



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 20th March, 2007, 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 - 13 February 2007 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/06/2093 - Recycling building, office portacabin and weighbridge with proposed use as a recycling station at Any Waste Recycling Ltd, Mid Kent Business Park, The Brook, Sortmill Road, Snodland; Any Waste Recycling Ltd (Pages 7 - 18)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TH/07/0075 - New classroom block with IT suite and staff office in roof space at Stone Bay School, 70 Stone Road, Broadstairs; Governors of Stone Bay School and KCC Children, Families and Education. (Pages 19 - 30)
2. Proposal DO/06/843 - 5kW wind turbine to increase energy efficiency and awareness of green issues at Sandwich Technology School, Deal Road, Sandwich; Governors of Sandwich Technology School and KCC Children, Families and Education. (Pages 31 - 44)
3. Proposal CA/06/1187 - Retrospective application for replacement of weldmesh fencing with metal palisades and railing fencing at the shared school playing field off Spring Lane, Canterbury; Governors of Barton Court Grammar and Chaucer Technology Schools and KCC Education and Libraries. (Pages 45 - 78)
4. Proposal SE/06/2478 - Ten-bay performing art and drama mobile classroom at The Bradbourne School, Bradbourne Vale Road, Sevenoaks; Governors of The Bradbourne School and KCC Children, Families and Education. (Pages 79 - 102)

5. Proposal TW/07/421 - Retrospective application for widening of access road and addition of footpath at Meadows School, London Road, Southborough; KCC Adult Services. (Pages 103 - 120)
6. Proposal MA/06/2014 - New switch room, 129 new parking spaces and implementation of woodland management plan at Oakwood House, Oakwood Park, Maidstone; KCC Corporate Property Group. (Pages 121 - 142)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 143 - 150)
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, 12 March 2007

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 13 February 2007.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr J A Davies, Mr J B O Fullarton, Mr T Gates, Mrs E Green, Mrs S V Hohler, Mr G A Horne, 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, Mr A R Poole and Mrs P A V Stockell.

OTHER MEMBERS: Mr M J Angell and Mr D Smyth.

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

UNRESTRICTED ITEMS

15. Minutes

RESOLVED that the Minutes of the meeting held on 17 January 2007 are correctly recorded and that they be signed by the Chairman.

16. Site Meetings and Other Meetings
(Item A3)

(1) The Committee agreed that the site visit to the Composting plant at Lydden, Nr Dover would be postponed to Monday, 26 March 2007.

17. Applications AS/06/04 and 05 – (i) Permanent retention of existing railhead and importation of aggregate and demolition and construction waste together with associated processing plant including crushing and screening plant, concrete batching plant and storage silos for hot roadstone; (ii) construction and operation of a waste transfer station at Sevington Railhead, Waterbrook Park, Ashford; Robert Brett and Sons Ltd.
(Item C1 - Report by Head of Planning Applications Group)

RESOLVED that subject to the satisfactory completion of a legal agreement to secure the Heads of Terms as set out in Appendix 4 of the report, permission be granted to the application subject to conditions including hours of working, including peak hour restrictions; number of vehicle movements; landscaping and floodlighting; noise, dust and odour controls; archaeological investigation; drainage; footpath diversions; and ecological mitigation.

18. Proposal AS/06/2071 – Detached three storey block of 36 extra care apartments for the elderly with associated communal facilities together with access from Eastern Avenue, car parking and landscaping at Land at Hopkins Field, Eastern Avenue, Ashford; KCC Adult Services and Housing 21
(Item D1 – Report by Head of Planning Applications Group)

(1) The Acting Head of Planning Applications Group informed the Committee that the figure for surplus spoil removal set out in paragraph 33 of the report should read “4,500 cubic metres”.

(2) The Acting Head of Planning Applications Group agreed to investigate whether more space could be created by removing an obsolete substation as suggested by a resident from Eastern Avenue.

(3) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials; tree protection and methodology for working in close proximity to trees; implementation of a comprehensive scheme of both hard and soft landscaping and boundary treatment, and maintenance of planting; details of retaining walls; finished floor levels, and site levels and contours; external lighting; ecological surveys and mitigation measures; hours of working during spoil removal and construction; measures to prevent mud and debris being taken onto the public highway; contractors compound, temporary site accommodation and vehicle parking; provision of and safeguarding of access and car parking and turning areas; drainage; and the development only being used for the purpose set out in the application as Extra Care Accommodation; and

(b) the applicant be advised by informative that account should be taken of the comments made by the Environment Agency relating to drainage, water conservation, and storage of fuel, oil & chemicals.

19. Proposal SH/06/1287 – Demolition of existing buildings and erection of a detached three storey block of 39 extra care apartments for the elderly and a two-storey block of 7 supported apartments for people with learning difficulties, with associated communal facilities together with car parking and landscaping at Whitegates, Hythe; KCC Adult Services and Housing 21
(Item D2 – Report by Head of Planning Applications Group)

(1) Correspondence from Mrs P Cooper, Mrs J Hannah, Mrs P Hutchinson (local residents) was tabled together with the views of Mr C J Capon (local Member), Shepway District Council and Hythe Town Council.

(2) Mrs D Maskell addressed the Committee on behalf of Hythe Town Council, Mrs P Hutchinson spoke in objection, Mr C Raynesford of Calforseaden spoke in reply on behalf of the applicants.

(3) The Acting Head of Planning Applications Group informed the Committee that according to the provisions of PPS 25, the application would be referred to GOSE if the Environment Agency maintained its objection.

(4) On being put to the vote, the recommendations of the Acting Head of Planning Applications Group were carried by 10 votes to 6.

(5) RESOLVED that:-

- (a) subject to the submission of an acceptable tree protection plan, and to the withdrawal of its objection by the Environment Agency, permission be granted to the proposal subject to conditions including the standard time condition; submission of details of materials; submission of a detailed landscaping scheme, including fencing details, and boundary treatment; provision of cycle parking; hours of use for construction; measures to minimise dust disturbance; measures to ensure mud is not deposited on the highway; programme of archaeological work needed; a permanent unobstructed route from the ground floor to the second floor being provided for residents to be used should flooding occur; and the development being constructed strictly in accordance with approved plans; and
- (b) it be noted that in the event that the Environment Agency maintains its objection, the application will be referred to GOSE for its determination.

20. Proposal TH/06/1300 – Demolition of existing building and erection of a two storey detached building comprising 7 supported apartments for people with mental health issues, with communal space together with access and car parking at former Tram Shed and part of rear garden of Westbrook House, 150 Canterbury Road, Margate; KCC Adult Services and Housing 21
(Item D3 – Report by Head of Planning Applications Group)

(1) Mr J B O Fullarton made a declaration of personal interest as a Mental Health Manager with the NHS Trust. He took no part in the decision-making process.

(2) Correspondence from Mr and Mrs Fusco was table together with a response from Mr James Amos of Calforseaden.

(3) Mr A Fusco (a local resident) addressed the Committee in opposition to the proposal, Mr J Amos of Calforseaden spoke in reply.

(4) The Committee agreed the recommendations of the Acting Head of Planning Applications Group subject to the provision of extra screening to mitigate the effects of the loss of the Tram Shed and to a request to the applicants to prevent members of staff from smoking on the fire escape balcony opposite 146 Canterbury Road.

(5) RESOLVED that:-

- (a) permission be granted to the proposal subject to the imposition of conditions including the standard time restrictions; the development being carried out in accordance with the approved plans; a programme of building recording; a programme of archaeological work; the submission of a landscape scheme for approval, including additional screening to mitigate the effects of the loss of the tramshed; the re-use of the cobbled entrance and tram tracks within the general landscaping; a boundary wall to be provided to 1.8m in height;

the submission of a further ground contamination report(s) and completion of remedial work; hours of operation during construction and demolition; a programme for the control of construction traffic and access; details of the contractors' compound; incorporation of dust suppression measures; measures to ensure no mud is deposited on the public highway; details of all works within the public highway, including the permanent closure of the existing vehicle access to the tram shed site from Canterbury Road; details of the pedestrian access arrangements proposed; the submission of an external lighting scheme; the provision of car parking spaces prior to the first occupation; and; details of cycle parking and bin store; and

- (b) the applicant be advised by informative of the concerns raised about loss of amenity and privacy, including members of staff smoking on the fire escape balcony opposite 146 Canterbury Road, and the need to provide strong boundary screening to the eastern boundary through hard and soft landscaping.

21. Proposal AS/06/2179 – Two-storey detached building comprising 7 supported apartments for people with learning difficulty, with communal space together with car parking and landscaping at Land to the north of Westchurch House, Godfrey Walk, Ashford; KCC Adult Services and Housing 21
(Item D4 – Report by Head of Planning Applications Group)

(Mrs M J Angell and Mr D Smyth were present for this item pursuant to Committee Procedure Rule 2.24 and spoke)

(1) The Acting Head of Planning Applications Group reported the further views of Ashford BC and informed the Committee that the second grounds for refusal, set out in paragraph 64 of the report had been resolved satisfactorily.

(2) RESOLVED that permission be refused on the grounds that the Flood Risk Assessment accompanying the application fails to demonstrate that the proposed development would be safe, without increasing flood risk elsewhere. Under the circumstances, the development of the site as proposed within a high risk flood zone would be contrary to the guidance set out in Planning Policy Statement 25, Policy NR10 of the Kent and Medway Structure Plan 2006, Policy CF3 of the Ashford Borough Local Plan 2000, Policy CS19 of the Ashford Borough Council Local Development Framework Core Strategy (November 2006), and the advice contained in the Ashford Borough Local Development Framework Core Strategy Document: Strategic Flood Risk Assessment (SFRA) (October 2006).

22. Proposal SH/06/1386 - Reinstatement of brick piers, railings and new gates to surround cycle enclosure at St Eanswythe CE (Aided) Primary School, Church Street, Folkestone; Governors of Eanswythe Primary School and KCC Children, Families and Education.

(Item D5 – Report by Head of Planning Applications Group)

(1) Correspondence from the Bayle Residents' Association was tabled.

(2) RESOLVED that planning permission be granted to the proposal subject to conditions requiring the replanting of the magnolia tree in St Mary & Eanswythe Churchyard; and the development being carried out in accordance with the approved plans.

23. Proposal DO/06/1424 – Retrospective application for the relocation of earth mound and slide, including ancillary works on landscaping and fencing at Cartwright and Kelsey Primary School, School Road, Ash, nr Canterbury; Governors of Cartwright and Kelsey Primary School and KCC Children, Families and Education.

(Item D6 – Report by Head of Planning Applications Group)

(1) Correspondence from Sue Chantler, Chairman of Governors at Cartwright and Kelsey (CE Aided) Primary School was tabled.

(2) RESOLVED that permission be refused on the following grounds:-

- (a) the earth mound and slide, along with the proposed ancillary works including landscaping and fencing, would have a detrimental impact on the adjoining residential properties due to its scale and massing, contrary to Policy QL1 of the Kent and Medway Structure Plan; and
- (b) the retrospective development would be detrimental to visual amenity, which would affect the neighbouring residents' enjoyment of their homes from an inappropriately sited development in close proximity to their boundary, contrary to Policies CF1 & DD1 of the Adopted Local Plan.

24. Proposal SE/06/2478 – Ten-bay performing art and drama mobile classroom at The Bradbourne School, Bradbourne Vale Road, Sevenoaks; Governors of The Bradbourne School and KCC Children, Families and Education.

(Item D7 – Report by Head of Planning Applications Group)

RESOLVED that consideration of this matter be deferred pending a Members' site visit.

25. County Matters dealt with under Delegated Powers

(Item 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 1996 (None);
- (e) screening opinions under Environmental Impact Assessment Regulations 1999 (None); and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

A report by Head of Planning Applications Group to Planning Applications Committee on 20 March 2007.

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland, Kent (MR. 706 614)

Recommendation: Permission subject to conditions.

Local Member: Mrs S Hohler

Classification: Unrestricted

Background

1. Members may recall considering a similar planning application under reference TM/05/992 for a recycling station at Sortmill Road, Snodland at the November 2005 Committee meeting. At the time, although the site and proposed use was found to be acceptable in this location, the access was considered unacceptable/unsuitable to accommodate the number of HGVs proposed and that the development would compromise the safety of visitors to the neighbouring Leybourne Lakes Country Park who share part of the access along Brook Street and Brook Lane. The application was therefore refused on the ground that the proposal was contrary to Policy T18 of the Kent Structure Plan, Policy TP14 of the Deposit Kent and Medway Structure Plan and Policy W22 of the Kent Waste Local Plan. Following further discussions with officers of the County Council and the Divisional Transportation Officer, the applicant has now submitted a second planning application which seeks to address the previous reason for refusal, set out in full below¹.
2. A site location plan is attached.

Site Description and Current Proposal

3. The application site is located within the Mid Kent Business Park to the east of Snodland. The main Rochester railway line runs on an elevated section to the east of the site, whilst the nearest residential properties are situated some 100m to the west of the site, along the A228. The adjoining area to the east forms part of the designated Leybourne Lakes Site of Nature Conservation Interest (SNCI) and includes the Leybourne Lakes Country Park.

¹ Paragraph 28(1), page C1.9

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4. The site itself is currently operating in conjunction with the adjoining yard as a skip/container depot together with associated lorry parking. Under the terms of the current planning consent (ref. TM/79/112), the operator has unrestricted use of the shared access along Brook Street/Brook Lane.
5. The site is fully contained insofar as it consists of a bunded concrete hardstanding, within which has been incorporated an underground drainage system and storage tank that would capture any contaminated surface water via an interceptor. The system would routinely discharge via an outfall into The Mill Stream under a separate consent of the Environment Agency.
6. As part of the proposal it is intended to erect a 'Recycling Building' within the western section of the site, within which there would be dedicated recycling bays. The building would measure some 22m x 17m and have an overall height of 8.5m measured to the top of its eaves. It would be clad in metal profile sheeting. There would also be a site office and weighbridge facility located within the site entrance.
7. With the exception of vehicles delivering waste to the site, all waste handling and sorting would take place within the 'Recycling Building'. Waste collected in skips/containers consisting of a mixture of inert soils/hardcore, metals, wood and plastics would be brought back to the site and tipped on the floor of the building where it would be separated and placed in the individual recycling bays. Any other waste other than these materials which the applicants estimate would comprise up to 30% of the total throughputs would be compacted and then sent to an authorised site for disposal.
8. Whilst it is not the intention to process any putrescible material at the site, it is proposed to employ the use of a 'Spray Mist System' should there be a need to control any odours or dust in order to prevent them escaping from the building.
9. The site would process some 20,000 tonnes of waste per year. Operating at this capacity it is estimated this would generate a maximum of some 78 movements per day. Access was originally proposed via Brook Street to the north of the site and along Brook Lane². This route which is currently used by the applicant is also shared with other users of the Business Park, including visitors to the Leybourne Lakes Country Park. It is this access that has been subject to detailed discussions between the applicants and the County Council following the refused application and which is covered in more detail below.
10. In summary, the application itself remains identical to that detailed (under reference TM/05/992) in the November 2005 Committee report, with the exception of the following:
 - A reduction in the annual waste throughput from 40,000 to 20,000 tonnes per annum;
 - A reduction in proposed vehicle movements from 132 to 78 movements per day; and
 - Revised access arrangements, now proposed via Sortmill Road incorporating an amended application boundary.

² See Appendix 1

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11. The proposed hours of working remain from 0700 to 1630 Monday to Friday and 0700 to 1230 on Saturdays, with no working on Saturday afternoon, Sundays or Bank Holidays.

Planning Policy Context

12. The National and Development Plan Policies summarised below are relevant to the consideration of the application:

National Planning Policy – National Planning Policies are set out in PPS10, PPS23 and Waste Strategy 2000 (as amended in July 2005).

Regional Planning Policy – the most relevant Regional Planning Policies are set out in RPG9 and the emerging South East Regional Waste Strategy. GOSE has published the changes to RPG9 in August 2005.

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

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

Policy NR5: Development should be planned and designed to avoid or adequately mitigate pollution impacts.

Policy WM1: Provision will be made for the integrated management of waste reflecting Best Practicable Environmental Option, the National Waste Hierarchy and national targets for waste management.

Policy WM2: Proposals for the treatment, storage, transfer, processing or disposal of waste will be required to show that they represent the most efficient and environmentally sustainable method of managing a specific type of waste.

Policy TP15: Development which generates significant increases in traffic, especially heavy goods vehicles will not be permitted if it is not well related to the primary and secondary road network, or if it would result in an increase in risk of crashes or significant traffic delays.

(ii) Kent Waste Local Plan, 1998:

Policy W1 The local planning authority will make provision for waste arising in Kent to be dealt with in Kent, based on the following hierarchy: I) reduction, (ii) re-use, (iii) recovery (including composting) and (iv) disposal.

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- Policy W2:** Waste Management proposals will not be permitted if they would cause a significant adverse impact on groundwater resources and sites of nature conservation interest.
- Policy W3:** Proposals which involve only waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they can gain ready access to the primary or secondary route network and are located within or adjacent to an existing waste management or within an area of established or proposed general industrial use.
- Policy W6:** Where a planning application is submitted for waste management development, need will be a material consideration.
- Policy W7 & W9:** Identify sites considered suitable in principle for the transfer and recycling of category A, B and C waste and also set down criteria against which proposals at other locations would be considered against whether they seek to minimise impact on the local and natural environments, have or could secure adequate access and are within or adjacent to existing waste management facilities or are part of an established or committed general industrial-type area.
- Policies W16-W26:** Set out the operational criteria against which applications for management will be assessed including the need to ensure such as noise, dust and odour can be satisfactorily controlled.

iii) **Tonbridge and Malling Borough Local Plan 1998**

- Policy P5/9 (b):** Identifies the site as falling within an area of existing employment development where further General Industrial, Business and Distribution use are considered acceptable in principle subject to environmental standards.

13. **Consultations**

Tonbridge and Malling Borough Council: No objection subject to conditions requiring sorting and storage of waste to take place within the building, dust control measures, hours of operation and that no putrescible or hazardous waste to be handled on site.

Snodland Town Council: No objection raised to the proposal.

Divisional Transportation Manager: No objection raised.

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Environment Agency: No objection subject to their prior approval to undertake any works within the margin of the Snodland Mill Stream and should any strengthening works to the access be required they do not adversely affect the Mill Stream or the Siphon structure which runs under it.

Lower Medway Internal Drainage Board: No objection is raised.

Jacobs (Noise, Dust and Odour): No objections.

Natural England (Formerly English Nature): No objections are raised.

Kent Wildlife Trust: No objections raised.

Health and Safety Executive: No objections raised.

Highways Agency: No objections in principle subject to a condition restricting vehicle movements at peak times to 16.

Local Member

14. The Local County Member, Mrs S Hohler was notified of the application on 25 July 2006.

Publicity

15. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 28 neighbouring properties including those who made written representations on the previous planning application.

Representations

16. 3 letters of representation have been received to date objecting to the proposal. Those objections can be summarised as follows:

- the proposed use is inappropriate in this location and would attract vermin to the area;
- the proposed access road (The Brook) is too small to accommodate the proposed traffic;
- effects of heavy traffic on the stream adjoining The Brook;
- large vehicles would compromise the safety of visitors to the Leybourne Lakes Country Park;
- concerns at number of vehicle movements generated in the area;

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Discussion

17. Section 36(b) 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.
18. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.
19. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.
20. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are *"of the right type, in the right location at the right time"*. This is fully consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy/RSS for the South East.
21. Support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and regional level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill. In this context the Draft South East Regional Waste Strategy includes policies which amongst other matters set specific targets for recycling.
22. The adopted Kent and Medway Structure Plan (2006) is based on the principles of sustainable development. Policy SP1 seeks to achieve a sustainable pattern and form of development, which reduce the need to travel. Policies WM1, WM2 and TP15 set out the broad strategic objectives against which applications for waste management facilities will be considered.
23. Similarly Policy W1 of the adopted Kent Waste Local Plan supports the objective of making provision for Kent's waste arisings in a sustainable manner. Policies W2, W3, W6 W7 and W9 identify the locational criteria against which individual proposals will be considered, whilst policies W16 to W26 set out the operational criteria.

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Local Environmental Impacts

24. The nearest residential properties to the site are located some 100 metres to the west, in between which runs the A228 which carries large volumes of traffic, including a significant number of HGVs. As with the previous application, no objections were raised by consultees to the noise report and the dust and odour mitigation measures proposed.
25. With regard to the potential for the site to become infested with vermin, it is not intended to process any putrescible material, which could otherwise potentially create such a nuisance. Given the nature of the majority of the materials which would be handled at the site, I do not consider any unpleasant odours are likely to be created or that they would attract vermin. Consultees have again raised no objection, therefore I remain satisfied that provided appropriate conditions are imposed, in the event that planning is granted, the development would not have a detrimental impact on residential amenity.
26. Concerns were initially raised over the potential for pollution from the site and associated impacts on the adjoining nature conservation sites. Development Plan policies require development to be planned and designed to avoid or adequately mitigate pollution impacts on both groundwater resources and nature conservation. The site consists of a purpose built concrete hardstanding, incorporated into which is a surface water drainage system which is intended to prevent any pollution escaping from the site. The Environment Agency who are responsible for safeguarding the interests of the adjoining Mill Stream have raised no objection to the proposal. With regard to any discharges into the Mill Stream they have confirmed that this would require their separate consent under the Water Resources Act 1991. With regard to any potential impacts on nature conservation both English Nature and the Kent Wildlife Trust have raised no objection to the proposal subject to certain safeguards being put in place, all of which could be covered by condition. I remain satisfied therefore that there are no overriding objections on either of these issues.

Assessment Against the Principles of BPEO

27. The previous application was assessed against the principles of BPEO and was considered under the previous planning application (ref. TM/05/992). It was considered that the assessment provided was consistent with the principles to be applied in considering such applications until such times as the Kent Waste Development Framework reaches a more advanced stage (*i.e. is the proposal of the right type, in the right location at the right time*).
28. As referred to above, the main issues including location, noise, dust, odour, land drainage and nature conservation were already considered under the previous planning application (reference TM/05/992). However, whilst the proposal was considered to be acceptable in this location subject to appropriate conditions, a number of doubts still remained over traffic generation figures and highway safety aspects in relation to the shared access. Members will recall therefore, that the previous application, was refused on the following ground:

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- (1) The proposed site access is unacceptable contrary to policy T18 of the Kent Structure Plan, Policy TP14 of the Kent and Medway Structure Plan: Deposit 2003 and Policy W22 of the Kent Waste Local Plan, insofar as the design of the access is not suitable to accommodate the number of HGVs that would be generated by the proposal would also further compromise the safety of visitors to the Leybourne Lakes Country Park who share part of the access where conflict already exists between them and commercial vehicles who already use this route.
29. Therefore in order to be considered favourably, it is incumbent on the applicant to fully address the previous ground for refusal in their current planning application. In my view, in order to do so the following issues need to be satisfactorily resolved:
- ❑ *Highway safety* – restricted width of the access, particularly at its northern end where this part of the route is also shared with pedestrians and other users of the Leybourne Lakes Country Park; and
 - ❑ *Vehicle numbers* - Uncertainty over the figures provided in relation to current and future traffic generation.
30. As previously mentioned, under the terms of the current planning consent (ref. TM/79/112), for use of the site as a distribution depot, the operator has unrestricted use of the shared access along Brook Street/Brook Lane.

Highway Safety

31. Following the previous refusal, detailed discussions have taken place between the applicants, officers of the County Council and the Divisional Transportation Manager (DTM) in order to establish whether a possible solution could be secured to overcome the previous ground for refusal. The application was initially resubmitted with a view to proposing road improvements and segregation measures along Brook Lane in order to address the structural and segregation issue along the shared access. As part of the initial resubmission the applicant also proposed the implementation of a vehicle holding area. This holding area was to be located on the adjoining site, with access directly from Sortmill Road and would have effectively 'held' HGVs until such time as they were instructed to access the application site via Brook Lane to avoid HGVs meeting along the access route.
32. In order to take into account continuing concerns from occupiers of adjoining units the applicant entered into further negotiations with the adjoining landowner (to the west of the application site and the area already proposed for the holding area). The applicants' subsequently secured HGV access through the adjoining site directly via Sortmill Road³, a dedicated access for the business park, to the application site. In the applicants' view, this would avoid the need for HGVs to use the shared access altogether. Along with other

³ See Site Location Plan, page 2

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

consultees, the DTM has been re-consulted on the revised access arrangements and welcomes the amendment stating that in his view using the Sortmill Road access “*will have environmental benefits to the locality*” as well as reducing the need for unnecessary physical HGV movements from the holding area to Brook Lane. In my view, these revised access arrangements address the remaining concerns in respect of any structural and highway safety concerns associated with vehicles using Brook Lane, the shared access. I agree with the DTM that the revised access would represent an improvement and am satisfied that in the event of permission being granted its future use could be stipulated by way of an appropriate planning condition requiring HGVs to access the site via Sortmill Road only.

Vehicle numbers

33. In terms of clarifying current and proposed HGV movements to and from the site, which was an issue raised under the previously refused application, a detailed traffic assessment has been submitted in support of this latest planning application. The site currently operates under a 1979 consent, which does not place any restrictions on vehicle movements to and from the site. Currently the site generates approximately 132 movements per day using the shared access along Brook Lane. The predicted HGV movements associated with the proposed recycling station, would be 78 movements per day (38 in/38 out), a reduction of 54 daily movements to and from the site. Given both the DTM and the Highways Agency have raised no objection to the proposal, should permission be granted, I would advise that it would present an opportunity to gain control over vehicle numbers by way of a planning condition. However, the Highways Agency, in considering any impacts of HGV movements associated with this proposal on the nearest motorway junctions, have requested a condition restricting HGV movements during the morning peak time (defined as between 0800 and 0900 hours) to 16 (8in/8 out), which I would fully support.

Conclusion

34. In view of the decrease in overall movements to and from the site, I am of the opinion that the reduction represents a significant improvement to that already generated to and from the site under the terms of the current consent. In addition, the access arrangements have been revised in order to avoid HGVs using the existing shared access to the north of the site (Brook Lane) altogether. I am of the view that with the imposition of appropriate planning conditions that restrict daily vehicle numbers to 78 per day, impose a peak hour restriction as recommended by the Highway Authority and by restricting heavy goods vehicles to using the Sortmill Road entrance only, the proposal is acceptable in highway terms. I am satisfied that the proposal overcomes the previous ground for refusal, meets development plan policy and in particular concurs with policies WM2 and TP15 of the adopted Kent and Medway Structure Plan.
35. I therefore recommend accordingly.

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

Recommendation

36. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO CONDITIONS covering amongst other matters annual waste throughput, vehicle numbers along with a restriction of 16 movements during the morning peak hour, a condition restricting HGVs to using the Sortmill Road access only and dust and odour control measures.

Case Officer: Angela Watts

01622 221059

Background Documents: See Section Heading

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Item D1**New block with IT suite & staff office in roof space, Stone Bay School, 70 Stone Road, Broadstairs.**

A report by Acting Head of Planning Applications Group to Planning Applications Committee on 20 March 2007.

Application by Headteacher and Kent Children, Family and Education for the new classroom block with IT suite & staff office in roof space at Stone Bay School, 70 Stone Road, Broadstairs (Ref:TH/07/75)

Recommendation: Permission be granted.

Local Member(s): Mr John Fullarton, Mr Bill Hayton

Classification: Unrestricted

Site

1. Stone Bay School is a special needs school providing both, educational and residential facilities. There are entrances from Stone Road and Park Road. The rear of Stone Bay School backs directly on to Eastern Esplanade and the seafront north of Broadstairs. The school is situated in a residential area, where the nearest house to the proposed block is approximately 20 metres to the south. The site is naturally sloping down towards the sea. The development site is within 50m of internationally designated sites (Site of Special Scientific Interest-Thamet Coast, Ramsar-Thamet Coast and Sandwich Bay). A site plans are attached (Figure 1 and 2).
2. The application has been submitted on behalf of the Headteacher of the school and Kent County Council Children Families and Education. The application as originally submitted proposed two new buildings. The first building was a two storey block with café, IT and office facilities. The second building was proposed as a permanent replacement for an existing modular building to the north of the school site. The proposal for the replacement building was withdrawn during the consultation period and no longer constitutes part of this application. Details of the proposal are shown on Figure 2.

Proposal

3. The proposed development comprises a new detached classroom block over two floors. The design of the building aims to maximise views from the development and to create an awareness of the external environment (Drawing 1). The site is currently used as a hard surface play area. The applicant states that students have other play area facilities for their use including a grassed area with recently installed play equipment and swing (Photo 4). As part of the development, it is proposed to remove the sycamore trees along the Eastern Esplanade and to reduce the height of the hedgerow to allow views from the new building towards the sea (Photo 1). New planting is proposed to the south boundary. The provision of the independent block would give staff an area to work with specific student groups without the distraction of other students in the Stone Bay School. It would also allow more one to one teaching. The development would enable the School to maintain its high standard of special needs education to local and other students across Kent. The applicant states that the Education Curriculum has identified educational services that need to be provided at the school. These include the provision of Information Communication Technology (ICT). This development is intended to meet that need.

Item D1

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075

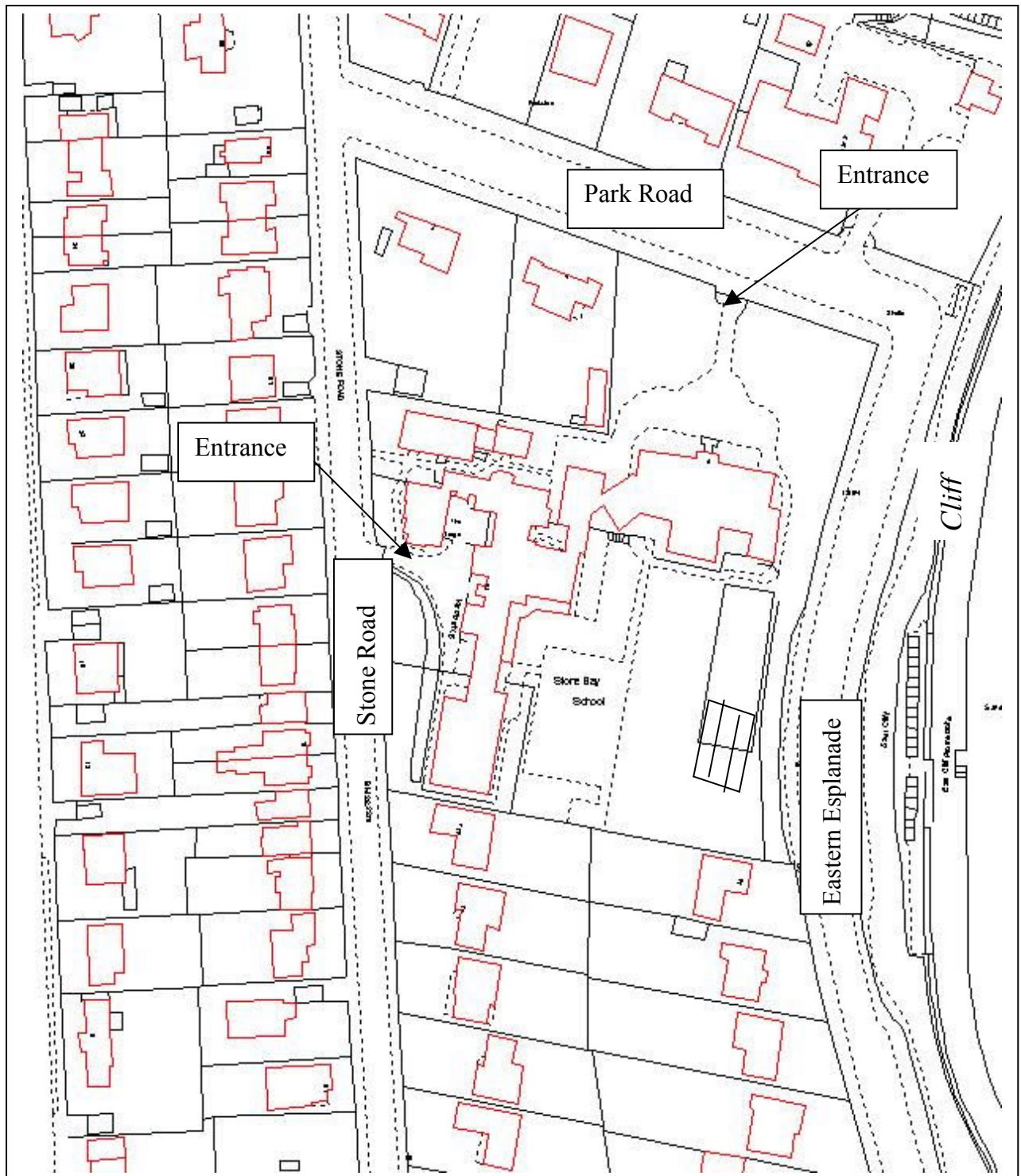


Figure 1 Site Plan, Stone Bay School

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Item D1

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075

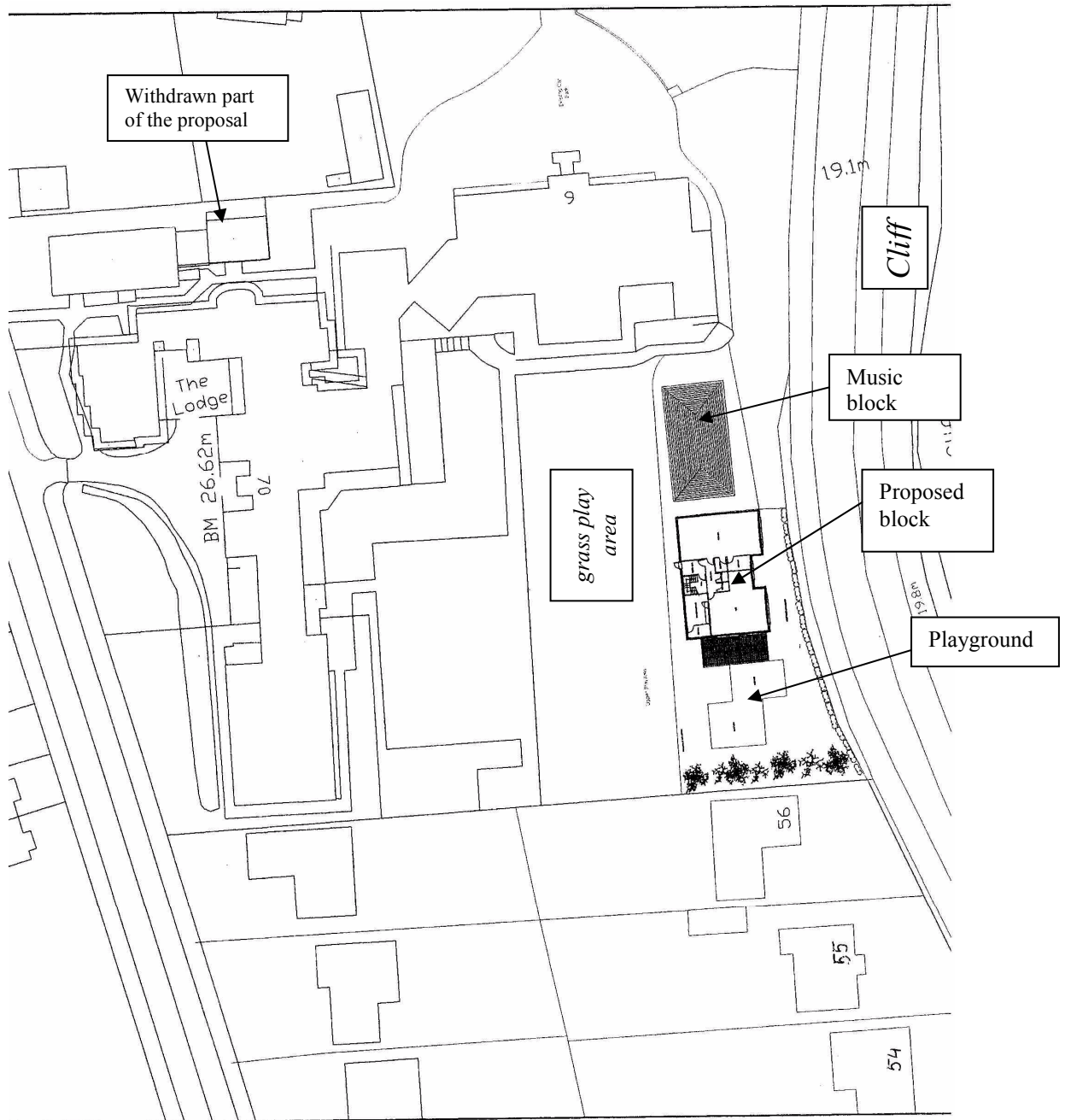
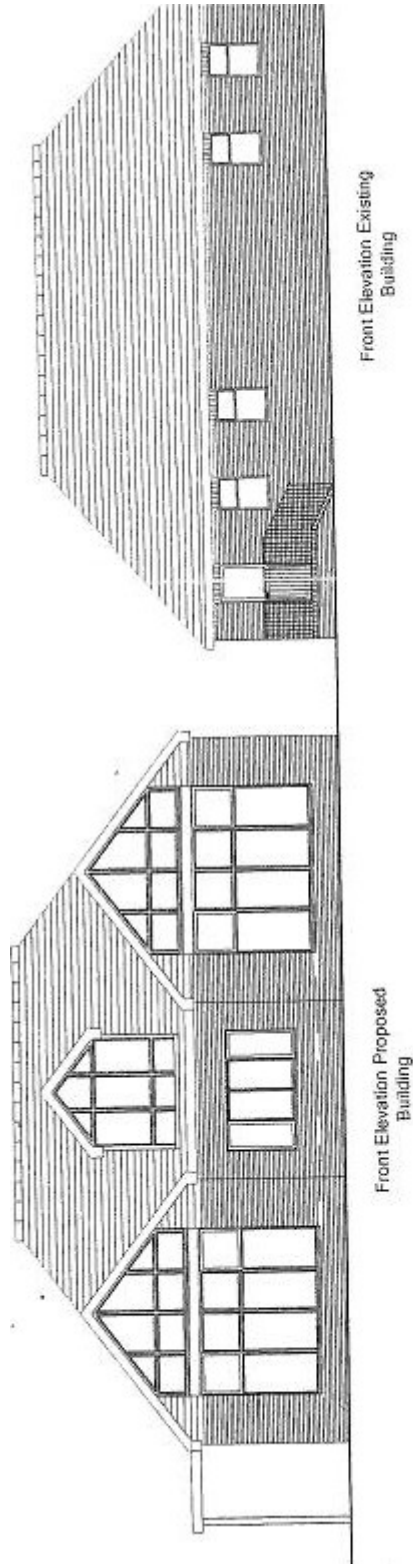


Figure 2 Proposed site plan

Item D1

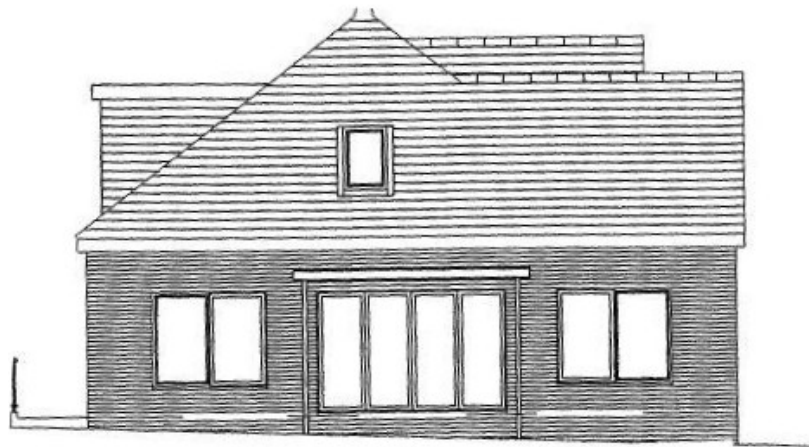
New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075



Drawing 1 East elevation

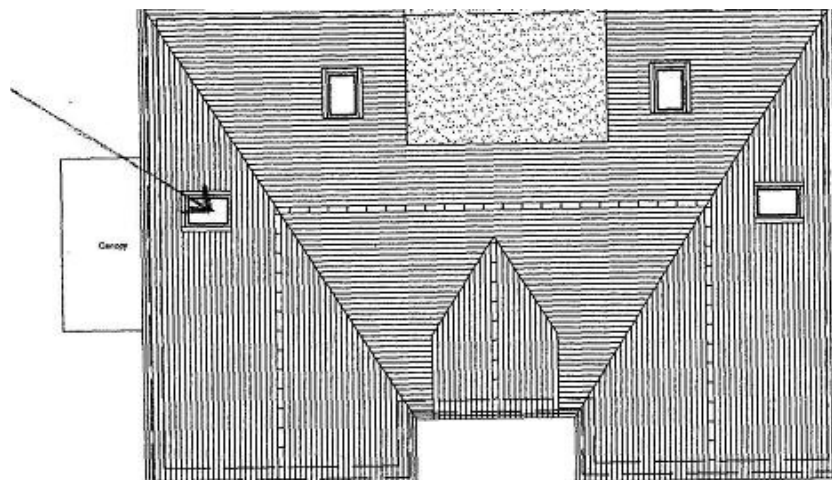
Item D1

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075



South elevation seen from property number 56

Drawing 2 South elevation seen from property number 56



Drawing 3 Roof plan



Drawing 4 Cross section through gable ends - East elevation

Item D1

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075



Photo 1 Eastern Esplanade



Photo 2 View from the south boundary and property number56

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075



Photo 3 Playground and property number 56

Planning Policy

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

The Kent & Medway Structure Plan 2006:

- Policy SP1** Seeks to conserve and enhance Kent's environment and to ensure a sustainable pattern of development.
- Policy SS6** Seeks to improve the built and natural environment, functioning and appearance of the suburbs of the major urban areas, including the provision of services and facilities that serve local needs.
- Policy EN6** Development will not be permitted where it would directly, indirectly or cumulatively materially harm sites of international and national wildlife designation.
- Policy QL1** Seeks all development to be well designed and high quality that respond positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the are, will not be permitted.
- Policy QL7** Development within archaeological sites will be protected and where possible, enhanced. Where 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** Community Services will be provided as long as there is a demonstrable need for them. 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.

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075

Thanet Local Plan 2006:

- Policy D1** All new development is required to provide high quality and inclusive design, sustainability, layout and materials. Requires new development that respects or enhances the character of the surrounding area; is compatible neighbouring buildings and spaces and does not lead to unacceptable loss of amenity; incorporates disabled access; retains features that contribute to biodiversity and the quality of the local environment.
- Policy D2** Requires landscaping proposal for all new development that enhance the development in its setting and incorporates the retention of as much of the existing vegetation on site as possible.
- Policy CF1** Supports applications for new community facilities provided that the proposals are not contrary to other Local Plan policies, and the community use and location are demonstrated as appropriate.
- Policy HE11** Seeks appropriate assessment of any archaeological importance of the site and the likely impact of development.
- Policy TR16** Requires proposal to make satisfactory provision for the parking of vehicles.

Consultations

Thanet District Council: raises no objection to the proposal subject to conditions, covering the standard time limit and details of external materials.

The Area Transportation Manager: raises no objection to the proposal as the applicant confirms that the proposal would not increase staff or student numbers at the school, and that the position of the new building would not result in a loss of existing on-site parking.

The Environment Agency: raises no objection to the proposal. Provides advice on the design of the soakway and comments on the surface water drainage and on fuel, oil and chemical storage.

County Archaeologist: The application site lies in an area rich in archaeological remains. The archaeological officer advises that the applicant should secure the implementation of a programme of archaeological work in accordance with a written specification and timetable, which should be submitted to and approved by the County Planning Authority before the development would take place.

Biodiversity Projects Officer: Advises on the potential impact on the Site of Special Scientific Interest Thanet Coast and Ramsar –Thanet Coast and Sandwich Bay designated sites and protected species. The development site is within 50m of these sites. Also, the development is within the existing development footprint and given the scale of the development, impacts on the designated sites seem unlikely. She advises that:

- (l) No disturbance to birds should be carried out during the nesting season, mid March to August inclusive. Mitigation measures should be included in the development

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075

plans and implemented during construction in order to protect breeding birds that may use the vegetation.

- (II) A strategy for landscaping and biodiversity enhancement at the development site should be produced and submitted to the County Planning Authority for approval as part of the planning application.
- (III) Measures to promote biodiversity should be incorporated into the development including bird and bat boxes on the built structures or in the surrounding areas, native local provenance planting and pond creation.

Jacobs-Landscaping: made the following comments:

(...)”It is an attractive quiet residential street with the majority of properties fronting on to Eastern Esplanade with direct views of the sea, typical of the Thanet coastal towns. There is little vegetation in the area so the school site with its evergreen hedge and mature sycamores provides one of the few areas of mature planting.

From the inside of the site, the boundary fencing prevents access to the sycamore trees and hedge and hinders maintenance of this area. I understand from a representative at the school that the decision has already been made to remove the sycamores to help improve the visual appearance and maintenance of this area from within the site. This is unfortunate for the visual amenity of Eastern Esplanade, however understandable from a practical point of view.

The existing hedge is to be retained, although reduced in height, as part of the proposed building works. Measures to protect this hedge and final proposed height need to be provided, along with a requirement to replant any lost or damaged sections through the construction of the works with the same species. This would ensure the visual amenity of the site boundary along Eastern Esplanade and the setting of the coastal strip.

The proposals also allow for new tree planting along the southern boundary. Details of these trees need to be provided. Whilst the intention of this planting is understood the applicant should carefully consider the species and appropriateness of this planting given the proximity to the neighbouring house”.

Broadstairs & St. Peters Parish Council: consulted on 18th January 2007 and no comments received to date.

Local Members

- 5. The local Members, Mr J Fullarton & Mr B Hayton, were notified of the application on the 18th January 2007.

Publicity

- 6. The application was publicised by the posting of a site notice and by the individual notification of 8 nearby properties.

Representations

- 7. 3 letters of representation have been received regarding the proposal. The planning considerations can be summarised as:
 - The development is considered to be an over-development of site to the detriment of neighbouring residential properties

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075

- Having the café with outside seating area just a few yards from the house and garden of Number 56 is unacceptable intruding on residents privacy and right to enjoy their garden. There is already considerable noise from the play area, this development would only increase it
- The smells of cooking from the kitchen would hardly make the use of our gardens enjoyable
- The upper floors of the Café/classroom would overlook Number 56 and local gardens
- Children lack the supervision required to prevent them disturbing their neighbours, and the proposed expansion would increase this risk
- The proposal title indicates that only classrooms would be built, with no mention of a café, which is clearly an attempt to deceive local residents as to the nature of this building. The plan is labelled 'Café Classroom Block'
- If the development is permitted no part of this building should be used as a café, it must be classroom only, music and discos should be prohibited
- If the development is permitted, any trees planted along the boundary of property 56 must be of a type which roots would not cause subsidence to adjoining property
- One resident raises no objection to the proposal but is concerned about the parking problem on Park Road, especially on the junctions with Stone Road and Eastern Esplanade. The concern is that many vehicles are parked right up to the junction, which obscures moving traffic at these two junctions.

Discussion*Introduction*

8. The application is required to be determined in accordance with the relevant development plan policies, unless other material considerations are of overriding importance. Consideration should be given to whether the layout and scale of development as proposed is acceptable in relation to the existing neighbouring uses and open spaces. Policy QL1 of the Kent and Medway Structure Plan and policy D1 of the Thanet Local Plan require new developments to be of high quality and well designed, to respect or enhance the character/appearance of the surrounding area and, not to lead to the loss of amenity through overlooking, noise, overshadowing or unacceptable sense of enclosure. In conjunction with these and other relevant landscape and design policies, these issues need to be considered in the determination of this application and are discussed below.

Design

9. The proposed building respects the Victorian character of the existing buildings on the site. It incorporates contemporary features such as clear storey glazing, to maximize views from the new building and create an awareness of the external environment from within the building. The applicant states that the use of sea views has proven beneficial in the stability of the students as demonstrated elsewhere in the school. It is intended to provide a calming distraction to the sometimes unpredictable student behaviour. The proposed orientation of the building is east and south, which would maximise the morning sunlight, daylight and solar gain. I consider therefore that the building is of a satisfactory design, given its location and proposed use.

Overdevelopment

10. The existing buildings on the site are predominantly two and three storey in height. The proposed building would comprise a detached block over two floors - ground floor and attic floor. The height of the building would not exceed 8 metres, which would be of similar height to the music building on the site and lower than nearby residential

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075

properties to the south of the school. In my opinion, the scale and massing relate to the site's existing context and would not be an overdevelopment of the site (Drawing 1).

Overlooking

11. Given the proximity of the building to the property Number 56, careful consideration needs to be given as to whether the development would result in an unacceptable impact on residential amenity through overlooking. In particular, the neighbours raise objection to the side elevation Velux window within the roof space (Drawing 2, 3, 4). The architect has undertaken to design this window at 1.6m above floor level, thus minimising the risk of the overlooking. In addition, the standard distance of 21 metres between windows of habitable rooms, which is to prevent loss of privacy, would also be maintained. The applicant advises that the purpose of this Velux window is to allow sufficient daylight to enter the room, which would be used as an IT suite. In my view, the angle of the roof-line and the fact that the proposed building would be 21 metres away from the boundary with the nearest residential property, it is therefore unlikely that the neighbours' privacy would be materially affected.

Use of the proposed building

12. One of the representations raised an objection to the use of the proposed building as a café and the unacceptability of smells coming from the kitchen. The applicant states that pupils would use this part of the building for learning and lunches only. The word "café" is perhaps misleading, as the students would be taught there to prepare healthy meals rather than deep-fried fast food. The new facility would provide a domestic environment (11.5m² kitchen area) in which 6-8 students would prepare snacks and healthy food using standard white goods equipment while learning good practice in food hygiene. The facility would not be used for the preparation of commercial meals or provide a dining facility for large numbers of students as the school has a very good commercial kitchen within the main building. It is also possible that some meals would be transported to the proposed café classroom from the main school's kitchen. This practice of transporting meals from the main kitchen already exists in other areas of the school. Finally, an objector raised concerns about potential use of the building as a disco facility. In response to that the applicant has confirmed that there is no intention to play loud music or have discos in the building. If members are concerned with this aspect, it could be restricted by the imposition of a suitable planning condition on any consent. In view of the character and size of the proposed kitchen/café room, I believe that the proposal is acceptable in planning terms and would not have a detrimental impact on residential amenity.

Outside seating area

13. An objection has been raised to the covered patio area with large folding doors to the south elevation of the proposed building (Drawing 4). The concern is that having an external sitting area would increase the noise from the play area. However, the applicant states that the playground is currently used by a dozen or so children and this would not change. It is intended to provide versatility of use of the café and adjacent recreational area. It is considered that controlled and focussed activity by the pupils reduces spontaneous outbursts and maintains a generally calm environment. The Headteacher believes that supervision would be more concentrated as the external play area would be smaller and children would have easier access to the building. The provision of additional activities in the new building would help to focus attention and stabilize behavioural problems.

New block with office in a roof space and demolition of a mobile and rebuilding with a permanent structure at Stone Bay School – TH/07/0075

Highways

14. One resident raised concern with the current car parking arrangements on the school site and on nearby streets, despite the fact that the roads are wide. In his/her opinion many vehicles are parked too close to the junctions of Park Road with Stone Road and with Eastern Esplanade, which obscures moving traffic. The applicant confirmed that there would be no increase in staff or student numbers and no additional vehicular or pedestrian access points would be created as a consequence of this development. He, also, acknowledged that the school has never been able to accommodate on-site parking for staff. The Park Road entrance and hard standing has been improved over the past year to reduce traffic congestion on the public highway, particularly at weekends and at end of Term when parents and hire vehicles collect students to take them home. The Area Transportation Manager raises no objection to the proposal.

Landscaping

15. The planning application includes a proposal to remove the sycamore trees along the Eastern Esplanade and part of the hedgerow. This is necessary to accommodate the layout and would reduce maintenance of this area from within the site. The removal of the high planting along the eastern boundary would also allow a view from the building onto the sea and to allow more daylight to enter the building. Some replacement of trees would be proposed as part of the landscape scheme. Although it is regrettable that the development removes the only large vegetation in this part of the Eastern Esplanade, the landscape architect accepts that the justification for doing so is reasonable. Lastly, a concern has been raised about possible damage caused by the roots from proposed new trees to be planted along the southern boundary. If the permission is granted, further details of the landscape scheme would have to be submitted to make sure that the planting would be adequate for the site and could ensure that species would be chosen that are not harmful to the foundations of the neighbouring properties.

Conclusion

16. Overall, I consider that the design of the proposed building would not have a detrimental effect on the amenity of local residents. Further, the mass and the design of the proposed development is appropriate for the context of the site. I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the relevant Development Plan Policies. Therefore, I recommend that permission be granted subject to the imposition of appropriate conditions.
17. I RECOMMEND that 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 for approval
 - A scheme of landscaping, its implementation and maintenance
 - Protection of nesting birds
 - Archaeological watching brief
 - Hours of working during construction

Case Officer –Anna Michalska-Dober

01622 696979

Background documents –See section heading

Item D2**5 kW wind turbine at Sandwich Technology School,
Sandwich – DO/06/843**

A report by the Acting Head of Planning Applications Group to Planning Applications Committee on 20 March 2007.

Application by the Governors of Sandwich Technology School and Kent County Council Children, Families & Education for the construction of a 5 kW wind turbine to increase energy efficiency and awareness of green issues at Sandwich Technology School, Deal Road, Sandwich.

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Leyland Ridings

Classification: Unrestricted

Members' Site Meeting

1. A group of Planning Applications Committee Members visited the application site on the 10 October 2006 to acquaint themselves with the proposals for a 5 kW wind turbine at Sandwich Technology School.

The Committee Secretary's Notes of the Site Meeting are attached as **Appendix 1**.

Site

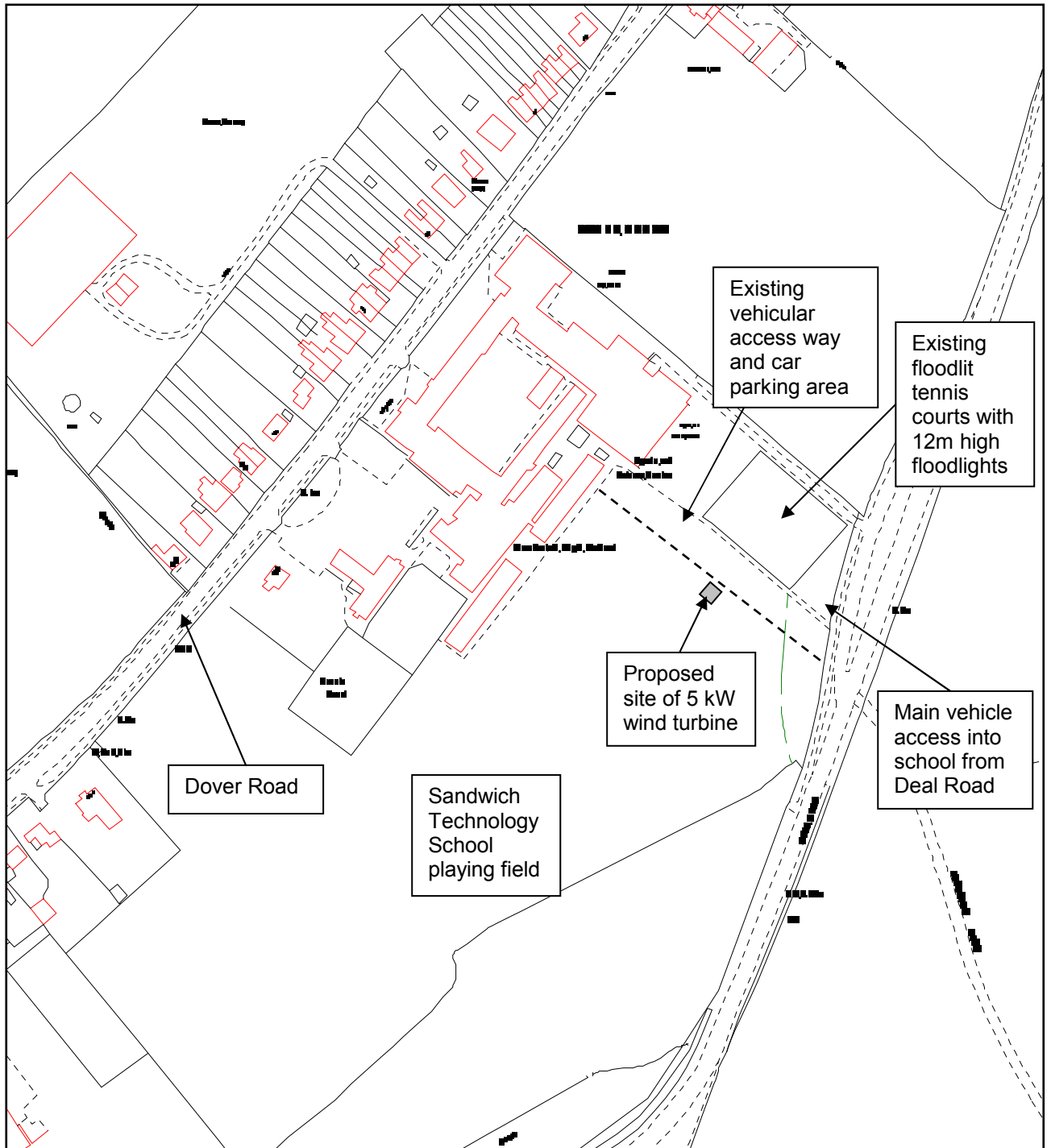
2. Sandwich Technology School is located between Deal Road, to which the main vehicle access to the school leads, and Dover Road to the front of the school. The site is well screened with a tree-lined boundary along Deal Road, and is bordered by residential properties to the north-east on Dover Road. The entire site is within an Open Space designation (Policy OS1 from the Dover District Council Local Plan), which presumes against the loss of open space, with the exception of development in a school site for educational purposes.

A site plan is attached and shows the school site and the proposed location of the 5 kW wind turbine.

Proposal

3. The application has been submitted by the Governors of Sandwich Technology School and Kent County Council Children, Families & Education and proposes the construction of a 5 kW wind turbine to increase energy efficiency and awareness of green issues at the school.
4. Sandwich Technology School is keen to promote a sustainable way of living, and to minimise the school's ecological footprint upon the land. The School, having investigated both solar and wind power as sources of alternative energy, consider that a 5 kW wind turbine would be the most cost effective way of introducing this renewable energy source into the school.
5. The applicants suggest that the wind turbine would fit in neatly with the existing school architecture, being visible, but not too obtrusive. It is proposed that the turbine be sited adjacent to existing floodlit tennis courts, which has floodlight posts already approximately 12m high. The School has stated that the turbine would act as a visual

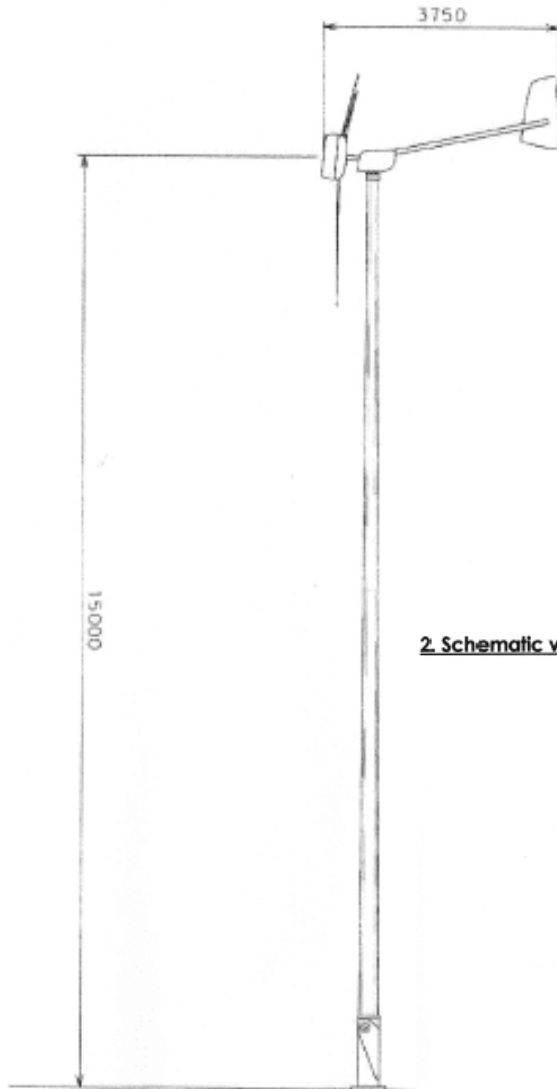
Site Plan



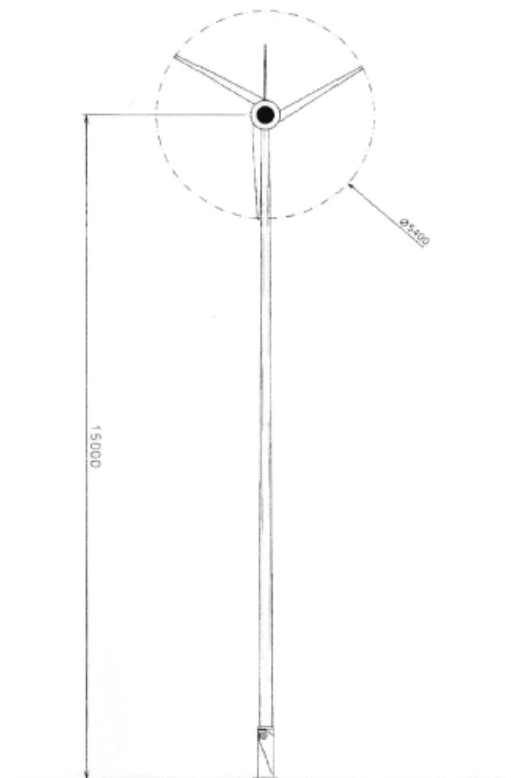
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Scale 1:2500

Proposed Elevation



2. Schematic views of the turbine from all sides.



Max height of turbine the highest point is 17.7 metres
Please note that above drawings are shown not to scale

5 kW wind turbine at Sandwich Technology School, Sandwich – DO/06/843

reminder to both students and visitors that the School is promoting an environmentally friendly way of life, and reducing local pollution.

6. The applicants have stated that any kilowatts generated by the turbine would be used by the school, decreasing the need for the use of fossil fuels. The applicants also state that cleaner energy production would be a bonus for the local community, and media publicity would potentially help others to follow their lead. Sandwich Technology School is working towards a Silver Eco-School certification, and information about the wind turbine would be displayed on an Eco-Noticeboard.
7. The wind turbine proposed is an Iskra AT5-1 free standing wind turbine. Its height would be 15m to the hub, with a 5.4m rotor diameter, therefore giving an overall height of 17.7m to the highest point. The Iskra wind turbine proposed here is rated to have an output of 5 kW and is commonly used for powering community and local authority projects. *An elevation of the turbine is attached for information.*
8. The wind turbine is expected to generate an average of 7,960 kilo-watt-hours of electricity each year, equivalent to a saving of nearly 3,600-kg of carbon dioxide. With this average annual generation figure in mind, the applicants estimate that the wind turbine would generate between 4-7% of the school's total electricity demand. The applicants have stated in their supporting documentation that the energy capture of the proposed turbine has been designed to be effective even at low wind speeds, thus making wind energy generation feasible at locations where the average wind speed is low. The applicants have also stated that the turbine has been specifically designed for low noise operation and minimal visual impact.

Planning Policy

9. Planning Policy Statement 22: Renewable Energy, sets out the Government's national policies for renewable energy, which are vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. The document sets out that Local Planning Authorities should consider the opportunity for incorporating renewable energy projects both in new developments and some existing buildings.

The key principles of the document state that *"small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning Authorities should therefore not reject planning applications simply because the level of output is small"* The document also states that *"development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures"*.

Planning Policy Statement 22: Renewable Energy, sets out 'Locational Considerations' which are material in determining applications for renewable energy sources:

Landscape and visual effects from renewable energy developments

"The landscape and visual effects of particular renewable energy development will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development"

"Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, Local Authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved [...]"

5 kW wind turbine at Sandwich Technology School, Sandwich – DO/06/843

“Planning Authorities should take into account the cumulative impact of wind generation projects in particular areas. Such impacts should be assessed at the planning application stage and Authorities should not set arbitrary limits in local development documents on the number of turbines that will be accepted in particular locations”

Noise from renewable energy developments

“Renewable energy technologies may generate small increases in noise levels (whether from machinery such as aerodynamic noise from wind turbines, or from associated sources – for example, traffic). Local Planning Authorities should ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels. Plans may include criteria that set out the minimum separation distances between different types of renewable energy projects and existing developments. The 1997 report by ETSU for the Department of Trade and Industry should be used to assess and rate noise from wind energy development.*

***Note** – The Energy Technical Support Unit produced a report for the Department of Trade and Industry which should be used to assess and rate noise from wind energy development as set out in Planning Policy Statement 22: Renewable Energy.

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

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

Policy SP1 – The primary purpose of Kent’s development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- responding to the implications of long term climate change by:
 - advancing the conservation and prudent use of energy, water and other natural resources;
 - minimising pollution and assisting the control of greenhouse gas emissions;

Policy QL1 – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

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 EN2 – Kent’s undeveloped coast and estuaries will be protected, conserved and enhanced. Development in such areas and in adjoining countryside will not be permitted if it materially detracts from the scenic, heritage, wildlife or scientific value of these areas. Development so permitted should include appropriate mitigation and/or compensation.

Policy EN3 – Kent’s landscape and wildlife habitats will be protected, conserved and enhanced. Development will not be permitted if it would lead

5 kW wind turbine at Sandwich Technology School, Sandwich – DO/06/843

to the loss of features or habitats which are of landscape, historic, wildlife or geological importance, or are of an unspoilt quality free from urban intrusion unless there is a need for development which outweighs these considerations.

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 NR3 – Development necessary for the production of energy from renewable sources will be supported where there would be no overriding conflict with environmental interests.

Provision of renewable and sustainable energy production as an integral component of new development and in small-scale and community projects will be supported.

(ii) **Dover District Council Local Plan 2002:**

Policy ER1 – Proposals for development of energy from renewable sources will be permitted provided that: -

- the benefits of renewable energy generation outweigh any adverse impacts;
- where applicable, they are located in close proximity to the existing electricity distribution infrastructure.

Policy DD1 – Proposals for development will not be permitted unless they are acceptable in terms of:

- Layout and functional needs of the development;
- Siting, massing and scale of new buildings;
- Architectural style and materials;
- Spatial and visual character of the surrounding area;
- Landform and landscaping;
- Privacy and amenity, including the avoidance of pollution;
- Energy efficiency.

Policy OS1 – Proposals for development which would result in the loss of open space, will not be permitted unless:

- in the case of a school site, the development is for educational purposes; or
- in the case of small scale development, it is ancillary to the enjoyment of the open space, and
- the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

Consultations**11. Dover District Council:** make the following observations:

“It is considered that the open location of the wind turbine as proposed, would result in a visually obtrusive and incongruous form of development, to the detriment of visual and landscape amenity.

5 kW wind turbine at Sandwich Technology School, Sandwich – DO/06/843

Whilst the principle of facilitating the use of alternative energy sources is strongly encouraged, this must not be at the expense of the visual or landscape amenity of the wider area. It is therefore suggested that a more appropriate location within the school grounds should be sought, where it benefits from the existing landscape screening. Should an alternative location be pursued, perhaps closer to the tree boundary, care must be taken to ensure that this does not raise the issue of wildlife protection”

Following further consultation with a background noise assessment, the District Council make the following observations:

“The Council’s Senior Environmental Protection Officer has stated that, in his view, the proposed wind turbine is a sufficient distance from the nearest residential facade such that the predicted level of noise will not cause sleep disturbance. Accordingly, he reiterates his conclusion that the application is acceptable in noise terms.

Nevertheless, the Council maintains its objection to the proposals for the reasons set out above”.

Sandwich Town Council: raise no objection to the proposal

Environment Agency: has no objection to the proposal.

Jacobs (Noise): make the following observations:

“Following the applicants having undertaken a background noise measurement survey concurrently with wind speed data, I am now satisfied that, in accordance with the relevant guidance, the proposed wind turbine would not result in adverse noise impacts to nearby sensitive properties”

Jacobs (Landscaping): has no objections to the development but makes the following observations:

“The proposed site currently hosts a variety of vertical elements, including streetlights and taller floodlights for the tennis courts along the access drive to Sandwich Technology School. Mature trees to the south of the proposed wind turbine site around the perimeter of a mown field also add to the vertical elements within the landscape. Although the lighting columns are not as tall as the proposed 15m wind turbine and the do not have any moving parts, the turbine is unlikely to appear out of scale or in isolation.

The proposed wind turbine would be visible from the grounds of Sandwich Technology School and Sports and Leisure Centre to the west. Glimpses of the turbine would also be possible from vehicles travelling along Deal Road to the east. However, impacts are negligible due to the built up character of the area. Views from residential properties to the west are restricted due to the existing technology school and sports and leisure centre buildings. However, views from upper storey windows of the top of the turbine and moving parts are possible from Dover Road to the west, causing a very slight adverse visual impact

We do not object to the proposed siting of the wind turbine. Existing tall vertical elements such as lighting columns and trees would reduce the impact caused by the wind turbine on the landscape. Adverse visual impacts from housing along Dover

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Road would be very slight as only the top of the turbine would be visible from upper storey windows, above a developed setting”

EDF Energy: no objections to the proposal, providing their rights regarding access and maintenance to any of our cables within the area at all times.

Kent International Airport: Has no objection to this application, however, should be overall height of the development exceed 20m above ground level, it will be necessary for the Airport to reconsider its opinion.

NERL Safeguarding: The proposed development has been examined from a technical aviation safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NERL has no safeguarding objection to the proposal.

Local Member

12. The local County Member, Mr. L. Ridings was notified of the application on the 12 July 2006 and has raised no objections to the proposal.

Publicity

13. The application was publicised by the posting of three site notices on the school boundaries with Deal Road and Dover Road. No residential properties were individually notified given the distance to the nearest property being outside the 90m consultation zone.

Representations

14. I have received 6 letters of representation from nearby residents to date. A summary of the issues raised are set out below:

- Dover Road is a residential area and has been for over 100 years, long before the school was built and therefore the inconvenience to the residents in Dover Road should be paramount to the School;
- The noise generated by this turbine will be a major disturbance to us residents. It is well known the noise these turbines generate;
- The proposed siting of this 18m high turbine would be an eyesore for the historic town of Sandwich;
- We understand that the turbine would be a cost effective and environmentally friendly way of generating power for the School, but at what cost to its neighbours and the town?
- We find it incredible that a wind turbine should even be considered in a residential area;
- Concerned about noise pollution, unsightliness and devaluation of own properties;
- Is KCC prepared to soundproof resident's properties and will they offer compensation?
- Increased noise disturbance 24-hours per day;
- The turbine would deface the local landscape;
- The latest information available from the Energy Savings Trust states that *“the cost of energy efficiency measures around 1.3 pence per kilowatt hour (per unit). The cost of wind energy is currently around 2.4 pence per unit”*
- If the School is keen on being considered “green”, they should start by switching off all unnecessary lights and computers which can be seen most evenings after the school has closed;

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- No information in the supporting documents which relates to any risk assessments carried out on the geological impact from the constant vibrations of such a mechanical structure to the surrounding area. Several houses in the area have suffered from subsidence, and subsequent correctional underpinning, due to an alleged fault line running across this area with unstable strata possibly as a result of underground blasting carried out during past mining operations;
- The supporting documentation openly admits, “wind turbines are likely to have the greatest visual and landscape impact”. This begs the question, was solar panelling considered and if so, what process was used to determine that the wind turbine form of renewable energy would be more suitable in this instance than solar panelling, which would certainly have less adverse impact, and would be the option of choice for local residents?
- With this eyesore in the ground’s of the school, who would want to buy a house in the Deal or Dover area now?
- Object to the siting of the planning notice. Most residents were completely unaware of the notice, as it was sited on the By-pass of side of the school;

Discussion

15. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph (10) 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 in this case include the impact upon residential amenity through potential noise generation from the proposed wind turbine, the wider visual impact of the proposed development on the local landscape and any relevant Development Plan Policies.

Renewable energy wind technology

16. The application has been submitted by the School in an attempt to address sustainable ways of living and to reduce the school’s ecological footprint upon the land. The 5 kW turbine being proposed is the type most commonly found in community and local authority projects. From the figures supplied, bearing in mind the average annual mean wind speed in Sandwich, the proposed turbine is likely to generate between 4-7% of the school’s total energy usage. In relative terms, this is approximately the equivalent of providing sufficient electricity to power between 125 to 150 computers.

17. Planning Policy Statement 22 (PPS 22) sets out the Government’s national policies for land use planning in England with regard to renewable energy developments. The key principles of the Policy Statement are set out in paragraph (9) above, and form material planning considerations in the determination of this application. However, it should be noted that PPS 22 sets out that “*Planning Authorities should not reject applications simply because the level of output is small*” and that “*development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful considerations of location, scale, design and other measures...*”. Bearing this in mind, Members should note the discussions relating to the proposed location, as set out in paragraphs (28) to (30) below, as well as the scale and visual impact of the turbine in paragraphs (24) to (26).

18. In addition to PPS22, Policy NR3 from the Adopted Kent and Medway Structure Plan supports the production of energy from renewable sources where there would be no overriding conflict with environmental interests. This Policy also states that the provision

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of renewable and sustainable energy production is an integral component of both new development and small-scale community projects such as at school sites. Policy SP1 of the Adopted Structure Plan supports projects that respond to the implications of climate change by advancing the conservation and prudent use of energy, water and other natural resources. In the case of this development, the wind turbine would ensure that a sustainable source of energy is generated through the use of an existing sufficient annual mean wind speed in the Sandwich area, and therefore I consider that the proposal would fully accord with these Policies.

Noise impact

19. In my opinion, noise impact on nearby noise sensitive properties is one of the key considerations in determining this application. Following on from initial concerns over a lack of information on background noise levels by the noise advisor, (Jacobs), as well as concerns raised relating to potential noise disturbance by local residents, the applicants were able to undertake a background noise level survey at the school site. The background noise level survey was then considered by the noise advisor, whose final comments are set out in paragraph (11) above. This has all progressed since the Members' Site Meeting in October 2006.
20. It has been confirmed by virtue of a background noise survey over both day and night-time periods, and an environmental noise impact assessment of the proposed noise generation by the turbine at varying wind speeds, that there would be no detrimental noise impact on the nearest noise sensitive residential properties fronting Dover Road. Members are reminded that the distance from the proposed turbine to the nearest noise sensitive residential property is approximately 170 metres, and that distance is separated by way of a road, Dover Road, and numerous school buildings, including single, two and three storey elements.
21. It has been calculated that the noise generated from the turbine at a distance of 100m from its base would be significantly lower than the average background noise as calculated from the undertaking of a background noise assessment by the applicant. For day-time hours, ETSU (see definition in paragraph (9) above) suggests maximum noise limits of 35 – 40 dB, or 5 dB above the prevailing day-time background, whichever is the greater assessed during "amenity hour" periods (ETSU defines "amenity hours" as evenings from 18:00 hours to 23:00 hours plus Saturday afternoons from 13:00 hours to 18:00 hours and Sundays from 7:00 hours to 18:00 hours). The calculated noise level from the proposed turbine at 100 metres away from its base is indicated to be within the suggested noise limits for "amenity hours" as set out by ETSU. Members should also note that the noise generated by the turbine is predicted to be significantly less than the average day / night-time background noise level.
22. When considering Development Plan Policies, Members should note that Policy ER1 of the Dover District Council Local Plan supports development proposals where the benefits of renewable energy generation outweigh any adverse impact to the surrounding area. Given that the noise assessment has been undertaken and the results show that at the nearest property there would be no adverse affect caused by the turbine, I do not consider there to be any detrimental noise impact on the surrounding area.
23. Planning Policy Statement 22 recognises the noise implications caused by renewable energy technology, in particular with wind turbines. As such, PPS 22 sets out guidelines for acceptable noise levels for wind turbine developments. Members will note that the implications of the turbine on nearby noise sensitive residential properties is discussed in paragraphs (19) to (21) above in accordance with ETSU guidance (as defined in paragraph (9) above). Therefore, in light of the findings of the noise assessment and in

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accordance with both the relevant Development Plan Policies and PPS22, in my opinion an objection on noise grounds cannot be sustained.

Visual impact

24. Members will note that both residential objections and a District Council objection have been lodged with regard to the landscape and visual impacts of the wind turbine with regard to its chosen location. I would draw Members' attention to the advice given by the landscape specialist on the matter, where it is stated in paragraph (11) above that any *'adverse visual impacts from housing along Dover Road would be very slight as only the top of the turbine would be visible from upper storey windows, above a developed setting'* and that the *"impacts are negligible due to the built up character of the area"*. I would concur with this view and I would not raise any objections to the proposed siting of the turbine at the Technology School.
25. In relation to the proposed wind turbine's chosen colour, the applicants have indicated that the entire turbine would be finished in grey (Dark Squirrel Grey, RAL 7000). The applicants suggest that grey is proven to blend in better than other colours such as dark green, brown and black against rural backgrounds and also against the skyline. I would agree with the applicant and therefore would not raise any objection to the proposed colour of the turbine within its local context.
26. Planning Policy Statement 22 recognises that *"out of all renewable energy technologies, wind turbines are likely to have the greatest landscape effects, however Planning Authorities should recognise that these impacts will vary according to the size and number of turbines and the type of landscape involved..."* In my opinion, given the size of the turbine at its tallest point would be 17.7 metres, and the fact that the site is relatively well screened from mature tree and vegetation planting as well as the existing built environment at the site, I do not raise any objection to the proposed development on visual impacts.

Geological impact

27. Members will note from the residential objections as outlined in paragraph (14) above, and discussions held at the Site Meeting (see Appendix 1) that there have been concerns raised with regard to the geological impact of the proposed turbine on the local ground structure. It has been alleged that there have been recent cases of subsidence, and subsequent correctional underpinning in the area, and concerns have arisen with the constant vibrations caused by such a mechanical structure. In response to these concerns the applicant has stated that no geological impact would occur as the turbine and all forces, vibrations and loads have been independently calculated around the structure and the base. As such the proposed turbine would be fixed to a concrete foundations base (measuring 2800 length x 2800 width x 1500 depth) that is specifically designed to accept the turbine with any adverse loading.

Proposed location

28. The applicants have carefully considered both the current location of the wind turbine as well as any other alternative sites within the Technology School grounds. This has been a process of selection to ensure that the impact of the turbine is kept as minimal as possible in terms of the functioning of the school site, the impact on nearby residential properties and the functionality and performance of the proposed turbine in relation to the prevailing wind direction. In addition to the above, the applicants have also considered the potential impacts of "shadow flicker" on nearby buildings ("shadow flicker" is defined in Planning Policy Statement 22 as being caused when certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties and when the blades rotate, the shadow flicks on and off). With this in mind, the applicants have

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ensured that there are no nearby buildings to the East or West of the turbine at dusk and dawn, and as such no nearby buildings are likely to be affected by shadow flicker.

29. Given that the site lies within an Open Space designation, Policy OS1 of the Adopted Local Plan must be considered. This Policy states that *“proposals for development which would result in the loss of open space will not be permitted unless the development is for educational purposes [...]”*. In my opinion, given the small footprint of the turbine proposed, I do not consider the siting of the proposed wind turbine to have any detrimental impact on the Open Space designation as set out in the Local Plan.

30. Accordingly, I would not raise any objection to the chosen location of the wind turbine within the school site and within an Open Space designation, as shown in photographs (1) and (2) on page (13), and consider that the chosen location is the most suitable for the proposed development.

Conclusion

31. Notwithstanding the residential objections as set out in paragraph (14) and the Local Planning Authority objections as set out in paragraph (11) above, I consider the chosen location for the siting of a 5 kW wind turbine at Sandwich Technology School to be acceptable in terms of its impact on local amenity as well as its accordance with both Development Plan Policies and national planning guidelines as set out in Planning Policy Statement 22. I note the concerns raised by local residents relating to potential noise disturbance and an adverse visual impact, but have concluded that objections on these grounds cannot be sustained as stated in paragraphs (23) and (26) above. I consider the wind turbine proposed to be of an acceptable scale and nature and sited in an appropriate location within the Technology School grounds.

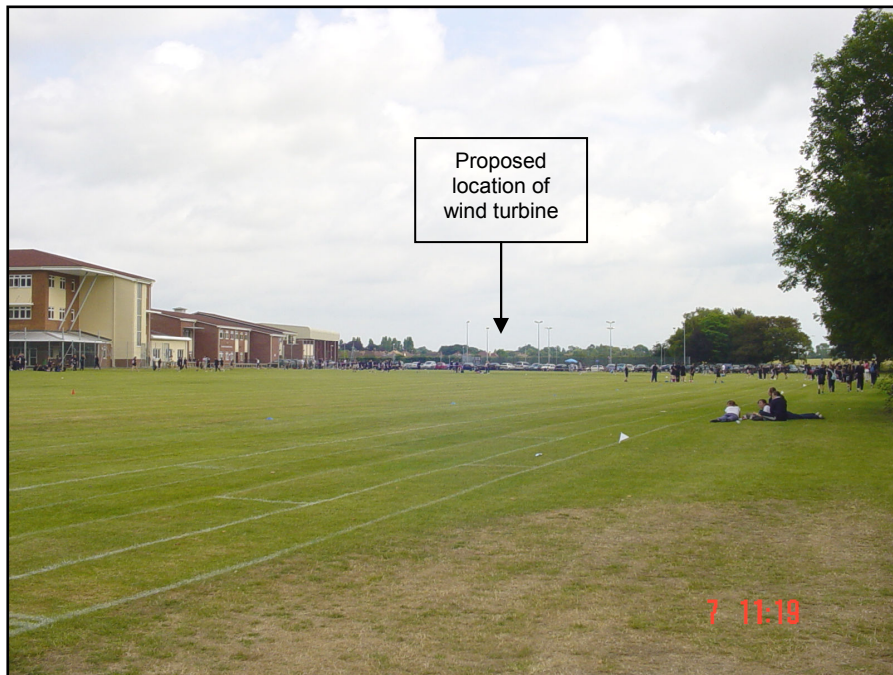
Accordingly, I recommend that planning permission be granted subject to the conditions as set out in paragraph (32) below.

Recommendation

32. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard time limit;
- the development to be carried out in accordance with the approved details;
- the turbine be completely finished in Dark Squirrel Grey, RAL 7000;

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Photograph 1: Location of proposed 5 kW wind turbine shown from school playing field looking north-eastwards towards the turbine site.

Photograph 2: Location of proposed 5 kW wind turbine shown from main vehicular entrance to the School from Deal Road.



Case officer – Julian Moat 01622 696978

Background documents - See section heading

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Item D3**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

A report by Acting Head of Planning Applications Group to Planning Applications Committee on 20 March 2007.

Application by The Governors of Chaucer Technology and Barton Court Grammar Schools and Kent County Council Children Families and Education for the retrospective permission for the replacement of weldmesh fencing with metal palisade and railing fencing at the shared school playing field off Spring Lane, Canterbury – CA/06/1187

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr. M. Northey

Classification: Unrestricted

Background

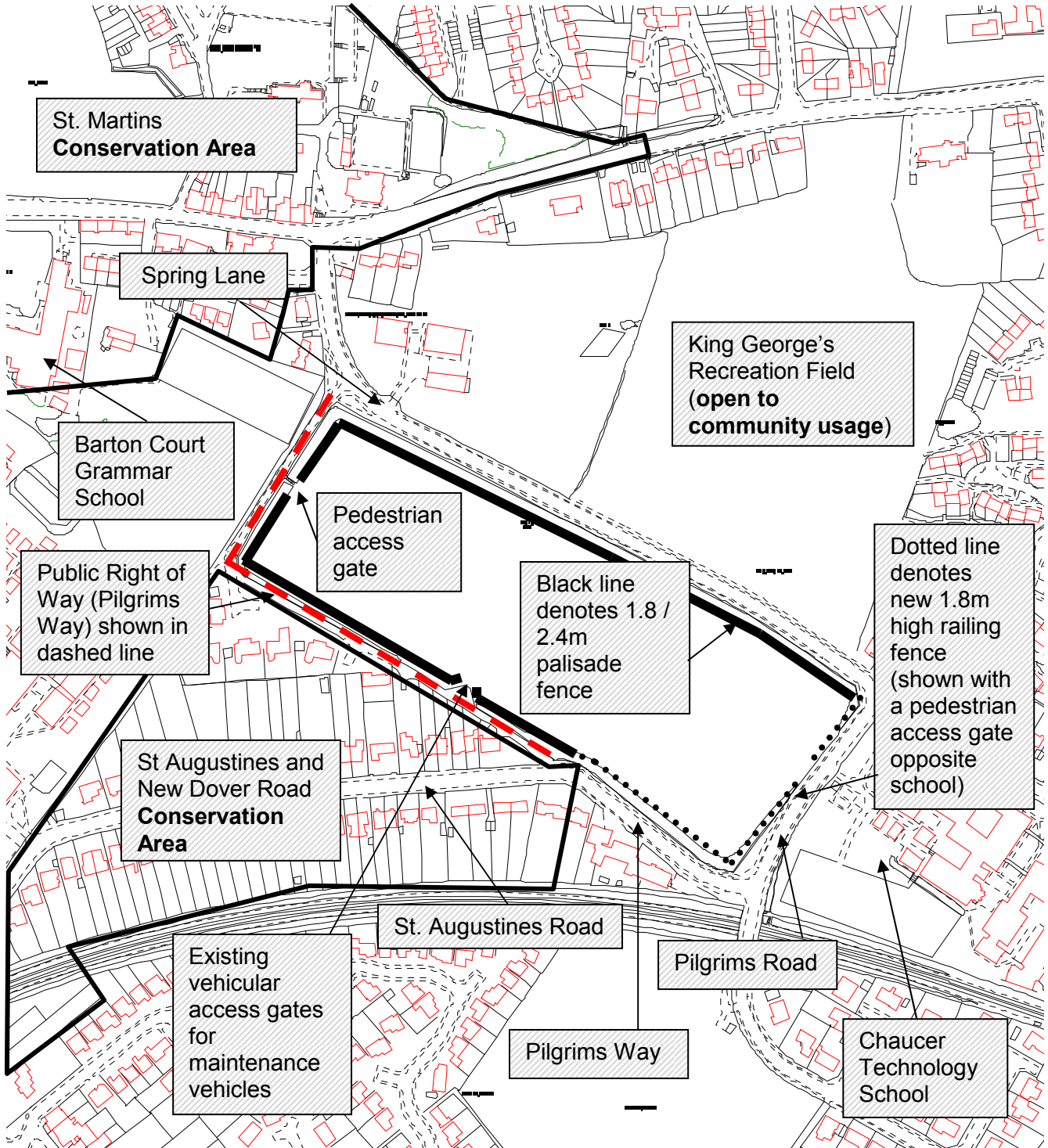
1. This application was first reported to the 7 November 2006 Meeting of the Planning Applications Committee, but was deferred pending a Members' Site Visit. At the Planning Applications Committee meeting on the 12 December 2006 Members deferred consideration of this application to enable further discussions involving the applicants, local residents, Planning Officers and the Council's Conservation Architect. That report is attached as **Appendix 1** together with the Committee Secretary's Notes from the Site Meeting held on the 1 December 2006 as **Appendix 2**, both for Members' consideration in determining this application. This report updates the position of the application since then and includes responses to the further consultation on the amended documentation received following discussions between Planning Officers, the Conservation Architect and the two Schools.

Amended proposal

2. The details and background of the previously proposed development are outlined in paragraph nos. (3) to (7) in Appendix 1. However, following the deferral at the December Committee Meeting, pending further discussions between Planning Officers, the applicants, local residents, Conservation Architect and landscape specialist, an amendment to the application has been formally submitted to the County Planning Authority by the two Schools as joint applicants.
3. The amendment to the proposal has been a direct result of the advice sought from the County Council's Conservation Architect and Officers on the best ways of reducing the proposed fence's utilitarian appearance. It is now proposed that a new slender railing fence be installed for a length of 250m to the south-east corner of the playing field, adjacent to Chaucer Technology School along Pilgrims Road and Pilgrims Way prior to the turn into St. Augustine's Road. The new railing fence is proposed to be of the same height as the half-erected palisade fence (1.8m high) and would have either a black or dark green powder coated finish. The remainder of the fence, which Members will note from the Site Meeting as being half-erected, is proposed to remain in its present form as palisade fence. However, Members should note that the applicant's are proposing to remove the palings to allow them to be powder coated either black or dark green, as well as painting the existing posts the same colour with an appropriate primer / paint finish.
A site location plan is attached and shows the shared school playing field with the proposed palisade / metal railing fence. An elevation of a typical railing fence panel has been included to show the proposed new fence.

Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

Amended Site Location Plan



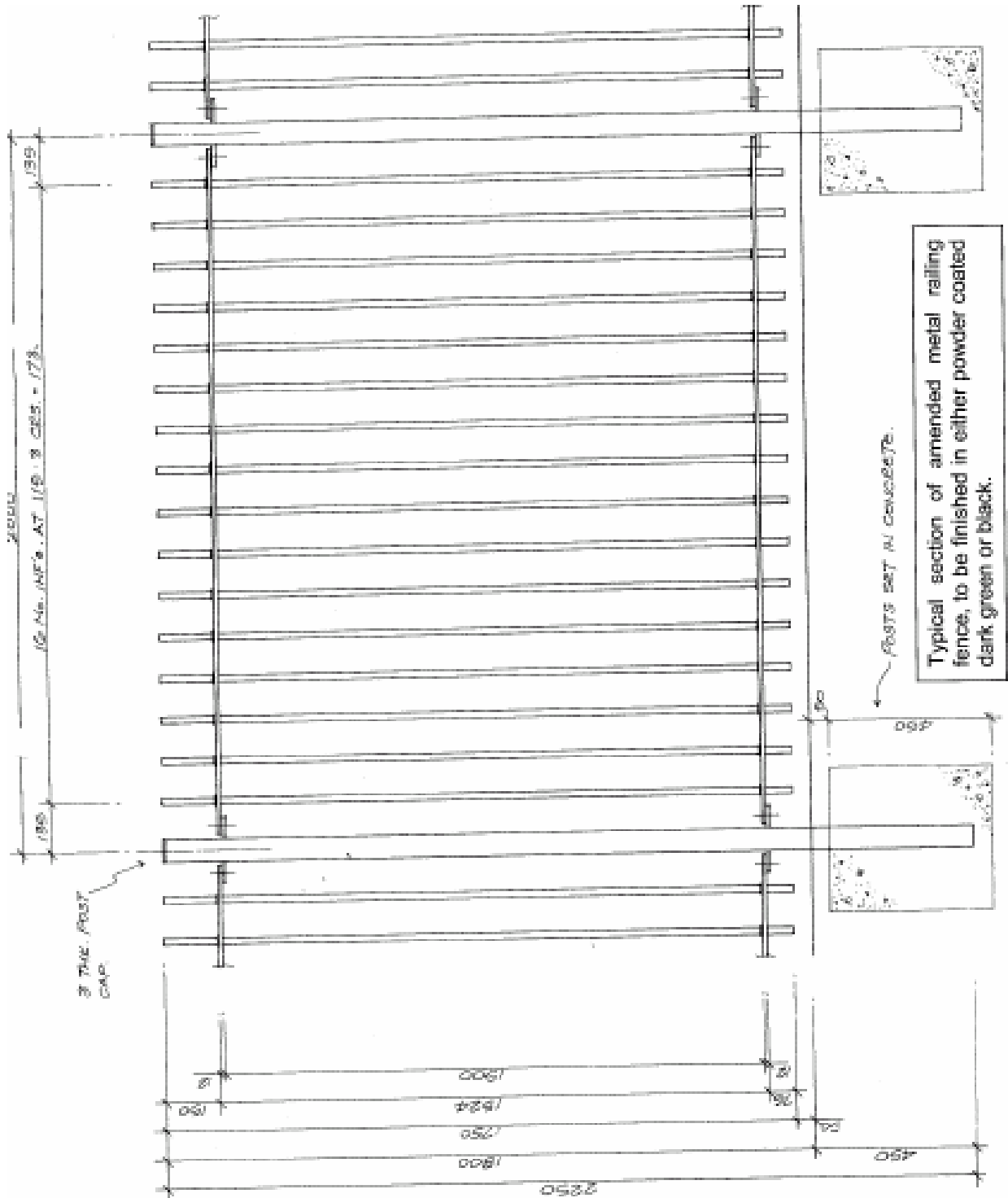
This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Scale 1:3500

Item D3

Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

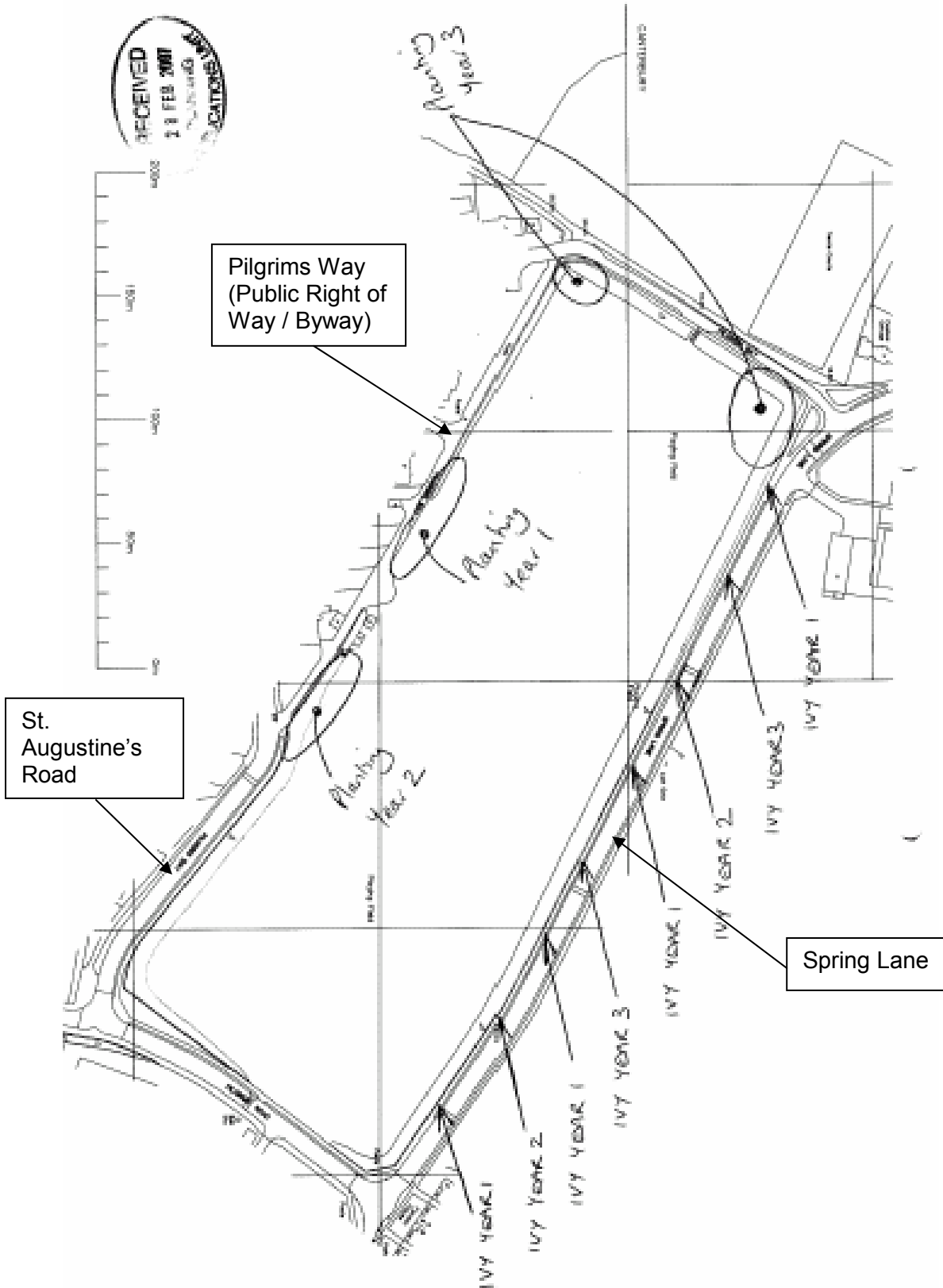
Typical elevation showing a section of the proposed railing fence



Not to scale

Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

Proposed landscaping scheme



Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

4. In addition to the amended fence type for a 250m stretched of the south-east corner of the field, the applicants have submitted a landscaping scheme to be considered in relation to this proposal as a result of consultation between the applicants, Planning Officers and the landscape specialist. Members should note that the landscaping scheme proposed would be a phased scheme, over a three year period, given the scale and cost implications of the project, and comprises the following species which have been recommended by the landscape specialist:

Planting Year 1 – Pilgrims Way – *fagus sylvatica* (common beech) planting
Spring Lane – *Hedra helix* (Ivy) planting

Planting Year 2 – Pilgrims Way - *fagus sylvatica* (common beech) planting
Spring Lane – *Hedra helix* (Ivy) planting

Planting Year 3 – Pilgrims Way – Mixed species planting comprised of: -
Crataegus mongyna (hawthorn)
Acer campestre (field maple)
Corylus avellana (hazel)
Prunum spinosa (blackthorn)
Spring Lane - *Hedra helix* (Ivy) planting

Please note that planting years 1, 2 & 3 relate to the proposed landscape planting scheme shown on page (4).

5. Members will also note that there has been considerable disquiet raised from the local community with regard to community access of the shared school playing field. In relation to that, I have received confirmation from Barton Court Grammar School that they will ensure that there is a formal lettings procedure available for local community groups who may wish to hire out both indoor and outdoor facilities within the school grounds, including the shared school playing field off Spring Lane. It should be noted that any application to hire out the field should be made to the Site Manager at Barton Court Grammar School to discuss this matter further.

Late views/representations to the proposal as originally submitted

6. A number of views were received following the December Committee Meeting and prior to the amendment to the scheme.

Local Residents

I have received 4 further letters of representation from local residents and their views are set out as follows:

- Barton Court has the poorest outdoor facilities of any school in the area and has no ability to sequester adjoining vacant land being sited in the centre of Canterbury. It must be granted the right to use its own property and land for the exclusive use of its students to attain quality physical as well as academic education and skills;
- Students are currently put at risk each time they play sport on the field from dog excrement, risk of cuts from broken glass and infection from discarded needles. It is an outrage that such planning permission should be required for the Schools to seek to prevent trespass by erecting a fence;
- The lack of a fence could leave pupils tempted to depart school early without the knowledge or authorisation of either Schools or parents;

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- If the local residents want to use open ground, there is a large open area right next to the school field to which there is free access. Why do people expect to have access to ground that is not theirs?

Further Consultations

7. *Consultations have been carried out on the new documents with the appropriate consultees. Any views not received at the time of writing will be reported verbally if received by the Committee meeting.*
8. **Canterbury City Council:** further views are awaited.

KCC Conservation Architect: makes the following observation:

“Work has already started on the installation of a standard galvanised 1.8 / 2.4m high palisade fence. If completed in its current state the fence would detract from the area and the setting of the adjacent Conservation Area. Proposals to mitigate have been discussed at a site visit and it is now considered acceptable if the following provisions are implemented.

The installed palisade fence along Spring Lane and Pilgrims Way should be painted dark green. It should be supplemented with beech hedgerow to the section of fence adjacent to residential properties along Pilgrims Way. The section of palisade fencing along the remainder of Pilgrims Way and Spring Lane should be planted with climbing ivy to eventually cover the fencing.

The remaining fencing along Pilgrims Road and the remainder of Pilgrims Way that connects with St. Augustine’s Road will be carried out in vertical round bar railing sections as per the drawing submitted, and painted / powder coated dark green. This will be a more appropriate railing type adjacent to the residential dwellings in the section of Pilgrims Way that connects with St. Augustine’s Road and will avoid compounding the negative impact of the palisade fence that exists in Pilgrims Road on the site of the Chaucer Technology site.

Subject to the above provisions I raise no further objections”.

Jacobs (Landscaping): have made the following comments in relation to further consultation.

“I would suggest that the hedgerow species as set out below at double staggered rows at 30cm intervals should be used in areas that do not currently support vegetation.

- 25% *Crataegus monogyna* (hawthorn)
- 25% *Acer campestre* (field maple)
- 20% *Corylus avellana* (hazel)
- 15% *Cornus sanguinea* (dogwood)
- 15% *Prunus spinosa* (blackthorn)

Existing scrubby vegetation lessens the visual impact of the implemented fence and should therefore be retained where it is healthy. In more open areas, where space

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permits or existing scrub vegetation is of poor quality or density, the proposed native hedgerow species would be proposed to support existing mature trees.

Along Spring Lane, visual impacts caused by the fence are from the roadside. I suggest plating ivy (*Hedra helix*) at the base of the palisade fence on the side currently supporting vegetation. This would then grow up the fence, lessening the adverse visual impact and is suitable for shady locations. However, the fence would still appear visually obtrusive and we recommend painting the entire fence a dark colour to give it a more subtle appearance”.

Local Members

9. The local County Member, Mr M. Northey, was notified and sent copies of the new documents on the 21 February 2007 and 1 March 2007.

Representations

10. Third parties that made representations to the application as originally submitted have been notified and sent copies of the amendment to the current application, together with immediate neighbours that have not made any representations. The main points of the representations received to date are similar to those made by other residents as set out in paragraph (13) of Appendix 1. In brief, they cover the following:

- Amazed that the new fencing is to be powder-coated in either dark green or black: dark green would blend in with the trees and bushes surrounding the playing field, black would not;
- The amendment takes no account of the objections and concerns previously made as follows:
 - The scale, extent and type of the palisade fence proposed form most of the site remains quite unsuitable for a residential area;
 - The applicants are proposing a 2.4m high stretch of palisade fence alongside Spring Lane. This is highly visible and un-necessarily high compared to the rest of the site which only have 1.8m high fence;
 - Note the applicants are proposing a slightly less visually obtrusive fence for part of the site, but cannot see why that cannot be extended to the whole site, thus lessening the visual impact
- The Planning Committee last December requested that the Schools consult with residents through the offices of Councillor Northey. Despite numerous attempts on our part, the Schools have completely ignored us and submitted this amendment without any form of consultation;
- In terms of the proposal to paint the fence, we have had an expert opinion which says that painting the fence in situ will not provide a solid and permanent surface;
- Owing to the lack of consultation, the issue of access to the field is still unresolved;
- The applicants have not taken into account the alignment of the fence, which, if proceeds, will impact on the rear vehicular access to our property;
- We suggest that the issue of the cost of removal/re-alignment should not be a consideration in deciding this application;
- The issue of planting is still unresolved. With the fence line presently proposed, there is no prospect of any planting being done in front of the fence to ‘soften its effect’ which is one of the conditions recommended by the County’s Officers;

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- As a result of the on going intransigence of the Schools in this matter, further research has been carried out into the ownership of the field. It transpires that the field is not wholly owned by the two Schools. The title deeds show that there is a 'border' around the circumference of the field approximately 2-3 metres in depth, which was not transferred to the Schools by the Kent County Council when ownership of this field was vested in them;
- A fence should only be erected along Spring Lane, Pilgrims Road and Pilgrims Way to prevent balls going on busy roads; a fence is not necessary elsewhere;
- The proposed shorter stretch of fence does not even go the entire length of the Conservation Area. The two different heights of the fencing will make the site look messy;
- No consideration has been given to the fear of graffiti that palisade fencing allows to be daubed across its broad face;
- Consideration should be given the littering around the field site, given that palisade fence would allow for rubbish to accumulate in between the gaps in the vertical bars;
- The fencing of the ground is an absolute necessity, and is within the rights of the school to do so;
- Sports activities are an important part of any attempt to contain the obesity problems of young people and is an essential part of a properly-rounded education;
- I do believe that the council should support the school in its attempt to protect its sports fields and to allow the children attending the school to make proper use of the facility.

Discussion

11. The introduction to the discussion in my previous report is set out in paragraph (14), in Appendix 1, refers to the need for the proposal to have regard to the Development Plan Policies and sets out the main issues of particular relevance in this case as being the impact on residential and local amenity and the impact of the development on the two adjacent Conservation Areas and historic Public Right of Way.

Impact on adjacent Conservation Areas

12. As outlined in my previous report under paragraphs (15) to (21) the site sits between two Conservation Areas. These are the St. Martin's Conservation Area and New Dover Road and St. Augustine's Road Conservation Area, both of which can be seen on the site location plan on page (2). It is therefore, as also previously stated, under paragraphs (15) to (21) of Appendix 1, necessary to consider the impact of the development on the adjacent Conservation Areas.
13. Following this application being deferred at the December 2006 Planning Applications Committee Meeting, further negotiations relating to the design and appearance of the fence have taken place between Officers, the County Council's Conservation Architect and a landscape specialist. The main aim of these discussions was in an attempt to improve the fence's external appearance and impact on the surrounding amenity of the area, by way of a revised proposal and a formal landscaping scheme.
14. The applicants have since submitted an amendment to the proposal (as set out in paragraphs (3) and (4) above). This comprises a new 250-metre section of 1.8m high round-bar railing fence, a landscape planting scheme, and the colour treatment of the entire playing field fence.

Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

15. Members will note the comments received from the County's Conservation Architect in relation to the amended proposal as set out in paragraph (8) above. It should be noted that he considers that the fence, in its current galvanised state would *'detract from the area and the setting of the adjacent Conservation Area'*. However, he raises no objection to the amended proposal with a new 250m stretch of fence, subject to the entire fence being finished in dark green as well as additional landscaping planting to soften the fence's visual impact on the adjacent Conservation Areas.
16. Development Plan policies state that proposals within or adjacent to Conservation Areas should *'preserve or enhance their special character or appearance'* and *'development which would harm the character or appearance of a Conservation Area will not be permitted'* (Policy QL6 from the Adopted Kent and Medway Structure Plan 2006). Similarly, the Adopted Canterbury Local Plan states that, under Policy BE7 that, *'development within, affecting the setting, or views into and out of conservation areas, should preserve or enhance all features that contribute positively to the area's character or appearance'*.
17. Whilst I acknowledged the fact that the previous metal palisade fence did not reflect the special characteristics of both adjoining Conservation Areas, I consider that given approximately a quarter of the fence has been changed to a round-bar railing fence, this allows for wider views across the field towards Canterbury City Centre. Given that the fencing has been amended in the most open part of the site, currently where little vegetation exists, I feel that this area should be left as open as possible without any additional landscape planting. Whilst I recognise that the palisade fence has not been changed in its entirety, I consider that since most of the remainder of the boundary comprises relatively mature shrubs and trees, with the addition of more landscaping treatment and a colour finish, this development would not give rise to undue visual intrusion on the local environment.

Landscaping

18. Policy EN9 of the Adopted Structure Plan states that *'tree cover and the hedgerow network should be maintained. Additionally this should be enhanced where this would improve the landscape [...]*. Similarly, Policy NE5 of the Adopted Local Plan states that *'development should be designed to retain trees and hedgerows that make an important contribution to the amenity of the site and the surrounding area [...]*. Therefore, I am of the opinion that the implementation of additional landscape to replace any vegetation lost, and to strengthen the existing vegetation boundary, would help reduce the visual impact of the fence.
19. Members will note the consultee views sought from the landscape specialists, as detailed in paragraph (8) above, in which they consider that several areas of the site would benefit from strengthening existing boundary treatment through native hedgerow planting. In my opinion the amendment takes into account these suggestions and proposes a phased landscaping scheme over a three-year period to try and address the issue of softening the visual impact of the development in the local and wider landscape. Accordingly, I do not raise any objection to the landscaping scheme as proposed.

Colour treatment

20. With regard to the painting of the fence in an appropriate dark colour, Members will note the advice contained in paragraph (8) above in relation to painting the fence in an appropriate dark colour. Members will also note the views expressed by the City Council in paragraph (10) of my previous report in Appendix 1, whereby the Council raised no

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objections, subject to the fence being finished in an appropriate dark colour. In my opinion, I would propose that the fence be finished entirely in dark green in order to blend in as near as possible with existing trees and vegetation around the perimeter of the site.

21. Some concern has been raised over the ability to paint the posts of the fence in situ rather than have them removed and painted off site. I have taken advice on this matter from the fencing contractor and am led to believe that painting of the existing galvanised posts can be achieved in situ through the use of an acid primer followed by a specialist paint finish. I therefore raise no further objection to the entire duration of the perimeter fence being finished in dark green.

Access to and use of playing field

22. Members will note the disquiet relating to community use of the field, as set out in paragraph (10) above and paragraph (13) of my previous report as set out in Appendix 1. I would reiterate the fact that the alleged informal community use of the field referred to in objection letters is not a material consideration in the determination of this application. Given that the field is privately owned, jointly between Barton Court Grammar School and Chaucer Technology School, there is no right of public access onto the field without the prior permission of either, and/or both of the landowners. The applicants have stated that since the schools were built in the late 1960s, the field has been fenced and gated and has never been an authorised open space for access for the community. It has been the case that, over the years, the constant damage to the previous weldmesh fence has allowed unauthorised access onto the field through broken sections of fencing, although that in no way has legitimised its informal use by trespass.

23. However, it should be noted that I have recently received confirmation that formal bookings of the school facilities are available and should be directed to the School Manager of Barton Court Grammar School for further consideration. In addition to this, I would remind Members that community open recreation space currently exists on the other side of Spring Lane on King George's Field (see site location plan on page (2)), which whilst is less suited for formal sports use, is entirely suitable for informal recreation use, such as walking, dog exercising, kite flying, etc.

Residential and local amenity

24. As discussed in paragraphs (22-23) above, I am of the opinion that fencing the school playing field would not be detrimental to local residents, given that there is no public right of access to the field for community use. However, I do acknowledge the objections lodged regarding the design of the fencing chosen. Since the original proposal, the fence has been significantly amended which, in my opinion, makes it much more acceptable in terms of its visual appearance. I consider that through the control of the colour of the fence and the addition of native hedgerow and ivy planting, the fence would blend in relatively well with its surroundings and provide the security measures that the School are seeking to achieve.

Alignment of fence along Pilgrims Way

25. As previously discussed in paragraphs (26) and (27) of my previous report shown in Appendix 1, I acknowledge the claim by a local resident that the fence line has been moved outwards by approximately 0.5m and that this makes existing vehicular access along Pilgrims Way difficult. However, I note that maintenance vehicles are able to use this stretch of byway to gain access to the playing field and that the palisade fence which

Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

is currently installed runs along the perimeter of the site which is effectively the boundary of the field with the byway (i.e. area which is within the applicant's control). It should also be noted that the fence which is currently installed would be difficult to set back due to existing trees directly behind the inside line of the palisade fence.

Land Registry

26. Some concern has been raised relating to land ownership of the shared school playing field off Spring Lane. The concern has arisen due to differences between Land Registry Title Deeds for Barton Court Grammar School and Chaucer Technology School and the records held corporately by Kent County Council relating to the amount of playing field transferred to both Schools. I have appended the corporate record held by KCC to this report in **Appendix 3**.
27. It would appear from looking at Land Registry Title Deeds for the two Schools that there is a strip of land which would appear to be un-registered in between the land owned by the Governors of both schools. After seeking further advice on this matter, I understand that this is an inaccuracy with the plans held by the Land Registry following the 1995 transfer of playing fields from Kent County Council to the Governors of both Schools as part of the two Schools becoming Foundation Schools. In any case, the land seen in the Land Registry Title Deeds as being 'un-claimed' would have been under the ownership of Kent County Council prior to the 1995 transfer. Therefore, it would appear to be a technicality with Land Registry, which in any case would be either land owned by the Governors of the two schools or Kent County Council. As such, I see no reason why this would present any problems for determining this planning application.

Conclusion

28. This proposal has given rise to a variety of issues including the impact of the proposed development on the adjacent Conservation Areas as well as the impact on residential and local amenity as discussed above. I recognise that it is unfortunate that the application which is to be determined is retrospective and was partly erected before the applicants realised the need to seek planning consent. However, I consider that the development as amended to include a new section of railing fence, additional landscape and hedgerow strengthening, and the entire perimeter fencing being colour treated in dark green, has demonstrated that the impact on the adjacent Conservation Areas and residential and local amenity would be significantly reduced. Therefore, I am satisfied that the development would not give rise to any material harm and is in accordance with the relevant Development Plan Policies.
29. I consider that the fence should be finished in a dark green colour in its entirety along with the implementation and future maintenance of the landscaping scheme as proposed in order to soften the development into the wider environment. Whilst I acknowledge the widespread concern from the local community relating to the field being fenced off by the applicants, the cessation of unauthorised access to the field is a site management issue rather than an planning issue, and is therefore not material to the determination of this application. Accordingly, I recommend that planning permission be granted, subject to the conditions outlined in paragraph (30) below.

Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

Recommendation

30.1 RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:

- the fence be finished in dark green in its entirety, including all posts and fencing components;
- the implementation and future maintenance of the landscaping scheme as proposed over a three year period;
- the rest of the development being carried out in accordance with the approved plans.

I FURTHER RECOMMEND that the applicants be advised by informative that:

- both Schools are requested to adopt formal letting procedures which allow for formal community use of the application site; and
- both Schools ensure that the fence alignment along Pilgrims Way does not encroach beyond its previous alignment.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

A report by Head of Planning Applications Group to Planning Applications Committee on 12 December 2006.

Application by The Governors of Chaucer Technology and Barton Court Grammar Schools and Kent County Council Children Families and Education for the retrospective permission for the replacement of weldmesh fencing with metal palisade fencing at the shared school playing field off Spring Lane, Canterbury – CA/06/1187

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr. M. Northey

Classification: Unrestricted

Members' Site Meeting

1. The Planning Applications Committee considered this application at its meeting on 7th November, at which the application was deferred pending a Members' site meeting. A group of Planning Applications Committee Members visited the application site on the 1 December 2006 to acquaint themselves with the proposals for the retrospective fencing surrounding the shared ownership school playing field. The Committee Secretary's notes of the site meeting will be circulated at the Committee Meeting on 12 December.

Site

2. Chaucer Technology School is located off Spring Lane, Canterbury and Barton Court Grammar School is located at Longport, opposite Canterbury Prison and Canterbury Christ Church University. The two Schools have their own independent playing fields attached to their sites. The field between both Schools is under shared ownership between both Governing bodies of the two Schools. It is this field which is the subject of the retrospective planning permission, which relates to the replacement of the previous weldmesh fencing with the newly installed metal palisade fencing. *A site location plan is attached and shows both Schools and the playing field off Spring Lane.*

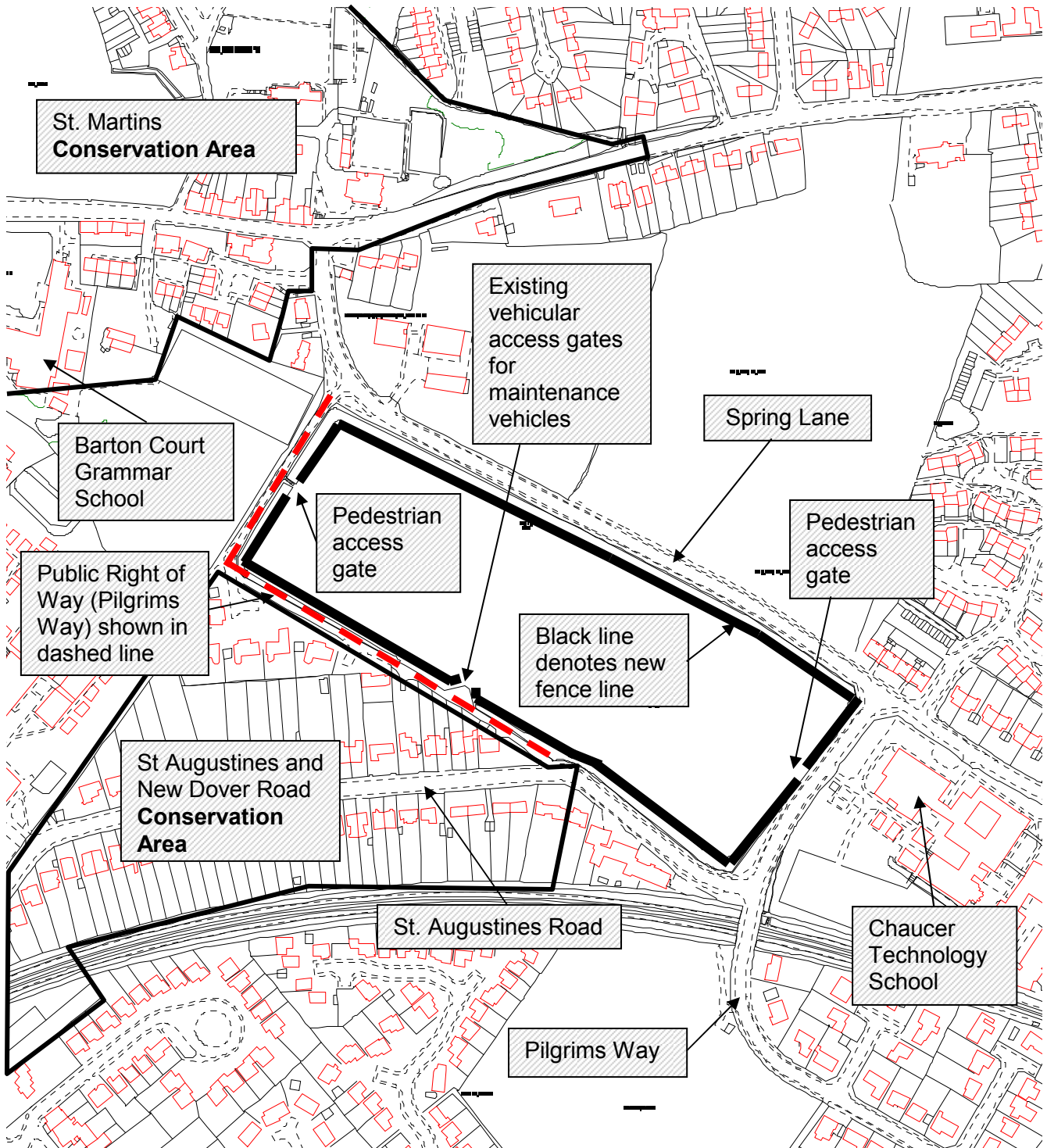
Background and Proposal

3. During the school summer holiday, both Schools engaged on a joint venture to replace the boundary fencing of the playing field off Spring Lane from the previous weldmesh fencing to new metal palisade fencing. Prior to the commencement of these works, Chaucer Technology School has been undergoing a 5-year repair and maintenance programme to their entire site fencing around their current premises. At the time of commencing these works, the School claim that a courtesy call was made to the City Council asking if planning permission was required, and claim that at the time the City Council gave them the go ahead, provided no change of height was being considered. Over the last 5 years, all the fencing around Chaucer Technology School has been replaced with metal palisade fencing without the grant of any planning permission from the County Planning Authority.
4. During the 2006 School summer holiday, the County Planning Authority received complaints from surrounding residents that the existing fencing around the shared school playing field was being removed and replaced with metal palisade fencing.

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Site Location Plan



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Scale 1:3500

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Following these complaints, I advised the schools that the fence would require the benefit of planning consent. Although the applicants claim that there is no change in the height from the previous fence to the new one, the change from a visual point of view and the fact that the fence exceeds one metre in height next to a highway, triggers the need for planning consent in this particular case.

5. Both Schools were notified of the requirement for planning consent and were advised to stop works until the outcome of an application had been decided. It was advised that should the works continue, this would be entirely at the Schools' own risk as the outcome of any planning application could not be guaranteed. After discussions with Chaucer Technology School, it was agreed that the fencing works would be discontinued and a full application would be submitted for determination by the County Planning Authority. However, given the time between receiving the complaints and getting the work to stop, the previous weldmesh fence was entirely removed and the posts and rails of the metal palisade fencing have been installed. To date, the posts and rails remain in situ and the field remains open, as the majority of the vertical metal palings have not been installed.
6. The applicants have stated that the need for the replacement fence has come about due to an inadequacy in the previous weldmesh fence in preventing trespassers entering the field. The applicants claim that this poses health and safety issues for both Schools. In the past, attempts have been made to repair sections of the weldmesh fence which had been broken into, but this proved to be unsuccessful in preventing unauthorised access to the field.
7. The applicants have also stated that the field is virtually useless to them in its current open form. Staff and students are more than wary about using it even during the school day. As a result of this, Barton Court Grammar School claim that all their football match fixtures have had to be organised as away games for this term as they cannot guarantee the safety of their students and staff as well as any visiting teams.

Planning History

8. There is no known planning history for the application site.

Planning Policy

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

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

Policy SP1 – The primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

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Policy QL1 – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

Policy QL6 - The primary planning policy towards conservation areas is to 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 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. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

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 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 CA1 - At Canterbury the location of new development will be governed by the need to conserve the built environment and setting of the historic city.

(ii) **The Adopted Canterbury City Council Local Plan 2006**

Policy BE1 – The City Council will expect proposals of high quality design which respond to the objectives of sustainable development. When considering any application for development the Council will have regard to the following consideration:

- The need for the development;
- The landscape character of the locality and the way the development is integrated into the landscape;
- The conservation and integration of natural features including trees and hedgerows to strengthen local distinctiveness, character and biodiversity;
- The visual impact and impact on local townscape character;
- The form of the development: the efficient use of land, layout, landscape, density and mix, scale, massing, materials, finish and architectural details;

Policy BE7 - Development within, affecting the setting, or views into and out of conservation areas, should preserve or enhance all features that contribute positively to the area’s character or appearance. Particular consideration will be given to the following:

- The impact of the proposal on the townscape, roofscape, skyline and the relative scale and importance of buildings in the area;
- The need to protect trees and landscape;

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- The removal of unsightly and negative features; and
- The need for the development.

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.

Policy C24 – Proposals which would result in the loss of protected existing open space as shown 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.

Policy NE5 – Development should be designed to retain trees and hedgerows that make an important contribution to the amenity of the site and the surrounding area and which are important to wild flora and fauna. The City Council will refuse planning permission for proposals that would threaten the future retention of trees and hedgerows or other landscape features of importance to the site's character, an area's amenity or the movement of wildlife.

Consultations

10. **Canterbury City Council** – raises no objections in principle, subject to the new fence being painted an appropriate dark colour.

Divisional Transport Manager: has raised no objections, given that the height of the fencing has not been increased, and as such any visibility splays on the perimeter of the site will not have been further impeded.

Public Rights of Way Officer: raise no objections

Jacobs (Landscaping): have made the following comments in favour of hedgerow planting around the field.

“The fencing around the playing field would benefit from an adjacent native hedgerow, planted within the Chaucer Technology School land alongside the fence. The hedgerow would provide additional security benefits as well as visually screening the site. Native species would support existing local planting surrounding the site”.

Local Members

11. The local County Member, Mr M. Northey, was notified of the application on the 31 August 2006.

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Publicity

12. The application was publicised by the posting of four site notices around the perimeter of the playing field, an advertisement in the Kent Messenger and the individual notification of 73 neighbouring residential properties. The site notice and advertisement indicate that the application is adjacent to both St. Martin's and New Dover Road & St. Augustine's Road Conservation Areas and is likely to affect their character and/or appearance. It is also indicated that the proposed development may affect the setting of an existing Public Right of Way.

Representations

13. To date, 24 letters of objection have been received along with 1 letter of support in relation to the retrospective fencing. The main points of the letters are summarised below:

Objections

- The design of the fence impacts upon the character of the Conservation Area and more appropriate materials, an alternative design of fence and additional colour treatment should be used;
- The fencing will prevent public use of the playing field, resulting in no alternative similar facility in the area;
- The enclosure of the playing field impacts upon the historic character of the area for walkers using the historic Pilgrims Way;
- Impact on the visual amenity of residents in the surrounding area (namely St. Augustines Road and Spring Lane);
- The erection of the fence has resulted in the loss of several mature trees;
- The fence line along Pilgrims Way has been altered by approximately 0.5m, resulting in restricted access over an existing byway;
- Object to the creation of a new vehicular access to the field off Pilgrims Way.

Support

- 1 letter of support states – "I hope this will stop the weldmesh fence being cut and wire sticking out to cut clothes or poke eyes out. Maybe this will help to bring it back to the pleasant area it once was".

Discussion

14. In considering this proposal, regard must be had to the Development Plan policies outlined in paragraph (9) 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 in this case include the impact upon residential and local amenity and the impact of the development of the two adjacent Conservation Areas and historic Public Right of Way.

Impact on adjacent Conservation Areas

15. As outlined above, the playing field sits between two Conservation Areas. These are the St. Martin's Conservation Area and New Dover Road and St. Augustine's Road Conservation Area, both of which can be seen on the site location plan on page (2).

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16. Development Plan policies state that proposals within or adjacent to Conservation Areas should *'preserve or enhance their special character or appearance'* and *'development which would harm the character or appearance of a Conservation Area will not be permitted'* [Policy QL6 from the Adopted Kent and Medway Structure Plan 2006]. Similarly, the Adopted Canterbury City Council Local Plan states that, under Policy BE7 that, *'development within, affecting the setting, or views into and out of conservation areas, should preserve or enhance all features that contribute positively to the area's character or appearance'*.
17. In my opinion, the design of the fencing currently partially erected does not reflect the special characteristics of both adjoining Conservation Areas. Whilst I acknowledge the need for the fence, I consider that more consideration should be given to the aesthetic appearance of the fence in order to mitigate its visual impact upon the local landscape. It is my opinion that, in order to soften the visual impact of the retrospective development, it should be finished in either black or dark green and softened through the planting of a substantial landscaping scheme in areas where the fence is particularly prominent (see figures 2 & 3 attached)
18. With regard to the painting of the fence in an appropriate dark colour, the applicants have asked that they be allowed to paint only the metal palings of the palisade fencing, given that the posts and rails are already in situ. Whilst I sympathise with the current situation, I do not believe that this would be appropriate as it would result in a mis-match of colours of the fencing, with galvanised posts and green or black palings.
19. It has been highlighted by local residents that there has been some tree / shrub removal undertaken during the clearance works for the new fence. I am of the opinion therefore that in order to mitigate the loss of existing vegetation, and to soften the visual impact of the development, a landscaping scheme should be approved and implemented where the existing boundary treatment to the field is particularly weak. The areas which I have identified that could be strengthened are the end of St. Augustines Road, along the boundary of the field with the existing public right of way (Pilgrims Way) and opposite the Chaucer Technology School buildings on Spring Lane.
20. Policy EN9 of the Adopted Structure Plan states that *'tree cover and the hedgerow network should be maintained. Additionally this should be enhanced where this would improve the landscape [...]*. Similarly, Policy NE5 of the Adopted Local Plan states that *'development should be designed to retain trees and hedgerows that make an important contribution to the amenity of the site and the surrounding area [...]*. Therefore, I am of the opinion that the implementation of additional landscape to replace any vegetation lost, and to strengthen the existing vegetation boundary, would help reduce the visual impact of the fence.
21. Similarly, the advice given by Jacobs (landscaping), (paragraph 10 above) suggests that the fence would benefit from landscaping planting, in particular native hedgerow planting along the boundary of the fence. It is suggested that this would not only have a visual benefit in screening the site, but would also provide additional security to the applicants as well. With the suggested additional planting and an appropriate choice of colour treatment for the fence, I believe the proposal will not have an unacceptable impact upon the adjoining Conservation Areas

Access to and use of playing field

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22. The alleged informal community use of the field referred to in objection letters is not a material consideration in the determination of this application. Given that the field is privately owned, jointly between Barton Court Grammar School and Chaucer Technology School, there is no right of public access onto the field without the prior permission of either, and/or both of the landowners. The applicants have stated that since the schools were built in the late 1960s the field has been fenced and gated and has never been an open space for access for the community. It has been the case that, over the years, the constant damage to the previous weldmesh fence has allowed unauthorised access onto the field through broken sections of fencing.
23. Under the circumstances, Chaucer Technology School has, for the last 5 years, been embarking on a repair and maintenance program to all of their fencing, culminating in this joint venture to maintain the fencing on the shared school playing field. At the time of the commencement of the works, Chaucer Technology School were not aware of the need for planning consent to install new fencing around the shared playing field.
24. Many concerns have been raised about the erection of this fence preventing public access onto the school field due to the loss of a much needed and extremely valuable recreational space. In my opinion however, this is not a material consideration to the determination of this application, given that the field is privately owned and there is no rights of access onto or over the land.

Residential and local amenity

25. As discussed in paragraphs (22-24) above, I am of the opinion that the fencing off the school playing field would not be detrimental to local residents, given that there is no public right of access to the field for community usage. However, I do acknowledge the objections lodged regarding the design of the fencing chosen. I consider that the installation of the metal palisade fence, as it currently stands, is unsightly in an attractive residential area with views stretching from St. Augustines Road to the Cathedral. In my opinion, the addition of such a utilitarian fence gives rise to a detrimental impact on the St. Augustine's / New Dover Road Conservation Area. In order to make the fence acceptable in visual terms, I would recommend that, should Members be minded to grant planning permission, a condition should be attached which requires the applicant to paint the fence in an appropriate dark colour, as well as the implementation and future maintenance of a substantial landscaping scheme.

Fence line along Pilgrims Way

26. It has been alleged by a local resident that the new palisade fence has not, as claimed by the applicants, been installed on the previous fence line. The resident claims that the fence has moved outwards by approximately 0.5m which has resulted in the existing vehicular access along the existing byway (Pilgrims Way) becoming difficult. The resident has claimed that the rear access to their property is difficult at present in the fence's un-finished state, and that once the fence is fully erected the vehicular access to the rear of their property would be unachievable. The resident has therefore suggested that the fence line be "re-aligned to create a 1.5 – 2m (minimum) 'strip' between the fence line and adjoining footpath and roadway".
27. However, the applicants claim that the fencing contractor has erected the parts of the fence which are in situ today, on the same line as the previous weldmesh fence. I have no reason to question this and note that the fence which has been erected is on the boundary of the land owned jointly by both schools. It should also be noted that the

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fence alignment along Pilgrims Way would be difficult to set back due to existing trees directly behind the inside line of the palisade fence.

Vehicular access to the field via Pilgrims Way

28. Some concern has been raised that the applicant is creating a new vehicular access way onto the field from an existing byway, the Pilgrims Way. It has been stated that the creation of this new access way is to the detriment of the conservation areas and causes noise and other nuisance problems for the occupants of the adjacent properties. It has also been alleged that in carrying out the creation of this new vehicular access way that this has facilitated the removal of several mature trees.
29. In response to the above point, the applicant has stated that there has been no new vehicular access way created into the shared school playing field. It is stated that it has always been the case that the vehicular entrance-way has been used for the access of the field by maintenance vehicles such as gang mowers to cut the grass. It is therefore my opinion that given that no new access way is actually being created this issue should bear no weighting on the determination of this application.

Conclusion

30. In conclusion, it is unfortunate that the application which is to be determined is retrospective and was largely erected before the applicants realised the need to seek planning approval. I understand the urgent need for both Schools to secure their private property in order to bring the field back into use as a sports facility for both schools. However, in balancing up the fact that this application is retrospective and the urgency of the Schools to erect their fence, I have to consider its visual impact on the wider environment. I consider that the fence should be finished in an appropriate dark colour with the planting and future maintenance of a substantial landscaping scheme in order to soften the development into the wider environment. Whilst I acknowledge the widespread concern from the local community relating to the field being fenced off by the applicants, this is out of the control of the Planning Authority, and in this case is not material to the determination of this application. Accordingly, I recommend that planning permission be granted, subject to the conditions outlined in paragraph (31) below.

Recommendation

31. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:
- details of the colour treatment for the entire fence be submitted to and approved by the County Planning Authority prior to the recommencement of erection of the remainder of the fence, and thereafter implemented as approved within four months of the date of any permission;
 - a detailed landscaping scheme to include tree, shrub and vegetation planting to be submitted to and approved by the County Planning Authority, and thereafter implemented as approved within the next available planting season; and
 - the rest of the development being carried out in accordance with the approved plans.
- I FURTHER RECOMMEND that the applicants be advised by informative that:
- both schools are requested to enter into discussions with the local community to ensure that formalised community use of the application site can be provided; and

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Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187

- both schools ensure that the fence alignment along Pilgrims Way does not encroach beyond its previous alignment.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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Appendix 2 to Item D3

APPLICATION CA/06/1187 – RETROSPECTIVE APPLICATION FOR REPLACEMENT FENCING AT SPRING LANE, CANTERBURY

NOTES of a Planning Applications Committee Members' site visit to Spring Lane, Canterbury on Friday, 1 December 2006.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J A Davies, Mrs S V Hohler, Mr J F London, Mr T A Maddison, Mr W V Newman and Mr A R Poole. Mr M J Northey was present as the Local Member.

OFFICERS: Mr J Crossley and Mr J Moat (Planning) and Mr A Tait (Democratic Services).

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APPLICATION CA/06/1187 – RETROSPECTIVE APPLICATION FOR REPLACEMENT FENCING AT SPRING LANE, CANTERBURY

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Item D4**10 bay performing art and drama mobile classroom at The Bradbourne School, Sevenoaks - SE/06/2478**

A report by the Acting Head of Planning Applications Group to Planning Applications Committee on 20 March 2007.

Application by The Governors of The Bradbourne School and KCC Children, Families and Education for a 10 bay performing art and drama mobile classroom at The Bradbourne School, Bradbourne Vale Road, Sevenoaks, SE/06/2478.

Recommendation: Planning permission be refused.

Local Member(s): Mr N. Chard

Classification: Unrestricted

Members' Site Visit

1. This application was reported to the Planning Applications Committee on 13 February 2007 and, as a result of the discussion and issues raised, the application was deferred pending a Committee Members' site meeting. The site meeting is to be held on 13 March 2007. The Committee Secretary's Notes of the site meeting will be circulated at the Planning Applications Committee Meeting on 20 March 2007.

Site

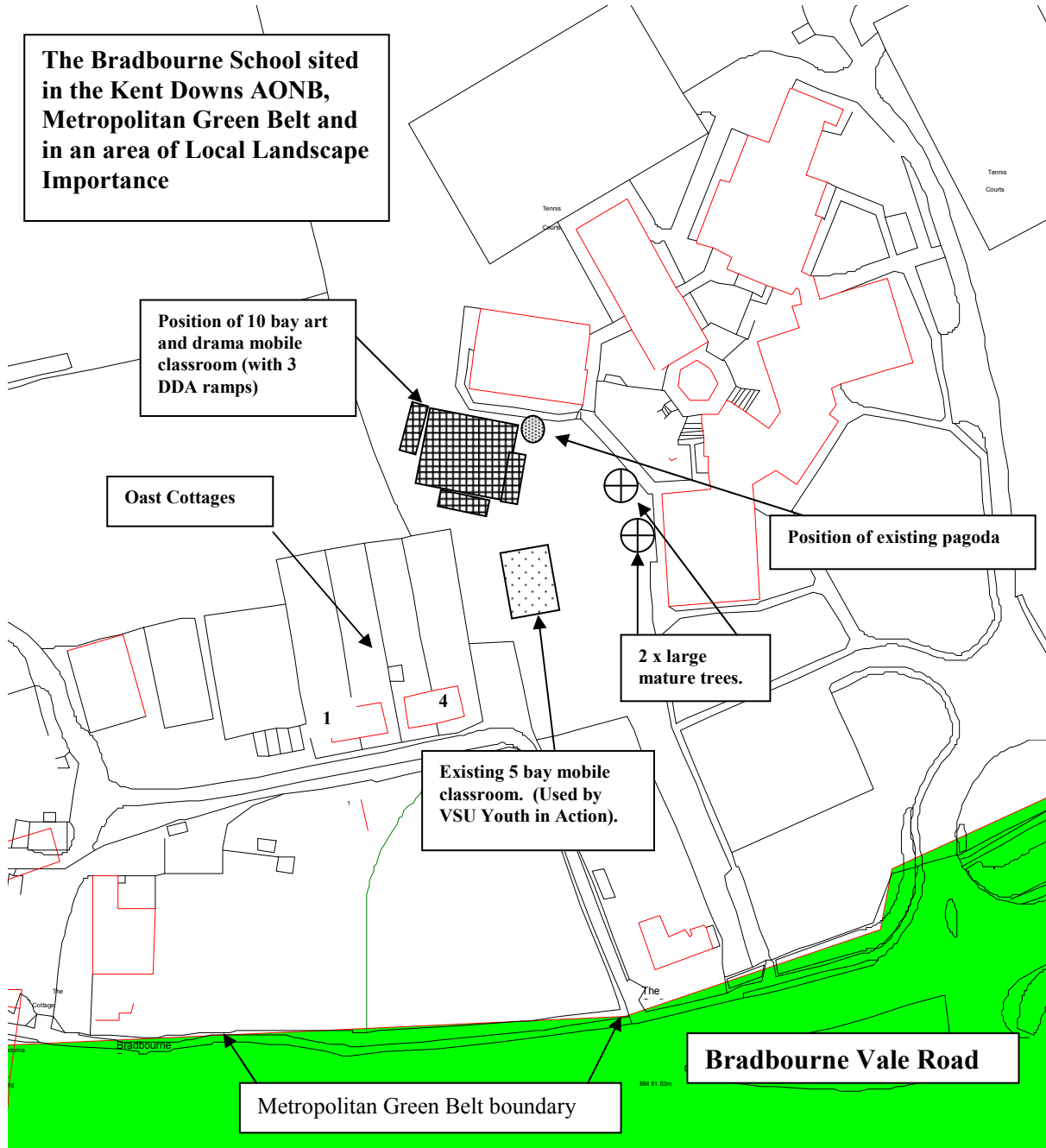
2. The Bradbourne School is located on the northern side of Bradbourne Vale Road, which acts as the boundary between the Sevenoaks Urban Area to the south and the Metropolitan Green Belt. The site is situated inside the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty and is in an area of Local Landscape Importance. A site location plan is attached.

Proposal

3. The proposal is for a 10 bay mobile classroom to be used for the delivery of performing arts and drama. The Bradbourne School has over 800 pupils and specialises in the performing arts and drama but has a severe shortage of accommodation for this purpose. There is currently only one art and drama performance studio and one dance studio in the school. The existing multipurpose hall is used for exam and sports activity, so for much of the time is unavailable for use for arts and drama activities. It is the applicant's long-term intention for permanent accommodation to be built to cater for this need but this is not likely to reach fruition for some years. Therefore, temporary accommodation is proposed as the only short-term solution with the School seeking a temporary planning consent of 5 years.
4. The proposed site for the mobile classroom is in the south-west area of the school close to the boundary, adjacent to an existing single storey classroom and the main school buildings. The area of land where the mobile classroom is to be sited is currently a grassed area including two large mature trees, one pagoda and a number of picnic style tables and is currently used as a break time recreation area. It is also 10 metres from the boundary with residential properties.

10 bay performing arts & drama mobile classroom - SE/06/2478

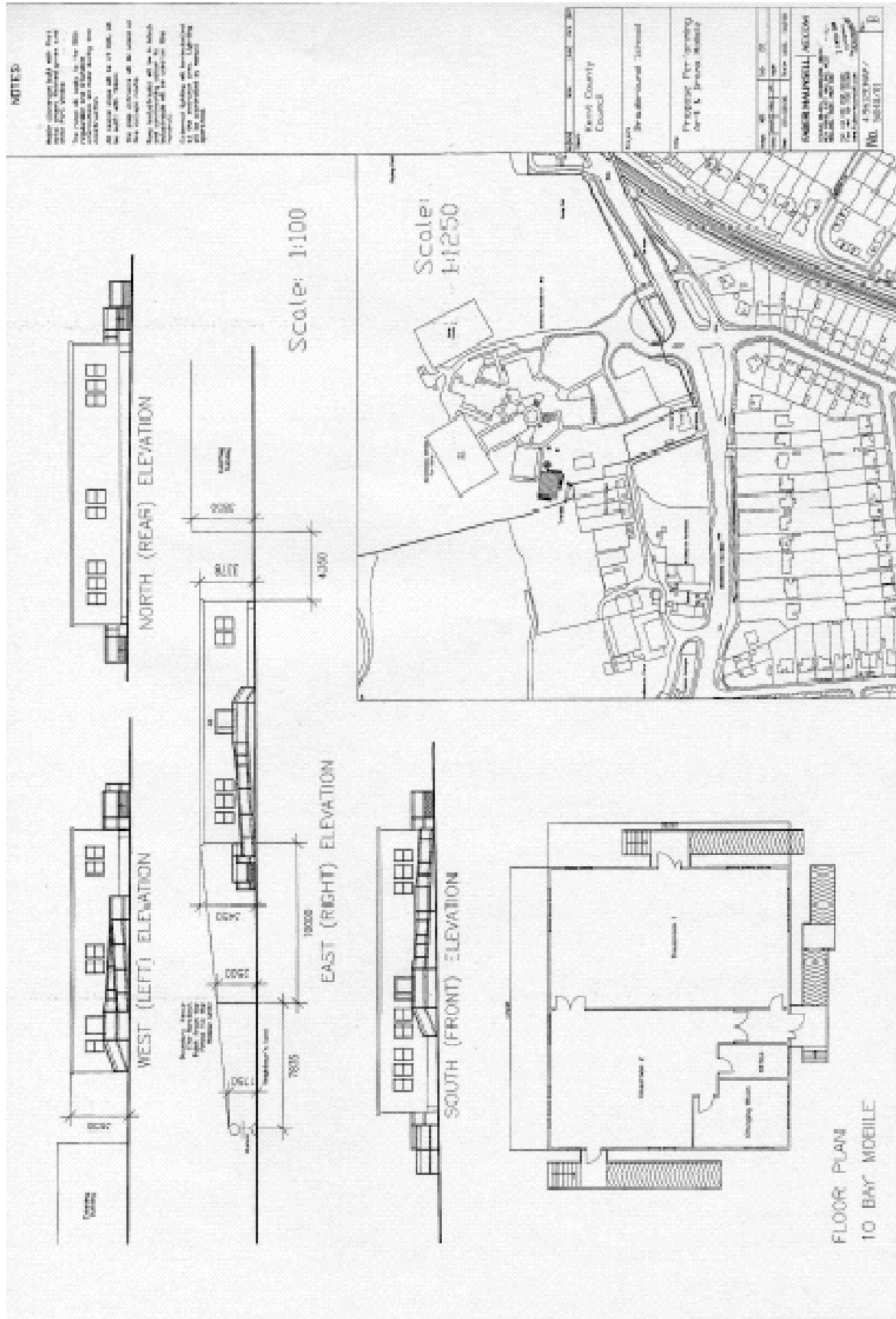
Site Location Plan



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Scale 1:1250

10 bay performing arts & drama mobile classroom - SE/06/2478



**10 bay performing arts & drama mobile classroom -
SE/06/2478**

5. The proposed mobile classroom is to be a single storey structure measuring 17.5m in length, 15m in width and 3.6m in height with a floorspace of 268 square metres. The exterior walls are to be finished in green (BS-14-C-39) with white PVC windows and timber doors. The proposed hours of use are 08:00 to 17:00 term time only. There is currently a 5 bay mobile unit close by which is used solely by VSU – Youth in Action.
6. The school roll would not increase as a result of this proposal and as such there would be no traffic implications as a consequence of the development.

Planning Policy

7. Planning Policy Guidance Note 2 (PPG2) sets out the Government's policy guidance on Green Belt development, which local planning authorities must take into account when taking decisions on individual planning applications.
8. The key Development Plan Policies summarised below are relevant of consideration for the application

(i) Kent & Medway Structure Plan 2006

- | | |
|-------------|---|
| Policy SP1 | Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development. Encouraging high quality development and innovative design. |
| Policy EN4 | Protection will be given to the nationally important landscape of the Kent Downs Area of Outstanding Natural Beauty; the primary objective in this area will be to protect, conserve and enhance landscape character and natural beauty. Development, which would be detrimental to the natural beauty, quality and character of the landscape and quiet enjoyment of the area, will not be permitted. Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty. |
| Policy SS2 | Metropolitan Green Belt - Within the Green Belt there is a general presumption against inappropriate development, unless exceptionally justified by very special circumstances. |
| Policy QL1 | Development should be well designed and respect its setting. Development that would be detrimental to the amenity of settlements will not be permitted. |
| Policy QL11 | Existing community services and recreation facilities will be protected as long as there is a demonstrable need for them. |
| Policy NR5 | The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic, <u>noise</u> and levels of tranquillity. |

**10 bay performing arts & drama mobile classroom -
SE/06/2478**

(ii) The adopted 2000 **Sevenoaks District Local Plan:**

- Policy EN1 Proposed development does not have any adverse impact on the privacy and amenities of locality by reason of form, scale, height, outlook, noise or light intrusion.
- Policy EN6 Development, which would harm or detract from the landscape character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty will not be permitted.
- Policy EN8 Proposals in Areas of Local Landscape Importance must not harm the local character of the area. Particular attention should be paid to the design, layout and landscaping of any development and to its boundaries with the open countryside.
- Policy GB2 Within the Green Belt there is a general presumption against inappropriate development.
- Policy GB4 Any development approved within or conspicuous from the Green Belt must be sited, designed and use materials that maintain the open character of the area, avoid detriment to visual amenity and minimise any potential harm.

Consultations

9. **Sevenoaks District Council** – Raises no objections but would like to see additional screening built up around the boundary of the school, most notably the boundary with Oast Cottages.

Sevenoaks Town Council – No objections.

Natural England – No objections.

Environment Agency – No comments received to date. Consulted on 22 September 2006.

Divisional Transport Manager – No comments received to date. Consulted on 22 September 2006.

Jacobs (Noise) – Raises objection on the grounds that the structure, as described, is constructed of a steel frame, flat roof, flat metal sheet cladding with white PVC windows and timber doors and is insubstantial in acoustic terms and would need to be significantly enhanced in terms of mass specification to provide a reasonable level of sound proofing. Permanently sealing the fenestration on this façade and removing the door would not provide a sufficient degree of noise attenuation. The use of additional landscaping along the property boundary although desirable would not be significant in acoustic terms.

Local Members

**10 bay performing arts & drama mobile classroom -
SE/06/2478**

10. The local County Member, Mr N. Chard, was notified on 22 September 2006 and has given his full support to the application.

Publicity

11. The application was advertised in the Tonbridge News in Focus, by the posting of a site notice and the individual notification of 5 neighbouring residents.

Representations

12. One letter of representation has been received from a neighbouring resident. The main points include the following:

- High levels of noise disturbance caused by the congregation of students along property boundary.
- There are alternative areas within the school site, including a disused tennis court, which could be used for the development.
- Multiple applications received within the last year, all of which were proposed for the area of the school that borders residential properties.

Discussion

13. The main issues to consider arise as a result of the site's location within the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty and the noise impact of the development on neighbouring residential properties. Whilst the provision for educational needs are acknowledged by Structure Plan Policy QL11, the proposal must also be considered against the relevant Development Plan Policies and policy guidance outlined in paragraphs 7 & 8 above. These policies, as well as presuming against inappropriate development within the Green Belt, afford long-term protection to the landscape over other considerations, with concern for the preservation and enhancement of the built environment and protection of local amenity.

Impact on the Green Belt

14. The whole school site is within the Metropolitan Green Belt and in the context of the relevant National Planning Policy guidance and Development Policies that apply, what is proposed is inappropriate development. It is therefore necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that warrant setting aside the general presumption against inappropriate development in the Green Belt.

15. Whilst the mobile classroom is proposed to be located on a grassed area, it is close to existing school buildings and contained within the developed part of the site and does not encroach onto the more open part of the school site to the north. The area is to some extent enclosed either by existing buildings or by fencing and boundary planting.

**10 bay performing arts & drama mobile classroom -
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Although it is double the size of a standard mobile classroom, the proposed unit would be relatively low in height and subservient to the main buildings. It also needs to be borne in mind that it is intended that it would only be temporary pending the provision of permanent accommodation. Taking account of the above factors, I do not consider that it would have a significant impact on the openness of the Green Belt.

16. The proposed mobile classroom has been put forward largely on the basis of curriculum needs arising from the school's specialist performing arts and drama status. The fact that facilities for teaching these subjects is currently inadequate, is cited in justification of the proposal by the applicants. In essence, I consider that taking account of the detailed siting considerations discussed above, that it is sufficient to demonstrate the very special circumstances for overriding Green Belt policy constraints in this particular case. I would not therefore raise an objection on the basis of the effects of the proposed development on the openness of the Green Belt subject to only being for a temporary period.

Impact on the Landscape and Local Amenity

17. Kent Structure Plan Policy EN4 seeks to protect and enhance the Kent Downs AONB. Priority is given to the conservation and enhancement of natural beauty over other planning considerations. This is also reflected in Policy EN6 of the Sevenoaks District Local Plan, which states that proposals can only be permitted if they conserve or enhance the natural beauty and special character of the landscape. Whilst all new development needs to accord with Development Plan Policies, I consider that the visual impact on the wider landscape is very limited due to its siting close to existing school buildings and by the screening already in place. Any impact would be further reduced by increased planting along the boundaries, which would be conditioned as part of any consent. An objection on landscape policy grounds would not therefore be warranted. The colour of the mobile classroom would be dark green, the same colour as the existing mobile classroom, which would help to further reduce any impact on the local amenity.

18. Members will note the objections received from an adjoining neighbour. These were drawn to the applicants' attention and the applicants' agent has responded as follows:
- The School does not allow pupils to congregate along the boundary with Oast Cottages. Pupils would have to remain on the school side of the proposed mobile classroom away from the site boundaries.
 - There is a large grassed area to the east of the school that was considered for the mobile classroom. However, the area is separated from the main school by the vehicle access to the car park and for health and safety reasons the school does not wish pupils to cross a main vehicle access.
 - The area directly north of the gardens of Oast Cottages and to the west of the existing school buildings was also considered but this area slopes away to the rear of the school and would result in poor security and visibility for the area, and although further away it would be directly in line with the rear of 4 Oast Cottages.
 - All windows overlooking the south-west boundary would have an opaque coating.
 - Further response from Bradbourne School is found in Appendix 1.

Noise Impact on the Local Amenity

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19. The mobile classroom at its closest point to the boundary of 4 Oast Cottages would be between 10 and 14 metres. It is worth noting that at the closest point the boundary is already well screened by semi-mature trees and a 2.5m fence. The nearest façade of 4 Oast Cottages would be some 40 metres from the site of the mobile classroom. Physical constraints prevent the mobile classroom being moved immediately further to the north.
20. In light of the proposed use of the mobile classroom for dance and drama activities it was necessary to seek advice from Jacobs Noise consultants. The nature of the activities involved require music to be played on a near continuous basis and even at low volume would be audible from outside of the mobile classroom due to its lack of soundproofing qualities. It is not only the music volume that would cause noise disturbance but a vibration and echo effect would be created by movement on the mobile classroom floor and added to by virtue of the floor being 1 metre above ground level.
21. It can be seen by the comments from Jacobs Noise in paragraph 9 that there are serious noise implications involved with the siting of the mobile classroom in this location. Given the structure of the mobile classroom is a steel frame, with flat roof and flat metal sheet cladding it is highly insubstantial in acoustic terms. In order to make the mobile classroom acoustically acceptable it would require substantial soundproofing to all walls and the roof, the removal of the access ramp to the boundary side and the permanent sealing of all windows along that edge of the classroom. It would then have to be proved that it is effective soundproofing by way of noise surveys. Estimates for such works show that the work would be prohibitively expensive for the School.
22. As a result of the noise implications, a new location for the mobile classroom was again explored with the aim of locating it to the rear or to the east of the school in an area that would not have noise implications on residential amenity. The School is fully aware of the reservations that I have on noise grounds, but decided not to pursue the possibility of another location any further, instead favouring the proposed location primarily as there are already electrical services in place in that position.

Conclusion

23. Although I do not consider that there would be a significant impact on the visual character of the Local Landscape Area and Area of Outstanding Natural Beauty, or on the openness of the Green Belt, I consider that there would be a significant impact in terms of noise on the residential amenity of Oast Cottages, which could not be satisfactorily mitigated. Under the circumstances, I recommend that permission be refused on the grounds of the noise impact that the proposal would have on the residential amenity of Oast Cottages and it is in contravention of Structure Plan Policy NR5 and Sevenoaks District Local Plan Policy EN1. The School has suggested some noise limitation measures that can be seen in Appendix 1, but I do not consider these to substantially reduce the noise impact on Oast Cottages, nor are they able to be effectively monitored or controlled by the School or the Planning Authority.

Recommendation

**10 bay performing arts & drama mobile classroom -
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24.1 RECOMMEND that PLANNING PERMISSION BE REFUSED on the following grounds:-

- The development is contrary to Structure Plan Policies NR5 and Sevenoaks District Local Plan Policy EN1 given that the proposal would have a significant adverse impact on the privacy and amenity of Oast Cottages by reason of noise intrusion.

Case officer – Adam Tomaszewski	01622 696926
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Background documents - See section heading
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**10 bay performing arts & drama mobile classroom -
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Comments received from Bradbourne School in support of application.

NOISE LIMITATION

- The mobile will be used mainly as a drama/dance area. Action research into these subjects has shown that pupils who take part in performing arts have significantly improved their self esteem and their academic standards.
- The music will be used at a low volume in dance to allow the teacher to direct the pupils and discuss techniques over the music whilst dancing. As is currently the case, she would not be able to put the music up to a high volume and still be heard by the pupils
- The school has Arts Mark Gold and our renewed bid commented on the expansion of performing arts
- The head's office is currently located next to the auditorium where dance lessons and extended schools activities take place and she is not disturbed by the levels of noise emitting from the room
- Noise limiters can be used to control the sound to not exceed the lawful maximum
- If windows have to be opened, these could be the ones facing the Science block – this will then ensure that any music escaping from the room will be directed away from the cottages. Science teachers would also complain if the music were too loud! Curtains could be used to cover the windows to help reduce noise levels
- We would welcome visits from the council to monitor noise levels
- There was a mobile previously, nearer to the boundary of the cottages, which was used for music teaching and extra curricular activities for a number of years. No complaints about noise were received, even although much of the music was amplified and drums were used
- Planning permission has previously been granted (circa 1994) for a community Music Block in the same area. Unfortunately this project did not go ahead due to lack of financial support. As far as we are aware, no objection was made to this plan at the time

BENEFITS TO THE SCHOOL AND LOCAL COMMUNITY / PARTICIPATION IN DfES AND LSC INITIATIVES

- The mobile could be used for community classes such as ballet; "Scamps"; Local primary school collaboration which is part of the extended schools and sports initiative programmes. As a pilot extended school, the school is already used widely for community use but more use can be made of it if the accommodation were to be further improved
- We have an auditorium which is used for dance but these classes have to be cancelled when exams take place and we cannot fulfil the national curriculum in dance or drama, due to the current situation of drama lessons being taught on the stage and behind the stage in the auditorium
- As part of the LSC initiatives and the DfES plans for 14-19 diplomas, we will be unable to fulfil our dance/drama/performing arts requirements and collaboration within the West Kent Federation without this vital accommodation
- The auditorium is an excellent space to accommodate Sevenoaks South Cluster based activities such as Cluster Inset, Healthy Schools Conferences, Emotional Intelligence and Personalising Learning Conferences. However, offers of this community space are limited at the moment due to its impact on teaching and

**10 bay performing arts & drama mobile classroom -
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learning in drama and dance. The mobile accommodation would enable more community use of the auditorium

- Local rural theatre groups use our auditorium in the evenings “Applause” is one of these companies
- We are asking only for a five year permission to be granted as we do hope to have a multi purpose hall built in the future

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APPLICATION SE/06/2478 – 10 BAY PERFORMING ART AND DRAMA MOBILE CLASSROOM AT THE BRADBOURNE SCHOOL, SEVENOAKS

NOTES of a Planning Applications Committee Members' site meeting at the Bradbourne School, Sevenoaks on Tuesday, 13 March 2007.

MEMBERS PRESENT: Mr R E King (Chairman), Mr G A Horne, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr W V Newman and Mr A R Poole. Mr N J D Chard was present as the local Member.

OFFICERS: Mr J Crossley, and Mr A Tomaszewski (Planning) and Mr A Tait (Legal and Democratic Services)

THE APPLICANTS: The Bradbourne School: Mrs M Boyle (Head Teacher) and Ms M Deighton (Bursar).

OTHER LOCAL AUTHORITIES: Sevenoaks TC (Mrs P C Walshe – Chair of Planning)

ALSO PRESENT was Mr Carter from 4 Oast Cottages

- (1) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to familiarise themselves with the site and to listen to the views of interested parties. The Committee had considered the application in February and had decided to defer making a decision until after this visit had taken place.
- (2) Mr Crossley introduced the application. He began by explaining its location. This was on the north side of Sevenoaks and of the A25. This placed it just inside the Metropolitan Green Belt, whose purpose was to prevent urban sprawl by keeping land within a 15 mile radius of the edge of London predominantly open. The site also lay within the Kent Downs Area of Outstanding Natural Beauty and was in an Area of Local Landscape Importance.
- (3) The significance of these designations was to emphasise the importance of protecting the countryside for its own sake and its landscape quality, the need for open space around urban areas and the visual impact in the wider landscape setting.
- (4) Mr Crossley went on to describe the siting for the proposed development. This would be between the pagoda and the green temporary building on the southern side of the School.
- (5) The building itself would be a 268m² ten-bay mobile classroom. Its measurements would be 17.5m by 15m. Its height would be 3.5m (similar to the green building). It would be between 10 and 14 metres from the boundary with residential properties and 40 metres from the nearest house (4 Oast Cottages).

- (6) Mr Crossley then said that Bradbourne School had already developed a specialism in Visual Arts and was now seeking to supplement this with a Performing Arts and Drama specialism. Appropriate accommodation was needed if this was to be achieved. Funding for permanent accommodation would only be made available if the School was able to prove that it could already deliver that aspect of the Curriculum. For this reason, the School had brought forward this application for a temporary period of 5 years. It would only be in use during the day and in School Term time, so that no community use was envisaged.
- (7) Mr Crossley said that the Committee Members would need to consider whether they were content to accept a temporary building at a time when the policy was to reduce their number.
- (8) Mr Crossley explained that the recommendation by the Planners to the Committee meeting in February had taken account of the need to ensure that the proposed development was not intrusive in either visual or acoustic terms. The former could be achieved through decorating and screening. It would, however, be difficult to attenuate noise. This would arise both from leakage through openings such as windows and from floor vibration. The Planners had accepted the applicants' case in terms of the Green Belt and Landscape impacts but had been less convinced on the question of residential amenity, particularly in terms of noise insulation. For this reason they had recommended refusal.
- (9) Mrs Boyle (Head Teacher) agreed that Mr Crossley's presentation had accurately covered all the issues. She said that as Bradbourne was an extended School, it was likely that there would need to be some after-hours use after all. It was possible that there would be a dance club or that it would be used for "Scamps" (a project for very young children). She expected that use would usually go on until 6pm and possibly later on occasions.
- (10) Mrs Boyle also said that she did not believe that the noise would be a great problem. Her office was next to the auditorium in the main building where music and dance took place. She did not find that this noise was disturbing to her.
- (11) In response to a question from Mr London, Mrs Boyle said that the green mobile was currently in use by the Voluntary Services Unit. The land behind the small fence was actually part of the School grounds but was on loan to the VSU whilst they were renting it. The actual boundary was marked by the larger fence next to the residential properties.
- (12) Mr Carter (from 4 Oast Cottages) said that he was concerned about the noise question. For 15 years, he and Mrs Carter had been forced to put up with noise disturbance from a temporary building in this location. He was quite happy to tolerate school noise but asked why activities such as these had to take place on the residential side of the School. If this was

located on the northern side, there would not be a problem. Football was played on that side of the School on Sundays. There was a lot of screaming and shouting but the noise levels were tolerable.

- (13) Mr Boyle said that the reason for the location of the current application was that the necessary services were already underground from the time when a 7 bay mobile had been installed there to take the former Eden Valley pupils. She added that permission had previously been granted by the District Council for a music block between the pagoda and the nearby tree. This permission had now lapsed.
- (14) Mrs Walshe (Sevenoaks TC) said that the Town Council had considered this application in September 2006. They had raised no objection to the proposal subject to the provision of additional screening.
- (15) Mr Chard (Local Member) said that he was an LEA-appointed Governor at the School. He thanked the Planners for clarifying that the main area of difficulty was acoustic disturbance. He added that the School found itself in a "Catch 22" situation in that it could not receive funding for the Performing Arts specialism until it was able to demonstrate the necessary abilities but that it could not do so unless it had the facilities.
- (16) Mr Chard continued by saying that 7 years earlier, the School had been struggling to admit up to a 3 f.e. Now it had turned itself around and was oversubscribed at 5 f.e. This had a consequential impact on the space available.
- (17) When Eden Valley School had been closed, the pupils had been fully integrated into their new School as a result of the high quality management that Bradbourne possessed. As a consequence, this School was now thriving.
- (18) Mr Chard said that he did not expect that money from the "Building Schools for the Future" investment programme would be made available in Sevenoaks for some 10 years (if ever). A building was, however essential. It would have community uses but the School would be happy to negotiate over the question of what was an appropriate level.
- (19) Mr Chard then turned to the question of noise levels. He said that the Teachers were able to talk over the levels of music in order to ensure that the pupils understood their tasks. It would be a mistake to believe that the music would be either too loud or contain a heavy thumping disco beat. He therefore did not feel that it would be too disturbing. Further evidence for this view was that Music and Drama lessons took place in the same hall at the same time, separated only by a curtain.
- (20) Mr Chard concluded by saying that a temporary permission for 5 years would give the School an adequate opportunity to demonstrate that it was fulfilling the curriculum so that it could gain the funding. This would allow

the School a three year window to make its case and 2 further years to build the permanent complex.

- (21) Mrs Boyle said, in support of Mr Chard, that it had only taken two years from the date of the closure of Eden Valley to the point where the School building had been extended and refitted (including the dining hall and science rooms).
- (22) Mr Horne informed the meeting that he had been a teacher at the School until 1995. He then asked Mr Carter how old his property was as the School had moved onto the site in 1995.
- (23) Mr Carter said that his house had been built in 1932. He personally had been living there well before the School had been built.
- (24) In reply to a question from Mr Horne, Mr Crossley said that the construction materials would be timber rather than masonry. The Planners had investigated whether cladding could be added. It had emerged that this would be so costly that it might be as expensive as a brick-built building. It would therefore have different noise characteristics than the rest of the School buildings, including a greater amount of vibration from even normal classroom activities. Whilst this could be managed to a certain extent, the question still remained whether the building could be sufficiently soundproofed or whether the activities could be managed in a manner that would reduce noise disturbance to an acceptable level.
- (25) Mrs Walshe asked whether noise management would require the windows to be glazed and closed. If so, the heat levels would be unacceptable. Mr Crossley replied that heat levels could be contained through mechanical ventilation or by opening the east-facing windows.
- (26) Ms Deighton (Bursar) said that although the School could not afford total soundproofing, the sound system would be installed in such a way that noise levels could not rise above a set maximum.
- (27) The Chairman noted that Jacobs Noise had said that the floor would be 1 metre above ground level. They had explained that this would create an echo and vibration effect (similar in principle to that of a drum).
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- (30) Mr London asked whether the School would be content to have time constraints imposed on use of the mobile. Mrs Boyle replied that any such constraints would be acceptable as the pupils would be able to relocate

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- (32) The Chairman thanked everyone for attending. The notes of the visit would be sent to Committee Members as an appendix to the main report for the Committee meeting on Tuesday, 20 March.
- (33) Following the meeting, the Planners showed Members the location of the boundary of the proposed development. Members were then shown around the school grounds, noting the likely site for the intended *permanent* building, which Mr Carter suggested would make a perfect site for the *temporary* one.

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Item D5**Retrospective – Widening of access road and addition of footpath, Meadows School, Southborough TW/07/421**

A report by the Acting Head of Planning Applications Group to Planning Applications Committee on 20 March 2007.

Application by Kent County Council Adult Services for Retrospective – Widening of access road and addition of footpath at Meadows School, London Road, Tunbridge Wells.

Recommendation: Planning permission be permitted subject to conditions.

Local Member(s): Mr R. Bullock

Classification: Unrestricted

Site

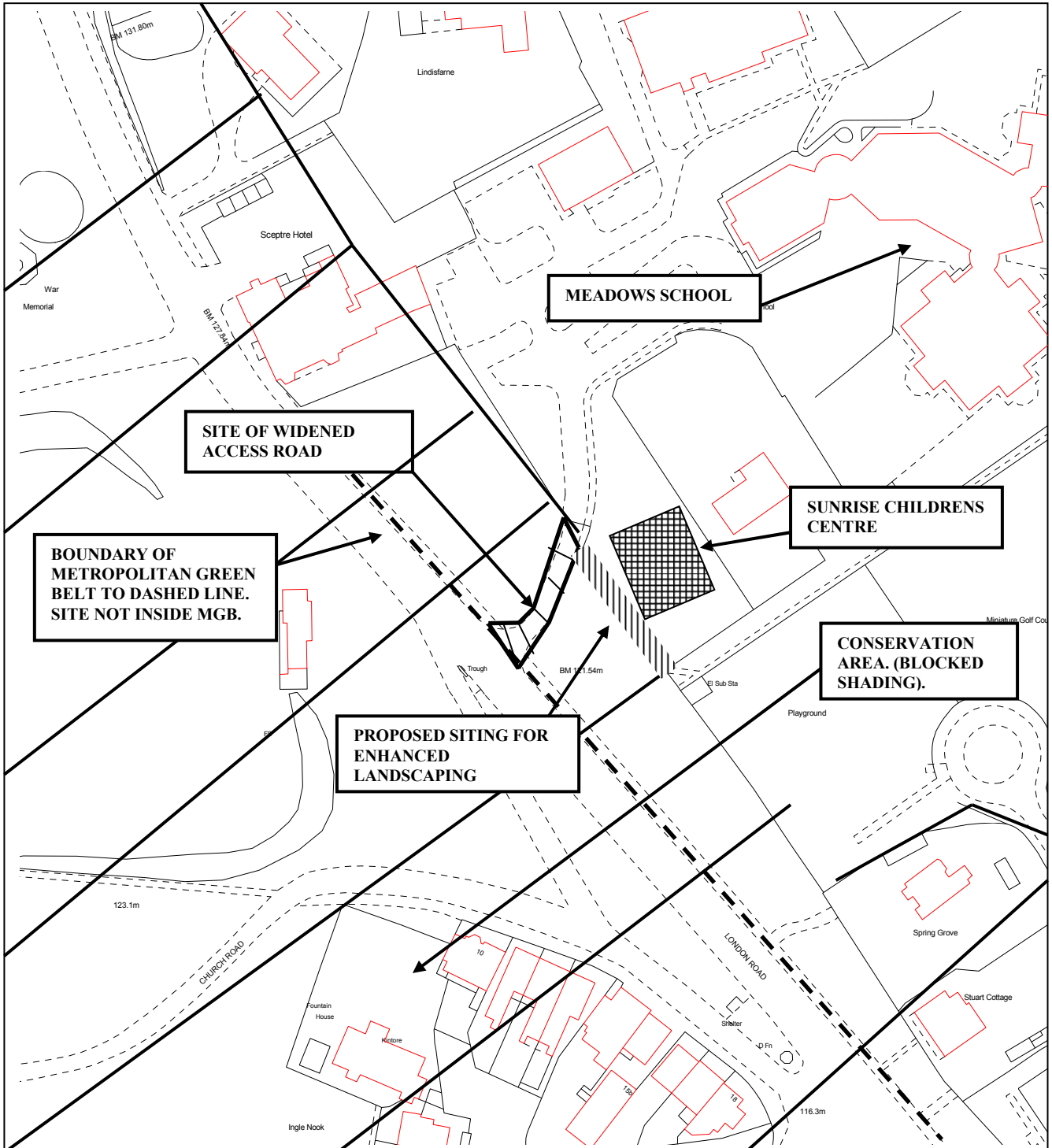
1. The access road is sited on land adjacent to London Road Southborough, leading to the Meadow School and the new Sunrise children's respite centre. The site is situated in the Southborough Conservation Area and adjoins the Metropolitan Green Belt and a Special Landscape Area, it is also part of an important landscape approach into Southborough. The south-east edge of the development lies within the Southborough Common and an Area of Important Open Space. A site location plan is attached.

Fig.1 Entrance of access road from A26 London Road.



**Retrospective – Widening of access road and addition of footpath,
Meadows School, Southborough TW/07/421**

Site Location Plan

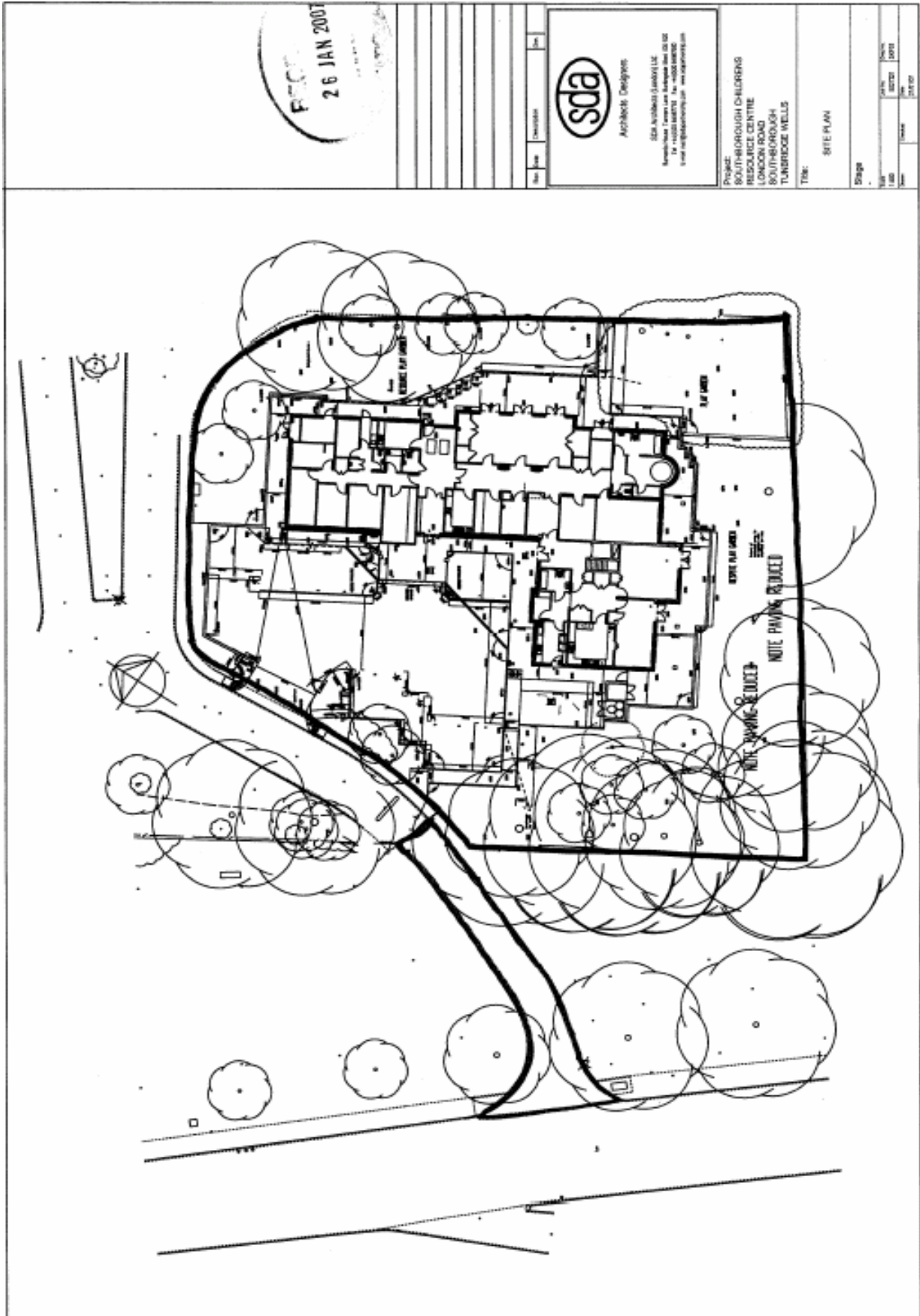


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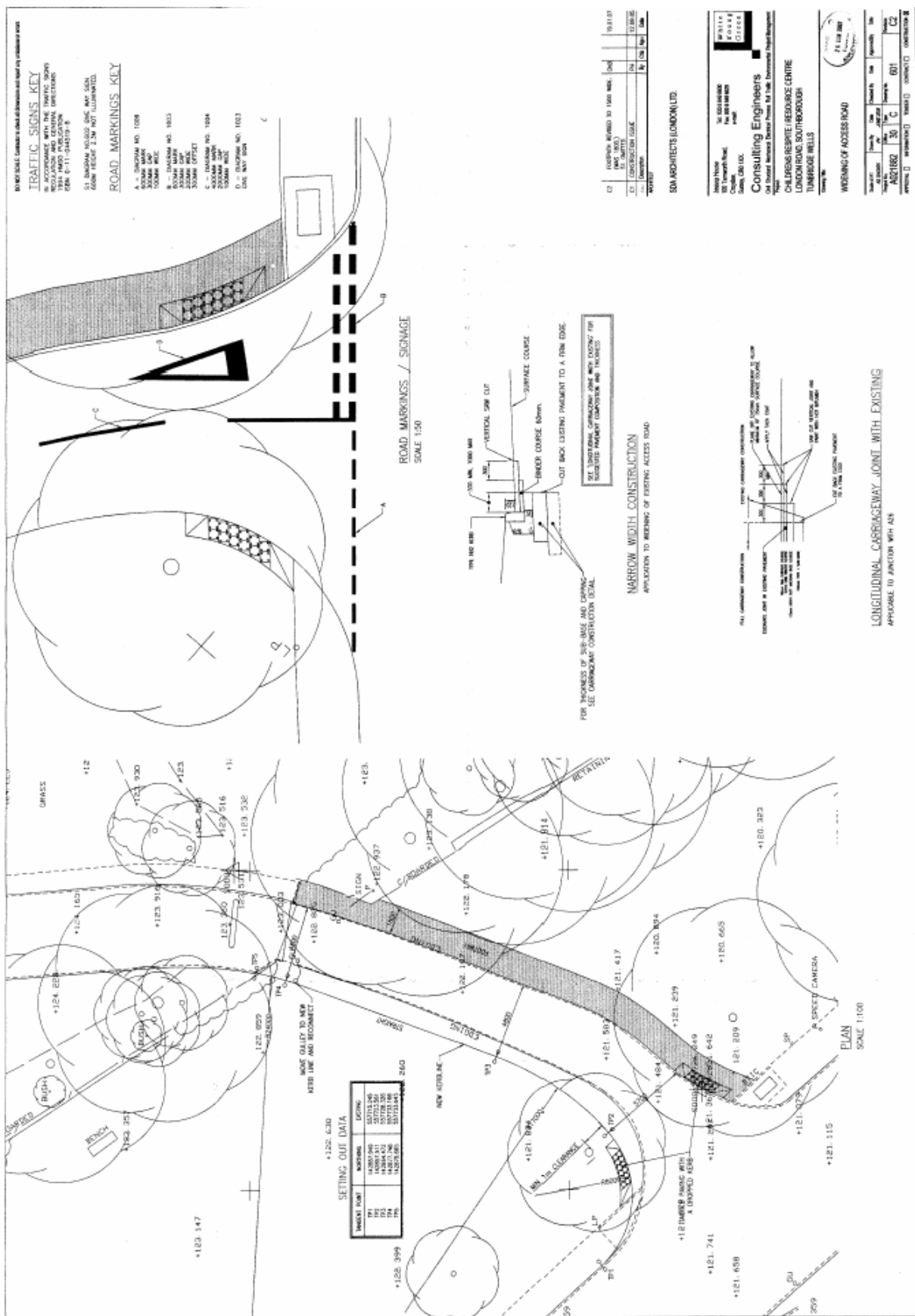
Scale 1:1250

Item D5

Retrospective - Widening of access road and addition of footpath, Meadows School, Southborough TW/07/421



Retrospective - Widening of access road and addition of footpath, Meadows School, Southborough TW/07/421



SVA ARCHITECTS LONDON LTD.

1	PROPOSED TO 1:50	100
2	EXISTING TO 1:50	100
3	EXISTING TO 1:50	100
4	EXISTING TO 1:50	100
5	EXISTING TO 1:50	100
6	EXISTING TO 1:50	100
7	EXISTING TO 1:50	100
8	EXISTING TO 1:50	100
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14	EXISTING TO 1:50	100
15	EXISTING TO 1:50	100
16	EXISTING TO 1:50	100
17	EXISTING TO 1:50	100
18	EXISTING TO 1:50	100
19	EXISTING TO 1:50	100
20	EXISTING TO 1:50	100

CHILDREN RESPIRE / RESOURCE CENTRE
LONDON ROAD, SOUTHBOROUGH
TUNBRIDGE WELLS

WIDENING OF ACCESS ROAD

APPROVED 30/11/2011
DATE: 30/11/2011
SCALE: 1:50
DRAWN: C
CHECKED: C
PROJECT: C

Retrospective – Widening of access road and addition of footpath, Meadows School, Southborough TW/07/421

Fig. 2 View of access road from entrance to Sunrise Centre looking towards A26.



Background and Proposal

2. In March 2005 under reference TW/05/35 the Sunrise Children's Centre on this site was permitted. The existing access road serves both the Sunrise Children's Centre and the Meadows School to the rear. As a consequence of the increased use of the access road from London Road the decision was taken to widen it and add a pedestrian footpath. There followed a mis-communication within the project team, which meant that it was not included in the original application, resulting in a retrospective application under reference TW/06/3473 that was subsequently refused by the Planning Applications Committee on 16 January 2007. The project team did however communicate all designs and drawings at the time, to both Southborough Town Council and Kent Highway Services who gave their necessary approvals.

Planning Policy

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

(i) Kent & Medway Structure Plan: 2006

Policy SP1 Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development. Encouraging high quality

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development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments

Policy QL1 Development should be well designed and respect its setting. Development that would be detrimental to the amenity of settlements will not be permitted

Policy QL6 Development within conservation areas should preserve or enhance their character or appearance. Development, which would harm the character or appearance of a conservation area, will not be permitted.

Policy QL11 Protection and enhancement of existing community services.

(ii) Tunbridge Wells Borough Local Plan Adopted 2006

Policy EN1 The nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the character or amenities of the area. There would be no significant adverse impact on highway safety.

Policy EN5 The proposal would preserve or enhance the buildings, the scale, massing, use of materials, detailing, boundary treatment, and landscaping would preserve or enhance the character of that part of the conservation area, it would not result in the loss of trees, shrubs, hedges that are important to the character and appearance.

Policy EN21 Proposals for development affecting Areas of Important Open Space will only be permitted where no significant harm would be caused to the appearance or open character of the designated area and the development would not materially detract from the contribution which that area makes to the locality.

Policy EN23 Proposals for development affecting the important landscape approaches to settlements, will only be permitted where no significant harm would be caused to the appearance and character of the approaches and the development would not materially detract from the contribution which that approach makes to the locality.

Consultations

4. **Tunbridge Wells Borough Council** – Raises objections by reason of size, alignment and materials used and that the development is harmful to the character and appearance of the Conservation Area and street scene. Insufficient special circumstances or mitigation measures have been shown to justify overriding policy objections. The key issues are whether the development is acceptable in terms of

**Retrospective – Widening of access road and addition of footpath,
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character and appearance in the conservation area, and whether it is acceptable in highway safety terms.

Southborough Town Council – No objection.

Divisional Transport Manager – Raises no objection to the proposal but comments that an entrance wide enough for two way traffic is of benefit as it removes any possible problems that might arise when one vehicle has to wait on the highway to allow another to emerge or, worse still, one has to reverse back onto the highway to allow another to leave the site. The A26, London Road is an exceptionally busy main thoroughfare and such manoeuvres are particularly hazardous, from a Highways point of view no justification would need to be made in terms of additional traffic to support the application.

Area Public Rights of Way Officer – No objection.

Natural England – Consulted on 7 February 2007. No comments received to date.

Conservation Officer – Raises no objection but suggests an alternative to standard concrete kerbs is used, either exposed granite aggregate or Marshall's conservation kerb.

Local Members

5. The local County Member Mr R. Bullock was notified on 7 February 2007.

Publicity

6. The application was advertised in the Tunbridge Wells Extra on 16 February 2007, the posting of a site notice and the individual notification of twenty-five neighbouring residential properties.

Representations

7. Two letters of representation have been received and are appended to this report. The main points included the following:

- Visual appearance and scale of the proposed-shared access is totally inconsistent with its purpose. I am pleased that the proposed footpath is to be 1.5 m wide.
- The weld mesh fencing referred to in the application is already erected so is therefore also retrospective.
- The current traffic signage and the lining are inappropriate to the Common and the Conservation Area and should be removed.
- With respect to the landscaping which is to be reinforced we would like to understand the precise extent of the landscaping and the detailed scheme proposed.
- Why is a two-lane roadway required? We understand that the conservators of the [separate] Tunbridge Wells Common have a policy of not allowing access roads across the common that are wider than one and a half vehicles width. The applicant should be asked to demonstrate the apparent need for a full highway standard access.

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- There is an annual arts and craft fair that takes place on the Southborough Common who find the introduction of raised kerbstones create a barrier between either side of the access road.

Discussion

8. The main issues arise as a result of the access road's location within the Southborough Conservation Area and as part of an important landscape approach. The proposal must be considered against the relevant Development Plan Policies outlined in paragraph 3 above. These policies, as well as presuming against inappropriate development within a Conservation Area require development to preserve and enhance the Conservation Area affording long-term protection to the landscape over other considerations. Authorisation was obtained by the applicant for the works to be carried out on land owned by Southborough Town Council, owners of the land the access road is built on and the stretch of Common Land used.
9. The development would see the replacement of the existing asphalt pavement with brick paviors to match the pavement alongside London Road. In addition to the brick paviors, and upon the recommendation of the KCC Conservation Officer, the existing concrete kerbstones would be replaced with Marshall's conservation kerbs or similar and the footpath width would also be narrowed from around 2m in width to 1.5m. In addition to these improvements the Give Way road sign would be removed.
10. Members will note the objections received and in respect of these, the applicant has considered the views and responded as follow:
 - The green weldmesh fence is not part of this application it was permitted with the application for the Sunrise Respite centre.
 - The Give Way sign would be removed as part of the application but it is important to retain the road markings for safety reasons as the road exits onto the A26, which is an exceptionally busy thoroughfare.
 - A detailed landscaping scheme would be required by condition if consent was given.
 - There are dropped kerbs in position on the pavements that run alongside London Road that facilitate easy access between either side of the access road. It is not justifiable for there to be no permanent kerbstones, just to facilitate unimpeded access for an annual event.

Impact on the Southborough Conservation Area

11. The whole of the development site is within the Southborough Conservation Area and in the context of the relevant Development Plan Policies that apply, the proposed development can be considered appropriate for the location as a result of the high quality materials to be used. As shown by Fig. 1 on page D5.1 the new access road does not look overly large in scale, however, it is important to assess the impact of the development on the street scene with the situation prior to the development. The widening of the access road is minimal ranging from 1m at the narrowest point to 1.5m at the junction with London Road and was only widened along the north-western edge. However, it is when coupled with the newly created pedestrian footpath that the full affect on the Conservation Area is apparent. It is the pavement section only that forms part of Southborough Common. The pedestrian footpath ranges in width from 2m at the

Retrospective – Widening of access road and addition of footpath, Meadows School, Southborough TW/07/421

junction with London Road to around 1.5m at the entrance to the Sunrise Centre as part of the proposal the width of the footpath would be reduced to 1.5m along the entire length of the footpath. The overall width at the entrance to the access road from London Road has increased by 3m from 7.5m to 10.5m. The increase in width of the access road is at its maximum at the slight curve in the road shortly after leaving London Road where the overall increase has been 3.4m. It is unfortunate that the sections of the road that have been widened the most have been at the point that is most visible to the wider community, thus having the greatest impact on the Conservation Area. However, should Members be minded to permit the application, the overall width would be reduced by up to 0.5m upon the completion of the redeveloped pedestrian footpath. In my view the visual appearance of the Southborough Conservation Area would be substantially improved by the introduction of brick paviors and conservation kerbs, it would be difficult to build a case opposing the introduction of pedestrian footpath given the fact that there is a school and a respite centre on site and by virtue of the fact that the majority of footpaths in Southborough are constructed using these materials.

12. When considering the application against the relevant Development Plan Policies it is evident that the development would comply with Structure Plan Policy QL6 and Tunbridge Wells Borough Council Local Plan Policy EN5 as in my view, the implementation of the improvements would significantly improve, enhance and preserve the character of the Conservation Area. Throughout the design process consideration has been given to the choice of materials to be used, the scale and landscaping that would help to preserve or enhance the Conservation Area as stated by Tunbridge Wells Borough Council Local Plan Policy EN5. The introduction of brick paviors and conservation kerbstones coupled with the narrowing of the pedestrian footpath significantly reduces the impact of the development on the Conservation Area and wider locality. The reduction in width of the pedestrian footpath also reduces the amount of common land that has been used for the development.
13. The development also proposes to introduce a scheme of enhanced landscaping that would extend the length of the previously permitted weldmesh fencing that forms the boundary line of the Sunrise respite centre, as shown by Fig 1 on page D5.1 and by the site location plan on page D5.2. The purpose of this enhanced landscaping scheme would be to further reduce the impact of the Sunrise Respite Centre and access road as whole development. Upon the introduction of landscaping screening the visibility of the Sunrise Respite Centre from the A26 would be significantly reduced and the vegetation would significantly soften the overall impact of the widened access road on the Conservation Area.

Impact on the Important Landscape Approach to Southborough

14. Policy EN23 in the Tunbridge Wells Borough Council Local Plan aims to protect important landscape approaches and does not permit development, which would materially detract from the contribution that the approach makes to the locality. A key feature of the important landscape approach to Southborough are the pedestrian footpaths in that they are constructed using traditional brick paviors, helping to maintain the character and appearance of the locality. The pedestrian footpath forms the part of the development that has the greatest impact on the locality as it has been cut out of the Common. I previously advised the Committee that the development as originally implemented was inappropriate and contrary to Development Plan Policies and this view was accepted by the Committee in refusing TW/06/3473. However, given the overall width of the pavement would be reduced by up to 0.5m and replaced by high quality

**Retrospective – Widening of access road and addition of footpath,
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materials that are prevalent in the area, and would exceed that of other pavements in Southborough, I consider the proposal to be in accordance with Structure Plan Policies QL6 and TWBC Policies EN5, EN23 and that it would not be to the detriment of the Important Landscape Approach.

15. Tunbridge Wells Borough Council has raised objection to the development on the grounds of the width of the access road and that it is out of keeping with other access roads leading off London Road. I am of the opinion that the new road is visibly larger than it was prior to widening. However it is difficult to compare it to other access roads further to the south, as these tend to be for use by one or two residential properties, whereas this development serves the needs of the Meadows School and the Sunrise Respite Centre, for which use is at much a higher level. In response to the comments of the Tunbridge Wells Borough Council case officer regarding the size and materials used for the development, I do not hold the same view. The quality of materials set to be used for the footpath would exceed that of similar footpaths in the vicinity and whilst I do agree that the widening of the access road appears at its widest at the junction with the A26, I am of the opinion that it does not significantly harm the character and appearance of the location, given also that the overall width of the access road alone has only actually increased by around 1.5m at its maximum, most of the overall width increase is actually closer to between 0.5 and 1m. In considering this issue Members should also note the comments of the Divisional Transport Manager, in paragraph 4, who stated that explicit justification for such widening works are not necessary due to the fact that the access road emerges onto the exceptionally busy A26 and that the prospect of cars backing onto the Highway would be extremely hazardous and not acceptable.
16. Prior to the widening of the access road, there was a narrow pedestrian footpath that was in a serious state of disrepair, there was also insufficient space for vehicles to pass side by side without driving on the grass verge and Southborough Common. I consider that there is justification for widening of the access road, as continued damage to Southborough Common is not acceptable, coupled with the fact that there was no permanent pedestrian footpath leading from London Road. Objections received stated that there is no justifiable need for a footpath to the Sunrise Centre on grounds of necessity and detriment to the landscape, I do not share these views. There is already a pedestrian footpath along the length of London Road and prior to this development it ceased at the bottom of the access road resulting in pedestrians and wheelchair users having to be pushed along a narrow access road sharing it at busy times with two way traffic.
17. I do not consider the principle of a pedestrian footpath adjoining the access road as being in conflict with Development Plan Policy. The construction of the widened access road has resulted in some uneven verges and any level imbalance between the kerbs and grassed areas should be infilled with topsoil and re-seeded to reproduce the same gradients that were evident prior to the development. I therefore consider that there is a justifiable requirement for an improved access road and given the alterations that this development proposes, I consider that the new pavement would be in keeping with surrounding pavements and finished to a potentially higher standard with the introduction of superior quality conservation kerbstones.

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Conclusion

18. In conclusion, I consider that the proposed development is in accordance with Structure Plan Policies SP1, QL1, QL6 and Tunbridge Wells Borough Council Local Plan Policies EN1, EN5, EN21 and EN23 and that there is a justifiable need for an improved access road and pedestrian footpath. I am of the opinion that the development does not materially detract from the character and appearance of the locality to any significant degree and that the materials to be used would enhance and preserve the Southborough Conservation Area. In particular I do not consider the actual widening of the access road to be excessive and coupled with the proposed materials to be used for the pathway and its narrowing in width, it would not be out of place in a Conservation Area. It is disappointing that this situation has arisen retrospectively, but I consider this proposal is acceptable and satisfactorily addresses my earlier grounds for refusal. Should Members be minded to permit the application, I recommend that a condition be attached requiring a timescale for the urgent implementation of the development to address the breach of planning control.

Recommendation

19. I RECOMMEND that PLANNING PERMISSION BE PERMITTED subject to conditions, Including conditions covering:

- The standard time limit,
- The development to be carried out in accordance with the permitted plans,
- Timescale for the implementation of the development to address breach of planning control,
- Works to address the uneven verges and to correct the level imbalance between the kerbs and grassed areas,
- A scheme of landscaping, its implementation and maintenance.

Case officer – Adam Tomaszewski	01622 696923
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Background documents - See section heading
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**Retrospective – Widening of access road and addition of footpath,
Meadows School, Southborough TW/07/421**

Appendix 1 to Item D5

Kent County Council
Planning Applications Group
1st Floor Invicta House
County Hall
Maidstone
ME14 1XQ

14 Valley View
Tunbridge Wells
TN4 0SY

7 March 2006

Dear Sir

Planning Application TW/07/00421

I write to object to the alterations to the existing shared access to Meadow School and Kent County Council Respite Centre detailed in this application for the following reasons:

- 1 The visual appearance and scale of the proposed access road is totally inconsistent with its purpose of providing an access across Common Land in a Conservation Area. It is totally out of character and appearance in relation to the existing access it replaces. I am pleased that the proposed footway is 1.5 metres wide despite what the drawing scales and it will be surfaced with brick pavers to the approval of Tunbridge Wells BC. Tactile pavers should be used at the pedestrian crossing in lieu of tactile blocks.
- 2 The plans as submitted do not include any typical cross sections indicating how the grass verges beside the widening to the sides of the existing access will be treated. Luckily, by virtue of having had a practice run, the public can see what an unsympathetic and totally unacceptable layout is proposed. It is currently impossible for a wheelchair, pram or buggy to be pushed up or down the grassed Common land, parallel with the A26 London Road, because of the steepness of the “embankment slopes behind the kerbs and two 125mm high kerbs. These obstructions are totally out of keeping with the concept of Common Land accessible to all
- 3 This part of the Common is used for an annual event requiring participants to cross the access road. Experience of the proposed access last summer (2006) demonstrated that this proposal splits the event into two halves because the cross section of the access is not people friendly for either able bodied persons or those requiring wheeled transport for their mobility needs. If the inappropriate high kerbs remain then an additional pair of dropped kerbs are required adjacent to the school entrance. The kerb face height should not exceed 20mm in order to define the limit of the access road and, minimise the extent of shaping behind the kerbs and footway onto the existing grassland.
- 4 The whole of this area of verge forms part of Common Land – Southborough – CL35 and all paved areas on Common land should be as unobtrusive as possible in order to maintain that character. (Not withstanding that they do not have Secretary of State’s release of Common Land status to construct this widened access.) The gradient of the footway should not slope towards the access road, thereby increasing the level difference with the grassed area behind the footway. It should slope away from the road, parallel with the existing Common Land, thereby reducing the level difference with the grassed area behind the footway. Any shaping of the Common Land grassed areas adjacent to the access road and footway should be carried out over a very flat gradient relative to the natural shape of the ground
- 5 The benefit of a retrospective planning application is that it should include details of vehicle and pedestrian movements and conflicts to justify their proposals. The fact that they are not included in this second application shows that the need is not proven for an access of these dimensions. I spent three hours on Monday 5 March outside the school taking a traffic survey and these are at the end of the letter. Note in 3 hours – no wheelchairs, 3 pedestrians, 73 cars and 12 luton size personnel carriers/ambulances.

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6 If a new access is needed then it should only handle the vehicles and pedestrians using the current school and respite centre site. It should not be constructed to pre-empt usage of the site when either or both facilities close down.

7 There are a number of inconsistencies between drawings, the brick pavers cannot be laid using the standard detail provided, and the pedestrian crossing shown on the drawings adjacent to A26 is actually in a different position. On drawing SD07, every detail says refer to that drawing about standard footway paving – the detail is shown on drawing SD02. There is no detail indicating how level differences between new construction and existing grass will be dealt with.

Comments on “Reasons for this application”

The reasons for the proposed access by the applicant’s consultant whilst probably correct in an abstract concept, are not in practice, and do not justify constructing a “road” across the Common rather than an upgraded access.

“Increased traffic” – yes undoubtedly, but as no traffic figures (including pedestrian figures) before and after opening of the respite centre have been provided one cannot judge the scale of the new situation

“avoid damage to common as at present and prevent back up onto bus lane” – there were some signs of overrunning onto the Common prior to construction of the respite centre but being on sidelong ground, any wheel ruts in the common drained quickly and were of trivial depth. In the twelve years I have passed this access on a regular basis I have never seen traffic waiting in the bus lane to get onto the access road. These issues may have been increased during construction of the respite centre but that is an extraordinary situation and not relevant to the day to day use of the joint site.

“hard edge to prevent ingress onto the common” – I take this to mean provision of a 125mm high kerb face. No kerb face will prevent vehicles getting onto the Common if they try. There are other accesses to the south of the application site without kerbs and it would be undesirable to set a precedent here. Conservation kerbs are appropriate in an urban conservation situation but not adjacent to grass as they have a white colour that does not fade with time and merely highlights the intrusive nature of this proposal.

“dedicated pedestrian route to keep wheelchair users off the road” – no vehicle or pedestrian usage figures have been provided to demonstrate pedestrian/vehicle conflicts so no one is aware of the scale of the problem. We are talking about a short private access road, not an adopted highway that is designed to higher safety standards. One of the pedestrians walked up the road for half its length. Not a wheel chair in sight at the start of the school day on Monday.

“road markings to improve the flow of traffic on the main road and access road” – the minimum of road markings should be provided in order to prevent urbanisation and visual clutter on the green Common sward.

“landscaping” – I find it strange that when there is condition 3 of consent to TW/05/35, which seems to have been ignored to date. The planting season is almost finished when this issue is raised. What games are going on?

Discussion

There are three issues at stake here:

visual appearance of the Common

getting people in vehicles and on foot to the school and respite centre,

use of the Common

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This application seeks to build a road across the Common with 125mm kerb faces and little “embankment” slopes to lose the level difference between the new road and the existing grass sward. There has been no attempt to try to replicate the way the existing access sat in the Common Land

The footway slopes towards the road above a 125mm high kerb face, that is against the natural slope of the ground, but could have sloped towards the common to lessen its impact.

The total width of this access is wholly out of scale with the needs of its users. There is no record either before 2006 or since opening of vehicle/pedestrian conflict at this location. There were only three occasions in 12 minutes out of 180 minutes when vehicles were travelling in opposite directions at the same time. No pedestrians were around at that time.

The access needs only to be 4.2 metres wide plus a 1.5 metre pedestrian footway, finished in brick pavers. The access edges can be finished in concrete edging boards so as to define the access maintenance limits. Any level difference between edge of a new access and existing grass should be made flush with the grassed area by infilling in topsoil and seed or turves at a slack gradient that permits gang mowing up to the edge of the access road as before.

A local Art Show uses the area of Common land, on each side of the access, over the August bank holiday weekend. Meadow School kindly provides parking for exhibitors and visitors. At that time it is important for people with prams, pushchairs and wheelchairs to be able to cross the access road at any point without having to traverse kerbs and the hideous and insensitive earthworks. During the Art Show in 2006, following construction of the new access for which consent is sought retrospectively, there was a distinct separation of the two parts of the show because visitors found it difficult to negotiate the assault course generated by the new road.

In Conclusion

Please REFUSE this planning application for the reasons stated above.

Yours faithfully

Nicholas Bullett

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Retrospective – Widening of access road and addition of footpath, Meadows School, Southborough TW/07/421

Traffic count between 07.00 to 07.59 hours

Time	Into site	Out of Site
07.10	Car	
07.12	Car	
07.23	Small van	
07.24	Car	
07.25		Small van
07.33	Car	
07.43	Car	
07.53	Car	
07.54	Car	
07.58	Car	
07.59	Pedestrian - half on road, half on footway	
07.59	Car	

Total movements in – 10 small vehicles and one pedestrian – no wheelchairs

Total movements out - 1 small vehicle

Traffic count between 08.00 to 08.59 hours (1 of 2)

** indicates vehicles on access road at same moment

Time	Into site	Out of Site
08.00	Car	
08.03		Car
08.03	Pedestrian on footway	
08.06	Personnel carrier/ambulance	
08.12	Car	
08.13	Car	
08.13	Car	
08.13	Car	
08.14		Personnel carrier/ambulance
08.15		Car
08.18	Car	
08.20	Car	
08.21		Car
08.21		Medium van
08.27	Car	
08.28	Car	
08.33	Car	
08.33	Personnel carrier/ambulance	
08.34		Car
08.37		Car **

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08.37	Car **	
08.39	Car	
08.40	Personnel carrier/ambulance	
08.43		Car **
08.43		Personnel carrier/ambulance **
08.43		Personnel carrier/ambulance **
08.43	Car **	
08.44	Car	
08.45	Car	
08.45	Car	
08.47		Car
08.48	Pedestrian on footway	
08.48	Car	
08.49		Car **
08.49	Car **	
08.49	Car	
08.49		Car
08.51	Car **	
08.51	Car **	

Traffic count between 08.00 to 08.59 hours (2 of 2)

** indicates vehicles on access road at same moment

08.52	Car	
08.52		Car
08.56	Car	
08.56	Car	
08.57	Car	
08.57	Small van	
08.58	Car	
08.58	Car	
08.59	Car	
08.59		Car

Total movements in – 29 small vehicles 3 luton type vehicles and 2 pedestrian – no wheelchairs

Total movements out - 11 small vehicles 4 luton type vehicles

Traffic count between 09.00 to 09.59 hours

Time	Into site	Out of Site
09.00		Car
09.02	Car	
09.03	Car	

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09.03	Small van	
09.03		Car
09.03		Personnel carrier/ambulance
09.03		Car
09.08	Car	
09.08	Car	
09.10		Car
09.11		Car
09.14	Car	
09.14		Car
09.18	Personnel carrier/ambulance	
09.20		Car
09.25		Car
09.27		Personnel carrier/ambulance
09.29		Car
09.31		Car
09.34		Car
09.35	Transit - post	
09.38		Transit - post
09.40	Small van	
09.43	Car	
09.54		Car
09.54	Car	
09.57	Car	

Total movements in – 10 small vehicles 2 luton type vehicles - no pedestrians – no wheelchairs

Total movements out 12 small vehicles 3 luton type vehicles – no pedestrians – no wheelchairs

**Retrospective – Widening of access road and addition of footpath,
Meadows School, Southborough TW/07/421**

Dear Sirs

Planning Application TW/07/10/0002 - Kent County Council Adult Services Widening of existing access road and addition of pedestrian footpath

Thank you for your letter of 7 February with plans, and your further letter of 28th February. We appreciate that some of our concerns have been taken into account. Nevertheless the comments in this letter are without prejudice, in particular, to our letter of 26th February to DEFRA regarding the need for consent to the works to the common, a copy of which you have received.

We have a number of comments in respect of the second retrospective application and in particular note the following:-

1. The weld mesh fencing referred to in the application is the green mesh fencing already erected, and we understand the application in this respect is also retrospective – we do not believe that this type of fencing respects or integrates with the adjoining conservation area. We have copied the Tunbridge Wells Borough Council Conservation Officer in order that he may input on the relevant requirements, and suggest what may be appropriate for fencing in the circumstances. We would ask that you make sure that this is done prior to any determination of the application.
2. We do not consider it acceptable for the access to be widened as currently proposed. You have seen our representations of 26th February to DEFRA regarding works carried out to common land for highway access without DEFRA consent. If the planning application is granted KCC will be giving planning permission for common land to be turned into a highway access. This is incorrect and should not be permitted.
3. Various assertions have been made by the applicant in respect of volumes of traffic. We are not aware that any of these assertions have been backed up by traffic count surveys or other proper empirical evidence. Why does the application say that a two lane roadway is required? In this connection we understand that the conservators of Tunbridge Wells Common have a policy of not allowing access roads across Tunbridge Wells Common wider than one and a half vehicle widths, which obviously seems prudent in terms of preservation of the Common, and we do not think Southborough Common should be treated any differently. The applicant should be asked to demonstrate the apparent need for a full highway standard access with appropriate evidence to your satisfaction, before any widened access provision should be considered.
4. The current traffic signage and the lining are inappropriate to the Common and the Conservation Area and should be removed.
5. We note that the “conservation kerb” will be used in place of the current highway standard kerbs. Subject to our prior comments on the extent of the access that should be permitted, we welcome this, and also the use of brick paviors in the footpath to conservation area standard.
6. With respect to the landscaping which is to “reinforced” we would like to understand the precise extent of the landscaping and the detailed scheme proposed. The letter of 28th February from Helen Bond, the project officer, indicates that “additional landscaping [will] be sited in front of the green mesh fencing”. Whilst we welcome the principle, we would like further details of the nature of the screening proposed. In our view a proper high screen of the new buildings is essential and presumably you will take detailed advice from Tunbridge Wells Conservation Officer on this aspect also.

We look forward to hearing from you further, and also with confirmation as to when the revised application is proposed to be determined.

Nigel Heilpern

on behalf of the Southborough Society.

Item D6**Construction of a new switch room, 129 new car parking spaces and implementation of woodland management plan at Oakwood House, Oakwood Park, Maidstone.**

A report by Head of Planning Applications Group to Planning Applications Committee on 20 March 2007.

Application by Kent County Council Corporate Property Group for the construction of a new switch room, 129 new car parking spaces and implementation of woodland management plan at Oakwood House, Oakwood Park, Maidstone. (Ref: MA/06/2014)

Recommendation: Permission be refused for the car parking proposed within the woodland, and that parking outside of the woodland and the switch room be permitted subject to conditions.

Local Member(s): Mr D. Daley and Mr J. Curwood

Classification: Unrestricted

Site

1. Oakwood House is situated within Oakwood Park, a predominately educational campus located to the west of central Maidstone. Oakwood House is located centrally within the campus, bound by educational institutions, and associated playing fields, on all boundaries. Oakwood House provides for a wide range of training and conference requirements, and contains 41 hotel standard bedrooms, dining and bar facilities, and is a licensed venue for a Kentish Wedding Ceremony. The original house was constructed between 1890 and 1900, although the site exhibits evidence of several periods of development, with a newer hotel style extension that was completed within the last 20 years. Oakwood House itself is located to the east of its site, with parking to the front and gardens and woodland to the rear. A site plan is attached.

Background

2. Planning permission was granted in May 2006 for a single storey extension to Oakwood House (application reference: MA/06/160), consisting of a new conference space and associated supporting areas. When that application was originally submitted it included a proposed scheme of parking in the wooded area to the rear of Oakwood House. However, the proposed car parking met with objection and, as a result, was withdrawn from that application with the intention that the applicant would undertake further detailed survey work and re-submit an amended scheme at a later date. Maidstone Borough Council issued a Tree Preservation Order on the trees within the woodland on 27 March 2006 (TPO no. 4 2006).
3. Due to existing concerns over the congestion and lack of car parking at Oakwood House, and the Oakwood Campus as a whole, Kent Highways Services requested the following condition be attached to the planning approval for the extension:

The development hereby permitted shall not be used for functions or other events other than on weekends or after the hour of 6.30pm Monday to Friday, until such a time as provision is made for additional car parking on site.

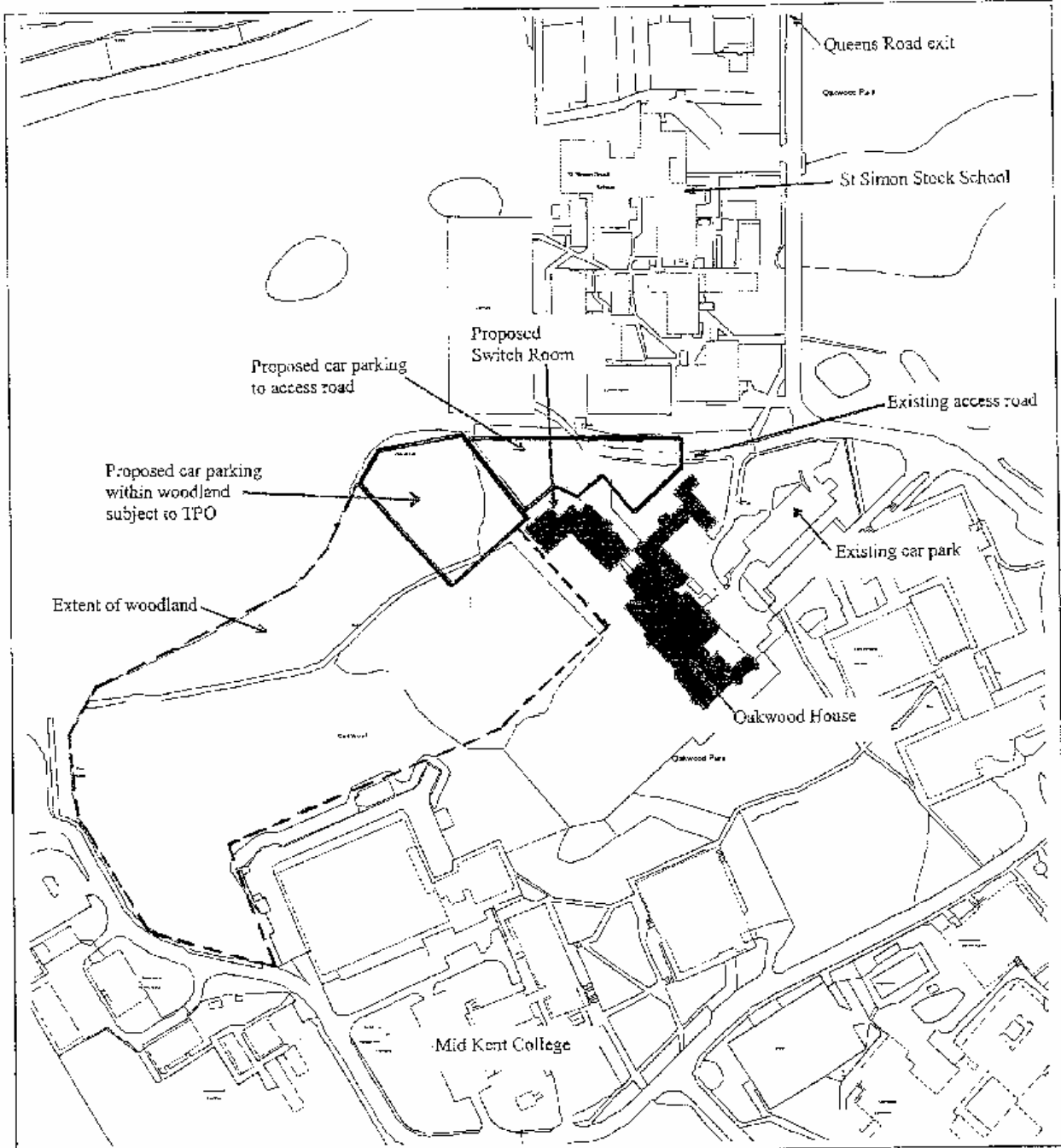
Therefore, condition (4) of the planning permission for the additional conference facility reads as above. This condition has the implication that the new conference space, due to open in 2007, cannot be used before 6.30pm Monday to Friday, until additional car parking is provided on site.

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Site Location Plan

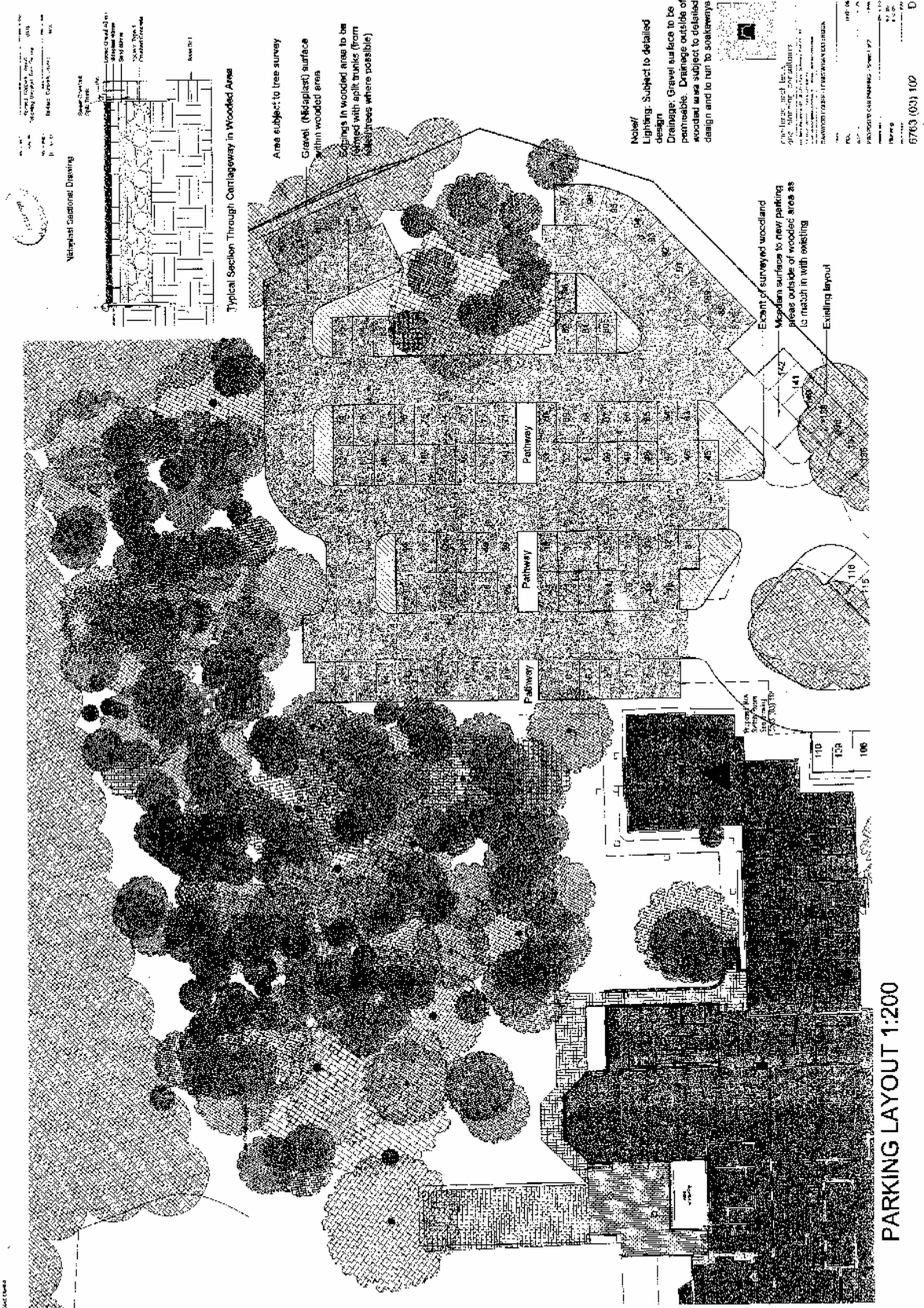
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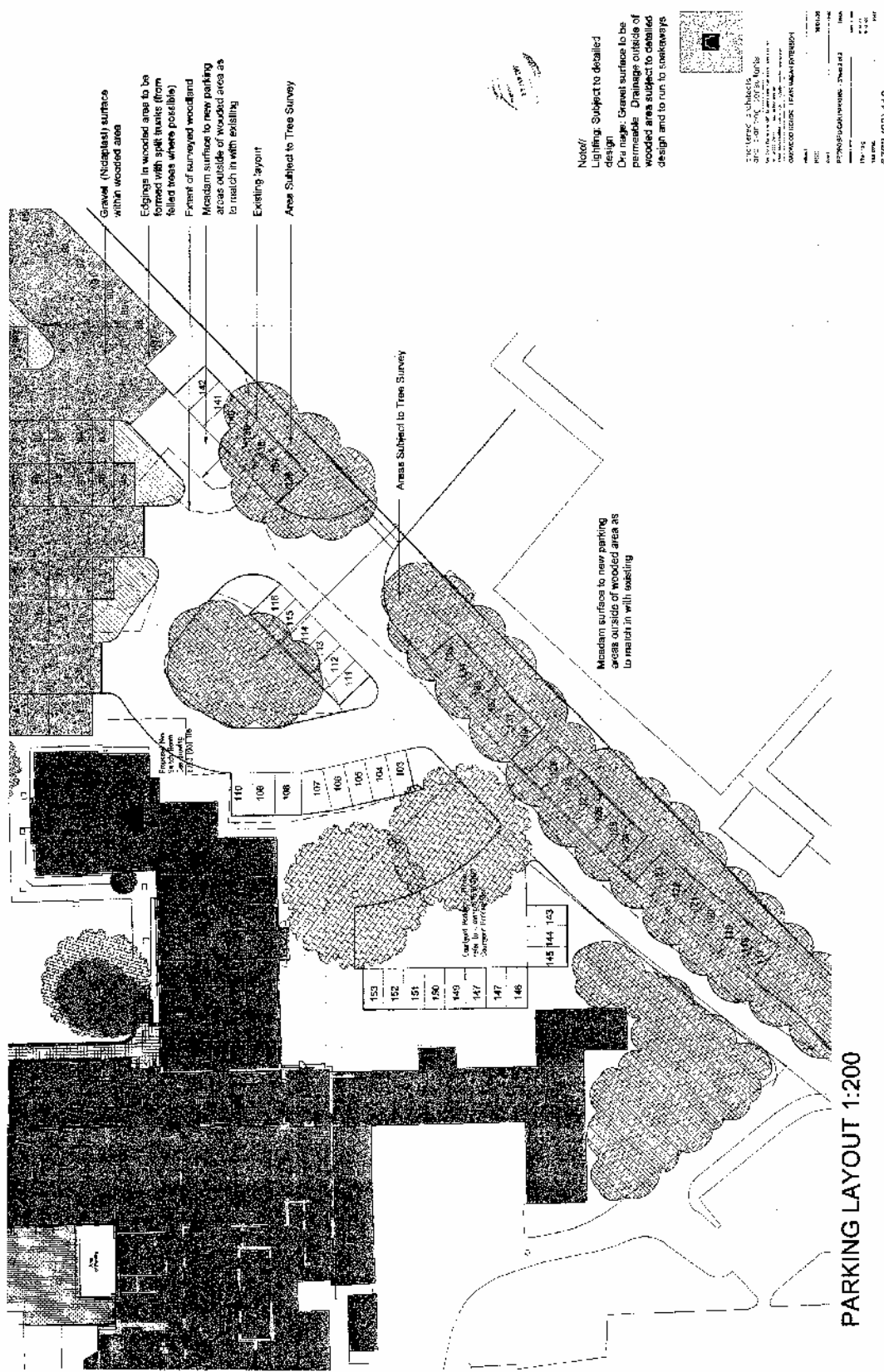
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PARKING LAYOUT 1:200

Construction of a new switch room, 129 new car parking spaces and implementation of woodland management plan at Oakwood House, Oakwood Park, Maidstone- MA/06/2014



Construction of a new switch room, 129 new car parking spaces and implementation of woodland management plan at Oakwood House, Oakwood Park, Maidstone– MA/06/2014

4. The application has been revised during the planning process to address concerns raised. Maidstone Borough Council raised objection to the initial proposal on the grounds of the removal of a number of trees which would have a detrimental impact on the visual amenity of the area and the ecological value of the site, future pressures to tarmac the car park and/or remove more trees, sustainable transport principles and lack of regard to crime prevention. During the planning process amendments have been made to the proposal in an effort to retain trees of high value and worth, bearing in mind the Tree Preservation Order, and to protect biodiversity interests on site. It is the amended proposal that will be discussed throughout this report.

Proposal

5. The application has been submitted by Kent County Council Corporate Property Group and seeks to provide an additional 129 car parking spaces to help bridge the current shortfall in parking spaces, supporting Oakwood House's current capacity for weddings and conferences and to facilitate use of the new extension throughout the working day. The scheme provides for two distinct parking areas, along the access road and a block within the woodland. In addition to this, the application includes a new brick built enclosed switch room to support the new extension, which is currently under construction.
6. There are currently a total of 149 car parking spaces at Oakwood House, 125 of which are provided to the front of the house, with the remaining 24 to the rear. Currently parking occurs on verges and in planting areas, which is harmful to existing vegetation, especially the mature trees. This also compromises the width of the carriageway, as well as limiting visibility splays. The applicant has provided a breakdown of the number of parking spaces required at Oakwood House, based upon Kent County Council's Vehicle Parking Standards, and concludes that a total of 310 are needed. With 149 existing spaces, that leaves a shortfall of 161.
7. The application proposes to provide 129 additional car parking spaces, 102 of which, by virtue of the constraints of the site, are proposed to be located within the woodland to the rear of Oakwood House. The applicant advises that the parking is proposed to be concentrated in the youngest portion of the wooded area, immediately abutting an existing parking area. In addition to this, the existing access road to this parking area is proposed to be widened, with an additional 32 car parking spaces provided along its length. Existing car parking within a courtyard area is to be formalised, 8 existing spaces are to be retained, and 16 removed.
8. It is intended that the parking bays within the wooded area have a self draining surface with a gravel finish. This surface has been proposed in order to limit ground disturbance and the impact upon trees to be retained, whilst providing sufficient stability to provide a suitable base for wheelchairs, prams and buggies. It would be necessary to remove a number of protected trees (148) in order to accommodate the proposed parking, although the layout has been designed so as to concentrate the new parking in the area of woodland with the least number of mature trees. The trees indicated for removal are concentrated along the northern side of wooded area, which the applicant suggests are relatively newly planted and approximately 20 years old. The mature and more established woodland to the south would remain untouched. However, there are two significant oak trees within the proposed parking area. The applicant has designed the car parking in order that these two oak trees can be retained. A comprehensive tree survey was submitted with this application, which aided the applicant in designing the

Construction of a new switch room, 129 new car parking spaces and implementation of woodland management plan at Oakwood House, Oakwood Park, Maidstone– MA/06/2014

car parking areas, and indicates that 148 surveyed trees would need to be removed from within the woodland to accommodate the car parking.

9. It is estimated that a further 55 trees would need to be removed to allow for the access road to be widened, and car parking provided along its length. The parking bays along the access road, and within the courtyard area, are intended to have a Macadam finish to tie in with the existing surfaces.
10. The applicant has carefully considered this scheme, and proposes future management of the woodland and biodiversity enhancement measures. Ecological surveys and tree surveys were undertaken prior to submitting this application, and have informed the application process. The majority of the trees scheduled for removal are sweet chestnut. It is proposed that the sweet chestnut removed is re-used to form the fencing along the back of the car parking area, and in the edging of the car parking bays. In addition, dead wood would be retained to create important habitats within the remaining wooded area.
11. The wooded area affected by the proposals has had a degree of maintenance in recent years, although it has not been managed. The submitted ecological surveys do not identify the presence of protected species on site, although it is intended that a suitably qualified ecologist/bat worker be present when carrying out works on trees. The ecological surveys identified a number of characteristics that reduce the potential for protected species including the immaturity and even age of many of the trees, the lack of a dense 'under storey' and ground vegetation, absence of climbing plants, level of disturbance and high number of predator species.
12. A woodland management plan has been submitted with the proposal, and it is intended that this plan be developed further and submitted pursuant to planning condition. Given the specific nature of the development, the following items are proposed to form part of the scheme and are expected to be included within the final woodland management plan:
 - Retention (including relocation) of dead wood, including existing tree stumps;
 - Creation of new dead wood habitats throughout the wooded area with wood from trees that are felled;
 - Translocation of the topsoil, which would be removed to form the new parking surfaces. It is intended that where possible the soil be distributed on areas abutting the existing woodland; and
 - Bat boxes.
13. The applicant suggests that there is evidence of trespass, litter and vandalism in the existing wooded area. It is intended that the woodland management plan would make the woodland a more usable space, increasing the sense of self-policing. The concentration of the car parking to the north of the woodland, abutting an existing area of car parking, would also aid in the self policing of the area. CCTV cameras and the development of a scheme of lighting are intended to help maintain security.
14. The applicant proposes that parking at Oakwood House would be controlled by two security barriers. These barriers would allow vehicles to gain entrance to both new and existing car park areas with a security code being required to leave the site. It is intended that the barriers be solar powered. The new parking area is designed to allow sufficient space for two way routes along all of the parking bays. A pathway has been indicated at the centre of the parking area which would link directly to the existing

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pathways and routes around the existing buildings. Landscaped/planted areas would also be included to soften its visual appearance.

15. The proposed switch room would be located on the north-west corner of the existing hotel accommodation block, and would be a small lean-to brick enclosure with a tiled roof. The brick work and the tiles are intended to match the existing.

Reduced copies of the submitted drawings showing the proposed car park layouts are attached.

Planning Policy

16. 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.

Policy QL11- Existing community services will be protected as long as there is a demonstrable need for them. Provision will be made for the development and improvement of local services in town and district centres.

Policy EN8 - Wildlife habitats and species will be protected, conserved and enhanced, especially through long term management and habitat creation schemes. 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 TP19 - Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council and Medway Council.

(iii) **Maidstone Borough Local Plan: Adopted December 2000**

Policy ENV2 – Planning permission will not be granted for development in the defined urban area unless:

- (1) Proposals relate sympathetically to the context provided by their setting and by adjoining buildings with regards to

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scale, height, proportion, detailing and materials, building frontages, topography, public views, landmark buildings, existing landscape features, highways and car parking; and
(2) Due regard is given to the reasonable enjoyment of their properties by neighbouring occupiers.

Policy ENV5- Development will not be permitted if it would result in the destruction of, or damage to, one or more trees which make a significant contribution to the amenities of the locality, the character or quality of the landscape, to habitat quality or biodiversity, or are protected by Tree Preservation Orders, unless a number of criteria are met.

Policy ENV6 – In appropriate cases, the Borough Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals. Such schemes should incorporate the retention of existing trees, woodlands, and hedgerows and provide a scheme of new planting of trees, hedgerows and shrubs, using native and/or near native species.

Policy ENV40 – If features of nature conservation interest are discovered, planning permission will not be granted for development unless the development would not harm those features, the features will be protected from harm either in situ or by transfer to another habitat, or the importance of the development outweighs the value of the features.

Policy T13 - The Borough Council will adopt parking standards for all new development, generally to ensure minimum provision.

Consultations

17. Maidstone Borough Council: raised objection to the initial proposal on the following grounds:

- That the proposal would result in the removal of a significant number of trees, which would have a detrimental impact on the visual amenities of the area and the ecological value of the site. The close proximity of the proposed parking areas to retained trees could have the potential to adversely impact upon their health and longevity;
- There would be future pressure to surface the car park in tarmac, or similar, due to the unsuitable and inappropriate surfacing proposed. This would result in a harsh visual appearance to the development which would have a detrimental impact on the visual amenities of the area;
- The site is located within the urban area of Maidstone, with a variety of alternative modes of transport available other than the private motor car. Therefore the proposed development does not represent sustainable development;
- The unsuitable layout of the proposed car park would result in future pressure to remove trees due to deposits from trees and falling/dangerous overhanging branches, further harming the visual amenities of the area and the ecological value of the site;

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- The layout of the proposal pays insufficient regard to crime prevention, resulting in isolated parking areas where there is little opportunity for passive surveillance;
- The proposed development would result in an unacceptable loss of existing ground cover flora to the detriment of the character and visual amenities of the area and its ecology and biodiversity;

Maidstone Borough Council considered that the initial proposal was contrary to Policies EN8, EN9 and QL1 of the Kent and Medway Structure Plan, Policies ENV2, ENV3, ENV5 and ENV6 of the Maidstone Borough Local Plan, and guidance contained in PPS1 (Sustainable Development), PPS9 (Biodiversity) and PPG13 (Transport).

No views have been received on the revised scheme, which was prepared in part to address concerns raised by Maidstone Borough Council. We understand that the matter may be reported as an urgent item to the Borough Council Planning Committee on the 19 March 2007. I will therefore bring to Members' attention any further comments received before the Planning Applications Committee.

Biodiversity Officer: comments that it is appropriate that recommendations made are taken forward as conditions of planning permission, provided that the further actions and reports are subject to scrutiny and approval before such conditions are discharged. The Biodiversity Officer comments as follows:

Woodland Management Plan

"I have made considerable comment on the inadequacy of the previous woodland management plan and it has been agreed that an appropriate woodland management plan must be produced. This can be achieved under a condition of planning permission providing we are given the opportunity to review it and amend it if necessary before the condition is deemed to be fulfilled. An appropriate management plan compiled by experienced habitat managers with a commitment from the applicants to implement it in the future is required for this site.

There have also been discussions concerning the transfer of the topsoil from the new car park area to other parts of the woodland or to areas allocated for new woodland creation. This is in order to utilise the valuable woodland soil that will contain resources of seed and invertebrates from an ancient woodland soil that would otherwise be lost. This action will require expert guidance from ecologists/consultants/academics that have previous experience in this field. A survey of the ground flora and soil in the woodland must be carried out in order to identify the areas of woodland that may benefit from the addition of some of the soil to be removed. There have also been discussions concerning the use of the soil in creating areas of new woodland. This would probably be the best option, if it is achievable, as it would utilise the soil and compensate for the loss of woodland. Any planting that is carried out must utilise native, local provenance vegetation species in order to add to local biodiversity. The translocation of the soil must be investigated further by the organisation producing the management plan and the options should be fully discussed, and the decision fully explained, within the management plan. This is an area where I would welcome further consultation and involvement with the producers of the management plan. The soil transfer should not be made a specific condition of planning permission, it should form part of the content of the management plan,

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in order to avoid commitment to an action before its suitability has been fully investigated.

The soil translocation must then be monitored in to the future to assess the success of the strategy. The translocation of habitats is a relatively new exercise and the knowledge that would be gained would be very valuable. Furthermore, in general, all mitigation measures should be monitored to ensure their success, as a failed mitigation strategy does not qualify as adequate mitigation.”

Birds

“As there are areas of vegetation which will be affected by the construction works during this development, some precautions should be taken to avoid disturbance to nesting birds. No disturbance to birds should be carried out during the nesting season (March to August inclusive), as all birds and their nests and eggs are protected under the Wildlife and Countryside Act (1981). Mitigation measures should be included in the development plans and implemented during construction in order to protect breeding birds that may use the vegetation, or any built structures, that will be removed, if it falls in the breeding season mentioned above. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work development must cease until after the juveniles have fledged. Any work that affects possible nesting sites should be completed outside of the breeding season. This should be included as a condition of planning permission on the planning application.”

Bats

“All trees to be removed that have been assessed as having potential to support bats should be subject to a bat survey by a suitably experienced bat worker immediately prior to felling.

As trees and structures can be used sporadically as roosts it cannot be completely certain that bats do not use trees even if they have been surveyed. Any work on trees, including felling, should be carried out during mid March to mid April or in October, in order to avoid disturbing and bats that may be present.

If bats are discovered during any works on site, work should cease immediately and a licensed bat worker and Natural England should be consulted.

The effect of the lighting throughout the scheme on bats should be assessed and, with the help of an ecologist with experience of bat ecology, lighting that will minimise these effects should be installed.

If any other protected species are found during the development, work should cease immediately and a qualified ecologist should be consulted on the correct course of action.”

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Landscaping Advisor: has no concerns over the proposed switch room in terms of its design and location. The Landscape Advisor comments as follows on the revised car parking proposal:

Impact on Landscape

“The proposed concentrated parking block would appear visually dominating and does not appear to consider the existing structure of the woodland as the previous proposal did. We do not object to the loose gravel surfacing and sweet chestnut split trunk edging as this would provide a softer visual appearance than sole use of macadam throughout the proposed parking. We recommend a green parking surface, such as Grasscrete, to soften the impact even further, as well as increased integration of proposed vegetation throughout the parking spaces.”

“The proposed car park layout allows for only a minimal area of proposed planting and gives limited opportunity for appropriate planting. We suggest that the car park should incorporate larger and more frequent areas of planting within the layout, so as to integrate the car parking into the surrounding landscape more effectively. This would also allow for some taller trees to be proposed within the cleared space, reducing the impact of such significant woodland clearance. Alternatively, the car park should be designed to retain and incorporate a significant amount of the better quality existing trees. The planting proposals illustrated on the Proposed Car Parking Detail Planting Plan, drawing number B1876300/07, do not support the landscape character of the surrounding site.”

Impact on Trees

“.....Two trees assessed as being of high quality value would be removed as part of the scheme (beech and pine) and two would potentially incur damage as their canopies overhang the proposed car park. Many trees (approximately 100) assessed as being of moderate quality value would be removed as part of the scheme. There are no plans to replace the specimens lost elsewhere on the scheme. Immediate replacement of trees of moderate value, many of which are of a good age and size, would not be possible anyhow. The root protection area, illustrated on drawing number B01876300/07/RPA, extends in parts across the proposed car parking surface. This would lead to more tree removal and potential damage than initially looks necessary. There would be a substantial adverse impact on trees as a result of the scheme.”

Conclusion

“The planting proposals do not support the landscape character of the surrounding site. The car park should incorporate larger and more frequent planting areas, or should retain and incorporate a significant amount of the better quality existing trees.

There would be a substantial adverse impact on trees as a result of the development, with approximately 100 specimens to be removed being assessed at moderate quality value and two of high quality value. It would not be possible to mitigate against the extent of the impact on trees.”

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Ongoing dialogue with our Landscape Advisor has resulted in the following further comments being received:

“It would be preferred in landscape terms, if car parking was permitted along the access drive and not within the main woodland block. This would still cause an adverse impact on trees, but to a lesser degree than if parking was proposed both within the woodland and along the driveway. Existing tree planting along the driveway is not as dense as within the main woodland block and many of the specimens are smaller. However, two trees which would require removal are of high quality value (a beech and a pine) and the majority are of moderate quality value.

Tree removal is an issue across the entire site and it would be preferred to see minimal disturbance where possible. Whilst tree removal along the access drive would be preferred to removal both along the drive and within the main woodland block, there would still be a moderate adverse impact on trees due to the number to be removed and reasonable quality of the specimens. There would also be a slight adverse impact on the character of the site, with a noticeable decrease in tree cover.”

Kent Police Architectural Liaison Officer: fully supports this application, but requests that the issues of lighting provision and the installation of CCTV are addressed, and that the complete car park should be fenced to an adequate standard (BS).

The Environment Agency: raises no objection to the proposal subject to the imposition of conditions regarding the discharge of foul/contaminated drainage and surface water drainage.

The Area Transportation Manager: raises no objection to the proposals in respect of highway matters subject to the imposition of a condition to safeguard the car parking.

County Archaeologist: requests that a condition be placed on any grant of planning permission requiring the securing of the implementation of a watching brief, which shall be undertaken in accordance with a written specification and timetable.

Local Member

18. The local County Members, Mr D. Daley and Mr J. Curwood, were notified of the application on the 1 November 2006. Mr D. Daley has commented as follows on the revised proposal:

“Having had ample opportunity to become more than casually acquainted with this case, I would like to say that I am now broadly in agreement with the amendments made to the original application drawings and supporting reports, and acknowledge with thanks the efforts made to comply with the requests for improvement of the scheme from Maidstone Borough as Local Planning Authority and Consultee and other local objectors.

As you will know, this case has been the subject of much debate locally, particularly with regard to the situation relating to Oak Wood, which is seen as being the only remaining part of the ancient woodland which formed much of the original Oakwood Park Estate.

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Having now had the opportunity of talking this scheme through with Members and Officers of Maidstone Borough Council and listening to the views of those interested in the preservation of natural habitat, I am satisfied that the amendments largely fill the aspirations of all groups and therefore am pleased to give my support to the scheme.

Whilst it is important that the business aspirations of Oakwood House should be maximized, it should not be at the expense of very important indigenous wild life, natural history and biodiversity. I understand that there is now to be a Management Plan for the remainder of the woodland, the establishment of a Local Nature Reserve and that the bluebell wood will be transplanted to enable it to flourish in a better and undisturbed setting.

I believe that there is now a chance that all that is hoped for can be achieved to the satisfaction of all parties.”

Publicity

19. The application was publicised by the posting of a site notice, advertisement in a local newspaper, and the individual notification of 5 neighbouring properties (educational institutions).

Representations

20. 2 letters of representation have been received to date, from one local resident. The main comments/points of concern can be summarised as follows and relate to the scheme as originally submitted:
- Cannot believe that there are plans to destroy the centre of the woodland, which is one of the last bits of nature left in Maidstone, all for the sake of a car park.
 - Concerns over impacts on trees, flora and fauna, namely bluebells, birds and bats.
 - Why cannot the existing car parks be extended, or they take more fields?
 - Are we not supposed to be safeguarding the environment?
 - The woodland is home to certain species of plant which suggest that the site is ancient woodland.

Discussion

21. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (16) 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 removal of trees and impact upon the woodland, part of which is protected by a group Tree Preservation Order, ecological concerns, impact on visual and landscape amenity and highway implications. This will need to be balanced against the need for enhanced community facilities.
22. Policies SP1 and QL1 of the Adopted Kent and Medway Structure Plan, and Policy ENV2 of the Maidstone Borough Local Plan seek to conserve and enhance the

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environment and require development to be well designed and respect its setting. This is particularly relevant to this site which, although is within the built confines of Maidstone, forms an integral part of the landscape setting of Oakwood House and the surrounding educational campus.

Biodiversity

23. This application will have an impact upon flora and fauna and, therefore, its ecological implications need to be considered in the determination of this application and assessed against Structure Plan policy EN8 and ENV40 of the Maidstone Borough Local Plan. The applicant has undertaken full ecological surveys of the site, which did not reveal the presence of any reptile species within the proposed development area, or any other protected species. However, it is considered that some trees on site, mainly the mature oak trees, have a potential to house bats. In addition, it is concluded that a small number of birds may nest within the site, and the surveys make a number of recommendations to reduce the risk of harm to bats and birds during development.
24. The ecological surveys state that there are some characteristics of the woodland that are considered to reduce the potential of the site to accommodate protected species. These characteristics include the relative immaturity and even age of many of the trees, the lack of a dense under storey, the lack of ground vegetation and high number of predator species. The ecological surveys also state that ground vegetation is almost absent, with a dense leaf litter covering much of the ground, and concludes that in general, it is considered that the site has no specific notable natural botanical interest. However, it is of note that the woodland is home to a large number of bluebells, which carpet the woodland in spring.
25. In order to enhance the biodiversity value of the woodland, and to increase its use as an important resource and asset to Oakwood House, the applicant has submitted a Woodland Management Plan with this application. This provides the principles for future management, but would require further amplification if Members were minded to permit the proposal and that could be addressed by condition.
26. The submitted ecological surveys identified that the site had the potential to house bats and birds and, as there are areas of vegetation which would be affected by the construction works during this development, some precautions would need to be taken to avoid disturbance to nesting birds and/or bats. Members will note from the Biodiversity Officer's comments in paragraph 17 that no disturbance to birds should be carried out during the nesting season (March to August inclusive), as all birds and their nests and eggs are protected under the Wildlife and Countryside Act (1981). Should planning permission be granted, then this would be a condition of consent. In addition, should works be undertaken within the bird breeding season then all trees must be subject to examination by an experienced ecologist prior to starting work and, if any nesting birds are found during work, development must cease until after the young birds have fledged. Again, this could be controlled under planning condition.
27. Similarly, should Members be minded to permit, conditions would also be imposed to protect bats. This would include details of lighting to the car park to ensure that the effect of the lighting on bats could be minimised. Lastly, if any other protected species is found during the development, work should cease immediately and a qualified ecologist should be consulted on the correct course of action.

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28. Subject to the works and conditions outlined above, I am of the opinion that the ecological implications of this proposal can be effectively mitigated against, and that through the Woodland Management Plan, the biodiversity value of the site could in fact be increased. Kent & Medway Structure Plan Policy EN8 requires Kent's landscape and wildlife habitats to be conserved and enhanced, which is amplified by Maidstone Borough Local Plan Policy ENV40. I consider that the conditions outlined above would successfully and effectively mitigate the adverse impacts of this proposal upon protected species and their habitats, and would provide compensating environmental benefits. This is in accordance with the principles of Development Plan Policies.
29. However, Members will be aware from my recommendation that I have concerns relating to the details of the car parking within the woodland area. It must be noted that should car parking within the woodland area be refused, and the car parking along the access road be permitted, in accordance with my recommendation, the submission of a Woodland Management Plan under condition would be difficult to sustain given the reduced impact on the woodland. In the event that Members are minded to permit only the car parking outside of the woodland, conditions protecting biodiversity interests on site and requiring details of tree protection, a scheme of landscaping and biodiversity enhancement measures would be attached to any decision. Therefore, many of the aspects that would have been incorporated into the management plan would be addressed in an alternative way. In light of the proposed layout, on balance I consider that the retention of the woodland area outweighs the need/benefits of the Woodland Management Plan.

Trees

30. The primary concern with regards to this application is the removal of trees on site, and the impact of the proposed car parking upon those trees to be retained. The proposed parking within the woodland would necessitate the removal of 148 trees, with a further estimated 55 trees to be removed to accommodate the car parking along the access road. The tree survey has identified that only a small number of trees which require removal are of low quality value. Approximately 100 of the proposed trees to be removed are assessed by an arboriculturalist as being of moderate quality. There are no plans to replace the specimens lost elsewhere within the scheme, although should soil translocation be possible, this would allow the woodland flora to regenerate on an alternative site.
31. The removal of such a large number of trees would have an impact upon visual amenity and the wider landscape, and those issues are discussed below. However, the principle of the removal of the trees needs to be considered in relation to Development Plan Policies. This is particularly important in this instance as all the trees within the woodland area are subject to a Tree Preservation Order. Policy EN9 of the Kent and Medway Structure Plan states that tree cover and the hedgerow network should be maintained, and additionally they should be enhanced where this would improve the landscape. This is amplified by Maidstone Borough Local Plan Policy ENV5 which states that development will not be permitted if it would result in the destruction of, or damage to, one or more trees which make a significant contribution to the amenities of the locality, the character or quality of the landscape, to habitat quality or biodiversity, or are protected by a Tree Preservation Order, unless a number of criteria are met. As the woodland at Oakwood House is protected by a Tree Preservation Order, I consider that the importance of the trees in terms of contribution to the amenities of the locality and the character and quality of the landscape could be regarded as significant in development plan policy terms.

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32. Policy ENV5 of the Maidstone Borough Local Plan has a presumption against development such as this, unless certain criteria is met. The policy states:

Development will not be permitted if it would result in the destruction of, or damage to, one or more trees which are either:

- (1) protected by a tree preservation order; or*
- (2) situated in a conservation area; or*
- (3) identified as ancient woodland; or*
- (4) which make a significant contribution to the amenities of a locality, the character or quality of the landscape, or to habitat quality or biodiversity*

Unless the Council is satisfied that:

- (A) the need for the development outweighs the amenity, landscape or habitat and biodiversity value of the trees or woodland affected; or*
- (B) the removal of the trees or woodland is in the interest of good arboricultural or woodland management practice or in the interests of habitat protection or biodiversity; provided that*
- (C) the development will not result in overall loss of or detriment to the borough's resource of ancient woodland; and*
- (D) the development will not result in the subsequent removal or damage to, other existing trees or woodland on or near the site, or the creation of pressures for further or tree surgery; and*
- (E) adequate provision is made either on or near the site, for the planting and future growth of an equivalent number of trees, or area of woodland to that which is removed, except where this would conflict with other Plan policies.*

33. There are two distinct elements to this proposal – a parking area within the woodland and a second area adjacent to the access road. Only the first element is affected by the Tree Preservation Order (TPO). In considering this proposal, in my view it is therefore appropriate to consider the two parking areas separately against the policy criteria.

34. The parking area proposed for the access road would not impact upon protected trees and would, therefore, only fall under criterion (4) above. The trees along the access road do not constitute a part of the main woodland, and form a strip of boundary planting between the Oakwood House site and neighbouring playing fields. The Landscape Advisor states that existing tree planting along the driveway is not as dense as within the main woodland block, and many of the specimens are smaller. Although the trees along the access road do contribute to the amenity of the locality, I do not consider this contribution amounts to being significant. Therefore, the presumption against development here can be removed, and I conclude that the provision of car parking along the access road would be acceptable given other planning considerations, including need, which are discussed elsewhere in this report.

35. There is little doubt that given the TPO coverage to the proposed woodland parking area, this element of the proposal falls within criteria (1) and (4) above. Therefore, it is necessary to consider the proposed car parking within the woodland under criteria (A) to (E) of Policy ENV5 of the Borough local Plan.

36. Criterion (A) seeks to balance the need for the development against the amenity, landscape or habitat value of the trees/woodland affected. The applicant has

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demonstrated a case of need for additional car parking, which is discussed later in this report (paras 47-49) as is the impact on biodiversity (paras. 23-29) and the impact upon amenity and landscape (paras 43-44) Whilst I recognise the need to provide additional parking to address the shortfall on the Oakwood campus, the proposal would result in the loss of a sizeable number of trees that make a valuable contribution to amenity and the local landscape. The parking area within the woodland would appear visually dominating and as proposed provides minimal area for planting or retention of trees within the layout. As such the current design solution does not support the landscape character of the surrounding site and in light of current consultee views, the need and the layout as proposed within the woodland is insufficient in my view to outweigh the policy support given to the protection of the woodland and the protected trees.

37. Criterion (B) considers whether the removal of the trees/woodland is in the interest of good arboricultural or woodland management practice, or in the interests of habitat protection or biodiversity. The tree surveys accompanying the application identify many trees on site which require removal that are of moderate and low value/worth and, therefore, I do not consider that this criterion is fulfilled. These first two criteria are of primary importance, with the remaining three being subject to the above being met. In this instance neither of the primary criteria are fulfilled in my view and, therefore, I consider that the presumption against development must apply and that development within the woodland site should not be permitted. However, I shall discuss the remaining three criteria below.
38. Criterion (C) is that the development would not result in a loss of Ancient Woodland. It has been suggested that the woodland at Oakwood could be ancient woodland, and the flora present on site supports this theory. However, the site is not formally designated as Ancient Woodland and the applicant states that the trees indicated for removal are concentrated along the northern side of the wooded area, which is relatively new at approximately 20 years old. The mature and more established woodland to the south would remain untouched. I do not consider, therefore, that this proposal would result in an overall loss of ancient woodland.
39. The fourth criterion (D), to be fulfilled in order to override the presumption against development is that the development would not result in the subsequent removal of, or damage to, other existing trees or woodland, or create pressures for further felling or tree surgery. Maidstone Borough Council raised objection to the initial proposal on a number of grounds, one of which was potential future pressures to remove trees due to deposits from trees and potentially falling/dangerous overhanging branches. Although the layout of the car parking area has been amended following receipt of these comments, I consider this concern remains valid. The Landscape Advisor considers that trees could incur damage as their canopies overhang the proposed car park. In addition, the root protection area, shown on the submitted drawing, extends in part across the proposed car parking surface. It is considered that this could lead to more tree removal and potential damage than initially proposed. Although full details of tree protection measures could be submitted under planning condition, the layout as currently proposed has the potential to impact upon the trees to be retained. Therefore, I consider that this criterion is not met.
40. The final criterion (E) which must be satisfied is that adequate provision is made, whether on or near the site, for the planting and future growth of an equivalent number of trees, or area of woodland to that which is removed. As discussed in paragraph 25, the applicant intends to submit a Woodland Management Plan, which would be a condition of approval should Members be minded to permit. The Plan would detail future

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management of the woodland, and look at the possibility of soil translocation, which would be undertaken in conjunction with the planting of saplings. However, a site for such compensation works has not yet been identified, and the issue of soil translocation needs further investigation before it can be deemed appropriate in this instance. Regardless of this, the applicant has not expressed an intention to replace some 200 trees that would need to be removed to facilitate this development or to create an area of woodland equivalent in size to that being removed. Therefore, compensation planting cannot be guaranteed, and in the event that soil translocation and planting does occur it would not be on the scale specified by Policy ENV5.

41. In light of this, and the fact that the 2 primary criteria of Policy ENV5 of Maidstone Borough Local Plan (A and B of para 32 above) are not met and that the proposal does not satisfy the requirements of 2 of the remaining 3 criteria, I consider that this element of the proposal does not accord with Development Plan Policy with regards to the protection of trees.
42. It is worthy of note that in my opinion minor changes to the layout, i.e. the removal of a small number of spaces to allow for retention of further trees, and/or enhanced planting may have resulted in an acceptable scheme. Discussion with the applicants has concluded however that this is not possible as they wish to retain all of the proposed parking spaces.

Visual amenity and impact upon the landscape

43. Oakwood House is located at the centre of the Oakwood Campus, which is home to a number of educational institutions. Therefore, residential properties do not immediately border the application site, and the woodland is not widely visible from local residential streets. However, the Oakwood Campus is an intensively developed site, and the woodland provides a central focal point. It provides an important landscape feature within the site, and contains many trees assessed as having a high or moderate value and worth. The car parking block within the woodland would appear visually dominating, and allows for only a minimal area for proposed planting, giving limited opportunity for appropriate planting, a view shared by our Landscape Advisor. It is considered that the layout of the car parking as currently proposed is too intensive for this sensitive location. In my view it could be amended to incorporate larger and more frequent areas of planting, and allow for retention of more of the existing trees. This would integrate the car parking into the surrounding landscape more effectively. In its current form the proposed car parking layout within the woodland, and suggested planting scheme, does not support the landscape character of the surrounding site.
43. The car parking proposed outside of the woodland would have a lesser impact upon visual amenity and the wider landscape. Although removal of trees along the access road would open up the boundary between Oakwood House and the neighbouring school playing fields, I do not consider that this impact would be significantly adverse. In addition, 25 of the spaces proposed here are on existing areas of hardstanding, which are already used for informal car parking. 19 further spaces are proposed within the vegetated verge of the access road and, although the removal of trees here would have a slight adverse impact on the character of the site, I consider that the impact upon the wider landscape and visual amenity of the site would not be detrimental. Therefore, on balance, I consider that the car parking proposed outside of the main woodland area is acceptable in terms of impact upon the landscape and visual amenity of the site.

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44. The car parking proposed to the edge of the access road, and that upon existing areas of hardstanding, is proposed to be finished in Macadam, which ties in with existing surfaces and is considered to be acceptable in this instance. Within the woodland area itself, the applicant proposes to use a self draining surface with a gravel finish. This surface is proposed in order to limit ground disturbance and, therefore, impacts upon the root zones of trees to be retained, whilst at the same time providing a surface which is Disability Discrimination Act compliant, suitable for wheelchairs and prams. The Landscape Advisors, whilst not objecting to this surfacing, or the sweet chestnut split trunk edging, have recommended that a green surface, such as Grasscrete, be used to further soften the visual impact. However, the applicant states that Grasscrete is considered to provide a surface that is not ideal for use with wheelchairs/prams. In addition, grass systems such as this also tend to thrive in areas with low or occasional use, such as overflow parking, but when used in areas with higher usage tend to produce a patchy finish over time that can look unpleasant. Furthermore, the car parking within the woodland would be sheltered from direct sunlight by the remaining trees, limiting the success of a grass finish. Therefore, the use of the surface proposed is deemed to be appropriate in this instance. As the surfacing is available in many colour finishes, I consider it appropriate, should planning permission be granted, to condition that details of the colour finish be submitted for approval under planning condition.

Security

45. The applicant suggests that there is evidence of trespass, litter and vandalism within the woodland area. The area is used as a shortcut to and from local school/colleges and the applicant states that there is evidence of a 'den' having been created. In addition, it is suggested that needles have been found. The Woodland Management Plan, and the thinning out and removal of the evergreen shrubs, would increase the usability of the woodland, and increase the amount of visual permeability. However, it must be noted that should permission for the car parking within the woodland be refused, then the Woodland Management Plan could not reasonably be required under planning condition. The applicant suggests that the concentration of the car park into a smaller area, abutting an existing area of hardstanding, would create a clear site with a degree of self policing. CCTV and a scheme of lighting, details of which would be required under planning condition, would also increase the security and usability of the site. Kent Police's Architectural Liaison Officer supports the application on the grounds that it would reduce the current anti social use of the woodland area. However, it is important to note that effective management of the woodland could be undertaken regardless of this application, and/or the submission of a Woodland Management Plan. In this instance however, should planning permission be granted for the car parking within the woodland, an improvement in the use of the woodland, and its security, could be achieved.

Switch room

46. This application also includes the provision of a switch room, to be located on the north-west corner of the existing hotel accommodation block. The switch room would be an enclosed brick built lean-to structure, with a tiled roof, which would support the new extension to the rear of Oakwood House. As the materials would match the existing, and no trees would be affected by the proposed switch room, I consider that this element of the proposal is acceptable.

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Need and Sustainability

47. In assessing this proposal, and balancing all the planning considerations, it is necessary to have regard to the need for new community facilities (i.e. parking) on the Oakwood Campus. In May 2006 planning permission for a single storey extension to the rear of Oakwood House, consisting of a new conference space and associated supporting areas was permitted. At that time, to address concerns regarding lack of parking at Oakwood House, and the Oakwood Campus as a whole, Kent Highways Services requested a condition be attached to the planning approval limiting the hours of use of the extension until additional car parking was provided on site. Therefore, the additional conference space provided within the extension can only be used after 6.30pm Monday to Friday, and at weekends. Additional car parking is required at Oakwood House to enable the new facility to be used during working hours i.e. before 6.30pm Monday to Friday. Until additional car parking is provided an intensification of use of the site cannot occur and, therefore, the provision of the new facilities at Oakwood House cannot be used to their full potential.
48. In addition, the provision of further car parking at Oakwood House is intended to alleviate the current parking limitations on site, which the applicant suggests greatly affects the ability of Oakwood House to function properly. Currently parking occurs on verges and planting areas, which is harmful to existing trees and vegetation, as well as limiting visibility splays and compromising the width of the carriageway. The applicant has demonstrated that Oakwood House needs to provide 310 car parking spaces to accord to Kent County Council Vehicle Parking Standards, of which 149 are on site. This leaves a shortfall of 161 car parking spaces, which this proposal goes some way towards providing.
49. Although the site is within the built confines of Maidstone, and is accessible by public transport, by nature of the use of Oakwood House, ie. weddings, training seminar and functions, the majority of its clientele would travel some distance to use the facilities. Therefore, I consider that the need for additional car parking on site has been successfully demonstrated by the applicant, and that the provision of further on site car parking is required to enable both existing and new facilities on site to function effectively and safely. It is of note that Kent Highways Services has no objections to the proposal in terms of highway design considerations.

Timescale Implications

44. The applicant seeks to secure additional parking facilities at the Oakwood House site this year and to enable fuller use of the new conference facility that is currently under construction. It has advised that it wishes to commence works as a matter of urgency this spring to minimise the risk of delays to the project from nesting birds. The applicant has therefore requested that the application be considered by the March Planning Applications Committee.

Conclusion

50. On the basis of current information, I consider that the need for additional car parking for the Oakwood House complex has been satisfactorily made. This however needs to be balanced against other material planning considerations. In light of the unresolved objection from Maidstone Borough Council (albeit to the scheme as originally made), the concerns expressed by the Landscape Advisor and the conflict with development plan policy, the proposed layout within the woodland does not outweigh the impact of the

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removal of trees sufficient to meet the requirements of development plan policy. Many of the trees identified for removal within the woodland area are subject to a Tree Preservation Order and are assessed as being of important value in terms of visual and local amenity. The design solution currently proposed does not support the landscape character of the surrounding site and would appear visually dominating with minimal areas for planting or retention of trees.

51. However, the need for additional car parking has been demonstrated, and further car parking is required to enable the new function room to be used during the working day. The proposed car parking outside of the woodland is acceptable in planning terms and would not affect protected trees. I consider that it would be appropriate and acceptable in this instance to recommend approval of the car parking outside of the woodland area. That would allow for the provision of 44 additional car parking spaces on site, which although not ideal, would fulfil the requirements of the planning condition attached to the consent of the function room, as detailed in paragraph 3, allowing use of the facility at all times. I consider that this is an appropriate solution given the circumstances.
52. Dialogue with Maidstone Borough Council will continue, and should views from the Borough Council be received prior to the Planning Committee Meeting, they will be reported verbally to Members

Recommendation

53. In light of the above my recommendation is in 2 parts:

54. I RECOMMEND THAT:

- (i) planning permission be GRANTED for the car parking area outside of the woodland and the switch room subject to conditions, including conditions covering the standard time limit, the development to be carried out in accordance with the permitted details, a scheme of landscaping, its implementation and maintenance measures to protect trees to be retained, details of the surfacing to the car park; details of external lighting, the implementation of a watching brief, protection of nesting birds, protection of bats, biodiversity enhancement, safeguarding of the car park, and hours of working during construction;
- (ii) on the basis of the information currently available, planning permission be REFUSED for the car parking element within the woodland, on the basis that the layout is unacceptable in terms of its impact on protected trees and the amenity of the locality contrary to Maidstone Borough wide Local Plan Policy ENV5 and Kent and Medway Structure Plan Policy EN9.

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.

- | | |
|--|--|
| DO/06/1436 | Construction of a new office extension to the existing complex and ancillary works.
Kent County Council, Dover Waste Transfer Station, Honeywood Road, Whitfield, Dover |
| SH/06/1556 | Extension of time to allow continuation of operations for a further six months until 15 May 2007 to secure the final restoration of the site in accordance with the approved restoration and aftercare scheme.
Whitehall Farm Quarry, Lydd |
| SW/06/1374 | Proposed waste electronic and electrical equipment (WEEE) facility for reprocessing and recycling of electrical and electronic equipment.
Acorn Storage Equipment Ltd, Gas Road, Sittingbourne |
| TM/06/762/R7(A),
(B), (D), (E), (F),
(G) & (H) | Request for discharge of condition 7(A), 7(B), 7(D), 7(E), 7(F), 7(G) and 7(H) of planning permission TM/06/762 dated 19 September 2006 in respect of access road design and construction, hardstandings and other surfaces, external construction materials, finishes and colours of all plant and buildings, the nature and location of facilities for the storage of contaminated materials, perimeter fencing, site drainage (foul and surface water) and signs to advise drivers of the vehicle routing arrangements.
Blaise Farm Quarry, Kings Hill, West Malling |
| TM/06/762/R7(C) | Request for discharge of condition 7(C) of planning permission TM/06/762 dated 19 September 2006 in respect of details of proposed external lighting.
Blaise Farm Quarry, Kings Hill, West Malling |
| AS/06/24/R9 | Reserved matters – Approval of materials, colours and finishes of all buildings and structures. Upgrade of wastewater treatment works and sludge recycling centre.
Ashford Waste Water Treatment Works, Canterbury Road, Ashford |

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.

CA/06/1671	Additional parking bays on public highway. End of Rutland Close, Canterbury
CA/06/1670	4 parking bays construction on existing footway. 41-47 Sussex Avenue, Canterbury
DO/06/1502	Resurfacing and refurbishment of car park including formation of parking bays, pathways, boat plots and erection of bollards. Car Park, The Bay, St Margaret's Bay
DO/07/25	Erection of single storey structure to incorporate pier, café and disabled access, and associated external lighting (existing structure on pier head to be demolished). The Pier, Beach Street, Deal
MA/07/288	Renewal of temporary permission MA/06/284 for a further 12 month period (relating to the hours of the amphitheatre and issues of amplified sound). Millennium River Bank Amphitheatre, Archbishop Palace, Mill Street, Maidstone
DA/06/1058	Outline application for erection of 175 residential units, public open space, access roads and associated parking. Former Fantaseas Site, Bow Arrow Lane, Dartford
MA/07/336	Refurbishment of existing toilet block to form a new disabled toilet facility. Public Conveniences South Park, Armstrong Road, Maidstone
SW/06/1354	Outline application for one detached bungalow with detached garage. Land adjacent 26 The Leas, Minster, Isle of Sheppey

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.

- AS/05/2144/R7&R15 Reserved Matters – Details of a scheme to translocate the existing hedgerow (pursuant to condition 6) and subsequent mitigation measures (pursuant to condition 15).
High Halden Church of England Primary School, Church Hill, High Halden
- DA/07/14 Canopy for Year One Children's Playground.
The Brent Primary School, London Road, Stone, Dartford
- DA/05/768 Details of the location of the contractors site compound and car parking area – Two storey extension.
Sedleys C of E Primary School, Church Street, Southfleet, Gravesend
- DA/03/627/R7 Reserved details – Kent Thameside Fastrack, Everard's Link Phase 1 – Details of bus shelters.
Land immediately North of the railway line and immediately East of Station Road, Greenhithe
- DA/05/768/R3 Details of all materials to be used externally - Two storey extension to existing school building.
Sedleys C of E Primary School, Church Street, Southfleet
- DA/06/373/R Amendments to approved scheme – Addition of substation. Provision of new three storey teaching block and sports hall.
Dartford Technology College, Highfield Road, Dartford
- DA/07/36 Retention of temporary office accommodation for use in the supervision of new highway works between Greenhithe Station and Ingress Park until December 2009 including the provision of additional offices and storage units and resurfacing of car parking areas.
Site Offices, King Edward Road, Greenhithe
- DO/07/12 Extension to the new school building to form a dedicated medical treatment room and two classrooms (retrospective) as outlined on the original submission to enable all temporary mobile classrooms to be removed from site.
Whitfield & Aspen School, Mayfield Road, Whitfield, Dover
- DO/07/68 Retention and renewal of consent for mobile classroom.
Dover Grammar School for Girls, Frith Road, Dover

DO/06/1221	Enclosure to covered classroom link and erection of railings and new gates to lower main entrance. St Mary's C of E (Aided) Primary School, Laureston Place, Dover
DO/07/70	Extension and alterations to staff accommodation, toilets and changing rooms. Lydden Primary School, Stonehall Road, Lydden, Dover
GR/07/7	Renewal of permission for temporary building (portakabin) and for a new smaller adjacent portakabin within works compound. Shornewood Country Park, Brewers Road, Shorne, Gravesend
MA/06/1745	New electrical sub-station and transformer building, new electrical switch gear building and associated access road. Cornwallis School, Hubbards Lane, Linton, Maidstone
MA/07/20	Installation of new external lift shaft. Maidstone Girls' Grammar School, Buckland Road, Maidstone
MA/06/1933	Clearance of land sufficient to allow the erection of a detached three storey block of 40 extra care apartments for the elderly and a two storey block of 7 supported apartments for people with learning difficulties, with associated communal facilities together with access, car parking and landscaping. Land at Tovil Green, Maidstone
MA/07/219	Removal of existing chimney stack to side elevation to increase floor space within the school hall. Replacement of existing windows of poor condition to two elevations of the school. St Margaret's Primary School, Colliers Street, Maidstone
SE/05/1871/RA	Amendments to include temporary pedestrian emergency gates. Milestone School, Ash Road, New Ash Green, Longfield
SH/06/1430	Storage container for sports equipment. Selsted Arts & Community Hall, Selsted Church of England Primary School, Stockham Lane, Selsted
SH/05/1616/R	Amended details – Amendment to the location of the Arts Workshop. Bodsham Church of England Primary School, School Hill, Bodsham, Ashford
SH/07/141	New classroom extension and Disability Discrimination Act access enabling works. Stelling Minnis Church of England School, Bossingham Road, Stelling Minnis, Canterbury
SW/05/1008/R2	Details of external materials for new two storey building. Milton Court Primary School, Brewery Road, Sittingbourne
SW/05/1008/R4	Details of landscaping scheme for new two storey building. Milton Court Primary School, Brewery Road, Sittingbourne
SW/05/1008/R5	Details of Archaeological Field Evaluation for new two storey building. Milton Court Primary School, Brewery Road, Sittingbourne

SW/05/1164/R3	Details of all materials to be used externally for single storey extension. Graveney Primary School, Seasalter Road, Graveney
SW/05/1403/R2	Details of external materials. Quadrangle extension. Borden Grammar School, Avenue of Remembrance, Sittingbourne
SW/06/605/R4	Details of external materials – 2 storey classroom block. Highsted Grammar School, Highsted Road, Sittingbourne
SW/06/605/R5	Details of a scheme of landscaping works – 2 storey classroom block. Highsted Grammar School, Highsted Road, Sittingbourne
SW/07/34	Proposed single storey infill extension and improvements to the existing library. Selling C of E Primary School, The Street, Selling, Faversham
SW/07/62	Extension to provide a care suite. Ospringe C of E Primary School, Water Lane, Ospringe
TH/07/26	Erection of a single storey nursery. St Anthony's School, St Anthony's Way, Margate
TH/05/1341/R4	Reserved details of external lighting. Sports hall and climbing wall. Ursuline College, 225 Canterbury Road, Westgate-on-Sea
TH/03/1433/R7	Reserved details – Details of improvements to Public Rights of Way. Proposed Ellington School for Girls, Pysons Road, Ramsgate
TH/04/457/R9	Details of the surface finish of the athletics track. The Marlowe Academy (The Ramsgate School), Stirling Way, Ramsgate
TH/02/1069/R2	Reserved matters – Scheme of landscaping. New single storey extension. Chatham House Grammar School, Chatham Street, Ramsgate
TH/05/963/R8	Details of assessment into the past usage and any potential risks arising from buildings/grounds – New sports hall. King Ethelbert School, Canterbury Road, Westgate
TM/07/139	New play area and extension to car park. East Peckham Primary School, 120 Pound Road, East Peckham
TM/04/4409/R7	Details pursuant – School Travel Plan. Removal of existing hatted classrooms and mobiles and replacement with a two storey classroom extension. Woodlands Junior School, Hunt Road, Tonbridge
TW/07/227	Construction of enclosed porch with associated steps and ramp. Tunbridge Wells High School, Blackhurst 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/TW/0001	Proposed replacement of foul water sewer along Horsmonden Road, Brenchley
DC29/07/AS/0001	Proposed upgrade and refurbishment of Whittersham Wastewater Treatment Works, near Whittersham
DO/07/179/MR35	Application for determination of new conditions at Rowling Chalk Pit, Rowling, Woodnesborough, Sandwich
TM/07/TEMP/0005	Northern extension of existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials at Borough Green Sand Pit, Platt Industrial Estate, St. Mary's Platt, Borough Green
DC29/06/TW/0004	Proposed construction of foul water main to connect Scotney Castle to the public sewer at Lamberhurst Wastewater Treatment Works, including new pumping station and construction compound.
DC29/07/TM/0001	Proposed refurbishment works at Hadlow Wastewater Treatment Works, Blackmans Lane, Hadlow, Tonbridge

- (b) 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 need to be accompanied by an Environmental Statement:-

None

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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