

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 proposal dossier for each case and also as might be additionally indicated.

Item D1

**New Primary School for Seabrook C of E Primary School,
at land off Eversley Road, Seabrook, Hythe – SH/09/534**

A report by Head of Planning Applications Group to Planning Applications Committee on 20 January 2011.

Application by Kent County Council Property Group for a new 0.5 FE primary school for Seabrook C of E Primary School, with associated playing field, parking and turning facilities, access road and new level games pitch at Land of Eversley Road, Seabrook, Hythe. (Ref: SH/09/534)

Recommendation: Recommend that the application be referred to the First Secretary of State as a departure from the Development Plan, and that subject to his decision, planning permission be granted.

Local Member(s): Mr C. Capon

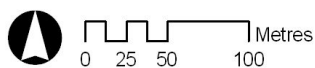
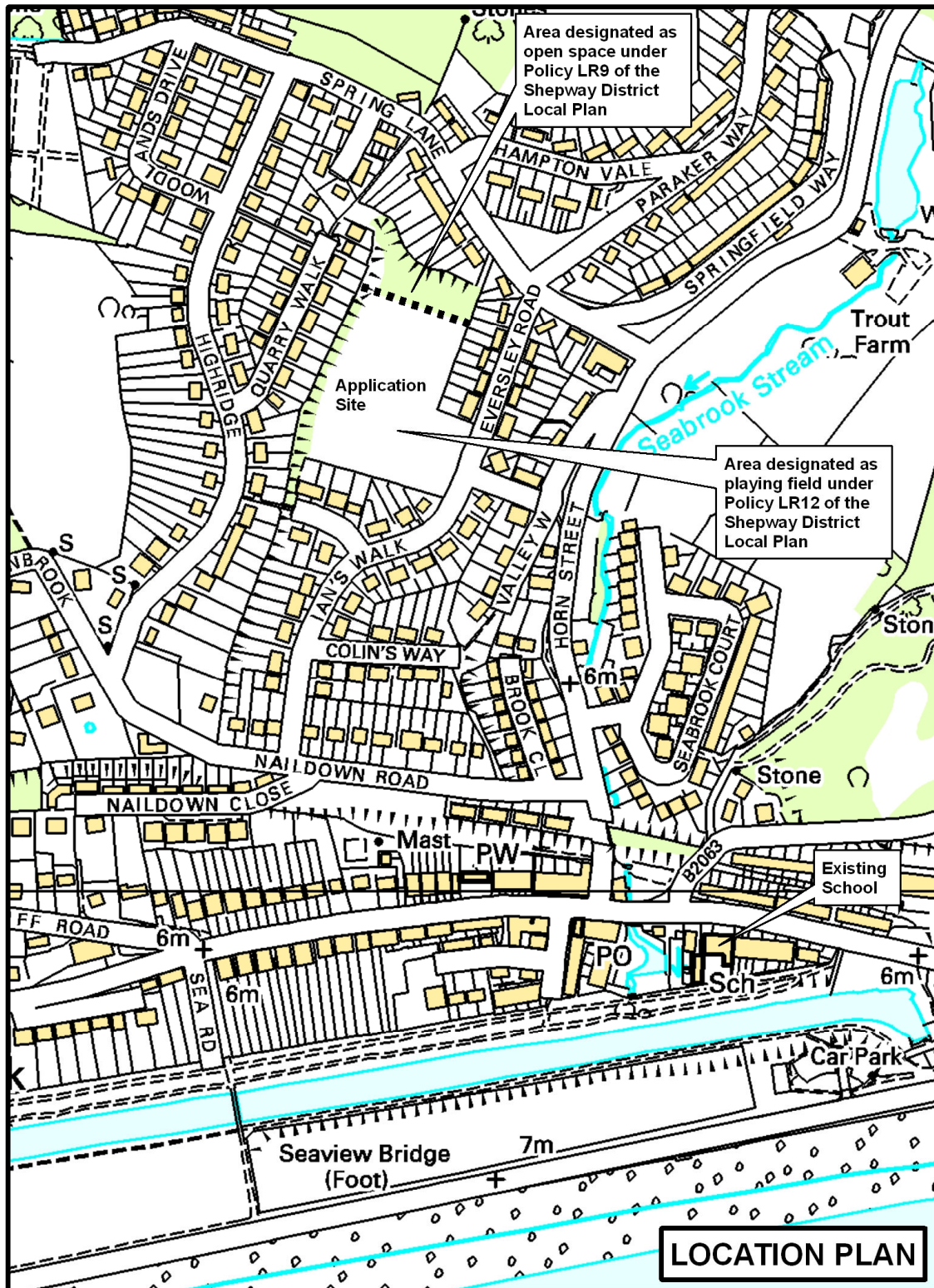
Classification: Unrestricted

Site

1. The existing Seabrook School is a Church of England 0.5 form entry Primary School located on Seabrook Road in Hythe. Construction of the school was completed in 1897 and the building has since been extended. The existing building sits within a predominately residential area and has a public footpath to its southern boundary, with the Royal Military Canal beyond. The proposed site for the new Seabrook Primary School is located on an open piece of land within Seabrook, accessed from Eversley Road. The site is currently used by the school as a playing field, and is open to the local community. The site shares boundaries with the rear gardens of the residential properties fronting Spring Lane to the north, Bridle Way and Ian's Walk to the South, Quarry Walk to the west and Eversley Road to the east. The site extends to the footway to the south east corner, where Eversley Road joins Ian's Walk.
2. The site has a protected wooded area to the north (Policy LR9 of the Shepway District Local Plan Review 2006), which is distinguished from the remainder of the site which is classified as playing fields under Policy LR12 of the Shepway District Local Plan Review. In light of these designations, the application has been advertised as a departure from the Development Plan and will be referred to the Secretary of State for his consideration should Members be minded to grant permission. The wooded area shares its boundary with the rear gardens of properties along Spring Lane. A steep bank lies to the west of the site, adjoining the boundaries of the properties in Quarry Walk, and is densely foliated. The surrounding properties are a mixture of traditional pitched roofed two storey brick and render detached and semi-detached properties. The properties along Quarry Walk are predominately single storey, although the ground level at the top of the bank is approximately 6 metres higher than the ground level at the base of the bank. The site has oblique sea views in a southerly direction. A site plan is attached.

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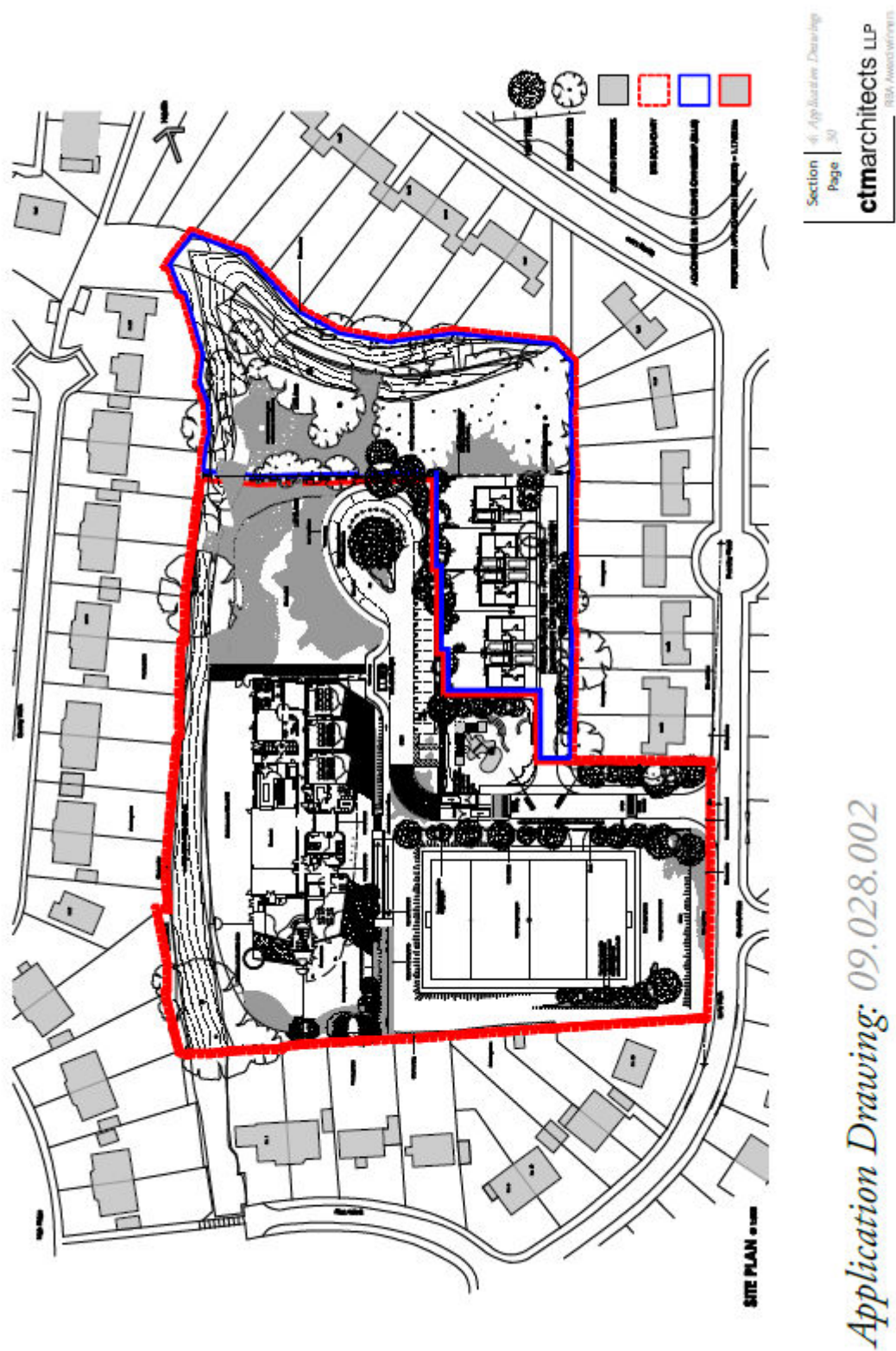
New Primary School for Seabrook C of E Primary School, at land off Eversley Road, Seabrook, Hythe – SH/09/534



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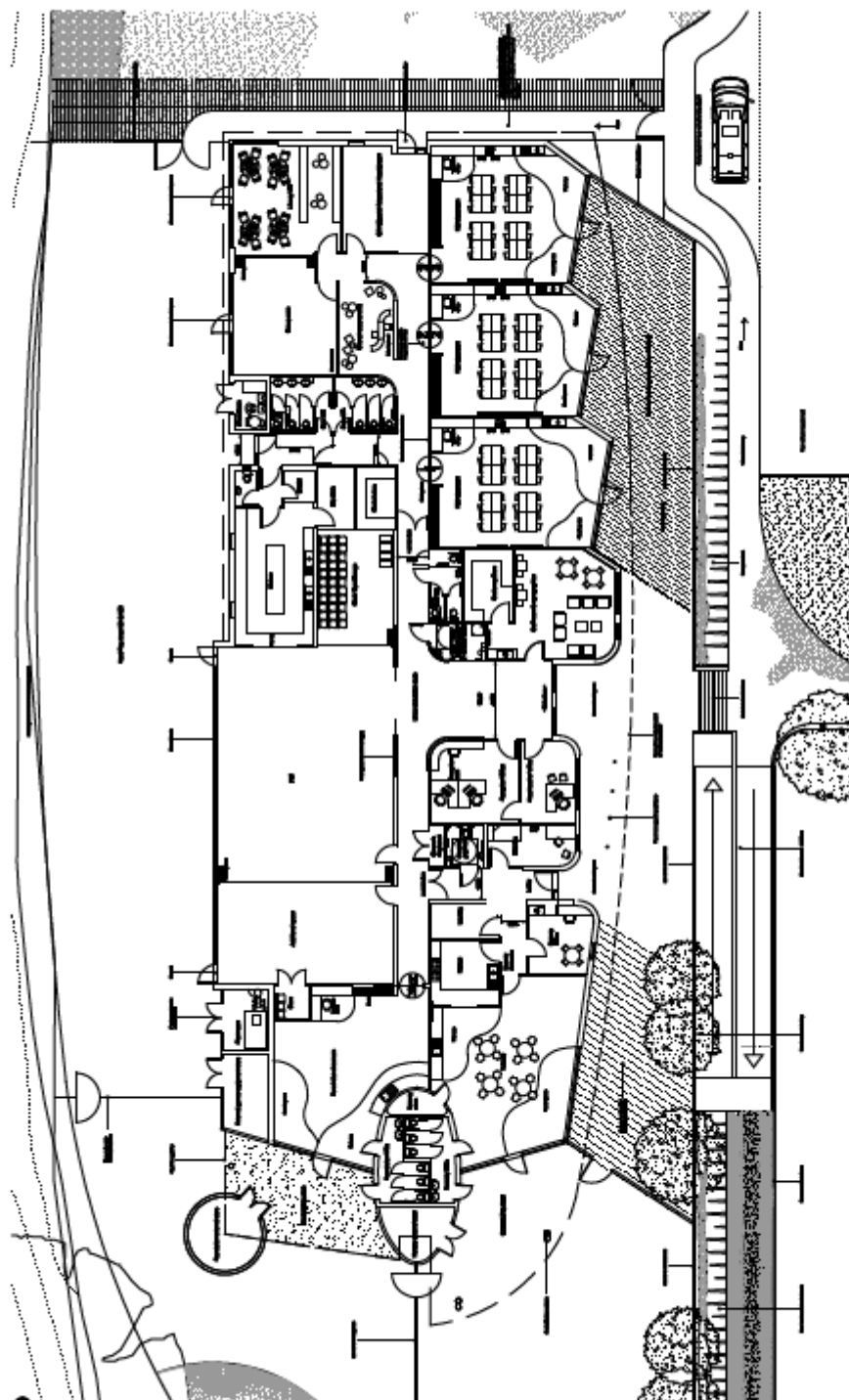


Figure 1: Floor Plan

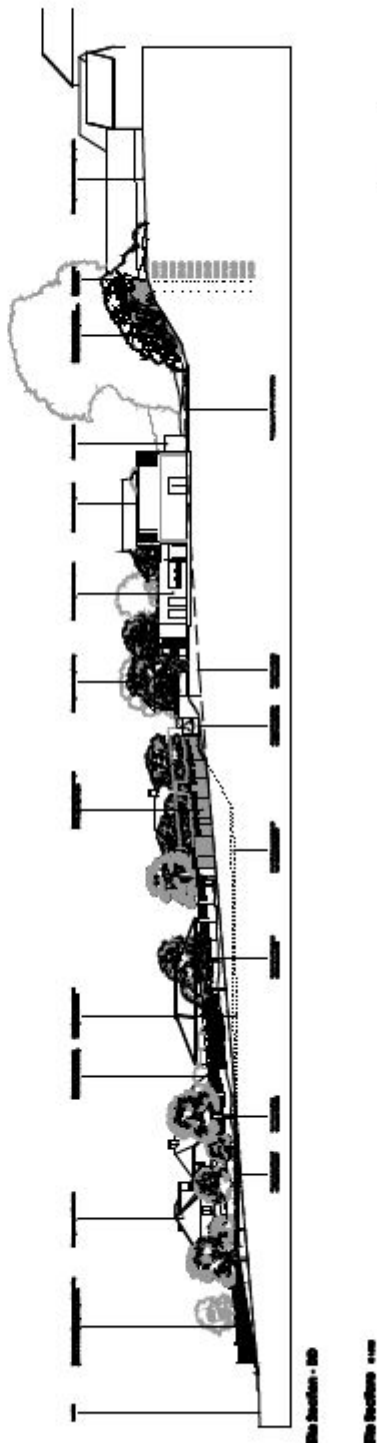
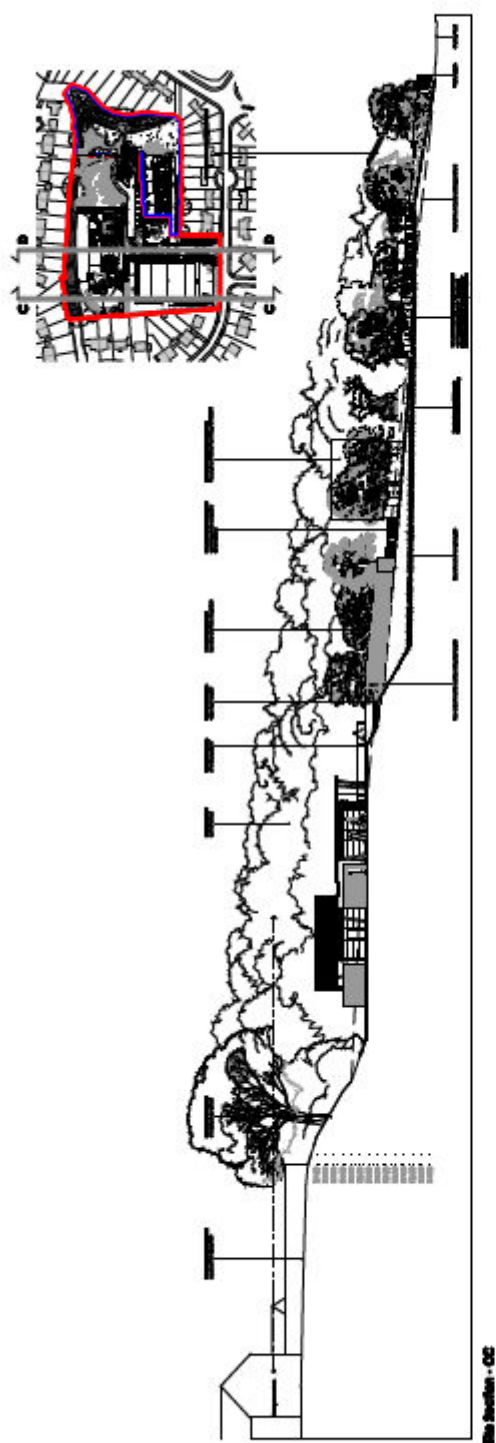
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ctmarchitects LLP
RIBA Award winners

Application Drawing: 09.028.005

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Section 4: Application Drawings
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ctmarchitects LLP
RIBA Award winners

Application Drawing: 09.028.004

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Background

3. This application is a resubmission of a previously approved application, with some minor alterations which are listed below. The previous planning application (SH/06/408) was considered by Members of the Planning Applications Committee on the 20 June 2006, where Members agreed with the recommendation to grant planning permission, subject to conditions, following referral to the Secretary of State. This application has been submitted as the previous 3 year consent expired on the 20 June 2009, and funds for the development had not been secured so works could not commence. The minor alterations between the two applications are as follows:
 - The proposed games pitch has been relocated further back into the site and lowered by 1 metre. This change has been made as a result of a previous condition of consent, and reduces the potential for overlooking issues with neighbouring properties;
 - A reinforced grass access strip has been introduced to allow fire tenders to access the rear of the school to ensure compliance with updated fire safety legislation;
 - A number of minor internal alterations have been made to ensure compliance with updated KCC/Disability Discrimination Act guidance for inclusive access;
 - A parents waiting/play area has been added in accordance with the proposals for the neighbouring enabling project (see paragraph 5);
 - The entrance gates have been amended to include electronically controlled access via CCTV.
4. The applicant advises that the existing school building has a number of problems, including:
 - The use of mobile classrooms as permanent classrooms;
 - Due to a lack of playing field on the site, staff and pupils must be escorted some distance to the designated playing field situated off Eversley Road;
 - The school is located on the busy A259 Seabrook Road, which is a heavily used road of major importance to the road network between Folkestone and Hythe;
 - The School has restricted external play areas which are in need of repair;
 - The School has no provision for shared or external teaching areas;
 - Steps into and around the school prevent easy access for disabled users and visitors;
 - A lack of storage space;
 - Limited space for IT and library resources;
 - Staff toilets are inadequate;
 - Teaching staff are currently required to undertake their allocated PPA (planning, preparation & assessment) time at home due to a lack of designated space.
5. In order to generate the required revenue for the new Seabrook School on the Eversley Road site, three enabling residential developments have been granted planning permission by Shepway District Council which are as follows:
 - 1) on the existing Seabrook School Site (application reference: Y06/0289/SH);
 - 2) on the Church Hall site on Seabrook Road (application reference: Y06/0288/SH);
 - 3) to the rear of Eversley Road, adjacent to the proposed new school site (application references: Y06/0287/SH & Y07/1256/SH).

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Proposal

6. This application has been submitted by Kent County Council Property Group and proposes the erection of a new 0.5 form entry Primary School, with associated playing field, parking and turning facilities, access road and new level games pitch. A number of factors have contributed to the design of the school, including Kent County Council's design brief, and the DfES Building Bulletin 82 'Area Guidelines for Schools'. The application is accompanied by a Design & Access Statement, which identifies the following as the key principles which have informed the development of the design:
 - Respect for the natural setting of the site and its surroundings, and retention of a quality area of open space for use by the community and the school.
 - The creation of a school which inspires its pupils and creates an excellent environment for learning.
 - The building should be functional, durable and environmentally friendly.
 - The building should be low impact and respect the privacy and views of surrounding residents.
 - All highway issues to be addressed, including adequate on site parking for staff and visitors and the development of a school travel plan, which includes management strategies for a drop off/pick up zone and a walking bus.
7. This application is supported by various reports/documents, including a protected species risk assessment, a public open space appraisal, a school travel plan, a study of potential school trip generation, a traffic noise impact assessment and vehicle tracking data, a transport assessment and a flood risk assessment. In addition, the applicant has included a statement of community involvement, which details public meetings and consultations that were held with local residents prior to submitting the original planning application. The applicant advises that various concerns arose from those meetings, and that the submitted proposal aims to address those issues.
8. The location of the new school has been influenced by the natural terrain of the site, and the requirement to provide a secure environment and adjoining play areas. The proposed school building is located in the southwest corner of the site to the rear of the houses in Quarry Walk, Ian's Walk and Bridle Way. The school would provide improved facilities for existing staff and pupils, including an adjoining playing field, games pitch, and secure hard play areas. A new hall would be available for community events, and a self contained nursery would be incorporated into the school building.
9. The proposed school is single storey and low profile, and positioned within a naturally occurring 'dip' in the site. The applicant advises that the siting of the building would minimise the impact of the school, and that the hall, which is the tallest element of the school, remains at a height that would not impede existing sea views from properties in Quarry Walk. In addition, external materials have been chosen on the basis of being durable and low maintenance, and include cedar cladding, self-coloured render, and large areas of glass.
10. When considering the general internal arrangement of the school, it was considered that the classrooms should have views of either the sea or the surrounding natural setting. In order to achieve this, all the classrooms, with the exception of the Foundation class, are proposed to be located at the front of the building. The spaces that are less reliant on views, such as stores, toilets, kitchen and hall are proposed to the rear of the building. The main entrance to the school would be centrally located on the front elevation, and the nursery would have its own separate and secure entrance. The school entrance would have a generous reception and foyer area, and linear circulation

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corridors would project from this space providing access to all areas of the school. The nursery would be located next to the Foundation classroom and would have its own office, staff area and facilities. The nursery and adjoining Foundation class would benefit from covered play areas which utilise the overhang of the roof.

11. The school includes a designated group room, IT and library area, and SEN room. The group room and library/IT room could be joined together to form one space if required. The hall would be located at the centre of the school, the proportions of which have been carefully considered to create a space which could be used for a variety of functions at different times of the day or evening. The hall could be divided into two separate areas which would enable organised community facilities to occur during the day whilst the school is in operation. The school would have lockable internal doors, which would close off the classrooms and other areas of the school, yet permit community access to the foyer, toilet facilities and the hall.
12. The school's hard play areas would be wrapped around the building, and naturally contained by the existing bank to the west of the site. This location would allow the pupils to have a secure area to play, separated from the games pitch and the vehicular access to the front of the building. A playing field would be located in the north west corner of the site, contained within a secure perimeter fence. This secure fence would extend around the perimeter of the school and its associated hard play areas. The applicant advises that, in response to the design brief, provision has been made for the school to be extended to the north to form a 1FE school if required in the future.
13. The protected wooded area to the north of the proposed school, and the embankment to the rear/west of the site would be subject to a 'Woodland Management Scheme' that would be established and managed by the School. The applicant states that as the wooded area is protected under Local Plan Policy LR9, all trees would be maintained and no trees would be felled unless deemed absolutely necessary by a health and stability survey. However, it is proposed that a small proportion of the low level dense foliage be cut back so that access can be gained by members of the public in order to provide a pleasant area for community use. A nature trail/sensory perception area would be created for pupils of the proposed school.
14. The school building, hard play areas and playing field have been located to the rear of the site, to allow car parking, drop off/pick up, access and a level games pitch to be located to the front of the proposed school. This would maintain the existing 'green gap' in the street scene, and allow the games pitch to be easily accessed from Ian's Walk/Eversley Road without compromising the security of the school. This games pitch would not be enclosed, and would be fully accessible to the public at all times. Levelling would be undertaken by cut and fill such that the upper end of the slope, nearest the school, would be cut providing a steep embankment between the school and the pitch, whilst the material cut would be deposited at the lower level raising land levels. Ball stop fencing is proposed behind the goal on the Eversley Road end of the pitch in order to prevent balls reaching the highway.
15. The proposed school would be accessed from Eversley Road, which connects to Spring Lane and Horn Street. Vehicular access to the site would run parallel to the north side of the games pitch, alongside a designated footway and cycle path. A bank and planted buffer zone would separate the edge of the pitch from the footway and the vehicular access, which extends into the site to a designated drop-off and parking area. The access road would be constructed to serve both the school and to provide access to the proposed new housing development (see paragraph 5). The drop-off and parking area would be located to the rear of those houses in order to reduce its visual impact.

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16. The applicant proposes to provide 15 car-parking spaces for staff and visitors, including 2 disabled parking bays. 3 secure covered cycle parking spaces are proposed. A designated mini-bus drop-off bay would be located close to the main entrance to the school, which would connect to a 1.8 metre wide raised footway leading to the school entrance. A turning head with drop off bays is also proposed. Secure gates are proposed to the entrance of the school, passed the turning used to access the new houses, and raised pedestrian crossings would be provided either side of the access road to the houses. A buffer zone is proposed to the north of the access drive, which would separate the access road from the closest residential property. This zone would incorporate a new planting scheme.

This application was accompanied by a Design and Access Statement, Transport Assessment, Trip Generation Information and Calculations, Traffic Noise Impact Assessment, Travel Plan, Topographical Survey, Public Open Space Appraisal, Noise Impact Assessment, Flood Risk Assessment and Ecological Survey Reports.

Copies of the submitted drawings showing the site layout, elevations and access are attached.

Planning Policy

17. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) **Planning Policy Guidance and Statements:**

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise
PPS25	Development and Flood Risk

(ii) The adopted **South East Plan (2009)**:

Policy CC1 - The principle objective of the Plan is to achieve and maintain sustainable development in the region.

Policy CC4 - The design and construction of all new development, and the redevelopment and refurbishment of existing building stock, will be expected to adopt and incorporate sustainable construction standards and techniques.

Policy CC6 - Actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities.

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Policy BE1 - Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.

Policy S1 - Local development documents should embrace preventative measures to address the causes of ill health by reflecting the role the planning system can play in developing and shaping healthy sustainable communities, including community access to amenities such as parks, open spaces, physical recreation activity and cultural facilities.

Policy S3 - States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.

Policy NRM2 – Water quality will be maintained and enhanced through avoiding adverse effects of development on the water environment.

Policy NRM4 – requires sustainable flood risk management.

Policy NRM5 – Local Planning Authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain in the region.

Policy NRM10 – Measures to address and reduce noise will be developed at regional and local levels.

Policy W2 - Sustainable design, construction and demolition should be encouraged to minimise waste production.

Note that as a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. The 10th November 2010 Quartermain Letter is now being challenged in the High Court and must in my view carry very little weight until such time as the as the Court decision is known. This is currently expected in late January.

Department of Communities and Local Government advice on this matter reads 'Local planning authorities and planning inspectors should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.

The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight

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which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner'.

Shepway District Local Plan Review adopted March 2006:

Policy SD1- All development proposals should take account of the broad aim of sustainable development.

Policy BE1 – A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. Building form, mass, height and elevational details should be considered.

Policy BE16 -The District Planning Authority will require development proposals to retain important existing landscape features and make appropriate provision for new planting.

Policy SC2 - The District Planning Authority will grant planning permission for new or improved social and community facilities where the proposal meets set criteria relating to compatibility with surrounding land uses, access, access for disabled people and acceptability on highway, infrastructure and environmental terms.

Policy LR9 - Areas of open space of recreation, leisure or amenity value or potential as identified on the proposals map will be safeguarded. Development proposals which would result in a net loss of such space will be refused unless sufficient alternative open space exists, the development does not result in an unacceptable loss in local environmental quality, or the proposal is the best means of securing an improved or alternative recreational facility of equivalent community benefit having regard to any deficiencies in the locality.

Policy LR12 – Proposals resulting in the loss of playing fields will only be permitted where development would not cause an unacceptable loss in local environmental quality and where it also accords with the following criteria:

- a) Sufficient alternative open space provision exists, or new sport and recreational facilities will be provided.....
- b) The land required is for an alternative educational purpose which cannot reasonably be met in another way.

Policy TR12 -Proposals for new development will only be permitted if provision is made for off street parking in accordance with the current maximum vehicle parking standards.

Policy TR13 -Applications for new or expanded school facilities should be accompanied by a School Travel Plan.

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Consultations

18. **Shepway District Council:** raises no objection to the application but comments as follows:

“The plan drawings include the children’s play area within the application site red line boundary. This area of land has been the subject of considerable debate in the progression of application Y07/1256/SH and the subsequent drafting of the S106 agreement and has been included within the red line boundary for that application. Clarification should be sought that, if this play area is being provided as part of the school development, that is available to members of the public (children) not attending the school and that it is freely accessible. Details relating to the type of equipment installed, maintenance, insurance etc. should also be secured and its provision should be secured prior to the commencement of the ‘enabling’ housing on the adjoining land.

Shepway Council raises no objection to the new school proposals, to which a similar proposal was granted planning permission in June 2006. Whilst that permission has since lapsed, there have been no significant material changes in planning policy since the granting of that permission to reach a contrary conclusion. It is noted that the Kent and Medway Structure Plan has now effectively been replaced by the South East Plan, of which Policy supports the provision of new community facilities.

The Council supports the innovative design approach put forward by the proposals and requests that similar conditions to those imposed on the previous permission be carried through to the current application.”

In addition, the District Council has requested that conditions of consent would require the submission of details of a Sustainable Urban Drainage System, and that the building would achieve at least a ‘very good’ BREEAM rating.

Hythe Parish Council: no comments received too date.

The Divisional Transport Manager: has no objection to the application subject to the imposition of conditions requiring any works to the public highway to be undertaken in accordance with Kent Highway Services specification, wheel washing facilities to be provided on site during construction works, and parking for site operatives and associated plant and machinery to be provided off of the highway. The Divisional Transport Manager is satisfied that highway requirements regarding the internal layout have been addressed. It is suggested that an informative should be added to the consent to advise that as part of the Travel Plan, the applicants should contact Stagecoach with a view to a regular bus service being provided in the vicinity of the site to tie in with school times.

The Environment Agency: raises no objection to the application subject to the imposition of a condition of consent requiring details of a sustainable surface water drainage scheme to be submitted prior to the commencement of development. Advice is also provided with regard to groundwater and flood risk.

The County Council’s Landscape Advisor: comments as follows:

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“The Landscape Strategy Masterplan appears to be reasonable in terms of the general principles and indicative species. I recommend that root protection areas are calculated and tree protection plans in accordance with BS5837: 2005 ‘Trees in Relation to Construction’ are submitted. I also recommend that a detailed landscape scheme is developed from the Landscape Strategy Masterplan. This should include detailed specification of proposed plant species, sizes, numbers and densities, as well as specification of hard external materials and fencing. I consider that a detailed landscape scheme would be acceptable as a condition to any planning permission granted.

I consider the calculation of the loss of open space to be slightly misleading because it does not consider loss of *public* open space, which would conclude a larger total loss. I do, however, accept that some elements of the proposals would be accessible for public recreational opportunities and I am pleased that the Appraisal also confirms that the surrounding area offers adequate publicly accessible open space in accordance with guidelines issued by the Institute of Highways and Transportation. I accept that the proposals would not conflict with the planning policies and principles identified.”

The County Council’s Noise Advisor: had initial concerns over the position and proximity of the proposed new sports pitch by the entrance off Eversley Road given the scope for noise disturbance for adjacent residents, but has since stated:

“The issue of potential noise impact from the proposed sports field in this application varies from the norm. Usually the application is for a new sports field within the school site, more often than not in an area where sports are currently not played. However, I understand this not to be the case with this application, with public use currently permitted and will continue to be so should the application be successful. On this basis my earlier concerns over weekend and evening use of the sports pitch are somewhat resolved. The same could be applied to the use of the sports field during school hours, i.e. the field is currently used by the School for lessons and would be in the future; although the introduction of the sports pitch would formalise the sports into the south east corner.”

Biodiversity Officer: has no objection to the application subject to conditions ensuring that the development would be carried out in accordance with the recommendations made in the Ecological Surveys (including the installation of reptile fencing), and the protection of nesting birds and roosting bats. A ‘tool box talk’ must also be given to site workers prior to the commencement of development to alert workers to the possibility of protected species on site.

Sport England: raises no objection to the application subject to the imposition of conditions requiring the submission of a Community Use Agreement and details of the re-grading and restoration of the playing field area, to accord with the standards and methodologies set out in the guidance note ‘Natural Turf for Sport’ (Sport England 2000).

Local Member

19. The local County Member, Mr C. Capon, was notified of the application on the 28 May 2009.

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Publicity

20. The application was publicised by the posting of 3 site notice, advertisement in a local newspaper, and the individual notification of 65 nearby properties.

Representations

21. To date, 14 letters of representation have been received from 7 neighbouring properties. The main comments/points of concern and objection can be summarised as follows:

Loss of open space/protected playing field

- The open space at Eversley Road is a recreational area widely used by local residents, both adults and children, and is the only open space available locally;
- Local residents, including children, would now have to walk for approximately 2 miles to reach an alternative open recreational area;
- A petition was submitted to Shepway District Council, signed by many local residents, objecting to the loss of open space;
- Development of this site is contrary to Local Plan Policies, including Policy LR12;
- Sport England should be consulted on this application;

Access and car parking

- Ian's Walk and Eversley Road are narrow residential streets, with cars parked on both sides, making them hard to negotiate in a car;
- Local Roads will not be able to accommodate the increased traffic generated by the school, and associated construction works. This will be hazardous to pedestrians and increase the risk of traffic accidents;
- Local road junctions, such as the junction between Nail Down Road and Horn Street will not be able to cope with construction vehicles, and increased use by traffic associated with the school;
- A one-way system should be provided through the enabling housing development and the school to aid the manoeuvring of vehicles, ease congestion, and ensure access to the rear of the houses and the school by emergency vehicles;
- Access for emergency vehicles would be impaired because of increased traffic and narrow roads;
- The pick up/drop off area would help ease traffic in the mornings but not at pick up time as this is not staggered like drop off times are;

General Concerns/amenity issues

- The access road is too close to the boundary with neighbouring properties and would have a detrimental impact on the amenity of local residents;
- The level of the games pitch would mean that anyone using the pitch would be overlooking local properties, affecting privacy and security. The pitch should be lowered;
- Ball stop fencing should extend along the southern boundary of the pitch to ensure that balls would not end up in neighbouring gardens, perhaps damaging property;
- The area between the new games pitch and boundary fencing to the south could become an 'alley way' attracting anti-social behaviour, rubbish and becoming overgrown;
- Objection is raised to the enabling housing developments and it is considered that funding should be raised by other means;
- Consideration should be given to developing a brownfield site;

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- Alternative sites should be considered;
- Opening up the woodland could lead to security concerns for local residents;
- KCC purchased this land many years ago with the view to building a school on it, but due to cultural changes over the years, it is felt that this site is no longer suitable for this purpose.

Discussion

22. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (17) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Members also need to consider whether there are any material change in circumstances since the granting of the 2006 planning permission which indicates a contrary decision should be reached. Issues of particular relevance include impact upon residential and local amenity, highway and traffic implications, visual impacts and possible effects on the local environment, particularly the loss of open space.
23. As previously mentioned, the application site is split into an area of open space of recreation, leisure or amenity value, as designated under Policy LR9, and playing fields, as designated and protected under Policy LR12 of the Shepway District Local Plan. The proposed school and its associated playing fields, games pitch and access road lie within the boundary of Policy LR12, whereas the wooded area to the north of the site is protected under Policy LR9 of the Local Plan. All of these policies have a presumption against development and, therefore, this application has been advertised as a departure from the Development Plan and the matter would need to be referred to the Secretary of State for his consideration, should Members be minded to permit. In assessing the proposal the policies detailed above concerning the loss of open space and/or playing field, need to be considered more closely to establish whether or not there are special circumstances that would warrant setting aside the general presumption against development.

Loss of open space/playing field

24. Policy LR12 of the Shepway District Local Plan Review states that proposals resulting in the loss of playing fields would only be permitted where development would not cause an unacceptable loss in local environmental quality, and where set criteria would be met. These criteria include the provision of alternative open space, or new sport and recreational facilities, or that the land required is for an alternative educational purpose which cannot reasonably be met in another way. This presumption against development is amplified by Policy LR9 of the Shepway District Local Plan Review which applies to the wooded area to the north of the site. The proposed location of the new school needs to be considered, in light of the above policies, to ascertain whether the proposal would result in an unacceptable loss of open space and/or playing field.
25. Should Members be minded to permit, the construction of a school on this site would result in the loss of an area of open grassland, which is currently used by local residents and the existing Seabrook School. The loss of this land has met with local objection. However, the applicant states that the site currently provides approximately 1.24ha of usable space, which slopes steeply from west to east and has no marked pitches or

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play facilities of any description. The proposed level games pitch, located to the front of the site, would not be secured in any way and would be available for community use at any time. Should Members be minded to permit, the games pitch would be subject to a Community Use Agreement, which would be conditioned on any subsequent decision. The applicant states that the games pitch would provide approximately 3260sqm of quality space, compared with the current 3000sqm of reasonably level space upon which ball sports can satisfactorily be played. In addition to the games pitch, the applicant is proposing to open up the wooded area to the north of the site to enable public access. As the wooded area is protected under Policy LR9 of the Shepway District Local Plan Review, all trees would remain but a small proportion of the low level dense foliage would be removed. The applicant claims that this would allow members of the public to access the wooded area, which would be a pleasant area for walkers. It is expected that approximately 3140sqm of space would be provided by opening up this wooded section of the site.

26. Therefore, the applicant states that only 0.6ha of open space may be lost should this application be permitted, and that the remaining areas of open space that would be available for public use would be of a higher quality and significantly improved from its current state. Policy LR12 of the Shepway District Local Plan states that development proposals would only be permitted if sufficient open space exists, or would be provided of at least equivalent community benefit. In the light of this, I would suggest that the applicant has taken all reasonable efforts to provide alternative recreational facilities/open space, which can be argued is of better quality than the existing. In addition to this, the proposed school would have a secured playing field and hard play areas, which would aid in maintaining an open feel to the site, and provide further sports and recreational facilities for the school. Therefore, I consider that this proposal accords with this criterion of Policy LR12 of the Shepway District Local Plan Review. It should also be noted that the Secretary of State has previously been satisfied on this matter when considering the previous planning application.
27. The second applicable criterion states that development proposals will only be permitted where the land is required for an alternative educational purpose which cannot reasonably be met in another way. As listed in paragraph 4 of this report, there are a number of problems associated with the existing school building, and the applicant states that through refurbishment it would not be possible to bring the school up to current standards, whilst providing sufficient external space. Prior to design competition stage, Kent County Council assessed the availability of local land, and the most appropriate site to allocate for development. The site has been identified by Kent County Council for educational purposes for some time, and the applicant suggests that there are no other suitable alternative sites. In addition, the site is centrally located for the current pupils and is close to the existing school on Seabrook Road. Therefore, the land is required for an alternative educational purpose, which cannot reasonably be met in another way, and subsequently the development accords with the general principles of this criterion of Policy LR12 of the Shepway District Local Plan Review.
28. In addition to this, the wooded area to the north of the site is protected under Policy LR9 of the Shepway District Local Plan, as discussed above. As the wooded area is not impacted upon by construction activities, moreover it would be enhanced and managed within a Habitat Management Plan, which could be addressed via condition, and the woodland would be opened up to make it a usable open space, there would be no net loss of open space, rather an increase. Therefore, I consider that this proposal is in accordance with the general principles of Policy LR9 of the Shepway District Local Plan Review.

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29. I consider that this proposal accords with both the relevant criteria of Policy LR12. However, the Policy also states that proposals will only be permitted where they would not cause an unacceptable loss in local environmental quality. The following sections of this report will discuss the design and siting of the development, impacts upon residential amenity and the possible highway implications of the proposal. All these issues need to be taken into account when assessing whether or not the proposal would result in an unacceptable loss of environmental quality.

Siting and Design

30. The design of the proposed Seabrook School was won by a private architectural practice in a Kent County Council arranged design competition. A number of factors contributed to the design of the school, including Kent County Council's design brief and the DfES Building Bulletin 82 'Area Guidelines for Schools'. Every effort has been made to design a sensitive low-impact building appropriate to its natural setting. External materials such as self coloured render and timber cedar boarding have been proposed on the basis of being durable and low in maintenance. The building would also use large areas of glass to provide internal spaces with good levels of daylight, and in most cases, sea views. The design of the school building has not been objected to or commented upon by local residents. The high quality design conforms with the principles of relevant Development Plan Policies, such as South East Plan Policy BE1 and Shepway District Local Plan Review Policy BE1, and therefore I consider that this should be well received.
31. The siting of the development within an existing area of open space/playing field has been objected to, but this issue has been discussed above and it has been established that the development is acceptable in principle in terms of conforming with the Development Plan Policies which protect the site. The siting of the proposed school within this site now needs to be considered. The applicant states that the siting of the development has been carefully considered to allow the school building, hard play areas and playing field to be located to the rear of the site, and allow car parking, drop off/pick up, access and a level games pitch to be located to the front of the proposed school. This would maintain the existing 'green gap' in the street scene, and allow the games pitch to be easily accessed from Ian's Walk/Eversley Road without compromising the security of the school. The applicant states that the proposed building is low lying and would be located within a naturally occurring dip in the site. The building has been located in such a way that the hall, which is the tallest element of the school, remains at a height that permits sea views from the existing properties along Quarry Walk. The applicant has demonstrated, through drawing no. 09.028.004, that no existing sea views from properties in Quarry Walk would be lost due to the construction of the school. Therefore the siting of the school building, and its associated facilities are considered to be appropriate for the site. In addition, I consider that the design and siting of the development respects its setting, and would not have a detrimental impact on the character of the local environment.

Residential Amenity

32. The proposed school would have an impact on residential and local amenity, and the significance of this impact needs to be discussed. Much concern has been expressed over the highways implications of this proposal, both during construction and when operational. These issues will be discussed later in this report.
33. Concern is raised that local residential amenity would be detrimentally affected, by noise, loss of privacy and loss of open space. The applicant has demonstrated that

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sufficient alternative open space would be provided, and although regrettable that an area of open grassland be lost to development, a case of need has been given which confirms that the land is required for an alternative educational purpose which cannot reasonably be met in another way. However, the issues of noise generation and loss of privacy need to be addressed. The school building itself would be located within a naturally occurring dip in the site and, therefore, would be screened from residential properties by a steep embankment and both existing and proposed planting. In addition, the proposed school building would be over 30m away from the closest residential dwelling, and at least 15m from the closest rear boundary. Therefore, I do not consider that the school building itself would have a detrimental impact upon the amenity of local residents. Hard play areas that surround the school would generate noise at break times, but this would be for limited periods during term time only. The embankment and planting would provide screening which would act as a natural barrier between local properties and the hard play areas, reducing the noise impact.

34. The County Council's Noise Consultant has some residual concerns about potential noise impacts over the use of the proposed sports pitch, although that would not be a new use on the site, nor one that is contrary to Local Plan Policy or incompatible with the local pressure for retaining some community use of the site. Unfortunately, it is not possible to comply with these aspects, plus other general policies to promote the community use of school sites and to foster participation in sport and physical exercise without some potential for noise and/or visual intrusion for that community. The proposed levelling of the sports pitch and the introduction of tree planting around it, would assist in reducing any significant visual intrusion, but any effective noise mitigation would call for acoustic fencing, which itself could be unduly visually oppressive and unpopular with those residents who would prefer to maintain the longstanding open aspect. In particular, the sports pitch would not be in constant use and any noise disturbance would be of limited duration, whereas fencing would be in place constantly. The Consultant has commented as follows:

"Should this application be similar to those normally dealt with, I would be adamant on the use of a noise barrier to reduce noise levels from use of the sports pitch; however, the fact that the sports pitch is currently used by the School complicates the matter somewhat. Ideally I would still wish to see a noise barrier installed, as the formalisation of the pitch is likely to result in increased noise levels for nearby residents, as predicted by the Noise Assessment; however, I can understand the concerns over visual impact. On this basis, I would agree that details of an acoustic fence could be submitted pursuant to condition prior to commencement of development, and consult local residents at that time. That in theory gives the residents a choice of noise or visual impact."

My own view is that local residents should be afforded the opportunity to comment on the provision of such fencing, since it might be unwanted on visual amenity grounds and regarded as less desirable than on other sites because this particular site has been used for less formalised sports activity for many years. Accordingly, I would recommend that a condition be imposed to this effect, should consent be granted for the development.

35. Overall, I consider that the greatest noise impact upon local residential amenity would be during the construction of the school buildings and its associated facilities. Unfortunately this is a negative feature of any development, but can be mitigated as far as practicably possible by the imposition of a condition to control construction hours.
36. Although I do not consider that the school building itself would have a detrimental impact upon local residential amenity, other elements of this application could and, therefore, need to be discussed. First, local residents have expressed concern over the

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level games pitch, and consider that it would have a harmful visual effect on the occupants of properties in Ian's Walk. Due to the gradient of the site, the land would need to be cut and filled to enable the creation of a level games pitch. That would raise the level of the land approaching Eversley Road, although land at the opposite end of the pitch would be cut significantly in an effort to lower the pitch level as far as possible. One local resident in Ian's Walk is concerned that users of the pitch, which would include members of the public, would be able to clearly see into their garden, having a detrimental impact upon residential amenity and privacy.

37. In considering the previous planning application (SH/06/408), the level of the pitch was raised as a concern by Shepway District Council and local residents, and was discussed within the report to Committee at that time. Subsequently, a condition of consent was imposed to require details of the pitch level to be submitted for approval, and the condition specified that the level should be lower than that shown on the application drawings at that time. As a result of this condition, when submitting this planning application, the applicant has lowered the level of the pitch by 1 metre, and pushed it further back into the site. The site sections submitted by the applicant demonstrate that the level of the pitch is considerably lower than the existing boundary fencing, and that clear views into the neighbouring garden should not be afforded. Shepway District Council is also satisfied with the details shown. The applicant has also proposed planting to the south of the games pitch in an effort to provide a screen between the pitch and the property. Subject to conditions ensuring that the pitch be constructed in accordance with the level details provided, and that a scheme of landscaping for the site include extensive planting, including evergreen species, to the southern boundary, I do not consider that use of the pitch would lead to significant overlooking of neighbouring properties, or have a significantly detrimental effect on residential amenity due to loss of privacy.
38. In addition, concern is raised that balls from the pitch could end up in neighbouring gardens, potentially damaging property. Residents have suggested that the proposed ball stop fencing (to be provided behind the eastern goal area, nearest to Eversley Road, only) should be extended. However, the applicant explains that the playing field is intended to be open for use by all, and that not encapsulating the pitch in its entirety with ball stop fencing would encourage its use, and maintain the openness of the site. The ball stop fencing that is proposed is primarily to protect passing vehicles from stray balls, which is considered to be a Health & Safety concern for road users. It would also prevent pupils and other users of the pitch from running into the road chasing after balls. As an integral part of the design brief for this site was to maintain a pitch that was open for use by all at any time, I do not consider that an extension to the ball stop fencing would be appropriate or necessary at this time. It should also be noted that the site is currently used as school playing field, and for community recreation, and that future use of the pitch would most commonly be by school children of a primary school age, during school hours and under supervision.
39. Secondly, concern is expressed over the proposed opening up of the woodland and the subsequent impact upon wildlife, and security/privacy of neighbouring properties. Both the woodland area, and the bank at the rear of the site, would be subject to a Habitat Management Plan, which would require the planned active management of these areas. Should Members be minded to permit, the Habitat Management Plan would be a condition on any subsequent decision, and would enhance the woodland and embankment areas in terms of biodiversity, nature study areas and public space. The Biodiversity Officer states that impacts upon biodiversity are unlikely, and suggests that conditions are placed on any subsequent decision in order to protect breeding birds, etc. Therefore, subject to the imposition of planning conditions and the submission of a

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Habitat Management Plan, prior to any development at the site, I consider that this proposal would not have a detrimental effect on local wildlife, or indeed the woodland area or embankment.

40. However, clearing the undergrowth and opening up the woodland could impact upon the privacy and security of neighbouring properties. The woodland is currently available for public use and, therefore, it can be argued that this proposal would not have any impact upon neighbouring properties. However, the woodland is overgrown and hard to access at present, with dense undergrowth acting as a natural deterrent. By removing some of the undergrowth and clearing paths through the site, encouraging use by members of the public and pupils of the school, the rear gardens of properties backing onto this area of the site may become vulnerable. However, I consider that providing the applicant leaves a sufficient boundary around the woodland perimeter that faces residential properties, which is left in its current state and not cleared, then the privacy and security of neighbouring properties would not be unduly compromised. Details of how the woodland would be cleared, managed, and maintained need to be included within the Habitat Management Plan, and I would expect the perimeter of the woodland to remain as existing in order to maintain and enhance local environmental quality, and ensure residential amenity is not detrimentally affected.
41. The applicant proposes that the school facilities would also be used by the local community. One of the enabling housing developments proposes the demolition of the existing Seabrook Mission Hall, which would result in the loss of a community facility. Shepway District Council discourages the loss of community facilities, and therefore the community activities currently held in the Mission Hall could be held in the proposed school. These activities include Women's Institute, Women's Fellowship, Craft Group, Bridge Club and Karate Group, which could be held in additional spaces during school hours, and quiz nights and occasional children's parties in the evenings. These uses would not involve excessive noise generation, and would be relatively low key in terms of hours of use and numbers of attendees. In light of the above, I consider that the proposed school building is a sufficient distance from neighbouring properties to ensure that any community use would not have a significantly adverse impact upon residential amenity.

Highways

42. Traffic generation and impact upon the local highway network are further concerns expressed by local residents. Local residents are concerned that Eversley Road and Ian's Walk cannot accommodate construction vehicles, as the roads are narrow residential streets, which are often double-parked. In addition, it is suggested that local road junctions such as the junction between Nail Down Road and Horn Street could not cope with construction vehicles.
43. Kent Highway Services is satisfied that Eversley Road and Ian's Walk are wide enough for two cars to pass each other, and therefore construction vehicles would be able to access the site. However, I consider that a Construction Management Strategy should be submitted pursuant to condition, should permission be granted, to include details of lorry routing, parking for site operatives and personnel, wheel cleaning details and details of lorry waiting facilities. Unfortunately, the construction of any development does have short-term impacts upon the local highway and this cannot be avoided. However, the impact can be minimised through the imposition of a condition requiring the submission of a Construction Management Strategy. In addition, further conditions would be imposed to ensure that construction traffic does not enter/egress the site at peak 'rush hour' times and that mud and debris is not deposited on the local highway.

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44. In addition to concerns over construction traffic, local residents have expressed concern over the highways implications of the school in the longer term. First, it must be noted that Kent Highway Services has raised no objection to this application, subject to the imposition of conditions. In addition to the submission of a Construction Management Strategy, it is suggested that conditions be imposed requiring any works to the public highway to be undertaken in accordance with Kent Highway Services specification, and that an informative be added to the consent to advise that as part of the Travel Plan, the applicants should contact Stagecoach with a view to a regular bus service being provided in the vicinity of the site to tie in with school times. Should permission be granted conditions of consent and an informative would cover these matters.
45. However, concern is expressed that there is insufficient car parking proposed on site, and parents would park in local roads to drop off/pick up their children. In addition, it is suggested that local roads and associated junctions could not accommodate the increased level of traffic that would be associated with the school. Kent Highway Services has confirmed that the maximum car parking requirement is 1 space per member of staff, plus 10%, and that the level of on site car parking proposed is at this maximum level. The Divisional Transport Manager is satisfied that highway requirements regarding the internal layout have been addressed and, therefore, I am satisfied that the development has sufficient on site car parking and appropriate access arrangements.
46. Although I understand the concern over on-street parking, Kent Highway Services do not consider that it will be a cause for concern in this case sufficient to warrant the refusal of planning permission. Most parents of Primary School children want to park as close to a school building entrance as possible, and Kent Highway Services suggest that most parents would therefore drive into the school grounds and use the pick up/drop off point as the entrance is a considerable distance from Ian's Walk/Eversley Road. In addition, the School Travel Plan would increase the number of parents and pupils walking to school, encouraging the use of walking buses, and would be required to be updated and reviewed under condition should Members be minded to permit. Local roads and junctions are already used by parents travelling to the existing school, and Kent Highway Services do not expect this situation to change significantly with the relocation of the school. The provision of 'school keep clear' markings at the Owens Close, Ian's Walk and Eversley Road junction would also discourage parents from parking in local roads. Therefore, subject to the imposition of conditions, I do not consider that this proposal would have a significantly detrimental impact upon the local highway network.

Need

47. The applicant has demonstrated a case of need for the facility, as outlined in paragraphs 4 & 27 of this report. The new school facilities would not only meet the urgent needs of Seabrook School, it would provide a facility that could be used by other community groups, and members of the public. Therefore, I consider that the provision of the new school facilities would meet the needs of many local people and the pupils of Seabrook School.

Conclusion

48. As discussed in paragraphs 24 to 29 of this report, this proposal would not result in a net loss of open space, as sufficient alternative open space would be provided, which is

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argued to be of better quality. Therefore, I do not consider that the proposal is contrary to the principles of Policies LR9 and LR12 of the Shepway District Local Plan Review. Policy LR12 states that proposals resulting in the loss of playing fields will only be permitted where development would not cause an unacceptable loss in local environmental quality, and where set criteria are met. As discussed in paragraphs 27, 28 & 29 of this report, I consider that these criteria are met by this application. However, the development must not cause an unacceptable loss in local environmental quality. I consider that the proposed design of the school could enhance the local environment, which in conjunction with a Habitat Management Plan for the woodland and embankment, would enhance the biodiversity and environmental value of the site. Therefore, I consider that subject to the imposition of conditions, that the proposed development would not have a detrimental effect on local environmental quality. It should also be noted that the Secretary of State has previously considered the policy implications of locating a new school on this site, and was satisfied that the development was not contrary to planning policy. Therefore, I consider this proposal to be in accordance with the general principles of Policy LR12 of the Shepway District Local Plan Review.

49. In summary, I consider that there are special circumstances to justify the proposed development within a designated area of open space/playing field. Subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general principles of the relevant Development Plan Policies. Therefore, I recommend that the application be referred to the First Secretary of State as a departure from the Development Plan, and that subject to his decision, permission be granted subject to appropriate conditions.
50. In light of the current economic climate, and the complexity of the development, I consider it appropriate in this instance to allow the applicant 5 years within which to implement the development, in lieu of the usual 3 year time frame.

Recommendation

51. I RECOMMEND that SUBJECT to no direction to the contrary by the First Secretary of State, PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions covering:
- a 5 year time limit;
 - the development to be carried out in accordance with the permitted details;
 - details of external materials to be submitted;
 - details of external lighting to be submitted;
 - the sports pitch to be constructed in accordance with the levels provided;
 - detailed proposals for installing acoustic fencing for the sports pitch and implementation if wanted by the immediately adjacent property occupiers;
 - submission of a Community Use Scheme for the level games pitch;
 - details of a Sustainable Urban Drainage System to be submitted;
 - a scheme of landscaping, its implementation and maintenance, including evergreen planting to the southern boundary, to be submitted;
 - a Habitat Management Plan to be submitted;
 - the development to be undertaken in accordance with the recommendations made in the submitted ecological surveys;
 - provisions to be submitted for the protection of nesting birds;
 - the provision of 'School Keep Clear' road markings;

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- the provision and retention of car parking, cycle parking and turning area as indicated;
- the preparation, implementation and ongoing review of a Revised School Travel Plan;
- restrictions over the hours of working during construction;
- details of a Construction Management Strategy to be submitted; and
- details of parking for site construction personnel to be submitted.

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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