

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 7th December, 2016**

**10.00 am**

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





## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 7th December, 2016, at 10.00 am**  
**Council Chamber, Sessions House, County Hall, Maidstone**

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

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

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

Conservative (10): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),  
Mr M J Angell, Mr D L Brazier, Mr N J D Chard, Mr S C Manion,  
Mr R J Parry, Mr C Simkins, Mrs P A V Stockell and  
Mr J N Wedgbury

UKIP (4) Mr M Baldock, Mr L Burgess, Mr T L Shonk and Mr A Terry

Labour (3) Mrs P Brivio, Mr T A Maddison and Mrs E D Rowbotham

Liberal Democrat (1): Mr I S Chittenden

Independents (1) Mr P M Harman

#### **UNRESTRICTED ITEMS**

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

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

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 16 November 2016 (Pages 5 - 10)
4. Site Meetings and Other Meetings

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

1. General Matters

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

1. Application AS/16/462 (KCC/AS/0065/2016) - Variation of the hours of working of the Barber Green Asphalt Plant to increase the permitted "out of hours" working to up to 180 periods per year at Hothfield Works, Watery Lane, Westwell, Ashford; Tarmac Ltd (Pages 11 - 42)

2. Application AS/16/01192 (KCC/AS/0208/2016) - Permanent use of the site as a High Output Operating Base, including the storage and loading onto train of track ballast, maintenance activities and erection of accommodation at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford; Network Rail (Pages 43 - 62)

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

1. Proposal SE/16/01043/KCC/REG3 (KCC/SE/0055/2016) - Single storey extension to provide additional teaching space, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at Seal CE Primary School, Zambra Way, Seal; KCC Property and Infrastructure Support (Pages 63 - 94)
2. Proposal DA/16/01328 (KCC/DA/0213/2016) - Erection of two storey classroom block with additional site car parking at Wentworth Primary School, Wentworth Drive, Dartford; KCC Property and Infrastructure Support (Pages 95 - 120)
3. Proposal DA/16/01732/CPO (KCC/DA/0222/2016) - Single storey extension to accommodate eight new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford; KCC Property and Infrastructure Support (Pages 121 - 144)

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

1. County matter applications (Pages 145 - 148)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None)

#### **F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

##### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

John Lynch  
Head of Democratic Services  
03000 410466

Tuesday, 29 November 2016

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

## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 16 November 2016.

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

ALSO PRESENT: Mr B J Sweetland and Mr N S Thandi

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

#### UNRESTRICTED ITEMS

##### **50. Minutes - 19 October 2016**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 19 October 2016 are correctly recorded and that they be signed by the Chairman.

##### **51. Site Meetings and Other Meetings**

*(Item A4)*

(1) The Head of Planning Applications Group notified the Committee that she was considering whether there was a need for a Members' site visit to Paradise Farm, Hartlip in respect of the application for brickearth extraction. Mr Baldock requested that consideration be given to the possibility of holding a public meeting.

(2) The Committee noted that there was still no definitive date for the site tour in respect of the proposed school developments in Wilmington as she had not yet received the detailed mitigation measures in respect of the access arrangements.

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

*(Item C1)*

(1) The Chairman informed the Committee that he had met Mr S Gallagher from the Gallagher Group on a number of occasions. This did not constitute a close

personal relationship. He had not discussed this or any other planning application with Mr Gallagher.

(2) Mr B J Sweetland and Mr N S Thandi were present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(3) Mr Robin Theobald (Shorne PC) and Mr John Grey (Higham PC) addressed the Committee in opposition to the application. Ms Angela Watts (SLR Consulting) spoke in reply on behalf of the applicants.

(4) Mr T A Maddison moved, seconded by Mrs E D Rowbotham that the recommendations of the Head of Planning Applications Group be agreed subject to the cladding on the building being a shade of green to be agreed by the Head of Planning Applications Group.

(5) The mover and seconder of the above motion agreed to accept amendments to the proposed Informative which set out that the forum's terms of reference should enable the local community to raise operational concerns with R S Skips. The forum should meet every six months with invitations being sent to the landowner and other operators from the industrial estate as well as the Parish Councils, local community groups and the two Local Members.

(6) On being put to the vote, the motion set out above was carried by 14 votes to 2 with 2 abstentions.

(7) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the operation being carried out in accordance with the approved drawings and submitted documents; a restriction on HGV movements to a daily maximum of 74; hours of operation being 0700 to 1800 on Mondays to Fridays, 0700 to 1330 on Saturdays with no working on Sundays and Bank Holidays; the restriction of noise levels at the nearest residential buildings at the Queens Farm complex and neighbouring industrial properties to 42dB  $L_{AR,1hr}$  (as outlined in paragraph 81 of the original report); the restriction of vibration levels at neighbouring industrial properties (as set out in paragraph 83 of the original report); the maintenance of plant and equipment; the submission of a Dust Management Plan for all stages of waste handling and for vehicles leaving the site, including wheel and chassis cleaning and containment of waste loads (lorry sheeting); the submission of an Odour Management Plan assessing risk, proposing mitigation and detailing actions to address nuisance; the submission of a Scheme detailing the proposed materials to be used on the building, including the use of green cladding (with the shade being agreed by the Head of Planning Applications Group); the submission of a lorry routeing scheme (reflecting the information in the Transport Assessment), including reference to the vehicle tracking data; an Archaeological watching brief (if significant groundworks are required for the construction of the building); and a Contaminated Land watching brief (if significant groundworks are required for the construction of the building); and

- (b) the operator be encouraged by Informative to set up a forum for dialogue with the local community. This forum's terms of reference should enable the local community to raise operational concerns with R S Skips. The forum should meet every six months with invitations being sent to the landowner and other operators from the industrial estate as well as the Parish Councils, local community groups and the two Local Members.

**53. Application SH/0803/2016 (KCC/SH/0187/2016) - Section 73 application to vary existing conditions 2,7,8,9,11 and 12 of Permission SH/04/1475 to accommodate changes to the site layout, hours of operation and vehicle movements, increase the throughput of waste, clarification of the types of waste and removal of conditions 4 and 6 relating to noise monitoring and landscaping at Ross Depot, Military Road, Folkestone; Veolia ES (UK) Ltd**  
*(Item C2)*

- (1) Correspondence from Mr David Pettenden, a local resident had previously been circulated to all Members of the Committee.
- (2) On being put to the vote, the recommendations of the Head of Planning Applications Group were agreed by 12 votes to 5.
- (3) RESOLVED that permission be granted to the application subject to conditions, including conditions covering the development being carried out in accordance with the approved details; operating hours on site being 0600 to 1800 hours on Mondays to Fridays, including Bank Holidays and the Saturday following Christmas and 0600 to 1300 hours on Saturdays and Sundays with no operations on Christmas Day or Boxing Day; no waste collection vehicles leaving the site before 0500 hours on Mondays to Fridays, including Bank Holidays and on Saturday mornings and no waste vehicles leaving the site on Christmas Day or Boxing Day; no more than a combined total of 108 HGVs entering and leaving the site each day; all vehicles entering and leaving the site in a forward motion; a maximum waste throughput of up to 25,000 tonnes per annum; waste types only including mixed recyclates, glass and food waste for recovery excluding black bag waste or residual waste; the removal of Permitted Development Rights; the restriction on the use of the waste building to that permitted; dust control measures; measures to prevent mud and debris being taken onto the public highway; the submission for approval of details of the close boarded fence; increased use of the atomiser; and the terms of the permission being displayed at the site office.

**54. Proposal DA/16/1306 (KCC/DA/0212/2016) - Demolition of existing prefabricated canteen building and erection of two storey extension providing 8 classrooms, group rooms and a hall, and an additional 18 on site car parking spaces at The Brent Primary School, London Road, Stone; KCC Property and Infrastructure Support**  
*(Item D1)*

- (1) The Head of Planning Applications Group informed the Committee that the figure for additional onsite car parking spaces set out in the report should read "18" rather than "19".

(2) Mr C P Smith reported the views of Mrs P T Cole in support of the Proposal.

(3) Mr T A Maddison had previously informed the Committee that he would not participate in the decision-making on this item as he had already made his views known. He had already left the meeting, but had given his written views objecting to the proposal to the Head of Planning Applications Group, who reported them to the Committee.

(4) In agreeing the recommendations of the Head of Planning Applications Group, the Committee decided to strengthen the updated Travel Plan condition in order to ensure that its content were made available on the School's website.

(5) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; a scheme of landscaping, including native tree planting, ecological enhancement measures, and hard surfacing, its implementation and maintenance; no tree removal taking place during the bird breeding season; the submission of an updated Travel Plan prior to occupation, and its ongoing monitoring and review thereafter. This updated Travel Plan is to be available on the school's website and will include measures to manage and monitor the onsite drop off area, to encourage and promote sustainable transport options, including the possibility of introducing staggered school start and end times, and to set out SMART targets (specific, measurable, achievable, realistic and timely) amongst other matters; the provision (prior to occupation) and retention of car parking, drop off area and circulatory routes; the implementation of archaeological field evaluation works and any subsequent archaeological investigations; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; the submission for approval of a construction management strategy, including access, lorry routing, parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations, details of how the site access would be managed to avoid peak school times, and measures to prevent mud and debris being taken onto the public highway; and

(b) the applicants be advised by Informative that:-

(i) with regard to the requirement to prepare and submit a (revised/amended) School Travel Plan, they should register with Kent County Council's Travel Plan Management system 'Jambusters';

- (ii) their attention is drawn to the letter from the Environment Agency in which advice and guidance is provided with regard to foul and surface water drainage; and
- (iii) their attention is drawn to the letter from Public Rights of Way which contains general informatives with regard to works adjacent to and/or on a Public Right of Way. They are also advised that 'the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority.

**55. Proposal AS/16/1148 (KCC/AS/0204/2016) - Permeable tarmac playground and trim trail area at Charing CE Primary School, School Road, Charing; Governors of Charing CE Primary School**

*(Item D2)*

(1) Mr C Simkins informed the Committee that he was the Local Member for this proposal. He had not given his views on the proposal and was able to approach its determination with a fresh mind.

(2) Mr Tylden Reed from Charing PC addressed the Committee in support of the proposal.

(3) The Committee agreed that the text of Mr Tylden's contribution should be sent to the Secretary of State as part of the County Planning Authority's submission on this proposal. It also agreed to ask the Chairman to write separately on its behalf to the Secretary of State in respect of the delay in implementation caused by Sport England's objections to this and similar applications.

(4) RESOLVED that:-

- (a) the proposal be referred to the Secretary of State for Communities and Local Government and that subject to his decision, permission be granted to the proposal subject to conditions, including conditions covering the standard 5 year time limit; the development being carried out in accordance with the permitted details; hours of working during construction being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and bank holidays; construction traffic/deliveries minimising conflict with traffic and pedestrians at the beginning and end of the school day; and the submission for approval of a scheme of landscaping, including the provision of replacement trees of native species in an appropriate location, its implementation and maintenance;
- (b) Mr Reed's contribution be included in the County Planning Authority's submission to the Secretary of State; and
- (c) The Chairman be requested to write on the Committee's behalf to the Secretary of State in respect of the delay in implementation caused by Sport England's objections to this and similar applications.

**56. Matters dealt with under delegated powers**

*(Item E1)*

RESOLVED that subject to the deletion of Permission CA/16/1822 (Swalecliffe Junior School) from the list of County Council developments, the following matters dealt with under delegated powers since the last meeting be noted:-

- (a) County matter applications;
- (b) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

SECTION C  
MINERALS AND WASTE DISPOSAL

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

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Item C1

Planning application to vary the hours of working of the Barber Green Asphalt Plant to increase the permitted 'out of hours' working to up to 180 periods per year at Hothfield Works, Watery Lane, Westwell, Ashford – AS/16/462 (KCC/AS/0065/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2016.

Application by Tarmac Limited to vary the hours of working of the Barber Green Asphalt Plant at the Tarmac Hothfield Works to increase the permitted 'out of hours' working to up to 180 periods per year at Hothfield Works, Watery Lane, Westwell, Ashford, Kent, TN25 4JJ – AS/16/462 (KCC/AS/0065/2016).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr. C. Simkins

Classification: Unrestricted

Site

1. Hothfield Works is located off Watery Lane approximately 1 kilometre (km) (0.6 miles) north-east of the Maidstone Road (A20) between Charing and Ashford. Watery Lane is a country road that leads from the A20 toward the village of Westwell. The application site is approximately 1.5 km (1 mile) to the south-west of Westwell and 4 km (2.5 miles) north-west of Ashford. The site lies immediately adjacent to the Ashford to London mainline railway and comprises a private railway siding used for the importation of aggregate, with associated storage depot and asphalt plant. The site occupies approximately 4.5 hectares of land, positioned between the mainline railway (to the south-west) and the M20 (to the north-east). The High Speed 1 (Channel Tunnel) Rail Link passes on an embankment beyond the mainline railway (to the south-west).
2. Access to the site is via a dedicated site road off Watery Lane. The operational areas are set back approximately 100 metres from the public highway. The site is screened by a mature tree belt, including from the public highway to the south-east. The landscape planting stretches the length of the eastern boundary and around to the north. The site is screened to the south and west by the railway lines, associated embankments and further landscape planting.
3. The nearest residential property (Keepers Cottage) is located approximately 100m to the north of the operational area. A further property is located opposite the site entrance to the south-east across Watery Lane, approximately 200m from the main works area. There are 12 residential properties located to the south-west along Watery Lane, which is the route travelled by vehicles using the site from Maidstone Road (A20). See attached location plan.

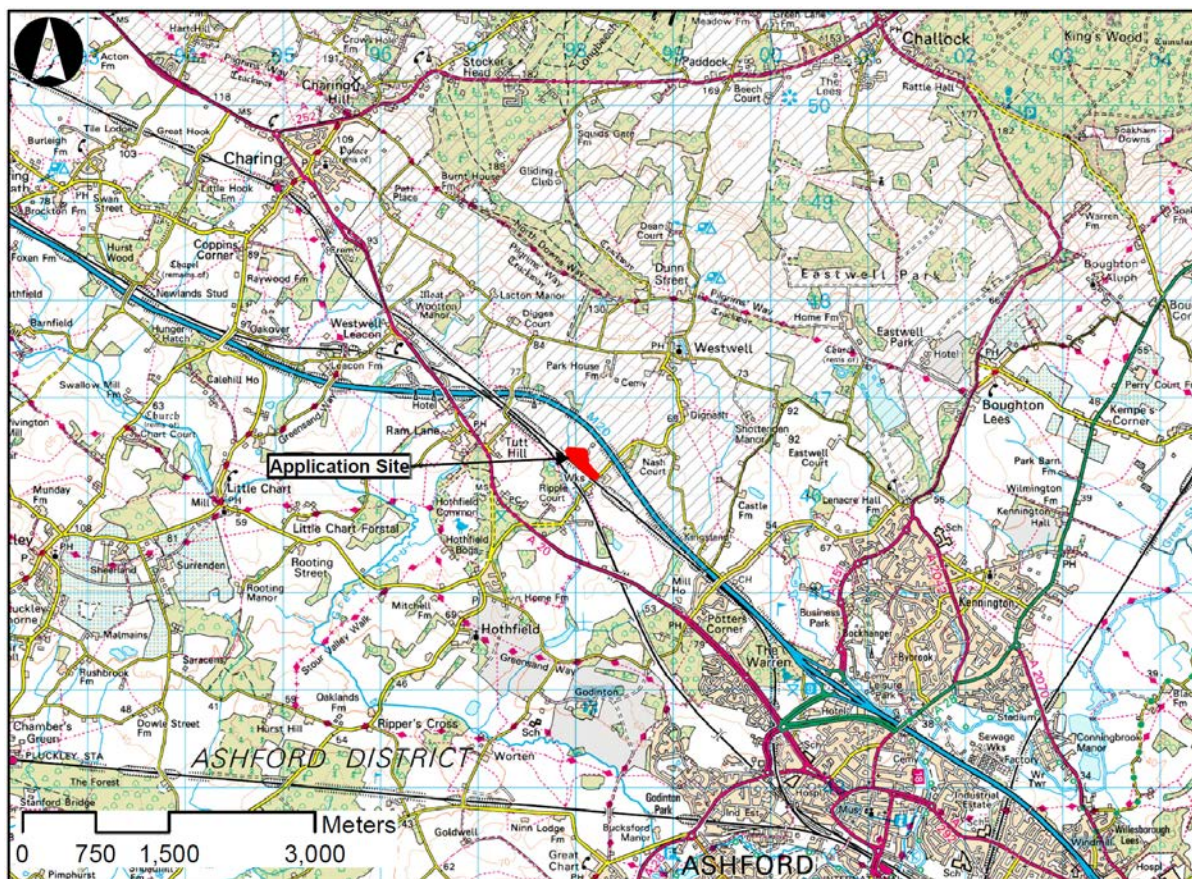
Application to vary hours of working of asphalt plant to increase permitted 'out of hours' working at Hothfield Works, Watery Lane, Westwell – AS/16/462 (KCC/AS/0065/2016)

4. The application site lies on the edge of the Kent Downs Area of Outstanding Natural Beauty (AONB). An area of Ancient Woodland (Parsonage Woods) lies within the belt of trees that flank the site to the east. A Grade II listed building (The Old Parsonage Farm House) is located approximately 140m south-west of the site entrance along Watery Lane on the far side of the mainline railway embankment. The use of the application site as a rail depot for the importation of minerals into the County and for the associated manufacture of asphalt is safeguarded under policies CSM 6 and CSM 7 of the adopted Kent Minerals and Waste Local Plan (2016) (Kent MWLP).
5. There are no other site-specific planning designations, although more general development plan policies are set out in the Planning Policy section below.

### Background and Planning History

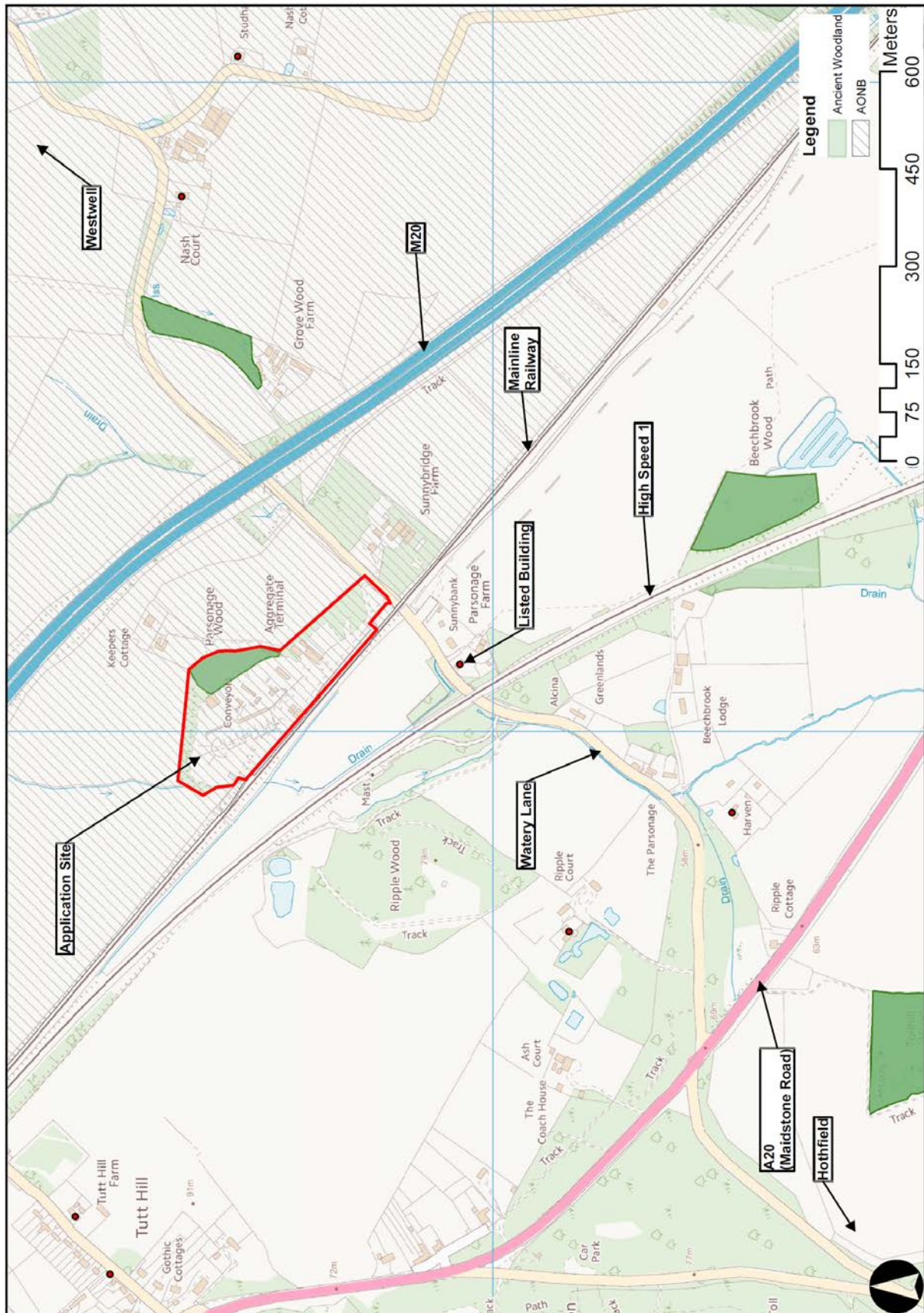
6. The application site has been operational since the mid-1950s. The rail siding, discharge facilities and associated aggregates depot was granted planning permission on appeal in September 1976, under permission reference AS/75/13. This permission includes controls on the operation of the rail siding and depot, including a restrictions on loading or unloading of trains or vehicles to between 0600 – 1800 hours weekdays, controls on stockpile heights, dust mitigation and the provision of tree planting and landscape enhancement measures.

### General Location Plan



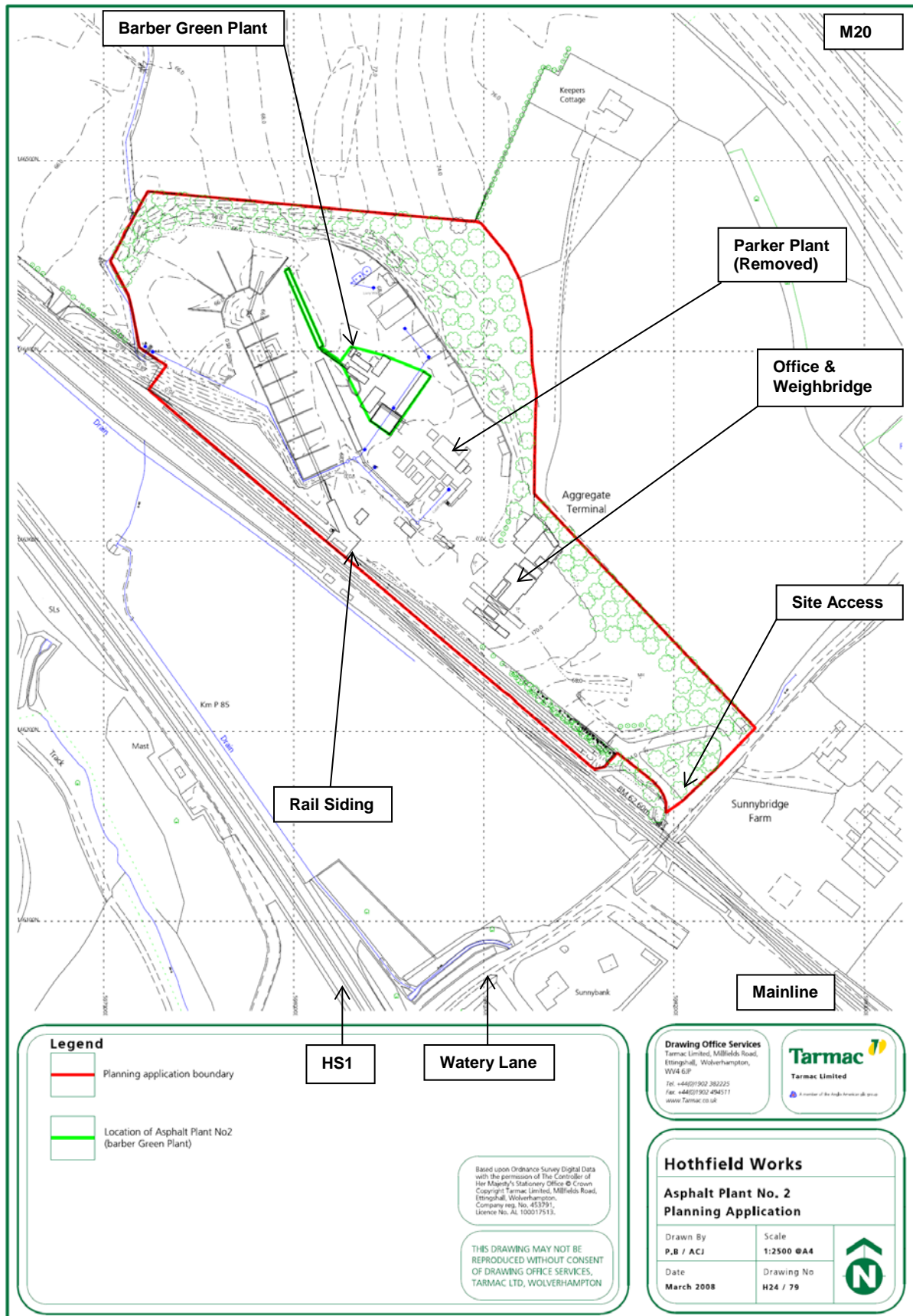
Application to vary hours of working of asphalt plant to increase permitted 'out of hours' working at Hothfield Works, Watery Lane, Westwell - AS/16/462 (KCC/AS/0065/2016)

### Site Location Plan



Application to vary hours of working of asphalt plant to increase permitted 'out of hours' working at Hothfield Works, Watery Lane, Westwell - AS/16/462 (KCC/AS/0065/2016)

**Layout Plan**



Application to vary hours of working of asphalt plant to increase permitted 'out of hours' working at Hothfield Works, Watery Lane, Westwell – AS/16/462 (KCC/AS/0065/2016)

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7. Aggregates are imported to the site by rail from the Midlands, Wales and the Mendips, including Granite, Limestone and High Polished Stone Value (PSV) Gritstone. The trains are discharged between 0600 – 1800 hours irrespective of the time of arrival and wait in the dedicated siding until unloading is permitted. The aggregates are transferred to the storage bays on site via an enclosed bottom discharge system that automatically transfers the material by conveyor. The site receives on average 1 to 2 trains per week, with each train taking approximately 2 to 2.5 hours to discharge. Imported materials are stored on site for use within the remaining asphalt plant (Barber Green Plant) with some dry stone being sold and exported from site. All aggregates are imported by rail.
8. Until recently there were two asphalt plants on site (the Parker Plant and the Barber Green Plant). In 2014 the applicant decommissioned and removed the Parker Plant. Planning permission for the Barber Green Plant was granted in March 1993 under reference AS/90/608. This permission was granted subject to a legal agreement securing highway improvements and 12 conditions, including (amongst other matters) drainage arrangements, dust controls, noise attenuation, a programme of woodland management, the use to be linked to the continued importation of aggregate by rail and hours of operation – 0500 to 1800 hours Monday to Friday, 0500 to 1300 hours on Saturdays with no lorries to leave the site before 0600 hours (condition 5).
9. Planning permission (AS/97/90) was granted on 11 July 1997, following a resolution by the County Council's Planning Sub-Committee 10 June 1997, allowing a permanent variation to the 'normal' hours of operation to include 'out of hours' working on site between 1800 and 0500 hours and at any time during weekends and Bank holidays. The permission allows provision for 40 'out of hours' working periods (of up to 8 hours duration each) during any calendar year. The permission restricts the approved 'out of hours' working to ensure the site is not continuously operational for more than 10 days consecutively. None of the above permissions, including for the rail siding and the asphalt plant, contain controls over the total number of vehicle movements associated with the use, either during 'normal' or 'out of hours' working.
10. The frequency of 'out of hours' working each year was varied from 40 to 60 periods per annum on three occasions under permission references AS/98/1537, AS/02/39 and AS/08/733. All of the above permissions were granted on a temporary basis and have since expired.
11. Planning permission (AS/12/844) was granted for a permanent variation of condition 5 of permission reference AS/90/608 to enable 60 'out of hours' working periods per year on 17 October 2012. This permission imposed additional planning controls over the permitted 'out of hours' working to help protect local amenities, including:
  - defined noise limits for operations during additional working periods;
  - a maximum 40 HGVs (total) to leave the site between 1800 and 0600 hours (i.e. 40 leaving / 40 returning);
  - a maximum 10 heavy goods vehicles (HGVs) to leave the site per hour between 1800 and 0000 hours;
  - a maximum 6 HGVs to leave the site per hour between 0000 and 0600 hours;
  - no articulated lorries to be used on site during the night hours;
  - a code of practice for HGV drivers, including a voluntary 20mph speed limit for all Tarmac drivers travelling along Watery Lane;

Application to vary hours of working of asphalt plant to increase permitted 'out of hours' working at Hothfield Works, Watery Lane, Westwell – AS/16/462 (KCC/AS/0065/2016)

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- an operational limit on 'out of hours' working to no more than 10 consecutive days; and
  - a written summary of out of hours periods worked to be maintained and made available to the County Council.
12. The plant produces high specification asphalt used in the construction and maintenance of roads alongside supplying private sector contracts. The applicant states that 75% of the production on site is to service public sector highway commitments, including supplying the Kent Maintenance Contract.
  13. Night-time work typically comprises the operation of the asphalt plant and associated infrastructure, which includes acoustic screening that encloses the manufacturing process, a loading shovel and HGV movements associated with the distribution of the product. Normally, the applicant operates 6 HGVs (each with a 20 tonne capacity) delivering material in sequence according to the contract needs. Whilst third party HGVs collect materials during normal working hours, out of hours working are normally restricted to the applicant's own vehicles.
  14. The applicant states that the approved night time production at the site (60 occasions per year) is currently being fully utilised.

#### Proposal

15. The application seeks a variation of condition 5 of planning permission AS/90/608 to allow an increase in the permitted 'out of hours' working for the the Barber Green Asphalt Plant. 'Normal' working hours are defined by the above permission as 0500 – 1800 hours Monday to Friday and 0500 – 1300 hours Saturdays whilst 'additional' or 'out of hours' working covers any operation of the site outside these hours. The proposed changes would increase the permitted number of 'out of hours' working periods (of up to 8 hours duration each) from the 60 occasions (periods) already permitted to a maximum of 180 occasions each calendar year.
16. The applicant states that the proposals are for an increase in the frequency of the permitted night working and are not an increase in the intensity / level of activity on site during the 'out of hours' periods. Limiting factors on output from the site include the productive capacity of the plant (determined by the size of the mixer and rated capacity for production), the number of vehicles based on site for delivery, the permitted frequency of vehicle movements and the size and duration of the contracts. The applicant indicates that the bias of production in this sector of Kent has moved from major road building projects to predominantly repair and maintenance and consequently the trend of sustained large volumes has changed to smaller more frequent contractual demand.
17. The applicant acknowledges the controls imposed on the existing planning permissions that seek to prevent unacceptable and sustained impact on local amenity from night time (out of hours) working. The application initially proposed that, with the exception of the variation of condition 5, the original conditions imposed on permission AS/90/608 should be retained along with those imposed on permission AS/12/844 and that new controls and measures be introduced, including:

Application to vary hours of working of asphalt plant to increase permitted 'out of hours' working at Hothfield Works, Watery Lane, Westwell – AS/16/462 (KCC/AS/0065/2016)

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- a reduction in the maximum number of HGVs allowed to leave the site between 1800 and 0600 from 40 to 25 (unless otherwise agreed with the Mineral Planning Authority);
  - a review of the code of practice for HGV drivers (including a maximum advisory speed limit on Watery Lane of 20mph at all times, day and night);
  - a commitment to resurface damaged sections of the public highway (Watery Lane);
  - neighbourhood notification to advise on permitted operations and provide a main contact on site;
  - a review of existing tree planting and site management to improve biodiversity; and
  - a review of site lighting to manage light spill.
18. The applicant states that activities on site, including operation of the rail depot and asphalt plant, during the permitted normal daytime hours of operation would remain unchanged.
19. The application is accompanied by an assessment of the asphalt supply network in Kent, a Noise and Vibration Assessment, a Highway Condition Review, a Night-time Landscape and Visual Appraisal, an Ecological Appraisal, a Statement of Community Involvement and a copy of a Code of Practice for HGV drivers at Hothfield Works.
20. The Highway Condition Review (prepared in consultation with KCC Highways and Transportation) identifies that generally the carriageway surfacing along the length of Watery Lane between the site access and the A20 is in a reasonable condition. The report identifies a number of defects within the public highway that could contribute to increased vibration and noise from passing vehicles, including three areas that are in need of repair due to the existing surfacing reaching the end of its life, existing pot holes, failed service trenches or poor reinstatements. The report also identifies that there are additional areas along the entire length of the highway access route that may require attention within the next 2-5 years.
21. The applicant has agreed to undertake repairs to the highway in the three locations identified in connection with the above application. Tarmac also indicates that it is prepared to offer resurfacing of the length of Watery Lane from the site entrance towards the junction with the A20. This would be in addition to the measures agreed in the highway condition report and is proposed to help reduce vehicle vibration and associated noise. The improvements would benefit all vehicle movements along the public highway. The applicant is also proposing improvements to the highway drainage where the highway adjoins land in its ownership.
22. In response to initial comments received from statutory consultees and nearby residents, the applicant provided further supporting information including:
- a Landscape and Ecological Management Plan;
  - a Lighting Survey and Supplementary Information;
  - details of additional acoustic cladding to the asphalt plant;
  - a Supplementary Noise & Vibration Technical Note;
  - an agreement to implement a local Consultative (Liaison) Committee with the local Community; and
  - an agreement to resurface the whole stretch of Watery Lane between the Works and the A20.

Application to vary hours of working of asphalt plant to increase permitted 'out of hours' working at Hothfield Works, Watery Lane, Westwell – AS/16/462 (KCC/AS/0065/2016)

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23. This additional information has been subject to further consultations with the statutory consultees and those third parties that made representations on the application as originally received. The consultee responses included below represent the latest position.
24. A further Supplementary Statement on Noise was also received from the applicant in response to additional comments received from the County Council's Noise Consultants (Amey) on the Supplementary Noise & Vibration Technical Note referred to above. The County Council's Noise Consultant's comments included below represents its position having considered all relevant information.

#### Planning Policy

25. The Government Policy / Guidance and Development Plan Policies summarised below are particularly relevant to the consideration of this application:
26. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012) and the associated Planning Practice Guidance (PPG). National Planning Policy and Guidance are material planning considerations.
27. **Kent Minerals and Waste Local Plan 2013-30 (Adopted July 2016) (Kent MWLP)** Policies: CSM1 (Sustainable Development), CSM6 (Safeguarded Wharves and Rail Depots), CSM7 (Safeguarding Other Mineral Plant Infrastructure), CSM12 (Sustainable Transport of Minerals), DM1 (Sustainable Design), DM2 (Environment and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM15 (Safeguarding of Transport Infrastructure), DM16 (Information required in support of an application) and DM20 (Ancillary Development).
28. **Ashford Borough Council Local Development Framework Core Strategy (July 2008) (Ashford CS)** Policies: CS1 (Guiding Principles), CS11 (Biodiversity) and CS15 (Transport).
29. **Ashford Borough Council Local Development Framework: Tenterden and Rural Sites Development Plan Document (2010) (Ashford TRSDPD)** Policies: TRS8 (Extensions to employment premises), TRS17 (Landscape character & design) and TRS18 (Important Rural Features).
30. **Ashford Borough Local Plan (2000) (Ashford LP)** Saved Policies: GP12 (Protecting the countryside and managing change), EN27 (Landscape Conservation), EN30 (Nature Conservation) and EN32 (Important Trees and Woodland).

#### Other Material Considerations:

31. **Kent Downs Area of Outstanding Natural Beauty Management Plan 2014 – 2019 (Kent Downs AONBMP)** Policies: SD1 (Highest level of protection), SD2 (Local character, qualities and distinctiveness), SD3 (New development or changes in land use), SD7 (Tranquillity), SD8 (Mitigation measures), SD11 (Mitigation measures), BD5

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(Biodiversity), WT1 (Woodland) and WT7 (Woodland protection).

**32. The World Health Organisation (WHO) Night Noise Guidelines for Europe (2009).**

Consultations

33. **Ashford Borough Council:** raise no objection to the application, subject to conditions ensuring no more than a total 25 HGVs leave the site between 1800 and 0600 hours and/or any 8 hour additional working period, no more than 10 HGV movements an hour between 1800 and 0000 hours and 6 HGV movements an hour between 0000 and 0600 hours, no articulated lorries are used between 18.00 and 06.00 hours and securing an updated landscape management scheme for the site.

The Borough Council's comments encourage the applicant to enter into an agreement with the Highways Authority for works to the highway to mitigate any impacts as outlined in the supporting statement.

34. **Ashford Borough Council Environmental Health:** comments that the site has been permitted for many years and compliance is good with no recent complaints. The response confirms that the site benefits from a local authority Environmental Permit issued by the Borough Council covering air quality. The permit includes the rail and road aggregate handling facilities, the Barber Green asphalt coating plant, the associated dust collection system and the bulk storage containers. Inspection frequency is based upon a 'risk score' matrix which has been developed by DEFRA. When compliance is judged to be good the inspection frequency reduces. At the moment a visit is arranged with the operator every two years. In the event of a complaint (e.g. a dust emission beyond the site boundary) the Borough Council has a range of enforcement options. For example, if there was a failure of the dust collection system then the council could suspend the operation until the fault had been identified and rectified.
35. **Westwell Parish Council:** raise no objections, subject to conditions to minimise any adverse impact on residents, and the character and amenity of the rural location within the Kent Downs AONB. Having considered the initial application and the further supporting information received the conditions recommended by Westwell Parish Council can be summarised by the following:

- Before the additional working hours are implemented, a Consultative (Liaison) Committee should be set up comprising representatives from the residents of Watery Lane, Westwell Parish Council, Hothfield Works, Ashford Borough Council and Kent County Council.
- Before the additional working periods are implemented, the highway between the Works and the A20 should be resurfaced to ensure the road has a quiet surface that reduces vibration and noise to a minimum.
- Continued implementation of the drivers' voluntary Code of Practice – limiting the speed of HGVs servicing Hothfield Works to no more than 20mph between the site and the A20, in both directions.
- Installation of cladding on the highest part of the plant (currently not enclosed), to reduce noise.
- A maximum of 25 HGVs to leave the site between 1800 and 0600.

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- Conditions previously included on permissions AS/90/608 and AS/12/844 being re-imposed on any new permission.
- A condition securing landscape management and enhancement to ensure any harm to the AONB is mitigated.

Westwell Parish Council's comments in response to the further supporting information submitted by the applicant are summarised below:

- Is pleased to note Tarmac's support for a Consultative (liaison) Committee. Considers that establishment of the Consultative Committee should be a condition.
- Is pleased to note that Tarmac is acknowledging the concerns regarding the way in which external hauliers use Watery Lane. Considers that enforcement of the Code of Practice for HGVs, planned management of the verges and proposing a 40mph speed limit along Watery Lane are ongoing matters that need to be managed, some of which should be taken forward by the proposed Consultative (liaison) Committee.
- Notes Tarmac's commitment to investigate and keep odour under control. Considers this could be a standing item for the proposed Consultative (liaison) Committee.
- Notes that the number of out-of-hours periods should be monitored so that the total number of vehicle movements does not increase.
- Notes that Tarmac is sensitive to noise issues and that the rubber noise damping recently installed on the bucket connection point has improved noise impacts for adjacent residents.
- Notes that provided the audible alarm used on site (identified by a local resident) continues to be muted at night and early morning start-up this is not currently considered an amenity problem.
- Is pleased to note that the proposed resurfacing would include the whole length of Watery Lane from the works to the A20. Notes that this should include remedial work to any damage at the highway edge, where potholes occur and cause vehicles to swerve into the centre of the road.
- Notes the 20-year life of the resurfaced highway and that KCC highways will be responsible for the surface condition moving forward. Highlights the importance of any resurfacing work including repairs to the road edge to prevent potholes.
- Notes that a future reduction in the speed limit on Watery Lane is a very important issue for residents, particularly given that this rural road has neither lighting nor footway, but nevertheless is being used day and night by a considerable volume of HGV and other traffic that would be increased under this proposal. The Parish Council accepts that it is unrealistic to make a 40mph speed restriction a condition of any planning permission as this would be outside Tarmac's direct responsibility (and control). Considers that the issue should be taken forward by the Consultative Committee.
- Notes Tarmac's commitment to deal with identified lighting concerns. Considers this could be another item for the Consultative Committee in case further issues arise.
- Supports Tarmac's proposal for woodland management to maintain the visual screen and the AONB setting.
- Notes Tarmac's willingness to address the issues raised by the AONB Unit on lighting, woodland management and ecological enhancement. Notes that Hothfield Works has always been an 'alien' feature in the AONB however acknowledges the considerable effort Tarmac makes to recognise and minimise its impact and to

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comply with all the conditions that are requested.

36. **Hothfield Parish Council:** raise no comment.
37. **Network Rail (High Speed 1):** no response received.
38. **Network Rail (Freight):** raise no objections to the application.
39. **Kent Downs AONB Unit:** comments as follows:

*“The site lies entirely within the Kent Downs AONB. The application should therefore be tested against the purpose of the designation, to conserve and enhance the natural beauty of the Kent Downs AONB and the way that this purpose is represented in local and national policy.*

*As you are aware the AONB Unit previously raised concerns regarding potential impact of the increase in lighting on the Kent Downs AONB due to an increase in frequency of night working. The LVIA advises that there are night time views of the site as a result of the lighting, in particular to the south from Watery Lane as well as at the site entrance on Watery Lane where it is recognised that a break in vegetation allows views of the plant, weighbridge etc. as these are well lit and create glare.*

*A lighting survey has now been conducted, which advises that light spillage into Parsonage Wood was as a consequence of a single light which has subsequently been adjusted, mitigating light spillage along the northern boundary and reducing impact on Parsonage Wood. The supplementary information does not however address the issue of night time views into the site from the south and at the site entrance, other than advising that light levels are generally lower than operational needs”.*

40. **Kent County Council Highways and Transportation:** raise no objections to the proposals in respect of highway matters, subject to conditions being attached to secure the following:

- The off-site highway and drainage works described within the application documents.
- No more than 25 HGV vehicles to depart the site between 18:00 and 06:00.
- Out of hours working to be restricted to a maximum of 180 occasions per year.

In addition, the Highway Authority recommends an informative drawing the applicant's attention to the need for separate highway consent for any work within the public highway (Section 278 Agreement).

The comments received state:

*“The proposed variation in hours of working at this site has been the subject of pre-application discussions between KCC Highways & Transportation and the Applicant, together with stakeholder engagement with local interested parties. It was concluded at that time that mitigation works would address concerns over flooding and the condition of the road surface, as the noise and vibration of HGV traffic using Watery Lane in its current condition would have a greater impact on residential amenity during these additional night time periods. Items of off-site highway works were identified to improve*

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*the road surface and address drainage issues, which should minimise the impact that these large vehicles would have overnight on local residents, and I am pleased that the submitted scheme does include these measures.*

*Notwithstanding the above works, the highway condition review undertaken by the applicant's own highway consultant has concluded that the entire length of Watery Lane would benefit from resurfacing, to extend the life of the remaining sections beyond the 2 to 5 years they have predicted that the road would require attention within. Therefore, in order to avoid the disruption that further resurfacing work would cause to their business at that time, the applicant has also offered to undertake the full resurfacing of Watery Lane between the site and the A20, and I would not have any objection against that offer. It is appreciated too that the permitting of additional occasions for night working would increase the wear and tear on the highway network, shortening the lifespan of the existing road surfacing, so the offer to resurface Watery Lane will also compensate the Highway Authority for the resulting increased maintenance burden.*

*I note that the applicant is also willing to reduce the maximum number of HGVs allowed to leave the site between 6pm and 6am from 40 to 25, and I agree that it would be prudent to secure this restriction through a variation of the existing planning conditions.*

*Whilst it has been suggested that a reduction in the speed limit in Watery Lane should be promoted, the implementation would only be possible through a comprehensive package of physical measures to change the road environment, making it conducive to achieving vehicle speeds nearer 30mph, and also meeting the national criteria required for such speed limits. The introduction of speed limits along roads that do not meet the criteria, or would largely be ignored, can undermine the effectiveness of road signage elsewhere. We would only introduce speed limits where it is appropriate to do so and where they would generally be self-enforcing, so they do not rely on police enforcement to administer”.*

41. **Kent County Council's Ecological Advice Service:** raise no objection to the application, subject to a condition securing the implementation of the Landscape and Ecological Management Plan received in support of the application. The comments confirm that the Advice Service is satisfied that the adjustments to the existing lighting will help to minimise any impact from light spill on the adjacent Ancient Woodland.
42. **Kent County Council's Noise Consultants:** raise no objections to the application, subject to conditions including
- Re-imposition of the established noise condition relating to operations on site outside normal working hours.
  - A maximum of 25 HGVs to leave the site between 18:00 and 06:00 (equivalent to 25 HGVs Out / 25 HGVs In).
  - The resurfacing of Watery Lane “as a mitigating measure to reduce the potential for impulsive noise due to vehicle noise movements”.
  - Retention of the Code of Practice for HGVs leaving and accessing the site.

The Noise Consultant's conclusions read as follows:

*“We consider that noise from operations on the site is unlikely to cause specific concerns during the additional working proposed. The inclusion of further mitigation*

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*measures, like improvements to the cladding on the plant, are likely to help mitigate any impact on the surroundings from the additional use proposed and if planning permission is granted the re-imposition of the established noise condition would ensure that acceptable noise levels continue to be maintained outside normal working hours.*

*The noise calculations indicate a yearly average noise level of 53 dB  $L_{night, outside}$  at Sunnybank and of 52 dB  $L_{night, outside}$  at The Parsonage. Therefore, the noise level at night after the proposal would be below the Significant Observed Adverse Effect Level (SOAEL) of 55 dB  $L_{night, outside}$ .*

*The proposal would not change the acoustic character of the area since it would only increase the residual noise level by 2 dB  $L_{night, outside}$  at Sunnybank and 3 dB  $L_{night, outside}$  at The Parsonage and the noise level at night would be just 1 dB(A) higher than the additional working hours currently permitted.*

*Consequently, since (i) the yearly average noise level would be below 55 dB  $L_{night, outside}$  and therefore below the SOAEL and (ii) the proposal does not change the acoustic character of the area; the reviewer considers that the proposal meets the first NPPF noise aim of avoiding noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Therefore, it is our opinion that the application should be granted in noise terms.*

*The proposal would cause noise levels between the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL). Effects between these levels must be mitigated and reduced to a minimum. The applicant has proposed conditions to mitigate and reduce effects, which in the reviewer's opinion are reasonable and meet the requirements of the second NPPF noise aim of mitigating effects between the LOAEL and the SOAEL.*

*Therefore, we would recommend that the mitigation measures proposed by the applicant are included as planning conditions".*

#### Local Member

43. The local County Member for Ashford Rural West, Mr. C. Simkins was notified of the application on 23 March 2016 and re-notified concerning the additional information received on 19 August 2016.

#### Publicity

44. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 17 properties near to the site and along Watery Lane between the site entrance and the A20 (Maidstone Road).

#### Representations

45. In response to the publicity, 3 letters of representation have been received from two nearby properties objecting to the application. The key material planning considerations raised can be summarised as follows:

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- Considers that the application would have a detrimental impact to the quality of life of local residents through increased noise and air pollution.
- Notes that residents are already subject to noise pollution from both the plant (in particular an alarm that sounds regularly) and from large vehicles using Watery Lane.
- Raises concerns about highway safety. Notes that Tarmac's own vehicles are driven with care and attention, however considers that third party vehicles accessing the site to collect asphalt are often driven at excessive speeds with little respect for other road users.
- Raises concern about the level of air pollution; considers that odour omitted from the plant has increased over recent years. Notes that residents regularly have to close windows and doors due to excessive smells from the site.
- Raises concern that increased night-time operations would raise noise and air pollution affecting local resident's health and ability to sleep, particularly in the summer months when bedroom windows are open.
- Raises concern that the cumulative impact of night-time railway maintenance alongside the proposed increase in out of hours working at the site would make life unbearable.
- Considers that the applicant's offer to resurface the road would make no difference, considers the road to already be in a good state of repair.
- Appreciates that rail depot and asphalt plant are a long-standing operation in the area, however considers that a country lane is not a suitable location for the use, suggests if night-time operation is required now is the time to move to a non-residential area.

#### Discussion

46. The application is being reported to the Planning Applications Committee as a result of three letters of objection received from the owner/ occupier of two nearby properties. No other objections are being raised. See the Consultations and Representations sections above for details of all views / recommendations received.
47. In considering the proposal, regard must be had to the Planning Policy section 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 proposals need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations.
48. The key determining considerations in this particular case can be addressed under the following headings:
  - Need for the development;
  - Highways and transportation;
  - Local amenity impacts (including noise, odour and air quality);
  - Landscape and visual amenity (including AONB considerations); and
  - Ecology and the natural environment.

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### **Need for the development**

49. The NPPF seeks to ensure the planning system actively supports sustainable economic growth, ensuring that it encourages and not acts as an impediment to sustainable development. On this basis, Government policy places significant weight on the need to support economic growth through the planning system. The NPPF states that minerals are essential to support sustainable economic growth and our quality of life. Consequently, national policy seeks to ensure that a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs is maintained. It also requires local planning authorities to safeguard existing, planned and potential rail heads and associated storage, handling and processing facilities for the bulk transport of minerals by rail, alongside sites for the manufacture of coated materials, such as asphalt.
50. Kent Minerals and Waste Local Plan 2016 (Kent MWLP) Policy CSM6 identifies Hothfield Works as a safeguarded rail depot and seeks to ensure that its capacity and viability for mineral transportation purposes are not compromised. The supporting text highlights the importance of safeguarded wharves and rail depots in enabling the ongoing supply of essential minerals to Kent in accordance with national planning policy. Policy CSM7 of the Kent MWLP seeks to safeguard mineral production infrastructure, including concrete batching and the manufacture of coated materials. Policy DM20 provides support for proposals for ancillary development within or in close proximity to mineral development provided that it has been demonstrated that there are environmental benefits in providing a close link with the existing site that outweigh the environmental impacts. Policy C1 of the Ashford Borough Council Local Development Framework Core Strategy (Ashford CS) seeks to provide a commercial environment that is conducive to encouraging new and existing businesses.
51. The applicant states that strategic public sector customers responsible for motorway and arterial road repair, maintenance and construction contracts, including the Borough / District Councils, the County Council and Highways England, require high specification asphalt to be supplied at a time when traffic flows are reduced, generally outside peak travel times. This approach reduces the risk to highways contractors and the travelling public and minimises disruption caused by the highway works. The lower risk and disruption periods are typically at night between 2200 and 0600 hours, which creates a demand for material outside the normal working hours. Asphalt is a batched product made, to fulfil demand according to a specific contract in the hours before it is required to be laid on the road surface. Once produced the material cannot be stored for long periods as when it cools it cannot be used. This means that asphalt plants in the County are strategically located and often require flexible working hours to serve specific public sector demand.
52. The applicant states that in the 18 years since out of hours working was originally permitted at Hothfield Works, highway maintenance at night has become increasingly common to the extent that it is now the norm rather than the exception. Approximately 75% of production from the site is high specification asphalt used in major trunk road construction and maintenance, with private sector customers making up the remaining 25% of supply.
53. In demonstrating a need for this proposal, the application includes a review of the asphalt plants in the county and their ability to meet out of hours / night time demands.

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The review concludes that Hothfield is one of a network of 6 asphalt plants in Kent and 1 just outside the County in Erith; the majority of these sites are focused to the north and west of the County. The applicant's only other facility within Kent is located at Ham Hill, Snodland. This plant does not have the capability to produce the high specification highway products in the necessary volumes or speed of production required to service major highway contracts. The review concludes that the other 5 facilities identified (located at Whitstable, Ridham, Allington, Northfleet and Erith) are able to service out of hours contracts, however their locations mean that to supply markets in central, southern and eastern areas the material has to be transported over longer distances across the County past the Hothfield Works. The economics of transporting asphalt long distances and the limitations on the physical properties of delivering the material, which cools even in insulated wagons, means that location is a key factor in meeting demand sustainably. Hothfield Works' central location means that the site is well positioned to serve markets within the County. The site's close proximity to the primary road network also means that transportation of the finish product is limited to essential road miles only, minimising the impact on the highway network.

54. The applicant advises that the existing approved night time operations at Hothfield Works (60 occasions per year) are currently being fully utilised by existing public sector contracts. Under the existing arrangements, Tarmac supplies out of hours contracts from Hothfield up to the permitted limit. However, any production beyond this has to be redirected to outlying plants in East and West London and, on occasions, as far away as Suffolk. In some circumstances raw aggregates, to approved highway specifications, necessary for the supply the local contracts are imported to Hothfield by rail and then delivered to alternative plants by road during normal daytime working hours. Asphalt is then manufactured using these aggregates and brought back across the county to supplement supply from Hothfield Works to meet night-time demand. The applicant states that there is a steady growth in the market, particularly given increased Government funding for road repair and maintenance between 2015 and 2021. The use of facilities outside of Kent to meet existing demand demonstrates that it would be desirable for more capacity to be made available within the County, particularly in areas to the south and east.
55. I am satisfied that the applicant has demonstrated that there is a need for increased flexibility in the operations at Hothfield Works and that meeting this need is in the public interest given the nature of the contracts that are served outside normal working hours; it would also assist in providing additional competition within the supply network available to meet the demand for asphalt in the County. The maintenance of the highway network and supply of asphalt to the construction industry makes a significant contribution towards the local economy. Hothfield Works benefits from the established rail depot, which enables raw materials to be transported in large volumes in a more sustainable way, removing a significant number of HGVs from the highway network that would otherwise be required to deliver the aggregate. Increasing the flexibility of the operations on site would enable more efficient use of the existing sustainable mode of transport and infrastructure, in line with national policy set out within the NPPF. The increased flexibility would also reduce the number of vehicles travelling long distances across the county to serve public sector contracts.

### **Highways and transportation**

56. The NPPF states that traffic associated with development should not give rise to

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unacceptable impacts on the natural, historic environment and human health. National policy stipulates that, in terms of highway considerations, decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access to the site can be achieved; and improvements can be undertaken within the transport network that cost effectively limits any significant impacts from the development. It goes on to seek to protect and exploit opportunities for the use of sustainable transport modes, including efficient delivery of goods and supplies. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

57. Policy CSM12 of the Kent MWLP highlights the importance of encouraging the transportation of minerals by sustainable means (i.e. sea, river or rail). Policies DM1 and DM13 seek development that minimises road transport as far as practicable, with preference given to non-road transport options. Policy DM13 goes on to state that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community.
58. Policy CS1 of the Ashford CS seeks the use of sustainable transport to serve developments that generate significant demand for movement. Policy CS15 states that new development must be well related to the primary and secondary road network and in rural areas, proposals which would generate levels of traffic, including heavy goods vehicle traffic, beyond that which the rural roads could reasonably accommodate in terms of capacity and road safety will not be permitted. Policy TRS8 of the Ashford Borough Council Local Development Framework: Tenterden and Rural Sites Development Plan Document (Ashford TRSDPD) states that proposals to extend existing employment premises in the rural areas will be permitted, subject to (amongst other matters) the development not generating a type or amount of traffic that would be inappropriate to the rural road network that serves it.
59. Three letters objecting to the application have been received from two nearby properties. The key points raised include, amongst other matters, concerns about highway safety and local amenity impacts as a result of HGVs travelling along Watery Lane. The amenity impacts of HGV movements are considered in more detail within the amenity section below. The residents' comments acknowledge that vehicles operated by Tarmac are driven with care and attention; however the representations suggest that 3<sup>rd</sup> party HGVs attending site *can* drive at excessive speeds with little respect for other road users, including pedestrians that share the carriageway where there are no dedicated footways.
60. Subject to a number of recommended conditions, no objections have been received from consultees concerning highway and transportation matters. Ashford Borough Council raises no objection, subject to the highway conditions proposed by the applicant, including those imposed on previous permissions. The Borough Council also encourages the applicant to enter into an agreement with the Highway Authority concerning the repairs to the public highway outlined within the application. Westwell Parish Council recommends a number of highway related conditions, including highway work to resurface Watery Lane between the Works and the A20, continued implementation of the voluntary HGV Code of Practice (including a 20 mph speed limit on Watery Lane), a maximum of 25 HGVs to leave the site between 1800 and 0600 and

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the re-imposition of conditions previously imposed on AS/90/608 and AS/12/844. KCC Highways and Transportation has considered the application and raised no objections on highways grounds, subject to conditions to secure the off-site highway and drainage repairs proposed by the applicant, no more than 25 HGV vehicles to depart the site between 18:00 and 06:00 and out of hours working to be restricted to a maximum of 180 occasions per year. The comments raise no objection to the offer to fully resurface Watery Lane between the site and the A20, noting however that the proposed work is not essential in highway terms. The comments acknowledge the additional out of hours working would increase wear and tear on the highway network and the offer to resurface Watery Lane would recognise the Highway Authority's increased maintenance burden.

61. The applicant has stated that, if operated at full capacity, the existing infrastructure on site has the capability to produce approximately 800 to 1,000 tonnes of product per 8 hour production period, which would generate at least 40 to 50 loaded vehicles leaving the site. The existing permission for out of hours working allows a maximum of 40 loaded vehicles to leave the during any 8 hour additional working period. The current application offers to further reduce this number to a maximum of 25 loaded vehicles (unless otherwise agreed with the Mineral Planning Authority). The applicant has also agreed to the re-imposition of conditions imposed on AS/90/608 and AS/12/844 alongside the code of practice for HGV drivers (including an advisory speed limit of 20 mph on Watery Lane). In light of representations received (particularly concerning amenity considerations) the applicant has also agreed to resurface the whole length of Watery Lane from the works entrance to the A20, including the work to improve highway drainage near the site entrance (i.e. on land within the applicants control).
62. In response to the concerns received from local residents, the applicant has acknowledged that external hauliers attending the site that fail to respect other road users is a source of concern and one that reflects badly on the company. It has agreed to remind all hauliers of the expectations of the code of practice and indicated that material may be withheld from persistent offenders. In terms of its own vehicles Tarmac is pleased that the local community is satisfied that its drivers continue to show integrity and care for their local working environment by complying with the code of practice. It will continue to enforce this approach. HGVs delivering to out of hours contracts are likely to be the applicant's own vehicles. Typically these operations use the HGVs based on site delivering in sequence according to the contract needs. The existing planning permission restricts the frequency of these movements to not more than 10 HGVs per hour between 1800 and 0000 and no than 6 per hour between 0000 and 0600.
63. Due to the proposed restriction on the maximum number and frequency of vehicles that would leave the site during each additional working period and the timing of the operations (which coincide with quieter periods on the public highway), there are no highway capacity concerns. Whilst Watery Lane is a country road, the stretch of highway between the site and the A20 already accommodates HGV movements associated with the permitted daytime and 60 additional working periods at the site without any significant concerns. The voluntary code of practice for HGVs attending site and the limit on the number of vehicles associated with the proposed use would help to minimise any highway safety concerns.
64. I am content to support the highway recommendations put forward by the Borough Council, Westwell Parish Council and the Highway Authority.

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65. In terms of the Parish Council's comments regarding a reduction in the national speed limit, I note that the local community would welcome a reduction in the speed limit for all road users, in addition to the voluntary speed restriction (20 mph) for HGVs attending site proposed by the applicant. The Highway Authority has commented on the request and advises that the implementation of any speed restrictions would only be possible through a comprehensive package of physical measures to change the road environment, making it conducive to achieving lower speeds, and also meeting the national criteria required for such speed limits.
66. The Highway Authority indicate that it would only introduce speed limits where it is appropriate to do so and where they would generally be self-enforcing, so they do not rely on police enforcement to administer. Whilst a general reduction in the speed limit is aspirational, in this instance I am not in a position to support a requirement that the applicant seeks to deliver this change in connection with the current application. Given the nature of the proposed use, I do not consider that this would be necessary to make the development acceptable or would be justifiable given the limited impact the proposals would have on highway safety. The proposed restrictions on vehicle numbers and frequency, the proposed code of practice, resurfacing of the carriageway and enhancements to drainage arrangements as a package of measures would improve the highway safety for all users at all times and would help to mitigate any impact from the annual increase in vehicle movements in highway terms.
67. The applicant has indicated that it is sympathetic to local residents concerns and would be prepared to support the Parish Council in seeking to a reduction in the speed limit as a separate matter. The applicant has also agreed to implement a regular liaison meeting (consultative committee) with representatives of the local community. This would allow for issues connected with the site to be aired and addressed in a constructive way (including any matters relating to HGV movements).
68. Westwell Parish Council's recommendations also seek regular maintenance of the highway verges, the road surface and associated drainage. The applicant has agreed to resurface the whole stretch of the highway from the site access out to the A20 and indicates that the new surface course should have a life expectancy of 20 years. The application also proposes improvements to highway drainage on land within the applicant's control. The ongoing maintenance of the public highway, including the verges in public ownership, would continue to be the responsibility of the Highway Authority, which has indicated that the work to resurface the road would recognise the maintenance obligation. Maintenance of drainage and vegetation on privately owned land is outside the applicant's and the Highway Authority's control. The applicant suggests that these ongoing matters might be something that could usefully be discussed by relevant parties at the proposed liaison group. Subject to consideration of the amenity impacts in the section below, I do not consider that, in highway terms, a requirement for the applicant to pay for ongoing highway maintenance would be justifiable in this instance.
69. As indicated above, the proposed development would enable the applicant to make more efficient use of the sustainable transport of minerals imported to Hothfield Works by rail to meet out of hours demand for asphalt within the County. The increased flexibility in the working arrangements would avoid the need to transport raw materials by road to other facilities and asphalt then transported back to meet out of hours

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demand within the County beyond the existing permitted capacity of the site. Subject to the further consideration of highway related amenity impacts below and the imposition of the conditions referred to above and below, I am satisfied that the application would not have an unacceptable impact on the highway network, both in terms of capacity and highway safety, and would accord with the development plan and Government policies relating to highway and transport matters, including those stated above.

#### **Local amenity impacts (including noise and air quality)**

70. The NPPF seeks to ensure that mineral development has no unacceptable adverse impacts on the natural and historic environment, human health and that any cumulative effect from individual sites is taken into account. National guidance requires local planning authorities to ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. The NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life. Government policy also requires development that mitigates and protects areas of tranquillity, which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. In this regard I note that the site is at the southern edge of the AONB (as shown on the site location plan on page C1.3). It also requires local authorities to reduce to a minimum other adverse impacts arising from noise from new development, including through the use of conditions.
71. The NPPG (Noise) indicates that decision taking should take account of the acoustic environment and in doing so consider the noise exposure hierarchy: whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved.
72. At the lowest extreme, when noise is not noticeable, there is by definition no effect. As the noise exposure increases, it will cross the no observed effect level as it becomes noticeable. However, the noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour, attitude or quality of life. As the exposure increases further, it crosses the Lowest Observed Adverse Effect Level (LOAEL) boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television, needing to speak more loudly to be heard or having to close windows for some of the time. At this level there is the potential for some reported sleep disturbance. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise). Increasing noise exposure will at some point cause the Significant Observed Adverse Effect Level (SOAEL) boundary to be crossed. Above this level the noise causes a material change in behaviour, such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout.
73. For development proposing to work or supply construction aggregates, Policy DM11 of the Kent MWLP states that mineral development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise,

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dust, vibration, odour, emissions, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 requires minerals development that does not result in an unacceptable cumulative impact on the environment or communities when considered with any existing development that could occur concurrently and/or successively. Policy DM13 requires that the impact of traffic generated by a minerals development does not have an unacceptable adverse impact on the environment or local community.

74. Policy TRS8 of the Ashford TRSDPD supports proposals to extend employment premises, subject to (amongst other matters) there being no significant impact on the amenities of any neighbouring residents.
75. The World Health Organisation (WHO) 'Night Noise Guidelines for Europe' is a material consideration and provides useful guidance and best practice in terms of assessing the potential impacts of the proposed development.
76. Three letters of objection have been received from two nearby properties. The objections primarily relate to concerns about the potential for an increase in noise and disruption, particularly during the night, and the resultant adverse amenity impacts given the proximity of residential properties to the site and the public highway used to access the facilities. The letters originate from properties to the south of the application site along Watery Lane.
77. Subject to the imposition of appropriate conditions (as set out in the Consultations section above), no objections have been received from consultees concerning local amenity impacts, including Ashford Borough Council, Westwell Parish Council and KCC's Noise Consultant.

#### Noise from operation on site

78. The noise assessment carried out in support of this application indicates that background noise levels in this part of the County are affected by the nearby M20 motorway, the mainline and high speed rail links and the A20 Maidstone Road. Any assessment of the proposed operations should be set in the context of these background levels, alongside the existing planning permission, which already permits up to 60 out of hours working periods each year and sets site specific noise limits for the plant and equipment used on site.
79. The noise assessment confirms that the actual noise levels, measured whilst the plant was operational during a recent out of hours working period permitted under permission AS/12/884, do not exceed the noise limits approved under the permission. In some instances the noise levels recorded were 3-4 dB lower than the levels set by the extant permission. KCC's Noise Consultant accepts that the reduction in levels recorded would potentially equate to 1-2 dB reduction in noise levels at nearby residential properties. It therefore concludes that noise from operations on the site is unlikely to cause specific concerns during the additional working proposed and that the re-imposition of the established noise condition would ensure that acceptable noise levels continue to be maintained outside normal working hours. The inclusion of the further noise mitigation measures proposed by the applicant, like the improvements to the acoustic cladding to the asphalt plant, would help to mitigate any residual impact on the surroundings. These measures would also improve the acoustic performance of the

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plant during normal working hours.

80. Notwithstanding the results of the noise assessment, the applicant has carried out recent improvements to the operational arrangements on site to help further reduce any impact. This work was carried out in response to comments made by the local community at the pre-application stage and includes modifications to the plant to provide rubber dampening to the front edge of the feed bin to avoid the loading shovel making contact with the metal front edge when depositing material. In response to recommendations made by Westwell Parish Council, the applicant has also agreed to install the above mentioned acoustic cladding to the highest parts of the asphalt plant to enhance the cladding already installed. Details of this have been provided in support of the application.
81. It is also worth noting that some out-of-hours working has been authorised since 1997 albeit subject to a number of conditions and controls. The permission has been re-assessed / updated on a number of occasions. The current application seeks to extend the frequency of these additional working periods. Ashford Borough Council's Environmental Health Officer has confirmed that the site has a good compliance record with no recent complaints. The County Council's recent records also show that no complaints have been received concerning the night time / out of hours operations already taking place under AS/12/884.
82. The cumulative impact of the current application with the existing operations would be limited to an increase in the frequency of out of hours working and would not increase the intensity of operations taking place during the proposed additional working periods. The intensity of operations during these periods is already limited by the number of loaded vehicles that are allowed to leave the site during an 8 hour period (currently 40 HGVs). As indicated above asphalt cannot be stored for any length of time so production is limited to the volume of asphalt that can be exported by the permitted number of HGVs. The current application would have the potential to further control the intensity of operations during out of hours working if permission were to be granted. The applicant's proposal to reduce the permitted HGV loads per additional working period (from 40 to 25 HGVs) would limit the maximum volume of asphalt that could be exported, reducing the demand for material from the plant. The proposal would also reduce the maximum number of HGVs travelling along Watery Lane during out of hours working, albeit increasing the potential number of nights the site could be operational each year.
83. The comments received from a local resident make specific reference to an alarm used on site that is audible from nearby properties. The applicant has confirmed that the alarm (which is two tone alternating for approximately 15 seconds) is sounded on start-up of the plant and forms an important part of the health and safety requirements. The alarm warns site personnel working on or near the plant that it is about to become operational. A mute function is fitted to the system and used on nights and early morning start-ups where there are fewer people on site and servicing and maintenance work cannot be undertaken. On this basis the alarm should not be an issue during any night-time working.
84. Whilst the application would increase the frequency of night time working, taking into account the considerations set out above, I am content that, subject to the re-imposition of the established noise controls, the noise generated on site from the proposed

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increase in the number of night time / out of hours working periods would not have an unacceptable impact on local amenities or the surrounding environment. The improvements to the plant proposed by the applicant would help to further mitigate any impacts; these enhancements would potentially benefit both the night and daytime noise environment.

Noise from highway movements along Watery Lane

85. As noted above, vehicles traveling to and from the site have to travel along approximately 1 km (0.6 miles) of Watery Lane (a rural country road) to reach A20 Maidstone Road (which forms part of the primary road network). Twelve properties are located along this stretch of Watery Lane, some in close proximity to the public highway. Under the planning permission for the rail siding and aggregates depot (AS/75/13) and the base permission for the asphalt plant (AS/90/608) there are no restrictions on the number of vehicle movements during normal working hours. As indicated, the site already benefits for up to 60 periods of out of hours working per annum (under permission reference AS/12/844). Controls imposed on this permission restrict the number of HGV's leaving the site to 40 per 8 hour period with no more than 10 leaving the site per hour between 1800 and 0000 hours and 6 per hour between 0000 and 0600 hours.
86. The letters received in response to the neighbour notification indicate that there are existing concerns regarding permitted night time operations, particularly from HGVs travelling along Watery Lane. Notwithstanding the above comments neither the Borough Council's Environmental Health department nor this office has received any recent complaints about the site. The applicant acknowledges that noise was raised as a concern as part of its pre-application engagement with the community.
87. In commenting on the potential noise impacts from the proposed highway movements, KCC's Noise Consultant has confirmed that noise from HGVs attending and leaving the site is of greater significance than the other noise considerations. KCC's Consultant has undertaken a detailed review of the applicant's noise assessment in the context of the NPPF and WHO Guidelines. Part of this assessment included carrying out separate noise calculations based on the data provided.
88. Based on the above guidelines, KCC's Consultant advises that the Lowest Observed Adverse Effect Level (LOAEL) from HGVs movements associated with the site would be 40dB  $L_{\text{night, outside}}$  and the Significant Observed Adverse Effect Level (SOAEL) would be 55dB  $L_{\text{night, outside}}$ . The term ' $\text{dB } L_{\text{night, outside}}$ ' expresses a yearly average night time noise level associated with a particular noise source at residential properties. The recognised method allows noise calculations to take account of maximum noise level per event ( $L_{\text{Amax}}$ ) and the number of events per year.
89. The applicant's noise assessment indicates that the average night-time background noise levels at two representative locations along Watery Lane are 51 dB  $L_{\text{Aeq, 15min}}$  (at Sunnybank) and 49 dB  $L_{\text{Aeq, 15min}}$  (at The Parsonage). The calculations undertaken by KCC's Consultant considers a "worse-case" scenario to obtain a robust approach to noise generated through the most sensitive parts of the night (considered to be 2300 – 0700 hours). The applicant considers that the historic use of the site suggests that the majority of night-time working starts during the early evening (between 1800 and 2100 hours) with the working period not normally carrying through to the early hours and

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ultimately being restricted by the 8-hour limit imposed on the permission.

90. KCC's Consultant's calculations indicate that the noise generated by the proposed HGV movements (50 per night (25 In / 25 Out) over 180 nights) would give a yearly average noise level of 53 dB  $L_{\text{night, outside}}$  at Sunnybank and 52 dB  $L_{\text{night, outside}}$  at The Parsonage. The Consultant concludes that at this noise level the proposals would not change the acoustic character of the area on the basis that it would increase the average background noise levels by 2 or 3 dB  $L_{\text{night, outside}}$  depending on the location. The calculations indicate that the noise at night would be 1 dB(A) higher on average than the noise generated by the permitted operations, which allows for a larger number of vehicle movements over a fewer number of nights (80 HGV movements (40 In / 40 Out) over 60 nights). KCC's Noise Consultant concludes that the proposed development would be below the SOAEL and considers that the noise from HGV movements would not give rise to significant adverse impacts on health or quality of life.
91. Notwithstanding this, the calculations also establish that (in all cases including the permitted night time operations) the noise levels generated by vehicle movements associated with both the permitted and proposed development during the night would be above the LOAEL (i.e. 40dB  $L_{\text{night, outside}}$ ). On this basis it is reasonable to assume that the existing and proposed out of hours highway movements would have some impact on local amenity. The NPPF seeks to mitigate and reduce noise to a minimum, including through the use of conditions. The applicant has proposed conditions to address potential noise impacts; these include a limit of 180 'out of hours' working periods per year (rather than a blanket permission for 24 hour working), a maximum of 25 HGVs to leave the site during any additional working period, a Code of Practice for HGV drivers (including a 20 mph voluntary speed limit), the resurfacing of Water Lane between the site access and the A20 and other controls imposed on the existing permission. These existing controls include the defined noise restrictions for the plant on site, no articulated HGVs to be used at night, the frequency of HGVs leaving the site each hour to be restricted to 10 between 1800 and 0000 and 6 between 0000 and 0600, a maximum of 10 additional periods to be worked in a row and a record of additional working periods to be maintained. On the basis of the above conditions, KCC's Noise Consultant has indicated that the measures proposed would reasonably mitigate the noise effects between the LOAEL and the SOAEL.
92. The mitigation measures proposed by the applicant include the possibility of a system of neighbourhood notification to advise when night-time working is planned. This arrangement has not been required to date in connection with the 60 additional working periods already permitted with no concerns recorded about the permitted operations in recent years. Given the frequency of night working proposed (180 periods per year) officers do not believe that notification of each planned operation would be appropriate in this instance. Officers recommend that it would be more fitting for these notification issues to be addressed by the proposed liaison committee. The establishment of a local liaison committee (as recommended by Westwell Parish Council), including representatives of the local community, would further help to build a rapport between interested parties enabling queries to be specifically investigated if / when they arise.
93. In this instance it is necessary to balance the economic and sustainable benefits of increasing the flexibility of operations at the site, alongside the site's unique location (which enables it to sustainably serve markets to the south and east of the County) and the mitigation measures proposed, against the potential amenity impacts. The noise

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assessment demonstrates that the background noise levels in this location are elevated and that the proposed increase in operations would not significantly change the noise environment from the levels associated with the permitted operations. Taking this into account together with the recommendations of KCC's Noise Consultant, the views of Ashford Borough Council and Westwell Parish Council alongside the benefits of the proposals, I am satisfied that, subject to the conditions set out above, the proposed development would be acceptable within the context of the relevant development plan and Government policies in terms of noise.

#### Vibration

94. The noise assessment received also considers the potential impact of vibration from passing HGVs on the most sensitive properties. The applicant's consultant used a vibration meter capable of measuring Vibration Dose Values (VDV's) at two locations along Watery Lane. The surveys included both Tarmac and non-site related vehicles passing the measurement points. Based on the survey results, the assessment calculates the highest VDV level for the proposed 8 hour period for both the permitted 40 HGVs per period (80 movements – 40out / 40in) and for the proposed 25 HGVs per period (50 movements, 25out / 25in). Base on a general assumption about the construction of the properties closest to Watery Lane, the report estimates that for 80 movements the VDV 8-hour level inside the dwellings would be 0.10 m/s<sup>1.75</sup> at Sunnybank and 0.12 m/s<sup>1.75</sup> at The Parsonage. The report indicates that if the number of vehicle movements were reduced to 50 movements, the VDV 8-hour level inside the above dwellings would drop to 0.09 m/s<sup>1.75</sup> and 0.11 m/s<sup>1.75</sup> respectively. British Standard 6472 (Guide to evaluation of human exposure to vibration in buildings) states that for night-time periods a vibration range of 0.1 – 0.2 m/s<sup>1.75</sup> equates to a low probability of adverse comment. The assessment therefore concludes that the findings are at the low end of the vibration range with a low probability of adverse comment.
95. The County Council's Vibration Consultant has reviewed the results and is content with the conclusions being drawn. The assessment notes that the road surface of Watery Lane is generally smooth; however there are patches of uneven road that could increase vibration. Given the applicants agreement to resurface the whole stretch of Watery Lane from the access to the A20, any vibration or increased noise resulting from uneven surfaces would be reduced. The benefits of resurfacing the road would improve the impact from all traffic using the road both day and night. Given the above, I am content that the proposals would accord with the relevant Development Plan Policies in respect of vibration.

#### Air Quality / Odour

96. In terms of the concerns raised about air quality / odour, I note that the asphalt plant is subject to a local Authority Environmental Permit which requires stack emission testing, amongst other matters. The applicant states that the plant is run on natural gas, as opposed to gas oil or reclaimed oil, which is a cleaner fuel with fewer contaminants. The applicant acknowledges that an odour complaint was recently received; however this was at a time when the plant was not operational. On investigation the applicant established that the hot storage bins, used to store the finished asphalt before it is dispatched, were being emptied of residual product. This involved discharging a larger volume of material than would normally be loaded into a HGV. Fumes from the bitumen in the product could account for the odour and the high volume and weather conditions

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may have contributed to the concerns being noted beyond the boundaries of the site. The applicant has indicated that in response it is investigating alternate bitumen supplies and additives that may reduce odour from fumes.

97. The current application does not propose changes to the plant and equipment on site, nor the intensity of activities, only the frequency of 'out of hours' working. The controls proposed by the applicant on the number of HGVs allowed to leave the site would restrict production during the proposed out of hours working, as it would only be able to export a limited amount of material within these vehicles. This would be below the maximum capacity of the plant if it were to be operated at full capacity for the 8 hour period. Given that no concerns about odour or air quality have been received from the consultees and that the site is subject to controls under an Environmental Permit, I am satisfied that odour and air quality do not represent a significant barrier to the development and that the development would be in accordance with the Development Plan and Government policy in the context of air quality.
98. The NPPF specifically states that the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes and emissions themselves where these are subject to approval under other regimes. It further states that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Given the existing Environmental Permit for the site issued and monitored by Ashford Borough Council, I am satisfied that appropriate pollution prevention controls would continue to be in place.

**Landscape and visual amenity (including AONB considerations)**

99. The NPPF requires development that protects and enhances valued landscapes, and confirms great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. Government policy states that planning permission for major development in the AONB should be refused unless there are exceptional circumstances and it can be demonstrated that the development is in the public interest. The policy indicates that consideration should be given to the need for the development, the scope for developing outside the designated area, any detrimental effect on the environment and landscape and the extent to which any such effect could be moderated. The NPPF also encourages good design that limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
100. Policy DM1 of the Kent MWLP requires development that protects and enhances the character and quality of the site's setting. Policy DM2 requires mineral development to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interest or geological interests of sites of international, national and local importance, which includes Areas of Outstanding Natural Beauty (AONB). In line with national policy, Policy DM2 requires major mineral development within an AONB to be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. In relation to other minerals proposals in the AONB, Policy DM2 requires great weight be given to conserving its landscape and scenic beauty. This policy also seeks to protect Ancient Woodland from any unacceptable adverse impacts.

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101. Policy CS1 of the Ashford CS seeks sustainable development that respects the environmental limits that protect the high quality built and natural environment and that protect the countryside, landscape and rural communities from adverse impacts of growth. Policy GP12 of the Ashford Borough Local Plan (Ashford LP) requires development that protects the countryside for its landscape, scenic value and important wildlife habitats. Policy EN32 restricts development which would damage or result in the loss of important tree or woodland. Policies TRS8, TRS17 and TRS18 of the Ashford TRSDPD require development in rural areas to protect and enhance landscape character (including AONBs) by having particular regard to landform, topography, trees and woodlands (including ancient woodland), wildlife habitats and existing patterns of development, alongside any relevant guidance within the AONB Management Plan.
102. Kent Downs Area of Outstanding Natural Beauty Management Plan (Kent Downs AONBMP) Policies SD1, SD2, SD3, SD7, SD8, SD11, WT1 and WT7 require the landscape character, characteristics and qualities of the Kent Downs AONB to be given the highest level of protection and that development that does not conserve or enhance the AONB should be opposed unless any adverse effects can be satisfactorily mitigated. This includes development that proposes changes to an existing land use and that could negatively impact on local tranquillity, through noise and light pollution.
103. Conditions imposed on previous permissions have resulted in significant landscape planting which is now mature and makes a positive contribution to the landscape setting, enhancing the area of ancient woodland that adjoins the site. The site is mostly screened from the public highway to the south-east by a mature tree belt. This landscaping stretches the length of the eastern boundary and around to the north. The site is further screened to the south and west by tree planting, the adjacent railway lines and associated embankments.
104. The application proposes only minor changes to the physical development on site, in the form of improved acoustic cladding to the existing plant; otherwise the only other visual impact from the proposed amendments would be increased operation of existing external lighting, permitted under AS/90/608, and additional vehicles travelling to and from the site. The development and increased use of the site could have an impact of the surrounding landscape, including the Kent Downs AONB.
105. Consideration of the potential noise impacts, included within the local amenity impacts section above, establishes that the proposed changes would not have an unacceptable impact of the local noise environment. Noise from operations on site would be within acceptable levels and the conditions recommended above would help to preserve existing levels of tranquillity.
106. The application is accompanied by a Night Time Landscape and Visual Appraisal and an appraisal of the lighting system installed on site, reviewing light spill in the context of the health and safety requirements the lighting is required to meet. The Landscape Appraisal reviews the visibility of the site and surrounding landscape character. It concludes that the site is generally well enclosed in the landscape, assisted by mature deciduous woodland planting and the local topography. It considers that whilst there would be minor aesthetic and perceptual changes as a result of the increased frequency of lighting, particularly during winter months, the site is barely discernible in

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distant views. In localised views to the south from Watery Lane, the lighting is more visible through the trees. However, the magnitude of effect is considered to be low adverse due to the localised nature of the proposals and their potential reversibility.

107. The Kent Downs AONB Unit initially raised concern regarding the information available to assess the impact of the development on the landscape, in terms of lighting and woodland management. Its latest comments confirm that the application should be determined in accordance with local and national policies relating to the AONB. The comments acknowledge the improvements in the lighting set-up but continue to raise concern regarding the localised impact of lighting on site when viewed from Watery Lane to the south.
108. The lighting report prepared in support of the application establishes that the lighting on site is operating at a minimum level in relation to health and safety requirements. The report also identified that the system would benefit from improvements to the adjustment and alignment to mitigate light spill along the northern boundary. The applicant has subsequently adjusted the lighting scheme in accordance with the recommendations, with the lights focused downwards and into the site, resolving identified light spill into the surrounding woodland. I note the AONB Units comments concerning the potential impact of the lighting closer to the public highway. In terms of this impact, the main entrance to the site, including the weighbridge and office, is set back from the highway by approximately 100m with mature woodland planting either side of the private access road. The access spits closer to the road with the entrance and egress staggered either side of a woodland copse, which helps to blend the access point with the rural character of the road. Any impact of the existing lighting on site at this point would be localised and broken up by the established vegetation. I am satisfied that an increase in the operation of these lights to allow for the extended number of out-of-hours working periods is not likely to have a significant or unacceptable impact on local amenity, the environment or the wider landscape.
109. In addition to the above the applicant has prepared an updated Landscape and Ecological Management Plan for the site in response to initial comments received from Ashford Borough Council, Westwell Parish Council, the County Council's Biodiversity Officer and the Kent Downs AONB Unit. The scheme includes a number of woodland management measures to improve the landscape and biodiversity contribution alongside the visual benefit of the existing landscape planting.
110. In terms of the potential wider impact of the development on the AONB, I am satisfied that the proposals would be in the public interest given the public sector contracts serviced by the site during out of hours working proposed. There is no scope to relocate the development outside the AONB as it proposes minor amendments to an established use within the landscape that is firmly tied to the existing rail siding. The impact of the proposed changes would not alter the nature of the operations in the AONB, only the frequency. This is unlikely to have a significant impact on the designated landscape, including the surrounding levels of tranquillity, which are dominated by the nearby motorway and rail links. Considering the development, I am content that the proposals would have no material impacts on the nearby listed building in terms of the heritage asset (see location plan on page C1.3).
111. The proposals would not material change the nature of this established use within the countryside with any impact limited to the frequency of the operations already taking

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place. Given the considerations set out above, I am content that the proposed development would not have a significant impact on the landscape and that the slight impact that would result would be suitably mitigated through the conditions recommended above and below that seek to control the operations to a reasonable level in the context of the surrounding environment, the adjustments to lighting that have already taken place and the implementation of Landscape and Ecological Management Plan received in support of the application. On this basis, I am satisfied that the proposed development accords with the relevant development plan and Government policies relating to landscape and visual impact and is consistent with the objectives of the AONB Management Plan.

### **Ecology and the natural environment**

112. The NPPF states that the planning system should contribute to and enhance the natural and local environment by avoiding or minimising impacts on biodiversity and delivering net gains where possible. Policies DM1 and DM3 of the Kent MWLP, CS1 and CS11 of the Ashford CS and EN30 and EN32 of the Ashford LP require development that protects Kent's nature conservation interests (including important trees and woodlands) from unacceptable adverse impacts and where appropriate secures a positive contribution to biodiversity.
113. As discussed above the proposal would not change the footprint or the existing built development. The adjustments made to the existing lighting scheme would minimise light spill into the woodland to the north, including the area designated as Ancient Woodland. The Landscape and Ecological Management Plan includes a number of recommendations that seek to improve biodiversity, including coppicing and other woodland management practices to improve the health and diversity of plant species, alongside habitat improvements and a programme of planting to reinforce the existing landscaping.
114. Kent County Council's Ecological Advice Service has reviewed the application in the context of the adjacent Ancient Woodland and raises no objections, subject to a condition securing the implementation of the Landscape and Ecological Management Plan received. Therefore, I am satisfied that the development would be acceptable in terms of ecology and the natural environment and would accord with the development plan and Government policies referred to above, subject to the suggested condition securing the implementation of the updated management plan.

### **Conclusion**

115. The application proposes an amendment to the additional hours of operation for an established asphalt plant at Hothfield Works, an aggregates rail depot located between Ashford and Charing. The site has had permission to operate outside of the normal hours of operations, either during the night and/or at weekends, since 1997 with no history of complaints. The extant permission allows out of hours working periods (of up to 8 hours duration each) on 60 occasions each year. The proposals seek to increase the permitted arrangements up to a maximum of 180 occasions per year.
116. The application has been considered in the context of the Development Plan and other material planning considerations including the NPPF. For the reasons set out above, I conclude that the proposed development would not have significant material impacts

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on the character of the landscape in terms of the Kent Downs AONB, would be acceptable in terms of ecology and would not materially impact on the local highway network. The need for the development and the economic benefit of ensuring an adequate sustainable supply of mineral (mineral product) can be weighed against any residual impacts on the environment, landscape and local amenities.

117. The application has attracted three letters of objection from two local properties, principally concerning local amenity considerations. In this instance I note that the site is already afforded a certain level of out of hours (night-time) working, the current proposals are purely to increase the frequency of this operation, not to change the nature or intensity of the operations during the extended working. The application proposes a number of conditions (such as the reduction in vehicle numbers each period, additional acoustic cladding, resurfacing of the public highway) that would potentially reduce and help mitigate both the proposed and permitted out of hours working. The County Council's Noise Consultant has considered the impact of operations on site and the noise / vibration generated by vehicles traveling on the public highway. The Consultant concludes that whilst vehicle movements would generate a noise above the Lowest Observed Adverse Effect Level the proposed development would not have a significant impact and that the remaining impacts could be reasonably mitigated by the conditions set out above and below.
118. For the reasons summarised above and detailed in this report, I am satisfied that the proposed development accords with relevant development plan and Government policies and represents sustainable development, subject to the imposition of the conditions referred to below. I therefore recommend that permission be granted.

#### Recommendation

119. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- Prior to the permission being implemented, the public highway between the site access and the A20 shall be resurfaced and drainage work described within the application documents shall be completed;
  - Out of hours working to be restricted to a maximum of 180 occasions per year;
  - No more than a total 25 HGVs to leave the site between 1800 and 0600 hours and/or in any 8 hour additional working period, unless otherwise agreed in writing by the Mineral Planning Authority;
  - Implementation of the updated Landscape and Ecological Management Plan;
  - Installation of the proposed acoustic cladding on the highest part of the plant (colour coated to match the existing plant).
  - The lighting scheme to be maintained.
  - Conditions previously included on permissions AS/90/608 and AS/12/844 (not included above) be re-imposed on any new permission:
    - The asphalt plant to be maintained as approved.
    - The hard surfacing and surface water drainage system shall be maintained.
    - Controls on permitted development rights.
    - Normal operational hours restricted to 0500 to 1800 hours Monday to Friday, 0500 to 1300 hours on Saturdays and no HGVs to leave the site before 0600 hours Monday to Saturday.

Application to vary hours of working of asphalt plant to increase permitted 'out of hours' working at Hothfield Works, Watery Lane, Westwell – AS/16/462 (KCC/AS/0065/2016)

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- Operation of the asphalt plant shall cease in the event that minerals are no longer imported to site by rail.
- The plant to be maintained to minimise dust and other emissions.
- Terms of this permission shall be made known to any person given responsibility for operations on site.
- Noise from 'out of hours' operations on site being restricted to specific limits previously permitted.
- No articulated HGVs to be used between 18.00 and 06.00 hours.
- No more than 10 HGVs to leave the site per hour between 1800 and 0000 hours and no more than 6 HGVs to leave the site per hour between 0000 and 0600 hours.
- The additional working periods shall not be used in conjunction with normal working hours to operate the site continuously for more than ten consecutive days.
- A record of additional 'out of hours' working periods undertaken to be maintained and made available to KCC on request.
- The voluntary code of practice for HGV drivers included within the application shall be adhered to and made known to all drivers attending the site, including the voluntary 20mph speed limit between the site and the A20.

120. I FURTHER RECOMMEND that informatives be added to the decision notice including:

- Advising the applicant of the need to secure all necessary highway approvals and consents prior to commencement of the development, including a separate Section 278 Agreement for any work within the public highway.
- The applicant be encouraged to re-establish a formal local liaison group (committee) for the site with invitees to include representatives of the local community (for example residents of Watery Lane, Westwell Parish Council, Ashford Borough Council (Environmental Health), the local KCC Member, Kent County Council (Highways and Transportation) and (Planning)) and hold regular liaison meetings or facilitate other suitable arrangements for discussion, such as notification of local residents providing details of when and how to raise any concerns.
- The applicant be asked to regularly emphasise to all HGV drivers attending site the importance of the code of practice for HGVs using Watery Lane.
- The applicant be encouraged to liaise with the Local Highway Authority and other local land owners concerning the regular maintenance of the highway verges between the works and the A20 to minimise encroachment into the public highway.

Case Officer: James Bickle	Tel. no: 03000 413334
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Background Documents: see section heading
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Permanent use of the site as a High Output Operating Base, including the storage and loading onto train of track ballast, maintenance activities and erection of accommodation at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, TN24 0GB – AS/16/1192 (KCC/AS/0208/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2016.

Application by Network Rail Infrastructure Limited for Permanent use of the site as a High Output Operating Base, including the storage and loading onto train of track ballast, maintenance activities and erection of accommodation for the purposes of undertaking ongoing maintenance of the local rail network. Land at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent, TN24 0GB – AS/16/1192 (KCC/AS/0208/2016)

Recommendation: Permission be granted subject to conditions

Local Member: Mr Andrew Wickham

Classification: Unrestricted

#### Site and Surroundings

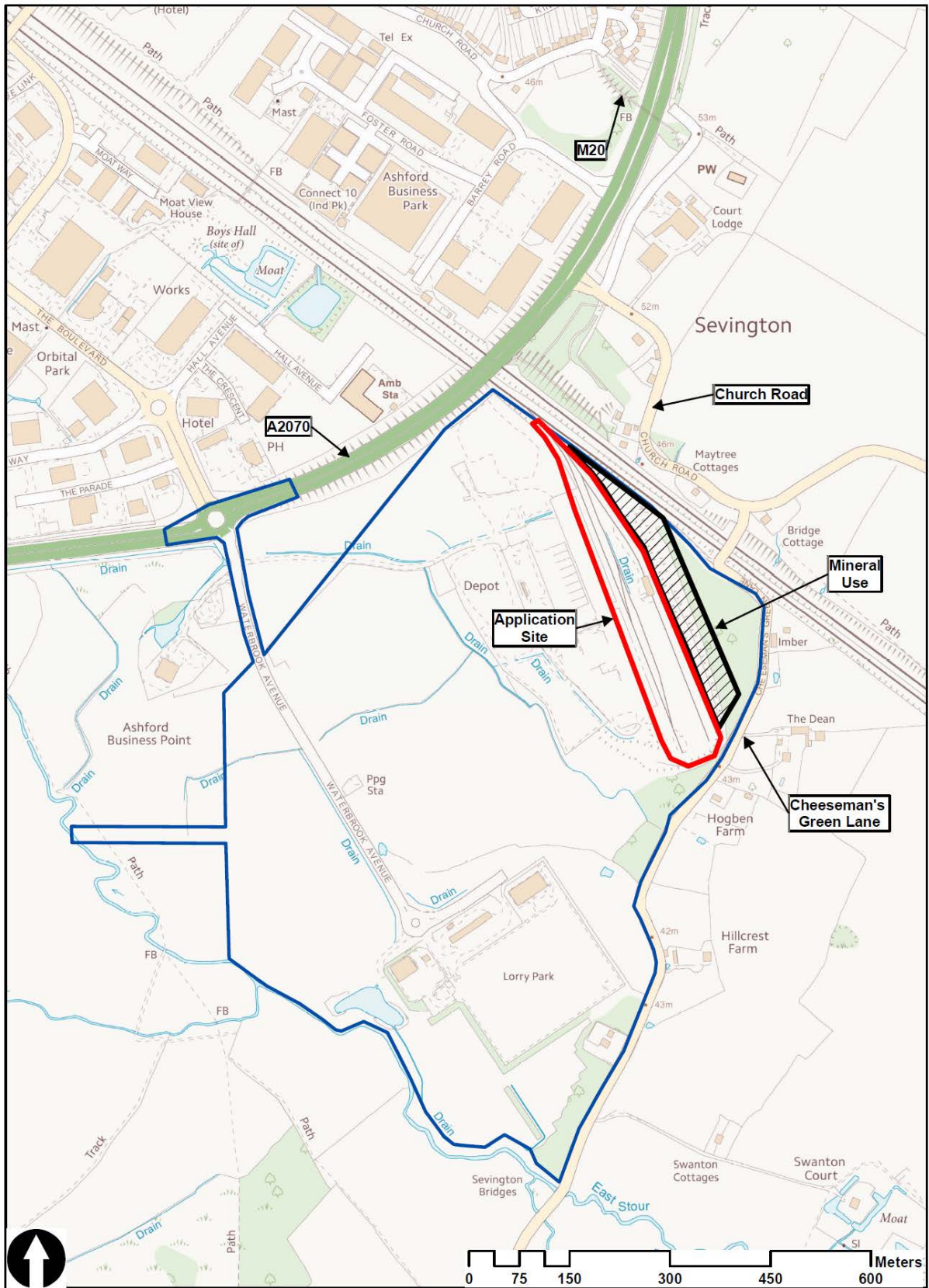
1. The site of some 3.7 hectares lies approximately 3 miles to the south east of Ashford Town Centre and 1 mile south west of junction 10 of the M20. It forms part of the existing railhead which was originally developed in 1987 to provide aggregates and aggregate products for the construction of the Channel Tunnel. The site is accessed off a roundabout on the Southern Orbital Road (A 2070) along Waterbrook Avenue off which a purpose built access road has been built. (See General Location Plan 1)
2. The nearest housing lies some 80 metres off the north eastern and south eastern site boundaries along Church Road and Cheesemans Green Road which are screened from views directly into the site by an existing belt of trees. Those properties along Church Road are further segregated by the main London to South Coast rail line and HS1 whose 4.5 metre high wooden sound barrier also serves to help screen the site along this boundary.

#### Background

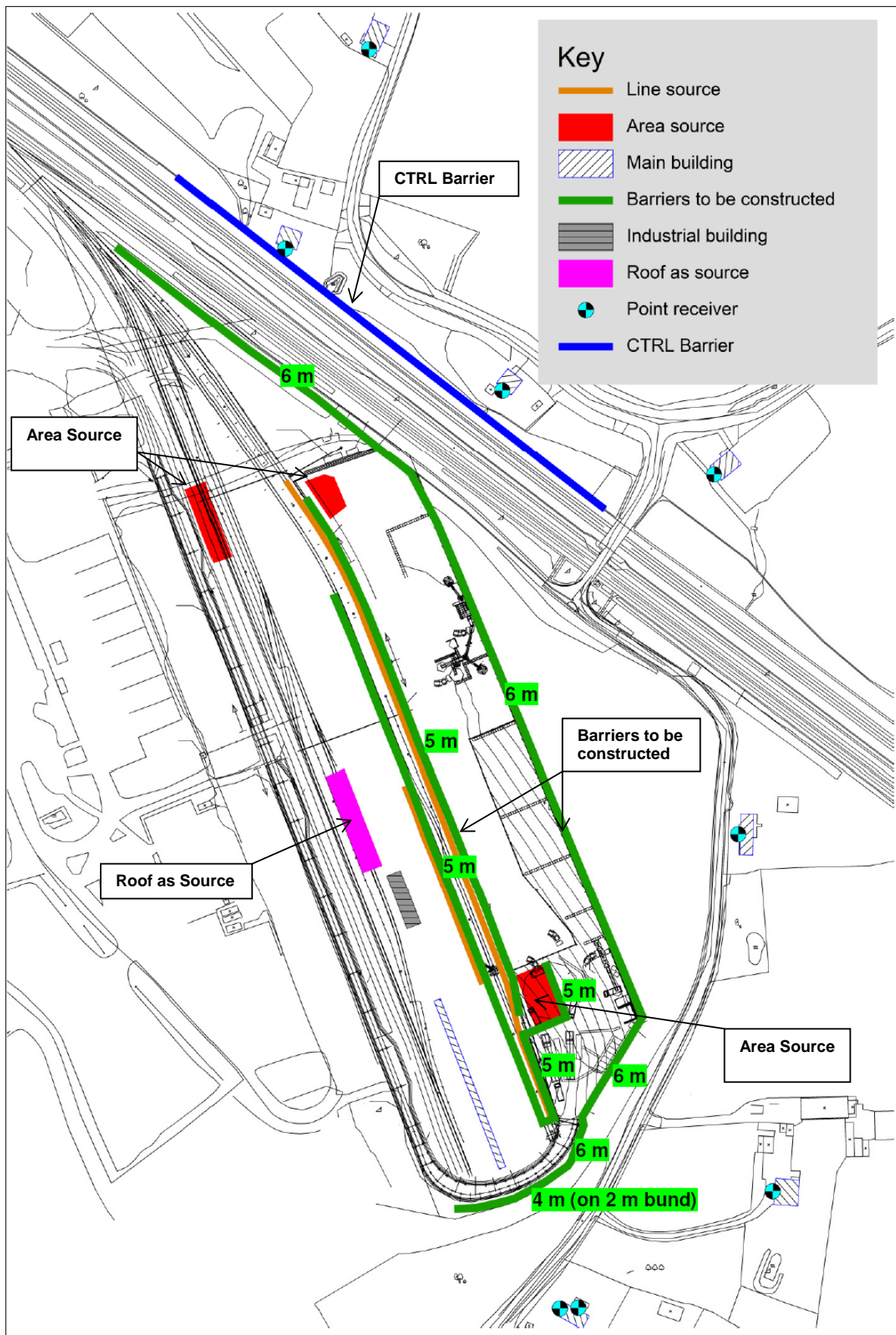
3. As mentioned above the site was originally established in connection with the construction of the Channel Tunnel. The original permission was granted on a temporary basis (Ref. AS/87/802) with a requirement for the site to be restored by the end of 1993. However, in recognition of the important role the site could play in providing a strategic location for the importation of construction aggregates by rail to serve the local market, further permissions have subsequently been granted extending the life of the site. In May 2008 the County Council granted two separate permissions (Ref AS/06/4 & 5) to Robert Brett & Sons Limited for both the permanent development of a rail aggregate importation terminal (*the minerals permission*) along with the development of an adjoining waste transfer station for the receipt, bulking and onward transfer of domestic waste collected within the borough of Ashford (*the waste permission*).

High Output Operating Base at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford – AS/16/1192 (KCC/AS/0208/2016)

General Location (Plan 1)



Site Layout (Plan 2)



## High Output Operating Base at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford – AS/16/1192 (KCC/AS/0208/2016)

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4. Each application covered not only the immediate area of their respective development footprints but also the remodelling of a much larger adjoining area to the south west extending as far as Waterbrook Avenue. This larger area forms land on which permission has been granted to GSE for general industrial and commercial development along with adjoining areas identified for future housing.
5. Whilst both the mineral and waste permissions have been implemented they have not been fully built out. The waste development has been delayed as a consequence of changes to the contractual arrangements of the local waste collection authority and it is now unlikely to be developed for waste transfer in the foreseeable future. Brett has therefore been actively considering what alternative use this area of the site could be put which could take advantage of the expanse and location of the site and its connection to the main railway network.

### Recent Site History

6. In June 2016 permission was granted (Ref. AS/16/600) by Kent County Council to Network rail for the temporary use of the waste site as a High Output Operating Base (HOOB), including storage and loading onto train of track ballast, maintenance activities and erection of temporary accommodation. The permission facilitated the use of the site as an operating base to carry out track maintenance on the local rail network and also took advantage of the existing Brett minerals permission who, as part of the operations offloaded and recycled the spent track ballast.
7. The HOOB permission allowed the temporary use of the site between 5 August to 30 September 2016 during which time operations were required to be monitored by the applicant in order to assess whether noise restrictions imposed were able to be met or whether any additional mitigation measures were required which would then form part of an application for the permanent use of the site as a HOOB.

### Proposal

8. Having operated the site on a temporary basis, during which time activities were monitored to assess any adverse effects from noise on nearby noise sensitive receptors (NSRs), Network Rail are now seeking to establish a permanent facility at the site.
9. The High Output Ballast Cleaning train (HOBC) is a large train used to clean and recycle ballast within a worksite. It typically consists of 2 locomotives and 2 power cars either end, 20 wagons loaded with new ballast, 20 empty wagons for spent ballast, a barrier wagon and the main cleaning unit in the middle. It works by picking up existing ballast from the track bed, cleaning it and recycling it back into the track bed where possible. Where ballast cannot be reused on the track it goes through a conveyor system on the train into the empty wagons. The track is then topped up with new ballast from the loaded wagons. Generally the train will leave the application site loaded with new ballast and arrive back with mostly used ballast.
10. In addition to Brett undertaking the spent ballast offloading and recycling operations, Network Rail would also import new ballast to the site on other trains and store it on the application site before reloading it on to the HOBC for onward transportation to the work sites.

High Output Operating Base at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford – AS/16/1192 (KCC/AS/0208/2016)

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11. The complexity and length of the train (some 600m) means that it cannot be stabled on the network during the day and must return to base after each shift. In general its movements must be scheduled to take account of the time of the last passenger train on the network at night and first train in the morning. The train would typically arrive back to the application site from its work site between 0500 and 0800 hours. It would then take around 60 minutes for it to be marshalled into the yard and broken down in readiness to be offloaded, re-loaded and maintained. Loading of new ballast and unloading of spent ballast would generally take place between 0600 and 2000 hours although this activity would usually be undertaken first to leave the rest of the day free for maintenance. Typical maintenance activities include:
- Clearing parts of ballast dust
  - Engine repairs
  - Conveyor repairs
  - Brake tests
  - DTS ( Dynamic Track Stability) bank tests
  - Cutter chains tests
  - Checking horns (not frequent)
  - Vibration plate tests (not frequent)
12. At the end of each day the train is re-formed ready to go out and pre-departure checks are undertaken. This would take around 90 minutes starting anytime between 1800 to 2030 hours, with the train departing from the site for its works site generally between 2000 and 2300 hours.
13. In summary there would be 3 main activities associated with the operations and the timings required for each would be:

**Train movements-HOBC train only:**

- 0500-2300 hours Monday to Friday
- 0500-1300 hours Saturday & Sunday
- 2000-2300 hours Saturday & Sunday

**Train movements-clean ballast importation train**

- These trains would arrive at times consistent with the hours of operation permitted under the existing Brett minerals permission (i.e. 0600 to 1800 hours Mondays to Fridays and 0600 to 1300 hours Saturdays; unloading activities associated with a laden train shall only take place between 0600 to 2000 hours Mondays to Fridays and 0600 to 1300 hours on Saturdays). There would be no ballast trains on Sunday.

**Loading/offloading (both bulk ballast replenishment service & HOBC):**

- 0600-2000 hours Monday to Friday and 0600-1300 hours on Saturdays
- 0600-1300 hours on Sundays

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**Maintenance:**

- 0800-1800 hours Monday to Friday
  - 0800-1300 hours Saturday & Sunday
14. Generally there would be approximately 24 members of staff working on site at a given time.
15. The application is supported by a Noise Assessment Report (NAR) which was originally submitted in support of the temporary operation. Following complaints from nearby local residents and in response to comments made by Ashford Borough Council in respect of the temporary operations, two further reports have been produced following noise monitoring undertaken at the nearest NSRs to assess whether the maximum noise limits which were set were being met as required by condition under the terms of the temporary permission. This involved source measurements being carried out of the various elements of the operations. Observations were also made as to how the site operated in practice under the temporary consent and how this would be reflected in the future when the site is fully configured.
16. The activities carried out at the site which were seen as having the potential to cause noise disturbance were as follows:
- Train idling in sidings prior to arrival on site
  - Train arrivals/departures
  - Unloading trains (with self-unloading conveyor and 360 degree grab moving material)
  - Maintenance activities (high and low revs)
17. The latest NAR report sets out baseline sound monitoring taken at the nearest NSRs which consist of residential properties located off the north eastern and south eastern site boundaries. Specific noise emissions from the site in respect of the individual activities and the levels of noise they would each generate have been predicted at the NSRs having regard to additional mitigation measures proposed to be installed in the form of a combination of earth bunds and solid wooden barriers placed along certain boundaries of the site. This would include a 6m bund/barrier at the eastern perimeter of the site, with a 4m barrier on raised ground (2m) to the south. A 5 m barrier would also be placed around the perimeter of the railway sidings themselves. The location of the barriers including the existing barrier which was erected as part of the noise mitigation for HS1 are shown on Site Layout Plan 2.
18. In addition to the noise barriers proposed to be installed at the site, the permanent facility also makes provision for a number of buildings to be erected as part of the main HOOB operations. These consist of separate mobile units finished in dark grey including a staff canteen and offices incorporating a meeting room, and a workshop which forms the largest of the enclosed buildings measuring some 27.4m x 6.3m x 3.66m high to eaves. There would also be three separate dry store buildings each measuring some 9.75m x 3m x 3.66m abutted to each other. Finally a covered pit and canopy for inspecting and maintaining rail wagons would be constructed above the track measuring some 50m long x 7.34m wide x 6.3m high. However, none of the buildings proposed are greater in height or scale than the waste transfer building which was to be erected on site in association with the existing Brett waste permission.

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19. The applicant considers that the site represents an important strategic location in terms of providing the key facilities necessary to meet the future demand for aggregates for the necessary maintenance of the railway infrastructure in the south east region. They state that the importance of the site for the importation by rail for onward distribution into the local area is recognised in existing development plan policies which includes the recently adopted Kent Mineral and Waste local Plan 2013-2030.

#### Planning Policy

20. The most relevant National policy, Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:
21. **National Planning Policy Framework (NPPF) March 2013:** came into force on 27 March 2012 and should be read in conjunction with National Planning Practice Guidance (NPPG) (March 2014). The NPPF sets out the Government's planning policies and its aim to secure sustainable development in a timely manner. The role of the planning system is seen as contributing towards sustainable development which creates 3 overarching mutually dependant roles on the planning system namely economic, social and environmental. In this context the NPPF sets out 12 core land-use principles which should underpin both plan-making and decision taking. Of particular relevance this should include being genuinely plan-led, encouraging the re-use of existing resources and making the fullest possible use of public transport. In facilitating the delivery of these roles and objectives the NPPF requires that local planning authorities should look for solutions rather than problems. Local Planning Authorities are therefore expected to work proactively with applicants to secure development that improves the economic, social and environmental conditions of the area in a sustainable manner.

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

22. **National Planning Practice Guidance (NPPG) (March 2014):** The minerals section of the NPPG states that minerals make an essential contribution to the country's prosperity and quality of life. Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to ensure that sites for these purposes are available should they be needed. It adds that planning authorities should consider the possibility of combining safeguarded sites for storage, handling and transport of minerals with those for processing and distribution of recycled and secondary aggregate.'

#### Development Plan Policies:

23. **Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (July 2016):** Policy CSM 1 establishes a presumption in favour of sustainable development in the County Council's approach to mineral developments. Policy CSM 6 recognises the importance of the need to safeguard existing Wharves and Rail Depots to enable the on-going supply of essential minerals. Sevington Rail Depot is one of a number of such sites specifically identified. Policy DM 1 requires that proposals for minerals and waste development are designed amongst other matters, to maximise the re-use or recycling

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of materials. Policy DSM 12 establishes the need to take into account the cumulative impacts of individual elements of a proposal to ensure there are no unacceptable adverse impacts on the environment or local communities. Policy DSM 13 requires minerals and waste development to demonstrate that road traffic movements are minimised as far as practicable by preference being given to non-road modes of transport. Policy DSM 14 seeks to provide safeguards which satisfactorily protect the interests of any Public Rights of Way affected by proposed developments.

24. **Ashford Core Strategy (July 2008):** Has no specific designations relating to the site.
25. **Ashford Draft Local Plan to 2030:** Draft Policy S16 relating to Waterbrook Park excludes the existing railhead site. It requires that detailed proposals are developed in accordance with an approved masterplan that includes amongst other matters:
- a) A re-located 600 space lorry park on the eastern part of the site, adjacent to the existing railhead facility.
  - b) Provides up to 300 dwellings on the western and southern parts of the site.
  - c) Provides a minimum of 20 hectares of commercial development.
  - d) Ensures the proper segregation of uses within the site through the provision of substantial landscaping and screening based on a strong landscape framework for the site.
  - e) Provides suitable mitigation to deal with noise, visual impact and artificial lighting to restrict the impact of the new development on the new residential properties to be developed on the site and the existing properties along Cheeseman's Green Lane.

#### Consultations

26. **Ashford Borough Council:** Initially raised objection on the grounds that the proposed development was contrary to national policy and development plan policies on the basis that the temporary operation caused noise and dust nuisance to local residents. Therefore considers the current application to be premature in the absence of an updated noise survey which should be provided to accurately assess the impact on the neighbouring amenity. Also drew attention to the fact that the surrounding Waterbrook Park is identified as being suitable in principle for residential development in the emerging Ashford Borough Local Plan 2030 under policy S16 - Waterbrook.

Also raised objection to additional information submitted in respect of site drainage on the grounds that it did not address comments made by the County Council's Flood and Water Management Team SUDS.

In response to additional drainage details provided together with the submission of a further updated NAR, maintain their objections. Consider the drainage details are not sufficient to determine whether the proposals adequately control on-site or off-site flood risk in a sustainable manner. However, on the basis of further discussions proposed between the applicant and the County Council's Flood Management Team SUDS, provided SUDS are ultimately satisfied the Borough Council would no longer wish to maintain their objection on drainage grounds.

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With regard to noise, notwithstanding the comments made by the County Council's Noise Advisor Amey on the latest NAR, considers that some of the methodology used to predict noise impacts remains insufficient and that further clarification is required in order to provide more accurate modelling. However, in the event that the County Council are minded to grant permission, would request that a condition be imposed requiring the installation and maintenance of the proposed noise mitigation measures.

27. **Mersham with Sevington Parish Council:** Object on the grounds of noise and light pollution. Should the application be permitted, request that conditions be imposed on working hours, sound proofing, screening to avoid light pollution and a 250m limit to the nearest residential properties.
28. **Amey (Noise):** On reviewing the latest NAR notes that it includes new sound power levels to determine noise levels at the nearest NSRs. Also notes that the predicted noise levels at the NSRs takes into account proposed noise barriers along certain boundaries of the site and around the perimeter of the railway sidings, which should be required by condition.
29. The latest NAR concludes that the impact of noise from activities is expected to be low and that the level of noise would be below the Lowest Observed Adverse Effect Level (LOAEL). Considers that the methodology of the noise assessment is appropriate and the noise levels used in the modelling are credible. Therefore would propose to retain the planning conditions from the temporary site which are:
  - The noise rating level calculated and measured in line with BS 4142:2014 at the closest sensitive receptors shall be at or below 42 dB LAr for any 15 minute period between 5am and 7am.
  - The noise rating level calculated and measured in line with BS 4142:2014 at the closest sensitive receptors shall be at or below 52 dB Lar for any 1hour period between 7am and 11pm.
30. **Environment Agency:** No objection subject to the imposition of conditions including measures to address any contamination found present at the site, all foul drainage shall be contained within a sealed watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. Also informatives covering drainage and fuel and chemical storage.
31. **Southern Water:** There are no public surface water sewers in the immediate vicinity of the site. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on site. The applicant is advised to consult with the Environment Agency directly regarding the use of a cess pit to ensure its long term effectiveness.
32. **The County Council's Flood and Water Management Team (SUDS):** Raised initial concerns over the lack of sufficient information on the management of surface water drainage. Following the receipt of further information from the applicants in respect of site drainage SUDS maintained their objection which in their opinion remained insufficient to demonstrate whether the proposals would adequately control on-site or

High Output Operating Base at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford – AS/16/1192 (KCC/AS/0208/2016)

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off-site flood risk and therefore required further detailed calculations to be provided to address these concerns.

As a result of SUDS maintaining their objection the applicants submitted a second Drainage Calculation Report and confirmed that the intention was to dispose of surface water to a private water drainage system which in this particular case would be GSE's drainage system, in the absence of any known watercourses close to the site or any surface water sewers. The applicant has stated that GSE had confirmed the right for the applicants to connect to their drainage system when Brett acquired the site.

In order to address the issues raised by SUDS, the applicants and their consultants subsequently met with them, following which further information was submitted including calculations for predicting future post-development surface water discharge rates from the site. As a result SUDS removed their objection to the application subject to the imposition of conditions requiring the submission of a detailed surface water drainage scheme for the site, no buildings to be occupied until such times as a detailed drainage scheme as may be approved has been implemented and that there is no infiltration of surface water into the ground unless other than with the express written consent of the Local Planning Authority.

33. **Public Rights of Way:** Public Right of Way AE350 passes through the proposed site which is recorded on the Definitive Map as a Restricted Byway. AE350 is currently subject to a diversion application which would alter the alignment of the railway crossing point. At present the Diversion Order has not been certified or legally taken effect and therefore remains on its current alignment. If permission is granted recommend conditions be imposed to safeguard its route until such times as it may be formally diverted to an agreed standard.
34. **Kent County Council Biodiversity:** Are satisfied that the proposed development is unlikely to impact protected/notable species.

#### Local Member

35. The local County Member Andrew Wickham was notified of the application on 1 August 2016. No comments have been received to date.

#### Publicity

36. The application was publicised by the posting of a site notices, an advertisement in a local newspaper, and the individual notification of 11 residential properties.

#### Representations

37. In response to publicity, 9 letters of representation have been received with 3 of the individual authors each writing in twice. The key points raised can be summarised as follows:
  - Unacceptable impacts from dust during the applicants temporary operations which will need to be properly addressed should any permanent permission be granted
  - Unacceptable hours of working.
  - Previous soundproof measures should be renewed and maintained.

## High Output Operating Base at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford – AS/16/1192 (KCC/AS/0208/2016)

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- The temporary use caused disturbance and therefore noise impacts should be properly assessed before consideration is given to granting permanent permission at the site supported by evidence such as a report from consultants. The area already suffers from noise pollution caused by the A2070, HS1 the local rail network and the HGV lorry park.
- No weekend work should be permitted.
- The application is contrary to the NPPF.
- Housing to the south west of Waterbrook Park is currently being developed along with future areas planned for housing in the vicinity which will be affected by the proposal.
- Byway AE350 is much used and a new route must be found to accommodate the proposal.
- The noise levels increased in respect of the temporary operations after the noise monitoring equipment was removed.
- The site is located close to residential properties and should not therefore be used to process aggregates.
- The countryside surrounding the site is used for recreational purposes and supports several species of wildlife that would be destroyed if the application is approved.
- The land bordering onto Cheesemans Green Lane is not appropriately maintained causing flooding on the road surface and overgrowing vegetation which creates a dangerous situation for drivers and cyclists. It is therefore unacceptable that the application should be considered under current proposed terms.

### Discussion

38. In considering this proposal regard must be had to those Policies outlined in paragraphs 23 to 28 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised under the following headings:

- Noise
- Drainage
- Dust
- Other matters

### **Noise**

39. During the period over which operations took place earlier this year in August and September, the applicants point out that the site was very much in an open state. However, once fully developed which would include the provision of a number of buildings along with proposed noise mitigation barriers, in their view this would serve to satisfactorily mitigate any adverse impacts at the site from noise. Should members be minded to grant permission for the permanent development of the site as now proposed, I would recommend that a condition be imposed requiring that all acoustic protection measures including the installation of the proposed noise barriers together with the erection of the various structures associated with the HOOB operations, be

High Output Operating Base at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford – AS/16/1192 (KCC/AS/0208/2016)

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completed prior to the operation of the site.

40. Under the terms of the temporary permission, operations were required by condition to be monitored in order to ascertain whether noise restrictions imposed during specified hours of operation were able to be met when measured at the nearest NSRs. This was in order to assess whether any additional noise mitigation measures would be required in order to allow the establishment of a permanent facility at the site without causing any adverse effects from noise.
41. In response to the current application objections have been raised by both Ashford Borough Council and the local Parish Council together with a number of local residents whose properties lie off the north eastern and south eastern boundary of the site along Church Road and Cheeseman's Green Road. Their objections are founded on the disturbance that was caused during the temporary operation of the site, particularly from the noise arising out of the various activities involved including trains idling in sidings prior to entering the site, train arrivals/departures, trains being unloaded/loaded and the sounding of the train horn.
42. During the temporary operations, as a result of the complaints received concerning noise, I took the opportunity to visit the site arriving at 0530 hours with the prime aim of monitoring the HOOB train operations which had been a particular source of complaint. Upon my arrival I was informed by site security that trains were not allowed to enter the site until 0600 hours. However, because it had to be clear from the main line in order to allow passenger trains to access the network, it was held in a loop system just to the northwest of the site where it sat idling for up to an hour. Unfortunately, this in itself caused noise problems given that the front engine sat near or under a bridge causing an echo chamber effect. I understand that it is not possible for the train engines to be switched off due to otherwise having to re-charge the braking system, which site security explained generates higher levels of noise than when it is in idle mode. I also noticed upon my arrival the sound of what appeared to be a diesel generator used to power flood lighting at the site and which was clearly audible at close range before the train arrived on site.
43. The train entered the site at 0600 hours and I witnessed it being de-coupled. The noise from both trains at either end produced a high pitch pulsating sound, particularly when both were stationary, which easily drowned out the noise from the diesel generator used for the flood lighting. I remained at the site for a further 15 minutes during which time no further activities took place at the site apart from the trains which were left idling.
44. Upon leaving the site I then drove along Cheeseman's Green Lane to monitor noise levels at the nearest properties to the site. Firstly, I sat outside adjacent to Hogben Farm and The Dean which are located immediately to the south of the site. At that time at this particular location, there did not appear to be any audible sounds from the Network Rail site. I then drove back along the lane to Church Road and sat firstly outside Maytree Cottages and then Orchard Cottage. At both locations noise from the idling train could clearly be heard above the background noise which was mainly caused by the build-up of traffic travelling along the M20 and A2070. The noise levels from the site were particularly audible at Orchard Cottage.
45. My visit to the site prompted me to subsequently write to the applicant drawing attention to comments at that time which had been made by the County Council's

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Noise Advisor Amey, who had requested further information in relation to the noise generated by the train, including impulse noise levels. I also indicated that following my visit to the site, in my opinion there was a clear need for additional mitigation measures to be put in place in order to prevent any adverse impacts on the nearest local residents to the site. I asked whether, once the train had been de-coupled, the train engines could then be turned off which in my view would help make a significant reduction in the noise levels being generated. I also suggested that some form of physical noise barrier would also serve to mitigate noise both from the train itself and also during unloading/loading operations.

46. As a consequence of my site visit and subsequent letter to the applicants, they responded confirming that during the operation of the temporary facility they had also raised doubts with their own noise consultants over the baseline data used and also the extent of the operations captured during their early monitoring of the site. As a result further monitoring was considered necessary along with the need to make any specific recommendations following the results of the monitoring. A further NAR was subsequently provided which included a cumulative assessment of both the HOOB operations and the adjoining permitted Brett mineral operations. The latest NAR also recommended specific noise mitigation measures. The recommendations include:
- All necessary acoustic protection being implemented on site prior to the operation of the facility. (i.e. as set out under paragraph 17 above, this includes the provision of bunds/barriers along certain boundaries of the site together with a barrier being placed around the railway sidings themselves).
  - A reduction in the period during which trains are left to idle on site.
  - Performing maintenance activities within or behind the proposed built development at the site.
  - The avoidance where possible of trains idling outside the site before entering and no longer sounding their horns upon entry.
47. With the benefit of the above recommended noise mitigation measures the NAR concluded that the combined noise levels from the permanent HOOB and the Brett mineral permission would meet those limits previously set under the permission for the temporary operations and therefore in their opinion the proposed development should be acceptable and therefore there are no overriding grounds for objecting on noise.
48. The County Council's Noise Advisor Amey has advised that in their opinion the methodology used in the latest Noise Assessment Report is appropriate and the noise levels used in the modelling credible. In order to ensure that the mitigation measures considered necessary in the latest noise assessment are put in place, they recommend the inclusion of a planning condition requiring the construction of the noise barriers prior to the commencement of the operation of the HOOB, as shown on the site layout Plan 2 where a 6m high bund, noise barrier or combination of bund and noise barrier is proposed to be constructed along the eastern and southern perimeters of the site together with a 5m high noise barrier installed along the perimeter of the railway sidings.
49. With regard to the concerns raised by Ashford Borough Council over the methodology used to predict noise impacts at the NSRs, Amey consider that, whilst the latest NAR may be missing some of the reporting information required by BS4142:2014, ' *the proposed noise conditions limiting the night-time noise to a noise rating level calculated in line with BS4142:2014 of 42dB LAR, 15 min and the daytime to a noise*

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*rating level of 52dB LAR, 1h would cover any small inaccuracy that the noise assessment could include. Therefore, further clarification on any of the points raised by Ashford Borough Council would not change our conclusions and proposed planning conditions.'*

50. During the period over which the temporary operations took place at the site earlier this year, I received a number of complaints from local residents along with objections from Ashford Borough Council to the current application, on the grounds of adverse effects from noise caused by the various activities taking place at the site. During that time I also monitored operations at the site and can confirm that at certain locations surrounding the perimeter of the site noise levels were such that in my opinion, there was a clear need for additional mitigation measures to be put in place in order to prevent any adverse effects on nearby local residents.
51. The previous application submitted for the temporary operations was in order to allow an assessment of the extent to which additional noise mitigation measures may be required in order to ensure that the noise limits imposed at that time could be met on any future application for the permanent use of the site. In support of the current application two further NARs have been submitted which, based on monitoring at various locations surrounding the site of the baseline noise levels comparing those noise levels generated from the individual noise sources of the various elements of the operations, assessed the extent of the mitigation measures necessary to ensure there would be no adverse effects from noise. These assessments identified the need for a number of measures to be incorporated including the provision of physical noise barriers along with various changes in operational practices at the site.
52. The temporary operations led to complaints from local residents and objections from the Borough Council to the current application on the grounds of prematurity in the absence of further information to assess potential noise impacts. However, I am satisfied that the temporary exercise served a useful purpose in allowing noise monitoring to be carried out during those operations in order to identify any mitigation measures considered necessary to ensure that there would be no unacceptable impacts from noise from the proposed permanent facility. In addition to those conditions recommended by Amey and Ashford Borough Council, I would also recommend the inclusion of a condition requiring further noise monitoring to be carried out upon the commencement of operations and the results submitted to the County Planning Authority in order to demonstrate whether the noise limits are being met. In the event that any of the limits are exceeded, operations would be required to cease until such times as additional mitigation measures are put in place and the results of subsequent further monitoring are submitted to the County Planning Authority which demonstrate that the noise limits are being met. In my opinion the noise mitigation measures proposed in the application together with the imposition of the conditions referred to above, would ensure that there would be no adverse effects from noise. Accordingly, I do not consider there are any overriding objections to the application on noise grounds.

### **Drainage**

53. In response to the application the County Council's Flood and Water Management Team SUDS raised initial concerns over what they considered to be a lack of information on the management of surface water at the site and how this would be satisfactorily controlled.

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54. The applicants subsequently provided further information in the form of a Drainage Calculation Report confirming that the intention was for surface water from the site to drain into a private water drainage system which in this particular case would be the existing system owned by GSE and which forms part of their development permitted on the remaining Waterbrook Park Site for general industrial and commercial development. They also pointed out that GSE had previously confirmed the right to connect to their network and that the right to discharge surface water from the Brett owned site is set out in the Transfer Agreement when Brett acquired the site. Therefore, in their opinion the obligation to deal with any consenting arrangements to manage water from the site leaving the GSE site is clearly their responsibility, not Bretts or Network Rail. Given that Brett, or its Tenants have the legal right to discharge surface water from the application site they consider this is therefore not a matter for consideration in determining the Network Rail planning application.
55. SUDS subsequently confirmed that they were satisfied that the right to connection exists and can be demonstrated. However, they pointed out that their objections were on flood risk and sustainability grounds, (i.e. ensuring that the Network Rail site manages the surface water on site appropriately and discharges it into the network at the rate it was designed to accept from the parcel of land). This is to ensure that flood risk both on site and off site is not exacerbated by the development, and that the discharge from the site does not present a risk of pollution to downstream watercourses. This view was also shared by Ashford Borough Council.
56. In order to seek to resolve the drainage issues raised, a meeting was held between the applicants and the SUDS team, following which further information was submitted which included calculations for off-site surface water discharge rates. The applicants also confirmed that any polluted waters would be directly discharged to the foul water drainage system as opposed to the surface water drainage infrastructure.
57. In response to the additional proposed surface water drainage information provided by the applicant following their meeting with the SUDS team, SUDS consequently confirmed in writing that they were able to remove their previous objection to the proposed development subject to the imposition of appropriate conditions as referred to under paragraph 33 above.
58. Having regard to the advice received from the SUDS team together with comments made by Ashford Borough Council that provided SUDS are ultimately satisfied with the proposed measures to address off-site surface water discharge, they would not wish to maintain their objection on surface water drainage grounds, in my view there are no overriding objections to the proposal on drainage grounds.

### **Dust**

59. During formal consultations and following the publication of the application, I received a complaint from a local resident over the adverse effects from dust being generated at the site, who claimed it was escaping and being deposited on parked cars. They alleged that the dust was being jointly caused by the Network Rail and Brett operations, emphasising that it was not in their opinion caused by the adjoining operations on the GSE site.
60. I subsequently contacted a representative from Brett who confirmed that Ashford Borough Council Environmental Health Officers (EHOs) had also received complaints about dust from a local resident and as a consequence had recently visited their site

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who they claimed were satisfied that suitable measures were in place on the Network Rail and Brett sites to effectively suppress any dust nuisance from their operations, which included the use of a sprinkler system when necessary. However, contrary to the assertion made by the complainant that the dust was not being created by GSE, they claimed that the EHOs were able to witness at first hand for themselves that operations on adjoining land involving the creation of a platform for the future GSE development, were creating significant volumes of dust. They alleged the dust was being caused from vehicles traversing across the site importing engineering fill materials which were then being spread across certain areas.

61. Soon after receiving the complaint I also took the opportunity to visit the site unannounced around mid-afternoon on 8 September 2016, within the period during which the Network Rail temporary operation was permitted to operate. When I arrived on site, as expected given the time of the day there was very little activity on the Network Rail/Brett site. However, on the land immediately adjoining to the south I witnessed operations taking place on the GSE site which involved HGVs transporting loads of soil across the site which was then being deposited in the far eastern corner of the GSE land immediately opposite where Hogben Farm and The Dean are located off Cheesemans Green Lane. This activity was creating a significant amount of dust both from vehicles traversing across the site and also where it was being tipped. At the time, the wind was blowing in a westerly direction taking the dust clouds away from the direction of Hogben Farm and The Dean. Whilst on site I also met a representative from Brett who was of the firm view that the GSE activities were the source of the dust complaint. On the basis of what I witnessed on site during my visit, I have no reason to doubt this.
62. Following my visit to the site, in order to ensure whether the complaint I received was justified and properly directed towards the offending operations, I subsequently contacted the EHOs in question to relay my findings, who confirmed that they had paid a recent visit to the site and who asked whether I would be happy for my observations to be passed on to a GSE representative. As a consequence I was contacted by a representative from Thanet Waste Services (TWS) who are the contractors employed by GSE to carry out the earthworks on their behalf. The TWS representative confirmed that they had previously received a complaint from Ashford Borough Council via GSE that a close neighbour to the site had complained about the level of dust being generated from vehicle movements on site. He confirmed that he then also visited the site later the same day and could see the issue for himself which had been made worse by the high level of wind during that period. He confirmed that the following day he arranged for a 2000 gallon towable water bowser to be delivered to the site. He indicated that since that time they had been damping down the haul road throughout the day in an attempt to keep the dust to a minimum although unfortunately they seemed to be experiencing the driest summer for a long time which was turning the soils to a fine powder where it was being driven over continuously which was what was causing the dust.
63. Since receiving the original complaint I have not received any further complaints relating to dust, neither am I aware of any further complaints being made direct to Ashford Borough Council. I therefore remain satisfied on the basis of the evidence available that the most probable cause of the complaint was directly attributable to the GSE activities and not those connected with the Network Rail/Brett operations. Given the nature of the proposed HOOB, whilst it is unlikely to be a major source of potential pollution from dust, as referred to under paragraph 61 above, the applicant has

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installed a comprehensive sprinkler system above the track where the trains would operate. Similarly the existing permission under which Brett would operate also has its own dust mitigation measures. In order to ensure there are adequate controls in place on site to prevent any dust nuisance I would recommend the imposition of a condition on any future permission requiring that dust controls are implemented in accordance with those measures set out in the application. On this basis I am satisfied that there are no overriding objections to the application on the grounds of adverse impacts from dust.

**Other matters**

64. Ashford Borough Council draw attention that the land surrounding Waterbrook is identified under policy S16 in the emerging Ashford Borough Local Plan as being suitable for residential development. Policy S16 states amongst other matters that ‘*Land at Waterbrook is proposed for a mix of residential and commercial development together with a re-located and extended commercial lorry parking facility*’ and that ‘*detailed proposals for this site shall be developed in accordance with an approved masterplan that amongst other matters:-*
- *Ensures the proper segregation of uses within the site through the provision of substantial landscaping and screening based on a strong landscape framework for the site;*
  - *Provides suitable mitigation to deal with noise, visual impact and artificial lighting to restrict the impact of the new development on the new residential properties to be developed on the site and the existing properties along Cheesemans Green Lane;*
65. I have noted the concerns raised by the Borough Council in relation to the potential impacts from the proposed development on the future housing development identified for land at Waterbrook in their emerging Local Plan. However, I am satisfied that the Local Plan Policy Framework as referred to above, will ensure that suitable mitigation measures would be incorporated into any future applications required to be assessed under policy S16 in order to avoid not only any adverse impacts from the existing and future developments on the existing Waterbrook Park railhead site, but also those other future developments identified under policy S16 including the re-located 600 space lorry park.
66. Finally, whilst the Local Parish Council have requested that should permission be granted, conditions be imposed including a 250m limit to the nearest residential properties, this would require the re-location of the existing rail sidings further south. The existing rail sidings already have the benefit of extant permissions allowing their use for minerals and waste related operations and which are subject to safeguarding policies set out in the recently adopted Kent Minerals and Waste Local Plan 2013-30 (July 2016). Furthermore, their re-location would also conflict with the emerging Ashford Borough Local Plan which identifies the remainder of the Waterbrook site under policy S16 for a mixture of commercial, industrial and residential developments and which has already the benefit on part of the area identified under policy S16 of an extant permission granted to GSE which is currently being developed and which adjoins the south western boundary of the existing railhead.

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### Conclusion

67. The Sevington Railhead at Waterbrook Park has represented an important strategic location in the county providing a means for the importation of bulk materials by rail for onward distribution into the local market and which significantly reduces road vehicle mileage consistent with the objectives of sustainable development along with helping meet the challenges of climate change. The site has been utilised for a number purposes since it was originally established in 1987 in connection with the construction of the Channel Tunnel. The site currently has the benefit of two permanent permissions which were originally granted to Robert Brett & Sons in May 2008 for the use of the site as both a rail aggregate importation terminal and also a waste transfer station. The importance of the site as a strategic location for minerals is recognised in the recently adopted KMWLP 2013-30 (July 2016) where, under Policy CSM 6, it is safeguarded from other developments taking place. This is also reflected in the emerging Ashford Borough Local Plan whereby, notwithstanding the borough council's aspirations for the future development of the Waterbrook Park site which is seen as representing a key development opportunity for a mixture of industrial, commercial and residential uses, the Sevington Railhead is specifically excluded from the draft policy S16 site area.
68. Earlier this year, given it is unlikely that the Brett waste permission will be developed for such purposes in the foreseeable future, permission was granted to Network Rail, the applicant for the current application, for the temporary use of the site for a HOOB. Whilst allowing for operations to be monitored during this period in order to assess what mitigation measures may be necessary to allow the operation of a permanent facility at the site, it also provided a means to carry out urgent ongoing repair works to the local rail network which are necessary in order to minimise any disruption to the local rail service.
69. Given the complexity and length of the train necessary to carry out the maintenance works, the Sevington Railhead at Waterbrook Park is seen by the applicant as an ideal site which provides a rare opportunity where rail infrastructure already exists of a sufficient scale and nature located off the mainline route network and which could also take advantage of the adjacent Brett mineral site permission.
70. Whilst the previous impacts from the temporary operations has attracted objections to the current application for a permanent facility at the site, I am mindful that it now includes additional mitigation measures which seek to satisfactorily address those impacts, including additional noise mitigation measures. I am satisfied on the basis of the mitigation measures proposed, having regard to comments and advice provided by consultees together with the conditions recommended as discussed above, that the proposal represents an acceptable form of sustainable development consistent with the principles set out in the NPPF along with other government advice and would also comply with the relevant development plan policies against which the application is required to be considered.

### Recommendation

71. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- Implementation of the permission within 3 years of the date of the permission

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- The development being carried out in accordance with the approved details and drawings set out in the application
- Prior to the commencement of the HOOB noise mitigation measures shall be put in place. These shall include the erection of the various buildings and structures associated with the development, along with the provision of a 6m high bund, noise barrier or combination of both along the eastern and southern perimeters of the site together with the construction of a 5m high noise barrier around the perimeter of the rail sidings, as shown on Figure 5 of the RPS Noise Assessment Report dated October 2016. Barriers to be maintained thereafter.
- The noise rating level calculated and measured in line with BS 4142:2014 at the nearest noise sensitive receptors shall be at or below 42 dB Lar for any 15min period between 5a.m. and 7a.m. The noise rating level calculated and measured in line with BS 4142:2014 at the nearest noise sensitive receptors shall be at or below 52 dB Lar for any 1hr period between 7a.m. and 11p.m.
- Upon the commencement of the HOOB operations noise monitoring shall be carried out at the nearest noise sensitive receptors in order to demonstrate whether the noise limits specified are being met and the results submitted to the County Planning Authority within one month; in the event that the levels measured are above those specified, operations shall immediately cease until such times as additional noise mitigation measures are put in place; thereafter upon the recommencement of the HOOB operations further noise monitoring shall be carried out and submitted to the County Planning Authority within one month in order to enable an assessment to be made as to whether further additional noise mitigation measures are required in order to comply with the noise limits set.
- Submission of remediation strategy in the event of the discovery of any ground contamination during site construction.
- No infiltration of surface water into ground except where it can be demonstrated that there is no unacceptable risk to groundwater.
- All foul drainage to be contained within a sealed cesspit.
- Submission and approval of a detailed surface water drainage scheme prior to commence to commencement of the development.
- No occupation of any buildings until implementation of the approved surface water drainage scheme.
- Submission and approval of detailed design plans of the proposed diversion of Public Right of Way AE350.
- Retention of the existing Public Right of Way AE350 on its current route until such times as the Diversion Order securing its diversion has been certified.
- No obstruction of either the current Public Right of Way AE350 or its diverted route throughout the duration of the HOOB operations.

Case Officer: Mike Clifton	Tel. no: 03000 413350
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Background Documents: see section heading
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SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Single storey extension to provide additional teaching space, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at Seal C of E Primary School, Zambra Way, Seal, Sevenoaks - SE/16/01043/KCCREG3 (KCC/SE/0055/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 7<sup>th</sup> December 2016.

Application by Kent County Council Property & Infrastructure Support for internal alterations and refurbishment of the existing school, and the provision of a single storey extension to provide additional teaching and circulation space, car park extension and landscape improvements to enable the school to expand from 1 form of entry to 2 forms of entry at Seal C of E Primary School, Zambra Way, Seal, Sevenoaks, TN15 0DJ - SE/16/01043/KCCREG3 (KCC/SE/0055/2016)

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

**Local Member: Nick Chard**

**Classification: Unrestricted**

Update for 7<sup>th</sup> December meeting following the deferral of the application from Planning Applications Committee on 13<sup>th</sup> July 2016.

1. The planning application for Seal Primary School was deferred from the meeting in July at the request of the applicant, in order for them to give further consideration to the concerns raised by the community and to explore the possibility of further mitigation, over and above the proposals already included in the application. This related in particular to Seal Parish Council's concern for the provision of additional off-site parking for parents. This report provides an update regarding those discussions, followed by the original report from the July meeting as Appendix 1.
2. Representatives from KCC (as applicant) attended a meeting with Seal Parish Council in October to consider if there were any possible alternative sites where additional parking could be provided for parents in order to alleviate congestion in the residential roads of Zambra Way, Ash Platt Road and Highlands Park. Six different options were discussed, which included three different parcels of land owned by Biffa, land at Highlands Park, land at Trinity School, and use of, or an extension to, the existing Seal Recreation Ground car park. Each site was assessed against a variety of parameters (where applicable) including size of site and parking capacity, owners willingness to sell and negotiate, ground conditions, contamination, access to the development site and school, planning considerations, other considerations and cost. In addition the applicants have advised they have commissioned a peer review of the Paul Mew Transport Statement submitted with the original application to ensure that the findings of this report are accurate.

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

### Summary of Assessment of Alternative Sites

3. The plan below shows the six sites considered by the applicants.



1 - Biffa Site 1    2 - Highlands Park Site    3 - Entrance to Biffa Site  
4 - Biffa Site 2    5 - Sevenoaks School Site    6 - Seal Recreation Ground

The Assessment of Alternative Sites report undertaken by Bailey Partnership concludes that none of the three Biffa sites would be viable. They state that whilst numerous attempts were made to open dialogue with Biffa no response was forthcoming, and this echoes the problems experienced by the Parish Council in trying to correspond with the company. It is suggested that there is little desire from Biffa to enter into any discussion about using part of their land for school parking. Added complications with these three parcels of land are contamination associated with the landfill site and the need for remediation for any alternative use (particularly for sites 1 and 4); the conflict of using the same access that Biffa use for their commercial vehicles, which would place children and parents/carers in close proximity to heavy good vehicles (site 3); the extended pedestrian journey along the A25 if site 3 were progressed; and the sites being remote from the school grounds in the case of sites 3 and 4.

4. In relation to the piece of land alongside the school and Highlands Park, this area would be too small to provide a car park but could be used for a drop off facility. However the land is divided into several titles which are not under single ownership. Each individual owner would need to consent to any lease or purchase, which would be likely to prove problematic. Furthermore this site is currently overgrown and provides habitat to local wildlife therefore any redevelopment would have an ecological impact which would need to be addressed. Again this site has been determined as being unviable as an option.
5. The Parish Council have suggested to the applicants that part of the school field at Trinity School on the southern side of the A25 could be used. In this instance the site

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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would be large enough to accommodate a car park or drop off facility but the extent of land that the school might be prepared to lease has not been confirmed yet. Furthermore the land is currently used as school playing fields, therefore any loss would be subject to an objection from Sport England. The applicants consider the site to be remote from the Primary School and would require the children to cross the A25 during peak time, which would require the provision of a new crossing facility. The applicants suggest that parents would be unlikely to use such a facility because of the remoteness and the need to cross the A25.

6. The final site that was considered was the Seal Recreation Ground site, managed by Seal Parish Council. This site would not require planning permission for a change of use but would require agreement by the Parish Council that the car park could be used as a park and stride facility. The recreation ground has a direct link to the school site through an existing pathway. The applicants advise that KCC commissioned an independent transport consultancy to survey the capacity of the recreation ground car park which concluded that the current car park has capacity to be used as a drop off facility for Seal Primary School, and that the survey results had been previously shared with the Parish Council. To date, however, members of the Parish Council have been unwilling to permit such a use, therefore this option also remains unviable.
7. In addition the applicants note that all of the sites are located within the Green Belt, where development should only be permitted in Very Special Circumstances. They suggest that as the Transport Assessment has demonstrated that the school expansion would not have a material impact on the local highway, any proposal to develop Green Belt land for parking would be impossible to justify.
8. The Highways and Transportation Officer has considered the report and from a highways perspective agree with their findings for Option 1-5 - that none of them seem feasible from a practical or financially viable point of view. They state that Option 6 (using the existing recreation ground car park) seems to be the most cost effective and simplest solution, requiring no construction, with an existing access and a safe dedicated footway between the car park and the school. The addition of lighting along the footpath would be welcome as it would make it a more attractive solution on dark evenings and this would be a solution to congestion on Zambra Way, which has been highlighted as an issue by the Parish Council. It is noted that the use of this site would be dependent upon the agreement of the Parish Council.

#### **Peer Review of Transport Assessment**

9. In order to ensure the robustness of the conclusions drawn by the original Transport Assessment by Paul Mew Associates, the applicants have commissioned a peer review of the report to be undertaken by DHA Transport. The applicants have advised that the calculations completed by DHA Transport support the findings of the original Transport Assessment in that there should be no material highway impacts following the proposed expansion.

#### **Summary of Parking and Highway Issues**

10. The applicants have looked into the possibility of using alternative sites in the vicinity of the school but have concluded that none would be viable. At the time of the original officer report, the Transport Assessment concluded that the school expansion would not

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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have a severe material impact on the highway network and the applicants have advised that the additional review undertaken by DHA Transport concurs with this view. The applicants have also stressed that the provision of additional car parking and drop off facilities, had they been possible to secure, would go against the aims of the Travel Plan and national planning policy guidance, which aims to reduce car based journeys. By providing additional parking it would simply encourage more people to drive instead of encouraging them to look for alternative modes of transport.

11. Although the Highways and Transportation Officer does have some concerns over the additional local congestion and parking issues that this development would create, in terms of Policy, NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. That, he states, can only be judged on a case by case basis, taking account of all material factors. Whilst the submitted information shows that the situation is likely to be worsened, he is not able to conclude that it would result in conditions that could be described as 'a severe impact on congestion or safety', particularly when such impacts occur for short periods during the morning and afternoon and only during school term time. They state that they remain of this view, and it would therefore be difficult to require that any additional parking / drop-off provision to be required as a condition of the school expansion.
12. The Highway and Transport Officer's original conclusion, that with appropriate conditions and a pro-active input from the School to improve sustainable travel to and from school by pupils and staff, still stands, and they consider that the impact may be reduced considerably in this way. The careful production, monitoring and review of the School Travel Plan would be the key to this. The mitigation measures that were promoted at the time of the original application are set out in full in paragraphs 45 and 46 of the original report and also summarised below:
  - Incentives to be reinforced in the School Travel Plan to promote more walking to school including Walking Buses and Park and Stride.
  - More encouragement for car sharing and the introduction of a car sharing database.
  - Staggered start and finish times to spread the arrival of cars at the school.
  - Voluntary one way system around the small green in Zambra Way to better manage traffic entering and leaving Zambra Way and avoid conflict.
  - The presence of a member of staff monitoring parents parking every morning, and 'naming and shaming' those parking dangerously in school newsletter.
  - Possible introduction of a school bus to collect pupils in the morning and taken them home at the end of the day.
  - The School to lobby for the speed limit along the A25 to be reduced between the recreation ground and Seal Hollow Road from 40mph to 30mph.
  - The School to continue discussions with the Parish Council regarding possible use of the recreation ground car park.
  - The School Travel Plan (containing these mitigation measures) to be submitted to the County Planning Authority for written approval prior to commencement of development
  - The Travel Plan to be uploaded to 'Jambusters' system and be subject to an on-going review, with results published on the school website.

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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13. Considering the off-site highway aspects of the proposed development as a whole, it is to be borne in mind that primary schools generate a level of localised traffic congestion and competition for on-street parking space. In most cases this is a short lived nuisance and irritation rather than a serious risk to road safety. Moreover, it only occurs on days when the school is open, compared to streets that are close to shops, offices, railway stations etc., so the level of nuisance is not as great as experienced in some other residential areas. Nevertheless, it is acknowledged that these cause friction between residents and school parents over on-street parking, but the public highway is there to be used and it is not the sole preserve of any one category of highway user. The key to minimising traffic nuisance and avoiding safety risks is sound management of the available facilities and the measures that have been suggested for parking restrictions, one-way circulation, speed restrictions and use of the Recreation Ground car park are best pursued through the updated School Travel Plan.

### **Conclusion**

14. The planning assessment of the application was undertaken prior to the application being reported to the 13<sup>th</sup> July Planning Applications Committee meeting and covered all the matters set out in the original report which follows as Appendix 1 to this update. Following consideration of this additional information relating to parking and highway matters, and the review undertaken by the applicant's after the application was deferred from July's meeting, it is considered that the original recommendation for approval (subject to referral to the Secretary of State in relation to the Sport England objection) remains appropriate, subject to the conditions and informatives set out in paragraphs 59 and 60 of that report, which are reproduced below for this report:

### Recommendation

15. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government, and SUBJECT TO his decision, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- the standard 5 year time limit;
  - the development to be carried out in accordance with the permitted details;
  - the submission and approval of details of all construction materials to be used externally;
  - the submission and written approval of an updated School Travel Plan prior to the commencement of development and its ongoing monitoring review for a period of 5 years;
  - hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays;
  - the submission of a Construction Management Plan, providing details of amongst other matters that no traffic movements, including deliveries, should occur in Zambra Way and Ash Platt Road during school start and finish times; the location of parking and turning areas for construction and delivery vehicles and for site personnel and visitors; and the provision of wheel washing facilities;
  - that the ecological enhancements recommended in the Ecological Appraisal be implemented and in addition that grassland strip between the woodland and the

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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school pond be left unmanaged;

- that the mitigation detailed in the report regarding works to the wooded area at the north of the site be implemented as set out in the Ecological Appraisal;
- the provision and permanent retention of the vehicle and cycle parking facilities prior to the occupation of the school and their retention thereafter;
- the submission of a fully detailed sustainable surface water drainage scheme for the site prior to commencement of development, and the written approval of such a scheme and its on-going maintenance prior to occupation of the extension;
- the submission of a native species landscape scheme, including the replacement of trees removed from between the existing and proposed development with semi-mature specimens, and details of a maintenance scheme for such landscaping to ensure the establishment of the planting and that it be managed to benefit biodiversity;
- that any lighting of the MUGA shall not be permitted without the written consent of the County Planning Authority.

16. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- The registering with Kent County Council of the School Travel Plan through the “Jambusters” website following the link <http://www.jambusterstpms.co.uk>;
- That the applicant ensures that all necessary highway approvals and consents are obtained;
- The development should take account of the Bat Conservation Trust’s ‘Bats and Lighting in the UK’ guidance;
- To ensure that works to trees are carried out outside of the breeding bird season and if this is not possible that an ecologist examines the site prior to works commencing.

Case Officer: Helen Edwards	Tel. no: 03000 413366
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Background Documents: see section heading
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Single storey extension to provide additional teaching space, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at Seal C of E Primary School, Zambra Way, Seal, Sevenoaks -

A report by Head of Planning Applications Group to Planning Applications Committee on 13<sup>th</sup> July 2016.

Application by Kent County Council Property & Infrastructure Support for internal alterations and refurbishment of the existing school, and the provision of a single storey extension to provide additional teaching and circulation space, car park extension and landscape improvements to enable the school to expand from 1 form of entry to 2 forms of entry at Seal C of E Primary School, Zambra Way, Seal, Sevenoaks, TN15 0DJ - SE/16/01043/KCCREG3 (KCC/SE/0055/2016)

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

Local Member: Nick Chard

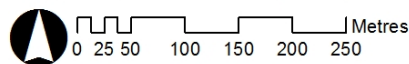
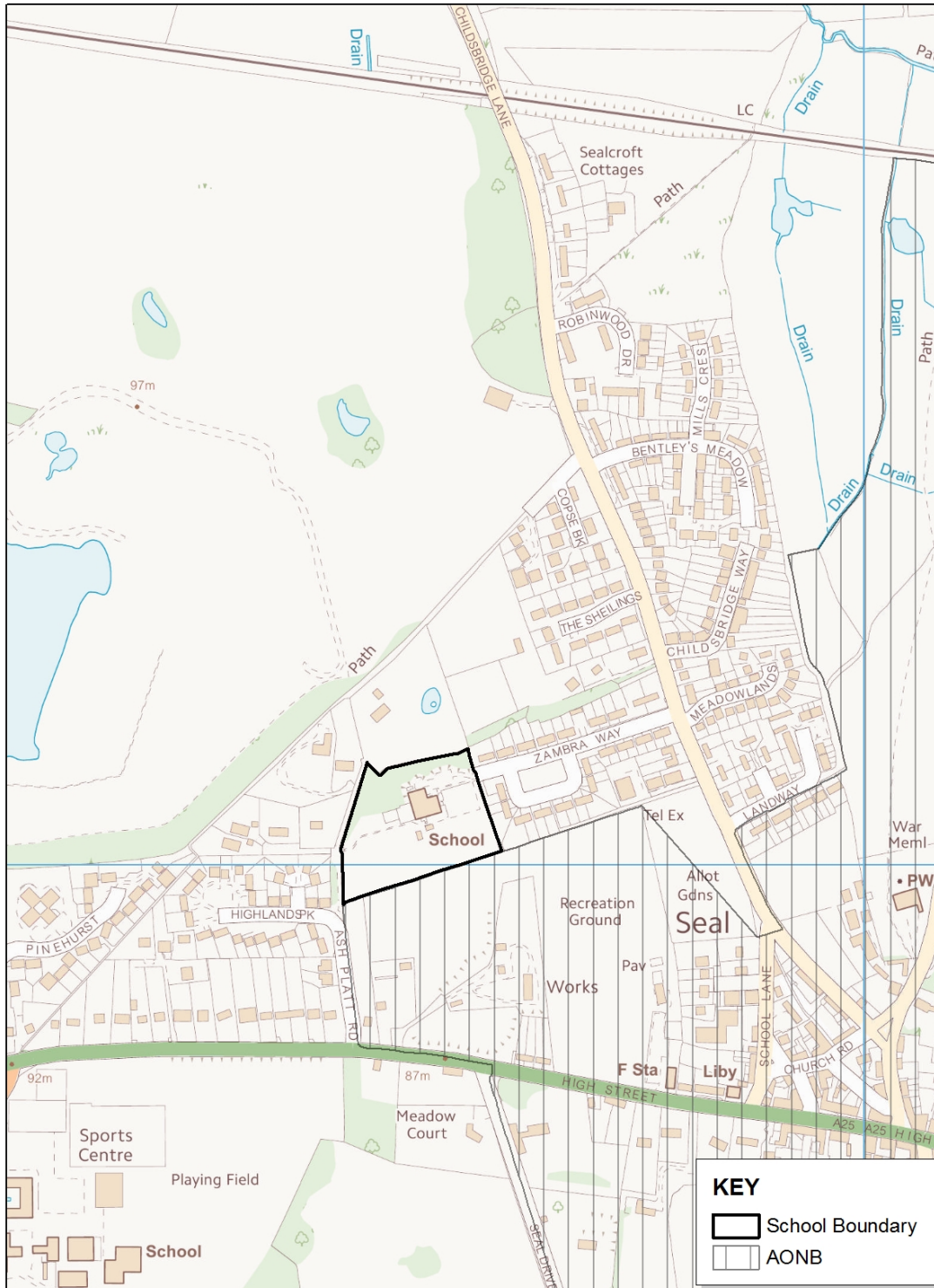
Classification: Unrestricted

#### Site

1. Seal Primary School is a single storey building which is located at the end of a cul-de-sac in the village of Seal. The existing building is constructed with brickwork and rendered blue panels under a flat roof, with white fascia's, windows and doors. The school is located in a central position within the school site, behind the hard surfaced playground. The playing fields lie to the south of the school and the site is well screened along the boundaries, including a wooded area to the north. Three temporary mobile classrooms are located on site, to the south and south-west of the main building and an area of staff parking (28 spaces) is located to the north of the school, accessed from a single vehicular entrance off Zambra Way. The access is gated and there are zig-zag keep clear markings outside the school gates. Zambra Way is a residential cul-de-sac, with semi-detached two storey properties located in a regular pattern around a small green. A secondary pedestrian only access to the school is provided from Ash Platt Road to the west, after its junction with Highlands Park, where it becomes a single width unmade road. Ash Platt Road is accessed from the A25 and serves a number of detached properties, but also provides access to Highlands Park which is a residential cul-de-sac of 26 properties.
2. The school lies outside of the settlement boundary of Seal, within the Metropolitan Green Belt and adjacent to the Kent Downs AONB, which meets the school's southern boundary. On a wider scale the village's recreation ground and community centre lie to the south-east of the school, accessed from the A25 Seal Road. The community centre has a car park and a pedestrian footpath which runs between this and Zambra Way. This recreation ground falls within the Seal Conservation Area which extends further to the south-east.

Appendix to Item D1  
 Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at -  
 Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

**General Location Plan**



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 Ordnance Survey 100019238



Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

**Proposed Site Plan**



Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

Proposed Elevations



Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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### Background

3. The KCC Education department has provided details of the need for more primary school places in the Sevenoaks District in support of this planning application. Within the Sevenoaks Planning Area they state that there is barely sufficient capacity to accommodate existing and future demand for primary school pupils, creating no scope for parental preference. The number of first preferences for school places far exceeds the number of places available at existing facilities. In the absence of new school facilities in key conurbations within the Sevenoaks area, Kent County Council as education provider would be unable to fulfil its role in providing sufficient primary school spaces and being able to accommodate school preferences of families within these areas.
4. The Education Authority has undertaken an assessment of all the schools in the areas of current or forecasted demand and provided in their statement the reasons why these schools could not be progressed for expansion in lieu of Seal Primary. These schools included Lady Boswell's CE Primary, St Thomas Catholic Primary, St John's CE Primary, Sevenoaks Primary, Riverhead Infants Primary, Kemsing Primary, Dunton Green Primary, Otford Primary and Chevening St Botolph's CE Primary. In summary they consider these schools were either constrained through lack of space on site, in an area where the demand is not highest, already recently expanded by a form of entry or where there are significant highway issues. In addition they note that Knole Academy and Trinity School were not considered for an all-through proposal (i.e. primary through to secondary on the same site) as the Kent Commissioning Plan has identified future secondary school pressures and therefore the available space is required to be used for secondary school expansions over the next 5 years. However, it should be noted that basic need School places have been provided at Lady Boswell's, Otford and other primary schools in the Sevenoaks area.
5. In summary they state that Seal Primary is located in close proximity to the area of greatest need; there is sufficient size on site to accommodate an extension; OFSTED have rated the school "Good", which provides a strong platform on which to expand; and the school would be well placed for collaborative working with the relocated Trinity School and the establishment of the Weald of Kent satellite. The local concerns about congestion and inappropriate parking during drop off and pick up are acknowledged, but the Education Authority state that such challenges are a feature found at every primary school in Sevenoaks and would have to be managed in any location. The school has been temporarily expanded to a 2FE for the past 2 years and a permanent solution is now required.

### Recent Site History

6. The planning history for the school includes a number of applications over the past 8 years for various temporary mobile classrooms, and their subsequent retention, including the most recent application in August last year (2015) for the demolition of 4 prefabricated units and their replacement with two mobile classrooms for a period of 18 months. This application was submitted to address a shortfall in accommodation at the school whilst the application for a permanent solution was sought.

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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Proposal

7. The application seeks approval for a single storey extension to provide classroom space for an additional form of entry, expanding the school from 1FE to 2FE. The extension would be linked to the existing school by a glazed link and would be located to the east of the main school (towards Zambra Way) in the location of the existing playground. There would be internal stairs and a platform lift in the link to overcome the level differences between the existing and proposed buildings. The extension would accommodate 9 new classrooms, staff and pupil toilet facilities, space for children with Special Educational Needs to be supported, and a self-contained nursery, with its own toilets, kitchen, sleep room and entrance. Each classroom would have direct access to the outside, and a colonnade with canopy over would be provided on the southern side facing in towards the new playground. The existing school would also have a small extension added by the main entrance to provide additional staff and administration office space, and a further small extension to one of the classrooms on the western side of the school to provide additional toilet facilities and storage. Internal alterations within the existing building would help create an enlarged school hall to improve the indoor area available for sports, and the subdivision of an existing classroom to create an open plan library and area for group learning.
8. The extension has been designed with an L-shaped footprint, with two wings. The extension would be clad in vertical timber boarding with coloured window reveals and the proposed windows and doors would be a dark grey powder coated aluminium. The extension would have a zinc standing seam roof, with a mono-pitch design, and the rainwater goods and flashings would be powder coated aluminium. The southerly projecting wing would have a permeable corridor giving access to two classrooms, and this would also use the vertical timber boarding but with a hit and miss design and of two different thicknesses to reflect trees in a forest. This permeable corridor would allow ventilation through to the classrooms and also solar shading to avoid overheating on the south facing elevation. Full height glazing is included to provide high levels of natural light. The existing school is also proposed to be re-clad in timber boarding to match the new extension.
9. The two mobile classrooms currently located to the south of the existing school would be removed and a new hardsurfaced playground created in this area which would include an unfenced MUGA surface with court markings. The nursery would have its own external space located to the south of the extension. Paved access would be provided round the whole of the extension. The existing prefabricated building located to the west of the school would be retained and the playing fields laid out to the south of this. Additional planting is proposed along the eastern boundary of the site where the school meets the rear gardens of the properties in Zambra Way. A total of 6 trees are proposed to be removed from the site to accommodate the extension.
10. It is also proposed to alter and reconfigure the parking area at the north of the site to accommodate additional staff parking spaces and 1 minibus space. In total 46 car parking spaces would be provided (currently there are 28) which would include 2 accessible parking spaces. The access to the site would remain unchanged – vehicular and pedestrian access from Zambra Way and pedestrian only access from Ash Platt Road.

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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## Planning Policy

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

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

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- Consideration of whether the opportunities for sustainable transport have been taken up; safe and suitable access to the site can be achieved for all people; and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- The desirability of sustaining and enhancing the historic environment;
- The great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools;
- That the development has taken into account the importance of protecting the Green Belt, assessed the development against the exceptions provided and provided a case for any very exceptional circumstances;
- That access to high quality open spaces and opportunities for sport and recreation are important in their contribution to health and well-being, and therefore that existing open space, sports and recreation facilities should not be built on unless the loss would be replaced by equivalent or better provision in terms of quantity and quality.

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

- (ii) **Sevenoaks District Core Strategy (February 2011)**

**Policy L08 The Countryside and Rural Economy:** Seeks to maintain the extent

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of Green Belt, and conserve and enhance the countryside, including the distinctive features that contribute to the special character of its landscape and its biodiversity. The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting, will be conserved and enhanced.

**Policy SP1 Design of New Development and Conservation:** Requires all new development to be designed to a high standard, reflect the distinctive local character of an area, create safe, inclusive and attractive environments, incorporate sustainable development principles and maintain biodiversity. Account should be taken of guidance adopted by the District Council in the form of Conservation Area Appraisals and Parish Plans, amongst other matters. The Districts heritage assets and their settings, including listed buildings, conservation areas, historic buildings, archaeological remains, landscapes and outstanding views will be protected and enhanced.

**Policy SP2 Sustainable Development:** Sets standards for sustainable design and construction. Institutional development will be required to achieve a BREEAM rating of at least 'very good'. In order to achieve this, the proposal will be expected to demonstrate 10% energy savings through renewable sources.

**Policy SP10 Green Infrastructure, Open Space, Sport and Recreation Provision:** Promotes the provision of multifunctional green space by linking existing green space areas. The Policy also seeks the retention of open space, sports and recreational facilities, including indoor facilities of value to the local community, unless any loss can be justified by additional provision of at least equivalent value to the local community.

**Policy SP11 Biodiversity:** Seeks to conserve biodiversity, to ensure no net loss through development and to promote opportunities to enhance biodiversity.

#### **Sevenoaks Allocations and Development Management Plan (February 2015)**

**Policy EN1 Design Principles:** sets out the need for high quality design and for proposals to meet criteria including: responding to scale, height and materials; respecting the topography and character of the site and any sensitive features; not result in the loss of buildings or open space that would affect the character of an area, provided satisfactory means of access and parking provision; include opportunities for increasing biodiversity potential, including sustainable drainage and to avoid harm to existing biodiversity; create a permeable layout; safe and easy access for those with disabilities; creation of a safe and secure environment to deter crime and fear of crime; include modern communication technology and infrastructure; and make efficient use of land.

**Policy EN2 Amenity Protection:** Proposals should provide adequate residential

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amenities for existing and future occupiers of development, and safeguard amenities of existing and future occupiers of nearby properties by ensuring development does not result in excessive noise, vibration, odour, activity, vehicle movements, overlooking or visual intrusion and where it would not result in a loss of privacy or light.

**Policy EN5 Landscape:** Sets out that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection. Proposals that affect landscape throughout the District will need to conserve the character of the landscape including areas of tranquillity.

**Policy GB8 Limited Extensions to Non Residential Buildings in the Green Belt:** Proposals to extend an existing non-residential building within the Green Belt which would meet the following criteria would be permitted – (a) the existing building is lawful and permanent in nature and (b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the original building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.

**Policy T1 Mitigating Travel Impact:** Sets out the need to mitigate against adverse travel impacts including their impact on congestion and safety, environmental impact such as noise, pollution and impact on amenity and health.

**Policy T2 Vehicle Parking:** Sets out that vehicle parking provision, including cycle parking, for non-residential developments should be in accordance with the advice of Kent County Council as Local Highway Authority.

Consultations

12. **Sevenoaks District Council** Object on the grounds that the deveopment would be inappropriate and harmful to the maintenance, character and openness of the green belt, contrary to the NPPF, Policy GB8 of the Sevenoaks District Council's Allocation and Development Management Plan (ADMP) and Policy L08 of the Core Strategy. No special cirumstances have been advocated that could clearly outweigh the harm to the Green Belt. In addition the application has failed to address the parking requirments and highway impact of the proposals, contrary to Policies T1 and T2 of the ADMP.

**Seal Parish Council** objects to the application on the grounds that 'very special circumstances' for development in the Green Belt have not been demonstrated; the growth in traffic and the need for additional parking would result in severe congestion; the construction process would impact nearby residents; and the amenity of the nearest dwellings would be affected by the extension. They furthermore suggest the Statement of Community Involvement is inadequate; that the education jutsification is unclear as Dunton Green School appears to be a viable option other than due to funding; and query the accuracy of the Transport Assessment. (This is a summary of the extensive

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comments received.)

**Sevenoaks Town Council** raises no objection subject to a satisfactory solution for parking and traffic issues being provided and a reduction to the speed limit section of the A25 from 40mph to 30mph.

**KCC Landscape Officer** states that adverse impacts on the AONB, the Green Belt, local landscape character and visual impact would not be significant if a suitable landscape scheme is provided, secured by condition.

**KCC School Travel Planner's** views on the recent draft School Travel Plan will be reported verbally at the committee meeting.

**KCC Biodiversity Officer** raises no objection subject to the imposition of conditions relating to mitigation for reptiles set out in the ecological report, securing the ecological enhancements set out in the report, and informatives relating to bats and lighting and carrying out works outside of the breeding bird season.

**KCC Archaeological Officer** consulted but no comments received.

**The Environment Agency (Kent Area)** has no comments to make as the site lies within Flood Zone 1 (lowest area of flood risk).

**Sport England** objects as the proposal would lead to the loss of land being used as a playing field, and does not accord with any of the exceptions of its Playing Fields Policy.

**KCC Sustainable Drainage Officer** raises no objection subject to the imposition of a condition requiring the submission of a detailed surface water drainage design.

**KCC Highways and Transportation Officer** states that whilst the future conditions on the road network are likely to be worsened as a result of this development, he is not able to conclude that it would result in conditions that could be described as 'a severe impact on congestion or safety', particularly when such impacts only occur for short periods during the morning and afternoon and only during school term time. The Highways Officer suggests that the key to managing the increased number of cars dropping off and picking up pupils in the vicinity of the school will be the Travel Plan, which should be revised and approved prior to any construction work commencing. A condition for a Construction Management Plan would also be needed.

#### Local Member

13. The local County Member, Nick Chard was notified of the application on 6<sup>th</sup> April 2016.

#### Publicity

14. The application was publicised by the posting of two site notices (one at each entrance to the school), an advertisement in a local newspaper, and the individual notification of 61 residential properties.

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### Representations

15. In response to the publicity, 27 letters of representation have been received from 26 different properties. The key points raised can be summarised as follows:

- Pre application consultation process with local residents was poor;
- New pupils will not come from Seal or walk to school, but would be driven and a lack of parking proposed for additional staff and parents;
- Present roads and rudimentary parking arrangements are already full and parking haphazard, nose to tail, and on the pavements;
- Increase in school size will exacerbate an existing dangerous situation in terms of parking and congestion; with inconsiderate parking by parents who block or even park on resident's driveways;
- Green area in the centre of Zambra Way being ruined by cars;
- Proposal represents a serious health and safety risk for children and their parents, and an inconvenience to residents; suggest the school needs an alternative access and that with suitable infrastructure would not object to the expansion;
- Do not agree with the Transport Statement where it suggests that there is sufficient parking capacity within the local road network and that no additional parking is required; Transport Assessment does not take into account the new dropped kerbs and those applied for by residents in Zambra Way, and the impact this will have on the number of parking spaces
- Secondary pedestrian access is off a private road (spur off Ash Platt Road) and should not be used; introducing double yellow lines in Highlands Park and Ash Platt Road will not create any additional parking but would reduce available areas to park to the detriment of residents; and nowhere to turn legally for cars once they have entered Ash Platt Road;
- Suggest using the area of scrubland south of the telephone exchange as additional parking for the school;
- The previous and new Travel Plans do not work, and problems date back to 2009 when the school was a lot smaller;
- Inconsiderate parking could affect emergency vehicles getting to residents in Zambra Way, as could the proposed parking bays;
- Suggest school site is large enough to accommodate a drop off and collect car park;
- Parking restrictions should be imposed straight away rather than waiting for the school expansion;
- Traffic Assessment does not take into account traffic for the care home currently being built near the entrance to Ash Platt Road and traffic from Trinity School and the new grammar annex nearby, and suggest a holistic approach for traffic in the area is needed;
- Seal Parish Council should be compelled to use a portion of the Recreation Ground to create a safe solution in the same way that Ightham Parish Council have; the Recreation Ground car park not as busy as the Parish Council suggest – really only busy at the weekends when the school is closed and could be extended to create more spaces;
- Alternatively a new car park should be created on land off Ash Platt Road, or on the Biffa infill land fronting the A25, which could be shared with the Trinity and new grammar school;
- The spur off Ash Platt Road is not fit for school traffic, being too narrow, with poor lighting, and Ash Platt Road floods regularly;

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- Need to reduce the speed limit from 40mph to 30 mph on A25 to encourage walking to school.

#### Discussion

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 above. Section 38(6) of the 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.
17. This application is being reported for determination by the Planning Applications Committee due to the objections raised by the District Authority and Parish Council, the objections received from Sport England, and the neighbour representations received. In my opinion, the key material planning considerations in this particular case are the principle of development in this location in relation to the Green Belt and AONB, the siting and design of the proposed extension in terms of its built form; its siting which results in the loss of part of the playing field, and the highway and traffic implications of the school expansion on the surrounding roads; and the subsequent amenity impacts of this for neighbouring residents.

#### Principle of Development

18. Sevenoaks District Core Strategy Policy L08 seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances and this aim is reflected in Policy GB8 of the Sevenoaks Allocations and Development Management Plan Document – the details of these policies are set out above in paragraph 11. The NPPF, section 9, paragraph 80 states that the Green Belt serves five purposes:
  - a. to check the unrestricted sprawl of large built up areas;
  - b. to prevent neighbouring towns merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
19. The NPPF further states that “as with previous Green Belt Policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. The NPPF does not explain in any detail what “very special circumstances” means, but does go on to say “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”. Any built development within the Metropolitan Green Belt which affects the openness of it would be contrary to planning policies.
20. By virtue of the criteria in the NPPF, and various Local Plan Policies, the development is inappropriate in Green Belt terms. Although paragraph 89 of the NPPF lists examples of development that could be considered appropriate within the Green Belt, in my view the proposals would not meet these exceptions and the development is, therefore,

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inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted with regard to planning policies and other material considerations. Such development should not be approved, except in very special circumstances. It is, therefore, necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against inappropriate development.

21. A 'Planning Statement' was submitted in support of this application, which included a Green Belt Statement setting out why the applicant considers it is justified to set aside the general presumption against what would be inappropriate development in the Green Belt. The applicants have provided an assessment of the sites contribution towards the purposes of the Green Belt to assess the impact of the proposal on the fundamental aims of the Green Belt policy. They have also provided an assessment of how the extension would impact on the openness of the Green Belt and then set out the 'Very Special Circumstances' they consider apply to the proposal.
22. With regard to the first of the fundamental aims of the Green Belt, the applicants suggest that the extension would not be considered as urban sprawl as it is a single development located in an area with a fragmented settlement pattern, sitting within a well-defined site, enclosed by existing landscaping and where further development could not be unrestricted. The development would be infill development on an existing developed site, largely enclosed by and concealed by natural landscape features. In this regard it would have limited effect on the aim of restricting sprawl of large built up areas and the separation of urban settlements. The second aim of the Green Belt designation is that it is designed to restrict villages merging into each other, and in this case the school sits in an identified gap between Seal village and Greatness to the west. Although it falls within a gap, the school extension would be entirely enclosed within the school's existing fixed boundaries and the applicants therefore suggest that any development on this site would not lead to coalescence in either physical or visual terms. The third aim is to safeguard the countryside from encroachment. The applicants suggest the school would be considered as more urban than rural given its function as a school. The established tree boundaries of the school provide a distinctive landscape character for the site. In particular they state the northern boundary, where there are Tree Protection Orders, changes in levels, and where the 'Forest School' is located would create a fixed boundary which would prevent encroachment into the open countryside beyond the site. The fourth aim is to preserve the setting and special character of historic towns, and the applicants suggest that the development would not affect this aim as the extension would be shielded from wider landscape views due to the established boundaries and that the design would be sympathetic to the site's woodland setting and would simply consolidate the buildings already on site. Finally development in the Green Belt should be restricted to encourage the recycling of derelict or other urban land. In this instance the applicants suggest in the absence of other suitable and viable sites, this site should be maximised to assist with immediate and projected demand. Further assessment of the alternative sites was provided by the applicants in the special circumstances section below.
23. Having considered the arguments given by the applicant in relation to the 5 fundamental aims of the Green Belt, I consider that their assessment is accurate. Development in this location would not affect the fundamental aims of the Green Belt policies and

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planning guidance due to the fact the extension would be well related to the existing school building, close to the nearby residential development to the east in Zambra Way and extends towards the established built up area rather than further into the 'open countryside'. Furthermore the site is enclosed with established boundaries, the development is well designed and screened from the wider setting of historic towns, and has an existing education use.

24. In terms of how the extension would affect the openness of the Green Belt the applicants have suggested this can be assessed in two ways – the visual openness of the site relating to views, and the physical openness relating to the amount of development. In terms of visual openness they suggest that there are limited views into and across the site owing to its woodland boundary and topographical level differences, plus the presence of residential development to both the east and west of the school site, and these factors would ensure that the openness of this site in relation to the wider green belt designation would not significantly change. In terms of the physical amount of the site that would be covered with buildings, hard play, roads and paths in relation to the green space and wooded areas on site, the existing figures show 81.8% would remain undeveloped from these physical structures, whereas with the proposed extension 69.7% would remain undeveloped. Just under 70% of the site would therefore remain 'open' should the extension be approved, which is still a substantial amount which would maintain the overall openness of the site.
25. In considering the justification given in relation to the openness of the Green Belt and whether the proposed extension would affect this, it should be noted that openness of the Green Belt is described as an 'absence of development' irrespective of the degree of visibility of the land in question from public vantage points. Therefore, any physical development within the Green Belt, whether visible or not, would have some impact on the openness. Whether that impact is either acceptable or unacceptable is a matter of fact or degree based on the specifics of each case. I consider that the proposed extension would be seen within the context of an established education facility, sited in close proximity to the existing building and neighbouring development in Zambra Way, thus keeping the built form within one established area, and ensuring that it would not encroach into the more open part of the site. Only 10.2% of the site area would have built form on it and the established landscaping around the perimeter of the site would screen the development from wider views. On this point I consider the proposed development would not affect the function of the Green Belt.
26. Notwithstanding all of the above, the prevailing policy context is that it would be inappropriate development owing to its location within the Green Belt. As such it must be demonstrated that 'very special circumstances' exist that outweigh the potential harm, and in support of this the applicants have put forward the following (summarised) justification:
- The importance the NPPF attaches to ensuring a sufficient choice of school places is available to meet the needs of the existing and new communities;
  - Sevenoaks planning area has an immediate and projected need for additional primary school places (as supported by the Education Authority's justification);
  - The proposed development is located in close proximity to the area of greatest need;
  - There are no alternative available sites of sufficient size to accommodate a new school within proximity to the area of greatest need for primary places in the District.

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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- 93% of the District is in the Green Belt therefore it is preferable to extend an existing site rather than develop a new greenfield site within the Green Belt;
- The Education Authority has undertaken an assessment of alternative sites available and considers Seal Primary the only viable and suitable solution to meet demand on the eastern side of Sevenoaks urban area, and therefore if the expansion does not proceed the deficit of places would escalate;
  - The existing buildings fall short of the recommended space requirements for schools and therefore the need for considerable expansion and renewal is great, with some of the classrooms being significantly undersized;
  - The development of the site would provide improved and upgraded sports facilities, areas of open play space, and the retention of the forest school that would help preserve the openness of the wider Green Belt;
  - Although the extension would represent an increase of 62% in built floorspace compared to the original building, the cumulative built form on the site would still only constitute 10.2% of site coverage constituting limited infill rather than encroachment;
  - The pressing operational requirement to deliver additional school floorspace that is 'fit for purpose' is considered to outweigh any impact caused by the extension.
27. A number of these justification points relate to the fact there is a need for places in this locality and that this site has been shown to be the most appropriate when compared to alternative sites. The Education Authority considered 9 other sites identified as being located in close proximity to, or within, areas of current or forecasted demand, as listed in paragraph 4 of this report. A number of the schools were considered to be on sites that were too small or were constrained and therefore had insufficient space for additional buildings, some had already been expanded by a form of entry, and others were constrained by site topography, or were simply not in the area of highest demand. Moreover some of these other schools are also within the Metropolitan Green Belt.
28. Both the District Authority and the Parish Council consider that there has been a lack of evidence submitted to demonstrate that the proposed redeveloped school would serve the local rural settlement of Seal, that the proposal is within walking distance of the majority of families it would serve, or that a thorough sequential test has been undertaken to demonstrate that there are no other available sites of sufficient size to accommodate a new school. In addition they consider that insufficient evidence to support the case for need within the Green Belt has been submitted, therefore it is not clear that the proposed scale of development in the green belt is the only option available.
29. Overall, and taking on board the views of the District and Parish Council, I accept the applicant's assessment and application of Green Belt Policy as set out in the submitted documentation, and I have considered this in the context of the Development Plan Policy and the NPPF. The development is inappropriate development for the purposes of Green Belt Policy consideration and is, therefore, by definition harmful to the Green Belt. Nevertheless, in my view, the considerations summarised above are sufficient collectively to constitute 'very special circumstances' capable of outweighing harm, in this particular case. I accept that the carefully designed extension and its siting in relation to the existing school and surrounding built development would mitigate the impact of the development on the functioning and openness of the Green Belt. Accordingly, I consider that an objection on Green Belt grounds would not be warranted in this particular case. However, if Members were minded to grant permission, the

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application would need to be referred to the Secretary of State for Communities and Local Government before permission could be granted, to enable him to adjudicate on the Green Belt ramifications of the proposed development.

### **Siting and Design of the Extension**

30. The proposed extension would be sited to the east of the original school and would extend towards Zambra Way. A glazed link would connect what would be the two sections of the school and the new element would be at a slightly lower level than the original building due to the levels difference across the site. The extension would be of a modern design with a monopitch roof, and whilst this would be different to the existing school, which has a flat roof, the original school has little architectural merit and in this case would not warrant replicating. The design includes oversized windows which would provide lots of natural daylight into the classrooms, and coloured panels and window reveals would highlight the elevations, which would be timber clad. The roof would be constructed from standing seam zinc.
31. It is considered that the materials would complement the natural wooded appearance of the school site, and it is proposed to re-clad the existing school with timber as well, to create a cohesive appearance for the whole extended school. The change in levels in the area of the proposed extension (floor level is 1.2m/3.9ft lower than the existing) ensures that even though a monopitch roof is proposed, the height of the extension would not be overbearing, and the single storey scale of the extension would be in keeping with the original building.
32. The proposed extension would project towards the shared eastern boundary with the properties in Zambra Way, whose rear gardens back onto the school. There is an existing close board fence along this boundary and some established planting. The distance between the rear elevation of the properties in Zambra Way and the new façade of the extension would be 28m at the closest point, which exceeds the widely accepted industry guideline of 21m as a separation distance between neighbouring properties, and included in design guides across the Country. In particular, this distance is judged to be a target separation distance between the facing windows of 'habitable rooms' in adjacent properties, beyond which privacy by virtue of overlooking is deemed to be of insignificant nuisance. Given this distance, the intervening boundary treatment and the fact the extension is single storey, it is considered that the extension would be at a sufficient distance away from the neighbouring houses, so as not to cause an overlooking issue or be overbearing in terms of scale and height.
33. The hard surfaced playground would be provided to the south of both elements of the school as proposed, and would include an unfenced but marked out, MUGA (which is not proposed to be lit). The playing field would then lie to the west between the playground and retained temporary classrooms. To the north of the school and proposed extension, the staff parking area would be remodelled to accommodate some additional parking spaces. This would require the provision of a retaining wall along the northern edge of the site. The parking provision and implications of the changes to the layout in terms of playing field provision are addressed further below.
34. The extension would be seen in the context of the existing school buildings and the wider residential development of Zambra Way, and the modern design is therefore considered to be appropriate for the site. The choice of materials proposed would

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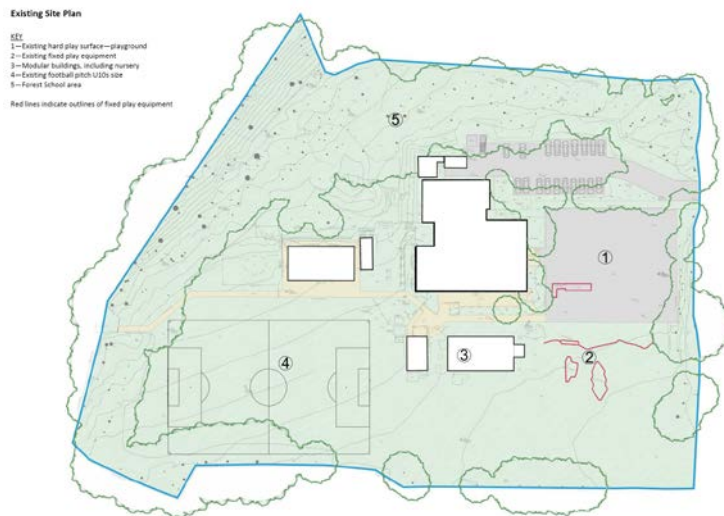
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complement the wooded and landscaped nature of the site and would be acceptable in principle. The overall layout on site would work well in terms of integrating with the existing school. It is therefore considered that from a design and siting point of view, the application would be acceptable, and in accordance with SP1 of the Core Strategy and policies EN1 and EN2 of the Allocations and Development Management Plan.

### **Siting of the Extension Resulting in the Loss of Playing Field**

35. The proposed new extension would require the layout of the school to be altered in terms of the open space and sports provision on site. The extension would be built on the area of the existing playground, and this would therefore be relocated to the south of the original school. The extension would also extend along the eastern boundary and therefore a small area of grassed play space where the timber 'trim trail' and climbing frame are located would also be 'lost'. The play equipment would be re-sited to the south of the new playground, along the retained grassed area on the southern boundary.
36. Due to development being proposed on an existing area of playing field, Sport England were consulted, and have raised an objection to the proposals as they considered it would not accord with any of the exceptions to Sport England's Playing Fields policy, or with paragraph 74 of the NPPF. The applicants have provided further information in response to this, and this is summarised below.
37. They state that the school occupies a generous site where there would be a large area for both formal and informal soft and hard play, along with the external teaching facilities of the 'Forest School'. Even with the proposed extension included only 10.2% of the total overall site area would be covered with buildings, or some 22% when considering the buildings together with the hard surfacing of paths, roads and parking areas – under the existing situation 15% of the site is occupied by buildings and hard surfacing. They consider this demonstrates that a loss of playing field and open space at the site would be limited in terms of the overall percentage. They state that the affected area to the south-east of the site is generally of poor quality compared to the remainder of the site and that the area of informal play (trim trail) is prone to waterlogging and only available to use at certain times of the year. The proposed replacement playground would be of a higher quality than the existing in a more preferable location away from neighbouring properties, and would include a marked out MUGA to improve the sports provision. The internal alterations in the existing school building (which do not require planning permission) would also result in the increased size of the school hall, thus improving the indoor sports provision. Finally the consolidated teaching facilities would result in the removal of two temporary buildings to the south of the main school, and the incorporation of this space as external play. The following annotated site plans show the existing and proposed layouts in terms of open space provision.

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(Bailey Partnership document – Sport England: Seal Primary)

38. They further provided as assessment of the school’s facilities in relation to the Building Bulletin 103 Guidance provided by the Department of Education, which sets out the minimum net site requirements for all schools, and specific area requirements for primary schools in relation to area requirements per pupil place. That has shown that the proposal would still deliver in excess of the minimum net site area requirement of 14,400sqm – it having a net site area of 14,472sqm and by virtue of this provides sufficient external area. Furthermore they consider that the higher quality external sports provision that would be provided would outweigh the encroachment of the extension onto the existing informal play areas.
39. The applicants sought guidance from Sport England at a pre-application stage, where they were advised that in order for the MUGA to constitute a formal sports provision it

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would need to be fenced; that a minimum of 22.3m (73ft) between the proposed hard play and the south-eastern boundary would be needed; that the nursery play area would need to be removed or moved to part of the site which does not constitute a sports facility; and confirmation would be needed that the outdoor swimming pool is no longer useable. In considering these points the applicants have advised that the MUGA has remained unfenced to allow a more flexible play space for both PE and informal play times; the distance between the playground and the southern boundary is between 23m (75ft) and 25m (82ft); that the nursery play space needs to be immediately adjacent to the nursery building in line with BB103 guidelines; and that the swimming pool was drained and covered in in 2008 and a double modular classroom block provided in this location in 2011. Finally they state that community use playing fields are located within close proximity to the school in the Recreation Ground to the south of the site and the Wildernesse sports centre approximately 1 mile away at the Trinity School. The proposed development would not limit access to these existing facilities to the wider community.

40. The additional information and justification submitted by the applicants was forwarded to Sport England, but the latter have maintained their objection. The proposals do result in the small loss of an area of undeveloped open space on the site currently used for informal play provision, and therefore in strict policy wording terms, it would not accord with Sport England's policy aimed at protecting playing field and open space provision. It should however be noted that the layout of the playing pitch itself would not be affected by this proposal, as this would remain unchanged in the south-western corner of the site. The removal of the temporary classrooms would result in this space becoming available for use, and the provision of the improved playground facilities away from the neighbouring properties and incorporating marked MUGA pitches would be of benefit to the School, as would the enlargement of the school hall to improve indoor facilities, the retention on site of relocated play equipment and the school's 'Forest School'.
41. Clearly the extension cannot be accommodated on site without there being some net loss of open space, and it is accepted that the proposals do not precisely comply with the exception policies of Sport England's guidance or the bullet points of paragraph 74 of the NPPF. In my opinion, although there is a maintained objection by Sport England, I consider that the provision of additional primary school places to meet the needs of the local community, combined with the provision of improved sports facilities associated with this, would outweigh the loss of part of the existing informal play space, especially when taking a longer term view and considering the proposals in a holistic and broader context. However, if Members are minded to permit the proposals, the application would need to be referred to the Secretary of State for his consideration of the playing field implications as well.

### **Highway and Traffic Implications of the School Expansion**

42. The school is located at the end of a residential cul-de-sac, which provides the sole vehicular access to the site, leading to on-site parking for staff only. A secondary pedestrian access into the school is provided from Ash Platt Road. The proposals include an increase in on-site parking from 28 spaces to 46, and the increase in cycle/scooter parking from 16 to 21 spaces. The on-site parking would remain for staff only, which means all parents and visitor parking must be accommodated on the surrounding road network. The majority of the representations received relate to the

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current problems experienced at school drop off and pick up times with parking in Zambra Way, Ash Platt Road and Highlands Park.

43. The proposed increase in the size of the staff car park meets the KCC parking standards and the Highways and Transportation officer considers this number would be adequate for the proposed staff numbers at the site, and therefore meets the aims of Policy T2 of the Allocations and Development Management Plan.
44. The application was supported by the submission of a Transport Assessment, which was updated in May 2016, and this document has been assessed by the Highways and Transportation Officer. Given that no parent parking can be provided on site, their view is that the key to managing the likely increased numbers of cars dropping off and picking up in the vicinity of the school, would be the School Travel Plan. They state that this would need revising and made more robust to ensure the increases do not create further problems and avoid safety issues, and that should permission be given it would need written approval prior to the commencement of construction.
45. The percentage of children who currently walk to school is only 30%, which is low for what is essentially a village school. Various incentives could be introduced and reinforced in the Travel Plan such as 'Walking Buses' and 'Park and Stride', but this would need a commitment from the school to promote, monitor and plan for. Car sharing could be further encouraged and a car sharing database can assist in making this effective. The School have recently implemented staggered start and finish times to try and spread the arrival of cars at the school, and they have also introduced a voluntary one way system round the small green in Zambra Way to better manage traffic entering and leaving Zambra Way to avoid conflict. Due to recent complaints the School also now have a member of staff monitoring parents parking every morning, with those parking dangerously 'named and shamed' in newsletters. Additional suggestions include considering the implementation of a school bus to collect pupils in the morning and take them home at the end of the day, plus further consideration of using the recreation ground car park, albeit this would require the agreement of the Parish Council which has not been forthcoming so far. It is also suggested that the School should lobby for the reduction in the speed limit along the A25 between the recreation ground and Seal Hollow Road from 40mph to 30mph, as this might currently discourage parents from walking here due to the narrow footpath width and speed of road traffic.
46. These mitigation measures cannot be conditioned, but can be secured through a robust School Travel Plan, which as stated above should be submitted to the County Planning Authority for written approval prior to the commencement of any development on site, and subject to on-going review through the 'Jambusters' system.
47. The Transport Assessment suggested the introduction of new yellow line markings in Ash Platt Road, Highlands Park and Zambra Way, and the marking out of parking bays in these roads to help formalise parents parking and overcome the congestion that currently occurs. However such road markings and parking bays would be subject to the need for a Traffic Regulation Order (TRO), which is subject to its own consultation process. The success of this would be outside the control of this planning application and therefore cannot be relied upon. Furthermore following consultation with Sevenoaks District Parking Manager it is clear that these suggested markings are not definitive and would need some amendments including moving the spaces in Ash Platt Road away from the junction with the A25 and providing larger gaps between the

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spaces to allow cars to pass. In addition the layout suggested in Zambra way does not take into account all of the recently approved dropped kerbs and would also need to be amended.

48. Although the Highways and Transportation Officer does have some concerns over the additional local congestion and parking issues that this development would create, in terms of Policy, the NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. That, he states, can only be judged on a case by case basis, taking account of all material factors. Whilst the submitted information shows that the situation is likely to be worsened, he is not able to conclude that it would result in conditions that could be described as 'a severe impact on congestion or safety', particularly when such impacts occur for short periods during the morning and afternoon and only during school term time. They conclude that with appropriate conditions and a pro-active input from the School to improve sustainable travel to and from school by pupils and staff, that the impact may be reduced considerably. The careful production, monitoring and review of the School Travel Plan would be the key to this. In addition to the School Travel Plan other conditions suggested, should the application be approved, would be for the permanent retention of the staff parking areas shown, and the need for a Construction Management Plan (this is addressed further below).
49. Considering the off-site highway aspects of the proposed development as a whole, it is to be borne in mind that primary schools generate a level of localised traffic congestion and competition for on-street parking space. In most cases this is a short lived nuisance and irritation rather than a serious risk to road safety. Moreover, it only occurs on days when the school is open, compared to streets that are close to shops, offices, railway stations etc., so the level of nuisance is not as great as experienced in many other residential areas. Nevertheless, it is acknowledged that these cause friction between residents and school parents over on-street parking, but the public highway is there to be used and it is not the sole preserve of any one category of highway user. The key to minimising traffic nuisance and avoiding safety risks is sound management of the available facilities and the measures that have been suggested for parking restrictions, one-way circulation, speed restrictions and use of the Recreation Ground car park are best pursued through the updated School Travel Plan.

## **Other Matters**

### **Construction**

50. Given that there are neighbouring residential properties, if planning permission is granted it is considered appropriate to impose a condition restricting hours of construction to protect residential amenity (Monday to Friday between 0800 and 1800; Saturday 0900 to 1300; and no operations on Sundays or public holidays).
51. A condition requiring the submission of a full Construction Management Plan (CMP) for written approval, prior to commencement of development is considered appropriate and has been requested by the Highways and Transportation officer. He states that construction works would need to be carefully planned and managed to ensure the safety of pupils, staff and residents. The CMP should include amongst other matters that no traffic movements, including deliveries, should occur in Zambra Way and Ash Platt Road during school start and finish times; the location of parking and turning areas

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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for construction and delivery vehicles and for site personnel and visitors; and the provision of wheel washing facilities.

### **Ecology**

52. The application was supported by the submission of a Preliminary Ecological Appraisal which considered the suitability of the site to support various protected species, and this was further updated with additional information in relation to Great Crested Newts. This documentation was assessed by the County's Biodiversity Officer who concurred with the findings of the updated report. A Great Crested Newt (GCN) survey was carried out on the pond within the school site and no GCN were recorded, therefore no mitigation strategy is required. The majority of the habitat to be impacted by the proposed development is regularly mown grassland and hardstanding and it is agreed that this is not optimum reptile habitat. The report suggests that work to the woodland along the northern boundary where the additional parking spaces are to be provided should be undertaken with a precautionary approach, and the mitigation detailed in the report should be implemented if permission is given. This could be covered through a suitably worded condition.
53. With regard to bats and breeding birds KCC's Biodiversity officer has suggested the need for informatives relating to the Bat Conservation Trust's 'Bats and Lighting in the UK' advice, and the need to carry out development outside of the breeding bird season, and if this is not possible that the site must be surveyed by a suitably qualified ecologist. Finally the recommendations for ecological enhancements set out in the report should be secured by condition, and should also include that amenity grassland strip between the woodland area and the school pond should be left unmanaged to increase connectivity between the woodland and the school pond area.

### **Landscape**

54. The application was supported by the submission of a Tree Survey Report and has been assessed by the County's Landscape officer in terms of the impact of the proposed development on the Seal Chart Landscape Character Area, and the Kent Downs AONB. It is considered that given the tree belts along the site boundaries and the broad woodland belt to the north of the site would give a woodland feel to the school grounds and that although there would be some loss of trees there would only be a slight adverse impact on landscape character. Furthermore it is considered that the proposed development would not intrude on the setting of the AONB which lies to the south of the site. The submission of a detailed landscape scheme would mitigate any slight impact on the wider landscape area, and the reinforcement of the boundary treatment along the eastern boundary would further reduce any slight impact for the adjoining residents. The trees located in the gap between the existing school and the proposed extension, the Landscape Officer suggests, are unlikely to survive and are not of the highest quality. As part of any landscape scheme these should be removed and new semi-mature trees planted elsewhere on the site. Subject to the imposition of a landscape condition as detailed, and covering the future ongoing maintenance, there would be no objection to the proposal.

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### **Flood Risk & Drainage**

55. The application was supported by the submission of a Flood Risk Assessment which shows that the site falls within Flood Zone 1, the zone least vulnerable to flooding. Details of the proposed drainage were also included in the report, and the County's Flood Risk Officer has assessed these details. There would be a slight increase in impermeable area on site (265m<sup>2</sup>) as a result of the proposed design and there is concern that the existing drainage system would not meet current design standards and would not be able to accommodate the additional volumes of surface water generated by the development. As such they suggest that a detailed surface water drainage scheme should be secured through a suitably worded condition, if permission is given.

### **Sustainability**

56. The design of the proposed extension has been undertaken to include various sustainable measures so that the scheme would accord with the principle of BREEAM Very Good. These would include natural ventilation, high efficiency condensing gas boilers, low energy lighting, high efficiency appliances and control of hot and cold water consumption through measures such as low volume cisterns, flow control taps etc. Although it has been considered, the design of the school with its monopitch roof and orientation would not be suitable for the installation of PV panels.

### **Conclusion**

57. In my view the key determining factors for this proposal are the principle of allowing the development given its location in the Green Belt, the loss of playing field land, together with the appropriateness of the extension in terms of design and layout and the suitability of the highway network to accommodate the additional school traffic in this location. There is strong Government support in the NPPF for the development of new schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on local amenity and all other material considerations, such as 'very special circumstances' allowing development in the Green Belt, highway matters, design, ecology, and landscape. In my view the proposed development would not give rise to any significant and demonstrable harm in any of these respects, that are overriding as far as planning, environmental and amenity aspects are concerned, as demonstrated in the discussion above.
58. The objections received in relation to the loss of playing field land and the fact the development would be sited within the Green Belt have been considered in detail above. In my view the proposed extension would not affect the principle aim of protecting the Green Belt and the small loss of playing field land would be compensated for by the provision of better on site sports facilities. In my view the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. I therefore recommend that the application be referred to the Secretary of State for Communities and Local Government for his consideration, and subject to his decision that various conditions be placed on any planning permission, including those outlined below.

Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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#### Recommendation

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

- the standard 5 year time limit;
- the development to be carried out in accordance with the permitted details;
- the submission and approval of details of all construction materials to be used externally;
- the submission and written approval of an updated School Travel Plan prior to the commencement of development and its ongoing monitoring review for a period of 5 years;
- hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays;
- the submission of a Construction Management Plan, providing details of amongst other matters that no traffic movements, including deliveries, should occur in Zambra Way and Ash Platt Road during school start and finish times; the location of parking and turning areas for construction and delivery vehicles and for site personnel and visitors; and the provision of wheel washing facilities;
- that the ecological enhancements recommended in the Ecological Appraisal be implemented and in addition that grassland strip between the woodland and the school pond be left unmanaged;
- that the mitigation detailed in the report regarding works to the wooded area at the north of the site be implemented as set out in the Ecological Appraisal;
- the provision and permanent retention of the vehicle and cycle parking facilities prior to the occupation of the school and their retention thereafter;
- the submission of a fully detailed sustainable surface water drainage scheme for the site prior to commencement of development, and the written approval of such a scheme and its on-going maintenance prior to occupation of the extension;
- the submission of a native species landscape scheme, including the replacement of trees removed from between the existing and proposed development with semi-mature specimens, and details of a maintenance scheme for such landscaping to ensure the establishment of the planting and that it be managed to benefit biodiversity;
- that any lighting of the MUGA shall not be permitted without the written consent of the County Planning Authority.

44. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- The registering with Kent County Council of the School Travel Plan through the “Jambusters” website following the link <http://www.jambusterstpms.co.uk>;
- That the applicant ensures that all necessary highway approvals and consents are obtained;
- The development should take account of the Bat Conservation Trust’s ‘Bats and Lighting in the UK’ guidance;
- To ensure that works to trees are carried out outside of the breeding bird season and if this is not possible that an ecologist examines the site prior to works commencing.

Appendix to Item D1  
Single storey extension, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at - Seal C of E Primary School, Zambra Way, Seal, Sevenoaks

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Case Officer: Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

## Erection of two storey classroom block with additional site car parking at Wentworth Primary School – DA/16/1328 (KCC/DA/0213/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 7<sup>th</sup> December 2016.

Erection of two storey classroom block alongside the existing school providing 7no classrooms and a group room with additional site car parking at Wentworth Primary School, Wentworth Drive, Dartford, DA1 3NG – DA/16/1328 (KCC/DA/0213/2016)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr J Ozog

Classification: Unrestricted

### Site

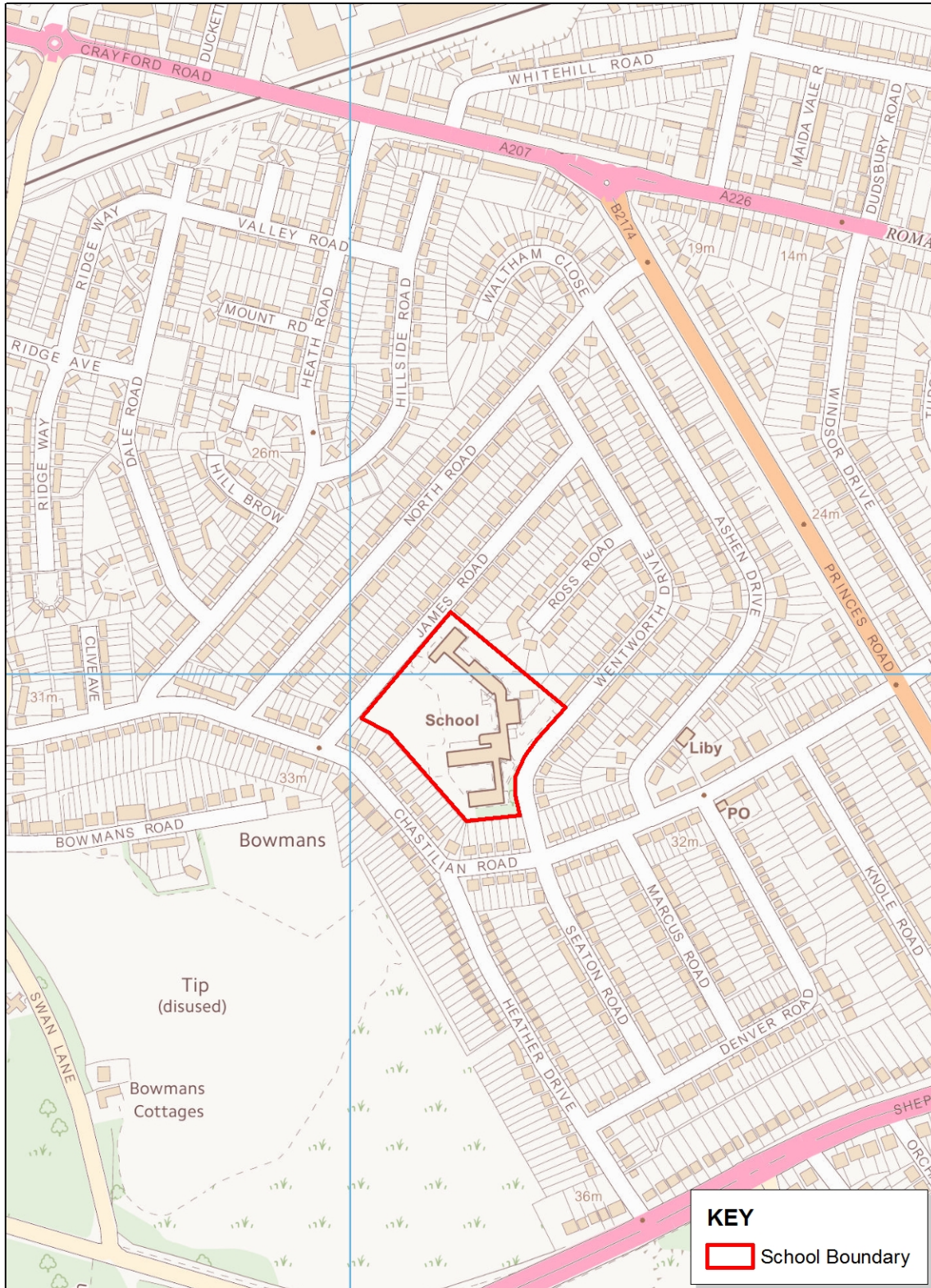
1. Wentworth Primary School is located in a residential area to the west of Dartford Town Centre and to the south east of Crayford. The main entrance to the school is on Wentworth Drive and a secondary entrance is on James Road. There is car parking on site near to both access points.
2. The school buildings are located to the north, east and south of the site enclosing the hard surface play areas and the playing fields which are located to the west of the site.
3. The nearest residential property to the proposed two storey building is approx. 45 metres (147 feet) north east of the proposal in Ross Road, which is a cul-de-sac. To the east the nearest residential property is approximately 54 metres (177 feet) in Wentworth Drive and to the south property is located approximately 92 metres (301 feet) in Chastilian Road. To the west the nearest residential property is located in James Road and Chastilian Road, between 79 metres (259 feet) and 88 metres (288 feet) away. The additional parking proposed is to the east of the site accessed via the main entrance in Wentworth Drive.

### Background

4. The proposed development is located within a site which has been used for education since the 1950's when the school was known as the Dartford Heath Farm County Primary School. This proposal would allow an expansion to a 3 FE school, in permanent classrooms.
5. The application includes details of the public consultation that had been carried out in July 2016 by the applicant prior to the application being made to the County Planning Authority. A number of concerns were raised at that time including those regarding the increase in pupil numbers and the effect on traffic, parking at drop off and pick up times, disruption and loss of playground space. Copies of various responses from the public to the pre-application planning consultation are included within the application.

Erection of two storey classroom block with additional site car parking at Wentworth Primary School - DA/16/1328 (KCC/DA/0213/2016)

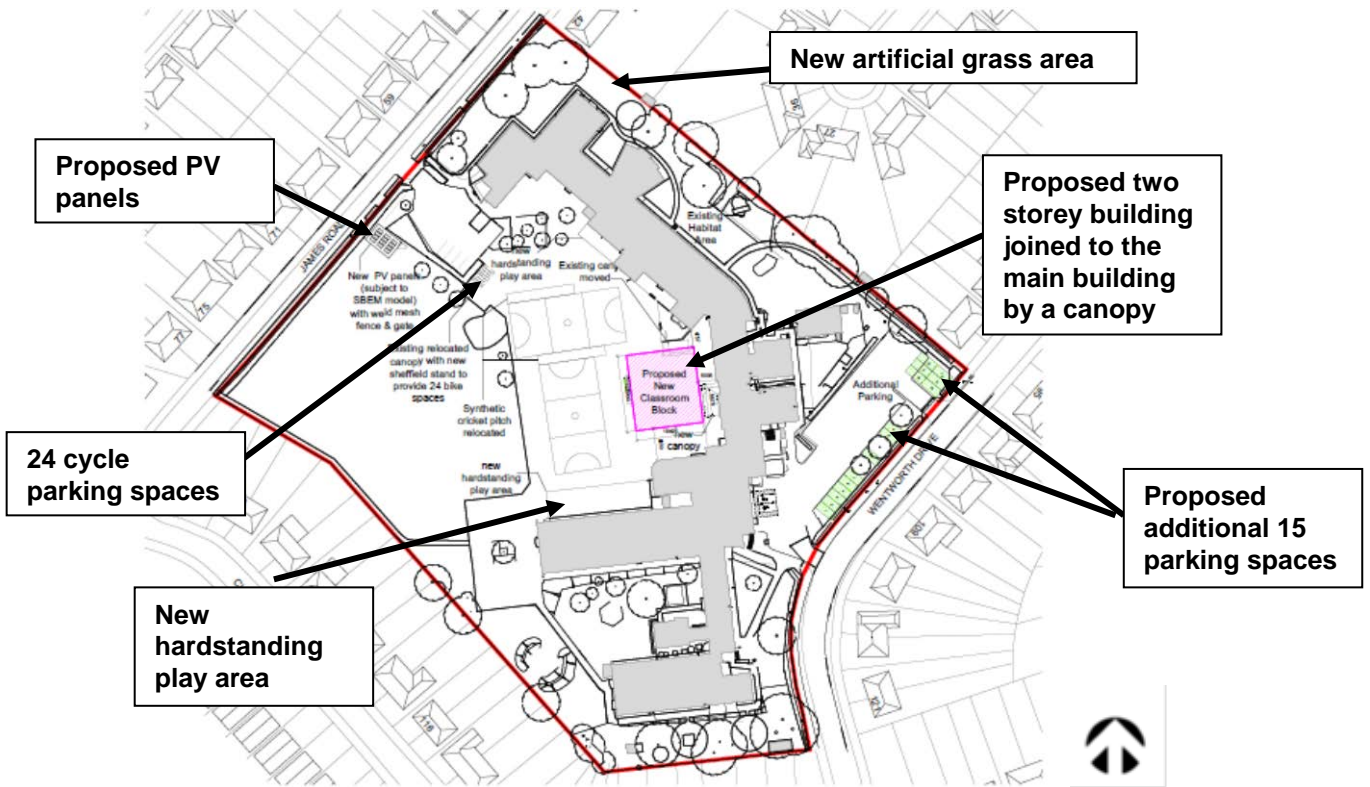
General Location Plan



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Erection of two storey classroom block with additional site car parking at Wentworth Primary School - DA/16/1328 (KCC/DA/0213/2016)

Location of Proposal within school site

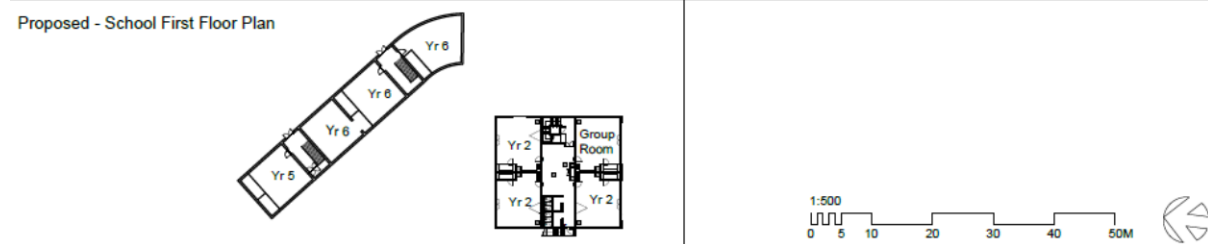
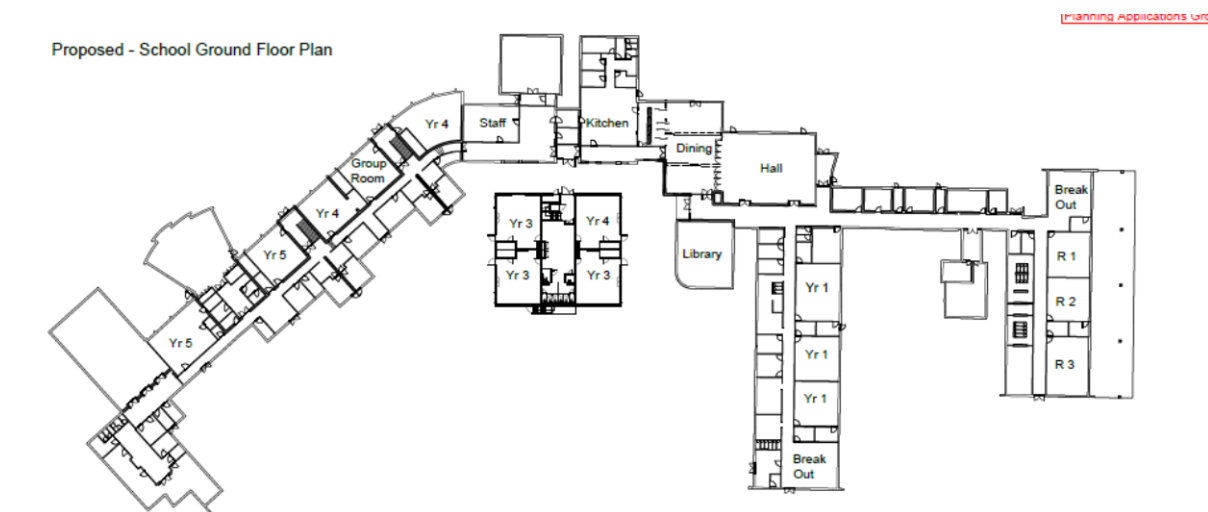


Erection of two storey classroom block with additional site car parking at Wentworth Primary School - DA/16/1328 (KCC/DA/0213/2016)

**Existing Floor Plan**

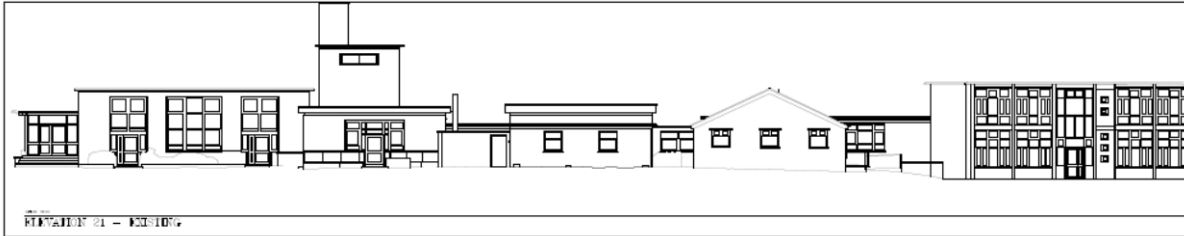


**Proposed Floor Plan**



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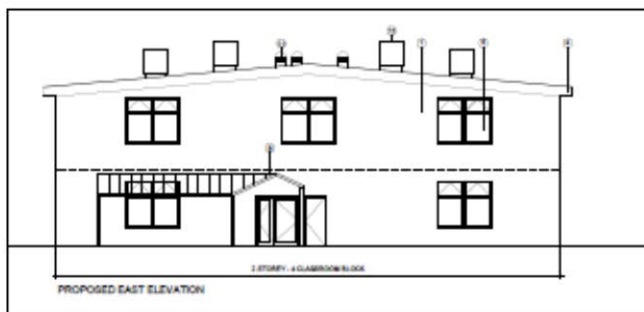
Existing east elevation viewed from front of school



Proposed east elevation viewed from front of school

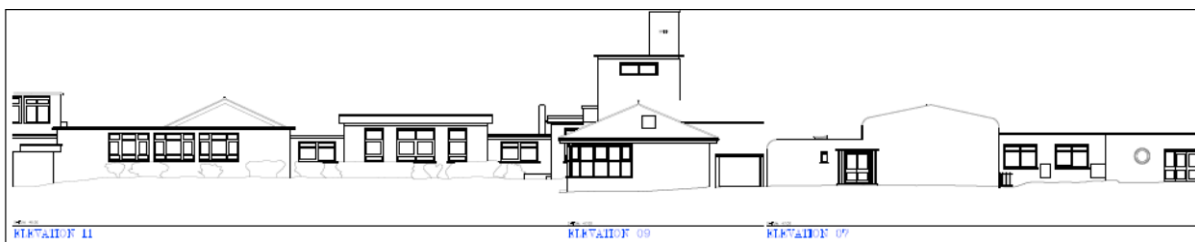


View of east elevation which joins the main school building



- MATERIALS**
1. Insulated render
  2. Single ply (grey) pitched roof
  3. Single ply flat roof
  4. Aluminium fascia/soffit and concealed gutter.
  5. Aluminium double glazed windows/doors.
  6. Coloured insulated panels.
  7. Timber sleeper planting beds.
  8. Aluminium framed canopy with polycarbonate covering.
  9. Aluminium louvers.
  10. Aluminium FDS06 door.
  11. Suncatcher
  12. External metal escape staircase
  13. Windcatcher

Existing west elevation viewed from playground at rear of site

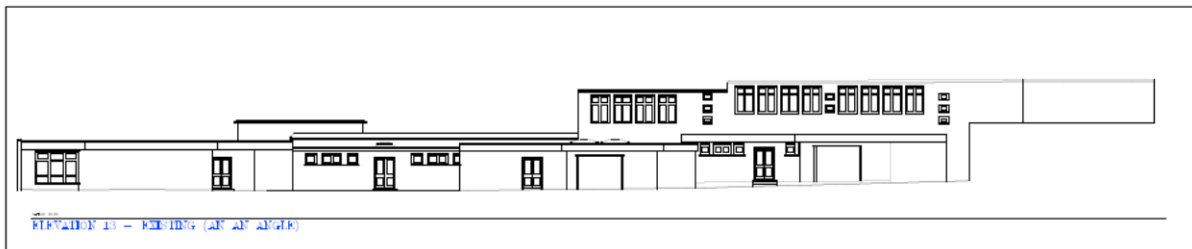


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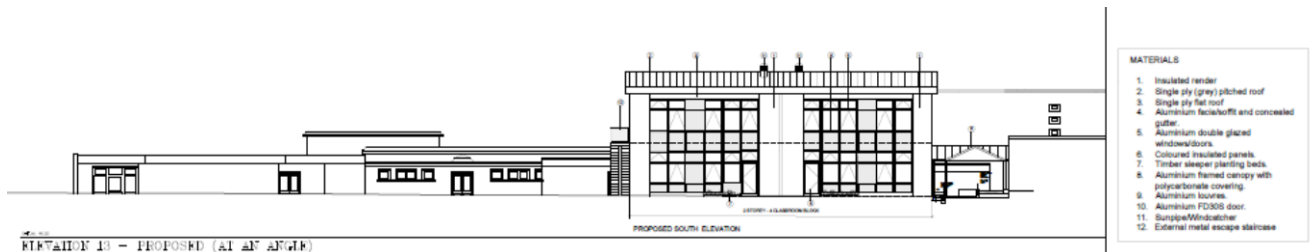
Proposed west elevation viewed from playground at rear of site



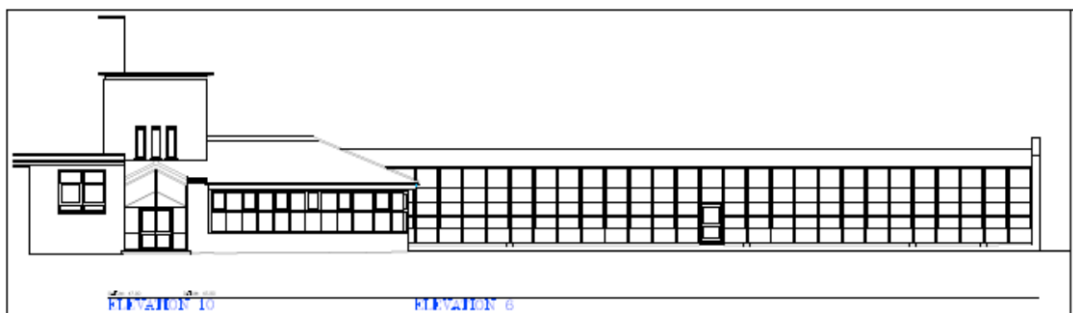
Existing south elevation



Proposed south elevation



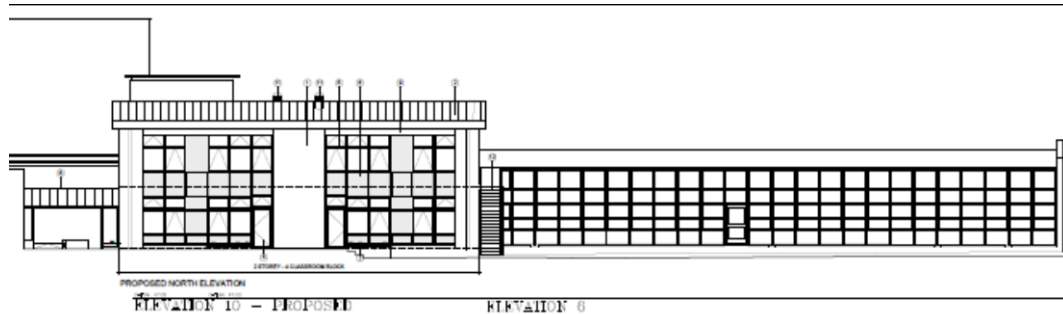
Existing north elevation



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Proposed north elevation



Existing view from NW corner of playground



Proposed view from NW corner of playground



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Site History since 2002

6. Granted by Kent County Council

DA/09/508 - Single storey extension to Wentworth School to form an ICT suite.

DA/06/867 - Extension to form new conference room and office.

DA/04/1134 - Proposed library extension.

DA/02/1005 - New teaching block.

DA/02/665 - Proposed additional car parking.

DA/02/636 - Proposed external ramp.

7. Granted by Dartford District Council

16/00242/FUL - Demolition of existing garage and erection of a single storey extension to provide a new caretaker's room, new glazing, windows and cladding to north and south blocks and new covered walkways to both blocks.

04/00887/FUL - Siting of a detached single storey building to provide a new nursery block.

Proposal

8. The application is for a 773 sqm (8320.5 sqft) two storey classroom block to provide 7 classrooms and a group room with connecting canopy to the existing school and an additional 15 car parking spaces. The proposed classroom block is located on an existing hard surface play area adjacent to the main school building.
9. The proposed 15 additional car parking spaces are located to the east of the existing car parking spaces at the Wentworth Drive car parking area on an existing grass surface. It is proposed that these would be a grasscrete surface and that the car parking spaces would form a double bank of parked cars as a managed parking system for staff parking. In total, there would be 61 car parking spaces including 2 disabled bays, split between the parking at the main entrance and the smaller car park area at the James Road entrance. 24 new cycle parking spaces are also proposed.
10. The proposal includes an area for photo voltaic cells, which would be fenced and gated using weld mesh, located at ground level to the northwest of the site, west of the James Road entrance.
11. According to the applicant, the capacity at the school as at July 2016 was 507 pupils, 65 staff (not all full time). It is expected that by 2023 with the proposed two storey building block, the school roll would be 647 pupils and 83 staff. There would be 140 additional pupils at the school in 2023 and 18 additional members of staff.

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12. The applicant stated that the increase in capacity would start in September 2016 with an additional 20 pupils to provide a 3FE reception year. It is stated that this increase can be accommodated in the existing school as a single bulge year if the application for the two storey block is unsuccessful. Otherwise the application if successful would allow the school to admit an additional 20 children to reception each year until 2023.
13. The two storey building would have external dimensions of some 18.5 metre (60.7 feet) by 21 metre (68.9 feet) with a 5 degree pitched roof. The height of the building to the eaves is proposed to be 6.65 metres (21.81 feet) and to the ridge 7.52 metres (24.67 feet). It is proposed to be located 5 metres (16.4 feet) south of the main building corridor and 4.8 metres (15.7 feet) east of the junior classrooms and some 9 metres (29 feet) west of the library building.
14. The materials proposed are an off-white render finish; vertical bays of polyester powder coated aluminium windows, louvres and navy blue coloured insulated panels. A darker render colour is proposed for the recessed plinth. The roof is proposed to be grey single ply membrane with upstands at regular centres. The roof fascia, soffit and downpipes are proposed to be mid grey RAL colour aluminium to match the colour proposed for the windows.
15. Level access is proposed to the building and between the proposed building and the existing school and a platform lift is proposed for access to the first floor of the extension. An external metal escape staircase is proposed to the west elevation.
16. It is not proposed to remove any trees as a result of the proposal.
17. The applicant advises that a key aim in the design and construction of the proposal is sustainability and the reduction of carbon emissions, including the reduction of heat loss; use of cross laminated timber in construction material; natural ventilation including using windcatchers: minimising artificial lighting by the use of large windows and sunpipes and providing photo voltaic cells located at ground level to the west of the site in a fenced compound. Underfloor heating is proposed in the classrooms.

#### Planning Policy

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

The NPPF states that, in determining applications, local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. In terms of delivering

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sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- the great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.

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

### **Development Plan Policies**

#### **(iii) The adopted Dartford Borough Local Plan 1995 Saved Policies (2011)**

- |            |   |
|------------|---|
| Policy B1  | Development proposals should be appropriate for the location and should not have a detrimental amenity impact on the local area. A high standard of design should be implemented in proposals with layout, materials, adequate infrastructure, access and parking taken into consideration. |
| Policy B3  | Development proposals should incorporate appropriate hard and soft landscaping measures within development proposals with retention of existing trees.  |
| Policy B14 | Development proposals should provide access for, and otherwise make suitable provision wherever possible, to meet the needs of disabled people, the elderly, and the less mobile.   |
| Policy H12 | Proposals for non-residential development should not have an adverse impact on the amenity of existing housing areas.   |
| Policy S6  | Development proposals should conserve and improve the existing built environment and a high quality and standard of design shall be achieved in new development.  |
| Policy T19 | Development proposals should be appropriately related to the highway network and not generate volumes of traffic in excess of the capacity of the highway network.  |
| Policy T23 | Development proposals should include adequate off-street parking facilities.  |
| Policy T27 | Development proposals shall make adequate provision for pedestrians.  |
| Policy T28 | Environmental improvements and traffic management schemes will be encouraged, particularly in residential areas, to enhance amenity and conditions of safety.   |

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

- Policy CS15 Pledges support for minimising the need to travel and minimising car use, whilst making effective use of the transport network. Travel plans will be required for all significant traffic generating development to ensure more sustainable modes of transport are pursued. Kent County Council's parking standards will be applied.
- Policy CS21 Seeks effective provision of community services.
- Policy CS22 Seeks to protect sport recreation and cultural facilities unless it can be demonstrated that the facility is no longer needed or an equivalent replacement facility in terms of quality, quantity and accessibility is provided elsewhere.
- Policy CS23 Seeks to minimise carbon emissions including through energy efficiency and use of renewable energy. The Council will require all new development to demonstrate that reductions in energy use through passive design and layout of development have been explored and applied, where practical.
- Policy CS24 Seeks to manage flood risk and in Water Source Protection Zones, SUDS will need to demonstrate that any surface water run-off infiltrating the ground will not lead to deterioration of groundwater quality.
- Policy CS25 Seeks to manage the supply and quality of water and waste water / sewerage treatment capacity serving the community, to protect and enhance the quality of surface and groundwater.

(v) Emerging Dartford Development Policies Plan (Publication (Pre Submission) Document 2015)

- Policy DP1 **Presumption in Favour of Sustainable Development:** A positive approach to considering development proposals will be had, reflecting the presumption in favour of sustainable development contained in the NPPF and the development needs of the Borough set out in the Core Strategy.
- Policy DP2 **Good Design in Dartford:** Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough by (a) reinforcing and enhancing localities to create high quality places, (b) ensuring heritage assets are retained, re-used and respected, (c) facilitating a sense of place through a mix of uses and careful design, (d) providing clear pedestrian and cycle linkages and permeability, active frontages and a mix of buildings and spaces. Provides further advice about determining planning applications in relation to scale, massing, form, materials, Conservation Areas and areas of heritage sensitivity, inclusive, safe and accessible places, management of natural resources and flood alleviation, and appropriate signage and advertisements.
- Policy DP3 **Transport Impacts of Development:** Development will only be permitted where it is appropriately located and makes suitable provision to minimise and manage the arising transport impacts, in line with Core Strategy Policies.

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Localised residual impacts on the highway network should be addressed by well-designed off site-transport measures and adverse impacts on residential amenity or the environment must be minimised. Development will not be permitted where the localised residual impacts from the development, on its own or in combination with other planned development in the area, result in severe impacts on one or more of the following: (a) road traffic congestion and air quality (b) safety of pedestrians, cyclist and other road users and (c) excessive pressure for on-street parking.

**Policy DP4 Transport Access and Design:** Development should be of a design and layout to promote walking, cycling and public transport use through provision of attractive and safe routes. Proposals should include appropriate vehicular access arrangements. Development will only be permitted where proposals ensure that the layout and siting of access is acceptable in terms of residential amenity, highways capacity and safety, free flow of traffic, cyclists and pedestrians, and visual impact. The extent and nature of proposed car parking provision, taking into account any existing provision as relevant to the development, must be in full accordance with the adopted Parking Standards Supplementary Planning Document (SPD).

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

### Consultations

19. **Dartford Borough Council** originally raised an objection to the proposal for the following reasons:

- The proposed new teaching block would be sited on existing hard surfaced play areas, and it is not clear that suitable replacement play provision would be provided. The proposed new hardstanding play area to the south of the proposed classroom block is already being used as hard surfaced play space, and the proposed hardstanding area to the north of the site is right outside classrooms and unlikely to be fully utilised. Consequently, it appears that the proposal would result in a loss of hard surfaced play area, which would be unacceptable.
- The proposal states that the scheme would result in an increase of 140 new students attending the school and the submitted travel plan highlights that there will also be an increase in staff numbers. Dartford Council's Parking Standards SPD requires 1 space for pupils / visitors / clients per 2 classes and 1 space for employees per 15 pupils. Consequently, this scheme would generate an additional demand for 14 car parking spaces within the site (10 for staff and 4 for pupils / visitors / clients). The scheme is currently unacceptable as the proposed parking spaces are undersized and do not meet the criteria in Dartford's parking standards SPD, and the separation distances between existing and proposed parking spaces in the north of the car park are substandard and do not allow proposed parking spaces 10, 11 and 12 to be used. Therefore, the parking provision needs to be revised in order to provide the additional required parking

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provision. Failure to provide the required parking provision would likely lead to increased indiscriminate on street parking to the detriment of highway safety of the adjacent roads.

In addition the Borough Council stated:

- The use of tandem parking spaces may be acceptable subject to the agreement of a car parking management plan.
- It is the opinion of the Dartford Planning Authority that increased pupil numbers may lead to increased on street parking demand in the local highway network, which may lead to congestion and highway safety issues. Kent County Council Highways must be consulted in order to assess the potential impact of the proposal.
- Dartford Planning Authority considers the appearance of the proposal to be acceptable, subject to the details of the external materials being agreed.

In response to this objection, the applicant made some amendments to the size of the parking spaces. Additional information was provided in relation to the building design and justification of location of the proposed classroom block on hard surfaced play area and expected use of play spaces. As a result of this, Dartford Borough Council confirm that the proposed car parking spaces and the separation distance between the existing and proposed parking spaces comply with Dartford's Parking Standards SPD. They note that some of the existing spaces have a reduced depth of 4.8m which is slightly below the 5m required in the Parking Standards SPD and that the acceptability of these smaller parking spaces would be for Kent County Council to determine. In addition, the objection to the provision of hardstanding is removed although it is requested that all new play space is fit for purpose.

20. **Environment Agency** have no objection to the proposal subject to conditions relating to surface water drainage and dealing with unforeseen contamination.
21. **Kent County Council Highways and Transportation** have no objection to the proposal. However, they ask the applicants to provide £5000 funding towards the costs of providing waiting restrictions at the junction of Chastilian Road and Wentworth Drive, i.e. the costs of the Traffic Regulation Order and the costs of lining works. They state that during their site visits to this school it was evident that double yellow line waiting restrictions are required at the junction of Wentworth Drive and Chastilian Road to prevent parents parking around the junction and blocking visibility splays. If the school is expanded as proposed then there will be more parents searching for parking places close to the school, thereby increasing pressure at this location. A condition is requested requiring a simple construction management plan, and committing the applicants to the following:-
  - Before vehicles leave the construction site, their wheels will be inspected and cleaned free of any mud, stones and other detritus so that no deposits are left on the public highway;
  - No HGVs will be permitted to reverse onto or off the public highway unless under the supervision of a banksman.

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An Informative is also requested with regard to helping the school address issues of "bad parking" near the school. It is recommended to the school that they instruct parents of older children to park further from the school so relieving pressure for parking in the most popular areas near the school entrances. This has the additional benefit of giving older children more exercise.

No objection has been received in response to additional information provided by the applicant regarding the proposed layout of the additional car parking spaces, although it is noted that the minimum size of parking spaces required by the Dartford Borough Council Parking standards SPD is 2.5m by 5m. It is suggested that any spaces that are only 4.8m long should be lengthened towards the adjacent bushes although in practice it is likely that cars would overhang the verge adjacent to the bushes and so longer cars could still be accommodated without this change.

22. **Kent County Council Ecological Advice Service** advise that the proposal will have no biodiversity implications.
23. **Kent County Council School Travel Planner** comments that the School Travel Plan submitted meets the County Council criteria for school travel plans.
24. **Kent County Council Flood and Water Management (sustainable drainage)** advise that the proposal is not major development and falls outside of their remit as a statutory consultee.

#### Local Member

25. The local County Member, Mr Jan Ozog was notified of the application on 18<sup>th</sup> August 2016.

#### Publicity

26. The application was publicised by the posting of two site notices, and the individual notification of 115 residential properties.

#### Representations

27. In response to the publicity, 6 letters of representation have been received. A summary of the main planning issues raised/points made to date are set out below:

#### Need

- For the school expansion project only 5 additional classrooms are needed yet the planned building has 8.
- The building is too big for the need to accommodate the extra children.

#### Design

- A preference for a split development as displayed at a previous meeting.
- The style of building comes in packaged format and not bespoke for the needs of the school.

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- The style of the building is not in keeping with the original school and has no similar features to the original building.
- It is in the middle of the playground.
- It is not properly connected to the school, it only having a covered walkway.
- Considers that the proposal is an awful, ugly, huge construction and that its location, size and design is completely wrong for Wentworth.
- Considers that classrooms should be located at ground level, to be safer in meeting the needs of young children as stairs and lifts have problems for the young.
- That there will be loss of light to some classrooms.
- Unused space around the perimeter of the site could be utilised more sympathetically than this proposal.
- Requests consideration of building on top of the original school, even if this is more disruptive short term.

#### Loss of playground and space

- The proposal would have a detrimental effect on the current pupils as it takes away outside play area and affects the flow of the playground.
- Too many children in a small space and loss of children's space.

#### Traffic and parking

- Wentworth Drive is unable to take any increase in traffic and on-street parking would be excessive.
- The number of near misses in Wentworth Drive contradicts the findings in the Traffic Impact Assessment dated 5th Aug 2016.
- The Parking/Travelling to School impact would not be manageable with existing conditions. Conditions need to be amended with the addition of a drop off/pick up area and a crossing on James Road and Chastilian Road for safety.
- The traffic survey's were carried out during Summer Term, when more walk to school than on a cold January day.
- Concerns for the safety of children, especially when cars are dropping off/picking up at beginning and end of school.
- Concerns about an increase in inconsiderate parking and verbal abuse.
- Parents park across and block driveways.
- Questions whether additional parking within the school grounds would be sufficient for those already unable to park inside the school plus the new teachers.
- Requests yellow lines on the junctions of Wentworth Drive with other roads.
- Asks that the parking issue be looked at.

#### Noise and disruption

- Disruption to children learning
- Neighbouring noise nuisance

#### Procedural comments

- Has tried to be involved in this process since going to a meeting at the school in February but has found that information was later changed by the applicants and was

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not informed about the structural changes in the plans.

#### Discussion

28. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 18 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. Issues of particular relevance in this case include need, location, design, and parking and access matters and whether the development is sustainable in light of the NPPF.

#### Need

29. National planning policy attaches great weight to proposals seeking to expand schools and the need for school development. The applicant has stated that this proposal would allow the School to expand to a 3FE school and given the location of the site within the Dartford urban area, close to the border with London Borough of Bexley the demand for school places is likely to be high.
30. The existing floorplan at the site shows the school to currently have 15 classrooms for reception year and years 1 to 6. There are two “breakout” rooms. The proposal would add a further 8 rooms comprising 7 classrooms and 1 group room. The proposed floorplan for the whole site would then have 21 classrooms, 2 group rooms and 2 “breakout” rooms. The proposal therefore allows for additional classrooms as well as an increase to the number of group rooms; break out spaces and for reorganisation of classroom space across the whole site in order for there to be sufficient classrooms and group rooms for a 3FE school. The provision of hall and dining space and library and learning resource space would not change although there would be alterations to the use of the space, including removal of internal hall doors and reconfiguration of the dining hall and kitchen servery arrangements.
31. The applicant states that all schools need to have specific alternative areas to support specific educational needs and one to one interventions. At this site, sufficient alternative areas are needed to support an expansion and the educational requirements of a 3FE school and all of the proposed new accommodation has been identified by the applicant as an educational requirement for the school. Given the planning policy weight to ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities; National guidance that Local Authorities should take a proactive and positive approach to meeting this requirement and development plan policy CS21 which seeks the provision of community facilities close to the population that they serve, I see no planning objection in principle to the need for the development, including the need for sufficient break out rooms and group rooms to support an educational requirement.

#### Design and location within the site

32. National Planning Policy seeks to achieve good design and planning guidance states that permission should be refused for development of poor design that fails to take the

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opportunities available for improving the character and quality of an area and the way it functions. It also states that Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

33. In this case, the Applicant has carried out pre-application consultation with the community before submission of the application. However, it would appear that the design has changed over time. In the applicant's justification for the proposal it states that a split development was looked at which involved a building at both ends of the school. The feasibility of this was rejected by the applicant in favour of a two storey centrally located proposal. However, neighbour comments indicate some preference for earlier design proposals and not the proposal taken forward by the applicant to this planning application.
34. Dartford Planning Policy B1 seeks to ensure that development proposals are appropriate for the location and that they should not have a detrimental amenity impact on the local area, whilst encouraging a high standard of design with regard to layout, materials, infrastructure, access and parking. For extensions to buildings this includes using materials which match or are compatible with the original building. Policy S6 requires a high quality and standard of design in new development.
35. There have been no objections to the design from Dartford Borough Council subject to details of the external materials being agreed. However, there have been neighbour representations objecting to the design as detailed in paragraph 27 above.
36. This proposal is centrally located on existing hard space playground and is close to the existing buildings enclosed between the northern and southern sections of the building and behind the frontage to the school at the east. It is connected to the corridors of the main building by a 5m long single storey corridor under a canopy.
37. No amendments have been made to the design following the applicant's consideration of the neighbour comments received although a justification statement has been provided in which the applicant explains their proposal as being based on centralised teaching spaces and the longer term strategy for the school.
38. The applicant states that a centralised teaching space is a preferable option to that of building two separate extensions each end of the school, one of which would be connected to a 1950's steel framed building which is currently in use for early years teaching and which was originally built as a convalescent hospital. This is because of the very long corridor lengths that would result and because in the longer term the steel framed 1950's buildings will need to be replaced. According to the applicant these were not built as teaching spaces and are in a poor state of repair with limited insulation and high running costs, poor environmental conditions and overheating. To add a new building to one which needs replacement would not be sustainable. They state that the building design proposed would allow for further future extension to provide classrooms to replace those in the two 1950's buildings when they are demolished. This would in turn provide space for new external play areas.
39. However, it is important to note that this particular application does not include demolition of the 1950s buildings and does not include replacement classroom space

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for this, nor does it provide the new external play area space in place of the 1950s buildings. These would need a separate planning application to progress. Furthermore, the planning application for this proposal has not been presented as part of a phased development and must be considered as a standalone development for the expansion to a 3FE school. It is however appreciated that the feasibility of adding to buildings which in the near future may need demolition is an important consideration to the design proposal, along with a desire for a sustainable longer term solution.

40. I consider that the proposed building is appropriately connected using a covered walkway and canopy to the existing buildings at the site and that the location close to the centre of the school is acceptable in terms of limiting impacts elsewhere to residential amenity and playing field land.
41. Not all of the buildings at the site are single storey and in my view the two storey nature of the proposal with the ridge height of 7.52 metres (24.67 feet) would not be out of place when sited amongst buildings ranging in height from 6.43 metres (21.09 feet) to 8.89 metres (29.16 feet). The existing site includes a mix of one and two storey flat roof buildings and one storey buildings with a pitched roof. This can be seen in the existing elevation drawings above.
42. Most of the buildings at the site are brick built, with the exception of the reception and early years 1950's buildings which are in a steel framed building with brick gable ends, metal riveted panels and windows set in a metal frame; and the render finish of the ICT suite (DA/09/308) and the timber clad conference room (DA/06/867). However, the applicant proposes that the external finish would be colour insulated render, double glazed windows with coloured panels. The applicant was asked to consider that the use of brick as an external material finish might be more in keeping with the existing buildings at the site and as a result provided an external render justification statement.
43. The proposed building style is designed to contrast in appearance to the rest of the school, to reflect a different period of construction and different construction technique. The applicant considers that insulated render contributes more to the sustainability of the proposal than a traditional brick finish and has lower heating costs. Given that surrounding residential property is predominantly two storeys using a rendered external finish, and given that other more recent buildings permitted at the site have incorporated a render finish, I do not consider the use of render to be visually inappropriate in this location. Moreover, similar materials have been used on various school developments across the County, in comparable residential locations.
44. I also do not consider the scale and massing of the building to be inappropriate in this location given the mix of existing buildings at the site. The building is partially screened by existing school buildings from the nearest residential property in Wentworth Drive and the west elevation is sufficiently distant to properties in Chastilian Road and James Road to not be overbearing. Views from the north and south would be partially screened by the existing buildings at the site.
45. In my view, the proposed floor layout means that the building would not affect light to classrooms at the lower levels of the school, given that there are corridors between the proposed building and the existing classrooms to the north and that to the south classrooms face towards the south. At the upper level, the building is located sufficiently far away from the existing buildings so as to not detrimentally affect light to the existing

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buildings. The applicant would have had regard to building regulation requirements in relation to light and shading in the design of the building. Furthermore, the light colour of the render and the extensive window space to elevations facing the existing school buildings would reduce the bulk of the proposal when viewed from the other nearby school buildings.

46. The location of classrooms at ground floor and first floor level, using stairs and lifts as appropriate, is not unusual for school sites and in my view the learning environment therefore reflects the challenges of everyday life. Planning policy does not preclude this use of the use of two storey buildings for primary schools and I am satisfied that the proposal includes arrangements for inclusive access.
47. Furthermore, whilst the design is similar to that used elsewhere, including most recently that considered by Members in October 2016 in relation to The Brent Primary School (DA/16/1306), it is considered in this Report in relation to the special characteristics and location of the Wentworth Primary School.
48. With regard to the design of the 15 additional parking spaces proposed, I consider that the applicant has provided additional information to demonstrate that all of the proposed spaces are useable; subject to the submission of a car parking management plan which I am satisfied can be required by condition. Whilst the proposed spaces do not all meet the size standard for width as set out in the emerging Development Plan Policy DP4 in relation to the Dartford adopted SPD on parking standards (2012), it should be noted that the location of 9 of the spaces in front of existing spaces means that the proposed width (2.4m) needs to match the existing width which is 2.4m for the existing spaces, in order to successfully operate the managed double bank parking system. The existing car parking spaces at the school measure 4.8m by 2.4m. All of the 15 parking spaces proposed would be 5m long and 6 of the spaces would be 2.5m wide. Given that Dartford Borough Council confirms that the proposed 15 parking spaces comply with the Dartford Parking Standards SPD and that there is no objection to the parking provision by Kent County Council Highways and Transportation, I conclude that the design and layout of the proposed new parking is acceptable. Furthermore, given that the existing spaces at the site are already in use despite being slightly below the SPD Parking Standard of 2.5m by 5m, I conclude that the design of the existing parking layout is acceptable. Parking issues are also discussed further in relation to Highways issues below.

#### Sustainability and water management

49. As outlined in paragraph 17 of this report, the building design includes attention to sustainability requirements including the use of photovoltaic cells at ground level so as to be also used by the school as a learning resource. The proposal therefore demonstrates that this element of sustainability has been considered within the design.
50. The Environment Agency advises that the site overlies a Principal Aquifer and is within a Source Protection Zone 1 for a public water supply. I am satisfied that a condition can be used to control infiltration of surface water into the ground; to require a remediation strategy to be submitted and implemented as approved in the event that unsuspected contamination is found during development. Furthermore, as the site is located in a sensitive setting requiring attention to pollution prevention measures the Environment Agency would anticipate that construction would be governed by a Construction

Erection of two storey classroom block with additional site car parking at Wentworth Primary School – DA/16/1328 (KCC/DA/0213/2016)

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Environment Management Plan and all relevant pollution prevention measures fully implemented. I am satisfied that the applicant can be advised of this and the Environment Agency Developers Guide by an informative should Members decide to grant permission.

Loss of playground and outside open space

51. National planning policy seeks to achieve healthy communities and guidance is that existing open space, sports and recreational buildings and land including playing fields should not generally be built upon unless specific exceptions apply. The proposal does not impact on playing field provision as it is located on an area of hardstanding, currently used for hard play, close to the school buildings.
52. The proposal has attracted objection from neighbours because of the location on hard surface playing space and loss of this space. It has also been suggested by a neighbour that a location on the school field would be a preferable location.
53. In the Borough's emerging planning policy, parts of the school site, (such as the school playing field) are designated as open space and adopted planning policy (Core Strategy Policy CS14) and emerging planning policy (DP24) seeks to protect and enhance existing open spaces. However, the hard surface play space that would be lost as a result of this proposal is not specifically protected in planning policy as it is not designated as open space.
54. Whilst the footprint of the two storey proposal would remove 386.7 sqm (4162 sqft) of the hard surface of the playground and the canopy link to the main building would also result in a further 44 sqm (473.6 sqft) loss, the applicant has sought to limit the footprint of the proposal with a two storey design and the location near to the school does not impact school playing field policy. The applicant has also been undertaking improvements to other external play areas within the site in order to offset the loss of 386sqm (4161 sqft) hard surface playground area should permission be granted. This includes a new artificial grassed area of 500sqm (5381.5 sqft) and replacement of an existing tyre play area with tarmac amounting to 200sqm (2152.78 sqft). These surfaces would allow use in all weathers.
55. The loss of 386.7 sqm (4162 sqft) of existing hard surface play area which has no specific protection in planning terms because it is not playing field, green space or open space, would not in my view be sufficient grounds to justify refusal of the proposal when balanced against the strong policy support for schools development. Whilst the proposal would require the outdoor space to be reorganised in order to ensure that the new space is used efficiently and effectively, and to ensure that the space works well for the number of children at the school, I do not consider that the change in itself should justify refusal of the proposal and consider that the flow of the playground and use of play space being more a playground and playtime management issue for the school than a planning issue.

Highways and traffic issues

56. National Planning Policy and Local Planning Policy seeks to address the highways and traffic impacts of development proposals. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative

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impacts of development are severe. The NPPF indicates that the travel plan is a key tool for promoting sustainable transport.

57. The applicant has submitted a Traffic Assessment which includes recommendations in relation to mitigation of the additional traffic that the proposal is likely to generate. The application also includes an updated School Travel Plan containing objectives to reduce the number of staff, children and parents travelling to school by car and to increase travel by cycling and to restrict the impact of dangerous vehicle behaviour in the vicinity of the school.
58. However, the expansion of the school roll that would result from this proposal has attracted neighbour objection because of the perceived highways and traffic impacts. Dartford Borough Council also commented that in their opinion increased pupil numbers may lead to increased demand for on street parking which may lead to congestion and highway safety issues particularly if the parking design layout prevents some of the proposed spaces from being used. The applicant has submitted additional information with regard to the proposed parking design layout which has addressed this issue.
59. Planning policy seeks to ensure that there are appropriate measures in place to address the impacts of development on the highway. The Highways Authority has raised no objection to this proposal. However, the Highways Authority considers that the proposal might result in more parents searching for parking places close to the school, thereby increasing pressure at this location and so consider that it is necessary for waiting restrictions in the form of double yellow lines to be provided at the junction of Chastilian Road and Wentworth Drive. The purpose of the waiting restrictions would be to prevent parents parking around the junction and blocking visibility splays.
60. The applicant has confirmed that they will fund the £5000 towards the costs of the Traffic Regulation Order and the costs of lining works. A contribution toward the funding of highway works responds to Dartford Local Plan Policy T28 and to neighbour concerns about safety and congestion in the nearby residential area. It would also help to address one of the neighbour comments that putting yellow lines on the junctions of Wentworth Drive with other roads would help with the street parking problem.
61. The Dartford Borough Parking SPD states that appropriate provision should be made for the setting down and picking up of children and for car parking for parents/carers taking children to and from school, in a safe environment and in a manner that does not unduly interfere with the operation and use of the public highway. This provision is on surrounding roads. Neighbour representations include concern that the problem of on-street parking will be exacerbated and that the proposal does not include a drop off / pick up facility within the site.
62. Dartford Borough Council also expressed concern about increased indiscriminate on street parking, congestion and highway safety issues and the potential for this to increase if adequate parking provision is not provided within the site. However, following amendments to the proposed parking spaces sizes the proposed parking meets the Dartford Borough Council Parking Standards SPD.
63. The applicant has undertaken a parking stress survey. This indicates that Wentworth Drive between Chastilian Road and Ross Road, James Road and Chastilian Road and Seaton Road are the favoured drop off and pick up parking locations. It suggests that

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more use could be made of some of the local roads such as Wentworth Drive between Ross Road and North Road, North Road, Denver Road, Marcus Road and Heather Drive. The applicant suggests that parents be encouraged to use these roads also.

64. The Traffic Impact Assessment states that there is limited assistance from the school at drop off and pick up times and that help from the staff at these times can help to make the process more efficient, recommending that the school considers putting measures in place to help parents during school pick up and drop off times. The School Travel Plan does not appear to include a task relating to this however.
65. One neighbour requests the addition of a drop off/pick up area and a crossing on James Road and Chastilian Road for safety. However a drop off/pick up facility is not included in the application and given the Highways Authority comments the proposal is considered acceptable with waiting restrictions and so there would be no grounds to reject the proposal on the basis of it not including a drop off/pick up area. A crossing facility is also not included in the application although the Traffic Impact Assessment recommends that Kent County Council considers the installation of a formal crossing point in order to make the road crossing safer for pedestrians travelling to school. The School Travel Plan includes a task in the Spring and Summer terms 2017 for the school to write to Kent Council Highways to request a review of crossing facilities and road signs near to the school. Given that the Highways Authority consider that the proposal without a new crossing facility would not be unacceptable on highways grounds, inclusion of a school crossing facility within the application is not required. Once further details of possible locations for a crossing facility emerge as part of the school crossing facility review within the School Travel Plan the school can take this matter forward outside of the planning process.
66. There are no objections to the parking provision within the site from the Highways Authority, although as discussed above it is noted that the size of existing parking spaces do not fully meet the Dartford Borough Council parking standards which were adopted in 2012. As these are existing spaces and currently functioning, I do not consider that a reconfiguration of the existing parking spaces would be required as a prerequisite for this proposal.
67. However, one of the neighbour representations concerns whether the additional parking proposed within the school grounds will be sufficient for those already unable to park inside the school plus the new teachers. The application states that there would be an increase from 65 staff to 83 staff between 2016 and 2023 and the proposal would increase the on-site parking for staff and visitors to 61 spaces. The Parking Assessment carried out by the applicant indicates that currently 55 staff requires parking at the site and there is space for 46 staff, meaning that 9 cars park informally on site or on surrounding roads. If this proposal is granted the applicant estimates that 70 staff would need to park at the site and there would be 61 spaces. This would mean that there would still be a requirement for some informal car parking on site or on surrounding roads. The applicant also states that there would be a shortfall in provision for visitor parking on site and this might need to be met by parking on surrounding streets. Dartford planning policy T23 concerns the provision of adequate off street parking facilities within development proposals and the Supplementary Planning Document on Parking Standards (adopted July 2012) provides guidance on the number of parking spaces required for non-residential primary schools. The proposed parking is in accordance with the Parking Standards for staff and visitors to the school.

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68. Whilst the parking on site would not provide enough spaces for all of the staff and visitors to the site, the amended parking provision layout meets the planning policy requirements for primary schools with regard to the number of spaces. Whilst 9 of the proposed spaces are no wider than the existing spaces at the site, all of the proposed spaces are 5m long and 6 of the proposed spaces are 2.5m wide. I conclude that given the spaces are all at least 2.4m wide they are fit for purpose and the proposal will in my view meet the planning policy requirement to provide the required number of spaces on site for staff subject to being appropriately managed.
69. Concerns relating to the impact on parking and inconsiderate parking in the vicinity of the school have been made. There is a local concern that Wentworth Drive does not have capacity for a traffic increase and that near misses and safety of children is an issue and that the Traffic Impact Assessment includes an assessment of the capacity of the roads surrounding the school and states that a number have extra capacity to accommodate drop off and pick up traffic. Given the view of no objection from the Highways Authority and their request for an Informative to the School to instruct parents of older children to park further from the school so relieving pressure for parking in the most popular areas near the school entrances, I consider that the capacity on surrounding roads is adequate for the additional traffic that would be generated by this proposal.
70. Verbal abuse and antisocial behaviour are not something that the Planning Authority can control. However, these behaviours could in part, be addressed through School Travel Plan actions working to achieve better driving behaviour and greater consideration to the neighbouring environment, in conjunction with local wardens and PCSOs. This issue was included in the Traffic Impact Assessment and the School Travel Plan includes tasks to discourage drivers from parking badly near to the school. The County Council's School Travel Planner and the School may be able to provide information to parents explaining the importance of safe parking and general highway safety as part of the Responsible Parking Initiative, which should be included in the School Travel Plan.
71. One of the neighbour comments concerns the accuracy of data within the Traffic Impact Assessment with regard to the near misses on the roads. It is normal procedure to only include the official police crash data within the Traffic Impact Assessment and this does not include near miss data. The timing of the Traffic Impact Assessment July 2016 survey of car journeys has been taken into account in the Highway response to this application.
72. In summary, I consider that this proposal meets the planning policy requirements with regard to highway and traffic impacts and as there is no highway objection to the proposal I conclude that the impact in this case is not so severe as to warrant refusal on highways grounds, subject to the provision of yellow lines which the applicant has agreed to.

#### Amenity Issues and Construction Matters

73. Planning policy requires consideration of the impact of proposal to amenity. Comments have been received from the neighbour publicity with regard to the proposal and disruption to children's learning and neighbourhood noise nuisance. Noise is likely to

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result from the proposed construction activity although this would be a temporary impact during the period of construction activity.

74. Given that the proposal is located in a residential area, if planning permission is granted it would in my view be appropriate to impose a condition restricting the development works to be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 hours on Saturdays with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to manage construction activities so as to minimise conflict with traffic and pedestrians and neighbouring residential properties at the site.
75. I consider that a condition can be used should Members decide in favour of the proposal to require a construction management strategy to be submitted before development commences and this can include the details of the location of site compounds; operatives and construction visitor vehicle parking; wheel cleaning facilities and details of how the site access would be managed to avoid peak school times and to ensure that no HGVs reverse onto or off the public highway unless under the supervision of a banksman and details of the construction accesses arrangements. It can also include details of procedures to be adopted to minimise and respond to neighbour complaints during the construction period.

#### Other matters

76. Neighbour comments received regarding communication regarding the applicant's proposals at the site indicate that there is some dissatisfaction with the pre-consultation process undertaken by the applicant. Whilst national planning policy indicates that proposals that evolve taking account of the views of the local community can be looked upon more favourably, it is clear that the application can only be decided based upon what has been submitted. The applicant's pre-application processes and local communication are not something for which the planning authority is responsible.

#### Conclusion

77. Given the presumption in favour of sustainable development and that planning proposals should be granted if they accord with planning policy without delay, I conclude that the development would not give rise to any significant material harm; is in accordance with the general aims and objectives of the development plan policies and accords with the National Planning Policy Framework and Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions referred to below, I consider that the development would not have a significantly detrimental impact on the character and appearance of the area by virtue of the design and location proposed and would not have a significantly detrimental impact on the local highway network or local amenity and would accord with the principles of sustainable development as set out in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions.

#### Recommendation

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

Erection of two storey classroom block with additional site car parking at Wentworth Primary School – DA/16/1328 (KCC/DA/0213/2016)

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- the standard time limit;
- that the development be carried out in accordance with the permitted details;
- the submission of details of external materials;
- that highways works (provision of double yellow line waiting restrictions at the junction of Wentworth Drive and Chastilian Road) are carried out (subject to a Traffic Regulation Order) before first occupation of the building, or in accordance with a timetable to be agreed with the Highways Authority;
- provision of the car parking and cycle parking spaces detailed in the application prior to occupation;
- the submission and approval of a car parking management plan prior to occupation;
- the submission and approval of a construction management strategy including details of the location of site compounds; operatives and construction visitor vehicle parking; wheel cleaning facilities and details of how the site access would be managed to avoid peak school times and details of any construction accesses; details of procedures to be adopted to minimise and respond to neighbour complaints during the construction period;
- that no HGVs reverse onto or off the public highway unless under supervision of a banksman;
- hours of working during construction being restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 hours on Saturdays with no operations on Sundays and Bank Holidays;
- submission and approval of drainage design layout and that no drainage for the infiltration of surface water drainage to the ground is permitted other than with consent of the Planning authority;
- that if contamination not previously identified is found to be present at the site then a remediation strategy be submitted detailing how it will be dealt with;

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

- to request that the school instruct parents of older children to park further from the school to relieve the pressure for parking in the most popular areas nearer to the school entrances;
- the inclusion of the Responsible Parking Initiative within the School Travel Plan;
- with regard to preventing water pollution and that construction be governed by a Construction Environment Management Plan;
- to signpost the Environment Agency Developer's Guide and pollution prevention advice.

Case Officer: H Mallett	Tel. no: 03000 411200
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Background Documents: see section heading
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**Item D3**

**Single storey extension to accommodate eight new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)**

A report by Head of Planning Applications Group to Planning Applications Committee on 7<sup>th</sup> December 2016

Application by Kent County Council Property and Infrastructure Support for demolition of two temporary classrooms and the construction of a single storey extension to accommodate eight new classrooms (including a SEN room), a group room, staff work base, office, plantroom, storage and toilet facilities, and reconfiguration of car park to increase the number of parking and cycle spaces. Temple Hill Primary School. St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)

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

Local Member: Mr T Maddison

Classification: Unrestricted

**Site**

1. The application site relates to Temple Hill Community Primary school in Dartford, to the north-west of the town centre. Within the primary school site, there is an attached nursery school; St Anselm's Catholic Primary School also borders the site to the south east. The school is within a predominantly residential area and is largely surrounded by residential properties; a mixture mainly of two storey houses and flats. There is a large scale housing development taking place to the west of the site.
2. The school site totals 3 ha (approximately 8 acres). The buildings are of a sprawling layout comprising both single and two-storey flat-roofed buildings. All of the primary school buildings and the attached nursery are situated to the north of the site, approximately 30m (98ft) from St Edmund's Road. There are currently two mobile classrooms which sit on the playing field to the south of the main school building.
3. Main vehicular access is from St Edmunds Road, which runs adjacent to the northern boundary of the site. Pedestrian access is available in four places; adjacent to the main vehicular access on St Edmund's Road, to the east of the school site, and in two places at the end of Hilltop Gardens Road which lies to the west of the site. The current school car park has 60 car spaces, as well as 16 cycle hoops and a bike shelter containing 10 bicycle spaces.

**Background**

4. The Commissioning Plan for Education Provision in Kent 2016-2020 indicates that there is a need for new school places in the Dartford area. This is due to a combination of significant house-building in the area and a birth rate which is higher than both the national average and the rest of Kent. The need for school places, particularly at Reception Year age, is not predicted to lessen over the forecasted period.
5. The current school roll is 682; 630 school age pupils plus 52 nursery children. As a result of the need for additional primary school places in the area, KCC Education is

**Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)**

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proposing to expand the school from 3FE to 4FE, increasing the total school roll to 892 (inclusive of 52 full time equivalent nursery children).

**Recent Planning History**

6. The most recent planning permissions are as follows:

DA/15/514	New single storey extension to provide 3 No additional classrooms with toilet facilities, storage and plant room together with associated external works
DA/13/1544	Planning renewal for three existing mobile classroom units
DA/08/849	Renewal of planning application for mobile units
DA/06/525	An extension to the existing nursery to cater for children up to age 8
DA/05/162	Erecting ball stop fencing to two sides of a tarmac play area
DA/02/1221	Proposed building and play area for Sure Start.

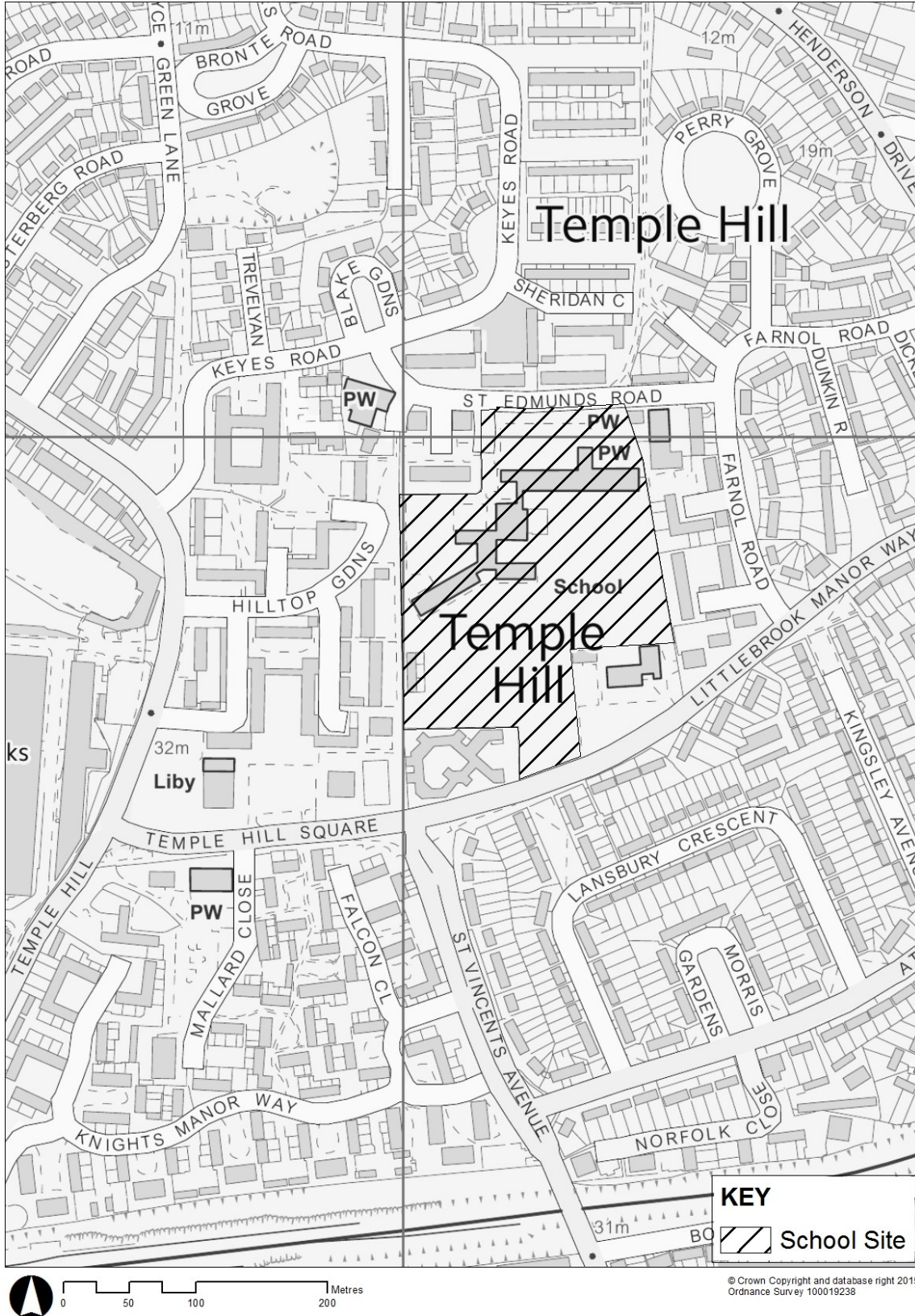
**Proposal**

7. The current proposal is for the demolition of the two existing mobile units and the construction of a new single storey extension. The extension would be linked to the south elevation of the existing school building, where the existing entrance doors to the school playing field are via a single storey corridor.
8. The gross external area of the proposed extension totals 1000m<sup>2</sup> (10763ft<sup>2</sup>). It would contain 8 new classrooms, including a SEN room. It would also contain a room for group working, a staff room, office, plant room, storage and toilets. Whilst the whole extension would be a single storey structure, the link and corridor zone would be of a slightly lower height than that of the classroom block.
9. The proposed extension is essentially a modernised version of the existing school design; employing a flat roof and mostly red-brick cladding. The north elevation and the link corridor would use dark timber cladding in places, similar to what is used below the windows on the existing school building.
10. The classroom block would accommodate the school's expansion from 3FE to 4FE; an increase in pupil numbers from 682 to 892. This increase would be phased; with the addition of one form per year over a period of 7 years. In order to support the increase in pupil numbers it is anticipated that an additional 14 members of staff would be required, increasing the number of staff from 92 to 106.
11. The proposal includes the introduction of 10 new car parking spaces, which includes 3 disabled bays. The current bicycle hoops would be moved to a more suitable location and provision for an additional 34 bicycle spaces would be made.

# Item D3

**Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)**

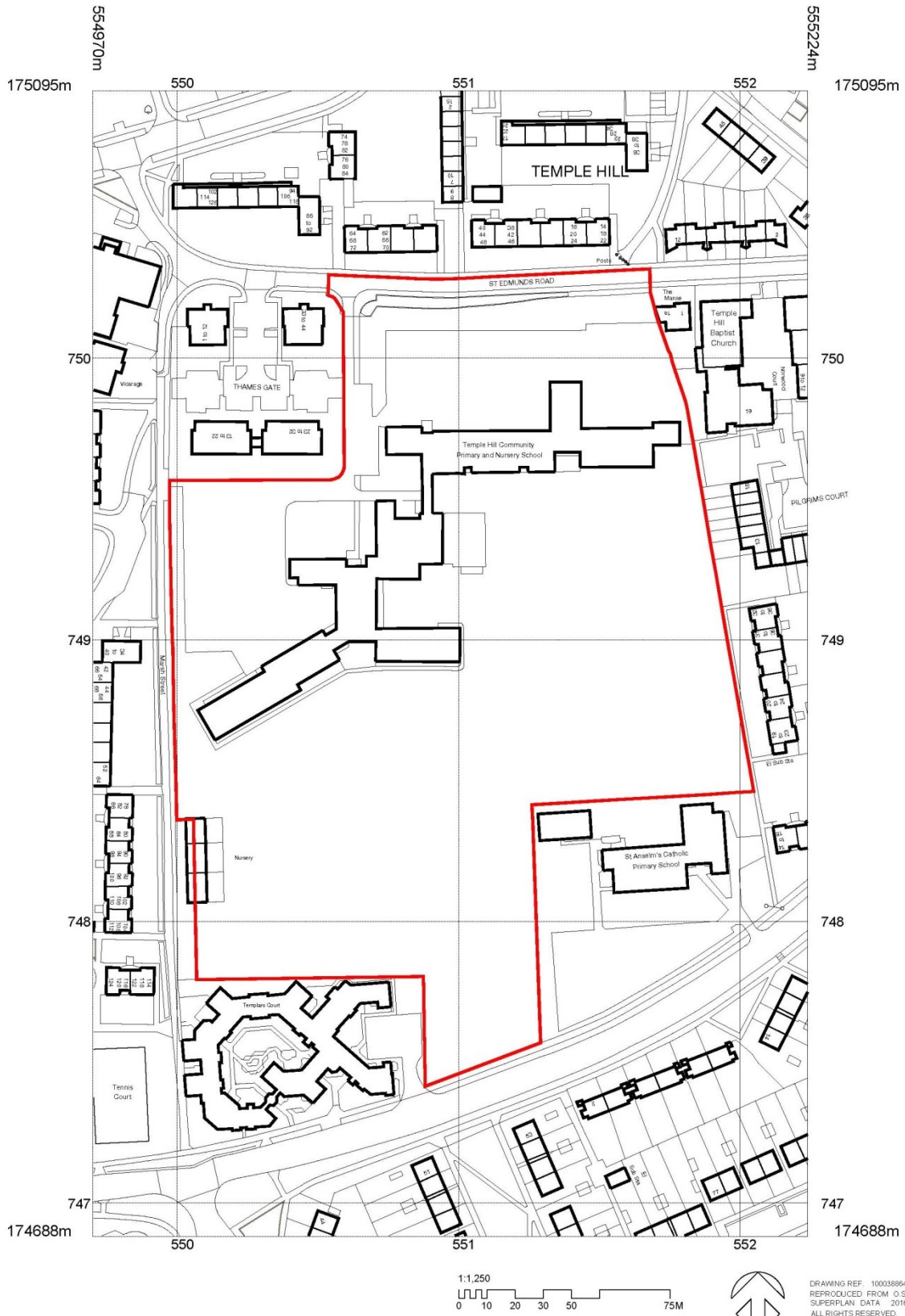
## Site Location Plan



# Item D3

## Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)

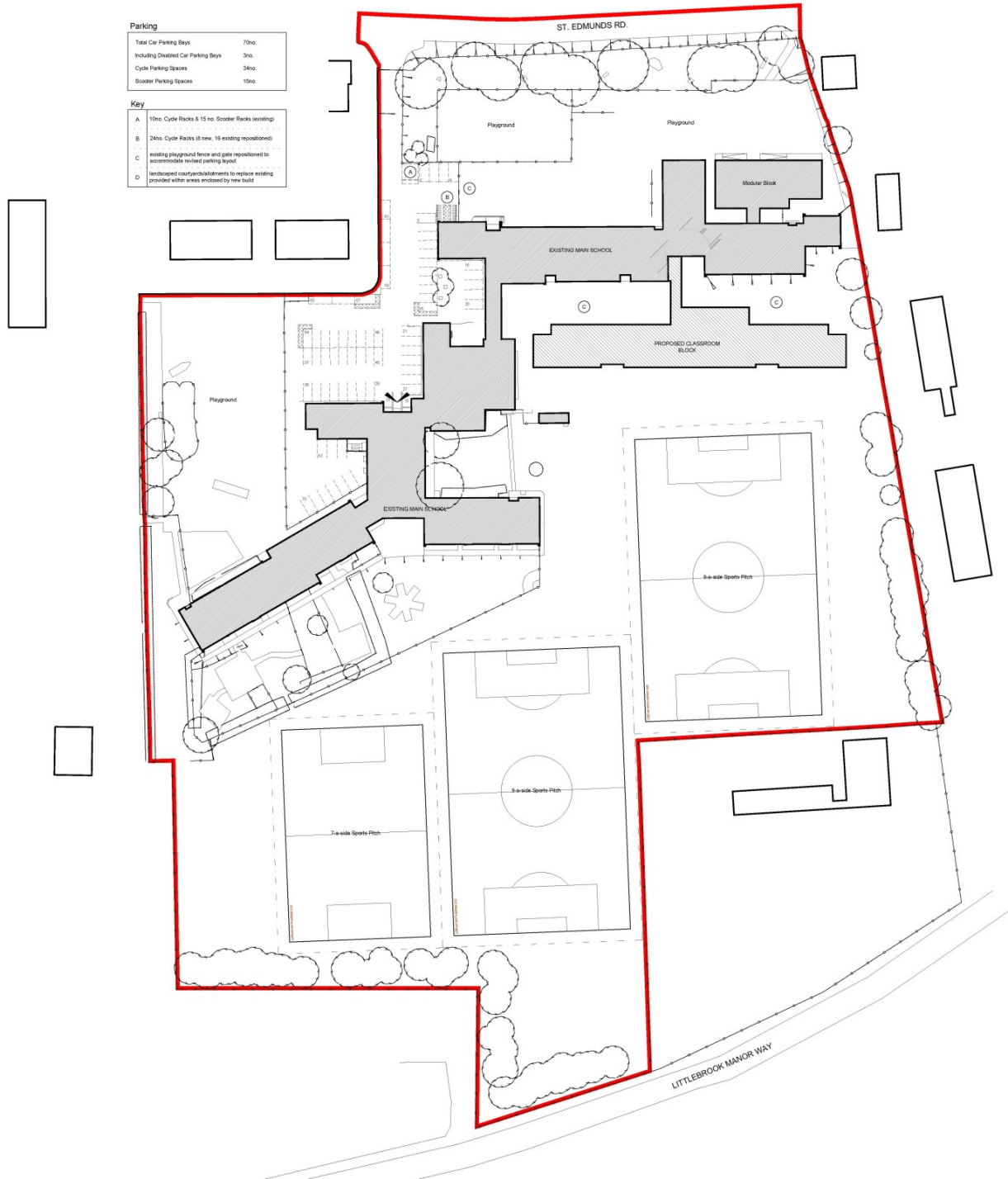
### Site Location Plan



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## Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)

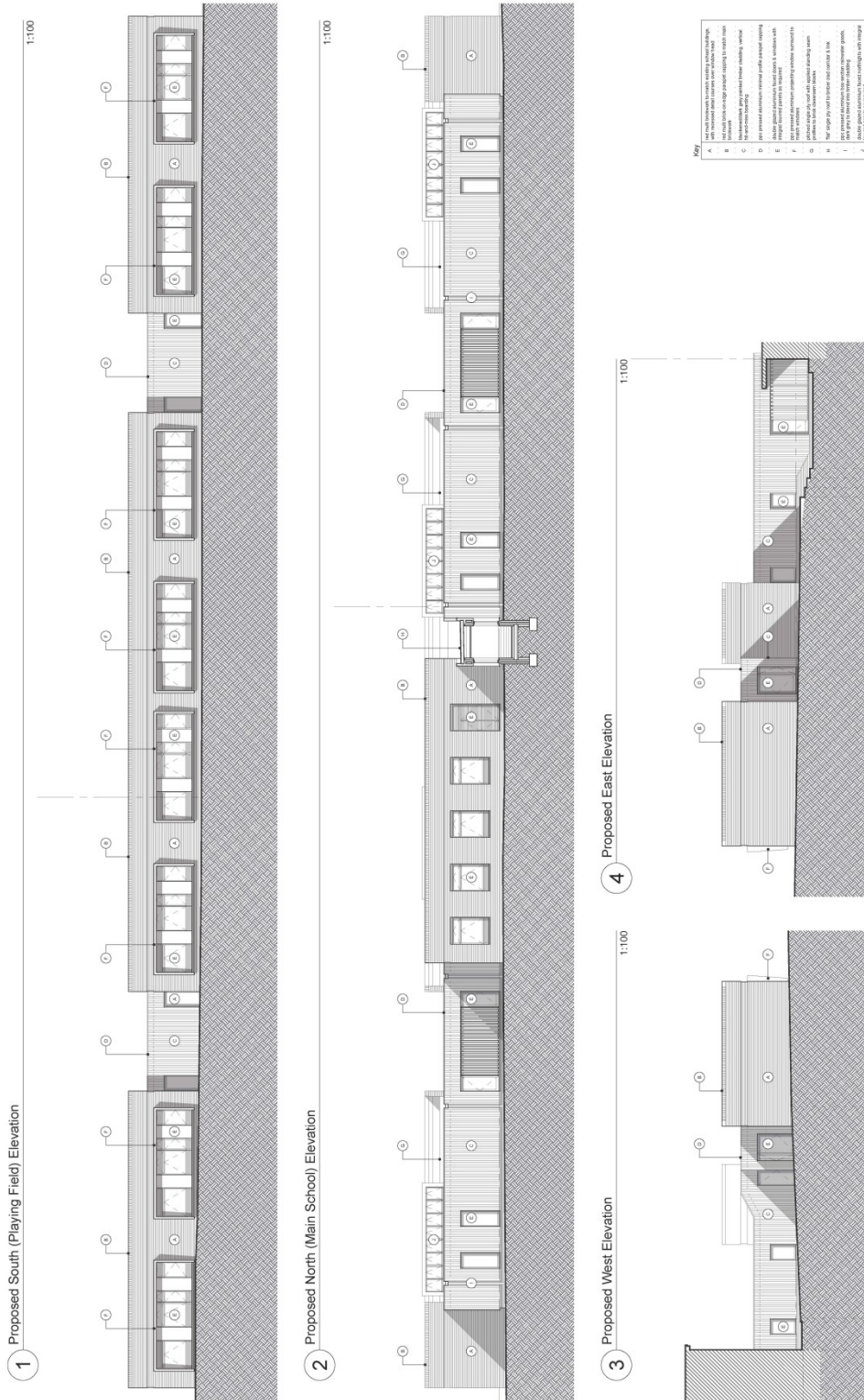
### Proposed site plan



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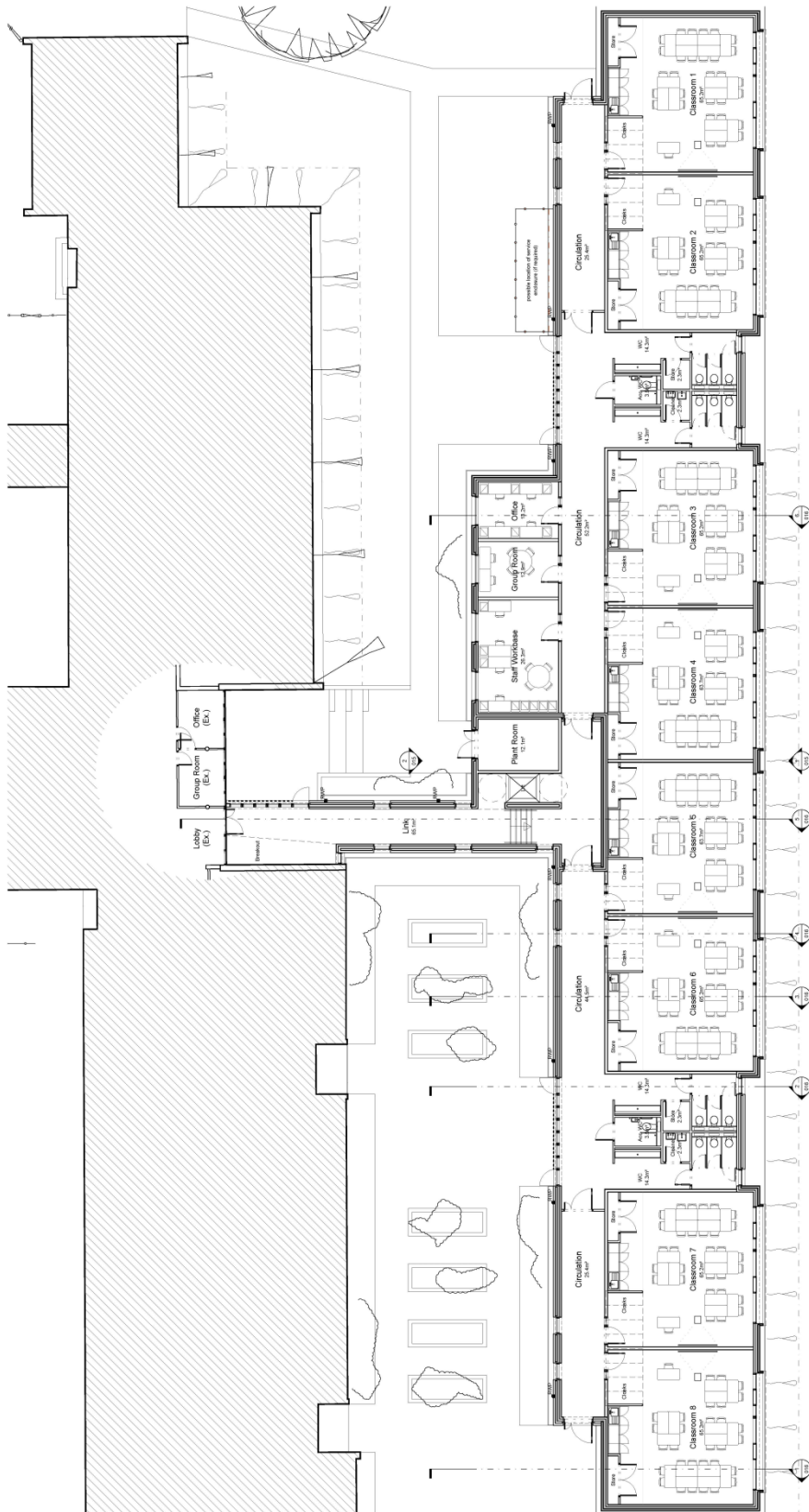
## Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)

### Proposed elevations



Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)

Proposed Floor Plan



### Item D3

## Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)

### Existing Sports Pitch Layout





**Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)**

12. There is a former school garden to the west of the existing mobile classrooms which contains a disused bus. The area is currently not used, and students would require supervision if they did use the area. The proposal includes reinstating this area as part of the school playing field. Courtyard space would be created in the areas between the proposed classroom block and the existing school building to accommodate recreation and socialising. The proposal does not require the removal of any trees.

**Planning Policy Context**

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

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

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision makers at every level should seek to approve applications for sustainable development where possible.

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.
- (iii) Adopted **Dartford Borough Council Local Plan 1995** (Saved Policies):

**Policy S6** Encouragement should be given for proposals to conserve and improve the existing built environment

**Policy B1** Development management proposals should not have a detrimental effect on the amenity of the local area and should be of a high quality design. Materials, access arrangements, parking and infrastructure should all be taken into consideration.

**Policy B11** Proposals which would have an adverse impact on important archaeological sites should not be permitted.

**Policy H12** Proposals for non-residential development should not have an adverse impact on the amenity of existing housing areas.

**Policy T19** Development management proposals should not be permitted where they are not appropriately related to the highway network, or produce volumes of traffic in excess of the capacity of the highway network.

**Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)**

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- Policy T23** Development Proposals should include adequate off-street parking facilities and appropriate rear access arrangements to properties
- Policy T27** Proposals for development and for new highways will be required to make adequate provision for pedestrians
- Policy RT15** Development proposals involving the loss of private or educational open space will not normally be permitted where the open space is important to the environment and amenity of the area which it is situated, or where the use of the site meets an important local need.
- (iv) **Dartford Borough Core Strategy 2011:**
- Policy CS15** **Managing Transport Demand:** Any development proposals which generate additional traffic should employ methods to encourage sustainable modes of transport.
- Policy CS21** **Community Services:** Ensure the effective provision of community services.
- Policy CS22** **Sports, Recreation and Culture Facilities:** Appropriate existing sport, recreational and cultural facilities will be protected, unless it can be demonstrated that the facility is no longer needed or an equivalent, replacement facility in terms of quality, quantity and accessibility is provided elsewhere.
- (v) **Emerging Dartford Development Policies Plan (Publication (pre-submission) Document December 2015)** (This document was submitted to the Planning Inspectorate in June 2016 and an Examination was held in October 2016. The plan is expected to be adopted by Dartford BC towards the end of 2016 or early 2017)
- Policy DP1** A positive approach will be taken to considering development proposals, with a presumption in favour of sustainable development.
- Policy DP2** Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough by (a) reinforcing and enhancing localities to create high quality places, (b) ensuring heritage assets are retained, re-used and respected, (c) facilitating a sense of place through mix of uses and careful design, (d) providing clear pedestrian and cycle linkages and permeability, active frontages and a mix of buildings and spaces. Further advice is given on scale, massing, form, materials, Conservation Areas and areas of heritage sensitivity, inclusive, safe and accessible places, management of natural resources and food alleviation, and appropriate signage and advertisements.
- Policy DP3** Development will only be permitted where it is appropriately

**Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)**

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located and makes suitable provision to minimise and manage arising transport impacts, development will not be permitted where the localised impacts from the development on its own, or in combination with other planned developments will result in severe impacts on road congestion, safety of pedestrians and other road users, or excessive pressure for on-street parking

- Policy DP4** Development should be of a design and layout to promote sustainable modes of transport through provision of attractive and safe routes which address the needs of users, otherwise it will not be permitted. Proposals should include appropriate vehicular access arrangements to the new development. Development will only be permitted where proposals ensure that the layout and siting of access is acceptable in terms of residential amenity, highways capacity and safety, free flow of traffic, cyclists and pedestrians, and visual impact.
- Policy DP5** Development will only be permitted where it does not result in unacceptable material impacts, and consideration must be given to potential amenity/safety factors such as traffic, access and parking, anti-social behaviour and littering, and intensity of use (amongst other matters).
- Policy DP12** Where a development proposal may affect a heritage asset the proposal must demonstrate that it will preserve and, where appropriate, enhance those aspects of the heritage asset and its setting that have been identified as being significant; otherwise permission will not be forthcoming.
- Policy DP24** Development on playing fields and sports pitches will not be permitted unless it is clearly shown that; the proposal does not lead to any significant loss or deterioration in quantity and level of open space/recreational provision; replacement provision is provided within accessible walking distance of the site, unless it is clearly demonstrated that the existing provision is surplus to requirements for sports and recreation in the locality.

**Consultations**

14. **Dartford Borough Council** raises no objection but have the following concerns:

*“The proposal would result in the loss of playing field land which Sport England has objected to. Consequently, Kent County Council need to consider whether the loss of playing field land would be acceptable in this instance in order to facilitate the school expansion.*

*The proposal states that the scheme would result in an increase of 210 new students attending the school and the submitted travel plan highlights that there will also be an increase in staff numbers. Dartford Council's Parking Standards SPD requires 1 space for pupils/visitors/clients per 2 classes and 1 space for employees per 15 pupils. Consequently, this scheme would generate an additional demand for 18 car parking spaces within the site (14 for staff and 4 for pupils/visitors/clients). The proposed 8*

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*additional parking spaces are therefore not considered sufficient to facilitate the increase in classrooms and pupil numbers. Especially as 4 of the proposed new parking spaces would not be useable (No's 56, 59 and 60 would not realistically be long enough to park a car in, and No. 4 would be located too close to the playground boundary, which would make it awkward and unpractical to use). Therefore, the Council recommends that the parking provision needs to be revised in order to provide the additional required parking provision and if the scheme cannot be revised to meet Dartford Council's Parking Standards, the applicant should seek to reduce parking demand through the implementation of a school travel plan. The Council is concerned that the travel plan submitted with the application is not sufficient to reduce the parking demand. Failure to provide the required parking provision would likely lead to increased indiscriminate on street parking to the detriment of highway safety of the adjacent roads."*

**Environment Agency (Kent Area)** raises no objection but request an informative which advises the applicant on matters of foul drainage, land contamination and waste

**Sport England** raises objection to the proposal:

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

*In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exception to Sport England's Playing Field Policy or with Paragraph 74 of the NPPF."*

Following receipt of the objection, further information was forwarded to Sport England setting out a case as to why the proposed development was in accordance with one of the exemptions to Sport England's policy. The following response was received:

*"Further to Sport England's consultation response dated 3<sup>rd</sup> October 2016, unfortunately Sport England is of the view that no new information has been provided and that all relevant considerations set out in the email and attached document recently provided were taken into account within Sport England's formal consultation response dated 03<sup>rd</sup> October 2016. For clarity, although there are two temporary classrooms on the site of the proposed development, these developments are temporary and should be removed from the playing field at the end of the temporary period permitted.*

*Sport England therefore maintains its objection to this planning application."*

**Kent Highways and Transportation** raise **no objection** however note that the local highways are under strain by the presence of two primary schools. Consider that given the School's intention to expand the school car park, and their commitment to developing the Travel Plan and encouraging more sustainable modes of transport, the development would not have a severe impact on the free flow of traffic or road safety in the area.

**County Archaeological Officer** raises no objection but given the sites' archaeological importance, request the imposition of a condition securing a schedule of archaeological works to be carried out.

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**Sustainable Drainage** raise no objection and considers the proposed surface water management is appropriate.

#### **Local Member**

15. The local County Council Member, Tom Maddison, was notified of the application on 23 August 2016.

#### **Publicity**

16. The application was publicised by the posting of two site notices on the school perimeter, an advertisement in a local newspaper, and the individual notification of 244 residential properties.

#### **Representations**

17. In response to the publicity, one letter of representation has been received from a neighbouring resident as well as one petition.
18. The neighbouring resident has objected to the application as they consider that the development would result in an unacceptable noise impact on the residents of Pilgrims Court. They state that the noise is currently an issue during class time, play time, and other school activities such as fireworks displays and fetes. Whilst they do not object to the principle of the expansion or the redevelopment of the Porta cabin area; they find the proximity of the proposed classroom block to their property to be unacceptable.
19. The petition, signed by 14 signatories reads:

*"With reference to my recent email objecting to the planning proposal for Temple Hill School Dartford I now enclose a petition signed by the residents of Pilgrims Court Dartford.*

*Please note that we have three vacant properties at present in our small Court who may also wish to have a say once they have moved in."*

#### **Discussion**

20. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (13) 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. This application is being reported to the Planning Applications Committee following objections from local residents and Sport England. In my opinion, the key material planning considerations in this particular case can be summarised as need, highways and transportation, siting and design, amenity impacts, sustainability, the loss of the playing field and potential impact upon archaeology.

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**Need**

21. There is strong government policy support for the sufficient provision of school places. In the Government's Policy Statement- Planning for Schools Development, it is asserted that the development of state-funded schools is strongly in the national interest, and planning decision-makers should exercise all powers necessary to ensure that applications for expansion are permitted wherever possible. This stance is strengthened in paragraph 72 of the NPPF, through which planning authorities are expected to take a proactive and positive approach when dealing with the requirement for school places, and to give great importance to allowing schools to expand. Policy CS21 of the Dartford Core Strategy seeks to ensure that there is sufficient provision of community facilities.
22. It is recognised that primary schools within the Dartford Borough are at capacity and there is an urgent need for new primary school provision within the area. The expansion of the school from 3FE to 4FE is essential in helping ensure that sufficient primary school places are available in the area. There is a considerable amount of housebuilding currently taking place, including the Northern Gateway development just west of the site.
23. The principle of the school expansion therefore is supported by government policy, through both the NPPF and the Planning for Schools Development Policy Statement, and it is in line with Policy CS21 of the Dartford Core Strategy.

**Siting and design**

24. Policy B1 of the Dartford Borough Saved Policies 1995 requires proposals to be of a high quality design and Policy S6 encourages proposals to conserve and improve the existing built environment. The NPPF attaches great importance to the design of the built environment, and consider that good design is indivisible from good planning.
25. As outlined in paragraphs 7-13 of this report, this application proposes the demolition of the two existing mobile classrooms situated on the school playing field, and the construction of a classroom block containing 8 new classrooms linked to the existing school building. The proposal also seeks to reconfigure the school car park to increase the amount of car and cycle spaces.
26. The proposed classroom block would be situated on an area that is currently designated as school playing field, but is not used as such due to the presence of the mobile classrooms which were granted permission in 2001. Sport England has objected to the siting of the classroom block due to its encroachment onto the school playing field. Local residents have also objected to the siting of the classroom block due to its proximity to their property, which they fear would result in unacceptable noise levels. Both of these issues will be discussed in detail later on in this report.
27. The proposed siting also allows for enhancement opportunities. A small unmaintained school garden area which contains a disused bus to the west of the mobile classrooms is currently dangerous for students to use unsupervised. This proposal would reinstate some of this area as part of the school playing field. Courtyards would also be provided in the spaces between the new classroom block and the main school building, to offer an area for recreation and socialising. Careful consideration has been given to the location of the classroom block, and in my view, its proposed siting is the best possible option with added benefits to the school.

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28. The design of the new classroom block is sympathetic to the 1950's design elements of the existing school building. It would have a flat roof and proposes the use of red brick, similar to that of the existing school building, and timber cladding; the windows would be well-spaced to emphasise the classroom areas. No windows are proposed to face the closest group of residential properties in Pilgrims Close, which offers these properties appropriate privacy. The design also incorporates measures to promote sustainable development, which will be discussed in further detail below.
29. I consider that suitable steps have been taken to ensure that the design of the building would conserve and enhance the existing school setting, and therefore the proposal is compliant with the Dartford Saved Policies B1 and S6. However, due regard has been given to possible alternative locations. Given the size of the proposed classroom block, the options elsewhere on site are limited. Anywhere on the hardstanding to the north or west of the main school building would not easily accommodate the footprint, and would result in either the loss of hard playing surface, or a number of parking spaces. The proposed siting is on an area of the site which is currently underused. Whilst it may be possible to site the classroom block elsewhere on the playing field to alleviate concerns of local residents, this could result in a larger amount of encroachment onto the school playing field, and interference with the schools marked out playing pitches. It is also the case that the positioning of the classroom block elsewhere would not work so well with the existing layout and organisation of the school.

**Sustainability**

30. The NPPF is interwoven with a presumption to promote sustainable development. Whilst there are no specific energy reduction targets applicable to individual developments, the NPPF recognises that planning can play an active role in meeting climate change targets by shaping places to reduce greenhouse gas emissions.
31. This proposal has been prepared with sustainability principles in mind. It is in line with the "Be Lean, Be Clean, Be Green" Energy Hierarchy and exceeds the standards set out in Building Regulation Part L2 2013 - "Conservation of fuel and power in new buildings other than dwellings". All materials used would be reviewed against the Green Guide for Building Specification which helps ensure they are of a sustainable origin.
32. There are a number of design measures proposed which are intended to reduce energy consumption. The windows would be double glazed and the walls would be cavity masonry to improve thermal insulation. This, combined with natural ventilation to the teaching areas, is expected to result in relatively low heating requirements. All of the teaching spaces in the new classroom block are south facing to allow for good levels of daylight and reduce the need for artificial lighting. The classroom block has been carefully positioned so that it is far enough away from the existing school building as to not block out daylight; however it is close enough to reduce the issue of overheating currently experienced in the existing classrooms. Potential overheating in the new classrooms would be circumvented with the use of solar control glazing. The water use would be minimised also with the specification of efficient taps, dual flush toilets and low water use appliances. The scheme includes photovoltaic panels to be installed on the south facing roof.
33. The sustainability of this proposal has been carefully considered, and steps have been undertaken to minimise carbon emissions. The building, by way of its design, layout, materials and technologies, is sustainable in my opinion.

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**Impact upon school playing field**

34. Paragraph 74 of the NPPF states that any open space, sports and recreational buildings and land, including playing fields should not be built upon unless; it is shown that the land is surplus to requirements, the loss resulting from the development will be replaced by equivalent or better provision in terms of quality and quantity in a suitable location, or the development is for alternative sports and recreational provision and the needs for which clearly outweigh the loss. Sport England's Planning Policy Statement – A Sporting Future for England's playing field, echoes the view of the NPPF; any application for development on a sports playing field will be opposed, with only a few exemptions to this rule. Policy RT15 of the Dartford Local Plan states that development proposals involving the loss of private or educational space will not normally be permitted where the open space is important to the environment and amenity of the area and Policy CS22 protects sport and recreation facilities.
35. The proposed classroom block would take up some of the area that is designated as school playing field. The distance of the classroom block from the main school building has been carefully calculated and whilst a closer distance to the school building would reduce encroachment, this is not possible without limiting the amount of daylight enjoyed by the classrooms.
36. Due to the encroachment onto the school playing field, Sport England object to the application on the basis that the location of the proposed development would prejudice the use of the playing field and is therefore contrary to both paragraph 74 of the NPPF and their Planning Policy Statement.
37. Exemption 3 (E3) to Sport England's policy is applicable if the proposed development affects land which is incapable of forming, or forming part of, a playing pitch, and therefore does not result in the loss of inability to make use of a playing pitch. The applicant submitted a statement which argues that E3 should apply in this case, as the current siting of the mobile classrooms prevent that area of the sports playing field being used as such. Sport England considered this view, however concluded that given that the planning permission for the mobile classrooms is a temporary permission, the mobile classrooms should be removed at the end of the permission so that the land can be reinstated to its former use. Whilst the practicality of this argument has to be considered, given that the mobile classrooms accommodate a school roll which is not set to decrease in the near future, I accept Sport England's argument that the siting of the mobile classrooms is not sufficient to render the land permanently unusable as a sports playing field.
38. The proposed classroom block would encroach in part onto an area of informal soft play area as well as one of the marked out pitches. The informal soft play area which it affects is incapable of being marked out as a playing pitch as it slopes towards the main school building. Building Bulletin 103 Area guidelines for main stream schools (BB103), sets out the standards expected of soft outdoor play and PE areas. For a school of this size, taking into account the forecasted increase in pupil numbers, a minimum of 2280m<sup>2</sup> (24,541ft<sup>2</sup>) of soft play areas are recommended. Even with the encroachment of the classroom block, the remaining soft play areas would be well in excess of this number, at 12,046m<sup>2</sup> (129,662ft<sup>2</sup>).
39. There are currently three marked out playing pitches on the school playing field, these total 8,900m<sup>2</sup> (95,863ft<sup>2</sup>), this is under the guidelines set out in BB103 for outdoor PE

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areas for the current school roll (12,600m<sup>2</sup> or 135,625ft<sup>2</sup>). Given the encroachment onto one of the playing pitches the applicant has taken the opportunity to reconsider the current layout of the sports pitches, and is now proposing that they are reconfigured. This would lead to an increase in the total area of the marked pitches to 10,760m<sup>2</sup> (115,819ft<sup>2</sup>). Although this is still under the guidelines for the predicted increase in pupil roll (16,800m<sup>2</sup> or 180,833ft<sup>2</sup>), a large amount of the school playing field is incapable of being marked out as a playing pitch, regardless of whether the new classroom block is to be built or not, this includes the area where the new classroom block would be sited.

40. It is accepted that the proposed development would encroach on to the school playing field. However, I consider that sufficient measures have been taken by way of the siting and the design of the classroom block in order to minimise this encroachment. The proposal also seeks to enhance a small unusable area to the west of the mobile classrooms so it can be used as a part of the school field, to compensate for some of the loss. Whilst the loss of the playing field is arguably not fully compliant with the NPPF, in my view, with the reconfigured pitches there would be no overall loss of the playing field to sport and recreation use, and the school otherwise benefits from additional informal soft play areas in excess of the recommended guidance. Furthermore, in terms of Local Plan Policy RT15, I do not consider that the development would harm the wider contribution the open space makes in general to the environment and amenity of the locality. Whilst the impact on the playing field is an important consideration, its impact needs to be considered alongside the need for the development and other material considerations. The construction of the classroom block is necessary to enable the school to expand to meet the statutory educational need and thus provide much needed school places within the area, for which there is strong government policy support for. For the reasons summarised above, I do not consider that the encroachment onto the playing field represents sufficient grounds for refusal of the application.
41. However given that Sport England has objected to the application, if Members are minded to grant permission the application would have to be referred to the Secretary of State for Communities and Local Government via the National Planning Casework Unit.

**Highways and Transportation**

42. Paragraph 34 of the NPPF sets out an expectation that planning decisions should take account of whether the use of sustainable modes of transport have been maximised. Paragraph 36 requires a Travel Plan to be submitted in support of any application which will generate significant amount of movement, whilst paragraph 32 also requires a Transport Assessment or Transport Statement to be submitted. In addition, it states that an application should be refused on transport grounds if the cumulative impacts of the development are severe.
43. Policy B1 of the Dartford Borough Local Plan states that development proposals should not have a detrimental effect on the local area through traffic generation, and Policy T19 states that development proposals will not be permitted where they are not appropriately related to the highway network, or where they produce volumes of traffic in excess of the capacity of the highway network. Policy T23 states that development proposals should include adequate off-street parking facilities; the Borough Council has also produced a Parking Standards Supplementary Planning Document (SPD) which offers further guidance on the matter. Policy T27 requires there to be sufficient provision for pedestrians. Policy CS15 of the Dartford Borough Core Strategy stipulates that any

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development proposal which generates additional traffic must employ methods to encourage sustainable modes of transport.

44. It is accepted that there are difficulties with regard to traffic congestion and parking within the area due to the presence of two primary schools. This has resulted in concerns, in particular, over the safety of pupils arriving at and leaving the school. However, Personal Injury Accident (PIA) data has been analysed and no incidents have been recorded within the last 36 months. There are "School Keep Clear" marking outside of the school entrance on St Edmund's road, either side of the carriageway, and signs are placed daily on these markings to prevent cars from parking there and to remind drivers to park safely. The school is also committed to delivering regular road safety education and programmes to the pupils. In an effort to reduce the localised on-street parking, the school is intending to extend its "Walking Bus" service.
45. The school currently has a majority of its pupils travelling to school via sustainable modes of transport. Because of the residential density of the area, an estimated 55% of pupils regularly walk to school (February 2016). This is accommodated and encouraged by the 4 pedestrian access points within the school, wide foot-ways along St Edmund's Road and several local pedestrian improvements such as formal crossing points. This is in compliance with Policy T27 of the Dartford Local Plan, which requires effective provisions for pedestrians. Furthermore, due to the school's suburban location, it naturally benefits from good, sustainable transport links. A Travel Plan was submitted with the application setting out the targets for sustainable modes of transport over the next few years and the proposed methodology for achieving these targets; this includes initiatives such as the "Walking Bus".
46. The proposal aims to increase current total pupil numbers from 682 to 892, with an additional 14 members of staff to support this increase, resulting in a total of 106 staff. Whilst a formal pick-up and drop-off facility is not possible due to the locational restrictions of the site, the proposal is seeking to increase the size of the existing car park. Using the guidelines set out in the Parking Standards SPD, this would require the on-site staff car park to provide 60 spaces. Using the same guidelines; an additional 15 spaces would also be required to account for visitor parking, and a minimum of 3 spaces are required to be designated as disabled parking. The intention within the proposal is to increase the amount of parking spaces to 70, 3 of which would be designated for disabled parking. Dartford Borough Council has concerns that that the parking provisions are under the recommendations set out in their parking SPD, and consider that the measures set out in the submitted school Travel Plan are not sufficient to reduce the need for these extra parking spaces. KCC Highways and Transportation officers, however, are satisfied that the proposed number of parking spaces is acceptable. They also highlight that the school has in the past made a commitment to implement a walking bus from the nearby "Temple Hill Square car park" to encourage more parents to drop pupils off there, and this would alleviate some of the pressure from the school car park. The school has confirmed that they are still committed to implementing this, and it could be covered under a condition requiring the revision of the School Travel Plan. Dartford Borough Council also suggested that 4 of the proposed parking spaces would be unfit for use due to their size or location. 3 of these spaces are parallel parking spaces; the recommended length of such spaces is 6 metres. The proposed site plan does indeed indicate that they will be 6 metres in length; this has been confirmed by the applicant also. The other space, next to the school playground, has been shown to be slightly wider than the other spaces, this should allow for sufficient room to use it despite its proximity to the school playground. KCC Highways

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are of the opinion that these spaces would not necessarily be difficult to access, however in the interests of certainty, suggest a condition be attached which requires the submission of a drawing showing the exact dimensions of the proposed parking spaces along with vehicular tracking.

47. In terms of vehicular transport, the Transport Assessment states that the increase in pupil roll would result in an additional 40 trips in the morning and an additional 41 in the afternoon. Given the base number of trips is approximately 260 for both the morning and afternoon, the increase is not considered significant and therefore not expected to cause severe impacts on the highway network. However, there have been several solutions considered by the applicant in liaison with KCC Highways and Transportation in order to alleviate some of the congestion issues on St Edmund's Road. One suggestion was to impose one-way traffic restrictions in an effort to minimise conflict between passing vehicles. However, KCC Highways officers considered this to be inappropriate in a location such as this as it would most likely result in an increase in vehicle speeds which would threaten pupil safety. Various local parking restrictions have also been considered, however this was seen as impractical as it would result in the loss of on-street parking in a fairly dense residential area. Any such restrictions would have to be consulted on locally and would be likely to attract objections from residents.
48. Whilst KCC Highways and Transportation acknowledge that there are congestion issues surrounding the site, they conclude that given the school's commitment to expanding the car park and promotion of sustainable modes of transport through an up-to-date travel plan, the development would not cause severe impacts on highway grounds. The imposition of a condition which requires the school to maintain an up to date travel plan would ensure that sustainable modes of transport are continued to be encouraged, to keep future impacts on the highway network to a minimum. Given the above, I consider that the application is compliant with the relevant planning policies and that there is no basis on which to refuse the application on highway grounds.

**Amenity – Noise**

49. Paragraph 123 of the NPPF expects planning decisions to prevent noise from giving rise to significant and adverse impacts on health and quality of life, and impose conditions where necessary to mitigate negative amenity impacts arising from noise. It is however, recognised within the NPPF that development will create some noise, and development should not be unreasonably restricted due to changes in nearby land uses since they were established.
50. Policy B1 of the Dartford Local Plan states that proposals should not have a detrimental effect on the amenity of the local area; this can be taken to include noise impacts. Policy H12 stipulates that any proposals which are incompatible with existing housing areas or which adversely affect their amenity should not be permitted.
51. The representation from a neighbouring resident is focused on the noise impact that the proposals may have. The resident considers that the noise exhibited by the school is already having a significant and adverse impact on their quality of life, so if the school is to expand any closer to the perimeter of their property the impacts would only be worsened. There is 17.5m (54ft) distance between the proposed extension and the closest residential property; 18 Pilgrims Close.

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52. In response to the concerns of local residents, the applicant prepared a statement which addresses the possible noise impacts that may be generated as a result of the new classroom block. It is stated that the new classroom block would have much better sound insulation than the current mobile classrooms. There are no windows which would directly face Pilgrims Close to the east, and double glazed windows and cavity walls would be used to prevent any noise reaching the external environment. There would also be an enclosed link between the new classroom block and the main school building, to prevent the noise from pupils when in transit between the two buildings, this is not currently the case. The applicant also advises that no teaching activities which could generate significant amounts of noise, such as music or sport, would be carried out. Similarly, there are no amplified audio systems proposed inside or outside of the building, and no externally mounted call bells.
53. The land directly behind numbers 13-18 Pilgrims Close is currently marked out as playing field, which may generate noise for the residents during school playtimes. The proposal includes the relocation of the marked out sports pitches, which results in this closest pitch being moved further away. This should alleviate some of the noise currently experienced.
54. For the reasons stated above, I consider that the proposed development would be an improvement on the existing situation with regard to noise, and it would not result in significant adverse amenity impacts which would be contrary to policies B1 and H12.

**Construction**

55. Given that the proposal is in close proximity to a number of residential properties, and there are already concerns from residents about noise, I consider it appropriate to impose a condition restricting the hours of construction to between the hours of 0900 and 1800 Mondays to Fridays and 0900 to 1300 on Saturdays, with no works to take place on Sundays or public holidays.
56. Furthermore, if planning permission is granted, the applicant should be required to submit a Construction Management Plan detailing vehicle loading, unloading and turning facilities and provisions for wheel-cleaning, prior to commencement of any works on site. This should further protect the amenities of the locality.

**Archaeological Environment**

57. The NPPF recognises that heritage assets are an irreplaceable resource which should be conserved in a manner consistent with their significance, great weight should be given to an asset's conservation. In paragraph 128, the NPPF expects local authorities to require any applicant to explain the significance of any heritage asset which may be affected by the development. Where any development has an impact on sites of archaeological interest, appropriate desk-based assessments are required and, where necessary, a field evaluation. Policy B11 of the Dartford Local Plan states that proposals which will adversely affect nationally important archaeological sites will not normally be permitted.
58. The application site lies within an area of high archaeological potential, especially for prehistoric and Romano-British/Iron-Age remains. The site is also known to contain Boyn Hill Gravels which have the potential to contain Palaeolithic stone artefacts and

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palaeoenvironmental remains. In accordance with the NPPF requirement, the applicant submitted a desk-based assessment to accompany the proposal.

59. The assessment recognises that whilst there isn't a known presence of archaeological features, the site does have a high archaeological and geo-archaeological potential. The assessment concludes that through the implementation of mitigation measures, the development is unlikely to have a significant impact on any heritage assets.
60. The County Council's Archaeological Officer supports the approach set out in the desk-based assessment. It is recommended that, in view of the archaeological potential, a condition is attached to any planning consent requiring the submission and approval of a schedule detailing archaeological field evaluation works prior to commencement of any development. Subject to the imposition of such a condition, I do not consider that the proposed development would have a detrimental effect on any archaeological remains, or the historic environment.

**Conclusion**

61. This application has been considered and assessed against the NPPF, the National Planning Practice Guidance, the Planning for Schools Development Policy Statement, and the local development plan for the area. It is my view that the application is in a suitable location and of good quality and sustainable design, would not result in any significant, adverse impacts on the highway network or the amenity of the area, and does not unacceptably prejudice the use of the school playing field. There is also strong policy support for the principle of this school expansion. With the imposition of conditions, I consider that the development would not result in any material harm. However, given the objection from Sport England, I recommend that the application be referred to the Secretary of State for Communities and Local Government and subject to his decision, planning permission be granted subject to conditions.

**Recommendation**

62. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and subject to his decision, PERMISSION BE SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The standard time limit;
  - The development to be carried out in accordance with the permitted details;
  - The submission of details of all materials to be used externally;
  - Hours of working during construction to be restricted between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays;
  - The submission of a Construction Management Plan, providing details of construction vehicle loading/unloading and turning facilities, and measures to be taken to prevent mud and debris being deposited on the public highway;
  - A revised School Travel Plan, to include the commitment to operating the "Walking Bus" from the nearby Temple Hill Square car park;
  - The implementation of the revised School Travel Plan and its future review and revision where necessary;

### Item D3

#### **Single storey extension to accommodate 8 new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford – DA/16/01732/CPO (KCC/DA/0222/2016)**

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- The submission and written approval of a specification for a programme of archaeological works; and
- A detailed drawing showing the layout of the car park, and specifically the dimensions of all parking spaces, prior to construction; and
- Submission and approval of details of photovoltaic panels.

63. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- The registering with Kent County Council of the School Travel Plan through the “Jambusters” website following the link <http://www.jambusterstpms.co.uk>; and
- The applicant follows the Environment Agency’s advice with regard to foul drainage, land contamination and waste.

Case Officer: Mrs Alice Short
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Tel. no: 03000 413328
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Background Documents: see section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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

**Background Documents** - The deposited documents.

- |                 |   |
|-----------------|---|
| TM/15/1936/2016 | Details of the specification of the diverted private access road including passing places pursuant to condition 33 of TM/15/1636<br>Nepicar Sand Quarry, Maidstone Road, Wrotham Heath, Kent, TN15 7SR<br>Decision: Approved  |
| TM/16/2932      | Section 73 application to vary condition (4) and (5) of planning permission TM/14/3991 to increase volume of liquid to be treated and associated vehicle numbers<br>Ham Hill Wastewater Treatment Works, Brook Lane, Snodland, Kent, ME6 5JX<br>Decision: Permitted |

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

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

**Background Documents** – The deposited documents.

- |              |  |
|--------------|--|
| DO/15/663/R  | Non-material amendment to DO/15/663 to alter the on-site parking layout and provide additional spaces; the addition of ventilation louvres on the northern elevation and replacement of the ramp with new stairs and ramps to the playing field<br>White Cliffs Primary College for the Arts, St Radigunds Road, Dover, Kent, CT17 0LB<br>Decision: Approved |
| MA/16/506629 | Variations on fencing proposals, external stair enclosure and entrance landscape arrangement inc canopy required to improve usability and functionality<br>Five Acre Wood School, Boughton Lane, Maidstone, Kent, ME15 9QF<br>Decision: Permitted  |
| MA/16/507441 | Proposed new 2-storey performing arts block to provide new music classrooms, practice rooms and performing arts studio space with associated stores and offices<br>Maidstone Grammar School, Barton Road, Maidstone, Kent, ME15 7BT<br>Decision: Permitted   |

- MA/16/507463 Demolition of existing single storey classroom block and erection of new 2-storey block to provide 3 additional science labs and 2 IT classrooms with additional storage and associated prep space  
Maidstone Grammar School, Barton Road, Maidstone, Kent, ME15 7BT  
Decision: Permitted
- SE/16/141/R Application for a Non-Material Amendment to revise the building elevations to allow for safe access to the roof; additional louvres and a change to the plant screening material  
Sevenoaks Primary School, Bradbourne Park Road, Sevenoaks, Kent, TN13 3LB  
Decision: Approved
- TH/16/1405 Retrospective application for a new bicycle shelter  
Stone Bay School, 70 Stone Road, Broadstairs, CT10 1EB  
Decision: Permitted

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

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**Background Documents –**

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*

- (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/0296/2016 Section 73 application to vary conditions 4 and 5 of planning permission TM/93/1086 to allow a new maximum level of liquid import and associated HGV movements  
Tonbridge Wastewater Treatment Works, Sanderson Way, Tonbridge, Kent, TN9 1XX

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

None

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

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

**Background Documents** -

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

None

E.3

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