

PLANNING APPLICATIONS COMMITTEE

Wednesday, 8th November, 2017

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 8th November, 2017, at 10.00 am Ask for: **Andrew Tait**
Council Chamber, Sessions House, County Hall, Maidstone Telephone: **03000 416749**

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

Membership (13)

Conservative (10): Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman),
Mr A Booth, Mr P C Cooper, Miss E Dawson, Mr H Rayner,
Mr C Simkins, Mrs P A V Stockell, Mr J Wright and Vacancy

Liberal Democrat (1): Mr I S Chittenden

Labour (1) Mr B H Lewis

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 - 11 October 2017 (Pages 5 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/17/2264 (KCC/TM/0224/2017) - Section 73 application to vary Condition 14 of Permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland; Tarmac Ltd (Pages 7 - 26)
2. Application TM/17/2090 (KCC/TM/0195/2017) - Operation of an aggregate recycling facility for a temporary period of five years within the existing processing plant area at Wrotham Quarry, Trottiscliffe Road, Addington; Ferns Group (Pages 27 - 54)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal GR/17/674 (KCC/GR/0165/2017) - 2FE primary school with associated access and infrastructure on Land at St George's CE School, Meadow Road, Gravesend; KCC Property and Infrastructure Support (Pages 55 - 96)
2. Proposal TW/17/3344 (KCC/TW/0271/2017) - Section 73 application to vary Condition 15 of Permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School at Land south of Rolvenden Road, Benenden; KCC Property and Infrastructure Support (Pages 97 - 106)
3. Proposal TW/12/1442 R14 - Code of Construction Practice pursuant to Condition 14 of Permission TW/12/1442 for the new Benenden Primary School at Land south of Rolvenden Road, Benenden; KCC Property and Infrastructure Support (Pages 107 - 116)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 117 - 120)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None)

F. 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, 31 October 2017

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

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of A meeting of the Planning Applications Committee held at Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 11th October, 2017.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr A Booth, Mr I S Chittenden, Mr P C Cooper, Mr P M Harman, Mr B H Lewis, Mr H Rayner, Mr C Simkins, Mr B J Sweetland (Substitute for Miss E Dawson) and Mr J Wright

OTHER MEMBERS: Michael Payne

OFFICERS: Sharon Thompson (Head of Planning Applications Group), Paul Hopkins (Principal Planning Officer), David Joyner (Transport & Safety Policy Manager) and Andrew Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

45. Minutes - 13 September 2017.
(Item. A3)

RESOLVED that the Minutes of the meeting held on 13 September 2017 are correctly recorded and that they be signed by the Chairman.

46. Site Meetings and Other Meetings.
(Item. A4)

The Committee noted that the afternoon of 17 January 2018 was set aside for a training session on the Education Commissioning Plan.

47. Proposal SE/17/2395 (KCC/SE/0210/2017) - Retention of temporary classrooms for a further three year period at Seal CE Primary School, Zamba Way, Seal; KCC Property and Infrastructure Support.
(Item. D1)

RESOLVED that the application be referred to the Secretary of State for Communities and Local Government in respect of the objection from Sport England and that, subject to his decision, permission be granted to the application subject to conditions, including conditions covering the development being carried out in accordance with the permitted details; the two modular buildings being removed from the site at the expiration of 3 years from the date of the permission and the land being reinstated; and the submission for approval of an updated School Travel Plan within three months of the date of the permission.

48. Proposal MA/17/503887 (KCC/MA/0197/2017) - Change of use of former stationmaster's house to public library for up to five years at Station House, Ware Street, Bearsted; KCC Property and Infrastructure Support.
(Item. D2)

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the change of use of the building being for a

temporary five year period, after which it shall revert to its current use; and the development being carried out in accordance with the permitted details.

49. Matters dealt with under Delegated Powers.
(Item. E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County Matter applications;
- (b) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None).

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 also as might be additionally indicated.

Item C1

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264 (KCC/TM/0224/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 November 2017.

Section 73 application by Tarmac Limited to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264 (KCC/TM/0224/2017).

Recommendation: Planning permission be granted, subject to conditions.

Local Member: Mrs Sarah Hohler

Classification: Unrestricted

Site Description and Background

1. Ham Hill Quarry lies on the western side of the Medway Valley to the southwest of Snodland and 8km northwest of Maidstone (see “Site Location Plan” page C1.2). It is accessed via Hays Road, a private cul-de-sac servicing Tarmac’s depot operated by its contracting business, Tarmac’s existing asphalt plant and a Tesco distribution centre. It joins the A228 Malling Road some 700 metres south west. Junction 2 of the M2 lies approximately 7.5 kilometres (4.6 miles) to the north, whilst Junction 4 of the M20 lies 1.5 kilometres (1 mile) to the south. The site lies just outside and to the east of the North Downs Area of Outstanding Natural Beauty (AONB).
2. Ham Hill Quarry itself hosts a number of uses, including mineral workings with associated restored and undisturbed areas and soil storage; an asphalt plant producing coated road stone; the storage of asphalt road planings and a depot servicing Tarmac’s national contracting business. Public footpath (MR75A) runs through part of the restored quarry site leading from Hollow Lane past the National Contracting Depot, asphalt plant, vehicular site entrance and south-west onto Sandy Lane. Overhead power lines pass across the north-eastern corner of the site and the Pluto Oil pipeline lies underground, transversing the western and northern boundary of the site.
3. Mineral extraction commenced at Ham Hill during the 1960s, with a planning permission granted to extract silica sand in 1962 (reference MK/4/62/281). This permission established the site as a sand quarry, required progressive restoration to agriculture and made provision for a dedicated access joining the highway at the southern end of Hollow Lane. An extension to the quarry was granted in 1985 (reference TM/85/8) which allowed additional mineral to be extracted. Temporary planning permission was granted for an asphalt plant at the site in 1985 (reference TM/85/9) which required the plant to be removed once the adjoining sand quarry reserves were fully extracted.

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

Site Location Plan

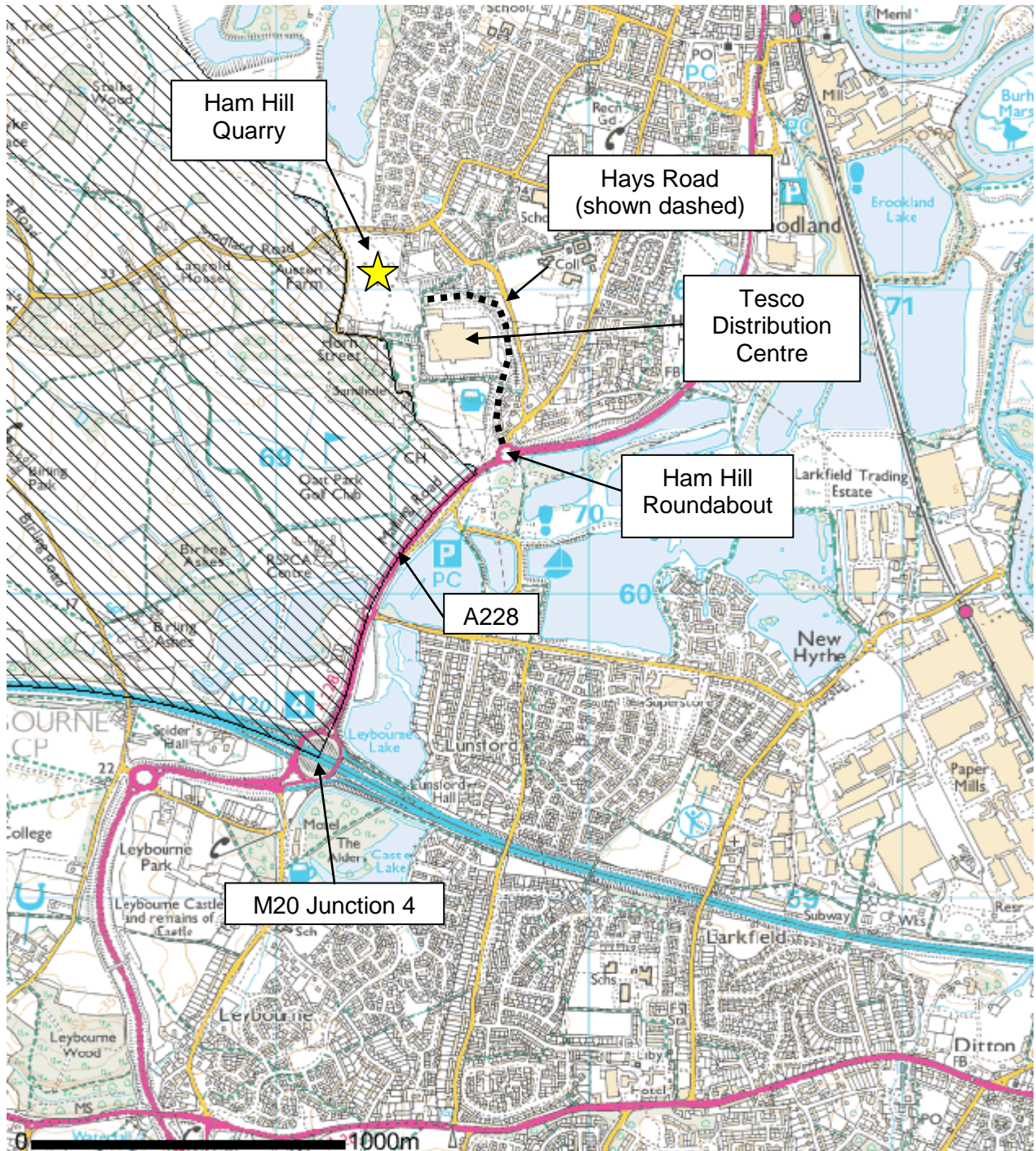


Figure 1 – Site Location Plan

Produced using KentView by initials on Tuesday, 19 June 2012 at 08:26

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019238 (2012)

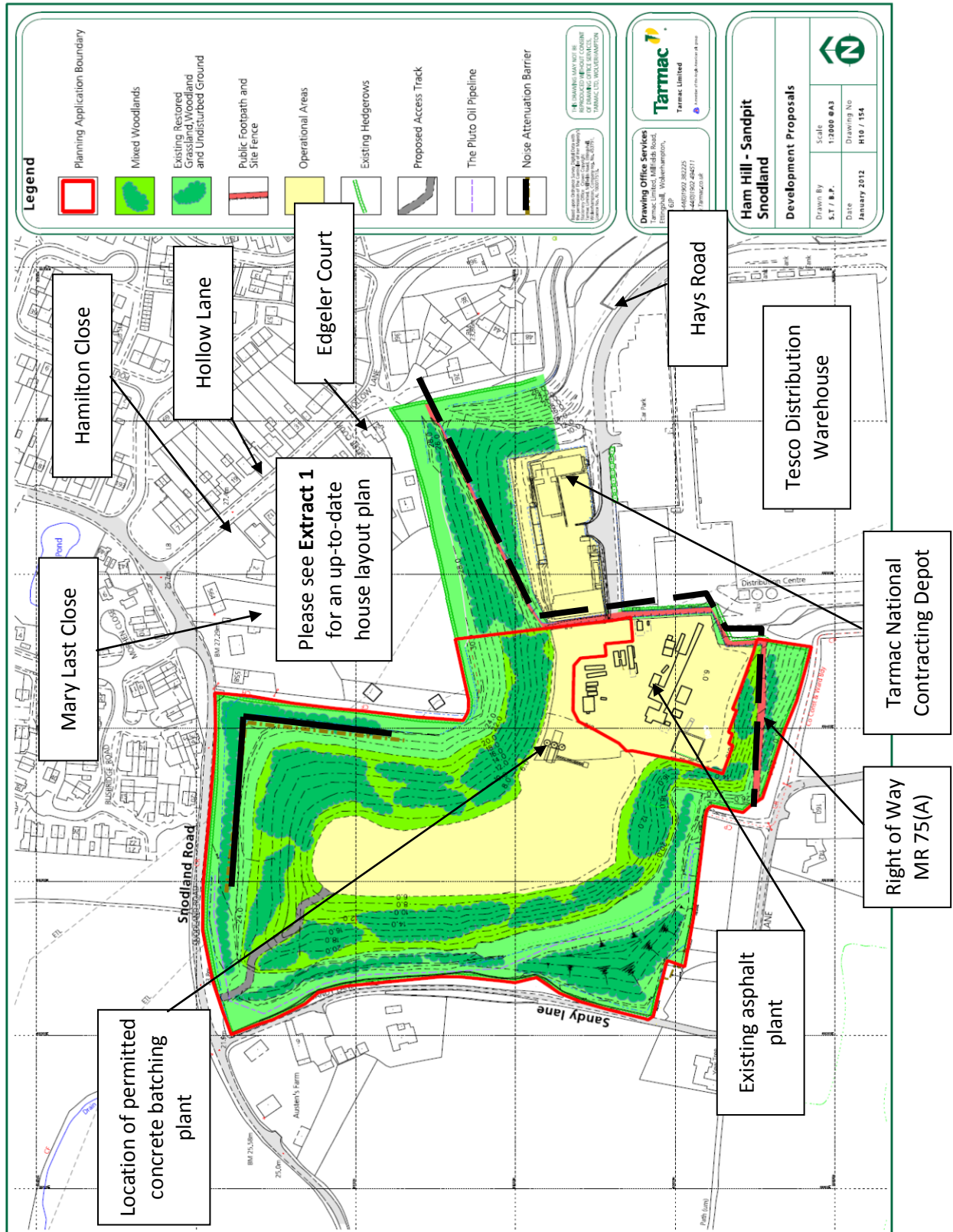


 Areas of Outstanding Natural Beauty (AONB)

1:20002

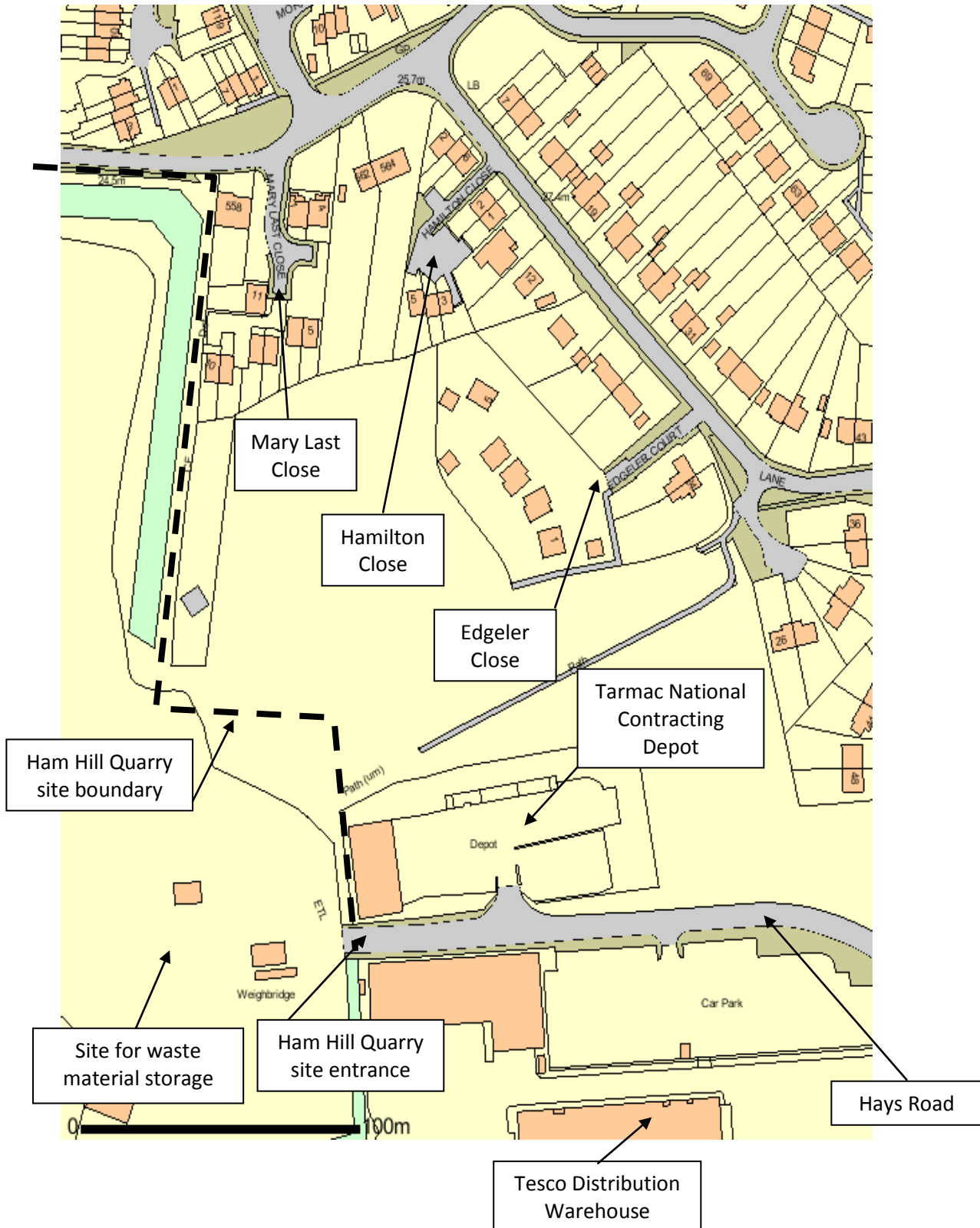
Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

Development Proposals



Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

Extract 1: Map showing Mary Last Close, Hamilton Close and Edgeler Close



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Planning permission TM/85/8 was varied in 1999 enabling the importation and storage of up to 5000 tonnes of asphalt road planings from local road maintenance projects on a continual 4-6 week cycle before selling and dispatching the same unprocessed and untreated material from the site. This variation did not allow for any treatment or processing of road planings and was required to cease upon completion of mineral extraction. In 2001, planning permission was granted (reference TM/01/1862) for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays.

4. Following two periods during which planning permission was granted on a temporary basis for out of hours working of the asphalt plant, a permanent permission was granted in 2008 (reference TM/08/1451). This permission allows the asphalt plant to operate between the following hours: Monday to Friday 05:00 to 18:00 hours; Saturday 05:00 to 13:00 hours; and Sunday 08:00 to 18:00 (for essential maintenance only, unless in connection with additional working hours periods). This planning permission however, enables the plant to operate (and lorries to leave the site) outside these working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 00:00 hours and 04:00 hours (with the exception of the loading and movement of lorries on site). No more than 5 of these 60 occasions are permitted to be used consecutively. No lorries are permitted to leave the site before 06:00 hours Monday to Saturday unless in connection with additional working hours periods.
5. The Environment Act 1995 provides for the regular review and updating of old mineral permissions. The 1962 and 1985 planning permissions referred to above have been the subject of this review process and revised planning conditions were granted in 2008 (reference TM/00/1155/MR101).
6. The existing site survey demonstrates that the site boundary ranges between 24 metres Above Ordnance Datum (AOD) in the north and west to 29 metres AOD to the south and east. The ground level of the quarry is approximately 6 metres AOD, some 18 to 22 metres below the level of the original pre-quarrying ground levels. Neighbouring land uses include agricultural land to the northwest, a residential area to the northeast, a Tesco distribution centre to the southeast and residential properties set in a wooded area to the southwest. The closest residential properties to the proposed activities are on Sandy Lane to the south and west of the site; Mary Last Close, Busbridge Road and Snodland Road to the north of the site; and Edgeler Court off Hollow Lane to the northeast.
7. In 2012 planning permission was granted (TM/12/983) for an aggregate recycling facility, concrete batching plant (CBP) and for amendments to the previously approved quarry restoration. This application sought planning permission for the storage and processing of up to 100,000 tonnes per annum of general construction and demolition waste, utility arisings and waste asphalt (road planings, return loads and surplus production), the latter producing Recycled Asphalt Product (RAP) for reuse as a feedstock for Tarmac's existing asphalt plant and any surplus as fill material for sale on the open market and being typically used for hard-standings, haul roads, sub-bases for buildings, paths, roads, highways, driveways and patios.
8. Much of the waste asphalt comprised road planings generated by the Highway Authority during those periods when large scale road works are undertaken at night, frequently

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between 22:00 and 02:00 hours. Consequently, the site needed to accept (but not process) material 24 hours a day, 7 days a week. Typically there would be a need to import road planings for 5 to 6 consecutive nights once or twice each month. Planning permission was granted as stated above but the importation of road planings out of hours was permitted on a temporary basis for 2 years.

9. As part of this permission the applicant was required to erect an acoustic fence adjacent to part of the northern boundary of the site with Snodland Road (110 metres in length) and adjacent to the eastern boundary of the site near to Mary Last Close (100 metres in length). The location of the proposed acoustic fence is illustrated on "Development Proposals" (see page C1.3). Planning permission TM12/983 was implemented however the concrete batching plant has not been constructed to date.

Proposal

10. This planning application seeks to vary condition 14 of planning permission TM/12/983 to make permanent the out of hours importation of waste materials associated with the aggregates recycling facility. The current wording of condition 14 is as follows:

Condition 14:

With the exceptions of those circumstances set out below, all operations associated with the Aggregate Recycling Facility shall only take place between the following hours:

Monday to Friday: 08:00 hours to 18:00 hours;

Saturday: 08:00 hours to 13:00 hours; and

Sunday and Public Holiday: No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours.

Vehicles associated with the importation of waste materials arising from road projects may additionally enter or leave the site and deposit their loads outside these hours for a temporary period of two years from the date of commencement referred to in condition 1. Such "out of hours" movements shall thereafter cease.

Reason: To minimise disturbance from operations and avoidance of nuisance to the local community, to accord with the objectives of South East Plan Policy NRM10, Kent Waste Local Plan Policy W18 and Tonbridge and Malling Borough Local Development Framework Managing Development and the Environment DPD Policy SQ6 and to allow the Waste Planning Authority to review the acceptability of vehicle movements outside normal operating hours after a two year trial period.

11. It is proposed to revise it as follows:

Condition 14

All operations associated with the Aggregate Recycling Facility shall only take place between the following hours:

Monday to Friday: 08:00 hours to 18:00 hours;

Saturday: 08:00 hours to 13:00 hours; and

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Sunday and Public Holiday: No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours.

Vehicles associated with the importation of waste materials arising from road projects may enter or leave the site and deposit their loads outside of these hours.

Reason: To minimise disturbance from operations and avoidance of nuisance to the local community.

12. The temporary two year period for out of hours importation was set to allow consideration of the potential impacts and whether these activities would cause detriment to the amenity of the local area in the longer term. This two year period commenced in July 2015 and subsequently expired in July 2017. The applicant has stated in the application documents that there have been no complaints with regards to the out of hours activities associated with the importation of waste materials arising from road projects and to date no complaints regarding these vehicle movements have been received by the County Planning Authority or the Environment Agency (EA). The proposed operations would only consist of the movement of HGVs and the tipping of road planings onto an area of hardstanding within the site, no processing of the material would occur outside of the permitted operational hours and all other operational controls would remain in place.

Planning Policy Context

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

National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 3 (Supporting a prosperous rural economy), 4 (Promoting sustainable transport), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment), and 13 (Facilitating the sustainable use of minerals) are of particular relevance. The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.

National Planning Policy Guidance (NPPG) (March 2014 (as updated)) supports the NPPF including guidance on planning for air quality, climate change, environmental impact assessment, flood risk and coastal change, light pollution, minerals, natural environment, noise, transport and waste (amongst other matters). The waste section of NPPG advises that the aim should be for each Local Planning Authority to be self-

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sufficient in dealing with their own waste in the context of the ‘proximity principle’. It requires waste planning authorities to plan for sustainable management of waste including wastewater.

National Planning Policy for Waste (NPPW) (October 2014): The NPPW should be read in conjunction with amongst other matters the NPPF and Waste Management Plan for England (WMPE) 2013. It recognises the need to drive the management of waste up the ‘Waste Hierarchy’ and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country’s waste ambitions through, amongst other matters, helping to secure the recovery of waste without endangering human health and without harming the environment.

14. Development Plan Policies

Kent Minerals and Waste Local Plan 2013-30 Adopted July 2016 (KMWLP): Policies include: CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW3 (Waste Reduction), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM15 (Safeguarding Transport Infrastructure), DM16 (Information Required in Support of an Application)

Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007) – These include Policies CP1 (Sustainable Development), CP2 (Sustainable Transport), CP21 (Employment Provision) and CP25 (Mitigation of Development Impacts).

Tonbridge and Malling Borough Council Local Development Framework Development Land Allocations Development Plan Document (2008) – This includes Policy E1 (Safeguarding Land at Ham Hill for Employment Purposes).

Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment Development Plan Document (2010) – These include Policies CC2 (Waste Minimisation), SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).

Consultations

15. Tonbridge and Malling Borough Council: Objects to the application on the following grounds.

- Concerns have been raised about the amount of evidence that has been used as the basis for the overnight noise report, the Borough raise objections to the variation of condition 14 on the grounds that there is insufficient information indicating that the noise levels would not lead to overnight disturbance. Should the County be minded to recommend approval the Borough would wish that suitable conditions are imposed to restrict noise levels; that the restriction on weekend/public and bank holiday use is retained; and that the overnight operation relates solely to vehicles

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entering the site to deposit materials rather than the operation of the plant itself. It is confirmed that there have been no complaints to the Borough Planning Enforcement team.

In addition the following comments have been received from the Borough Environmental Health Officer:

- The Applicant has submitted a Technical Note that has assessed the noise from activities associated with an 'out of hours' delivery of material to the site over the night of 01-02 June 2017. Monitoring was undertaken at a point closer to the site than the reference points and inside the acoustic fencing (i.e. the monitoring point was between the fencing and the source and would represent a worst-case scenario). No information appears to have been provided about the nature of the material being delivered and whether this would be typical. I did, however, note that the noisiest element recorded was a tailgate impact.
- The results were compared to the site limit of 50dB LAmax and the monitoring demonstrated that the limit was not exceeded by activities at the site during the delivery. Although I do not believe that I have received any complaints about out-of-hours activities at the site, I would be interested to know how many times deliveries have been made out-of-hours to the site over the past 2-years and whether that represents a typical pattern.

16. **Snodland Town Council:** Raises no objection.

17. **Birling Parish Council:** Objects to the application on the following grounds.

- The commencement of vehicles access at night was not immediate due to delays in the development of the site. It is not clear how long the two year trial period imposed by KCC has left to run. Tarmac reported to the Ham Hill Liaison Committee on 20 April 2017, as written in the minutes, that they had not undertaken any noise monitoring at night due to lack of night activities. Therefore Birling Parish Council assert there is insufficient information about the implications of noise should operations be extended beyond the current conditions. There is only one report submitted to measure noise at night, dated 01/02 June 2017, to cover the period to date and the council believe that this is insufficient evidence to lift the restriction. More clarity is required about vehicle movements to assess the local impact.
- The Quarry is surrounded by residential houses that have raised numerous concerns about the smell of diesel fumes, dust from the recycling operations, pollution, odour, the noise from the tannoy, and vehicle reversing alarms at night. It is unclear whether the conditions that apply relating reversing alarms and tannoys are being met. The Ham Hill Committee, set up to improve liaison and communication about operations has been told by Tarmac they have not received any complaints from the local residents about the night operations, however, the Council is aware that residents have submitted complaints to Tonbridge and Malling Council. The fact that there has been no prior discussion with the Ham Hill Liaison Committee before this application to KCC suggests Tarmac has not taken into account the effect on the local community.

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- Birling Parish Council has no information about the amount of night vehicle movements at the Quarry, the Council would suggest that more rigorous statistical information about vehicle movements would be helpful to understand the likely impact on residents. Birling Parish Council note that the relaxation of overnight activities only relates to vehicles entering the site to deposit materials not the operation of the plant. Birling Parish Council would like to be assured that any overnight operational activities would not be given permission. Should the deposit of materials be extended the council would seek KCC to enforce the restrictions on Saturday, Sunday and Public Holidays as permanent condition.
18. **Environment Agency:** Raise no objection to the proposal as the site has been working in this capacity for the last two years with no issues. We have received no complaints regarding out of hours working. The granting of this application would not alter the on-site activities or risks associated with these activities from those described in the last two years and therefore we do not have any additional comments to make regarding this application.
19. **KCC Highways and Transportation:** Raises no objection.
20. **KCC Noise and Air Quality Consultant (Amey)** – raises no objections to the proposals, making the following comments:

Noise

The current permission TM/12/983 permitted vehicles to enter and leave the site outside of core hours for a temporary period of two years from the date of commencement subject to a L_{AMax} level not exceeding 50 dB from site operations.

The application is supported by a technical note on noise [WBM dated 05 June 2017] which details noise monitoring carried out during the evening/night time periods when waste vehicles were entering and leaving the site. The results of the monitoring show that whilst levels of 50 dB L_{AMax} and over occurred on some occasions the source was either general road traffic noise or from motorbikes. For the periods and occasions where the source was identified as from the site's HGV lorries depositing waste, noise levels ranged 40 to 48 dB L_{AMax} . The application is further supported by a comment from Tarmac's Estate department that "*During the two year trial period the site has received no complaints with regards to the out of hours activities*".

The supporting information has shown that noise from the out of hours operations is below the permitted level and therefore I have no objection to the proposed variation of condition 14. I would however recommend that noise monitoring continues on a periodic basis to ensure continued compliance is maintained.

Air Quality

The changes to permitted hours alone do not produce a significant impact on air quality or amenity because the sensitivity of the receptors or likelihood of receptors does not change. Indeed, if the same amount of material is moved under extended hours then this can actually be beneficial to air quality because the vehicle movements are spread throughout the day which reduces short term exposure. As no complaints pertaining to out of hours vehicle movements have been received under the 2-year exception to

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condition 14 there is no evidence of compromise to amenity or detrimental impacts on air quality as a result of out of hours working. Therefore, as there are no proposed changes to the methods of working, quantity of material to be imported or vehicle movements we see no reason to object or to seek to modify this application of the grounds of air quality or dust amenity impacts.

21. **KCC Public Rights of Way Officer:** No response received.

Local Member

22. The local County Member Mrs Sarah Hohler was notified of the application in August 2017.

Publicity

23. The application was publicised by the posting of a site notice at the entrance to Ham Hill Quarry, a newspaper advertisement and the individual notification of 90 properties within 250 metres of the application site.

Representations

24. At the time of writing, 1 video recorded at a property on Busbridge Road to show the level of noise experienced during the day and 8 letters of objection have been received from local residents (3 from the same resident). The main issues of concern can be summarised as follows: -

- Concern over any out of hours working at this plant;
- The so called noise abatement fence does not work;
- We have already complained to the council with regards to the heavy smell of diesel fumes created from the current works for which we have no option but to close all windows during the night;
- This application would increase the fumes and noise and will in no doubt impact heavily on the overall value of my home and have a negative effect on our family's long term health;
- Progressive and disturbing uplift in dust levels both outside and within our property;
- Objecting to anything which relates to, or encourages, or allows for increased traffic or workload in the area unless dust dispersion is contained within the Tarmac quarry area;
- The extension of operating hours at the quarry will cause issues regarding noise pollution on residential areas in Snodland;
- The lorries driving in and out, out of hours would not be so bad except that those loads will have to be tipped which is not a nice sound.
- Tarmac's noise is a churning variable noise with gearing and grinding noises as it processes the material, the sounds increase and decrease, you have peace one minute and noise the next;
- When combined with the rush of material being tipped, crashing sounds and beepers, living near this quarry is hell;
- Annoyed that Tarmac say in their covering letter that they have not received a single complaint. I have complained to the Council on several occasions in 2015 *(NB presumed to be complaints to Tunbridge & Malling Borough Council as none

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received by the County Planning Authority);

Discussion

Introduction

25. The application seeks planning permission to vary condition 14 of planning permission TM/12/983 with regards to the out of hours importation of waste materials associated with the aggregates recycling facility. The application is being reported to the Planning Applications Committee as planning objections have been raised by Tonbridge and Malling Borough Council, Birling Parish Council and a number of local residents.
26. In considering this 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 proposal needs to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations.
27. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:
 - the principle of development / sustainable development / need;
 - local amenity (including noise, air quality, odour and health);
 - highways and transportation;
 - landscape and visual impacts;
 - Public Rights of Way; and
 - other matters

Principle of development / sustainable development / need

28. The overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. It also states that planning authorities should help deliver sustainable development through driving waste management up the waste hierarchy and looking to disposal as the last option. The NPPF, Policies CSW1 and CSW2 of the Kent MWLP include a presumption in favour of sustainable development, which includes economic, environmental and social dimensions. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The NPPW accords with national planning policy and also seeks delivery of sustainable development and resource efficiency, through provision of modern waste infrastructure, associated local employment opportunities and wider climate change benefits by driving waste management up the waste hierarchy. Government policy seeks to ensure that waste management is considered alongside other spatial planning concerns, recognising the positive contribution that this can make to the development of sustainable communities, helping to secure the re-use and recovery or disposal of waste without endangering human health and without harming the environment. Policies CSW4 and CSW7 of the Kent MWLP require the development of waste management capacity to manage waste arising in Kent.

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29. The Ham Hill area is home to a number of employment uses including those at the quarry and the principle of employment use at Ham Hill has been established through Policy E1 of the Tonbridge and Malling Borough Development Council Local Development Framework Development Land Allocations Development Plan Document (2008) which safeguards land for employment purposes. That Policy identifies Ham Hill as suitable for business (Class B1), general industrial (Class B2) and warehouse/distribution (Class B8) uses, subject to no overriding impact on residential amenity by virtue of noise, dust, smell, vibration or other emissions, or by visual intrusion, or the nature and scale of traffic generation. The overriding objective of the Policy is to secure and retain a variety of employment sites within Tonbridge & Malling Borough to meet the needs of local employers and attract investment. The boundary of the Policy E1 area includes the totality of the Tarmac operation at Ham Hill and the Tesco distribution centre.
30. Government legislation indicates that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved without delay.
31. The principle of the proposed development was previously approved on a temporary basis under planning permission TM/12/983 and so has already been considered to be in accordance with the principles of sustainability; the site also allows for good accessibility to the primary route network and is on the site of a compatible industrial use.
32. Whilst the wider amenity impacts which are relevant to this application will be considered in turn below, I note that there is established policy support for this type of development at Ham Hill. I also note that there are similar employment type uses currently being undertaken in the vicinity, including two operations carried out by Tarmac (i.e. an asphalt plant and a contracting depot) and a large scale Tesco distribution warehouse. Based on the policy support and existing operations currently taking place at the site I am satisfied that there is a need to deal with the arrival of the plantings at night and the management of these waste arisings is appropriate to enable the sustainable recycling of the material. Subject to the proposed development not giving rise to significant harm, I see no reason to object to the proposals on the basis of need.

Local amenity (including noise, air quality, odour and health)

33. Members will note that noise and air quality are key issues raised by the local community.
34. Firstly, to put this proposal into context, regard must be had to the existing operations which take place at Ham Hill. Temporary planning permission was granted for an asphalt plant at the site in 1985 (reference TM/85/9) which required the plant to be removed once the adjoining sand quarry reserves were fully extracted. In 2001, permission was granted (reference TM/01/1862) for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays. The 2001 permission permitted the asphalt plant to be operational between 05:00 and 18:00 hours Monday to Fridays and 05:00 and 13:00 on Saturdays. Controls on that permission also stipulated that noise from site operations shall not exceed 50 dB LA_{eq}

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(free field) between the hours of 05:00 and 07:00 on weekdays and Saturdays, and 55 dB LA_{eq} (free field) between the hours of 07:00 and 18:00 on weekdays and 05:00 and 13:00 on Saturdays.

35. Following two periods during which planning permission was granted on a temporary basis for out of hours working of the asphalt plant, a permanent permission was granted in 2008 (reference TM/08/1451). This permission allows the asphalt plant to operate between the following hours: Monday to Friday 05:00 to 18:00 hours; Saturday 05:00 to 13:00 hours; and Sunday 08:00 to 18:00 (for essential maintenance only, unless in connection with additional working hours periods). This planning permission however, enables the plant to operate (and lorries to leave the site) outside these working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 00:00 hours and 04:00 hours (with the exception of the loading and movement of lorries on site). No more than five of these 60 occasions are permitted to be used consecutively. No lorries are permitted to leave the site before 06:00 hours Monday to Saturday unless in connection with additional working hours periods. So in simple terms the asphalt plant operates throughout the day and on a limited number of occasions until midnight and after 4am.
36. The current planning permission limits by condition the noise levels from operations both during the day and at night. The permission also required the erection of an acoustic fence which has been installed.
37. Furthermore, whilst the Borough Council is responsible for the planning permission for Tarmac's national contracting depot and the Tesco distribution warehouse, I understand that the planning permissions for both facilities do not include specific controls limiting the hours of working or place any noise limits on site operations.
38. This application would allow for the importation of road plantings during night-time periods, on a permanent basis, to provide for the key times when road projects are undertaken. During night-time periods HGVs would enter the site and tip within a defined working area of the site yard and HGVs would use non-tonal reversing alarms, there would be no audible tannoy personal address system used in connection with the development during "evening and night-time hours.. No processing of the material would occur other than during day-time periods. At present night-time noise on the site (associated with the asphalt plant) is limited by condition not to exceed 50 dB (LA_{eq}) (free field) measures at the boundary of the nearest residential property at Edgeler Court between the hours of 05:00 and 07:00 on weekdays and Saturdays.
39. KCC's Noise Consultant has acknowledged that the application is supported by a technical note on noise [WBM dated 05 June 2017] which details noise monitoring carried out during the evening/night time periods when waste vehicles were entering and leaving the site. The results of the monitoring show that whilst levels of 50 dB L_{Amax} and over occurred on some occasions the source was not related to the applicant's activities and was either general road traffic noise or from motorbikes. For the periods and occasions where the source was attributable to HGV lorries depositing waste, noise levels ranged 40 to 48 dB L_{Amax}, significantly below the permitted noise levels. My Noise Consultant has stated that the supporting information has shown that noise from the out of hours operations is below the permitted level and therefore he has no objection to the proposed variation of condition 14. Given the existing noise environment set out above and the potential for other facilities to operate at night it would be unreasonable to

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impose further restriction here. However, it is further recommended that noise monitoring continues on a periodic basis to ensure continued compliance is maintained.

40. In summary, taking account of the technical advice received from KCC's Noise Consultant, I am satisfied that the proposals are acceptable in noise terms and comply with relevant development plan and other planning policies. However, I would suggest the continued imposition of conditions to cover day-time (55 dB LA_{eq,1hr}) and night-time (50 dB LA_{max}) noise limits, the use of non-tonal reversing alarms for all HGVs operating at the site during night-time periods, and no audible tannoy during night-time periods, and a scheme for on-going noise monitoring.
41. Concerns have also been raised by Birling Parish Council and others about air quality (including dust and odour) and related potential adverse health effects.
42. In respect of the general concerns about the impacts from dust, I note that the applicant would have to continue to comply with dust mitigation measures covering vehicle movements, the processing of material and use of the access road that are imposed on planning permission TM/12/983. Measures to control dust associated with vehicle movements include the use of water as required, speed limits on all vehicle routes and lorries to be sheeted as appropriate. Dust mitigation in respect of the processing of material is controlled via the use of water sprays and the use of integrated dust suppression within the recycling plant and these would continue. A road sweeper is used on the site access road when required and the approaches of the access road would be regularly maintained.
43. KCC's Air Quality Consultant was satisfied that the proposed dust mitigation measures were sufficient for the operation when the main application (TM/12/983) was originally considered and considers that the proposed changes to permitted hours alone do not produce a significant impact on air quality or amenity. Moreover if the same amount of material is moved over extended hours that this can be beneficial to air quality because the vehicle movements are spread throughout the day which reduces short term exposure. Given there are no proposed changes to the methods of working, quantity of material to be imported or vehicle movements KCC's Air Quality Consultant raises no objection.
44. With regard to odour, the out of hours importation of waste materials arising from road projects would result in negligible levels of odour being omitted, given the only operations would be the tipping of road planings only, a material which in itself, has very little odour.
45. It should be further noted that the proposed operations would continue to be subject to an Environmental Permit, controlled by the EA, which address dust and odour control in more detail.
46. Notwithstanding the air quality concerns expressed by the local community and Birling Parish Council, based on the technical advice received from KCC's Air Quality Consultant I am satisfied that the development is acceptable in terms of air quality and complies with relevant development plan and other planning policies subject to the continued imposition of the conditions referred to above.

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Highways and transportation

47. The NPPW requires local authorities to consider the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, seeking when practicable and beneficial to use modes other than road transport.
48. Policies DM13 and DM15 of the Kent MWLP require waste management proposals to be acceptable in terms of highway safety and capacity and require the level and environmental impact of vehicular traffic be taken into account when considering the location of development. Policies CSW6 and DM13 of the Kent MWLP require waste development to minimise road transport as far as possible. Where there are no practicable alternatives to road transport, the above policies, require development to be well located in relation to Kent's Key Arterial Routes, with safe and appropriate access, ensuring that traffic generated is not detrimental to highway safety nor has an unacceptable impact on highway capacity, the environment or local communities. The principle of the recycling activity is well established and the highway network has been deemed acceptable for the associated traffic.
49. This proposal seeks permanent permission for HGV movements importing road planings at night time. The nature of the operation means that the amount of road planings imported to the site is entirely dependent on the highways maintenance works taking place in the local vicinity and therefore it is not possible to be precise as to the number of vehicle movements. The applicant has stated that during the two year temporary period there have been 4 'planings sessions' (periods where highway maintenance projects have necessitated the delivery of road planings). These 'sessions' have typically lasted 3-4 weeks at a time and whilst the amount of road planings received has been variable, it has generated on average approximately 24 loads per night. I acknowledge that over the course of a 2 year period 4 'planings sessions' is not a significant number, however, an average of 24 loads per night over a total period of around 4 months, is a significant number of HGV movements and coupled with the fact that none of the Regulators have records of any complaints regarding these activities it is reasonable to accept that this activity has not had a detrimental impact on residential amenity.
50. All out of hours HGV vehicle movements would enter the site via Hays Road from the A288 from either the M2 or M20 directions, no vehicles would pass through the surrounding residential road network and as such the impact on residential amenity from the vehicle movements would be negligible. KCC Highways and Transportation have raised no objection to the proposal.
51. In terms of the overall HGV movements, regard should also be had to the existing planning permissions for operations in the locality. Specifically it is noted that the planning permissions covering the Tesco or other Tarmac operations in the vicinity do not impose HGV movement restrictions, however, given the potential, albeit on a low level, for this application to generate a noise impact on residential amenity, I recommend the imposition of a limit of 35 HGV loads per night in association with the out-of-hours importation of road planings. The overall throughputs of waste being imported to the site would not alter and the application has stated that current operations for the site are within the throughput limit of 100,000 tonnes per annum.

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52. The applicant has further stated that by importing waste material to this site that they are able to reduce the overall road miles carried out by the hauliers which will lead to reduced emissions and reduced impact on the road network. Generally the road planings are received between 22:00 – 02:00 hours; therefore, there is minimal concern with the cumulative impacts on traffic levels on the road network as during this time of the day the level of traffic is very low.
53. In summary, having considered the highway implications of the proposed development, taking into consideration the representations received, together with the advice received from KCC Highways and Transportation, I am satisfied that the proposals are acceptable in highway terms. The proposed development would comply with relevant development plan and other planning policies subject to the continued imposition of condition(s) limiting the throughput of the aggregate recycling facility and a limit of 35 out-of-hours HGV loads per night.

Landscape and visual impacts

54. The main impact in terms of visual and landscape impact is from lighting associated with the operations. Elements of the existing site are already lit, for example around the asphalt plant, which operates during dark periods. Whilst no details have been provided to date, should the applicant require additional site lighting to allow for the continued out of hours delivery of road planings during night-time periods then a further submission would be required pursuant to condition 4 of TM/12/983. This ensures that any site lighting would be controlled to the minimum required to allow safe operation of the site, whilst ensuring no light spill impacts would occur outside of the site itself. Subject to this, the proposed development would comply with relevant development plan and other planning policies relating to landscape and visual impact.

Public Rights of Way

55. Public Right of Way (Footpath) MR75A runs through part of the restored quarry site leading from Hollow Lane past the Tarmac Depot, asphalt plant, vehicular site entrance and south-west on to Sandy Lane. The Right of Way would not be affected any further than was assessed at the time of the main application which attracted no objections from the KCC Public Rights of Way Officer; I therefore have no reason to conclude that the situation would be any different as a result of this application.

Other matters

56. Following planning permission for TM/12/983 being granted, the Ham Hill Liaison Committee was set up as a forum for interested parties to meet on a regular basis to raise concerns relating to the Ham Hill area. Interested parties include, but are not limited to, KCC, Tonbridge & Malling Borough Council, the Parish Councils, Tarmac and Tesco. The minutes for these meetings have highlighted that complaints have been made by local residents regarding noise and odour. In the most part these complaints have been answered by the relevant operators, however, it should be noted that no complaints have been received in relation to the out-of-hours importation of waste materials (and this has been confirmed by the Borough Council Environmental Health Officer and the Environment Agency) all complaints have related to daytime operations, so are not considered relevant to the current application.

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Conclusion

57. The application seeks to vary condition 14 of planning permission TM/12/983 to make permanent the out of hours importation of waste materials (from road projects) associated with the aggregate recycling facility. All of the other existing conditions on the planning permission would remain the same. There is strong policy support at national and local levels for ensuring the delivery of sustainable waste management and these out-of-hours movements enhance the ability for the applicant to remove the road planings directly from their source swiftly, reducing the road miles travelled in line with the policy principles of sustainability.
58. I acknowledge that there have been no objections received from technical consultees and a site noise monitoring report has been submitted, which does not highlight a noise concern. There have also been no complaints from local residents with regards the out-of-hours movements over the two year temporary period and therefore the proposal is, in my opinion, consistent with the principles of sustainable development as set out in the NPPF and should be supported. The applicant has demonstrated that the out-of-hours operations over the two year temporary period have not caused a detrimental impact on residential amenity in terms of noise, air quality or highways and therefore I am of the opinion that a permanent permission is now appropriate.
59. In conclusion, I am of the opinion that, subject to the re-imposition of all other conditions imposed on TM/12/983, a limit of 35 HGV loads per night in association with the out-of-hours importation of road planings and a scheme of regular noise monitoring, the proposed variation to condition 14 would represent sustainable development and would not give rise to any material harm and would accord with relevant Government and Development Plan Policies. I am satisfied that there are no other material considerations that indicate the decision should be made otherwise and therefore recommend that the proposed variation to condition 14 of permission TM/12/983 be granted.

Recommendation

60. I RECOMMEND that PLANNING PERMISSION BE GRANTED,

- i. To vary condition (14) of planning permission TM/12/983 to read:

All operations associated with the Aggregate Recycling Facility shall only take place between the following hours:

Monday to Friday: 08:00 hours to 18:00 hours;

Saturday: 08:00 hours to 13:00 hours; and

Sunday and Public Holiday: No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours.

Vehicles associated with the importation of waste materials arising from road projects may enter or leave the site and deposit their loads outside of these hours.

Reason: To minimise disturbance from operations and avoidance of nuisance to the local community.

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With additional restrictions as follows:

- Subject to a limit of 35 HGV loads per night in association with the out-of-hours importation of road planings; and
 - Noise monitoring to be carried out every three months to demonstrate compliance with the noise limits in place and details to be submitted in writing to the County Planning Authority.
- ii. I further recommend that all other conditions imposed on planning permission TM/12/983 be repeated with the same wording except conditions (2) & (17) which have been discharged following the submission of details of a noise attenuation barrier and a noise monitoring scheme.

Case officer – Adam Tomaszewski 03000 411029
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Operation of an aggregate recycling facility for a temporary period of five years within the existing processing plant area at Wrotham Quarry, Trottiscliffe Road, Addington – TM/17/2090 (KCC/TM/0195/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 November 2017

Application by Ferns Group for the operation of an aggregate recycling facility for a temporary period of five years within the existing processing plant area at Wrotham Quarry, Trottiscliffe Road, Addington, West Malling, Kent, ME19 5DL – TM/17/2090 (KCC/TM/0195/2017)

Recommendation: Permission be refused

Local Member: Mrs S. Hohler

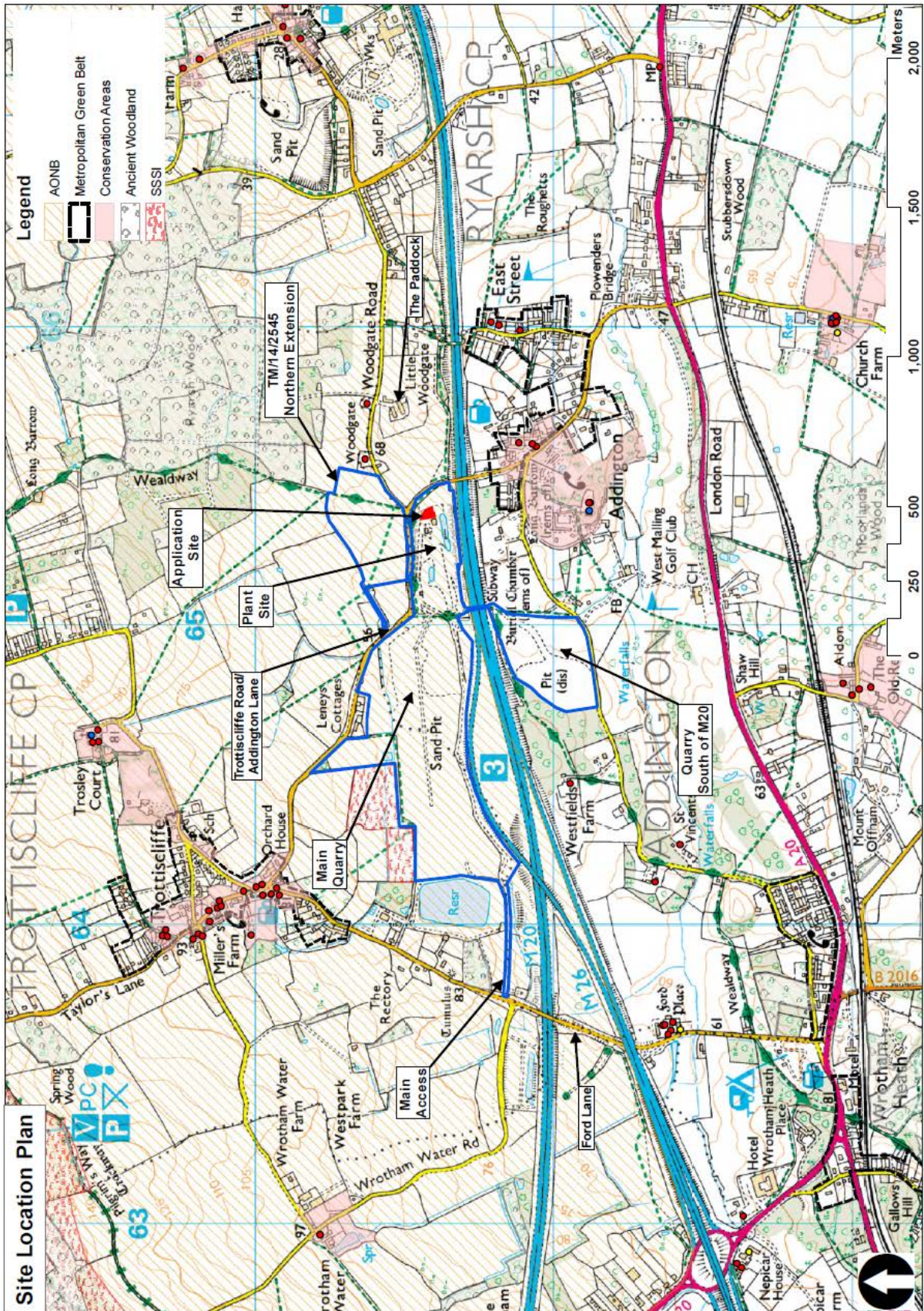
Classification: Unrestricted

Site

1. Wrotham Quarry (also known as Addington Sand Pit) is located between the settlements of Addington and Trottiscliffe approximately half way between Maidstone and Sevenoaks and close to the M20 / M26 junction. The main part of the quarry, processing plant and associated facilities lie immediately to the north of the M20, with a largely worked extension to the north-west and a further unimplemented extension to the north-east. A small part of the quarry complex lies to the south of the M20 and is accessed via a tunnel under the motorway. HGV access to the quarry is from the A20 via Ford Lane and a purpose built 1.3 kilometre long access road, which runs parallel to the motorway. Access to the plant site is also available for cars and light vehicles from Addington Lane / Trottiscliffe Road. The 0.12 hectare (ha) application site lies at the eastern end of the plant site area to the south and west of Addington Lane. The area has previously been used to store processed and raw materials, including those associated with the former mortar plant that has since been removed.
2. The application site lies entirely within the void of the permitted quarry complex, between 10 and 15m below the surrounding ground level. It is bounded to the north and east by a steep quarry face and landscaped boundary, beyond which Addington Lane / Trottiscliffe Road and a Public Right of Way (Footpath MR168) pass around the site. To the west of the application site is the sand processing plant and an internal access road leading into the quarry and to the south are silt lagoons and open storage areas beyond which is the southern quarry face and landscaped boundary with M20 motorway.
3. The nearest residential properties to the application site are located off Woodgate Road to the east, the closest of which are Peathams (about 200m to the northeast), Woodgate Farmhouse (approximately 250m to the northeast) and properties at The Paddock (about 310m to the east). Further properties are located approximately 250m to the south on the far side of the M20. There are also a number of properties on Ford Lane between the A20 and the main site access.
4. The application site and the existing quarry (including plant site and access road) to the north of the M20/M26 are in the North Downs Area of Outstanding Natural Beauty (AONB) and in the Green Belt.

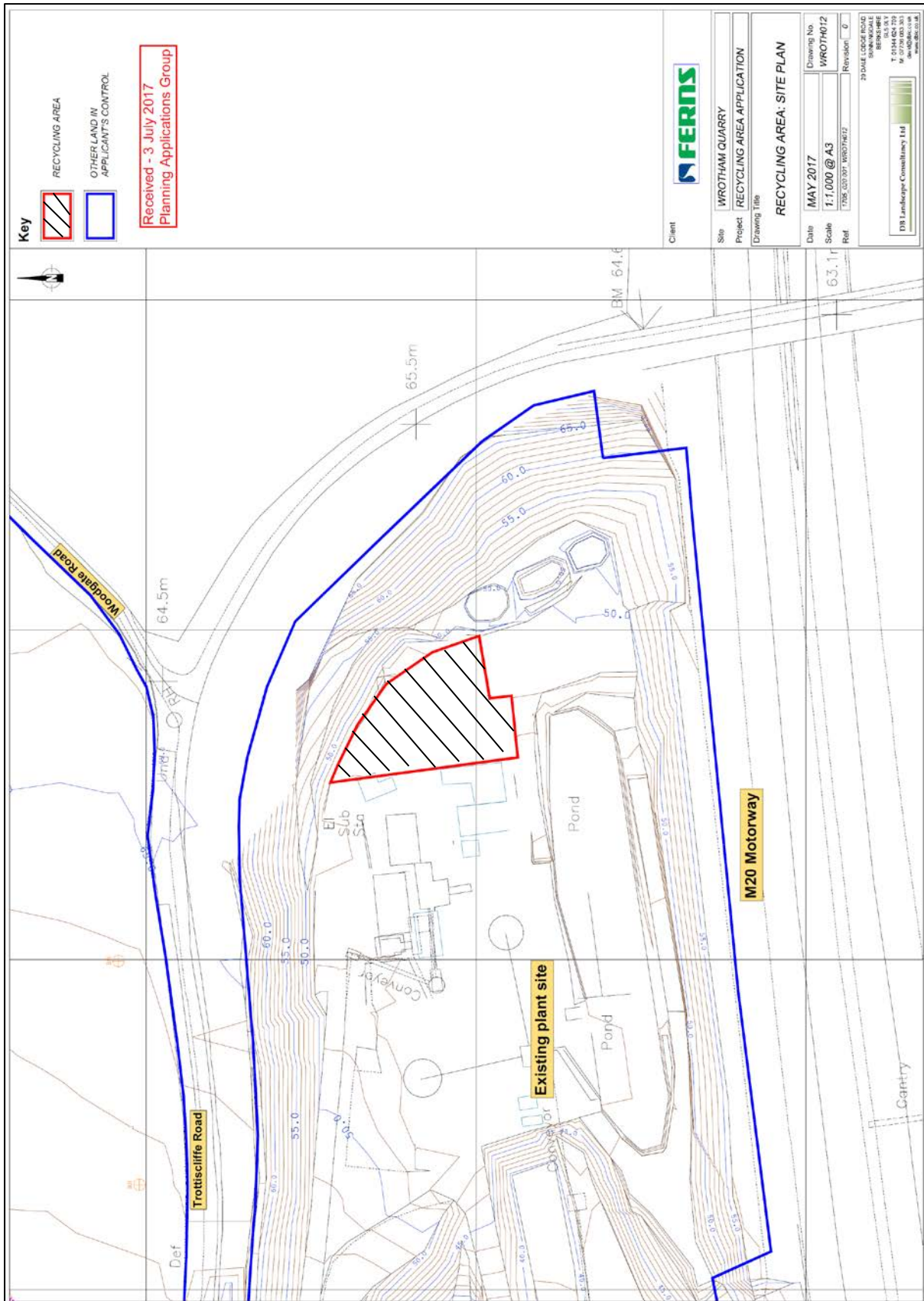
Operation of an aggregate recycling facility for a temporary period of five years at Wrotham Quarry, Trottiscliffe Road, Addington – TM/17/2090 (KCC/TM/0195/2017)

General Location Plan



Operation of an aggregate recycling facility for a temporary period of five years at Wrotham Quarry, Trottiscliffe Road, Addington – TM/17/2090 (KCC/TM/0195/2017)

Site Location Plan



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5. The quarry is not subject to any statutory or non-statutory wildlife designations, although the Trottiscliffe Meadows Site of Special Scientific Interest (SSSI) lies 830m to the west and Ryarsh Wood Local Wildlife Site (also part Ancient Woodland) lies 400m to the north-east.
6. The application site and the surrounding quarry lie within a Groundwater Source Protection Zone (SPZ) 3 associated with the public water abstraction. The Addington Conservation Area lies approximately 250m to the south and there are a number of listed buildings within 1km, the closest of which are Woodgate Farmhouse (250m northeast) and Woodgate Cottage (390m northeast).
7. The quarry complex, including the application site, lies within an area identified in Kent Minerals and Waste Local Plan (2016) associated with potential silica sand and construction sand extraction. Policy DM7 safeguards this mineral resource from non-mineral development that is incompatible. With the exception of the Green Belt and AONB Policy designations indicated above, the existing quarry is not identified for any specific purpose or other designation in the Tonbridge and Malling Local Plan.

Background / Recent Site History

8. There is a long history of mineral extraction at Wrotham Quarry and in the area more generally. The earliest planning permission at Wrotham Quarry was that granted for the continuation of mineral (sand) extraction in 1948. A series of permissions for further extraction and related activities have since been granted. The Wrotham Quarry complex covers an area of 43 ha with open sand pits either side of the M20. Permission relating to land north of the M20 was granted in June 2009 for an extension to the quarry (TM/07/2545). Other permissions of relevance include TM/74/1367 (plant and equipment, buildings, washing pools and access) and TM/87/1050 for a separate mortar plant close to the application site. The mortar plant has since ceased operation and been removed from the quarry.
9. It is worth noting that a planning application to allow the importation of inert waste for restoration of the area to the south of the M20 (reference TM/95/369) was refused in March 2001 (although KCC had initially resolved to grant permission subject to a legal agreement in October 1995). The application was refused on the grounds that: the development would have an unacceptable impact within the Metropolitan Green Belt and Special Landscape Area; that it would potentially delay the agreed restoration of the site; that it would have a detrimental impact on the amenity and safety of users of Public Footpath MR168; that there was no proven overriding need for further inert waste disposal facilities; and it had the potential to delay the restoration of more suitable mineral workings by diverting suitable fill material.
10. All of the planning permissions at Wrotham Quarry (north and south of the M20) involve extracting sand from above the water table and (with the exception of the most recent permission TM/14/4075) require the land to be restored to a lower level for agricultural, woodland and nature conservation after-uses using reject sand, overburden and soils from the quarry site itself. Building sand is extracted from an upper sand layer, which varies in thickness in different parts of the quarry. This is coarse to medium grained, well sorted and orange coloured. The building sand is used in a variety of construction uses such as mortar, asphalt, screeds and plaster whose physical and chemical requirements are less stringent. Silica sand is extracted

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from the sand layers below. These vary in depth but are in total thicker than the building sand layer at Wrotham. Silica sands are valued for their combination of physical and chemical properties, including a high silica content (>99.9% at Wrotham Quarry) and a consistently narrow grain size. Silica sand at Wrotham Quarry is washed and graded and most (80%) is then dried for sale. The rest is sold moist. Silica sands are essential materials for a number of industrial applications including glassmaking, foundry castings and various heat resistant products, as well as horticultural, leisure and equestrian products.

11. To the north of the M20 sand is extracted year-round in a series of benches using mechanical excavator or loading shovel and transported to the plant site by conveyor located along the base of the excavation and partially restored site. This operation is largely complete. The depth of extraction is limited to 35m AOD and a “Code of Operating Practice” designed to prevent pollution and protect the Groundwater Source Protection Zone is in place.
12. Planning permission (TM/14/4075) was granted in September 2015 for a north eastern extension to the existing quarry to extract silica sand, construction sand and to infill the void with inert waste on land to the north of Addington Lane. This permission allows for the extraction of 1.0 million tonnes (Mt) of silica sand and 0.5Mt of building sand from the extension area over a 10-year period. Following which the site would be restored to original levels by backfilling with approximately 1.0 million cubic metres (Mm³) of inert waste over a subsequent 10-year period. Whilst most of the details required by various conditions have subsequently been approved, the planning permission has yet to be implemented due to the need to agree final details on the access tunnel permitted under Addington Lane and associated traffic management arrangements.
13. All plant, equipment, buildings and related structures in the plant site area must be removed once no longer required for the processing of sand from the northern extension area (TM/14/4075)
14. KCC is also currently considering applications for: the temporary retention of two shipping containers on site (reference TM/17/2039) to be used in connection with the implementation of permission (TM/14/4075); a variation of permission TM/07/2545 to allow for the completion of extraction and restoration work not later than 21 July 2022 (reference TM/17/2091); and a variation to permission TM/10/1481 to extend the end date for extraction until 17 May 2027 for the quarry area south of the motorway, increase the annual amount of extraction, extend the extraction period and amend the working and restoration schemes (reference TM/17/1336). The above applications are not directly linked to the proposed aggregate recycling facility. None of the proposed changes would alter the total maximum number of HGV movements allowed at the quarry, which would remain no more than a daily average of 112 HGV movements (56in / 56out) in any one week.
15. The site has been the subject of complaints in the past, particularly regarding noise and dust generated by the existing quarry operations and HGVs occasionally attempting to access the site from Trottiscliffe Road / Addington Lane (instead of the agreed route from Ford Lane). Following complaints received from a local resident it was recently established that the applicant had previously implemented the aggregate recycling operations proposed in this application. Following further investigation the

Operation of an aggregate recycling facility for a temporary period of five years at Wrotham Quarry, Trottiscliffe Road, Addington – TM/17/2090 (KCC/TM/0195/2017)

applicant was asked by KCC to cease this unauthorised development in February this year and duly obliged, removing all waste materials brought onto the application site. No further waste operations have taken place since KCC's request.

16. It was established that the applicant already benefits from an Environmental Permit (Reference EB3001GZ/V002) issued by the Environment Agency in August 2016 for the development proposed below, i.e. treatment of construction and demolition waste and waste soils. On the strength of the Permit and the existing mineral permissions the applicant had wrongly assumed that no further planning permissions were necessary. The Environmental Permit allows up to a maximum of 75,000 tonnes of waste to be received, stored, treated, recycled or reclaimed each year. It includes controls relating to operating techniques, emission of substances, noise and vibration.

Proposal

17. The application, made on behalf of the Ferns Group, proposes the establishment of an aggregate waste recycling facility within the base of the quarry for a temporary period of 5 years. The proposed location is directly adjacent to the existing sand processing plant and equipment. The proposed development would allow the importation and treatment of up to 25,000 tonnes of construction and demolition waste per year to produce secondary aggregates and construction products. The applicant states that the proposed operation would not require the maximum throughput of 75,000 tonnes per annum (tpa) that is allowed under the provisions of the Environmental Permit.
18. Recycling / treatment would be undertaken with a small mobile screening plant, an excavator and loading shovel (the excavator and shovel are already based on site as part of the quarrying operations and would be a shared resource). HGVs carrying approximately 15 tonne loads would bring material to site tipping this adjacent to the screening plant. The application states that an average of 24 HGV movements per day (12 In / 12 Out) would be required to move the above material into and out of the quarry and that this could be accommodated with no increase in the overall limit imposed on the entire quarry complex. HGVs entering and exiting the application site would use the approved route via Ford Lane and the A25.
19. The excavator would load the waste into the mobile screen and the loading shovel would move the screened material into separate stockpiles and load outgoing HGVs when the recycled aggregates are dispatched. The screening plant would only be used periodically (on a campaign basis) when there is sufficient waste material stockpiled on site. The applicant states that non-industrial grade (soft) sand from the quarry would be added to the recycled aggregates to produce a range of granular sub-base products. Any materials that are not suitable for use as a recycled aggregate would be retained in individual skips for removal to a suitable waste treatment site.
20. The recycling facilities would operate between 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays. The same working hours are permitted for the quarry plant site under permission TM/14/4075 once the northern extension is implemented.
21. The Ferns Group's wider business interests involve highway surface and reinstatement works throughout south-east and it operates a network of depots (including sites at Stratford, Wembley, Brentwood and Colchester). The applicant

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states that recycling of excavation arisings from this highway work is an important part of its operations and diverts waste materials that would otherwise go to landfill. It also states that the proposed development at Wrotham Quarry would add to this network, allowing waste generated locally to be managed on site avoiding the need to transport materials further afield. The temporary period of five years is proposed while the company develops other depots to add to its network.

Planning Policy

22. The Government Guidance and Development Plan Policies summarised below are relevant to the consideration of this application:
23. **National Planning Policy and Guidance** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012) the associated Planning Practice Guidance (PPG) and National Planning Policy for Waste (NPPW). National Planning Policy and Guidance are material planning considerations.
24. **Kent Minerals and Waste Local Plan 2013-2030 (2016) (Kent MWLP):** Policies CSM1 (Sustainable Development), CSM2 (Supply of Land-won Minerals), CSM5 (Land-won Mineral Safeguarding), CSM8 (Secondary & Recycled Aggregate), CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), DM1 (Sustainable design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM4 (Green Belt), DM6 (Historic Environment Assessment), DM7 (Safeguarding Mineral Resources), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transport of Minerals and Waste), DM14 (Public Rights of Way) DM17 (Planning Obligations), DM18 (Land Stability), DM19 (Restoration, Aftercare and After-use) and DM20 (Ancillary Development).
25. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007) (T&M CS):** Policies CP1 (Sustainable Development), CP2 (Sustainable Transport), CP3 (Metropolitan Green Belt), CP6 (Separate Identity of Settlements), CP7 (Areas of Outstanding Natural Beauty), CP14 (Development in the Countryside) and CP24 (Achieving a High Quality Environment).
26. **Tonbridge and Malling Borough Council Local Development Framework: Managing Development and the Environment Development Plan Document (2010) (MDE DPD):** Policies CC2 (Waste Minimisation), CC3 (Sustainable Drainage), NE2 (Habitat Networks), NE3 (Impact of Development on Biodiversity), NE4 (Trees, hedgerows and woodland), SQ1 (Landscape and Townscape Protection and Enhancement), SQ4 (Air Quality) and SQ8 (Road Safety).
27. **Kent Downs AONB Management Plan 2014 – 2019 (Second Revision April 2014) (Kent Downs MP)** Policies: MPP2 (Importance of Management of the Kent Downs AONB), SD1, SD2, SD3 and SD8 (Protection, Conservation and Enhancement - Sustainable Development), LLC1 (Landform and Landscape Character), BD1, BD2 and BD5 (Biodiversity), HCH1 (Historic and cultural heritage) and GNR2 and GNR5 (Geology and natural resources).

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Consultations

28. **Tonbridge & Malling Borough Council: no objection.** The Borough Council request that Kent County Council take note of and address concerns raised by residents regarding noise and dust emissions and alleged movement of vehicles contrary to planning conditions in force. The comments note that the Environmental Permit for existing plant on site, referenced within the application, is issued and monitored by the Environment Agency and not the Borough Council's Environmental Health Department.
29. **Addington Parish Council:** no comments received.
30. **Trottiscliffe Parish Council:** no comments received.
31. **Wrotham Parish Council:** no comments received.
32. **Environment Agency: no objection** to the application. The EA state that the environmental permit for the quarry would allow the treatment of construction and demolition waste and would cover the emissions to air, land and water for the proposed activities.

The EA note that the WRAP Quality Protocol for the production of Aggregates controls the waste types permitted to produce recycled aggregates (i.e. inert granular materials), which does not include clays and soils.

The EA state that the operator must therefore ensure that it can comply with the Quality Protocol for the production of aggregates or obtain a suitable authorisation for any waste material produced on site for re-use elsewhere. All waste import and removal must comply with Duty of Care.

33. **Natural England: no objection.** Based on the plans submitted, Natural England considers that the proposal would not have significant adverse impacts on designated sites; however it draws attention to the protection afforded the Kent Downs AONB. Natural England recommends contacting the Kent Downs AONB Group in connection with this application.
34. **CPRE Protect Kent:** no comments received.
35. **Kent Downs AONB Unit: objects** to the application on the following grounds:

“Taking into account the nature of the proposed works, the surrounding rural environs and the industrial nature of the proposed activity, the AONB Unit considers the proposed operation to constitute major development. As such the application needs to be assessed against paragraph 116 as well as paragraph 115 of the NPPF. The AONB Unit does not consider that the tests set out in paragraph 116 of the NPPF have been met in the application submission, as exceptional circumstances do not apply and nor is the proposal demonstrated to be in the public interest. Of particular relevance is the fact there is no requirement for the proposed facility to be located within the AONB, with the waste material being brought into the site and end product subsequently taken away. Furthermore, it is also considered that the proposal would be conflict with Policy DM2 of the Kent Minerals and Waste Local Plan”.

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36. **South East Water:** no comments received.
37. **Kent County Council Flood and Water Management: no objection.** Recommends that practicable pollution prevention measures are implemented to ensure the development has minimal potential to impact the water environment.
38. **Kent County Council Highways and Transportation: no objection,** subject to retention of the established highway controls imposed on the site, including the overall limit on the number of HGV movements and the agreed routing via Ford Lane.

Local Member

39. The local County Member for Malling North, Mrs S. Hohler was notified of the application on 18 July 2017.

Publicity

40. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 11 nearby properties.

Representations

41. In response to the publicity, 4 letters of representation objecting to the application have been received from nearby residents; principally from properties to the east of the proposed site. The key points raised can be summarised as follows:

Policy considerations

- Objects to the principle of the development within the Kent Downs AONB and the Green Belt. Draws attention to the obligation to afford these designations the highest level of protection.
- Notes that the waste processing capacity anticipated for Kent in the coming years can be met by the existing permitted operations within the County without the need to develop new sites within sensitive locations like the Green Belt / AONB.
- Considers that there are more suitable locations for waste development outside the AONB and Green Belt.
- Asks how sustainable it is to blend high grade sands with low grade construction fill, particularly when the whole premise of the recent permission for an extension to the quarry within AONB and Green Belt was based on the high value and scarcity of the sand reserves. Asks if the sand is a scarce resource why devalue it by blending with recycled aggregate?
- Notes that the site is safeguarded in the Kent Minerals and Waste Local Plan due to the mineral reserves. Therefore asks whether KCC should consider an alternate use on a safeguarded mineral site.

Local Amenity considerations

- Considers the proposed use unacceptable in an idyllic location.
- Considers that the cumulative impact of the quarry, especially when considered in the context of the recent major extension permitted to the north of Addington Lane

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and Woodgate Road, would have an unacceptable cumulative impact on the local environment and residential amenities.

- Objects to noise generated by plant on site, considers that the proposed development would have a significant impact on the acoustic environment. Asks what mitigating measures would be put in place?
- Raises concerns about the reversing alarms used by equipment on site.
- Considers that KCC should impose noise controls on the site.
- Considers that the existing dust suppression measures are not effective and that a dust survey should be undertaken before planning permission is granted. Notes that if the product has such high silica content then surely dust suppression is of paramount importance to the health of the residents and the community.

Environmental considerations

- Raises concern that the waste material brought on site would be used to infill the quarry void.
- Raises concern that the waste material imported to site could impact on ground water resources.

Highways considerations

- Raises concerns that about recent breaches in planning control with HGVs using the Addington Lane access not the agreed route from the A20 via Ford Lane.
- Raises concerns that the proposed development would significantly increase the number of HGV movements associated with the quarry.

Other considerations

- Considers that the temporary period of 5 years is only the start and further permissions would be sought to lengthen the time allowed and expand the proposed waste operations within the quarry area.
- Considers that there are adequate sites in the local area to help maintain and improve the local/ rural economy without the need to expand operations allowed at Wrotham Quarry.
- Raises concern that the applicant already operates the site from 0600 in breach of the agreed working hours.
- Asks whether further landscape planting should be required to reinforce the existing planting?

Non Material considerations

- Considers that the proposed operations would have a negative impact when residents come to sell their houses.

Discussion

42. This application is being reported to the Planning Applications Committee as a result of officer concerns about the development departing from the Development Plan in terms of AONB and Green Belt policy. The application has also attracted four letters of objection from nearby residential properties raising similar concerns about the principle of the development and also about potential amenity and other impacts.
43. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless

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material considerations indicate otherwise. The proposals therefore need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations including those arising from consultation and publicity.

44. The key determining considerations in this particular case can be addressed under the following headings:
- Location (including AONB and Green Belt);
 - Local amenity (including noise and dust); and
 - Highway considerations.

Location (Including AONB and Green Belt)

AONB

45. The NPPF requires planning authorities to give great weight to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which are to be afforded the highest status of protection. The Framework emphasises that conservation of wildlife and cultural heritage are important considerations in all these areas.
46. Government Policy states that “Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.
47. Policy DM2 of the Kent MWLP and CP7 of the T&M CS reflect the requirements set out within the National Policy in that they seek to avoid development that would be detrimental to the natural beauty and quiet enjoyment of AONBs. This includes guiding major development away from the AONB, unless it can be demonstrated that the proposal is in the public interest, there are no other locations or ways of delivering the development outside the AONB and/or it is essential to meet local social or economic needs. For minor development the policies require great weight to be given to conserving the AONBs landscape and scenic beauty. Policies MMP2, SD1 and SD3 of The Kent Downs AONB MP require individual authorities to give the highest level of protection to conserving and enhancing the natural beauty of the AONB in making development control decisions. These policies require new development or changes of land use that disregard or run counter to the primary purpose of the AONB to be opposed.
48. In terms of assessing this development in the context of AONB it is first necessary to establish whether the development should be considered major or minor development in the context of the AONB policy. There is no definition set out in the NPPF for this purpose. The NPPG states that the question of whether a proposed development in an AONB should be treated as a major development will be a matter for the relevant

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decision taker, taking into account the proposal and the local context. The applicant argues that the proposals should not be considered major development because of the limited amount of recycling proposed (25,000 tonnes per annum), the temporary nature of the use (5 years) and as it would not result in unacceptable adverse impacts on the integrity, character, appearance, biodiversity or geological interests of the AONB.

49. Under the standard definition set out in the Town and County Planning (Development Management Procedure) Order all waste development would be considered major irrespective of its scale. However, it can be argued that this definition does not necessarily apply in this instance and it is necessary to consider the precise nature of the activity in the context of the rural setting and wider landscape. Waste recycling operations of the type proposed are normally considered major development by the County Planning Authority irrespective of their location due to the scope and nature of the operations involved and the potential for the use to conflict with other existing land uses. Rural locations in particular are normally less acceptable unless: they are within an established industrial estate; are ancillary to another development that justifies the location; the nature of the proposed activity requires a remote location; or there is clear need for the development to serve an established local need. In this instance the proposed operations is not considered ancillary to the established minerals use as there is not a need for waste or recycled materials to be imported to site at this time. Any sand needed to blend with the recycled aggregate could just as easily be transported off site to a less sensitive location, as the waste brought in. The type of development proposed does not necessarily require a remote location and would normally be steered towards an industrial estate or an existing waste development. Whilst the location within the base of the quarry and the temporary nature of the proposed activity would help to limit the potential impacts on the surrounding landscape, local amenity and the environment, the use of the land would still involve the importation of material by HGV and the use of heavy plant and equipment. This type of activity in a sensitive rural location would be a fairly significant change to the accepted land uses that would require exceptional circumstances. Taking account the nature of the use and the local context I can see no reason to conclude that the development should not be considered major in this instance.
50. Comments received from the Kent Downs AONB Unit echo the above approach stating that given the nature of the proposed works, the surrounding rural environs and the industrial nature of the proposed activity, it considers the proposed operation to constitute major development that should be subject assessment against relevant paragraphs of the NPPF. The comments draw attention to the fact there is no requirement for the proposed facility to be located within the AONB, with the waste material being brought into the site and end product subsequently taken away. The AONB Unit objects to the application on the grounds that the proposed development fails the NPPF tests in that exceptional circumstances do not apply and nor is the proposal demonstrated to be in the public interest.
51. If the proposals are considered to be major, the Development Plan and Government Policies set out a clear presumption that the development should be refused unless there are exceptional circumstances and where it can be demonstrated that the proposal is in the public interest. Given the proposed development is not required as part of or in support of the permitted mineral extraction it is difficult to conclude that there is a genuine need for the development being located in the AONB. The

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proposed development could just as easily be located outside the designated area in a more suitable location. Whilst there may be clear operational and economic benefits for the applicant in terms of co-locating its activities on a single site, I am unable to conclude that there is an overriding need for the development that is in the public interest that would justify the proposed location.

52. The proposed development would have an impact in terms of noise and dust generated by the site. This would need to be considered in the context of the adjacent mineral activity and plant site, which in itself has an impact on the landscape and the levels of tranquillity in the AONB. The application does not include the technical reports usually provided on these issues in support of this type of development. The lack of any technical reports makes coming to a conclusion on the potential cumulative impacts in terms of dust and particularly noise difficult. Given the hours of use proposed and the location within the quarry void, the proposed level of activity is unlikely to have significant impacts on the surrounding environment that by itself would justify refusing the application. However, without suitable evidence to back this assumption up it is only appropriate to assume there could be some impact which, in combination with the quarry operations as a whole, should to be given suitable weight in coming to a decision.
53. Given the proposed development already fails the need test, the lack of clarity concerning the potential impacts on local amenity, and the surrounding landscape in terms of levels of tranquillity, further adds to the argument that it should be considered contrary to the Development Plan in terms of its impact on the AONB and preserving this important designation from unnecessary or damaging development.
54. Objections received from local residents also call into question the proposed use of valuable sand resources within the proposed recycled aggregate sub-base products. This is important in the context of the AONB as the justification for the quarrying activity in the first place in this sensitive location relates to the scarcity of the resource being extracted and a national need having been accepted. As indicated above, Wrotham Quarry produces several types of sand, the majority of which is silica (or industrial) sand which is a scarce resource. However, in extracting this material less valuable soft sand is produced and it is the soft sand that the applicant proposes to use as part of the recycled aggregate. I am content that the proposed development would not sterilise silica sand or result in its use for a lesser / inappropriate purpose. On this basis, I am satisfied that the proposed use need not compromise the original justification for quarrying within the AONB.
55. Concerns raised by residents also suggest that the waste operations could reasonably be located outside the AONB in a more suitable location. The comments draw attention to the Kent Minerals and Waste Local Plan (2016), which indicates that at present there is not a need for additional waste processing capacity for this type of material in Kent. The supporting text for Policy CSM8 of the Kent MWLP indicates that the consented secondary / recycled aggregate processing capacity currently exceeds 2.7mtpa, which is the minimum level the policy indicates should be maintained over the plan period. The need or otherwise for the facilities is material in the context of the AONB, as indicated above and below. NPPW states that waste planning authorities should only expect applicants to demonstrate the quantitative or market need for a new waste management facility where proposals are not consistent with an up-to-date Local Plan. Whilst the Kent MWLP is clear that further waste capacity would be

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welcome and proposals should not be refused on need grounds alone, the lack of an identified strategic need for this type of waste operation further weakens any argument that a location within an AONB is justifiable. The application does not address this issue in any specific detail that would lead me to conclude that there is a demonstrable need for the waste use that would be in the public interest. I agree with the residents' argument that the proposed development could reasonably be located outside the AONB and the proposed use of the application site in this instance has more to do with the commercial / operational benefit to the applicant rather than to a genuine need for the use in this location.

56. Whilst the development may have limited potential to have a significant visual impact on the surrounding landscape, taking the above section into account, I am not convinced that the proposed development meets the tests that would justify the principle of the use in the AONB and consider that there are no material considerations that would outweigh this impact. Accordingly, I consider this should be given significant weight in determining the application as the development would be a departure from the Government Policy and the Development Plan and contrary to Policies MMP2, SD1 and SD3 of The Kent Downs AONB Management Plan.

Green Belt

57. The NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It indicates that '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. Policy DM4 of the Kent MWLP and CP3 of T&M CS state that development within the Green Belt will be considered in light of their potential impacts, and shall comply with national policy and the NPPF.
58. Government policy indicates that mineral extraction is amongst a limited number of forms of development that are not inappropriate in Green Belt provided they preserve the openness and do not conflict with the purposes of including land in Green Belt. Whilst this applies to the mineral extraction process and potentially minor ancillary development associated with that use, the exception does not apply to major development or other uses that are not directly associated with the extraction of minerals or the subsequent restoration of the site. In this instance the introduction of a waste recycling activity that isn't connected with the restoration of the quarry, however limited in scale, would be considered inappropriate development in the context of the Green Belt.
59. As with the considerations given to the AONB, it is therefore necessary to consider the potential harm to the Green Belt and the reason for the policy considerations. Taking account of the temporary nature of the use and its location in the base of an existing quarry it would be difficult to argue that the development would unduly impact on the openness or the character and appearance of the Green Belt. However, there would be harm to the principle of the Green Belt by virtue of inappropriateness through the introduction of a new waste use. The application provides a list of exceptional circumstances that should be considered when weighing up whether there are very special circumstances that justify the development within the Green Belt. The

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applicant's stated exceptional circumstances include: the existing use; the existing infrastructure on site; the fact that the waste source would be generated by the applicants business and would serve local markets; the minimal development costs; ready access to the road network; reduced transport costs / emissions / time; the small scale nature of the development; there would be no adverse environmental or amenity impacts; and the temporary nature of the operation. Notwithstanding the potential for adverse environmental and/or amenity impacts which are not adequately demonstrated by the application documents, the above exceptional circumstances are all good reasons to co-locate the developments under normal circumstances, however I am not convinced that any of the above could be considered 'very special circumstances' that outweigh the presumption against inappropriate development in this instance.

60. On the basis of the information received with the application, I can see no justification (very special circumstances) for the development at this time that would outweigh the strong policy or the national presumption against inappropriate development in the Green Belt. I therefore recommend that this also be given substantial weight in coming to a decision on this application.

Other location, landscape and visual considerations

61. Notwithstanding the lack of a strategic need for additional capacity for secondary and recycled aggregate production at present, Policy CSM8 of the Kent MWLP supports proposals that would provide for additional capacity, including at appropriate mineral operations, provided they are well located in relation to the source of the input materials or need for output materials, have good transport infrastructure links and accord with the other relevant policies in the development plan. The term 'appropriate' mineral operations is defined by Policy CSM8 as proposals that would not give rise to unacceptable adverse impacts on communities or the environment when considered cumulatively with the host development. In this instance the proposed development might arguably meet some of the above criteria; however it would be contrary to AONB and Green Belt policy which would give rise to an unacceptable impact on the local environment by virtue of being inappropriate development. The application also fails to adequately demonstrate that there would not be in-combination / cumulative impacts from the development and the quarry on local amenity. It is entirely possible to locate a waste use in a rural location subject to it meeting the necessary requirements, however the tests for development in the AONB and Green Belt are set that much higher due the sensitivity of the landscape and policy designations. Therefore, the development is considered to be contrary to Policy CSM8 of the Kent MWLP.
62. Policy CP14 of the T&M CS indicates that development and diversification of use in the countryside can be beneficial and sustainable; however it seeks to restrict this to a limited number of suitable development types. Minerals and waste development does not easily fall within the acceptable development types and given the significant policy issues raised above there are no overriding considerations resulting from this policy and I therefore recommend it should be given little weight in this instance.
63. As indicated above the potential visual impacts of the development are mainly overcome through the application site's location within the quarry void close to the existing sand screening plant. The plant proposed is relatively small in scale and would not be uncommon within a sand quarry. Due to its position, opportunities to

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view the proposed operations from public vantage points are limited. Therefore as suggested above, the landscape and visual impacts would broadly be acceptable, particularly given the temporary nature of the permission being sought.

64. One of the objections received from nearby residents asks whether further landscape planting should be considered to enhance the existing arrangements. The main plant site, within which the application site is located, is well screened from the surrounding landscape with mature boundary planting and screening mounds. Given the nature of the development proposed there would be no need or justification to seek additions to the existing arrangements if planning permission were to be granted.
65. Notwithstanding the limited visual impacts, it is the principle of the development within the designated landscape that is the main cause of concern in this instance. The considerations set out above indicate that in weighing a decision significant / substantial weight should be given to the fact that the proposed development is considered inappropriate development within the AONB or the Green Belt and that there are not the very special / exceptional circumstances that would outweigh the policy presumption to refuse the application. In my opinion given this departure from the Development Plan there are more than sufficient grounds to recommend that the application be refused. I therefore consider that the proposed development would be contrary to National and Development Plan Policies relating to the protection of the AONB and the Green Belt and would subsequently be contrary to Policies CSM1, CSW1, DM1 and CSM8 of the Kent MWLP and the relevant policies within the Kent Downs AONB Management Plan.

Local amenity (including noise and dust)

66. In determining applications for waste development, the NPPW requires planning authorities to consider the likely impact on the local environment and on amenity. In testing the suitability of sites, Government policy indicates that the following factors (amongst others) could impact on local amenities: traffic and access; air emissions including dust; odours; vermin and birds; noise; light and vibration; litter; and potential land use conflict. The NPPW 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, health and safety issues or emissions themselves where these are subject to approval under other regimes. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The proposed waste operation in this instance is already afforded an Environmental Permit (reference EPR/EB3001GZ) issued by the Environment Agency in August 2016.
67. The NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts arising from noise from new development, including through the use of conditions.
68. Policy DM11 of the Kent MWLP requires development that does not generate unacceptable adverse impacts from noise, dust, vibration, emissions, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing of communities and the environment. Policy DM12 further seeks development that does not result in unacceptable adverse cumulative impacts on the

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environment or communities. Policy CP24 of the T&M CS requires development that would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside to be refused. Policy SQ4 of the MDE DPD states development will only be permitted if the proposed use does not result in a significant deterioration of the air quality, either individually or cumulatively with other proposals or existing uses.

69. Four letters of representation have been received from nearby residents all of which raise concerns about the existing and potential impact on local amenities, including in terms of noise and dust. The respondent's state that the existing development already generates dust and occasional noise concerns for residents and that the introduction of additional uses to the site could add to the cumulative impact of the quarry complex on the surrounding landscape, environment and local community. The representations draw attention to the north eastern extension to the quarry, which is permitted but not yet implemented. The resident's consider that the cumulative impact of this extension with the main quarry and the development proposed by this application should be taken into consideration.
70. As indicated above, the applicant has not provided any assessment(s) of the likely extent of any amenity impacts. The application documents state that the intermittent use of mobile screening plant and shared use of mobile plant would limit noise levels and that the plant and recycling area would be subject to dust suppression (water spray and bowser) where necessary to minimise the impact of any dust emissions. No consideration is given to the cumulative impacts in the context of the existing quarry use. Given the above it is not possible to conclude that there would be no impacts. The location of the application site in the base of the quarry and the distance to the nearest properties would suggest that unacceptable amenity impacts are unlikely.
71. The proposed waste activities have already been granted an Environmental Permit, which includes consideration of noise, dust and other emissions to the environment. The Environment Agency is content that the application is unlikely to cause unacceptable impacts that could not reasonably be controlled by the conditions imposed on the existing Permit. The type of waste use proposed would be similar in nature to the permitted mineral operations, both in terms of the plant and equipment used and the nature of the potential amenity impacts. However, it is reasonable to adopt a precautionary approach and assume that some adverse impacts would be possible and that the amenity of local residents could be affected. I am not convinced that local amenity concerns are insurmountable in this instance, however the lack of supporting information makes it difficult to conclude that there would not be a problem or to recommend suitable / reasonable conditions if planning permission were to be granted. On this basis I have to recommend that the application fails to demonstrate the extent or significance of possible amenity impacts, particularly in terms of noise and dust, and does not adequately address the potential for cumulative impacts with the surrounding quarry operations. I therefore recommend that the development would be contrary to the National Policy and the Development Plan in this regard.

Highway considerations

72. The NPPF states that traffic associated with development should not give rise to unacceptable impacts on the natural and historic environment and human health. The NPPW states that planning authorities should consider the capacity of existing and

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potential transport infrastructure to support the sustainable movement of waste, seeking when practicable and beneficial to use modes other than road transport. This includes considering the suitability of the road network and the extent to which access would require reliance on local roads.

73. Policy DM13 of the Kent MWLP requires waste development to demonstrate that the access arrangements are safe and appropriate, traffic generated would not be detrimental to road safety and the highway network is able to accommodate the traffic generated with no unacceptable adverse effects on the environment or local community. Similarly, Policies CP2 of the T&M CS and SQ8 of the MDE DPD requires new development be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated.
74. Local residents have raised concerns about potential highways impacts resulting from the proposed development; these concerns include the potential for an increase in the number of HGVs attending the site and vehicles using the wrong access route, seeking to enter the quarry from Addington Lane and not the approved access for HGVs off Ford Lane.
75. The aggregate recycling facility would be capped at 25,000 tonnes per year, which would equate to a daily average of 12 loads (24 HGV movements -12 In / 12 Out). The applicant states that this level of activity could be accommodated within the current combined planning limit on HGV movements for the whole quarry, with no overall increase in the maximum numbers. This level is set at a daily average of 112 HGV movements (56 In / 56 Out) and has previously been deemed to be acceptable given the access arrangements in place.
76. KCC Highways and Transportation has considered the application and is raising no objections, subject to the highway controls imposed on the extant permissions being re-imposed, including the overall limit on HGV movements and continued use of the agreed access via Ford Lane. The agreed access via Ford Lane is considered an acceptable route for the number of HGVs attending the quarry. The wider quarry benefits from a 1.3km internal haul road that connects the application site with the agreed access point. Generally HGVs use this route and the applicant continues to make efforts to ensure that this continues. However, there will be a small number of instances when vehicles attempt to enter the site from Addington Lane, this is difficult to police as it is still a public highway. I am content that the infrastructure and mechanisms are in place to encourage use of the Ford Lane access. Given the application does not propose an increase in the combined total number of HGV movements associated with the quarry and the comments of the local Highway Authority, I am content that the proposed development would not have an unacceptable impact on the public highway, both in terms of congestion and safety. Subject to the imposition of the conditions discussed above, I am satisfied that the proposals would accord with the highway policies within the Development Plan and National Policy, including those set out above.

Other considerations

77. Ground / surface water pollution: The NPPF states that development should not have unacceptable impacts on the natural environment, the flow and quantity of surface and groundwater or give rise to contamination. The NPPW states that planning authorities

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should consider the likely impact on vulnerable surface and groundwater (including aquifers) when determining waste planning applications. It also states that geological conditions and the behaviour of surface water and groundwater should be considered.

78. Policy DM10 of the Kent MWLP supports minerals and waste development that does not result in the deterioration of physical state, water quality or ecological status of any waterbody (e.g. rivers, streams, lakes and ponds). This policy also seeks to ensure development does not have an unacceptable impact on groundwater Source Protection Zones, or exacerbate flood risk in areas prone to flooding, either now or in the future.
79. The proposed development already benefits from an Environmental Permit for the operation of a waste processing facility. The Environment Agency has confirmed that this Permit will cover / control emissions to air, land and water for the proposed activities. Taking this into account, it is reasonable to conclude that the application would be acceptable in terms of the planning policies in place relating to ground and surface water pollution, including those Development Plan and Government Policies set out above, provided the proposed development is undertaken in accordance with the Environmental Permit.
80. Nature Conservation: Natural England has raised no objections to the application, stating that it considers that the proposal would not have significant adverse impacts on designated sites. The application site forms part of an active quarry and has already and continues to be subject to significant disturbance as part of this permitted use. In this instance, I am satisfied that the proposed use of the application site would not have an unacceptable impact on biodiversity interests and would accord with the relevant Development Plan and Government policies in terms of nature conservation.
81. Minerals Safeguarding: The Kent MWLP identifies the application site as falling within a mineral safeguarding zone for silica sand. Policy DM7 of the Kent MWLP safeguards the application site from development that would unnecessarily sterilise the available mineral resources. In this instance the majority of the available mineral reserve within the application site has already been worked beneath this part of the quarry. The location proposed being approximately 15metres below the surrounding ground levels. The development is being proposed for a temporary period of 5 years, which would ensure that it would not have an impact on the long term restoration of the site and would be acceptable in the context of the safeguarding policies in place.

Conclusion

82. This application proposes the establishment of an aggregate waste recycling facility within the base of Wrotham Quarry for a temporary period of 5 years. The application site falls within a sensitive location designated as part of the Kent Downs AONB and the Metropolitan Green Belt.
83. As set out above, I am content that the proposed development would be acceptable in terms of its highway impacts, which would fall within the established acceptable limits and controls imposed on the quarry complex as a whole, including in terms of vehicle numbers, access and highway safety arrangements. The proposed development already benefits from an Environmental Permit, which was considered and issued by the Environment Agency in 2016 before this planning application was made. On the

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basis that the Agency has confirmed that the Permit would cover emissions from the site to air, land and water it is reasonable to conclude that the development would comply with the planning requirements in terms of pollution prevention considerations. I am also satisfied that the development would have a minimal visual impact in terms of the surrounding landscape and the AONB, being located at the base of an operational quarry.

84. Notwithstanding the above, the proposed development needs to be weighed against the clear policy conflicts that would result from locating a new waste use / development within the Kent Downs AONB and the Green Belt. The Development Plan and Government policy are clear that where there are not exceptional / very special circumstances then major development in the AONB and inappropriate development within the Green Belt should be refused. In this instance I am not convinced that the necessary circumstances exist to overcome these fundamental policy objections. I therefore recommend that the development proposed would be a departure from the Development Plan both in terms of policies seeking to protect the AONB and Green Belt and therefore that planning permission should be refused. The Development Plan and AONB Management Plan Policies referenced in the reasons for refusal below are included in full within Appendix 1.
85. In addition to the above, whilst the development is located within an established quarry site below ground level, the application does not provide sufficient information on potential cumulative amenity impacts to conclude that there would not be a material impact as a result of noise and/or dust. Given the distances between the site and nearby residential properties I consider that unacceptable amenity impacts are unlikely, however there is insufficient information in support of the application to allow a reasonable conclusion to be drawn or that if noise controls / other suitable mitigations were to be imposed that these would not be breached by the development.

Recommendation

86. I RECOMMEND that PERMISSION BE REFUSED on the following grounds:
- The proposal constitutes major development in the context of the Kent Downs Area of Outstanding Natural Beauty (AONB). The County Planning Authority considers that there is no specific need for the development that is in the public interest, that there is scope to develop the waste use outside the designated area and that whilst any detrimental effects on the environment or landscape are limited and may be capable of being mitigated to an acceptable degree there are no exceptional circumstances that would outweigh the presumption to refuse major development in the AONB as set out in paragraph 116 of the National Planning Policy Framework. The proposed development is therefore contrary to Policy DM2 of the Kent Minerals and Waste Local Plan (2016), Policies CP1 and CP7 of the Tonbridge and Malling Core Strategy (2007), Policy SQ1 of Tonbridge & Malling Managing Development and the Environment Development Plan Document (2010), Policies MMP2, SD1 and SD3 of The Kent Downs AONB Management Plan and paragraphs 115 and 116 of the National Planning Policy Framework. On the basis that the development is contrary to the above policies it would also be contrary to the requirements of Policies CSM1, CSM8, CSW1 and DM1 of the Kent Minerals and Waste Local Plan.

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- The proposal constitutes inappropriate development which by definition is harmful to the Green Belt. The County Planning Authority considers that there are no Very Special Circumstances that would outweigh the in-principle harm to the Green Belt by virtue of inappropriateness and the policy presumption to refuse the development in this instance. The proposed development is therefore contrary to Policy DM4 of the Kent Minerals and Waste Local Plan (2016), Policy CP3 of the Tonbridge and Malling Borough Core Strategy (2007) and paragraphs 87 and 88 of the National Planning Policy Framework. On the basis that the development is contrary to the above policies it would also be contrary to the requirements of Policies CSM1, CSM8, CSW1 and DM1 of the Kent Minerals and Waste Local Plan.
- The application fails to demonstrate the potential extent and significance of amenity impacts resulting from noise and/or dust that could be generated by the proposed use and does not adequately address the in-combination / cumulative impacts with the surrounding quarry operations to enable a proper assessment of the acceptability of the development in terms local amenity and local levels of tranquillity. On the basis of these deficiencies, the proposed development is contrary to Policies DM11 and DM12 of the Kent Minerals and Waste Local Plan, Policy CP24 of the Tonbridge & Malling Core Strategy, Policy SQ4 of the Tonbridge & Malling Managing Development and the Environment Development Plan Document and paragraphs 109, 115, 116, 118, 120 and 123 of the National Planning Policy Framework. On the basis that the development is contrary to the above policies it would also be contrary to the requirements of Policies CSM1, CSM8, CSW1 and DM1 of the Kent Minerals and Waste Local Plan.

Case Officer: James Bickle

Tel. no: 03000 413334

Background Documents: see section heading

Operation of an aggregate recycling facility for a temporary period of five years at Wrotham Quarry, Trottiscliffe Road, Addington – TM/17/2090 (KCC/TM/0195/2017)

Appendix 1

Development Plan and AONB Management Plan Policies included within the reasons for refusal.

- **Kent Minerals and Waste Local Plan 2013-2030 (2016) Policies:**

CSM1 (Sustainable Development)

When considering mineral development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and the associated Planning Practice Guidance. Mineral development that accords with the development plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account where either:

1. any unacceptable adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
2. specific policies in that Framework indicate that development should be restricted.

CSM8 (Secondary and Recycled Aggregate)

Sites will be identified in the Minerals Sites Plan to ensure processing capacity is maintained to allow the production of at least 2.7 million tonnes per annum of secondary and recycled aggregates, throughout the Plan period.

Proposals for additional capacity for secondary and recycled aggregate production including those relating to the expansion of capacity at existing facilities that increases the segregation and hence end product range/quality achieved, will be granted planning permission if they are well located in relation to the source of input materials or need for output materials, have good transport infrastructure links and accord with the other relevant policies in the development plan, at the following types of sites:

1. Temporary demolition, construction, land reclamation and regeneration projects and highways developments where materials are either generated or to be used in the project or both for the duration of the project (as defined by the planning permission)
2. Appropriate mineral operations (including wharves and rail depots) for the duration of the host site permission.
3. Appropriate waste management operations for the duration of the host site permission.
4. Industrial estates, where the proposals are compatible with other policies set out in the development plan including those relating to employment and regeneration.
5. Any other site that meets the requirements cited in the second paragraph of this policy above.

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The term ‘appropriate’ in this policy is defined in terms of the proposal demonstrating that it will not give rise to unacceptable adverse impacts on communities or the environment as a whole over and above the levels that had been considered to be acceptable for the host site when originally permitted without the additional facility.

Planning permission will be granted to re-work old inert landfills and dredging disposal sites to produce replacement aggregate material where it is demonstrated that net gains in landscape, biodiversity or amenity can be achieved by the operation and environmental impacts can be mitigated to an acceptable level.

CSW1 (Sustainable Development)

When considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, National Planning Policy for Waste and the Waste Management Plan for England.

Waste development that accords with the development plan should be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies are out of date at the time of decision making, the Council will grant permission unless material considerations indicate otherwise, taking into account where either:

1. any unacceptable adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
2. specific policies in that Framework indicate that development should be restricted.

DM1 (Sustainable design)

Proposals for minerals and waste development will be required to demonstrate that they have been designed to:

1. minimise greenhouse gas emissions and other emissions
2. minimise energy and water consumption and incorporate measures for water recycling and renewable energy technology and design in new facilities where possible
3. maximise the re-use or recycling of materials
4. utilise sustainable drainage systems wherever practicable
5. protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss
6. minimise the loss of Best and Most Versatile Agricultural Land.

DM2 (Environmental and Landscape Sites of International, National and Local Importance)

Proposals for minerals and/or waste development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and

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function, biodiversity interests, or geological interests of sites of international, national and local importance.

1. International Sites

Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on international designated sites, including Ramsar, Special Protection Areas and Special Areas of Conservation (European Sites), will need to be evaluated in combination with other projects and plans. Before any such proposal will be granted planning permission or identified in the Minerals and Waste Sites Plans, it will need to be demonstrated that:

- a. there are no alternatives
- b. there is a robust case established as to why there are imperative reasons of overriding public interest
- c. there is sufficient provision for adequate timely compensation

2. National Sites

2.1 Designated Areas of Outstanding Natural Beauty (AONB) have the highest status of protection in relation to landscape and scenic beauty. Regard must be had to the purpose of the designation when exercising or performing any functions in relation to, or so as to affect land, in an AONB. For the purposes of this policy, such functions include the determination of planning applications and the allocation of sites in a development plan.

Planning permission for major minerals and waste development in a designated AONB will be refused except in exceptional circumstances and where it can be demonstrated that it is in public interest. In relation to other minerals or waste proposals in an AONB, great weight will be given to conserving its landscape and scenic beauty. Proposals outside, but within the setting of an AONB will be considered having regard to the effect on the purpose of conserving and enhancing the natural beauty of the AONB.

Consideration of such applications will assess;

- a. the need for the development, including in terms of any national considerations and the impact of granting, or refusing, the proposal upon the local economy
- b. the cost of, and scope for developing elsewhere outside the designated area, or meeting the need in some other way
- c. any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan.

Sites put forward for allocation for minerals or waste development in the Minerals Site Plan or the Waste Sites Plan will be considered having regard to the above tests. Those that appear to the Minerals and Waste Planning Authority to be unlikely to meet the relevant test(s) will not be allocated.

2.2 Proposals for minerals and/or waste developments within or outside of designated Sites of Special Scientific Interest, that are considered likely to have any unacceptable adverse impact on a Site of Special Scientific Interest, will not be granted planning permission or identified in the Minerals and Waste Sites Plans except in exceptional circumstances where it can be demonstrated that:

- a. the benefits of the development outweigh any impacts that it is likely to have on the features of the site that make it of special scientific interest

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- b. the benefits of the development outweigh any impacts that it is likely to have on the national network of Sites of Special Scientific Interest.

2.3 Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on Ancient Woodland will not be granted planning permission, or identified in the Minerals and Sites Plans, unless the need for, and the benefits of the development in that location clearly outweigh any loss.

3. Local Sites

Minerals and/or waste proposals within the Local Sites listed below will not be granted planning permission, or identified in the Minerals and Sites Plans, unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit:

- a. Local Wildlife Sites
- b. Local Nature Reserves
- c. Priority Habitats and Species
- d. Land that is of regional or local importance as a wildlife corridor or for the conservation of biodiversity
- e. Local Geological Sites
- f. Irreplaceable habitat including aged and veteran trees
- g. Country Parks, common land and village greens and other important areas of open space or green areas within built-up areas

DM4 (Green Belt)

Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, and shall comply with national policy and the NPPF.

DM11 (Health and Amenity)

Minerals and waste development will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. This may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and/or planning obligation. This will be a particular requirement where a proposal might adversely affect the air quality in an AQMA.

Proposals for minerals and waste development will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes.

DM12 (Cumulative Impact)

Planning permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the environment or communities. This is in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring concurrently and/or successively.

Operation of an aggregate recycling facility for a temporary period of five years at Wrotham Quarry, Trottiscliffe Road, Addington – TM/17/2090 (KCC/TM/0195/2017)

- **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007) Policies:**

CP1 (Sustainable Development),

1. All proposals for new development must result in a high quality sustainable environment.
2. Provision will be made for housing, employment and other development to meet the needs of existing and future residents of the Borough in line with the evolving housing requirements of the South East Plan and local studies aimed at informing the need for, and form of, development required.
3. The need for development will be balanced against the need to protect and enhance the natural and built environment. In selecting locations for development and determining planning applications the quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and, wherever possible, enhanced.
4. In selecting locations for development and determining planning applications the Borough Council will seek to minimise waste generation, reduce the need to travel and minimise water and energy consumption having regard to the need for 10% of energy requirements to be generated on-site from alternative energy sources and the potential for recycling water. Where possible, areas liable to flood will be avoided.
5. Where practicable, new housing development should include a mix of house types and tenure and must meet identified needs in terms of affordability. For those with a nomadic way of life, such as gypsies and travellers and travelling showpeople, appropriate provision should be made if a need exists. Mixed-use developments will be promoted where appropriate, particularly in town and rural service centres.
6. Development will be concentrated at the highest density compatible with the local built and natural environment mainly on previously developed land and at those urban and rural settlements where a reasonable range of services is available and where there is the potential to be well served by sustainable modes of transport. Best use will be made of the existing housing stock.
7. Development must minimise the risk of crime and should make appropriate provision for the infrastructure necessary to serve new development, including social, leisure, cultural and community facilities and adequate open space accessible to all. If still needed, existing facilities will be protected and land required to meet future community needs will be identified and safeguarded for that purpose.

CP3 (Metropolitan Green Belt)

1. National Green Belt policy will be applied generally to the west of the A228 and the settlements of Snodland, Leybourne, West Malling and Kings Hill, and to the south of Kings Hill and east of Watringbury.
2. Land at Isles Quarry West is excluded from the Green Belt to enable its comprehensive development in accordance with Policy CP18.

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CP7 (Areas of Outstanding Natural Beauty)

Development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:

- (a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; or
- (b) any other development that is essential to meet local social or economic needs.

Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.

- **Tonbridge and Malling Borough Council Local Development Framework: Managing Development and the Environment Development Plan Document (2010) Policies:**

SQ1 (Landscape and Townscape Protection and Enhancement)

1. Proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.
2. All new development should protect, conserve and, where possible, enhance:
 - (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;
 - (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and
 - (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

- **Kent Downs AONB Management Plan 2014 – 2019 (Second Revision April 2014) Policies:**

MPP2 (The management of the Kent Downs AONB)

Individual local authorities will give high priority to the AONB Management Plan vision, policies and actions in Local Plans, development management decisions, planning enforcement cases and in carrying out other relevant functions.

SD1 (Sustainable Development)

The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.

SD3 (Sustainable Development)

New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.

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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

Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 November 2017.

Application by Kent County Council Property & Infrastructure Support for a 2 storey 420 place Primary School with car park, playground, floodlit artificial pitch, and associated landscaping with a new access road, footpaths, highway improvements (including the widening of Westcott Avenue and the provision of a footpath link to Lanes Avenue) and service connections at Land at St George's Church of England School, Meadow Road, Gravesend, DA11 7LS – GR/17/674 (KCC/GR/0165/2017).

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

Local Member: Mr Dhesi and Dr Sullivan

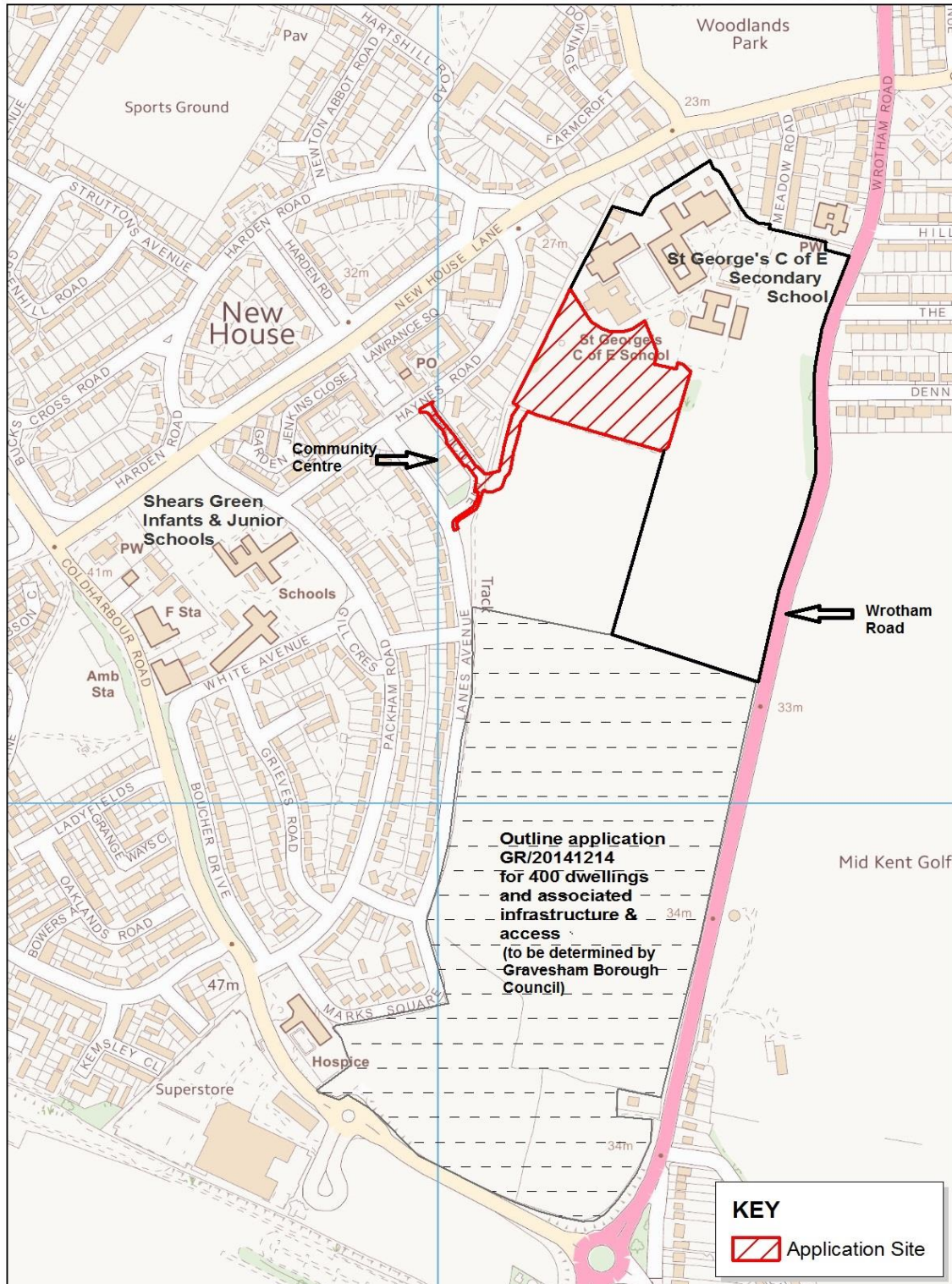
Classification: Unrestricted

Site and Background

1. The new 2 Form Entry (2FE) Primary School is proposed to be provided within the grounds of St Georges Church of England Secondary School, located approximately 1.2 miles to the south of Gravesend Town Centre. The Secondary School is accessed via Meadow Road, a residential street off New House Lane, which provides through access to the school site only. Wrotham Road, a main route into Gravesend Town Centre from the Tollgate A2 junction to the south, runs along the eastern boundary of the Secondary School site.
2. The Primary School application site comprises an area of land approximately 2.07 hectares (5.11 acres) in size, and lies to the south of the main Secondary School buildings to the western side of the site. The site is currently used by the Secondary School as informal amenity grassland, and has a gradient of between 1:25 – 1:34, falling approximately 7 metres from east to west. To the east of the application site the land falls steeply away, with a grass bank separating the application site from the secondary schools formal playing fields/sports pitches. A line of mature trees runs along the top of the embankment, forming a natural site boundary. A secure fence line and mature trees and thick scrub form the southern site boundary, beyond which lies an open agricultural field which is owned by the County Council. The north western corner of that field is also included within the planning application site boundary to facilitate access to the primary school from Westcott Avenue to the south west (see paragraphs 13-16).

Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

Site Location Plan

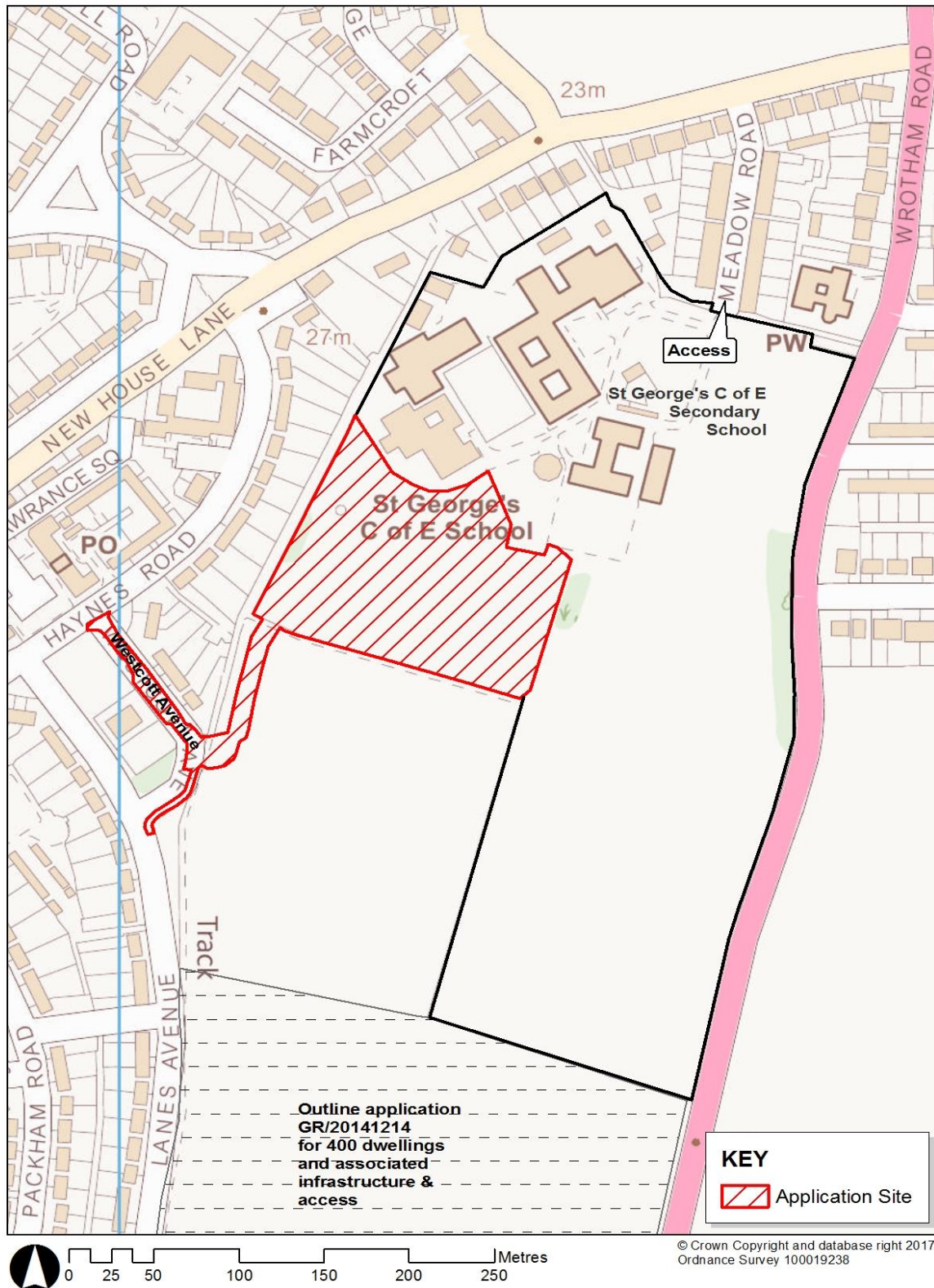


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Item D1

Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

Existing Site Plan



Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

Proposed Site Plan – Phase 2

Notes

1. This site plan is submitted in accordance with the requirements of the Planning and Compulsory Orders Act 2004 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1987 (as amended). It is submitted in support of the application for a new 2FE Primary School on the site of the existing St George's CofE Primary School, Gravesend. The site plan shows the proposed layout of the school buildings, access, parking, and other infrastructure. It is submitted in support of the application for a new 2FE Primary School on the site of the existing St George's CofE Primary School, Gravesend. The site plan shows the proposed layout of the school buildings, access, parking, and other infrastructure.

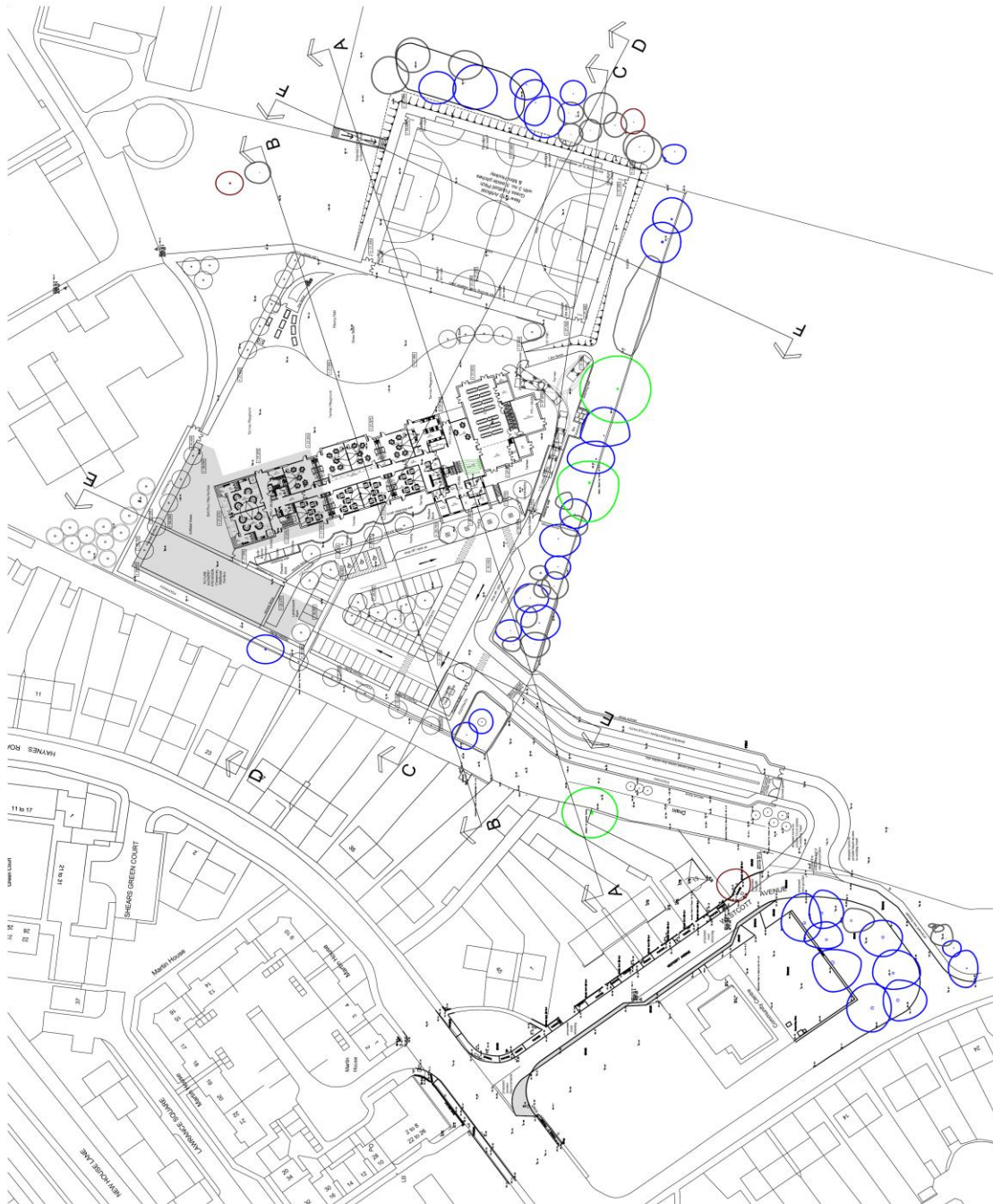


1:500 scale for Planning and Property Consultants

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Kent County Council

Project:
St George's CofE Primary School
Construction and Property Consultants
Proposed 2FE Primary School
Drawing No:
Proposed Site Plan
PHASE 2

Revision No.	Rev.	Description	Date
01	1	Issue for Planning	17.03.2017
02	2	Issue for Planning	17.03.2017
03	3	Issue for Planning	17.03.2017
04	4	Issue for Planning	17.03.2017
05	5	Issue for Planning	17.03.2017
06	6	Issue for Planning	17.03.2017
07	7	Issue for Planning	17.03.2017
08	8	Issue for Planning	17.03.2017
09	9	Issue for Planning	17.03.2017
10	10	Issue for Planning	17.03.2017
11	11	Issue for Planning	17.03.2017
12	12	Issue for Planning	17.03.2017
13	13	Issue for Planning	17.03.2017
14	14	Issue for Planning	17.03.2017
15	15	Issue for Planning	17.03.2017
16	16	Issue for Planning	17.03.2017
17	17	Issue for Planning	17.03.2017
18	18	Issue for Planning	17.03.2017
19	19	Issue for Planning	17.03.2017
20	20	Issue for Planning	17.03.2017



Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

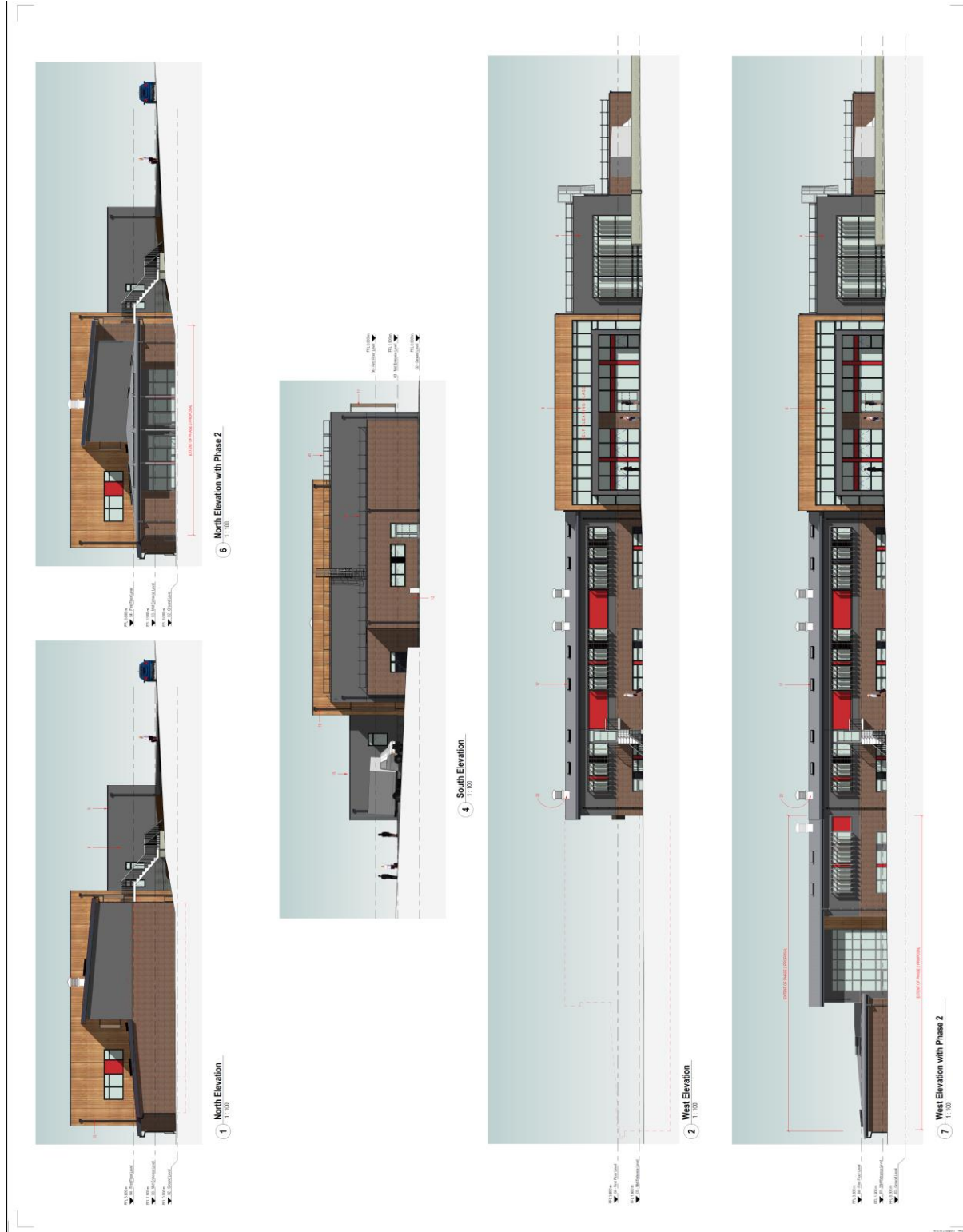
Proposed Site Plan – Phase 2



Item D1

Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

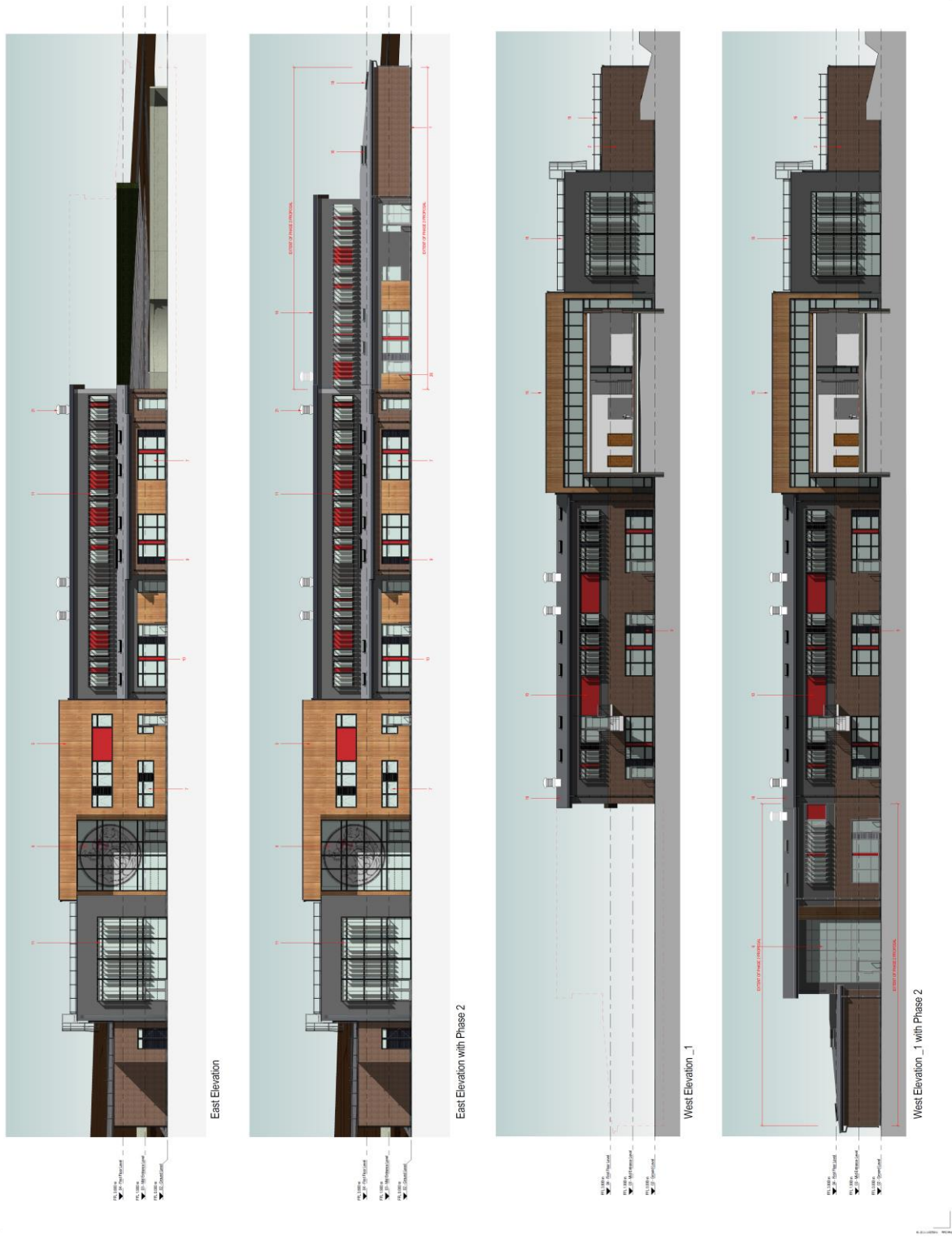
Proposed north, south and west elevations – Phase 1 & Phase 2



D1.7

Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

Proposed east and sectional west elevations – Phase 1 & Phase 2



Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

3. The western boundary of the application site is demarcated with the existing Secondary School's secure fence line, some individual trees and areas of scrub. Beyond the fence line lies an overgrown and, in places impassable, private access to the rear of properties in Haynes Road, which back onto the application site. Properties in Westcott Avenue back onto the gardens of properties in Haynes Road, with the eastern most property being located adjacent to the proposed access into the site. A single storey community centre and associated car park is located on an area of grassland to the front of properties in Westcott Avenue, with Lanes Avenue beyond. Haynes Road continues for approximately 200 metres beyond the Westcott Avenue junction, at which point it meets Packham Road which provides access to Shears Green Infant School, which shares a site with Shears Green Junior School.
4. To the south of the Secondary School site, beyond the agricultural field owned by the County Council, outline planning permission is pending for the development of a 17.46ha site to provide 400 dwellings and associated infrastructure and access. The planning application, reference GR/20141214 was submitted in December 2014, and considered at the Borough Councils Regulatory Board on the 3 June 2015 where Members resolved to grant outline planning permission. At the time of writing this report I understand that the Section 106 Agreement is being finalised and that following that, the outline planning permission will be issued. It should be noted that under Policy CS21 of the Gravesham Borough Council Core Strategy, the agricultural field owned by the County Council is also included within the Coldharbour Road key site designation (for the mixed use development), in addition to the area of land covered by that planning application.
5. There are no significant trees within the site, no ecological or landscape designations, and the site is not within a Conservation Area, nor within the setting of any Listed Buildings.

A site location plan is attached.

Need

6. The Applicant advises that there is a large predicted demand for school places within Kent, and that general overall expansion is required to meet that need. Being a popular local choice for education, St Georges Church of England Secondary School was identified by the Education Authority as a strong candidate for providing primary school places. As a faith school, I am advised that the secondary school has been a strong driver in wanting to deliver 'through school' opportunities on a shared site. The proposed school would not only meet the identified demand for additional local primary school places, but also meet the need for Church school places across the Gravesham area. The provision of a new primary school would also allow for greater parental choice and would ensure that there is local provision for places to meet future needs, particularly in considering future local housing developments.

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ProposalAccommodation

7. This application proposes the erection of new two storey 2 Form Entry (2FE) Primary School with car park, playground, floodlit artificial pitch, and associated landscaping with a new access road, footpaths, highway improvements (including the widening of Westcott Avenue and the provision of a footpath link to Lanes Avenue) and service connections. The school building has been designed to be delivered in two phases in order to accommodate the anticipated pupil demand and intake, with Phase 1 accommodating 210 pupils (1FE) and phase 2 taking the school up to the 420 pupil (2FE) capacity.
8. The phase one works would include the construction of two thirds of the school building, with only the north western third of the building being left until phase two, and practically all of the external development including the vehicular and pedestrian access routes, car parking, playground, floodlit artificial pitch, and external teaching spaces. Phase two of the development would provide six further classrooms, a stairway and office space and an extended playground area. It is anticipated that the school would take up to twelve years to reach its operational capacity (420 pupils, 2FE) but that phase one of the development would be completed by September 2018. The school would have an initial intake of 60-90 pupils and thereafter an intake of 30 per year until a total of 210 pupils (1FE) is reached. Following that, it is anticipated that the intake would be increased to 60 pupils per year. The applicant advises that when at full capacity the school would employ 38 members of staff.
9. It is noted that an area at the north western end of the site has been identified on the application drawings as a possible site for a future nursery which, should it be required, would be the subject of a separate planning application. As part of this application, that area is of the application site is proposed to be used as wildflower garden.

Design and Appearance

10. The applicant advises that the site topography has informed the layout and design of both the building and external spaces. Public space to the front of the school has been designed to accommodate activities at peak school times, and also general day to day activities with footpath connections and landscaping separating the built development on site and adjacent residential development. Beyond the secure building line behind the car parking and circulation space, the two storey building is 'dug' into the natural slope of the site, giving the building the appearance of being almost single storey when viewed from the front. To the rear of the school building, amenity space and a floodlit all weather pitch are proposed. The all weather pitch would also be used by the secondary school and be available for community use out of school hours, accessed via the secondary school site.
11. The proposed rectangular shaped school building would sit diagonally across the site, running in a linear form from the north west to the south east, being approximately 91 metres in length and 18 metres in width for the most part. The applicant advises that the building has been designed around a central core, containing the schools 'heart space'

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and key administration functions. Flanked either side of that central area are the classroom wing to the north west, and the main hall and kitchen space to the south east. The main access to the building is level with the car parking area to the front of the site, and is at mid level between the ground floor and first floors. The main building then sits behind the projecting main entrance, with the ground floor set below ground level at the front of the building, but with level access at the rear. Most of the building is two storey, although the kitchen, servery and stores to the south eastern end of the building, and two classrooms to the north west and four classrooms to the rear are all single storey.

12. The applicant advises that it was decided at an early stage to develop a palette of materials that would give the primary school a separate identity to that of the adjacent secondary school. The predominant external materials proposed are a red/brown brick to the ground floor and single storey elements, with a charcoal grey render to the first floor and entrance. The central 'heart space' of the building would be clad in wood effect cladding, which is also used as a detail to break up the long lengths of brickwork on the ground floor. A red coloured cladding panel is also proposed within the glazing sections of the building to punctuate the overall darker tones of the building, whilst also introducing the St Georges identity, reflecting the red within the St George's shield. Vertical trespa Brise Solieil, supported on aluminium brackets, not only provide a rhythm to the external façade, but serve a purpose in preventing the building from overheating. A standing seam aluminium roofing system is proposed, to be powder coated in RAL 7012 – dark grey. An array of solar photovoltaic panels are proposed to be installed on the hall roof.

Access/Parking

13. Vehicular and pedestrian access to the site is proposed via a new access point to the south west corner of the application site. The access road would extend from the southern end of Westcott Avenue across the north west corner of the County Council owned agricultural field to the south of the main application site. The access road is designed to be two way, with short term parking bays to both sides to provide areas for parents to drop off and/or collect pupils. A raised cobbled strip down the centre of the access road would deter vehicles from turning in the road, encouraging them to enter the school site and follow the one way loop system back out to the exit.
14. Vehicles entering the school car park would proceed in a clockwise loop in a 'procession' at peak school times, with further spaces available within the car park for pupil drop off and pick up, in addition to two dedicated short stay drop off zones. The car park would provide 27 staff car parking spaces, 19 visitor/parent spaces and 3 accessible spaces (a total of 49 parking spaces). The applicant further advises that the two drop off/pick up zones within the car park, along with the two zones either side of the access road, would provide 31 additional parking opportunities on the site. In addition, the applicant is proposing to provide a minimum of 10 cycle parking spaces and secure scooter parking.
15. Pedestrian routes into the site are proposed to be provided to each side of the access road to support the drop off/pick up zones, the eastern of which is proposed at 3 metres in width to create a shared cycle/footpath. Crossing points are proposed within the site to enable pedestrians to safely cross the access road/car park where necessary. The

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main pedestrian route to the west of the access road would provide access to the main playground of the Primary School, and also link to the Secondary School beyond, improving pedestrian access to that school. It is envisaged that the majority of parents would drop off and collect younger pupils from the main playground at the start and end of the school day.

16. Externally, it is proposed to extend the existing footway along Westcott Avenue to link with the footway network in Lanes Avenue to the south, providing safe footways to both sides of the school access road. In addition, the applicant is proposing further off-site highway improvements which would be implemented prior to the school roll exceeding 210 (1FE). Those works include the widening of Westcott Avenue to the north of the school access to 6 metres to better accommodate two way traffic, and subsequent realignment of the parking and kerb-line to the west of Westcott Avenue and kerb-line improvements at the junction with Hayes Road.

Landscaping/External Areas

17. To the rear of the school building grass amenity space, a hard surfaced playground and a floodlit all weather pitch (AWP) are proposed. The AWP would be surfaced with artificial grass and would be located adjacent to the eastern site boundary. The 63metre by 42.6m pitch could accommodate either an under 10s football pitch, three five-a-side football pitches or a mini hockey pitch. The AWP would have floodlights (see paragraph 20 below) and is proposed to be made available for community use outside of school hours. The out of hours access would be via the secondary school.
18. Apart from a small section of boundary planting that would need to be removed to accommodate the new access road into the site, the applicant advises that all other boundary trees and planting is to be retained. A total of 11 trees are proposed to be removed to facilitate the development, in addition to three trees which are to be removed due to poor health. The landscape proposals identify the location for the planting of over 80 replacement/additional trees, a minimum of 65% of which would be native species. Hedge planting and wildflower planting is also proposed, including the provision of an enclosed wildlife garden.
19. The southern and western boundaries of the proposed primary school would be demarcated and secured by the existing fencing which currently marks the boundary of the secondary school site. The northern and eastern boundaries would be secured with black 1.8m high vertical bar fencing, with tree planting and hedging proposed to the boundaries to soften the appearance of the fencing. The AWP is proposed to be enclosed with 4m high green weld mesh fencing.

Lighting

20. The applicant advises that all external lighting would be in accordance with Chartered Institute of British Service Engineers guidance notes, and that the lighting design has had due regard to the amenity of local residents. Six metre high lighting columns are proposed along the access road and within the car park, with one metre high bollard lighting proposed along the internal footways. Soffit lighting would highlight the front entrance of the school, and bulkhead light fittings 2m above ground level would provide

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general perimeter lighting and security lighting to the school building. External lighting would be controlled by a combination of photocell sensors and time clocks, and all lighting would be LED.

21. The AWP is proposed to be floodlit by 8 luminaires, mounted on six 8m high floodlight columns, with an average illuminance across the pitch of 382 lux. Hours of use are proposed to be 0800 to 2200 hours Mondays to Fridays inclusive, and 0900 to 1900 hours on Saturdays, Sundays and Bank or Public Holidays.

The application is accompanied by a Design & Access Statement, Planning Statement, Sport England Statement, Transport Statement, Travel Plan, Road Safety Audit, Desk Based Archaeological Assessment, Ecological Impact Assessment, Precautionary Mitigation Strategy, Drainage Details, Flood Risk Assessment, Phase 1 Ground Contamination Desktop Report, Landscape Statement, Tree Survey, External Lighting details & Unexploded Ordnance Risk Assessment.

Planning Policy

22. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:

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

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

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

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

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Paragraph 74 of the NPPF states that: *Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

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

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.

(ii) Development Plan Policies**Gravesham Local Plan Core Strategy (2014)**

Policy CS01 Sustainable Development - States that a positive approach will be taken which reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in the Core Strategy.

Policy CS10 Physical and Social Infrastructure – States that support will be given to proposals that protect, retain or enhance existing physical and social infrastructure, including schools.

Policy CS11 Transport – States that new development should mitigate their impact on the highway and public transport networks as required. As appropriate, transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel.

Policy CS12 Green Infrastructure – Amongst other things seeks to protect, conserve and enhance landscape character, biodiversity, habitats and species.

Policy CS13 Green Space, Sport and Recreation – States that new development should seek to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space, playing pitches and other sports facilities.

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Policy CS18 Climate Change – Sets out criteria for new developments with regard to flood risk, water quality, sustainable drainage and surface water runoff, water demand management and carbon reduction.

Policy CS19 Development and Design Principles – Sets out criteria for new development, that includes (amongst other things) the need to avoid causing harm to the amenity of neighbouring occupants, including loss of privacy, daylight and sunlight, and avoid adverse environmental impacts in terms of noise, air, light and groundwater pollution and land contamination. New development should be visually attractive and locally distinctive, and must conserve and enhance the character of the local built, historic and natural environment.

Policy CS21 Development of the land at the Coldharbour Road Key Site will provide a mixed use development of around 500 dwellings with significant open space and biodiversity improvements and the provision of community facilities, potentially including a new primary school on-site.

The adopted **Gravesham Borough Local Plan First Review 1994** (relevant saved policies).

Policy T1 - The Local Planning Authority will consider the impact on the transport system and on the environment of traffic generated by new development and would wish to ensure that all proposed developments are adequately served by the highway network.

Policy P3 - The Borough Council will expect development to make provision for vehicle parking, in accordance with Kent County Council Vehicle Parking Standards.

Consultations

23. **Gravesham Borough Council** initially considered this application at their Planning Regulatory Board meeting on the 19 July 2017 and, whilst not opposed to the principle of the school, expressed a number of concerns relating to primarily access and highway matters. The applicant subsequently submitted additional information in support of the proposal, amplifying the original application documents and commenting on the Borough Councils points of concern. The Borough Council subsequently reported back to their Planning Regulatory Board on the 4 October, the Officer report to which concluded as follows:

“The rebuttal statement provides some useful clarification and additional information in relation to the proposed development. However the Borough Council (GBC) remains concerned about a number of aspects of the proposal. Principally these concerns relate to the access arrangement, the accuracy and extent of the transport assessment, the relationship between the proposal and

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the adjacent Coldharbour Road housing site [see paragraph 4 of this report] and the sports provision impacts of the proposal.

GBC continues to query the accuracy and extent of the transport assessment and considers that it is likely to under-estimate the true highways impacts of the proposal. The document should be updated to reflect a larger parking bay size and wider pedestrian/cycleways. It should acknowledge the existing parking congestion at school peak times in Westcott Avenue, Haynes Road, Lanes Avenue and Lawrence Square and consider the potential for an alternative access via Coldharbour Road (via the adjacent housing site). It should consider the impacts of the increased catchment area of a faith school, the impacts of the proposed out of hours use of the sports facilities and the impacts on the roads surrounding the secondary school access resulting from displaced parent drop-off/pick-up to the new access.

GBC remains concerned about the lack of information regarding the relationship between the proposed school and the adjacent Coldharbour Road housing site. This should include the consideration of the potential for an alternative access to the school, ensuring that the school provision is timed to support the increased numbers of houses and a consideration of the impact of the proposed access on the overall amount of residential development.

GBC shares Sport England's concerns regarding the impact of the proposed development on existing sports facilities. In the absence of a clarification of the current/historic use of the land and a justification for the loss of any pitches, the Borough Council is unable to fully assess the impact of the proposal on sports provision."

I have been advised that the formal resolution of the Board was as follows:

1. That the Borough Council, whilst supporting the principle of the new primary school, still has significant concerns particularly relating to the parking and access arrangements at the school and the effect on resident parking and traffic congestion. If Kent County Council is nevertheless minded to grant planning permission it is requested that the Borough Council's suggested planning conditions should be imposed (*see below*).
2. That Kent County Council be advised that it be formally recorded that Gravesham Borough Council does not consider that Kent County Council has addressed the highway and parking impacts of the development on the surrounding community, the effect of which has been significantly underestimated.

The Borough Council suggest that, should permission be granted, the following matters should be covered by relevant conditions:

- Phasing for construction (in relation to the wider Coldharbour Road housing site);
- Phasing for construction (in relation to the timing of phase two);
- Details of the community use of the MUGA including opening hours and delivery;
- Remediation works for land contamination;

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- Proposed lights are switched off before the agreed curfew time;
- Opening hours for the school;
- Provision and retention of the access and parking areas;
- Control of conflicting traffic flows within the car park (cars versus delivery, refuse vehicles etc);
- Details of proposed works to the public highway (including timing);
- Details of visibility splays and sightlines for the access and the Haynes Road/Westcott Avenue junction improvement works;
- Details/samples of external facing materials;
- Details of the proposed landscaping works;
- Details of security measures for site and cycle/scooter storage;
- Details of boundary treatments;
- Details of plant/equipment on roof and in the service yard;
- Details of tree protection measures;
- Ecological mitigation and the timing of vegetation removal;
- Details of a Code of Construction Practice for both phases and management of construction impacts on the existing schools during phase two; and
- Provision of Travel Plan.

GBC further advise that there were two additional responses that were reported verbally to the Board meeting:

- GBC Property Services are concerned about the position of the school gate at the entrance and the potential for unauthorised access on to GBC land and concern at fly tipping
- Kent Police Crime Prevention Design Advisor - requests an informative that the applicants discuss Crime Prevention through Environmental Design (CPTED), Secured By Design (Schools) and BREEAM requirements with Kent Police”

Following the receipt of the Borough Council’s formal comments on this application, a further document was submitted by the Borough Council’s Highways Development Management Officer. A copy of that document is attached to this report as Appendix 1.

Kent County Council Highways and Transportation raise no objection to the proposal, subject to the imposition of conditions regarding the following:

- Submission and approval of full details of the off-site highway works (which would need to be agreed under a Section 278/Section 38 Agreement with KCC Highways) prior to commencement of the development;
- Completion of the approved off-site highway works prior to expansion in school roll to over 210 pupils (over 1FE);
- All parking, access and drop off area to be provided prior to occupation of the development (Phase 1) and thereafter annual monitoring of the onsite arrangement to allow the balance of staff parking and dropping off spaces to be adjusted if necessary;
- Submission and approval of details of secure and weatherproof cycle and scooter parking, and subsequent provision prior to occupation;
- Submission and approval of a full school Travel Plan prior to first occupation of the development, and thereafter ongoing annual monitoring and review;

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- Submission and approval of a Construction Management Plan for Phase 1 and Phase 2 of the development, approved prior to works on each phase commencing.

Highways and Transportation further advise that the application is accompanied by a robust Transport Assessment (TA) which has considered and addressed the highway issues relating to the provision of a new Primary School and comment as follows:

“Traffic Generation and Impact

Since this is a new school, the TA has estimated the likely number of pupils and staff travelling by car by considering the modal split of other schools in the local area. This has resulted in a predicted 172 vehicles generated by pupils and 27 staff vehicles arriving / departing each school day. Traffic surveys of the local highway network, in particular New House Lane and Haynes Road, have been undertaken and whilst the former is busy at peak school start and finish times with around 600 vehicles in both directions, Haynes Road is comparatively lightly trafficked with around 100 vehicles in total. Both of these roads are not considered to be operating anywhere near capacity and can accommodate the additional traffic even if the percentage increase in traffic can be considered to be high. However, all traffic to the school will need to travel along Wescott Avenue which is relatively narrow at 5.0m wide which, together with parking that already exists and could increase in the future, it is considered that this could result in congestion and highway safety hazards once the school is operating to full capacity. In this respect it has been agreed with the applicant that Wescott Avenue between the school entrance and Haynes Road should be widened to 6.0m wide together with junction improvements at the Haynes Road junction, and that these works should be completed before more than 210 pupils attend the school.

There is no significant crash record in the vicinity.

Parking

In accordance with KCC Parking Standards (SPG4) for a primary school there should be a maximum of 1 space per member of staff + 10%. For 38 staff this would mean a maximum requirement of 42 spaces plus a requirement for dropping off/picking up. The proposal provides for 49 marked out parking bays together with an additional 31 dropping off/picking up spaces. A parking survey covering the roads within 200 metres of the site demonstrated that there were a minimum of 59 on-street parking spaces in addition to those being provided on-site. Given that the predicted number of staff likely to travel by car is 27 this would enable a relatively high number of onsite spaces (for a school) - 53 - to be available for short term stopping even when the school is at full capacity. This is considered to be adequate and unlikely to result in inappropriate parking, congestion or highway safety issues on the surrounding highway network. It must be considered that the demand for spaces will only generally occur for short periods in the morning and mid-afternoon and only during school term times and, whilst it must be accepted that there will be a certain level of disruption to the local residents at these times, when

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considering the recommendations of NPPF, particularly Para. 32, cannot be considered to be severe.”

The County Council's School Travel Plan Advisor raises no objection to this application. It is considered that the Transport Assessment submitted with the application is very thorough and covers all aspects that would be expected to be seen at this stage of a new school build. Should permission be granted, a fully informed Travel Plan should be submitted (via the County Council's Jambusters System) for approval once the school is in operation.

Sport England objects to this application and comments as follows:

“While we acknowledge the topography of this site as shown by the sections provided by the applicant, it has been proven in the past that the field is suitable for sport at amateur level at least due to the fact that the school has clearly previously used it for pitch sports. It remains unclear what has changed since the field was last used for pitch sports in order to make it now incapable of forming a playing pitch.

The gradient shown on the provided sections is not considered to be so severe as to make the land incapable of forming any playing pitch, particularly for school/amateur level. No other evidence has been provided as to why the site is no longer suitable for pitch sports in its entirety.

I also note the information on the Landscape Plan regarding the design and makeup of the proposed AWP. However, I remain of the opinion that, due to the proposed amount of playing field to be lost, this is not considered to appropriately balance out the loss of flexible grass playing field, in light of the fact that I do not consider the playing field proposed to be lost to be incapable of forming a playing pitch. The NPPF states that playing fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality; this application does not satisfy this test as the AWP is clearly far smaller than the playing field land proposed to be lost.”

Environment Agency raises no objection to the proposed development subject to a condition regarding ceasing work should previously unidentified land contamination be found. Advice to the applicant is provided with regard to the disposal of waste material, and such advice could be relayed by way of an informative.

The County Council's Biodiversity Officer raises no objection to this application and is satisfied that sufficient ecological survey work has been undertaken to demonstrate that protected species would not be affected by the proposed development.

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

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submitted for prior approval, and further archaeological investigation, recording and reporting determined by the result of the evaluation.

The County Council's Flood Risk Management Team (SuDs) raises no objection to the application subject to the imposition of conditions requiring the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and subsequent details of the implementation, maintenance and management of the approved Sustainable Surface Water Drainage Scheme, and a further condition controlling the infiltration of surface water drainage into the ground (to ensure that there would be no unacceptable risk to controlled waters).

Local Member

24. The local County Members, Mr Dhesi and Dr Sullivan, were notified of the application on 20 June 2017.

Dr Sullivan has commented as follows:

“I do not object to the principle of this scheme, as primary school places are desperately needed in the area.

I do object to the access arrangement of the primary school. Members of the Committee must be made aware that the nearest school (Shears Green Junior School) has 475 pupils on roll, with another infant school on the same site with 361 pupils on roll. Already there are many issues with parents being able to drop off their children safely in the area. Now the new St Georges Primary school will be not 500m away and will be using the same roads at the same time of day.

I have serious safety concerns that a child may be injured due to increased car usage in dropping their children to school. While some parents have the time to walk their children to school, most have jobs to get to or have children in different schools so are forced to use their cars, especially given how parents are expected to deliver their children to the school land which will require parents to park.

Should the access to the new school come from another road, such as Wrotham road or via the Morrison's roundabout (through the new housing scheme that has been granted OUTLINE planning consent) this would ease the anticipated increased pressure. Please consider this application carefully regarding the entry route and drop off area of this school.”

Publicity

25. The application was publicised by an advertisement in a local newspaper, the posting of 5 site notices and the individual notification of 141 residential properties.

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Representations

26. At the time of compiling this report, one letter of representation from a local resident has been received. The main points raised are summarised as follows;
- It is understood that Westcott Avenue is to be widened. The road is very quiet with good parking;
 - Due to increased parking at peak school times, will dropped kerbs be provided?
 - Interest is also expressed in the time frame for the provision of the school as they have a young child.

Discussion

Introduction

27. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 22 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the new National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity.
28. In this case the key determining factors, in my view, are the principle of the development, access and highways matters, design, massing and siting including landscaping of the site and loss of playing field, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on other material considerations. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in paragraph 206 of the NPPF.

Principle of the Development

29. There are no specific policy designations which apply to the school site (apart from the access road which runs across a small area of the land designated under Policy CS21 of the Borough Councils Core Strategy) but it clearly has an established education use. As outlined in paragraph 6 of this report, the applicant advises that there is a large predicted demand for school places within Kent, and that general overall expansion is required to meet that need. I am further advised that, as a faith school, the secondary school has been a strong driver in wanting to deliver 'through school' opportunities on a

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shared site. Therefore, the proposed school would not only meet the identified demand for additional local primary school places, but also meet the need for Church school places across the Gravesham area. The provision of a new primary school would also allow for greater parental choice and would ensure that there is local provision for places to meet future needs, particularly in considering future local housing developments. This clearly accords with the Policy support for the provision of school places and the strong presumption in the favour of the development of state funded schools, as set out in paragraph 28 above.

30. As summarised in paragraph 23, the Borough Council accepts the principle of the provision of a primary school, and no objections have been raised to the principle of locating the school in the location proposed. However, concerns have been raised with regard to the accuracy and extent of the Transport Assessment, the proposed access arrangements, loss of playing field and general amenity matters. These matters will therefore be considered and discussed in the following sections of this report.

Access and Highway Matters

31. Both the Borough Council and the local County Member, Dr. Sullivan, have expressed concern over the location of the proposed access into the site and consider that access should be via alternative routes, either via Wrotham Road or through the adjacent Coldharbour Road housing site. Members are reminded that the Committee must consider the merits and acceptability, or otherwise, of the proposal as submitted, which in this case is considered to be acceptable by Kent County Council Highways and Transportation (H&T) and has not met with objection from local residents. However, for completeness I will assess the merits of both of the suggested options.
32. The applicant advises that to provide an access via Wrotham Road would result in the loss of the secondary schools playing pitches and would be an over engineered solution, incurring significant costs. H&T also agree that such an access would be impractical due to the distance and, more importantly, topographical difficulties as the site is considerably lower than Wrotham Road. It may also involve land not in the control of the applicant. More importantly, H&T advise that it is undesirable to introduce new access junctions onto busy classified roads such as Wrotham Road if a suitable alternative is available. Following further consultation with the Borough Council, it has accepted that access via Wrotham Road would not be a viable option for the reasons outlined above, and I also consider that to be the case.
33. With regard to access via the adjacent Coldharbour Road housing site, it is first important to note that at the time of writing this report outline planning permission is yet to be granted. As outlined in paragraph 4 of this report, the outline planning application (reference GR/20141214) for the development of the 17.46ha site to provide 400 dwellings and associated infrastructure and access was considered at the Borough Councils Regulatory Board on the 3 June 2015 where Members resolved to grant outline planning permission. However, the Section 106 Agreement is yet to be finalised, delaying the issuing of the planning permission. It should also be noted that as an outline planning application, reserved matters applications would need to be submitted and approved before works could commence on site. Works are not close to being able to commence and there is no guarantee that the development would be delivered and,

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as such, to coordinate the two developments would result in significant delays to the delivery of the primary school and the provision of educational places that are required for 2018.

34. Although the Borough Council express concern about the lack of information regarding the relationship between the proposed school and the Coldharbour Road housing site, I am advised by the applicant that the provision and phasing of the proposed primary school is not dependent on the Coldharbour Road development coming forward. There is an identified need for primary school places, and the phasing of the development would be driven by intake figures, in addition to the availability of public finances. This development is not reliant on the Coldharbour Road housing development and, as a separate detailed planning application, should be considered on its own merits in any instance.
35. Further to this, H&T advise that the spine road through the Coldharbour Road housing site, which would have a spur off the existing roundabout that provides access to Morrisons to the south, may not extend up to the primary school site or link with Westcott Avenue in any instance as 1) it is not proposed in the outline application and 2) it would have to cross land owned by the County Council. Secondly, H&T have advised that in the case that the spur road would end up being linked to Westcott Avenue, it may be as a bus only link to prevent the road becoming a rat run. In considering all of the above, I am satisfied that at this time access via the yet to be approved housing development would not be a viable option.
36. As stated in paragraph 31, H&T raise no objection to this application subject to the imposition of various conditions which will be discussed and addressed in the following paragraphs. However, with regard to the access point as proposed, this is considered by H&T, as the Highway Authority, to be acceptable in terms of highway safety, and I am also of the view that the location of the access is acceptable in general amenity terms. However, this is subject to the offsite highway works proposed, including the widening of the existing footway along Westcott Avenue to link with the footway network in Lanes Avenue to the south (phase 1), the widening of Westcott Avenue to the north of the school access to 6 metres to better accommodate two way traffic (phase 2), and subsequent realignment of the parking and kerb-line to the west of Westcott Avenue and kerb-line improvements at the junction with Hayes Road (phase 2). As required by H&T however, should Members be minded to grant permission, full details of the off site highway works (which would need to be agreed under a Section 278/Section 38 Agreement with H&T) should be submitted and approved prior to the commencement of the development, and thereafter be implemented prior to expansion in the school roll to over 210 pupils (over 1FE). Those details would include full details of the visibility splays, as requested by the Borough Council. Subject to those matters being covered by appropriately worded planning conditions, I would raise no objections to the location of the proposed access point into the site.
37. The Borough Council also expresses concern about the highway impacts of the proposal in terms of traffic generation and subsequent congestion and parking in local roads. As outlined in paragraph 3 of this report, in addition to St Georges Secondary School (which is accessed via Meadow Road to the north of the application site), Shears Green Infant School and Shears Green Junior School are located approximately

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200 metres (as the crow flies) to the south west of the proposed primary school access. The Borough Council and the local County Member Dr. Sullivan express concern over the accuracy of the submitted Transport Assessment and consider that there would be serious safety implications should additional traffic be added to these local roads.

38. In terms of highway safety on the roads in the locality, H&T advise that the 5 year crash record indicates that there has been one serious crash in Packham Road, outside Shears Green Primary School, in 2013 where a pupil of the school was injured by a car reversing at low speed, and a slight injury in New House Lane involving a moped turning into St Lawrence Square. H&T states that these are the only incidents that occurred during school peak travel times and conclude that on that basis they do not consider that there are any existing highway safety issues in the area.
39. With regard to the accuracy of the submitted Transport Assessment (TA), H&T consider the submitted document to be robust, using accepted methodologies to assess the existing highway conditions and to address the highway issues relating to the provision of a new school. As outlined in section 23 of this report, H&T state that since this is a new school, the TA has estimated the likely number of pupils and staff travelling by car by considering the modal split of other schools in the local area. This has resulted in a predicted 172 vehicles generated by pupils and 27 staff vehicles arriving/departing the proposed school each school day. Traffic surveys of the local highway network, in particular New House Lane and Haynes Road, have been undertaken and whilst the former is busy at peak school start and finish times with around 600 vehicles in both directions, Haynes Road is comparatively lightly trafficked with around 100 vehicles in total. H&T consider that both of these roads are not operating anywhere near capacity and could accommodate the proposed additional traffic, even if the percentage increase in traffic can be considered to be high.
40. Further to this acceptance that the local road network could accommodate the additional traffic movement generated by the proposed primary school, it is also important to note that significant on site pick up/drop off and parking facilities are proposed. As detailed in paragraph 14 of this report, the proposed school car park would provide 27 staff car parking spaces, 19 visitor/parent spaces and 3 accessible spaces (a total of 49 parking spaces), in addition to two drop off/pick up zones within the car park and a further two zones either side of the access road which would provide 31 additional parking opportunities on the site.
41. In accordance with KCC Parking Standards for a primary school it is recommended that a maximum of 1 space per member of staff + 10% be provided. For 38 staff, as proposed in this case when at full 2FE capacity, this would mean a maximum requirement of 42 spaces plus a need for dropping off/picking up spaces. The proposal provides for 49 marked out parking bays together with an additional 31 dropping off/picking up spaces. The submitted TA includes a parking survey which covered the roads within 200m of the application site, and demonstrated that there were a minimum of 59 on-street parking spaces in addition to those being provided on-site. Given that the predicted number of staff likely to travel by car is 27, that would enable a relatively high number of onsite spaces - 53 - to be available for short term stopping even when the school is at full capacity. This is considered by H&T to be adequate and unlikely to result

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in inappropriate parking, congestion or highway safety issues on the surrounding highway network such as to warrant withholding planning permission.

42. It must also be noted that the demand for spaces will only generally occur for short periods in the morning and mid-afternoon and only during school term times. Whilst it is accepted that there would be a certain level of disruption to local residents and road users at these times, when considering the recommendations of NPPF, the impacts cannot be considered to be severe (which is the key test in the NPPF). In addition, other measures can be included and managed in the School Travel Plan such as staggered start/finish times which could further aid in reducing congestion and maximising parking availability. Since it is proposed that the school would increase the pupil numbers over a relatively long period this would give a greater opportunity to manage and mitigate any matters arising. In considering the onsite provisions as discussed above, which it should be noted is considerably more generous than at the majority of existing schools, and the views of H&T, I am of the view that the onsite provision of car parking and pick-up/drop-off at this site is above that required by the necessary parking standards. However, should permission be granted, a condition of consent would require the car parking, access and drop off area to be provided prior to occupation of phase 1 of the development. Thereafter, annual monitoring of the onsite arrangements to allow the balance of staff parking and dropping off spaces to be adjusted if necessary should be undertaken. In my view, that monitoring should be undertaken as part of the annual review of the School Travel Plan.
43. The submitted TA also includes an outline School Travel Plan which is considered by the County Council's Travel Plan Advisor to be very thorough, covering all aspects that would be expected to be seen at this stage in the application process. However, it is considered that a fully informed Travel Plan should be submitted (via the County Council's Jambusters System) for approval once the school is in operation. Although H&T request that a Travel Plan be submitted prior to occupation, I consider that as the outline Plan is thorough, and that pupil numbers for the first year would be low (60-90), that the submission of the detailed Travel Plan be required within 6 months of first occupation of the school. Should members be minded to grant permission, a condition of consent would be imposed in that regard, including a requirement to monitor onsite car parking allocation (as referred to above).
44. Gravesham Borough Council has also queried some of the onsite highway design methods, such as car parking space sizes and the width of footway/cycleways. Although these matters are an onsite management issue as they are not on the public highway, I can confirm that the parking bay sizes comply with the current KCC H&T standards at 5.0m x 2.5m. Further, H&T advise that the shared footway/cycleway alongside the access road is 3.0m wide and considered adequate, complying with the appropriate standards. I therefore consider the submitted details to be acceptable. With regard to the Borough Council's concerns regarding conflicting vehicle movements (cars vs delivery vehicles etc), I consider this to be an onsite management issue and not something that the Planning Authority can control.
45. With regard to pedestrian access, the Borough Council is concerned that the proposed pedestrian link to the secondary school could displace existing school traffic from New House Lane and Meadow Road to Westcott Avenue, Lanes Avenue and Haynes Road.

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However, H&T consider that the link to the secondary school would encourage more secondary school pupils to walk to school since some would have an easier route from nearby housing developments. Whilst it is accepted that some parents could drop secondary school pupils close to the new primary school, traditionally secondary school pupils are more likely than primary school pupils to travel independently to school through walking or by bus. H&T do not consider that this is a significant concern, and I am of the same view in this instance.

46. With regards to cycle and scooter parking, the applicant is proposing to provide a minimum of 10 cycle parking spaces and secure scooter parking. The Borough Council and H&T require further details of the secure and weatherproof cycle and scooter parking to be provided pursuant to condition, should permission be granted, and that such facilities thereafter subsequently be provided prior to occupation. Should Members be minded to grant permission, I consider it appropriate to require such details pursuant to planning condition.
47. Lastly, the Borough Council raises concern over the potential highway impacts resulting from out of hours community use of the school facilities. Although the amenity and sporting impacts of such use will be discussed later in this report, from a highway point of view the impacts are considered likely to be minimal. Community use of the AWP pitch would initially be arranged and accessed via the secondary school, which already offer out of hours community facilities. However, the applicant advises that both schools would continually review that arrangement and that the option of using the primary school car park could be explored if necessary. That is something that could be covered within the School Travel Plan as part of the annual review process. I am satisfied that the limited level of community use proposed is unlikely to lead to additional on street car parking, or have an undue impact on the local highway network.
48. In summary, H&T, as the Highway Authority, state that it is not considered that the impact of the school proposal is likely to lead to “severe” highway safety or congestion problems, although it is accepted that, as with any school, particularly primary schools, some local disruption may result but this is of short duration and only during part of the year. In considering the above, and in light of the views of H&T, I consider that subject to the imposition of conditions regarding the submission of full details of the off-site highway works and their subsequent completion, submission of an updated Travel Plan, submission of details of secure cycle and scooter parking, and the provision and permanent retention of the access, car parking and drop off areas as shown on the submitted plans prior to occupation of Phase 1, that the development would not have a significantly detrimental impact overall on the local highway network. I therefore see no overriding reason to refuse this application on highway and access grounds.

Design, Massing and Siting including Landscaping of the Site and General Amenity Matters

49. Apart from the playing field implications of the siting of the proposed primary school and the subsequent Sport England objection, which will be discussed later in this report, the design, massing and siting of the development as proposed has not met with objection. The proposed site layout, which proposes car parking and public spaces to the western site frontage, followed by the school building which would be cut into the site to reduce its height and massing, with amenity space and the floodlit AWP to the rear, results in a

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development which would not, in my view, adversely affect local amenity, including the amenity of local residents. The building, when completed, including the second phase, would be over 50 metres from the rear elevation of the closest property in Haynes Road, but due to the diagonal orientation of the building would be over 70 to 100 metres from the rear of Haynes Road properties in the most part. The existing boundary planting, and the rear access road to those properties, provide a good degree of separation and screening, and combined with the orientation of the building would, in my view, mean that local properties would not be overshadowed or overlooked by the development as proposed.

50. The design and massing of the proposed primary school building would, in my view, sit well within the site, using the level drop across the site to mitigate the massing when viewed from the site frontage/properties in Haynes Road. The building would sit well against the back drop of the existing secondary school buildings, and would not be out of scale with local two storey residential development. The applicant has provided a significant level of detail within the planning application documentation regarding the external materials, including the exact specifications and colour finishes. A summary of these materials is provided in paragraph 23 of this report. The Borough Council have requested that further details of external materials be submitted pursuant to planning condition, in addition to a further condition requiring details of plant/equipment on the roof and in the service yard. The applicant has shown the proposed roof plant on the application drawings, and I am satisfied that as long as plant is contained within the designated service yard that additional details are not required. Further, the detailed external materials specification that has already been submitted provides all of the information that is required. However, should Members be minded to grant permission, I would recommend that conditions of consent be imposed to ensure that the development is undertaken in accordance with the submitted details, and that any deviation from the approved specifications would require further approval.
51. As set out in paragraphs 8 and 9 of this report, apart from a small section of boundary planting that would need to be removed to accommodate the new access road into the site, the applicant advises that all other boundary trees and planting is to be retained. A total of 11 trees are proposed to be removed to facilitate the development, in addition to three trees which are to be removed due to poor health. The application documentation includes detailed landscaping proposals which identify the location for the planting of over 80 replacement/additional trees, a minimum of 65% of which would be native species. Hedge planting and wildflower planting is also proposed, including the provision of an enclosed wildlife garden. Tree protection plans are also included within the application details.
52. Further, the southern and western boundaries of the proposed primary school would be demarcated and secured by the existing fencing which currently marks the boundary of the secondary school site. The northern and eastern boundaries would be secured with black 1.8m high vertical bar fencing, with tree planting and hedging proposed to the boundaries to soften the appearance of the fencing. The AWP is proposed to be enclosed with 4m high green weld mesh fencing. I note that the Borough Council requests that further details of landscaping works, tree protection measures, and boundary treatments be submitted pursuant to planning condition. I am, however, satisfied that the application documentation includes sufficient information in those

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regards, and that requiring further details would merely result in the same information being resubmitted at a later date. Should Members be minded to grant permission, I would recommend that conditions of consent be imposed to ensure that the development is undertaken in accordance with the submitted details, and that any deviation from the approved landscaping and/or fencing specifications would require further approval.

53. Community use of the floodlit AWP is proposed, as outlined in paragraph 17 & 21 of this report, and the sporting implications of such use will be discussed later in this report. However, with regard to amenity implications of the proposed lighting and out of hours use, I would advise that the proposed AWP would be located to the rear of the primary school building, screened by the building itself and existing and proposed landscaping and tree planting. The AWP is proposed to be floodlit by 8 luminaires, mounted on six 8m high floodlight columns, with an average illuminance across the pitch of 382 lux. Hours of use are proposed to be 0800 to 2200 hours Mondays to Fridays inclusive, and 0900 to 1900 hours on Saturdays, Sundays and Bank or Public Holidays. Given the location of the facility and the degree of separation from local properties, and in considering that access would be via the secondary school which already opens its facilities for community users out of school hours, I do not consider that community use of the AWP would significantly adversely affect the amenity of local residents.
54. However, for clarity, and as limited details regarding the community use of the AWP have been provided, and as requested by the Borough Council, I do consider that further details of community use of the AWP, and any other facilities that the school would wish to open up for out of hours use, should be submitted pursuant to condition. Therefore, should permission be granted, further details of community use would be required for submission and approval. In addition, should permission be granted it is essential that the lighting is installed and set up in strict accordance with the submitted lighting specification, and that the switching mechanisms proposed are implemented to ensure that lighting is not left on when the pitch is not in use. Hours of use would also be strictly controlled, with lighting not in use any later than 22.00 Monday to Friday, and 19.00 on Saturdays, Sundays, and bank holidays. Subject to these matters being controlled by planning condition, I am satisfied that the proposed floodlighting would not have a significantly detrimental effect on the amenity of the immediate locality.
55. In addition to the lighting of the AWP, as set out in paragraph 20 of this report, the applicant has provided details of the external lighting scheme for the whole site, including access and car parking areas and general perimeter and security lighting. The lighting levels proposed are in accordance with the relevant guidance, and the lighting would be controlled by a combination of photocell sensors and time clocks. Again, I am satisfied that the application documentation includes sufficiently detailed information with regard to the proposed lighting of the site to negate the need for further details to be submitted pursuant to condition. However, should Members be minded to permit, I would recommend that a condition of consent be imposed to ensure that the development is undertaken in accordance with the submitted details, and that any deviation from the approved lighting specification would require further approval.
56. Finally, the Borough Council expresses concern about the position of the school gate at the entrance and the potential for unauthorised access on to neighbouring Borough

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Council land and concern over fly tipping. This is a matter for the applicant to address in consultation with the Borough Council regarding land transfer matters, and a future site management issue. The Borough Council further requests that an informative be added requesting that the applicants discuss Crime Prevention through Environmental Design (CPTED), Secured By Design (Schools) and BREEAM requirements with Kent Police. Should permission be granted, that informative would be added to the consent. Members will note however that an array of photovoltaic panels are proposed on the hall roof, and that the building has been designed with sustainability in mind in terms of building orientation and solar gain.

Playing Field Provision

57. This application proposes development on an area of mown grass currently used by St George's CofE School (secondary school) as amenity space. Sport England has objected to this application as they consider that it does not accord with paragraph 74 of the NPPF or any of the exceptions of Sport England's Playing Fields Policy. That Policy states that Sport England would oppose any development that would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field unless in their judgement it meets one of the 5 specific exception circumstances. These are (E1) that there is an excess of playing field provision in the catchment area (illustrated by a quantified and documented assessment); (E2) that the development is ancillary to the principal use of the site as a playing field (i.e. changing room facilities); (E3) that the development is on land that is incapable of forming, or forming part of a playing pitch; (E4) that the playing field to be lost would be replaced by a playing field of equivalent or better quality in a suitable location; (E5) or that the development is for indoor or outdoor sports facility which would be of sufficient benefit to outweigh the detriment caused by the loss of the playing field. The Borough Council also share Sport England's concerns regarding the impact of the proposed development on existing sports facilities, whilst supporting the provision of the floodlit AWP, a facility for which there is a shortfall within the Borough.
58. The applicant advises that the secondary school benefits from a significant amount of existing good quality playing pitch space, which would enable the school to continue to provide its pupils with adequate sports facilities and playing pitches, whilst also accommodating the primary school development. Moreover, the applicant considers that the application site is on land currently incapable of accommodating a formal playing field due to the topography of the site. Although the site has been used in the past for 5-a-side football and rounders, use of the site for sport ceased by 2013 due to the topography and the plentiful alternative space available on the secondary school site. I am advised by the applicant that the secondary school has 5.5 hectares of flat playing that is marked out with five football/rugby pitches, athletics track, cricket pitch and other field sports.
59. Sport England guidance (*Natural Turf for Sport*) states that a playing surface should be no steeper than 1:80-1:100 along the line of play, and 1:40-1:50 across the line of play. In this case, the application site falls approximately 7m from west to east with a gradient of between 1:25 and 1:34. Therefore, although the site has historically been used for informal sports use, I accept that it is not ideal for formal sports use, and that sufficient alternative sports facilities of a better quality are available on site in any instance.

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60. In addition, a floodlit AWP is proposed as part of this application which would also be available for use by the secondary school and the local community. The 3G pitch would have a playing surface suitable for under 10s football, three 5 a side pitches and mini hockey. The Borough Council acknowledge that there is a need for a floodlit AWP within the Borough, and therefore the proposal clearly provides a needed facility of better quality than that of the existing unusable (for formal sports) space. Arguably, the development proposed would meet with exception E4 in this instance. In addition, by providing an all weather surfaced floodlit facility to serve the proposed primary school, the secondary school and the local community, the development arguably is providing a facility which would benefit the suitability and availability of local sports facilities, outweighing the detriment of any loss, meeting the requirements of exception E5.
61. In my opinion the applicant has demonstrated sufficiently that the application site has significant limitations for formal sports use, that the secondary school has plentiful good quality playing field which meets the schools requirements, and that the provision of the floodlit AWP would be of a benefit to both schools and the local community. It is therefore considered that in this instance, and notwithstanding Sport England's objection, a pragmatic approach should be taken in dealing with this scheme given the identified need for a primary school and the benefits of co-location with the secondary school. Such an approach is supported by policy guidance in the NPPF, in seeking to provide a proactive and positive approach in considering applications that deliver development that widens choice in education provision. If Members agree with this and are minded to grant permission, the application would need to be referred to the Secretary of State due to Sport England's objection.

Biodiversity

62. With regard to ecology and biodiversity matters, an Ecological Impact Assessment and Precautionary Mitigation Strategy have been submitted which conclude that the development would not have a detrimental impact on biodiversity, subject to the development being undertaken in accordance with the recommendations set out within the reports. The County Council's Biodiversity Officer is satisfied with the level of information provided. Should permission be granted, a condition of consent should be imposed requiring that the development is undertaken in accordance with the recommendations and precautionary measures as detailed within the submitted reports. In addition, I consider that a further condition of consent should be imposed to ensure that there is no tree removal during the bird breeding season, unless supervised by a suitably qualified ecologist. Subject to the imposition of the conditions outlined above, I am of the view that the development would not have a detrimental impact upon ecology/biodiversity interests.

Drainage and Land Contamination

63. The Environment Agency and the County Council's Flood Risk Team (SuDs) both raise no objection to this application subject to the imposition of conditions. The Flood Risk Team require the submission of a detailed Sustainable Surface Water Drainage Scheme and the further submission of details of the implementation, maintenance and management of the sustainable drainage scheme. The Flood Risk Team also require a

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further condition to control surface water drainage into the ground (there should be no discharge to ground within a Source Protection Zone unless the discharge is clean and uncontaminated i.e. roof water). Should permission be granted, the conditions as outlined above would be imposed upon the consent to ensure that drainage of the site was both sustainable and effective.

64. With regard to land contamination, the Environment Agency requests a condition be attached to any consent regarding how works should proceed should any contamination be found during construction. Therefore, should permission be granted, a condition would be imposed covering this matter.

Archaeology

65. The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, a condition of consent should be imposed. It is requested that no development takes place until the applicant has secured the implementation of archaeological field evaluation works and any subsequent archaeological investigations, to be undertaken in accordance with a written specification and timetable which should be submitted for prior approval. I consider that the suggested condition would be an appropriate requirement in ensuring an acceptable level of evaluation and mitigation of the archaeological potential of the site. Therefore, subject to the imposition of the required condition, I do not consider that this proposal would have a detrimental impact on archaeological interests.

Construction Matters

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

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Coldharbour Road housing site. However, I do not consider such a condition to be relevant or necessary as the primary school development is not within the proposed housing site boundary, nor would access be shared. In addition the County Council has no control over the timescales for the delivery of the housing development.

Conclusion

69. This proposal seeks to provide a new build two storey 2 Form Entry (2FE) Primary School with car park, playground, floodlit artificial pitch, and associated landscaping with a new access road, footpaths, highway improvements (including the widening of Westcott Avenue and the provision of a footpath link to Lanes Avenue) and service connections at St Georges Church of England School, Gravesend. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. The development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network, provision of sport facilities or the amenity of local residents, and would accord with the principles of sustainable development as set out in the NPPF. I therefore conclude that the development is sustainable and recommend that the application be referred to the Secretary of State for Communities and Local Government for his consideration in respect of the Sport England objection and, subject to his decision, that permission be granted subject to conditions.

Recommendation

70. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government in respect of the objection from Sport England, 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 for implementation;
- the development to be carried out in accordance with the permitted details;
- the development to be carried out using the external materials and colour finishes as specified within the planning application documents unless otherwise agreed;
- roof plant to be installed as shown on the submitted drawings unless otherwise agreed;
- external lighting to be provided in accordance with the submitted details unless otherwise agreed;
- boundary and internal fencing to be provided in accordance with the submitted details unless otherwise agreed;
- landscaping scheme, including additional tree planting, soft landscaping, hard surfacing, and ecological enhancements to be provided in accordance with the submitted details unless otherwise agreed;
- tree protection methods, as shown on the submitted drawings, to be adopted to protect boundary hedgerows and trees to be retained;
- development to accord with the recommendations and precautionary mitigation methods detailed within the submitted ecological surveys/reports;

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- no tree removal during the bird breeding season;
- the submission and approval of further details of community use relating to use of the indoor and outdoor facilities, including hours of use;
- use of the floodlighting limited to between the hours of 0800 and 2200 Monday to Friday, and to between 0900 and 1900 on Saturdays, Sundays and Bank Holidays;
- extinguishing of lighting when pitch not in use or 15 minutes of last use;
- lighting to be installed in accordance with approved details, and checked for compliance on site prior to first use;
- lighting levels not to exceed those specified within the application;
- submission and approval of full details of the off-site highway works (which would need to be agreed under a Section 278/Section 38 Agreement with KCC Highways) prior to commencement of the development, including visibility splays;
- completion of the approved off-site highway works prior to expansion in school roll to over 210 pupils (over 1FE);
- the submission and approval of a Travel Plan within six months of occupation, and thereafter ongoing monitoring and review, to include annual monitoring of the onsite car parking arrangement to allow the balance of staff parking and dropping off spaces to be adjusted if necessary and a review of car parking associated with community use;
- provision and retention of car parking, access (vehicular and pedestrian), pick up/drop off, circulatory routes and turning areas prior to the occupation of phase 1 of the development;
- the submission and approval of details of the secure and weatherproof cycle and scooter parking and subsequent provision prior to occupation;
- the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and subsequent details of the implementation, maintenance and management of the approved Scheme;
- no infiltration of surface water drainage into the ground other than with the approval of the County Planning Authority;
- measures to control development should land contamination be identified;
- the implementation of archaeological field evaluation works and any subsequent archaeological investigations;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- the submission and approval of a construction management strategy prior to the commencement of each phase of the development, including details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid conflict with peak school times, and details of any construction accesses;

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

- The applicant's attention is drawn to the letter from Highways and Transportation in which it is noted that it is the responsibility of the applicant to ensure that all

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Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

necessary highway approvals and consents where required are obtained, including a Traffic Regulation Order.

- The applicant's attention is drawn to the letter from the Environment Agency in which advice is provided with regard to the disposal of waste material;
- The Borough Council advise that the applicant discuss Crime Prevention through Environmental Design (CPTED), Secured By Design (Schools) and BREEAM requirements with Kent Police.

Case officer – Mary Green	03000 413379
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Background documents - See section heading
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Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)



To: Planning Reps
From: Highways Development Management Officer

Date 13th October 2017

Your Ref

Location: St Georges Primary School Westcott Avenue

Site visits were conducted from approximately 7:30 till 8:50 and 14:00 to 16:10 on Friday 13th October.

During these period Lanes Avenue became congested with parked cars primarily associated with the school run to the nearby Shears Green School, leaving little space for additional parking capacity. Allowing for disabled spaces and carriage crossovers at the peak there was perhaps 4 spaces remaining, within the survey area covered by the application during the morning period.



Lanes Avenue near Haynes Road.

It should be noted that the style of parking does not conform to the London Borough of Lambeth Parking Survey Method, instead a longer parking style is used for ease of access and egress.

With regards to Haynes Road all available parking south west of the Westcott Avenue junction was fully occupied by 8:45 again primarily associated with the nearby school, this also occurred during the afternoon collection period. It was also noted at times the lay-by adjacent to Lawrance Square. shopping parade had a combination of parallel and perpendicular parking, although it does not confirm to current standards for perpendicular parking as the spaces are short. Indeed the two marked disabled spaces at 4.6 metres long extend into the carriageway. To the north east there was only limited parking leaving more space available for additional vehicles, although this space reduced in the afternoon as parking spread.

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Appendix 1

By 8:45 the majority of the parking was however perpendicular with parallel parking at either end of the lay-by. Within the perpendicular parking area, 26 cars were parked, two disabled parking spaces were unused and the area was full the same applies in the afternoon peak period.



Haynes Road Lay-By

Capacity could potentially be increased by marking out the on street parking bays, but alterations should be made to the highway to ensure that the bays conform to minimum standards. Also as some parents brought younger siblings with them, extra space is required to get these children into and out of a car, so there is merit in accepting reduced capacity but more desirable parking spaces to encourage (if marked) their use and providing the public with what they want, indeed need. There is also the question on whether there is scope to angle the spaces against the kerb further reducing capacity but ensuring no vehicle overhangs the carriageway. In any instance reverse parking should be encouraged so any loading/unloading from the boot (such as buggies) takes place pavement side and not in a live lane.

Returning to Lanes Avenue, there is evidence that the grass verge near Westcott Avenue is used either as a parking space or an overrun area to allow vehicles to pass. This is liable to be aggravated with any new development and conditions should be introduced to prevent it. It should be noted that surface tree roots are being damaged.



Proposed 2FE Primary School with associated access and infrastructure on land at St George's CofE School, Gravesend – GR/17/674 (KCC/GR/0165/2017)

During the visit it was noted that the deciduous trees near the development site were shedding leaves potentially making the area around the proposed access dangerous, particularly in wet or icy conditions.



Westcott Avenue

As this area is currently very lightly trafficked it may not be considered to be much of an issue. But with increase in both vehicular and pedestrian traffic no doubt it will require regular attendance to keep the area free of leaves and places a financial burden on the local authority that needs to be addressed.

Westcott Avenue did not appear to be used for the school drop off in the morning but in the afternoon at least seven cars associated with the school pick up were noted parked at one time. However there was space still available for on street parking.

The community Centre car park did not appear to be used in the morning whilst in the afternoon four vehicles were seen parked during the school pick up period.

The majority of roads in this area whilst able to accept on street parking become single track highways. This can result in conflict and congestion as opposing stream of traffic meet and have to pass one another with limited opportunities to do so between the parked cars, carriage crossovers and junctions forming the best passing places.

Haynes Road is the exception, but then near to the Shears Green School parking occurs on both sides of the road resulting in the same situation as the other roads

As a result of this visit, if the free flow of traffic is to be reasonably maintained, I believe the car parking survey undertaken by the applicant to be a gross over estimation of what is actually available.

Two schools in such close proximity are liable to result in significant congestion, competition for parking spaces as well as dangerous parking. Resulting in the drop off and pick up periods extending to the detriment of the local residents. It should be noted that the earliest arrival

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Appendix 1

observed for the school pick up was at approximately 14:30 and was in the perpendicular parking in Haynes Road. The pictures that following were taken during the afternoon of the 13th October:



Lanes Avenue junction with Haynes Road. (Both cars at the junction are parked)



Lanes Avenue link to Packham Road. Note the verge parking.

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Appendix 1



Haynes Road early afternoon



Haynes Road looking towards Packham Road early afternoon

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Appendix 1



Haynes Road school pick up approximately 15:15



Haynes Road perpendicular parking overhanging carriageway and looking towards Packham Road
This was just prior to school pick up.

D1.40

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Appendix 1



Westcott Avenue during school pick up. Note one car in the lay-by can be discounted as it was used by the surveyor.



Lanes Avenue adjacent to Community Centre during school pick up.



Lanes Avenue junction with Haynes Road during the school pick up. The car across the Give Way line is parked

D1.41

Item D1

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Appendix 1



Lanes Avenue junction with Westcott Road during school pick up.



Lanes Avenue south of Westcott Avenue looking south. Note the roof of the vehicle parked on the grass verge



Lanes Avenue link road to Packham Road at approximately 3pm. Note the pavement and verge parking.

L W Seaborn 13th October 2017

D1.42

Item D2**Section 73 application to vary condition 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)**

A report by Head of Planning Applications Group to Planning Applications Committee on 8 November 2017.

Section 73 application by KCC Property & Infrastructure Support to vary condition 15 of planning permission TW/12/1442 to ensure that the offsite traffic calming measures are approved and implemented prior to first occupation of the new primary school, Land south of Rolvenden Road, Benenden, Kent, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017).

Recommendation: Subject to any further views received by the Committee Meeting permission be granted subject to conditions.

Local Member: Mr. Sean Holden

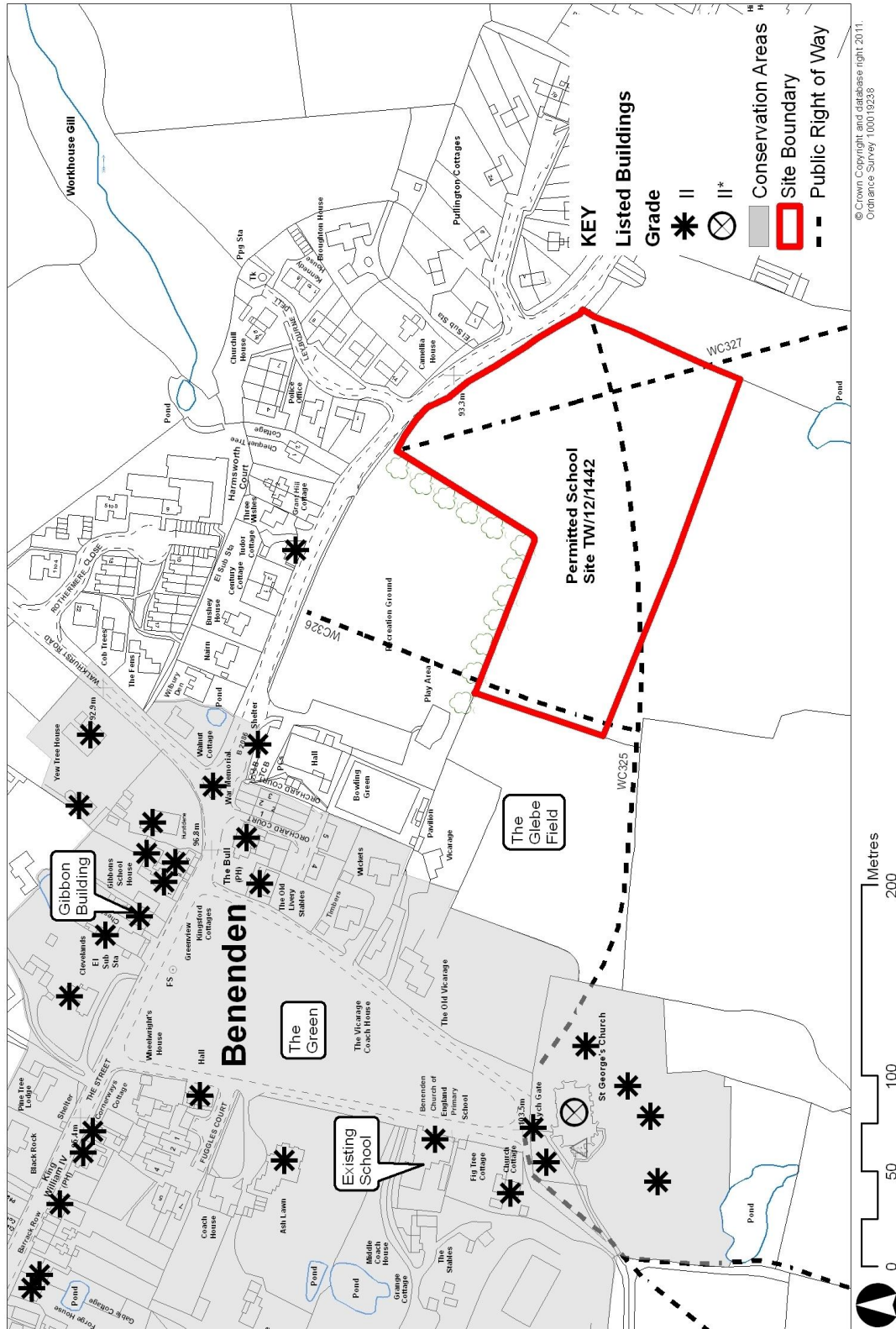
Classification: Unrestricted

Site and background

1. This application relates to the planning permission which was granted in January 2013 for the construction of a new primary school on land south of Rolvenden Road to replace the existing outdated accommodation and facilities that are no longer fit for purpose located elsewhere in the village. The new school site comprises pasture land of 2.12 hectares (5.24 acres) in area. It lies to the east of the village church and adjacent to the Glebe Field. Land to the south is in open agricultural use, whilst the village sports field is situated directly to the north. The site is bordered by native hedgerow, with trees along the western boundary with the Glebe Field and surrounding the sports field to the north. The site has sloping topography, rising southwards from the Rolvenden Road. A location plan is attached.
2. An alternative proposal, which was subsequently granted planning permission in October 2014, involved reducing the amount of car parking on the proposed school site with a revised access position and use of an extended and resurfaced village hall car park. However, I understand that a mutually acceptable agreement was not reached between the applicant and the Harmsworth Memorial Trust (i.e. the trustees of the village hall and recreation ground) for it to be possible to proceed with that proposal. The particular planning permissions relating to this alternative proposal have recently lapsed. The applicant's intention is therefore to implement the planning permission for the new school with the car parking and access arrangements as originally proposed and permitted under reference TW/12/1442.
3. Following protracted negotiations, the new school is mainly being funded through the Education Funding and Skills Agency's (EFSA) Priority Schools Building Programme 2. Works are due to commence on site before the end of the year given that the planning permission will expire on the 21 January 2018. The intention is to let the contract in two parts. The first has been let to form the proposed vehicular access and car park and a second will be let for the main contract for the construction of the school building. In view of this, the applicant has been seeking to discharge the various pre-commencement conditions imposed on the planning permission. Some of the details

Section 73 application to vary conditions 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)

Location of New Benenden Primary School Site



Section 73 application to vary conditions 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)

required have already been approved under delegated powers and others are still being considered, including the Code of Construction Practice which is reported under item D3 of these Committee papers. An application for a Non Material Amendment has also been approved for minor changes required to meet EFSA guidelines and funding requirements, including minor changes to the floor plan, minor alterations to the elevations and changing the courtyard paving.

Proposed variation of condition

4. Pre-commencement condition (15) requires the implementation of traffic calming measures in Rolvenden Road on the basis of the scheme which was put forward with the original application. The scheme included continuous white edge lining of the carriageway, school keep clear markings, 30 mph carriageway markings and signage, coloured surface treatment at either end and a gateway feature together with a vehicle activated sign (with school warning and 30 mph slow down displays) at the eastern end. (A drawing showing this is attached below.) When the school application was considered by the former Planning Applications Committee in December 2012 Members requested that such a scheme be implemented prior to construction commencing on site in accordance with details that first had to be submitted to and approved by the County Planning Authority in consultation with the Highway Authority. Accordingly the following condition (15) was imposed:

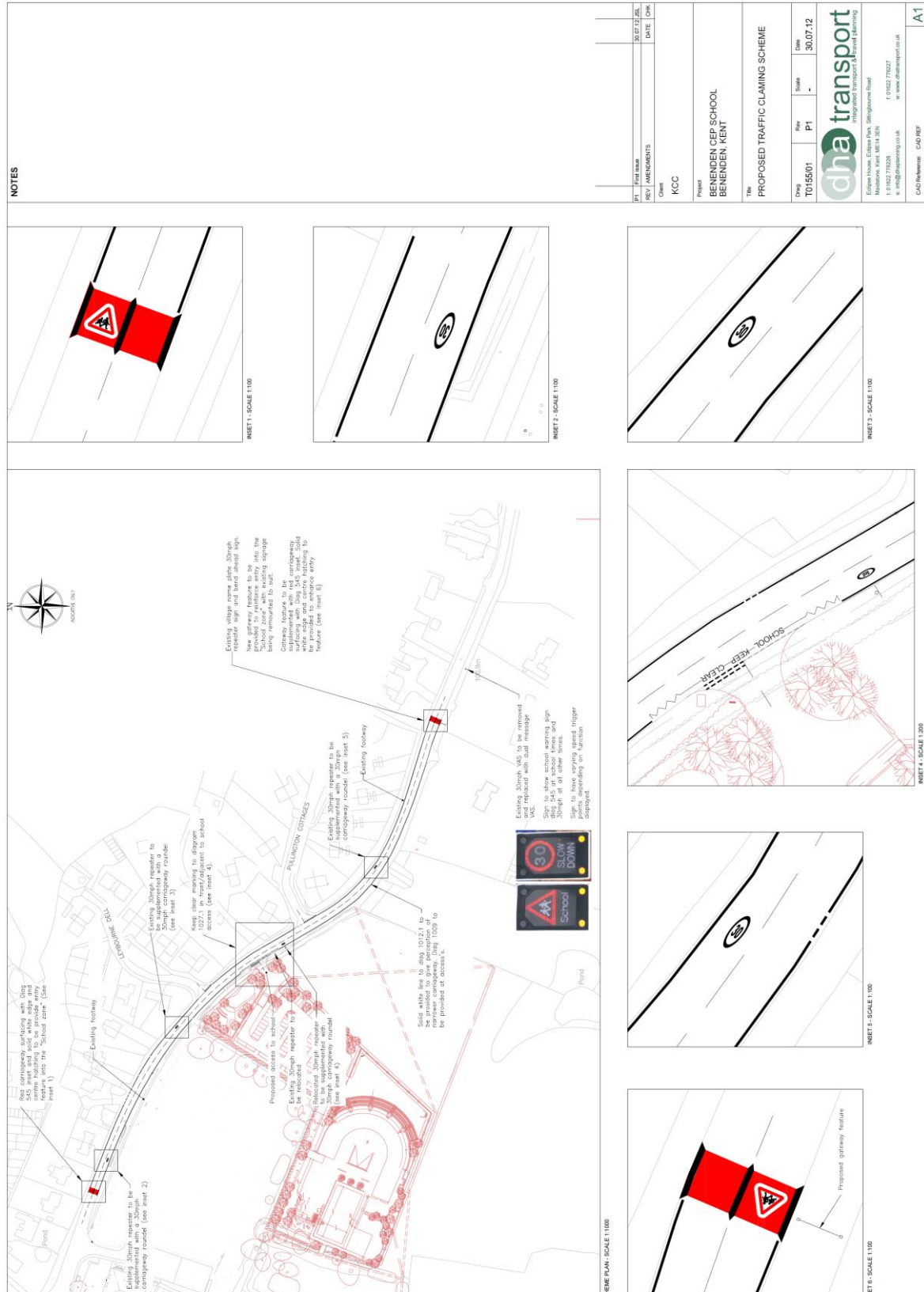
Before the development hereby permitted is commenced, a scheme of off-site traffic calming measures (as outlined in "Supplementary Transport Report" dated July 2012 reference JSL/T0155 and on "proposed Traffic Calming Scheme" drawing number T0155/01 Revision P1, or other such scheme of works substantially to the same effect which has first been approved in writing by the Highway Authority) shall be implemented, subject [as necessary] to a Traffic Regulation Order, Safety Audit, and the prior approval of a scheme which shall first be submitted to and approved by the County Planning Authority in consultation with the Highway Authority. Thereafter the approved off-site traffic calming measures shall be maintained in perpetuity for the life of the development hereby permitted.

Reason: In order to secure the provision of off-site traffic calming measures ahead of the first opening of the new Primary School.

5. The applicant has now submitted this Section 73 application to vary the timing of when the traffic calming scheme is required to be implemented on the basis that the main reason for the imposition of the condition was to protect the highway safety of children, staff and parents visiting the school when it is operational and was not necessary to ensure the safety of operatives associated with the construction process. In that respect it is stated in the application that the construction works would be accompanied by their own Code of Construction Practice (CCP) required by condition 14. The details of the CCP which is reported under item D3 includes signage to ensure public vehicles approaching the site on Rolvenden Road are made fully aware of the construction activities taking place and the likelihood of construction vehicles turning into and out of the site. It is also stated in the application that 'yellow signage' is typical on the approach to construction works, and this if necessary can include repeater speed limit signs and warning signs. In addition it is pointed out that parts of the traffic calming

Section 73 application to vary conditions 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)

Traffic calming measures - drawing T0155/01



Section 73 application to vary conditions 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)

scheme associated with the operation of the school, such as the interactive school warning sign (proposed to the east of the school site), would give the incorrect and potentially misleading information to approaching drivers during the construction period, potentially resulting in driver confusion.

6. The applicant is therefore requesting that the condition be reworded as follows:

Before the first occupation of the new Primary School, a scheme of off-site traffic calming measures (as outlined in "Supplementary Transport Report" dated July 2012 reference JSL/T0155 and on "proposed Traffic Calming Scheme" drawing number T0155/01 Revision P1, or other such scheme of works substantially to the same effect which has first been approved in writing by the Highway Authority) shall be implemented, subject [as necessary] to a Traffic Regulation Order, Safety Audit, and the prior approval of a scheme which shall first be submitted to and approved by the County Planning Authority in consultation with the Highway Authority. Thereafter the approved off-site traffic calming measures shall be maintained in perpetuity for the life of the development hereby permitted.

Reason: In order to secure the provision of off-site traffic calming measures ahead of the first opening of the new Primary School.

Planning policy

7. (i) **National Planning Policy**

National Planning Policy Framework (March 2012), and the National Planning Policy Guidance (March 2014).

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.

The following NPPF guidance and objectives are of relevance to this particular application:

- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

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

Section 73 application to vary conditions 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)

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.

(ii) Tunbridge Wells Borough Local Plan (2006) Saved Policies:

Policy TP4 Proposals will be permitted provided certain criteria are satisfied including, amongst others, that the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. Where a proposal necessitates highway improvements, the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development.

(iii) Tunbridge Wells Borough Core Strategy (June 2010)

Core Policy 3 In order to address transport issues and encourage sustainable modes of transport, amongst other things, seeks to conserve and enhance the rural lanes network to ensure that they are convenient and safe for users.

Core Policy 5 The Borough Council will apply and encourage sustainable design and construction principles and best practice. Developments should also be of high quality design, creating safe, accessible, and adaptable environments, whilst conserving and enhancing the public realm.

Core Policy 8 Supports the provision of community facilities.

Consultations

8. **Tunbridge Wells Borough Council** has no major concerns with the proposal and has no comments to make.

Benenden Parish Council - at the time of writing views have been requested by 3 November 2017.

Kent County Council Highways and Transportation has commented as follows:

'I can advise that in general off site works in connection with development are provided prior to first occupation to ensure that the required works are in place before the use of the development commences. This is reflected in the reason for the condition. Also as any new measures can be damaged during the course of construction it is usually considered prudent to implement the required measures, following major construction works on the site.

Although the measure here may be predominantly signing and lining, they may require refreshing following the construction phase and the measures relating

Section 73 application to vary conditions 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)

particularly to the school would be inappropriate in advance of its opening.

In keeping with the initial recommendation on the main application, the highway authority would have no objections to the implementation of the works prior to first occupation.'

Local Member

9. The local County Member, Mr Sean Holden, was notified of the application on 6th October 2017.

Publicity

10. The application was publicised by the posting of three site notices along the stretch of road affected by the traffic calming measures.

Representations

11. One online representation has been received from a nearby local resident objecting to the application. He considers that it must be refused because it seeks to remove the responsibility for the traffic calming measures during the construction period on this site without making any mandatory conditions or guarantee that someone else would replace them. The following points are also made:
 - In TW/12/1442, the reasons for granting approval of the new School entrance states that having taken account of the various highway concerns received, together with the professional and technical advice from KCC Highways and Transportation, the committee was satisfied that subject to the imposition of conditions, which included the provision of offsite traffic calming measures the proposed new school access would be safe for users of the new facility and for other Highway users including those residential driveways which would be located opposite the new school access point.
 - Great issue was made of this at the planning meeting where it was discussed at length and we were assured that with these Traffic Calming Measures in place we would be perfectly safe from the traffic speeding through the dangerous S bends where the new school was located.
 - The Building Contractors in the condition 14 Code of Construction Practice have not been instructed to provide Traffic Calming Measures as one of the key aspects of this code because the KCC believed that they are already covered by the Condition 15 which has to be approved and in place before the development is hereby permitted.
 - The DHA [the applicant's transport consultant] Section 73 Transport Statement totally ignores the safety of the other road users and the local residents during construction of the school and concentrates solely on the users of the new school after it has been built. It goes against the safety ethos for the whole scheme; DHA

Section 73 application to vary conditions 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)

cannot just seek to change for one section without considering how the whole Scheme will be affected and then addressing those changes.

- It is not safe or in the public interest for DHA to rely on the Building Contractors maybe putting these measures in place at their own expense, when they already believe them to be covered by condition 15 and that the Traffic Calming Measures are not a part of their construction contract.
- TW/12/1442 was granted with condition 15 so that the Traffic Calming Measures would be in place before any work was started on the construction of the school to protect the safety of the other road users, local residents including residents who live opposite the school entrance during the construction phase, and then the school users as well when the school is occupied.

Discussion

12. This application seeks to vary the timing for the implementation of the traffic calming measures so that they do not have to be in place before the applicant is able to commence any works on the permitted school site itself. The key determining issues are highway and access considerations and the need for the development. The traffic calming measures per se do not require planning permission as they are allowed under permitted development rights. However, planning permission for the new school was conditional on these measures being carried out to make the access arrangements acceptable and safe for all users of the highway in accordance with the planning policies referred to in paragraph (7) above.
13. Although the applicant is seeking to vary the condition to change the timing of the works the traffic calming measures include the signing and road markings as originally required by the former Planning Applications Committee. I understand discussions are taking place with the highway authority in respect of the detailed design of the traffic calming scheme. In addition consultations are already being carried in respect of those elements of the scheme which need to be subject to a Traffic Regulation Order. They include the school keep clear markings and the continuous white edge lining of the carriageway. Once that process is concluded and the Highway Authority is satisfied with the detailed design of the traffic calming measures as a whole, the applicant will be able to submit the finalised scheme for the approval of the County Planning Authority as required by the condition. However, given the impending expiry date of the main planning permission and the applicant's urgent need to deliver a replacement primary school for Benenden, it may not be possible to do so before the end of the year. In the light of this and the grounds for the imposition of the original condition (as set out in paragraph (4) above), some flexibility is being sought as a contingency so as not to delay the project.
14. Notwithstanding the objection raised by the local resident, it will be noted that the Highway Authority has not raised objection to the variation of the condition and implementation of the works prior to first occupation of the school, for the reasons as set out in paragraph (8) above. Attention is particularly drawn to the reason for the imposition of the original condition and that the Highway Authority has provided further clarification in the consideration of this application, in that general practice requires

Section 73 application to vary conditions 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)

works to be in place for the occupation of the new school.

15. In addition, as part of the Code of Construction Practice (CCP) required by condition (14) appropriate temporary warning signage and any other measures required by the Highway Authority would be provided at the commencement of the enabling works contract. Notwithstanding the above, subject to approval, it is the applicant's intention that the traffic calming measures would be carried out as part of the enabling works contract, the main elements of which are the proposed vehicular access and car park. Consequently, the traffic calming measures should be in place in advance of the main contract for the construction of the school building. In light of the foregoing, including the views of the highway authority, I would not raise a planning objection to variation of the condition as proposed and am satisfied that it would accord with development plan policies and guidance.
16. There is strong policy support for the delivery of new school facilities set out in the National Planning Policy Framework and in the 2011 Policy Statement - Planning for Schools Development. In delivering proposals for new school facilities the Government advises that planning authorities should take a proactive, positive and collaborative approach to meeting the objective of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Authorities are therefore advised that they should give great weight to the need to create, expand or alter schools. In addition, in this instance given the significantly advanced negotiations with the Government's Education Funding and Skills Agency (EFSA), then Section 143 of the Localism Act which amends Section 70 of the Town and Country Planning Act 1990 to include local finance considerations as a material consideration, is also relevant to the determination of this application. It states:

(2) In dealing with an application for planning permission [...] the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations to—

- (a) the provisions of the development plan, so far as material to the application, [...]*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations."*

The meaning of 'local finance consideration' relevant in this case: means 'a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown.'

Should works not commence before expiry of the main permission TW/12/1142 then a further planning application will be required. This would result in significant delay to the delivery of the new primary school and importantly risks the loss of secured Government EFSA funding to the project which is essential to the delivery of the project. I am therefore satisfied that the delivery of the revised timescale for traffic calming measures represents sustainable development and see no overriding reason to withholding planning permission for the variation of the condition.

Section 73 application to vary conditions 15 of planning permission TW/12/1442 relating to traffic calming measures for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/17/3344 (KCC/TW/0271/2017)

Conclusion

17. This application seeks permission to vary the timing for the implementation of the required traffic calming measures for the new Benenden Primary School. Permission is sought to ensure that they are in place for the first occupation of the school rather than prior to development commencing. This will afford an enabling contract for the access and car park to be delivered and secure the delivery of the new primary school in Benenden. Temporary measures warning of construction traffic are proposed for the duration of construction. In light of the above, and subject to any further views received by the Committee Meeting, I am satisfied that the development accords with planning policy and guidance and is sustainable. I therefore recommend accordingly.

Recommendation

18. SUBJECT TO any further views received by the Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED for the variation of condition (15) of planning permission TW/12/1442, as follows:

Before the first occupation of the new Primary School, a scheme of off-site traffic calming measures (as outlined in "Supplementary Transport Report" dated July 2012 reference JSL/T0155 and on "proposed Traffic Calming Scheme" drawing number T0155/01 Revision P1, or other such scheme of works substantially to the same effect which has first been approved in writing by the Highway Authority) shall be implemented, subject [as necessary] to a Traffic Regulation Order, Safety Audit, and the prior approval of a scheme which shall first be submitted to and approved by the County Planning Authority in consultation with the Highway Authority. Thereafter the approved off-site traffic calming measures shall be maintained in perpetuity for the life of the development hereby permitted.

Reason: In order to secure the provision of off-site traffic calming measures ahead of the first opening of the new Primary School.

19. I FURTHER RECOMMEND that all other relevant conditions on planning permission TW/12/1442 BE restated except in so far as the wording of certain conditions takes account of the details that have already been submitted and approved.

Case Officer: Mary Green	Tel. no: 03000 413359
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Background Documents: see section heading

Item D3**Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14**

A report by Head of Planning Applications Group to Planning Applications Committee on 8 November 2017.

Code of Construction Practice for the enabling works pursuant to condition 14 of planning permission TW/12/1442 for the new primary school, Land south of Rolvenden Road, Benenden, Kent, TN17 4DN – TW/12/1442 R14

Recommendation: Subject to any further views received by the Committee Meeting recommend that the details of the Code of Construction Practice be approved.

Local Member: Mr. Sean Holden

Classification: Unrestricted

Site and background

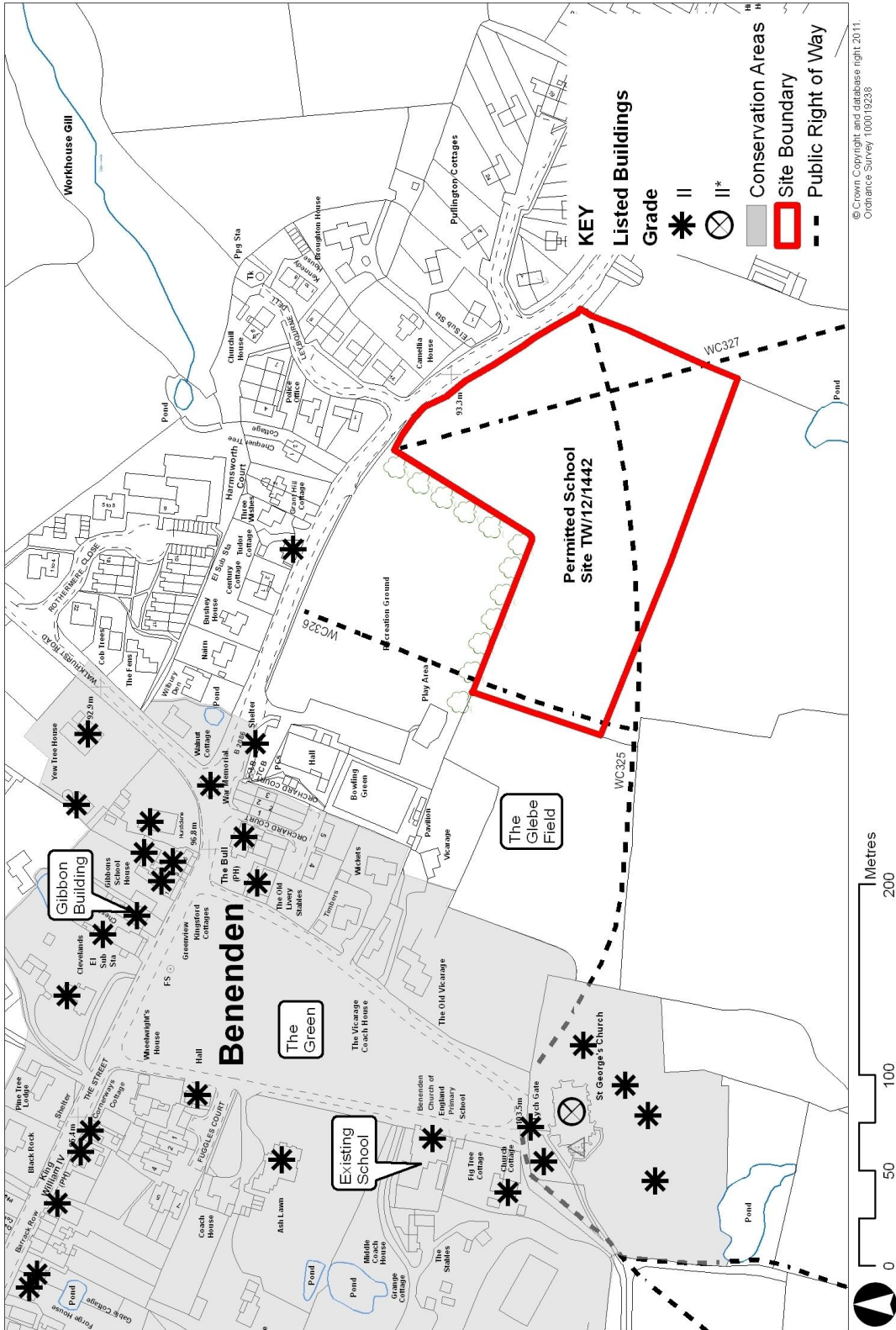
1. This application relates to the planning permission which was granted in January 2013 for the construction of a new primary school on land south of Rolvenden Road to replace the existing outdated accommodation and facilities that are no longer fit for purpose located elsewhere in the village. The new school site comprises pasture land of 2.12 hectares (5.24 acres) in area. It lies to the east of the village church and adjacent to the Glebe Field. Land to the south is in open agricultural use, whilst the village sports field is situated directly to the north. The site is bordered by native hedgerow, with trees along the western boundary with the Glebe Field and surrounding the sports field to the north. The site has sloping topography, rising southwards from the Rolvenden Road. A location plan is attached.
2. Following protracted negotiations, the new school is mainly being funded through the Education Funding and Skills Agency's (EFSA) Priority Schools Building Programme 2. Works are due to commence on site before the end of the year given that the planning permission will expire on the 21 January 2018. In view of this, the applicant has been seeking to discharge the various pre-commencement conditions imposed on the planning permission. Some of the details required have already been approved under delegated powers and others are still being considered at the time of writing this report. An application for a Non Material Amendment has also been approved for minor changes required to meet EFSA guidelines and funding, including minor changes to the floor plan, minor alterations to the elevations and changing the courtyard paving. In addition a Section 73 application to vary condition 15 of planning permission TW/12/1442 relating to traffic calming measures is reported for determination under item D2 on these Committee papers.

Condition 14

3. In order to protect the amenity of local residents during construction operations, condition 14 required the submission of a Code of Construction Practice covering, amongst others, the following key aspects:
 - an indicative programme for carrying out the construction works;
 - measures to minimise production of dust;

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Location of New Benenden Primary School Site



Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

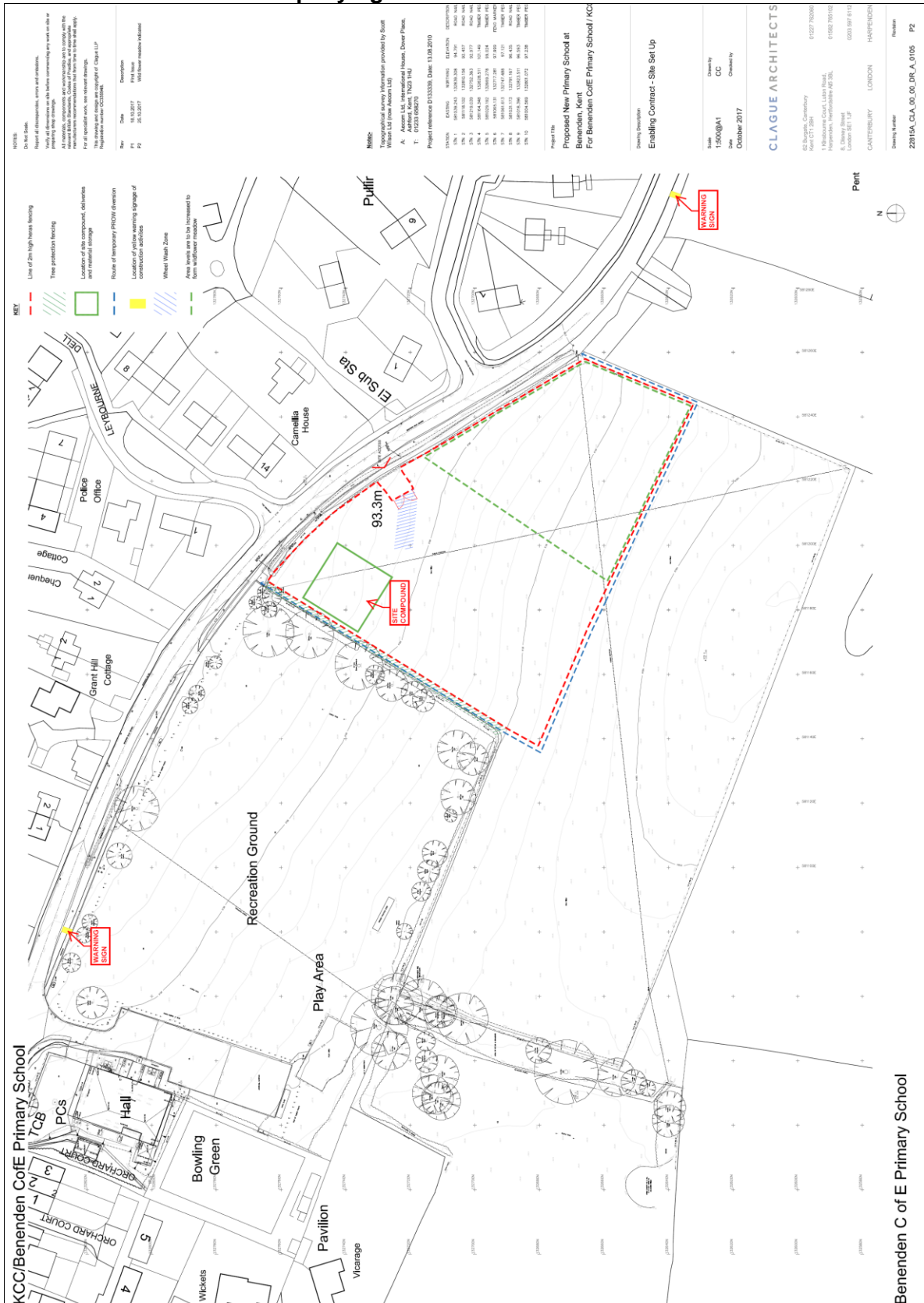
- measures to minimise noise (including vibration); generated by the construction process);
- the design, specification and location of site hoardings;
- measures to prevent transfer of mud and debris onto the public highway;
- measures to minimise the potential for pollution of groundwater and surface water;
- the location and design of site office(s), welfare facilities and storage compound(s);
- details of access, circulation, parking within the site for all contractor's and other vehicles engaged in the construction operations, including for unloading of deliveries; and
- the arrangements for public liaison during construction works.

Details of a Code of Construction Practice

4. A Code of Construction Practice (CCP) has accordingly been submitted. However at present this relates only to the enabling works contract which has been let to form the proposed vehicular access and car park in advance of the main contract being let for the construction of the school building. A further CCP will be submitted in respect of the main contract in due course.
5. The CCP sets out that the enabling works contract will include the following construction activities, the duration of which is expected to be 8 weeks:
 - Installation of reptile fencing in accordance with the reptile mitigation strategy;
 - Earthworks to reduced levels within area of proposed car park;
 - Depositing spoil to build up levels in the eastern area of the site for formation of wildflower meadow;
 - Temporary diversion of Public Right of Ways during course of works;
 - Permanent diversions of Public Right of Way including surfacing;
 - Formation of new vehicular access to gate; including drainage, culvert and cross over;
 - Installation of foul and surface water drainage;
 - Installation of kerbs;
 - Formation of car park and parking bays to include installation of type 3 sub base;
 - Formation of new pedestrian access to pedestrian gate, to tie in with existing footway fronting Benenden Road;
 - Installation of perimeter fencing (including gates) and fencing around SuDs pond area; and
 - Completion of offsite Section 278 traffic calming works within Rolvenden Road [Subject of the application considered under item D2].
6. The CCP also covers the following matters: working hours; measures to minimise dust; noise and vibration; details of temporary site fencing; measures to prevent dust and debris being carried onto the public highway; measures to minimise the potential of groundwater and surface water; location of site offices; welfare facilities and storage compound; details of access (including provision of warning signs on the approach to the site), circulation, parking within the site for contractors vehicles; and arrangements for public liaison during the construction works.

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Plan accompanying the Code of Construction Practice



Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Planning policy**7. (i) National Planning Policy****National Planning Policy Framework (March 2012), and the National Planning Policy Guidance (March 2014).**

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.

The following NPPF guidance and objectives are of relevance to this particular application:

- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

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

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.

(ii) Tunbridge Wells Borough Local Plan (2006) Saved Policies:

Policy EN1 Seeks all proposals to be compatible in nature and intensity with neighbouring uses and not cause significant harm to the amenities or character of the area or to the residential amenities of adjoining occupiers.

Policy TP4 Proposals will be permitted provided certain criteria are satisfied including, amongst others, that the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. Where a proposal necessitates highway improvements, the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development.

(iii) Tunbridge Wells Borough Core Strategy (June 2010)

Core Policy 3 In order to address transport issues and encourage sustainable modes of transport, amongst other things, seeks to conserve and

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enhance the rural lanes network to ensure that they are convenient and safe for users.

Core Policy 5 The Borough Council will apply and encourage sustainable design and construction principles and best practice. Developments should also be of high quality design, creating safe, accessible, and adaptable environments, whilst conserving and enhancing the public realm.

Core Policy 8 Supports the provision of community facilities.

Consultations

8. **Tunbridge Wells Borough Council** - at the time of writing views have been requested by 3 November 2017.

Benenden Parish Council - at the time of writing views have been requested by 3 November 2017.

Kent County Council Highways and Transportation has the following comments to make with respect to highway matters:

‘Liaison will be undertaken with KCC as highway authority to agree the following:

- A traffic management plan including proposed routing and signage of all delivery vehicles to the site and any temporary access arrangements. Also any necessary highway licences or consents including hoarding etc
- A Pre-commencement condition survey of the highway.

Confirmation that the wheel wash facility will include drainage within the curtilage of the site to ensure no water drains over the public highway.

Arrangements for operatives parking on site.

Confirmation that all vehicles will be able to enter and leave the site in a forward gear and that a banksman will be employed at the site entrance.

Subject to the inclusion of these points within the document has no objections to the discharge of the condition.’

Public Rights of Way - at the time of writing views have been requested by 3 November 2017.

Local Member

9. The local County Member, Mr Sean Holden, has been informed about the details of the Code of Construction Practice.

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Publicity

10. Details submitted for the approval of the County Planning Authority pursuant to conditions imposed on a planning permission are not subject to the publicity and neighbour notification requirements carried out on the original planning application. However such details are available to view on the County Council's website and have been provided to the Borough and Parish Councils.

Representations

11. An online representation has been received from a nearby local resident who objects and considers the application should be refused because it is very short on details and vague about the Traffic Calming Measures and the time of installation. The following points are also made:
- Comments that there are no details for Chapter 8 in the Code of Construction Practice. [This was an erroneous reference and has now been removed.] Similarly, comments that there are no details for Section 278 Traffic Calming Measures and considers these must be supplied before this application is considered.
 - Notes that the letter from the applicants' agent states that, 'It is however hoped that traffic calming measures will be in place prior to the work commencing on site, in which case these measures will be completed in advance of the above works.' However, considers that the requirement should be unequivocal and remain, i.e. no work should commence until the Traffic Calming Measures have been approved and installed; hence his objection to the Section 73 application KCC/TW/0271/2017 [reported under item D2].
 - In TW/12/1442, the reasons for granting approval of the new school entrance states that having taken account of the various highway concerns received, together with the professional and technical advice from KCC Highways and Transportation, the committee was satisfied that subject to the imposition of conditions, which included the provision of offsite traffic calming measures the proposed new school access would be safe for users of the new facility and for other Highway users including those residential driveways which would be located opposite the new school access point.
 - Great issue was made of this at the planning meeting where it was discussed at length and we were assured that with these Traffic Calming Measures in place we would be perfectly safe from the traffic speeding through the dangerous S bends where the new school was located.
 - The DHA [the applicant's transport consultant] S73 Transport Statement totally ignores the safety of the other Road users and the local residents during construction of the school and concentrates solely on the users of the new school after it has been built. It goes against the safety ethos for the whole scheme; DHA cannot just seek to change for one section without considering how the whole Scheme will be affected and then addressing those changes.

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Discussion

12. This submission of a Code of Construction Practice (CCP) which relates to the initial enabling works contract is being reported due to the receipt of the above objection from a local resident. His main issue arises from the application reported under item D2 seeking to vary the timing for the implementation of the traffic calming measures and that (if permission is granted) the measures would not be in place before works commence on the school site to protect all users of the highway during construction. The condition requiring details of the CCP needs to be discharged prior to commencement of the development. The CCP includes, amongst other matters, appropriate temporary signage warning other road users approaching the site on Rolvenden Road of the construction activities taking place and the likelihood of construction vehicles turning into and out of the site.
13. The Highway Authority has not raised objection subject to a number of matters being addressed and the CCP being updated accordingly. At the time of writing the applicant has confirmed that they will amend the CCP so that these matters are included or otherwise clarified. I am also awaiting views from the other consultees and will report any views received at the Committee Meeting. Subject to any views received and to amplification and amendment to the details of the CCP addressing the matters raised by the Highway Authority, I would not raise a planning objection to the CCP for the enabling works being approved.
14. There is strong policy support for the delivery of new school facilities set out in the National Planning Policy Framework and in the 2011 Policy Statement - Planning for Schools Development. In delivering proposals for new school facilities the Government advises that planning authorities should take a proactive, positive and collaborative approach to meeting their objective of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Authorities are therefore advised that they should give great weight to the need to create, expand or alter schools. In addition, in this instance given the significantly advanced negotiations with the Government's Education Funding and Skills Agency (EFSA), then Section 143 of the Localism Act which amends Section 70 of the Town and Country Planning Act 1990 to include local finance considerations as a material consideration, is also relevant to the determination of this submission. It states:

(2) In dealing with an application for planning permission [...] the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations to—

- (a) the provisions of the development plan, so far as material to the application, [...]*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations.”*

The meaning of 'local finance consideration' relevant in this case: means 'a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown.'

Should works not commence before expiry of the main permission TW/12/1142 then a further planning application will be required. This would result in significant delay to the delivery of the new primary school and importantly risks the loss of secured

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Government EFSA funding to the project which is essential to the delivery of the project. Subject to amplification and amendment to the details of the CCP addressing the matters raised by the Highway Authority I can see no overriding reason to withholding approval.

Conclusion

15. This submission relates to the requirement for a Code of Construction Practice prior to the commencement of development. Subject to any further views received by the date of the Committee Meeting and amplification and amendment to the details of the Code of Construction Practice addressing the matters raised by the Highway Authority, I consider that it should be approved subject to a condition requiring a further Code of Construction Practice to be submitted for the approval of the County Planning Authority prior to commencement of the main contract. I recommend accordingly.

Recommendation

16. SUBJECT TO any further views received by the date of the Committee Meeting and amplification and amendment to the details of the Code of Construction Practice addressing the matters raised by the Highway Authority, I RECOMMEND that the details of the Code of Construction Practice BE APPROVED SUBJECT TO the following condition
- A further Code of Construction Practice shall be submitted for the approval of the County Planning Authority for the main contract before the construction of the school building and related works commence.

Case Officer: Mary Green	Tel. no: 03000 413359
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Background Documents: see section heading

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

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

Background Documents - The deposited documents.

- TM/17/1807/MR98 Application for determination of New Conditions pursuant to the Environment Act 1995: Section 96 and Schedule 14. Land at Ightham Sandpit incorporated in mineral permission reference MK/4/51/43 dated 10 August 1951.
Ightham Sandpit, Borough Green Road, Ightham, Sevenoaks
Decision: Permitted
- TW/17/2621 Section 73 application to vary condition 2 of planning permission TW/15/509988 in order to update the operational layout of the site and infill/culvert an existing on-site ditch.
Land at North Farm Lane, Tunbridge Wells, TN2 3EE
Decision: Permitted

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

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

Background Documents – The deposited documents.

- AS/17/236/R12 Details of a specification for archaeological evaluation, pursuant to condition 12 of planning permission AS/17/236.
The John Wallis Church Of England Academy, Millbank Road, Kingsnorth, Kent, TN23 3HG
Decision: Approved
- DA/16/1328/R9 Submission of details of car park management plan pursuant to (condition 9) of planning permission DA/16/1328.
Wentworth Primary School, Wentworth Drive, Dartford, Kent, DA1 3NG
Decision: Approved
- DA/17/1646 Retention of a mobile classroom block.
Craylands Primary School, Craylands Lane, Swanscombe, Kent, DA10 0LP
Decision: Permitted

MA/15/503462/R4	<p>Details of external lighting pursuant to condition 4 of planning consent MA/15/503462. Land at Langley Park, Sutton Road, Maidstone, Kent Decision: Approved</p>
MA/15/503462/R6	<p>Details of landscaping pursuant to condition 6 of planning consent MA/15/503462. Land at Langley Park, Sutton Road, Maidstone, Kent Decision: Approved</p>
MA/15/503462/R19	<p>Details pursuant to condition (19) of planning consent MA/16/503462 - Details of traditional road marking scheme outside the school entrance. Land at Langley Park, Sutton Road, Maidstone, Kent Decision: Approved</p>
MA/15/503462/ RVAR	<p>Details of a sustainable drainage system pursuant to conditions 8, 9, 10 & 11 of planning permission MA/15/503462 Land at Langley Park, Sutton Road, Maidstone, Kent Decision: Approved</p>
MA/16/507463/R9	<p>Details of external lighting pursuant to condition 9 of planning permission MA/16/507463 Maidstone Grammar School, Barton Road, Maidstone, Kent, ME15 7BT Decision: Approved</p>
MA/17/504553	<p>Section 73 application for variation of condition (2) of MA/15/503462 to allow amendments to the Phase 2 building extension, including minor adjustment to footprint and consequential changes to external works/landscape, elevational changes to match Phase 1, replacement of nursery canopy with a standalone canopy and new entrance door and canopy to nursery. Langley Park Primary Academy, Edmett Way, Maidstone Decision: Permitted</p>
SE/17/2012/R	<p>Non-material amendment to planning permission SE/17/2012 to provide fire escape doors on each classroom leading directly to the outside. Hever CEP School, Hever Road, Hever, Edenbridge, Kent, TN8 7NH Decision: Approved</p>
SH/14/711/RD	<p>Non-material amendment to the approved planting scheme for 2no. car park planters. The Beacon, Park Farm Road, Folkestone, Kent, CT19 5DN Decision: Approved</p>
SW/16/504626/R14	<p>Details of piling, pursuant to condition 14 of planning permission SW/16/504626. The Sittingbourne Community College, Swanstree Avenue, Sittingbourne Decision: Approved</p>

- TH/14/1448 Provision of additional hardstand playspace.
Laleham Gap School, Ozengell Place, Ramsgate, Kent, CT12 6PB
Decision: Permitted
- TW/12/1442/R5 & 12 Details of the surface treatment to Public Right of Way WC325 and tree protection measures, pursuant to conditions 5 and 12 of planning permission TW/12/1442.
Land south of Rolvenden Road, Benenden
Decision: Approved
- TW/12/1442/R13 Details of a reptile mitigation strategy associated with the removal of the hedgerow along Rolvenden Road, pursuant to condition (13) of planning permission TW/12/1442.
Land south of Rolvenden Road, Benenden
Decision: Approved
- TW/12/1442/RVAR Details of all materials to be used externally, surfacing of the car park, fencing and gates and site and building levels pursuant to conditions 3, 4, 6 & 7 of planning permission TW/12/1442.
Land south of Rolvenden Road, Benenden
Decision: Approved
- TW/17/2330/R3 Details of the colour/shade of the materials to be used externally for the walls and roof of the timber classroom building pursuant to condition 3 of planning permission TW/17/2330.
Goudhurst & Kilndown C Of E Primary School, Beaman Close, Goudhurst, Cranbrook, Kent, TN17 1DZ
Decision: Approved

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

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government’s Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/SW/0246/2017- Section 73 application to vary condition 5 of planning permission SW/11/1227 to allow recycling activity within the building between the hours of 06:00 Sunday and 06:00 Monday. There will be no deliveries or vehicle movements on a Sunday.
SWEEEP Kuusakoski Ltd, Gas Road, Sittingbourne

KCC/TW/0270/2017 - Temporary storage of road planings arising from highways maintenance work for a period of six months between January 2018 and June 2018. Stonecastle Quarry, Whetsted Road, Five Oak Green, Tonbridge

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

None

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

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

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None