



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 12th February, 2008, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **(01622) 694342**

*Tea/Coffee will be available from 9:30 **outside the meeting room***

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 15 January 2008 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Applications TM/07/4014, TM/07/3920 and TM/03/3946/R27 - (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting; (ii) variation of Conditions 2, 3, 4, 7, 10, 28, 30 and 31 of Permission TM/03/3946; and variation of Condition 27 of Permission TM/03/3946 to allow movement and placement of soils between November 2007 and March 2008 at Offham Landfill Site, Teston Road, Offham, West Malling; Waste Recycling Group Ltd. (Pages 5 - 32)
2. Application TH/07/1441 - Concrete plinth and kiosk to house the motor control centre, including electrical equipment used to control a wastewater pumping station on Public Open Space to the north of Cliff Terrace, Margate; Southern Water Services Ltd. (Pages 33 - 50)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal CA/07/836 - Outline application for new 1 form entry Primary School (capable of being converted to 2 form entry at a later date), children's centre, Vocational Training Centre, multi-use games area and student residential accommodation at The Canterbury Campus, Knights Avenue, Canterbury; Governors of the Canterbury Campus and KCC Children, Families and Education. (Pages 51 - 76)

2. Proposal SW/07/1360 - Single storey modular building for use as a community children's centre, including the installation of fencing, pathways, hard play area and staff car parking at Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheppey; KCC Children, Families and Education. (Pages 77 - 88)
3. Proposal TW/07/2426 - Replacement 5 classroom primary school with nursery, external hard landscaping and car parking for Sissinghurst Primary School at Common Road, Sissinghurst; Canterbury Diocesan Board of Education and KCC Children, Families and Education. (Pages 89 - 114)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 115 - 122)
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Detailed submissions under Channel Tunnel Rail Link Act 1996 (None)
5. Screening opinions under Environmental Impact Assessment Regulations 1999
6. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

Monday, 4 February 2008

15 January 2008

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 15 January 2008.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mrs V J Dagger, Mr J A Davies, Mr J B O Fullarton, Mr T Gates, Mrs E Green, Mr C Hibberd, Mr G A Horne, MBE, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr R A Marsh, Mr J I Muckle, Mr W V Newman and Mr A R Poole.

OFFICERS: The Head of Planning Applications Group, Mrs S Thompson (with Mr M Clifton and Mr J Crossley); and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

1. Minutes
(Item A3)

RESOLVED that the Minutes of the meeting held on 11 December 2007 are correctly recorded and that they be signed by the Chairman.

2. Application TH/07/1441 – Concrete plinth and kiosk to house the motor control centre, including electrical equipment used to control a wastewater pumping station on public open space to the north of Cliff Terrace, Margate; Southern Water Services Ltd.
(Item C1 – Report by Head of Planning Applications Group)

RESOLVED to defer determination of this application to the next meeting of the Committee to enable further consideration by the applicants of the external appearance of the proposed facility.

3. Application AS/07/1973 – Variation of Condition (iii) of Permission AS/87/802 and Condition (i) of Permission AS/02/645 to allow the continued operation of the existing rail aggregate terminal for a further temporary period of up to 3 years and subsequent delay in restoring the site pending the conclusion of matters to allow granting of a separate permission for a permanent facility at the site under Permissions AS/06/4 and 5 at Sevington Railhead, Waterbrook Park, Ashford; Bretts Ltd.
(Item C2 – Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group tabled revised recommendations which were agreed.

(2) RESOLVED that:-

- (a) permission be granted for the variation Condition (i) of Permission AS/02/645 for the retention and operation of the existing rail aggregate importation facility at Sevington Railhead, Waterbrook Park, Sevington for a period of 3 years from the date of this Permission or 3 years from the date of a Permission granted under Applications AS/06/4 and AS/06/5 for the development of a permanent rail aggregate and associated Waste Transfer/Recycling facility at the site, whichever is the later, or on completion of the development proposed under Applications AS/06/4 and AS/06/5 whichever is the earlier of the dates, subject to a condition requiring that no additional development affecting the route of Public Right of Way AE350 shall take place until such time as it has been formally diverted;
- (b) permission be granted for the variation of Condition (iii) of Permission AS/87/802 for the variation of the Condition which shall now read: 'In the event that the development proposed under Applications AS/06/4 & AS/06/5 have either not been consented or have not been implemented, the site shall be restored within 6 months of the development hereby granted'; and
- (c) the applicants be notified by Informative that:-
 - (i) measures to secure the formal diversion of Public Right of Way AE350 shall be undertaken expeditiously;
 - (ii) the minimum width of any diverted path crossing the site shall be 4 metres and that its surface shall either remain as grass where it falls outside the immediate development area, or surfaced with a Type 1 material and finished with a limestone topping or similar where it falls within it; and
 - (iii) all other Conditions imposed under Permission AS/02/645 remain in effect.

4. Proposal SW/07/1032 – Construction of a roundabout with single carriageway approach roads at Junction of Swale Way and Ridham Avenue, Kemsley, Sittingbourne; KCC Highways Services
(Item D1 – Report by Head of Planning Applications Group)

- (1) The Head of Planning Applications Group tabled late representations from PFA Consulting, on behalf of affected landowners.
- (2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the development being commenced by 14 September 2009 (to accord with the main consent); the development being carried out in accordance with the permitted details; and the development being carried out in strict accordance with the conditions of consent for Permission SW/04/1453.

5. Proposal DA/07/1120 – Formation of two pedestrian entrances, pupil waiting area and car parking modifications (including extension of existing car park) at the north west corner of the Grange School site associated with School Travel Plan at The Grammar School for Girls Wilmington, Dartford; Governors of The Grammar School for Girls Wilmington and KCC Children, Families and Education

(Item D2 – Report by Head of Planning Applications Group)

- (1) In agreeing the Head of Planning Applications Group's recommendations, the Committee requested an additional informative that it would expect local residents to be consulted on the content of the School Travel Plan.
- (2) RESOLVED that:-
 - (a) permission be granted to the proposal subject to conditions including conditions covering the standard time limit; and the development being carried out in accordance with the permitted details; and
 - (b) the applicants be informed of the Committee's view that it would, in future expect local residents to be consulted on the content of the School Travel Plan.

6. County Matters dealt with under Delegated Powers

(Items E1-E6 – Reports by Head of Planning Applications Group)

RESOLVED to note reports on items dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) detailed submissions under Channel Tunnel Rail Link Act 1996 (None);
- (e) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 dated 1 April 2004 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent.

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2008.

Applications by Waste Recycling Group Limited:

- (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014);
 - (ii) variation of conditions 2 (importation of inert waste, soils and compost after December 2007), 3 (details of new wheel washing facility), 4 (amendment to drawings as approved under permission TM/03/3946), 7 (fencing details around existing pond and surface water attenuation feature), 10 (type of waste deposited at the site to allow 'clean water sludge' as well as compost), 28 (variation of approved landscaping restoration scheme), 30 (retention of access/maintenance track into the site) and condition 31 (revised restoration scheme) of planning permission TM/03/3946 dated 1 April 2004 (TM/07/3920); and
 - (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27)
- all at Offham Landfill Site, Teston Road, Offham, Kent

Recommendation: Planning permission be granted / approval be given, subject to conditions, for (i), (ii) and (iii).

Local Members: Mrs S. Hohler

Unrestricted

Site description and background

1. Offham Landfill site is situated to the south west of Offham Village and south of Teston Road from which access to and from the site is obtained. Teston Road joins the B2016 which provides access to the A20 and A25 beyond. The nearest residential properties to the existing site are at Teston Road (which adjoins the northern

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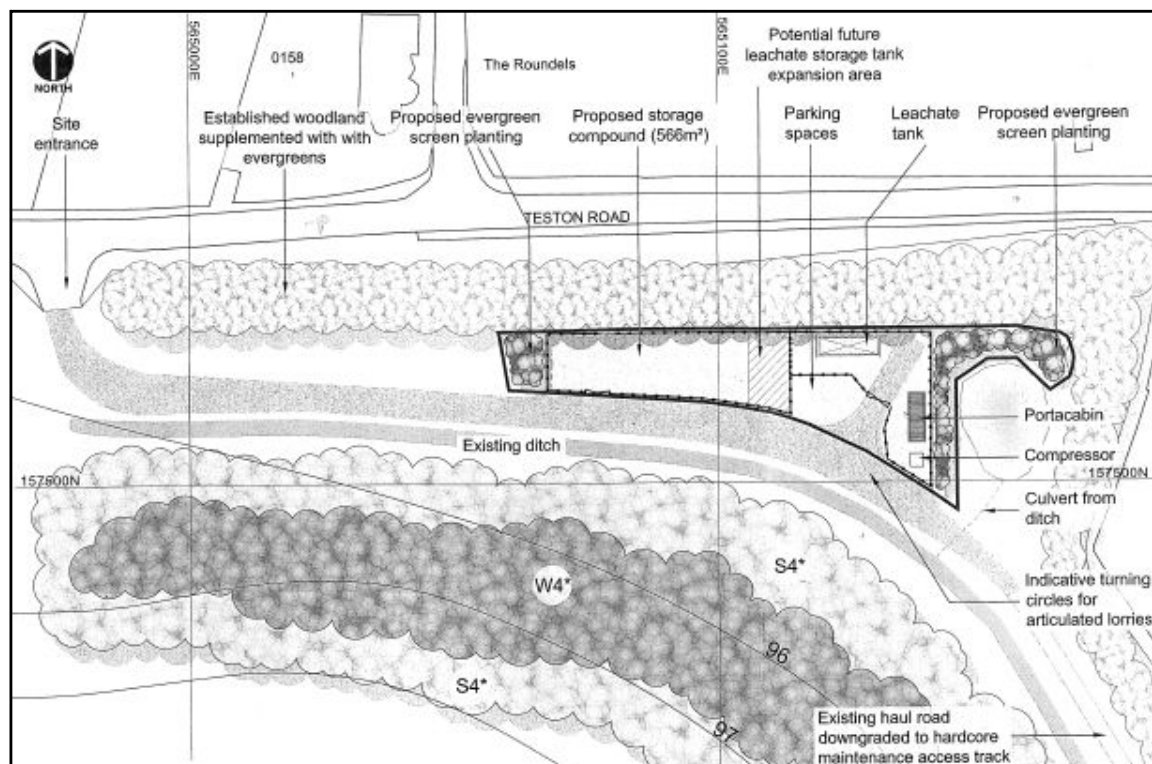
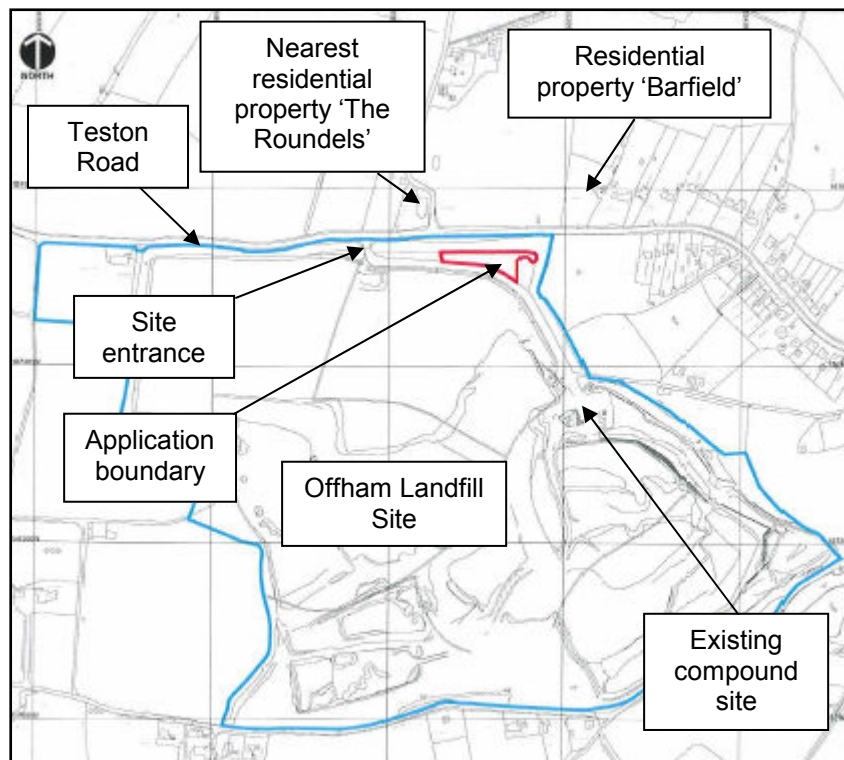
Site location plan



Item C1

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(i) New compound location plan



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boundary) and Comp Lane (which adjoins the southern boundary of the site). A *site location plan* is shown on page C1.2.

2. The proposed new compound area lies in the north eastern corner of the site in an area currently occupied by a series of temporary buildings used by site personnel immediately adjacent to the current weigh-bridge. The nearest residential property is 'The Roundels' located approximately 40m north west of the corner of the application boundary and in excess of 100m from the proposed compressor. Another nearby residential property, 'Barfield', is located in excess of 90m north east of the corner of the application boundary and approximately 120m from the proposed compressor.
3. The Landfill site originated as a quarry supplying aggregate and fill stone to the local construction industry and landfilling back to the original landform followed that process. Infilling of the former ragstone quarry with domestic, commercial, industrial and inert wastes has been ongoing since the early 1980s. In 1982, planning permission TM/82/28 was granted to regularise the earlier infill permissions. In 1994, planning permission TM/91/1133 was granted for infilling in the south eastern area of the site. In 1996, planning permission TM/95/1440 was granted for the stockpiling of topsoils on the Sheepfield area which were required for the restoration of part of the south east corner of the site. In 1999, planning permission TM/98/1217 was granted for revised restoration proposals, variation of hours of working and the provision of additional stockpiling. In 2002, planning permission TM/02/2333 was granted to enable occasional working outside the normal permitted hours on specific Saturday afternoons following Bank Holidays to allow the acceptance of local authority household waste. In 2004, planning permission TM/03/3946 was granted for landfilling, restoration, aftercare and associated operations at the site. Partial approval of details pursuant to conditions 8, 19, 30 and 31 of planning permission TM/03/3946 was given in 2006. In 2007, planning permission TM/04/3135 was granted for an amended layout of the gas utilisation compound approved under previous planning permission TM/02/3536.
4. Infilling with putrescible waste has been completed and the landfill site is in the process of final restoration. The restoration scheme is divided into three phases (as shown on plan on page C1.4), with the majority of Phases 1 & 2 being largely completed in terms of final restoration contour levels. The restored area is currently punctuated with a series of landfill gas and leachate monitoring and management boreholes / well-heads.
5. Within Phase 3 of the restoration scheme, there is currently a site compound comprising leachate storage tanks and an emergency gas flare. In order to complete total restoration of the site (and achieve previously approved restoration contour levels) it is necessary to relocate the existing compound elsewhere within the site.
6. The site lies within the Metropolitan Green Belt.

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The Proposals

Application TM/07/4014 (new compound)

7. The application proposes a new environmental compound area bounded by closeboard fencing and gates containing two leachate tanks (main tank and back up tank), an area for the storage of infrastructure materials, a portable cabin, compressor, and parking / turning areas. *The proposed site layout is shown on page C1.3.*
8. The proposed environmental compound would replace the existing site compound located in the eastern part of the Offham Landfill Site (within Phase 3 of the restoration scheme). The need for the alternative location for the compound has arisen from the need to facilitate final restoration of Phase 3, in which soil contour levels need to be significantly raised to accord with current approved restoration contour plans. Alternatively, it is noted that should the compound remain on its existing site, the approved restoration scheme could not be fully implemented until the landfill gas and leachate extraction / control activities have ceased.
9. The proposed leachate tanks would measure 12m by 4m and would be 3.5m high. However, the tanks are proposed to be partially buried within the ground, with approximately 1m being visible above ground level. The structures are sealed double skinned units and allow leachate to be transferred from the adjacent landfill to the tanks by pipe and under pressure. The tanks would then be emptied on a daily basis via tanker (generating a maximum of two tanker deliveries per day). Following the receipt of concerns about noise nuisance, the applicant has offered to restrict the removal of leachate in tankers to between 08.00 and 18.00 hours (except in emergencies).
10. In association with the proposed leachate storage tanks, a compressor would be housed within the environmental compound in a double skinned acoustic building to reduce noise emissions. The compressor would operate on an intermittent basis, as necessary to pump leachate into the storage tanks from collection points around the site.
11. The proposed portable cabin would comprise a toilet and meeting room in order to provide office space and a secure storage place for files relating to the site. Whilst the applicant initially suggested that all details relating to the colour and finish of the portable cabin be addressed by condition, it has subsequently proposed that it be green to blend in with the existing and proposed boundary vegetation with only precise details being reserved for subsequent approval.
12. Parking spaces for maintenance operatives would be provided within the site compound and the area would be surrounded by 2.4m high closeboard fencing and gates. It is proposed that by introducing a new compound site with direct access from the existing service haul road within the site, that all on-going monitoring and

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maintenance facilities would be contained in a single location. As part of the current proposal, two new landscape buffer zones are proposed at the western and eastern ends of the compound site. Following the receipt of consultee responses, the applicant has confirmed that landscape planting to the north of the site would be reinforced with under-storey planting to reduce views through the trees to the site compound area and the landscape planting schedules have been amended to include the use of native shrub planting mix in line with the views expressed by the County Council's Landscape Consultant.

Application TM/07/3920 (variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946)

13. The application seeks to vary a number of the existing permissions set down by planning permission TM/03/3946 dated 1 April 2004. Each condition is addressed in turn below.
14. Condition (2) requires the deposition of all putrescible waste at the site to cease by 31 December 2006. In addition, the condition requires that with the exception of limited amounts of soil and compost to remediate localised settlement above the landfill cap during the aftercare period, the importation and deposit of all waste, soils and compost for restoration purposes be completed by 31 December 2007.
15. Following the applicant undertaking a recent topographic survey of the site, it was clear that significant areas of Phases 1 & 2 of the approved restoration scheme were below the approved post restoration levels. In addition, there remains an area of unrestored void in the north of Phase 3 (in close proximity to the existing compound area) which still requires final landforming. In order to complete the restoration activities in line with the previously approved levels, it is still necessary to import additional material to the site as the applicant was not able to complete this by the end of 2007. The application therefore seeks a variation of condition (2) to vary the time limit for the importation and deposition of material onto the site after December 2007.
16. The application proposed that restoration operations in Phases 1 & 2 would largely be completed, weather permitting, by the end of 2007. However, given the need to source additional material and place it on the site, the works were not able to be finished in this time. The application also proposes that restoration operations within Phase 3 be completed by April 2008. However, it is important to note the interaction between this proposal and application TM/07/4014 (new site compound) in as much as until the compound is relocated, the restoration of Phase 3 cannot be completed as originally approved.
17. Condition (3) requires the County Planning Authority's formal prior approval for the erection of any fixed plant or machinery on the site. A new wheel washing facility has recently been installed on the site and this application seeks the retrospective approval of this facility. The location of the wheel wash facility can be seen on page C1.5.

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18. Condition (4) sets out details of the previously approved drawings relating to approved working and restoration schemes for the site. In light of the changes proposed to the working and restoration schemes this application seeks to vary the approved drawings and soil management and aftercare scheme.
19. Condition (7) requires the site and the existing pond and surface water attenuation feature adjacent to Sheepfield to be fenced at all times during the life of the development. The application confirms that the boundary fencing has been erected around the perimeter of the site but no fencing has been installed around the water attenuation feature. The applicant initially sought the removal of the reference to '*existing pond and surface water attenuation feature adjacent to Sheepfield*' within condition (7) to avoid the requirement for fencing in this area. However, as a result of concerns that have been expressed, this element of the application has been withdrawn.
20. Condition (10) restricts the type of waste or other materials deposited on the site to those listed in the original planning application details. As part of the amended restoration proposals set out within this application, the applicant proposes the use of 'clean water sludge' as an alternative to compost to assist in providing soil forming materials in Phases 1 & 3 only. The application states that clean water sludge has less water content than other bio-solids and negligible odour. As a result of concerns that have been expressed about potential odour impacts and its inability to source a suitable sample to enable any impact to be assessed, the applicant has requested that condition (10) be amended to provide for such material being used only with the prior agreement of the County Council (in consultation with the Environment Agency and Parish Council). This would avoid the need for a further formal planning application to be submitted whilst ensuring that the material only be used if and when it can be demonstrated to be acceptable.
21. Condition (28) requires that landscaping shall be undertaken in accordance with previously approved details and drawings relating to application TM/03/3946. As part of the amendments to the approved restoration scheme proposed by this application, the applicant seeks permission to vary the approved landscaping scheme to provide additional ecological and biodiversity benefits. The main changes to the approved restoration scheme are:
 - A new area of woodland & scrub planting in the northern part of the site, directly adjacent to the existing site entrance with Teston Road and proposed compound location;
 - Proposed evergreen screen planting to the east and west of the proposed new site compound; and
 - Proposed under-storey planting along the site boundary with Teston Road.

Following the receipt of consultee responses, the applicant has confirmed that rabbit-proof fencing would be installed for individual trees/planting areas and weed control used throughout the aftercare period.

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22. Condition (30) requires the removal of the site access, all buildings, structures, plant, machinery and haul routes associated with the development from the site by 30 June 2008. The planning application (TM/07/4014) for a new environmental compound would enable the existing compound to be removed and relocated nearer to the existing site entrance. It is stated that subject to the grant of planning permission (for application TM/07/4014), the existing site compound would be removed prior to the 20 June 2008 deadline. The applicant also seeks to vary condition (30) to allow a section of the current access route into the site (approximately 200m) to be retained in order to serve the new compound area. In addition it is stated that the remainder of the access route would be maintained as a maintenance access track to the proposed pasture, conservation grassland, woodland and wetland areas. As a result of concerns about the potential for mud to be tracked onto the highway when further soils are imported during the aftercare period if there is an insufficient length of hard surfaced road within the site (allied with the wheelwash), the applicant has agreed to retain a longer section of internal haul road. It proposes that the precise details of this be agreed with the County Council as restoration progresses in this part of the site to ensure that effective restoration and surface water management are not prejudiced. It is noted that with the exception of the on-site compound (subject to its relocation), the applicant has confirmed that all other buildings would be removed from the site by the end of June 2008 in accordance with the requirements of Condition (30) of planning permission TM/03/3946.
23. Condition (31) seeks the Waste Planning Authority's written approval for an aftercare scheme. Accordingly, the applicant has submitted a revised soil management and aftercare scheme. In response to the Parish Council's concerns about the lack of proposed timescales for landscape planting at the site (paragraph 33, pages C1.12 - C1.13), the applicant has stated that planting would occur in two key phases (the first commencing during the planting season 2007-2008, and the remainder within the planting season 2008-2009).

Application TM/03/3946/R27 (variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008)

24. The applicant has sought a variation of condition (27) to allow top and sub-soils to be handled between the months of November 2007 and March 2008 (inclusive). Condition (27) of planning permission TM/03/3946 states that no movements of soils shall occur during the months of October to April (inclusive), unless otherwise agreed in writing with the Waste Planning Authority.
25. The applicant states that in order to complete restoration activities in the most expedient manner it is seeking a formal variation of condition (27) to bring top soil materials to the site, weather permitting, for placement during the months of November to March. In addition, the applicant states that soil handling operations will not be undertaken during severe wet weather and when the soil is sodden.

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Planning Policy Context

26. **National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
27. **Regional Planning Policies** – the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the emerging South East Plan. These include RPG9 Policies E1 (Landscape Quality), E2 (Biodiversity), E3 (Green Belts), E8 (Soil and Land Quality), INF2 (Water Quality and Drainage) and emerging South East Plan Policies CC10a (Green Belts), NRM1 (Sustainable Water Resources, Groundwater and River Water Quality Management), NRM4 (Conservation and Improvement of Biodiversity), W14 (Restoration) & C3 (Landscape and Countryside Management).
28. **Kent and Medway Structure Plan (2006)** – These include Policies SP1 (Conserving and Enhancing Kent's Environment and Ensuring a Sustainable Pattern of Development), SS2 (Extent of the Metropolitan Green Belt), EN1 (Protecting Kent's Countryside), EN3 (Protecting and Enhancing the Countryside Character), EN8 (Protection, Conservation and Enhancement of Biodiversity), EN9 (Trees, Woodland and Hedgerows), NR5 (Pollution Impacts), NR8 (Water Quality), WM2 (Assessment Criteria for Waste Proposals), WM5 (Waste Disposal to Land)
29. **Kent Waste Local Plan (1998)** - These include Policies W12 (Landfill of Mineral Voids), W18 (Noise, Dust and Odour), W19 (Groundwater), W25 (Plant and Buildings), W31 (Visual Impact and Landscaping) and W32 (Aftercare).
30. **Tonbridge and Malling Borough Local Plan (1998)** – Identifies that the application site is in the Metropolitan Green Belt.
31. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007)** – This includes Policy CP3 (Green Belts).

Consultations

32. **Tonbridge and Malling Borough Council** – No objection, subject to the following informatives: -
 - The Borough Council suggests that suitable conditions be used to ensure that the developments do not cause unacceptable detriment to the amenity of local residents in terms of smells, noise and general disturbance;
 - The Borough Council urges the County Council take full account of local residents' concerns regarding odours that may arise from the importation of alternative soil materials and to ensure that any materials that are permitted to be imported into the site do not cause unacceptable detriment to the amenity of local

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residents.

In addition, the Environmental Health Officer has suggested that condition(s) be placed on any decision relating to the proposed new site compound to ensure that noise from the compressor is minimised.

33. **Offham Council** – have responded on the applications as follows: -

TM/07/4014 – New compound

The Parish Council object most strongly to the re-location of the compound and associated plant for two principle reasons: -

- On-going discussions with the Environment Agency regarding the possibility of the provision for an emergency flare stack/gas flare later in the life of the site. If progressed, this will result in a further planning application, but it would be a fait accompli as far as a location was concerned if the compound were to be re-located to that proposed. This location for a flare would be totally unacceptable as far as the village is concerned on the basis of visibility and noise. The Parish Council fully appreciates that in order to leave the compound in its existing position the final contours of the site in this particular area would have to be re-designed but feel that this would be in the best long-term interests of the residents of Offham;
- The proposed position of the new compound, whilst convenient to the operators of the site, is in fact the worst position from the point of view of proximity to residential properties. If the compound were left in its existing position then any possible noise, odour and disturbance emanating from the equipment on the compound would be minimal in terms of its impact on any surrounding residential properties.

The Parish Council notes that the leachate tanks would be emptied on a daily basis and that operations would generate a maximum of two tanker deliveries a day. It asks for the same condition on access and routing (as in planning application TM/03/3946) to ensure that there is no access to or from the site through Offham village. It requests that in whichever location, the structure housing the compressor is built to the highest possible acoustic standards not simply to “reduce noise outbreak” as suggested by the applicant but to minimise any noise and its consequential negative impact on adjacent residential properties. It notes that the applicant has stated that the portable cabin would be grey in colour (but are amenable to alternative colouring) and would ask that this is green to blend in better with the surrounding vegetation.

TM/07/3920 – Variation of conditions

The Parish Council notes that it is being asked to comment on an application that to all intents and purposes is a fait accompli, bearing in mind restoration works cannot be

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

achieved by the 31 December 2007.

It notes that condition (2) clearly stated that the importation and deposit of all inert waste, soils and compost at the site should be completed by 31 December 2007, one year after the end date for all putrescible waste. Condition (27) restricted the months of working so that there would be no movement of soils between October and April (inclusive), unless otherwise agreed in writing beforehand with the Waste Planning Authority. It notes that WRG have therefore had over three years in which to plan for the completion of all works at the site, other than that required during the aftercare period. The Parish Council notes that it is once again faced with the inevitability of having to accept a situation, and states that if the time limit is to be varied then this should be a once and for all variation and no further time extensions should be tolerated.

It raises concerns relating to fencing around the existing site and, in particular, that proposed around existing pond and surface water attenuation features. It does not agree with the applicant's intention to remove the requirement to provide fencing around the pond and surface water attenuation feature within the site regardless of there being no public access to this area. It believes that this fencing needs to be provided as an additional safety feature.

It objects most strongly to vary condition (10) to allow 'clean water sludge' to be used in Phases 1 & 3. It is concerned to the reference within the application of 'negligible odour' and states that the village has suffered enough with odour over the years. It states that the use of a 'muck-spreader' on the site is totally unacceptable.

It welcomes the additional detail on the revised planting schedules and has no objections to the proposed revisions. It notes that landscaping should be implemented over the whole site as quickly as possible.

The Parish Council strongly objects to the proposed relocation of the compound (see above response in connection with application TM/07/4014). In addition, it raises concerns over the maintenance track and the future specification of materials of the track-way.

The Parish Council requests that the Waste Planning Authority include a condition on any decision for the applicant to prepare an Aftercare Period Programme clearly indicating the proposed dates for the restoration of each phase and therefore the timing of the five year establishment period.

It states that the Soil Management and Aftercare Scheme falls a long way short of the requirements of condition (31) and requests that this be more fully addressed.

In addition, it notes that the requirements of two other conditions remain outstanding: -

- Condition (19) – Public Rights of Way (Footpath MR259); and
- Condition (8) – Limits of Tipping and Finished Levels – these should be reviewed

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

on a 12 monthly basis.

It also requests that the applicant amend their site ownership boundaries to include a small area of land along Comp Lane immediately opposite a property known as The Bungalow and the access track to Fre Mel Farm. It does not wish to find that in future years this small area of land gets forgotten about as no one remembers whom it belongs to.

TM/03/3946/R27 – Movement and placement of Soils

Notes that if consent is not granted to vary the condition so that soils can be moved during the months of November to March inclusive, this will further lengthen the time period required to complete the restoration works. The Parish Council looks to KCC as the Waste Planning Authority to make the best decision in the interests of all parties concerned. Whilst it wishes works at the site are completed as soon as is practically possible, it does not wish the quality of work to be compromised as this would undoubtedly give rise to longer term problems which would rather be avoided.

34. **Environment Agency** – No objections to any of the applications subject to: -
- All work being carried out in a manner that does not compromise any of the site environmental infrastructure and ensures compliance with the existing waste management licence in full;
 - Leachate facilities must have suitable bunding, spill trays, pipework containment and management of delivery operations such that no leachate can leak onto the ground in an uncontrolled manner;
 - Any surface water facilities, such as the proposed pond, must be designed and constructed in such a way as not to conflict with any existing surface water drainage provisions, gas monitoring or control infrastructure or access arrangements; and
 - As the facility is moving towards achieving “definitive closure” status, no waste is permitted to be accepted on site for disposal. Materials can only be accepted for recovery purposes (e.g. site restoration). The types of materials used must comply with the licence for this facility, such as only non-odorous soil forming materials being used for placement on the cap.
35. **Natural England** – has raised a series of detailed issues relating to soil movement, handling, testing and sampling. Of particular note is that the handling and restoring soil or soil forming material between the months of October 2007 and April 2008 will almost certainly result in damage to the structure of the soil through compaction and smearing that could compromise the proposed afteruse of the land.
36. **Divisional Transportation Manager** – No objections raised on Highway matters
37. **KCC Landscape Consultant (Jacobs)** – Has no objections to the proposed location

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

and compound features (TM/07/4014), subject to the compound being surrounded by closeboarded fencing with compound gates. Has raised various detailed landscaping issues in connection with the revised restoration planting scheme (TM/07/3920), in particular relating to increased boundary treatment planting and the use of a native species with the scrub/native shrub planting mix.

38. **KCC Noise, Dust, and Odour Consultant (Jacobs)** – Has advised that the proposed compound (TM/07/4014) would not generate adverse impacts upon the amenity of the local residents in terms of odour or dust from the proposed compound or vehicles attending the site. In response to the comments made by Tonbridge & Malling Environmental Health Officer, has concurred that the imposition of condition(s) to minimise noise emissions from the proposed compressor should be placed on any decision.

Has noted that ‘clean water sludge’ is said to be odourless and will be spread over the winter months – on this basis, odour should not be an issue.

39. **KCC Archaeology** – Has advised that no archaeological measures are necessary in this instance.
40. **KCC Biodiversity** – Has commented on the need to avoid pollution of watercourses and recommended that any planting be of native local species to enable new woodland to best contribute to the aims of the Kent Biodiversity Action Plan.

Representations

41. The applications have all been publicised by site notice and newspaper advertisement and all local residents / business properties within 250m of the application sites were notified.
42. At the time of writing this report, 43 representations have been received. Of these, all 43 object to the proposed applications. The representations relate to all three of the applications (TM/07/4014, TM/07/3920 & TM/03/3946/R27) collectively, and raise the following issues: -
- Strongly object the above applications and support the views of Offham Parish Council;
 - Application to extend the time limits on operating the site seems to be a fait accompli bearing in mind works cannot physically be completed by 31 December 2007;
 - KCC need to ensure that any grant of permission to extend operations are on a ‘once and for all’ basis and no further extensions should be considered;
 - Strongly oppose ‘clean water sludge’ being used as an alternative soil forming material on site – concerned about the reference to ‘negligible odour’ as the Village has suffered enough with odour over many years in the past;

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

- Top soil should be the only material allowed for restoration;
- Proposed relocation of site compound not in the best interests of residents of Offham, particularly if an emergency stack/gas flare is required later in the life of the site;
- Pleased that site is nearing completion and whilst wish to see it completed as quickly as possible, it is fundamental that works are carried out to the highest standard and that there is attention to detail in terms of the longer term implications for the residents of Offham;
- Dangerous driving caused by lorries excessively speeding around sharp corners at the Seven Mile Lane end of Teston Road;
- Build up of mud and deposits on Teston Road directly outside of the site – providing one sweeper is obviously not sufficient;
- It is unacceptable that WRG has yet again disregarded limitations and conditions set out by KCC; and
- The use of a ‘muck spreader’ to spread material is totally unacceptable to local residents.

43. In addition, the local MP, The Rt. Hon. Sir John Stanley MP, has raised concerns in connection to all three applications (TM/07/4014, TM/07/3920 & TM/03/3946/R27), supporting the views of Offham Parish Council.

Local Member

44. County Council Member Mrs S. Hohler was notified of all three applications in November 2007.

Discussion

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of these applications, the policies outlined in paragraphs 26 – 31 (page C1.11) are of greatest relevance.

46. The main issues to be considered in respect of application TM/07/4014 (new compound area) relate to: -

- The need to relocate the site compound (balancing the desirability of completing the restoration of Phase 3 against any other impacts);
- Local amenity impacts (e.g. odour, noise and dust);
- Landscape and visual amenity; and
- Green Belt.

47. The main issues to be considered in respect of applications TM/07/3920 (variation of conditions) and TM/03/3946/R27 (movement and placement of soils) relate to: -

- The suitability of ‘clean water sludge’ as an alternative soil forming restoration

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

material;

- The need for and appropriateness of the additional time periods sought (to complete site restoration works);
- The suitability of movement and placement of soils between November 2007 and March 2008;
- Local amenity impacts (e.g. noise, dust and odour);
- The suitability of the revised restoration planting scheme and outline aftercare scheme; and
- Green Belt.

48. Each application will be discussed individually as follows: -

TM/07/4014 (New compound area)

49. As stated above, the proposed re-location of the site compound requires consideration of the balance between the desirability of completing the restoration of Phase 3 against any other potential impacts. Effective restoration is supported by Policies W12, W31 and W32 of the Kent Waste Local Plan. In its present location, the compound prevents the applicant achieving the previously approved restoration contours within Phase 3. Whilst the existing site compound and leachate tanks could be retained in their current location this would require (as a minimum) temporary amendments to the site contour levels and associated changes to surface water management in this area pending final removal of all landfill gas and leachate control infrastructure at the site. However, Offham Parish Council has stated that it would prefer to see the environmental compound being retained in its existing location, as opposed to the proposed location immediately off the main entrance to the site on Teston Road.
50. The relocation of the site compound closer to the existing site entrance offers a number of benefits. These include allowing the southern and eastern parts of the site to be restored and landscaped in an integrated manner and ensuring that the engineered land gradients associated with the restoration of phases 2 and 3 allow surface water on these parts of the site to be managed effectively. The proposed location of the compound would also concentrate all operational aftercare activities associated with the site (apart from landfill gas management and electricity generation) into one location, immediately off the existing haul road into the site.
51. It is important to consider the local amenity impacts arising from the relocation of the site compound on nearby residential properties, for example, those arising from the potential of compound activities to give rise to adverse noise, dust and odour. As noted above (*paragraph 2, page C1.6*), the nearest residential property to the application site is located at 'The Roundels', some 40m north west of the corner of the application boundary to the northern side of Teston Road, and some 100m from the proposed compressor.
52. The application proposes that the compound would comprise two leachate storage

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

tanks (main tank and back-up tank) and associated compressor, portable site cabin, parking spaces and associated storage area. In terms of the various issues to consider when looking at any potential local amenity impacts, the main issues are considered to be the possibility of odour arising from the proposed leachate storage tanks (including the transfer of leachate from these to collection tankers) and noise emissions from the proposed compressor, collection tankers and other operations. Given that the compound site will be hard-surfaced, and there is currently an access road serving the site, off which the compound is proposed to be sited, dust is not considered to be a significant issue in this case. The potential for dust nuisance is also already controlled by the main planning permission (TM/03/3946). HGVs (including tankers collecting leachate) would remain precluded from travelling through Offham village by the existing Section 106 Agreement.

53. In terms of odour arising from the storage and transfer of leachate within the new site compound area, the application needs to be considered against Policy NR5 of the Structure Plan as well as Policy W18 of the Kent Waste Local Plan. The application proposes that leachate would be controlled within a sealed system (i.e. it would be pumped directly from the ground into sealed storage tanks). Therefore, considering that operations would take place within a sealed environment and the transfer of leachate to tankers would be undertaken by vehicles and equipment designed for this purpose, I consider the potential impact of odour arising from the compound site and associated operations would not be significant. On the basis of the advice obtained from the County Council's Noise, Dust and Odour Consultant, in which he advises that the compound would not give rise to any adverse odour issues, I consider the new compound to be acceptable in terms of odour, in accordance with Policy NR5 of the Structure Plan and Policy W18 of the Kent Waste Local Plan. In addition, the Waste Management Licence (currently managed by the Environment Agency) would continue to control odour. Therefore, whilst I do not believe that the proposal would lead to odour nuisance, should any adverse impacts result these would be controlled by the Environment Agency. This approach would be consistent with Government Guidance (PPS10).
54. In terms of noise, I note the Parish Council's concerns relating to potential noise emissions from the proposed compressor. The application needs to be determined in accordance with Policy W18 of the Kent Waste Local Plan in terms of adverse noise impact on neighbouring land uses and amenity. The application states that the compressor is needed to pump leachate from the ground to the storage tanks, and would be operated on an 'intermittent' basis 24 hours per day. The County Council's Noise consultant is satisfied that as the compressor would be housed in a double-skinned acoustic cabinet and the compound would be surrounded by close boarded fencing, that would provide additional noise attenuation, the potential for noise nuisance is minimal. However, given local concerns and the advice of Tonbridge and Malling Borough Council Environmental Health, he has recommended that a condition be imposed to ensure that any noise from the compressor during the night (when background noise is lowest) is minimised. Noise from operations during the day would continue to be controlled by conditions attached to the existing planning permission. I

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

also propose that leachate collections be further restricted to between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays with no collections at other times except in emergencies.

55. In terms of the landscape and visual amenity of the proposed compound site, I note the concerns of local residents and the Parish Council that the movement of the compound nearer the edge of the site has the potential to give rise to additional landscape impacts. It is important to consider Policy EN9 of the Structure Plan and W31 of the Kent Waste Local Plan in this case. The application proposes new landscape planting to the west and east of the compound site, additional under-storey planting along the northern boundary of the site with Teston Road and a planting area to the south of the compound site and adjacent haul road.
56. Bearing in mind the proposed landscape planting, including the additional under-storey planting proposed along the site boundary with Teston Road (offered following the advice received from the County Council's Landscape Consultant), I am satisfied that the proposed compound would not give rise to significant visual impacts from outside the site. In addition, I note that the compound would be bordered by 2.4m high closeboarded fencing and gates which, by the virtue of their scale and height, would screen all operations within the compound from both within the former landfill site and from outside of the main site. Accordingly, bearing in mind the limited visual impact of the proposed new compound and the additional landscape planting proposed by the applicant, I consider the proposal to be in conformity with both Policy EN9 of the Structure Plan and W31 of the Kent Waste Local Plan.
57. The Parish Council raised concerns relating to the external appearance of the proposed portable cabin. The applicant has agreed to address this issue by ensuring the portable cabin is finished in green. It is proposed that best way to deal with the exact colour finish of the portable cabin is to reserve such detail for future consideration through the use of a pre-commencement condition. This requirement could usefully be extended to the compound fence. Accordingly, I have no objection to the proposed compound or portable cabin's siting or external appearance subject to appropriate details being submitted for the prior written approval of the County Planning Authority.
58. As the site lies within the Metropolitan Green Belt Policy SS2 of the Kent and Medway Structure Plan and Policy CP3 of the Tonbridge & Malling Local Plan Core Strategy are of relevance. These establish a general presumption against built development in the Green Belt in accordance with PPG2. However, as the proposals are ancillary to previously permitted mineral working and subsequent restoration and the impact of the proposed compound site within the whole site context is minimal, they would not be contrary to Green Belt policy provided they are removed when no longer required. The removal of the development when no longer required can be secured by condition.
59. On balance, and having considered the various implications of the proposals, I

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

consider that the desirability of relocating the compound in order to allow restoration to be completed in a practical and safe manner within Phases 2 and 3 of the site (in conformity with those details previously approved) outweighs any adverse impacts associated with the proposed relocation. I consider that this approach would be preferable to requiring temporary amendments to the permitted restoration contours in Phases 2 and 3 and better accord with the objectives of Policies W12, W31 and W32 of the Kent Waste Local Plan.

TM/07/3920 (Variation of conditions)

60. As noted above the application to vary conditions of planning permission TM/03/3946 has been amended following consultee responses. As part of these amendments, the applicant has now withdrawn the proposed variation of condition (7) relating to fencing details around the existing pond and surface water attenuation feature and will now install the required fencing in this area. The Parish Council's concerns on this point have therefore been overcome and the matter requires no further consideration.
61. Condition (2) restricts the deposition of all putrescible waste at the site by 31 December 2006 and requires that, with the exception of limited amounts of soil and compost to remediate localised settlement above the landfill cap during the aftercare period, the importation and deposit of all waste, soils and compost at the site for restoration purposes shall be completed by 31 December 2007. As detailed above, the applicant has not met the 31 December 2007 deadline and has applied for a time extension until April 2008 to complete the bulk of the on-site restoration work.
62. The Parish Council and local residents believe that there is no good reason for the works not having been completed by the end of 2007 and have stated that should the County Council agree to an extension of time this should be the last. Whilst I appreciate these concerns, it is important to ensure that the site is successfully restored in a safe and effective manner and worth noting that it is outside of the control of the County Council to prevent the applicant from submitting another variation of condition(s) seeking further changes. This said, works are now well advanced and the applicant is confident of securing the necessary materials for restoration purposes. Naturally, prolonged periods of very wet weather could change the situation. Allowing the proposed further time-period for the completion of restoration works would accord with the objectives of Policy W32 of the Kent Waste Local Plan.
63. The proposed use of 'clean water sludge' has raised considerable local objection due to concerns about potential adverse odour impacts. As the applicant has not been able to source a suitable sample to enable any impact to be assessed, it has requested that condition (10) be amended to provide for such material being used only with the prior agreement of the County Council (in consultation with the Environment Agency and Parish Council). This would avoid the need for a further formal planning application to be submitted whilst still ensuring that the material could only be used if and when it can be demonstrated to be acceptable. I believe that this approach would

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

be reasonable, would still provide suitable safeguards and would accord with Policy W18 of the Kent Waste Local Plan and Policy NR5 of the Structure Plan. It would also still require a written submission to be made by the applicant and representatives of the Parish Council and Environment Agency could be invited to be party to any assessment of such materials (e.g. be present during the delivery of a sample at the site). It should also be noted that even if planning permission were granted for the use of clean water sludge, further approval would also be required from the Environment Agency under the terms of the waste management licence. Until such a time as any additional materials are permitted, only inert materials, compost and soils could be used.

64. Condition (3) requires the County Planning Authority's prior written approval for new fixed plant or machinery on the site. The applicant is proposing the 'retrospective' approval of a wheelwashing facility on the existing internal site haul road. The location of the wheelwash can be seen on page C1.5. I note that the wheelwashing facility is located on the internal haul road well into the site and therefore consider it to be best placed to allow vehicles to wash their wheels and travel over a relatively lengthy stretch of tarmac before reaching the site entrance on Teston Road. When considering Policy W25 of the Kent Waste Local Plan, I consider the siting, design and appearance of the wheelwashing facility to be acceptable. It should also be noted that recent improvements have been made to the wheelwash facility and that two road sweepers are now employed to further minimise any adverse impacts of mud on the highway.
65. The applicant has sought to vary condition (4) of the existing planning permission (TM/03/3946) to update a number of previously approved documents, plans and drawings in light of changes proposed to the: -
 - Movement and placement of soils;
 - Revised restoration scheme; and
 - Soil management and aftercare scheme.
 Subject to the other elements of the application being acceptable, these consequential changes raise no additional issues.
66. Condition (28) seeks approval of a revised landscaping scheme that has been amended by the applicant to include additional landscape planting within the site as well as strengthened under-storey planting on the site boundary along Teston Road. It should be noted that the Parish Council has welcomed the enhanced planting and that the applicant has satisfactorily addressed those issues raised by the County Council's Landscape Consultant.
67. The site is proposed to be restored into six fields, comprising a mix of pasture grassland and conservation grassland. The principle of the site restoration has previously been established under planning permission TM/03/3946 and I consider that the amendments being proposed accord with Policy W31 of the Kent Waste Local Plan and Policy EN9 of the Kent and Medway Structure Plan. Accordingly, I support the revised landscaping scheme proposed.

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

68. Condition (30) requires the removal of site access, all buildings, structures, plant, machinery and haul routes associated with the development from the site by 30 June 2008. The applicant has sought a variation of this condition to retain the haul route into the site. Initially this was only as far as the proposed new site compound (application TM/07/4014), however, as a result of concerns about the potential for mud to be tracked onto the highway when further soils are imported during the aftercare period if there is an insufficient length of hard surfaced road within the site (allied with the wheelwash), the applicant has agreed to retain a longer section of internal haul road. It proposes that the precise details of this be agreed with the County Council as restoration progresses in this part of the site to ensure that effective restoration and surface water management are not prejudiced. I agree that this is a sensible way to proceed and that the matter can be satisfactorily addressed by condition.
69. It is also worth noting that if application TM/07/4014 (compound) is permitted, the plant, building and associated equipment within the new environmental compound would remain on site until no longer required (i.e. until such time as gas and leachate collecting operations cease). All other buildings would be removed from site by the end of June 2008 in accordance with the requirement of condition (30) of planning permission TM/03/3946.
70. The applicant also seeks approval for an aftercare scheme outline strategy for the site in accordance with Condition (31). This revises and supplements that previously submitted in 2005 (which was not satisfactory) and provides the basis for the annual works and reporting required by the second part of condition (31). This requires annual meetings and the applicant submitting annual reports to the County Planning Authority relating to performance over the previous 12 months and future aftercare proposals, including any necessary localised remediation measures, for the following 12 months. I consider that these additional requirements, allied with the schedule of planting submitted by the applicant in response to requests for greater clarity on timing, serve to address the matters of concern that have been raised by the Parish Council.
71. In view of the above, and since the other changes in respect of aftercare relate to the revised restoration scheme which I find acceptable, I am satisfied that the proposals are consistent with Policy W32 of the Kent Waste Local Plan. Accordingly, I recommend that the aftercare scheme outline strategy be permitted.

TM/03/3946/R27 (variation of condition 27)

72. The applicant has sought a variation of condition (27) to allow movement and placement of soils between November 2007 and March 2008. The movement of such materials during this period is precluded by condition (27), as is the case with most similar permissions, in order to prevent operations during unsuitable weather conditions which may otherwise damage soils and adversely affect restoration.
73. As noted in paragraph 35 (page C1.14), Natural England has raised a number of

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

standard policy concerns to the variation of this condition. It has stated that soil handling and restoration operations between the months of October 2007 and April 2008 will almost certainly result in damage to the structure of the soil through compaction and smearing in such a way that will compromise the afteruse of the land. Whilst I accept that the handling of soils during this period is undesirable and is generally to be resisted, I believe that there are compelling reasons to depart from this standard approach given the particular circumstances at Offham Landfill Site.

74. Specifically, consideration must also be given to: -
- The need to ensure that the Phase 3 area is capped and the cap protected as soon as possible to secure gas control and prevent the creation of significant additional volumes of leachate (particularly given the past history of problems with gas migration);
 - The desirability of site restoration being completed as soon as reasonably possible (given that the timescale previously permitted has passed);
 - The desirability of suitable materials available for restoration activities at Offham being used beneficially at the site rather than used more 'creatively' elsewhere; and
 - The fact that soil handling during the proposed period need not prejudice restoration and afteruse at Offham (which is primarily pasture and woodland rather than high quality agricultural land) if weather conditions are not unfavourable and if operations cease if such conditions arise.
75. Following a meeting on site between the applicant, the Environment Agency and the County Council's planning officers to discuss Natural England's concerns, the applicant gave a number of further assurances designed to allow soil importation and handling to continue pending a formal decision by the County Council. As a result, officers informed the applicant that soil importation and handling could continue provided that: -
- Operations on site cease if weather and ground conditions became inappropriate; and
 - Imported materials, or those used from within the site, must be uncompacted and of a type that would provide a suitable drainage medium above the cap.

It is worth noting that operations have ceased on several occasions since and that the applicant appears to have adopted a responsible approach to the matter.

76. On balance, and having considered the above issues, I am satisfied that the importation and handling of soils should be permitted during the period sought in this instance subject to the assurances in paragraph 75 above. These can be secured by condition.

Other Issues

77. Various other issues have been raised by consultees during consideration of these applications, notably: -

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

- Use of an emergency gas flare. Whilst concerns have been expressed by Offham Parish Council and local residents that a new emergency gas flare may be located in the proposed site compound to replace that adjacent to the existing compound site in the area of Phase 3, the application does not include provision for a flare and no other application for such has been received. Although the existing emergency flare needs to be removed to enable restoration of the Phase 3 area, the applicant is confident that gas control can be satisfactorily addressed from equipment in the Whiteladies Gas Control Compound and that if any new mobile emergency flare were to be required it could be located wherever required on site to best address the issue (i.e. where additional gas extraction might be needed). It is also worth noting that the current emergency flare has not been used for a number of years. Should any application for a new gas flare be submitted, it would be considered on its own merits as and when the need arises.
- Public Rights of Way. Condition (19) of planning permission TM/03/3946 remains outstanding. This relates to the requirement for the applicant to submit a detailed scheme for the new public footpath that will eventually cross the site to meet the requirements of the Section 106 Agreement associated with planning permission TM/03/3946. This issue has been forwarded to the applicant for action.
- Limits of tipping and finished levels. Condition (8) of planning permission TM/03/3946 requires a site levels survey to be undertaken and submitted at 12 monthly intervals with an associated report until the aftercare period has been completed or final post-settlement levels are achieved (whichever is the later). As this requirement is outstanding, the issue has been forwarded to the applicant for action.

Conclusion

TM/07/4014 (new compound)

78. I am satisfied with the need to relocate the compound site in order to facilitate the restoration of Phase 3 area of the site. I am mindful of the need to cap and subsequently protect the cap of Phase 3 area to maintain satisfactory control of landfill gas and leachate at the site, and note that the movement of the existing compound to the new position would enable the applicant to do so. Whilst I note that restoration contour levels could temporarily be amended around the existing site compound to facilitate restoration works being carried out (which would require a satisfactory scheme to be developed and further amendments to the planning permission), I consider it to be more appropriate to move the site compound and allow the restoration contour levels, surface water drainage and landscaping works to be fully implemented as previously permitted.
79. I note the Parish Council and local residents' concerns with the proposed location of the site compound, but feel that the additional landscaping and closeboarded fencing surrounding the compound will sufficiently screen the proposed development. In addition, I note that neither the County Council's noise consultant nor Tonbridge and

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

Malling Borough Council have objected on noise grounds and that the imposition of a condition covering potential noise emissions from the compressor would further minimise any adverse impacts on nearby residential properties. I also note that the imposition of a condition covering the colour of the proposed portable cabin will address the Parish Council's concerns relating to design and external appearance. As stated above, any adverse odour issues would be covered by the Waste Management Licence (controlled by the Environment Agency) and again would reduce any potential odour issues for nearby residential properties. On this basis, I recommend that planning permission be granted as detailed in paragraph 84 below.

TM/07/3920 (variation of conditions)

80. I am satisfied that the variation of conditions 2 (importation of inert waste, soils and compost after December 2007), 3 (details of new wheelwashing facility), 4 (amendment to drawings as approved under permission TM/03/3946), 28 (variation of approved landscaping restoration scheme), 30 (retention of access/maintenance track into the site) and condition 31 (revised aftercare scheme) of planning permission TM/03/3946 are acceptable for the reasons given above. In addition, I am satisfied that the use of 'clean water sludge' could reasonably be permitted if it can be satisfactorily demonstrated that it would not give rise to unacceptable adverse odour impacts and that on this basis condition (10) should be amended to provide the facility for the material to be used subject to its prior approval by the County Planning Authority.
81. I note that the proposed variation of condition 7 (fencing details around existing pond and surface water attenuation feature) has since been removed from the application and that the fencing will now be installed on site as previously required.
82. Accordingly, I recommend that the variation of / approvals to conditions 2, 3, 4, 10, 28, 30 & 31 be approved, subject to those conditions set out in paragraph 84 below.

TM/03/3946/R27 (variation of condition 27)

83. I am satisfied that the need to ensure the restoration of the site, in a safe and effective manner and as soon as reasonably possible outweighs Natural England's policy objection to the movement, placement and handling of soils between November 2007 and March 2008. I note that handling of soils would still only take place when conditions on site are appropriate and when any imported materials are uncompacted and capable of forming a suitable drainage medium above the landfill cap. Accordingly, I recommend that approval be given under the terms of condition (27) of planning permission TM/03/3946 subject to those further conditions set out under paragraph 84 below.

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

Recommendation

84. I RECOMMEND that:

- (i) PERMISSION BE GRANTED for application TM/07/4014 (new environmental compound comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting), SUBJECT TO CONDITIONS covering (amongst others) the following: -
 - Potential noise emissions (including at night);
 - A landscaping scheme being submitted for the prior written approval of the County Planning Authority prior to commencement of operations on site (to include details of under-storey planting along the site boundary with Teston Road);
 - Except in the case of emergencies, leachate tankers only be permitted to enter and leave the site and be filled between the hours of 08:00 to 18:00 hours Monday – Friday, and 08:00 to 13:00 on Saturday, with no working on Sundays and Bank Holidays;
 - Removal of compound site when final restoration, gas and leachate activities cease on site;
 - Restoration of land to suitable afteruse consistent with the main planning permission;
 - Removal of structures and hardstandings within the site;
 - Materials and colour of site office (green), structures and closeboarded fencing;
 - Measures to protect groundwater (e.g. suitable containment for leachate tanks).
- (ii) SUBJECT TO (i) ABOVE, PERMISSION BE GRANTED for application TM/07/3920 (variation of conditions) SUBJECT TO CONDITIONS covering (amongst others) the following: -
 - The prior written approval being required before any ‘clean water sludge’ can be used at the site;
 - The extent of the internal access haul road be agreed in writing with County Planning Authority; and
 - Landscaping works.
- (iii) APPROVAL BE GIVEN pursuant to condition (27) of planning permission TM/03/3946 to allow the movement, placement and handling of soils between the months of November 2007 to April 2008 (inclusive) SUBJECT TO CONDITIONS covering the following: -
 - Soil movement, placement and handling operations on site to cease if weather and ground conditions become inappropriate; and
 - Imported materials, or those used from within the site, must be uncompacted and of a type that would provide a suitable drainage medium above the cap.

Item C1

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

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| Case Officer: Julian Moat | Tel. no. 01622 696978 |
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| Background Documents: see section heading. |
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Item C2**Concrete plinth and kiosk, Public Open Space, Cliff Terrace, Margate.**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2008.

Application by Southern Water Services Limited for a concrete plinth and kiosk to house the motor control centre, including electrical equipment used to control a wastewater pumping station at Public Open Space to the north of Cliff Terrace, Margate (Ref:TH/07/1441)

Recommendation: permission be granted

Local Member(s): Mr C Hart, Mr C Wells

Classification: Unrestricted

Background

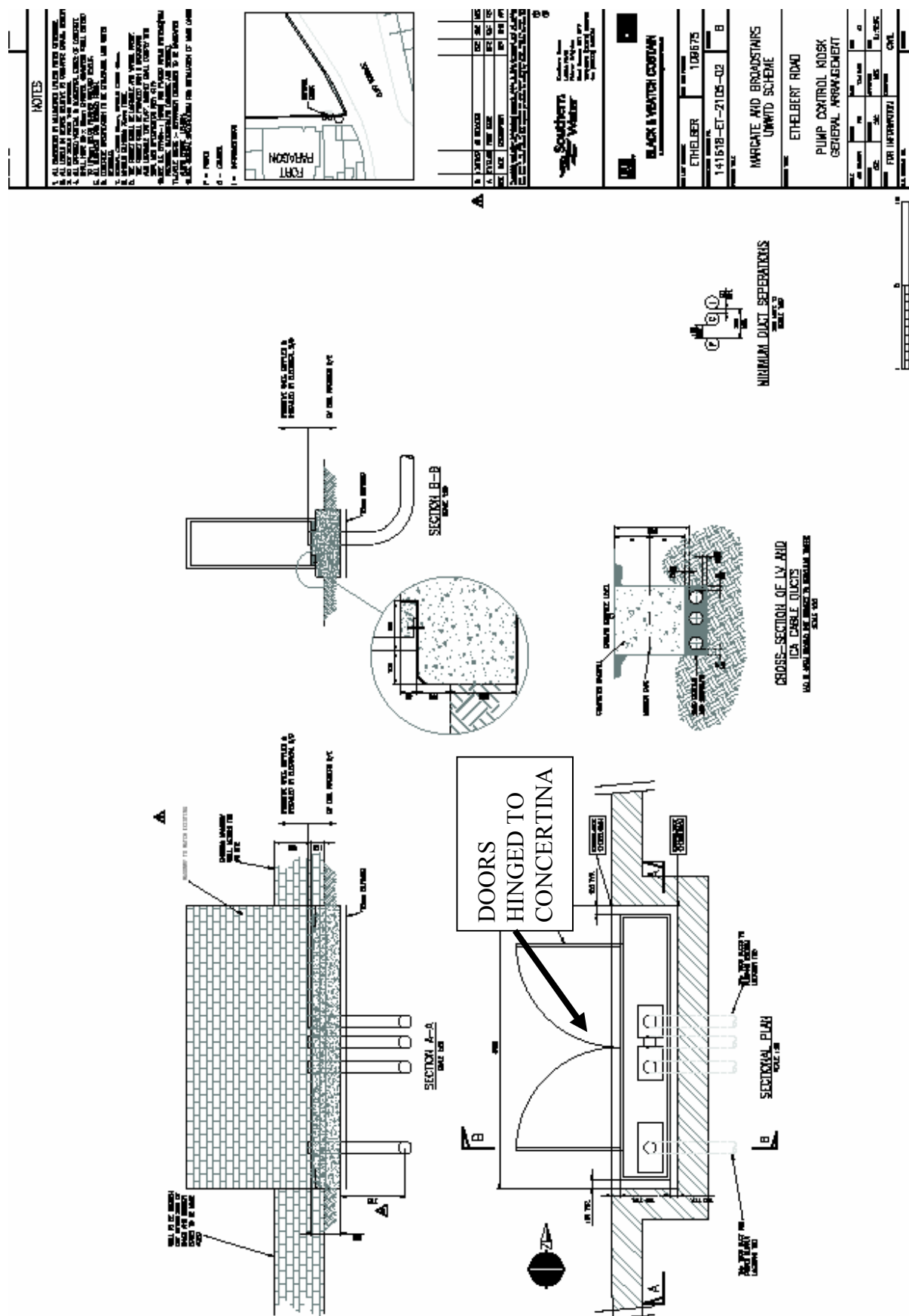
1. The Planning Applications Committee considered this application at its meeting on 15th January 2008, at which the application was deferred to enable the applicant to address the questions of building design, including its external appearance. The original report is attached as Appendix 1. This report updates the position of the application since then and includes revised documentation received after the January Planning Committee.
2. As outlined in the previous report under paragraphs 4 in Appendix 1, the kiosk is proposed to be located on the south-west corner of the Public Open Space (POS), north of Cliff Terrace in Margate (refer to the location plan in Appendix 1). The development site is within the Margate Conservation Area and in close proximity to Grade II Listed Buildings.
3. This area of Margate has been subject to flooding with raw sewage. The aim of the new waste water works is that during heavy rainfall untreated sewage will be diverted via a new gravity sewer to a storage shaft. Once the storm event is over, the flows will be pumped back into the sewerage system and will flow to the Margate Headworks and then onto the new Weatherless Wastewater Treatment Works for full treatment. This planning application is for a kiosk, which is part of the wider sewage improvement scheme (Appendix 1 paragraph 1).

Amended proposal

4. Following the deferral at the January Planning Committee Meeting, further discussions between the applicant, the County Conservation Architect and the Planning Officer took place. Subsequently, amendments to the external finishes of the building have been formally submitted. It is now proposed to use a black finish on the kiosk, instead of dark green, to match the existing adjacent CCTV camera pole. It is also proposed to add an anti-graffiti coating to address concerns of a possible future graffiti problem. Further, it is proposed to divert the POS wall to the east of the kiosk so as to exclude the kiosk from the POS. The doors would be hinged so that they can concertina and thereby not overhang the public highway when open. Additionally, approximately three metres of the wall at the kiosk level would be raised to the height of the kiosk (1.65m). This would conceal the kiosk from view when looking across the POS. This view in the opinion of the County Conservation Architect is the most visually intrusive against the Paragon Court (listed building). The raised wall would be built of materials that match the existing knee high wall. The revised proposal is shown on page C2.2 and C2.3.

Item C2

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441



Item C2

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441



Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

Planning Policy

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

(i) The Kent & Medway Structure Plan 2006:

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| Policy SS6 | Seeks to improve the built and natural environment, functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs. |
| Policy TH1 | Development in Thanet must address the long standing economic and social problems of the area by strengthening and diversifying the local economy and employment base. The policy also supports the regeneration of the seafront areas of Margate. |
| Policy NR9 | Development of new water supply or wastewater facilities will be required and supported where there is a demonstrable need to serve existing and/or proposed development, this represents the best environmental option, and land use and environmental impacts are minimised through appropriate mitigation. |
| Policy QL1 | Seeks to ensure that all development is well designed and of high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area will not be permitted. |
| Policy QL6 | Development within Conservation Areas should preserve or enhance their special character or appearance. Development which would harm the character or appearance of a Conservation Area will not be permitted. |
| Policy QL8 | Listed Buildings will be preserved and their architectural and historic integrity and the character of their settings will be protected and enhanced. Development, which will adversely affect them, will not be permitted. |

(ii) Thanet Local Plan 2006:

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| Policy D1 | Sets out design principles for new developments, which should respect or enhance the character or appearance of the surrounding area, is compatible with neighbouring buildings and spaces, retains open spaces, provides safe access and incorporates sustainable drainage systems. |
| Policy HE1 | Seeks to safeguard listed buildings from development likely to adversely affect their special character or setting |
| Policy HE4 | Seeks to preserve or enhance the character or appearance of the Conservation Area. |
| Policy SR10 | Seeks to protect Public Open Spaces |
| Policy H10 | Area in Need of Special Action – part of Margate's regeneration strategy. One of the objectives of this designation is to support |

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

refurbishment of property together with environmental improvements.

(iii) Kent Waste Plan 1998

The Plan does not include any specific policies in relation to wastewater treatment or sewers.

Consultations

6. **Thanet District Council** was invited via email to propose its best solution for the kiosk and also was consulted on the latest proposal. No comments have been received up to date. If a response is received before the date of the Planning Committee Meeting then it will be reported verbally therein. For details of the original consultees comments please refer to paragraphs 6-9 of Appendix 1.
7. **County Conservation Architect** was re-consulted in the process of negotiation. His suggestion was to screen the kiosk behind a random stone wall of the same height as the kiosk to conceal it from being seen from across the POS. He considers this view to be the most visually intrusive view of the proposal against the listed buildings. Further, he expressed preference for the doors not to be opening towards the POS to the east as this would result in the kiosk being more visible across the POS. If it is not practical to conceal the kiosk behind a random stone wall, then the other alternative is to obtain a heritage design kiosk, either in cast iron or replicated in Glass Reinforced Plastic (GRP). Such a cabinet would have architectural moulded panel details, as was found on early 20th century cabinets used to house technical hardware such as General Post Office (GPO) services. With regards to the suggestion to cover the kiosk with render, fake stone/brick or other cladding material, the county conservation architect did not consider it appropriate to "disguise" the cabinet by covering. Such approaches would give the impression of poor quality and do not stand up to the test of time. In his view, it is far more appropriate to accept the kiosk as a piece of well designed or well screened street furniture.

Discussion*Introduction*

8. Following the deferral of this application, further negotiations relating to the design of the building have taken place between the Applicant, County Conservation Architect and the Planning Officer. The main aim of these discussions was to improve the visual impact of the kiosk on the setting of the Listed Buildings and the Margate Conservation Area through screening and/or design.
9. The Applicant seeks permission for a small concrete plinth and kiosk in association with permitted development works for the installation of an underground storm shaft and pumping station. The kiosk would house a motor control centre for the management of underground wastewater and is proposed to be located on the edge of the POS, adjacent to a low level wall and CCTV camera post, which is to the north of Cliff Terrace in Margate (refer to site plan Appendix 1).
10. The application is required to be determined in accordance with the relevant Development Plan Policies, unless other material considerations are of overriding importance. The site, on which the development is proposed, is designated as the Margate Conservation Area, Public Open Space (POS) and Area of Special Action. The policy designations have to be balanced against the need for improvements to the sewerage infrastructure in the area and its importance in the overall regeneration

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

strategy for Margate. In conjunction with these and other relevant policies, these issues are considered and discussed below.

Design

11. The Policies QL6 and QL8 of the Kent and Medway Structure Plan and HE1 and HE4 of the Thanet Local Plan aim to ensure protection of architectural and historic interest against harmful development within the Conservation Area and/or against development, which would harm the setting of a listed building.
12. The County Conservation Architect was actively involved in negotiations with the applicant. He suggested that the kiosk should be screened behind a random stone wall of the same height as the kiosk. To do this, the wall would need to be diverted around the eastern side of the kiosk to conceal the kiosk from being viewed across the POS. Further, the kiosk should open towards the access road to minimise the impact on the views across the POS. The applicant was advised that if it was not possible to conceal the kiosk behind a random stone wall, then the only other alternative would be to obtain the heritage design kiosk.
13. The applicant has given a lot of thought to the Conservation Architect's suggestions. The applicant looked into the possibilities of changing the appearance of the kiosk. A site assessment recognised that the wall immediately behind the proposed site is rendered and painted cream. The walls along the rest of the terrace are a mixture of unpainted render, render and painted white, there is also a small section of yellow brick, and a long section of red brick and wooden panelling. There is also the red brick modern casino in the background. Additionally, there are two large green bins, which are permanent fixtures. These suggested that cladding with brick, fake stone or rendering might help to match the surrounding environment. However, these suggestions were put to the County Conservation Architect and did not consider it appropriate to "disguise" the cabinet by covering. In his view, such approaches would give the impression of poor quality design and do not weather or age well. It is far more appropriate to accept that the housing as a piece of well screened street furniture. Based on this consideration of alternative appearances the applicant agreed with the County Conservation Architect that the most appropriate design was simply to paint the kiosk black.
14. Further, the applicant adopted the main suggestion by the County Conservation Architect to conceal the kiosk. This includes the use of the existing low level concrete wall, which would be redirected and raised to the height of the kiosk. The door would be installed from the access road and would be concertina to allow for the door to open without overhanging the public highway. However, the applicant pointed out that there are a number of fastfood outlets in the immediate area, and if they were to extend the wall around the kiosk, it might create an 'alcove' that would attract litter. The County Conservation Architect agreed that it might result in the creation of a "litter alcove", in which case, this would be a maintenance issue.
15. The issue of vandalism through graffiti was also considered. While it is noted that a CCTV camera is currently installed that ought to help to minimise these concerns. Additionally, anti-graffiti coating is proposed which would minimise any nuisance from potential graffiti. Nevertheless, it is not anticipated that this will be a particular problem, as the white render wall on the other side of access road does not show any signs of graffiti.
16. Summarising, the applicant has considered various alternatives of the design and methods of screening the kiosk from the public view. Issues such as the orientation, screening, diversion of wall, various designs of the kiosk and its external treatment have been thoroughly considered. Due to its nature there is limited scope to change size and shape. The control panel cannot be made invisible by placing it below ground due to the

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

reasons given in the original report, as in Appendix 1 paragraph 15. Considering the need for the kiosk and the extremely limited positioning of the kiosk, I believe that the achieved design using a raised wall for screening is the best option of the available solutions.

Conclusion

17. This area of Margate has been subject to a number of properties being flooded in the event of heavy rainfall. It is also an area covered by Policy H10 of the Local Plan, which seeks the regeneration and improvement of this part of Margate. In order to bring investment into such areas the repeat flooding events need to be addressed. The infrastructure improvements, which result in the need for a small roadside kiosk, are designed to prevent such events happening in the future.
18. Following the deferral of this application, further negotiations relating to the design of the building have taken place. Out of a number of options, the raised wall around the kiosk proved to be the most practical and effective in minimising the visual impact on the setting of the Listed Buildings and the Margate Conservation Area. I am satisfied that all reasonable alternatives have now been considered and the most appropriate solution has been chosen.
19. Under the above circumstances, I consider that significant weight should be given to the primary need to protect public health and support the regeneration of Margate. The need to address flooding and potential water pollution issues and the benefits and contribution to the regeneration of the area outweighs the minor impact upon the Conservation Area and Listed Buildings.

20. Recommendation

Subject to any further views received by the Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- Standard time condition for it to be implemented
- No part of the building should open onto, encroach or overhang the public highway
- The materials used in the new high level wall shall match the material to the low level wall
- The development to be carried out in accordance with the permitted details.

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| Case Officer –Anna Michalska-Dober |
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| Background documents –See section heading |
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SECTION C
MINERALS AND WASTE DISPOSAL

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

Concrete plinth and kiosk, Public Open Space, Cliff Terrace, Margate.

A report by Head of Planning Applications Group to Planning Applications Committee on 15 January 2008.

Application by Southern Water Services Limited for a concrete plinth and kiosk to house the motor control centre, including electrical equipment used to control a wastewater pumping station on public open space to the north of Cliff Terrace, Margate (Ref:TH/07/1441)

Recommendation: permission be granted, subject to conditions

Local Member(s): Mr C Hart, Mr C Wells

Classification: Unrestricted

Background

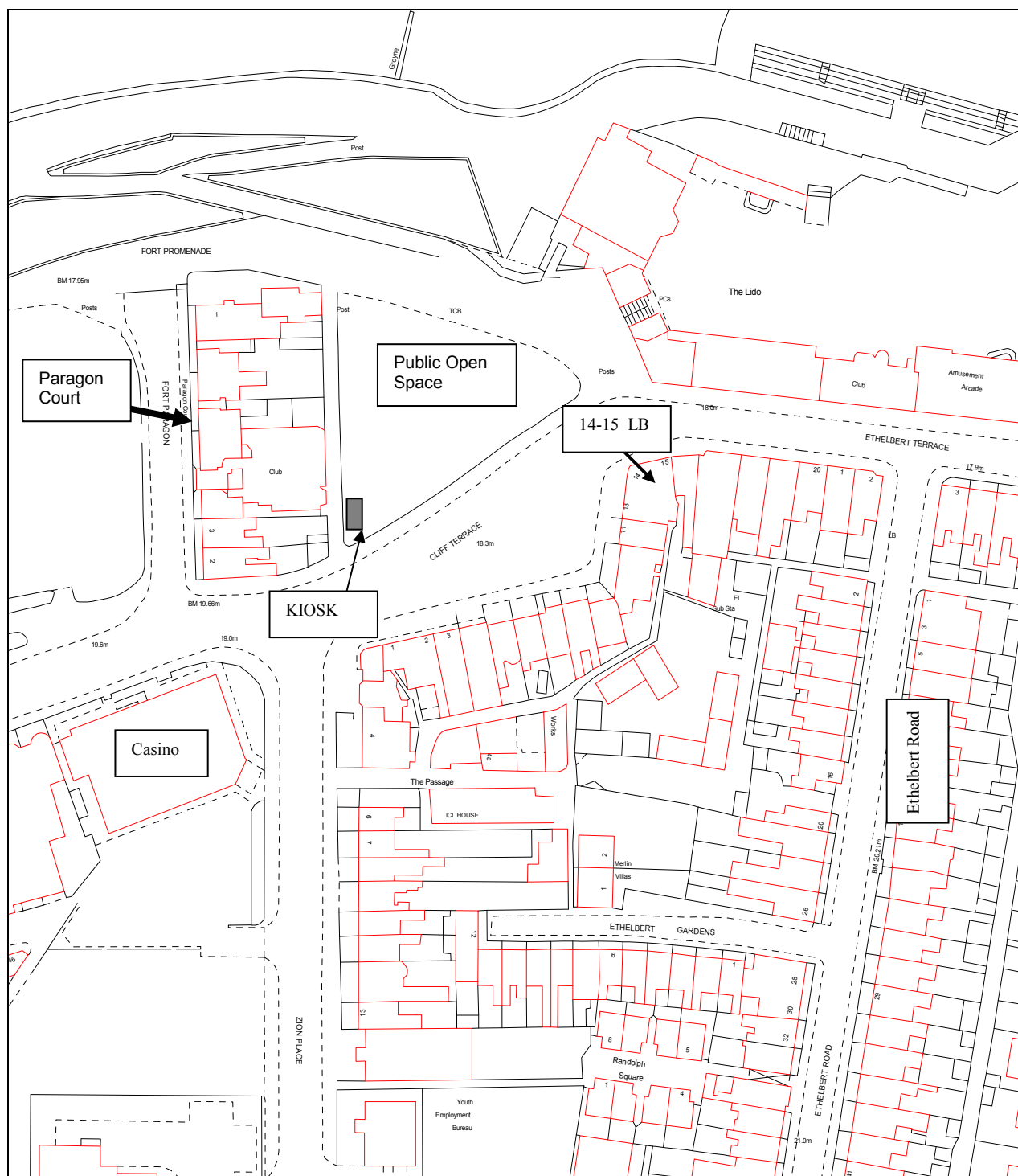
1. The existing Ethelbert Road Combined Sewer Overflow (CSO) runs into a blind, unlined chalk shaft approximately 13m deep with 2 tunnels. It has the potential to pollute groundwater. Such overflows are not covered by regulations and it is not monitored. Consequently, the Environment Agency requires the sewer overflow to be closed. As a result, Southern Water Services are installing a new gravity sewer and parallel pumped sewer between the Ethelbert Road CSO and a new underground storm storage shaft and the pumping station. This installation is to be located under an area of public open space to the north of Cliff Terrace owned by Thanet District Council. Most of the works are underground and therefore benefit from permitted development rights, pursuant to Part 16 Class A of the General Permitted Development Order. A related kiosk which is intended to be above ground requires planning permission and is the subject of the application before you.
2. This area of Margate has been subject to flooding with raw sewage after heavy rainfall. The aim of the new waste water works is that during heavy rainfall the untreated sewage will be diverted via a new gravity sewer to the storage shaft. Once the storm event is over, the flows will be pumped back into the sewerage system and will flow to the Margate Headworks and then onto the new Weatherless Wastewater Treatment Works for full treatment.

Proposal

3. In addition to the installation of the underground storm shaft and pumping station, it is necessary to build a kiosk/cabinet, which would house a motor control centre (MCC) associated with the management of the underground wastewater. This kiosk needs to be sited near the underground pumping station. The proposed building would be made from steel on a concrete base with a dark green finish. It would measure 3.2m x 0.6m and be 1.65m in height. Because it would be above the ground, this element of the scheme is not permitted under the General Permitted Development Order. For this reason, a separate planning application has been submitted and is the subject of this report.

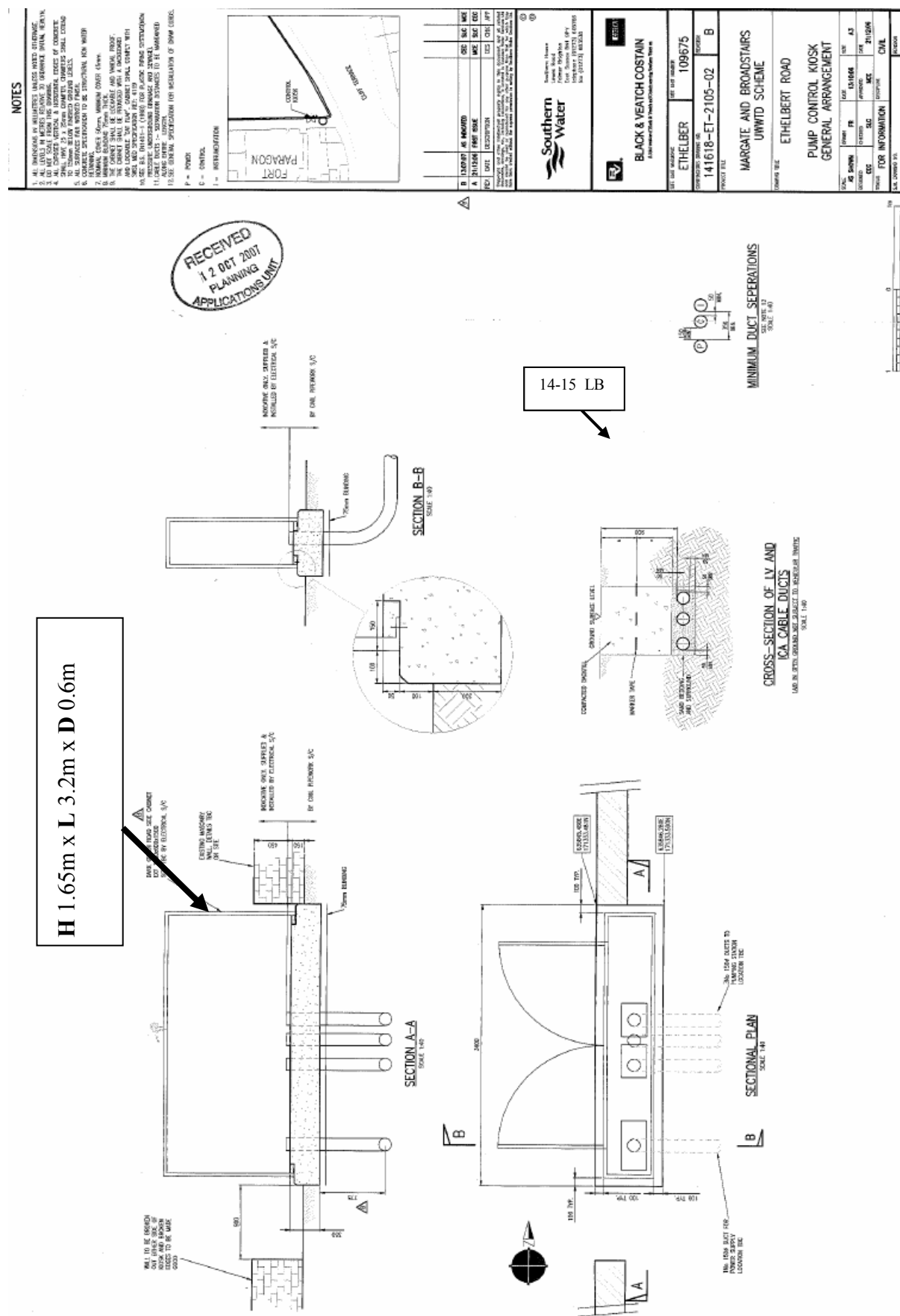
Appendix 1

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

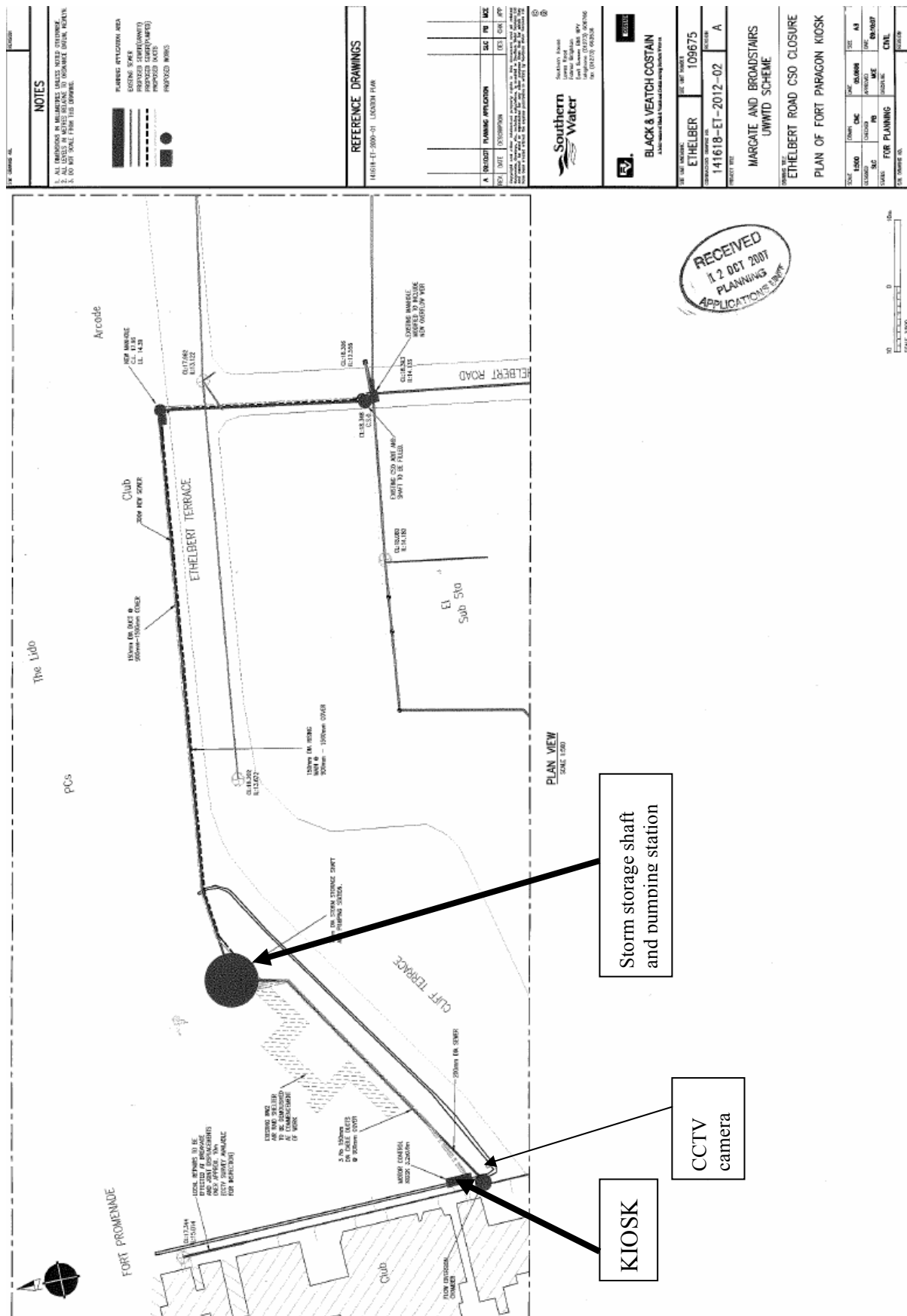


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Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441



Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441



Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

The Site

4. The kiosk is proposed to be located on the south west corner of the public open space, north of Cliff Terrace in Margate (refer to the location plan). To the west of the site there is Fort Paragon, a 4-storey terrace running perpendicular to the seafront with the front elevation facing west. Fort Paragon is of Georgian architecture dating circa 1830. This building is Grade II-listed. To the rear of the terrace there are single storey flat roof outbuildings, currently used as a nightclub. Along the rear boundary of the terrace there is an access road separating it from the public open space. On the terrace side of the access road there is a 2m high wall and on the public open space side there is a knee-high wall, along which the kiosk is proposed. To the south east of the proposed kiosk site there is an L-shape terrace with 3 storey houses and shops on the ground floor. The space to the front of this terrace is used as a car park. The corner 14-15 Cliff Terrace is grade II listed building of Georgian style rebuilt in the mid 19th Century. The reason for designation 14-15 Cliff Terrace is its red brick elevations with classical detailing and large sash windows maximising sea views. The terrace has group value with the Grade II-listed Fort Paragon. The whole site is within Margate Conservation Area.

Planning Policy

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

(iv) The Kent & Medway Structure Plan 2006:

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|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy SS6 | Seeks to improve the built and natural environment, functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs. |
| Policy TH1 | Development in Thanet must address the long standing economic and social problems of the area by strengthening and diversifying the local economy and employment base. The policy also supports the regeneration of the seafront areas of Margate. |
| Policy NR9 | Development of new water supply or wastewater facilities will be required and supported where there is a demonstrable need to serve existing and/or proposed development, this represents the best environmental option, and land use and environmental impacts are minimised through appropriate mitigation. |
| Policy QL1 | Seeks to ensure that all development is well designed and of high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area will not be permitted. |
| Policy QL6 | Development within Conservation Areas should preserve or enhance their special character or appearance. Development which would harm the character or appearance of a Conservation Area will not be permitted. |

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

Policy QL8 Listed buildings will be preserved and their architectural and historic integrity and the character of their settings will be protected and enhanced. Development which will adversely affect them will not be permitted.

(v) Thanet Local Plan 2006:

Policy D1 Sets out design principles for new developments, which should respect or enhance the character or appearance of the surrounding area, is compatible with neighbouring buildings and spaces, retains open spaces, provides safe access and incorporates sustainable drainage systems.

Policy HE1 Seeks to safeguard listed buildings from development likely to adversely affect their special character or setting

Policy HE4 Seeks to preserve or enhance the character or appearance of the Conservation Area.

Policy SR10 Seeks to protect Public Open Spaces

Policy H10 Area in Need of Special Action – part of Margate's regeneration strategy. One of the objectives of this designation is to support refurbishment of property together with environmental improvements.

(vi) Kent Waste Plan 1998

The Plan does not include any specific policies in relation to wastewater treatment or sewers.

Consultations

6. **Thanet District Council:** raises **objection** to the proposal on grounds as following:

"The site lies within the Margate Conservation Area in which it is the duty of the Council, as Local Planning Authority to pay special attention to the desirability of preserving or enhancing its character or appearance, and in the Council's opinion the proposed development by virtue of its siting, scale, materials and design would detract from the special character of the Conservation Area, contrary to Thanet Local Plan Policy HE4.

The proposed development, by reason of its siting, design and materials would detract from the setting of the adjacent listed buildings and prove severely detrimental to the character and appearance of the properties as Grade II listed buildings of architectural and historic interest, contrary to Thanet Local Plan Policy HE1".

Divisional Transportation Manager: raises no objection to the proposal, subject to the condition that no part of the kiosk would open out into, encroach or overhang the public highway.

The Environment Agency: raises no objection to the proposal.

County Conservation Architect: Initially raised some concerns and sought clarification on potential alternative solutions. Following this further information he raises no objection.

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

Local Members

7. The local Members, Mr. Clive Hart and Mr. Chris Wells were notified of the application on the 6th November 2007. No comments received.

Publicity

8. The application was publicised by the posting an advert in a local newspaper, posting a site notice on the site boundary and individual notification of 46 nearby properties.

Representations

9. No letters of representation were received.

Discussion

Introduction

10. The application seeks permission for a small concrete plinth and kiosk in association with permitted development works for the installation of an underground storm shaft and pumping station. The kiosk would house a motor control centre for the management of underground wastewater and is proposed to be located on the edge of the public open space, adjacent to a low level wall and CCTV camera post, which is to the north of Cliff Terrace in Margate (refer to site plan C1.4).
11. The application is required to be determined in accordance with the relevant Development Plan Policies, unless other material considerations are of overriding importance. The site on which the development is proposed is designated as Margate Conservation Area, Public Open Space and Area of Special Action. Also, the site is in close proximity to grade II listed buildings. The policy designations have to be balanced against the need for improvements to the sewerage infrastructure in the area and its importance in the overall regeneration strategy for Margate. In conjunction with these and other relevant policies, these issues are considered and discussed below.

Conservation Area and Listed Buildings

12. The Policies QL6, QL8 of the Kent and Medway Structure Plan and HE1 and HE4 of the Thanet Local Plan aim to ensure protection of architectural and historic interest against harmful development within the Conservation Area and/or against development which would harm the setting of a listed building.
13. Thanet District Council has objected to the development by virtue of its siting, scale, materials and design which would detract from the special character of the Conservation Area, and therefore in its view would be contrary to Thanet Local Plan Policy HE4. In addition, it considers that the development would detract from the setting of the adjacent listed buildings and be detrimental to the character and appearance of neighbouring Grade II listed buildings. Initially the County's own Conservation Architect raised conservation concerns regarding the proposal. In light of these comments, discussions took place with the applicant to explore ways to address the concerns raised. In particular, the applicant was asked to consider whether it was feasible to reduce the size of the kiosk, to sink it into the ground or locate it further away from the road.
14. Following consideration, the applicant has confirmed that it is not feasible to locate the kiosk below ground due to technical constraints. The applicant explained that in order to provide a suitable environment for the control panel, Southern Water would need to construct a water tight basement, large enough to accommodate the control panel,

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

space for personnel to work and access arrangements. The basement would also need heating and ventilation to meet Health and Safety requirements. Not only would this sterilise a greater area of land (albeit underground), it would still require an above ground ventilation stack.

15. Southern Water Services considered placing the panel in the pumping station shaft above the wet well (refer to drawing C1.3). However, the risk of flooding of the panel from the wet well below was considered to be unacceptable. It also raised logistical problems in terms of the space available and need for heating and air handling requirements. The applicant also considered placing the control panel below ground and using a system of counter weights to lift it to ground level for the purposes of maintenance etc. This option was dismissed on practicality grounds. Furthermore, the operation and maintenance of such a system would present unacceptable technical and health and safety considerations to operational staff.
16. The size of the kiosk is at its minimum. It has been designed to have minimal negative impacts on the amenity of the area in terms of its siting and choice of materials and colour scheme. The exact siting of the kiosk in the south west corner of the open space was chosen to ensure that it does not obstruct views of the coastline from surrounding properties, the open space or public walkways. The choice of dark green colour is thought to be the least intrusive in amenity terms and the most appropriate considering the location within public open space.
17. In light of the further consideration of design options, the Council's Conservation Officer has reconsidered the proposal and raises no objection. Thanet DC has informally reconsidered the proposal and maintains its objection, but *'appreciates that the applicant has looked into ways that the impacts of the scheme can be reduced and has addressed these issues to some extent'*.
18. The proposed kiosk is likely to have some impact on the character of the Margate Conservation Area and setting of the listed buildings. It is proposed in an area of mainly Georgian terraces, which have a special group value. The terraces benefit from uninterrupted sea views. In preference such an installation should be located underground to be less visible in the street scene. However, this is not practicable in this case for the reasons set out above. I therefore accept the necessity of siting it above ground. Given the nature of the works, it is important that the motor control centre is sited near the new sewerage facilities. This severely limits the options available for the kiosk. The chosen location for the kiosk on the edge of the open space is screened from the west by an approximately 2m rendered high wall and is further separated from Paragon Court by an access road and knee high wall. It is some 50m from 14-15 Cliff Terrace and separated by the public highway and a parking area. The kiosk has been lowered down into the ground as much as possible and lined up with the knee high wall marking the boundary of the open space to minimise the impact. The dark green finish has also been chosen to minimise the visual intrusion in the street scene.
19. Whilst I acknowledge the introduction of modern infrastructure equipment is not desirable in such a location, the benefits of the improved wastewater treatment must be balanced against such impacts. I am satisfied that the Applicant has demonstrated that no other reasonable alternative solution exists and that the proposed solution has sought to minimise its impact.

Flooding

20. Policy NR9 in the Kent and Medway Structure Plan requires support for development that would reduce the risk from flooding, including flooding from surface run-off. Moreover, Margate is identified in the Waste Local Plan as one of the catchment areas for which new or enhanced sewerage works would be necessary.

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

21. The planning application for the kiosk is part of a bigger scheme, which seeks to enhance the quality of the environment and reduce the risk of flash flooding and pollution of groundwater. The kiosk is an important component of the wastewater infrastructure scheme, which is required to prevent the uncontrolled flow of wastewater from the Ethelbert Road CSO. Flooding can have far reaching effects on people by damaging property and restricting the potential and success of regeneration of the area.
22. The proposed area is designated in the Thanet Local Plan as an Area Of Special Action Policy H10, which is part of the wider Margate regeneration strategy. One of the objectives of this designation is to support refurbishment of property together with environmental improvements. It is considered that the improvements to the sewerage system in the area are extremely important in achieving these and the wider regeneration objectives for Margate.

Public Open Space

23. Whilst, the proposed development is on public open space protected by Policy SR10, due to its limited size, siting on the edge of the open space and sympathetic dark green finish it is considered that the development would not significantly compromise the principle of the openness of the space

Access

24. The Divisional Transportation Manager raised a concern about infringing upon the public highway. The applicant confirmed that no part of the proposal would overhang the public highway. The kiosk opens onto the area of grassy public open space. Should members be minded to permit this development, I would suggest securing that detail by a condition to make sure that the building does not open onto, encroach or overhang the public highway.

Conclusion

25. This area of Margate has been subject to a number of properties being flooded in the event of heavy rainfall. It is also an area covered by Policy H10 of the Local Plan, which seeks the regeneration and improvement of this part of Margate. In order to bring investment into such areas the repeat flooding events need to be addressed. The infrastructure improvements, which result in the need for a small roadside kiosk, are designed to prevent such events happening in the future.
26. There is a limited scope for repositioning the kiosk and it needs to be placed where the services are most needed. Under the above circumstances, I consider that significant weight should be given to the primary need to protect public health and support the regeneration of Margate. Any potential harm to the special character and appearance of the historic environment has been minimised by way of siting and the external finish of the kiosk.
27. The resulting kiosk has to be accessible and cannot for the reasons explained above be located underground. I am satisfied that the alternative options for the kiosk have been appropriately considered. I accept that the siting of the kiosk is within the Conservation Area and that there are a number of listed buildings in the vicinity. However, on balance I am satisfied that the need to address flooding and potential water pollution issues and the benefits and contribution to the regeneration of the area outweighs the minor impact upon the Conservation Area and Listed Buildings.

Appendix 1

Concrete plinth and kiosk to house the motor control centre, Open Public Space, Cliff Terrace, Margate – TH/07/1441

28. Subject to any further views received by the Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- Standard time condition for it to be implemented
- No part of the building should open onto, encroach or overhang the public highway
- The development to be carried out in accordance with the permitted details

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| Case Officer –Anna Michalska-Dober |
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| Background documents –See section heading |
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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Outline application for a Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus, Canterbury – CA/07/836

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2008.

Outline Application by The Governors of the Canterbury Campus and Kent County Council Children, Families & Education for a new 1Form Entry Primary School (capable of being converted to 2 form entry at a later date), Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus, Knights Avenue, Canterbury (Ref: CA/07/836)

Recommendation: Outline permission be granted subject to conditions.

Local Member(s): Martin Vye

Classification: Unrestricted

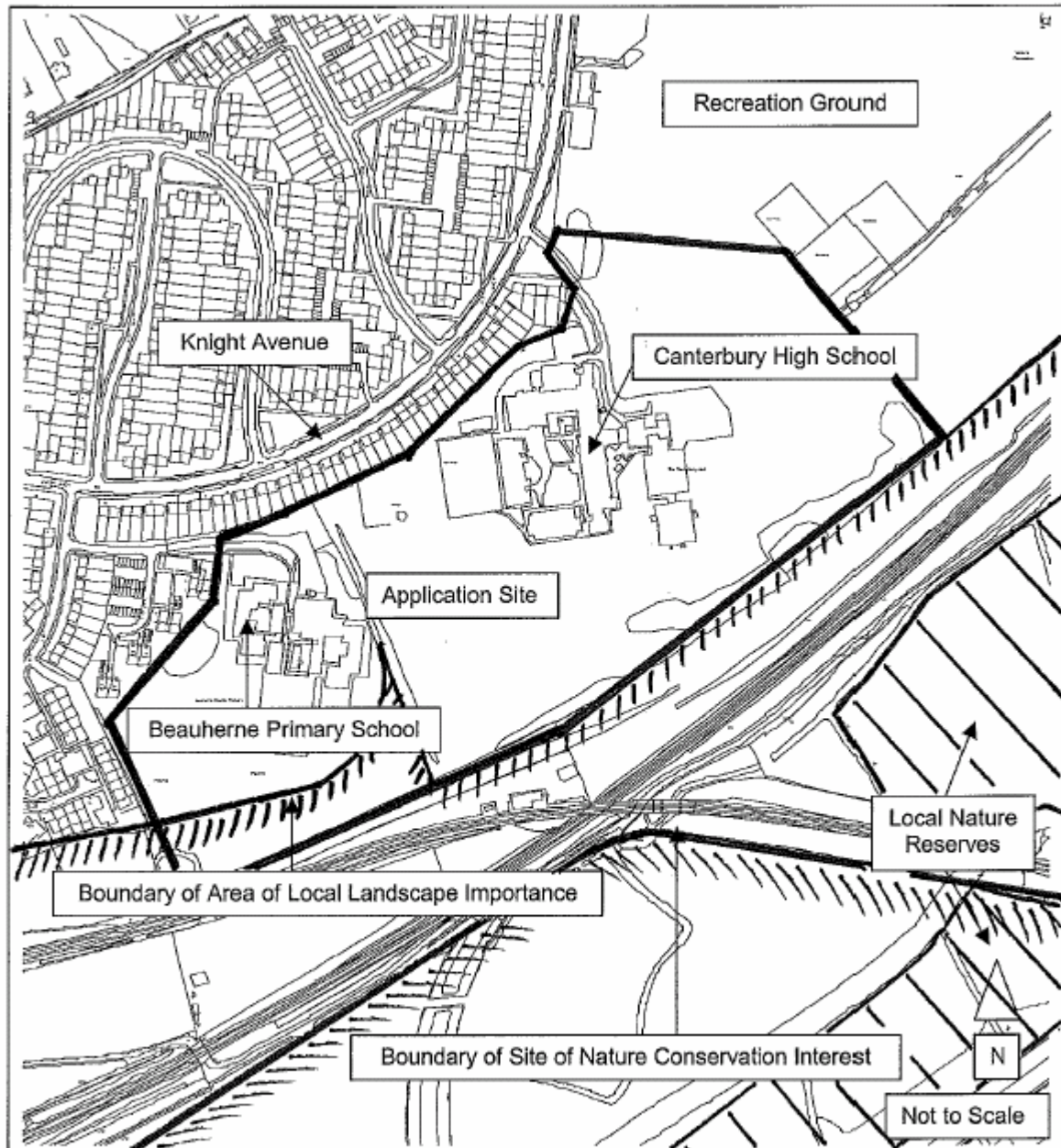
Site

1. The Canterbury Campus is located to the west of the City of Canterbury, accessed via Knight Avenue, to the south of the A2050 Rheims Way. The north and east of the campus site is bounded by residential properties, a recreation ground lies to the north east, and the River Stour Valley is located to the south, as are two railway lines. The site is generally a flat plateau of approximately 12 hectares, which overlooks the valley to the south, and the City of Canterbury beyond. To the immediate south of the Primary School playing fields, but within the boundary of the campus, is a lower and undeveloped area of grassland and bushes, bounded on the north by a row of mature poplars, and to the south by the railway lines, known as the banks. The banks, and land extending to the south, are designated as an Area of Local Landscape Importance. To the south of the site, although not adjacent, lie a Local Nature Reserve and a Site of Nature Conservation Interest. The whole of the campus is within the 'Boundary of Urban Area', and the playing fields are designated as 'Protection of Existing Open Space' within the adopted Canterbury District Local Plan.
2. The Canterbury Campus consists of the following integrated facilities:
 - Canterbury High School;
 - Beauherne Primary School;
 - Adult Education Centre;
 - Specialist Sports College;
 - All-weather running track; and
 - Tennis Centre

The running track lies to the north east of the campus, adjacent to the High School and Sports Centre. Playing fields extend to the south west of the High School, beyond which lies

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**

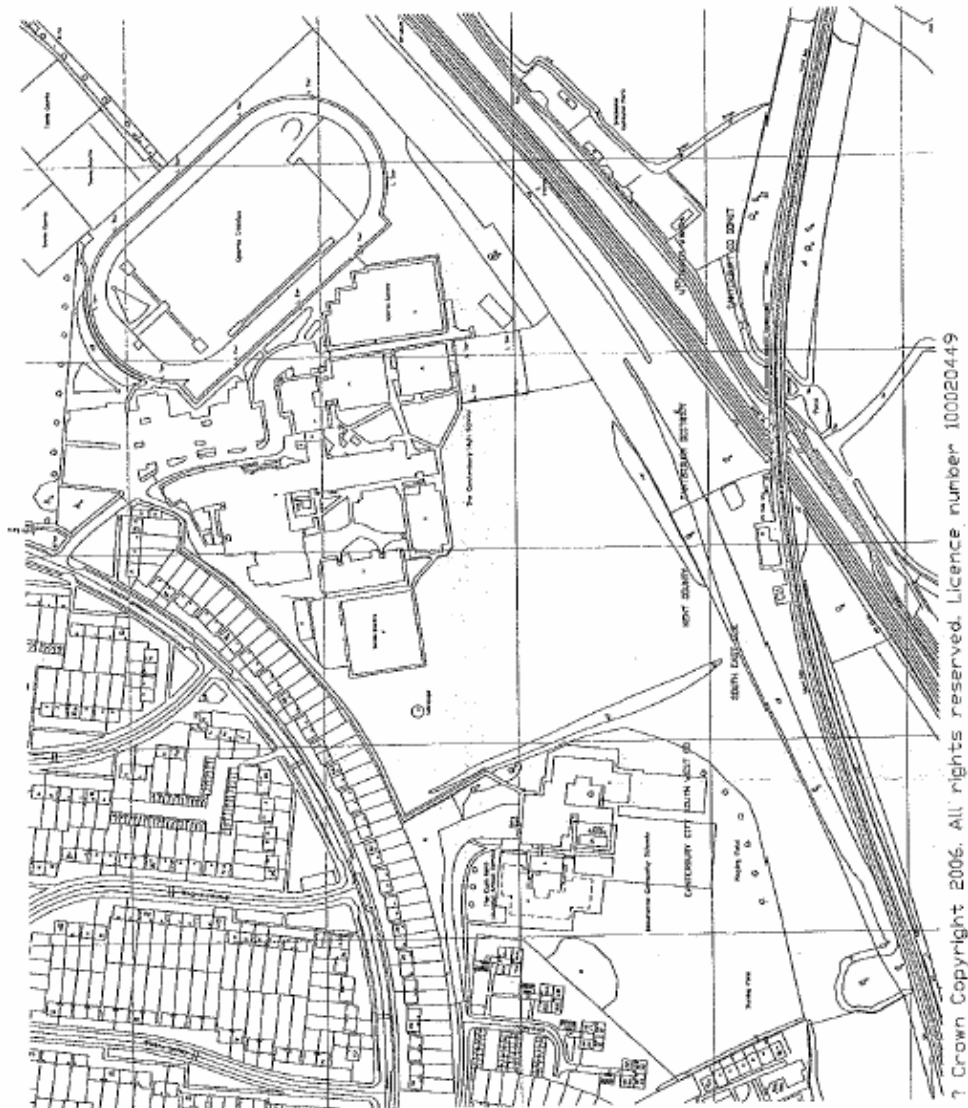
Site Location Plan



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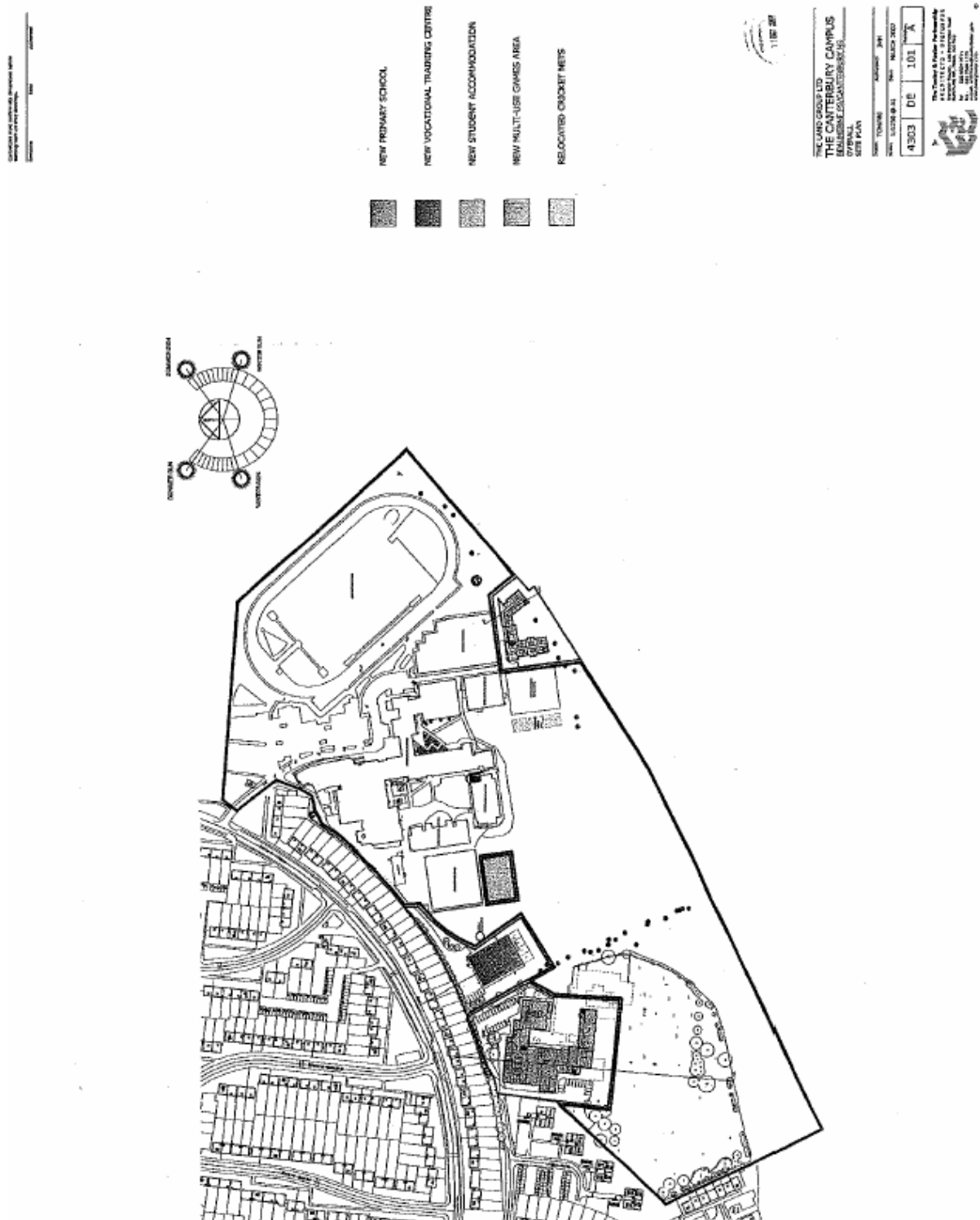
Item D1

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836



Item D1

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**

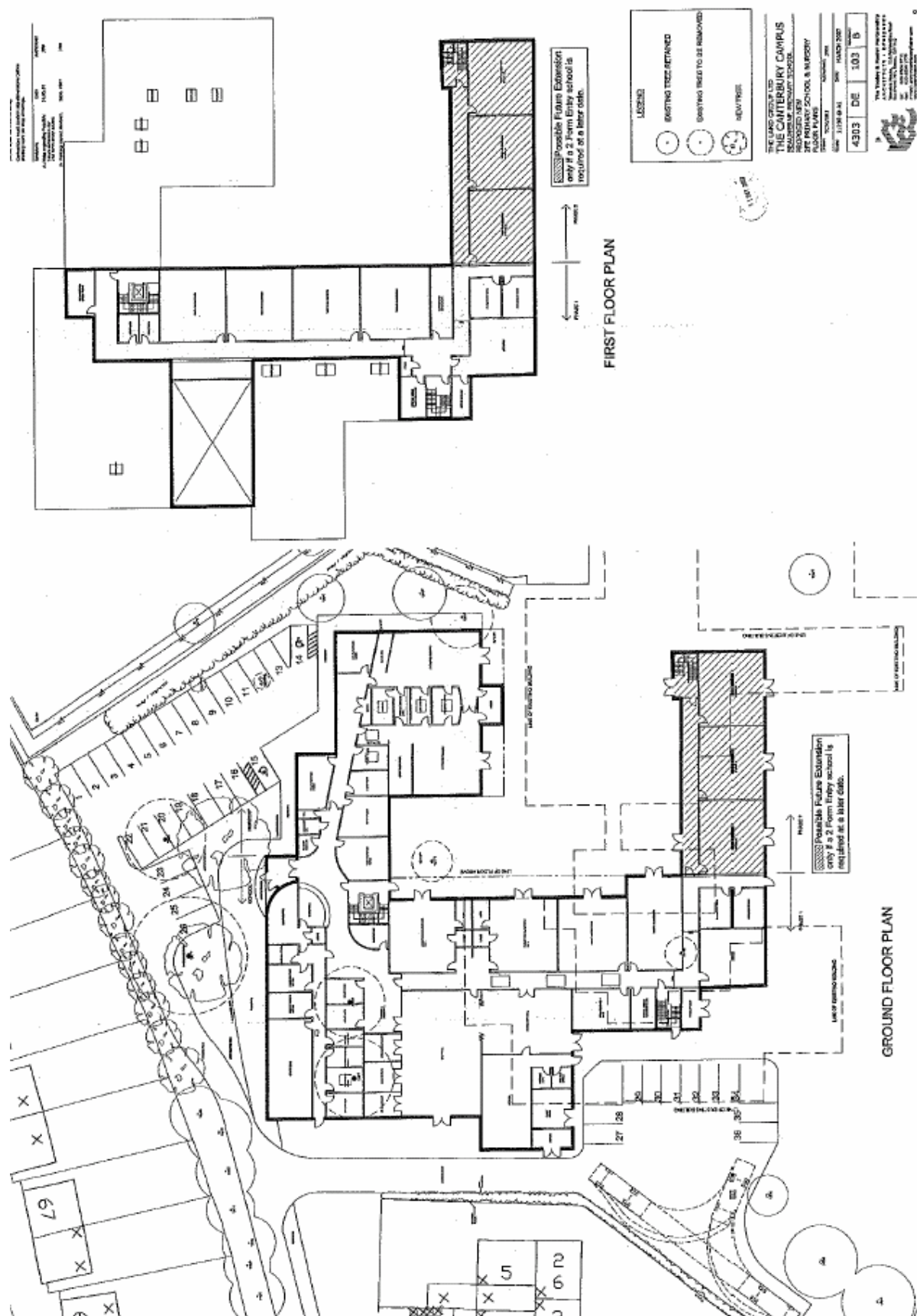


Item D1

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**

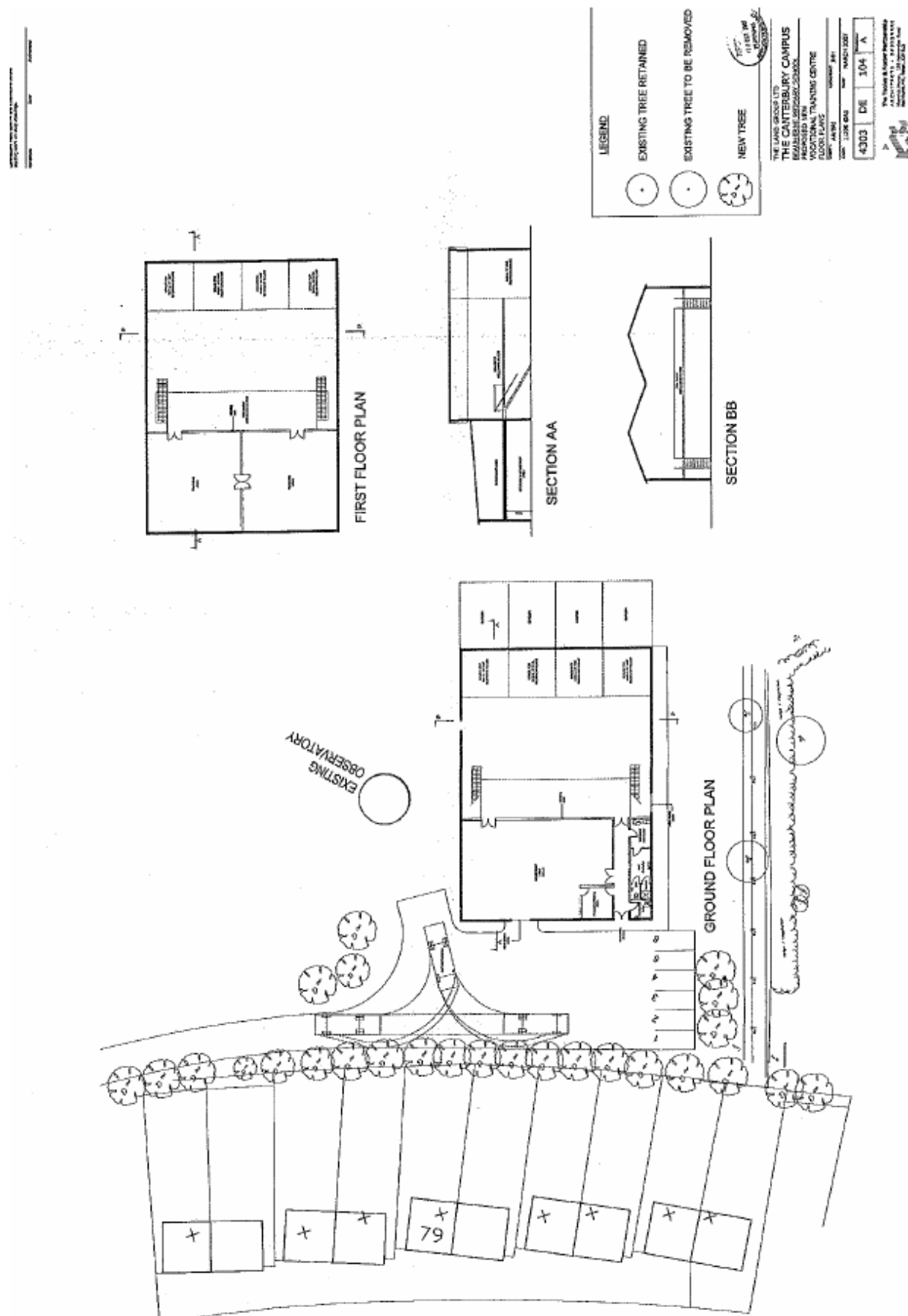
Item D1

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836



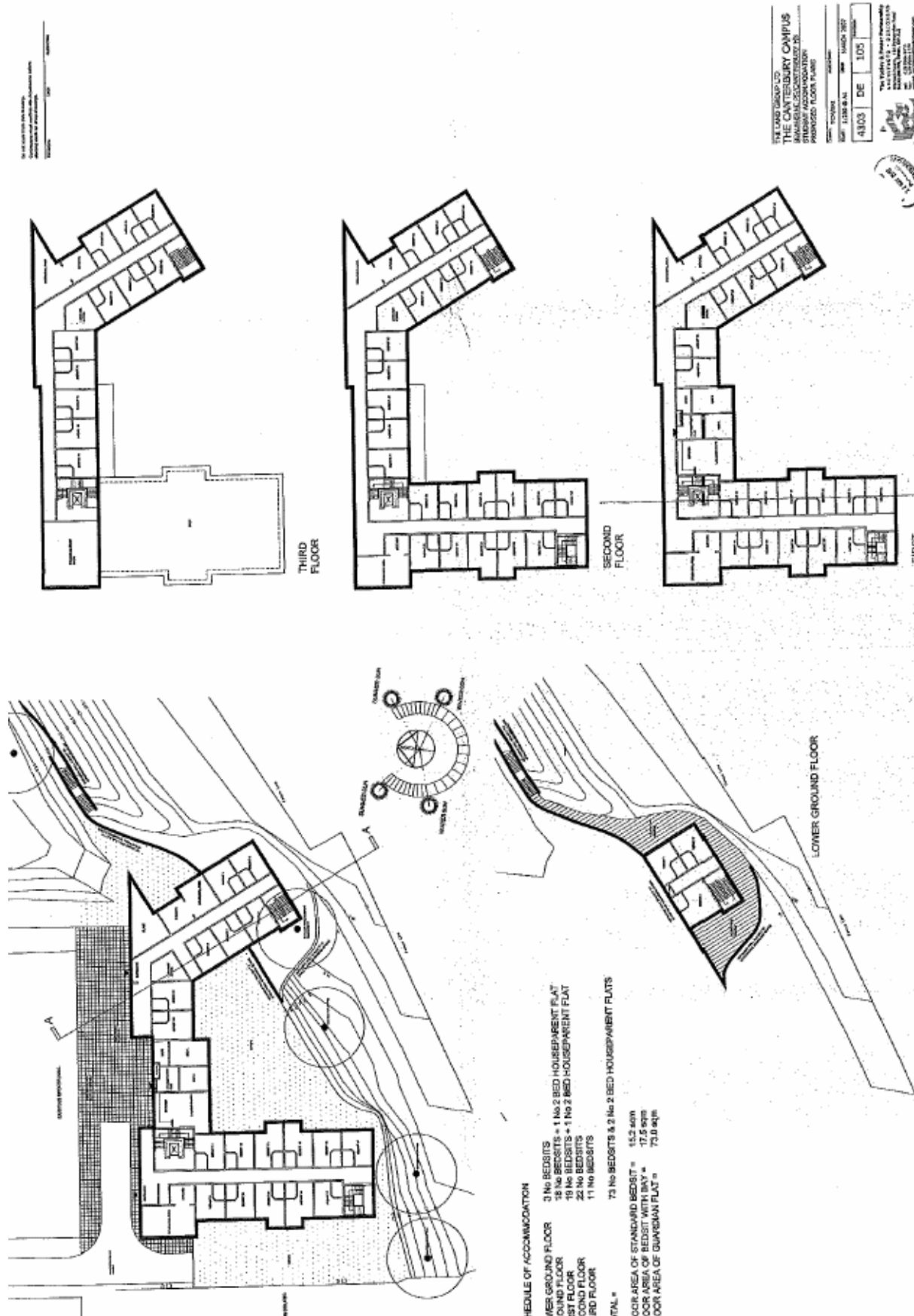
Item D1

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836



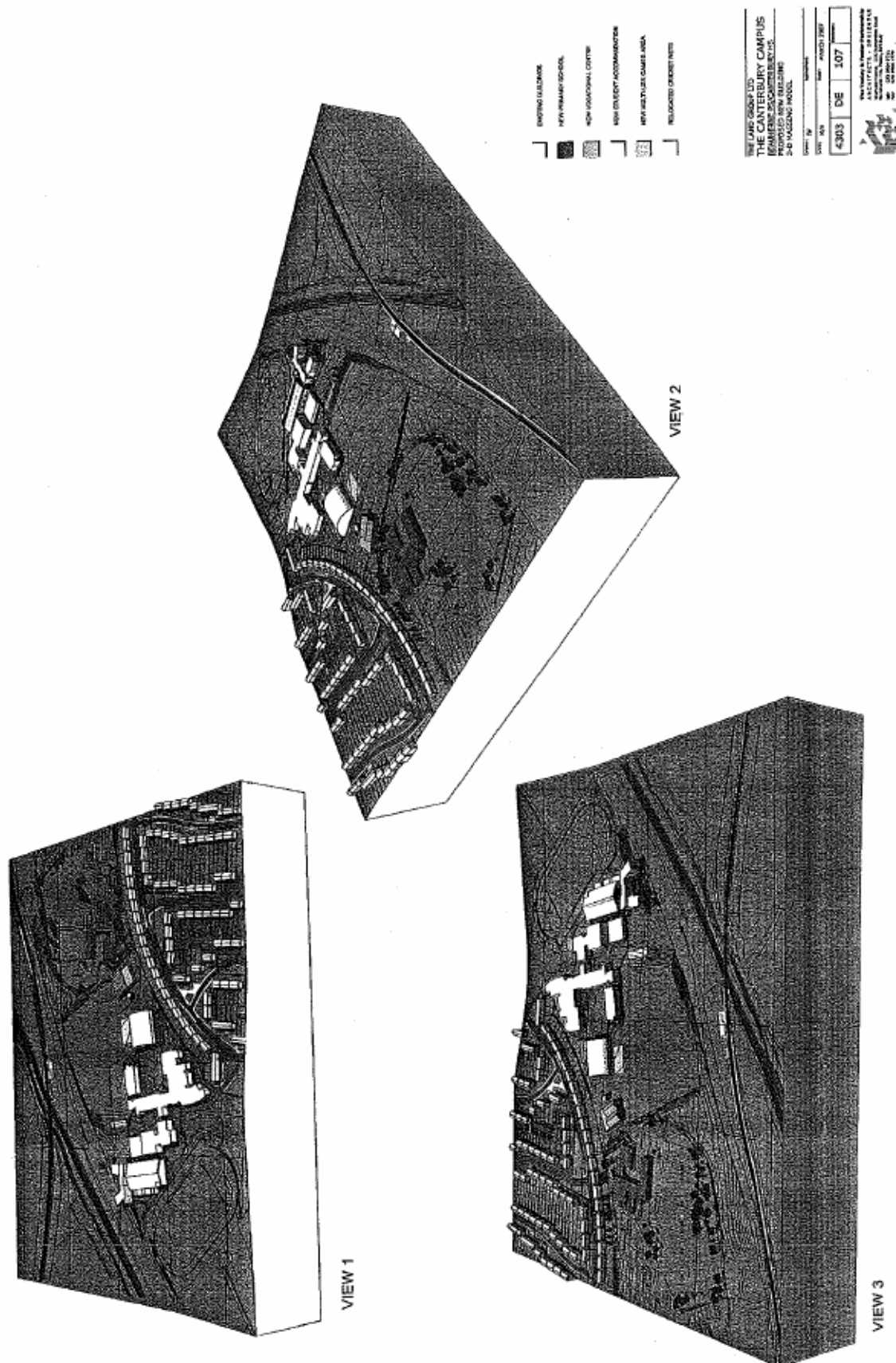
Item D1

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**



Item D1

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**



Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

the Beauherne Primary School Site, which has an independent access and is screened from the remainder of the campus by a hedgerow and tree planting.

3. Canterbury High School is an all-ability co-educational Foundation School for 11-19 year olds. Over the past 10 years the School's facilities have been improved, including new curriculum accommodation and associated facilities of the Tennis Centre and Specialists Sports Centre. Early in 2006 an Adult Education Centre, enlarged hall, new School Kitchen and a Performing Arts Centre were completed. Canterbury High School particularly focuses on music development and is also a Specialist Sports College and the lead member of the Canterbury Sports Partnership. It is the training ground for the Charlton Athletic Women's Football Team and is due to become the European base for the Australian Athletics Team. All of the facilities outlined above are on the Canterbury High School Campus. Adjacent to the High School grounds is the 1 Form Entry Beauherne Primary School, which currently also houses a crèche and a specialist 'hospital' unit for learning difficulties.

Proposal

4. This application has been submitted by the Governors of the Canterbury Campus and the Kent County Council Children, Families and Education Directorate and proposes an outline scheme for the Canterbury Campus. The outline application proposes a new Beauherne 1-form entry Primary School (capable of being converted to 2-form entry at a later date), a Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation.
5. The existing Primary School is a system built single storey building, dating from the 1960's, which is now in a poor state of repair. Replacement, rather than refurbishment, is considered the most appropriate way forward. Initially the proposed Primary School would be built as a 1 FE School, but with 2 FE common facilities and infrastructure in order that it could become a 2FE school with the addition of further classrooms at a later date. The proposed Children's Centre, which would cater for 52 children, would be incorporated within the Primary School building. The existing 'hospital unit' would be relocated elsewhere in Canterbury.
6. The existing Primary School would need to remain fully operational whilst construction of the new school is underway. The replacement school is, therefore, proposed to the immediate north west of the existing school and would wrap around the edge of the existing building. Upon completion of the replacement school the existing building would be demolished. The proposed building would be part 2-storey, with the Primary School and Children's Centre accessed via a shared reception from the north side of the car park. The Primary School would be located to the west side of the building, with Infants on the ground floor and Juniors on the first. The end wing on both floors would not be built in phase 1 but, if required, would be completed in phase 2 and would turn the project into a full 2FE school. The Children's Centre would be single storey, located on the eastern side of the building, and would provide two nursery areas with common and shared facilities, one for 0-2 year olds and one for 2-4 years.
7. A new vocational training centre is proposed to the east of the Primary School, on an area of scrub grassland located between the Primary School and the High School, adjacent to an existing observatory. The applicant advises that the vocational centre would be a 'workshop' type building for teaching Primary School children practical

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

building and constructional skills. Canterbury High School pupils would also use the centre, although to a lesser extent.

8. The building proposed is a 750 square metre single space, which would provide facilities for students to learn basic industry skills through the construction of 'parts of buildings'. Garden areas would also be included to develop skills in soft and hard landscaping. In addition, there would be two teaching areas for learning computer aided drawing and business skills, and internal climbing wall, a reception area and communal facilities.
9. The existing unmade roadway to the rear of the existing Tennis Centre would be extended and surfaced as part of this application, and would serve the Vocational Centre. The road would enable the delivery of plant and materials without affecting the general circulation areas of the High School, and an adequate turning and unloading area would be provided adjacent to the building.
10. Student residential accommodation is required for short and longer term residential courses run by the Campus, primarily on the sports side, and would also be used in part by Canterbury Christ Church University. The applicant advises that this element of the proposal has been the most difficult to locate within the campus. The applicant has considered various options, the majority of which were rejected on academic, visual, proximity or environmental impact grounds. The proposed site is to the immediate south of the existing sports hall, on an area of grassland, which slopes away to the south. The site is accessible to the rest of the campus, and to the City of Canterbury. The site is currently home to two existing cricket nets, which would be relocated to a site adjacent to the tennis courts.
11. The student residential building is proposed to be predominately 4 storeys in height, although a small lower ground floor, provided as a result of the change of site levels, would mean that the building would be 5 floors in part. The proposed accommodation would comprise of 73 individual bed-sitters, each with en-suite facilities, located within flats with their own communal space and kitchen facilities. In addition, there would be two 2-bedroom flats for guardians/house parents. The applicant advises that an estimated 41 sixth form students would occupy the accommodation, and it is proposed that the remainder of the accommodation would be used by students from Canterbury Christ Church University, and by students attending the various Elite Sports Academy courses.
12. In plan, the residential building would be an open 'U' shaped form which would provide each flat with views across the campus or across the valley towards the City of Canterbury. The applicant advises that the building has been designed to follow the existing levels, to be sensitive to views in and out of the site, and to retain the existing poplars along the boundary.
13. A 30m x 18.5m artificial multi use games area is proposed to the south of the existing tennis centre, which would be enclosed with chain link fencing. No floodlighting is proposed.
14. This application is an outline proposal and appearance and landscaping would be subject to reserved matters applications, for consideration in the future. Under the circumstances, this application seeks approval for the principle of the layout and scale of the development, and access. However, the applicant has provided indicative information with regard to landscaping and appearance.

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**

15. With regard to landscaping, it is the applicants' intent to retain trees and shrubs on the boundaries, and where individual trees need to be removed, they would be replaced in suitable locations. The 'Banks' area would remain unaffected, and the wild landscaping on the bank below the proposed student accommodation would be retained. Two new areas of landscaping are proposed - the northern boundary between the Primary School and the Children's Centre parking area and the rear gardens of residential properties, and similarly on the northern boundary to the north of the Vocational Training Centre. In both of these instances, the intention is to improve the privacy of the houses in Knights Avenue. All trees proposed for removal are identified within this application, and an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement have been submitted.
16. With regard to external appearance, the applicants have provided the following indicative information. The Primary School and Children's Centre would have shallow pitched roofs in powder-coated profiled metal sheets, with rooflights, and areas of flat roof over the ground floor only. The walls would primarily be brick, with timber panels and render features at first floor level, and windows, doors and limited sections of curtain walling would be powder-coated aluminium. The Vocational Training Centre would have a shallow pitched roof, in powder-coated profiled metal sheet, and the side walls would be of the same materials above 2 metres in height, below which would be brickwork. The colour of the metal sheeting would be appropriate to the surrounding area. The section of the building facing the rear gardens of the houses on Knights Avenue would be lower in height.
17. The four storey, with part lower ground floor, Student Residential Accommodation would have a flat roof with oversailing eaves. The lower ground floor and ground floor would be brickwork, with a rendered first floor and Trespa or similar timber laminated panels above. Punched windows in the elevations, and external doors would be powder-coated aluminium.
18. There is no specific parking proposed for the Vocational Training Centre, which would not generate additional staff or pupils, or the Student Residential Accommodation, which the applicants claim would not require parking facilities. 36 parking bays would be provided for the Primary School and the Children's Centre.

The following documents have been submitted in support of the application: Design & Access Statement; Site Investigation Report; The Canterbury Campus' Educational Rationale; Transport Assessment; Travel Plan; Extended Phase 1 Habitat Surveys; Arboricultural Impact Assessment & Addendum; Arboricultural Constraints Assessment; Arboricultural Method Statement; Reptile Survey; Bat Survey; Revised Travel Plans.

Reduced copies of the submitted drawings showing the site layout and access are attached.

Planning Policy

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

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**

(i) **The Kent & Medway Structure Plan: Adopted 2006:**

Policy SS1 - The strategic development requirements of this plan should be met in a manner that provides for balanced and timely residential employment, retail and leisure development, and brings forward community facilities and infrastructure when they are needed, whilst at the same time conserving and enhancing the quality of Kent's environment.

Policy SP1 - Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development.

Policy EN3 - Kent's landscape and wildlife habitats will be protected, conserved and enhanced. Where a need for development in the countryside is justified, important features and characteristics will be retained. Proposals should reflect the need for conservation, reinforcement, restoration or creation of countryside character and provide for the appropriate management of important features and the wider landscape.

Policy EN7 - Development which would materially harm the scientific or nature conservation interests of County and/or Local Wildlife designations will not be permitted unless there is a need which outweighs the local conservation interest, and adverse impacts can be adequately compensated.

Policy EN8 - Wildlife habitats and species will be protected, conserved and enhanced. Development likely to have an adverse effect, directly, indirectly or cumulatively, on important habitats or species, will not be permitted unless the adverse impact on an important nature conservation resource can be adequately mitigated and/or compensated.

Policy EN9 - Tree cover and the hedgerow network should be maintained. Additionally, they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.

Policy QL1 – All development should be well designed and be of high quality. Developments should respond positively to the scale, layout, pattern and character of their local surroundings.

Policy QL12- Community Services, including schools and education provision, will be provided as long as there is a demonstrable need for them.

Policy QL15 – Local Development Documents will make provision for sport, informal and formal recreation facilities, taking account of the potential for dual use and/or joint provision. All major new formal recreation and sports facilities should be designed to avoid nuisance from traffic, noise and lighting.

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**

Policy TP19 - States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.

Policy NR5 – The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.

(ii) The adopted (2006) **Canterbury District Local Plan:**

Policy BE1 - The City Council will expect proposals of high quality design which respond to the objectives of sustainable development.

Policy BE3 - Design statements and/or Development Briefs shall be submitted with planning applications setting out the principles used in the scheme to relate the development within and to its context. This will apply to all planning applications, where the development is visually significant or is significant to its neighbours.

Policy NE1 - Where development proposals are being considered for a site know, or likely to have, protected species, or species identified in national or Kent Biodiversity Action Plans, developers will be expected to carry out a survey and present proposals for mitigation.

Policy NE5 - Development should be designed to retain trees, hedgerows, woodland or other landscape features that make an important contribution to the amenity of the site and the surrounding area, and which are important to wild flora and fauna.

Policy C1 - In considering the location or control of new development, or the relocation of existing activities, the Council will always take into account the principles of the adopted 2004 Canterbury District Transport Action Plan.

Policy C4 - Development proposals considered to have significant transport implications are to be supported by a Transport Assessment and a Travel Plan.

Policy C9 - The City Council will apply Kent County Councils adopted Vehicle Parking Standards to development proposals.

Policy C17 - The City Council will work with the Education Authority and school governors to ensure that the needs of primary and secondary schools are taken into account in the assessment of their development needs and proposals. Planning permission will be granted for proposals that are needed by the schools subject to design and highway safety considerations.

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

Policy C23 - Any relocation or expansion of an existing institution shall be determined according to a number of criteria, whilst having regard to the institution's existing facilities and transport links.

Policy C24 - Proposals which would result in the loss of protected existing open space will only be permitted if:

- There would be no material harm to the contribution the protected open space makes to the visual or recreational amenity of the area;
- Where there would be material harm, this would be balanced against demonstrable need for the development;
- There is no alternative site available to accommodate the proposed development
- The open space has been assessed by the Council as making no positive contribution to its overall strategy on open space.

Policy C40 - When granting planning permission for development which could potentially result in pollution, the City Council will impose conditions or seek agreements to ensure subsequent mitigation measures are undertaken.

Consultations

20. **Canterbury City Council:** comment's as follows:

"The City Council has no objection to the replacement Primary School, or multi use games area.

Whilst a small part of the vocational building intrudes into land designated as open space, in view of the need for the facility, the opportunities it will offer and the size of the area of open space and the contribution it makes to the site as a whole, the City Council does not wish to raise an objection. I ask you to note, however, that some concerns have been expressed about the potential for increased disturbance to nearby dwellings from vehicular traffic to the building and noise emanating from it. The City Council therefore asks that these matters are given careful consideration during the determination of the application, and that consideration is given to imposing conditions requiring appropriate insulation to prevent the transmission of noise from the building and restricting the hours that vehicular traffic, in particular HGV deliveries, may use the access and parking/turning area.

The City Council, however, raises formal objection to the residential element of the proposal. The Council is not convinced that alternative accommodation to that proposed cannot be located elsewhere within the City, particularly during holiday periods, or that accommodation on the scale proposed is essential. If, however, the County Council accepts there is a proven need for such accommodation within the site, this Council believes an alternative location should be found as it does not consider development in the area of open space to be an appropriate solution. Whilst this area may not be suitable for sports use, it does have value as a pleasant undeveloped green area linking the north eastern most part of the campus with the more central playing fields. In addition, the building will be clearly visible in views

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

across the valley, particularly from parts of Stuppington Lane from the where the sports hall and tennis dome can easily be identified. At five storeys the building will be clearly visible from the mainline railway below and from the homes of the residents of Brookside Caravan Park and beyond; its impact will be exacerbated by the way in which it extends towards and down the banking. During hours of darkness this impact will be increased by light emanating from the building emphasising its height and width and flooding out across the valley."

Divisional Transport Manager: raises no objection subject to the imposition of a condition requiring the submission of updated Travel Plans with the detailed planning applications.

The County Council's Landscape Advisor: consider that the impact of this development on trees, in terms of arboricultural and landscape value, is slight. It would be possible to mitigate the tree removal through proposals for replacement tree planting, and a detailed scheme of landscaping should be submitted pursuant to planning condition. The Landscape Advisor is satisfied that there would be a significant amount of existing trees and vegetation retained throughout the site, as well as adequate space for mitigation planting. It is stated that the tree protection fencing does not appear to comply with BE 5837:2005 in terms of material, and it is recommended that this is addressed by the imposition of a relevant planning condition.

Natural England: recommends that, with regard to Great Crested Newts and Invertebrates, further survey information is obtained prior to determining this application. Therefore, Natural England objects to the above application pending submission of the results of a Great Crested Newt and Invertebrate Surveys. In addition, conditions and informatives regarding bats and reptiles are recommended.

The County Council's Biodiversity Officer: states that the conditioning of protected species surveys is not acceptable. Great Crested Newt and Invertebrate Surveys must be carried out prior to determination. In addition, the submitted Reptile Survey recommends that reptiles in the rough grassland to the north of the site would need to be translocated to a suitable receptor site elsewhere on site. It is recommended that a survey of the receptor site, including population estimates must be carried out prior to determination. Mitigation and enhancement measures should be submitted. It is also stated that at least one more activity survey for bats should be carried out (best practice guidance has not been followed) or further information should be provided explaining why bats are not expected to be in any of the buildings.

Further conditions and informatives are recommended with regard to protected species, biodiversity enhancement and landscaping.

The County Council's Archaeologist: requests that a condition be placed on any grant of planning permission requiring the securing of the implementation of a programme of archaeological work, in accordance with a written specification and timetable, which shall be submitted for the written approval of the County Planning Authority.

The Environment Agency: raises no objection in principle to the application, and requests that a number of conditions and informatives are placed on the decision regarding groundwater and land contamination.

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

Southern Water: states that following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal or surface water disposal to service the proposed development. A number of informatives and conditions are requested, including conditions requiring the submission and approval of details of the means of foul sewerage and means of surface water disposal. In addition, a condition would be imposed to ensure that the student dwellings are not occupied until Southern Water, and the Planning Authority, are satisfied that the necessary infrastructure capacity is available to adequately service the development.

Sport England: raises no objection to the proposed development.

Local Member

21. The local County Member, Mr Martin Vye, was notified of the application on the 12 June 2007.

Publicity and Representations

22. The application was publicised by advertisement in a local newspaper, the posting of 2 site notices, and the individual notification of 78 nearby properties. Two letters of representation, from one neighbouring resident, have been received to date and the points of concern and objection are summarised below.

- Not a good idea having student flats close to residential properties due to noise and amenity concerns;
- More noise will be generated from the Primary School, and other new facilities on the Campus;
- The development would lead to a loss of view of the City and the Cathedral;
- Homes and a Community Hall are needed for all ages and members of the community, not just students;

Discussion

23. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (19) 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. Issues of particular relevance include impact upon residential and local amenity, and the wider landscape, and ecological concerns.

24. As detailed earlier in this report, this application proposes an outline scheme for the Canterbury Campus, in the form of a new Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation. In this instance, the applicant is seeking approval for the principle of the layout and scale of the development, and access. Appearance and landscaping would be subject to reserved matters applications, for future consideration, and therefore do not need to be discussed in detail at this time. The applicant has, however, provided indicative information with regards to these reserved matters which is summarised in paragraphs 5-18 of this report.

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

Residential and Local Amenity

25. The application site is bounded to the north and east by residential properties, and the impacts of this development upon the amenity of local residents needs to be addressed. Kent and Medway Structure Plan Policy NR5 seeks to conserve and enhance the quality of Kent's environment, including noise and levels of tranquillity, and light intrusion. Therefore, development proposals must seek to minimise levels of pollution, and be deemed to be acceptable in terms of impact upon local and residential amenity. It should be noted, however, that only one neighbouring resident raised objection to the proposal.
26. The existing Canterbury Campus is home to several educational institutions and facilities used on a regular basis by not only the two Schools, but various groups and the local community. This application proposes to provide a replacement Primary School, as the existing is substandard and in a poor state of repair, and additional facilities such as the Vocational Training Centre and Student Residential Accommodation. Of the facilities proposed, the replacement Primary School, Vocational Training Centre and Multi Use Games Area would be closest to residential properties and could therefore impact on local residential amenity.
27. The Multi Use Games Area is proposed to be located upon an area of grassland, situated between the existing indoor Tennis Centre and outdoor sports pitches. The Tennis Centre is a large domed building, which would screen the proposed Multi Use Games Area from residential properties in Knight Avenue, and act as a natural noise barrier. In addition, the Multi Use Games Area would not be floodlit, limiting its hours of use to that of the adjacent sports pitches. However, the artificial surface would allow sports to be played throughout the year, which may not otherwise be possible due to waterlogged pitches. As the proposed Multi Use Games Area would not be floodlit, and is adjacent to existing sporting facilities, I do not consider that it would have a detrimental impact on local residential amenity, given that its use would not extend beyond daylight hours.
28. With regard to the Vocational Training Centre, this is proposed to be located to the south of properties in Knight Avenue, between the existing Primary School and Tennis Centre, adjacent to an existing observatory (to be retained). The site is currently overgrown grassland/scrub. The 750 square metre building would have a shallow pitched roof, in powder coated profiled metal sheet, with the side walls being the same above 2 metres in height, below which would be brickwork. It is imperative that the colour of the metal sheeting is appropriate to the context of the site, and this would be considered in the determination of the reserved matters applications. The applicant advises that the section of building facing the rear gardens of houses on Knights Avenue would be lower in height, reducing its impact in terms of mass. The use of the building to train pupils in skilled manual trades could generate additional noise, but without a detailed application which would detail the design of the building a appropriate mitigation, the potential impact is hard to judge. The building is however approximately 14metres from the boundary, and an area of car parking would be located between the Vocational Training Centre and the boundary with the gardens of properties in Knight Avenue.
29. An existing unmade roadway to the rear of the Tennis Centre would be extended and surfaced as part of this application, and would serve the Vocational Training Centre. The road would enable the delivery of plant and materials without affecting the general circulation areas of the High School, and an adequate turning and unloading area would be provided adjacent to the building. Canterbury City Council expresses concern that

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

noise from the building, and the associated access, has the potential to generate increased disturbance for nearby dwellings. The Centre is not proposed for wider community use, or Adult Education. Use would be by existing pupils of the High School and Primary School only, most of which would be during school hours. Therefore, the potential impact of noise generation is limited to during the school day, although this will still need to be addressed. As this application is in outline form, details of mitigation in terms of noise insulation, design and landscaping are not provided at this stage. However, I consider that subject to conditions requiring details of noise insulation to the Training Centre, details of the design and colour finish, and details of landscaping and boundary planting to be submitted at the reserved matters stage, that the building should not have a detrimental impact upon the amenity of local residents.

30. The last element of the proposal that could impact upon the amenity of local residents is the replacement Primary School. As the existing Primary School would need to remain fully operational whilst construction of the new Primary School took place, it is proposed to build the replacement school immediately to the north west, wrapping around the edge of the existing building. Upon completion, the existing school would then be demolished. The existing building is single storey, whereas the proposed building would be part single part two storey. However, this would not be out of scale with adjoining residential properties and apartment blocks. The school's capacity would remain as existing, although facilities would be provided which could cater for a 2 Form Entry. However, this would be discussed and considered in more detail at the time of submitting the reserved matters applications.
31. At this outline stage, consideration needs to be given to the principle of the siting and access only. Access would be as existing, although the parking arrangement would be altered to accommodate the construction of the new school. The replacement school would be in closer proximity to properties to the north and west of the existing primary school. However, the elements of the scheme closest to the boundaries are single storey and the applicant intends to retain boundary planting and screening. In addition, details of further screening and boundary planting would be required to be submitted pursuant to planning condition. In order to allow the School to continue to operate during construction, the replacement school cannot be constructed upon the footprint of the existing. To build to the south of the existing school would lead to a loss of playing field (protected open space), move the development closer to an Area of Local Landscape Importance and designated sites of ecological importance, and would also result in a large area of unusable space upon demolition of the existing. The proposed siting of the replacement school is the only logical solution, in terms of maximising space and allowing the school to continue to function. In principle, I do not consider that by moving the school to the north west that the amenity of local residents would be significantly adversely affected subject to a detailed design which minimises the height of the replacement school, retains and improves boundary planting and is designed in a manner which is sympathetic to the residential location (i.e. consideration to window locations)
32. In summary, I do not consider that the proposed outline development would have a significantly detrimental effect on local residential amenity. In addition, all of the elements of this outline proposal would need to be subject to reserved matters applications. These applications would provide details of design, appearance and landscaping and would be subject to consultation with statutory consultees and neighbouring residents. Should concerns be expressed at the time of determining the reserved matters applications, these can be addressed through appropriate mitigation

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

and the imposition of planning conditions. In addition to the measures outlined above, hours of working during construction would be conditioned in an effort to minimise the impact upon local residential amenity.

Scale/Siting of Development

33. The scale and siting of the replacement Primary School and Multi Use Games Area has not been questioned, and is considered to be appropriate. In addition, the Vocational Training Centre is of a scale appropriate for its use and, although a small part of the building would extend onto an area designated as Open Space, I consider that the need for the Centre and the facilities it would offer outweigh the loss of this small area, which actually is overgrown and not a usable open space. This is a view supported by Canterbury City Council.
34. However, Canterbury City Council has raised a formal objection to the residential element of the proposal, as detailed in paragraph 20 of this report. First, the City Council is not convinced that alternative accommodation to that proposed cannot be located elsewhere within the City, or that accommodation of the scale proposed is essential. The applicant states that the school have identified a need for residential accommodation to support the various sports activities and academies that use the facilities on the campus. At present students either have to live with members of staff or travel significant distances into the school on a daily basis (some current students are from Bexleyheath and Sevenoaks whilst one is from Northern Ireland). As courses offered by the High School, in conjunction with Canterbury Christ Church University, continue to develop, and now lead directly onto a degree course at the University, the School believes that the number of study bedrooms proposed are essential, together with accommodation for resident 'house parents' to the elite sports students. The School plans for one section of the accommodation to be for sixth form students under the supervision of house parents, and the rest to be for Christ Church University Sports Academy students, who would use the sporting facilities on site. During school holidays the study bedrooms would be used to accommodate participants in the Summer Schools the Campus intend to run for elite performers and/or for those attending residential courses delivered by Adult Education. The School have determined the number of rooms based on the estimate of potential demand and income balanced against the maintenance costs, and believe that the block as proposed would be the minimum size it can be to be cost effective.
35. The accommodation would be managed by the Canterbury Campus, and the Governors would control the arrangements and use of the accommodation. The applicant advises the because students would continue their training into the evenings, and to eliminate unnecessary travel, a location on site is the only logical and cost effective solution. It would be managed accommodation and needs to be on-campus to be appropriately supervised. Furthermore, the applicant advises that parents of young adults attending the courses would not be happy for their children to be accommodated off campus. In light of the information given by the applicant, I consider that the scale of the development proposed has been justified, and its location on campus is a logical and suitable option.
36. However, Canterbury City Council states that should the County Council be satisfied that accommodation of this scale is needed on site, then an alternative location within the campus should be found. The proposed location for the Student Residential Accommodation is within an area designated as Open Space within the Canterbury

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

District Local Plan (Policy C24). The City Council acknowledges that the proposed location for the accommodation is not suitable for sports use, but considers that it has value as an undeveloped green area linking the north eastern most parts of the campus with the more central playing fields. Although I am minded to agree that this area does have value as a link within the site, the applicant states that the site is a 'dead' area, not used for any school activities or recreation. In addition, the applicant has considered use of alternative sites within the campus and these have had to be rejected for various reasons.

37. First, the overgrown landscaped areas to the south of the Primary School playing fields was considered. However, this was deemed to be environmentally unacceptable and would be too distant from facilities. This area, known as 'the banks' is now proposed to be developed as a biodiversity area, a more suitable use considering this part of the site is designated as an Area of Local Landscape Importance. The boundary to the west of the Primary School was considered but discounted as the development would be too close to the adjacent residential flats, and would result in a critical loss of playing fields. In addition, the site proposed is close to the sports facilities but far enough away from the School itself to give students some separation between learning and relaxation areas. It is also within close proximity to the existing 'sports café', giving students access to catering facilities. The proposed site also has the advantage of being close to the City Centre, which can be easily accessed on foot without the need to use Knight Avenue, thus minimising disturbance to local residents. The location of the accommodation itself also avoids possible interference to neighbouring residents as it overlooks the railway lines and is screened from residential properties by existing buildings on the Campus. The applicant has, therefore, demonstrated that the site proposed is the only suitable site within the campus, and that the proposed site makes little or no contribution to the recreational value of the protected open space.
38. In addition, the City Council considers that the proposed building would be clearly visible in views across the Valley, particularly from parts of Stuppington Lane, where the sports hall and tennis dome can easily be identified. The City Council states that at 5 storeys, the building would be clearly visible from the mainline railway below, and from Brookside Caravan Park and beyond. Concern is also expressed that lighting would exacerbate the impact of the development at night. First, it is important to note that the proposed residential accommodation would be 4 storeys in the most part, with a small fifth storey which would be below the existing ground level. The applicants state that because of the tree line at the perimeter of the site, the accommodation would be virtually invisible from outside of the site, and that the height of the Student Residential Accommodation would not be higher than the ridge line of the sports hall. The existing sports hall is of poor quality design and the proposed residential accommodation has the potential to screen this building and improve the view of the campus from outside of the site, including from the localities that the City Council is concerned about. The important existing poplars on the boundary would be retained, and the large trees on the campus boundary would continue to feature predominately in the landscape.
39. Policy C24 of the Canterbury City Local Plan states that proposals which would result in a loss of protected open space would only be permitted if certain criteria were met. First, I do not consider that the proposal would harm the contribution that this small area of protected open space makes to the visual or recreational amenity of the area. In fact, the proposal has the potential to improve the visual amenity of the area by providing a high quality design which would, in part, screen the sports hall. The applicant has demonstrated a need for the development, and has considered alternative sites within

Primary School, Children's Centre, Vocational Training Centre, Multi Use Games Area and Student Residential Accommodation at the Canterbury Campus – CA/07/836

the campus, all of which were unacceptable. Lastly, I do not consider that the loss of this area of open space would impact upon the City Council's overall strategy for open space. I do not, therefore, consider that the proposed Student Residential Accommodation would be contrary to Policy C24 of the Canterbury District Local Plan.

40. On balance, I consider the massing and siting of the proposed development to be acceptable. The various elements of the proposal would not give rise to any significant harm and are in accordance with the general thrust of Development Plan Policies with regards to siting, massing, local landscape importance and loss of protected open space.

Highway implications

41. This application was accompanied by a Transport Assessment and a Travel Plan, and revised Travel Plans for Canterbury High School and Beauherne Primary School have been submitted throughout the determination process. The existing hospital unit would be relocated elsewhere within the City. There is no specific parking proposed for the Vocational Training Centre, which would not generate additional staff or pupils, or the Student Residential Accommodation, which the applicant claims would not require parking facilities. 36 parking bays would be provided for the Primary School and Children's Centre. Kent Highway Services has raised no objection to this application subject to the submission of updated Travel Plans with the detailed planning applications. Therefore, subject to conditions, I cannot see any reason to refuse this application on the grounds of highway implications.

Environmental Implications – including designations

42. As outlined in paragraph 1 of this report, the campus is located in close proximity to a Local Nature Reserve and a Site of Nature Conservation Interest. In light of that, the applicant submitted Extended Phase 1 Habitat Surveys, which identified the need for further detailed survey work to be undertaken. To date, a Reptile Survey and Bat Survey have been submitted. However, due to the specific seasons within which certain protected species surveys have to be undertaken, Great Crested Newt and Invertebrate Surveys are still awaited. In addition, a survey of a suitable receptor site for Reptiles needs to be submitted, along with details of mitigation and enhancement measures. A number of conditions and informatives with regards to bats, further protected species, biodiversity enhancement and landscaping are also requested by the County Council's Biodiversity Officer and Natural England.
42. Both Natural England and the County Council's Biodiversity Officer raise objection to this application on the basis that the conditioning of protected species surveys is not acceptable. In most instances I would agree with this, as the granting of planning permission without establishing the presence or otherwise of protected species means that not all material considerations have been taken into consideration in the determination process. However, in this instance, by determining outline planning permission the applicant does not have permission to start any works on site without further planning consent(s). Only the principal of the development would be approved in terms of siting and access and detailed applications would need to be submitted and approved before any works could commence on site. Therefore, ecological interests would not be adversely affected by a determination at this particular stage in my view.

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**

43. Under the circumstances I consider that, providing all relevant and required ecological surveys were undertaken and submitted prior to the submission of the reserved matters applications, then biodiversity interests would not be compromised. At this time, depending on the outcome of the surveys, mitigation, enhancement and management strategies may well be required. It is important to note however, that were this application not an outline proposal, then this matter might well need to be considered differently so that species surveys are not deferred as post decision conditional requirements.
44. I cannot see any reason why the proposed development should be refused on the grounds of environmental concerns. Subject to the imposition of conditions to ensure that the outstanding protected species surveys, and subsequent mitigation and enhancements, are submitted and approved prior to the granting of permission for the reserved matters applications, I do not consider that the proposed development would have a detrimental effect on the local environment or biodiversity interests.

Conclusion

45. In summary, I consider that this proposal would not have a significantly detrimental effect on the amenity of local residents, protected open space or ecological interests. Should Members be minded to permit, subject to the conditions outlined below, no development on site could commence until reserved matters applications were submitted and approved due to the outline nature of this application. In my view, the principle of the development would not give rise to any significant material harm and is in accordance with the general thrust of relevant Development Plan Policies. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any outline planning permission, including those outlined below.

Recommendation

28. I RECOMMEND that OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO conditions covering:
- the standard time limit for outline permissions;
 - the submission of details relating to the reserved matters of design and external appearance of the proposed building, and landscaping and boundary treatment of the site;
 - hours of working during construction and demolition;
 - detailed ecological surveys assessing the potential of the site to house protected species, namely Great Crested Newts and Invertebrates;
 - the submission of mitigation and enhancement measures for Reptiles, including a survey of the receptor site;
 - submission of ecological enhancement measures for the whole site;
 - tree protection and clearance of the site outside of bird breeding seasons;
 - submission of updated Travel Plans;
 - implementation of a programme of archaeological work;
 - submission and approval of details of foul sewerage and surface water disposal;
 - no occupation of the development until southern water are satisfied that the necessary infrastructure is in place;
 - submission of a desktop study regarding land contamination;
 - submission of a scheme for the disposal of foul and surface waters;

Item D1

**Primary School, Children's Centre, Vocational Training Centre,
Multi Use Games Area and Student Residential Accommodation at
the Canterbury Campus – CA/07/836**

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

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Item D2**Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360**

A report by Head of Planning Applications Unit to Planning Applications Committee on 12 February 2008.

SW/07/1360 – Application by Kent County Council's Children Families and Education Directorate for the construction of a single storey modular building for use as a community children's centre, including the installation of fencing, pathways, hard play area, and staff car parking, Minster-in-Sheppey Primary School, Brecon Chase, Minster, Sheppey.

Recommendation: Permission be granted, subject to conditions.

Local Members: Mr A. Crowther

Classification: Unrestricted

Site

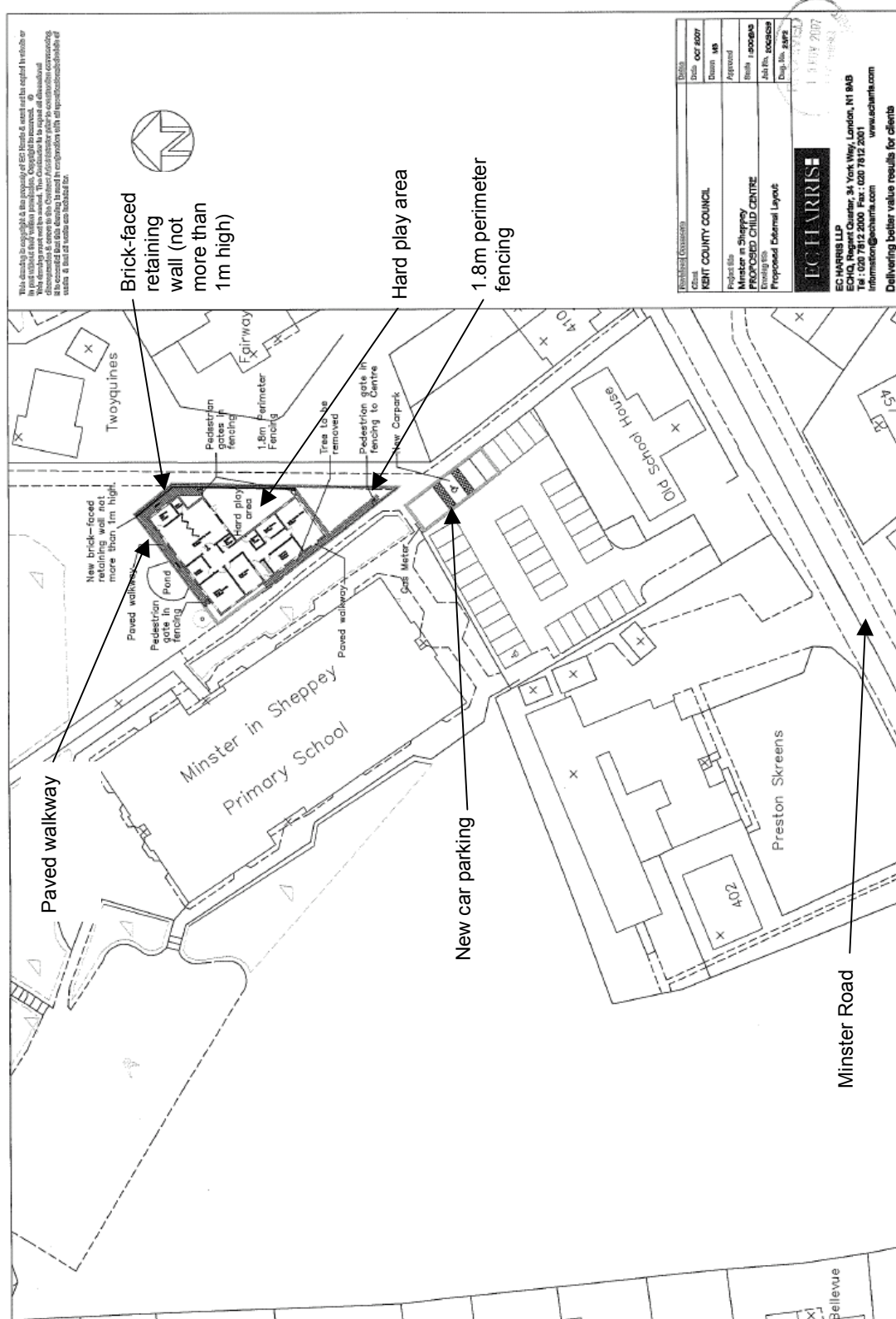
1. Minster-in-Sheppey Primary School is located south off Brecon Chase, within the built-up area of Minster. The school site is located on the southern flank of a hillside, with two school blocks located across the slope and the playing field to the south of the school buildings. The school site can be entered via access points on Brecon Chase, Minster Road and Bellevue Road. The Primary School has an overall design capacity for 600 pupils, with a current school roll of 472 children. Residential properties surround the site to the north, south, east and west (see attached plan).
2. The application site consists of an existing workshop/ schoolroom building and adjacent land, located toward the eastern boundary of the school site. The application site slopes generally from north to south toward an existing school building. The application site also includes an area of land adjacent to the main staff car park off Minster Road, which is currently occupied by a redundant air-raid shelter.
3. The closest properties to the area affected by this application are located to the north-east off Minster Road in an elevated position, and to the east fronting Minster Road. The application site is located, at its closest point, within 4 metres of the school boundary with residential property. The boundary treatment in this locality includes mature evergreen planting that screens most of the site from direct views from the north. The façade of the closest residential property would be approximately 12 metres to the north-east in an elevated position in relation to the application site.
4. There are no site-specific land use designations within the Development Plan in association with the site.

Background

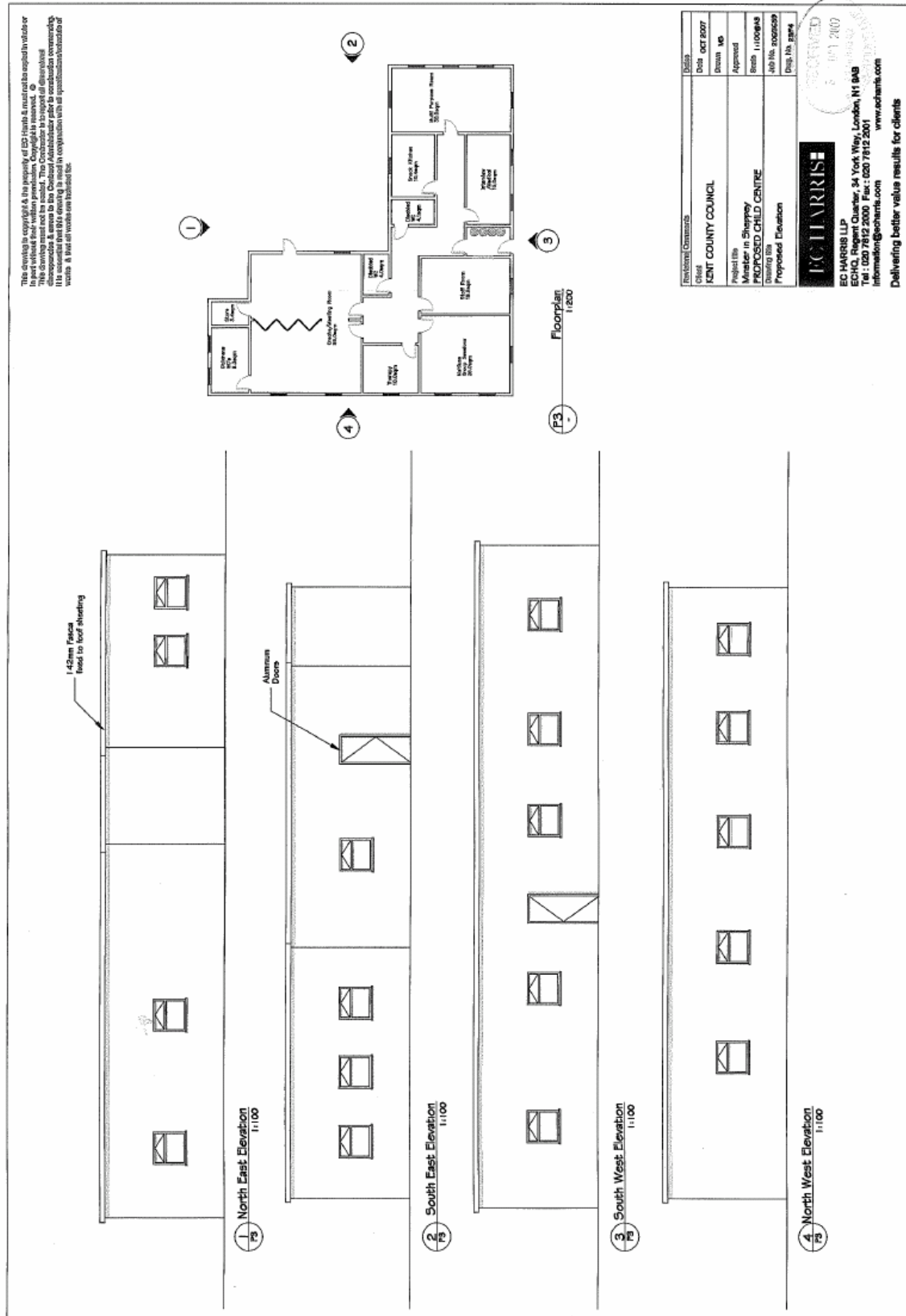
5. The recent planning history for the Minster Primary School site includes permission to install CCTV Cameras (under planning reference SW/06/218) and planning permission for works to level part of the existing school playing field (under reference SW/06/351).



Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.



Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.



Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.

Proposal

6. The application proposes the creation of a community Children's Centre within the grounds of Minster Primary School. The Children's Centre would be housed in a new purpose-built single storey modular building that would be constructed off-site and brought to site in sections to be fixed to pre-constructed foundations. The development would involve works to the ground level cutting the built platform into the slope and construction of a retaining wall not more than 1m in height. The building would create approximately 238 m² of floorspace for use as part of the proposed function. The building would be designed and warranted for a period of at least a 25-years to meet the applicant's requirements. The supporting information received with the application confirms that the building would be designed to achieve a minimum BREEAM rating of GOOD, with a desired target of VERY GOOD.
7. The application includes the provision of associated hard play space adjacent to the building, and erection of 1.8 metre weldmesh perimeter fencing around the site, to be finished in a green powder coat. The development work proposed would result in the removal of one tree from within the school grounds.
8. The application has been made on behalf of the County Council's Children, Families and Education Directorate. The scheme is one of a number of similar applications being proposed across the County as part of Central Government's National Sure Start Programme. The main aim of the Sure Start Programme is to increase the availability of childcare for all children, improve health and emotional development for young children, and support parents in their aspirations toward employment.
9. The aim of the proposed Children's Centre is to offer a range of health, adult education and family support services to the local community. The building proposed would contain a multi-purpose crèche/ meeting room for use by parents attending the Centre, and two additional multi-purpose rooms to be used for informal meetings through to formal seminar style learning. The application also includes a smaller interview/ treatment room, therapy room, staff room, reception area, kitchen and associated toilet and cloakroom facilities.
10. The Children's Centre would operate as a separate community facility independently from the School. The application proposes that the Centre would be open from 0800 to 1800 hours, Monday to Friday, 48 weeks of the year. The Centre would employ 3 members of staff on a full time basis with numbers rising for special events. The application sets out that the Centre is expected to generate up to 30 visitors across a typical day. The Centre would also provide a potential venue for educational events in association with the service, like seminar style training. The application advises that it is unlikely that these events would coincide with the peak movements at the start and end of the school day.
11. Access to the Centre would be via an existing pedestrian entrance gate and footpath that runs between residential property onto Minster Road. Vehicular access would be limited to staff and disabled visitors, and would be via the existing staff car park and gated entrance onto Minster Road. The application includes the provision of three new vehicle parking spaces within the existing car park. This provision would be achieved by the demolition of a disused air raid shelter adjoining the car park.

Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.

Development Plan Policies12. (i) The adopted **Kent and Medway Structure Plan** (2006):

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| Policy SP1 | Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development. |
| Policy SS6 | Seeks to improve the built and natural environment, function and appearance of the suburbs of the major urban areas, including the provision of services and facilities that serve local needs. |
| Policy QL1 | Seeks all development to be well designed and of high quality that respond positively to the local character. Development, which would be detrimental to the built environment, amenity, function and character of settlements or the countryside, will not be permitted. Seeks development to consider the needs of the community, provide safe environment, protect residential amenity, and adopt sustainable construction techniques. |
| Policy QL11 | Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres particularly where services are deficient. |
| Policy TP3 | Local Planning Authorities should ensure that development sites are well served by public transport, walking and cycling. |
| Policy TP19 | Seeks development proposals to comply with the respective vehicle parking policies and maximum standards adopted by Kent County Council and Medway Council. |
| Policy NR1 | Seeks development to incorporate sustainable construction techniques and prudent use of natural resources. |

(ii) The adopted **Swale Borough Local Plan** (2000) (Saved Policies)

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| Policy G1 | Requires all development to accord with Local Plan Policies, have regard to characteristics of locality, avoid unacceptable impacts on natural and built environments, adopt high standards of design, cause no demonstrable harm to residential amenity, provide safe pedestrian and vehicular access, avoid unacceptable consequences in highway terms, and provide parking sufficient for the traffic likely to be generated. |
| Policy IN7 | Seeks adequate vehicle parking to be available with new development. |
| Policy C1 | Subject to compliance with other Plan policies, supports planning applications for appropriately located social and community facilities. |

(iii) The draft **Swale Borough Local Plan First Review**: Re-deposit Draft (2005):

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| Policy E1 | Seeks all development to accord with Local Plan Policies, have regard to characteristics of locality, avoid unacceptable impacts on natural |
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Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.

and built environments, adopt high standards of design, cause no demonstrable harm to residential amenity, provide appropriate vehicle access and, integrate security and safety measures.

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| Policy E19 | Seeks high quality of design and proposals that respond positively to the qualities of the existing environment, in terms of scale, height, massing, landscaping, materials, and natural resources. |
| Policy E20 | Seeks development to integrate security and safety measures. |
| Policy T3 | Seeks new development to provide appropriate vehicle parking. |
| Policy T4 | Seeks new development to provide appropriate facilities for pedestrians and cyclists. |
| Policy C1 | Supports proposals to improve community services and facilities. Where proposals would meet an identified local need in an accessible location, supports proposals to help maximise the use of existing community services. |

Consultations

13. **Swale Borough Council** raises no objection, subject to conditions covering the standard time limit, details of external materials to be submitted for prior approval, times of use, any other conditions recommended by consultees.

14. **Minster-on-Sea Parish Council** raises an objection to the application on the following grounds:

- *'Whilst Minster-on-Sea Parish Council acknowledges the benefit the Centre may bring, there are several traffic implications including how to better control parking near the school which need addressing first.'*
- *'Minster-on Sea Parish Council does not agree with Kent County Council's proposal to carry out a Travel Plan after the Centre opens and demands they prioritise a Health & Safety Risk Assessment and Travel Plan in view of the implications in an area already unsafe and a risk to school children.'*
- *'Minster-on-Sea Parish Council also suggests a zebra crossing would benefit Minster Road.'*
- *'Minster-on-Sea Parish Council advises Kent County Council to delay any decision regarding the proposal until after a Travel Plan, etc. has been completed.'*

15. **The Divisional Transportation Manager** raises no objections to the proposals in respect of highway matters, subject to conditions including the production of a Travel Plan and the changes to the car parking arrangements proposed to be completed before use of the facilities is commenced.

16. **The Environment Agency** has no objection or comments to make on the application.

Local Member

15. The Local County Member for Sheppey, Mr. A. Crowther was notified of the application on 16 November 2008.

Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.

Publicity

16. The application was publicised by the posting of one site notice and the notification of 12 neighbouring properties.

Representations

17. On writing this report, no letters of representation have been received from nearby residents following the above publicity.

Discussion

18. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (12) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. 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.
19. This application proposes the creation of a new purpose built Children's Centre facility at Minster Primary School. The proposed Centre is one of 52 similar facilities being applied for across the County by KCC's Children, Families and Education Directorate. The aim of the Children's Centres is to offer a range of health, adult education and family support services to provide for the needs of the local community and support existing nurseries in the surrounding area.

Design

20. The application proposes the demolition of a wooden workshop and construction of a single storey modular building over the general footprint. The proposed development would adopt a modular construction that would allow the building to be largely completed off-site, and transported to site in sections to be attached to pre-constructed foundations. The off-site construction would allow the building to be finished to a specific standard in a quality-controlled environment, ensuring that the specifications meet the applicant's requirements and that the construction period on site is kept to a minimum. The building would be designed to have a minimum usable life of at least 25 years, with a manufacturer's warrantee for this period. The 25-year life span is a requirement of the Department for Education and Skills, who would provide funding for part of this project.
21. The application sets out that the building would be finished in willow coloured panelling with a metal-faced roof. The building would benefit from a finished floor level at the height of the adjacent ground level. This would enable level inclusive access arrangements, reduce the overall height, and move the visual appearance away from traditional 'mobile buildings' by avoiding the need for skirts and void spaces under the building.
22. The building proposed has been specified to minimise the height, in order to limit the visual impact on the surrounding built environment, and to make the most of the existing boundary landscaping to screen and soften the proposal, particularly from residential property to the north-east. The application site follows the general slope of the school grounds, falling from the north toward the south/ south-west of the site, sloping away

Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.

from the nearest site boundary toward a main school building. The proposed building and associated outdoor play area would be cut into the slope by approximately 1 metre. This would further reduce the scale of the development in relation to the surrounding environment, and in particular from the closest residential property. The applicant's agent is currently preparing further detailed drawings on the necessary land forming work.

23. No objections have been received to the design of the building or the site layout as a result of the consultations carried out in association with this application. The Kent and Medway Structure Plan Policy QL1, Swale Borough Local Plan Policies G1, and draft Local Plan Policies E1 and E19 seek development that is well designed of a high quality that respect the character of the surrounding built environment.
24. The design of the proposal reflects the applicant's requirements whilst drawing on the surrounding environment in terms of the layout and scale of development. The height of the building has been kept to a minimum and is in proportion to the workshop building it would replace. The location proposed would benefit from existing mature evergreen landscaping to the north-east / east along the adjacent site boundary, and would be screened to the north and west by the existing school buildings. In the location proposed the building would not be visible in the street scene, although it would still benefit from direct access onto Minster Road. The location identified is relatively close to the school boundary and adjacent residential property. At its closest point the proposed building would be approximately 12 m from the nearest house. However, it would occupy part of the footprint of the existing workshop building that currently occupies the site. Taking account of the existing boundary treatment and the general gradient of the land, which falls away from the closest residential property, together with the scale and layout of the building proposed, I would not wish raise an objection to the location of the development.
25. Whilst the building proposed has a basic visual appearance and officers would have reservations over its use in a more prominent, or sensitive, location, I would consider that the proposed layout respects the character of the surrounding environment and, given the secluded location, the design would not be unacceptable in this particular case. I note that Swale Borough Council has raised no objection to the proposal subject to conditions, including details of high quality external materials to be submitted for prior approval. The development of the site would also require the demolition of an existing wooden workshop building and an air raid shelter. Both of which are in a relatively poor state of repair and do not, in my opinion, enhance the character of the area.
26. Therefore, subject to the submission of all external materials for prior approval, I consider that the design aspect of the proposed development would accord with the appropriate Development Plan Policies, including Kent and Medway Structure Plan Policy QL1, Swale Borough Local Plan Policy G1, and draft Swale Borough Local Plan Policies E1 and E19.

Traffic and Access

27. An objection to this application has been received from Minster-on-Sea Parish Council on the grounds of existing traffic problems surrounding the school site, and the potential travel implications of the proposed Children Centre (please see paragraph (14) above). The Parish Council has requested that certain issues surrounding the existing travel implications for the School be addressed, as well as a Travel Plan for the new facilities be prepared, prior to any decision being taken on this application.

Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.

28. Minster is a large Primary School that currently has approximately 472 pupils, with an overall designed capacity for 600 children. The School has dedicated entry and exit points on Minster Road, Brecon Chase and Bellevue Road. The Children's Centre proposed would be accommodated within the school grounds close to the existing access arrangements on Minster Road. The application sets out that the Centre would operate drop in style facilities in support of the Government's Sure Start Programme for young families in the local community, offering a range of health, adult education and family support services. The application details that the Centre would employ 3 members of staff on permanent basis, with an estimated 30 visitors to the Centre spread throughout a normal day, i.e. not all arriving or being present at any one time. The use of the Centre would normally be spread across a 10-hour day, and only when an event like an occasional seminar, is being held would there be several people arriving on site at one time. The information provided confirms that any seminar-training sessions would be unlikely to be scheduled at peak travel times during the school day so other parking facilities on the school site could be used on such occasions. The applicant advises that the Centre has been purposefully located within walking / buggy pushing distance of the community it would serve, with visitors encouraged to walk.
29. Kent and Medway Structure Plan Policies TP3 and TP19 and Swale Borough Local Plan Policy G1 and IN7 seek that any new development be well located to minimise the need to travel, has adequate car parking provision, and ensures access to move sustainable means of travel, like public transport, walking and cycling.
30. I note that the proposed Children's Centre has been located to serve the needs of the local community, positioned alongside an existing community service where there is likely to be crossover in terms of the people using the school with those that would use the proposed centre. The access and traffic problems surrounding the school are mainly centred on the peak movement times at the start and end of the school day. The facility now proposed would not be directly linked to the existing school operating hours, with movements spread more evenly throughout the day, rather than centred on regular peak times. The school site is well located in relation to the surrounding community with access to public transport and the public footpath network, and this particular application would have no bearing on the existing school travel patterns. It would therefore be inappropriate to require this application to remedy congestion issues related to the adjacent school.
31. Further to the Parish Council's comments concerning highway matters the Divisional Transportation Manager has provided additional comment responding to the issues raised. Concerning the request for highway improvements the Transportation Manager advises that the suggested volume of visitors to the proposed Centre during the course of a day would not justify any measures in response to the existing traffic issues raised by the Parish Council. In response to the request concerning the Travel Plan, the Transportation Manager's advice is that, given the relatively low number of visitors that are expected from the proposal, the applicant should be able to prepare and adopt a Green Travel Plan prior to commencing the use of the development. He suggests that a condition be placed on any planning permission to this effect.
32. I note the concerns raised by the Parish Council over the existing traffic problems experienced in association with the school. However, the Centre has been specifically proposed in a location that is easily accessible to the community it would serve. Given the size of the building proposed and the numbers of visitors expected to use the facility, I am not of the opinion that the Centre would result in an unacceptable increase in vehicle movements to this site. The Divisional Transportation Manager has advised that

Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.

the proposed car parking arrangements would be in accordance with the Kent Vehicle Parking Standards for the proposed land use. All other visitors to the Centre would be reasonably expected to walk since they would all live within easy walking distances. However, this could be monitored and facilitated through the development, and ongoing review, of a new Travel Plan for the Centre and the provision of cycle parking facilities. In the event that some visitors might choose to drive to the Centre, taking account of the Divisional Transportation Manager's views, I do not consider that the minimal level of the movements likely to be generated would warrant an objection to the application on highway grounds.

Hours of Use

33. The application proposes hours of operation from 0800 to 1800 hours, Monday to Friday, 48 weeks a year. This would potentially extend the use of the site during the school holidays, and to some extent beyond the regular school hours. However, the hours of operation proposed are not extensive and mirror an extended school day. The proposed use of the site would be in harmony with Government initiatives for Extended Schools, making the best use of local facilities for the benefit of the wider community. Given the size of the Centre and the numbers of potential visitors suggested in the application, in my opinion the Centre would not cause an unacceptable impact to the nearby residential properties as a result of the hours set out above.

Landscaping

34. The application as proposed would result in the loss of one tree adjacent to the site. The proposals would allow the retention of other existing landscaping, including the evergreen trees that are planted along the north-eastern boundary of the site. I would consider that the provision of a landscaping scheme detailing appropriate replacement planting around the school grounds would be reasonable mitigation for the tree that would be removed. I would therefore make any recommendation subject to the provision of an appropriate replacement planting.

Conclusion

35. I consider that the design and layout of the development as proposed accords with the Development Plan, and that there are no material considerations that indicate I should recommend otherwise. I note that the Divisional Transportation Manager has considered the highway implications of the development in the context of the existing school and is not raising an objection to the proposal, subject to provision of the new car parking proposed and completion of a Travel Plan prior to commencement of operations on site. The proposed use would increase the number of visitors to the site, however, I consider that the nature of the operation would naturally distribute these movements throughout a normal day, rather than in peak hours and would not therefore have an unacceptable impact on the congestion experienced at peak travel times. I therefore consider that, subject to the imposition of appropriate conditions, the benefits associated with the provision of a community facility outweigh any detrimental impacts the proposals may have and recommend that planning permission be granted.

Proposed Children's Centre, Minster-in-Sheppey Primary School – SW/07/1360.

Recommendation

36. I RECOMMEND that, SUBJECT TO the submission of further information on the land forming work proposed, PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- submission of a Travel Plan for the Children's Centre prior to commencement of the use of the Centre, and its implementation and ongoing review;
- details of external materials to be submitted;
- details of a scheme of landscaping to be submitted;
- details of cycle parking to be submitted;
- details of foul and surface water drainage;
- replacement car parking to be provided prior to commencement of use of the Centre,
- hours of use for the Children's Centre to be restricted to 0800 to 1800 Monday to Friday; and
- the use of the building to be restricted specifically to use as a Children's Centre only.

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| Case officer – James Bickle | 01622 221068 |
| Background documents - See section heading | |

Item D3**Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2007.

Application by Kent County Council Children, Families and Education and the Diocesan Board of Education for a replacement 5 classroom Primary School with Nursery, external hard landscaping and car parking for Sissinghurst Primary School at Common Road, Sissinghurst -. (Ref: TW/07/2426)

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

Local Member(s): Mr R. Manning

Classification: Unrestricted

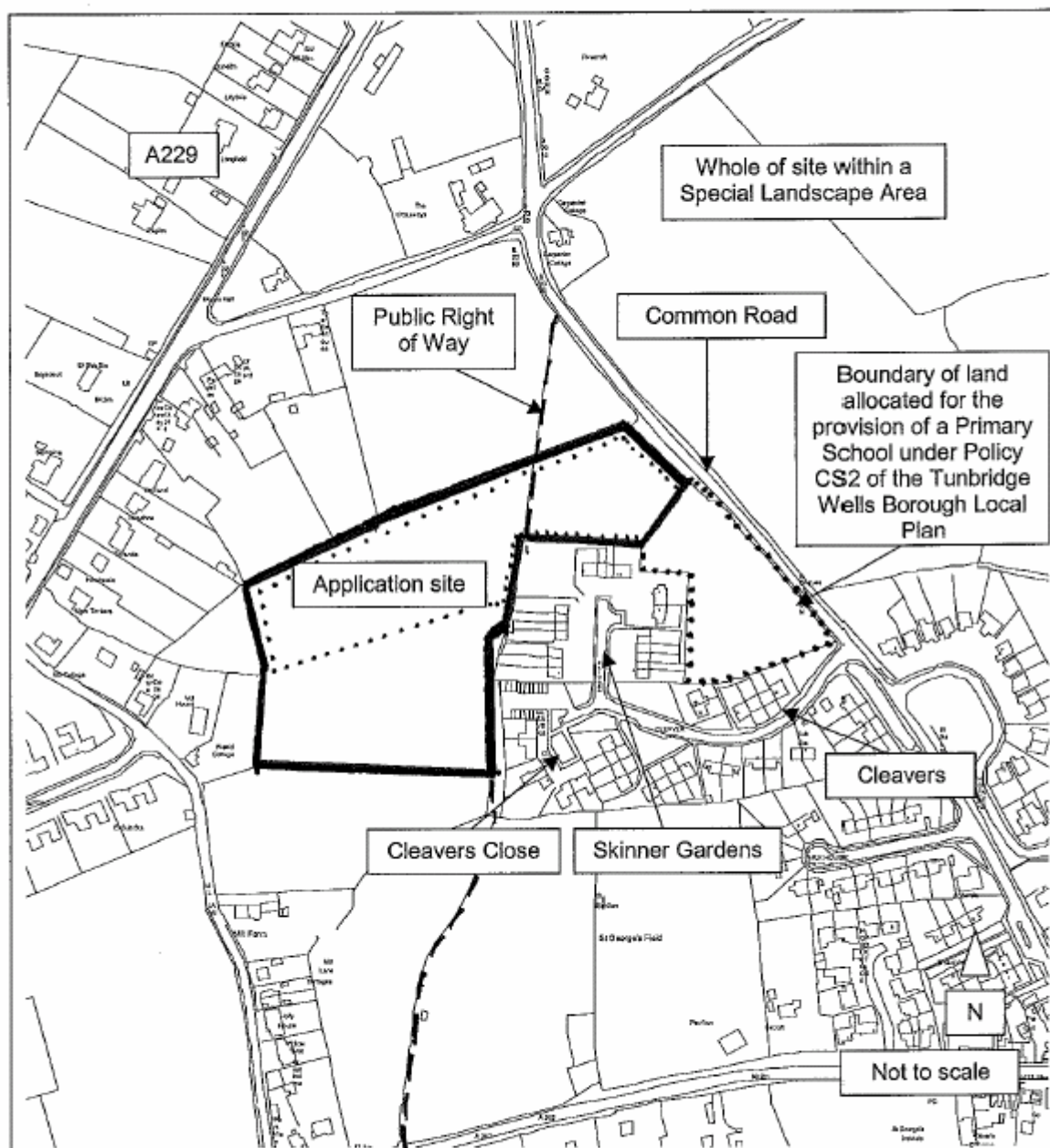
Background

1. Sissinghurst Church of England Voluntary Aided Primary School is currently located in the centre of Sissinghurst village. The original Victorian school building houses a hall, offices, library, toilets, kitchen, Special Educational Needs room and staffroom, all of which are below current standards and areas required for modern teaching. The 5 classes are all housed in temporary mobile accommodation. Pupils therefore have to pass out of the main building to the mobile classrooms throughout the day, compromising health and safety, and security. External hard play areas are well below the standards required for ball games and amenity play. Soft play areas are currently subject to lease agreements and are not within the ownership of the Local Authority or the School, restricting school use of these facilities.
2. Due to the situation illustrated above, the Governors of the School and Kent County Council Children, Families and Education have deemed it appropriate to replace the school with a 5 classroom Primary School in purpose built accommodation on a new site within the village. An application for the replacement school was submitted in July 2006, but was later withdrawn due to design, highway, ecological and arboricultural concerns, and due to objections to the diversion of a Public Right of Way. The latest application was submitted in June 2007, and will be discussed throughout this report.

Site

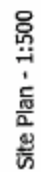
3. The proposed site for the replacement school is located on the outskirts of Sissinghurst Village, and is a greenfield site. The site would be accessed from Common Road, and lies to the north west of Sissinghurst. The application site is overgrown pasture/meadow with mature trees to the boundary, and many saplings of various ages located throughout the site. The site is bounded by residential properties in parts, especially properties in Cleavers & Skinner Gardens to the south east, and Mill Lane & the A229 to the west. Fields or grassland bound the remainder of the site. The whole of the site is located within a Special Landscape Area, and a Public Right of Way runs across the site. Part of the application site is allocated for the provision of a New Primary School within the Tunbridge Wells Borough Local Plan, adopted 2006. However, the application site omits part of the Local Plan designated area, and includes an area to the south which is not designated within the Local Plan. Therefore, this application has been advertised as a departure to the Development Plan. A site plan is attached.

Site Location Plan



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Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426



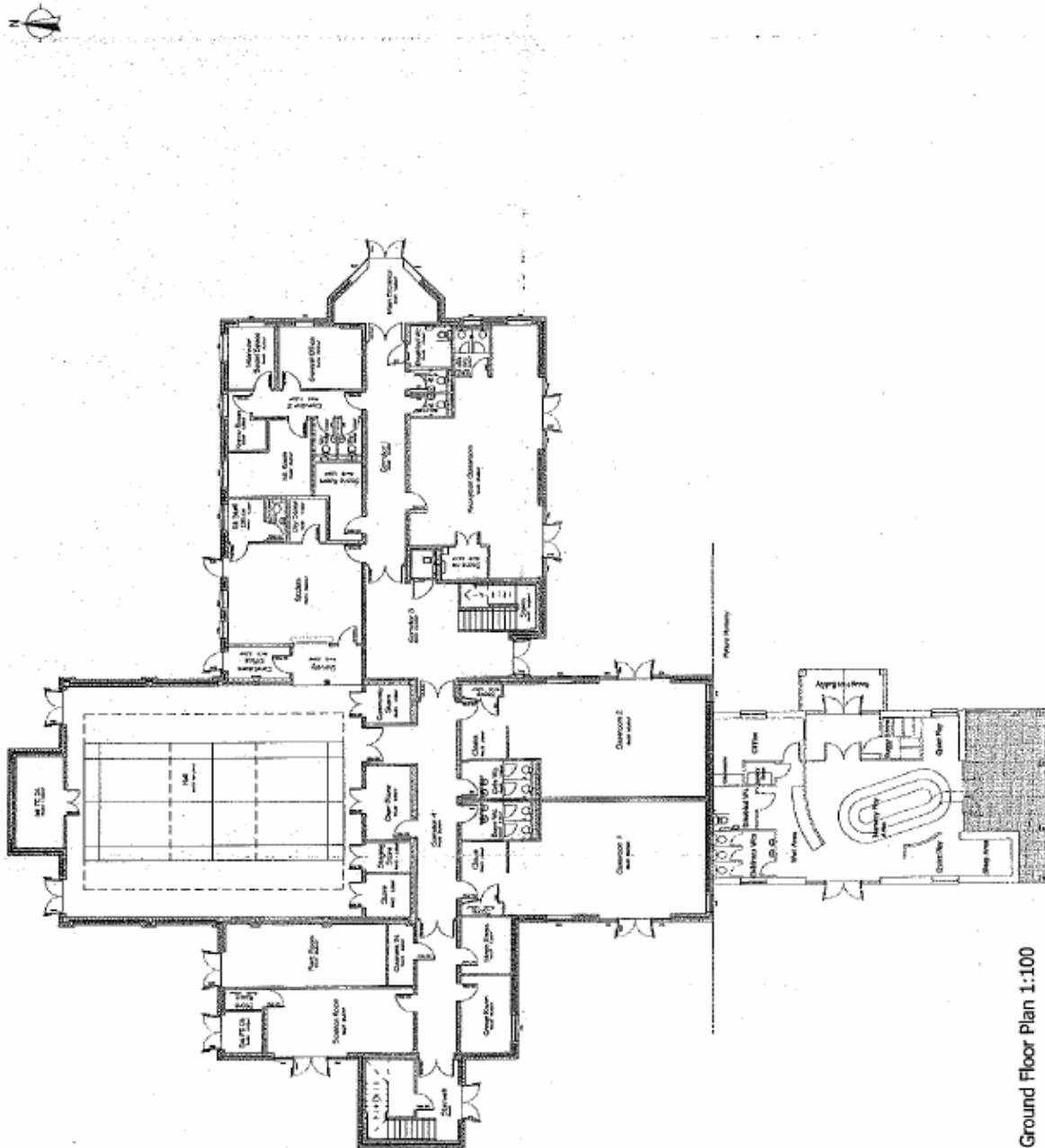
Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426





Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

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| <p>As work progresses, the contractor shall be responsible for the safety of the site and the safety of the public. The contractor shall be responsible for the safety of the site and the safety of the public. The contractor shall be responsible for the safety of the site and the safety of the public.</p> | | <p>Diocesan Architectural Services Ltd Architects & Town Planners 100 High Street, Sissinghurst, Kent, TN20 9JH Tel: 01795 532222 Fax: 01795 532223 Email: info@diocesan-architects.co.uk</p> | | <p>Project No: 2009 Client: Sissinghurst C of E (Infant) Primary School</p> | | <p>Ground Floor Plan Scale: 1:100 Date: 12/01/2017 Drawing No: 2009/01</p> | |
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Ground Floor Plan 1:100





Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

Proposal

4. This application has been submitted by Kent County Council Children, Families and Education and proposes a replacement 5 classroom Primary School with nursery, external hard landscaping and car parking for Sissinghurst Primary School, at Common Road, Sissinghurst. The development would involve the erection of a traditionally constructed school building, comprising administration areas, a main hall, kitchen, and five classrooms for 137 pupils ranging from 5 to 10 years of age. A second floor would accommodate a staff room, library and IT suite, additional toilets and access to a gallery overlooking the main hall. The nursery is a separate entity to the main school building, and could be built at a later date than the school due to funding restrictions. It is, however, to be determined as a part of this planning application. It is also envisaged that part of the school would be accessible for community use outside of normal school hours.
5. Externally, it is proposed to provide informal play areas, a habitat area, a grass games pitch, hard surfaced games courts and a swimming pool. The games courts/pitches would not be floodlit, but the games courts would be fenced with 3 metre high ball stop fencing. The proposed swimming pool would be an uncovered outdoor pool, with perimeter timber palisade security fencing at 1.2 metres high, with a lockable gate. A pond and habitat area is proposed to the south of the site, which would incorporate biodiversity enhancement measures. In addition, the land in the ownership of the County Council is larger than that of the red line development. A parcel of land to the south of the site would not be developed, and would be outside of the fenced boundary of the school, and would not be used for School activities.
6. Access to the new school, both pedestrian and vehicular, would be via a new access from Common Road. A footpath would be constructed to link the new access with the existing footpath at 'Cleavers'. 34 car parking spaces would be provided, 4 of which would be allocated for disabled parking. The car park is designed to be circulatory in nature, with a one way system, and 7 further car parking spaces would be allocated for pick up and drop off. When not in use by visitors/members of staff, the car park would be locked to prevent unauthorised use and trespass. Low level lighting, approximately 1 metre from ground level, is proposed, which would be under the guidance and management of the School. It is expected that a lighting system that would automatically come on when light levels fade and turn off at a time set by the School would be used. When they are switched off, any movements would activate individual lights thereby increasing site security.
7. The school roll is not expanding at this point in time and the need for the new accommodation is not as a result of increased numbers, moreover it is a result of the substandard existing accommodation.
8. Initially it was proposed to divert the Public Right of Way to follow the site boundary to the east, cross the new school entrance from Common Road and then rejoin the existing alignment to the north of the site. This met with objection and was therefore amended throughout the determination process. As a result, the Public Right of Way would not be diverted as a result of this application and would cross the school site. The Public Right of Way would remain to the east side of the boundary fence, and then cross the car park, where it would be fenced to the east and west. The footpath would essentially cut the site in half, with the school and associated facilities to the west of the path, and car parking to the east. Lockable gates would be incorporated within the fencing to allow access to the school.

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

9. The applicant advises that the scale of the development has been dictated by the needs set out within the DfES guidelines, and that the layout of the development in terms of locating car parking, buildings, playgrounds and playing fields, is the most practical. For example, access to the site is only available from Common Road and, therefore, car parking and turning areas need to be adjacent to this access, on the eastern side of the site.
10. The proposed building has been designed to be as environmentally friendly as possible. This includes natural ventilation, natural lighting, solar heat collectors and, where practical, materials which are not harmful to the occupants or the environment in their use or production. A number of sustainability issues have been incorporated into the development, including rainwater harvesting, thermal mass passive heating, sun pipes and photovoltaic cells.
11. The applicant advises that the building has been designed with the 'idiom of the local village and surrounding areas in mind'. Steep pitched roofs, bricks of a local character and other cladding materials have been selected to reflect local architecture. Proposed materials include hand made clay tiles, weatherboarding, black aluminium rainwater goods, hardwood windows and doors and red colour facing brickwork.
12. In terms of the architectural language of the floor plans, the design has been laid out in a sequential manner; entrance, administration area, Reception year, hall, Key Stage 1 and Key Stage 2, based around a linear building design due to site influences. The principal elevations are the South and East. The southern façade, which faces the larger extent of the playing areas, is a key elevation, and in the applicant's opinion, the classrooms to the south elevation are an essential visual link in terms of their connection to the children within the playground. This site dictates the positioning and orientation of the building, thus creating a gabled front to the eastern façade, which welcomes visitors to the building. The two storey, primarily glazed, front entrance to the building is unique to the shape of the rest of the building, projecting it as the principal entrance.
13. By positioning the Head Teacher's office, staffroom, IT suite, library and other spaces in the otherwise unused roof void, the footprint of the building is kept to a minimum.
14. In respect of wider community use, the applicant suggests that it would be very irresponsible to design a school building with facilities such as a hall, kitchen, IT suite, Library etc and to not enable the public to use the facilities out of school hours. In addition, the applicant feels that presence of people on site out of school hours would ensure that vandalism and the like was kept to a minimum.
15. A number of ecological surveys were submitted with the application, which suggest that a number of protected species are present on site. Mitigation and enhancement measures have been submitted where necessary.
16. The applicant states that all trees to be removed are small sapling trees within the centre of the site, which, where possible, would be replanted elsewhere on site. The existing boundary planting is to remain, apart from where site access is required. It is the applicants intention to provide a secure boundary fence, although this is to be installed in a sensitive way and would only be fitted where breaches in the overgrown boundary are likely. The applicant advises that at this time the exact location of fencing is difficult to ascertain as the site itself is very overgrown and these areas cannot be reached. The type of fencing proposed is a 2 metre high weldmesh fence. The front entrance to the school would have black metal railing fencing to either side of the Public Right of Way,

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

with gates hung from brick piers with stone copings. This would give the front of the school a formal appearance.

Reduced copies of the submitted drawings showing the site layout, floor plans and elevations are attached.

Planning Policy

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

(i) **The Kent & Medway Structure Plan: Adopted 2006:**

Policy SP1 - Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development.

Policy QL1 – Seeks to conserve and enhance the environment through the quality of development and design. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings.

Policy QL7 - Where important or potentially important archaeological remains may exist, developers will be required to arrange for archaeological assessment and/or field evaluation to be carried out in advance of the determination of planning applications.

Policy QL12 -Provision will be made to accommodate additional requirements for local community services. New community services will be located where they are accessible by walking and cycling and by public transport from the area they serve. Wherever practical they will be located in town, district or local centres.

Policy QL17- The Rights of Way network will be protected and enhanced.

Policy EN1 - Kent's countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.

Policy EN5 – The primary objective of designating Special Landscape Areas is the protection, conservation and enhancement of the quality of their landscapes, whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them.

Policy EN8 - Wildlife habitats and species will be protected, conserved and enhanced. Development likely to have an adverse effect, directly, indirectly or cumulatively, on important habitats or species, will not be permitted unless the adverse impact on an important nature conservation resource can be adequately mitigated and/or compensated.

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

Policy EN9 - Tree cover and the hedgerow network should be maintained. Additionally, they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.

Policy TP3 - Local Planning Authorities should ensure that development sites are well served by public transport, walking and cycling, or will be made so as a result of the development. Travel Plans should be established for larger developments that generate significant demand for travel to promote the use of these means of transport.

Policy TP19 - States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.

Policy NR5 – The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.

(ii) **Tunbridge Wells Borough Local Plan (2006):**

Policy EN1 - Seeks all proposals to be compatible in nature and intensity with neighbouring uses and not cause significant harm to character and amenities of the area in terms of daylight, sunlight, privacy, noise or excessive traffic generation. Seeks the design of the proposal to respect the context of the site and not cause significant harm to residential amenities.

Policy EN10 - Where permission is to be granted for development resulting in the damage or destruction of archaeological remains and the developer has not entered into a planning agreement, or made equivalent arrangements, for the excavation and recording of the remains and the publication of the results, conditions will be attached to the permission to ensure that no development takes place until this work has been carried out.

Policy EN14 - Development proposals that would affect a Site of Special Scientific Interest or the habitat of a protected species will only be permitted where it would have no detrimental effect on the nature conservation or geological interest of the site.

Policy EN27 - Within the High and Low Weald Special Landscape Areas, but outside the boundary of the High Weald Area of Outstanding Natural Beauty, development proposals will only be permitted where they would cause no significant harm to the important landscape character of the area.

Policy TP1 - Proposals for large-scale non-residential development will be required to be accompanied by a Transport Assessment and a Travel Plan to demonstrate the adequacy of transport infrastructure to serve the development. Where adequate

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

transport infrastructure is not available to serve the development, the Local Planning Authority will seek the provision of, or contributions towards, appropriate measures which will address the identified inadequacy and which assist walking, cycling, public transport, other highway improvements and/or Park and Ride provision. Transport Assessments and Travel Plans should also accompany development proposals for new or significantly expanded schools.

Policy TP4 - Seeks new development to be located where the road hierarchy has adequate capacity to cater for the traffic which would be generated by the development, and not compromise the safety and free flow of traffic or for other road users. Seeks a safely located access with adequate visibility.

Policy TP5 - Vehicle parking in connection with development proposals will be restricted to the maximum necessary having regard to local highway conditions. Kent County Council's Vehicle Parking Standards, adopted by the Council, will be applied to such development proposals.

Policy CS2 - The Local Planning Authority allocates land for primary school provision at the following locations and will refuse proposals for development which would compromise the implementation of the school proposal:

- 1 Land off Carriers Road, Cranbrook for Cranbrook Primary School (extension of existing school field site); and
- 2 Land off Common Road, Sissinghurst for Sissinghurst Church of England Primary School.

Consultations

18. Tunbridge Wells Borough Council: raises no objection to the proposal subject to the imposition of a number of conditions concerning matters such as external materials, landscaping and fencing, tree protection, hours of working during construction, provision of parking, footway and visibility splays, community use, School Travel Plan and internal and external lighting.

Cranbrook Parish Council: raise's no objection to the application but express concern that no footpath is proposed from the north of the site, i.e. the A229, to enable children to safely walk to school.

The Divisional Transportation Manager: considers that a Grampian style condition be imposed to the effect that the school shall not be brought into use until such time as a revised speed limit has been introduced which extends the 30mph restriction to the north-west of the proposed school entrance. The precise details of how far it needs to be extended and what other measures might need to accompany such a change, can be agreed during the approval process.

It is emphasised that all costs involved in promoting and implementing this change will need to be borne by the applicant. If and when permission is granted for the new school, the applicant would then need to make a formal submission to extend the limit

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

and, in so doing, must agree to pay all costs involved in processing/implementing the proposal.

In addition, the following conditions are recommended:-

- The car parking layout is satisfactory and a condition should be applied to ensure its provision and retention for that purpose.
- To ensure that the car park/drop off area is available to parents, a condition should be imposed requiring the School to allow parents, etc. to enter the site for the purposes of picking up and setting down children during school times - this would be to avoid situations that have arisen elsewhere with school staff preventing parents from entering school sites in vehicles. The consequence of not allowing access would be to create unacceptable hazards on the public highway.
- At least 3 secure cycle parking spaces should be provided somewhere within the site, and this provision should be conditioned.
- The visibility splays of 90m x 2.4m x 90m shown at the access should be provided and maintained at a height of 600mm.
- The new access road should be surfaced in a bound material and the surface water drainage shown should be provided and maintained to ensure that surface water does not run off onto the highway from the site.
- There should be no gates erected within 5.5m of the public highway.
- The off site works involving the provision of a footway along Common Road to link to the existing should be completed prior to the school's opening. The footway thus provided should be available for the public to use, preferably being adopted as part of the publicly maintainable highway. This will require approval from and agreement with Kent Highway Services.

In addition, the Divisional Transport Manager raises concern over the spur road within the site, which is designated for refuse collection and deliveries but has a relatively limited area shown for turning. However, the Divisional Transport Manager confirms that this would not be a reason for an objection to be raised since it is an internal safety issue not directly affecting the public highway.

Natural England: has no comments to make at present in relation to this application subject to the inclusion of a number of conditions and recommendations. The recommendations made within the submitted Ecological Scoping Survey, Bat Survey, Botany Report, Ecological Survey Report, Invertebrate Report and Amphibian & Reptile Survey must be adhered to and conditions should specify this.

A detailed mitigation strategy must be submitted pursuant to planning condition prior to commencement of any works which may affect dormice or their habitat. This must also be undertaken for reptiles and their habitat.

The submission of biodiversity enhancement measures, and long term habitat management, is also recommended. A management plan and monitoring programme should be produced for all habitats and species affected by this application.

It is also recommended that an informative is appended to any consent which states that should Great Crested Newts be found within the application site prior to, or during works, then works must stop immediately and Natural England be contacted.

The County Biodiversity Officer: raises no objection to the proposal subject to the imposition of a number of conditions. The area to the south of the site, which is to be excluded from the development site, must be managed, and an enhancement strategy

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

must be submitted. Compensation planting (trees and hedgerows) should be provided through the planting of native, local provenance species, designed to maximise connectivity and enhancements throughout the site, and this should form a condition of consent. A condition to create a mitigation, management, monitoring and enhancement plan for the site must be placed on any planning permission.

The recommendations made within the submitted Ecological Scoping Survey, Bat Survey, Botany Report, Ecological Survey Report, Invertebrate Report and Amphibian & Reptile Survey must be adhered to and conditions should specify this.

A protected species licence for dormice is needed, and a mitigation method statement and compensation and enhancement strategy should be required under planning condition.

A mitigation, monitoring and management method statement with regards to Common Lizards and Grass Snakes must be produced and submitted for approval.

No badger setts were found, but badgers have been recorded using the site. Details of mitigation measures, such as mammal ladders, should be submitted under planning condition.

Any work that affects possible bird nesting sites should be undertaken outside of the bird breeding season, and this should be a condition of consent.

It is also recommended that an assessment of trees to be removed to determine their potential to support bats should be undertaken prior to determination.

The County Landscape Advisor: comments as follows:

“Whilst the building layout, fencing, paving proposals and tree protection proposals are generally acceptable in landscape terms, I do still have concerns on the scheme in respect of the impact on the hedgerow and trees caused by the footway provision on Common Road. These could possibly be resolved through the use of a low retaining wall to avoid damaging the root systems, but it is not clear from the drawings how the changes in level will be accommodated. That could be addressed through a condition, but we should definitely ensure that further details are submitted to ensure that the vegetation is retained.

In respect of other issues, such as detailed planting proposals and future management, these could be adequately addressed through the usual conditions.”

The County Conservation & Design Architect: raises no objection to the proposal, and states that following design amendments submitted by the applicant, that the application is an improvement on that originally received. Conditions are requested regarding external materials, including specifying that the roof tiles are made by Keymer. It is also requested that the eastern boundary of the school be treated with an appropriate railing, such as hoop top. Details of fencing types and colour finishes should be submitted pursuant to condition.

It is also noted that there is a discrepancy in the number of solar panels on the site plan when compared to the elevations. It is assumed that the elevations are correct, as the reduced number is more appropriate to the size of the roof.

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

The Environment Agency: raises no objection subject to the imposition of conditions and informatives regarding land contamination, drainage, tree felling, storage of fuel, oils and chemicals, and water conservation.

Public Rights of Way Officer: comments as follows:

“If planning consent is granted, it maybe necessary to temporarily close the path to ensure public safety during the development. A temporary closure would be processed by Kent County Council on the basis that:

- The closure is paid for by the developer;
- The duration of the closure is kept to a minimum;
- Alternative routes will be provided for the duration of the closure; and
- Six weeks notice of the requirement of a closure is given by the developer;”

The Ramblers: express concern over the proposed diversion of the Public Right of Way.

The diversion of the Public Right of Way is no longer proposed. The Ramblers have been consulted on the amended plans and no further comments have been received to date.

The County Archaeologist: requests that a condition be placed on any grant of planning permission requiring the securing of the implementation of a programme of archaeological work, in accordance with a written specification and timetable, which shall be submitted for the written approval of the County Planning Authority.

Local Member

19. The local County Member, Mr R. Manning, was notified of the application on the 16 July 2007.

Publicity

21. The application was publicised by the posting of 2 site notices, advertisement in a local newspaper, and the individual notification of 46 nearby properties.

Representations

22. Six letters of representation have been received to date. The main planning comments/points of concern and objection can be summarised as follows:

- Need for the school, and the location of it, are understood. However, the scale of the development is questioned and considered disproportionate to need;
- The need for a new school is questioned;
- The building is likely to be intrusive, being excessively high and located at a high spot in the village;
- The design of the building is questioned;
- The school land and environs seem over extensive, whilst being wasteful of the available site, omitting substantial available frontage and land on common road;
- Provision of further playing fields/sports pitches is questioned as facilities are already available within Sissinghurst;
- The development would have a detrimental effect on protected species and wildlife;

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

- The development would necessitate the removal of a number of trees, which have naturally regenerated in the site over a number of years;
- Boundary planting and screening must be retained, and where appropriate enhanced with heavy stock planting, some of which should be evergreen;
- Concerned over the creation of a vehicular/pedestrian access on Common Road, and the safety implications of this;
- School traffic would block Common Road, a county road. Sufficient parking must be provided on site;
- Access roads surrounding the site are not suitable to accommodate additional traffic;
- Mill Lane must not be used as an access point;
- Pedestrian access to the site is unsafe, footpaths must be extended to the north and south of the school access;
- Concern over the diversion of the Public Right of Way (no longer proposed);
- Hours of use, especially community use, of the school and its facilities should be restricted;
- External lighting should be strictly controlled and limited;
- Close boarded fencing should be used to attenuate the noise generated by children at play;
- Hours of working, noise and lighting should be limited throughout the construction phase;
- The land has been abandoned for over 30 years, and local residents use the site to access the village, and for recreation purposes;
- The field is important for local drainage and has many ditches;
- The site selected for the school is questioned, and alternatives suggested;

Discussion

23. 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. Issues of particular relevance include site selection, scale of development, design, access, trees, ecology, and local residential amenity.

24. Policies SP1 and QL1 of the Kent and Medway Structure Plan & EN1 of the Tunbridge Wells Borough Local Plan, seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly relevant to this site which is within a Special Landscape Area, both of which are subject to policy designations which intend to protect, preserve and enhance the quality of the landscape. However, under Policy CS2 of the Tunbridge Wells Borough Local Plan part of the proposed site is allocated for the provision of a Primary School. However, the site proposed within this application omits an area of allocated land, and includes an area of lane that is not designated for such use. Therefore, this application has been advertised as a departure from the Development Plan and will be referred to the Secretary of State for determination.

Site Selection

25. As outlined above, the proposed site is, in part, designated in the Tunbridge Wells Borough Local Plan for the provision of a Primary School. The need for the existing Sissinghurst Primary School to be replaced is detailed in paragraph 1 of this report, and

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

is accepted. The original Victorian School building accommodates administration and office facilities, with all pupils currently being taught in 5 mobile classrooms, all of which are currently well below the sizes and standards required for modern teaching. Health and safety, and security is currently compromised as a result, and external play areas are well below the modern standards for ball games and amenity play. The soft play areas are currently subject to lease agreements and are not within the ownership of the Local Authority or the School. The applicant advises that even if the school roll were to drop considerably, which is not expected, many of the items listed above would still apply. As the existing site no longer appears fit for purpose, the provision of a replacement new build is considered to be the best solution.

26. The proposed site, to the north of the village of Sissinghurst, has been designated for the provision of a Primary School for a number of years, and continues to be when the latest Local Plan was adopted in 2006. The decision to provide the replacement school on this site was led by the Local Plan designation. However, the proposed site omits part of the designated area, along the frontage of Common Road, to the rear of properties in Skinner Gardens and Cleavers, and includes an additional area to the south west of the site, to the rear of properties in Skinner Gardens and Cleavers Close which is not allocated. Therefore, this application is considered to be a departure from the Development Plan.
27. Kent County Council did not own this land and, therefore, needed to purchase the land from the relevant land owners. The County Council attempted to purchase the area of land to the frontage of Common Road that is part of the Local Plan allocation, but not included within the application site. However, the vendor was not prepared to sell. That meant that additional land to the south of the application site had to be included within the area of development, and purchased by the County Council, in order that the site was big enough to accommodate the school and its associated facilities and hard and soft landscaping. Given that the area of land acquired is sufficient to accommodate the current and future needs of Sissinghurst, I am advised that the County Council would not be in a position to proceed with a Compulsory Purchase Order of the land on Common Road.
28. The application site has, therefore, been designed as a result of land that the County Council was able to purchase. Although regrettable that the allocated land to the front of the site could not be acquired, the resultant application site allows a more logical and functional site layout to be provided. Should planning permission granted, however, a parcel of land between the school access and Cleavers would remain undeveloped, and concern is expressed that this would then be made available for some other built development. This land is outside of the ownership of the County Council but, should an application for its development be submitted by the land owner to the Borough Council, it would need to be determined with regard to Development Plan Policies and its location within a Special Landscape Area.
29. The additional land to the south of the application site, which is not allocated within the Local Plan, would be 'land locked' should planning permission for the school be granted. The whole of the proposed school site is within a Special Landscape Area, which policy seeks to protect, conserve and enhance, whilst having a regard to the need to facilitate social and economic well being of the communities situated within them. As will be discussed in more detail below, the site layout would mean that the built development on site would be located within the area allocated for Primary School provision. The additional area to the south is proposed to house playing fields and a conservation area. The openness of this area of the site would be maintained, and the conservation area would protect and enhance existing landscape features. The use of

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

the site would facilitate the social and economic well being of Sissinghurst, whilst being sensitive to the site's landscape designation, and site allocation within the Local Plan. I therefore consider that the site proposed for the replacement school is acceptable in principle, subject to further matters to be discussed below.

Scale of Development and Site Layout

30. Having accepted the need for the replacement school, and the site upon which it is proposed to locate the new accommodation, the scale of the development and site layout needs to be considered. Local residents have expressed concern over the scale of the development, considering it to be disproportionate to need, and state that the school land and its environs appear over extensive, duplicating facilities already available within Sissinghurst. The height and size of the proposed school is also questioned, and this will be discussed in more detail later in this report.
31. The applicant advises that the amount of accommodation provided on site, in terms of built development and associated external facilities, is dictated by the needs as set out within the DfES guidelines. As outlined in paragraph 4 of this report, the replacement accommodation would replicate the facilities available at the existing School, but would provide them at a scale that conforms to current standards. I therefore do not consider that the scale of the development proposed is disproportionate to need, moreover, it is a replacement of existing sub standard facilities but at a standard that conforms to current guidelines.
32. The layout of the development within the site follows a logical progression from access, car parking, school buildings, playgrounds to playing fields. In addition, the site layout keeps most of the built development and hard landscaping within the area allocated for the provision of a Primary School within the Local Plan, and playing fields, soft landscaping and the conservation area in the land outside of the allocation. This reduces the impact of the school on the Special Landscape Area and the local landscape in general by following the Local Plan designation as far as practicably possible.
33. With regards to the suggestion that the school's environs are excessive in size, and that facilities are being duplicated, the applicant advises that they are required to follow design guidelines on Church Aided Schools, and wherever possible all playing fields and external play areas are to be situated on the same site as the school buildings. That also has security, health and safety advantages. This site has sufficient space to ensure that this approach can be adopted, and I consider this to be a positive feature of the proposal. The comments made in terms of duplication of the existing village facilities are noted, but these facilities are not in the ownership of the School or the Education Authority and would need to be leased from the owner. That scenario would not improve on the situation that the existing Primary School faces, and would maintain health, safety and security concerns by taking pupils off-site on a regular basis.
34. In light of the above, I consider that the scale of the development is acceptable and would provide the accommodation required by the School, and that the layout of the development is logical giving the constraints of the site. I therefore see no reason to refuse the application on this basis.

Design

35. The design of the school has been subject of much debate and criticism, and has been amended and improved throughout the determination of this application. The County

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

Council's Conservation and Design Architect has had an input into the design changes, and is now satisfied with the amendments made. However, local residents have questioned the height of the proposed school, in addition to the general design, and this will be discussed below.

36. The school has been designed to keep the footprint of the built development to a minimum. This has many advantages, but also results in the school having two floors. However, the applicant advises that the building has been designed with the 'idiom of the local village and surrounding areas in mind'. Steep pitched roofs, bricks of a local character, clay tiles and weatherboarding are some of the design features adopted by the architect. The steep pitched roof, by its nature, creates a roof void, and it is proposed to use this otherwise unused space by providing the Head Teacher's office, staffroom, ICT suite and library within the void. The height of the building would not be significantly different if all the accommodation was spread over one floor (due to the steep roof pitch), but the footprint would then have been substantially larger. Local properties are two storey residential dwellings, and the proposed school would not be out of character with these. The ground floor accommodation is laid out in a logical manner, as outlined in paragraph 12 of this report, and the orientation of the building is dictated by the features of the site. I therefore consider the height of the building, and the proposed internal layout, to be acceptable.
37. Externally, a two storey, primarily glazed, gabled front entrance to the eastern façade would project as the principal entrance. The east and south elevations are key to the design of the school, the east being the entrance, and the south facing the larger extent of the playing fields. The south elevation would also accommodate solar panels on the roof, further details of which would be required under planning condition. Solar panels are just one of the sustainable measures that that applicant has incorporated into the design. Natural ventilation, natural lighting (including velux windows to the second floor), solar heat collectors, rainwater harvesting, thermal mass passive heating, sun pipes and, where possible, materials which are not harmful to the occupants or the environment in their use or production are proposed. These are all positive features of the design ethos and are aspects which the County Council is keen to promote in new building design through initiatives such as the Kent Design Guide.
38. As stated above, the County Council's Conservation Architect raises no objections to the proposed design, subject to conditions. The applicant has given details of proposed external materials within the application, as outlined in paragraph 11 of this report. However, to ensure that the materials are of a standard and colour that is acceptable given the sites context and location within a Special Landscape Area, details and samples of all external materials would be required to be submitted and approved under planning condition. High quality materials would be expected, including hand made clay tiles, hardwood windows and doors and aluminium rainwater goods.
39. In addition to the design of the school itself, consideration must also be given to the design of the site as a whole, including hard and soft landscaping and means of enclosure. The applicant advises that it is their intention to provide a security perimeter fence. However, this would be installed in a sensitive manner, and would only be fitted where possible breaches in the overgrown boundary is likely. As the site is currently overgrown, it is difficult to ascertain where these areas are. Therefore, details of site fencing would be required under planning condition, to include details of all means of enclosure and gates, specifying exact locations. The applicant proposes to use a 2-metre high weldmesh fence system, the suitability of which would be assessed when details of the siting of the fencing are submitted pursuant to planning condition. I would, however, ensure that the fencing be finished in dark green or black as I do not consider

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

a galvanised finished would be acceptable or appropriate given the nature and location of the site. The applicant also proposes to use black metal railings to the front of the site, to either side of the Public Right of Way, with gates hung from brick piers with stone copings. This is acceptable in principle, but further detail of this would be required under planning condition.

40. In summary, I consider that subject to conditions requiring the submission and approval of details of all materials to be used externally, and details of all means of enclosure, including gates, that the design of the development would be acceptable. In addition, a substantial landscaping scheme would be required under planning condition (to be discussed in more detail below), which would include details of all hard landscaping in addition to soft landscaping. This would cover issues such as surfacing of the car parking area, pathways and playgrounds, and again a high quality finish would be expected. In light of this I consider that, subject to the imposition of conditions, the development is acceptable in terms of design, and would not have a significantly detrimental effect on the character of the landscape. The development would conform with the general thrust of Development Plan Policies with regard to design, and protecting and conserving the quality of the environment and landscape, in particular the Special Landscape Area.

Access

41. The constraints of the site mean that vehicular and pedestrian access can only be gained from Common Road. The applicant advises that the entrance point on Common Road has been sited through discussions with Kent Highway Services and provides the most suitable point of egress on the land owned by the County Council. 34 car parking spaces would be provided, 4 of which would be allocated for disabled parking. The car park would have a circulatory one way system, with 7 further car parking spaces allocated for pick up and drop off. The divisional Transportation Manager has no objection to the access point, or the car parking, subject to a number of conditions. With regard to the car parking, this should be provided and available for use prior to first occupation of the school, and thereafter be maintained, and the pick up/drop off should be available to parents during school times. At least 3 cycle parking spaces should be provided within the site, and the access should be surfaced in a bound material. Should planning permission be granted, these would be conditions of consent.
42. With regards to the access point on Common Lane itself, local residents have expressed concern over the safety of this, and are concerned that it is an inappropriate place for a school access. The applicant has undertaken a Vehicle Speed/Volume Survey, and has submitted a School Travel Plan. The proposed entrance to the new school is located within a 60mph section of Common Road. The 30mph speed limit within Sissinghurst ends just beyond Cleavers, whereby the speed limit becomes national. Based upon the surveys undertaken, the 85th percentile speed (i.e. for every 100 cars 85 will travel at this speed or below, 15 above) for the southbound carriageway is 47.2mph. It is therefore advised that the sight lines provided at the entrance are based on a speed limit of 50mph. However, it is also recommended that the 30mph speed limit is extended beyond the school entrance, which in-turn would reduce the visibility splay requirements.
43. The applicant intends to apply to extend the 30mph speed limit, and this would be a condition of consent. Ideally, it would be preferable if confirmation that the speed limit was extended could be provided prior to determination. However, I have been advised by the Divisional Transportation Manager that an extension of the 30mph zone is unlikely to be supported without the school having planning permission. Alternatively, if

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

the school is granted planning permission then it is very unlikely that an extension of the 30mph speed limit would not be supported. Therefore, in this instance, should planning permission be granted, details of the extension to the 30mph limit, how far it would extend and other traffic calming measures which may accompany such a change, would be required to be submitted, approved and implemented prior to the first occupation of the development. In addition, the applicant must make a formal submission to Kent Highway Services to extend the limit, and in doing so must agree to pay all costs involved in processing/implementing the proposal.

44. The Divisional Transportation Manager also requires a condition to ensure that the visibility splays of 90m x 2.4m x 90m, shown on the submitted drawings, be provided and maintained, again prior to first occupation of the development. I am advised that these visibility splays would be achievable, and would allow safe access and egress to the site, even in the unlikely instance that an extension to the 30mph was not extended.
45. The planning application does propose to provide a public footpath from the school entrance on Common Road, to Cleavers, where it would join the existing footpath. Again, a condition would be imposed on any consent to ensure that the path be completed and fully operational prior to first occupation of the school. Cranbrook Parish Council, amongst others, have questioned why a footpath cannot be provided to run to the north of the site, linking up with the A229. The applicant advises that they have no funding or jurisdiction to provide a footpath to the north as it was not part of the original highways consultation. The Divisional Transportation Manager has not recommended that a footpath be provided to the north and, therefore, I am satisfied that it does not have to be provided. In addition, the Public Right of Way, which runs through the site, extends to the north of the school and rejoins Common Road at a crossroads. Access to the school, during school hours, could be gained from the Public Right of Way and, therefore, access from the north of the site could be gained without having to walk the extent of Common Road.
46. Therefore, I consider that subject to the imposition of the conditions outlined above, the creation of a vehicular and pedestrian access point on Common Road is acceptable and would not have a significant affect on highway safety.

Public Right of Way

47. Initially it was proposed by the applicant to divert the Public Right of Way. This met with objection from the County's Public Rights of Way Officer, The Ramblers and local residents. Therefore, the original alignment of the Public Right of Way is now proposed to be retained, and subsequently objections have been withdrawn. The Public Right of Way would remain unchanged, apart from being upgraded to a tarmac surface in front of the school, and type one stone thereafter. The Public Right of Way would remain to the east side of the boundary fence, and then cross the car park, where it would be fenced to the east and west. Lockable gates would be incorporated within the fencing to allow access from the car parking to the east, to the school site on the west. Exact details of the surfacing would be required to be included within the hard landscaping scheme, and details of the fencing would need to be submitted for approval. Therefore, I cannot see any reason why this application should be refused on the basis of the Public Right of Way.
48. It may be necessary to temporarily close the Public Right of Way to ensure public safety whilst construction of the school was underway. A temporary closure would need to be agreed between the applicant and the County Public Rights of Way Officer.

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

Trees

49. The applicant has submitted a Tree Survey Report with this application, which surveyed individual trees, or groups of trees, of significant importance with a diameter of 75mm or more. The proposed site for the main school building and games pitches would result in the loss of numerous young Oak Trees. These trees were not surveyed in detail, but are in good condition and would provide significant amenity value in the future. Transplanting or replanting is recommended as a means of mitigating the loss of any of these young trees. A number of mature trees could also be affected by the proposed development, and it is therefore imperative that details of tree protection measures are submitted and approved prior to commencement of development. Local residents have expressed concern over the loss of boundary planting and screening and, as a result, the applicant has confirmed that all boundary planting would remain, and would be added to where appropriate.
50. Should planning permission be granted, a detailed and robust landscaping scheme would be required under planning condition. This must clearly identify all trees proposed to be removed, all trees to be retained, and measures to protect those trees during construction, details of hard landscaping, including surfacing of the Public Right of Way and car parking area, and a substantial scheme of soft landscaping, to include the transplanting of the young Oak Trees to be removed. A scheme of maintenance would also be required. In addition, all trees to be retained must be protected in accordance with BS 5837:2005 'Trees in Relation to Construction'.
51. The County Council's Landscape Advisor has no objection to the proposed development, subject to the imposition of conditions. I therefore cannot see any reason to refuse the application on these grounds. In addition to the conditions outlined above, details regarding the construction of the footpath between the school and Cleavers would be required with regards to its impact on the hedgerow and trees, and how the change in level would be accommodated. Subject to conditions, I am satisfied that the proposed development would not have an unacceptable impact on trees, and that any negative impacts could be mitigated by replacement planting and landscaping.

Ecology

52. As detailed in the consultee responses from Natural England and the County Council's Biodiversity Officer, the site is home to protected species and has is an important habitat for flora and fauna. The applicant has submitted a number of surveys with this application, and the recommendations made in each of these reports must be adhered to. Should planning permission be granted, conditions would be imposed to ensure that the recommendations of each survey were strictly adhered to.
53. Natural England and the County Council's Biodiversity Officer raise no objection to the application, subject to the imposition of conditions. In addition to those outlined above, conditions covering the following would be imposed:- detailed mitigation strategies must be submitted with regards to dormice and reptiles, details of mitigation measures for badgers must be submitted, works affecting bird nesting sites must be undertaken outside of the bird breeding season and trees to be felled must first be checked for their potential to support bats. In addition, the submission of biodiversity enhancement measures, a management plan and monitoring programme should be produced for the site, to include compensation planting of native, local provenance species, designed to maximise connectivity and enhancements throughout the site. It is also recommended that an informative be appended to any decision which states that should Great Crested

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

Newts be found within the application site prior to, or during works, then works must stop immediately and Natural England be contacted.

54. Subject to the imposition of the conditions outlined above, I am of the opinion that the development would not have a significantly adverse effect on biodiversity interests, and that any loss of habitat could be adequately compensated for by the mitigation required by the planning conditions.

Residential Amenity

55. In addition to the matters discussed above, local residents have expressed concern over this application with regards to noise and light pollution, in addition to loss of access to the field and drainage concerns. Kent and Medway Structure Plan Policy NR5 seeks to conserve and enhance the quality of Kent's environment, including noise and levels of tranquillity, and light intrusion. Therefore, development proposals must seek to minimise levels of pollution, and be deemed to be acceptable in terms of impact upon local and residential amenity.
56. The applicant is proposing that the school building would be available for wider community use out of school hours. Although the applicant feels that a presence of people on site out of school hours would ensure that vandalism and the like was kept to a minimum, residents express concern over the disturbance that this additional use could generate, over and above that generated by the school. The applicant is not in a position to confirm the extent and type of community use proposed at this time, and therefore I suggest that this be subject to planning condition. Prior to first occupation of the school, the School Governing body shall submit a written statement setting out the expected community use of the new facilities, which would then be sent to consultation with relevant parties. This would allow the County Planning Authority to assess the proposed uses, and consider whether they are acceptable given the school's rural location, adjacent to residential properties.
56. In addition to noise out of school hours, hard play areas that surround the school would generate noise at break times, and the car parking area, with pick-up and drop-off, has the potential to generate noise, especially at peak times. Those noise sources would, however, be for limited periods during term time only. The existing and proposed planting would provide screening which would act as a natural barrier between local properties and the school reducing the noise impact. I consider that the greatest impact upon local residential amenity, with regards to noise, would be the construction of the school 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. Should planning permission be granted construction hours would be limited to 0800 and 1800 Monday to Fridays, and 0900 and 1300 on Saturdays, with no works on Sundays or Bank Holidays. Conditions would also require best practice measures to be taken to minimise dust and to ensure mud and other debris is not deposited on the local highway network.
57. The applicant confirms that the School has no plans to install permanent floodlighting, but should that change in the future that would be subject to a separate application. However, there will be a need for lighting for pedestrian access, car parking and also for security, and details of this lighting would be required under condition. When these details are submitted they would be sent to consultation with the County Council's Lighting Consultant, who would ensure that the lighting proposed would not have an unacceptable impact on local residential amenity.

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

55. A local resident states that the field is important for local drainage. This matter was referred back to the applicant who states that the land surrounding any integral ditches within the school site would be assessed by their civil engineer in respect of surface water drainage on the site and, at this stage, integral ditches are to remain wherever feasible. In any event, the surface water drainage would be designed in compliance with Environment Agency directives and/or guidelines.
56. This development would inevitably have some impacts upon local residential amenity, as nearly all developments would. However, I am satisfied that any negative impacts can be mitigated as far as practicably possible by the imposition of planning conditions. Therefore, subject to the imposition of conditions, I do not consider that this development would have a significantly detrimental effect on local residential amenity.

Conclusion

57. In summary, I consider that there are special circumstances to justify the proposed development within a Special Landscape Area. I consider that the siting and design of the replacement school would not have a detrimental effect on the amenity of local residents or the character and appearance of the Special Landscape Area. Overall, I consider that the design solution proposed is a sensitive approach to the landscape aspects relevant to this particular location. 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.

Recommendation

47. 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:
- the standard time limit;
 - the development to be carried out in accordance with the permitted details;
 - external materials to be submitted, including solar panels;
 - details of external lighting;
 - community use;
 - details of all fencing, means of enclosure and gates, including exact positioning;
 - a scheme of hard and soft landscaping, its implementation and maintenance, to include details of the transplanting of trees and the surfacing of the Public Right of Way;
 - tree protection;
 - details of the footpath between the school and Cleavers with regards to levels and tree protection;
 - protection of nesting birds;
 - protection of bats during tree removal;
 - mitigation for badgers;
 - detailed mitigation for dormice;
 - detailed mitigation for reptiles;
 - recommendations of ecological Surveys/Reports;
 - biodiversity enhancement measures, management plan and monitoring programme;
 - programme of archaeological work;
 - provision and retention of car parking;
 - provision and retention of pathway;

Replacement 5 classroom Primary School with Nursery at Common Road, Sissinghurst - TW/07/2426

- availability of the pick up/drop off facility;
- bound surfacing of the access/car park;
- provision of cycle parking;
- extension of 30mph speed limit and traffic calming methods;
- the provision and retention of visibility splays;
- no gates erected within 5.5m of the highway;
- the provision of 'school keep clear' markings,
- details of parking for site personnel,
- preparation, implementation and ongoing review of a Revised School Travel Plan,
- hours of working during construction,
- measures to prevent dust;
- measures to prevent mud and debris on the highway;

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| Case officer – Mary Green | 01622 221066 |
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| Background documents - See section heading |
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT
PERMITTED/APPROVED UNDER DELEGATED POWERS - MEMBERS'
INFORMATION**

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

Background Documents - The deposited documents.

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| SW/04/823/MR83/R2 | Submission of a noise assessment. Claxfield Farm, London Road, Teynham |
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**E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT
COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER
DELEGATED POWERS - MEMBERS' INFORMATION**

Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

Background Documents - The deposited documents.

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| AS/08/5 | New artificial playing surface, floodlighting & ball stop fencing to existing sports field. Mini Soccer Centre, Stanhope Road, Ashford |
| CA/08/58 | Construction of cycle path and associated works. Land east of Bishopstone Manor, Reculver Country Park, West of King Ethelbert Public House, Herne Bay |
| GR/07/959 | Residential development – 10 x 3 bedrooms, 3 x 4 bedrooms. 22 & 21 Hartshill Road, Former allotment site, Farmcroft, Northfleet, Gravesend |
| TH/07/1707 | Change of use of Visitors Centre to include the use of a licensed café. 12-13 The Parade, Margate |
| TH/07/1765 | Installation of multi-use games area together with the erection of flood lighting to court, seating and cycle racks. St Luke's Recreational Ground, St Lukes Avenue, Ramsgate |

E3 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION

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

Background Documents – The deposited documents.

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| AS/06/1046/R2C | Amendments to permitted details of workshop building including to elevations and provision of mezzanine storage with external stair case – Provision of new buildings for school etc. Goldwyn Community Special School, Godinton Lane, Great Chart, Ashford |
| AS/07/1578 | Extension of school to accommodate a further 1FE compliment with temporary portacabin accommodation and site access arrangements. Oak Tree Primary School, Oak Tree Road, Ashford |
| AS/07/2148 | Replacement existing timber window walling with alternative timber and UPVC system. Cherrytree Nursery, Wainwright Place, Newtown, Ashford |
| AS/06/2071/R | Amendments to permitted details to include 2 basement plant rooms – Erection of a detached 3 storey block of 36 extra care apartments for the elderly. Land at Hopkins Field, Eastern Avenue, Ashford |
| AS/07/1537 | New parents' room extension and alterations. Ashford St. Mary's CE Primary School, Western Avenue, Ashford |
| AS/07/2283 | Extension to provide library and meeting rooms. Great Chart Primary School, Hoxton Close, Ashford |
| CA/02/1371/R8 | Details of the lighting specifications pursuant to condition (8) of planning permission CA/02/1371 – New artificial tennis courts and associated floodlighting. Herne Bay High School, Bullockstone Road, Herne Bay |
| CA/07/705/R10 | Details of a Community Use Agreement. The Community College Whitstable, Bellevue, Whitstable |
| CA/06/1392/R5A | Amendment to approved details of external lighting – Erection of a detached three storey block of 40 extra care apartments for the elderly. King Edward Court, King Edward Avenue, Herne Bay |
| DA/07/1201 | Retention and continued use of temporary mobile and WC accommodation for Adult Education facilities during refurbishment of former Westgate Primary School where the Adult Education Centre will relocate. Adult Education Centre, Dartford Campus, Heath Lane, Dartford |

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| DA/07/1173 | Variation of condition 7 of planning approval DA/06/817 to allow the retention of mobile classrooms and the construction access road at Wilmington Grammar School for Boys until 1 November 2008. Wilmington Hall School, Common Lane, Dartford |
| DO/06/957/R2 | Details of materials pursuant to Condition 2 of planning application reference DO/06/957. Astor College of the Arts, Astor Avenue, Dover |
| DO/07/1467 | To erect a wind down pole for a CCTV camera. White Cliffs Primary College for the Arts, St Radigunds Road, Dover |
| MA/06/42/R | Amendments to sports hall, including floor layout, addition of a plant room and consequential changes to elevations – Erection of a single storey sports hall with associated changing, storage, fitness suite and classroom. The Maplesden Noakes School, Buckland Road, Maidstone |
| MA/06/42/R3 | Details and samples of external materials – Erection of a single storey sports hall with associated changing, storage, fitness suite and classroom. The Maplesden Noakes School, Buckland Road, Maidstone |
| MA/06/859/R3 | Details of all materials to be used externally. Bower Grove School, Fant Lane, Maidstone |
| MA/06/2170/RB | Minor amendments to elevations of extension permitted under permission MA/06/2170. St Johns Primary School, Provender Way, Grove Green, Maidstone |
| MA/07/1165 | Replacement of the existing steel windows to 'A' and 'B' blocks with new double glazed steel windows. Sessions House, County Hall, Maidstone |
| MA/07/1738/R3 | Details of archaeological building recording pursuant to Condition 3 of planning permission reference MA/07/1738. Sutton Valence Primary School, North Street, Sutton Valence, Maidstone |
| SE/07/2759/R3 | Details of roof tiles pursuant to Condition 3 of planning permission reference SE/07/2759. Sundridge & Brasted CE Primary School, Church Road, Sundridge, Sevenoaks |
| SE/07/3925 | Construction of a sectional garage to playground. St Bartholomew's RC Primary School, Sycamore Drive, Swanley |
| SH/07/1239 | Single storey side extension providing care suite facilities. Hythe Bay C of E Primary School and Children's Centre, Cinque Ports Avenue, Hythe |
| SW/05/1540/R8 | Details of extension to 'Zig-Zag' lines pursuant to condition 8 of planning permission SW/05/1540. Newington Primary School, School Lane, Newington, Sittingbourne |

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| SW/07/1303 | Renewal of un-expired consent for two mobile classrooms. Bapchild & Tonge CE Primary School, School Lane, Bapchild, Sittingbourne |
| SW/07/1331 | Change of use of units 1 & 2 from class B1, B2 & B8 to a Vocational Training Centre (D1 use), and external alterations including the erection of a canopy and two escape stairs. Units 1& 2 Bonham Drive, Eurolink Business Park, Sittingbourne |
| SW/07/1443 | Extension to school office. The Oaks Community Infant School, Gore Court Road, Sittingbourne |
| SW/07/1444 | Provision of multi-use games area ball court. Milton Court Primary School, Brewery Road, Milton Regis, Sittingbourne |
| SW/07/1476 | Renewal of planning permission for a pre-fabricated volumetric classroom. St Edwards Catholic Primary School, New Road, Sheerness |
| TH/06/1300/R10 | Details of a scheme of landscape works pursuant to planning permission TH/06/1300 for a two-storey apartment building. Former Tram Shed and part of the rear gardens of Westbrook House, 150 Canterbury Road, Margate |
| TH/06/1300/R11 | Details of retention of existing tram track and cobbles within landscape scheme pursuant to planning permission TH/06/1300 for a two-storey apartment building. Former Tram Shed and part of the rear gardens of Westbrook House, 150 Canterbury Road, Margate |
| TH/06/1300/R12 | Details of boundary treatment pursuant to planning permission TH/06/1300 for a two-storey apartment building. Former Tram Shed and part of the rear gardens of Westbrook House, 150 Canterbury Road, Margate |
| TH/06/1300/R13 | Details of permanent closure of access to former tram shed site and reinstatement of footpath pursuant to planning permission TH/06/1300 for a two-storey apartment building. Former Tram Shed and part of the rear gardens of Westbrook House, 150 Canterbury Road, Margate |
| TH/06/1300/R15 | Details of hard landscaping/surfacing pursuant to planning permission TH/06/1300 for a two-storey apartment building. Former Tram Shed and part of the rear gardens of Westbrook House, 150 Canterbury Road, Margate |
| TH/06/1300/R16 | Details of cycle parking pursuant to planning permission TH/06/1300 for a two-storey apartment building. Former Tram Shed and part of the rear gardens of Westbrook House, 150 Canterbury Road, Margate |
| TH/06/1300/R17 | Details of bin storage pursuant to planning permission TH/06/1300 for a two-storey apartment building. Former Tram Shed and part of the rear gardens of Westbrook House, 150 Canterbury Road, Margate |

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| TH/06/1300/R18 | Details of a scheme of external lighting pursuant to planning permission TH/06/1300 for a two-storey apartment building. Former Tram Shed and part of the rear gardens of Westbrook House, 150 Canterbury Road, Margate |
| TH/06/1300/R19 | Details of construction site access and compound pursuant to planning permission TH/06/1300 for a two-storey apartment building. Former Tram Shed and part of the rear gardens of Westbrook House, 150 Canterbury Road, Margate |
| TH/07/681/R2 | Landscape scheme pursuant to condition (2) of planning permission TH/07/681. Cliftonville Primary School, Northumberland Avenue, Cliftonville, Margate |
| TH/07/681/R | Amendment to the building. Cliftonville Primary School, Northumberland Avenue, Cliftonville, Margate |
| TH/07/1315 | New building works for the refurbishment of existing unused classrooms and an extension to the front of the building to create a Children's Centre including the installation of a canopy, external impact absorbent play area, additional entrance doors, fencing, bin store, buggy park and new entrance for centre. Garlinge Infant School, Caxton Road, Margate |
| TH/07/1558 | Replacement of three mobile classrooms with three new mobile classrooms. Gap House School, South Cliff Parade, Broadstairs |
| TH/07/1698 | New room including two toilets within existing inner courtyard area. St Josephs RC Primary School, St Peters Park Road, Broadstairs |
| TM/03/2958/R2 | Amendments to car parking, drop off, cycle parking and pedestrian circulation pursuant to condition 2 – Construction of three storey teaching/administration block and sports hall, replacement netball/tennis courts and ancillary works. Tonbridge Grammar School for Girls, Deakin Leas, Tonbridge |
| TM/03/2958/R15 | Details of a scheme of landscaping – Construction of three storey teaching/administration block and sports hall, replacement netball/tennis courts and ancillary works. Tonbridge Grammar School for Girls, Deakin Leas, Tonbridge |
| TM/07/3724 | Extension and improvements to school car park. Offham Primary School, Church Road, Offham, West Malling |
| TW/07/2721 | Application for the construction of a single storey modular building for use as a children's centre, including the installation of a canopy, storage units, fencing and external impact absorbent play area. Plus the redesign of the existing school parking. Broadwater Down Primary School, Broadwater Lane, Tunbridge Wells |

E4 DETAILED SUBMISSIONS UNDER CHANNEL TUNNEL RAIL LINK ACT 1996

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

Background Documents – The deposited documents.

None

E5 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 – Environmental Impact Assessment.*

- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

DC29/07/DA/0001 Upgrade of existing sewer network between Swanscombe.
Pumping Station and Northfleet Wastewater Treatment Works

MA/07/TEMP/0065 Importation of inert materials over a three year period for site
remediation works and associated office and wheel cleaning.
facilities at Lenham Quarry, Lenham Forstal Road, Lenham

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

DC29/07/CA/0001 Waste recycling facility, Plots D and E, Lakesview Business
Park, Hersden, Near Canterbury

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E6 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None

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