



# Delegated Report

## Planning Application

**Planning Application No:** 20230703

**Location:** Tymberwood Academy Cerne Road Gravesend Kent

**Description:** Installation of heat energy generation plant with two Air Source Heat Pumps (ASHP) and erection of surrounding acoustic enclosure.

**Applicant:** Mr Robert Ash

**Site Visit Date:** 04 October 2023

### Submitted Documents/Plans

Application for Planning Permission form;  
Drawing no. X001 Rev. P Proposed block plan received 08 November 2023;  
Drawing no. MP003 Rev. Proposed elevations of acoustic enclosure;  
Drawing no. MP001 Rev. Existing block plan received 25 July 2023;  
Drawing no. MP001 Rev. Red line site boundary plan received 17 July 2023;  
Noise Impact Assessment 21 November 2023;  
Heat pump specifications; and  
Email from the agent received 04 October 2023.

### Superseded Documents/Plans

~~Drawing no. X001 Rev. P Proposed location plan received 10 October 2023;~~  
~~Drawing no. MP001 Rev. Proposed block plan received 25 July 2023; and~~  
~~Heat pump specifications received 17 July 2023.~~

### Procedural Issues

Following the site visit, the case officer sought clarification regarding the location of two existing containers at the application site. This clarification was provided in an email received on 04 October 2023 from the agent (including an amended proposed block plan).

Following the receipt of comments from the GBC Environmental Protection Team (Regulatory Services) the applicant was asked to undertake a noise assessment, which was then submitted as part of the application.

The amended block plan and noise assessment were subject to re-consultation to GBC Environmental Protection Team (Regulatory Services) and were re-publicised to neighbours.

### Relevant Planning History

| Reference | Description                                                                                                                                                 | Decision     | Decision Date |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------|
| 20080746  | Joint application under Regulation 3 of the Town and Country General Regulations 1992 for the provision of 2 mobile classroom units. KCC GRANTED PERMISSION | No objection | 10.09.2008    |

|          |                                                                                                                                                                                                                             |              |            |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------|
|          | 29.9.08 (CONDITIONS)                                                                                                                                                                                                        |              |            |
| 20020527 | Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for the replacement of existing chain link fence with steel palisade security fencing. KCC GRANTED PERMISSION 12.8.2002 (CONDITIONS) | No objection | 05.08.2002 |
| 19760572 | Two single storey extensions to form wheelchair stores and extension to staffroom. KCC GRANTED PERMISSION 1.10.1976                                                                                                         | No objection | 17.08.1976 |
| 19760082 | Retention of 4 mobile classrooms. KCC GRANTED TEMPORARY PERMISSION (CONDITIONS)                                                                                                                                             | No objection | 03.03.1976 |
| 19750379 | Application under Regulation 4 of the Town and Country Planning General Regulations 1976 for retention of 3 mobile classroom. KCC DECISION MISSING                                                                          | No objection | 02.07.1975 |
| 19750076 | Two mobile classrooms and mobile sanitation unit. KCC GRANTED TEMPORARY PERMISSION 7.3.1975 (CONDITIONS)                                                                                                                    | No objection | 03.03.1975 |

## Development Plan

### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

### Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

### National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places

### Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- SPG 4 - KCC Parking Standards (2006)

## Consultations, Publicity and Representations

### GBC Environmental Protection Team (Regulatory Services)

Initial response:

Insufficient information has been submitted with this application and therefore as it stands, I have no alternative than to object to the application being granted.

No acoustic data for the heat pumps has been supplied. Although a technical data sheet (from Trane) has been submitted the section regarding acoustic data is blank. In addition, no assessment or indication relating to the insulation afforded by the proposed acoustic enclosure has been given.

Bearing in mind the proximity of the gardens of the houses in St Margarets' Crescent, noise is a concern. The gardens are only approximately 25m from the enclosure and the façade of the houses are approximately 40m away. I would anticipate that the equipment will be running 24/7 and nighttime background noise levels in this area will be relatively quiet once the Academy is closed.

Guidance regarding ASHP's advises that where planning permission is needed, the application should be submitted with a Noise Impact Assessment (NIA) based on BS4142:2014 +A1:2019. I would advise that this is submitted prior to any permission being granted rather than being required as a condition as the results of the NIA will inform the requirements of the acoustic enclosure needed.

If the applicant is able to undertake and submit the NIA for assessment reasonably quickly and with the determination period for this application, I may be able to withdraw my objection.

Second response:

The ASHP unit specification and the NIA titled "ASHP Noise Impact Assessment", Ref: 23092-R01A-SW, delivered by dBx Acoustics LTD, dated 21/11/2023 have been reviewed.

The purpose of this assessment was to identify the existing background noise levels at the site, predict the noise levels that would be generated by the air source heat pumps, and finally provide recommendations to minimise the potential noise impact on the nearest receptor, as deemed appropriate.

The methodology and findings of the report are accepted. The report includes the suitable illustrations of worst-case scenarios and has assessed and addressed the potential noise impact. Mitigation measures are required in order to achieve the required noise levels at the nearest noise sensitive receptors and comply with our requirement of the levels being 10dB(A) below existing background noise levels. Mitigation is included in sections 6.12 and 6.13 and involves an enclosure formed from an acoustic louvered panel extended 0.5m above the top of the ASHP's. In this respect, it is essential that the recommendations outlined above are duly implemented in order to ensure that the noise from the ASHP does not impact on the nearby houses.

In terms of noise levels in the gardens of the houses, levels are compliant with the criteria in BS8223:2014 and WHO guidelines. No mitigation is needed for the gardens.

Therefore, the previous objection can be withdrawn, subject to the mitigation measures contained in the NIA being carried out. It is recommended that the requirement of this is placed on any planning permission as a condition. A suitable condition is given below:

The noise mitigation measures as detailed in report "ASHP Noise Impact Assessment", Ref: 23092-R01A-SW, by dBx Acoustics LTD, dated 21/11/2023 (The Report) shall be implemented by competent persons. Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise

mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Authority and installed and tested prior to operation.

The mitigation measures must be retained thereafter.

#### GBC Highways Officer

I have no highway objections but the applicant should provide a dedicated parking area clear of the access for service vehicles.

#### KCC - West Kent Public Rights Of Way Officer

I can confirm that I do not have any objections to the above planning application at Tymberwood Academy. Public Right of Way Footpath NG10 lays to the west of the proposed site and I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.



The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

#### Southern Gas Networks

No response received.

#### Neighbouring properties

The application was publicised by a site notice and to 34 neighbouring properties by two letters. One representation (an objection) has been received and is summarised as follows;

- The old generator is audible at night.
- Adverse noise impacts from generators located close to the boundary fence.

#### **Officer's Analysis**

### Design, Character and Appearance

The proposed air source heat pumps (ASHP) would be screened from wider view by an acoustic enclosure. The enclosure would be formed from aluminium louvred panels, which would be 3.1 metres in height and surround an area of some 51 square metres. The panels would have a powder coated finish but no colour information has been provided.

It is noted that the land proposed to be used to locate the ASHPs is currently laid to grass but does not form part of any playing field. It is a landscaped area within an existing school site.

The boundary of the application site has mature vegetation, including trees and two metal containers are located in close proximity to the proposed enclosure (one painted green and one painted white). As such, an appropriately coloured powder coated metal finish for the enclosure would not look out of place. In any event, due to the screening provided by the boundary vegetation, the proposed development would not be widely visible outside the school site.

Provided that any planning permission granted includes a condition requiring the submission and approval of the proposed powder coated colour finish for the acoustic enclosure, then it is considered that the proposed development would be appropriate in terms of design and would not have an adverse impact on the character or appearance of surrounding area. Therefore, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

### Neighbouring Amenity

The closest residential properties to the application site are nos. 49 and 55 St Margarets Crescent (located to the west).

A local resident and the GBC Environmental Protection Team (Regulatory Services) have raised concerns that the proposed development could cause adverse noise impacts to surrounding residential occupiers. However, following the submission of a noise impact assessment (NIA), the GBC Environmental Protection Team (Regulatory Services) do not raise an objection to the proposal, provided that the mitigation measures set out in the NIA are carried out. To this end, a condition can be attached to any planning permission granted.

Due to the design of the proposed development, to the screening provided by boundary treatments and to the layout and orientation of the surrounding properties, there would be no adverse overshadowing or overbearing impacts to the occupiers of the surrounding dwellings.

Overall, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

### Parking and Highways

The GBC Highways Officer does not raise an objection to the proposal but highlights that the applicant should provide a dedicated parking area, clear of the access, for service vehicles. However, as the proposed development would be located adjacent to an existing car parking area, which was not at full capacity, at the time of the case officer's site visit, it is considered that sufficient parking provision would be available.

Therefore, the proposal would have no adverse impacts on the existing parking and access arrangements for the school and there would be no detriment to highway safety. As such, the proposed development would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.

### Impacts on the Public Right of Way.

The comments of the KCC Public Rights of Way officer are noted. However, as the proposal constitutes an extension within an existing school site, that is located some 13 metres away from the western boundary, it is considered that there would be no adverse impacts to the alignment or to the use of Public Right of Way reference NG10 (which runs to the west of the application site). Notwithstanding this, any planning permission granted would have an informative attached, which outlines the advice given by KCC in relation to the Public Right of Way.

#### Climate change

Policy CS18 of the Gravesham Local Plan Core Strategy (2014) seeks to reduce the overall carbon footprint of the Borough by (amongst other things) supporting the retrofitting of existing homes and businesses.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to take advantage of opportunities to build in resilience to the effects of climate change.

The proposed development would replace existing gas fired boilers with ASHPs, which are a more energy efficient heating method and as such, would lead to a reduction in the carbon footprint of the school. Therefore, the proposed development would be in line with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (2014).

#### Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential. However, as the proposed development is within the confines of an existing school site and only a relatively small amount of groundworks would occur, then it is considered that there would be no adverse impacts to archaeology. As such, the proposal would be in line with Policy CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

There is a gas pipeline located some 14 metres to the south of the proposed acoustic enclosure. No consultation response has been received from Southern Gas Networks but due to distance from the pipeline, it is unlikely that the proposed development would adversely affect the gas infrastructure. Notwithstanding this, the applicant can be made aware of the pipeline via an informative attached to any planning permission granted.

The application site is located in a smoke control area. As such, advice regarding smokeless fuels/appliances can be given to the applicant in an informative attached to any planning permission granted.

#### Suggested Conditions

Time Limit

Development in accordance with the approved plans

Submission and approval of powder coated colour finish within three months of commencement

Noise mitigation condition

#### **Conclusion & Recommendation**

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

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|----------------------|-----------------|---------------------|-----------------|
| <b>Case Officer:</b> | Mrs Kelly Joyce | <b>Team Leader:</b> | Miss Faye Hobbs |
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|                |                    |                |                                                                                     |
|----------------|--------------------|----------------|-------------------------------------------------------------------------------------|
| <b>Signed:</b> | K Joyce            | <b>Signed:</b> |  |
| <b>Dated:</b>  | 21st December 2023 | <b>Dated:</b>  | 22 December 2023                                                                    |