregate production that meet the locational criteria, addressed in the following section of this report.
54. Increasing capacity for recycling of the hard fraction of CDE waste would, in principle, help to reduce the need for disposal or other recovery of this material and move management of this waste up the waste hierarchy, in accordance with KMWLP Policy

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CSW2 (Waste Hierarchy) and the National Planning Policy for Waste (NPPW), although no evidence has been provided by the applicant to demonstrate that waste to be treated at this site is not currently being recycled and is being disposed of. It would also be consistent with the NPPF that requires that planning policies should as far as practicable take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to supply of materials.

55. The NPPW explains that when determining planning applications, waste planning authorities should only expect applicant's to demonstrate the quantitative need for new waste management facilities where proposals are not consistent with an up-to-date Local Plan.
56. Given that there is no requirement in KMWLP policy or national planning policy to demonstrate need for additional capacity, and KMWLP policy is enabling of new capacity, I consider that the proposal would be in accordance with KMWLP Policies CSM8, CSW2 and CSW4, through contributing to and maintaining provision of capacity for production of recycled aggregate and move waste management up the waste hierarchy.
57. I consider the location and potential effects on amenity and the environment below, together with the consistency with the development plan as a whole.

Locational Considerations

58. The Site is not allocated for minerals or waste use in the KMWLP (which only allocates one 'Strategic Site for Waste'), and the Minerals Sites Plan does not allocate sites for CDE waste recycling or production of recycled aggregates. As a result of the KMWLP Early Partial review a Waste Sites Plan is not being progressed.
59. KMWLP Policy CSM8 states that proposals for additional capacity for secondary and recycled aggregate production will be permitted if they:
 - are well-located in relation to source of waste or output of materials;
 - have good transport links;
 - accord with other development plan policies; and
 - should be on a range of types of sites including industrial estates (clause 4) where proposals are compatible with other development plan policies including those relating to employment and regeneration.
60. Policy CSW6 (Location of Built Waste Management Facilities) sets out a range of criteria against which proposals will be considered, and for proposals to be permitted where the criteria are satisfied and it is demonstrated that the proposal will deal with waste further up the waste hierarchy or replace capacity lost elsewhere, and will not result in adverse impacts on communities or the environment as a whole, on land including that within industrial estates (clause 3) and other previously developed land not allocated for another use (clause 4).
61. The supporting text to Policy CSW6 also identifies the benefits of locating waste uses in industrial estates, using previously developed land that is likely to be proximate to waste arisings.
62. The majority of the site will not be a 'built facility' as the processing of CDE waste will be in the open through a mobile crusher, but I have considered the proposal against

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these as they are a useful guide to the general suitability of locations for waste management use and the policy is taken as being intended to apply to 'non-landfill' waste developments.

Landscape and Ecology

63. The site is not within or proximate to any areas designated for landscape or wildlife interest (clauses a and b), the edge of the closest Site of Special Scientific Interest (Folkestone to Etchinghill Escarpment SSSI) lying approximately 350m to the north east of the site, and Natural England has confirmed that development would not have significant adverse effects on designated sites including the SAC, given the context and distance of the site from the SSSI/SAC and the measures proposed to manage and mitigate dust emissions on site. There are no trees or vegetation on site and as previously developed land with some existing activity occurring, the development would not adversely affect any protected habitats. The proposed development is therefore in accordance with KMWLP Policy CSW6 (clauses a and b) and Policy DM2, and with Policy NE2 of the Folkestone & Hythe Places and Policies Local Plan. It is also consistent with the NPPF .
64. The site is well located in relation to Kent's Arterial Routes (KMWLP Policy CSW6 clause c), being very close and easily accessible to the M20. I consider highways and access elsewhere in this report.

Flood Risk and Drainage

65. The site is within Flood Zone 1 with a low probability of fluvial flooding, but is considered to be at high risk of pluvial (surface water) flooding. It is within a Groundwater Source Protection Zone 1, which Policy CSW6 (clause e) requires developments to avoid, and Policy DM10 (Water Environment) provides for permission to be granted where this does not have an unacceptable impact. Policy CC3 of the Folkestone & Hythe Places & Policies Local Plan requires consideration of sustainable drainage systems including that all run-off receives appropriate treatment (clause 7) and all hard surfaces to be permeable where practicable (clause 10).
66. The Flood Risk Assessment and Drainage Strategy submitted in support of the application proposes that foul water, and surface water arising from the roofs of the proposed buildings, discharges to the existing public combined sewer in Caesar's Way. The Assessment identifies that there is no formal drainage system at the site and existing hardstanding areas pond or drain to the nearby Pent Stream.
67. The Drainage Strategy is for the majority of the site to remain as hardstanding, including existing impermeable concrete in the centre of the site and permeable unbound surface in the east of the site, with new areas (in the south west of the site) comprising permeable unbound MOT Type 3 hardcore on a geotextile layer to capture silt. Around half of the site currently has an impermeable surface, and the proposed development will increase this by 156m² through introducing the new office building (a 1.5% increase in the impermeable area).
68. The Drainage Strategy considers sustainable drainage options for managing surface water but discounts most of these due to the character of the site, but incorporates permeable surfacing, and an attenuation tank to restrict discharge from the new

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surface area created by the roof of the proposed office building. Gullies may also be required to drain water used in dust suppression, with suitable traps to prevent ingress of silt to the downstream sewer.

69. The Flood Risk Assessment acknowledges that parts of the site are at a high risk of pluvial (rainwater/surface) flooding (>3.3%), but concludes that recycled aggregates production and storage is itself a low risk use as long as resilience measures are adopted including fixing containers to prevent flotation, and ensuring fixtures and fittings are high level.
70. The application is supported by an Environmental Risk Assessment (that was prepared for the previous application for the site that was withdrawn, but re-submitted in support of this application (in December 2020) which concludes that:
- The on-site environmental risks to the site occupants and other on-site receptors were low;
 - The environmental risks to surface water and ecological systems were considered low;
 - The risk from off-site sources via airborne dust and ground gases was considered low;
 - The risk to controlled waters from on-site contamination from rainfall runoff was considered low. The site was close to a surface water ditch but runoff will be controlled. The site does not overlie an aquifer and the risk to groundwater was considered low;
 - The site was not classified as at risk from flooding from rivers and seas.
71. The Environment Agency has no objection, subject to foul drainage being discharged to a combined sewer, and recommends that conditions are attached to a permission to ensure that the proposed development does not contribute to surface and groundwater pollution. Likewise Kent County Council Flood and Water Management (Lead Local Flood Authority) recommends conditions requiring submission, approval, and verification of implementation of a detailed surface drainage scheme based on the submitted documents prior to commencement of the development. I propose suitable conditions but note that as the application is part-retrospective, pre-commencement conditions are not suitable and so propose that discharge is required within a set time period from any planning permission being granted.
72. Highways England raised concerns over drainage and potential effects on its estate and the M20 to the north. The site has been in a similar use to that proposed or has been in the same condition for many years without issues arising from the existing surface water drainage. The proposed development does not involve an increase in impermeable hardstanding but does introduce a small additional area of impermeable surface on the roof of the office. The proposed Drainage Strategy would ensure that the small increase in the impermeable surface on the site would be addressed satisfactorily, and take into account the potential effects of climate change in terms of increased amount and intensity of rainfall events. In order to ensure implementation of the Drainage Strategy, I recommend that a condition is attached to a planning permission to that effect. I also consider that even though parts of the site are at high risk from pluvial flooding, the proposed use would be low risk and the proposed resilience measures would be effective in mitigating this risk.

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73. With regard to groundwater protection, the proposed use is considered unlikely to result in an increased risk of pollution as no excavation is proposed (apart from where necessary to implement the Drainage Strategy). Having considered the evidence provided by the applicant, and the comments submitted by consultees, I consider that the proposal and location is acceptable in terms of flood risk and drainage, with the implementation of the proposed Drainage Strategy for foul and surface water, and protection of groundwater, and so in accordance with KMWLP Policies CSW6 (clauses b and e) and DM10, and with the NPPF. Use of permeable surfacing and attenuation tank would also comply with Folkestone & Hythe Places and Policies Local Plan Policy CC3.
74. KMWLP Policy CSW6 (clause f) requires that sites are avoided proximate to land where alternative development has permission that may prove incompatible with waste management use. I consider the potential effect on proximate uses in later sections of this report, particularly with regard to potential effects on amenity of existing and permitted uses through potential visual, noise and dust impacts and taking account of the assessments provided in support of the application, consultee representations, and technical advice.

Impact upon Business Park

75. Local Plan policies apply to Shearway Business Park and provide for its continued expansion and delivery of employment space. The Shepway Core Strategy Local Plan (2013) identifies the Business Park as a key part of Folkestone's varied stock of offices and industry. Policies SSI and SS3 prioritise development of previously developed land in the Folkestone & Hythe Urban Area. Policy SS4 of the Core Strategy identifies Priority Centres of Activity as focal points for jobs and services, in which use classes A and B should be located and in which development should not result in a loss of B-class uses. Table 4.4 of the Core Strategy, to which Policy SS4 applies, refers to Major Employment Sites in Folkestone and Hythe (which includes Shearway Business Park) whose purpose is to protect existing and provide further industrial (B-class and similar *sui generis* uses) premises suitable to the needs of businesses and inward investors.
76. The Shepway Places and Policies Local Plan (2020) allocates Shearway Business Park for additional floorspace for B1-B8 uses (Policy E1 New Employment Allocations) and provides for non-business use classes if these add to the attractiveness and function of the employment site and there is full justification for its location. Policy E2 (Existing Employment Sites) protects such sites for B1 and B8 uses, with alternative uses being required to demonstrate that the use does not undermine neighbouring uses or their future development.
77. The emerging Folkestone and Hythe Core Strategy Review (submission draft 2020) also continues to prioritise previously developed land for development in its spatial strategy (Policies SS1 and SS3) where the principle of development is likely to be acceptable where the site is not of high environmental value. Policy SS4 carries forward the principles in Policy SS4 of the adopted Core Strategy directing employment-generating (non-town centre) activities to Major Employment Sites, which include sites in Folkestone and Hythe where existing B class uses are to be protected and further industrial premises provided.

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78. Shearway Business contains a range of businesses and premises, with those to the eastern part of the Park in particular being of commercial character and generally modern and high quality. The uses off Caesars Way are of a more industrial appearance and character (although not necessarily uses) with an area of largely open parking/storage for coaches (Crosskeys Coaches) to the immediate south west of the site.
79. Folkestone & Hythe District Council raises no objection to the proposed development, and in its representation highlighted that the previous use (concrete batching) is a B2 use, and so falls outside of the B1/B8 use provided for in local plan policy, and so the issue 'has fallen by the wayside' i.e. policy restricting use to B1/B8 does not apply. It also confirms its opinion that the use is supported by Policy CSM8 of the KMWLP, but highlights key considerations are mitigation of noise, dust, vibration and vehicular movements (the routing & volume of these), and how they would impact upon existing surrounding land uses and those emerging, such as in reference to Y16/0403/SH for 77 dwellings at Land rear of Church & Dwight, Caesar Way. It recommends that measures to control and mitigate these are secured via conditions. I address the potential impact on amenity in the following sections of this report.
80. Overall, therefore, I consider that the proposed development at this site is compatible with KMWLP and Folkestone & Hythe local planning policies in terms of its location. It is in accordance with Policy CSW6 in terms of being located on previously developed land in an industrial estate location, and complying with the criteria. I also consider that it complies with Policy CSM8 in terms of location, including being on an industrial estate proximate to sources of CDE waste – being within the urban area of Folkestone and with good access to the strategic highways network providing access to material, and markets for products, from the wider area of south-east Kent.
81. While it is within the Shearway Business Park, in which B1-B8 uses are prioritised by local planning policies, the site has a long history of B2 use, including for concrete batching, and the proposed *sui generis* use for aggregate recycling, would be appropriate on this site. The supporting text to Policy SS4 of the Shepway Core Strategy and emerging Core Strategy Review includes *sui generis* uses as appropriate in Major Employment Sites. Folkestone & Hythe District Council, as Local Planning Authority, has no objection to the proposed development recognising that the previous and historic use on the site.
82. The site is also consistent with national policy in terms of the locational criteria set out in Appendix B of NPPW, including avoiding flood risk areas (a), impact on protected landscapes (c), nature conservation (d), historic environment (e), traffic and access (f), and potential land use conflict (l).
83. The suitability in principle also needs to be considered against the potential impacts of the proposed development against KMWLP Policies CSM1, CSW1, CSW6, CSM8 and DM11. The site is proximate to land where other existing and permitted uses are potentially incompatible with waste management (KMWLP Policy CSW6 clause f, and Policy DM11). In particular the proposal has the potential to have impacts through generation of noise, dust, and vehicle movements, on the environment and amenity, particularly of proximate uses on the Business Park and the permitted mixed use development to the south west. The site is not directly overlooked by adjacent buildings, although the uses within these may be sensitive to these impacts. I consider these potential impacts later in this report.

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Highways and Access

- 84. Access to the site is via Caesars Way, a 6.5m wide internal road with streetlighting and footpath on the Business Park, that serves a number of premises (Crosskeys Coaches, units in Centurion Park, Youngs Timber and Builders merchants, Kidz Planet) and terminates at the entrance to the site.
- 85. At its southern end, Caesar's Way bends to the east, and continues into a priority junction with Tile Kiln Lane/Cherry Garden Lane which is of similar character. Approximately 800m to the east, Cherry Garden Lane forms a signalised junction with the A2034 Cherry Garden Avenue, which in turn leads north to the M20 motorway (Junction 13) approximately 1.4km to the east. Ashley Avenue runs west from Caesar's Way to a priority junction with the B2064 Cheriton High Street, leading west to the M20 motorway (Junction 12) approximately 2km from the site. The Transport Statement notes that vehicles over 7.5 tonnes are not permitted on Tile Kiln Lane at weekends, but can use Ashley Avenue to access Caesar's Way at all times. The local access routes are presented in Figure 1 below.
- 86. The main eastern part of Shearway Business Park and the majority of the business premises on the Park are accessed via Shearway Road and Pent Road off Cherry Garden Lane to the east.

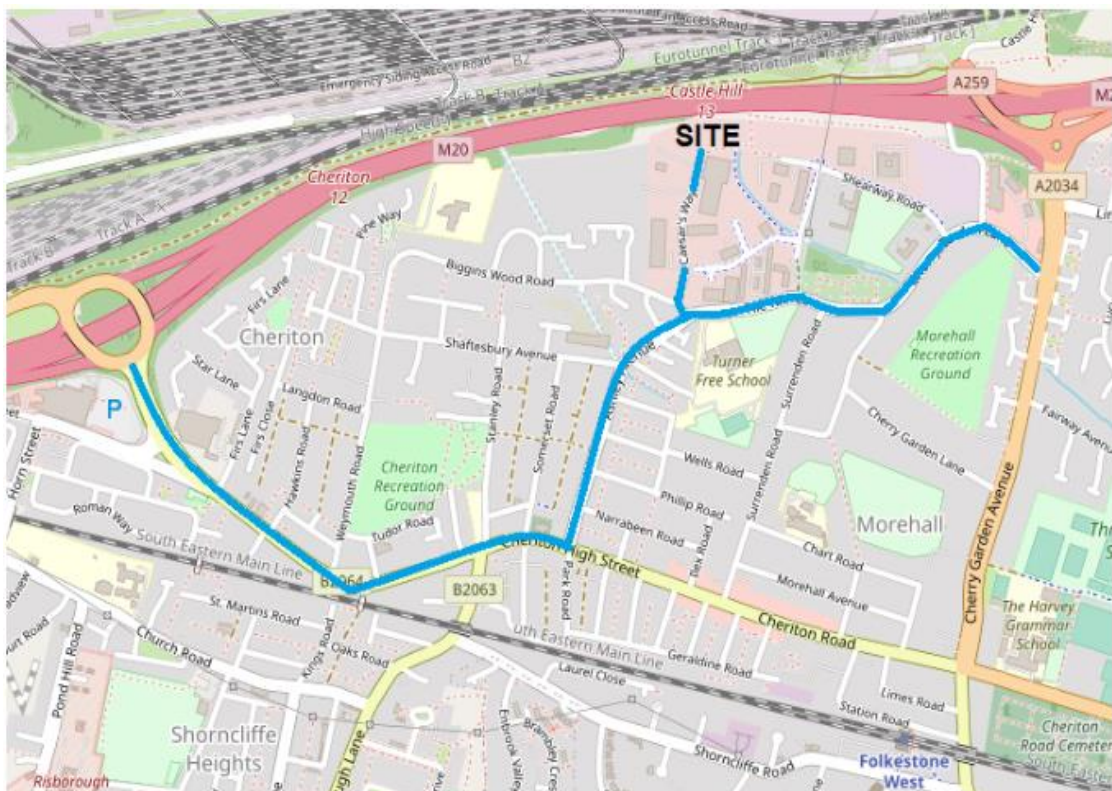


Figure 1 Local access routes to the Site

- 87. Vehicles would bring clean inert waste feedstock from local construction sites to the site. The facility would crush and screen material into product. These products would then be collected from the site for use on construction sites within the Folkestone

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area. The Transport Statement describes the anticipated HGV movements on a typical weekday would be:

- 16x 20-tonne vehicles (16 inbound plus 16 outbound = 32 movements/day) = 320t/day
- 8x 7.5-tonne vehicles (8 inbound plus 8 outbound = 16 movements/day) = 60t/day
- TOTAL 48 two-way HGV movements per day = 380t/day

88. The Transport Statement submitted with the application explains that some backloading (so vehicles delivering waste for recycling then carrying recycled material away) would occur and these movements would represent a 'worst case' for a throughput of 75,000 tonnes per annum. This translates into four two-way HGV movements (two each way) per hour throughout a weekday. The Transport Statement concludes that the change of use of the site would not result in any significant traffic impacts on the local highway network.
89. Highways England queried the predicted HGV movements and the likely mix of vehicles. In response the applicant confirmed that its fleet comprises 1x 20 tonne grab lorry, 2x 20 tonne tippers and 1x 7.5 tonne lorry, plus 2 pickups and a van used for site visits, which appears to support its predictions. Highways England also raised other concerns about the potential effect of the proposed development on the M20 and its estate, which I deal with elsewhere in this report.
90. Based on the information provided by the applicant, a simple calculation of total input per day of 380 tonnes, multiplied by 200 working days, equals 76,000 tonnes per year, and so the predicted daily HGV movements appears to be reasonable. In addition, with 12 staff, it would be expected that there would be an additional 10 car movements at the beginning and end of each working day, plus a small number of movements associated with the use of the pickup and van for site visits.
91. KMWLP Policy DM13 requires proposals for minerals and waste development to demonstrate that emissions associated with road transport are minimised, and where road transport is required that: (1) they demonstrate that access arrangements are safe and appropriate and traffic is not detrimental to road safety; (2) that the highway network can accommodate traffic flows, that traffic doesn't have an adverse effect on the environment or community; and (3) emission reduction measures are taken including scheduling movements to avoid peak hours, particularly in Air Quality Management Areas.
92. The access to the site via Caesar's Way is separate to the rest of the business park to the east which is accessed via Shearway Road and Pent Road. However, the permitted mixed-use development (reference Y13/0024/SH and associated applications for details pursuant to the outline permission) will be serviced by a new access off Caesars Way to the south of the Cross Keys Coaches site, and so traffic associated with the proposed development would be in addition to that likely to be generated by the mixed use development to the west.
93. Kent County Council Highways & Transportation did not object or raise concerns about vehicle movements or highways safety, but sought confirmation that parking bays are of the required dimensions and detailed on plans, together with bicycle storage. The applicant provided these details to the satisfaction of the authority.

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This also complies with Policies T2 and T4 of the Folkestone & Hythe Places and Policies Local Plan.

94. Folkestone & Hythe District Council raised concerns regarding vehicle routing, noting that vehicles over 7.5 tonnes are not permitted on Tile Kiln Way at weekends, but it is proposed that they will instead use Ashley Avenue after entering via Cheriton. As Ashley Avenue runs through a residential area with many traffic control measures, it considers this to be unacceptable and alternative options should be explored, although does not suggest what these might be. Alternative options would appear to be limited given the location of the site, the two main routes available, and the lack of restrictions on Ashley Avenue which would be used for a proportion of deliveries on weekdays. However, restricting deliveries and exports on Saturday mornings to 7.5 tonne tipper trucks (as referred to in the Transport Statement and confirmed by the applicant) would enable Tile Kiln Lane to be used on Saturdays, when it may be expected that demand for deliveries and exports would be likely to be lower, and so protect the amenity of residents on Ashley Avenue. I recommend that a condition to this effect is attached to permission for the development.
95. With regards to impacts on highway safety, the NPPF (paragraph 109) states that development should only be 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.
96. Given the low number of vehicle movements, and the lack of objection from KCC Highways & Transportation and Highways England on highway safety and capacity grounds, I consider that the proposed access arrangements are safe and appropriate, and that the highway network is able to accommodate these traffic flows. In addition, the low number of movements would not have an unacceptable adverse impact on the environment or local community, and the potential impacts on highway safety would not be unacceptable, and residual impacts on the road network would not be severe.
97. Therefore, I consider that the proposed development would be in accordance with KMWLP Policy DM13 and consistent with the locational criteria of KMWLP Policy CSM8 and Policy CSW6 (clause c – well located in relation to arterial routes), and KMWLP Policy DM11 in terms of unacceptable adverse impacts on road safety or congestion from traffic. It would also be consistent with national planning policy (NPPW) and the locational criterion (f) regarding suitability of the road network.

Air emissions/dust

98. KMWLP Policy DM11 provides for minerals and waste development where it is demonstrated that there are unlikely to be unacceptable adverse impacts from dust and emissions to air.
99. The proposed development has the potential to generate dust through vehicle and machinery movements disturbing surfaces, and through material handling, unloading of C&D waste and loading of recycled aggregates, and operation of the crusher and screener machinery. The supporting text to KMWLP Policy CSM8 (para 5.8.3), but not the policy itself, states that the presumption is that processing activities will be contained within a covered building or similar structure, to avoid adverse amenity impacts. The proposed development is predominantly open-air, but given its location

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and context, and the demonstrable lack of adverse impacts on amenity (with suitable mitigation measures) as described below, I do not consider it necessary to seek enclosure within a building. This type of activity (construction and demolition waste recycling) is typically an open-air activity, requiring extensive areas on which to process and store materials.

100. Nearby uses may be sensitive receptors to dust, including neighbouring buildings on Shearway Business Park and off Caesar's Way, and also the M20 to the north and potentially the SSSI and SAC to the north and north east of the site, particularly given these would be downwind of the prevailing wind direction.
101. A Dust & Noise Management Plan accompanies the application, which sets out measures proposed to be implemented to reduce and mitigate dust arising and causing nuisance. It sets out measures to eliminate, mitigate and manage dust arising from the site operations of crushing, screening and material handling as well as movement of plant and associated disturbance of surfaces. Measures include damping down stockpiles and surfaces, limiting vehicle and plant speeds, minimising drop heights when loading vehicles or machinery, sheeting of loads, and maintaining on-board dust suppression equipment on the crusher and screens. In addition, the first 40 metres from the crossover with Caesar's Way at the site entrance is hard surfaced to reduce spread of mud and dust beyond the site.
102. In addition, the applicant provided a more detailed Dust Emissions Management Plan that was prepared to support their application for a bespoke Environmental Permit from the Environment Agency. I note that the NPPF (para 183) makes it clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than control of processes or emissions where these are subject to separate pollution control regimes, and that planning should assume these operate effectively.
103. Kent County Council's technical advisor (Amey) is satisfied that dust mitigation measures highlighted in the Dust and Noise Management Plan will minimise the risk of impact to neighbouring receptors and provided the outlined mitigation measures are implemented on site, any residual impact will be not significant. Taking this into account, I consider that the Dust & Noise Management Plan identifies the key areas of risk and the measures that should be taken to avoid and mitigate generation of dust and associated potential adverse effects on communities (including proximate uses) or the environment. In addition, the site would operate within the requirements of an Environmental Permit including dust management and mitigation measures.
104. I recommend that operation in accordance with, and implementation of, the Dust Management Plan is conditioned, together with control over the height of stockpiles of material within the storage bays, to ensure the proposed development is in accordance with KMWLP Policy CSM8, Policy CSW6, and Policy DM11. It would also be consistent with national planning policy (NPPW) locational criterion (g) in that potential adverse dust emissions can be controlled through use of appropriate and well-maintained equipment and vehicles.

Noise

105. KMWLP Policy DM11 provides for minerals and waste development where it is demonstrated that there are unlikely to be unacceptable adverse impacts from noise and vibration.

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106. The concrete crushing and aggregates recycling activity has the potential to generate noise, through the processing of material and the import, unloading and loading, movement of HGVs and machinery on site. The site is in a predominantly commercial setting adjacent to the M20, but there are proximate existing uses that may be sensitive to noise, including the businesses on Shearway Business Park, existing uses off Caesar's Way and the permitted mixed-use development to the west of the site, and existing residential properties – the closest being those on Elventon Close approximately 160m to the south west of the site boundary.
107. An Acoustic Assessment, undertaken by Able Acoustics on behalf of the applicant, accompanied the application. The Assessment provides a detailed assessment of the acoustic impact from the proposed recycling operations and includes baseline noise monitoring, operational noise assessment and vibration impact. The assessment follows guidance in BS4142:2014 and has also taken into account IEMA guidelines to support the assessment.
108. Baseline noise monitoring carried out on the site indicated a representative weekday daytime background level of 65dB $L_{A90,T}$ and 62dB $L_{A90,T}$ on a Saturday, and residual sound levels 68dB $L_{Aeq,T}$ on weekdays and 66dB $L_{Aeq,T}$ on Saturdays. These levels are heavily influenced by the presence of the nearby M20 motorway.
109. Attended measurements were made of the crusher and screener when operating, which were averaged and used to determine a value for use in the calculations. Other values from plant not on site (dump trucks and tipper lorries) were drawn from BS5228.
110. The Assessment uses a sample residential location (Plot 7) within the permitted mixed-use development to the west of the site (reference Y16/0403/SH and Y17/0888/SH) which is around 225 metres distance from the proposed location of the largest item of plant – the crusher. Kent County Council's technical advisor (Amey) supports the decision to use Plot 7 (as the closest potential receptor) as it provides for a robust assessment.
111. The Assessment indicates a weekday rating level of 51dB $L_{Aeq,1hour}$ for the plot 7 location (first floor) which, when compared with the background level of 65dB L_{A90} , shows a difference of -14dB. The results for Saturdays show a difference of -11dB. Both weekday and Saturday results provide an indication that the proposed operations are of a 'low' impact. The Assessment also provided detailed supplementary information on the context and the potential impact of uncertainty. Both these two factors maintain and are consistent with the overall view that the impact would be low. The dominant road noise also reduces the likelihood of an adverse effect.
112. Predictions for the nearest commercial premises (Shearway Business Park – a warehouse-type building with no windows overlooking the site) show external level of 68.7dB $L_{Aeq,1hr}$, just over 2dB above the ambient level at that location, which the Assessment identifies as representing a level of noise change of 2.4dB, which falls within the category of 'none/not significant'. Amey noted that no details of the sound reduction the building provides were given, but it would estimate the internal noise levels to be no greater than 50dB and acceptable for a commercial building.

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113. A simple vibration assessment was undertaken based on measured data obtained from a crusher and screener and extrapolated to represent the assessment location. Results show predicted Peak Particle Velocity (PPV) levels of 0.79 mm/s, significantly below the 15 mm/s level considered to be the onset of cosmetic damage.
114. Overall, the assessment concludes that there are no reasons, on both noise and vibration grounds, why the permission may not be granted, based on:
- Sound from the proposed operation will result in no more than a “Low Impact” at the nearest proposed residential premises for both weekday and Saturday working.
 - The predicted level of noise change at the closest industrial/commercial building falls into the category of “None/Not Significant”.
 - The highest vibration dose value in any axis falls below the range for “Low Probability of Adverse Comment” and adverse comment is not expected.
 - The maximum calculated PPV level was 0.79 mm/s. This is significantly below the limit of 15 mm/s for the onset of cosmetic damage.
115. Kent County Council’s technical advisor (Amey) reviewed the assessment and confirmed that the assessment has been carried out appropriately, that the predicted levels of noise from the recycling operations are correctly derived, and that the conclusion to the assessment that noise from the site will have a “low impact” and is therefore considered acceptable, is correct.
116. Based on the Acoustic Assessment and taking into account technical advice received, I consider that the proposed development would not generate unacceptable adverse impacts from noise or vibration and so would be in accordance with KMWLP Policy DM11. It would also be consistent with national planning policy (NPPW) locational criterion (j) in that potential adverse effects of noise and vibration on receptors can be avoided.

Other issues

Landscape and Visual Impact (including lighting)

117. The site is on the edge of the Folkestone settlement boundary and adjacent to the M20 to the north, with open storage use (Crosskeys Coaches) to the immediate south west and Shearway Business Park to the east.
118. The site has a long history of use for concrete batching and brick making, is largely flat and open, although there are currently a number existing structures (including portacabins and containers) and it is currently used for storage of construction materials and machinery. There are a number of existing lighting columns on the site.
119. It is at the end of Caesar’s Way and is not overlooked by any properties apart from the portacabins on the Crosskeys Coaches site (adjacent to the area of the site proposed for the storage of aggregates). There are mature trees along the northern boundary where the site is adjacent to the M20, as well as a dense area of woodland beyond the north west boundary which is to be retained as part of the permitted mixed use development (ref.Y13/0024/SH).

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120. In terms of visual impact, the proposed development does not include prominent structures as it comprises stockpiles of aggregates, mobile machinery and a limited number of new portacabin-type structures - the proposed office (drawing PL12 P1) and gatehouse (drawing PL12 P1), although it does include 12m high lighting columns (already installed). The properties on the Business Park backing onto Caesar's Way do not have views over the site or the entrance.
121. There are views into the site from the west-bound corridor of the M20, but these are intermittent through gaps in vegetation, and these are in the context of an area of commercial and industrial uses with an overall industrial character. The site can be viewed from the adjacent footpath that runs along its southern boundary, but Kent County Council Public Rights of Way team raised no objection to the proposed development. Therefore, I consider that the proposed development would be in accordance with Policy CSW6 (clause h) and would not adversely affect the PRow and so would be in accordance with KMWLP Policy DM14.
122. Folkestone & Hythe District Council in its representation, notes that the site is an industrial one amongst other industrial buildings and that the proposal would not result in a negative visual impact relative to the existing appearance. However, it recommends that there be some restriction upon the maximum height of imported material awaiting processing.
123. The site lies approximately 220 metres south of the boundary of the Kent Downs Area of Outstanding Natural Beauty (AONB) and so potentially within its setting. No landscape and visual impact assessment was provided with the application. However, given the character of the proposed development, the character of the site and its historic and current use, and the locational context in an existing industrial area to the south of the M20 and the Channel Tunnel rail terminal, as well as the absence of any objections on landscape grounds, I consider that the proposed development would not affect views from within or towards the AONB, and not affect the conservation or enhancement of the natural beauty of the AONB. The proposed development is therefore in accordance with KMWLP Policies CSW6 (clauses a) and DM2, and with Policy NE3 of the Folkestone & Hythe Places and Policies Local Plan.
124. The M20 lies to the immediate north of the site, and Highways England has raised a number of concerns about the potential impact of dazzling due to vehicle manoeuvring at the site boundary. A Highway Visual Impact Assessment was submitted by the applicant in December 2020 in response to the concerns raised by Highways England. This demonstrates that the M20 is 3 metres above the site at its northern boundary and, through use of photographs of vehicles (a 20 tonne lorry) manoeuvring on the site taken at night in November 2020 from the M20 verge, demonstrates that these would be unlikely to dazzle or distract drivers on the west-bound carriageway. Highways England was provided with this Assessment and confirmed that dazzling was unlikely to occur but did seek further details of site boundary treatment and restraint. The site has an existing 2.2m high chain-link fencing on its northern boundary, and given the elevation of the motorway and evidence provided in the Highway Visual Impact Assessment, I conclude that operation of the site would not result in dazzling or distraction of drivers on the M20.
125. In addition Highways England raised concerns over the on-site lighting and potential for glare and dazzling of drivers on the M20. A Lighting Plan indicating horizontal illuminance levels ('light spill') was provided in support of the application and

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indicates some light affecting the M20. The applicant also provided details of the lighting installed, including light spill cowls fitted. It should be noted that this stretch of the motorway is well lit by its own overhead lighting, and it is not unusual for industrial sites, and other uses, adjacent to trunk roads to have security and floodlighting, and so I consider it unlikely that motorists would be dazzled or distracted by the lighting on the site as the amount of light spill is low and being able to see such lighting would not be unusual. The lighting column closest to the M20 is within 12m of the carriageway, which is closer than the 18m recommended by Highways England. Given Highways England's view that the installation and structure of the lighting is acceptable and includes a 2m deep foundation, it is reasonable to conclude that the risk of interference with the M20 is low.

126. I have considered the suitability of the location previously, and given the nature of the site, the character of proposed development in terms of the limited bulk of permanent structures (the modular office and gatehouse), the site's industrial context and history, and the limited visibility into the site, I consider that the visual intrusion (effects) resulting from the proposed development would not result in an unacceptable adverse impact. Therefore, it would be in accordance with KMWLP Policy DM11 and also be consistent with national planning policy (NPPW) locational criterion (c) in that the development would not affect a protected landscape and is acceptable given the locational context (discussed earlier in this report).

Conclusion

127. The application is for development of a concrete (construction & demolition waste) recycling facility including use of mobile crushing and screening machinery, and associated hardstanding and storage of materials, vehicles and machinery, gatehouse and site office, security gates and fencing.
128. The facility would recycle construction, demolition and excavation waste with an annual throughput of around 75,000 tonnes (input plus output). This would generate up to 24 HGV movements each way, assuming the proposed mix of vehicle sizes reflecting the applicant's own fleet, with additional car journeys as staff arrive and depart, or undertake site visits. The hours of working would be 07.00-19.00 Monday-Friday and 07.00-14.00 on Saturdays.
129. The site has a long history of minerals and industrial use, and is currently in use for aggregates processing and storage with a number of modular buildings, containers on site. Therefore, the application is part-retrospective.
130. The development plan and national planning policy and guidance support waste and minerals development on previously-developed land and sites including industrial estates. The location, within an industrial estate on previously-developed land at the edge of the urban area of Folkestone, with good access to the primary and strategic road networks, also receives policy support. Therefore, I consider that in principle the location is suitable for the type and scale of development proposed.
131. A number of existing businesses are accessed via Caesar's Way, and the permitted mixed use development to the west of the site will also be accessed off Caesar's Way. Given the historic use of the site, the low number of additional movements (HGVs and cars) that would result from the proposed development, and the absence of objections from Kent County Council Highways & Transportation, Folkestone &

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Hythe DC, and Highways England on highway safety or impacts on the road network, I consider that the highway network is able to accommodate the traffic flows and access is safe and appropriate to the scale of movements, but recommend that a condition requiring a Travel Plan to be prepared and approved to reduce movements during peak hours reflecting the advice of Highways England.

132. Folkestone & Hythe DC raises concerns over the access to the site via the residential Ashley Avenue on Saturdays (due to the weight restriction applying to Tile Kiln Lane) and have asked for alternatives to be explored. This unrestricted route to the site will also be used on weekdays for a proportion of deliveries and HGV movements on a Saturday generally will be lower than weekdays. Conditioning HGV movements to the 7.5 tonne truck on Saturdays would enable Tile Kiln Lane to be used on Saturdays, and so protecting amenity of residents on Ashley Avenue on Saturdays, as well as those on Tile Kiln Lane.
133. The proposed development has the potential to adversely affect amenity of existing and future occupiers of proximate properties through generation of noise, vibration and dust. The assessments undertaken in support of the application demonstrate that noise and vibration would have no more than a 'low' impact on the nearest existing or permitted residential properties, and no or not significant impacts on the nearest industrial/commercial properties. Dust generation and potential emissions would be controlled adequately through implementation of the submitted Dust Management Plan and through the Environmental Permit that the applicant has applied to the Environment Agency for. Subject to conditions that are reflected in the recommendation below, the technical consultees are content that the application would be acceptable and raise no objections.
134. The applicant satisfactorily addressed the various concerns over other details of the development (potential effects on the M20, lighting, drainage arrangements) raised by consultees, which demonstrated to my satisfaction and that of the consultees that the proposed development would be acceptable and in accordance with development plan policies, subject to conditions being applied to planning permission
135. Having considered the evidence submitted with the application and additional information provided by the applicant during my consideration of the application, and the recommendations of the technical consultees, I am satisfied that the application would represent sustainable development and could be controlled by the imposition of conditions, such that it would not have unacceptable or significant impacts on the local land uses, including residential development.
136. I am satisfied that, subject to the conditions included in my recommendation below, the application accords with the Development Plan and there are no material planning considerations that indicate the application should be refused. KMWLP Policies CSW1 and CSM1 therefore apply, and I therefore recommend planning permission be granted.

Recommendation

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

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- The development shall be commenced within 3 years.
- The development shall be carried out and completed in accordance with the submitted details, documents and plans.

Throughput

- Maximum throughput of 75,000 tonnes per annum.

Highways and access

- No more than 48 HGV movements/day to site as a whole (24 in / 24 out).
- Records shall be maintained of all HGV movements and the information made available to the Waste Planning Authority on request.
- All loaded HGVs entering or leaving the site shall be enclosed, covered or sheeted, in line with the Dust Management Plan
- No delivery of waste to the site by members of the public.
- Areas shown for vehicle access, parking, turning, manoeuvring, loading and unloading to be provided and retained.
- No parking on Caesar's Way
- 10mph speed on Caesar's Way
- Restriction of access on Saturdays to HGVs of 7.5 tonnes or less on Saturdays (to enable use of Tile Kiln Lane and avoid Ashley Avenue)
- Travel Plan to promote vehicle movements outside of peak hours (07:30-09:20 & 16:30-18:30)

Hours of operation

- Core operating hours – 07:00 – 19:00 hours Monday to Friday, 07:00-14:00 Saturday, and nil on Sundays, Bank and Public Holidays.
- Screener and crusher to be operated only between 07:00-18:00

Land use

- Use of facility restricted to waste and minerals recycling use.

Waste types

- Waste types restricted to those applied for – construction and demolition waste.

Dust Control

- Operation to be undertaken in accordance with the submitted Dust & Noise Management Plan
- Stockpiles to be no higher than 0.5m below the top of the retaining walls in the aggregates storage bays

Ground and surface water protection:

- Development to be undertaken in accordance with the submitted Flood Risk Assessment
- Submission and agreement by the Waste Planning Authority of a detailed surface water and foul water drainage scheme within 3 months
- Submission of a Drainage Scheme Verification Plan [dependant on submission of further drainage details] within 6 months

Noise Controls

- No mobile machinery operated above ground level, on stockpiles or in elevated positions

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- Operation undertaken in accordance with the Dust & Noise Management Plan
- Machinery and vehicles to be fitted with noise insulation and silencers and be maintained in accordance with manufacturer's specifications

Other Operational Controls

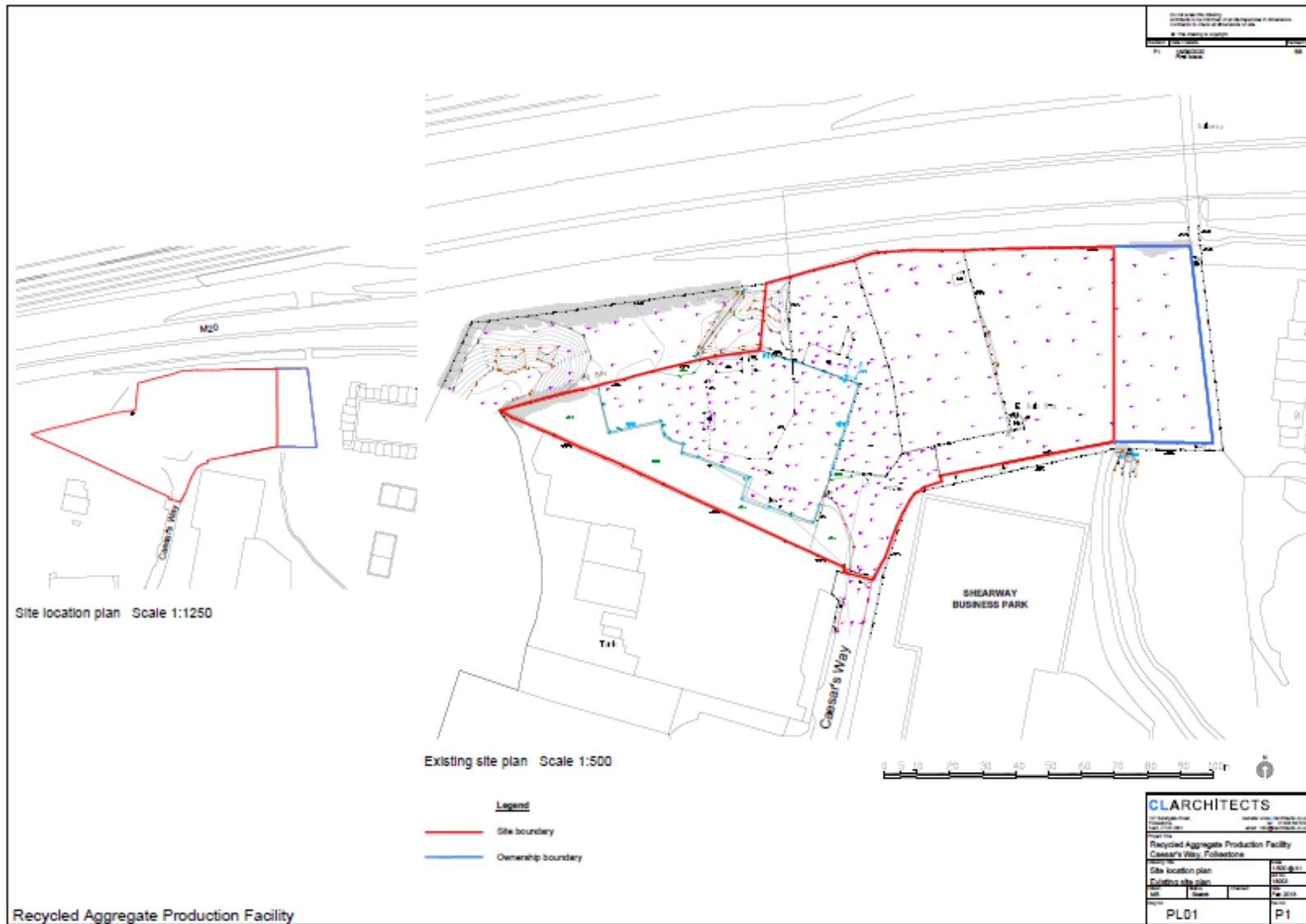
- A copy of the permission and the approved plans to be made available in the operator's site office.
- No tree shall be cut down
- No disturbance or obstruction of Public Right of Way

Case Officer: David Payne

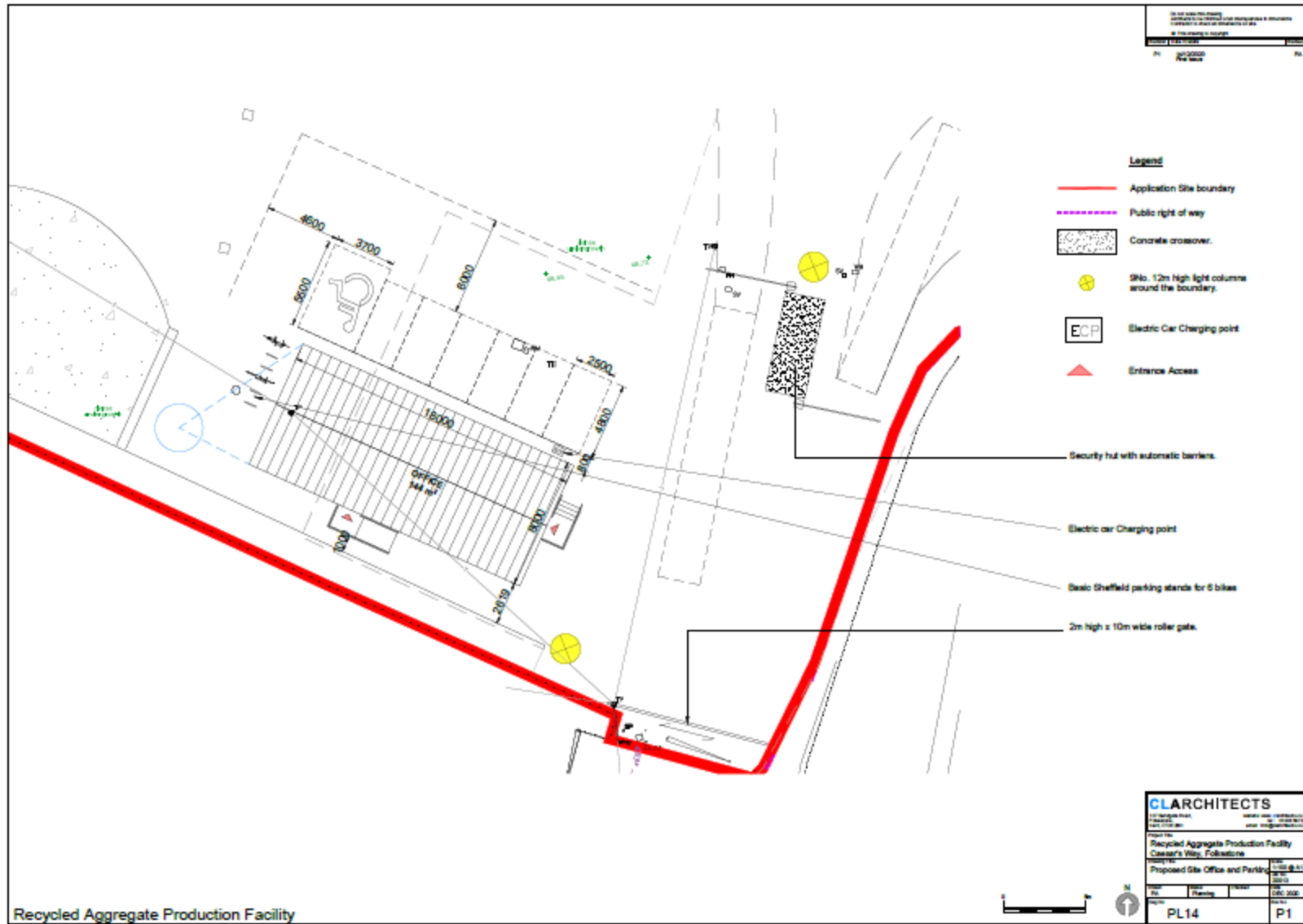
Tel. no: 03000 415441

Background Documents: see section heading

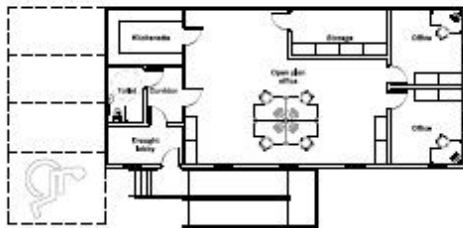
PL01 P1 Site Location Plan – Existing Site Plan



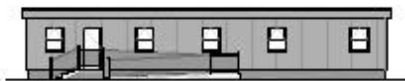
PL14 Proposed Site Office and Parking P1



PL12 P1 Proposed Office



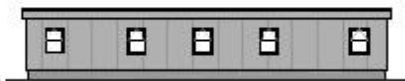
PROPOSED OFFICE
Plan Scale 1:100



PROPOSED OFFICE
West elevation Scale 1:100



PROPOSED OFFICE
South elevation Scale 1:100



PROPOSED OFFICE
East elevation Scale 1:100



PROPOSED OFFICE
North elevation Scale 1:100



PROPOSED OFFICE
Photo of a complete modular building of a similar type

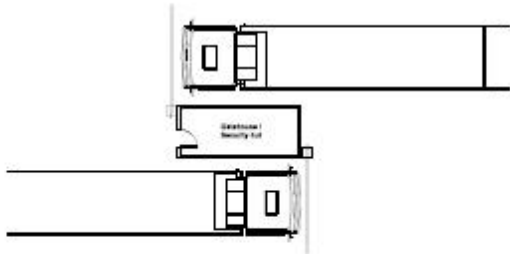


PROPOSED OFFICE
Photo of a complete modular building of a similar type

<small>CLARCHITECTS</small> <small>1115 S. Main Street, Suite 100, Fayetteville, NC 28401</small> <small>Phone: 910.434.1111 Fax: 910.434.1112</small> <small>www.clarchitects.com email: info@clarchitects.com</small>	
Project:	PL12
Phase:	Planning
Date:	06/2014

CLARCHITECTS <small>1115 S. Main Street, Suite 100, Fayetteville, NC 28401</small> <small>Phone: 910.434.1111 Fax: 910.434.1112</small> <small>www.clarchitects.com email: info@clarchitects.com</small>	
Project Name: Recycled Aggregate Production Facility Location: Caswell's Way, Fayetteville	
Project:	Proposed Office
Scale:	1/8" = 1'-0"
Date:	06/2014
Phase:	Planning
Sheet:	PL12
Project:	P1

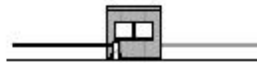
PL13 P1 Proposed Gatehouse



PROPOSED GATEHOUSE
Plan Scale 1:100



PROPOSED GATEHOUSE
West elevation Scale 1:100



PROPOSED GATEHOUSE
South elevation Scale 1:100



PROPOSED GATEHOUSE
North elevation Scale 1:100



PROPOSED GATEHOUSE
East elevation Scale 1:100



PROPOSED GATEHOUSE / SECURITY HUT
Photo of a complete modular building of a similar type



PROPOSED GATEHOUSE / SECURITY HUT
Photo of a complete modular building of a similar type

CLARCHITECTS 10 Langdon Road, Folkestone, Kent, CT20 1JH Tel: 01323 812345 Email: info@clarchitects.co.uk	
Project Name Recycled Aggregate Production Facility	Date 15/02/2018

CLARCHITECTS 10 Langdon Road, Folkestone, Kent, CT20 1JH Tel: 01323 812345 Email: info@clarchitects.co.uk	
Project Name Recycled Aggregate Production Facility Caswell's Way, Folkestone	
Proposed Gatehouse	Date 15/02/2018
Job No PL13	Revision P1

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.

TM/20/62/R21 Details of a strategy to deal with the potential risks associated with any contamination of the site pursuant to Condition 21 of planning permission TM/20/62.
Allington Integrated Waste Management Facility, Laverstoke Road, Allington, Maidstone, Kent, ME16 0LE
Decision: Approved

TM/20/62/RVAR Details pursuant to conditions (4) - Materials, (10) - Construction Environmental Management Plan, (11) - Highway Condition Survey, (12) - Vehicle loading, turning and parking, (25) - Surface and foul water drainage, (27) - Landscaping Scheme, (28) - Tree Protection Measures, (30) - Ecological Design Strategy and (31) - Landscape Ecological Management Plan of planning permission TM/20/62.
Allington Integrated Waste Management Facility, Laverstoke Road, Allington, Maidstone, Kent, ME16 0LE
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.

GR/19/1045/R3 Partial discharge of external materials relating to the erection of the new two storey teaching block only, pursuant to Condition 3 of planning permission GR/19/1045.
Northfleet School For Girls, Hall Road. Northfleet. Gravesend. Kent DA11 8AQ
Decision: Approved

- SE/20/2151/R4 Temporary change to permitted construction hours to allow for a tower crane erection work to be undertaken during the weekend of 16 and 17 January 2021 and between the hours of 08.00 and 18.00 hours on both days pursuant to Condition 4 of planning permission SE/20/2151.
Sevenoaks Grammar Annexe, Seal Hollow Road, Sevenoaks, Kent TN13 3SN
Decision: Approved
- SW/20/501709/RVAR Details of a Construction Management Plan (Condition 4), Remediation Strategy to deal with the risks associated with contamination (Condition 10) and Arboricultural Method Statement (Condition 16) pursuant to planning permission SW/20/501709.
Sunny Bank Primary School, Sunny Bank, Murston, Sittingbourne, Kent ME10 3QN
Decision: Approved
- TW/18/2548/R13 Details of the proposed native tree and shrub/wildflower planting pursuant to Condition 13 of planning permission TW/18/2548.
Tunbridge Wells Boys Grammar School, St Johns Road, Tunbridge Wells, Kent TN4 9XB
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/TM/0289/2020 - Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations.
Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX

- (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

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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 10 February 2021.

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 Former Broke Hill Golf Course, Stonehouse Park, Sevenoaks Road Halstead Kent TN14 7HR

Proposal - Outline application for residential development of up to 800 dwellings, incl. affordable housing units and self-build plots; up to 4.75 ha of retirement living; primary school hub with associated sports facilities/outdoor space; sports hub incl. rugby and hockey pitches with separate car park and clubhouse areas; 2 ha of commercial B1 use; local centre incl. commercial, retail & community facilities and undercroft car parking for Knockholt station; country park/ open space incl. landscaping, infrastructure & groundworks; with all matters reserved except for access

County Council's response (x2) as Highway Authority to Sevenoaks District Council on the above

F2 Land At Sturry/Broad Oak, Sturry

Proposal - Outline application (with all matters reserved) for the development of up to 630 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 - CA/20/02826

County Council's response as Highway Authority to Canterbury City Council on the above

F3 Government Consultation - Supporting Housing Delivery & Public Service Infrastructure

County Council's response to Ministry of Housing, Communities and Local Government on the above.

F4 Ash Parish Council Neighbourhood Development Plan - Regulation 16

County Council's response to Dover District Council on the above.

Background documents: As set out in the reports.



Sevenoaks District Council

Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 8 January 2021

Application - SE/19/02616/OUT

Location - Former Broke Hill Golf Course, Stonehouse Park, Sevenoaks Road Halstead Kent TN14 7HR

Proposal - Outline application for residential development of up to 800 dwellings, incl. affordable housing units and self-build plots; up to 4.75 ha of retirement living; primary school hub with associated sports facilities/outdoor space; sports hub incl. rugby and hockey pitches with separate car park and clubhouse areas; 2 ha of commercial B1 use; local centre incl. commercial, retail & community facilities and undercroft car parking for Knockholt station; country park/ open space incl. landscaping, infrastructure & groundworks; with all matters reserved except for access.

Dear Mark

Further to my previous consultation response dated 2 November 2020, I have received additional information from the applicant's transport consultant which seeks to address the outstanding concerns relating to highway issues which were included in my previous response.

Site Access

The safety audit in respect of Drawing Number 41257/5501/026 rev A (Option 2B) has identified the need to relocate the bus stop on the south side of Sevenoaks Road so that it doesn't interfere with visibility from the site access. Confirmation of acceptance from the bus operator/s is required. Alternatively, the eastern site access could be relocated further to the west to resolve this issue.

Tracking diagrams are required to indicate the traffic movements to and from the access opposite the site access do not impact the proposed pedestrian refuge. This issue could also be resolved by the relocation of the eastern site access further to the west.

The safety audit has recommended the reduction of the existing 40mph speed limit to 30mph along Sevenoaks Road. This would be subject to a 3rd party Traffic Regulation Order to be pursued by the developer and additional features/measures should be provided to further encourage lower speeds including (but not limited to) traffic islands in the hatching in advance of the junctions, gateway treatment and signing/lining. The relocation of the eastern site access further to the west would allow for further opportunities to reduce traffic speed.

Drawing number 14257/5501/029 indicates a 4m footway/cycleway along the site frontage and into the site access and this is acceptable in principle

Pedestrian/cycle access to the station

In order to address safety audit comments concerning pedestrian and cycle access to the station Drawing number 14257/5501/029 and Drawing Number 41257_5501_033 have been provided.

Drawing number 14257/5501/029 - widened pedestrian access to station - indicates a pedestrian/cycle crossing of Sevenoaks Road to the west of the station access and requires Network Rail land to provide enhancements to visibility and road width. An alternative arrangement is shown on Drawing Number 41257_5501_033 Alternative Site Access and this doesn't require 3rd party land.

Safety audits have been provided for drawings 14257/5501/002 rev G dated 20.12.17, 41257/5501/025 Rev A dated 8.6.20 and also 41257/5501/026 rev A (Option 2B) amended 16.11.20 and the drawings have been revised to incorporate the safety auditors' comments which are included in Drawings 14257/5501/029 and Drawing Number 41257_5501_033 mentioned above. Updated safety audits have been requested for these amended drawings and have yet to be received.

Shacklands Roundabout

Drawing number 41257_5501_28 dated 8.12.20 shows pedestrian/cycle provision at the roundabout and this is acceptable in principle to be included in the S278 works should permission be granted.

Hewitts Roundabout

Drawing 412257_5501_024C of 3.12.20 - Mitigation has been provided which seeks to address safety audit comments. Confirmation of acceptance from TfL and Highways England is required.

Wheatsheaf Hill

A 3rd party TRO is required to restrict traffic movements to one-way northbound. Should this be unsuccessful traffic signals will be required at the junction of the A21/Sevenoaks Road to mitigate the impact of the additional traffic movements generated by the development along Wheatsheaf Hill.

24157_5501_018 Rev B has been provided showing proposed widening and priority working over the railway bridge. A safety audit was completed and no safety issues are identified. The improvements can be included in the S278 works should permission be granted.

A21/London Road

Additional drawings have been provided in order to address safety audit comments and TfL concerns - 41257_5501_031 dated 15.12.20 - London Road Priority Junction
14257_5501_032 dated 15.12.20 - London Road Priority Junction swept path. Confirmation of acceptance is required from TfL.

Conclusion

There are still some outstanding issues yet to be addressed:

- It is recommended that the eastern site access be relocated further to the west to improve visibility, to avoid the private access on the north side of Sevenoaks Road directly opposite the proposed site access and to allow for traffic calming features to encourage reduced speeds.
- Tracking diagrams to indicate that the traffic movements to and from the access opposite the site access do not impact the proposed pedestrian refuge or traffic island.
- Traffic islands are required in the hatched areas on the approach to the site accesses on Sevenoaks Road.
- Updated safety audits have been requested for the drawings showing revision to the pedestrian/cycle access to the station access and have yet to be received.
- TfL and HE comments are required with regard to the mitigating measures/safety audit comments in respect of Hewitts Roundabout and A21/London Road.

If the Planning Authority are minded to grant planning permission before this information has been provided I ask that I am contacted in order to agree conditions.

Yours sincerely

Louise Rowlands
Principal Transport & Development Planner

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FAO Mark Mirams

Sevenoaks District Council

Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 26 January 2021

Application SE/19/02616/OUT

-

Location - Former Broke Hill Golf Course, Stonehouse Park, Sevenoaks Road Halstead Kent TN14 7HR

Proposal - Outline application for residential development of up to 800 dwellings, incl. affordable housing units and self-build plots; up to 4.75 ha of retirement living; primary school hub with associated sports facilities/outdoor space; sports hub incl. rugby and hockey pitches with separate car park and clubhouse areas; 2 ha of commercial B1 use; local centre incl. commercial, retail & community facilities and undercroft car parking for Knockholt station; country park/ open space incl. landscaping, infrastructure & groundworks; with all matters reserved except for access.

Dear Mark

Further to my previous consultation response dated 8 January 2021, I have received additional information from the applicant's transport consultant and this effectively addresses the outstanding concerns included in my previous responses.

I confirm that I do not wish to raise objection to this application subject to the following conditions/S106 requirements:

1. Vehicle access to the site to be provided by means of two new ghosted right turn lane junctions as shown in principle on drawings 14257_5501_029 and 4257_5501_033 and to include traffic islands in the hatched areas, additional traffic calming features to reduce speeds along London Road on the approaches to the site accesses and Station Approach and to take into account safety audit comments. Also, the potential relocation of the westbound bus stop from London Road to the eastern site access to be addressed at detailed design stage.
2. Best endeavours to pursue a 3rd party Traffic Regulation Order (TRO) to reduce the speed limit from 40mph to 30mph along Station Road from its junction with the A21 and to cover the length of road in the vicinity of the bus stops, crossing location and the junction of Station Approach. This would include signing, lining and gateway features to be agreed with KCC Highways. All costs to be met by the developer.

3. Footway and cycle links to be provided between the site and the existing rural road network and Public Rights of Way prior to occupation, with details to be agreed with KCC Highways / PRoW.
4. A footway/cycletrack to be provided along the site frontage and to continue along the south side of London Road to link with Sevenoaks Road to the west as shown in principle on Drawing number 14257_5501_029 and 4257_5501_033.
5. A footway/cycleway to be provided on the north side of London Road between Station Approach and to continue to Shacklands Roundabout as shown in principle on Drawing number 46791/5501/011.
6. Improvements to pedestrian and cycling facilities at Shacklands Roundabout as shown in principle on Drawing Number 46791/5501/028.
7. Capacity improvements to Shacklands Roundabout comprising an increase in the entry width on the A224 Orpington Bypass arm through the reduction in the existing white lining.
8. Improvements to the junction of A21/ Sevenoaks Road as shown in principle on Drawing Number 41257/5501/031 subject to approval by TfL. This junction arrangement is the preference of TfL. This design requires best endeavours to implement a 3rd party Traffic Regulation Order to provide a one way working traffic order along Wheatsheaf Hill which allows traffic to travel north bound only.
9. Should the TRO process not be successful a traffic signal scheme to be introduced to the A21/Sevenoaks Road junction as shown in principle on Drawing Number 41257_5501_022 and subject to agreement with TfL. Additionally, to compliment this scheme a shuttle working scheme is to be provided along Wheatsheaf Hill to cover the extent of the narrow section over the railway bridge, and widening along the central and northern section as outlined on drawing 24157_5501_018 Rev B.
10. Improvements to Hewitts Roundabout as shown in principle on Drawing Number 41257/5501/024 rev D and subject to approval by Highways England and TfL.
11. All works within the highway to be completed in accordance with a S278 Agreement and are required prior to occupation.
12. Bus service enhancements to include the diversion of existing services onto the site and a new dedicated service between the site and Sevenoaks / Orpington and/or a demand responsive transit service to be provided to link the site with local facilities and amenities as outlined in principle in Technical Note 41251 dated 26 January 2021 titled Travel Plan and Bus Provision Updates . All details to be agreed with KCC Highways and their Public Transport team.
13. Bus infrastructure improvements to include but not be limited to bus boarders, shelters and real-time information boards details to be agreed with KCC Public Transport team.
14. Best endeavours to pursue a 3rd party TRO to implement parking restrictions along the London Road between Station Approach and the western site access. Alternative station parking to be provided within the site.
15. Residential parking to be provided in accordance with IGN 3 minimum parking standards for suburban edge/village/rural areas. Non residential parking to be provided in accordance

with SPG4 and as outlined in the Transport Assessment and Technical Note dated 6 March 2020.

16. Safe and secure cycle parking to be provided in accordance with SPG4
17. Electric vehicle charging to be provided for all homes with off street parking and where communal parking is provided EV charging to be provided at a minimum level of 1 space for every 10 spaces with an additional 10% passive provision.
18. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
19. Provision and implementation of a site wide Travel Plan to be approved by KCC Highways. This should include but not be limited to the measures contained in the Framework Travel Plan and the Travel Plan Action Plan as set out in Technical Note 41251 dated 26 January 2021 titled Travel Plan and Bus Provision Updates. 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.
20. Travel Plan monitoring fee of £1,422.
21. 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
22. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
23. Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
24. 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.
25. Closure of the existing access prior to the use of the site commencing 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: 5 January 2021

Application - CA/20/02826

Location - Land At Sturry/Broad Oak, Sturry

Proposal - Outline application (with all matters reserved) for the development of up to 630 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 consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Assessment.

The submitted documents have been reviewed by the Highway Authority in respect of the revised application for Sturry. In particular, Section 13 (Transportation) of the ES, the CEMP, The Framework Travel Plan, the Masterplan, drawings associated with the internal spine road and the Design and Access Statement.

The application has been reviewed in context of the previous application for the site, application reference 17/01383. This revised application reduces the level of residential dwellings and as such the associated highway impact would be reduced from that previously assessed as acceptable.

The application includes construction of part of the Sturry Link Road which forms a key component of the City Council's Local Plan highway mitigation. Along with vehicular provisions the link road provides significant sections for walking and cycling links between Sturry and the City along with infrastructure to improve bus journey time reliability. It is noted that all elements of mitigation previously proposed by the applicant remain. These include 12 months free bus travel for the first 320 dwelling purchasers, significant financial contributions towards the Link Road viaduct over the railway and a car parking facility and pedestrian links to Sturry Train Station.

In respect of the updated Masterplan it is noted that this demonstrates additional crossing facilities to improve the integration of the development. These improvements are welcomed and it is recommended that a further condition be placed on the development to ensure that these come forward in accordance with the expectations of the Planning Authority.

The Highway Authority therefore re-confirms its position of a recommendation to approve this development and application subject to the inclusion of the Section 106 and conditions as advised in our previous response and the committee report for application 17/01383.

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

Supporting Housing Delivery & Public Service Infrastructure

About this Consultation

This consultation document and consultation process have been planned to adhere to the consultation principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation 2016, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included on the next page.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Please confirm you have read this page. *

Yes	<input checked="" type="checkbox"/>
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Privacy Notice

The following is to explain your rights and give you the information you are be entitled to under the data protection legislation.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk.

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to planning.

4. With whom we will be sharing your personal data

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for 2 years from the closure of the consultation

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

7. Storage of your personal data

We are using SmartSurvey to collect data for this consultation, so your information will be stored on their UK-based servers in the first instance. Your data will not be sent overseas. We have taken all necessary precautions to ensure that your data protection rights are not compromised by our use of third-party software.

If your submit information to this consultation using our third-party survey provider, it will be

moved to our secure government IT systems within six months of the consultation closing date (28 January 2021).

8. Your personal data will not be used for any automated decision making.

Please confirm you have read this page. *

Yes	X
-----	---

Respondent Details

This section of the survey asks for information about you and, if applicable, your organisation.

First name *

Barbara

Last name *

Cooper

Email address

Barbara.cooper@kent.gov.uk

Are you responding on behalf of an organisation or as an individual? *

Organisation	<input checked="" type="checkbox"/>
Individual	<input type="checkbox"/>

Organisation (if applicable)

Kent County Council

Position in organisation (if applicable)

Corporate Director, Growth, Environment & Transport

Please indicate whether you are replying to this consultation as a: *

Developer	<input type="checkbox"/>
Planning consultant	<input type="checkbox"/>
Construction company or builder	<input type="checkbox"/>
Local authority	<input checked="" type="checkbox"/>
Statutory consultee	<input type="checkbox"/>
Professional organisation	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>
Charity or voluntary organisation	<input type="checkbox"/>
Town Council	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>
Community group, including residents' associations	<input type="checkbox"/>
Private individual	<input type="checkbox"/>

Other (please specify):	
-------------------------	--

Please indicate which sectors you work in / with (tick all that apply): *

Education section	
Health sector	
Prison sector	
None of the above	

Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential

Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?

Agree	
Disagree	
Don't know	

Please give your reasons:

The County Council recognises that permitted development rights, when used appropriately, can help to revive an area, creating alternative uses in a shorter timescale than if planning permission is required. The County Council is concerned, however, that it can, and has led to poor-quality housing that places an unfunded strain on community infrastructure and services and importantly can result in the loss of valuable employment space within town centres. The County Council is supportive of the introduction of legislation that will require new homes to be delivered to meet nationally described space standards in addition to provision of adequate light. These measures will have an improvement on the quality of homes delivered through permitted development but will not deliver the necessary infrastructure improvements to support the development. The County Council would have serious concerns with any proposal to extend the delivery of housing supply through further permitted development routes, unless there is the ability to deliver necessary community services and infrastructure via development contributions. The County Council addresses this matter further in Question 3.1.

Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?

Agree	
Disagree	
Don't know	

Please give your reasons:

The County Council supports the proposal for the permitted development right to not apply in these protected areas.

Q2.2 Do you agree that the right should apply in conservation areas?

Agree	
Disagree	
Don't know	

Please give your reasons:

The County Council raises concerns with this proposal. Development in conservation areas should be subject to a planning application, allowing appropriate consideration by the local planning authority and the local community regarding the impact of the development.

If permitted development rights are to be applied in these areas, prior approval must include assessment of the impact of the development on the conservation area and how it will be mitigated to ensure the development has a positive effect on the area.

Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?

Agree	
Disagree	
Don't know	

Please give your reasons:

With reference to Question 2.2, prior approval should apply to all floor levels. The upper floors of buildings are potentially also of interest and can contribute to conservation areas and therefore there is a need to assess and minimise impact to upper floors as well as the ground floor so prior approval should also apply.

Q3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval?

Agree	
Disagree	
Don't know	

Please give your reasons:

The County Council generally agrees with the matters listed as requiring prior approval within paragraph 21.

The County Council notes that paragraph 11 of the consultation indicates that the government is looking at whether the infrastructure levy could capture permitted development residential schemes. It is critical for mechanisms to be in place that

ensure that developer contributions towards necessary community services and infrastructure will be delivered on all permitted development allowing a change from a commercial to a residential use. Prior approval should include a community infrastructure assessment, with the ability to request developer contributions in the interim period before the infrastructure levy is introduced, to ensure that homes delivered under permitted development contribute appropriately towards the delivery of necessary infrastructure to support the development. As referenced in Question 2.3, prior approval should include consideration of the impact of permitted development across the whole building within a conservation area, not just the ground floor.

As Local Highway Authority, the County Council welcomes the inclusion of transport as a prior approval matter but would note that there also needs to be the consideration of the cumulative impact of permitted development on the local highway network. It is recommended that prior approval should allow for assessment of cumulative highways impacts and identification of necessary mitigation measures.

Q3.2 Are there any other planning matters that should be considered?

Yes	
No	
Don't know	

Please specify:

In respect of its role as an infrastructure provider, the County Council has concerns that new housing delivered via the permitted development route does not allow for a joined up, strategic approach to planning for growth, which can present difficulties in planning for major infrastructure in the medium to long term. This right could have a severe impact on local services and employment opportunities if it is exercised widely within an area.

If homes are to be delivered through permitted development rights, with reference to Question 3.1, it will be essential that appropriate developer contributions can be sought to ensure the timely delivery of necessary infrastructure – including community services, healthcare and education – to support the development. In addition, there is a risk that extending permitted development to deliver more residential units will not allow for ensuring that the right types and tenures of homes are being delivered to meet local housing needs.

In addition, there is a risk that extending permitted development to deliver more residential units will not allow for ensuring that the right types and tenures of homes are being delivered to meet local housing needs

Q4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3) should attract a fee per dwellinghouse?

Agree	
Disagree	
Don't know	

Please give your reasons:

As the determining authorities, the County Council defers to the district and borough councils to respond to this question.

Q4.2 If you agree there should be a fee per dwelling house, should this be set at £96 per dwellinghouse?

Yes	
No	
Don't know	

Please give your reasons:

As the determining authorities, the County Council defers to the district and borough councils to respond to this question.

Q5 Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential?

Yes	
No	

Please specify:

No comments.

Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?

Yes	
No	
Don't know	

If so, please give your reasons:

KCC recognises that the extension of permitted development rights could, in some instances, benefit areas that are struggling to remain viable. However, this benefit has to be weighed against the importance of high streets and town centres in

delivering local services, community infrastructure and shops in locations which can be accessed sustainably. If the permitted development right is applied too widely and extended too much, it could destroy character, local employment opportunities and community cohesiveness – which KCC considers is a risk that could arise from this proposal.

The County Council would also draw attention to the fact that there will be as yet unknown, long term impacts of the COVID-19 pandemic, which could change and shape the way high streets, town centres, local communities live and work. This should be considered and understood fully before extending permitted development rights further, which would result in the decline of local services and amenities.

Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?

Yes	
No	
Don't know	

If so, please give your reasons:

The loss of local services and business could have a detrimental impact on those requiring accessible services in the community – such as the elderly and vulnerable, those with long term illness or disability, and those with caring responsibilities.

Supporting public service infrastructure through the planning system

Q7.1 Do you agree that the right for schools, colleges and universities, and hospitals be amended to allow for development which is not greater than 25% of the footprint, or up to 250 square metres of the current buildings on the site at the time the legislation is brought into force, whichever is the larger?

Agree	
Disagree	
Don't know	

Please give your reasons:

The County Council holds a number of statutory and non-statutory roles and responsibilities within Kent, including Local Highway Authority, Education Authority, Lead Local Flood Authority as well as being the planning authority for mineral, waste, oil, gas and education development promoted by the county council. KCC is therefore responding in respect of its role in education planning specifically.

As an advocate of taking an infrastructure first approach to development, proposals that result in a swifter delivery of new public facilities are generally welcomed. The County Council recognises that there are a number of benefits in providing increased flexibility to help schools deliver additional capacity and replace ageing school buildings with modern, energy-efficient designs in a timely manner. In principle therefore, the County Council supports the intention to enable the expansion of public infrastructure by widening the permitted development criteria.

The County Council would however like to raise a number of concerns and recommendations in respect of potential impacts of this proposal, to ensure it does not compromise local democracy and engagement, or the quality of the development itself.

With reference to paragraph 35, the County Council would welcome clarity on the level of environmental advice that will be made available with regards to this permitted development right. Detail on the prior approvals which will apply to this type of permitted development must include adequate environmental assessment that is appropriate to the scope and nature of the development. The assessment must take into account the wider community and environmental impacts which can result from public infrastructure. This should include amenity considerations such as traffic, noise and light impacts which may result from the development, to minimise the impacts of the development on the wider community.

The County Council requests that there is a requirement for the applicant to demonstrate as part of a prior approval submission that the proposal complies with the area and height expansion requirements, as set out in paragraph 35.

The County Council requests clarity as to whether this permitted development right would apply to facilities within Conservation Areas or Areas of Outstanding Natural Beauty.

The County Council requests that prior approval should include a provision for assessing and managing archaeological impact of this type of development, as this permitted development right could cause harm to assets if not managed effectively. This should also include the assessment of the potential harmful impact to significant non designated archaeological assets. The County Council would recommend a similar provision to that provided for under Permitted Development ZA (Part 20: construction of new dwelling houses in their place), where a prior approval requirement includes consideration of “the impact of the development on heritage and archaeology”.

Based on Kent Drainage and Planning Policy, the County Council, as Lead Local Flood Authority advises that a permitted development right should not be exercised where the increase in impermeable area would be greater than 100 m², as it could create or exacerbate existing flood risk or local drainage problems. KCC is the statutory consultee for surface water drainage for major development within the planning process. It is usual that the County Council would consider the impact of surface water management from new impermeable areas greater than 100 m². This is clearly stated within Kent’s Drainage and Planning Policy (Section 4.3.3, adopted November 2019)¹. It states that low risk development is considered “development which would result in less than 100 m² of additional impermeable area and which is not located in an area of existing flood risk or drainage problems.” Prior approval must also ensure that the development does not result in flood risk within the site or in adjacent areas – engagement with the Lead Local Flood Authority could assist with this.

Q7.2 Do you agree that the right be amended to allow the height limit to be raised from 5 metres to 6?

Agree	
Disagree	
Don't know	

Please give your reasons:

The County Council recommends that the setting of heritage assets, including long views, should be a prior approval if this height limit is raised to 6m.

¹ https://www.kent.gov.uk/__data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf

Q7.3 Is there any evidence to support an increase above 6 metres?

Yes	
No	
Don't know	

Please specify:

No comment.

Q7.4 Do you agree that prisons should benefit from the same right to expand or add additional buildings?

Agree	
Disagree	
Don't know	

Please give your reasons:

Due to their nature, the development and expansion of prisons can have significant impact on the surrounding area and are a controversial use within a community. Furthermore, they do not provide the same community benefits for shared use as other public infrastructure.

The County Council would therefore highlight caution in respect of the right being expanded to prisons – expansion plans for prisons should be through a planning application process to ensure that proper engagement with the community and stakeholders can take place.

Q8 Do you have any other comments about the permitted development rights for schools, colleges, universities, hospitals and prisons?

Yes	
No	

Please specify:

The proposal to protect playing fields as part of the permitted development assessment is welcomed. The County Council would recommend that a tighter definition of “playing field” would be beneficial which would prohibit development on “usable” playing fields.

Q9.1 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could impact on businesses, communities, or local planning authorities?

Yes	
No	
Don't know	

If so, please give your reasons:

The proposed permitted development right could impact on the surrounding area and community and so it is recommended that prior approval is required to enable proper assessment (and mitigation where necessary) on local amenity and on the environment, including noise, light and traffic impacts. This is further considered in Question 7.1.

Q9.2 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals, could give rise to any impacts on people who share a protected characteristic?

Yes	
No	
Don't know	

If so, please give your reasons:

No comment.

Q10.1 Do you think that the proposed amendment to allow prisons to benefit from the right could impact on businesses, communities, or local planning authorities?

Yes	
No	
Don't know	

If so, please give your reasons:

The County Council raises concern in respect of the potential impact on local communities and the need for the planning process to enable them to voice their concerns and have them considered. The community should be given sufficient opportunity to engage and comment fully through the planning application process; and the local authority should be able to retain the role of fully assessing a planning application (including all comments received).

Q10.2 Do you think that the proposed amendment in respect of prisons could give rise to any impacts on people who share a protected characteristic?

Yes	
No	
Don't know	

If so, please give your reasons:

No comment.

Q11 Do you agree that the new public service application process, as set out in paragraphs 43 and 44 of the consultation document, should only apply to major development (which are not EIA developments)?

Yes	
No	

Please give your reasons:

The County Council requests clarity as to exactly which projects will fall within the scope of the proposals as this could have a significant impact on the number of developments which fall under the scope of this proposal. The County Council notes that paragraph 49 indicates that it relates to major development, but the definition of public service infrastructure projects, which are 'principally funded by government' (paragraph 54) introduces some ambiguity.

Depending on the scope, the majority of education developments could fall into the scope of being major applications. As these are promoted and determined by the County Council, it could raise significant resource implications for the planning authority, particularly those in upper tier authorities.

Conversely, if the proposal is meant to only relate to projects that are 'principally funded by Government' (for example, those promoted via the Free School Programme), this limits the scope of which projects are captured. The County Council presumes that this narrow definition is what is intended, as it would accord with the assumption that local planning authorities are unlikely to receive more than five applications a year and the right of appeal applies. However, as mentioned above, this interpretation could be read to include all local government funded projects, which is broader in definition, and would considerably extend the scope of the projects to be considered under this process. Clarification is required to understand which major projects are in scope, as the impacts would be very different.

Clarification is also sought in respect of any changes to section 73 application processes affected by the new proposals and the consideration of issues such as Green Belt and Sport England referrals.

Q12 Do you agree the modified process should apply to hospitals, schools and further education colleges, and prisons, young offenders' institutions, and other criminal justice accommodation?

Yes	
No	

If not, please give your reasons as well as any suggested alternatives:

The County Council does not agree with the expansion of this modified process to other significant forms of infrastructure for reasons set out in questions 11-18.

Q13 Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks?

Yes	
No	

Please give your reasons:

The County Council notes that this proposal will reduce the time available, once the application has been submitted, to negotiate solutions and is concerned that it could lead to an increase in refusals (without right of appeal when the applications are pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992).

Effective pre-application engagement with Borough and Parish authorities and all relevant stakeholders, including the local community, will be essential to ensure that any concerns raised at pre application stages can be resolved by point of submission. There must be a clear understanding of the pre application process to ensure transparency at this stage.

Given the number of stakeholders involved in the delivery of such schemes, KCC experience has shown that extended consultation is required to negotiate all design matters to deliver a positive outcome. These negotiations will have to be focused at the pre-application stage if the reduced timeframe for determination is to be possible, as it will be challenging to negotiate solutions for competing issues during a shorter determination timeframe.

The County Council, as Lead Local Flood Authority, raises concern with the reduction in determination period, as public buildings are often large in scale and/or footprint and require careful consideration for management of surface water. Buildings of this scale can have a significant impact on flood risk and offer great opportunities to mitigate existing flood risk if sufficient design review is undertaken.

It will be crucial for the applicant to have undergone proper community consultation prior to submission of a planning application. Meaningful engagement at the earliest stage would help to ensure a reasonable level of awareness and resolution, particularly given the shorter consultation periods, which would be challenging given, for instance, the regularity of Parish Council meetings. The reduction in timeframes

will make it challenging for the community and Town and Parish Councils to be fully informed and engaged and may reduce opportunity for planning meetings to discuss proposals.

The County Council is concerned that without effective and thorough pre-application engagement from the applicant with all stakeholders, the reduced timeframe for consultation and determination will not be workable. Therefore, there must be a requirement placed on the applicant to ensure that pre application engagement is effectively managed.

Q14 Do you agree the minimum consultation / publicity period should be reduced to 14 days?

Yes	
No	

Please give your reasons:

The County Council refers to its response to Question 3.

Q15 Do you agree the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority anticipates making a decision? (We propose that this notification should take place no later than 8 weeks after the application is validated by the planning authority.)

Yes	
No	

Please give your reasons:

The County Council requests clarity as to the necessity of this proposal, how it will deliver greater transparency in the process, and how it would speed decision-making up.

Q16 Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted?

Yes	
No	

Please give your reasons:

The County Council agrees that pre-application discussions will be key to ensuring that such applications can be assessed and determined within a tighter time frame.

The consultation paper assumes that, given the nature and importance of such public service infrastructure, local discussions and engagement with local communities will have been underway for some time prior to the submission of a planning application. This is not always the case (particularly for those developments falling within the broader major definition referred to above) and so the County Council would suggest that there should be a requirement for pre-application discussions to have been undertaken as a validation requirement.

It should be noted that there should be a clear understanding of the purpose and nature of the pre-application engagement by all stakeholders to ensure transparency throughout the process.

The County Council is concerned that the shorter determination period will not provide opportunity to negotiate the right solutions to resolve issues which may arise, and applications will therefore be determined as submitted. Pre application engagement must therefore seek to ensure that matters are resolved ahead of submission as much as possible. However, pre-application engagement may not always identify all the issues involved (which could for instance arise during the consultation period) and could lead to an amended scheme being submitted that raises its own issues that need to be resolved. It is often in such circumstances that the planning process adds best value, balancing the competing views of affected parties in the wider public interest and is at the heart of local democracy and planning decisions.

Q17.1 Do you have any comments on the other matters set out in the consultation document, including post-permission matters, guidance and planning fees?

Yes	
No	

Please specify:

Impact on Resources

The consultation paper suggests that the impact upon local authority resources is unlikely to be significant. Depending on the definition of the scope of the projects which will be covered by this proposal (as raised at Question 7.1), the County

Council is concerned that it may be more resource intensive than envisaged. With its considerable experience in the determination of education projects, the County Council would suggest that the shortened timeframe for determination could lead to an increase in applications requiring a committee decision (particularly where pre-application engagement is not effective in resolving matters). This will lead to an increase in committee meetings, including thorough preparation for committee meetings to ensure councillors have all the pertinent information available to make their determination. Therefore, the County Council believes the proposals will lead to additional demands upon local authority resource. The County Council would again emphasise the need for clarity on the definition of the projects which will fall under the scope of this proposal and due to the challenges in the timeframe – urge that it only captures a limited number of development projects if it is to be progressed.

The County Council is concerned that the proposed ten-week timescale will lead to a prioritisation over minor applications, pre-application enquiries and other work and a potential delay in making other decisions – which could lead to delays in other critical County Council planning functions such as strategic mineral and waste management development - which is also important in the delivery of sustainable growth.

Quality of Development

The timeframe allowed for these developments must not compromise on the quality of development delivered, nor the quality of the planning solutions sought - engagement, time and resources are required to deliver high quality development.

As the determination time will reduce the level of time spend on negotiations, it will be crucial for significant matters to be addressed prior to the application submission, otherwise this proposal could threaten the delivery of schemes that are of high quality and sustainable design.

The County Council prides itself on delivering high quality development that balances the need for new community development with the concerns of the existing local community and consultees in a timely manner, with effective use of agreed extension of time requests. The County Council would therefore welcome an emphasis on the need for effective pre-application engagement to deliver a negotiated planning permission, which would help prevent unsuitable applications that cannot be resolved in the ten week timeframe being refused. There must be a balance between ensuring the timely delivery of infrastructure, and making sure that high quality, sustainable infrastructure is delivered.

Q17.2 Do you have any other suggestions on how these priority public service infrastructure projects should be prioritised within the planning system?

Yes	
No	

Please specify:

No comments

Q18 Do you think that the proposed amendments to the planning applications process for public service infrastructure projects could give rise to any impacts on people who share a protected characteristic?

Yes	
No	

If so, please give your reasons:

The process could deliver much needed services more efficiently, which would increase the potential for the services being available to those with protected characteristics at the point of need. However, as set out, there are concerns regarding the practicalities of the proposals, which must be addressed if they are to deliver sustainable infrastructure in the long term.

Consolidation and simplification of existing permitted development rights

Q19.1 Do you agree with the broad approach to be applied to the review and update of existing permitted development rights in respect of categories 1, 2 and 3 outlined in paragraph 76 of the consultation document?

Agree	
Disagree	
Don't know	

Please give your reasons:

No comments.

Q19.2 Are there any additional issues that we should consider?

Yes	
No	

Please specify:

No comments.

Q20 Do you agree think that uses, such as betting shops and pay day loan shops, that are currently able to change use to a use now within the Commercial, Business and Service use class should be able to change use to any use within that class?

Agree	
Disagree	
Don't know	

Please give your reasons:

No comments.

Q21 Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document?

Agree	
Disagree	
Don't know	

Please give your reasons:

No comments.

--

Q22 Do you have any other comments about the consolidation and simplification of existing permitted development rights?

Yes	
No	

Please specify:

No comments.

End of survey

You have reached the end of the consultation questions. Thank you for taking the time to complete them and for sharing your views. Please note that you will not receive an automated email to confirm that your response has been submitted.

After the consultation closes on 28 January 2021 we will consider the responses we have received and publish a response, in due course.

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Dover District Council
Council Offices, White Cliffs Business Park
Whitfield
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CT16 3PJ

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BY EMAIL ONLY

15 January 2021

Dear Sir / Madam

Re: Ash Parish Council Neighbourhood Development Plan - Regulation 16

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

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

Section 5 Plan Policies

Green and Open Spaces

Paragraph 98

The County Council requests that reference is made to the Definitive Map (the County Council can provide a copy if required) and reference should be made to the increasing importance of the Public Rights of Way (PRoW) network for sustainable connectivity and active travel across the parish and the wider area.

Key Views

Map 6 Key views in and around the village of Ash

The County Council requests that the key rural views from EE466, EE465 and EE123A are identified on the map.

Climate Change

Paragraph 121

The County Council recommends that this policy emphasises the importance of sustainable, active travel as a key element of achieving modal shift. The policy should reflect the extent to which the PRow network meets the likely future public need in contributing towards sustainable development.

Summary of evidence on environmental issues

P1 Policy ANP1 – Development in the countryside

The County Council is supportive of the use of the Department for Environment, Food and Rural Affairs (Defra) Biodiversity Metric to support measurable biodiversity net-gain. Ecological connectivity to the wider natural landscape - which is essential in maintaining biodiversity – should also be referenced.

Areas of Green and Open Space in and around the village

Paragraph 134

The County Council requests that this policy makes reference to the significance of the PRow network in providing connectivity to employment and education as well as providing leisure opportunities.

Map 8 Green and Open Spaces

The County Council requests that the PRow network is identified on this map, demonstrating connectivity between open spaces.

Biodiversity

P4 Policy ANP4 – Biodiversity

The County Council is generally supportive of this policy and would recommend throughout the policy that “should” is replaced with *will* - to strengthen the policy requirements.

It is also recommended that this policy should include reference predominately native-species landscaping and habitat connectivity to the wider natural environment (it should be

noted that invertebrate communities – the faunal basis of ecosystems – are not/rarely supported by non-native plant species).

Climate Change

Paragraph 152

The County Council is supportive of the target to ensure that all parish council buildings are low carbon by 2035 and also supports the intention to reduce greenhouse gas emissions.

It is recommended that reference is made to the Energy and Low Emissions Strategy (ELES). The ELES outlines Kent and Medway's ambition to reduce greenhouse gas emissions to net-zero emissions by 2050. Taking an evidence based approach, it identifies a pathway to reduce greenhouse gas emissions, eliminate poor air quality, reduce fuel poverty, and promote the development of an affordable, clean and secure energy supply for Kent.

P5 Policy ANP5 Climate Change

Paragraph 5.1(i)

The County Council, as Local Highway Authority, notes that the policy seeks to impose a requirement on new developments to provide electric vehicle car charging points, however it does not clarify or provide any details on what is required. Consideration should be given to how many electric vehicle charging points are required for each use class and what specification they need to meet. Whilst the aim of this policy is fully supported, it is recommended that it refers to emerging/future guidance from the County Council within the Kent Design Guide, so that the policy is always up to date and can respond to rapidly changing technology and standards. The same comments apply to the site-specific policy for the proposed development sites.

Paragraph 5.1(j)

The need to provide good quality pedestrian and cycle infrastructure is fully supported. It is necessary however, to identify where there may be circumstances where pedestrian and cycle infrastructure is not feasible or practical to implement within a rural setting. For example, windfall sites are often located in relatively remote parts where it would not be practical to provide full pedestrian links, due to the nature of the location or such development. Therefore, the weight/applicability of this policy will need to be applied on a case by case basis.

Design of new developments and conservation

Policy ANP6 – Developments and Conservation

The County Council recommends that this policy makes reference to the importance of sustainable connectivity between new developments and existing communities.

The County Council draws attention to its commentary above in respect of electric charging points (regarding paragraph 5.1(j)).

5.2 Housing

Current Housing Need

Paragraph 188

The County Council would recommend that homes for older persons should be constructed in accordance with Approved Document Part M4(2) and (3).

Selected Sites

The County Council recognises that the Neighbourhood Plan is proposing three new development sites, which will deliver 123 homes in Ash.

The identified housing sites were considered by KCC as Local Highway Authority as part of consultation for the Housing and Economic Land Availability Assessment (HELAA) process for Dover District Council's emerging Local Plan. It is considered that all of the proposed sites are capable of being accessed either from the existing highway network or through adjacent development sites as specified within the document.

The site specific policy for the Agri/Cowans site makes reference to "KCC Guidance note 3". The correct definition of this guidance should be Kent Design Review: Interim Guidance Note 3 - Residential Parking, November 2008. This document is due to be superseded shortly and will be replaced by revised online based guidance. Therefore, it is recommended that the wording reflects this by providing scope to apply any subsequent guidance that is adopted after the implementation of the Neighbourhood Plan.

At this stage, there is limited evidence to consider the potential cumulative highway impact within the village from proposed development sites. However, given that the proposed development is distributed at different points of the village and as there are multiple points of access onto the A257, it is unlikely that the proposed development will give rise to a need for significant highway infrastructure improvements. As part of the forthcoming Dover Local Plan, it may be necessary to consider cumulative impact of development on the wider road network as part of overall growth forecasts within the district. It would be more appropriate to consider this through the Dover Local Plan Review, which is due to be published shortly.

Housing Conclusion

Paragraph 298

New developments will need to contribute towards local infrastructure costs to ensure that adequate local services are available to support new communities. The County Council would welcome further engagement to identify the infrastructure required to support the new allocations within this Plan.

The County Council notes that there are four schools in the planning group for this area – these include Ash, Cartwright and Kelsey Church of England Primary School, Preston Primary School, Wingham Primary School and Goodnestone Church of England Primary School. These schools are all located on restricted sites, which will limit their potential for expansion.

At present, some 25% of the pupils in one primary school travel from other planning areas to access school places. Consideration should therefore be given to examine the potential for expanding primary provision outside the Ash and Wingham planning group. This would enable Ash pupils to enrol at Ash schools and pupils further away could attend schools more local them. The County Council would welcome further discussions on this matter.

With regards to secondary provision, around 70% of Ash and Wingham residents attend selective and non-selective schools in Dover District. Additional secondary provision in Dover is likely to be required to support growth in the district.

5.3 Leisure & Well-being, Health Care, Education

Leisure and Well-being

P12 Policy ANP8 – Retention of Community Facilities

Any improvements to community facilities must be supported by an appropriate assessment of parking need. Where an additional parking need is identified, appropriate levels of additional parking should be provided.

Working from home

P16 Policy ANP 12 - Working from home

The County Council would recommend reference to active travel opportunities.

5.5 Local Infrastructure

Traffic Management and Off-street Parking

P17 Policy ANP13 - Off-Street Parking

The County Council considers that this policy may be overly restrictive and potentially conflicts with national planning policy. When considering development proposals, it is important to consider each proposal on its own merits. The loss of existing parking spaces would only be unacceptable from a highway perspective, if it led to further instances of parking in inappropriate locations that would result in unacceptable harm to highway safety.

KCC is encouraged by the Parish Council's endorsement of Interim Guidance Note 3, however, would recommend that a generic reference to KCC parking guidance is made to ensure that the plan is kept up to date and to avoid referring to potentially superseded parking guidance.

Public Transport

P19 Policy ANP15 – Transport

Paragraph 15.2

The aims of the policy are fully supported by the County Council as Local Highway Authority. However, the provision of new bus infrastructure would need to be considered on a case by case basis, depending on the likely level of passenger demand or the location of the development proposal in relation to the existing bus network.

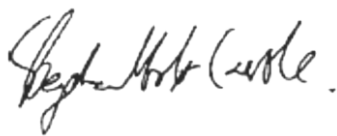
Paragraph 15.3

A decision regarding the appropriateness of extending out the 30mph limit would need to be made in the context of specific development proposals and in consultation with Kent Police and other stakeholders. Where it is appropriate, such measures could be explored on a case by case basis, rather than a blanket policy as suggested.

The County Council recommends that this policy emphasises the need to encourage modal shift to sustainable transport means.

KCC would welcome continued engagement on the matters raised in this letter 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,



Stephanie Holt-Castle

Interim Director - Environment, Planning and Enforcement