

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 16th January, 2019**

**10.00 am**

**Council Chamber - Sessions House**







## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 16th January, 2019, 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 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 - 5 December 2018 (Pages 5 - 8)
4. Site Meetings and Other Meetings

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

1. General Matters

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

1. Application DO/17/1244 (KCC/DO/0256/2017) - Development of a waste management facility at the former Tilmanstone Brickworks / Colliery, Pike Road, Eythorne; RH Ovenden Ltd (Pages 9 - 58)

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

1. Proposal TW/18/2129 (KCC/TW/0100/2018) - Expansion by 1 f.e. involving erection of new 2-storey teaching and sports hall block, pedestrian bridge, extension to existing dining area, 16 car parking spaces and associated landscaping work at St Gregory's Catholic School, Reynolds Lane, Tunbridge Wells; KCC Property and Infrastructure Support (Pages 59 - 98)
2. Proposal SE/18/1726 (KCC/SE/0095/2018) - 2 f.e. expansion involving two extensions to existing building and internal alterations, new dedicated child drop-off/pick-up bus layby, accessed off Seal Road/A25 and external works at The Trinity School, Seal Hollow Road, Sevenoaks; KCC Property and Infrastructure Support (Pages 99 - 136)
3. Proposal 18/03383/COUNTY (KCC/TW/0494/2018) - New two storey primary school (2 f.e.) at Hawkenbury Farm, Hawkenbury Road, Tunbridge Wells; KCC Property and Infrastructure Support (Pages 137 - 166)

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

1. County matter applications (Pages 167 - 170)
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, 8 January 2019

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

**KENT COUNTY COUNCIL****PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber - Sessions House on Wednesday, 5 December 2018.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mrs R Binks, Mr A Booth, Mr P C Cooper, Mr P M Harman, Mr M D Payne, Mr H Rayner, Mr C Simkins and Mr J Wright

ALSO PRESENT: Ida Linfield

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr P Hopkins (Principal Planning Officer) and Mr A Tait (Democratic Services Officer)

**UNRESTRICTED ITEMS****48. Minutes - 7 November 2018**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 7 November 2018 are correctly recorded and that they be signed by the Chairman.

**49. Site Meetings and Other Meetings**

*(Item A4)*

The Committee noted that the two site visits planned for the New Year (Minute 43/2018) were likely to take place in February 2019.

**50. Proposal KCC/GR/0083/2018 - Demolition of existing temporary teaching block and erection of 2-storey extensions to west and east wings of existing Science Block to provide 4 classrooms (a net addition of 2 classrooms) at Mayfield Grammar School, Pelham Road, Gravesend; KCC Property and Infrastructure Support**

*(Item D1)*

(1) In agreeing the recommendations of the Head of Planning Applications Group, the Committee agreed to incorporate an additional Informative asking the applicants to explore the potential for the installation of solar panels.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to a Memorandum of Understanding from the applicant to not carry out phase 3 of Permission GR/03/930 as well as this development and to conditions, including pre-commencement conditions covering the provision of an archaeological field evaluation works specification and written timetable; the provision of an updated Construction Transport and Logistics Management Plan covering routing, wheel washing, temporary traffic management, signing

and the timing of the works; the provision of a Construction Management Plan; the standard timescale for the commencement of the development; the development being in accordance with the submitted details; hours of construction and demolition works being limited to between 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays with no operations on Sundays or Bank/Public Holidays except with the prior written approval of the County Planning Authority; tree protection arrangements; security lighting being in accordance with the submitted details; the provision of obscured glazing and/or film to the western elevation if required by the County Planning Authority; no new external plant being used for the extension without prior approval; noise levels meeting the limits set within the submitted details; and the provision and retention of vehicle parking spaces and/or garages shown on the submitted plans prior to the occupation of phase 2 of the development; and

- (b) the applicants be advised by Informative that:-
  - (i) all necessary highway approvals and consent where required must be obtained in order to avoid any enforcement action being taken by the Highway Authority;
  - (ii) a Works of Construction Informative be submitted to the applicants covering noise, dust, burning and waste management; and
  - (iii) they are requested to explore the potential to install solar panels.

**51. Proposal GR/18/0930 (KCC/GR/0427/2018) Timber framed extension to provide additional office space at Trosley Country Park, Waterlow Road, Vigo Village, Gravesend; KCC Country Parks**

*(Item D2)*

- (1) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard three year time limit for implementation; and the development being carried out in accordance with the permitted details.
- (2) The Committee congratulated Chloe Palmer on the production of her first report to the Committee.

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

*(Item E1)*

- (1) Mr A Booth asked for his dissatisfaction over the retrospective nature of Application TM/18/2480 to be recorded.
- (2) RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-
  - (a) County Matter applications;

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

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SECTION C  
MINERALS AND WASTE MANAGEMENT

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 C1**

## **The development of a waste management facility at the former Tilmanstone Brickworks / Colliery, Pike Road, Eythorne, Dover, Kent – DO/17/1244 (KCC/DO/0256/2017)**

A report by Head of Planning Applications Group to Planning Applications Committee on 16 January 2019.

Application by RH Ovenden Ltd for the development of a waste management facility including the change of use of an existing building to enclose various operations, including a mechanical treatment plant (MRF) and bulking wastes for transfer, the external storage and treatment of waste materials including by crushing and screening and soil washing, the installation of two weighbridges and a weighbridge office, and use as an intermediate shipping point or logistics hub for refuse derived fuel at the former Tilmanstone Brickworks (part retrospective) at the Old Tilmanstone Colliery, Pike Road, Eythorne, Dover, Kent, CT15 4ND – DO/17/1244 (KCC/DO/0256/2017).

Recommendation: Permit subject to legal agreement and conditions.

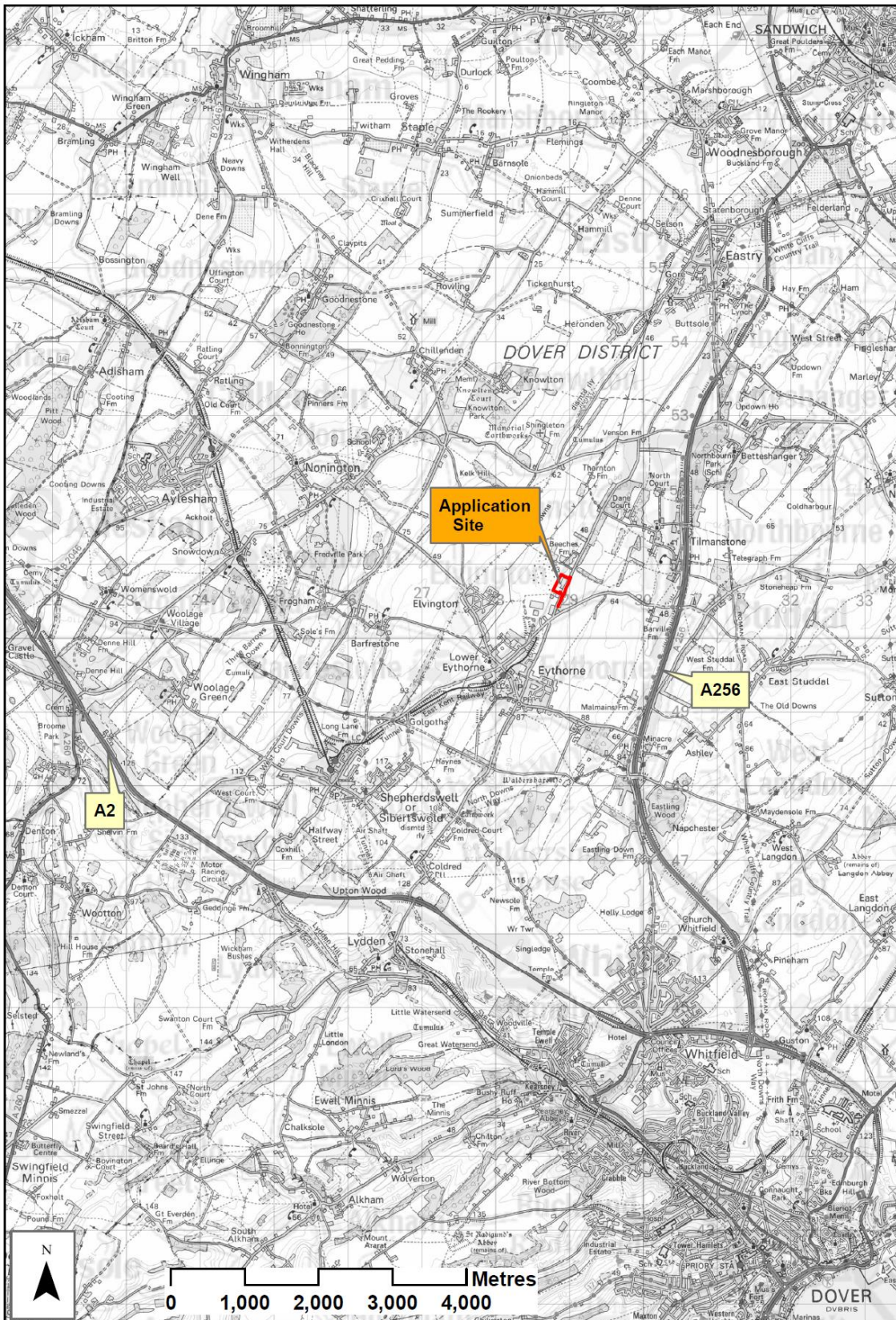
Local Member: Mr G Lymer

Unrestricted

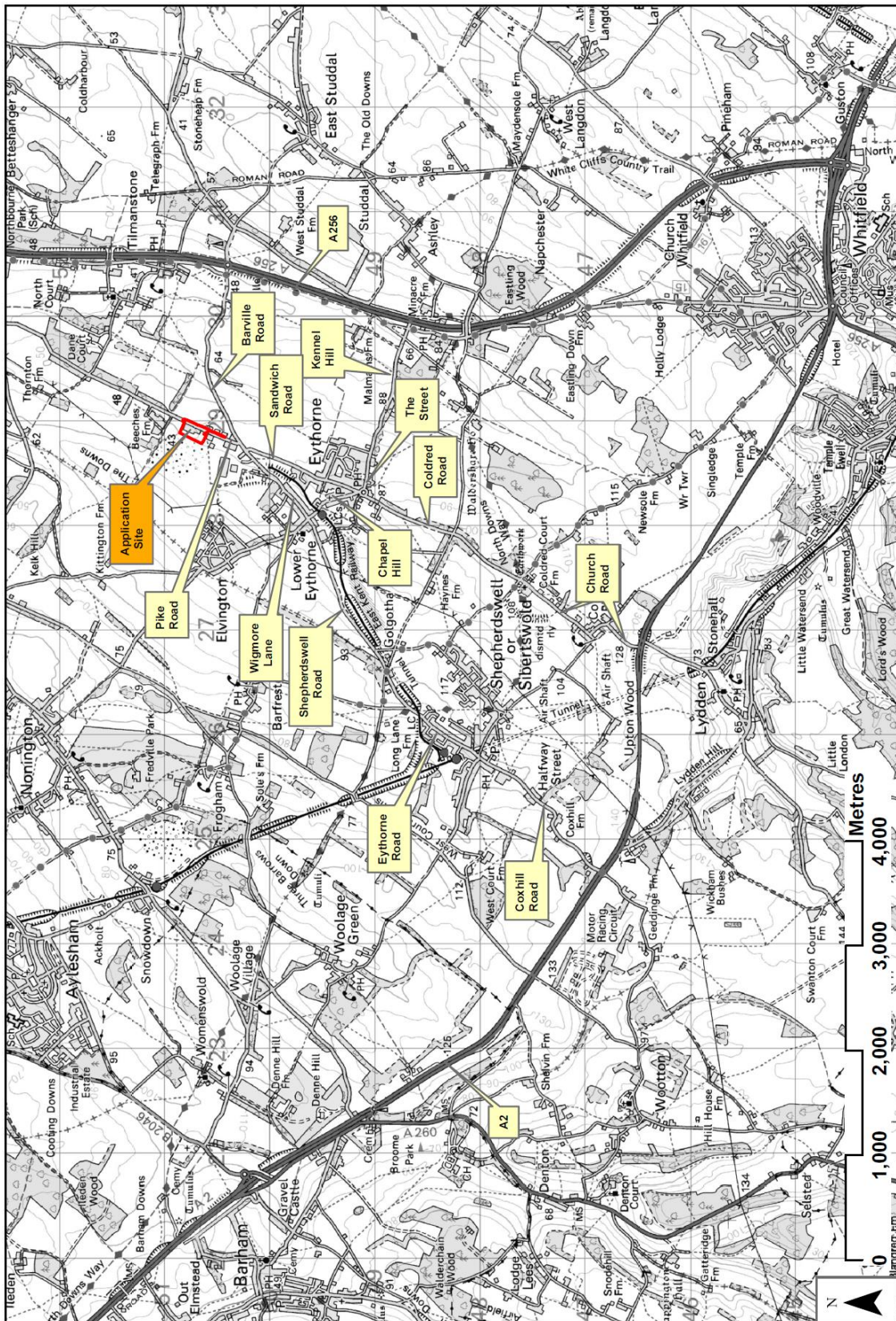
### **Site description**

1. The application site is accessed from Pike Road and comprises a former brickworks building and brick storage yard. It lies adjacent to the former Tilmanstone Colliery spoil tip and is part of a cluster of employment uses at the northern end of the Pike Road Industrial Estate. The application site is about 4 hectares (ha) in size, of which about 1ha is covered by the former brickworks buildings, 2.5ha is impermeable / paved (previously used for brick and raw materials storage) and 0.5ha unsurfaced / permeable made ground. The majority of the application site lies at about 57 metres above ordnance datum (m AOD). The former brickworks building is about 11m high.
2. The application site is not within any designated areas or within a Groundwater Source Protection Zone and lies outside any settlement boundary identified in the Dover Local Plan. The site is not allocated for any specific purpose in the Kent Minerals and Waste Local Plan 2013-30 (July 2016), the Dover District Local Development Framework Core Strategy (February 2010) or the Dover District Land Allocations Local Plan (January 2015). However, land immediately to the west of the site (Tilmanstone Spoil Tip (North)) is identified for employment use (B2 – General Industrial Use) by Saved Policy LE10 of the Dover District Local Plan (2002). Parts of the former brick / materials storage area and land between the former brickworks building and Pike Road are identified by the Environment Agency as at risk from surface water flooding.

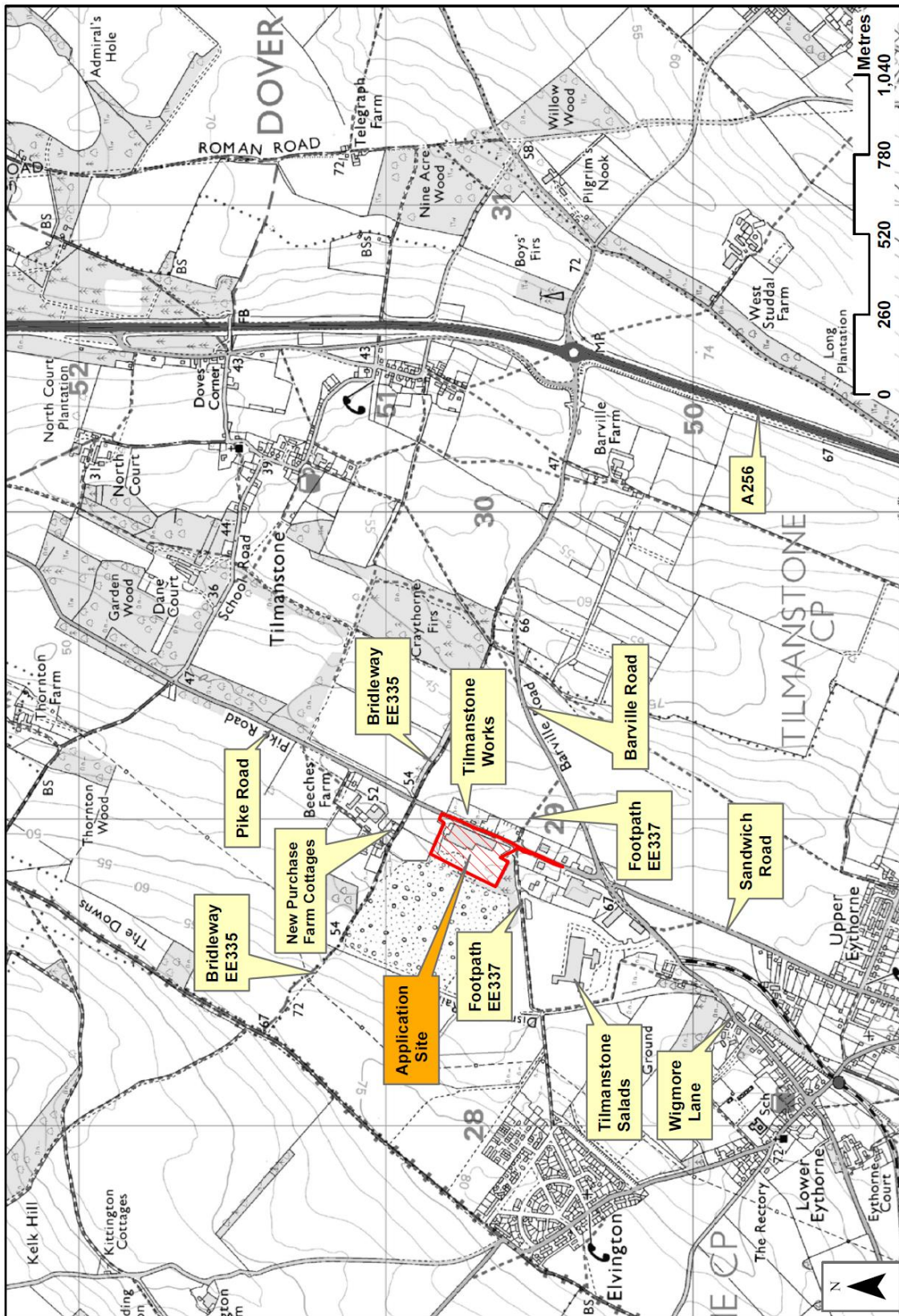
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3. Pike Road Industrial Estate is accessed from the A256 (dual carriageway) roundabout via Barville Road (a single carriageway minor road). A public right of way (Footpath EE337) joins Pike Road adjacent to the site access and runs westwards to Elvington to the south of the application site. There are a number of other footpaths and bridleways in the vicinity of the site. The nearest residential properties (1 and 2 New Purchase Farm Cottages) lie approximately 140m to the north of the application site.
4. The application site lies within the East Kent Arable Belt identified in the Kent Landscape Character Assessment (October 2004) and the Eythorne Arable Mosaic with Parkland identified in the Dover District Landscape Character Assessment (January 2006). Pike Road Industrial Estate forms an isolated pocket of industrial land use within a larger area of subtly rolling chalk valleys with arable and pastoral countryside interspersed with numerous woodland blocks, remnant historic parkland and small scale settlement. The application site, broader industrial area and former spoil tip are reasonably well screened by existing perimeter and other vegetation. Drawings showing the application site, surrounding area and key features referred to in this report are included on pages C1.2 to C1.4.

**Planning History and Background**

5. The application site originally formed part of the Tilmanstone Colliery site. Planning permission (DO/88/1679) was granted by the County Council (KCC) for the brickworks in 1989. A number of subsequent planning permissions were granted / approvals given by KCC which amended / supplemented DO/88/1679 or provided for additional associated development. The brickworks used colliery spoil (shale) and imported clay to manufacture bricks until 2009 when it closed. The applicant states that the site has been used variously for the storage of plant and equipment, vehicle parking and waste management uses since 2010. Amongst other things, planning permission DO/88/1679 (as amended) required the cessation of shale extraction and the restoration of the spoil tip within 40 years (i.e. by 6 October 2029), required the construction of perimeter mounds, restricted the working of shale or any other external stockpiles to the brickworks factory and heavy goods vehicle (HGV) movements to between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays, limited stockpile heights to no more than 4.1m and limited the number of HGV movements associated with the importation of materials and delivery of finished product to no more than 360 (180 in / 180 out) each week. The permission was also subject to a legal agreement that required HGVs to enter and leave the site via Pike Road, Barville Road and the A256.
6. Planning permission (DO/96/383) was granted by KCC for the use of land for the recycling of waste materials on land to the east of Pike Road (opposite Tilmanstone Brickworks) in 1997. A number of subsequent planning permissions (DO/00/68, DO/00/1252 and DO/09/974) were granted by KCC which amended that permission. The most recent permission (DO/09/974) amended the site layout and the wastes handled at the site. The site (known as Tilmanstone Works) was operated by RH Ovenden Ltd and dealt primarily with construction and demolition (C&D) waste. Operations and HGV movements were restricted to between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays (with no work other than site cleaning and essential maintenance at other times). Amongst other things, the

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permission limited stockpiles heights to no more than 4m and HGV movements to 100 (50 in / 50 out) each day (although unrestricted movements were allowed on up to 12 days a year if prior notification was given to KCC). The same vehicle routeing referred to above was also required.

7. The applicant (RH Ovenden Ltd) has largely vacated the Tilmanstone Works site and relocated most of its waste recycling operations to the former brickworks site (i.e. the site which is the subject of the current application), although Local Authority waste is still dealt with at the permitted site. An application (DO/17/952) has been submitted to Dover DC for a change of use of the Tilmanstone Works site and adjoining coal yard to a reserve log storage facility with ancillary portacabin offices. The log storage facility and offices would be used by Euroforest Ltd to support the Biomass Combined Heat and Power (CHP) plant at Discovery Park, Sandwich (which commenced operating in 2018). Application DO/17/952 proposes the storage of up to 20,000 tonnes (t) of logs in stockpiles of up to 6m high and operations between 07:00 and 19:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays. It also proposes an average of 14 HGV movements (7 in / 7 out) each day with occasional peak demand for a maximum of 60 HGV movements (30 in / 30 out) each day and assumes 20 car movements (10 in / 10 out) each day. There are no HGV or other vehicle movement restrictions on the former coal yard.
8. A “hybrid” planning permission (DO/13/654) was granted by Dover District Council (Dover DC) in 2014 for the re-contouring and restoration of the spoil tip, a 10 megawatt (MW) solar farm, restoration of the former railway halt including visitor interpretation boards and rock store, landscape and ecological works, a footpath link and 10,000m<sup>2</sup> of industrial units (Class B2). It is understood that Dover DC has approved the necessary pre-development requirements relating to this and that the permission has been implemented. The permission provided for by DO/13/654 shares the same access from Pike Road as the former brickworks (i.e. the proposed waste management facility). The industrial units would be located on the land immediately to the west of the former brickworks storage area, the solar farm would occupy the majority of the spoil tip (once re-contoured) to the west of the industrial units and the other elements referred to above would be on the land further west.
9. Whilst planning permission DO/13/654 contains various restrictions on the constituent elements, it includes no limits on HGV numbers for the temporary earthworks associated with the re-contouring and restoration of the spoil tip, the solar farm or the permanent B2 uses and no limits on car or other vehicle numbers. The re-contouring of the spoil tip allows for the importation of about 175,000m<sup>3</sup> of soil and clay over an estimated period of about 3 years with the works taking place between 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays (with no works on Sundays and Bank Holidays). It is understood that this could equate to 134 HGV movements (67 in / 67 out) each day or 14 HGV movements (7 in / 7 out) each hour (based on HGV loads of 10m<sup>3</sup>). The soil and clay would provide a 1m cap over the re-contoured landform. HGVs would access the site via Barville Road and Pike Road. The solar farm would be removed after 25 years and the land managed and maintained in accordance with details to be agreed. The industrial development could operate permanently on a 24 hour 7 days a week basis, although its construction would need to take place within the same hours referred to above. Although works

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have commenced, a significant amount remains to be done and completion is unlikely to be prior to 2021.

10. KCC issued pre-application advice (KCC/PRE/DO/0388/2014) to Waterman Energy, Environment and Design (acting for RH Ovenden Ltd) in respect of proposals for a waste processing and transfer facility capable of handling up to 350,000 tonnes per annum (tpa) of waste at the former brickworks on 11 December 2014. The advice indicated (amongst other things) that there would be policy support for proposals that would improve or enhance waste management operations provided these did not give rise to any significant additional impacts on the surrounding environment. The advice also suggested that consideration be given to off-setting the impact of any new waste management development by relinquishing the waste recycling permission at Tilmanstone Works. KCC also issued a screening opinion (KCC/SCR/DO/0391/2014) on 15 December 2014 in which it advised that the development of a waste facility at the former brickworks did not require Environmental Impact Assessment (EIA). This opinion was reached having regard to the EIA Regulations following consideration of the scale, nature and location of the proposed development and National Planning Guidance.
11. The application site is already being used for many of the waste management operations now being proposed. The following summarises the operations / activities already taking place at the site:
  - Construction, Demolition and Excavation (CDE) waste recycling outside the building (including the receipt, handling, screening, crushing and storage of waste materials and the storage and export of recycled materials);
  - Commercial and Industrial (C&I) waste recycling (including in a mobile MRF) inside the main part of the building (including the receipt, handling, sorting, screening and storage of waste materials and the storage and export of separated materials);
  - Topsoil recycling in the small part of the building (including the receipt, handling, screening and storage of imported topsoil and the storage and export of recycled topsoil);
  - Storage of vehicles, plant and machinery;
  - Use of offices and associated facilities; and
  - Car parking.

The applicant is currently still using the weighbridge provided for by planning permission DO/09/974 at Tilmanstone Works (to the east of Pike Road) as it has yet to install one at the application site. This temporary arrangement necessitates the majority of vehicles using the application site travelling between the two sites on Pike Road on both arrival and departure.

**The Proposal**

12. The application (which was validated in September 2017) proposes the development of a waste management facility which would accept a range of household, commercial and industrial wastes for treatment or transfer (depending on its nature) to enable it to be recycled, re-used or recovered. The application is partially retrospective (as

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explained in paragraph 11 above). The application was amended and further information submitted in March 2018 to address issues raised during the initial consultation and as a result of my own consideration of the proposals. This included revised access arrangements to provide consistency with the development provided for by the “hybrid” planning permission DO/13/654 (referred to in paragraphs 8 and 9 above). The following paragraphs reflect the application as amended in March 2018. However, Members should note the proposed further amendment to the development relating to HGV movements and the reasons for / implications of this set out in paragraph 28 below. Drawings showing the application site, other land within the applicant’s ownership, proposed site layout, building elevations and soil washing plant are included in Appendix 2 (pages C1.46 to C1.49).

13. The applicant originally stated that the facility would receive up to 375,000tpa of waste. However, the proposed limit on HGV movements referred to in paragraph 28 below is likely to reduce this to no more than about 195,000tpa. Waste would be delivered to the facility in various types of HGVs (e.g. refuse collection vehicles / RCVs, articulated lorries, skip and tipper lorries) and light goods vehicles (LGVs) (e.g. cage loaders and panel vans). Customers visiting the facility would include waste management firms and other commercial enterprises but not householders. Most of the waste would be non-hazardous solid waste, although a limited amount may be hazardous solid and liquid waste.

#### Waste Management Building

14. Much of the waste would need to be stored and treated within the former brickworks building (waste management building). This would include bulky waste (e.g. furniture, mattresses and household appliances), separately collected fractions of municipal waste (e.g. dry recyclables, food waste, residual “black bag” waste and green waste), mixed construction and demolition (C&D) waste and wood waste. Waste treatment would include sorting by hand and machine picking, sorting by mechanical treatment plant (materials recovery facility / MRF), baling, shrink wrapping and bulky waste shredding. Some of the waste would only be bulked up for treatment elsewhere (e.g. food waste). Hazardous waste (e.g. waste soils, waste electrical equipment / WEEE, asbestos containing materials, paint, garden chemicals and waste oils) would also be accepted and stored for bulking within the building, although these would only be sorted by hand or machine and bulked up for treatment elsewhere.
15. In addition to the physical separation of mixed bulky waste by type (e.g. carpet, WEEE, mattresses, insulation materials, metal, roofing felt, rubber products, vinyl flooring and wood) by hand or machine, municipal solid waste (MSW) and skip waste would be processed in the MRF using a series of mechanical treatment steps to recover recyclable materials and to produce refuse derived fuel (RDF). Materials sorted at the facility or elsewhere may be baled and, where likely to be spoilt if stored outside (e.g. paper and card) or generate leachate (e.g. cans, cartons, mixed recyclables and plastic bottles) stored within the building. Wood shredding, wood storage and waste compaction would also take place within the building. Waste materials bulked up within the building would include dry recyclables, food waste, green waste, residual “black bag” waste, fly tipped waste, commercial / trade waste collected by waste collection authorities (WCAs), street sweepings, waste from beach



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cleansing, hazardous waste from municipal collections (e.g. WEEE, batteries, paints and pesticides) and waste from commercial and industrial sources (e.g. WEEE and used packaging from construction projects), asbestos containing wastes and hazardous waste soils.

16. Equipment operated within the building would include mobile machinery (1 x high tip loading shovel, 2 x materials handlers and 1 x articulated dump truck), MRF (including air knife, baler, conveyor, eddy current separator, fines screen, magnet, picking station, shredder, shrink wrapper and trommel screen) and single shaft shredder. The applicant states that the waste management building could accommodate up to 50,000t of non-hazardous waste (pre, during and post treatment and storage), 1,000t of hazardous soils for transfer, 20t of asbestos waste and 30t of other hazardous waste (e.g. WEEE and fridges).
17. The former brickworks offices (which are self-contained within the building) would be re-used and another area of the building would be used as a workshop and for the storage of equipment and tools. It is proposed that an internal dividing wall would be installed to roof level between this and the waste processing area. No other new subdivision of the building is proposed and the actual use of individual bays would depend on the nature of the waste being handled at any given time. All vehicular access and egress points to the building would be equipped with fast acting roller shutter doors and external doors, windows and other apertures would be kept closed. The applicant states that an odour control spray system would be employed although detailed odour control measures (e.g. misting sprays or other odour mitigation techniques / technologies) would depend on the nature of the waste being handled at any given time. The applicant also points out that such matters would be controlled by an Environmental Permit. Foul water from the building would continue to be dealt with via an existing treatment plant and then a soakaway in accordance with the relevant discharge consent. This would be upgraded as necessary. Some of the roof water (which currently drains to soakaways) would be diverted to a new reservoir (for use on site) with remaining roof water and any overflow from the reservoir going to soakaways.

#### External Yard Areas

18. Wastes accepted, stored and in some cases treated outside would include concrete, brick and block, soils, plastic, metal and baled and shrink wrapped sorted materials (primarily RDF). Waste treatment activities outside would be limited to sorting (hand and machine picking), soil washing, concrete crushing, screening of soils and hard materials and removal of glass from windows.
19. The external yard area would contain a number of three sided bays (with 3m high walls) to contain waste awaiting treatment (e.g. demolition rubble and soil awaiting separation) and the products from crushing, screening, soil washing and sorting activities, as well as a range of loose stocked primary aggregates and landscaping materials. The applicant states that these materials may be stockpiled up to 8m high. The external yard area would also be used for the storage of shrink wrapped bales of RDF and other baled materials (e.g. plastics from uPVC window frames and aluminium from doors and door and window frames). The applicant states that RDF

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bales may be stored up to 5m high. The external yard area would also accommodate a 45 space staff / visitor car park, 6 bicycle stands, 6 motorcycle spaces, an area for up to 30 HGVs to park overnight, the incidental / occasional stationing of commercial equipment, plant and vehicles, a weighbridge office and 2 weighbridges. Since the site would act as a “logistics hub” (intermediate shipping point) managing the movement of RDF from one place to another (including continental Europe), the yard area would also be used for the loading / unloading, storage and dispatch / receipt of such materials.

20. Equipment operated within the external yard would include mobile machinery (e.g. 1 x wheeled loading shovel, 1 x 360° excavator, 1 x articulated dump truck, 1 x wheeled materials handler and 1 x telehandler / forklift for moving bales), a crusher, 2 screeners and a soil washing plant (all full time). The applicant states that the external yard area could accommodate up to 75,000t of construction, demolition and excavation (CDE) waste and recovered materials (e.g. aggregate and soils) as well as shrink wrapped bales of RDF and bales on non-polluting wastes (e.g. uPVC window frames).
21. Other external development would include a rainwater storage facility (reservoir) in the north western corner of the site (stored water being used in the soil washing plant, for dust suppression and an emergency water supply in the event of a fire), an upgraded surface water drainage system (including silt and oil interceptors), bunded diesel storage tanks, the installation of photovoltaic panels to the roof of the waste management building and bunding on the northern boundary of the site to provide improved noise mitigation. It is proposed that the northern bund would be increased in height to 5m, existing planting on the external boundary slope would be retained and additional landscape planting undertaken. The applicant’s “Noise Impact Assessment” (August 2017) also assumed 5m high bunding on the southern and western site boundaries (reflecting existing land levels at the time of the assessment). The applicant states that directional floodlighting would be provided on building facades to illuminate the yard and that this would be designed to minimise light spill and glare. It proposes that energy efficient lamps (including LEDs) would be used and that the lighting would be employed permanently during the hours of darkness, including as a security measure. Task lighting on plant and equipment may also be needed to ensure safe operations. The applicant proposes to implement various measures to minimise the impact of dust and litter that may arise from operations on site and from the transportation of waste to and from the site. Dust suppression measures include regular cleaning of the site access and hardstanding, a 6mph speed limit on site, minimising drop heights, repair of any potholes on site, the sheeting or containment of laden vehicles, the use of misting and water sprays as necessary, the profiling of stockpiles to reduce wind whipping and the temporary cessation of loading / unloading from stockpiles if to do so would result in material being blown beyond the boundary of the site. Litter control measures include the sheeting or containment of laden vehicles, baled materials not being stored for extended periods, the wrapping / re-wrapping of bales as necessary and litter picking should any escape. The applicant has indicated that it would be prepared to use broad-band or other “non-bleeper” reversing alarms on all its own equipment, plant and vehicles.

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Hours of operation

22. The applicant proposes the following hours of use:

<ul style="list-style-type: none"> <li>Core operating hours for the receipt and dispatch of all waste</li> </ul>	<ul style="list-style-type: none"> <li>06:00 to 19:00 hours Monday to Friday and 06:00 to 13:00 hours on Saturdays</li> </ul>
<ul style="list-style-type: none"> <li>Waste processing (both outside and inside the building) and for the logistics hub use</li> </ul>	<ul style="list-style-type: none"> <li>07:00 to 18:00 hours Monday to Friday and 07:00 to 13:00 on Saturdays<sup>1</sup></li> </ul>
<ul style="list-style-type: none"> <li>MRF only (entirely within the building)</li> </ul>	<ul style="list-style-type: none"> <li>04:00 to 23:00 hours Monday to Friday</li> </ul>
<ul style="list-style-type: none"> <li>The receipt of Waste Collection Authority (WCA) and Waste Disposal Authority (WDA) waste (including that which it has contracted to 3<sup>rd</sup> parties)</li> </ul>	<ul style="list-style-type: none"> <li>06:00 to 19:00 hours Monday to Friday and 06:00 to 13:00 hours on Saturdays</li> <li>06:00 to 19:00 hours on Bank Holidays (Monday to Friday excluding Christmas Day and Boxing Day)</li> <li>occasional Saturday afternoons up to 17:00 hours (to meet any exceptional service demands made by the WCA or WDA)</li> <li>between 06:00 and 19:00 hours on Boxing Day (where exceptionally agreed by KCC)</li> </ul>
<ul style="list-style-type: none"> <li>the receipt of CDE waste from highways or similar projects</li> </ul>	<ul style="list-style-type: none"> <li>19:00 to 06:00 hours Monday to Saturday and 13:00 hours on Saturday to 06:00 on Monday</li> </ul>

23. On the basis of the above, the applicant states that the MRF would operate 2 shifts (i.e. between 04:00 and 13:00 hours and between 14:00 and 23:00 hours) with a 1 hour change over between 13:00 and 14:00 hours.

Vehicle movements

24. The applicant originally estimated that the development would generate the following vehicle movements each day (of which about 92% would be HGVs and 8% LGVs of less than 3.5t):

- 250 movements (125 in / 125 out) – based on 320,000tpa of commercial and industrial (C&I) waste;
- 22 movements (11 in / 11 out) – based on 27,500tpa of bulky waste;
- 58 movements (29 in / 29 out) – based on 27,500tpa of waste diverted from other local authority tipping points (i.e. contingency transfer station capacity to service local authority contracts in East Kent).

However, as explained in paragraph 28 not all of these movements would now be

<sup>1</sup> These were originally to be between 06:00 and 19:00 hours Monday to Friday and 06:00 and 13:00 on Saturdays.

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possible.

25. The applicant proposes that all customers and its own vehicles will use Barville Road and avoid routes through local villages.

Employment

26. The applicant states that approximately 50 people are currently employed at the site (i.e. 10 in administration and management, 30 HGV drivers and 8 site staff such as pickers, machine operators and foreman) and that the proposed development would create another 22 jobs (i.e. 2 in administration and management, 10 site staff in picking and managing the operation of the MRF and a further 10 if the MRF can be operated on a 2 shift system).

Supporting information

27. The application is supported by various plans and drawings (e.g. site layout and building elevations), a Transport Assessment, a Noise Impact Assessment, a Dust and Litter Assessment, an Air Quality Assessment, details of proposed odour management equipment, Preliminary Environmental Risk Assessment, Flood Risk Assessment, details of proposed lighting levels, Landscape and Visual Appraisal and details of proposed plant and equipment.

Proposed further amendment to the application

28. As detailed in paragraph 39, KCC Highways and Transportation has advised that there are significant lengths of Barville Road which are of insufficient width for two HGVs to pass each other and that damage is already being caused to verges and carriageway edges. It has also advised that the proposed increase in HGV movements would significantly exacerbate and extend the damage and that highway improvement works are required to mitigate this and accommodate the additional HGV movements. The proposed extent of the highway improvement works and the inability to reach consensus about financing and implementing them is explained in paragraph 39. As a result of this, the applicant has requested that the application be determined on the basis that HGV movements would be restricted by condition to 150 HGV movements (75 in / 75 out) per day with no requirement for highway improvement works. It has advised that it will adjust the range and / or extent of the proposed operations as necessary to ensure that this limit is not exceeded.

**Planning Policy Context**

29. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (July 2018), the National Planning Policy for Waste (October 2014), the National Planning Practice Guidance and “Our Waste, Our Resources: A Strategy for England” (Defra, 2018). These are all material planning considerations.
30. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSM8 (Secondary and recycled aggregates), CSW1 (Sustainable development), CSW2

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(Waste hierarchy), CSW4 (Strategy for waste management capacity), CSW6 (Location of built waste management facilities), CSW7 (Waste management for non-hazardous waste), CSW16 (Safeguarding of existing waste management facilities), DM1 (Sustainable design), DM3 (Ecological impact assessment), DM5 (Heritage assets), DM10 (Water environment), DM11 (Health and amenity), DM12 (Cumulative impact), DM13 (Transportation of minerals and waste), DM14 (Public rights of way), DM15 (Safeguarding of transportation infrastructure), DM16 (Information required in support of an application) and DM17 (Planning obligations).

31. **Kent Waste Local Plan (1998) Saved Policies** – W7 (Locations suitable in principle for inert waste to be prepared for re-use) and W9 (Locations suitable in principle for waste separation and transfer).
32. **Dover District Local Development Framework Core Strategy (February 2010)** – Policies DM1 (Settlement boundaries), DM2 (Protection of employment land and buildings), DM11 (Location of development and managing travel demand), DM12 (Road hierarchy), DM13 (Parking provision), DM15 (Protection of the countryside) and DM16 (Landscape character).
33. **Dover District Land Allocations Local Plan (January 2015)** – Identifies Tilmanstone Spoil Tip (North) as an initial priority site for employment use (for 1,350m<sup>2</sup> of B2 floorspace).
34. **Dover District Local Plan (2002) Saved Policies** – Policies ER6 (Light pollution) and LE10 (Development of Tilmanstone Spoil Tip (North)).
35. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Draft (November 2018)** – Draft (modified) Policies CSW4 (Strategy for waste management capacity), CSW6 (Location of built waste management facilities) and CSW7 (Waste management for non-hazardous waste). Draft Policy CSW4 is proposed to be modified to include targets for recycling, composting and other recovery and a predicted requirement for landfill if the targets are met. Draft Policies CSW6 and CSW7 are proposed to be modified to remove reference to a Waste Sites Plan (which would no longer be prepared) but retain criteria against which planning applications would be assessed.

**Consultations**

36. **Dover District Council** – No objection subject to conditions. Its comments can be summarised as follows:
  - (a) Noise: No objection in terms of noise impact subject to waste processing activities outside being restricted to between 07:00 and 18:00 hours, waste processing activities inside the building taking place with all external doors, windows and apertures closed and all of the noise control measures assumed by the applicant in Section 5.1 of the “Noise Impact Assessment” (August 2017) being implemented. It suggests that these be controlled by condition.
  - (b) Air quality: No objections in terms of air quality associated with traffic movements (as there is no significant sensitive receptor that is likely to be

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- impacted from increased vehicle emissions and it is very unlikely that the EU limit for Nitrogen Dioxide would be breached) and dust (provided appropriate dust measures are in place to mitigate fugitive dust levels).
- (c) Landscaping: It suggests that the applicant re-profile the inside of the bunds (nearest to the building) while retaining the outside of the bunds as existing to enable the retention of the established slope vegetation.
  - (d) Ecology: It states that whilst the ecology report makes reference to bats within the building, it does not refer to the bund. It considers that a scoping survey should be submitted with particular focus on the bund and reptiles.
  - (e) Highways: It expects KCC Highways and Transportation to consider the implications of traffic activity and any effects on the local highway network with a view to considering appropriate conditions (including where appropriate a routing agreement). It suggests that the local parish councils will identify specific concerns in relation to highways matters which may inform such conditions.
  - (f) Cumulative effect of applications: It notes that application DOV/17/00952 is currently under consideration at Tilmanstone Works (opposite the application site) for the “Change of use to a log storage facility, erection of 2no. portable buildings for offices and welfare facilities and formation of parking” and that KCC may wish to consider whether the cumulative effect needs to be taken into account should it grant planning permission.

**37. Eythorne Parish Council – Objects for the following reasons:**

- (a) Highways and traffic impacts:
  - Pedestrian, cyclist and horse rider safety;
  - Problems with HGV parking on Pike Road;
  - HGVs unable to pass at certain places on Barville Road due to its width;
  - Cumulative impact with other HGV generating development;
  - HGV and other traffic passing through local villages (e.g. Eythorne, Elvington, Barfreston, Shepherdsweil and Tilmanstone);
  - Mud, sludge and dust on local roads; and
  - Considers the proposal to be contrary to Policy DM13 of the Kent MWLP.
- (b) Noise:
  - Impact on local residents (despite amendment to proposed operating times).
- (c) Air pollution:
  - Impact on local residents.
- (d) Pollution of aquifer:
  - Stated to be a particular local concern.

It also states that it is disappointed that not all of the issues raised initially have received a satisfactory response from the applicant and that the position of the Parish councillors who visited the site has been misrepresented by the applicant and that they were not all satisfied with the operations they saw.

If planning permission is granted, it asks that this be subject to a routeing agreement,

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that the applicant should fund a 3-tonne weight limit on roads to the west and south of the site and that the condition of Barville Road should be monitored and any damage repaired.

**38. Tilmanstone Parish Council – Objects for the following reasons:****(a) Highways and traffic impacts:**

- Inadequate infrastructure and increased traffic movements;
- The site has restricted access which is shared by other businesses;
- HGV parking on Pike Road reduces its width to a single lane;
- Pike Road and its junction with Barville Road are already busy / dangerous;
- Pike Road to the north of the site access is narrow and subject to the national speed limit (60mph);
- Barville Road is inadequate (too narrow, damaged surface, uneven camber, high hedgerows, poor visibility, sharp / blind bends, no lighting and surface water) and already busy;
- Danger to pedestrians, cyclists, horse riders and other road users; and
- Conflict with farm machinery.

**(b) Impacts on public rights of way:**

- Risk to users of bridleways and footpaths due to increased lorry activity (including Footpath EE337 at the site entrance, Bridleway EE335B to the north of the site and various well used footpaths and bridleways in the vicinity of the site and joining / crossing Barville Road).

**(c) No need for the facility (at Pike Road):**

- There are enough existing recycling facilities with proper infrastructure (e.g. in Thanet and Sandwich) and other more suitable brownfield sites available between Dover and Thanet with better access / locations for such facilities if they are required.

**(d) Impact of lorry movements on surrounding villages and their residents:**

- Particularly from lorry movements on Tilmanstone, Shepherdswell, Eythorne, Elvington and Woolage;
- Lorries and commercial vehicles have already had a significant / damaging impact on local villages / residents for many years;
- Potential damage to buildings / properties from traffic and vibration;
- Although HGV routeing has been better controlled recently the situation would be likely to get worse; and
- The proposed HGV routeing will not wholly prevent vehicles travelling through villages (it also questions what controls and penalties would be in place).

**(e) Pollution, environmental impact and damage to the local area:**

- The applicant appears to have little or no experience in dealing with hazardous and other toxic wastes (particularly on the scale proposed);
- The types of wastes proposed to be dealt with (e.g. asbestos) are

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- inappropriate in the proposed location;
  - Increased likelihood of accidents and associated pollution;
  - Odour and other air pollution impacts (including from HGVs queuing to enter the site);
  - Noise and vibration impacts (including from reversing alarms);
  - Impact of lighting;
  - Potential loss of employment at Tilmanstone Salads (a significant local employer) if its clean / sanitised working environment and water supplies are prejudiced;
  - Potential impact on water supplies more generally;
  - Potential impacts on wildlife and associated habitats; and
  - Potential impact on the former sub-surface colliery works and spoil tips (it questions whether stability has been assessed).
- (f) Inadequacies with existing site management and noise levels:
- Mud, dirt and dust on the road already (this will get worse);
  - Lorries queuing at the existing site causes restricted access; and
  - Noise and vibration from skips being dropped.
- (g) Hours of use:
- The proposed operating hours (04:00 to 23:00 hours) is unacceptable and unnecessary and would have a significant adverse impact on the area.
- (h) Other uses:
- It believes the fact that the solar farm permitted on the spoil tip has not been developed and that the applicant has been unable to prevent nuisance associated with off-road motorcycling on the spoil tip over many years are relevant to the determination of the application as it demonstrates that it cannot guarantee that there would be no adverse impacts on the local community from the proposed development.
- (i) Lack of consultation:
- It is concerned that no pre-application engagement with the local community took place prior to the application being submitted and considers that the proposal must be subject to a detailed and comprehensive investigation involving all concerned.

It also states that it is disappointed that not all of the issues raised initially have received a satisfactory response from the applicant.

**39. KCC Highways and Transportation** – No objection subject to conditions to secure the following:

- (a) No more than 150 HGV movements (75 in / 75 out) each day;
- (b) Monitoring of HGV movements to demonstrate compliance with this limit; and
- (c) HGVs entering and leaving the site doing so via Pike Road (to the south of the site entrance), Barville Road (to the east of its junction with Pike Road) and the A256.



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KCC Highways and Transportation advises that there are significant lengths of Barville Road which are of insufficient width for two HGVs to pass each other and that damage is already being caused to verges and carriageway edges. Given this, it advises that the increase in HGV movements initially proposed would significantly exacerbate and extend the damage and that highway improvement works would be required on Barville Road to mitigate this and accommodate the additional HGV movements. It indicated that the required highway improvement works were as follows:

- (i) the widening of the carriageway to 6.75 metres for a length of 250 metres west of the access to the boot fair site;
- (ii) the widening of the carriageway to 6.3 metres for a length of 140 metres between the old yard / chalk pit access and the first bend to the west;
- (iii) the widening of the carriageway to 6.3 metres for a length of 65 metres east and 670 metres west of the access to Falconsview Meadows;
- (iv) the provision of flush kerbs to support the carriageway edge in the above widened sections; and
- (v) the provision of 30 metres of flush kerb to support the carriageway edge on the first bend to the west of the old yard / chalk pit access.

KCC Highways and Transportation initially proposed that all of the above works should be required prior to the development commencing. However, it subsequently accepted that a phased approach would be reasonable as it would enable the applicant to undertake the works as HGV movements associated with the proposed waste management operations increase over time with the award of new contracts and as finances allow. However, discussions between KCC Highways and Transportation and the applicant failed to lead to agreement on the appropriate “triggers” for implementing the highway improvement works and the extent of the works required for each phase. The applicant initially proposed that the first phase (the eastern section) be required (“triggered”) at 170 HGV movements, the second phase (the central section) at 230 HGV movements and the third phase (the western section) at 300 HGV movements. KCC Highways and Transportation proposed triggers at 150, 200 and 250 HGV movements with the phasing to be determined by KCC. The applicant then proposed revised triggers at 156, 212 and 276. KCC Highways and Transportation was unwilling to alter its position. This led to the applicant requesting that the application be determined on the basis that HGV movements would be restricted by condition to 150 HGV movements (75 in / 75 out) per day with no requirement for highway improvement works. It has advised that it will adjust the range and / or extent of the proposed operations as necessary to ensure that this limit is not exceeded.

40. **Environment Agency** – No objection. It advises that the proposed development would require a variation to the current Environmental Permit and that this would cover surface drainage emissions from waste handling areas. It also advises that whilst inert materials can be managed on hardstanding, non-inert materials would need to be handled on sealed surface and drainage to prevent drainage to ground. It has further advised that clean surface water going to existing soakaways would be acceptable at the site given the depth of groundwater and as the site is not within a SPZ but that any new soakaways for clean drainage should be sampled at the soakage depth to prove

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the location is suitable for infiltration without posing any new risks to deep groundwater.

41. **Affinity Water** – No comments received.
42. **Southern Water** – Advises the applicant to consult the Environment Agency directly about the use of the proposed sewerage treatment plant which disposes of effluent to sub-soil irrigation and that the site owner would need to maintain this to ensure its long term effectiveness. It also advises that the proposed SUDS would not be adoptable by sewerage undertakers and that the applicant would need to ensure that the maintenance and effectiveness of the systems in perpetuity to avoid surface water flooding and, potentially, inundation of the foul sewerage system. It further advises that KCC should be satisfied of any arrangements relating to SUDS.
43. **KCC SUDS** – No objection but recommends the imposition of a number of drainage related conditions if planning permission is granted. These include a detailed sustainable surface water drainage scheme which demonstrates that the surface water generated by the development can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site and that silt and pollutants resulting from the use of the site and any construction can be adequately managed to ensure there is no pollution risk to receiving waters.
44. **KCC Public Rights of Way** – No objection. It advises that PROW (Footpath) EE337 runs adjacent to the site access. However, it is satisfied with the proposed arrangements for tying this in with the new footway provided for by planning permission DO/13/654 subject to additional pedestrian signage at this location to assist in enabling pedestrians to safely cross the access road.
45. **KCC Noise Consultant** – No objection subject to conditions to secure the following:
  - The proposed revised hours of operation;
  - The waste processing activities inside the building taking place with all external doors, windows and apertures closed;
  - The correct sound reduction being provided in the building construction (as set out by the applicant in Section 5.1 of the “Noise Impact Assessment” (August 2017));
  - Broadband / white noise (non-tonal) reversing alarms being employed on site by vehicles owned / operated by the operator;
  - The installation and use of fast action roller shutter doors;
  - The existing northern boundary bund being increased to 5m in height; and
  - The proposed HGV routing being observed.

On this basis, it advises that the proposed development is capable of being carried out without any adverse noise impact.

46. **KCC Air Quality / Odour Consultant** – No objection subject to conditions to secure the proposed dust and odour mitigation measures.

It advises that dust impacts would be acceptable during the construction and

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operational phases subject to the implementation of the proposed mitigation measures. Based on the applicant's air quality assessment, it is satisfied that there is no risk to amenity from emissions with the proposed mitigation measures in place. It is also satisfied that if the proposed mitigation measures are undertaken, and an odour management plan produced and implemented, that there would be little risk to amenity from odour emissions. It notes that there would be no residential properties within 150m of the site.

47. **KCC Landscape Consultant** – No objection subject to a condition to secure a detailed landscape planting scheme for the northern boundary of the site and around the proposed rainwater storage facility in the north western corner of the site.

It advises that the overall level of proposed landscape and visual mitigation is appropriate given the nature of the existing site (on an industrial estate) and in terms of topography and mature screening. It notes that it is proposed to increase the height of the existing bund on the north-eastern boundary of the site and undertake tree and shrub planting in this area to assist in further screening views from the north. Whilst it considers it unfortunate that some of the existing planting would be affected by the proposed increase in height, and recommends that existing planting be retained wherever possible, it advises that the proposed planting and mix is generally appropriate (subject to further clarification on planting densities, plant protection measures and plant provenance).

48. **KCC Ecological Advice Service:** No objection subject to the northern bund planting being supplemented as necessary to provide beneficial biodiversity and retain connectivity throughout the area. It is satisfied with the information submitted with the application and advises that it is very unlikely that the site has the potential for protected / notable species to be impacted as a result of the proposed development. It also advises that the habitat of greatest impact is the hedgerows bounding the site which (with the exception of some loss associated with increasing the height of the northern bund to 5m) are proposed to be retained. It further advises that no additional ecological surveys are necessary.

**Representations**

49. The application was publicised by site notice and the occupiers of all properties within 250 metres of the site, as well as others beyond this distance in the vicinity of the site and off Barville Road, were notified in October 2017. A newspaper advertisement was published on 12 October 2017.
50. 137 representations have been received, including those from Shepherdswell with Coldred Parish Council (PC), Goodnestone PC and Whitfield PC (none of which were formally consulted). Of the respondents, 127 object, 9 raise concerns and 1 simply provides comments. In some cases, several responses have been received from the same postal or email address.
51. The objections and concerns (which include those of Goodnestone PC and Whitfield PC) and can be summarised as follows:

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Highways and transportation:

- HGV traffic causing disruption through local villages (i.e. Eythorne and Shepherdswell);
- Pike Road and Barville Road are not suitable;
- Roads through the local villages and other rural roads are not suitable (e.g. Wigmore Road, Shepherdswell Road, Eythorne Road and Cox Hill between the site and the A2 and Pike Road and other rural lanes between the site and Eastry and other locations to the north);
- Existing HGV routeing signs are ignored (better signage is already needed);
- Pollution (noise, dust, exhaust fumes, litter and spillages) from HGVs;
- Mud and debris on local roads;
- HGVs currently travelling between proposed site and the applicant's old site to use the weighbridge;
- HGV parking Pike Road (restricts passage and leads to fouling by drivers);
- Other environmental impacts from HGVs (including on wildlife);
- Impact on pedestrians, cyclists and horse riders;
- Health impacts;
- HGV speeds;
- Lack of pavements on local roads;
- Impact from additional staff vehicles;
- Road safety;
- Damage to properties due to HGV movements on local roads;
- HGVs taking a short cut through Eythorne and Shepherdswell to the A2 (given that HGVs using the Pike Road Industrial Estate already do this at times, such as when directed by SatNav devices);
- The desirability of better signage, the narrowing of entrances to the villages and monitoring to reduce the likelihood of the above short cuts;
- The need for repairs to and monitoring of Barville Road.

Operations on site:

- Air pollution / odour and dust from site operations;
- Noise impact;
- Proposed hours of use (04:00 to 23:00 hours);
- Pollution of the aquifer / water supplies;
- Litter and vermin / pests;
- Health impacts;
- Impact of toxic waste on the environment and local community;
- Impact on wildlife;
- Landscape impact (including height of stockpiles);
- Light pollution (including impact on wildlife including bats, buzzards and barn owls);
- The need for environmental monitoring due to the proximity of domestic dwellings.

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Other issues:

- Existing waste management sites should be expanded rather than new ones created;
  - Adverse impact on adjoining businesses (including Tilmanstone Salads, an important food preparation facility and local employer);
  - Potential hazards associated with development on former spoil tip (e.g. underground fires or explosions);
  - Impact on property values;
  - Lack of consultation;
  - Cumulative impact;
  - Such facilities should be located very close to dual carriageways and rail links;
  - Traffic surveys are out of date.
52. Shepherdswell with Coldred PC broadly welcomes the application as it believes it would simplify current site operations but requests that a condition be imposed requiring all transport entering and leaving the site to use the A256 and Barville Road. It has also suggested that measures be taken to monitor and enforce this.

**Local Member**

53. County Council Member Mr G Lymer (Dover West) was notified in October 2017 and March 2018. Mr S Manion (Dover North) was also notified as adjoining Member.

**Discussion**

54. The application is being report to KCC's Planning Applications Committee for determination as planning objections have been received from both consultees and those who have submitted representations.
55. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 30 to 34 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 29 and the draft waste policies in paragraph 35.
56. The main issues that require consideration are as follows:
- Location;
  - Need;
  - Highways and transportation;
  - Noise and air quality;
  - Rights of way;
  - Landscape and visual impact;
  - Ecology; and
  - Water environment.

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Location

57. Although the application site lies outside any settlement boundary and is not allocated for any specific purpose in the Dover District Local Development Framework Core Strategy (Dover LDFCS), the Dover District Land Allocations Local Plan (Dover LALP) or the Kent Minerals and Waste Local Plan (Kent MWLP), it does lie within the Pike Road Industrial Estate on land previously used as a brickworks.
58. Paragraph 4 of the National Planning Policy for Waste (NPPW) states that priority should be given to the re-use of previously developed land and sites identified for employment uses when seeking to identify sites for new or enhanced waste management facilities.
59. Saved Policies W7 and W9 of the Kent Waste Local Plan (Kent WLP) respectively identify such locations as suitable in principle for inert waste to be prepared for recycling or re-use and for waste separation and transfer. Policy CSM8 of the Kent MWLP identifies industrial estates as appropriate locations for secondary and recycled aggregates production. Policy CSW6 identifies industrial estates and previously developed, contaminated or derelict land not allocated for another use as appropriate locations for built waste management facilities subject to being acceptable in other respects. This is carried forward in draft (modified) Policy CSW6 of the Early Partial Review of the Kent MWLP.
60. Notwithstanding the suggestion by Tilmanstone PC that there are other brownfield sites available between Dover and Thanet that are better located and the suggestion in the representations section that existing waste management sites should be expanded rather than new ones created, the use of the application site for waste management purposes is acceptable in principle subject to compliance with the other policies referred to elsewhere in this report.

Need

61. Paragraph 7 of the National Planning Policy for Waste (NPPW) states that when determining waste planning applications, waste planning authorities (WPAs) should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up to date Local Plan. It also states that in such cases, WPAs should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.
62. Policy CSW4 of the Kent MWLP states that the strategy for waste management capacity in Kent is provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. The text supporting Policy CSW4 states that Kent currently achieves net self-sufficiency in waste management facilities for all waste streams. This strategy is carried forward in draft (modified) Policy CSW4 of the Early Partial Review of the Kent MWLP which now also includes targets for recycling, composting and other forms of recovery that the draft Policy states are to be regarded as a minimum. Policy CSW16 of the Kent MWLP safeguards sites with permanent planning permission for waste management from being developed for non-waste management uses. Policy

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DM8 of the Kent MWLP states that planning permission will only be granted for development that is incompatible with safeguarded waste management facilities where it is demonstrated that (amongst other things) replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than that offered by the facility that it is replacing. It also states that replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste and minerals and at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy. It further states that there must also be no existing, planned or proposed development that could constrain the operation of the replacement site at the required capacity.

63. As noted in paragraph 7 above, Dover DC is considering an application for a log storage facility and offices (DO/17/952) which would, if permitted, lead to the loss of waste management capacity at Tilmanstone Works. KCC has lodged a holding objection to that application pending the provision of replacement capacity that would satisfactorily address the requirements of Policy DM8. Given that the proposed waste management development at the former Tilmanstone Brickworks would provide capacity at least equivalent to that previously permitted to the east of Pike Road (in terms of waste quantity and the waste hierarchy), the holding objection could be withdrawn if KCC grants planning permission.
64. Although Tilmanstone PC considers that there are enough recycling facilities with better infrastructure elsewhere and that there is no need for the proposed development, there is clear policy support for ensuring that existing waste management capacity is maintained and supplemented where appropriate. It is also clear that replacement capacity must be provided if application DO/17/952 is to comply with development plan policy. Notwithstanding the various planning policy issues that are addressed elsewhere in this report, the provision of a replacement waste management facility at the former Tilmanstone Brickworks would enable the applicant to continue to serve existing customers and seek to expand its operations in ways that are consistent with Policies CSW4 and DM8. Subject to compliance with policies referred to elsewhere within this report, I see no requirement for the applicant to further demonstrate the need for the proposed development.

#### Highways and transportation

65. Paragraph 108 of the National Planning Policy Framework (NPPF) states that when assessing applications for development it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states 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 network would be severe. 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

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on amenity against the criteria set out in Appendix B of the NPPW. In terms of traffic and access, Appendix B states that considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.

66. Policy CSW1 of the Kent MWLP establishes the principle of taking a positive approach to waste development proposals which reflects the presumption in favour of sustainable development. Policy CSW6 states that planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan providing such proposals (amongst other things) are well located to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road. Draft (modified) Policy CSW6 of the Partial Review of the Kent MWLP removes any reference to a Waste Sites Plan but retains the same criteria for decision making. Policy DM13 of the Kent MWLP states that minerals and waste development will be required to demonstrate that emissions associated with road transport movements are minimised so 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, proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and (3) emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours.
67. Policies DM11, DM12 and DM13 of the Dover LDFCS seek to ensure that proposed development is acceptable in terms of the amount and type of travel likely to be generated, access arrangements and parking provision.
68. Eythorne PC, Tilmanstone PC and the vast majority of those who have made representations (including Goodnestone PC and Whitfield PC) have objected to the proposed development due to concerns about highways and transportation issues. The main concerns raised relate to the proposed number of HGV movements, HGVs passing through local villages (ignoring agreed routeing and signs), the ability of Pike Road and Barville Road to accommodate the proposed additional traffic, damage to local roads (and the need for repairs to / monitoring of Barville Road), mud, debris, litter and spillages on local roads, danger to / conflict with other road users (including pedestrians, cyclists and horse riders), noise and air pollution from HGVs and related health impacts, the speed of HGVs and inappropriate HGV parking (and fouling by drivers). Concerns have also been expressed about HGVs travelling between the proposed site and Tilmanstone Works to use the weighbridge. Although not objecting, Shepherdswell with Coldred PC has also expressed concern about HGVs travelling through local villages and requested that all transport entering and leaving the site should do so via Pike Road and Barville Road.
69. No highway objections have been received from other consultees. Dover DC is content for the highways implications to be addressed by KCC Highways and



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Transportation (H&T). KCC H&T has no objection subject to no more than 150 HGV movements (75 in / 75 out) per day, monitoring of HGV movements and HGVs entering and leaving the site via Pike Road and Barville Road. Notwithstanding this, it should be noted that KCC H&T has advised that there are significant lengths of Barville Road which are of insufficient width for two HGVs to pass each other and that damage is already being caused to verges and carriageway edges. It has also advised that the increase in HGV movements initially proposed (i.e. up to 304 movements) would significantly exacerbate and extend the damage and that highway improvement works are required to mitigate this and accommodate the additional HGV movements. KCC's Noise and Air Quality Consultants have advised that noise and air quality impacts associated with traffic movements are acceptable.

70. Sustainable transport: Although Tilmanstone Colliery was previously served by a rail link this no longer exists. The absence of rail or navigable water at the site, together with the nature of the waste management operation (which relies on waste being collected from various locations in the area and recycled materials / non-recyclable waste being similarly exported to different locations), means that road transport is the only viable option (as was the case with Tilmanstone Works to the east of Pike Road and all other HGV generating uses on the industrial estate).
71. Number of HGV movements: As noted in paragraphs 28 and 39 above, it has not been possible to reach agreement on the extent, financing and implementation of the highway works on Barville Road requested by KCC H&T to accommodate the number of HGVs initially proposed and the applicant has instead requested that the application be determined on the basis that no more than 150 HGV movements (75 in / 75 out) would take place each day. It has suggested that this limit be imposed by condition. It has also agreed to keep records of HGV movements entering and leaving the site, make these available to KCC on request and provide a summary of HGV movements per day to KCC on a monthly basis. These are also capable of being required by condition.
72. As noted in paragraphs 5 to 9 above, only Tilmanstone Works to the east of Pike Road and the former Tilmanstone Brickworks planning permissions have limits imposed by condition on the number of HGV movements. The Tilmanstone Works site is permitted to have 100 HGV movements per day (with an additional 12 days unlimited) and the former Tilmanstone Brickworks was permitted to have 360 HGV movements per week (which would equate to 65.5 HGV movements each day based on the 5.5 day week which was permitted, or 72 based on a 5 day week). The log storage application (which occupies the permitted Ovenden Works waste facility and adjoining former coal yard) proposes an average of 14 HGV movements (with the possibility of an occasional 60 HGV movements). Given that Tilmanstone Works is permitted to operate for 12 days each year with unlimited HGV movements, which might reasonably be regarded as "occasional" in the same way as HGV movements in excess of 14 per day is anticipated at the proposed log storage facility, I consider that it reasonable to allow 86 of the permitted 100 HGV movements per day previously associated with Tilmanstone Works to be retained by RH Ovenden Ltd for the proposed waste management facility at the former Tilmanstone Brickworks (in effect these would be transferred from one side of Pike Road to the other). I also consider it reasonable for the applicant to be able to use the daily average number of HGV

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movements from the former Tilmanstone Brickworks (65.5). This provides 151.5 movements (similar to the 150 now proposed as a maximum). In order that this approach is not undermined, it would be necessary to ensure that the HGV movements currently permitted at Tilmanstone Works which would be “transferred” to the proposed site cannot continue to be relied upon. This could reasonably be secured by a Section 106 Agreement (i.e. a planning obligation / legal agreement) preventing the permitted waste management operations continuing at Tilmanstone Works once planning permission is granted for the proposed development.

73. HGV routeing: The applicant proposes that all customers and its own vehicles will use Barville Road and avoid routes through local villages. This routeing arrangement, whereby vehicles would enter and leave the site via Pike Road (to the south of the site entrance), Barville Road (to the east of its junction with Pike Road) and the A256, is currently provided for by legal agreements relating to both the former Tilmanstone Brickworks and Tilmanstone Works site. It is understood that other operations on the Pike Road Industrial Estate are meant to adhere to the same arrangement although it is clear from the representations received that this has not always been 100% effective. Whilst there are likely to be a number of reasons why vehicle routeing is not always complied with, I am satisfied that it would be appropriate to require the proposed routeing as part of the Section 106 Agreement referred to in paragraph 72 above. The Section 106 Agreement could require all those using the proposed waste management facility to adhere to the routeing and include appropriate measures for dealing with any transgressions. The applicant would be in a position to directly deal with its own employees breaching the agreed routeing and capable of dealing with others using the site through appropriately worded contractual arrangements. Notwithstanding the above, it should be noted that some of the vehicles using the proposed waste management facility may need to use local roads if making waste collections from or delivering recycled materials (such as aggregates) to local villages. Providing a mechanism for bringing apparent transgressions to the attention of the applicant and KCC and explaining why some HGVs may need to use local roads is capable of being addressed as part of a traffic management plan (which could also incorporate a complaints procedure) and the recording and reporting of HGV movements referred to in paragraph 71 above (both of which are capable of being addressed by condition). It should also be noted that employees travelling to and from the site in their own vehicles would use the most convenient route available to them.
74. It has been suggested that the routeing arrangement should be reinforced by the provision of better signage, measures to further discourage HGVs travelling through local villages (such as the narrowing of village entrances), monitoring of HGV traffic in the area and penalties for those ignoring the routeing. Whilst the Section 106 Agreement is capable of at least partially addressing the issue of penalties in so far as this relates to the proposed development and KCC would have a role in monitoring HGV movements associated with this, the issue of inappropriate use of local roads is a wider one which should more properly be addressed by KCC H&T and other stakeholders rather than by a single applicant. Should KCC H&T consider it appropriate to impose weight, width or height restrictions or traffic calming measures additional to those already in place on local roads these should be addressed independently and not tied to the determination of this application.

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75. The ability of Pike Road and Barville Road to accommodate the proposed additional traffic: As noted elsewhere in this report, although KCC H&T has expressed concerns about the ability of Barville Road to accommodate significant additional numbers of HGV movements, it has advised that 150 HGV movements per day is acceptable and can be accommodated without the applicant being required to finance or undertake improvement works to Barville Road. On this basis, I am satisfied that both Pike Road and Barville Road are capable of accommodating the proposed development subject to a condition being imposed limiting HGV movements to no more than 150 per day.
76. Damage to local roads (and the need for repairs to / monitoring of Barville Road): Many of the HGVs using Pike Road Industrial Estate are not connected with the applicant's existing operations such that any damage to local roads cannot be entirely attributed to the applicant. It should also be noted that a number of the operations at Pike Road involve the use of large articulated lorries which may cause greater damage than the rigid HGVs currently employed by the applicant. Although KCC H&T has expressed concerns about the condition of Barville Road, it is content that up to 150 HGV movements per day associated with the proposed development be permitted without the need for the applicant to undertake improvement works. The condition of Barville Road and other local roads more generally is a matter for KCC H&T to consider and address independently and regardless of the outcome of this application.
77. Mud, debris, litter and spillages on local roads: The Tilmanstone Brickworks and Tilmanstone Works planning permissions both include conditions requiring measures be taken to ensure that vehicle leaving the sites do not deposit mud or other materials on the public highway, including the provision of wheel and chassis cleaning equipment. In this case, the applicant states that the matter would primarily be addressed by adopting an operational and circulation pattern whereby vehicles would travel over areas of impermeable pavement rather than over mud or debris. The applicant does not intend to install a fixed wheel wash and instead proposes that the impermeable surface would be swept (manually or with tractor brush and vacuum) as necessary and that vehicle bodies and tyres would be assessed prior to leaving the site and dry brushed or spot treated with a jet washer as necessary. It also states that the access road is relatively long and that in the unlikely event that mud or debris is tracked onto the highway, it would be swept / vacuum brushed. I am satisfied that the issue can be addressed by the imposition of a condition requiring measures be taken to minimise such impacts. The potential for litter or other materials to be spilled from HGVs transporting waste can be minimised by sheeting, covering or containing loads as appropriate and conditions are often imposed on such operations to reduce the risk of this occurring. I consider this to be appropriate in this case. Loads containing potentially hazardous materials (such as asbestos) are also subject to other legislative requirements which can be relied upon.
78. Danger to / conflict with other road users (including pedestrians, cyclists and horse riders): The absence of pedestrian footways on Barville Road and the fact that several public footpaths join / cross this road means that existing traffic already presents a danger to those wishing to walk along or cross its route. Despite the presence of alternative footpaths to the north and south of Barville Road (linking Pike Road with Tilmanstone and Eythorne with the A256), these do not provide a similarly direct route to the Barville Road / A256 roundabout. Cyclists and horse riders also need to use a

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relatively long section of Barville Road in order to progress southwards from the end of Bridleway EE335. Although the additional length of footway to the south of the site entrance provided for as part of planning permission DO/13/654 has been laid out and the kerb line on the junction adjusted, the footway has yet to be properly surfaced. However, it already enables pedestrians to walk from the application site on a footway along Pike Road to the Barville Road junction and along Wigmore Lane towards Eythorne to a point approximately 90m to the west of Millyard Way (i.e. the entrance to Tilmanstone Salads). From that point there is no footway for about 280m until it resumes in Eythorne. Notwithstanding this, it should be noted that HGV traffic associated with the proposed development would not use Wigmore Lane or travel through Eythorne.

79. Neither KCC H&T nor KCC PROW have objected to the proposed development subject to conditions being imposed to restrict HGV routeing, limit HGV movements and require additional signage in the vicinity of the site entrance. The proposed signage is addressed in the Rights of way section of this report. Whilst there will continue to be some conflict with other road users, I am satisfied that the proposed development would not significantly add to the existing position subject to the imposition of the proposed conditions.
80. Noise and air quality pollution from HGVs and related health impacts: The concerns about noise (and vibration) from HGV movements appear to primarily relate to the potential for HGVs to travel through local villages and affect residential properties close to the public highway. Although these concerns are largely unfounded given the proposed routeing and as no residential or other noise sensitive properties lie immediately adjacent to Pike Road or Barville Road, it should be noted that Falconsview Meadows (a single mobile home) and Barville Farm Cottages are respectively approximately 25m and 100m from Barville Road. However, these properties are already affected by noise and other impacts from HGV and other traffic using Barville Road (including those associated with Tilmanstone Works and previously Tilmanstone Brickworks). The concerns about air quality associated with HGV movements relate to the impact of HGV emissions on the health of the local community when transporting these on local roads. As noted above, KCC's Noise and Air Quality Consultants have advised that noise and air quality impacts associated with traffic movements are acceptable subject to HGVs using the proposed routeing arrangement.
81. HGV speeds: Pike Road (to south of the site entrance) and its junction with Barville Road and Wigmore Lane are subject to a 40 mile per hour (mph) speed limit. The 40mph limit extends southeast towards Eythorne where it becomes 30mph. Barville Road and the A256 are subject to the national speed limit (60mph). Pike Road to the north of the site entrance is also subject to the national speed limit (but would not be used by HGVs associated with the proposed development) and is signed as being unsuitable for HGVs just the north of the entrance to Tilmanstone Works. Enforcement of speed limits (including that for HGVs) is a matter for the police. If KCC H&T considers that lower speed limits are necessary, it would need to investigate this and seek to implement measures as necessary and where possible. KCC H&T's response indicates that this is not something that is necessary to make the proposed development acceptable nor something that should be linked to the determination of

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the application.

82. Inappropriate HGV parking (and fouling by drivers): Whilst the inappropriate parking of HGVs or other vehicles may relate to any of the operations on Pike Road Industrial Estate, I consider it more likely to relate to HGVs visiting other sites on the Pike Road Industrial Estate (some of which may require statutory breaks from driving or overnight stays). HGVs associated with the proposed development are more likely to be based at the application site where they would be parked when not in use and their drivers use the welfare facilities provided on site. This is capable of being reinforced by condition if planning permission is granted.
83. Use of Tilmanstone Works weighbridge: This will cease if planning permission is granted for the proposed development and could be prevented by condition as necessary. It could also be addressed as part of the Section 106 Agreement referred to in paragraph 72 above. It would additionally be for Dover DC to impose any conditions it considers appropriate in respect of any future use of the Tilmanstone Works site which could include it only being used for operations associated with log storage.
84. Notwithstanding the concerns that have been expressed by the local community about potential highways and transportation impacts, no objections have been received from KCC H&T, KCC's Noise and Air Quality Consultants and KCC PROW subject to conditions and Dover DC is content to leave highways issues to KCC H&T. I am satisfied that the proposed development would be acceptable in terms of highways and transportation and accord with relevant policies subject to the imposition of the conditions and provision of the Section 106 Agreement referred to above in respect of HGV routeing, no more than 150 HGV movements (75 in / 75 out) per day, records being maintained of HGV movements entering and leaving the site and made available to KCC on request, the provision of a summary of HGV movements per day to KCC on a monthly basis until such time as the Waste Planning Authority agree that this is no longer necessary, a traffic management plan, wheel, chassis and road cleaning measures, the appropriate sheeting, covering or containment of waste in HGVs and Tilmanstone Works no longer being used for the permitted waste management operations (including use of its weighbridge).

Noise and air quality

85. 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 local environmental conditions such as air and water quality. 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development and that in doing so they should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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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.

86. Policy CSW6 of the Kent MWLP states that planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan providing such proposals (amongst other things) avoid sites on or in proximity to land where alternative development exists / has planning permission or is identified in an adopted Local Plan for alternative uses that may prove to be incompatible with the proposed waste management uses on the site. Draft (modified) Policy CSW6 of the Partial Review of the Kent MWLP removes any reference to a Waste Sites Plan but retains the same criteria for decision making. Policy DM1 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. It also states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements.
87. Eythorne PC, Tilmanstone PC and many of those who have made representations have objected to the proposed development due to concerns about noise and air quality issues, both relating to HGV movements and from operations on site. The concerns relating to HGV movements have been addressed in the Highways and transportation section above. The concerns about noise (and vibration) impacts from operations on site primarily relate to the proposed hours of use, the likelihood of skips being handled (and dropped) on site and the use of audible reversing alarms. The concerns about air quality impacts from operations on site include the potential for odour nuisance
88. No noise and air quality objections have been received from other consultees. Dover DC has no objection in terms of noise impact subject to waste processing activities outside being restricted to between 07:00 and 18:00 hours, waste processing activities inside the building taking place with all external doors, windows and apertures closed and all of the noise control measures assumed by the applicant being implemented. It has no objection in terms of air quality associated with traffic movements and no objection to operations on site provided appropriate dust measures are required. KCC Noise Consultant has advised that the proposed development is capable of being carried out without any adverse noise impact and has no objection subject to the hours of operation set out in paragraph 22 above, waste processing activities inside the building taking place with all external doors, windows and apertures closed, the building being constructed as proposed, broadband / white noise (non-tonal) reversing alarms being employed on site by vehicles owned / operated by the operator, the installation and use of fast action roller shutter doors, the existing northern boundary

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bund being increased to 5m in height and the proposed HGV routing being observed. KCC Air Quality / Odour Consultant has advised that air quality impacts would be acceptable and has no objection subject to conditions to secure the proposed dust and odour mitigation measures and dust and odour management plans. The Environment Agency has no objection and has advised that the proposed development would require a variation to the current Environmental Permit. It should be noted that the Environmental Permit provides further detailed controls on operations on site (including waste types and quantities, time limits and measures relating to mud, dust, odour, litter, vermin / pests and the water environment).

89. The proposed development has the potential to give rise to significant noise and air quality impacts if these are not designed out, mitigated or controlled in some way. The production of secondary aggregates (including concrete crushing) can be a particularly noisy activity, although all of the waste management operations and related materials handling activities and HGVs delivering to or collecting waste or other materials from the site have the potential to give rise to disturbance.
90. The potential noise impacts associated with these external operations on noise sensitive properties (primarily New Purchase Farm Cottages) would primarily be minimised by distance and the northern boundary bund being increased to 5m in height. The former Tilmanstone Brickworks building would also provide noise attenuation more generally. As noted in paragraph 21 above, the applicant's noise impact assessment also assumed 5m high bunding on the southern and western site boundaries. Whilst a 5m bund is effectively still provided for on the southern boundary (as a result of the adjoining topography), recontouring works associated with planning permission DO/13/654 have reduced the bund on the western boundary to below 5m. Whilst the overall topography of the spoil tip (existing and permitted) and the distance to residential properties to the west are sufficient to ensure that sensitive receptors are not adversely affected, it is likely that there would be additional noise impact on the employment development provided for by planning permission DO/13/654 (despite the fact that the rear walls of 7 of the permitted 16 industrial units would face the application site and effectively form a noise barrier for the rest of that development). Given that the noise assessment assumed a 5m bund on the western boundary, I consider it appropriate to require that this noise attenuation (or some suitable alternative such as acoustic fencing or a combination of bund and fencing) be provided if planning permission is granted. This is capable of being secured by condition. The operations proposed to be undertaken within the building (including the various elements of the MRF such as a shredder) also have the potential to give rise to noise impact, although the building itself would serve to minimise noise impact outside the site subject to doors and apertures being closed during operations. As noted in paragraph 19 above, the applicant proposes that inert waste and recycled aggregates / soils be stockpiled outside up to 8m high. It is understood that this would necessitate plant and equipment being used as much as 4m above ground / yard level. This would undermine the assumptions made in the applicant's noise impact assessment and reduce the effectiveness of the proposed noise mitigation. The use of 8m stockpiles would also increase the likelihood of materials over-spilling the 3m high bays that are proposed. For these reasons, I consider it appropriate to limit stockpile heights by condition to no more than 6m and require plant and equipment to be operated from ground / yard level.

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91. As noted above, the proposed hours of operation have attracted specific objection. The applicant initially proposed that external operations such as waste processing take place between 06:00 and 19:00 hours Monday to Friday and 06:00 and 13:00 hours on Saturdays. However, this was amended to between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays. It still proposes that the MRF additionally be permitted to operate inside the building between 04:00 and 23:00 hours Monday to Friday, that the core operating hours for the receipt and dispatch of waste be between 06:00 and 19:00 hours Monday to Friday and 06:00 and 13:00 hours on Saturdays and that additional hours be permitted for specific operations (including the receipt and dispatch of local authority waste on some Bank and Public Holidays and Saturday afternoons, in cases subject to further agreement, and for the receipt of waste from highways works overnight and at weekends). The hours of operation sought are set out in paragraph 22 above.
92. Although some of the proposed hours of operation are different than those often employed they are intended to provide the flexibility necessary for the applicant to seek and secure future local authority or highway related contracts without the need to obtain a further planning permission(s) should opportunities arise. It is understood that obtaining some of these contracts without the necessary planning permission already in place is impossible and that there is often insufficient time to obtain any necessary additional hours of use once invitations to tender for contracts are released. On this basis, and subject to being acceptable, the applicant wishes to obtain the necessary permission at this stage. It should be noted that neither Dover DC nor any of the technical consultees has any objection to the proposed hours of operation referred to above subject to conditions designed to keep noise impacts to an acceptable level and the development being undertaken as proposed.
93. In addition to the noise from plant and machinery used in the waste management operations, noise from reversing alarms and skip handling may also give rise to nuisance. The applicant proposes that broadband or other “non-bleeper” reversing alarms be used on all its own equipment, plant and vehicles. Whilst this is welcomed as it would significantly reduce the noise impact associated with reversing, vehicles visiting the site would not be restricted in the same way. Given the nature of the applicant’s business, it is likely that it would own or control the majority of vehicles using the site. It may also be able to require others using the site to employ similar reversing alarms. Although the occasional use of a tonal reversing alarm may be acceptable during the normal working day, I do not consider it appropriate at other times. On that basis, I consider that in addition to requiring that the applicant’s equipment, plant and vehicles use broadband reversing alarms at all times, it would be appropriate to impose this requirement for all equipment, plant and vehicles using the site outside the proposed core operating hours. Whilst full skips would be dealt with within the building and the majority of skip handling would take place during the normal working day, it is possible that empty skips may be handled at any time during core operating hours for the receipt and dispatch of waste (including between 06:00 and 07:00 hours Monday to Saturday) as an integral part of the applicant’s business. Given the responses of Dover DC and KCC’s Noise Consultant and the proposed noise attenuation referred to elsewhere in this report I consider the likely impacts to be acceptable.



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94. As with noise, many waste management operations have the potential to give rise to adverse air quality impacts. The production of secondary aggregates and soil screening in particular can create significant amounts of dust if measures are not taken to minimise impacts. The applicant proposes to implement dust mitigation measures to minimise dust impact associated with the proposed development. These include regular cleaning of the site access and hardstanding, a 6mph speed limit on site, minimising drop heights, repair of any potholes on site, the sheeting or containment of laden vehicles, the use of misting and water sprays as necessary, the profiling of stockpiles to reduce wind whipping and the temporary cessation of loading / unloading from stockpiles if to do so would result in material being blown beyond the boundary of the site. These are considered to be appropriate by KCC's Air Quality Consultant and can be secured by condition.
95. Some of the proposed waste types (e.g. black bag waste, food waste and green waste) are likely to give rise to odour and could result in odour nuisance if not properly managed. These wastes would be handled entirely within the building. The applicant proposes that the building be fitted with fast acting roller shutter doors such that waste and associated operations would be contained to minimise impacts experienced outside and that an odour control spray system be employed if such wastes are to be handled at the site. Whilst I am satisfied that the Environmental Permit is the appropriate mechanism for detailed matters relating to odour control (and content to leave such detailed controls to that regime), the need for the provision of appropriate odour control measures should be required by condition if planning permission is granted. It should be noted that there is no guarantee that black bag waste, food waste, green waste or other wastes with the potential to give rise to odour would be handled at the site as this would be dependent on the applicant securing contracts for these waste streams. In the event that such wastes are not to be handled at the site there would be no need to install the proposed odour management systems. However, the proposed containment measures would still be required to minimise noise and dust impact.
96. If not properly managed, black bag waste and food waste have the potential to attract vermin and many waste streams may result in litter both on and around the site. I am satisfied that it is appropriate to leave detailed vermin and litter controls to be addressed by the Environmental Permit.
97. Notwithstanding the concerns that have been expressed by the local community about potential noise and air quality impacts, Dover DC, KCC's Noise and Air Quality Consultants and the Environment Agency have all advised that these impacts would be acceptable subject to conditions. I am satisfied that the proposed development would be acceptable in terms of noise and air quality and accord with relevant policies subject to the imposition of the conditions referred to above, including those in respect of hours of operation, noise and dust mitigation, stockpile heights, reversing alarms and odour controls (including potentially odorous waste being handled within the building), and those relating to highways and transportation referred to in the above section.

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Rights of way

98. Paragraph 98 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users (e.g. by adding links to existing networks). Paragraph 004 of the Planning Practice Guidance (PPG) relating to open space, sports and recreation facilities, public rights of way and local green space includes limited advice relating to public rights of way and national trails. Amongst other things this states that public rights of way form an important component of sustainable transport links and should be protected or enhanced.
99. Policy DM14 of the Kent MWLP states that planning permission will only be granted for minerals and waste development that adversely affect a public right of way, if: (1) satisfactory prior provisions for its diversion are made which are both convenient and safe for users of the Public Rights of Way; (2) provision is created for an acceptable alternative route both during operations and following restoration of the site; and (3) opportunities are taken wherever possible to secure appropriate, improved access into the countryside.
100. Tilmanstone PC has specifically objected due to concerns about the risk to users of bridleways and footpaths due to increased lorry activity (including Footpath EE337 at the site entrance, Bridleway EE335B to the north of the site and various other footpaths and bridleways in the vicinity of the site and joining / crossing Barville Road). Eythorne PC and many of those who have made representations have objected due to concerns about potential impacts on pedestrians, cyclists and horse riders (who may be using footpaths and / or bridleways as well as local roads). Respondents have also referred to the lack of pavements on some local roads (such as Barville Road).
101. No rights of way objections have been received from other consultees. KCC Public Rights of Way (PROW) has no objection and has advised that it is satisfied with the proposed arrangements for tying Footpath EE337 with the new footway provided for by hybrid planning permission DO/13/654 referred to in paragraph 8 above subject to the provision of additional signage at this location to assist in enabling pedestrians to safely cross the access road. I note that the provision of the new section of footway to the south of the site entrance provided for by planning permission DO/13/654 provides a continuous pedestrian link from the application site to the bus stops on Wigmore Lane (near the end of Pike Road).
102. With the exception of the proposed new signage, the above PROW issues have been addressed in the Highways and transportation section of this report (paragraphs 78 and 79). The applicant has agreed to implement additional signage near the site entrance and I am satisfied that this can be secured by condition if planning permission is granted.
103. Subject to the imposition of a condition to secure the new signage near the site entrance, I am satisfied that the proposed development would be acceptable in terms of public rights of way and accord with relevant policies.

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Landscape and visual impact

104. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations include landscape and visual impacts.
105. Policy CSW6 of the Kent MWLP states that planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan providing (amongst other things) the landscape is able to accommodate associated structures (such as chimney stacks) after mitigation. Draft (modified) Policy CSW6 of the Partial Review of the Kent MWLP removes any reference to a Waste Sites Plan but retains the same criteria for decision making. Policy DM1 states that minerals and waste proposals should demonstrate that they have been designed to avoid causing any unacceptable adverse impact on the environment and communities by appropriate measures to protect and enhance the character and quality of the site's location. Policy DM11 states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from illumination and visual intrusion. Policy DM12 states that permission will be granted for minerals development where it does not result in an unacceptable adverse, cumulative impact on the environment.
106. Policy DM15 of the Dover LDFCS seeks to avoid adverse impacts on the character or appearance of the countryside and encourages measures to reduce, as far as practicable, any harmful effects on countryside character. Policy DM16 seeks to protect the character of the landscape having regard to landscape character assessment and measures to avoid or reduce harm and / or incorporate design measures to mitigate impacts to an acceptable level. Saved Policy ER6 of the Dover District Local Plan (DLP) promotes sensitive design for external lighting.
107. Tilmanstone PC has objected due to concerns about the impact of lighting on the local area. Objections have also been raised by those who have made representations about impacts associated with lighting as well as landscape impact more generally (including from the height of stockpiles on site).
108. No landscape objections have been received from other consultees. Dover DC has no objection in terms of landscape impact but has suggested that existing vegetation on the outside of the northern perimeter bund be retained when its height is increased to 5m. KCC Landscape Consultant has no objection subject to the provision of a detailed landscape planting scheme for the northern boundary of the site and around the proposed rainwater storage facility in the north west corner of the site. It has also advised that it is satisfied with the overall level of landscape and visual mitigation but would like to see as much of the existing planting on the outside of the proposed 5m bund retained as possible.

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109. The applicant proposes to increase the height of the bund on the north eastern boundary of the site to 5m and replace and supplement existing landscape planting on the northern perimeter and around the surface water lagoon. The applicant has already implemented some works associated with increasing the height of the bund to 5m. This has involved the erection of a wooden “sleeper” wall along the inside of the bund facing the northern elevation of the building in order to retain sufficient space for vehicles entering and leaving the building. Although some additional work is required to complete the bund, the works that have been undertaken have only had a limited impact on existing vegetation and the majority of the landscape planting (including that on the external base and lower part of the bund) remains largely intact. Once the bund has been completed, it is capable of being planted / replanted as necessary and I am satisfied that an appropriate scheme (similar to that proposed) is capable of being secured by condition. The condition could also secure the landscaping of any bund created along the western boundary of the site to address the noise impact referred to in paragraph 90 and the ongoing management of any new landscaping and that already existing (including the hedgerow on the eastern boundary of the site along Pike Road).
110. External lighting has the potential to illuminate land beyond the site boundary and / or be visible at a distance if poorly designed and installed. As well being visually intrusive this can adversely affect wildlife. The applicant proposes that directional floodlighting be provided on building facades to illuminate the yard and that this would be designed to minimise light spill and glare. It states that energy efficient lamps (including LEDs) would be used and that the lighting would be employed permanently during the hours of darkness, including as a security measure. It also proposes the use of task lighting on plant and equipment as required to ensure safe operations. The proposed lighting is already in place. It is understood that this is the same as that previously employed at the former brickworks although some of the luminaires have been replaced (in cases due to vandalism). The applicant states that the use of the lighting as a security measure is necessary due to problems with theft and damage from theft. The application includes the results of a lighting (LUX) survey which demonstrates that the proposed (existing) lighting is focussed downwards (close to the northern, western and southern building facades) and does result in light spill outside the site boundary. I am satisfied that the proposals are acceptable in terms of lighting impact and that this can be reinforced as necessary by a condition requiring that lighting be designed, installed and used in such a way as to minimise light spill and avoid light pollution.
111. External stockpiles of waste and recycled materials may also give rise to adverse landscape and visual impact if stockpiled too high, as may plant and equipment used in external operations if positioned high on stockpiled materials. As noted in paragraph 90 above, employing plant and equipment significantly above ground level is also likely to undermine the proposed noise mitigation associated with the 5m perimeter bunds. The proposed reduction in inert waste and recycled aggregate / soil stockpiles to no more than 6m and requiring plant, equipment and vehicles to work and / or be positioned at ground / yard level would also have benefits in terms of landscape and visual impact. The proposed storage of RDF bales up to 5m high is considered to be acceptable and should be limited by condition if permission is granted.

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112. I am satisfied that the proposed installation of photovoltaic panels on the roof of the building would have no significant landscape or visual impact and that incorporating renewable energy technology would also accord with one of the aims of Policy DM1 of the Kent MWLP.
113. Subject to the imposition of conditions to secure the landscaping scheme referred to in paragraph 109, control the use of external lighting, limit the height of waste and recycled aggregate / soil stockpiles to 6m and the storage of RDF bales to 5m and require plant, equipment and vehicles to work and / or be positioned at ground / yard level (rather than on stockpiles), I am satisfied that the proposed development would be acceptable in terms of landscape and visual impact and accord with relevant policies.

Ecology

114. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status) and minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should apply (amongst others) the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and (d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. 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 nature conservation, Appendix B states that considerations will include any adverse effect on ecological networks and protected species.
115. Policy DM1 of the Kent MWLP states that minerals and waste proposals should demonstrate that they have been designed to protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and, if necessary, compensating for any predicted loss. Policy DM3 states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets.
116. Policy DM15 of the Dover LDFCS seeks to prevent the loss of ecological habitats.
117. Tilmanstone PC and some of those who have made representations have objected due to concerns about potential impacts on wildlife and associated habitats.
118. No ecological objections have been received from other consultees. Dover DC has no objection in terms of ecology but has questioned why the ecology report does not refer to the potential for bats on the bund and suggested that a scoping survey should be submitted with particular focus on the bund and reptiles. KCC Ecological Advice Service has no objection subject to the northern bund planting being supplemented as

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necessary to provide beneficial biodiversity and retain connectivity throughout the area. It is satisfied with the information submitted with the application and has advised that it is very unlikely that the site has the potential for protected / notable species to be impacted as a result of the proposed development. It has also advised that the habitat of greatest impact is the hedgerows bounding the site which (with the exception of some minor loss associated with increasing the height of the northern bund to 5m) are proposed to be retained. It has further advised that no additional ecological surveys are necessary.

119. Given the response from KCC Ecological Advice Service and as the remaining works on the 5m northern bund would have no significant impact on existing vegetation on the external base and lower part of the bund, I am satisfied that the proposed development would be acceptable in terms of ecological interests and would accord with relevant policies subject to securing the landscaping scheme referred to in the Landscape and visual impact section above.

Water environment

120. Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. 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 or water pollution and that development should wherever possible help to improve local environmental conditions such as water quality. Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination (including risks arising from former activities such as mining). 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 the natural environment. Paragraph 183 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters relating to protection of water quality and resources and flood risk management. Key locational considerations include the proximity of vulnerable surface and groundwater or aquifers.
121. Policy CSW6 of the Kent MWLP states that planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan providing (amongst other things) the proposals do not give rise to significant adverse impacts on groundwater resources and avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b. Draft (modified) Policy CSW6 of the Partial Review of the Kent MWLP removes any reference to a Waste Sites Plan but retains the same criteria for decision making. Policy DM1 states that minerals and waste proposals should demonstrate

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that they have been designed to incorporate measures for water recycling where possible and utilise sustainable drainage systems wherever practicable. Policy DM10 states that permission will be granted for minerals and waste development where it does not: result in the deterioration of physical state, water quality or ecological status of any waterbody; have an unacceptable impact on groundwater Source Protection Zones; and exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future.

122. Eythorne PC, Tilmanstone PC and some of those who have made representations have objected due to concerns about potential pollution of the aquifer and public water supplies.
123. No objections have been received from other consultees about the water environment. The Environment Agency has no objection and has advised that the required variation to the current Environmental Permit would cover surface drainage emissions from waste handling areas. It has also advised that whilst inert materials can be managed on hardstanding, non-inert materials would need to be handled on sealed surface and drainage to prevent drainage to ground. It has further advised that clean surface water going to existing soakaways would be acceptable at the site given the depth of groundwater and as the site is not within a SPZ but that any new soakaways for clean drainage should be sampled at the soakage depth to prove the location is suitable for infiltration without posing any new risks to deep groundwater. Southern Water has provided advice about the proposed sewerage treatment plant, stated that the proposed SUDS would not be adoptable by sewerage undertakers such that the applicant would be responsible for the maintenance and effectiveness of the systems in perpetuity to avoid surface water flooding and, potentially, inundation of the foul sewerage system and advised that KCC should be satisfied of any arrangements relating to SUDS. KCC SUDS has no objection but has recommended the imposition of drainage related conditions if planning permission is granted. These include a detailed sustainable surface water drainage scheme which demonstrates that the surface water generated by the development can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site and that silt and pollutants resulting from the use of the site and any construction can be adequately managed to ensure there is no pollution risk to receiving waters.
124. Although waste management development has the potential to pollute the water environment (including public water supplies), it should be noted that the application site does not lie within a Groundwater Source Protection Zone (SPZ) and that operations would be strictly controlled by an Environmental Permit as well as any controls that may be included as part of any planning permission. The Environment Agency has also clearly indicated that the proposed development can take place without giving rise to adverse impact on the water environment subject to waste being handled with appropriate surfacing and drainage arrangements. This can be addressed by condition and will be a requirement of the Environmental Permit. The detailed sustainable surface water drainage scheme requested by KCC SUDS is also capable of being secured by condition and would ensure that surface water drainage is managed appropriately (as advised by Southern Water).

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125. Subject to the imposition of conditions to require that the different wastes be handled in appropriate areas of the site (including that non-inert waste only be handled on a sealed surface with appropriate drainage) and secure the detailed sustainable surface water drainage scheme requested by KCC SUDS, I am satisfied that the proposed development would be acceptable in terms of the water environment and accord with relevant policies.

Other issues

126. Heritage / Archaeology: No consultee responses or representations have been made in respect of heritage and archaeology. Given that the proposed development would re-use the former but relatively modern Tilmanstone Brickworks building and associated yard area and as no heritage assets would be adversely affected, I am satisfied that there are no significant heritage or archaeological implications in this case.
127. Land stability / former use: Tilmanstone PC has expressed concerns about the potential impact on the former sub-surface colliery works and spoil tips and questioned whether land stability has been assessed. It has also been suggested by a number of those who have made representations that development on the former spoil tip may be hazardous due to the potential for underground fires or explosions. Notwithstanding this, it should be noted that the application site itself does not lie on made ground and that the former Tilmanstone Brickworks and yard area was constructed on the bedrock (chalk).
128. Cumulative impact: Concerns about cumulative impact have been raised by the local community and Dover DC has suggested that KCC satisfy itself on the cumulative impact of what is proposed at both the former Tilmanstone Brickworks and Tilmanstone Works sites. The main potential cumulative impacts in this case relate to highways and transportation (primarily those associated with HGV movements on Pike Road and Barville Road) which have been considered by KCC H&T in providing its response. The impacts associated with these and related issues are addressed as necessary in the highways and transportation section above and I am satisfied that any cumulative impact in terms of highways and transportation is acceptable subject to the permitted waste management operations permanently ceasing at Tilmanstone Works and being replaced by an alternative non-waste management use such as log storage which would give rise to significantly fewer HGV movements than is currently permitted on that site. In addition to addressing the potential impact of HGVs, this would also serve to ensure that any adverse environmental impacts associated with waste operations on site do not occur on both sites simultaneously. Since the applicant (RH Ovenden Ltd) owns both the former Tilmanstone Brickworks and Tilmanstone Works sites (as well as the adjoining coal yard), I am satisfied that the proposed Section 106 Agreement is an appropriate mechanism for securing these matters. Draft heads of terms of the Section 106 Agreement are included at Appendix 1 (page C1.45).
129. Impact on local employment: Tilmanstone PC has expressed concerns about the potential loss of employment at Tilmanstone Salads if its clean / sanitised working environment and water supplies are prejudiced. Concerns about potential impact on



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adjoining businesses (including Tilmanstone Salads) have also been raised by a number of those who have made representations. Members should note that Tilmanstone Salads was one of the properties notified about the proposed development in October 2017 and that it has not responded. The issues that might potentially give rise to adverse impacts on such operations (and hence related employment issues) have been addressed elsewhere in this report and found to be acceptable. The proposed development would safeguard 50 jobs at RH Ovenden Ltd (i.e. those already working at the former Tilmanstone Brickworks) and has the potential to create further jobs (subject to the applicant's ability to expand operations within the proposed HGV movement limit and associated business growth).

130. Applicant's response to issues raised: Eythorne PC and Tilmanstone PC have both stated that they are disappointed that the applicant has not provided satisfactory responses to all of the issues they initially raised. Eythorne PC has additionally stated that the position of the parish councillors who visited the site has been misrepresented by the applicant (in that they were not all satisfied with the operations they saw). Whilst this is disappointing, I am satisfied that sufficient information has been submitted to enable the application to be determined.
131. Adequacy of consultation: Tilmanstone PC has stated that it is concerned that no pre-application engagement took place with the local community prior to the application being submitted. KCC's Planning Applications Group always encourages prospective applicants to undertake some form of community engagement (including with relevant parish councils). However, this is not mandatory and is at the discretion of those promoting development. The consultation and notification on the planning application itself went beyond that required by legislation and was in accordance with KCC Statement of Community Involvement (SCI).

**Conclusion**

132. The application (which is in part retrospective) proposes the development of a waste management facility at the former Tilmanstone Brickworks on the Pike Road Industrial Estate in Eythorne. The proposed development would replace the applicant's permitted waste management facility at Tilmanstone Works (to the east of Pike Road and also within the industrial estate).
133. The proposed location is one which is acceptable in principle, being on an industrial estate and on previously used land.
134. The applicant's existing permitted waste management facility at Tilmanstone Works is the subject of an application submitted to Dover DC for an alternative (non-waste management) use (log storage) and is already being used for that use with waste management operations having transferred to the former Tilmanstone Brickworks site. If planning permission is to be granted by Dover DC for log storage at Tilmanstone Works, the Kent MWLP requires that suitable alternative waste management capacity at least equivalent to that previously provided in terms of capacity and the waste hierarchy must be provided. The proposed development at the former Tilmanstone Brickworks would provide that alternative capacity and be well located geographically to meet the applicant's existing markets.

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135. Considerable objection and concern has been raised by the local community (including local parish councils) about the potential impact of HGVs associated with the proposed development on the highway and those using it. Whilst these concerns are understandable in so far as they relate to Barville Road (which links the A256 with the Pike Road Industrial Estate), it should be noted that a large number of objections relate to the potential for HGVs to travel through local villages (such as Eythorne and Shepherdswell) rather than on the route which the applicant has agreed to use to access the A256. Whilst HGVs associated with development on the Pike Road Industrial Estate have occasionally travelled through local villages (either by accident or design) I do not consider this a reason to reject the applicant's willingness to adhere to the proposed routeing and recommend that the application be refused. Importantly, the issue is also capable of being satisfactorily addressed as part of a Section 106 Agreement. The need or otherwise for additional traffic control / regulation in respect of this (something that has been requested by the local community) is a matter for KCC H&T and its partners to address independently from this application.
136. Whilst the development initially proposed may have led to a significant increase in HGV traffic on Barville Road, this impact has been considerably reduced as a result of the applicant's willingness to accept a limit on HGV movements of 150 per day (75 in / 75 out) which equates to a similar number of movements as currently provided for at its existing permitted waste management facility at Tilmanstone Works and the former Tilmanstone Brickworks once the anticipated number of daily HGV movements associated with the proposed log storage development (14 movements) is deducted. The local concerns about Barville Road are reinforced by the fact that KCC H&T had sought road improvement works if the initial number of HGV movements per day was to be accommodated. However, given the proposed 150 HGV movement limit now proposed KCC H&T has removed this requirement and raised no objection to the application subject to conditions. In my view, the need or otherwise for highway improvement works on Barville Road is again something that should be reviewed and addressed as necessary by KCC H&T and its partners independently from and regardless of the outcome of this application. In considering this issue, it is important to note that the applicant is only one a number of operators on the Pike Road Industrial Estate that generate HGV and other vehicle movements.
137. Whilst objections have been raised by the local community (including local parish councils) about potential noise and air quality impacts, Dover DC and KCC's Noise and Air Quality Consultants have raised no objection to the proposed development in terms of noise or air quality impacts from HGV movements or operations on site subject to conditions.
138. Whilst the local community (including Tilmanstone PC) have raised objections and concerns about potential impact on users of rights of way (primarily associated with HGV movements), KCC PROW has raised no objection subject to a requirement for new signage near the site entrance to assist in enabling pedestrians to safely cross the access road.
139. Although objections have been raised by the local community (including by Tilmanstone PC) about potential landscape and visual impact (primarily relating to

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lighting and stockpiles on site), Dover DC and KCC's Landscape Consultant have no objection subject to a condition to secure appropriate landscape planting on the northern perimeter bund. The potential impact of stockpiles and associated operations on site are also capable of being satisfactorily addressed by condition.

140. Whilst objections have been raised by the local community (including by Tilmanstone PC) about potential impacts on wildlife and associated habitats, KCC Ecological Advice Service has no objection subject to the northern perimeter bund being supplemented as necessary to provide beneficial biodiversity and retain connectivity throughout the area. It has also advised that the additional ecological surveys suggested by Dover DC are unnecessary.
141. Although objections have been raised by the local community (including by Eythorne PC and Tilmanstone PC) about potential pollution of the aquifer and public water supplies, no objections have been received from the Environment Agency, Southern Water or KCC SUDS subject to conditions.
142. As noted in paragraphs 127 to 131 above, a number of other concerns have been raised by the local community (including local parish councils). For the reasons set out in those paragraphs I am satisfied that the proposed development is acceptable when considered against those concerns.
143. Notwithstanding the considerable number of objections and concerns that have been raised, I am satisfied that the proposed development gives rise to no significant harm, is in accordance with the development plan and that there are no material considerations that indicate that the application should be refused. I am also satisfied that any harm that would arise from the proposed development would reasonably be mitigated by the imposition of the proposed conditions. I therefore recommend accordingly.

**Recommendation**

144. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 1 and conditions covering amongst other matters:
  - A maximum of 150 HGV movements (75 in / 75 out) per day;
  - A record of HGV movements per day being maintained and made available to KCC on request;
  - The provision of a summary of HGV movements per day to KCC on a monthly basis (until such time as KCC as the Waste Planning Authority agree that this is no longer necessary);
  - A traffic management plan (which complements the traffic routing arrangement in the Section 106 Agreement and includes a complaints procedure);
  - Wheel and chassis / road cleaning measures;
  - Appropriate sheeting, covering or containment of waste in HGVs;
  - Hours of operation (as proposed in paragraph 22 of this report);
  - Noise mitigation (including acoustic screening);

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- Inert waste and recycled aggregate / soil stockpiles being limited to no more than 6m high;
- The storage of RDF bales being limited to no more than 5m high;
- Plant and equipment only working and / or being positioned at ground / yard level (rather than on stockpiles);
- The use of non-tonal reversing alarms at all times on the applicant's equipment, plant and vehicles and on all equipment, plant and vehicles using the site outside the proposed core operating hours;
- Dust and odour mitigation (including the measures proposed by the applicant);
- New signage near the site entrance to assist in enabling pedestrians to safely cross the access road;
- A detailed landscaping scheme for the northern perimeter bund, surface water lagoon area and any bund created along the western boundary of the site to address the noise impact referred to in paragraph 90 of this report, and the ongoing maintenance and management of these areas and the existing hedgerow on the eastern boundary of the site along Pike Road;
- External lighting (to be designed, installed and used in such a way as to minimise light spill and avoid light pollution);
- Detailed surface water drainage scheme; and
- Restrictions on where the different wastes and recycled materials can be handled or stored on site (i.e. inside / outside and whether on sealed surfaces).

Case Officer: Jim Wooldridge
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Tel. no. 03000 413484
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Background Documents: see section heading.
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**Appendix 1 to Item C1**

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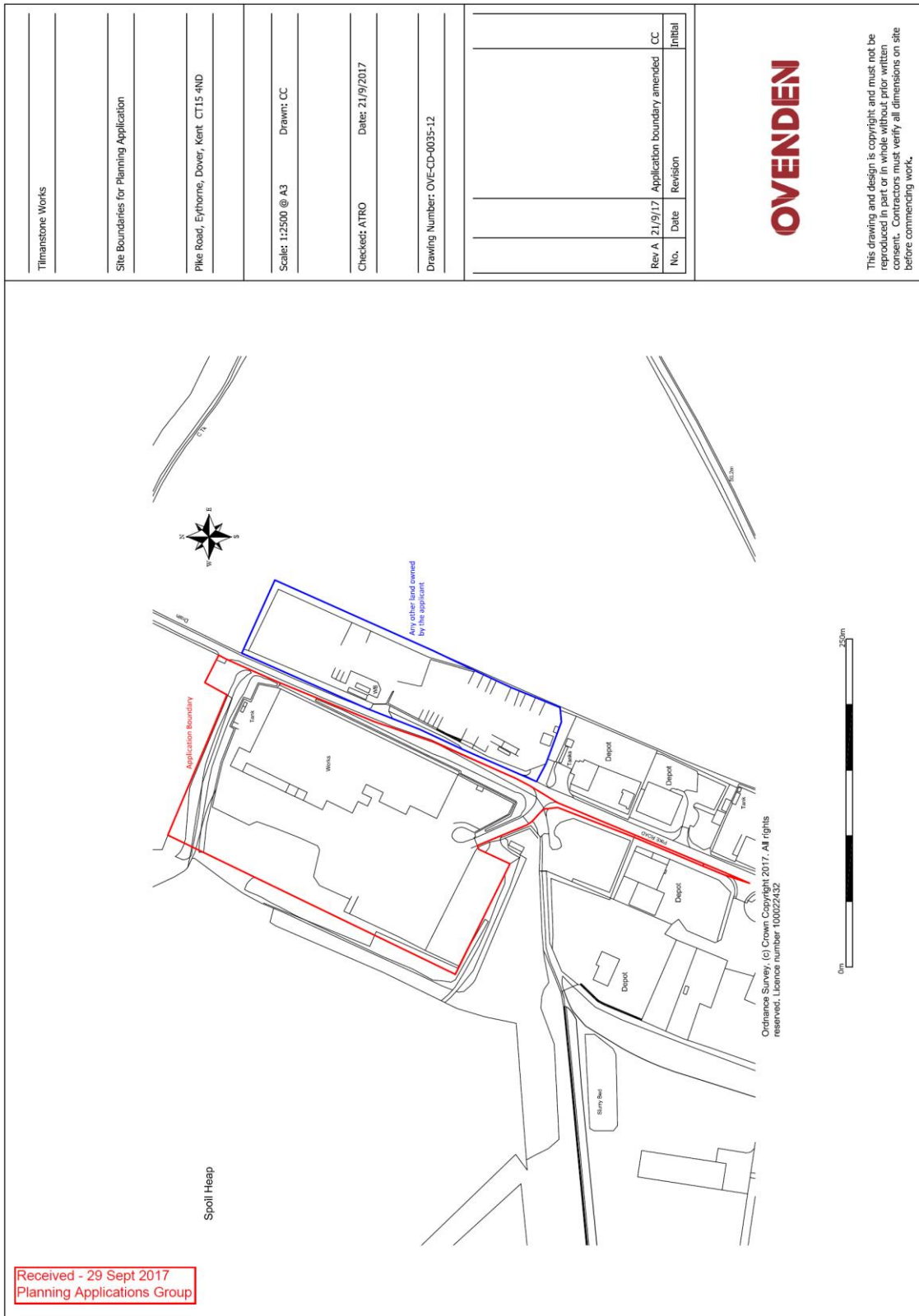
**Heads of Terms for Section 106 Agreement**

**The Applicant's Covenants:**

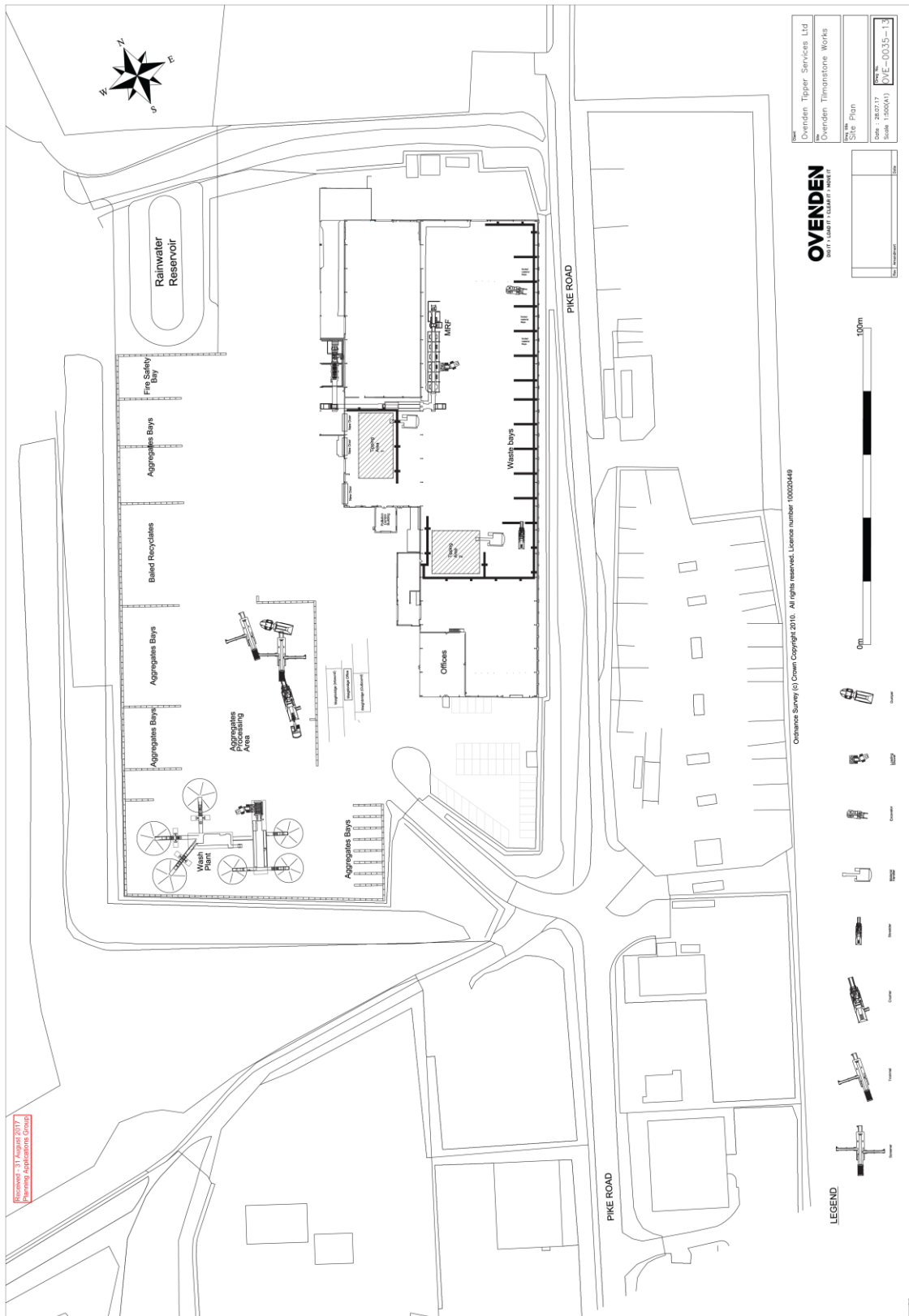
1. To pay KCC upon execution of the Agreement all of KCC's reasonable and proper legal, planning and administrative costs associated with the preparation, completion and registering of the Agreement.
2. To cease and not resume using the Tilmanstone Works Waste Management Facility to the east of Pike Road for the waste management operations provided for by planning permissions DO/96/383 (dated 3 April 1997), DO/00/68 (dated 26 September 2000), DO/00/1252 (dated 17 August 2001) and DO/09/974 (dated 3 February 2010) and not to use the weighbridge at Tilmanstone Works or any weighbridge at the former coal yard in connection with the development associated with the proposed Tilmanstone Waste Management Facility (DO/17/1244).
3. To use best endeavours at all times to ensure that all HGVs (any vehicle loaded or unloaded weighing 3.5 tonnes or more) associated with the proposed Tilmanstone Waste Management Facility (DO/17/1244) enter and leave the site via Pike Road (to the south of the site entrance), Barville Road (to the east of its junction with Pike Road) and the A256. This shall include supplying all those using the proposed Tilmanstone Waste Management Facility (DO/17/1244) with details of this traffic routeing and where possible including contractual obligations with them requiring that the route be used. If written notice is given by KCC that the traffic routeing is not being complied with, to use best endeavours to bring this to the attention of the transgressor and take appropriate action against staff or others using the site to ensure that no further transgressions take place.

# Appendix 2 to Item C1

## The development of a waste management facility at the former Tilmanstone Brickworks / Colliery, Pike Road, Eythorne, Dover, Kent – DO/17/1244 (KCC/DO/0256/2017)


 Received - 29 Sept 2017  
 Planning Applications Group

**Appendix 2 to Item C1**  
**The development of a waste management facility at the former**  
**Tilmanstone Brickworks / Colliery, Pike Road, Eythorne, Dover, Kent**  
**- DO/17/1244 (KCC/DO/0256/2017)**

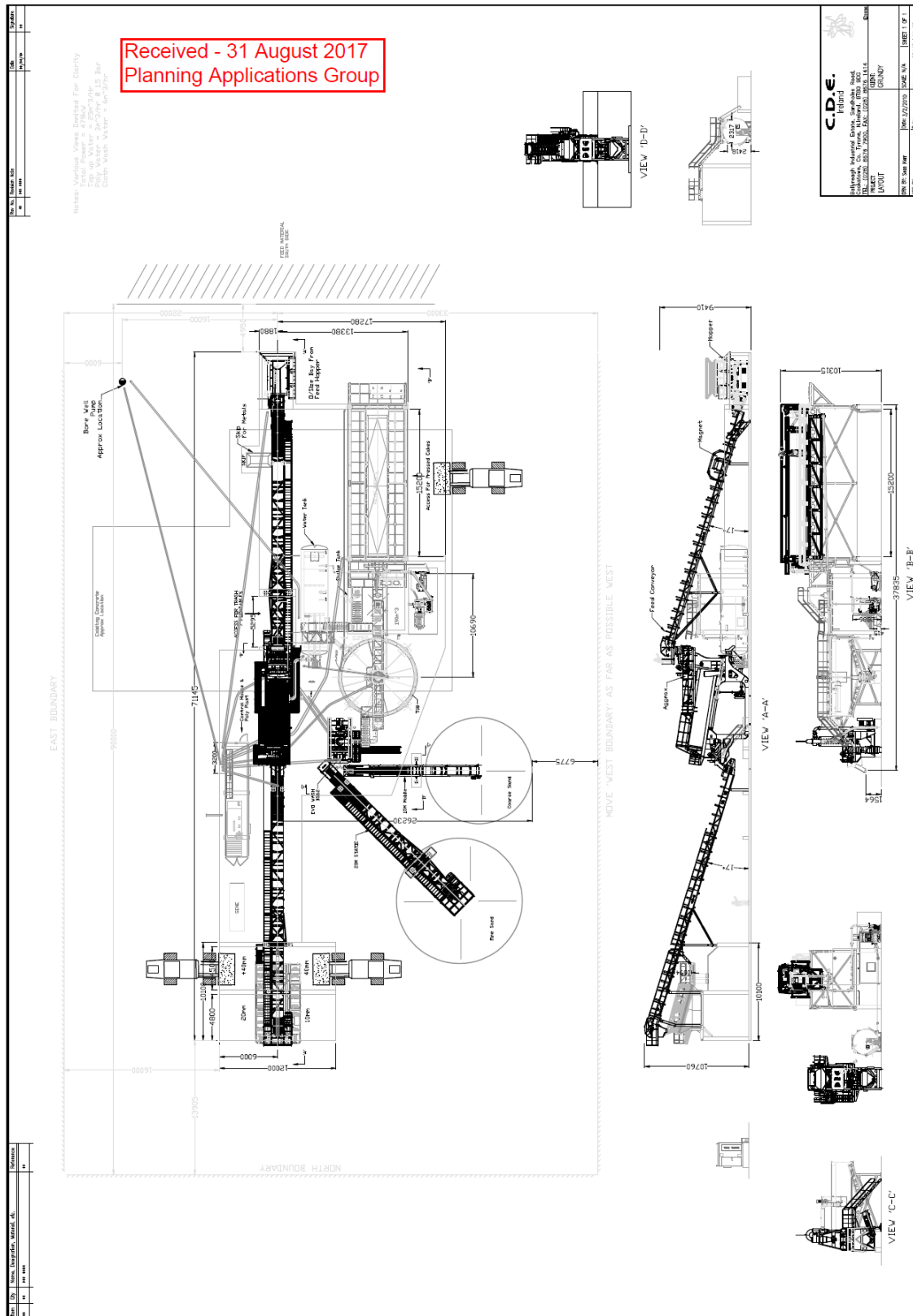






# Appendix 2 to Item C1

## The development of a waste management facility at the former Tilmanstone Brickworks / Colliery, Pike Road, Eythorne, Dover, Kent – DO/17/1244 (KCC/DO/0256/2017)



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SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Proposed expansion by 1 FE involving the erection of a new 2-storey teaching and sports hall block, a pedestrian bridge, extension to existing dining area, 16 parking spaces and landscaping works, St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells, Kent, TN4 9XL – TW/18/2129 (KCC/TW/0100/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 January 2019.

Application by Kent County Council's Property and Infrastructure for a 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 – St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells, TN4 9XL (Ref: KCC/TW/0100/2018 and TW/18/2129).

**Recommendation:** Planning permission to be granted, subject to a Memorandum of Understanding and conditions.

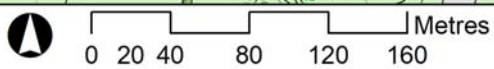
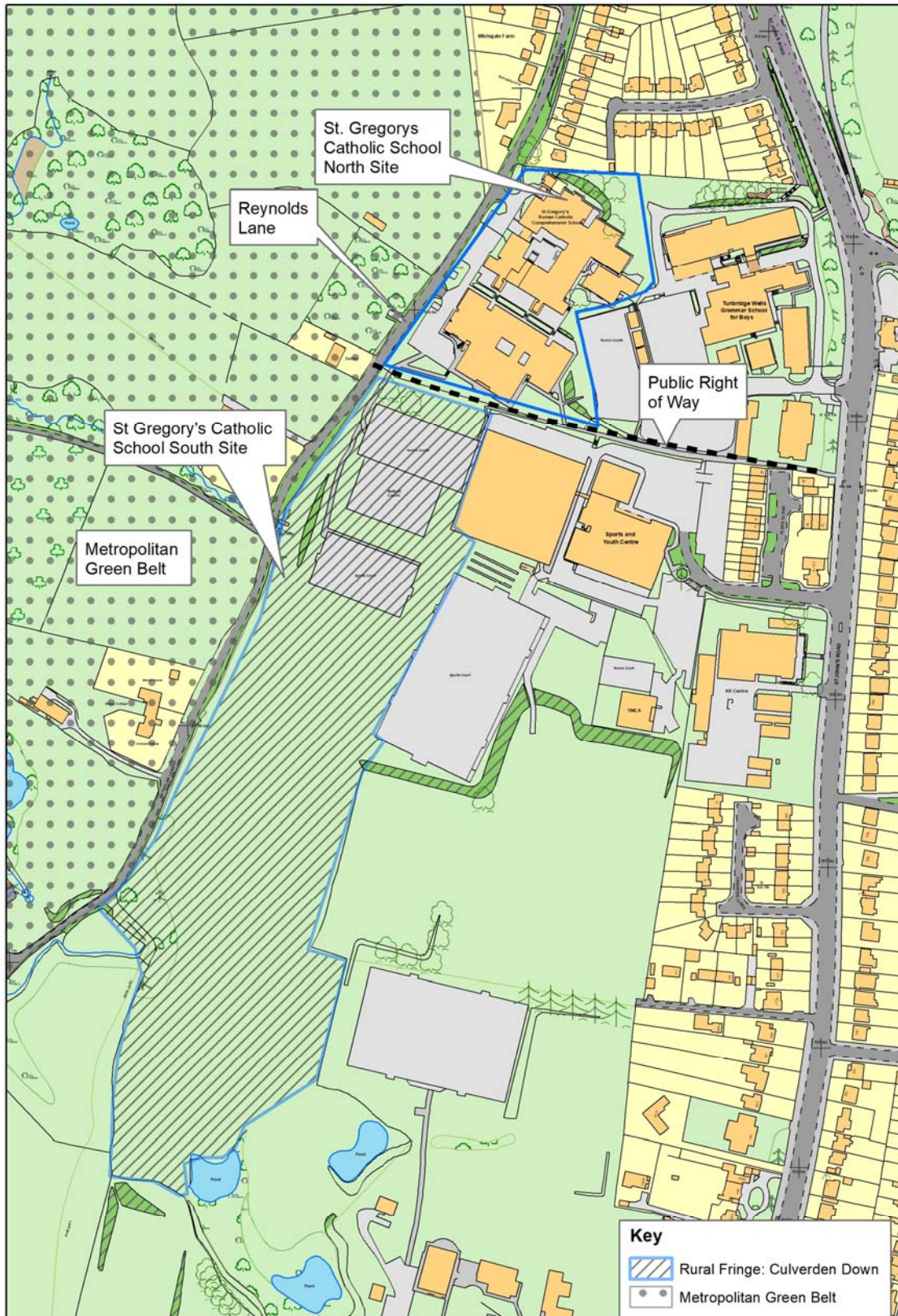
**Local Member:** Mr P Oakford

**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.

**Site Location Plan**



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Ordnance Survey 100019238

Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

**Site Masterplan**



Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

**Proposed site layout – South Site**



P06 Updated for Planning- Staff Parking	SR	BP	20.08.18
approved:			
P05 Issue For Stage 3 Coordination	SR	BH	20.07.18
P04 Issue For Planning	SR	BH	15.05.18
P03 Issue For Planning	SR	BH	14.05.18
P02 Issue For Planning Review & Costing	SR	RC	26.04.18
P01 Issue for Review & Coordination	SR	BH	15.04.18
rev description		drawn checked date	

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**St Gregory's Catholic School**  
**Tunbridge Wells**  
**External Site Landscape**

**KENT COUNTY COUNCIL**

**Site Layout Proposal-South Site**

site project ref	scale(s)	original paper size
17-075	1:250	A1

name:	project	originator	volume	level	type	role	number
	STG	BBA	ZZ	ZZ	DR	L	1006

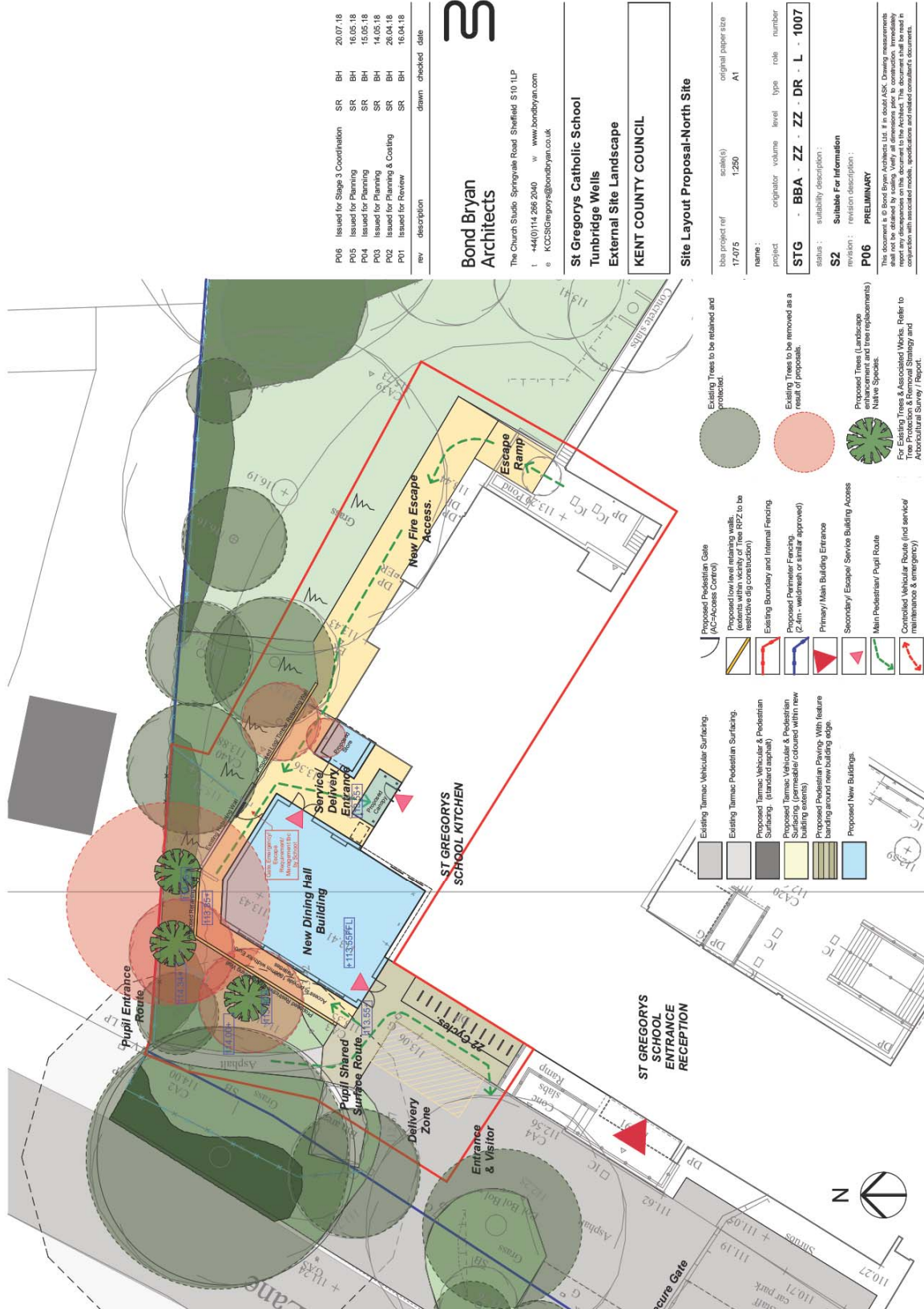
status: suitability description:  
**S2 Suitable For Information**

revision: revision description:  
**P06 PRELIMINARY**

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Proposed 1 form of entry expansion – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2129

**Proposed site layout – North Site**



rev	description	dwn	checked	date
P06	Issued for stage 3 Coordination	SR	BH	20.07.18
P05	Issued for Planning	SR	BH	16.05.18
P04	Issued for Planning	SR	BH	15.05.18
P03	Issued for Planning	SR	BH	14.05.18
P02	Issued for Planning & Costing	SR	BH	26.04.18
P01	Issued for Review	SR	BH	16.04.18

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**St Gregory's Catholic School  
 Tunbridge Wells  
 External Site Landscape**  
**KENT COUNTY COUNCIL**

**Site Layout Proposal-North Site**

bbs project ref	17-075	scale(s)	1:250	original paper size	A1
name	STG - BBA - ZZ - ZZ - DR - L - 1007				
project	originator	volume	level	type	role
STG	BBA	ZZ	ZZ	DR	L - 1007
status	suitability description : S2 Suitable For Information				
revision	revision description : P06 PRELIMINARY				

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**Proposed Pedestrian Gate (A&A-Access Control)**  
 Proposed low level retaining walls (over RZ to be resistive e.g. construction)

**Existing Boundary and Internal Fencing**  
 Existing Pedestrian Fencing (2.4m - wet/drain or similar approved)

**Primary/Main Building Entrance**  
 Secondary/Escape Service Building Access

**Main Pedestrian/Pupil Route**  
 Connected Vehicular Route (incl service maintenance & emergency)

**Existing Tarmac Vehicular Surfacing**  
 Existing Tarmac Pedestrian Surfacing

**Proposed Tarmac Vehicular & Pedestrian Surfacing (standard asphalt)**  
 Proposed Tarmac Vehicular & Pedestrian Surfacing (permeable coloured with new tiling elements)

**Proposed Pedestrian Paving** - With feature tiling around new building edge.  
 Proposed New Buildings

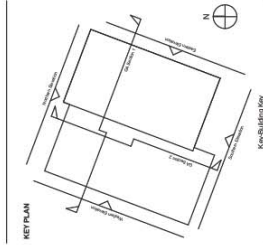
**Existing Trees to be retained and protected.**  
 Existing Trees to be removed as a result of proposal.  
 Proposed Trees (Landscape Native Species)

**For Existing Trees & Associated Works. Refer to Tree Protection & Removal Strategy and Arboricultural Survey / Report.**

Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

**Proposed ground floor plan – teaching and sports block**

**NOTES:**  
This drawing to be read in conjunction with GA 3a, Elevations and Section drawings.



P02 Planning issue for revised design. BP JS 13.08.18  
P01 Planning issue BP JS 17.05.18  
BY description drawn checked date

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**01-FE EXPANSION**  
**ST GREGORY'S CATHOLIC SCHOOL**  
**TEACHING AND SPORT HALL FACILITY**  
**KENT COUNTY COUNCIL**

**GROUND FLOOR GA PLAN**

area project ref: 17.0718  
scale(s): 1:500  
original discipline: A1

name: STG - BBA - 00 - GF - DR - A - 2001  
project engineer volume level type size number

status: S8 - BUTTABLE FOR PLANNING APPROVAL

version: P02 - PRELIMINARY

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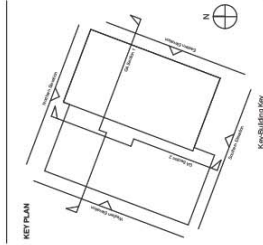




Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

**Proposed first floor plan – teaching and sports block**

**NOTES:**  
This drawing to be read in conjunction with O.A.3a, Elevations and Section drawings.



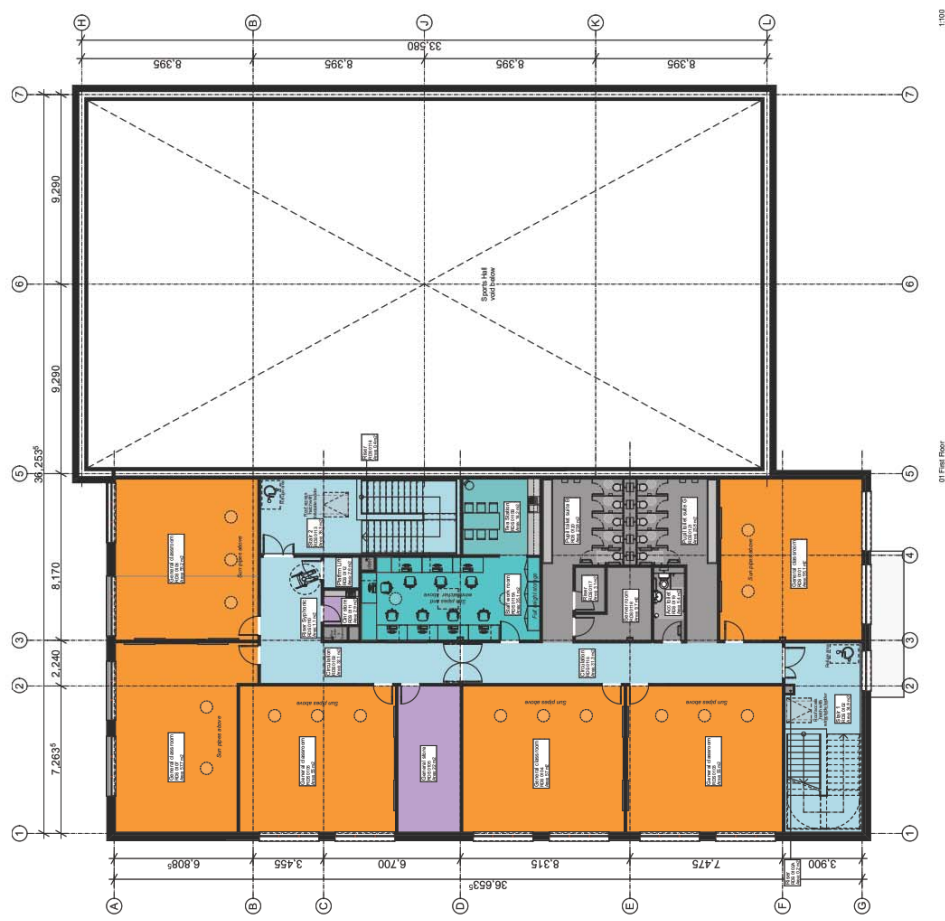
REV	description	drawn	checked	date
P02	Planning issue for revised design.	BP	JS	13.08.18
P01	Planning issue	BP	JS	17.05.18

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**01-FE EXPANSION**  
**ST GREGORY'S CATHOLIC SCHOOL**  
**TEACHING AND SPORT HALL FACILITY**  
**KENT COUNTY COUNCIL**

name	project	originator	volume	level	type	date	number
STYG	BBA	00	01	DR	A	2001	

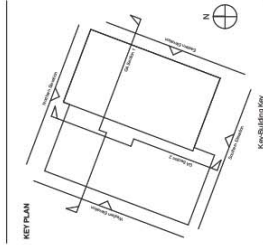
**STABLE FOR PLANNING APPROVAL**  
**PRELIMINARY**



Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

**Proposed roof plan – teaching and sports block**

**NOTES:**  
This drawing to be read in conjunction with GA.3a, Elevations and Section drawings.



P02 Planning issue for revised design. EP JS 13.08.18  
 P01 Planning issue EP JS 17.05.18  
 REV description drawn checked date

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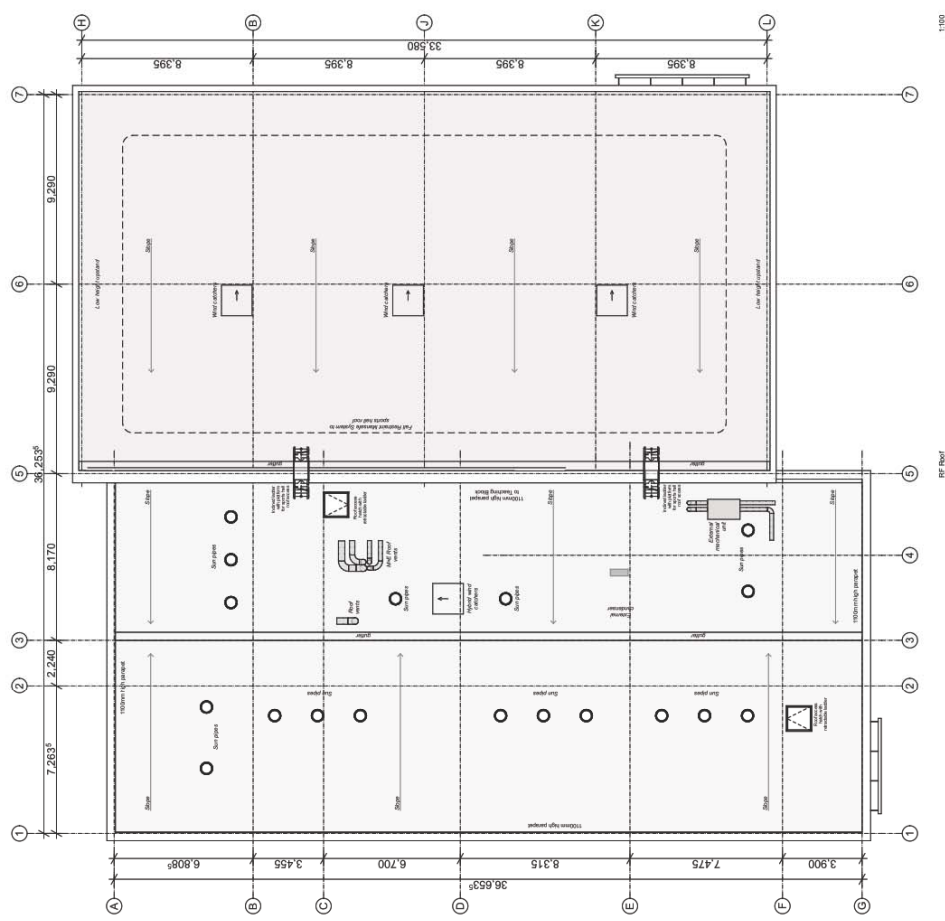
**01-FE EXPANSION**  
**ST GREGORY'S CATHOLIC SCHOOL**  
**TEACHING AND SPORT HALL FACILITY**  
**KENT COUNTY COUNCIL**

**ROOF GA PLAN**

name	project	organiser	volume	level	type	date	number
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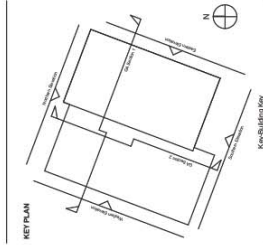
name	revision	description	date
S8	00	SUITABLE FOR PLANNING APPROVAL	
P02		PRELIMINARY	



Proposed 1 form of entry expansion – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2129

**Sections through teaching and sports block**

**NOTES:**  
This drawing to be read in conjunction with GA 3a, Elevations and Section drawings.



PO4 Planning issue for revised design.	BP	ZS	13.08.18
PO3 Construction details with the architect.	BP	GC	20.07.18
PO2 Planning issue	BP	GC	17.05.18
PO1 Final issue	BP	GC	14.05.18
BY description	drawn	checked	date

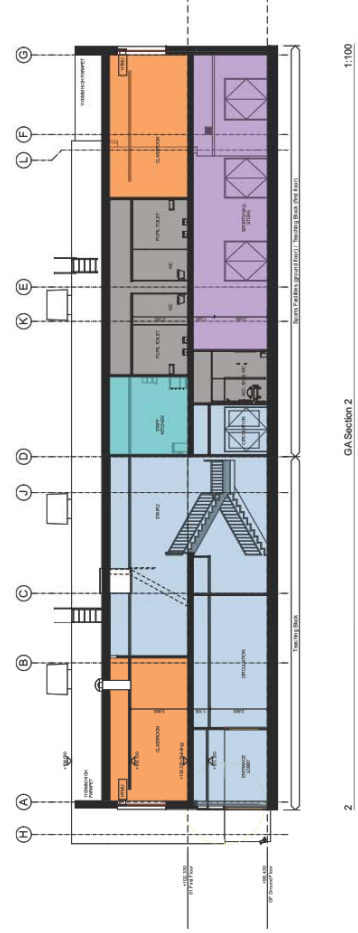
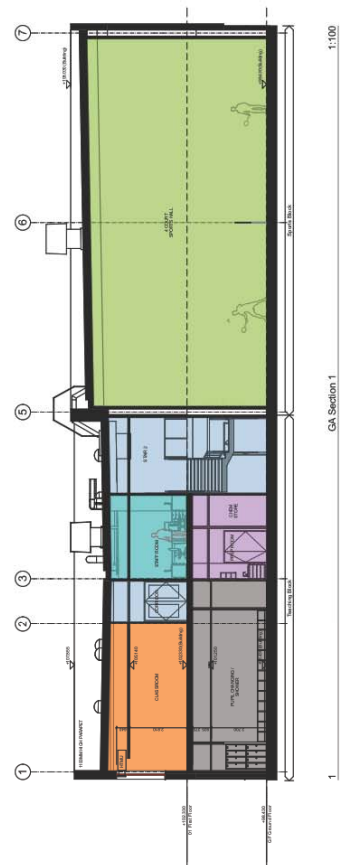
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**01-FE EXPANSION**  
**ST GREGORY'S CATHOLIC SCHOOL**  
**TEACHING AND SPORT HALL FACILITY**  
**KENT COUNTY COUNCIL**

**GA SECTIONS SHEET 1**

title project ref	scale(s)	original discipline
17.07.18	1:100	A1
project	originator	volume
STYG	BBA	00 - ZZ - DR - A - 4001
status	availability	description
S8	SUITABLE FOR PLANNING APPROVAL	
PO4	PRELIMINARY	

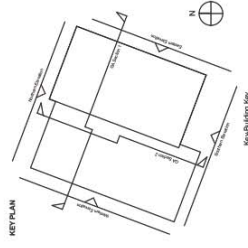
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Proposed 1 form of entry expansion – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2129

**Northern and western elevations – teaching and sports block**

- Elevation Materials**
- 01 - Brickwork, colour: black/white grey, Bond, half flag, stretcher with recessed
  - 02 - Portland cement, colour: dark grey, Flat finish
  - 03 - Portland cement, colour: dark grey, Flat finish
  - 04 - Portland cement, colour: dark grey, Flat finish
  - 05 - Portland cement, colour: dark grey, Flat finish
  - 06 - Portland cement, colour: dark grey, Flat finish
  - 07 - Portland cement, colour: dark grey, Flat finish
  - 08 - Portland cement, colour: dark grey, Flat finish
  - 09 - Portland cement, colour: dark grey, Flat finish
  - 10 - Portland cement, colour: dark grey, Flat finish
  - 11 - Portland cement, colour: dark grey, Flat finish
  - 12 - Portland cement, colour: dark grey, Flat finish
  - 13 - Portland cement, colour: dark grey, Flat finish
  - 14 - Portland cement, colour: dark grey, Flat finish
  - 15 - Portland cement, colour: dark grey, Flat finish



P02 Planning issue for revised design. EP JS 13.08.18  
 P01 Planning issue BP DC 17.05.18  
 REV description drawn checked date

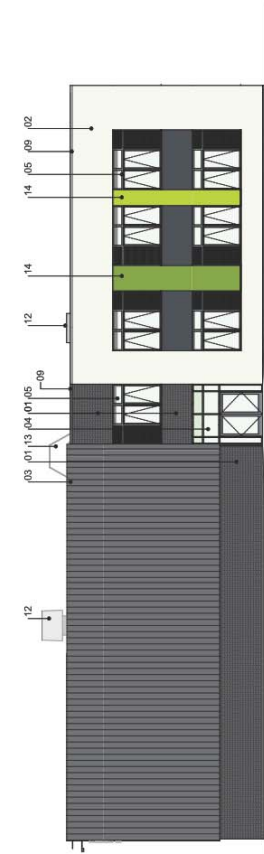
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**01-FE EXPANSION**  
**ST GREGORY'S CATHOLIC SCHOOL**  
**TEACHING AND SPORT HALL FACILITY**  
**KENT COUNTY COUNCIL**

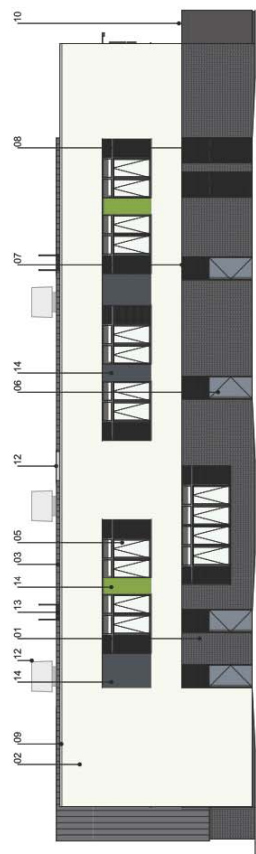
**GA ELEVATIONS SHEET 1**

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12/27/8	1:100	A1				
project	organizer	volume	level	type	date	number
STG	BBA	00	ZZ	DR	A	3011
status	availability / reservation					
S8	SUITABLE FOR PLANNING APPROVAL					
revision	revision description					
P02	PRELIMINARY					

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Northern Elevation  
1:100

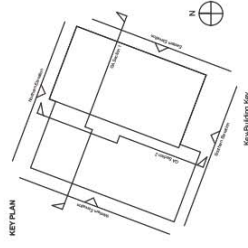


Western Elevation  
1:100

Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

**Eastern and southern elevations – teaching and sports block**

- Elevation Materials**
- 01 - Brickwork, colour to be decided by client, based on final material selection with reserved
  - 02 - Portland cement, colour dark grey, see schedule
  - 03 - Portland cement, colour dark grey, see schedule
  - 04 - Portland cement, colour dark grey, see schedule
  - 05 - Portland cement, colour dark grey, see schedule
  - 06 - Portland cement, colour dark grey, see schedule
  - 07 - Portland cement, colour dark grey, see schedule
  - 08 - Portland cement, colour dark grey, see schedule
  - 09 - Portland cement, colour dark grey, see schedule
  - 10 - Portland cement, colour dark grey, see schedule
  - 11 - Portland cement, colour dark grey, see schedule
  - 12 - Portland cement, colour dark grey, see schedule
  - 13 - Portland cement, colour dark grey, see schedule
  - 14 - Portland cement, colour dark grey, see schedule
  - 15 - Portland cement, colour dark grey, see schedule



P02 Planning issue for revised design. EP JS 13/08/18  
 P01 Planning issue BP DC 17/05/18  
 REV description drawn checked date

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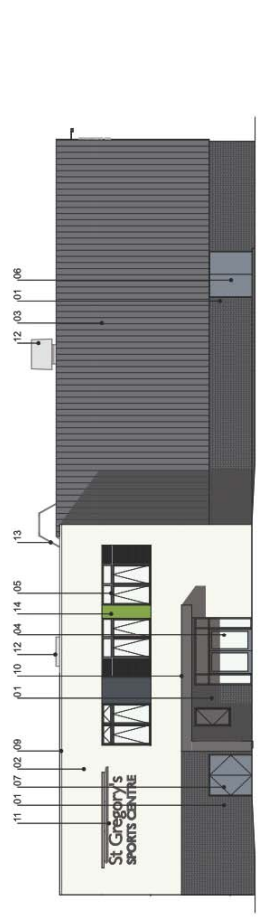
**01-FE EXPANSION**  
**ST GREGORY'S CATHOLIC SCHOOL**  
**TEACHING AND SPORT HALL FACILITY**  
**KENT COUNTY COUNCIL**

**GA ELEVATIONS SHEET 2**

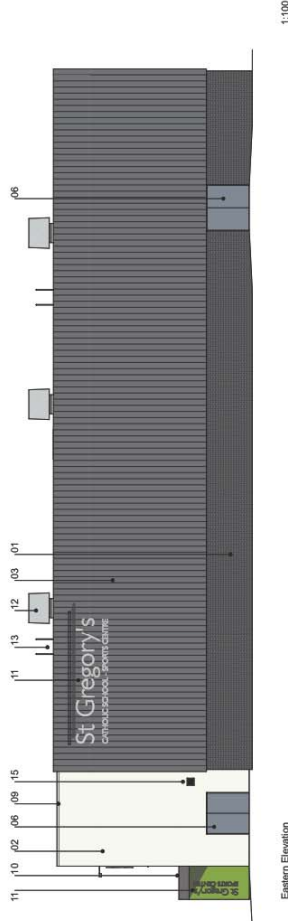
ITEM	DATE	DESCRIPTION	BY	CHECKED
1	12/07/18	original preparation	AT	

PROJECT: STG - BBA - 00 - ZZ - DR - A - 3012  
 SHEET: S8 - SUITABLE FOR PLANNING APPROVAL  
 STATUS: PRELIMINARY

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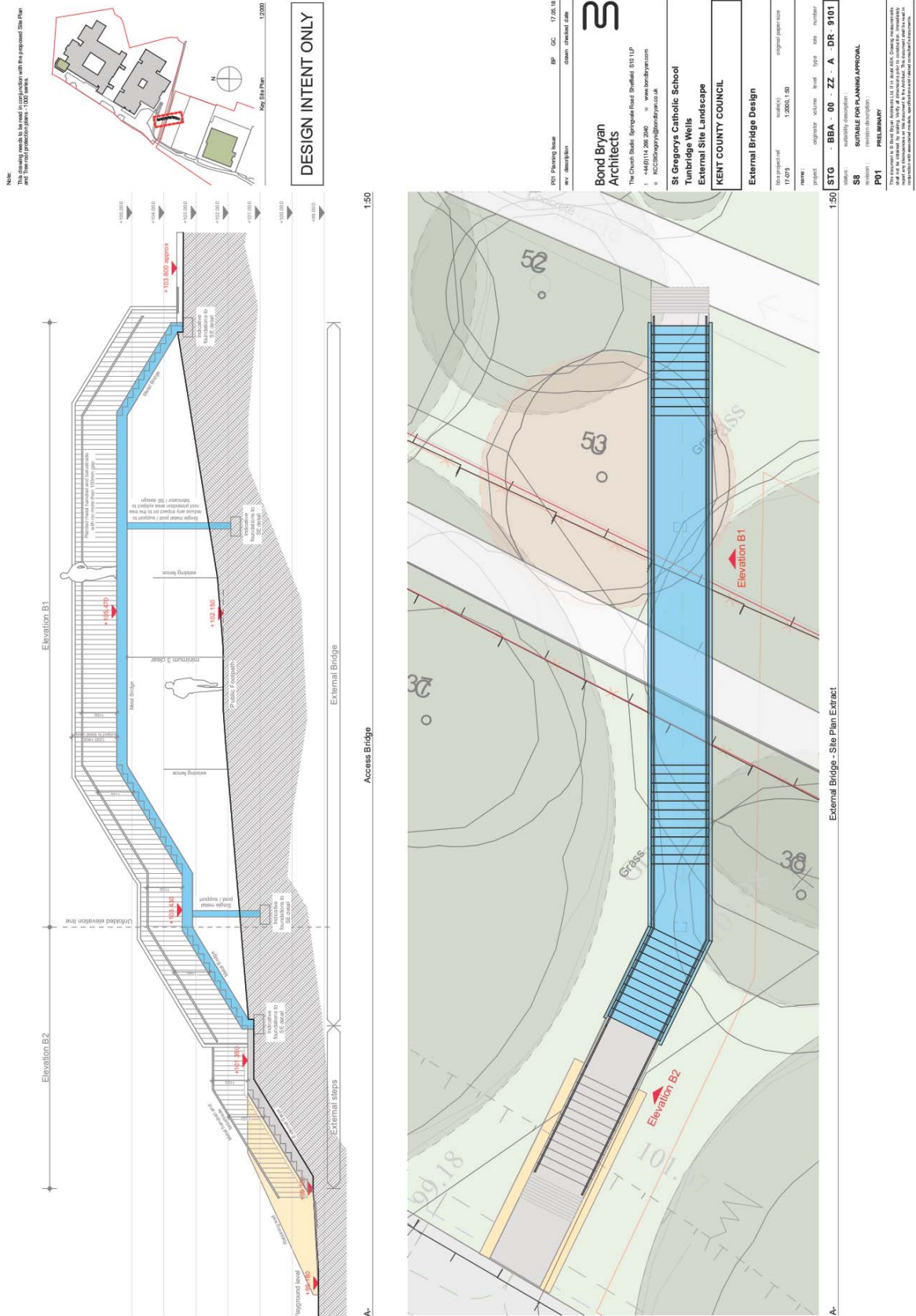
Southern Elevation 1:100



Eastern Elevation 1:100

Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

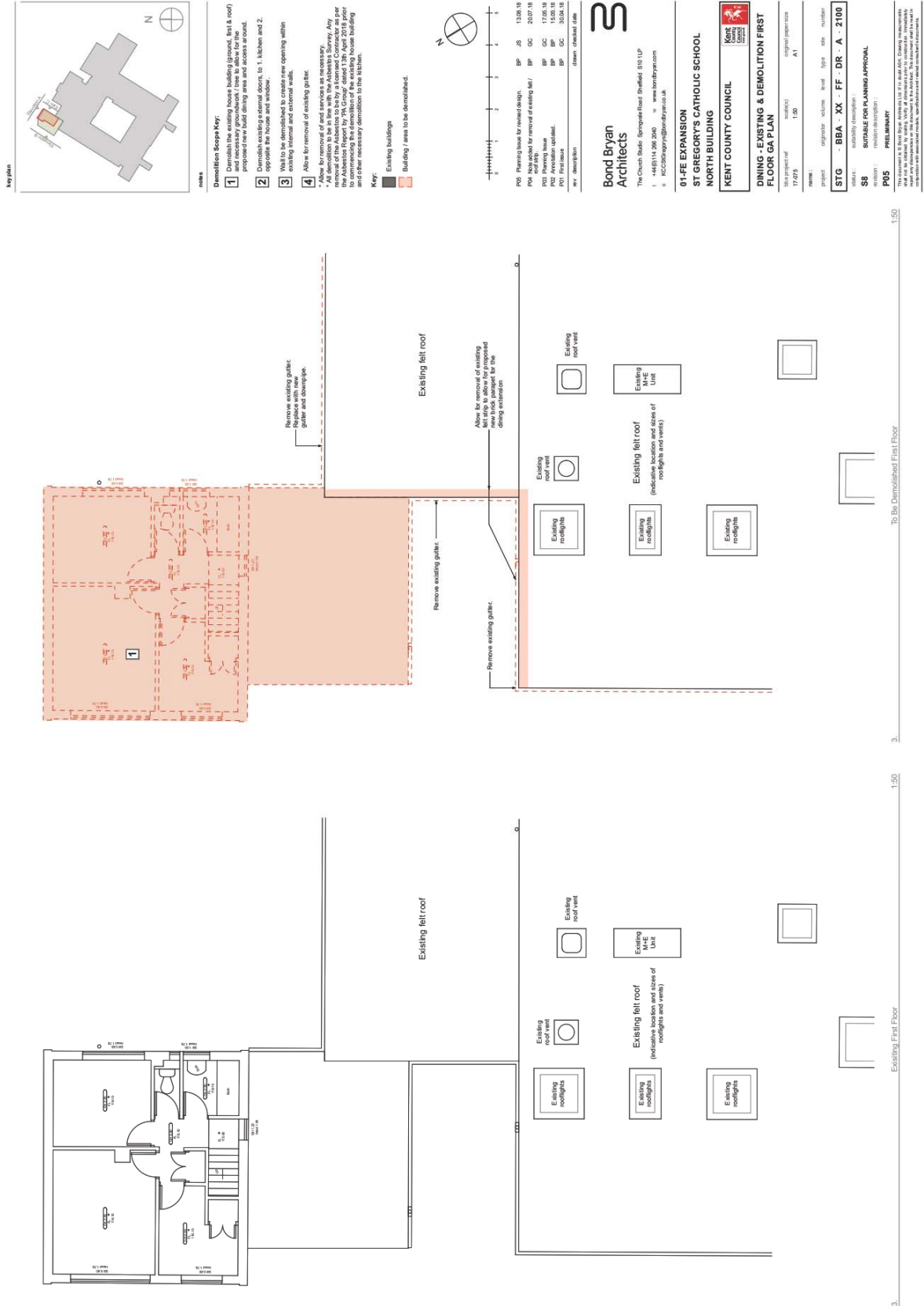
**Proposed external footbridge design**





Proposed 1 form of entry expansion – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2129

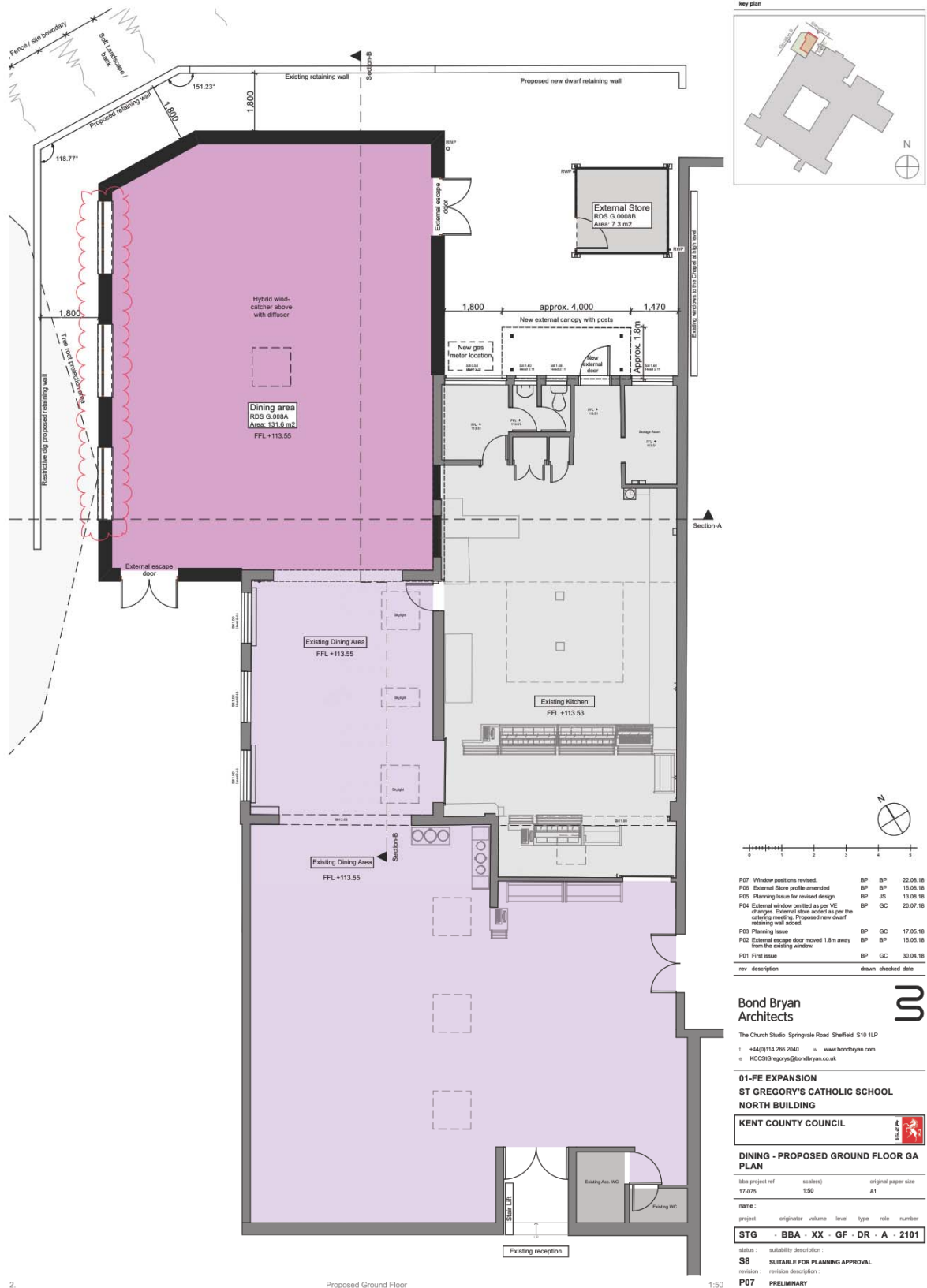
**Existing and proposed demolition first floor plan – dining space**





Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

**Proposed ground floor – dining space**



P07	Window positions revised.	BP	BP	22.08.18
P06	External Store profile amended	BP	BP	15.08.18
P06	Planning issue for revised design.	BP	JS	13.08.18
P04	External escape confirmed as per VLE changes. External store added as per the calling meeting. Proposed new dwarf retaining wall added.	BP	GC	20.07.18
P03	Planning issue	BP	GC	17.05.18
P02	External escape door moved 1.8m away from the existing window.	BP	BP	15.05.18
P01	Final issue	BP	GC	30.04.18

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**01-FE EXPANSION  
 ST GREGORY'S CATHOLIC SCHOOL  
 NORTH BUILDING**

**KENT COUNTY COUNCIL**

**DINING - PROPOSED GROUND FLOOR GA PLAN**

lba project ref: 17-075 scale(s): 1:50 original paper size: A1

name: STG - BBA - XX - GF - DR - A - 2101

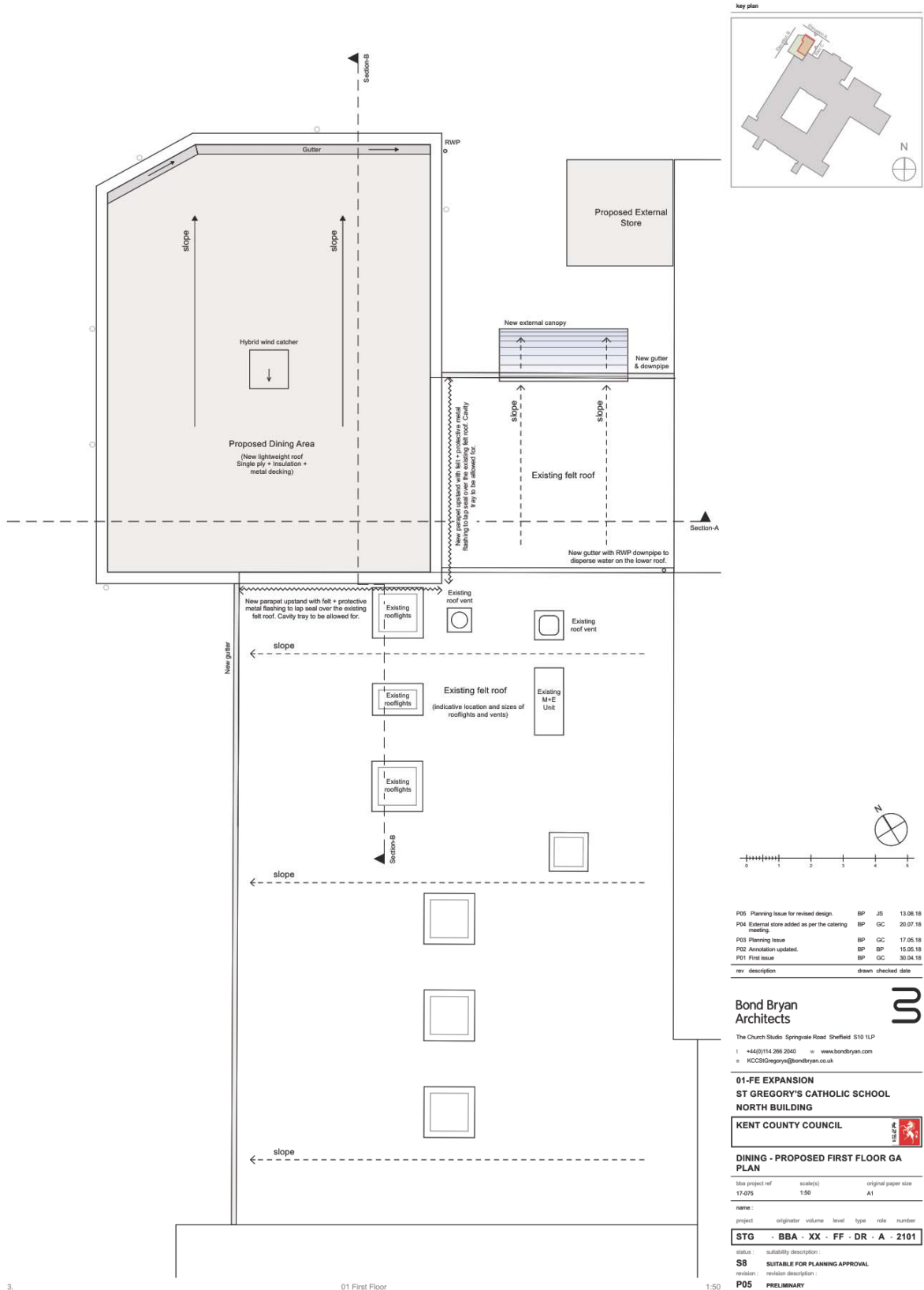
status: S8 SUITABLE FOR PLANNING APPROVAL

revision: P07 PRELIMINARY

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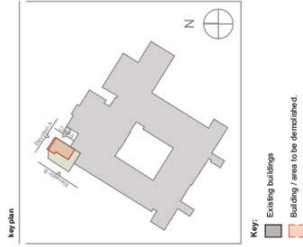
Proposed 1 form of entry expansion – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2129

**Proposed first floor – dining space**



Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

**Sections through dining space**



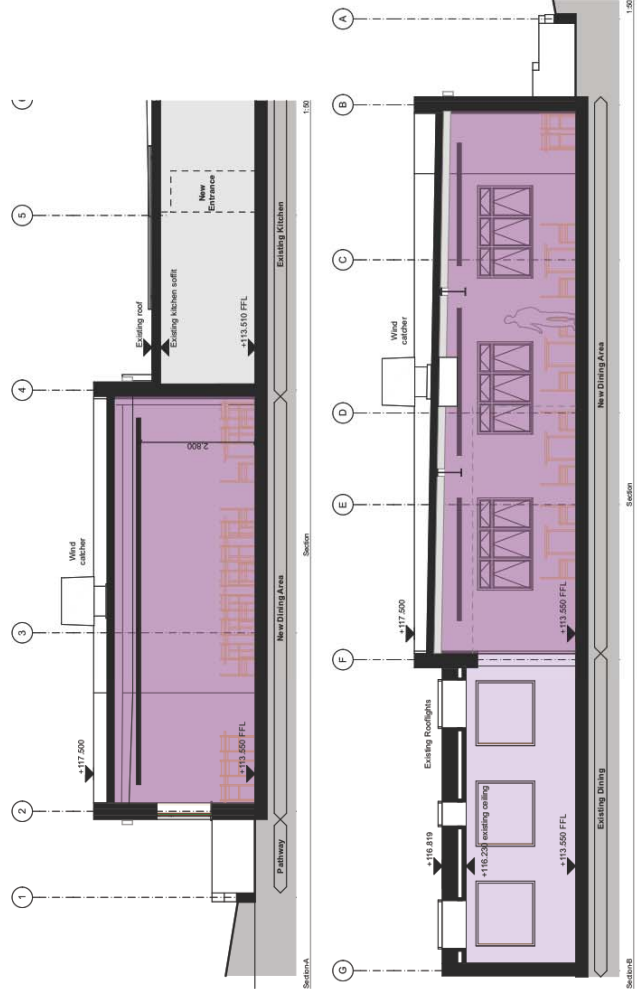
no.	description	drawn	checked date
P07	Planning issue for revised design.	BP JS	27.08.18
P08	Issue for Stage 3 Tender	BP JS	19.08.18
P09	Issue for Stage 3 Tender	BP JS	19.08.18
P10	Minor revision	BP JS	22.08.18
P11	Minor revision	BP JS	22.08.18
P12	Planning issue for revised design.	BP JS	13.08.18
P13	Planning issue for revised design.	BP JS	13.08.18
P14	Planning issue	BP GC	17.08.18
P15	Final issue	ST BP	30.04.18

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**01-FE EXPANSION**  
**ST GREGORY'S CATHOLIC SCHOOL**  
**NORTH BUILDING - DINING & KITCHEN**  
**KENT COUNTY COUNCIL**

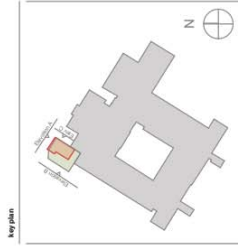
**DINING - GA SECTIONS SHEET 1**

no.	description	drawn	checked date
STG	BBA - 02 - ZZ - DR - A - 4101		
S8	SUITABLE FOR PLANNING APPROVAL		
P07	PRELIMINARY		



Proposed 1 form of entry expansion - St Gregory's Catholic School, Reynolds Lane, Royal Tunbridge Wells - TW/18/2129

**Elevations – dining space**



- Elevation Key:**
- 01 - Shows the existing building. Blue hatching on walls with proposed part. Material color or code only.
  - 02 - Masonry finish with ventilation louvre system, etc.
  - 03 - Alternative window with ventilation louvre system, etc.
  - 04 - Alternative glass low height existing wall.
  - 05 - New glazing with low height existing wall.
  - 06 - External canopy with perforated steel and metal cladding.
  - 07 - External metal door, color or code only.
  - 08 - Location for the glazing.
  - 09 - Material cladding.
  - 10 - Indicative location for the external stairs.
- Building areas to be demolished.

POD Planning issues for revised design: BP JD 13.06.18  
 POB Planning issues for revised design: BP GC 20.07.18  
 POA Planning issues for revised design: BP GC 20.07.18  
 POJ Planning issues for revised design: BP GC 17.06.18  
 POI Planning issues for revised design: BP BP 15.05.18  
 POH Planning issues for revised design: BP BP 15.05.18  
 POG Planning issues for revised design: BP ST 30.04.18

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**01-FE EXPANSION**  
**ST GREGORY'S CATHOLIC SCHOOL**  
**NORTH BUILDING**  
**KENT COUNTY COUNCIL**

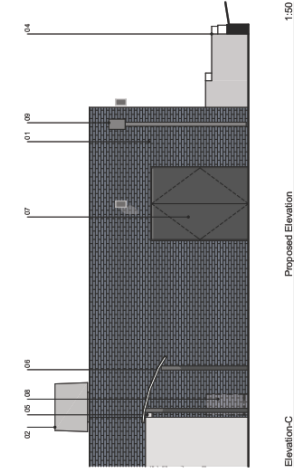
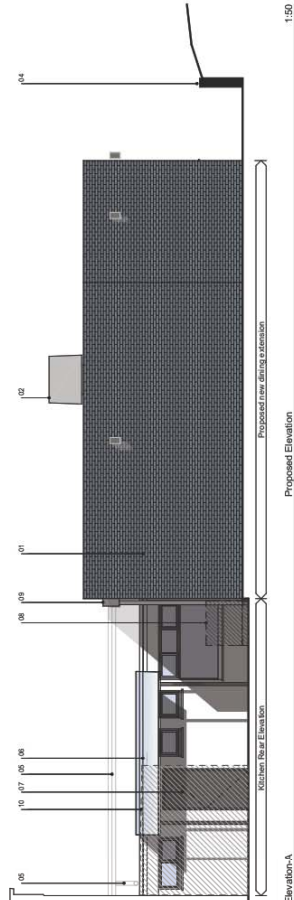
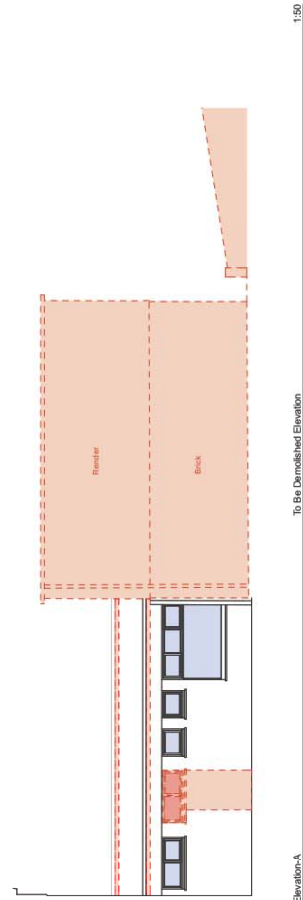
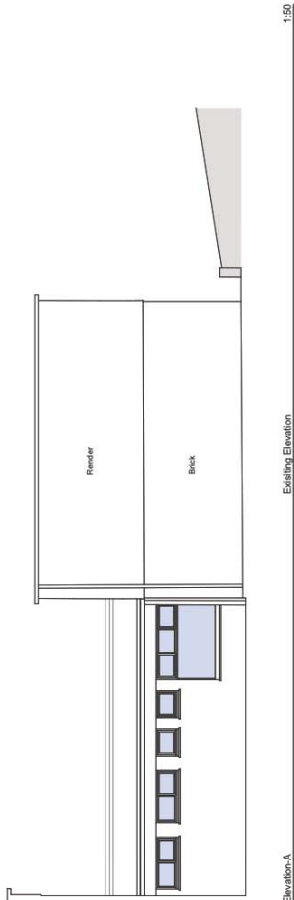
**DINING - GA ELEVATION A & C**

Site project ref: 17/279  
 scale(s): 1:50  
 original discipline: A1

name: STG - BBA - XX - ZZ - DR - A - 3005

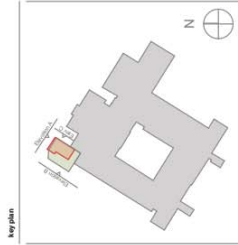
status: S8 - BUTTABLE FOR PLANNING APPROVAL  
 revision: P005 - PRELIMINARY

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Proposed 1 form of entry expansion – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2129

**Elevations – dining space**



- Elevation Key:**
- 01 - Existing red brickwork. New half for window with recessed panel. Material color as site 000.
  - 02 - Monocougar rainsuit ventilation system.
  - 03 - Aluminium windows with ventilation louvre system, etc.
  - 04 - Insulative dry low weight external wall.
  - 05 - New glazing with lead finishing to existing roof.
- Building / areas to be demolished.

PO3 Planning Issue for revised design. BP JS 13.08.18  
 PO4 Planning Issue for revised design. BP GC 20.07.18  
 PO5 Planning Issue for revised design. BP GC 17.09.18  
 PO6 Planning Issue for revised design. BP BP 10.05.18  
 PO7 First Issue - For Review. ST BP 30.04.18  
 rev. description drawn checked date

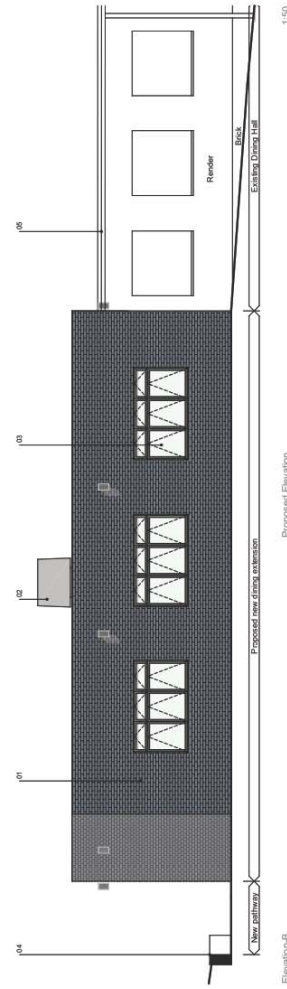
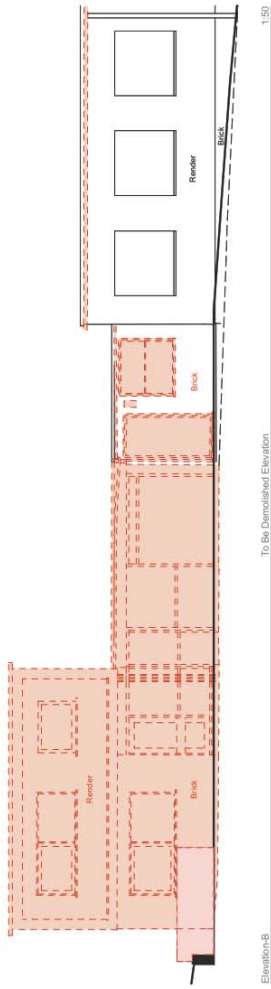
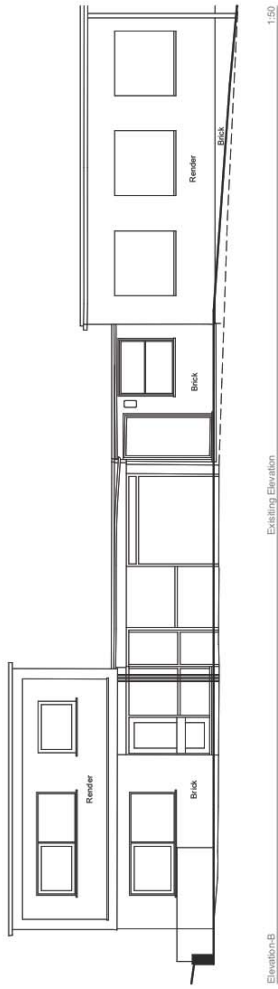
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**01-FE EXPANSION**  
**ST GREGORY'S CATHOLIC SCHOOL**  
**NORTH BUILDING**  
**KENT COUNTY COUNCIL**

name	category	volume	level	type	date	number
STG	BBA	XX	ZZ	DR	A	3006

status: **SUBMITTABLE FOR PLANNING APPROVAL**  
 version: **PRELIMINARY**

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Proposed 1 form of entry expansion – St Gregory’s Catholic School,  
Reynolds Lane, Royal Tunbridge Wells – TW/18/2129

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3. 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 school’s recreation areas including hard standing games courts and 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.
4. 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.

### 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 between 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 forecast demand cannot be met locally without increasing provision within the town centre area of Tunbridge Wells. 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. It should also be noted that the forecast data outlined above does not

Proposed 1 form of entry expansion – St Gregory’s Catholic School,  
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account for pressures arising from new housing developments under the emerging Local Plan and therefore the demand is likely to be even greater than the forecast indicates.

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.
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 resulted in the need for additional temporary teaching accommodation. 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

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

TW/18/2126	Proposed ‘temporary’ 13 space car park. Granted temporary planning permission with conditions.
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.

#### Proposal

12. The planning application seeks permission to accommodate a 1FE expansion of the school with the erection of a new freestanding 2-storey teaching and sports block, extension to the existing dining space, the creation of a new pedestrian bridge lining the north and south sites, the provision of an additional 16 car parking spaces and associated landscape works.

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13. The proposal seeks to construct a 2-storey new build teaching and sports block with a gross internal floor area of 1,870m<sup>2</sup>. This is proposed to provide a range of general teaching spaces, laboratories, a four court sports hall with associated changing provision, as well as a mixture of staff rooms, offices and further ancillary support and storage space. It is proposed to build over an existing hard-surfaced play area and is positioned in close proximity to the existing outdoor hard surfaced and grass pitch outdoor sport facilities, which are located on the southern part of the school site.
14. It is also proposed to extend the current dining facilities, which are located to the north of the school site, by constructing a single storey extension. This is proposed to provide much needed additional capacity at the school. To be able to facilitate the proposed extension to the dining facilities, an existing caretakers house would need to be demolished.
15. Improvements are also proposed to the existing pathways across the school site to enhance the current pedestrian access links and connectivity. The proposals include the addition of a new disabled access ramp and pedestrian bridge link between the proposed new teaching and sports building and the existing school buildings located on the northern section of the site. The proposed bridge would be located over the existing Public Right of Way that runs through the centre of the school site. It would effectively improve connectivity between the north and south sections of the school campus without needing to cross the Public Right of Way. While the proposed pedestrian bridge would be positioned close to the existing 2 TPO trees, it would not impact upon the crown or root spread of these protected trees. However, the proposal would require the removal of 10 trees in total. 7 trees would need to be removed as a result of the proposed development and a further 3 trees would need to be removed on health and safety grounds. However, it is planned to replant a total of 18 new trees.
16. Furthermore, a new parking area would also be provided, which would be accessed off Floyd Close and using the existing leisure centre access road, which in turn is accessed off the A26 St John’s Road. This new car park would provide 16 new car parking spaces and would be utilised by school staff. A pedestrian footpath measuring 1.5m in width from the proposed car parking area to the new teaching block would also be provided. Cycle parking is also proposed in the vicinity of the new dining hall with 11 Sheffield stands being provided and being able to accommodate 22 bicycles at the same time.
17. The proposed expansion would provide an additional 1 Form of Entry, totalling an additional 150 pupils and transforming the school from 6 to 7 Forms of Entry. It is also proposed to employ an additional 16 members of staff.

### **Minor Amendments**

18. The planning application has had a number of minor amendments to the proposal after the initial consultation process. Whilst the amendments are minimal and would not change the principles or footprint of the proposed development, the appearance of the proposed development would look slightly different to the original scheme that was consulted on. Reconsultation with all the neighbours and Statutory Consultees that were consulted on the original scheme was undertaken. The proposed amendments included alterations to the hard and soft landscape and seating areas, changes to the proposed colour of the cladding on the new 2 storey teaching and sports building, reduction in the number of windows and rooflights, increasing the proposed amount of new parking spaces from 16 spaces to 19 spaces, including 1 DDA compliant car parking spaces, and a small external dry food store, measuring 7.3m<sup>2</sup> proposed near the dining area.



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## Planning Policy Context

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

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

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

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Taking a positive approach to applications than make more effective use of sites that provide community services such as schools, provided this maintains or improves the quality of service provision and access to open space and making decisions that promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Meeting the challenge of climate change and flooding and incorporating SuD’s;
- Conserving and enhancing the natural environment.

In addition, Paragraph 94 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.*

- (ii) **Policy Statement – Planning for Schools Development (15 August 2011)** which sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. In particular the Policy states that the Government wants to enable new schools to open, good schools to expand

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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):**

- |                    |   |
|--------------------|---|
| <b>Policy LBD1</b> | States outside the Limits to Built Development, development will only be permitted where it would be in accordance with all relevant policies contained within the Development Plan.  |
| <b>Policy EN1</b>  | 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.  |
| <b>Policy EN8</b>  | Seeks to ensure that proposals for outdoor lighting are the minimum of lighting necessary, be un-obstructively sited or well screened and the design and specification of lighting would minimise glare and light spillage.   |
| <b>Policy EN15</b> | Seeks to prohibit proposals that would have adverse impact upon the nature conservation interest.   |
| <b>Policy EN16</b> | Seeks to ensure that there is no adverse or unacceptable impact on the water quality or potential yield of groundwater.   |
| <b>Policy EN25</b> | Seeks to ensure that outside of the Limits to Built Development, that all proposals for development would have a minimal impact on the landscape character of the locality, would have no detrimental impact on the landscape setting of settlements, would not result in unsympathetic change to the character of a rural lane, and new buildings should be located adjacent to existing buildings or well screened by vegetation. |
| <b>Policy R1</b>   | Seeks to ensure that proposals would not result in the loss of recreation open space and would only be permitted where no deficiency in accessible open space in that area.   |
| <b>Policy T1</b>   | Requires Transport Assessments and Travel Plans to accompany any development proposals for any large scale non-residential development.   |
| <b>Policy TP4</b>  | Seeks to ensure that any additional traffic generated by the proposal has adequately been assessed.   |
| <b>Policy TP5</b>  | 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.   |

Proposed 1 form of entry expansion – St Gregory’s Catholic School, Reynolds Lane, Royal Tunbridge Wells – TW/18/2129

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**Policy TP9** Seeks to ensure that cycle parking standards for non-residential development are in accordance to the latest Kent County Council Cycling Strategy.

**(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 4** Seeks to ensure that the Borough’s built and natural environments, which are rich in heritage assets, landscape value and biodiversity, are conserved and enhanced.

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

**Core Policy 9** Development must conserve and enhance the landscape and heritage and biodiversity assets of Royal Tunbridge Wells, including the surrounding Area of Outstanding Natural Beauty, to secure its special character in the long term.

**(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).

**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

20. **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:

**‘Public Transport Capacity Improvements**

Owing to the pressing need for additional school places in the town of Tunbridge Wells, four school expansions are proposed. These four school are located on the A26 corridor

Proposed 1 form of entry expansion – St Gregory’s Catholic School,  
Reynolds Lane, Royal Tunbridge Wells – TW/18/2129

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to the north of the town. Three of the expansions are being applied for by KCC Education, and the fourth is being applied for by the school itself (The Skinners School). A lack of bus service capacity has implications on mode choice and may result in greater numbers of pupils needing to travel by car than currently anticipated. It therefore has an important influence on the conclusions drawn by KCC Highways on the impact of the school on the highway network, given the congestion already prevalent at several nearby junctions. With significant capacity issues already being experienced on the A26 bus services for pupils attending these schools, monetary contributions towards increased capacity on school peak times services are being sought as part of the formal agreements associated with these applications. The Transport Assessment for St Gregory’s RC School presents a base travel mode share for pupils (April 2018 survey), where 397 pupils (33.3%) travel by public bus services.

An estimated 447 pupils will travel to school by bus when the extension is completed (based on Young Person Travel Pass and 16+ Travel Card purchases by existing students). The School Travel Plan was last updated in 2009. Should this application be permitted, the School Travel Plan should be updated (to include measurable targets) within 6 months of permission, and a School Travel Plan monitoring fee will be payable to KCC by the school. These aspects should be conditioned. The monitoring fee will be £5,000 and will cover a 5 year monitoring period. A quantifiable target for the maintenance (at least) of the current public bus service mode share should be specified (following discussion with KCC officers); a Travel Plan Coordinator should be appointed to oversee implementation; and a Steering Group should be formed to enable key stakeholders, including KCC H&T, to meet and guide any actions taken. The range of measures that could be taken forward to encourage sustainable travel behaviours will form the basis of an Action Plan, alongside a commitment to monitor and review progress through the regular undertaking of travel surveys.

The required School Travel Plan will identify that a proportion of the children will come by bus. The bus company will not put extra buses on to accommodate these children without being paid to do so. If they are not funded, the students will be driven to school and the mode share targets will not be achieved, resulting in an impact on the highway. This is why the suggested mitigation measure is required. As and when new house building occurs, KCC will request contributions to improve the bus services and there may be no need to use the contingency fund required as mitigation for this extension.

KCC Highways will only require the payment if children from the school buy YPTP passes and they live on corridors where there is not sufficient bus capacity for them to travel.

A document entitled ‘Payment Mechanism for A26 school expansions Rev 3’ outlines the calculations undertaken by KCC Highways to ensure public transport is available to all students as a result of the four school extensions. As a result of these calculations, KCC Education is asked to underwrite the cost of resolving any additional capacity requirement, thereby mitigating the impact of the proposed development, up to a capped maximum amount of £128,903. This payment mechanism should be secured as part of a formal agreement between KCC Education and KCC Highways. KCC Education has accepted the proposed mitigation measure and payment mechanism. I therefore raise no objection to this application, subject to the mitigation measures outlined above.

#### **Junction capacity modelling**

The TA Addendum outlines the modelling assessments undertaken by the applicant on three key junctions associated with traffic from this development. The assessments

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show that none of the three junctions will be severely impacted by the additional trips associated with the development, providing the modal share of private car trips does not exceed the predicted percentage (based on current modal share). The required School Travel Plan will allow this to be monitored.

**Reynolds Lane speed limit**

The applicant has proposed a derestricted speed limit across the main site access on Reynolds Lane be altered to a 30mph speed limit, extending the existing restriction which is in place 40 metres to the north of the access, to encompass the main site access. A Traffic Regulation Order (TRO) would be undertaken to ensure suitability at this location, and the applicant is asked to fund the TRO and subsequent implementation of required signage changes should the TRO be supported through consultation.

**Parking restrictions on Reynolds Lane**

Para 6.3.2 of the Transport Assessment states:

Additionally, to aid the free flow of traffic on Reynolds Lane it is considered viable that some form of loading / waiting restrictions could be implemented. It is acknowledged that residents of Reynolds Lane currently park on-street due to the embankment present on the eastern side of the road. As such, it is considered that the implementation of intermittent double yellow lining could be viable. This would create informal passing places, allowing for greater flow of vehicle movement without displacing residents on-street parking. A Traffic Regulation Order (TRO) would be undertaken to ensure suitability at this location.

The applicant is asked to fund the TRO and subsequent implementation of required signage changes should the TRO be supported through consultation. This requirement should be legally secured should this application be approved at committee.

I therefore raise no objection to this application, subject to the mitigation measures and legal requirements outlined above.’

**School Travel Planner:** Raises no objection and has the following comments:

‘I have read the Transport Assessment documents that have been uploaded on the schools behalf by the contractor, however this is not a School Travel Plan. My recommendation is that the school appoint a “School Travel plan co-ordinator” (this can be any school staff member, e.g. office manager, head teacher, school business manager etc.) to complete a simple School Travel Plan on the Jambusters website, which will provide a KCC approved template that they can easily fill in at their convenience. Once a final draft has been agreed and all comments acknowledged, I will be able to approve the STP and set as the schools “current 2018 STP”.

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

‘Public footpath WB2 crosses the site and has been identified in the application. From the information supplied, I do not consider the proposal will adversely affect the public right of way. The proposed pedestrian bridge linking the two sites and crossing the public right of way does not affect use of the footpath. The Public Right of Way should remain open and available at all times. No materials or waste arising from the development may be stored on the Public Right of Way. If it is necessary to temporarily close the public right of way during the construction of the pedestrian bridge in order to ensure the safety of the public using the footpath, then an application should be made to

Proposed 1 form of entry expansion – St Gregory’s Catholic School,  
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the Public Rights of Way office at least 8 weeks in advance. Any closure should be kept to a minimum and an alternative route provided.’

**SuDS:** Raises no objection, subject to the imposition of conditions.

**Ecology:** Raises no objection and has the following comments:

‘We are satisfied with the conclusions of the ecological survey that the proposed development has limited potential to impact protected/notable species and no further surveys or mitigation is required to be carried out.’

**Environment Agency:** Has no comments to make on this planning application.

**Sport England:** Raises no objection and has the following comments:

‘Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site.

It is noted that the development would appear to be largely on an area of hardstanding with no visible markings for sport. This being the case, Sport England **does not wish to raise an objection** to this application.’

#### Reconsultation on amended application

21. The Statutory Consultees listed above were consulted on the revised details of the planning application and no new or revised comments were received. All 77 original neighbours were also reconsulted on the proposed changes. Two new neighbour representation was received, objecting to the application. These comments can be viewed in paragraph 24 below.

#### Local Member

22. The local County Member Mr Oakford was notified of the application on 4 July 2018 and of the revised proposals on 2 November 2018. Mr Oakford made the following comments to the second consultation;

‘I support the application but do not plan to speak at the committee’.

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Publicity

23. The application was advertised by the posting of a site notice and the notification of 77 neighbours and an advertisement was placed in the local newspaper on 12 July 2018. All 77 neighbours were reconsulted of the proposed changes to the planning application.

Representations

24. A total of 3 letters of representation have been received to the original application (2 letters were from the same resident). In response to the amended plans, 1 representative was received from a neighbour that had written previously on the original planning application and 1 new representation was received to the reconsultation. The main points of objection are summarised below;
- Parking in Reynolds Lane causes obstruction prohibiting access to my property.
  - Main issue is the volume of traffic now.
  - Speed limit outside of the school is 60mph. School pupils walk out straight onto the road (Reynolds Lane). An accident waiting to happen.
  - 16 car parking spaces on completion of the proposed development is totally inadequate.
  - The proposed building would damage the amenity of rural Reynolds Lane.
  - No case of education need has been made for the additional teaching and sports block. There are plenty of needy schools in Tunbridge Wells borough and across Kent. St Gregory’s School has already received the direct benefit of substantial public/community funds to build the new floodlit 3G sports pitch at the school.
  - The two storey industrial style proposed development, with large massing and scale next to Reynolds Lane, would dominate rural Reynolds Lane and dwellings, turning the Reynolds Lane area and surrounding countryside into something similar to North Farm Industrial Estate and its environs.
  - The large two storey proposed building will impinge on the ‘right to light’ of neighbouring properties.
  - The destruction of a significant number of significant trees is unacceptable. Not only the loss of trees themselves, but also it would entail the loss of character of this part of Reynolds Lane and surrounding countryside to the west.
  - The proposal will overheat a concentration of schools in this part of Tunbridge Wells, causing unplanned associated traffic.
  - The new block’s windows would look directly into the gardens and windows of adjacent nearby dwellings, an infringement of residential amenity.
  - The proposed new pathway for deliveries to the kitchen/proposed store will be within a few metres of our house and is described as being used for access of 1.8m wide pallets. Currently we are disturbed by noise in the early hours from trucks making deliveries. It would be unacceptable to have deliveries made on pallets within a few metres of our house.
  - The plans indicate that the proposed extension to the dining block is to be built in a dark brick. This is in contrast to the white render of the existing building and all the neighbouring buildings. We feel this brick finish would be an eyesore.
  - Concerned that any noise or odour from the dining room vent will come directly into our house.
25. Furthermore, general comments have jointly been made on this application and the planning application for a temporary 13 space car park that was reported to the Planning

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Applications Committee meeting on 7 November 2018. 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.
- The planning applications are a hybrid of proposed community sports facilities use, and proposed education use.

#### Discussion

26. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph 19 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.
27. 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, design and location, arboricultural issues, highway issues, Rural Fringe Considerations, delegated powers and Environment Impact Assessment.

#### Need

28. As outlined in paragraph 19 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 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.
29. 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



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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).

30. 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 permanent development should be given significant weight in this instance. There is considerable demand for school places in Tunbridge Wells, as outlined in paragraph 7 and 8 above, and to ensure the future provision of Secondary education in Tunbridge Wells, I would not therefore raise a planning objection on this matter.

Design and location – Freestanding two storey teaching and sports block

31. Objection has been received to the proposed design and location of the freestanding two storey teaching and sports block, suggesting that it would look like an industrial building and that due to its large massing and scale next to Reynolds Lane, that it would dominate the rural feel of Reynolds Lane.
32. The applicant has confirmed that careful consideration has been given to the form, massing and orientation of the proposed new two storey building. A freestanding two storey teaching and sports block would make an efficient use of the available site whilst providing a complementary height and scale to the existing school buildings. A rectangular shaped form would enable the main general teaching and support spaces to be accommodated in a simple efficient and cost effective rectilinear block that would provide long-term flexibility to meet any future internal changes. A north/south orientation would also provide the long elevations to the east/west, thus easing extremes in solar gain whilst maximising opportunities for exploiting natural daylight and cross ventilation. A buffer zone around the proposed entire building perimeter would ensure sufficient space for pedestrian movement.
33. In respect to the location of the proposed freestanding two storey teaching and sports block, this was deemed to be the best solution in providing the school with the additional classrooms needed to accommodate the required 1FE expansion, whilst maintaining the existing school provision throughout the construction period, as well as ensuring that the existing external sports and play areas would be maintained as much as possible. The proposed new building would be located immediately south of the main built up part of the school campus. The shortest distance between the elevations of the proposed new freestanding two storey teaching and sports block and the nearest residential properties in Reynolds Lane has been measured as 63.4m. This distance would be sufficient to ensure that there is no risk of harming the amenity of local residents. In addition, the site benefits from adequate boundary soft landscaping features which would help to screen views into the site and thus further mitigating any potential impact on local residents and amenity.
34. The proposed freestanding two storey teaching and sports block would be located on an existing underused hardstanding area, which is sometimes used as a playground. This is no longer used for formal sports activities and is not available for community use. It should be noted that a number of locations were assessed and it was deemed that no suitable alternative previously developed area of the site would be available to accommodate the proposed development. The selected location was deemed the most feasible since it would be as close as practically possible to the existing main built-up

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area of the school site and would avoid unnecessary encroachment into the main areas of the school’s playing fields.

35. The basic dimensions of the proposed freestanding two storey teaching and sports block would be in keeping with the general scale and height of the existing school buildings. Upon implementation, the proposed new building would not be an overly dominant feature in the context of the existing school and associated buildings. Thus, in terms of scale and massing the proposed new freestanding two storey building would blend in well with the existing school building and the wider character of the school site.
36. The proposed material palette of the freestanding two storey teaching and sports block has been selected to both blend in with the existing school buildings and also to inject a fresh and modern look to improve the appearance of the school site. The applicant recognises that the elevation treatment secures long term flexibility for the school, enabling any potential future internal adaptations as the curriculum and delivery methods evolve.
37. In the light of the above, I consider that the overall appearance of the proposed freestanding two storey teaching and sports block as well as the proposed location, have been carefully considered and satisfies the requirements of the Local Plan Policies LBD1, EN1, EN25, R1, Core Policies 4, 5 & 9, A2/STR1 and AL/GB 4. I would not therefore raise a planning objection on this matter.

Design and location – extension to existing dining space

38. Objection has been received to the proposed extension to the existing dining space which is located to the very north of the school site. The objection includes the potential noise impact created by food deliveries, the proposed pathway, the location of the proposed vent (noise and odour), the proposed materials to be used externally and the boundary landscaping.
39. The planning application proposes an extension to the existing dining space, which would have a gross internal area of 131m<sup>2</sup>. It is also proposed to provide a small dry store which would be able to hold more food stuff than the school currently has capacity for. To extend the dining space, it is proposed to demolish the existing caretakers house. The proposed extension to the dining space would be lower in height than the current caretakers house and it would be located slightly further away from the site boundary. The current caretakers house is located 9.5m away from the site boundary and it is proposed that the new dining building would be located 10.6m away from the site boundary. A new pathway around the new dining building and the site boundary is proposed which would be constructed in a smooth resin bound paving, which should ensure any noise impact is minimised. This new pathway is proposed to allow for the food deliveries to be taken around to the new dry store room on foot using trollies during the delivery process. It is also proposed that this new pathway would double up as a new pedestrian fire escape access route.
40. The proposed delivery route area for vehicles is to remain in the current location, albeit with hard landscaping, new surfacing and line marking enhancements. The proposed delivery route would be to run around the north of the proposed new dining building over a smooth resin bound surface pathway and lead into the back of the dining room/kitchen area and to the proposed new dry store. This final part of the delivery would be taken on foot and by pushing the deliveries on trollies. The school currently has one daily food delivery from the external company and it contains frozen, chilled and ambient foods.

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The deliveries arrive on a Monday morning around 7am and during the rest of the week are dependant on external company’s daily delivery schedule. The external company cannot guarantee a regular time slot. The deliveries are made in the mornings because the school need to prepare the food for lunch. Currently deliveries are taken from the back of the lorry and straight into the kitchen. It is difficult to assess how many pallets will be taken around the footway, however there is usually only one delivery driver so the only additional noise may be the wheeling of the pallets round the footway. It is also expected that there will be no increase in the number of deliveries and most likely a noticeable reduction in the frequency and timing due to the fact that the school would now have additional storage within the new dry store, despite an increase in the number of school pupils.

41. Furthermore, the planning application is accompanied by an Environmental Noise Assessment and a spot measurement had been undertaken to establish the existing noise environment near to the proposed new dining room extension. The measurement has captured the noise environment of the existing car park by the school’s main entrance where the delivery vehicles currently park. The delivery parking bay is to remain unchanged and providing that the frequency of the delivery remains the same, there will be no increase in noise impact from delivery vehicles. However, the report concluded that any small increase would still not lead to an unacceptable noise levels.
42. A rating sound level limit has been provided for the proposed external plant units to ensure that the new proposed development would not increase the existing background noise level. The Environmental Noise Assessment also concluded that the proposed ventilation and extract proposed at the site would meet all the required regulations and standards.
43. The choice of external materials for the proposed new dining room extension has been carefully considered and the proposed dark brick has been chosen to blend in with the dark brick used elsewhere on the existing school buildings and wider campus. The proposed dark brick matches the dark brick to the main entrance of the school. Additionally, all of the steps and retaining walls are also dark brick. The applicant is proposing to connect the proposed dark brick of the new dining space with the adjacent dark brick on the entrance elevations of the school. Furthermore, there are also some buildings in the vicinity which use the same dark brick and it is also proposed that the new Tunbridge Wells Grammar School for Boys Sports Hall will also use the same material.
44. The current caretakers house is a two storey building with brown brick on the ground floor and white render on the first floor. The proposed dining space building that would replace the caretakers house would be lower in height and slightly further away for the site boundary, which should result in an improvement for the nearby residential amenity.
45. Around the site boundary to the north of the school site, it is only proposed to remove the trees which need to be replaced as part of the proposed development and replace it with new soft landscaping as required. In this area it is proposed to remove a total of 5 trees. However, some of the proposed new planting would compensate for the necessary removal of these trees and to help to screen the proposed new dining space. The applicant has confirmed that it has been the proposed design intention to minimise the required removal of trees as much as possible in order to meet the planning requirement and BS5837 Tree in Relation to Construction standards. The design intention has not been to address or improve the school’s general maintenance and management of the existing trees, as this would be considered to potentially require the

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undertaking of the school’s current management plan and responsibilities, for which this planning application is not responsible for. The Arboricultural Survey Report that has been submitted as part of this planning application, has carefully considered the proposal in order to reduce the impact, retain ecological habitats and diversity, and meet planning requirements. A number of trees associated with the immediate works have been identified for removal either as a result of construction development or in the interest of health and safety.

46. Trees that are not immediately affected by the proposed development may still have been surveyed, however, unless specifically identified as needing removal in the interest of health and safety, works to these trees would not be proposed. The trees that are the subject of this objection have been surveyed and have not been identified as ‘poor specimens’. They are therefore not specially included within the scope of works for the proposed development and therefore no works or removal are proposed. However, the school has been notified about the trees that are the subject of the objection and about their maintenance issues.
47. In the light of the above, I consider that the overall appearance of the proposed dining hall extension as well as the proposed location and external materials, have been carefully considered and satisfies the requirements of the Local Plan Policies LBD1, EN1, EN25, Core Policies 4, 5 & 9, and A2/STR 1. I would not therefore raise a planning objection on this matter.

Arboricultural issues

48. Objection has been received about the proposed loss of a significant number of trees and the effect this would have on the character of this part of Reynolds Lane. As a direct consequence of the planning application there would be a loss of 7 trees. Additionally, as an indirect result of the proposed development and as part of the overall tree management of the site, it is proposed that a further 3 individual trees are recommended to be removed on health and safety grounds.
49. Five of these trees that would need to be removed as a result of the proposed development would be on the northern site boundary as well as 1 of the 3 trees identified for removal on health and safety grounds. The remaining 2 trees from the 7 identified for removal due to the proposed development, would need to be removed from within the school site and adjacent to the Public Right of Way that runs across the school site. The proposed new footpath bridge link that would enable students improved pedestrian access between the north and south sections of the school campus, has been deliberately and suitably located in such a position to ensure that there is no impact on the two nearby trees that are covered by a Tree Preservation Order (TPO).
50. It should be noted that the other 2 trees identified for removal on health and safety grounds are located along the northern section of the school site with the Reynolds Lane boundary. These 2 trees are not considered significant trees and should not significantly affect the character and appearance of Reynolds Lane in this particular area. It should also be noted that none of the existing vegetation and trees located along the southern section of the school’s boundary with Reynolds Lane and in the area of the proposed freestanding two storey teaching and sports block are to be removed. Therefore, the current vegetation and trees in this area will not be affected and I do not feel that the character of Reynolds Lane would be materially altered as a direct result of this planning application. The site benefits from adequate soft landscaping features which help to screen the views into the site further mitigating any potential impact upon local residents

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and the surrounding rural/landscape character generally. Additionally, the proposed scale and height of the proposed new buildings are in keeping with the general character of the existing school buildings within the site and the neighbouring Tunbridge Wells Grammar School for Boys.

51. Furthermore, this planning application includes proposals to plant a total of 18 new trees, which should adequately mitigate the loss of the 7 trees that would be lost as a direct result of this proposed development. The accompanying Landscape Strategy has demonstrated that the proposal would not have a detrimental impact on the site’s landscape character nor on the landscape character of the surrounding area
52. In the light of the above, I consider that the proposed development is acceptable in respect of its impact on the character of the local soft landscaping and is in accordance with Local Plan Policies EN1 and EN15 and Core Policies 4 and 5. I would not therefore raise a planning objection on this matter.

#### Highway issues

53. Objections has been received that parking in Reynolds Lane causes an obstruction to other vehicles and the volume of traffic. Additionally, concern has been received that the speed limit outside the school is a derestricted 60mph speed limit and that 16 new car parking spaces are inadequate. (Please note that 16 parking spaces were proposed as part of the original planning application and the revised application now proposes a total of 19 parking spaces).
54. A Transport Assessment has been produced to accompany the planning application. It has identified Reynolds Lane as the main vehicular access point to the school site, with a separate entrance and exit point off Reynolds Lane. Reynolds Lane measures approximately 5m in width within the vicinity of the school site and is subject to a 60mph speed restriction across the site frontage. To the north of the site access, on-street parking has been observed, which narrows the effective width of the road in this location and allowing for only one-way vehicle working.
55. A Traffic Regulation Order (TRO) is proposed to increase the extent of the 30mph speed limit restriction on Reynolds Lane to encompass the main site access to the school, and thus to include both the vehicular entrance and exit points to the school. Additionally it is also proposed to implement intermittent double yellow lines in Reynolds Lane to provide informal passing places, which would help improve vehicle movements, whilst ensuring that residential parking was still maintained. The proposed double yellow lines would also be the subject of a TRO to ensure suitability at this location. Kent Highways has reviewed the planning application with particular reference to the Transport Assessment and is supportive of the recommendations for both the lower 30mph speed limit to encompass the main site access and the intermittent double yellow lines to provide informal passing places in Reynolds Lane. A Traffic Regulation Order would have to be advertised and reported to the Joint Transportation Board.
56. A new 19 space staff car park is proposed as part of this planning application which would be accessed off Floyd Close and using the existing leisure centre access road, which is turn is accessed off the A26 St John’s Road. A pedestrian footway is also proposed from this car park facility to the new freestanding two storey teaching and sports block. Cycle parking is proposed within the vicinity of the new dining space, with 11 Sheffield stands, accommodating up to 22 bicycles at any one time. The on-site parking capacity has been assessed in the Transport Assessment and is considered to

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accord with parking standards, allowing for staff and visitors to be accommodated on the site.

57. The School Travel Plan has demonstrated that the majority of school pupils either walk to school or use public transport to get to and from school. Pedestrian access to the site is achieved via two routes. The primary pedestrian route is accessible from the A26 St John’s Road via a footpath which routes through the grounds of Tunbridge Wells Grammar School for Boys. The bus stops that serve the school site are located on the A26 St John’s Road. A secondary pedestrian access is derived from the north of Reynolds Lane.
58. The Future Trip Attraction has been assessed in the Transport Assessment and this was based on the vehicle trips associated with the school once its full capacity has been realised. A full school would include 1,344 pupils and 161 members of staff. The predicted number of additional trips associated with the proposed development was forecast to produce an additional 43 two-way vehicle trips in the AM peak and an additional 32 trips in the PM peak hour. This level of trip generation was not considered to be ‘severe’ in accordance with the NPPF. It should also be remembered the proposed new staff car park would not be accessed off Reynolds Lane, so there should be no direct increase in traffic in Reynolds Lane from the new staff members using the new car park.
59. 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 new 19 space staff car park, including 1 DDA compliant parking space, within the school site which would be access off Floyd Close. Therefore, this new car park would not directly increase the vehicular traffic flow on Reynolds Lane. 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 securing of a 30mph speed limit to encompass the main site accesses in Reynolds Lane and the intermittent double yellow lines to provide informal passing places in Reynolds Lane, funding for additional bus services along the A26 St John’s Road corridor and a £5,000 payment to monitor the school’s Travel Plan and subject to the imposition of conditions, I consider that the proposal has been assessed and is in accordance with Local Plan policies TP4 and TP5, and Core Policy 3, I would therefore not raise an objection on this matter. The highway matters would need to be achieved via a Memorandum of Understanding rather than a legal agreement as the County Council cannot have a legal agreement with itself.

#### Rural Fringe Considerations

60. The Tunbridge Wells Site Allocations Local Plan (2016) confirms that the southern half of the school site, including the intended location of the proposed new teaching building and sports block, 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 received that the proposed development is outside of the designated Limits to Built Development and that the Secretary of State should be notified if Kent County Council is minded to approve this planning application.
61. 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 the proposal has been designed to meet the needs of the

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established school use on the site, in accordance with the above policy. In addition the proposed new teaching building and sports block is located as close as practicably possible to the existing built-up part of the school which would help reduce, if not eliminate, any visual and landscape impact.

62. 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 the area defined as ‘Limits to Built Development’. In this instance, the proposed development is directly associated with the existing established education use of the wider site.
63. 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. I note that Tunbridge Wells Borough Council has not raised objection in this regard.

#### Delegated Powers

64. 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.

65. 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. However it should be noted that in 2017 revised guidance increased the threshold to 1ha. The proposed area for development is 0.9ha and therefore falls below the 1.0ha threshold. The nature and scale of the development is not such that a full EIA is required. This proposal has been considered against the EIA assessment legislation and whilst the whole of the school site measures 6.9ha, it falls below the threshold for screening.

#### Construction Matters

66. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours construction to protect residential amenity. I recommend that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.

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67. I also consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of the development. That should include details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak school times, and details of any construction accesses. Such a strategy would also address the conditions required by Highways and Transportation with regard to the construction of the development. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

### Conclusion

68. This proposal seeks to provide a new free standing two storey teaching and sports block, an extension to the existing dining space, the creation of a new internal pedestrian bridge linking the north and south sites, provision of an additional 19 car parking spaces and associated landscaping. The planning application would support the proposed expansion of the existing school and provide accommodation for an additional 1FE, totalling an additional 150 pupils and an additional 16 members of staff. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Subject to the conditions below, I do not consider that the development would have an unacceptable effect on the character of 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 planning permission to be granted subject to a Memorandum of Understanding (MOU) regarding the required monetary contributions to bus services and to ensure the monitoring of the Travel Plan, being signed and subject to planning conditions.

### Recommendation

69. I RECOMMEND that SUBJECT TO receipt of an agreed and signed Memorandum of Understanding regarding the required monetary contribution to bus services and to ensure monitoring of the Travel Plan, that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- The standard 5 year time limit;
- The development carried out in accordance with the permitted details;
- The submission of details of all materials to be used externally;
- An ecological enhancement plan is submitted and implemented as approved.
- Measures to protect the trees;
- No tree removal during the bird breeding season;
- Details of any external lighting to be provided;
- 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;



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- The submission of a construction management plan, including lorry routing, access, parking and circulation within the site for contractors and other vehicles related to construction operations;
- Measures to prevent mud and debris being taken onto the public highway;
- The development shall not be occupied until the 30mph speed limit across the main site accesses in Reynolds Lane and implementation of intermittent double yellow lines in Reynolds Lane as agreed with the Highway Authority has been implemented;
- A detailed sustainable surface water drainage scheme is submitted and implemented as approved;
- An operation and maintenance manual for the proposed sustainable drainage scheme is submitted and implemented as approved;
- Any measures to mitigate flood risk and protect water quality are implemented and maintained;
- No building on any phase of the development shall be occupied until a Verification Report to the surface water drainage system has been approved and implemented as approved;
- An updated School Travel Plan to be submitted within 6 months of the date of the decision.

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

- The applicant is advised to urgently progress a Traffic Regulation Order to address the highways comments raised by this application.

Case officer – Lidia Cook	Tel No.03000 413353
Background documents - See section heading	

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Proposed 2FE expansion involving two extensions to the existing building and internal alterations, new dedicated child drop-off/pick-up bus layby accessed off Seal Road/A25, and external works at Trinity School, Seal Hollow Road, Sevenoaks – SE/18/1726 (KCC/SE/0095/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 January 2019.

Application by Kent County Council Property and Infrastructure Support for a 2 form of entry expansion of the Trinity School involving internal reconfiguration of existing school building, two extensions to the existing building (additional floor on rear single storey wing and 3 storey block extension to the front of the building), new dedicated child drop-off/pick-up bus layby accessed off of Seal Road/A25, reconfigured parking layout including 14 additional staff parking spaces and 2 additional visitor spaces, new MUGA, additional hardstanding playground area and associated landscape at Trinity School, Seal Hollow Road, Sevenoaks – SE/18/1726 (KCC/SE/0095/2018)

Recommendation: the application BE REFERRED to the Secretary of State for HCLG as a departure from the Development Plan on Green Belt grounds, and that SUBJECT TO his decision that PLANNING PERMISSION BE GRANTED SUBJECT TO compliance with the agreed Memoranda of Understanding and conditions.

**Local Members:** Mrs Margaret Crabtree

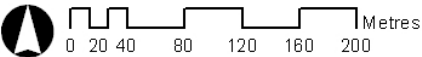
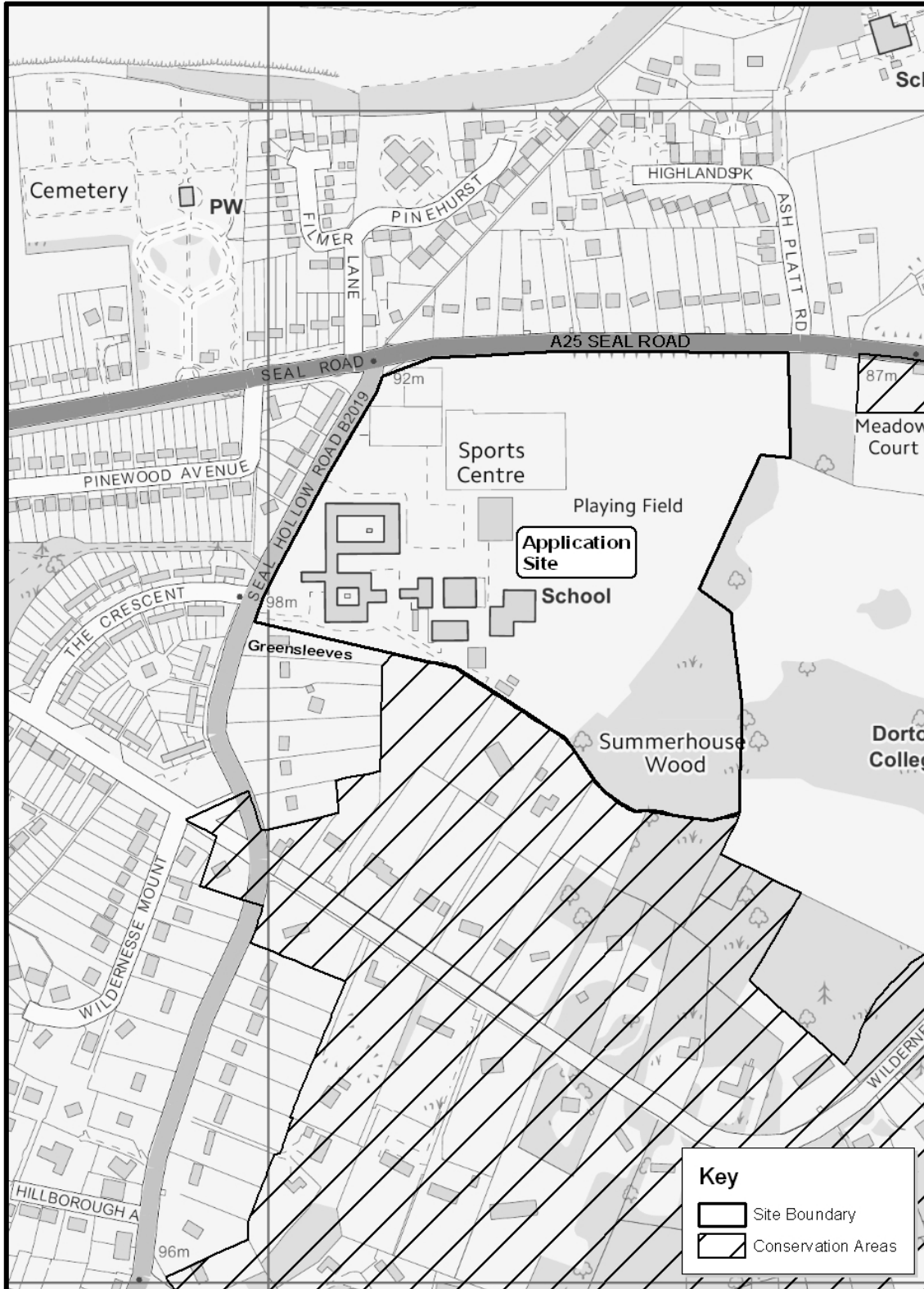
**Classification:** Unrestricted

#### Site

1. Trinity School shares a site with the Weald of Kent Grammar Annex, and is situated on the east side of Sevenoaks just over a mile from the town centre, on the site of the former Wildernesse School/Knole (East) Academy. The 11.8 hectare site lies on the southern side of the A25 Seal Road, which is a main arterial route into and out of Sevenoaks from the east, and on the eastern side of Seal Hollow Road (B2019). The whole of the site is located within the Metropolitan Green Belt, and outside of the settlement confines of Sevenoaks. Trees and hedgerows line the boundaries of the site, which in the most part are dense and mature. The northern site boundary abuts the A25 Seal Road, with facing residential properties located to the northern side of that road. Seal Hollow Road lies to the west of the site, again with facing residential properties located to the far side of the road. To the east of the site lies Dorton College, although this is separated from the school site by a densely planted area of woodland known as Summerhouse Wood. The southern boundary of the site abuts the Wildernesse Conservation Area, which encompasses residential properties predominately on Wildernesse Avenue, Woodland Rise, Parkfield and Blackhall Lane.
2. In light of the site's Green Belt designation, this application has been advertised as a Departure from the Development Plan and would need to be referred to the Secretary of State following consideration at Planning Applications Committee if Members were minded to grant planning permission. *A site location plan is attached.*

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Site Location Plan



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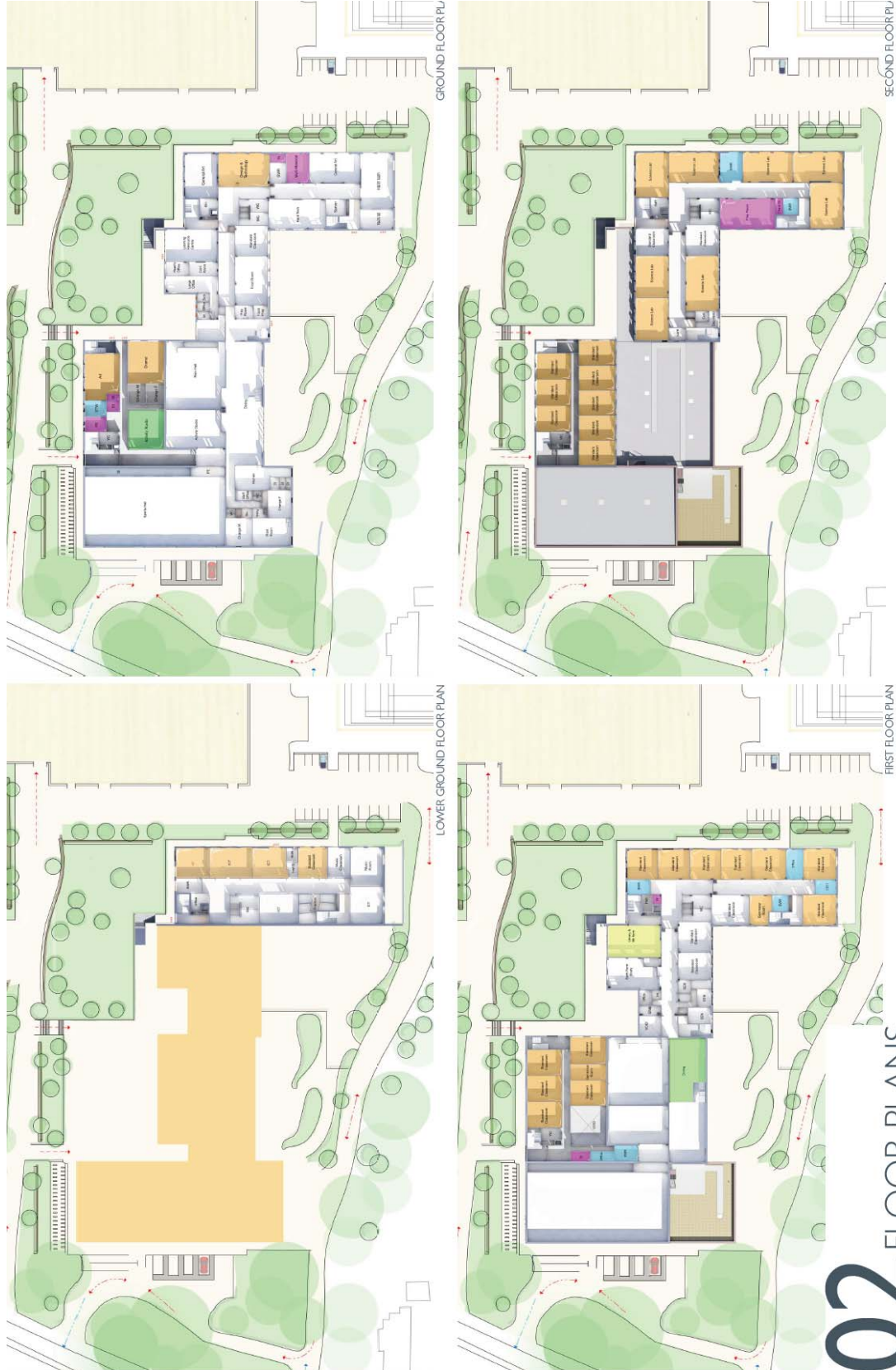
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Proposed Site Plan



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Floor Plans



**02 FLOOR PLANS**  
TRINITY SCHOOL EXPANSION PROPOSAL

**Kent**  
Local Council  
Logo of Kent Local Council

**Trinity School**  
Logo of Trinity School

**Bond Bryan Architects**  
Logo of Bond Bryan Architects

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Existing and Proposed Elevations





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Existing and Proposed Elavations



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#### Background/Relevant Planning History

3. The entire site was redeveloped in 2016 following the granting of planning permission references SE/14/13 and SE/15/2417. The table below summarises recent and relevant planning history at the site:

Application Reference	Description	Decision
KCC/SE/0375/2013 (SE/14/13)	Proposed redevelopment of the former Wildernesse School site: proposed demolition of existing school buildings retention and refurbishment of existing Sports Centre, erection of two new secondary schools (a 6 form of entry Sevenoaks Grammar Annexe and a 4 form of entry Trinity School), introduction of new vehicular and pedestrian accesses, rearranged and extended car park to provide 242 car parking spaces and dedicated child drop off/collection and bus zones, relocation of existing tennis courts into two new Multi Use Games Areas and associated detailed landscape works	Approved 11/07/2014
KCC/SE/0249/2015 (SE/15/2417)	Section 73 application to vary six planning conditions from planning permission reference SE/14/13 (conditions 23, 27, 28, 29, 30 and 31) to enable the development to be built and completed in two phases	Approved 14/12/2015
KCC/SE/0094/2016 (SE/14/13/RB)	Application for a Non-Material Amendment; partial implementation of the Grammar Annexe beginning with a 3FE School, with an additional 3FE added later subject to approval from the Department for Education, and resulting fenestration changes, omission of roof lights and changes to the material finishes of the sports hall.	Approved 03/05/2016

4. There are currently three non-selective schools in the Sevenoaks District, Knole Academy and Trinity School, both of which are within Sevenoaks Town and Orchards Academy which is in Swanley. Traditionally the expectation has been that many Sevenoaks based secondary students would travel to selective faith and non-selective schools in Tonbridge & Malling or Tunbridge Wells. For some families in the south of the Sevenoaks District, the nearest schools would be in Tonbridge or Tunbridge Wells, but the more usual reasons were that the Sevenoaks District did not contain any single sex, grammar or faith schools. The Grammar Annex and Trinity School, which is a faith school, have changed that dynamic and given Sevenoaks families more local choice.
5. In addition, demand for Year 7 places has increased in the Tonbridge & Malling and Tunbridge Wells Districts, to a point where fewer Sevenoaks students can access these schools due to distance criteria for admissions. Therefore, additional secondary school places are required within the Sevenoaks District to meet current and future demand (see the discussion section of this report for more detail in this regard). I am advised

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that a completely new school is not a viable option as demand is insufficient, there is a lack of land availability and, in any instance, costs would be unjustified.

6. It is therefore proposed to expand Trinity School by 2 forms of entry (FE). This would increase the admission numbers each September from 120 to 180, an additional 60 year 7 places. This expansion commenced in September 2018, providing the accommodation required by reconfiguring internal spaces. The 2FE expansion would increase the school roll from 790 pupils (4FE including sixth form) to 1140 (6FE including sixth form), an increase of 350 pupils and 14 staff. Full occupancy is expected to be reached in September 2023.

#### Additional/Amended Information Following Initial Submission

7. Following the submission of this application, the applicant has submitted additional and amended information regarding the massing and scale of the development, and highway and access matters. In summary, the amendments made were changes to the proposed external materials to the southern elevation, and the relocation of the bus zone entrance 15 metres to the west. A response to the highway and access concerns raised by various consultees also proposed additional off-site highway mitigation measures. It is the amended proposal that will be discussed throughout this report.

#### Proposal

8. This application has been submitted by Kent County Council Property and Infrastructure and proposes to provide the accommodation required for the expanding school roll at Trinity School. The proposed development comprises of the following key components:
  - The expansion and refurbishment of Trinity School across five separate phases (see paragraph 9 below). The development proposed would increase the internal floor area of the school from approximately 6653m<sup>2</sup> to 9253m<sup>2</sup>, with the footprint increasing from 3465m<sup>2</sup> to 4122m<sup>2</sup>. The additional space would accommodate classrooms and specialist teaching areas, dining areas, a sixth form area, resources spaces and offices and storage;
  - Additional formal and informal external play spaces including an additional MUGA;
  - Increase in car parking provision on site from 236 to 258 spaces for staff and visitors, and an additional mini bus space;
  - A new bus and coach drop off for both schools on the site, with access and egress directly from the A25 (Seal Road);

It is the intention that all of the above would be completed by the end of the summer in 2020.

9. The five phase built accommodation proposed on the site is as follows:
  - Refurbishment of existing rooms to provide temporary and permanent general classrooms, temporary and permanent science labs, offices and storage. Two new mezzanine floors are also proposed to create dining, social and catering areas (Phase 1 A) *(NB. These works are internal and do not need planning consent)*;
  - **Three storey extension to the front of the school building (northern elevation) to house general classrooms, specialist teaching rooms & activity studio, changing and WC facilities, office and storage space, and a plant room (Phase 1B)**;

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- Refurbishment of existing rooms to provide specialist classrooms (ICT, Technology and Science Labs) (Phase 2A) *(NB. These works are internal and do not need planning consent)*;
  - **Addition of a new roof extension (additional floor) to the southern wing of the school building to provide space for science labs (Phase 2B)**;
  - Refurbishment of existing rooms to provide specialist and general teaching rooms (ICT, sixth form space and offices) (Phase 2C) *(NB. These works are internal and do not need planning consent)*;
10. As can be seen from above, only two of the five phases of works require planning consent, phase 1B and phase 2B. With regard to the phase 1B works, a three storey block would be constructed to the front of the school building, on the northern elevation, adjacent to the existing main entrance, on an area currently used for outdoor dining/amenity space. That flat roofed extension would be the same height as the existing three storey elements of the building, although would directly link with a two storey block and the sports hall. The fenestration is proposed to match that of the existing building and the footprint of the proposed extension would not extend the building line any further north than the adjacent sports hall. The extension would be finished in white render with dark grey brick work at the ground floor level, to match the material palette of the existing building.
  11. With regard to the phase 2B works, it is proposed to add an additional storey onto the existing two/three storey south eastern wing of the school building (the site levels drop from west to east meaning that the west elevation is two storey and the east three storey). The additional storey would increase the height of flat roofed wing by 3.5 metres, to approximately 12.5 metres at the western side and 15.8 metres on the eastern side. The existing building in this location is finished in white render, and this would be replicated on the east and west elevations of the additional story extension. However, the southern elevation of the additional storey extension would be finished in dark metal composite panels to add some relief to the elevation and reduce the perception of the massing when viewed from properties to the south.
  12. Externally, it is proposed to provide additional formal and informal outdoor play and sports areas, including a reconfigured entrance plaza to the north and east of the phase 1B extension to link with the existing school access. An additional MUGA is proposed to the south east of the site, to the immediate east of the two existing MUGAs on the site that are used by Trinity School (an additional two MUGAs on site are used by the Grammar Annex).
  13. Pedestrian and car access to the site would remain as existing, via Seal Hollow Road. However, a new 14 bay bus and coach drop off is proposed to the north of the site, accessed via the A25, with the existing bus and coach parking area (currently accessed via Seal Hollow Road) laid out for additional car parking and mini bus spaces. Parking restrictions are also proposed at the Seal Hollow Road junctions with the Crescent and Hillingdon Avenue to prevent parking on the junctions, in addition to footway improvements. Pedestrian crossing improvements are also proposed at the signalised Seal Hollow Road/A25 junction, with the implementation of a pedestrian crossing phase to cross the A25, and a dropped kerbed crossing facility at the Filmer Lane arm of the junction. A £10000 contribution to improvements to local Public Rights of Way SR165 and SU4 is also proposed by the applicant, in addition to a £5000 contribution regarding Travel Plan monitoring.

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14. Photovoltaic (PV) panels are proposed to be installed on the roof, adjacent to an existing array of panels. A detailed energy statement was submitted with this application setting out the standards for design and construction that would reduce energy usage.

#### Planning Policy Context

15. The most relevant Government Guidance and Development Plan Policies as summarised below are pertinent 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;
- when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation;
- the great importance the Government attaches to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open;

In addition, Paragraph 94 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.*

- (ii) **Policy Statement – Planning for Schools Development (15 August 2011)** which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. In particular the Policy states that the Government wants to enable new schools to open, good schools to expand and all

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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) **Development Plan Policies**

**Sevenoaks District Core Strategy: Adopted February 2011:**

**Policy LO1** - Requires new development to be focused within the built confines of existing settlements.

**Policy LO2** – Seeks to control development within Sevenoaks and seeks protection of the setting of the urban area and the distinctive character of the local environment. New developments in the Sevenoaks Urban Area should respect the physical and community identity of adjoining settlements and prevent further coalescence.

**Policy LO8** – Seeks to maintain the extent of Green Belt, and conserve and enhance the countryside, including the distinctive features that contribute to the special character of its landscape and its biodiversity.

**Policy SP1** – Requires all new development to be designed to a high standard, reflect the distinctive local character of an area, create safe, inclusive and attractive environments, incorporate sustainable development principles and maintain biodiversity. The Districts heritage assets (including Conservation Areas) and their settings will be protected and enhanced.

**Policy SP2** - Sets standards for sustainable design and construction. Institutional development will be required to achieve a BREEAM rating of at least 'very good'.

**Policy SP9** - Where new development creates a requirement for new or improved physical, social and green infrastructure beyond existing provision, developers will be expected to provide, or contribute to, the additional requirement.

**Policy SP10** – Promotes the provision of multifunctional green space by linking existing green space areas. The Policy also seeks the retention of open space, sports and recreational facilities, including outdoor sports facilities of value to the local community, unless any loss can be justified by additional provision of at least equivalent value to the local community.

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

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

**Policy SC1** - States that a positive approach should be taken in considering planning applications to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The

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District Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

- Policy EN1 -** Sets out the need for high quality design and for proposals to meet criteria including: responding to scale, height and materials; respecting the topography and character of the site and any sensitive features; not result in the loss of buildings or open space that would affect the character of an area, provided satisfactory means of access and parking provision; include opportunities for increasing biodiversity potential, including sustainable drainage and to avoid harm to existing biodiversity; create a permeable layout; safe and easy access for those with disabilities; creation of a safe and secure environment to deter crime and fear of crime; include modern communication technology and infrastructure; and make efficient use of land.
- Policy EN2 -** Proposals should provide adequate residential amenities for existing and future occupiers of development, and safeguard amenities of existing and future occupiers of nearby properties by ensuring development does not result in excessive noise, vibration, odour, activity, vehicle movements, overlooking or visual intrusion and where it would not result in a loss of privacy or light.
- Policy EN4 -** Proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- Policy EN6 -** Proposals for lighting that affect the outdoor environment should not have a harmful impact on the amenity of nearby residential properties, amongst other matters.
- Policy GB8** Proposals to extend an existing non-residential building within the Green Belt which would meet the following criteria would be permitted – (a) the existing building is lawful and permanent in nature and (b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the original building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
- Policy T1 -** Sets out the need to mitigate against adverse travel impacts including their impact on congestion and safety, environmental impact such as noise, pollution and impact on amenity and health.
- Policy T2 -** Sets out that vehicle parking provision, including cycle parking, for non-residential developments should be in accordance with the advice of Kent County Council as Local Highway Authority.

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**Green Belt Supplementary Planning Document (February 2015)** provides detailed guidance on the implications of applying for planning permission for development located within the Green Belt. The guidance will help to ensure consistency in decision making when determining planning applications in the Green Belt. The SPD provides additional information to assist with the interpretation and implementation of policies set out in the Core Strategy and Allocations and Development Management Plan (ADMP).

#### Consultations

16. **Sevenoaks District Council** raise no objection to this application, provided the County Council is satisfied that the development comprises appropriate development in the Green Belt and that the County Highway's Engineer finds the submitted application acceptable.

However, the District Council further state that insufficient information has been submitted to demonstrate that the increase in vehicle movements resulting from the expansion would not have an impact upon the adjacent Air Quality Management Areas. The District Council's Environmental Health Officer advises that an updated Travel Plan should be submitted pursuant to condition setting out specific measures to encourage more sustainable and less polluting modes of transport and the provision of facilities, such as electric charging points, to promote this.

**Sevenoaks Town Council** comment as follows:

"Sevenoaks Town Council welcomes the concept of separating car and buses by means of a dedicated bus zone on A25 (Seal Road) which seeks to remove school buses from Seal Hollow Road and thus reduce vehicle congestion in that area. Sevenoaks Town Council also welcomes measures to improve safety on the school site itself by removing the need for pupils to cross internal vehicle routes. Sevenoaks Town Council was pleased to note the staggering of the departure of pupils, through the provision of after-school clubs.

However, Sevenoaks Town Council expressed concern over the following:

- That the speed limit along the entire stretch of the A25 will not be reduced to 30mph.
- That the proposal will increase congestion and will lead to worsening air quality on A25
- Lack of detailed information regarding drop-off/pick-up of pupils arriving by car.
- That the Traffic Survey does not allow for the ongoing expansion of pupil numbers at Trinity School, Weald of Kent Grammar School Annexe and nearby Seal Primary School (Sevenoaks Town Council noted that the Automatic Traffic Counter was set to record during a week in August, i.e. during the school holidays.)
- Although the proposal refers to increased cycle rack provision, wider cycling infrastructure is not addressed. Sevenoaks Town Council is concerned over potential ramifications with regards to the Sevenoaks District Cycling Strategy and the various access routes to the school, as well as whether the necessary funding would be available."



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**Seal Parish Council** comment as follows:

“Seal Parish Council welcomes the provision of a layby for school buses with direct access to the A25, but objects to the absence of other measures to cope with the increase in traffic at the junction with Seal Hollow Road, which is already has long queues at peak periods. The Parish Council also objects to the absence of measures to encourage safe walking and cycling to the school site. The Parish Council urges the County Council to adopt a longer term coordinated approach to major development along the A25 through Seal, and to ensure that traffic and sustainable transport improvements can be brought forward in response to development.

Despite complete redevelopment of the site there is still no pavement along the whole of Trinity/Weald school boundary on the south side of the A25. The Seal Hollow Road/A25 junction is the only crossing on the A25 for the increasing number of pupils of Seal Primary School resident in Sevenoaks town. The Transport Assessment also takes no account of the current doubling of intake at Seal Primary School.

The Parish Council also feels that the filter lanes for traffic turning off the A25 into Seal Hollow Road in both directions need to be wider and longer, and that present peak congestion at the junction will be exacerbated by the proposed exit of the bus layby, which is too close to the junction

With regards to a speed limit reduction on the A25, the Parish Council rejects the conclusion of the Police and KCC Highways, which take no account of the changing use of this section of the A25, the anomaly of a 40mph section of road on a primarily 30 mph road within the urban area, and the increasing need for the community and children in particular to walk along and cross the road. The only section of A25 with housing on the north side only is where the Weald and Trinity school site is located on the south side. These two major schools have no footpaths on their main road boundary which is a reason to reduce the speed limit. There is continuous traffic on this section of the A25 which splits the community and is a barrier to access to the Weald and Trinity schools south of A25, and Seal Primary School to the north.

*Seal Parish Council therefore requests the County Council to use its best endeavours:*

- To actively pursue a long term, coordinated approach to the problems of traffic at Seal and on the A25, through the County’s own investment and collaboration in other strategies, notably the Sevenoaks Local Plan, the Neighbourhood Development Plan, and the Community Infrastructure Levy. This includes safe cycling and walking routes to the schools in the Seal area, and in the longer term an east/west route separate from the A25 to be part funded by the proposed residential development at the Greatness Quarry north of the A25. It also includes coordinated traffic management at the junctions of A25 with Seal Hollow Road, Church Street and Ash Platt Road which give access to the schools.
- To ensure the preparation and pursuit of a coordinated and up to date Travel Plan for the site of the Trinity and Weald schools as a whole.

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*The Parish Council requests that consent for the Trinity school expansion should be subject to:*

Improved mitigation:

- Provision of a pedestrian phase and/or larger pedestrian reservations at the Seal Hollow Road/A25 junction, and measures to increase the traffic capacity of the junction - notably improved filter lanes for traffic turning off the A25 into Seal Hollow Road in both directions, and a revised design for the bus layby to move the exit further from the junction.

Planning Conditions:

- A suitably worded planning condition should require the extension of the 30mph speed limit along the A25 to improve safety at the junction with Seal Hollow Road and at the nearby Ash Platt Road access to Seal Primary school;
- The off-site parking restrictions and footway improvements at Seal Hollow Road proposed in the Transport Assessment should be completed before the new school buildings are occupied; &
- A 'construction management plan' to be submitted and approved before work commences, to include access points and timing of construction vehicles, storage of materials, temporary parking for school staff, and the arrangements for pupils to enter and leave the school safely."

In addition to the above, the Parish Council welcome the financial contribution towards improvements to PROW SR165 and SU4.

The Parish Council also note that planning permission to expand Seal Church of England Primary School (application reference KCC/SE/0075/2018, granted in August 2018) was subject to the following informative:

*"Seal Primary School should pursue, as a matter of importance, the reduction of the speed limit to 30mph where the current 40mph speed limit exists on the A25 at Seal Hollow Road; the introduction of a pedestrian phase at the Seal Hollow traffic lights; and the inclusion of Seal Primary School within the 'Safer School Zone' programme in the interests of the safety of their pupils and to encourage more sustainable modes of transport".*

**Kent County Council Highways and Transportation** raises no objection to the application subject to the agreed mitigation measures, and conditions, and comments as follows:

"Access

Access to the site is from Seal Hollow Road and a new bus zone is proposed with a separate access and egress directly onto the A25 as shown in principle on MLM Drawing number 0003. The bus zone is for use by buses only and will be signed as such and gated outside of school operational times. Visibility splays are to be provided in accordance with current guidelines as shown on MLM drawing number 0004. A safety audit has been completed and subject to the recommendations the bus zone is considered acceptable.

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#### Speed Limit

The reduction in the speed limit, from 40mph to 30mph, along the A25 Seal Road has been investigated as requested. KCC Traffic Schemes Team and Kent Police have reviewed the traffic data and assessed the suitability of the road for a 30mph speed limit and advised that the road is not suited to a reduction in the speed limit. The response received is as follows:

*'We appreciate that there is a school nearby which will be expanding and may increase pedestrian traffic, however we have concerns with this proposal as the existing 40mph acts as an intermediate speed limit between the 30mph in Seal village and the outskirts of Sevenoaks town. If the speed limit were to be reduced we would lose the impact of the existing 30mph speed limit gateways east bound in Seal, and west bound towards Sevenoaks. There are already compliance issues with the existing 30mph speed limit on sections of the A25; Seal Road west of Seal Hollow Road where the speed limit changes from 40 to 30mph and Bradbourne Vale Road. It is more than likely that there would be similar issues if the speed limit were reduced here. The 24-hour, 7-day mean speeds from the traffic count data were 32.6mph east bound and 34mph west bound, which are too high to support a 30mph speed limit.'*

*The A25 within the existing 40mph section is a suburban road with residencies on the north side only which are set back, there is street lighting present with a footway on the north side and several junctions and accesses. The A25 here has mainly a through traffic function. The existing 40mph speed limit would appear to be appropriate here and complies with Table 1, speed limits in urban areas in DfT Circular 1/2013, the Government guidance for setting local speed limits.*

*I have checked the 3-year collision record for this section of road, there has been 4 slight injury crashes where driver error is the main contributory factor and there is no evidence of these collisions being speed related.*

*Kent police have indicated that they would not support a 30mph speed limit at this location.*

*From the above analysis, it is with regret that we would not be looking to reduce the speed limit along this section of road and any application for a related TRO from a third party for this section of road would be unsuccessful.'*

#### Accessibility

The proposed school extension is expected to increase pedestrian traffic and in order to encourage this and enhance safety, improvements are proposed to the traffic signals at the A25 Seal Road/Seal Hollow Road junction as shown in principle on MLM drawing 0005. The improvements include the introduction of a pedestrian phase to the signals and dropped kerb crossings on Filmer Lane. Additionally, KCC Public Rights of Way team have identified a need for improvements to public footpath number SR164 and SU4 and an appropriate contribution is required for the works.

The provision of a dedicated cycle footpath to allow pedestrian and cycle access through the site to the A25 Seal Road has been considered. However due to safety concerns regarding the crossing of Seal Road, and potential problems of

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students being dropped off adjacent to the crossing facility, this is not being pursued.

#### Impact

The traffic generation assessment indicates that the expansion of the school is likely to result in an additional 66 car trips, of which 13 are staff trips, an additional 102 pedestrian trips and 127 bus passenger trips.

Capacity assessments have been completed at the junction of A25 Seal Road/Seal Hollow Road using the Linsig programme. The results indicate that there would be some worsening of capacity and some additional queueing. The Practical Reserve Capacity at the junction would be reduced from +1.6% to -1.0%. However, the Linsig model does not consider the safety and capacity benefits of removing the buses from Seal Hollow Road and this is not fully reflected in the capacity results. It is considered that the provision of the bus zone would improve capacity at the A25 Seal Road/Seal Hollow Road by reducing the number of buses turning to and from Seal Hollow Road and that this would mitigate the impact of the proposed expansion. This view is corroborated by KCC traffic signals team.

#### Mitigation

A package of measures has been identified which are reasonable, proportionate and appropriate for the scale of the development proposed:

- Provision of a Bus Zone with access and egress off A25 Seal Road as shown in principle on MLM Drawing number 0003 with visibility splays provided as outlined on Drawing number 0004 to be provided within 2 months of occupation.
- A pedestrian phase [to the traffic signals] included on the western arm of the A25/Seal Hollow Road junction and dropped kerb crossings provided on Filmer Lane as shown in principle on MLM Drawing number 0005 and including the safety audit recommendations to be provided prior to occupation of the extension.
- An updated School Travel Plan with a contribution of £5000 to allow monitoring of the School Travel Plan to ensure that the targets and measures identified lead to a reduction in car travel by both pupils and staff. Targets in the Travel Plan to be modified to promote and encourage higher levels of non-car trips by staff as well as pupils. Additional cycle parking will be provided as demand increases and land to be set aside for such use. The annual Travel Plan survey will inform when further cycle parking is needed.
- Contribution for the improvement to public right of way numbers SR165 and SU4 between Seal Village and the Seal Road/Seal Hollow Road junction.
- Best endeavours to implement a Traffic Regulation Order to provide parking restrictions at the junctions of Seal Hollow Road with The Crescent and Hillingdon Avenue with footway improvements at the junction of Hillingdon Avenue/Seal Hollow Road as shown on MLM Drawing number 0002.

#### Conclusion

It is considered that the mitigating measures proposed, together with the Travel Plan and monitoring contribution, will effectively mitigate the impact of the school expansion on the highway and encourage and promote sustainable transport as

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an alternative to car trips. I can confirm that KCC Highways do not have reason to object in accordance with the National Planning Policy Framework subject to the mitigating measures listed above and the following conditions:

- A construction management plan is required for approval by the Planning Authority to include routing of construction and delivery vehicles to/from the site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries; provision of wheel washing facilities and temporary traffic management/ signage. The construction works will need to be carefully planned and managed to ensure the safety of pupils, staff and residents. No traffic movements should occur during school starting and finishing times.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans.
- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays.

**Public Rights of Way (PROW)** state that PROW SR164/SU4 coming from Seal Village is a very well used pedestrian route that could benefit from improvements funded by this development. PROW SU7, which leads from Pinewood Avenue onto Seal Hollow Road, and also links with Mill Pond Wood and Hillingdon Avenue would also benefit from some improvement at the Seal Hollow Road end, including installation of pedestrian barriers and widening of the entrance.

**Environment Agency** raises no objection to the application subject to conditions regarding ceasing work should previously unidentified land contamination be found, control of the infiltration of surface water and restrictions regarding piling and foundation designs.

**The County Council's Flood Risk Team (SuDs)** raises no objection to the application subject to the imposition of conditions requiring the submission of a detailed sustainable surface water drainage scheme and the submission of an operation and maintenance manual for the sustainable surface water drainage scheme

**Sport England** does not wish to raise an objection to this application, subject to the imposition of a condition requiring the submission and approval of a Community Use Agreement prior to the first use of the development.

**The County Council's Biodiversity Officer** no comments received to date.

**The County Council's Conservation Architect** comments as follows:

"The Wilderness Conservation Area Appraisal sets great store on the openness of the layout of the estate, landscaping and the uniform height of the properties. The school site is well screened from the Conservation Area by

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hedges and mature trees, and the planning statement confirms the retention of this substantial boundary landscaping.

As the proposed extensions to the existing school building:

- do not exceed existing building height,
  - the extension design reflects the existing building style, and
  - the proposals ensure the separation distance between the school buildings and nearest residential properties to the south are maintained,
- then the proposals will also have little impact on the Conservation Area and I therefore have no adverse comments to make on built heritage grounds.”

#### Local Member

17. The local County Member, Mrs Margaret Crabtree, was notified of the application on the 31 May 2018, and further notified of the additional and amended information regarding highway and access matters on the 19 October 2018. The following comments have been received:

“KCC has a statutory duty to provide places for the children in Kent and the proposals for the extension of The Trinity School in Sevenoaks provide the extra places required, as well as taking into account the extra traffic this would produce. The measures to mitigate extra traffic on Seal Hollow Road and parking in residential roads nearby seem to be well thought out and sensible.”

#### Publicity

18. The application was publicised by an advertisement in a local newspaper, the posting of 4 site notices and the individual notification of 114 residential properties. All those that wrote in regarding the application were also notified of the submission of additional and amended information regarding scale and appearance on the 4 October, additional and amended information regarding highway and access matters on the 19 October 2018.

#### Representations

19. In response to the publicity, 16 letters of representation have been received, including 3 letters of support. A summary of the main planning issues raised/points of objection is set out below:

##### Amenity Matters

- The development would substantially increase the mass of the school when viewed from neighbouring properties;
- The massing of the building should be broken down by use of varying materials/colours;
- Newly completed properties in the Wildernesse Conservation Area have had to adhere to strict restrictions on height. The school building already overlooks neighbouring properties, and the proposals would make that worse;
- Any windows that overlook neighbouring properties should have obscured glass;
- There is very little screening along the southern site boundary, especially evergreen planting. Additional evergreen planting should be provided;

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- External lighting should be kept to a minimum, be at low level and directed not to affect neighbouring properties;
- The extension at the front of the school should be moved so that it would not affect the views of neighbouring properties;
- The proposed bus drop off area would result in removal of trees on the site boundary, which provide an attractive screen along the A25 and screen the existing flood lit pitch;
- The new bus entrance/exit is directly opposite homes and may affect access to driveways;
- Additional traffic generates additional noise and air pollution;
- Building work on this site has not long been completed – the proposed development would cause more disruption for local residents;

#### Highway and Access Matters

- The development would result in additional traffic on Seal Hollow Road and would create major congestion, especially at the junction with the A25;
- There are no improvements proposed to pedestrian and cycling safety;
- A cycle/footway should be provided within the site boundary line extending from the site entrance on Seal Hollow Road along the A25 towards Seal. This would remove pedestrians from the narrow footpath on the A25, and could also be used by parents accessing Seal Primary School;
- The existing entrance/exit to the site should be improved and controlled by traffic signals at peak times;
- A pedestrian crossing phase should be introduced on the A25 traffic signals;
- An entrance for all school traffic should be created on Seal Road (A25), and the A25 widened at that point to create a dedicated right turn lane into the site;
- Seal Hollow Road should be widened;
- Since the new schools have opened the Seal Hollow Road/A25 Junction has been a nightmare, and this proposal would make this worse;
- Buses turning into and out of the proposed bus pick-up/drop-off will have a negative impact on traffic flows on the A25;

#### Support

- Support the expansion of the school;
- The application will address existing highway safety and parking matters;
- The parking restrictions proposed are supported, and should be implemented without delay;

#### Other

- Many parents choose Trinity School due to its smaller pupil intake. Expanding the school would completely change the character of the School;
- A new school should be established which would have capacity in the future, rather than this short term solution;
- The development is in the Green Belt, so design and massing is important;
- The development is adjacent to a Conservation Area (CA) and views into and out of the CA must be considered.

Two representations from The Sevenoaks Society were also received. The Society do not oppose the expansion of Trinity School, but consider the arrangements for car access to be completely unsustainable. A condition of consent should require the

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School to produce a 'Green Transport Plan' which should restrict car journeys to the school in all but essential cases, and ensure the effective staggering of school times with the Grammar Annex. In addition, 'no stopping' restrictions should be introduced and enforced along Seal Hollow Road and the A25, and pedestrian crossing facilities improved. The School Travel Plan must also be monitored and targets met before the development is occupied.

#### Discussion

20. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 15 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF) and the Planning for School Development Policy Statement, and other material planning considerations arising from consultation and publicity. Issues of particular relevance include the need for school places, impact upon the Metropolitan Green Belt, highway implications and access, general amenity matters, and whether the development is sustainable in light of the NPPF.
21. Development Plan policies seek to require developments to be sustainable, well designed and respect their setting. This is particularly relevant to this development site which is identified within the Development Plan as being within the Metropolitan Green Belt. Policy GB8 of the Sevenoaks District Core Strategy, seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances. Further, Policy GB8 of the Sevenoaks Allocations and Development Management Plan states that the design and volume of a proposed extension, taking into consideration the cumulative impact of any previous extensions, must be proportional and subservient to the original building and not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
22. The NPPF, section 13, paragraph 133 states that the Green Belt serves five purposes:
  - a. to check the unrestricted sprawl of large built up areas;
  - b. to prevent neighbouring towns merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF further states that "as with previous Green Belt Policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances". The NPPF does not explain in any detail what 'very special circumstances' means, but does go on to say "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". Any built development within the Metropolitan Green Belt could affect the openness of it and would be contrary to planning policies. On this basis the development proposed must be considered as a departure from the Development Plan. In this case, if Members were minded to grant planning permission, the application would need to be referred to the Secretary of State for his consideration.



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### Green Belt Considerations

23. By virtue of the criteria in the NPPF, and various Local Plan Policies, the development is considered to be inappropriate in Green Belt terms. Although paragraph 133 of the NPPF lists examples of development that could be considered appropriate within the Green Belt, I am of the view that the proposals would not meet these exceptions and that the development is, therefore, inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted with regard to planning policies and other material considerations. Such development should not be approved, except in very special circumstances. It is, therefore, necessary to consider the impact of the development against Green Belt Policy, to consider the impact on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against inappropriate development.
24. A Planning Statement was submitted in support of this application, which sets out what the applicant considers to be the very special circumstances that warrant setting aside the general presumption against what would be inappropriate development in the Green Belt. The applicant considers the following ‘very special circumstances’ are sufficient to collectively outweigh a Green Belt policy objection:
- i) The identified educational and operational need for additional non-selective Secondary School places within the Sevenoaks District;
  - ii) National Policy and Central Government Support for the delivery of State Funded Schools;
  - iii) A lack of suitable alternative development options;
  - iv) The extent of community and sustainability benefits that the proposal would deliver; and
  - iv) The quality of the design and level of mitigation proposed would ensure that the impact on the openness of the Green Belt would be limited.

Each of these ‘very special circumstances’ as put forward by the applicant will be considered and discussed in the following section of this report. I will take each point in turn, first considering the case of need for school places in the Sevenoaks District.

### Case of Need and National Policy and Central Government Support for the delivery of State Funded Schools

25. As outlined in paragraph 15 of this report, great emphasis is placed within planning policy generally, specifically paragraph 94 of the NPPF, on the need to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. The NPPF states that Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, 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) also sets out the Government’s commitment to support the development of state funded schools and their delivery through the planning system. There is a presumption in favour of the development of state funded schools expressed in both the NPPF and the Policy Statement – Planning for Schools Development.

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26. Kent County Council, as the Strategic Commissioner of Education Provision in the County, is responsible for ensuring that there are sufficient school places of high quality for all learners. As outlined in paragraphs 4 and 5 of this report, traditionally the expectation has been that many Sevenoaks secondary students would travel to selective, faith and non-selective schools in Tonbridge & Malling or Tunbridge Wells. For some families in southern Sevenoaks District, the nearest schools would be in Tonbridge or Tunbridge Wells, but the more usual reasons were that there were no single sex, grammar or faith schools in Sevenoaks. This expectation has been under pressure recently as demand for Year 7 places increases in Tonbridge & Malling and Tunbridge Wells districts. This demand has now reached a point where fewer Sevenoaks students can access these schools because of distance criteria for admissions. This puts more pressure onto the Sevenoaks secondary schools.
27. In addition to the above, the following factors are considered by the applicant to be the key drivers behind the increased demand for Secondary School places within the Sevenoaks District:
- 1) Primary school expansion over the last six years within the Sevenoaks District, which is now feeding into Secondary demand;
  - 2) Increased birth rate;
  - 3) Medium scale housing development; and
  - 4) Inward migration from within Kent, London, EU & non-EU.
28. As outlined in paragraph 6 of this report, to meet this demand for additional Secondary School places within the Sevenoaks District, Kent County Council, as the Strategic Commissioner of Education Provision, has agreed to expand Trinity School by 2 Forms of Entry. Trinity School is a popular faith school and the expansion in the PAN from 120 to 180 is therefore in line with the local authority aim of expanding popular, successful schools and providing local schools for secondary aged children. An additional 60 Year 7 places were provided in September 2018, and it is proposed to increase the roll incrementally each year until the school will offer 180 places in each year. The accommodation required for the 2018 intake was provided by internal alterations. However, to be able to maintain the increase in PAN for future September intakes, additional accommodation is required, as proposed in this application. Without this accommodation, the continued expansion of Trinity School would not be possible. Need is therefore a key determining factor.
29. The 2018–2022 Kent Commissioning Plan (prepared by the County Council as Education Authority) provides forecasts that indicate an increase in the demand for secondary school capacity within the Sevenoaks District. Furthermore, this increased demand shows no signs of reducing over the forecast period. The forecast surplus/deficit of places for both year 7 and for all year groups is shown in the table below;

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Year 7	49	-53	-69	-68	-104	-126	-107
Year 7 - 11	184	48	-46	-127	-256	-430	-485

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30. The table clearly shows that the year on year cumulative shortfall is 2FE for two years, rising to 4FE until 2023. However, these forecasts do not take into account demand generated by new housing or demographic changes, so the pressures could be greater in reality. Further, the figures for Sevenoaks are skewed by a lack of a boys Grammar provision. In the past, more than 40% of secondary aged students in the South of the Sevenoaks district, travelled out of area to attend schools in Tonbridge or Tunbridge Wells. The Weald of Kent satellite currently accommodates 3FE of Grammar provision for Girls, with permission granted for the accommodation required for 3FE of Grammar provision for boys also. When that accommodation is provided, it will effectively transfer 3FE of selective provision back into the Sevenoaks District.
31. However, non-selective Year 7 demand in Sevenoaks is increasing and the grammar Annex does not cater for that need. An additional 2FE of non-selective school places was required to manage demand in 2018/19 and was initially accommodated by internal alterations. The applicant advises that that is likely to be sufficient until 2020/21, when a third FE would be required. The following year, 2021/22, a fourth FE is indicated. Those additional 2FE would need to be accommodated elsewhere in the district (most likely at Knole Academy given the limitations of non-selective school site options within Sevenoaks District) but this decision is yet to be made and any built accommodation would be subject to planning permission.
32. Based on the above, in my view, it is evident that a clear case of need for additional secondary school places within Sevenoaks exists. Much of the District is within the Metropolitan Green Belt and it needs to be borne in mind that the Green Belt covers a wide area where people live and that these people need local school facilities just as much as those outside of the Green Belt. The applicant has demonstrated that there is an existing shortfall of places within the local area, and a future need which will be further outstripped by demand unless additional places are provided. Support for the provision of school places is heavily embedded in the NPPF, the Planning for School Development Policy Statement, and local Planning Policy, and I consider that the need for the development should be given significant weight in this instance.

#### Alternative Development Options

33. As part of the applicant's case of very special circumstances, alternative development options have been assessed and the applicant has concluded that the development as proposed is the only viable option available. Having accepted a need for additional school places within the Sevenoaks District, the alternative development options available must be considered. First, as outlined above and in paragraph 4 of this report, there are only three non-selective secondary schools in the Sevenoaks District, Knole Academy and Trinity School, both in Sevenoaks Town, and Orchards Academy in Swanley. The Area Education Officer assessed these three sites against a number of criteria including highway and access matters, site area, sporting facilities, sustainability, proximity to demand, location and number of Year 7 applications each year, and concluded that in this case that the only two appropriate and suitable options were expansion of either Knole Academy or Trinity School. I am advised that a completely new school on a new site would not be a viable option as demand is insufficient, there is a lack of land availability, and costs would therefore not be justified.
34. The applicant advises that Knole Academy is an 8FE School, which is considered to be a viable number to maintain a sustainable school. Trinity School on the other hand is

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4FE, which is not considered by the County Council to be sustainable (the size of Trinity School was agreed by the Department of Education). By expanding Trinity School by 2 FE to 6FE the school could operate more sustainably, a key principle underlying planning policy and guidance. Both schools satisfy various other criteria such as proximity to demand, site size, site ownership, and delivery achievability. However, a key consideration is the number of first preferences received by the schools, as this shows parental choice and popularity. Trinity received 233 first preferences for a 4FE intake of 120, whereas Knole Academy received 184 against a 8FE intake of 240. Both schools are within the Metropolitan Green Belt.

35. The local Education Authority has a statutory duty to provide sufficient school places and, on balance, to address the current and future demand for additional secondary places, considers that the Trinity School provides the best solution to ensure that the people of Sevenoaks and the surrounding villages have access to a school of their choice which offers high quality teaching facilities. In considering the above, and the fact that both Trinity School and Knole Academy are within the Green Belt, I am satisfied that development of the Trinity School would offer a sustainable and appropriate solution. At 4FE it is not currently operating in a sustainable way, and parental choice shows that of the two schools it is far more popular; this may be due to its faith status.
36. Having accepted that offsite alternatives are not practicable, development options within the existing Academy site must be considered. Although the whole of the Academy site is within the Green Belt, arguably development in some areas of the site would have a lesser impact on the openness on the Green Belt than others. As outlined in paragraph 9 of this report, this application proposes two extensions to the existing school building, additional sports facilities and a new bus drop off loop. The impact of the proposed development on the openness of the Green Belt will be discussed below. However, with regard to location of the proposed development, and alternative locations within the School site, I am satisfied that alternative development options would have resulted in a loss of playing field, impacted upon car parking, resulted in a loss of important habitat areas and/or were not of a sufficient size. Further, alternative locations for built development remote from main school building would arguably have a greater impact on the openness of the Green Belt by virtue of being in more open areas of the site.
37. With regard to the additional MUGA, I am satisfied that this is proposed in the most logical and appropriate location, adjacent to the existing MUGAs and on the edge of the playing field. Alternative locations within the site would be disjointed from the existing games courts and/or remote from the building so would not be practicable. With regard to the proposed bus drop off loop, as outlined in paragraph 13 of this report, although arguably such a facility would be better located to the east of the site adjacent to existing car parking and access points in terms of impact on the Green Belt, it is proposed where it is for highway safety and mitigation purposes. Alternative locations would not be fit for purpose.
38. In considering the above, I am satisfied that the location and siting of the development is the most viable and logical within the academy site. The impact on the openness of the Green Belt will be discussed later in this report.

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The extent of community and sustainability benefits that the proposal would deliver

39. The applicant considers that the proposal would lead to several demonstrable community benefits. The first is that an appropriate increase in on-site education provision and associated infrastructure would lead to a greater number of equipped students in the locality which will have long-lasting effects on their personal lives and local communities. In addition, as detailed earlier in this report, many secondary pupils have to travel to Tonbridge and/or Tunbridge Wells due to a lack of school places in Sevenoaks. This is unsustainable from an environmental perspective, as well as having an impact on the pupil's wellbeing, and thus the proposals seek to resolve this through the appropriate expansion and enhancement of the existing and popular Trinity School. Furthermore, the proposals make provision for additional parking and a new dedicated bus drop off / pick up point with independent access. These attributes, in conjunction with the continued implementation of School Travel Plan measures, would secure a highly sustainable development at both strategic and local levels. In conjunction with other factors, in my view these benefits of the proposal add to the Case of Need for the development.

Impact on the Openness of the Green Belt

40. This application proposes development that would encroach into the Green Belt, which could harm its openness. First, it is important to note that the site is well screened from public views by existing buildings, and mature boundary planting and screening. However, openness of the Green Belt is described as an 'absence of development' irrespective of the degree of visibility of the land in question from public vantage points. Therefore, any physical development within the Green Belt, whether visible or not, would have some impact on the openness. Whether that impact is either acceptable or unacceptable is a matter of fact or degree based on the specifics of each case.
41. The applicant advises that the siting of the two school extensions have been carefully considered so as to minimise their impact on the openness of the Green Belt. As detailed earlier in this report, the two extensions are contained within the confines of the existing building, one being a three storey extension to the front of the school on an area of hardstanding, bound to the south and west by the existing school building and not extending the building line further to the north (see paragraph 10), and the other being an additional storey to the south eastern wing of the school building (see paragraph 11). The overall building height would not increase, and due to the design of the front extension, the building would not appear visually dissimilar to the existing. As such, I am satisfied that the siting of the development is the most appropriate location within the site in terms of limiting the impact of the proposed school building on the openness of the Green Belt. Further, I am satisfied that the two extensions proposed are of an appropriate scale and massing for the site in Green Belt terms when considering that the overall building height would not increase and that the building line would not be extended any further north than the existing. The impact of the development on the amenity of neighbouring properties will be discussed later in this report.
42. With regard to the additional MUGA and the bus drop off loop, as stated above I am satisfied that these elements of the scheme are proposed in the most logical and appropriate locations. These elements of the development are 2-dimensional engineering solutions, located adjacent to existing car parking/hardstanding/games courts, and would be screened by existing and proposed landscaping. As such I am

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satisfied that they would not have a significant detrimental impact on the openness of the Green Belt.

43. In considering the above, I am satisfied that the proposed development would have a limited impact on the openness of the Green Belt. Whilst there is inevitably some impact on the Green Belt, I am satisfied that the presence of the extensions to the school, MUGA and bus drop off loop, would be contained within the immediate context of Trinity School/Grammar Annexe development, and that the effect on the openness of the Green Belt would be limited. In my view, the proposed layout represents the option which strikes the best balance between minimising intrusion into the Green Belt and providing sufficient accommodation and facilities to enable the Trinity School to deliver its educational model and operate successfully.

#### Summary – Very Special Circumstances/Green Belt Considerations

44. Overall, I accept the applicant's assessment and application of Green Belt Policy as set out in the submitted documentation, and I have considered this in the context of the Development Plan Policies and the NPPF. The development is inappropriate development for the purposes of Green Belt Policy consideration and is, therefore, by definition harmful. Nevertheless, in my view, the considerations summarised above are sufficient collectively to constitute 'very special circumstances' capable of outweighing harm, in this particular case. Furthermore, I accept that the particular siting and massing of the proposals have been carefully considered to help mitigate the impact of the development on the functioning and openness of the Green Belt. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted in this particular case. However, if Members were minded to grant permission, the Secretary of State for Housing, Communities and Local Government would have to be consulted before permission could be granted.

#### Access and Highway Matters, including Public Right of Way

45. As outlined in paragraph 19 of this report, there is some local objection to this application based on highway and access concerns, in addition to the concerns expressed by both Sevenoaks Town Council and Seal Parish Council (see paragraph 16). The primary points of local concern and objection relate to the capacity of local roads, highway and pedestrian/cycle safety and the issue of reducing the speed limit on the A25 from 40mph to 30mph.
46. As set out in the formal views of Kent County Council Highways and Transportation (H&T), the submitted traffic generation assessment indicates that the expansion of the school is likely to result in an additional 66 car trips, of which 13 are staff trips, an additional 102 pedestrian trips and 127 bus passenger trips. To mitigate the impact of the expansion and the additional vehicular and pedestrian traffic that the additional 2FE intake would generate, the applicant has proposed a package of mitigation measures which are summarised as follows:
- Provision of a dedicated bus pick-up/drop off with access and egress off the A25 Seal Road;
  - Inclusion of a pedestrian phase on the western arm of the A25/Seal Hollow Road junction and dropped kerb crossings provided on Filmer Lane;

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- An updated School Travel Plan is to be prepared, and a contribution of £5000 to allow monitoring of the School Travel Plan has been agreed;
  - A £10000 Contribution for the improvement to Public Right of Way numbers SR165 and SU4 between Seal Village and the Seal Road/Seal Hollow Road junction;
  - Best endeavours to implement a Traffic Regulation Order to provide parking restrictions at the junctions of Seal Hollow Road with The Crescent and Hillingdon Avenue with footway improvements at the junction of Hillingdon Avenue/Seal Hollow.
47. H&T are of the view that the mitigating measures proposed would effectively mitigate the impact of the school expansion on the local highway network, and would also promote and encourage sustainable transport methods as an alternative to car trips. On that basis, H&T raise no objection to this application subject to the conditions of consent securing of the above mitigation and further conditions regarding construction matters. I can confirm that the required £5000 Travel Plan monitoring contribution and the £10000 contribution to PROW improvements have both been secured and the signed Memorand of Understanding have been received.
48. With regard to local highway and junction capacity issues, capacity assessments have been completed at the junction of the A25 Seal Road/Seal Hollow Road using the Linsig programme. The results indicate that there would be some worsening of capacity and some additional queueing at the junction as a result of the additional 2FE. However, as advised by H&T, the Linsig model does not consider the safety and capacity benefits of removing the buses from Seal Hollow Road and this is not fully reflected in the capacity results. It is therefore considered that the provision of the 14 space bus pick-up/drop-off would improve capacity at the A25 Seal Road/Seal Hollow Road junction by reducing the number of buses turning into and out of Seal Hollow Road and that this would mitigate the impact of the proposed expansion. H&T confirm that this view is corroborated by the County Council Traffic Signals Team. I therefore am satisfied that the mitigation proposed, specifically the dedicated bus drop-off and pick-up, would effectively manage and mitigate the capacity issues that the additional traffic associated with the 2FE expansion would generate. Should permission be granted, a condition of consent would require the bus pick-up/drop-off loop to be provided and be operational within two months of occupation of the development, as required by H&T.
49. Further, the existing bus drop off area on the site would be laid out to provide additional car parking, which would aid in mitigating existing concerns regarding on street car parking at peak school times. Parking restrictions are also proposed at the junctions of Seal Hollow Road with The Crescent and Hillingdon Avenue (subject to a separate TRO procedure) with associated footway improvements at the junction of Hillingdon Avenue/Seal Hollow Road. The parking restrictions and footway improvements are welcomed by local residents and the Parish and Town Council, and would also aid in improving safe pedestrian access to the site.
50. With regard to pedestrian and cycle access to the site, it is suggested by local representatives that a footway/cycle way should be provided to the south of the A25, running along the school's northern site boundary with the A25. The existing footway to the north of the A25 is narrow in places and heavily used at peak school times to access not only Trinity School/Weald of Kent Grammar Annex but also Seal Primary School. The applicant and H&T have considered this option, and discounted it for various reasons, including land availability, loss of boundary screening vegetation, and most importantly highway safety issues. Should a footway/cycleway be provided, this

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would come to an end in line with the school sites eastern boundary. A crossing would need to be provided at this point to link with the footway to the north of the road. Not only would such a crossing impede the traffic flow on the A25, it could encourage parents to drop pupils off on the A25, which could create a highway safety issue. Further, we should be mindful that this application seeks consent for a 2FE expansion and requiring the provision of a new footway/cycleway (in addition to the mitigation already proposed) would be disproportionate and unreasonable in planning terms.

51. However, pedestrian and cycle access to Trinity School has been considered by the applicant, and mitigation in that regard to proposed and supported by H&T. In addition to the proposed footway improvements at the junction of Hillingdon Avenue/Seal Hollow Road, a pedestrian phase to the signals at the Seal Hollow Road/A25 Seal Road junction is proposed as are dropped kerb crossings on Filmer Lane opposite. These improvements are welcomed by the Sevenoaks Town Council and Seal Parish Council, and would be secured by appropriately worded planning conditions, should permission be granted.
52. In addition, although this development would not directly impact upon the local Public Right of Way (PROW) network, the applicant has agreed to provide a £10000 contribution to PROW improvements, specifically to PROW SR164/SU4 which links the A25 and the area around Trinity School with Seal Village. A Memorandum and Understanding (MoU) has been received, signed by Children, Young People & Education, and Growth, Environment & Transport, agreeing to the contribution. Improvements to these PROWs would provide an enhanced alternative pedestrian route between Seal Village and the area around Trinity School to using the footway to the north of the A25. In addition to being of benefit to Trinity School students, this would also be of benefit to parents of pupils at Seal Primary School. Should permission be granted, a condition of consent would refer to the received MoU, which now forms part of the planning application documentation. Subject to that condition, and those referred to in paragraph 51 above, I am satisfied that sufficient mitigation has been proposed to ensure safe pedestrian access to the site.
53. In addition to the above, in order to further encourage the use of more sustainable methods of transport, including cycling to school, an updated School Travel Plan would be required for submission pursuant to condition, should permission be granted. The Travel Plan would need to include specific targets to promote and encourage higher levels of non-car trips to and from the site by staff as well as pupils. Additional cycle parking is to be provided on the site as demand increases and land is set aside for such use. The annual Travel Plan survey will inform when further cycle parking is needed.
54. Given the importance of the Travel Plan in this instance, Highways and Transportation have requested a contribution of £5000 to ensure adequate auditing, oversight and ongoing staff resourcing support, with the money used by Highways and Transportation, to allow staff time to help the Trinity School manage arrangements effectively on and off site, and to help deliver and monitor the travel plan targets. As with the PROW contribution, monetary contributions cannot be required by planning condition, so a Memorandum of Understanding has been submitted, signed by H&T and the Education Authority, to agree to this contribution. Should permission be granted, as required by H&T, a condition of consent would require the submission and approval of an updated Travel Plan within six months of occupation, with ongoing monitoring/auditing of the Travel Plan for a period of 5 years. The Travel Plan must be subject to annual updates



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with the funding secured (as above) used to ensure adequate resourcing to audit and oversee this process. Subject to that condition, and the conditions outlined in paragraphs 51 and 52 above, I am satisfied that the development as proposed would improve pedestrian and cycle access arrangements, aiding safer access and encouraging the use of sustainable transport methods in lieu of the private car.

55. Lastly, Sevenoaks Town Council and Seal Parish Council consider that the speed limit on the A25 Seal Road should be reduced from 40mph to 30mph, extending the existing 30mph speed limit on the A25 as it runs through Seal Village. By way of background, this matter was also raised in the determination of application reference SE/18/1521 (KCC/SE/0075/2018) which proposed the expansion of Seal Primary School. An informative was placed on the planning permission requesting that Seal Primary School pursue the reduction of the speed limit to 30mph on the A25 as a matter of importance. As this matter has been raised by the Town and Parish Council's in their consultation responses on this application, the applicant was requested to investigate this further in consultation with the County Council's Traffic Schemes Team.
56. As detailed on the formal consultation response from H&T (see paragraph 16), the reduction in the speed limit, from 40mph to 30mph, along the A25 Seal Road has been investigated and KCC Traffic Schemes Team and Kent Police have reviewed the traffic data and assessed the suitability of the road for a 30mph speed limit and advised that the road is not suited to a reduction in the speed limit. It is advised that the existing 40mph section of the A25 acts as an intermediate speed limit between the 30mph in Seal village and the outskirts of Sevenoaks town. If the speed limit were to be reduced the impact of the existing 30mph speed limit gateways east bound in Seal, and west bound towards Sevenoaks would be lost. Further, H&T advise that the A25 within the existing 40mph section is a suburban road with residencies on the north side only which are set back, there is street lighting present with a footway on the north side and several junctions and accesses. It is considered by H&T that the A25 here has mainly a through traffic function. Therefore, I am advised that the existing 40mph speed limit would appear to be appropriate here and complies with Table 1, speed limits in urban areas in DfT Circular 1/2013, the Government guidance for setting local speed limits.
57. In addition to the above, H&T have checked the 3-year collision record for this section of road. There have been 4 slight injury crashes where driver error is the main contributory factor and there is no evidence of these collisions being speed related. Kent Police have also indicated that they would not support a 30mph speed limit at this location. H&T therefore conclude that they would not be looking to reduce the speed limit along this section of the A25 and that any application for a related TRO from a third party for this section of road would be unsuccessful. Based on this information, I am satisfied that the matter cannot be taken any further as the approval process for a reduction in speed limit would be via a formal TRO, to be considered by KCC Traffic Schemes Team and Kent Police. They have concluded that a TRO would be unsuccessful.
58. In addition to the securing of the mitigation measures listed in paragraph 46 above, H&T also require conditions of consent to be imposed regarding construction activities (to be discussed later in this report), provision and retention of car parking, loading and turning facilities, the gradient off the bus access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter, and the provision and maintenance of the visibility splays with no obstructions over 0.9 metres

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above the carriageway level. Should members be minded to permit, I consider that the above conditions should be imposed upon the consent.

59. In this case, in considering the level of mitigation proposed, I am satisfied that this development would not significantly exacerbate existing highway and access matters, including safety concerns to a level to warrant refusal (as set out in Policy Guidance and the NPPF). The NPPF, the Policy Statement Planning for Schools Development, and Development Plan Policies heavily promote the provision of school places and consider that there is a presumption in favour of development unless impacts resulting from the development would be severe. Highways and Transportation have no objection to this application subject to the mitigation proposed and subject to the imposition of conditions, as set out above. Subject to the conditions outlined above, I am satisfied that, in this instance, that the proposal would not have a significantly detrimental impact on the local highway network and therefore see no overriding reason to refuse the application on this ground.

#### Air Quality

60. In addition to the highway impacts of the additional traffic movements associated with the expansion of Trinity School, local residents and Sevenoaks Town Council consider that the air quality along the A25 could also be adversely affected. Given these concerns, and the proximity of the application site to two Air Quality Management Areas (Seal Village and the Bat and Bull Junction (approximately 1Km to the west of the site)) we requested that Sevenoaks District Council consult their Environmental Health Officer for advice on this matter. The applicant was also asked to provide additional information in this regard and an Air Quality Impact Assessment was submitted which concluded that 'the proposed development is unlikely to affect air quality' and that any resulting impacts would be 'insignificant'.
61. However, the District Council consider that insufficient information has been submitted to demonstrate that the increase in vehicle movements resulting from the expansion would not have an impact upon the adjacent Air Quality Management Areas. The District Council's Environmental Health Officer advises that an updated Travel Plan should be submitted pursuant to condition setting out specific measures to encourage more sustainable and less polluting modes of transport and the provision of facilities, such as electric charging points, to promote this. As set out in paragraphs 52 & 53 above, an updated Travel Plan will be required pursuant to planning condition (should permission be granted) and a contribution of £5000 has been secured to aid in the monitoring and implementation of the Travel Plan targets. The purpose of a Travel Plan is to set out specific measures to encourage more sustainable and less polluting modes of transport, as sought by the Environmental Health Officer. The applicant has agreed to investigate the demand for electric charging points at the site as part of the Travel Plan, and I consider that that should be specifically referenced within the Travel Plan condition. Subject to that, and in considering the conclusions of the submitted Air Quality Impact Assessment, I am satisfied that the additional 2FE would not exacerbate any existing air quality matters and would not have an adverse impact on the local Air Quality Management Areas such as to warrant refusing planning permission.

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Design, Heritage and General Amenity Matters

62. Although the impact of the siting and massing of the development on the openness of the Green Belt has been assessed and considered acceptable in that regard, the impact of the proposal on residential amenity also needs to be assessed, in addition to any impact the proposals may have on the character and appearance of the neighbouring Conservation Area.
63. First, with regard to the impact of the proposed development on the Wildernesse Conservation Area which lies to the immediate south of the school boundary, the County Council's Conservation Officer concludes that the proposals would have little impact of the Conservation Area. The school site is well screened from the Conservation Area by hedges and mature trees, and the planning statement confirms the retention of this substantial boundary landscaping. It is concluded by our Conservation Officer that as the proposed extensions to the existing school building would not exceed the existing building height, that the extension design reflects the existing building style, and that the proposals would maintain the existing separation distance between the school buildings and nearest residential properties to the south that the proposals as acceptable on built heritage grounds. In considering the above, I am satisfied that the development would not have an adverse impact on the character and appearance of the Wildernesse Conservation Area.
64. With regard to amenity matters, properties to the south of the site have expressed concerns regarding massing, overlooking, lighting and screening matters with regard to the proposed extensions to the school building. The additional storey extension to the rear of the school building is the closest element of the proposed works to residential properties to the south. It is proposed to add an additional storey onto the existing two/three storey south eastern wing of the school building (the site levels drop from west to east meaning that the west elevation is two storey and the east three storey). The additional storey would increase the height of flat roofed wing by 3.5 metres, to approximately 12.5 metres at the western side and 15.8 metres on the eastern side. However, even with the additional storey, the south eastern wing of the building would not exceed the height of the central core of the building. The building line would extend no closer to the residential properties to the south, which are all over 55 metres away at the closest point (which greatly exceeds the advised 21 metre window to window distance). The existing building in this location is finished in white render, and this would be replicated on the east and west elevations of the additional story extension. However, following a request from a local resident, the southern elevation of the additional storey extension would be finished in dark grey metal composite panels to add some relief to the elevation and reduce the perception of the massing when viewed from properties to the south.
65. With regard to the front extension to the school, this is again well over 50 metres from the side elevation of the closest residential property, and only the top storey of this would be visible from properties to the south due to the existing school buildings. Again, the height of the existing core of the school building would not be exceeded. The fenestration is proposed to match that of the existing building and the footprint of the proposed extension would not extend the building line any further north than the adjacent sports hall. The extension would be finished in white render with dark grey brick work at the ground floor level, to match the material palette of the existing building. In considering above, I am of the opinion that the siting and massing of the proposed

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extensions are in scale with the existing building and in locations that would not alter the overall mass and appearance of the school. I also consider that the massing of the two building extensions would not have a significantly detrimental impact on residential amenity when considering the degree of separation and the siting of the works. The design and material palette would replicate that of the existing building, which would result in a coherent development that would not alter the overall visual appearance of the existing school building. The applicant has provided a significant level of detail within the planning application documentation regarding the external materials, including the exact specifications and colour finishes. I consider that, should permission be granted, a condition of consent should be imposed to ensure that the development is undertaken in accordance with the submitted material details, and that any deviation from the approved specifications would require further approval.

66. In addition to the degree of separation between the school building and residential properties, the southern boundary of the school site is well planted with mature trees and shrub planting. However, it is accepted that additional evergreen planting could be added to that boundary to supplement the screening, and to maintain additional cover in the winter months. I therefore consider that a scheme of landscaping should be submitted pursuant to condition which should include details of tree protection to ensure that boundary planting would not be adversely affected during construction works, and also a planting schedule which must include evergreen planting, amongst other matters. There is no additional lighting proposed to the southern elevation of the school building, but additional lighting may be required to the front of the building. The bus pick-up/drop off zone (to be discussed below) would also require lighting so I consider that details of external lighting should be submitted pursuant to condition, should permission be granted. Subject to those conditions, I am satisfied that the school extensions would not have a detrimental impact on the amenity of neighbouring residents.
67. With regard to the proposed bus drop-off/pick-up area, residents to the north of the A25 consider that the access/exit points would result in the removal of tree and boundary planting, which currently provides screening of the school buildings and existing flood lit pitch. The removal of sections of the boundary line is unfortunate but required to provide not only the access points but the required visibility splays. Given the highway and access benefits that the drop-off/pick-up zone would have (as discussed earlier in this report), on balance the loss of two small sections of boundary planting is considered to be necessary and acceptable in this instance. A large amount of existing boundary planting would be maintained, and the required landscaping details would set out tree protection methods and details of supplementary planting. In addition, details of the lighting required in the bus drop-off/pick-up area are to be submitted for approval to ensure that lighting levels would be acceptable in amenity terms.
68. It should be noted that properties to the north of the A25 are set back from the road frontage, and in some cases properties have tree planting/screening along their front boundaries. The A25 is also lit in this location, so the introduction of lighting in the bus drop-off/pick-up area would not be out of character with the locality. The location of the bus access point was amended during the determination of this application and moved 15 metres to the west so that it was no longer directly opposite a property frontage, but opposite an access point to houses to the north of those directly fronting the A25 (note that the revised location is acceptable to H&T). Having considered the above, I am satisfied that, subject to the submission of a scheme of landscaping and details of

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external lighting, the bus drop-off/pick-up area would not have a significantly detrimental impact on the amenity of local residents.

69. Lastly, the applicant advises that sustainable design has been integrated into the building concept. An area on the roof plan has been identified for an array of photovoltaics (PVs), and electrical and water systems would be designed to limit wastage. In considering the sustainable design credentials of the proposed building, including the provision of an array of PVs, I am of the opinion that the building design is sustainable and require no further details in that regard.

#### Drainage and Land Contamination

70. The Environment Agency and the County Council's Flood Risk Team (SuDs) both raise no objection to this application subject to the imposition of conditions. The Flood Risk Team require the submission of a detailed Sustainable Surface Water Drainage Scheme and the further submission of details of the operation and maintenance of the sustainable drainage scheme. The Environment Agency also require further conditions to control surface water drainage into the ground and to restrict the use of piling and other penetrative foundation design methods. Should permission be granted, the conditions as outlined above would be imposed upon the consent to ensure that drainage of the site was both sustainable and effective.
71. With regard to land contamination, the Environment Agency requests a condition be attached to any consent regarding how works should proceed should any contamination be found during construction. Therefore, should permission be granted, a condition would be imposed covering this matter.

#### Playing Field

72. In addition to the Green Belt implications of the proposed siting of the development, as discussed earlier in this report, the impact of the proposed development on playing field provision also needs to be addressed. Sport England were consulted on this application as the MUGA and, to a lesser degree, the bus drop off loop, would result in the loss in area of amenity grassland which could be considered to form part of the wider playing field. Due to the gradient of the land and the nature of the development proposed, Sport England raise no objection to this application, subject to the submission of a Community Use Agreement prior to occupation. The applicant has agreed to this requirement and, therefore, should permission be granted, a condition of consent would require the submission of a Community Use Agreement.

#### Construction Matters

73. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours construction to protect residential amenity. I recommend that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.

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74. I also consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of the development. That should include details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak school times, and details of any construction accesses. Such a strategy would also address the conditions required by Highways and Transportation with regard to the construction of the development. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

### Conclusion

75. This application seeks the provision of additional accommodation for non-selective secondary education places in the Sevenoaks area by expanding Trinity School by 2FE. The proposal has given rise to a variety of issues, including the need to demonstrate 'very special circumstances' to justify inappropriate development in the Green Belt, the impact of the proposed development on the openness of the Green Belt, and the impact of the development on the highway network, along with a need to ensure that there is a sufficient choice of school places available to meet community needs. I consider that 'very special circumstances' have been demonstrated in this particular case for overriding Green Belt policy considerations. I also consider that the development has been designed to minimise the impact of the development on this part of the Green Belt, and its functioning. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network, or the amenity of local residents, and would accord with the principles of sustainable development as set out in Development Plan Policies and the NPPF. In addition, support for the provision of school places is heavily embedded within the NPPF, the Planning for Schools Development Policy Statement, and local planning policy, and this development would satisfy a required need for secondary school places in the Sevenoaks area.
76. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF, and is sustainable development. Therefore, I recommend that the application be referred to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision, permission be granted subject to appropriate conditions.

### Recommendation

77. I RECOMMEND that the application BE REFERRED to the Secretary of State for HCLG as a departure from the Development Plan on Green Belt grounds, and that SUBJECT TO his decision that PLANNING PERMISSION BE GRANTED SUBJECT TO compliance with the agreed Memoranda of Understanding and conditions, including conditions covering:
- the standard 5 year time limit for implementation;
  - the development to be carried out in accordance with the permitted details;

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- the development to be carried out using the external materials and colour finishes as specified within the planning application documents unless otherwise agreed;
- the submission of a scheme of landscaping, including details of tree protection methods, evergreen planting to the southern site boundary, additional tree planting, soft landscaping, & hard surfacing;
- no tree removal during the bird breeding season;
- the submission of details of external lighting and hours of operation regarding the building extensions and the bus pick-up/drop off zone;
- provision of the bus pick-up/drop off zone with access and egress off the A25 Seal Road within 2 months of occupation;
- pedestrian phase included on the western arm of the A25/Seal Hollow Road junction and dropped kerb crossings provided on Filmer Lane prior to occupation;
- improvements to Public Right of Way numbers SR165 and SU4 between Seal Village and the Seal Road/Seal Hollow Road junction to be undertaken, with funding secured via the MoU;
- best endeavours to implement a Traffic Regulation Order to provide parking restrictions at the junctions of Seal Hollow Road with The Crescent and Hillingdon Avenue with footway improvements at the junction of Hillingdon Avenue/Seal Hollow Road;
- the submission and approval of an updated Travel Plan within six months of occupation, and ongoing monitoring/auditing of the Travel Plan for a period of 5 years, within which there will be annual updates with funding secured for KCC Highways (MoU) to ensure adequate resourcing to audit and oversee this process. The provision of electric charging points, amongst other matters, should be considered within the Travel Plan;
- the provision and retention of car parking, loading and turning facilities;
- the gradient off the bus access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter;
- the provision and maintenance of the visibility splays with no obstructions over 0.9 metres above the carriageway level.
- the submission and approval of a Community Use Agreement prior to occupation;
- the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and subsequent details of the implementation, maintenance and management of the approved Scheme;
- no infiltration of surface water drainage into the ground other than with the approval of the County Planning Authority;
- Restriction on piling and other foundation designs using penetrative methods;
- measures to control development should land contamination be identified;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- the submission and approval of a construction management strategy prior to the commencement of the development, including details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid conflict with peak school times, and details of any construction accesses;

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

- With regard to the requirement to prepare and submit a (revised/amended) School Travel Plan, the applicant is advised to register with Kent County Council's Travel Plan Management system 'Jambusters' using the following link <http://www.jambusterstpms.co.uk>. Jambusters is a County Wide initiative aiding Schools in the preparation and ongoing monitoring of School Travel Plans.

Case officer – Mary Green
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Background documents - See section heading
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## New two storey primary school (2FE) at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018

A report by Head of Planning Applications Group to Planning Applications Committee on 16<sup>th</sup> January 2019.

Two storey primary school (2FE) to be developed in 2 phases together with associated access, parking and landscaping works at Hawkenbury Farm, Hawkenbury Road, Tunbridge Wells, Kent TN3 9AD - KCC/TW/0494/2018

Recommendation: Permission be granted subject to conditions.

Local Member(s): Catherine Rankin

Classification: Unrestricted

### Site

1. Hawkenbury Farm is located to the south of Hawkenbury Road in Hawkenbury, approx. 1 mile south east of Tunbridge Wells town centre.
2. The school application site is located in the north west corner of a larger residential development by Berkeley Homes. The site is located in an area where there is potentially contaminated land from previous landfill activity. It is located approx. 113m to the south west of the AONB boundary.
3. The main access to the proposed site is from Hawkenbury Road. Immediately north and west of the site is existing housing development in Hawkenbury Road and Maryland Road. To the north of the site there is a recreation ground and to the east and south of the site new housing is being developed. The construction site access to the housing development site is in Maryland Road. A site location plan is attached. Construction access for the proposed school development is proposed to be via the Hawkenbury Road entrance.

### Recent Planning History

4. The application site is included within an outline planning permission area granted by Tunbridge Wells Borough Council ref 16/07023/HYBRID (the "TWBC hybrid permission") for a part outline/part detailed planning application comprising: (1) full planning application for the re-grading and remediation of the entire site; (2) full planning application for the demolition of Nos 17 and 19 Maryland Road and the construction of 235 dwellings together with accesses, parking, landscaping and areas of open space; and (3) outline planning application (with all matters except access reserved) for a two form entry primary school, accesses, parking, drop-off areas, landscaping and associated playing fields and sports facilities. Permission was granted February 2017 subject to conditions and the housing and remediation development is in progress.
5. The TWBC hybrid permission was also subject to a legal agreement which secured the provision of primary school land transfer and financial contribution towards the build costs of a new primary school on site.
6. This application includes the details relating to the school development and is designed by the applicant to be consistent with the outline application, although it is submitted as a full application rather than as a reserved matters proposal.

New two storey primary school at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018

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7. The proposed site was previously part of and close to an old landfill site. Remediation works to the landfill to make it suitable for development and bulk earthworks have already been carried out under the TWBC permission by Berkeley Homes, creating a series of soil terraces within the site.

Proposal

8. The proposal is for a 2- storey school on a new site to accommodate the relocation of the existing St Peter's Church of England Primary School currently located at Windmill Street in Tunbridge Wells (TN2 4UU) approx. 1 mile from the proposed site and to accommodate a growing need in the area as a result of new housing development. The proposed school would be known as St Peter's Church of England Primary School.
9. The proposal includes a 2-storey school, access, drop off area, parking and landscape works. It includes a sports and outdoor play area, running track and multi-use games area (MUGA). Phase 1 of the development includes a 1 FE school with a school roll of 210 increasing to 420 when phase 2 is built. Staffing would initially be 26.5 FTE for phase 1 increasing to 42 to support a 2FE school.
10. The external facilities for phases 1 and 2 would be developed as part of phase 1, with the exception of the top car park which would be developed as part of phase 2 in response to Highways and Transportation comments.
11. The proposed building footprint would be 1310m<sup>2</sup>, the gross external area for the 2FE school 2523m<sup>2</sup> and the maximum height of the building would be 5.3m from the main entrance site and 9.2m on the playground side.
12. The materials proposed include brickwork, coloured insulated render in light grey; aluminium framing in grey; glazing with PPC aluminium framed window and curtain wall units; doors with PPC aluminium frames. The applicant states that they have had regard to the High Weald Guidance on the Selection and Use of Colour in Development document in determining the materials proposed.
13. The proposal includes a flat roof with parapet and on the 2-storey roof it is proposed to have wind catchers and photovoltaics (35m<sup>2</sup>) set back from the edge to conceal them from ground level. There is also a roof access hatch and louvred plant screen.
14. The school hall and outdoor sports pitches are proposed to be available for community use out of school hours at weekends and evenings although the frequency and times have not been specified.
15. The school day is between 0845 hours and 1525 hours with a breakfast and afterschool club when the school is expanded to 2FE. The school peak traffic hours are 0800hours to 0900 hours and 1500 hours to 1600 hours.
16. Vehicular access to the site is proposed from Hawkenbury Road as approved in the outline Planning Consent. This leads to a pick up and drop off area located at the front of the school and two car parking areas on site in the north west corner. 40 spaces will be provided for the 2FE school including 4 dedicated disabled parking bays. An area for 12 cycle parking spaces is included. A maintenance access is also included from the south west of the site off Maryland Road.

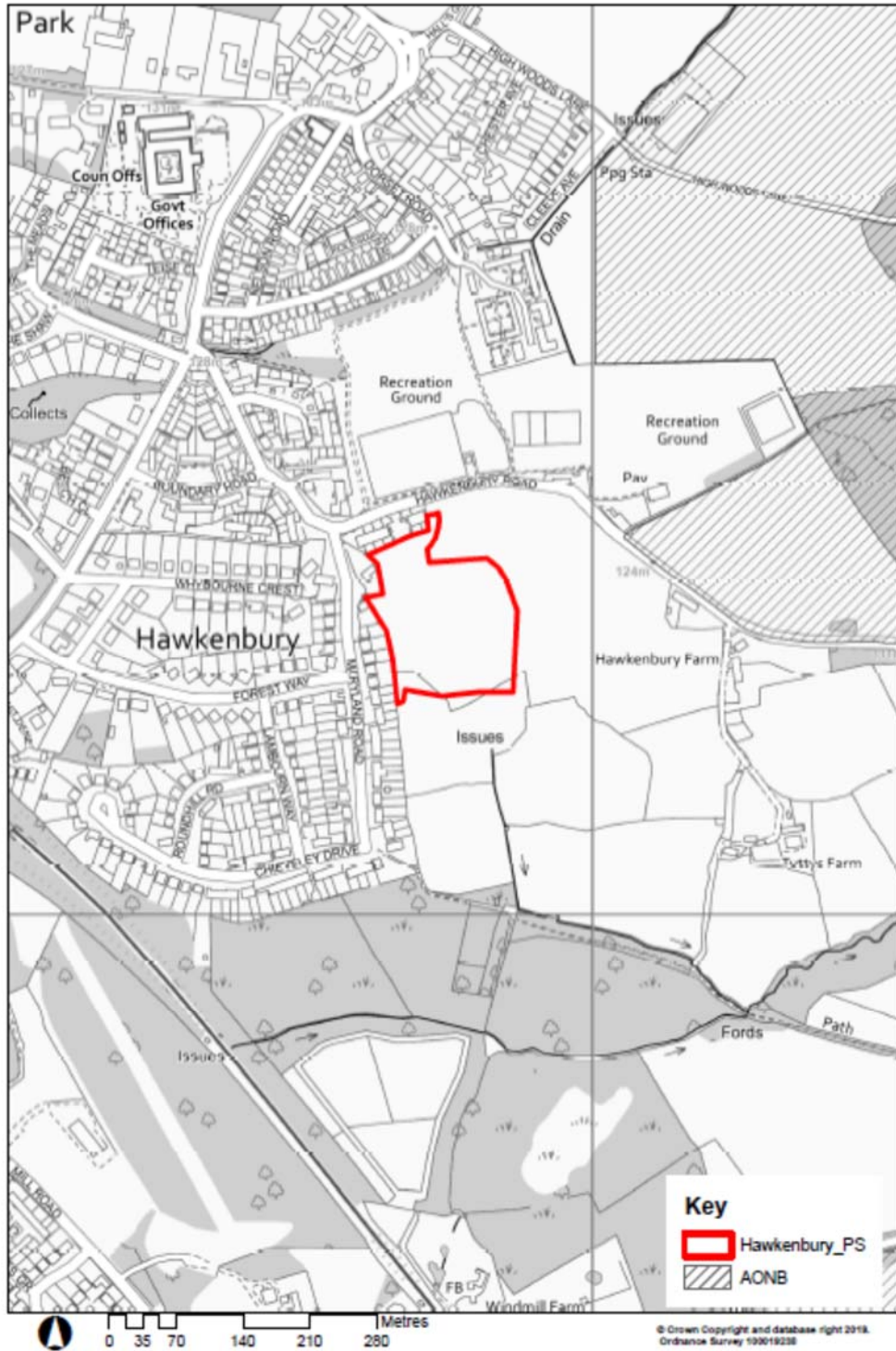
New two storey primary school at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018

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17. Pedestrian access to the site would also be from Hawkenbury Road and also from the east of the site to link with the new housing development.
18. The site falls from north to south at an elevation of approx. 130mAOD to 115mAOD. The ground levelling works have already been carried out as preparatory works under the TWBC hybrid permission and the site is terraced. As part of the site needed remediation these works have also been carried out under the TWBC hybrid permission by the housing developer.
19. The proposal requires the removal of 5 trees in order to provide the required parking space for the school. These trees were not previously designed for removal under the TWBC permission.
20. Landscaping work proposals including boundary fencing and planting has been included within the application.
21. The applicant has made amendments to the proposal including revised drawings in order to respond to comments made during consultation and publicity. The amendments include revised tree positions and sizes at the north west boundary; a 250mm reduction to the levels of the top car park; increased fence height from 1.8m to 2.1m to a section of fence at the north west boundary in the vicinity of Holly Farm Cottage. They also include details of the extent of the entrance canopy on the floor plan; retaining wall information and updated roof plan.

New two storey primary school at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018

Site Location Plan

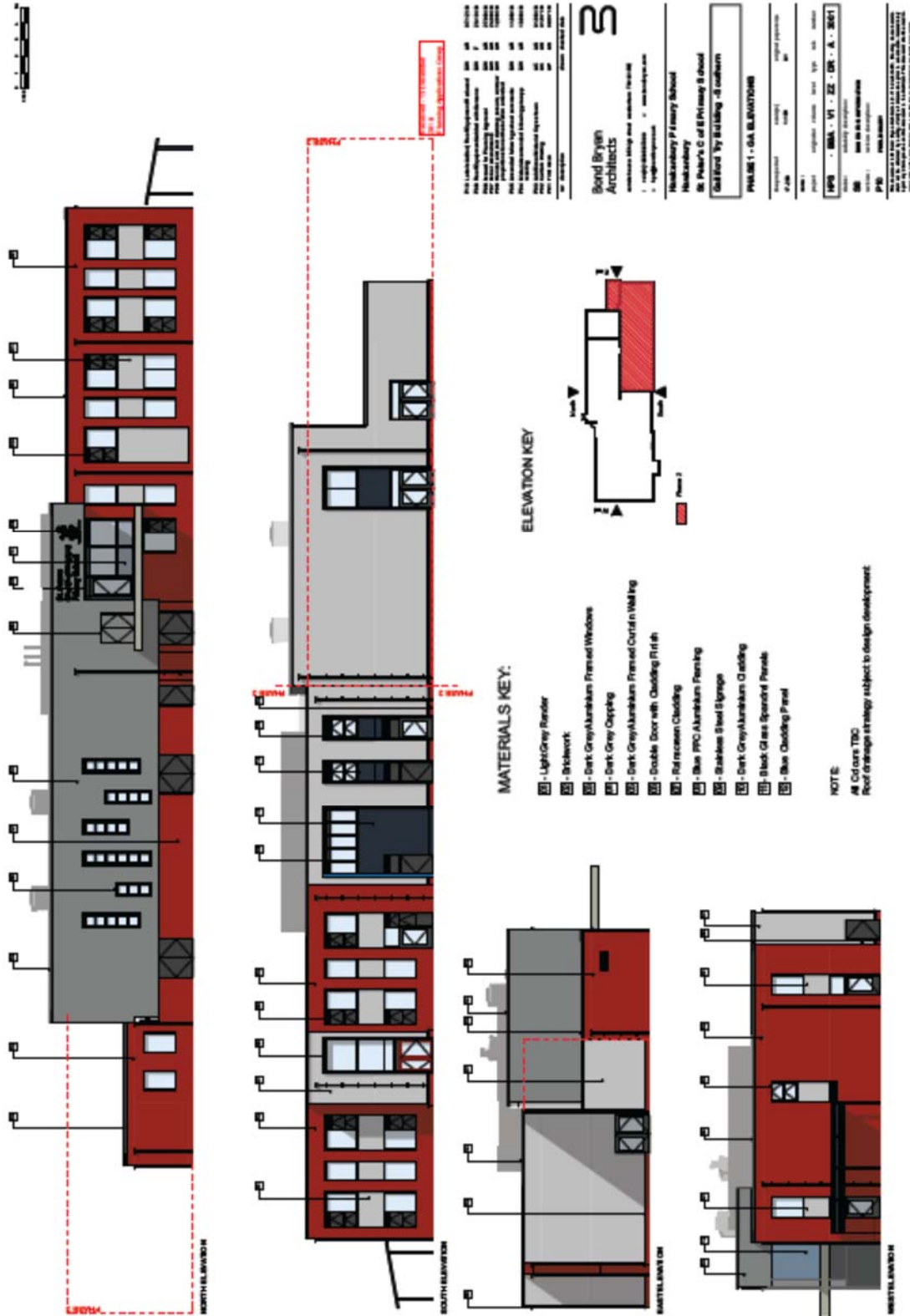






New two storey primary school at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018

Elevations – phase 1



Elevations – phase 2

**TECHNICAL SPECIFICATION**

NO.	DESCRIPTION	QTY	UNIT
101	Dark Grey Aluminium Window Frames	120	m
102	Dark Grey Aluminium Window Frames	120	m
103	Dark Grey Aluminium Window Frames	120	m
104	Dark Grey Aluminium Window Frames	120	m
105	Dark Grey Aluminium Window Frames	120	m
106	Dark Grey Aluminium Window Frames	120	m
107	Dark Grey Aluminium Window Frames	120	m
108	Dark Grey Aluminium Window Frames	120	m
109	Dark Grey Aluminium Window Frames	120	m
110	Dark Grey Aluminium Window Frames	120	m
111	Dark Grey Aluminium Window Frames	120	m
112	Dark Grey Aluminium Window Frames	120	m
113	Dark Grey Aluminium Window Frames	120	m
114	Dark Grey Aluminium Window Frames	120	m
115	Dark Grey Aluminium Window Frames	120	m
116	Dark Grey Aluminium Window Frames	120	m
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126	Dark Grey Aluminium Window Frames	120	m
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136	Dark Grey Aluminium Window Frames	120	m
137	Dark Grey Aluminium Window Frames	120	m
138	Dark Grey Aluminium Window Frames	120	m
139	Dark Grey Aluminium Window Frames	120	m
140	Dark Grey Aluminium Window Frames	120	m
141	Dark Grey Aluminium Window Frames	120	m
142	Dark Grey Aluminium Window Frames	120	m
143	Dark Grey Aluminium Window Frames	120	m
144	Dark Grey Aluminium Window Frames	120	m
145	Dark Grey Aluminium Window Frames	120	m
146	Dark Grey Aluminium Window Frames	120	m
147	Dark Grey Aluminium Window Frames	120	m
148	Dark Grey Aluminium Window Frames	120	m
149	Dark Grey Aluminium Window Frames	120	m
150	Dark Grey Aluminium Window Frames	120	m

**MATERIALS KEY:**

- 1 - Light Grey Render
- 2 - Brickwork
- 3 - Dark Grey Aluminium Framed Windows
- 4 - Dark Grey Cladding
- 5 - Dark Grey Aluminium Framed Curtain Wall
- 6 - Double door with Cladding Finish
- 7 - Reinforced Cladding
- 8 - Blue PVC Aluminium Framed UP
- 9 - Bar in Steel Signage
- 10 - Dark Grey Aluminium Cladding
- 11 - Black Glass Spandrel Panels
- 12 - Blue Cladding Panel

**ELEVATION KEY:**

**NOTE:**  
All Cladding TBC  
Roof drainage strategy subject to design development.

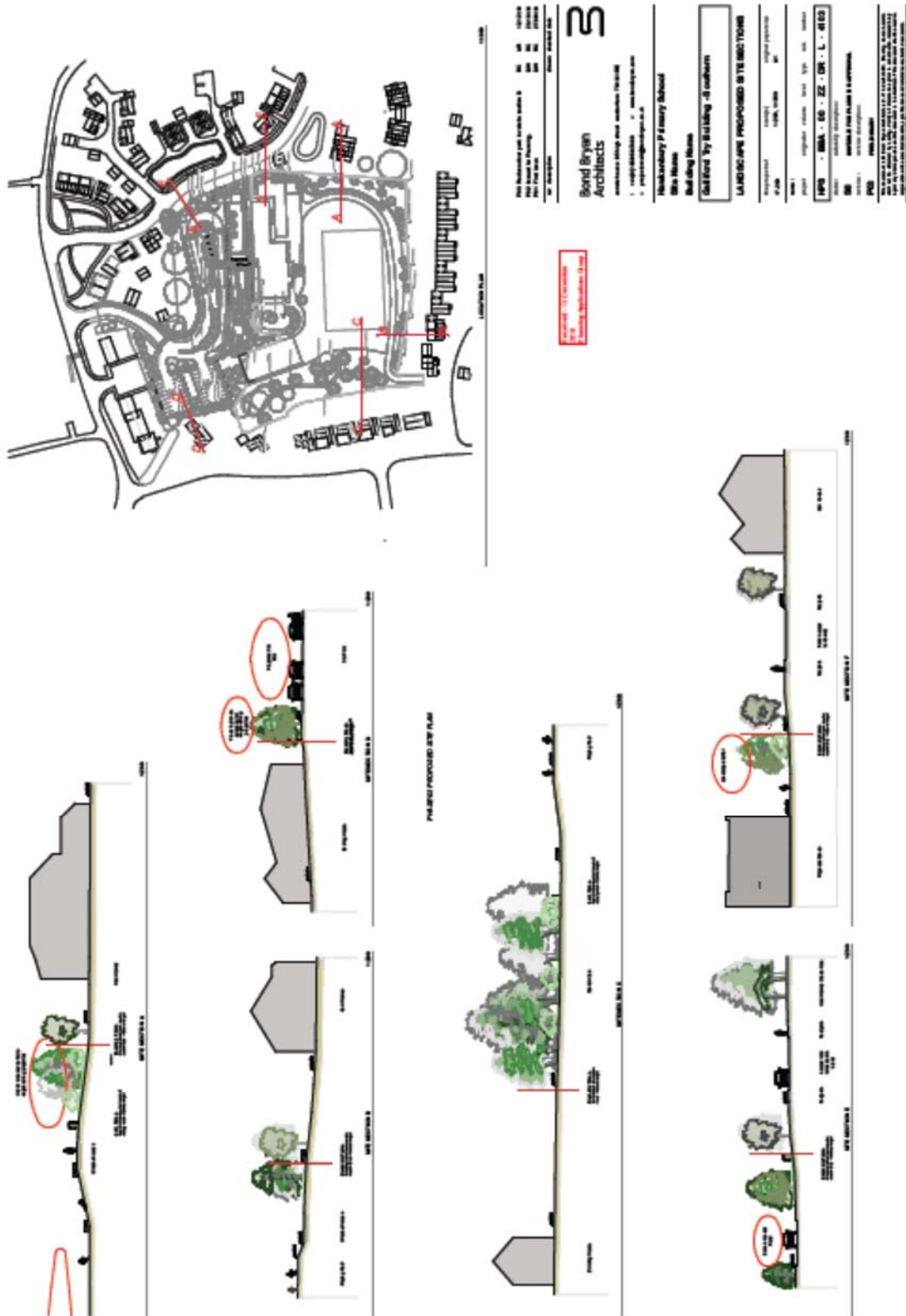
**PHASE 2 - 04 ELEVATIONS**

Architect: Bond Bryan Architects  
Client: Hawkenbury Primary School  
Project: New two storey primary school at Hawkenbury Farm, Tunbridge Wells  
Phase 2 - 04 ELEVATIONS  
Scale: 1:50  
Date: 10/10/18





New two storey primary school at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018



## Planning Policy

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

- (i) **National Planning Policy Framework (NPPF) July 2018** 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 along with the national policy practice 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:

- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Taking a positive approach to applications that make more effective use of sites that provide community services such as schools, provided this maintains or improves the quality of service provision and access to open space and making decisions that promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Meeting the challenge of climate change and flooding and incorporating SUDS;
- Conserving and enhancing the natural environment.

In addition, Paragraph 94 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.*

- (i) **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 to 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.

**(ii) Development Plan Policies****Tunbridge Wells Borough Core Strategy (2010)**

Core policy 1 – seeks to ensure developments are delivered in a managed way with sufficient sites being allocated to meet development needs.

Core policy 3 – seeks to ensure adequate transport infrastructure and address transport issues.

Core policy 4 – seeks to ensure that locally distinctive built and natural local character is conserved and enhanced.

Core policy 5 – encourages sustainable design and construction principles including making efficient use of water resources and protecting water quality; measures to address flood risk; energy efficiency and minimising waste creation and managing air, light, soil, noise and pollution levels. The policy also encourages high quality design which creates safe, legible and adaptable environments and conserves and enhances the public realm.

Core policy 8 – concerns provision of leisure and community facilities and seeks to support additional facilities where they are needed.

Core policy 9 – development must conserve and enhance the landscape and heritage and biodiversity assets of Royal Tunbridge Wells, including the surrounding Area of Outstanding Natural Beauty, to secure its special character in the long term.

**Tunbridge Wells Borough Local Plan (2006)**

Policy EN1 – seeks to achieve development which is compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of noise, vibration, smell, safety or health impacts, or excessive traffic generation; would not cause significant harm to the residential amenities of adjoining occupiers, and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight and privacy. The policy also seeks to achieve positive design and scale which respects the context of the site and take account of the efficient use of energy and which does not result in the loss of significant trees, shrubs, hedges, or other features important to the character of the built up area or landscape and which has no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements. The policy seeks to take account of the security of people and property and incorporate measures to reduce or eliminate crime; and provide safe and easy access for people with disabilities and people with particular access requirements.

Policy EN8 – seeks to achieve the minimum amount of lighting necessary to achieve its purpose and lighting which is unobtrusively sited or well screened by landscaping or other site features; minimise glare and light spillage in relation to local character, the visibility of the night sky, the residential amenities of adjoining occupiers, and public safety; low energy lighting would be used; and where floodlighting of a landmark feature is proposed, the level and type of illumination would enhance the feature itself.

New two storey primary school at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018

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Policy EN10 – seeks to ensure that provision is made for archaeological investigation and recording.

Policy EN13 – seeks to protect trees that are protected unless in the interests of good arboricultural practice or the desirability of the proposed development outweighs the amenity value of the protected tree.

Policy EN16 – seeks to achieve development which has no unacceptable effect on the quality or potential yield of groundwater; no adverse impact on the water quality within, or water supply to, lakes, ponds, wetlands and other watercourses; minimise the demand for water and incorporate sustainable drainage systems for the disposal of surface waters.

Policy TP1 – seeks to ensure that proposals for large-scale non-residential development demonstrate the adequacy of transport infrastructure to serve the development and provision of, or contributions towards, appropriate measures which will address any identified inadequacy, and which assist walking, cycling, public transport, other highway improvements and/or Park and Ride provision. Development proposals for new or significantly expanded schools are expected to be accompanied by Transport Assessments and Travel Plans.

Policy TP3 – seeks to ensure that there is adequate transport infrastructure available to serve the development.

Policy TP4 – seeks to ensure that there is adequate access to the road network and that there is adequate capacity to cater for the traffic which will be generated by the development, taking into account the use of, and provision for, alternative modes to the private car; a safely located access with adequate visibility exists or could be created; and that the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others.

Policy TP5 – seeks to ensure adequate vehicle parking in connection with development.

Policy TP9 – seeks to achieve adequate cycle parking standards.

#### **Site Allocations Local Plan (2016)**

Policy AL/GB3 – allocates land at Hawkenbury Farm for residential development providing approximately 220 – 250 dwellings and a 2FE primary school subject to the design and layout being informed by a landscape and ecological assessment to meet the requirements of Core Policy 4: Environment and Core Policy 5: Sustainable Design and Construction of the Core Strategy (2010) and any other relevant policies. Particular regard shall be had to the character of the nearby Area of Outstanding Natural Beauty; the development shall provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by the service provider; a Management Plan shall be agreed to ensure the long-term protection and management of open spaces, including woodland and natural landscape features; development shall ensure remediation of the areas of landfill within the site and proposals for the siting and provision of a primary school within the site shall be agreed through discussion with the Local Education Authority.

## Consultations

23. **Tunbridge Wells Borough Council** has no objection to the proposal and recommends that planning conditions are applied requiring further submission to address detailed matters concerning the visibility of roof plant (PVs, access hatches, wind catchers); the design details for roof coping; canopy; windcatchers and safety rail (that may be required at the parapet); the design of the entrance door to increase prominence; the colour scheme for the external materials (taking account of the AONB colour guidance); the extent of the entrance canopy; the design and articulation of the east elevation staircase on phase 2; screening of the bin store and a soft and hard landscaping scheme to include large maturing native tree species to replace those to be removed in the car park area. Comments on amendments to the proposal are awaited and any views received by the date of the Committee will be brought to the attention of Members.
24. **Environment Agency (Kent Area)** has no objection to the proposal, subject to conditions in the event that contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The Environment Agency also require submission of a final verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation prior to any part of the permitted development being occupied.
25. **KCC Biodiversity** advises that as the school site has already been cleared, there are no potential ecological impacts expected (except in relation to the trees proposed for removal) and that the applicant should be advised that the site must be retained as bare ground prior to development commencing to ensure that there is no further need for ecological mitigation in relation to reptiles and dormice.

They advise that to ensure that wildlife is able to move around easily, there is a commitment in the neighbouring housing development site for retained hedgerows to have 5m buffer zones. If this was to be applied to the school site, it appears to be relevant to hedgerows along the western boundary of the site and to some sections of hedgerow along the northern boundary. There is a 'habitat area' proposed for the western boundary of the school site which will provide connectivity for wildlife it is advised that to maximise the value of the habitat area, it must be managed in accordance with the provisions detailed in section 6.4 of the Landscape & Ecological Management Plan (LEMP). For ease of implementation, we advise that a stand-alone Habitat Management Plan for the school site, taking the relevant management prescriptions from the LEMP, should be secured as a condition of planning, if granted.

Comments that all hedgerow removal works for the wider site (Berkeley site and school site) were completed in 2017 under the Natural England dormouse licence. Given the intention to remove additional trees, it is essential to note that "No further removal of hedgerows or trees can be carried out on the school site without a dormouse licence amendment first being made, and the works then carried out at an appropriate time of year to minimise impacts on dormice". We advise that the proposed tree removal could be carried out under an amended licence and that the submission of a copy of the amended licence should be secured by condition, if planning permission is granted. The applicant should be aware that, in accordance with the dormouse licence, the initial tree removal works to cut to stump level must be carried out over winter.

It is advised that the new Hedgerow Planting along the eastern and southern boundaries of the school site are specified within the TMBC hybrid application LEMP as required within the dormouse licence as part of the compensatory habitat, however the new compensatory habitat planting has been confirmed by the applicant as being outside the school planning application site and within the residential development site.

It is stated in the Applicant response to queries raised during the statutory consultation process that "Provision of a wildlife tunnel is included within the proposals" but we cannot see the wildlife tunnel (or arboreal connection) indicated on the submitted plans. We advise that a clear plan of the school entrance road, showing the wildlife tunnel and arboreal connection and their specifications, are sought from the applicant. These must be in accordance with the details specified in the LEMP (Appendix Q, sections 4.1 and 4.2). It may be sufficient to secure this information as a pre-commencement condition, if planning permission is granted.

It is reported in the Update Ecological Appraisal that the dead hedging present along the northern and eastern boundaries of the school site is a requirement of the dormouse licence and must be retained until a suitably experienced ecologist has confirmed that the new hedgerow planting is suitable for dormice. In addition, dormouse boxes are positioned along the western boundary of the site that must remain in place until construction (of the wider site) is completed. The applicant should be aware of these, KCC could consider securing their retention within the planning permission (if granted), though the dormouse licence already forms a legal contract (albeit between Natural England and Berkeley Homes).

26. **County Archaeological Officer** has no objection to the proposal and recommends a condition for the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority and the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority. The applicant has agreed to these as pre-commencement conditions.
27. **Highways and Transportation** have no objection to the proposal and comment that as the school has already received outline planning consent and the vehicular trips to and from the site has previously been agreed with Kent County Council (KCC) Highways, the submission of a Transport Statement rather than a Transport Assessment is acceptable in accordance with national and local policy and best practice. Matters pertaining to vehicular access and traffic generation have been agreed and approved as part of the outline consent. As part of the Hawkenbury Farm application, junction improvements have been undertaken at the Hawkenbury Road / Forest Road junction and the Forest Road /Forest Way junction. In addition to this, a new zebra crossing has been provided on Hawkenbury Road, in the vicinity of the school site, to connect both the school and the residential development to the Hawkenbury recreation ground. This zebra crossing is situated approximately 20m west of the school access junction. Pre-application discussions took place between the developer and KCC Highways in autumn 2018, when highway issues were discussed and altered in line with KCC Highways advice. Therefore the application has been submitted to KCC Highway's requirements with minimal comment to be made. The internal layout, number of parking and cycle parking

spaces, and location and number of drop-off spaces is acceptable. However, it is requested that conditions/legal agreement be used to address the provision of a cycle parking and scooter rack which should be under cover; that the internal roads could be signed as 10mph; that only one of the two staff car parks be open for phase 1 of the development and that both car parks should be available for the completion of phase 2 (2FE) to ensure that there is not an overprovision in phase 1 which may encourage parents and teachers to drive purely because there is plentiful space to park at the school. Finally, that an advisory 20mph during school times only be applied at the expense of the developer to the front of the school entrance in Hawkenbury Road.

28. **KCC Sustainable drainage** have no objection to the proposal and comment that the proposed land drainage elements will not be draining into the adoptable network and that they are satisfied that the sports pitches will drain into existing non-adopted drainage outside of the site boundary. Conditions are recommended concerning a detailed sustainable surface water drainage scheme for the site to be submitted and approved which is based upon the Detailed Drainage Strategy, Revision P3 and P4 (Fairhurst, September 2018) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and that appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

A condition is also recommended concerning submission of a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, to demonstrate the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

A condition requiring submission of information that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the occupation of any phase of the development is also requested. The applicant has agreed to the pre-commencement and prior to occupation timescales for submission to address matters raised by KCC Sustainable drainage.

29. **Southern Water** have no objection to the proposal and comment that their initial assessment of the impact of the additional foul sewerage flows from the proposed development on the existing public sewer network is that there is a likelihood of an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed



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occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water hence requests a condition to be applied regarding the timing of the development in relation to delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. Southern Water also comment that no surface water should be permitted to be discharged to the foul sewerage system, in order to protect properties downstream from flooding and that the design of drainage should ensure that no land drainage or groundwater is to enter public sewers network. Comment that the detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers and request an Informative regarding this. Southern Water request that should this application receive planning approval, a condition is attached regarding submission of the proposed means of foul and surface water sewerage disposal. Southern Water also advise that no soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public and adoptable sewers.

30. **PROW** advise that no public rights of way in the vicinity are directly affected by the proposal and that a contribution to the improvement of the nearby public rights of way has been secured as a result of the neighbouring development.
31. **High Weald AONB** advise that the High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the setting of the High Weald AONB landscape; drainage proposals should seek to restore the natural functioning of river catchments and avoid polluting watercourses, especially where these flow through the AONB downstream of the application site (Management Plan objective G1); local habitats and species should be protected and enhanced as appropriate, creating networks connecting into the High Weald AONB (Management Plan objectives G3, R2, W1, W2, FH2, and FH3); native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management Plan objective FH3); and controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night.

#### Local Member

32. The local County Council Member, for Tunbridge Wells South, Miss Catherine Rankin was notified of the application on 23<sup>rd</sup> October 2018. No comments have been received to date.

#### Publicity

33. The application was publicised by the posting of site notices, an advertisement in a local newspaper, and the individual notification of 60 nearby properties.

#### 34. Representations

35. In response to the publicity for the proposal, 2 letters of representation both from the same property have been received. The key points raised relate to privacy; planting; tree removals; noise and traffic and are summarised as follows:

- The cross section showing the car park shows the level to be above the level of

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neighboring property raising concern over invasion of privacy from the users of the car park. The representation suggests that the level of the car parks be reduced; the height of the fence be increased to above 1.8m; that the number, height, volume and maturity of the new trees to be planted be increased and that the grass verge between the car park and neighbouring property be raised, which would also address concern with drainage i.e. from the car park flowing down to neighbouring property

- The impact of air and noise pollution from traffic using the car park close to property. It is suggested by the representation that an increase in the quantity, volume and maturity of the new trees to be planted would help to alleviate this concern.
- Objection to the removal of any existing trees on or near to the border which would compromise privacy and that there appears to be an inconsistency between documents in the application where the application form states that there are no trees on the development site, however there are trees including Silver Birches shown in other application documents that are designated for removal.
- Support for the planting of new trees to the west of the new car parks but do not believe the current choice of trees in the plan provide a great enough volume to address concern of the loss of privacy from users of the car park.
- Concern at the danger of exiting property (driveway) into the path of traffic from the school vicinity turning left into Maryland Road, close to a blind corner raising increased concerns over a potential accident. Propose that the council install a traffic mirror near the corner of Maryland Road and Hawkenbury Road opposite the entrance of Holly Farm Cottage, although are open to other suggestions.

#### Discussion

36. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 22 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.

37. This proposal is being reported to the Committee due to two local objections, both from the same residential property. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings: need, location, design, transport and highway implications, drainage, landscape, biodiversity and tree protection, and impact on local and residential amenity.

#### Need

38. The proposal is to provide a new site for the relocation and expansion of the St Peters Church of England Primary School currently located at Windmill Street in Tunbridge Wells and to provide additional places to address more places for local children. The existing school is currently split over 3 sites and is 1FE with 140 pupils and 24 staff. The applicant states that it is one of the most oversubscribed schools in Kent.

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39. The proposal would meet the needs of the existing School and additional demand generated over time as new housing becomes occupied and would improve and increase the facilities available. The forecast demand does not support an immediate expansion from 1FE to 2FE and therefore the development proposed is in 2 phases.
40. There have been no objections from the Borough Council regarding the need for the new development and given that there is already an outline permission for the development; the site is allocated within the Site Allocations Local Plan (2016) for educational use and the national policy weight contained within the Policy Statement – Planning for Schools Development (2011) for schools to adapt and improve their facilities there is strong policy support for this development.

### **Location**

41. The site has outline permission for a primary school (the TWBC hybrid permission) and sits within a larger housing development site. Works have already started under the TWBC hybrid permission. The site is bounded by rear gardens of existing residential development to the west in Maryland Road and to the north in Hawkenbury Road. New housing development is progressing to the east and south although properties are not yet occupied.
42. The site is located approx. 113m from the High Weald Area of Outstanding Natural Beauty (AONB) which lies to the north east. A Local Wildlife site and Site of Nature Conservation Importance is approx. 117m at High Wood, Hawkenbury.
43. The site is listed within the Site Allocations Local Plan 2016 and has outline permission. The location has therefore already been assessed as being acceptable in planning terms.

### **Design of the building**

44. The proposed building is located to the east of the site furthest from the nearest existing residential property. To the south of the site a sports area is proposed and to the north west nearest to housing in Maryland Road and Hawkenbury Road the proposed car parking areas are located. To the South west of the site a habitat area is proposed and sitting between that and the proposed school building lies a MUGA. The main vehicular and pedestrian access to the site is in the north east corner.
45. The levels at the site have already been terraced to suit the proposed layout of the site as part of the TWBC hybrid application. The proposed building has a lower ground floor and a ground floor making use of the sloping site and site levels and the 2-storey building will appear as if a single storey building when viewed from the school entrance at the northern elevation. From the southern elevation the 2-storey nature will be evident. New development to the south and east of the site is understood to comprise a range of 2 and 2.5 storey properties.
46. Drawings have been submitted for the phase 1 and phase 2 design. The design has attracted no objection from Tunbridge Wells Borough Council, although they would wish to see further information submitted with regard to the external materials; the visibility of the proposed roof plant from various viewpoints and requesting further details for roof coping; canopy; windcatchers, pv panels and safety rail. These matters can be addressed by conditions. TWBC also request that the prominence of the entrance door

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to the site can be improved in the design; that further details be provided for materials and screening of the bin store and I am also satisfied that these matters can be dealt with by conditions.

47. The AONB Unit have advised that because of the location near to the AONB, (approx. 113m away), the applicant should have regard to the AONB colour guidance in their choice of materials and colours. The applicant has proposed a colour scheme which they consider takes account of the AONB colour guidance and the Borough Council have commented that the proposed colours maybe too dark and whilst not objecting to the materials have requested details and samples of the proposed materials to be submitted before they are used. The applicant has agreed to submit further details on the colours and samples of external materials and I am satisfied that this can be required by a condition.
48. The Borough Council whilst not objecting to the design have also commented that the design and articulation of the east elevation staircase on phase 2 of the development could be reviewed to increase natural daylight and that the addition of windows may help to “animate” the elevation, with articulation of the staircase by an increase in height. The east elevation faces into the new housing development. I do not consider that the proposed design would require an increase in height of the staircase and/or addition of windows to make it acceptable.
49. There have been no other representations with regard to the design of the building. In light of this, I consider that the proposed design of the building is acceptable in this location, meets the planning policy requirements and that conditions can be used to require further information as set out above.

### **Transport and Highway Implications**

50. The school has already received outline planning permission and the highway impacts have been considered acceptable in the context of the wider TWBC hybrid permission. Matters relating to vehicular access and traffic generation have already been agreed for the development and included in this application. As part of the TWBC hybrid permission development junction improvements have been undertaken at the Hawkenbury Road / Forest Road and Forest Road / Forest Way junction. A new zebra crossing has been provided on Hawkenbury Road approx. 20m west of the school access junction. The vehicle access to the site has been constructed by Berkeley Homes.
51. The application has been submitted with a Transport Statement detailing the parking requirements, drop off, servicing and access for non-vehicular transport for a 2FE development. The internal road layout would be designed to 10mph and provide a looped arrangement to ensure that vehicles can drive and depart in forward gear without turning around in the site. There is provision for 3 mini bus bays and 4 blue badge bays; a 7-space facility for parents to use for children to drop off/pick up in front of the school building on the southern side of the access road. The application states that this would be managed by the school to ensure that parents do not park for longer than is necessary to drop off and pick up. When deliveries are not taking place at the school there would be a further 2 spaces available in the delivery area at the eastern end of the access road for parents to use to drop off and pick up. The layout proposed is such that if the drop off spaces are full there would still be room within the site for parents to wait within the site and not block the external road network. This system relies upon the

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facility remaining open and available for use by parents at school drop off and pick up time.

52. The proposal also includes 2 car parks each containing 18 spaces in the north west corner of the site and the application originally proposed that parents would be able to use any free spaces within the car park at drop off and pick up times and that these would be available for visitors during community events at the school. However, the applicant has since stated that they will discourage parents from using the staff car parking areas for dropping off and KCC Highways and Transportation do not object to the car parks being restricted to staff parking only during the school day. The location of the car park within the proposal has also attracted neighbour objection which is discussed below in relation to amenity impacts.
53. The proposal also includes two pedestrian and cycle access points at the main entrance from Hawkenbury Road and to the east providing a connection with the housing development at Hawkenbury Farm. Cycle parking is proposed for 12 cycles for a 2FE school. The maintenance access to the south west is proposed just as an entrance for tractors and mowers for the school field and habitat area.
54. The proposal does not give rise to any objections from KCC Highways and Transportation or the Borough Council concerning highways and access matters. However, KCC Highways and Transportation request conditions or a legal agreement to be used to address the provision of a cycle parking and scooter rack which should be under cover; that the internal roads could be signed as 10mph; that only one of the two staff car parks be open for phase 1 of the development and that both car parks should be available for the completion of phase 2 (2FE). The applicant has agreed to conditions concerning these matters and states that the top car park would be developed as phase 2 of the works so as ensure that only one of the car parks is available for phase 1 of the development.
55. KCC Highways and Transportation also request that an advisory 20mph during school times be applied at the expense of the developer to the front of the school entrance. The applicant has stated that they would accept this requirement. I am satisfied that this measure can be agreed via a Memorandum of Understanding (MoU) as it is not possible for KCC to have a legal agreement with itself. The applicant has agreed to the provision of a MoU.
56. The construction period for the proposed development is likely to give rise to temporary impacts. The applicant has submitted a Construction Traffic Management Plan and a Construction and Environment Management Plan. These are acceptable have not given rise to any objection.
57. Neighbour objection also includes concern about exiting a driveway from property into the path of traffic from the school vicinity turning left into Maryland Road, raising increased concerns over a potential accident. It is suggested by the neighbour that the Council install a traffic mirror near the corner of Maryland Road and Hawkenbury Road opposite the entrance of Holly Farm Cottage or other alternatives. I am advised by KCC Highways and Transportation that the installation of mirrors is not endorsed on highway land and that the resident could install a mirror on private land if it does not overhang the highway and with the agreement of the landowner. Given that KCC Highways and Transportation raise no objection to the proposed development and the outline approval for the access and that installation of mirrors on highway land is not supported, I do not consider that additional measures are necessary for the development to proceed.

**Drainage**

58. The applicant has submitted flood risk assessment information that had been provided for the TWBC hybrid application including sustainable drainage arrangements and the foul and surface water arrangements for the whole site. It has also submitted further drainage information during the course of the application in response to queries raised from the Environment Agency, Southern Water and the SuDs team in relation to the school proposal. The applicant has confirmed that all drainage from within the proposed site would be in a private system which will then flow off site at the south western part of the site via the Berkeley Home development for inclusion within the drainage for the wider development. Land drainage from the sports pitches is proposed to drain into existing non-adopted drainage on the Berkeley Home development. The applicant is therefore reliant on drainage for the school site being connected to the Berkeley Homes development.
59. The applicant has confirmed that they would accept pre-commencement conditions regarding the proposed means of foul and surface water sewerage disposal. I am satisfied that other matters raised by Southern Water in relation to the provision of further details of the timing of the school development in relation to the provision of waste water network capacity; that no surface water be allowed to discharge to the foul sewerage system and that groundwater and land drainage does not enter the public sewer network and that the detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewer system in order to protect the development from potential flooding can be required by condition and/or informatives.
60. The applicant has also confirmed that they would be prepared to accept conditions requiring submission of a detailed sustainable surface water drainage scheme for the site which demonstrates surface water can be accommodated and disposed of without increase to flood risk on or off site prior to commencement; that a verification report pertaining to the surface water drainage system be provided before occupation of any building; submission of information to demonstrate that off site surface water drainage works are appropriately secured and protected and subsequently implemented prior to occupation. The detailed drainage scheme would also need to address any potential run off from the site, including the car park areas. Subject to compliance with these conditions I am satisfied that the development is acceptable in respect of drainage matters.

**Landscape, biodiversity and tree protection**

61. The school site has already been cleared of surface vegetation as allowed as part of the Berkeley Homes development under the TWBC hybrid permission and tree protection arrangements are in place. However, this proposal includes removal of an additional 5 trees (T216; T217; T218; T219; T213) located in the north west corner of the site. These have not been removed under the TWBC hybrid permission. The removal of these trees is necessary to provide the staff car parking area and include 4 silver birch and a Swedish whitebeam. The trees are not protected by a TPO. The removal of these trees has not attracted objection from TWBC.
62. Additional ecological information has been provided at the request of the KCC Ecology Advice Service. The removal of the 5 trees would require an amendment to a dormouse

New two storey primary school at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018

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licence which has already been granted to Berkeley Homes by Natural England in relation to works under the TWBC Hybrid permission and would need work to be carried out at an appropriate time in accordance with the Natural England requirements. I am satisfied that a condition can be used to require submission of a copy of the amended dormouse licence to be submitted prior to removal of the 5 trees and to require works to be carried out at an appropriate time of year to minimise potential impacts to dormice.

63. The removal of trees on or close to the border at the north west of the site has attracted neighbour objection as the trees are considered to provide screening for the development and their removal is perceived to compromise privacy. This is also discussed further below. The applicant states that retention of the 5 trees would detrimentally impact on the parking provision for the site and undermine the applicant's ability to meet the required parking standards. The applicant proposes additional planting and I am satisfied that a condition can be used to request further details of additional planting species, size and location. This would also address TWBC requirements for a condition to address soft and hard landscaping scheme to include large maturing native tree species to replace those to be removed in the car park area. It should be noted that as the trees are not protected their removal could take place in any event subject to consideration of ecological requirements such as timing of works.
64. The application includes buffer/habitat areas at the site margins to the south, south west, south east and north east and these are intended to provide connectivity for wildlife and I am satisfied that a condition can be used to require submission of Habitat Management Plan for the school site which is in accordance with the Landscape and Ecological Management Plan for the TWBC Hybrid permission. A wildlife tunnel is also included within the proposals to provide a connection route for wildlife between the north west and north east of the site where the school access road enters the site. I am satisfied that a condition can be used to require further details of the specifications this compensatory feature and the applicant has confirmed that they are prepared to accept a pre-commencement condition to address this.
65. New hedgerow planting is required as part of the outline TWBC hybrid permission compensatory habitat measure in relation to dormouse at the eastern and southern boundaries of the site and the applicant has stated that this is to be carried out by the housing developer Berkeley Homes and that this is located outside of the proposed School site boundary.
66. I am also satisfied that an informative can be used to advise the applicant to retain dormouse boxes and dead hedging on site until a suitably experienced ecologist confirms that new replacement hedgerow planting is suitably established for dormice, as required by the dormouse licence between Natural England and Berkeley Homes.
67. I am satisfied that tree protection measures can be required by condition in relation to trees that are proposed for retention at the site and that further details of the proposed replacement planting can be required by condition. Subject to the imposition of the conditions referred to above, I am satisfied that the development is acceptable on landscape, biodiversity and tree protection grounds.

### **Impact on Residential and Local Amenity**

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68. The location of the proposed car parking area at the site is consistent with the location already approved in the outline hybrid planning consent granted by TWBC. However, the location and levels of the proposed car park have attracted neighbour objection linked to a concern about privacy and overlooking, particularly with the proposed removal of 5 trees at the north west of the site and the impact of air and noise pollution from traffic using the car park.
69. The application states that the layout of the site has been proposed using the car park in the north west corner as a buffer between the proposed new school building and existing residential property as well as being logically located in relation to the proposed access into the site. The boundary of the site in the vicinity of the top car park is located approx. 2m from the facade of the nearest residential property at the closest point in the north west corner and the nearest parking in the top car park is located approx. 5.9 m from the facade of the nearest residential property. 5 trees would need to be removed in this area as a result of the proposal which is discussed below. There would be a verge where new planting is proposed between the surface of the top car park and the close board fence between the site and nearest property to the north west.
70. As originally submitted, the proposed levels of the site were consistent with the TWBC hybrid planning permission. However, in response to the neighbour concern about levels and privacy the applicant proposes to reduce the level of the top car park by 250mm using the soils to supplement the grass verge. The applicant also proposes to increase a section of the close boarded fence along the north western boundary from 1.8m to 2.1m. The applicant has not amended their proposals in response to the neighbour concern in relation to the removal of 5 trees in order to create the car parking area required for the top car park. The removal of these trees will change the outlook to the site however they are not protected trees and the timing of their removal can be controlled in relation to the biodiversity impacts. The amenity impacts of removal of these trees to local residents needs to be balanced against the wider highways impacts of not providing sufficient car parking for a 2FE school. Given the increased fence height and the adjustment to the top car park levels and agreement to suitable replacement planting I conclude that the impacts to residential amenity to nearby properties as a result of the removal of these trees is not so severe in my view as to justify refusal of the scheme or reduction in the amount of car parking for the school which would have wider amenity and highways impacts.
71. I am satisfied that with a 2.1m fence and revised level to the top car park along with additional boundary planting, the potential for overlooking and impact to privacy is reduced and in combination, the amendments improve the proposal in this area.
72. Amended details of planting along the car park boundary have been submitted and further details of planting, species and size can also be required by condition.
73. The applicant intends that as a result of the KCC Highways and Transportation comments only the bottom car park would be provided in time for occupation of phase 1 of the development and the provision of the top car park would be provided for phase 2 occupation. This would mean that the biodiversity advice to keep the surface of the site as bare ground prior to development commencing so that there is no further need for ecological mitigation in relation to reptiles and dormice would need to be revisited as a temporary surface would need to be proposed for the phase 2 car park area between phase 1 and 2 of the development. I am satisfied that this can be achieved by a condition requiring submission of details of interim measures for the top car park.



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74. The applicant has stated that as the car park is intended for staff only and not public use and that the parents dropping off would be discouraged from using the staff car parks any additional impacts from use of the car parks at drop off and pick up time from noise and traffic would be minimal. However, it is recognised that the car parks would be used by when the school is open for out of hours community usage. The application states that community use is expected for the school hall, kitchen and outdoor sports facilities. The likely frequency and timing of community events has not been specified in the application other than that it would be evening and weekend use. There is no precise information in the application about the proposed hours for community use and so I intend to require further submission of details of community usage which would require written approval in relation to proposed hours of use; parking and measures to address local amenity impacts arising from use of the school facilities outside school hours prior to allowing community usage This would cover use of the school hall, kitchen and the internal and external sports facilities as well as parking areas and provide a means to address a control over amenity impacts relating to hours of use. There is policy support for the shared use of community facilities.
75. The applicant has submitted a noise assessment with the application which includes a survey of the background noise climate. The noise assessment has been used to provide a limit for noise arising for proposed rooftop plant on the school building and a condition can be used to require noise from rooftop plant to be in accordance with the assessment conclusions.
76. The noise assessment does not however provide details of the likely noise impacts or any mitigation measures that might be required in relation to the use of the external parking and sports facilities at the site. Given that the school and associated facilities have outline planning permission, that the layout of the proposal is consistent with the details submitted with the TWBC application and that the site is allocated within the Local Plan (and therefore considered to be satisfactory to the Secretary of State and Planning Inspectorate), I conclude that the principle of a school and associated impacts in this location near to existing residential property in Maryland Road and Hawkenbury Road has already been considered to be acceptable and that the activities are deemed to be appropriate in this location. There have been no adverse comments from TWBC in relation to the potential for unacceptable noise impacts to existing residential property or to new housing to the south and east of the site. The applicant has however agreed to the submission of further noise assessment information concerning break out noise from the MUGA, sports facilities and car park area and I am satisfied that a pre-commencement condition can be used to request this and to include submission of details of any mitigation measures should any be required.
77. No information has been provided within the application about the air quality impacts of the proposal. However, given that the site already has outline permission within a much larger development the air quality impacts of the proposed site in this location have already been assessed as being acceptable by TWBC. The likely impacts to air quality at the nearest residential property as a result of use of the proposed car parking areas are not likely to be so severe as to warrant refusal of the proposal.
78. The application does not include proposals for lighting within the car park area and a condition is proposed to require submission of details of external lighting proposed prior to installation and use at the site in order to avoid excess lighting at the site boundaries and to address the impact of lighting to amenity.

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79. The submitted plans do not show any lighting for the MUGA and the application has been assessed on this basis. Any future lighting in relation to the MUGA would need to be subject to a further planning application for future consideration. A condition to this effect is proposed.

### **Other Considerations**

80. As part of the Governments initiative to improve the pace in delivery of sustainable development planning authorities are now required to secure the agreement of the applicant if it wishes to impose pre-commencement planning conditions. The applicant would agree to pre-commencement conditions relating to the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority and the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority. This will enable the excavation to be observed and items of interest and finds recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

81. Hotspots of contaminated land within the site have been remediated as part of the TWBC Hybrid development which has already occurred. The Environment Agency require submission of a final verification report to demonstrate that works to remediate the site has been carried out in line with the remediation strategy for the wider site under the TWBC hybrid permission. This would demonstrate completion of the site remediation works prior to occupation of any part of the development and I am satisfied that a condition can be used to address this requirement. A condition can also be used to require that any unforeseen contamination that may be found during development can be addressed.

### **Conclusion**

82. There is strong national policy support for schools related development and the applicants demonstrate a phased need for the proposal. The location of the proposal already has outline planning permission and is within an area designated by planning policy for this type of development. In addition to meeting the educational needs of housing growth, the proposal would replace the existing St Peter's Church of England Primary School which currently operates from 3 sites. The impacts to highways, drainage, biodiversity and residential amenity are the key planning considerations in the determination of this application.

83. There have been no objections to the proposals from the Borough Council, Highways and Transportation, the Environment Agency, Southern Water, KCC Archaeology, KCC Biodiversity and KCC Sustainable Drainage, subject to the use of appropriate conditions.

84. The proposal has received 2 objections from 1 neighbouring property. The applicant has submitted amendments to the proposal in relation to the height of fencing and the level of the top car park and planting, and details of additional landscape planting can also be required by condition in response to the objections. The proposal makes efficient use of space within the site however in order to provide the car parking spaces would require the felling of 5 trees at the site and the amendment to a Natural England licence prior to removal. The impact to residential amenity in terms of privacy as a result of removal of the trees is balanced against the need for the car parking for a 2FE school.

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85. The principle of the development has already been assessed and the need for and location of the development is already considered to be acceptable in planning terms. The layout of the school is consistent with the TWBC hybrid application and the MUGA, habitat areas and car parking areas were intended by the applicant to provide a buffer between the proposed school building and existing residential development.
86. The proposal accords with development plan policy in Tunbridge Wells, and the principles of the National Planning Policy Framework and the Government's planning policy statement on school development. There have been no Borough Council objections to the proposal. It is noted that the site forms an important part of the Borough's housing strategy being an allocation in the Local Plan for housing and associated school provision. I consider that there are not any material planning considerations which indicate that permission should not be granted for this proposal. Therefore, my recommendation is that planning permission be granted subject to conditions and appropriate MoU to address the issues raised above.

#### Recommendation

87. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO a Memorandum of Understanding from the applicant regarding provision of appropriate 20mph signage on Hawkenbury Road during school hours and the imposition of conditions covering (amongst other matters) the following:

That prior to the commencement of the development, the following information be required (using pre-commencement conditions which have been agreed with the applicant):

- Provision further details to the County Planning Authority of the details of the wildlife tunnel showing the location and specifications of the tunnel in relation to the site access road to ensure that a connection is retained;
- Submission of a programme of heritage interpretation in accordance with a written specification and timetable;
- Submission of an archaeological watching brief in accordance with a written specification and timetable so that the excavation is observed, and items of interest are recorded;
- Submission of details of the proposed means of foul and surface water sewerage disposal;
- Submission of noise assessment and details of mitigation measures that may be needed in relation to noise from the MUGA, sports facilities and car park area.

And conditions to address:

- The standard 5 year timescale for commencement of the development;
- The development be in accordance with the submitted details;
- Measures to be taken in the event that unforeseen contamination is found;
- Submission and approval of a final verification report to the County Planning Authority, demonstrating remediation of the site has been completed prior to occupation;
- Submission and approval of a Habitat Management Plan to the County Planning Authority;

New two storey primary school at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018

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- No further removal of hedgerows or trees takes place at the site without a dormouse licence amendment first being made and that then any works be carried out at an appropriate time of year to minimise impacts to dormice;
- Concerning temporary surface proposals for phase 2 of the car park;
- A copy of the amended dormouse licence be submitted to the County Planning Authority prior to any further works to hedgerows and trees within the school site occurring;
- Hours of construction work be limited to 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays with no works at any other time or on Sundays and Bank Holidays;
- Tree and root protection measures;
- Submission and approval of details of external lighting to the County Planning Authority in advance of installation;
- The submission to the County Planning Authority of further details of the design and location and external materials for the proposed roof plant, pv panels, access hatches, roof coping, canopy, windcatchers and roof safety rail if required at the parapet prior to installation;
- Submission to the County Planning Authority and approval of details and samples of external materials;
- Submission to the County Planning Authority and approval of further details for screening of the bin store and a soft and hard landscaping scheme to include large maturing native tree species to replace those to be removed in the car park area;
- Submission of details of covered cycle parking and provision of undercover cycle parking and scooter rack;
- Requiring internal roads to be signed as 10mph;
- Requiring that both car parks to be available for phase 2 of the development and requiring that only 1 car park be available for occupation phase 1 of the development;
- Submission to the County Planning Authority of a detailed surface water drainage strategy scheme;
- Submission of details to demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and that appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker;
- Submission of a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, to demonstrate suitable modelled operation of the drainage system such that flood risk is appropriately managed
- Submission of details to the County Planning Authority to demonstrate that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the occupation of any phase of the development;
- That occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development;
- That no surface water should be permitted to be discharged to the foul sewerage system, in order to protect properties downstream from flooding;
- That the design of drainage should ensure that no land drainage or groundwater is to enter public sewers network;
- Roof plant and noise controls;

New two storey primary school at Hawkenbury Farm, Tunbridge Wells KCC/TW/0494/2018

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- Provision of an updated School Travel Plan;
- Maintaining the availability of a parent drop off and pick up facility at the site;
- That no community use of the school internal or external facilities take place without submission and prior approval of details of hours; frequency; parking and measures needed to address amenity impacts.

And Informatives concerning:

- Ecology advice concerning dormice and retention of hedges and dormouse boxes;
- That the application has been assessed on the basis of no lighting provision for the MUGA;
- That the application has been assessed on the basis that further information would need to be submitted prior to community use of the facilities taking place;
- Provision of 20mph signage during school times;
- Southern Water advice;
- High Weald AONB advice, including in relation to colour guidance;
- Southern Gas Networks advice relating [www.sgn.co.uk/Safety/Dig-safely/](http://www.sgn.co.uk/Safety/Dig-safely/) for safety information and links to [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk);

Case Officer: Hazel Mallett
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Tel. no: 03000 413411
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Background Documents: see section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

- DA/17/2025/R13&29 Details pursuant to conditions 13 & 29 of planning permission DA/17/2025 - Traffic Management Plan and Noise Monitoring Scheme.  
Joyce Green Quarry, Joyce Green Lane, Dartford  
Decision: Approved
- DA/18/1264 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  
Decision: Permitted
- MA/18/503420 Section 73 application to vary the layout of the asphalt plant and associated plant and machinery approved under condition 2, the amendment to plan references in Schedule 1, and the submission of details covering construction management, contamination risks, foundation design and surface water drainage pursuant to conditions 5, 6, 7, 8 & 10 of planning permission MA/17/501432.  
Hanson Aggregates, Allington Depot, Liphook Way, St Laurence Avenue, 20/20 Industrial Estate, Maidstone  
Decision: Permitted
- SW/13/1257/R Application for non-material amendment relating to access road layout to serve Kemsley Sustainable Energy Plant.  
Kemsley Paper Mill, Ridham Avenue, Kemsley, Sittingbourne  
Decision: Approved
- SW/18/503317/R Application for non-material amendments relating to built elevations, appearance and site layout.  
Kemsley Sustainable Energy Plant, Land North East of Kemsley Paper Mill, Ridham Avenue, Kemsley, Sittingbourne  
Decision: Approved
- TW/15/508499/  
RVAR Details of a Surface Water Drainage Scheme (Condition 7), Archaeology Programme (Condition 9) & Landscaping (Condition 11) pursuant to planning permission reference TW/15/508499.  
Knoxbridge Farm, Knoxbridge, Frittenden, Cranbrook  
Decision: Approved

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

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

Background Documents – The deposited documents.

- CA/18/2274            Replace a 12 metre section of the existing 1.8 metre high weldmesh fence and gate around the southernmost pedestrian gate on Fitzgerald Avenue with a 3 metre high weldmesh fence.  
Hampton Primary School, Fitzgerald Avenue, Herne Bay  
Decision: Permitted
- DA/16/1372/R7        Details of archaeology pursuant to condition 7 of planning permission DA/16/1372.  
Temple Hill Community Primary School, St. Edmunds Road, Dartford  
Decision: Approved
- FH/18/1173           Construction of MUGA all-weather games pitch on school playing field.  
Sandgate Primary School, Cooling Lane, Folkestone  
Decision: Permitted
- GR/16/1061/R9        Details of on-site car parking management plan pursuant to Condition 9 of planning permission GR/16/1061.  
St Johns Roman Catholic Primary School, Rochester Road, Gravesend  
Decision: Approved
- MA/16/507143  
/RVAR                    Details of a Construction Management Strategy (Condition5), Drainage Report (Conditions 6 & 9) and a Written Scheme of Investigation for Archaeological Evaluation (Condition 12) pursuant to planning Permission MA/16/507143.  
The Lenham School (formerly Swadelands School), Ham Lane, Lenham, Maidstone  
Decision: Approved
- SE/17/2012/RA        Non-material amendment to planning application SE/17/2012 to re-configure the approved car park layout to accommodate the installation of rising bollards.  
Hever CEP School, Hever Road, Hever, Edenbridge  
Decision: Approved
- SE/18/3414            Erection of 2 x 5 metre poles with fixed CCTV cameras.  
Valence School, Westerham Road, Westerham  
Decision: Permitted
- SW/16/504626/  
R24                        Details of school travel plan pursuant to condition 24 of planning consent SW/16/504626.  
Sittingbourne Community College, Swanstree Avenue, Sittingbourne  
Decision: Approved



- TH/18/1504 Construction of vehicular farm access track to link the permitted section (approved under consent reference TH/18/467) with an existing track to the south.  
Foreland Fields School, Newlands Lane, Ramsgate  
Decision: Permitted
- TH/18/1516 Creation of a specialist playground facility on an area of existing amenity grass within the grounds of the school, including the installation of a combination of wetpour, rubber mulch and tarmac play surfacing along with a range of proprietary inclusive play equipment and furniture. The scheme also includes the relocation of an existing timber free standing storage shed.  
Foreland Fields School, Newlands Lane, Ramsgate  
Decision: Permitted
- TM/18/2527 Full planning application for the proposed erection of a temporary single storey modular building to be used as changing room/pavilion facility to serve the Judd Schools off-site outdoor sports facilities.  
Judd School Playing Field, Land off Lower Haysden Lane (Vizard 1 & 2), Tonbridge  
Decision: Permitted

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

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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/SCR/SW/0504/2018 - Request for a Screening Opinion to determine whether the proposed carriage widening and new shared footway and cycleway requires an Environmental Impact Assessment.  
A2500 Lower Road, Minster-On-Sea, Isle of Sheppey, 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

E.3

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

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

Background Documents -

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

None