



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 18th July, 2006, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

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

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

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Membership: To note the appointment of Mr G A Horne in place of Mr R F Manning
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 20 June 2006 (Pages 1 - 6)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SW/04/1453 - Amended Alignment of the Sittingbourne Northern Relief Road, Milton Creek Crossing at Land between Ridham Avenue, Kemsley and Castle Road, Sittingbourne; KCC Highways (Pages 7 - 74)
2. Proposal SE/06/1256 - Three new pagodas at The Bradbourne School, Bradbourne Vale Road, Sevenoaks; Governors of The Bradbourne School and KCC Children, Families and Education. (Pages 75 - 82)
3. Proposal DO/06/714 - Retrospective application for the corrected siting of 2 Storey business resource centre and relocation of basement plant room to ground level at St Edmund's Catholic School, Old Charlton Road, Dover; Governors of St Edmund's Catholic School and KCC Children, Families and Education (Pages 83 - 118)
4. Proposal CA/06/469 - Erection of a single storey nursery building to the rear of the existing school building at Herne Bay Infant School, Stanley Road, Herne Bay; Governors of Herne Bay Infant School and KCC Children, Families and Education. (Pages 119 - 134)

5. Proposal AS/06/530 - Provision of single storey toilet, office and kitchen space at Kent Communicative and Assistive Technology Service for Children and Young People, Wainwright Place, Newtown, Ashford; KCC Children, Families and Education. (Pages 135 - 146)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 147 - 156)
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, 10 July 2006

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 20 June 2006.

PRESENT: Mr R E King (Chairman), Mr A R Chell (substitute for Mr A R Bassam), Mrs V J Dagger, Mr J A Davies, Dr M R Eddy (substitute for Mr J I Muckle), Mr J B O Fullarton, Mr T Gates, Mrs E Green, Mr C Hibberd (substitute for Mrs P A V Stockell), Mr G A Horne (substitute for Mr J F London), Mr S J G Koowaree, Mr T A Maddison, Mr R F Manning, Mr R A Marsh, Mr W V Newman, Mr A R Poole and Ms B J Simpson.

OTHER MEMBERS: Mrs T Dean and Mr C J Law.

OFFICERS: The Head of Planning Applications Group, Mr B J Murphy (with Mr J Crossley and Mrs A Hopkins); and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

43. Membership

- (1) The Committee noted the appointment of Mrs S V Hohler and Mr J F London in place of Mr G A Horne and Mr F Wood-Brignall.
- (2) The Committee accepted the Chairman's offer to write on its behalf to Mr M R Bassam wishing him a speedy recovery.

44. Minutes

(Item A3)

- (1) A letter from Barton Willmore was tabled requesting the inclusion of an additional Minute Paragraph 34 (a) (e) (vi).
- (2) RESOLVED that the Minutes of the meeting held on 18 May 2006 are correctly recorded and that they be signed by the Chairman.

45. Site Meetings and Other Meetings

(Item A4)

The Committee agreed to visit St Edmunds' Catholic School, Dover on Tuesday, 27 June 2006.

46. Application TM/06/762 – Development of a fully enclosed composting facility within the confines of the previously excavated area at Blaise Farm Quarry, Offham, West Malling; New Earth Solutions Ltd

(Item C1 – Report by Head of Planning Applications Group)

(Mrs T Dean was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)

- (1) The Head of Planning Applications Group reported the views of Tonbridge and Malling Borough Council raising no objection to the application.

- (2) Notes of the site visit held on 8 June 2006 were tabled.
- (3) The Head of Planning Applications Group undertook to amend Clause 2(ii) and (iii) of the Draft Heads of Terms for Section 106 Agreement (set out in Appendix 3 of the report) in consultation with the local Member. He also undertook to give further consideration as to whether Clause 3 of the Draft Heads of Terms should be amended to prevent the use of the A228 to the south of the site.
- (4) RESOLVED that the application be referred to the Secretary of State as a departure from the development plan and that subject to her giving no direction to the contrary and the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 3 permission be granted to the application subject to conditions covering amongst other matters the date for implementation (3 years); duration of the permission being 20 years from the commencement of commercial composting operations; removal of the facility at the end of the permitted time period or if abandoned for a specified period; waste types; waste sources; HGV movement restrictions; surfacing of access roads and hardstanding areas; avoidance of mud on roads (including wheels/chassis cleaning details); noise and dust controls; hours of operation; lighting details (to minimise visual impacts); details of waste storage (eg., facilities for rejects); details of internal haul road (eg., surfacing and related matters); details of surface water and foul drainage; details of materials and colours for buildings and plant; soil handling and storage; and restoration scheme for the site (to accord with the principles set out in Option A or B in paragraph 17 of the report as appropriate).

47. Application AS/06/243 – New tertiary wastewater treatment facilities and new sludge digestion and drying facilities built alongside the existing treatment facilities at Ashford Wastewater Treatment Works and Sludge Recycling Centre, Canterbury Road, Ashford; Southern Water Ltd
(Item C2 – Report by Head of Planning Applications Group)

- (1) The Head of Planning Application Group reported correspondence from Mrs E Tweed, the Local Member maintaining her concerns.
- (2) RESOLVED that permission be granted to the application subject to conditions covering amongst other matters the time limit; details of materials; hours of operation for vehicle movements; pre and post operation noise level surveys; submission of a travel plan; submission of a site management plan; submission of a code of construction practice; submission of an Odour Management Plan and its prior approval; limits to the number of HGVs accessing the site during peak periods; mitigation measures for ecological interests; and landscaping details.

48. Application CA/06/523 – Application for a Certificate of Lawfulness for an existing use for a concrete and skip business and sorting, separation and re-use of inert and semi-inert waste materials, with associated storage, plant, machinery and parking at Kemberland Wood, Fox Hill, Herne Bay Road, Sturry; M Thomas
(Item C3 – Report by Head of Planning Applications Group)

The Committee noted that the application had been withdrawn.

49. Proposal SH/06/408 – New 0.5 FE primary school for Seabrook CE Primary School with associated playing field, parking and turning facilities, access road and new level games pitch at Land off Eversley Road, Seabrook, Hythe; KCC Children, Families and Education
(Item D1 – Report by Head of Planning Applications Group)

(1) The Chairman agreed to write to the Education and School Improvement Portfolio Holder on the need to take traffic implications into account during consideration of school reorganisation proposals.

(2) RESOLVED that the proposal be referred to the Secretary of State as a departure from the development plan and that subject to her giving no direction to the contrary 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; details of external materials being submitted; details of external lighting; details of levels of the sports pitch; a Community Use Agreement for the level games pitch; a soil survey to include stabilisation of land; a scheme for the investigation and recording of contaminated land; protection of ground water; a scheme of landscaping, its implementation and maintenance; a Habitat Management Plan; protection of nesting birds; traffic management measures for construction traffic; details of parking for site personnel; the provision and retention of visibility splays; the provision of school keep clear markings; provision of dropped kerbs and tactile paving; provision and retention of car parking, cycle parking and turning area as indicated in paragraphs 14 and 15 of the report; widening of the footway/cycle way and changes to the gradient of the access road; preparation, implementation and ongoing review of a Revised School Travel Plan; and hours of working during construction.

50. Proposal TH/25/904 – Provision of a new strategic dual carriageway and associated works (East Kent Access Phase 2) at Minster, Cliffsend and Richborough; KCC Highways
(Item D2 – Report by Head of Planning Applications Group)

(1) Correspondence from Cliffsend Parish Council was tabled reiterating the Parish Council's concerns.

(2) The Head of Planning Applications Group reported correspondence from a resident of Way Hill requesting a more direct route from Monkton to the Lord of the Manor Roundabout.

(3) Mr G Stone (a local resident) and Mr J Sampson addressed the Committee in opposition to the proposal. Mr G Cripps from KCC Highways spoke in reply.

(4) The Committee asked for the following issues to be further considered:-

- (a) the details of the proposals for the new junction at Lord of the Manor;
- (b) the need to introduce traffic calming measures;
- (c) the need for noise mitigation measures;
- (d) the need to protect listed buildings;
- (e) details of hours of construction;
- (f) details of the scheme at Way and Wayborough; and
- (g) the possibility of using potential landfill capacity in Boundary Road for the disposal of construction waste.

(5) RESOLVED that:-

- (a) the proposal be referred to the Secretary of State as a departure from the development plan and that subject to her giving no direction to the contrary permission be granted to the proposal subject to conditions, including conditions covering the standard time condition; the submission of details (including external materials) of all proposed structures including bridges, roundabouts, walls/fencing/railings, gates, traffic signage, paving schemes and all hardened surfaces (including pedestrian/cycle routes) and highway lighting; the submission of long sections and typical cross sections for the proposed scheme; the submission of details of all new agricultural accesses and the treatment of all redundant lengths of carriageway; the submission of details of all drainage proposals (including the Pegwell Bay outfall pipe, drainage lagoons and all culverting) and water pollution control devices; the submission of details of the contractor's access and compound(s); the submission and implementation of measures to protect existing trees to be retained during construction; the submission and implementation of a scheme of landscaping (including all new planting and earth bunding) and a programme for its maintenance; the submission of details of all landfill of surplus spoil arising from the construction project (including aquifer protection measures); controls over the hours of construction activity and the routing of construction traffic; controls over the handling of excavated material (including the storage of topsoil); controls to suppress the generation of dust and prevent the deposit of mud on the public highway; the submission of specifications for prior archaeological field evaluation works, and details of all below ground foundation design; the provision of protective fencing of the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest; the submission of detailed management plans for the mitigation for all protected species, including water voles, and a detailed mitigation strategy for reptiles; and the submission of a survey of protected moth species at Pegwell Bay, in advance of any works in that survey area, together with any necessary mitigation proposals; and
- (b) the applicants be advised of the need to liaise further with the Head of Planning Applications Group to ensure the optimum solution for spoil disposal associated with this scheme in the light of local circumstances; the request of Dover District Council regarding proposed traffic management arrangements; the need to progress traffic calming proposals for the sections of the existing A299 and A256 to be relieved of through traffic to enable their introduction immediately on completion of the new road; the concerns of Manston Parish Council and the local Members regarding the design capacity of the proposed Lord of the Manor Junction; the advice of the Environment Agency regarding the need for a waste management licence, a water abstraction licence, a dewatering transfer licence, a surface water discharge consent, the timing of works affecting Pegwell Bay and the need for a detailed management study, etc; the advice of Southern Water regarding the prevention of risk of contamination of the public water supply; the advice of the Biodiversity Officer regarding the need for a mitigation plan and DEFRA licence to disturb bats, the need for an updated survey of otters, the need to avoid any disturbance to known badger setts, the need to retain invertebrate habitat and the need for details of wildlife habitat enhancement; the advice of the Biodiversity Officer and Kent

Wildlife Trust regarding the appointment on an on-site ecologist; the advice of English Heritage regarding the impacts on the scheduled monuments and the need for Scheduled Ancient Monument consent; and the advice of the Public Rights of Way Officer regarding the diversion of Public Footpaths.

- 51. Proposal CA/06/1364 – New two storey teaching block, increased parking provision, replacement and additional playground areas and removal of existing mobile classroom at Reculver CE Primary School, Hillborough, Herne Bay; KCC Children, Families and Education**
(Item D3 – Report by Head of Planning Applications Group)

RESOLVED that:-

- (a) permission be granted to the proposals subject to conditions including the standard time condition; the submission of details of all external materials; the submission of a landscaping scheme including tree protection measures during construction; details of windows; details of the temporary construction access being submitted prior to commencement of operations; the submission of a scheme for the disposal of foul and surface waters; the need for any surface waters on hard standings to be passed through appropriate pollution prevention measures; and the identification of contaminated land; and
- (b) the applicant be advised of the benefits of biodiversity and enhancement, and that the contractors be advised on the potential for roosting bats.

- 52. Proposal CA/06/469 – Single storey nursery building on land at rear of the existing school building at Herne Bay Infant School, Stanley Road, Herne Bay, Governors of Herne Bay Infant School and KCC Children, Families and Education**
(Item D4 – Report by Head of Planning Applications Group)

(Mr C J Law was present for this item pursuant to Committee Procedure Rule 2.24 and spoke).

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

- 53. County Matters Dealt with under Delegated Powers**
(Items E1-6 – 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 Matters applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) detailed submissions under the Channel Tunnel Rail Link Act 1996 *(None)*;
- (e) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 *(None)*.

This page is intentionally left blank

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Amended alignment of the Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue/Castle Road) – SW/04/1453.

A report by Head of Planning Applications Unit to Planning Applications Committee on 18 July 2006

SW/04/1453 - Application by KCC Highways Advisory Board for construction of a single carriageway road including bridges over Milton Creek and the Sittingbourne and Kemsley Light Railway, culvert to carry Kemsley Drain, retaining walls, surface water drainage system, environmental mitigation measures, capping and protection works to closed landfill site, highway lighting, footways and combined cycleway together with any necessary diversion of statutory undertakers apparatus – Land between Ridham Avenue, Kemsley and Castle Road, Sittingbourne.

Recommendation: Permission be granted subject to conditions.

Local Members: B. J. Simpson & R. Truelove

Classification: Unrestricted

Site

1. Sittingbourne is at the eastern end of the Kent element of the Thames Gateway growth initiative. The proposed Sittingbourne Northern Relief Road (SNRR) would run from the Ridham Avenue Roundabout in Kemsley to the Castle Road roundabout on the Eurolink Industrial Estate in Sittingbourne (see attached plans). The road would form a link between developer funded sections, which ultimately could result in a road that stretches from the A249 trunk road around the eastern outskirts of the town to the A2 near Bapchild (see attached plans). Members should note that the section from Ridham Avenue to Castle Road is the only phase of the wider project that is being considered at this stage.
2. The road would pass through the Milton Creek Site of Nature Conservation Interest and the 'Church Milton Urban Fringes' and 'Milton Creek mudflats and marshes' Local Landscape Areas, and North Kent Marshes Special Landscape Area. It would be in close proximity to the Swale Special Protection Area, Swale Site of Special Scientific Interest and Swale Ramsar site. A scheduled Ancient Monument is located near to the route of the road (approximate distance 250 metres) along with a number of sites on the Sites and Monument Record. Public Right of Way ZU1 runs alongside Milton Creek and therefore is crossed by the proposed road.
3. The road would also run adjacent to the Church Marshes Country Park, which is currently under construction. It would also cross Milton Creek, Sittingbourne and Kemsley Light Railway, Kemsley Drain and the Church Marshes closed landfill site. From the start of the road at Ridham Avenue Roundabout to the where it crosses the Sittingbourne and Kemsley Light Railway, the road would be in close proximity to residential properties and businesses (see attached plans).

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Amended alignment of the Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue/Castle Road) – SW/04/1453.

A report by Head of Planning Applications Unit to Planning Applications Committee on 18 July 2006

SW/04/1453 - Application by KCC Highways Advisory Board for construction of a single carriageway road including bridges over Milton Creek and the Sittingbourne and Kemsley Light Railway, culvert to carry Kemsley Drain, retaining walls, surface water drainage system, environmental mitigation measures, capping and protection works to closed landfill site, highway lighting, footways and combined cycleway together with any necessary diversion of statutory undertakers apparatus – Land between Ridham Avenue, Kemsley and Castle Road, Sittingbourne.

Recommendation: Permission be granted subject to conditions.

Local Members: B. J. Simpson & R. Truelove

Classification: Unrestricted

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Background

4. The history of the SNRR can be considered as 2 elements: (1) The Milton and Kemsley Distributor Road (MKDR) which runs from the A249 to Ridham Avenue and on to Mill Way and (2) a connection which goes across Milton Creek and beyond to serve East Sittingbourne. Proposals for the MKDR were first approved by Kent County Council in 1975 and revised proposals were approved in 1995 (this proposal ran from the A249 to Mill Way with the Creek crossing remaining in concept form).
5. The full route, from the A249 eastwards across Milton Creek, is now referred to as the Sittingbourne Northern Relief Road (see attached plan).
6. The section of Sittingbourne Northern Relief Road from A249 to Ridham Avenue has been completed as part of the Kemsley Fields development and opened in Spring 2005. A short section from Castle Road, in Eurolink, was constructed in 2000 and has been continued eastwards in 2005 as part of the East Hall Farm development. This latest section, although completed, will open to traffic some time later in 2006. The remaining middle section from Ridham Avenue across Milton Creek to Castle Road is being promoted by Kent County Council, through the current planning application.
7. The application, as originally submitted, was the subject of a Member site meeting on 27 January 2005. A copy of the notes from the meeting are appended at appendix 1.

Amendments

8. The application has been amended since its submission following expressions of concern, particularly from residents closest to the route alignment. Kent County Council (as applicant) requested that consideration of the application be deferred pending further consideration of alternative routes.
9. In particular, residents of Church Milton estate and more recent housing at Kemsley expressed concern about the route of the Relief Road that was the subject of the original planning application. Despite the historic status of the route that preceded the housing development, KCC, as applicant, asked for consideration of the application to be deferred to allow time for the residents concerns to be more fully considered. The residents were generally supportive of the concept of the scheme but wanted the route further away from their houses.
10. Further surveys and outline design work were carried out and two alternatives, known as Route A and Route B were identified. Route A shifted the route to the boundary of Church Marshes Country Park and Route B was similar but also relocated the roundabout on Ridham Avenue to give benefits to the residents of Recreation Way in addition to those on Church Milton Estate.
11. As part of the assessment, the local and statutory environmental organisations were re-consulted and were generally neutral, subject to appropriate mitigation measures, on either of the two alternative routes. A public exhibition was also held on both the original route and the two alternative routes. The public response was in favour of Route B that was furthest away and the private sector land interests were in favour of Route A.
12. On consideration of all factors, the County Council's Highways Advisory Board approved alternative Route B at its meeting in November 2005.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Route B Proposal

13. The proposal involves the construction of a new 1.5 km single carriageway road from Ridham Avenue roundabout in Kemsley to the Castle Way roundabout on the Eurolink Industrial estate in Sittingbourne (see attached plans).
14. The proposed scheme is for a single carriageway road, which would be 7.3m wide with 1.0m wide margin strips. It would commence on Kemsley Down, from a new roundabout on Ridham Avenue adjacent to the paper mill, and extend to the existing roundabout on Castle Road in the Eurolink Industrial Estate. The carriageway would be kerbed with a combined footway and cycleway along the full length of the western side, and a verge along the eastern side.
15. Surface water from the road would be collected in gullies or by combined kerb drain units and taken, via pipes, to pollution separators before being discharged into Kemsley Drain, via a new holding lagoon, or into Milton Creek.
16. The road would have a 40 mile per hour speed limit, bituminous lower noise surfacing, street lighting, incorporating flat glass lanterns which reduce light spillage. Whilst there are no immediate junctions on the road, the scheme has been designed in a way that would not prejudice a future connecting link to Mill Way at Milton.
17. Kemsley Drain would be realigned to flow adjacent to the road and a new ditch and culvert would be constructed to maintain flows from either side of the scheme. A new culvert, on an altered alignment, would be provided to carry Kemsley Drain under Sittingbourne and Kemsley Light Railway. The existing culvert would be abandoned. The culverts would be sized to maintain the drainage route and flood capacity.
18. A 40m single span bridge would take the road across the Sittingbourne & Kemsley Light Railway with a clearance of 4.0m above the sleepers. A three span curved bridge 101m long would cross Milton Creek. It would provide a clearance of 4.2m above Mean High Water Spring tides to maintain occasional navigation use for powered recreational craft. The span would also be long enough to cross, and intended to maintain continuity of the Saxon Shore Way along the banks of the Creek.
19. An existing business (Austin Contract Services Ltd) adjacent to Ridham Avenue would be required to relocate to new premises. The existing landfill site at Church Marshes would remain intact and the road embankment would pass over it.
20. Mounding, a physical noise barrier and planting would be used to mitigate the traffic noise and visual impact on properties closest to the road.

Environmental Impact Assessment

21. The development is subject to Environmental Impact Assessment and therefore an Environmental Statement accompanies the planning application. This includes detailed assessments of amongst other things; traffic, noise and vibration, air quality, cultural heritage, landscape, townscape and visual impact, effect on birds, geology and contamination. The Environmental Statement also consists of a supplementary report on Water Velocity Modelling at Milton Creek Bridge. Accordingly, the Planning Authority will need to be satisfied that the environmental implications of the proposal have been adequately assessed and can be satisfactorily mitigated before considering the wider planning impacts.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

22. The applicant has stated that the Scheme contributes to Regional, County and Local Planning objectives and claims that the Scheme avoids international and nationally designated sites of nature conservation importance and runs over previously used 'brownfield' land for a substantial part of its length. Biodiversity aspects have been considered in detail and mitigation measures would be implemented to offset adverse impacts. Navigation of Milton Creek and use of Sittingbourne & Kemsley Light Railway would be maintained, though navigation for masted and taller craft would be curtailed at the new bridge crossing the creek.

Need

23. The applicant has stated that transport improvements are urgently required to sustain commercial and housing growth and essential town centre regeneration and would provide:

- Access to current and new housing sites in Sittingbourne as part of the Thames Gateway
- Access to employment on new sites in north Sittingbourne
- Access to new environmental and leisure facilities in the planned Country Park at Church Marshes
- Improved accessibility to sustain existing employment sites on Eurolink to facilitate growth and employment retention
- Improved accessibility to existing sports and leisure facility at Central Park Stadium to promote growth and opportunity

Additionally, the Relief Road would remove through traffic and commercial vehicles from residential parts of Church Milton, Kemsley and North Sittingbourne.

24. It is predicted that the scheme would reduce traffic flows in central Sittingbourne by 15% (and by about 30% with the SNRR connected through to the A2) thus enabling town centre improvements to occur and it would reduce heavy lorry traffic in large residential tracts of Sittingbourne.

Development Plan Policies

25. Of particular relevance to this application are the national and regional policies detailed in PPG13, RPG9a RPG9 (including Chapter 9 - Regional Transport Strategy), A new Deal for Transport and Transport 2000. At the local level, consideration needs to be given to the Local Transport Plan for Kent (2000) and the Development Plan, which in this case is the Adopted Kent Structure Plan, the deposit Kent and Medway Structure Plan and the adopted and Deposit Swale Borough Local Plans. Note that the Kent & Medway Structure Plan is to be adopted on 6 July 2006.

26. The Development Plan Policies relevant to the consideration of this application are summarised as follows:

Adopted Kent Structure Plan (1996)

Policy S1 Seeks to promote sustainable forms of development.

Policy S2 Seeks to conserve and enhance the quality of Kent's environment.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Policy S3 It is strategic policy to stimulate economic activity and employment in Kent by the growth of existing industry and commerce and the attraction of new firms, capitalising on the County's particular relationship with mainland Europe
- Policy S4 The strategic policy for East Kent is to stimulate economic activity and create new employment opportunities, whilst recognising the environmental constraints which apply.
- Policy S5 The strategic policy in the Thames Gateway in Kent is to upgrade the quality of the environment and to enhance the economic base of the area by the promotion of major new commercial development of high environmental quality, by the improvement of transport and other infrastructure and by increasing the supply and range of housing, leisure and community facilities. Outlines in what manner this should be done and what should be taken into account when decisions would affect the environmental quality of the area. Seeks to provide long term protection to areas and sites of international, national or other strategic importance for nature conservation, landscape, agriculture or heritage.
- Policy S7 (a) New transport facilities will be created and existing transport facilities improved where this will contribute to a better balance between transport and existing land uses and the development strategy
- Policy S9 Has regard for the need for community facilities and services, including transport infrastructure
- Policy NK3 Identifies amongst other things major new development sites to the north east of Sittingbourne associated with a northern relief road to the town linking A249 with A2 to the east, and at Iwade. Additionally seeks to provide long term protection, as far as possible to the best and most versatile agricultural land; and to areas of national, international or other strategic importance for nature conservation.
- Policy ENV1 Seeks to protect the countryside for its own sake.
- Policy ENV2 Kent's landscape and wildlife (flora and fauna) habitats will be conserved and enhanced.
- Policy ENV4 Priority is given to the long-term protection of Special Landscape Areas
- Policy ENV5 Development which would materially harm the scientific or wildlife interests of Ramsar Sites, designated or potential Special Protection Areas and Special Areas of Conservation, National Nature Reserves, and Site of Special Scientific Interest, will normally be refused.
- Policy ENV6 Development which would materially harm the scientific or wildlife interests of Local Nature Reserves, or Sites of Nature Conservation Interest will not be permitted unless there is a need which outweighs the local wildlife or habitat interest.
- Policy ENV18 Important archaeological sites should be protected and where possible enhanced. Where development would affect an archaeological site preservation in situ or investigation and recording will normally be sought.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Policy ENV20 Requires development to be planned and designed so as to avoid or minimise pollution impacts.

Policy NR3/4 Seeks the protection of the quality and potential yield of ground water resources.

Policy NR5 Where development is proposed on land with particular drainage problems or is at risk from river or tidal flooding, or would be likely to increase the risk of flooding elsewhere, the Local Planning Authority will consult, and take into account the advice of the Environment Agency

Policy ED6 Long term productive potential of agricultural land will normally be protected.

Policy T1 The provision of facilities which will assist pedestrians, cyclists and the use of buses and trains will be promoted where appropriate to secure reasonable personal mobility for all.

Policy T2 The scale of, and priority for, provision of new transport facilities and improvement of existing transport facilities, both road and rail will be judged in accordance with the overall strategy of this plan, namely Policies S1 – S7. Identifies the Sittingbourne Northern Relief Road as a scheme which will be drawn to replace completed schemes in the medium term programme and preparation pool.

Policy T3 In improving the transport network, the best attainable alignment, design and landscaping will be used to avoid or reduce the impact of transport infrastructure on the local environment, and to enhance and sustain the environmental quality of transport routes.

Policy T11 Full account will be taken of the needs of cyclists and pedestrians in the formulation of transport strategy.

Policy SR3 Provides protection and enhancement of the Public Rights of Way network.

Deposit Kent & Medway Structure Plan (2003) (to be adopted in July 2006)

Policy SP1 Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.

Policy NK3 Seeks to pursue measures to support economic regeneration and diversification at Sittingbourne and Sheerness/Queenborough. Provision of the Sittingbourne Northern Relief Road (linking the A249 with the A2 to the east) are prime requirements for this. Outline other strategic provisions including mixed-use urban expansion at North East Sittingbourne in conjunction with the definition and phased provision of the Sittingbourne Northern Relief Road and its link with the A249. Provision for development should avoid infringement upon areas of wildlife importance and minimise the call upon high quality agricultural land.

Policy E1 Seeks to protect Kent's countryside. Development in the countryside should seek to maintain or enhance it and development which would adversely affect the countryside would not be permitted unless there is an overriding need for it which outweighs the requirement to protect the countryside.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Policy E3 Seeks to conserve and enhance Kent's landscape and wildlife habitats
- Policy E5 Seeks the long term protection and enhancement of the quality of the landscape whilst having regard to their economic and social well being.
- Policy E6 Development will not be permitted where it would directly, indirectly or cumulatively, materially harm the scientific or nature conservation interests of a European Site, a proposed European Site, a Ramsar site, a site of Special Scientific Interest or a National Nature Reserve
- Policy E7 Development which would materially harm the scientific or nature conservation interests either directly, indirectly or cumulatively of Local Nature Reserves, County wildlife sites or Regionally Important Geological/Geomorphological sites will not be permitted unless there is a need which outweighs the local nature conservation or geological/geomorphological interest and adverse impacts can be adequately compensated
- Policy E8 Seeks to protect, maintain and enhance important wildlife habitats
- Policy QL1 Development should be well designed and respect its setting.
- Policy QL8 Seeks to protect and enhance important archaeological sites and their settings.
- Policy QL10 Development will not be permitted which would have an adverse impact upon the historic and archaeological importance, landscape character and physical appearance of historic landscapes, parks and gardens. Seek to protect and where possible enhance the settings and views into and out of, historic landscapes, parks and gardens.
- Policy QL18 Seeks amongst other things to protect and improve where possible Public Rights of Way
- Policy FP8 Development of agricultural land will only take place when there is an overriding need identified in the Development Plan that cannot be accommodated within the major/principal urban areas, rural service centres or on other previously development land. Seeks to protect best and most versatile agricultural land for development unless there is no alternative site on land of poorer agricultural quality, or alternative site have greater value for their landscape, biodiversity, amenity, heritage or natural resources or the land proposed for development is more accessible to infrastructure, the workforce or markets than the alternatives.
- Policy TP1 Outlines assessment criteria for transport proposals.
- Policy TP7 Seeks to safeguard land for transport schemes including the Sittingbourne Northern Relief Road, which may be promoted through Local Transport Plan and subject to multi modal scheme appraisal and Policy TP1.
- Policy TP10 Seeks to provide facilities for pedestrians and cyclists and to promote their use.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Policy NR4 Requires development to be planned and designed so as to avoid or minimise pollution impacts.
- Policy NR5 Development which would be sensitive to adverse levels of noise, air, light and other pollution will not be supported where such conditions exist, or are in prospect, and where mitigation measures would not afford satisfactory protection.
- Policy NR7 Development will not be permitted where it would give rise to an unacceptable impact on the quality or yield of Kent's watercourses, coastal waters and/or ground water resources.
- Policy NR9 Development will be planned to avoid the risk of flooding and will not be permitted if it would be subject to an unacceptable risk of flooding or where it would increase the risk of flooding elsewhere or require the construction of new defences, where it would prejudice the capacity and integrity of flood plains of planned flood protection or coastal defence measures; where it would hinder the implementation of future flood protection or coastal defence measures, if it would adversely affect the ability of the land to drain. Where development is necessary in areas at risk of flooding it should be designed and controlled to mitigate the impact of flood risk

Swale Borough Local Plan (2000)

- Policy G1 Outlines general considerations for all development proposals.
- Policy E2 Seeks to minimise the impact of noise between new and existing uses and seeks the imposition of planning conditions to secure noise limitations where appropriate.
- Policy E3 Development will not be permitted where it will have an unacceptable effect on water supply sources, would prevent or reduce replenishment of groundwater aquifers, or would lead to changes in local hydrology, which would adversely affect flora and fauna.
- Policy E4 Development will not be permitted, which would lead to the pollution of surface or ground water.
- Policy E5 Development will not be permitted where emissions from the proposed use would have an unacceptable adverse effect on the air quality of the area.
- Policy E6 Seeks to minimise light pollution from developments and requires external lighting details to be submitted
- Policy E9 Outlines criteria for development proposals, which are located on land outside the defined built-up area boundaries.
- Policy E12 Development involving the best and most versatile agricultural land will only be permitted where there is an identified over-riding need and there are no suitable opportunities for accommodating the development on previously developed sites, on land within the built-up area boundaries on poorer quality farmland
- Policy E14 Seeks long term protection for Special Landscape Areas.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Policy E23 Development appropriate to a location within the coastal zone will be required to protect and, where appropriate enhance the landscape, environmental quality, wildlife habitat and recreational opportunities of the coast, acknowledging those natural processes such as flooding, erosion and sea level rise which influence the zone.
- Policy E24 Development will not be permitted within areas at risk of fluvial or tidal flooding unless it is otherwise acceptable to the Local Planning Authority in the context of the other relevant policies in the Plan, and suitable mitigation measures are incorporated regarding flood containment and public safety.
- Policy E28 Seeks long term protection for Ramsar Sites, Special Protection Areas, Special Areas of Conservation, National Nature Reserves and Sites of Special Scientific Interest
- Policy E29 Seeks to protect amongst other things, sites of nature conservation interest
- Policy E42 Seeks to protect archaeological sites and Scheduled Ancient Monuments
- Policy E48 Requires development to be of a high standard, appropriate to its surroundings and to reflect local distinctiveness
- Policy IN22 Requires all new highway and highway drainage schemes to be designed and constructed to adoptable standard
- Policy R3 Seeks to retain and protect areas of open space for formal and informal recreation purposes. Only in exceptional circumstances will development be permitted which results in a loss of open space. In such cases a suitable replacement will be required if the loss results in a local deficiency in open space.
- Policy R8 Subject to the consideration of other policies seeks to grant planning permission for developments that provide for the retention of existing rights of way and the creation of new routes in appropriate locations.
- Policy R9 Subject to the consideration of other policies seeks to grant planning permission for development which make provision for the enhancement of the Saxon Shore Way, including its redirection, where appropriate along the shoreline.
- Policy IN42 Detailed design of the Milton and Kemsley Distributor Road between the A249 Iwade Bypass and Grovehurst Road eastward and southwards connecting to Mill way should have regard to Policy G1 of the Local Plan.
- Policy R25 Seeks to bring into public use land on the west bank of Milton Creek as a recreation area and country park. In achieving this consideration should be given to amongst other things the need for all access to be from the Milton and Kemsley Distributor Road and the need to safeguard reserved land for this and the Northern Distributor Road.
- Policy SS4 Seeks to grant planning permission for developments which seek to enhance and complement the industrial and maritime heritage, the recreational potential and the wildlife interest of Milton Creek and the surrounding area. Outlines what planning permission will be granted for and states that

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

proposals which would be detrimental to recreation proposals and the amenity of the nearby residents, the nature conservation and landscape interest of the area will not be permitted.

Deposit Swale Borough Local Plan (2004)

- Policy TG1 Sets out priorities for the Thames Gateway Planning Area including the provision of new transport infrastructure and in particular by the completion of the Sittingbourne Northern Relief Road.
- Policy E1 As policy G1 above
- Policy E2 Seeks to minimise and mitigate pollution impacts.
- Policy E4 Development in relation to flooding
- Policy E6 See policy E9 above
- Policy E8 See Policy E12 above
- Policy E12 See Policy E23 above
- Policy E15 See Policy E42 above
- Policy E18 See Policy E48 above
- Policy T4 Seeks to only permit development where existing rights of way are retained and support proposals for the creation of new routes in appropriate locations. Seeks to give special attention to the needs and safety of cyclists and pedestrians.
- Policy T10 Safeguards land for the provision of a Northern relief road unless and until the Borough Council approves an alternative alignment. No development whether permanent or temporary will be permitted which would jeopardise the alignment of this route, which is of strategic importance.
- Policy AAP10 Designates an Area Action Plan on land around Milton Creek for mixed use development. Requires development to be of a high design standard and reflect its creekside location and to safeguard important areas of the natural and built environment. Requires development to be phased alongside the provision of the Northern Relief road and other infrastructure, community facilities and, new employment opportunities on-site, at the Eurolink Industrial Estate and Ridham/Kemsley.

Swale Borough Local Plan, First Review, Re-deposit Draft, July 2005.

- Policy I Proposals should accord with principles of sustainable development that increase local self-sufficiency, satisfy human needs, and provide an adaptable and enhanced environment.
- Policy II Development will avoid adverse environmental impact, but where there remains an incompatibility between development and environmental protection, and development needs are judged to be the greater, the Council will, require adverse impacts to be minimised, mitigated, or exceptionally,

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

compensated.

- Policy VI To meet the needs of those living, working, or investing in the Borough, planning policies and development proposals will ensure that sufficient infrastructure is available to overcome existing deficiencies and to facilitate development.
- Policy TG1 As TG1 above.
- Policy E1 As E1 above
- Policy E2 As E2 above
- Policy E4 As E4 above
- Policy E6 As E6 above
- Policy E8 As E8 above
- Policy E13 As E12 above
- Policy E16 As E15 above
- Policy E19 As E18 above
- Policy T4 As T4 above
- Policy T8 As T10 above
- Policy AAP8 As AAP10 above.

Consultations

27. The following consultee responses have been received, with regards to the amended proposal, so far. Any further responses will be reported verbally to committee meeting:

Swale Borough Council advises that the alternative route was reported to Swale's Planning Committee where Members expressed full support for this important section of the Northern Relief Road. They resolved to raise no objection to the revised route, subject to the draft conditions listed below:

- That all the recommended noise and vibration mitigation measures, including the use of 'quiet' surface materials, bunding and fencing, are the subject of conditions to ensure that they are carried out in full, together with any additional measures recommended by the Head of Environmental Services;
- That all mitigation measures and long term maintenance of wildlife interests are subject to appropriate conditions in consultation with English Nature;
- That a full landscaping scheme be subject to appropriate conditions to secure its implementation and the approved scheme adequately maintained;
- That precise design details of the bridges are discussed with and agreed by the District Planning Authority before work starts, and take into account the views of Sittingbourne & Kemsley Light Railway Ltd and Dolphin Barge Museum;
- That all reinstatement works relating to the access road through the Country Park be adequately secured;

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- That method of working and construction times be the subject of conditions to minimise disruption to local residents and wildlife interests.

Swale Borough Council is very anxious to see an early start to the road and asks Kent County Council to avoid any delay or uncertainty caused by land ownership difficulties and points out the importance of the road to a number of major initiatives in Sittingbourne.

However, Members of the Planning Committee considered it regrettable if the bridge over the Creek restricted longer term aspirations for the recreational use of the area and its use by taller craft. Whilst emphasising that they would not wish to see any delay in taking the scheme forward, Members requested the reconsideration of the height of the bridge, or consider whether some form of lifting bridge may be practical.

Swale Borough Council's Head of Environmental Services considers that an increase in the height of the noise attenuation barrier by 1m in selected places where it lies nearest housing would reduce noise further. That could be achieved by increasing the height of the bund, or adding a 1m fence if it could be screened within landscaping.

Environment Agency has no objection to the proposal provided that a number of conditions are imposed on any planning permission granted, including:

- 1) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.
- 2) Development approved by this planning permission shall not be commenced unless:
 - a) desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the Planning Authority and a risk assessment undertaken.
 - d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the Planning Authority. This should be approved in writing by the Planning Authority prior to that remediation being carried out on the site.
- 3) The development of the site should be carried out in accordance with the approved Method Statement.
- 4) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

contamination shall be dealt with and from the date of approval the addendum shall form part of the Method Statement.

5) Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

6) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic or approved treated materials only shall be permitted as infill material.

7) Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

English Nature states that, following the applicant's confirmation that Kent County Council would provide a sum to cover compensation for loss of inter-tidal habitat associated with the scheme and that a programme of post-construction bird monitoring would inform discussions of any additional indirect compensation that may be required, they are satisfied that this approach addresses their original concerns.

The applicant has also confirmed that habitat manipulation would be used to discourage herpetofauna from crossing the road and the effectiveness of this approach would be monitored, with alternative mitigation as appropriate. As a result, English Nature withdraws their outstanding objections to the planning application but request the following conditions:

(1) Requests a condition be placed on any grant of planning permission requiring construction works of Milton Creek Bridge between 1 November to 31 March to be ceased during periods when the criteria for a severe weather ban of wildfowling are met.

(2) Requests that the proposed bird monitoring strategy be a condition or obligation and that it should include the provision for changes to mitigation measures if the bridge is found to have an adverse impact upon bird populations.

(3) Requests that the installation of effective surface water drainage from the road be conditioned along with conditions to ensure that the potential for pollution of Milton Creek during construction is minimised.

(4) Requests that detailed landscaping plans to be drawn up, with information on how the loss of existing wildlife habitat, including habitat corridors will be compensated for and how habitat fragmentation will be minimised.

(5) Requests that further detail is provided on good practice guidelines in relation to bats for contractors carrying out works to trees, prior to any works taking place

(6) Requests assurances are provided that the great crested newt and reptile receptor area will be afforded protection from future development

(7) Requests that the potential impacts of construction works are assessed and adequate mitigation secured.

Countryside Agency - no comments received to date

Area Transportation Manager raises no objections to the original alignment and the amended alignment.

County Archaeologist states that the present scheme has involved some slight additional impact on the historic drainage pattern on the Kemsley Marshes and additional new land taken close to Ridham Avenue, but concludes that the proposals

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

would involve a number of slight or moderate impacts on a number of cultural heritage features including direct impacts on buried archaeological and palaeo-environmental remains and slight visual/noise impacts on a Scheduled Ancient Monument and the historic Milton Creek. On a wider scale the scheme should help to reduce predicted traffic levels in the town centres at Sittingbourne and Milton Regis, which would provide a slight benefit to the amenity of a significant number of Listed Buildings and the respective Conservation Areas.

Is satisfied that the scope of the mitigation set out in the Environmental Statement would provide an appropriate level of mitigation and recommends that a condition is attached to any grant of planning permission requiring the implementation of a programme of archaeological work in accordance with a written specification and timetable.

Environmental Consultants comment as follows:

Noise

The supplementary report compares the route alternatives A & B; with Alternative B moving the road some 60 to 100 metres further away from residential housing. The report concludes that a reduction in noise of 3dB(A) with adoption of Alternative B over Alternative A would be perceptible but not significant. The change in noise level is indeed significant.

“It is generally accepted that, as a 3dB change in noise level is just perceptible, in environmental assessment terms this can be assumed as the threshold at which a noise impact becomes significant for assessment purposes”.

Whilst the predicted noise levels would be below the threshold at which noise insulation would be offered, the residents of Recreation Way would be able to discern the difference in terms of noise between alternatives A & B.

Air Quality

Air Quality is not predicted to increase significantly due to this scheme at any sensitive receiver.

Landscaping

The road has to balance the potential visual impact of the road on the neighbouring properties and wider North Kent Marshes SLA with requirements to provide noise mitigation and an acceptable crossing point. In landscape terms it would be undesirable to raise the bridge height further or to introduce more built elements such as noise barriers and therefore would support the applicant's proposals in this regard. The Kemsley Drain Revised Realigned Compensatory Drain proposal (4568/SK/136) appears somewhat artificial having neither the character of the straight engineered ditches that form the traditional field boundaries on the marshes, nor a natural meandering creek. Although the latter is not present in the immediate area of the Scheme, would recommend that it took this as an example for the realigned watercourse. The meanders should be more rounded and the width of the channel should vary along its length. Similarly the gradients of the cut slopes should vary and include beams. This would improve the character of the channel and should increase the biodiversity potential.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Street Lighting

No comments to be made on the application as they are directly involved with the lighting design.

Public Right of Way Unit advises that Public Footpath ZU1 (Saxon Shore Way) is to be diverted to accommodate the new road and bridge. The realignment of the path needs to be legally formalised either through a Side Roads Order or the Town & Country Planning Act.

A Traffic Regulation Order would also be required to temporarily close the footpath to public access during the construction of the road and bridge as the plans show the contractors' compound across a realigned public footpath ZU1 (Saxon Shore Way) on the western side of the Creek.

The Ramblers: have no objection to the amended alignment of the road nor the reduced height of the bridge. However, the height of the passageway beneath the bridge is at the minimum for comfortable walking along the Saxon Shore Way and the Ramblers would not wish this to be lowered any more if there is a subsequent alteration to the bridge plans.

British Horse Society - no comments received to date

SUSTRANS - no comments received to date

Kent Wildlife Trust. Following discussion with the applicants on the issues raised within their original objection (it was considered by Kent Wildlife Trust that the application failed to adequately address the potential impacts of the development and does not accord with policy set out in governmental and regional planning documents) Kent Wildlife Trust consider that the applicant has gone as far as is practically possible to mitigate and compensate for the ecological impacts of the proposed development.

Kent Wildlife Trust therefore withdraw their objection to the application, providing the solutions proposed by the applicant can be secured through the planning process. The issues KWT would like to see addressed are:

- Indirect compensation for the loss of mudflat;
- Long term monitoring to review impact on birds;
- Compensation for loss of SNCI habitat;
- Mitigation of impact on Herpetofauna;
- Loss of water course to be replaced by compensatory drain of increased length;
- Mitigation for invertebrates.
- Restrictions to construction work during the winter months.

The Royal Society for the Protection of Birds withdrew their earlier objection to the scheme as information had been supplied to show that the scheme would not have a significant impact on sedimentation patterns in the Creek. As the new route for the bridge only changes the position of the bridge very slightly, the RSPB agree with the conclusion in the amended Environmental Statement (ES) that the sedimentation study is still valid. However, as noted in their previous correspondence, it is suggested that erosion and accretion during and post-construction is monitored. If sedimentation patterns are shown to be significantly different to that predicted by the modelling and an adverse impact on bird feeding habitat is shown, this should be fed into the discussion over indirect compensation and provision should be made for inter-tidal habitat creation elsewhere.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

The RSPB expects that conditions are placed on any planning consents issued to minimise the potential impacts on birds, particularly those for which the Swale Site of Special Scientific Interest (SSSI)/Special Protection Area (SPA)/Ramsar wetland are designated. Conditions should include:

- Restriction of construction activities between 1 November and 31 March when the criteria for a severe weather ban on wildfowling are met. The RSPB welcomes the commitment (in paragraph 4.9.3.43 of the ES) that the most noisiest and disruptive activities would be undertaken outside the wintering period.
- Screening of the site compound planned to be situated next to the Creek (paragraph 4.9.3.44 of the ES).
- Lighting of the bridge should be design to reduce spillage of light outside the carriageway (paragraph 4.9.3.45 of the ES).
- Monitoring of bird populations should continue during- and post-construction. The RSPB welcomes the commitment to discuss further mitigation if monitoring during construction shows the disturbance impacts on birds are greater than expected (paragraph 4.9.3.52). They accept that scope for further noise barrier provision is limited by the bridge design but feel that other mitigation measures could be employed if a negative impact is shown. For instance, further restrictions on timing of activity could be used to reduce disturbance.

The RSPB is concerned that adequate compensation both for the direct loss of inter-tidal mudflat as a result of the bridge piers, and also the indirect loss of mudflat bird feeding habitat due to the visual intrusion of the bridge, is adequately secured before any consents are issued. The RSPB welcomes the fact that Kent County Council is pursuing indirect compensation with English Nature and Kent Wildlife Trust, but would wish to see that this is finalised before any losses occur.

In summary, the RSPB does not object to the amended alignment of the Sittingbourne Northern Relief Road, provided that adequate conditions are placed on any consent to reduce impacts on birds, as set out above, and that compensatory inter-tidal habitat is secured.

Biodiversity Officer observes that a good deal of progress has been made on addressing many of the previous concerns of the ecological consultees and would support the conditions agreed with regard to;

- severe weather work stoppages,
- bird monitoring and a commitment to further mitigation,
- preparation of a construction environmental management plan,
- provision of bat boxes, retention of bat flight lines,
- the production of a detailed landscaping plan that provides enhancement for appropriate biodiversity interests,
- production of a management plan for the mitigation and compensation.

The monitoring of the reptile receptor site for 5 years is welcomed, it is however imperative that a firm commitment is made to further enhancement should problems be discovered through the monitoring. The long-term/permanent mitigation for herpetofauna is still not fully developed, and needs to be formalised, and the ongoing discussions with EN and KWT are noted.

The Biodiversity Officer notes the ongoing discussions and commitment to providing “indirect compensation” for habitat loss and welcomes the commitment to providing for a “worse case scenario”. The Officer does have some sympathy with the view that a level of “up-front” compensation should be provided to mitigate temporary loss of biodiversity value, rather than waiting until impacts can be fully evaluated, and the inherent time delay

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

before compensatory areas develop into useable habitat. This should not of course prejudice full worst case scenario compensation of the proposal.

English Heritage states that although this proposed route is closer to the scheduled monument of Castle Rough, owing to the topography of the surrounding land it is unlikely to have any greater impact on the setting of the monument than the previously submitted route. In English Heritage's view this could be mitigated through the implementation of a sensitive landscaping scheme. English Heritage therefore does not raise any objections to the granting of planning permission.

DEFRA Rural Team has not commented on the amended alignment of the SNRR but noted the information contained in the Environmental and Supporting Statements for the original scheme and does not have any specific comments to make on the planning application.

Southern Water has not commented to date on the amended scheme but with regards to the original had commented that the details for the discharge of surface water run-off to the Kemsley Drain via a new highway lagoon will be subject to approval of the Environment Agency and any other relevant bodies, and they should be satisfied that the adjacent watercourses are adequately maintained to accept the proposed flows.

Lower Medway Internal Drainage Board has no objection with the alignment of the Sittingbourne Northern Relief Road, but is conscious that several details within the design have not been fulfilled, namely the culvert size. The Board wishes to ensure that the maximum possible size culvert is used between chainage 500 & 600. The applicant also need to ensure that the appropriate Land Drainage Consent agreements are in place prior to starting work on site.

Mid Kent Water - no comments received to date

EDF Energy requests the applicant to contact their Connections section as equipment is likely to be affected by the new development.

Fisher German (Former British Pipeline Agency) no comments – their apparatus are not located in the vicinity of the proposed development.

Transco has not commented on the amended proposal but enclosed an extract from their mains records in the location of the area covered by the original proposal and provided a list of precautions for guidance. Advises that there is high pressure apparatus in the vicinity and that no work or crossings of the pipeline should take place until detailed consultation has taken place with the engineer responsible for it. Provides advice on working in proximity to gas mains and provides advice on safe digging practices.

BT states that their apparatus will be affected by the proposals. BT apparatus were deemed to be affected at the 'Milton Creek Crossing' and the 'Ridham Avenue Roundabout' as amended.

National Grid – has stated that the proposed development would only be in close proximity to the Harker-Strathaven, 400,000volt overhead line and have provided advice on working in proximity to these.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Telewest comments that the proposal would not require apparatus to be diverted but reminds the applicant of their responsibilities to ensure that no damage result to Telewest equipment.

Grovehurst Energy - no comments received to date

Kent County Council Waste Management - no comments received to date

Church Milton Community Association - no comments received to date

Local Member(s)

28. The Local Members, Mrs B. Simpson & Mr. R. Truelove were notified of the amended application on 23 May 2006. No written comments have been received to date.

Publicity

29. The proposal was advertised in the local press as a departure from the Development Plan, and affecting a Public Right of Way and being subject to an Environmental Impact Assessment. Site notices were also posted along the proposed route. A neighbour notification exercise was undertaken notifying 431 individual properties and businesses.

Representations

30. The original proposal attracted 37 individual objection letters and one petition, which had 66 signatures and individual comments on it objecting to the application. 15 letters of support were received. One letter was also received from Sittingbourne and Kemsley Light Railway Ltd and comments were also received from the manager of the Church Marshes Country Park. In addition to the above, 38 letters of representation were received from the Public Consultation that was held prior to the submission of the planning application. The points raised are summarised in Appendix 2.

31. Following the submission of the amended alignment proposal, the application was advertised in the local paper as a departure from the Development Plan, affecting a Public Right of Way and subject to Environmental Impact Assessment, site notices posted along the proposed route and the individual notification of 431 individual properties and businesses carried out.

32. 11 letters of representation have been received, 3 of which were from local residents with individual comments, including a signed petition of 34 signatures in support of the proposal, in particular the moving of the Ridham Avenue roundabout. 8 letters of objection and concern have been received from local businesses, including the Hoo Ness Yacht Club, The Sittingbourne & Kemsley Light Railway, Bayford Meadows Kart Circuit Limited, PFA Consulting on behalf of Fletcher Challenge Forest Industries, TopBond, The Cruising Association, The Sailing Barge Association and M.Real (appendix 3). The main points raised are summarised as follows:

Milton Creek Bridge

- Creek is central to Sittingbourne's Heritage.
- A lifting bridge would enable vessels to enter and leave the Creek.
- Presence of boats would form an attractive focus to the area.
- Bridge would create an eyesore.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Short sighted to condemn the Creek to future of continued abandonment.
- Many users are unaware of the proposal.
- Many sailing boats could be deprived of a prime destination.
- No objection to proposed Route B with the exception of the detail on the crossing at Milton Creek.
- Proposed bridge fails to provide sufficient air draught over the likely future water levels of the Creek.
- Consultants claim that other crossing options would be too expensive. This assumption is false...the new Sheppy bridge is a good example.
- New Relief Road and crossing would be of great benefit to the businesses of the Eurolink Industrial Estate and Sittingbourne as a whole, however there is concern regarding the lowering of Milton Creek Crossing.
- Proposal ignores the potential for Milton Creek as a future leisure and tourist attraction.
- Town requires an attractive bridge not a motorway flyover.
- Lowering the bridge would not enable sailing craft to enter the Creek.
- Closing the Creek would be irreversible and potential housing developments, leisure and employment opportunities would be lost.
- Plans for a Marina would be affected by being limited to motor boats.
- Was consideration given to providing a tunnel?
- Possible alternatives were presented to the applicant by one resident, with suggestions that better and more flexible options for the bridge would result in increase income for less cost.

Rail Crossing

- Creation of a combined water and rail crossing is a new proposal and introduces implications for the railway and Southern Water.
- Consider the bridge to require approval from HMRI.

Effect on Local Businesses

- KCC have chosen to disadvantage those companies who have provided MKDR which SNRR would be connected.
- Some companies/businesses have no objection to the original scheme, but feel they would be detrimentally affected by the imposition of Route B.
- Loss of a considerable amount of land to businesses.
- Access issues and parking issues for businesses affected by the SNRR.
- New route restricts needed expansion of businesses.

Noise

- Original proposal for MKDR included a B1 development as a buffer to noise between what is now the Abbey Homes development and Kemsley Mill. An application was made in 1996 to delete this buffer. Buildings were not considered necessary to shield housing from road and industrial noise and a stand off distance between the housing and the road was not imposed.
- Construction of Recreation Way houses should not be considered as a material consideration as noise amenity has been considered on various occasions since the Public Inquiry in 1992.
- Additional distance afforded by revised route is unlikely to have material implications in terms of noise, fumes and lighting.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

Other

- Concern that the proposal constitutes as a Departure to the Development Plan.
- Concern that the original alignment had been scrutinised through two public enquiry processes.
- Moving road away from housing creates an open space of unusable wasteland.
- Concern that the strip of Rexam land would now have development opportunities is questioned.
- Residents should have been made aware of the road proposals before purchasing their homes in Recreation way.
- The existing Ridham Avenue roundabout would need replacing at a substantial cost.
- Possibly referred to Lands Tribunal with its associated additional costs and financial implications.
- Wish Route B to be swapped with alternative Route A, both schemes should be presented to Committee.
- Plans for housing with waterfront access would make them more attractive and marketable.

Support

- Re-location of roundabout would help improve privacy of resident in Recreation Way, decrease noise and traffic disturbance.

Discussion

33. The County Council, in considering this application will have to examine the proposal in the light of the appropriate Development Plan Policies and guidance that apply to this site and taking account of the need for the proposal. The proposal is subject to Environmental Impact Assessment, which requires that the full range of environmental effects need to be taken into consideration, together with any measures to mitigate any adverse impacts prior to any planning decision being reached. The Secretary of State was notified at the outset that an Environmental Statement accompanied this application. Consideration of whether the road meets road safety requirements, the impact of the road on the existing network, the visual, noise and light impacts on the immediate and surrounding locality and the impacts on nature conservation, landscape, heritage and recreational interests is required in particular. In addition, consideration will be given to any other material considerations that are brought to the County Council's attention as a result of consultation and publicity.

Planning Policy

34. The Development Plan for this area comprises the Adopted and Deposit Kent Structure Plan and the Adopted and Deposit Swale Borough Local Plan. Policies in these Plans seek to, amongst other things, safeguard land for the SNRR, give support to the completion of the road and seek the economic regeneration and development of Sittingbourne and the surrounding areas in connection with the provision of the road. In addition there are many other policies, which presume against development which would harm the interests of a wide range of designated protection areas, and clearly a balancing of potentially conflicting Policy aims will be required. (See paragraph 26 for a list of the key policies relevant to the consideration of this application).
35. An alignment for a road in this area is shown on the Proposals Map in both the Adopted and Deposit Swale Borough Local Plan. The adopted Swale Plan (2000) shows the line

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

of the MKDR as a proposed highways improvement. The route of this road follows the same line as the originally proposed SNRR from Ridham Avenue roundabout route, skirting the flood defence bund but then it continues round following the general shape of the housing and connects onto Saffron Way/Mill Way. The Deposit Draft First Review Swale Local Plan (2004) also shows the line of the MKDR. In addition to this, a link off the MKDR is shown, which crosses Milton Creek and connects with the Castle Road roundabout before going onwards and connecting with the A2 at Bapchild. As the route of the amended proposed road deviates from the routes identified in the adopted and deposit Local Plan I consider this proposal to be a Departure from the Development Plan. The proposal has therefore been advertised as such, and if Members are minded to grant planning permission for the development, the application would need to be referred to the Office for Communities and Local Government for her consideration.

36. At regional level, RPG9 sets out Government Policy for the South East up to 2016. It “establishes a framework for the region’s development and furnishes advice on the economy, the environment and land use, housing and transport.” There are 12 key principles set out in this guidance, one of which seeks for transport investment to support the spatial strategy, maintain the existing network, enhance access as part of more concentrated forms of development, overcome traffic bottlenecks and support higher capacity and less polluting modes of transport. Chapter 9 of this guidance is of particular relevance to this development as it sets out the Regional Transport Strategy, which promotes improvements to the transport infrastructure generally in South East England. In addition to this, RPG9a (the Thames Gateway Planning Framework) supplements the guidance set out in RPG9. Amongst other things it identifies that economic regeneration is one of the main planning issues in Swale and recognises that the area’s exceptional natural heritage also needs to be conserved. It also identifies that in the longer term a northern distributor road at Sittingbourne will allow development opportunities in the area to be realised.
37. The proposal should also be considered in the context of Planning Policy Guidance on Transport: PPG13 and the Local Transport Plan for Kent 2000/01 to 2005/06. These state that care must be taken to avoid or minimise the environmental impacts of any new transport infrastructure proposal. This involves the impacts, which may be caused during construction (including the need to transport materials to and from the site and dispose of spoil). They state that wherever possible, appropriate measures should be implemented to mitigate the impacts of transport infrastructure.
38. Overall, I consider that the principle of the proposed development generally accords with the main thrust of the relevant Development Plan Policies, although the environmental effects of the proposal need to be carefully assessed in the context of other relevant policies that afford protection to various environmental interests.

Location/Alignment of the Road

39. One of the key issues raised regarding the original alignment of the road was its proximity to residential properties, despite designations within the Local plan for a required road system (which preceded housing development). It had been acknowledged, however, that other potential routes for the road existed, despite the possibility of potential impacts on the environment. The applicant was encouraged to reconsider the realignment of the proposed Sittingbourne Northern Relief Road.
40. As proposed, Route B is a single carriageway road, 7.3m wide with 1.0m wide margin strips. It would commence on Kemsley Down, from a new roundabout on Ridham Avenue adjacent to the Paper Mill, and extend the existing roundabout on Castle Road

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

in the Eurolink Industrial Estate. The Scheme would run over previously used 'brownfield' land for a substantial part of its length, and would divert the route away from residential properties. The amended alignment would, however, move closer to established businesses, and would require one existing business adjacent to Ridham Avenue to relocate to new premises.

41. Whilst Route B benefits the local community to a greater extent than the original route, it does affect the private sector, commercial and land interests in the Kemsley area. I advise that it is necessary to balance the impacts of the location of the road on both residents and on local businesses. No objections have been received from residents regarding the new alignment of the road (although concern has been raised regarding the height of the proposed bridge over Milton Creek). However, a number of concerns have been raised by local businesses, in particular M.Real and Fletcher Challenge Forest Industries (Appendix 3). M.Real and Fletcher Challenge Forest Industries (along with other businesses within the area) are landowners affected by the proposed scheme and believe that this scheme would have a substantial adverse effect on both its land and business interests in the area.
42. I consider that although the realignment does impact more detrimentally upon business interests and has similar potential impacts on environmental issues, it does address the original concerns raised by consultees and residents regarding the original proposal, reducing noise and visual intrusion impacts. Many of the original concerns raised (Appendix 2) centred around whether alternative routes had been considered and whether there was an overall need to locate the road so close to residential properties. Issues relating to pollution, noise nuisance, light pollution, visual impact, traffic and general amenity issues, including the disturbance to lifestyles, loss of quality of life from constant disruption were raised. Following the consideration of the two alternative routes it is accepted that by moving the route further away from these properties, the impact of the above issues will be reduced. Following the notification of residents regarding the amended scheme, many have welcomed the realignment, and offer support the changes proposed, particularly with regard to the repositioning of the Ridham Avenue roundabout.
43. I understand the concerns raised by local businesses, in particular M.Real, and am aware that the road scheme would have some detrimental impact on their operations. On balance I consider the realigned route would be more appropriate, given the level of residential concern, in terms of serving the community as a whole, including local businesses. There has been some concern raised about the weighting given to residential concerns in the considerations on the amendments for the proposed route and questions have been raised regarding whether residents should have been made aware of the planning history of the site from the start. However, the presence of an intended road scheme does not put an obligation on the house purchaser to accept it and they still have the right to make representations at the planning and other statutory approval stages.
44. The applicant considers the proposal would support employment and would not prejudice the existing operation or employment of businesses. The County Council has no desire to prejudice the future of local businesses, and the applicant has stated that the land required for the scheme is relatively minor and partly crossed by overhead power lines that would already have some influence on any development. M.Real's concerns regarding the loss of carriageway storage space for HGVs approaching the weighbridge at their entrance has been taken into consideration by the applicant with the introduction of a bypass storage lane, which has been moved forward to minimise the effect on future land use.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

45. On balance, I consider the amendments to the alignment of the route do address the planning concerns raised on the original proposal. I understand that effects may be experienced by local business, but none that would be seriously detrimental to their business. I consider the location and alignment of the road as now amended as the most appropriate solution to various competing issues.

Milton Creek Bridge

46. In the original planning application scheme, the height clearance of the bridge over Milton Creek was largely predicted on being able to accommodate the sailing barges undergoing restoration or associated with the Dolphin Barge Museum. During the review of the Relief Road route during 2005 it became apparent that the Barge Museum and barges would be relocated away from the Creek. This gave the opportunity for the applicant to review the air clearance and consultation was carried out for a lower clearance from 6.4m to 4.2m above Mean High Water Spring tide levels. The lower clearance has advantages of reducing the visual impact and being more easily accommodated within the land corridor available between Castle Way and the Creek.
47. There has been concern regarding the amended height of this bridge, and the potential inability of fixed mast sailing craft being able to navigate up the Creek. The applicant has confirmed that the navigation of motor boats would be possible and has confirmed that a fixed bridge of well in excess of 6.0m (and probably closer to 10m) would be required to accommodate even relatively small yachts. Such a bridge is impractical in cost, land constraint and visual intrusion terms. An opening bridge is the only realistic alternative but was not considered a viable option particularly bearing in mind the likely usage and higher capital cost, high ongoing annual revenue costs and that it would be the existing and probable future potential use of the Creek. The applicant has also confirmed that the Creek is not being closed to navigation.
48. The suggested use of a tunnel cannot be formally considered. Existing tunnels have high annual operating and maintenance cost. A further liability for another tunnel would be hard to accommodate. Tunnels are far more expensive than fixed bridges. In terms of practical aspects, the applicant has confirmed that a 'cut and cover' tunnel within substantial cofferdams and associated de-watering would be probably the only solution. A narrow corridor between Creek and Castle would however be an issue. Significant construction would also be required in the closed Church Marshes landfill site, which is contrary to current advice and policy to avoid encroachments.
49. The applicant acknowledges that the wider economic, social and transport benefits of the Sittingbourne Northern Relief Road could be seen as detrimental to the potential future exploitation of the Creek. However, the wider benefits of the Relief Road are considered to far outweigh the potential undefined benefits, none of which have been exploited to date. The Local Plan First Review Re-deposit draft (July 2005) refers to the Creek but does not major on its potential for increased boat activity. Concern over the Creek's closure could lead to potential housing developments, leisure and employment activities being lost. The applicant has referred to the Local Plan and states that the employment and housing growth for Sittingbourne is not predicted on full navigation of the Creek being maintained for Yachts.
50. The applicant considers that by lowering the crossing, the bridge becomes less visually intrusive, easier to achieve with the narrow land corridor available between Castle Road and the Creek, and it makes the future access to Church Wharf more achievable. The

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

applicant has confirmed that Medway Ports Authority support a lower crossing, along with English Nature and Swale Borough Council.

51. Concern has been raised regarding the overall design of the proposed bridge, and disappointment that a more attractive crossing could not have been chosen. Cost and practicality were the two main reasons why this type of bridge was chosen. The proposed clearances for pedestrians and cyclists under Milton Creek Bridge have been set in accordance with the Highways Agency requirements as laid down in the Design Manual for Roads and Bridges.
52. I consider that restricting navigation for yachts on the upstream path of the Creek is unfortunate but must be seen in the wider context of the Medway and Swale. The restricted length of navigation for yachts in Milton Creek becomes, in my opinion, insignificant when compared to the length of the River Medway, The Swale, Conyer Creek and Faversham Creek that are available. Given that sailing activity is in fact moving away from the area with the closure of the Barge Museum, I can see no overriding objection to this aspect of the proposal.

Environmental Issues

Ecological Impacts

53. As outlined above, the application site is located in a sensitive location being located within a Site of Nature Conservation Interest and a Local Landscape Area and Special Landscape Area. It is also adjacent to (approximately 400 metres) a Special Protection Area, a Site of Special Scientific Interest and a Ramsar Site. The attached site location plan shows the location of these designations. It would appear that in its proposed location that the development tries to minimise its impact on these areas being located as far as is practicable (given the start and end points of the road) from the Ramsar Site, SSSI and SPA. The road would run through the Milton Creek SNCI but again it would appear that the applicant has tried to keep the impact of this to a minimum.
54. The application site is also home to a number of European protected species and nationally and internationally important bird populations; the amended application was submitted with an amended Environmental Statement which includes assessments of the potential impact on each of these species as well as consideration of the designated sites.
55. The applicants held a joint meeting with English Nature and Kent Wildlife Trust in May 2006 to discuss the original comments made on the revised planning application. Discussions are still ongoing on several issues but the intention is to work together to reach an agreement on the provision of adequate mitigation and compensation measures. The suggested conditions have been agreed by the applicants.
56. It has been agreed by the applicants, English Nature and Kent Wildlife Trust that any mitigation measures must be practical, taking into account maintenance issues and likely success rates of installing structures, for example, tunnels and permanent fencing. With regards to a monitoring strategy for reptiles, the applicant has confirmed that the receptor site would be subsequently monitored (after the translocation of reptiles) to ascertain if the translocation has been successful. Monitoring would be carried out for 5 years after translocation. The scheme would also leave the current flight lines, identified as being used by bats, intact. The applicant has confirmed that previous surveys did not identify any bat roosts, only bat activity. However, 10 bat boxes would be erected on existing mature trees throughout the site to encourage roosting.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

57. English Nature has identified a number of priority species on site; including Turtle Dove, Reed Bunting, Song Thrush, Shril Carder Bee and the Picture Winged Fly. These species would have mitigation within detailed landscaping plans, taking into account necessary food sources and habitats to maintain populations.
58. I consider the above concerns and any potential harm to the environment and wildlife can be mitigated by the imposition of suggested conditions by English Nature and Kent Wildlife Trust on any planning decision. It should be noted that the relevant environmental agencies are supportive of the outstanding ecological requirements being addressed by way of planning conditions in this particular case.

Landscape and Visual Impact

59. There is the potential for the development to have both direct and indirect impacts on the landscape and on the landscape character and for the development to have a visual impact.
60. With regard to visual impact, this impact relates to changes in views of a landscape and the effects that these changes have on people. The visual impact needs to be considered both in the locality and in the wider setting. Existing views of the application site are generally from first floor windows and these consist of views across the Country Park and the marshes set against the backdrop of the Eurolink Industrial Estate, electricity pylons and the Kemsley Paper Mill. There are also views of the site from the nearby Public Rights of Way, from the Church Marshes Country Park and from the surrounding marshes. A single house on the creek side at Gas Lane has open views out over the Creek to the housing at Church Milton. Concerns have been raised that these existing views could be lost and that what is proposed would have a detrimental visual impact.
61. A visual impact assessment was undertaken and submitted with the application. The assessment considered both the visual impact of the road in the winter of the opening year and in the summer of the fifteenth year (once planting has had the opportunity to establish). The visual impact assessment determined that overall, the scale and proximity of the road to residential properties create an unavoidable adverse visual impact. However, it was considered that in the longer term, mitigating planting would mature to soften the boundaries and to provide screening particularly at first floor level for residential properties. The assessment considered that there would be moderate to substantial visual impact on the Country Park and Public Rights of Way and that this impact would remain similar in the longer term due to the limitations on mitigation for the bridge and the blocking effect of the embankments on the characteristically open flat landscape. It was also considered that the single property on the creek side would experience a substantial adverse impact and opportunities for mitigation would be limited and would remain substantial in the longer term.
62. With regard to long distance views, the assessment considered that there are potentially views across the open marshland and the Swale to the high ground in central Sheppey. However, it was considered that this would be viewed against the backdrop of the northern edge of Sittingbourne with its industry, housing, pylons and lighting.
63. With regard to the impact on the landscape and landscape character, the road would be sited partly within the urban area and partly within the Milton Creek Mudflats and Marshlands Local Landscape Character Area and partly within the Church Milton Urban Fringes Local Landscape Character Area. The County Council's landscape consultant has advised that the area which it is proposed for the road to run through has been

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

altered to such an extent that a more formal, urban edge scheme would be appropriate and that whilst this may be an acceptable solution, they have advised that the ecological interest of the site and the adjacent areas of international wildlife importance should favour a landscape scheme that reflects the area's marshland character rather than extending the urban edge character. It is further stated that where the ecological interest is not a priority, the landscape proposals should seek to adequately meet the requirement to mitigate undesirable views of the road whilst respecting landscape character.

64. I would advise that issues relating to the ecology of the area are discussed in paragraph 27 and that in order to try to mitigate the impact of the road, a landscaping scheme is proposed (see attached plans). This landscaping scheme needs to balance the sites ecological interest in order to provide suitable habitat for species in the area as well as softening the impact of the scheme when viewed from the local area and from a distance. I acknowledge that it would not be possible to entirely mitigate the visual impact of the road through the use of a landscaping scheme, particularly from the nearest residential properties, from the property on the Creek side, from the Public Right of Ways or from the Country Park, and that as the applicant has recognised, although the landscape planting would not entirely screen the tall structures that are proposed, it would provide a degree of softening. Overall, I consider that the visual intrusion and the landscape impacts are not of sufficient detriment to presume against the proposal.

Heritage and Archaeology

65. Due to the location of the development, consideration needs to be given to the local potential impact of the road on cultural heritage features, including direct impacts on buried archaeology and palaeo-environmental remains and the potential impact of the development on the Scheduled Ancient Monument and the historic Milton Creek. Consideration must also be given to the wider impacts of the scheme on Sittingbourne and Milton Regis where a number of Listed Buildings are located along with a number of Conservation Areas.
66. I would advise that the County Archaeologist considers that there would be a number of slight or moderate impacts on a number of features and that on a wider scale the scheme should provide a slight benefit to the amenity of a significant number of Listed Buildings and the respective Conservation Areas. It is considered that the scope of the mitigation set out in the Environmental Statement would provide an appropriate level of mitigation and it is recommended that a condition is attached to any grant of planning permission requiring the implementation of a programme of archaeological work in accordance with a written specification and timetable. Under the circumstances, I see no objection to the proposed development on heritage or archaeological grounds.

Water Quality, Drainage and Flood Risk

67. The proposed development is located in the tidal floodplain and flood protection measures are visible in the area. For example, a flood protection bund is located to the west of the proposed route of the road around the housing estate in Church Milton (see attached plan). Concerns have been raised that the development would compromise the flood defence system in the area and that the development would be a potential flood risk.
68. It is proposed that water drainage from the scheme would be collected and discharged into local natural watercourses. A combination of kerb and gullies, combined kerb and drainage block systems are proposed to collect surface water and this water would then

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

be discharged to either Kemsley Drain or Milton Creek. It is proposed to install a bypass Class 1 Separator on all outfalls to retain pollutants for collection during maintenance operations. The Environment Agency has advised that the use of attenuation lagoons and bypass oil/petrol interceptors is acceptable and that in the longer term, a maintenance programme for the removal of oils/sediments should be set up for the permanent structure once it is operating. The Agency has also commented that they would like to see the use of penstock valves in the discharge design in case of emergency.

69. The Environment Agency has also advised that the application documents outline appropriate water quality pollution prevention measures for the permanent crossing of the creek and they have requested the imposition of a number of conditions on any planning permission granted. These conditions relate to contaminated land, the use of soakaways only in areas that would not present a risk to groundwater, the use of specific infill material and the submission of details relating to piling foundations. In addition to the above the Lower Medway Internal Drainage Board has detailed its requirements relating to details within the design for the Relief Road, namely the culvert size. The Board wishes to ensure that the maximum possible size culvert is used between chainage 500 and 600.
70. Further details regarding the proposed pollution prevention measures to be adopted during the construction phase, including any specific mitigation measures to protect surface watercourses from contamination have been requested by the Agency prior to the commencement of any works. I consider that these could be required by condition if the scheme was permitted. Comments are also made on the storage of any plant and equipment and/or oils/fuels/chemicals for use in construction and the applicant could be advised of these by a suitably worded informative on any grant of planning permission.
71. The original scheme did originally affect the flood defence bund near to residential properties in that the road embankment would have merged with the bund and the existing track/cycleway would have been raised both to join the new road and to avoid it being at the bottom of a valley. The applicant has confirmed that no work to the flood bund surrounding Church Milton is currently envisaged with the revised route. A connection to the cycle track would be impractical. Land to the bottom of the bund has been included within the site boundary due to the remote possibility of working space being required through the Country Park being developed by Swale Borough Council.
72. Overall, I see no objection to the proposals on the basis of water quality, drainage or flooding issues and am satisfied that adequate mitigating measures have been incorporated into the scheme.

Noise Impacts

73. The introduction of the Sittingbourne Northern Relief Road would have a noise impact both from the use of the road and from construction (approximate construction period is 18 months). The main sources of noise from the use of the road are from the engine, exhaust system and transmission and from the interaction of tyres with the road surface.
74. The Environmental Statement recognises that the proposed scheme traverses an area, close to a large housing development where currently background noise levels are low and therefore consequently substantial and severe adverse impacts are predicted for properties in the housing estate. The revised route would provide noise level reductions of between 1 and 3 dB for properties in the area of Recreation Way in comparison with

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

the original route. To mitigate this impact, the applicant is proposing to provide noise barriers/bunds and the use of low noise road surfacing. A combined 1.5m high bund and 1m high noise fence running adjacent to the was considered by the applicant to provide the optimum overall noise attenuation for properties in the adjacent Church Marshes housing estate road (see attached plans). The County Council's noise advisor has identified that even with the proposed noise mitigation some properties may still experience an adverse significant noise impact. However they have also identified that noise does not exceed levels where noise insulation would be required.

75. The Environmental Statement also recognises that increasing the height of the barrier could provide additional noise reductions. This benefit has also been identified by Swale Borough Council's Environmental Health Officer who strongly recommends an increase in the height of earth bunding and barrier fence to provide additional noise reduction to properties at Walsby Drive. It is stated that an increase in the overall height of the bunding and barrier fence by 1 metre would lead to a significant noise reduction for these properties. Nevertheless, due to the openness of the landscape and, especially as it would be sited on an elevated section of the roadway, any noise barrier introduced on the approach to the SKLR bridge would be very prominent. Because of its constrained location near the existing poplars, drainage lagoon and watercourses, there would not be sufficient space to have planting either side of the barrier to provide softening and screening by vegetation.
76. The applicant's agent has identified that the extent of the noise impact during construction would vary throughout the construction period and would depend on the contractor's chosen method of working as well as the timing and phasing of certain operations. They have further advised that whilst transient noise levels may be relatively high, the longitudinal nature of the site would ensure that the working areas would constantly move. To mitigate the noise impact of the development during construction the Environmental Statement recommends that local residents be informed of when and where work is to be carried out, the likely duration of the work and measures to be taken by the contractor to reduce noise levels. It is also recommended that during construction, noise monitoring be carried out at the site boundary and at selected properties to ensure that noise levels remain within reasonable limits (set in consultation with Swale Borough Council's Environmental Health Officer). These recommendations should be required to be implemented by condition and this should include a requirement for the applicant to obtain consents from Swale Borough Council under the Control of Pollution Act 1974.
77. Taking the above into consideration, I would advise that the road alignment has been moved away from the housing estate from that originally proposed, which has resulted in significant noise reductions for a number of properties in the nearby housing estate. Overall, therefore, I consider the current layout to be the best balance between noise mitigation and visual impacts, and I accept that the net change in the noise climate as a result of the proposed scheme would inevitably be significant across the area as a whole, but that would be counterbalanced by reduced traffic noise on the existing routes through Milton and Kemsley.

Vibration/Structural Issues

78. There is the potential for vibrations to be experienced from both the construction work and from vehicles travelling along the road. The effects of these vibrations were considered by the applicant who established that properties close to the proposed scheme would experience some vibration nuisance from the use of the road by traffic, however, this would be greatly reduced following the submission of the amended

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

alignment. It was considered that these predicted increases in vibration nuisance were low and should not require mitigation and that there is little evidence to indicate that vibration at the level induced by road traffic might cause damage to roadside buildings or structures. Additionally it was established that the extent of vibration impacts would vary throughout the construction period, depending on the contractor's chosen method of working and the timing and phasing of certain operations. It was asserted that by the appropriate selection of construction methods that it would be possible to restrict vibration at the closest property to well below the cosmetic damage limits defined in BS 7385. Under the circumstances, I see no objection to the proposal on the basis of vibration.

Air Quality

79. The applicant undertook an assessment to determine the properties that may be subject to a change in air quality. The assessment found that there would be no significant residual impacts in relation to the air quality and that no mitigation measures are required. However, the study did state that the planting of trees and shrubs could help to reduce the concentration of air pollutants by the process of deposition and absorption. Planting is proposed as part of the landscaping scheme and this will be required by condition.
80. The County Council's environmental specialist has advised that there is not predicted to be any significant change in air quality as a result of the scheme, and I would therefore not raise an objection to the element of the proposed development.

Lighting

81. Street lighting is proposed along the whole route of the road. The applicant is proposing to use flat glass, sharp cut off lanterns on 10 metre high columns. Whilst a number of different lighting schemes were considered for the project, the applicant considered that the chosen scheme was the most appropriate as it enabled the road to be lit using 150W lamps at 40 metre spacings. By reducing the height of the columns, more columns would be needed along the route of the road as the spacing between lamps would be reduced to 32 metres. Increasing the height of the columns would make them more visible in the wider area. The Landscape Assessment that has been undertaken asserts that whilst the lights that are proposed would be visible above the screening and would illuminate the road at night, due to the type of lighting that is proposed light spillage would be restricted to neighbouring areas.
82. The County Council's Lighting advisors have not yet commented on the application, however, I do not consider the lighting to have an adverse impact on the character of the area or to have a detrimental effect on residential and visual amenity. Given the realignment has moved the road further way from residential properties, light spill into residential space would now be reduced.

Contaminated Land Issues

83. No objection has been raised by the Environment Agency regarding land contamination and any contamination issues can be dealt with via conditions on the planning consent should Members be minded to permit.

Local Transport Issues and Public Right of Way

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

84. There are no unresolved concerns regarding Local Transport aspects and no objections have been received regarding the amended alignment from the Divisional Transport Manager.
85. Public Right of Way ZU1 (Saxon Shore Way) would be affected by the proposed development. This Public Right of Way runs alongside the banks of Milton Creek and there would be a need for a deviation to footpath ZU1 around the western abutment under the Milton Creek Bridge. This diversion would need to be formally progressed with the Public Rights of Way Unit and the applicant should be advised of this by a suitably worded condition.
86. During construction, there would be amongst other things, a visual and noise impact on users of the Public Right of Way and after construction the views from it would be altered. Development Plan Policies seek to protect and enhance Public Rights of Way and the experience of their users and whilst there would be a detrimental impact on the Public Right of Way during the construction of the road, the applicant has advised that they have been progressing the required footpath diversions and the connections to enhance the current network with the Public Rights of Way Unit.
87. A suggestion has been made that connections are made to link the two sections of the Saxon Shore Way with the new bridge so that walkers using it would be able to cross the bridge as an alternative to walking into Sittingbourne largely by road, to connect the two banks of the Creek. I would advise that there is a pedestrian/cycle link off of the south/west side of the road to PROW ZU1 and that it would be possible to get pedestrian access to the bridge from the Castle Road roundabout by taking a detour from where PROW ZU2 joins Castle Road.
88. Whilst there would be a temporary impact on the Public Right of Way during construction, I would advise that overall due to the increased accessibility to the Public Right of Way network the Relief Road would be of some benefit to the network. The applicant should be advised of the comments of the Public Rights of Way Unit by informatives on any grant of planning permission. Existing use of footpaths during construction would be maintained wherever possible on existing, proposed or temporary alignments.

Construction Issues

89. Should planning permission be granted for the development, the applicant has advised that the contractors would be mobilised during late 2007 and construction would commence in early 2008. It is anticipated that the project would be completed in late 2009. There would be four phases to the construction period: Phase 1 – Advance Works, Phase 2 – Structures, Phase 3 – Earthwork Improvements and Phase 4 – General Earthworks, Road Construction and Landscaping. Access to the site during construction would be via Ridham Avenue for areas of the site west of the railway. Access would also be via the Country Park construction site access, off Safron Way and over Burley's crossing. Access to the site on the eastern side of the creek would be via the existing Castle Road roundabout.
90. Spoil issues have been considered and the applicant has confirmed that very little excess material would be generated because of the relatively flat terrain and absence of cuttings. However, the Scheme includes embankments and mounding and therefore it is more likely that material would need to be imported for this particular Scheme.
91. The Contractor's offices and main materials storage compound is proposed on the western bank of the creek at the site of the old ship breaker's yard. The applicant's

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

agent has advised that it is likely that sub offices would also be set up on the eastern side of the Creek if suitable land is available.

92. The noise and vibration impacts of the construction period are outlined in paragraphs 73 and 78. In addition to this, there are potential impacts from increased traffic from construction vehicles (although this is for a temporary period of time). No concern has been raised by the Divisional Transport Manager to the proposed compound and I see no objection to the choice of site given its proximity to the main engineering activity and its separate from residential areas.

Need for the Scheme

93. The applicant has outlined the need for the scheme and these reasons are summarised in paragraphs 23 and 24 above. It can be noted that the need for and importance of this scheme is supported at Regional, County and District level for amongst other reasons, the significant environmental, economic and social benefits that the scheme would bring to Sittingbourne and the Thames Gateway area. I consider that a strong need for the development has been established with firm policy backing in the Structure Plan, Local Plan and Regional Planning Guidance. However, given the potential environmental impacts of the scheme, it is also necessary to weigh up this policy support with the environmental impacts of the proposal in the context of the locality.

Other Issues

94. Concern has been raised regarding a level crossing and proposed bridge over Sittingbourne & Kemsley Light Railway (SKLR), with suggestions that this type of development would require approval from Her Majesty's Railway Inspectorate (HMRI). The applicant has stated that previous requirements administered by HMRI required that applications for such approvals were made by the railway operator. There are currently ongoing discussions with Sittingbourne & Kemsley Light Railway to determine current requirements so that appropriate approvals can be progressed. The temporary construction access is required across Burley Crossing and this is being pursued with HMRI with the assistance of SKLR as railway operator. It is considered that the future of Burley Crossing in the longer term is not relevant to the planning application as the highlighted issue currently exists and the proposed road would not alter the existing situation. Access to the served plots of land is provided on each side of the railway and does not depend on the crossing point in any way. It has been suggested by the applicant that Sittingbourne & Kemsley Light Railway take up the issue of the crossing legality with adjacent landowners and users. I do not consider this issue a concern and should not influence Members in considering this application.

Conclusion

95. The principle of completing the Sittingbourne Northern Relief Road is confirmed in both Regional Planning and Regional Transport Policy. Accordingly, there is substantial Planning Policy backing for the principle of this Scheme with Policies in both the Structure Plan and Local Plan supporting the completion of the Relief Road. However, this area is also important in ecological terms and there are therefore equally important Development Plan Policies that presume against potentially damaging new development. Under the circumstances, a balanced view will therefore need to be reached in deciding this planning application.
96. The relevant environmental issues have been examined as part of the Environmental Impact Assessment, and have been subject to ongoing negotiations with the relevant

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

environmental bodies and the applicant. I consider that the main environmental issues relevant to this proposal – ecology, landscape, residential amenity and the Creek at Milton - have been properly assessed and I am satisfied that the EIA procedures have been fully complied with in this particular case. However, as part of the EIA process it will be important to deliver the proposed environmental mitigation, including landscaping and enhancement, together with the ongoing commitment to maintain and monitor environmental conditions. I am satisfied that such matters can be adequately addressed by the imposition of planning conditions should planning permission be granted for this scheme.

97. In my opinion, the balancing of evidence weighs in favour of planning consent, given the substantial policy support for the Scheme and the scope for addressing environmental and amenity concerns through planning conditions and subsequent submissions. The applicants have been responsive to environmental concerns, as well as points raised by local residents and neighbouring businesses, and have made appropriate adjustments to the scheme and amendments to the planning application, including a significant realignment of the proposed route. However, since the precise amended alignment of the Relief Road differs from that indicated in the currently approved Development Plan, I would advise that the application and Environment Statement be referred to the Secretary of State before any final decision is made.

Recommendation

98. I RECOMMEND that the application be REFERRED to the Office of Communities and Local Government as a departure from the approved Development Plan and that SUBJECT TO her decision, PERMISSION BE GRANTED SUBJECT TO conditions including:

- the standard time condition;
- the development be carried out in accordance with the approved plans;
- the submission of details (including external materials) of all proposed structures, including bridges, roundabouts, walls/fencing railings, gates, traffic signage, paving scheme and all hardened surfacing (including pedestrian/cycle routes) and highway lighting;
- the submission of long sections and typical cross sections of the proposed scheme;
- the submission of details of all drainage proposals (including drainage lagoons and culverts) and water pollution control devices;
- the submission of details of the contractors' access and compound(s);
- the submission and implementation of a scheme of landscaping (including all new planting and earth bunding and wildlife protection) and a programme for its maintenance;
- the submission of a tree protection scheme;
- the submission of details of any landfill or surplus spoil arising from the construction project;
- controls over the hours of construction activity and the routing of construction traffic;
- controls over handling of excavated material (including storage of topsoil);
- controls to suppress the generation of dust and prevent the deposit of mud on the public highway;
- the submission and implementation of a programme of archaeological work and written specification;
- the submission of detailed management plans for the mitigation for all protected species;
- the submission of other protected species mitigation measures;

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- the restriction of construction works over the winter months, and construction works for the Milton Creek Bridge to cease during period when the criteria for a severe weather ban of wildfowling are met;
- request for bird monitoring strategy;
- the installation of effective drainage from the road, minimising pollution of Milton Creek;
- request the submission of a specialist report on the effect of Milton Creek crossing on inter-tidal sedimentary deposits;
- further details relating to bat protection and work being carried out on trees;
- the submission of a desk top study identifying potential contaminants and the carrying out of a risk assessment and provision of a Method Statement detailing remediation requirements.

99. I FURTHER RECOMMEND that the applicants be advised of the comments made by the Public Rights of Way Unit.

Case officer – Helena Woodcock	01622 221063
--------------------------------	--------------

Background documents - See section heading
--

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

APPENDIX 2

A summary of the comments received regarding the original proposal:

Location

- Agree with the road but strongly object to the proposed route
- The proposed route is too close to housing. Question why it has to be so close to residential properties
- Wish for the route of the road to be away from houses and suggest alternative routes believes these alternative routes should be considered even if they cost more
- Question whether alternative routes have been considered, which are further away from housing and follow a more sensible direction. Asks why these were discarded. Believes that more funding should be applied for from the ODPM so alternative routes could be considered.
- Moving the road would reduce its impacts on residents and would create a more usable family area and provide a noise and sound barrier
- Believes the proposed route to be finance driven rather than ecologically or quality of life driven.
- Other plans for a road which went alongside Ridham Docks have been ignored despite the fact that it would be much further away from the houses and so cause fewer problems for residents.
- Why is there a need for the route of the road to keep away from the pylons and power lines – they have been crossed previously in the road's path?
- Believes the route of the road has been chosen as there were start and end points and someone drew a straight line between these points – this person may have had an out of date drawing and was not aware of the housing and if they were aware had no common sense.
- Believes alternative routes would diminish problems.
- Believes the route has changed from what was believed to be its location on the other side of the field, around the mill

General Pollution Issues

- Concerned about air pollution/fumes and its effect on human and animal populations
- Would be unable to open windows because of the pollution
- We should be trying to reduce pollution and the number of cars on the road, not introducing more roads that increase the volume of traffic and the amount of pollution.
- Residents already experience pollution from the Mill and pylons - these pylons have been relocated once and they could be relocated again
- Concerned about dirt and dust levels
- Pollution currently occurs from the new road into the mill complex resulting in a loss of quality of life

Noise

- Concerned about noise pollution and that the proposals to mitigate this, i.e. landscaping and fencing are not suitable and will not be adequate.
- More dense planting is required to absorb the noise,
- Comment that even if Government levels for noise pollution are not breached, the noise levels for residents would greatly increase, spoiling the ambience of the area and in particular the Country Park
- Questions how it can be ascertained whether noise and air pollution levels would not exceed Government tolerance levels when there is currently no such additional pollution.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Concerned that noise would be increased in windy spells
- The noise increase of 20db would be noticeable and would affect a quiet and relatively remote modern housing estate.
- The noise increase in the centre of Sittingbourne will only be around 4db – does this mean that much of the existing traffic will not use the new road and that its construction will generate a large amount of additional traffic?
- Are there any constraints set out for working hours and hours that noisy activities can be carried out?
- Concerned about construction noise – believes this needs to be monitored
- No noise mitigation measures are proposed to mitigate the fact that lorries will be passing on a level with upstairs windows
- The Statement recognises that a 2 metre noise barrier is required yet 1 metre fencing with planting is proposed.
- The mitigation measures would be more effective if they were put on top of the flood bund and not behind it – the road would then not be visible
- What are acceptable levels of noise that will be lived with during construction and then for ever when the road is in use.

Lighting

- Concerned about light pollution and that this would be excessive
- There are no suitable measures in place to minimise light pollution.
- If the project is approved, mature foliage and suitably high noise reduction barriers should be provided to combat noise and light pollution.
- It would be more effective to have more columns at a lower level. This would keep light spill to a minimum
- The impact of the lighting would have a huge impact on both humans and wildlife
- The construction of the fence would have a visual impact and would adversely effect the natural lighting around the neighbouring properties
- Questions the accuracy of the drawings and believes that when it is dark, head-lights would shine through the front windows of properties.
- Will be unable to sleep at night due to the lighting proposed and due to the light from vehicles.

Visual Impact

- Concerned about loss of peace and quiet and the loss of views
- The road would be an eye sore
- Concerned about the visual impact of the development from residential properties
- How will the new road not be visible if it will be elevated?
- Does not believe that every effort has been made to minimise visual intrusion
- The noise barrier would be visually intrusive

Traffic

- Concerned about traffic accidents, believes there will be one per week and that this will cause traffic chaos.
- Asks how emergency vehicles would get to any accident
- Concerned about illegal quad bikers accessing the road
- Just moves congestion from one area to another without addressing the fundamental causes of it.
- Concerned about traffic pollution and its impact on health, particularly at the roundabouts at the end of the road.
- How will off-road vehicles be discouraged from accessing the adjacent marshes and impacting on the habitat and ecology?
- The road could become an accident black spot – there are very few crossing points so people will probably try to cross the road at various points.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- The usage figures quoted are irrelevant as traffic figures are variable.
- It is unlikely that the 40mph speed limit would be adhered to. No measures are proposed to make sure that the speed limit is adhered to
- The development does not consider what most of the traffic is doing during congested periods or the type of vehicles being used – it is mainly people travelling to schools and to the Station who is causing the congestion and these people will not use the proposed route.
- The proposed barriers would be ineffective. Concerned that an accident would smash through the barriers into residents gardens
- Believes a certain angle of curve is required on a 40mph road. Currently lorries pass through 5 roundabouts to reach the mill and 7 to get to the A2. Believes another roundabout to change the angle on the distributor road would still be a massive improvement for lorries travelling from the A249 to the A2 as they would still have a reduction in the number of islands they encounter.
- Believes the road will be an open invitation for boy racers, car thieves and motorcyclists to race between the roundabouts at excessive speeds

Wildlife/Environment

- Recreational land would be lost and the pollution may kill off wildlife
- Are the environmental groups aware of the wildlife in the area
- Were advised that the nature reserve was a SSSI and would be protected against development
- Building work has already taken place in the area with the loss of shrub land and wildlife and resulting in another housing estate.
- Concerned about the impact on wildlife/protected species, the wildlife has already been relocated once why should it be relocated again.
- Concerned about the impact on trees and other vegetation - this provides a habitat for animals
- The Countryside will be ruined and there is not enough nature around as it is
- Concerned about the environmental impact of the road, it takes away/encroaches on the environment
- Believes the Department's appraisal criteria promote pollution to the environment
- The development would remove the only remaining wooded areas in Church Milton
- Wildlife cannot be endangered but why are people not so important.
- Wildlife can adapt to changing lifestyles up to a point but people seem to take second place

Country Park

- Concerned about the impact on the Country Park including access to the park, the fishing lake and country walks, the impact on the bridge environmental centre and the impact on users of the park
- Part of the Park would be lost, where would the Country Park be?
- What other local authority would approve a major route through a Country Park?
- The Country Park is a valuable asset, it is already threatened by off-road motorcycles and if constructed may become a playground for trial bikes and become unsuitable for the public.
- The park to the east will become unused as people will not cross the road to get to it.
- The road will cut off the use of the marshland to local residents – the only area of accessible marshland will be the man made country park
- The road would allow access to the developed part of the Country Park but the whole area is already a well used country park.
- Building the road through a Nature Reserve, whilst not ideal, is more sensible than creating havoc and ruining residential amenity

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Why is it acceptable for a similar acreage of the Country Park to be used as a road route, apart from being on the edges, rather than through the middle? Believes this may be due to the Council owning much of the land that runs through the proposed route.
- The Country Park is now a building site for an environmental café, which no one is likely to use.
- The Country Park is supposed to encourage nature lovers. Questions how they will see any nature with the route of the road running through the park. Believes the view from windows in the café will be more suited to the M25 than a country park.

Amenity issues

- Believes a tranquil setting would be lost if the development is permitted
- Concerned about loss of standard of living/quality of life
- The proposal affects residents and encroaches on people's lives
- Concerned about children's and animals' health and safety
- It has been stated that the road will enhance the lives of people however, this is at the detriment to those living near to it. Are the needs of those who will benefit more important than the needs of those who will suffer?
- People will have to negotiate a major road to get to the pond and the peace and tranquillity at the pond will be lost
- If wanted a busy road outside houses, they would have bought a house near a main road
- The application would dramatically change the quality of life of local residents, the wildlife and the people who current walk and fish on the marshes
- The proposal will impact on the community with effects on mental and physical health
- The bund is well used – concerned about the risk and safety of pets and their owners and children from the road and that the development would prohibit the use of the bund
- Believes residents have been treated badly, the estate is big enough already
- It is hard to reconcile protecting the countryside with building a new road through an open space used by people, flora and wildlife, especially as the Statement recognises that there will be 'moderate adverse' impact on biodiversity.
- How will the loss of agricultural land, recreational area and nature conservation habitat make the lives of Sittingbourne's residents better?
- Lorries travelling to and from Kemsley Mill using the new roundabout currently cause noise and light disruption. If the road is built, this situation would be made worse.
- Concerns about children being snatched if they walk up and down the pathway
- Believes the building of the distributor road will ruin this corner of Kent and will allow Kemsley to fall into disrepute again
- Healthier lifestyles are being promoted by the Government but residents will not be able to site in their gardens due to the pollution from vehicles

Drainage

- The site is in a high risk flood area. Has the drainage of the site been fully considered? The development will change the way natural drainage of water occurs from the Church Milton estate
- Believes the proposed drainage would adversely affect a number of ponds and could affect the natural pond life that resides in them
- The drainage lagoon is currently a well used fishing lake. Concerned that as there is no direct access to the lagoon that people would vandalise/vault the noise reduction fence to access it.
- Alternative routes would safeguard the drain culvert and drainage lagoon and would free up valuable funds

Flooding

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Concerned about the potential flood risk that may be caused by the construction of the carriageway – the area is currently registered as a potential flood area.
- What damage would be made to the tidal bund – would these be compromised by the development?

Structural

- Concerned about structural damage during construction and during the use of the road from traffic vibrations
- What damage will the pile driving do to houses?
- Will structural inspections on the properties be carried out before and after construction to ensure that properties remain structurally sound?
- Concerned residents would be able to feel vibration from traffic and that cracks will occur in properties

Milton Creek

- Object to the proposed crossing and the design of the crossing of Milton Creek
- Milton Creek is a navigable tidal waterway – the proposed bridge design and construction would prevent navigational rights from taking place.
- The proposals do not provide the necessary air-draft span height for the navigation of the creek by sailing vessels
- Believes the application would affect the future liability of the Dolphin Barge Yard and Museum as the development would deter current and future visitors and resident craft from the Creek. The lowering and raising of the mast with 2,00 sq. ft of sail attached on a Thames Barge to pass under the crossing is not something to be undertaken on a regular basis.
- Believes the application to conflict with Swale Borough Council's Local Draft Plan Area Action Plan No 10 – Land Around Milton Creek.
- Silting in Milton Creek is caused mainly by lack of use and water abstraction. The developments in Area Action Plan No 10 if realised, and complemented by the provision of waterfront moorings and marina development, would improve the quality of Milton Creek and enhance the attraction of the area. If access is curtailed then the benefits of water movement would be lost.
- There is a high court precedent case where the navigation of Swale was impeded by the Sheerness Railway Company by its failure to provide an opening span on the first Kingsferry Bridge. Sheerness Railway Company lost the case and a precedent was set, that a private Act of Parliament could not override Common Law interests.
- A solution can easily and economically be put in place and most of the additional costs can be recouped from planning gain.
- In view of the High Court Precedent the current application must be rejected or deferred pending a solution.

Light Railway

- The bridge over the light railway will raise the level of the road and will increase its cost. Could the railway be closed instead – it is not a huge public attraction and by doing this the level of the road could be reduced making it less obtrusive.
- Question the need for the railway and whether a bridge for the train would be a better idea
- The crossing of a public passenger carrying railway has specific implications for planning and construction.
- The construction will require prior approval by Her Majesty's Railway Inspectorate division of the Health and Safety Executive – changes may be required to the proposals to obtain the necessary Order.
- Object to the proposal on two grounds: the failure to improve safety for pedestrians, cyclists and authorised road vehicles by the closure of Burleys Level Crossing over the railway – believes that HMRI will require the diversion of all users of Burleys Crossing to

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

the new overbridge and the complete closure of the railway level crossing therefore ask that these changes are incorporated as a pre-condition to any planning approval.

- Burleys Crossing has been recorded by Sustrans as part of the Off-Road National Cycle Route. This is premature as no application has been made to upgrade the crossing for this purpose.
- Contractors will need access across the railway line. A lack of progress over recent years towards an application to upgrade the crossing may prejudice the willingness of HMRI to agree to a further period of licensing of a contractor's crossing at the site. Guarantees may be required to close the crossing by diversion over an amended access and egress route using the new bridge or funding may be required for the upgrading of the crossing to the status required for public use
- Object to the bridge detail. Steam trains have emissions of steam and smoke. There is a risk in certain weather conditions of these emissions drifting across the roadway. Traditionally to reduce this risk, smoke hoods have been fixed to the underside of bridges above railway tracks and extending beyond the bridge structure. Request that these are provided and maintained above both the existing line of railway and above the route of the second line that is planned as part of a new station for the Country Park.
- If the concerns raised are addressed, would be happy to withdraw the objections. In general, the provision of this road and its eventual link to the A2 will be a long overdue improvement to the Sittingbourne area that has been too many years in the waiting.

Cost

- Question the cost of the bridge over the right railway
- Cost seems to have been thought of and not much else – believes the scheme to be a waste of taxes and would rather have other things built for the money
- Questions why minimal landscaping is proposed and whether this is due to cost.
- Considers the money could be better spent

Need

- Recognises a need for the road however, the proposed route for the road is wrong
- There is no need for a bypass as there is no traffic problem
- The only people that would benefit from the road are the car and lorry drivers who are non residents of Sittingbourne.
- Appreciate the need for the road but does not feel that the alternatives have been fully investigated.
- The town has changed since the 1970s – this is now not a suitable place to put the road
- Other areas need a new road
- Appreciate the need to balance cost and practicality and the need for the road

General

- Not in favour of the road - Wish for the application to be refused as there are a number of objections to the scheme
- Disgusted with the proposal a lack of thought gone into the proposal and into the route
- Generally support the application but it must be done correctly
- Infringement of human rights
- The road has few advantages to local residents and many disadvantages, those most adversely affected will not gain any benefit from the road
- Planning is a formality now that the finance for the scheme has been raised
- Believes the road has been accepted by KCC and that any protests are too late
- The project will go ahead as planned regardless of the residents' concerns and objections. It is rubber stamping – KCC considering a KCC proposal.
- What reassurances are there that residents' views would be fully and genuinely taken into consideration?
- Why was this choice made?

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- The road did not come up on searches when buying house
- Searches revealed the route of the road being further east, closer to Kemsley Mill – who changed the route, when and why?
- Questions the timing of the road i.e. the route has been revealed just after all the housing was sold
- Was advised that the road would never get funding
- Was unaware that the housing was built on contaminated land – concerned that children are playing on this land
- Concerned about the impact on house prices and the future ability to sell houses
- Concerned about the consultation procedure, particularly for the Public Exhibition
- Poor communication about the road generally and whether it was definite or not
- Wish to have compensation or a reduction in Council Tax
- As the proposed construction programme is deliberately aspirational it is unlikely to be finished on time and this will cause stress and concerns for local residents.
- There will be no compensation available for inconvenience suffered during the building programme
- Why in the absence of a planning permission for the 2 new roads (to include the road which would link Saffron Way and the Trinity Trading Estate to the Northern Relief Road, has a traffic island already been constructed? Is the construction a foregone conclusion?
- Why was the original idea of connecting Ridham Dock to the north east of Milton Creek discarded?
- Why was the receiving end of the bridge on the marshes side reinforced/strengthened 8 years ago?
- Quotes from the Local Plan – new development need to respect environmental concerns, poorly planned development should be prevented to minimise the adverse impacts of the development on the environment, seek to minimise the impact of noise between near and existing uses and road will take heavy traffic out of residential areas – all you are doing is moving traffic from one residential area to another.
- If the road has been planned for years, why were the houses given planning permission?
- Believes the Deputy Prime Minister should look at his own policies of creating large clean green areas in urban spaces before funding this road.
- There remain outstanding technical and procedural issues related to the section of the Milton and Kemsley Distributor Road between Grovehurst Junction and Ridham Avenue – submit a holding objection until these issues are addressed
- Their clients provided a foul and surface water drainage system
- Some of the land is in the ownership of their clients – special consideration and procedures apply
- The proposed fencing is inadequate and its height needs to be raised
- The future possible linkage to the A2 at Bapchild will form a Sittingbourne Bypass. Asks whether residents are being misled about this final stage and whether it will be built.
- Refers to comments made by the Leader of the County Council about housing figures and need to protect the countryside and asks where the 5000 new housing units that are mentioned in the application would be built. Has the local community infrastructure been considered?
- There is no clear way for anglers to leave the road to get to the fishing lake. Concerned about accidents as people try to cross the road.
- The development would alienate commuters who bring money into the town.
- The land reserved on Eurolink could easily be used for other purposes and it should not be assumed that permission is going to be granted.
- The fishing lake is an artificial lake, which could easily be moved.
- The pathway and cycleway are unlikely to be used. Makes reference to the Western Link in Faversham and the number of people that walk along that.

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Believes no planning permission has been granted for the route yet work has already started on the road – this indicates that the scheme is to go ahead despite residents objections
- If this was an existing route which had houses built up to it, there would be less outcry as people would have chosen to live near the road
- The development has appeared very quickly and has changed from that in the Local Plan
- Comments on the need to follow agreed plans and that the Council seems to be able to change their plans at will and begin work prior to any grant of planning permission.
- Was told that there are historical reasons for the route of the road and the need to preserve Castle Rough, the Wildlife and the Light Railway. Questions the importance of these things when compared to quality of life and health.
- Who will stop fly tippers, travellers, off road motorcycle riders and quad bikers from accessing the land between the road and the café? These problems already occur and there is only limited access at the moment.
- Believes KCC should plan the housing and industrial development that they are going to undertake and attempt to keep those who live and work in the community, in that community and happy.
- Question why the roundabout was built in such close proximity to housing when it has such an intense impact.
- The houses in Marsh Rise should never have been allowed to be built so close to the roundabout.
- Government is demanding higher density housing, the community needs industrial estates for jobs but consideration needs to be given to how all these developments affect people in the long term
- Considers at least a half a mile exclusion zone, which is landscaped is required
- The fear that has been instilled into people regarding the road is not acceptable
- Asks what will happen in the future when the road system cannot cope with the traffic, believes money will be spent on widening the road and then traffic will grind to a halt again
- Believes it to be almost too coincidental that now the housing estate is finished and people have moved in that the route of the road has been presented

Additionally, 38 letters of representation were received from the Public Consultation that was held prior to the submission of the planning application. The points raised have been summarised below:

- Public use area to enjoy wildlife – it should remain this way
- Impair/affect quality of life
- Why not improve Ridham Dock Road?
- No benefit to residents who are most affected
- Will it really improve traffic flow of Sittingbourne?
- Public transport network improvement would mean relief road unnecessary
- Survey should be carried out to assess need and public transport alternatives
- Noise reduction for existing road layout negligible, but worse for local residents
- 3.4.74 mitigation measure appears to be incomplete
- Proposal will lead to more housing, therefore what are infrastructure plans
- What compensation will there be for the property devaluation?
- New bridge to Sheppey and A249 to M2 causes congestion, new housing will make it worse
- Moved to area to be by country park and away from urbanised area
- What's happened to £3,000,000 raised for Country Park?
- Safety of children in local area at risk
- Diesel (vehicle) and dust pollution likely

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Access, road crossing to Country Park is important
- Plant up bund to reduce upstairs view of lorries, plant trees close to Walsby Drive
- What about newts, cuckoos and slow worms in Country Park
- Will affect lorry drivers, Ridham Avenue will not be the same
- Want wooden fence and trees along section close to Walsby Drive
- What's happening to road between new bus link and new roundabout, worried it will be used for fly tipping and burnt out cars
- South of Ridham Avenue roundabout has noise fence, but north doesn't
- Concerned about position and safety of pylons. Asks whether the pylons will be taken down
- Concerned about drainage
- Is Newman Drive to be opened up for through traffic to Kemsley Village?
- Will lose heritage and wildlife and it will take away business from the town centre
- The road link to Trinity Estate would put more traffic on the roundabout at Lower Milton and the surrounding area, which is already busy
- Length of construction period queried
- The cycleway will need something to stop motor cycles going up and down it
- An improvement awaited for years, very progressive, it will enable more people to view the scenery, very good
- A low noise road surface should be used
- Believes the road to be good in principle if everyone's points are taken into consideration
- General concerns about consultation, the Public Exhibition and that the road would be built regardless of residents' views
- Agree with the need for the road but disagree with the location
- Why was this route chosen and not an alternative route?
- Concerned about the distance from residential properties
- Alternative routes should be considered. Make a number of suggestions on what these could be
- Question the height of the lamp posts and raise concerns about light pollution
- Concerned about structural damage from traffic vibrations
- Concerned about noise pollution during construction and on completion of the development
- Believes residents should be offered noise reducing facilities
- Question whether the congestion that would occur at the roundabouts has been taken into account when measuring pollution levels.
- Concerned about the impact of the development on species and nature areas
- Comment on the 'minimal' landscaping. Asks whether mature trees can be planted
- Asks whether the noise barrier fence could be located along the embankment to reduce light pollution
- Suggests additional funding is sought
- How will the proposed fence reduce noise?
- How were the noise pollution figures arrived at when there is nothing there at the moment?
- Phase 1 is currently being built and phase 2 looks like a Sittingbourne Northern bypass and if joined up to the A2 at Bapchild would be carrying substantial amounts of traffic
- Sittingbourne needs a bypass and Sittingbourne Town Centre needs traffic relief
- Concerned about potential traffic volumes
- Wishes for the impacts of the development to be minimised
- Surprised about the lack of discussions/public consultation and that the road did not come up on property searches
- Concerned about the speed limit. Does not believe that the 40mph speed limit would be enforced. Believes the speed limit should be 30mph

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- Believes that the road would make the creation of the Country Park pointless
- What safety measures are proposed to protect the users of the Country Park and fishing lake?
- What noise and dirt mitigation measures are proposed, hours of working, the number of large machines and what policies are there to ensure that gypsies cannot access the country park?
- The bunding should be planted now
- Understands the need but is concerned about the impact on the Country Park and the safety of users of the park
- Health and safety and quality of life concerns
- Concerns that at its low points that there would be easy access to the road for children
- Concerns about the safety and security of children, animals and property
- Visual impact of concern
- Will the road really improve Sittingbourne's traffic flow?

Comments have also been received from the manager of the Church Marshes Country Park who comments as follows:

- The number of parking places for the fishing lake should be at least 6
- Access to all parts of Church Marshes Country Park should be maintained during construction work on the road and, most importantly, after road completion.
- The construction works access road, which runs through Church Marshes, should be finished at the end of the road works to the standard agreed with Rural Arisings by Swale Borough Council.
- There is no provision for bicycle access to the park from the road

Letters of support:

- There is an urgent need for the road to maintain growth within North Kent and to maximise the benefit of past and current investment in the area not least through the sustainable communities plan and improvements to the A249 trunk road
- The scheme is the key component of providing an effective road network for Sittingbourne and is vital to the future regeneration and commercial success of the town, which is currently hampered by constant traffic problems
- The provision of the road was a key factor in the relocation of a company to the area as it would provide easy access and would prevent the need to drive through the town centre and residential areas.
- Was advised that this road would be built before the Millennium
- Consider the road to be vital to Sittingbourne's commercial success and safety of the residing community
- The scheme will improve local infrastructure and alleviate congestion, allowing traffic to avoid residential areas during peak times
- The scheme will ensure vehicle movement from M2 and A249 is channelled efficiently to industrial and commercial areas avoiding residential communities and supporting the competitiveness of local industry and commerce
- It will ensure that the town grows in a sustainable manner, it will provide jobs to complement the new housing development that is envisaged as part of the Thames Gateway
- The road will enable constructive growth so avoiding negative consequences of ill conceived expansion.
- The scheme would give a better quality of life to residents in the area
- Wish for early completion of the full Sittingbourne Northern Relief Road
- Congestion adds to business costs and the road would enable goods to be moved more efficiently and cost effectively without the need to enter the congested areas of town

Sittingbourne Northern Relief Road, Milton Creek Crossing (Ridham Avenue to Castle Road) – SW/04/1453.

- The road would provide the opportunity for businesses to maintain or improve service to local residents, provide them with value for money and allow businesses to remain competitive.
- Hopes the project will be given the priority it deserves and that the local community will enjoy an early solution to the problems currently faced.
- Is aware of the congestion problems that occur in central Sittingbourne and the need to improve infrastructure
- It will ease congestion on roads that were originally designated for housing not industry
- The scheme is vital to the existing road network and to the continued success of the town
- Sittingbourne is used as a bypass when there are problems on the M2 and its road cannot cope with it, causing frustration to residents/occupants of the town and the people trying to travel through/arrive
- The increase in traffic over the last 10 years has been phenomenal
- The majority of industry in the town is sited on the Northern side and traffic that needs to access this industry comes mainly from the three remaining directions.
- Dedicated transport links are desperately required to allow traffic to reach its intended destinations instead of standing in traffic jams. It will relieve pressure on domestic users and reduce pollution from exhausts so benefit the environment
- Understands the concerns of the Church Milton residents but a large amount of wildlife was lost when the housing was built, moving the road further north will cause more wildlife disturbance and it is time to put the environment first.

APPLICATIONS SW/04/1453 – CONSTRUCTION OF A SINGLE CARRIAGEWAY ROAD AT LAND BETWEEN RIDHAM AVENUE, KEMSLEY AND CASTLE ROAD, SITTINGBOURNE.

NOTES of a site visit held at Sittingbourne on Thursday 27 January 2005.

MEMBERS PRESENT: Mr J F London (Chairman), Mr F Wood-Brignall (Vice-Chairman), Mrs V J Dagger, Mr J B O Fullarton Mr A R Poole and Mr J H Tolputt. Mrs P M Stevens was present as the Local Member.

OFFICERS: Mrs L Owen and Mr J Crossley (Planning) and Mr J Walker (Legal and Secretariat).

THE APPLICANT: Mr Farmer

OTHER LOCAL AUTHORITIES: Swale Borough Council – Councillors Barnicott, Clarke, Gent, Stokes, Truelove and Whelan. Mr P Taylor (Development Control Manager)

ALSO PRESENT: There were nine residents present from the nearby housing development and two representatives from Jacobs Babbie

- (1) The Chairman opened the visit by explaining that its purpose was to enable Members to familiarise themselves with the application site and to gather the views of the Technical Officers present. He then invited Mrs Owen to outline the application.
- (2) Mrs Owen briefly described the planning issues involved. She stated that Members would be able to inspect three sites along the proposed route of the Sittingbourne Northern Relief Roads (SNRR) and reminded them that they were only considering the section from Ridham Avenue to Castle Road.
- (3) Mrs Owen explained that the road would be located within the Milton Creek Site of Nature Conservation Interest and two Local Landscape Areas. It would be adjacent to a Special Landscape Area and approximately 400 metres from the Swale Special Protection Area, Swale Site of Scientific Interest and Swale Ramsar Site. Public rights of way ZU1 and ZU2 ran alongside the Milton Creek.
- (4) Mrs Owen stated that the road would cross the Church Marshes Country Park, which was currently under construction, and would also cross Milton Creek, Sittingbourne and Kemsley Light Railway, Kemsley Drain and the Church Marshes closed Landfill site. The road would be 7.3 metres wide with one metre edge strips and would be kerbed. It would have a footway on the north side and a combined footway and cycleway on the south side. A 40mph speed limit would operate on the road and directional cut-off street lighting was proposed along the route. At the closest point the road would be sited approximately 34 metres from residential properties.

D1.38A

Appendix 1

- (5) Mrs Owen explained that the history of the SNRR could be considered as two elements; the Milton and Kemsley Distributor Road (MKDR) and a connection across Milton Creek to serve East Sittingbourne. Kent County Council first approved MKDR proposals in 1975 and a revised proposal was approved in 1995. Housing at Church Milton was constructed after the MKDR was first proposed and the extent of the development had been largely dictated by the alignment of this proposed route.
- (6) Mrs Stevens stated that whilst most residents were in support of the SNRR they were concerned with the impact its current alignment would have on local housing and wildlife, in particular the Church Marshes Country Park.
- (7) Mr Fullarton asked at what height the road would cross the Light Railway and what noise mitigation methods would be put into place? In response to this Mr Farmer explained that the road would cross the Light Railway at a height of four metres and that noise mitigation would be provided with a one and a half metres high bank and a one meter high noise reduction fence alongside the road.
- (8) Mr Whelan asked how high up the current flood bund the road level would be? In response to this a representative from Jacobs Babbie explained that at the lowest point it would be approximately one third of the way up the height of the bund.
- (9) Mr Stokes asked why the road could not be realigned further away from residential properties? In reply Mr Farmer stated that this route had been agreed as it impacted least upon the nearby nature reserve and other sensitive areas.
- (10) Local residents raised many points including; the route should be moved approximately 800 metres northwards, the Church Marshes Country Park should not be intruded upon and the road would require enforcement measures to ensure that speed restrictions were adhered to. Concerns were also raised in regard to traffic pollution and vehicle lights being intrusive on property windows. Residents also expressed their unhappiness that the proposed roads has allegedly not appeared on land searched carried out when their properties were purchased.
- (11) Mr Fullarton asked if there were any technical reasons why the road could not be realigned further from residential properties. In response to this a representative from Jacobs Babbie stated that there were no major technical difficulties that would preclude a possible realignment of the road but that additional costs and intrusions into sensitive land areas would need to be assessed.
- (12) In reply to a question Mr Farmer outlined the process that still needed to be progressed before construction began. He explained that if no objections were received, construction could commence as early as Spring or Summer 2006.
- (13) The Chairman thanked everyone for attending. The notes of this visit would be appended to the Committee report when the application came to be determined.

Di. 39A

19/06/2006

1 (6)

Mr John Farmer
Kent County Council
Invicta House
County Hall
Maidstone
Kent ME14 1XX

RECEIVED
22 JUN 2006
PLANNING
APPT

RECEIVED
20 JUN 2006
PLANNING
MILTON DEVELOPMENT

Dear Mr Farmer

Re: Sittingbourne Northern Relief Road (NRR)

Further to our recent discussions and Notice of Objection to the above, M-real wish to confirm the detailed reasons why they object to the proposed amendments to the route of the NRR and we set out below the reasons for our objection.

The construction and design of the recently completed Northern section of the NRR, formerly the MKDR was undertaken by Kemsley Fields Limited in consultation with M-real who adapted their land holdings to enable the route of the MKDR to be built to its existing alignment. This followed the refusal by KCC to promote the MKDR or indeed contribute in any way to its funding. This is despite the fact that the MKDR between Grovehurst Junction of the A249 and Ridham Avenue provides the necessary infrastructure to enable the employment land around Kemsley Mill to be released and to enable the removal of a significant number of vehicles passing through Kemsley Village to Kemsley Paper Mill.

Kemsley Fields Ltd and M-real have made a major contribution towards the improvement of amenity to the bulk of the residents in the original part of Kemsley Village, as well as a very significant contribution to enable the NRR to proceed thus providing the wider benefits of this road to the whole of Sittingbourne.

The original route of the MKDR south of Ridham Avenue, now the NRR, is a long established route and there may have been some justification in moving the road away from the tidal protection bunds surrounding the Church Milton Development, for technical and environmental reasons.

The relocation of the road eastwards from Recreation Way is however, in our view, a purely politically motivated decision and has no justified or technical reason for change, as highlighted in KCC Officers own Report to Members prior to the Highways Advisory Board meeting in November 2005.

The principle reason why route alternative B was adopted by Members appeared to be entirely based on the objections from residents of Recreation Way and one or two local Politicians who only appeared to reflect the views of the very limited number of residents

M-real New Thames Limited
Sittingbourne,
Kent, ME10 2SG,
United Kingdom

Telephone +44 1795 564444
Facsimile +44 1795 564555
Email firstname.lastname@m-real.com
Internet www.m-real.com

Registered in England, No. 543506, Registered Address: Sittingbourne, Kent ME10 3ET
VAT Registration number GB702 9387 31

Make it real.

DI. 51

19/06/2006

m-real

2 (6)

objecting to the original road alignment. Members did not balance the enormous benefit of the new road and the deliverability of the road within a reasonable timescale.

The development and purchase of houses in Recreation Way was made in full knowledge of the proposed NRR, as indeed are the houses currently being developed and sold within the new Wimpey and Bryant Homes Development to the north of Kemsley. These houses are just as close to the existing MKDR and we must therefore ask why a limited number of residents in Recreation Way are being given priority over all other residents within close proximity to this road and indeed all other roads of a similar situation.

We would wish to remind Kent County Council Officers and Members that the principle purpose of the NRR is to support employment and industry in Sittingbourne and the decision to disadvantage the very companies that have made a major contribution to employment in the area is completely unjustified.

M-real were prepared to cooperate with the Highway Authority to enable the Ridham Avenue to Milton Creek connection that was in accordance with the previous Planning Applications and Agreements. M-real now see the alternative to this route to be such a significant variation to all previous agreements that they will now maintain an objection to and resist the re-alignment of the proposed route that will have a serious impact on their existing operations, future expansion plans and services.

M-real therefore object to this revised scheme as shown on drawing no. 4568/WD/51E but confirm that it has no objection to the original scheme which was submitted for planning as shown on drawing no. 4568/WD/49C, or indeed the earlier consultation plan no. 4568/WD/46A.

The Basis for our Objection

M-real is a land owner affected by the proposed scheme and believe that this scheme as shown on drawing no. 4568/WD/51E will have a substantial adverse effect on both its land and business interest in the area.

Land North of Ridham Avenue

Land to the North of Ridham Avenue is designated for employment use in the Local Plan and has Outline Planning Permission for business development. This land has been specifically retained by M-real for future expansion of the Paper Mill.

More particularly the shape and dimensions of the site were created to enable the provision of a new paper machine and associated buildings that would provide the opportunity for future expansion of Kemsley Mill. Investment in such a project would be in the order of £200Million. As this area of land is the only area available for expansion, it is imperative that this land is protected against any encroachment.

M-real New Thames Limited
Sittingbourne,
Kent, ME10 2SG,
United Kingdom

Telephone	+44 1795 564444
Facsimile	+44 1795 564555
Email	firstname.lastname@m-real.com
Internet	www.m-real.com

Registered in England, No. 543506, Registered Address: Sittingbourne, Kent ME10 3ET
VAT Registration number GB702 9387 31

Make it real.

D1. 52

19/06/2006

m·real

3 (6)

If future expansion is in any way compromised by either the taking of land reserved for M-real's future development scheme or restrictions to the site's accessibility from Ridham Avenue, this would seriously and adversely affect the future business of M-real.

We therefore wish to make it absolutely clear, that the relocation of the roundabout and road alignment proposals may actually remove the future potential to M-real's business, rather than just restricting or altering its future opportunities. If this is the case and without wishing to overstate the position, the potential loss to this company would be calculated in multi million pounds and under these circumstances this company is not prepared to allow the current road proposals to be implemented on or through their land. If necessary M-real will take Court Action to prevent KCC promoting this scheme on the basis that it will materially affect the future use of Kemsley Paper Mill.

M-real also object to the proposed re-alignment of the existing MKDR roundabout, as this will place the new roundabout too close to the Security Entrance and weighing platforms to the Mill Site.

The provision of a slip road combined with the shortened queuing section of road will cause severe health and safety issues and to date M-real are not satisfied that Officers have been able to suggest any satisfactory solution to M-real's concerns.

The combination of the re-aligned roundabout and slip road not only removes land from M-real's ownership, it endangers the existing access onto Ridham Avenue and creates a situation whereby queuing vehicles to the Paper Mill will almost certainly back up onto the proposed new road alignment, potentially blocking the Ridham Avenue roundabout and the NRR itself.

M-real must therefore ask the question, can the re-alignment of the road be justified when such a dangerous and potentially unsatisfactory situation is created. These issues surely far outweigh any marginal benefits that are gained by the re-alignment of the road.

Pipeline

We would also wish to advise you that we are extremely concerned that the proposed new alignment would require the private water main that serves Kemsley Mill to be altered once again. This water main is imperative to the continuation of manufacturing for both M-real and St Regis Paper Company.

If there is any interruption to the flow of the pipe the cost of lost production to these companies is calculated at least £600,000 per day. This is not an insurable risk and M-real and St Regis are not prepared to risk such an eventuality by allowing any further alterations to their pipeline for unnecessary road re-alignment works.

M-real New Thames Limited
Sittingbourne,
Kent, ME10 2SG,
United Kingdom

Telephone +44 1795 564444
Facsimile +44 1795 564555
Email firstname.lastname@m-real.com
Internet www.m-real.com

Registered in England, No. 543506, Registered Address: Sittingbourne, Kent ME10 3ET
VAT Registration number GB702 9387 31

Make it real.

>1-53

19/06/2006

m·real

4 (6)

Whilst the water main was altered to accommodate the existing MKDR this was justified as it allowed the old pipe to be replaced.

We must therefore advise you that M-real will not consider the alteration of this private pipe for the repositioning of the existing road as a justifiable reason.

Land South of Ridham Avenue

The re-alignment of the road would also impact on the area of land south of Ridham Avenue, that has until recently benefited from Planning Permission for the extension of the Kemsley Mill Car Park and a recent Planning Application to renew that consent has now been appealed. The proposed re-alignment of the road will substantially reduce the approved car park area which therefore creates a further intrusion to the future Mill operational area.

The re-alignment of the road effectively removes the future expansion of the Mill Car Park and potential development land that would be available to Kemsley Mill. M-real would again wish to question how a new road designed to create and enhance employment, should now be allowed to sterilise and lose potential employment land and the facilities that support employment. Again this is completely unjustified.

Charles Austin Site

Charles Austin carries out work within Kemsley Mill and therefore the removal of their premises is particularly unfortunate. The close proximity of their business is beneficial to Kemsley Mill.

Prior to the announcement of the new road scheme, Charles Austin was about to acquire the premises and reinvest in this location. The removal of this business to elsewhere in Sittingbourne is again completely unjustified.

The Proposed Line of the Road

We understand that the objective of revising the original route was to move the road further away from the existing residential properties in Church Milton and Recreation Way. Whilst M-real have sympathy with residents this route has been known and has been public knowledge for many years.

We do not understand why the residents of Recreation Way are being treated differently to the residents at the eastern end of Kemsley Village or indeed the residents of the new Wimpey/Bryant Homes Development, all of which live adjacent to the existing MKDR route.

If the new NRR route is to be moved to safe-guard the amenity of residents in Recreation Way, should not the whole route of the MKDR be altered in a similar manner.

M-real New Thames Limited
Sittingbourne,
Kent, ME10 2SG,
United Kingdom

Telephone	+44 1795 564444
Facsimile	+44 1795 564555
Email	firstname.lastname@m-real.com
Internet	www.m-real.com

Registered in England, No. 543506, Registered Address: Sittingbourne, Kent ME10 3ET
VAT Registration number GB702 9387 31

Make it real.

D1-54

19/06/2006

m·real

5 (6)

There is of course no difference and there is no substantial justification to treat Recreation Way differently to other residents in the area.

When Recreation Way was designed, detailed Noise Assessments and Attenuation Measures were agreed to protect the homes against any impact from the new road.

Circumstances have not changed from that time and the decision by Members to completely upturn the previous planning decisions and thereby disadvantage the employment sector is absolutely disgraceful.

We would further highlight that the houses in Recreation Way have also been constructed close to the overhead power-lines, which we may say present a greater health and safety hazard than the proposed road.

The area of Recreation Way was originally to be developed as a business location, which would have provided a buffer to the road and indeed the power-lines.

The approval of housing was therefore given with the above background and knowledge and to now re-locate the road after approving those houses, does seem extremely short sighted and is quite unacceptable to M-real.

The existence of power-lines would preclude any further easterly development of the residential land. This would result in an un-developable corridor of land along the original road alignment.

Under these circumstances, to waste land to the east of the power-lines that would otherwise provide employment use, does seem to be completely contrary to Government Policy for land use.

We would therefore submit that Members have not been made fully aware of the full background and planning considerations relevant to the proposed route and that they have merely bowed to pressure, from a minority of residents who acquired their properties in full knowledge of the established road alignment, that has already been fully considered through the Planning Process.

The additional distance which the amended scheme achieves, in terms of separating the road from the existing housing, is very small and is therefore unlikely to make any material difference to the residents when compared with the earlier scheme.

With the knowledge of past planning history residents cannot claim that they were unaware of the road proposals in this location as details of the road would have been revealed in Local Authority Searches. M-real will therefore be taking formal Legal Advice concerning the reasons for the change of alignment and its justification by Members and would wish to put

M-real New Thames Limited
Sittingbourne,
Kent, ME10 2SG,
United Kingdom

Telephone	+44 1795 564444
Facsimile	+44 1795 564555
Email	firstname.lastname@m-real.com
Internet	www.m-real.com

Registered in England, No. 543506, Registered Address: Sittingbourne, Kent ME10 3ET
VAT Registration number GB702 9387 31

D1. 55

Make it real.

19/06/2006

m-real

6 (6)

KCC Officers and Members on notice that M-real feel so strongly that the current proposed re-alignment cannot be justified and if necessary will consider taking Legal Action against the Highway Authority to protect their Business and Land Holdings.

As such M-real regrets that not only does it object to the amended Planning Application but wishes to put the Highway Authority on Notice that it will not make land available for the proposed scheme or indeed allow works to or over its private services.

Summary

It is M-real's opinion that the Highway Authority has effectively made decisions in respect of the re-alignment in this road without seriously considering the impact of existing businesses and land owners for the benefit of a very small number of residents, that have not been or indeed would be materially disadvantaged.

We must emphasise that M-real will use all their power to resist the current proposals both in respect of any potential land acquisition and interference with its private services.

Until such time as Officers and Members fully understand the strength of this resistance, no doubt the proposed Northern Relief Road will be delayed or indeed will not be implemented until such time that a reasonable position is re-adopted and the proposed road is returned to its original alignment.

In that case M-real will not object to that scheme and indeed will assist wherever possible to enable that road to be implemented.

Yours sincerely,



PP
Mr David Scudder
Company Secretary

M-real New Thames Limited and
M-real Sittingbourne Limited

M-real New Thames Limited
Sittingbourne,
Kent, ME10 2SG,
United Kingdom

Telephone	+44 1795 564444
Facsimile	+44 1795 564555
Email	firstname.lastname@m-real.com
Internet	www.m-real.com

Registered in England, No. 543506, Registered Address: Sittingbourne, Kent ME10 3ET
VAT Registration number GB702 9387 31

Make it real.

DI . 56

Appendix 3



Our ref: GE/MK/F330-02

19 April, 2006

J Farmer Esq
Kent County Council
Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Stratton Park House, Wanborough Road
Swindon, SN3 4HG

Telephone
01793 828000

Facsimile
01793 835500

Email
admin@pfapl.com

Website
www.pfapl.com



RECEIVED
18 APR 2006

COPY TO D.C.	214/03
ACK	214/03
LET FLET SENT	214/03

Dear John,

SITTINGBOURNE NORTHERN RELIEF ROAD

As you will be aware, PFA Consulting are advising Fletcher Challenge Forest Industries (FCFI) in respect of the emerging proposals for the SNRR and in this role I have been instructed to write regarding the above.

Fletcher Challenge Forest Industries regret to note the amendment to the planning application for the Sittingbourne Northern Relief Road. This response is an **objection** and statement of their position in respect of the revised route as now proposed by KCC.

FCFI wish to remind KCC that the proposed road is to be connected to the section of road formerly known as the MKDR, which has been designed, funded, and promoted through to adoption, by them and their partners through their joint company Kemsley Fields Ltd.

This section includes the very expensive connection to the Grovehurst Junction and the road across the railway and the resultant significant costs payable to Network Rail to enable this road to cross the railway. All of this is now to be used for the benefit of the NRR without cost to KCC and has obviated the need for KCC to undertake lengthy and difficult negotiations, and potential CPO proceedings, in respect of the railway crossing.

The construction and the design of the road was undertaken by Kemsley Fields Ltd, the majority shareholder of which is FCFI. This followed the refusal by KCC to promote the MKDR or indeed contribute in any way to the funding. This is despite the fact that the road to Ridham Avenue provides the necessary infrastructure to enable some 150 acres of employment land to become available and to re-direct the impact of papermill traffic from Kemsley Village.

It is therefore FCFI's view that they have made a major contribution (*through Kemsley Fields Ltd*) to the strategic, and long term, provision of employment growth to Swale in accordance with the objectives of the Thames Gateway. The provision of the MKDR also provides a major contribution to the strategic highway network of Sittingbourne for the benefit of the community as a whole and more particularly the established residents of Kemsley Village.



With the above background in mind FCFI find the re-alignment of the southern section of the MKDR, now promoted as the NRR, to be illogical by all technical assessments and indeed is very disappointed that KCC at a political level have chosen to disadvantage the very Company that has, by their own resources, provided the Ridham Avenue to Grovehurst Junction section of the NRR that will now benefit the rest of Swale.

Whereas FCFI were happy to co-operate and enable the Ridham Avenue to Milton Creek connection that was in accordance with the previous planning applications and agreements, FCFI now see the alternative to this route to be such a significant variation to all previous agreements that they will now object to, and resist, the latest proposal.

FCFI therefore **object to the revised scheme** as shown on drawing number 4568/WD/51E but confirm that it has no objection to the original scheme which was submitted for planning as shown on drawing 4568/WD/49C, or indeed the earlier consultation plan 4568/WD/46A.

The basis for the objection

FCFI is a landowner affected by the scheme and believe that the scheme as shown on drawing 4568/WD/51E will have a substantial adverse affect on both its land, and business interests in the area, and the basis of their objections are set out below.

Land South of Ridham Avenue

Land to the south of Ridham Avenue is included within the built up area boundary and a significant balance of the land is "white" land in the emerging Local Plan. It is not covered by any statutory designations and, without doubt therefore, being within the Thames Gateway area and adjoining the existing urban area has considerable "hope" value. It is also the subject of an objection to the emerging Local Plan on the basis that it should be identified for development.

Swale Borough Council's economic development department have identified a shortfall of business land, and promotion of this site, which is within the built up area boundary, is a valid reason for inclusion within the Local Plan designation.

Part of the land has, until recently, benefited from planning permission for the extension of the Kemsley Mill car park and a recent planning application to renew that consent has now been appealed.

The effect of the scheme as now proposed will not only be to "take" land which has development potential, but also to sterilise the remainder of this land, as it does not appear that there would be any realistic prospect of achieving an acceptable access into this land for development purposes without taking land from the existing Mill car park which is used by a number of disparate companies who operate within the Mill complex. As such, it would not be possible to use part of the car park as an access to development land without those other interests providing their agreement, and with providing replacement car parking.



The re-alignment of the road effectively removes around five acres of business development land and sterilises a further eight acres of potentially developable land. The underlying purpose of the road is to promote business employment in the Borough and the sterilisation and loss of potential employment land by a road that is intended to enable employment is extremely difficult to comprehend.

In such circumstances, FCFI would seek compensation from the Highway Authority not only for the land taken, but also for the sterilisation of other land which the scheme would result in.

Charles Austin Site

Prior to the release of the newly proposed route, FCFI and Charles Austin were about to exchange contracts for the sale of the site occupied by Charles Austin's business together with additional adjacent land. This would have enabled Charles Austin to redevelop their buildings and remain in this location in order to continue their service to the papermill, which is a significant part of their business.

The proposed removal of this business which arises from the realignment of the road, has therefore caused considerable uncertainty to Charles Austin, and he will no doubt be writing to you separately. The withdrawal of this sale by Charles Austin result in a significant financial loss to FCFI and will therefore form part of any potential claim against the Highway Authority.

The proposed line of the road

We understand that the objective of revising the original route was to move the road further away from the existing residential properties in Church Milton and Recreation Way.

There are however a number of reasons why we believe the decision of Members to revise the route was flawed. We would submit that the following information, which may not have been before Members, is especially relevant to the decision making process.

Planning Background

a) Current Development Plan

The relevant Development Plan is the Swale Borough Local Plan 2000. On the Proposals Map to that document the alignment of the MKDR (Grovehurst Junction to Mill Way) is shown. The alignment was subject of a Public Inquiry into objections to the Local Plan in 1996/98. The reasoned justification to Policy IN42 of the Plan states in terms that "planning permission has been granted for the road". Consequently, unlike the alignment indicated in the adopted Local Plan, the current proposals by KCC do not benefit from examination at Public Inquiry or carry the weight of the adopted Local Plan.

In the Officer's Reports, the facts that (a) the adopted Local Plan states that the road has planning permission; (b) that the established alignment has the status conferred by the adopted Local Plan, are not highlighted.



d) Greenfield land take

In PPG3 (Housing) and particularly in Thames Gateway, Government policy gives preference to the use of brownfield land. However, where greenfield land is to be used it must be used efficiently. Clearly, the District Council's Environmental Health Department did not consider it necessary to require a buffer between the Recreation Way houses and the MKDR, and the housing development (as approved) and the MKDR (as approved), makes efficient use of greenfield land. To now create an area of sterilised land between the road and housing would not use greenfield land efficiently and thus would be in conflict with Government policy. This issue was not taken into account by KCC Members.

e) Buffer

In the original planning permission for the MKDR (Grovehurst Junction to Kemsley Drain) B1 development was proposed between what is now the Abbey Homes development and the MKDR. The B1 development was intended as a noise shield between Kemsley Mill and any housing in the area.

Sometime during the 1990's an application was made to delete the B1 buffer and following the submission of technical reports etc Swale BC granted planning permission for the housing and the MKDR without a B1 buffer, ie the Planning Authority in consultation with its Environmental Health Department (a) considered that buildings to shield the housing development from road and industrial noise were not necessary and, (b) did not consider it necessary to impose a stand off distance between the housing and the road.

The above material considerations have not been considered by KCC Members.

f) Alternative use of safeguarded highway land

In the report of November 2005 the Officer's report that Rexam have indicated a preference for Alternative B (moving J5) because it would give potential development opportunities for its land. This assumption is questioned.

It appears that Rexam (and perhaps KCC) assume that all the land between the western edge of the Alternative Route B and existing houses in Recreation Way would thus be made available for development. Notwithstanding the fact that housing development is unlikely to be permitted due to the constraint of the power lines (although B1 development may be acceptable) it seems that Rexam and KCC have mistakenly assumed that the built up area boundary would be relocated to the east along with the new road alignment. In practice, technically, the built up area boundary would remain in the position shown on the adopted Local Plan and thus the land development area created would be literally 7.3m wide and would be unlikely to be suitable for development.

Again, the above material consideration has not been considered by KCC Members.



g) Material change in circumstances

Section 36(8) of the Town & Country Planning Act 2004 requires that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The construction of the Recreation Way houses, does not in our view constitute a material change in circumstances in light of the planning history of this area.

The material consideration in question, ie the amenity of residents with regard to noise, has already been taken into account; first, at the Public Inquiry in 1992; second when the Council resolved that the B1 buffer was not required; third, when the route was identified in the adopted Local Plan; fourth, when the road was included (unchanged) in the First Deposit Draft Local Plan Review and; fifth, in the Re Deposit Draft Local Plan.

Significantly, Members should therefore be aware that the amenity of residents has already been taken into account and cannot now form the basis of an argument for moving the alignment.

We would therefore submit that Members are not aware of the full background and planning considerations relevant to the proposed route and that they have merely bowed to pressure from a minority of residents who acquired their property in full knowledge of the established road alignment that has already been fully considered through the planning process.

Highway Matters

The additional distance which the amended scheme achieves, in terms of separating the road from the existing housing, is relatively small and therefore is unlikely to have any material implications in terms of noise, fumes and lighting when compared with the earlier scheme.

The amended scheme is unlikely to affect either the number, or value, of any "part 1" claims which might result as a consequence of the scheme.

It is reasonable to assume that the Officers of the Highway Authority and its advisors were content that the "original" alignment would not have an unacceptable impact upon residential properties on the west side of the road.

A strategic road in this vicinity, is identified in the Adopted Local Plan and has been identified in various statutory planning policy documents since at least the early 1990's. Local residents have therefore had a number of opportunities to object to the line of a road in this immediate vicinity but independent Inspectors have recommended that the road line as proposed be identified in the Development Plan. With the benefit therefore of this planning history, particularly with respect to the most recent houses at Recreation Way, if residents claim that they were not aware of the proposals for a road in this location, that is a matter which they should take up with their solicitors as clearly the existence of such proposals would have been revealed in Local Authority searches. This would be a matter of fact which can easily be verified.



Other Matters

Because of the significant impact upon its interests, FCFI regrets that, not only does it object to the amended planning application but wishes to put the Highway Authority on notice that it will not willingly make available land to enable the scheme as shown on drawing 4568/WD/51E to be constructed. The Highway Authority will therefore be required to serve Compulsory Purchase notices on FCFI and such notices will be resisted with vigour and FCFI will adduce expert evidence at any CPO Inquiry to support its objections to the CPO. Such objections will certainly result in the prolonging of any Inquiry and will result in the Highway Authority having to devote additional resources to deal with that objection. It is possible that the effect of those representations may also prolong both the Inspector's, and the Secretary of State's, consideration of the issues, and thus delay any eventual decision.

Furthermore, the objection introduces a significant element of uncertainty into the scheme in that, in the event that the Secretary of State upholds FCFI's objection, it will be necessary for the Highway Authority to "start again" in terms of both the planning process and the necessary land acquisition process. We respectfully submit that, in such circumstances, there may be a strong risk that funding for the scheme may be lost and whilst FCFI would not wish this to happen, as you will appreciate, it has a duty to its shareholders and it would be failing in that duty if it did not pursue this objection.

There is a further factor which must be taken into account and that is in relation to the reconstruction of the roundabout at Ridham Avenue. This roundabout has already been constructed (at no cost to the Highway Authority) in the anticipation that any extension of the road would be along the line originally envisaged. This work is rendered abortive by the scheme as now proposed, resulting in the Highway Authority having to provide a new roundabout, at a substantial cost, where an existing perfectly acceptable arrangement presently exists.

In the event that the Secretary of State were to accept the Council's new alignment and confirm any Compulsory Purchase Orders that the Council might make in respect of the present scheme, because of the valuation issues identified above, there is a possibility that agreement on valuation would be unable to be reached, thus necessitating determination by the Lands Tribunal. This would result in additional costs to the Council and again introduces an unknown, and potentially significant, financial implication into the scheme.

As identified above, FCFI were required to make substantial payments to Network Rail in respect of the section of the MKDR that crossed the Sittingbourne to Sheppey railway and likewise consider that the crossing of FCFI land may be subject to appropriate recompense to release development value that benefits from the construction of this road. In the event therefore that the scheme proceeds without FCFI's agreement, FCFI would therefore wish to explore whether, any potential S106 obligations to contribute to the scheme by other developments are applicable or indeed whether reimbursement of such payments that have been, or will be, made to Network Rail should be reimbursed, or shared by other beneficial parties to the road and rail crossing already constructed.



Summary

On behalf of FCFI, we wish to **object** to the amended planning application for the Sittingbourne Northern Relief Road.

FCFI also wishes to place on record that it will object to any CPO which is served on it, on the basis that the scheme has a significant adverse impact upon its land holdings as described in detail above, and that an acceptable alternative exists, and that the Highway Authority has chosen to ignore previous agreements with them.

FCFI acknowledges, and regrets, that its stance may result in potential delays and increased scheme costs. Whilst the Highway Authority may consider that, as a percentage of the total scheme costs, such additional costs may not be significant, it is submitted that

- (a) The Council cannot be assured that such costs will be small, particularly if a significant area of development land is sterilised or compromised in terms of its development potential.
- (b) Whilst as a percentage of the scheme costs, any additional costs may be small, they will undoubtedly be significant in their own right and the Highway Authority has, it is submitted, a duty to ensure that unnecessary costs are avoided.

FCFI would **not object** to the scheme as originally submitted for planning (*drawing number 4568/WD/49C*) and would treat voluntarily with the Highway Authority for the land necessary for the construction of the road thus removing any uncertainties in terms of land acquisition costs, as well as the Council's administrative costs of resisting the objection. The absence of such a statutory objection may also potentially speed up the overall decision making process.

FCFI requests therefore that the planning application is further amended so as to replace plan 4568/WD/51E with plan 4568/WD/49C. However, it does recognise the "difficulties" which such a course of action would give rise to. In such circumstances, it therefore suggests that a suitable course of action would be for the determining Committee to be presented with both schemes, so that it is able to properly consider, and compare, both schemes and the respective objections in order to consider the totality of the implications of one scheme as compared with the other.

I would be pleased if you could acknowledge receipt of this letter and provide me with copies of any further Committee Reports (as soon as they are available) in relation to this scheme and the issues raised in this objection and I reiterate that FCFI would prefer to work with, rather than "against", the Highway Authority to enable the SNRR to be provided as expeditiously as possible.



Yours sincerely,

A handwritten signature in black ink, appearing to be 'G. Eves', written in a cursive style.

Graham Eves
Director
Email: geves@pfapl.com

cc J Ollard Fletcher Challenge Forest Industries

9

DI.65.

This page is intentionally left blank

Item D2**3 Pagodas at The Bradbourne School, Sevenoaks.
SE/06/1256.**

A report by Head of Planning Applications Group to Planning Applications Committee on 18 July 2006.

Application by The Governors of Bradbourne School and KCC Children, Families and Education for 3 new pagodas at The Bradbourne School, Bradbourne Vale Road, Sevenoaks. SE/06/1256.

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr N. Chard

Classification: Unrestricted

Site

1. The Bradbourne School is located on the A25 to the north of Sevenoaks. The site is in the Metropolitan Greenbelt and situated inside the Kent Downs Area of Outstanding Natural Beauty. It is also in an area of Local Landscape Importance. A site location plan is attached.

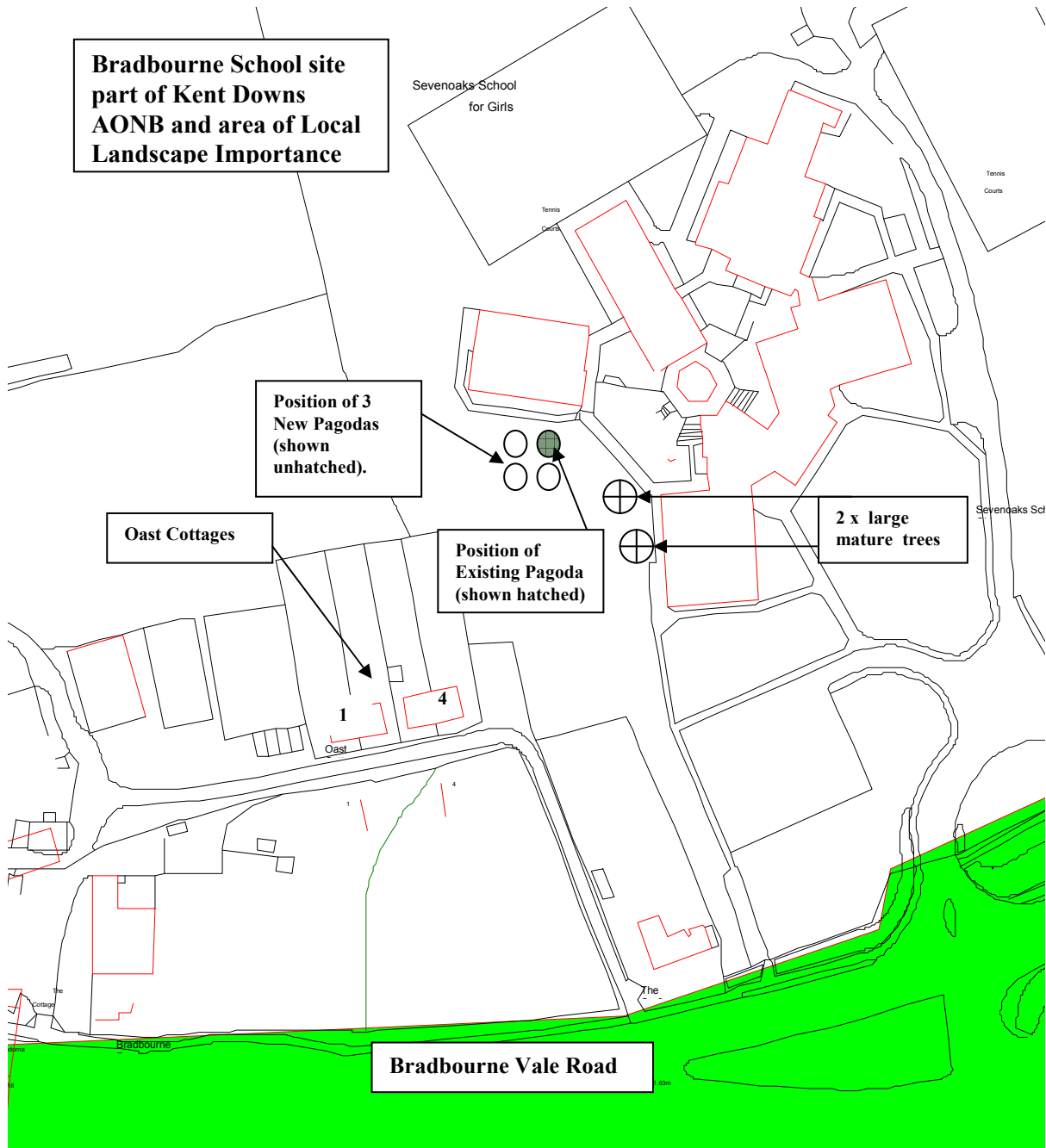
Background and Proposal

2. In June 2005 planning permission was granted for one blue coloured Pagoda measuring 5m x 5m (16'4" x 16'4") on the playing fields to the south east of the main school buildings, to be used as outdoor shelter for students during break periods. In May 2006 an application for an additional three Pagodas of the same measurements was received. The first of the three structures is to be situated next to the existing, away from the school buildings. The remaining 2 are to be situated directly in front to create a square of 4 pagodas.

Existing Pagoda

3 Pagodas at The Bradbourne School, Sevenoaks. SE/06/1256.

Site Location Plan



3 Pagodas at The Bradbourne School, Sevenoaks. SE/06/1256.



Site Layout Plan

3 Pagodas at The Bradbourne School, Sevenoaks. SE/06/1256.

Planning Policy

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

(i) The adopted 1996 Kent Structure Plan:

Policy S2 The quality of Kent's environment will be conserved and enhanced and measures taken to minimise any adverse impacts arising from the development.

Policy S9 Has regard to the need for community facilities and services, including education.

Policy ENV3 The Local Planning Authorities will provide long-term protection for the designated Kent Downs and High Weald Areas of Outstanding Natural Beauty. Proposals for development that would be inconsistent with the conservation of natural beauty will be weighed in the light of their importance in securing the economic and social well being of the area.

Policy ENV15 The character, quality and functioning of Kent's built environment will be conserved and enhanced. Development should respect its settings. Development which would be incompatible with the conservation or enhancement of the character of settlement, or detrimental to its amenity or functioning, will not normally be permitted.

Policy MGB3 Within the Green Belt there is a general presumption against inappropriate development. The construction of new buildings is inappropriate unless it is for the following purposes:

Essential facilities for outdoor sport and outdoor recreation which preserve the openness of the Green Belt and which do not conflict with the purposes of land in it.

(ii) The September 2003 deposit draft of the Kent & Medway Structure Plan:

Policy SP1 Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development. Encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments.

Policy E4 Carries forward and amplifies Policy ENV3 of the Adopted Plan.

Policy SS9 Carries forward Policy MGB3 of the Adopted Plan.

Policy QL1 Development should be well designed and respect its setting

Policy QL12 Carries forward and amplifies Policy S9 of the Adopted Plan

3 Pagodas at The Bradbourne School, Sevenoaks. SE/06/1256.

(iii) The adopted 2000 Sevenoaks District Local Plan:

- Policy EN1 Proposals for all forms of development and land use must comply with the policies set out in this plan, unless there are overriding material considerations.
- Policy EN6 Development, which would harm or detract from the landscape character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty, will not be permitted.
- Policy EN8 Proposals in Areas of Local Landscape Importance must not harm the local character of the area. Particular attention should be paid to the design, layout and landscaping of any development and to its boundaries with the open countryside.
- Policy GB1 The approved boundary of the Metropolitan Green Belt is defined as beyond the boundaries of the urban areas listed on the Proposals Maps including Sevenoaks & Sevenoaks Weald.
- Policy GB2 Within the Green Belt there is a general presumption against inappropriate development. The construction of new buildings is inappropriate unless it is for the following purposes:
Essential facilities for outdoor sport and outdoor recreation which preserves the openness of the Green Belt and which do not conflict with purposes of and in it.
- Policy GB4 Any development approved within or conspicuous from the Green Belt must be sited, designed and use materials that maintain the open character of the area, avoid detriment to visual amenity and minimise any potential harm.

Consultations

4. **Sevenoaks District Council** – Expresses concern that the siting of the 3 new pagodas in connection with the existing one, would detract from the openness of the Green Belt, and suggest a position closer to the existing built forms, and a colour that is less intrusive.

Sevenoaks Town Council – No comments

Local Members

5. The Local County Member, Mr N. Chard, was notified on the 22 May 2006 and supports the application. He also declares that he is a LEA appointed governor.

Publicity

6. The application was publicised by the posting of a site notice and the individual notification of 10 neighbouring residential properties.

3 Pagodas at The Bradbourne School, Sevenoaks. SE/06/1256.

Representations

7. One letter of representation has been received from a neighbouring resident. The main points of concern included invasion of privacy and having to put up with a lot of noise at lunchtimes. Comments that the colour of existing pagoda 'sticks out like a sore thumb' at winter time when there are no leaves on the trees and suggests a colour more favourable to the environment. The resident also asks whether KCC is prepared to pay for the materials for a closeboard fence.

Discussion

8. This proposal seeks to provide the school with 3 new pagodas to act as sun shields for the students, to match the one existing pagoda that was granted planning permission in 2005. The original pagoda application received no objections. The main issue to consider here is the suitability of 3 more pagoda structures situated within the confines of the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty, and whether a development of this nature may affect the character and/ or appearance of the site, detracting from the openness of the Green Belt. Whilst the provision for educational needs are acknowledged by Structure Plan Policy S9, the proposal must also be considered against the relevant Development Plan Policies outlined in paragraph 3 above. These policies, as well as presuming against inappropriate development within the MGB, afford long-term protection to the landscape over other considerations, with concern for the preservation and enhancement of the built environment and protection of local amenity.
9. The proposed site for the 3 pagodas is in the south-east area of the school site, located between an existing single storey classroom and the original main school building. The area of land where the pagodas are to be sited is a grassed area including two large, mature deciduous trees (shown on location plan) and picnic style tables, and is currently used as a lunch and break time recreation area.
10. Members will note the objections received and in respect of these, the applicant has considered the views and has responded as follows:
 - The School has in recent years, purchased a new fence for the neighbours as a goodwill gesture.
 - The applicant feels that there is no intrusion on the privacy of the neighbours as most of the pupils are in many areas of the school during their lunchtime. We do not consider that the noise generated from a few more children would be any more worse than it is at the present time.
 - The School remains quite happy with the colour and location for the new pagodas feeling that they would match in with the existing pagoda, which was granted planning permission in 2005.

Impact on the Metropolitan Green Belt in relation to Development Plan Policies

11. Policy MGB3 of the Kent Structure Plan and Policy GB2 of the Sevenoaks District Local Plan refers to Green Belt development in relation to facilities for outdoor recreation/sport, whilst at the same time preserving the openness of the MGB. Policy GB4 of the Sevenoaks District Local Plan furthers this point by stating development must be sited, designed and use materials that maintain the open character of the area.

3 Pagodas at The Bradbourne School, Sevenoaks. SE/06/1256.

It could be argued, therefore, that the proposal might not respect the openness of the MGB. In response to this I would argue that due to the relatively small and lightweight nature of the pagodas, coupled with the fact there is already one in situ it does not constitute a substantially greater conflict to the openness of the Green Belt than at present. Under the circumstances, I do not consider that the proposed development constitutes a significant conflict with Green Belt policy.

Impact on the Landscape and Local Amenity

12. Policy ENV3 of the Adopted Kent Structure Plan seeks to protect and enhance the North Downs AONB. Priority is given to the conservation and enhancement of natural beauty over other planning considerations. This is reflected in Policy EN6 of the Adopted Sevenoaks District Local Plan where proposals are only permitted if they conserve or enhance the natural beauty and special character of the landscape. Whilst the proposal needs to conserve, or enhance the special landscape character of the area, I consider that its visual impact on the wider landscape is visually very limited due to its relatively secluded siting by the present school buildings and proximity to large mature trees. In terms of appearance, given that the application entails three more pagodas, the same as the one already in situ, there would be some visual impact on the existing landscape. However, given the fact that one of the new structures would be sited immediately next to the existing pagoda and the other two would be directly in front of these, it is fair to say that the rear two pagodas would not be that visible, whilst looking from certain angles, concealed by the front two pagodas and from the side elevations by the school buildings. The pagodas would put the development 5 metres closer to the boundary fence of 4 Oast Cottages but that still leaves a substantial distance between the proposal area and the boundary fence. The local residents' concerns regarding the colour of the pagodas in winter time. I believe can be addressed by way of the front two pagodas being a colour that is more conducive to the environment. The rear two pagodas would be sufficiently screened by the front two pagodas and the surrounding buildings, to be able to remain blue in colour. Should Members be minded to grant permission, it would seem sensible to require by condition that the pagodas be coloured accordingly. By ensuring that the colours of the front two are such, the visual impact of the pagodas would be less intrusive and detracting from the openness of the Green Belt and more sympathetic to a location within an Area of Outstanding Natural Beauty.
13. In my opinion, the three new pagodas are a sufficient distance from the neighbouring property to prevent an increase in invasion of privacy. Any increase in noise would be significantly screened through the existing fencing and vegetation, which would also ensure that views of the pagodas would be minimal throughout the greater part of the year. However a colour that is more conducive to the environment would lesson this as a cause for concern during the winter months, I suggest a neutral or brown colour to be more suitable.
14. It should be noted that Policy S9 of the Adopted Kent Structure Plan and amplified by Policy QL12 of the Kent and Medway Structure Plan: Deposit Draft 2003, refer to the need for community facilities including education which this application is in accordance with. The applicant is all too aware of the importance of protection against the sun's harmful rays and after the success of the first pagoda, the decision was taken to apply for three more, to create a square of four in total. I consider that the high design quality of the proposal is in agreement with Policy SP1. The applicant has attempted to locate the pagodas closer to the existing school buildings but two very large mature deciduous trees as shown on the site plan prevent this from being a realistic option. I do not consider that a siting in this location is in opposition with EN6 of the Sevenoaks District Plan. It is within the MGB and AONB, but I am of the opinion that the screening

3 Pagodas at The Bradbourne School, Sevenoaks. SE/06/1256.

currently in place, coupled with the proximity of the site to the existing school buildings and the relatively lightweight/small scale nature of the structures, outweighs the negative impacts of the proposal. Therefore in my opinion this proposal does not significantly depart from the Local Plan to warrant refusal. As a consequence I am proposing that planning permission be granted subject to conditions.

Conclusion

15. In conclusion, whilst I acknowledge the effect that the pagodas have on the Metropolitan Green Belt, I recommend that planning permission be granted subject to conditions including submission to the County Planning Authority the colour of the proposed pagodas, in order for a colour to be chosen that is more conducive to the Green Belt environment and considered less intrusive to the local amenity. Additionally, I would urge that the School look to locate any future developments in rear areas of the school that are more secluded and distanced from neighbouring properties.

Recommendation

16. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions requiring the submission of the pagoda colours to the County Planning Authority, and the development being carried out in accordance with the approved plans.

Case officer – Adam Tomaszewski	01622 696923
---------------------------------	--------------

Background documents - See section heading
--

Item D3**Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714**

A report by Head of Planning Applications Group to Planning Applications Committee on 27 July 2006

Retrospective application for the corrected siting of the building (2-storey Business Resource Centre granted planning permission under application reference DO/05/729) plus relocation of basement plant room to ground floor level, St. Edmunds Catholic School, Old Charlton Road, Dover, Kent. DO/06/714

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

Local Member: Mr B Newman and Mr K Sansum

Classification: Unrestricted

Members' Site Visit

1. A group of Planning Application Committee Members visited the application site on the 27 June 2006 to acquaint themselves with the proposals and the issues they raise. They were accompanied by the local County Members, representatives of the applicants, Member(s) and officer(s) of Dover District Council, nearby local residents, officers of the Planning Applications Group and the Council Secretariat. The Committee Secretary's notes of the meeting are attached - Appendix 2.

Background and Proposal

2. Members considered an application (DO/05/729) for the erection of a business resource centre at St Edmund's School, at the Committee meeting on the 13 December 2005. It was resolved to grant planning permission subject to conditions and the decision was issued on the 16 December 2005. *A copy of the text of the Committee Report together with site location plan is attached as Appendix 1 to this report for reference.*
3. The construction of the building has already commenced but following complaints from local residents, initially via Dover District Council, it has been established that it is not being constructed in the location for which planning permission was granted. It has moved about 3 metres to the south and about 0.6metres to the west. Consequently the current application has been submitted retrospectively to regularise the siting of the building. It also seeks permission for the relocation of the plant room from basement to ground floor on north east side of the building. *Reduced copies of the site plans showing the permitted location of the building and its revised location are attached together with cross-sections/elevations.*
4. The applicants' Architect has provided the following comments about the revised location of the building in support of the application:

"Having reconciled the original planning and the current construction stage site plan the building is closer to number 107 Barton Road by 2.9m measured at first floor level. The revised position of the proposed building in relation to the first floor of No, 107 Barton Road is at a distance of 21.3m from the rear of the property to the front elevation of the proposed building. The original approved planning drawings showed a distance of 24.2m.

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

The critical setting out point for the building is the bottom riser of the existing steps, which provide through access for the School to and from Barton Road. It is essential that the building does not obscure the steps and the access maintained. Also access is required for the fire exit serving the ground floor double classroom, which needs to be DDA compliant. With this in mind the building was set out on both drawings relative to the steps, the planning drawing being based upon original survey information and the construction stage site plan based upon a topographical survey plan prepared by J.C. White Surveys, subsequent to the original planning application. Unfortunately the original survey plan although being reasonably accurate in terms of the overall site area has both the steps and adjoining embankment mapped incorrectly, in reality the steps are longer than originally shown on the planning drawing and are located slightly further to the west. For the most part the difference in location of the building between the planning drawing and construction stage drawing is due to this error.

However the existing steps have had to be extended by two treads to ensure that the fire escape has level, DDA compliant access to the path extending from the steps, this has accounted for in part the 2.9m discrepancy. It was requested by the appointed Structural Engineer that the existing embankment, supporting the multi use games area (MUGA) above, must remain in tact and any excavation work kept to an absolute minimum within the footprint of the embankment. Therefore it was not possible to locate the building closer to the MUGA.

To mitigate the impact of the change of position to the No. 107 Barton Road, we are proposing the following;

- A landscaped buffer zone of semi-mature tree planting to the boundaries of 107 Barton Road's garden and to the western boundary of the site. This would obscure the building from view.
- We have proposed obscured glazing to the front elevation to prevent any overlooking in a southern aspect towards 107 Barton Road. The obscured glazing is set 1m from finished floor level and at a height of 1.1m.
- The proposed first floor western elevation cladding has been altered to cedar timber cladding. This change in facade treatment will soften the elevation treatment when viewed from the rear western gardens of the site.

Due to economic and practical reasons the plant room has been moved from the basement to the rear of the building at ground floor level. The floor level to the plant room has been stepped to avoid disturbance to the embankment. The plant room construction is of cavity masonry construction with a proprietary through coloured render finish with a flat roof and concealed gutter. The plant room contains all plant therefore no plant will be placed externally, in compliance with the original approval. It is simplistic in form and 'tucked away' behind the building in order that it does not visually impact both the building itself and adjoining properties.

Finally we wish to emphasize that the building will provide an important stepping stone to further education and employment for not only the senior students attending St. Edmund's Catholic School, but to the wider cluster group of Schools within the Dover area and also providing an adult education base for the wider community."

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Development Plan Policies

5. See paragraph (7) of attached Committee Report

Consultations

6. **Dover District Council's** views are awaited and will be reported verbally at the Committee meeting.

Dover Town Council has no objections.

Divisional Transportation Manager has commented that the parking layout has slightly changed from the original layout. However the number of parking spaces remains the same and the cycle racks are still indicated. Therefore has no further highway comments or objections to the revised drawing subject to previous highway related conditions still applying.

Jacobs (Landscape Consultant) has no objections to the corrected siting of the building and relocation of the plant room to ground floor level. Comments that the corrected siting of the building is minimal and will not cause any change or deterioration in landscape or visual impact when compared with the original application. Also that the relocation of the plant room to ground floor level will not cause any change in impact as assessed for the original location.

Comments on the landscape proposals, that the selection of plant species and sizes are generally well suited to the site and will perform an effective screening role and setting. Whilst not having any objections to the soft landscape plan, comments that it might be preferable to select a smaller tree species than the specified *Quercus ilex* when considering long term maintenance impacts of the scheme. Suggests that the choice of species does not necessarily need to be evergreen, or as formal as within the submitted design, in order to provide a screening function without creating an oppressive design.

Reiterates comments made on the original application suggesting careful consideration of the landscaping along the Barton Road frontage, such as well designed gates and railings and the treatment of surfacing. Notes that this has not been addressed within the landscape proposals submitted and feels it is still an important requirement of the development that should be addressed.

Jacobs(Noise Consultant) reiterates comments made on the previous application that providing the following recommendations are included as conditions on any planning permission granted, that the amenity at the closest noise sensitive receivers should be safeguarded;

- The close boarded fence as detailed;
- External door to café and internet area to be kept closed after 1630hours;
- No music is played in the café; and
- Mechanical plant noise is limited as detailed.

By way of clarification on the last point has commented that the detailed noise report submitted in respect of the previous application recommends that all plant associated with the application be designed to achieve a noise level which is at least 5dB(A) below the existing background noise level. This is considered to be applicable to the noise

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

emanating from the plant room in its altered location and could be conditioned as it was on the original permission.

Local Member

7. The local County Members, Mr Newman and Mr Sansum were notified of the retrospective application on the 9 June 2006. Copies of the Landscape Proposals were sent to them on the 26 June 2006.

Publicity

8. The application was publicised by the posting of a site notice and the individual notification of 32 neighbouring properties.

Representations

9. Prior to validation and formal notification of the retrospective application a number of letters were received objecting to the building being built in the wrong place, that work was continuing without the benefit of planning permission and requesting that it should be stopped immediately. They consider that having looked at the original plans they been misled. Also comments were made that if retrospective permission were obtained, it would create a precedent for anyone who flouts planning control and that normally if a member of the public builds something in the wrong place they are required to take it down. In addition, it was stated that if it is granted and their concerns are not resolved they intend to lay the case before the Ombudsman. One resident comments that to put it in perspective, the 3 metres that the Architect has indicated that the building has moved equates to about two thirds of the width of their gardens. The residents consider that the building is both incongruous and detrimental to the amenities they enjoy.

The resident at 107 Barton Road in addition raised a number of other concerns, including:

- Cracks appearing in the render of his house as a result of the construction work.
 - The legitimacy of the original permission on the basis that his initial objection to the development along with at least 5 other local residents have neither been acknowledged or recorded.
 - The plans not being available for inspection at Dover District Council offices.
 - The large area of glazing on the new building giving zero privacy to their property.
 - Devaluation of the property about which written evidence can be provided.
 - Work starting on site at 7.00 am and generally stepping up despite the applicants being asked to stop.
 - KCC being unable or unwilling to enforce their own planning legislation.
 - The deviation from the permitted plans is 6 metres and not 3.
 - Draws attention to a photograph to confirm the overlooking of their property.
 - Expects KCC to acknowledge its accountability in the failures relating to this project including those involved in the planning and approval stage.
10. I have received 8 letters of representations from local residents and one from the adjoining Primary School responding to notification of the retrospective application. A summary of the main issues raised/points made is set out below:
 - The development is unlawful.
 - House and rear garden are overlooked, resulting in loss of privacy and security.

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

- Devaluation of properties.
 - Considers that the property is closer by about 6 metres.
 - States that their property has and will continue to suffer from vibration and cracking from the development.
 - They will be subjected to the comings and goings of approximately 30 cars and their occupants; exhaust fumes and noise will be intolerable.
 - The second floor will have direct lines of sight across their garden and into various rooms in their house, i.e., rear bedroom, toilet.
 - The situation and impact on their property is entirely unacceptable and if approved it would feel as though that they were being forced to leave their home.
 - Demands that the works are stopped immediately.
 - Considers the position and scale of the building to be most unsuitable in close proximity to residential properties and results in over development of the site with a detrimental effect in terms of privacy, noise and light pollution in winter months.
 - Inconvenience of noise and dust from construction.
 - Loss of an attractive visual outlook.
 - The large building should not be built in such close proximity to residential properties.
 - Although cedar cladding is now proposed will still be overlooked from the windows which will be very intrusive.
 - Concerned about security and noise, as the building will be used until 9.00pm.
 - Does not consider that the proposed planting is feasible.
 - Considers that the blocking of the outlook and reduction in value of neighbouring properties is unfair.
 - Loss of view, overlooking resulting in loss of privacy, rubbish will be a problem and encourage vermin, an increase in traffic will be dangerous to the Primary School children as will strangers in the area as a result of the development, and property will be devalued.
 - Have had noise and dust whilst the building is in progress, and which is likely to be used all day and well into the evenings. The privacy of their garden is gone.
 - The building is incongruous, too big for the site and too near to properties in Stanhope and Barton Roads. The result of this is that the building is visually overwhelming.
 - The granting of permission to this retrospective application would create a precedent to flout planning laws. This Resource centre contravenes planning laws in that it has not been sited as laid down in the grant of permission.
 - The Chair of Governors of the Primary School comments that it would seem that the building is much bigger than initially informed and far closer than they had envisaged. Also that despite being sited in the wrong place, work is still going on, and questions whether this should be so with a retrospective application.
11. A total of 3 local residents have also submitted complaints to the ombudsman relating to the breach of planning control and the fact that building work had not stopped. The ombudsman forwarded these to the County Council to be dealt with through the Council's formal complaint system.

Discussion and Conclusion**Introduction**

12. This application seeks to regularise the construction of the new Business Resource Centre in a different position to that for which planning permission has previously been granted together with the relocation of the plant room. The application also proposes a

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

variation to the elevational treatment and more significant landscape proposals. The principle of the development on this site comprising the new building, related external areas and car parking for use as a Business Resource Centre, has been established by the previous planning permission. The issues that this raised were considered by Members at the December Committee meeting as set out in the attached Committee report (Appendix 1).

Determining issues

13. The main issue to consider in determining the current application is whether or not the change to the position of the building and plant room result in a material difference in terms of the impact of the building on the local environment and the amenities of nearby local residents. If it does, it needs to be considered whether or not such a difference would render the location of the building unacceptable. The changes to the elevational treatment and the landscape proposals also need to be considered. There is a minor change shown to the car parking layout as noted by the Divisional Transportation Manager, but in my view this does not raise any new issues and therefore it would not be necessary to reconsider this aspect of the development.

Breach of Planning Control

14. Objections received to the location of the building are summarised in paragraph (9) and (10) above and were also expressed at the site meeting as summarised in the Committee Secretary's notes (Appendix 2). In addition there has been considerable disquiet that not only has the development been proceeding in an unauthorised manner but also that it was not stopped straight away. Having established a breach of planning control following the complaints received the matter was reported to the Regulation Committee on the 23 May 2006. Members of that Committee noted the circumstances of the case and on the basis of a retrospective application being submitted resolved to take no further action at that time. Prior to this, the applicants had been advised by my staff that the construction of the building should be halted pending the determination of the retrospective application and that by not doing so they would be proceeding at their own risk. As Members were made aware at the site meeting, the applicants had now instructed the Contractors to stop work.

The altered position of the building

15. The reason(s) given by the applicants' Architect for the altered siting of the building is set out in paragraph (4) above and was explained at the site meeting. The dimensions of the difference between the actual location and that granted permission are also set out. Given that the accuracy of these dimensions was challenged verification *check* measurements were taken to determine the distances between the new building and neighbouring properties. These dimensions are shown annotated on the *attached drawing* for Members' reference. This confirms the relative position of the building, that it can be scaled reasonably accurately from the site plan submitted with the retrospective application, and that compared with the original permitted location of the building, it has moved about 0.6 metres to the west and about 3 metres to the south. The latter also means that building now faces no.10 Stanhope Road, as well as nos. 12 – 20, to the west.

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Assessment

16. Development Plan policies require development to be well designed, of high quality and to respect its setting. Development that would be incompatible with the conservation or enhancement or detrimental to the amenity of a settlement will not normally be permitted. As such development proposals should not adversely affect the ability of neighbours to enjoy reasonable levels of privacy, peace and quiet.
17. In considering the general impact on the local environment in terms of its townscape setting, it could be argued that the changed siting of the building makes very little difference when viewed in its wider context. Moreover with the introduction of some appropriate planting there could in the longer term be a measure of enhancement to the townscape quality overall. However this is a tight site and the changed position of the building could make a significant difference to the relationship with neighbouring properties immediately adjoining. It is therefore appropriate to consider the relationship with properties to the west in Stanhope Road and to the south in Barton Road in terms of visual impact, landscaping, overshadowing, overlooking/loss of privacy, and noise impact.

Visual Impact

18. The new building is of modern design, two storey with a mono pitch metal, standing seam roof which slopes down from south to north finished in a light grey colour. See attached elevations. At first floor it is proposed to clad the walls with silver colour coated metal panels and cedar boarding and at ground floor silver colour coated metal panels and a textured colour coated render. It will be noted that there is generally a large expanse of glazing on most elevations and on the south elevation this includes a solar shading structure. The design and materials proposed are different with a more 'high tech' feel compared to the other nearby school buildings and the adjoining residential properties. Part of the designer's intention was that this should be a welcoming building with a presence. Whilst this approach has previously been accepted bearing in mind its proposed use as a Business Resource Centre it has to be acknowledged that the design has the potential to dominate its setting. Although it is a relatively compact building it has a fair bulk and therefore the presence of the building is likely to be accentuated within the constraints of the small site. To some extent this could be mitigated by appropriate landscaping to filter views of the building and to integrate the building into its surroundings.
19. Clearly views of the site and across the site have and would be changed including those from residential properties in close proximity to the site. Members will be aware that the actual loss/protection of private views per se is not a material planning consideration. However the effect of the physical presence of the building on the amenity of local residents does need to be considered, in particular whether or not it would be overbearing, and therefore unacceptable in planning terms.
20. The outlook of properties from the west beyond the boundary hedge is generally of the school site with the application site and/or the multi use games area in the foreground and the buildings of the School and Charlton Primary School beyond. Consequently the new building is and would be the predominant feature in the foreground. However bearing in mind that the base level is lower than the properties that face it, the shallow mono-pitched roof and that the first floor is a reasonable distance away (at between about 27 and 30 metres from the façade of these properties and about 15 metres from the end of the gardens), in my opinion, the building would not appear to tower above

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

them. In addition, I consider that the proposal to clad the first floor of this elevation with cedar boarding would help to soften its appearance being more recessive compared to the silver colour metal coated panels previously intended. These factors taken together with the possibility of some appropriate landscaping as has been proposed, lead me to conclude that even though the building has moved in the order of 0.6 metres to the west, the building from this location would not be overbearing.

21. There are two properties 105 and 107 Barton Road immediately adjoining the south west boundary of the application site where there is an ivy covered boundary wall with a hedgerow on the school side. This has been allowed to grow higher adjoining 105 with some small trees and is lower adjoining the north east corner of 107. Above the boundary the outlook at garden level would have generally been of the sky with some of the school buildings just visible. The new building faces onto almost half of the plot width of 107 but is offset to the east side so that it is not directly facing the main part of the house or number 105 at all. Nevertheless the new building is now (and would be) a very dominant feature in the outlook from 107, even though the view to the side of the new building would in effect remain unchanged and, bearing in mind the boundary, changes as a result of the development at ground level would generally be hidden. The lower part of the building would also be obscured by the boundary walling.
22. The fact that the building has moved 3 metres towards the boundary means that it is only just over 6 metres away from the boundary. The effect of this in some perspectives from 107 is that the first floor of the building is/would be perceived as sitting on the boundary. This is further accentuated by the overhang of the roof which projects upward as well as forward, and would additionally be so by the outward projection of the framework around the window. Compared to the permitted location the original view of the sky has been further obstructed. The result of these changes in relation to 107 is that in my judgement the building could potentially be overbearing. That could possibly be mitigated by some appropriate planting (as has been proposed) although it would be some years before it was fully effective. On the other hand, at close proximity the planting in itself could be oppressive and exacerbate the situation. The effect of the changed position of the building is difficult to quantify and finely balanced but on the basis of the above consideration, in my view, it is marginal as to whether the proposal is acceptable because of its close proximity and visual impact on 107. The applicants are now proposing to reduce the overhang of the roof by 1 metre (from 1.4 metres) and although it would help, I do not consider that it would make a significant difference to the overall impact of the building.
23. The repositioning of the plant room to ground level, previously intended to be at basement level, does involve a small extension to the rear of the building to the north east end. It is partly set into the adjoining bank and is below the multi-use games area above. Whilst it would be seen from some views towards the building without any landscaping being carried out, in my opinion, it would be relatively unobtrusive and not add significantly to the visual impact of the building as previously permitted.

Landscaping

24. A detailed landscaping scheme has now been submitted. I have amongst others consulted those local residents whose property boundaries adjoin the application site. The scheme in essence seeks to provide screening of the site with a semi-circle of evergreen oak, to be planted as semi mature specimens adjoining 107 Barton Road. The applicants' Landscape Architect is suggesting that these be allowed to grow to a height no higher than the building (about 8 metres high) to be clipped and maintained

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

as a continuous evergreen hedge once established. Our Landscape Consultant's comments in paragraph (6) above, and the suggestion of an alternative approach that softens the development without totally enclosing it, will be noted. This has been discussed further with her and if the proposed planting is maintained as suggested she would not object to it. The applicants' Landscape Architect likewise is not unhappy to go with a less formal approach. Clearly some appropriate landscaping would be beneficial in a number of respects, as referred to elsewhere in this assessment, and if permission is granted, it might be helpful if the applicants held discussions with the residents immediately adjoining before finally deciding which approach to adopt. It would also be necessary to secure the required maintenance of the planting by condition and to be assured by the School that this would be undertaken

Overshadowing

25. The impact of the new building in respect of overshadowing of adjoining properties, in particular in relation to the changed position of the building, also needs to be considered. No specific daylight or sunlight studies have been undertaken and have not been considered necessary in this particular case. A sun path diagram submitted by the applicant is however *attached for reference*. It should be borne in mind that this is only a two storey building with a shallow mono-pitched roof and not significantly higher than adjoining buildings excepting the adjoining primary school building which is single storey.
26. The new building is on the east/south east side of properties in Stanhope Road and given that it is about 15 metres from the boundary, in my view, it is a reasonable distance away in this respect, and the 0.6 metres that it has been moved westward would not make a significant difference to the extent that there would be overshadowing. In terms of the Charlton Primary School building the new building is immediately to the west with only a few metres between and in my view would be overshadowed for part of the afternoon, more particularly during the winter months. Arguably this has already been accepted and the changed position of the building marginally further away would not make the situation any worse. With regard to 105 and 107 Barton Road, these are on the south west side of the building and as such they would only be affected in the early part of the day by any loss of direct sunlight. I do not consider therefore that these properties would be overshadowed to the extent that a planning objection could be sustained, or that the fact that the building has moved about 3 metres to the south would make a material difference in this particular respect.

Overlooking/loss of privacy

27. There is clearly the potential for overlooking neighbouring properties both to the west and south from the first floor of the Resource Centre, as indeed was considered in determining the original application. Members will note the objections about overlooking and loss of privacy from local residents, which will obviously become more critical the closer the building is.
28. In respect of those properties to the west, direct window to window distances are at between about 27 and 30 metres from the first floor windows of the Resource Centre to the ground and first floors of their windows. At about 0.6 metres closer, it could be argued that there is not a significant change and that the distances are still well within the widely recognised minimum separation distance of 21 metres for house to house windows of habitable rooms. There is though still some possibility of the gardens being

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

overlooked although to some extent this could be addressed by appropriate landscaping, as proposed, which once established would filter views to and from the building. I do not consider that overlooking from the ground floor of the building would be an issue given the lower ground levels and the existing boundary hedge.

29. The issue of overlooking from the external areas on the western side of the building was also considered when the original application was determined. Paragraph 22 of the previous report (Appendix1) refers, where it was generally concluded that there was no overriding loss of amenity from overlooking, subject to hours of use conditions and conditions covering details of these areas to be approved together with landscaping. If permission is granted, they could similarly be conditioned and, bearing in mind that the building has moved about 0.6 metres to the west, it would be appropriate to condition that the external areas for the play area and café should be no closer than under the original planning permission.
30. The proposed glazing to the southern elevation at first floor which provides light to three separate spaces recedes inwards from the front most face of the building to a 'v' shape in the centre, so that the nearest half is facing away from the properties and the other towards them. In front of the glazing it is proposed to install horizontal louvers to provide solar shading. Most of the glazing is to the east side of the eastern boundary of 107. Under the circumstances, there is no direct or perpendicular line of sight from the glazing to the windows of 105 and 107; in other words the windows are not parallel with each other. However there would be an oblique view of the windows, although more acute from the nearest half of the glazing. There would also be potential for overlooking the gardens rear gardens of 105 and 107.
31. The distances measured on site give an overall distance from the first floor façade of the new building to the rear ground floor façade of 107 (the nearest property) of 20.7 metres, the first floor 21.75 metres and the conservatory 27.05 metres. These are not window to window distances but do serve to demonstrate that the widely recognised minimum separation distance of 21 metres for house to house windows of habitable rooms would be met, as no windows are closer than this distance and the distance to the ground floor window measures from the drawing at greater than 21 metres. Arguably there is not much tolerance in the distances involved for some of the windows and the rear garden(s) can be readily overlooked being a relatively few metres away. However the applicants are now proposing some obscure glazing to the windows in the southern elevation set 1 metre from finished floor level to a height of 1.1 metre. This would certainly reduce the opportunities for the average person to look out either when standing or sitting. A person would either have to almost lie on the floor or stand on a chair to be able to look out. On the other hand there could still be a perception of being overlooked. The addition of some planting as proposed could assist in altering this perception but, in my opinion, should not be entirely relied on to address this issue. The applicants have now indicated that the glazing could be completely obscured on this elevation if this was considered necessary. Given that the minimum distances can be achieved and the proposals for obscure glazing, I do not consider that a planning objection on grounds of overlooking and loss of privacy from the southern elevation could be sustained.
32. The issue of overlooking Charlton Primary School was also previously considered as set out in paragraph 22 of the report (Appendix1). Although the new building would overlook the primary school, given the educational rather than residential use, it was not considered to be unacceptable. The building is now about 0.6 metres further away otherwise there is no change in this respect.

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

Noise

33. The issue of noise impact arising from the development was considered when the original application was determined as set out in paragraphs (23) and (24) of the report (Appendix 1). Although the building has moved including the plant room, the proposed use of the building and external areas remains unchanged. As already mentioned in paragraph (27) above, the proximity of the external area could be conditioned so that they are no closer.
34. I have re-consulted our Noise Consultant who considers that the amenity at the closest noise sensitive receivers should be safeguarded, providing that conditions are imposed on any planning permission to include a close boarded timber fence to mitigate for noise arising from the external areas, external door to café and internet area to be kept closed after 1630 hours, no music to be played in the café and the mechanical plant noise is designed to achieve a noise level which is at least 5dB(A) below the existing background noise levels. Hours of use conditions could similarly be imposed as on the original planning permission, and as referred to in the previous report in paragraphs 25, 26 & 33 (Appendix 1).

Construction

35. No hours of working conditions were imposed on the original planning permission, although I understand that the contractor was working to hours within the limits generally recommended by the District Council's Environmental Health Officer. However the nearest resident has commented that work has started or deliveries have been made to site at about 7.00.am and considers that this is detrimental to their amenity. Although I understand that this is not outside those hours, I consider that if planning permission is granted, work should be restricted to an 8.00.am start time bearing in mind the close proximity of residential properties. This would be consistent with hours that have been imposed in similar situations.

Loss of property value

36. Although the loss of property value is often cited and of real concern in objections to development proposals, as in this case, Members will be aware that it is not a material planning consideration, but one which may be addressed through compensation provisions.

Alleged damage to property as a result of construction works

37. The residents of 107 Barton Road have referred to cracks appearing in the render to their property. This is not a planning issue but I do understand that the applicants Architects have already had a Structural Engineer look at and report on this matter. If the residents were not satisfied with the findings they would need to seek their own professional advice in the first instance, before pursuing matters further with the applicants or their agents.

Conclusion

38. It is regrettable that this application has arisen in the way it has and that a substantial part of the construction has been carried out. However the application in effect needs to be determined as if the development had not commenced and on the basis of whether or not the changed position of the building and its resultant impact are

Retrospective application for amended siting of Business Resource Centre, St Edmunds School, Dover – DO/06/714

acceptable in the light of the Development Policies referred to in paragraph (16) above. The issues arising largely relating to the impact of the building on the local amenity of residents are discussed in detail above. In terms of the issues addressed, the application does not either conclusively pass or fail on all counts. It is not therefore a clear-cut decision and it is fair to say that the original location for the development is preferable to that now applied for. Nevertheless in respect of properties to the west in Stanhope Road and Charlton Primary School to the east, I do not consider that there would be a significant change to their amenity overall and therefore I would not raise a planning objection in this respect.

39. In my opinion, the determination of the application turns on whether or not the impact on the properties on the south side of the building, and in particular, 107 Barton Road is considered to be acceptable or unacceptable. In conclusion, I do not consider that there would be any significant overshadowing, although the height at which any tree/hedge planting is maintained at would need careful consideration. Bearing in mind the distances and the introduction of obscure glazing as proposed, and as discussed above, I also do not consider that there would be an overriding loss of privacy. If it was considered necessary, complete obscure glazing could be applied down to finished floor level and above the existing proposed height of 2.1 metres to ceiling level. On this basis, it would be difficult to sustain an objection on the overlooking/privacy issue. With regard to potential noise nuisance, there is likely to be little change in the effect of noise arising from activities and use of the site compared to the permitted location, and no objection has been raised by our noise consultant on this basis. However in terms of the proximity and visual impact of the development, it has to be acknowledged that it could result in it being overbearing and oppressive in the context of the amenity of the residents of 107 and therefore contrary to the Development Plan Policies, which seek to protect local amenity. On this issue alone it is sufficient, in my view, to raise a planning objection on the basis that such an impact renders the development unacceptable. Accordingly on balance, subject to the receipt of outstanding views if received prior to the meeting, I recommend that the application be refused.

Recommendation

40. SUBJECT TO any further views received by the Committee Meeting, I RECOMMEND that the application BE REFUSED on the grounds that the proposed building by virtue of its visual impact and proximity to the boundary of 107 Barton Road would result in the loss of amenity to its residents in that the development would be oppressive and overbearing to them, contrary to Kent Structure Plan Policy ENV15, Kent & Medway Structure Plan Policy QL1 and Dover District Local Plan Policy DD1, which seek to protect the amenity of residents.

Bill Murphy

01622 696131

Background documents - See section heading
--

This page is intentionally left blank

Business Resource Centre, Landscaping and Car Parking, St Edmunds School, Dover – DO/05/729.

A report by Head of Planning Applications Unit to Planning Applications Committee on 13 December 2005.

DO/05/729 - Application by the Governors of St Edmund's School and KCC Education and Libraries for a 2 storey business resource centre including associated hard and soft landscaping and enhanced car parking. St Edmunds School, Old Charlton Road, Dover

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Newman and Mr Sansum

Classification: Unrestricted

Site

1. St Edmund's School is located off of Old Charlton Road. Residential properties are located to the west and north and to part of the south of the site. Charlton Primary School is also located to the south and St Mary's Cemetery to the east (see site location plan).

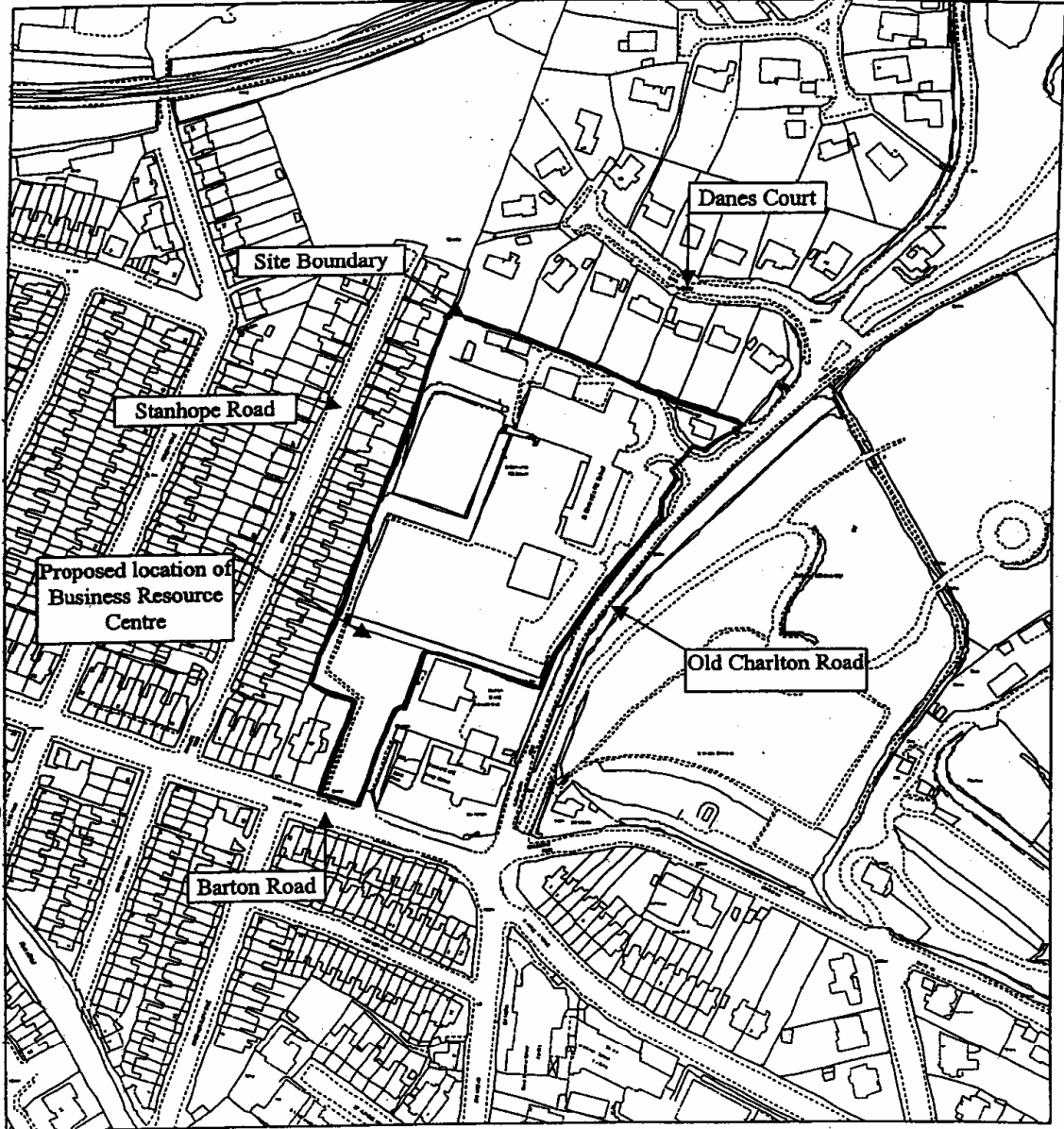
Proposal

2. Planning permission is sought for the erection of a business resource centre. It is stated that the proposal has been developed in response to the School's vision for a flexible and open learning resource centre where the senior section of the school can develop their curricular studies in a stimulating, open and mature environment. It is further stated that the facility would be available for community and local school cluster use and local business involvement would be encouraged. It is intended that Information Technology would be at the core of the facility.
3. It is proposed to locate the development to the south of the site on an area of land that currently consists of soft landscaping (~~see attached plans~~). To the east of the application site is Charlton C of E Primary School, to the west and to part of the south is housing. A car park is also located to the south. To the north is a hard surface play area.
4. It is proposed to construct the building using a variety of materials. A smooth profile colour coated composite cladding panel is proposed for the ground and first floor walls. Additionally for the ground floor walls vertical oak boarding in a natural finish is proposed along with coloured render, painted exposed steelwork and slate. A colour coated roof sheet is proposed with colour coated aluminium eaves and verge closures. Colour coated aluminium windows, doors and curtain walling are also proposed.
5. It is expected that the facility would be available for use by pupils at St Edmunds School and by four other secondary schools in Dover. Approximately 16 pupils per day would attend the facility from other schools. It is also expected that some facilities would be available for use by individual members of the community during the day however that would not be on a regular basis. Adult Education classes would occur from 1630 hours finishing at approximately 2100 hours. It is anticipated that Adult Education courses would cater for 12 – 15 participants.

Appendix 1 to Item D3

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.



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

Site Location Plan

Not to Scale

D3.21

Appendix 1 to Item D3

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.

6. Ancillary works include the upgrading of the existing car park and the inclusion of dedicated disabled parking. It is also proposed to use spoil from excavations to remodel the embankment to the north west corner of the site and to undertake landscaping.

Development Plan Policies

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

(i) The adopted 1996 **Kent Structure Plan:**

Policy S1	Seeks sustainable patterns and forms of development.
Policy S2	Seeks to conserve and enhance the quality of Kent's environment.
Policy S9	Has regard for the need for community facilities and services, including education.
Policy ENV15	New development should be well designed and respect its setting.
Policy ENV16	Specifies the need to make the best use of land in built up areas, balanced against the objective of maintaining, and where possible, improving environmental quality.
Policy ENV18	In the control of development, important archaeological sites will be protected. Preservation in situ of archaeological remains will normally be sought.
Policy ENV20	Requires development to be planned and designed so as to avoid or minimise pollution impacts.
Policy NR3/4	Development will not be permitted which would have an unacceptable effect on the quality or potential yield of groundwater resources or in the quality of surface water.
Policy T17	Development will normally be required to provide for vehicle parking on site in accordance with Kent County Council's Vehicle Parking Standards.

(ii) The Deposit 2003 **Kent Structure Plan:**

Policy SP1	Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.
Policy QL1	Development should be well designed and respect its setting.
Policy QL8	Seeks to protect and enhance the archaeological and historic integrity of important archaeological sites and requires archaeological assessment and/or field evaluation of potentially

Appendix 1 to Item D3

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.

important sites along with the preservation of remains or by record.

- | | |
|-------------|---|
| Policy QL12 | Seeks to protect existing community services. Flexibility in the use of buildings for mixed community uses and the concentration of sports facilities at schools, will be encouraged. |
| Policy TP19 | Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council. |
| Policy NR4 | Requires development to be planned and designed so as to avoid or minimise pollution impacts. |
| Policy NR7 | Development will not be permitted where it would give rise to an unacceptable impact on the quality or yield of Kent's watercourses, coastal waters and/or ground water resources. |

(iii) The adopted 2002 **Dover District Local Plan:**

- | | |
|------------|--|
| Policy WE1 | Seeks protection of groundwater Source Protection Zones |
| Policy DD1 | Requires development to be well designed and respect its setting. |
| Policy CF1 | Proposals for the establishment or expansion of community facilities will be permitted provided that they are well related to the community, which they serve. |
| Policy ER5 | Proposals for, amongst other things, noise creating development, which by itself or in association with other noise sensitive sources is likely to cause degradation to the amenity of noise sensitive uses in the vicinity will not be permitted unless suitable mitigation measures can be carried out to ameliorate problems associated with noise. |
| Policy TR7 | Requires provision to be made for cycle parking and on site vehicle parking where a development would attract vehicles |
| Policy HE6 | Sets out criteria for development in relation to archaeological remains |

Consultations

8. **Dover District Council:** raises no objection. Recommends that a condition is imposed on any grant of planning permission restricting the use of the café to between the hours of 0830 and 1730 hours Mondays to Fridays, 0830 to 1730 hours Saturdays. There should be no use of the premises at any time on Sundays and Bank Holidays.

Dover Town Council: raises no objection.

Appendix 1 to Item D3

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.

Divisional Transportation Manager: raises no objection. Is encouraged that cycle parking is included in the proposal and that for safety reasons mini-buses would be excluded from the car park.

Environment Agency: raises no objection. Provides advice on the location of the site and requests that a condition is attached to any grant of planning permission requiring the submission of a scheme for the disposal of foul and surface waters. Comments on soakaways and drainage and fuel, oil and chemical storage. Requests a condition is placed on any grant of planning permission relating to action to be taken if contamination is found to be present at the site.

Babtie (Noise): advises that the noise report that was submitted assesses the noise impact from the proposed business centre on the school grounds. Is satisfied that providing the following recommendations are included as conditions on any planning permission granted, that the amenity at the closest noise sensitive receivers should be safeguarded:

- The close boarded fence as detailed
- External door to café and internet area to be kept closed after 1630 hours
- No music is played in the café and
- Mechanical plant noise is limited as detailed.

Babtie (Landscaping): no comments received.

County Archaeologist: requests that a condition is placed on any grant of planning permission requiring the securing of the implementation of a programme of archaeological work in accordance with a written specification and timetable.

Local Member(s)

9. The local County Members for Dover Town, Mr Newman and Mr Sansum were notified of the application on 16 June 2005.

Publicity

10. The application was publicised by an advertisement in a local newspaper, the posting of one site notice and the notification of 32 neighbouring properties.

Representations

11. 1 letter of representation has been received to date. The main points raised can be summarised as follows:
 - Objects to the application. Is concerned about an increase in traffic and the ability of the surrounding roads to cope with this, particularly due to the volume and speed of the traffic
 - Concerned about an increase in traffic noise, particularly during 'anti-social' hours.
 - Concerned about a loss of privacy, particularly from the café with its outdoor eating facilities, and that it would have a detrimental effect on security/safety due to the public having access to the rear boundaries of residential properties
 - Concerned about potential smells and noise from the development

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.

- The development is inappropriate for a residential area, other more suitable venues should be considered.

Discussion

12. This proposal is for a business resource centre at St Edmunds School. I can see no objection in principle to the proposal given that it would be contained within the boundaries of the existing education site. However, it is necessary to consider the development in the context of the Development Plan Policies outlined in paragraph (7) above, in terms of its location and visual impacts and the effects on the local environment and amenity.

Location

13. The proposed development would be located towards the south of the school site to the west of Charlton Primary School and to the south of a high level playground. Residential properties are located in close proximity to the west and to the south. Also to the south is the existing car park and a shared vehicular access onto Barton Road (see attached plans). Concerns have been raised about the appropriateness of the location of the proposed development (see paragraph 10) and it has been requested that other 'more suitable' locations be investigated. I would advise that given the constrained nature of the school site, and the space requirements of the new building there appear to be relatively few locations where the development could be sited. To site the development anywhere other than in its proposed location would appear to impact on the school's playground and this would be to the detriment of the school's sporting facilities. The proposed location of the development therefore appears to be the only viable location for this facility on this school site. However, the proposed site is in a sensitive location close to residential properties and it is therefore necessary to consider the impact of siting the development in this area. This is discussed below.

Design

14. Given the prominent location of the development on the site, the design of the proposed development is of paramount importance. Development Plan Policies seek for new developments to be well designed and respect their setting.
15. With regard to the design approach that has been taken, the applicant has stated that they have endeavoured to achieve a learning facility suitable and flexible in use to teach and inspire both senior pupils and external students from the wider community. This flexibility is shown in the design of the development through amongst other things, it being possible for the two ground floor classrooms to be made into one large space through the retraction of a sliding/folding screen. An external folding glazed screen is also proposed which would allow for the inner building to be opened up to the external decked café area. Pupils would access the development via a bridge, which would link from the first floor of the building to an existing playground. Community access to the building would be from an entrance at ground floor level.
16. It is proposed to construct the building from a variety of materials. These include colour coated steel cladding panels, aluminium glazing sections, colour coated steel roofing panels and cedar boarding (see attached plans). I note that the proposed materials are very modern and are in direct contrast to the existing school building and the surrounding residential properties, which are of traditional brick construction. I would

Appendix 1 to Item D3

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.

advise that I consider these modern materials to be appropriate in this case as it would provide a building which stands out from the existing buildings reflecting its use as a business resource centre. The specific colours used for the materials would be of particular importance to ensure that the building does not appear too industrial and I would therefore recommend that a condition is placed on any grant of planning permission requiring the submission of details and samples of all materials that are to be used externally.

17. The design of the development also includes a protected external play area, an external café space and a piazza and these would consist of decked and soft landscaped areas. I have no objection in principle to external facilities being provided in conjunction with the development providing they are sensitively designed, their use is adequately controlled and they would not cause a detrimental impact to residential amenity. The detailed design of the external areas have not been provided to date and these details should be required to be submitted by condition. The hours of use and the noise implications of the external facilities are discussed below.
18. Overall I consider that the design of the building is of a high standard and it makes good use of the site and location, given the nature of the use it intends to accommodate.

Over Looking

19. Due to the design of the development and its proximity to residential properties there is the potential for overlooking to occur particularly to properties in Barton Road and Stanhope Road. There is also the potential for overlooking of Charlton Primary School to occur.
20. The façade of the proposed building would be approximately 26 metres from the façade of the nearest residential properties on Barton Road and Stanhope Road. This figure exceeds the 21 metre facing window distance set out in Kent Design Guide. Additionally, due to the design of the building there would be only high levels windows at first floor level and doors at ground floor level on the elevation facing Stanhope Road and this would reduce the potential for over-looking to occur. Furthermore, the provision of a comprehensive landscaping scheme along the boundary with Stanhope Road would help to screen the development from the residential properties. Whilst there is a large bank of windows along the elevation facing the properties on Barton Road, due to the location of the building within the site, the building would be largely viewed on an angle and this would reduce the potential for direct views to occur.
21. The façade of the proposed building would be approximately 6.5 metres from the façade of Charlton Primary School. The design of the development shows that at first floor level all of the windows on the building would be high level. At ground floor however there would be a large bank of glazing (see attached plans). I acknowledge therefore that there would be direct over-looking of the Charlton Primary School as a result of the location and design of the proposed development. However, I consider this to be acceptable in this particular case due to the fact that the building would be over-looking an educational site and the Primary School has been consulted about the application and have made no representations. The guidelines for protecting residential amenity do, of course, only relate to residential properties.
22. There is also the potential for over-looking to occur from the external areas. Currently the land consists of soft landscaping and it would be possible for pupils to access the

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.

whole of this area up to the site boundary. Through the introduction of the external areas, this would formalise the activities taking place in this area and the size of the external area would limit the amount of people in the area at any one time. As outlined by the applicant, they are willing for conditions to be imposed on any grant of planning permission restricting the use of the area to up until 1630 Mondays to Fridays with no use on Saturdays or Sundays. Therefore whilst I note that there would be a change in how this area of the site would be used as a result of the development, I do not consider that this change would be so significant that it would cause an over-riding loss of amenity from over-looking. As outlined in paragraph (17) above details of the external areas should be required to be submitted by condition and details of boundary landscaping should also be required. These would help to reduce the potential for over-looking to occur.

Noise

23. The proposed development would be in close proximity to a number of residential properties and the noise emanating from the development has the potential to be experienced at the closest of these properties. In particular, there is the potential for noise to be experienced from the use of the car park, from any mechanical plant and from the external areas. I would advise that given its size, the number of people that could use the external area at any one time would be restricted and therefore this would reduce the potential for noise to be generated from this element of the proposed development. Additionally, the applicant has agreed to limit the use of the external areas so that they are not used after 1630 hours Mondays to Fridays or at all on Saturdays and Sundays. Furthermore given the number of people involved and that fact that essentially the car parking is an upgrade of an existing facility, I do not anticipate that there would be a significant increase in noise from this element of the proposed facility.
24. A noise impact assessment has been undertaken by the applicant's acoustic consultant to determine existing noise levels and the potential noise generated from the development. The assessment recommends that a close boarded timber fence be introduced along the site boundary with the properties in Stanhope Road to provide some mitigation of noise from the facilities at the most affected closeby properties and recommends that a condition is imposed upon any grant of planning permission requiring the mechanical services plant to meet a certain noise limit and requiring a scheme of attenuation to be submitted before any plant is operated at the premises. Jacobs Babbie have advised that providing the fence is provided, the external door to the café and internet area is kept closed after 1630 hours, no music is played in the café and mechanical plant noise is limited that this should safeguard the amenity at the closest noise sensitive receivers. I would therefore recommend these recommendations form conditions on any grant of planning permission.

Hours of Use

25. As outlined in paragraph (5) above the facility would be used from approximately 0830 to 2100 hours. During normal school hours the predominant use of the facility would be by pupils at St Edmunds School and by approximately 16 pupils from four other secondary school's in Dover. It is also anticipated that some facilities would be available for use by individual members of the community during the day however this would not be on a regular basis. It is proposed to use the facility outside of normal school hours to run Adult Education classes starting at 1630 hours. It is expected that

Appendix 1 to Item D3

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.

Adult Education courses would cater for 12 – 15 participants. As detailed in paragraph (23) above, following consultation with the applicant, they have agreed that the external areas of the facilities would not be used beyond 1630 or at weekends.

26. I have no objection to the proposed hours of use and I consider that by limiting the use of the external areas to normal school hours that this would limit the potential for a loss of residential amenity to occur. As highlighted in paragraph (24) above, a noise survey has been undertaken and provided the recommendations for conditions as set out in paragraph (24) are imposed on any grant of planning permission it is considered that the amenity at the closest noise sensitive receivers should be safeguarded.

Traffic and Car Parking

27. It is proposed to upgrade an existing car park at the site providing 26 parking spaces and to provide 2 dedicated disabled parking bays. Currently this car park is used by St Edmunds School and Charlton Primary School and 6 to 8 cars from the primary school use the car park daily. It is proposed to provide the primary school with 8 dedicated parking bays as part of the proposed development.
28. St Edmunds School would be the predominant user of the facility during the day and the 16 students from the four other schools would either access the site via a service bus or walk. Whilst some facilities would be available for use by individual members of the community during the day this would not be on a regular basis and therefore, it is unlikely that there would be a significant increase in vehicle movements at the site during normal school hours as a direct result of the development.
29. The greatest potential for an increase in vehicle movements to occur is therefore during the evening when Adult Education classes would be run. The courses would cater for 12 to 15 participants and the applicant has advised that they envisage that some of the participants would either walk, cycle or travel by public transport due to the fact that most attendants would be from the local area. Given that the Adult Education classes would take place outside of normal school hours, car parking would be available in the upgraded car park. Therefore whilst I note that there would be an increase in vehicle movements at the site in the evenings as a result of the development, due to the relatively small number of people involved, I do not consider that this increase would be significant enough to warrant refusal of the application.

Archaeology

30. There is the potential that archaeological remains could be affected by the proposed development. The County Archaeologist has therefore recommended that a condition is placed on any grant of planning permission making provision for a programme of archaeological work. I would advise that the condition suggested by the County Archaeologist, which requires that no development takes place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable, would be appropriate in this instance.

Water Resources/Contamination

31. The application site lies in a vulnerable location in terms of groundwater protection where potable supplies are at risk from activities at the site. Therefore the Environment Agency has advised that all precautions should be taken to prevent accidental

Appendix 1 to Item D3

Business Resource Centre at St Edmunds School, Old Charlton Road, Dover - DO/05/729.

discharges and spillages to ground. The Environment Agency has recommended the imposition of conditions relating to the submission of drainage details and actions to be taken if contamination is found and these should be imposed on any grant of planning permission. Information has also be provided on fuel, oil and chemical storage and the applicant should be advised of this by a suitably worded informative.

Conclusion

32. The application has to be considered in relation to the location of the proposed development and the need for it set against the impact of the proposal in the context of the Development Plan. Whilst concerns have been raised by a local resident about the appropriateness of the site and the potential for noise disturbance and a loss of amenity to occur, the noise survey that is being undertaken should demonstrate whether the noise generated from the development would be acceptable. Furthermore the use of condition to limit the hours that the external facilities can be used would assist in reducing the potential for a loss of amenity to occur. I therefore recommend accordingly.

Recommendation

33. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including the standard time condition, the submission and implementation of a scheme of landscaping, the development be carried out in accordance with the approved plans, hours of use of the café of 0830 and 1730 hours Mondays to Saturdays with no use on Sundays and Bank Holidays, the submission of details of external materials, the submission of details of the external play area, café space and piazza, hours of use of the external areas of up until 1630 Mondays to Fridays with no use on Saturdays and Sundays, hours of use of the building (except the café) of up until 2100, the securing of the implementation of a programme of archaeological work in accordance with a written specification and timetable, the provision of a close boarded timber fence along the site boundary with the properties in Stanhope Road, noise limit for the mechanical services plant and a necessary scheme of attenuation, the external door to the café and internet area being kept closed after 1630 hours and no music being played in the cafe.

Case officer - Lucy Owen	01622 221053
--------------------------	--------------

Background documents - See section heading
--

Appendix 2 to Item D3

APPLICATION DO/06/714 – RETROSPECTIVE APPLICATION FOR THE AMENDED SITING OF A 2 STOREY BUSINESS RESOURCE CENTRE AND RELOCATION OF BASEMENT PLANT ROOM TO GROUND FLOOR LEVEL AT ST EDMUND'S CATHOLIC SCHOOL, DOVER

NOTES of a Planning Applications Committee Members' site meeting at St Edmund's Catholic School on Tuesday, 27 June 2006.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J B O Fullarton, Mrs S V Hohler, Mr G A Horne, Mr S J G Koowaree, Mr T A Maddison, Mr R A Marsh, Mr W V Newman and Mr A R Poole. *Mr K Sansum was present as the Local Member.*

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

THE APPLICANT: St Edmund's Catholic School: Mr C Atkin (Head Teacher); Mr N Thorpe (CTM Architects) and Mrs J Taylor (Lee Evans);

OTHER LOCAL AUTHORITIES: Dover DC: Mr P Francis (Planning).

ALSO PRESENT were some 10 local residents

- (1) The Chairman opened the meeting by explaining that its purpose was for Members of the Committee to see the application site and listen to the views of those present.
- (2) Mr Crossley introduced the application by explaining that the Committee had granted permission for the erection of a business resource centre at the School in December 2005. Following complaints from local residents, it had been discovered that the building was not being constructed in the location for which permission was granted. It had moved 2.9 metres to the south and marginally to the west. *(Local residents disputed these figures, claiming that the real distance was at least 6 metres to the south).*
- (3) Mr Crossley went on to say that the applicants had sought permission to rectify the situation by submitting a retrospective planning application for the new siting. This application also requested the relocation of the plant room from the basement to the ground floor on the north eastern side of the building.
- (4) Mr Crossley then explained that the applicant had proposed a number of mitigation measures including a landscaped buffer zone of semi-mature tree planting, which the applicants had stated would help obscure the building from view. Obscured glazing was proposed to the front elevation to prevent any overlooking of 107 Barton Road. The proposed first floor western

Appendix 2 to Item D3

elevation cladding would also be altered to cedar timber cladding in order to soften the elevation treatment when viewed from the rear western gardens of the site.

- (5) Mr Crossley said that objections had been received from the local residents raising objection to the revised siting on visual amenity grounds. The Committee would need to consider whether the revised siting of the building now rendered the development unacceptable in terms of visual impact, noise disturbance, overlooking or loss of privacy, and whether there would still be adequate space for landscaping, access and vehicle parking.
- (6) Mr Atkin (Head Teacher) said that the community need for the Business Enterprise Centre had been identified by the Learning and Skills Council and others. The Education Authority had contributed £400,000 in recognition of the impact locally in the 14-16 age range. The total cost was in the region of £1.7m.
- (7) Mr Atkin then asked the meeting to consider the educational shortfall in the Dover Cluster. There was no Education Action Zone, Excellence in City or Academy. St Edmund's had no Learning Innovation Grant. There were only two grammar schools and three specialist schools, which could not give the necessary amount of Post 16 education to provide increased student choice and access to Higher Education. Student achievement placed Dover 23rd out of 23 Clusters at Key Stage 1 and 21st at Key Stage 2, whilst the Index of Multiple Deprivation placed it 20th.
- (8) Mr Atkin went on to say that Dover had a high rate of teenage pregnancies and also had a large pool of students with sub L2 GCSE grades. Ten percent of pupils went straight into work and 18% of 16 to 18 year olds were neither in work or full time FE. Work-based Learning was varied in quality and needed to be more consistent. There was a need to offer more courses locally with more flexible delivery. There also needed to be more co-operation between schools in the "Increased Flexibility" initiative to sustain broad A Level options and widen vocational provision. Many highly qualified young people left the Dover area.
- (9) Mr Atkin then said that it was essential to attract local investment into Dover's schools, to introduce skills to meet local business needs at Age 14, to have a clear pathway from Age 14 into local business. In short, there was a need for confident individuals as they would become the business leaders of the future.
- (10) Mr Atkin told the meeting that the Business Enterprise Centre would provide courses in Health and Social Care; Travel and Tourism; Business Studies; Digital Applications; Theatre Studies; Law; Film Studies; Media Studies; Retail, Marketing and Accountancy as well as the School's range of

Appendix 2 to Item D3

specialist subjects. Facilities at the Centre would include Sound and Video editing facilities; a drop-in Internet Café; and a crèche.

- (11) In conclusion, Mr Atkin asked everyone to understand that the decision to apply for a Business Enterprise Centre at St Edmund's had not been taken on a whim. On the contrary, it had been taken after a great deal of study and discussion involving a large number of experts in Education as well as local businesses.
- (12) Mr Fullarton asked whether the distance between the Centre and 107 Barton Road met the provisions of the Kent Design Guide. Mr Crossley replied that the Design Guide gave a figure of 21m for facing windows. If the movement measurement of 3m was correct, this provision should be met. Officers would still need to check that. This would need to be re-assessed if the figure turned out to be 6m instead. It was confirmed that these guideline distances related to distances between residential properties and for windows in habitable rooms.
- (13) Mr Thorpe from CTM Architects said that the misalignment of the building had been an innocent breach of the Permission. The builders had now been instructed to stop work. He added that the scaffolding made the building look larger than it really was as it was up to 6m away from the front of the building. The building design was of the same high quality as that which had recently won the Kent Design Prize.
- (14) Mr Thorpe continued by saying that an access would be provided to the fire exit serving the first floor double classroom area in order to be compliant with the Disability Discrimination Act. The building would incorporate a large classroom, a crèche, an internet café and an admin centre. The first floor would overhang the main entrance.
- (15) Mr Thorpe said that whether the building was 2.9m or 3.1 m nearer than originally intended to 107 Barton Road, its windows would still be more than 21m away from the façade of 107 Barton Road and further than that from the properties to the west. He added that the buildings did not directly face one another and speculated that the glazed windows on the 1st floor of the neighbouring houses suggested that they were probably bathrooms.
- (16) Mr Thorpe went on to say that the applicants were keen to safeguard the privacy of the neighbouring properties and had therefore designed an enhanced landscaping scheme consisting of mature and semi-mature trees, away from the boundary so that it would neither overhang the boundary nor overshoot. There would also be obscured glazing to the front elevation to prevent overlooking towards 107 Barton Road, whilst the western elevation cladding would be amended from metal to cedar timber to soften the appearance when viewed from Stanhope Road.

Appendix 2 to Item D3

- (17) Mr Thorpe then answered questions from Members by saying that the reason the Building Inspectors had not identified the mis-alignment was because the application had been determined by KCC rather than Dover DC *(in any case, the District Council's Building Inspectors were concerned with the integrity of the build rather than with its siting)*. Mr Thorpe also explained that the roof of the building would be mono-pitched, sloping to the back.
- (18) Mr Marsh asked whether the local residents were content with the original Planning Permission. A number of local respondents responded that they were not.
- (19) A Dover District Councillor said that he did not accept that the figure of 2.9m was correct for the misalignment of the building. He asked how the error had come about and why the applicants had not stopped building the moment that they realised their mistake. Mr Thorpe replied that there had been differences between the initial survey and the more detailed one mainly relating to the steps at the back of the building. The error had been entirely innocent and an application had been put in immediately to regularise the situation.
- (20) Mr Crossley explained the sequence of events following the granting of the original permission. The Planners had been unaware of the error until they were contacted by one of the local residents. Having verified the information provided, the Planners informed the Architects and advised them to stop working pending consideration of the revised siting. As they were unwilling to do so, they were then warned that they would be continuing at their own risk and that any costs and inconvenience arising from a Planning Refusal would be borne by them. They had finally stopped construction work at the end of the previous week (June 23rd). *(A number of local residents claimed that this was incorrect and that construction work had actually not stopped until this day (27th) – One of architects was alleged to have told the residents that the building would not come down; no matter what was decided by the Committee).*
- (21) The Chairman informed the meeting that he had spoken to the Portfolio Holder for Education and School Improvement the previous week to let him know that work was continuing and strongly urging that work should stop pending the determination of the application. Following this conversation an Officer from the Children, Families and Education Directorate had written to the Head Teacher who had instructed that work should stop.
- (22) Mr Crossley replied to a question from Mr Marsh by saying that the County Council's Regulation Committee had no legal enforcement powers as the applicants were from another part of the same Local Authority. For the same reason, the applicants would not be able to appeal against any decision to

Appendix 2 to Item D3

refuse permission. In that event, the applicants would either have to move the building back to its permitted alignment or take it down altogether.

- (23) The Chairman agreed with the view of many people at the meeting that the distance needed to be re-measured. The Planners agreed to do this following the meeting and suggested that any one who wished to do so could be a witness to this event.
- (24) Mr Sansum (local Member) said that, like the local residents, he had no problem with the project itself. He said that during the consultation period for the original application the local residents had been invited to send letters of objection to a case officer from Dover DC. The Case Officer had since left and these letters had now disappeared. KCC's Planning Officers themselves had only received one letter of objection and had gained a false impression of the strength of objection. He believed that it was wrong and unfair that the original approval had been granted in these circumstances.
- (25) Mr Sansum then said that it was important to properly measure the misalignment to the south. He pointed out that KCC had been aware of the mistake in April and said that despite of this, work had continued until 7pm on the previous day.
- (26) Mr Crossley said that the County Council's Planners had written as part of their normal consultation procedure to 32 local residents about the original application, but had only received one reply. However, that letter and its objections had caused the original application to be reported to the Planning Applications Committee in December 2005. Even allowing for the highly unusual and unverified request from Dover DC's case officer for letters of objection to be sent to her, it would therefore still have been possible for people to have sent any objection letters to KCC, whose notification letter they would have been reacting to. Dover DC had recently been approached by KCC officers over the missing correspondence, but had unsuccessfully attempted to locate the letters that people claimed to have sent them. *(An Officer from Dover DC confirmed that there were no such letters on their file).*
- (27) Mr Marsh said that if any of the local residents had copies of their original letters, they should send them to the Planners in time for the Committee meeting on 15 July.
- (28) Mr Kennard, a local resident from 107 Barton Road said that a crack had appeared on the wall of his kitchen as a result of the work being undertaken on this building. He had informed the architects of this but they had claimed that it had not occurred because of their operations. Mr Crossley said that the Planners would be unable to adjudicate on this claim and that Mr Kennard's best form of action would be to employ an independent qualified Structural Engineer to investigate, if he was unconvinced by the Structural Engineer's

Appendix 2 to Item D3

survey organised by the architects, and then pursue the matter with KCC Property.

- (29) Mr Thorpe replied to a question by saying that the height of the building would be slightly lower (by about 150mm) than that originally permitted. He said that the mistake had been entirely the responsibility of his own company and that the contractors could not be blamed as they had worked off the drawings that they had provided.
- (30) Mr Crossley explained in response to a question from a local resident, that the reference contained in the original report to the Environment Agency's comments on chemical storage was a standard paragraph. It did not imply that chemicals would actually be stored in the building, but was a customary requirement for vehicle parking areas.
- (31) Mrs Taylor from Lee Evans said that as permission had been granted to the original application, there was no issue about the building being located on its present site. She noted that a number of objections from local residents were on the grounds of issues of principle. These could not be issues for the Committee to consider in relation to this particular application. The only issue for the Members to determine was whether or not the proposed new alignment of the building was acceptable. Matters such as amenity impact, overlooking, privacy and size had all been addressed in the original report.
- (32) Mrs Taylor then said that since the building had moved a mere 2 feet towards the western properties, the main consideration was over impact on the property at 107 Barton Road to the south. The applicants had now proposed to plant a hedge to ameliorate the impact on this property. The Kent Design Guide stipulated that the distance between *facing* windows should be at least 21 metres. This target was met by the proposal. In fact, the windows of the two buildings were not directly facing one another. In such instances the Kent Design Guide allowed the distance between them to be as close as 11 metres.
- (33) Mr Thorpe said that he had instructed the contractors to stop work on construction. He assumed that any work that had been done since would be associated with making the site as safe and secure as possible.
- (34) The Chairman thanked everyone for attending. The notes of this visit would be included in the Committee report for the meeting on 18 July. He advised that anyone who might wish to speak at that meeting should contact Andrew Tait from Legal and Democratic Services.

Following the meeting, Members observed the building from the back garden of 107 Barton Road. KCC Officers then carried out a series of detailed measurements to verify the submitted drawings.

Item D4**Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469**

A report by Head of Planning Applications Unit to Planning Applications Committee on 18 July 2006

CA/06/469 – Application by Herne Bay Infant School Governors and KCC Children Families and Education for erection of a single storey nursery building to the rear of the existing school building – Herne Bay Infant School, Stanley Road, Herne Bay.

Recommendation: Permission to be refused.

Local Member: Mr D Hirst and Mr J Law

Unrestricted

Site

1. The Herne Bay Infant School is located at the edge of town centre and is bounded by Kings Road, Stanley Road, Arkley Road. The Infant School shares the site together with the Herne Bay Junior School to the east. The campus is surrounded by residential area with a predominance of Victorian terraces. The application site lies to the south of the new Foundation Stage building and to the west of Junior School's playing field. The Infant School's vehicular access is off Stanley Road, with pedestrian access to the south via Arkley Road. The site is within a conservation area. A site plan is attached.

Background

2. This application was the subject of a Members' site meeting on 27 June 2006. A copy of Council Secretariat's Minutes of that meeting appends this report.
3. In July 2003 planning permission was granted for erection of a single storey building on the Arkley Road site to provide a Foundation Stage building (Ref. CA/03/784). The 4 new classrooms and associated facilities, opened in 2004, allowed for the replacement of a number of mobile classrooms. Kent Highways recommended the application for approval on the understanding that there would be no increase in the number of staff or pupils as a result of the development. Also, the applicant noted that vehicular access off Arkley Road was to be restricted to maintenance and emergency vehicles only. The Arkley Road gate is used as pedestrian access only to enter and exit the Foundation Stage building (Photo 1).
4. The School took the initiative to produce a School Travel Plan which stresses the most important issues:

“The biggest issues are associated with pedestrian and traffic congestion along Stanley Road, Arkley Road and Kings Road. There is a general lack of space on the school site (...). A lot of parents wait outside the school gates causing blockages on the pavements around the school. The consequence of this is that parents resort to walking in the road with their children, particularly those with pushchairs or prams. (...) Being situated in a residential area where the predominance of housing is Victorian terraces means that on street parking around the school locally is very limited, as most residents don't have the luxury of a driveway. Parents who bring their children in cars often ignore road markings. This means that they park on double yellow lines and 'keep clear' zigzag lines (...). Lack of on road parking means that parents park on road junctions and corners or stop in the middle of the road, letting their children disembark independently”.

Item D4

Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469

Proposal

5. The application proposes a single storey pre-school nursery building with all required facilities to provide places for 26 children between the ages of 3 and 5 years old. The nursery would provide one morning session and one afternoon session, each lasting up to 2.5 hours. The building would be located to the south of the School's Foundation Stage building, close to the Arkley Road entrance. The building, together with the proposed external playing area, would extend onto the adjacent playing field of Herne Bay Junior School. Access to the nursery, pedestrian only, would be from Arkley Road. No parking for parents would be allowed within the school grounds and there would be no facility for a vehicle drop off/pick up point.



Photo 1 Pedestrian access from Arkley Road

Planning Policy Context

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

The adopted 1996 **Kent Structure Plan**:

- | | |
|-----------|--|
| Policy S1 | Local Planning Authorities will seek to achieve a sustainable pattern of development, which will minimise pollution. |
| Policy S2 | The quality of Kent's environment will be conserved and enhanced. |
| Policy S9 | Has regard for the need for community facilities and services. |

Item D4

Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469

- Policy ENV15 The character, quality and functioning of Kent's built environment will be conserved or enhanced. Development should be well designed to respect its setting.
- Policy ENV17 Development within conservation areas should preserve and enhance the character of the conservation area.
- Policy ENV18 In the control development, important archaeological sites will be protected. Preservation in situ of archaeological remains will normally be sought.
- T17 Development will normally be required to provide for vehicle parking on site in accordance with KCC's Vehicle Parking Standards.
- T18 Development, which generates significant increase in traffic, will normally be refused if it is not well related to the primary and secondary route network.

The September 2003 deposit draft of the **Kent & Medway Structure Plan:**

- Policy SP1 Seek to protect and enhance the environment and achieve a sustainable patterns and form of development.
- Policy QL1 Development should be well designed and respect its setting.
- Policy QL7 Development within conservation areas should preserve and enhance the character of the conservation area. Any development that would harm the character of a conservation area will not be permitted.
- QL8 Seeks to protect and enhance the archaeological and historic integrity of important archaeological site and requires archaeological assessment and/or field evaluation of potentially important sites along with preservation of remains or by record.
- Policy QL12 Seeks to protect existing community services. Seeks to make provision for the development of local services in existing residential areas and in town centres, particularly where services are deficient.
- TP2 Development sites should be well served by public transport, walking and cycling, or will be made so as a result of the development.

The adopted 1998 **Canterbury Local Plan:**

- Policy D1 Development should be well designed and respect its setting.
- Policy D29/30 Development and archaeology.
- Policy D39 Seeks to only permit proposals which result in the loss, in whole or in part, of playing fields if there is an overriding need for the development which outweighs the loss of the playing fields.
- Policy D62 New development will be required to provide parking for vehicles in accordance with Kent Vehicle Parking Standards.

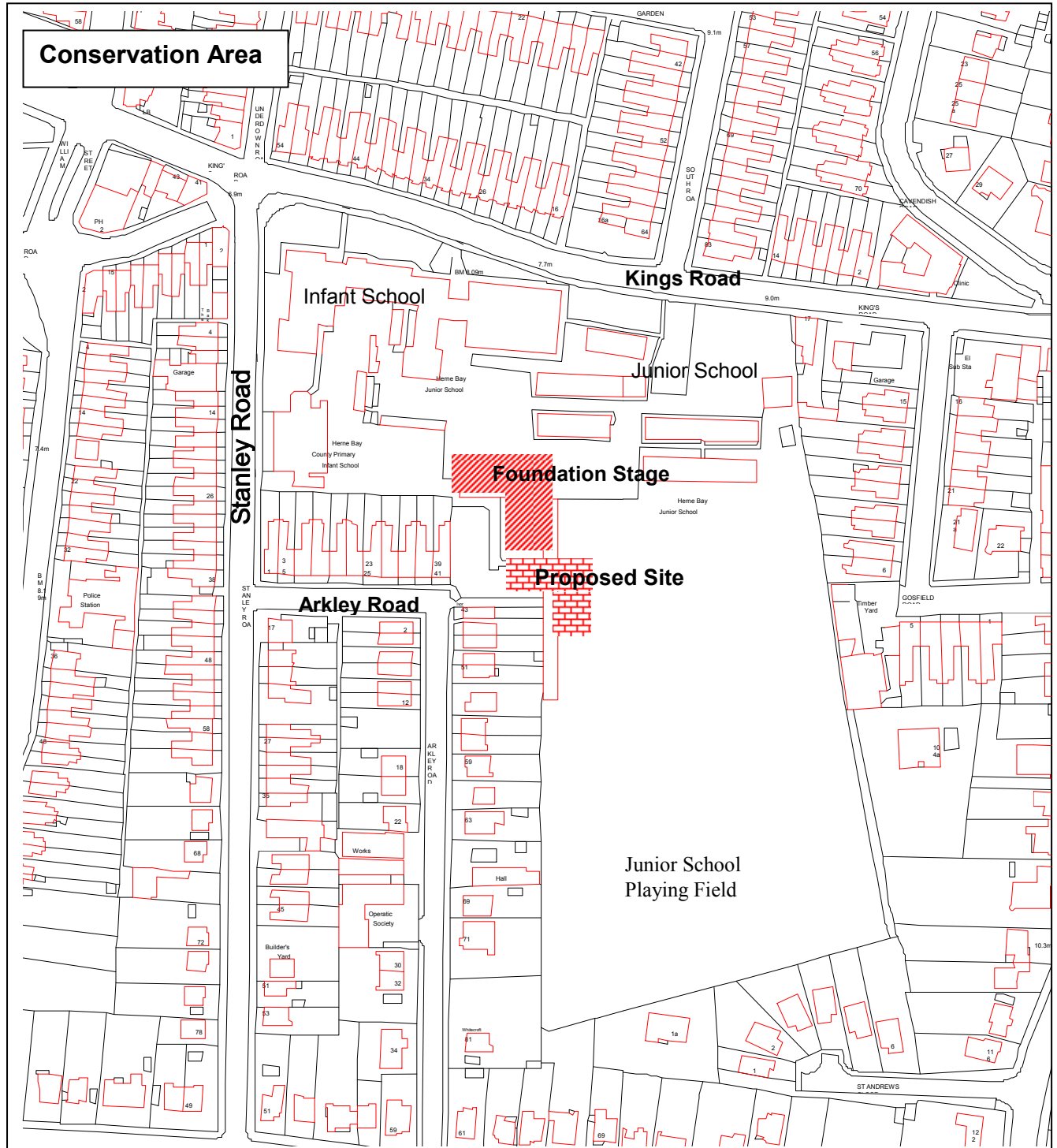
The 2002 deposit **Canterbury Local Plan:**

- BE1 Development should be well designed and respect its setting.
- Policy 15/16 Development and archaeology.
- Policy C8 Seeks to apply Kent Vehicle Parking Standards to development proposals.
- Policy C10 Seeks to grant planning permission for new buildings or uses for local communities providing that any building is appropriately designed and

Item D4

Single storey nursery building to the rear of the existing school building- Herne Bay Infant School, CA/06/469

SITE PLAN

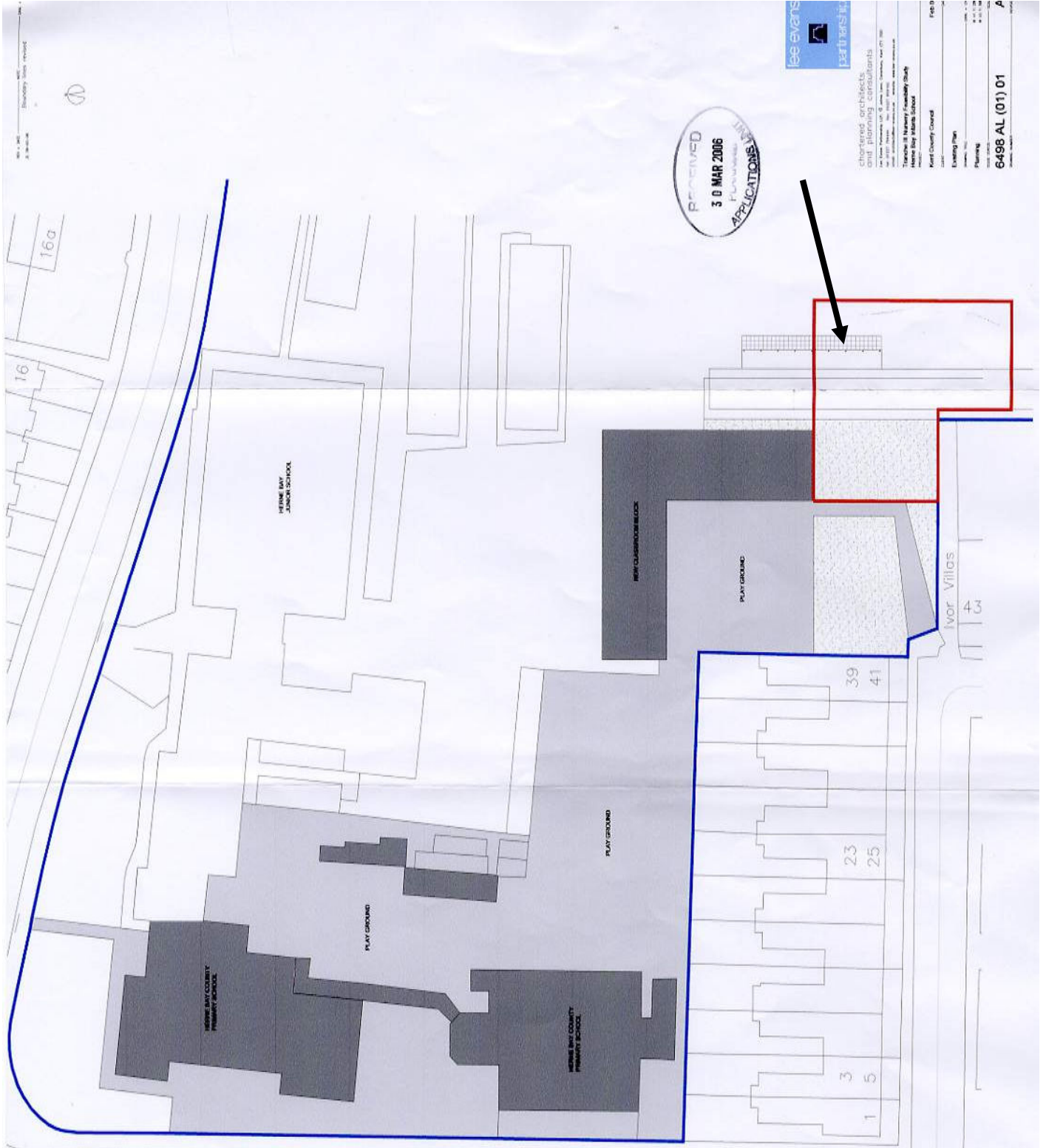


This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Item D4

Single storey nursery building to the rear of the existing school building- Herne Bay Infant School, CA/06/469

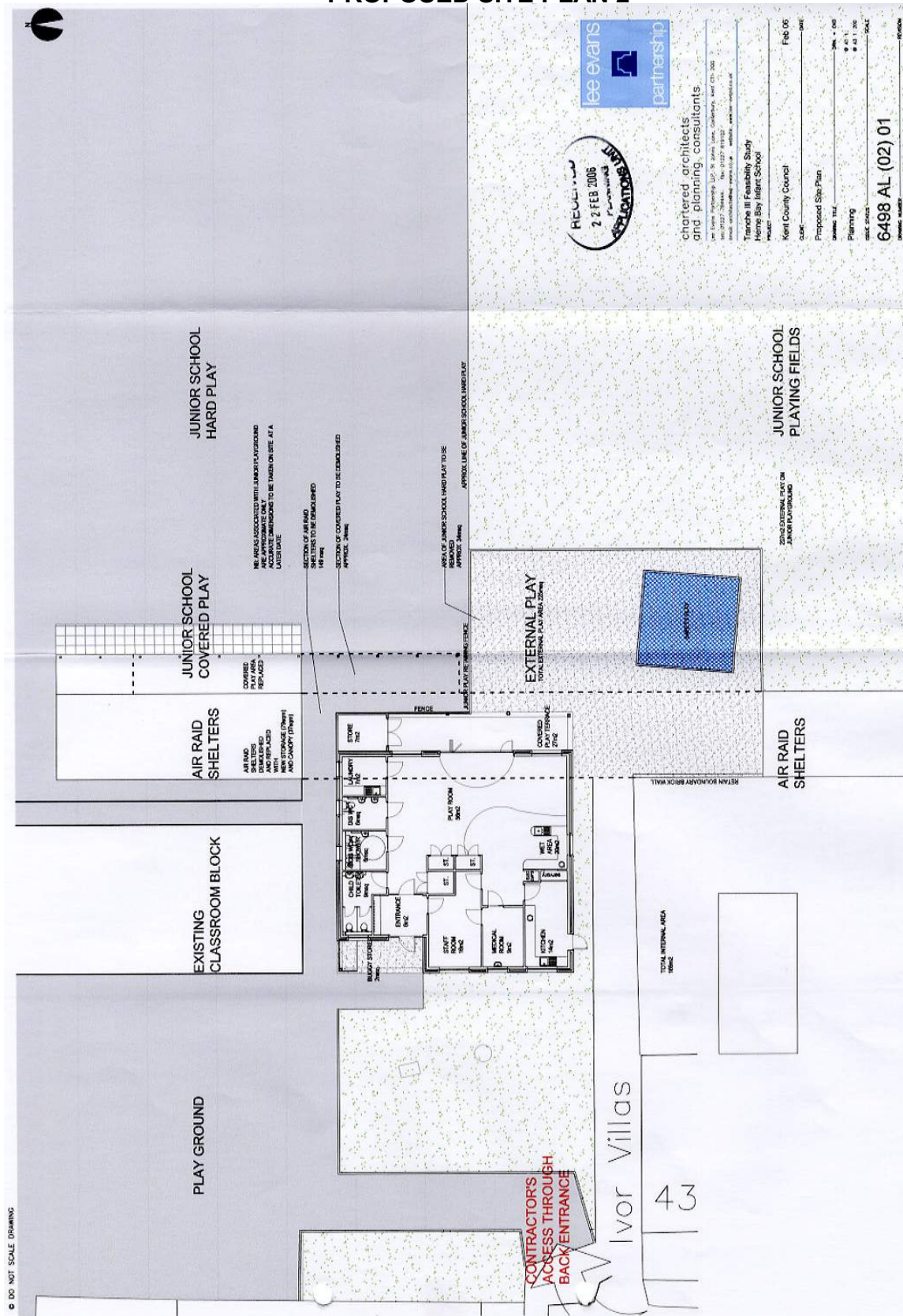
PROPOSED SITE PLAN 1



Item D4

Single storey nursery building to the rear of the existing school building- Herne Bay Infant School, CA/06/469

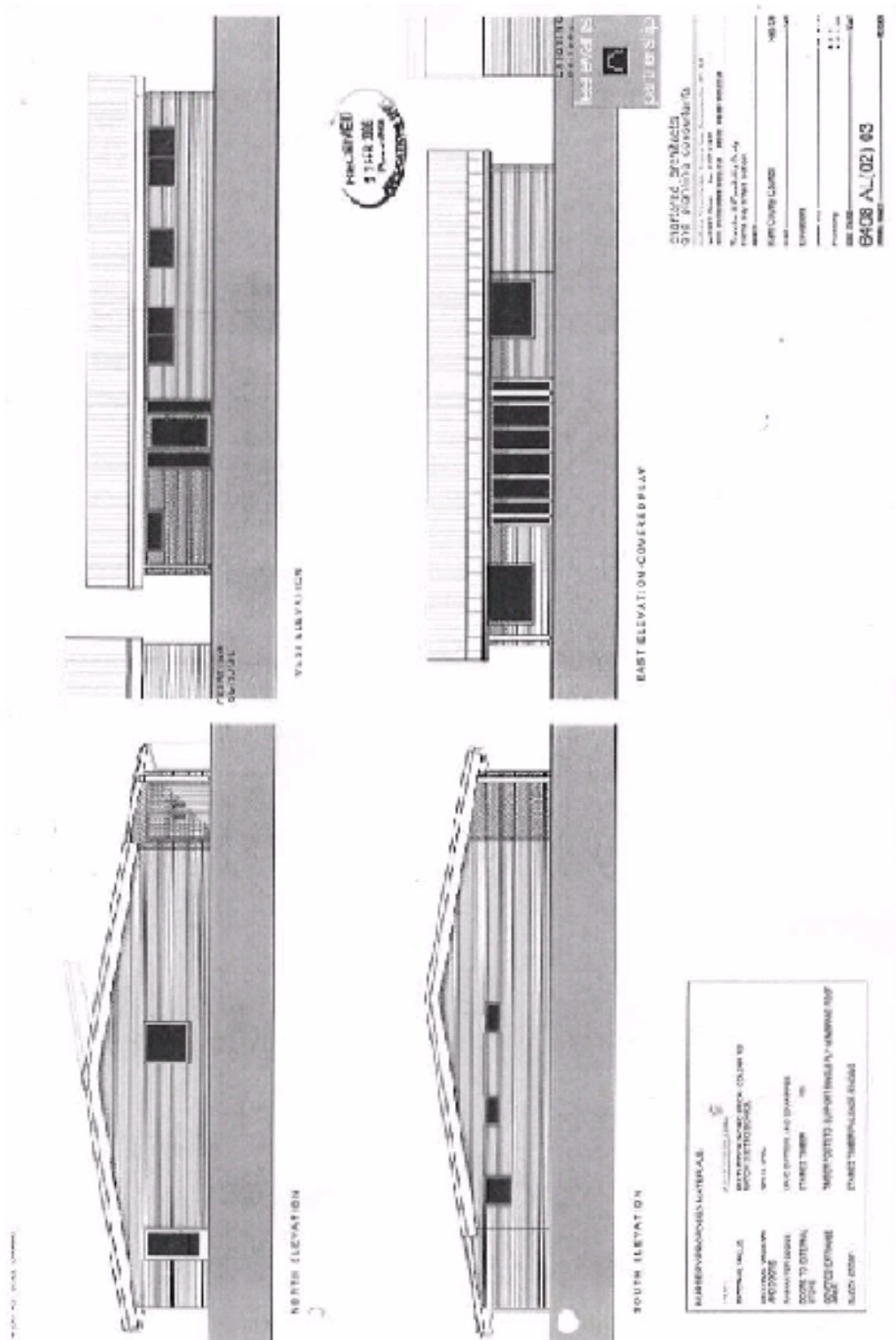
PROPOSED SITE PLAN 2



Item D4

Single storey nursery building to the rear of the existing school building- Herne Bay Infant School, CA/06/469

ELEVATIONS



Item D4

Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469

- located, and highway safety would not be prejudiced.
- Policy C20 Seeks to protect existing open spaces.
- Policy C21 Seeks to protect playing fields.

Consultations

Canterbury Council – raises no objection to the proposal.

Divisional Transport Manager – raises an object on the grounds of highway safety. The roads surrounding the site are already experiencing traffic related problems during peak times and further vehicles generated in connection with the nursery are likely to result in double parking and the interruption of the free flow of traffic. It is critical in school areas to keep traffic disruption to the minimum possible in the interest of the safety of children attending the school.

Environment Agency – raises no objection, but would suggests to impose a condition that if contamination is discovered

County Archaeologist – raises no objection subject to condition requiring the implementation of a watching brief to be undertaken by an archaeologist, so that the excavation is observed and the finds recorded.

Conservation Officer – raises no objection.

Sport England – raises no objection

Local Members

7. The Local Members Mr David Hirst and Mr John Law were notified of the application on 31 March 2006.

Publicity

8. The application has been publicised by way of a site notice, an advertisement in the local newspaper and the notification of 37 neighbouring properties. No representations have been received to date.

Discussion

9. The proposal is for additional building at Herne Bay Infant School to accommodate 26 pupils in the morning session and further 26 pupils during an afternoon session. The facility would potentially employ one additional member of staff.
10. The school capacity is 360 pupils, and it reached a peak 4-5 years ago, but has since been declining. Currently, the school has 330 pupils attending the site, and 47 staff. The additional 26 children accommodated within the nursery would bring the school back up to capacity numbers. The fall in the school numbers is not predicted to continue further, but will level out. The applicant states that the impact of the nursery would be no more than returning the school up to its earlier capacity. Further, the Head Teacher believes that the proposal might even reduce traffic around the school: *“Many parents are actually forced into car use because, at present they need to take pre-school children on to Beltinge, Marsh side and other peripheral pre-school provision, after dropping off older siblings. If*

Item D4

Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469

they were using our nursery they would be more likely to walk". On the other hand, with a change of circumstances, there is nothing to prevent, the Infant School again increasing its numbers to its full capacity of 360 pupils. Nevertheless, Divisional Transport Manager argues that having a separate nursery on the school site would significantly contribute to an increase in traffic-related problems.

11. It is necessary to consider the development in the context of the Development Plan Policies outlined in paragraph (5), especially transport policy T17 and T18 of the Structure Plan. Policies that discuss the effects of the development in terms of its location and the effect on the local environment and amenity are also important.

Need for proposal.

12. The coastal area of Kent suffers one of the highest levels of social deprivation, lacking children's facilities. The selection of Herne Bay Infant School as a site for one of the County's Nurseries is on the basis of greatest educational need and to provide support for local parents. Even though the campus of the Infant School would be limited in extent, the area would greatly benefit from this facility. As recognised by the applicant, the implication of not being able to provide nursery places would have a direct impact on the community in social and educational terms. On the other hand, the needs of the community have to be balanced with other factors, such as parking provision while "*...the development should not be permitted unless the infrastructure, which is directly required to service the development, can be made available...*" (Structure Plan, S9). Further, considering the needs of the community, the safety of the environment and the amenity of residents needs to be protected (Deposit Structure Plan, QL1).
13. The fact that the school is sited within urban area and on the edge of the town centre indicates that much of the population live within easy walking distance of the school. The applicant argues that the proposed nursery would represent a form of sustainable development. Further, the agent questions the interpretation of the transport policies that seek to discourage car usage through limiting car park spaces. In his opinion, the drop off points for parents might be considered against these policies and have the opposite effect.

Traffic movements, car parking and pedestrians

14. Given that no provision is made for a drop off/pick up point at the site and the number of nursery places being provided, the proposal is most likely to result in additional traffic generation. As a result of the proposal, parents would have to park on the street either on Arkley Road or Stanley Road, with a greater impact on the limited space available. As far as pedestrians are concerned, there is already a serious problem with the crowds of parents waiting in front of the school gates. They often encroach on the highway, as there is limited space available at the school grounds to allow parents to enter. The Transport Manager is greatly concerned over the high probability that the Nursery would generate unacceptable additional demand for parking and waiting on the highway. The main point is that the development would have negative consequences to children's safety and the highway situation around the school site.

Item D4

Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469

15. With regard to parents dropping off/picking up children, the applicant admits that the school physically does not have sufficient parking space on the school site, nor near it, to operate a traffic circulatory system. Even though it is argued that most children would be drawn from families that already have their siblings in the school, it is not possible to control these issues at the proposed nursery. Therefore, it cannot be said that the Nursery would not generate much additional traffic.
16. In terms of existing staff, the applicant has drawn attention to the fact, that as a result of the decline in school numbers there are currently surplus staff. Hence, only one new person would be required. After transferring the surplus staff to the new nursery, the School has no intention to recruit new teachers within the existing infant faculty. Thus, the applicant argues that no additional parking spaces would be required. On the other hand, in the event of returning to its full capacity of 360 children in the Infant School, the re-deployed teachers would have to be replaced by new teachers to meet the changing circumstances. In the view of transport adviser, this number of additional staff cannot be accommodated within the limited school car park. I would also note, that the previous application (2003) for a Foundation Block contained a statement, that no new staff were needed as a result of this development. However, since 2003, 4 new staff have been employed (as stated in Supporting Statement “a total of 47 staff work at the school”). In principle, the proposal is not in keeping with the objectives of the Structure Plan Policy T17 and T18 that recommends refusing applications for development, which would generate a significant increase in traffic. Further, Deposit Structure Plan Policies TP2 and TP19, Canterbury Local Plan Policies D1 and D62 and Draft Canterbury Local Plan Policy C8 should apply.

Hours of use

17. The Nursery is proposed to be open during normal school hours. As the development is likely to generate additional traffic, it has been considered, whether staggering the start and finish times for the proposed nursery could reduce some of the impact of the development on the existing traffic problems. However, it has also been agreed that it is difficult to stop parents who have older siblings in the infant school, from parking or waiting (on foot) for extended periods of time in front of the school gates while waiting for later sessions.

School Travel Plan

18. The final factor to consider is the adopted School Travel Plan. It is appreciated that the school takes the initiative to promote walking to school and the scheme is there to alleviate the existing problems. As a result, this school is a leader in Kent in the number of walking buses it has. It is proud of having more than 85% of children walking to school. It is believed all this contributes to a reduced volume of car traffic around the site. Nonetheless, children aged between 3-5, brought to school for 2.5 hours, are the least likely to benefit from the School Travel Plan. They are least likely to be walked or use public transport and are most likely to be driven to school.

Item D4

Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469

Design, Conservation Area and Archaeological Site

19. The proposed accommodation adopts the general design brief prepared by Kent County Council, and takes the form of a single-storey block to provide main play-room area, kitchen, toilets, an office and other ancillary facilities to cater for the children. Covered play facilities and external storage would also be provided. The proposed materials take on a traditional brick construction and a pitched metal deck roof, all chosen to match the Foundation Block. The height and massing of the proposal reflects the school building and the surrounding properties. I consider that the overall effect of the design is appropriate to the setting. The development would not have an undue impact on the nearby environment in visual terms.
20. Further, the building would extend to the existing playing field of the adjacent Junior School and would involve the demolition of a part of an existing air raid shelter, which borders the Infant School land. Subject to condition asking for a watching brief in order to record any items of archaeological interest there is no objection to that element. Lastly, the proposed nursery building would slightly encroach onto playing field land. However, this encroachment would not adversely affect the use of the playing field therefore there is no objections to the development on this ground. As such the development accords with the Structure Plan Policies ENV15 and ENV17, ENV18, Deposit Structure Plan Policies SP1, QL1, QL7 and QL8, Canterbury Local Plan Policy D1, D29/30 and D39; and Draft Canterbury Plan Policy BE1, C10, C20 and C21.

Conclusion

21. Whilst I see no objection to the proposal in terms of design and its physical impacts, including archaeology and playing fields aspects, the proposal raises serious highway concerns. In particular, the roads surrounding the proposed site are already experiencing serious traffic related problems during peak hours. I am advised that the site is not capable of safely accommodating 26 new pupils in the morning session and further 26 in the afternoon session. Encouraging more traffic movements near the site would further interrupt the free flow of traffic and undermine the purpose of the walking bus and the Travel Plan already in place. Whilst it is acknowledged that there is a need for Nursery facilities in this area, it is critical in school areas to keep traffic disruption to the minimum possible in the interests of highway safety and the safety of children attending the school. To permit development on this site would make the situation unacceptable according to the Divisional Transport Manager.

Recommendation

22. I recommend that PLANNING PERMISSION BE REFUSED on the following grounds:
 - (1). The surrounding highways do not have the capacity to absorb additional on street parking or traffic movement that would be associated with the proposal;
 - (2). The proposed development would have an unacceptable impact on the highway safety and the children attending the school;

Item D4

Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469

- (3). The proposal would undermine the purpose of the walking bus and travel plans already in place;

Case Officer: The case officer	Anna Michalska-Dober	01622 696979
--------------------------------	----------------------	--------------

Background Documents - see section heading (or specify particular documents)*

Appendix to Item D4

APPLICATION CA/06/469 – SINGLE STOREY NURSERY BUILDING TO THE REAR OF THE EXISTING SCHOOL AT HERNE BAY INFANT SCHOOL, STANLEY ROAD, HERNE BAY

NOTES of a Planning Applications Committee Members' site meeting at herne Bay Infant School on Tuesday, 27 June 2006.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J B O Fullarton, Mrs S V Hohler, Mr G A Horne, Mr S J G Koowaree, Mr T A Maddison, Mr R A Marsh, Mr W V Newman and A R Poole *Mr C J Law was present as the Local Member.*

OFFICERS: Mr J Crossley and Miss A Michalska (Planning); Ms S Bengé (Kent Highways) and Mr A Tait (Democratic Services).

THE APPLICANT: Herne Bay Infants: Ms A Hooker (Head Teacher), Mr M Pearce (Chairman of Governors) and Mr D Stewart (Architect).

Members observed the arrival of the pupils at the school gates, paying particular attention to the traffic using Stanley Road and Arkley Road before the meeting commenced.

- (1) The Chairman opened the meeting by explaining that its purpose was for Members of the Committee to see the application site and listen to the views of those present.
- (2) Mr Crossley introduced the proposal, which had been made jointly by the School Governors and KCC Children, Families and Education. He said that it consisted of a single storey nursery building in the green space behind the school gates in what would have become the Infant School's grounds. The Nursery would provide places for two groups of 26 children (one group using it in the mornings, the other in the afternoons).
- (3) Mr Crossley went on to say that the Nursery would be built using traditional brick and a pitched metal deck roof, broadly in keeping with the rest of the school and properties in this high density residential area. The area itself was part of a Conservation Area, so design was an important consideration.
- (4) Mr Crossley reminded the Committee that this application had come forward to the Committee a week earlier with an Officer recommendation of objection on transport grounds. He did not consider that there were any other grounds for objection in terms of design, playing field loss or impact on residential amenity. The only grounds for recommending refusal were highways concerns.

- (5) Mr Crossley then went into greater detail about the highways objection. He said that in July 2003 permission had been granted for the erection of a Foundation Stage building. Kent Highways had raised no objection at that time on the understanding that there would be no increase in the number of staff and pupils arising from the development. This particular application would, however, involve additional staff and pupils, although some of the children might be siblings or live locally. It was recognised that the School Travel Plan would reduce the volume of traffic around the site.
- (6) Ms Benge (Kent Highways) said that she had inspected the traffic situation at the school on two occasions. Each time, the traffic had been far more congested than on this occasion. She added that there was no staff parking in the school grounds, so any increase in numbers would make the congestion unacceptable, particularly in Stanley Road.
- (7) Mr Stewart (Architect) agreed with Mr Crossley's presentation. He asked Members to note that the Permission for the Foundation Stage building had not included any condition restricting numbers at the school on Highways grounds. He added that pre-school Nursery classes and associated school runs were already taking place on Wednesdays and that there had been no objections from neighbours. These classes consisted of 20 youngsters as well as staff, who would transfer to the Nursery building if permission were granted.
- (8) Mr Stewart then said that the Travel Plan worked very well and had been developed by the School because the amount of on-site parking that could be provided was extremely limited. This was an urban school in a tight-knit residential area. The majority of the pupils lived within 10 minutes' walking distance of the School and it was anticipated that the majority of the Nursery cohort would probably be related to children already attending the School.
- (9) Mr Pearce (Chairman of Governors) said that the School had consulted the public extensively on the proposal and that there had been no objections. The School was in the middle of Herne Bay, and it was impossible to develop additional car parking spaces. In fact, the School had no wish to do so. Some of the Governors did not want any spaces at all in the school grounds. The School Travel Plan had been developed entirely on the School's initiative. It was very successful to the point where there would be 5 walking busses in September. He estimated that 95% of the pupils lived within ten minutes of the School and said that the only time that there was a problem was when it poured with rain, leading a greater number of parents to use their cars.
- (10) Ms Hooker (Head Teacher) said that the Travel Plan was extremely successful because of the efforts of the School's Family Liaison Officer and because the children were very keen on it. The Travel Plan therefore represented a sustainable change. She did not believe that many children

from outside the catchment area would come to the Nursery and therefore concluded that the proposed development would not make a significant difference in highways terms.

- (11) Mr Maddison asked whether a condition could be applied limiting the numbers at the School to 360 (including those attending the Nursery). Mrs Bengé replied that when giving her advice, she had to assume that the School was at full capacity. Ms Hooker explained that the School was legally obliged to take up to 30 children in a class if a sufficient number expressed a preference. Mr Crossley added that it would not be possible to control school roll numbers by use of planning conditions.
- (12) Mr Horne asked whether the Walking Bus went to school every morning and afternoon. Ms Hooker confirmed that this was the case.
- (13) In response to another question from Mr Horne, Ms Hooker said that the Nursery would require 3 additional members of staff. Because of the comparatively low intake at the School, two members of staff would have to be redeployed to the Nursery. In practice, there would only be one additional member of staff.
- (14) Mr Law, the local Member said that he supported the application and underlined that there had been no traffic restriction attached to the Foundation Stage building Permission. He then said that £98,000 had been made available for traffic calming measures in the Kings Road (to the north of the School). This would take the form of a 20mph zone and would result in traffic levels being diverted away from the area. He added that in 2005 he had pursued with Kent Highways a request from some local residents to turn Arkley Road into a one way system. Highways had opposed this suggestion on the grounds that traffic levels did not merit it.
- (15) Ms Hooker said that this part of Herne Bay suffered from the highest deprivation indices within the Canterbury cluster. Building the Nursery would help ameliorate matters by enabling the School to sustain Early Years provision.
- (16) The Chairman thanked everyone for attending. The notes of this site visit would be appended to the Planning Applications Committee report when the application was considered on 18 July.

This page is intentionally left blank

Item D5

Extensions to provide office, toilet and kitchen space at Kent Communicative & Assistive Technology Service for Children & Young People, Wainwright Place, Ashford – AS/06/530

A report by Head of Planning Applications Group to Planning Applications Committee on 18 July 2006.

Application by Kent County Council Children, Families and Education for the provision of single storey toilet, office and kitchen space at Kent Communicative and Assistive Technology Service for Children and Young People, Wainwright Place, Newtown, Ashford – AS/06/530

Recommendation: Planning permission be granted subject to conditions

Local Member(s): Mr. G. Koowaree

Classification: Unrestricted

Site

1. Wainwright Place is located to the south-east of Ashford, lying adjacent to the Ashford Designer Outlet Centre. The property consists of a large detached building split in two between a nursery (Cherry Tree Nursery) which occupies approximately 75% of the building and the new Kent Communicative and Assistive Technology Service which lies to the south of the building and occupies approximately 25% of the total floorspace. The front of the property is bordered by Alfred Road leading onto terraced houses, and to the rear a large car park leading onto a railway line looking out towards the Ashford Designer Outlet Centre. To the north of the site is the old Wainwright Place School and to the south a grassed area leading to apartments in Belmont Place. *A site location plan is attached.*

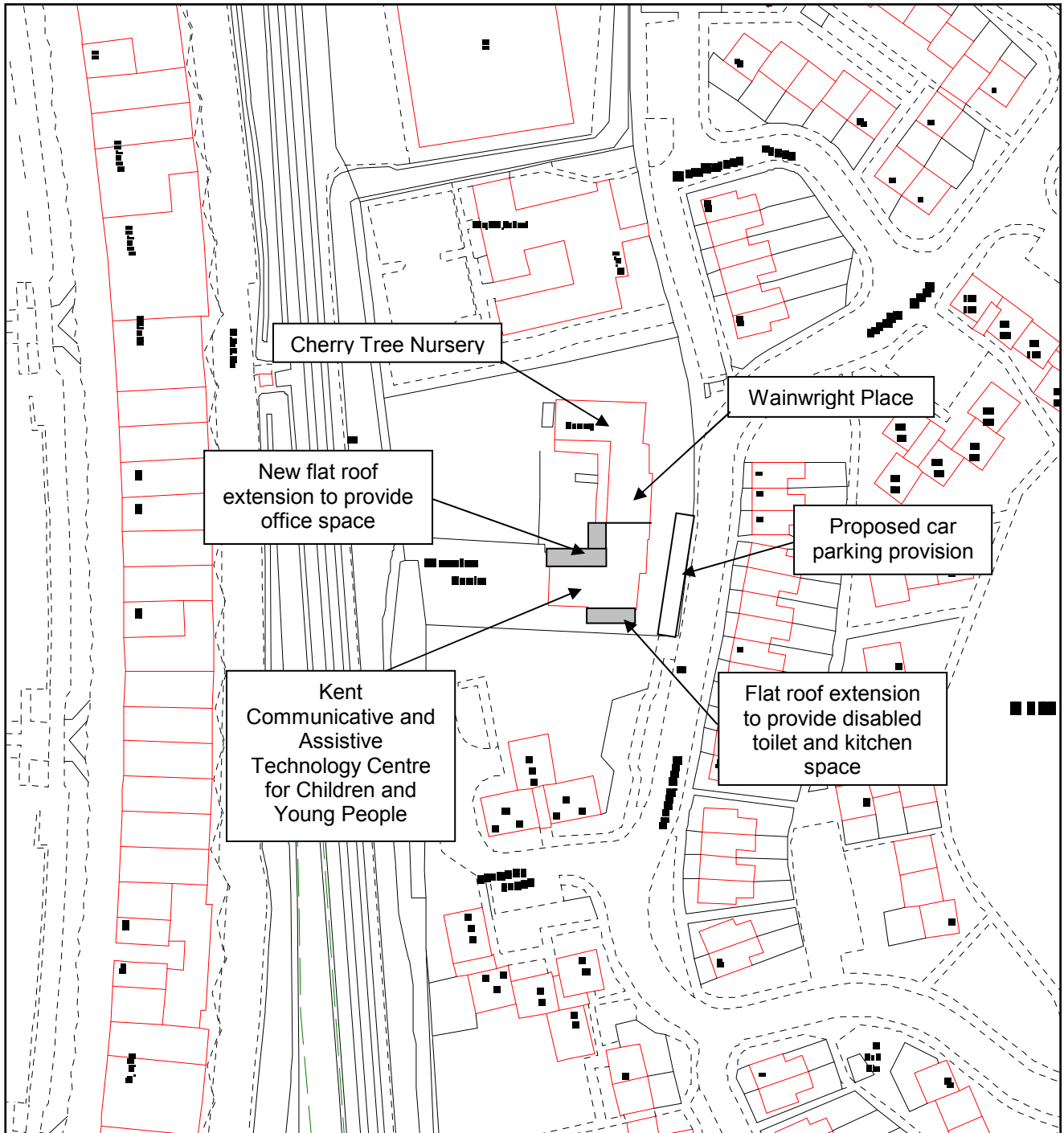
Proposal

2. The application has been submitted for the provision of office, toilet and kitchen space that is proposed to be created by building two single storey extensions at Wainwright Place. The extensions involve the demolition of two existing single storey extensions which are currently in poor state of repair and which do not meet current building standards. Firstly the proposed extension to the north of Wainwright Place will involve the demolition of two flat roofed buildings which occupy a floorspace of approximately 30sq. metres that is currently used as toilets and a storage facility for the centre. The proposal is to replace this with one complete flat roofed extension that would be slightly larger than that of the existing, covering a total floorspace of approximately 34 sq. metres. The extension is proposed to be that of a similar nature to the existing, with a flat roof covered by felt.
3. The second extension that is proposed would take the same footprint as that of the existing single storey extension. At present there is a "lightweight" style gallery / walkway which runs around the west side of Wainwright Place that is currently in a poor state of repair. The walkway consists of a felted flat roof with walls constructed from glazed panels to the top which are footed by light blue panels below. The existing gallery / walkway runs around the entire west side of the building, in an internal courtyard and is used by the Nursery as an outdoor play area. The application is proposed to replace a small section of this walkway which is occupied by the Learning

Item D5

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

Site Location Plan



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

Scale 1:1250

Item D5

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

Existing Plans

Item D5

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

Proposed Plans

Item D5

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

Amended Plans

Item D5

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

Resource Centre with a brick built extension with windows to match in with the existing building.

4. The applicant has stated that the centre would be used by a maximum of 6 members of staff and 10 people visiting at any one time. The site has been chosen for use by the new Kent Communicative and Assistive Technology Service for Children and Young People as the building has sat redundant since its last use as a Learning Resource Centre.
5. To meet the requirements as set out in the Disability Discrimination Act (DDA), a new disabled toilet and kitchen needs to be installed to bring the building up to current standards and to allow the centre to be brought into use. Following a survey of the existing site, the most appropriate location for the new toilets and kitchen were found to be that of where the current store and toilets are located in two small single storey extensions. As a result, the proposal put forward is for the demolition of these two buildings and the erection of one slightly larger purpose built building to house the new toilets and kitchen, to meet current building standards and the DDA Act, as well as matching in with the existing structure as near as possible.
6. At present, the centre has very little office space for staff to utilise. This presents major problems for the building, in terms of its operational use, and as such this application entails the provision of new office accommodation. After a survey of the site the best location for new office space was found to be that of the existing gallery / walkway which is in poor state of repair and is vastly under used. It is proposed to demolish a section of this walkway that is occupied by the Learning Resource Centre and build a purpose built single storey extension in its place.
7. It is proposed that the centre would have two dedicated disabled parking bays and four additional parking bays for use by staff and visitors. However, a large amount of additional shared parking is currently available, and would be available for use at the side and rear of the nursery if required by the Kent Communicative and Assistive Technology Service.

Planning History

8. No recent County Planning applications are registered for the Learning Resource Centre at Wainwright Place. However, a planning application was made to Ashford Borough Council for the provision of a mobile classroom for Cherry Tree Nursery under reference number AS/01/1291. This application was permitted for the duration of five years up to 2006. An application has recently been submitted to Ashford Borough Council for the mobile classrooms renewal under reference AS/06/831.

Planning Policy

9. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) The adopted 1996 **Kent Structure Plan:**

Policy ENV15 The character, quality and functioning of Kent's built environment will be conserved and enhanced. Development should respect its settings. Development which would be incompatible with the

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

conservation or enhancement of the character of settlement, or detrimental to its amenity or functioning, will not normally be permitted.

Policy S2 The quality of Kent's environment will be conserved and enhanced and measures taken to minimise any adverse impacts arising from development.

Policy S9 Has regard for the need for community facilities and services, including education.

Policy T17 Development will normally be required to provide vehicle parking on-site in accordance with Kent County Council's Vehicle Parking Standards.

(ii) The September 2003 deposit draft of the **Kent & Medway Structure Plan:**

Policy QL1 Development should be well designed and respect its setting.

Policy QL12 Carries forward and amplifies Policy S9 of the Adopted Plan.

Policy TP19 Carries forward Policy T17 of the Adopted Plan

(iii) The adopted 2000 **Ashford Borough Local Plan:**

Policy DP1 Planning permission will not be granted for development proposals that are poorly designed in terms of their scale, density, height and layout

Policy DP2 New development proposals must be designed in a way which represents the character and appearance of the area around it. The local transport system must be capable of properly serving the development proposed taking account of its scale, nature and location as well as ensuring there is safe access to the site, sufficient car parking and adequate space for safe manoeuvring.

Policy TP11 Proposals for development should provide for the parking of vehicles, in accordance with the Kent County Council's Vehicle Parking Standards

Consultations

7. **Ashford Borough Council** has raised an objection to the above application. Their comments are as follows:

The proposed development is contrary to Policy ENV15 of the Kent Structure Plan 1996, Policy QL1 of the Kent & Medway Structure Plan 2003, Policy DP2 of the Ashford Borough Local Plan 2000 and the Government Guidance contained in PPS1 and the advice contained in the Kent Design Guide, and therefore would be contrary to interests of acknowledged planning importance for the following reason:

1. Notwithstanding the development replaces the existing flat roofed extensions, the new design again incorporating flat roof design, represents poorly designed development that fails to demonstrate the design excellence appropriate for

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

public buildings and fails to respond sympathetically to the character of the attractive original building.

The further views of Ashford Borough Council will be reported verbally at the Committee meeting following further consultation on an amended scheme

Divisional Transport Manager has no objections to the proposals in respect of highway matters subject to the following condition being attached on any permission granted:

1. The area allocated for parking and / or turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Local Members

8. The local County Member, Mr. G. Koowaree, was notified of the application on the 23 March 2006.

Publicity

9. The application was publicised by the posting of a site notice and the individual notification of 25 neighbouring residential properties.

Representations

10. No letters of representation have been received to date with regard to this application.

Discussion

11. The proposal involves two relatively small single storey flat-roofed extensions to the side and rear of Wainwright Place which fail to respond sympathetically to the character and design of the attractive original building. The application needs to be considered in the context of the relevant Development Plan Policies and with regard to any other material planning considerations arising from consultation and publicity. Members will note that the objection to this proposal from Ashford Borough Council was on the basis of the original details submitted by the applicant and further views will be reported verbally to the Committee on the amended proposals.

Design Considerations

12. In terms of the design of the new flat roofed extensions, it can be argued that the overall design does not respond sympathetically to a rather attractive old building with steep pitched roofs and a high level of detailing, in particular with regard to window design and fascia details. The proposed single storey extensions both have flat roofs which detract from the design of the original building. However, it should be noted that the proposals involve the replacement of two existing flat roof extensions to Wainwright Place which received permission and have been built for many years now. Therefore, it should be noted that if permission was granted, then there would only be a very slight increase in the total floorspace of the technology centre. To clarify, the proposals put forward is for the demolition of two flat roof extensions and the re-building with a similar footprint that would bring the centre up to current building regulations.

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

13. Firstly, the existing extensions to the south of the Education Centre comprise of two small buildings separated by approximately half a metre gap between (refer to existing plans page 3). It should be noted that the elevation where the existing and proposed extension would be constructed has high level windows above the ground floor, which the applicant states that they would like to retain as these are essential to allow light and ventilation inside the existing building. For this reason, the applicants have stated in a letter responding to Ashford Borough Councils' views that a pitch roof would be more appropriate, that this is simply not possible due to the high level windows above the existing and proposed extensions.
14. However, notwithstanding the fact that high level windows are required for light and ventilation into the existing building, I consider that the extension as proposed represents a poorly designed building which does not match with the attractive nature of the original building. Although an extension was permitted and is currently in situ for a similar structure, I do not consider that this is an overriding issue and would give justification to permit a similar style of building without further design considerations being given to the current proposals.
15. With regard to the single storey extension within the courtyard to the west of the main building, the applicant has proposed to replace a "lightweight" glazed and panel system gallery / walkway with a much heavier brick walled and flat roof extension. At present the existing walkway which runs around the entire west elevation of the building is of a poor state of repair and therefore remains unused. It has been proposed by the applicant to bring this space into use as office accommodation by constructing new walls and a new flat roof. However, given that only a small section of this gallery style walkway is to be replaced, a 'heavy' brickwork structure is felt to be inappropriate in terms of design as this would not respect the characteristics of Wainwright Place. Given the policy backing of ENV15 from the Kent Structure Plan which states that development should respect its settings for sake of the protecting of the built environment, I feel that without further design considerations being given to the scheme, the proposal should not be entertained.
16. Although some effort had been made by the applicant to match the existing windows in terms of their proportions and fenestration details, it is felt that a lightweight structure would work better in terms of matching the existing glazing panels which would remain around rear of Cherry Tree Nursery. It would therefore seem appropriate that a solution be sought in which the detailing of the existing gallery type extension, in terms of the amount of existing glazing, be used as opposed to constructing a heavyweight brick structure that would detract from the original building and any development which has taken place on the site over a number of years.
17. Notwithstanding the need for new education provision, as set out in Policy S9 of the Kent Structure Plan, the design of the extensions needs to be considered fully, taking into account the design excellence put forward in the Kent Design Guide . As a result of the objection received from the Borough Council and the poor design of the proposals put forward, negotiations took place and the applicant has submitted a formal amendment to the original scheme.

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

18. Following the concerns raised over the two extensions, the applicant has amended the drawings to revise the side and rear extensions (see amended scheme, page 5). The main changes which have been made in order to address the issues raised are:
- The side extension to the south of the existing building has been amended to include a parapet wall which surrounds the entire flat roof to detract from the typical fascia panels and felted flat-roof;
 - Stone cills have been installed to all windows to reflect the design and features found throughout the existing building;
 - From the front elevation, the side extension has been amended to allow for a brick recessed window with a small obscure glazed opening window to meeting building regulations as necessary for toilets;
 - The rear courtyard extension has been amended to include a lighter weight timber constructed building. This comprises of large glazed panels which match the proportions of the existing gallery extension (which will remain in situ adjacent to the new extension at Cherry Tree Nursery) covered in 'shiplap' style weatherboarding and a felted flat roof;
19. The amended scheme, in my opinion works more sympathetically towards the existing building. The creation of a lightweight structure I consider sits more sympathetically besides the existing glazed walkway and is of a different material to stand besides the original building without detracting from it. Secondly, the single storey extension to house new toilets and kitchen, with the addition of a parapet wall to cover the entire surrounding of the walls, would, in my opinion, prevent the flat roof from being visible against the existing building. This would satisfy the requirements as stated by the applicant to allow light and ventilation into the building, whilst using traditional building techniques to create a flat roof which is not highly visible to the eye.
20. Notwithstanding policy ENV15 of the Kent Structure Plan and QL7 of the Kent & Medway Structure Plan, I feel that the amendments would allow the provision of new education facilities (by allowing the Technology Service to open to the public) as supported by Policy S9 of the Adopted Plan, whilst incorporating design that is of an acceptable standard, and would satisfy Policy DP1 of the Ashford Borough Local Plan.

Transport Issues

21. Policy T17 of the Kent Structure Plan and TP11 of the Ashford Borough Local Plan seeks to ensure that proposals for new development should provide for the parking of vehicles, in accordance with the Kent County Council's Vehicle Parking Standards. As such, the Divisional Transport Manager has advised that a condition be placed on any decision to ensure that any allocated parking / turning as shown on the plans be kept clear of obstruction and not used other than for the parking of vehicles in connection with the proposed development.

Conclusion

21. In conclusion, I acknowledge the objection raised by Ashford Borough Council to the flat roof extensions as originally proposed. However, I consider that following substantial amendments to the scheme, I am satisfied that the proposed design represents a more sympathetic approach towards the existing attractive Wainwright Place Building. Notwithstanding the fact that both extensions proposed entail flat roofs, I consider that the design used is such that the roofs will not be prominent enough to detract from the

Item D5

Two single storey extensions to provide new office, toilet and kitchen space at Wainwright Place, Newtown, Ashford – AS/06/530

existing roof lines used elsewhere in the existing building. Given the policy backing for the provision of new educational facilities under Policy S9 of the Adopted Plan, I consider that the scheme as amended would not only satisfy the requirements of Policies ENV15 of the Adopted Plan, Policy QL1 of the Kent & Medway Structure Plan and DP1 of the Ashford Borough Local Plan, but also allow for the Kent Communicative & Assistive Technology Service to open and be fully utilised by the community. In addition, I am satisfied that by imposing the condition as stated by the Divisional Transport Manager on any decision, this would satisfy the requirements of the Kent Vehicle Parking Standards and would be in the interest of Highway Safety. Accordingly, I recommend that planning permission be granted.

Recommendation

22. SUBJECT TO the further views of Ashford Borough Council, to be received by the date of the Committee Meeting, I RECOMMEND that PLANNING PERMISSION BE GRANTED subject to conditions requiring that the development be carried out in accordance with the approved plans and a condition requiring the land allocated for parking / turning being kept clear of obstruction and not used other than for parking of vehicles in connection with the development

Case officer – Julian Moat	01622 696978
----------------------------	--------------

Background documents - See section heading
--

This page is intentionally left blank

**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT
PERMITTED/APPROVED UNDER DELEGATED POWERS - MEMBERS'
INFORMATION**

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

Background Documents - The deposited documents.

DA/06/465	Erection of single storey, modular office building. Priory Works, Sandpit Road, Dartford
DA/06/372	Stationing of 2 storey portakabin to be used as offices in connection with waste transfer station. Easyload Ltd, Lees Yard, Old Rochester Way, Dartford
DA/06/200	Proposed percolate management strategy incorporating Salt Marsh plant wetland technology. Blue Circle Cement Kiln dust tip. Broadness Marsh, Swanscombe
TM/03/3946/R8 19, 30, 31	Reserved Matters – Request for confirmation of discharge of conditions 8 (limits of tipping and finished levels), 19 (Rights of Way), 30 (landscaping and restoration) and 31 (Aftercare) of planning permission TM/03/3946. Offham Landfill Site, Teston Road, Offham
AS/97/360/MR13 /R3	Proposed replacement building. Beacon Hill Quarry, Pilgrims Way, Charing
SW/05/1203/R4, 6 & 7	Submission of details pursuant to conditions 4 (amended site layout drawing), 6 (colour of building, site drainage, dust suppression, design of lagoon and siltation management, lighting and fencing) and 7 (Phase 2 land contamination investigation) of planning permission SW/05/1203. Ridham Dock Industrial Complex, Iwade, Sittingbourne

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

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

Background Documents - The deposited documents.

- | | |
|------------|---|
| TH/06/646 | Outline application for residential development at a density of approx. 50 dwellings per hectare with access from Manston Road, Former Allotment Gardens, Manston Road, Ramsgate |
| MA/06/1175 | An application for a certificate of lawfulness for a proposed development being installation of solar panels to south facing roof of existing clubhouse. Cobtree Manor Golf Course, Chatham Road, Sandling, Maidstone |
| TH/06/728 | Erection of 2 dwellings (Outline Application). Land at Hurst Grove (opp. 5 + 11). Hurst Grove, Ramsgate |

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

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

Background Documents - The deposited documents.

TW/06/1198	Refurbishment of environmental garden to include large pergola. Claremont Primary School, Banner Farm Road, Tunbridge Wells
TM/06/1325	Synthetic surfaced multi-use games area, complete with associated earthworks, drainage, base stone, kerbs, tarmac, synthetic grass surface, fencing and access ramp. The Judd School, Brook Street, Tonbridge
GR/05/563/R6	Reserved Details - School Travel Plan - School Extension, Wrotham Road Junior School, Wrotham Road, Gravesend
AS/05/1112/R3	Reserved Matters - Details of all external materials, refurbishment of existing building and new build extension. Oak Tree Primary School, Oak Tree Road, Ashford
MA/06/756	Provision of temporary classroom accommodation for use while the school is extended/refurbished. Greenfields Community Primary School, Oxford Road, Maidstone
MA/05/2213/R3	Reserved Details - External materials - School extension. Boughton Monchelsea Primary School, Church Hill, Boughton Monchelsea
TW/04/264/R2	Reserved Details - Landscaping Scheme - New performing arts centre. Tunbridge Wells Girls' Grammar School, Southfield Road, Tunbridge Wells
SW/05/1008/R	Amended Details - Minor variations to include alterations to elevations, slight adjustment to footprint of building with an increase of 1sq metre in the overall plan, internal alterations and variations to external works, including the car parking layout, children's centre and reception classroom. Milton Court School, Brewery Road, Sittingbourne
GR/05/165/R3	Reserved Details - School Travel Plan - Shears Green Infant School, Packham Road, Northfleet
TM/04/4409/R2	Reserved Details - Details of external materials. Woodlands Junior School, Hunt Road, Tonbridge
TM/04/4409/R3	Reserved Details - Details of the landscaping scheme. Woodlands Junior School, Hunt Road, Tonbridge

E3.1

TM/04/4409/R5	Reserved Details - Details of car parking arrangements. Woodlands Junior School, Hunt Road, Tonbridge
GR/05/563/R4	Reserved Details - Details of an ecological assessment of the site. Wrotham Road Primary School, Wrotham Road, Gravesend
TH/05/963/R7a	Reserved Details - Details of archaeological field evaluation. King Ethelbert School, Canterbury Road, Westgate
DA/05/382/R3	Reserved Details - Details of external materials pursuant to condition (3). Westgate Primary School, Summerhill Road, Dartford
DA/05/382/R2	Amendments to position of new 4 storey. Westgate Primary School building 2.4 metres to the west. Westgate Primary School, Summerhill Road, Dartford
SE/05/1871/R	Minor amendments to Key Stage 3/4 block, main building and hydrotherapy pool. Milestone School, Ash Road, New Ash Green, Longfield
DO/05/488/R3	Reserved Details - Details of tree protection fencing pursuant to condition (3) of planning permission DO/05/488. Harbour School, Elms Vale Road, Dover
MA/06/657	Single storey flat roof extension, provision of disabled access and to fell removed associated trees. Maidstone Girls Grammar School, Great Buckland, Maidstone
TH/06/232	Siting of portakabin to house lockers, Chatham House Grammar School, Chatham Street, Ramsgate
SE/06/1139	Replacement 2.4m high chain link fencing. Chevening CE (Aided) Primary School, Chevening Road, Chipstead, Sevenoaks
DA/06/525	An extension to the existing nursery to cater for children up to the age of 8. Sure Start Nursery, Temple Hill School Grounds, Temple Hill, Dartford
MA/06/235/R	Amendments to approved scheme, including changes to window. Sutton Valence Primary School, North Street, Sutton Valence
TH/06/577	Addition of a rear DDA ramp. Birchington Library, Alpha Road, Birchington
CA/06/531	Temporary planning permission for 2 no. mobile classroom units. Briary Primary School, Greenhill Road West, Herne Bay
TM/06/925	Single storey extension. Leybourne C of E Primary School, Rectory Lane North, Leybourne, West Malling
DA/06/526	To site a container for storage on the edge of the playground at the back of the school. Fleetdown Junior School, Lunedale Road, Dartford

E3.2

TH/06/160	Replacement of timber casement windows with PVCU units. St Mildreds Infant School, St Mildreds Avenue, Broadstairs
DO/04/113/R3	Details pursuant to condition (3) - School travel plan of planning permission reference DO/04/113. Dover Grammar School for Boys, Astor Avenue, Dover
AS/05/1329/R	Minor alterations to the proposal. The North School, Essella Road, Ashford
SW/05/1064/R3	Details of all materials to be used externally. The Sittingbourne Community College, Swanstree Avenue, Sittingbourne
SW/05/1064/R	Amendments to remove acrylic render finish and external escape staircase. The Sittingbourne Community College, Swanstree Avenue, Sittingbourne
SW/06/611	New lift and enclosure to existing school to provide a means of access for disabled persons including new ramped access and handrails. Highstead Grammar School, Highstead Road, Sittingbourne
DA/06/577	Replacement of existing glazed cladding to tank housing with solid sandwich panels and replacement of the existing mineral felt roof with ward insulated panels 'topdek' roof system. Sutton at Hone CE Primary School, Church Road, Dartford
AS/06/729	Timber pavilion. John Mayne C of E Primary School, High Street, Biddenden
SH/06/95	Temporary ten bay mobile classroom. Foxwood School, Seabrook Road, Hythe
TW/06/1180	Demolition of the Harris Wing and construction of a part single, part two storey building for sports education, including changing facilities. Angley School, Angley Road, Cranbrook
SH/06/645	Two storey youth club and single storey classroom alterations (alterations to the scheme approved on 15/12/2005 in the planning application ref. SH/05/1165). Hythe Community School, Cinque Ports Avenue, Hythe
DO/05/488/R4	Details of external materials, pursuant to condition (4) of planning permission DO/05/488. Harbour School, Elms Vale Road, Dover
SH/04/1424/R12	Details of external materials, plant and building elevations treatment. Proposed Folkestone academy. Land comprising part of the Channel School, Park Farm Road, Broad-Meadow Lane, Lucy Avenue and part of Unit E, Kingsmead, Park Farm West, Folkestone
SW/04/1557/R4	Details pursuant to Condition (4) – School Travel Plan of planning permission reference SW/04/1557. Regis Manor Community Primary School, Middletune Avenue, Sittingbourne

E3.3

MA/06/1001	The erection of a timber structure to provide shelter and outdoor space. St Francis Roman Catholic Primary School, Queens Road, Maidstone
TW/05/35/R3	Reserved details – Submission relating to condition (3) and proposed removal of trees. Resource Centre and Respite House. Former Bungalow Site, Meadows School, London Road, Southborough
DO/06/517	Link corridor and extension forming staff room. Worth Primary School, The Street, Worth, Deal
CA/06/554	Erection of a sessional nursery to house 26 children and creation of external play area. Pilgrims Way Primary School, Pilgrims Way, Canterbury
SE/06/1110	Extension of playground space and erection of Pagoda. Amherst School, Witches Lane, Sevenoaks
MA/06/1034	Erection of a temporary marquee. Oakwood House, Oakwood Park, Maidstone
SW/05/1198/R3	Reserved Details – Details of materials to be used externally. The Westlands School, Westlands Avenue, Sittingbourne
SW/05/1198/R	Amended Details – Amendments to elevations. The Westlands School, Westlands Avenue, Sittingbourne
CA/05/1664/R2	Reserved Details – Details pursuant to condition (2) – School Travel Plan. Simon Langton Grammar School for Boys, Nackington Lane, Canterbury
SW/06/600	Removal of air raid shelter to provide additional parking and hard play surface. Milton Court Primary School, Brewery Road, Sittingbourne
CA/06/437/R	Amended details – Minor amendments to elevations and changes to the roof pitch to allow the use of matching tiles with the existing building. St Alphege C of E Infant School, Oxford Street, Whitstable
CA/05/1101/R4	Details of a School Travel Plan. Westmeads Infants School, Cromwell Road, Whitstable
SW/05/1540/R4	Details of a scheme of landscaping. Newington Primary School, School Lane, Newington
TM/04/3340/R	Building amendments. Aylesford School, Teapot Lane, Aylesford

E4 DETAILED SUBMISSIONS UNDER CHANNEL TUNNEL RAIL LINK ACT 1996

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

Background Documents - The deposited documents.

None

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

Background Documents -

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

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

None

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

None

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

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

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

This page is intentionally left blank