

PLANNING APPLICATIONS COMMITTEE

Wednesday, 7th November, 2018

10.00 am

Council Chamber - Sessions House





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 7th November, 2018, at 10.00 am

Council Chamber - Sessions House

Ask for: **Andrew Tait**

Telephone: **03000 416749**

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

Membership (13)

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

Liberal Democrat (1): Mr I S Chittenden

Labour (1) Mr 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 - 10 October 2018 (Pages 5 - 12)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application SW/18/502403 (KCC/SW/0050/2018) - Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF), including construction of a number of external covered storage bays and provision of a site office. Construction of a waste reception/handling building and installation of materials recycling plant/equipment at LKM Recycling, Bonham Drive, Eurolink Business Park, Sittingbourne; LKM Recycling (Pages 13 - 28)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal 18/504729/COUNTY (KCC/MA/0457/2018) - Section 73 application to vary Conditions 2 (approved plans), 3 (external materials) and 7 (access and parking) of Permission MA/16/507143 at The Lenham School , Ham Lane, Lenham; KCC Infrastructure Division (Pages 29 - 48)
2. Proposal TW/18/2126 (KCC/TW/0101/2018) - Temporary 13 space car park at St Gregory's Catholic School, Reynolds Lane, Tunbridge Wells; KCC Property and Infrastructure Support (Pages 49 - 64)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 65 - 68)
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)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 30 October 2018

(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 in the Council Chamber - Sessions House on Wednesday, 10 October 2018.

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

ALSO PRESENT: Ms S Hamilton

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mrs A Hopkins (Principal Planning Officer), Mr P Hopkins (Principal Planning Officer), Mrs S Bengel (Transport and Development Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

35. Minutes - 11 July 2018

(Item A3)

(1) The Head of Planning Applications Group informed the Committee that none of the three applications referred to the Secretary of State at the July meeting of the Committee (Seal CEP School, Wilmington Academy and Wilmington Grammar School for Girls) had been called in. Permission had therefore been granted on the terms agreed by the Committee.

(2) RESOLVED that the Minutes of the meeting held on 11 July 2018 are correctly recorded and that they be signed by the Chairman.

36. Application SW/18/503317 (KCC/SW/0103/2018) - Section 73 application to vary the wording of Condition 3 of Permission SW/17/502996 to increase the permitted number of HGV movements per day from 258 to 348 in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant at Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne; Wheelabrator Technologies

(Item C1)

(1) During discussion of this item, Members of the Committee expressed concern that Air Quality considerations appeared to be based upon modelling data rather than measured data.

(2) RESOLVED that:-

- (a) permission be granted to the application for the rewording of Condition 3 of Permission SW/17/502996 to read:-

The maximum number of Heavy Goods Vehicle Movements to and

from the Application Site shall not exceed a combined total of 348 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.

Reason: In the interests of highway safety; and

- (b) all other conditions included in Permission SW/17/502996 be re-imposed.

**37. Application TM/87/346/R21 (KCC/TM/0414/2018) - Request for prior approval to import silica (industrial) sand pursuant to Condition 21 of Permission TM/87/346 at Ightham Works and Quarry, Sevenoaks Road, Ightham; H +H UK Ltd
(Item C2)**

(1) Mr H Rayner informed the Committee that he was the Local Member for the application. He would be participating in its determination as a Member of the Committee.

(2) Mr Mike Taylor (Chairman of Borough Green PC) addressed the Committee. He supported the application and requested the inclusion of some additional conditions.

(3) Mr H Rayner moved, seconded by Mr J Wright that permission be granted subject to a number of conditions.

(3) The Head of Planning Applications Group advised the Committee that it could not impose conditions on the application but that it could inform the applicant by Informative of the Committee's concerns.

(4) On receipt of this advice, Mr Rayner agreed, with the agreement of his seconder, to amend his motion to advise the applicants via an Informative to take effective measures to mitigate dust emissions from the site, including their best endeavours to cover the external stockpiles of silica sand. This was unanimously agreed.

(5) RESOLVED that:-

- (a) prior approval be granted to the application; and
- (b) the applicants be advised by Informative of effective measures to be taken to mitigate dust emissions from the site, including the operator's best endeavours to cover the external stockpiles of silica sand.

38. Application TM/00/1599/R3 (KCC/TM/0418/2018) - Details of a revised scheme of working for phases 1,2,4 and 5 pursuant to Condition 3 of Permission TM/00/1599 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge; Tarmac Trading Ltd
(Item C3)

(1) Mr M A C Balfour informed the Committee that he was one of the Local Members for this application. He would be participating in the decision-making as a Member of the Committee. He would, however, be constrained from discussing the merits of the Kent Minerals and Waste Local Plan if this were to form part of the Committee's deliberations.

(2) Correspondence from Mr Alan Chilvers from the Golden Green Residents Association had previously been circulated to all Members of the Committee.

(3) Ms S Hamilton was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(4) The Head of Planning Applications Group informed the Committee that:

(a) the Environment Agency had confirmed its verbal comments set out in paragraph 34 of the report and was satisfied with the proposals in respect of ensuring no silting of surface waters as also referred to in paragraph 21 of the report;

(b) East Peckham PC has emailed KCC and stated that it had no objection but wanted KCC to ensure the future green credentials of the site (e.g. nature reserves, forest walks and PROWs); and

(c) although Mr Balfour was referred to as the Local Member for Malling Rural East in the report, he should also have been identified as a Local Member on the front page and that his electoral division covered the extraction area and much of the site (excluding the plant site and access which were in Ms Hamilton's Tunbridge Wells Rural division).

(5) The Head of Planning Applications Group informed the Committee that Permission TM/00/1599 had been granted after the completion of a Section 106 Agreement which included obligations in respect of nature conservation and site management ("*The Management Scheme*") as well as groundwater monitoring. The Management Scheme required annual meetings, monitoring, viewing points / information boards, pedestrian access by agreement and the management of the site for 50 years after completion of aftercare and the Scheme (which was approved by KCC on 15 September 2005) provided for attendees from the operator, KCC, Kent Wildlife Trust and the Local Liaison Committee to meet annually to discuss quarry operations, restoration and management. Water monitoring was also meant to be undertaken in accordance with an agreed scheme, with the results being made available to KCC, the Environment Agency and South East Water.

(6) The Head of Planning Applications Group asked the Committee to agree to a revision to Informative (c) of the recommendation in paragraph 73 of the report. This was agreed and appears in (10) (c) below.

(7) Mr Peter Miller, Mr Alan Chilvers, Mr Stewart Gledhill (local residents) and Cllr Carol Mackonochie (Tunbridge Wells BC) addressed the Committee in opposition to the application. Mr Brendan Kelly (Tarmac) spoke in reply.

(8) Mr M A C Balfour moved, seconded by Mr B H Lewis that consideration of this item be deferred pending a Members' site visit. He withdrew this motion with the permission of his seconder following detailed advice from the Head of Planning Applications Group on the limited nature of the application and consequent lack of assistance that a site visit could provide in its determination.

(9) Mr R A Pascoe moved, seconded by Mr C Simkins that the recommendations of the Head of Planning Applications Group be agreed as amended in (6) above subject to additional Informatives in respect of the need to ensure that all traffic enters the site from the left until the crash remedial work at the Junction with the A228 is complete; that there should be no working on Saturdays and that turning alarms should be replaced by a white noise solution.

Carried 11 votes to 2

(10) RESOLVED that subject to no extraction or hauling of material to the plant being undertaken on Saturdays and to no tonal reversing alarms being used in the extraction area or on the haul road, permission be granted to the proposed amendments to the working scheme pursuant to condition 3 of Permission TM/001599 and that the applicants be advised by Informative that:-

- (a) they need to continue to comply with the conditions imposed on Permission TM/00/1599 and the details previously approved pursuant thereto unless amended by the details hereby approved;
- (b) they should undertake discussions with KCC Public Rights of Way over the possibility of a new footpath link from east to west in order to link footpaths MT158 and WT171;
- (c) they are encouraged to engage with the local community about its aspirations for the future working and restoration at Stonecastle Farm Quarry, hold regular liaison meetings and invite a representative from the local Liaison Committee to attend the annual meetings to discuss quarry operations, restoration and management in accordance with the requirements of the Management Scheme approved pursuant to the Section 106 Agreement relating to Permission TM/00/1599; and
- (d) until such time as crash remedial works being considered by KCC Highways and Transportation are implemented, all HGVs leaving the site shall turn left onto the A228 Whetsted Road.

39. Proposal SH/18/39 (KCC/SH/0344/2017) - Two storey extension to be constructed in two phases, internal alterations and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St George's Place, Hythe; Gen 2 Property
(Item D1)

(1) The Transport and Development Manager informed the Committee that, further to the comments in the report, funding had been provided for a potential pedestrian crossing on the A259 between St George's Place and Jubilee Close. Its provision would be subject to the outcome of the consultation process and the views of the local Joint Transportation Board.

(2) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the development being carried out using the external materials and colour finishes as specified within the planning application documents unless otherwise agreed; landscaping being provided on site in accordance with the application details in the first available planting season following completion of phase 1 the development; the submission of a Biodiversity Method Statement regarding bats and reptiles; the submission of details of ecological enhancements on the school site; no tree removal during the bird breeding season; the submission of an updated Travel Plan prior to occupation, and its ongoing monitoring and review thereafter; the provision (prior to occupation) and retention of car parking, cycle parking, drop off area and circulatory routes; the applicants undertaking their best endeavours to implement the parking restrictions detailed in the accompanying Transport Statement via the statutory Traffic Regulation Order process; the development being undertaken in accordance with the content of the Flood Risk Assessment, including adherence to the mitigation measures listed within it; the submission of a detailed Sustainable Surface Water Drainage Scheme; and the submission of details regarding the maintenance and management of the Sustainable Surface Water Drainage Scheme; the submission of a verification report regarding the Sustainable Surface Water Drainage Scheme; seagull deterrent being installed on the roof within 1 month of the completion of phase 1 of the building works; hours of working during construction being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; and the submission for approval of a construction management strategy, including access, lorry routing, parking and circulation within the site for the contractor's and other vehicles related to construction activities, details of how the site access is to be managed to avoid peak school times, and measures to prevent mud and debris being taken onto the public highway; and

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

- (i) they are advised to register with Kent County Council's Travel Plan Management system 'Jambusters' in respect of the requirement to prepare and submit a (revised/amended) School Travel Plan;
- (ii) their attention is drawn to the letter from Public Rights of Way which contains general Informatives on works adjacent to and/or on a Public Right of Way. The gate which is to be

installed in the fence line adjoining PROW HB84 must swing inwards into the school site and not outwards onto the PROW; and

- (iii) Kent County Council Highway and Transportation state that it is the responsibility of the applicant to ensure that before the development is commenced, all necessary highway approvals and consents where required are obtained, and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by KCC and some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. The applicant must ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

40. Proposal DA/18/965 (KCC/DA/0104/2018) - Installation of a modular building to accommodate further teaching and learning space at Maypole Primary School, Franklin Road, Dartford; Governors of Maypole Primary School

(Item D2)

- (1) The Head of Planning Applications Group advised the Committee that the word "County" in paragraph 12 of the report should read "Council."
- (2) The Head of Planning Applications Group advised the Committee of correspondence from the Local Member, Mrs A D Allen in support of the proposal and a request for the School to address the concerns raised in the report.
- (3) RESOLVED that:-
 - (a) permission be granted to the proposal subject to conditions, including conditions covering the development being carried out in accordance with the permitted details, and that the building be removed from the site on the expiration of 5 years from the date of the decision, with the land being reinstated; and
 - (b) the applicants be advised by Informative that they must not use the building for any use other than for intervention sessions as set out in the application details. Should future school expansion be required, this must not go ahead without the determination of a full planning application by Kent County Council.

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

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Item C1

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF), including construction of a number of external covered storage bays and provision of a site office. The construction of a waste reception/handling building and the installation of materials recycling plant/equipment at LKM Recycling, Bonham Drive, Eurolink Business Park, Sittingbourne, Kent, ME10 3SY – SW/18/502403 (KCC/SW/0050/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on Wednesday 7 November 2018.

Application by LKM Recycling for a part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF), including construction of a number of external covered storage bays and provision of a site office. The construction of a waste reception/handling building, weighbridge and the installation of materials recycling plant/equipment at LKM Recycling, Bonham Drive, Eurolink Business Park, Sittingbourne, Kent, ME10 3SY – SW/18/502403 (KCC/SW/0050/2018).

Recommendation: Permission be granted subject to conditions.

Local Member: Sue Gent

Classification: Unrestricted

Site

1. The application site lies within the large Eurolink Industrial Estate in Sittingbourne which accommodates a variety of light and general industrial uses and warehousing. Eurolink is situated to the north east of Sittingbourne town centre to the north of the main London to Kent Coast railway line. Bonham Drive lies approximately 5 miles from junction 5 of the M2 via the A249 dual carriageway with good access to the motorway from Castle Road via the Sittingbourne Northern Relief Road to the Grovehurst Junction with the A249. The application site is at the northern end of Bonham Drive and is approximately 40 metres from the banks of Milton Creek. The application site lies partly within a Flood Zone 2 and is adjacent to a Flood Zone 3. Areas within Flood Zone 3 are most likely to flood and have been shown to be at a 1% or greater probability of flooding from rivers whereas Flood Zone 2 have been shown to have between 0.1% – 1% chance of flooding (in any one year). The site is also partly within a Groundwater Source Protection Zone 3 (SPZ3).
2. The site is approximately 0.36 hectares and comprises a large area of hardstanding, a temporary office building, turning/parking areas and waste storage bays. The site has a direct gated access from Bonham Drive and is securely fenced around its perimeter and surrounded on all sides (apart from Milton Creek to the north) by industrial land uses. In the immediate vicinity uses include suppliers of vehicle components; engineering services and general construction suppliers. There is also a wooded area along the

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

northern boundary between the site and Milton Creek. The nearest residential properties are at approximately 350m to the south-east.

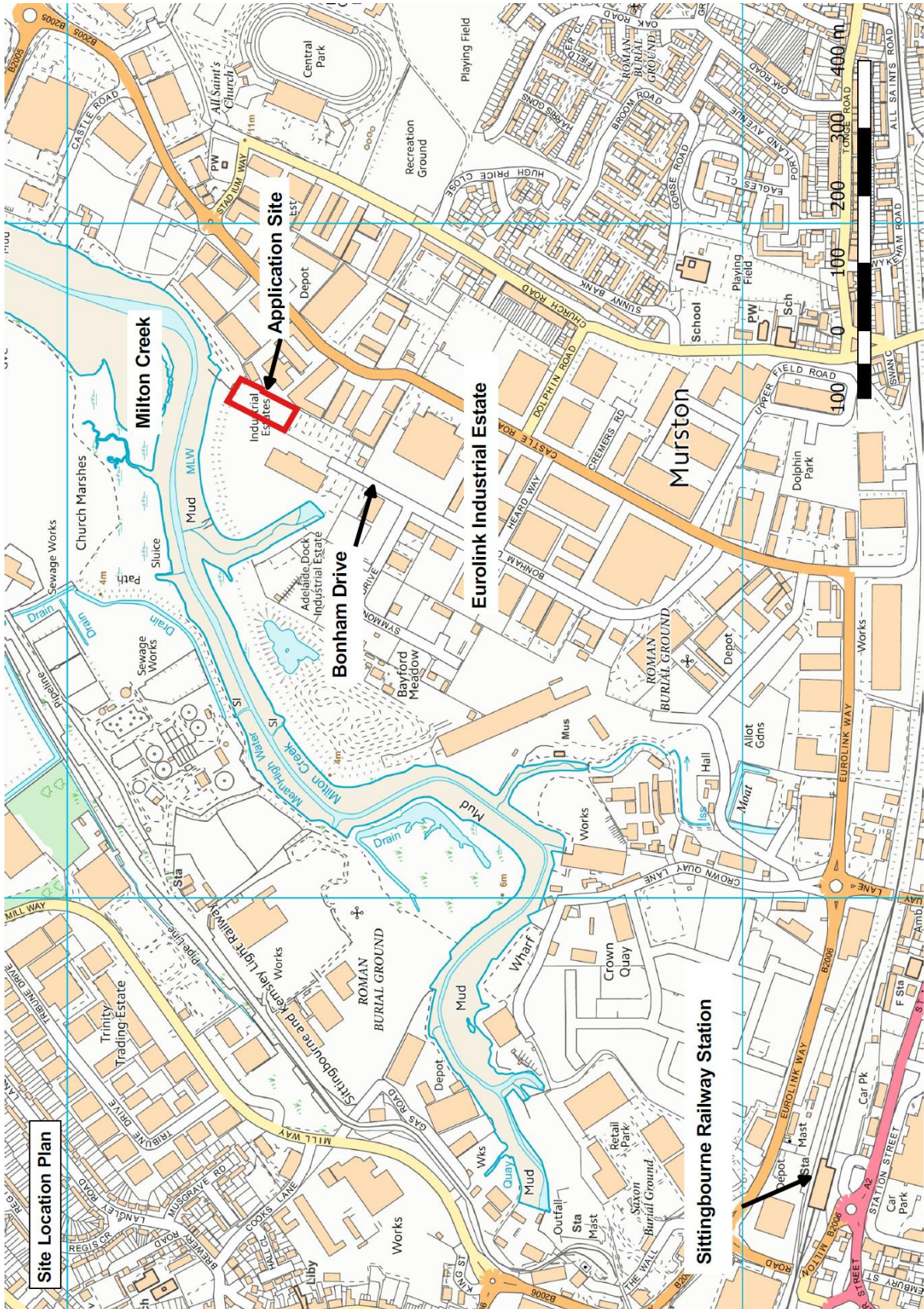
Background

3. London and Kent Metals Recycling (LKM Recycling) are an established name locally within the recycling community and have been operating at this site since 2017 under various waste exemptions and currently under an environmental permit issued by the Environment Agency for non-hazardous waste recovery. The applicant had assumed that they could operate a Materials Recycling Facility (MRF) at the site under an existing planning permission issued by Swale Borough Council (see paragraph 6 below) and the environmental permit. This application therefore seeks retrospective planning permission for the use of the site and for the erection of waste handling buildings. LKM Recycling also operate another recycling facility dealing with the recycling of scrap metal and end of life vehicles in Symmonds Drive, also within the Eurolink Industrial Estate.

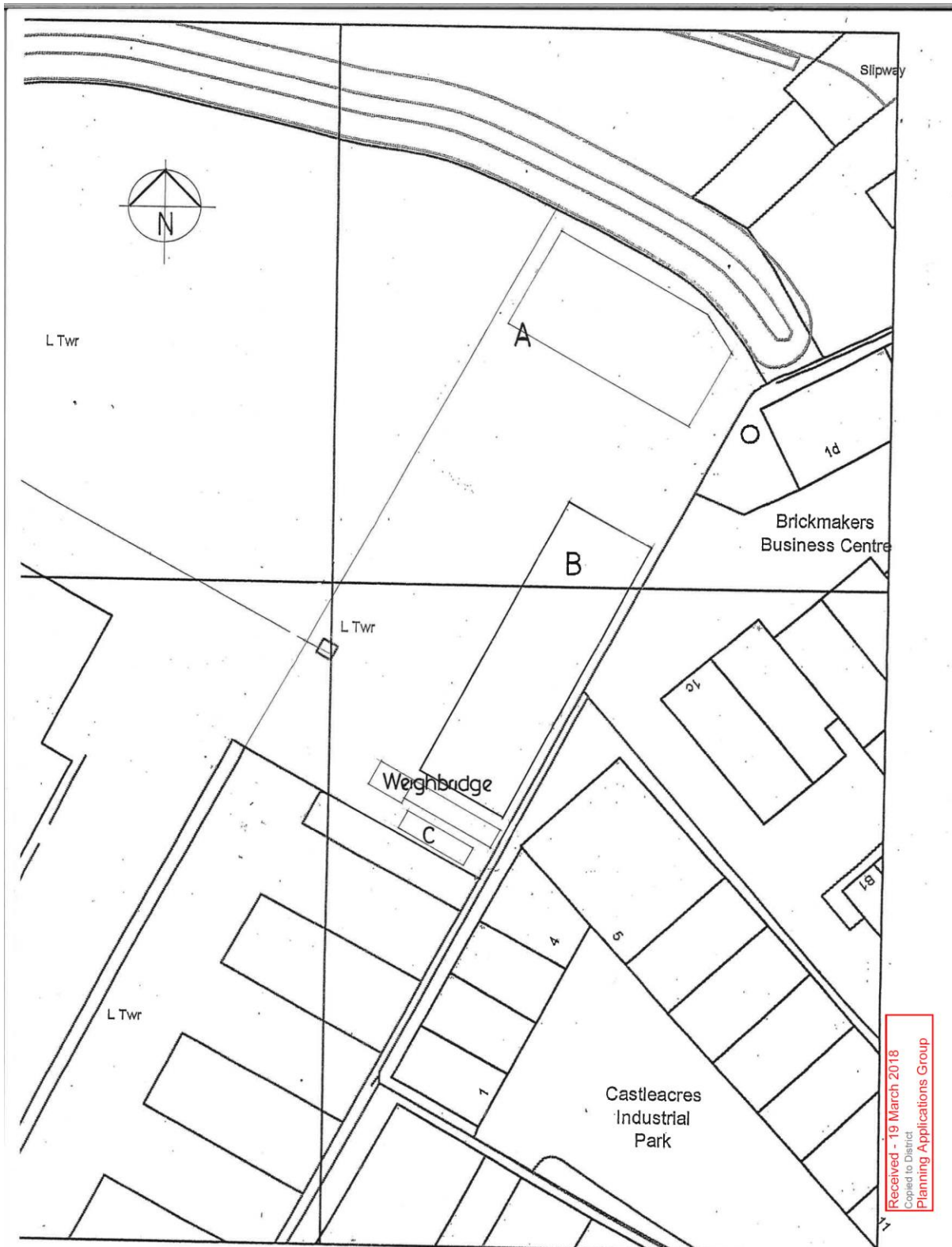
Recent Site History

4. Swale Borough Council has previously granted industrial uses on the site. Planning permissions SW/90/1049 & SW/97/758 permitted the use of the site as a haulage and distribution depot. Conditions were imposed relating to landscaping, pollution control measures and drainage but no controls in terms of highway, noise or air quality matters.
5. Planning permission was granted in 1999 for the erection of a warehouse with office and ancillary accommodation (reference SW/99/1225) which was not implemented. This was linked to a separate permission (reference SW/99/0393) for a new vehicle turning area.
6. The extant planning permission for the site (reference SW/12/0825) allowed for the change of use from a haulage yard to B8 storage of cars. This application was also made by LKM Recycling. The planning application documents stated that the applicant intended to store scrap metal on the site, but no processing of the waste would take place. The only condition controlling the development was a restriction of 6 metres on the height of stacked car storage.

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)



Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

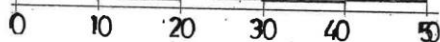


Received - 19 March 2018
Copied to District
Planning Applications Group

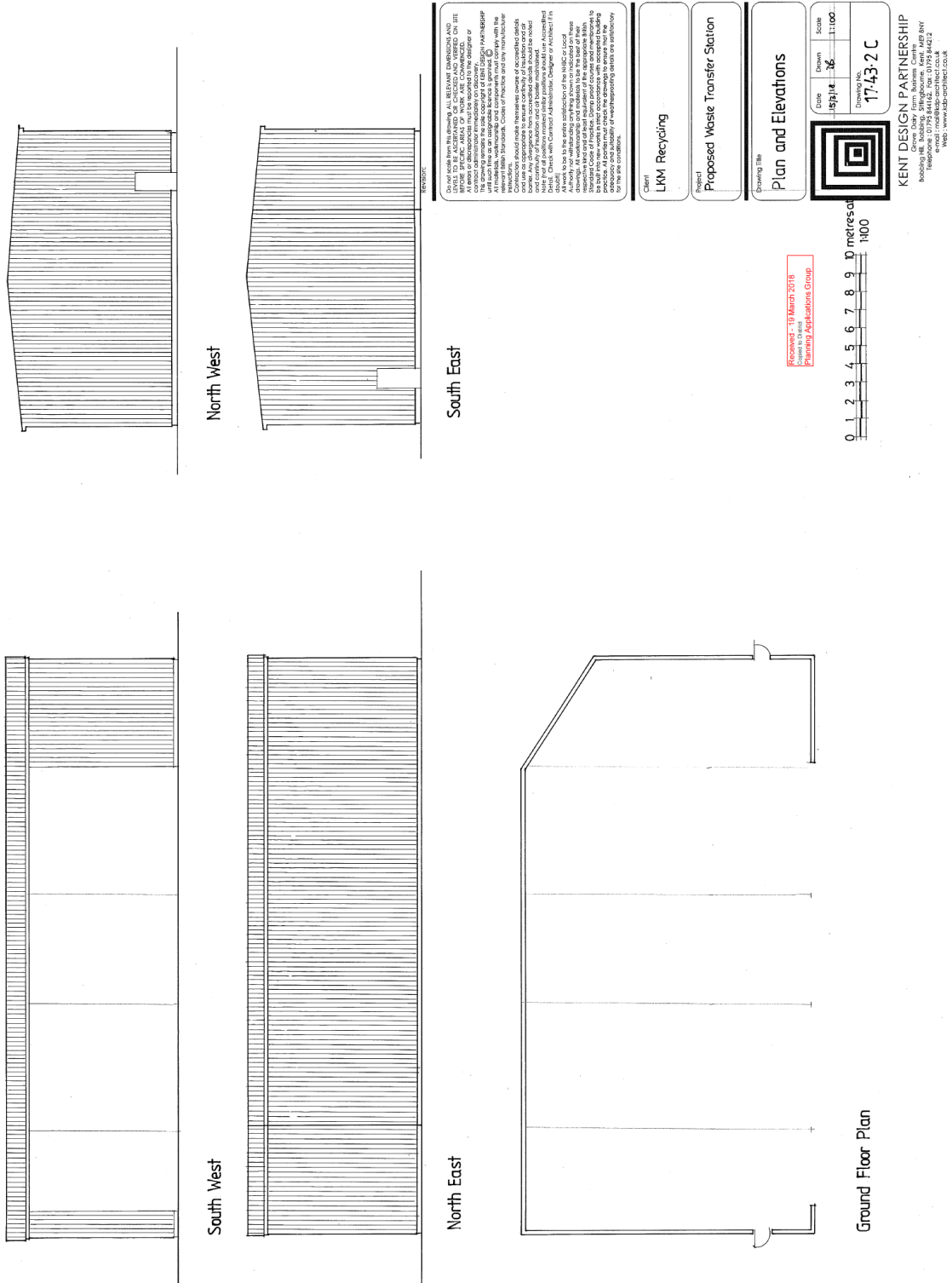
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LKM Recycling

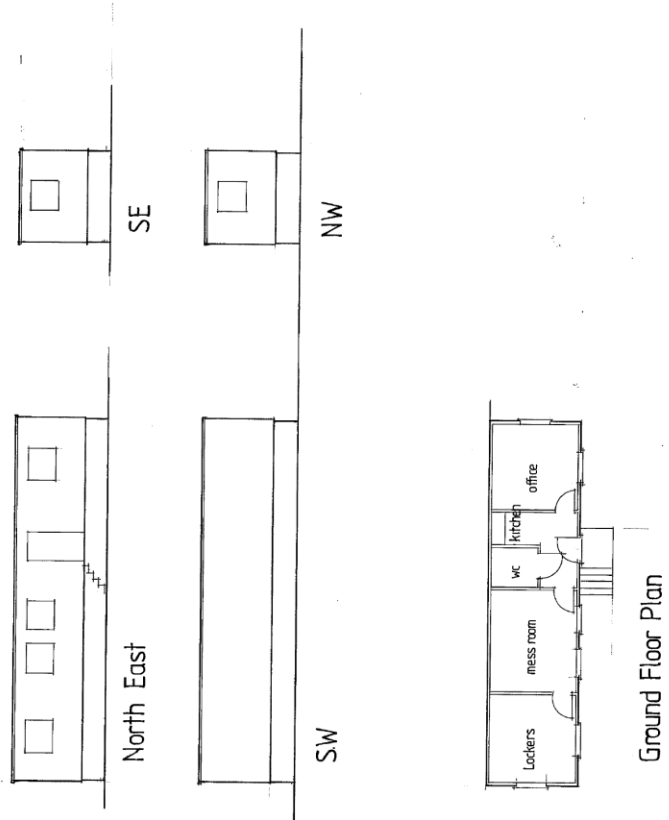
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Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)



Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)



It is the responsibility of the client to ensure that the drawings are prepared in accordance with the relevant building regulations and that the drawings are prepared in accordance with the relevant building regulations and that the drawings are prepared in accordance with the relevant building regulations.

Client LKM Recycling		
Project Proposed waste transfer station		
Drawing Title Plan and Elevations Building C		
Date 18/03/18	Drawn JS	Scale 1:100
Drawing No. 17.43.3		

KENT DESIGN PARTNERSHIP
 Grove Dairy Farm Business Centre
 Bobbing Hill, Bobbing, Sittingbourne, Kent, ME9 8NY.
 Telephone: 01795 844162. Fax: 01795 844212
 e-mail: mail@kdp-architect.co.uk

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

Proposal

7. The application seeks retrospective permission for a Materials Recycling Facility (MRF). All waste treatment except baling would be conducted within an enclosed building with a throughput of inert and non-hazardous waste up to 20,000 tonnes per annum including glass, paper/card, metal, plastic, wood, construction and demolition waste. Whilst the MRF has been operational on site since 2017, not all of the built elements of the proposal have been constructed. The MRF would be housed in a dedicated building (shown as building A on the site plan on page C1.4), this building is under construction. A large canopy structure (shown as building B on page C1.4) would cover the existing nine waste bays which are constructed of 4m high 'legio blocks' which are reinforced by concrete dividers. A small site office (shown as building C on page C1.4) and weighbridge are already present on the site.
8. An additional five waste storage bays would be sited on the western boundary, these would be 4m high with a freeboard of 1m to prevent dust escaping from the top of the bay. These bays would not be covered but the applicant would employ a system of stock rotation to ensure that the drier top layers are inverted as necessary. The nine bays covered by the canopy structure would have automated roof sprinklers to aid dust suppression and the open sides would be fitted with plastic curtains to allow staff access and to minimise wind through the bays.
9. The recycling process involves waste materials being received on site and stored in the appropriate bay for a limited time as specified in the Environmental Permit. Waste streams would then be processed through the MRF by hand sorting to recover valuable materials.
10. The MRF process is as follows:
 - Waste deposited in the reception bay in Building A each morning;
 - Waste would then be fed into the hopper, into the plant and through the following process:

screened > fed into conveyor > picking conveyor > overband magnet > air knife
 - Sorted materials placed into containers under the MRF;
 - Residual waste is deposited into a holding bay which is emptied every day before the MRF closes.
11. The different waste streams would then be baled or appropriately containerised and sent on to other parts of the LKM business or other external processors for further recovery.

Planning Policy

12. The relevant Government Guidance and Development Plan Policies are summarised below are relevant to the consideration of this application:
13. **National Planning Policies** are set out in the National Planning Policy Framework (NPPF) (July 2018), National Planning Policy for Waste (NPPW) (October 2014), Noise

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

Policy Statement for England (NPSE) (March 2010) and the associated Planning Practice Guidance (PPG). National Planning Policy and Guidance are material planning considerations.

14. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (July 2016):** Policies CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW6 (Location of Built Waste Management Facilities), DM1 (Sustainable Design), DM11 (Health and Amenity), DM12 (Cumulative Impact) and DM13 (Transportation of Minerals and Waste).
15. **Swale Borough Council Local Plan 2017:** Policies DM7 (Car Parking Standards) and DM14 (General Development Criteria).

Consultations

16. **Swale Borough Council:** raises no objection subject to there being no objections from any statutory consultees.
17. **Kent County Council Highways and Transportation** raises no objection subject to the inclusion of the following conditions:

1. Prior to the works commencing on site, the area shown on the approved plans for parking for site personnel / operatives / visitors shall be provided and retained throughout the construction of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local businesses and residents.

2. During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

3. Adequate measures shall be taken to ensure that vehicles leaving the site shall not deposit mud or other materials on the public highway, including the provision of wheel and chassis cleaning equipment as appropriate.

Reason: In the interests of highway safety and in order to safeguard the local environment.

4. Before any work is commenced on site, a Delivery and Servicing Traffic Management Plan detailing the routing of delivery vehicles to / from site, parking and turning areas for vehicles and site personnel, and timing and control of deliveries shall be submitted to and approved in writing by the County Planning Authority and thereafter implemented as approved.

Reason: In the interests highway safety and convenience.

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

18. **Environment Agency:** raises no objection but makes the following comment:

Given the underlying geology, the existing use, the extant environmental permit for the site, managed drainage and the summary in existing site condition reporting, we would not require further intervention on this site under planning.

There may be underlying contamination from previous historical uses, but the current site infrastructure is apparently already in place, therefore we would not require further intrusive investigations or remediation. Future development proposals may have to look at these issues again, especially if hard cover was removed from site.

19. **Kent County Council Sustainable Drainage:** raises no objection and comments that the proposed development would result in no increase to hardstanding area and therefore would not lead to an increased risk of surface water flooding and is regarded as low risk to the water environment.

20. **Kent County Council's Noise, Air Quality and Odour Consultant (Amey):** raises no objection providing the applicant:

- Makes a commitment to put procedures in place to prevent mud, or other materials leaving the site on construction vehicles. This procedure should be rolled into a commitment to visually inspect the site as part of the daily site management process.
- Only waste materials included on the site's Environmental Permit shall be stored on site, to ensure no odour is perceived outside of the site.

Local Member

21. The local County Member, Sue Gent was notified of the application on 2 May 2018, no comments have been received to date.

Publicity

22. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 134 nearby businesses and properties.

Representations

23. In response to the publicity, 1 letter of objection has been received. The key points raised can be summarised as follows:

- This application will result in more traffic and will lead to further delays.
- It will cause more of the industrial estate's road surface to be damaged.

Discussion

24. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

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. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

- Need and Sustainability
- Highways and Transportation
- Noise and Air Quality
- Amenity impact and other issues.

Need and Sustainability

25. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development and it requires that policies in local plans should follow this approach. As set out in paragraphs 7-14 there are three dimensions to sustainable development, social, economic and environmental. The spatial vision for waste planning in Kent seeks to move waste up the Waste Hierarchy, be managed close to the source of production and facilities be provided to deal with all waste streams now and in the future. Policy CSW 1 of the Kent Mineral and Waste Local Plan 2013-2030 (KMWLP) seeks that sustainable development be approved without delay unless other material considerations indicate otherwise.
26. Policy CSW 2 of the KMWLP supports sustainable waste management solutions that prepare waste for re-use or recycling that will help drive waste to ascend the Waste Hierarchy wherever possible. Policy CSW 6 seeks to identify sites that are appropriate for waste management facilities and the supporting text states that sites that are within or adjacent to existing waste management uses or within existing industrial sites would be acceptable providing there is no adverse impact on the environment and community and such uses are compatible with the development plan.
27. In principle I am satisfied that there is policy support for the proposed waste management facility in this location. It seeks to manage waste in a sustainable way and would by its nature drive waste up the Waste Hierarchy. It is sited in an industrial estate which has existing waste management uses present and, in my opinion, represents sustainable development and is in accordance with the policies contained in the development plan.

Highways and Transportation

28. Paragraph 108 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved and paragraph 109 goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
29. Policy DM13 of the KMWLP requires waste development to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community.

30. The applicant has provided an assessment of the traffic impacts of the proposed development and as part of this has outlined that the development would generate up to 80 HGV movements each day (40 inbound and 40 outbound). The site would turnover approximately 400 tonnes of waste material each week up to a maximum of 20,000 tonnes per year, which is a reduction to the amount originally envisaged by the applicant when the application was submitted, and accordingly has resulted in a reduction of 60 less vehicle movements per day. On an average day it is envisaged that there would be 30 vehicle movements into the site to deliver waste and 30 movements out and each vehicle would carry an average of 3 tonnes per load. In addition, a further 10 vehicles per day would take the processed waste out of the site (20 movements in total). The applicant has stated that the proposed development would result in an increase in 40 vehicle trips per day (20 in and 20 out) over the daily average vehicle movements based on the previous B8 storage and distribution use. However, it should be noted that there were no controls in place to restrict the number of vehicle movements associated with this use. Whilst I acknowledge that the proposed development would increase the number of vehicle movements on the public highway, the Highways Officer comments that the development would not have a significant impact on the highway network and I am therefore satisfied that there are no grounds to refuse the application on traffic generation.
31. Initial concerns were raised by a nearby operator and the Sittingbourne Society regarding overnight HGV lorry parking and the routing of delivery vehicles to the site. It is acknowledged that there are issues in the Eurolink Industrial Estate with overnight lorry parking, which is a problem that is replicated across the County, however, this is not a planning consideration in respect of the current application nor would the proposed development exacerbate this situation. Kent Highways and Transportation have advised that when vehicles are parked dangerously or causing an obstruction that it is a police matter. Furthermore, the submission of a Delivery and Servicing Traffic Management Plan detailing (amongst other matters) the routing of delivery vehicles to / from site and timing and control of deliveries is required by the Highways Officer. The applicant has confirmed they are willing to provide this plan and a condition securing such is suggested. This has addressed the concerns raised on this point.
32. Further concerns have also been raised that additional vehicle movements would exacerbate the deterioration of the road surface. Highways and Transportation have stated that recent inspections of the road surfacing have declared it to be in a structurally sound condition. They further stated that road inspections are carried out every six months (and in response to faults reported from members of the public) and that they carry out repairs needed to address any safety critical defects.
33. In conclusion the proposal does result in a small increase in HGV movements over the previous level of use of the site, however, it is noted that there were no controls in place to restrict vehicle movements for that use and I am advised by my Highways Officer that the increase would not result in a significant impact on the highway network.

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

Noise and Air Quality

34. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution and that development should, wherever possible, help to improve the local environment. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment and proposed developments should mitigate and reduce to a minimum, the potential adverse impacts resulting from noise. Paragraph 181 states that opportunities to improve air quality or mitigate impact should be identified taking into account the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones.
35. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of noise and air quality, Appendix B states that considerations will include the proximity of sensitive receptors (human and ecological), including those associated with vehicle traffic movements to and from a site.
36. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning policy for noise and air quality in “Noise” (6 March 2014) and “Air Quality” (6 March 2014).
37. Policy DM1 of the Kent MWLP states that proposals for minerals and waste development will (amongst other things) be required to demonstrate that they have been designed to minimise greenhouse gas emissions and other emissions. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment.

Noise

38. The applicant has submitted a Noise Impact Assessment Report, written in accordance with the Noise Policy Statement for England (NPSE), NPPF and the PPG on noise, which provides a detailed noise assessment of both the existing and proposed operations. The assessment has been carried out using guidance from BS4142:2014: Methods for Rating and Assessing Industrial and Commercial Sound. The applicant carried out baseline noise monitoring at the perimeter of the site over a three-day period and a level of 46dB LA90 was identified as being representative of the area. This was obtained by analysis of noise levels during the hours just before and just after normal operations at the Eurolink Business Park (i.e. 0530 to 0630 and 1730 to 1830). To gain existing operational noise levels, sample measurements were undertaken on site for a hydraulic grab, forklifts and of a lorry entering the site.
39. Calculations based on the proposed site layout and proposed operations indicate a rating noise level of 26 dB LAeq at the nearest residential receptor (some 350+ metres away on Church Road). BS4142 states that where the rating level does not exceed the background sound level that this is an indication of the specific sound source having a

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

low impact. To further support the application, the applicant has provided an assessment of the existing operations that show marginally lower levels of noise from the proposed site layout/operations when compared to the current MRF operations on site. This takes account of the acoustic benefits of the plant being housed within the new Building A.

40. In summary, the noise impact assessment has shown that the level of noise impact from existing operations is low and would reduce further under the proposed development and that no adverse noise impact would occur at the nearest noise sensitive receptors. KCC's Noise Consultant has confirmed that the procedure to obtain baseline and operational noise levels within the submitted assessment is considered to be appropriate and acceptable.

Air Quality

41. The applicant has submitted a Dust Monitoring Report that indicates that although the existing site has high dust risk potential, it poses low risk to human and ecological receptors as a result of the separation distance between receptors and the site. The new MRF would be housed in a dedicated building and is considered to be low risk in terms of dust and odour release and these matters would be controlled through the Environmental Permit (issued and monitored by the EA) for the site.
42. The site is fenced on all sides and includes operational dust prevention measures as required by the Environmental Permit for the site. These include the use of water bowsers, water jets, water suppression and regular dust monitoring by an external contractor. The County Council is not aware of any complaints or adverse health or ecological impacts from existing operations to date. No complaints have been reported by the EA.
43. Further additional dust suppression measures are proposed. Areas of the MRF building and machinery subject to dust build up would be inspected daily and cleaned/jet sprayed as required and flexible door screens would be installed to prevent dust leaving the building. If necessary, waste stockpiles would be turned after one month to ensure hot spots do not develop, the maximum retention time on site would be three months.
44. KCC's Air Quality Consultant agrees that subject to visual inspections as set out in the report and the measures already prescribed in the existing Environmental Permit to be considered sufficient to prevent dust leaving the site.
45. KCC's Air Quality Consultant also considers the impacts of the development during construction to be satisfactorily mitigated by the use of wheel cleaning measures. There would be no ground work disturbance during construction so there would be no further cause for additional dust sources during this time to arise and is therefore satisfied that no further assessment of dust risk is required.
46. Furthermore, KCC's Noise and Air Quality Consultant is satisfied that the proposed HGV movements would not have an adverse effect on noise or air quality at any of the nearest sensitive human receptors. The Environment Agency offer no objections and I note that the site is already subject to an Environmental Permit which (amongst other things) regulates the type of waste permitted to enter the site and conditions that ensure

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

that no odour is perceived outside of the site. I am satisfied that the proposed development would be acceptable in terms of noise and air quality and accords with the relevant policies.

Amenity impact and other issues

47. The Sustainable Drainage Team were invited to comment on the proposals in terms of surface water drainage and they consider the risk to the water environment to be low. The proposed development would not increase the hardstanding area and therefore would not lead to an increased risk of surface water flooding.
48. There would be minimal views into the site from any direction given the fencing surrounding the site and the activities would be screened by the storage bays and buildings. The nearest residential properties lie approximately 350 metres (in a straight line) to the south-east. However the topography and other industrial operations in the Eurolink Industrial Estate is such that I am satisfied there would be no visual impact from the MRF and it would not be discernible from outside of the industrial estate. The style and design of the building and canopy are in keeping with the existing industrial buildings within the Eurolink Industrial Estate in terms of both materials proposed and scale and I am satisfied that there are no reasons to refuse the application on design grounds.
49. The NPPF requires regard to be had to climate change and impacts such as increasing flood risk. Policy DM 10 of the Kent Minerals and Waste Local Plan specifically seeks to protect the water environment from any potential impacts a development may have. The application is accompanied by a Flood Risk Assessment which was carried out in accordance with the NPPF. The proposed development is classified as less vulnerable as it is situated in Flood Zone 2 and adjacent to Flood Zone 3a and it is concluded that such proposed uses are appropriate, and an exception test is not required. The assessment considers all potential sources of flood risk and categorises them as low. The Environment Agency has no concerns in relation to flood risk.

Conclusion

50. This application is being reported to the Planning Applications Committee as a result of a single objection received from another operator in the Eurolink Industrial Estate, situated some 300m away from the development site. The application seeks planning permission (part retrospective) for the use of the site as a Materials Recycling Facility, activities which have been taking place since 2017 in the open air on site. The proposed development set out in this application would see the main operations move inside a new building and the majority of the waste storage bays being under a permanent canopy structure, helping to reduce the impacts of the development further. The level of HGV traffic is considered acceptable and the potential impacts would be further mitigated by the conditions outlined in paragraph 17 above and paragraph 54 below.
51. Noise, dust and air quality impacts upon the site and surrounding areas have been considered through the application and found to be minimal and with appropriate mitigation (secured by conditions) there are no objections from consultees. No complaints have been received to date with regards the existing operations on site. Existing drainage arrangements have been surveyed and tested and found to offer

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

appropriate safeguarding to the groundwater environment to the satisfaction of the Environment Agency.

52. There are no objections from any of the technical consultees and it is not considered that there would be any cumulative or combined impacts associated with other developments.

53. I am satisfied the proposed development complies in all relevant aspects with the NPPF to which the presumption in favour of sustainable development applies. It is concluded that the proposals comply with the adopted KMWLP 2016 and the relevant policies of the Swale Borough Council's Local Plan 2017. Based on the considerations set out above I am satisfied that the proposals represent a sustainable waste management activity which would not result in any significant impacts upon the amenity of the other users of the Eurolink Industrial Estate, residential properties and other land uses beyond.

Recommendation

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

- The development to be carried out in accordance with the approved plans.
- The MRF operating hours shall be 07.00-17.00 Monday-Friday and 07.00-12.00 on Saturdays only, no activities shall take place on Sundays or Bank Holidays.
- No more than 20,000 tonnes of waste per annum shall be imported to the site.
- Waste awaiting processing shall be stored only in the storage bays identified in the application documents.
- Only the following waste materials shall enter the site: metals, cardboard/paper, glass, wood, plastics, rubber, construction and demolition, textiles and municipal/general wastes.
- No putrescible waste may enter the site.
- All sorting and separation of the waste materials shall take place within Building A with the flexible screen doors closed.
- Waste stockpile heights must not exceed 3 metres.
- Any waste materials that do not leave the site within 1 month must be turned to ensure hot spots do not develop and the maximum retention time for waste materials on site is 3 months.
- Records of all waste throughputs shall be maintained and made available to the County Planning Authority upon request.
- The areas identified for parking, turning and manoeuvring shall be kept available for such use at all times.
- Adequate measures to ensure that vehicles leaving the site shall not deposit mud or other materials on the public highway shall be implemented.
- Submission and implementation of a Delivery and Servicing Traffic Management Plan detailing the routing of delivery vehicles to / from site, parking and turning areas for vehicles and site personnel, and timing and control of deliveries.

Case Officer: Adam Tomaszewski	Tel. no: 03000 411029
Background Documents: see section heading	

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

Section 73 Application to vary Conditions 2 (approved plans), 3 (external materials) and 7 (access and parking) of planning permission MA/16/507143 at The Lenham School (formerly Swadelands School), Ham Lane, Lenham, Maidstone, Kent ME17 2LL - 18/504729/COUNTY (KCC/MA/0457/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 7th November 2018.

Application by Kent County Council Infrastructure Division for Section 73 Application to vary Conditions 2 (approved plans), 3 (external materials) and 7 (access and parking) of planning permission MA/16/507143 at The Lenham School (formerly Swadelands School), Ham Lane, Lenham, Maidstone, Kent ME17 2LL - 18/504729/COUNTY (KCC/MA/0457/2018)

Recommendation: Permission be granted subject to conditions.

Local Member: Mrs Shellina Prendergast

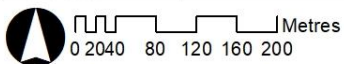
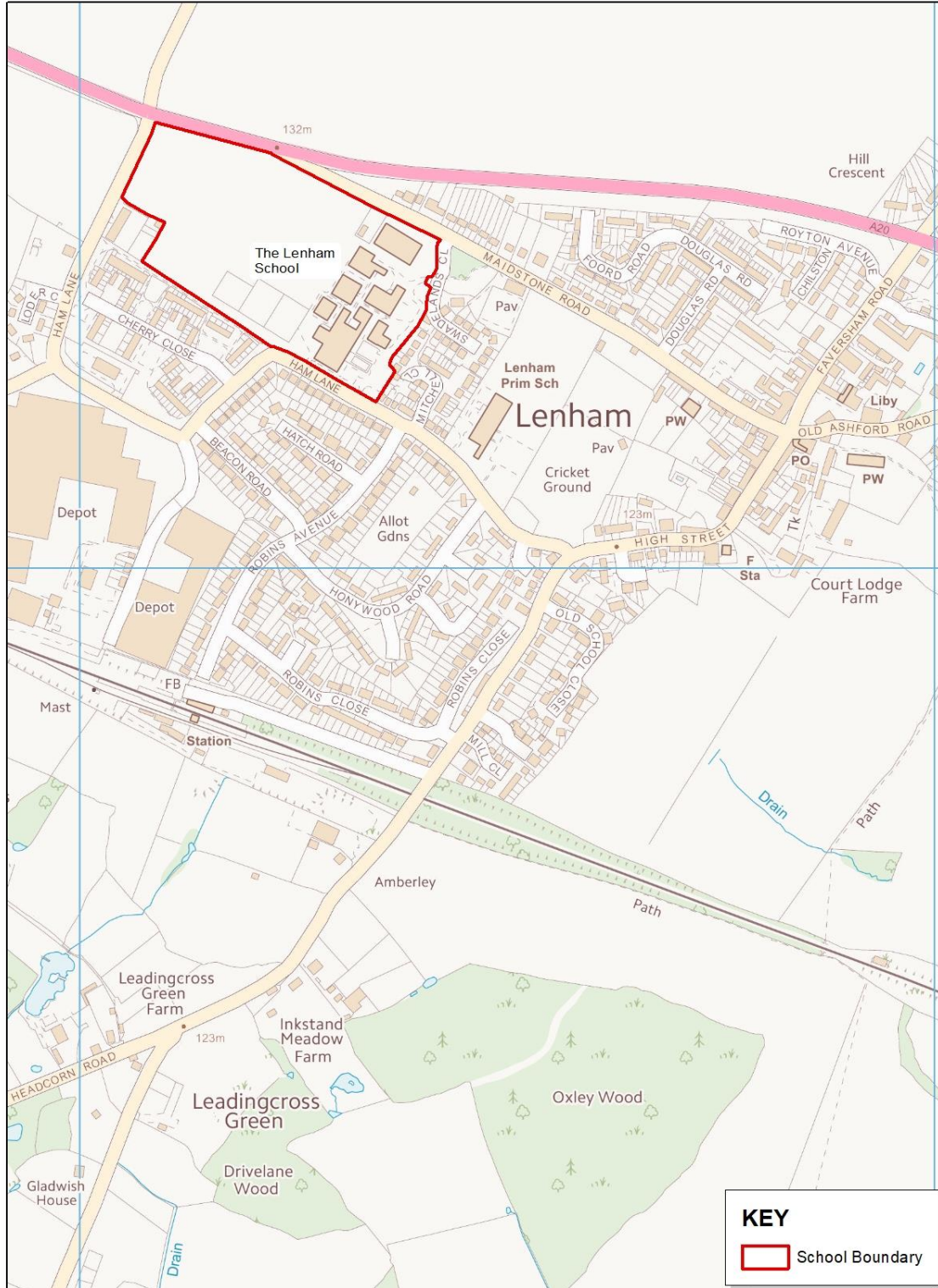
Classification: Unrestricted

Site

1. Located on the northern side of Ham Lane, The Lenham School (formerly known as Swadelands School) is a secondary school which comprises a complex of 8 buildings of single and two storey construction. The buildings lie at the eastern end of the site, with the playing fields and outdoor space extending to the west. There is residential development to both the south and east of the school, and ribbon development along Maidstone Road to the north. Beyond this runs the A20 and on the northern side of the A20 the area is designated as the Kent Downs Area of Outstanding Natural Beauty. The school sits within the built confines of the Rural Settlement of Lenham. There is a MUGA in the grounds of the school with an all-weather surface added in 2010, and the old hard surfaced courts lie along the southern boundary of the site.
2. There are three access points into the school – two from Ham Lane along the southern boundary and one from Swadelands Close to the north-east – with pockets of car parking dotted around the site. Zig-zag keep clear markings are provided along Ham Lane. The school playing fields are well screened from Ham Lane to the south with a mixture of mature trees and hedges.

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

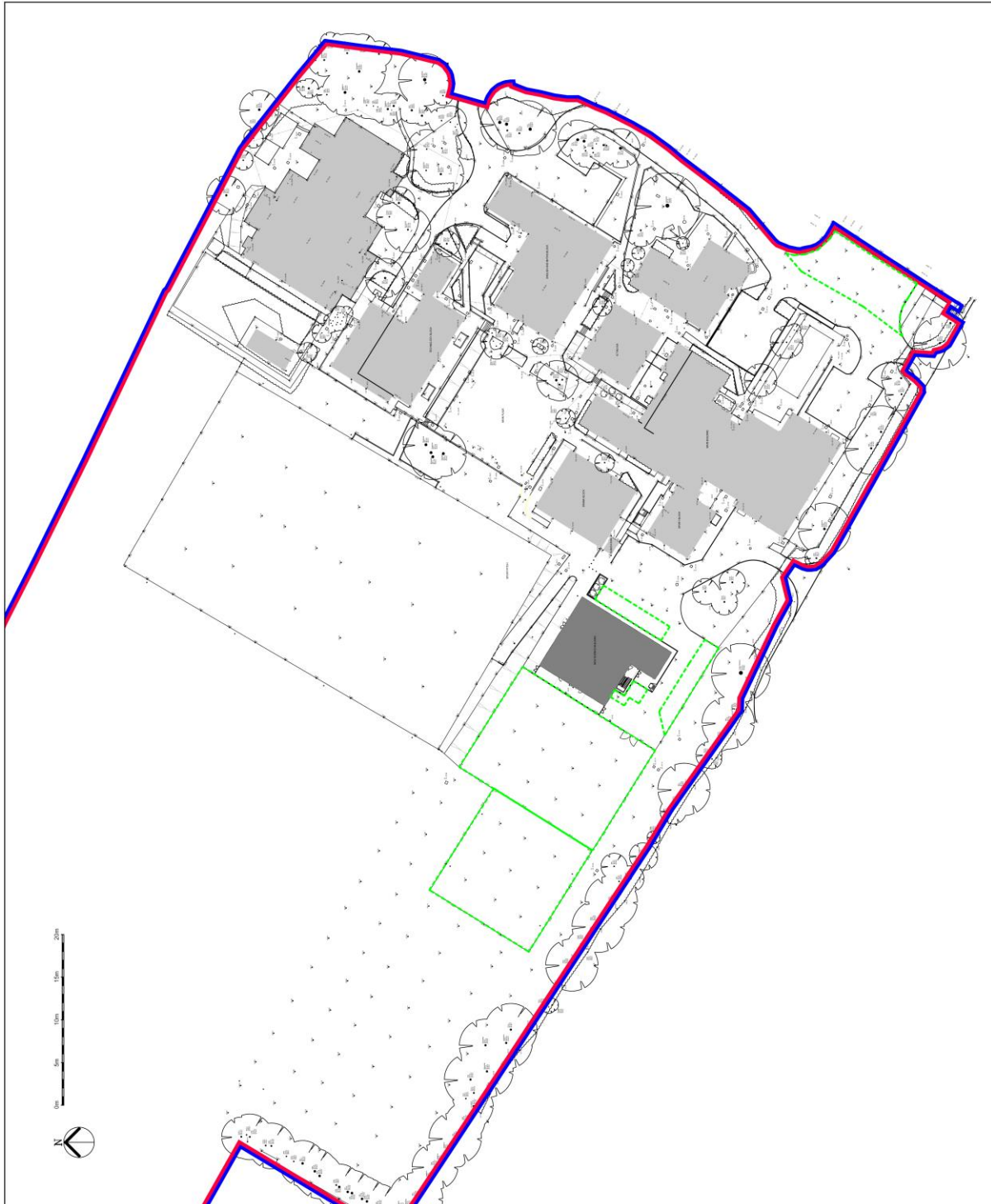
General Location Plan



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Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

Site Location Plan

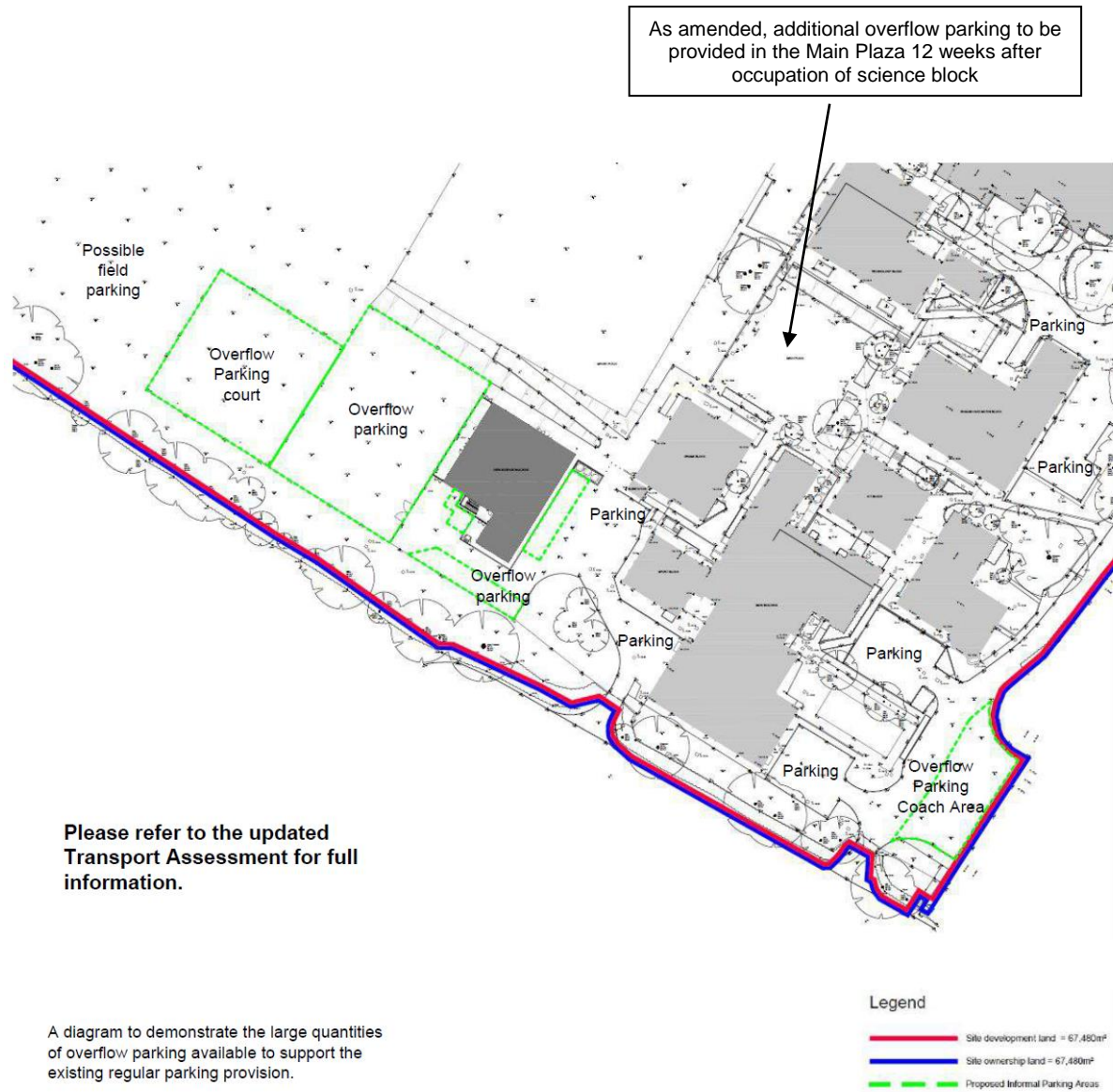


Legend:

- Site Development Land
- Site Ownership Land
- - - Proposed Informal Parking Areas

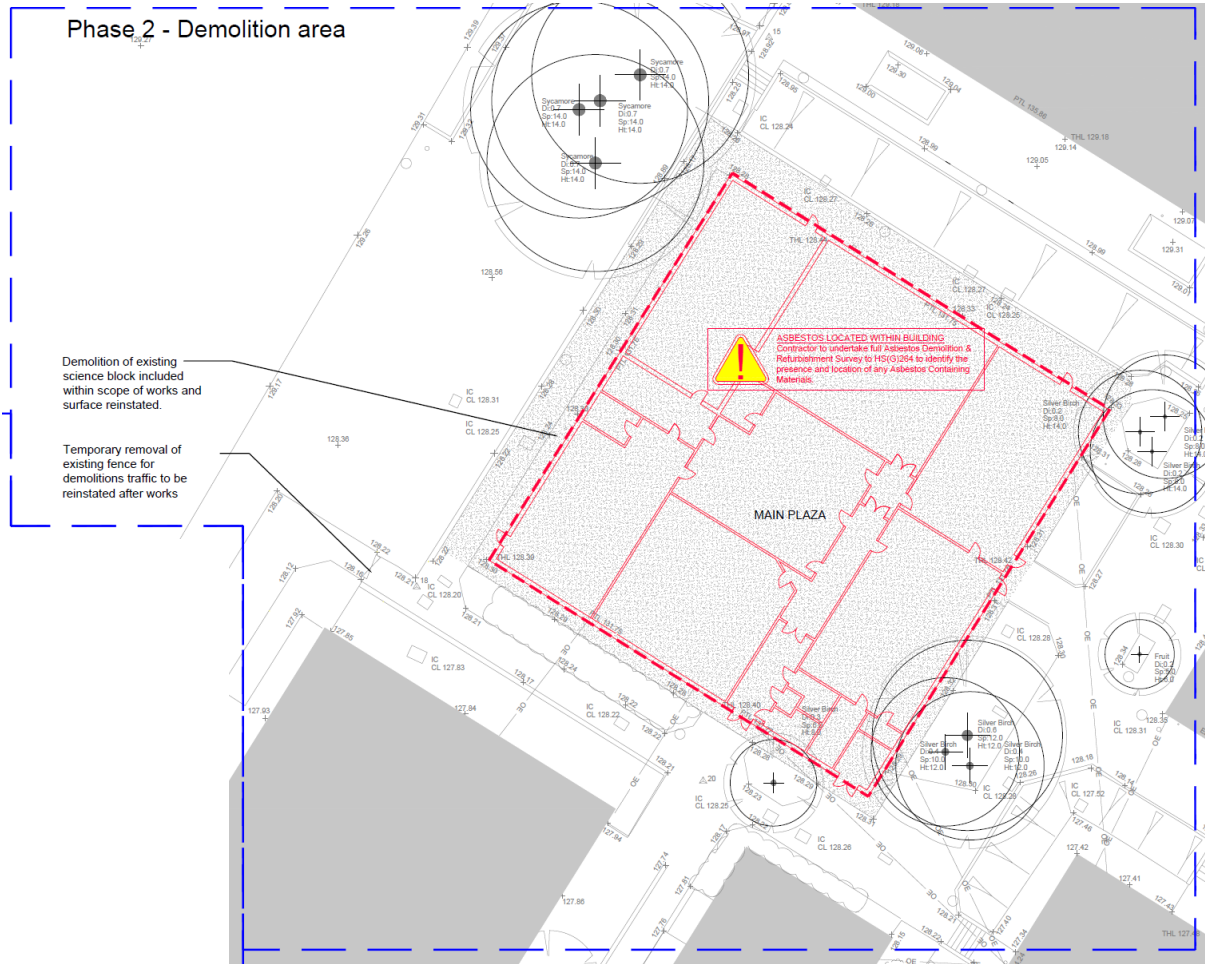
Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

Plan of School Parking areas and Overflow Parking



Extract from Design and Access Statement, Bailey Partnership

Item D1
Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

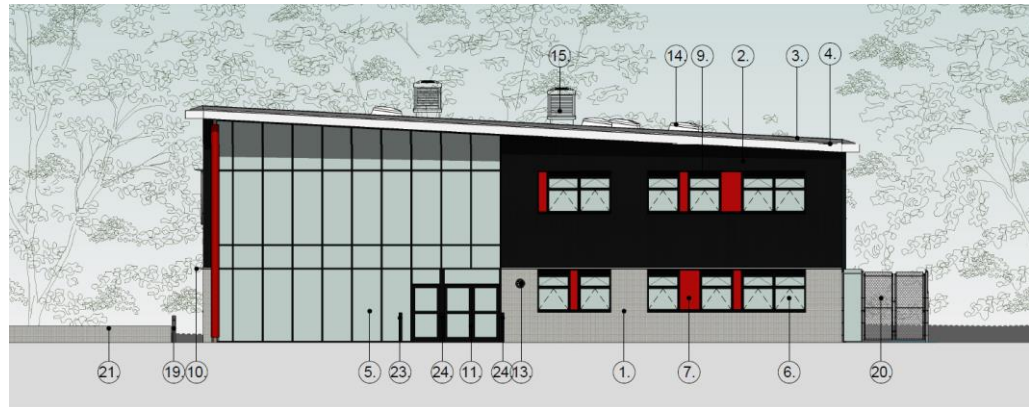


Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

Proposed Elevations



Proposed Northern Elevation



Previously Approved Northern Elevation



Proposed Southern Elevation

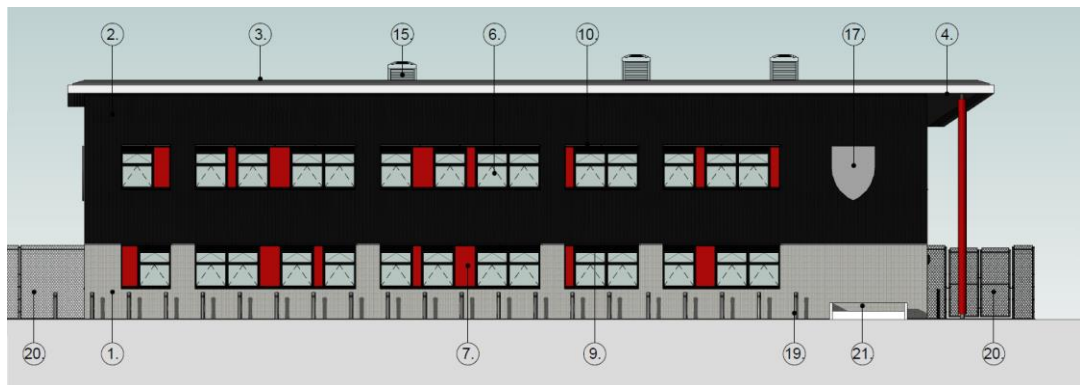


Previously Approved Southern Elevation

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)



Proposed Eastern Elevation



Previously Approved Eastern Elevation



Proposed Western Elevation



Previously Approved Western Elevation

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

Background & Recent Site History

3. In November 2016 conditional planning permission was given for the demolition of the existing science block at Swadelands and the construction of a new two storey science block built along the southern boundary of the site on the current location of one of the old hard play courts, to the west of the access along Ham Lane used for the Activate Gym (MA16/507143). The scheme also showed the setting out of 22 additional car parking spaces around the new science block, with 2 spaces for disabled drivers. On the site of the old science block, the approved scheme showed the creation of a central plaza which would double up as an overflow parking area, where an additional 26 cars could be accommodated.
4. Since this approval the school has been acquired by the Valley Invicta Academies Trust (VIAT) and the school has been renamed 'The Lenham School'. This has resulted in the need to amend the approved scheme as set out below.
5. We have also recently received an application to discharge four of the other conditions imposed on the original planning permission, and this application has been given the reference KCC/MA/0497/2018/RVAR. The processing of the discharge of these conditions (numbers 5: Construction Management Plan, 6 & 9: Drainage Strategy and 12: Written Scheme of Investigation for Archaeological Evaluation) will not affect the determination of this Section 73 application, which solely relates to conditions 2, 3 and 7.

Proposal

6. As recently amended, this Section 73 application seeks to alter three of the conditions imposed on the original planning consent.

Condition 2 – This condition stated:

The development hereby permitted shall be carried out only in accordance with the details, plans and specifications referred to in Schedule 1 and/or as otherwise approved pursuant to this permission and there shall be no deviation from these without the prior written approval of the County Planning Authority.

The applicants wish to make some amendments to the approved plans therefore this condition needs to be varied. The alterations are in part due to the acquisition of the school by the VIAT, which require changes to the logo of the school, previously shown on the approved plans. In addition, there are proposed changes to the colour scheme for the building, which again had been reflected on the approved plans. Finally, in relation to this condition, the current proposal seeks to amend the design of the elevations and roof structure as follows:

- The area of curtain glazing has been reduced in size by approximately one third;
- Additional windows and doors are to be located in the extended area of wall as a result of the reduction in glass;
- The windows would be positioned deeper within their recesses so that they benefit from passive shading which would therefore negate the need for the originally proposed Brise Soleil;

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

- The ground floor brickwork would be extended above the height of the ground floor windows;
- The oversailing roof design has been amended so that it would now only frame the reduced size of the curtain glazing;
- A new fence is proposed around the external escape stairs to prevent loitering; and
- Two additional doors are to be included in the western elevation for fire safety.

7. Condition 3 – This condition stated:

Before the development hereby permitted is commenced, details of all materials to be used externally, including colour finishes, shall be submitted for the written approval of the County Planning Authority and, once approved, the development shall be carried out using the approved materials.

As noted above, the colour and material choices for the new building are to be amended following the acquisition of the school by the VIAT as follows:

- The first-floor metal cladding that was originally proposed in black, would be changed to a mid-dark grey render;
- Where ceramic coated glass in bright red had been proposed, this would be replaced with a cherry red render which would more closely reflect the Invicta Academy brand colours;
- The ground floor walls were proposed to be constructed with textured blockwork and it is now proposed that this would be replaced with grey coloured brick;
- The internal and external stair features and the feature post for the overhanging roof would be colour matched to the same choice of red proposed to be used for the render; and
- A single ply and less industrial material would now be used for the roof, which retains the seamed profile aesthetic but has a less industrial appearance.

8. Condition 7 – This condition stated:

Prior to the development hereby permitted being occupied, or first brought into use, the areas shown on the submitted drawings, specifically figure 3 of the Transport Assessment and external works plan SWBP00XXDRAR900001, for the parking (and overflow parking) of cars, shall be completed, surfaced, drained, and operational, and thereafter used for or kept available for those purposes at all times and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown, or in such a position as to preclude vehicular access thereto.

In the original permission the area surrounding the new science block was laid out with 22 parking spaces (including 2 disabled spaces), and the area where the old science block was sited was proposed to be surfaced such that it could have been used for overflow parking, accommodating an additional 26 parking spaces. The above condition sought to ensure that these spaces were to be provided prior to the occupation or use of the new science block.

9. Originally the applicants were not proposing to surface the main plaza with a material suitable for vehicles, therefore the overflow parking in this area would not have been

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

able to be provided. The applicants advised that this was due to funding constraints whereby the Education and Skills Funding Agency (ESFA) will not provide funding for formal parking spaces. In light of this the parking surrounding the new science block would now be referred to as 'informal parking' and would not be laid out as previously shown, in that there would be no surface markings. However, in the light of the objections received the applicants have now advised that they have secured additional funding that would enable the central plaza overflow parking to be provided, but not in accordance with the trigger date originally imposed on the earlier planning permission. This asked for all the parking provision to be in place prior to occupation of the new science block. This would not be possible due to the phasing of the work, therefore the applicants have asked to vary condition 7 so that the parking as originally set out would be provided within 12 weeks of occupation of the new building.

Planning Policy

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

- (i) **National Planning Policy Framework (NPPF) July 2018** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, and decision takers at every level should seek to approve applications for sustainable development where possible.

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

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Whether impacts from the development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;
- That development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

In addition, Paragraph 94 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive,*

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. It is the Government’s view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations.

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.
- Local authorities should make full use of their planning powers to support state-funded schools applications. This should include engaging in preapplication discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.

- (iii) The adopted **Maidstone Borough Local Plan (2017)**

Policy SS1 **Maidstone Borough Spatial Strategy.** Paragraph 5 states that Lenham as a rural service centre will be the secondary focus for housing development with the emphasis on maintaining and enhancing their role and the provision of services to meet the needs of the local community. Suitably scaled employment opportunities will also be permitted.

Policy SP8 **Lenham Rural Service Centre.** This states that key services will be retained and supported.

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

- Policy SP23 Sustainable Transport.** The policy aims to mitigate the impact of development, where appropriate, on the local road networks.
- Policy DM1 Principles of Good Design.** Covers the principles of good design which proposed development should accord with, including reference to permeable layouts; responding to local natural or historic character and incorporating a high quality, modern design approach; high quality public realm; respecting the amenities of occupiers of neighbouring properties; respecting natural features such as trees and hedges; high quality design which responds to surrounding areas; maximising opportunities for sustainable development; protecting on-site biodiversity; safely accommodating vehicle and pedestrian movements; incorporating security measures to design out crime; avoiding areas at risk of flooding; incorporating adequate storage of waste and recycling; and providing adequate vehicle and cycle parking; and being flexible towards future adaptation in response to changing life needs.
- Policy DM2 Sustainable Design.** Where technically feasible and viable, non-residential developments should meet BREEAM very good standards addressing maximum water efficiencies under the mandatory water credits and energy credits.
- Policy DM20 Community Facilities.** The adequate provision of community facilities, including social, education and other facilities is an essential component of residential development. Where appropriate the dual use of education facilities (new and existing) should be encouraged for recreation and other purposes.
- Policy DM21 Assessing the transport impacts of development.** Proposals must demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts; provide a satisfactory Transport Assessment and a satisfactory Travel Plan; and comply with the requirements for the policy for air quality.
- Policy DM23 Parking Standards.** Vehicle parking for non-residential uses will need to take into account the accessibility of the development and the availability of public transport; the type, mix and use of the development proposed; whether development proposals exacerbate on street car parking to an unacceptable degree; and the appropriate design and provision of cycle parking facilities.

Consultations

11. **Maidstone Borough Council** raise no objection to the proposal.

Lenham Parish Council comments on the original proposal to remove condition 7: The planning committee noted that the removal of condition 7 would mean there would be additional parking problems on Ham Lane which is part of a bus route (10X). The route is often clogged by vehicles especially at the beginning and end of school

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

hours. In addition, the sports facilities such as the 3G football pitch is rented by non-school users, outside of regular school hours, which generates extra parking requirements, which should be provided on the school site. The site offers ample grounds for parking facilities and it was resolved to therefore object to the removal of condition 7 (this in support of comments from local residents).

Lenham Parish Council comments on the amended proposal to vary condition 7: We continue to object, as the school has sufficient ground to offer alternative parking facilities on site during construction and prior to occupation of the new building. Ham Lane is already at capacity for parking and often excess vehicles cause problems for the coaches serving the school and the 10x bus service for the village.

KCC Highways and Transportation Officer raises no objection to the application, subject to a suitable condition requiring the hard court to the west of the new science block being available for overspill parking, and the imposition of other conditions considered appropriate as before.

In relation to the amended proposal KCC Highways and Transportation Officer confirms that there is no objection to the proposal.

Local Member

12. The local County Member for Maidstone Rural East, Mrs Shellina Prendergast was notified of the application on 7 September 2018. She has commented as follows:

“As the local Member, the single biggest item in my postbag about Lenham centres around the issues of parking and congestion, particularly on Ham Lane and Maidstone Road. This situation is unlikely to improve over the years as the pupil numbers at the school increase and with the addition of over 1000 homes in Lenham over the Maidstone Borough Council adopted Local Plan period.

I don't wish to repeat all the comments made by residents and the parish council as I expect that these will be covered in the Committee report to Members on 7th November but I would request that attention is paid to the well-constructed submission by local residents – particularly with regard to the outdated and, in my view, misleading Transport Assessment which was conducted in July 2016 at a time when a significant portion of the pupil numbers were missing from the school and prior to the school being taken over by VIAT. Since that time, the demand for school places and the popularity of Lenham School has grown considerably and the base line figures from the 2016 study do not accurately reflect the current and future numbers at the school.

Whilst I welcome the revision to vary rather than remove Condition 7, I remain extremely concerned about the 12-week delay in providing this following occupation of the new building. Any increased parking and traffic during that period, whether school or construction related, will cause significant inconvenience to other road users and will be detrimental to local amenity – by way of example, the 10x bus service which travels down Ham Lane, despite timetable changes earlier this year, fails to deliver children to the Oakwood schools' site in time for their first lesson of the day. This situation, known to the KCC Transport Team, is unacceptable as it stands and I'm sure you, and Members, would agree that this must not be further exacerbated.

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

In conclusion, any variation to Condition 7 must come with a cast iron assurance that there will not be any overspill on the surrounding roads at any time and all related vehicles will be accommodated on the school site during the construction periods – a request I do not consider too onerous given the scale of the school estate. Without such assurances, the variations of Condition 2 (planning control) and Condition 7 must be resisted.”

Publicity

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

Representations

14. In response to the publicity, 5 letters have been received objecting to the application, with a further 1 letter commenting on the application. No letters of support have been received.

Please note these were received prior to the proposal being amended to vary the timing of the parking provision rather than remove the condition completely.

The key points raised objecting to the application can be summarised as follows:

- The Transport Statements (September 2016 and updated August 2018) are incomplete, inaccurate and incorrect;
- They do not take account of the fact Ham Lane is a bus route and buses are often obstructed by inconsiderate on-street parking;
- They do not take account of the increased use of the 3G pitches (MUGA) during the football season;
- The original statement was based on figures for a day when the school wasn't operating to its full capacity (years 11-14 were away and an additional 43 were on a school trip);
- Concerned that the survey was carried out on a day when the school had approximately half the number of people (staff, pupils and sixth formers) on site compared to the maximum school roll it could accommodate;
- There is frequent use of the sports pitches during the evening and weekends, therefore overspill parking is required more than just occasionally as suggested;
- Do not believe lift sharing is normal at the school – the majority of parents have only one child in the car, and evening and weekend users are generally the sole occupants too;
- No details about the school's Travel Plan and how it would minimise inconvenience in the local area;
- The available kerbside space is insufficient for any additional school parking;
- Concerned that photographic evidence submitted is misleading;
- If the only on-site parking spaces available for sixth formers is those surrounding the new science block, there could be lots of students parking on surrounding roads, for the whole day;
- Far from a reduction in parking spaces, what is required is an increase in on-site

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

parking;

- Given the science block will be located on a hard court that currently provides overspill parking (100 spaces) resulting in the loss of these spaces, the plaza should definitely be kept for parking purposes as originally intended;
- Don't consider that people will park in the main school parking areas during the evening and weekends (if the gates are open), as it is further away from the pitches – believe they will park on Ham Lane instead;
- Parking along Ham Lane causes traffic congestion as it is on a bus route, and emergency vehicles could be affected as well;
- If school pupil numbers increase the number of buses will also increase, causing further congestion.

In response to the amended application to vary rather than remove the condition, one additional letter has been received raising the following points:

- Suggest 3 months is an excessive amount of time to demolish the old science block and re pave the area;
- This should be done first before the new building is constructed so it would be available straight away, along with the access to the tennis courts;
- Concerned that during the construction period there will be no overflow parking on the tennis courts for evening sports club users or for special events;
- Concerned about where contractors vehicles will park;
- See no reason why this condition should be amended as nothing has changed since it was originally imposed – in fact traffic problems in the village have got worse.

15. The letter of comment sought clarification that the trees along the edge of the site fronting Ham Lane would not be removed as part of the development. Confirmation was provided to this resident that the boundary treatment would not be affected in any way.

Discussion

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 10 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
17. This application is being reported for determination by the Planning Applications Committee due to the objections raised by the Parish Council, Ward Member and the neighbour representations received. In my opinion, the key material planning considerations in this particular case are the alterations to the design of the building and choice of materials compared to that previously approved, and the implications of the timing of the provision of the overspill parking area in terms of highway and transportation implications and impact on residential amenity.

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

Variation of condition 2 and 3

18. The proposed alterations to the design of the science block, the choice of materials and colour scheme as set out in paragraphs 6 and 7, would have a minimal impact on the overall appearance of the new building. That said the changes are more substantial than could have been accepted as non-material amendments, hence the need to alter the permission in this way. The proposed materials and amendments to the colour choices to reflect the Academy branding would still be in keeping with the surrounding school buildings. The change in roof design and glazed walling, although funding led, would still be acceptable and the change to the design would not diminish the overall appearance of the building. In relation to these conditions the variation to condition 2 and 3 is considered to be acceptable, and indeed no objections have been received to these proposed alterations.

Variation of condition 7

19. The supporting information accompanying the application explained that the new science block is being undertaken as part of the Education Skills Funding Agency Priority School Building Programme 2 (PSBP2) and that funding delays had resulted in the project being set back to the 2018-19 period. Such funding brings with it constraints in that the ESFA will not fund the provision of formal parking spaces. However, as set out in paragraph 8, the applicants have secured additional funding to be able to provide the overflow parking in the central plaza but they cannot complete this in accordance with the original 'pre-occupation' trigger in the condition. Consequently, it needs to be considered whether the provision of this parking within the later timeframe of 12 weeks after the new building is occupied would make the scheme unacceptable or not.
20. The proposed replacement of the science block would improve the facilities at the school but would not in itself bring with it an increase in the school roll. Any parking issues that are currently being experienced by the residents of the surrounding area would not be exacerbated by the replacement science block, and therefore from a planning point of view the development would not require the provision of additional parking. However, there was an opportunity to provide some additional parking spaces which the previous scheme set out, and because they were shown on the plans, they were conditioned to be provided.
21. Some of these could still be provided in an informal way under the current proposal. Up to 20 parking bays would be available surrounding the new science block, whilst still retaining space for emergency vehicles to turn, and the access to the disused hard court beyond, which is proposed for overspill parking. On the site of the old science block, a new plaza would still be created and under the revised proposal would be available for overspill parking within 12 weeks of the occupation of the new science building. Such parking provision would not be available for the day to day drop off and pick up times of the school, given its location amongst the school buildings and the conflict that would occur between cars and children congregating, but would be used as an overspill facility on occasions when many visitors to the school are expected such as whole school events or open days. In this regard the overspill facility would have no impact in addressing the concerns and objections received regarding general parking problems at the school, and therefore the later provision of this facility would in my view, be acceptable.

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

22. The application proposes the use of the disused hard court to the west of the proposed new science block as overspill parking, which has the capacity to accommodate more vehicles than the new central plaza, and would be available immediately, thereby overcoming any concerns about a lack of overspill parking facilities in the short term.
23. In addition to this area, the other existing parking areas within the school site are to be made available for parking outside of school hours, including the coach area. Whilst the objections received suggest that those using the football pitches would not park here as it is too far away from the pitches, it would be additional to the off-street parking and the clubs must be encouraged to ask their members to utilise these spaces first before resorting to on street parking.
24. The school is not currently operating at full capacity due to a previously poor reputation but is working hard to improve this, which is to be welcomed. The provision of a good quality secondary school for pupils in the area should be a shared aim of all involved. The result of this improvement will inevitably lead to an increase in pupils choosing to attend the school, but this would only be up to the approved and established school roll figure. The residents' concern is that the traffic and parking situation is already difficult at this reduced school roll number, and that this will only get worse if the pupil numbers increase. The applicants have stated that the School, with the backing of the Education Authority, will do everything they can to minimise the impact of the school (and other on-site users) on residents in relation to on street parking.
25. In response to the objections received and following my request for clarification on these issues, the school have provided some additional information. They state that the disused tennis courts are currently used for large open evenings and are marshalled due to the number of cars attending (to the extent that they also spill onto the grass field) and the chain link fencing has to be amended to allow cars to enter and then be re-fitted afterwards. In the current proposal a permanent vehicle gate to these courts would be provided thus allowing for more regular use. The current arrangement for evening and weekend parking is within the existing school grounds and the plan remains for those attending football or sports events on evenings and weekends to park within the school's existing parking spaces and have access to the tennis courts as the main parking overflow. The School are committed to having the main entrance gates open for evening and weekend activities, but they recognise that there have been some occasions where issues have prevented the gates being opened, or opened in sufficient time ahead of an event, with the result that parents have already started parking on the main road. They state that these occasions are unintentional, and they will be working to ensure such occurrences remain at a minimum. Finally they state that the coach parking bays within the school, which are kept free after 2.30pm to allow for coach access at the end of the school day, will now be made available for cars after 4pm, providing an additional 13 parking spaces out of school hours.
26. The Highways and Transportation Officer has considered the application to originally remove, and as revised, to amend condition 7. He has stated that provided the disused tennis court is made available for overspill parking there would be no objection to the variation applied for. In my view, given the fact the originally proposed overspill facility will now be available 12 weeks after the new science block is occupied; that the disused tennis court will have a permanent vehicle gate allowing more regular use of this as an overflow facility; and the School's intention to ensure the grounds are available for

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

evening and weekend parking, would mean the variation to this condition would have a limited impact on the surrounding residents and would be acceptable.

Conclusion

27. In my view the key determining factors for this proposal are the planning policy aspects in relation to the highways and transport related issues that would arise from the variation of the previously imposed condition requiring parking at the school as part of the scheme to demolish and replace the science block. The proposal is for the provision of a replacement science building which in itself would not result in any increase in school roll at the school. Under the revised proposal to vary condition 7 the school would provide the same parking provision surrounding the new building, plus they would also be able to provide overspill parking on the disused tennis courts and (at a later date than originally required) on the central plaza. Given the considerations set out above, I am of the opinion that the variation of condition 7 would not have a detrimental affect on the residents near the school.
28. The alteration of conditions 2 and 3 in relation to revised plans for amendments to the design of the building and choice of materials has attracted no objections and from a planning point of view the amendments are considered acceptable.
29. Weight should be given to the NPPF's clear policy support for ensuring that a sufficient choice of school places be available to meet the needs of existing and new communities, and the need to create, expand or alter schools. Subject to the imposition of the original conditions and the additional condition requested by Highways securing the use of the disused hard courts as overspill parking, I consider that the development would not give rise to any demonstrable harm as explained in the discussion above, and would meet the aims of the NPPF in relation to the guidance for school provision, and development plan policies DM20, DM21 and DM23 of the Maidstone Local Plan.

Recommendation

30. I RECOMMEND that the Section 73 application be approved and that conditions 2, 3 and 7 be varied and the PERMISSION BE GRANTED SUBJECT TO the imposition of conditions previously set out on planning permission 16/507143 and the additional condition requested by Highways and Transportation, as follows:
 - the development to be commenced no later than 28th November 2021;
 - the development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted details, documents and plans which amends the details approved under application MA/16/507143;
 - the development shall be carried out using the external materials as detailed within the submitted documents and plans which amends the details approved under application MA/16/507143;
 - 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 of a Construction Management Plan to be approved in writing prior to the commencement of development;
 - the submission of a surface water drainage scheme to prevent discharge of surface

Section 73 Application to vary Conditions 2, 3 and 7 of planning permission MA/16/507143 at The Lenham School, Lenham - 18/504729/COUNTY (KCC/MA/0457/2018)

water onto the highway, prior to the commencement of development, and its approval in writing;

- the disused tennis court to the west of the new science block shall be made available for overspill parking and thereafter kept available for such use;
- the areas shown for parking and overflow parking be provided within 12 weeks of the occupation of the new building;
- Prior to the development being occupied, the provision of the areas shown on the approved plans for vehicle loading/unloading, and turning facilities being provided and thereafter kept available;
- Prior to the commencement of development, the submission of a surface water drainage strategy relating to flood risk, details of the maintenance and management of the drainage scheme and that there should be no surface water drainage into the ground without the express written consent of the County Council;
- Prior to occupation, details to be submitted of the location of bat boxes, bird boxes and the sparrow terrace;
- Prior to commencement of development, the applicant to secure and implement archaeological field evaluation works in accordance with a written specification and timetable agreed in writing by the County Council;

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

- Advice regarding infiltration drainage systems such as soakaways;
- EA advice that there should be no discharge into land previously identified as contaminated or 'made' ground, and that infiltration systems will not be supported that enable pollutants to create new pathways into groundwater, or mobilise contaminants already in the ground;
- Waste management legislation regarding the handling, transport, treatment and disposal of contaminated soil;
- That precautions to avoid discharges or spills of oil, fuel or chemicals into the ground must be taken;
- That all necessary highway approvals and consents where required are obtained in order to avoid any enforcement action being taken by the Highway Authority.
- That 'The Lenham School' be asked to ensure that all Clubs using the school site out of hours ask their members to utilise all on-site parking spaces before parking on the surrounding roads.

Case Officer: Mrs Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

Item D2**Temporary 13 space car park, St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells, Kent, TN4 9XL – TW/18/2126 (KCC/TW/0101/2018)**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 November 2018.

Application by Kent County Council's Property and Infrastructure for a temporary 13 space car park – St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells, TN4 9XL (Ref: KCC/TW/0101/2018 and TW/18/2126).

Recommendation: Temporary planning permission to be granted, subject to conditions.

Local Member: Mr P Oakford

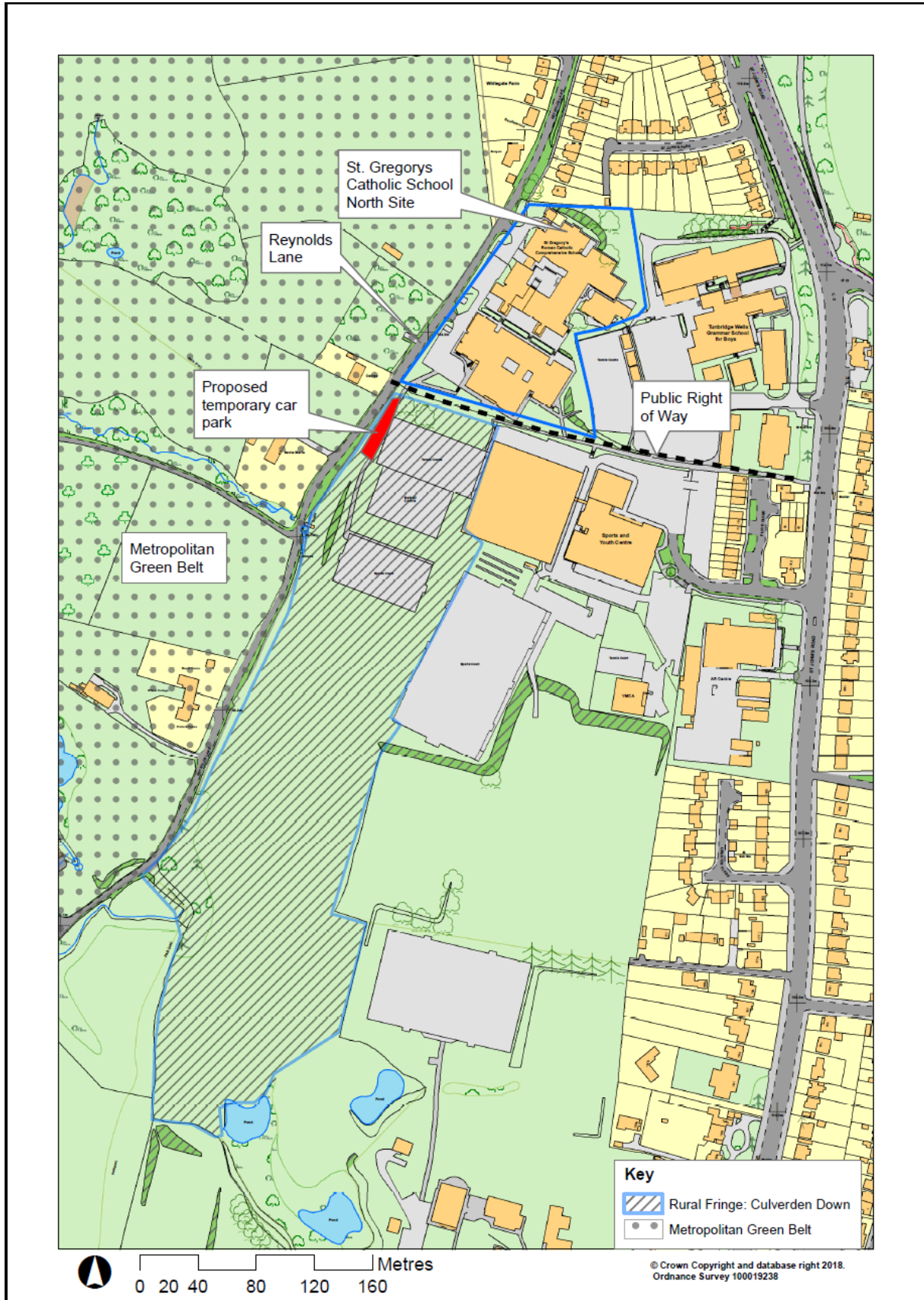
Classification: Unrestricted

Site

1. St Gregory's Catholic School is located off Reynolds Lane and is approximately 2km north of Tunbridge Wells town centre. Residential properties are located to the north of the school site. Tunbridge Wells Grammar School for Boys and Tunbridge Wells Leisure Centre share the eastern boundary of the school site. To the south are the sports fields for both Tunbridge Wells Grammar School for Boys and for St Gregory's Catholic School. Reynolds Lane is located to the western boundary of the school and runs along the entire length of school site. Extensive fields which form part of the Metropolitan Green Belt, are located on the other side of Reynolds Lane. The vehicular entrance and exit to the school are located off Reynolds Lane. There is also a pedestrian entrance via Reynolds Lane and an additional pedestrian entrance directly from the A26 St John's Road via a Public Right of Way which runs through the grounds of the Tunbridge Wells Grammar School for Boys. A site location plan is attached.
2. The school site is generally elongated on plan and orientated broadly in a north to south direction. The site also slopes considerably from north to south. The existing school consists of 2 main Blocks, known as the North Building and the South Building. Both of which are located to the northern edge of the overall school plot. There are a number of additional separate buildings, one of them being the Sixth Form Block. The North Building has a mixture of single storey, two storey and three storey buildings which are set around a courtyard. This building also accommodates the main school entrance, dining room, hall, gym, chapel, music room, science and some general classrooms.
3. The South Building is stepped in design to suit the sloping site. It is a mixture of single storey and two storey buildings. This building accommodates the general classrooms along with specialist rooms such as the design and technology suites. The existing sports fields occupy the southern section of the site and are separate to the school buildings. The Public Right of Way runs from east to west across the school site and effectively separates the school buildings from the sports field.
4. The Public Right of Way, Number WB2, crosses the school site from east to west, with the school buildings located to the north of the PROW and the playing fields to the south. The southern part of the school site is located within the designated area of the Rural Fringe - Culverden Down site in the Tunbridge Wells Borough Council Site Allocations Plan (2016). The school site also sits on the edge of the Metropolitan Green Belt.

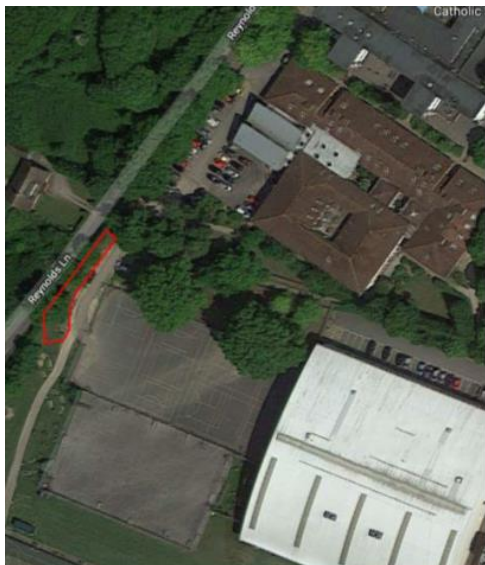
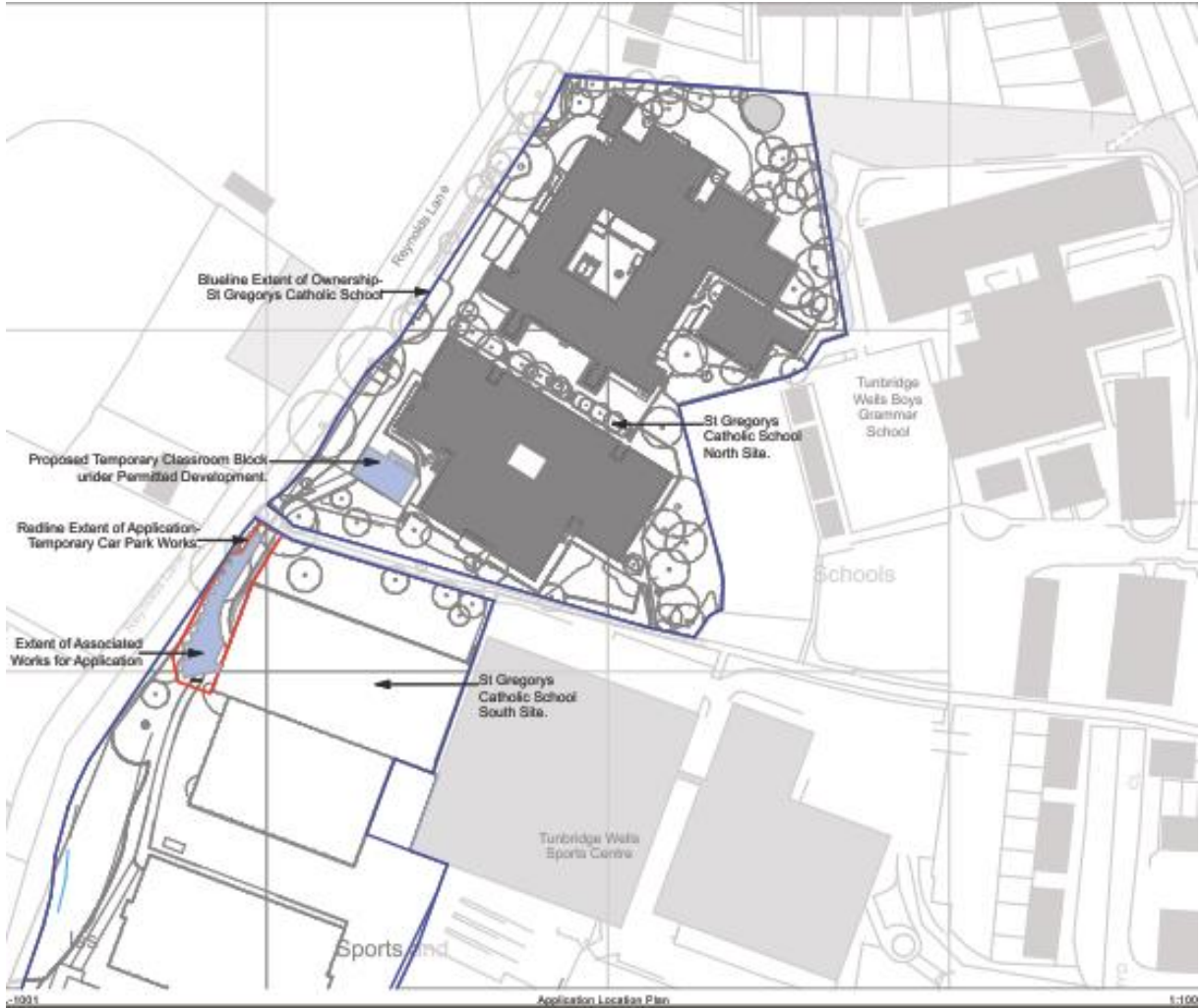
Temporary 13 space car park – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2126

Site Location Plan



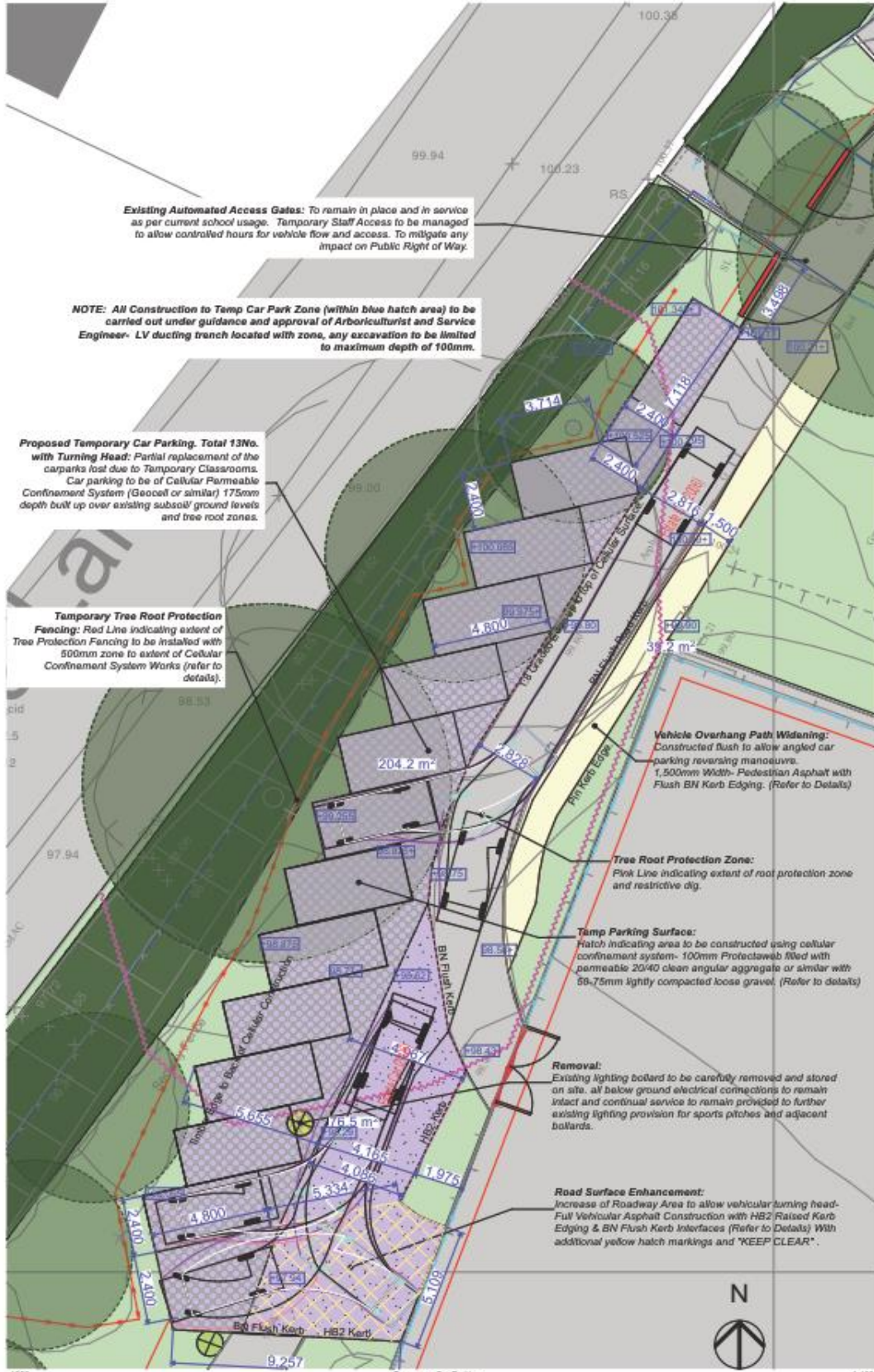
Temporary 13 space car park – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2126

Site Location Plan and photographs



Temporary 13 space car park – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2126

Proposed site plan



**Temporary 13 space car park – St Gregory’s Catholic School,
Reynolds Lane, Royal Tunbridge Wells – TW/18/2126**

Background

5. The School was founded in 1966 and when it opened it had 250 pupils and 12 members of staff. The school was located in the building that is known as the North Building. In 1979 the school became a comprehensive and the South Building was built. The school further expanded in 1996 when the Technology Building was opened. In 2003 the school opened its Hearing Impaired Resource. The Technology Building was then demolished and replaced by the Sixth Form Centre in 2004. In that same year the South Building was extended to accommodate the Technology facilities and a new fitness suite. The school then became part of the multi academy trust named Kent Catholic Schools Partnership in January 2014. In 2017 an Artificial Grass (3G) Pitch located on the sports field was opened.
6. The School presently has a total of 1,194 pupils, based on a 6FE (form of entry) and this equates to 900 pupils in Years 7 to 11 and the rest making up the Sixth Form. The School is currently supported by 145 members of staff. School hours are Monday 8.45am and 2.30pm and Tuesdays to Fridays 8.45am to 3.30pm. The school remains open after these hours for sports lettings and for other activities in the hall, chapel, gymnasium, and the 3G Pitch. The school closes at 10pm during the week. The school is open for lettings (sports and other activities) only on Saturdays and Sundays between 9.00am and 6.00pm. The school currently has 51 staff parking spaces and 7 visitor parking spaces on the site.
7. The Draft KCC Education Commissioning Plan for 2018-2022 states that demand for school places within Tunbridge Wells will increase in the future. Whilst the birth rate in Tunbridge Wells continuously falls below the Kent and national averages, the Borough’s Strategic Housing Market Assessment has identified a need for 12,960 new homes from 2013 and 2033. Pressure on Year 7 places will increase from a deficiency of 121 spaces in 2018/19 to a peak deficiency of 245 places in 2022-2023. It is however noted that these figures are skewed by the available capacity within the Cranbrook area, whilst the larger urban areas are experiencing significantly greater pressures.
8. The Draft KCC Education Commissioning Plan identifies an additional 8 Form of Entry (FE) provision for September 2018, which will increase to over 11 FE within five years. The proposed expansions of Bennett Memorial School, St Gregory’s Catholic School and Tunbridge Wells Grammar School for Boys have all been identified within the Plan as contributing to meeting the forecast demand within Tunbridge Wells.
9. The School’s Governing Body, in conjunction with Kent Catholic Schools Partnership and Kent County Council are proposing to provide additional school places by expanding St Gregory’s Catholic School by permanently increasing the Pupil Admission Numbers (PAN) from 180 pupils to 210 pupils (6FE to 7FE) from September 2019. This follows a temporary ‘bulge’ expansion of 60 Year 7 places in 2018/19. *The proposed permanent expansion of the school is the subject to a separate planning application which is currently not yet determined and details of it can be viewed under planning reference of TW/18/2129.*
10. The School has also experienced significant in-year admissions into other year groups on top of the recent bulges in Year 7 places, as well as the proposed permanent expansion to a 210 PAN (7FE). This has resulted in timetabling pressures and has in the short term (i.e. before the permanent expansion application referred to above is determined) resulted in the need for additional temporary teaching accommodation.

**Temporary 13 space car park – St Gregory’s Catholic School,
Reynolds Lane, Royal Tunbridge Wells – TW/18/2126**

11. Under Permitted Development Rights, a pair of modular classrooms have been located on part of the existing school staff car park to provide temporary accommodation for the current bulge in Year 7 admissions needed for the September 2018 intake.

Recent Planning History

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

KCC/TW/0290/2011	Installation of floodlighting to an existing Multi-Use Games Area and an extension to existing hours. Withdrawn.
TW/10/3121	New reception area. Granted with conditions.
TW/09/3978	Construction of a new Multi-Use Games Area (MUGA) with enclosure fencing. Granted with conditions.
TW/09/2971	Renewal of existing single glazed metal windows with white double glazed PVCu windows. Renewal of existing tile hung cladding with timber cladding. Granted with conditions.
TW/08/3505	Extension and conversion of tennis court to create a Multi-Use Games Area (MUGA). Granted with conditions.
TW/18/2129	<i>Proposed expansion by 1 form of entry involving the erection of a new 2 storey teaching and sports hall block, new pedestrian bridge linking north and south sites, extension to existing dining area, provision of 16 car parking spaces, and associated landscaping works.</i> <u><i>This application is currently not determined and is still a live planning application.</i></u>

Proposal

13. This planning application seeks permission for a temporary 13 space car park to be located on the southern part of the school site and to compensate for the loss of existing parking due to the temporary pair of modular classrooms that have been permitted on the site under Permitted Development Rights to accommodate a bulge in Year 7 pupils. The area where the modular classrooms are sited was previously used as a car park and has resulted in the loss of 13 parking spaces. This application proposes to temporarily relocate these lost 13 spaces onto an area of unused land. The site is located off the existing driveway which is also the Public Right of Way and is currently used to get access to the playing field.
14. The proposed location of the temporary 13 parking spaces is on an area of land between the existing driveway to the playing field and the site boundary. Within the site boundary there is vegetation in the form of a well established hedge and a number of trees. It is proposed to place a Cellular Permeable Confinement System built up over

Temporary 13 space car park – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2126

the existing subsoil/ground levels to protect the roots of the trees and hedge. It is also proposed to widen the existing access road by 1.5 metres to allow reversing into and out of the angled car parking spaces. This proposed widening of the existing access road and vehicular turning head is proposed in asphalt.

15. The temporary car park would be accessed via the existing automated access gates, which remain in place and in service as per current school usage. The proposed temporary staff access would be managed to allow controlled hours for vehicle flow and to mitigate any impact on the Public Right of Way, which the vehicles would have to drive across to get access to this temporary car parking area.
16. The proposed development is required for a temporary time period of up to **24 months** whilst the proposed permanent accommodation, should it be granted planning permission, is being constructed. If planning permission is granted, it is therefore proposed that once the permanent accommodation has been handed over to the school, then the modular classroom that has been allowed on the school site under Permitted Development Rights, would be removed from the school and the site areas, including the proposed temporary car park, would be re-instated to their pre-development conditions.

Planning Policy Context

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

- (i) **National Planning Policy Framework (NPPF) July 2018** and the **National Planning Policy Guidance** (March 2014), sets out the Government’s planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, and decision takers at every level should seek to approve applications for sustainable development where possible.

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

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

In addition, Paragraph 94 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of*

Temporary 13 space car park – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2126

existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

- (ii) **Policy Statement – Planning for Schools Development (15 August 2011)** which sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. In particular the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.

(iii) **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 character and amenities of the area in terms of daylight, sunlight, privacy, noise or excessive traffic generation. Seeks the design of the proposal to respect the context of the site and not cause significant harm to residential amenities.

Policy TP4 Seeks to ensure that any additional traffic generated by the proposal has adequately been assessed.

Policy TP5 Vehicle parking in connection with development proposals will be restricted to the maximum necessary having regard to local highway conditions. Kent County Council’s Vehicle Parking Standards, adopted by the Council, will be applied to such development proposals.

(iv) **Tunbridge Wells Borough Core Strategy 2010**

Core Policy 3 Promotes sustainable modes of transport and requires development proposals which would have significant transport implications to be accompanied by a transport assessment and travel plan showing how car-based travel can be minimised.

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.

(v) **Tunbridge Wells Borough Council Site Allocations Local Plan 2016**

Policy AL/STR 1 The extent of the Limits of the Built Environment. This saved policy from the Local Plan will continue to be relevant in considering details of the appropriate uses inside, and outside of, the defined areas until such a time as they are updated and superseded by the Core Strategy Review (Local Plan).

**Temporary 13 space car park – St Gregory’s Catholic School,
Reynolds Lane, Royal Tunbridge Wells – TW/18/2126**

Policy AL/GB 4 Rural Fringe. This will continue to be a designated as long-term land reserved beyond the Plan period to ensure that the Green Belt boundaries are protected. Proposals for development at these sites will need to demonstrate that the needs of an established use on these sites are being met, or the development is temporary, and the land can be restored back to its previous use.

Consultations

18. **Tunbridge Wells Borough Council:** Raises no objection provided the County Council is satisfied that there would be no adverse impact on the nearby trees and that the proposed tree protection measures are put in place during construction.

Kent Highways: Raises no objection and has the following comments:

The applicant has confirmed that the area which will be temporarily lost can accommodate 13 parking spaces and therefore 13 temporary alternative spaces are proposed. There are no highway objections. Conditions are recommended to ensure that the temporary arrangements are limited to the required 24 months and that the permanent car parking arrangements are reinstated.

Public Rights of Way: Raises no objection and has the following comments:

The public footpath is extremely well used, particularly by school children accessing the various sites and also the leisure centre. I would wish to ensure that the proposals do not adversely affect use of the footpath. Given that the crossover is already in place for use by the school and that the application is for a temporary arrangement for 13 spaces only, I would not object to the proposals providing it is made clear that staff using the vehicle crossover should give way to pedestrians. This could be in the form of appropriate signage. Also, any damage to the surface as a result of the vehicular use is the school’s responsibility to maintain.

Local Member

19. The local County Member Mr Oakford was notified of the application on 4 July 2018.

Publicity

20. The application was advertised by the posting of a site notice and the notification of 2 neighbours.

Representations

21. A total of 3 letters of representation have been received to the application (2 letters were from the same resident), objecting to the proposed temporary car park application, for the following reasons;

- For the size of the proposed development 13 temporary car parking spaces would be inadequate.
- The proposed ‘temporary’ car parking arrangements are indecipherable from the material supplied with the application.

**Temporary 13 space car park – St Gregory’s Catholic School,
Reynolds Lane, Royal Tunbridge Wells – TW/18/2126**

- Loss of trees to provide temporary car parking is unacceptable and would entail the loss of the character of this part of Reynolds Lane and surrounding countryside to the west.
 - There appears to be proposed destruction of ancient hedgerows along Reynolds Lane to provide the so-called temporary car parking, which would then be at risk of morphing into permanent car parking.
22. Furthermore, general comments have jointly been made on both the planning applications (*the other planning application which is currently undetermined and can be viewed under planning reference TW/18/2129*) for the St Gregory’s site. The general comments are as follows;
- The site is greater than half a hectare. An Environmental Impact Assessment (EIA) should be required.
 - It is appropriate that the two planning applications are reported to and determined by the Planning Applications Committee (rather than being determined under delegated powers).
 - Councillors should be allowed to consider whether the proposals represent a fair and appropriate allocation of yet more of Kent County Council and other public resources at St Gregory’s School (which has recently been funded with and has constructed a brand new 3G sports pitch), rather than allocations of such public resources to underfunded schools in Kent.
 - Planning Applications Committee accordingly is entitled to consider if it is lawful for KCC to determine the two planning applications, which have been made by KCC to itself for determination by KCC.
 - The development would be outside the designated Limits to Built Development, a statutory departure from the Tunbridge Wells Local Plan, which should be notified to the Secretary of State if KCC is minded to approve the two planning applications.

Discussion

23. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph 17 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity.
24. This application is being reported for determination by the Planning Applications Committee due to the letters of representation received which object to the planning application. The main issues relating to this application include need, arboricultural issues, parking, Rural Fringe Considerations, Delegated Powers and Environment Impact Assessment.

Need

25. As outlined in paragraph 17 of this report, the National Planning Policy Network (NPPF) supports the provision and retention of community facilities as a means of place making and promoting healthy and sustainable communities. Paragraph 70 underlies the important social role of the planning system contributing to sustainable development and healthy communities. Decisions should be made which guard against the unnecessary

**Temporary 13 space car park – St Gregory’s Catholic School,
Reynolds Lane, Royal Tunbridge Wells – TW/18/2126**

- loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs. It should also ensure that established facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.
26. Additionally, Paragraph 94 of the NPPF 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 would widen choice in education. They should give great weight to the need to create, expand or alter schools, and work with school’s promoters to identify and resolve key planning issues before applications are submitted. There is similar strong policy support in the Government’s Planning Policy Statement for Schools (2011).
 27. This planning application is for a temporary 13 space car park to be located on the southern part of the school site and to compensate for the loss of existing parking due to the temporary pair of modular classrooms that have been placed on the site under Permitted Development Rights to accommodate a bulge in Year 7 pupils. This permitted development is to ensure that there is sufficient accommodation to meet the coming needs for school places in September 2018. The area where the modular classrooms are located was previously used as a car park and results in the loss of 13 parking spaces. This application proposes to relocate these lost 13 spaces onto an area of unused land and which is proposed to be located off the existing driveway and Public Right of Way which is used to get access to the playing field.
 28. The pair of modular classrooms which were allowed under Permitted Development Rights, are already on the school site and have been in place since term started in September 2018. The staff that used to park in this area are currently displaced and are parking on an existing small playground within the school site. School children are having to squeeze onto one playground and this is creating operational difficulties for the school. By permitting the proposed temporary 13 space car park, this will ensure that the staff can park safely on the school site and not affect the day to day running of the school by preventing the school pupils from using the playground.
 29. Planning application consent is sought for a temporary period of up to 24 months whilst arrangements for permanent teaching accommodation are considered and the modular accommodation is in use. At the time of writing this report, the permanent planning application is currently not determined. At the end of the 24 month period, the area where the 13 space car park is proposed would be reinstated to its current state and the area where the current modular building is located would revert back to a parking area once the temporary modular buildings were removed. The determination of this application does not prejudice the outcome of the main accommodation to expand the school, which would need to be determined on its own merits.
 30. The NPPF states that Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement of Paragraph 94, and to development that will widen choice in education. The NPPF further states that Planning Authorities should give great weight to the need to create expand or alter schools. The Policy Statement – Planning for Schools Development (15 August 2011) further sets out the Government’s commitment to support the development of state funded schools and their delivery through the planning system. Support for the provision of school places is heavily embedded in the NPPF and local planning policy, and I consider that the need for the temporary development should be given significant weight in this instance. There

**Temporary 13 space car park – St Gregory’s Catholic School,
Reynolds Lane, Royal Tunbridge Wells – TW/18/2126**

is considerable demand for school places in Tunbridge Wells, and to ensure the future provision of Secondary education in Tunbridge Wells, I would not therefore raise a planning objection on this matter.

Arboricultural issues

31. The proposed location of the temporary 13 parking spaces is on an area of land between the existing driveway and Public Right of Way to the playing field and the site boundary. Within the site boundary there is vegetation in the form of a well established hedge and a number of trees. Objection has been received on the potential loss of trees to accommodate the temporary car park. An Arboricultural Impact Assessment has been submitted as part of this planning application, which has considered the proposed construction of the temporary car park and turning head.
32. In total there are seven trees which would be affected. However, the Arboricultural Impact Assessment has concluded that no trees are to be removed, apart from the removal of some dead wood within the crown of one of the trees and the need to lift the crown of another tree to allow for the proposed construction. There are no Tree Preservation Orders on any of the trees on this site.
33. The trees which would be affected have carefully been assessed and any work that is required to be carried out would be within the within the RPA’s (Root Protection Areas). The RPA is an area in which no ground works should be undertaken without due care in relation to the retained trees. This is to avoid soil compaction, changes in levels or soil contamination which could alter the trees condition and/or stability. The shape of the RPA and its exact location will depend upon arboricultural considerations and ground conditions. The area in question has been assessed and it has been proposed to lay down a ‘no-dig’ three dimensional cellular confinement system, which is suitable for vehicle movement. This would be laid directly on to the existing ground level with no requirement for excavation. Furthermore, there are guidelines laid out in the Arboricultural Impact Assessment on how the proposed three dimensional cellular confinement system should be laid down and that a consulting arborist regularly visits the school site, specifically during the installation of the new access/parking area and any proposed works within the RPA’s of the trees to be retained, to ensure that no damage occurs to the trees. The Assessment has concluded that if the proposed installation is carried out as per the report, then this should ensure that no detrimental harm is caused to the trees which are to be retained.
34. In the light of the above, I do not consider that the proposed temporary car park would have a detrimental impact on the existing landscape. However, in order to control the development and to ensure the works are carried out in accordance with the recommendations within the Arboricultural Impact Assessment, I consider that a tree protection condition be imposed, should permission be granted. Subject to the imposition of this condition, I consider that the tree protection measures of the proposed development to be acceptable and is in accordance with Tunbridge Wells Borough Council 2006 (Saved Policies) Policy EN1, and I would therefore not raise a planning objection on this matter.

Parking

35. This planning application is for a temporary 13 space car park to be located on the southern part of the school site and to compensate for the loss of existing parking due to the temporary pair of modular classrooms that have been permitted on the site under

**Temporary 13 space car park – St Gregory’s Catholic School,
Reynolds Lane, Royal Tunbridge Wells – TW/18/2126**

Permitted Development Rights to accommodate a bulge in Year 7 pupils. Objection has been received on the basis that the 13 parking spaces are inadequate. However, it must be noted that this planning application is for the proposed temporary replacement of existing parking spaces that are lost by the modular accommodation. It only proposes to replace the total amount of parking spaces currently lost to the pair of modular classrooms allowed on the site under Permitted Development Rights.

36. It should also be noted that the pair of modular classrooms are already on the school site and have been in place since term started in September 2018. Currently the staff that used to park in this area are currently displaced and are parking on an existing small playground within the school site. School children are being squeezed onto one playground and this is causing operational difficulties. By permitting the proposed temporary car park, this will ensure that the staff can park safely on the school site and not affect the day to day running of the school by preventing the school pupils from using the playground.
37. Kent Highways have been consulted on this planning application and raise no objection. A planning condition is recommended that limits the temporary 13 parking spaces for a period of 24 months and that the permanent parking arrangements are reinstated.
38. The Public Rights of Way Team has also been consulted on this planning application and have noted that vehicles would have to access the existing driveway, which is also a Public Right of Way. There is already an existing automated access gate which controls and allows access to the playing field, and which is proposed to be used as the entrance and exit to the proposed temporary parking area. The Public Rights of Way Team have noted that the application is for a temporary period of time and that the existing driveway and Public Right of Way is already used to gain access to the playing field. It should be noted that the Public Rights of Way Team would not raise an objection subject to the School making it clear to their staff that they should give way to pedestrians and that any damage to the surface of the Public Right of Way as a result of the vehicular use would be the school’s responsibility to maintain. Both of these issues can be brought to the attention of the School by including them as Informatives to a planning consent, subject to the planning application being approved.
39. Paragraph 32 of the NPPF states amongst other things that development should not be refused on transport grounds unless the cumulative impact is severe. In this instance the application proposes a temporary replacement of 13 parking spaces within the school site. I therefore do not consider the impact to be severe in this instance and advise that a highway objection is not warranted. Subject to the imposition of a temporary time condition and advised of the Informatives mentioned above, I consider that the proposal has been assessed and is in accordance with Tunbridge Wells Borough Council 2006 (Saved Policies) Policy TP4 and TP5, and Tunbridge Wells Borough Core Strategy (2010) Core Policy 3, I would therefore not raise an objection on this matter.

Rural Fringe Considerations

40. The Tunbridge Wells Site Allocations Local Plan (2016) confirms that the southern half of the school site, including the intended location of the proposed temporary car park, is within the designated Rural Fringe (Policy AL/GB4) and outside the Limits of the Built Development (AL/STR1). (It should also be noted that the whole of the school site sits on the edge of the Metropolitan Green Belt, which is located on the other side of Reynolds Lane, but it is not affected by the Green Belt policies). Objection has been

**Temporary 13 space car park – St Gregory’s Catholic School,
Reynolds Lane, Royal Tunbridge Wells – TW/18/2126**

received that the proposed development is outside of the delegated Limits to Built Development and that the Secretary of State should be notified if Kent County Council is minded to approve this planning application.

41. Policy AL/GB4 states that proposals within the Rural Fringe will need to demonstrate a) the needs of an established use on the site are being met, or b) the development is temporary. In this instance it is considered that the proposal would satisfy both policy requirements. It is designed to meet an existing and established use on the site and secondly, it is a proposed temporary facility.
42. Furthermore, Policy AL/STR1 states that saved policies of the Local Plan will continue to be relevant in considering details of the appropriate uses inside, and outside, of these defined areas. In this instance the car park is directly associated with the existing established education use of the wider site.
43. In the light of the above, I consider the planning application to be in accordance with the Local Plan Policies for the Tunbridge Wells Borough Council area, and I see no reason to refer this planning application to the Secretary of State, as a departure from the Local Plan policies.

Delegated Powers

44. Objection has been received that the County Council is determining a planning application submitted by the County Council. The power to determine planning applications such as this is governed by Regulation 3 of the Town and Country Planning General Regulations 1992. This requires the County Council to determine such planning applications as long as the development is to be carried out by (or on behalf of) the County Council or jointly with another named party. The development may be on land within the County Council’s ownership, or any other land. The Law gives the County Council no choice in the matter. To ensure that there is no conflict of interest, no party involved in the promoting of the application can be involved in the determination of the application. This is the case in this (and all Regulation 3 applications). It is of note that is the same planning process that is followed by every local authority wishing to carry out development.

EIA Regulations.

45. Objection has also been received that states that an Environmental Impact Assessment (EIA) should have been carried out for this planning application, as the school site is greater than half a hectare. This proposal has been considered against the EIA assessment legislation and as the whole of the school site measures 0.9ha, it falls below the threshold for screening. In 2017 revised guidance increased the threshold to 1ha. The nature and scale of the development is not such that a full EIA is required.

Conclusion

46. This proposal seeks to provide a temporary 13 space car park to be located on the southern part of the school site and to compensate for the loss of existing parking due to the temporary placing of modular classrooms on the existing car parking area to accommodate a bulge in Year 7 pupils in 2018. 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. Subject to the conditions below, I do not consider that the development would have an adverse effect on the character of

**Temporary 13 space car park – St Gregory’s Catholic School,
Reynolds Lane, Royal Tunbridge Wells – TW/18/2126**

the local area or upon the landscaping and would not have an unacceptable impact on the local highway. The development is in accordance with the principles of the National Planning Policy Framework and has strong planning policy support in the Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions as outlined throughout this report, I consider that the proposed development is acceptable, I therefore conclude that the development is sustainable and recommend that temporary permission for a 24 month period to be granted subject to conditions.

Recommendation

47. I RECOMMEND that TEMPORARY PERMISSION BE GRANTED subject to the imposition of conditions covering the following:

- Temporary planning permission for a period of 24 months and the site being satisfactorily restored;
- Reinstatement of the permanent parking spaces;
- The development carried out in accordance with the permitted details;
- Measures to protect the trees;
- Hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- Measures to prevent mud and debris being taken onto the public highway.

48. I FURTHER RECOMMEND that the applicant be advised of the following informative:

- The school to advise staff members to give way to pedestrians on the Public Right of Way;
- Any damage to the Public Right of Way as a result of this planning application would be the school’s responsibility to maintain.

Case officer – Lidia Cook	03000 413353
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Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

- | | |
|-----------------|---|
| CA/18/1561 | Replacement of an existing external bay for tipping and storage of waste materials.
Unit 3, Canterbury Industrial Park, Island Road, Hersden, Canterbury
Decision: Permitted |
| DA/17/2081/RVAR | Details pursuant to conditions 11, 19, 20 and 21 of planning permission DA/17/2081 - the erection of a processing plant, the construction of water management ponds and ancillary buildings (weigh bridge, office, mess room, stores).
Joyce Green Quarry, Joyce Green Lane, Dartford, Kent
DA1 5PN
Decision: Approved |

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

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

Background Documents – The deposited documents.

- | | |
|----------------|--|
| CA/15/145/R3&7 | Submission of updated Community Use Agreement (condition 3) and details of cowls, hoods, shades, shields and /or louvres (condition 7) pursuant to planning permission CA/16/145.
Simon Langton Grammar School For Boys, Simon Langton Grammar School For Boys, Langton Lane, Canterbury, Kent, CT4 7AS
Decision: Approved |
| CA/17/2916/R3 | Details of external materials pursuant to condition 3 of planning permission CA/17/2916.
Wickhambreaux C Of E Primary School, The Street, Wickhambreaux, Kent CT3 1RN
Decision: Approved |

CA/17/2916/R6	<p>Details of a Construction Management Strategy pursuant to Condition 6 of planning permission CA/17/2916 Wickhambreaux C of E Primary School, The Street, Wickhambreaux, Kent CT3 1RN Decision: Approved</p>
DA/18/569/R	<p>Non-material amendment to planning permission DA/18/569 to alter the external finishes. Darenth Community Primary School, Green Street Green Road, Darenth, Dartford, Kent, DA2 8DH Decision: Approved</p>
DO/17/751/R3&4	<p>Details of External Materials (condition 3) and Construction Management Plan (condition 4) pursuant to planning permission DO/17/751. Dover Grammar School For Girls, Frith Road, Dover, Kent, CT16 2PZ Decision: Approved</p>
DO/17/1057/R8	<p>Details of a Written Scheme of Investigation for an Archaeological Watching brief pursuant to condition 8 of planning permission DO/17/1057. Land on the South East side of Archers Court Road, Whitfield, Dover, Kent, CT16 3HU Decision: Approved</p>
DO/18/938	<p>Increase in height of external fence around multi-use games area (MUGA) from 3 metres approved under planning application reference DO/15/1079 to 4 metres. Portal House School, Sea Street, St Margarets-At-Cliffe, Dover, Kent CT15 6SS Decision: Permitted</p>
TW/18/884/R3	<p>Details of external materials pursuant to condition (3) of planning permission TW/18/884. Speldhurst Primary School, Langton Road, Speldhurst, Tunbridge Wells, Kent TN3 0NP Decision: Approved</p>
TW/18/884/R4	<p>Details of Tree Protection pursuant to condition (4) of planning permission TW/18/884. Speldhurst Primary School, Langton Road, Speldhurst, Tunbridge Wells, Kent TN3 0NP. Decision: Approved</p>
TW/18/884/R5	<p>Details of external lighting pursuant to condition (5) of planning permission TW/18/884. Speldhurst Primary School, Langton Road, Speldhurst, Tunbridge Wells, Kent TN3 0NP. Decision: Approved</p>

- TW/18/884/R6 Details of Construction Management Plan pursuant to condition (6) of planning permission TW/18/884.
Speldhurst Primary School, Langton Road, Speldhurst, Tunbridge Wells, Kent TN3 0NP
Decision: Approved
- TW/18/2354 To site and install a block of four, modular built classrooms for use by primary children (age 7-11) with Special Educational Needs and/or learning disabilities (SEND). The classroom block fully integrated within the existing school site.
Oakley School, Pembury Road, Royal Tunbridge Wells
Decision: Permitted

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/DA/0746/2018 - Section 73 application to amend condition 3 (revised restoration to woodland and wildflower meadow along with the retention of the lake) and removal of condition 7 (agricultural aftercare scheme) of planning permission DA/98/331/MR28.
Darenth Court Quarry, Darenth Road, Dartford, Kent
- (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