

PLANNING APPLICATIONS COMMITTEE

Wednesday, 15th June, 2022

10.00 am

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





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 15th June, 2022, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Joel Cook**
Telephone: **03000 416892**

Membership (13)

- Conservative (10): Mr A Booth (Vice-Chairman), Mr C Beart, Mrs R Binks, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Mr H Rayner, Mr O Richardson, Mr C Simkins and Vacancy
- Labour (1): Ms J Meade
- Liberal Democrat (1): Mr I S Chittenden
- Green and Independent (1): Mr P M Harman

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 20 April 2022 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

1. Application TM/21/1269 (KCC/TM/0090/2021) - Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure at Land at Offham Landfill Site, Teston Road, Offham; Infinis Solar Developments Ltd (Pages 5 - 46)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TM/22/203 (KCC/TM/0248/2021) - Single storey sixth form centre and a new sixth form classroom block at The Judd School, Brook Street, Tonbridge: The Judd School (Pages 47 - 82)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 83 - 88)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

F. KCC RESPONSE TO CONSULTATIONS

1. Land at Possingham Farmhouse, Great Chart (Pages 89 - 92)

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, 7 June 2022

(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)

KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 20 April 2022.

PRESENT: Mr A Booth (Vice-Chairman in the Chair), Mr C Beart, Mrs R Binks, Mr I S Chittenden, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Mr P M Harman, Ms J Meade, Mr H Rayner, Mr O Richardson and Mr C Simkins

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications), Ms M Green (Principal Planning Officer), Ms C Palmer (Planning Officer), Ms S Bonser (Senior Solicitor. Invicta Law) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**19. Membership**

(Item)

The Democratic Services Officer confirmed that Mr P M Harman was a Member of the Committee despite not appearing as such on the agenda papers.

20. Minutes - 16 March 2022

(Item A3)

RESOLVED that the Minutes of the meeting held on 16 March 2022 are correctly recorded and that they be signed by the Chairman.

21. Site Meetings and Other Meetings

(Item A4)

(1) The Head of Planning Applications Group informed the Committee that a training session for Committee Members on the 5 Year Review of the Kent Minerals and Waste Local Plan would take place immediately after the meeting.

(2) The Head of Planning Applications Group informed the Committee that she intended a site visit to take place in July in respect of a County Matter planning application. Further details would be sent to Committee Members in due course.

22. Proposal GR/22/113 (KCC/GR/0024/2022) - Installation of a play area at Shorne Woods Country Park, Brewers Road, Shorne, Gravesend; KCC Country Parks

(Item D1)

(1) The Head of Planning Applications Group reported the comments of the Local Member, Mr B J Sweetland, which had also been provided to all Members of the Committee.

(2) On being put to the vote, the recommendations of the Head of Planning Applications Group were unanimously agreed.

(3) RESOLVED that:-

- (a) Permission be granted to the proposal subject to conditions, including conditions covering the standard three year time limit; the development being carried out in accordance with the permitted details; and the development being carried out in strict accordance with the submitted Construction Management Plan and accompanying map, including the works survey of the access route and future repairs on completion of the works; and
- (b) the applicants be advised by informative that planning permission does not convey any approval to carry out work on or affecting a public highway and that the engagement with KCC Highways and Transportation would be required at an early stage.

23. Matters dealt with under delegated powers

(Item E1)

(1) The Head of Planning Applications Group reported a decision that the Director of Growth and Communities had taken under section 10.15 of the Constitution which empowered KCC Officers to take action on urgent matters where there was no time to consult with the Committee or for the Committee to exercise its function. This decision was in relation to the Ashford Waste Transfer Station, Cobbs Wood Industrial Estate, Brunswick Road, Ashford, concerning a request to her by the KCC Waste Management Unit to enable it to relax the Waste Transfer Station's operating hours as a contingency in the light of potential complications arising out of the recent implementation of Operation Brock and the Dover Traffic Assessment Project (Dover TAP) which might otherwise prevent the dispatch of waste stored at the site to the Allington Energy from Waste Incinerator. The time period for this relaxation was to run for two weeks from 11 April 2022.

(2) The Head of Planning Applications Group continued that the Vice-Chairman of the Planning Applications Committee, the Chairman of Regulation Committee and the Local Member, Mr P Bartlett had all been consulted. All had been supportive of the request and no external representations had been received.

(3) The Head of Planning Applications Group said that considerations had included the need for the relaxation of operating hours, the time-limited nature of the request and the absence of opposition to it. Considerable weight was given to the exceptional circumstances relating to congestion on and around the M20 / A20 as a result of Operation Brock and Dover TAP and the need to deliver an effective waste management service for Ashford. It had been concluded that agreeing to the requested relaxation of hours was appropriate under the circumstances and the request had been approved, subject to the following conditions:

"1. The Ashford Waste Transfer Station at Brunswick Road may receive and bulk up waste and dispatch this to the Allington EfW Facility outside the permitted hours of use should this be necessary as a result of difficulties associated with the implementation of Operation Brock and Dover TAP protocols for a temporary 7-day period beginning no later than Monday 11 April 2022.

2. *Should working outside the permitted hours take place, details of this must be provided in writing to the Waste Planning Authority.”*

The Head of Planning Applications Group advised that, notwithstanding the temporary relaxation of hours, it had not been necessary to use them.

- (4) 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 Assessments) Regulations 2017;
 - (d) Scoping opinions under the Town and Country Planning (Environmental Impact Assessments) Regulations 2017 (None); and
 - (e) The Urgent decision taken in respect of the request by the KCC Waste Management Unit for the temporary relaxation of operating hours at Cobbs Wood Industrial Estate, Brunswick Road, Ashford.

24. KCC Response to Consultations
(Item F1)

RESOLVED to note Kent County Council's response to the consultation on Binbury Park, Binbury Lane, Detling, Maidstone.

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SECTION C
MINERALS AND WASTE MANAGEMENT

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

Item C1

Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 15 June 2022.

Application by Infinis Solar Developments Ltd for the installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

Recommendation: Permission be granted subject to legal agreement and conditions.

Local Member: Sarah Hohler

Unrestricted

Site description

1. The site is located within the boundary of the Offham Quarry, a former landfill site which no longer accepts waste and has been capped and is restored in accordance with planning permission reference TM/09/1888. The total area of the site is approximately 19.05 hectares (ha) (application blue line area), and the site topography falls west to east, with elevations ranging from approximately 83 metres (m) to 104m AOD. Teston Road runs parallel along the northern part of the site with Comp Lane running parallel along the southern part of the site.
2. The site is located approximately 350m southwest of the village of Offham, there are a few isolated properties closer than this, with the closest being circa 200m away. All these are separated by an intervening belt of woodland and agricultural land. A derelict property adjoins the site in the northwest corner facing on to Teston Road. Behind this property is a small landfill gas fired power station with associated emission stacks.
3. The site is in close proximity to a Public Right of Way (PROW), which runs immediately adjacent to the western and northern site boundaries. There are also two Conservation Areas, Offham Conservation Area located 150m east of the site and the Aldon Conservation Area located 300m north of the site. The village of Wrotham Heath is located approximately 900m northwest of the site and Addington is located approximately 1.4 kilometres (km) northeast of the site. A commercial crop growing enterprise which makes use of poly tunnels and covering an area similar to the site is established to the immediate west of the site.
4. There are no national landscape designations within 1km of the site, with the closest being the Kent Downs Area of Outstanding Natural Beauty which is located 1.75km northwest of the site, beyond the M20 motorway. The site is located within the Metropolitan Green Belt designation, Hook Wood, which is a parcel of land located




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adjacent to the site to the west, is designated as Ancient Woodland. There are no internationally or nationally designated ecological sites, or Local Wildlife Sites within 1 km of the site. The site is located within the Greensand Fruit Belt - Malling Landscape Character Area and adjoins the Mereworth Woodlands Landscape Character Area to the south. The site is located within Flood Zone 1 in an area described as having 'low probability' of flooding.

5. Access to the site is proposed off Teston Road to the north, providing connectivity to the A20 (1.20km to the northwest) and the M20 and M26 (junction 2A of the M26 is located 2km to the northwest). It is proposed that existing landfill access roads will be used wherever possible.
6. Landfill gas and leachate management currently takes place on the site in accordance with an Environmental Permit regulated by the Environment Agency. Infrastructure associated with this activity is spread across the site. It is not proposed that the development would interfere with this infrastructure and this operation would continue as it does currently.

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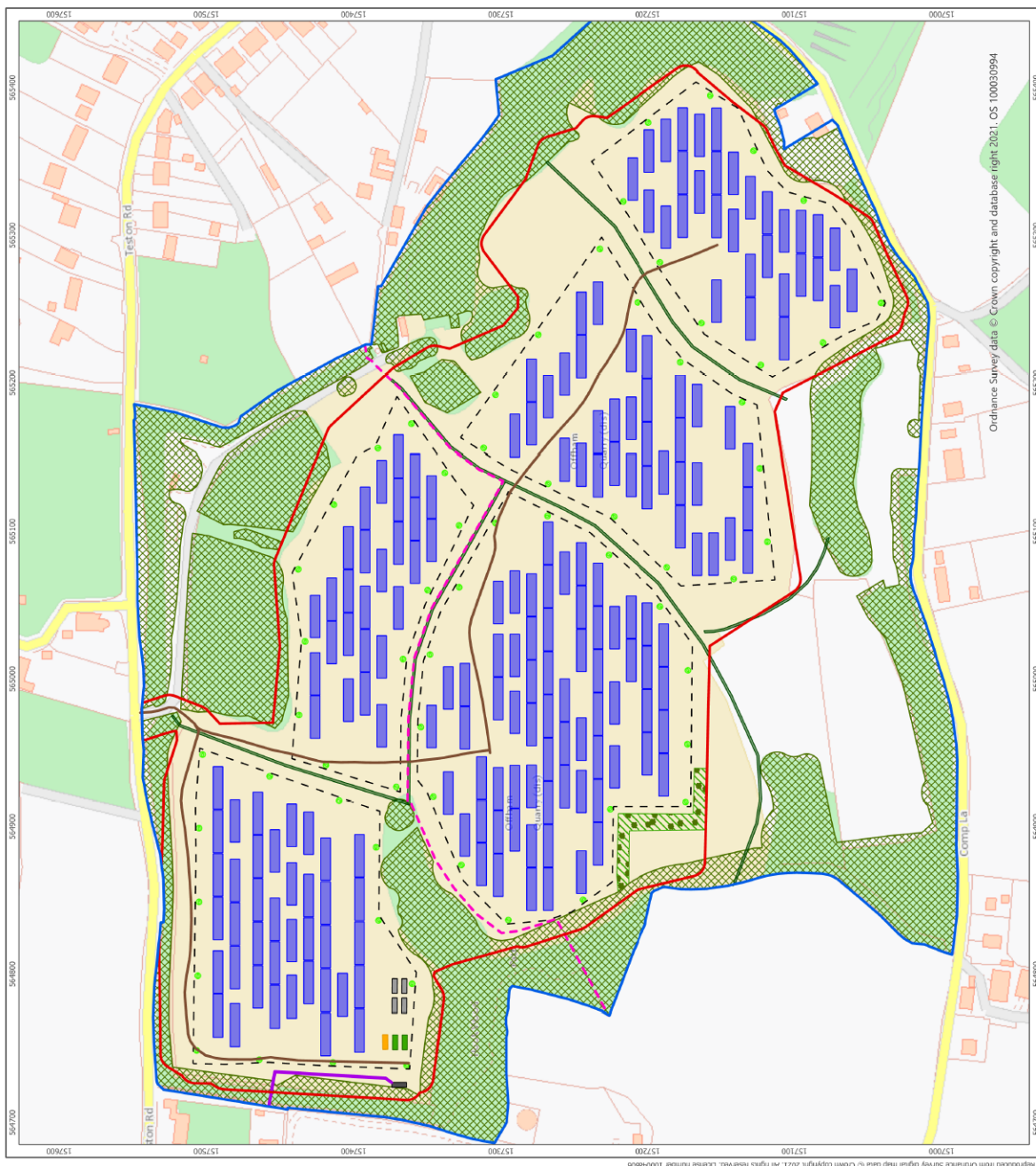
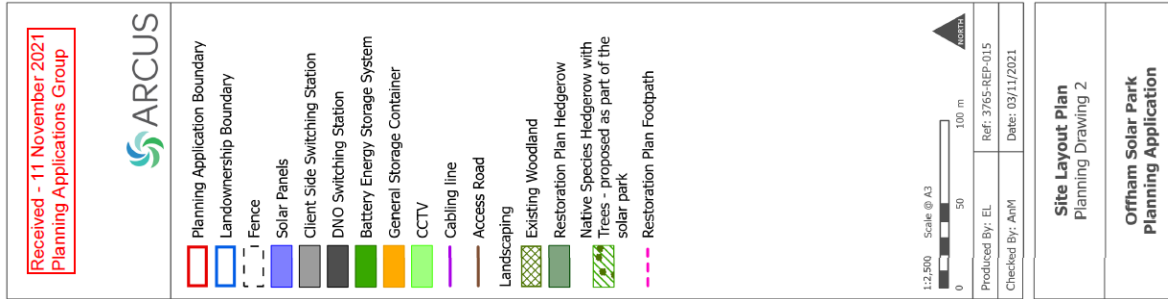
Site Location Plan

	 Planning Application Boundary	1:10,000 Scale @ A3  Produced By: EL Checked By: Ref: 3765-REP-014 Date: 22/03/2021	Site Location Planning Drawing 1 Offham Solar Park Planning Application
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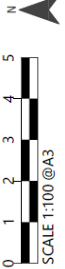
Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

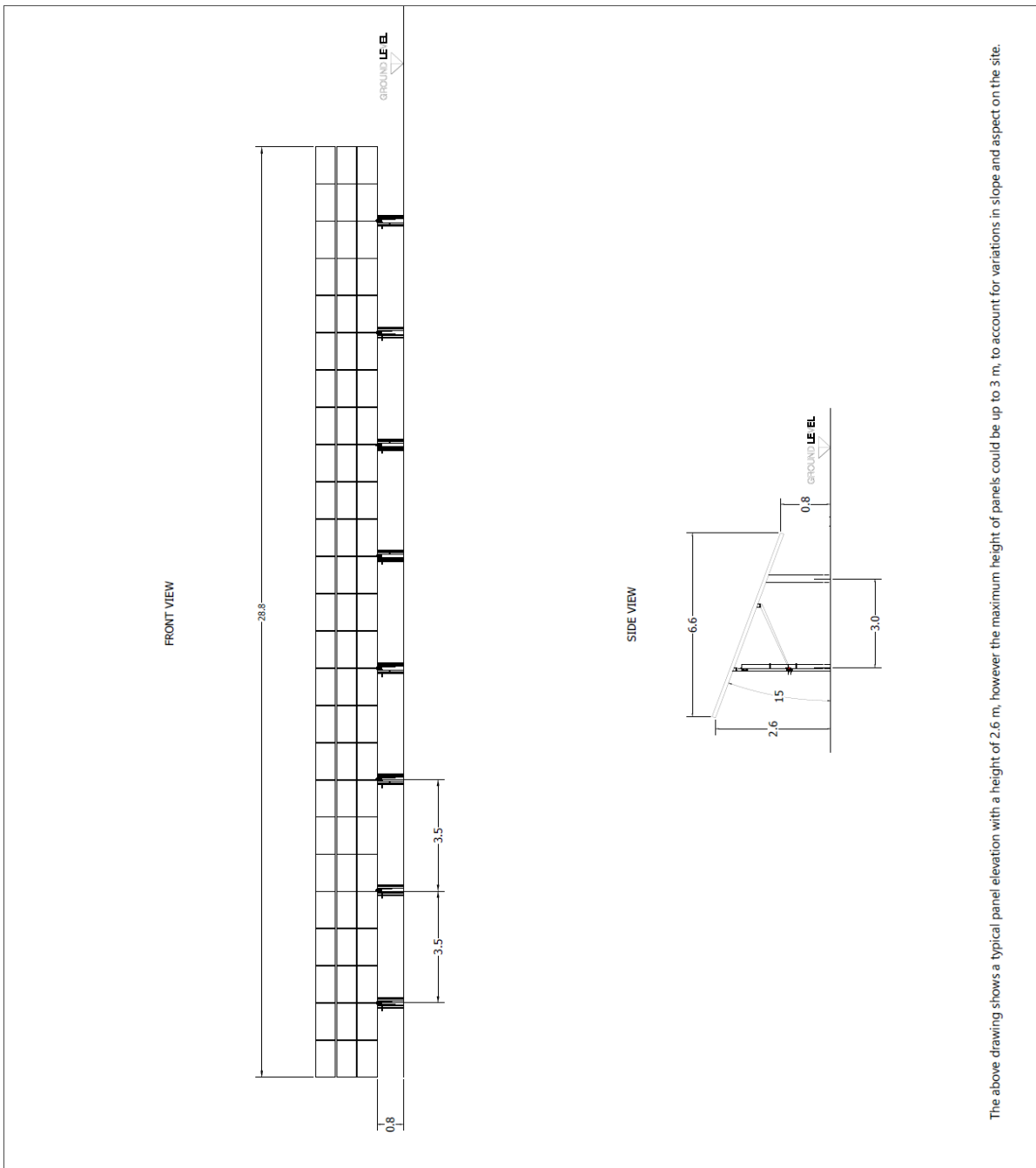
Site Layout Plan



Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)


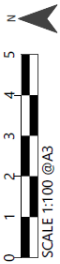
Racking and Solar Panel Elevation

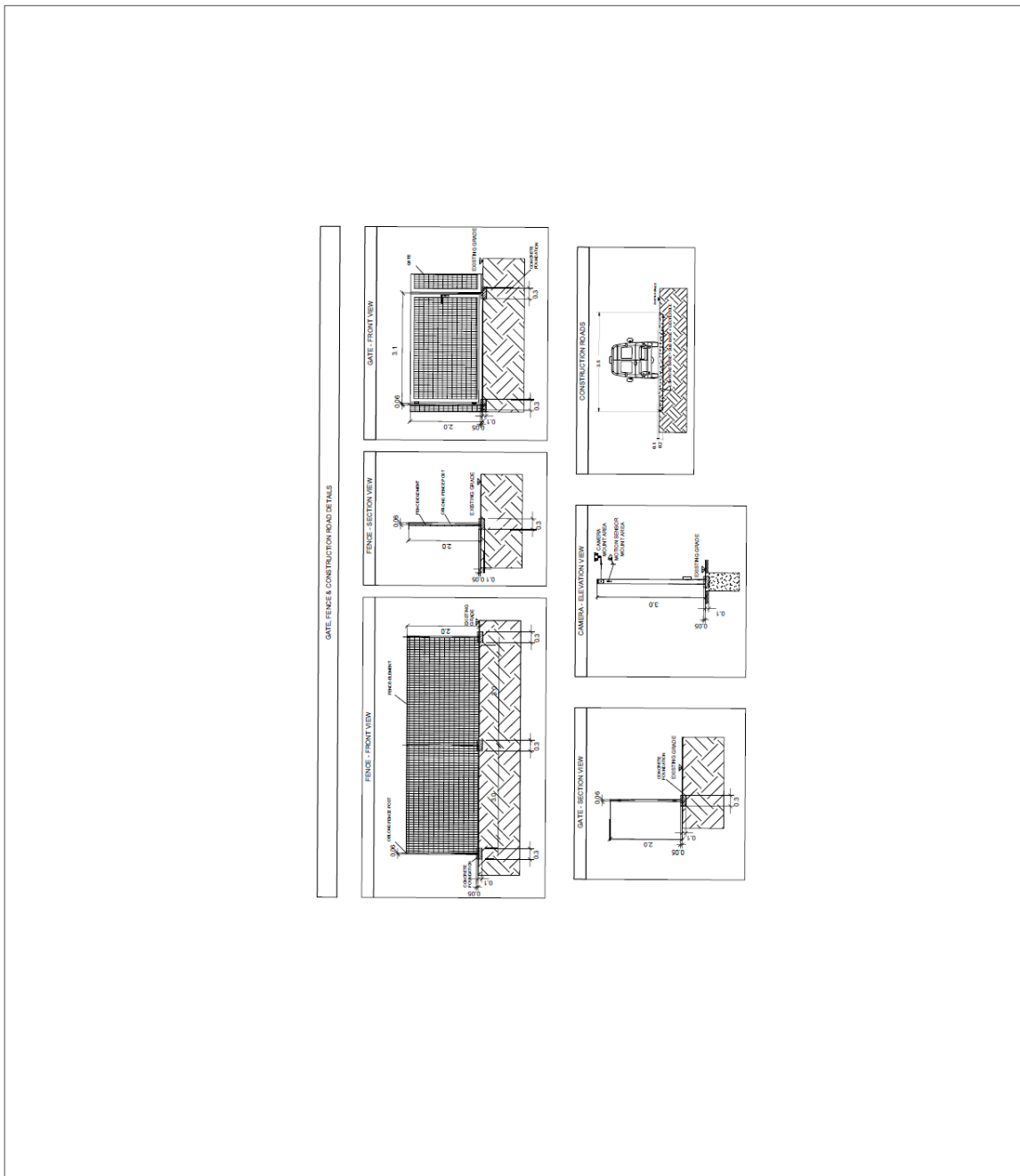
	<p>NOTE: DIMENSIONS CORRECT. DRAWINGS NOT TO SCALE</p>  <p>SCALE 1:100 @A3</p> <p>Produce: EL Reviewed: Approved:</p> <p>Ref: 3765_FIG_REP_0001 Date: 03/12/2020</p>	<p>Racking and Solar Panel Elevation Planning Drawing 3</p> <p>Planning Application Offham Solar Park</p>
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Gate, Fence, CCTV, Road Elevation Drawing

		<p>NOTE: DIMENSIONS CORRECT. DRAWINGS NOT TO SCALE</p>  <p>SCALE 1:100 @A3</p>	<p>Produced: EL Reviewed: Approved:</p> <p>Ref: 3765_FIG_REP_0007 Date: 03/12/2020</p>
		<p>Gate, Fence, CCTV, Road Elevation Planning Drawing 9</p> <p>Planning Application Offham Solar Park</p>	



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Planning History and Background

7. Offham Landfill site originated as a ragstone quarry supplying aggregate and fill stone to the local construction industry and was then subsequently landfilled back to the current landform following the cessation of quarrying operations. Infilling of the former quarry with domestic, commercial, industrial and inert wastes was ongoing from the early 1980s. The deposit of putrescible waste ended in 2006 and, with the exception of soils required to correct differential settlement, the deposit of inert waste ended in 2008. Soils have been imported on a number of occasions since 2008 to correct localised / differential settlement.
8. Planning permission TM/03/3946 was granted in 2004 to enable the reprofiling of parts of the site to correct excessive settlement and improve surface water management. This permission was varied in 2008 (planning permission TM/07/3920). Planning permission TM/07/4014 was also granted in 2008 for a new environmental compound comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting.
9. In 2009 planning permission TM/09/1888 was granted to vary condition 2 of planning permission TM/07/3920 and condition 8 of planning permission TM/03/3946 to allow for soil importation to remediate settlement of the site. This permission was subject to a Section 106 legal agreement which secured the following planning obligations from the landowner:
 - (a) Within one month of the surrender of the Waste Management Licence to give notice to the Council of such surrender and the date of surrender.
 - (b) Within six months of the surrender of the Waste Management Licence or at such earlier date as the Owner may in its absolute discretion decide to construct and complete a new public footpath across the Land in accordance with condition 18 of the Planning Permission.
 - (c) To construct and complete the public footpath to the standard reasonably required by the Council.
 - (d) To agree to the completed public footpath being entered onto the Definitive Map and Statement of Public Rights of Way for the County of Kent.
 - (e) To be responsible for and pay for the cost of completing the public footpath and to pay the Council's reasonable charge in connection with listing the footpath within the definitive rights of way map.
 - (f) To notify Kent County Council within 14 days after the Planning Permission is implemented.
 - (g) An undertaking to ensure that only HGVs collecting waste from Offham village shall be permitted to enter or leave the Land from the direction of Offham village and that all other HGVs shall have access to the Land via Teston Road (to the west of the site access) and the B2016 (also known as Three Mile Lane).¹
10. In 2009 planning permission TM/09/1889 was also granted for the retention of the existing compressor and electricity supply box and the construction of a small compound to include existing leachate tank plus storage area and turning area.

¹ This effectively replicated a Section 106 Agreement secured with planning permission TM/03/3946 but which had been omitted when planning permission TM/07/3920 was granted.

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11. In 2010 condition 18 of planning permission TM/09/1888 was discharged. It provided the detailed scheme of routing, design and associated measures for the reinstatement of the public footpath across the site (east / west) as required by the S106 agreement set out in paragraph 9.

Proposal

12. This application proposes the installation of a solar park comprising an array of ground mounted solar photovoltaic (PV) panels with associated infrastructure including a Distribution Network Operators (DNO) switching station, client switching stations, battery containers, general spares container, access track, fencing, security cameras and cabling. The export capacity of the proposed development would be up to 10.2 MW per annum.
13. The site would utilise the existing landfill site access to the north of the site off Teston Road, from Teston Road the onsite access road runs roughly west to the entrance of the solar park, providing suitable access for construction. There is an existing access track onto the capped landfill which would also be used and extended in order to reach areas for solar panels further within the site. The existing access has been used by HGVs throughout the operation of the landfill site and would therefore minimise the requirement for new tracks within the site.
14. The total construction phase of the proposed development would have an estimated duration of 12 months (this would include contractor appointment and discharge of planning conditions and Environment Permit application). The core construction activity period would be 6 months and planning permission is being sought for a 'temporary' operational period of 35 years, at the end of this period the site would be fully decommissioned and restored in accordance with the approved restoration and aftercare plan set out in planning permission TM/09/1888.
15. The proposed development would consist of rows of solar panels known as 'strings' which would be dark in colour. The panels are composed of PV cells which are designed to maximise the absorbency of the sun's rays and to minimise solar glare. Each string of panels would be mounted on a rack comprising metal poles anchored to the ground via concrete footings of shallow piles. Panels are typically tilted 10 to 25 degrees from the horizontal to face south towards the sun (see the plan on page C1.5). There is usually a distance of 2-6m between strings of panels in order to avoid inter-panel shading but this distance is influenced by slope and aspect. The panels would be mounted at approximately 0.8m from the ground at the lowest point (the southern edge) rising to approximately 2.6m at the highest point (the northern edge), to a maximum height of 3m in places. The 'Racking and Solar Panel Elevation' drawing shown on page C1.5 shows a typical elevation with a height of 2.6m, however the maximum height of panels could be up to 3m, to account for variations in slope and aspect on the site. As such the assessments undertaken to accompany the planning application are based on a maximum panel height of 3m.

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16. The scale of the associated infrastructure would be as follows:
- Racking System (Solar PV Panelling) – up to 28.9m length x up to 3m height (panels tilted to 15 degrees angle) x 6.4m width;
 - 2m high security fence;
 - Gate height 2m and width 3.1m;
 - CCTV cameras located on 3m high poles;
 - DNO switching station container - up to 10m length x 3.5m height x 2.5m width;
 - Client side switching station – up to 6.1m length x 3m height (this includes a plinth of 0.35m above the ground level) x 2.5m width;
 - Two battery storage containers – 12.2m length x, 2.6m height x 2.5m width;
 - One general storage container – 12.2m length x 2.6m, height x 2.5m width; and
 - Access tracks – 3.5m wide.
17. The proposed development would have an operational period of 35 years during which time it would be unmanned and monitored remotely. Maintenance would be overseen by suitably qualified contractors who would visit the site as required but typically less than twice per month. Activities would be restricted principally to vegetation management, equipment/ infrastructure maintenance and servicing including replacement of any components that fail and monitoring to ensure the continued effective operation of the development. The design is such that in the event that certain components fail then the panels on that ‘string’ can be isolated and worked on, enabling the rest of the panels within the solar park to continue to function. Under the terms of planning permission TM/09/1888 it may be necessary for further landfill remediation works to be undertaken. This would be accommodated by temporarily isolating and removing the necessary parts of the solar park in order for the works to take place, before reinstalling the solar panels as necessary. Outside of the initial construction period there would be minimal regular vehicle movements associated with the development.
18. At the end of the operational phase, the development would need to be decommissioned and the site restored in accordance with the restoration plan required by planning permission TM/09/1888. All solar park infrastructure including modules, mounting structures, any footings/piling, cabling, inverters and transformers would be removed from the site and recycled or disposed of in accordance with good practice and market conditions at that time. The decommissioning period would be expected to take approximately 6 months and have less impact than the construction phase.
19. The application documents have set out the key criteria which has led to the site being selected for the proposed solar park development. These include:
- Solar irradiation levels;
 - Proximity to an existing grid connection with capacity to accept the proposed development with no or minimal upgrades;
 - Separation from local population;
 - Existing landfill infrastructure including access;
 - Land which is not suitable for conventional uses (i.e. no loss of agricultural land as the existing gas infrastructure results in limited uses for the site);

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- Existing screening provided by trees and hedges;
- Topography;
- Field size/shading;
- Access to the site for construction;
- Absence of national landscape designations;
- Absence of nature conservation designations;
- Located within flood zone 1 and so of low flood risk; and
- Potential for a commercial/land agreement with a landowner.

Planning Policy Context

20. The relevant Government Guidance and Development Plan Policies summarised below are relevant to the consideration of this application:
21. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (July 2021) and the associated National Planning Practice Guidance. The following paragraphs of the NPPF are of most relevance to this application:
 - Achieving sustainable development (paragraph 8).
 - Presumption in favour of sustainable development (paragraph 11).
 - Development in accordance with an up-to-date development plan (paragraph 12).
 - Requiring good design (paragraph 130).
 - Protecting green belt land (paragraphs 137, 138, 147, 148).
 - Renewable energy projects in the Green Belt (paragraph 151).
 - Meeting the challenge of climate change (paragraph 152).
 - Determining applications for renewable and low carbon development (paragraph 158).
 - Conserving and enhancing the natural environment (Paragraph 174).
 - Protecting habitats and biodiversity (paragraph 179).
22. **Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020)** – Policies CSW3 (Waste Reduction), CSW10 (Development at Closed Landfill Sites), DM2 (Environmental and Landscape Sites), DM4 (Green Belt), DM8 (Safeguarding Minerals Management, Transportation Production and Waste Management Facilities), DM10 (Water Environment), DM14 (Public Rights of Way), DM17 (Planning Obligations) and DM19 (Restoration, Aftercare and After-use).
23. **Tonbridge and Malling Borough Council (TMBC) Local Development Framework (LDF) Core Strategy (September 2007)** - CP1 (Sustainable Development), CP3 (Metropolitan Green Belt), CP7 (Areas of Outstanding Natural Beauty), CP8 (Sites of Special Scientific Interest), CP9 (Agricultural Land), CP10 (Flood Protection), CP14 (Development in the Countryside), CP24 (Achieving a High-Quality Environment) and CP25 (Mitigation of Development Impacts).

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24. **TMBC LDF Managing Development and the Environment DPD (April 2010) -** Policies CC1 (Mitigation - Sustainable Design), CC2 (Mitigation – Waste Minimisation), CC3 (Mitigation – Sustainable Drainage), NE1 (Local Sites of Wildlife, Geological or Geomorphological Interest), NE2 (Habitat Networks), NE3 (Impact of Development on Biodiversity), NE4 (Trees, hedgerows and woodland), SQ1 (Landscape and Townscape Protection and Enhancement), SQ2 (Locally Listed Buildings), SQ4 (Air Quality), SQ5 (Water Supply and Quality), SQ8 (Road Safety), SQ9 (Crime and Disorder), DC6 (Rural Lanes) and OS5 (Green Infrastructure Network).
25. **Draft Tonbridge and Malling Borough Council Local Plan Regulation 19 Pre-Submission Publication (September 2018) –** Tonbridge and Malling Borough Council formally withdrew its draft Local Plan (following its resolution to do so on 13 July 2021) with the intention of it being reviewed and refreshed before resubmission. This followed the Local Plan Inspectors’ decision that it should not be adopted. On this basis, no weight is to be afforded to the policies within the withdrawn plan for decision making purposes.

Consultations

26. **Tonbridge & Malling Borough Council** - No objection subject to the consideration of imposing conditions relating to the details and maintenance of the existing landscaping buffers throughout the life of the development, approval of a route to site avoiding Offham village and appropriate on-site assessment of the glint and glare impacts on the two identified properties.
27. **Offham Parish Council** – Objects to the application for the following reasons:
- This application is to cover the heightened former landfill site with solar panels up to 3 metres in height above ground level that will be clearly visible in places.
 - Questions the cumulative impact of Blaise Farm being quarried for another 30-40 years, from which villagers feel the effect of regular blasting; the development of the In-Vessel Composting facility with associated problems over the years of flies and smells; the Anaerobic Digestion (AD) plant which is unfortunately producing more odours; and also a huge farm which surrounds the village dealing with 20 million lettuces a year.
 - There has been a massive increase in through traffic due to Kings Hill.
 - Many residents feel overwhelmed even if they feel supportive of the green credentials of this application.
 - It is essential that the solar panels do not damage the integrity of the landfill capping and that this is preserved to prevent the land becoming contaminated.
 - Alternatively, the site could be used for sheep grazing.
 - Development of this site for solar power will result in an artificial intrusion into the local landscape. Just because the majority of the site is screened by existing vegetation does not justify the industrialisation of the existing open space.
 - Impacts on the Green Belt.
 - 35 year term is not temporary.
 - It will be a dominating feature of Offham's landscape, will define the Village in a negative way and consequently be of detrimental value to our local environment and our general well-being.

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- Water run-off from the panels will make the existing problem of subsidence even worse.
 - Impacts on biodiversity.
 - There is no offer of any form of community contribution.
28. **KCC Highways and Transportation** - No objection subject to a condition requiring the submission of Construction Management Plan prior to the commencement of the development. The details to be submitted should include the following:
- (a) Routing of construction and delivery vehicles to / from site.
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel.
 - (c) Timing of deliveries.
 - (d) Provision of wheel washing facilities.
 - (e) Temporary traffic management / signage.
 - (f) Provision of measures to prevent the discharge of surface water onto the highway.
29. **KCC Conservation Officer** - No objection. Advises that the County Council is aware of the following when determining the application:
- The boundaries of this large site are, in general terms, well screened from general view due to the proximity of woodland areas and mature tree and hedge screening adjacent to the surrounding rural roads. Due to the elevation of the site, the greatest visual impact would be experienced on the north side, from Teston Road. We concur with the conclusions resulting from the study of impacts on the setting of a range of designated heritage assets within a 2km radius of the site, in that little or no negative impact on their historic setting would be conferred by the development, due either to their distance from the site or the levels of permanent, dense tree screening.
30. **KCC Sustainable Urban Drainage** – No objection subject to conditions to ensure erosion and run-off are controlled.
31. **Environment Agency (Kent Area)** - No objection. Advises that further details will be required on the proposed method for installing and securing the solar panels to ensure the landfill cap is not compromised, and that this would be a requirement of the Environmental Permit.
- No concerns raised about the route of the footpath so long as the applicant can confirm that it will not impact on any infrastructure in place for gas collection or leachate management and the public should also not be able to have access to any of the infrastructure.
32. **KCC Public Rights of Way (West Kent PROW Team)** - No objections.
33. **Natural England** - No objections.
34. **KCC Ecological Advisory Service** – No objections subject to conditions covering the following matters:

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- Submission of a Landscape and Ecological Management Plan (LEMP). The content of the LEMP must accord with the details within the 'Ecological Management Plan: Reptiles and Nesting Birds' (Arcus November 2021), and include the following:
 - Description and evaluation of features to be managed;
 - Ecological trends and constraints that might influence management;
 - Aims and objectives of management;
 - Appropriate management prescriptions for achieving aims and objectives;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - Details of the body or organisation responsible for implementation of the plan, and;
 - Ongoing monitoring and remedial measures.
 - From the commencement of works (including site clearance), all mitigation measures for protected species must be carried in accordance with the details contained in sections 3.1.2 and 3.2.1 of the Ecological Management Plan: Reptiles and Nesting Birds' (Arcus November 2021).
35. **Kent Downs AONB Unit** – No objection. Advises that it is satisfied that the relatively low height of the solar panels and associated structures, their dark colouring and their orientation to face south will limit potential harm in views from the AONB to the north.
36. **KCC Landscape Consultant (Waterman Infrastructure & Environment Limited)** – No objections. Advises that the submitted Landscape and Visual Assessment provides a detailed assessment of the potential impacts on the Landscape Character and Visual amenity of the site and the surrounding study area. The assessment has been undertaken following the correct guidance and provides clear conclusions that are considered reasonable and defensible.
37. **KCC Sustainable Business and Communities** – Supports the application and comments as follows:

Welcomes the development as a continued contribution to renewable energy in Kent. We believe that approximately 10MW of solar energy will be exported to the grid, and there will be a subsequent reduction in carbon emissions. The project also fits with our aspirations as set out in our environmental policies including the Environment Strategy and the Kent and Medway Energy and Low Emissions Strategy. KCC are also looking to develop solar parks on its own existing closed landfill sites, so we are fully supportive of this approach.

We would also welcome the approach of the developer to improve the biodiversity of the site. We would encourage a net biodiversity improvement approach so that there are multiple benefits to the ecology of the site. We would also like to see a "community benefit scheme" developed locally so that the developer provides local grants to local community organisations to reduce their own energy use through energy efficiency and renewable energy projects. It would be great to engage with local schools for example.

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In conclusion we fully support the application and would encourage more renewable energy developments in this area of Kent.

38. **UK Power Networks** – No comments received.

Local Member

39. County Council Member Sarah Hohler (Malling North) was notified of the application on 27 May 2021 and the following comments have been received:

- If concrete piles are used to anchor panels it needs to be clear that they will be removed from the site at the end of the permission;
- Considers that some of the reports submitted with the application make contradictory statements about ecology and are, in places, dismissive about the quality of the landscape;
- Solar panels up to 3m above ground level are rather high;
- Questions the cumulative impact of the proposed solar park and the permitted solar park at Kings Hill.

Representations

40. The application was publicised by the posting of a site notice and an advertisement in a local newspaper. The site is within the Green Belt and the newspaper advert was worded to reflect this designation in development plan terms.
41. In response to the publicity, 10 letters objecting to the application and 2 letters of support have been received. Two separate responses each were also received from the Offham Society and the Ramblers commenting on the application. Of the letters received in objection, two were from the same respondent and two were received from the same address.
42. The key points raised can be summarised as follows:

Support

- Fully support this application for a solar panel 'park' on the Offham Quarry Landfill site that contributes positively to the Government's legally binding green energy targets;
- Appropriate use of well screened land that is currently not accessible to the public and has not been for many years.

Objections

- Proposal is too large and too close to the village of Offham and intrusive to the open aspect of the site;
- Lack of consultation with the local community;
- Proposal should be a smaller development which would avoid unsightly panels on the south slope that is visible from Comp Lane;

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- Offham village has had to put up with this site being quarried, with associated disturbance, then an overfilled landfill site with associated disturbance and smell, and now an ugly solar park with glint and glare and wind noise, let alone the construction disturbance;
- Villagers also have to put up with the blasting from Blaise Quarry and the smells from the composting unit and also the anaerobic digester;
- Unreasonable that villagers should be subjected to further disruption and despoiling of a rural area that was supposed to be restored and landscaped;
- The site has not been looked after by its present owners FCC but it was always our understanding that the site would be managed efficiently and restored to its original green space use with the path restored;
- The solar panels will completely wreck any hope we have of future accessible green space.
- Offham residents struggle already with Kings Hill 'rat run' traffic;
- Considerable passing farm traffic following local expansion and the addition of this solar farm is the last straw;
- Methane gas has escaped causing pollution;
- The site operators have given repeated assurances that it would be returned to an open greenfield site accessible to the public;
- A large proportion of the countryside surrounding the village is being constantly and disproportionately destroyed by manmade structures whether they be in the form of housing, industrial developments including quarrying, poly tunnels;
- The prospect of having another 45 acres, which is equivalent to the size of Offham, covered in solar panels and so close to the village is intolerable;
- Impacts on existing wildlife;
- Lack of ecological measures to improve biodiversity should the scheme go ahead;
- The proposed development is in the Green Belt and the reasons for development fall far short of the very special circumstances required for its release;
- The reality is that the continuous overfilling of the site has resulted in it being significantly higher than most of the surrounding area especially where it borders the village. This together with the erection of 3m high solar panels will dominate the village in a detrimental way;
- In addition the effects of glint and glare, which are acknowledged by the applicant, it will affect to some extent around 39 properties which is of concern;
- The statement regarding the effectiveness of the existing boundary screening to overcome any visual amenity or glint and glare issues is wholly inadequate. There are many gaps between the trees and they themselves are deciduous so provide little or no screening for at least 6 months of the year. This is a matter of fact as my property overlooks the site and it is clearly visible during the winter months but with the addition of 3m high solar panels it will be visible for the entire year;
- A more suitable, remote location is called for;
- The panels should be well away from the boundaries and evergreen vegetation should be planted all around the edge of the development;
- Contingencies need to be in place in the event that Infinis Solar Developments Ltd and/or their partner FCC Environment (the landowner) are no longer trading in 35 years time when the Solar Park is to be decommissioned and the area

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reinstated in accordance with the agreed restoration plan. Under no circumstances must the solar panels be left to rot in situ.

- Generally in favour of "Green Energy" but we must strike a balance between the installation of green energy platforms and the environmental impact on local residents, even though this particular site cannot be used for anything else.

Discussion

43. This planning application for a proposed 10.2MW solar park on the former Offham Landfill site is being reported to the Planning Applications Committee as a result of objections received from Offham Parish Council, the Offham Society and a number of local residents.
44. 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 proposals therefore need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations including those arising from consultation and publicity.

Principle

45. The development seeks to provide a source of renewable energy for which there is an identified and urgent need reflected in national and local planning policies for reducing carbon emissions to limit the impact of climate change. In principle, therefore, the scheme complies with the NPPF (paragraphs 153-158). In particular paragraph 158 states that when determining applications, planning authorities should not require applicants to demonstrate the overall need and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gases and that they should approve the application if its impacts are (or can be made) acceptable.
46. The proposed solar park is therefore in line with national and local planning policy and is in principle acceptable, however, it is still necessary to assess the application in terms of its impact in terms of Green Belt, landscape and amenity, glint and glare, Public Rights of Way, ecology, transportation, historic environment, lighting, water environment, noise and vibration, and the decommissioning and restoration.

Green Belt

47. Paragraph 137 of the NPPF sets out that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
48. Green Belt policy is there to serve five key purposes:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and

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- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
49. The Government attaches great importance to Green Belts with the fundamental aim to keep the Green Belt “open”. Paragraph 147 of the NPPF states that inappropriate development is by definition harmful and should only be approved in “very special circumstances” (VSC).
 50. Paragraph 148 goes on to say that VSC will only exist where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and substantial weight must be given to the harm to the Green Belt. A detailed assessment of any harm to the Green Belt created by this development is set out in the paragraphs that follow.
 51. Planning case law has established that only a very tightly defined list of development types is appropriate in the Green Belt, developments outside of this list must demonstrate VSC. The proposed solar park development does not fall within the defined list of appropriate developments as set out in paragraph 149 of the NPPF. Paragraph 151 of the NPPF goes on to state that many renewable energy projects located in the Green Belt will comprise inappropriate development and VSC must be demonstrated if projects are to proceed.
 52. By virtue of the criteria in the NPPF set out above and TMBC Core Strategy Policy CP3 which states that national Green Belt policy will be applied generally to the west of the settlement of Kings Hill and KMWLP policy DM4 which states that proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts and shall comply with national policy and the NPPF, the development is considered to be inappropriate in Green Belt terms. Therefore, I am of the view that the proposals would not meet the limited exceptions set out in the NPPF that would make it appropriate. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted with regard to planning policies and other material considerations. Such development should not be approved, except where very special circumstances are demonstrated that outweigh the harm to the Green Belt. It is therefore necessary to consider the impact on the openness of the Green Belt and whether or not there are VSC that would warrant setting aside the general presumption against inappropriate development. A Green Belt Assessment has been submitted in support of this application, which sets out what the applicant considers to be the VSC that warrant setting aside the general presumption against what would be inappropriate development in the Green Belt.
 53. The proposed development would be located on a piece of land which does not have the feel or appearance of land traditionally associated with Green Belt land. The site is a former landfill in the village of Offham. The use of this former landfill site for the proposed development ensures that there would be no loss of pure greenfield land which could otherwise be used for agriculture. The site has limited uses due to existing low carbon power generation from Captured Landfill Methane and below ground landfill waste. The proposed development would not interfere with the waste beneath the capped landfill surface, as there would be no requirement for ground excavation with the solar panels to be anchored to the ground with concrete footings, or short

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piles, so as not to impact on the capping. Additionally, infrastructure for both access and grid are already in place as part of the landfill operations, and as such there is a precedent for manmade features in this location. The development would have an operational lifetime of 35 years and the site would be reinstated in accordance with the approved restoration scheme for the site following that time.

54. The submitted Landscape and Visual Assessment (LVA) demonstrates that the solar park is sensitive in its form and style and would not encroach on the boundaries of the site in particular along the southern boundaries of the site which would be the closest to residential properties in Comp Lane. The panels are structures that would sit at a maximum 3m in height and are almost entirely enclosed by strong boundary vegetation. The LVA report concludes that there would be limited harm, where the visual impacts are limited to the immediate vicinity and given the enclosed nature of the site, there are limited views available from the wider surrounding area. It is stated that the overall approach to design and layout with landscape enhancements to the boundaries would reduce residual effects, and the proposals maintain the objectives of the Green Belt designation.
55. The potential visual impact of a development proposal is a key test in preserving the openness of the Green Belt. The visual analysis that has been carried out as part of this application with the submitted LVA, has examined seven views towards the site, at distances up to 2km from the site boundary. Of these, the more distant views (0.5 - 2.0km) are judged to be more important in terms of openness as they provide greater context.
56. In these more distant views, which are located on open ground to the north, east, south and west of the site, it was not possible to gain any visibility of the site beyond the perimeter vegetation which completely encloses it. What is also apparent in many of these views is the strongly vegetated and wooded nature of the immediate locality, particularly to the south, has a considerable effect in limiting views in general of the site. In considering the potential effects of the development on these more distant views in particular, there is predicted to be no change in the outlook. Overall, therefore, it is considered that the proposed development would have not have a significantly greater adverse effect on the openness of this part of the Green Belt than the restored landfill site.
57. Given their moderate scale, the applicant states that the solar panels are very well contained due to the screening on all boundaries, and as such the visual intrusion on the area would be extremely limited and would not have a detrimental effect on the wider landscape. They state that the modest scale of the solar array and the location of the site is unlikely to lead to any undue levels of adverse visual or landscape harm, provided the landscape planting proposed is implemented and that no perimeter vegetation/trees would be removed, which is a requirement also of the approved restoration scheme.
58. The proposed development does have the potential to generate planning harm in a number of other areas. Without appropriate mitigation secured by planning condition, there would be potential for harm to the site's ecological interests, impacts from glint and glare, impacts during construction and other transportation matters, lighting and the water environment. However, whilst these matters, without appropriate mitigation

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would demonstrate planning harm, they would not in isolation be reasons to recommend refusing the application.

59. The potential harm to the Green Belt set out above needs to be given significant weight in reaching a decision as to whether the development would be acceptable in Green Belt terms. In order to reach a conclusion in respect of harm, the applicant will need to demonstrate that all the benefits are taken together clearly outweigh any potential harm to the Green Belt.
60. The proposed scheme is designed to generate a 10.2MW supply to the national grid, which would make a not insubstantial contribution to reducing carbon emissions per annum. The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The applicant states that there is strong national policy support for the development of renewable energy sources including solar power, to ensure the country has a secure energy supply for the future, and to reduce greenhouse gas emissions. Although the scheme is modest in size and output, paragraph 158 of the NPPF confirms that 'even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions'.
61. A clear benefit of the proposed solar development is a contribution towards the substantial reduction in the UK's CO2 emissions by providing renewable energy which would help the UK in its desire to move towards being a low carbon economy. The location of the proposed solar development on a former landfill site ensures that there would not be a loss of protected open space or agricultural land. The site comprises land which is currently in use for energy generation in the form of Captured Landfill Methane extraction and the proposed development would complement the existing uses of the site and would maximise the benefits of energy generation at the site.
62. The proposed development is an opportunity to provide a supply of low carbon renewable energy in a suitable location and this must be considered as a clear wider environmental benefit. The policy support for renewable energy in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the applicant stating that the renewable energy benefit of the proposal is clear and should be accorded substantial weight in the decision making process.
63. There would be a clear benefit arising from the introduction of a new footpath across the site, the detail of which is considered at paragraph 113 below. In terms of its benefit, the proposed footpath would open up the site to walkers for the first time since 1969, prior to the commencement of quarrying operations. The proposed path would broadly follow the route of the approved PROW that is required to be re-introduced to the site following the surrender of the waste management licence for the site and would allow the views to the south to be available for walkers for the first time in many years. In the event that the solar park is not brought forward the PROW would not be reinstated until the surrender of the waste management licence, which would be at least another decade.
64. The applicant states that all of the existing boundary screening would be retained and supplemented by new planting as part of the landscape proposals. In addition, the landscape proposals would add new hedgerow screening and tree planting along the

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southwestern boundary shielding views from properties on Comp Lane, retain and protect the existing woodland setting that surround the majority of the site, and the planting of new vegetation to provide for and to make biodiversity enhancements. The LVA concludes that the existing landscape has the capacity to accommodate a development of this size and scale.

65. Employment opportunities would be provided during the construction phase with delivery and set-up on site, and then further opportunities would be provided as result of ongoing maintenance in the operational phase, and again for the decommissioning phase. It is acknowledged that as a result of the proposed development's nature that there would not be a significant level of new employment opportunities as activity on site would largely be restricted to regular maintenance and ad hoc repairs as necessary.
66. Therefore, in my view there are clear benefits associated with the proposed development. Principally the strong environmental benefits via the generation of renewable energy and the re-introduction of a footpath across the site which, when combined, clearly outweigh the potential harm to the Green Belt that would arise as a result of the development.
67. The development would constitute inappropriate development within the Green Belt and the NPPF requires substantial weight to be given to any harm to the Green Belt. However I consider the applicant has appropriately demonstrated that the harm generated by the proposed development is clearly outweighed by the benefits of the scheme. There is a significant need for renewable energy and the development would meet this need in the short term, a consideration which weighs substantially in favour of the development as recognised by paragraph 155 (b) of the NPPF which states that in order to help increase the use and supply of renewable and low carbon energy and heat that suitable areas should be identified in order to help secure their development. The previous uses of the site and the ongoing power generation from Captured Landfill Methane, significantly limit the possible future uses for the site and in particular restrict the possibility of any wider community uses outside of the proposed public footpath reinstatement.
68. Planning permission should not be granted in the Green Belt unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. There are considerable merits to the development, as set out above and given the information submitted with the application which demonstrates that the harm caused by the scheme is clearly outweighed by the benefits of the scheme it is considered that Very Special Circumstances have been demonstrated in this case.
69. Notwithstanding the objections that have been received by Offham Parish Council and some local residents on Green Belt grounds, that are set out in paragraphs 27 and 42, I accept the applicant's assessment and application of Green Belt Policy, as summarised above. The development would be inappropriate development and by definition harmful, nevertheless, the considerations summarised above clearly outweigh the harm to the Green Belt. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted and the application is in accordance with the NPPF, Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review (September 2020) (KMWLP) Policy DM4 and Tonbridge and Malling

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Borough Council Local Development Framework (LDF) Core Strategy (September 2007) (TMBC Core Strategy) Policy CP3.

70. Paragraph 4(b) of the Town and Country Planning (Consultation) (England) Direction 2021 states that a referral should be made to the SoS for any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Whilst I do not conclude, given the considerations set out above that the development would have a significant impact, the site is inappropriate development within the Green Belt and due to its scale and nature, in the event that Members resolve to approve the application, it would be prudent to adopt a precautionary approach and refer the application to the Secretary of State for the Department for Levelling up, Housing & Communities under the Direction.

Landscape and amenity impacts

71. The site, as defined by the redline application boundary, extends to an area of some 17.7 hectares (ha). It comprises the majority of the former quarry at Offham, which lies immediately west of the village and sits between Teston Road to the north and Comp Lane to the south. Following the ceasing of quarrying operations, the quarry was used as a landfill site and is now restored with the created landform on the site rising above the immediate surrounding area by up to 9m on western parts and 12m on south-eastern parts. Rough grassland covers the restored landfill site together with patches of young scrub vegetation to the perimeter and some internal hedgerows, and this conveys an open character within the site.
72. Several vertical gas pipes relating to the Captured Landfill Methane operations protrude through the surface of the landfill and connect with other pipes laid on the surface. The site is, however, well contained by tall vegetation to the boundaries which largely prevents views out from the site, although some distant views are possible to the north, as far as the Kent Downs, and south, to the edge of Offham Wood. Boundary vegetation in conjunction with the wider pattern of hedgerows, tree belts and woodland also prevent views into the site, both from the immediate vicinity and the wider surrounding area. Some mainly filtered views are gained from along Teston Road and Comp Lane where the vegetation is thinner.
73. A small number of residential properties adjoin the site to the north along Teston Road and beyond this is open farmland on gently sloping ground, together with Moorlands Wood and a scattering of farmsteads and small groups of properties. Several small, irregular fields of pasture separate the site from Offham village to the east. The village itself retains a small historic core centred on the 'green' at the junction of Teston Road with Comp Lane. The village has also progressively expanded along Teston Road to the northwest and the area north of Teston Road to Church Road has also been largely infilled with housing.
74. A handful of residential properties adjoin the site to the south along Comp Lane, together with several small irregular shaped fields in arable and pasture use. Beyond these fields are several wooded areas (including Offham Wood) that join with the more substantial wooded complex of Mereworth Woods, which occupies gently rising ground further to the south. There is also an uncharacteristically large arable field and quarry

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on the northeastern edge of the wood which introduces an urbanising element into the rural landscape.

75. A derelict property adjoins the site in the northwest corner facing on to Teston Road, this site is subject to a planning application for residential development currently being determined by Tonbridge & Malling Borough Council. Behind this property the Captured Landfill Methane infrastructure with associated emission stacks adds a further urbanising element into the local landscape despite being well contained by vegetation. Further to the west, open farmland extends a short distance to the B2106 with Wrotham Heath Golf Course immediately beyond. Land use is predominantly arable and is also larger in scale as a result of the amalgamation of fields and loss of hedgerows, and this conveys a more open character. Several fields immediately west of the site have also been given over to plastic horticultural tunnels and are a visually detracting influence in the open landscape, as are a small complex of modern industrial buildings associated with Orchard Place Business Centre at the junction of Comp Lane with the B2016. Overall, the site and its immediate context conveys a limited sense of remoteness or tranquillity by virtue of its proximity to Offham village, the existing Captured Landfill Methane landfill gas infrastructure and other urbanising influences in the immediate locality.
76. Offham Parish Council and local residents have objected to the application for a variety of landscape reasons and for impacts on residential amenity with particular focus on the size of the proposed solar park, height of the solar panels and views of the proposed development from outside of the site.
77. A full landscape and visual appraisal (LVA) was submitted with the application to assess the landscape and visual impacts of the proposed development during both the construction and operational phases of the solar park. This LVA was reviewed by KCC's independent landscape specialist as part of the consultation process.
78. The site would be accessed via the existing entrance from Teston Road that previously served the quarry and landfill operation. This would not necessitate the removal of any boundary vegetation to accommodate sightlines, within the site access to the DNO and ancillary substations would be provided by a new access 3.5m wide track that would run around the northwestern corner, parallel with the site boundaries. The new access track and substations would result in the loss of a very small area of rough grassland that currently covers the landfill. The metal frames that would support the solar panels would be anchored to the ground with concrete footings or short piles so as not to impact on the landfill capping. Full details of the precise method would be required by the Environment Agency as part of its permitting responsibilities. All cabling would be installed below ground with minimal disturbance to the existing capping.
79. The effects of construction on landscape resources would be restricted to small geographical areas within the site, primarily in the northwest, where the substations would be located, and would not result in the removal of any important or unusual landscape features. The effects would be of short duration (up to 6 months) and localised and would not have any meaningful influence on the character of the Greensand Fruit Belt - Malling Local Landscape Character Area (LLCA) in which the site is located, or to the Mereworth Woodlands LLCA that borders the site to the south.

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80. The visual effects of construction would be limited to glimpsed views of construction activities at the site entrance and some mainly filtered views from along Teston Road and Comp Lane. These effects would be of short duration and localised and would not have any meaningful influence on visual amenity beyond the site in the longer term.
81. When compared to the construction phase, the proposed development would gain a more 'settled' appearance during the operational period from the time that construction activity ceases. The proposed development would be visible over a limited area with potential for indirect effects on the surrounding landscape and surrounding visual receptors.
82. The submitted LVA assesses the effects of the proposed development on landscape character receptors in relation to the following Local Landscape Character Areas (LLCAs) of the Kent Landscape Character Assessment:
- Greensand Fruit Belt to Malling LLCA (the site is wholly within this LLCA);
 - Mereworth Woodlands LLCA (borders the site to the south).
83. The Wrotham Heath – Ryarsh Gap LLCA is also located approximately 600m to the north and c.1km to the west, whilst consideration of this LLCA was made in the LVA, it was not considered to be of a close enough proximity to warrant detailed assessment.
84. The site is situated wholly within the Greensand Fruit Belt to Malling LLCA and therefore has the potential to be directly affected by it, the site itself forms a small part of the LLCA.
85. The former use of the site as a quarry and landfill operation ensures the proposed development would have little or no adverse effect on key characteristics and sensitivities identified for the LLCA. It would have some limited adverse effect on its immediate setting arising from the introduction of uncharacteristic elements (solar panels) extending across the site, albeit contained by tall boundary vegetation. However, the LVA determines that the geographical extent over which these changes would be experienced would be relatively localised and largely limited to the immediate setting of the site. At 'Year 1', the magnitude of effect is judged to be 'small adverse', at 'Year 15', the magnitude of effect would remain unchanged i.e. small adverse. On balance, the LLCA is judged to have a low susceptibility to impacts from the proposed solar park.
86. Mereworth Woodlands LLCA adjoins the site to the south and has some potential to be indirectly affected by the proposed development. In terms of susceptibility, the extensive woodland cover interspersed with pockets of farmland that characterises the local landscape affords very high levels of enclosure. Whilst there is no reference in the landscape to the type of change proposed, there are a number of detracting features present which have a localised negative influence on the character or experience of the landscape (small quarries and the expanding settlement of Kings Hill). The quality of the landscape is generally good, with the strong but simple pattern of dense woodland remaining coherent and this would not change as a result of the proposed development. On balance, the Mereworth Woods LLCA is judged to have a low susceptibility to impacts from the proposed solar park.

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Visual impact on residential amenity

87. The appraisal of residential properties, or groups of properties in the LVA was limited to those within approximately 1km of the proposed development. A number of these properties are accessed from private farm tracks/ roads and due to the limitations of access, they were appraised from the nearest public road or footpath with the aid of aerial photographs.
88. The LVA assessed the effects on views and visual amenity arising from the proposed development through analysis of a 'screened' 'Zone of Theoretical Visibility' (ZTV) diagram and from a number of viewpoints that represent visibility for a range of visual receptors. The ZTV shows theoretical visibility of the proposed development largely limited to the site and its immediate setting, within 1km radius, with some patchy visibility extending further to the west up to a distance of approximately 1.5km. The limited extent of theoretical visibility reflects the gently undulating topography and strong vegetation pattern of the area as well as the contained nature of the site itself afforded by established vegetation to its boundaries.
89. Some close, but mainly filtered, views are obtained from Teston Road and Comp Lane where they pass immediately adjacent to the site and also for some residents that adjoin these local roads in the vicinity of the site. Limited visibility is also predicted for some residents that lie just to the south of the site and users of public footpaths and bridleways that adjoin the site or pass immediately to the south and west.
90. In all, 25 individual or groups of properties were identified within 1 km of the site. Many of these properties have been scoped out of the appraisal at the baseline stage on the basis of little or no theoretical visibility indicated by the screened ZTV. Those with theoretical visibility were considered further but none were determined to be significantly affected by the proposed development.
91. Offham lies between 100m and 200m east of the site where it occupies gently sloping ground which falls very gradually to the northeast. The ZTV indicates some limited theoretical visibility for south western parts of the village where a small number of properties on the edge of the settlement are orientated towards the site from their rear elevations with a largely open aspect. Existing vegetation to the eastern boundary of the site in conjunction with the steeply inclined landform of the restored landfill has a considerable limiting effect on visibility from these properties. It is possible that some filtered views of the solar panels may be gained from some of these properties, mainly from upper floor windows. No change in the view is predicted by Year 15.
92. In summary, residual levels of effect on views and visual amenity from the LVA are predicted to be:
- Effects on people living in residential properties adjacent to the site (along Comp Lane) who are of high sensitivity would be negligible to minor-moderate adverse at Year 1, reducing to negligible adverse by Year 15 as existing boundary vegetation matures.
 - Effects on people living in settlements adjacent to the site who are also of high sensitivity would be negligible adverse at Year 1 and Year 15.

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- Effects on people using local roads adjacent to the site (Comp Lane and Teston Road) who are of medium sensitivity would be negligible to minor adverse at Year 1, reducing to negligible adverse by Year 15 as existing boundary vegetation matures.
93. The LVA was assessed by KCC's Landscape Consultant and by the Kent Downs AONB Team and no objections were received. The Landscape Consultant concluded that the submitted LVA provided a detailed assessment of the potential impacts on the landscape character and visual amenity of the site and the surrounding study area and that the assessment was undertaken following the correct guidance and provided clear conclusions that are considered reasonable and defensible.
94. The nature, scale and form of the proposed development would inevitably result in some adverse effects on landscape character and on visual amenity as summarised above, however, the previous uses of the site combined with the limited height of the proposed development and the very high degree of containment afforded by boundary vegetation ensure that effects are small in magnitude and restricted to the site and its immediate setting within 1km radius. The LVA recorded and analysed the baseline landscape and visual resources of the site and surrounding area, identified landscape and visual receptors likely to be affected by the proposed development and determined the extent to which these would be altered and it concluded that whilst the proposed development would give rise to varying degrees of adverse landscape and visual effects on a number of receptors, the degree of effects predicted to arise during the operational phase would be largely limited to the site and its immediate setting, within 1km radius.
95. The main effect on landscape character would be the change from rough grassland which covers the restored landfill site contained by a strong framework of boundary vegetation, to rough grassland with solar panels and ancillary development within the same context immediately west of Offham. The approved restoration plan for the site identifies the retention of the existing peripheral woodland and hedges which provides a high degree of containment, which would be retained and managed to allow the trees and hedgerows to mature and provide a screen around the perimeter. Consequently, it is not considered there would be a specific requirement for significant additional planting to screen the proposed development in views from the immediate or wider area or help integrate it into the wider landscape. Neither would any enhancement measures be necessary by way of gapping up or reinforcing existing vegetation. However, during the processing of the application, the applicant committed to an additional area of landscape hedgerow planting in the south west of the site (see site plan on page C1.4) which, whilst not recommended by consultees, would further augment the screening vegetating at this point of the site and aid screening of the proposed development from properties bordering this part of the site. Full details of additional landscaping would be required by planning condition.
96. The solar park would effectively be separated into five areas in order to negate the need for unnecessary vegetation removal and to allow the existing site access tracks to be used, this can be seen on the site plan on page C1.4. Each of the five areas would be surrounded by 2m high fencing and along the fencing at set intervals would be 3m high mounted CCTV units. The CCTV would be motion sensitive and would be positioned with views of only the fence line. Unfortunately, solar parks are susceptible

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to theft of the PV panels so the inclusion of CCTV and security fencing is considered essential for the proposed development. The height of fence and the metal 'rabbit type' fence design was considered in the application documents and considered to be acceptable in design and landscape impact terms, on that basis I would not raise an objection to the proposed fence and CCTV see plan on page C1.6.

97. There is one other operational solar park in the vicinity and as such it is important to assess the potential cumulative impact with other solar parks. There has also been another recent planning approval for a small 3MW solar park facility over 2km away to the southeast in Kings Hill. The operational Wrotham Heath Solar Farm is located within the Wrotham Heath – Ryarsh Gap LLCA, approximately 1.8 km northwest of the site. This site was therefore included as part of the baseline landscape assessment for this LLCA and was consequently assessed as having minimal potential for any landscape impact. The Wrotham Heath Solar Park is situated between the M26 and M20 motorways to the northeast and with the settlement of Wrotham Heath, a motorway, A20 and railway line separating it from the proposed development I am satisfied that there are significant barriers between the two sites that would negate any realistic cumulative impacts. The smaller recently approved solar park is to be located on land some 2km away to the south east at Kings Hill. This development would be very small in scale, roughly a third of the size of the Offham proposal, and would be separated from it by Blaise Farm Quarry and significant areas of woodland and farmland. As such I am satisfied that there is not a requirement to assess the cumulative impact on this project either given the area of separation and nature of the barriers between the two developments. There are no other cumulative developments that require assessment.
98. Notwithstanding the objections received from Offham Parish Council and local residents, I am satisfied that the proposed development would not give rise to an unacceptable effect on any landscape related planning designations. Similarly, the proposed development would not give rise to unacceptable cumulative effects on landscape character. Overall, there is no reason why the landscape and visual effects arising from the proposed development should be regarded as unacceptable and I am satisfied that the site could accommodate a solar park facility of this size. No objections have been received from technical consultees and on this basis, I would not raise any objections on landscape and visual amenity grounds, subject to the imposition of conditions to secure implementation of the additional landscape and hedgerow planting and their long-term management. I am satisfied therefore that the proposed development would be acceptable in landscape and visual impact terms and accords with the NPPF, KMWLP Policy CSW10, DM2, TMBC Core Strategy Policies CP7, CP14, CP24, CP25 and Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment DPD (April 2010) (TMBC DPD) Policy SQ1.

Glint and Glare

99. As is typical of applications of this nature a 'Glint and Glare' report has been submitted. For the purposes of the report the following definitions have been used:
- Glint – a momentary flash of bright light typically received by moving receptors or from moving reflectors;

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- Glare – a continuous source of bright light typically received by static receptors or from large reflective surfaces.

The term 'solar reflection' is used to refer to both reflection types i.e. glint and glare.

100. The methodology for the glint and glare assessments was as follows:

- Identify receptors in the area surrounding the proposed solar park.
- Consider direct solar reflections from the solar park towards the identified receptors by undertaking geometric calculations.
- Consider the visibility of the proposed panels from the receptor's location. If the panels would not be visible from the receptor then no reflection can occur.
- Based on the results of the geometric calculations, determine whether a reflection could occur, and if so, at what time it would occur.
- Consider both the solar reflection from the solar development and the location of the direct sunlight with respect to the receptor's position.
- Consider the solar reflection with respect to the published studies and guidance.
- Determine whether a significant detrimental impact is expected.

101. Within the report, the solar development area is defined, as well as the relevant receptor locations. The result is a chart that states whether a reflection can occur, the duration and the panels that can produce the solar reflection towards the receptor. The report assesses the impacts on residential receptors and road-based receptors.

102. There is no formal guidance with regard to the maximum distance at which glint and glare should be assessed, from a technical perspective there is no maximum distance for potential reflections. The significance of a reflection however decreases with distance due to the proportion of an observer's field of vision that is taken up by the reflecting area diminishes as the separation distance increases. Terrain and shielding by vegetation are also more likely to obstruct an observer's view at longer distances. On this basis and in the submitted report a 1km buffer was considered appropriate for glint and glare effects on ground-based receptors. Reflections towards ground-based receptors located further north than any proposed panel was considered highly unlikely, as such receptors north of the panel areas have not been modelled.

103. Objections have been received from a number of local residents about the potential effects from glint and glare with particular focus on the 39 properties that may experience some level of impact as a result of the proposed development.

104. The report considered the potential for impacts from solar reflection on major national, national, and regional roads that:

- Were within, or close to one kilometre of the proposed development.
- Have a potential view of the panels.

105. In terms of road receptors, assessment is not generally recommended for local roads, where traffic volumes and/or speeds are likely to be relatively low, as any solar

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reflections from the proposed development that are experienced by a road user would be considered 'low' impact in the worst case.

106. The assessed road receptor points were sited at circa 100m intervals along Seven Mile Lane (B2016) at a height of 1.5m above ground level which is considered the typical eye level for a road user.
107. The key considerations for measuring the significance of the impact of the proposed development on residential receptors are:
- Whether a significant reflection is predicted in practice.
 - The duration of the predicted effects, relative to thresholds of:
 - 3 months per year.
 - 60 minutes per day.

Impact on residential receptors

108. The results of the modelling indicate that solar reflections are geometrically possible towards 39 out of the 50 assessed dwelling receptors. Predicted solar reflections for 37 of these dwellings would not be experienced in practice due to the significant screening in the form of intervening terrain and existing vegetation, which would obstruct the views of the reflecting panels. For the two dwellings, located approximately 0.3km to the west of the proposed solar park at the closest point, very marginal views might be possible for receptors located above ground floor level. A moderate impact is predicted for these dwellings. Mitigation is not recommended because, it is expected that effects will be reduced by an observer not being able to see the entire affecting panel area and the solar reflections coinciding with direct sunlight.
109. For the two properties that may experience very marginal views, further work was undertaken to determine if views towards the site would be sufficiently screened. This indicated that the existing areas of vegetation screening would be sufficient for ground floor receptors. Partial views towards the solar park may be possible for second floor receptors for these two dwellings as indicated by the available aerial imagery. The reflecting area of the solar park is at a ground elevation height from a comparable level up to 9m of elevation at its highest point. The modelling has indicated that an observer would experience solar reflections for less than 60 minutes per day but for more than 3 months per year, however it is expected that the dwellings would not have views of the entire affecting panel area, which would reduce the duration of the effects. Considering all these points, the report determined that the impact upon these dwellings would be moderate, and mitigation is not recommended, however, since the submission of the application additional hedgerow screening has now been included along a portion of the western site boundary which would further the screen the development, precise details of this new planting would be required by the imposition of an appropriate planning condition.

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Impact on road receptors

110. The key considerations for measuring the significance of the impact of the proposed development on road users are:
- Whether a reflection is predicted in practice.
 - The type of road (and associated likely traffic levels/speeds).
 - The location of the reflecting panels relative to a road user's direction of travel (a reflection directly in front of a driver is more hazardous than a reflection from a location off to one side).
111. The modelling has shown that solar reflections are predicted to be geometrically possible towards all 9 the assessed road receptors located along Seven Mile Lane (B2016). All predicted solar reflections will however not be experienced in practice due to the significant screening in the form of the immediate existing vegetation, which will obstruct the views of the reflecting panels. No impacts are therefore predicted towards road users on the surrounding roads and mitigation would not be required.
112. Notwithstanding the objections received from local residents, I am satisfied that the potential impacts on the two closest properties would not be significant to warrant a refusal of the application. No objections on the issue of glint and glare have been received from KCC's technical consultees and subject to the imposition of conditions to secure the implementation of an approved landscaping scheme I am satisfied that the proposed development would be acceptable in terms of the impact from glint and glare and accord with the NPPF and TMBC Core Strategy Policies CP14, CP24, CP25.

Public Rights of Way and Legal Agreement

113. Paragraph 100 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, and that local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
114. Policy DM14 of the KMWLP states that planning permission will only be granted if provision is created for an acceptable alternative route both during operations and following restoration of the site and opportunities are taken wherever possible to secure appropriate, improved access into the countryside.
115. Prior to the site's former use as a landfill and earlier as a quarry a public right of way (PROW) crossed the site broadly from east to west. PROW MR259 was formally diverted around the northern boundary of the site in 1969 to facilitate the quarrying operations, to date this is still the approved PROW route. The future re-establishment of a new PROW (footpath) across the site was secured by a Section 106 Agreement when planning permission TM/03/3946 was granted and again when TM/09/1888 was permitted. The legal agreement required the PROW to be constructed within 6 months of the surrender of the Waste Management Licence (or at such earlier date at the sole discretion of the owner) and for the footpath to be formally added to the Definitive Map and Statement of Public Rights of Way for the County of Kent. Details of the new PROW were approved pursuant to condition 18 of planning permission TM/09/1888

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under reference TM/09/1888/R18 in August 2010. However, it has been assumed that due to the presence of above ground gas and leachate control infrastructure and the potential for these to be tampered with by users of the path that the PROW reinstatement would not take place before the early 2030s.

116. When this application was originally submitted it saw an opportunity to reinstate a permissive path across the northern part of the site. Whilst this was recognised as a positive development which would see a path tracking across the site for the first time since 1969, it was considered something of a missed opportunity to reinstate a path that traces the original or similar to the original PROW. Following negotiations with the applicant, the application was revised to enable an agreement that would see a route very similar to that approved by TM/09/1888/R18 to be reinstated as part of this application. This would see a footpath tracking across the highest point of the site allowing the views to the south to be realised again for the first time in 40 years.
117. Following the revisions made to the route of the footpath the Ramblers provided additional comments, which were positive and supportive in the main, about the potential impact that fencing around the proposed solar park would have on the views from the PROW, particularly to the south. The applicant subsequently carried out a thorough review of the layout of the path. There are variations in separation along the route between the route and any fencing and solar panels. Moving from west to east over the site the closest the path gets to the proposed development is in the far west where it would be 1m off the fence and 6m from the panel and the closest pinch point. This separation increases as the path heads north to being 7m to the fence and 23m to the panel. In the central part where panels are both sides, on the west end the distances would be 5m to the northern fence (15m to northern panels) and 6.5m to the southern fence (12.5m to the southern panels). Further east this increases to 7m to the northern fence (13m to northern panels) and 6.5m to the southern fence (25m to the southern panels). As the path reaches the eastern edge it is 6m from the fence to the north and 25m from the panels. Given the separation distances, and the design of the deer fencing (large mesh grid, which would still allow views through), it is not considered that the fencing would impede views. Given the additional set back to panels, which in places is around 25m, they would again not significantly impede on longer distance views.
118. The applicant has also confirmed that there would be a number of pipes that cross the route including the main gas pipe, small extraction pipes, leachate and compressed pipes. These have been reviewed as part of the revisions to the PROW route and it has been confirmed that all the pipes would either be buried or sleeved where they cross the footpath. In addition to the pipes, it has also been confirmed that there would be three vertical HDPE gas wells located directly on the footpath route. These are all active gas wells and as such it is not possible to decommission or bury these assets, however, there is sufficient room around each of the locations so either the footpath could be locally widened at each of the locations (to allow protective fencing around wells) or the footpath could be pushed south a few meters at each of the locations in order to avoid the infrastructure and allow fencing. This would ensure the path can be used safely by the public and would ensure that the overall path route remains, largely true to the approved route, whilst it would be preferable for the route to exactly match, it must be recognised that this minor change, does enable the

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reinstatement of a path across the site considerably earlier than would otherwise be possible.

119. As the proposed new PROW cannot be entirely accommodated on its correct alignment until the removal of the existing gas and leachate infrastructure it has been agreed that the new route would be a permissive path on the revised alignment (shown on the drawing on page C1.4) with some minor widening and control measures pending removal of the above ground infrastructure and ability to then formally “adopt” the new PROW on the Definitive Map. The applicant has also committed to entering into a new legal agreement to ensure that the adoption of the route onto the Definitive Map and Statement of Public Rights of Way can be made at such time that the aforementioned infrastructure can be safely removed. This is a procedure which can only be reached via a legal agreement and draft Heads of Terms have been agreed with the applicant and any future planning permission would only be issued in conjunction with a legal agreement to ensure this matter is addressed. The proposed draft Heads of Terms are set out in full at Appendix 1.
120. No objections have been received from consultees including KCC Public Rights of Way, and in my opinion the creation of the proposed permissive footpath across the site represents the swiftest opportunity for the reinstatement of a footpath across the site since the original footpath was diverted in 1969. In all likelihood without the approval of the current application the footpath would not be reinstated until the surrender of the Waste Management Licence (Environmental Permit) which would likely not be for at least another 10 years. Subject to a condition to agree minor changes to the route and details of the proposed permissive path and a legal agreement to ensure its future adoption to the Definitive Map and Statement of Public Rights of Way I am satisfied that the proposed development would be acceptable in terms of public rights of way and accords with the NPPF, KMWLP Policies DM14, DM17, TMBC Core Strategy Policy CP24 and TMBC DPD Policy OS5.

Ecology

121. Paragraph 179 of the NPPF states that local plans should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural environment and ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, including for biodiversity.
122. Paragraph 180 states that regard should be given to such matters when determining planning applications and that the planning system should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on biodiversity and providing net gains in biodiversity where possible. Kent MWLP Policy DM3 requires proposals for minerals developments to ensure that they do not result in unacceptable adverse impacts on Kent’s important biodiversity assets and demonstrate an adequate level of ecological assessment has been undertaken.
123. Objections have been received from local residents regarding the lack of potential for ecological enhancements as a result of the proposed development.
124. No objections or concerns have been raised by consultees. Natural England is

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satisfied that the development is unlikely to have any significant effect on any designated sites if it is undertaken as proposed and KCC's Ecological Advice Service has no objections providing the applicant complies with conditions that cover the following:

- Submission of a Landscape and Ecological Management Plan (LEMP). The content of the LEMP must accord with the details within the 'Ecological Management Plan: Reptiles and Nesting Birds' (Arcus November 2021), and include the following:
 - Description and evaluation of features to be managed;
 - Ecological trends and constraints that might influence management;
 - Aims and objectives of management;
 - Appropriate management prescriptions for achieving aims and objectives;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - Details of the body or organisation responsible for implementation of the plan;
 - Details of how Biodiversity Net Gain will be implemented and monitored throughout the lifetime of the development; and
 - Ongoing monitoring and remedial measures.
- From the commencement of works (including site clearance), all mitigation measures for protected species must be carried in accordance with the details contain in sections 3.1.2 and 3.2.1 of the Ecological Management Plan: Reptiles and Nesting Birds' (Arcus November 2021).

125. Notwithstanding the objections received from local residents I am satisfied the concerns raised are not sufficient to warrant a refusal of planning permission on ecological grounds. In the absence of any objections from key technical consultees (e.g. KCC's Ecological Advice Service, Natural England and the Environment Agency) and provided that a detailed management plan is submitted and implemented as approved, and that the proposed mitigation measures during the construction phase are strictly adhered to, it is considered that a biodiversity net-gain can be achieved. Therefore, I am satisfied that the proposed development would be acceptable in terms of ecology and the natural environment and would therefore accord with the NPPF, TMBC Core Strategy Policy CP25 and TMBC DPD Policies NE1, NE2, NE3 and NE4.

Transportation Matters

126. The proposed development would, when completed, generate minimal traffic on a daily basis, except for occasional maintenance vehicles and for ad hoc repairs. The vast majority of vehicle movements associated with the development would be during the construction of the solar park and again when the site is decommissioned at the end of the 35 years of its proposed operation.
127. The construction phase is proposed to last for up to six months, with a peak daily trip generation not expected to exceed 84 movements (in and out). Site access would be from the existing access on Teston Road, which is a junction layout that has historically dealt with HGV traffic serving the previous landfill quarry site, without any

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identified safety issues, as such it is considered an acceptable access for use during the construction period.

128. KCC Highways and Transportation were consulted on the application and have raised no objection subject to the imposition of a condition requiring the submission, and subsequent approval in writing, of a Construction Management Plan to include the following matters:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Provision of measures to prevent the discharge of surface water onto the highway.
129. I note that objections have been received from Offham Parish Council and local residents about traffic issues that already exist as a result of other developments within the general locality including from agricultural businesses, quarrying activities and that associated with Kings Hill, however, as stated above the proposed development would, when operational, generate negligible vehicle movements, indeed on most days there would be no vehicle movements whatsoever, I am satisfied that there is no reason on highways grounds to warrant refusal of the application.
130. It is acknowledged that there would be associated vehicle movements during construction and decommissioning, however these would be temporary in nature and subject to the imposition of appropriate conditions, I am satisfied that this application would not have an unacceptable impact on the highway network and would accord with the NPPF, KMWLP Policy DM8, TMBC Core Strategy Policies CP1, CP14 and TMBC DPD Policies DC6 and OS5 relating to highway and transport matters. HGVs involved in the development of the solar park or the transportation of any materials required for the remediation of the landfill site pursuant to planning permission TM/09/1888 would only be permitted to enter or leave the site via Teston Road (to the west of the site access) and the B2016 (also known as Three Mile Lane) thus avoiding Offham village. This matter is proposed to be included in the new S106 legal agreement.

Historic Environment

131. Paragraph 190 of the NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats and paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 197 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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132. No objections or concerns have been raised by consultees. KCC's Conservation Officer commented that the boundaries of the site are in general terms, well screened from general view due to the proximity of woodland areas and mature tree and hedge screening adjacent to the surrounding rural roads and that due to the elevation of the site, the greatest visual impact would be experienced on the north side, from Teston Road. The Conservations Officer agreed with the conclusions resulting from the study of impacts on the setting of a range of designated heritage assets within a 2km radius of the site, in that little or no negative impact on their historic setting would be conferred by the development, due either to their distance from the site or the levels of permanent, dense tree screening.
133. There is an acknowledgement made that there would be some negative impacts resulting from changes to the setting of certain non-designated assets such as the converted oasts at the junction of Teston Road and Aldon Lane. These derive from the loss of the existing clear and open fields which have resulted from the closure and covering of the landfill site. The level of harm to the rural landscape and setting of such non-designated asses resulting from this change of use would be less than substantial in all cases. As such it is considered that the heritage impacts resulting from the proposed development would not justify a refusal of planning permission and, in the words of the Conservation Officer would be offset by the considerable public benefits derived from the new use of the site.
134. No objections have been received from consultees and I am satisfied that this application would not have an unacceptable impact on any heritage assets, and it would accord with the NPPF and TMBC DPD Policies SQ1 and SQ2 relating to conservation and heritage assets.

Lighting

135. No lighting has been proposed for the solar park with the exception of emergency lighting surrounding the compound areas. On this basis I would not raise any objections on lighting grounds, however, I would recommend a condition be imposed on any planning permission that requires any subsequent plans for lighting to be submitted for the written approval of the County Planning Authority, in order to protect biodiversity interests and in order to conserve local amenity.

Water Environment

136. The NPPF states that permitted operations should not have unacceptable impacts on the natural environment or on the flow and quantity of surface and groundwater or give rise to contamination. Policy DM10 of the Kent MWLP states that permission will be granted where it does not result in the deterioration of physical state, water quality or ecological status of any waterbody (e.g. rivers, streams, lakes and ponds); have an unacceptable impact on groundwater Source Protection Zones; and exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future.
137. No objections or concerns have been raised by consultees, KCC's Flood Risk Project Officer has stated that he considers the proposals as low risk from a surface water flooding perspective and that the main risk associated with the operation of the solar park is in minimising runoff and soil erosion, specifically in the areas under the drip line

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of the individual solar panels. It is set out in the submitted Flood Risk Assessment that the area immediately under the drip line of the panels would be seeded with a suitable grass / flower mix. It is accepted by the KCC Flood Risk Project Officer that these measures would suitably reduce runoff and soil erosion. It is acknowledged though that these measures would only continue to be effective at mitigating these risks if they are maintained throughout the lifetime of the site's operation. Future removal of the proposed vegetation or lack of maintenance would result in increased runoff and/or erosion. As such it is proposed that, as part of the wider landscaping scheme outlined earlier, that a suitable maintenance regime for the planting in these areas be required to ensure erosion and runoff are controlled for the lifetime of the development.

138. In the absence of any objections from key technical consultees (e.g. the Environment Agency and KCC's Flood Risk Project Officer and Natural England), I am satisfied that the development proposed by this application does not present an unacceptable risk to groundwater or surface water quality, would not exacerbate flood risk and therefore accords with the NPPF, TMBC Core Strategy Policy CP10 and TMBC DPD Policy SQ5 relating to the water environment.

Noise and Vibration

139. The level of noise generated by a solar park is not generally considered to be significant, solar panels themselves only operate during daylight hours, and therefore there can be no noise generated in the evening, night and early morning, when ambient noise levels are typically at their lowest. Some comments have been received which raise the issue of noise from wind through the solar panels, however this is only considered to be an issue in the event that the installation has not been carried out correctly. During the operational phase of the proposed development, the only noise generated would be by the inverters (with noise reduced by the housing around them), switching stations and battery storage containers (air conditioning units) which would be located in the north west corner of the site, adjacent to Teston Road, the Captured Landfill Methane generators and the commercial crop growing business. The positioning of these units would ensure minimal noise effects on the nearby residential properties, the nearest of which is located over 260m to the southwest. It should be noted that the existing Captured Landfill Methane generators have been operating in this position for many years without any recent complaints from local residents.
140. Noise generated during the construction of the proposed development is not anticipated to be significant as the excavation requirements would be minimal, and no large machinery would be needed for excavation or piling. There would be some localised noise for vehicular traffic delivering to the site and moving around on the site, however this would be for a temporary period only. Construction related noise and any necessary mitigation would be addressed through a condition requiring the submission of a Construction Management Plan. It is also intended that there would be conditions restricting the hours of construction operations, and subsequently when the solar park is operational, the hours that maintenance operations could take place, in order to further mitigate any potential amenity impacts that may result from these operations.
141. I note the objections received from local residents, however, I am satisfied that providing the solar park is erected in accordance with the manufacturer's instructions that there should be no nuisance caused from wind passing through the panels. In the

Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

absence of any objections from key technical consultees, I am satisfied that the development proposed by this application does not present an unacceptable risk to terms of noise and vibration impacts and I accept that there would be no significant adverse impact on amenity or the environment subject to the proposed mitigation and the imposition of the conditions referred to in paragraph 154 below. The proposed development is therefore in accordance with the NPPF and TMBC Core Strategy Policies CP24 and CP25 with regards to noise.

Decommissioning and Restoration

142. Whilst the planning permission would be for a temporary period of 35 years, it is acknowledged that this is still a considerable period of time and in the event that planning permission be granted I would recommend a planning condition be imposed that requires a scheme of work to be provided that details the process to decommission the proposed solar park. This is due to there being a high degree of uncertainty regarding the exact process of decommissioning as engineering approaches and technologies are likely to change over the operational life of the development.
143. I note the comments received from the Local Member regarding the importance of ensuring all aspects of the proposed development, including any piling works, are removed at the end of the permission period and a planning condition would be included to ensure this matter is required.
144. The operator would also be required to give the County Planning Authority notice in advance of commencement of the decommissioning works when all necessary licenses or permits have been acquired. As mentioned above, full details of the decommissioning are not available at this time but based on today's practices it would be anticipated to last between 4-6 months, much the same as construction would take, and it would be timed to minimise its environmental impact. The proposed development is therefore in accordance with the NPPF and KMWLP Policy DM19.

Other Matters

145. I acknowledge Offham Parish Council's request for a financial contribution to offset the impact of the proposed development, however, I am not satisfied that there is justification on this occasion to do so and that the proposed development, if constructed in accordance with the proposed conditions and the new S106 agreement would have minimal impacts on the village. Moreover, in terms of community benefits the proposed development would present a very good opportunity for pupils at the Offham Primary School to learn and understand the benefits associated with renewable energy generation such as this. I have included an informative to address this.

Conclusion

146. The development of a 10.2MW solar park in this location would make a significant contribution to the UK's requirement for low carbon renewable energy as it would generate approximately 9,500 megawatt hours per year which would offset the annual

Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

electricity usage of approximately 2,200 homes within Tonbridge and Malling Borough. The proposed use complements the existing use of the site for energy generation in the form of Captured Landfill Methane extraction. The location, on a former landfill site, has been selected in order to minimise the loss of high-quality open space or agricultural land, as well as to avoid disturbance to neighbouring residential properties. The permitted PROW required under planning permission TM/09/1888 would not be constructed for a number of years to come yet, and this proposal would re-establish a footpath across the site for the first time in many years.

147. Overall, I accept the applicant's assessment and application of Green Belt policy, as summarised above. The development would be inappropriate development and by definition harmful. Nevertheless, in my view, the considerations summarised above are sufficient to constitute Very Special Circumstances capable of outweighing harm, by reason of inappropriate development arising from the installation of the proposed solar park.
148. Landscape, residential amenity and biodiversity impacts upon the site and surrounding areas from the solar park are considered to be minimal with appropriate mitigation secured through planning conditions. There have been no objections received from any technical consultees and the proposed solar park would continue to be subject to pollution control considerations through the permitting regime administered by the Environment Agency.
149. It is not considered there would be any cumulative or combined impacts associated with other developments that would be sufficient to presume against the grant of planning permission.
150. The development seeks to provide a source of renewable energy on a former landfill site that can be used for limited purposes other than a development such as this. Simply put solar power production generates electricity with a limited impact on the environment as compared to other forms of renewable electricity production, without the need for extensive ground disturbing foundations. There would be no tall vertical structures or moving parts involved and there would be negligible noise associated with the solar park during its operation.
151. There is an identified and urgent need reflected in national and local planning policies for reducing carbon emissions to limit the impact of climate change and the scheme therefore complies with the NPPF (paragraphs 153-158). In particular paragraph 158 states that when determining applications, planning authorities should not require applicants to demonstrate the overall need and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gases and that they should approve the application if its impacts are (or can be made) acceptable.
152. I am satisfied the proposed development complies in all relevant aspects with the NPPF to which the presumption in favour sustainable development therefore applies. It is concluded that the proposals comply with the adopted Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020) and the relevant policies of the Tonbridge and Malling Borough Council (TMBC) Local Development Framework (LDF) Core Strategy (September 2007), TMBC LDF Managing Development and the Environment DPD (April 2010).

Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

153. Therefore, I am satisfied that the proposed development would be in accordance with the general aims and objectives of the relevant Development Plan Policies, and I am satisfied for the reasons outlined above that there are no material planning reasons for refusing the application. I therefore recommend accordingly.

Recommendation

154. I RECOMMEND that the application BE REFERRED to the Secretary of State for Levelling Up, Housing and Communities under the Town and Country Planning (Consultation) (England) Direction 2021 and that SUBJECT TO no intervention by him that PLANNING PERMISSION BE GRANTED SUBJECT TO the prior satisfactory completion of a legal agreement to secure the Heads of Terms set out in Appendix 1 and:

- (i) conditions covering amongst other matters:
1. Development to be commenced within 3 years of the date of the permission.
 2. Carrying out the development in accordance with the submitted plans.
 3. Restriction of permitted development rights.
 4. Temporary planning permission for a period of 35 years from the date of energisation (the date of first energisation shall be notified to the Local Planning Authority in writing).
 5. Submission and approval in writing of a decommissioning method statement at least six months prior to the completion of the 35 year energisation period.
 6. Submission and approval in writing of a decommissioning method statement in the event that the export of electricity to the grid ceases for a period of 6 months (unless relating to a temporary cessation resulting from the need to remediate localised differential settlement or in connection with the ongoing management of landfill gas or leachate at the landfill site), or within six months following a permanent cessation of construction works prior to the solar facility coming into operational use.
 7. The site shall be restored in accordance with the approved restoration and aftercare scheme, or any consent which subsequently varies or replaces it, following decommissioning.
 8. No energisation shall take place until the submission and approval in writing of full details of the proposed route of the permissive path including, surface, gates and fence.
 9. Submission and approval in writing of a Construction Management Plan prior to commencement of development.
 10. Submission and approval in writing of a Landscape and Ecological Management Plan.
 11. Submission and approval of a lighting scheme.
 12. Submission of a landscaping scheme prior to commencement of development.
 13. Tree protection measures.
 14. Construction hours only between 07:00 and 18:00 hours Monday to Friday and between 07:30 and 13:00 hours on Saturdays (with none on Sundays, Bank and Public Holidays), unless otherwise approved by the County Planning Authority.

Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

15. Repairs and maintenance only between 07:00 and 18:00 hours Monday to Saturday (with none on Sundays, Bank and Public Holidays), unless otherwise approved by the County Planning Authority (where there is insufficient time to secure prior approval for urgent repairs or maintenance the operator shall notify the County Planning Authority of the date, time, reason for and nature of the works on the next available working day).
 16. Submission of a scheme within 24 months of energisation to demonstrate that no erosion/scarification of the grassland between the arrays has occurred. In the event of evidence of erosion or scarification, mitigation details shall be submitted and approved in writing by the County Planning Authority.
- (ii) informatives covering the following matters:
1. The development would require a permit from the Environment Agency, so it is recommended that the applicant contacts the National Permit Service on 03708 506 506 to discuss the issues likely to be raised.
 2. Standard highways informative highlighting that planning permission does not convey any approval to carry out works on or affecting the public highway.
 3. The applicant is advised that they should explore the opportunities for community engagement, with particular focus on engaging with pupils at Offham Primary School to promote and enhance understanding of the benefits associated with renewable energy generation.

Case Officer: Adam Tomaszewski

Tel. no: 03000 410434

Background Documents: see section heading

Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

Heads of Terms for Section 106 Agreement

Proposed Heads of Terms for a new (replacement) S106 Agreement between WRG (Central) Ltd (as Owner) and Infinis Solar Developments Ltd (as Applicant) and KCC (as the Council) relating to a planning permission proposed to be issued under TM/21/1259.

- (1) The Owner and Applicant give the following undertakings to the Council:
- (a) To implement and maintain a Permissive Footpath across the site in accordance with the details approved by the Council on 17 August 2010 pursuant to condition 18 of planning permission TM/09/1888, or such variations as may be approved by KCC as Waste Planning Authority pursuant to conditions attached to planning permissions TM/09/1888 or TM/21/1259, until such time as a new public footpath is constructed and completed and entered onto the Definitive Map and Statement of Public Rights of Way for the County of Kent in accordance with (c) to (f) below.
 - (b) Within one month of the surrender of the Waste Management Licence [Environmental Permit] to give notice to the Council of such surrender and the date of surrender.
 - (c) Within six months of the surrender of the Waste Management Licence [Environmental Permit] or at such earlier date as the Owner may in its absolute discretion decide to construct and complete a new public footpath across the Land in accordance with the details approved pursuant to condition 18 of Planning Permission TM/09/1888.
 - (d) To construct and complete the public footpath to the standard reasonably required by the Council.
 - (e) To agree to the completed public footpath being entered onto the Definitive Map and Statement of Public Rights of Way for the County of Kent.
 - (f) To be responsible for and pay for the cost of completing the public footpath and to pay the Council's reasonable charge in connection with listing the footpath within the definitive rights of way map.
 - (g) To notify Kent County Council within 14 days after Planning Permission TM/21/1259 is implemented.
 - (h) To ensure that HGVs involved in the development of the Solar Array or the transportation of any materials required for the remediation of the landfill site pursuant to planning permission TM/09/1888 shall only enter or leave the site via Teston Road (to the west of the site access) and the B2016 (also known as Three Mile Lane).

Appendix 1 to Item C1

Installation of a ground mounted solar photovoltaic (PV) array and associated infrastructure on land at Offham Landfill Site, Teston Road, Offham, West Malling, Kent, ME19 5PF - TM/21/1259 (KCC/TM/0090/2021)

- (i) To pay all of the Council's reasonable legal and administrative costs associated with the completion of the S106 Agreement and entering the S106 Agreement on the Local Land Charges Register and discharging the requirements of the S106 Agreement (Unilateral Undertaking) dated 4 December 2009 relating to planning permission TM/09/1888.
- (2) The Council undertakes to discharge the requirements of the S106 Agreement (Unilateral Undertaking) dated 4 December 2009 relating to planning permission TM/09/1888.

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Proposed single storey sixth form centre and a new sixth form classroom block at The Judd School, Brook Street, Tonbridge, Kent, TN9 2PN – TM/22/203 (KCC/TM/0248/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 15 June 2022.

Application by The Judd School for a single storey sixth form centre and a new sixth form classroom block – The Judd School, Brook Street, Tonbridge, TN9 2PN (Ref: KCC/TM/0248/2021 and TM/22/203).

Recommendation: Planning permission to be granted, subject to conditions.

Local Member: Mr M Hood and Mr P Stepto

Classification: Unrestricted

Site

1. The Judd School is a Voluntary Aided Grammar School for boys, with a mixed sixth form, located to the south west of Tonbridge town centre, just under half a mile from Tonbridge train station. The main school site is accessed via Brook Street (pedestrian and vehicular), and the school also has remote playing fields (known as Vizards) approximately 0.6 of a mile to the west, adjacent to the access to Haysden County Park on Lower Haysden Lane. The school's remote playing field includes a floodlit synthetic pitch, grass turf pitches, sports pavilion and changing facilities, and car parking. Vizards playing field can be reached via a footpath along Lower Haysden Lane and Brook Street.
2. The 5.1 hectare main school site lies to the north of Brook Street, opposite West Kent College. The site is split on two levels, with the school buildings located on the higher plateau to the south east of the site and playing fields on the lower plateau to the north and west. The built accommodation occupies approximately a third of the site and comprises a number of buildings varying in age from the 'School Room' built in 1896, to the Ashton Building completed in 2017 and a more recent extension to the Religious Education Studies building. Hayesbrook Academy lies to the west of the site, and Sussex Road Primary School to the north west. Residential properties in Chichester Road and Mabledon Road lie to the north of the site (the residential area to the north of the school site is locally known as 'Meadow Lawn') and properties in Tulip Tree Close back onto the school's eastern boundary. The whole of the school site is located within the Quarry Hill Conservation Area. A site location plan is attached.

Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Site Location Plan



 Conservation Area

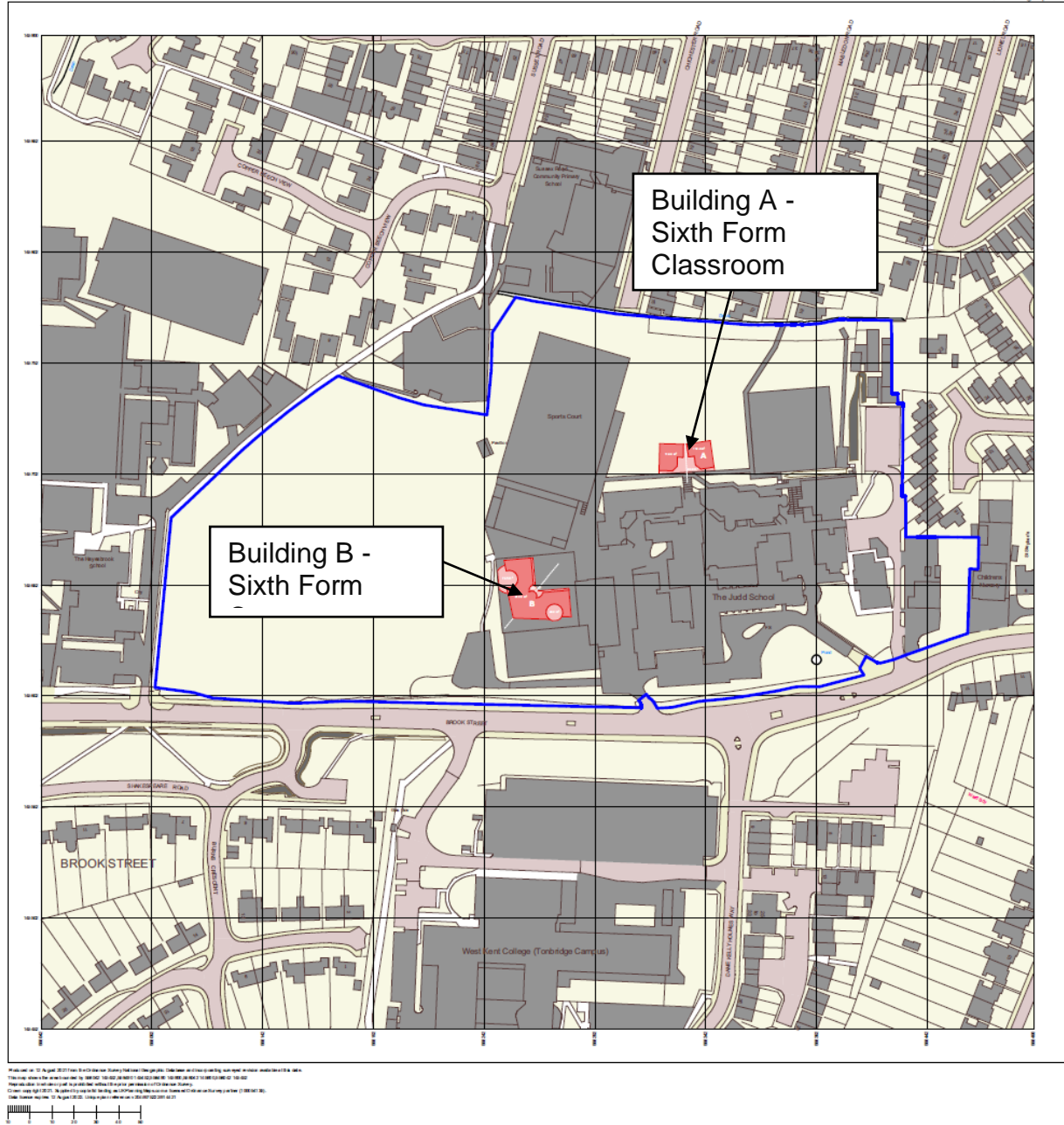
Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Site Location Plan



Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Site Location Plan

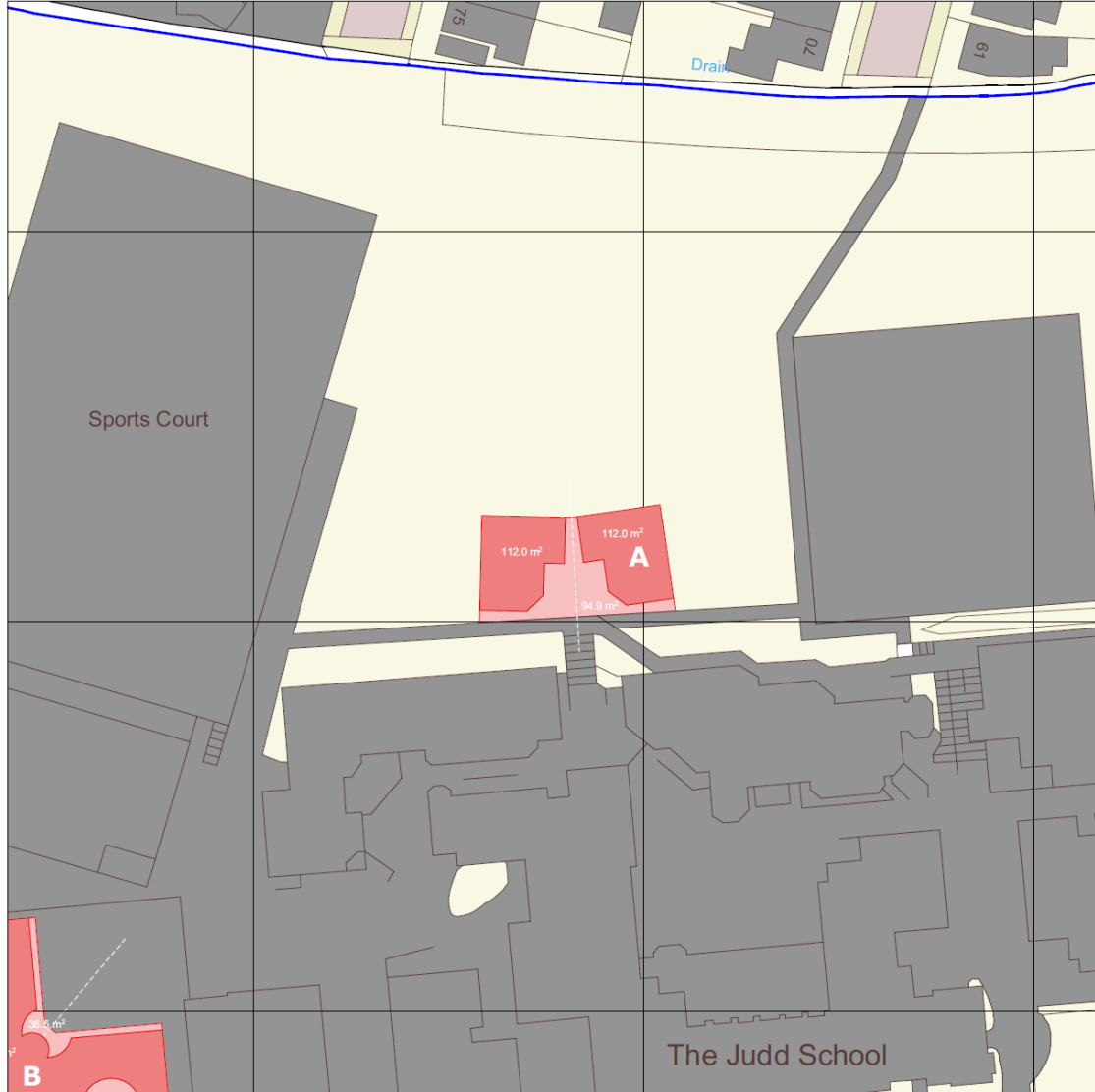


Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Proposed location of Building A – Sixth Form Classroom Block

The Judd School, Kent

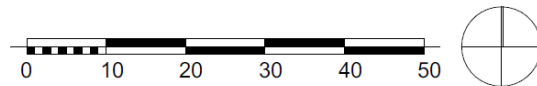
Received - 24 January 2022
Planning Applications Group



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Site Location Map
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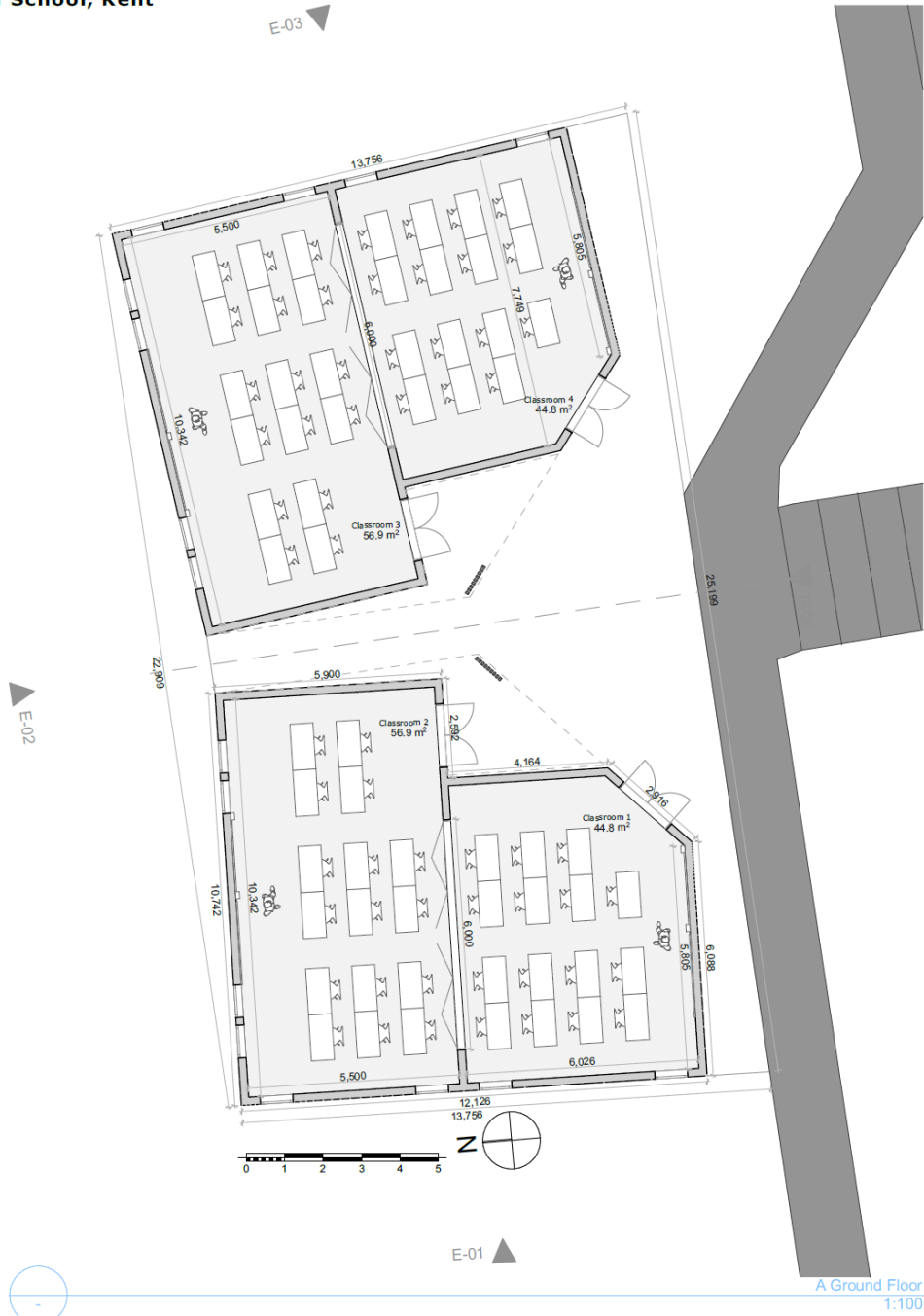


Pod Developments Ltd. Suite 263 Peel House Altrincham Greater Manchester WA14 2PX t: 0330 377 3873 e: info@ecopoddesign.co.uk www.ecopoddesign.co.uk	<input type="checkbox"/> Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction issue <input type="checkbox"/> As Built	1. This drawing and content is copyright © of Pod Developments Limited 2. Do not scale. All dimensions to be checked on site prior to construction	Drawing no: 3.2 Drawing title: Block Plan Building A Client: Jon Wood Drawn by: BG Checked: PD	Project: The Judd School Post Address: Brook Street, Tonbridge TN9 2PN Scale: 1:500 @ A3 Date: 19.01.2022 Rev nr: 3	

Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Proposed Ground Floor Plan of Building A – Sixth Form Classroom Block

The Judd School, Kent



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Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Proposed Artist Impressions of Building A – Sixth Form Classroom Block

Proposed Classroom Block

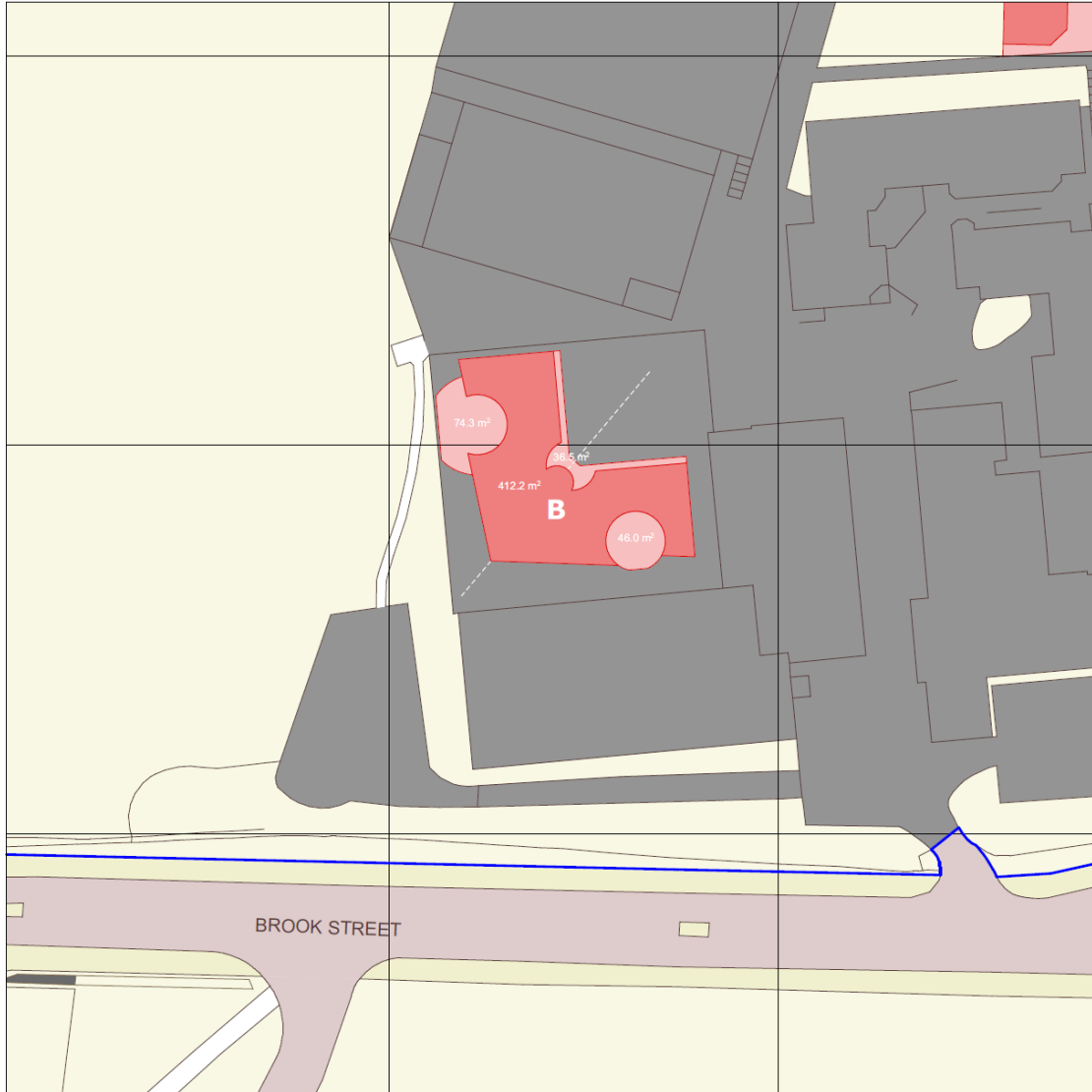


Item D1

Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Proposed location of Building B – Sixth Form Centre

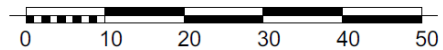
The Judd School, Kent



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Site Location Map
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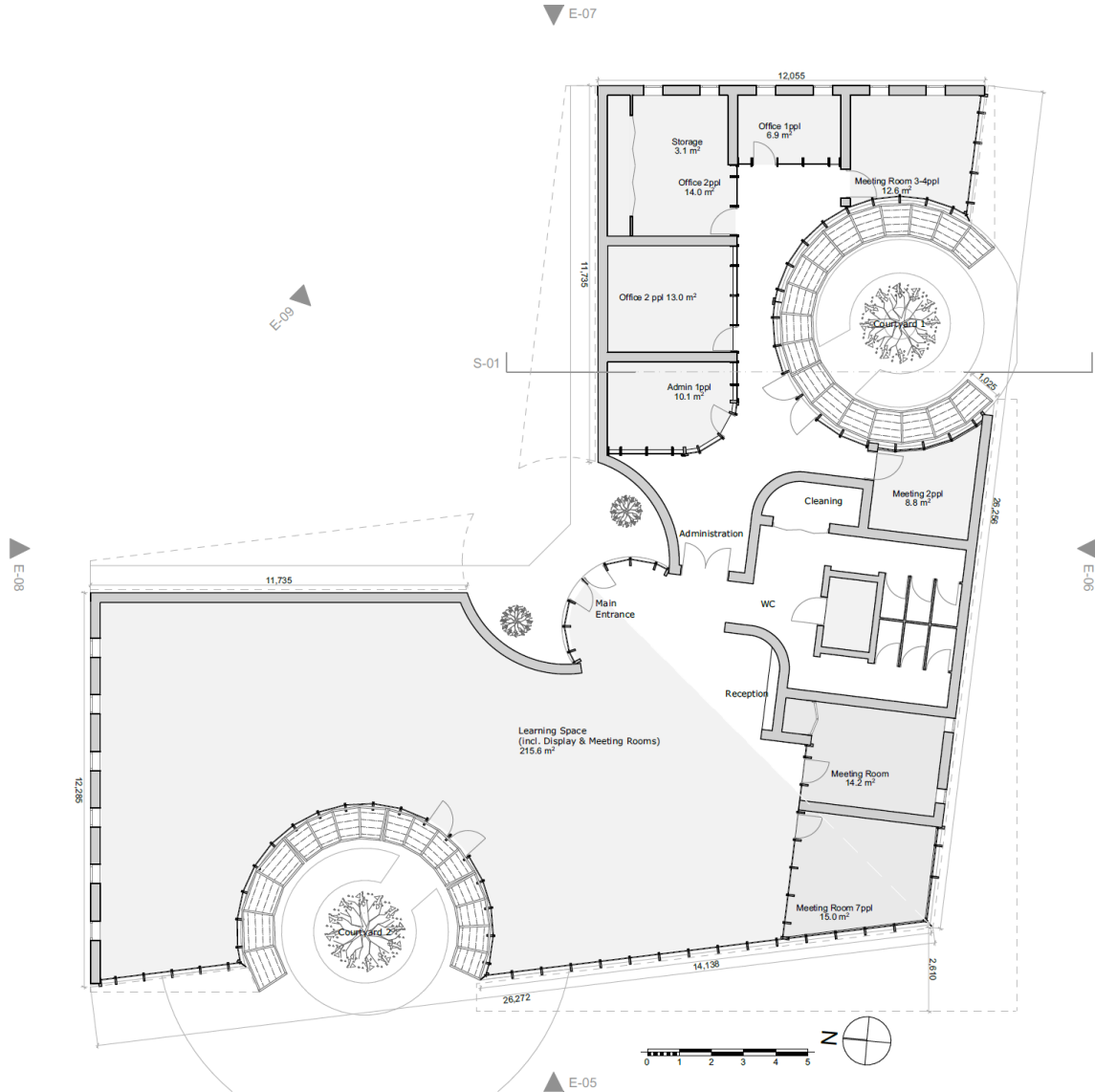
Pod Developments Ltd. Suite 263 Peel House Altrincham Greater Manchester WA14 2PX t: 0330 377 3873 e: info@ecopoddesign.co.uk www.ecopoddesign.co.uk	<input type="checkbox"/> Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction issue <input type="checkbox"/> As Built	1. This drawing and content is copyright © of Pod Developments Limited. 2. Do not scale. All dimensions to be checked on site prior to construction	Drawing no: 3.9 Drawing title: Block Plan Building B Client: Jon Wood Drawn by: BG Checked: PD	Project: The Judd School Post Address: Brook Street, Tonbridge TN9 2PN Scale: 1:500 @ A3 Date: 19.01.2022 Rev nr: 3	

Item D1

Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Proposed Ground Floor Plan of Building B – Sixth Form Centre

The Judd School, Kent



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	Client: Jon Wood		Scale: 1:100 @ A3	
	Drawn by: BG Checked: PD		Date: 19.01.2022	
			Rev nr: 3	

Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Proposed Artist Impressions of Building B – Sixth Form Centre

Proposed Sixth Form Centre



Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Background

3. The Judd School is a popular school located off Brook Street, to the south of Tonbridge. As of September 2021, there were 1428 students at the school including 476 pupils in the sixth form. Over the past 10 to 15 years, the sixth form has grown from 280 pupils, when the school was a 4 form of entry (FE) school in Years 7 to 11, to over 340 pupils in the sixth form, by admitting more girls to achieve a better co-educational balance. In 2013 the School further increased the number of pupils in Year 7 by accepting an additional form of entry so increasing to a 5FE school. These pupils then reached the sixth form in 2018, by which time the sixth form had grown to 389 pupils. Throughout this period, the School confirmed that it maintained the co-educational balance with 30% of students being girls in the sixth form.
4. The School undertook a further 1FE expansion of pupils in 2017, to become a 6FE school and now it is approaching the point where the school's latest expansion in Years 7 – 11, would reach the sixth form in September 2022. The table below shows the additional 1FE increases in 2013 and 2017 and how these pupils have worked their way through the school to reach the sixth form. Previously in 2018, it was confirmed that the latest admissions data for Tonbridge and Malling indicated a strong demand for secondary places in the Borough, particularly in the Tonbridge Town Centre area. Overall provision in the Borough was predicted to be below the target of 5% surplus places, with around 3% for September 2018. However, the only available capacity was at that time in the north of the Borough, approximately 10 miles from Tonbridge Town.
5. In 2018, the majority of the schools in the Tonbridge Town Centre area received first parental preferences for places above their published admission numbers (PANs). At that time, The Judd School was the most oversubscribed, receiving 300 first preferences for the 180 places (including the temporary 30 place bulge) available for September 2018.
6. It was therefore proposed to expand The Judd School permanently by 1 FE from September 2019 (please note that the school did admit additional Year 7 pupils in 2017 and 2018 as temporary 'bulge' year's, and this can be viewed in the table below). This expansion increased the admission numbers each September from 150 to 180, an additional 30 Year 7 places. The 1FE expansion in September 2019 increased the school roll to 1311 (6FE including sixth form) and included an extra 11 members of staff. The table shows the actual and predicted pupil numbers for the entire school and how the sixth form is proposed to grow to 560 pupils by 2023, by accepting 280 pupils a year in both the lower and upper sixth forms. This is a proposed expansion of 84 pupils in the sixth form and a proposed increase of 8 pupils in the lower school. From 2023, it is proposed that there would be a total of 1520 pupils across the whole school.

Item D1

Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

Year	7	8	9	10	11	12	13	Main School	6th Form	Total Student #s
2012	127	131	130	131	124	183	160	643	343	986
2013	154	125	130	129	132	172	173	670	345	1015
2016	155	152	154	158	121	166	181	740	347	1087
2017	188	155	153	156	158	180	155	810	335	1145
2018	183	184	154	150	156	209	180	827	389	1216
2019	192	183	187	157	151	232	209	870	441	1311
2020	192	190	183	189	159	234	235	913	469	1382
2021	192	192	193	186	189	246	230	952	476	1428
2022	192	192	192	193	186	279	246	955	525	1480
2023	192	192	192	192	193	280	279	961	559	1520
2024+	192	192	192	192	192	280	280	960	560	1520

Table showing actual and predicted pupil numbers at The Judd School between 2012 and 2024

7. The School has confirmed that there is no limit set in the number of its current pupils who are eligible to transfer from Year 11 to Year 12, as long as they pass the minimum criteria, they are entitled and assumed to stay on the school roll. However, the School has confirmed that they consider it is important for the school ethos to attempt to maintain the gender balance in the sixth form. With the current emphasis on gender equality and the importance of co-educational experience in the sixth form following a single sex education in Years 7 to 11 for the pupils, the School has confirmed that it is important to create this balance and that they would like to be able to retain it. Currently around 1 in 4 of the external pupils joining the school in the sixth form are female.
8. The School currently accepts around 170 boys into the sixth form and so the school take on around 110 external pupils into the sixth form (please note that this number of internal and external pupils will change every year, depending on how many current students make the minimum criteria and chose to transfer into the sixth form however the overall number of pupils accepted into the sixth form would be 280 pupils). It has been confirmed that there would be a total number of 560 pupils in the sixth form after this current expansion, with 280 pupils in each of the lower and upper sixth forms. This would be result in an increase of 84 additional pupils, following the next two years of the 6FE year groups tracking through to Year 13.
9. Whilst the school is currently twice the size that it was in 2004, the applicant has confirmed that the sixth form has remained in the same environment, with a cramped and unsuitable study area. It has approximately 45 computers in a room with a limited mezzanine area and a fire limit of 60 students. This is also paired with an adjacent 'common room' or café which the School has stated that it cannot accommodate sufficient numbers. In order to maintain the success and nature of the sixth form, the School has confirmed that it now needs to provide additional accommodation for the sixth form.

Recent Planning History

10. The most relevant recent site planning history is listed below:

TM/22/565

The enhancement of existing gardens at the front of the school.
Yet to be determined.

Proposed sixth form centre and sixth form classroom block – The Judd School, Brook Street, Tonbridge – TM/22/203

- | | |
|------------|---|
| TM/19/506 | Section 73 application for the proposed variation of planning condition number 5 (removal of time restriction on delivery of pavilion facility) following the granting of planning permission reference TM/15/3918 dated 7 April 2016.
Granted with conditions. |
| TM/18/1924 | Proposed expansion from 5 to 6 forms of entry involving two storey extension of existing religious studies building, two new multi-use games areas (MUGA), creation of new 'exit only' footpath link to Mabledon Road, provision of 14 additional car parking spaces and associated landscaping works.
Granted with conditions. |
| TM/18/2532 | Section 73 application for the proposed variation of planning condition number 8 (removal of 'no community-use' restriction) following the granting of planning permission reference TM/15/121 dated 16 April 2015.
Granted with conditions. |
| TM/18/2527 | Full planning application for the proposed erection of a temporary single storey modular building to be used as changing room/pavilion facility to serve the Judd School's off-site outdoor sports facilities.
Granted with conditions. |
| TM/15/3918 | Full planning application for the relocation of The Judd School's outdoor playing pitches at Yeomans - comprising 1 x grass senior rugby pitch, 1 x grass junior rugby pitch, 1 x grass training pitch, 1 x floodlit synthetic pitch (with restricted non-school use), 1 x hammer cage, 1 x cricket square plus all weather wicket and a single storey changing rooms block and associated landscaping works.
Granted with conditions. |
| TM/15/554 | Proposed expansion of The Judd School (Brook Street, Tonbridge) from 4 to 5 forms of entry involving the demolition of existing kitchen and part of the dining space and reinstatement of former external facade, erection of a part two and three storey building, provision of 9 additional car parking spaces and associated landscaping works.
Granted with conditions. |
| TM/15/121 | Proposed change of use from agricultural land to recreational playing field to serve The Judd School together with associated ancillary development including access, parking, and hard landscaping works.
Granted with conditions. |
11. Originally this planning application, which is the subject of this report, was submitted incorrectly to Tonbridge and Malling Borough Council for their determination. The application is one that falls to the County Council to determine under the Town and Country Planning General Regulations, and this should have been picked up at validation. However, this mistake was only realised after the consultation process has been undertaken and completed by Tonbridge and Malling Borough Council. The

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applicant was then informed of the mistake and the planning application was withdrawn without a decision being reached and the planning application documents were duly re-submitted to Kent County Council, as the correct Planning Authority to determine this application. The County Council has undertaken its own consultation process with statutory consultees and publicised the planning application in accordance with planning requirements.

Proposal

12. The planning application proposes to provide 2 new standalone buildings to be used by an expanded sixth form of up to 560 pupils across Years 12 and 13. The proposed development comprises of the following key components:
 - Building A – sixth form classroom block, and
 - Building B – sixth form centre.
13. Building A (sixth form classroom block) proposes a total of four classrooms, with two smaller classrooms both measuring 44.8m² in size and the remaining two larger classrooms both measuring 56.9m². It is proposed to have the smaller classroom at the front of the building and the larger classroom to the rear and this arrangement is the same for both halves of the building with a small corridor and general circulation space running down the middle of the proposed building. It is also proposed to have partition walls between the smaller and larger sized classrooms so that they could be opened up into one big classroom measuring just over 100m² (creating two larger sized classrooms in total). It is proposed to locate this building to the north of the existing school buildings on an area of unused grassed field, between the existing MUGA (to the east) and the existing sports court (to the west).
14. The applicant states that the sixth form classroom block is proposed to serve two critical functions for the school. Firstly, it would provide four additional classroom spaces, utilised by departments as they exceed their existing spaces. Secondly, it would provide two additional examination spaces, each able to accommodate 50 students under external exam conditions, or up to 90 for an internal exam. This would greatly alleviate the pressure on the sports facilities (gym and sports hall) during the exam weeks, periodically throughout the year as the School has confirmed that one third of the weeks in the school year have internal exams for one year group or another.
15. With regards the teaching classrooms proposed, currently the School's timetable is operating on 93% capacity use on standard classroom spaces, 86% in the school labs and 91% over the pair. The proposal would bring greater flexibility for different teaching spaces to the meet the needs of the curriculum, where one or more lessons are taught in an unsuitable classroom. The proposed four additional sixth form classroom spaces would bring the overall capacity of the School's teaching spaces down to 83% capacity, allowing greater freedom to balance timetabling accordingly.
16. Building B (sixth form centre) proposes a single storey V-shaped building which would include a large open plan space in one half of the building, is intended to be used as a sixth form centre for lone working, socialising, meetings, and group activities. In the remainder of the building, it is proposed to have toilets, offices, admin space, storage space, meeting rooms and a staff room. It is also proposed to have 2 external vegetated courtyard areas. It is proposed to locate the sixth form centre building to the west of the existing school buildings on an area of existing underused hardstanding games area.

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17. This planning application proposes to provide an additional 888m² of floorspace over the 2 standalone buildings. Both single storey flat roof buildings are proposed to be built from mainly timber cladding and thus giving the building high eco credentials and allowing a natural appearance. The designs would also allow both separate buildings to visually link in with each other making them clearly recognisable as sixth form buildings. It is proposed that the buildings would be constructed from Forest Stewardship Council (FSC) sourced structural timber, and would be dressed in FSC sourced timber cladding, and with FSC sourced timber detailing. The Self Insulated Panels (SIP) wall and floor system would allow the building to prevent excessive air leakage, and the extra insulation would give the building exceptional U-values (thermal transmittance or U-value, is a measure of the rate of heat loss of a roof or wall construction) to ensure that running costs and energy usage is kept to a minimum. All windows and doors would be double glazed and A rated, and the building would incorporate a state of the art infrared panel and air source heating system which would mean that the building could reach room temperature within minutes and the applicant has confirmed that there should be no wasted energy heating cold air before the building needs to be used.
18. Furthermore, the applicant has confirmed that the proposed buildings have been designed with a keen interest in cutting edge sustainable construction, and to create an environmentally friendly building with low energy consumption. As mentioned above, to achieve this the main construction of the buildings would be made of SIP panels. All structural timber, decking, and exterior cladding is from FSC sources and would mean that two trees would be planted for every tree used in creating the timber for the two standalone buildings. All floor coverings and window and door frames would also be recyclable, and extra insulation would be used on the exterior of the building to provide low U-values which would far exceed building regulations. It is proposed that the heating would be via a very efficient air source heat pump and infrared panels. As most of the materials would be manufactured off site and sourced within the U.K. this should significantly cut down on installation times and reduce pollution during the construction phase.
19. The applicant has stated that the new buildings would promote an environmental ethos and offer enhanced facilities to compliment the good work the school provides. Currently these vital services are restricted due to the lack of space within the school, and the new stand-alone environment created by the proposed buildings, would allow the school to offer an outstanding level of care and support for the sixth form pupils.
20. As part of the determination process, the planning application has been amended to allow sixth formers to park during the school day at the school's off-site playing fields car park, known as Vizards and which is located off Lower Haysden Lane.

Planning Policy Context

21. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:
 - (i) **National Planning Policy Framework (NPPF) July 2021** and the **National Planning Policy Guidance** (first published in March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will

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depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

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

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

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- whether impacts from the development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Conserving and enhancing the natural environment;
- Planning policies and decisions should prevent unacceptable risks from pollution and land instability and should ensure that new development is appropriate for its location, and

Conserving and enhancing the historic environment.

In addition, Paragraph 95 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.*

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

(iii) **Development Plan Policies**

Tonbridge and Malling Borough Core Strategy September 2007:

Policy CP1 Sustainable Development: 1) All proposals for new development must result in a high quality sustainable environment; 2) provision

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should be made for housing, employment and other development to meet the needs of existing and future residents of the Borough; 3) the need for development will be balanced against the need to protect and enhance the natural and built environment. In selecting locations for development and determining planning applications the quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and, wherever possible, enhanced. 4) locations for development should seek to minimise waste generation, water and energy consumption, reduce the need to travel and where possible avoid areas liable to flooding; 5) new housing development should include a mix of house types and tenure and mixed use developments promoted where appropriate; 6) development to be concentrated at the highest density compatible with the local environment, and be well served by public modes of transport; 7) that development should minimise the risk of crime and make appropriate provision for infrastructure to serve the new development including social leisure, cultural and community facilities and adequate open space accessible to all.

Policy CP2

Sustainable Transport: New development that is likely to generate a significant number of trips should (a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres; (b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities; (c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking; (d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; (e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and (f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

Policy CP24

Achieving a High Quality Environment: 1) All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance, be designed to respect the site and its surroundings; 2) All development should accord with the advice contained in Kent Design, By Design and Secured by Design, and other supplementary Planning Documents and, wherever possible, should make a positive contribution towards the enhancement of the appearance and the safety of the area; 3) Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted; 4) The Council will seek to protect and enhance existing open spaces; 5) The environment within river corridors will be conserved and enhanced.

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Tonbridge and Malling Managing Development and the Environment Development Plan Document April 2010:

- Policy CC1** **Sustainable Design:** Requires all proposals for new development, building conversions, refurbishments, and extensions to incorporate passive design measures to reduce energy demand.
- Policy CC3** **Sustainable Drainage:** Development will not be permitted if it has an unacceptable effect on the water environment, including surface water and groundwater quality and quantity. Proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soils conditions.
- Policy SQ1** 1) Proposals for development will be required to reflect the local distinctiveness, condition, and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.
2. All new development should protect, conserve and, where possible, enhance: (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form, and important views; and (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.
- Policy SQ8** **Road Safety:** 1) Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure is in place or is certain to be provided; 2) Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; 3) Development proposals should comply with parking standards; 4) appropriate mitigation measures shall be provided where required before a development is occupied.

Consultations

22. **Tonbridge and Malling Borough Council:** Raises no objection to the planning application.

Kent Highways: Initially raised a holding objection to the planning application pending the submission of further information relating to school roll, confirmation of the total number of responses received to the travel surveys contained in the School Travel Plan survey and how many responses were from sixth formers, further clarity of the trip generation calculations, confirmation of the catchment area for the existing sixth form students and confirmation of the proposed/likely future catchment area for sixth form students, and provision of a level of car parking and cycle parking in accordance with current parking standards.

Following receipt of the requested additional information and being satisfied with the response received from the School, Kent Highways raise no objection, subject to two conditions and an Informative. The following comments have been made:

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“Trip Generation and Impact

As requested in this authority’s initial consultation response the applicant has confirmed that at the time of the survey that supports the trip generation forecasts presented in the Transport Statement (TS) 1,318 students were on roll. Of the 1,318 students on roll 1,129 responded to the survey. 346 of the 1,129 students that respond were sixth students meaning that sixth formers made up 30% of total respondents. KCC Highways are therefore content that the sample size is large enough to be representative and provides a suitably robust basis for forecasting purposes.

Postcode data for current year 11 students and existing sixth form students has also now been provided. Review of this information confirms that a significant proportion of students live within 20 kilometres of the school. Consequently, it is reasonable to conclude that the modal split of new students would be similar to existing. The suitability of this conclusion is further reinforced by the fact that the additional floor space permission is sought for is intended to accommodate existing students who have progressed through the lower school to the sixth form.

KCC Highways has some concerns over the additional local congestion this development would create. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. That can only be judged on a case-by-case basis, taking account of all material factors. As a result of the timings of the school day it is only during the AM peak hour that the additional development traffic would coincide with the highway peak hour.

Whilst KCC Highways has considered the amount of additional traffic that the development is likely to generate on to the local highway network, in this instance KCC Highways are not able to conclude that the impact of the level of additional traffic could be considered ‘severe’ in congestion or safety terms. However, Members should be aware that the residual impact of this development is likely to be characterised by some increase in congestion, which the applicant cannot fully mitigate.

Parking

Car Parking

To address this authority’s previous concerns the applicant has proposed the use of the ‘Vizards’ car parking facility. As demonstrated on the applicant’s car parking plan (drawing number: 3.17 titled ‘B Additional Car Park’) this area has capacity for the parking of more than 60 vehicles. Consequently, this facility provides capacity to accommodate the additional provision required because of the proposed development, whilst also accommodating existing demands to some degree.

KCC Highways understand that students are not permitted to park on the school site. Consequently, any parking demand generated by sixth formers who are eligible to drive is displaced onto the streets that surround the school.

The applicant’s ability to offer an additional facility that is wholly within their control, in conjunction with a robust set management plan therefore offers the opportunity to significantly reduce the levels of parking stress on nearby streets. KCC Highways consider this to be a material benefit in highway terms. This provision should

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therefore be secured in perpetuity via condition to ensure that during school hours it is used for the purposes of sixth form and staff parking only.

Details of how the facility would be managed to prevent its misuse by members of the public are also provided in the applicant's latest submission. Measures include locking of the facility during school hours, introduction of a permit system, clear signage, and the consideration of clamping of non-authorized vehicles. These measures are considered suitable by KCC Highways.

Finally, the proximity of the car park to Haysden Lane junction with Upper Haysden Lane significantly reduces the likelihood of conflict between vehicles travelling in opposing directions. In addition, the facility already benefits from a continuous off road pedestrian link that provides direct connectivity to the school site.

Cycle Parking

Confirmation that additional cycle parking provision has been installed on site has been provided. The level of additional provision is commensurate with that required for the level of expansion proposed, thereby satisfactorily addressing this authority's previous concerns.

Summary and Recommendation

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to a condition requiring the retention of the Vizards car parking area for sixth formers and staff parking only during school hours in perpetuity and a pre-commencement condition requiring the submission of a Construction Management Plan. An Informative is also recommended regarding obtaining any necessary highway approvals".

KCC Conservation Officer: Raises no objection and has the following comments to make:

"The site of the school is located in Sub Area C of the Quarry Hill Conservation Area, designated in 1991, which is located to the south of the centre of Tonbridge. The school site has been included due to its landscaped school grounds and because of its core of 19th century buildings, now flanked by modern extensions. The school moved onto the present site in 1896 from its original home at Stafford House.

The school site is bounded by Brook Street to its south side, which forms the main entrance. A late 20th century housing estate forms the eastern boundary of the site. To the north are two streets of Victorian villas, Mabledon Road and Chichester Road. Views of the north elevation of the school can be gained from the ends of these two streets.

To the north west of the site is the modern Sussex Road housing development that includes a Community Primary School. Immediately to the west of the Judd School is the large site of Hayesbrook Academy. There are no designated historic assets within visual range of the Judd School site. The closest historic building is the Grade II listed Brook Street farmhouse, located 150m to the west.

The proposal involves the construction of two single-storey flat-roofed buildings. Natural timber has been chosen for the exterior finish of the buildings, with

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fenestration details of anthracite grey. The larger of the two buildings would be located within the existing development footprint, on the site of a tarmacked games court. Only the west elevation of the new building would be distantly visible, from areas to the west and south west, as existing blocks stand immediately to the east, north and south.

The smaller building extends the existing development footprint to the north of the school. The development site selected is a currently disused games area. The proposed building would be visible from the two streets to the north and distantly visible from areas to the north east and north west of the school site.

Views of the larger building from Brook Street and from the area of Hayesbrook Academy would be subject to a relatively minor change, as the new building would act as infill to the line of modern structures on the school's western side. As such, the level of visual harm caused to the setting of the Conservation Area as a result of the building's construction would be neutral.

The presence of the smaller building to the north of the existing development footprint would cause a low level of visual harm to the setting of the Conservation Area through the loss of existing open space it would occupy. The aesthetically harmonious materials and colour palette chosen for the new building, together with its compact, single storey form, combine to mitigate the harmful impacts. The smaller building would neither enhance nor detract from existing views of the school buildings from the north side.

Overall, the public benefits associated with the increase in usable interior space generated by the construction of the two new buildings significantly outweigh any visual harm resulting from their presence.

The Heritage Conservation team does not wish to raise any objection to the proposed development”.

KCC Sustainable Drainage Officer: Raises no objection subject to the imposition of conditions including two pre-commencement conditions requiring a detailed sustainable surface water drainage scheme to be submitted and to demonstrate that an effective outfall for surface water is provided for the development layout. A further condition is also required for a Verification Report to be submitted prior to the occupation of any the buildings hereby permitted.

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

“It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or

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- land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.¹

The Proposal and Impact on Playing Field

The proposal is for the erection of a new sixth form classroom on part of the small remaining playing field area to the north of the existing school buildings.

Assessment against Sport England Policy/NPPF

The proposal does not meet with any of Sport England's policy exceptions. I have considered the Headteacher's response to our previous objection and while I would not agree with his analysis of how the proposal accords with our policy, I have noted that the Vizards site does provide good quality alternative sports pitches for the school. Whilst these cannot be offset against the proposed loss, having been provided some years ago, and in the case of part of the site, as a replacement for pitches lost at Yeomans, I do except that these facilities meet the school's own requirements and are also available to wider community which is not the case with the on-site facilities. That being the case, Sport England does not object to the proposal in this instance.

Conclusion

Further to the above assessment, Sport England does not wish to raise an objection to this application, nor do we wish to recommend any conditions should planning consent be granted".

Local Member

23. The local County Members Mr Hood and Mr Stepto were notified of the application on 27 January 2022. The following comments have been received:

Mr Hood's comments

"I am concerned about the planning application for Judd School, Ref: KCC/TM/0248/2021, and the lack of detail in the current publicly available papers. There is no evidence of the response from Kent Highways which the correspondence from the Headteacher relates to. I have concerns about many aspects of this development in terms of its effect on neighbouring properties including flooding from displaced water at Sussex Road School and the effect on the local traffic system.

I am however completely open minded regarding the application and would like to see all the documents relating to it.

I would like to speak at the Planning Committee when this comes up".

Mr Stepto's comments

"Representing Sussex Road Primary School, I have real concern regarding the impact this further building expansion would have on potential flooding of our grounds. Since the installation of the all-weather pitch on Judd's site, the volume of run-off water flowing over our playground has increased enormously. The run-off can make the playground unusable at times or require us to cordon off areas which pose a risk to the children. Our site is very small; outside space is significantly limited for

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451 children with no grassed area at all. We installed a multi-use games area to try to improve our facilities for teaching PE. This was installed on existing playground space so has not compromised drainage on our site. However, the vast run-off and the speed at which the water flows, requires much higher levels of maintenance to the surface than anticipated. Overtime, we have spent valuable funds on trying to improve the drainage; recently, at great cost, we have needed to replace a safety surface due to the pooling water.

We have also removed pathways and hard surfaces on our grounds to try to reduce the amount of sitting water; we have plans to redevelop the school pond area, considering planting carefully, in an attempt to use the run-off to best effect. As we sit on lower ground to Judd, the run-off is inevitable, but it has very much increased since previous building works and it is becoming hugely costly for us to manage, with negative impact on our children's learning and provision. Although we can see enormous educational gains for the students at Judd which can only be of benefit, we try our best to make PE and play as effective as possible with grounds that are already not fit for purpose; the possibility of even more surface run-off to manage will compromise the quality of education and provision at Sussex Road. Is mitigating the very likely detrimental impact of this development on neighbouring grounds something that could be factored into the condition of the works? With a wealth of open space just over the boundary fence, could this be something that could benefit pupils from both schools?"

24. Both County Members were also notified on 4 May 2022, about the additional car parking information that had been submitted due to ongoing discussions between the School and Kent County Council. No further response was received from either Mr Hood or Mr Stepto.

Publicity

25. This application was advertised by the placing of a press advert in the Kent Messenger (all editions) paper on 3 February 2022. A total of 7 site notices were also posted in the roads that surrounded the school site. 3 site notices were posted in various locations along Brook Street, 2 site notices were posted in Mabledon Road, 1 site notice was posted in Chichester Road and 1 site notice was posted in Copper Beech View.

Representations on the planning application

26. A total of 5 representations have been received from local residents objecting to the application. The main points of objection are summarised below:
- This application would result in an increase in vehicle traffic along Brook Street. This road would see a significant increase in traffic if the recently approved initial planning for 120 odd homes on Lower Haysden goes ahead.
 - The traffic is unbearable during the school hours. The area cannot deal with any more building whether housing or school building.
 - With extra sixth form students attending, more students travelling to that school by car would need to park nearby. Many of those local roads are introducing double yellow lines so the knock-on effect of parking all over that estate would be unacceptable.
 - The streets around this area are already clogged with cars from Hayesbook and Judd. Residents parking is to come into force along Shakespeare Road shortly. This will push the cars to park along the main Brook Street road and Upper

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Haysden as no double yellow lines are there yet, and also on the Molescroft Estate.

- Drop off outside Judd is chaos in the mornings with parents turning around in the College and pulling across into the lay-by.
 - Parking should be provided on the school premises.
 - This application would add to flood risk in an around the local area, particularly the schools and housing close by.
27. Furthermore, an email was received from the Mabledon Road Residents Association asking to confirm receipt of their comments and questions that they had sent in. However, upon searching no comments were found to have been submitted by the Residents Association and so they were asked to re-submit their comments. They were contacted via email (on the same email address that the Residents Association had used) on 4 separate occasions and asked to re-submit their comments, however no response was received to any of these requests. There has been no further communication from the Mabledon Road Residents Association.

Discussion

28. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (21) 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. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The proposal therefore needs to be considered in the context of the Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations including those arising from consultation and publicity.
29. This application is being reported for determination by the Planning Applications Committee due to letters of representation received from local residents and the local County Members objecting to the planning application. In this case the key determining factors, in my view, are need and the principle of the development, design and siting including heritage matters, traffic and parking, and drainage issues. In the Government's view, the development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in paragraph 56 of the NPPF.

Need and principle of development

30. As outlined in paragraph 21 of this report, the National Planning Policy Framework (NPPF) supports the provision of school accommodation as a means of place making and promoting healthy and sustainable communities. Decisions should be made which guard against the unnecessary loss of valued facilities and services, particularly

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where this would reduce the community's ability to meet its day-to-day needs. It should also ensure that established facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

31. Additionally, Paragraph 95 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive, and collaborative approach to meeting this requirement and to development that would widen choice in education. They should give great weight to the need to create, expand or alter schools, and work with school's promoters to identify and resolve key planning issues before applications are submitted. There is similar strong policy support in the Government's Planning Policy Statement for Schools (2011).
32. As referred in the background section of the report, the proposal arises due to expansion of the school which has already taken place in Years 7 to 11 to meet the demand for selective secondary school places in the Tonbridge area and which is currently ongoing. This 1FE expansion of the School has also resulted in an increase in the number of pupils accepted into the sixth form by an additional number of 84 pupils, which would bring the total in the sixth form to 560 pupils in both the lower and upper sixth form.
33. The school is currently twice the size that it was in 2004, however the sixth form has remained in the same environment, with a cramped and unsuitable study area. The School has stated that it currently has approximately 45 computers in a room with a limited mezzanine area and a fire limit of 60 students. This is also paired with an adjacent 'common room' or café which the School says that it cannot accommodate sufficient numbers. In order to maintain the success and nature of the sixth form, the School has confirmed that it now needs to provide additional accommodation for the sixth form. It is therefore proposed to provide as part of this planning application a new standalone sixth form classroom block, comprising of 4 classrooms which can be made into two larger classrooms by moving the partition wall as well as providing a standalone sixth form centre. This would enable the sixth form to expand by 84 pupils and allowing a total of 560 pupils into the sixth form in both the lower and upper sixth form, which would enable a greater number of current pupils at the school to stay into the sixth form as well as accepting a proportion of pupils from outside of the current school.
34. Based on the above, in my view, it is evident that there is a clear case for additional sixth form accommodation at the school, following on from the recent expansion of school places in Years 7 to 11. Support for the provision of school places is also heavily embedded in the NPPF, and I consider that the education need for the proposed development should be given significant weight in this instance. In considering the above, I accept the need for the proposed development.

Design and Siting including Heritage matters

35. The planning application proposes to provide 2 new standalone buildings to be used by an expanded sixth form of up to 560 pupils over the two year groups. The proposed development comprises of a sixth form classroom block, and a sixth form centre. Both single storey flat roofed buildings are proposed to be built from mainly timber cladding. The applicant has stated that the buildings have been designed to allow them to effortlessly sit in the natural surroundings while heavily promoting an environmentally conscious ethos. The designs would also allow both separate

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buildings to visually link in with each other making them clearly recognisable as sixth form buildings.

36. It is proposed that the new buildings would sit within the grounds of The Judd School, with the sixth form classroom being located on an existing grassed area, located between the all-weather pitch and sports hall, whilst the larger sixth form centre is proposed to be located on an existing hard standing area on the other side of the sports hall. The applicant has been mindful that the school is located within the Quarry Hill Conservation Area, and so the proposed location, views of the proposed buildings, the design and use of materials have all needed to be considered carefully to satisfy Local Plan Policies CP1 and SQ1.
37. It should be noted that the County Conservation Officer has been consulted on the planning application and noted that Building A (sixth form classroom block), whilst extending the existing development footprint to the north of the school, has confirmed that this development site selected is a currently disused games area. He also notes that this proposed building would be visible from the two streets to the north and that it would also be visible from areas to the north east and north west of the school site. The County Conservation Officer also noted that Building B (sixth form centre) would result in views of this building from Brook Street and from the area of Hayesbrook Academy. However, the County Conservation Officer has agreed that the views would be subject to a relatively minor change, as the proposed building would act as infill to the line of modern structures on the school's western side.
38. Furthermore, the proposed planning application would involve the construction of two single-storey flat-roofed buildings. and it has been noted that natural timber has been chosen for the exterior finish of the buildings, with fenestration details of anthracite grey. The consultation has concluded that the level of visual harm caused to the character and appearance of the Conservation Area as a result of the building's construction would be neutral. Overall, the County Conservation Officer has confirmed that the public benefits associated with the increase in usable interior space generated by the construction of the two new buildings would significantly outweigh any visual harm resulting from their presence and has therefore raised no objection to the planning application. I am therefore satisfied that the proposed development would not have a detrimental impact on the character and appearance of the Conservation Area and consider that the proposed development satisfies the requirements of the Local Plan Policies CP1 and SQ1.
39. In light of the above, I consider the overall appearance of the proposed two sixth form buildings to be a suitable form of development and compatible with the form and scale of the school site. I also consider that the proposed locations of the two standalone buildings has been carefully considered to be located close to the existing buildings, which would also not impact upon the amenity of neighbouring properties. I consider that the proposed development satisfies the requirements of the Local Plan Policies CP1, CP24 and CC1 in that the design and siting are considered to be acceptable in this instance. I would not therefore raise a planning objection on these matters.

Highways Issues

40. Objection has been received from local residents and local County Member on grounds of the potential increase in traffic and in increased sixth form parking in the surrounding streets.

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Traffic

41. Objection has been raised about the potential increase in students attending the school and the increased traffic that this would generate in both Brook Street and in the surrounding streets around the school site.
42. The Judd School is located off Brook Street, which in turn is located off the A26, Quarry Hill Road via a mini roundabout. Tonbridge train station is located just to the north of the school site along Quarry Hill Road and less than a 10 minute walk. There are also a number of bus stops located along the Quarry Hill Road and in the vicinity of the train station. The school's main vehicular and pedestrian entrances are located off Brook Street, which pupils can access in the mornings. In the afternoon, in addition to the exits onto Brook Street, the school opens a rear gate from the playing field onto Mabledon Road, which offers the pupils an alternative walking route out of the school premises to help manage the pedestrian traffic out of the school site.
43. The School has previously produced a School Travel Plan in 2020, where the question of how pupils travel to school and back, had been asked of all pupils across the whole school. From this information, the School was able to confirm that over 80% of sixth formers travelled to school by sustainable methods (bus/train/walking), whilst this was slightly lower than the school overall at over 90%, this was still a very high proportion of the school community that were committed to sustainable travel.
44. The School accepts that students in Year 13, in particular as they pass their driving test, do travel by car to school, either alone or with friends/siblings. To be able to find out how many sixth formers did drive to school after passing their driving test, a survey was undertaken of 101 students, of whom 24 reported that they drove to school, and of which 11 car shared. The School has confirmed that given the maximum potential increase in the sixth form school roll has been calculated as 84 additional pupils, then if half of these pupils were in Year 13, and assuming a proportionate increase in self-drive, then this may add as many as 10 additional students travelling and parking locally to the school in both the morning and afternoon and so a potential increase of a total 20 additional vehicle trips.
45. The School has confirmed that overall, and based on an proposed increase number of 92 pupils across the whole of the school (8 pupils in the lower school and 84 pupils in the sixth form), and based on the travel data in the School Travel Plan (and the high proportion of pupils travelling by sustainable means), then it was anticipated that there would be a total increase of 26 vehicle trips (13 in the morning which included the 10 additional Year 13 drivers and 13 in the afternoon and which included the 10 additional Year 13 drivers) as a result of this planning application.
46. Furthermore, the school has confirmed that as a result of the proposed expansion of sixth form pupils that one additional member of staff was proposed to be employed. It is anticipated that the majority of the additional 84 sixth form pupils would join the existing classes rather than creating additional classes.
47. Kent Highways initially sought further information and clarity from the applicant. Upon receiving this additional information Kent Highways confirmed that they were content that the sample size of sixth formers questioned for the School Travel Plan was large enough to be representative and provide a suitably robust basis for forecasting purposes.

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48. Kent Highways also sought information about postcode data for current year 11 pupils and existing sixth form pupils. A review of this information confirmed that a significant proportion of pupils lived within 20 kilometres of the school. Consequently, it was reasonable to conclude that the modal split of new sixth form pupils would be similar to existing. Additionally, the suitability of this conclusion was further reinforced by the fact that the additional sixth form development was intended to accommodate existing pupils who have already progressed through the lower school to the sixth form.
49. Kent Highways raised some initial concerns over the additional local congestion this development would create. The National Planning Policy Framework (*NPPF*) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Kent Highways confirmed that this can only be judged on a case-by-case basis, taking account of all material factors. As a result of the timings of the school day it would only be during the AM peak hour that the additional development traffic would coincide with the highway peak hour.
50. Whilst Kent Highways has considered the amount of additional traffic that the development was likely to generate on to the local highway network, in this instance KCC Highways are not able to conclude that the impact of the level of additional traffic could be considered 'severe' in congestion or safety terms to satisfy the requirements of the NPPF. However, Members should be aware that the residual impact of this development is likely to be characterised by some increase in congestion, which the applicant cannot fully mitigate.
51. Local residents have drawn attention in their comments that another planning application has recently been permitted which they have said would add to the traffic problems along Brook Street. Members have to consider this application in terms of the proposed traffic that this application would generate and based on the data provided by the School, the additional traffic that is estimated to be generated by this application would be a total of 26 trips (13 trips in the morning and 13 trips in the afternoon). Kent Highways have confirmed that this proposed increase in traffic would not be classified as severe enough to object to this application on traffic grounds.
52. This planning application proposes to increase the number of sixth formers by 84 pupils and based on information provided by the School, this may add 10 additional students travelling and parking locally to the school. Accordingly, Kent Highways are now satisfied that the proposed development would not result in an unacceptable impact on the highway network that could be deemed severe in the context of paragraph 111 of the National Planning Policy Framework. No objection has been raised to this proposal, subject to the imposition of two planning conditions, should planning permission be granted.
53. Subject to the imposition of the conditions and an Informative outlined in the final Kent Highways comments as outlined in paragraph 22 above, I am satisfied that the development would not have a significantly detrimental impact on the local highway network. I also consider that the proposed development has considered and satisfies the requirements of the Local Plan Policies CP2 and SQ8 and the relevant paragraphs of the NPPF. I would not therefore raise a planning objection on traffic matters.

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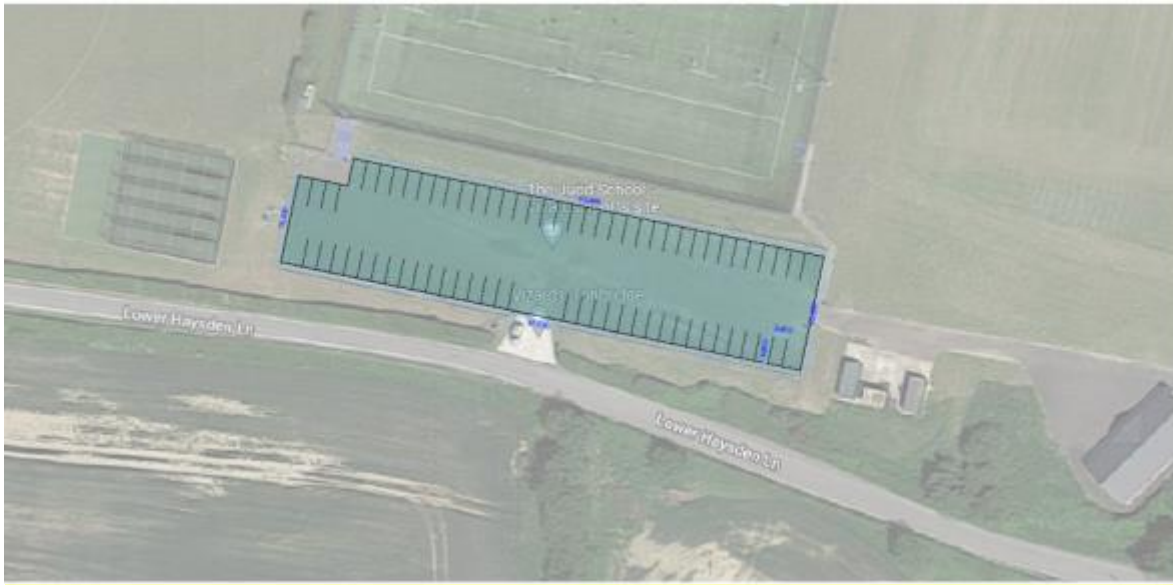
Parking

54. Objection has been received from local residents on the grounds of a potential increase in sixth form parking in the surrounding streets and that the residential roads cannot cope with any more pupil parking.
55. Initial consultation with Kent Highways also noted that no additional car parking spaces were proposed as part of the development. KCC Highways adopted guidance, Supplementary Planning Guidance Note 4 (SPG4), Kent Vehicle Parking Standards requires secondary schools to be provide a maximum of 1 space per member of staff plus 10%. Consequently, based upon the proposed expansion (based on 1 additional member of staff and based on an additional 92 pupils) a maximum of 10 additional car parking spaces were required.
56. As part of the negotiations on this planning application, the School considered providing these required 10 car parking spaces within the school site, but this proved to be difficult to find enough space without encroaching onto the school's onsite playing field. Additionally, the School was made aware of the objections raised about parking and acknowledged that sixth form pupils do park in neighbouring residential roads as the school does not allow them to park on the school site. As a solution to the on-street sixth form parking problem and the requirement to provide an additional 10 car parking spaces, the School agreed to allow all sixth formers to now park at the off-site playing fields which is known as Vizards and located off Lower Haysden Lane. This car park would also provide the one additional staff car parking space that Kent Highways required.



Plan showing the location of the Vizards off-site playing field car park in relation to The Judd School and the walking route to and from the school

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**The area of the Vizards off-site playing field car park which has a parking area for at least 60 vehicles**

57. Vizards contains a large parking facility, which is unused during the school day at present. The distance between the car park and the school site is approximately 850m, which represents less than a 10 minute walk via a footpath through the fields and at a safe distance from the road. The school has confirmed that whilst the car park is currently unmarked, even with the simplest arrangement of cars parking along the two long sides other than at the entrance, there is sufficient space for at least 60 cars.
58. By making this space available to sixth form students, the School is not only providing for the proposed expansion in sixth form pupil numbers, and with associated additional self-drive journeys, but also offering sufficient capacity to reduce the existing parking on the local residential streets. As such, if parking pressure does exist on those streets, ample parking is being provided at this venue in an effort to reduce such pressure.
59. The School are therefore proposing to allow all sixth formers to park in the Vizards car park and to carry out the following:
 - Reach out to their parent community to encourage their children travelling by car to use the provided spaces.
 - Share plans with local residents and encourage them to report inconsiderate parking on the local highways directly to the school, to encourage respectful relationships among students toward residents.
 - Introduce permit parking, with sixth formers able to submit their registration plate and car details to be given a permit.
 - Create appropriate signage to make clear parking is exclusively for students and staff of the school on weekday, daytimes (8am – 4pm).
 - Unlock the gates, for parking access, at 8am, lock at 9am, to both encourage both early arrival and accommodate late arrival, when local parking may be most pressured. Unlock at 3:30pm.
 - Operate a checking / monitoring process routinely, daily at first, with a review once parking is regularly in place.

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- Issue written warnings to not-permitted vehicles, consider clamping on site for persistent offenders.
60. Kent Highways understands that students are not currently permitted to park on the school site and that consequently, any parking demand generated by sixth formers who are eligible to drive is displaced onto the streets that surround the school. However, to address Kent Highways previous concerns, the applicant has proposed the use of the 'Vizards' car parking facility which has capacity for the parking of more than 60 vehicles. Kent Highways are satisfied that this facility provides capacity to accommodate the additional provision required as a result of the proposed development, whilst also accommodating existing demands to some degree.
61. The applicant's ability to offer an additional facility that is wholly within their control, in conjunction with a robust set management plan therefore offers the opportunity to significantly reduce the levels of parking stress on nearby streets. Kent Highways considers this to be a material benefit in highway terms and this should be secured by condition.
62. Additionally, Kent Highways agree that the proximity of the car park to Haysden Lane junction with Upper Haysden Lane significantly reduces the likelihood of conflict between vehicles travelling in opposing directions. In addition, the facility already benefits from a continuous off road pedestrian link that provides direct connectivity to the school site.
63. Accordingly, Kent Highways are now satisfied that the proposed development would not result in an unacceptable impact due to sixth form parking in the surrounding residential streets. Subject to the imposition of the condition which ensures the retention of the 'Vizards' car parking area for the sixth form and staff parking only during school hours in perpetuity, I am satisfied that the development would not have a significantly detrimental impact from sixth form parking, in the local residential road network. I also consider that the proposed development has considered and satisfies the requirements of the Local Plan Policies CP2 and SQ8. I would not therefore raise a planning objection on this matter.

Drainage

64. Comments have been received from both local County Members regarding potential flooding arising from the development. Mr Stepto has also written on behalf of Sussex Road Primary School, which is located to the north of The Judd School's playing field. Concern has been raised regarding the possible impact that the two proposed buildings could have upon the potential flooding to the grounds of the primary school. It has been brought to attention that since the installation of the all-weather pitch in the grounds of The Judd School, that the volume of run-off water flowing onto the Sussex Road Primary School site has increased and makes their playground unusable. Mr Stepto also asked in his comments whether it would be possible to mitigate any potential impact of this development on the neighbouring school grounds as part of any potential condition of the works, should planning permission be granted.
65. The applicant has responded that the school site is in a low-risk flood area and all surface and wastewater would be discharged into a designated drainage system, so there should be less groundwater if the proposed buildings are installed. All the buildings for the new development would be installed on a ground screw pad foundation system and would benefit from a minimum 50mm air gap underneath the

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- structures. This would mean that no new hardstanding is being proposed and that the development would be removing rainwater from the area, as surface water would drain into a purpose built drainage system. This design has been confirmed that it would also minimise any damage to the proposed buildings, in the highly unlikely event of a flood.
66. Building A (sixth form classroom block) is proposed to be located on an existing area of grass playing field, and the applicant has confirmed that any water that currently falls on the grass, would instead be routed to a drain. Building B (sixth form centre) is proposed to be located on an area that is existing hardstanding and the applicant states that it would have holes for the ground screws which would aid with the drainage. This building would not create any additional runoff but instead take falling rainwater away from the existing hardstanding.
67. Furthermore, the applicant has provided information based on the average rainfall for Tonbridge at 737mm annually and given that the proposed roof area of the two buildings would measure circa 900m², and so this would mean that the proposed development would reduce the amount of current groundwater by around 663,300 litres per year.
68. In light of the comments made by the Local County Members, the applicant has produced a drainage report and statement to accompany the technical drawings and details showing the proposed Sustainable Drainage System. This report and drawings have been submitted to the County Councils Sustainable Drainage Team to check and to ensure that there would indeed be no adverse or worsening of the existing drainage at this site as a result of this planning application.
69. The County Council's Drainage Engineer confirmed that he was satisfied with the report and raised no objection subject to the imposition of conditions including 2 pre-commencement conditions requiring a detailed sustainable surface water drainage scheme to be submitted and to demonstrate that an effective outfall for surface water is provided for the development layout. A further condition is also required for a Verification Report to be submitted prior to the occupation of any the buildings hereby permitted. I therefore propose to include these conditions if planning permission is indeed granted.
70. Another concern raised by the local County Members was that since the installation of the all-weather pitch in the grounds of The Judd School, the volume of run-off water flowing onto the Sussex Road Primary School site has increased and makes their playground unusable. This all-weather pitch was granted planning permission in 2007 and the application did include the installation of a drainage system, to ensure that any water running off the all-weather pitch would be channelled into the main drains. The all-weather pitch has been in use for some 14 years now and the School state they were not aware of the all-weather pitch causing the nearby Primary School any drainage problems. However, the Judd School is happy to open a dialogue with the Sussex Road Primary School to discuss the issues raised by both County Members. The Judd School already facilitate Sussex Road Primary School with the use of the forest school area, and they make their fields available on occasion during the year, i.e. for Sports Days.
71. The drainage information that has been submitted as part of this planning application has demonstrated that the proposed two sixth form buildings would not result in any additional flooding on the school's playing field. I therefore suggest an Informative be included, if planning permission is granted encouraging the Judd School to engage

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with Sussex Road Primary School to consider the issues that have been raised about surface water run-off onto the Sussex Road Primary School site.

72. Subject to the imposition of the conditions outlined in the Kent Drainage Engineer's comments as outlined in paragraph 22 above, I am satisfied that the development would not have a detrimental impact on the drainage of the school's playing field. I also consider that the proposed development satisfies the requirements of the Local Plan Policy CC3. I would not therefore raise a planning objection on this matter.

Sport England

73. This planning application proposes to locate the sixth form classroom block on an area of existing grass and the sixth form centre on an area of existing hard standing. Whilst Sport England had confirmed that the proposal does not meet with any of Sport England's policy exceptions, Sport England has considered the Headteacher's response to their previous objection (which was made to the Tonbridge and Malling Borough Council submitted planning application and these comments that arose from that consultation process and were addressed for this planning application). Whilst Sport England does not agree with the Headteachers analysis of how the proposal accords with its policy, they have noted that the Vizards site does provide good quality alternative sports pitches for the school. Whilst these cannot be offset against the proposed loss, having been provided some years ago, and in the case of part of the site, as a replacement for pitches lost at a previous offsite facility, Sport England have concluded that they do accept that these facilities meet the school's own requirements and are also available to wider community which is not the case with the on-site facilities. That being the case, Sport England has confirmed that they do not object to the proposal in this instance and have not asked for any planning conditions to be included if planning permission is to be granted. I therefore am satisfied that the proposal would not have a detrimental impact on the school's sports facilities.

Construction

74. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I recommend that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day. The applicant would also have to be mindful of all the other schools located in close proximity to the Judd School and ensure that the construction traffic/deliveries was also timed to minimise conflict with traffic and pedestrians at these schools too.
75. I also consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of the development. That should include details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak school times, and details of any construction accesses. Such a strategy would also address the pre-commencement condition required by Kent Highways with regard to the construction of the development. Therefore, should permission be granted, a Construction

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Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

Sustainability

76. The application proposes that the two standalone sixth form buildings would be built from mainly timber cladding and thus giving the building high eco credentials and allowing a natural appearance. It has been confirmed that the buildings have been designed to allow them to effortlessly sit in the natural surroundings while promoting an environmentally conscious ethos. The designs would also allow both separate buildings to visually link in with each other making them clearly recognisable as sixth form buildings. The buildings are proposed to be constructed from FSC sourced structural timber, and would be dressed in FSC sourced timber cladding, and with FSC sourced timber detailing. The SIP panels (Self Insulated Panels) wall and floor system would allow the building to prevent excessive air leakage, and the extra insulation would give the building exceptional U-values (thermal transmittance or U-value, is a measure of the rate of heat loss of a roof or wall construction) to ensure that running costs and energy usage is kept to a minimum. All windows and doors would be double glazed and A rated, and the building would incorporate a state of the art infrared panel and air source heating system which would mean that the building could reach room temperature within minutes and the applicant has confirmed that there should be no wasted energy heating cold air before the building needs to be used.
77. Furthermore, the applicant has confirmed that the proposed sixth form buildings have been designed to be energy efficient and would use cutting edge sustainable construction methods to achieve this objective and that during the design phase all options were considered to ensure that this objective was met. The applicant has further confirmed that whilst discussing the various options, and with a very tight budget available, it had been decided to give top priority to items that would not be easy to change or incorporate after the proposed buildings are constructed. As part of this process, the applicant has stated that solar panels were considered to be an item that the School would be able to look to install in the future, as they are easy to retro fit onto any buildings, as and when the budget permits.
78. The School has confirmed that it is keen to be as environmentally friendly and energy efficient as possible, and as such the School has already started to install solar panels within the school grounds and the newest school building already has a 40 solar panel system installed. The School hopes to increase the number of solar panels on this site in the future and when budget constraints allow, however for the time being, there are no solar panels proposed as part of this planning application. Whilst understanding the tight budget restraints that the applicant has stated above as the reason why solar panels are not able to be provided as part of this planning application, it is positive to see that the School is keen to be as sustainable as possible using one of the most environmentally responsible building systems available for the proposed sixth form centre. However, the applicant has confirmed that when budgets allow, they would consider adding solar panels to the proposed sixth form buildings as they can be easily added at any time, so I consider it to be appropriate to add an Informative requesting the School to include solar panels on these buildings as later date and should budgets allow.

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Conclusion

79. This proposal seeks the provision of additional accommodation for the sixth form. Two standalone buildings are proposed, Building A, the sixth form classroom block and Building B, the sixth form centre. It is proposed to provide a total of 4 classrooms in the sixth form block, which can be opened up into 2 larger classrooms, which would provide additional examination spaces for the whole school. The sixth form centre proposes to include a large open plan space in one half of the building and is intended to be used for lone working, socialising, meetings, and group work. In the remainder of the building, it is proposed to have toilets, offices, admin space, storage space, meeting rooms and a staff room. Two external vegetated courtyard areas are also proposed. Furthermore, this planning application would support the proposed expansion of the sixth form at The Judd School and provide additional accommodation to meet growing educational demand.
80. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Subject to the conditions and Informatives below, I do not consider that the development would result in any significant adverse impact in respect of visual and local amenity, including the character and appearance of the Conservation Area, drainage matters or parking and traffic implications upon the local highway network. The development is in accordance with the principles of the National Planning Policy Framework and has strong planning policy support in the Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions as outlined throughout this report, I consider that the proposed development is acceptable. I therefore conclude that the development is sustainable and recommend that planning permission to be granted and subject to planning conditions.

Recommendation

81. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions and Informative, including conditions covering:
1. The standard 3 year time limit;
 2. The development carried out in accordance with the permitted details;
 3. The development to be carried out using external materials and colour finishes as specified within the planning application documents, unless otherwise agreed;
 4. No development shall take place until a construction management plan, including lorry routing, access, parking, construction vehicle loading/unloading and circulation within the site for contractors and other vehicles related to construction operations, measures to prevent mud and debris being taken onto the public highway, has been submitted for approval and thereafter shall be implemented as approved;
 5. Hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
 6. Retention of the 'Vizards' car parking area for the sixth form and staff parking only during school hours in perpetuity;
 7. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the County Planning Authority;
 8. No development shall take place until information is provided to demonstrate that an effective outfall for surface water is provided for the development layout;

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9. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the County Planning Authority.

82. Informatives

1. The applicant is required to obtain any necessary highway approvals.
2. The Judd School to be encouraged to open up a dialogue with Sussex Road Primary School regarding the Judd's playing field, its all-weather pitch and potential drainage matters experienced by the Primary School.
3. The applicant is strongly recommended to consider the addition of solar panels to the two sixth form buildings as and when budgets permit.

Case officer – Lidia Cook

Tel No.03000 413353

Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

- AS/94/1155/
R11B Request for approval of replacement weighbridge and office and new fuel tank pursuant to condition 11 of planning permission AS/94/1155
Hegdale Quarry, Challock, Kent, ME13 0JX
Decision: Approved
- FH/22/559 Application for a Lawful Development Certificate for the deposition of crushed fill material within the turbine hall basement void that was left following the demolition of the turbine hall.
Dungeness A Power Station, Dungeness Road, Romney Marsh, Kent, TN29 9PP
Decision: Permitted
- SE/22/1041 Section 73 application for the temporary relaxation of Condition 13 of planning permission SE/90/1302 (as amended by planning permissions SE/93/1302/R13&R14 and SE/12/2342) to permit the operation of the Waste Transfer Station on the Spring and Platinum Jubilee Bank Holidays on Thursday 2nd and Friday 3rd June 2022.
Dunbrik Waste Transfer Station, Main Road, Sundridge, Sevenoaks, Kent TN14 6EP
Decision: Permitted
- TM/21/2864
/RVAR Details of a Highway Condition Survey on Laverstoke Road and its junction with St Laurence Avenue (Condition 11) and details of a Verification Report pertaining to the surface water drainage system (Condition 26) pursuant to planning permission TM/21/2864.
Allington Waste Management Facility, Laverstoke Road, Allington, Maidstone, Kent ME16 0LE
Decision: Approved

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

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

Background Documents – The deposited documents.

- DA/19/1549/R15&16 Details of piling method (Condition 15) and details of a method statement for works near to Thames Water assets (Condition 16) pursuant to planning permission DA/19/1549.
Bluewater Shopping Centre, Bluewater Parkway, Dartford, Greenhithe, Kent DA9 9ST
Decision: Permitted
- DO/20/1048/R24 Details of a Sustainable Surface Water Drainage Scheme pursuant to Condition 24 of planning permission DO/20/1048.
Dover Fastrack - Land to the north of Dover and to the south of Whitfield, Kent
Decision: Approved
- DO/21/956/RVAR Details pursuant to condition (4) - Construction Management Plan, condition (5) - Drainage and Car Parking and condition (8) - Boundary Treatment of planning permission DO/21/956.
Lydden Primary School, Stonehall, Lydden, Kent, CT15 7LA
Decision: Approved
- DO/22/442 Installation of an Activity Trim Trail on school field.
Nonington CEP School, Church Street, Nonington, Dover, Kent CT15 4LB
Decision: Permitted
- GR/22/132 Section 73 application to vary Condition 3 of planning permission GR/20/1281 to extend the use of the site until 1 July 2022.
Athboy Road Site Compound, Athboy Road, Gravesend, Kent
Decision: Permitted
- GR/22/404 Relocation of existing caretaker's workshop and erection of associated caretaker's office (amendment to application ref: GR/21/1368).
Mayfield Grammar School, Pelham Road, Gravesend, Kent DA11 0JE
Decision: Permitted
- MA/21/502002/R7 Details of External Lighting pursuant to Condition 7 of planning permission MA/21/502002.
Maidstone Grammar School, Barton Road, Maidstone, Kent ME15 7BT
Decision: Approved

SW/22/501701	<p>Extension of the existing disabled access ramp and removal of two barriers to allow ramp access to the pavement. KCC Swale Local Office, Avenue of Remembrance, Sittingbourne, Kent ME10 4DD Decision: Permitted</p>
SW/20/501709 /RVRA	<p>Details of landscaping and planting (Condition 14), details of how the development will enhance biodiversity (Condition 19) and details of all fencing and associated barriers (Condition 21) pursuant to planning permission SW/20/501709. Sunny Bank Primary School, Sunny Bank, Murston, Sittingbourne, Kent ME10 3QN Decision: Approved</p>
TM/22/0511	<p>Installation of a timber Amphitheatre. The Holmesdale School, Malling Road, Snodland, Kent, ME6 5HS Decision: Permitted</p>
TW/22/107	<p>Demolition of existing temporary building and construction of a new smaller permanent building in the same location. The proposed building will connect to the existing drainage at the same point as the existing building, no new connections to the drainage are being created. The proposed building will be similar in construction and style to that of the adjacent building constructed under planning application TW/13/2366. St James's CE Primary School, Sandrock Road, Tunbridge Wells, Kent TN2 3PR Decision: Permitted</p>
TW/22/725	<p>Alterations to existing kitchen and construction of new kitchen extension including retrospective planning permission for the bin store. Speldhurst Primary School, Langton Road, Speldhurst, Tunbridge Wells, Kent TN3 0NP Decision: Permitted</p>
TW/22/748	<p>Erection of a new sports hall building. Broomhill Bank School (Western Site), Broomhill Road, Tunbridge Wells, Kent TN3 0TB Decision: Permitted</p>

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

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/MA/0074/2022 - Section 73 application to vary conditions 2 and 14 of planning permission MA/17/501165 to amend the layout of the non-hazardous waste recovery facility.
Cleansing Service Group Ltd, Cobtree House, Forstal Road, Aylesford, ME20 7AG
- KCC/SCR/MA/0088/2022 - Request for a Screening Opinion to determine whether the proposed Kent Medical Campus to the M20 Junction 7 Improvement Scheme amended design (which includes a dual carriageway link along Bearsted Road between Bearsted Roundabout and New Cut Roundabout) constitutes EIA Development.
Kent Medical Campus to M20 Junction 7 and A249 Bearsted Road, Maidstone, Kent ME14 5LH
- KCC/TM/0057/2022 - Continued operation of existing metals recycling facility, including retention of existing plant and buildings, the erection of new fixed plant, buildings and enclosures, an extension of working hours and an increase in permitted stockpile heights.
London Mining Associates Ltd, Unit 4, Invicta Park, New Hythe Lane, Larkfield, Aylesford, Kent ME20 7FG
- (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

Scoping Opinions

- (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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F. PLANNING CONSULTATIONS FOR MEMBERS' INFORMATION

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

F1 Land north of Possingham Farmhouse, Ashford Road, Great Chart, Kent TN26 1JR (Application Reference: 22/00571/AS)

County Council's response to Ashford Borough Council on the above

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Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 25 April 2022
Our Ref: MH

Application - 22/00571/AS

Location - Land north of Possingham Farmhouse, Ashford Road, Great Chart, Kent (TN26 1JR)

Proposal - Outline application for the development of up to 655 residential dwellings (including 30% affordable dwellings) to consider access, layout and scale with all other matters reserved.

Thank you for the consultation on the above planning application. Unfortunately, the necessary Transport Assessment and Travel Plan information has not been submitted as part of the required supporting documents with this planning application and therefore this planning application should not have been validated as it appears to not meet the local validation requirements. Kent County Council (KCC) Highways and Transportation are therefore unable to comment on this proposal until such a time as all the required information is submitted. This includes the proposed access arrangements (as no capacity assessments have been undertaken of the proposed access points) and the internal road layout details.

Regrettably, the applicant did not seek pre-application advice from KCC Highways and Transportation in order to scope out the required transport details to be submitted as part of any planning application.

Should this information not be forthcoming KCC Highways and Transportation will have no option other than to recommend refusal on a lack of appropriate information for assessment.

Notes:

No detailed house layout plans have been submitted with this planning application so layout cannot be an approved matter.

Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

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