



## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Tuesday, 11th September, 2007, at 10.00 am** Ask for: **Andrew Tait**  
**Council Chamber, Sessions House, County** Telephone: **01622 694342**  
**Hall, Maidstone**

*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 - 17 July 2007 (Pages 1 - 4)
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

1. Application TM/05/4134 - Update on the outcome of Southern Water Services' appeal for upgrade to Aylesford Wastewater Treatment Works at Bull Lane, Aylesford. (Pages 5 - 6)
2. Application TW/06/1646 - Appeal by Bowman and Sons against the decision taken by the County Council to refuse permission for a change of use from agricultural use to new green waste open windrow composting facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells. (Pages 7 - 10)
3. Channel Tunnel Rail Link - Revised Planning Memorandum. (Pages 11 - 18)
4. Notification of Legal Challenge to Lawful Development Certificate for Borough Green Bypass. (Pages 19 - 24)

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal TM/07/1735 - All weather pitch and multi-use games area at Hugh Christie Technology College, White Cottage Road, Tonbridge; KCC Children, Families and Education and Kent Education Partnership. (Pages 25 - 40)

2. Proposal SW/07/01 - Construction of Rushenden Relief Road, including a road bridge over the Sheerness to Sittingbourne railway line, surface to water drainage systems, environmental mitigation measures, highways lighting, footways and a combined cycleway/footway at Land between the A249 Neats Court Roundabout and Rushenden Road, Queenborough, Isle of Sheppey; SEEDA and Kent County Council.
3. Proposal MA/07/1007 - Outline application for an academy at Oldborough Manor Community School, Boughton Lane, Loose, Maidstone; KCC Children, Families and Education. (Pages 41 - 70)
4. Proposal DA/07/672 - Single storey modular building for Children's Centre at Knockhall Community Primary School, Eynsford Road, Greenhithe; KCC Children, Families and Education. (Pages 71 - 84)

#### **E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications (Pages 85 - 96)
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, 3 September 2007

**KENT COUNTY COUNCIL**

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**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 17 July 2007.

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

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

**UNRESTRICTED ITEMS**

**60. Minutes**  
(A2)

RESOLVED that the Minutes of the meeting held on 19 June 2007 are correctly recorded and that they be signed by the Chairman.

**61. Declarations of Interest by Members**  
(Item A3)

No Declarations of Interest were made.

**62. Future Meetings of the Committee and Members Training Dates**  
(Item A4 - Report by Head of Democratic Services)

RESOLVED that the Committee meeting and training dates set out in paragraphs 2 and 3 of the report be agreed.

**63. Site Meetings and Other Meetings**  
(Item A5 – Report by Head of Planning Applications Group)

The Committee agreed to visit Valence School, Westerham on Tuesday, 4 September 2007.

**64. Proposal CA/07/469 – New vehicular entrance from Pilgrims Way and extension of school playground at Barton Court Grammar School, Longport, Canterbury; Governors of Barton Court Grammar School and KCC Children, Families and Education.**

*(Item D1 – Report by Head of Planning Applications Group)*

RESOLVED that permission be granted to the proposal subject to conditions including conditions covering the use of the vehicle access way being limited to emergency access, construction and maintenance vehicles only; details of a landscaping scheme being submitted to and approved by the County Planning Authority prior to the commencement of any operations on site and thereafter implemented within the next available planting season following completion of the works; tree protection measures being adhered to at all times; vehicular access way surface material being a bound and rolled shingle surface; and a programme of archaeological work in accordance with a written specification being submitted to and approved by the County Planning Authority prior to the commencement of any operations on site.

**65. Proposal TH/07/251 – New garage for use by the school minibus at Holy Trinity and St John’s CE Primary School, St John’s Road, Margate; Governors of Holy Trinity and St John’s CE Primary School and KCC Children, Families and Education.**

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

(1) The Head of Planning Applications Group informed the Committee that the ridge height of the proposed garage should read “4.5 meters” instead of “8.5 metres”.

(2) RESOLVED that the permission be granted to the proposal subject to conditions including conditions covering details of all external material being submitted to and approved in writing by the County Planning Authority prior to the commencement of any operations on site; protection measures for existing trees being submitted to and approved by the County Planning Authority and adhered to at all times; and the area shown on the site plan for a mini-bus turning area being reserved for that purpose at all times and any mini-bus using the garage entering and leave Lausanne Road in a forward gear.

**66. Proposal CA/07/705 – New all weather sports pitch with floodlighting at The Community College Whitstable, Bellevue Road, Whitstable; Governors of The Community College, Whitstable and KCC Children, Families and Education.**

*(Item D3 – Report by Head of Planning Applications Group)*

(1) The Head of Planning Applications Group tabled an amplified recommendation.

(2) The Head of Planning Applications Group reported the receipt of late representations from Mrs J Gomes, a local resident requesting an extension to the consultation as the proposal had been amended since its submission. This was not agreed as the only differences were amendments resulting from the consultation and representations.

(3) Mrs J Gomes addressed to the Committee in opposition to the proposal. Mr R Clipston spoke in reply on behalf of the applicants.

(4) Mr J F London moved, seconded by Mr G A Horne that the amplified recommendations of the Head of Planning Applications Group be agreed subject to the hours of use on Sundays and Bank Holidays being restricted to between 10.00 am and 1.00 pm.

(5) RESOLVED that 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; lighting being installed in accordance with approved details, and checked on site; lighting levels not exceeding those specified within the application; a scheme of landscaping, its implementation and maintenance; details of colour finish to fencing and lighting columns; details of the provision of an acoustic fence; details of surface water drainage; a Community Use Agreement; a programme of archaeological work; availability of car parking, including overspill; revision of the School Travel Plan; control over hours of use so that the pitch and floodlighting be available for use only between the hours of 0900 and 2100 Mondays to Saturdays, and between 1000 and 1300 on Sundays and Bank Holidays; control over the extinguishing of lights; and hours of working during construction;

**67. 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 (subject to the reference number for Pastern Park Quarry, Tonbridge being amended to TW/05/2136/R1);
- (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.

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SECTION B  
GENERAL INFORMATION

**Item B1****Southern Water Services Appeal, Aylesford**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2007

**Summary** – Update on the outcome of Southern Water Service's appeal for upgrade to Aylesford Wastewater Treatment Works

**Recommendation:** for information

Local Member: Mr G Rowe

Unrestricted

**Background**

1. Members may recall that at the 12<sup>th</sup> September 2006 Planning Applications Committee, the Committee resolved to refuse planning permission for development at the Aylesford Wastewater Treatment Works, Bull Lane, Aylesford (planning reference TM/05/4134). This development related to the expansion of the sludge recycling centre, including improvements to site access junction with Bull Lane, improvements to visibility splays and creation of passing bays along the access road.
2. There was considerable local objection to the proposal. The Committee refused the application on the grounds that
  - i. *The traffic generated by the proposed development would cause an unacceptable impact on the local highway network, particularly Eccles Village, contrary to policy TP15 of the Kent and Medway Structure Plan 2006.*
  - ii. *The development and associated traffic would have an unacceptable impact on the existing community facilities in the locality, particularly in terms of the usage of roads and footways and would therefore be contrary to policy QL11 of the Kent and Medway Structure Plan 2006.*
3. Southern Water Services (SWS) appealed the decision and a 6 day public inquiry was scheduled to be held commencing on the 24<sup>th</sup> July 2007. Proofs of evidence were required to be exchanged 4 weeks before the start of the inquiry.
4. On the morning that proofs were to be exchanged, the appellant's agent and the Planning Inspectorate advised that SWS had withdrawn the appeal. They are not required to give reasons for doing so. In a press statement however, the Company advised

*"Southern Water is to re-think plans for a sewage recycling centre in Kent.*

## **Southern Water Services Appeal, Aylesford**

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*As a result, the company is withdrawing an appeal against Kent County Council's Planning Committee's rejection of proposals for a centre in Aylesford.*

*As part of a £40 million environmental improvement scheme the company had planned to expand its existing sewage sludge treatment facilities prompting opposition from villagers in neighbouring Eccles.*

*Instead Southern Water says it will go back to the drawing board and review all options to provide the facilities.*

*Karl Taylor, Programme Director for Southern Water, said "While fully understanding the concern of residents we did feel we could still provide a satisfactory solution at Aylesford. However, following further consideration of the concerns raised by the residents, we have come to the conclusion that our plan is not the best way forward."*

*Southern Water still has to find a way to deal with increasing volumes of sludge, solid waste removed during the sewage treatment process, so it can be recycled into an organic agricultural product.*

*Mr Taylor said: "It is not an option for us to do nothing and we remain committed to finding a sustainable and county-wide solution to sludge treatment in Kent. We will be carrying out a comprehensive review of our options and working with the local community to produce a solution that has as little impact as possible."*

5. The timing of the withdrawal of the appeal was in my view unreasonable in the terms of planning appeal guidance and was too late to prevent the County Council incurring considerable costs in preparing its evidence. This involved the appointment of Counsel and consultant expert witnesses. I have therefore made an application against the appellant for costs for the expenses that have been wasted in preparing for this appeal. I have also sought to establish early dialogue on the emerging sludge strategy.

### **Recommendation**

6. Members are asked to note this report.

Case Officer: Sharon Thompson
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Tel. No : 01622 696052
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**Item B2**

**TW/06/1646 – APPEAL BY BOWMAN & SONS AGAINST THE DECISION OF KENT COUNTY COUNCIL TO REFUSE PERMISSION AT LITTLE BAYHALL FARM, HIGH WOODS LANE, TUNBRIDGE WELLS**

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A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2007.

Appeal by Bowman & Sons against the decision taken by the County Council to refuse permission for a change of use from agricultural use to new green waste open windrow composting facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells, Kent (Ref: TW/06/1646)

Recommendation: FOR INFORMATION.

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1. At the meeting of your committee held on 12 December 2006, I reported a second application for a new green waste windrow open windrow composting facility on a site at Little Bayhall Farm, High Woods Lane, Tunbridge Wells.
2. In my report I drew to Members attention that the application lacked sufficient information to address the previous grounds for refusal (under application ref TW/05/3222). In formally determining the application, Members resolved to refuse permission on the grounds that:
  - The proposal represents inappropriate development in the Green Belt and Area of Outstanding Natural Beauty and the applicant has failed to demonstrate the special circumstances necessary to override presumption against permitting the proposal. I therefore consider the proposal to be contrary to Policies WM2, E1 and E4 of the Adopted Kent and Medway Structure Plan 2006, and Policies W2 and W4 of the Kent Waste Local Plan.
  - The applicant has failed to demonstrate he has control over the passing places required to be maintained for the duration of operations applied for to ensure vehicular and pedestrian safety along High Woods Lane. The proposal is therefore contrary to policy QL17c) of the Kent and Medway Structure Plan and Policies W22, W27 and W33 of the Kent Waste Local Plan.
3. The applicant subsequently appealed against the decision, which was considered by a Planning Inspector by way of an exchange of written representations, for refusal of the application. The appeal was **dismissed** on the following grounds:

**TW/06/1646 – APPEAL BY BOWMAN & SONS AGAINST THE DECISION OF KENT COUNTY COUNCIL TO REFUSE PERMISSION AT LITTLE BAYHALL FARM, HIGH WOODS LANE, TUNBRIDGE WELLS**

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**Green Belt**

4. *“The site lies within the Metropolitan Green Belt. Paragraph 3.12 of Planning Policy Guidance 2: Green Belts (PPG2) says that the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. In this case the development involves the open storage of green waste and the formation of 4m high windrows; this would have some impact on openness. For this reason the development would be inappropriate development in the Green Belt. PPG2 says that inappropriate development is, by definition, harmful to the Green Belt and that it is for the applicant to show why permission should be granted. Policy SS2 of the Kent and Medway Structure Plan sets out a general presumption against inappropriate development in the Green Belt.”*
5. However, the Inspector considered that this harm is limited due to the small scale of the development and its location within an established farm complex. No new buildings are proposed. Structure Plan Policy WM2 supports small scale composting facilities in the Green Belt provided that certain criteria are met and that there is no severe impact on the purposes of the Green Belt. These criteria include landscape and traffic considerations referred to below.

**Effect on the countryside**

6. *“The site lies within the AONB where Policy EN4 of the Structure Plan states that the primary objective will be to protect, conserve and enhance landscape character and natural beauty. This development would be sited on existing concrete bases within an established group of farm buildings. There is a public bridleway (WB43) that runs through the farm but as the development would be sited behind substantial buildings either side of this bridleway, the visual impact would be minimal. There would be views of the northern part of the development from a public footpath (WB51) but as the development would be seen against the backdrop of a working farm the visual impact would be limited”. Given there are no dwellings in the immediate vicinity the Inspector did not consider that there would be unacceptable conflict with Policy EN4 or with Policies W2(v) and W10(b) of the Local Plan.*

**Highway safety**

7. *“The site is accessed via High Woods Lane which is a single track unadopted highway and also serves as a public bridleway and public footpath. It is part of the Tunbridge Wells Circular Walk and the High Weald Landscape Trail. The application form states that the proposed development would involve a maximum of 4 vehicle movements per day; the vehicles would have a maximum capacity of 20t. It is not set out how this level of traffic*

## Item B2

# **TW/06/1646 – APPEAL BY BOWMAN & SONS AGAINST THE DECISION OF KENT COUNTY COUNCIL TO REFUSE PERMISSION AT LITTLE BAYHALL FARM, HIGH WOODS LANE, TUNBRIDGE WELLS**

generation could be regulated or enforced. The deliveries to the site would be by the Borough Council and by local landscape specialists; a total of around 4000 tonnes of material would be processed each year.

8. *Structure Plan Policy QL17(c) states that the rights of way network will be protected and enhanced; it makes particular mention of the protection of routes open to equestrians. Policy W22 of the Local Plan says that permission will normally be refused if the safety of the highway network is materially adversely affected. Policy W27 of that Plan relates specifically to the impact on public rights of way.* The Inspector agreed with officer concerns regarding the potential for conflict between vehicles and pedestrians/equestrians using the public right of way.
9. *“Little Bayhall Farm is almost 2km from the public highway. High Woods Lane is narrow and in places there is insufficient space for a vehicle to pass a pedestrian; conflict with equestrians would be likely to be problematical. The Council requested details of the passing places; many of these are gateways rather than formal passing places and there is no certainty that these would remain available. The Inspector shares the Council’s concerns regarding the maintenance of such passing places and agrees that as a very minimum the long term maintenance of the existing passing places needs to be secured. The road has, in places, poor forward visibility and there is a potential danger to users of the public right of way arising from reversing traffic”.* The appellant only has control of the lane itself, not the informal passing places and concluded that the development would conflict with Policy QL17(c) of the Structure Plan and Policies W22 and W27 of the Waste Local Plan.
10. Having concluded that the development constitutes inappropriate development in the Green Belt and that there is harm by reason of inappropriateness and some loss of openness; that there is limited harm to the landscape quality of the countryside and the AONB; and further harm by reason of the effect on highway safety, it is necessary to consider whether there are any other considerations sufficient to clearly outweigh that harm.

### **Other considerations**

11. *“Policy W10(a) of the Local Plan states that composting by windrowing is, in principle, suited to a rural area. The scale of the development is relatively small and is related specifically to the established farm. The appellants argue that this site represents the best possible environmental option. It is less than 3km from the centre of Tunbridge Wells so transport costs and pollution would be kept to a minimum. Only local labour would be used. The local door-to-door collections of green waste could be delivered to the site without the need to transfer to larger vehicles. The end product would be used as an agricultural soil conditioner as the farm is large enough to absorb the livestock waste and this additional green waste. It is clearly a sustainable method. The organic commitment of the farm means that the whole process is monitored.”*

**TW/06/1646 – APPEAL BY BOWMAN & SONS AGAINST THE  
DECISION OF KENT COUNTY COUNCIL TO REFUSE  
PERMISSION AT LITTLE BAYHALL FARM, HIGH WOODS  
LANE, TUNBRIDGE WELLS**

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**Conclusions**

12. Overall the Inspector concluded that the proposal would constitute inappropriate development in the Green Belt which, by definition, is harmful. There would also be some limited harm to the openness of the Green Belt. The impact on the character of the countryside and the AONB would be highly localised and not such that it would warrant withholding permission. There would also be the potential for serious conflict between vehicles serving this development and pedestrians and equestrians using High Woods Lane. Control, and thus the long-term maintenance, of these passing places has not been shown to have been secured. On balance he considered that it has not been demonstrated that the material considerations advanced in support of the development were sufficient to clearly outweigh the harm. In his opinion, the development would thus be contrary to the development plan and Government advice and he therefore concluded that the appeal should fail.

**Recommendation**

13. For Members' information only.

Case Officer: Angela Watts
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01622 221059
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Background Documents: See Section Heading
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**Item B3****Channel Tunnel Rail Link – Revised Planning Memorandum**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2007.

**Summary** – Channel Tunnel Rail Link – revised planning arrangements following completion of the high speed rail link.

**Recommendation:** agrees that a revised and simplified Planning Memorandum be put in place and recommends to the CTRL High Level Forum that the Planning Forum is closed following the October 2007 meeting.

Unrestricted

1. Section 1 of the Channel Tunnel Rail Link (CTRL) opened in 2003. CTRL, now renamed High Speed 1 (HS1), will start operations later this year, with the first train leaving from St Pancras, London in November.
2. During the construction of the rail link, Local Authorities such as Kent that had signed up to the Planning Memorandum as 'qualifying authorities' were able to exercise the powers in Schedule 6 of the Channel Tunnel Rail Link Act 1996. This gave the authorities, including this authority, the right under a simplified planning regime to receive applications and exercise controls over a wide range of CTRL construction works and arrangements. These related to waste and spoil disposal, borrow pits and construction routes. A Planning Memorandum set out the standards that both the promoter and local authorities were to follow in requesting and determining planning applications.
3. The Channel Tunnel Rail Link Act remains in force following completion of the railway. This special planning regime will continue to be the process by which HS1 gains approval for future development - albeit such developments are likely to be infrequent, small scale and of local rather than of cross boundary or route wide interest.
4. A Planning Forum was established by the High Level Forum as the primary focus of officer liaison to ensure the successful operation of common procedures and interpretation of the Act, to facilitate the expedited handling of applications, and to resolve issues of cross boundary or route wide concern. It has produced a large number of guidance notes, generally considered binding on all the participating authorities.
5. The Planning Forum considers that a simplified Planning Memorandum reflecting the new operational circumstances is now appropriate (see attached as appendix 1). The Forum also considers that its own continued existence is no longer required once HS1 is in operation.

**Channel Tunnel Rail Link – Revised Planning Memorandum**

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6. The Channel Tunnel Rail Link Planning Forum is asking all qualifying authorities to agree to the revised Memorandum and the closure of the Forum. The intention is to report to the next, and probably the last, High Level Forum on 10 October at which the Secretary of State could give effect to the recommendations.

**RECOMMENDATION**

7. Now that construction of the high speed rail link is virtually complete, I RECOMMEND that this Committee:
- (i) agrees that a revised and simplified Planning Memorandum be put in place as set out in Appendix 1; and
  - (ii) RECOMMENDS to the CTRL High Level Forum that the Planning Forum is closed following the October 2007 meeting.

Case Officer: Sharon Thompson
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01622 696052
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Background documents – see section heading
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**Channel Tunnel Rail Link – Revised Planning Memorandum**

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**CHANNEL TUNNEL RAIL LINK  
REVISED SIMPLIFIED PLANNING MEMORANDUM**

Note: the footnotes in this Memorandum are explanatory only and do not form part of this Memorandum).

**Introduction**

1. Under the Channel Tunnel Rail Link Bill ("the Bill"), Schedule 6, Part I, paragraph 1, the Secretary of State is obliged to make an order specifying every relevant local authority which has, on or before the relevant day, given him undertakings with respect to the handling of planning matters arising under that Schedule which he considers satisfactory.
2. The Planning Memorandum sets out those undertakings. It is binding upon any authority which has chosen to sign it so as to have the powers available to qualifying authorities in the CTRL Act and (through the Development Agreement with the Secretary of State for Transport) upon the nominated undertaker. It shall be taken into account in determining matters submitted for approval to qualifying authorities under Schedule 6 to the CTRL Act. It is divided into sections:
  - General Principles
  - Requests for Approval
  - Procedures
3. This Revised Planning Memorandum sets out the undertakings relevant to the application of Schedule 6 after CTRL has commenced commercial operations.
4. .... ("the authority") hereby undertakes to act in accordance with the terms of this Memorandum.

**General Principles**

5. So far as reasonably practicable, the nominated undertaker shall endeavour to adopt solutions that will reduce the adverse environmental impacts that construction and operation of the Channel Tunnel Rail Link ("the Rail Link") will cause, having regard to the need to maintain project viability and operational requirements.
6. Submissions for approval of or plans and specifications<sup>1\*</sup>, will be subject to the CTRL (Assessment of Environment Effects) Regulations 1998.
7. The CTRL is an infrastructure project of national importance. The authority shall accordingly have regard to construction cost and operational implications, and shall not seek to impose any unreasonably stringent requirements on requests for approval or agreement of any

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<sup>1\*</sup> i.e. the plans and specifications in respect of an operation or work mentioned in the left-hand column of the table in paragraph 6(2), 15(2) or 22(2) (as appropriate) of the Planning Conditions Schedule.

**Channel Tunnel Rail Link – Revised Planning Memorandum**

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construction arrangements, plans and specifications, mitigation scheme<sup>2\*</sup> or site restoration scheme<sup>3\*</sup>, which might frustrate or delay the works.

8. In determining requests for approval of construction arrangements, the authority shall take into account, and the nominated undertaker shall adhere to the Code of Construction Practice.
9. Construction programme will continue to be tight because of the constraints of an operational railway, so the authority shall use its best endeavours, subject to its obligations under statute and to guidance from the Secretary of State for Communities and Local Government in Planning Policy Guidance Notes, Planning Policy Statements and Circulars, to determine any request for a relevant approval within the timetable referred to in paragraph 32(5) of the Planning Conditions Schedule (i.e. eight weeks) or, whenever possible, a lesser period.
10. To facilitate effective consultation and ensure that requests for the approval of plans and specifications are determined within the timetable referred to above, the nominated undertaker shall, wherever possible, engage in forward discussions about prospective requests with the authority and statutory consultees<sup>4\*</sup>.
11. Where an authority refuses approval of plans and specifications or construction arrangements, or imposes any condition on such approval, it shall (in addition to specifying the ground or grounds for its decision under the Planning Conditions Schedule) state clearly and precisely the full reasons for its decision.
12. In particular, where the authority's decision in relation to the approval of plans and specifications has been reached on the ground that some aspect of the operation or work ought to be modified and is reasonably capable of being modified, the authority shall include an explanation of why and how it considers the modification should be made. Where the authority's decision has been reached on the ground that the development ought to, and could reasonably, be carried out elsewhere within the pertinent limits specified in the Act, the authority shall include an explanation of why it considers the development should, and could reasonably, be sited elsewhere.
13. Where the authority's decision in relation to the approval of construction arrangements has been reached on the ground that the arrangements ought to be modified and are reasonably capable of being modified, the authority shall include an explanation of why and how it considers the modification should be made.
14. If the authority repeatedly fails to expedite requests for approval, or seriously fails to expedite a request, in line with the timescale set out in paragraph 32(5) of the Planning Conditions Schedule, or repeatedly or seriously fails to act in accordance with all the

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<sup>2\*</sup> i.e. the scheme referred to in paragraph 9 or 17 (as appropriate) of the Planning Conditions Schedule.

<sup>3\*</sup> i.e. the scheme referred to in paragraph 8, 11, 19 or 24 (as appropriate) of the Planning Conditions Schedule.

<sup>4\*</sup> i.e. the bodies referred to in the table in paragraph 27(4), and in paragraphs 28(1) and 29(1) of the Planning Conditions Schedule.



**Channel Tunnel Rail Link – Revised Planning Memorandum**

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requirements of this Memorandum, the Secretary of State may well have sufficient grounds to order that the authority shall cease to be a qualifying authority.

**Requests for Approval**

Construction Arrangements

15. The planning regime in the Act will require development authorised by:

Part I of the Act in the area of any qualifying authority to be carried out in accordance with construction arrangements which have been approved by that authority, and which cover the matters detailed in paragraph 7(2), 16(2), 23(2) or 25(1) (as appropriate) of the Planning Conditions Schedule.

16. The nominated undertaker will be required to adopt the Code of Construction Practice which has been published and consulted upon with local authorities. This sets out the general objectives and measures to be applied to all construction works on the Rail Link to maintain satisfactory levels of environmental protection and limit disturbance from construction activities.

Operations and Works

17. The table in paragraph 6(2), 15(2) or 22(2) (as appropriate) of the Planning Conditions Schedule indicates the extent of matters which the authority can consider as grounds for refusal or for imposing conditions on approval.
18. The authority will be able to impose conditions on approvals for plans and specifications of works falling within the table in paragraph 6(2), 15(2) or 22(2) (as appropriate) of the Planning Conditions Schedule. However, the conditions must relate directly to those grounds which are specified in the relevant table as grounds for refusal and take account of established [Government] guidance on planning conditions (The authority will not be able to impose conditions on approvals relating to construction arrangements except where the conditions are agreed beforehand between the nominated undertaker and the authority).
19. Where additional details of a development, required under paragraph 6, 15 or 22 (as appropriate) of the Planning Conditions Schedule, are submitted for approval, the authority shall use its best endeavours to make its decision on the approval of those additional details expeditiously, and in any event within not more than four weeks after the date of submission of those additional details.

Site restoration schemes

20. The nominated undertaker will be required in the circumstances specified in paragraph 8, 11, 19 or 24 (as appropriate) of the Planning Conditions Schedule to implement a site restoration scheme as agreed with or approved by the authority, or failing agreement, as determined by the Secretaries of State for Transport and Environment.

**Channel Tunnel Rail Link – Revised Planning Memorandum**

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Mitigation

21. When applying for approval of plans and specifications and construction arrangements affecting sites of archaeological, historical or nature conservation interest, the nominated undertaker shall adopt a sensitive approach to development, within the physical constraints imposed by the Rail Link works and so far as reasonably practicable, having regard to the need to operate and maintain the CTRL. In particular, the nominated undertaker shall where practicable preserve important archaeological and historical features of sites of archaeological or historical interest. This obligation to adopt a sensitive approach shall encompass a commitment to appropriate mitigation measures, which may include recording, restoration, or relocation.
22. In taking forward the detailed design of the Rail Link, the nominated undertaker shall take account of the principles set out in Planning Policy Guidance Note (PPG) 16: Archaeology and Planning (DoE 1990).
23. Where potentially important archaeological remains not foreseen in the programme of archaeological work are discovered during construction, the nominated undertaker shall allow a period of not less than 28 days, commensurate with the construction timetable, for recording and excavation. At the end of that period the nominated undertaker's works will be able to continue unhindered. Where the Secretary of State for Transport is notified of a decision by the Secretary of State for Culture, Media and Sport, following the receipt of advice from English Heritage or representations from the authority that remains investigated under these provisions are of exceptional national importance, he may after consulting the nominated undertaker extend the period available for recording and excavation, or require the nominated undertaker to take such steps as are feasible in engineering terms to preserve the remains. In those circumstances, the nominated undertaker shall comply with the Secretary of State for Transport's decision.
24. The nominated undertaker shall maintain a Landscape Ecology and Agriculture Management Plan for land within the operational boundary of the CTRL.

Environmental Management System

28. The nominated undertaker shall maintain an Environmental Management System which will be used to help ensure compliance with the CTRL's published Environmental Policy.

**Procedures**

29. The fee regulations will apply. The authority shall not delay or seek to delay the consideration of a request for approval pending payment by the nominated undertaker of the fee calculated in accordance with the fee regulations. If at the end of the period referred to in paragraph 32(5) of the Planning Conditions Schedule there is a dispute as to the fee payable, and the amount which is the authority's view as to that fee has not been paid, the authority shall be entitled not to determine the request for approval (i.e. issue its decision letter) but shall do everything necessary to reach a decision and shall notify the nominated undertaker of what its decision would be if the fee calculated under the regulations were

**Channel Tunnel Rail Link – Revised Planning Memorandum**

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paid. This is without prejudice to the nominated undertaker's right to appeal where by the end of that period the nominated undertaker - disputing the correctness of the view of the authority as to the amount of the fee - has not paid that fee but has paid instead what it considers to be the correct fee under the regulations.

30. To assist the authority and to save time, the nominated undertaker shall copy requests to a standard list of consultees nominated by the authority, but it shall remain the authority's responsibility to copy requests to any other interested parties it may wish to consult and to take account of all relevant comments received from all consultees in reaching its decisions.
31. Government regulations and/or guidelines will also set out the way in which the procedures and timetable for appeals set out in the CTRL Act will be implemented, including the manner in which evidence should be submitted. The nominated undertaker and the authority shall comply with those regulations and guidelines. The Inspectorate or the relevant Government Office will issue a formal notification on behalf of the appropriate Ministers.

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**Item B4****Borough Green Bypass - Lawful Development Certificate**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2007.

**Summary** – Notification of Legal Challenge to Lawful Development Certificate for Borough Green Bypass – TM/07/587

**Recommendation:** for information

Local Member: Mrs V Dagger

Unrestricted

1. This report relates to a Lawful Development Certificate (LDC) which is a matter delegated to officers set down in the Written Constitution of the Kent County Council under Appendix 2 part (3) " Functions delegated by the Council to officers ", and was first reported to the Planning Applications Committee on 19 June 2007 (Item E1).
2. In March 2007, H + H Celcon Limited submitted an application to the County Council for a Certificate of Lawful Proposed Use or Development in relation to the completion of the Borough Green Bypass and implementation of the roundabout access into the Celcon site at Ightham Sandpit, Borough Green Road, Ightham. A Certificate was issued on 11<sup>th</sup> May 2007. The Certificate was sought to assist the applicant and the Planning Inspectorate at the planning inquiry into the recovered application for the development of a second factory and associated works at the site.
3. Members may recall that it considered the Celcon factory application in May 2006. The Committee resolved that *very special circumstances* existed to override the presumption against such inappropriate development in the Metropolitan Green Belt and Area of Outstanding Natural Beauty, and that the application be referred to the Secretary of State as a departure to the development plan and, subject to her giving no direction to the contrary, permission be granted subject to
  - a) Prior completion of a legal agreement to make provision for Celcon funding and in conjunction with CEMEX, making land available to enable completion of the Borough Green and Platt bypass prior to the opening of the new factory; improvement works to the White Hill roundabout; various improvements on the A227 to improve road safety at Wrotham School, traffic calming measures on the A25 between Dark Hill Roundabout and the A25/A20; and Celcon meeting KCC's reasonable legal costs associated with the agreement;
  - b) Celcon providing further details to address outstanding matters including landscaping, ecology, groundwater and noise; and the
  - c) Imposition of appropriate conditions

## Item B4

### **Borough Green Bypass - Lawful Development Certificate**

4. The factory application was made subject to decision making by the Secretary of State following the referral, and an inquiry for the factory proposal commenced in May 2007.
5. In July 2007, the County Council received notice that Keep Boroughs Green, a local amenity group, was seeking to judicially review the decision to issue the Lawful Development Certificate.
6. The decision to issue the Certificate was based upon the collective assumption within the County Council going back to the early 1990s that the bypass was lawfully implemented by the construction of the railway bridge and section of the road in 1992. This view has been consistently stated by senior officers and Members over the years and was the stance taken by the former Head of Planning Applications in the officer report to Planning Applications Committee in May 2006 that considered the merits of H+H Celcon's application for a second factory at its Ightham site. It also reflects widely established planning practice across the country that the commencement of development on site implements planning permission. The decision to issue the Certificate was taken following Legal advice.
7. Following receipt of the judicial review application, Counsel's advice was sought and an internal review of the basis upon which the Certificate was issued was undertaken. Whilst the burden of proof for LDC applications rests with the applicant, Counsel advised that there was insufficient evidence within the application upon which the Certificate could have been issued by KCC. The Certificate decision was therefore vulnerable to the legal challenge. The vulnerability arose due to lack of evidence within the application that all conditions on the bypass permission had been satisfied and no ready explanation for this in the application. In light of Counsel's advice, a decision was taken not to contest the judicial review, following which Celcon formally withdrew their application.
8. It is important to note that the quashing of the LDC is not a determination that there is no extant planning permission for the uncompleted sections of the bypass.
9. Counsel also advised that the legal challenge did not alter the Council's position at the Planning Inquiry for the factory proposal. Support for the factory proposal in relation to the bypass was given by this Committee on the basis that permission would be subject to a '*Grampian*' style condition ( i.e. a condition requiring certain works to have taken place, which in this particular case related to the completion of the bypass ) preventing any export of materials from the new blockworks until the Bypass was fully constructed and open to traffic. This was to be supported by a section 106 legal agreement relating to funding and land provision as set out in para. 3 above.
10. The factory (and the bypass) would only have been built had Celcon been successful at the planning inquiry. If successful, the permission was expected to have had a '*Grampian*' style condition and a supporting legal agreement regarding the pre-provision of the bypass. The consequence of the legal challenge introduced a further planning process for the bypass which may or may not have affected timescales, but it did not undermine the principle behind the justification for the

## **Item B4**

### **Borough Green Bypass - Lawful Development Certificate**

factory application. In drawing this conclusion, it is of note that the provision of the bypass remains a firm element within the Development Plan and with the lead-in time for ground remediation and translocation of species relating to the factory proposal, any net delay to the overall timescale would be minimal.

11. The County Council issued a Position Statement to the Planning Inquiry for the factory proposal in August 2007, in order to assist the Inspector at the Inquiry in light of the legal challenge to the LDC and Celcon's decision to withdraw the planning application. A copy of the Council's Position Statement is attached at Appendix 1. The Council's Position Statement included a commitment to promote a fresh planning application for the balance of the bypass, and to fund such an application, should such an application be necessary.

#### **Recommendation**

12. Members are asked to note this report.

Case Officer: Sharon Thompson
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Tel. No : 01622 696052
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**Item B4**

**Borough Green Bypass - Lawful Development Certificate**

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APPENDIX 1

**POSITION STATEMENT**

**Kent County Council Position Statement to Present to Planning Inquiry  
In Respect of Planning Inquiry for Application TM/03/2563  
(Appeal Reference APP/W2275/V/06/1199658)  
Development of Factory and Associated Works, Ightham Sandpit,  
Borough Green Road, Ightham**

This statement has been prepared to assist the Inspector at the Inquiry into the recovered application for the above proposal, in light of the recent legal challenge to the County Council's decision to issue a Certificate of Lawful Proposed Use or Development ("the Certificate") for the Borough Green Bypass and the Applicant's letter of 30<sup>th</sup> July 2007 withdrawing the planning application.

**Implications of the Judicial Review Process**

Following an intimation of a legal challenge to the Certificate issued on 11<sup>th</sup> May 2007, the County Council gave further consideration to the substantial planning history and documentation existing and available to the County Council when issuing the Certificate. It further examined the contents of the application which sought the issue of the Certificate and had further regard to Circular 10/97/1997 "Enforcing Planning Control", more particularly to Annex 8 thereof.

Following this re-consideration and review of the basis upon which the Certificate was issued, the County Council concluded that there was insufficient evidence upon which the Certificate could have been issued. It therefore did not contest the application for judicial review.

It is important to note that the quashing of the Certificate is not a determination that there is no extant planning permission for the uncompleted section of the Bypass. That is not the purpose of the LDC process. This is a persistent misunderstanding which appears to have recurred throughout correspondence on the issue. A refusal to issue such a certificate is not a determination that no planning permission exists for a particular development. It is a determination that the applicant for such a Certificate has not provided sufficient evidence to allow such a certificate to be issued.

It was open to the Applicant ("Celcon") to seek a fresh determination on the available evidence or make a further application for such a certificate on a similar or modified basis.

The burden of proof on such an application remains with Celcon and would be determined on the merits and on the evidence presented to the County Council. There may be further evidence presented on any future application in addition to that currently available to the County Council.



## **Borough Green Bypass - Lawful Development Certificate**

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### APPENDIX 1

#### **The Position of the County Council**

Clarification has been sought to assist the Inquiry as to whether this consideration altered the County Council's position at the Inquiry. The County Council's position is that it does not.

Support for the factory proposal in relation to the Bypass was resolved in May 2006 and given on the conditional basis that permission would be subject to a 'Grampian' condition requiring the provision of the Bypass. This was to be supported by a section 106 agreement relating to funding and land provision. This position was set out in the Rule 6 statement of the County Council for the Inquiry. **This position has not changed.**

The factory (and the Bypass) would only have been built had Celcon been successful as a consequence of the Inquiry. If successful, the permission was expected to have had a 'Grampian' style condition and the supporting section 106 agreement regarding the pre-provision of the Bypass. The consequences of the judicial review would have been to introduce a further planning process for the Bypass which may have affected the timescale, but it does not undermine the principle behind the justification for the factory application. Indeed, with the delay to any development necessitated by the ground remediation and translocation of the protected site species, any net delay to the overall timetable would be minimal.

It was understood initially by the County Council that Celcon would be content with a "remedial" proposal whereby the County Council would promote and fund any additional application for planning permission that would be necessary for planning permission for the remaining section of the Bypass to be achieved.

**The County is and remains willing and able to promote a fresh planning application for the balance of the Bypass, and to fund such an application in full, should such an application be necessary.** The Council would agree to a clause within the section 106 agreement (in the event that the LDC is quashed) covenanting the County Council to submit such a new planning application for the remainder of the Bypass.

The provision of the Bypass remains a firm element within the Development Plan and any application would be likely to be determined in accordance with the principles in section 38(6) of the Planning and Compulsory Purchase Act 2004. The road scheme remains a policy commitment in the Kent and Medway Structure Plan 2006 (to be secured by developer funding) and is also safeguarded in the Tonbridge and Malling Borough Local Plan. It should be noted that the objections to the construction of the Bypass *per se* were not a central issue at the Inquiry. On current evidence and planning policy, the Secretary of State would have been able to arrive at a robust conclusion on whether any application for planning permission for the balance of the Bypass would be likely to be granted.

**Borough Green Bypass - Lawful Development Certificate**

**APPENDIX 1**

It is the County Council's view that the position before the Inquiry was for all practical purposes largely unchanged by the judicial review process and that the withdrawal of the application on this basis alone is regrettable.

*P.P.* *Alindus Chandhary*  
Leigh Herington  
County Planning Officer  
Kent County Council  
6<sup>th</sup> August 2007

**Appendix to Item D1****APPLICATION TM/06/3796 – ALL WEATHER PITCH AND MULTI-USE GAMES AREA AT HUGH CHRISTIE TECHNOLOGY COLLEGE, TONBRIDGE**

NOTES of a Planning Applications Committee Members' site meeting at the Hugh Christie Technology College, Tonbridge on Monday, 23 January 2007.

MEMBERS PRESENT: Mr A R Bassam (Vice-Chairman in the Chair), Mrs S V Hohler, Mr G A Horne, Mr S J G Koowaree, Mr T A Maddison, Mr R A Mr A R Poole and Mrs P A V Stockell. Dr T R Robinson was present as the local Member.

OFFICERS: Mr J Crossley, Mr P Hopkins and Ms H Woodcock (Planning) and Mr A Tait (Legal and Democratic Services)

THE APPLICANTS: Mr T Burton (Assistant Principal – Hugh Christie), (Mr B Rogers and Mr G Fordham (Verry Construction).

OTHER LOCAL AUTHORITIES: Tonbridge and Malling BC (Cllrs Miss J R Browne and R A Dorling with Ms J Hamilton - Planning Department);

ALSO PRESENT were some 100 members of the public.

- (1) The meeting was held indoors due to the inclement weather.
- (2) The Chairman opened the meeting and welcomed everyone present. He asked Mr Tait to explain that the purpose of the meeting was for Members of the Committee to see the site and to listen to the views of those present.
- (3) Mr Crossley introduced the application, which had been jointly brought forward by KCC Children, Families and Education and by Kent Education Partnership. The application was complementary to a PFI scheme (permitted in 2004) which aimed to completely rebuild the school in order to meet the needs of the modern school curriculum.
- (4) The aim of this application was to increase the sports provision which currently consisted of a number of pitches and floodlit tennis courts. It envisaged a multi-use games area mainly for tennis and netball and an all-weather pitch for soccer and hockey. These would be located to the North at the rear of the new buildings. The original intention had been to provide floodlighting for the all-weather pitch. This element had now just been withdrawn by the applicants. As a result there would be a consequential effect on the proposed community use, which would be necessarily limited in the winter, other than at weekends, whilst the daylight hours in the summer could enable the hours proposed to be relatively unaffected.
- (5) Objections had been received from Tonbridge and Malling BC as well as from 44 residents. A petition raising objection had also been received, signed by 229 people. The main concerns related to the residential amenity impact of the development, noise and lighting intrusion. The application was supported by Sport England, whilst the Environment Agency had raised no objection.
- (6) The site was bounded on three sides by residential properties. The housing to the east was mainly two-storey whilst Denbeigh Drive to the west was mainly bungalows (a resident said that there were also many bungalows in Hopgarden Road to the east).

## Appendix to Item D1

(7) The application site had been identified in the Tonbridge and Malling Local Plan as an area of Important Green Space. The proposed sports facilities would need to be enclosed with weldmesh fencing of varied height. The larger pitch fencing would be 3m high and 4.5 m behind the goalmouth areas. The smaller pitch would have 2.75m fencing.

(8) Cllr R A Dorling (Tonbridge and Malling BC) said that this application had been discussed by the Area 1 Planning Committee. As a result the Borough Council had objected on four grounds. These were: the lighting; the location of the hard pitch; the proposed hours of use – 365 days a year up to 10pm was totally unacceptable; the community use. He said that this was a pitch too far.

(9) Dr Robinson (KCC local Member) said that he was very keen indeed on providing sport opportunities for young people. However, on this occasion it was necessary to look very closely at the community use proposed. He did not believe that the application should be permitted in its current form. The multi-games area was intended to break through the 20m boundary zone from residential properties by going as close as 5m to properties in Stream Side (at the North West corner, next to Denbigh Drive). Therefore, another site was needed so that it was at least 20m away from all properties. However, if it was moved further south in order to achieve this, it would overlap the area set aside for the proposed all-weather pitch by 2m.

(10) Mr Horne explained that he was a Member of the Planning Applications Committee and also the local Member. He had received many letters relating to this development. To date, not a single one had been in favour of the development. The local residents felt that it was provocative and intrusive. In particular they resented the community use. Keeping the site open 365 days a year (including Sundays and Bank Holidays) was ridiculous. There would need to be a limit on the hours of use. He was amazed that the applicants expected that only 25 people would be at the all weather pitch at any one time since matches were often watched by friends and relatives. This could happen at any time including late in the evening and at weekends.

(11) Mr Fordham (Verry Construction) said that the main reason they were present was so that they could listen to people's views. He asked people to remember that Hugh Christie had a great tradition of athletics, as Kelly Holmes had been a pupil at the School.

(12) Mr Rogers (Scott Brownrigg) said that they would be undertaking an acoustic assessment to determine what the noise levels associated with the application were likely to be.

(13) Cllr Miss Browne (Tonbridge and Malling BC) said that she had been a Governor at the School for 21 years. There had always been difficulties between development at the School and the needs of local residents. The School now had state of the art buildings and the pupils needed as many possibilities for sport as possible. On the other hand, local residents were arguing that noise arising from this sport would become an intolerable imposition. She asked whether the Borough Council would be able to consider the amended application before it was put before the KCC Planning Applications Committee. Mr Crossley confirmed that this would be the case.

## Appendix to Item D1

(14) The Chairman invited comments and questions from the public. These are summarised below:-

(a) As the only access to the School would be along White Cottage Lane, there would be a massive amount of parking along it. Would there be supervision when the games finished at the end of the evening? Mr Crossley replied that the School's parking would double up for community use. There would also be supervision during the community use periods as they would be structured activities via formal lettings.

(b) A resident of Hopton Road said that he lived behind the School car park, where the gym and tennis courts were located. The problems of traffic and noise were ever present and would grow if permission were granted.

(c) The fact that White Cottage Road was now the only road with vehicular access to the School meant that this application would contribute to an already unbearable traffic and parking situation in a very narrow road. It should be born in mind that there were a large number of elderly local residents. There was also a risk to children and other pedestrians.

(d) At present, there was only a brief window from mid July to the end of August when local residents could enjoy their gardens undisturbed. If this application were approved, even this short period of tranquillity would disappear.

(e) The applicants proposed community use. However, given that most of the local residents were beyond the age when they would readily take up sport, there was a question as to who would actually use these facilities. It was quite possible that use would be very limited. If this was the case, the School would run the risk of wasting a lot of energy resources to provide unwanted facilities for the community. This was already happening with the other sports areas on site, which were floodlit.

(f) The School did not have a good history of compliance with planning control. Since the new car park was near the site boundary, the proposed facilities would lead to greater noise pollution caused by slamming doors, music and aggressive behaviour.

(g) The need for additional community sports was not that great in Tonbridge. There were quite a few pitches all over Tonbridge, including Hayesbrook School.

(h) A resident from Denbeigh Drive said that youngsters were already using the tennis court to kick footballs around. They were kicking the ball so hard that she and her neighbours had a constant worry about damage to their property.

(i) Would the community use be free of charge or would it operate as a commercial enterprise? Mr Crossley replied that this would be a matter for the School. Generally speaking, local sports groups paid the School for letting them use their sports facilities. Kent County Council encouraged all its schools to make their facilities available, subject to the basic amenity tests.

(j) A resident said that it was unlikely that use of the all weather pitch would be limited to 25 players and spectators. He, for example had recently been to Hawkenbury where there had been over 250 people present with 85 cars in the car park. The noise from their activity had continued until 11pm. This would be unacceptable at Hugh Christie due to the age of many residents. An additional worry

## Appendix to Item D1

was that youngsters would clamber over the fence into people's gardens in order to retrieve lost balls, etc.

(k) An application to extend the old sports hall had been refused in December 1998 on the grounds of bulk and proximity to local residents. This proposed development was even nearer to the bungalows. Furthermore, it was intended to keep the all weather pitch open for use until 10pm. If this happened, who would actually police it and close the ground at this time?

(l) Mr Burton (Assistant Principal) informed the meeting that the School was only responsible for the site until 6pm. The Tennis courts were leased to the Tennis Club after that time. Any complaints about misuse of the site should be passed to them. He would undertake to make them aware of any complaints that were made to him.

(m) One house was within 5m of the proposed pitch. Others were also within the 20m boundary zone. They would be subjected to increased noise in the evening and at weekends and would not be able to enjoy their environment. Once the all weather pitch was constructed, there would inevitably be tournaments involving parents, friends and relatives. There would be an increase in the amount and volume of bad language, which was already such a problem that people were driven indoors. The weldmesh fencing would also make the entire site look like a prison camp.

(n) Sleeping policemen had been put in along Thorpe Avenue but not along White Cottage Road. This had been because the bus drivers had objected that they would be bad for their backs. As a result cars sped along at 60mph whilst vehicles mounted the grass verges to pass one another. No development of the nature proposed should be permitted without a control system along this road. Mr Crossley confirmed that planning applications could be refused on highways grounds.

(15) The Chairman thanked everyone for attending. The application was likely to be reported to the Committee on 20 March or 17 April. The notes of this meeting would be appended to the report.

(16) Following the meeting, Members of the Committee viewed the site of the proposed development, accompanied by some of the residents.

SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

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**Item D1**

**All weather pitch and multi-use games area, Hugh Christie Technology College, White Cottage Road, Tonbridge - TM/07/1735**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2007.

Application by Kent County Council Children's Families & Education and Kent Education Partnership for the provision of a single, non-floodlit all weather pitch and a single non-floodlit multi-use games area in connection with the comprehensive redevelopment of the college site previously approved by application reference TM/04/3388, Hugh Christie Technology College, White Cottage Road, Tonbridge – TM/07/1735

Recommendation: Subject to any further views received by the Committee Meeting recommend that the permission be granted subject to conditions.

**Local Member:** Mr G Horne MBE and Dr T Robinson **Classification:** Unrestricted

**The Site**

1. The application site is part of the playing field on the northern part of the Hugh Christie Technology College site, which is to the east of the A227 Shipbourne Road, Tonbridge. To the south of the playing field a new replacement school building and associated car parking with vehicular access from White Cottage Road, granted permission in December 2004, is currently being constructed. Once completed the school will relocate entirely onto the northern part of the site with the intention that the southern (Norwich Avenue) part of the site is developed for housing. The area of the playing fields affected by the proposal adjoins residential properties to the west, north and in part to the east, and tennis courts to the south. The playing field is identified in the Tonbridge and Malling Local Plan as an area of Important Green Space, but the college site is otherwise within the urban area confines. *A site location plan is attached.*

**Members' Site Meeting**

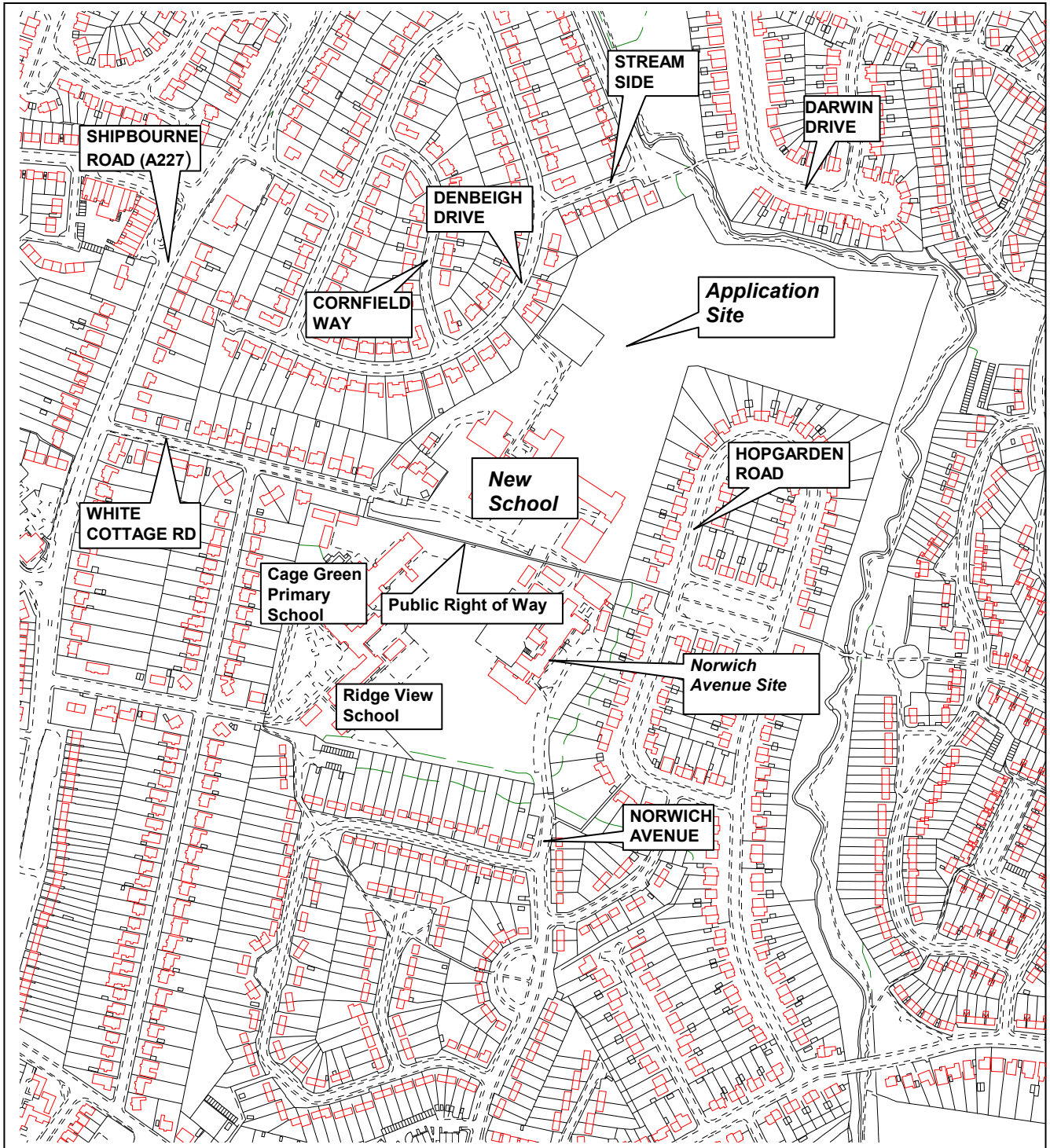
2. A group of Planning Application Committee Members visited the application site and met with local residents on the 22 January 2007 to acquaint themselves with the proposals and the issues arising in respect of a previous planning application (reference TM/06/3796), which was subsequently withdrawn. That application was for provision of a single, floodlit all weather pitch and a single non-floodlit multi-use games area, and included community use. The Committee Secretary's notes of that meeting are attached as an Appendix, although they do relate to the earlier withdrawn application.



# Item D1

## All weather pitch and multi-use games area, Hugh Christie Technology College, White Cottage Road, Tonbridge - TM/07/1735

### Site Location Plan



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**All weather pitch and multi-use games area, Hugh Christie Technology College, White Cottage Road, Tonbridge - TM/07/1735**

**EXISTING LAYOUT**

File and dimensions only shall be released from this drawing. All dimensions are to be produced on the boundary with south hand.

- Site Boundary
- Public Rights of Way - Footpath
- Existing Hard Landscape
- ① Site Entrance / Exit
- ② Location of existing sports pitches

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**KENT SCHOOLS**

Kent  
 Education  
 Partnerships

**HUGH CHRISTIE TECHNOLOGY COLLEGE**  
EXISTING SITE PLAN

SCALE: 1:1000

DATE: 15 AUG 06

PROJECT: TP Hu 01

REVISION: C



SITE PLAN

01  
PPHUG

# Item D1

## All weather pitch and multi-use games area, Hugh Christie Technology College, White Cottage Road, Tonbridge - TM/07/1735

### PROPOSED LAYOUT

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Figures and dimensions only are to be taken in conjunction with the drawings and shall not be used in isolation without the written consent of the author.

- NOTES :**
- EXISTING HARD AREA TO BE REPLACED AS AMP OVERLAYS EXISTING PROVISION.
  - LONG LEAPFITS TO BE REBUILT TO ENABLE DEVELOPMENT.
  - 20m PLANNING CONSTRAINT ZONE.
  - PEDESTRIAN / MAINTENANCE ACCESS TO BE PROVIDED TO MUGA.
  - MUGA TO BE FENCED WITH GATE ACCESS AND EGRESS.
  - TRACTOR STORAGE.
  - 30m HIGH PERIMETER FENCING.
  - PERIMETER FENCING RAISED BEHIND GOAL TO 4.5m.
  - BASE DATUM LEVELS FOR AMP WILL VARY DUE TO DRAINAGE REQUIRED. SUPPLIER'S SUBCONTRACTOR TO ADVISE ON CHANGERS AND CROSS FALLS.
  - WINTER MARKINGS - GRASS.
  - SUMMER MARKINGS - GRASS.

Legend for notes:

- WINTER MARKINGS - GRASS
- SUMMER MARKINGS - GRASS

Code	Description	Quantity	Unit
G	Grass to MUGA replacement	110	03.04.07 BR
F	MUGA area removal	110	15.05.07 BR
E	Floodlight removal	35	22.01.07 OL
D	Floodlight replacement	35	15.05.08 OL
C	Site works related	35	15.05.08 OL
B	Proposed perimeter sports outline	35	14.07.06 OL
A	MUGA to be removed	35	20.05.06 OL
TOTAL		350	

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Project: Partnership

KENT SCHOOLS

HUGH CHRISTIE TECHNOLOGY COLLEGE  
PROPOSED ALL WEATHER PITCH

Scale: 1:750 @ A1, 1:1500 @ A3

Date: 27 JUNE 06

Project No: 13069

Sheet: TP H4 25

For: DETAILED PLANNING



PROPOSED SITE PLAN

01  
P14U.2

### All weather pitch and multi-use games area, Hugh Christie Technology College, White Cottage Road, Tonbridge - TM/07/1735

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#### Background and Proposal

3. The proposal is for an all weather pitch (approx. 43 metres x 68 metres) and a multi-use games area (approx. 33 metres x 26 metres) to replace an existing multi-use games area which would be lost. The current application seeks to address the objections raised by the earlier proposal in that it does not include flood lighting, the multi-use games area has been reduced in size, and community use is no longer included. *Reduced drawings are attached showing the existing and proposed playing field layouts.*
4. It is proposed that the all weather pitch would be used for school standard of play, 50% of the time for hockey, 40% football and 10% other sport. The applicants advise that approximately 30 people would use the all weather pitch at any one time and that there would be no increase in the numbers of pupils using the playing fields, all weather pitch and multi-use games area over existing numbers. The proposed core hours of use of the all weather pitch are 08:30 to 18:00 Monday to Friday. On some occasions however, as is currently the case with the school playing field, the all weather pitch may be also used for one-off events on Saturday mornings.
5. The all weather pitch would be an artificial turf surface at a level of 30.5 metres at the southern end and 29.5 metres at the northern end with cross-falls to allow for drainage. Variations in level with existing ground level would be treated by way of grassed banking. It would be drained by a perimeter drain to the outside of the surfaced area with an out fall pipe to a new attenuation tank located below the proposed multi-use games area with subsequent discharge into main drains. The multi-use games area would be at a level of 28 metres with drainage also to the new attenuation tank. The all weather pitch would be enclosed by a 3.0 metre high, weld mesh fence raised to 4.5 metres high for a distance of 30 metres behind the goals. The multi-use games area would be enclosed by a 2.75 metre high fence. Access to the proposed AWP and adjacent MUGA would be provided by an approximately 3.5m wide pathway connecting the entrances to each area to the remainder of the school site. New planting is proposed between the all weather pitch and multi-use games area and the site boundary to the west.
6. The proposal also involves the erection of a small tractor shed and the repositioning of the existing long jump pits along the eastern boundary of the playing field parallel with the all weather pitch.
7. The College has provided the following information in support of the application:

“Use and management of the all weather pitch and multi-use games area at Hugh Christie

The development of an all weather pitch at Hugh Christie is in line with the Government’s drive to improve the health of the young in this country. The Government is now requiring all students to complete at least 2 hours of Physical Activity each week as part of the Every Child Matters agenda.

The all weather pitch is very important to the College in its drive to improve the participation of all students in physical activity of some kind. The all weather pitch is designed to be capable of being used for a great many sports, however the majority of the time the all weather pitch will be used for 2 main sports, hockey and football. Currently the condition of the field makes it very difficult, and at times dangerous, for

**All weather pitch and multi-use games area, Hugh Christie  
Technology College, White Cottage Road, Tonbridge - TM/07/1735**

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hockey to be played for a considerable part of the winter. This winter, for example, the pitch has been out of use for hockey from October, as a result a great deal of curriculum time has been lost and staff have been forced to compromise on the activities that are offered to students. When hockey is not being played on the all weather pitch, it will, at times, be used for football and general practices particularly when the grassed areas become too wet.

The AWP cannot be sited anywhere else on the College grounds due to the buildings, tennis courts and associated roads and car parking areas. As part of the development of the College, KCC and the Governors have decided that the security risk that the footpath poses is too high a risk and therefore the decision was taken to establish the new school entirely on one side of the footpath; as a result the Norwich Avenue site will be disposed of once full occupation of the new buildings has occurred.

The remainder of the grassed areas of the field will continue to be used for football, rugby, training (on the training grids) and in the summer for cricket, rounders, athletics and softball.

The field at present is only used for activities under the supervision of Physical Education staff and there are no plans to make changes in the way in which the field is used (including the all weather pitch and multi-use games area).

Security has been a particular concern to the College over the past 3 to 4 years and now that the building contractor has replaced the fencing to Woodlands Walk we are not experiencing the levels of problems on the field during evenings and weekends that we have experienced in the past. We will, of course, monitor this situation on a regular basis.

The periods of time that the all weather pitch, multi-use games area and field may be used are the same as the times that the field is currently used. Lessons begin at 08.30 and finish at 15.10 followed by after school clubs and fixtures. The majority of clubs last approximately one and a half hours. Sporting fixtures with other local schools remain a very important part of the college activities and these would continue to take place, some events in the summer may last longer (cricket for example) and may continue until 6pm – 6.30pm although this is rare. There may also be rare occasions when school fixtures have to be played on a Saturday morning, although this is very unusual. It is likely that at times schools such as Cage Green, Woodlands and others may use the facilities, again this is a continuation of the practice of previous years and would only occur during the normal day (8.30 to 6pm).

The College has for some years offered summer schools for some of the students joining us in September. These summer schools take place in the holidays and would involve some use of the field/ all weather pitch for a limited period of 1 to 2 weeks during the summer holidays. The timings of the activities in connection with the summer schools would be during normal school hours.”

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**Planning Policy**

8. The Development Plan Policies summarised below are relevant to consideration of the submission:

(1) The adopted 2006 **Kent & Medway Structure Plan**:

Policy QL1 Requires that 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 QL11 Existing community services (*including schools and other education provision*) and recreation facilities 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 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 NR5 The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion. Development which would result in, or significantly contribute to, unacceptable levels of pollution, will not be permitted.

(ii) The adopted 1998 **Tonbridge and Malling Borough Local Plan**:

Policy P4/10 States that permission will not be given for any development within or adjoining Important Green Spaces, unless the need for the development is overriding and the proposals would not adversely affect the contribution which the spaces make to the character and quality of townscape. Where development may exceptionally be justified which results in the loss of part of an Important Green Space, the Borough will, where practicable, require enhancements to the retained area to compensate for the loss.

**Consultations**

9. **Tonbridge and Malling Borough Council** raises no objection subject to the following conditions:

(1) No floodlighting, whether permanent or temporary, shall be erected or installed for use in association with the playing pitches without the prior approval of the local planning authority.

*Reason: The protection of the locality and adjacent residential properties from light pollution.*



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- (2) The extent of use of the all weather pitch and multi-use games area during the summer school holidays (i.e. the number of days use) shall be limited to that set out in the supporting Statement submitted with the planning application. Any alteration of use or times shall be agreed in writing by the Local Planning Authority.

*Reason: To protect the amenities of adjacent residential properties.*

- (3) The all weather pitch and multi-use games area shall not be used outside the hours of 08.30 to 19.00 Mondays to Saturdays, with no use at all on Sundays and Bank or Public Holidays.

*Reason: In the interests of protecting the amenities of surrounding residential properties.*

- (4) A condition to cover the requirements of the Environment Agency.

**Sport England** has made the following comments:

The Playing Fields Policy states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field unless, in the judgement of Sport England, one of five specific circumstances applies.

The revised application includes no floodlighting and no community use of the all-weather pitch and multi-use games area. Sport England is greatly concerned that community use has now been removed from the proposals. Sport facilities provided at school sites are an important resource, not just for the school through the delivery of the national curriculum and extra-curricular sport, but also for the wider community. There are also direct benefits to young people, particularly in strengthening the links between their involvement in sport during school time and continued participation in their own time.

The technology now exists to mitigate against noise from synthetic turf pitches. Also advancements in floodlighting ensure lighting glare is not transmitted from the pitch to any significant distance. Sport England hopes that opportunities for community use of the proposed facilities will be investigated at a later date to enable greater opportunities for sports participation in the local community and is willing to work with the applicants for these objectives.

A significant proportion of the playing field will be developed as a result of the proposals. However improved use of the existing playing fields will be made and two football pitches, training grids, running track and cricket square can be provided. The all-weather pitch and multi-use games area will bring a significant improvement to the school sports facilities particularly for hockey. Given the area of playing field that would remain and the sporting benefits for the school Sport England is satisfied the proposed development meets Exception E5 to their Playing Fields Policy.

Consequently, Sport England does not wish to raise an objection to the proposed development. Due to lack of community use, Sport England is unable to offer support to this planning application.

**The Environment Agency** has no objection to the proposal, but would like to offer the following advice. The surface water drainage details state that the runoff from the proposed development area will be directed towards an attenuation tank prior to discharge to the main drainage system. The relevant utility company should be contacted to ensure the system has sufficient capacity to accommodate the attenuated flows. There should therefore be no direct discharge to the watercourse in the vicinity as flows are directed to the mains drainage system.

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**Environmental (Noise) Consultant** has commented as follows:

“The proposed all weather pitch and MUGA are to be sited on the position of an existing sports pitch. It is to be used only between 0830hours and 1800hours during the week. There is to be no regular weekend or other community use of the pitches. The Applicant has submitted a Noise Assessment Report and although I disagree with its methodology (BS 4142 is for assessing industrial noise), I agree with the summary that no additional noise is to be introduced to the existing noise environment. There should therefore be no detriment to amenity to the nearest noise sensitive receivers.”

**The Divisional Transportation Manager** raises no highway objections.

**County Landscape Adviser** in principle has no objection to the species, sizes or planting densities to be used on site, but would like the applicant to review the northern corner of the site and views from neighbouring properties. Suggests that consideration could be given to the use of a hedge or native shrub planting area positioned around the outside of the multi-use games area to help soften the views of the facility.

**Local Member**

10. The local County Members, Mr G Horne MBE and Dr T Robinson were notified of the application on the 8 May 2007.

**Publicity**

11. The application was publicised by an advertisement in a local newspaper, the posting of 3 site notices and the individual notification of 130 residential properties, which included those notified of the previous proposal and/or who made representations at that time.

**Representations**

12. I have received letters of representation from residents of a total of 11 properties, including from White Cottage Road, Denbeigh Drive, Stream Side, Cornfield Way and Hopgarden Road. A summary of the issues raised/points made is set out below.
  - The revised application does seem to address concerns raised to the earlier application and as such she would not have any objection. However asks if a proviso could be added to any permission to prevent the school seeking to use it for community use and extend the hours at some time in the future. Hopes that Tonbridge and Malling Borough Council consider the application before KCC determine the application.
  - Happier about the new planning application but still worried that they could get approval for public use and floodlighting at a later date. Asks whether it would be possible to include a clause to say that they cannot apply for this at a later stage.
  - Asks for assurance that clauses will also be included that the school playing fields will only be used for pupils in school hours or on the occasional Saturday morning.
  - The proposed pitches are too close to adjoining properties and would have an unacceptable impact on them and the environment.
  - Concerned about the levels being raised above the existing site levels and the consequence for being overlooked and the unacceptable visual impact of the fencing.

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- The maximum height of the fence behind the goals is too high. 3.6 metres would be sufficient.
- Drainage of the entire field by the use of an attenuation tank would solve the need for and high cost of the all weather pitch.
- Questions that there would be no increase in the numbers of pupils using the playing fields and that there would not be an increase in the noise generated by use of the all weather pitch over current use of this part of the playing field.
- There are already adequate pitches on the site.
- Enough of the site is already covered in concrete without taking any more of the grassed area. The footprint of the proposed development is almost the same as the new school buildings and destroys almost a third of the existing area of grassed playing field.
- Questions whether with global warming the ground water on the site should be drained away.
- The all weather pitch and multi-use games area are far too close to residential properties and would be very intrusive particularly with the fencing. If the levels are raised there would also be the possibility of overlooking and loss of privacy.
- Considers the proposal would be contrary to the playing field designation as an 'Important Green Space.'
- The playing fields are at present used as a feeding ground for bats and reducing the grassed area may affect their ability to find food.
- Concerned at an increased flood risk to the area bearing in mind that part of the playing field to the north and adjoining areas are designated by the Environment Agency as land liable to flood.
- Suggests that other facilities in the locality be used, including the Longmead Stadium.
- Considers that the site is not suitable for a development like this and that the quality of life for residents would be severely diminished.
- Concerned about security and the possibility of unauthorised use out of school hours.

**Discussion**

13. Members will recall that there were significant objections to the previous proposal mainly, but not exclusively, because of the impact of floodlighting and community use. In order to address these concerns, floodlighting and community use have been removed from the revised application. The size of the multi-use games area has also been reduced so that it is a similar distance away from residential properties as the all weather pitch. However a number of concerns about the proposal remain as set out in paragraph (12) above. The main issues are considered below.
14. It will be noted that the school playing field of which the application site is a part is identified in the Tonbridge and Malling Local Plan as an area of Important Green Space. The Local Plan Policy P4/10 seeks to protect such areas from development, unless the need for it is overriding and the proposals would not adversely affect the contribution that the space makes to the character and quality of townscape. In one way the use of the playing fields would not change as a result of the development, in that the land would still be used for sport and recreation. However whilst construction of the surfaces would change the character of the open space to a more limited extent, the addition of fencing would add to the visual presence of the proposed development and would to some extent change views across the site from adjoining residential properties. On the other hand the visual impact could be mitigated by the fencing being finished in black



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and, as proposed, provision of some new planting to filter views of the development. That would be particularly important where the existing boundary is more open. In this respect the landscaping details should be reviewed to include the planting around the outside of the multi-use games area suggested by our landscape adviser. These matters could be covered by appropriate conditions.

15. The College has identified a need for improved sports facilities, in particular to meet curriculum needs during the winter months, which I consider would also meet the objective of Structure Plan Policy QL 11 for provision of community facilities, including those for schools and sport. Bearing this in mind and measures to mitigate the visual impact, I do not consider that an objection on the basis of Local Plan Policy P4/10 would be warranted. Nor do I consider that enhancements (as referred to in the policy) to the remaining playing field area are necessary, in addition to the area of landscaping already proposed. Even with the proposed all weather pitch and multi-games area located within it, the playing field as a whole would continue to make a significant contribution to the character and quality of townscape of the area as well as in its formal use for sport and recreation.
16. There are some concerns about the level of the new surfaces being raised above existing ground levels with a consequence for increasing the overall height of the fencing and potential for overlooking and loss of privacy. Details of existing and proposed levels have been provided. The all weather pitch is proposed to be 30.5 metres at the southern end and 29.5 metres at the northern end, to achieve a balance of cut and fill. These levels would result in the pitch being approximately 0.75 to 1 metre higher than existing levels at the northern end and an average of about 1.7 metres lower at the southern end. The multi-use games area is proposed to be at 28 metres. Although this is a metre and a half below the level of the adjoining all weather pitch, it compares with existing levels that vary from about 28.75 metres along the southern end to 27.75 metres along the north end. Overall, I consider that proposed levels for the all weather pitch and multi-use games area are reasonable but if permission is granted a condition should be imposed requiring that they be constructed in accordance with and no higher than the submitted details.
17. Details of how surface water would be dealt with have been provided (outlined in paragraph (5) above) as this has also been of concern to some residents, with the possibility of run-off onto their properties. It will be noted that the Environment Agency has not raised objection subject to the relevant utility company being satisfied that there is sufficient capacity to accommodate the attenuated flows. Also that there should be no direct discharge to the watercourse in the vicinity as flows are directed to the mains drainage system. I understand from the applicant that the design of the drainage system has been approved by Southern Water.
18. I am mindful that Structure Plan Policy QL1 amongst other things seeks to protect the amenity of settlements, and as such, development should not adversely affect the ability of neighbours to enjoy reasonable levels of privacy, peace and quiet. However now that the community use element of the proposal has been removed the hours of use are intended to be no different than at present. The applicants have indicated there is already a playing pitch located in the general area of the application site and the existing multi-use games area is much closer to the boundary than either the proposed all weather pitch or multi-use games area. It will be noted that they are located approximately midway between the boundary to the west and east, and at least 20 metres from the boundaries with adjoining residential properties. Our environmental consultant agrees with the summary in the noise report submitted with the application

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that no additional noise is to be introduced to the existing noise environment and considers that there should be no detriment to amenity to the nearest noise sensitive receivers. In the light of the above considerations, I would not raise objection to the proposal on the grounds of loss of residential amenity.

19. Despite the removal of community use and floodlighting, concern has been raised that the applicant may apply for these subsequently, once the all weather pitch and multi-use games area have been constructed. Whilst it is not possible to preclude this from happening, any application(s) would be considered and determined on its merits. It would however be appropriate to impose a condition that no floodlighting shall be installed without the permission of the County Planning Authority to ensure for that no portable or temporary floodlighting that might not require planning permission could be installed without permission. In terms of hours of use and community use, I consider that without the floodlights this would on the whole be self-governing. However the Borough Council has requested conditions be imposed in these respects, as set in paragraph 9 (above), with which I understand the applicant is content.

**Conclusion**

20. The proposal seeks permission to provide improved sports facilities to meet curriculum needs. Bearing in mind that community use and floodlighting are no longer proposed, the multi-use games area has been reduced in size, the established playing field/sport use, and the mitigation measures, as discussed above, on balance I consider that the proposal would accord with the general aims and objectives of the Development Planning Policies. Therefore subject to any further views received by the Committee Meeting, I recommend that permission be granted subject to conditions.

**Recommendation**

21. SUBJECT TO any further views received by the Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED SUBJECT To conditions covering:
- the standard time limit,
  - the development to be carried out in accordance with the permitted details,
  - submission for approval of the details of the tractor shed,
  - the extent of use of the all weather pitch and multi-use games area during the summer school holidays (i.e. the number of days use) limited to that set out in the Supporting Statement submitted with the planning application,
  - the use of the all weather pitch and multi-use games area being restricted to the hours of 08.30 to 19.00 hours Mondays to Saturdays, with no use at all on Sundays and Bank or Public Holidays,
  - the fencing to be finished in matt black,
  - submission for approval of final landscape details, to include planting around the outside of the multi-use games area, subsequent implementation and maintenance of the landscaping proposals,
  - levels of the all weather pitch and multi-use games area to accord with the submitted details,
  - drainage to be implemented in accordance with the submitted details, and
  - no flood lighting shall be erected on the all weather pitch or the multi-use games area without the prior written permission of the County Planning Authority.

Case officer - Paul Hopkins	01622 221051
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Background documents - See section heading
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**Item D3****Outline Application for an Academy at Oldborough Manor Community School, Boughton Lane, Loose, Maidstone – MA/07/1007**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2007.

Outline Application for demolition of existing school buildings; erection of new school (single academy status for Oldborough Manor Community School & Senacre pupils); erection of new six court sports hall; erection of new vocational centre; re-provision of outdoor playing pitches; new multi-use games area; 153 car-parking spaces; strategic landscaping works; and circulatory access, Oldborough Manor Community School, Boughton Lane, Loose, Maidstone - MA/07/1007

Recommendation: Subject to any further views received by the Committee Meeting, permission be granted subject to conditions.

**Local Members:** Mr A Chell and Mr E Hotson

**Classification:** Unrestricted

**Members' Site Visit**

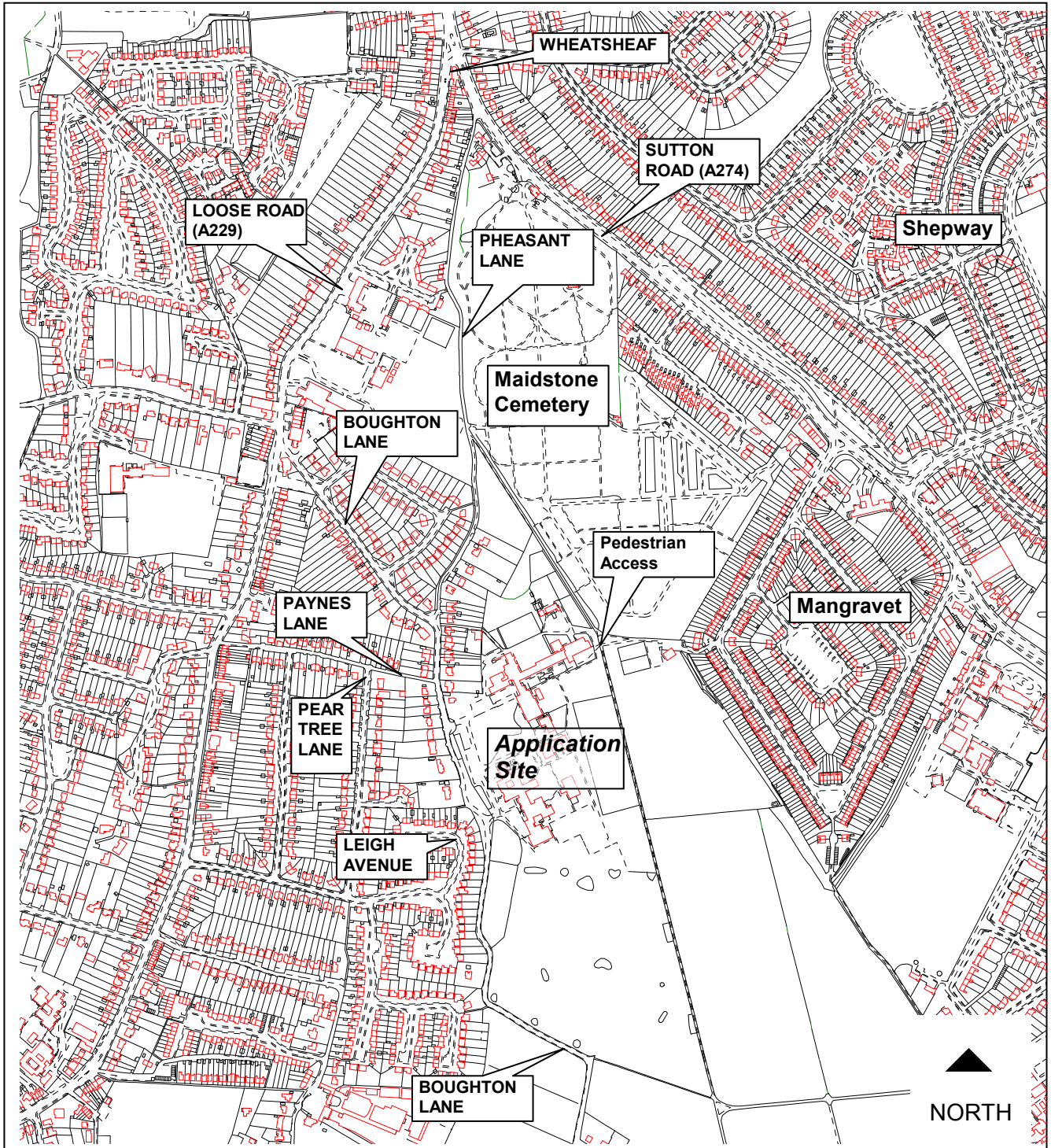
1. A group of Planning Application Committee Members visited the application site on the 19 June 2007 to acquaint themselves with the proposals and the issues they raise. The Committee Secretary's notes of the visit are attached as an appendix.

**Site**

2. Oldborough Manor Community School, the application site, is located to the south/south-east of Maidstone Town Centre. It is within an urban-rural fringe location. To the west is the Loose residential area comprising mainly detached houses in mature grounds. To the east are the Maidstone Cemetery, a recreation ground and fields, the latter which continue to the south. These areas form a green wedge of land within the urban area between the School and the Mangravet, Park Wood and Shepway Housing Estates, where the majority of the School's pupils live. The Maidstone-Wide Local Plan shows the whole site to be within the boundary of the urban area but also within the 'southern anti-coalescence belt,' a designation that seeks to maintain the separation of the rural settlements around Maidstone with the urban area and with each other. *A site location plan is attached.*
3. Vehicular access to the School is from Boughton Lane, which connects onto the Loose Road one of the main routes into Maidstone from the south. This access to the site is laid out with a separate entrance and exit for vehicles. There is a separate pedestrian access to a gate at the north-eastern corner of the site via the Mangravet Estate and a path across the recreation ground. A very high percentage of pupils walk to the school from the above housing estates using this route.
4. The site was developed for school use in the 1950s and 1960s with a mixture of 1 and 2 storey school buildings, the use of which has subsequently evolved with a number of other institutional uses, and some additional buildings being added as a result. The total site area is 16.6 hectares of which approximately 50% includes built development (Northern Part) and 50% playing field land/open land (Southern Part). At the northern end of the site is the School Farm and the original 1950s school building(s), with the 1960's buildings to the south of this, with some later, mainly temporary type, buildings

**Outline Application for an Academy at Oldborough Manor Community School, Boughton Lane, Loose, Maidstone – MA/07/1007**

**SITE LOCATION PLAN**



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**Outline Application for an Academy at Oldborough Manor Community School, Boughton Lane, Loose, Maidstone – MA/07/1007**

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between. Oldborough Manor Community School, with the exception of the gymnasium that is within the 1950's building and the farm, now only occupies (most but not all of) the 1960's accommodation. The buildings are otherwise occupied by a number of independent uses including Five Acre Wood Special Needs School, Asquith Nursery, Zeroth Active Zone Gym and Loose Baptist Church.

5. The southern part of the site comprises school playing fields. Along the western boundary is an extensive tree belt, including Five Acre Wood in which a number of trees are subject to Tree Preservation Orders (TPO's). Dotted around the open area are also a number of mature trees of varying ages and condition.

**Background and Proposal**

6. KCC Children, Families and Education are seeking outline planning permission to construct a new school on the Oldborough Manor Community School site. This forms part of DfES proposals to make Oldborough Manor Community School/Senacre Technology College and Cornwallis School sites a 'double academy' post July 2007. (NB: Subject to final approval by the Secretary of State and The Academies Trust in Summer 2007). The size and location of Oldborough Manor Community School means that it is the applicant's/Academies Trust's preferred location to develop a new single site school academy within a campus setting for Oldborough Manor Community School and Senacre Technology College. The new academy proposals would replace the 1960s buildings with a new, state of the art, high technology school development within an attractively landscaped, campus style setting. In the short term, Senacre pupils and staff would need to be relocated to the Oldborough site where there is surplus capacity within existing buildings. The aim is to replace these with new buildings by 2009/2010. It is proposed that Senacre Technology College would be redeveloped for housing to help fund the new school proposals and this is subject to a separate outline planning application for approximately 350 houses being considered by the Borough Council.
7. Initially the Schools, (New Line Learning Federation), in conjunction with Maidstone Borough Council had been advancing proposals for the Oldborough Manor and Senacre School sites by means of the Supplementary Planning Document (SPD) route. That process has now been overtaken by the DfES proposals and the need for the County Council as Education Authority to undertake an urgent consultation exercise with parents of all 3 Schools involved and the submission of this planning application. As part of the SPD process the applicant's agents had carried out extensive public consultation with pupils, parents, staff, local residents, ward councillors, interest groups and Local Development Document Advisory Group of Borough Members.
8. The new school proposals comprise:
  - Demolition of 7,527 sq m (gross) of existing school buildings used by Oldborough Manor Community School (other buildings would be retained for the current uses and users);
  - A new school of 8,291 sq m (gross) on the Oldborough Manor Community School site for up to 1,050 pupils and 3 storeys in height;
  - A new vocation centre of 2,500 sq m (gross);
  - A new 6 court indoor sports hall of 1,260 sq m (gross)(Including changing rooms and stores);
  - A new 6 court Multi Use Games Area (MUGA);
  - New Senior, Medium and Junior Playing Pitch;
  - Replacement of existing YMCA playing pitches on site;

**Outline Application for an Academy at Oldborough Manor Community School, Boughton Lane, Loose, Maidstone – MA/07/1007**

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- New car parking provision, circulatory access and pedestrian access points; Vehicular access would continue to be from Boughton Lane using the existing in and out arrangement and the main pedestrian access would be the gate to the east to allow access via Mangravet.
  - New strategic landscape provision to create a campus style setting.
9. Although this is an outline application and all the details are reserved for later consideration the application is accompanied with a proposed site layout/master plan showing how the site could be developed. Further details of the proposal are also set out in the Design Statement including a concept for design and architectural form, floor layouts and sections, and illustrations of the buildings. *Reduced copies of drawings showing existing and proposed site layout and of the design concept are attached.*
10. The application is also supported by a Landscape Report, Report on Ecology and Reptiles, A Tree Survey, Transport Assessment, and a Staff and Pupils' Travel Survey and Draft School Travel Plan. In addition there are three reports relating to the consultation exercise i.e. Consultation Report (Statement of Community Involvement) and Supplementary Consultation Report (Statement of Community Involvement) and a report on the Emergent Development Strategy – Position Statement. More recently a Safer Routes to School Strategy has been submitted and a statement relating to Secured by Design principles.
11. In order to minimise land take within the existing playing field area and the 'southern anti-coalescence belt', it is proposed to position the new school building partly on the site of the existing buildings (2 storey main school buildings and stand alone science block) within the central part of the site area. *(This means that pupils would need to be decamped into temporary classroom space during the new school's construction phase.)* The proposals are still at an evolutionary stage but at present, would have a more compact form of development comprising 2 buildings (barns) arranged on 3 levels either side of a central courtyard area. The intention is the creation of a landmark building of noteworthy merit within in an attractive landscape setting; also that the site would have the appearance of a much more open site than presently exists. The new school buildings have been oriented in order to capitalise on views across the site in a southerly direction whilst providing interesting and varied views into the main part of the site to the north. The proposed orientation of the building would also allow for maximum energy efficiency in terms of meeting solar radiation standards.
12. On the basis that the proposed new school would occupy a site on the urban fringe of Maidstone and is part urban and part landscape, it is proposed that the smaller of the 2 barns closer to the urban development has a harder, more angular envelope of metal. The larger of the 2 barns would be closer to the playing fields and the landscape beyond and would have a softer, natural timber clad form. It is proposed that the metal clad form would use a palette of smooth metal shutters, sliding doors and louvers to complement and enhance its industrial feel. The timber envelope would be more organic with an undulating texture of timber and glass.
13. Each barn has been designed to contain 5 learning plazas. Between each plaza is a shared resource area containing storage, toilets, circulation and seminar space. On the ground floor, there are additional areas given over to main reception and administration, a food court, a science court and a technology zone. The proposed courtyard area would be landscaped to provide an additional education resource so that activity within the barns can spill outside in fine weather. It would also be a gathering space for



**Outline Application for an Academy at Oldborough Manor Community School, Boughton Lane, Loose, Maidstone – MA/07/1007**

**EXISTING SITE LAYOUT**



**Outline Application for an Academy at Oldborough Manor Community School, Boughton Lane, Loose, Maidstone – MA/07/1007**

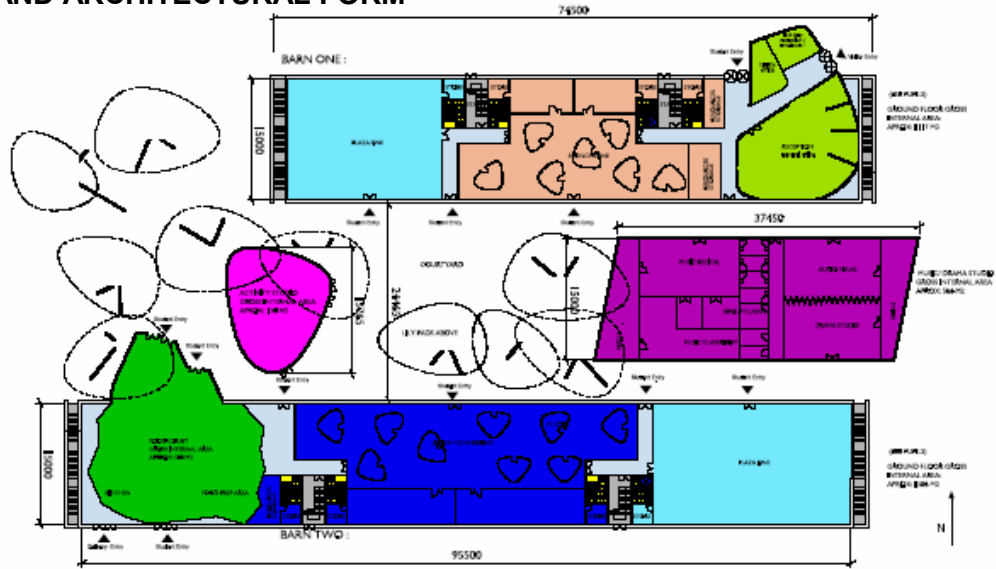
**PROPOSED MASTER PLAN/SITE LAYOUT**



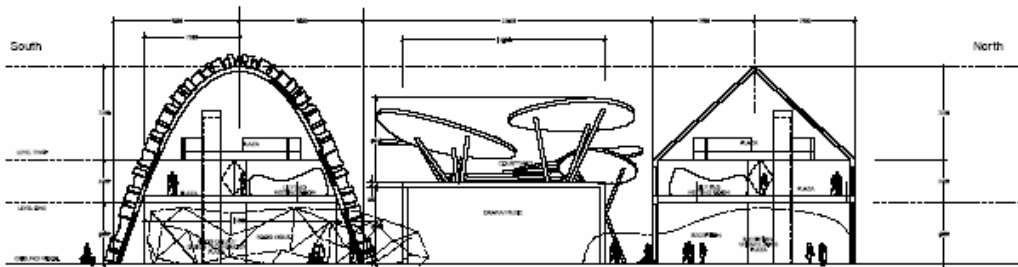


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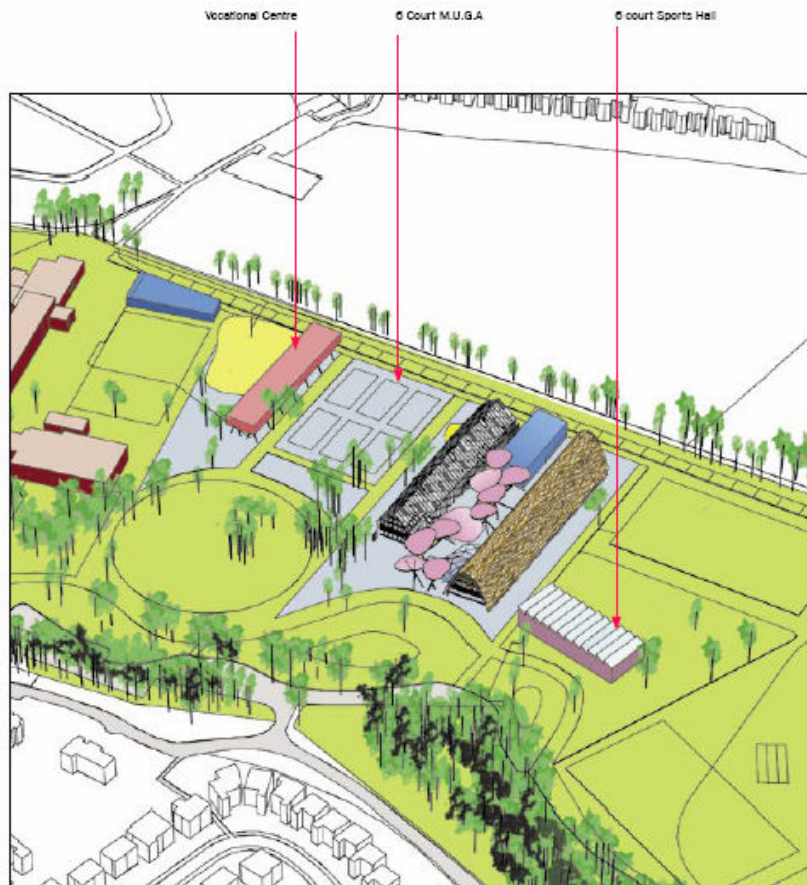
**DESIGN AND ARCHITECTURAL FORM**



Proposed Ground Level Plan



Proposed School Section



**Outline Application for an Academy at Oldborough Manor Community School, Boughton Lane, Loose, Maidstone – MA/07/1007**

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events, performance and the local community. Within the courtyard area there would be a drama and a music pavilion, and an activity studio. These are strategically located so that the community can use them outside of school hours.

14. Immediately to the south of the new school building on the edge of the existing playing field area, is the site of the proposed new 6 court sports hall. This building would also serve the outdoor playing field uses in terms of changing room and shower facilities for school and outside use. The new sports hall would share a close relationship with the new school development rather than appearing as a stand alone building. Immediately to the north of the new school building is a new multi-use games area (6 court). This is abutted to the west by the site of the proposed Vocational Centre which is intended to share a strong relationship with the new school buildings and to be a building of architectural significance within its own right.
15. The open playing field area has been laid out to accommodate the School's requisite requirement for Senior, Medium and Junior playing pitch provision, including summer time track and field provision and cricket pitch provision. The layout enables a number of mature trees to be retained within the body of the open playing field site. In particular, the retention of the dense woodland belt along the site's western boundary serves to create an important buffer between the new school proposals and the existing residential areas to the west.
16. The applicant advises that the new school development and indoor and outdoor sports provision has been designed in accordance with DfES standards. This would allow for the replacement of Senacre playing pitches and indoor sports hall provision on the Oldborough Manor Community School site. The applicant also states that the proposals have been designed to allow increased usage of the indoor and outdoor sports facilities by local community groups. Furthermore that the proposals would result in a significant improvement in current sports provision and changing room facilities on the 2 sites, which are currently sub-standard.
17. At the entrance to the site it is proposed to create an attractive village green setting for the new school buildings comprising hard and soft landscape features. Within the site there will be interactive features for pupils such as a nature garden, sound garden, energy garden, courtyard area and seating areas.
18. Along the western boundary of the site, 2 parking areas are proposed for 153 cars. The proposals also allow for improved vehicle circulation to enable pupils to be dropped off and picked up during the morning and evening periods. It is proposed that these would be extensively landscaped with planting and trees
19. Around the boundary of the site, it is proposed to create a 3 metre boundary path with a 5 metre spine path along the site's eastern boundary. Along the site's eastern boundary, planting will be reinforced with new boundary trees, a mixed thorn hedge to mask steel palisade and a wild flower verge.
20. For the present time, existing buildings on the northern part of the site would need to be retained. The proposals allow for the landscaping to minimise impact of these buildings on the new school proposals. The school farm would remain in its current position at the northern end of the site in which it makes a very valuable contribution to the School's activities.

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21. The applicant's agent has highlighted the following points in relation to transport/highway issues:

- Oldborough Manor School was originally designed for a total of 1,500 pupils. The new school proposals would result in 1,050 pupils and 190 staff. However in addition to traffic generated by the School, allowance must be made for traffic generated from Five Acres Wood School (90 pupils and 60 staff); Asquith Court Nursery; Mid Kent Vocational Services; Loose Baptist Church (Evenings & Weekends) and Zeroth Gym (Evenings & Weekends). Approximately 50% of the current traffic generated by the site is associated with Oldborough Manor Community School.
- The transport analysis carried out by the applicant's transport consultants confirmed that 78.6% of pupils at the Oldborough Manor Community School walk, cycle or bus to school and that 81.6% walk, cycle or bus home at the end of the day. Similarly, the transport analysis has confirmed that 82.5% of pupils at the Senacre Technology College walk, cycle or bus to school and that 85% walk, cycle or bus home at the end of the day.
- A further analysis of where pupils live indicates that the transfer of pupils from the Senacre Technology College site to the Oldborough Manor Community School would not result in the overall number of pupils having further to travel to school. For this reason, it is reasonable to work on the basis that a large percentage of pupils would continue to walk, cycle or bus to school with a relatively small number of pupils arriving or leaving the Oldborough Manor Community School site by car.
- The survey analysis indicates that 76.6% of traffic movements from the Senacre Technology College and 90.0% from Oldborough Manor Community School are made by staff. This means that new school proposals would result in additional traffic delays at the Boughton Road/ Loose Road Junction. In accordance, however, with Government Guidance set out in ODPM Circular 05/2005, it is considered in this instance more appropriate to mitigate residual impacts through demand management and improving conditions for sustainable modes of travel, before considering major junction upgrades.
- In conjunction with Maidstone Police, various options have been considered for creating safe routes to school for pupils and staff alike. From this work, it is evident that the safest route to school is through the Mangravet Housing Estate and across the Mangravet Playing Fields to a gate at the north-east corner of the site. It is proposed that various measures should be put in place to improve this route to school such as the installation of new CCTV Cameras. For pupils wishing to cycle to school, it is proposed that 150 high quality, secure and sheltered cycle parking spaces should be provided on the site, plus 6 secure and covered motorbike parking places.
- It is proposed to retain the existing vehicle access points into the site from Boughton Lane. The exit is sited on the outside of the road bend, in which visibility in both directions is good (82 metres to the north; 100 metres to the south). Both distances are in excess of the 40 metre distance recommended in 'Manual for Streets' and the 70 metre previously advised in 'Places, Streets & Movement' for a road with a major road speed of 30 mph.

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**Development Plan Policies**

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

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

- Policy SP1 States that 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.
- Policy NR5 The quality of Kent's environment will be conserved and enhanced, including the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.  
Development should be planned and designed to avoid, or adequately mitigate, pollution impacts.  
Development which would result in, or significantly contribute to, unacceptable levels of pollution, will not be permitted.
- Policy QL1 Requires that 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 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 E9 Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats. Ancient and semi-natural woodland will be protected and, where possible, enhanced.
- Policy TP15 States that 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 a significant increased risk of crashes or traffic delays unless appropriate measures to mitigate the effect of the development have been secured.
- Policy TP19 States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.

(ii) The adopted **Maidstone Borough Wide Local Plan 2000**:

- Policy ENV2 Planning permission will not be granted for development in the defined urban area and village settlements unless:
- (1) Proposals relate sympathetically to the context provided by their setting and by adjoining buildings with regard to scale, height, proportion, detailing and materials, street and plot patterns,

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- 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 Protection of trees and woodland.
- Policy ENV22 In dealing with applications to develop existing open areas within the urban areas and village settlements, the borough council will have regard to:
- (1) The visual contribution which the existing site and the proposed development will make to the urban or village landscape; and
- (2) The need to uphold and improve the appearance of the locality, with particular emphasis in more densely developed areas; and
- (3) The need to conserve wildlife habitats.
- Policy ENV32 Within the southern anti-coalescence belt as defined on the proposals map, development which significantly extends the defined urban area or the built up extent of any settlement, or which, as a result of infilling, consolidates existing areas of development, will not be permitted.
- Policy CF9 The Borough Council will seek to ensure, where appropriate, the providers of educational facilities to make provision for dual use of facilities in the design of new schools and will encourage the dual use of educational facilities (new and existing) for recreation and other purposes. Development proposals which incorporate dual use will be permitted except where the increased level or duration of activities is incompatible with local residential amenity.
- Policy T8 Provision for cyclists.
- Policy T9 Provision for pedestrians
- Policy T13 Car parking provision.

**Consultations**

23. **Maidstone Borough Council's** Planning Committee will be considering the application at its meeting on the 6 September 2007. Its views will be reported at the Committee Meeting.

**Boughton Monchelsea Parish Council** has made the following comments:

**“General**

The principle of the development is generally acceptable. There can be no real objection to a new educational establishment on an education site.

This once busy and thriving school site has declined and the number of pupils has reduced. The proposed development would lead to a welcome regeneration.

The parallel proposal to redevelop the Senacre Technology College site with housing there should ideally include the provision of some amenities for the wider community.

**Concerns**

The main concern would be traffic generation on an inadequate highway infrastructure. The overall pupil numbers may become similar to the 1970's but travel patterns and demographics have changed significantly in the last 40 years.

Highway improvements, especially at the Loose Road / Boughton Lane junction are long overdue and their provision should be a condition on any planning consent.

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The traffic routes to school via Sutton Road, the Wheatsheaf junction and Loose Road must be made more commodious than rat-running through Boughton Lane from the south.

Safe and convenient drop-off points should be considered in the final travel plan.

Safe pedestrian and cycle routes to school via Mangravet should be provided. Enhancement of the surface, lighting and signing of these routes should be a condition on any planning consent.

The existing public footpath network from Pested Bars and from Queen Elizabeth Square could be enhanced to provide an alternative pedestrian and cycle route to Oldborough Manor.

**The Long Term Future**

If the proposed development is as successful as hoped and if provision is made in the future for increasing pupil numbers, improvements to the infrastructure must keep pace.”

**The South East England Development Agency** supports the application and welcomes the investment in education that would result in the state of the art facilities which would be an asset to the local community. Further comments that “this involvement by the local community in these proposals meets the RES objective to support communities to participate in and shape urban renaissance (14.1 of the Regional Economic Strategy).”

**The South East Regional Assembly** makes the following observations:

“The County Council should address the following through appropriately worded conditions and/or legal agreements to secure:-

- An appropriate package of transport infrastructure and other measures to promote alternatives to the car and an agreed travel plan in accordance with Policies T1, T10 and T13 of RPG9 and Policies T1, T5 and T8 of the Draft South East Plan and to satisfy Policy CC5 of the Draft South East Plan:
- An appropriate level of car and cycle parking to comply with Policy T12 of RPG9 and Policy T7 of the Draft South East Plan;
- A high quality environment in accordance with Policy Q2 of RPG9 and Policies CC12 and BE1 of the Draft South East Plan;
- The incorporation of water and energy efficiency measures and the promotion of renewable energy and sustainable construction in accordance with Policies INF2 and INF4 of RPG9 (as altered) and Policies CC2, CC3, CC4, NRM1, EN1, EN2, W2 and M1 of the Draft South East Plan;
- Mitigation measures necessary to protect and enhance the nature conservation and biodiversity of the site including woodland in accordance with Policies E2 and E5 of RPG9 and Policies NRM4 and NRM5 of the Draft South East Plan.”

**The Commission for Architecture and the Built Environment** has no comment on this application.

**The Divisional Transportation Manager** does not object to this proposal, subject to the following:-

1. Traffic signals are required at the junction of the A229 Loose Road/Boughton Lane/Cripple Street whether completely funded by the Oldborough developer or partly funded by the developer of the YMCA site. The traffic signals are required

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prior to the commencement of the development. The scheme is subject to a satisfactory safety and technical audit.

2. Improvements are required to pedestrian/cycle facilities along the A274 Sutton Road and Mangravet Avenue as shown in principle on WSP drawing Figure 3 and being subject to detailed design, safety and technical audit. This should include: a pedestrian cycleway between St. Saviours Road and Grove Road; a pedestrian phase to the existing traffic lights at the A274/St. Saviours Road junction; alterations to the radius of Queen Elizabeth Square and a raised pedestrian crossing on Mangravet Avenue.
3. A footway is required on the grass verge fronting the site on Boughton Lane to link into the school site as shown in principle on WSP drawing Figure 1, this being subject to a detailed design, safety and technical audit.
4. The existing 30 mph speed limit along Boughton Lane should be extended passed the egress from the Oldborough site as shown in principle on WSP drawing Figure 1. This being subject to consultation.
5. Pedestrian crossing facilities are required in Wallis Avenue, Parkwood as shown in principle on WSP drawing Figure 2.
6. Further work and consultation is required on the School Travel Plan.

In addition, the Divisional Transportation Manager has requested conditions covering the following matters:

1. Provision to accommodate construction vehicles loading, off-loading, or turning on the site.
2. Parking provision on site for site personnel / operatives / visitors for the duration of construction of the development.
3. Provision made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
4. Precautions taken to prevent the deposit of mud and similar substances on the public highway
5. The provision and safeguarding of the car parking areas.
6. The provision and safeguarding of the areas for the loading, off-loading and turning of vehicles within the site.
7. Provision of a properly consolidated and surfaced access.

**County Landscape Adviser's** views are awaited.

**The County Archaeologist** has requested that a condition be imposed to secure archaeological field evaluation works before the development takes place and following evaluation any necessary safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording.

**Environment Agency** has no objections to the application but has made comments and requested conditions be imposed covering foul and surface water drainage contamination of previously developed land. In addition seeks further information from the applicant about reference in the application to provide a sustainable drainage system pond on the site.

**Sport England** does not wish to raise an objection to the proposed development but would expect the development of a community use agreement to which the School and the Local Educational Authority are committed to undertaking. Such an agreement should be submitted to and approved in writing by the Local Planning Authority and

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should address the hours of availability, management, pricing structures, access to changing accommodation and should also include a mechanism for review.

With regard to any future reserved matter applications, Sport England would welcome involvement in pre-application discussions to ensure that the proposed sporting facilities are designed to satisfactory technical standards. Sport England has asked that the following Guidance Notes providing technical advice on the appropriate standards for such facilities be drawn to the applicant's attention:

- Sports Halls: Sizes and Layouts,
- Sports Halls: Design
- Sports Halls: Lighting
- Educational Facilities – Design for Community Use; and
- Educational Facilities – Management of Community Use

**Kent Police Architectural Liaison Officer** raises no objection to the proposal now that the applicant has confirmed that they would adhere to Secured by Design requirements and would fully consult with Kent Police in the detailed design and planning stages of the proposed development.

**Public Rights of Way Officer** has no objection to the proposals.

**Local Member**

24. The local County Members, Mr Chell and Mr Hotson, have been notified of the application.

**Publicity**

25. The application was publicised by the posting of site notices and the individual notification of 55 neighbouring properties.

**Representations**

26. I have received 7 individual letters of representation from local residents. A summary of the main issues raised/points made is set out below:

- The increase in traffic in Boughton Lane and surrounding roads as a result of 600 additional pupils is unacceptable on residential roads and on the basis of the increased pollution.
- At peak times Boughton Lane is extremely busy with Oldborough Manor School traffic, HGV transporters for the local pack house and taxis/mini-buses for the specialist school on site. In addition Boughton Lane is heavily used by traffic avoiding congestion on Loose Road.
- An increase in pupil numbers would cause havoc in the vicinity, to the extreme detriment of the environment, as traffic movement in Boughton Lane is at full capacity with the present school. For a residential area the traffic levels are already dangerously high and unsafe given that Boughton Lane is narrow and winding.
- Suggests that larger 30mph signs, traffic calming measures and speed cameras be implemented in Boughton Lane.
- Suggests that a separate vehicular access via Mangravet would be beneficial as the majority of the students from the school come from that side.



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- At the very least access to the site should be shared between two entrances, front and back. Comments that if Sutton Road is deemed unsuitable to take the extra traffic then finds it difficult to reconcile that Boughton Lane would be more suitable.
- Traffic queues at the junction of Boughton Lane with Loose Road due to high levels of traffic to and from Maidstone making it difficult to exit. There is no proposal to properly manage traffic levels on the Loose Road and the traffic from the new school would lead to an ever-increasing level of backlogged traffic to unacceptable levels. This is likely to put pressure on alternative routes of Paynes Lane and Pheasant Lane, which are single-width. Part of the corner of Paynes Lane and Pear Tree Lane is un-adopted increased use would make a poor maintained road even more dangerous. Congestion already occurs at the junction of Paynes Lane and Boughton Lane where visibility is poor and it would be even more dangerous for vehicles and pedestrians.
- Considers that serious consideration needs to be given to the traffic assessment submitted with the application.
- Traffic lights need to be installed at the junction of Boughton Lane and Loose Road to alleviate what will become a serious traffic problem.
- Pheasant lane is already used as a short cut and will grind to a halt with the extra two-way traffic, it therefore needs to be made one-way.
- The pavements along Boughton Lane between Paynes Lane and the school entrance are limited and pedestrians often walk in the road, which is an added hazard that would get worse.
- HGV traffic accessing the distribution centre in Boughton Lane already creates problems with current traffic levels.
- Concerned to ensure the perimeter trees are retained, particularly Five Acre Wood and others along Boughton Lane.
- Hope serious consideration will be given to maintaining the open and green nature of the site and ensuring the built footprint is not increased.
- If permission is granted would wish to see a condition that states that the final design layout should be substantially in accordance with the outline layout. Any significant changes should be publicised and consulted upon further or require a new planning application.
- Concerns about noise, pollution and large vehicles using Boughton Lane during the construction period. Hope that stringent conditions would be imposed with regards to hours of construction, levels of noise and dust suppression and compensation for local residents for any negative impacts that can not be mitigated regarding noise levels, etc.
- Would like to see conditions imposed covering the times of use of the sports pitches to take into account that noise generated impacts upon local residents. Although they would expect these to be used for football matches at some points during weekdays and weekends consider that no floodlighting should be provided as this would significantly impact upon local residents through light pollution as well as noise pollution.
- Are happy to see that the Five Acre Wood School, the school farm and the nursery are to be retained on the site. There should be no attempt to remove these facilities which serve an important role in the community especially the farm, as it improves the quality of life of children attending Five Acre Wood School and the day nursery.
- The design of the two buildings is far too futuristic, and is totally out of keeping with this location. Considers that the site lends itself more to a “country barn” style of building with timber cladding or similar.
- The increase in litter and vandalism that would result from 600 additional pupils.

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- The whole application and academy status has not been thought through. It is not wanted by anybody except Oldborough and KCC. Unlike pupils, staff and KCC the residents would have to live with it for years to come. It must be rejected.
- Concerned about parking in Leigh Avenue/Norrington Road and pupils walking through the alleyway from Leigh Avenue into Boughton Lane passed their houses dropping litter, etc.

27. In addition, I have received 115 standard letters signed by local residents, which object to the application for the following reasons:

If approved, they believe it would lead to significantly increased level of traffic in Boughton Lane and all connecting routes (which they consider to be at saturation point). They are especially concerned that no consideration has been made to the request for an alternative vehicular entrance on the Mangravet side of the development, and fear that this development would bring about:

- An increase in the levels of congestion at peak times;
- Severance, i.e. the perceived division that can occur within a community when it becomes separated by a major traffic route;
- An increase in noise and pollution levels; and
- A reduction in safety for residents, pedestrians and current road users.

Furthermore, they have concerns relating to increased levels of school foot traffic that would lead to:

- Increased levels of undesirable behaviour in the area; and
- Increased levels of litter in the area.

They consider that the proposal is wholly unacceptable.

Some further comments are included with a few of the standard responses and include the following points:

- Objects to the 'asset stripping' that would occur by selling the Senacre site. Considers that the site could have been used as a means of bringing investment into the school system and used to assist students after leaving school by developing an industry/college/school development site on the grounds. This would allow closer integration with industry, money from a potential periodic lease and a bridge between industry and secondary school.
- Draw's attention to the Council's duties under the Crime and Disorder Act 1998. Considers that by using Boughton Lane entrance more anti-social behaviour would be encouraged contrary to the Council's duty to reduce crime and disorder and suggests consulting the County Solicitor, as the Council would be liable to prosecution. As things are now, has often been ill at ease encountering groups of youths making their way to Oldborough and allowing increased use of the access would increase his own fear of crime and anti-social behaviour.
- States that students from Oldborough have jumped in front of their car.
- It is of great concern that Rights of Way should not be affected by this development.
- Their children aged 5&8 are unable to walk along Boughton Lane as large lorries already ride up the pavement.
- Landscaping is not enough for loss of freedom to walk in areas.

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28. I have also received a representation from The North Loose Residents' Association, which wishes to object to the proposal for the following reasons:

Although the NLRA were consulted as stakeholders, they do not feel that the comments and concerns raised about the impact on the local residents with regard to increased traffic, noise, pollution, litter and vandalism have been acknowledged or dealt with in a satisfactory way.

The only one of these concerns that has been even acknowledged is the traffic increase, and they do not consider that the measures outlined in the Consultation Report begin to meet these in any way. The designation of someone as a "Travel Plan Co-ordinator" would have no impact whatsoever on the anticipated increase in traffic. This increase would be occasioned by extra staff traveling to the school and extra supplies being delivered in addition to parents taking children to school by car. The schools on the Heath Road have a high level of parents taking children by car, despite attempts by the school to encourage more students to walk or bike, and the reason given is the amount of traffic being unsafe for children. This is a self-perpetuating situation that would also occur at Oldborough Manor and would not be improved by the measures outlined in the Consultation Report. It is also worth noting that many parents of Senacre children have clearly stated that they would not allow their children to walk to school through the Mangravet estate.

The original Area Development Brief for Senacre and Oldborough Manor school sites states:

"While the projected pupil roll for the new school is around 800 pupils, KCC and NLL wish to build in some flexibility .....a new school building will be designed with capacity for 1,000 pupils .....whilst a pupil roll higher than 1,000 is not forecast in the long term, it could most appropriately be accommodated by extending the proposed new school building...."

They have now seen information, produced by New Line Learning, that anticipates a pupil roll of 1,050. With the amount of housing development that South Ward has experienced over the past few years, together with expected further developments, this figure could rise considerably. When this point was put to a "consultant" at the Senacre "information session", we were told that the proposed housing units would be suitable for "professional couples who wished to live near the motorway and would not be having families". An interesting assumption – and a questionable comment that Senacre is near to a motorway.

This total lack of reality by the developers, along with other considerations, leads us to question the accuracy of information provided, and we are concerned that considerably more building will be required on the Oldborough site in the not too distant future.

It is almost impossible to move in the Loose Road and Boughton Lane at present during the rush hour, due to traffic congestion. If more traffic is to be brought into the area by this development the situation would become even worse. Pheasant Lane and Paynes Lane (both very narrow country roads with no pavements) are used by drivers in an attempt to avoid the congestion in the Loose Road and this causes danger to pedestrians.

The North Loose Residents Association therefore objects to the proposals because the development would cause:

- An increase in the levels of congestion at peak times

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- An increase in noise and pollution levels
- A reduction in safety for residents, pedestrians and current road users

The increased levels of school foot traffic would cause:

- Increased levels of undesirable behaviour in the area
- Increased levels of litter in the area.

They have seen nothing in the proposals from New Line Learning to give them confidence that the above problems will be addressed.

29. In addition to the above I have received a representation from the **Kent Branch of the Campaign to Protect Rural England (CPRE Kent)**. Comments, include the following:

- Does not oppose the decision to amalgamate the two schools or to locate the new school on the Oldborough site. However note that the two main barns, which are to form the main teaching and learning areas still refer to the original concept of two schools on the one site with shared facilities. Consider that the proposals should be updated to show one consolidated school to provide integration rather than emphasising separateness
- The design is very radical and the large barn theme may not be the most appropriate for encouraging learning, personal development and self worth. Also some of the intervening court yard features do not seem very practical bearing in mind inclement weather. It would seem important that quality and practicality is not superseded by innovation which may be more costly and not suitable for formal teaching and learning that must be the school's priority, and for standards to rise. There will be the need for a number of well-equipped areas suitable for acquiring skills and knowledge as well as the new vocational centre. Additionally all areas must be accessible to students with physical disabilities.
- The main concerns are:
  - retention of green areas, to meet Local Plan Policy ENV23,
  - the requirement for the new facilities, particularly for sporting activities to be available for the surrounding community, to meet the terms of the relevant development plan policies, and
  - the problems of accessing the school from Shepway and Parkwood Esates now served by Senacre Technology School as there is no direct vehicular route between Sutton Road and the Loose Road except via the congested "Wheatsheaf" junction.
- Commends the decision to retain the existing green sports field land and to relocate the YMCA funded pitches. Welcomes the proposals for the new informal landscaped green spaces. Seeks clarification on external lighting for the sports pitches and comments that should any be considered it should be limited to a few pitches and to a specification that limits light pollution in accordance with the relevant development plan policy.
- Welcomes the retention of the school farm.
- Welcomes the provision of the sports hall and the multi-use games area.
- Management of the sports facilities would need to be efficient and outgoing so that people are encouraged to use them.
- Considers that the question of access is problematic particularly for transfer at the age of 11 when parents would be cautious about allowing them to walk or cycle to school along the direct track way. Work would be needed to ensure the way from Shepway and Parkwood is improved and seen to be safe, and in the early days of the new school, supervisors along the route. Appropriate cycle facilities would

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also need to be provided at the school. All these costs should be factored in to the total costs of the new school and they should form part of the Travel Plan. Whilst the Travel Plan has many suggestions to reduce vehicular traffic some may not be practical, particularly for staff who often live quite a distance from their school.

- The parking situation would need to be carefully monitored, as the school is not properly served by public transport.
- The provision of a new academy seems an exciting project that could enhance the educational provision within Maidstone not only for school-aged students but also for adults in the community providing the facilities are well designed and well constructed and well managed and maintained once in place.

**Discussion**Introduction

30. This application seeks outline planning permission for building a new academy as described above. The full details of the development are reserved for later consideration, although as indicated in paragraph (9) above some illustrative plans have been submitted to demonstrate the principles of the proposed site layout and the scale of the proposed buildings. Transport and access has also been considered with appropriate reports accompanying the application. Although as an existing education site, its use has in principle already been established, the applicant is looking for some certainty in order to secure funding before committing to working up the full details of the proposal. There are nevertheless a number of issues arising from the proposal, mainly related to siting, and transport and access, which have to be considered in the context of the Development Plan policies, as referred to in paragraph (22) above, and other material planning considerations arising from consultation and publicity.

Siting and design issues

31. The site has extensive playing fields and also generous green spaces around and between the main areas of built development, some landscaped areas and/or informal recreation space, and others used by the school farm. These areas all make a significant contribution to the setting of the school and to the local area, including the southern anti-coalescence belt, as well as their use for education, recreation and sport. The protection afforded to the southern anti-coalescence belt by Local Plan Policy ENV32, Development Plan Policies that seek to protect, conserve and enhance the environment, and the protection afforded to playing fields, have been major influences in the master plan that has evolved now forming a basis for this application. It follows extensive consultation with, amongst others, the Borough Council and Sport England, including with regard to the impact of the development on the anti-coalescence belt and the playing fields, respectively.
32. In simple terms, the proposal would involve the re-arrangement of the buildings, hard surfaces and green spaces within the central part of the site. Whilst the gross floor space of buildings would increase, the area of land take would be minimised with buildings of up to 3 storeys in height compared to the existing two storey buildings. The main buildings and a multi-use games area would be located on the eastern half of this part of the site, an area that at present is occupied by two playing pitches used by the YMCA and the school science block. Once demolished the current buildings would be replaced in part by a new parking area and a landscaped approach to the new buildings. The new sports hall is shown on the edge of the playing field midway across

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the site in part currently occupied by hard surfacing and part edge of playing field. That encroachment is off set by reclaiming the adjoining area of existing tennis courts in part for playing field use. The balance between built development and green spaces is broadly similar although in this part of the site there would be loss of land for playing field use, i.e. the eastern strip of land with the two YMCA playing pitches. The main playing field area to the south would be similar in area overall but there would be a reordering in the way it is laid out so that the space is used more effectively. This would allow for relocation of the two YMCA pitches and meet the summer and winter sport requirements for the new academy.

33. Some trees in the central part of the site would have to be removed as a result of the proposed development and about three very mature trees would be lost as a result of re-ordering the pitches on the playing field. However the intention is to retain trees within the site as far as possible, including the woodland to the west of the playing field and perimeter trees. Furthermore the landscape strategy put forward aims to reinforce the surrounding landscape pattern with new areas of planting, including shelter belts between pitches on the playing field, as well as to strengthen the existing boundary planting where that is necessary, to create a campus style setting. The new planting would be of significant benefit to the site and locality, as well as helping to absorb the new development into its surroundings. If permission were granted, landscaping would be one of the reserved matters.
34. The comparisons described above about the existing and proposed layout will also be noted from drawings on pages (D.5) and (D.6). In my view the master plan/site layout proposed establishes an acceptable pattern of development within the site so that there is no conflict with objectives of the anti-coalescence belt designation subject of Local Plan Policy ENV32. Indeed the proposal would not result in a significant change to the extent of the built development within the site, retains an appropriate balance of green spaces, provides for enhanced landscaping of the site and maintains the integrity of the main playing field to the south. In these respects, I also consider that it would accord with the other Development Plan Policies that seek to protect, conserve and enhance the environment, and ensure that developments respect their setting and relate sympathetically to their site context. The site as a whole would therefore continue to contribute to the visual character and quality of the area, as well as to the physical separation of the built up areas of Loose and Mangravel. If permission is granted it would be important that the reserved matters are submitted for approval on the basis of the areas shown on the master plan/site layout, as an alternative layout might not meet these important policy considerations. An appropriate condition could be included.
35. With regard to the protection of the playing field land and its use for sport and recreation, an acceptable layout and provision of pitches and other areas on the playing field for summer and winter use has been achieved. On the basis of this, and the provision of a new sports hall and multi-use games area, Sport England is not raising an objection to the proposals subject to a requirement for a community use agreement. That could be covered by condition. It will also be noted that Sport England want to make sure that the sporting facilities are designed to satisfactory technical standards and therefore it would be appropriate to ask the applicants to liaise with them as part of the detailed design process. Sport England could also be consulted on any application for approval of reserved matters. It would also be important to ensure that in any detailed submission of reserved matters that the playing field provision was in accordance with the master plan/site layout as proposed and that there was no diminution of facilities or encroachment of development onto the playing fields. This could also be covered by an appropriate condition.

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36. Although the scale and appearance of the buildings would be submitted for approval as reserved matters, the Design Statement accompanying the application includes a concept for design and architectural form, floor layouts and sections, and illustrations of the buildings, as referred to in paragraph (9) above. Further design work would be needed to develop the concept indicated. On the other hand it is possible a different approach might be adopted. It is not therefore appropriate to consider detailed concerns about the design concept. Nevertheless, the application does seek to establish the principle of buildings of the scale and size shown of up to 3 storeys in height. The sections do however show that the roof spaces could be made use of to keep the overall height as low as possible. Furthermore they would be set within a large site and landscaped areas could provide an appropriate setting to the buildings of the scale and height proposed. The buildings in the location shown would be set back from the housing to the west side of Boughton Lane, would be screened by existing trees and proposed planting. The buildings would also be separated from the housing to the east in Mangravet by the adjacent recreation ground. Proposed planting along the boundary would soften views of the buildings across and from the recreation ground and from the public right of way adjoining the boundary. The new buildings would also sit comfortably within the site between the existing buildings to the north and the playing fields to the south.
37. Taking account of the above factors I would not object to the size and scale of the buildings being up to 3 storeys in height as indicated, and consider that there are benefits to keeping the footprint of the buildings as compact as possible and to reducing the land take. However, a high quality of design and detailing would be essential. The form, massing and nature of the buildings, elevational treatment, window fenestration and materials would be key considerations, as well as the landscaping referred in paragraph (33) above.
38. Landscaping would also be important to mitigate the visual impact of hard surfaces such as the car parking and circulation areas, and the multi-use games area with its ball-stop fencing and any floodlighting. I am satisfied that landscaping on the basis of that put forward in the landscape strategy could achieve this.
39. Although I understand that it is intended to floodlight the multi-use games area no such details have been provided at this stage. In addition to day-time impact of the columns and lighting units there would inevitably be a night-time impact from the light itself. Whilst it is likely that the multi-use games area could be floodlit in an acceptable manner to minimise the potential light pollution in the location shown, that could only be properly assessed by consideration of the full details of a particular lighting scheme. Therefore I consider that, in order to determine whether or not the flood lighting of the multi-use games area is acceptable in principle, it should be subject to a separate full planning application. If outline planning permission is granted, a condition could be included stating that no floodlighting shall be erected without the written permission of the County Planning Authority.

**Transport and access issues**

40. The proposal raises a number of issues relating to transport and access because it involves combining the Senacre and Oldborough School's on the application site. This would obviously result in additional traffic and pedestrian movements over current levels. Representations have been received in this respect, particularly about increases in traffic along Boughton Lane and nearby roads and at the junction of Boughton Lane with Loose Road, as set out in paragraph (26) to (29) above.

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41. It will be noted that a Transport Assessment was submitted with the application and that the applicant has highlighted a number of points arising from that, as referred to in paragraph (21) above. Although it is considered that most of the transferring pupils would arrive and leave via the cycle/pedestrian access to the east from Mangravet, it is anticipated that a significant number of staff transferring would travel by car via Loose Road/Boughton Lane. As a result there would likely be traffic delays at that junction.
42. Having considered the Transport Assessment, the Divisional Transportation Manager requested that a number of off site highway improvements and measures be carried out to address increased traffic generation and highway safety, and to cater for walking and cycling. Following discussions, the applicant has agreed to undertake certain works as part of the development and has provided a plan identifying them, all of which are within the limits of highway land and are feasible. They would however need to be subject to technical approvals and safety audits in due course. They include:
- (i) A £60,000 contribution towards provision of traffic signals at the junction of Boughton Lane/Loose Road on the basis that they would be part funded by another developer (for the YMCA site in Loose),
  - (ii) The existing 30 mph speed limit along Boughton Lane to be extended past the egress from the Oldborough site subject to consultation,
  - (iii) A footway on the grass verge fronting the site on Boughton Lane to link into the school site,
  - (iv) Widening the footway to the south of the Boughton Lane entrance,
  - (v) Improvements to pedestrian/cycle facilities along the A274 Sutton Road and Mangravet Avenue, including a pedestrian cycleway between St. Saviours Road and Grove Road; a pedestrian phase to the existing traffic lights at the A274/St.Saviours Road junction; alterations to the radius of Queen Elizabeth Square and a raised pedestrian crossing on Mangravet Avenue, and
  - (vi) Two pedestrian crossing facilities in Wallis Avenue, Parkwood.
43. The Divisional Transportation Manager is not raising an objection to the application on the basis of these improvements and measures, and subject to conditions relating to a number of on site issues as listed in paragraph (23) above and to further work and consultation on the School Travel Plan. If planning permission is granted they could be secured by an appropriate planning condition and full details required to be submitted with the application for reserved matters.
44. With regard to the traffic signals, at this stage funding from the developer of the YMCA site is not certain. Therefore as the Divisional Transportation Manager considers that they are required for the Academy development, the applicant would have to agree to fund the full cost if part funding by another developer is not otherwise secured within the necessary time scale.

**Secured by Design**

45. In response to discussions with the Kent Police Architectural Liaison Officer following receipt of his initial comments the applicants have agreed that they would adhere to Secured by Design requirements and would fully consult with Kent Police. Some of these matters are briefly outlined below and would need careful consideration to ensure they were applied in a balanced way so that, for example, the visual appearance of the site was not compromised by inappropriate fencing. They would otherwise accord with Structure Plan Policy QL1 in respect of a safe and secure environment. If



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planning permission is granted these matters would properly be dealt with as part of the application for reserved matters.

46. The applicant has agreed that in principle a number of basic requirements of the new school proposals should include the following:
- (i) Natural surveillance to be encouraged wherever possible, with planting that remains at a low level of one metre and trees having a canopy above two metres.
  - (ii) Dusk to dawn lighting fitted at regular intervals around the perimeter of the buildings.
  - (iii) Access control to restrict unauthorised access into certain areas and defined boundary/defensible space around properties.
  - (iv) Windows and doors to the appropriate standards.
  - (v) Perimeter security fencing to the whole of the school site to meet relevant security standards, subject to complying with other relevant design considerations.
  - (vi) Site management measures to be put in place for the purpose of good site management, such as immediately dealing with repairs and refuse/rubbish issues. This would help to ensure that the area remains crime free and aesthetically pleasing for both the occupants and neighbouring residents.
47. The applicant acknowledges that the new school proposals would also lead to 'secured by design' issues within the local area as a result of increased pupil numbers on the site and has agreed to address the following:
- (i) Safe Routes to School.
  - (ii) Introduction of 2 additional CCTV Cameras on the Mangravet side.
  - (iii) To strengthen the safe routes to school proposals by the appointment of a Police Surveillance Officer to be based at the new school.
  - (iv) To consider further security measures within the locality where there are potential problems, for example, in terms of protecting the interests of tenants within the old people's homes at the entrance to the Mangravet playing fields.

**Sustainable construction**

48. The applicant has indicated that in developing the detailed design it would have regard to the principles of sustainable construction. In this respect, the project would be assessed under the Building Research Establishment's Environmental Assessment Method (BREEAM). If outline planning permission were granted, further information would be provided with the application for approval of reserved matters.

**Community use**

49. It is proposed that there would be community use including the sports facilities, which is supported by Structure Plan Policy QL11. Therefore, in principle I see no objection to this use, subject to hours relating to community use outside of normal school hours being controlled, in order to protect the amenity of nearby residential properties. If planning permission is granted this could be reserved for approval by an appropriate condition.

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External lighting

50. No details have been provided on external lighting for the development at this stage in respect of convenience and safety of site users and site security. This can often be a cause for concern raised by neighbouring residents. If permission is granted, it would therefore be appropriate to reserve details by condition so that the type and position of external lighting can be controlled to ensure nuisance from light pollution can be minimised and to accord with Structure Plan Policy NR5. Floodlighting of the multi-use games area has already been commented on above.

Drainage and protection of water resources

51. No details of drainage for the new development has been provide at this stage. If planning permission is granted the conditions requested by the Environment Agency in respect of foul and surface water drainage and contamination of previously developed land could be imposed. Its advice on these matters, and relating to storage of fuel, oil & chemicals, could be covered by an informative.

Ecology

52. An ecology report has been submitted with the application and indicates that some survey work for protected species has been carried out, in particular for bats, badgers and reptiles. The need for further survey work has been identified. Our ecological adviser considers that the requirement for these surveys should be covered by condition together with submission for approval of any necessary mitigation, monitoring and management.
53. Biodiversity enhancement has been taken into account as part of the landscape strategy. This could also be covered by an appropriate condition so that the full details are submitted as part of the application for reserved matters. Such details could also include proposals for monitoring and management to ensure the objectives of the proposals for biodiversity are achieved.

Archaeology

54. The County Archaeologist has asked that if planning permission is granted that a condition be imposed requiring evaluation works before development takes place. Otherwise there are no archaeology issues at this stage.

Construction

55. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate in order to protect their amenities to impose a condition restricting hours of construction and demolition. I would suggest that this should be between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also normal on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.

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**Conclusion**

56. In principle, I see no overriding objection to the proposed development. In particular, the application proposes new academy buildings on a well-established education site. Whilst it proposes combining of two schools on the one site, with an increase in the student roll over the current Oldborough roll, the proposed master plan/site layout provided with the application demonstrates that this can be adequately achieved as discussed above. The increased use of the vehicular access to and from the site is also considered to be acceptable subject to the off site highway requirements discussed in paragraph (42) to (44) above. Detailed matters relating to layout, scale, appearance, access and landscaping of the site are reserved for later consideration. Nevertheless, from information provided with the application, I consider that it is possible for these matters to be satisfactorily addressed and that the proposal is in accordance with the general aims and objectives of the relevant Development Plan Policies. Subject to any further views received by the Committee Meeting, I recommend that outline planning permission be granted subject to conditions.

**Recommendation**

57. SUBJECT TO any further views received by the Committee Meeting, I RECOMMEND that OUTLINE PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard time limits for outline permissions,
- the submission of details relating to the reserved matters of layout, scale, appearance, access and landscaping of the site,
- the layout of the site to accord with the areas shown on the proposed site plan submitted with the application,
- Secured by Design principles to be adopted,
- the playing field provided and marked out as shown on the proposed site plan,
- a community use agreement relating to use of the sports facilities,
- tree protection measures to be implemented,
- implementation of offsite highway improvements and measures before the new building is occupied or brought into use, including the provision of traffic signals at Boughton Lane, Loose Road junction,
- details of vehicular circulation, drop off/pickup area (including for coaches) and parking within the site, and its subsequent provision and safeguarding,
- details of parking for motor cycles and cycles,
- details of pedestrian access points and subsequent provision and safeguarding,
- preparation, submission for approval, implementation and ongoing review of a revised School Travel Plan,
- details of foul and surface water drainage,
- ground contamination measures to be incorporated,
- external lighting specifications to be agreed,
- no flood lighting shall be erected on the multi-use games area without the written permission of the County Planning Authority.
- details of the hours of use relating to community use outside of normal school hours to be submitted for approval,
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays,
- access, parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations,

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- measures to prevent mud and debris being taken onto the public highway, ecological surveys, mitigation, monitoring and management,
- biodiversity enhancement, monitoring and management, and
- archaeology provisions to be incorporated.

58. I FURTHER RECOMMEND that the applicants BE ADVISED of the following informatives:

- It is recommended that Sport England be consulted as it wishes to ensure that the proposed sporting facilities are designed to satisfactory technical standards. Attention is also drawn to the relevant Sport England Guidance Notes providing technical advice on the appropriate standards for the sports facilities.
- Account should be taken of the comments made by the Environment Agency relating to drainage, contamination, and storage of fuel, oil & chemicals.

Case officer - Paul Hopkins	01622 221051
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Background documents - See section heading
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## **Appendix to Item D3**

### **APPLICATION MA/07/1007 – OUTLINE APPLICATION FOR NEW SCHOOL ACADEMY AT OLDBOROUGH MANOR SCHOOL, BOUGHTON LANE, LOOSE, MAIDSTONE**

NOTES of a Planning Applications Committee Members' site meeting at Oldborough Manor School, Maidstone on Tuesday, 19 June 2007.

MEMBERS PRESENT: Mr A R Bassam (Vice-Chairman in the Chair), Mr J A Davies, Mr C Hibberd, Mrs S V Hohler, Mr G A Horne, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr A R Poole and Mr F Wood-Brignall.

OFFICERS: Mr J Crossley, and Mr P Hopkins (Planning) and Mr A Tait (Legal and Democratic Services).

THE APPLICANTS: New Line Learning Federation (Mr D Keenan): Mr S Milliken and Mr T Campbell (TCA Property).

OTHER LOCAL AUTHORITIES: Maidstone BC (Mrs J Holford - Planning); Boughton Monchelsea PC (Mr R Fuller and Mr D Gouldsworthy – Clerk).

- (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.
- (2) Mr Hopkins introduced the application by saying that the total site area was 16.6 hectares, about half of which was built development. However, there were green landscaped areas around the buildings and about half of the site was open playing field land to the south and east. The site was located within the boundary of the urban area, but also adjoined the "Southern Anti-coalescence Belt" intended to maintain the separation of the rural settlements around Maidstone from the urban area and from each other. There were many trees along the western boundary, including Five Acre Wood. These served to screen the complex from the housing to the west.
- (3) Mr Hopkins went on to say that development of the site for school use had begun in the 1950s with the construction of buildings in the northern part. Due to falling rolls over more recent years these buildings had been largely given over to other users including Five Acre Wood Special Needs School and Loose Baptist Church. Oldborough Manor Community School now used the buildings which had been added in the 1960s, which had been built to address an increase in the school roll at that time.
- (4) Currently there were 400 pupils and 62 staff at Oldborough Manor. Senacre was attended by 600 pupils and 105 staff, some of whom were part time.
- (5) Mr Hopkins said that the outline application was for an academy, catering for up to 1050 pupils and 190 staff. It would involve the demolition of the

## Appendix to Item D3

current 1960s school buildings and the construction of a new school, three storeys in height to the east. The proposal also included a new vocation centre, a 6 court indoor sports hall, and a 6 court Multi Use Games Area (MUGA). The YMCA pitches were to be relocated. New strategic landscape provision would help create a campus style setting. This would include a nature garden, a sound garden, an energy garden, a sanded lunch garden, a courtyard and seated areas. New car parking would be provided for 153 vehicles, with drop-off and pick-up facilities. The aim would be to complete the development by the 2009/10 school year.

- (6) Mr Hopkins informed Members that the proposals would be part-funded by the redevelopment of Senacre Technology College for housing. A parallel application for this was being considered by Maidstone BC.
- (7) Mr Hopkins concluded his presentation by outlining the determining issues. These were:-
  - (a) the impact of the development on the openness of the site bearing in mind the Southern Anti-Coalescence Belt;
  - (b) the Landscape/Visual impact of the development;
  - (c) the impact of the development on local amenity given the proximity of residential properties; and
  - (d) Transport issues arising from the transfer of Senacre pupils and staff to the school, particularly the impact of additional traffic. This had been highlighted in many of the representations received.
- (8) Mrs Holford (Maidstone BC) said that she was not in a position to comment officially as the application was still being evaluated.
- (9) Mr Fuller (Boughton Monchelsea PC) said that the Parish Council broadly supported the proposal but had some concerns over vehicular and pedestrian access.
- (10) In response to a question from Mr London, Mr Keanan said that it was not expected that the school roll would grow significantly. Mr Milliken added that it was projected that the combined rolls of Oldborough Manor and Senacre would fall to 700 if the development were not to go ahead.
- (11) Mr Keanan (New Line Learning Federation) said that in 1992 Oldborough Manor School had been the first choice school outside of the grammar school system with a roll of 1275 students. This figure had now fallen to 350 due to parents exercising parental choice in favour of Cornwallis. This was partly explained by a "them and us" culture which had grown up between residents of Mangravet (mainly of whom had moved from London) and those of Loose.

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- (12) Mr Keanan confirmed that many of the independent users had long-established rights on the site. For example the Baptist Church had a 25 year lease.
- (13) Mr Keanan said that no decision had been made on the name of the academy. It was more than likely that the current school name would not be used.
- (14) The Chairman thanked everyone for attending the formal part of the meeting.
- (15) Members inspected the entire school site. They were shown the view of the proposed development from the vehicular access point off Boughton Lane (where it was proposed to create an attractive village green setting) and then walked to the Farm at the northern end. This would remain as part of the academy. The existing Baptist Church premises, private sports centre and the Five Acre Wood Special School would remain unaffected by the current planning application.
- (16) Members then walked through the pedestrian entrance in the north east boundary to the edge of the Mangravet Estate. The Public Right of Way which ran along the site boundary before linking up with Boughton Lane was also pointed out.
- (17) Mr Keanan informed Members that a very high percentage of pupils (89%) would walk to school from the various Shepway estates, crossing Sutton Road and using the Mangravet entrance.
- (18) Mr Campbell (TCA Property) said that in considering Safe Routes to Schools with Kent Police it had been proposed to use CCTV cameras and to involve Police Liaison Officers. He showed Members a map which demonstrated the high number of pupils who were already walking to Oldborough Manor from the Mangravet, Shepway and Parkwood Estates.
- (19) Members were then shown the proposed layout from the eastern side of the site. This included the possible location of the MUGA, the indoor sports hall, the larger buildings, in relation to the existing science block.
- (20) Members were then shown the existing playing fields and the trees in and around the site. Mr Crossley explained that the proposed landscape planting involved the introduction of shelter belts between pitches to emulate the historic pattern of orchards in the locality. He also said that Maidstone BC had indicated a strong preference that the construction of new buildings should be avoided in the currently open areas. As a result, the buildings would be concentrated in largely the same built up area as at present. The implication of this was that there would need to be two phases of decanting: firstly for pupils from Senacre to Oldborough and secondly from the old buildings to the new via temporary classroom space.

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**Item D4****Single storey modular building for Children's Centre, Knockhall Community Primary School.**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2007.

Application by KCC Children, Families And Education for single storey modular building for Children's Centre at Knowckhall Community Primary School, Eynsford Road, Greenhithe (Ref:DA/07/672)

Recommendation: Subject to any further views received by the Committee Meeting, permission be granted subject to conditions

Local Member(s): Ivor Jones

Classification: Unrestricted

**Site**

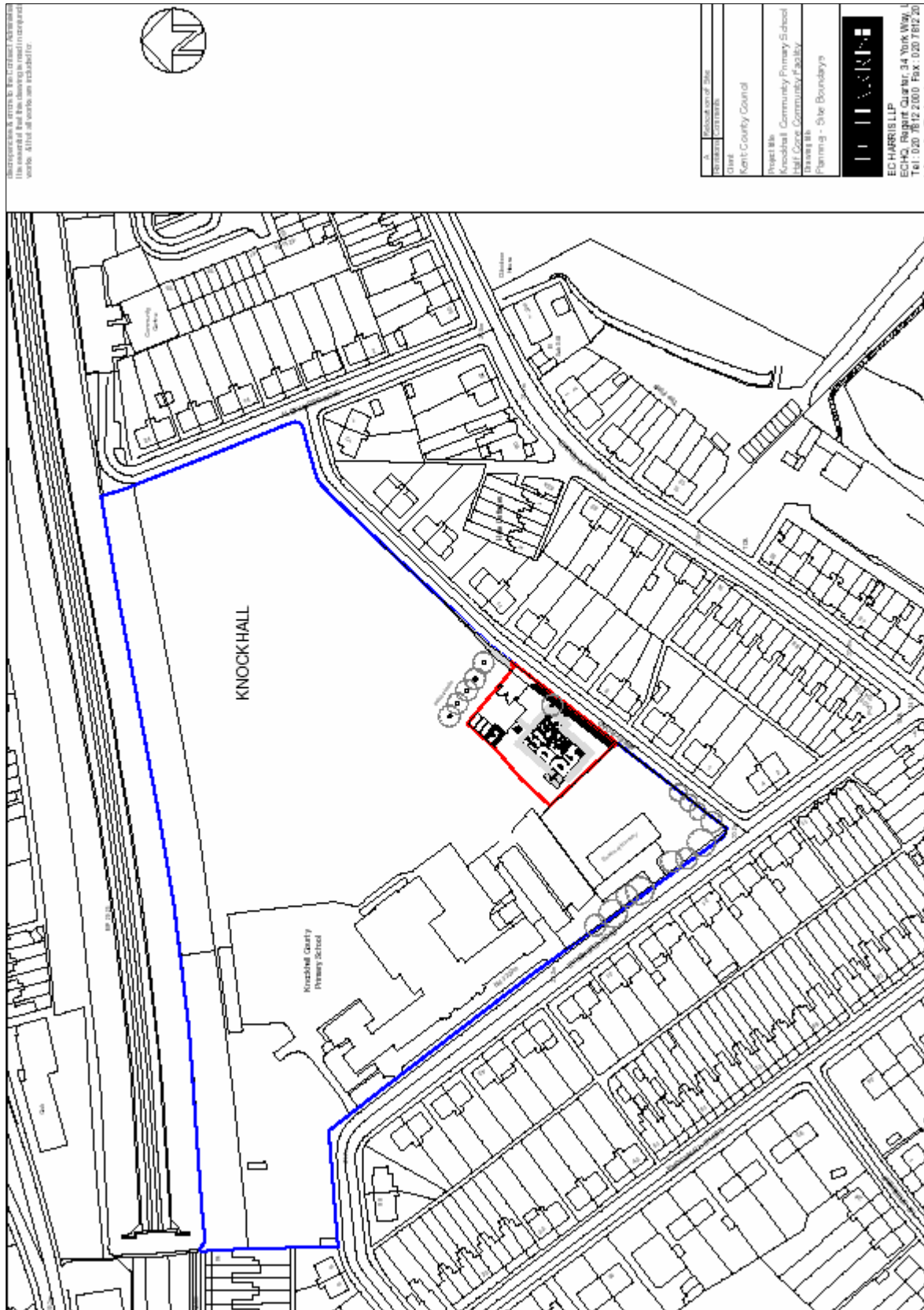
1. Knockhall Community Primary School is located along Eynsford Road and Abbey Road in Greenhithe near Dartford. Terraced residential houses surround the school site, except for the northern boundary where the site bounds railway track/embankment. A site plan is attached (see page D4.3).

**Proposal**

2. The proposal is to create a new Children's Centre. The planning application has been submitted by Kent County Council's Children Families and Education Directorate. The creation of Children's Centres is part of the Central Government's National Sure Start Programme and is funded by the Department for Education and Skills (DfES). The main aims of the Sure Start programme are to increase the availability of childcare for young children and support parents in their aspirations towards employment. The Centres are proposed in deprived areas to offer a range of health, adult education and family support services alongside full day care facilities for children under 5. Kent County Council has been tasked with creating 52 Children's Centres in the most deprived areas of Kent by March 2008. Knockhall Community Primary School site has been chosen as it is in an area identified as deprived with a continued fall in roll. It is noted that there is already a new nursery within the school grounds and the new Children's Centre would rely on these facilities to provide the nursery provisions outlined under the Sure Start Scheme.
3. The proposal (as revised) is for a new single storey, flat roof modular building together with two canopies, new vehicular access and 4 car parking spaces, one of which is a disabled parking bay (see page D4.4). The entry to the Children's Centre would be through a new vehicular and pedestrian access to the site from Abbey Road. There are 3 new car parking bays for use by the staff of the Children's Centre. Additionally, one disabled parking bay is proposed but otherwise no visitor car parking would be provided. The pedestrian access would be through a gate from the new 35m footpath along the frontage of the site. The footpath would be 2.6m from the kerb edge and outside the perimeter of the centre's fencing but within the boundary of the school grounds. Externally, there would be two canopies and an impact absorbent play area. Inside, the building contains crèche/meeting rooms, an Information Computing Technology (ICT) suite, an interview medical room, a snack kitchen, a reception/office area and toilets.
4. The expected opening hours are to be 8.00am to 6.00pm, five days a week for 48 weeks of the year. The Centre would employ 3 members of staff on a regular basis with the number rising for special events. It is expected that there would be up to 30 visitors spread throughout the day.

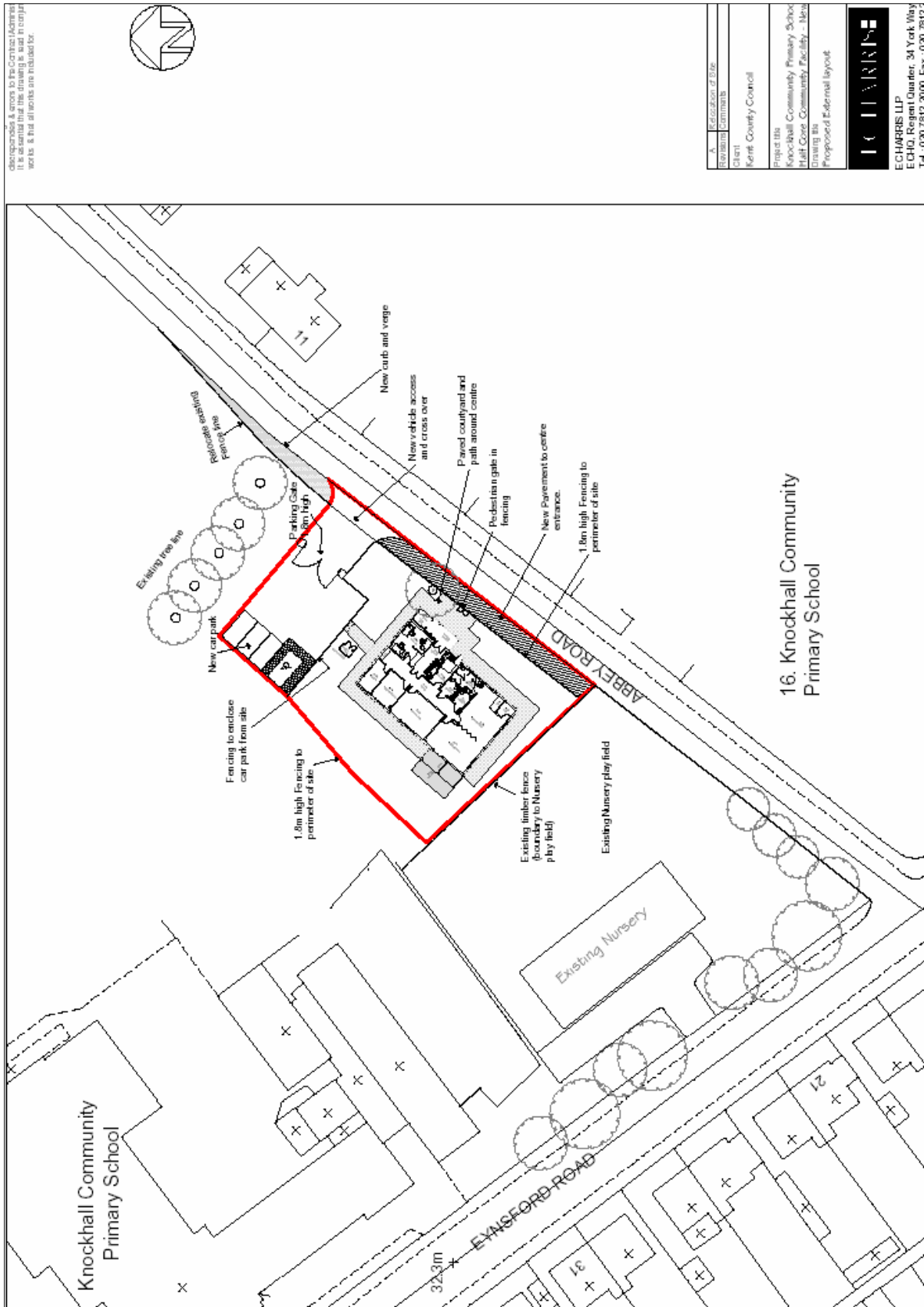


**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**



Revised scheme

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**



Revised scheme



**Item D4**

Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672

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**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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**Planning Policy**

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

(i) 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, including the provision of services and facilities that serve local needs.   |
| Policy QL1  | Seeks to ensure that all development is well designed and of high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area, will not be permitted. |
| Policy QL12 | Provision will be made to accommodate additional requirements for local community services in response to growth in demand from the community as a whole. The services will be located where they are accessible by walking, cycling and by public transport.   |
| Policy TP3  | States that the local planning authority should ensure that development sites are well served by public transport, walking and cycling.   |
| Policy TP19 | States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.  |
| Policy NR1  | Proposal for development should incorporate sustainable construction techniques   |

(ii) The Dartford Local Plan 1995:

- |           |  |
|-----------|--|
| Policy S2 | Encouragement will be given to the provision of community, leisure and tourist facilities.                   |
| Policy B3 | The development proposal should incorporate hard and soft landscaping measures and create a good environment |

(iii) The Dartford Local Plan 2nd Draft Deposit:

- |             |   |
|-------------|---|
| Policy CF1  | Community facilities should be grouped together to reduce the need for travel, be easily accessible, serve a range of needs take account of the existing patterns of facilities and comply with other development control criteria. |
| Policy DD11 | A high standard of design will be sought in all proposals.  |

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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**Consultations**

7. **Dartford Borough Council:** raises no objection to the original proposal; Any further comments to the amended scheme received prior to Committee meeting will be reported verbally.

**Divisional Transportation Manager:** raised objection to the original proposal. His comments are attached below:

*"There is limited (if any) visibility at the vehicular access point. This would be a hazard and as such I cannot agree to the proposal.*

*Whilst the road is subject to a 30mph speed limit I doubt that this speed is reached by the majority (if any) of the vehicles using the road.*

*My suggestion would be we should base visibility requirements to a speed of 25 mph, unless the applicant is prepared to carry out a speed survey, which may reveal a lower speed. This would then require a visibility splay of 33m x 2.4m x 33m to be provided. (If the speed were 20mph this would further reduce to 25m x 2.4m x 25m)*

*Similarly, the pedestrian gate would result in potentially people walking blind into a carriageway and suitable provision needs to be made to prevent this. In this instance it would therefore seem appropriate that the pedestrian and vehicular access are co-located.*

*The car parking needs to be moved back until it is approximately 2.6 metres from the kerb face, this will allow the visibility splays to be formed. The building can be opposite handed, thus placing the pedestrian entrance near the centre of the visibility splay"*

Following the amendments, the Divisional Transportation Manager raises no highway objections to the new proposal.

**The Environment Agency:** raises no objection. However, it is advised that the site lies adjacent to the Knockhall Chase landfill. Therefore, appropriate measures should be taken to mitigate against any off site problems that may be associated with this landfill. It is requested that:

- the foul drainage should be discharged into mains foul sewer,
- no soakways should be located within 50 metres of the landfill site and that the soakways discharge should be no deeper than 3 metres into the underlying chalk, and into clean uncontaminated natural ground
- roof water should discharge directly to the soakway via sealed downpipes
- run-off from access roads and car parking areas should discharge via appropriate pollution prevention measures.

**Swanscombe and Greenhithe Town Council:** requested confirmation that the amount of parking spaces being proposed is sufficient. Also, the Swanscombe & Greenhithe Town Council's Mayor would like to request a site meeting regarding the above application.

Any further comments to the amended scheme received prior to Committee meeting will be reported verbally.

**Sport England:** raises no objection to the proposal.

**Local Members**

8. The local Member, Ivor Jones was notified of the application on the 26<sup>th</sup> June 2007 and then re-notified on 13<sup>th</sup> August 2007. No comments received.

**Publicity**

9. The application was publicised by the posting of a site notice and the individual notification of 38 nearby properties. Following the submission of amendments, all



**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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properties were re-notified about the revised plans and comments are expected until 4<sup>th</sup> September. Any further comments to the amended scheme received prior to Committee meeting will be reported verbally.

**Representations**

10.6 letters of representation and a petition objecting to the proposal were received in response to the original proposal. Following the amendments, two letters of representations have been received. The main comments and objections can be summarised as follows:

**Access and traffic**

- The access arrangement and positioning is not safe
- The position of this entrance would make it very difficult to manoeuvre vehicles into and out of the site because of resident parking
- The road is too narrow for two way traffic and the additional traffic the development would generate
- There is no room for a footpath
- The recent nursery building development contributed to worsen the traffic and parking problems around the school site and further concerns are raised that the new development would make the traffic even worse
- A number of houses in Abbey Road do not have off road parking and therefore this development is likely to cause further congestion
- With the proposed changes, parking spaces have been reduced making the situation even worse
- The school already has a car park off Eynsford Road, could this not be utilised and possibly expanded to accommodate further needs

**Play ground**

- It is not true that the playground area is an unused area, both the main playing field and nursery playground, have been used for sports activities
- The proposed development would take away a large part of the new Nursery's grassed play area. It shows scant regard for tax payers' money that finances these projects and lack of compassion for the loss to these children
- We ought to promote more exercise for the young

**Other**

- There are other areas available such as the land at the back of the car park by the railway embankment, solving parking issues and leaving a green space for the children to enjoy. The footpath is on both sides there (along Eynsford Road)
- The location is ill thought out
- There is an existing Community Centre on Alexander Road, which is currently under-used
- There are concerns over the noise the Centre would generate
- Cannot see how the proposal would benefit us
- There is no information on website, perhaps you are trying to hide something
- The plans show the entrance where a tree currently stands, this would need to be removed
- There is no reference to the alternative locations that were mentioned in the original petition, there are other locations on the same site which would be more practical and safer
- Someone from KCC should come to visit the site and see for themselves

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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**Discussion***Introduction*

11. The Children's Centre Programme is being developed as part of the Central Government's National Sure Start Programme and is funded by the DfES. Kent County Council has been tasked with creating 52 Children's Centres across Kent by March 2008. In some cases, where schools were identified to have surplus space, it is proposed just to refurbish the existing building(s). In other cases, the scheme involves putting new buildings within the grounds of an existing school. Having regard to the Kent Primary Strategy, Kent County Council's Children's Centre Team in conjunction with Multi Agency partners has identified suitable sites within areas of deprivation. This proposal represents one of the planned Children's Centres in Kent.
12. 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 the impact of the siting, layout and scale of the development on playing fields and highway safety. Also, the design of the proposal and the need for the new community facility need to be considered. Policy QL1 of the Kent and Medway Structure Plan and Policy of the DD11 of the Dartford Local Plan 2<sup>nd</sup> Draft Review require new developments to be of high quality and well designed, not to lead to the loss of amenity and to consider their impact on the generated travel demand. Further, consideration should be given to the Kent and Medway Structure Plan Policy QL12 and the Dartford Local Plan 1995 Policy S2 that encourage decision makers to make provision for community facilities. In conjunction with these and other relevant policies, these issues are considered and discussed below. In principle, I see no overriding objection on planning policy grounds.

*Car Parking*

13. The current roll of Knockhall Community Primary School is 360, where the capacity of the school is 441. The applicant states that the school has adequate parking facilities for their 23 full time teaching staff and 32 other members of staff. However, it is confirmed that there are some problems at drop off and collection time. Representations have raised objection to the proposal on two grounds. First, that the new development would increase the congestion problem around the site. Secondly, that the access arrangement and positioning of the new development is not safe.
14. With reference to the first point, some residents suggest that the recently completed nursery project made the traffic and parking problems around the school site more difficult. There are further concerns about the potential for an escalation of the problem. It was brought to my attention that many houses in Abbey Road do not have off road parking and therefore this development is likely to cause further congestion.
15. The applicant states that the Children's Centre would operate as a separate unit from the School with the School having no control over the day-to-day operation. For this reason, the car parking provision also should be assessed based on the car park provided by the scheme only. The applicant states that the Children's Centre would employ 3 members of staff on a regular basis with the number rising for special events. Therefore, there are 3 car parking spaces for members of staff. It is intended that staff employed within the surrounding area will be expected to walk and any staff required to drive in would be offered a space in the new car park.
16. There is no visitor car parking proposed apart from one disabled parking bay. The applicant states that all the Centres in Kent have been strategically located to minimise travel distance for the majority of the community it is intended to serve. The Sure Start

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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scheme puts a great deal of emphasis on “buggy pushing distance” with the users of the centre encouraged to walk. It is estimated that the Centre would have up to 30 visitors in a day. However, the applicant believes that these visitors would be spread out over the 10 hours of operation. Only when a particular event, such as a seminar, is being provided would there be a number of people arriving at one time. The applicant also believes that it is unlikely that these events would occur at the same time as the start and end of school. I consider that if the proposal is approved, there is a potential risk that the congestion level might increase on some occasions but it is unlikely for this to be on regular basis or to be significant enough to recommend refusal of the application on these grounds. Particularly, as the Divisional Transportation Manager is satisfied that the surrounding highways have the capacity to accommodate those movements.

17. The second issue raised was concerning the new access to the site. Both, residents and the Divisional Transportation Manager raised objection to the original access design. It was feared that the positioning of the new entrance would make it very difficult to manoeuvre vehicles into and out of the site. The Divisional Transportation Manager noted that there would be nearly no visibility at the vehicular access point. It was recommended that the applicant revised the access to incorporate visibility splays as advised in his comments above. Moreover, it was noted that the positioning of the pedestrian gate would potentially result in people walking blind into a carriageway. Consequently, an amended vehicular access with all the requests of the Divisional Transportation Manager has been submitted for consideration. Also, the revised pedestrian gate has been moved back from the kerb and a new footpath created along the frontage of the site (see page D4.4). As a result, the Divisional Transportation Manager now raises no objection to the proposed development. I believe, the revised scheme is significantly improved and is acceptable in planning terms.
18. Finally, some residents have suggested that a better location for the Centre should be explored. Suggestions included sharing access with the school, to use the previously used land along Eynsford Road to the left of the main entrance or use of the existing community centre on Alexander Road. The applicant did not consider those options to be suitable.
19. From the policy point of view, it is considered that the proposal meets the requirements of Policies TP3 and QL12 of the KMSp 2006 and Policy CF1 of the Dartford Local Plan 2<sup>nd</sup> Draft Deposit, which require that community facilities be grouped together to reduce the need for travel, be easily accessible by walking and public transport. In the opinion of the Divisional Transportation Manager, the development complies with vehicle parking policies and maximum standards adopted by the County Council as stated in the Policy TP19.
20. I consider that the applicant has sufficiently addressed the safety issues in relation to creating new access to the site. Through the proposal for a new footpath and wide visibility splays any risks would be significantly reduced. It is acknowledged that residents may already be experiencing some level of congestion around the site during the school times, especially during pick up and drop off time. However, I do not consider the proposed development would be so significant as to recommend refusal of the proposal on these grounds.

*Playing field and alternatives*

21. Originally, the Children's Centre was sited very close to the existing nursery building, taking away a significant part of the Nursery's grass play area. Consequently, a number of residents raised objections, due to the impact on the Nursery play area. In response to this, the applicant amended the drawings and repositioned the building approximately 12m further away from the nursery play area. I believe the amended location for the

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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proposed Children's Centre effectively eases any impact of the proposed development on the Nursery's play area. Finally, it is noted that Sport England was consulted on both versions of the proposal and raised no objection. It was considered that the plans show a line of trees to north-east of the building, which separate the proposal from the remainder of the playing field. Therefore, the proposal would not impact on land capable of forming a playing pitch.

*Design*

22. Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy DD11 of the Dartford Local Plan 2<sup>nd</sup> Draft Deposit require all development to be of high quality, respond positively to the scale, layout, pattern and character of their local surrounding.
23. The proposed building is a single storey flat roof building, constructed in sections in a quality controlled factory environment (see page D4.5). The parts are transported to the site and fixed on pre-constructed foundations. The units come with a factory finish through coloured rough cast coating to the external walls. The applicant proposes to use predominantly cream with yellow, aiming to match the yellow stock brickwork used on the recently built nursery building. The roof would be felt finish. The applicant states that the proposed building would achieve a minimum BREEAM rating of 'good' with desired target of 'very good'. A minimum life-span of 25 years is warranted by the manufacturer, which is also the requirement of the DfES, which would provide funding for this project. No objection has been received to the proposed design of the building from consultees.
24. In principle, it is considered that the proposed development respects the policy requirements. Nevertheless, it is disappointing that no higher standard of design, materials and finishes were proposed. I am of the opinion that the applicant has provided very limited evidence that the building differs much more than the traditional modular building, which normally would only be granted a temporary consent. The applicant is not prepared to accept a temporary consent in this case.
25. On the other hand, the design incorporates a modern method of construction encompassing off-site manufacturing. This technique helps to reduce waste during construction, as well as to cut the construction time to the necessary minimum. Both, Kent Design Guide 2006 and KMSP 2006 Policies QL1 and NR1, promote use of these sustainable construction methods. Also, considering that the Centre is proposed within school grounds, it is very important to limit the construction and therefore disruption time to the School's operation to a minimum.
26. Finally, the above policies require for the proposed development to consider the needs of all sections of community and to provide for a safe environment. The applicant aims to achieve this by means of providing level access to the building and a wide corridor within the building. The boundary of the site would be secured by palisade fencing to match the existing. However, it should be mentioned that to match the new boundary fencing to the existing fencing, this should be finished in powder coated green colour, and not galvanised steel finish as suggested by a photograph in the Supporting Statement. I believe that the details of proposed fencing and its colour finish could be secured by a condition on the planning permission, together with the other outstanding details of external finishes and colour scheme of the building, should the proposal be permitted. Lastly, the applicant states that the proposed works would have no effect on any trees on the site.
27. Under the above circumstances, I consider that the community benefit of having the facility would provide better access to a range of health, adult education and family support services which would outweigh the potentially uninspiring design of the building.

**Single storey modular block for Children’s Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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**Conclusion**

28. On balance, I consider that the benefits of introducing the facility to the area would outweigh any potential impact arising from the additional traffic generated by the proposal and the design concerns, as discussed above. Overall, I consider that the proposed development would otherwise be in accordance with the aims and objectives of the relevant Development Plan Policies.

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

- Standard time restriction for it to be carried out
- Details of external finishes and materials
- Details of fencing to be confirmed
- Protection of trees during construction
- The development to be carried out in accordance with the permitted details

Case Officer –Anna Michalska-Dober	01622 696979
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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**

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

**Background Documents** - The deposited documents.

- AS/01/677/MR7/  
R12C      Variation of condition (12) of planning permission AS/01/677/MR7 to allow a temporary variation of working hours until 30 September 2007. Crundale Limeworks, Crundale, Canterbury
- AS/06/2371      Proposed new non-ferrous metals processing facility and administration building, the regularisation of existing End of Life Vehicle recycling facility and associated changes to site layout, internal circulation and use, pursuant to condition (2) of planning permission AS/95/1243, to continue the permitted site activities and to accommodate and service the proposed new development. Ripley's Yard, Ellingham Industrial Estate, Ellingham Way, Ashford
- CA/96/794/R17      Amendment to the plant and equipment sited within the landfill gas compound pursuant to condition (17). Shelford Landfill Site, Broad Oak Road, Canterbury
- CA/07/290      An application to vary the depth of the remaining landfill cells in order to release appropriate soil making materials for storage and subsequent re-use in the restoration of Shelford Landfill site, together with the submission of associated details and drawings relating to phasing, landscaping and restoration in respect of conditions 2, 5 and 6 of the planning permission numbered CA/00/1085. Shelford Landfill Site, Shelford Farm Estate, Broad Oak Road, Canterbury
- DA/00/923/R5      Submission of as built lighting, drainage and site details pursuant to condition 5a, 5b, 5c, 5d and 5e. Priory Works Transfer Station, Sandpit Road, Dartford
- DA/07/147/RVAR      Change of use to facility for the processing and recycling of plastic Materials. VEKA Recycling Ltd, Manor Way, Swanscombe
- DO/07/613      Section 73 application to vary condition 13 of application reference DO/06/1273 to allow the construction of a tanker turning bay in the area of the temporary contractor compound. Eastry Wastewater Treatment Works, Felderland Lane, Eastry.
- DO/07/179/MR35      Application for determination of new conditions on old mineral planning permissions under the terms of the Environment Act 1995 (Section 96 and Paragraphs 6 and 10 of Schedule 14: First Periodic Review). Land at Rowling Chalk Pit, Rowling, Woodnesborough, Sandwich

SE/83/1511/R(ii)	Request pursuant to condition (ii) to extend the timescale for completing site restoration until 24 April 2014. Squerryes Sandpit, Westerham
SW/05/1392/R3	Amended elevations pursuant to condition (3) of planning permission SW/05/1392. Countrystyle Recycling Ltd, Ridham Dock, Sittingbourne
TH/03/1072/R5	Details of external lighting. KCC Household Waste and Recycling Centre, Manston Road, Margate
TM/03/2784/R14, TM/03/2782/R2 & TM/03/2787/R2	Submission of a landscape/woodland management scheme pursuant to condition (14) of permission ref: TM/03/2784, condition (2) of permission ref: TM/03/2782 and condition (2) of permission ref: TM/03/2787. Hermitage Quarry, Maidstone
TM/04/3135	Amended layout of a gas utilisation compound under planning Permission TM/02/3536 (part retrospective application). White Ladies Gas Control Compound, Teston Road, Offham, West Malling.
TM/05/723/MR88/ R37	Details of a mechanism to control discharge of silt in the proposed recharge lagoon. Land at Postern Park Quarry, Hadlow Road, Tonbridge
TM/07/2416	Extension of current treatment works by the erection of 4 additional bunded tanks, a waste oil storage tank and a fuel tank store. Cleansing Service Group Ltd, Mills Road, Aylesford

**E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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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.

DA/07/673	Construction of new footpath and cycle way through existing highway culvert at Princes Road and under Millpond Way together with associated disabled access ramps, footbridge, railings, planting and lighting. River Darent at Millpond & Princes Road, Dartford
MA/07/1366	Redevelopment of Maidstone Museum east wing comprising of two/three storey extension, glazed atrium café and external landscaping. Maidstone Corporation, Museum, St. Faiths Street, Maidstone



MA/07/1609	Change of use of land from agricultural to mixed use agricultural and use as a nature reserve. Land at Boxley Warren, Boxley
SE/07/1946	Smoking porch fixed to existing building. Council Offices, Argyle Road, Sevenoaks
SH/07/772	Erection of store following partial demolition of existing glasshouse. Horticultural Nursery, Hawkings Crematorium, Aerodrome Road, Hawkinge
SW/07/778	Provision of equipped children's play area. Queenborough Castle Site, railway Terrace, Queenborough, Isle of Sheppey.
TH/07/1038	Application for the approval of external appearance, siting, landscaping and design for the erection of a mixed use development of three and four storey buildings accommodating 12no. one-bed flats, 12no. 2-bed flats, 10 no. retail units and 1 no. café/bar/restaurant (use classes A1-A5, pursuant to outline planning application OL/TH/06/550. Land at Queens Arms Yard between Duke Street & Market Street, Margate.
TH/07/1004	Demolition and partial demolition of existing structures. Land at Queens Arms Yard, between Duke Street & Market Street, Margate
TW/07/2507	Temporary office accommodation for the Citizens Advice Bureau. Co-Op Car Park, High Street, Cranbrook.

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

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

**Background Documents** – The deposited documents.

AS/05/1525/R4	Amendments to details of materials (Garage). The North School, Essella Road, Ashford
AS/06/1422/R	Amended details – Amendments to the site levels and bund and reduction in covered parking. Integrated Highways Depot. Land adjacent to The Henwood Industrial Estate, Ashford.

AS/06/1422/R3	Details of all materials to be used externally and minor amendments including the omission of wind catchers and addition of wood pellet silo's. Land adjacent to Henwood Industrial Estate, Ashford
AS/06/1422/R5	Details of wood pellet silo. Land adjacent to Henwood Industrial Estate, Ashford
AS/06/1422/R6 & R11	Details of acoustic fencing and scheme of landscaping. Land adjacent to Henwood Industrial Estate, Ashford
AS/07/1196	Retention of a mobile classroom unit with cloakroom facilities and store. Charing C of E Primary School, School Road, Charing, Ashford
AS/06/1422/R26 & R27	Reserved matters – Details of the location of contractor's compound and details of parking for site personnel. Land adjacent to Henwood Industrial Estate, Ashford.
AS/06/980/R8	Reserved matters – Details of an Archaeology Report. New one form of entry community school. Phoenix Junior and Primary School, Belmont Road, Ashford.
CA/07/786	Replacement of glazed curtain walling to the junior block. Swalecliffe Community Junior School, Bridgefield Road, Tankerton, Whitstable
CA/07/772	Conservatory to the rear of the main dining room. Simon Langton Girls School, Old Dover Road, Canterbury
CA/07/743	A 2-storey sixth form teaching block. Chaucer Technology School, Spring Lane, Canterbury.
CA/07/908	Installation of four 2 bay mobiles to provide additional teaching accommodation. Simon Langton Grammar School for Boys, Canterbury
CA/07/1019	New teaching block. Archbishops School, St Stephens Hill, Canterbury
CA/07/705/R5	Reserved matters- Details of a scheme of landscaping and boundary treatment for all weather sports pitch. The Community College, Bellevue Road, Whitstable.
DA/05/768/R	Amendments to approved scheme including relocation of the lift, changes to the rear dormer windows and removal of a herringbone brickwork panel. Sedleys C of E Primary School, Church Street, Southfleet
DA/05/60/R5(I), (II) & (II)A	Reserved details – Details of archaeological field evaluation works, method statement for further archaeological investigation and archaeological watching brief report – Erection of a technology academy. Leigh City Technology College, Green Street Green Road, Dartford

DA/06/373/RA	Minor amendment to the positioning of the sports hall. Dartford Technology College, Heath Lane, Dartford.
DA/06/868/R4	Details of the proposed means of foul and surface water disposal. Westgate Primary School, Summerhill Road, Dartford
DA/06/1167/R	Amendments including addition of plant rooms, addition of canopies at entrances changes to window and door locations and changes to the internal organisation, elevations and roof of the learning difficulties building. Stanley Morgan House, Shirehall Road, Wilmington
DO/05/526RA	Amended Details – Minor amendments to approved plans of Learning Resource Centre permitted under planning permission DO/05/526. Deal Parochial Church of England Primary School, Gladstone Road, Walmer, Dover.
DO/07/70/R	Amendment to office wall. Lydden Primary School, Stonehall Road, Lydden, Dover
DO/07/664	Demolition of existing air-raid shelter and the provision of a 2-bay mobile classroom. Langdon Primary School, East Langdon, Dover
DO/07/761	Temporary toilet block required to cover period of phased re-development. St Edmund's Catholic School, Old Charlton Road, Dover.
DO/07/777	Removal of window and replacement with new doors. Worth Primary School, The Street, Worth.
DO/07/878	Temporary mobile unit with relevant service connections. Portal House School, Sea Street, St Margarets-at-Cliffe, Dover.
DO/07/891	Conservatory extension to restaurant area. Sandwich Technology School, Deal Road, Sandwich
DO/06/1247/R	Amended details – Amendments including the provision of plant rooms, changes to the positioning of windows and doors, and changes to the internal arrangement, roof and elevations of the learning difficulties building. Roly Eckhoff House, Roosevelt Road, Dover
GR/07/587	Carport covered play area. Meopham Community Primary School, Wrotham Road, Meopham, Gravesend.
GR/07/532	New walkway canopy on playground and sun canopy on school field. Rosherville CE Primary School, London Road, Northfleet, Gravesend
GR/07/435/R2	Reserved details of external materials pursuant to condition (2).for fire escape from first floor classroom block. Riverview Primary School, Cimba Wood, Gravesend.

GR/07/693	Extension of existing school playground. Cobham Primary School, The Street, Cobham, Gravesend
MA/06/2014/R15	Details of a scheme for the disposal of foul and surface waters. Oakwood House, Oakwood Park, Maidstone
MA/07/1265	Provision of a six-bay mobile building and the extension of an existing covered walkway. Five Acre Wood School, Boughton Lane, Loose, Maidstone
MA/07/1318	Single storey ICT room to facilitate conversion and remodelling of existing to a multi-use area. Allington Primary School, Hildenborough Crescent, Maidstone.
MA/07/1481	Replacement of boundary fence with gate from corner of the school site back of Oak Tree Avenue to pedestrian entrance in Mangravel Avenue. Oak Trees Community School, Oak Tree Avenue, Maidstone
MA/06/2014/R4	Reserved details – Details of the surfacing to the car park, including colour finish and demarcation of spaces. Oakwood House, Oakwood Park, Maidstone
MA/07/1506	Provision of mobile accommodation to provide a storage facility. Advisory Service Kent, Shepway Centre, Oxford Road, Maidstone.
SE/07/1643	Station one, 2-bay mobile classroom. Hartley Primary School, Round Ash Way, Hartley, Longfield.
SE/07/1347	Staff car park at rear of building. St Katharine's Knockholt Church of England Primary School, Main Road, Knockholt, Sevenoaks.
SE/06/877	Provide additional 283 sq. metres tarmac hard play area to extend existing and 105 sq. metres bark chipping soft play area plus associated fencing works. Shoreham Village School, Church Street, Shoreham, Sevenoaks.
SE/07/1662	Provision of 12 car parking spaces. Our Lady of Hartley Catholic Primary School, Stack Lane, Hartley, Longfield
SE/05/476/R4	Reserved details – Details of enhanced highway signage to entry and exit points to the school – Artificial pitch with floodlighting and ball stop fencing. Wilderness School, Seal Hollow Road, Sevenoaks
SE/05/476/R11	Reserved details – Verification of installation and set up of floodlighting – Artificial pitch with floodlighting and ball stop fencing. Wilderness School, Seal Hollow Road, Sevenoaks

SE/07/1975	A new build single storey extension to the existing school building comprising of a meeting hall, kitchen, accessible WC and store. Crockham Hill Church of England Primary School, Crockham Hill, Edenbridge.
SH/06/1375/R	Amendments to 6 new classrooms and associated WC and resource space including external landscaping. Park Farm Primary School, Park Farm Road, Folkestone
SH/07/245	Construction of new buildings to includes school hall, new classrooms (including an extension to the Sure Start Centre), new staff facilities, library, ICT Suite and alterations to access arrangements (from Sydney Street and Denmark Street), car parking and school reception area. Castle Hill Community Primary School, Sidney Street, Folkestone.
SH/07/814	UPVC windows and doors to the ground floor south/west elevation. Dymchurch Primary School, New Hall Close, Dymchurch, Romney Marsh.
SH/07/815	Temporary polytunnel erected in the grounds of existing Community Primary School on a grassed area. The Church School, Haven Drive, Hawkinge.
SH/04/1424/R	Amended details – amendments to external works and boundary treatment. Proposed Folkestone Academy, land comprising of The Channel School. Park Farm Road, Broadmeadow Home, Lucy Avenue and part of Unit E, Kingsmead, Park Farm West, Folkestone.
SH/07/599/R	Amendments to the elevations of building permitted under SH/07/599. Harvey Grammar School, Cheriton Road, Folkestone
SH/07/803	Canopy for Early Years Play Area, Fitness Trail and Gazebo. Sellindge Primary School, Main Road, Sellindge, Ashford.
SW/05/1594/R4	Details of foul and surface water drainage. The Westlands School, Westlands Avenue, Sittingbourne
SW/07/565	Re-configuration of entrance lobby doors, including replacement of external door set and frame. Minterne Junior School, Minterne Avenue, Sittingbourne.
SW/07/660	Retention and renewal of a mobile classroom. Ospringe Church of England Primary School, Water Lane, Ospringe, Faversham.
SW/07/670	Provision of two 2-bay mobile classrooms. Sittingbourne Community College, Swanstree Avenue, Sittingbourne
SW/07/694	Replacement of boundary fencing to front of site, including provision of two new pedestrian access gates. South Avenue Junior School, and South Avenue Infant School, South Avenue, Sittingbourne.

SW/07/695	Removal of a mobile classroom and the siting of two storage containers. South Avenue Junior School, South Avenue, Sittingbourne.
SW/07/699	Provision of six 2-bay mobile classrooms. Fulston Manor School, Brenchley Road, Sittingbourne.
SW/07/770	Erection of a single storey classroom – science pod. Highsted Grammar School, Highsted Road, Sittingbourne
SW/05/1594/R2	Details of external materials to be used for sports hall. The Westlands School, Westlands Avenue, Sittingbourne
SW/05/1198/R4	Reserved details of a scheme of landscaping for new single storey building. The Westlands School, Westlands Avenue, Sittingbourne.
SW/07/771	Improved pathway to facilitate the amalgamation of Homewood and Barrow Grove Schools including disabled access and lighting scheme. Homewood and Barrow Grove Schools, Johnson Road, Sittingbourne.
SW/07/767	Extension of the boundary/security fence. Meadowfield School, Swanstree Avenue, Sittingbourne.
SW/07/829	Temporary mobile classroom provision. Boughton-under-Blean Methodist Primary School, School Lane, Boughton-under-Blean.
TH/06/1170/R	Amendments including introduction of plant rooms at basement levels and relocation of a bay window. Appleton Lodge, Rumfields Road, Broadstairs
TH/07/813	Extension to car parking including alteration of existing vehicular entrance and provision of separate pedestrian access. Northdown Primary School, Tenterden Way, Margate.
TH/07/628	Surestart Childrens Centre. Newington Junior School, Princess Margaret Avenue, Ramsgate
TH/07/727	Erection of four canopies around the school. Northdown Primary School, Tenterden Way, Margate
TH/07/769	Proposed extension to existing car park providing twelve new spaces. Dame Janet Community Infant School, Newington Road, Ramsgate.
TH/07/680	Realignment and increase in car parking and erection of two canopies at main entrance. St. Crispin's Primary School, St. Crispin's Road, Westgate-on-Sea
TH/07/828	High weld mesh fence to include new emergency evacuation gates with associated dropped kerbs and zig-zag lines. Minster Church of England Primary School, Molineux Road, Minster, Ramsgate.

TH/07/814	Regrading of existing levels and door replacements to create a clear level threshold and installation of a new Disability Discrimination Act access ramp and steps to entrance of reception. Minster Primary School, Molineux Road, Minster, Ramsgate.
TH/07/882	Extension to front entrance foyer and nurture room. Holy Trinity & St Johns Church of England Primary School, St Johns Road, Margate.
TM/06/1718/R3	Details of external materials – Extend pre-school building. St Peters Church of England Primary School, Mount Pleasant, Aylesford
TM/07/187	Construction of 1 Form Entry Primary School, with nursery. St James the Great Primary and Nursery School, Chapman Way, East Malling
TM/07/2432	Three shade structures. Slade Primary School, The Slade, Tonbridge
TW/07/601/R6	Details of a scheme for the disposal of foul and surface waters. Bennett Memorial School, Culverden Down, Tunbridge Wells
TW/07/1808	Single storey courtyard infill to form a classroom and care suite. St. James' Church of England Junior School, Sandrock Road, Tunbridge Wells.
TW/07/1744	New temporary mobile science block. Tunbridge Wells Grammar School For Boys, St John's Road, Tunbridge Wells.
TW/07/2138	Single storey extension to staff room. St Paul's Church of England Voluntary Controlled Infant School, High Street, Tunbridge Wells.
TW/07/2425	Replacement windows to classrooms. Tunbridge Wells Girls' Grammar School, Southfield Road, Tunbridge Wells
TW/07/2667	Replacement classroom with link to main school and new storage shed. St Marks Church of England School, Ramsyle Road, Tunbridge Wells.

**E4      DETAILED SUBMISSIONS UNDER CHANNEL TUNNEL RAIL LINK ACT 1996**

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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**

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### **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:-

MA/07/TEMP/0012 – Development of an inert waste recycling facility.  
Hanson Aggregates, 20/20 Industrial Estate, Allington,  
Maidstone

TM/07/TEMP/0031 - Variation of condition 3 of planning permission  
TM/98/1843/MR100, as amended by planning permission  
TM/05/1173, to further relax the time limit for sand extraction  
and restoration by backfilling, to provide an amended timetable  
for implementation of restoration pursuant to condition 2 of  
planning permission TM/98/1843/MR100 and to amend the  
details of site buildings and associated facilities pursuant to  
conditions 2 and 21 of planning permission TM/98/1843/MR100  
Borough Green Sandpit, Platt Industrial Estate, St. Mary's  
Platt, Borough Green, Kent.

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

None



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

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- (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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