

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 10th June, 2020**

**10.00 am**

**Online**







## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 10th June, 2020, at 10.00 am  
Online**

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

#### **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 A H T Bowles,  
Mr P C Cooper, Mr H Rayner, Mr C Simkins and Mr J Wright

Liberal Democrat (1): Mr I S Chittenden

Labour (1) Mr J Burden

Independents (1) Mr P M Harman

In response to COVID-19, the Government has legislated to permit remote attendance by Elected Members at formal meetings. This is conditional on other Elected Members and the public being able to hear those participating in the meeting. This meeting of the Cabinet will be streamed live and can be watched via the Media link on the Webpage for this meeting.

Representations by members of the public will only be accepted in writing. The transcript of representations that would normally be made in person will be provided to the Clerk by 12 Noon two days ahead of the meeting and will be read out by the Clerk of the meeting at the appropriate point in the meeting. The maximum length of time allotted to each written representation will be the 5 minutes that it takes the Clerk to read it out.

#### **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 - 27 May 2020 (Pages 1 - 6)
4. Site Meetings and Other Meetings

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

1. General Matters

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

1. Application TM/19/1779 (KCC/TM/0152/2019) - Variation of Condition 7 of Permission TM/14/2728 to allow for a combined total of up to 240 HGV movements per day (120 in / 120 out ) to take place associated with all operations and uses at the site (including landfill, recycling and restoration) at Borough Green Quarry, Wrotham Road, Borough Green; Robert Body Haulage Ltd (Pages 7 - 56)

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

1. Proposal GR/20/156 (KCC/GR/0019/2020) - Demolition of existing single storey teaching block and erection of detached two storey teaching block with single storey activity studio, car park extension and associated landscaping works at Mayfield Grammar School, Pelham Road, Gravesend; KCC (Pages 57 - 90)

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

1. County matter applications (Pages 91 - 94)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None)
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None)

#### **F. KCC RESPONSE TO CONSULTATIONS**

#### **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, 2 June 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**

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**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held online on Wednesday, 27 May 2020.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour, Mrs R Binks, Mr A H T Bowles, Mr I S Chittenden, Mr P C Cooper, Mr P M Harman, Mr H Rayner, Mr C Simkins and Mr J Wright

ALSO PRESENT: Ms S Hamilton, Mr R L H Long, TD and Mr M D Payne

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 Joyner (Transport & Development Manager), Mr A Tait (Democratic Services Officer) and Miss G Little (Democratic Services Officer)

**UNRESTRICTED ITEMS****13. Chairman's Opening Remarks**

*(Item )*

The Chairman opened the meeting by setting out the manner in which he intended to conduct the Committee's business so that the meeting could deal with the challenges posed by its Virtual nature in the most efficient way practical. He explained that, in order to help the smooth running of the meeting, he would formally move the recommendations of the Head of Planning Applications Group prior to the consideration of each application. This did not in any way imply any intention on his part to indicate his views on the application.

**14. Planning Applications Committee Virtual Meetings Protocol**

*(Item A2)*

RESOLVED that the Protocol appended to the report be adopted in order to facilitate the smooth working of the Committee's virtual meetings.

**15. Minutes - 4 March 2020**

*(Item A4)*

RESOLVED that the Minutes of the meeting held on 4 March 2020 are correctly recorded and that they be signed by the Chairman.

**16. Site Meetings and Other Meetings**

*(Item A5)*

(1) The Committee noted that its next meeting would take place on Wednesday, 10 June 2020.

(2) The Head of Planning Applications Group informed the Committee that active consideration was being given to the question of alternative arrangements for Members' site visits in accordance with Government advice. This included the Members' site tour of the Covers Quarry application site in Westerham which had not been able to take place as intended at the beginning of May 2020 (Minute 20/9).

## **17. General Matters**

*(Item B1)*

The Head of Planning Applications Group reported that the Government appointed Inspector to independently examine the Early Partial Review of the *Kent Minerals and Waste Plan* and the *Minerals Sites Plan* had concluded that both documents were legally sound subject to the modifications that were considered at the Examination. They could now be formally adopted by the County Council later in the year.

## **18. Application TM/05/723/MR88/38 (KCC/TM/0141/2019) - Details of a revised restoration scheme pursuant to Condition 38 of Permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge; CEMEX UK Operations Ltd**

*(Item C1)*

(1) Mr M A C Balfour informed the Committee that he was the Local Member for this application. As he had not commented on this application in this capacity or as a Borough Councillor, he was able to approach its determination with an open mind.

(2) Mrs S Hamilton was present for this item and addressed the Committee.

(3) The Committee added an additional Informative drawing attention to the views of the Environment Agency in respect of several invasive non-native species (i.e. Giant Hogweed and Winter Heliotrope) known to be locally present and that it is illegal to cause them to be spread elsewhere. Attention was also drawn to the Agency's guidance on potential biosecurity protocols that should be followed.

(4) Mr H Rayner informed the Committee that as he had not been able to be present for the entire discussion of this application, he would not participate in its determination.

(5) On being put to the vote, the recommendations of the Head of Planning Applications Group (which had been seconded by Mr J Wright after having been formally moved by the Chairman) were unanimously agreed as amended in (3) above.

(6) RESOLVED that:-

- (a) the Application be approved subject to a condition specifying that no further works take place (including ground works and vegetation clearance) until a method statement for the protection of biodiversity has been submitted to and approved in writing by KCC. The method statement, which shall be informed by an appended up-to-date preliminary ecological appraisal (PEA) and (as necessary) protected species surveys shall be implemented as approved; and



- (b) the applicants be advised by Informative that:-
- (i) if the PEA and protected species surveys indicate that some or all of the further works are ecologically unacceptable, it will be necessary for the restoration scheme to be revisited and further revised; and
  - (ii) in undertaking the development, attention is drawn to the views of the Environment Agency in respect of several invasive non-native species (i.e. Giant Hogweed and Winter Heliotrope) known to be locally present and that it is illegal to cause them to be spread elsewhere. Attention is drawn to the Agency's guidance on potential biosecurity protocols that should be followed.

**19. Proposal DA/19/1549 (KCC/DA/0232/2019) - New tunnel (the Bean Road Tunnel) and associated road works to include bus, cycling and pedestrian access to the east of Bluewater Shopping Centre to link to Eastern Quarry development, including tree planting at land adjacent to Lake 5 and tunnel infilling at Bluewater Shopping Centre, Bluewater Parkway , Dartford, Greenhithe; KCC Major Capital Programme)**  
*(Item D1)*

(1) Mr P M Harman informed the Committee that he was the Local Member for this application. As he had not commented on this application in this capacity or as a Borough or Town Councillor, he was able to approach its determination with an open mind.

(2) The Head of Planning Applications Group informed the Committee of correspondence from the Local Member, Mrs P T Cole in support of the Proposal.

(3) The Head of Planning Applications Group informed the Committee of correspondence from Stone PC in support of the Proposal.

(4) The Head of Planning Applications Group referred to paragraph 112 of the report in which it was stated that the applicant did not propose piling. She said that some piling would be taking place at the tunnel portals on the Eastern Quarry and Bluewater side in the area of the tunnel hood supports and also temporary works to support the reed bed gabion wall. This was, however, covered by the Condition in the recommendations which had been recommended by Thames Water.

(5) The Clerk to the meeting read out written representations to the Committee which had been received from Mr Gordon Pratt (Managing Director of KENEXTram) as well as the reply on behalf of the applicants from Ms Deborah Day from Jacobs.

(6) The Committee agreed to add an additional Informative requesting the applicant to further consider not infilling the northern tunnel and to consider an alternative means of blocking off the tunnel.

(7) On being put to the vote, the recommendations of the Head of Planning Applications Group (which had been seconded by Mr H Rayner after having been

formally moved by the Chairman) were unanimously agreed as amended in (6) above.

(8) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 3 year time limit; the development being carried out in accordance with the permitted details; the submission and approval of details of external hard landscape materials and the proposed fencing; the submission and approval of a detailed sustainable surface water drainage scheme including appropriate operational, maintenance and access requirements prior to commencement; the submission and approval of a Verification Report pertaining to the surface water drainage system to demonstrate the suitable modelled operation of the drainage system; the submission prior to commencement of details to satisfactorily demonstrate the diversion of the water asset to prevent the potential for damage to the subsurface potable water infrastructure; the submission and approval of further details of the length and depth of the provision of twin 800mm diameter pipes and headwall proposed as a culvert for the Eastern Quarry where it crosses the proposed access road; arrangements to address any unforeseen contamination found during development; arrangements to review the air quality dust impact assessment in the event of unforeseen contamination; the submission and approval of details of the highways design improvements which are to be incorporated into the scheme to address the minimum stagger distance, the provision of raised kerbs and call forward demand; an ecological survey, a pre-construction bird survey and supervision being carried out in accordance with the details set out in the application, including measures to secure a European Protected Species Mitigation Licence from Natural England in order to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats; the submission and approval of external lighting details, including the impacts of external lighting to bats and according with The Institute of Lighting Professionals Bat and Artificial Lighting in the UK Guidance Note 08/18; the submission and approval of details of the proposed landscape planting, including native species and suitability for bee pollination where appropriate in order to address the concerns raised by the Dartford BC and the Highway Authority relating to the impact upon potential desire lines and highway considerations; the submission and approval of details of the final profile and appearance of the existing tunnel face to the west and east of the existing tunnels and any landscaping requirements; the submission and approval of details of the proposed false tunnel or tunnel hood; the submission and approval prior to commencement of a Construction Environment Management Plan, including details in respect of the mitigation of dust and air quality measures during construction; the submission and approval prior to commencement of a Construction Management Plan in respect of operational hours during construction, routing of construction and delivery vehicles, parking and turning areas for construction vehicles, delivery vehicles and site personnel, timing of

deliveries, provision of wheel washing facilities and any temporary traffic management and signage; the restriction of piling unless a piling method statement has been submitted and approved; the submission prior to commencement of a method statement, incorporating a timeline in respect of vegetation removal and considerations in respect of all protected/ designated species; and

- (b) the Applicant be advised by Informative of:-
- (i) the need for a European Protected Species Mitigation Licence (EPSL) from Natural England in order to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats;
  - (ii) the need for developer consultation with the relevant utility companies;
  - (iii) waste management advice from the Environment Agency, including advice that in relation to contamination;
  - (iv) the Environment Agency's advice regarding permitting and waste transportation requirements to and from the development;
  - (v) the need for the drainage connection for the tunnel to have regard to the water management strategies for both the Bluewater and Eastern Quarry developments;
  - (vi) the advice from the Environment Agency that the tunnelling activity should be undertaken in a manner not likely to create impacts on the underlying chalk aquifer, having regard to potential water abstractions in the vicinity; and
  - (vii) advice from Thames Water in respect of working near its underground waste water assets, surface and foul water drainage and piling and working in close proximity to the underground strategic water main and utility infrastructure; and
  - (viii) the Committee's request for the applicant to further consider not infilling the northern tunnel and to consider an alternative means of blocking off the tunnel.

## **20. 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;
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and
- (e) the Urgent decision taken under Sections 10.15 and 10.16 of Part 2 of the Constitution in respect of the Temporary Body Storage Facility in response to the COVID-19 pandemic at the former County Workshops site in Aylesford.

**21. KCC responses to consultation**

*(Item F1)*

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

- (a) Lenham Neighbourhood Plan – Regulation 16 Consultation Submission Version;
- (b) Planning for Growth on the Hoo Peninsula; and
- (c) Ashford BC – Fibre to the Premises (FTTP) Supplementary Planning Document (SPD).

SECTION C  
MINERALS AND WASTE DISPOSAL

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

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Item C1

Variation of condition 7 of planning permission TM/14/2728 to allow for a combined total of up to 240 HGV movements per day (120 in/120 out) to take place associated with all operations and uses at the site (including landfill, recycling and restoration) at Borough Green Quarry, Wrotham Road, Borough Green, Kent, TN15 8DG - TM/19/1779 (KCC/TM/0152/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 10<sup>th</sup> June 2020.

Application by Robert Body Haulage Ltd for a Section 73 application for the variation of condition 7 of planning permission TM/14/2728 to allow for a combined total of up to 240 HGV movements per day (120 in/120 out) to take place associated with all operations and uses at the site (including landfill, recycling and restoration) at Borough Green Quarry, Wrotham Road, Borough Green, Kent TN15 8DG - TM/19/1779 (KCC/TM/0152/2019).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr. H. Rayner

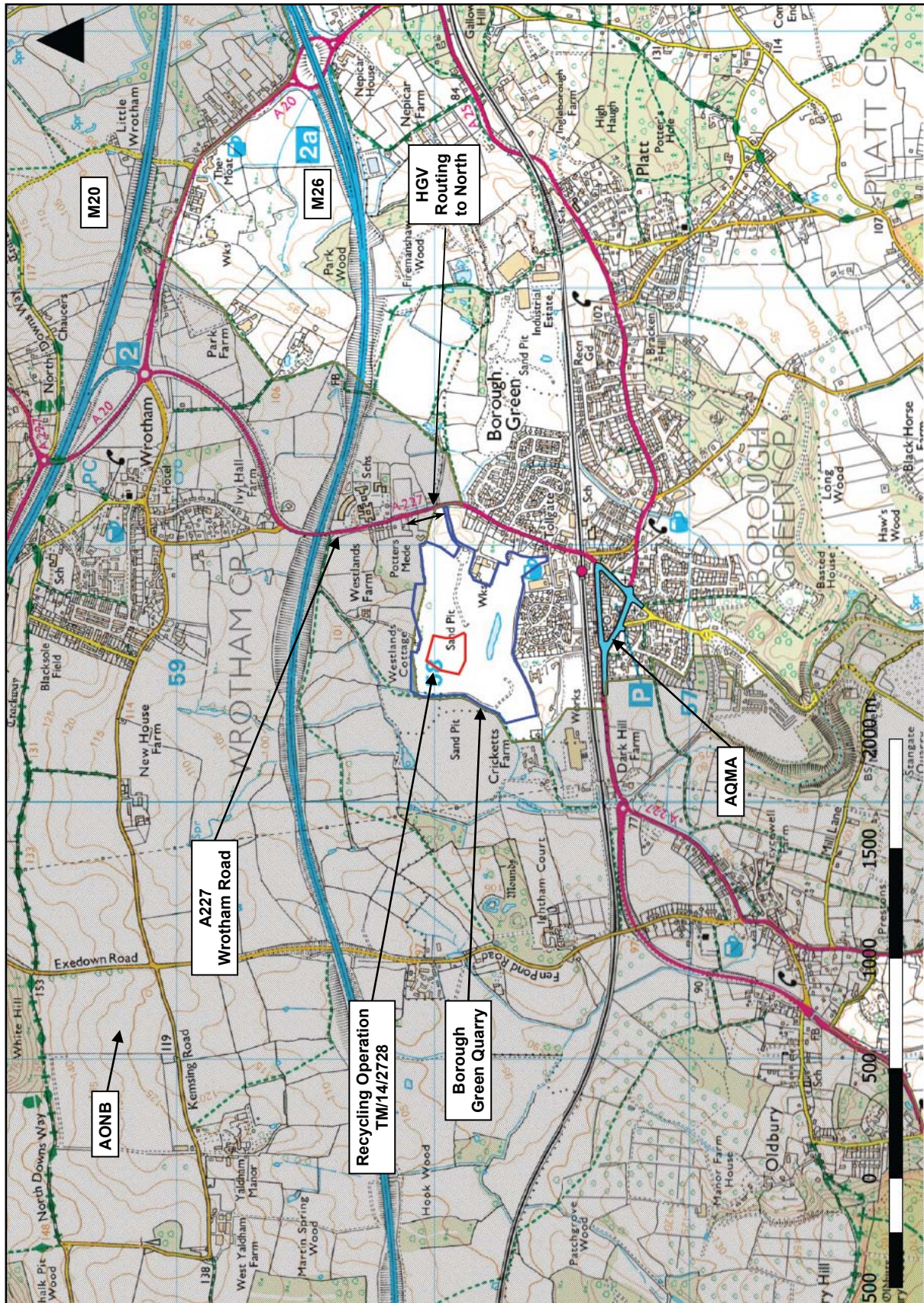
Classification: Unrestricted

Site

1. The application site falls within Borough Green Quarry (Landfill) ("the site"). The site is located west of Wrotham Road (the A227), immediately north of the built confines of Borough Green. The working area of the quarry covers approximately 13 hectares (ha) and is partially restored. The permitted sand reserves have long since been exhausted and mineral extraction has permanently ceased. The extraction left a void up to 35m deep across the quarry area. The extant planning permissions allow for the site to be backfilled with inert waste material and restored in accordance with an approved scheme. This scheme allows for the land to be restored to levels similar to the surrounding landscape. The infill of the site is well progressed with parts of the site reaching permitted levels. The permitted uses include provision for an ancillary temporary inert waste recycling facility that produces secondary aggregate for export from suitable waste materials. This facility is located within part of the remaining quarry void and is below surrounding ground levels. The quarry benefits from a dedicated site compound adjacent to the access, wheel washing facilities and a private access road that stretches c.140m east to the public highway. This access is shared with commercial / industrial units within the adjacent Long Pond Works site.
2. The quarry is in open countryside located within the Green Belt. The North Downs Area of Outstanding Natural Beauty (AONB) adjoins the site boundary immediately to the north. The southern section of the site falls within a Groundwater Source Protection Zone 3.

Variation of permission TM/14/2728 to allow up to 240 HGV movements per day (120 in/120 out) at Borough Green Quarry, Wrotham Road - TM/19/1779 (KCC/TM/0152/2019)

**General Location Plan**



Variation of permission TM/14/2728 to allow up to 240 HGV movements per day (120 in/120 out) at Borough Green Quarry, Wrotham Road - TM/19/1779 (KCC/TM/0152/2019)

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Public Right of Way MR244 passes to the north and west. An Air Quality Management Area (AQMA) is designated around the road network at the centre of Borough Green, c.300m south of the closest site boundary and c.600m south of the site access.

3. Land to the north of the application site forms open countryside between Borough Green and the M26 Motorway, which passes east to west c.420m to the north. This land is principally in agricultural use. The Potters Mead Recreation Ground is located to the north-east, beyond which is a commercial unit and a small number of residential properties that line Wrotham Road to the north. Further to the north-east along Wrotham Road (c.230m) are Wrotham and Grange Park Schools. Land to the east, includes the commercial buildings within the Long Pond Works, which falls within the applicant's ownership and shares the main access to the quarry onto Wrotham Road. Beyond this, 100m east of the commercial units and 60m south of the site access road are residential properties that form the northern areas of Borough Green. Further to the east is Borough Green Sand Pit with further permitted quarrying operations beyond. Land to the south, forms residential properties within Borough Green, including a large residential home. Land to the west, includes the former Ightham Quarry, Cricketts Farm (a commercial base and compound for the O'Keefe Group) and a concrete block works (H+H Celcon).
4. The application site forms part of a wider area of land north of Borough Green and Platt being promoted as part of a proposed development known as "Borough Green Gardens" (BGG). This is a strategic mixed-use development allocated in the emerging Tonbridge and Malling Local Plan (Draft Policy LP29).

#### Background / Relevant Site History

5. Sand (mineral) extraction at Borough Green Quarry was originally granted under an Interim Development Order (IDO), which provides for both the extraction of sand and subsequent restoration of the quarry void (IDO permission TR1893, updated by TM/93/305). A small extension to the sand extraction to the north-west was granted and has been worked at the same time as the main quarry under Review of Old Mineral Permissions (ROMP) reference TM/01/1205/MR86. Henceforward, these permissions will be referred to as the 'mineral permissions'.
6. The conditions imposed on TM/93/305 were established following a High Court judgement in May 1996. These conditions include operations to cease by 21 February 2042, maintenance of site access, measures to prevent mud on the highway, a working programme, soil protection, hours of use, restoration, planting, aftercare, controls on permitted development rights and fencing. The ROMP permission (TM/01/1205/MR86) for the determination of new conditions was issued in April 2002. This permission repeats similar conditions to those referenced above, whilst also introducing a maximum depth of working for this part of the quarry (1.52m above the water table). There are no controls on either permission relating to the number of HGV movements associated with the quarry / landfill operations. Both permissions remain relevant and have been varied on several occasions over the years. The most relevant permissions / approvals are referenced below.
7. Planning permissions TM/08/2981 and TM/08/3175 varied the earlier mineral permissions to allow improvements to the access arrangements to Wrotham Road.

Variation of permission TM/14/2728 to allow up to 240 HGV movements per day (120 in/120 out) at Borough Green Quarry, Wrotham Road - TM/19/1779 (KCC/TM/0152/2019)

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8. Approvals TM/93/305/R12 & 16 and TM/01/1205/MR86/R8 & 11 provide for a combined restoration and aftercare scheme for the entire site. The approved scheme allows for sequential and phased restoration using imported inert fill material to levels that tie in with the surrounding landform. The intended after uses include restoration to agriculture and landscape planting comprising woodland blocks and hedgerows. See approved "restoration plan" attached in Appendix 1.
9. Planning permission TM/06/2171 allowed for the recycling of inert waste / crushing and screening to produce secondary aggregates within part of the quarry void. This permission was granted on the basis that the recycling be completed on a campaign basis, as an ancillary operation within the main quarry / landfill activities. Condition (6) of the permission introduced limits on the total number of HGV movements to 110 per day (55 In / 55 Out). This was the first permission at the site to impose controls on vehicle numbers. The redline area of the development only covered part of the overall quarry, however on the basis that the application site and surrounding quarry were in the same ownership the condition sought to impose new highway controls on both recycling and retrospectively on the mineral permissions all the time the permitted recycling was taking place. The controls were based on the importation of not more than 300,000 tonnes per annum (tpa) and not more than 3,000 tonnes per day.
10. Planning permission TM/08/3715 varied the above permission TM/06/2171 to allow up to a total of 182 HGV movements per day (91 In / 91 Out), based on vehicles associated with both mineral and recycling operations handling up to 500,000 tonnes of material per year. The conditions imposed include the development to cease by February 2042 or on completion of restoration of the quarry, the recycling to continue on a campaign basis, dust mitigation, no HGVs to leave site during school term-time between 0800-0845 and 1500-1545 hours, wheel cleaning facilities and records of all movements to be maintained.
11. Planning permission TM/10/72 varied condition 3 of permission TM/08/3715 and conditions 6 & 12 of permission TM/93/305 to replace a section of the approved noise attenuation mound with a noise attenuation fence along the southern boundary.
12. In place of the above waste permissions, planning permission TM/14/2728 provides for the relocation and increase in the ground level for the recycling operations and the retention of the recycling plant for the duration of the landfill. TM/14/2728 is the key 'waste permission'. Condition (7) of this permission continues to limit HGV movements to 182 per day (91 In / 91 Out) in association with the quarry restoration, landfill and recycling operations. Other conditions imposed include:
  - operations to cease by 21 February 2042 or restoration of the quarry;
  - the cessation of all earlier recycling operations permitted on site;
  - hours of operation (between 0700 and 1800 hours Monday to Friday and between 0700 and 1:00 hours on Saturdays);
  - no HGVs to leave during peak school travel times (term time 0800 to 0845 and 1500 to 1545 hours Monday to Friday);
  - records of all HGV movements to be maintained;
  - wheel and chassis cleaning facilities;
  - HGVs to be covered;
  - 10mph speed limit on haul road;
  - implementation of a dust control scheme;



Variation of permission TM/14/2728 to allow up to 240 HGV movements per day (120 in/120 out) at Borough Green Quarry, Wrotham Road - TM/19/1779 (KCC/TM/0152/2019)

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- noise controls (55dB<sub>LAeq,1hr</sub> daily and 70dB<sub>LAeq,1hr</sub> for temporary operations, when measured at any noise sensitive property);
- a noise attenuation bund;
- operation of recycling plant and equipment within void (below 70 metres above ordnance datum (AOD)); and
- crushing and soil screening operations to not take place simultaneously.

TM/14/2728 also includes informatives encouraging routing of HGVs away from Borough Green Village; and maximising backloading of HGVs importing waste to export recyclable materials wherever possible.

13. Planning permission TM/14/1442 allows provision for an ancillary secure site compound and the overnight parking of HGVs on site. Amongst other matters, this permission imposes the same controls on hours of operation and numbers of HGV movements as set out above.
14. Land adjacent to the quarry, which shares the access road, known as Long Pond Works, has been subject to several recent commercial permissions granted by Tonbridge and Malling Borough Council (TMBC). TM/16/01859/FL grants permission for the demolition of 6 industrial buildings and construction of a replacement industrial unit and a flexible change of use within Use Classes B1, B2 and B8 as well as use by Robert Body Haulage for parking and maintenance of vehicles and office use as an administrative base. TM/18/01402/FL grants permission for an extension to the permitted industrial unit approved under planning reference TM/16/01859/FL and the provision of parking.
15. As indicated above, the site also forms part of the area of land promoted for the Borough Green Gardens (BGG) proposals. This land is identified in the emerging Local Plan as one of the sites the Borough Council is seeking to allocate as part of its new strategic housing provision for the next plan period. The emerging Local Plan has been submitted to the Secretary of State for Examination in Public (EIP). The appointed inspectors have requested that TMBC undertake further work and consultations prior to the first stage of the EIP later this year. Draft policy LP29 of the emerging Local Plan specifically identifies the site as part of a new mixed-use housing development. If allocated, and subsequently planning permission were to be granted, the wider scheme would provide for c.3,000 dwellings, a new relief road, 2ha of Employment Floorspace, healthcare, primary and secondary education provision.
16. BGG is one of 19 Garden Villages across the UK to be selected (in June 2019) as part of the Government's Garden Communities Programme, being delivered by Homes England / DHCLG. The programme provides funding to local planning authorities with the objective of delivering and accelerating such development projects.

#### Proposal

17. The application, made on behalf of Robert Body Haulage Ltd, seeks planning consent to vary condition (7) of permission TM/14/2728. The proposed variation would allow for a combined total of up to 240 HGV movements per day (120 in/120 out), to take place in association with the permitted operations and uses at the quarry (including landfill, recycling and restoration). The changes would result in an increase of 58 HGV

Variation of permission TM/14/2728 to allow up to 240 HGV movements per day (120 in/120 out) at Borough Green Quarry, Wrotham Road - TM/19/1779 (KCC/TM/0152/2019)

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movements (an additional 29 In / 29 Out) over the existing permitted limit of 182 movements allowed each day.

18. The objective of the application is to increase the rate at which infill material can be transported to site to accelerate the backfill and restoration of the quarry, whilst maintaining the recycling operations. The application documents (as amplified) state that the HGV movements allowed under the extant permissions (182 per day), would allow the permitted landfill restoration levels to be reached in a minimum of 8.5 years (i.e. by 2028). With the benefit of the increased HGV movements proposed (240 per day), the permitted levels could be achieved in 6.5 years (i.e. by 2026). The proposals highlight the associated environmental benefits of securing the early restoration of the site.
19. The application seeks to vary permission relating to the recycling operations instead of the above-mentioned mineral permissions for the quarry and infill (TM/93/305 & TM/01/1205/MR86). This is because these earlier permissions are not subject to any controls relating to HGV numbers or movements. The applicant also wishes to maintain the ancillary recycling operations, as an important part of its business for as long as possible during the final restoration.
20. The application is accompanied by a Transport Statement, which considers the in-combination changes in HGV movements in the context of existing traffic flows recorded on the A227 Wrotham Road. This demonstrates that on average HGV movements (including those associated with the existing permitted recycling / infill operations) account for c.5% of the traffic levels on this part of the highway network. The assessment demonstrates that the additional 58 movements proposed would result in a c.1% uplift in HGV traffic over the base flow (i.e. 6% of the overall flow). The assessment also includes a review of the collision data for Wrotham Road close to the site over the last 10 years. The results highlight a small number of recorded incidents with only one involving an HGV. The report assumes that all HGV site traffic would continue to be routed via the highway network to the north avoiding travel through Borough Green Village.
21. Notwithstanding the approved restoration, the application includes an "Outline Accelerated Earthwork Strategy" which the applicant states provides background details of an anticipated development platform relating to the BGG proposals. The potential BGG development platform is shown at a lower finished ground level than the approved landfill restoration scheme (i.e. requiring less volume of infill material and less time to deliver). The strategy confirms that, should BGG be found to be acceptable in future, an increased rate of infill would assist in delivering a more flexible development platform (where the BGG scheme relates to the application site).
22. For the avoidance of doubt, beyond the changes to the number of HGV movements permitted, the application does not seek to vary any of the other controls imposed on permission TM/14/2728 or any other permission relating to the quarry. Any proposals to depart from the existing permissions, including the working and restoration arrangements approved under the minerals permissions, would require a further separate planning application(s) to be made. Any application to engineer a development platform for future major housing, community or commercial development would need to be subject to the outcome of the Examination in Public of the emerging

Variation of permission TM/14/2728 to allow up to 240 HGV movements per day (120 in/120 out) at Borough Green Quarry, Wrotham Road - TM/19/1779 (KCC/TM/0152/2019)

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TMBC Local Plan, or in any event subject to a separate application to TMBC as part of the future aspirations for the use of the land.

Additional / revised information received from the applicant during the processing of the application in response to consultee views and representations.

23. The applicant's agent (Barton Willmore) accepts that the Borough Green Gardens proposal cannot be afforded significant weight, considering the emerging status of the TMBC Local Plan. However, it considers that the BGG proposals can be afforded material weight. Barton Willmore draw attention to the conclusions drawn within TMBC's Delegated Report on this application, that BGG forms the largest strategic allocation in the emerging TMBC Local Plan and is therefore of critical importance in terms of meeting housing need in the Borough up to and beyond 2031. The response also recognises that BGG is formally part of the Government's Garden Communities Programme with Homes England. One of the key objectives of this Government programme is to provide/support the accelerated delivery of housing growth. Barton Willmore suggest that these matters can be weighed favourably in the overall planning balance for the application as against the policies in the Development Plan and the National Planning Policy Framework.
24. In terms of the recycling operations, the applicant states that this is an important part of the its business and the plan is to continue this temporary use for as long as possible whilst the quarry is being restored. The recycling operations are in the final phase of the quarry to be restored and would only be removed at that stage. The applicant's agent has stated that approximately 7 - 10% of the material received on site is recycled and that the calculated timeframes for restoration take account of continuing activity at this level.
25. In terms of comments regarding air quality and the AQMA located within Borough Green, the application confirms that HGV traffic to / from the site travels strictly to the north via Junction 2 of the M20 or 2a of the M26 thus avoiding travel through Borough Green. The applicant states that it is content to accept a new condition to this effect; the previous permission only reflected this requirement as an informative.

#### Planning Policy

26. The most relevant Government guidance and development plan policies are summarised below:
27. **National Planning Policies** – the relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (2019) and the National Planning Policy for Waste (NPPW), and the associated National Planning Practice Guidance (NPPG), including the Minerals Planning Practice Guidance (MPPG). These are all material planning considerations.
28. **Kent Minerals and Waste Local Plan (2016) (Kent MWLP) Policies:** CSM1 (Sustainable Development); CSW1 (Sustainable Development), CSW2 (Waste Hierarchy); CSW11 (Permanent Deposit of Inert Waste); DM1 (Sustainable Design); DM2 (Environmental and Landscape Sites of International, National and Local Importance); DM4 (Green Belt); DM11 (Health and Amenity); DM12 (Cumulative

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Impact); DM13 (Transportation of Minerals and Waste) and DM19 (Restoration, Aftercare and After-use).

29. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Draft (November 2018) (EPRKMWLP).** This has no direct bearing on the current application. The Early Partial Review of the Kent MWLP was subject to an independent examination between 8 and 15 October 2019 and the Inspector's Report was published on 23 April 2020. The Report concludes that the Plan is sound provided that a number of main modifications are made. The main modifications were discussed at the examination hearings, subject to sustainability appraisal and public consultation and considered by the Inspector along with any representations made on them. Given this, it is appropriate that substantial weight be given to the Plan in the period prior to its adoption.
30. **Tonbridge and Malling Borough Council Local Development Framework: Core Strategy (2007) (TMBC CS) Policies:** CP1 (Sustainable Development); CP2 (Sustainable Transport); CP3 (Green Belt); CP6 (Separate Identity of Settlements); CP7 (Area of Outstanding Nature Beauty); CP14 (Development in the Countryside) and CP25 (Mitigation of Development Impacts).
31. **Tonbridge and Malling Borough Council Local Development Framework: Managing Development and the Environment Development Plan Document (2010) (TMBC MDE) Policies:** NE2 (Habitat Networks); NE3 (Impact of Development on Local Biodiversity); SQ4 (Air Quality); SQ6 (Noise); SQ7 (Health & Well-being); and SQ8 (Road Safety).
32. **Emerging Tonbridge and Malling Borough Council Local Plan Regulation 22 Submission (January 2019) (Emerging TMBC LP) Draft Policies:** LP1 (Presumption in Favour of Sustainable Development); LP11 (Designated Areas); LP12 (Areas of Outstanding Natural Beauty); LP20 (Air Quality); LP21 (Noise Quality); LP23 (Sustainable Transport); LP24 (Minerals and Waste); LP25 (Housing Allocations – Overview); LP26 (Housing Allocation – Policy Requirements), and LP29 (Strategic Site – Borough Green Gardens).

#### Consultations

33. **Tonbridge & Malling Borough Council – no objection** to the application.

The Borough Council's 'Delegated Report' states that:

*“... The proposed increase to 240 [movements] is not an insignificant amount however, representing approximately a 31% increase over existing arrangements. The Council would ask KCC to very carefully consider the impact this would have on local residents and the road network and only grant permission for this increase if they are satisfied that the impacts would be acceptable in this regard.*

*At the same time the Council recognise that the additional movements will ultimately increase the rate at which the land is restored and therefore how soon the movements can cease altogether. This increased rate of restoration is important and will help support the delivery of the Borough Green Garden Community, one of the*

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*Council's key strategic allocations and a crucial element of future housing supply in the borough.*

*As such, the Council does not object to the proposal, subject to the impact on residents and the highways network being considered acceptable”.*

34. **Borough Green Parish Council – objects** to the application on the grounds summarised below. It also further endorses Wrotham Parish Council's objections.

- Increase in noise and dust on local roads from HGV movements.
- Impact on air quality from an increase in HGVs moving through the village. Draws attention to the AQMA at the centre of Borough Green.
- Impacts on highway safety and congestion, including exacerbating existing problems with mud on the highway.
- A previously permitted increase in HGV movements from 110 to 182 was to allow extra traffic for recycling operations, not to increase landfill rates. 182 movements per day is adequate to enable backfill and restoration in the timescales originally permitted.
- The average percentage of HGV traffic on the A227 detailed in the Transport Statement at 6% is higher than expected for an average road. During the hours of operation, the average HGV traffic flow on the A227 with the additional movements proposed would equate to 8 HGV movements every 10 minutes (an increase of 1 movement every 10 minutes).
- Concerns about the cumulative impact of HGV movements with other local quarries and quarry related activities.
- Whilst the restriction on HGV movements during peak school travel times are still in place, the increase in HGVs would impact on nearby schools.
- Notes that whilst the HGV routing strategy proposed works for a percentage of the drivers, this expectation has not worked in every instance.
- Requests that the total number of HGV movements associated with Robert Body Haulage Ltd.'s operations at the quarry and within surrounding industrial and commercial uses (including Long Pond Works) are included in the overall total.
- The use of larger volumes of inert waste to infill the quarry would reduce the amount of material being recycled by the site, making the operations less sustainable. Considers that the change could impact on the county's recycling capacity, impacting on the Kent MWLP targets and increasing use of primary aggregate.
- Concerns that new housing built at Pearsall Place is not as well mitigated for noise and dust as other residential areas close to the quarry.
- The application is premature, as the sole reason for accelerating the landfill appears to be the proposals to build Borough Green Gardens. BGG has not even been approved as part of the Local Plan and is nowhere near the planning application stage.
- Notes that an essential requirement of the BGG scheme is the deliverability, which requires the land to be available by 2024. The consortium of landowners has given assurances on this availability as part of the examination of the draft local plan. The current application appears to contradict the assurances given. Notes that other quarry land also included within the BGG scheme are less advanced and presumably will also require amendments to the planning permissions, including HGV movements, to speed up operations. Considers this

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would come at the expense of recycled aggregate production, highway safety, congestion and local amenity and air pollution.

- Notes that the TMBC Local Plan Inquiry has been delayed due to the Inspector(s) raising questions that require further work by TMBC along with the potential for major modifications to the Plan as drafted. Considers there is no certainty that Policy 29 relating to BGGs will not be modified, which further reduces the weight that should be afforded to the emerging plan.

The Parish Council also wrote raising initial concerns regarding potential changes to the approved restoration to help accommodate a BGG development platform, subsequent inaccuracies in the stated timeframes for restoration and potential changes to the phased restoration. These matters have been clarified by the applicant, which states that the application solely relates to changes to the permitted HGV numbers and seeks to make no other amendments to the permitted restoration scheme.

35. **Wrotham Parish Council – objects** to the application. The Parish Council has made several representations. The key points raised can be summarised as follows:

- No justification is given for the application other than the future delivery of Borough Green Gardens.
- The BGG proposals should be given little weight in justifying the current application on the grounds that it has not yet been tested through the Local Plan Inquiry. Draws attention to the Inspector's concerns regarding the submission version of the Local Plan and the request for further work before the Plan is tested.
- Increased noise impacts from HGV movements on the local community, including the Secondary and Special Educational Needs Schools located adjacent to the A227.
- Impacts on local Air Quality. Notes that if permission were to be granted the number of HGV movements on the A227 when the site is operational (i.e. between 0700 and 1800 hours M-F) would rise from an average of 41 to 47 per hour, resulting in 447 HGV movements per day in addition to an average 6,766 non HGV movements recorded during this period each day. Notes the AQMA located to the south within Borough Green and that the Parish Council has commissioned its own air quality testing at other locations along the A227.
- HGV traffic on the A227 is particularly high at 6% of the total movements, considers that a normal distribution of traffic would result in between 2 – 3 % HGV movements.
- Concerns about cumulative impacts of HGV movements from multiple sites in the Borough Green area.
- Concerns that the applicant has little control over the routing of vehicles to the north as sought by an informative on the extant permission(s). Notes that this arrangement works for a percentage of drivers, however by no means all.

The Parish Council initially raised concerns about

- The application potentially seeking to vary the permitted restoration scheme to provide 'Development Platforms' for BGG.

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- Whether the Transport Statement and the predicted minimum timeframes for restoration of the quarry take account of delivery of material to the recycling operations, as the focus appears to be on infill and restoration only. Considers that diversion of material from the recycling operations to increase the rate of infill would be considered unsustainable by reducing the availability of secondary aggregates and increasing pressure on primary sources.
- Whether the scope of the Section 73 application received exceeds that of the original application and is therefore potentially unlawful and whether the documentation received meets the requirements for a valid application.

Officers responded to the Parish Council's initial concerns with further information received from the applicant, clarifying that:

- The application only relates to changes to the permitted number of HGV movements; no other controls imposed on permission TM/14/2728 or any other permission relating to the quarry is being varied or planning permission sought.
- The Transport Assessment and minimum infill timeframes proposed allow for existing levels of recycling (10%) to continue in tandem with the restoration work.

A full copy of the Parish Council's response is appended to this report (see Appendix 2).

36. **Platt Parish Council – objects** to the application and endorses Wrotham Parish Council's objections. Platt Parish Council considers that:
- Justification for the application is inadequate, drawing attention to community concerns about the proposed BGG scheme, including the relief road.
  - Little weight is given to noise and air quality impacts by the application, including impacts on nearby schools and residents.
  - Congestion on local roads has increased in the last 12 months, particularly during rush hour with increasing numbers of stationary vehicles waiting to join the major routes. This is impacting on air quality without the further pressure posed by this application.
  - The initial landfill application carefully considered the implications of the development, including the agreed rate of infill. Proposals to increase this rate are not justified and do not give enough consideration to residential amenities.
  - The proposals potentially do not accord with the permitted restoration scheme and do not offer credible reasons for this change, except for possible future developments.
37. **Environment Agency – no objection.**
38. **Natural England** – advises it has no comment on the variation proposed.
39. **Kent County Council Highways and Transportation (KCC H&T) – no objection** to the proposals, subject to the existing highway controls imposed on the extant permission being retained and a condition requiring details of a system of HGV monitoring and reporting.

Kent Highways draw attention to Paragraph 109 of the 2019 National Planning Policy Framework that states development should only be prevented or refused on highways

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grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The comments note the proposed increase in the permitted number of HGV movements from 182 per day to 240, the permitted hours of use 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday, the permitted HGV routing via the A227 Wrotham bypass to the north, the requirement that no site traffic to depart from or arrive at the quarry during peak school times (0800 to 0845 and 1500 to 1545), the recent improvements to the wheel washing facilities, and the distance of the private access road (100m+) before vehicles reach the public highway. The advice indicates that the 32% increase in vehicle movements proposed would be spread over the net 9½ hour operational day (or approximately 1 additional movement every 10 minutes). The comments acknowledge that (for the stretch of the A227 between the roundabout on the M20 and Borough Green) there have been four recorded injury crashes involving goods vehicles over the last 5 years (only one of which involved an HGV and this took place in foggy/misty weather conditions).

Highways and Transportation conclude that the increase in HGV movements proposed would not impact on highway safety and would not have a severe impact on the highway network. It therefore raises no objection, subject to the above conditions.

The comments also recommend an informative drawing the applicant's attention to the need to obtain permission for any works affecting highway land.

40. **Kent Downs AONB Unit** – no response received.
41. **KCC Noise Consultant (Amey)** – **no objection** to the application.

In commenting on the application, Amey reviewed the traffic flow data for the A227 (Wrotham Road) received. To demonstrate the likely effect on noise levels from the changes in the number of HGVs Amey undertook traffic noise predictions based on a representative location. The table below shows the results based on average observed 2016 traffic flow during the hours of operation (i.e. between 0700 – 1800 hours (excluding peak school travel times):

	Total flow	% HGV	Change in noise level dB
<b>2016 baseline (without Borough Green Quarry)</b>	6973	3.0%	0.0
<b>2016 flows (Inc. permitted 182 HGV movements)</b>	7155	5.4%	0.8
<b>2016 flows (Inc. proposed 240 HGV movements (182 + 58 HGV)</b>	7213	6.2%	1.1

The calculations show that based on the current proposal to increase HGVs by 58 (from 182 to 240), the level of noise would increase by around +0.3 dB (i.e. 1.1 minus 0.8). Therefore, as the noise impact due to an increase in HGV numbers by 58 would be minimal, Amey raise no objections on noise grounds.



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42. **KCC Air Quality Consultant (Amey) – no objection** to the application.

Amey advise that although the variation to the application is not accompanied by any detailed information on air quality, any air quality screening assessment undertaken on the proposed HGV movements would conclude that the air quality impacts would be negligible. Amey are satisfied that further information on the air quality impact of the HGV movements is not required in this case.

Amey's comments acknowledge the AQMA 600m to the south of the site. Whilst the proposed increase is above the screening criteria for assessment within or adjacent to (within 200m) of an AQMA, it notes that the proposed vehicles would move north, therefore would have no direct impact on the AQMA.

Amey therefore concludes that the proposed variation to the condition on the number of Heavy-Duty Vehicles (HDVs) (i.e. HGVs) movements would have a negligible air quality impact. This conclusion was drawn from the Institute of Air Quality Management Guidance "Land-Use Planning & Development Control: Planning for Air Quality" (January 2017), which indicates that an air quality assessment should be required for development that is not within or adjacent to and AQMA where the annual average daily traffic (AADT) flow of HDVs (i.e. HGVs) would increase by more than 100 (for development within or adjacent to an AQMA, the AADT figure is 25).

43. **Campaign to Protect Rural England (CPRE) Kent – objects**, on the following grounds:

- Impact of an increase of 58 HGV movements (or +32%) on highway safety and congestion.
- BGG is the main justification put forward by the applicant for the development. BGG is not reflected in an adopted local plan so can only be given minimal planning weight.
- The proposals include amendments to the permitted restoration plan that are not reflected in the application forms and are unsupported by the documentation received.
- The proposals would bring an end to the recycling operations, which would increase reliance on primary aggregates, impacting on the county's recycling capacity and environment.
- Cumulative impacts on air quality close to areas that exceed safe European levels of NO<sub>2</sub> and particulates. Any proposal to increase HGV movements is both detrimental to local amenity and potentially damaging to the health of children and other vulnerable members of the community.
- The quarry's proximity to two schools, one of which should be considered a highly sensitive noise receptor as it provides for pupils with special needs. Notes all HGV traffic is directed past these institutions under the existing planning permission.
- Concerns that any permission would set a precedent for other quarries in the area to apply to increase HGV movements to hasten quarrying and restoration to make land available for the BGG scheme. This would be detrimental to the Minerals and Waste Local Plan and the environment, both locally and further afield.

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#### Local Member

44. The local County Member for Malling West, Mr. Harry Rayner was notified of the application on 26 July 2019.

#### Publicity

45. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 36 nearby properties.

#### Representations

46. In response to the publicity, 10 letters objecting to the application have been received. The key concerns and objections raised can be summarised as follows:
- Impacts on residential amenities from an increase in HGV movements, exacerbating noise, dust, litter and vibration.
  - 240 HGV movements per day, approximately 30 per hour or 1 trip every 2 minutes would have an unacceptable impact on local amenities.
  - Damage to the carriageway on Wrotham Road, opposite residential property, increases noise and vibration generated by HGV movements, potentially damaging property, disrupting sleep and impacting on local amenities.
  - Complaints have already been made about the number of lorries associated with the existing operations.
  - Noise from the site constitutes a statutory nuisance under the Environmental Protection Act 1990.
  - Impacts on air pollution and in turn human health resulting from additional HGV movements. Notes air quality is already above safe levels within the Borough Green area. Draws attention to the schools along the route that would be directly impacted.
  - Roads around Borough Green are already congested with significant HGV traffic due to the H&H Brick Factory and the absence of a West Bound Slip on the M26.
  - Highway safety concerns about mud being tracked from the quarry onto the public highway.
  - Highway safety concerns about the size of local roads and footways and the proximity of traffic, including HGVs, to pedestrians (including school children) that regularly walk along the A227.
  - Increased danger to residents pulling off / onto the highway from their driveways.
  - Wrotham Road (A227) already has a speed camera due to the number of accidents. An increase in traffic would exacerbate the risk.
  - Requests that serious consideration be given to traffic calming measures, such as the implementation of a 20mph Average Speed Check.
  - Concerns about additional wear and tear on the highway and additional maintenance costs on the public purse.
  - Impact of additional HGV's on wildlife and the Area of Outstanding Natural Beauty.
  - Potential risk of pollution, dust and ground contamination resulting from the materials being transported to site.

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- Considers that the main reason for the application is to speed up restoration operations to help facilitate the BGG proposals. The application is considered premature with the BGG scheme only at an early stage and is not allocated in an adopted local plan nor does it benefit from planning permission. Notes the BGG scheme may never happen.

## Discussion

47. The application proposes the variation of condition 7 of planning permission TM/14/2728 to allow for a combined total of up to 240 HGV movements per day (120 in/120 out) to take place in association with all operations and uses at the site (including landfill, recycling and restoration). This is an increase of 58 movements per day (29 in / 29 out) over the permitted arrangements (a 32% increase). The proposed change would enable a rise in the rate of infill of the remaining quarry void; thereby reducing the minimum time needed to restore the site. Whilst the permissions would in theory allow operations on site to continue up until February 2042, the applicant estimates that the additional HGV movements would enable the permitted restoration landform to be completed sooner, within 6.5 years. This would be 2 years sooner than the minimum time needed under the existing permissions. The application proposes no other changes to the permitted arrangements, or the conditions imposed on the extant permission(s).
48. The application is being reported to the Planning Applications Committee as a result of 10 letters of objection from nearby residents (raising concerns about highway safety and congestion, air quality and local amenity impacts) and objections received from Borough Green, Wrotham and Platt Parish Councils and CPRE Kent. No objections have been received from the technical consultees. See the Consultation and Representations sections above for details of all views received.
49. In considering this proposal, regard must be had to the development plan policies outlined in the Planning Policy section. 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 any other material planning considerations.
50. In my opinion, the key material planning considerations in this case can be summarised by the following headings:
  - Need / Sustainability (including Borough Green Gardens / Emerging TMBC Local Plan).
  - Green Belt and Landscape (including the AONB).
  - Highway considerations.
  - Local amenity considerations (including noise and air quality).
  - Nature conservation.
  - Other procedural matters.

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### **Need / Sustainability**

51. Paragraph 205 of the NPPF and Paragraph 7 of the NPPW seek mineral and/or waste development that provides for restoration and aftercare of permitted sites at the earliest opportunity, with the work to be carried out to high environmental standards, through the application of appropriate conditions.
52. Policy CSW1 and CSW2 of the Kent MWLP provides support for disposal of inert waste where the development is sustainable, is for the restoration of landfill sites or mineral workings, would have environmental benefits and sufficient material is available. Policy DM1 seeks to maximise the re-use or recycling of materials. Policy DM19 seeks to secure a high standard of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner, including providing where necessary for its long-term management.
53. Policy CP1 of the TMBC CS seeks to balance the need for development against the need to protect and enhance the natural and built environment. Policies LP1 of the Emerging TMBC LP sets out a presumption in favour of sustainable development through growth that brings benefits for all sectors of the community, including existing residents, businesses, organisations, alongside new development. Policy LP24 requires development that complies with relevant policies in the adopted Kent Minerals and Waste Local Plan.
54. Draft Policies LP25, LP26 and LP29 of the Emerging TMBC LP provide support for and proposes to safeguard land for the development of Borough Green Gardens (BGG) Phases 1A and 1B during the plan period to 2031. This would include the entire Borough Green Quarry area as part of a much larger potential development north of Borough Green and Platt. The proposals promote a major development for approximately 3,000 dwellings, other commercial and community uses, subject to preparation and approval of a masterplan, including key infrastructure (such as a bypass).
55. As indicated above, the emerging TMBC LP has been submitted for Examination in Public (EIP), however this process has been delayed by the Planning Inspectors considering the Plan. The delay is due to the Inspectors' concerns regarding parts of the evidence base for the Plan, particularly that relating to Green Belt, sustainability appraisal and the site selection process. The Inspectors have requested that TMBC undertake further work and associated consultation prior to a phased approach to the subsequent EIP. The first phase of hearings due later this year will cover legal compliance and procedural matters; the Green Belt; and the site selection process. With phase two of the hearing sessions only scheduled once phase one is completed. TMBC has recently completed a Local Plan Post-Submission Consultation relating to information published in response to the Inspectors' request. On the basis that the emerging Plan has yet to be subject to the EIP process, the objectives and policies included can only be given limited weight in determining the current application.
56. Objections received from the community question the need for the increase in HGV movements proposed, including whether this application to increase the rate of infill is premature given the status of the emerging TMBC Local Plan and associated policies relating to the BGG scheme. The concerns also question whether the proposed approach would divert material from the recycling operation taking place on site

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making the whole operation less sustainable. The concerns are summarised above in some detail and a copy of Wrotham Parish Council's most recent letter of representation is appended to this report.

57. Tonbridge and Malling Borough Council raises no objections to the application. In doing so the Borough Council draws attention to local amenity and highway safety considerations; balancing these against the increased rate of infill, reduced overall timeframes and the support this would provide to the delivery of the Borough Green Gardens proposal. TMBC state that this project is a strategic allocation and a crucial element of future housing supply in the borough.
58. In weighing the potential impact on the recycling operation as a result of increased HGV movements and higher volumes of materials received, it's worth noting that the recycling operations permitted at the quarry are ancillary to the primary use of the land. The primary use being an inert landfill securing the appropriate restoration of a former quarry. The recycling taking place is subject to a separate temporary permission that will need to cease (unless further permissions are granted that allow its retention and relocation) when the infill operation reaches the permitted recycling area. The operator is also within its right to cease the recycling at anytime and concentrate on the infill operations. Therefore, whilst the recycling operation is a valuable and sustainable facility, which the applicant indicates recycles approximately 10% of the material received to produce secondary aggregates, the perceived impacts of the proposals on this use can be given little weight. Notwithstanding, the application confirms that recycling would continue at its present rate if permission were to be granted. The estimated minimum timeframes quoted to complete the restoration of the quarry take account of the material that would continue to be diverted to produce secondary aggregates for sale.
59. For the avoidance of any confusion, the application purely seeks to increase vehicle movements and the subsequent increase in material that would accelerate the restoration of the site. No other development work or changes to the permitted development are proposed. This includes no changes to the working methodology and/or revisions to the permitted restoration landform to accommodate future development. If proposed, changes to the restoration scheme to accommodate future aspirations to redevelop the site would require a fresh application to the Borough Council.
60. The question in this instance purely relates to whether it is acceptable to accelerate the restoration of the quarry in accordance with the previously permitted restoration scheme.
61. Subject to the consideration of the matters set out below, Government and development plan policies lend weight to restoration and aftercare of permitted sites at the earliest opportunity, with the work to be carried out to high environmental standards. I am content that the opportunity to accelerate the restoration of the site to an earlier point than 2042 would bring with it medium to long term environmental benefits. These would include bringing the quarried land back into a productive afteruse at an early stage, the cessation of permitted operations with associated reduction in noise and dust generated by this activity and ultimately removal of the need for HGV movements associated with the site from the road network at an earlier stage. The above points would have environmental and amenity benefits at the

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expense of an additional 29 HGVs per day for a temporary period. This approach is consistent with national and local development plan policies referenced within this section, which provide 'in principle' support, subject to the application according with other development plan policies.

62. Setting aside the Borough Green Gardens (BGG) proposals which I recommend should be given little weight at this time, I am content that the application receives support in principle from Government and development plan policies, subject to the further considerations set out below, including Green Belt and landscape; highways, local amenity and biodiversity considerations. The need / support identified should be balanced against any harm identified within the sections below.

**Green Belt and Landscape (including the AONB)**

63. The quarry site is located within the Green Belt in open countryside and is adjacent to, although outside, the southern boundary of the North Downs AONB. The application does not propose any physical development on site; however, it would increase traffic flows associated with the ongoing restoration of the quarry and increase the intensity of existing operations, including the volume of material imported each day for use within the recycling and infill operations.
64. Paragraphs 143 and 144 of the NPPF require the Green Belt to be protected from inappropriate development that would be harmful to the open character of the countryside. It states that inappropriate development should not be approved except in very special circumstances. Paragraph 146 indicates that certain forms of development are not considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it; these exceptions include mineral extraction and engineering operations.
65. Policy DM4 of the MWLP, CP3 of the TMBC CS and draft policy LP11 of the Emerging TMBC LP require development that complies with national policy on Green Belt.
66. Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Whilst the application is classified as major development by virtue of being a variation of a minerals/ waste permission, in terms of any landscape assessment, the NPPF states that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
67. The NPPG states that development within the settings of the above areas needs sensitive handling that takes potential impacts into account.
68. Policies DM1 and DM2 of the Kent MWLP seek to protect and enhance the character and quality of the site's setting and its biodiversity interests, including conserving and enhancing the natural beauty of the AONB. Policy CP7 of the TMBC CS seeks to protect natural beauty and quiet enjoyment of the AONB, other than in exceptional

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circumstances. Policy CP14 limits development in the countryside to amongst others development required for the limited expansion of an existing authorised employment use; and any other development for which a rural location is essential.

69. Draft policy LP12 from the Emerging TMBC LP states that other development within the AONBs and their settings will be permitted provided that the development would conserve or enhance the special qualities, distinctive character and tranquillity of the AONB.
70. In this instance the development proposed would not alter the existing land use or physical development in the green belt or in the context of landscape considerations. Taking account of the similarities of the development to the previous scheme, the potential harm to green belt principles would be similar to that which has already been accepted. The extant minerals / waste permissions are temporary in nature and the permitted restoration (which would not be altered by this application) is to return the site to an open agricultural and ecological afteruse. The approved restoration scheme is included in Appendix 1 of this report. The current application would not vary this approved arrangement. By accelerating the restoration work, it could be argued that the early restoration of the former quarry site would hasten benefits that would improve the openness and overall visual impacts of the site in the context of the above designations and the wider countryside. Any decisions on future uses of the site fall beyond the scope of this application and would need to be dealt with at the appropriate time as part of the Examination of the TMBC Local Plan and any subsequent planning applications.
71. I am satisfied that the proposed increase in HGV numbers each day (and the associated intensification of activity on site) would not have significant material impacts on green belt and landscape considerations and that the application would be in accordance with Government and development plan policies referenced in the context of this section of the report.

### **Highway considerations**

72. Paragraphs 108 - 109 of the NPPF seek development that promotes sustainable transport modes, taking account of the type of development and its location; ensures safe and suitable access; and that any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated to an acceptable degree. 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. Paragraph 7 (and Appendix B) of the NPPW require that development has suitable access to the highway network.
73. Policy DM13 of the Kent MWLP requires: the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the development such that the impact of traffic generated is not detrimental to road safety; that the highway network is able to accommodate the traffic flows and does not have an unacceptable adverse impact on the environment or the local community.
74. Policies CP2 of the TMBC CS, SQ8 of the TMBC MDE and draft policy LP23 of the emerging TMBC LP require development to be compatible with the character and

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capacity of the highway network in terms of the volume and nature of traffic generated and that would not result in significant harm to highway safety.

75. Members will note that objections on the grounds of highway safety and congestion have been received from the local Parish Councils and several residents. These objections draw attention to the significance of a 32% increase on HGVs associated with the site (an additional 58 movements (29in / 29out)). These concerns are that the cumulative impact of the increase in HGVs moving to and from the site would increase highway safety concerns (including to pedestrians attending the nearby schools), would add to existing congestion problems on the A227, would result in increased highway maintenance issues, generate noise along the access route resulting in amenity impacts and contribute to air quality issues in the area (particularly within the nearby Borough Green AQMA). Representations from the Parish Councils draw particular attention to the sensitivities of the two local schools located north of the application site off the A227.
76. KCC H&T has looked at this application on two separate occasions in providing its comments included above. This includes considering the application in the context of highway safety concerns received from the community and in the context of the cumulative impact with existing uses. KCC H&T's recommendations note that the HGV movements proposed would be restricted to 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday, with no departures or arrivals during peak school times (0800 to 0845 and 1500 to 1545), that all HGVs would be routed via the A227 Wrotham bypass to the north, and that the wheel cleaning facilities in place are satisfactory. The advice indicates that the 32% increase in vehicle movements proposed would be spread over the net 9½ hour operational day (or approximately 1 additional movement every 10 minutes). The comments note that (for the stretch of the A227 between the roundabout on the M20 and Borough Green) there have been four recorded injury crashes involving goods vehicles over the last 5 years (one of which involved an HGV and this took place in foggy/misty weather conditions). Taking the above into account, KCC H&T advise that the increase in HGV movements proposed would not impact on highway safety and would not have a severe impact on the highway network. It therefore raises no objection, subject to the existing highway controls imposed on the extant permission being retained and a condition requiring details of a system of HGV monitoring and reporting.
77. The extant permission already includes a condition requiring a written record of all HGV movements to and from the site to be maintained and made available to the Planning Authority on request. I am content that this arrangement is consistent with the approach taken on other sites around the county and should be sufficient to meet KCC H&T's request.
78. The routing of HGVs to the north away from Borough Green is included as an informative on the extant permission(s). Borough Green Parish Council's comments acknowledge the HGV routing strategy works for a percentage of the drivers; however, the expectation has not worked in every instance. In response to the concerns raised the applicant has agreed to accept the routing requirements as a condition in place of the existing informative. The approach would afford the Planning Authority greater control to ensure the routing agreed is adhered to. This could be achieved by requiring all HGVs associated with the restoration, landfill and recycling operations to make a left turn out of and a right turn into the site (i.e. routing vehicles to the north via



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the A227 Wrotham Road).

79. Notwithstanding, the location has good access to the Primary Road Network with direct access to an A-road leading to junctions with the M20 / M26 approximately 1.5km (1 mile) to the north and east. The routing of HGVs away from the centre of Borough Green limits any impact on congestion within the settlement and avoids HGVs associated with the site travelling through the AQMA. The comments received from KCC H&T suggest that the road network has adequate capacity to accommodate the moderate increase in HGV numbers proposed and that there is no evidence of any particular highway safety concerns. The increase in vehicle numbers would have a short term effect, however I am content that this would not be significant and the development would help to speed up the restoration of the site, which would ultimately remove the associated HGV movements from the network completely. The controls on the extant permission, including limitations on movements during peak school travel times would be retained if permission were to be granted.
80. Representations received from the community have requested consideration be given to further traffic calming measures as a result of the proposed development, including the possible implementation of a 20mph speed limit and further speed cameras. The temporary nature, scale of the development and the likely impacts are not considered sufficient to justify material changes to the highway network. The concerns about highway maintenance were brought to the attention of KCC H&T. Specific issues relating to the condition of the carriageway should be reported direct to KCC H&T so that these can be assessed and maintained as necessary. The HGV movements from this site only form a small part of the overall traffic flow on what is an important A-road. It is not justifiable in this instance to require the applicant to contribute to maintenance of the highway given the relatively small number of additional HGV movements being proposed.
81. Concern has been raised by the local community regarding issues of mud being tracked onto the public highway. I am aware that this has been a problem in the past. However, the applicant has implemented an improved system including a wheel spinner and two sequential wheel washes that HGVs leaving the site must pass through. The site also benefits from a 140m stretch of private access road before vehicles enter the public highway, further reducing the potential for there to be impacts. The extant permissions include conditions requiring use of the wheel cleaning facilities, all loaded vehicles to be sheeted or covered, implementation of a dust control scheme and a 10mph speed limit on the access road. KCC H&T's comments confirm that the arrangements in place are satisfactory to safeguard against mud on the highway.
82. The highway considerations need to be set in the context of the site's planning history and the extant permissions that cover operations within the quarry. As discussed above, whilst the recycling permission imposes limits on maximum HGV numbers, the mineral permissions are not subject to the same level of control. If the applicant were to cease the recycling operations, then technically it would be able to operate the site without limits on vehicle numbers. Therefore, whilst the current proposal seeks to increase HGV numbers, this would be preferable as opposed to the alternative which would remove the control completely. Notwithstanding this, as set out above I am content that the proposals would not have an unacceptable impact on the highway network either from a highway safety or capacity perspective.

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83. Subject to consideration of the amenity impacts of the increase in HGV movements below, I am content that the impacts of the proposed development could be suitably managed and mitigated through the conditions imposed on the extant permission and those discussed above. Subject to these conditions, I am content that the development would be acceptable in highway terms and would accord with relevant Government and development plan policies.

**Local amenity considerations (including noise and air quality)**

84. Paragraph 170 of the NPPF seeks to prevent development from contributing to unacceptable levels of soil, air, water or noise pollution and that development should, wherever possible, help to improve local environmental conditions such as air and water quality. Paragraph 180 states that planning decisions should ensure that development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Paragraph 181 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking account of the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones (CAZs). Paragraph 205 seeks to ensure that minerals development has no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, including cumulative effects. This includes ensuring that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and that appropriate noise limits for extraction in proximity to noise sensitive properties are established. Appendix B of the NPPW states that proximity of sensitive receptors, including ecological and human receptors, and the extent to which adverse emissions can be controlled using appropriate and well-maintained and managed equipment and vehicles, should form part of the decision process.
85. Policies DM11, DM12 and DM13 of the Kent MWLP seeks development that is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. This includes the collective effect with other development and consideration mitigation and control measures, including in relation to air quality. Policy CS25 of the TMBC CS states that where development that causes material harm to a natural or historic resource is exceptionally justified, appropriate mitigation measures will be required to minimise or counteract any adverse impacts. Policy SQ4 of the TMBC MDE and draft policy LP20 of the Emerging TMBC LP require development that does not result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity. Draft policy LP21 of the Emerging TMBC LP requires development that is located, designed and controlled to minimise the impact of noise on neighbouring properties and the prevailing acoustic environment.
86. Representations received from the Parish Council's and residents raise concern about the potential for an increase in HGV movements to impact on local amenity, including through increase noise, dust, litter and vibration exacerbating existing concerns. The representations also raise concern about the potential impact on air quality. The comments draw attention to the proximity of the application site to the nearby AQMA and that air quality in this location is already above safe levels. The comments also

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draw attention to the schools along the route that are directly impacted by vehicle movements on the A227.

87. In addition to consulting with the Borough Council and the Environment Agency on these local environmental matters, Officers have also sought advice from the County Council's Technical Consultants for Noise and Air Quality. In this instance the technical consultees have raised no objections. Please see consideration of the key matters below.

Noise and vibration

88. Planning permission TM/14/2728 includes controls on the permitted hours of use of operations to 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays. The hours of use imposed on the mineral permissions are the same now that there is no longer any sand being exported from the site. The controls imposed in relation to movements during peak school hours further reduces the time HGVs can be operated from the site. The application does not seek to vary these arrangements.
89. Permission TM/93/305 includes a requirement that all vehicles and plant employed within the site shall always be fully maintained in sound working order and shall be fitted with and use effective silencers provided in accordance with the manufacturers' recommendations. Permission TM/14/2728 adds specific noise limits measured at any noise sensitive property of 55dB<sub>LAeq,1hr</sub> under normal operations and for up to eight weeks a year 70dB<sub>LAeq,1hr</sub> for temporary operations associated with the placement of final restoration materials or the construction of noise attenuation bunds.
90. Representations received from the local community raise concerns about the potential for the increase in movements and in turn the volume of material imported each day to increase noise levels associated with the site further impacting on local amenities. As set out above the planning permissions include noise controls and mitigation measures that seek to limit the impact of the development on the surrounding environment. These are considered sufficient to control operations on site such that even with the changes the operations would not have an unacceptable impact on local amenity.
91. Concern has also been raised about the noise and vibration impacts of HGVs once on the public highway. If residents have concerns about specific sections of the road that cause undue noise or vibration due to traffic using the public highway this should be reported to Kent H&T so that the fault can be investigated and repaired where appropriate. The A227 is part of the primary road network and is designed to carry traffic of all types. The applicant can only be expected to provide mitigation that is proportionate and reasonable given the use being proposed. The addition of 58 new HGV movements per day onto the highway network is not considered a significant change, particularly when viewed in the context of the daily number of vehicles that use the public highway at this location which is an A-road with direct connection to the primary highway network..
92. The application was not accompanied by a specific noise assessment, however in commenting the County Council's Noise Consultants have undertaken traffic and noise predictions based on existing traffic flows. The calculations predict that an increase in HGV movements of 58 (i.e. 182 to 240 movements), would result in a change of +0.3

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dB over existing noise levels. The noise consultants recommend that this impact would be minimal.

93. Properties located close to or on the A227, including the local schools are subject to noise from the public highway and from the nearby M26. The changes proposed by the current application need to be assessed in the context of the existing noise environment and the level of changes likely to take place as a result of the development. Given the conclusions of the consultants and the noise mitigation and controls in place under the extant permissions, I am content that the increase in HGV movements would not have an unacceptable impact on noise or vibration over that which already form part of the environment in this location.

#### Air quality

94. Objections have been received from the three Parish Councils, CPRE and from residents raising concern about the potential impact of increased HGV movements on local air quality.
95. The County Council's Air Quality Consultant (Amey) has considered the application in the context of Government and development plan policy and professional technical guidance, including the Institute of Air Quality Management (IAQM) Guidance "Land-Use Planning & Development Control: Planning for Air Quality" (January 2017). Amey notes the AQMA located away to the south of the site and the proposed routing of the vehicles in line with the existing arrangements (i.e. HGVs travelling north on the A227 towards nearby motorway junctions and away from Borough Green). Amey confirms that it is satisfied that no further air quality information is necessary in this case. Given the number of vehicle movements involved and the direction of travel proposed, Amey recommends that the proposed changes would have a negligible air quality impact.
96. For Members information, IAQM Guidance states that, for changes to the annual average daily traffic (AADT) flow of Heavy Duty Vehicles (i.e. HGVs) below 100 not within an AQMA or below 25 movements for development within or adjacent to (within 200m) of an AQMA, an air quality assessment is not necessary. Since the operational areas, site compound and access road are more than 200m from the AQMA and the increase in HGV movements proposed (58 per day) would travel to the north away from the management area the need for an air quality assessment cannot be justified. On this basis, the above guidance indicates that the impacts of the changes should be considered as having an insignificant effect.
97. Given the technical advice set out above, in my opinion there are not grounds to sustain an objection to the application on air quality. The changes proposed are not of a sufficient scale to trigger the need for further assessment. Any impacts from the change in the maximum HGV numbers must also be set in the context of the extant planning permissions and the potential for the site to be lawfully operated without any controls on HGV numbers. It is also of note that the changes proposed would be temporary if granted. The impact of which would be to advance the restoration of the quarry and ultimately remove all HGV movements associated with the restoration of this site from the highway network. Taking the above considerations into account, I am content that the application would be acceptable in the context of Government and development plan policies relating to air quality.

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### **Nature conservation**

98. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status) whilst minimising impacts on and providing net gains for biodiversity. Policies DM2 and DM3 of the Kent MWLP require minerals and waste developments to ensure no unacceptable adverse impacts on Kent's important biodiversity assets. Policy NE1, NE2 and NE3 of TMBC MDE seek to protect, conserve and enhance biodiversity including priority habitats, species and features.
99. The changes to the permission proposed (i.e. an additional 58 HGV movements (29 in / 29 out) each day) is unlikely to result in a significant change in the impact of the quarry on nature conservation interests. The impacts of working and restoring the site with the associated disruption have already been accepted and the permissions include mitigation measures to minimise any impacts. The considerations above establish that the technical consultees have no objections to the application in terms of changes to air quality. In the medium term the measures in place would provide for a high-quality restoration of the site back to agriculture with woodland planting and hedgerows and this would ultimately provide for biodiversity enhancements to the area. As stated above, Government and development plan policies provide support for restoration of quarry sites to be carried out as early as possible. Any increase in the rate of restoration would arguably bring about environmental improvements at an earlier point. Therefore, I recommend that the application is acceptable in terms of Government and development plan policies relating to nature conservation.

### **Other Procedural Considerations**

100. Wrotham Parish Council's comments raise concern that the application is incorrectly made / unlawful in that it does not seek to vary the correct planning permission (TM/14/2728), as this relates to the permitted recycling operations within the quarry and not the mineral permissions (TM/93/305 and TM/01/1205/MR86), which allow for the infill and restoration of the quarry. As discussed above, the application seeks to vary TM/14/2728 on the basis that the applicant wishes to retain the recycling operation as long as practicable during the restoration, and more importantly the mineral permissions referenced are not subject to specific controls on HGV movements. If the applicant were to cease the recycling operations and only rely on the mineral permissions there are no limits on the numbers of HGV movements to vary; therefore technically permission would not be required for the changes proposed by this application or a greater number of HGV movements.
101. Wrotham Parish Council's representation also raises concern that the application has not been lawfully made as the site location plan accompanying the submission outlines the entire infill area within the quarry site, instead of the red line area permitted by the permission being varied (TM/14/2728), which covers a smaller area within the remaining quarry void. Government guidance indicates that applications to amend or remove conditions under Section 73 of the 1990 Planning Act need to be accompanied by sufficient information to enable the planning authority to identify the previous grant of planning permission and the associated condition(s) which the applicant is seeking to vary. The Development Management Procedure Order is clear that applications made pursuant to Section 73 do not specifically require a plan that identifies the land

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to which the application relates (a site location plan) in order to make the application valid. Plans / drawings are only required where the application seeks to vary a permitted plan or drawing. In this instance given the application seeks to vary a condition that does not reference or rely on plans /drawings, the details received were considered acceptable and in accordance with the legislation. The site location plan received can be viewed as background information and not vital to the validation or lawful consideration of the application.

102. Concerns were also raised that the application as submitted seeks to vary development outside the red line area of TM/14/2728 to enable changes to the permitted infill and restoration, including changes to the phasing of the backfill and changes to the permitted restoration levels to create a development platform for the emerging BGG scheme. The 'Outline Accelerated Earthwork Strategy' received with the application documents has caused unnecessary confusion. This document references the aspirations for a new development platform in place of the permitted restoration and fails to reference the permitted scheme in the calculated timeframes to complete work on site. As previously discussed, this matter was addressed by the applicant in response to initial comments from consultees and further calculations based on the permitted restoration scheme were provided. Notwithstanding, in terms of the application before the committee, the proposal does not seek to vary the restoration methodology or permitted landform, it purely relates to changes to the number of HGV movements allowed. Even if the proposals did seek to vary the restoration arrangements the application does not address itself to the correct planning permissions to enable this change and would require separate applications to be made to achieve this type of amendment.
103. The objections received from the surrounding parish councils express concerns that the changes are being driven by the BGG scheme and the reassurances given on the deliverability of this scheme, which are tied to the restoration of the land. As stated above the application does not seek a change to the permitted restoration scheme. Matters relating to deliverability and timing of possible future development relating to BGG is a matter for the Planning Inspectors and the Borough Council as part of the EIP process on the emerging Local Plan or any planning application relating to BGG and as indicated above should carry little weight in determining this application.

### Conclusion

104. The application proposes development that would involve a variation of planning permission TM/14/2728 to allow for a combined total of up to 240 HGV movements per day (120 in/120 out) in association with combined quarry activities (including landfill, recycling and restoration work). This would equate to an increase of 58 HGV movements (an additional 29 In / 29 Out) over the existing permitted limit of 182 movements per day.
105. I note the objections received from the Parish Councils, CPRE and the local community relating to the need for the development, highway, air quality and local amenity considerations. These concerns are material to the consideration of this application. As set out within the discussion section above, whilst the increase in movements and infill activity would have some impacts on the local area, including environmental and amenity impacts, based on the responses from the technical consultees I do not consider that these impacts carry sufficient weight to justify a

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recommendation for refusal. The assessments carried out within the application documents (as amplified) and by the technical consultees demonstrate that the extant conditions, alongside further controls limiting HGV movements associated with the quarry to the north, would minimise impacts on the local environment to an acceptable level. In my opinion the residual impact of an increase in HGV numbers would be offset by the benefits of securing the opportunity for an earlier restoration of the former quarry into a productive afteruse. The acceleration of the operations would also bring about the cessation of all HGV movements associated with the restoration at an earlier point.

106. Under the extant permission(s) the above mentioned afteruse is limited to agriculture and ecological enhancement (see approved plan included in appendix 1). Any future consideration of the use of this land for other development is not relevant to this application and would be a matter for the Borough Council and the Planning Inspectorate through the ongoing Local Plan process and any subsequent planning application(s).

107. I therefore recommend permission be granted, subject to the imposition of the conditions set out within the section below.

#### Recommendation

108. I RECOMMEND that PERMISSION BE GRANTED to vary condition 7 of TM/14/2728 to allow a maximum of 240 HGV movements per day (120 in/120 out), SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- Condition 7 being varied accordingly to read:
    - HGV movements associated with the quarry restoration, landfill and recycling operations shall, together, not exceed 240 HGV movements per day (120 in / 120 out).
  - The re-imposition of all other conditions previously imposed on permission TM/14/2728 (updated where relevant to reflect current practices). These extant conditions cover:
    - operations to cease by 21 February 2042 or restoration of the quarry;
    - the cessation of all earlier recycling operations permitted on site;
    - hours of operation (07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays);
    - no HGVs to leave during peak school travel times (term time 08.00 to 08.45 and 15.00 to 15.45 Monday to Friday);
    - wheels and chassis cleaning;
    - HGVs to be sheeted / covered;
    - 10mph speed limit on haul road;
    - Implementation of the approved dust control scheme;
    - noise controls (55dB<sub>LAeq,1hr</sub> daily and 70dB<sub>LAeq,1hr</sub> for temporary operations, when measured at any noise sensitive property);
    - maintenance of a noise attenuation bund;
    - operation of recycling plant and equipment within void (below 70 metres above ordnance datum (AOD));
    - crushing and soil screening operations to not take place simultaneously;
- and

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- records of all HGV movements to be maintained.
- All HGVs associated with the restoration, landfill and recycling operations to make a left turn out of and a right turn into the site (i.e. routing all HGVs to the north via the A227 Wrotham Road).

Informative(s)

- The applicant be advised that separate approvals from the Highway Authority are required for any works affecting publicly owned highway land.

Case Officer: James Bickle
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Tel. no: 03000 413334
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Background Documents: see section heading
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See separate appendices:




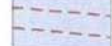



Appendix 1 – Approved Restoration Plan

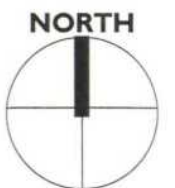
Appendix 2 – Wrotham Parish Council's Representations





LEGEND

-  Site boundary
-  Existing sandpit faces
-  Restored phase
-  Landfill slopes at 1:3
-  Proposed final contours
-  Existing vegetation
-  Proposed tree and hedgerow planting



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Client  
**RMC Aggregates (Southern) Ltd**

Project  
**RESTORATION OF BOROUGH GREEN SANDPIT**  
Drawing title  
**Restoration plan**

Scale 1:2 500	Date July 2003	Drawn EE
Checked GJ	Drawing No. 4393 : 08	Revision 0

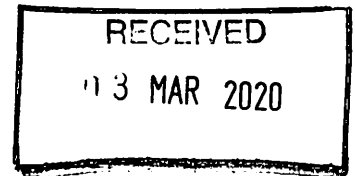
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Town Planning  
Architecture  
Landscape Architecture  
Urban Design  
Economic Development

**BACKGROUND PAPER**

**Wrotham Parish Council Further Comments, 20 February 2020**

Ref: TM/19/1779 Section 73 application to vary HGV movements



Dear [REDACTED]

Thank you for your letter of 17 February 2020 on the procedural aspects of the proposal and your invitation to discuss further.

We note that the applicant has withdrawn aspects of the proposal that were outside of the remit of a Section 73 application concerning vehicle movements. Specifically they are no longer seeking to change the restoration contours of the quarry or the current phasing arrangements of the quarry backfill. In which case the following statements of timing are incorrect. Do we now know what are the correct dates?

***iii) Fill Programme***

*3.7 As per the current HGV allowance/fill regime at Borough Green Quarry, it is estimated that the quarry would be completely filled by 2025.*

*3.8 By uplifting movements to 240 HGVs per day, this would enable the quarry fill to be completed by 2024 (i.e. a year earlier than currently estimated). This would assist in facilitating the delivery of the Relief Road (through this parcel) and provide for increased flexibility and efficiency in terms of the delivery regime for housing.*

***Ref: Barton Wilmore Planning Statement***

We agree with your assessment that the Draft Local Plan can be afforded little weight as it has not been tested at Inquiry and there is some doubt that LP29 Borough Green Gardens is both lawful and deliverable given the timescales and that it is proposed to build on land that is currently still being quarried and some that is yet to be quarried.

We note your statement that there is a fall back position which is the TM/93/305 consent that does not have a condition relating to HGV movements. Effectively there is no limit to HGV movements in this consent and there is no reference to the recycling of materials.

We have asked our legal team for a preliminary opinion in this matter. It will be preliminary as we do not have all the applications documentation in some instances but we do have the consent documents. Also we have noted your request for a response in early March and we seek to oblige if possible.

Moving on we note you state that an application to reduce the consented levels of the quarry restoration would be made to the borough council. Why would that be the case as we note that KCC is the mineral planning authority and consequently has the appropriate skills and experience to make the necessary decisions on quarry restoration?

When Aylesford Quarry applied to reduce their restoration contours to provide 'development platforms' last year then the application was made to the MPA and was decided at a KCC Planning Applications Committee meeting; TMBC objected to the proposal but KCC still decided to grant.

Which planning authority would be responsible for a scoping inquiry as to whether an Environmental Impact Assessment is required?

The thirty per cent proposed increase in HGVs is particularly troubling as all of the HGVs are directed past a sensitive noise receptor at Wrotham School and then a highly sensitive noise receptor in Grange Park School. The school provides specialist provision for children and young people aged between 8 and 19 with an Autism Spectrum Condition (ASC) that prevents those children from attending general secondary schooling and makes them very sensitive to external disturbances.

We look forward to receiving your further comments and will revert back to you when we receive preliminary legal advice as mentioned.

Yours faithfully

[Redacted signature]

[Redacted name]  
Clerk to Wrotham Parish Council

COPY	
25 DEC	4/3/20
ACA	-
LA/EL	-
MT	

# Wrotham Parish Council

PO Box 228  
Sevenoaks  
TN13 9BY

██████████  
Clerk



Telephone ██████████

Ref: TM/0152

Email – ██████████

Date: 16 November 2019

**Planning Application Reference** TM/19/1779 (KCC/TM/0152/2019)  
**Applicant** Robert Body Haulage Ltd  
**Address** Wrotham Road  
**Proposal** To vary condition 7 of TM/14/2728 to increase HGV movements from 182/day to 240/day, an increase of 58 movements or 32% daily.

**Decision** Objection on grounds of Unlawfulness

**Addendum additional to WPC's previous comments and are made in the light of further emailed information supplied by Barton Willmore ("BW") on behalf of the Applicant and dated 22 Oct 19. The email addresses points raised by the Officer numbered 1 – 7 and this response is numbered similarly for ease of reference.**

## 1.0 Permitted Restoration Scheme

1.1 The Applicant confirms that the application's documentation is based on reforming the landscape into 'Development Platforms' that are considerably lower than the permitted restoration levels (Drawing "Restoration Contours"- 4393:07 -July 2003 - TM/93/305).

1.2 On that basis it was claimed that the backfill operation would be complete by 2025 with current vehicle movements and the increase in movements would allow completion in 2024.

*"3.7 As per the current HGV allowance/fill regime at Borough Green Quarry, it is estimated that the quarry would be completely filled by 2025.*

*3.8 By uplifting movements to 240 HGVs per day, this would enable the quarry fill to be completed by 2024 (i.e. a year earlier than currently estimated). This would assist in facilitating the delivery of the Relief Road (through this parcel) and provide for increased flexibility and efficiency in terms of the delivery regime for housing.*

**Ref: Barton Willmore Planning Statement June 2019**

The comments in paragraphs 3.7 and 3.8 are misleading, as they do not specify that they are predicated on unconsented changes in the permitted "Restoration Contours" of application TM/93/305.

1.3 The 2024/2025 timing is critical because Policy LP25 (Appendix E) of the proposed Draft Local Plan (“DLP”) sets out the Housing Trajectory for Borough Green Gardens (“BGG”) as completion of 40 dwellings in 2024/2025, 200 dwellings by 2025/2026, 440 dwellings by 2026/2027 and 760 dwellings by 2027/2028.

1.4 In the Statement of Common Ground (Ref: ED29 Draft Local Plan) BW, on behalf of the Quarry Owners, agrees the housing trajectory put forward by TMBC. BW does not make clear that the current consented restoration scheme cannot be achieved in the required timeframe for BGG proposal without significant changes to the consented restoration plans of the quarry that require further consents.

ED29

	Barton Willmore Comments	TMBC Comments	KCC Comments
<b>COMMON GROUND</b>			
Housing yield / trajectory - Do promoters agree with the council's view regarding the potential site yield as set out in Appendix E of the Local Plan?	Yes, the promoters agree with the Housing Trajectory for the site as set out in the Local Plan.	TMBC welcome the promoters' agreement with the Housing Trajectory.	KCC has no comment.
Construction start date – Do promoters agree with the estimated start date as set out in the Housing Trajectory in Appendix E of the Local Plan?	Yes, the promoters agree with the commencement of development on site and the date of first delivery (2024/25) as set out in the Local Plan Housing Trajectory.	TMBC welcome the promoters' agreement with the commencement date for construction on-site.	KCC has no comment.

1.5 In the 22 Oct 19 email of support for the Application BW confirms the time scale of what their technical experts JNP now consider a realistic timeframe for the completion of quarry restoration as consented by the TM/93/305 consent.

***“1. Permitted Restoration Scheme***

*As you have identified in your email, the submitted Earthworks Strategy (JNP) addresses the timescale for establishing complete development platform levels at the Site in order to facilitate the Borough Green Gardens development.*

*As per your request, JNP has reviewed the permitted restoration levels (shown on drawing “Restoration Contours”- 4393:07 –July 2003 – TM/93/305). It should be noted that the permitted restoration levels will be set at a higher level than development platform levels and will therefore require a greater extent of fill.*

*As per the existing fill regime at the Site (182 HGV movements per day), it is estimated that the extant restoration level will be reached within 8.5 years (i.e. by 2028). With the benefit of the proposed uplift in HGV movements (240 HGV movements per day), JNP anticipates that completed restoration levels at the Site will be achieved within 6.5 years (i.e. 2026).”*

**Ref: Barton Willmore email to KCC Planning 22 Oct 19**

1.6 By mid 2028 Policy LP25 and LP29 of the DLP requires 760 dwellings completed in Phase 1A as well as the complete 'Relief Road' from Darkhill Roundabout to Nepicar. Phase 1A of the DLP is the Application Site.

1.7 If the current application for HGV movements only, were consented, then restoration would take until mid 2026 to complete. The same DLP policies would require 440 dwellings and the imminent opening of the Borough Green Relief Road in its entirety.

1.9 The only conclusion possible is that the Applicants Technical Advisors have confirmed that the BGG proposal is undeliverable without further consents to:

- a) A 32% increase in daily HGV vehicle movements.
- b) An application to significantly reduce the consented restoration contours into 'development platforms', there by reducing the amount of backfill required and the timescale of restoration.

## **2. Relevance of Borough Green Gardens**

2.1 The Applicant asserts that "*expedited backfill which will help in the delivery of the Relief Road as well as the establishment of development platforms for housing delivery at the Site*" and that "*Borough Green Gardens is now formally part of the Government's Garden Communities Programme with Homes England*". It is contended "*this should be weighed favourably in the planning balance*".

2.2 BGG proposal is undoubtedly important to the Applicant and their agents BW, but fundamentally it must pass basic tests about deliverability in terms of timing and be lawful. The DLP was submitted in January 2019 and still does not have a date for an Inquiry. The evidence base for sustainability analysis was lacking as was the analysis itself and the Inspectors have requested a significant quantity of additional work by the LPA particularly around the decision to prioritise such a large part of the plan in a Green Belt area and partially within the AONB and totally within it's setting. The current situation is that the Inspectors have required the LPA as follows:

1. To agree to 'Main Modifications' to the DLP.
2. To agree to another round of Public Consultation in order to allow the public to consider the significant amount of new evidence and analysis and this has recently commenced.
3. To agree to reconsider the DLP and all of its policies including the principal sites in the light of that consultation process.

2.3 The Inspectors have 'significant concerns' which are centred on the BGG proposal as follows.

*"However, notwithstanding all of this, our significant concerns with regard to parts of the evidence base, particularly that relating to the Green Belt, sustainability appraisal and the site selection process remain. Having considered carefully the best way forward, we have decided to proceed to hearing sessions but taking a phased approach. The first phase of hearings will broadly cover the following:*

1. *Legal compliance and procedural matters, including the duty to cooperate (this is to ensure that any potential 'show-stopping' legal problems that we are unable to rectify are explored first)*
2. *The Green Belt*
3. *The site selection process, including the sustainability appraisal"*

**Ref: ED32 Inspectors to TMBC 12 Sep 2019**

2.4 The Inspectors have decided to split a forthcoming Inquiry into two sections, the first being 3 days to consider the most challenging aspects of the plan. No date has been set for this, as they first want the LPA to review the consultation comments and decide whether the DLP requires modification. The second part of the Inquiry is therefore dependant on the outcome of the first.

2.5 The Applicant acknowledges that due to the early stage of the DLP, which has not been tested at Inquiry, the proposal cannot be afforded significant weight but they then indulge in semantics by affording it 'material weight' apparently because it is a significant part of the DLP. They do not consider, for example, that the site may well become a 'Major Modification' and give way to one of the alternative sites that are not within the MGB or setting of the AONB.

### **3.0 Permitted Recycling Operations**

3.1 The Applicant alleges that recycling operations will continue; however neither the Vectos Transport Statement or the JNP Volumetric Analysis and HGV Trip calculations take any recycling operations into account.




*"The current activities on site are limited to backfilling of the quarry through the importing of inert materials." Ref: Vectos Transport Statement*

## 2.3 Anticipated Vehicle Movements

2.3.1 Of the above two scenarios, facilitating the complete filling of the pit in one continuous operation, is the preferred solution.

2.3.2 The analysis is predicated on the sole use of 20 tonne 8 wheeler lorries which would carry a net, fully compacted, volume of suitable fill of 11m<sup>3</sup>.

### *Preferred Scenario Completely Filling Pit to Anticipated Development Platform*

 Under existing Permission at a rate of 91 vehicles in per day	6 years
 Increasing to 120 vehicles in per day	5 years
 Increasing to 150 vehicles in per day	4 years

2.3.3 In engineering terms, this presents the best possible solution and carries the lowest risk, if any, of differential movement between layers/areas of compacted fill.

### ***Ref: JNP Volumetric Analysis and Vehicle Trip Movements Analysis***

3.2 It is clear that none of the consented vehicle trips have been set aside for recycling operations. The Applicant alleges as follows.

*“The increase in HGV movements will enable a greater degree of recycling to occur from the Site and this is considered to be a further environmental benefit of the application proposals.”*

***Ref: Barton Willmore email to KCC Planning 22 Oct 19***

3.3 Since none of the Applicant’s Expert Reports have built in an allowance for HGV movements to carry out recycling operations then it is clear that recycling has stopped in the rush to backfill the site. The alleged ‘environmental gain’ is a significant disbenefit to the County Council as the loss of recycled secondary aggregates across the complete site will require significant quantities of fresh dug aggregates from the County Council’s reserves.

## 4.0 / 5.0 & 6.0 Air Quality Noise and Vibration

Please refer to section 4.0 HGV Transport and 5.0 Accumulation Effects of Multiple HGV Generators of WPC’s Objection Letter dated 18 August 2019.

## 7.0 Scope of the Current Application (KCC/TM/0152/2019)

7.1 The application is made under Section 73 of the Town and Country Planning Acts to vary Condition 7 of a consented application TM/14/2728. The operative wording describes the application KCC/TM/0152/2019 as follows.

*“Section 73 application for the variation of Condition 7 of planning permission TM/14/2728 to allow for a combined total of up to 240 HGV movements per day (120 in/120 out) to take place associated with all operations and uses at the site (including landfill, recycling and restoration)”*

***Ref: Proposal from KCC’s Planning Portal***



7.2 Ostensibly this is a simple application to vary traffic movements if you take the literal meaning. The traffic movements being associated with “all operations and uses at the site” and it lists those operations that the traffic movements are associated with.

### Application TM/14/2728

7.3 Condition 7 states as follows.

*“7. HGV movements associated with the quarry restoration, landfill and recycling operations shall, together, not exceed 1B2 HGV movements per day (91 in 91 out).”*

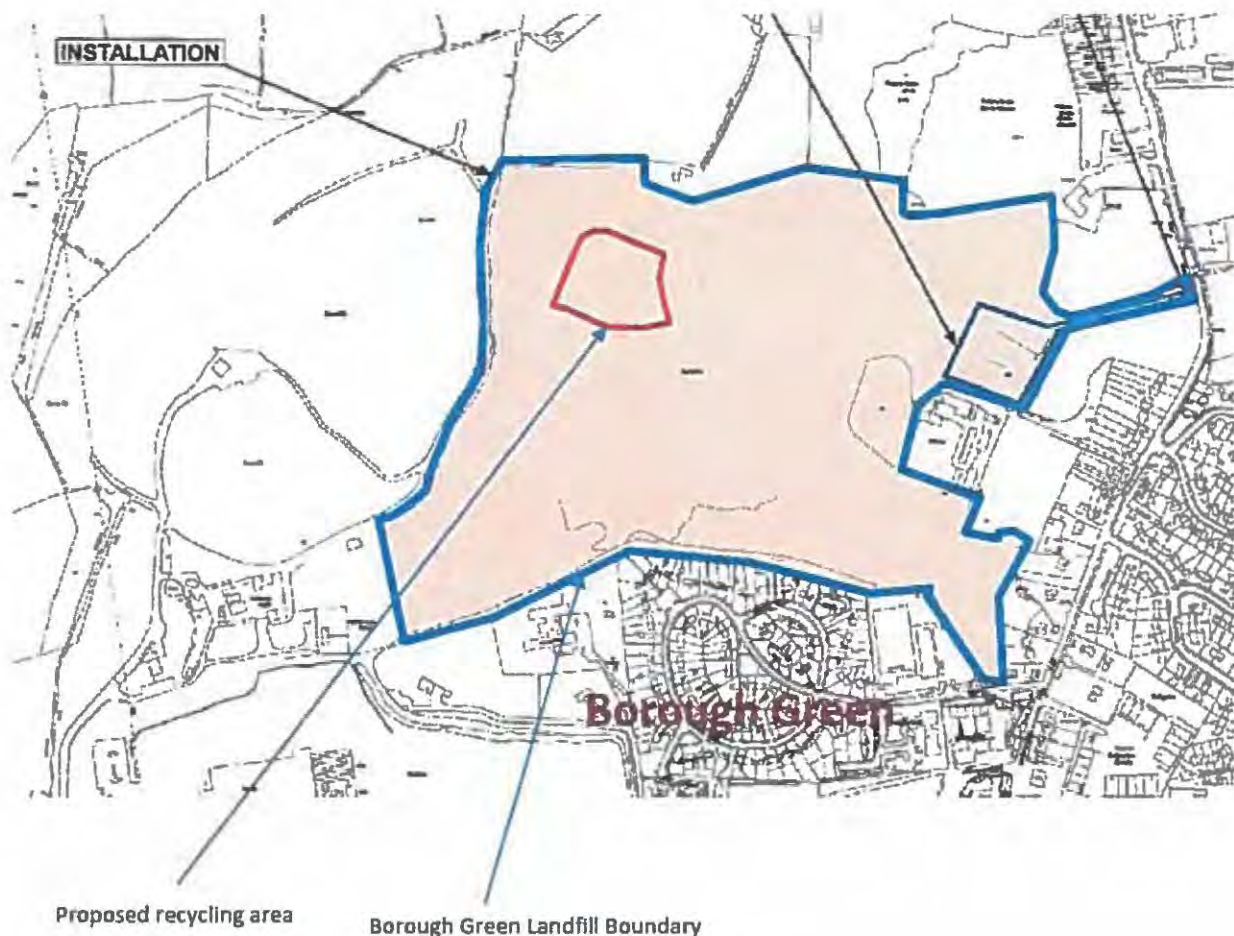
**Ref: Condition 7 from Decision Notice for TM/14/2728**

7.4 The operative wording of this application is as follows.

*“Application to relocate and raise the ground level for the recycling operations and for the permanent presence of recycling plant in the recycling area for the duration of landfilling”*

**Ref: Proposal /Operative Wording of TM/14/2728 from KCC's Planning Portal**

The application was to provide a permanent recycling facility at a raised level to the previous one and on a defined area of the site, which is small in relation to the whole site and defined in the Site Location Plan No 1020.



A letter from the Applicant's Agent provides further explanation on the scope of the application.

*"Further to our discussions and site meeting this letter has been written to support a planning application to move and raise the level of the permitted recycling area on site and to retain recycling plant on site for the duration of landfilling works as opposed to being used on a campaign basis."*

"Cemex effectively mothballed the site prior to RBH taking over and the recycling area had several stockpiles of materials present. When these materials were moved the ground elevation was found to be 69-70mAOD, which is in excess of the approved level of 62mAOD. Therefore, consultation was undertaken with Kent County Council (KCC) to submit a planning variation to raise the approved elevation. During pre-application consultation it was revealed that operations has also moved further to the west outside the approved recycling area and a new application was required." Ref: Foresite Projects letter to Officer: 4 Jul 2019

The permanent recycling area within the red line and established by this application would generate additional HGV movements to import suitable waste materials and to export the secondary aggregates that can replace fresh dug materials in some groundwork requirements. Hence Condition 7 of the application raised the quarry movements to 182 per day.

#### Current Application (KCC/TM/0152/2019)

7.5 The site for this application is defined by the Site Location Plan, drawing no ET-P-02 and it is clearly the majority of land within the ownership parcel and a much greater area than the original application (TM/14/2728) amended.



7.6 The operative wording of the application only refers to a variation in vehicle movements if it is read literally. It is when the various reports and emails are read in detail it becomes apparent that the actual proposal is far greater and more extensive than the operative wording of the application that is being applied for. For example:

*1.1.4 The attached drawings indicate areas of proposed cut and fill and provide guidance on possible finished ground levels. These have been derived in consultation with Surface Water Drainage and Flood Risk Engineers at JNP Group, to ensure developability.*

*2.2.3 Note that the anticipated build platform level is lower than the original restoration level. Thus the volume of fill required will be less than for the original restoration plan.*

*2.2.6 The above two scenarios were chosen to give the upper and lower bound estimates. The existing filling rate permission allows for the pit to be backfilled sectionally, with filling in some parts completed in advance of other parts of the pit. Allowing the pit to be filled completely in an even manner would allow best engineering practice and efficiencies to prevail, as well as providing increased flexibility for the Borough Green Gardens development.*

**Ref: JNP Outline Accelerated Earthwork Strategy for Robert Body Haulage Quarry Pit**

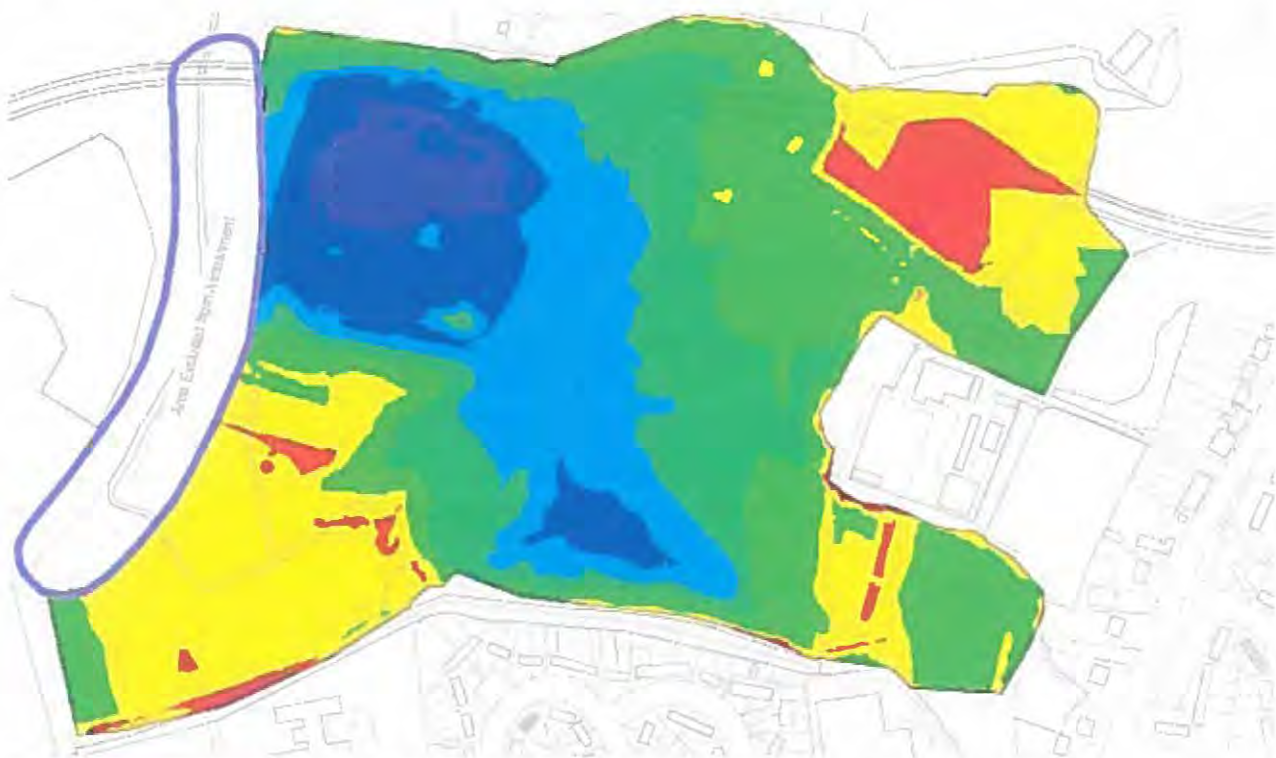
7.7 There are three topographical type drawings as appendices to the JNP Accelerated Earthwork Strategy that defines levels in terms of colour as follows.

Draw No

C85795-SK-012 Pit Existing Surface Levels, no road detail

C85795-SK-010 Development Platform Levels with details of a road

C85795-SK-011 Proposed levels necessary for Relief Road including road and junction detail



**Ref: Appendix B: C85795-SK-010 RBH Pit Fully Filled Plan**

7.8 The map is the 'fully filled plan', a somewhat ambiguous term that appears to refer to a plan of the final levels the application is seeking to achieve and this assumption is supported by the inclusion of a road and junction in the form of a roundabout with the A227. The report refers to these final levels as 'Development Platforms'. The area included is all of the site apart from a strip along the west of the site.

7.9 It is now confirmed by the Officer's email and the response from the Applicant that the scope of the application is extensive and the proposed development platforms would lower the levels of the consented "Restoration Contours"- 4393:07 –July 2003 plan. This is primarily to reduce the amount of backfill required in order to carry out the backfill operation in a timescale that fits in with the requirements set by TMBC for BGG proposal.

*As you have identified in your email, the submitted Earthworks Strategy (JNP) addresses the timescale for establishing complete development platform levels at the Site in order to facilitate the Borough Green Gardens development.*

*Ref: Barton Willmore email to KCC Planning 22 Oct 19*

## 8.0 Case Law Applicable to the Current Application

8.1 In case law there is a distinction between the "operative part" or grant of the planning permission on the one hand, and the conditions to which the operative part or grant is subject. The distinction between these two parts of a planning permission is reflected in other provisions of the 1990 Act. The grant identifies what can be done, what is permitted, whereas conditions identify what cannot be done.

8.2 The current application (KCC/TM/0152/2019) seeks to change Condition 7 of TM/14/2728 to increase the vehicle movements apparently. However, under questioning by the Officer, the Applicant has conceded that they seek the following.

1. To increase vehicle movements.
2. To change the consented restoration contours as defined by Plan 4393:07 of consented application TM/93/305, dated July 2003.
3. To change the consented phasing of backfill from a section-by-section approach to one of complete fill.

8.3 The operative wording of this application is as follows.

*"Application to relocate and raise the ground level for the recycling operations and for the permanent presence of recycling plant in the recycling area for the duration of landfilling"*

*Ref: Proposal /Operative Wording of TM/14/2728 from KCC's Planning Portal*

This application pertains to a small area of the site and details a permanent recycling operation to be established at a prescribed ground level.

8.4 Some relevant case law judgements are as follows.

Supreme Court judgment in **Lambeth LBC v SSHCLG [2019] UKSC 33**, where Lord Carnwath said: "A permission under section 73 can only take effect as an independent permission to carry out the same development as previously permitted, but subject to the new or amended conditions." {Emphasis added}

**Cadogan v SSE (1992) [65 P & CR 410]** "A condition on a planning permission will not be valid if it alters the extent or the nature of the development permitted."

8.5 The current application seeks to use a Section 73 application to modify a condition to vary traffic movements. The 'operative wording' of the application (TM/14/2728) is applicable to a small area of the site that establishes a recycling centre at a prescribed level. If we consider the 'same development as previously permitted', then the following would fall outside of this definition.

1. The restored levels of a quarry that have been authorised by a different consent.
2. The phasing of backfill of a quarry that have been authorised by a different consent.
3. Any changes in the development outside of the red line in Site Location Plan No 1020 of TM/14/2728
4. Traffic movements associated with aspects of the quarry that are required for reasons other than recycling.

To consent this application would be contrary to the guidance provided by Lord Carnwath in the Supreme Court judgment in **Lambeth LBC v SSHCLG [2019] UKSC 33**

8.6 The County Council is being asked to consent a revised condition that will alter the 'extent and nature' of the development permitted. This would be contrary to clarification provided in **Cadogan v SSE (1992) [65 P & CR 410]**.

## 9.0 Conclusions

9.1 To consent application KCC/TM/0152/2019 would be unlawful.

9.2 The comments in paragraphs 3.7 and 3.8 of the BW Planning Statement are misleading because they do not specify that they are predicated on unconsented changes in the permitted "Restoration Contours" of application TM/93/305.

9.3 The Applicant uses the BGG proposal as special case justification for this application even though it is conceded, "at the current time, we consider (agree) that the Borough

*Green Gardens proposal cannot be afforded significant weight*". In planning terms this would appear to be somewhat perverse.

There are no justifications given other than the BGG proposal, the amount of housing it might provide, the percentile of the overall housing plan and the fact that it may be eligible for Gov funding but only if it is lawful and deliverable as determined by an Inspector at a Planning Inquiry, which has not been tested yet.

9.4 The Applicants dependence on an alleged 'planning balance' gain that is reliant on the success of the BGG proposal within the DLP, makes the potential success of that BGG proposal relevant to this application.

9.5 BW, the agent representing the Applicant for Phase 1A of the BGG proposal has agreed to comply with a housing trajectory with both TMBC and KCC in the Statement of Common Ground without qualification. It is now clear that the Applicant is not in a position to do this without extensive and time consuming further planning applications that need consents, there is no certainty to the outcome, and there is an imminent Inquiry in the New Year that will focus on the deliverability of the BGG proposal.

9.6 In the area covered by Phase 1B of the BGG proposal there is considerable time dated photographic evidence over a twelve month period that strongly suggests that the quarry involved in Phase 1B has increased vehicle movements to levels considerably above those consented and operating them outside of permitted time constraints. All of the evidence is now in the possession of the County Council. This would indicate that this phase is also struggling to meet TMBC's required timetable for housing and provides further evidence as to the potential undeliverability of the multiple sites that collectively constitute the BGG proposal site.

9.7 The 'Relief Road' is to be constructed and operational from the Darkhill Roundabout in the west to Nepicar in the east, including two large primary road network roundabouts during Phase 1A and before the completion of just 450 dwellings. It will need to cross current active quarries and as yet virgin unquarried land within the County Council's Mineral Plan reserves.

At present there is no legal framework within which the Quarry Owing Consortium or their agent BW are giving legally binding guarantees to the County Council and the Borough Council. The project is not developer lead and is without costing to demonstrate its deliverability.

This is made apparent by the 'Statement of Common Ground' comments made by BW and now found to be untrue. There can be no guarantee that the BGG proposal can be deliverable from the evidence to date, that the Borough Council's housing trajectory can be complied with. The current Applicant's technical advisors JNP, have provided proof that Phase 1A is undeliverable without significant further quarry applications needing to

be consented. These would require a further Scoping Survey and possibly be also dependant on the outcome of an Environmental Impact Assessment given the far-reaching implications for environmental issues that are being proposed.

9.8 The evidence from expert's reports suggests that the Applicant has ceased recycling operations on the site. This would be a logical conclusion given that they are desperate to increase backfill to comply with a TMBC timetable that they are currently missing by around 4 years. It would also be logical to assume that other quarries have come to similar conclusions. The lack of any recycled secondary aggregates will significantly increase the need for fresh dug minerals to the detriment of the County Council's reserves. This issue needs to be fully explored by the applicant's technical advisors JNP in a future application report, should one be forthcoming.

9.9 Given that this application is unlawful, the outcome further diminishes the prospect of BGG being considered to be deliverable within the DLP. It also diminishes the prospect of further applications that are solely dependant on the alleged planning balance benefit of BGG being successful, prior to an examination by the appointed Inspectors.

**Wrotham Parish Council**

PO Box 228  
 Sevenoaks  
 TN13 9BY

**[REDACTED]**  
 Clerk

Telephone **[REDACTED]**

Email – **[REDACTED]**

Ref: KCC/TM/0152/2019

Date: 18 August 2019

**Planning Application Reference KCC/TM/0152/2019**

**Address Wrotham Road**  
**Proposal To increase vehicle movements**

**Decision Strong Objection**

**Comments :**

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- 1.0 Introduction**
- 2.0 Earthworks Proposals**
- 3.0 Relevant Planning History**
- 4.0 HGV Transport Assessment**
- 5.0 Accumulation Effects of Multiple HGV Generators**
  - **Noise**
  - **Air Quality**
- 6.0 TMBC Draft Local Plan**
- 7.0 Conclusions**

**1.0 Introduction**

1.1 The applicant seeks to vary condition 7 of TM/14/2728 to increase HGV movements from 182/day to 240/day, an increase of 58 movements or 32%.

1.2 Extraction of minerals ceased some time ago and the current operations on site are:

1. Recycling of imported materials.
2. Backfilling the cavity with imported inert materials.

1.3 The stated objective of the HGV movement increase is to increase the rate of backfill of the quarry to facilitate the following.

1. To enable the quarry to be completely filled by 2024.



2. This in turn would facilitate the “Establishment of development platforms for the future Borough Green Gardens (“BGG”) Development”
3. In addition, it would “facilitate the delivery of the BGG Relief Road through this parcel”.

## 2.0 Earthworks Proposals

2.1 The Applicant has appointed John Newton & Partners (“JNP”) to undertake a 3D volume assessment of this pit to see what quantities and hence timescales might be appropriate to achieve a completion of backfill a year earlier in 2024.

2.2 Paragraph 2.2.3 of the JNP Reports states, *“Note that the anticipated build platform level is lower than the original restoration level. Thus the volume of fill required will be less than for the original restoration plan.”* This statement appears to imply that a new application will be required to agree to a variation in the consented Restoration Plan.

2.3 This is confirmed by paragraph 2.2.6 that states.

*“2.2.6 The above two scenarios were chosen to give the upper and lower bound estimates. The existing filling rate permission allows for the pit to be backfilled sectionally, with filling in some parts completed in advance of other parts of the pit. Allowing the pit to be filled completely in an even manner would allow best engineering practice and efficiencies to prevail, as well as providing increased flexibility for the Borough Green Gardens development.”*

The existing restoration consent requires a phased sectional approach. The report contends that this approach is poor and that the pit should be filled in an even manner, which would conform to ‘best engineering practise’ and allow ‘efficiencies to prevail’. This again would require changes to the consented Restoration Plan.

2.4 The report considers two scenarios, the first being a partial advance backfill along the line of a future road only to facilitate BGG Development and the other across the whole site to levels required for ‘build platform levels’ suitable for building housing and a level for the road to facilitate BGG Development.

2.5 Neither scenario conforms to the current restoration plan and there is no mention of a future planning application such that the new restoration levels and associated phasing could be considered. There is also no final levels plan that would result from these unevidenced proposals.

2.6 The report predicts the following timescales with reference to HGV movements.

*“Preferred Scenario Completely Filling Pit to Anticipated Development Platform*

- Under existing Permission at a rate of 91 vehicles in per day 6 years
- Increasing to 120 vehicles in per day 5 years
- Increasing to 150 vehicles in per day 4 years”

2.7 The report concludes that an increase in movement would accelerate backfill but is not prescriptive as to the number and then appears to imply that the increase allows backfill 'evenly' across the site as opposed to the current phased approach.

2.8 The Report states that backfilling is the only current operation and a study of the report's calculations will show that no account is made of the recycling operation. It appears to have been stopped so as not to divert the limiting HGV movements from backfill operations.

### **3.0 Relevant Planning History**

3.1 The following applications are relevant.

**TM/06/2171** Recycling of inert waste / crushing and screening to produce secondary aggregate. This allowed an increase in movements to 110 movements per day.

**TM/08/3715** Allowed an increase in vehicle movements from 110 to 182 movements per day. The accompanying Cemex Report stated as follows.

*"Planning permission TM/06/2171 was approved subject to 12 planning conditions which included vehicle movements being restricted to 110 per day including vehicles entering the site as part of the infilling operation. It was considered that the approved vehicle movements were too restrictive and would hinder restoration therefore an application was submitted to increase vehicle movements at Borough Green Landfill Site."*

**Ref: Cemex Report- BOROUGH GREEN LANDFILL / RECYCLING- VARIATION OF CONDITION 6**

3.2 The quarrying and subsequent backfill operations operated satisfactorily utilizing 110 movements per day.

3.3 When recycling was consented it was found that extra movements were required to facilitate the extra movement of inert materials to be crushed and then re-exported as secondary aggregate and the MPA increased daily movements to 182.

3.4 We now have a circumstance whereby recycling has stopped to facilitate backfill and the applicant seeks to increase HGV movements to 240/day. This is an increase of 130 movements a day over what was previously accepted as adequate for quarrying and backfill purposes without recycling.

### **4.0 HGV Transport**

4.1 The Vectos report confirms the current operations on site. "The excavation of minerals has now been completed and the current activities relate only to the site backfill with the inert material." **Ref: Para 1.6**

4.2 This proposal is to increase traffic movements per working day due to the backfill operation by 58 movements, which is an increase of 32%.

4.3 There is an informative that asks the quarry operators to make best endeavours to persuade drivers to leave the site to the north on the A227. The quarry has relatively little control over driver's route in under planning constraints. In practise this works for a percentage of drivers but in the experience of Members of WPC, by no means all.

4.4 The Vectos figures for the number and hence percentage of HGVs at present is 5.4% if you use the ATC generated figures. Most roads with a normal distribution of traffic carry between 2% and 3% of HGVs. This larger percentile is not surprising when you consider the number of local quarries and the H+H Block Works. Local quarries and quarry related industry that contribute to significant HGV movements in the locality include the following.

Borough Green Landfill: subject of this application

Borough Green Sandpits: access onto the A25 at Platt

Park Farm Quarry: Now quarrying clay & sand following recent consents

Nepicar Park Quarry: adjacent on the A25

Wrotham Quarry: Operated by Ferns & located in Addington

H+H Celcon Aerated Block Works

## 5.0 Accumulation Effects of Multiple HGV Generators

5.1 It is self evident that multiple HGV generators as outlined above considerably increase the percentile of HGV traffic on a road as exhibited by the Vectos report. If those inflated numbers of HGVs due to quarrying are used as a base for comparison with the 58 extra HGVs proposed by this application then the resulting 1% increase is statistically relatively meaningless. The greater the number of existing HGVs using the road the less percentile the increase will be.

5.2 The period that Vectos measures HGVs is from 07:00 to 18:00 but discounts 1.5 hours for school access periods and this totals 9.5 hours or 570 minutes per day. Vectos daily average for HGVs is 389, which equates to **7 HGVs every 10 minutes** and the proposed increase equate to an additional **1 HGV every 10 minutes**.

## Noise

5.3 When HGVs turn north on the A227 as encouraged, they first pass Wrotham School classed as a 'sensitive noise receptor' and then past Grange Park School for the most challenging pupils on the Autistic Spectrum, those that are unable to cope with a Special Needs classification within regular schooling. This is classed as a 'highly sensitive noise receptor'.

## **Air quality**

5.4 The vehicle movement calculations are based on '20 tonne, 8 wheeler tipper trucks', which are the workhorses of the aggregates industry, and not known for their quiet operation. The volume of HGV vehicles passing these noise sensitive receptors is currently 42 per hour rising to 48 per hour if this application is consented. Additional to this is the average non-HGV vehicles, cars, vans and motorbikes etc that total 6,766 in a Vectos specified day.

5.5 One of the effects of the quarrying in the area and the intensification of HGV traffic is the poor air quality. There is an Air Quality Management Area ("AQMA") encompassing all of the centre of Borough Green and another AQMA which begins on the A25 at Darkhill Roundabout adjacent to the H+H Factory and continues through Seal, Bat and Ball, past Sevenoaks and to the end of Riverhead.

5.6 TMBC has not tested air quality in the Wrotham area around the Gravesend and Whitehill Roundabouts in the routing path of quarry lorries, but the general queuing and slow moving traffic in those areas make adverse air quality highly probable. The Parish Council has commissioned AQ experts who are currently carrying out tests to inform the responsible authority, TMBC.

## **6.0 TMBC Draft Local Plan**

6.1 The BGG development is a strategic site policy (LP29) in the Draft Local plan, which was submitted in January 2019. The proposed site for BGG is a number of quarries that form a band to the north of Ightham, Borough Green and Platt and south of the M26. Most of the quarries are actively quarrying sand or clay and are at an earlier stage in the quarrying cycle than the Application Site. Some areas towards Nepicar are yet to be quarried. An essential requirement of sites put forward in the Local Plan is their deliverability and assurances, that all of the quarries will be available for actual development in 2024 have been given by the consortium of quarry owners to both TMBC and KCC as the MPA, most recently in a Statement of Common Ground. The statement was not qualified by requirements to change conditioning to achieve this objective.

6.2 This application appears to contradict those assurances as the phasing is due to start in 2024 with the building of a road and critically the Application Site will not be ready until 2025 under the current consented plan. This quarry is the most advanced in the quarrying cycle, being already at a backfill/recycling stage currently. The other quarries are actively quarrying at present. Given that a road is required from the A25 Darkhill roundabout to Nepicar A20 at an early stage once 450 dwellings are occupied then the proposal appears unrealistic without significant changes to conditioning.

6.3 Most of the quarries further along the chain have current completion dates far in advance of 2024 so presumably there will be many more applications to vary conditions

that seek to increase HGV Movements and stop recycling of secondary aggregates. This would put considerably more stress on the local road network.

6.4 The Planning Statement, para 4.2 states. *“It is recognised (at the time of writing) that the emerging Plan does not carry significant weight for the purpose of decision making.”* Although submitted in Jan 2019 the Inspectors have required substantial clarifications and a considerable amount of further evidence to be prepared by TMBC and this process continues. Consequently, there will have to be further public consultation and TMBC will have to consider the results and potentially modify policy accordingly. Inspectors have advised TMBC that they may need to make “major modifications” that effects strategic sites and TMBC have agreed. There is also a conflict over the redaction of public data from consultees that is inhibiting the public's ability to comment as a group and Inspectors have indicated that if an acceptable solution is not forthcoming, they will not be able to continue with the Inquiry. Therefore, at present there is no date set for the Inquiry and no certainty that the examination of the plan will proceed. In the event it does there is no certainty that Policy 29 could be one of the Major Modifications necessary.

## **7.0 Conclusions**

7.1 The Planning Statement seeks to increase vehicle movements and to change both the quantity of backfill and the levels, phasing and form of the restoration land profile. This appears to fundamentally change the whole consented restoration plan.

7.2 Paragraph 2.2.3 of the JNP Reports states, *“Note that the anticipated build platform level is lower than the original restoration level. Thus the volume of fill required will be less than for the original restoration plan.”* If the required fill is less than that consented and there is no corresponding application to justify this contention then the calculated vehicle movements and consequent reduction in time of one year to completion is fundamentally flawed.

7.3 Clarification is needed as to the scope of the application as the submitted evidence base for the application is completely inadequate to justify a reduction of backfill.

7.4 The Vectos report and the JNP Report both refer to the only current operation on site being the backfilling. The JNP Report calculates the reduction in time based on all of the allowed HGV movements being used for backfilling; the assumption is that the recycling of materials has stopped.

7.5 This has significant implications for the MPA as there is no secondary mineral production to replace the use of dug minerals where possible. Presumably the MPA has calculated the quantity of reserves and therefore the life of it's Mineral Plan on the basis of some element of recycled aggregates being regularly produced and used in suitable applications.

7.6 The original HGV movements during both the quarrying and backfill sequenced stages pre recycling were 110 HGV/day. Two years after recycling was consented the Applicant applied for and was consented movements of 182 HGV/day to allow for 72 for recycling purposes. Now there is no recycling so the backfill operation actually requires 110 HGV/day to finish to the current consented timetable and yet the applicant is applying for an extra 130 HGV/day to complete backfill early.

7.7 There is considerable uncertainty as to whether Policy LP29 (BGG) the allocation of 3,000 dwellings will go forward through to examination and even whether the Draft Local Plan will be examined at present even after 7 months of consideration. Given that the alleged benefits of this allocation is the only reason brought forward in favour of the proposal then this merits little in consideration of the planning balance.

7.8 If the Application were to be consented then this would set a poor precedent as the most advanced quarry in the cycle having to alter conditioning to comply with a deliverability objective that the Quarry Owner Consortium stated was achievable to both KCC and TMBC in their Statement of Common Ground for LP29.

7.9 What could follow are many more applications to increase HGV movements that will be necessary to speed up the quarrying and backfill process at the expense of recycled aggregate production and the public's amenity in terms of air quality and noise.

7.10 The overall effect will be to bring forward the speed of quarrying such that the MPA's sand and clay reserves will be eroded far quicker than predicted by the Mineral Plan.

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

## **Demolition of existing single storey teaching block and erection of detached two storey teaching block with single storey activity studio, car park extension and associated landscaping works at Mayfield Grammar School, Pelham Road, Gravesend, Kent DA11 0JE - GR/20/156 (KCC/GR/0019/2020)**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 June 2020.

Application by Kent County Council for Demolition of existing single storey teaching block and erection of detached two storey teaching block with single storey activity studio, car park extension and associated landscaping works at Mayfield Grammar School, Pelham Road, Gravesend, Kent DA11 0JE - GR/20/156 (KCC/GR/0019/2020)

Recommendation: The application BE REFERRED to the Secretary of State for Housing, Communities and Local Government, and SUBJECT TO his decision, and the receipt of a signed Memorandum of Understanding, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions.

Local Members: John Burden & Lauren Sullivan

Classification: Unrestricted

### Site

1. Mayfield Grammar School is a selective secondary school for girls, located approximately 1km south-west of Gravesend town centre. The surrounding area is predominantly residential on all four sides, with Old Road West running to the south of the site, Pelham Road to the west, Lennox Road East to the north, and The Avenue to the east. Vehicular access to the school is from Pelham Road, leading to an on site parking area. Pedestrian access is also provided from this road, plus there are additional pedestrian access points from Lennox Road East and The Avenue. The school site is roughly rectangular in shape with the main school buildings being located to the north-west of the site, and a smaller single storey annex building (to be demolished as part of this application) being located along the western boundary behind the houses in Pelham Road. Tennis courts are located in the north-eastern corner of the site, and the remainder of the site is laid out as playing fields. In addition to this site the School has a second site called 'The Isaac Newton Site' further along Pelham Road to the north.
2. The main school building is a traditionally designed brick and tile building set over two floors, and many of the original features such as the bell tower have been retained. This building creates a courtyard area inside. There is a second two storey building with a pitched tiled roof, sited to the north of the main school, and then two flat roof buildings on this part of the site which are later additions, which house the science block and the kitchens. At present there are mobile classrooms sited on the tennis courts and the remainder of the courts are being used for temporary parking facilities. Whilst the

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school is set behind residential properties to the north, west and south, the school boundary is visible along The Avenue where it is marked by the original brick wall, with mesh fencing above. At the northern end of the wall, wooden access gates are inserted for a pedestrian access and double gates for access to an electricity sub-station.

3. In terms of the wider area, the school site is well served by public transport, with bus routes running in the vicinity of the site at regular intervals with extra services provided at the beginning and end of each day. Gravesend train station is approximately a 15 minute walk to the school. To the south of the school site (on the southern side of Old Road West) is a large cemetery founded in 1658, and further to the east is Gravesend Cricket Club. The school itself lies outside of, but is adjacent to, 'The Pelham Road/The Avenue Conservation Area' and is also close to the 'Darnley Road Conservation Area' which lies to the east.
4. There are currently 1137 pupils on roll, which includes a current sixth form cohort of 230 (both boys and girls) along with 130 staff members, 55 of whom are full time.
5. Please see Appendix 1 for General Location Plan, Location Plan showing Conservation Areas, Site Location Plan, Proposed Site Layout, and Proposed Elevations.

**Background**

6. On 1<sup>st</sup> May 2015 the Minister of State for Schools announced that the Government would fund a further phase of the Priority School Building Programme (PSBP), with a value of around £2 billion. The new phase is a five-year programme (operating between 2015-2021) to undertake major rebuilding and refurbishment projects in those schools and sixth form colleges in the very worst condition. PSBP is a condition led, block replacement programme with the aim of replacing time-expired buildings. The programme guidelines as set by the Secretary of State do not allow PSBP to provide facilities other than those required for the School's Published Admissions Number (PAN) in 2014.
7. As part of the programme, 277 schools nationally have been selected to have at least one of their buildings (or blocks) rebuilt or refurbished, and this includes Mayfield Grammar School. The Department for Education's PSBP has identified a time expired block on the Mayfield Grammar school site as needing either replacement or refurbishment. Following a full feasibility study it was agreed the relevant block would be demolished and replaced by a new block, being the most cost-effective long-term solution given the building's existing condition.
8. In this instance, as well as fulfilling the requirements of a replacement block, the proposals seek to deliver new accommodation of a size which will accommodate the 1FE expansion currently underway to meet local education need. The proposals therefore represent a joint venture between the Department for Education and Kent County Council as the Local Education Authority.



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**Recent Site History**

9. There is extensive planning history for this site dating back to 1978, as set out in the submitted Planning Statement. Since 2018 the following applications have been submitted and determined by KCC:

GR/18/0148: Proposed extension to provide new kitchen and servery facilities – Approved 3<sup>rd</sup> May 2018.

GR/18/0510: Demolition of existing temporary teaching block (2 classrooms) and erection of 2 storey extensions to both west (Phase 1) and east (Phase 2) wings of existing Science Block to provide 4 classrooms – Approved 11<sup>th</sup> July 2019.

GR/18/681: Proposed new electric substation and switchgear enclosure; provision of new gate within the existing boundary wall to provide a vehicular access to the substation; relocation and replacement of the guard rail between the pedestrian access and the road – Approved 23<sup>rd</sup> August 2018.

KCC/GR/0025/2020: Section 73 application to vary conditions 2 and 12 of planning permission GR/18/0510 (Science Block extension) regarding alterations to the cladding proposed and minor alterations to fenestration – Approved 1<sup>st</sup> May 2020.

10. In 2015 Gravesham Borough Council determined an application for the demolition of an existing annex and the erection of a two storey teaching block with ancillary accommodation, formation of playing field area and stationing of four mobile classrooms (reference 20140339). This was for the demolition of the annex which is the subject of this planning application (behind the houses on Pelham Road), but with the replacement two storey building on the same part of the site. This permission was never implemented.

**Proposal**

11. The application seeks approval for the demolition of an existing single storey teaching block located to the rear of the houses in Pelham Road, in the south-west corner of the site. Once demolished this part of the site would be laid out as an extension to the on-site car park providing space for an additional 20 cars to park. In addition, two of the existing parking spaces would be provided with electric vehicle charging points. Vehicular access to the site would be maintained from Pelham Road and a new 1.8m high steel mesh fence would be provided around the perimeter of the new parking area, with a double access gate provided for maintenance of the sports field.
12. A new two storey building is then proposed to be constructed to the east of the original school building, between this and the boundary of the site on The Avenue. The building would be sited on an area of existing playing field. The building would have a 'U' shaped footprint with the footprint remaining in line with the front elevation of the original building, so as not to encroach onto the main section of the playing field. The building is proposed to be constructed from brick with a pitched tiled roof. The two storey elements extend along the playing field and The Avenue elevations, with a single storey element projecting into the centre of the site. This single storey element would have a mono-

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pitch roof, and a canopy over the entrance in the 'courtyard' area created by the footprint of the building.

13. At ground floor level the building would accommodate an activity studio (the single storey element), activity stores and changing rooms; the headteacher's office, administration office, staff work room, seminar room and conference room; a general science laboratory and science store; 5 general classrooms, 3 music classrooms; 8 music practice rooms and an ensemble practice room and music store; plus two stairwells and one lift riser. At first floor level there would be 6 more general classrooms; 6 ICT Business Studies rooms and an ICT Hub; and a large Library Resources Centre and Study Area for 6<sup>th</sup> form students.
14. There would be a regular pattern of fenestration on the elevations with grey frames, and a number of velux rooflights proposed and wind catchers for ventilation. Guttering, door frames and plant doors would also be provided in the same grey colour. Long slit windows would be inserted on the gable and side elevations of the activity studio and a feature 'stacked' window provided on the northern gable elevation of the building.
15. A temporary construction access would be created from The Avenue, just to the south of the existing sub station and pedestrian access which are marked by the wooden gates within the boundary wall. The construction access would be 8.3m wide and would require the removal of one of the highway trees to allow vehicles to access the site. Upon completion of the development the access would be reduced in width to 4.8m and new double wooden gates inserted, to match the existing ones. The access would then be retained as an emergency entrance for the school. The highway tree would be replaced upon completion and an additional 3 trees would be provided elsewhere in The Avenue to mitigate the short-term loss of the tree.

**Planning Policy**

16. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:
  - (i) **National Planning Policy Framework (NPPF) February 2019** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

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

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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:

- That development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe (para 109);
- That the creation of high quality places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para 124);
- That access to high quality open spaces and opportunities for sport and recreation are important in their contribution to health and well-being, and therefore that existing open space, sports and recreation facilities should not be built on unless the loss would be replaced by equivalent or better provision in terms of quantity and quality (para 96,97);
- That in determining applications account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness (para 192);

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

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

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

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.
- Local authorities should make full use of their planning powers to support state-funded school applications. This should include engaging in preapplication discussions with promoters to foster a collaborative approach to applications and,

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where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.

- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out on the Planning Practice Guidance website. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.

(iii) The adopted **Gravesham Local Plan Core Strategy (adopted September 2014)**

**Policy CS01 Sustainable Development:** Planning applications that accord with the policies in the development plan will be approved without delay, unless material considerations indicate otherwise. The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and this Core Strategy.

**Policy CS10 Physical and Social Infrastructure:** Support will be given to proposals and activities that protect, retain or enhance existing physical and social infrastructure, or lead to the provision of additional infrastructure that improves community well-being.

**Policy CS11 Transport:** New developments should mitigate their impact on the highway and public transport networks as required. Transport Assessments and Travel Plans should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Sufficient parking in new development will be provided in accordance with adopted parking standards which will reflect the availability of alternative means of transport and accessibility to services and facilities.

**Policy CS12 Green Space, Sport and Recreation:** The Council will seek to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space, playing pitches and other sports facilities, in accordance with an adequate and relevant evidence base.

**Policy CS18 Climate Change:** Development will be directed sequentially to those areas at least risk of flooding. Proposals in areas at risk of flooding must be accompanied by a Flood Risk Assessment (in accordance with national policy and Environment Agency standing guidance) and a Flood Risk Management Plan to demonstrate that they are adequately defended. The Council will seek to minimise the impact from new development on waste water systems. In particular the Council will require that surface water run-off from all new development has, as a minimum, no greater adverse impact than the existing use; require the use

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of Sustainable Drainage Systems on all development where technically and financially feasible. The Council will seek to manage the supply of water in the Borough. All non-residential development of 1000m<sup>2</sup> and above should meet the BREEAM 'excellent' standards of water efficiency and include provision for the collection of rainwater. The Council will seek to reduce the overall carbon footprint of the Borough.

**Policy CS19 Development and Design Principles:** New development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles and be resilient to the effects of climate change. Specific design criteria to consider are listed in the Policy.

**Policy CS20 Heritage and the Historic Environment:** The Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource. Proposals and initiatives will be supported which preserve and where appropriate enhance the significance of the Borough's heritage assets, which include the Borough's urban Conversation Areas.

(iv) The adopted **Gravesend Local Plan First Review (1994) – Saved and Deleted Policies Version 2014**

**Policy TC3 Development Affecting Conservation Areas:** Where development is acceptable in relation to other policies, it will be carefully judged for its impact and will be expected to make a positive contribution to the conservation area. The Council will expect the application to contain sufficient details to enable the impact of the proposal upon the conservation area to be assessed.

**Policy TC7 Archaeological Sites:** In order to determine a planning application, the Borough Council may require the developer to provide additional information in the form of an assessment of the archaeological or historic importance of the site and the likely impact of development.

**Policy T1 Impact of Development on Highway Network:** The Local Planning and Highway Authorities will consider the impact on the transport system and on the environment of traffic generated by new development and will wish to ensure that all proposed developments are adequately served by the highway network.

**Policy P3 Vehicle Parking Standards:** The Council will expect development to make provision for vehicle parking in accordance with Kent County Council Vehicle Parking Standards. All vehicle parking provision should normally be made on the development site.

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**Consultations**

17. **Gravesend Borough Council** consider that the proposals would not have an adverse impact on the appearance of the Conservation Area but note that material choices will be critical for the scheme to respond positively to the residential buildings in the conservation area. They concur with the objection raised by Sport England based on the loss of playing field land. They wish to see sufficient parking facilities to serve the expanded school and the impacts of additional traffic movements should be addressed. Impact on residential amenity for the residents in The Avenue and Lennox Road East should be taken into account, as well as disturbance for the residents in Pelham Road from the new parking area. Suitable planning conditions should be imposed on any consent given.

**Sport England** raise an objection to the application, as they consider the proposal fails to meet any of the five exceptions to Sport England's Playing Field Policy or with Paragraph 97 of the NPPF.

**Environment Agency (Kent Area)** raise no objection subject to the imposition of conditions regarding a watching brief during demolition and foundation works; that if contamination is found during development that hasn't been previously identified that a remediation strategy be submitted; that there be no infiltration of surface water drainage into the ground without consent; that piling or other penetrative foundation methods shall not be used without permission; and that only clean and uncontaminated water should drain into the surface water system.

**KCC Highways and Transportation Officer** raises no objection subject to the imposition of conditions ensuring the access from The Avenue is closed and only used for emergency purposes post construction; that the temporary parking arrangement on the tennis courts for 20 vehicles must be retained until the new car park is constructed and open for use; that 2 EV charging points be provided and 2 further spaces provided with passive provision during construction (10% of the proposed parking provision); that unless otherwise agreed the on-site parking areas shall only be used for staff and visitors; that a Construction Management Plan be submitted for approval prior to works commencing; and that an informative be included that cycle parking provision be monitored regularly and any additional provision provided as necessary.

**KCC Arboriculture Manager** raises an objection due to the need to remove the highway tree to allow for the construction access.

**KCC Conservation Officer** raises no objection to the scheme.

**KCC Biodiversity Officer** Raise no objection subject to the imposition of conditions requiring the submission of a bat mitigation strategy; that any lighting condition takes into account the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note; that the Construction Management Plan ensures that the demolition strategy ensures that mammals or their young are not killed or injured during demolition; and that the ecological features set out in the Ecological Enhancement Plan have been implemented prior to completion of the development.

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**KCC County Archaeological Officer** raises no objection to the application subject to the imposition of a condition ensuring the works are carried out in accordance with the submitted and agreed Written Scheme of Investigation.

**KCC Flood and Water Management Officer** raises no objection subject to the imposition of conditions regarding compliance with the detailed sustainable surface water drainage scheme submitted; that the building shall not be occupied until a verification report has been submitted and approved by the County Planning Authority; and where infiltration is to be used it is only allowed in areas where it has been demonstrated that there is no risk to controlled waters or ground stability.

**KCC Transport Planner Schools** has commented that the submitted School Travel Plan requires some additional information before it could be approved under the 'Jambusters' system, but that this could be secured via a planning condition.

**Local Member**

18. The local County Members for Northfleet & Gravesend West, Mr John Burden and Lauren Sullivan were notified of the application on 24 February 2020. No written comments have been received.

**Publicity**

19. The application was publicised by the posting of four site notices (one on each residential street surrounding the site), an advertisement in a local newspaper, and the individual notification of 129 nearby properties.

**Representations**

20. In response to the publicity, 10 letters have been received objecting to the application, and a further 2 letters that sought clarification regarding the submitted plans. The key points raised can be summarised as follows:

- Loss of privacy for residents in The Avenue as a result of the first floor windows in the new building;
- Loss of outlook from The Avenue properties due to the location of the new building, and therefore loss of value of these houses;
- Suggest the new build should be constructed in the location of the building to be demolished;
- The Avenue is often gridlocked at school drop off and pick up times and is not suitable for construction vehicles as well;
- Children's safety would be put at risk due to use of The Avenue by construction vehicles;
- Would result in more congestion in Lennox Road East and impact on parking for residents;
- Lennox Road crossroads is already a black spot for accidents and construction traffic would exacerbate this;
- Increase in school traffic as a result of this development would make the existing congestion on the surrounding roads worse;

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- Surrounding roads should be traffic calmed to help the rat run situation;
- Impact of noise from delivery vehicles, light pollution and dust pollution on nearby residents;
- Construction period would have a negative impact on nearby residents;
- A new grammar school should be created instead of extending the existing one on a site that is too small;
- The location of the building would fill in a gap of open space and result in the school noise being amplified for nearby residents;
- The proposed building should be rotated 90 degrees clockwise, or 180 degrees to reduce the impact on residents in The Avenue;
- Suggest construction vehicles should enter The Avenue at the gate at the bottom of the playing field near Old Road West;
- The school site is too small to accommodate the additional children;
- A new vehicular access for the school should be created onto Lennox Road East so that vehicles can enter the site from Pelham Road and exit onto Lennox Road East;
- Lennox Road East should become a no-through road which would improve the safety of children moving between this site and the satellite school site;
- Other surrounding roads should be made one-way to help improve the traffic situation for the school and local residents;
- School Travel Plan initiatives would not have a significant impact on the traffic and parking situation around the school and are not stringent enough;
- Already an emergency access gate at the bottom of the playing field – don't think another one is required;
- Insufficient cycle spaces provided;
- Pelham Road is a much wider road and access to the site should be improved and taken from here rather than The Avenue;
- Impact on air quality due to congestion and queueing traffic which would be made worse with the construction vehicles.

**Discussion**

21. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 16 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. The proposal therefore needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
22. This application is being reported for determination by the Planning Applications Committee due to the objections raised by Gravesham Borough Council and Sport England, and the neighbour representations received as set out in paragraphs 18 and 21 above. In my opinion, the key material planning considerations in this particular case are the principle of development and the need for education facilities; the siting and design of the proposed building including conservation impacts; the loss of playing field land; highway and transportation impacts associated with the proposal; loss of the highway tree; and ecological matters. Other issues to also address are drainage, archaeology and contamination.



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**Principle of Development and Education Need**

23. Planning policy guidance in the form of both the NPPF and the Policy Statement for School Development are strongly worded to ensure that proposals for the development of state funded schools should, wherever possible, be supported. The guidance is set out in paragraph 15 above and in summary states that there should be a presumption in favour of the development of state funded schools; that planning authorities should take a proactive, positive and collaborative approach to meeting this requirement; and that any refusal would have to be clearly justified. The school site lies within the defined built up area of Gravesend and as such the principle of development is accepted. There are no other policy designations relevant to the site which would offer a reason not to apply the 'presumption in favour of development' as directed by the NPPF.
24. In accordance with the KCC Commissioning Plan, Mayfield Grammar School has been identified as needing to admit additional pupils due to increasing demand for places from local parents, and in consultation with the Area Education Officer the school consulted on the Admission Policy for September 2021, which has now been published with an admission number of 210 children per year (7FE). However, demand for places at the school has been such that the school has been admitting additional pupils since September 2015 – such that the current year 11 has 170 pupils, against the published admission number at the time which was 145. Each subsequent year group admitted since 2015 has also been in excess of the published admission number. Currently year 10 has 164 pupils, year 9 – 189 pupils, year 8 – 192 pupils and year 7 – 192 pupils. Although the school admission number has been officially adjusted to 180 for September 2020 (in consultation with the Local Authority) the school are already planning to admit up to 210 pupils this September due to local demand.
25. It is clear that there is a need for school places at this school, but also that the school has already been accommodating pupil numbers in between a 6FE and 7FE admission for the last three years. Whilst the 4 temporary classrooms have provided additional space to accommodate the increased pupil numbers to date, as the school moves forward to a full 7FE capacity, the additional teaching block would be required. It is therefore considered that the development would meet the guidance contained within the NPPF and the Policy Statement Planning for Schools Development in terms of new education provision.

**Siting and Design of New Building and Conservation Area Impacts**

26. The existing single storey annexe located behind the houses in Pelham Road is in a poor state of disrepair, which is why it has been identified as suitable for replacement under the national Priority Schools Building Programme. There is therefore no objection to the removal of this building (the demolition of which has already been considered and accepted through the permission given by Gravesham Borough Council in 2015) and it is acknowledged that its removal would improve the appearance of the school site for adjoining properties, and the appearance of the wider area. At pre-application stage consideration was given to constructing the replacement building on the site of this existing one, however, that location would be close to the rear elevations of the Pelham Road houses and at two storeys in height it was considered that the relationship would be inappropriate. In addition by rebuilding on this site, there would be a temporary lack

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of accommodation for the school to use during the construction process. Alternative locations were therefore considered which would allow the school to use the existing annex whilst a new building was constructed, and these included siting it on the tennis courts as well as the current proposed siting. Locating the building on the tennis courts would have had a combined negative impact of the loss of the sports facilities these games courts provide, as well as a poor relationship between the building and the houses sited immediately behind it on Lennox Road East.

27. The proposed new building is therefore shown to be sited just to the south of the existing tennis courts on a smaller area of playing field which is currently laid out and used for a rounders pitch during the summer months. The footprint of the building would be kept in line with the original building so that the main swathe of playing field to the south of the school site could be retained. The building would be set in off the eastern boundary wall by 3.5m at the closest point, therefore a wide access path around the edge of the building would be retained, and this gap would allow some natural light into the windows for the classrooms along this part of the building. In terms of its relationship with the existing school buildings on the site, there would be ample space around the new build so that it would not appear cramped within the site and by rationalising all the built form at the northern end of the site, the school playing field would be consolidated in one area. The two-storey design would be in keeping with the other two storey buildings on site and the overall height of the new building would be comparable to the existing structures. Furthermore, once constructed there would be no need to retain the mobile classrooms currently situated on the tennis courts, which would improve the overall appearance of the site, and it is therefore suggested that a condition requiring their removal by the School within 3 months of occupation of the new building would be appropriate.
28. By siting the new building in this location, the built form of the whole school site would be brought closer to the residential properties on The Avenue, and a number of these occupants have raised an objection to the planning application due to the siting and proximity of the new building to their properties. Although the built form of the school would be extended towards the boundary, the houses in The Avenue are located on the opposite side of the road from the school and are in excess of 21m away from the proposed new building. This measurement is a widely accepted industry guideline as an acceptable separation distance between neighbouring properties, included in design guides across the Country. This distance is judged to be a target separation distance between the facing windows of 'habitable rooms' in adjacent properties, beyond which privacy by virtue of overlooking is deemed to be of insignificant nuisance. Given this distance, as well as the intervening boundary treatment of the brick wall, and the road itself with footpaths either side, it is considered that the new building would be at a sufficient distance away from the neighbouring houses, so as not to cause an overlooking issue or be overbearing in terms of scale and height. There is no proposal for the windows of the classrooms or library to be obscure glazed but given the above it is considered that this would not be necessary. Furthermore, it should be noted that the children are not going to be in these rooms with the intention of standing at the windows and looking out across the road; they would be in there during lesson times whilst being taught or supervised in the library.
29. Additional comments were received about the loss of outlook across the school site from these properties (and the potential consequential loss of property value) which would

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result from siting the building in this location. Whilst this is noted, it should be pointed out that loss of, or change of, view is not a material planning consideration, although the siting of the development must be considered in terms of amenity and privacy issues. Although the outlook would be different for a number of houses opposite, it is considered that by locating the building here it would be consolidating the buildings in one part of the site, and given the design of the building (see below) the overall effect would not be detrimental to amenity or privacy, just different to the present.

30. The design of the new building has taken its cue from the brick and tile original school building and utilises a more traditional design than other school extensions and expansions recently delivered across the County. A traditional pitched roof design has been included rather than a modern flat roof, and there would be a regular pattern of fenestration on the facades. It is considered that this would sit sympathetically alongside the original school, and amongst the surrounding residential streets. The school adjoins the Pelham Road/The Avenue Conservation Area, with the Darnley Road Conservation Area just to the north-east. The applicants submitted a Heritage Assessment in support of the planning application which considered the impact of the proposals on both designated and non-designated heritage assets.
31. The County Council's Conservation Officer was consulted on the application, and as set out in paragraph 17, has raised no objection to the application. In his consideration of the scheme he stated that whilst the original school buildings and perimeter wall are not 'designated' they are considered to be non-designated heritage assets. The removal of the single storey teaching block, would, in his opinion, improve the appearance of the western part of the site and the opening in the boundary wall would not be harmful, at its reduced post construction width, provided the design details of the wall are observed and reinstated. He concurs that the proposed new teaching block is appropriate to the existing school buildings in terms of its size and scale and the chosen location on site. He also concurs that the impact on adjoining residential properties would be minor as the new block would be located a significant distance away from these properties. Finally, he acknowledges that the proposed development would not affect the three designated heritage assets located in proximity to the site, these being the Gravesend Cemetery, the cemetery gates and lodges or the mortuary chapel. In addition, it is considered that the traditional design of the new building would be wholly appropriate in terms of the relationship of the school site with the adjoining Conservation Area and the design of buildings within this, especially as the building would be partially seen in views into and from the Conservation Area.
32. In summary it is considered that the siting and design of the proposed building would be acceptable, without having an adverse impact on the residential amenity of surrounding neighbouring properties, or the nearby conservation areas or designated heritage assets, and would therefore accord with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy and Policy TC3 of the Gravesham Local Plan First Review.

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**Loss of Playing Field**

33. The proposed building would, as described above, be sited on an existing area of playing field, and would therefore result in its permanent loss from the school site. As with all development that would affect existing playing field provision, Sport England were consulted on the application and have raised an objection. They state that the proposal fails to meet any of the five exceptions to Sport England's playing field policy, as there would be a net loss of existing school playing field which would reduce the sporting capacity of the field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality (fails to meet exception E3). Furthermore, the area to be lost is not proposed to be replaced with a new area of playing field of equivalent or better quality and quantity (fails to meet exception E4), and that none of the other exceptions are met.
34. In seeking to address these concerns the applicant submitted a Sport Pitches Assessment (Agronomist Report), which looked at the existing quality and condition of the sports pitches and the potential effects that may be encountered as a result of part of the field being used for the new building, the consequential uplift of usage of the remaining field area due to the reduction in overall sports area, plus an increase in the number of pupils. It also set out maintenance regimes that could be implemented to ensure that the remaining sports pitches would not deteriorate with increased use. The document was submitted for further consideration by Sport England. They note that the agronomist report recognises that the area to be lost cannot be fully compensated in terms of area, and that the playing pitches would remain cramped, therefore they stated that it would be inappropriate for them to accept such a lesser provision and they therefore maintain their objection.
35. In addition to the Sport England objection, Gravesham Borough Council have also objected to the scheme on the grounds of the loss of part of the playing field. The Leisure Services Department state that the area to be lost is not proposed to be replaced with a new area of playing field of equivalent or better quality and quantity, and there are no associated plans in tandem with the application which improves or enhances existing sports facilities on this site or at the neighbouring Isaac Newton site. They state that improvements to the leisure facilities on the site as a whole would be required in order for them to support the planning application, and in its current form the application would not meet Policy CS12 of the Gravesham Local Plan Core Strategy.
36. The submitted layout plans show that it would be possible to set out the required sports provision on the area of playing field that would be retained, albeit this may be more cramped than would be considered ideal by Sport England. In addition once the proposed new parking area is complete, the temporary use of the tennis courts for parking would no longer be required, and the new building would remove the need for the temporary classrooms to be sited on the courts as well, thereby freeing these hard courts up for some additional sports provision. Sport England have stated that whilst they acknowledge this benefit, it cannot be taken into account by them in assessing the impact on the *playing field* provision. Finally, the plans include the provision of an activity studio which would be sited close to the existing changing room provision and give easy access to both the hard courts and playing fields.

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37. The proposed building cannot be accommodated on site without the loss of some of the existing playing field provision and it is acknowledged that the proposal would not comply with the exception policies of Sport England's guidance or paragraph 97 of the NPPF. There is strong policy support at all levels for school development, and this site has some of the worst accommodation in the country, hence the funding being given for redevelopment through the Priority Schools Building Programme. In my opinion, although there is an objection by Sport England, I consider that the education need and the provision of additional teaching space to suitably accommodate the increase in pupils at the school (rather than temporary classrooms), and the provision of facilities which are suitable for use rather than in an inadequate state of repair, would outweigh the loss of this part of the playing field, especially when taking a longer term view and considering the proposals in a holistic and broader context. However, if Members are minded to permit the proposals, the application would need to be referred to the Secretary of State for his consideration in light of the objection from Sport England relating to the playing field implication.

**Highway and Transportation Impacts**

38. The application has been accompanied by a Transport Assessment, a draft Construction Management Plan, draft School Travel Plan and a supplemental Transport Technical Note regarding parking surveys which have been considered by the County's Highways and Transportation advisors. The vehicular access for the school would remain from Pelham Road, and this would lead to an extended car park of 20 spaces which would be located on the site of the existing annex which is proposed to be demolished. There are currently 62 parking spaces available on the main school site, and a further 70 available on the Issac Newton site, which are used for staff and visitors only. Due to the current construction of the new science block, staff parking has been temporarily permitted on the tennis courts. The on-site parking survey undertaken in January demonstrated that a maximum of 56 vehicles were parked in the car park and as additional 25 vehicles parked on the tennis courts, a total of 81 cars. When the tennis courts are no longer available there would be a shortfall of 20 spaces, which the proposed car park would accommodate. The proposed car park is therefore considered to be acceptable and a condition is suggested that ensures that the temporary parking arrangement on the tennis courts is retained until such time as the new car park is ready to be used. It would not in my view be reasonable to secure this prior to occupation of the new building as the school will need to move into the new building before the old annex can be demolished and the new car park created.
39. In line with the Highway Department's emerging policy for electric vehicle charging spaces, 10% of the additional spaces should be provided as EV charging spaces and a further 10% provided with passive provision now (ducting and cabling) to allow for future provision if required. The applicant has confirmed that these spaces (2 actual spaces and 2 passive provision) would be provided. The two EV charging spaces are shown to be allocated close to the existing school building rather than in the new car park, so that they can be better monitored. A condition to secure them is proposed.
40. There are currently 8 cycle parking spaces available on site for staff and pupils, however the information submitted states that only 1 staff member utilises these spaces. The highway officer has considered the modal travel survey results and considers that the

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number of those cycling to school is not expected to significantly increase as a result of the additional pupil numbers, and therefore does not require any additional cycling parking to be provided as part of the scheme. However, it is suggested that the situation be monitored (as it would be through the School Travel Plan) and should additional spaces be required these be provided at the relevant time. An informative to this effect is therefore proposed.

41. The Highways officer has assessed the information submitted in relation to travel modes for existing staff and pupils, and then the likely increase in trips in both the AM and PM peaks taking into account the additional pupils who would be on site, and incorporating factors such as siblings travelling together, absences, after school clubs and staff working times etc. This is likely to result in an increase in 89 two-way movements in the AM peak and 71 additional two-way movements in the PM peak. The highway officer states that these are considered not to be significant when taking into account the existing movements of 688 and 532 respectively. He also suggests that the implementation of an updated and effective School Travel Plan would help bring these trip numbers down. A condition to ensure a revised Travel Plan is submitted is proposed, which would be monitored by the KCC School Travel Plan Team via the Jambusters website.
42. Access into the site for construction purposes is proposed to be taken from a new opening in the boundary wall on The Avenue. A new 8.3m wide access would be created just to the south of the existing double wooden gates and a Construction Management Plan (CMP) was submitted detailing routing for traffic into and out of the site. This document has been updated following consultee responses from the Highways Officer who required tracking diagrams to be provided to demonstrate that construction vehicles could enter and exit from this point and that The Avenue was of sufficient width to accommodate the largest expected delivery/construction vehicles taking into account parking on both sides of the road along its full length. Tracking diagrams have demonstrated that large vehicles would be able to traverse along The Avenue and turn into the site, even with vehicles parked on the opposite side of the road. A condition requiring the development to be carried out in accordance with a CMP agreed by the Highways Authority is proposed.
43. Although there have been a number of objections received from residents about the proposed use of The Avenue to access the site, the Highways Officer has considered all of the updated information received and confirms that an acceptable access would be possible. There would inevitably be a period of some disruption for the residents along this road during the construction period, but the CMP includes amongst other matters that no traffic movements, including deliveries, should occur during school start and finish times; the location of parking and turning areas for construction and delivery vehicles and for site personnel and visitors; the provision of wheel washing facilities; and that the access would be managed at all times by a Banksman to ensure highway safety and flow of traffic is maintained. Given that there are neighbouring residential properties to the site, if planning permission is granted it is considered appropriate to restrict the hours of construction to protect residential amenity (Monday to Friday between 0800 and 1800; Saturday 0900 to 1300; and no operations on Sundays or public holidays), and this has also been set out in the CMP.

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44. Upon completion of the development it is proposed to retain the construction access for use as an emergency access for the school. The width of the access would be reduced to 4.8m wide and it is proposed to insert double wooden gates to match those recently installed for the sub-station and pedestrian access. The applicants have advised that the extended science block would impinge on emergency access provision to the eastern part of the site, therefore an alternative access needs to be provided. The existing gate in the southern end of the boundary wall along The Avenue is not wide enough for a fire tender and does not lead onto a reinforced surface, therefore is not suitable for emergency use. Given the above and the need to provide an emergency access, it is accepted that this opening would be acceptable to be retained, at the reduced width, providing a condition is imposed ensuring this gate would only be used for emergency purposes and not open for any other school traffic.
45. The applicant's additional Technical Note provided the results of an on-street parking survey carried out in January 2020. The surrounding roads (within walkable distance to the school) were surveyed at 5 minute intervals from 07:00 to 09:00 and 14:30 to 16:30 counting the number of parked cars and spaces within the non-restricted areas. The highway officer considers the methodology to be robust and to follow acceptable guidelines. The survey demonstrated that, on the day surveyed, there were a minimum of 106 available parking spaces in the AM period and a minimum of 97 available spaces in the PM period. These are greater than the predicted additional parking demand (52 and 44 additional pupils traveling by car respectively) generated by the increase in pupil numbers, even before making adjustments due to the implementation of the School Travel Plan targets. Given this, there is no justification to object to the scheme on the grounds of off-site parking demand during drop off and pick up times, despite the objections received.
46. It is acknowledged that congestion on streets surrounding schools located in the middle of urban areas is commonplace, but this is not in itself a reason to resist any future development at such schools. In particular, the congestion tends to be short lived, and only on days when the school is open, and is often more of an irritation than a serious road safety issue. It also needs to be borne in mind that the public highway is there to be used by the public, whether they are residents, employees or school parents, and it cannot be reserved for the sole use of any one sector of the public.
47. A number of the responses received to the public consultation for the application suggested alterations that could take place for the surrounding roads to improve the situation, including traffic calming, making some roads one way or no through routes etc. Given the highway officer's views set out above, however, it is considered that the impact of the new school development (and associated 1FE expansion) would not have such a significant effect on the highway network as to justify such highway alterations on the back of this development.
48. It is therefore considered that subject to the imposition of conditions as set out above, the proposed development would be in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy and Policies T1 and P3 of the Gravesham Local Plan First Review.

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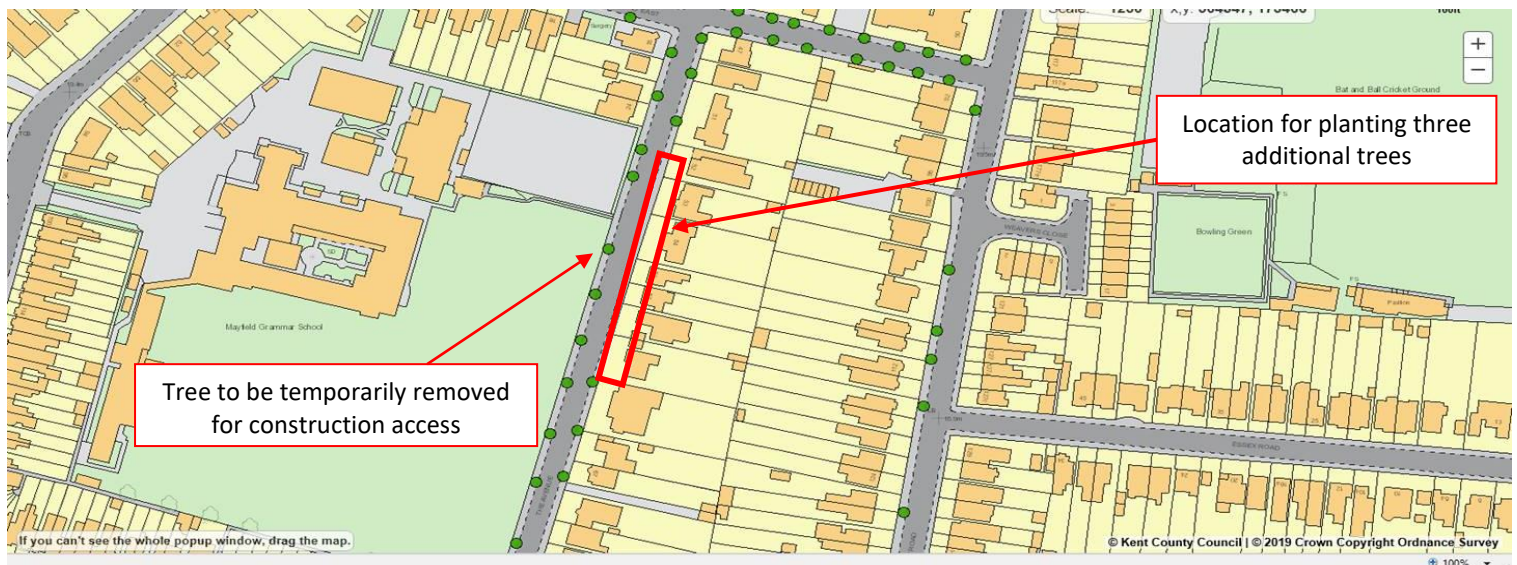
**Loss of Highway Tree**

49. As set out above the only way to access the site for construction purposes would be to enter along The Avenue at the point shown on the submitted plans. In order for this to be achieved one of the existing lime trees planted in the pavement along the road would need to be removed. The Arboriculture Manager for Highways and Transportation was therefore consulted on the planning application, and as set out in paragraph 17, has objected to the planning application on the basis of the loss of the tree. He states that the tree is in a good condition with a life expectancy of 40-80 years, and that (as with all highway trees) a significant amount of time and resources goes into the establishment of the trees, including watering. The removal of the tree would therefore be undertaken against their consent and if planning permission were to be granted they would expect the full CAVAT (Capital Asset Valuation of Amenity Tree) value of the tree to be paid, as well as the cost of felling the tree and the stump removal. In this instance the CAVAT value is £2444.85.
50. Under the proposed plans, once construction is completed the width of the access on The Avenue would be reduced to 4.8m wide and retained for emergency vehicles only, as set out above. This would allow for the replacement planting of a tree on the site of its removal, and the applicant's have submitted tracking diagrams to show that it would be possible to access the site by a fire engine (the largest emergency vehicle that would be required) with the replacement tree in place. Whilst it would be preferable to have found an alternative access point that didn't require the removal of the tree, it has been demonstrated by the applicants that no alternative is available. It would not be possible to access the site from the north or west as there would be no route through the site that large construction vehicles could navigate given the location of the existing school buildings. In addition, access through the school site would raise health and safety issues for the pupils using these buildings. The proposed siting of the building would preclude any access from The Avenue south of its proposed location as it would access directly onto and impinge upon the school's functioning playing field, plus access to the construction compound on the tennis courts would not be possible.
51. It is therefore accepted that should planning permission be granted the only feasible access onto the site would have to be in the location shown. However, it is clear that the loss of the lime tree, even for a temporary basis during the construction period would have a negative impact on the wider street scene, and the replacement tree would inevitably be a less mature specimen which would have a reduced amenity value in the street scene. In order to offset this impact, the applicant has been asked to fund the additional planting of three more trees for this road, in a gap identified on the eastern side of the road and shown in red on the map below (the map shows the location of existing highway trees as green dots).



## Item D1

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52. The applicant has confirmed that they would be prepared to fund this, and therefore a condition is suggested which requires the planting of four trees in The Avenue (one replacement and three additional) to a specification to be agreed in writing with KCC, and to be planted in the first planting season following occupation of the new building. A further condition requiring their ongoing maintenance and care for a period to be agreed with KCC is also suggested. The applicants have confirmed that they would also meet the costs of the CAVAT value of the existing tree, its felling and stump removal and a Memorandum of Understanding (MOU) will be required to achieve this. The MOU will be completed by the applicant prior to the granting of any planning permission and require a signed commitment between the applicant and the Director of Highways, Transportation and Waste. The recommendation in paragraph 71 reflects this.

### Ecological matters

53. In support of the planning application, a Preliminary Ecological Appraisal was submitted which considered the existing biodiversity on the school site. It highlighted that there were some features on site that could be suitable for use by roosting bats within the building proposed to be demolished and that bats may also utilise the site for foraging and commuting. In addition, it stated that there were mammal holes under the annex building that may be a badger sett. Accordingly, additional survey work was recommended in relation to these two aspects, as well as a survey of the sports shed, music room, the eastern façade of the main school and boundary wall to assess whether bat emergence surveys are required for these parts of the school site as well. The document was considered by the County Council's Biodiversity Officer, who recommended that such surveys be carried out prior to determination of the application.
54. A badger survey has now been undertaken with monitoring of the mammal holes being undertaken by camera trap footage as well as visits to the site throughout March and April. In summary the report states that there was no evidence of badger presence on site, and none of the mammal entrances were in current use by badgers. The mammal burrows under the annex block (to be demolished) are utilised by red fox and a domestic cat on an occasional basis. Given this, a licence to interfere with badger setts will not

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need to be obtained from Natural England prior to the commencement of demolition works of the extension block. The applicants have advised that precautionary methods of work would be adopted during the demolition and the animal dens carefully dismantled in a manner that would allow animals to safely escape. The County Council's Biodiversity Officer, in assessing the report, has recommended that the Construction Management Plan should incorporate measures to ensure that demolition is undertaken using a methodology that would minimise the risk to any animal under the building.

55. An interim bat survey has now been submitted following visits to the site on 24<sup>th</sup> March, 5<sup>th</sup> May and 21<sup>st</sup> May 2020. The report details that no roosting bats were recorded on site but that occasional passes by two species of bats were recorded over the school site, as well as some foraging and feeding. The remaining bat survey is due to be undertaken in the first half of June, weather permitting. The County's Biodiversity Officer has considered the interim report and advises that although they would have preferred the completed survey to be submitted as part of the application, she is satisfied that the interim results and confirmation that 6 bat roosting features would be incorporated into the building is sufficient to allow the application to be determined. It is likely, she states, that any maternity roost would have been recorded during the initial surveys, therefore in the event that bats are recorded roosting with the building during the final survey, it is highly likely that the proposed mitigation would be sufficient to retain bat interest on site. A condition is therefore recommended that prior to demolition works commencing on site a bat mitigation strategy should be submitted for approval to include bat emergence surveys, overview of mitigation required, methodology to implement mitigation, timing of proposed works and a map showing the location of mitigation.
56. The Preliminary Ecological Report also made recommendations to enhance the site for biodiversity, which was supplemented by the submission of a 'Habitat Creation and Management Plan' which indicates the provision of native species planting along the western and southern boundaries, native scrub planting along new hedgerows, 4 bird boxes, at least 1 log pile, at least 1 invertebrate logger, and a species mix grassland and flower seed mix to be sown in open areas. In addition, 6 bat bricks are shown to be incorporated into the southern external wall of the new building – depending on the results of the bat survey these bat bricks may be considered as mitigation rather than enhancement. It is advised that this submitted plan be implemented as part of the planning permission and secured via condition. A further condition is suggested to control any new lighting on site to ensure it would have no adverse impact on bats utilising the site for foraging and commuting in the future. It is therefore considered that subject to the conditions suggested, the development would not adversely affect, and would seek enhancements to, biodiversity on site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy and the guidance of the NPPF.

**Other Matters**

**Drainage**

57. A Flood Risk and Drainage Assessment was submitted with the planning application, setting out how the scheme would deliver a sustainable urban drainage scheme,

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including the appropriate level of attenuation, accounting for extreme storm events and the effects of climate change. The document was assessed by the County Council's Flood and Water Management Team who requested additional information for clarification, including plans indicating the existing sewers in the vicinity of the car park, the proposed drainage pipework and analysis of pipework flows; a full and detailed design of the surface water network and revised calculations based on data obtained from the UK Centre of ecology and Hydrology. The report was updated and reassessed by the County's Drainage officers, who have advised that they are content that the information provided is acceptable, and they raise no objection to the application.

58. The information submitted is provided in sufficient detail such that a pre-commencement condition for a sustainable surface water drainage scheme is not required, instead a condition is suggested which requires compliance with the scheme submitted. Two additional conditions are also proposed relating to the submission of a verification report pertaining to the surface water drainage scheme being submitted before the building is first occupied, and that where infiltration is used to manage surface water, it is only in those parts of the site where it has been demonstrated to the County Planning Authority that there would be no risk to controlled waters or ground stability. It is therefore considered that the proposed development would accord with Policy CS18 of the Gravesham Local Plan Core Strategy.

**Archaeology**

59. The school lies in an area of archaeological potential, on the opposite side of the road to the site of St Mary's Church and graveyard. The church building was demolished but it is considered that it may have been the focus of a small medieval community. Medieval building remains are recorded to the south and similar remains may survive within the grammar school site. The application was accompanied by an Archaeological Desk Based Assessment and a Written Scheme of Investigation (WSI) for evaluation trial trenching. The application has been assessed by the County Council's Archaeologist who advises that the WSI has set out an appropriate method for evaluating the sites below ground archaeological potential, whilst the DBA provides useful background information to inform the WSI with regards to historic character of the site. He therefore raised no objection to the application subject to the imposition of a condition requiring the implementation of archaeological field works in accordance with a timetable to be agreed with the County Planning Authority.
60. The proposed condition was one that needed to be submitted prior to development commencing. The applicants chose to update the WSI now with the details required by the proposed condition, and it has therefore been agreed by the County Archaeologist that the revised WSI covers all the potential stages and therefore a condition requiring the works to be carried out in accordance with this revised WSI is proposed instead. In summary it is considered that the scheme addresses any potential archaeology on site and would accord with Policy TC7 of the Gravesham Local Plan First Review.

**Contamination**

61. The application was supported by the submission of a Phase 1 Contamination Assessment, which found that plausible pollutant linkages have not been found for the site. The document has been assessed by The Environment Agency who state that the

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report is considered to be in line with relevant guidance and provides confidence that the development poses a low risk to controlled waters. They therefore raise no objection subject to the imposition of conditions. These require a watching brief to be carried out by a suitable consultant during demolition and foundation works; that if during development contamination not previously identified is found then development will cease until a remediation strategy for dealing with this has been agreed with the County Planning Authority; that there should be no infiltration of surface water into the ground unless agreed with the County Planning Authority; and that piling of penetrative foundation methods shall only be used with the permission of the County Planning Authority. It is therefore considered that in relation to contamination the proposed development would be acceptable and is in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy.

**Sustainability**

62. Planning policy at all levels recognises the need to address climate change and to reduce the amount of energy consumed by development. The NPPF places a presumption in favour of development that is sustainable and Gravesham Local Plan Core Strategy planning policy CS18 states that the Council will seek to reduce the overall carbon footprint of the Borough, whilst Policy CS19 requires new development to build in resilience to the effects of climate change. The proposed scheme has been designed to offer a sustainable solution, which is practical and meets the needs of the school. The Department for Education do not request formal BREEAM certification, and therefore the proposed scheme has not followed this process. However, the development does have to adhere to the Department for Education's 'Government Output Specification 2019', which sets out detailed specifications of new buildings. When energy requirements for schools are assessed against an environmental assessment like BREEAM it inevitably achieves a minimum BREEAM rating of 'very good'.
63. A Sustainability Assessment was submitted in support of the application which sets out that the energy approach for the new school is predominantly a passive one using a fabric first approach, with the objective being to minimise energy demand through design features including building orientation, optimised glazing areas, high levels of insulation, low air permeability, solar control glass and the use of natural ventilation wherever viable. The majority of water usage within the development would be attributed to handwashing and WC flushing. Dual flush cisterns and low-flow sanitaryware would be utilised to minimise consumption in accordance the BREAM requirements for water usage. In addition, rainwater would be collected via integrated water butts to provide a level of attenuation and an additional source for external irrigation. This fabric first approach, along with the energy efficient building services would allow the building to achieve regulatory compliance (Building Control) without the requirement for additional renewable energy technology.
64. Given that the new building would incorporate energy saving features that would be equivalent to achieving a 'very good' BREEAM rating it is considered that additional Low and Zero Carbon technologies are not necessary and cannot be justified in this instance. However, it should be reiterated that the building is designed to limit energy consumption in the first place, and this is achieved through the construction methods and features listed above. In addition, it is considered that the installation of PV panels

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on the southern roof slope of the new building would detract from the appearance of the building, as viewed in relation to the original school building it would sit alongside, as well as within the context of the adjoining Conservation Area. The school are able to provide two electric vehicle charging points on site and infrastructure for a further two spaces in the future and this combined with the energy saving building design demonstrate that the applicants have had consideration to energy consumption and have adopted a proportionate and positive approach. It is therefore considered that the proposed development would meet the aims of Policies CS18 and CS19 of the Local Plan Core Strategy and the guidance of the NPPF.

**Dust Control**

65. One of the neighbour comments raised was in relation to dust control measures for the site. The control of dust during demolition and construction would be dealt with under normal construction practices (and is addressed in the submitted Construction Method Statement) and it is considered unnecessary to impose any additional controls on the development as part of the planning permission.

**Landscape**

66. The application was supported by the submission of Tree Protection Plans which identified the existing trees on site and those that would need to be removed to enable the development. Two trees that are located between the existing school and the proposed new build would be retained and would require tree protection fencing to be erected around them during the construction period – a condition is proposed for this. The proposal would require the removal of a scattering of trees along the boundary of the proposed car park and the gardens of the houses in Pelham Road, as well as two small trees along the southern boundary and two trees adjacent to the tennis courts. All of the trees to be removed are classified as the lower quality Category C trees, and it is considered that their removal would not affect the overall appearance of the school site, or detrimentally affect the occupants of the residential properties, particularly those in Pelham Road.
67. Once complete there would be a limited amount of landscaping to undertake, which would simply involve grassing the proposed lawn area to the north of the new building as well as the edge of the car park alongside the playing field. It is considered that the development would accord with the guidance of Policy CS19 of the Local Plan Core Strategy.

**Conclusion**

68. In my view the key determining factors for this proposal are the principle of the development and the educational need, the loss of playing field land, together with the appropriateness of the design and siting of the new building, and the impact of the development on the local highway network, residential amenity and heritage considerations. There is strong Government support in the NPPF for the development or expansion of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on local amenity and all other material considerations. In my view the proposed

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development would not give rise to any severe, significant or demonstrable harm in terms of impact in the street scene or on the adjoining Conservation Areas and Heritage Assets that would be overriding as far as planning, environmental and amenity aspects are concerned, as demonstrated in the discussion above.

69. The loss of playing field land would be outweighed, in my view, by the improved education facilities on site, and it has been demonstrated that sufficient separation distance would be retained to avoid any loss of amenity for nearby residents. The temporary loss of the highway tree would be addressed through the longer term enhancement of planting a replacement and three additional trees within The Avenue, and the highway impacts of the development are not considered to be severe. The proposed conditions would ensure that any impacts in relation to drainage, archaeology, ecology and contamination can be suitably mitigated against.
70. In my view the development is sustainable, in accordance with the aims of the NPPF and the Development Plan policies, and there are no material planning considerations that indicate that the conclusion should be made otherwise. In addition, support for the provision of school places is heavily embedded within the NPPF, the Planning for Schools Development Policy Statement, and local planning policy, and this development would satisfy a required need for secondary school places. I therefore recommend that the application be referred to the Secretary of State for Housing, Communities and Local Government for his consideration, and subject to his decision that various conditions be placed on any planning permission, including those outlined below.

**Recommendation**

71. I RECOMMEND that the application BE REFERRED to the Secretary of State for Housing, Communities and Local Government, and SUBJECT TO his decision, and the receipt of a signed Memorandum of Understanding between KCC Children, Young People and Education and KCC Highways, Transportation and Waste to ensure that the costs of the felling and stump removal of the highway tree required to be removed for construction purposes, as well as the full CAVAT value of the tree to be removed shall be paid by the applicant, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The standard 3-year time limit;
  - The development to be carried out in accordance with the permitted details;
  - The submission and approval of details of all construction materials to be used externally;
  - The existing temporary classrooms on the tennis courts shall be removed from site and the land returned to its former use within 3 months of the occupation of the new classrooms building;
  - The existing temporary parking arrangements shall be retained until the approved car park is available to use;
  - The provision and permanent retention of the vehicle parking spaces as shown on the submitted plans within 3 months of the demolition of the existing annex building and their retention thereafter;
  - The approved parking spaces shall be used for staff and visitor parking only and shall be retained for such use;

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- Two electric vehicle parking spaces shall be provided on site within 3 months of the occupation of the new building and passive provision for two further spaces shall be provided within the approved car park and shall thereafter be retained and kept available for electric car use only;
- 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 (to include details of demolition measures to ensure mammals and their young are not killed during demolition);
- That works shall only be carried out on site between the hours of 0800 to 1800 Monday to Friday; 0900 to 1300 on Saturdays; and no operations on Sundays or public holidays;
- Post construction, the access gates from The Avenue shall only be used for emergency access purposes only and shall not be used for pupil or staff access at school drop off or pick up times;
- In the first planting season following occupation of the new building, four trees shall be planted in The Avenue (one replacement and three additional) in accordance with a specification to be agreed in writing with the County Council's Highway's Arboriculture Department. Any of these trees that die or are removed within 5 years of planting are replaced;
- The submission of a Bat Mitigation Strategy prior to the commencement of demolition works;
- Details of any lighting scheme to be submitted including hours of use, level of illumination and ongoing control over any new lighting on site in order to protect foraging and commuting bats;
- Prior to the completion of the development that it be demonstrated that the ecological enhancements detailed in the 'Habitat Creation and Management Plan' have been incorporated into the site, and that the features are then managed in accordance with the plan;
- Compliance with the submitted sustainable surface water drainage scheme;
- Submission of a verification report covering this scheme to be approved in consultation with the Lead Local Flood Authority;
- No infiltration of surface water drainage into the ground, other than with the written approval of the County Planning Authority and shall only be used in those areas where there would be no unacceptable risk to controlled waters or ground stability;
- The programme of archaeological works be carried out in accordance with the submitted and approved Written Scheme of Investigation;
- A watching brief shall be carried out by a suitably qualified consultant during demolition and foundation works to protect underlying groundwater resources;
- If during development contamination not previously identified is found to be present, then no further development shall take place until a remediation strategy has been agreed with the County Planning Authority;
- Piling or any other penetrative foundation designs shall not be permitted unless with the written approval of the County Planning Authority;
- Prior to the commencement of development, the protection and retention of all trees on site within the vicinity of the development hereby approved, not shown to be removed as part of the planning application.

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

- That the applicant ensures that all necessary highway approvals and consents are obtained;
- To ensure that works to trees are carried out outside of the breeding bird season (mid-March to end of August inclusive) and if this is not possible that an ecologist examines the site prior to works commencing;
- The development should take account of the Bat Conservation Trust's 'Bats and Lighting in the UK' guidance;
- That only clean uncontaminated water should drain to the surface water drainage system. Appropriate pollution control methods should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system;
- The registering with Kent County Council of the School Travel Plan through the "Jambusters" website following the link <http://www.jambusterstpms.co.uk>;
- The demand for cycle parking provision shall be monitored and any requirement for additional spaces should be met.

Case Officer: Mrs Helen Edwards
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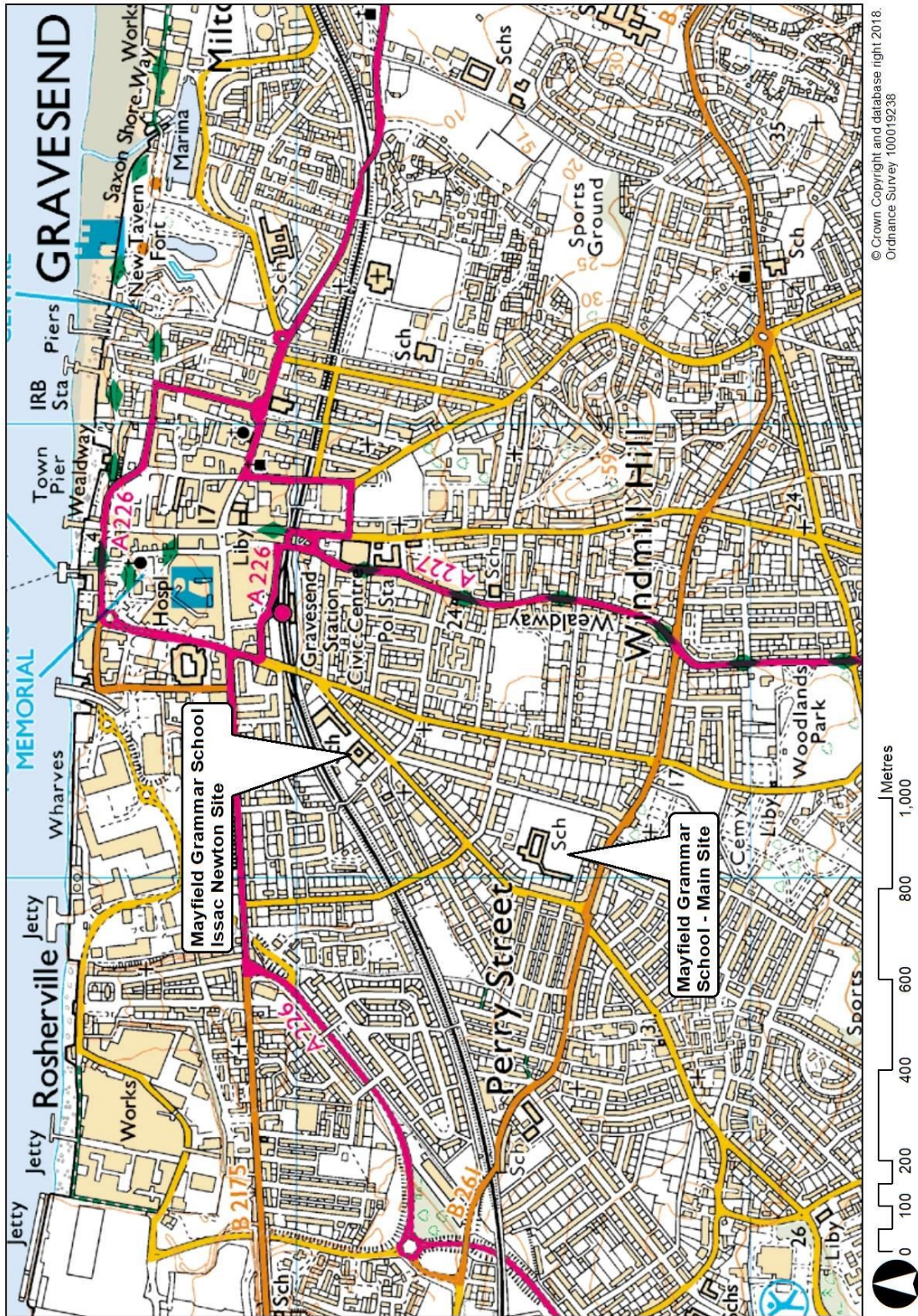
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Background Documents: see section heading
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General Location Plan



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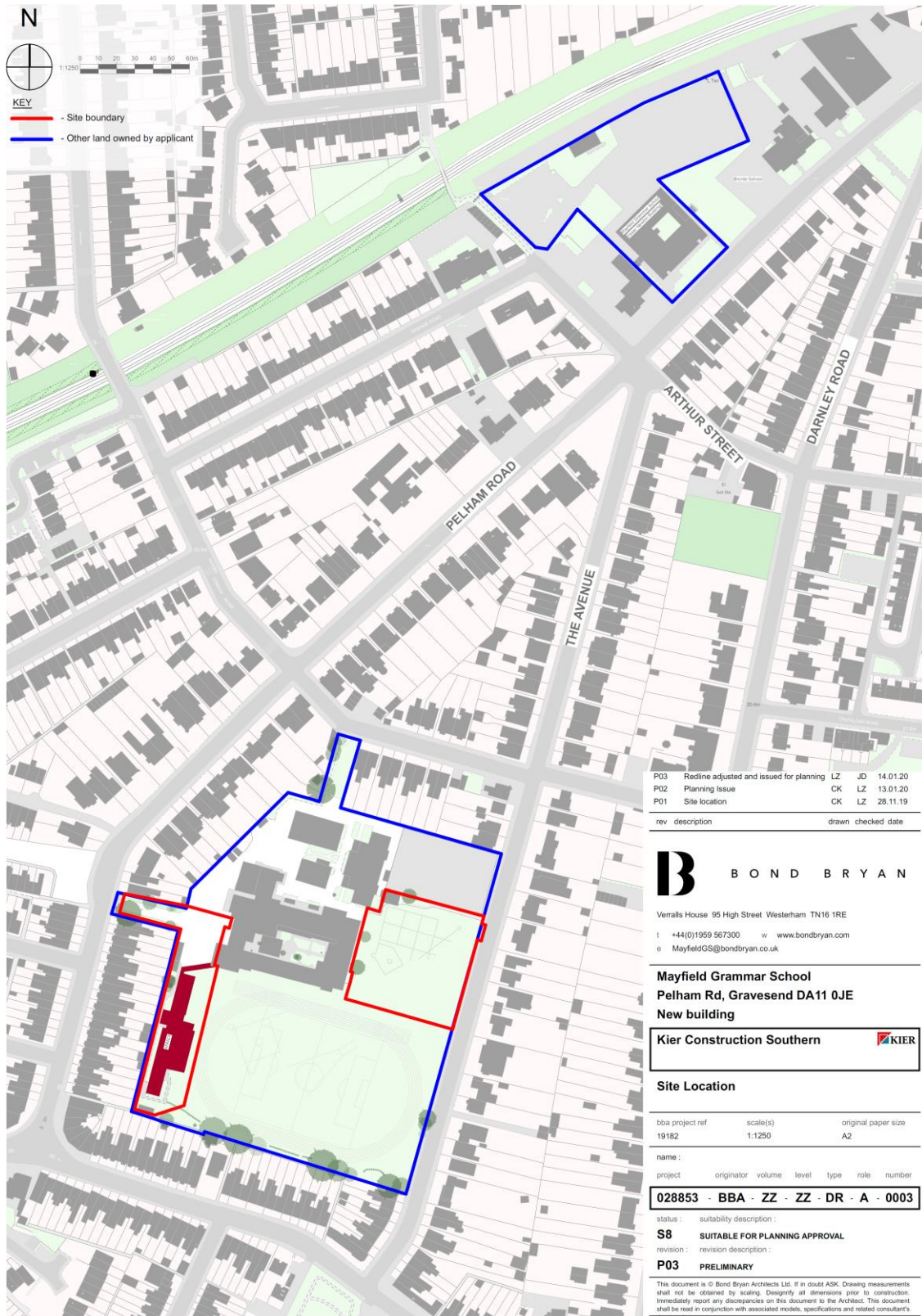
Location Plan showing Conservation Areas



**Item D1 Appendix 1**

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**Site Location Plan**





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**Proposed Elevations**



North Elevation



South Elevation



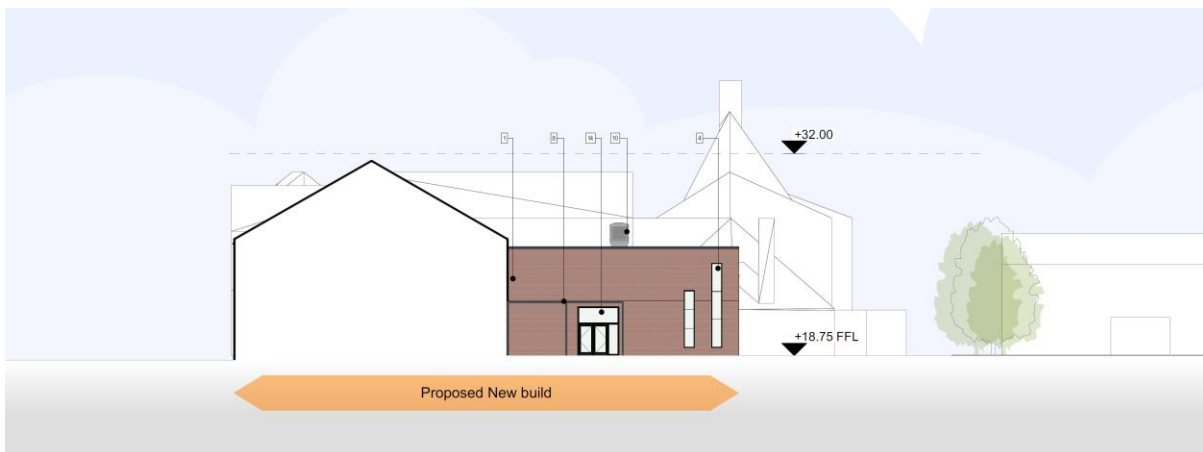
East Elevation

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West Elevation



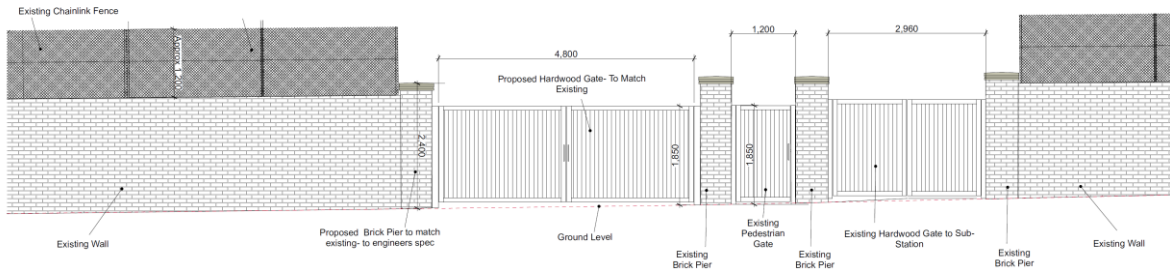
East Elevation - Courtyard



West Elevation - Courtyard

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Emergency Vehicle Gate Elevation (post construction)

Case Officer: Mrs Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

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

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

**Background Documents** - The deposited documents.

- |                        |  |
|------------------------|--|
| CA/20/97               | 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.<br>Unit 3, Canterbury Industrial Park, Island Road, Hersden, Canterbury, Kent CT3 4HQ<br>Decision: Permitted    |
| DA/18/485/R19<br>& R21 | Details of a Surface Water Drainage Scheme and a Consolidated Landscape Planting and Management Scheme pursuant to Conditions (19) and (21) of planning permission DA/18/485 (for the restoration of the northern half of Stone Pit 1).<br>Stone Pit 1, Cotton Lane, Stone, Dartford, Kent DA9 9ED<br>Decision: Approved |
| MA/20/501293           | Relocation of two existing weighbridges and the erection of a replacement weighbridge office with staff welfare facilities.<br>Hanson Allington Depot, St Laurence Avenue, Allington, Maidstone, Kent ME16 0LQ<br>Decision: Permitted  |

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

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

**Background Documents** – The deposited documents.

- CA/19/2221/R3 & R6 Details of External Materials (Condition 3) and details of Cycle Parking (Condition 6) pursuant to planning permission CA/19/2221.  
Water Meadows Primary School, Shaftesbury Road, Hersden, Canterbury, Kent CT3 4HS  
Decision: Approved
- SE/18/1521/RVAR/  
R1 Details of a Verification Report pursuant to Condition 1 of details pursuant application SE/18/1521/RVAR (in relation to original condition 16, Ground Contamination).  
Seal C Of E Primary School, Zambra Way, Seal, TN15 0DJ  
Decision: Approved
- TH/20/340 Request for an extension of a further 3 years to the temporary planning consent permitted under planning reference TH/16/1707 for the 3no. existing mobile classrooms located by the main reception area.  
Royal Harbour Academy, Newlands Lane, Ramsgate, Kent CT12 6RH  
Decision: Permitted
- TW/19/239/R9 Details of an Arboricultural Method Statement pursuant to Condition 9 of planning permission TW/19/239.  
Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells, Kent TN4 9SH  
Decision: Approved

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

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**Background Documents –**

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

None

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

None

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

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

**Background Documents -**

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

None

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