

SUPPLEMENTARY INFORMATION

PLANNING COMMITTEE 18th DECEMBER 2024

This report provides supplementary information following publication of the main reports, for consideration by committee members in determining the following application:

Agenda Item 5 - EDC/24/0137 - Education Hub, Alkerden, Eastern Quarry, Watling Street, Swanscombe, Kent

Revised National Planning Policy Framework (NPPF)

Since publication of the main report an amended version of the NPPF (dated December 2024) was published on 12th December 2024. While the assessment of this application is not considered to be affected by this revision, it is necessary to amend the paragraph reference in the recommended "POSITIVE AND CREATIVE APPROACH TO DECISION MAKING" informative to refer to paragraph 39 rather than paragraph 38.

Additional Revised Drawings

Since publication of the main report, and following further engagement with the applicant, 2no. previously approved drawings which show the wider layout of the site have now been updated and revised versions submitted to avoid inconsistencies across approved drawings. These drawings are listed in addition to those confirmed in the main report recommendation and replace and supersede the earlier revisions listed in Condition 2. The recommended amendments to Condition 2 set out in the main report should therefore include reference to the following additional amended drawings:

- *AAA_LEP_ZZ_ZZ_DR_A_68003 P04 - Site Security Plan*
- *DE_358_L_901 Rev C - Adoption Plan*

Note – This amendment has the effect of superseding the following previously approved drawings with those listed above:

- *EEH-LEP-ZZ-ZZ-DR-A-20003 P02 - Site Security Plan*
- *DE_358_L_901 A - Adoption Plan*

Additional Clarifications

Since publication of the main report an email has been received from one objector seeking clarifications related to the acoustic fencing, landscaping and ownership and rights of access for Portbridge Gardens. A response has been provided by the case officer.

Amendments to the Main Report

Since publication of the main report it has been established that the boundary between adjoining dwellings at Portbridge Gardens and the sports campus pitches is formed by a 1.8m high timber fence, and not a 1.8m high brick screen wall previously stated. The modelled noise level range has also been referred to incorrectly in the Planning Appraisal section of the report. As such, the following paragraphs (6.13, 6.14 and 6.16) are hereby amended to read as follows:

- 6.13 Further information provided by the applicant in respect of their modelling assumptions and outputs has established that Sport England does not provide separate noise guidance for grass pitches, therefore from the perspective of any assessment between a grass surface pitch and an AGP the same methods would be used to consider noise generated from the use of these different types of sport pitches. The further information has also shown that the noise level at the rear garden boundaries to the east (15m from the flank side of the AGP) without intervening mitigating factors would be within the 55dB LAeq (1hr) contour line of the Sport England acoustic guidance, and the noise level at the rear elevations (20-30m) would be within the ~~50-45dB~~ 50-54dB LAeq (1hr) range without intervening mitigating factors being considered. Thus, the rear gardens of dwellings to the east could be expected to experience noise levels between ~~55-45dB~~ 50-55dB LAeq (1hr), which does not breach the ~~Sport England and~~ BS 8233 guidance upper limit of 55dB, without other noise mitigating factors being considered.
- 6.14 In this instance, existing noise mitigating factors which would reduce impacts from the sports pitch exist by reason of the adjacent dwellings comprising a 1.8m high ~~brick screen wall~~ timber fence along the boundary to the Education Campus. In addition to this barrier, an 8m wide landscaped buffer which includes tree and specimen shrub planting will be provided along this boundary within the Education hub site as per the originally approved Reserved Matters scheme. In addition to these previously approved mitigating features, this NMA application proposes the installation of a 2.5m high acoustic timber fence along the eastern flank of the re-positioned AGP as a precautionary measure. The DN indicates that this acoustic barrier should reduce the sound level from the AGP by 10dB, citing that 10dB is commonly recognised as the level of sound reduction when a barrier breaks the line of sight from the source of a receiver (ref BS 5228). Consequently, the 2.5m acoustic barrier alone would reduce the modelled noise levels down to ~~45-35dB~~ 40-45dB LAeq (1hr) to the external areas beyond the Campus, and therefore well below the 50-55dB LAeq Sport England and BS 8233 guidance limits.
- 6.16 The amended scheme would relocate and extend a 4.5m high sports mesh fence enclosure in association with the 2no AGPs. However, this feature is not a significant feature of the site and would not be overbearing or overshadow neighbouring properties given its form, appearance and position which is beyond the 1.8m high ~~brick screen walls~~ timber fence which bound the residential development to the east, the 2m weldmesh security fencing and (circa.) 8m wide landscaped verges which form part of the extant permission, as well as the new 2.5m high acoustic fencing which is now proposed along the eastern flank of the AGP.

In addition to the above amendments, and following legal advice sought in respect of the procedural requirements required under the assessment of a non-material amendment application, the following amendments to the main report are made:

Amend paragraph 6.7 to delete part of the first sentence to read as follows:

- While Government guidance does not define what changes may be treated as being non-material as this will depend on the context of the overall scheme, it is generally considered that for a change to be considered as non-material then it would need to be inconsequential in relation to the original approval, ~~and whether the proposed development is in substance different from that originally applied for.~~ It is important to

note that the effect of the proposed changes together with any previous non-material amendments are the relevant considerations.

Amend paragraph 6.15 to delete part of the first sentence as follows:

- On the basis of the above, the noise impacts from the re-positioned AGP are not considered to be harmful to local amenity ~~and are not considered to be significant nor substantially different enough~~ compared to the original approval to amount to a material change in themselves. While the provision of the acoustic fencing is not considered to be required in terms of noise mitigation, the benefits of additional noise reduction from the fencing is welcomed and as such, an amendment to the wording of planning condition 18 of the Reserved Matters approval is recommended to impose a trigger for installation of the acoustic barrier prior to first use of the AGP.

Amend paragraph 10.1 to include additional text as follows:

- In conclusion, the scale and nature of the proposed changes both individually and cumulatively, and when their effects are assessed in the wider context of the approved scheme (including previous non-material amendments), are not considered to be materially different. Furthermore, the proposal would not result in a change to the description of development and the design maintains the means of access, landscape, layout, scale, and appearance to the vast extent. The effects of proposed changes are therefore considered to be to be minor and the Local Planning Authority is satisfied that the changes can be regarded as non-material. The amendments also ensure that the community sport provision required by the Section 106 Agreement for the wider Eastern Quarry development, in the form of the AGP community pitch and associated Pavilion, will be accommodated on site as part of the Education Campus, rather than the sports provisions being provided off-site, outside of the redline boundary for Eastern Quarry. The amendments proposed would also support operations of the future school operator in terms of maintenance and management of the facility.

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