

PLANNING APPLICATIONS COMMITTEE

Wednesday, 5th February, 2020

10.00 am

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





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 5th February, 2020, at 10.00 am Ask for: **Andrew Tait**
Council Chamber, Sessions House, County Telephone: **03000 416749**
Hall, Maidstone

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

Membership (13)

- Conservative (10): Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman),
Mr M A C Balfour, Mrs R Binks, Mr A Booth, Mr P C Cooper,
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 J Burden
- 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 - 4 December 2019 (Pages 1 - 8)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TW/19/1343 (KCC/TW/0093/2019) - Replacement processing plant and ancillary office and welfare buildings involving variation of Condition xvii of Permission TW/79/353 and the submission of details pursuant to Conditions iii (b), xiv, xv, xvi, xviii and xxii of Permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge; Tarmac Ltd (Pages 9 - 66)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SE/19/3123 (KCC/SE/0239/2019) - Erection of single storey activity hall on existing car park and relocation of 11 parking spaces within the site at Riverhead Infants School, Worships Hill, Riverhead, Sevenoaks ; Governors of Riverhead Infants School (Pages 67 - 108)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 109 - 114)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

F. KCC RESPONSE TO CONSULTATIONS

1. Application 19/00025/AS - Location - Land between railway line and Willesborough Road, Kennington. Hybrid planning application seeking outline planning permission (all matters reserved except for points of access) for up to 437 dwellings; formal and informal open space incorporating SUDS; and associated services, infrastructure and groundworks; and (ii) full planning permission for the erection of 288 dwellings; the creation of serviced plot of land to facilitate the delivery by KCC of a two-for entry primary school with associated outdoor space and vehicle parking; a new Bowls Centre including a clubhouse of 292 sq m, ancillary buildings and a bowling green; a local centre to provide 280 sq m A5 (takeaway), 190 sq m D2 (gym,/fitness studio space), open space incorporating SuDS ; vehicle parking; and associated services, structural landscaping, infrastructure and groundworks (Pages 115 - 122)
2. Tonbridge and Malling Borough Local Plan - Additional Information Consultation (Pages 123 - 132)
3. Canterbury District Local Plan Review - Draft Sustainability Appraisal and Strategic Environmental Assessment Scoping Report (Pages 133 - 140)
4. Ash Parish Council Neighbourhood Development Plan - Regulation 14 (Pages 141 - 152)
5. Gravesham Borough Council Local Validation List (Local List) of Validation Requirements for Planning Applications (Pages 153 - 158)
6. Folkestone and Hythe District Council - Core Strategy Review Submission Draft 2019 Consultation - Proposed Amendments (Pages 159 - 162)

7. Folkestone and Hythe Core Strategy Review Submission Draft 2019 consultation on revised housing requirement (Pages 163 - 164)
8. Application SE/19/02616 for 850 homes at Stonehouse Park, Broke Hill Golf Course, Halstead, Sevenoaks (Pages 165 - 170)
9. Application TM/13/01535/OAEA (Phase 3, Kings Hill). The application includes details of a Landscape Strategy pursuant to Condition 23 (partial discharge), Landscaping Scheme pursuant to Condition 24 (partial discharge) and details of external lighting pursuant to Condition 33 (partial discharge) of the same Consent (Pages 171 - 172)
10. Application SE/A9/05000/HYB Location - DSTL Fort Halstead, Crow Drive, Halstead, Sevenoaks - Hybrid application comprising in outline: development of business space of up to 27,659 sq m GEA; works within the X enclave relating to energetic testing operations including fencing, access, car parking; development of up to 750 residential dwellings; development of a mixed use village centre; primary school change of use of Fort Area and bunkers to Historic Interpretation Centre with workspace; and associated landscaping works and infrastructure including extension and associated alterations to buildings Q13 and Q14 including landscaping and public realm and primary and secondary accesses to the site. (Pages 173 - 182)

G. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

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

Benjamin Watts
General Counsel
03000 416814

Tuesday, 28 January 2020

(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.)

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KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 4 December 2019.

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

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr P Hopkins (Principal Planning Officer), Mr D Payne (Planning Advisor, BPP Ltd on behalf of Kent County Council), Mrs S Bengé (Transport and Development Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

58. Minutes - 6 November 2019

(Item A3)

RESOLVED that the Minutes of the meeting held on 6 November 2019 are correctly recorded and that they be signed by the Chairman.

59. Application TW/19/2511 (KCC/TW/01892/2019) - Change of use of land from existing aggregate recycling facility to a waste transfer station for the acceptance, storage and treatment of non-hazardous household, commercial and industrial wastes at Omni Recycling Ltd, North Farm Lane, Tunbridge Wells; Omni Recycling Ltd

(Item C1)

(1) Mr Derek Kenny from *We Load and Go* addressed the Committee in opposition to the application. Mr Chris Parry (applicant) spoke in reply.

(2) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 9 votes to 1 with 1 abstention.

(3) RESOLVED that:-

- (a) permission be granted to the Application subject to conditions, including conditions covering the development being commenced within 3 years of the permission; the development being carried out and completed in accordance with the submitted details, documents and plans; a maximum throughput of 45,000 tonnes of mixed, dry, non-hazardous household, industrial and commercial (HIC) wastes per annum; no more than 100 HGV movements per day to the site as a whole (50 in / 50 out); the securement of a Traffic Management System and Plan to

be maintained and implemented in order to ensure that HGVs are routed east to the A21 via Longfield Road so that the IAQM Guideline figure of 25 Annual Average Daily Traffic threshold for the AQMA is not exceeded; records being maintained of all HGV movements, with the information made available to the Waste Planning Authority; measures being taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway; all loaded HGVs entering or leaving the site being enclosed, covered or sheeted; no delivery of waste to the site being made by members of the public; areas shown for vehicle access, parking, turning, manoeuvring, loading and unloading being provided to the County Planning Authority and retained; measures to prevent the discharge of surface water into the public highway; the fleet management measures to ensure no queuing on the public highway being implemented as proposed, and maintained; core operating hours being 0730 to 1630 hours on Mondays to Saturdays with no working on Sundays, Bank and Public Holidays; use of the facility being restricted to waste use; waste types being restricted to those applied for (mixed, dry, non-hazardous household, industrial and commercial (HIC) waste) excluding residual (putrescible) and black bag waste, unless in contaminant quantities; any putrescible (residual) waste received being removed from site to an authorised waste disposal facility within 48 hours; no materials being stockpiled or stored at a height greater than 3 metres when measured from adjacent ground level, and only in the locations identified on the site layout plan; construction and operation being undertaken in accordance with the submitted Dust Management Plan; stockpiles being no greater than 3m in height; the development being carried out in accordance with the submitted Odour Management Plan; the development being undertaken in accordance with the submitted Flood Risk Assessment; construction of the development not commencing until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water; the submission of a Drainage Scheme Verification Plan prior to the first use of the development; construction and operation of the development being undertaken in accordance with the Noise Management Plan submitted with the application; the noise generated not exceeding 60dB(A)LAeq, 1hr at the closest office building; a copy of the permission and the approved plans being made available in the operator's site office; withdrawal of the permitted development rights; all vehicles, plant and machinery being maintained, serviced and fitted with closed engine covers and effective silencers; no external floodlighting being installed without approval by the County Planning Authority; the construction or demolition operations being restricted to between 0730 and 1630 hours on Mondays to Saturdays, with no operations on Sundays and Bank Holidays unless approved by the County Planning Authority; and

- (b) the applicant be notified by Informative that the 100 HGV movements referred to in the conditions set out in (a) above incorporates the additional 60 movements associated with the

proposed development and the 40 HGV movements associated with the existing Aggregates Recycling Facility.

60. Applications TM/19/1931 and TM/19/1932 (KCC/TM/0171/2019 and KCC/TM/0172/2019) - (a) Variation of Conditions W2, W3, W4 and W6 of Permission TM/18/2549 relating to vehicular access to the West Lake area and (b) Variation of Conditions W2, W4 and W6 and removal of Conditions W7 and W8 of Permission TM/18/2555 relating to vehicular access to the West Lake area and output of minerals at Aylesford Quarry, Rochester Road, Aylesford; Aylesford Heritage Ltd
(Item C2)

(1) Mr M A C Balfour informed the Committee that although he did not have a disclosable pecuniary interest or another significant interest in this item, he would not vote in the determination of these applications.

(2) Correspondence from Mr P J Homewood, the Local Member objecting to the application had previously been circulated to the Committee.

(3) Mr Roger Gledhill (Aylesford PC) and Mr Terry Johnson addressed the Committee in opposition to the application. Mr Cliff Thurlow (Aylesford Heritage Ltd) spoke in reply. Mr Gledhill also provided photographs showing traffic congestion along Bull Lane. These were circulated to the Committee.

(4) During discussion of this item, the Committee agreed to limit the duration of the proposed permission to a period of 10 years and to add an Informative advising that the applicants should aim to implement the development and the removal of material from the site as soon as practicable.

(5) On being put to the vote, the recommendations of the Head of Planning Applications Group (as amended in (4) above) were carried by 9 votes to 1.

(6) RESOLVED that:-

- (a) permission be granted for a temporary period of 10 years to Application TM/19/1931 for the variation of Conditions W2, W3, W4 and W6 of planning permission TM/18/2549 relating to vehicular access to the West Lake area at Aylesford Quarry subject to conditions, including conditions covering the existing conditions on Permission TM/18/2549 continuing to apply to the East Lake area (subject to minor alterations to remove reference to aspects of development in the West Lake area which are already covered by those prefixed "W" elsewhere in the permissions and to reflect the approvals given pursuant to that Permission on 11 March 2019); the existing conditions on Permission TM/18/2549 continuing to apply to the West Lake area (except where amended by this Permission); the development not commencing until details of wheel and chassis washing have been submitted to and approved in writing by the County Planning Authority, with any approved measures being available and implemented for the duration of the development; the development not commencing until a method for recording vehicle movements, estimating excavation tonnages and making this information available with reports of any incidences itemised in the Voluntary Traffic Management Scheme have been submitted to and approved in writing by the County Planning Authority,

with any approved details being implemented for the duration of the development; the development not commencing until details setting out how the terms of the Voluntary Traffic Management Scheme will be communicated to staff/drivers have been submitted to and approved in writing by the County Planning Authority; no more than a combined total of 100 HGV movements taking place per day (50 in / 50 out) on Mondays to Fridays and 60 HGV movements (30 in / 30 out) on Saturdays; the Voluntary Traffic Management Scheme being complied with for the duration of the proposed development; no more than a combined total of 148,000 tonnes of mineral being exported from the West Lake area via Bull Lane, unless approved in writing by the County Planning Authority; and the deletion of Conditions W17 and W18 of Permission TM/18/2549 (relating to operations at the former drying plant and the provision for HGVs to leave the West Lake area outside normal operating hours);

- (b) permission be granted for a temporary period of 10 years to Application TM/19/1392 for the variation of Conditions W2, W4 and W6 and the removal of Conditions W7 and W8 of Permission TM/18/2555 relating to vehicular access to the West Lake area and output of minerals at Aylesford Quarry subject to conditions, including conditions covering the existing conditions on Permission TM/18/2555 continuing to apply to the East Lake area (subject to minor alterations to remove reference to aspects of development in the West Lake area which are already covered by those prefixed "W" elsewhere in the permissions and to reflect the approvals given pursuant to that Permission on 11 March 2019); the existing conditions on Permission TM/18/2555 continuing to apply to the West Lake area (except where be amended by this Permission; the development not commencing until details of wheel and chassis washing have been submitted to and approved in writing by the County Planning Authority and any approved measures being available and implemented for the duration of the development; the development not commencing until a method for recording vehicle movements, estimating excavation tonnages and making this information available with reports of any incidences itemised in the Voluntary Traffic Management Scheme have been submitted to and approved in writing by the County Planning Authority, with any approved details being implemented for the duration of the development; the development not commencing until details have been submitted to and approved in writing by the County Planning Authority setting out how the terms of the Voluntary Traffic Management Scheme will be communicated to staff / drivers; no more than a combined total of 100 HGV movements taking place per day (50 in / 50 out) on Mondays to Fridays and 60 HGV movements (30 in / 30 out) on Saturdays; the Voluntary Traffic Management Scheme being complied with for the duration of the proposed development; no more than a combined total of 148,000 tonnes of mineral being exported from the West Lake area via Bull Lane, unless approved in writing by the County Planning Authority; and the deletion of Condition W23 of Permission TM/18/2555 (relating to the provision for HGVs to leave the West Lake area outside normal operating hours); and

- (c) the applicant be advised by Informative:-

- (i) of the need to ensure that all necessary highway approvals and consents are obtained (where required) and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority; and
- (ii) they should aim to implement the development and the removal of material from the site as soon as practicable.

61. Proposal DOV/19/01120 (KCC/DO/0195/2019) - Demolition of existing school buildings and erection of a part 3, part 4-storey teaching block with attached sports hall and associated hard and soft landscaping, a new Multi Use Games Area (MUGA) together with parking and ancillary works at Dover Grammar School for Boys, Astor Avenue, Dover; KCC and Keir Construction (Southern)
(Item D1)

(1) Mr J Burden informed the Committee that he had surveyed the land in question for the DfE. He would therefore not participate in the decision-making for this item.

(2) The Head of Planning Applications Group amended her recommendations so that the 6th, 7th and 8th conditions would specify 9 rather than 3 months.

(3) Mr Martyn Webster and Ms Tui Sancha addressed the Committee in opposition to the proposal. Mr Philip Horstrup (Head Teacher) and Mr Matthew Blythin (DHA Planning) spoke in reply.

(4) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried (as amended in (2) above) by 8 votes to 1.

(5) RESOLVED that subject to Historic England determining that the existing buildings are not of listable quality:-

- (a) permission be granted to the Proposal subject to conditions, including conditions covering the standard 3 year time limit for implementation; the development being carried out in accordance with the permitted details; the submission and approval of details of all construction materials to be used externally together with architectural details, including the roof parapet, window and door openings and reveals; no additional plant or machinery being installed on the roof without the prior approval of the County Planning Authority; the removal of all temporary buildings from the site within nine months of occupation of the new school; the provision and permanent retention of the vehicle parking spaces as shown on the submitted plans within 9 months of the demolition of the existing school; the provision and permanent retention of secure, covered cycle parking facilities as shown on the submitted plans within 9 months of the demolition of the existing school; the vehicle and cycle parking spaces being made available for use outside of school hours in association with using the community facilities on site; at least two electric vehicle charging points being provided on site within three months of the demolition of the existing school (with infrastructure for a further three being made

available for the future), being retained thereafter and kept available for electric car use only; the new access gates from the existing driveway serving Astor College being for maintenance purposes only and not being used for pupil or staff access at school drop off or pick up times; the submission of a detailed review of the School Travel Plan, incorporating measures to encourage sustainable transport; the implementation of the submitted Construction Method Statement for the duration of the construction activities on site; works only being carried out on site between 0800 and 1800 hours on Mondays to Fridays, 0900 and 1300 hours on Saturdays, with no operations on Sundays or public holidays; details of a lighting scheme being submitted, including hours of use, level of illumination and ongoing control over any new lighting on site; the submission of a detailed surface water drainage scheme; the submission of a verification report covering this scheme for approval by the County Planning Authority in consultation with the Lead Local Flood Authority; infiltration of surface water drainage into the ground not taking place other than with the written approval of the County Planning Authority, and only being used in those areas where there would be no unacceptable risk to controlled waters or ground stability; the development not commencing until a scheme to connect the building to foul and surface water drainage systems has been submitted and approved by the County Planning Authority; no further development taking place if contamination not previously identified is found to be present during development until a remediation strategy has been agreed with the County Planning Authority; further investigation being undertaken in accordance with the Geo-Technical and Geo-Environmental Investigation reports; no demolition taking place until a full recording of the existing building to Historic England Level 3 requirements has been made, including a photographic record; no demolition taking place until a building recording of the three sets of World War 2 air-raid shelters has been undertaken; no development commencing until a programme of archaeological work has been submitted and agreed in writing by the County Planning Authority; no development commencing until details of a receptor site for the translocation of reptiles has been approved in writing by the County Planning Authority; the recommendations set out in the Ecological Impact Assessment for the protection, mitigation and compensation for impacts to bats being carried out; mitigation measures for badgers being carried out in accordance with the recommendations of the Ecological Impact Assessment; the safeguarding measures for the Local Wildlife Site being undertaken in accordance with the Ecological Impact Assessment; details of the measures to secure ecological enhancement being submitted within 6 months of the date of this permission; Leney's Field being bought back into use prior to first occupation of the new school, with the land being retained and maintained for playing field use thereafter; a scheme of ongoing maintenance and management of Leney's Field being submitted to the County Planning Authority prior to occupation of the new school in order to ensure that public access does not undermine its role as a sports facility; the submission to the County Planning Authority prior to occupation of the school of a Community Use Agreement for community use of the sports facilities, changing facilities and on-site car parking in agreement with Sport England; the protection and retention of all the trees on site which are not shown to be removed within the application; the submission of a method of construction, including protection for the trees whose root protection

areas would be encroached upon by the development; the submission of a detailed soft landscape scheme, detailing native species planting and species suitable for bee pollination; and the replacement of any plants, trees or shrubs that die or are removed within 5 years of planting; and

- (b) the applicants be advised by Informative that:-
 - (i) they need to ensure that all necessary highway approvals and consents are obtained;
 - (ii) they need to ensure that works to trees are carried out outside of the breeding bird season and, if this is not possible, that an ecologist examines the site prior to works commencing;
 - (iii) they will be provided with and should follow the CL:ARE definition of waste for the removal of materials from the site;
 - (iv) contaminated soil that is, or must be, disposed of is waste and that its handling, transport, treatment and disposal is therefore subject to waste management legislation.

62. Matters dealt with under delegated powers

(Item E1)

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

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

63. KCC Response to Consultations

(Item F3)

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

- (a) Application 19/01476/AS - Detailed application for a mixed-use development (1-18 storeys) comprising;- (i) 7,440sqm of film/TV Studios with 7,125sqm associated post-production offices (Use Class B1) and 3,830sq.m associated workshop and media village (Use Class B1); (ii) 120 bedroom hotel (Use Class C1) including 1,150sqm reception/ancillary space and food and beverage space, 500sqm restaurant, 360sqm leisure facilities and 449sqm event/conference space; (iii) 62 serviced apartments (Use Class C3); (iv) a 336 space multi-storey carpark; (v) change of use, internal and external alterations to the listed Locomotive Shed buildings, including increasing the height

by an additional two-storeys, to provide 7,030sqm of flexible commercial floorspace for use in connection with the film/tv studios (Use Class B1/ D1) and 303 residential units (Use Class C3) comprising 130 x 1 bedroom and 173 x 2 bedroom units and 322 internal parking spaces; (vi) change of use, internal and external alterations to listed Engine Shed building, including increasing the height by an additional two storeys, to provide 1,050sqm gym/restaurant (Use Class D2/A3) and 1,500sqm of commercial floorspace (Use Class B1); (vii) change of use, internal and external alterations of the Paint Shop building (114sqm), Acetylene Store (57sqm) and Clock Tower (73sqm) listed buildings to provide ancillary uses to the film/TV studios; plus associated infrastructure including open space, landscape and public realm provision, external parking, servicing, pedestrian and vehicular access and associated engineering, utilities and infrastructure works at Newton Railway Works, Newton Road, Ashford;

- (b) Environment Impact Assessment Scoping Opinion for Land to the South West of Birchington; and
- (c) Tunbridge Wells Borough Council Draft Local Plan.

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

Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 (to increase the rated capacity of the processing plant from 100 to 120 tonnes per hour) and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 (relating to the siting, design and operation of the plant) at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343 (KCC/TW/0093/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 5 February 2020.

Application by Tarmac Ltd for Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 (to increase the rated capacity of the processing plant from 100 to 120 tonnes per hour) and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 (relating to the siting, design and operation of the plant) at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343 (KCC/TW/0093/2019).

Recommendation: Permission be granted subject to conditions.

Local Member: Sarah Hamilton

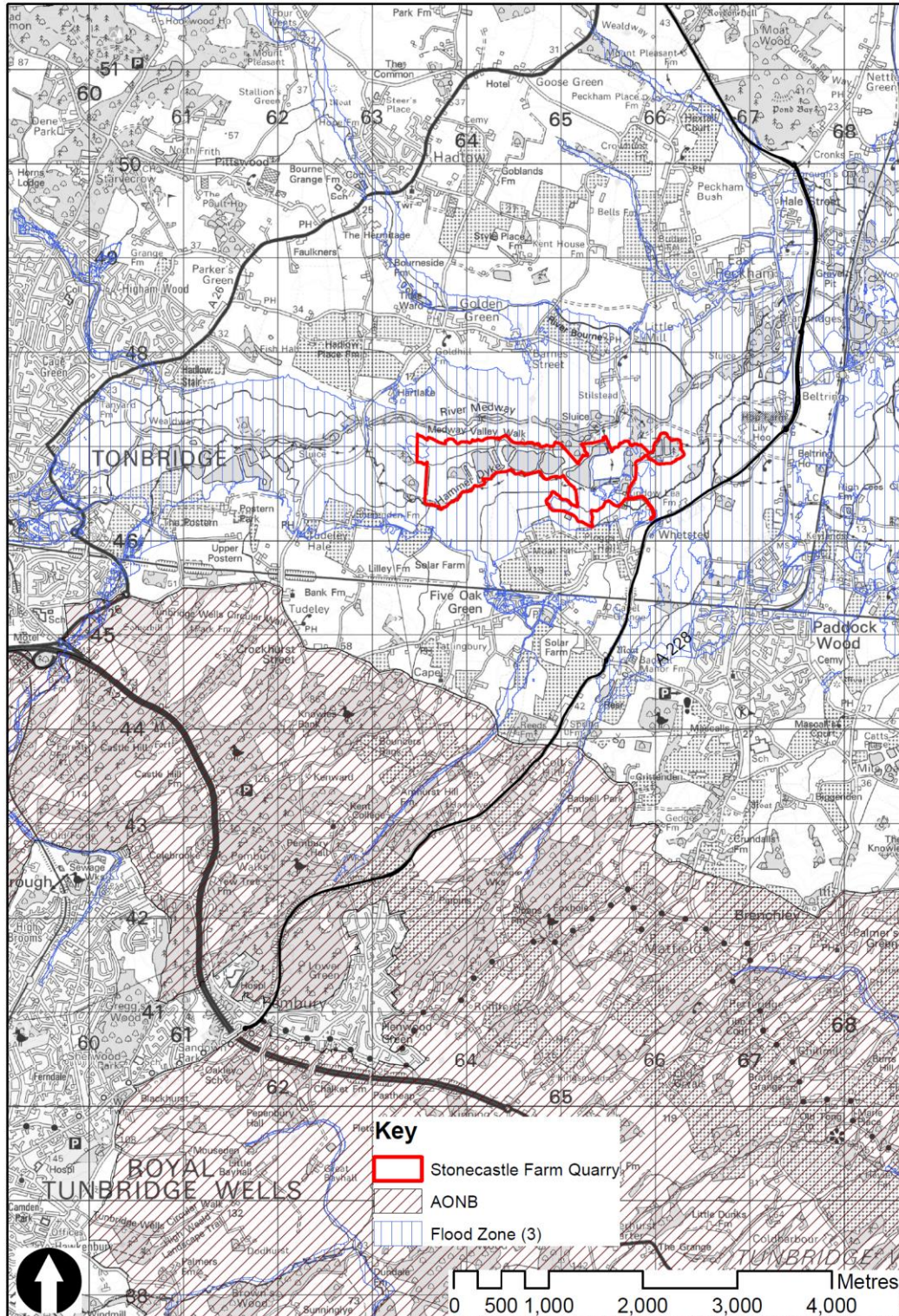
Unrestricted

Site description

1. Stonecastle Farm Quarry comprises land within the Boroughs of Tunbridge Wells and Tonbridge and Malling. It lies to the west of the A228, south of the River Medway, east of Hartlake Road and just over 1 kilometre (km) north of the main Ashford to London Charing Cross railway line (via Tonbridge). The current mineral extraction area lies towards the western end of the Quarry in Tonbridge and Malling Borough, just to the north of Hammer Dyke. The majority of the Quarry (in both Boroughs) has been worked and restored (either to lakes or backfilled with imported inert and putrescible waste to agriculture and woodland), although an unworked area remains at the western end of the Quarry and is still in agricultural and woodland use. The plant site (at the eastern end of the Quarry in Tunbridge Wells Borough) lies approximately 300 metres (m) north of Whetsted.

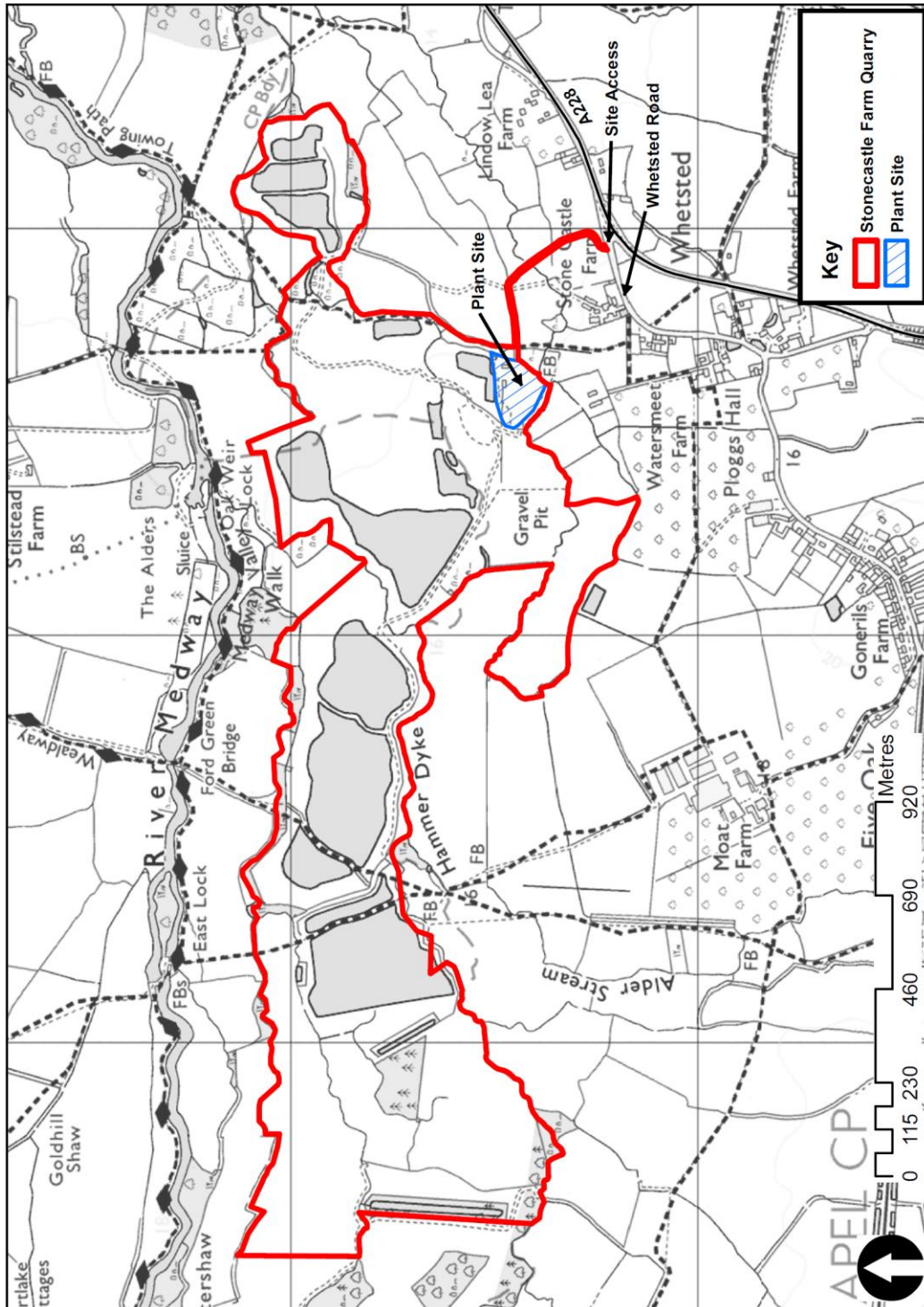
Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343

Site Context Plan



Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343

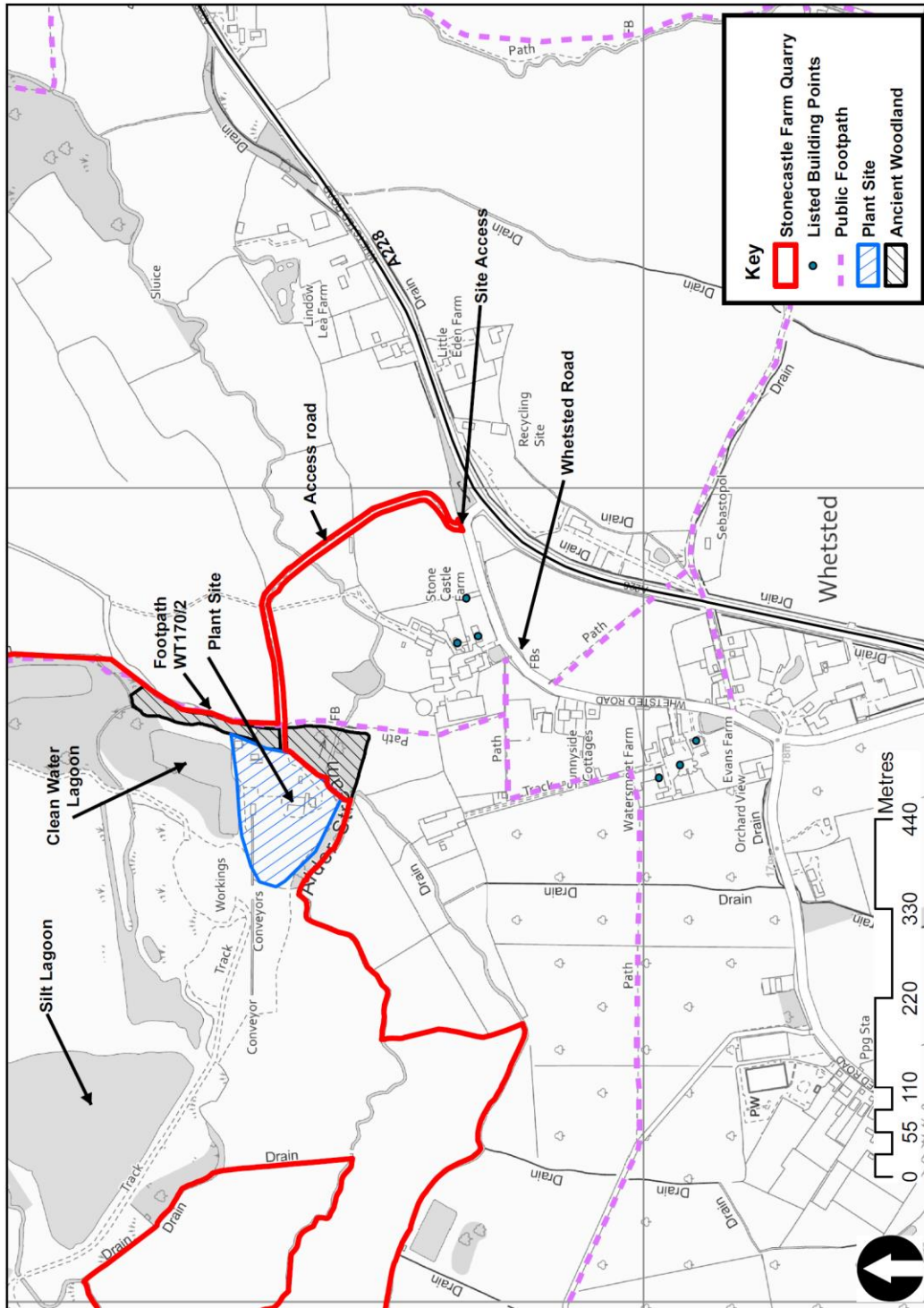
Site Location Plan



Item C1

Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343

Site Plan



Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343

2. Access to the plant site (and wider Quarry) is via a purpose built access road from Whetsted Road (just to the east of Whetsted and approximately 35m from its junction with the A228). The A228 connects the M20 in the north and Tunbridge Wells to the south. The current working and unworked areas lie more than 1km to the west of the plant site. Public footpath WT170/2 crosses the site access road approximately 30m to the east of the inner gates to the plant site area.
3. The plant site lies within the flood plain of the River Medway and is primarily within a Flood Zone 3 (high risk of flooding), although small parts of this and associated stockpiling areas and the previously landfilled areas lie within Flood Zone 2 (medium risk). It also lies within the Green Belt. The High Weald Area of Outstanding Natural Beauty (AONB) lies just over 2km (1.4 miles) to the south. An area of Ancient Woodland lies immediately to the east of the plant site (with another just to the south east of the current extraction area). Although not allocated for any specific purpose in the adopted Tunbridge Wells Borough Local Plan, the emerging (draft) Local Plan proposes to safeguard land just to the south of Stonecastle Farm Quarry for a new offline section of highway (known as the Colts Hill bypass) between the dualled section of the A228 just north of Pembury to a position near to the existing roundabout between Paddock Wood and Five Oak Green. This may also include a new section of highway to a large housing development proposed to be allocated at Tudeley (further west). The emerging (draft) Local Plan is at an early stage in plan making and it is likely that more detailed safeguarding will be established as the Local Plan is developed.
4. The closest existing residential properties to the plant site (the Oast House, the Granary and Stonecastle Farmhouse) are within the Stonecastle Farm complex. The proposed replacement processing plant lies approximately 330m from the nearest existing residential property (the Oast House), although the edge of the plant site area is just under 250m from this property. Stonecastle Farmhouse and the Oast House lie closer to the site access road. The distance varies from about 120m (i.e. the distance between Stonecastle Farmhouse and the entrance to the site access road on Whetsted Road) and between about 170m and 250m (the distance between Stonecastle Farmhouse / the Oast House and the majority of the access road itself).
5. Stonecastle Farmhouse, the Oast House and the Garden Walls approximately 2m to the east of Stonecastle Farmhouse are Grade II Listed Buildings. There are also other Listed Buildings further south (e.g. those associated with Ploggs Hall). The locations of Stonecastle Farm Quarry, the plant site, silt and clean water lagoons, site access and Footpath WT170/2 and the extent of the AONB, Flood Zone 3 and Ancient Woodland in the area are shown on the plans included above. [Appendix 1](#) contains plans showing the extent of the planning permissions at Stonecastle Farm Quarry, the proposed plant site (including its relationship with the stocking areas and silt and clean water lagoons), plant elevations and the locations of the previously landfilled areas.

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Planning History and Background

6. Mineral working (sand and gravel) was first permitted at Stonecastle Farm Quarry in May 1981 on land either side of the Borough boundary (TM/79/938 and TW/79/753). These planning permissions also provided for the erection of mineral processing and ready-mix concrete plant and the construction of an access road. The permissions also provided for restoration using imported waste materials.
7. Planning permission TW/79/753 contained 26 conditions. The conditions of particular relevance are as follows:
 - (iii) Required that operations take place in accordance with a scheme of working and restoration to be agreed with the County Council (KCC) before operations begin (part (b) specifically required details of the location and maximum height of all stockpiles of processed material);
 - (vii) Required that the landscaping of the site be carried out in accordance with a scheme to be agreed by KCC;
 - (ix) Required that operations on site be carried out in compliance with the schemes of working, restoration and landscaping approved under conditions 3 and 7 with any alterations to these being approved by KCC before being implemented;
 - (x) Stated that the Quarry be restored and landscaped if excavation ceased and did not recommence to any substantial extent for a period of two years or such period as may be agreed by KCC;
 - (xi) Restricted operations other than essential maintenance work to between 07:00 and 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays, with no operations other than routine maintenance on Sundays and Bank Holidays and only then between 08:00 and 18:00 hours;
 - (xiii) Stated that no materials other than cement for use in the ready-mix concrete plant should be introduced for processing or storage without KCC's prior written approval;
 - (xiv) Required arrangements for the safe storage and handling of fuel and lubricating oils and the disposal of waste oils, and KCC's approval of details of any facilities;
 - (xv) Required KCC's approval for details of facilities for sanitary accommodation;
 - (xvi) Required details of the siting and design of all fixed plant and buildings, including the ready-mixed concrete plant, and all areas to be reserved for parking cars and lorries and measures for the attenuation of noise and dust generated by all fixed plant;
 - (xvii) Limited the rated capacity of the sand and gravel processing plant to no more than 100 tonnes per hour (tph);
 - (xviii) Required the prior approval of KCC for the erection of any buildings, plant or machinery regardless of permitted development rights;
 - (xix) Required the removal of all plant, buildings and machinery and their foundations and basis, including those areas to be used for the parking of cars and lorries, and the access road and its junction with the (old) B2015, at such

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- time as KCC determined they were no longer required for the working or restoration of the site, and the reinstatement by deep cultivation to remove obstructions to future cultivation, covering with topsoil to the same depth as that originally stripped from the site and re-seeding with a suitable herbage mixture;
- (xxii) Required the washing or grading plant to be operated on a closed circuit, with water for washing purposes being drawn from the workings and effluent from the plant being returned to the workings;
 - (xxiii) Stated that there should be no discharge of groundwater from the workings without the prior approval of KCC; and
 - (xxvi) Required arrangements be made to keep the surface of the site access road maintained in a good state of repair and cleaned and free of mud and other debris at all times, and for lorry wheel and chassis cleaning.
8. Condition (iii) of planning permission TW/79/753 was varied in August 1981 to allow certain specified works to be carried out in advance of the scheme of working and restoration being approved (TW/81/795). These included the construction of access roads, excavation of silt lagoons, preparation of the plant site and the storage of topsoil, subsoil and overburden in connection with these works.
9. Schemes of working, restoration and landscaping were approved pursuant to permissions TW/79/753 and TM/79/938 in September 1983. The permissions were amended to allow dewatering and the importation of fine aggregate for use in the ready-mix concrete plant in 1985. The permissions were further amended to allow the restoration of part of the site to a lake and the remaining area to a level higher than the initial working and restoration scheme in 1990 (TM/89/1480 and TW/89/1781). TM/79/938 was amended in October 2002 (TM/92/843) to enable variations to the permitted hours of operation to be varied without the need for a formal planning application. A temporary extension of the operating hours provided for by TW/79/753 was also approved in April 1993. Extraction and infilling operations were completed under these permissions in 1995 although parts of these areas (e.g. plant site, stockpiling areas, clean water lagoon, silt lagoon and access road) cannot be fully restored until operations cease at Stonecastle Farm Quarry and the plant and any remaining stockpiles are removed. The landfilling was carried out by Redland Aggregates Ltd and Biffa Waste Services in accordance with Waste Disposal / Management Licences issued in 1981 (Refs: 19523 and P/12/10) and 1989 (Ref: P/12/14) which are now covered by an Environmental Permit (Ref: JP3398HM).
10. A western extension to the Quarry was permitted in July 1993 (TM/92/1142). The permission provided for the continued use of the plant site and access road and required water-based restoration. The permitted mineral reserves have been fully worked and the land restored.
11. A further western extension to the Quarry was permitted in September 2002 (TM/00/1599). The application (which was accompanied by an Environmental Impact Assessment (EIA)) had proposed 6 phases. However, the two most westerly phases

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(3 and 6) were refused on the grounds that insufficient information had been provided to demonstrate that the development would not have an unacceptable effect on the quality or potential yield of groundwater resources in these areas. The permission (relating to phases 1, 2, 4 and 5) was subject to a Section 106 Agreement which required (amongst other things) groundwater monitoring and mitigation, a detailed scheme for nature conservation and management and the applicant indemnifying the County Council (KCC), South East Water and the landowner of the application site against any costs, damages, expenses or other liabilities in respect of its obligations or breach thereof.

12. Planning permissions enabling the plant site and access road to continue to be used for the duration of planning permission TM/00/1599 were also granted in September 2002 (TW/00/1398 and TM/00/1600). Permission TW/00/1398 varied conditions (x) and (xix) of TW/79/753. Permission TM/00/1600 varied conditions (ix) and (xviii) of TM/79/938 and conditions 4, 5, 6, 12, 13 and 14 of TM/92/1142. The permissions required the cessation of the use of the plant site and access road on completion of sand and gravel extraction and their removal and restoration in accordance with the approved restoration scheme within a further 6 months.
13. A number of approvals relating to TM/00/1599 have been given by KCC since September 2002. A working and restoration scheme, dust attenuation measures and an archaeological specification were approved pursuant to conditions 3, 21 and 22 of TM/00/1599 in February 2003 (TM/00/1599/R3, 21 and 22). Amongst other things, the working scheme provided for year-round extraction and the transportation of excavated material from the extraction area to the processing plant by a combination of dump truck and field conveyor. A variation to the approved method of working was approved pursuant to condition 3 of TM/00/1599 in May 2004 (TM/00/1599/R3). This introduced a campaign style of working whereby extraction would take place 3 times a year with each period lasting about 1 month (e.g. March, June and September), an extension to the internal haul road and stocking area for excavated ("as raised") material and the use of dump trucks along the entire internal haul road (with no field conveyor). A landscaping scheme and a nature conservation and management scheme were approved pursuant to condition 4 of TM/00/1599 and paragraph 2(d)(i) of the Section 106 Agreement in September 2005 (TM/00/1599/R4A). An aftercare scheme and soil handling details were approved pursuant to conditions 5 and 6 of TM/00/1599 in January 2010 (TM/00/1599/R5 & R6).
14. Planning permissions TM/00/1599, TM/00/1600 and TW/00/1398 were implemented and mineral working took place within the TM/00/1599 area. However, extraction at the Quarry was temporarily suspended in 2008 due to market conditions. This led to the submission of a number of applications seeking planning permission and approval from KCC to vary the requirement of condition 26 of TM/00/1599 that the Quarry be restored and landscaped if excavation ceased and did not recommence to any substantial extent for a period of two years or such period as may be agreed by KCC (as Mineral Planning Authority). KCC permitted or approved applications TM/10/2158 (September 2010), TM/00/1599/R26 (May 2012), TM/00/1599/R26A (October 2014),

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TM/00/1599/R26B (July 2016) and TM/00/1599/R26C (March 2018) enabling the Quarry to remain inactive / mothballed pending re-opening. The most recent approval (TM/00/1599/R26C) was subject to a condition which required an ecological scoping survey (with species surveys and detailed mitigation and enhancement strategies as may be necessary) to be submitted for KCC's approval and thereafter implemented as approved before operations recommence. Details partially satisfying these requirements were approved by KCC in September 2018 (TM/00/1599/R26C1) subject to further conditions and informatives to safeguard ecological interests.

15. Details of a revised scheme of working for phases 1, 2, 4 and 5 of TM/00/1599 were considered by KCC's Planning Applications Committee on 10 October 2018 and approved by KCC later that month. The scheme provides for the Quarry to be worked wet (rather than by dewatering), amends the location of the internal haul road for phases 1 and 2 and the phasing arrangement for phase 2 and extends the duration of each annual campaign from 3 to 6 months. The approval was conditional on no extraction and haulage of mineral from the extraction area to the plant site / associated storage area taking place on Saturdays and the use of non-tonal reversing alarms within the extraction area and when hauling mineral to the plant site / associated storage area. The approval also included informatives relating to the possibility of a new east to west footpath link, community engagement and HGV routeing (i.e. for HGVs leaving the Quarry to turn left onto the A228 until such time as crash remedial works being considered by KCC Highways and Transportation are implemented).
16. Planning permission was also given by KCC in November 2017 for the temporary storage of road planings from highways maintenance work for a period of 6 months between January 2018 and June 2018 in the plant site area (TW/17/3110). This use has since ceased.
17. During 2018, the processing plant and ready-mix concrete plant were dismantled and removed from the site. It is understood that their age (about 37 years old), inactivity and condition meant that they were no longer suitable for use. The former site offices were also removed, although the weighbridge and a number of concrete and other structures were left in place (including a large ramp and parts of a workshop and store).
18. Preparatory works (e.g. soil and overburden movement and excavation) have been undertaken in phases 1 and 2A during 2019, although mineral has yet to be exported from the Quarry. The requirements of conditions 1, 2 and 3 of TM/00/1599/R26C1 have yet to be submitted and discharged such that works can currently only take place in those parts of phases 1, 2A, 2B and 2C (illustrated on the details approved under TM/00/1599/R26C1) outside the 15m buffers adjacent to hedgerows and woodland. The applicant is aware of these requirements and it is understood that it will be submitting the necessary details shortly.
19. The current planning application for a replacement processing plant was submitted on 16 April 2019. On 29 April 2019, Tunbridge Wells Borough Council (TWBC) granted

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approval under Class Q of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of a number of agricultural buildings within the Stonecastle Farm complex into 4 residential dwellings (TW/18/3858, TW/18/3859 and TW/18/3798). As a result, the distance between the replacement processing plant and the nearest existing or permitted residential property would be about 280m (as opposed to the 330m referred to in paragraph 4 above). The nearest of the new properties would also be about 45m closer to the edge of the plant site and about 10m closer to the majority of the access road than the nearest of those existing. The implications of this are addressed as necessary elsewhere in this report.

The Proposal

20. The application proposes the replacement of processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 as well as seeking approval of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry. The proposed variation of condition (xvii) would increase the rated capacity of the processing plant from 100 to 120tph. The details submitted in respect of conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) relate to the siting, design and operation of the plant and associated elements within the plant site (including site office and welfare buildings). More specifically, the details submitted pursuant to the conditions relate to the following:

- (iii)(b) The location and maximum height of all stockpiles of processed material;
- (xiv) Fuel and oil storage arrangements;
- (xv) Sanitary accommodation;
- (xvi) The siting and design of fixed plant and buildings and areas reserved for car parking;
- (xviii) The prior approval of details of buildings, plant and machinery; and
- (xxii) The closed circuit water system for the processing (washing and grading) plant.

21. The proposed replacement processing plant is described as a low elevation mobile plant. It would be 7m high, more compact and occupy a smaller footprint than the original 14m high fixed processing plant it would replace. It would be approximately two thirds the length, and located about 10m to the south, of the original processing plant (albeit on a similar alignment). The ready-mix concrete plant (now removed) was 12m high and located in the southern part of the plant site.

22. The proposed replacement processing plant would comprise a feed ramp, feed hopper, control cabin, a barrel / log washer, a series of screens, sand classification plant and radial stocking conveyors. The original processing plant consisted of a feed hopper, washing plant, screening section and overhead storage bins linked by conveyor systems with overhead conveyors for stockpiling. Given the height of the proposed replacement processing plant, processed material stockpiles at the plant

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would be no greater than 6m high (as opposed to 12m previously). The proposed replacement processing plant would be powered by a diesel generator (as opposed to by mains electricity).

23. As noted above, excavated sand and gravel is transported “as raised” to a stocking area near the plant site before being processed. The main stocking area for “as raised” material is in the northern part of the plant site, to the north west of the proposed replacement processing plant.
24. A loading shovel would take material from the “as raised” stockpile and transfer this into the processing plant hopper from a ramp. The top of the loading shovel bucket would be at a similar height to the top of the processing plant when tipping into the hopper. The sand and gravel would be washed using water abstracted from the clean water lagoon (which lies just to the north of the processing plant) and graded over an initial screen to separate the sand from the gravel. The 0 to 4 millimetre (mm) sand fraction would be diverted to a cyclone where the coarse sand would drop to the bottom and finer sand weir over the top. The gravel would pass over a series of screens to produce 10mm, 20mm and 40mm gravel grades (plus 40 to 100mm depending on the deposit) which would be discharged via radial conveyors to stockpiles. No crushing is proposed / required to reduce the size of the naturally occurring deposit. Wastewater from the process would be discharged into the southern end of a silt lagoon to the north west of the plant site where fine particles would settle out, after which clean water would be pumped from the northern part of the silt lagoon to replenish the clear water lagoon. The silt lagoon is not connected to the surface water system and the proposed arrangement (which replicates that previously employed at the Quarry) represents the closed water system required by condition (xxii) of TW/79/753.
25. The applicant states that although the replacement processing plant would be rated at 120tph, it would be operated at an average 100tph for practical operational reasons. It states that the speed the material is processed by the plant has implications for processed material stock levels, particularly under the stocking conveyors, and that sand and gravel would build up more quickly under the plant if run at a higher rate and require the loading shovel to move material from the processed stockpiles more frequently. It states that double handling impacts on operational costs and that there is a balance to be met between adequate stock levels and machinery activity. For these reasons, it states that it is desirable for the plant to operate under its rated capacity.
26. The applicant also states that the low level plant limits the quantity of final product which can be stockpiled and that additional stockpiling areas would be created adjacent to the proposed processing plant (including in the former location of the ready-mix concrete plant). It states that processed material stockpiles would vary in height according to demand and would typically be 6m high.
27. The existing weighbridge would be renovated (or replaced if necessary) in its current location. It would be powered by a second diesel generator. A weighbridge office

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(13m long x 3.5m wide) and toilet block (3.5m x 3.5m) would be sited adjacent to the weighbridge. The toilet block would be connected to mains water and existing cesspit. A bunded 10,000 cubic litre fuel tank for the mobile plant and an oil storage container (3m x 3.5m) would also be required. It is also proposed that an existing ramp (previously associated with the ready-mix concrete plant) would be removed. Site lighting would only be used for operational purposes and safety when the plant site is operational during darker mornings and afternoons in winter months. The processing plant lighting would comprise 8 x 100 watt LED floodlights at 7m high powered by the plant generator and the office and weighbridge lighting 4 x 100 watt LED floodlights powered by the office generator. In both cases, they would only be used when operationally necessary. Security lighting (which would be solar powered and use infrared sensors to enable safe access at the gates and office door) would also be employed.

28. The applicant states that the plant site layout would minimise the need for HGVs to reverse, thereby minimising impact associated with reversing alarms. It also considers that the proposed processing plant would be quieter than that it would replace. It states that whilst planning permission TW/79/753 does not include any specific noise limits, noise associated with the proposed development would be below that required by planning permission TM/00/1599 (55dB) and accord with the stricter limit set out in the Planning Practice Guidance for Minerals of 52dB.
29. The applicant states that the surface of the plant site yard could become dusty in prolonged dry conditions and that an on site water bowser would be used to damp down surfaces as required. It also states that the “as raised” and final product stockpiles would be damp, thereby aiding dust suppression. In the former case, due to the deposit being worked wet and, in the latter case, as the material would be processed wet and as the turnover of stockpiles would ensure that fresher processed material is maintained on the outer surface.
30. The applicant states that operating hours and vehicle routeing would remain as permitted. It also states that the proposed development would be very similar to that already permitted and approved and that landscape and visual impacts would continue to be minimised by tree planting on the southern boundary of the plant site which would filter views from Whetsted.
31. The application (as initially submitted in April 2019) was accompanied by a planning statement, a noise assessment report and drawings illustrating the proposed replacement processing plant and revised plant site layout.
32. As a result of objections and issues raised by consultees as well as my own consideration of the application (including the need to have regard to the approvals for change of use to residential dwellings given by TWBC on 29 April 2019 referred to in paragraph 19 above), I requested further information from the applicant in May and June 2019. A package of further information was submitted in August 2019. This included a document responding to the various concerns and issues raised, together

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with an air quality assessment, a dust attenuation scheme, a noise assessment technical report, a flood risk assessment (FRA), aerial photographs and copies of the applicant's British Standards Institution (BSI) ISO 14001:2015 Environmental Management System (EMS) certificate and environmental policy. In its response, the applicant also reaffirmed a commitment made to the Quarry Liaison Group that weekend working would be restricted to sales from stock and maintenance only (i.e. the processing plant would not be operated). All consultees were reconsulted on this package of further information and all those who had made representations following the initial publicity exercise were re-notified.

33. Whilst the majority of issues raised by technical consultees were satisfied by the further information submitted in August 2019, the Environment Agency maintained its objection on flood risk grounds as it considered that the applicant had failed to comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework (NPPF) in that no drawings / elevations of the proposed ancillary welfare and office buildings had been provided (including no finished floor levels). As a result, it stated that the FRA did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
34. The applicant provided further information to address this in September 2019. It advised that the weighbridge office would be 1.2 m above ground level, that the welfare building may be at a similar level and that the plant control cabin would be on the plant site floor and be in a sealed container where it could be moved by mobile plant if it becomes vulnerable to flood risk. Whilst this was sufficient for the Environment Agency to withdraw its objection, further objections were received from the local community. A number of the further objections were accompanied by a report prepared on behalf of local residents relating to local concerns about the potential impact of the historic landfill at Stonecastle Farm Quarry. This report (titled "Historic Landfill, Stonecastle Quarry, Tonbridge, TN12 6SE" (October 2019)) reiterated and expanded upon earlier concerns raised, including in respect of the potential for the former landfills to have contaminated waters within the quarry and for any pollution that may have occurred to be exacerbated by the operation of the proposed replacement processing plant.
35. Notwithstanding the absence of any objection from technical consultees, the applicant commissioned a report by TerraConsult Ltd to try to allay the concerns raised by the local community. The report, which was submitted in December 2019, concluded (amongst other things) that the local residents' concerns are unfounded as: the operation would take place downgradient of the water abstraction points to the west and south west; the groundwater and surface water at Stonecastle Farm are not polluted by the adjacent landfills or the mineral processing works; there is no indication of a landfill influence on water quality which could impact or affect the operation of the processing plant; the water quality in the lagoons significantly exceeds all relevant water quality standards; the pollution potential from the closed landfills is low and pollution is not occurring; the water circulation system would maintain water levels within each lagoon and not impede other water users; the mineral processing has a

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low to negligible potential to contaminate the process water, except for being too silt laden to be discharged to a surface water course; the introduction of silt into the lagoon would shallow the lagoon, allow the creation of shallow margins, provide ecological benefit by encouraging aquatic plants to colonise the lagoon margins and also further reduce the potential for erosion of the landfill; the introduction of silt would not change the storage potential of the lagoon since it is limited in depth by the groundwater level in the connected gravel deposits; and surface water drainage could continue as currently. The report was subject to further consultation and notification.

Planning Policy Context

36. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (May 2019) and the National Planning Practice Guidance. These are material planning considerations.
37. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSM1 (Sustainable Development), CSM2 (Supply of Land-won Minerals in Kent), CSM5 (Land-won Mineral Safeguarding), CSM7 (Safeguarding Other Mineral Plant Infrastructure), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), DM5 (Heritage Assets), DM7 (Safeguarding Mineral Resources), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM16 (Information Required in Support of an Application), DM17 (Planning Obligations), DM18 (Land Stability), DM19 (Restoration, Aftercare and After-use) and DM20 (Ancillary Development).
38. **Tunbridge Wells Borough Local Development Framework Core Strategy Development Plan Document (June 2010)** – Policies CP2 (Green Belt), CP3 (Transportation Infrastructure), CP4 (Environment), CP5 (Sustainable Design and Construction), CP8 (Retail, Leisure and Community Facilities Provision) and CP14 (Development in the Villages and Rural Areas).
39. **Tunbridge Wells Borough Site Allocations Local Plan (July 2016)** – Policy AL/STR1 (Limits to Built Development).
40. **Tunbridge Wells Borough Local Plan (2006) Remaining Saved Policies** – Policies EN1 (Development Control Criteria), EN8 (Outdoor Lighting), EN13 (Trees and Woodland Protection), EN16 (Protection of Groundwater and other Watercourses), EN18 (Flood Risk), EN25 (Development Control Criteria for all Proposals Affecting the Rural Landscape), MGB1 (Metropolitan Green Belt) and TP4 (Access to the Road Network).
41. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Draft (November 2018)** – This has no direct bearing on the current

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application although the proposed modification to Policy DM7 serves to reinforce the desirability of safeguarding mineral resources. The Early Partial Review of the Kent MWLP is currently at the Examination Stage of the plan making process with hearings having taken place in October 2019.

42. **Kent Mineral Sites Plan Pre-Submission Draft (December 2018)** – The Draft Mineral Sites Plan proposes to allocate an extension to Stonecastle Farm Quarry and a site at Moat Farm, both of which would be worked through Stonecastle Farm Quarry and use the existing access to the site. The Kent MSP is currently at the Examination Stage of the plan making process with hearings having taken place in October 2019.
43. **Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation Draft (20 September to 1 November 2019)** – Draft Policies STR1 (The Development Strategy), STR2 (Presumption in favour of Sustainable Development), STR4 (Green Belt), STR8 (Conserving and Enhancing the Natural, Built and Historic Environment), STR10 (Limits to Built Development Boundaries), EN1 (Design and other Development Management Criteria), EN2 (Sustainable Design and Construction), EN5 (Climate Change Adaption), EN6 (Historic Environment), EN7 (Heritage Assets), EN10 (Outdoor Lighting and Dark Skies), EN11 (Net Gains for Nature: Biodiversity), EN12 (Protection of Designated Sites and Habitats), EN14 (Trees, Woodlands, Hedges and Development), EN15 (Ancient Woodland and Veteran Trees), EN20 (Rural Landscape), EN21 (High Weald AONB), EN23 (Air Quality), EN26 (Water Quality, Supply and Treatment), EN27 (Conservation of Water Resources), EN28 (Flood Risk), EN29 (Sustainable Drainage), EN30 (Noise), EN31 (Land Contamination), TP1 (Transport Assessments, Travel Plans and Mitigation), TP2 (Transport Design and Accessibility) and TP6 (Safeguarded Roads).

Consultations

44. **Tunbridge Wells Borough Council** – No objection.

Its Officer Delegated Report states (in summary): *“Having regard to the comments from key statutory consultees Tunbridge Wells Borough Council now withdrawn their previous objections subject to any conditions and recommendations made by the consultees. In addition, there is no objection provided KCC are satisfied that the impact of the proposal on residents living conditions (in regards to dust, noise, vibrations etc.) can be controlled. **Recommendation** – Raise no objections subject to conditions suggested by Statutory Consultees.”*

The Borough Council had initially objected to the application on 7 June 2019 pending the Environment Agency being satisfied in terms of flooding, KCC Highways and Transportation having no objection to future cumulative impact on the highways, KCC being satisfied that the impact of the proposal on residents living conditions (in regards to dust, noise, vibrations etc.) could be adequately controlled and that sufficient information has been provided in respect of ecology.

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45. **Tonbridge and Malling Borough Council** – No objection.
46. **Capel Parish Council** – Objects to the application.

In June 2019 it recommended refusal for the following reasons:

- “1. *The proposal would lead to unnecessary road movements on to the A228. There is no real necessity for the applicants to process this low grade material on site. If the process was off site the link road to the A228 would lie entirely within the applicant’s control and there would be fewer movements accessing the exit road, and no heavily loaded vehicles turning right endangering traffic.*
2. *Lack of an updated flood risk assessment. Since the original permission was submitted in 1979 the Leigh Barrier has come in to use – there is, for example, no evidence of consideration having been given of the impact on the site of a forced opening of the barrier under flood conditions. The neighbouring village of Five Oak Green has experienced flooding from the Alders Stream which is at the southern end of the site.*
3. *There is no ecological report.*
4. *Screening of the southern boundary of the site is inadequate. Some of the screening shown in the plan is outside the land controlled by the applicant.*
5. *The proposal will cause the diversion of local Public Rights of Way.”*

Notwithstanding the above, if planning permission is granted it would like to see the following conditions imposed:

- “1. *The processing plant should be linked to the workings by conveyor belt (as previously) rather than a haul road. [Reason: Alleviation of noise and dust along the now nearly 3km distance to the extraction site.]*
2. *Noise monitoring of the workings. [Reason residential amenity of the properties south of the plant along Whetsted Road.]*
3. *More adequate screening to the south of the processing plant. [Reason residential amenity as above.]*
4. *No Saturday working apart from routine maintenance. Technological improvements since the original permission and the improved capacity of the plant (now 120 tonnes per hour) means Saturday working should no longer be necessary. [Reason protection of residential amenity.]”*

Following receipt of the further information submitted in August 2019 and December 2019, it continues to object and recommends refusal on the grounds that it does not consider that the TerraConsult Ltd report has addressed its previous comments (which it states still stand). It also states:

- “1. *TARMAC flood report appears inadequate given recent flooding – began on Friday 20th, peaking on 21st December 2019.*
2. *Ecology survey remains outstanding.*

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3. *The issue of leachate and its required removal has not been addressed. Tarmac to abide by the terms of the existing Leachate licence before work begins on site should KCC be minded to approve.*
4. *Concerns regarding pollution in the north east of the site, in the direction of the river Medway and East Peckham – Fields towards the bridge at Stilstead, East Peckham.*
5. *Unproductive wastelands could be contaminated.”*

It also requests that KCC's Planning Applications Committee Members visit the site before determination and that any decision should be deferred until the Environment Agency / South East Water and independent reports are received.

47. **Hadlow Parish Council** – No objection following the further information submitted in August 2019 and December 2019.

In responding to the May 2019 consultation it objected to maintenance or other works on a Sunday, but accepted all other conditions within the application. It also stated that it would also like to see a more robust enforcement team monitoring the project and ensuring that conditions are strictly adhered to.

48. **East Peckham Parish Council** – No objection.

49. **Environment Agency** – No objection following the receipt of the further information and additional clarification submitted in August and September 2019 and no objection following receipt of the applicant's TerraConsult Ltd report in December 2019.

In its most recent response (dated 13 January 2020) it advised that it has no objections subject to the following comments. It also advised that its previous comments continue to apply.

Groundwater and Contaminated Land: It concurs with the key findings of the TerraConsult Ltd report (which clarifies the hydrogeological setting of the proposed processing plant and likely impacts) in relation to any concerns specifically related to groundwater management / quality. It states that there would appear to be adequate control associated with the circulation of process waters to ensure no interactions with the landfills and that the management of the landfills and any potential impacts would be managed under the relevant waste permit.

Groundwater Hydrology: It states that there are no concerns from a water resources perspective on the application and that issues relating to the viability and integrity of the aquifer have been appropriately addressed through the TerraConsult Ltd report.

Fisheries, Biodiversity and Geomorphology: In terms of biodiversity / landscaping / silt lagoon, it states that it is acceptable practice to leave the silt lagoon to self-seed with time and that the rate of establishment will be dependent on the proximity and pathways of local seedbank sources. If quicker establishment is desired, creating new

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marginal (i.e. at water level) habitat features (e.g. berms) could be an option and would be supported (assuming it does not affect local flood risk) as it could provide multiple benefits such as creating a planting medium that also physically absorbs and buffers wave erosion potential but also provides instant complex edge habitat where it is currently lacking due to steep sides. It also states that opportunities to pro-actively create habitat, especially to increase the extent of diminished wetland habitats, can contribute towards achieving biodiversity net gain for the site and would also help to significantly improve landscape connectivity and wildlife networks on the wider scale.

It has also provided advice to the applicant on its responsibilities (as a landowner) on the maintenance of surface water channels in its ownership (including the clearance of vegetation and silt). It states that the Alder stream is particularly noted for its high ecological value (especially for maintaining excellent fish diversity and abundance) despite its relatively small size and that it strongly encourages careful and sympathetic maintenance best practice in this main river. It advises that sections of the Alder stream near the quarry are currently maintained by the Environment Agency and that it would encourage consultation between the parties to minimise unnecessary disturbance and “double working” to avoid detriment to the river ecology and function. It has also advised that it would like to enhance and restore the natural functioning of the Alder stream throughout its catchment and has invited the applicant to collaborate and support investigations into feasibility studies on this with catchment partners.

In its previous response (dated 18 September 2019) it stated that it had no objection on the basis of flood risk and groundwater and contaminated land, although it advised that (if possible) the welfare portacabin should be raised up to a similar level to the weighbridge (i.e. 1.2m above ground) and that appropriate pollution control measures should be fully implemented at the site for all operations and plant use. It also advised that fuels, oils and any other potentially contaminating materials should be stored carefully (e.g. in bunded areas secured from public access) to prevent accidental / unauthorised discharge to ground and that areas used for storing such materials should not drain to any surface water system. It further advised that where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001 and that drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

In its initial response (dated 16 May 2019), it had objected to the absence of a flood risk assessment (FRA) on the basis that this was contrary to the NPPF since the application site lies within Flood Zone 3 (which has a high probability of flooding). It had also stated that it would expect to see an Environmental Management Plan (EMP) which identifies potential environmental risks and outlines how these would be avoided / mitigated. Its interim response (dated 5 September 2019) maintained the objection on flood risk grounds due to the absence of drawings / elevations of the proposed ancillary welfare and office buildings and finished floor levels (required to assess their specific flood risk). As noted above, this omission was rectified and the objections removed.

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50. **KCC Highways and Transportation** – No objection, subject to a condition restricting access / egress to the A228 from Whetsted Road whereby HGVs leaving the site would turn left onto Whetsted Road and left again (also Whetsted Road) heading north on the A228 before navigating on their final routing at the southern end of the East Peckham by-pass and traffic arriving at the site would turn right into the site from Whetsted Road.

It notes that the applicant has proposed this HGV routeing and has confirmed there would be an average of 20 loads per day (up to 30 loads during busier periods). It also notes that the extant planning permission imposes no limit on the number of vehicle movements at the site and that the proposed development would be no worse in terms of HGV loads than currently permitted.

It states that the A228 / Whetsted Road junction was a crash cluster site in 2018/19, but has not been identified as such this year. It advises that improvements were made to the junction during the last year by KCC Highways (i.e. the installation of improved junction warning signage and give way signs and the cutting back of vegetation on the A228) in response to the crash cluster status and that there are no further plans for further works.

51. **KCC Public Rights of Way** – No objection. It advises that it is satisfied with the current arrangements where Footpath WT170 crosses the site access road.
52. **The Ramblers** – No objection. It notes that the proposed development would not affect any public right of way.
53. **KCC Sustainable Drainage** – It states that KCC as the Lead Local Flood Authority (LLFA) has no comment to make on the application as the proposed development does not relate to the disposal of surface water. It states that advice on matters relating to fluvial flooding and water quality from proposed new development should be sought from the Environment Agency, as the appropriate statutory consultee. It also states that as the LLFA, KCC is a statutory consultee for surface water drainage, including surface water drainage strategies, surface water drainage designs and maintenance arrangements for surface water drainage put forward by developers for new major developments.
54. **KCC Ecological Advice Service** – No objection.

It states that the footprint for the replacement processing plant and ancillary associated office and welfare buildings are within an area of bare ground and that there is no need for ecological surveys to be submitted with the application. On the basis that the submitted drawings had suggested that some existing vegetation might be lost as a result of the proposals (i.e. scrub at the tip of the clean water lagoon and a strip of vegetation to the west of the proposed development area), it had initially recommended that an ecological mitigation strategy should be required before works

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commence. However, it has since accepted that this is unnecessary as the vegetation is not to be removed.

In response to the TerraConsult Ltd report it has advised that in order to benefit biodiversity, the silt should not cover / damage aquatic (marginal) vegetation and that consideration be given to silt being pumped into cells to create different water levels within the lagoon to benefit birds. It has also commented that whilst the flow of water has to be maintained in surface water channels, there is a need to ensure that the channels are not permanently devoid of vegetation as they will be used by biodiversity. It suggests that it would be more effective to have a regular monitoring / management approach and for only one side of the ditch to be cleared at a time in order that connectivity is retained.

55. **KCC Noise Consultant** – No objection, subject to the imposition of a condition limiting noise associated with the proposed development to 52dB_{L_{Aeq}, 1hr, free-field} and restricting operations (including generators) to the daytime period only.

It had initially raised concerns that the noise assessment submitted in April 2019 had not included the two diesel generators that are proposed to be used, had not taken account of the approval given by TWBC on 29 April 2019 (meaning that if implemented the nearest residential property would be closer to the plant site) and was not clear in demonstrating whether additional mitigation measures might be necessary to prevent disturbance to residential amenity through general site noise and / or low frequency noise (particularly at night). It had therefore recommended that additional noise assessment be required.

Having considered the noise assessment technical report undertaken by WBM Acoustic Consultants included with the further information submitted in August 2019, it advised that it was satisfied that this had provided an appropriate response on these matters. It stated that the noise assessment (although originally including an element for the diesel generators) had been revised to more accurately represent the plant layout and to take account of the additional residential receptors. It advised that the low frequency noise output from the generators at the new receptor (calculated to be around 33dB_{L_{Aeq}}) was well below both the background level and the calculated overall level for the site operations. It also advised that the predicted noise level at the converted agricultural building was 50dB_{L_{Aeq}, 1hr} (i.e. below the site noise limit of 52dB_{L_{Aeq}, 1hr}). It also accepted that no additional mitigation was necessary in order to achieve compliance with permitted noise limits, noting that the diesel generators would not operate overnight.

56. **KCC Air Quality / Dust Consultant** – No objection, subject to the proposed dust attenuation scheme being implemented.

It had initially advised that there had been a number of changes to air quality legislation and best practice guidance since 1981 and 2002 (i.e. when KCC permitted the use and continued use of the plant site) which had not been considered in the

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application. It stated that the proposed increase in processing plant capacity from 100 to 120tph, the use of diesel generators, the increase in surface storage area as a result of lower stockpiles and the need for HDVs (HGVs) to import fuel and oil for storage on site could all variously lead to additional / greater air quality impacts (dust and emissions). It also questioned how the proposed water bowser would be used and when and whether a wheel wash would be provided. It therefore recommended that an air quality assessment be undertaken which considers point source and on road HDV movements (using EPUK and IAQM Land Use Planning and Development Control guidance) and all other on-site activities (using the IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning).

Having considered the air quality assessment and dust attenuation scheme undertaken / prepared by Smith Grant LLP Environmental Consultancy included with the further information submitted in August 2019, it advised that it was satisfied that air quality and dust had been suitably assessed and that the proposed dust attenuation scheme was robust and acceptable.

57. **KCC Heritage Conservation Officer** – Raises no objection, subject to measures being required to minimise impacts on the setting of designated heritage assets.

He advises that the resumption of materials processing activities on site would confer a degree of harm on the setting of the group of designated historic structures at Stonecastle Farm (i.e. two Grade II listed buildings and a Grade II listed wall) and that the level of potential harm should be carefully assessed when determining the application. He notes that the proposed processing plant would be less than half the height of the previous plant and that the site is well screened from the historic asset group by mature trees such that the potential degree of harm arising from any new structures would be low. He advises that limiting the height of stored materials so they are masked by the existing line of mature trees would be a simple and effective mitigation measure. He recommends that if planning permission is granted, mitigation measures should be put in place to minimise noise levels, dust and vibration both from the site and from use of the access road. However, he advises that this should not involve unrestricted hedge planting because, over time, it would alter the currently open appearance of the area which is an important element of the traditional setting of the historic structures. He also advises that maintaining the access road in a good condition, limiting speed on the access road and ensuring that the agreed HGV routeing is adhered to would also be desirable and assist in minimising impact on the heritage assets.

58. No responses have been received from **South East Water** and **Kent Wildlife Trust**.

Representations

59. The application was publicised by site notices and the occupiers of all properties within 250 metres of the site (including access road), as well as others beyond this distance

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in the vicinity of the site, were notified on 1 May 2019 (19 in total). Site notices were erected on 3 May 2019 and a newspaper advertisement was published on 10 May 2019. All those who had made representations following the initial publicity exercise were notified again on 22 August 2019. The local resident understood to be the author of the Historic Landfill report was notified in December 2019 about the submission of the TerraConsult Ltd report and the deadline for the receipt of representations was subsequently extended until 17 January 2020.

60. Seven (7) representations (all objections) were received from local residents and the Tunbridge Wells Borough Councillor for the Capel Ward (Carol Mackonochie) in response to the May 2019 notification / publicity (i.e. in response to the application as submitted in April 2019). Two of the seven were from the same respondents (with additional points). A letter was also received from the Member of Parliament for Tunbridge Wells (Greg Clark) with copies of four of these responses which asked that the objections be put before Committee when the application was considered.
61. A further twenty one (21) representations (all objections) were received from local residents in response to the August 2019 notification / publicity (i.e. in response to the application following the further information submitted in August 2019). Five of those who responded initially commented again (one on four additional occasions) and one of the new respondents commented twice.
62. A further fifty eight (58) representations (all objections) were received from local residents in response to the December 2019 notification / publicity (i.e. in response to the application following the receipt of the TerraConsult Ltd report in December 2019). Some of these were from those who had commented previously and, in cases, there was more than one from the same property.
63. The objections primarily relate to: Noise; Air quality / dust; Health impacts; Landscape and visual impact; Highways and transportation; Flood risk; Heritage assets; Ecology; Rights of way; Green Belt; Contaminated land / pollution; Need; and Cumulative impact. The nature of the objections can be summarised in more detail as follows:

Noise:

- Unacceptable noise impact;
- Inadequate information on / assessment of noise impacts (including from diesel generators and not clear if another is required for lighting);
- Lack of confidence in noise data used in the noise assessment more generally;
- Impact on recently permitted residential development at the Stonecastle Farm complex not assessed (although closer to the plant site than existing housing);
- The predicted noise levels are very close to permitted limits;
- Further details of noise attenuation are needed (the plant should be sound-proofed / enclosed, possibly within a large building / barn);
- Impact of reversing alarms;

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- Impact of HGVs on site access road;
- Mains electricity should be employed instead of diesel generators (possibly from the nearby solar farm);
- If diesel generators are used, they should be in soundproof containers;
- No working should be permitted at weekends (and Tarmac should notify neighbours of any “out of hours” “routine maintenance” works if required); and
- Ongoing monitoring and reporting should be required.

Air quality / dust:

- Unacceptable dust / air quality impact;
- Inadequate information on / assessment of dust / air quality impacts (including any emissions from diesel generators);
- Impact on recently permitted residential development at the Stonecastle Farm complex not assessed (although closer to the plant site than existing housing);
- The proposed processed material stockpiles would be closer to residential properties and thus have a greater impact on residential amenity;
- Proposed dust control measures are inadequate (stockpiles will dry out and create dust, particularly in the summer / dry weather);
- Lack of detail on HGV wheel and chassis cleaning;
- Ongoing monitoring and reporting should be required;
- Poor condition of haul roads; and
- Impact of HGVs on site access road.

Health impacts:

- Adverse health impacts associated with the above noise and dust / air quality impacts.

Landscape and visual impact:

- The existing tree screening is inadequate (particularly in winter months);
- Not all of the planting required in 1981 was implemented and some was removed / cut back in 2018;
- New planting is needed to screen the plant site and access road;
- Light pollution (associated with operational and security lighting);
- Any lighting arrangements (and associated solar panels) should be clarified; and
- Impact on the AONB.

Highways and transportation:

- HGV impacts (in terms of highway safety and capacity);
- The need for junction improvements;

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- HGV's should not travel along Whetsted Road to the west of the site entrance (and should continue to abide by the previously agreed routing on the A228);
- The need for a weight limit on the railway bridge in Five Oak Green;
- Environmental impact of additional HGV movements;
- The speed of HGVs on the access road; and
- The poor condition of the access road.

Flood risk:

- No flood risk assessment (FRA) has been undertaken / submitted with the application;
- The potential flood risks have not been assessed;
- The proposed increase in the area required to stockpile processed material at 6m high could exacerbate flood risk to local properties and the area more generally; and
- Recent flooding in and around the site illustrates the inappropriate nature of the development at this location.

Heritage assets:

- Impact on listed buildings and other heritage assets; and
- No assessment of the potential impact on the setting of the historic farmstead at Stonecastle Farm or the Grade II listed buildings / wall associated with that complex.

Ecology:

- No assessment has been made of the potential impact on ecology (including that associated with the use of the clean water and silt lagoons);
- Impact from lighting, noise and vibration;
- Impact on ancient woodland (close to the site); and
- The proposal contains no net gains for biodiversity.

Rights of way:

- Impact on rights of way and their users.

Green Belt:

- The processing plant is not appropriate in the Green Belt.

Contaminated land / pollution:

- Pollution (leachate and methane gas) from previously landfilled / restored parts of the quarry to the north and south of the plant site (due to vibration from the

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plant site);

- Pollution of the silt lagoon by leachate from the former landfill to the north of the plant site leading to groundwater and surface water pollution more generally as a result of the recirculation of this water via the clean water lagoon for use in the processing plant; and
- Pollution from fuels, oils and other liquids stored on site.

Need:

- A processing plant is not needed at Stonecastle Farm Quarry; and
- Material should be transported from the site and sold “as dug” or processed at a site such as the J Clubb Ltd plant at East Peckham.

Cumulative impact:

- The cumulative impact of the processing plant with further mineral extraction and other development proposed in the area is unacceptable.

Other issues:

- Concerns have been expressed about the accuracy of information included in the planning application documents (including in the TerraConsult Ltd report);
- Concerns have been expressed about previous breaches of planning control at the site (including that the landfill areas were not restored to original ground levels);
- The proposal should be treated as a new application and be subject to current planning laws and regulations given that the previous plant and machinery has been removed;
- Any new plant should be closer to the extraction area;
- Part of the hardstanding should be used as a car park to enable public access to the restored parts of the quarry / nature reserve;
- Excavated mineral should be transported by conveyor rather than dump truck;
- The site should be turned into a nature reserve with no further mineral working or by relocating the plant site;
- No materials should be permitted to be imported to the site for processing;
- No further waste should be imported to the site for restoration purposes;
- Concerns have been expressed about the relationship with the sites proposed to be allocated in the Kent Mineral Sites Plan and the potential impact on the life of the site; and
- Members of KCC’s Planning Applications Committee should visit the site prior to determination of the application.

Local Member

64. County Council Member Sarah Hamilton (Tonbridge Wells Rural) was notified in April,

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August and December 2019. Matthew Balfour (Malling Rural East) was also notified as adjoining Member.

65. No comments have been received on the proposed development from Sarah Hamilton or Matthew Balfour at the time of writing this report.

Discussion

66. Although all of the objections raised initially by technical consultees (including Tunbridge Wells Borough Council) have been overcome, the application is being reported to KCC's Planning Applications Committee for determination as Capel Parish Council (PC) has maintained its objections and objections have been received from those making representations.

67. 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 37 to 40 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 36 and the draft development plan policies in paragraphs 41 to 43.

68. The main issues that require consideration are as follows:

- The principle of the development;
- Green Belt;
- Landscape and visual impact;
- Noise;
- Air quality / dust;
- Water environment (including flood risk);
- Traffic and transportation;
- Rights of way;
- Heritage assets; and
- Ecology.

These issues are addressed in the following sections, together with other issues that have been raised or require consideration.

The principle of the development

69. Planning permission already exists for a processing plant in the plant site area and the continued use of the existing site access at Stonecastle Farm Quarry for the life of the mineral working provided for by planning permission TM/00/1599 by virtue of planning permissions TW/00/1398 and TM/00/1600 (which effectively amended earlier permissions TW/79/753 and TM/79/938).

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70. Planning permission is also granted for certain types of mineral development by Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Class A of Part 17 provides permission for a limited range of development including the erection, extension, installation, rearrangement, replacement, repair or other alteration of any plant, machinery and buildings used in connection with the winning and working of minerals on land at a mine (i.e. a quarry) without the prior approval of the Mineral Planning Authority (MPA) subject to a number of limitations (such as height and floor space) and subject to the external appearance of the site not being materially affected. Class B of Part 17 grants permission for a wider range of development (including secondary industry such as ready mix concrete plants) at a mine and on ancillary mining land (i.e. land adjacent to and forming part of a quarry) subject to the prior approval of the MPA. Permission can only be exercised under Class B if the developer has first submitted to the MPA detailed proposals covering the siting, design and external appearance of the proposed development and obtained its written approval for the proposal. MPAs may only refuse to approve development proposed under Class B, or attach conditions to an approval, on the grounds that the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury or the proposed development ought to be, and could reasonably be, sited elsewhere.
71. Condition (xviii) of planning permission TW/79/753 served to avoid the possibility that development falling within what is now Class A of Part 17 of Schedule 2 to the GPDO (2015) could be undertaken without the need for proper consideration of its potential impact and effectively meant that the consideration provided for by what is now Class B would necessitate the submission of details pursuant to the condition.
72. Were it not for the fact that the proposed replacement processing plant has a rated capacity of greater than the 100 tonnes per hour (tph) allowed by condition (xvii), there would be no requirement for the applicant to formally seek planning permission for what is proposed and the matter could have been dealt with under the terms of condition (xviii) of planning permission TW/79/753. Notwithstanding this, the issues of whether the proposed development would injure the amenity of the neighbourhood, whether modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce any injury or whether the proposed development should be sited elsewhere will be addressed in the following sections of this report.
73. Paragraph 203 of the National Planning Policy Framework (NPPF) states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs and that since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Paragraph 204 states that planning policies should (amongst other things) safeguard mineral resources by defining Mineral Safeguarding Areas and adopting appropriate policies so that known locations of specific minerals resources of local and national importance are not

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sterilised by non-mineral development where this should be avoided; and safeguard existing, planned and potential sites for the handling and processing of minerals as well as the manufacture of concrete and concrete products. Paragraph 205 states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

74. Seeking to deliver a sustainable, steady and adequate supply of land-won minerals such as aggregates is included in the spatial vision and strategic objectives of the Kent Minerals and Waste Local Plan (Kent MWLP) and is reflected in Policy CSM2. Policy CSM5 safeguards Stonecastle Farm Quarry and Policy CSM7 safeguards mineral plant infrastructure for the life of the host quarry and requires Local Planning Authorities to consult KCC (as Mineral Planning Authority) where non-mineral development is proposed within 250m of safeguarded minerals plant infrastructure. Policy DM20 states that proposals for ancillary development within or in close proximity to mineral development will be granted planning permission provided it is necessary and that the environmental benefits in providing a close link with the site outweigh any environmental impacts. It also states that the operation and retention of any such development will be limited to the life of the linked mineral facility.
75. A number of local residents have suggested that a processing plant is not necessary at Stonecastle Farm Quarry and that any mineral extracted at the site should either be processed elsewhere (e.g. at the J Clubb Ltd site at East Peckham) or sold "as dug" (i.e. unprocessed). It has also been suggested that if a processing plant is to be used at Stonecastle Farm Quarry it should be relocated to a position closer to the extraction area. Capel PC has also suggested that there is no need for the mineral to be processed at the site.
76. Processing excavated material before sale is generally preferable to using the mineral "as dug" unless it is of such poor quality that processing is not economic. This assists in ensuring that best use is made of the extracted material consistent with the above policies. Although the mineral extracted in the area is not of the highest quality, it is capable of being viably processed and used. Any decision as to whether the mineral at Stonecastle Farm Quarry is processed is for the applicant to determine. Whilst transporting the excavated material elsewhere for processing is an option for the applicant, this would need to be based on a commercial decision and the availability of a suitable processing plant with a willing operator. Given the nature of the mineral extracted at the site and as the East Peckham site is operated by a competitor, it is unlikely to be acceptable to the applicant regardless of whether J Clubb Ltd were able and willing to be involved. It should also be noted that whilst there is still currently a processing plant at East Peckham, the relevant planning permission (TM/16/1563) requires its removal by 12 November 2021. After that date, the site can only be used as a rail import facility for the loading / unloading, storage and distribution of aggregates, crushed rock, sand and gravel and production of ready mixed concrete. The planning permission which currently provides for the processing plant (TM/18/306) also precludes the importation by road of materials other than for backfilling / restoration purposes and then only until 30 April 2020. In this case, the applicant

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clearly believes that it is viable to process the mineral at Stonecastle Farm Quarry since it proposes to invest in a new plant and resume commercial activity at the site. KCC cannot require the applicant to process the material elsewhere.

77. Relocating the processing plant elsewhere at Stonecastle Farm Quarry would (even if the applicant were prepared to consider it) give rise to a number of issues. Locating it closer to the extraction area would necessitate the construction of a significant length of road suitable for road-going HGVs if the existing access onto Whetsted Road and the A228 were to be used. The impact of creating and using such a road would be significant and costly. There would appear to be no better alternative way of accessing the site to the south or west since all other roads would be less suitable. The River Medway would prevent access to the north. The use of other roads in the area would also conflict with other comments made in response to the application and undoubtedly give rise to other objections.
78. It is clear from the above that the principle of a processing plant in the plant site area is already established, that there is clear planning policy support for its retention for the life of planning permission TM/00/1599 and that there is also strong policy support for such a facility even if one did not already exist. It is also clear that any decision on whether to process the material excavated either at the site or elsewhere is primarily one for the applicant and that if a processing plant is to be retained at the site, the current location is probably the best likely to be available.
79. The key issue when considering this application is not whether there should be a processing plant at Stonecastle Farm Quarry, rather it is whether what is now proposed is acceptable in the context of what is already permitted.

Green Belt

80. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. Paragraph 134 of the NPPF states that Green Belts serve 5 purposes. These include checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another and assisting in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 of the NPPF states that with the exception of certain types of development, local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. The exceptions include the extension or alteration of a building (provided that it does not

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result in disproportionate additions over and above the size of the original building) and the replacement of a building (provided the new building is in the same use and not materially larger than the one it replaces). Paragraph 146 of the NPPF states that mineral extraction is not inappropriate development in the Green Belt provided it preserves openness and does not conflict with the purposes of including land in the Green Belt.

81. Policy DM4 of the Kent MWLP states that proposals for minerals development within the Green Belt will be considered in light of their potential impacts and shall comply with national policy and the NPPF.
82. Policy CP2 of the Tunbridge Wells Borough (TWB) Local Development Framework (LDF) Core Strategy, saved Policy MGB1 of the TWB Local Plan and draft Policy STR4 of the emerging TWB Local Plan require that development comply with national policy on Green Belt.
83. A number of local residents have objected as they consider the proposed processing plant to be inappropriate development in the Green Belt. This assertion also gave rise to some of the issues referred to in the preceding section of the report.
84. Whilst the processing plant, ancillary office and welfare buildings and other works and structures which are generally associated with mineral development (including the site access, stockpiles of processed and unprocessed mineral and related activities) would have some impact on the openness of the Green Belt and on the landscape for some years, any impact would not be permanent and would not conflict with the purposes of the Green Belt. I am therefore satisfied that the proposed development can benefit from the exception provided for by paragraph 146 of the NPPF and is not inappropriate development in the Green Belt. It is also worth noting that the East Peckham site referred to in the above section is also in the Green Belt.
85. In reaching this conclusion, I have had particular regard to the fact that planning permission already exists for a processing plant in the plant site area for the life of the mineral working provided for by planning permission TM/00/1599 and that the extant planning permissions for the plant site and site access require their removal and the reinstatement of the land when no longer required for the working or restoration of the quarry. It should also be noted that the previous plant was larger than that now proposed, that there is no longer a ready mix concrete plant (which was a larger structure) at the site, that the landscape and visual impact of the proposed (low level) processing plant would not be significant and that the plant site area is surrounded by trees and other vegetation which assist in further minimising landscape and visual impact. These issues are addressed further in the following sections.

Landscape and visual impact

86. Paragraph 204 of the NPPF states (amongst other things) that planning policies should ensure that worked land is reclaimed at the earliest opportunity and that high quality

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restoration and aftercare of mineral sites takes place. Paragraph 205 states that when considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and that restoration and aftercare is provided for at the earliest opportunity and to high environmental standards. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development that would result in the loss of irreplaceable habitats such as Ancient Woodland unless there are wholly exceptional reasons and a suitable compensation strategy exists. The Minerals Planning Practice Guidance (PPG) includes further guidance on the restoration and aftercare of mineral sites. It reinforces the desirability of ensuring that land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place.

87. Policy DM1 of the Kent MWLP supports sustainable development and states that proposals will be required to demonstrate that they have been designed to protect and enhance the character and quality of the site's setting. Policy DM2 states that minerals proposals outside but within the setting of an AONB will be considered having regard to the effect on the purpose of conserving and enhancing the natural beauty of the AONB. It further states that the consideration of such applications will assess (amongst other things) the need for the development. It also states that minerals proposals likely to have any unacceptable adverse impact on Ancient Woodland will not be granted planning permission unless the need for, and the benefits of, the development in that location clearly outweigh any loss. Policy DM11 states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from (among other things) 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. Policy DM19 of the Kent MWLP requires that provision be made for high standards of restoration, aftercare and after-use such that the intended after-use of the site is achieved in a timely manner. It also sets out further detail on what is expected in terms of restoration and aftercare.
88. Policy CP4 of the TWB LDF Core Strategy seeks to conserve and enhance the landscape and CP14 seeks to protect the countryside for its own sake in order to maintain landscape character and quality. Saved Policy EN1 of the TWB Local Plan requires development to comply with a range of criteria (including those relating to landscape) to minimise harm. Saved Policy EN8 seeks to ensure that any impacts from external lighting are minimised. Saved Policy EN13 seeks to protect Ancient Woodland. The emerging (draft) TWB Local Plan includes a number of policies in respect of the above issues (STR8, EN1, EN10, EN14, EN15, EN20 and EN21). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.

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89. A number of local residents have objected to the application for landscape and visual amenity reasons. They assert that the existing tree screening is inadequate (particularly in winter months), that not all of the planting required in 1981 was implemented and some was removed / cut back in 2018 and that new planting is needed to screen the plant site and access road if planning permission is granted. Capel PC also considers the existing tree screening on the southern boundary of the site to be inadequate and is concerned that some of the landscaping is outside the land controlled by the applicant. Objections have also been received about potential light pollution (from operations and security lighting) and a lack of clarity about the arrangements (including about the small solar panels proposed for the security lighting). Objectors have also referred to the potential impact on the AONB. Capel PC has also stated that it would like to see more adequate screening to the south of the processing plant if planning permission is granted.
90. As noted earlier in this report, planning permission already exists for a processing plant in the plant site area and the continued use of the existing site access at Stonecastle Farm Quarry for the life of the mineral working provided for by planning permission TM/00/1599. The question of whether the plant site and access should continue to be used thereafter is a matter for the emerging Kent Mineral Sites Plan. In terms of landscape and visual impact, the main issue in determining this application is whether what is now proposed is more or less visually intrusive than that that previously permitted and approved and whether any impacts are acceptable in that context.
91. The proposed replacement processing plant is smaller in terms of footprint and height than the plant approved in 1983 and in the same general location within the plant site area. It would be only half the height (7m as opposed to 14m high) of the previous processing plant. Given the height of the proposed plant, stockpiles of processed materials would only be up to 6m high (as opposed to 12m as permitted). Whilst accommodating a similar quantity of processed materials in the plant site area at up to 6m high as opposed to up to 12m high would require a larger footprint, it should be noted that at least some of this footprint would be in an area previously used by a ready mixed concrete plant (itself 12m high) and associated infrastructure (now removed or to be removed). It should also be noted that unprocessed excavated material awaiting processing on land to the northwest of the main plant site area having been transported from the excavation area by dump truck could still be stored at a greater height as there is no limitation on the height of its storage.
92. Whilst local residents and Capel PC have expressed concerns about the existing tree screening on the southern boundary of the site (particularly in winter months), I am satisfied that this provides adequate visual attenuation to the plant site from public viewpoints to the south. This vegetation and the areas of Ancient Woodland to the east of the plant site also serve to largely screen the plant site from Footpath WT170 other than from where it crosses the site access road about 30m from the internal gates to the plant site where it is possible to see into the plant site. HGVs entering and leaving the site would be seen from Whetsted Road between the Stonecastle Farm

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complex and the A228 and from some of the properties in the Stonecastle Farm complex itself when travelling along the access road despite the planting that exists along part of this route since the hedgerows that do exist are not sufficiently high or thick to screen them. Whilst it may be possible to increase the screening, significant additional planting along the access road would be difficult to accommodate as it would be outside the applicant's ownership or control and it would remain possible to see HGVs using the access road. Any planting would also need to be considered in the context of the advice provided by KCC's Heritage Conservation Officer (see paragraph 57 above).

93. The applicant has confirmed that with the exception of security lighting (which would be solar powered and use infrared sensors to enable safe access at the gates and office door), site lighting would only be used for operational purposes and safety when the plant site is operational during darker mornings and afternoons in winter months. The processing plant lighting would comprise 8 x 100 watt LED floodlights at 7m high powered by the plant generator and the office and weighbridge lighting 4 x 100 watt LED floodlights powered by the office generator. In both cases, they would only be used when necessary.
94. Although quarrying and related processing activities outside AONB's have the potential to affect their settings, I am satisfied that the proposed development would have no significant impact on the High Weald AONB.
95. Whilst the restoration of the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon are already provided for in planning terms, the details for this are not as clear and comprehensive as might be the case. On this basis, I consider it desirable to secure a more detailed and up to date landscape, restoration and aftercare scheme for these unrestored parts of the quarry. This scheme could include measures to be undertaken (or initiated) during the life of the proposed development as well as on its completion. I am satisfied that this can reasonably be addressed by the imposition of a condition requiring the submission of a new landscape, restoration and aftercare scheme for KCC's approval. I would expect any new scheme to broadly reflect that required previously and elsewhere at the site and meet the biodiversity and water environment objectives referred to elsewhere in this report. It may also offer the opportunity to meet some of the concerns raised by local residents about existing landscape planting (including around the plant site and access road) and the stated objectives of the local community in terms of public access to the restored quarry and better integrate with the long term proposals included as part of the later mineral planning permissions at the site (including the nature conservation and management scheme provided for by the Section 106 Agreement relating to planning permission TM/00/1599). The applicant has agreed to the imposition of a condition requiring the submission of a new landscape, restoration and aftercare scheme. Notwithstanding this, it should be noted that these and related issues may need to be considered further at a later date in the event that future mineral extraction is permitted in the area which relies on the continued use of the plant site.

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96. In considering any landscape and visual impacts associated with the proposed development it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. Given this and as the proposed plant would be smaller and have less impact than the one previously permitted and approved, I can see no reason to withhold permission on the basis of landscape and visual impact subject to a conditions restricting processed material stockpiles to no more than 6m in height, only allowing external lighting to be used when necessary and as proposed and securing a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon. Any proposals to improve existing landscape planting in the vicinity of the plant site and access road could also usefully be discussed by the Stonecastle Farm Quarry Liaison Group.

Noise

97. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on human health and that any avoidable noise is controlled, mitigated or removed at source and that appropriate noise limits are established for extraction in proximity to noise sensitive properties. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of noise pollution.

98. Paragraph 013 of the Minerals Planning Practice Guidance (PPG) states that noise is a principal issue that MPAs should address when determining minerals applications. The Minerals PPG also includes more detailed advice on how these issues should be addressed to protect local amenity (e.g. through the design of the proposed development itself) and controls or limits that should be imposed if development is permitted (e.g. appropriate noise limits). Amongst other things, it states that planning conditions should be imposed to ensure: that noise associated with mineral development does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900); that where it would be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable; and that, in any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). It also states that the potential for addressing tonal or impulsive noise (such as reversing alarms) should be considered. It further states that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties may be necessary to facilitate essential site preparation and restoration work (e.g. soil stripping, movement, storage and replacement) and the construction of baffle mounds where it is clear that this will bring longer term environmental benefits to the site or its environs.

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99. Policy DM11 of the Kent MWLP states minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes.
100. Saved Policy EN1 of the TWB Local Plan requires that nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of (amongst others) noise, vibration and health impacts. The emerging (draft) TWB Local Plan includes a policy in respect of noise impact (EN1). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
101. Local residents have raised a number of concerns and objections about noise associated with the proposed development and consider that the replacement processing plant would give rise to unacceptable noise impact. The concerns relate to the adequacy or otherwise of the noise assessment, a lack of confidence in the noise data that has been used to inform the noise assessment (including whether all potential noise sources have been properly taken into account) and as the predicted noise levels appear to be very close to permitted limits. Some residents were also concerned that consideration had not been given to the recently permitted residential development at the Stonecastle Farm complex as this was closer to the plant site than existing housing. Other concerns raised relate to the impact of reversing alarms on site and of HGVs on the site access road. It has also been suggested that the plant should be sound-proofed / enclosed, possibly within a large building / barn), that mains electricity should be employed instead of diesel generators (possibly from the nearby solar farm) and that if diesel generators are used, they should be in soundproof containers. It has also been suggested that no working should be permitted at weekends, that Tarmac should notify neighbours of any "out of hours" or "routine maintenance" works that may be required outside normal working hours and that ongoing noise monitoring and reporting should be required. Notwithstanding its objections, Capel PC has requested that conditions be imposed to require noise monitoring, to prevent working (other than routine maintenance) on Saturday and to require the use of a conveyor between the extraction area and the plant site (rather than a haul road) to reduce noise impact if planning permission is granted.
102. Although initially raising concerns about potential noise impact, KCC's Noise Consultant is satisfied with the additional noise assessment that has been undertaken (which included that in respect of potential impact on the new residential properties approved by TWBC on 29 April 2019) and has no objection subject to the imposition of a condition limiting noise associated with the proposed development to $52\text{dB}_{\text{L}_{\text{Aeq}}, 1\text{hr}}$, free-field and restricting operations (including the use of generators) to the daytime period only (i.e. the permitted hours of use). Since the extant permission has no noise limit and it is unclear whether the restoration of the plant site and access road in particular are capable of being undertaken within the $52\text{dB}_{\text{L}_{\text{Aeq}}, 1\text{hr}}$, free-field limit proposed for the

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operation of the plant site, it would also be appropriate to impose a further condition allowing up to 70dB(A) $L_{Aeq\ 1h\ (free\ field)}$ for up to 8 weeks in a year for those restoration operations. It would also be appropriate for this limit to be applied to works associated with the construction of the replacement processing plant. It is likely that these operations could be undertaken without giving rise to this level of noise but this would accord with Government Guidance and establish a maximum limit for the required works. The applicant has agreed to these conditions.

103. Although the extant planning permission allows normal operations to take place on Saturdays between 07:00 and 13:00 hours (as well as between 07:00 and 18:00 hours Monday to Friday, excluding Bank Holidays), the applicant has agreed that the processing plant would not operate at weekends. It therefore proposes that only the dispatch of aggregates from the site by road and maintenance would take place on Saturdays. This commitment could usefully be secured by a condition which precludes the use of the processing plant on Saturdays unless agreed beforehand in writing by KCC. It should be noted that the extant permission also allows routine maintenance to take place between 08:00 and 18:00 hours on Sundays and Bank Holidays.
104. The applicant also proposes that mobile plant used at the site will have white noise reversing alarms (rather than “bleepers”). I consider that this should also be required by condition.
105. In considering any potential noise impacts associated with the proposed development it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. Given this, I can see no reason to withhold permission on the basis of noise impact and no justification for noise monitoring subject to the imposition of conditions to secure the 52dB $L_{Aeq, 1hr, free-field}$ noise limit for the operation of the plant site and up to 70dB(A) $L_{Aeq\ 1h\ (free\ field)}$ for up to 8 weeks in a year for restoration operations, restricting operations (including the use of generators) to the daytime period only (i.e. the permitted hours of use), no use of the processing plant on Saturdays (unless agreed beforehand in writing by KCC) and for mobile plant used at the site to employ white noise reversing alarms (rather than “bleepers”). In addition, I consider it desirable to include an informative requesting that the applicant engage positively with the local community and respond appropriately to any concerns that are raised by local residents about any noise issues that may arise once operations resume at the quarry. This could most usefully be done through the Stonecastle Farm Quarry Liaison Group.

Air quality / dust

106. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on human health and that any avoidable dust and particle emissions are controlled, mitigated or removed at source. Paragraph

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- 170 states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of air pollution.
107. Paragraph 013 of the Minerals PPG states that dust and air quality are principal issues that MPAs should address when determining minerals applications. The Minerals PPG also includes more detailed advice on how these issues should be addressed to protect local amenity (e.g. through the design of the proposed development itself) and controls or limits that should be imposed if development is permitted (e.g. measures to minimise dust / air quality impacts). More generic advice on air quality is contained in the Air Quality PPG.
108. Policy DM11 of the Kent MWLP states minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from dust and emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and / or planning obligation. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. Policy DM12 states that permission will be granted for minerals development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community.
109. Saved Policy EN1 of the TWB Local Plan requires that nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of (amongst others) smell or health impacts. The emerging (draft) TWB Local Plan includes a number of policies in respect of air quality / dust impact (EN1 and EN23). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
110. Local residents have raised a number of concerns and objections about the potential dust / air quality impact of the proposed development and consider these impacts to be unacceptable and likely to give rise to adverse health impacts. Concerns were also expressed that consideration had not been given to the recently permitted residential development at the Stonecastle Farm complex as this was closer to the plant site than existing housing. Some residents consider that processed material stockpiles would be closer to residential properties and thus have a greater impact on residential amenity and that the proposed dust control measures are inadequate (as stockpiles will dry out and create dust, particularly in the summer / dry weather). Other dust / air quality concerns relate to a lack of detail on HGV wheel and chassis cleaning, the poor condition of haul roads and the impact of HGVs on the site access road. It has also been suggested that ongoing dust / air quality monitoring and reporting should be required. Capel PC has requested that a condition be imposed to require the use of a conveyor between the extraction area and the plant site (rather than a haul road) to

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reduce dust impact if planning permission is granted. This is supported by some of the local residents.

111. Although initially raising concerns about potential dust / air quality impacts (in part because a number of changes to air quality legislation and best practice guidance since 1981 and 2002 had not been considered in the application), KCC's Air Quality Consultant is satisfied that air quality and dust have been suitably assessed and has no objection subject to the proposed dust attenuation scheme being implemented.
112. The Dust Attenuation Scheme includes detailed management proposals for the control of dust. These include the implementation of various operational measures and techniques designed to minimise airborne dust arising from specific site activities (i.e. general matters, site access and road transport, vehicle and mobile plant movements, mineral loading and tipping operations, mineral processing and wind scouring exposed surfaces and stockpiles. The measures include the use of a pressurised water bowser (including on stockpiles as necessary), controlling vehicle speeds on site (10mph), minimising drop heights, clearly delineating stockpiles to avoid vehicles tracking through them, HGV sheeting, repair of hard surfaces and the access road, clearing spilt material and properly maintaining all plant. The Dust Attenuation Scheme also set out requirements in respect of monitoring and management responsibilities (including dealing with complaints) and includes provision for a review (in consultation with KCC) at least every 3 years.
113. Although some of the stockpiles of processed materials may be slightly closer to residential properties than would previously have been the case, they would be significantly lower and still some distance away. The stockpiles and other activities would also still be separated from residential properties by the trees and vegetation surrounding the plant site which would further assist in minimising dust emissions from the site and potential impact on sensitive receptors. It should also be noted that a number of controls intended to minimise dust and air quality impacts already exist (including a condition which requires the access road to be maintained in a good state of repair and kept clean). If problems arise because the access road is not properly maintained, KCC can take action to ensure that it is. HGV wheel and chassis cleaning is not specifically proposed as HGVs would remain on hard surfaces whilst in the plant site area. However, the Dust Attenuation Scheme states that the site manager will be responsible for the inspection and cleaning of departing transport and that a road sweeper will be employed to clean the road should this be necessary.
114. The use of dump trucks to transport excavated material from the extraction area to the plant site (rather than conveyor) has previously been accepted by KCC and forms part of an approval given pursuant to planning permission TM/00/1599 such that it is not something for consideration in determining the current application. However, the possibility of altering the method of transporting excavated material for future extraction phases is something which could reasonably be discussed with the operator.

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115. In considering any potential dust / air quality impacts associated with the proposed development it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. Given this and the provision of a new Dust Attenuation Scheme (which can be secured by condition), I can see no reason to withhold permission on the basis of dust / air quality impact. The new Dust Attenuation Scheme should be required by condition alongside those existing conditions intended to assist in minimising potential dust / air quality impacts. Notwithstanding this, I think that it would be desirable to include an informative requesting that the applicant respond appropriately to any concerns that are raised by local residents about any dust / air quality issues that may arise once operations resume at the quarry. This could most usefully be done through the Stonecastle Farm Quarry Liaison Group.

Water environment (including flood risk)

116. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural environment. Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 163 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It also states that where appropriate (e.g. development within Flood Zones 2 and 3 such as that now proposed), applications should be supported by a site-specific flood-risk assessment and that development should only be allowed in areas at risk of flooding where potential risks are demonstrated to be acceptable. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

117. Guidance on flooding matters is set out in the Flood Risk and Coastal Change PPG. Amongst other things, this states (paragraph 018) that it should be recognised that mineral deposits have to be worked where they are and that sand and gravel working is defined as water-compatible development (in terms of flood risk vulnerability), acknowledging that these deposits are often in flood risk areas. The categorisation is set out in paragraph 066 of the PPG. Paragraph 065 advises that Flood Zone 3 is sub-divided into 3a (land having a 1:100 or greater annual probability of river flooding) and 3b (land where water has to flow or be stored in times of flood also referred to as the functional floodplain). Paragraph 034 of the PPG states that local planning authorities should consider the extent to which sequential test considerations have been satisfied taking advice from the Environment Agency as appropriate. Paragraph 043 reinforces the requirement for the Environment Agency to be consulted on

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development in areas at risk of flooding. Guidance on water quality is set out in the Water Supply, Wastewater and Water Quality PPG. Paragraph 016 of the PPG includes guidance on assessing impacts on water quality.

118. Policy DM10 of the Kent MWLP states that planning permission will be granted for minerals development where it would not result in the deterioration of physical state, water quality or ecological status of any water resource and water body (including rivers, streams, lakes and ponds), have an unacceptable impact on groundwater Source Protection Zones (SPZs) or exacerbate flood risk. Paragraph 7.8.3 of the Kent MWLP states that planning applications for sites located in areas prone to flooding must be accompanied by a suitable Flood Risk Assessment.
119. Saved Policy EN16 of the TWB Local Plan states that development will only be permitted if: there would be no unacceptable effect on the quality or potential yield of groundwater; there would be no adverse impact on the water quality within, or water supply to, lakes, ponds, wetlands and other watercourses; all practicable measures have been taken to minimise the demand for water; and (in appropriate locations) it incorporates sustainable drainage systems for the disposal of surface waters. Saved Policy EN18 seeks to guide built development away from areas at high risk from flooding (e.g. Flood Zone 3b) but acknowledges that some development has to be sited in such locations. In such circumstances it requires practicable and effective flood protection and mitigation measures to be proposed and maintained for the lifetime of the development and practicable and effective measures to be included as part of the development to prevent the increased risk of flooding elsewhere. The emerging (draft) TWB Local Plan includes a number of policies in respect of the water environment / flood risk (EN1, EN26, EN27, EN28 and EN29). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
120. Capel PC and local residents have raised a number of concerns and objections relating to the water environment, both in terms of flood risk and potential pollution (including that associated with contaminated land).
121. The flood risk concerns were exacerbated by the lack of a flood risk assessment (FRA) with the application as initially submitted in April 2019, meaning that potential flood risks had not been assessed. Concerns were also expressed that the proposed increase in the area required to stockpile processed material at 6m high could exacerbate flood risk to local properties and the area more generally. Capel PC also objected to the lack of an up to date FRA when responding to the application as initially submitted in April 2019, referring to flooding from the Alders Stream at the southern end of the site having affected the village of Five Oak Green and the lack of consideration having been given to the impact of a forced opening of the Leigh Barrier under flood conditions.
122. The FRA submitted in August 2019 identifies that the proposed development is itself at potential risk of flooding, primarily as a result of that associated with upstream

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reservoir breaches and recommends that the site should register with the Environment Agency for flood warnings. It also includes a Flood Evacuation Plan to be followed in the event of possible and actual flooding. Amongst other things, the FRA specifically considers the potential impact of stockpiled materials on the water environment and concludes that these and all other aspects of the proposed development would not exacerbate the extent of off-site flood risk.

123. Although initially objecting to the proposed development due to the lack of a FRA in April 2019 and then maintaining an objection due to the inadequacy of the FRA submitted in August 2019, the Environment Agency withdrew its objection following the receipt of additional information in September 2019 clarifying the height (1.2m) at which the weighbridge office and welfare building would be located above ground level and the applicant explaining that the plant control cabin would be in a sealed container at ground level which could be moved by mobile plant should the need arise. It therefore has no objection to the proposed development on the basis of flood risk. KCC Sustainable Drainage has advised that it has no comment to make on the application as the proposed development does not relate to the disposal of surface water. It has also been clear that advice on matters relating to fluvial flooding and water quality from proposed new development should be sought from the Environment Agency, as the appropriate statutory consultee. This is consistent with the guidance in the Flood Risk and Coastal Change PPG referred to above.
124. It is thought that the concerns in respect of flood risk raised by local residents and Capel PC are in part a reflection of the Environment Agency's formal responses prior to it receiving the additional information / clarification in September 2019. Those earlier responses (which clearly indicated objections based on the information available in April and August 2019) were relayed to TWBC and made available publicly. The more recent concerns about flooding clearly appear to have been influenced by the flooding which occurred in December 2019. Notwithstanding the submission of a FRA, Capel PC has maintained its objections about flooding (referring explicitly to flooding in the area in December 2019). The objections on flood risk grounds appear to be strongly influenced by the belief that as the site is subject to flooding, it is not an appropriate location for mineral extraction or mineral processing. However, this view is not supported by the NPPF or the Flood Risk and Coastal Change PPG which regard sand and gravel working as water-compatible development in terms of flood risk vulnerability and indicate that such development may proceed subject to being demonstrated to be acceptable by an appropriate FRA.
125. The pollution concerns raised initially by respondents related both to the possibility that previously landfilled (restored) areas of the quarry (to the north and south) could be adversely affected by vibration from the plant site allowing the emission of pollutants (such as gas and leachate) and that fuels, oils and other liquids stored on site might leak or be spilled and pollute the environment (including local watercourses). More recent concerns have also specifically been expressed that leachate from the former landfill to the north of the plant site has polluted the silt lagoon and that the recirculation of this water via the clean water lagoon for use in the processing plant

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would lead to groundwater and surface water pollution more generally. Concerns have also been expressed that the proposed development could adversely affect the integrity of the previously landfilled areas.

126. It is possible that some of the concerns expressed by local residents about potential pollution (including that associated with contaminated land) may have been influenced by the fact that the Environment Agency's earlier responses gave the impression that it may have concerns about groundwater and contaminated land. In fact, it had actually stated that it had other comments to make on these subjects which it would provide once its flood risk concerns had been overcome. Regardless of this, the concerns of the local community in respect of these issues do not appear to have been allayed by the TerraConsult Ltd report and Capel PC does not consider that concerns expressed about leachate and potential pollution have been satisfactorily addressed.
127. The Environment Agency's more recent responses are clear that it has no objection in terms of groundwater and contaminated land provided appropriate pollution prevention measures are fully implemented at the site. It has also provided advice on fuel, oil and chemical storage in its response. The existing planning permission includes a condition relating to these issues and I propose that it be updated to reflect the current advice. The Environment Agency has raised no concerns about the potential impact of the proposed development on previously landfilled (restored) areas of the quarry (to the north and south) and I am satisfied that these would not be affected by vibration associated with the proposed replacement processing plant or other activities now proposed.
128. It is clear from the Environment Agency's most recent response (January 2020) that it accepts the key findings of the TerraConsult Ltd report in respect of groundwater management / quality, including the viability and integrity of the aquifer, and is satisfied that the circulation of process waters would not adversely affect the landfills. It advises that it has no concerns from a water resources perspective and that the management of the landfills and any potential impacts would be managed under the relevant waste permit. The Environment Agency has suggested that whilst allowing the silt lagoon to appropriately self-seed over time is acceptable, there would be benefit in adopting a more proactive approach to habitat creation which would assist in securing biodiversity net gain for the site and help to significantly improve landscape connectivity and wildlife networks on the wider scale. It has also provided advice on the desirability of careful and sympathetic maintenance of surface water channels (suggesting that the applicant undertake such works in consultation with the Environment Agency) and encouraged discussions intended to restore and enhance the natural functioning of the Alder stream. The more proactive approach suggested by the Environment Agency could be secured by a condition requiring a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon to be submitted to and approved in writing by KCC. This could then be implemented during the proposed works as appropriate and completed once mineral processing ceases.

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129. In considering any potential impacts on the water environment (including flood risk) it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including some of those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. It is also clear that the Government envisages sand and gravel working taking place in areas at risk of flooding provided this is demonstrated to be acceptable. Given the submission of the FRA (as subsequently clarified) and the TerraConsult Ltd report and as the Environment Agency has no objection, I can see no reason to withhold permission on the basis of potential impact on the water environment (including flood risk). However, I proposed that any permission be subject to conditions requiring the implementation of the Flood Evacuation Plan, the applicant seeking to ensure that the weighbridge and welfare offices are positioned 1.2m above ground level, appropriate arrangements for fuel, oil and chemical storage and the requirement for a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon, as well as informatives in respect of consultation with the Environment Agency on the maintenance and management of surface water channels in the area.

Traffic and transportation

130. Paragraph 108 of the NPPF states that in assessing applications, it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity or congestion) or any 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.

131. Policy DM11 of the Kent MWLP states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from traffic. Policy DM13 states that minerals development will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. Where development requires road transport, it states that 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; and (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. Policy DM17 indicates that traffic management measures will be secured where possible.

132. Saved Policy EN1 of the TWB Local Plan requires that nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause

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significant harm to the amenities or character of the area in terms of (amongst others) excessive traffic generation. Saved Policy TP4 states (amongst other things) that development will be permitted if the roads proposed to be used have adequate capacity, the access is safe (or can be made so) and 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. The emerging (draft) TWB Local Plan includes a number of policies in respect of traffic and transportation (EN1, TP1 and TP6). Draft Policy TP6 relates to the highway safeguarding referred to in paragraph 3 of this report (i.e. the Colts Hill bypass) which is likely to be clarified as the emerging Local Plan is developed. The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.

133. Local residents have raised a number of concerns and objections relating to highways and transportation. They consider that the proposed development (linked to the re-opening of Stonecastle Farm Quarry) would be unacceptable in terms of highway safety and capacity and that any additional HGV movements would be environmentally unacceptable. They have stated a need for junction improvements (on the A228 / Whetsted Road junction just to the east of the entrance to the quarry) and a weight limit on the railway bridge in Five Oak Green. The environmental concerns relate both to the impact of HGVs generally, as well as the speed of HGVs on the access road and the poor condition of the access road. If planning permission is granted, local residents would not wish to see HGV's travelling along Whetsted Road to the west of the site entrance (instead continuing to abide by the previously agreed routeing on the A228). Capel PC has also objected due to concerns about the impact of HGVs associated with the quarry.
134. KCC Highways and Transportation has no objection subject to a condition restricting access / egress to the A228 from Whetsted Road whereby HGVs leaving the site would turn left onto Whetsted Road and left again (also Whetsted Road) heading north on the A228 before navigating on their final routing at the southern end of the East Peckham by-pass and traffic arriving at the site would turn right into the site from Whetsted Road. The applicant is content with this arrangement and I am satisfied that it can reasonably be controlled by condition. Securing HGV routeing in this way would overcome some of the above objections / concerns. The imposition of a weight limit on the railway bridge on Whetsted Road in Five Oak Green (which would relate to all traffic as opposed to just quarry traffic) is a matter for KCC as Highway Authority and not for consideration when determining the current application.
135. KCC Highways and Transportation has advised that there are no plans for further improvements on the A228 / Whetsted Road junction and its response indicates that these are not necessary to facilitate the proposed development. Concerns about the HGV speed on, and the condition of, the site access road have been addressed in paragraphs 112 and 113 above in the context of air quality / dust.
136. Although the proposed replacement processing plant would have the theoretical ability to process an additional 20tph of mineral (equating to a maximum of 220 tonnes per

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day based on an 11 hour working day), the applicant has advised that this would not happen and that the plant would be operated at an average 100tph for practical operational reasons linked to its ability to handle the processed material within the plant site at the higher rate. Regardless of this, the additional plant capacity would not in itself lead to any increase in the number of HGVs entering and leaving the site. The applicant has indicated that once the quarry re-opens there are likely to be an average of 20 loads per day (with up to 30 loads during busier periods). However, it has advised that it would resist any attempt to impose a limit on HGV movements on the basis that the extant planning permissions impose no such limits (in terms of either processed or unprocessed mineral). Given the position, I do not believe that it would be reasonable or necessary to seek to impose a limit in this case.

137. In considering any potential highways and transportation impacts it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. It should also be noted that the total number of HGVs required to remove the remaining mineral permitted to be extracted at the quarry would not alter. The emerging TWB Local Plan is at a very early stage of preparation such that it carries limited weight at this stage. On that basis, and as the emerging TWB Local Plan will need to have proper regard to the mineral safeguarding requirements of the Kent MWLP and the Kent Mineral Sites Plan, I do not consider that the safeguarding proposed by draft Policy TP6 to be of particular significance in this case. As KCC Highways and Transportation has no objection, I can see no reason to withhold permission on the basis of potential highways and transportation impacts subject to the imposition of a condition requiring the HGV routeing referred to above and those conditions referred to elsewhere in this report intended to minimise the impact of HGVs entering and leaving the site. It would also be appropriate to impose a condition restricting the rated output of the processing plant to 120tph.

Rights of way

138. 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, for example by adding links to existing rights of way networks.
139. Policy DM14 of the Kent MWLP states that planning permission will only be granted for minerals 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.
140. Policy CP8 of the TWB Core Strategy seeks (amongst other things) to safeguard and improve public rights of way links within the Borough. Draft Policy TP2 of the emerging

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TWB Local Plan has similar objectives.

141. Those making representations have objected to the proposed development due to concerns about potential impact on rights of way and their users. Reference has specifically been made to the proximity of Footpath WT170/2 to the plant site.
142. Neither KCC Public Rights of Way (PROW) nor The Ramblers have raised objections. KCC PROW has also advised that it is satisfied with the current arrangements where Footpath WT170 crosses the site access road.
143. The majority of Footpath WT170 is separated from the plant site area by trees and vegetation associated with the Ancient Woodland. Although those using Footpath WT170 would be aware of operations within the plant site and of HGVs entering and leaving the site, I do not consider the impacts associated with these to be significant.
144. In considering any potential impacts on public rights of way it is important to note that HGVs and other vehicles using the quarry would need to cross Footpath WT170 regardless of the outcome of the current application and that the total number of HGVs required to remove the remaining mineral permitted to be extracted at the quarry would not alter. I can therefore see no reason to withhold permission on the basis of potential impacts public rights of way.

Heritage assets

145. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the historic environment. Paragraph 192 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 states that 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 (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
146. Policy DM5 of the Kent MWLP states proposals for minerals development will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets and Listed Buildings are conserved in a manner appropriate to their significance. It also states that proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities must be sought to maintain or enhance historic assets affected by the proposals. Minerals proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.

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147. Policy CP4 of the TWB Core Strategy states that the Borough's heritage assets (including Listed Buildings) will be conserved and enhanced and special regard will be had to their settings. Policy CP14 states that designated buildings and areas of historic or environmental importance will be conserved and enhanced to ensure the special character of the villages is maintained. The emerging (draft) TWB Local Plan includes a number of policies in respect of heritage assets (STR8, EN6 and EN7). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
148. Objections have been received from local residents about the potential impact on listed buildings and other heritage assets and as no assessment has been undertaken of the potential impact on the setting of the historic farmstead at Stonecastle Farm or the Grade II listed buildings / wall associated with that complex.
149. Although advising that a resumption of minerals processing would result in some harm to the setting of heritage assets, KCC's Heritage Conservation Officer notes that the proposed processing plant would be less than half the height of the previous plant and that the site is well screened from the historic asset group by mature trees such that the potential degree of harm arising from any new structures would be low. On this basis, KCC's Heritage Conservation Officer has raised no objection subject to measures being required to minimise impacts on the setting of designated heritage assets. These include limiting the height of stored materials so they are masked by the existing line of mature trees (i.e. processed material stockpiles being no higher than 6m) and minimising noise, dust and vibration both from within the site and from the use of the access road (including by ensuring that the access road is maintained in a good condition, limiting speed on the access road and ensuring that the agreed HGV routing is complied with). Although indicating the beneficial effects of planting, he advises against any unrestricted hedge planting as this may alter the currently open appearance of the area which is an important element of the traditional setting of the historic structures.
150. In considering any potential impact on heritage assets it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant (which would be smaller than that previously permitted / approved), the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. As KCC's Heritage Conservation Officer has no objection, I can see no reason to withhold permission on the basis of potential impact on heritage assets subject to the imposition of conditions referred to above and elsewhere in this report.

Ecology

151. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural environment. Paragraph 170 states that planning decisions should contribute to and enhance the natural

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environment by protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status or identified quality) and minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development which that would result in significant harm to biodiversity if this cannot (as a last resort) be compensated for.

152. Policy DM3 of the Kent MWLP states that proposals for minerals development will be required to ensure that they result in no unacceptable adverse impacts on Kent's important biodiversity assets (such as European and nationally protected species and habitats and species of principal importance for the conservation of biodiversity / Biodiversity Action Plan habitats and species).
153. Policy CP4 of the TWB Core Strategy states that a hierarchical approach to nature conservation and the protection of biodiversity and geodiversity will be applied across the sites and habitats of national, regional and local importance within the Borough, with the objective of avoiding net loss of biodiversity and geodiversity across the Borough as a whole. Saved Policy EN1 of the TWB Local Plan requires that there would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements. The emerging (draft) TWB Local Plan includes a number of policies in respect of ecology (STR8, EN11 and EN12). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
154. Objections have been received from local residents about the potential impact on ecology. The objections state that no assessment has been made of the potential impact on ecology (including that associated with the use of the clean water and silt lagoons, lighting, noise and vibration). Concerns have also been expressed about potential impact on Ancient Woodland (close to the site) and that the applicant has not demonstrated net gains for biodiversity. Capel PC has also objected due to the absence of an ecological report.
155. KCC Ecological Advice Service has no objection to the proposed development provided an existing area of scrub at the tip of the clean water lagoon and a strip of vegetation to the west of the proposed development area are not removed unless this takes place in accordance with an appropriate ecological mitigation strategy which is first submitted to and approved in writing by KCC. The loss of these areas of vegetation had been implied in the schematic plant site layout which appeared to indicate that they would be used for materials stockpiling. The applicant has confirmed that these vegetated areas will not be removed or used for stockpiling except in accordance with such a strategy and has agreed to the imposition of a condition in respect of this. KCC Ecological Advice Service is satisfied that the rest of the plant site area comprises bare ground and that there is no need for ecological surveys to be submitted with the application in respect of this. It has raised no concerns about potential impact on adjoining Ancient Woodland.

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156. Whilst not raising objection to the further use of the clean water and silt lagoons, KCC Ecological Advice Service has advised that in order to benefit biodiversity, the silt should not cover / damage aquatic (marginal) vegetation. It has suggested that consideration be given to silt being pumped into cells to create different water levels within the lagoon to benefit birds. It has also commented that whilst the flow of water has to be maintained in surface water channels, there is a need to ensure that the channels are not permanently devoid of vegetation as they will be used by biodiversity. It therefore suggests that it would be more effective to have a regular monitoring / management approach and for only one side of the ditch to be cleared at a time in order that connectivity is retained.
157. In considering any potential impact on ecology it is important to note that activities at the plant site and elsewhere at Stonecastle Farm Quarry could occur anyway by virtue of the extant planning permissions. It is also important to note that ecological issues relating to other parts of the site (such as those referred to by TWBC) should be addressed in the context of the relevant planning permission and not as part of the determination of this application. As noted earlier in this report, I propose to secure a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon. In order to ensure that operations associated with the silt and clean water lagoons may contribute to net gains for biodiversity from as early a stage as possible and not prejudice potential longer term gains, I propose that this scheme should be submitted to KCC for approval within 6 months of the date of any permission granted for the replacement processing plant. This should provide sufficient time for the applicant to prepare an appropriate scheme which has regard to the above issues.
158. As KCC Ecological Advice Service has no objection, I can see no reason to withhold planning permission on the basis of potential impact on ecology subject to conditions to secure a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon, appropriate arrangements for fuel, oil and chemical storage and for the existing area of scrub at the tip of the clean water lagoon and a strip of vegetation to the west of the proposed development area not being removed unless this takes place in accordance with an appropriate ecological mitigation strategy which has first been submitted to and approved in writing by KCC. As noted earlier in this report, I also propose an informative requesting that the applicant coordinate silt and vegetation clearance works with the Environment Agency to ensure that the flow of water is maintained in surface water channels whilst minimising impact on biodiversity and maintaining connectivity.

Other issues

159. Other issues or concerns that have been received relate to cumulative impact, the accuracy of information included in the planning application documents and previous breaches of planning control. It has also been suggested that no materials should be permitted to be imported to the site for processing and that no further waste should be

Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343

imported to the site for restoration purposes.

160. Whilst local concerns about potential cumulative impact are understandable in the context of both the minerals and other development (particularly housing) being proposed in the area by KCC and TWBC in their emerging local plans, it has been demonstrated that the proposed replacement processing plant would not have a significant impact when considered cumulatively with the existing mineral permissions at the site. Any decisions about the acceptability or otherwise of future mineral working on any new sites and any housing or other development in the area will be made in the context of the emerging local plans and any subsequent planning applications. Although it has been alleged that the application includes misleading information, the details that have been submitted have been assessed by technical consultees and found to be acceptable. Any breaches of planning control are capable of being addressed as necessary. The suggestion that such breaches include the failure to restore the landfill areas to original ground levels appears not to have regard to the fact that the restoration scheme was amended in 1990 to allow parts of the site to be restored to a higher level with imported waste and other parts restored to a lake (rather than be backfilled and restored to agricultural land). This amendment (which is referred to in paragraph 9 above) reflected the need for the landfill areas to have a “domed” profile to facilitate surface water drainage whilst enabling the lake areas to provide compensatory flood storage capacity.
161. Condition (xiii) of planning permission TW/79/753 prohibits the importation of materials for processing and storage (other than cement for the previous ready-mix concrete plant) unless approved beforehand in writing by KCC. Approval was given in 1985 to also allow fine aggregate to be imported for use in the ready-mix concrete plant. In the absence of the ready-mix concrete plant, no other materials can be imported for processing and storage. Since those parts of the site that were permitted to be backfilled with imported waste have already been restored, there is no longer a need to import waste materials to the site. However, this could usefully be reinforced by condition.

Conclusion

162. The application proposes a replacement processing plant and ancillary associated office and welfare buildings and the approval of details pursuant to conditions imposed on planning permission TW/79/753 at Stonecastle Farm Quarry.
163. The principle of a processing plant in the plant site area is already established and there is clear planning policy support for its retention for the life of planning permission TM/00/1599. There is also strong policy support for such a facility even if one did not already exist.
164. The key issue when considering the application is not whether there should be a processing plant at Stonecastle Farm Quarry, rather it is whether what is now

Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343

proposed is acceptable in the context of what is already permitted.

165. Whilst the proposed increase in the rated output / capacity of the processing plant would increase from 100 to 120tph, this would not (in itself) result in additional impact. Indeed, the proposed plant would be significantly smaller than that previously permitted / approved and give rise to no significant impact. The details submitted in respect of conditions imposed on planning permission TW/79/753 are necessary to support the processing plant and related plant site operations and are also considered to be acceptable.
166. Government advice is clear that sand and gravel working should be regarded as a water-compatible development (in terms of flood risk vulnerability) and can take place in areas at risk of flooding provided it is demonstrated to be acceptable. Notwithstanding the objections and concerns that have been raised by Capel PC and local residents, it is clear from technical consultee responses and my own consideration of the application that there is no justification for refusing planning permission provided the conditions referred to in this report are imposed. I therefore recommend accordingly.

Recommendation

167. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO:

- (i) conditions covering amongst other matters:
- The re-imposition of conditions imposed on planning permission TW/79/753 (amended or deleted as necessary to reflect subsequent approvals or what is now proposed);
 - The rated output of the processing plant being restricted to no more than 120tph;
 - Processed material stockpiles being restricted to no more than 6m in height;
 - External lighting only being used when necessary and as proposed;
 - A new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon (to be submitted to KCC for approval within 6 months of the date of planning permission);
 - A 52dB_{L_{Aeq}, 1hr, free-field} noise limit for operations at the plant site;
 - A 70dB(A) _{L_{Aeq} 1h, (free field)} noise limit for up to 8 weeks in a year for restoration and plant construction operations;
 - Operations (including the use of generators) being restricted to the to the daytime period only (i.e. the permitted hours of use);
 - No use of the processing plant on Saturdays (unless agreed beforehand in writing by KCC);
 - Mobile plant used at the site to employ white noise reversing alarms

Item C1

Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343

(rather than “bleepers”);

- The implementation of the new Dust Attenuation Scheme;
- The implementation of the Flood Evacuation Plan;
- The applicant seeking to ensure that the weighbridge and welfare offices are positioned 1.2m above ground level;
- Access / egress to the A228 from Whetsted Road whereby HGVs leaving the site would turn left onto Whetsted Road and left again (also Whetsted Road) heading north on the A228 before navigating on their final routing at the southern end of the East Peckham by-pass and traffic arriving at the site would turn right into the site from Whetsted Road;
- The existing area of scrub at the tip of the clean water lagoon and a strip of vegetation to the west of the proposed development area not being removed unless this takes place in accordance with an appropriate ecological mitigation strategy which is first submitted to and approved in writing by KCC;
- No waste materials to be imported to the site; and

(ii) the following informatives:

- The applicant be asked to:
 - Coordinate silt and vegetation clearance works with the Environment Agency to ensure that the flow of water is maintained in surface water channels whilst minimising impact on biodiversity and maintaining connectivity;
 - Engage positively with the local community and respond appropriately to any concerns that are raised by local residents about any noise, dust / air quality or other issues that may arise once operations resume at the quarry; and
 - Continue to engage with the local community through the Stonecastle Farm Quarry Liaison Group.

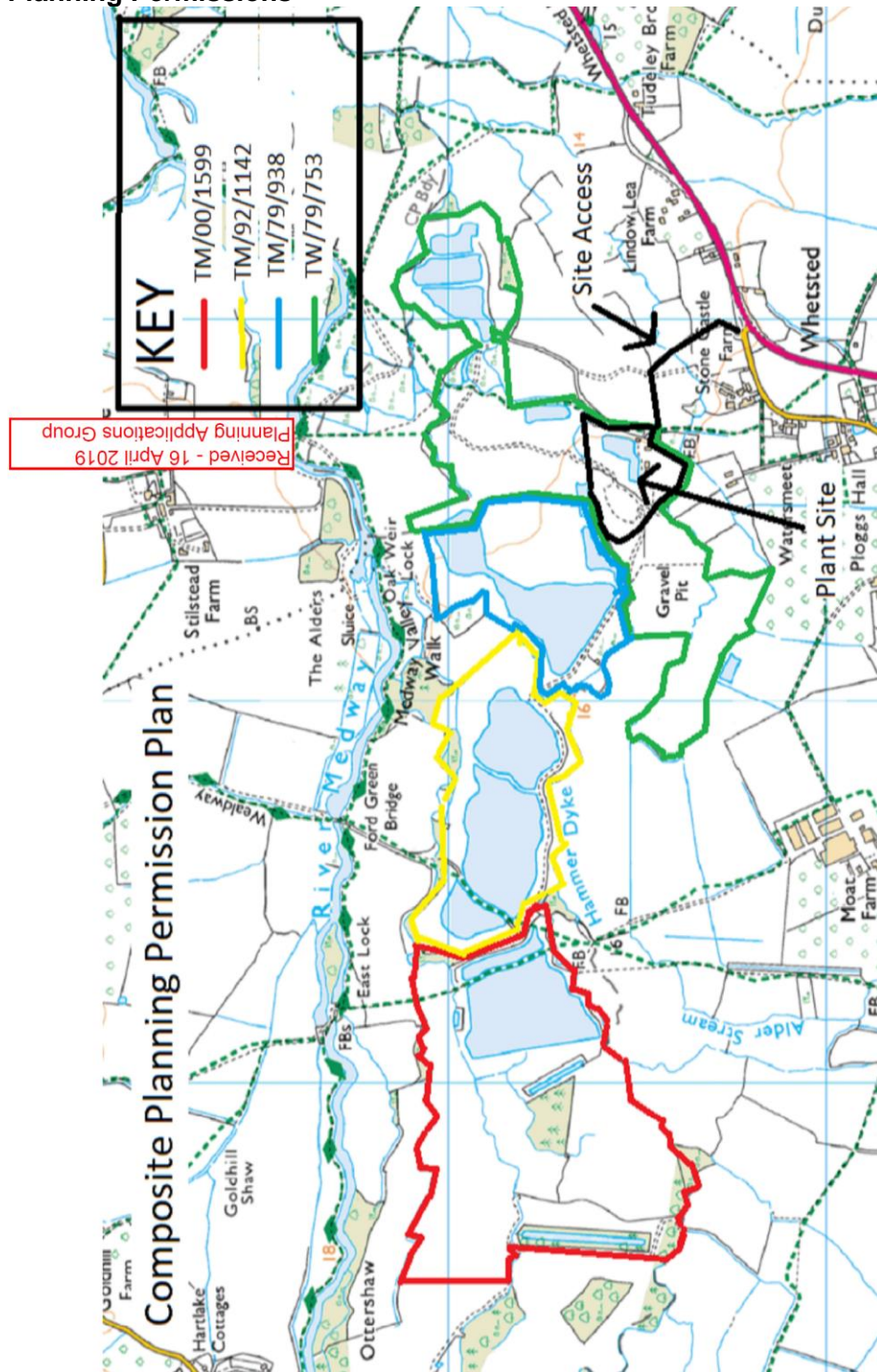
Case Officer: Jim Wooldridge

Tel. no. 03000 413484

Background Documents: see section heading.
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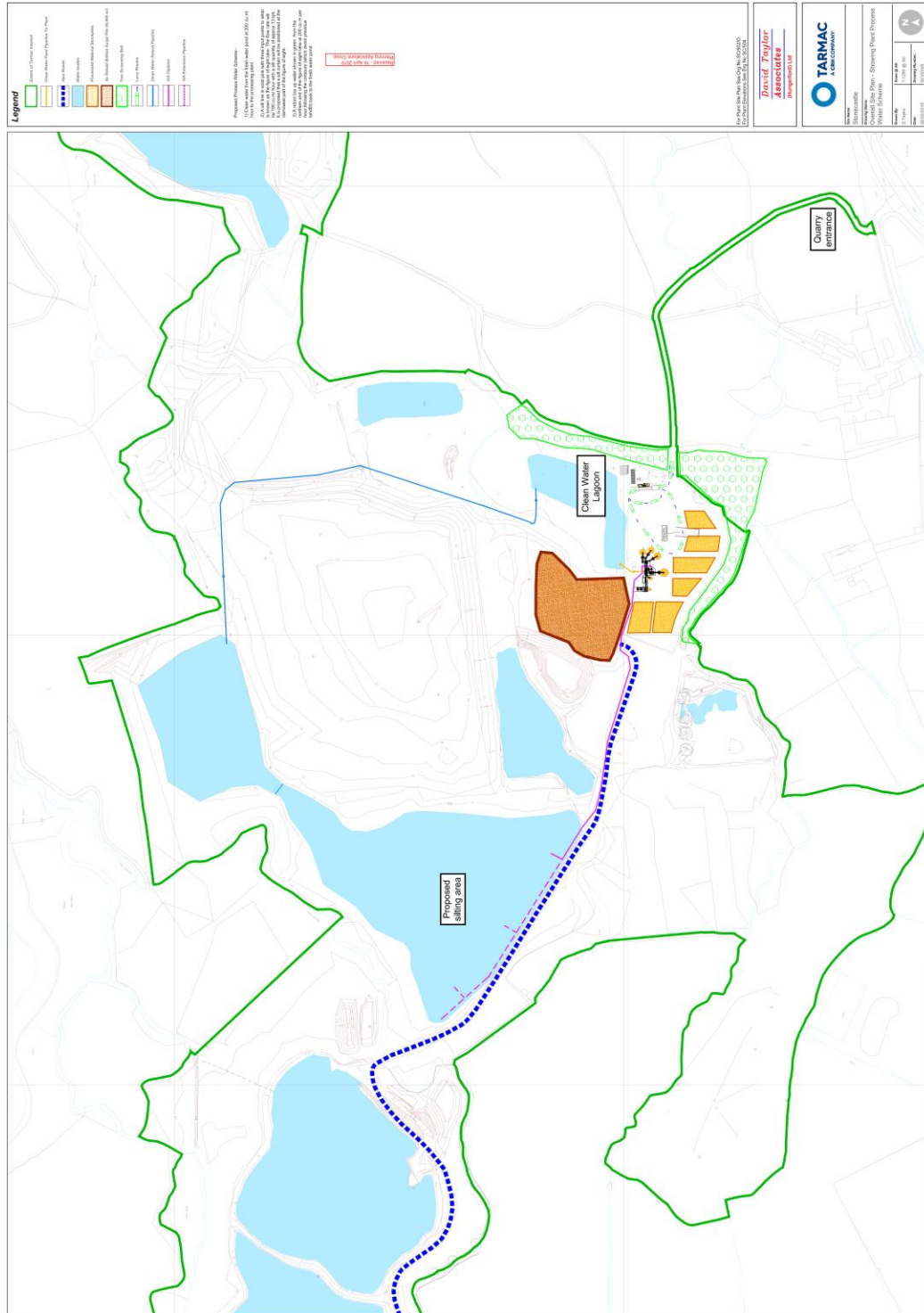
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Planning Permissions



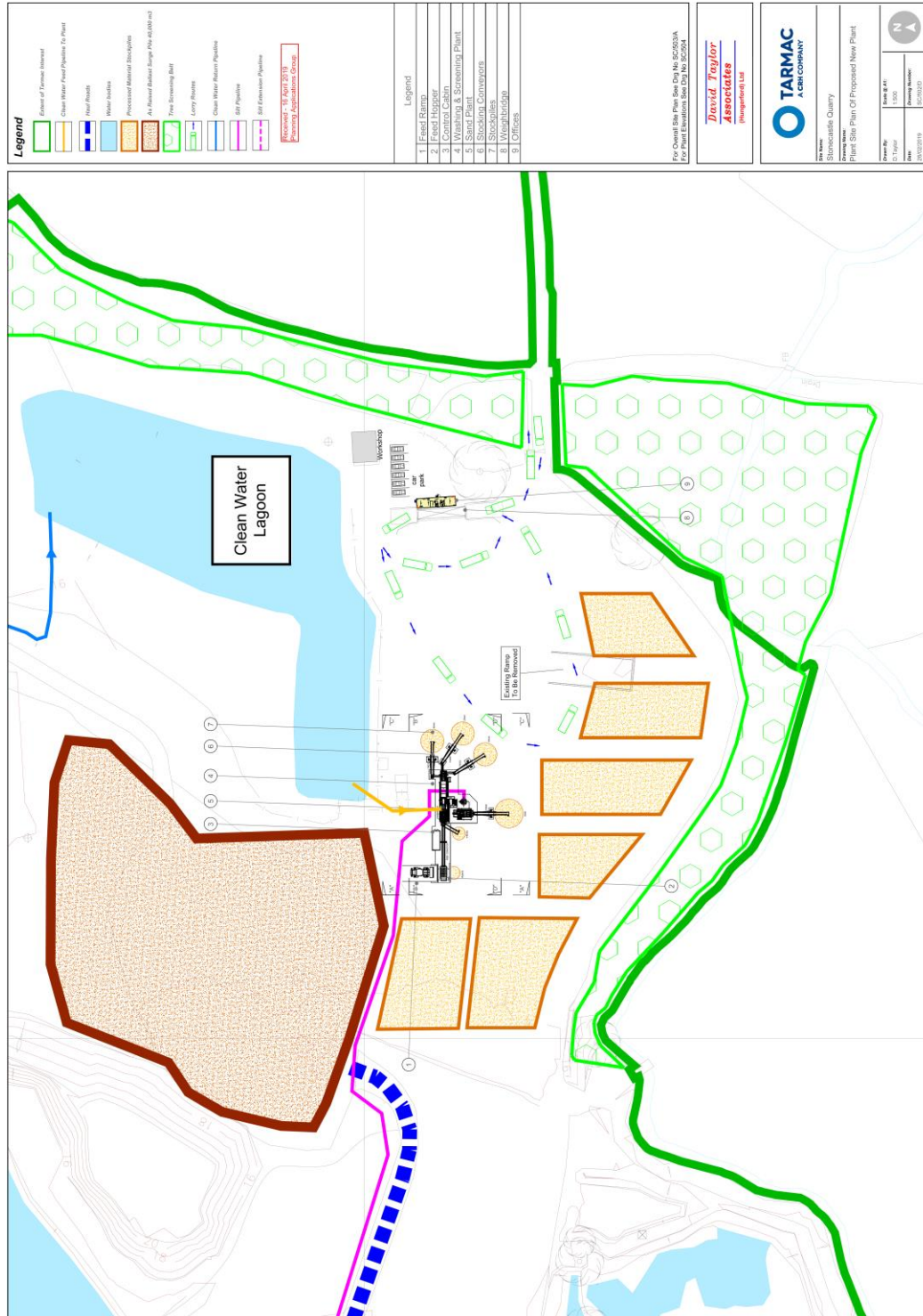
**Appendix 1 to Item C1
 Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343**

Overall Site Plan



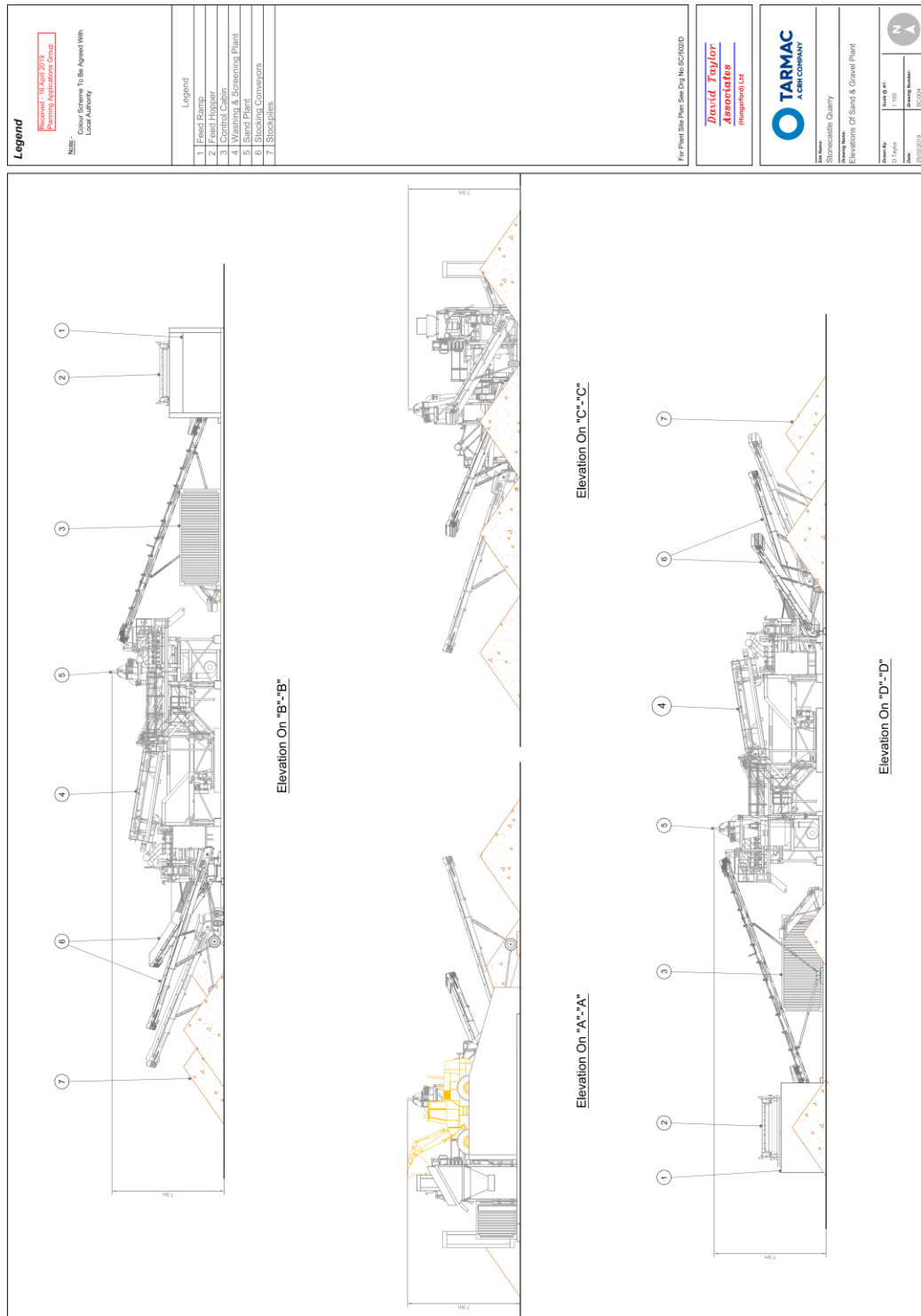
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Plant Site



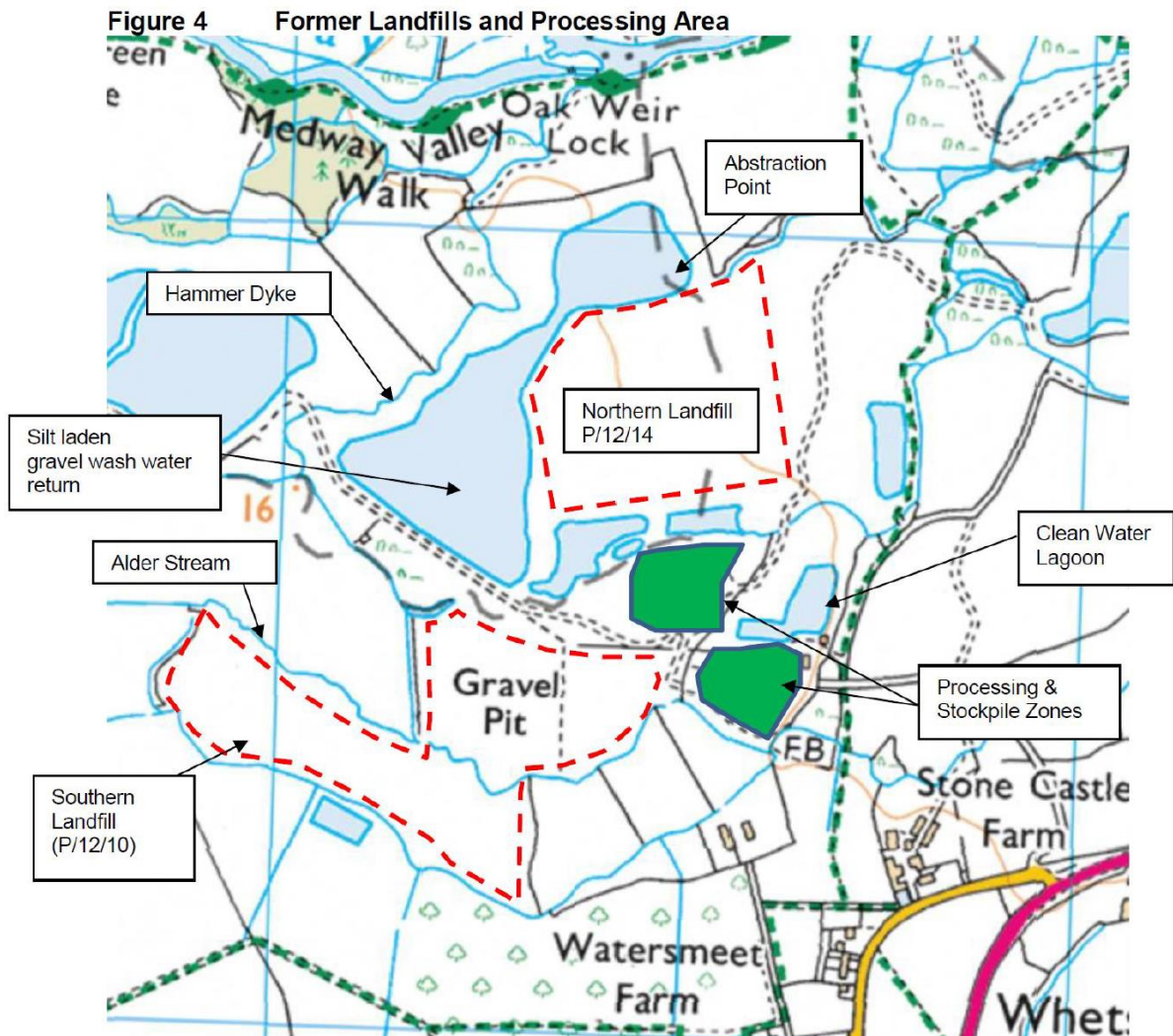
**Appendix 1 to Item C1
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Plant Elevations



Appendix 1 to Item C1
Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343

Location of former landfill sites



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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

Erection of single storey activity hall on existing car park and relocation of 11 parking spaces within the site at Riverhead Infants School, Worships Hill, Riverhead, Sevenoaks, Kent TN13 2AS - SE/19/3123 (KCC/SE/0239/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 5 February 2020.

Application by Riverhead Infants School for erection of single storey activity hall on existing car park and relocation of 11 parking spaces within the site at Riverhead Infants School, Worships Hill, Riverhead, Sevenoaks, Kent TN13 2AS - SE/19/3123 (KCC/SE/0239/2019).

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Nick Chard

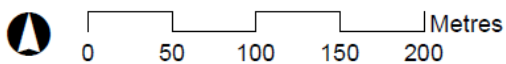
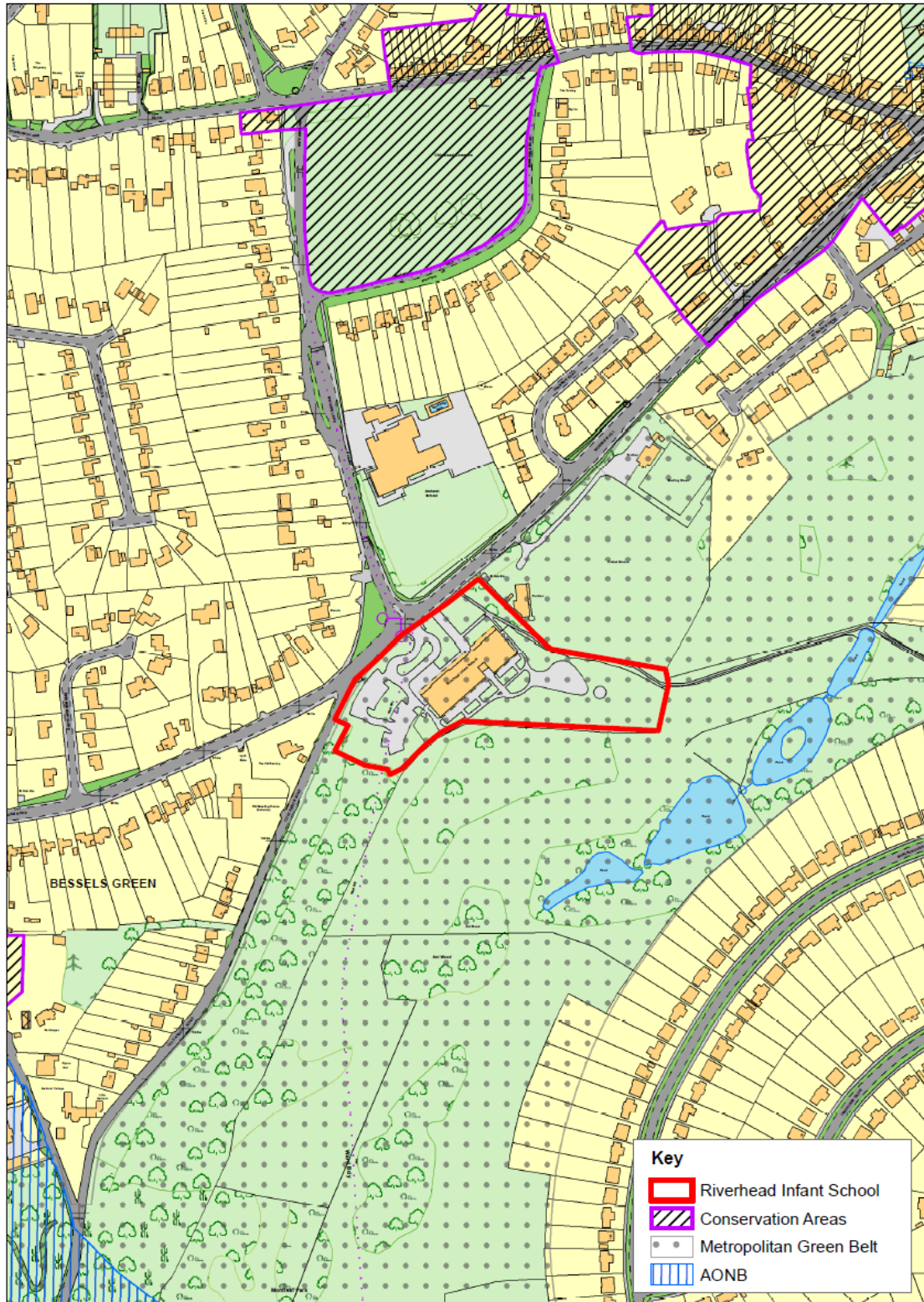
Classification: Unrestricted

Site

1. Riverhead Infants School adjoins the existing built up area of Sevenoaks at Riverhead, on the south side of the A25 at Worships Hill. The site falls within the Parish of Riverhead and the Parish of Chevening and is within the Metropolitan Green Belt. To the north of the site lies Witches Lane where Amherst School is located. To the east, Holmesdale Cricket Club and Holmesdale Bowls Club grounds. To the north of the site there is a PROW between the A25 and Brittain's Lane, to the rear of properties in Marlborough Crescent.
2. The school is not located within a Conservation Area. It is however located approx. 245m south of the Chipstead Green Conservation area; 286m west of the Riverhead Conservation Area and 328m east of the Bessels Green Conservation Area.
3. The proposal is located within the existing car park area to the south west of the school in an area of the car park between an existing landscaped mound and the fenced school playing area.

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

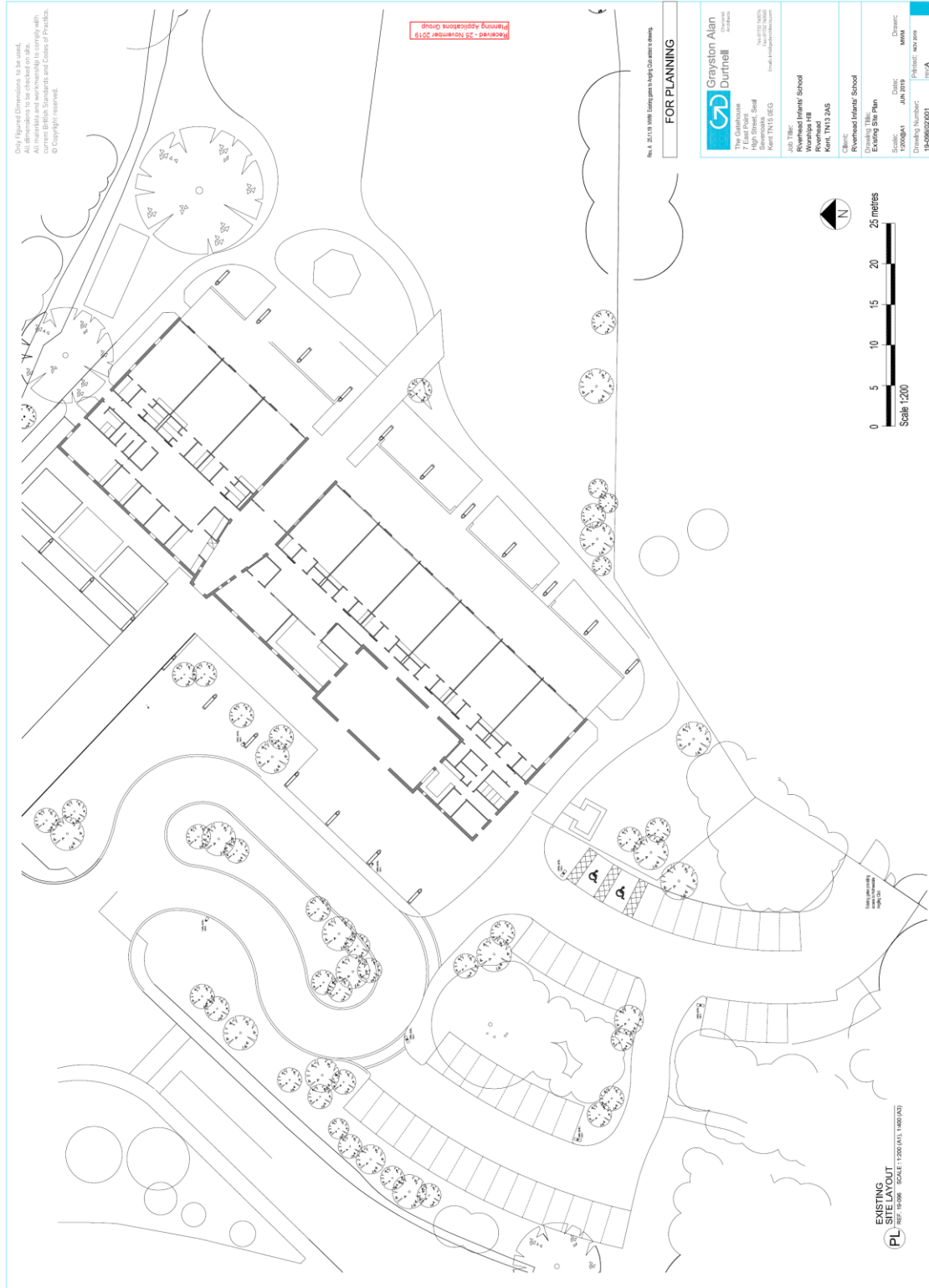
General Location Plan



Item D1

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

Existing Site Plan



Item D1

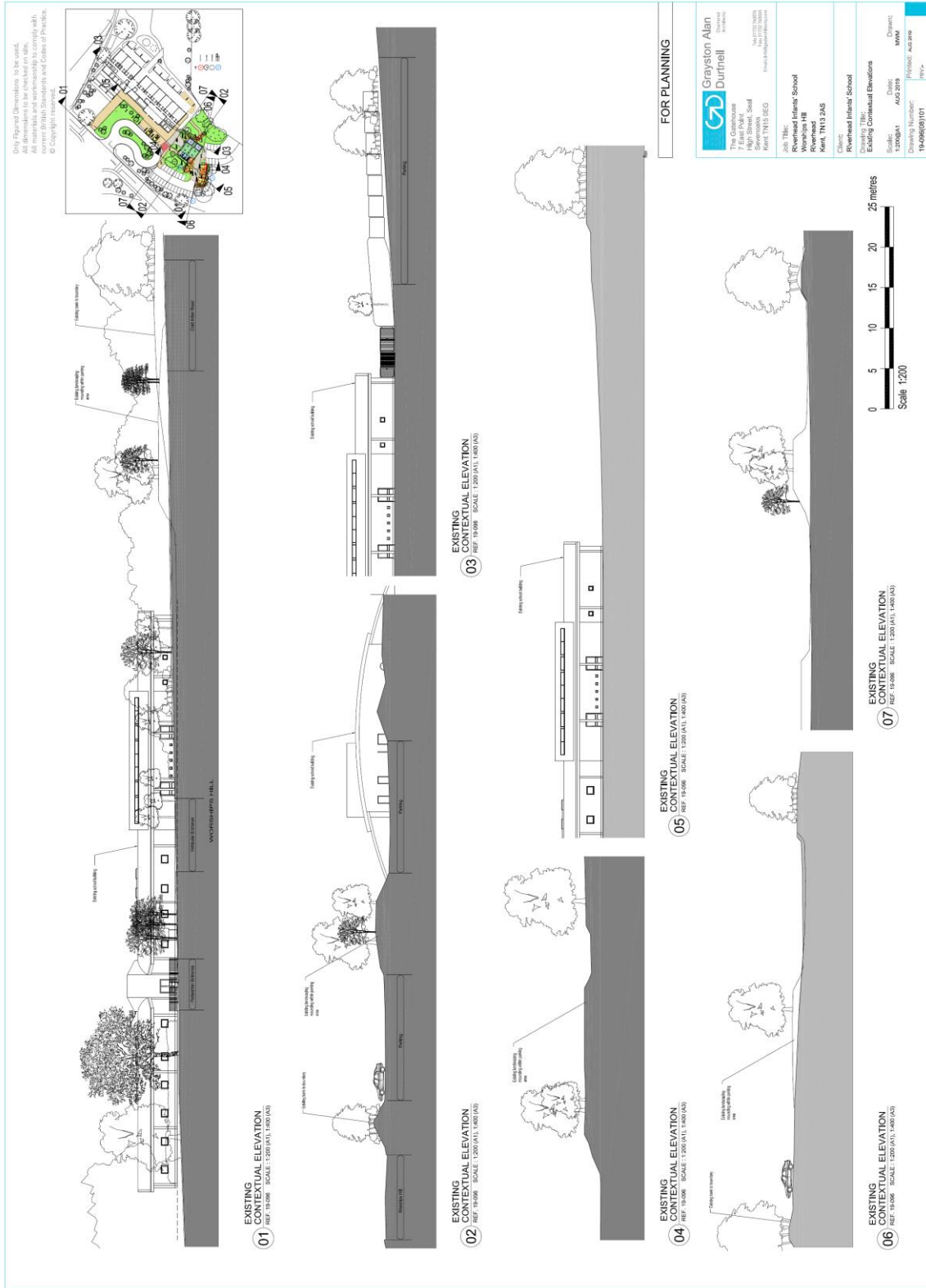
Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

Proposed Site Plan



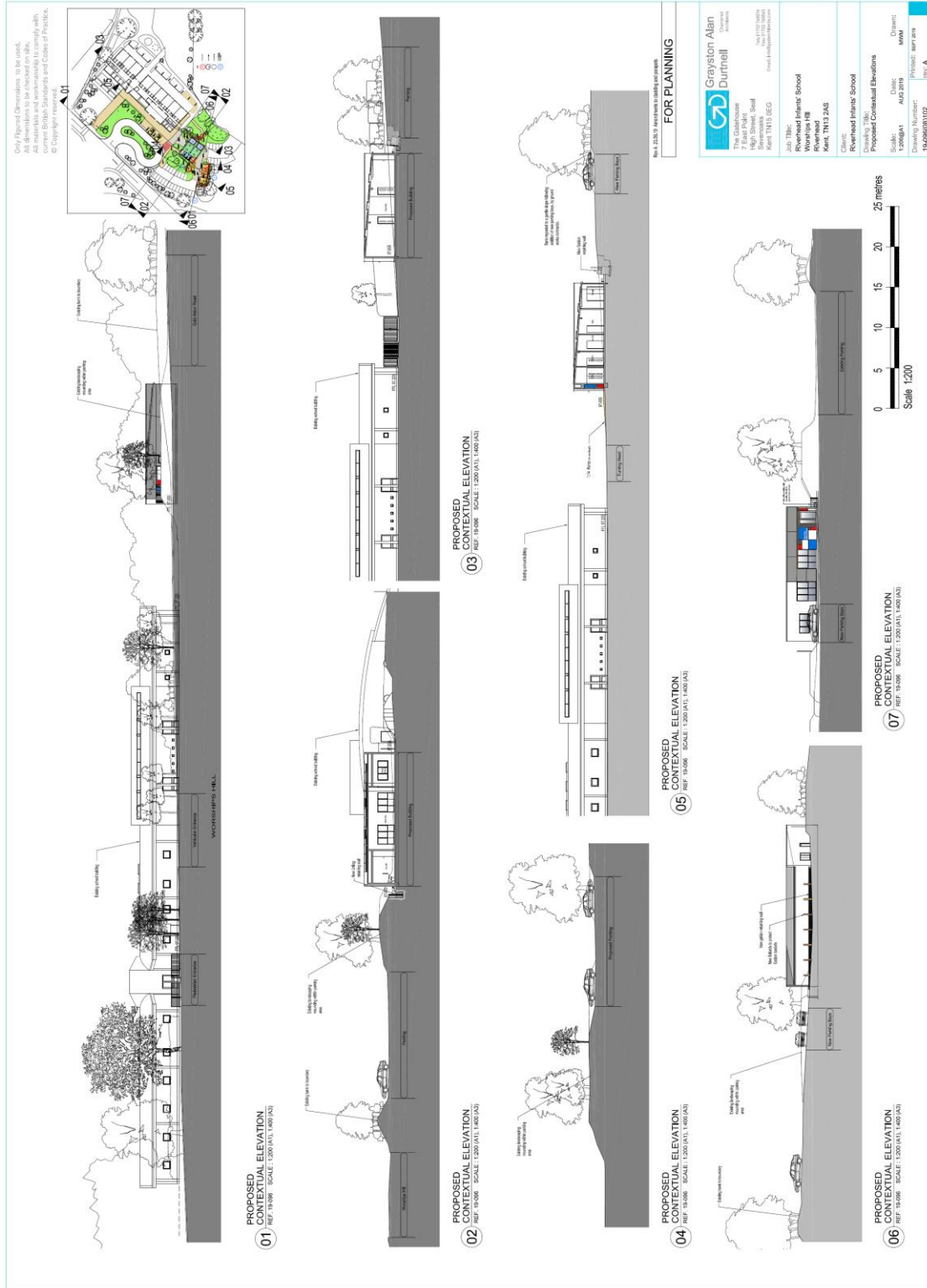
Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

Existing Contextual Elevation



Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

Proposed Contextual Elevation



Item D1 Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

Proposed Elevations

All elevations and viewpoints to comply with current British Standards and Codes of Practice.
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01 PROPOSED NORTH EAST ELEVATION
REF: 19/288 SCALE: 1:50 (A1, 1100 PA)

02 PROPOSED NORTH WEST ELEVATION
REF: 19/288 SCALE: 1:50 (A1, 1100 PA)

03 PROPOSED SOUTH WEST ELEVATION
REF: 19/288 SCALE: 1:50 (A1, 1100 PA)

04 PROPOSED SOUTH EAST ELEVATION
REF: 19/288 SCALE: 1:50 (A1, 1100 PA)

FOR PLANNING
Grayston Alan Durtmell
The Cobhouse
7 Elm Park
Worships Hill
St Leonards
Kent TN15 8ED
Tel: 01752 36000
Fax: 01752 36000
Email: info@graystonalan.co.uk

Job Title:
Riverhead Infant School
Worships Hill
Kent, TN15 2AS

Client:
Riverhead Infant School

Drawn/Title:
Proposed Elevations

Scale:
1:50 (A1)

Date:
Jun 2019

Drawn:
MM

Printed:
A1: 2019

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Item D1

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

Proposed Sections



Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

Background / Recent Site HistorySE/99/1721

4. Outline planning permission for Riverhead Infant School was granted in 1999 subject to conditions, including submission of details including those relating to siting, design and external appearance of the proposed buildings and the landscaping and boundary treatment of the site; a final School Transport Management Plan incorporating mechanisms for implementation and monitoring; the completion of all necessary highway improvements prior to occupation of the new school; archaeological investigation requirements and the investigation of a pedestrian footbridge over the A25. Included within the outline proposal and to be dealt with as a reserved matter were car parking and facilities for dropping down and picking up of pupils. An indicative illustration was provided of how this could provide 40 car parking spaces for use by the school and visitors. The proposal was reported to Members on 12th October 1999.

SE/00/2526

5. Reserved matters pursuant to the outline permission SE/99/1721 were granted under SE/00/2526. Details were submitted in relation to siting, design, external appearance, landscaping, highways and transportation issues subject to conditions. Included in the submission was a main car parking area, an area for the setting down/picking up of children and landscape planting.
6. The submitted details included a letter of commitment from the Chair of Governors regarding implementation of the updated School Travel Plan. The School Travel Plan included objectives which were to ensure that the new school generated no additional traffic compared to the existing site (which was located in the centre of Riverhead on Amherst Hill); to put in place sufficient alternative modes of travel to the site sufficient to reduce the number of car borne journeys; to increase the proportion of walking journeys to the site; to encourage the school to take an active role in the management of travel to the site and to work with a combined School Travel Plan with Amherst School. The Plan included proposals to develop the walking bus and it was acknowledged that the success of these would be dependent on volunteer parents; car sharing (which relies on the willingness of parents) and developing a joint travel plan with Amherst School. The facilities on site were to be managed in accordance with the School Travel Plan and subsequent Action Plans. It was proposed that there would be preferential parking provision for those who car share; reception children and the disabled. Staggered arrival times were proposed in the morning and the school was to seek additional paid and voluntary supervision for those dropped off early in accordance with the staggered arrival time schedule. Cycle parking spaces under cover were to be made available along with travel awareness and road safety training initiatives. Annual monitoring was to be carried out with annual updates to the plan. Targets were included:
 - No increase in the morning peak car use among parents from the time the plan is implemented, based on the base survey carried out in 1999;
 - Maintenance of at least 45% pupils walking to and from school. A 2% per annum increase over a 5 year period should be aimed for and
 - A further set of targets to reduce car generation of the site by 15% of the base survey 5 years after the implementation of the plan.

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

7. The School Travel Plan stated that the traffic signal controlled site access on the A25 Worships Hill and the internal drop off area had been designed to accommodate a certain amount of traffic arriving at the school whilst not encouraging the use of the car – the measures to be adopted by the school are aimed at minimising the use of the car to a level consistent with the physical layout and capacity of the site access arrangements.
8. The proposals attracted objections and there were concerns predominantly about parking and highway impacts of the proposal and it was reported to Members on 12th February 2001.
9. The Chair of Governors letter included in the Committee Report stated that the car park was to be 42 or 43 spaces with 2 disabled spaces. In the evenings it was stated that cars could park in the drop off bays as well as in the car park. The Committee report stated that there would be circulation space by the internal access road allowing space for setting down/picking up of children travelling by car for about 14 cars. In the mornings there would be a system where children could be dropped off between 0830 and 0900. They would be helped out of the car by either a volunteer parent or a learning support assistant and would be escorted to the playground behind the school. Different arrangements were proposed for reception children – their parents would be allowed to park in the car park for the first term. In the afternoon, it was proposed that children would wait in the School hall and there would be supervision by parent volunteers. There was to be a staggered release time between 3pm and 3.30pm. It was stated that the new access arrangements could not cope if all car drivers arrived at the same time and therefore staggered drop off and pick up times were proposed. Proposals for the development of a walking bus and a car free day a week were included.
10. Approval was then given in June 2001 for a formal amendment to the details. Drawing 139/WP/908 showed the car park layout and landscaping including a set down area, 40 car parking spaces in the west and east car park; 2 disabled parking bays, and 4 spaces for use by a Riding School and 4 spaces for use of an Angling Club. The drawing identified that the service bay would not be used during pick up/set down periods and that an access through the car park was proposed for the Angling club and Riding School. The applicant informs me that the Riding School no longer use the site and that the Angling club retain access through the site.
11. In 2004, an amendment to the approved access details was approved to allow the erection of automatic barriers at the entrance and exit to the school (SE/00/2626/R). This included an extract from drawing 139/WP/908 to show the location of the entrance and exit barrier.
12. In 2011, approval was given for the installation of 40 Sharp NU-245 solar panels, located below the parapet on the flat roof above the school hall (SE/11/714).

Proposal

13. The proposal is for the erection of single storey activity hall on part of the existing car park and relocation of 11 parking spaces within the site. A new outdoor play area is proposed to the south east of the proposed hall.
14. The purpose of the proposed hall is to provide additional hall space for PE and to provide smaller group room space and to address special educational need (SEN) space

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

requirements where the applicant considers there to be a current shortfall in space. The proposed hall would also be used for the breakfast and afterschool club activities. During school term time it could also be used for school related meetings and visiting school workshops, potential coffee morning and parent and toddler events for new pupils and siblings. It would also be used for some dance and school lettings. These currently use the existing school building. Outside of the school term time it would be used for holiday club and for community groups and clubs.

15. The proposed activity hall would measure 213sqm gross external (198sqm gross internal). It would be single-storey with an approximate height of 4 metres. The single storey flat roof building would provide 96sqm of hall space, and in addition a servery, toilets and store and two 20sqm group rooms. The proposal includes PV panels.
16. The building is proposed to be white render to match the existing building with contrasting grey Rockpanel rainscreen panels to the public faces of the building and at the entrance area primary coloured rainscreen cladding referring to the colours on the main building. The roof is proposed to be slate grey with roof mounted pv panels screened by a raised parapet to the roof perimeter. Windows, external doors and rooflights are proposed to be grey polyester powder coated aluminium.
17. The proposal would require the removal of 3 individual trees, 6 groups of trees/hedge and part of one group of trees. All trees are category C grade (low amenity value). Tree protection arrangements are proposed for trees to be retained.
18. The proposed hours have been subject to further clarification as the application has progressed. The intention is to transfer existing letting activities from the main school building to the proposed activity hall. During school term time the building would be open between 0750 and 1815 Monday to Friday with access for cleaning and staff between 0630 and 2000 hours. For occasional lettings and occasional PTA/Training and parents events the proposed hours are until 2100 hours. During school term time on a Saturday the proposed hours are 0900 – 1400 although once a year the School summer fete would require extended opening between 0700 and 1800. Twice yearly, Sunday and Bank Holiday use is proposed during school term time between 0900 and 1400 hours and once a year between 0700 and 1600 hours in connection with the Summer fete clear up. Outside of school term time the applicant proposes that the hall would be used Monday to Friday between 0900 and 1600 and would not be used on a Saturday and Sunday or Bank Holiday.
19. The proposal would result in the relocation of 11 car parking spaces including 2 disabled parking bays. The application states that there would be no loss of parking to the current situation on site and the school would retain a total of 43 parking spaces which includes 2 disabled parking bays. An access gate and arrangements for access for the Holmesdale Angling Club have been retained. It is understood that the Angling Club have a right of access to the gate which would not change. Parking is made available on an informal basis for the Angling Club within the site where there is space for parking outside of the 43 spaces provided for the school.
20. The 2 disabled parking bays are proposed to be relocated to the west of the main building. 2 spaces are proposed to be located off the courtyard to the north east of the proposed hall; 2 within the landscaped bund to the south west side and 5 spaces to the south west of the driveway in an area of woodland.

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

21. A supplementary statement was been submitted by the applicant in support of the application and additional consultation was undertaken as a result of this. The statement provides some background to the proposal, details of existing parking and drop off arrangements and the effect of the new proposal on these and the intended use of the proposed new building. However, it should be noted that the proposal does not include amendments to the already approved arrangements for the use of a drop off area or any amendments to existing approved travel plan arrangements.
22. In light of the site's Green Belt designation, this application has been advertised as a Departure from the Development Plan. However, should Members be minded to permit, the application would not, in this particular case, need to be referred to the Secretary of State due to the limited size, scale and impact of the development on the openness of the Green Belt.

Planning Policy

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

(i) National Planning Policy Framework (NPPF) February 2019 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 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:

Promoting healthy and safe communities, including promoting social interaction and enabling and supporting healthy lifestyles and providing social and recreational facilities to meet community needs. 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.

Promoting sustainable transport, including the requirement for developments that generate significant amounts of movement to provide a travel plan and for the application to be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed;

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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;

Achieving the requirement for well-designed places including high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Meeting the challenge of climate change, flooding and coastal change;

Conserving and enhancing the natural environment in relation to habitats and biodiversity, ground conditions and pollution including ensuring that new development is appropriate for the location;

Conserving and enhancing the historic environment;

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;

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

(iii) Development Plan Policies as detailed below.

Sevenoaks District Core Strategy 2011

Policy LO8 **The Countryside and the Rural Economy** 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 **Design of New Development and Conservation.** Requires all new development to be designed to a high standard, reflect the distinctive local character of an area, create safe, inclusive and attractive environments, incorporate sustainable development principles and maintain biodiversity. Account should be taken of guidance adopted by the District Council in the form of Conservation Area Appraisals and Parish Plans, amongst other matters. The Districts heritage assets and their settings, including listed buildings, conservation areas, historic buildings, archaeological remains, landscapes and outstanding views will be protected and enhanced.

Policy SP2 **Sustainable Development.** Sets standards for sustainable design and construction. Institutional development will be required to achieve a

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BREEAM rating of at least 'very good'. In order to achieve this, the proposal will be expected to demonstrate 10% energy savings through renewable sources. Seeks to support improvements to enhance the safety and convenience of public and community transport; seek improved facilities for cyclists and pedestrians; require the inclusion of Travel Plans and other appropriate measures in new developments that generate significant traffic volumes. Seeks to take account of the need to improve air quality in accordance with the District's Air Quality Action Plan. Development in areas of poor air quality or development that may have an adverse impact on air quality will be required to incorporate mitigation measures to reduce impact to an acceptable level. New development in areas of poor air quality will be required to incorporate measures in the design and orientation that demonstrate an acceptable environment will be created for future occupiers. Permission will be refused where unacceptable impacts cannot be overcome by mitigation.

- Policy SP10 **Green Infrastructure, Open Space, Sport and Recreation Provision.** Seeks to maintain and link existing areas of open space and retain facilities of value to the local community. For the purposes of this policy, open space includes amenity open space, parks and formal gardens, natural and semi natural open space, children's play areas, outdoor sports facilities, churchyards and allotments.
- Policy SP11 **Biodiversity.** Seeks to conserve biodiversity and opportunities for enhancement to ensure no net loss of biodiversity.

Allocations and Development Management Plan 2015

- Policy SC1 **Presumption in Favour of Sustainable Development.** Seeks to provide a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. Where appropriate to the proposed development, proposals should have regard to the compatibility and suitability of the proposal to its location; the impact of the proposal on the surrounding environment, landscape, habitats and biodiversity; the contribution to creating balanced communities; the conservation and enhancement of the District's cultural heritage; the contribution to and impact on the District's economy; and the impact on existing infrastructure and contribution to new supporting infrastructure.
- Policy EN1 **Design Principles.** sets out the need for high quality design and for proposals to meet criteria including: responding to scale, height and materials; respecting the topography and character of the site and any sensitive features; not result in the loss of buildings or open space that would affect the character of an area, provided satisfactory means of access and parking provision; include opportunities for increasing biodiversity potential, including sustainable drainage and to avoid harm to existing biodiversity; create a permeable layout; safe and easy access for those with disabilities; creation of a safe and secure environment to deter

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crime and fear of crime; include modern communication technology and infrastructure; and make efficient use of land.

- Policy EN2 **Amenity Protection.** Seeks to provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in, and is not located in areas where occupiers of the development would be subject to, excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- Policy EN4 **Heritage Assets.** Seeks to ensure that heritage assets and their settings are conserved or enhanced and that development in an area or suspected area of archaeological importance provide archaeological assessment to ensure that provision is made for the preservation of important archaeological remains/findings. Preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is more appropriate.
- Policy EN5 **Landscape.** Proposals that affect landscape throughout the District will need to conserve the character of the landscape including areas of tranquillity.
- Policy EN6 **Outdoor Lighting.** Seeks to address the impact of lighting to the outdoor environment.
- Policy EN7 **Noise Pollution.** Seeks to address the impact of noise from proposals so that they do not have an unacceptable impact when considered against the indoor and outdoor acoustic environment and to ensure that development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- Policy GB8 **Limited Extensions to Non Residential Buildings in the Green Belt:** Proposals to extend an existing non-residential building within the Green Belt which would meet the following criteria would be permitted – (a) the existing building is lawful and permanent in nature and (b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the original building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
- Policy G11 **Green Infrastructure and New Development.** Proposals will be permitted where opportunities for provision of additional Green Infrastructure have been fully considered and would be provided where justified by the character of the area or the need for open space. Any open spaces provided as part of new development should, wherever practical and appropriate, be located where they can provide a safe link

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for the population and connectivity for biodiversity with the existing features of the Green Infrastructure Network.

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

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

Green Belt Supplementary Planning Guidance

Sevenoaks Council's Supplementary Planning Guidance (SPD) provides detailed guidance on the implications of applying for planning permission for development located within the Green Belt. The document outlines that buildings must be permanent in nature and they will be considered on the basis of their volume, scale, bulk and whether or not the resultant building would adversely impact on the character of the countryside or openness of the Green Belt. The SPD outlines that the impact on the countryside is clearly greater if located in a highly visible location, however the test of the impact still applies even if there are limited or no public views of it. This is on the basis that, if allowed, the argument could be repeated, with a potentially more serious cumulative impact on the openness of the Green Belt and the urbanisation of the countryside and for these reasons would be unacceptable. The SPD concludes by saying that if the development is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the building.

Consultations

24. **Sevenoaks District Council** raise no objection to the proposal and comment that it is considered that the design of the activity hall is acceptable and would not harm the character and appearance of the area. The proposal does constitute inappropriate development in the Green Belt and therefore the determining authority should ensure that the need for the activity hall clearly outweighs the harm to the green belt by reason of its inappropriateness. The use of the activity hall is unlikely to generate a substantial increase in noise pollution from the School that would detriment the surrounding residential area nor would it undermine the character of the Countryside it sits within.

Transportation Planning raise no objection to the proposal and comment that the location of the proposed parking spaces does not impede the circulation of vehicles or pedestrian movements. Two of the parking spaces are accessed off the drop off loop to the east of the proposed building and it is suggested that these two places are allocated so that members of staff are not entering the area unnecessarily.

Environment Agency (Kent Area) raise no objection to the proposal subject to conditions concerning submission of a scheme to deal with the risks associated with past contamination of the site (which is located above historic landfill); submission of a verification report demonstrating completion of the works prior to occupation; measures to deal with unforeseen contamination; restriction of drainage systems for the infiltration

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of surface water drainage into the ground and piling or any other foundation designs using penetrative methods

Public Rights of Way (West Kent PROW Team) raise no objection to the proposal. Comment that Public Right of Way Footpath SR734 runs from Worships Hill in an easterly direction to the north of the site and do not anticipate it being affected by the development.

County Archaeological Officer comment that any permission should be subject to a condition concerning archaeological field evaluation works and investigation.

Biodiversity comment that sufficient ecological information has been provided and that there are unlikely to be significant ecological impacts from the works as the area consists of mostly hardstanding and suitable habitat for protected species is not prominent on site. A condition is suggested regarding inclusion of ecological enhancement recommendations.

Conservation Officer does not raise objection to the proposal.

Kent Fire and Rescue Service raise no objection and comment that the means of access is considered satisfactory.

Transport Planner Schools comments that the school has a current School Travel Plan and that annual reviews of the School Travel Plan would be appropriate.

Chevening Parish Council raised no objection in response to the first consultation of the proposal subject to the car parking spaces lost as part of the development being relocated on site. However, in relation to the additional supplementary statement submitted by the applicant the Parish Council comment that the statement says that “65 children attending Breakfast Club are driven to school and use the turning loop drop off facility”. 12 others have permits which in the morning leaves 6 children who are driven to school and therefore must be able to use the drop off facility without impacting the traffic on Worships Hill or impacting on class start times. “Similar numbers” attend the after-school clubs. There is therefore no obvious reason that the Parish Council can see to explain the necessity to park anywhere other than on the school premises. The Parish Council is very well aware of the issues with parking in the surrounding roads – exacerbated by the District Council planning policy of allowing multiple houses being built on single sites down Witches Lane which intensified the parking issues in that area. The parish council is concerned about the impact on parishioners of the school parking, both pick up and drop off and for school parking on the site all day. The statement says the drop off loop and existing onsite parking provision are retained and will be unaffected by the proposals. Whilst a number of the parking bays are relocated to accommodate the proposed new building there is no reduction in the total number of onsite parking bays. If there is no impact on the overall number of parking bays and the drop off loop then the parish council is confused as to why this has been brought back to the council for comment.

Riverhead Parish Council raise concern over the safety/well being of children and other users of the roads.

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Local Member

25. The local County Member for Sevenoaks West, Mr Nick Chard was notified of the application on 6 November 2019 and would like to make comments at the committee meeting.

Publicity

26. The application was publicised by the posting of a site notice(s), an advertisement in a local newspaper, and the individual notification of 14 nearby properties.

Representations

27. In response to the publicity, 9 letter(s) objecting to the application, and 11 letter(s) of support to the proposal have been received. The key points raised in objection to the proposal can be summarised as follows:

Green Belt

- This would be over development in green belt land and the application has not met the criteria of “very special circumstances”;
- The creation of new car parking spaces will result in destruction of trees in the green belt;
- There is no justification to overturn the current withdrawal of permitted development rights;

Justification and need

- The costs of the proposal using public money are not justified if there are no plans to increase the school roll. There are underutilised halls in the immediate vicinity; Amherst School, Riverhead Bowling Club, Riverhead Cricket Club, the Parish Hall and the Church Hall are all nearby and there is no need for another building for letting. Letting out of the activity hall could reduce the income of the village hall and various church and community halls which already exist;
- There is a current trend to have a pre-school located on school premises. There would obviously be room in the new hall, as it also has two extra classrooms. This would require extra car parking too;
- The school says in the application that it is for the children’s benefit, yet it is being promoted for youth, elderly, community activities and proposed to transport children from other areas for their after-school activities to make money for the school;
- The plans are too commercial and too intrusive for our community, they need to go back to what is their actual function, education;
- The cost of the extension is not justified if there are no plans to increase school numbers and the existing school classrooms and dining hall are suitable and in a good state. The money would be better spent improving the existing rundown facilities at Dunton Green Primary School.

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Compliance with existing permissions relating to traffic and parking

- The original school planning permission was only granted on condition that the traffic congestion on Worships Hill was kept to a minimum by use of a drop off car park;
- Allegations that the school is in breach of its existing planning permission and that a letter of commitment from the Chair of Governors saying that they would implement a travel plan and reduce school traffic and car parking is not being kept to. Allegations that the School Travel Plan has not and is not being implemented; that there is no School Travel Plan Coordinator; that the school does not aim to encourage all children and parents to walk to school; there are no walking buses; the staggered car drop off/pick up system on site is not being used; there is not adequate parent parking on site;
- There are no staff to manage the Dropoff or to organise the Walking Buses and no volunteers for the school walking buses;
- That non-implementation of the initial planning agreement causes a problem on Worship's Hill (A25) with traffic chaos, safety issues, non-compliance with the highway-code and vehicle pollution;
- That the traffic management system drop off point, traffic lights and car parking spaces provided should be managed and put into use to reduce the traffic problems;
- When the school was built it was only on the terms that there would be no parking in the surrounding roads, all children would either be walked to school or there would be a drop off system in the morning and afternoon;
- A condition of the planning approval stated that the car park could not be built upon at a later stage. It had to remain car parking for the sole use of the school, to prevent traffic problems in the local area;
- That local residents have advised the School of concerns regarding car parking issues and no action has been taken;
- A request that KCC serve an enforcement notice to comply with the existing permission before considering further applications.

Traffic, car parking and congestion

- The development causes unacceptable traffic conditions on the surrounding road network and additional traffic congestion and pollution;
- The A25 cannot take any more traffic and should have parking restrictions on both sides of the A25 Worships Hill to stop parents blocking the traffic and to encourage parents to use the drop off facility or walk to school. The breakfast and after school club proposal will increase and extend the times of private vehicle parking along the A25 Worships Hill and anyone hiring the hall would have to park along the A25. With a row of parked cars on the A25, a large vehicle such as a lorry, Ambulance or Fire engine cannot get past an oncoming car causing delays;
- There is congestion and tailbacks to Riverhead and parking problems in Cranmer Road and London Road and parking opposite the road junction which has also become a turning point;
- Inconsiderate parking by parents on pavement with no room for buggies, wheelchairs, scooters or pedestrians to pass;
- The development does not provide adequate parking and pick up facilities;
- The existing arrangements for drop off and walking buses do not work;
- Planning policy requires "arrangements for parking" – there should be a proper plan catering for the necessary school parking for the parents.

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Air pollution and noise

- The application does not provide adequate consideration of the site location next to the Air Quality Management Area (AQMA). Stationary traffic and congestion make a contribution to the traffic pollution within the AQMA and impacts on use and enjoyment of garden;
- Sevenoaks District Council is working towards net zero emissions by 2030, and a view that this aim would not be achieved in Riverhead should the school be granted this permission;
- Increased noise, nuisance and disturbance from traffic, children and hirers.

Accuracy / misleading information within the application

- The applicant's design and access statement is contradictory and confusing. It needs withdrawing and rewriting;
- The application says that this new facility is to be shared by Amherst Academy. Amherst School is a separate school and they have their own facilities and financial arrangements and have intentions to apply for their own activity hall;
- The application states that the school allows parents to drop children off – this is not the case;
- The photographs in the planning application design and access statement of the A25 must have been taken on a Sunday morning because there are no parked cars on the A25 which is misleading;
- The application states that the hall will assist in reducing vehicle congestion and pressure on parking as parents can drop children off earlier and collect them later. This is misleading as there is no drop off facility;
- The supplementary statement includes disingenuous and not wholly truthful statements. The school have circulated a leaflet that suggests that the club will not be used by children only from Riverhead Infants, contrary to that stated within the supplementary statement. It also suggests that the Club is for profit.
- The School may have walk to school policy, targets and routes on paper but they are not followed. There are no walking buses;
- Reducing vehicle journeys may be promoted but within the last 5 years the number of car journeys has increased and continues to increase with no increase in the number of pupils due to inaction by the school. Expanding the school by encouraging clubs will increase these journeys. The number of staff and helpers using the on-site car park will increase in order to run the clubs and result in increased parking on neighbouring roads;
- The concluding statement regarding safeguarding the children being a priority is contradictory. Continuing to allow young children to enter and exit vehicles on A25 during rush hour is a failure by the school and Council to safeguard local children;
- The statement that the school continues to engage with all parties is incorrect.

Hours

- The Design Planning and Access Statement, hours contradict the Planning Application Form;
- The application does not mention evening, weekend and holiday hours on the application form. For this building to make money for the school it will have to be let out at times which have not been mentioned by the School in its application;

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- Queries about the proposed hours for PTA meetings and cub and scout groups which are more likely to take place in the evening than before 6pm;
- The breakfast and afterschool club hours are not school hours.
- How will the community uses take place if the school is using the building?
- The scouts do not need this building, they have their own building;
- Will the school employ someone to manage the drop off from 7.30 am to 18.30pm?
- What is to stop the school from letting it out until much later than the hours detailed in the application?

Loss of privacy to nearby residents and residential amenity

- The congestion and parking at pick up and drop off time has resulted in adverse impact on resident's privacy and amenity;
- Parents and children drop litter all over the garden and surrounding area which attracts rats and mice;
- Reducing green space for children to play is detrimental to environment and health of the children.

Effect on neighbouring Conservation Area

- The congestion and traffic delays affect the A25/A224 roundabout within Riverhead Conservation Area.

Design

- The proposed building is not in harmony with the existing building and sits in front of the building line;
- Loss of trees within the site.

Disruption during construction

- Disruption to the children's education, or the risk of injury to children during the building process.

Processes

- The number of properties informed about the application is insufficient;
- The location of the site notice was not in the most used pedestrian crossing point but on a corner rarely used by pedestrians;
- There has been no local consultation. The school did not engage with local residents over this application and over parking and congestion;
- The consultation period should be extended;
- KCC have failed to monitor and take action with regard to compliance with the existing permission;
- There was a recent parking review to make SDC and KCC aware of traffic and parking concerns however this has not been considered in this application;
- Use of the new hall for breakfast and afterschool clubs for existing pupils should not be combined with use of the hall as a wider community use on the same application, they are two separate matters and should be treated as such;

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- The application does not address many of the issues raised in KCCs pre-application advice.

28. The key points raised in support of the proposal can be summarised as follows:

Need

- The hall will help the school to continue to deliver an outstanding education to children attending;
- Riverhead Infants is in desperate need of this additional building, particularly since the introduction of school lunches which has reduced the current hall space and limited its availability for use;
- The new hall would provide much needed space for the children to do indoor PE which is obviously extremely important for the children' health and wellbeing along with benefits to the school, the children & the general community;
- The extra space would also allow the school to raise additional funds which can be channelled into improving the school and educational experience for the children;
- The proposal will provide valuable extra space for before and after school club children which will lessen traffic at peak drop off and collection times;
- The breakout rooms will support children with additional needs and offer private space for counselling;
- The existing after school club is over subscribed and needs additional space to grow;
- It is an excellent school, which cares about the local community. This additional hall is badly needed to enable to school to run effectively.

Traffic congestion

- The proposed plans would reduce traffic congestion and parking issues in the immediate vicinity because the new hall would mean vehicles would be able to use the school car park when dropping off for breakfast club and collecting from after school club;
- More children in after school club means less cars at 3.15pm pick up. Collection from after school club is staggered and therefore the school car park can more than adequately cope with additional numbers at the club.

Discussion

29. This application is being reported for determination by the Planning Applications Committee due to the neighbour objections to the planning application as summarised in paragraph 27 above and because of concerns raised by the Parish Councils.

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

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Green Belt consideration

31. The school site lies within the Green Belt and outside of the Riverhead village boundary, where the District's Core Strategy Policy L08 seeks to resist inappropriate development, unless justified by exceptional circumstances.
32. The location of the proposal in the green belt has led to neighbour objection about building on green belt land at the site; over development of the site and a view that the application has not met the criteria of "very special circumstances".
33. By virtue of the criteria in the NPPF, and various Local Plan Policies, the development is considered to be inappropriate in Green Belt terms. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
34. The proposed activity hall does not meet any of the exceptions to this policy, although the provisions of relocated car parking spaces within the site would not be regarded as inappropriate in the Green Belt provided it preserves the openness and does not conflict with the purposes of including land within the Green Belt.
35. It is for the applicant to demonstrate why permission should be granted with regard to planning policies and other material considerations given that 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.
36. It should also be noted that this application seeks to include a new building on a site that has previously been subject to consideration against Green Belt Policy in relation to the location of the new school. That development, as is the case here, was deemed to be inappropriate development for the purposes of Green Belt Policy consideration and was, therefore, by definition, harmful to the Greenbelt. Nevertheless, the considerations provided by the applicant at that time were considered to be sufficient collectively to constitute 'very special circumstances' capable of outweighing harm.
37. This application seeks to provide additional space for the school by providing a freestanding extension containing an open hall area; two group rooms; storage; WC; servery and lobby along with a new access path within an external outdoor play area. A design planning and access statement has been 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 has made a case for very special circumstances based on educational need, with reference to 1) the impact of the universal free school meals initiative and use of the hall space; 2) other needs 3) the benefits of a new school hall; 4) analysis of floor lost since the original completion and 5) analysis against the national space standards. The report below considers each of these matters in turn.

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38. The impact of the universal free school meals initiative and use of the hall space– the School state that the 2014 universal infant school meals initiative reduced the current school hall in size as the school had to install a kitchen to meet demand. All 270 children at the school have a free cooked meal at lunchtime which means that the current hall is not available for other uses between 1130 and 2pm each day. The main impact of this is disruption to PE lessons. The number of lunch sittings has increased from 2 to 3 sittings in the school hall.
39. Other needs - The school states that the current hall also serves as a key space for the delivery of wider school curriculum workshops and clubs space as it is the only space large enough to accommodate these activities, the impact of this being that the hall availability for PE is further reduced and children sometimes have to eat in classrooms instead of the hall.
40. The applicants also advise that the breakfast club which has been operating since 2013, caters for 80 -105 children daily and is oversubscribed with 170 children on the books. The afterschool club was set up in 2017 and is limited by the space available which is in classrooms, which means the afterschool capacity is limited to 40. Afterschool use of the classrooms impacts on teachers use of the classrooms outside of the school core hours.
41. The school also has a requirement for breakout study space and currently use the library for this.
42. The benefits of a new school hall – the applicant describes the benefits of the proposal in its case for ‘very special circumstances’. These are to provision of PE; avoiding the need to cut short lessons to accommodate 3 lunchtime sittings; avoiding the need for children to eat lunch in classrooms; avoid the need for teachers to vacate their classrooms when afterschool clubs take place; provide meeting and breakout space releasing the library space; allowing increased uptake of afterschool clubs and improved arrangements for safeguarding through easier supervision in a single larger space and the facility to provide a light meal; allow the school to run holiday clubs without compromising the security of the main building; facilitate the growth of the breakfast club; provide improved income stream at a time of funding cut backs through afterschool clubs and community use; offer opportunities to let out the hall to community groups and outside clubs, strengthening community lines and providing additional support for working parents; assist in reducing vehicle congestion and pressure on parking spaces at peak school drop off and pick up times.
43. Analysis of floor lost since the original completion - in the last 5 years the school has had refurbishment work to meet the changing curriculum including a new IT suite. The applicants say that there is no space to introduce additional teaching space within the existing building. The school consider that they are unable to extend the main school building without compromising the design of the existing building and they have maximised use of space within the existing building so far.
44. The applicant has analysed the hall floor space lost since the original completion of the building and say that the floor area of the original hall was 137sqm. The kitchen extension meant that the hall was reduced in size to 118sqm as the servery was extended. A further 28.9 sqm space has been lost elsewhere within the school building to accommodate the universal free school’s initiative.

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45. Analysis against the national space standards - the school have also provided an analysis against national government space standards for schools contained within Building Bulletin 103:2014. They say that this shows that the school has less than the total recommended total floor area for hall, dining and PE space for a primary school of 270 pupils and lacks a separate studio space. They say the requirement for a school of 270 pupils is between 181 and 219.5sqm and as Riverhead is a 3 form entry (3FE) school the building bulletin says that the provision should be one large hall of a minimum of 120sqm for infants and 140sqm for KS1 and a separate studio making up the balance of the area.

Green Belt - consideration of the applicant's case for 'very special circumstances'

46. The SE/99/1721 application included a schedule of areas which stated that the DFEE recommendation for the size of the assembly hall was 120 – 140sqm. The original assembly hall was at the maximum of the recommendation size at 140.3sqm total, excluding the servery and hall store. At that time, the school roll was noted to be 270 which is the same as now. The introduction of the universal free school meals initiative would therefore have impacted on and reduced the space available within the original design within the dining hall area because of extension of the servery and would take the hall area below the minimum space recommendation that applied at that time and below the space that they had been used too. The applicant has clarified that when the school originally opened at the Riverhead site the school meals were prepared at the Amherst School and delivered to the servery at Riverhead and that school meals were limited to 120 a day. At that time there was a 14.6sqm servery whereas now there is a 37sqm kitchen. I consider that had the universal school meals initiative been in place in 1999, the hall would have been bigger and there would have been a larger servery/kitchen. I therefore accept that space has been lost within the school as a result of the initiative, yet the number of pupils at the school has stayed the same and the number of children having cooked school dinners has increased.
47. The applicant provides information about provision compared to the national space standards. The 2014 Building Bulletin 103: Area Guidelines for Mainstream Schools' sets out, non-statutory area guidelines for school buildings and sites and provides the minimum gross area recommended for buildings. The current guideline sizes for a primary school hall differ to those quoted in the application for permission in 1999. It should be noted that the guidelines do not necessarily have to be met in every case and should be applied flexibly in light of the particular circumstances. The guidelines are based on typical curriculum delivery and staffing and take account of schools' duty to offer universal infant free school meals from September 2014.
48. The guidelines say that any primary school should have a main hall for assemblies, examinations, public performances, parent evenings and community events. It states that primary schools larger than 1FE should have an additional small hall and/or studios (one for approximately every further FE) and that the total area for this category of space should include a main hall of at least 120sqm for infants, sufficient for PE and dance, assemblies, performances, parents evenings and dining. It says that the main hall would usually be used for dining in two or three sittings over the lunch period.
49. The document provides a formula to calculate the minimum and maximum recommended size for hall, dining and PE space based on the number of pupils. The recommended minimum is 181sqm and the recommended maximum is 219.5sqm. As a

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3FE school the recommendation is that there should be at least a main hall and two studios and that the total area of this space should using the school roll information in this case, between 181 and 219.5sqm. That would mean that the number of sittings for lunch would not impact on PE provision as that could take place elsewhere within the school.

50. According to the applicant, the current school hall is 118 sqm which is below the recommended floor range of 181 – 219.5sqm. There is no separate studio space. The school do therefore have less dining hall and PE space that they originally had when it was built and less space than the current recommended range and do not have the separate studio space that would be recommended now for the core primary school activities. In my view this current under provision of space should be given considerable weight.
51. Although the existing school hall is smaller than current minimum suggested floor area for the school size, it cannot be physically extended within the existing school design. An extension to the school hall in its current location would also be unlikely to be acceptable given the impact to the design of the existing building. The proposal would not change the fact that the school would still have a main school hall which is slightly less than the minimum standard for a whole school assembly.
52. The proposed activity hall is 198sqm, of which the new hall is 96sqm. The school would therefore have $118 + 96\text{sqm} = 214\text{ sqm}$ of hall space which would be near to the maximum of the Building Bulletin recommendation of national space standards and also have a further 2 group rooms each 20sqm.
53. The original proposal also did not include any additional group rooms within learning resource areas. The Building Bulletin recommends at least one small group room for every 150 pupil places to provide quiet discrete facilities away from the classroom for a smaller group of pupils. The original proposal also did not include any separate space to be used as a SEN resource base specifically to support pupils with SEN or disability for learning and behaviour support, therapy and case conference work. The applicant has clarified that the purpose of the additional group rooms is to address these needs. Whilst the applicant says that attempts to address the shortfall have been made within the existing building, by enclosing 25sqm of part of an existing covered play area between the rear classrooms, the space is not ideal as it is the main lobby to the rear of the building and a secondary means of escape. The area is used as a group room and as a SEN area but is of limited size and is not entirely fit for these purposes. A small care suite which has been adapted in the winter garden area with hoist and toilets also does not address the SEN space requirement under Building Bulletin 103.
54. The applicant has confirmed that the two additional group rooms and SEN space would be used in conjunction with the existing converted spaces to support small group activities and SEN requirements. The Building Bulletin does provide details of the likely size requirements for these rooms which is linked to the size of the group. The applicant states that regular group intervention is needed for 12 to 15 children and this is ideally arranged in groups of 6 to 8. I am satisfied that the size and number of the rooms proposed would fall within the minimum and maximum size as set out within the Building Bulletin.

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55. Therefore, I conclude that the school does have a need for an additional hall space and group and SEN space and that the spaces proposed are not in excess of the need considering the adaptation of existing spaces since the school was built and the changing space standards over time and that there is considerable weight attached to this view.
56. I accept that an extension to the original building would compromise the original design. However, the applicant has not provided any details of alternative schemes considered within their application as an extension to the existing building. In my view, a freestanding building would be preferable in this location and I give considerable weight to the importance of maintaining the original design intention of the school. I accept that additional WC, refreshment and lobby space is also needed within the space requirement in a freestanding building. I accept that the proposal is predominantly required to meet the core education space needs of the infant school for hall dining and PR space and for group room and SEN to support break out group work and one to one work. At the same time the proposal would allow more suitable spaces to provide wrap round care facilities and use of the building outside of term time would maximise efficient use of building space and resources.

Impact on the Openness of the Green Belt

57. In relation to the openness of the Green Belt and whether the proposed extension would affect this, it should be noted that openness of the Green Belt is described as an 'absence of development' irrespective of the degree of visibility of the land in question from public vantage points. Therefore, any physical development within the Green Belt, whether visible or not, would have some impact on the openness. Whether that impact is either acceptable or unacceptable is a matter of fact or degree based on the specifics of each case. I consider that the proposed extension would be seen within the context of an established education facility and sited in close proximity to the existing building. The proposed building is smaller in scale and would be subservient to the main building. The established landscaping around the perimeter of the site would screen the development from wider views and, given that the proposed building is situated behind an existing landscape bund within the car park, I consider the proposed development would not affect the function of the Green Belt.
58. The proposal is sited adjacent to the existing school building, within the car park and minimises encroachment into other undeveloped areas of the site. The relocated car park provision does introduce some minor encroachment to existing landscape planting areas. The proposed relocated car park spaces would be contained within the school site. I am satisfied that the proposed car park extension by nature of its use, scale and location would not have a significant detrimental impact on the openness of the Green Belt. Furthermore, I note that Sevenoaks District Council considers that in terms of the car park extension, engineering operations are an appropriate form of development in the Green Belt where they preserve its openness. Furthermore, I recognise that the proposed replacement car park spaces are essentially to be slotted in between existing areas of parking areas and will not therefore result in harm to the openness of the area.
59. Being adjacent to the main school building, it is arguable that that the proposal would not have any greater impact on the openness of the Green Belt than the existing building and educational campus.

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60. The applicant has not provided details of any alternative locations considered within the school site that could be argued to have a lesser impact on the openness of the Green Belt. However, given the unique design of the existing building, I consider that other potential options are limited to accommodate the established need for additional hall and studio space to meet core primary school space provision. In my view, the proposed location of the development would in fact have a very limited impact on the openness and functioning of the Green Belt and would not impact on the open parkland areas to the south of the site.

Summary – ‘Very Special Circumstances’/Green Belt Considerations

61. I have considered the case for ‘very special circumstances’ in the context of the Development Plan Policy and the NPPF. The development is inappropriate development for the purposes of Green Belt Policy consideration and is, therefore, by definition harmful. 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 design of the proposals has 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.

62. Further, in assessing the need to refer the application to the Secretary of State for consideration and having regard to the Town and Country Planning (Consultation) (England) Direction 2009, I do not consider that this application needs to be referred. The Direction requires inappropriate development to be referred where it consists of the provision of buildings where the floor space to be created is 1000sqm or more, or any other development which, by reason of its scale or nature or location would have a significant impact on the openness of the Green Belt. The proposal has an external floor space of 213sqm, well below the 1000sqm threshold. Further, I consider that the scale, nature or location adjacent to existing built development, does not have a significant impact on the openness of the Green Belt. I therefore conclude that there is no requirement to refer the application in this particular case.

Need for the proposal

63. Neighbours have made comments both in objection to and in support of the need for the proposal. The comments in support of the proposal relate to the school’s need for the space for PE and additional needs and to allow space for the afterschool club to grow and for raising of funds that can be used by the school for education and the benefits to the school and the general community. Those in objection to the need for the proposal relate to mainly to the community use aspects of the proposal and the use as a breakfast and afterschool club. There is concern that the proposal is also for Amherst School and that they have their own proposal for a breakfast and afterschool club. There is also concern that the proposal might lead to a pre-school and that the proposal is too commercial. There is a concern that community use and lettings activities are not needed as other facilities already exist in Riverhead for this and that the proposal may impact on lettings elsewhere.

64. The proposal does not propose an increase to the school roll but does include space provision for increased use of the existing breakfast and afterschool club activities at the

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site, extending the school day for a greater number of children at the site. It does not include a pre-school.

65. As discussed above, the applicants state that they have a need for additional hall space for the school following the introduction of the Universal Free School Meals for Infants Initiative in 2014. The proposal would be used by the school for PE and games, DT lessons, breakout groups and meetings and would address difficulties in meeting the curriculum in these areas. The school has provided information on the building space lost since the school was first built to other educational uses and their need for a school hall of a size that meets current educational requirements. Given the national planning policy support for allowing schools to expand and improve their facilities and the case that the applicant makes for need for a proposal to address the schools own requirement for additional hall space, I consider that there is case of need for an activity hall for the schools own use to meet the curriculum during the school day.
66. However, the proposal is also to cater for increased demand for breakfast and afterschool clubs which already exist at the site and the applicant states that use of the current school facilities for these purposes gives safeguarding challenges. The clubs are beyond the core school hours but related to the educational use and existing facilities at the site.
67. There are pupils from the Amherst School which attend the current breakfast and afterschool clubs at Riverhead. The extension of breakfast and afterschool club activities to those outside of the Riverhead Infant School (ie Amherst School) has caused particular neighbour concern and it is noted that Amherst Academy also runs a breakfast and afterschool club. Amherst School also have a project to create their own new flexible community space. Each planning application has to be considered on its own merits however and the existence of a future project at Amherst School which may not proceed is not relevant to the determination of this proposal.
68. The applicant has clarified that places at the Riverhead breakfast and afterschool clubs are available with preference to children from Riverhead Infant School, then children from Amherst School with siblings at Riverhead Infant School and then, depending on capacity, children that just attend Amherst School. The applicant has clarified that the Amherst School breakfast and afterschool club are restricted in terms of the numbers they can accept, and that Riverhead Infant School currently takes some overspill from Amherst School. They also state that their club hours differ to the Amherst School Club hours and parents may choose which clubs best suit their timings at either end of the school day. Whilst the proposal caters for children from Amherst School, the proposal is predominantly for the needs of the Riverhead Infant School children. The applicant has clarified that they have no plans to significantly vary the number of places made available to Amherst School pupils and do not expect the level of demand to change unduly should the proposed new Amherst building project proceed because of the scale of that proposal. The applicant has also clarified that no new staff are required as a result of the proposal.
69. The supplementary statement provides information about the current use of the breakfast and afterschool club and the School intention is that the proposed hall would allow more space for a greater proportion of the Riverhead Infant School children to join the breakfast and afterschool club at the school. The supplementary statement states that there are no plans to operate as any form of outside commercial venture unrelated

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to school, educational or school supported charitable activities and that any charges made for extra curricular activities are to cover the costs of provision only.

70. The supplementary statement details the other meetings and events that might take place within the proposed building such as PTA meetings, visiting school workshops, a weekly coffee morning for the schools parents and carers and potentially a parent and toddler group one morning a week should there be a demand for this from parents. These are all activities which could take place within the existing school building.
71. The proposal also includes use of the activity hall by the community outside of the school core hours (such as by Sevenoaks School of Dance) and during the holidays for use by community groups and clubs, including holiday clubs. The school already lets out its premises for such uses outside of core hours and in holiday time.
72. The proposed activity hall would however provide further space within the school for the school's own use during core school hours and the space would also be used to provide before and after school care within a school environment for children at the school and children from Amherst School. Outside of school hours the activity hall would be available for community use. Objectors to the proposal say that the additional community facility is not needed. I am satisfied that the core reason for the proposal is educational, in that additional hall space, group room and SEN space is required. Provided the predominant core need for the proposal for education use can be justified, the accompanying community uses of the building and the principle of using school buildings efficiently beyond the school core hours is acceptable in planning terms, in supporting opportunities to create social interaction in promoting health and safe communities, and to meet community needs, (which in this case include the provision of wrap around care before and afterschool), subject to consideration of other impacts such as hours of use; impacts on highways matters and amenity impacts and these are discussed below.
73. It should be noted that the school already lets its facilities out after school (including to a local dance club) and in school holidays and would wish to use the proposed activity hall to support these activities along with increased opportunities for use. These uses could already take place using the premises at the site without a requirement for planning permission. The applicant states that the benefit of using the proposed hall for these activities is that it would reduce running costs, offer greater security and safeguarding.
74. The impact to other community facilities as a result of this proposal is not therefore expected to be significant given the limited new community uses proposed and the proposed hours. Controls over the hours of use could be imposed via condition.

Compliance with existing permissions relating to traffic and parking

75. The proposal has given rise to local objection in relation to traffic parking and congestion matters. A number of representations advise that the school are not using the drop off and pick up layout as originally intended and because the original school travel plan initiatives and commitments have not been met, including staggered drop off and pick up times, walking buses and encouraging all children to walk. Comments indicate that the proposal may be perceived to introduce less of an impact if the current facilities for drop off and car parking were provided.

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76. The SE/00/2526 decision gave permission for the details of the current car park, circulation areas and area for setting down/picking children up layout. On site parking was to be provided along with circulation space provided by the internal access road allowing space for the setting down/picking up of children travelling by car for about 14 cars at a time. A building within the car park area would not be allowed by the existing planning permission however this does not prevent the applicant from applying for planning permission for a new building allowing new proposals to be considered on their own merits.
77. This proposal does not change the original requirement for car parking provision and for the setting down and picking up of children or the School Travel Plan initiatives. However, it does change the car parking layout within the site as 11 spaces are displaced by the proposal and relocated elsewhere within the site. There would be no change to the number of parking spaces available at the site as a result of the proposal.
78. This proposal outlines the current arrangements at the site but does not seek permission for any changes. The application does not therefore seek to change the existing permitted arrangements other than in relation to the layout of the car parking spaces. It does however introduce new considerations relating to use of the site outside of the school term time.
79. In response to the alleged disregard of the existing permission requirement concerning the maintenance and use of the drop off/pick up system; failure to implement the travel plan/encourage the use of the walking buses and provision of parent parking on site, the applicant states that they have a School Travel Planner and a School Travel Plan. They operate a walk to school policy and promote car sharing. There are 3 walking buses however they comment that the take up of walking buses is dependent on individual parents and that the introduction of parking charges at the Miller and Carter car park has impacted on the use of the service. The Applicant says that they use the drop off/vehicle access loop and the approved number of car parking spaces in compliance with the original permission, operated and coordinated at senior management level with access under the control of the main entrance barrier which remains open before 0825 and after 1530 and closed between these times when access is via a call point at the barrier and a permit system is in place. They say that their procedure is aimed to reduce the risk of accidents within the school site during school core hours.
80. The supporting statement says that the school currently uses the drop off and pick up loop for children attending breakfast and afterschool club. Between 0825 and the start time at 845 and for collection at the end of the school day at 3.15 the loop is closed and therefore the facility would not be used for dropping of other children at school unless the parent has a permit. The applicant advises that approximately 78% of the children who are driven to school use the turning loop drop off facility. The applicant also advises that it is not possible for the younger children to use the loop facility for safeguarding reasons. The school does not operate a staggered release/pick up time for children that do not attend the breakfast or afterschool club. The school operates a permit system for some parents to use the loop during the core times but those who do not use the breakfast or afterschool club and do not have a permit cannot currently use the loop.
81. The allegations that the school is in breach of its existing permission are being investigated directly with the School as a separate matter. Whilst there may be compliance concerns, planning policy and legislation does not provide for decisions on

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planning applications to be delayed or refused based on the existence of a breach of an existing permission or the investigation of complaints or resolution of compliance matters. The application has to be considered on its own merits based upon the information provided within the statutory time limits for decision making.

Traffic parking and congestion

82. The proposal has attracted neighbour objections because of traffic, parking and congestion concerns and the adequacy of the parking provision for the proposal. Riverhead Parish Council raise concern over the safety and wellbeing of children and other users of roads and Chevening Parish Council have commented that it is concerned about the impact of parking on parishioners. The proposal has not raised objection from Sevenoaks District Council nor the Highways Authority. Kent Fire and Rescue Service also raise no objection to the proposal and means of access within it.
83. It is important to note that the proposal does not seek to increase the number of children attending the school. It does however seek to use the proposed new building to allow an extension of the numbers of children attending the breakfast and afterschool club at the school. It also seeks to make efficient and effective use of the proposed new building outside of the school hours during term time and school holiday time with holiday club and community activities and in this way would be offering extended school facilities within the activity hall. The holiday club provision in the school holiday time would not be limited to the Riverhead Infant School children and would be run by an external provider.
84. Neighbour objections include concerns that the proposal would add to traffic pollution and congestion during the existing school drop off and pick up time. However, as it does not extend the numbers of children that need to be dropped off and picked up for the school day at the existing drop off and pick up time this would not be the case.
85. Those using the breakfast and afterschool club facility would already be travelling to the school and those new to the breakfast and afterschool club would be travelling to Riverhead Infant School at a different time. This would spread the traffic movements out but there would be the same number of movements in my view.
86. Neighbour comments indicate concern that the breakfast and afterschool club extend the time of private vehicle parking beyond the site and will not offer a traffic calming effect. The applicant has confirmed that the drop off and pick up loop is in use for the breakfast and afterschool club times and given that there is no objection from highways there is no reason to conclude that it would result in an unacceptable adverse highways impact as a result of the use for the breakfast and afterschool club.
87. Neighbour objections also include concerns that the proposal would add to traffic pollution and congestion as a result of the proposed community uses. The proposed uses within the school day in school term time detailed within the application include PTA meetings, visiting school workshops, weekly coffee mornings and a potential parent and toddler group. These activities could already take place during the school day at the site, and the PTA meetings and visiting school workshops do already take place. Weekly coffee mornings and weekly parent toddler groups would be new, however, they would be linked to the existing school community and run by the school. They would not be expected to be major new traffic generating uses. In response to this concern the applicant has stated that the parent and toddler group would only be offered to school

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parents and at times that would not clash with peak drop off/pick up times ensuring that on site parking was available. The applicant has confirmed that on site parking would be available for the proposed PTA meetings, visiting school workshops, weekly coffee mornings and parent and toddler groups as the timing of the activities within the school day is/can be carefully managed.

88. The applicant has also confirmed that for the school term time afterschool clubs, the car park would be available and there is space within it for the parking and picking up and that the drop of and pick up loop would be open for this purpose. The proposed community uses, and holiday club uses outside of the school term time would use the existing on-site parking provision which would be fully available to those uses. I am satisfied that a condition could be used to require the existing car park to be used for this and that a condition also be used to require the parking loop to be available for the breakfast and afterschool club and community users of the proposed activity hall.
89. In the interest of maintaining good community and neighbour relations, I also consider that the applicant should ensure that there are adequate arrangements in place to respond to any issues arising as a result of community use outside of the school normal hours, particularly relating to complaints or concerns raised by nearby residents.
90. It is noted that Transportation Planning suggest that the use of the two relocated parking spaces at the front of the building which would be accessed off the drop off loop to the east of the proposed building be allocated so as to prevent members of staff entering the area unnecessarily and this can be dealt with by Informative.
91. Some of the neighbour comments received relate to parent/driver behaviour and inconsiderate parking and road use. Inconsiderate and antisocial behaviour from parents and drivers is not something that the Planning Authority can control and is not a material planning consideration.
92. There is a concern about traffic congestion in the vicinity of the site and extending back to Riverhead, and a request that there should be parking restrictions on the A25 to prevent parking on the road. However, the Highways Authority do not require parking restrictions to be provided to make this proposal acceptable in highways terms and I conclude that the proposal is acceptable in planning policy terms without such measures. Furthermore, where parking areas are unrestricted these are areas that are intended to be free for all to use and are not intended to be reserved for specific uses or users.
93. The proposal did not require submission of an updated School Travel Plan and I am also satisfied that the regular annual review of the School Travel Plan can be required by condition.
94. The NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The District Council has not objected to the proposal and furthermore, Transportation Planning as Highway Authority and statutory consultee, have no adverse comments in relation to the proposal and so I conclude that the proposed activities do not constitute, in the context of the NPPF, a severe impact on the highway and that refusal of the proposal on highways grounds would not be supported by planning policy or guidance.

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Sustainability and Air quality

95. The proposal is located adjacent to the Riverhead Air Quality Management Area. Sevenoaks Local Plan policy SP2 concerning sustainable development seeks to take account of the need to improve air quality in accordance with the District's Air Quality Action Plan.
96. The policy requirement is that development in areas of poor air quality or development that may have an adverse impact on air quality will be required to incorporate mitigation measures to reduce impact to an acceptable level. New development in areas of poor air quality will be required to incorporate measures in the design and orientation that demonstrate an acceptable environment will be created for future occupiers. Permission will be refused where unacceptable impacts cannot be overcome by mitigation.
97. Planning Practice Guidance states that Local Planning Authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis. A Transport Assessment or revised School Travel Plan is not normally required for minor development proposals such as this and in this case the application did not need to be accompanied by a Transport Assessment or a revised School Travel Plan. It was however accompanied by sufficient information to assess the highway impacts of the development. Furthermore, Transportation Planning has not requested that a Transport Assessment be provided to go with the application. Notwithstanding this, the applicant was asked to provide further information to clarify their proposal in relation to the level of community use expected.
98. The applicant has not submitted an air quality impact assessment for the proposal. However, as the proposal is not regarded as a significant traffic generating proposal and as it has not attracted objection from Sevenoaks District Council, on air quality grounds, I consider that the proposal is not likely to give rise to additional negative air quality impacts sufficient to require mitigation measures to be incorporated into the design. Controls over dust during temporary construction activity can be controlled by condition.
99. The design of the proposed extension has been undertaken to include various sustainable measures so that the scheme would accord with the principle of BREEAM Very Good. These would include compliance with building regulation requirements. The proposal would be heated by air source heat pumps. There would be local mechanical ventilation units fitted with local mechanical heat recovery units in kitchen and toilet areas. All areas would be naturally ventilated. Hot water supply would be by means of local instantaneous units. The design avoids large areas of south or west facing glazing and the general principles of minimising carbon dioxide emissions and avoiding internal overheating; efficient use of natural resources and materials used in construction are followed.
100. An area for photovoltaic panels has been identified on the roof slope of the building, hidden by the parapet and this would provide between 25% and 80% reductions in carbon emissions.
101. Although the County's education developments are not officially promoted through the BREEAM process, it is considered that this scheme would accord with the aims of Policy SP2 of the Core Strategy, where institutional development is required to meet the 'very good' rating.

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Accuracy / misleading information within the application

102. The proposal has given rise to some concern and/or confusion regarding the nature of the development and its use. This particularly relates to the proposed hours; the use by Amherst School; the use of the drop off loop; the proposed community uses and whether it is for the school core function or for additional income generation by lettings for the community and extension of the breakfast and afterschool club.
103. The applicant's state that the proposal would enable existing lettings to be arranged without disruption to the main school building facilities with greater security and without raising possible safeguarding issues. The applicants state that they have no plans to significantly increase overall community usage and clarification has been sought on this.
104. It is noted that where the application contains inconsistencies or items that need to be clarified where necessary I have sought additional information and/or clarification from the applicant. These matters are discussed elsewhere in this report, in relation to proposed hours, Amherst School, greater detail on community uses and the use of the drop off / pick up loop, walking buses and parking provision.
105. In addition, the applicant has clarified the purpose and the times that photos of the A25 were taken in the design and access statement as being to demonstrate the limited visual impact of the building rather than the parking. They say the photos were taken between 1030 am and 1115am on Thursday 19th September 2019 and not on a Sunday.
106. In particular, there has been concern about the extent of the proposed hours of use and concern that the proposed hours detailed in the application might be extended or were inaccurate. The applicant has clarified the proposed hours of use in relation to the proposed activity hall as detailed in paragraph 18 above. I am satisfied that the proposed hours, including the occasional periods of longer opening hours could be controlled using a condition and that the number of occasions in the school year when extended opening could take place within the activity hall can be limited.
107. It should also be noted that this proposal does allow some control over the hours of operation in connection with the use of the proposed activity hall but it does not provide any control over the hours of use of the existing buildings at the site. Should the School wish to amend hours of use of the new activity hall beyond those set out in the application, they would need to make a fresh planning application to do so despite the fact that the main school site hours are not limited by condition in this way. Any such application would be considered on its own merits.

Noise

108. Concerns have been raised by local residents about additional noise impacts arising from the proposal. These relate to noise from traffic and congestion, and from children on their journey to school as well as from use of the proposed hall late at night from community uses.
109. The proposal is approximately 50m from the nearest housing which is beyond Cold Arbour Road to the west and approximately 50m to the nearest housing to the north and north west which is separated by the A25. To the south the nearest housing is approx. 280m away. I am satisfied that the proposal would not give rise to significant late-night noise from music given the limited evening use of the proposal and that the activities

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during school term time would not significantly add to the existing noise environment locally given that the activities already take place at the school. During the school holiday time the uses are limited during weekday hours and, whilst noise survey information has not been submitted, I do not consider it likely that it would be so significant as to adversely impact on the locality.

110. Furthermore, the proposal has not attracted objection from the District Council in relation to noise impacts given its location near to the existing school building and the uses proposed.

Residential amenity

111. There have been concerns raised from residents that the proposal would result in a loss of privacy and amenity as a result of congestion and parking impacts at school collection and pick up time.
112. Given that the proposed site is well screened from the nearest residential properties and that this is a single storey building, I do not consider that there would be any overlooking impacts to neighbours in relation to privacy as a direct result of the proposal. I do not consider that the indirect impacts to privacy as a result of car users using the A25 and local roads and parking outside residential property would be sufficient to warrant refusal of the proposal given that use of the highway network and parking within unrestricted areas could take place in any event at any time and it is unrealistic to expect that there would be no use of the surrounding highway in connection with a School.

Effect of neighbouring conservation area and heritage matters

113. Concern has been raised regarding potential impacts from congestion and parking on the Riverhead Conservation Area. The school entrance is located 285m to the west of Riverhead Conservation Area. Given that the District Council and the County Council Conservation Officer have not raised any concerns relating to the impact of the proposal on the Conservation Area or to any of the nearest listed buildings (at the Old Meeting House some 120m away from the proposed development site); I do not consider that the proposal would have a direct adverse impact to the setting of the Conservation Area at Riverhead, nor the other Conservation Areas at Chipstead Green and Bessels Green.
114. I also do not consider that the proposal gives rise to significant additional traffic generation given the absence of adverse comments from the Transportation Planning and therefore do not consider that the impact to the Conservation Area in Riverhead as a result of the proposal would be sufficient to refuse the proposal in relation to the impacts to heritage assets.
115. The proposal is located in an area where there is potential to contain remains associated with early Prehistoric activity, including Palaeolithic flint artefacts and bone and, in view of this potential, I consider a prior to the commencement of development condition on any forthcoming consent could address the requirement for archaeological field evaluation works to ensure that any features of archaeological interest are properly examined and recorded.

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

Loss of trees and biodiversity matters

116. The application includes a preliminary ecological appraisal and Arboricultural Impact Assessment and Tree Protection Specification.
117. I have consulted the County Council Ecological Advice Service who advise that the ecological information submitted shows that there is unlikely to be significant ecological impacts from the works as the area consists of mostly hardstanding and suitable habitat for protected species is not prominent on-site. They advise that as habitats are present on and around the site that provide opportunities for breeding birds, any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds and I am satisfied that these measures can be required by Informative, as requested by the Ecological Advice Service, should permission be granted. I am also satisfied that the proposed ecological enhancements (bat and bird boxes) can be required by condition along with the submission of further details of how the development will enhance biodiversity.
118. The proposal does require the removal of three individual trees and six groups of trees and part of one group. These are specified in the information within the application and none are considered to be of high value. The applicant proposed that their loss be mitigated through provision of a landscape scheme that would serve to provide a greater visual amenity and ecological value than the trees that would need to be lost. Tree protection measures are proposed in relation to other trees within the application area.
119. The removal of trees has attracted neighbour objection. However, given the educational need for the proposal and that Sevenoaks District Council response includes their views in relation to the removal of the trees, and does not result in objection to the proposal, I am satisfied that the development is acceptable in this regard. I consider that replacement tree planting and the future management of the remaining trees on site can be required by condition.

Design

120. A neighbour comment objects to the proposed design in terms of its location in front of the building line and the harmony with the existing building at the site. Given that the existing building was of an award-winning design and located within the Green Belt I have consulted the County Council Heritage Conservation Service on the proposal and at the time of pre-application advice on other design options.
121. The existing building design incorporates a low ridge height, curved lines and a 'living' roof – features which together enabled the new building to gain planning approval in 1999, whereas this proposal is for a freestanding building modular construction.
122. In relation to the proposal, the Heritage Conservation Service consider that the design incorporates the comments arising from pre-application advice in relation to the proposed colour palette and colour panel sizes and that no objection is raised. There is also no objection from the District Council in relation to the proposed design, who in their report state that the building fits well with the existing development on the site, and

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

given its positioning (and screening on the north and west boundaries), it is not widely visible from the public realm. It is considered that the design of the building is acceptable and would not harm the character and appearance of the area.

123. I consider that overall the proposed building is considered to be of a form appropriate to its setting and I do not consider that the proposal detracts from the design of the existing building. Whilst the building sits slightly forward of the front of the existing building, its location has been designed to fit in with the existing on-site screening within the car park and I do not consider that this would warrant refusal of the proposal.
124. Furthermore, I consider that the proposal does not result in any loss of green space at the site and does not impact on playing field land. I therefore conclude that the design is acceptable in planning policy terms.

Other matters

125. I consider that disruption to education during construction is capable of being managed by the applicant by the timing of works during school holiday time and the risk of injury during the construction process is a health and safety matter that would need to be addressed by the school during the construction period. Temporary impacts as a result of construction such as construction noise, dust, hours of construction work can, in my view, be controlled by planning condition.
126. I also consider that a condition can be used as requested by the Environment Agency, to address any risks associated with past contamination of the site which is located above a historic landfill and in relation to the restriction of drainage systems for infiltration of surface water to the ground and piling or any other foundation design using penetrative methods.
127. Neighbours have expressed concern about the extent of publicity that has been given to this application indicating the publicity carried out by Kent County Council as Planning Authority is insufficient and less than that carried out for the original proposal for relocation of the school to the current location.
128. As detailed in paragraph 26 above, the application was publicised by site notice, newspaper notice, publicity via the Kent County Council website and by Sevenoaks District Council on their own website as well as individual neighbour notification to all properties located within 90m of the school site. This meets the legal requirements for publicity of a planning application and the requirements set out in the Kent County Council Statement of Community Involvement for publicity of a planning application and is in my view appropriate for a minor development proposal at an existing school site.
129. Publicity carried out in 1999 and 2000 was to a greater number of properties, given that the proposal for a new school site at Riverhead at that time and was a major development proposal.
130. The location of the posting of the Site Notice has also been queried, as one resident considers that it should have been posted at the most used pedestrian crossing. The Site Notice was posted in an appropriate location near to the school entrance and between the two pedestrian crossings. This meets the legislative requirements.

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

131. In keeping with planning practice guidance, the applicants have undertaken pre-application engagement and that is detailed in the planning application. However, the extent of pre-application engagement with the local community is a matter for the applicant given that pre-application engagement with the community is encouraged but is not mandatory for this type of proposal.
132. It has also been suggested that the consultation period should be extended. The publicity carried out by the County Council meets the statutory requirements for publicity of a planning application. It should be noted that planning decisions should be made without delay where they accord with the development plan unless material considerations indicate otherwise.
133. Furthermore, the planning application is not flawed because it contains the use of the hall for existing pupils as well as for the wider community use. Whilst it may be possible to deal with both issues separately, there are no policy grounds for refusing the proposal on this basis.
134. In addition, Chevening Parish Council, who did not object to our original consultation about the proposal, did comment on the purpose of our consultation with them in relation to the additional information submitted by the applicant (ie the supplementary statement), if there was no impact on the overall amount of parking and to the drop off loop. Additional consultation was carried out with the statutory consultees as a result of the additional information being submitted. The comments of both Chevening and Riverhead Parish Council have been taken account of in the discussion above concerning highways impacts.

Conclusion

135. This proposal seeks to provide additional flexible space to meet the needs of the curriculum and the associated space requirements for the number of pupils at the school. It seeks to provide better facilities for the existing breakfast and afterschool clubs and to improve the facilities available for existing community lettings at the school and to provide opportunities for more holiday club and community use activities outside of school term time. The proposal does not seek to increase the school roll and there is no change to the number of parking spaces at the site. It 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 educational facility to meet community needs in respect of the number of children at the school whilst also seeking to accommodate shared use of the proposed facilities linked to the provision of extended services.
136. 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, strong

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support for the provision of school places is heavily embedded within the NPPF and local planning policy, and this development would satisfy a required need for hall, dining and PE space. 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.

Recommendation

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

- The standard 3 year time limit;
- The development be carried out in accordance with the permitted details;
- Submission of details of external materials;
- Measures to protect existing trees during construction, including as set out in the Arboricultural method and impact statement;
- Condition concerning preliminary risk assessment; site investigation; options appraisal and remediation strategy and verification plan and report to meet Environment Agency requirements concerning the potential for historic land contamination and the protection of controlled waters;
- Concerning unforeseen contamination found during development; restriction of infiltration of surface water drainage into the ground and restriction of piling or any other foundation designs using penetrative methods to address comments raised by the Environment Agency;
- Submission of a Construction Management Plan;
- Limiting construction hours to between 0800 and 1800 Monday to Friday and 0900 to 1300 Saturday with no work on Sunday or Bank Holidays;
- Measures to control dust during construction;
- Provision prior to occupation and then permanent retention of relocated vehicle car parking spaces;
- Annual review of the School Travel Plan with submission via Jambusters;
- Submission of external lighting details;
- Submission of details of ecological enhancements within 6 months of works commencing;
- Submission of details of proposed landscape planting to include native species and suitability for bee pollination where appropriate;
- Submission of details of archaeological field evaluation works specification and timetable prior to the commencement of the development;
- Controls over the hours of use for the proposed hall during School term time as follows:

Monday to Friday:	07:50 to 18:15 hours;
Saturday:	09:00 to 14:00 hours;
Sunday/Bank Holiday:	no use;

With the exception of the following:

- access for cleaners and staff between 0630 and 2000 hours on Monday to Friday;

Item D1

Single storey activity hall on existing car park and relocation of 11 parking spaces at Riverhead Infants School, Worships Hill, Riverhead, SE/19/3123 (KCC/SE/0239/2019)

- on no more than 12 occasions per year during School term time:
Monday to Friday: 07:50 to 21:00 hours;
- on no more than 1 occasion per year during School term time:
Saturday: 07:00 to 18:00 hours;
Sunday/Bank Holiday: 07:00 to 16:00 hours;
- on no more than 2 occasions per year during School term time:
Sunday/Bank Holiday: 09:00 to 14:00 hours.
- Controls over the hours of use for the proposed hall outside of School term time as follows:
Monday to Friday: 09:00 -16:00 hours;
Saturday: No use;
Sunday/Bank Holiday: No use.
- Requirement for the drop off/pick up loop and all of the 43 parking spaces within the site to be used in connection with the use of the activity hall including the breakfast and afterschool club during school term time and for the community use of the activity hall during School Term time and outside of School Term time.

I FURTHER RECOMMEND THAT THE Applicant BE ADVISED of the following Informatives relating to:

- nesting birds and timing of works;
- developer consultation with the relevant water companies;
- allocation of the two spaces accessed off the drop off loop.

Case Officer: Mrs Hazel Mallett

Tel. no: 03000 413411

Background Documents: see section heading

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

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

Background Documents - The deposited documents.

- DO/19/656 A change of use of land to operational wastewater pumping station and construction and operation of an equipment kiosk, odour control plant, associated areas of hardstanding, security fencing and landscaping.
Whitfield Pumping Station, Sandwich Road, Whitfield, Dover, Kent CT16 3LA
Decision: Permitted
- DO/19/1102 Change of use of land to operational wastewater pumping station; ancillary
above-ground plant and installation of security boundary fencing.
Land to the rear of 'The Crescent', Snowdown, Dover, Kent, CT15 4JP
Decision: Permitted
- DO/19/1208 Section 73 application to vary Condition 9 of planning permission DO/03/477 to allow the operation of the TW Services Waste Management and Processing Centre to take place on Saturday afternoons (until 17:00 hours and Bank/Public Holidays during the hours of 07:00 - 17:00 hours.
Richborough Hall, Ramsgate Road, Sandwich, Kent CT13 9NW
Decision: Permitted
- DO/19/1211 Section 73 application to vary condition 14 of planning permission DO/10/954 to allow for the operation of the TW Services Waste Management and Processing Centre to take place on Saturday afternoons (until 17:00) and Bank/Public Holidays during the hours of 07:00-17:00 hrs.
Richborough Hall, Ramsgate Road, Sandwich, Kent CT13 9NW
Decision: Permitted
- SE/19/2180 Cessation of Existing Waste Transfer Station and Development of a New Waste Transfer Station (Amendment to Planning Permission SE/12/2790).
Dunbrik Composting Station, 2 Main Road, Sundridge, Kent, TN14 6EP
Decision: Permitted
- SW/18/502827/R19 Final details of the improvements to the route currently used as an alternative to footpath ZF1 pursuant to Condition 19 of planning permission SW/18/502827.
East Kent Recycling, Site D, Oare Creek, Faversham, Kent ME13 7TX
Decision: Approved

- SW/19/504616 Section 73 application to vary condition 6 of planning permission SW/18/500195 (to allow for a revised phasing and restoration scheme) and seeking approval of details pursuant to conditions 33, 41 & 43 (relating to noise mitigation measures, drainage and habitat management and monitoring).
Orchard Farm, School Lane, Iwade, Sittingbourne, Kent, ME9 8QH
Decision: Permitted
- SW/19/504919 Construction of a footbridge to provide safe staff access from the Ridham Dock Biomass Facility to the SUDS pond.
MVV Environment Services, Ridham Dock Biomass Facility, Lord Nelson Road, Ridham Dock, Iwade, Sittingbourne, Kent ME9 8SR
Decision: Permitted
- TW/19/1693/R A Non material amendment to introduce a grid entry unit package at Knoxbridge Farm, Cranbrook Road, Staplehurst, Kent, TN17 2BT
Decision: Approved

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

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

Background Documents – The deposited documents.

- AS/15/648/RA Application for a Non Material Amendment; fenestration & landscape changes.
Finberry Primary School, Avocet Way, Finberry, Sevington, Ashford, Kent TN25 7GS
Decision: Approved
- AS/15/648/R25 Details of Phase 2 Construction Management Strategy pursuant to Condition 25 of planning permission AS/15/648.
Finberry Primary School, Avocet Way, Finberry, Sevington, Ashford, Kent TN25 7GS
Decision: Approved
- DA/19/1244 Section 73 application to vary Condition 2 and Schedule 1 of planning permission DA/18/0039 regarding amendments to the external materials, changes to the fenestration and roof parapet levels.
Wilmington Academy, Common Lane, Wilmington, Dartford, Kent DA2 7DR
Decision: Permitted

DA/19/1380	<p>Section 73 application to vary Condition 2 and Schedule 1 of DA/18/0094 to allow for alterations to the roof design, elevations and materials of the approved building.</p> <p>Wilmington Grammar School for Girls, Parsons Lane, Wilmington, Kent DA2 7BB</p> <p>Decision: Permitted</p>
FH/19/1362	<p>Renewal of planning permission for a mobile unit (5 yearly).</p> <p>Saltwood Church Of England Primary School, Grange Road, Saltwood, Hythe, Kent CT21 4QS</p> <p>Decision: Permitted</p>
GR/16/1061/R15	<p>Details of a Community Use Agreement pursuant to condition 15 of planning permission GR/16/1061.</p> <p>St Johns RC Primary School, Rochester Road, Gravesend, Kent, DA12 2SY</p> <p>Decision: Approved</p>
GR/16/1061/RVAR	<p>Details of a scheme of landscaping, cycle and scooter parking, an updated school travel plan and the maintenance management plan of the approved SUDS scheme pursuant to conditions 4, 10, 11 & 14 of planning permission GR/16/1061.</p> <p>St Johns RC Primary School, Rochester Road, Gravesend, Kent, DA12 2SY</p> <p>Decision: Approved</p>
GR/17/674/R18	<p>Details of the maintenance and management of the approved Surface Water Drainage Strategy pursuant to condition 18 of planning permission GR/17/674.</p> <p>St Georges Church Of England School, Meadow Road, Gravesend, Kent, DA11 7LS</p> <p>Decision: Approved</p>
GR/19/1121	<p>Installation of a temporary single storey Portakabin classroom building to be hired for a period of 3 years.</p> <p>Meopham School, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH</p> <p>Decision: Permitted</p>
SE/18/1726/R	<p>Non-material amendment to planning permission SE/18/1726 to retain existing coping to rooftop extension and to increase sill heighting to all glazing within second floor extension to sit above retained coping.</p> <p>Trinity School, Seal Hollow Road, Sevenoaks, Kent TN13 3SL</p> <p>Decision: Approved</p>
SE/18/1726/R4	<p>Details of a Landscaping and Tree Planting Scheme pursuant to Condition 4 of planning permission SE/18/1726.</p> <p>Trinity School, Seal Hollow Road, Sevenoaks, Kent TN13 3SL</p> <p>Decision: Approved</p>

SE/18/1726/R23 (Part 2)	<p>Details of a Construction Management Plan relating to the remaining phases of the development pursuant to condition 23 of planning permission SE/18/1726. Trinity School, Seal Hollow Road, Sevenoaks, Kent TN13 3SL Decision: Approved</p>
TH/19/1651	<p>Proposed renewal of temporary planning permission for the mobile staffroom unit. Garlinge Primary School and Nursery, Westfield Road, Margate, Kent CT9 5PA Decision: Permitted</p>
TH/19/1658	<p>Proposed renewal of temporary planning permission for the mobile unit in use as a family liaison office. Garlinge Primary School and Nursery, Westfield Road, Margate, Kent CT9 5PA Decision: Permitted</p>
TW/17/3344/R19	<p>Details of a Habitat Management & Biodiversity Strategy pursuant to Condition 19 of planning permission TW/17/3344. Land south of Rolvenden Road, Benenden, Cranbrook, Kent TN17 4DN Decision: Approved</p>
TW/17/3344/R20	<p>Details of a Community Use Scheme pursuant to Condition 20 of planning permission TW/17/3344. Land South of Rolvenden Road, Benenden, Cranbrook, Kent TN17 4DN Decision: Approved</p>
TW/18/2548/R6	<p>Details of Drainage pursuant to condition 6 of planning permission TW/18/2548. Tunbridge Wells Boys Grammar School, St Johns Road, Tunbridge Wells, Kent TN4 9XB Decision: Approved</p>
TW/19/239/R4	<p>Details of external materials pursuant to Condition 4 of planning permission TW/19/239. Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells, Kent TN4 9SH Decision: Approved</p>
TW/19/239/R22	<p>Details for Construction Management Plan pursuant to Condition 22 of planning permission TW/19/239. Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells, Kent TN4 9SH Decision: Approved</p>

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

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/CA/0281/2019 Installation of a new weighbridge office, firetank, pumphouse and retaining wall to facilitate the change of waste operation from a refuse derived fuel processing facility to a waste transfer station.
Unit 3, Canterbury Industrial Park, Island Road, Hersden, Canterbury, Kent CT3 4HQ
- KCC/DA/0253/2019 Regularisation and extension of the existing Green Waste Composting (GWC) facility and construction and operation of a biomass combined heat and power (CHP) plant for the processing of up to 5,200tpa of locally sourced green waste and timber and associated facilities and landscaping.
St Margarets Farm, St Margarets Road, South Darenth, Dartford, Kent DA4 9LB
- DO/19/1208 Section 73 application to vary Condition 9 of planning permission DO/03/477 to allow the operation of the TW Services Waste Management and Processing Centre to take place on Saturday afternoons (until 17:00 hours and Bank/Public Holidays during the hours of 07:00 - 17:00 hours
Richborough Hall, Ramsgate Road, Sandwich, Kent CT13 9NW
- DO/19/1211 Section 73 application to vary condition 14 of planning permission DO/10/954 to allow for the operation of the TW Services Waste Management and Processing Centre to take place on Saturday afternoons (until 17:00) and Bank/Public Holidays during the hours of 07:00-17:00 hrs.
Richborough Hall Transfer And Recycling Centre, Ramsgate Road, Sandwich, Kent CT13 9NW
- KCC/SCR/DO/0241/2019 Request for a Screening Opinion as to whether the proposed Bus Rapid Transit Route requires an Environmental Impact Assessment.
Land to the north of Dover town centre to Whitfield, Kent
- KCC/SW/0243/2019 Full planning permission for use of land for use as an inert materials processing facility for soil washing including installation of associated plant, drainage and earthworks.
Vacant land at Church Marshes, Sittingbourne, Kent ME10 2QE

KCC/TM/0260/2019 Erection of a new primary school and nursery with associated hard and soft landscaping, Multi use games area, boundary fences and associated works.

Land North of Platinum Way, St Mary's Platt, Sevenoaks, Kent, TN15 8JE

- (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:-

KCC/SE/0223/2019 Section 73 application to vary permission SE/17/3215 (and subsequent amendments SE/83/1511, SE/96/903 and SE/02/1636) to enable an extension of time to restore the quarry (formerly known as Squerryes Sandpit) until 31 October 2021.

Covers Quarry, Westerham, Kent

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

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

Background Documents -

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

None

SECTION F KCC RESPONSE TO CONSULTATION

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

KCC Response to Consultations

Reports to Planning Applications Committee on 5 February 2020.

These reports set out KCC's responses to consultations.

Recommendation: To note the reports

Unrestricted

1. Introduction and Supporting Documents.

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

F1 19/00025/AS Location - Land between railway line and Willesborough Road, Kennington, Kent. Proposal - 'Hybrid planning application seeking: outline planning permission (all matters reserved except for points of access) for up to 437 dwellings; formal and informal open space incorporating SuDS; and associated services, infrastructure and groundworks; and (ii) full planning permission for the erection of 288 dwellings; the creation of serviced plot of land to facilitate the delivery by Kent County Council of a two-form entry primary school with associated outdoor space and vehicle parking; a new Bowls Centre including a clubhouse of 292 sq m, ancillary buildings and a bowling green; a local centre to provide 280 sq m of A1 (retail), 180 sq m of A1 (retail foodstore) , 100 sqm A3 (café), 75 sq m A5 (takeaway), 190 sq m D2 (gym/fitness studio space), open space incorporating SuDS; vehicle parking; and associated services, structural landscaping, infrastructure and groundworks. **SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT******
County Council's response to Ashford Borough Council on the above

F2 Tonbridge and Malling Borough Local Plan - Additional Information Consultation

County Council's response to Tonbridge and Malling Borough Council on the above

F3 Canterbury District Local Plan Review - Draft Sustainability Appraisal and Strategic Environmental Assessment Scoping Report

County Council's response to Canterbury City Council on the above

F4 Ash Parish Council Neighbourhood Development Plan - Regulation 14
County Council's response to Dover District Council and Ash Parish Council on the above

F5 Gravesham Borough Council Local Validation List (Local List) of Validation Requirements for Planning Applications

County Council's response Gravesham Borough Council on the above

F6 Folkestone & Hythe District Council - Core Strategy Review Submission Draft 2019 Consultation – Proposed Amendments

County Council response to Folkestone & Hythe District Council as Public Right of Way Authority - December 2019

F7 Folkestone & Hythe Core Strategy Review Submission Draft 2019 consultation on Revised Housing Requirement

County Council response to Folkestone & Hythe District Council on the above

F8 SE/19/02616 for 850 homes at Stonehouse Park, Broke Hill Golf Course, Halstead, Sevenoaks.

County Council response to Sevenoaks District Council on the above

F9 TM/13/01535/OAEA (Phase 3, Kings Hill). The application includes details of a Landscape Strategy pursuant to Condition 23 (partial discharge), Landscaping Scheme pursuant to Condition 24 (partial discharge) and details of external lighting pursuant to Condition 33 (partial discharge) of the same Consent

County Council response to Tonbridge and Malling Borough Council on the above

F10 SE/19/05000/HYB Location - DSTL Fort Halstead Crow Drive Halstead Sevenoaks KENT TN14 7BU Proposal - Hybrid application comprising, in outline: development of business space (use classes B1a/b/c) of up to 27,659 sq m GEA; works within the X enclave relating to energetic testing operations, including fencing, access, car parking; development of up to 750 residential dwellings; development of a mixed use village centre (use classes A1/A3/A4/A5/B1a/D1/D2); primary school; change of use of Fort Area and bunkers to Historic Interpretation Centre (use class D1) with workshop space and; associated landscaping, works and infrastructure. In detail: demolition of existing buildings; change of use and works including extension and associated alterations to buildings Q13 and Q14 including landscaping and public realm, and primary and secondary accesses to the site.

County Council response to Sevenoaks District Council on the above

Recommendation: To note the reports

Background documents; As set out in the reports.



Ashford Borough Council

Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 16 January 2020

Application - 19/00025/AS

Location - Land between railway line and, Willesborough Road, Kennington, Kent.

Proposal - 'Hybrid planning application seeking:

outline planning permission (all matters reserved except for points of access) for up to 437 dwellings; formal and informal open space incorporating SuDS; and associated services, infrastructure and groundworks; and (ii) full planning permission for the erection of 288 dwellings; the creation of serviced plot of land to facilitate the delivery by Kent County Council of a two-form entry primary school with associated outdoor space and vehicle parking; a new Bowls Centre including a clubhouse of 292 sq m, ancillary buildings and a bowling green; a local centre to provide 280 sq m of A1 (retail), 180 sq m of A1 (retail foodstore) , 100 sqm A3 (café), 75 sq m A5 (takeaway), 190 sq m D2 (gym/fitness studio space), open space incorporating SuDS; vehicle parking; and associated services, structural landscaping, infrastructure and groundworks. **SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT******

Dear Eileen,

Thank you for the consultation on the transport technical note, local model validation report and the various site layout plans as dated 9th and 10th January 2020 on the Ashford Borough Council Planning web-site. I have the following comments to make in respect of highway matters:-

Technical Note

KCC Comment 3 - The southbound bus stop has now been moved further north west along Willesborough Road so that it is adjacent to the northbound bus stop to address concerns raised in the Stage 1 Road Safety Audit about a waiting bus blocking the off-side traffic signal head. This is acceptable to KCC Highways and Transportation.

KCC Comment 5 - Revised refuse vehicle tracking as shown in drawing number 42499-501-007G has now been provided in Appendix A of the technical note to show that a refuse vehicle can turn around in between plots 98 and 99. This is acceptable to KCC Highways and Transportation.

KCC Comment 6 - The VISSIM modelling has been subject to extensive review by KCC's external consultants, Pell Frischmann and is now deemed to be acceptable. A revised Local Model Validation Report (LMVR) has been produced and provides details of the revised modelling that has been undertaken and demonstrates the acceptability of the model for forecasting purposes. This demonstrates that the improvements to the junction of Simone Weil Avenue / Canterbury Road as shown in drawing number 42499_5501_010D together with the installation of a SCOOT (Split Cycle Offset Optimisation Technique) system on all 4 of the traffic signals subject to the VISSIM model will no longer result in the development having a severe impact on the A28 Canterbury Road corridor.

The introduction of SCOOT on all four of the traffic signal junctions will ensure optimisation of all of the signals across the network compared to the current situation whereby each traffic signal junction operates independently from one another. This will improve traffic flow along the A28 corridor. Paragraph 2.14 of the technical note sets out the differences in journey time without the proposed development and then with the development and proposed mitigation. The AM north-east bound movement will be subject to an increased travel time of 6 seconds for the route between Magazine Road and Conningbrook roundabout. This is considered de minimis. For all of the other scenarios (AM south-west bound and PM both ways) the travel time decreases which shows a betterment in the operation of the A28 network. In the PM peak there is a significant betterment of more than three minutes south-west bound towards Ashford town compared to a without development 2030 future year scenario.

KCC Comment 8 - A revised modelling solution has been discussed and agreed with KCC Highways and Transportation to achieve a suitable mitigation scheme for the junction of the Simone Weil Avenue / Canterbury Road. This now provides a betterment to the capacity of the junction when compared to a without development 2030 future year scenario as set out in Appendix E of the technical note. The proposals are therefore acceptable to KCC Highways and Transportation and the mitigation scheme (drawing number 42499-5501-10D) together with the upgrading of all four traffic signal junctions on the A28 Canterbury Road to a SCOOT system is required. These works will need to be delivered by the developer in the form of a Section 278 Highway Agreement prior to the occupation of the first dwelling on site.

KCC Comment 11 - KCC Highways and Transportation wishes to be kept informed of discussions between the applicant and Stagecoach buses regarding the proposed bus service for the site. It should be noted that any Section 106 Agreement should require a commitment by the developer to source a half hourly bus service between the site and Ashford town centre / railway for a period of at least 10 years as previously requested by KCC Highways and Transportation.

KCC Comment 12 - Following in-house discussions at KCC, it is agreed that KCC will adopt the new bridge over the railway line subject to it meeting KCC's technical design standards and the necessary commuted sums for future maintenance. KCC will however expect the applicant to deliver the bridge. Therefore in the event that planning permission is granted a condition will be needed which will require approval of the design of the bridge prior to the occupation of the 150th dwelling and delivery of the bridge prior to the first occupation of Phase 2 or the opening of the primary school (whichever is sooner).

KCC Comment 13 - Further discussions have taken place with Ashford Borough Council regarding whether or not further required plans can be subject to planning conditions in the event that planning permission on the site is granted. It is agreed that the hard and soft landscaping plans, street lighting and services plan can be conditioned, requiring the submission and approval of these plans prior to the commencement of above foundation level works. KCC will not accept any condition suggesting approval of these plans prior to the occupation of any dwellings on site as this is too late to require technical approval of these

details.

KCC Comment 14 - An adoption plan has now been submitted (42499-5501-021 Revision E) which is acceptable to KCC Highways and Transportation and addresses the previous comments raised.

KCC Comment 15 - It is understood that the applicant does not wish to make any further changes to parking layout of the detailed element of the site and Ashford Borough Council are satisfied with the parking layout as submitted. These parking issues are unlikely to create a highway safety issue but could create residential amenity issues. These parking issues are not of a sufficient scale to recommend refusal of the planning application.

Local Model Validation Report

A Local Model Validation Report (LMVR) has now been submitted to accompany the submitted A28 VISSIM model as previously requested by KCC Highways and Transportation. The Local Model Validation Report shows that the model is demonstrated to model the correct volume of vehicles and is therefore validated in respect of vehicle volumes. The validation results also demonstrate that the modelled travel times in all directions are representative of the travel times observed. The Local Model Validation Report is therefore acceptable to KCC Highways and Transportation to base the proposed VISSIM model on.

Cycle Storage

The submitted plan (3053_133E) now addresses my previous concerns regarding the size of the cycle stores and is acceptable.

FORMAL RECOMMENDATION

Taking account of the above issues I therefore have now have no objections to the application subject to the following conditions being attached to any planning permission granted and the required Section 106 Legal Agreement:

OUTLINE

1) Submission of a Construction Management Plan before the commencement of any phase of development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

2) The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority.

3) Completion of the highway mitigation scheme for the junction of Simone Weil Avenue / A28 Canterbury Road as shown in drawing number 42499_5501_010 Revision D prior to the occupation of the first dwelling on site.

4) Installation of a SCOOT system for the following traffic signal junctions:

- Magazine Road / A28 Canterbury Road
- Simone Weil Avenue / A28 Canterbury Road
- Bybrook Road / A28 Canterbury Road
- George Williams Way / Faversham Road / A28 Canterbury Road

prior to the occupation of the first dwelling on site in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

5) Completion of the highway mitigation scheme for the junction of the William Harvey Hospital roundabout as shown in drawing number 42499_5501_020 prior to the occupation of the first dwelling on site.

6) Completion of the access points together with the proposed toucan crossing across Willesborough Road, central pedestrian island on Willesborough Road and re-location of the existing bus stops as shown in drawing number 42499_5501_013 Revision D prior to the occupation of the first dwelling on site.

7) Completion of the new footway on the eastern side of Willesborough Road up to the access to the Julie Rose Stadium as shown in drawing number 42499_5501_013 Revision D prior to the occupation of the first dwelling on site.

8) Submission and approval of technical details of the pedestrian / cycleway bridge over the railway line by the Local Planning Authority in consultation with the Local Highway Authority prior to the occupation of the 150th dwelling on site. The bridge shall be delivered and opened for use by the general public prior to the first occupation on Phase 2 or opening of the Primary School (whichever is sooner).

FULL

1) Submission of a Traffic Regulation Order for the proposed the double yellow lines on the main spine road as shown in drawing number 42499-5501/022 Revision B prior to the occupation of the first dwelling on site.

2) Provision of the submitted visibility splays at each junction as shown in drawing number 42499/5501/024 Revision A prior to each junction permitted hereby being brought into use.

3) A combined soft landscaping plan and street lighting plan shall be submitted prior to the commencement of development on site. The submitted plans shall be approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior the commencement of above foundation level works

4) A services plan shall be submitted prior to the commencement of development on site. The submitted plans shall be approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior the commencement of above foundation level works.

5) A hard landscaping plan shall be submitted prior to the commencement of development on site. The submitted plans shall be approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the commencement of above foundation level works.

6) Provision and permanent retention of the vehicle parking spaces as shown on the submitted

plan (3053_020 Revision O) prior to the occupation of each dwelling that the parking spaces serve.

7) Provision and permanent retention of the vehicle turning facilities as shown on the submitted plan (42499_5501_007 Revision G) prior to the occupation of dwellings for which the turning areas serve.

8) Provision and permanent retention of the cycle parking facilities as shown on the submitted plans (3053_133 Revision E and 3053_020 Revision O) prior to the occupation of each dwelling for which the cycle parking facilities serve.

9) Provision and permanent retention of the vehicle parking spaces, motorcycle spaces and cycle parking spaces as shown on the submitted plan (3053_020 Revision O) prior to the occupation of any of the units within the local centre.

10) Provision and permanent retention of the vehicle parking spaces, motorcycle spaces and cycle parking spaces as shown on the submitted plan (3053_020 Revision O) prior to the bowling centre hereby permitted being brought into use.

11) Submission of a Traffic Regulation Order for the proposed loading bay for the local centre prior to the occupation of any development on site.

12) Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

(a) Footways, with the exception of the wearing course;

(b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

13) Provision and permanent retention of an electric vehicle charging point for each house and 10% of the total car parking provision for the local centre, apartments and bowling centre in accordance with details to be submitted to and approved by the Local Planning Authority.

SECTION 106 LEGAL AGREEMENT REQUIREMENTS

1) The required travel plan should be secured through the Section 106 Legal Agreement for the site. KCC Highways and Transportation will require a robust monitoring regime over a 10 year period (from the date of the occupation of the 75th dwelling) so that the number of vehicle movements associated with the development can be assessed yearly over a 10 year period to ensure that the actual number of movements is not greater than those predicted in the Transport Assessment. Should vehicle movements be greater than predicted then there will need to be financial penalties to be agreed with the Local Highway Authority to further encourage the use of sustainable transport from the site. Therefore on-site multi-modal counts will be required at the vehicle and pedestrian site access points at yearly periods over that 10 year monitoring period. Upon final occupation of the last dwelling on-site and all of the units in the local centre, the applicant will be required to undertake a fully complaint TRICS survey for the site including for the proposed residential and non-residential uses. This should be sent to TRICS for validation to enable this site to be uploaded to the TRICS database. The travel plan should be secured through the proposed Section 106 Agreement together with a £10,000 monitoring fee (£1,000 per annum over a 10 year period) so that KCC Highways and Transportation can effectively monitor the travel plan to ensure that the initial trip rates are met.

2) Provision of a half hourly bus service between the site and Ashford Town Centre /

International Railway Station. The bus service and loop road within the site must be provided after the occupation of 50 dwellings on site and provided for a minimum period of 10 years in order to ensure that a bus service is running for the whole build out period of the site.

INFORMATIVE:

All works within the highway will be subject to a Section 278 Highway Approval process with KCC Highways and Transportation.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Matt Hogben

Principal Transport & Development Planner

View Response

Response Details

From [Kent County Council \(Strategic...](#)

Date Started: 04 Dec 2019 12:44. Last modified: 20 Dec 2019 10:29

Status Complete

Response ID #767774

1

Did you respond to the Council's Regulation 19 Consultation?

You must provide an answer to this question.

Yes

No

Your Respondent ID Number

As you have stated you previously responded to the Council's Regulation 19 Consultation, held last autumn.

The Council asks you provide your reference number that was allocated to you, when you responded at the Regulation 19 consultation. This will allow the Council to link your representation at Regulation 19, with your response to this consultation.

Please put your reference number in the box below.

IMPORTANT:

If you do not know your reference number, please use the following link to find your reference number: [Regulation 19 Local Plan Representations \(Redacted\)](#).

Using the link above you will be able to search for your reference number.

On the page you will be presented with two search boxes (pictured below). Please use the second search box, you can either search your Forename, Surname or Postcode, then click 'Search'

Select a policy from the list:

Please select

or, enter an organisation/individual name or postcode to search

reference number or surname or forename or postcode

You will then be presented with all respondents with the value you searched (forename, and surname of postcode). Your reference number is the 13 or 14 digit sequence, which appears next to your name. Below are three examples of a reference number:

2018/00000100

2018/00000101E

2018/00000102L

*If you notice your name is duplicated in the search, this is because you may have made more than one representation, during the Regulation 19 consultation. However your reference number, remains the same.

Please provide your Regulation 19 Respondent ID number in the box below

You must provide an answer to this question.

2018/00005058L

Please note

Please note the following question is in relation to the material that has been produced post submission.

These documents are available via the [TMBC Local Plan Examination documents page](#) and are listed below for reference :

Evidence

- ED3/ED3A-E -Landscape and Visual Impact Appraisal
- ED4/ED4A - A20 VISUM highway reports
- ED5 - M26 Jn2a Merge Diverge Highway Assessment report (Feb 2019)
- ED6 - Habitats Regulation Assessment Rev C
- ED13 - Sustainability Appraisal Addendum report

Supporting Documents

- ED8B - Para 116 Topic Paper;
- ED10 - Green Belt Exceptional Circumstances Topic Paper;
- ED12 - Spatial Strategy Topic Paper;
- ED19 - TMBC letter to Inspectors (28.06.19) (Section 5 onwards);
- ED19B -Table 2 Appendix Indicative Development Distribution Table;
- ED19C - Table 3 Settlement Hierarchy Rural Service Centres;
- ED20 - Site Selection Topic Paper – including housing numbers
- ED23 - TMBC covering letter including the responses to the remaining Inspectors' questions (31.07.19) (Section 2 onwards, but not sections 7 and 10);
- ED23A - Appendix 3 Clarification of funding position for critical and essential infrastructure;
- ED25 - Regulation 19 stage: main issues and The Council's responses.

It is advised you read these documents before responding to the question below

2

In light of the material published post submission has your position on any of the following matters (below) changed your view on the Local Plan?

- Soundness
- Legal Compliance
- Duty to Cooperate
- Sustainability Appraisal
- Habitat Regulations Assessment

You must provide an answer to this question.

Yes

No

3.1 Examination Documents Subject to this Consultation

Please select the relevant material that has changed your position on the Soundness of the Local Plan, its Duty to Cooperate, Legal Compliance, Sustainability Appraisal and/or Habitats Regulations Assessment.

Select at least 1 option.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> ED3/ED3A-E -
Landscape and Visual
Impact Appraisal
(Evidence) | <input checked="" type="checkbox"/> ED4/ED4A - A20 VISUM
highway reports
(Evidence) | <input type="checkbox"/> ED5 - M26 Jn2a Merge
Diverge Highway
Assessment report
(Feb 2019) (Evidence) |
| <input checked="" type="checkbox"/> ED6 - Habitats
Regulation Assessment
Rev C (Evidence) | <input checked="" type="checkbox"/> ED13 - Sustainability
Appraisal Addendum
report (Evidence) | <input type="checkbox"/> ED8B - Para 116 Topic
Paper (Supporting
Information) |
| <input type="checkbox"/> ED10 - Green Belt
Exceptional
Circumstances Topic
Paper (Supporting
Information) | <input type="checkbox"/> ED12 - Spatial Strategy
Topic Paper | <input type="checkbox"/> ED19 - TMBC letter to
Inspectors (28.06.19)
(Section 5 onwards)
(Supporting
Information) |

- | | | |
|--|---|--|
| <input type="checkbox"/> ED19B - Table 2
Appendix Indicative
Development
Distribution Table
(Supporting
Information) | <input type="checkbox"/> ED19C - Table 3
Settlement Hierarchy
Rural Service Centres
(Supporting
Information) | <input type="checkbox"/> ED20 - Site Selection
Topic Paper – including
housing numbers
(Supporting
Information) |
| <input type="checkbox"/> ED23 - TMBC covering
letter including the
responses to the
remaining Inspectors'
questions (31.07.19)
(Section 2 onwards,
but not sections 7 and
10) (Supporting
Information) | <input type="checkbox"/> ED23A - Appendix 3
Clarification of funding
position for critical and
essential infrastructure
(Supporting
Information) | <input checked="" type="checkbox"/> ED25 - Regulation 19
stage: main issues and
The Council's
responses (Supporting
Information) |

3.2 Local Plan Policies

Please indicate the Policy, Policies, Sustainability Appraisal and/or Habitats Regulations Assessment, where the material selected (above, Q3.1) has changed your position on the Soundness, Legal Compliance and/or Duty to cooperate of the Local Plan.

Select at least 1 option.

- | | | |
|--|--|--|
| <input type="checkbox"/> LP1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT | <input type="checkbox"/> LP2: STRATEGIC OBJECTIVES | <input type="checkbox"/> LP3: HOUSING PROVISION |
| <input type="checkbox"/> LP4: ECONOMIC PROVISION | <input type="checkbox"/> LP5: SETTLEMENT HIERARCHY | <input type="checkbox"/> LP6: RURAL EXCEPTION SITES |
| <input type="checkbox"/> LP7: TONBRIDGE TOWN | <input type="checkbox"/> LP8: RETAIL DEVELOPMENT | <input type="checkbox"/> LP9: SAFEGUARDING OF COMMUNITY SERVICES AND TRANSPORT |
| <input type="checkbox"/> LP10: INFRASTRUCTURE REQUIREMENTS | <input type="checkbox"/> LP11: DESIGNATED AREAS | <input type="checkbox"/> LP12: AREAS OF OUTSTANDING NATURAL BEAUTY |
| <input type="checkbox"/> LP13: LOCAL NATURAL ENVIRONMENT DESIGNATIONS | <input type="checkbox"/> LP14: ACHIEVING HIGH QUALITY SUSTAINABLE DESIGN | <input type="checkbox"/> LP15: RESIDENTIAL EXTENSIONS |
| <input type="checkbox"/> LP16: SHOPFRONT DESIGN | <input type="checkbox"/> LP17: FLOOD RISK | <input type="checkbox"/> LP18: SUSTAINABLE DRAINAGE SYSTEMS (SUDS) |
| <input type="checkbox"/> LP19: HABITAT PROTECTION AND CREATION | <input type="checkbox"/> LP20: AIR QUALITY | <input type="checkbox"/> LP21: NOISE QUALITY |
| <input type="checkbox"/> LP22: CONTAMINATION | <input type="checkbox"/> LP23: SUSTAINABLE TRANSPORT | <input type="checkbox"/> LP24: MINERALS AND WASTE |

- | | | |
|--|---|--|
| <input type="checkbox"/> LP25: HOUSING ALLOCATIONS - OVERVIEW | <input type="checkbox"/> LP26: HOUSING ALLOCATIONS - POLICY REQUIREMENTS | <input type="checkbox"/> LP27: STRATEGIC SITE - BUSHEY WOOD, ECCLES |
| <input type="checkbox"/> LP28: STRATEGIC SITE - SOUTH AYLESFORD | <input type="checkbox"/> LP29: STRATEGIC SITE - BOROUGH GREEN GARDENS | <input type="checkbox"/> LP30: STRATEGIC SITE - BROADWATER FARM, NORTH OF KINGS HILL |
| <input type="checkbox"/> LP31: STRATEGIC SITE - SOUTH-WEST TONBRIDGE | <input type="checkbox"/> LP32: SAFEGUARDED LAND | <input type="checkbox"/> LP33: AREAS OF OPPORTUNITY |
| <input type="checkbox"/> LP34: EMPLOYMENT SITES AND LAND | <input type="checkbox"/> LP35: EMPLOYMENT LAND: FORMER AYLESFORD NEWSPRINT SITE | <input type="checkbox"/> LP36: EMPLOYMENT LAND ALLOCATIONS |
| <input type="checkbox"/> LP37: OTHER EMPLOYMENT LAND OPPORTUNITIES | <input type="checkbox"/> LP38: TRAVELLERS AND TRAVELLING SHOWPEOPLE | <input type="checkbox"/> LP39: AFFORDABLE HOUSING |
| <input type="checkbox"/> LP40: MIX OF HOUSING | <input type="checkbox"/> LP41: PUBLICLY ACCESSIBLE OPEN SPACE | <input type="checkbox"/> LP42: PARKING STANDARDS |

- | | | |
|---|--|--|
| <input type="checkbox"/> LP43: INTERNAL SPACE STANDARD | <input type="checkbox"/> LP44: WATER EFFICIENCY STANDARD | <input type="checkbox"/> LP45: ACCESSIBILITY AND ADAPTABILITY STANDARD |
| <input type="checkbox"/> LP46: SELF-BUILD AND CUSTOM HOUSE BUILDING | <input checked="" type="checkbox"/> SUSTAINABILITY APPRAISAL | <input checked="" type="checkbox"/> HABITATS REGULATIONS ASSESSMENT |

3.3 Changed Position on the Local Plan

Please explain how your selection (above, Q3.2) has changed your position on the Soundness of the Local Plan, its or the Legal Compliance, Duty to Cooperate, Sustainability Appraisal and/or Habitats Regulations

You must provide an answer to this question.

Please see letter attached as supporting information.

3.3.1 Supporting Information

If you have a further supporting document you wish to submit, please use the link below

You can upload up to 1 file.



[KCC Response to Post Local Plan Submission Consultation - 20.12.19.pdf](#)

4

Do you consider it necessary to participate at the oral part of the examination?

- Yes, I wish to participate at the oral examination
- No, I do not wish to participate at the oral examination



Ms Karen Britton
 Planning Policy Manager
 Planning and Regeneration
 Canterbury City Council
 Council Offices
 Military Road
 Canterbury
 Kent CT1 1YW

Environment, Planning and Enforcement

Invicta House
 County Hall
 MAIDSTONE
 Kent ME14 1XX

Phone: 03000 415673
 Ask for: Francesca Potter
 Email: Francesca.potter@kent.gov.uk

12 December 2019

BY EMAIL ONLY

Dear Karen,

Re: Canterbury District Local Plan Review - Draft Sustainability Appraisal and Strategic Environmental Assessment Scoping Report

Thank you for inviting Kent County Council (KCC) to comment on the Local Plan Review Draft Sustainability Appraisal and Strategic Environmental Assessment Scoping Report

The County Council recognises the function of the Draft Sustainability Appraisal and Scoping Report in setting out baseline information for the Local Plan Review and looks forward to working with Canterbury City Council (CCC) as the Local Plan Review progresses.

KCC has reviewed the relevant consultation document and sets out its comments below, using the headings set out in the consultation document.

2. Methodology

The Local Plan Review should ensure that the Canterbury district remains an environmentally attractive and sustainable area that takes a pro-active approach to climate change.

6. Biodiversity

Key Sustainability Issue

The City Council should make sure that the Local Plan Review contains policies to ensure Biodiversity Net Gain is achieved in the district, in line with requirements set out in the Environment Bill, which had its first reading in Parliament in October 2019.

7. Landscape and Geology

Geology

The Scoping Report (paragraphs 7.12-14) identifies the existence of safeguarded mineral resources and important Regionally Important Geological / Geomorphological sites (RIGS) within the district. Under its 'Key Sustainability Issues', the Scoping Report identifies that there could be tension between identifying development sites and preventing the sterilisation of mineral resources. However, it does not go any further in understanding or explaining the risk.

The County Council, as Minerals and Waste Planning Authority, would advise that an assessment should be carried out within the Sustainability Appraisal and Strategic Environmental Assessment to assess development options against the safeguarding policies of the Kent Minerals and Waste Local Plan (KMWLP). The County Council would like to engage with the City Council further on this matter throughout the Local Plan Review process.

8. Water: Flooding, Quality and Resources

The County Council notes that this section is very high level. KCC recommends that the City Council has consideration of the Water for Sustainable Growth (WfSG) Study and engages further with the County Council as Lead Local Flood Authority.

9. Waste

The County Council welcomes the consideration of waste, centred around local authority collected waste arisings and their management, according to the prescribed Waste Hierarchy. The Scoping Report also considers the potential for construction, demolition and excavation waste resulting from new development. The production and management of commercial, industrial and hazardous wastes in the Canterbury district will need to be addressed and assessed in the production of the Local Plan Review.

The Scoping Report does not make reference to the City Council's waste management capacity and the waste facilities safeguarded by the KMWLP. The City Council will need to have consideration of the need to safeguard waste management facilities and the proximity of new development allocations to such facilities in the production of the Local Plan Review. The County Council also recommends that consideration is given to how the Local Plan Review could contribute to net self-sufficiency in Kent, as this is a fundamental element in delivering sustainable communities. The County Council, as Minerals and Waste Planning Authority, would welcome further engagement with the City Council regarding waste matters.

The inclusion of 'waste' as a topic in the Scoping Report and the recognition of KCC's role as Waste Disposal Authority are welcomed. Existing Household Waste Recycling Centres (HWRC) are generally not currently able to offer reuse facilities. During the Local Plan

Review period, there may be a need for expanded HWRCs to include reuse facilities; KCC, as a Waste Disposal Authority, would welcome further engagement with the City Council on this matter.

10. Population and Human Health

The County Council would draw attention to Sport England Guidance, which should be considered in the preparation of the Local Plan Review.¹ Sport England's strategies are focussed on tackling inactivity and supporting/encouraging under-represented groups to be active. Through the national Active Lives Survey, latest figures from April 2019 show that 25.1% of people nationally are inactive, which can impact negatively on physical and mental health, as well as individual and social/community development. The Local Plan Review process will need to address this issue and seek to provide a mix of formal and informal areas/spaces (indoor and outdoor) where people can be active.

11. Historic Environment

Current Baseline

The Kent Historic Environment Record currently has 674 Locally Listed Buildings listed. This information was entered into Canterbury City Council's Urban Archaeological Database (UAD) some years ago, and it is possible that some listings have since been de-listed. The County Council will confirm this statistic with the City Council and recommends that the UAD is updated to ensure it is a dependable resource.

Future Baseline, paragraph 11.5

The County Council agrees that a Local Plan is important to ensure that there are policies in place to reinforce the Heritage Strategy and to prevent inappropriate development. The Heritage Strategy seeks to ensure that the district's heritage has a coherent role in improving life in the district. For example, by providing a driver for tourism, contributing to a sense of place for residents, enhancing the cityscape and landscape, contributing to health and wellbeing and providing a range of educational and volunteering opportunities.

Key Sustainability Issues

The historic environment has rightly been identified as crucial to a community's 'sense of place' as it reminds people how their community came to be and how it took on the shape it has. It can also bring important health and wellbeing benefits. This is particularly important for new developments, whether in the form of new settlements or growth on the urban fringe. If new developments are to feel part of the continuing story of the district and form

¹ <https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>
<https://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/facilities-planning-model/>
<https://www.sportengland.org/facilities-planning/active-design/>

sustainable new communities, then the historic aspects of such places must be recognised and conserved.

The major historic environment issues that need to be taken into consideration include:

- Design and layout of new development - New layouts should complement existing historic settlement patterns and be undertaken sensitively, with existing patterns retained as appropriate. The County Council recommends that new developments should respect existing settlement in terms of scale, layout and orientation so that any pre-existing historic settlements are not diminished;
- Building materials – New developments should be designed where appropriate to complement existing local historic character, with (where possible) locally sourced materials;
- Protection and conservation of historic remains, whether built or buried – for example, Ashford has already provided an excellent example of this in the excavation and part-protection of the important Romano-British site at Westhawk Farm;
- Incorporation of the historic environment assets into leisure and cultural improvements – this is particularly relevant for the Borough’s historic parks and gardens;
- Historic landscape – new developments should work with the historic landscape to help ensure they can be successfully integrated into the area; and
- Rural development.

The Canterbury district’s historic parks and gardens will also have an important role to play in the delivery of sustainable development. Historic parks are not only important as visually attractive heritage assets, but also contribute to leisure, health and well-being. If this resource is to play its full role, there is a clear need to ensure this approach is evidence based. At present, the main information resource for the local (as opposed to registered) historic parks and gardens of the Canterbury district is the 1996 Compendium of Historic Parks and Gardens (Kent County Council and the Kent Gardens Trust (KGT)). The Compendium needs reviewing in order to ensure that it is brought up to date and that the significance of the Borough’s gardens is properly assessed. Only then can it be used to manage and, where possible, enhance this extremely important resource. KCC has recently been working on a number of such reviews with the KGT and would be happy to discuss an update for the Canterbury district with the City Council.

The district’s towns and villages also sit within a landscape that is both historic and vulnerable. To understand and value landscape character fully, it is important to consider its historic aspect. This means the pattern of tracks, lanes, field boundaries and other features that comprise the historic character of the modern landscape and which can shape future growth. The Kent Historic Landscape Characterisation (2001) has identified the broad historic character of the landscape of Kent but it is strategic in scope. To be most useful at a local level, it needs more detailed refinement – similar to what has been undertaken in Medway, Tunbridge Wells and other places. The County Council would welcome discussions on such a refinement project with the City Council.

Sustainable Drainage Schemes (SuDS) may have direct and indirect impacts on the historic environment. Direct impacts could include damage to known heritage assets – for example, if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets, such as when SuDS works damage buried archaeological remains. Indirect impacts can occur when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. As an example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment. Archaeological remains, in particular, are highly vulnerable to changing moisture levels, which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable to flood damage to their foundations than modern buildings.

When SuDS are planned, it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment, following consultation with the Kent Historic Environment Record (HER) and by taking relevant expert advice. KCC has recently produced guidance for SuDS and the historic environment. It provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets.

In addition, the historic environment has a significant role to play in the conservation of resources required for development and in energy efficiency. Existing old buildings can often be more energy efficient than newer ones and can require fewer resources to adapt an old building than to demolish it and build a new one. Historic England has produced guidance ('Climate Change and the Historic Environment', 2008) that reviews the threats to the historic environment posed by climate change and demonstrates that historic structures, settlements and landscapes can in fact be more resilient and more energy efficient than more modern structures and settlements. The County Council recommends the City Council has consideration of this matter and the guidance available in the preparation of the Local Plan Review.

12. Housing

Key sustainability issues

Guidance on '*Housing for older and disabled people*' (MHCLG, 2019) identifies the need to provide housing for older and disabled people. Accessible and adaptable housing enables people to live more independently and safely and provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. The County Council requests that these dwellings are built to Building Regulation Part M4(2) standard to ensure they remain accessible throughout the lifetime of the occupants to meet any changes in the occupant's requirements.

14. Transport

Highways and Transportation

The County Council as Local Highway Authority welcomes this early consultation and will support the City Council in the preparation of a Validated Base Condition Assessment for the review of the Local Plan. As the Local Highway Authority, the County Council recognises that the Local Plan Review may have an impact upon the performance of the local highway network. The County Council is keen to work with the City Council to build a full understanding of the transport constraints and opportunities within the Canterbury district.

Whilst it is acknowledged that the census data within the Scoping Report indicates that there is a high proportion of walking to work in the Canterbury district, the City Council, working with KCC, is recommended to develop further statistical evidence on commuting flows to identify areas of demand so that appropriate mitigation can be secured.

As Local Highway Authority, KCC urges the City Council to have consideration of the sustainable transport hierarchy and engage with key transport providers (including the County Council) to provide diverse accessible transport options to realise opportunities for sustainable development in the Canterbury district, in line with paragraphs 104 and 110 of the National Planning Policy Framework (NPPF).

Within the Scoping Report, base traffic flows have been provided on the six key routes into the City Centre, showing broadly static flows. Whilst this is a useful indicative position, it may not take account of any localised increase in use of minor roads to avoid congestion. The County Council will work with the City Council to ensure additional base traffic count data is available, leading to a robust evidence base for the Local Plan Review.

In respect of delivering the key sustainable issues, the County Council's adopted Active Travel Strategy will be a valuable supporting document. It is recommended that the following points are considered:

- The need to secure investment in pedestrian and cycling infrastructure that meets an increasing demand;
- The need to ensure new developments reduce the need to travel;
- The need to ensure synergy between traffic and air quality modelling, so as to secure investment in infrastructure that seeks to reduce traffic related air quality issues; and
- The need to ensure any parking strategies meet the needs of the anticipated increases in the electric vehicle fleet.

Public Rights of Way (PRoW)

KCC's Public Rights of Way (PRoW) and Access Service is keen to work in partnership with the City Council to achieve the aims contained within the County Council's Rights of Way Improvement Plan (ROWIP). The ROWIP should be evidenced within the Local Plan

Review, as it is a strategic and statutory policy document for PRow protection and enhancement.

KCC looks to promote the protection and enhancement of the network and is committed to securing enhancements to the whole network of routes and paths available to the public.

The PRow network is essential for linking towns to the wider countryside and for providing opportunities for everyday travel, recreation and tourism. The Local Plan Review should consider how to ensure that the PRow network will be protected and improved through future development proposals and how existing PRow will be retained on their existing alignments (or diverted, if new routes can be created in appropriate locations).

In addition to walking and cycling, the Scoping Report should consider improvements to equestrian access provision within the district. Research of PRow provision in Kent has identified a shortage of opportunities for higher right use, with relatively limited off-road equestrian routes compared to the national average. The development of a high quality equestrian access resource could bring economic benefits to the region and could help address safety concerns.

Consideration should also be given to the impacts of development on Non Motorised Users (NMUs) along rural lanes, as these routes provide vital connections for equestrians and cyclists travelling between PRow. New developments are likely to increase vehicular traffic along these roads and raise safety concerns for NMUs, who may then be deterred from travelling along rural lanes and using the PRow network. It is suggested that a Rural Lanes Policy is considered, to ensure that the experience of NMUs using rural lanes is not adversely affected by development.

15. Sustainability Appraisal Framework

The County Council would like to see PRow considered in Table 17 of the proposed Framework Point 13 *“To promote and encourage sustainable transport”* and Point 14 *“To promote safe, healthy, inclusive and sustainable communities”*. The PRow network provides extensive opportunities for walking, cycling and equestrian activities, offering multiple benefits from a health, economic and environmental perspective. PRow users can provide an economic boost to the area and walking and cycling offer opportunities for low carbon recreational activity and active travel.

It is recommended that PRow are included in the choice of travel options available for sustainable growth in promoting active travel patterns and encouraging modal shift. New developments are required to provide high quality access infrastructure, with links to local amenities and the PRow and Access Network, which encourages walking and cycling activity.

The County Council supports the adoption of the proposed transport hierarchy that prioritises pedestrian and cycle movement. High quality, traffic-free walking and cycling routes

integrate effectively with the wider transport network. These links should provide realistic travel alternatives to short distance car journeys, offering direct and convenient access.

The Local Plan Review should encourage a modal transport shift towards walking and cycling. Increasing active travel participation would help to reduce vehicle congestion on roads, address issues of air quality and improve public health and well-being.

The County Council would encourage the City Council to have consideration of access and movement requirements across the Canterbury district. A high quality transport network, which enables the public to move around quickly and easily, is an essential requirement for economic growth and prosperity. The PRow network can support public transport and the wider highway network, by providing opportunities for recreation and commuting, especially short distance journeys.

The County Council would recommend that the City Council considers how the Local Plan Review could protect and improve open spaces, sports facilities and recreational facilities. Improved connectivity should encourage recreational and leisure activity, including access to country parks and other facilities of high leisure use. The City Council should also consider the provision of safe and convenient pedestrian and cycle access, connecting communities safely and designed to create a sense of place and ownership.

The County Council is currently working in partnership with Natural England to establish the England Coast Path in this region. This is a new national trail walking route, expected to be completed by 2020. The trail secures new access rights for the public to explore the coastline and brings tourism opportunities that can boost the local economy. It is expected that future developments will secure improvements to the character and accessibility of the England Coast Path. Where possible, consideration should be given to enhancing links between the National Trail and the surrounding area.

KCC recognises that the Scoping Report is the first stage of preparing a Sustainability Appraisal, which will form part of the evidence base accompanying the new Local Plan. The County Council looks forward to continued collaboration with Canterbury City Council as it progresses through the Local Plan process.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,



Katie Stewart
Director – Environment, Planning and Enforcement



Christine Haggart
 Clerk to Ash Parish Council (Dover District)
 c/o 5 Fairview Road,
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 Kent
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23 December 2019

BY EMAIL ONLY

Dear Ms Haggart

Re: Ash Parish Council Neighbourhood Development Plan - Regulation 14

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

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

Section 2: Ash Parish Now

Locality and History

Paragraph 24 – The text in this paragraph refers to resources held at the Ash Heritage Group. It could also usefully mention the Ash Neighbourhood Development Plan Archaeological Review that was prepared in 2018, which provides a helpful review of the archaeological history of Ash. This review is primarily drawn from the Kent Historic Environment Record, which should also be mentioned as a source of baseline evidence.

Paragraph 30 - The County Council recommends that “105 Historic England building listings” is amended to read “105 Listed Buildings”. There are 789 records of archaeological sites, historic buildings and artefactual discoveries in the Parish that are not legally protected, but which nonetheless contribute to the historic character of Ash.

Paragraph 32 - The historic character of the landscape is a key element of the character of Ash (particularly on the fringes of existing developments or on greenfield sites). The landscape visible today is the result of many centuries of evolution, and the pattern of roads, tracks, field boundaries and hedgerows that gives the modern landscape its character is firmly rooted in the past. The Kent Historic Landscape Characterisation (2001) has identified the broad historic character of the landscape of Kent and this study is an essential resource for consideration of the landscape impact of new development. The County Council recommends that the draft Ash Neighbourhood Plan would benefit from a more detailed survey to make the information more relevant at a local level.

Paragraph 33 - The Public Right of Way (PRoW) network in Ash consists of 726km of bridleways and footpaths. The County Council requests that the Neighbourhood Plan highlights the benefit that a well-maintained PRoW network can bring to the socio-economic well-being of a rural area. The Parish Council should ensure that reference to the Rights of Way Improvement Plan¹ (ROWIP) is included within the Neighbourhood Plan to promote successful partnership and deliver improvements to the PRoW network in Ash.

Paragraph 41 - The inclusion of a paragraph that highlights the PRoW within the Parish is welcomed. Public Bridleways should also be referenced. The Plan should clarify that KCC has a statutory duty to ensure the network is recorded, protected and maintained in partnership with the parish Footpaths Group.

Paragraph 42 - KCC welcomes the recognition of how the PRoW network provides important sustainable access to, and connectivity between, the identified areas of open and green spaces. To encourage active travel, the wording of this text should be strengthened to ensure that visitors can walk or cycle to open spaces.

Paragraph 52 - The PRoW network should be listed as a facility in Ash, as it offers a significant role in helping to deliver health and wellbeing benefits to a wide variety of community groups.

Section 2.1.7 Education (also refer to Section 5.1.20 Schools)

The County Council, as Education Planning Authority, would like to draw attention to a letter (dated 31 August 2016) from the County Council to Ash Parish Council regarding education provision in the Parish (appendix 1).

Paragraph 61 – This paragraph states that there is sufficient capacity in schools until 2037, however, this is not the case. The current adopted Dover Core Strategy period is to 2026 and currently, the County Council, as Education Planning Authority, has not forecasted beyond that period.

Paragraph 350 – The Neighbourhood Plan indicates the County Council has stated that 128 of the 210 places at Ash, Cartwright and Kelsey Primary School are taken by children living in

¹ https://www.kent.gov.uk/__data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf

Ash, 30 places are filled by children living outside Ash and the vacant places at the school will be taken up by the Chequer Lane development (85 places).

However, it appears that previous commentary from the County Council's letter (appendix 1) may have been misinterpreted. The County Council stated if all the development proposed within the Neighbourhood Plan in Ash is delivered, it would be expected to generate 85 pupils needing primary school places. At the time of writing in August 2016, 30 places were available at the school and 31 of its 210 places were filled by children from outside the village and only 149 of the 210 places were occupied by children from within the Parish. In May 2019, the roll had reduced to 153 pupils, resulting in 57 surplus places.

Therefore, as development comes forward, new residents will displace children who might look to come in from outside the locality.

Paragraph 353 – This Neighbourhood Plan urges the County Council to add a classroom at the Ash, Cartwright and Kelsey School. When considering school expansion to an existing primary school, KCC has to consider a range of factors. The County Council takes into account where children travel from to go to school, the site itself, the proximity of new housing to the school, ensuring the organisational structure of the school delivers high quality education and ensuring that infant class sizes are limited to 30 pupils per qualified teacher.

The County Council's strategic approach to meeting the demand from primary school places arising from new housing in this area (Ash, Sandwich and Eastry) is to increase capacity in the areas where the majority of the new demand will be generated – in this case, Sandwich. It is not feasible, from a curriculum delivery perspective, to increase Ash, Cartwright and Kelsey School by one classroom, as proposed by the Parish Council. This would result in it needing to operate an eight class model of delivery to seven year groups across three key stages. Organisationally, KCC would wish it to be able to operate as one form of entry (30 places per year group), or two forms of entry (420 places). Movement to one and a half form entry (315 places) would be a step forward but would require the provision of four additional classrooms. However, the local demand does not support the need for the school to expand to this degree. To do so would rely on a significant increase in the flow of pupils in from other communities – and this would be in conflict with the objectives of the Neighbourhood Plan.

The County Council would welcome further engagement with the Parish Council to discuss and clarify this matter.

Section 2.1.9 Public Transport & Traffic

Highways and Transportation

Paragraph 70 - Whilst this paragraph is not necessarily debated, it would be useful for the Parish Council to include any data available corroborating that the rural location and poor public transport have resulted in more inward traffic to Ash as people travel to access public transport from other areas. It would be useful to know whether the issue of inward traffic to Ash is predominantly due to school trips in the AM and PM peaks or if it is mainly an issue

with rural bus service coverage within the general area (across the day). Whilst it is possible that limited access to bus services within the surrounding settlements may lead to increased car use for destinations within the village, it does seem unusual that somebody would choose to drive to the village by private car to then catch bus services (for non-education purposes) for destinations outside the village. Such traffic data would be useful when considering further proposals for rural settlement expansion within or around the Parish.

Paragraph 72 - For completeness, it would be useful to include the traffic report as an appendix to the Neighbourhood Plan.

Paragraph 73 – The County Council agrees that if significant expansion of existing rural buildings and diversification is proposed, there should be a review of the ability of the road system to serve the proposed use. However, it is also important to highlight that when considering development proposals, it is necessary to consider the extant use of the buildings and the type and nature of vehicle movements associated with them in order to make a balanced assessment of additional highway impact.

PRoW

The County Council requests the inclusion of a paragraph to set out how the PRoW network can support local transport choices.

2.1.10 Communications – Broadband

Paragraph 74 – Access to high speed broadband is a key component in reducing the need to travel, particularly for employment/business purposes. KCC recommends consideration of the availability of mobile broadband.

The Planning Context

Paragraph 87 – Paragraph 98 of the National Planning Policy Framework (NPPF) should be referenced, in stating that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

Section 3: The Vision for Ash

Heritage Conservation

Paragraph 105 – The County Council is supportive of the objective that includes the protection of built heritage by design. This could be further strengthened to “*enhancing and protecting the built heritage by design*”. Sensitive design may bring out the historic character of buildings and streetscape and allow them to contribute more effectively to the wider historic environment.

Paragraph 109 - Theme 3 - At present, this paragraph does not mention the historic environment, despite paragraph 110 stating that it is central to the overall environmental objective. KCC recommends that Theme 3 be amended to “*Maintain and enhance the open*

green spaces and improve the landscape, environment, biodiversity and heritage and reduce the impact...”.

PRoW

The County Council recommends that the PRoW network is considered within the five community led themes. In particular, Themes 1, 2 and 3 would benefit from direct reference to the ROWIP, to reflect the extent to which the PRoW network meets the likely future public need in contributing towards more sustainable development.

Objectives

Heritage Conservation

Paragraph 116 – The County Council is supportive of the objective to protect the heritage of Ash.

Paragraph 122 - Heritage can play an important role in the contribution of the arts to person-centred, place-based care through arts-on-prescription activities, cultural venues and community programmes. The historic environment, archaeology and heritage form part of our experience of being human and can provide individual and collective opportunities to engage with arts and culture, whilst having positive effects on our physical and mental health and wellbeing in the process.

Highways and Transportation

Paragraph 120 – It is suggested that the location of any development within the village is a key consideration when seeking to manage traffic impact. Well placed development within easy reach of local amenities by sustainable forms of transport will help to manage traffic impact and would align with Objectives 1 and 3.

Paragraph 124 – The County Council is supportive of the commitment to encourage travel planning within the businesses listed in this paragraph so that only essential journeys are undertaken by private vehicle.

Paragraph 125 – It would be helpful for the Parish Council to clearly set out what the main objective is (for instance, is it to provide more parking due to congestion, or to improve road safety?). In some cases, improvement of traffic flow and further parking provision can encourage further unnecessary trips by private vehicle within the village, which subsequently leads back to the same problems, but on a larger scale. It is appreciated that there is a balance to be struck and road safety is a key consideration within this context. With reference to this paragraph it may be sensible to include support for increased electric vehicle use within the village. This can be done by ensuring that the necessary charging infrastructure is delivered within the village (particularly in new developments and at business premises).

PRoW

The objectives should have specific reference to the PRoW network and the role of the ROWIP, with reference the opportunities offered by PRoW to health and well-being, tourism, sustainable transport and access to the environment.

Section 4 Plan Strategy

Paragraph 133-135 – These paragraphs should include reference to the PRoW network and take into account the County Council’s policies in the ROWIP to improve and upgrade the PRoW network where it links with amenities, public transport nodes, work and education to increase the attractiveness of walking, cycling and riding as an alternative to driving.

Section 5 Plan Policies

Archaeological Assessment

Paragraph 153 – “Broach” should be corrected to “*brooch*”.

Paragraph 154 - The text in this paragraph states “It is advisable that any proposed developments are discussed with the Canterbury Archaeological Trust and Historic England prior to commencement of any works”. KCC would like to clarify that its Heritage Conservation team advises Dover District Council (DDC) on archaeological matters, including an assessment of the archaeological impact of development proposals and the conditions that should be applied to planning permissions. The County Council then guides the developer through the process for writing specifications for the work, monitoring the process and advising when planning conditions can be signed off. Canterbury Archaeological Trust is one of a number of commercial contractors who might compete for archaeological contracts. Any developer wishing to know about the archaeological impact of their proposal should contact KCC Heritage Conservation for a discussion early in the process, before submitting a planning application and before commissioning any archaeological desk work or field work. Historic England should only be consulted if the archaeological remains affected are of national significance. In practice, this would be a Scheduled Monument (or site of equivalent significance) or a Grade I or Grade II* Listed Building.

It is recommended that the text is re-worded as “*It is advisable that any developments with the potential to impact archaeological sites are discussed with Kent County Council’s Heritage Conservation team at the earliest opportunity. Where the archaeological site is a Scheduled Monument (or is believed to be of equivalent significance) or affects a Grade I or Grade II* Listed Building, the applicant should also contact Historic England.*”

Views

Paragraph 155 – KCC welcomes the reference to the PRoW role within the parish and would request the minor alteration to “Public Rights of Way” rather than “Public Rights of Ways”.

Policy intention and Objectives

Paragraph 161 – The County Council is supportive of the objective that seeks to preserve and enhance the heritage and character of the area.

Policy ANP1 Development in the countryside

The County Council would recommend the inclusion of the following text - *“In areas where there would be significant effect on PRow, the network must also be included in the landscape planning of the infrastructure as a whole”*.

Open Space of Local Visual Amenity Value

Paragraph 166 – The County Council recommends the inclusion of a description of how the Parish works in partnership with KCC PRow and Access Service to record, maintain and develop the network. The ROWIP should be referenced, as it is a statutory policy document setting out a strategic approach for the protection and enhancement of PRow.

Policy ANP2 Local green and open spaces

The provision of high quality open green spaces and opportunities for outdoor recreation should be a priority. The County Council recommends consideration of how the Neighbourhood Plan could aim to increase the provision of accessible green spaces and improve opportunities to access this resource in relatively deprived areas. Reference to “Green Corridor Bridle Path EE466” should be altered to *“Public Bridleway EE466”*.

Policy ANP3 Green and open spaces in developments

Given the value and importance of the PRow network, it is requested that this policy includes reference to the KCC ROWIP and the KCC PRow and Access ‘Good Design Guide’, which looks to aid decision-making and promote good design in PRow and countryside access management.

It is also requested that additional text is included to encourage the applicant to engage with the KCC PRow and Access Service at the earliest opportunity, to ensure that the PRow network is considered at an early stage of the design process and successfully incorporated into future developments.

Policy ANP4 Biodiversity

Wording should be included within this policy to require developments to achieve biodiversity net gain. At the first reading of the Environment Bill, it was stated that it would be mandatory for a 10% biodiversity net gain to be delivered through development, with the potential for Neighbourhood Plans to require above 10%. The County Council urges the Parish Council to have consideration of the level of biodiversity net gain that will be requested within the Neighbourhood Plan.

The County Council recommends that the policy should include a requirement for developments to demonstrate they have followed the mitigation hierarchy, which looks to avoid, mitigate and compensate. The mitigation hierarchy is a tool designed to help limit, as

far as reasonably possible, the negative impacts of development on biodiversity and ecosystem.

The County Council recommends that the Parish Council considers Section 41 of the Natural Environment and Rural Communities Act, and ensures it is appropriately reflected within this policy.

Policy ANP5 Climate Change

This policy should ensure that new developments incorporate good sustainable transport connections, with high quality walking and cycling infrastructure available that can link local amenities. Replacing private vehicle journeys with active travel should help to address low carbon targets, air quality issues and improve public health.

Whilst it is partly covered by the broad wording of the policy (and included within site policy), consideration should be given to specifically referring to new development providing charging facilities for electric vehicles. It may also be useful to include some reference to cycle parking and provision where possible for good quality pedestrian/cycle infrastructure.

Evidence

Heritage - Conservation Areas and Listings

There are a number of heritage sites in Ash that do not have statutory protection. These nonetheless play a critical role in the character of the Parish and should be reviewed here, at least for their broad types – historic buildings, archaeological sites, historic landscape features and archaeological artefacts.

Policy ANP6 Developments and Conservation

Where the PRoW network would be directly affected by development proposals, planning applications should clarify how the proposal will positively accommodate, divert or enhance paths. Engagement between the applicant and KCC would allow the County Council to review proposals for access improvements and consider appropriate developer contributions for PRoW network enhancements.

Planning Intentions and Objectives

Paragraph 230 – The County Council requests consideration of how the improvement and enhancement the PRoW network can enable safe and attractive walking and cycling connections and links from new developments to community facilities. An increased population will undoubtedly add to the pressure and importance of the surrounding PRoW network. KCC recommends that the Neighbourhood Plan includes a requirement to secure funding, where appropriate, to ensure these highly regarded links are not degraded. Developer contributions could be used to upgrade existing routes or create new path links that address existing network fragmentation issues highlighted by the public.

5.1.15 Assessment

Paragraph 246 – It would be helpful to understand the assessment criteria for sites being given a red RAG rating – and particularly whether highway matters were considered when making this assessment and if so, what the concerns related to. This information could be included as a table within the appendices.

Site policies (LA21, ANP7a, ANP7b, ANP7c, ANP7d and ANP7e)

PRoW

The KCC PRoW and Access Service would welcome future engagement with the District Council and Parish Council regarding the local aspirations for access improvements and potential funding sources for the delivery of these schemes.

Heritage Conservation

The County Council has not provided commentary on the proposed sites but would be happy to provide comments on receipt of maps that clearly show the boundaries and annotation.

Policy ANP8 - Retention of Community Facilities

KCC welcomes the reference at paragraph 320 of NPPF policy that seeks to protect and enhance Rights of Way.

The County Council requests that the Parish Council strengthens the wording of this policy to ensure that where appropriate, new developments provide opportunities to secure investment in the PRoW network. Developer contributions could, for instance, be used to upgrade existing routes or create new path links that address existing network fragmentation.

Policy ANP9 - Health and social care

It is recommended that paragraph 9.1.1 is changed to state *“an appropriate level of parking for staff and visitors is provided”*.

Policy ANP11 – Tourism

PRoW have a clear role in tourism in the County and therefore, KCC would like to see mention of PRoW within this policy, with requirements for improvements to walking and cycling routes where they can assist tourism objectives.

Policy ANP12 - Working from Home

This policy should ensure that new developments incorporate good sustainable transport connections within the community, with high quality walking and cycling infrastructure available, which can link local amenities.

5.1.24 - Traffic Management and Off-street Parking

Paragraph 109 of the NPPF states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. Planning decisions need to be made within this context, with respect to highway matters.

Paragraph 390 – Anecdotal evidence from scoping workshops is a valuable source of local information. It is also important to complement this evidence with other forms of data. It would be useful for a review of crash records to be included (unless this has already been done within the 2017 Traffic Impact Report that is referred to in the section 72), as this would assist in identifying any trends or hotspots.

Paragraph 391 – Parking restrictions can be an effective form of mitigation, however, to be effective, they do rely on a regular parking enforcement regime, particularly around shops or commercial premises. Any signage and speed restriction interventions are generally led by crash statistics. Over provision of parking restrictions can result in increased speeds and can discourage passing vehicles to use local amenities.

Paragraph 393 – KCC is encouraged by the Parish Council’s endorsement of Interim Guidance Note 3; however, it is relevant to point out that this document is soon to be subject to a review as part of the Kent Design Guide. Therefore, it may be useful to make a generic reference to KCC parking guidance to ensure that the plan is kept up to date and to avoid referring to potentially superseded parking guidance.

Paragraph 394 – At this stage, the provision of additional parking within the village should be approached considerately. There is a balance to be struck between the availability of parking and the encouragement of unnecessary car based trips within the village; however, it is noted that inappropriate on street parking can lead to increased vehicle conflict which can sometimes have an impact on road safety. It would be useful to identify potential sources of funding for the provision of parking areas.

Policy ANP13 - Off-Street Parking

This policy may be overly restrictive and potentially conflicts with the NPPF. When considering development proposals in the context of the NPPF, it is important to consider each proposal on its own merits. The loss of existing parking spaces would only be unacceptable from a highways perspective if it subsequently led to further instances of parking in inappropriate locations, which led to unacceptable harm to highway safety.

5.1.25 Communications

It would be useful to state if the coverage of mobile broadband (4G) is a problem within the village, as this may represent an alternative way of achieving broadband connectivity.

5.1.26 Public Transport

Regular Quality Bus Partnership (QBP) meetings are held with DDC, which consider future connections which are required to be delivered alongside new settlements and strategic allocations coming forward and the need to connect to rural villages.

Paragraph 409 – As set out within the KCC response to the Sustainability Appraisal Scoping Report dated 17 November 2017, the junctions leading to Ash from the A257 are not considered to be substandard in terms of their geometry. They all have good sight lines over a well-maintained grassed verge and most of the junctions have a protected right turn lane. Even the agricultural accesses have good visibility when slow moving farm vehicles are leaving the sites.

Policy ANP15 Transport

Highways and Transportation

Paragraph 15.2 - KCC recommends that this paragraph should include the phrase “*Where appropriate*”. It is not always necessary to provide dedicated cycleways, as effective design can achieve road layouts that are conducive to cycling without specifically being designated as a cycleway. However, the general policy is welcomed.

Paragraph 15.3 – The provision of new bus stops would need to be considered on a case by case basis, depending on the likely level of passenger demand or the location of the development proposal in relation to the existing bus network.

Paragraph 15.4 – KCC considers that this policy is too specific. A decision regarding the appropriateness of extending out the 30mph limit would need to be made in the context of specific development proposals and in consultation with Kent Police and other stakeholders. Where it is appropriate, such measures could be explored. However, it is not appropriate to be required via a blanket policy, as suggested.

PRoW

The County Council requests that reference is made to the PRoW network and the ROWIP in this policy. Increasing levels of active travel participation improves public health and well-being, in addition to improving air quality by reducing short vehicle journeys and vehicle congestion. Rural lanes provide useful connections for Non-Motorised Users (NMUs) travelling between off-road PRoW. The potential for additional vehicle traffic along these country lanes is therefore a concern, as increased movements could introduce safety concerns for NMUs and potentially deter public use of the PRoW network. The County Council requests that developers submit traffic impact studies in support of their applications and where negative impacts on NMUs are identified, developers should provide or contribute towards appropriate mitigation measures.

Appendices

KCC requests that the definition and acronym of a Right of Way is included within the Appendices:

“A way over which the public have a right to pass and repass, including; Public Footpaths, Public Bridleways, Restricted Byways and Byways Open to All Traffic”

The KCC ROWIP should be referenced within this section, as it is a statutory policy document for PRoW, setting out a strategic approach for the protection and enhancement of PRoW.

KCC would welcome continued engagement on the matters raised in this letter as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Stewart', is centered within a light gray rectangular box.

Katie Stewart

Director - Environment, Planning and Enforcement

- [Appendix 1](#): Letter from Area Education Officer dated 31 August 2016



Richard McEllistrum
 Planning Manager
 (Development Management)
 Gravesham Borough Council,
 Civic Centre,
 Windmill Street,
 Gravesend,
 Kent DA12 1AU

**Environment, Planning and
 Enforcement**

Invicta House
 County Hall
 Maidstone
 Kent
 ME14 1XX

Phone: 03000 415673
 Ask for: Francesca Potter
 Email: francesca.potter@kent.gov.uk

BY EMAIL ONLY

20 December 2019

Dear Richard,

Re: Gravesham Borough Council Local Validation List (Local List) of Validation Requirements for Planning Applications.

Thank you for inviting Kent County Council (KCC) to comment on the Local Validation List (Local List) of Validation Requirements for Planning Applications.

The County Council notes that Part 1 of the Local List contains the National Validation Requirements (which addresses the necessary national regulatory requirements) and Part 2 contains the Local Validation Requirements (which includes matters such as plans, elevations and section drawings).

The County Council has reviewed this consultation and, for ease of reference, has provided comments structured under the headings in the consultation document.

Part 2: Local Validation Requirements (Local List) Plans / Elevations / Section Drawings - General Guidance for All Drawings and Plans

In respect of highways and transportation validation requirements, the County Council, as Local Highway Authority, has provided comments to Gravesham Borough Council (3 December 2019).

1b. Floor Plans (existing and proposed, including roof plans)

It is suggested that the requirement to show overall unit sizes for residential accommodation should be extended to include existing and proposed floor space for

non-residential development including change of use proposals, to include cases where there is no gain or loss of floorspace.

Biodiversity Survey and Report

KCC would like to highlight that previously developed sites can provide some of the greatest biodiversity interest, particularly when they have been left unmanaged. The Local List should therefore clearly state that for overgrown, previously developed sites, a biodiversity survey and report may be required.

The Local List currently states that “A Phase 1 Habitat Survey is usually required and for small scale developments, a Preliminary Assessment may be informative”. KCC recommends the use of the phase – “*Preliminary Ecological Appraisal (PEA)*” instead of “Phase 1 Habitat Survey” and an “*Ecological Impact Assessment (EclA)*” should be produced, if further surveys/mitigation are required. The Chartered Institute of Ecology and Environmental Management (CIEEM) provides guidelines of what should be included within an EclA¹.

The document states that “Natural England and the Kent Wildlife Trust should be consulted prior to the preparation of any Survey or Report”. Natural England provides a (paid for) Discretionary Advice Service for applications impacted by designated sites and possible impact on European Protected Species (EPS). KCC recommends that the Borough Council engages with Natural England on this matter.

The County Council would also like to draw attention to the EclA checklist produced in collaboration with CIEEM and Association of Local Government Ecologists (ALGE)².

Economic Statement

It is suggested that there should be consideration of the accessibility of premises to different modes of transport. This should be a requirement for all commercial development, as part of the Economic Statement.

Energy/Sustainability Assessment

It is recommended that a requirement is included for planning applications to demonstrate how facilities for the recycling of waste will be incorporated into proposals.

Flood Risk Assessment

The Local List sets out the need for a Flood Risk Assessment to accompany all applications of a particular size or that have a particular level of flood risk, as well as a Drainage Strategy/Assessment for major developments.

As Lead Local Flood Authority, KCC provides statutory consultation responses in relation to surface water drainage. KCC’s initial responses to planning applications,

¹ <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>

² <https://mk0partnersdevoov4n.kinstacdn.com/wp-content/uploads/sites/15/2019/11/EclA-Checklist-Final-Nov-2019.pdf>

as the Lead Local Flood Authority, can often raise objection, due to lack of information provided. This is because without information as to how a site will be drained, KCC cannot clearly state whether flood risk will be created or managed appropriately. To help prevent this situation, the County Council has published a Drainage and Planning Policy (DPP). The DPP provides a clear statement of submission requirements to ensure that drainage design is appropriate and will operate effectively, and to demonstrate that flood risk is not created within a development site or off-site.

Therefore, whilst recognising that the Borough Council has considered the need for submission of drainage information, it is also recommended that reference to Kent's Drainage and Planning Policy is also included.

Planning Obligations Statement

A written agreement to cover the County Council's legal costs should be included in any Planning Obligation Statement where the County Council is expected to be a Party to a legal agreement. The advice to applicants to conduct pre-application discussions on matters relating to planning obligations should cover all stakeholders likely to be a party to any legal agreement.

Planning Statement

In describing the proposed development, KCC would request that as much information as possible is provided to enable assessment of the development's impact on KCC services. Such information should, where possible, include the number and mix of housing types (flats, houses, number of bedrooms for each), the type of non-residential development (both existing and proposed) and the floorspace for both residential and non-residential development (existing and proposed).

Utilities, Sewage and Surface Water Drainage Strategy / Assessment

Under the requirements for Utilities Assessment, the applicant should provide information on how it intends to provide broadband connections specifically providing fibre to the premises and/or 1GB capacity.

KCC requests that the needs of waste services are included in the assessment (or provided as a separate assessment), to ensure that major developments consider the impact upon waste infrastructure, both for the Waste Collection Authority (WCA) and the Waste Disposal Authority (WDA). The County Council recommends that the assessment should:

- Identify the location and spare capacity of the existing infrastructure (WCA operated waste depot sites and WDA operated waste transfer stations and household waste recycling centres);
- Identify where an increase in capacity is required and what measures these will involve;
- Identify where new facilities will be required; and
- Demonstrate that the applicant has consulted the relevant service providers.

Viability Assessment / Appraisal

The commitment to publish Financial Viability Appraisals is welcomed. Where an applicant claims an exceptional circumstances case, such an assessment should still be disclosed to stakeholders who would be party to any legal agreement covering planning obligations, on a confidential basis. This will enable stakeholders to fully understand any viability issues in subsequent negotiations.

Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, notes that the Local List of Validation Requirements does not make reference to minerals and waste safeguarding, or the need, in some cases, for a Minerals Assessment and/or an Infrastructure Assessment. The County Council recommends that the following requirements are included:

Requirement: Safeguarded Economic Minerals Assessment

Application type: Any application that has the potential to sterilise potentially economic mineral deposits made outside the built confines of the main urban area and the settlements in Gravesham Borough Council's area and excluding the exempted types of development as set out in Policy DM 7: Safeguarded Mineral Resources criterion 6 of the adopted (as amended) Kent Minerals and Waste Local Plan 2013-30 (KMWLP).

What is required: Development that threatens to sterilise potentially important economic minerals in a Mineral Safeguarding Area (as set out on the Dartford, Gravesham Borough and Tonbridge and Malling - Mineral Safeguarding Areas proposals maps of the KMWLP and in KMWLP Policy CSM 5: Land-won Mineral Safeguarding) should have a Minerals Assessment that demonstrates how the proposed development reconciles the need for the development and the presumption to safeguard the relevant mineral resources.

If the Mineral Assessment seeks to make the case that the proposed development should be exempt from mineral safeguarding considerations, it should do so against the relevant exemption criteria of Policy DM 7: Safeguarded Mineral Resources (exemption criteria 1 to 7 of the policy).

Further information on the scope and content of such assessments is available in the County Council's Safeguarding Supplementary Planning Document, April 2017³.

Requirement: Safeguarded Minerals and Waste Infrastructure Assessment

Application type: Any application that has the potential to cause permanent loss of a safeguarded minerals management, transportation, production and waste management facility, or is sited within 250 metres of such a facility in Gravesham Borough Council's area. This would exclude the exempted types of development as

³ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-1> .

set out in Policy DM 8: Safeguarded Minerals Management, Transportation Production and Waste Management Facility (criterion 1) of the KMWLP.

What is required: Development that threatens to cause the permanent loss of safeguarded minerals and waste facilities (as set out in Policy CSM 6: Safeguarded Wharves and Rail Depots, Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure, and Policy CSW: safeguarding of Existing waste Management Facilities of the KMWLP) or is within 250 metres of such a safeguarded facility should be accompanied by an Infrastructure Assessment that addresses the safeguarding policy requirements of the KMWLP.

The assessment should demonstrate how the proposed development reconciles the need for the development and the presumption to safeguard the relevant mineral and waste facility in the case that the facility will be lost, against the exemption criteria of Policy DM 8: Safeguarded Minerals Management, Transportation Production & Waste Management Facility (criteria 1, 2 3, 5, 6, and 7). If the loss of the safeguarded facility is only for a temporary period, criterion 4 of the policy would be required to be satisfied.

In the case of a proposed development being sited within 250 metres of a safeguarded facility, the Infrastructure Assessment should demonstrate how the impacts of the continued lawful operation of the facility, e.g. noise, dust, light and air emissions that may legitimacy arise from the operations taking place at the safeguarded site(s) would not be experienced to an unacceptable level by the occupants of the proposed development and that vehicular access to and from the facility would not be constrained by the proposed development.

Further information on the scope and content of such assessments is available in the County Council's Safeguarding Supplementary Planning Document, April 2017⁴.

If you require any further information or clarification on any matter relating to the above information, please do not hesitate to contact me.

Yours sincerely,



Katie Stewart

Director - Environment, Planning and Enforcement

⁴ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-1> .

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Folkestone & Hythe District Council

Core Strategy Review Submission Draft 2019 Consultation – Proposed Amendments KCC PRow Comments – 20 December 2019

As detailed by Folkestone & Hythe District Council, our comments from February 2019 will be taken into account at the next stage of the process. As such, KCC has not referred to them in this response, as requested. The following KCC PRow response therefore applies to the revised housing numbers with text amendments and the Sustainability Appraisal.

KCC's Public Rights of Way and Access Service are keen to ensure that their interests are represented within the local policy frameworks of the Districts and Boroughs in Kent. The team is committed to working in partnership with local Councils to achieve the aims contained within the 'Rights of Way Improvement Plan (ROWIP) (2018 – 2028)'. To this end, the County Council's ROWIP should be evidenced within the Core Strategy Review amended text as it is a strategic and statutory policy document for PRow protection and enhancement.

Core Strategy Review – Submission Draft – Regulation 19 Version – Consultation on amendments to policies and text relating to housing supply

Overview of key features of change proposed in the spatial strategy, and associated major proposals for delivery (green highlighted box Pg18/22) :

Considering the value and importance of the PRow network, it is requested that this Policy text includes reference to the KCC ROWIP as well as the District Council policies. The Plan is intended to aid decision-making in PRow and countryside access management. It applies to both urban and rural locations and is intended to complement and where appropriate, draw together relevant policy information, both national and local, that has already been published. This would allow the County Council to review proposals for access improvements and consider appropriate developer contributions for PRow network enhancements, ensuring there are sustainable transport choices available for access and connectivity to "major new green infrastructure" and community amenities. The inclusion of this ROWIP reference within this paragraph should ensure that the PRow network is considered at an early stage of the process and successfully incorporated into future plans.

Sustainability Appraisal Addendum – Proposed Changes to the Proposed Submission Folkestone & Hythe Core Strategy Review

Review of policies, plans and programmes

1.12 Sub-Regional / County : KCC requests the inclusion of the KCC Rights of Way Improvement Plan, published 2018 as it is a strategic and statutory policy document for PRoW protection and enhancement.

National Policy Framework paragraph 98, which states that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

KCC requests the inclusion of the Kent Design Guide, a reference guide to help create high quality places with permeable movement across the County. The Guide is currently under review, due for publication in 2020.

Appendix 1

SA Framework for the Folkestone & Hythe Core Review

SA2: The PRoW network is a valuable resource that provides significant opportunities as the ROWIP can help contribute towards a robust infrastructure that enables development and encourages economic growth leading to regeneration and attraction of new businesses. A high quality transport network, which enables the public to move around quickly and easily, is an essential requirement for economic growth and prosperity. The PRoW Network can support public transport and the wider highway network, by providing opportunities for recreation and commuting, especially short distance journeys.

SA6: KCC requests a specific reference to the ROWIP here to enable access to high quality open green spaces and opportunities for outdoor recreation which should be a priority. The Core Strategy review should aim to increase the provision of accessible green spaces and improve opportunities to access this resource in relatively deprived areas. Good public transport and active travel links with open spaces should be made available, so that the public are not dependent on private vehicle use for visiting these sites. The District Council should also be aware that the County Council is currently working in partnership with Natural England to establish the England Coast Path in this region. This is a new national trail walking route, expected to be completed by 2020, which will secure new access rights for the public to explore the coastline.

SA10: This policy should ensure that new developments incorporate good sustainable transport connections, with a high-quality walking and cycling infrastructure available, which can link local amenities together. Replacing private vehicle journeys with active travel should help to address targets for lowering carbon emissions and improving air quality as well as improving public health.

SA13: KCC requests a specific mention of the ROWIP, and a specific mention should be made of improving and enhancing the PRoW network to enable high quality, safe and attractive walking and cycling connections from new developments to community facilities. An increased population will undoubtedly add to the pressure and importance of the PRoW network. Policy should ensure that new developments incorporate good sustainable

transport connections providing extensive opportunities of walking, cycling and equestrian activities with multiple benefits, from a health, economic and environmental perspective. The use of PRoW contributes significantly towards reducing future health risks and providing an economic boost to the area. Walking and cycling, which are enabled by PRoW, also offer opportunities for low carbon recreational activity and active travel.

SA14: Policies designed to protect and improve access for all users to open spaces, sports facilities, educational and recreational facilities are welcomed. Improved connectivity should encourage recreational and leisure activity, including access to country parks and other facilities of high leisure use. KCC would again request specific mention of the PRoW network as a means of achieving these policy objectives.

Appendix 2

Updated SA matrices

SA3 – SA15: KCC PRoW and Access Service are part of the wider partnership guiding development in the new garden settlement, and specifically the development of a new access strategy for the development, which covers all the objectives here. KCC requests specific mention of this involvement, as the enhancement and improvement of the PRoW network will only be of benefit to the new settlement and the wider surrounding area. This will be an access strategy that seeks to protect and enhance existing public rights of way and create new public rights of way balancing demands for public access with ecological and landscape protection.

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Mr. A Tofts
Planning Policy Manager
Folkestone & Hythe District Council
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Castle Hill Avenue
Folkestone
Kent CT20 2QY

BY EMAIL ONLY

**Environment, Planning and
Enforcement**

First Floor, Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Phone: 03000 418827
Ask for: Katie Stewart
Email: Katie.Stewart@kent.gov.uk

20 January 2020

Dear Adrian,

**Re: Folkestone & Hythe Core Strategy Review Submission Draft 2019
consultation on Revised Housing Requirement**

Thank you for notifying Kent County Council (KCC) of the Folkestone & Hythe Core Strategy Review Submission Draft 2019 consultation on the Revised Housing Requirement and the Sustainability Appraisal Addendum final November 2019.

The County Council continues to support the growth ambition of Folkestone & Hythe District Council to meet its housing need to 2037. The County Council recognises that this consultation relates to a revised housing requirement following changes in national planning policy and the requirement to use the standardised methodology when calculating local housing need – which has resulted in an increased requirement for Folkestone & Hythe.

The County Council does not have any comments to raise in respect of the increase in housing requirement in light of its role and function as Local Highway Authority, Minerals and Waste Planning Authority and Education Planning Authority.

However, the County Council will expect the increase in housing to be delivered with appropriate provision for the delivery of all necessary KCC infrastructure and services, in order to ensure that development within Folkestone & Hythe is delivered sustainably.

Appendix A provides technical comments on the consultation documents, particularly in relation to KCC Public Rights of Way.

The County Council continues to welcome the positive engagement with the District Council in the progression of its Core Strategy Review and will look to continue the close working arrangements as it is submitted for Examination, to ensure that development is supported by all necessary infrastructure and service provision.

If you require any further information or clarification on any matter, then please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Stewart'.

Katie Stewart
Director – Environment, Planning and Enforcement

Enc.

[Appendix 1: KCC Public Rights of Way comments](#)



Sevenoaks District Council

Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 28 November 2019

Application - SE/19/02616/OUT

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

Proposal - Outline application for residential development of up to 850 dwellings, incl. affordable housing units and self-build plots; up to 4.75 ha of retirement living; primary school hub with associated sports facilities/outdoor space; sports hub incl. rugby and hockey pitches with separate car park and clubhouse areas; 2 ha of commercial B1 use; local centre incl. commercial, retail & community facilities and undercroft car parking for Knockholt station; country park/ open space incl. landscaping, infrastructure & groundworks; with all matters reserved except for access.

Dear Aaron

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Access

Appendix A shows the site access proposals. The carriageway width of the accesses should be increased from 6m as proposed, to 6.75m with 10.5m radii at the junctions. The gradient of the access road should be a maximum of 1:25 for a distance of 20m from its junction and then 1:17 thereafter. The distributor roads within the site should be designed to physically reduce vehicle speeds.

Footways in the development site should be 2m minimum however where cycling is to be accommodated this should be wider.

Visibility splays of 2.4m x 120m are achievable at each access and this is acceptable subject to plans being provided showing that the land is within the development site or the public highway.

Access to the site by an 11.4m refuse vehicle is proposed to be provided at the reserved matters stage. As the application has all matters reserved except for access, this information is required for this outline application.

Stage 1 Road Safety Audits are required for all works to the highway network including site access junctions and junction mitigation proposals.

A crash data assessment has been undertaken for a five-year period to September 2017. The data is now two years out of date and the assessment should be updated to 2019.

Walking and Cycling

The proposed footway along the northern side of London Road which continues into the station access road appears narrow and no dimensions have been provided to demonstrate the width. It is unknown whether appropriate visibility is achievable for pedestrians crossing the station access road and this is a safety concern given the crash data assessment at paragraph 5.4.3 states shows two incidents have occurred at this junction, both involving cyclists and cars and both occurred due to the driver not seeing the cyclist.

There is also concern as to how cyclists will access the station from the site. Under the current proposal cyclists will be on-carriageway and will need to cross both the westbound carriageway and right turn lane when travelling eastbound.

A revised plan should be provided at 1:200 scale containing appropriate dimensions and visibility splays. Access for cyclists should be clarified.

No information has been provided regarding the walking & cycling routes and distances to local facilities including the nearest secondary school. This is required in order to determine whether sustainable access is a realistic option.

A number of PROWs run across the site and the proposals include the upgrade of the condition of the routes. Further detail is required showing how these routes can be improved to encourage walking and cycling and to link in with local facilities.

At paragraph 4.4.7 the Transport Assessment report states "*As part of the contribution requested by officers to the local transport network the site will upgrade the cycle route from the site to Shacklands Roundabout to the south where it will join up with the cycle provisions from the Fort Halstead site to provide a continuous on-road cycle lane from the site to Halstead*". The cycleway improvement scheme is required to be provided by the developer under a S278 Agreement and where possible the route should be off-road or segregated. The route should link up with that provided by Fort Halstead and Knockholt station and the development site. Please provide drawings of the improvement scheme.

Public Transport

The applicant proposes to either divert an existing bus service into the site or provide a new dedicated service between the site and Sevenoaks and / or Orpington during the morning and evening peak periods to supplement the 431 service. As previously requested by KCC officers, the bus service should also provide access to Bromley. Access to reasonable public transport provision is a requirement of KCC highways. The principal of a new or diverted bus service is acceptable and should be a condition of any permission granted. The details surrounding the service can be agreed during the detailed stage.

Knockholt Station is located approximately 250m north of the site boundary and the applicant proposes to provide upgrades including CCTV, lighting, cycle parking, waiting areas and signage. This is welcomed. The applicant is requested to investigate the possibility of providing improved accessibility to the northern platform and also a separate access for the waste transfer station/skip hire business which is currently accessed via the station access road. Consideration should be given to providing a cycle hub at the station to allow bike hire between the station and the site – including electric bikes.

Parking

Parking for the residential and non-residential elements is proposed to be provided in line with IGN3 and SPG4 (respectively). This is acceptable. 100 spaces are proposed for the rugby and hockey clubs which the clubs have advised is required to meet their operational needs. Further detail is required to show that this is the correct level of parking provision for this use.

A parking bay of 570m (equivalent to 95 car spaces) is currently located along London Road and caters for Knockholt Station. In order to provide appropriate access into the site the parking bays are proposed to be removed and re-provided within the site. This is acceptable, subject to best endeavours to implement a TRO for parking restrictions along London Road. I would recommend consultation on this and parking management within the site with the Parking Services team at Sevenoaks District Council.

Electric vehicle charging facilities should be provided with each residential unit with off-street parking fitted with a 7kw charging point. Provision should also be provided within the communal areas and employment areas.

Cycle parking will be provided in line with SPG4. This is acceptable

Trip Generation and Distribution

Baseline traffic

I note from para. 6.4.1 of the TA that committed development from Fort Halstead (application 15/00628) has been included in the assessment. However the draft Local Plan includes an allocation for an additional 300 homes and therefore this cumulative impact should be assessed.

The trip rates for the affordable housing are not based on 5 sites as quoted in the Transport Assessment and the residential trip rates don't appear to have been narrowed down to reflect population size. Please could this be checked? Also the office trip rates are different to that previously proposed. I have checked this using TRICs and the trip rate was higher. Please could this also be checked?

Trip distribution is based on 2011 Journey to work census data for Sevenoaks please clarify how the trips are distributed on the network.

Junction Capacity

As agreed during the scoping stage, local junctions have been assessed for capacity. A future year of 2035 has been assessed, reflecting the end of the emerging Sevenoaks District Local Plan period. The junctions have been modelled using industry standard software – Junctions 9 and LinSig, for the 2017 Observed and 2035 Base (where the junction currently exists) and 2035 With Development scenarios.

The two site access junctions, the A21 Sevenoaks Road / London Road junction and the Wheatsheaf Hill / Cadlocks Hill / London Road junction are all predicted to operate within capacity during the two future scenarios.

A21/London Road

A signal junction arrangement at the A21 Sevenoaks Road / London Road junction has been modelled, with paragraph 9.6.4 stating that the indicative scheme can be seen in Appendix J. However, this is not contained in Appendix J. I request a copy of the proposals for review. The

Linsig results shows there will be less capacity than a priority junction (up to 89.8% PRC) and this will be reviewed once the scheme drawing is received.

Wheatsheaf Hill

KCC officers have previously raised concerns with narrow carriageways, sharp bends and lack of forward visibility along Wheatsheaf Hill. Indicative drawings are included at Appendix R of the Transport Assessment and further detail is required both of the widening, shuttle working and visibility measurements. The works should be provided under a S278 Agreement and a Stage 1 RSA is needed.

A224 Shacklands roundabout

The A224 Shacklands roundabout is predicted to operate over desired capacity on the A224 Orpington Bypass arm during the AM Peak in both the 2035 Base and 2035 With Development scenarios. A mitigation scheme has been proposed which is based on an increase of the entry width on the A224 Orpington Bypass arm through a reduction in the existing white lining. A Stage 1 Road Safety Audit is required for these proposals. The results of the 'With Mitigation' model show that the junction is predicted to operate within desired capacity during both peak periods.

Hewitts roundabout

Hewitts roundabout is predicted to operate above desired capacity in the future base scenario and above theoretical capacity in the future With Development scenario. Mitigation has been proposed which includes signalling the roundabout, providing three lanes on the circulatory by the removal of the existing hatched areas and widening on the exit arms of Court Road and the A224 Orpington By-Pass. A Stage 1 Road Safety Audit is required for these proposals. The results of the 'With Mitigation' model show that the junction is predicted to operate within desired capacity during both peak periods. It is important to note that the junction is on the County boarder and includes a motorway arm. The London Borough of Bromley, Transport for London and Highways England must therefore be consulted on the proposals.

Travel Plan

A Framework Travel Plan has been provided and a target reduction of 10% of car-based trips to/from the site over a five-year period has been set. This is welcomed. Whilst I understand that the Travel Plan is currently a Framework, it is noted that the Travel Information Packs (TIP) are proposed to be distributed to residents during personal travel planning sessions (PTP) which would be offered to each resident upon occupation. The TIP should be distributed to each residential dwelling upon occupation, regardless of whether they accept a PTP session or not. The Public Transport section does not make reference to the proposed new service. As previously agreed this development will be required to provide a range of travel options to reduce dependency on the private car. Monitoring of the Travel Plan should be done through Jambusters as opposed to iTRACE.

Environmental Impact Assessment

An Environmental Impact Assessment has been undertaken and the transport impacts are addressed at Chapter 7. Paragraph 7.25 refers to TEMPro and states "*growth factors have been based upon growth factors from the Tempro database which have been adjusted to remove double counting of growth added explicitly from committed development sites*". It is assumed that this is an error as the TA does not mention the removal of any sites. Please could this be checked?

The EIA does not give the 18 and 24hr growth factors.

The predicted traffic generation in table 7.10 does not quite match with the table in the TA at paragraph 7.13.6.

Table 7.20 The flows appear to incorrect as the hourly traffic is more than the 18hr flows. Please could this be checked?

Table 7.21 between the Base and With Development, London Rd changes from 'Moderate to Great' yet the text states "*there is no change in fear and intimidation between the baseline and with development scenarios on the links considered*". Please check.

Tables 7.22 (2035 Base) and 7.24 (Base + Devt + Mit) have been compared for delay and paragraph 7.145 states "*It is noted from the tables above that the mitigation proposed, as described within the TA and this ES chapter, reduces the overall magnitude of delay to a better than baseline situation*". Yet table 7.22 is presented as Max delay and table 7.25 as avg delay so a comparison is not possible.

The assessment of construction trips indicates that traffic is likely to be less than when the site is fully occupied. However, impact on pedestrians, cyclists etc may be worse as if it takes 10 years to build out, the first people moving in will have nine years or so of construction vehicles which will be a significant proportion of the overall trips. This has not been considered. A construction management plan will be necessary.

Note

Any changes to traffic flows resulting from these comments will require changes in the EIA

Recommendation

I would like to place a holding objection on the application until the above information has been provided, in order for me to be able to fully consider the impact of the development.

If the Planning Authority are minded to grant planning permission before this information has been provided and assessed, I ask that they contact me so that I may request suitable conditions.

Yours sincerely

Louise Rowlands
Principal Transport & Development Planner

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Tonbridge & Malling Borough Council

Highways and Transportation

Ashford Highway Depot

4 Javelin Way

Ashford

TN24 8AD

Tel: 03000 418181

Date: 28 November 2019

Application - TM/19/02376/RM

Location - Kings Hill Phase 3 Gibson Drive Kings Hill West Malling Kent

Proposal - Reserved Matters Application: Details of seven public greenways including hard and soft landscaping and lighting details submitted in accordance with the Open Space Schedule approved through Outline Consent TM/13/01535/OAEA (Phase 3, Kings Hill). The application includes details of a Landscape Strategy pursuant to Condition 23 (partial discharge), Landscaping Scheme pursuant to Condition 24 (partial discharge) and details of external lighting pursuant to Condition 33 (partial discharge) of the same Consent

Paul,

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

I refer to the above planning application and consider that there are no highway implications associated with the proposals.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Tom Harris
Development Planner



Sevenoaks District Council

Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 19 December 2019

Application - SE/19/05000/HYB

Location - DSTL Fort Halstead Crow Drive Halstead Sevenoaks KENT TN14 7BU

Proposal - Hybrid application comprising, in outline: development of business space (use classes B1a/b/c) of up to 27,659 sq m GEA; works within the X enclave relating to energetic testing operations, including fencing, access, car parking; development of up to 750 residential dwellings; development of a mixed use village centre (use classes A1/A3/A4/A5/B1a/D1/D2); primary school; change of use of Fort Area and bunkers to Historic Interpretation Centre (use class D1) with workshop space and; associated landscaping, works and infrastructure. In detail: demolition of existing buildings; change of use and works including extension and associated alterations to buildings Q13 and Q14 including landscaping and public realm, and primary and secondary accesses to the site.

Dear Claire

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

We have reviewed the Transport Assessment by Stantec dated August 2019, Technical Note on Traffic Impact on Nearby Villages dated 31 October 2019 and the Design & Access Statement by JTP dated September 2019, which includes Access and Movement parameter plans.

Transport Assessment

The site benefits from an existing permission for 450 homes and 27,000 sqm B1 / B2 employment uses + hotel (SE/15/00628). The current application is for additional 300 homes + 1FE Primary School + QinetiQ to remain but excluding hotel.

1 Introduction

Para 1.2.6 suggests 82,168 sqm employment space under existing Certificate of Lawful Use (CLEUD). Future employment levels up to 1,322 FTE. This extant permission requires clarification from SDC Planners regarding its validity (see also Technical Note re Assessment of Traffic on Nearby Villages also refers)

Para 1.4.3 makes an unsound statement. Public Transport, Cycling and Pedestrian Access has always been a requirement for consideration in the TA. It is necessary for the site to be accessible by all modes of transport.

2 Existing Transport Conditions

Para 2.4.6 outlines the location of the local secondary schools to the site. Details are required as to how these schools are to be accessed by local residents of the site.

Access to the A224 / Crow Drive and Star Hill Road are currently only used in AM and PM peaks only. Star Hill Road – visibility improvements required, possible street lighting at access junction, and localised safety improvements.

The distribution of existing traffic will be skewed as the Star Hill Road access is restricted.

Access to and from the site by pedestrians / cyclists and public transport is poor therefore the developer will be required to provide new and enhanced facilities and services in order that the site can be accessed by all modes of transport. We would expect as a minimum a provision of cycle hubs (including e-bikes), and car clubs to enhance the sustainability of the site.

The capacity for parking at Knockholt Station is based on 2015 surveys. This should be updated.

Table 2.1 shows the summary of rail services, which is useful. The cost of bus services to the stations should be priced to be significantly lower than parking fees. Knockholt station on-street parking should be included separately in Table 2.1

A cycle route is required between the site and Knockholt station and this should be kept free of parked vehicles. Additional cycle parking is required at the station. A cycle hub (including e-bikes) with cycle hire should be provided. Cycleways should be off road or segregated where possible.

Para 2.7.15 outlines that a shuttle bus operated on site. Details of usage / patronage of DSTL shuttle bus would be helpful. This could be expanded throughout the day. In addition, the route of bus service 431 should be shown. 3-4 services per day is not adequate. Para 2.7.17 outlines various school services which requires clarification and further information. Details need to show a local regular service linking the site to local towns, schools and facilities throughout the day.

Details of the traffic generated from the development to these ‘hotspots’ should be provided.

Crash safety data has been reviewed. Since the application was made in 2019 any surveys prior to 2015 should possibly be re-surveyed. All data should be from August 2019 for the previous 5 years. The following points are highlighted:

- Crashes involving cyclists at Star Hill Road / Morants Court Roundabout – this should be addressed with possible safety improvements proposed.
- Star Hill Road bend near to Birchwood Lane / Old London Road safety enhancements should be considered.
- Polhill Road / Otford Road crashes need review.
- Main Road / Harrow Road / Chevening Lane junction crashes need review.

3 Policy Review

Regional Policy – Kent Design should be included

Sevenoaks Cycling Strategy – any proposals in this area?

National Policy – Manual for Streets 2

Policy T2. IGN3 only applies to residential parking. For other uses refer to SPG4.

4 Development Proposals

The parameter plans are considered separately and will be outlined further below.

A bus route continues through whole site from Polhill to Star Hill Road.

The masterplan is indicative, except where identified specifically in the Access & Movement Parameter Plan.

Crow Drive is a bus route therefore should be 6.75m wide.

Visibility splays given are appropriate for 37 mph. New speed survey should be undertaken? What if 40 mph speed limit introduced? – visibility of 104 m each way (Appendix O)

5 Trip Generation and Distribution

Para 5.3.2 outlines the modal split applied to residential person trips. Does public transport proportion include those who drive to a train station?

It has been demonstrated that existing permitted use (CLEUD – 4000 employees) generates greater traffic numbers than the proposed development – but not necessarily in the same direction and at the same times. Buses used by MoD staff?

Para 5.7.1 outlines the two way traffic flows at the Star Hill Road access forecast to e 292. This represents a 101% increase in AM peak, 61% increase in PM peak, which cannot be considered a “modest” increase!

In addition, 33% of traffic in AM peak and 34% in PM peak using Star Hill Road access. This proportion needs to be reduced! What proportion of traffic using Star Hill Road is employment / residential users?

The proportion of trips N / S for existing (CLEUD) uses should be demonstrated. A table of comparison would help

A Delivery Management Plan could provide some restrictions on the routing of vehicles associated with the commercial elements. The site layout should deter movements to the south rather than unenforceable restrictions.

6 Highway Impact Assessment

West Kent Cold Store development and the consented OPP for 450 dwellings are included as net development flows.

Para 6.3.2 and Table 6-1 outline percentage impacts at key links within proximity of the site. The percentage impact on Star Hill Road (s) may not be acceptable, and measures to reduce commercial traffic should be considered. Furthermore, Star Hill Road stands out as having by far the greatest impact. Crow Drive sees a reduction – is this because more use in HPA than OPP?

Hewitts Roundabout – the logic of a secondary access off Star Hill Road relieving Hewitts Roundabout does not make sense. Further explanation required as Hewitts is too far north.

Clarification is required as to whether the models have been validated using queue length surveys?

Polhill Junction/Pilgrims Way West Link Road Junction – It appears that Star Hill Road access is essential in improving other junctions

7 Construction Impacts

A lot of assumptions have been made at this early stage prior to a contractor is able to input. Whilst it demonstrates that the traffic impact will not be significant, it will need to be covered by a Condition requiring a Construction Management Plan for each Phase to be submitted and approved prior to any demolition or construction works commence – produced in liaison with the main contractor once appointed.

No construction traffic will be permitted to use the Star Hill Road access. This should be made absolutely clear.

The Construction Management Plan(s) should include details such as routing of vehicles within the site, employee parking, delivery vehicle unloading and turning, wheel washing, and traffic management / signing. These elements are likely to amended as the location of the construction works changes during the construction period.

8 Sustainable Transport Strategy

Walking and cycling measures have been outlined. This should include cycle at village centre and employment areas. Possibility of electric cycle availability. Also cycle / electric cycle hire between site and the proposed hub at Knockholt Station.

The frequency and timing of the 431 bus service required clarification. What is current frequency and will there be any improvement to the service in terms of frequency / running times?

The minimum road width for bus route should be 6.75m.

Para 8.3.5 outlines a “demand responsive flexible service”. Clarification regarding the operation of such a service is required. Further details are required. Comparison of bus fare to parking charge at Knockholt station?

The primary school could serve local areas outside the development site e.g. Knockholt and Halstead. Could Community Bus be used to transport pupils into the site?

How will younger pupils use the shuttle bus, particularly before new school opens? With or without parents? Details required.

A framework Travel Plan is to be assessed separately and to follow.

In addition, the new primary school should produce separate School Travel Plan (in co-ordination with “Jambusters” website) prior to opening.

Electric cycle hire / cycle hire proposals should be included within the Travel Plan.

9 Summary and Conclusions

Star Hill Road / Rushmore Hill monitoring – should include speed monitoring as well as traffic flows. Should an indication of possible additional traffic calming features be provided at this stage to show that they would be achievable? Target speeds / traffic flows should be specified.

In the OPP Star Hill Road is excluded as a secondary access therefore the increase in traffic between this proposal and the OPP is very significant.

How does use of Star Hill Road access affect Hewitts Roundabout? Further explanation required.

Technical Note on Traffic Impact on Nearby Villages (31/10/2019)

Table 1 – doesn't show that the "majority" of development traffic uses Polhill access.

Star Hill Road access proportions:

AM peak	Arrivals	31%
	Departures	37%
	Two-way	34%
PM peak	Arrivals	37%
	Departures	32%
	Two-way	34%

Statement is misleading.

Table 2 – Comparison with existing traffic flows would help.

Trip generation of existing site (CLEUD) needs confirmation from Planning.

Table 3 – Is this a material consideration? Planning view required.

All based on comparison of impact with existing flows.

Generally agree that most of the impact on Star Hill Road would be to the south of the access and Morants Court roundabout.

Design & Access Statement – Access and Movement Parameter Plans

Section 3.6 Access & Connections outlines that Star Hill road provides an alternative route towards Dunton Green and Sevenoaks. Due to the narrow nature of the rural lane, and previous concerns regarding, the use of Star Hill Road should not be actively encouraged.

Details of the frequency of bus routes has been outlined. There are three buses during the morning and evening peaks, which will clearly need to be increased and improved. The bus routes are incorrectly labelled on the plan of existing bus routes.

The existing walking and cycling routes to the site are poor. As a minimum, we would expect the provision of cycle hubs (including e-bikes) and car clubs. A cycle route is required between the site and Knockholt station, which should be kept free of parked vehicles. Additional cycle parking is required at the station. Cycleways should be off road or segregated where possible.

Section 5.3 Access & Movement outlines the principles of vehicular and pedestrian access to the site and through it.

Section 7 Character Area Guides outlines each of the character area, including parking typologies. Kent Design Parking standards within Interim Guidance note 3 (IGN3) for rural locations should be utilised to establish the level of parking for the various sizes of dwellings.

On-Plot Corner

Parking located around the corner from the main dwelling frontage, usually on a corner plot. We have concerns regarding the distance of parking spaces from dwellings as this may lead to increased on street parking at a junction.

On-Plot Between Dwellings

Garages are generally not counted as parking standards, and should be in addition to parking spaces. Car ports or car barns are preferred. Tandem parking is proposed whereby additional requirements for unallocated visitor parking spaces will be required. The illustrative street plan for a mew street indicates parking in tandem with garages. Planting is at the frontage of the properties, which may impede visibility. The mews will need careful design to ensure sufficient visibility and vehicle turning. Additional unallocated visitor bays may be required.

Forecourts

Sufficient turning space will be required for all forecourts. All gates will need to be inward facing and set back from the highway to enable a vehicle to exit the highway as the gates open.

On-Street Visitor Parking

Parking bay sizes should measure 2.4 metres x 6 metres.

Shared Courtyard Parking

Natural surveillance is promoted. Sufficient parking dimensions and manoeuvrability will be required with unallocated visitor spaces as required.

Communal

All parking spaces will need to adhere to parking standard sizes, including those bound by boundaries.

Rear Parking Courts

Communal parking containing no more than 10 parking bays. Any panting or walls demarcating the entrance to parking areas must not impede visibility. Rear residential courtyards lack natural surveillance and are often underutilised resulting in on street parking.

On-Plot Frontage

Not to serve more than 8 dwellings. Adequate visibility required due to vehicles reversing to enter or egress the highway.

School

Adequate drop off and pick up facilities will be required, which will be subject detailed design.

Section 8 Access & Movement

Star Hill Road is to be retained as a secondary access with safety enhancement including a new 40mph speed limit (subject to best endeavours), and improvements to visibility splays.

The 431 bus service (Orpington High Street to Sevenoaks) is proposed to be rerouted to serve Fort Halstead to provide links to secondary school and facilities in Orpington and Sevenoaks. Further details of this service are required. The OPP committed to providing a community bus service from the site with further details required as part of this application.

A network of routes is designed to encourage walking and cycling through the development. All streets are to be designed in accordance with requirements for a 20mph zone. A new off road cycle route is proposed between the Polhill access to the site access and Knockholt Pound. An on-road cycle lane is proposed between Polhill and Shanklands roundabout, providing access to Knockholt Station.

The location and alignment of Crow Drive and the secondary route is predominantly fixed, with the exception of a few locations where deviation has been introduced to reduce traffic speeds.

Long straight sections of highway are to be avoided. Where this is not possible, additional traffic calming measures have been proposed.

Cross roads are generally discouraged due to the lack of traffic calming that such junctions can have. While junction radii should be kept to a minimum to enable pedestrians to follow straight desire lines, adequate manoeuvrability of larger vehicles on primary routes must be accommodated. Section 4.4 outlines that it is acceptable for large vehicles to use the opposite carriageway when turning in 20mph zones. However, this is not appropriate for a bus route.

Lighting on Crow Drive

Comments have been sought from KCC Streetlighting and Soft Landscape Teams regarding the outline lighting strategy. Heavy tree coverage is not ideal if street lighting is proposed, whereby the two things do not integrate well in such close proximity. KCC standard is for lighting columns to the rear of the footpath, but in such circumstances such as at this site we do allow lighting columns to be located in the verge, provided the minimum 800mm set back can be achieved.

Unfortunately the proposed tree planting for some areas appears to be so dense that any lighting installed would fail to illuminate both the footway and carriageway simultaneously. The BSEN 5489 states: 'In new streets where trees are to be planted, the lighting should be designed first and the planting sites fixed afterwards'

LED luminaires are standard across Kent and full details of equipment approved for use on the KCC road network for the applicants reference can be supplied if required.

'Using Traffic Calming to Manage Speed in Kent' outlines that traffic calming features within 20mph zones should be illuminated to a consistent standard. What needs to be avoided are inconsistent levels of lighting along a traffic calmed section of road. It would not be acceptable to allow dark patches in areas where traffic calming features are to be constructed. The juxtaposition of trees alongside the street lighting needs to be considered to ensure adequate lighting is achieved where trees are proposed.

Section 8.7 Crow Drive

A short stretch of Crow Drive from Polhill is subject to a 30mph speed limit. North of this point, Crow Drive will be subject to a 20mph speed restriction. As a bus route, the carriageway width of 6.75 metres is required. During pre-application discussions and meetings, a width of 6.2 metres was suggested as an absolute minimum width subject to tracking and detailed design. However, tracking of the 6.2 metres width primary width clearly creates some points of conflict. To ensure viability and adoption of the main distributor roads through the development, it is important that buses will have a continuous passage within the development. During pre-application discussions it has been stated that buses or large vehicles would be able to wait at junctions where potential conflicts may arise. However, this would not be acceptable.

All footways are 2 metres in width and footway / cycleways are 3 metres in width which is acceptable.

All dimensions and distances between traffic calming features needs to confirm with the relevant guidance of 60 metres apart for a 20mph road.

Junction visibility of 2.4 m x 25 m within the 20mph zone and 2.4 m x 43 m within 30mph zone.

Section 8.8 Traffic calming Measures

Mini roundabouts are proposed in a number of locations, which are acceptable subject to tracking and detailed design.

Squareabouts are present at three locations within the site. Concerns have been raised through pre-application discussions as to the use of such features. The concept (from Kent Design) sees a square feature with road access points at different alignments within the square. KCC Agreements Engineers have questioned the maintenance of such features and the feasibility of providing true traffic calming, when the northern section of the square remains redundant due to the over runnable central island and operates in the same way as a T-junction.

KCC Agreement have suggested a square feature with a raised area which has successfully been utilised as a traffic calming measure. An example of this is at Colehall Farm, Iwade.

Shared surfaces are proposed in the vicinity of the school and village centre, minimising the segregation between different road users by removing features such as kerbs, road surface markings, traffic signs and traffic lights. The use of contrasting materials allows legibility between pedestrians and drivers.

Overrun strips have been incorporated to enable larger vehicles to negotiate bends without the need for significant visual widening of the carriageway.

Tabletops should be at a maximum height of 75mm. Humps should be avoided on bus routes.

Eyots are proposed at a number of locations by way of traffic island in the centre of the carriageway with an overrun strip and solid central island planter. Maintenance of the planting will need to be considered.

Woodland Arrival

Traffic calming features – raised table, eyots, road humps, mini roundabout, compact roundabout

Secure the roundabout between the 30mph and 20mph zones – details agreed in principle.

As a bus route 6.75 metres required.

Materials to be agreed with KCC Agreements at details design

Lighting to be designed before the planting of trees.

Tree-Line Avenue

Traffic calming features – shared surface, raised table, eyots, road humps, squareabout

As a bus route 6.75 metres required.

Parallel on street parking need to ensure does not interfere with traffic movements.

Materials to be agreed with KCC Agreements at details design

Lighting to be designed before the planting of trees.

Village Centre

Traffic calming – mini roundabouts, squareabout, shared surface, overrun strip

As a bus route 6.75 metres required.

Parking around the village green will need to ensure safety and not impede traffic movement.

Star Hill Entrance

Traffic calming – eyots, table tops, overrun strips and mini roundabouts.

As a bus route 6.75 metres required.

Measures to reduce HGV movements, ie turning left out of QintiQ site. Secure the road layout of the Star Hill aspect of Crow Drive. Should be enough deterrents in place to ensure Star Hill Road is not a desirable route.

We have noted a number of points that require further information or clarification. If you require any further information or clarification, please do let me or Dave Barton know.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours sincerely

Laura McKenzie
Development Planner

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