

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

A report by Head of Planning Applications Group to Planning Applications Committee on 8 November 2017.

Code of Construction Practice for the enabling works pursuant to condition 14 of planning permission TW/12/1442 for the new primary school, Land south of Rolvenden Road, Benenden, Kent, TN17 4DN – TW/12/1442 R14

Recommendation: Subject to any further views received by the Committee Meeting recommend that the details of the Code of Construction Practice be approved.

Local Member: Mr. Sean Holden

Classification: Unrestricted

Site and background

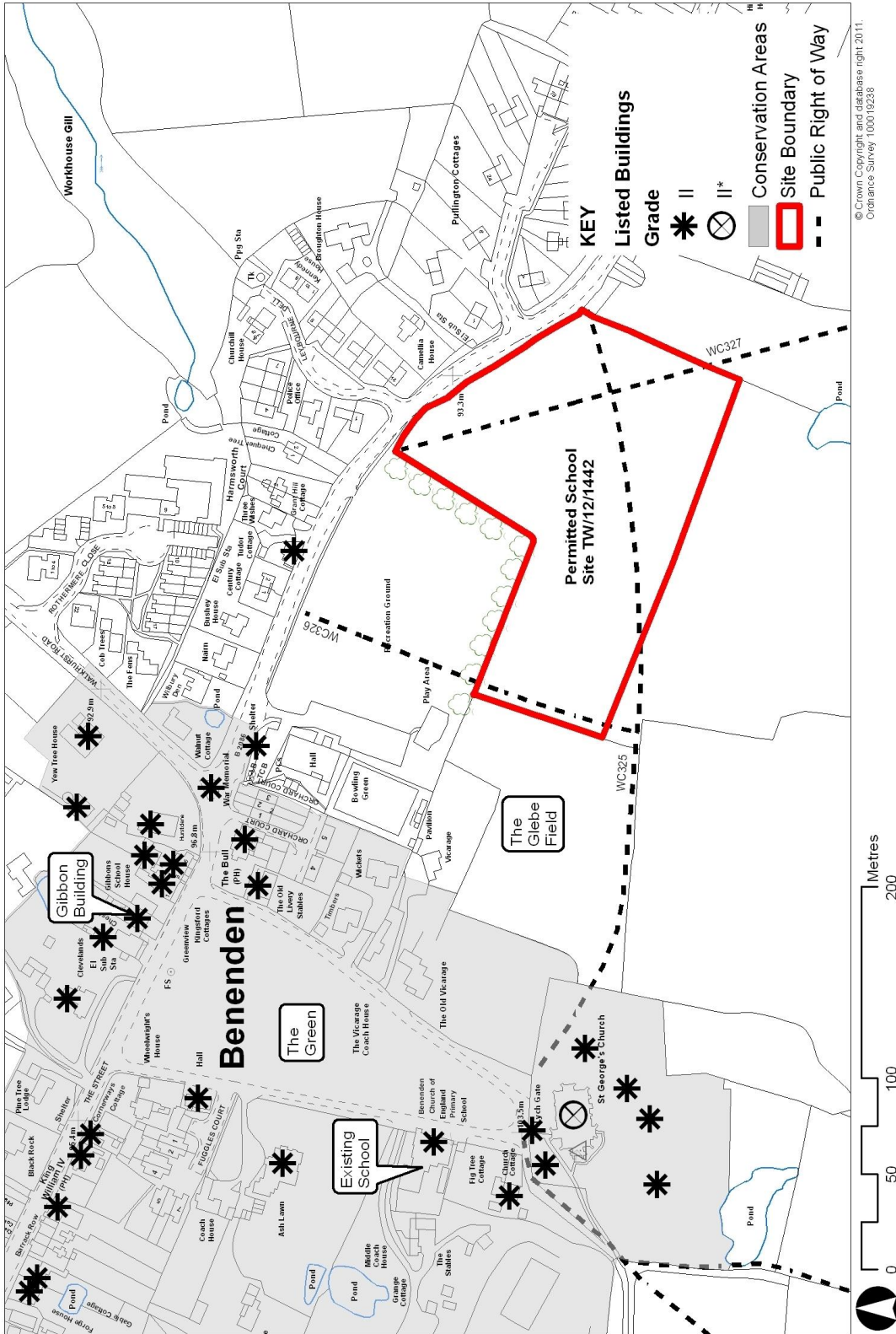
1. This application relates to the planning permission which was granted in January 2013 for the construction of a new primary school on land south of Rolvenden Road to replace the existing outdated accommodation and facilities that are no longer fit for purpose located elsewhere in the village. The new school site comprises pasture land of 2.12 hectares (5.24 acres) in area. It lies to the east of the village church and adjacent to the Glebe Field. Land to the south is in open agricultural use, whilst the village sports field is situated directly to the north. The site is bordered by native hedgerow, with trees along the western boundary with the Glebe Field and surrounding the sports field to the north. The site has sloping topography, rising southwards from the Rolvenden Road. A location plan is attached.
2. Following protracted negotiations, the new school is mainly being funded through the Education Funding and Skills Agency's (EFSA) Priority Schools Building Programme 2. Works are due to commence on site before the end of the year given that the planning permission will expire on the 21 January 2018. In view of this, the applicant has been seeking to discharge the various pre-commencement conditions imposed on the planning permission. Some of the details required have already been approved under delegated powers and others are still being considered at the time of writing this report. An application for a Non Material Amendment has also been approved for minor changes required to meet EFSA guidelines and funding, including minor changes to the floor plan, minor alterations to the elevations and changing the courtyard paving. In addition a Section 73 application to vary condition 15 of planning permission TW/12/1442 relating to traffic calming measures is reported for determination under item D2 on these Committee papers.

Condition 14

3. In order to protect the amenity of local residents during construction operations, condition 14 required the submission of a Code of Construction Practice covering, amongst others, the following key aspects:
 - an indicative programme for carrying out the construction works;
 - measures to minimise production of dust;

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Location of New Benenden Primary School Site



Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

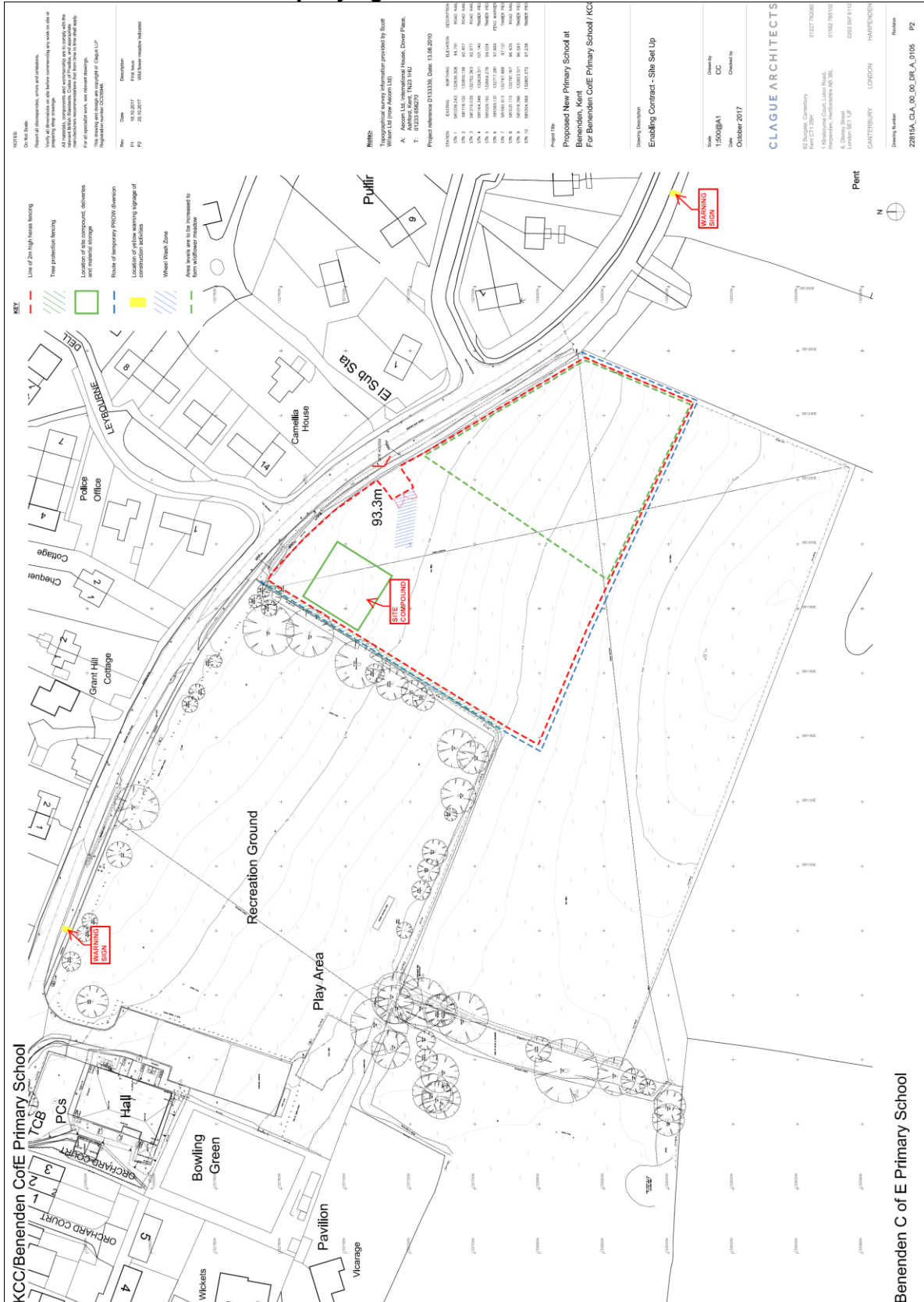
- measures to minimise noise (including vibration); generated by the construction process);
- the design, specification and location of site hoardings;
- measures to prevent transfer of mud and debris onto the public highway;
- measures to minimise the potential for pollution of groundwater and surface water;
- the location and design of site office(s), welfare facilities and storage compound(s);
- details of access, circulation, parking within the site for all contractor's and other vehicles engaged in the construction operations, including for unloading of deliveries; and
- the arrangements for public liaison during construction works.

Details of a Code of Construction Practice

4. A Code of Construction Practice (CCP) has accordingly been submitted. However at present this relates only to the enabling works contract which has been let to form the proposed vehicular access and car park in advance of the main contract being let for the construction of the school building. A further CCP will be submitted in respect of the main contract in due course.
5. The CCP sets out that the enabling works contract will include the following construction activities, the duration of which is expected to be 8 weeks:
 - Installation of reptile fencing in accordance with the reptile mitigation strategy;
 - Earthworks to reduced levels within area of proposed car park;
 - Depositing spoil to build up levels in the eastern area of the site for formation of wildflower meadow;
 - Temporary diversion of Public Right of Ways during course of works;
 - Permanent diversions of Public Right of Way including surfacing;
 - Formation of new vehicular access to gate; including drainage, culvert and cross over;
 - Installation of foul and surface water drainage;
 - Installation of kerbs;
 - Formation of car park and parking bays to include installation of type 3 sub base;
 - Formation of new pedestrian access to pedestrian gate, to tie in with existing footway fronting Benenden Road;
 - Installation of perimeter fencing (including gates) and fencing around SuDs pond area; and
 - Completion of offsite Section 278 traffic calming works within Rolvenden Road [Subject of the application considered under item D2].
6. The CCP also covers the following matters: working hours; measures to minimise dust; noise and vibration; details of temporary site fencing; measures to prevent dust and debris being carried onto the public highway; measures to minimise the potential of groundwater and surface water; location of site offices; welfare facilities and storage compound; details of access (including provision of warning signs on the approach to the site), circulation, parking within the site for contractors vehicles; and arrangements for public liaison during the construction works.

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Plan accompanying the Code of Construction Practice



NOTES:
 Do Not Scale.
 Report of discrepancies, errors and omissions.
 All work to be carried out in accordance with the Code of Construction Practice.
 All materials, components and workmanship to comply with the Code of Construction Practice.
 For all applicable work, see relevant drawings.
 Information for the Contractor:
 Information for the Client:
 Information for the Local Authority:

Rev	Date	Description
1	23.10.2017	ISSUED FOR TENDER
2	23.10.2017	ISSUED FOR TENDER

NAME:
 Proposed New Primary School at
 Benenden, Kent
 For Benenden Code Primary School / KC

Project Reference: D133338 Date: 13.08.2010
Address: 14, International House, Dover Place, London, SE1 1QJ
Client: 0203 586070
Project Reference: D133338 Date: 13.08.2010
Address: 14, International House, Dover Place, London, SE1 1QJ
Client: 0203 586070

Project Name:
 Proposed New Primary School at
 Benenden, Kent
 For Benenden Code Primary School / KC

Project Description:
 Enabling Contract - Site Set Up

Scale: 1:500@A1
Drawn by: CC
Date: October 2017
Checked by:

CLAGUE ARCHITECTS
 62 Rogers, Canterbury
 01227 702006
 1 Woodhouse Court, Leam Road
 01862 780100
 Hopwood, Northfleet, Kent, SE18 3PL
 0203 897 6100
 London, SE1 1UP
 CANTERBURY LONDON HARPENDEN
Drawing Number: 22819A_CIA_00_DRA_0105
Revision: P2



Benenden C of E Primary School

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Planning policy

7. (i) National Planning Policy

National Planning Policy Framework (March 2012), and the National Planning Policy Guidance (March 2014).

The NPPF states that, in determining applications, local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

The following NPPF guidance and objectives are of relevance to this particular application:

- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

In addition, Paragraph 72 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, and works with schools promoters to identify and resolve key planning issues before applications are submitted.

Policy Statement - Planning for Schools Development (15 August 2011) sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

(ii) Tunbridge Wells Borough Local Plan (2006) Saved Policies:

Policy EN1 Seeks all proposals to be compatible in nature and intensity with neighbouring uses and not cause significant harm to the amenities or character of the area or to the residential amenities of adjoining occupiers.

Policy TP4 Proposals will be permitted provided certain criteria are satisfied including, amongst others, that the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. Where a proposal necessitates highway improvements, the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development.

(iii) Tunbridge Wells Borough Core Strategy (June 2010)

Core Policy 3 In order to address transport issues and encourage sustainable modes of transport, amongst other things, seeks to conserve and

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

enhance the rural lanes network to ensure that they are convenient and safe for users.

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

Core Policy 8 Supports the provision of community facilities.

Consultations

8. **Tunbridge Wells Borough Council** - at the time of writing views have been requested by 3 November 2017.

Benenden Parish Council - at the time of writing views have been requested by 3 November 2017.

Kent County Council Highways and Transportation has the following comments to make with respect to highway matters:

‘Liaison will be undertaken with KCC as highway authority to agree the following:

- A traffic management plan including proposed routing and signage of all delivery vehicles to the site and any temporary access arrangements. Also any necessary highway licences or consents including hoarding etc
- A Pre-commencement condition survey of the highway.

Confirmation that the wheel wash facility will include drainage within the curtilage of the site to ensure no water drains over the public highway.

Arrangements for operatives parking on site.

Confirmation that all vehicles will be able to enter and leave the site in a forward gear and that a banksman will be employed at the site entrance.

Subject to the inclusion of these points within the document has no objections to the discharge of the condition.’

Public Rights of Way - at the time of writing views have been requested by 3 November 2017.

Local Member

9. The local County Member, Mr Sean Holden, has been informed about the details of the Code of Construction Practice.

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Publicity

10. Details submitted for the approval of the County Planning Authority pursuant to conditions imposed on a planning permission are not subject to the publicity and neighbour notification requirements carried out on the original planning application. However such details are available to view on the County Council's website and have been provided to the Borough and Parish Councils.

Representations

11. An online representation has been received from a nearby local resident who objects and considers the application should be refused because it is very short on details and vague about the Traffic Calming Measures and the time of installation. The following points are also made:
- Comments that there are no details for Chapter 8 in the Code of Construction Practice. [This was an erroneous reference and has now been removed.] Similarly, comments that there are no details for Section 278 Traffic Calming Measures and considers these must be supplied before this application is considered.
 - Notes that the letter from the applicants' agent states that, 'It is however hoped that traffic calming measures will be in place prior to the work commencing on site, in which case these measures will be completed in advance of the above works.' However, considers that the requirement should be unequivocal and remain, i.e. no work should commence until the Traffic Calming Measures have been approved and installed; hence his objection to the Section 73 application KCC/TW/0271/2017 [reported under item D2].
 - In TW/12/1442, the reasons for granting approval of the new school entrance states that having taken account of the various highway concerns received, together with the professional and technical advice from KCC Highways and Transportation, the committee was satisfied that subject to the imposition of conditions, which included the provision of offsite traffic calming measures the proposed new school access would be safe for users of the new facility and for other Highway users including those residential driveways which would be located opposite the new school access point.
 - Great issue was made of this at the planning meeting where it was discussed at length and we were assured that with these Traffic Calming Measures in place we would be perfectly safe from the traffic speeding through the dangerous S bends where the new school was located.
 - The DHA [the applicant's transport consultant] S73 Transport Statement totally ignores the safety of the other Road users and the local residents during construction of the school and concentrates solely on the users of the new school after it has been built. It goes against the safety ethos for the whole scheme; DHA cannot just seek to change for one section without considering how the whole Scheme will be affected and then addressing those changes.

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Discussion

12. This submission of a Code of Construction Practice (CCP) which relates to the initial enabling works contract is being reported due to the receipt of the above objection from a local resident. His main issue arises from the application reported under item D2 seeking to vary the timing for the implementation of the traffic calming measures and that (if permission is granted) the measures would not be in place before works commence on the school site to protect all users of the highway during construction. The condition requiring details of the CCP needs to be discharged prior to commencement of the development. The CCP includes, amongst other matters, appropriate temporary signage warning other road users approaching the site on Rolvenden Road of the construction activities taking place and the likelihood of construction vehicles turning into and out of the site.
13. The Highway Authority has not raised objection subject to a number of matters being addressed and the CCP being updated accordingly. At the time of writing the applicant has confirmed that they will amend the CCP so that these matters are included or otherwise clarified. I am also awaiting views from the other consultees and will report any views received at the Committee Meeting. Subject to any views received and to amplification and amendment to the details of the CCP addressing the matters raised by the Highway Authority, I would not raise a planning objection to the CCP for the enabling works being approved.
14. There is strong policy support for the delivery of new school facilities set out in the National Planning Policy Framework and in the 2011 Policy Statement - Planning for Schools Development. In delivering proposals for new school facilities the Government advises that planning authorities should take a proactive, positive and collaborative approach to meeting their objective of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Authorities are therefore advised that they should give great weight to the need to create, expand or alter schools. In addition, in this instance given the significantly advanced negotiations with the Government's Education Funding and Skills Agency (EFSA), then Section 143 of the Localism Act which amends Section 70 of the Town and Country Planning Act 1990 to include local finance considerations as a material consideration, is also relevant to the determination of this submission. It states:

(2) In dealing with an application for planning permission [...] the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations to—

- (a) the provisions of the development plan, so far as material to the application, [...]*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations."*

The meaning of 'local finance consideration' relevant in this case: means 'a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown.'

Should works not commence before expiry of the main permission TW/12/1142 then a further planning application will be required. This would result in significant delay to the delivery of the new primary school and importantly risks the loss of secured

Item D3

Code of Construction Practice pursuant to condition 14 of planning permission TW/12/1442 for the new Benenden Primary School, Land south of Rolvenden Road, Benenden, TN17 4DN – TW/12/1442 R14

Government EFSA funding to the project which is essential to the delivery of the project. Subject to amplification and amendment to the details of the CCP addressing the matters raised by the Highway Authority I can see no overriding reason to withholding approval.

Conclusion

15. This submission relates to the requirement for a Code of Construction Practice prior to the commencement of development. Subject to any further views received by the date of the Committee Meeting and amplification and amendment to the details of the Code of Construction Practice addressing the matters raised by the Highway Authority, I consider that it should be approved subject to a condition requiring a further Code of Construction Practice to be submitted for the approval of the County Planning Authority prior to commencement of the main contract. I recommend accordingly.

Recommendation

16. SUBJECT TO any further views received by the date of the Committee Meeting and amplification and amendment to the details of the Code of Construction Practice addressing the matters raised by the Highway Authority, I RECOMMEND that the details of the Code of Construction Practice BE APPROVED SUBJECT TO the following condition
- A further Code of Construction Practice shall be submitted for the approval of the County Planning Authority for the main contract before the construction of the school building and related works commence.

Case Officer: Mary Green

Tel. no: 03000 413359

Background Documents: see section heading
