



## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Tuesday, 26th May, 2009, at 10.00 am**  
**Council Chamber, Sessions House, County**  
**Hall, Maidstone**

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

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

#### **UNRESTRICTED ITEMS**

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

#### **A. COMMITTEE BUSINESS**

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 17 March 2009 (Pages 1 - 4)
4. Site Meetings and Other Meetings

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

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

1. Application SH/08/963 - Amendment to Condition 10 of Permission SH/99/1003/MR69 to vary the restoration proposals shown on Drawing P2/177/8/1 (Final Restoration at Denge Pit, Kerton Road, Lydd; Cemex UK Material Ltd (Pages 5 - 22)
2. Application SW/09/16 - Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at Land to the rear of Highways Depot. Canterbury Road, Faversham; Kent Highways Services (Pages 23 - 40)

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

1. Proposal SH/09/122 - Change of use from part area of playing field to car park at Stelling Minnis CEP School, Bossingham Road, Stelling Minnis; Governors of Stelling Minnis CEP School (Pages 41 - 58)
2. Proposal TM/09/1 - Replacement of boundary fencing with associated gates along Tudeley Lane at The Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge; Governors of The Weald of Kent Grammar School for Girls and KCC Children, Families and Education (Pages 59 - 74)
3. Proposal DA/09/193 - New academy, re-provision of outdoor playing pitches, new 6 court multi-use games area, 159 car parking spaces, drop-off zone, landscaping and associated ancillary works at Longfield Academy, Main Road, Longfield; KCC Children, Families and Education (Pages 75 - 118)

4. Proposal SW/09/286 - Renewal of planning consent for existing mobile classroom at Tunstall CE (Aided) Primary School, Tunstall, Sittingbourne; Governors of Tunstall CE (Aided) Primary School (Pages 119 - 134)

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

1. County matter applications
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. 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, 18 May 2009

**KENT COUNTY COUNCIL**

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**PLANNING APPLICATIONS COMMITTEE**

MINUTES of A meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 17 March 2009.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mrs A D Allen (Substitute) (Substitute for Mrs P A V Stockell), Mr A R Chell, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mrs E Green, Mr W A Hayton, Mr G A Horne MBE, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr J I Muckle, Mr W V Newman, DL, Mr A R Poole and Mr F Wood-Brignall

ALSO PRESENT: Mr T J Birkett

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Principal Planning Officer), Mr J Wooldridge (Principal Planning Officer), Mr G Wild (Director of Law and Governance) and Mr A Tait (Democratic Services Officer)

**UNRESTRICTED ITEMS**

**17. Minutes - 17 February 2009**  
*(Item A3)*

RESOLVED that the Minutes of the meeting held on 17 February 2009 are correctly recorded and that they be signed by the Chairman.

**18. Site Meetings and Other Meetings**  
*(Item A4)*

The Committee agreed to visit the site of the proposed Longfield Academy on Tuesday, 21 April 2009.

**19. Draft amendments to Advice to Members on the Application of the Code of Member Conduct to Development Control**  
*(Item B1-Report by Director of Law and Governance)*

(1) A revised report was tabled.

(2) The Director of Law and Governance advised that the first word in Line 3 of paragraph 14 of the Draft Advice Note should read "before" rather than "during."

(3) During discussion of this item, it was agreed that the Director of Law and Governance should write to all the District and Boroughs in the area of the County Council in order to seek to standardise practice in respect of informing Planning Members of the names and addresses of objectors. This

was necessary in order to enable Members to be aware of any friends or close associates who may have objected to an application. They would then be able to make a declaration of Interest on those grounds.

(4) RESOLVED that:-

- (a) the draft Advice set out in Appendix 1 of the report be endorsed (as amended in (2) above);
- (b) the Standards Committee be informed accordingly; and
- (c) the Director of Law and Governance write to the District Planning Officers with a view to standardising practice across the area of the County Council in respect of informing Committee Members of the names and addresses of objectors to each planning application under consideration.

**20. Draft Member Training Programme June 2009 to March 2010**

*(Item B2- Report by Head of Planning Applications Group)*

RESOLVED that the report be noted and the suggested training programme set out in paragraphs 5 and 6 of the report be endorsed.

**21. Application TM/08/624 - Regularisation of the gas control compound permitted under Permission TM/04/3135 and installation of a new landfill gas flare at White Ladies Gas Control Compound, Teston Road, Offham, West Malling; Infinis Ltd**

*(Item C1- Report by Head of Planning Applications Group)*

(1) The Head of Planning Applications Group reported correspondence from Tonbridge and Malling BC raising no objection to the application.

(2) Correspondence from Offham PC objecting to the application was tabled.

(3) The Committee was informed of the comments of the local Member, Mrs S V Hohler supporting the objections of the Parish Council.

(4) Mrs C Inness from Offham PC and Mr D Stretton spoke in opposition to the application. Mr D Humpheson from RPS spoke in reply on behalf of the applicants.

(5) On being put to the vote, the Head of Planning Applications Group's recommendations were carried with no votes against.

(6) RESOLVED that permission be granted to the application subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details;



Noise controls (as prescribed under Permission TM/04/3135) being extended to cover the additional landfill gas flare and associated equipment; the requirement to provide an annual compliance monitoring report (as prescribed under Permission TM/04/3135) being extended to include all new equipment; a landscaping scheme being fully implemented in accordance with details approved under Permission TM/04/3135; Lighting only being used when required; the removal of plant, equipment and hardstandings when no longer needed for landfill gas control; and the restoration of the land.

**22. Proposal DO/08/320 - Single storey modular building for use as a Children's Centre at Hornbeam Primary School, Mongeham Road, Great Mongeham, Deal; KCC Children, Families and Education**

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

(1) Mr T J Birkett was present for this item pursuant to Committee Procedure 2.24 and spoke.

(2) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried unanimously.

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

- (a) The development is contrary to Policy QL1 of the Kent and Medway Structure Plan and Policy DD1 of the Dover District Local Plan in relation to inappropriate siting and consequential loss of trees and impact upon visual amenity and the street scene; and
- (b) The development is contrary to Policy EN9 of the Kent and Medway Structure Plan in relation to loss of trees.

**23. County matters dealt with under delegated powers**

*(Items E1-E5 – Reports by Head of Planning Applications Group)*

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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SECTION CMINERALS AND WASTE DISPOSAL

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

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**Item C1**

**Amendment to condition C10 of planning permission SH/99/1003/MR69 to vary the restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963**

A report by Head of Planning Applications Group to Planning Applications Committee on 26 May 2009.

SH/08/963 - Application by Cemex UK for an amendment to condition C10 of planning permission SH/99/1003/MR69 to vary the restoration proposals shown on drawing number P2/177/8/1 (Final Restoration) at Denge Pit, Kerton Road, Lydd.

Recommendation: Permission be granted subject to conditions.

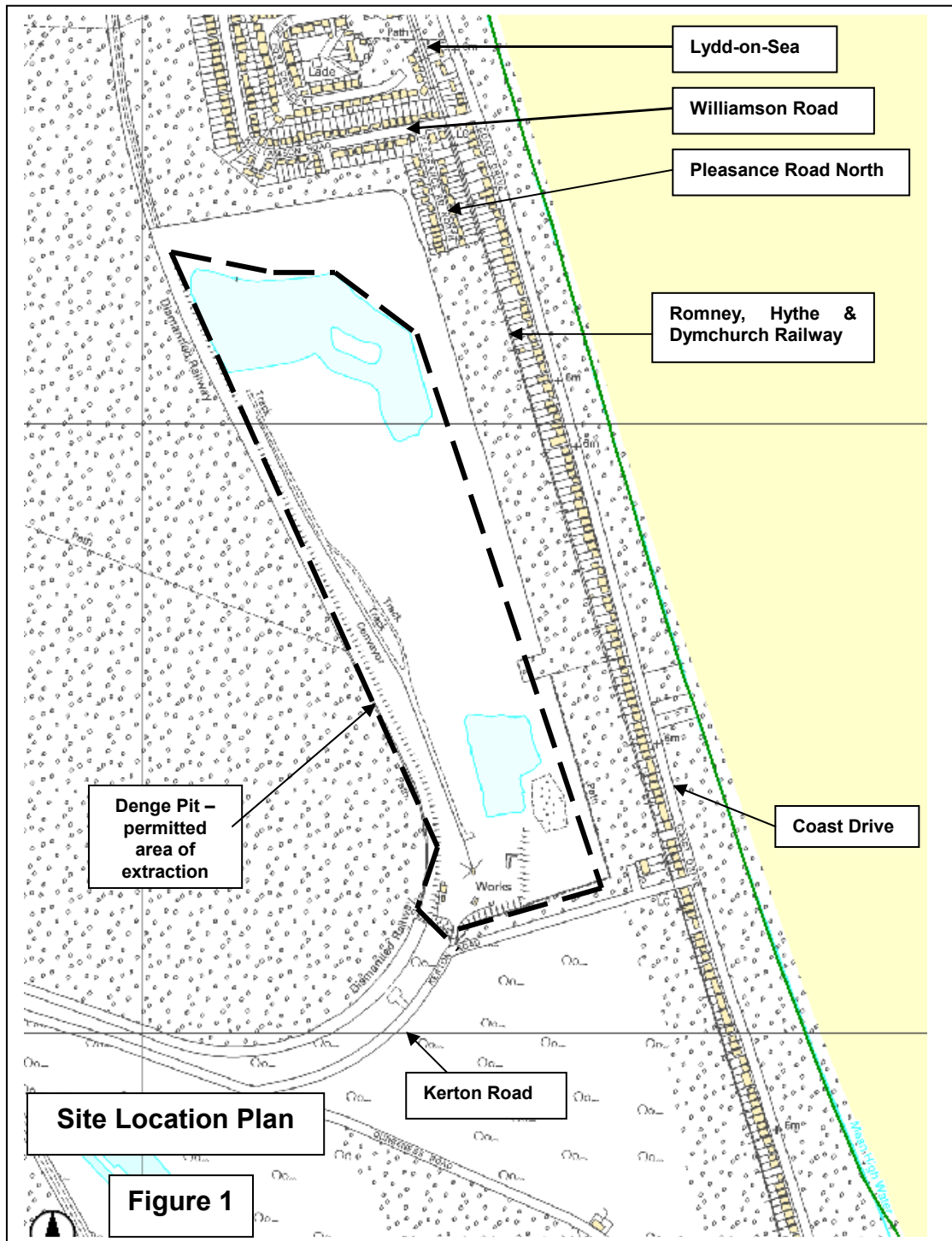
Local Member: Mr F. Wood-Brignall

Unrestricted

**Site description and background**

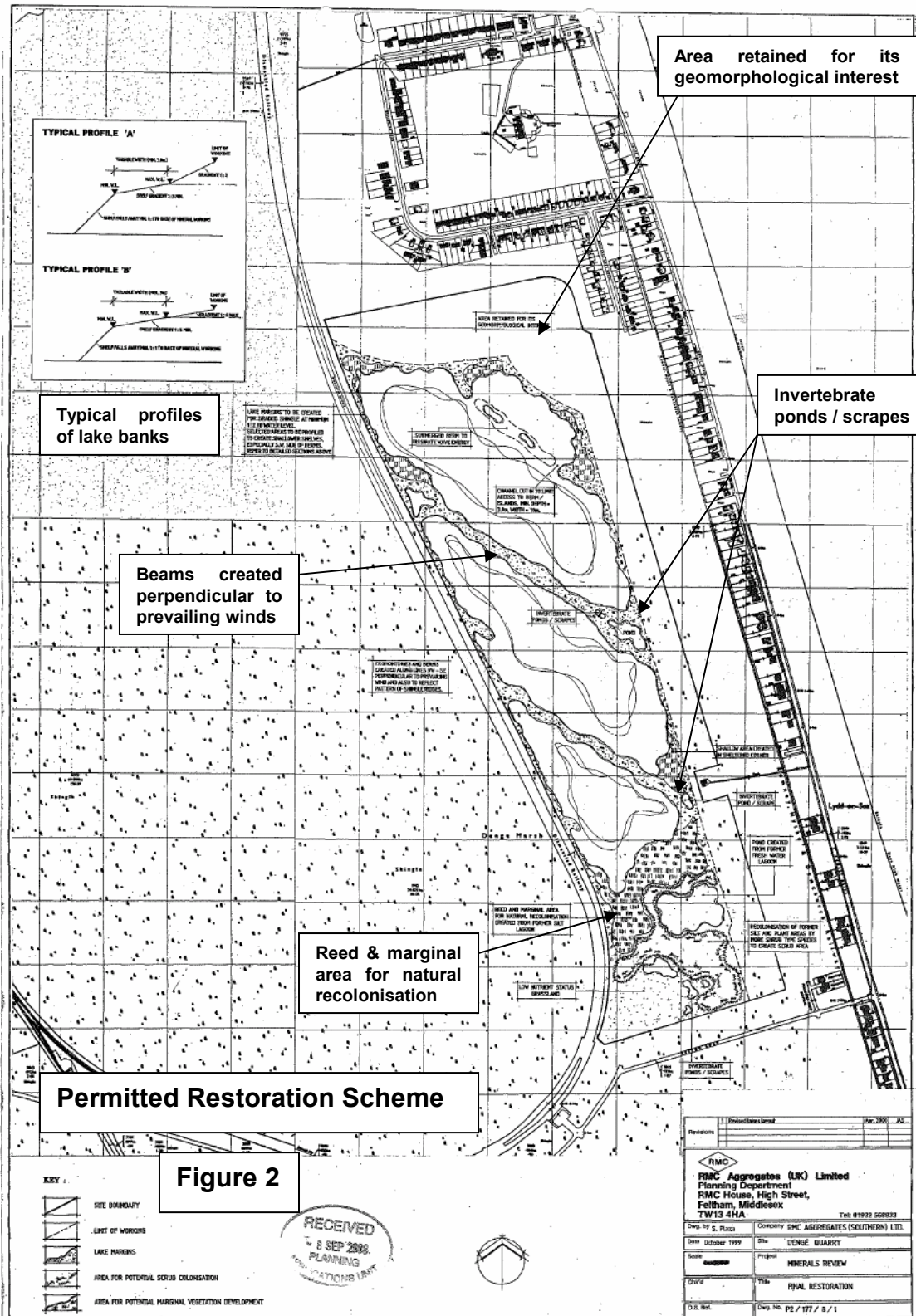
1. Denge Pit benefits from an active planning permission for the winning and working of sand and gravel. The quarry is located approximately 4 km east of Lydd, immediately to the south and west of Lydd-on-Sea, on the eastern edge of Dungeness Peninsula. Dungeness as a whole is considered to be an area of scientific interest due to its coastal geomorphology including its shingle foreshore and associated flora and fauna. Denge Pit site is surrounded by, and in part included within, the Dungeness, Romney Marsh and Rye Bay Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The permitted area of extraction is omitted from the above designations. However, the quarry is identified by the Shepway District Local Plan as being within a Site of Nature Conservation Interest and a Local Landscape Area. Denge Marsh to the west of site boundary is included within a Special Landscape Area. The Kent Minerals Local Plan: Construction Aggregates (1993) Proposals Map identifies the quarry as part of an existing sand and gravel working.
2. Entrance to the quarry is via a dedicated access road off Kerton Road. The quarry site covers an area of approximately 38 hectares of beach gravel deposits. Sand and gravel extraction has been carried out in the area for many years and Denge Pit currently operates under an existing mineral planning permission (reference SH/99/1003/MR69) which allows extraction until 31 December 2021. The planning permission requires the site to be restored to a nature reserve with a series of fresh water lakes / pools created by the removal of aggregate from below the water table.

**Amendment to final restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963**

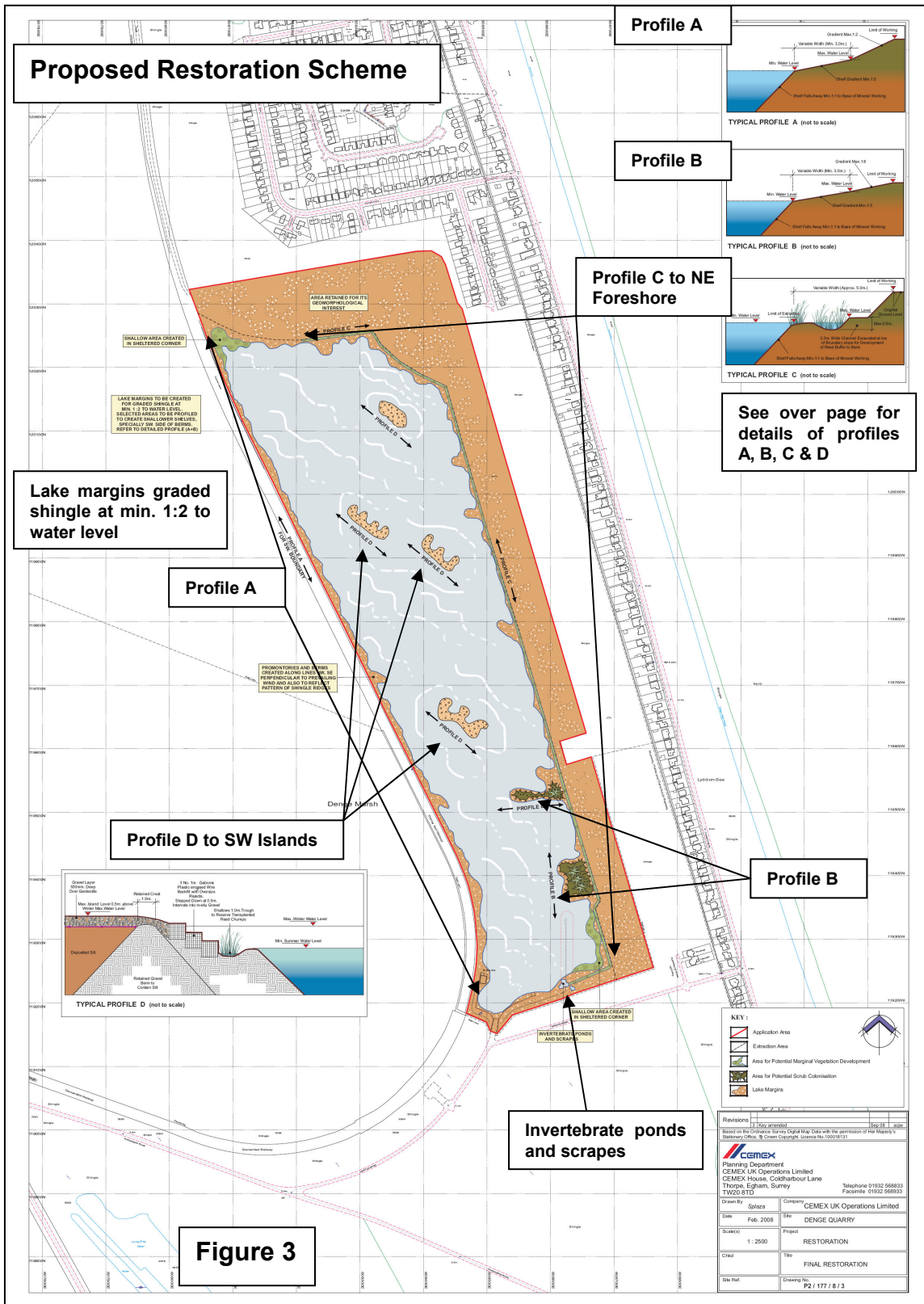


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# Amendment to final restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963



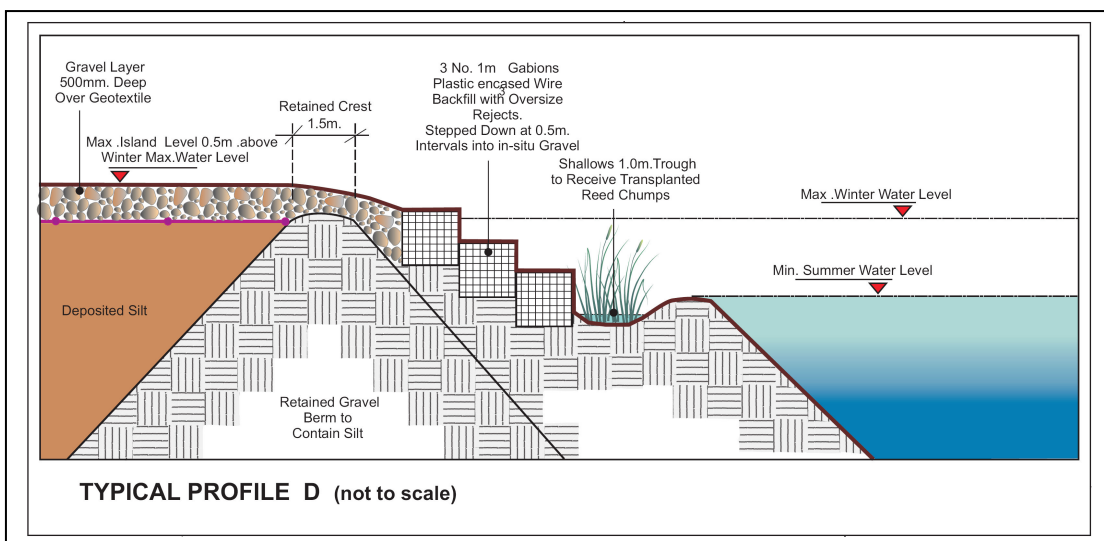
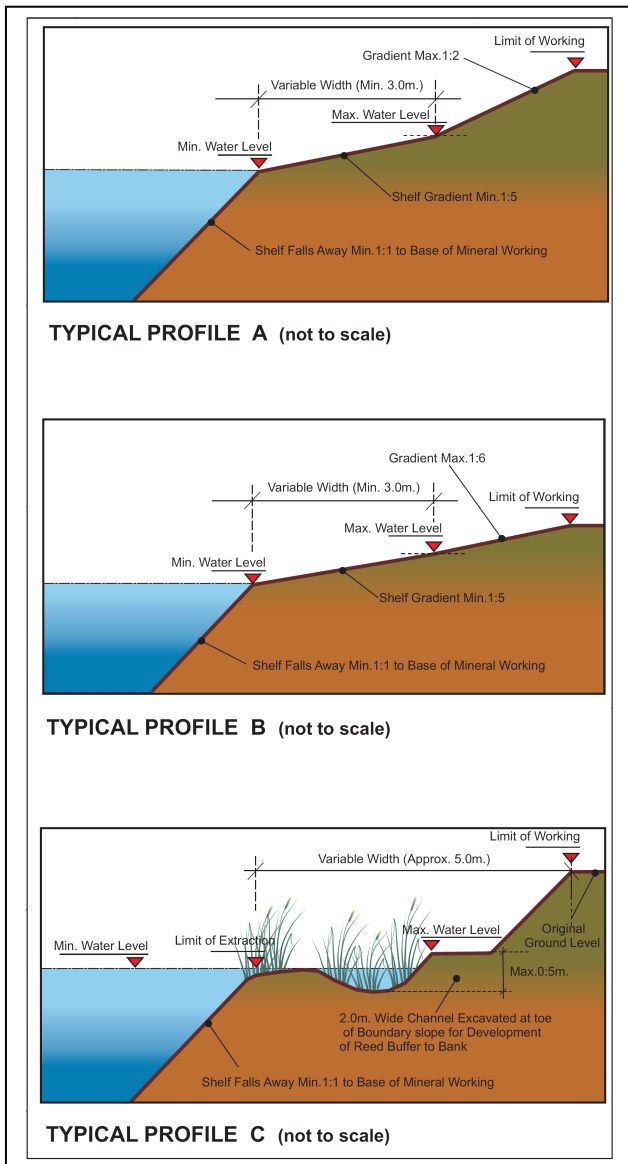
**Amendment to final restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963**





# Item C1

## Amendment to final restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963



**Amendment to final restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963**

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3. The closest residential properties to the site are located in excess of 120m away, to the north-east and east on Williamson Road, Pleasance Road North and Coast Drive. The Romney, Hythe and Dymchurch light railway passes north-south just to the east of the site. Public footpath (HL8) passes around the southern end of the site before heading west across Denge Marsh toward Lydd.
4. The quarry plant, site office, weighbridge and associated facilities, including material stock piles, are located at the southern end of the site. The quarry, which is surrounded by raised landscape bunds, is worked in phases in a generally southerly direction. Operations are currently taking place near the northern end of the site. Excavation of material takes place below the water table creating a fresh water lake. The permission includes measures to ensure that the lake does not become saline.
5. The majority of the quarry site and the adjacent properties fall outside land identified at high risk of flooding from the sea. The site is for the most part position within a Zone 1 Flood Risk Area, which is considered to have a low chance of flooding (0.5% in any year). Only a small proportion of the southern end of quarry site is subject an increased tidal flood risk. The quarry also lies within a Ground and Surface Water Source Protection Zone (SPZ) 1, 2, and 3 for the Denge public water supplies.

**Proposal**

6. The application proposes an amendment to the final restoration scheme for Denge Pit approved under condition C10 of planning permission SH/99/1003/MR69. A copy of the approved restoration scheme is included on page C1.3 (figure 2).
7. The changes proposed would not affect the final use of the site as a nature reserve. The amendments would include the removal of gravel berms (bars), originally shown extending across the quarry and dividing the lake area. The proposed scheme would increase the overall surface area of the lake to the south and by removing the berms, which would be replaced by a number of island landforms. A copy of the proposed restoration scheme is included on pages C1.4 and C1.5.
8. The applicant states one of the main reasons for the proposed revisions to the restoration scheme would be to minimise the use of mineral resources that would otherwise be required to achieve the approved scheme. It was originally envisaged that sands from the base of the workings and silt produced from the processing operations would be used to create the berms. However, it was subsequently found that excavation of basal sand is too difficult to achieve in practice and that the processing operation produces insufficient silt for the purpose of creating the berms. As a result, if the restoration scheme remains as approved it would be necessary for the berms to be constructed using primary aggregate. The applicant also states that the berms across the lake would need to be wider than those approved due to the required angle of repose that can be achieved with the plant equipment available. On this basis, the amount of primary aggregate available for extraction would be reduced if the restoration scheme were to remain as permitted.
9. The application proposes a revised landscape strategy to compensate for the removal of the berms. The amended scheme proposes to create a number of islands (as shown on the revised layout plan). These would be formed by excavating a hole in to the gravel deposit, back-filling it with silt and topping off with a layer of gravel on geotextile. The



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south-west side of the islands, facing the prevailing winds, would be protected by retained gravel in three rows of 1m high gabion baskets. The application states that the purpose of the islands would be to break up wave action and protect the north-east foreshore from the prevailing wind. The islands would also provide isolated habitats for flora and fauna that would be less likely to be disturbed or suffer from predation than under the approved layout.

10. The treatment shown to the lake banks under typical profiles A and B on the proposed scheme (primarily the western edge of the lake created) would remain largely the same as on the approved plan. However, typical profile C proposed for the north-east and east foreshore would vary the approved land form. The changes to this profile would include the digging of a 2m wide shallow channel at the toe of the edge of the quarry to create a reed buffer to the bank. The plan also includes areas for potential scrub colonisation, areas for potential marginal vegetation development, shallow sheltered areas, and invertebrate pond and scrapes.
11. Following receipt of initial consultee views the applicant provided further information in response to correspondence received from Shepway District Council, Lydd Town Council, the Environment Agency, Natural England, Kent Wildlife Trust and comments received from nearby residents. The comments received from the applicant include the following statements:

*'The proposed formation and quantity of habitats has been amended as part of the revised restoration plan but it is hoped that the quality of habitat proposed has been enhanced. The proposed restoration scheme continues to provide areas for potential scrub colonisation and marginal vegetation development. It is proposed that vegetation lost from within the extraction area would be compensated along the eastern extraction boundary with an additional channel being created for reed bed establishment and scrub colonisation. Although the plan indicates less planting the bank formation and islands lend themselves to natural regeneration and colonisation especially along the eastern boundary, providing long term habitat creation and biodiversity. The proposed management of the site shall promote natural regeneration and biodiversity. It is hoped these aims shall reduce concerns of initial loss of planting and support the long term aims of the site.'*

12. In addition to the above Cemex also forwarded the following comments from the Royal Society for the Preservation of Birds (RSPB):

*'The plans which CEMEX have submitted for the variation of restoration proposals, Denge Pit Lydd were produced in consultation with Natural England and the RSPB. The main conservation concern over the earlier plans was that the proposed berms would have been of limited conservation benefit. They were to be constructed of surplus sand from the excavation rather than shingle and so there would have been no retention of any shingle features of geomorphological interest and therefore no benefit to the flora or fauna associated with the shingle habitat. The original idea behind the former design of the berms was to reduce the wave fetch and resulting shoreline erosion. The RSPB and NE came to the conclusion that Islands could have a similar anti erosion effect with the added benefit of providing safe roosting and nesting sites for wetland birds, including possible seabird colonies.'*

*Breeding seabirds, especially Sandwich and Little Terns have declined in the South East in recent years and it is thought that this may be due in part, to a lack of suitable*

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*undisturbed breeding sites. Seabird colonies tend to move around every few years, often in response to predation and so it is important to ensure that there are a number of potential breeding sites for them to choose from. These new purpose built islands, closer to the coast and tern feeding areas should be ideal. It was also noted that recent site investigations had indicated that the material suitable for berm or island creation was much more limited than was originally thought and it was felt that the series of islands as shown in the revised plan would make a better use of the limited material available.*

*The original plan included the creation of areas of sand and silt suitable for low nutrient grassland, reed and scrub together with a series of invertebrate ponds. The RSPB has extensive experience with the creation of these habitats elsewhere on the peninsula and would question the value of creating more at this location. Firstly, this area is subject to much more human disturbance than any other part of the RSPB reserve and so there is a need to protect wildlife by the creation of islands and the planting of reed screening. The value of scrub on this artificial area is questionable, especially in the light of the problems and issues of scrub management in the area of the Long Pits. Extensive areas of low nutrient grassland have been created elsewhere on the RSPB reserve together with many ponds and a whole series of new ponds are proposed to the north along the disturbed shoreline of Lade Pit. In view of the extensive provision of these habitats elsewhere and given the lack of any good breeding islands close to the coast, it is the view of both the RSPB and NE, that these proposed variations would be an improvement. It is also important to note that subject to these changes being implemented, the RSPB has agreed to take on the management of the site as an extension to its reserve.*

*The proposed variation also makes new provision for a linear reedbed along the exposed shoreline where the prevailing winds are likely to cause erosion. The RSPB have tried and tested this method of shoreline protection elsewhere on the reserve and it has proved to be very effective. Not only is the shoreline protected at the outset before the reed becomes established, but by the time the outer bund starts to erode, the planted reed is established and provides additional shoreline protection. The growth of this reed also provides some screening from disturbance and forms an important habitat in its own right.'*

### Planning Policy Context

**13. National Planning Policy** – the most relevant National Planning Policies are set out in PPS1 (Sustainable Development), PPS9 (Biodiversity and Geological Conservation), PPS25 (Development and Flood Risk), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction), MPG5 (Stability in Surface Mineral Workings and Tips).

**Regional Planning Policy** – the most relevant Regional Planning Policies are set out in the South East Plan. These include South East Plan Policies CC1 (Sustainable Development), NRM1 (Sustainable Water Resources and Groundwater), NRM4 (Sustainable Flood Risk Management), NRM5 (Conservation and Improvement of Biodiversity), NRM8 (Coastal Management), M3 (Primary Aggregates) and C4 (Landscape and Countryside Management).

**Kent and Medway Structure Plan (2006)** – the most relevant Policies include: SP1 (Conserving Kent's Environment and Ensuring Sustainable Pattern of Development), SS8 (Development in the Countryside), EN1 (Protecting Kent's Countryside), EN2

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(Protecting Kent's Coast), EN3 (Protecting and Enhancing Countryside Character), EN5 (Special Landscape Areas), EN6 (International and National Wildlife Designations), EN8 (Protection, Conservation and Enhancement of Biodiversity), NR1 (Development and the Prudent Use of Natural Resources), NR5 (Pollution Impacts), NR8 (Water Quality), NR10 (Development and Flood Risk), MN3 (Assessment Criteria for Minerals Proposals) and MN5 (Provision for Construction Aggregates).

**Kent Minerals Local Plan Construction Aggregates (1993)** – the saved Policies include: CA22 (Landscaping) and CA23 (Working and Reclamation).

**Shepway District Local Plan Review (2006)** – Proposals Map. The most relevant Local Plan Policies include CO1 (Development in the countryside), CO4 (Special Landscape Area) CO5 (Local Landscape Area), CO8 (Nature Conservation: International Designation), CO9 (Nature Conservation: National Designation), CO10 (Nature Conservation: Sub Regional Designation), CO11 (Protection species, habitats & landscape), CO13 (Protection of the freshwater environment), CO14 (Protection of Dungeness landscape, flora & fauna) and U4 (Protection of Ground & Surface Water Resources).

### Consultations

14. **Shepway District Council** – No objection to the proposal. However, it comments as follows:

*'In consideration of nature conservation the area is located within an area of nature conservation interest, covered by policy CO10 of the Shepway District Local Plan Review, which seeks to safeguard such areas for nature conservation/scientific interest. In this respect, it is considered that the proposed changes to re-grade and alter the geomorphic profile of the pond embankments would be beneficial to ecological pond life and nature conservation creating more varied habitats. It is also considered that the new profile of the embankments and formation of islands would break up wave action and the expanse of water.*

*In addition, the formation of islands would create further areas for habitats, perhaps nesting sites for birds and small mammals and sheltered bays for other pond life. It is not considered that the additional minor increase in the size of the lake (as a result of the berms not being created) would be demonstrably harmful to nature conservation objectives. As such no objection is raised in this regard and it is recommended that further advice and guidance be taken from Natural England.*

*In terms of the visual landscape impact the site is contained within the Local Landscape Area as shown on the Local Plan Review proposals map and covered by Policy CO5. In this regard the development is considered overall to be acceptable with no harmful impact on the surrounding landscape amenity. Whilst this area is flat with wide reaching views across the landscape, it is considered these changes would be likely to give a more natural appearance to the lake/pond. As such, in accordance with Policy CO5, it is considered to enhance the landscape character and have no change to the functioning of the Local Landscape Areas.'*

15. **Lydd Town Council** – Objects to the application on the grounds of the replacement of sand/shingle bars/ berms with islands. The Town Council is concerned that the removal of the berms from the scheme would have the potential to increase wave damage to the

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foreshore increasing flood risk to nearby properties.

The Town Council's comments can be summarised as follows:

*'The Planning and Environment Committee of Lydd Town Council is concerned with the increased free surface of the redesigned lake. There are similar lakes nearby, and experience has shown, that in certain weather conditions, waves may form that may threaten the foreshore. As the foreshore is adjacent to a number of local properties, it is considered that the concern is justified.*

*In terms of the angle and distribution of the various types of slope around the lake, the Committee did not express any view, because it did not feel qualified to comment on what is mainly a technical matter.*

*The Council notes that the RSPB and Natural England may be consulted and therefore they may be better placed to comment on the overall suitability of the new proposal in terms of wildlife habitat.'*

The Town Council maintains its objection to the application in light of the additional information received from the applicant. It states that residents have made their concerns clear on this subject and believes their concerns are justified. It asks that CEMEX submit revised proposals with the sand bars or berms retained.

**16. Environment Agency** – No objection. Its comments can be summarised as follows:

- The application site lies in a Source Protection Zone for the Denge public water supplies. It recommends that care should be taken to prevent any risk to the groundwater at the abstraction points.
- It is not aware of any direct link between the proposed island landforms and increased risk of flooding. Recommends that the lake bank batters should be no steeper than 1 vertical to 5 horizontal (as proposed). These profiles, together with additional protection and planting on bank profile C, should serve to reduce wave action and impact upon the lake banks.
- The alterations to the restoration proposals represent a substantial change to the agreed proposal, which would result in significantly less marginal and reed habitat than the original scheme. As these habitats are identified as a priority under the government's Biodiversity Action Plan (BAP) scheme, it encourages their creation elsewhere on the site if feasible.

**17. Natural England** – No objection. Its comments can be summarised as follows:

- The application site is adjacent to the Dungeness, Romney Marsh and Rye Bay SSSI, which is part of the Dungeness, Romney Marsh and Rye Bay SAC.
- The proximity to these European sites means that determination of the application should be undertaken with regard to the requirements of The Conservation (Natural Habitat, &c.) Regulations 1994. The proximity to the SSSI involves a duty on public bodies, including local planning authorities, to *'take reasonable steps, consistent with the proper exercise of the authority's functions, to further conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'*.
- It considers that, the location, nature and scale of the proposed application are such

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that it will not be likely to have a significant effect on the interest features of the European site or the SSSI subject to conditions covering no works to infringe on the SSSI or SAC and, on completion of the works, all redundant materials to be removed from site to an authorised waste disposal site.

- It advises that an Appropriate Assessment is not necessary.
- It notes that the revised restoration proposal seems to provide much less area for potential scrub colonisation and marginal vegetation development which may have an impact on the biodiversity. However, the provision of islands rather than berms will create a more secure habitat for certain species with regard to predation.

18. **Kent Wildlife Trust** – Following initial concerns over the proposals, the Trust raises no objection. It comments as follows:

*‘A reasoned justification has now been provided for replacing the approved berms with islands and for omitting the low nutrient grassland, reed and marginal area, scrub and many invertebrate ponds and scrapes from the restoration plan. In light of this information, the Trust is entirely satisfied that the revisions to the original restoration scheme will achieve the same if not a better outcome for wildlife.’*

19. **RSPB** – No objection. Has advised that the additional information submitted by the applicant explaining the reasons for the proposed changes to the restoration scheme accurately reflects comments made previously by Natural England and the RSPB during pre-application discussions.

20. **The County Council’s Biodiversity Officer** – Initially raised concerns about the application. However, following the additional information received from the applicant confirms that the changes would be of benefit to the biodiversity of the site.

21. **The County Council’s Minerals Technical Officer** – No objection. Has advised that the alleged subsidence of shingle to the rear of a nearby property is entirely due to localised settlement and movement within the garden and is not attributable to quarrying activities. In addition, he comments that if there was subsidence due to quarrying activity of the scale implied he would expect to see cracks in the patio surface and walls of the house.

22. **Public Rights of Way** – No comments have been received at the time of writing this report. Any views received prior to the Committee meeting will be reported verbally.

23. **Folkestone and Dover Water Company** – No comments have been received at the time of writing this report. Any views received prior to the Committee meeting will be reported verbally.

### Publicity and Representations

24. The application has been publicised by a site notice and newspaper advertisement. 286 neighbouring properties were notified. 2 letters of representation have been received. The objections raised relate to the following issues:-

- Concerns over an increased possibility of flooding, in light of the recent weather and the prevailing winds that whip across the existing lake causing wave action that crashes against the edge of the lake causing erosion. Considers that the removal of

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- the sandbars from the proposals would intensify the issue.
- Concern that the lake is expanding toward property in Pleasance Road North. Residents thought the excavation of gravel was being stopped not extended.
- Concern that the level of shingle in the gardens of residential property in Pleasance Road North has reduced in the last few years. Considers excavation should be stopped to prevent flooding of gardens and damage to property.
- Removing the sandbars from the restoration scheme would reduce bracing support to the sides of the lake potentially creating further slippage and adding to the problems of subsidence to neighbouring property.
- Asks whether the Council or operator of the pit can give written assurance that the shingle slippage will not occur and whether a guarantee can be provided to meet full repair costs of repairing damage to properties caused by slippage/ subsidence and compensation for any loss in value as a result.
- Urges the Planning Authority to defer a decision on the application until a qualified and independent body carries out further investigations into subsidence.

**Local Member**

25. The Local County Member for Romney Marsh, Mr F. Wood-Brignall, was notified of the application on 9 September 2008.

**Discussion**

26. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations. In considering this proposal the Development Plan Policies outlined in paragraph (13) above are particularly relevant.

27. The main determining issues relate to the following points:

- biodiversity considerations;
- the use of primary aggregate;
- landscape considerations;
- the impact on flood risk through the changes proposed in the landform;
- geotechnical and stability considerations; and
- groundwater protection.

Biodiversity considerations

28. The application site is surrounded by an area designated at an international, national and local level for its biodiversity and geological interest, including the Dungeness, Romney Marsh and Rye Bay Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The permitted extraction area within the quarry site is located in an area of nature conservation interest which seeks to safeguard the habitat and landscape features. The remainder of the site to the north and east is within the SAC and SSSI.

29. In the light of the sensitive nature of the surrounding area it is important that the proposals would not materially harm biodiversity or geological interests. The principle of

**Amendment to final restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963**

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sand and gravel extraction from the quarry is well established by planning permission reference SH/99/1003.

30. I note that Natural England is satisfied that an Appropriate Assessment is not required on the basis that the location, nature and scale of the application are such that it will not be likely to have a significant effect on the interest features of the European site (SAC) or the SSSI.
31. Planning Policy Statement (PPS) 9 seeks to promote sustainable development by ensuring that biological and geological diversity are conserved and enhanced. Minerals Policy Statement (MPS) 1 seeks to protect and enhance the physical and natural environment whilst making efficient use of resources and energy. These national policies are reflected in the development plan at the regional and sub-regional level in Policies CC1 and NRM5 of the emerging South East Plan and Policies SP1, EN6, EN7 and EN8 of the Kent and Medway Structure Plan.
32. Given the application proposes a change to the permitted final restoration scheme for the quarry, it is necessary to consider whether the proposed scheme would have a positive or detrimental impact on long term biodiversity. Natural England and the Environment Agency both comment that the proposed scheme could result in a reduction in area made available for scrub colonisation and marginal vegetation development which may have an impact on biodiversity. However, Natural England has not raised an objection to the application and states that the provision of islands rather than berms would create a more secure habitat for certain species. Following initial concerns, Kent Wildlife Trust has raised no objection and comments that it is *'entirely satisfied that the revisions to the original restoration scheme will achieve the same if not a better outcome for wildlife'*. Shepway District Council comments that the proposed changes to re-grade the profile of the lake edges would be beneficial to nature conservation, through the creation of more varied habitats. It also notes that the minor increase in the size of the lake would not result in demonstrable harm to nature conservation objectives.
33. The revised restoration scheme includes an increase in the overall size of the lake and a change to the landform and the habitats created. These changes include the re-profiling of over a kilometre of the eastern lake margins at the toe of the boundary slope to create a shallow platform and channel within the lake. This feature would allow conditions for reed beds to establish and scrub colonisation. The applicant acknowledges that the revised plan includes less planting. However it believes that the revised landform offers an improvement in the quality of habitat proposed and states that the long term management of the site would promote natural regeneration and biodiversity.
34. The RSPB and Natural England were involved in the design of the proposed restoration scheme at pre-application stage. Both agree that the berms originally proposed to be created from sand and silt would have had limited conservation benefit (in terms of flora and fauna) and would bear no relation to any of the shingle features of geomorphological interest. They also agree that the formation of islands instead of berms would benefit wetland birds by providing safe roosting and nesting sites and make better use of available materials. The RSPB is also satisfied that the proposed reduction in low nutrient grassland, scrub colonisation and invertebrate ponds is acceptable given its extensive experience with the creation of these habitats and the amount of provision elsewhere in the area when considered against the benefits associated with the new scheme.

**Amendment to final restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963**

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35. Given consultee responses, I am satisfied that the proposed changes would maintain and possibly enhance the long term biodiversity of the site. On this basis, the application accords with the appropriate National, Regional and Local Policies with regard to biodiversity considerations.

Use of primary aggregate

36. The emerging South East Plan Policies M3 and CC1 seek sustainable use of mineral and other resources. Policy M3 also requires mineral planning authorities (MPAs) to maintain landbanks of at least 7 years for land-won sand and gravel. These requirements are reflected in Kent and Medway Structure Plan Policies SP1 and MN5. Kent and Medway Structure Plan Policy MN3 and Kent Minerals Local Plan: Construction Aggregates Policy CA23 both require appropriate working, restoration and after-use for mineral sites.
37. The proposed amendments to the final restoration scheme would result in sand and shingle berms across the lake being replaced with islands. For the reasons given in paragraph 8 above, if the scheme is not amended this would result in good quality primary aggregate being utilised for berm creation. This would be contrary to the aims of sustainable mineral development and would have an adverse (albeit unquantified) impact on permitted reserves.
38. The fact that saleable mineral reserves would be lost is a material consideration and subject to the proposed landform being acceptable in all other respects as an alternative arrangement to the berms, I am satisfied that the proposed development would be consistent with the aims of the emerging South East Plan, Kent and Medway Structure Plan and other relevant mineral policy in that it would safeguard permitted mineral reserves that could be put to a more suitable and sustainable use. This approach would, in turn, assist in reducing the need for new extraction sites to be brought forward in the County by making prudent use of permitted reserves and would assist in protecting other areas of the Kent countryside in accordance with Kent and Medway Structure Plan Policies SP1, EN1 and EN3.

Landscape considerations

39. Emerging South East Plan Policy C4 seeks to preserve and enhance the landscape and countryside. Kent and Medway Structure Plan Policies EN1, EN2, EN3, EN5 and Shepway Local Plan Policies CO1, CO4 and CO5 seek to protect the countryside and minimise the visual impact on the landscape from development. This is of particular relevance within the Local Landscape Area and adjacent Special Landscape Area.
40. The proposed changes would enhance the visual impact of the restored quarry and result in a more natural landform better reflecting other lakes in the area. For these reasons, the proposals are considered to be acceptable in landscape terms and would accord with the above policies.

Flood Risk

41. Views received from Lydd Town Council and two nearby residents include objections over the potential for the proposed changes to the size and shape of the lake to increase the flood risk to the surrounding area (including residential properties). The objections



**Amendment to final restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963**

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specifically suggest that the planned increase in the surface area of the lake could generate wave action which would threaten the foreshore during certain weather conditions as is the case at other similar lakes in the area. They further suggest that the removal of the berms, which would otherwise sub-divide the surface of the lake, would increase the fetch and in turn the size of the waves generated by the prevailing wind across the lake surface and increase the potential for erosion of the lake edge.

42. The existing planning permission provides for the extraction of mineral below the water table and the creation of a lake as part of the restoration of the site. The key issue in respect of flood risk is whether the proposed changes would materially increase such risk.
43. Whilst part of the Dungeness Peninsula is identified as being at increased risk of tidal flooding from the sea, the majority of the application site and nearby housing in Lydd-on-Sea fall within Zone 1 of the Environment Agency's Flood Risk Map. This is the lowest flood risk and means that the site has a predicted chance of flooding in any one year of less than 0.5%. Only small sections of the southern end of the quarry site fall within an area identified as having an increase risk of flooding.
44. In considering the above, it should be noted that the lake would not move closer to residential properties and that the stand-off between the lake and the nearest residential properties is at least 120m. However, the applicant acknowledges that there is a need to provide structures within the area of open water created by the quarry to minimise wave action.
45. The proposed islands within the lake would assist in sheltering the lake foreshore nearest residential properties from the prevailing wind and associated wave action. The mitigation afforded by the islands would be enhanced by the creation of a new bank profile on the northern and eastern lake banks (see the location and design of typical profile C on pages C1.4 and C1.5). The 2.0m wide channel and associated shallow reed bed at the toe of the bank would serve to provide significant protection against wave action by absorbing the energy of waves travelling across the lake and reduce the likelihood of bank erosion.
46. It should be noted that the Environment Agency has raised no objection to the application and, in terms of any flood risk, has commented that it is not aware of any direct link between the proposed island creation and increased risk of flooding. The Environment Agency is also happy with the proposed lake bank batters and notes that the planting on profile C should reduce wave action and associated impacts upon the lake banks.
47. On this basis, I consider that the proposed changes to the restoration scheme would not materially impact on the flood risk to properties near the site and would not conflict with the relevant development plan policies such that there is no reason to refuse the application on flood risk grounds.

#### Geotechnical

48. One of the residents of Pleasance Road North has alleged that extraction within the quarry has resulted in subsidence in the level of shingle within his rear garden and has suggested that the proposed removal of the berms from the restoration scheme would reduce the bracing support to the lake banks creating the potential for further slippage.

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The resident's response included photographs taken in 2002 and 2008 which appear to show some settlement of shingle immediately adjacent to an outdoor patio area. He advises that the property, which is over 120m from the closest area of extraction at the north-east end of the quarry, was built in 2000.

49. The County Council's Minerals Technical Officer has commented on the concerns raised. In his opinion, the changes to the restoration scheme would not impact on the stability of the surrounding area and the reduction in the level of shingle within nearby gardens is entirely due to localised settlement and movement within the garden.
50. Notwithstanding the resident's concerns, I accept the advice of the Minerals Technical Officer and believe that the changes in shingle levels shown in the photographs are consistent with settlement that would have occurred following construction of the property and the adjoining patio, exacerbated by that associated with people stepping off the patio area into the garden, and the movement of shingle more generally within the garden. It should also be noted that shingle levels elsewhere at the rear of the property do not appear to have altered between the dates of the photographs. I consider that the removal of the berms would have no impact on ground levels at nearby properties.

#### Groundwater protection

51. The application site is identified as being within a ground and surface water source protection zone where operations have the potential to adversely affect groundwater.
52. The Environment Agency has no objection to the proposals on water protection grounds subject to the operator taking care to prevent any risk to groundwater at the local abstraction points. As no significant changes are proposed to site operations and existing controls would continue to apply, I consider that the proposals would accord with relevant development plan policies and see no reason to refuse the application for ground or surface water reasons.

#### **Conclusion**

53. The planning application seeks to vary the details of the final restoration scheme for Denge Pit. The proposed scheme preserves the final land use as a nature reserve but varies the details of the proposed lake. The replacement of the berms / bars that were originally shown spanning the lake with a number of islands would allow the works to achieve the final landform to be carried out primarily using site-won by-products instead of permitted primary aggregate reserves.
54. I am satisfied that the proposed changes to the restoration scheme would not have a detrimental impact on the biodiversity of the proposed nature reserve and, through the inclusion of inshore islands and substantial reed beds, would help to protect and encourage wetland birds that have recently struggled to establish populations in the area. I am also satisfied that the revised scheme includes adequate measures to protect the lake banks from erosion and slippage and minimise the risk of flooding or associated impacts on residential or other properties in the area and that there would be no change in terms of the stability of the quarry. In coming to this view, I have had particular regard to the comments of those with particular responsibility for these issues (i.e. Natural England, Kent Wildlife Trust, the RSPB and the Environment Agency).
55. On this basis, I consider that the application accords with national, regional and sub-

**Amendment to final restoration proposals at Denge Pit, Kerton Road, Lydd - SH/08/963**

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regional planning policy and recommend accordingly.

**Recommendation**

56. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions to cover (amongst other matters) the following:-

- the development being carried out in accordance with the submitted plans and associated details;
- no works or storage of materials to infringe on the Dungeness, Romney Marsh and Rye Bay SSSI or SAC; and
- all other conditions attached to planning permission SH/99/1003/MR69 remaining in full force and effect.

Case Officer: James Bickle
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Tel. no. 01622 221068
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Background Documents: see section heading.
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**Item C2****Use of land for the processing and storage of waste road materials for re-use in highways construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16**

A report by Head of Planning Applications Group to Planning Applications Committee on 26 May 2009.

Application by Kent Highway Services for the use of land for the processing and storage of waste road materials for re-use in highways construction schemes at land to the rear of existing Highway Depot, Canterbury Road, Faversham - (Ref: SW/09/16)

Recommendation: Planning permission be GRANTED subject to conditions.

Local Member(s): Mr T. Gates

Classification: Unrestricted

**Site**

1. The application site is located south of the A2 on the southern edge of Faversham. Access to the site is from the A2, and then through the existing highway depot, and lies about 350metres east of the junction with the A251 leading south to Ashford. The application site consists of a roughly rectangular area of land of 1.26hectares which was a former chalk quarry whose quarry floor lies approximately 6-8metres below the natural landform on the eastern boundary. On the western boundary, the difference in height between the floor of the quarry and the natural landform is about one metre. An open field lies to the west of the site, which forms part of a shallow dry valley which rises in height until it reaches the rear boundaries of the houses fronting the A251, some 200 metres away. The western boundary of the application site is partly vegetated, with some trees between 5-6metres in height. A household waste recycling centre lies to the south of the site, which is accessed via Salters Lane, a rural road which runs along the eastern boundary of the site at the top of the chalk cliff face. A 5 metre earth bund, which lies entirely within the application area boundary, separates the household waste recycling centre from the application site. An existing Kent Highway Services Highway Depot adjoins the northern boundary through which access to the application site is proposed. A small number of residential properties lie to the north and east of the site and part of the northern site boundary adjoins the southern boundary of the Preston-next-Faversham Conservation Area. *A site plan is attached.*

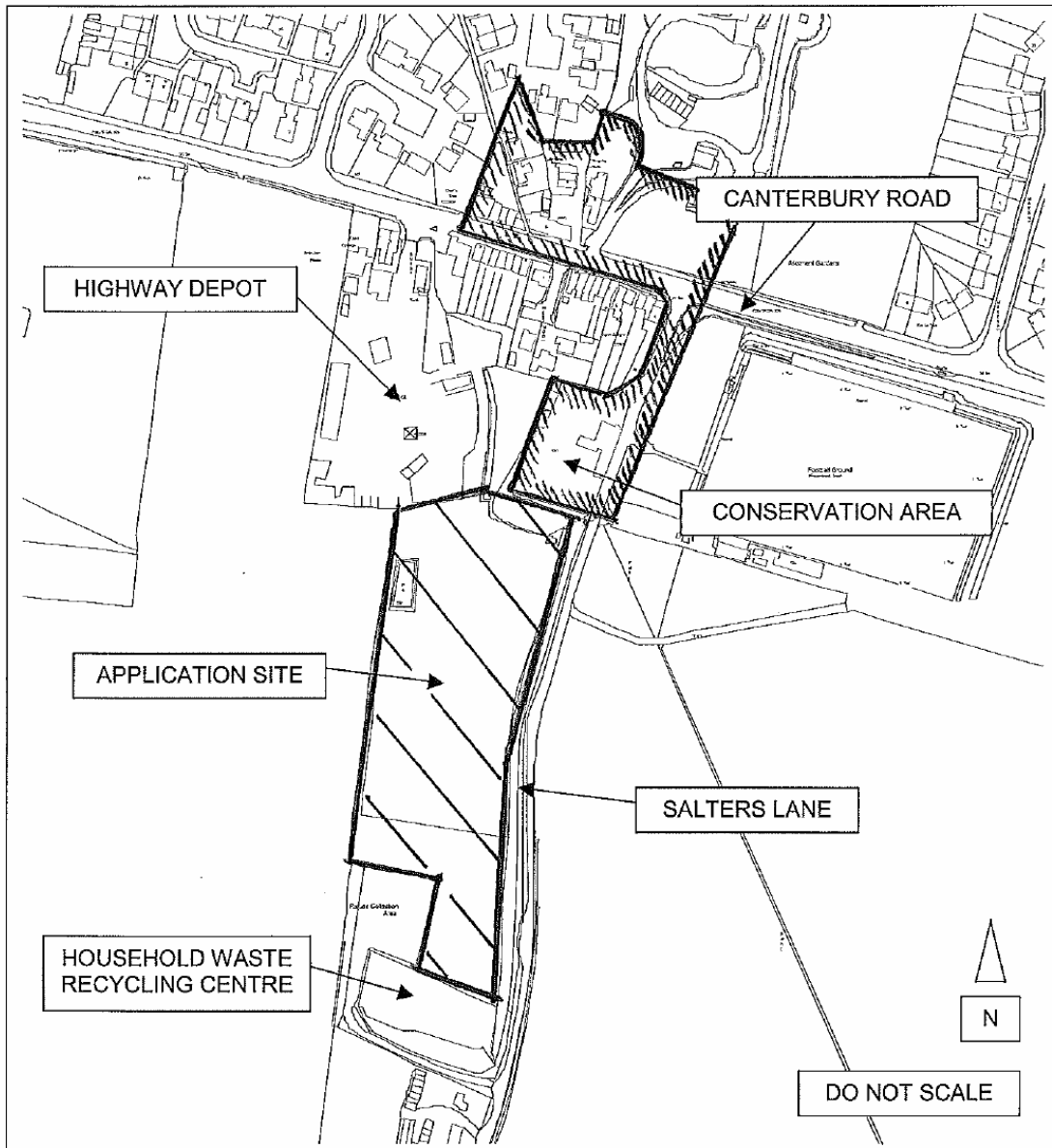
**Background**

2. The existing highways depot was originally granted permission in July 1952. In August 1975 permission was granted on the northern section of the application site for the tipping of surplus fill material, gully waste and sweepings and the extension of the surface area of the storage depot. In March 1997 temporary permission was granted for the use of part of the application site for recycling aggregates from waste material. This permission was subsequently renewed in April 2002 and expired in April 2007. That application was one of five submitted for sites across the County, all of which have now time expired. Notwithstanding the expiration of the permission at the Faversham site, the use continued in a modified form. The capacity of the site had previously been expanded beyond that permitted by taking in materials from the other permitted depot sites, which had encountered practical problems with operation. The breach has previously been reported to the Regulation Committee. This application is an attempt to regularise the situation.

## Item C2

Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

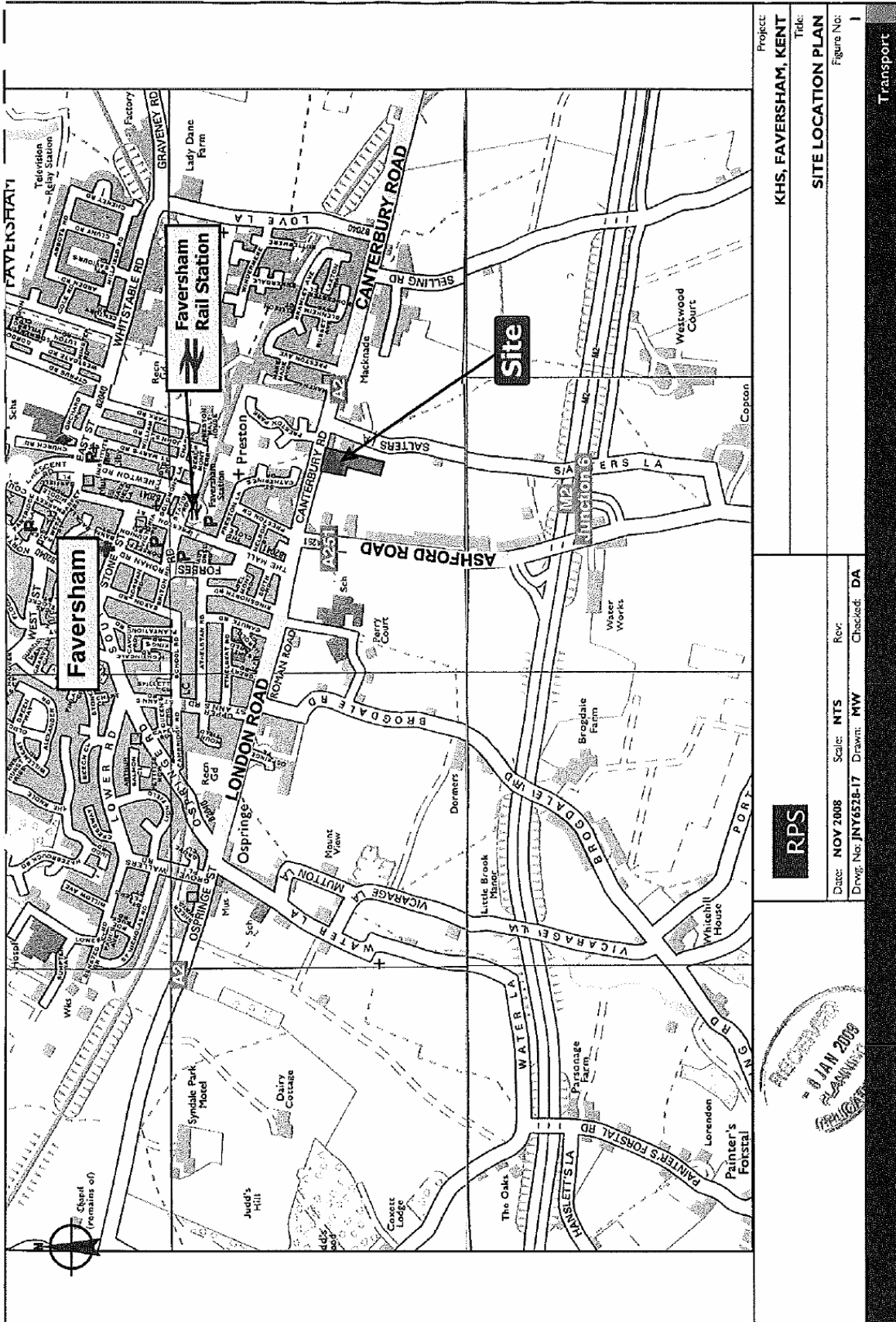
### SITE LOCATION PLAN



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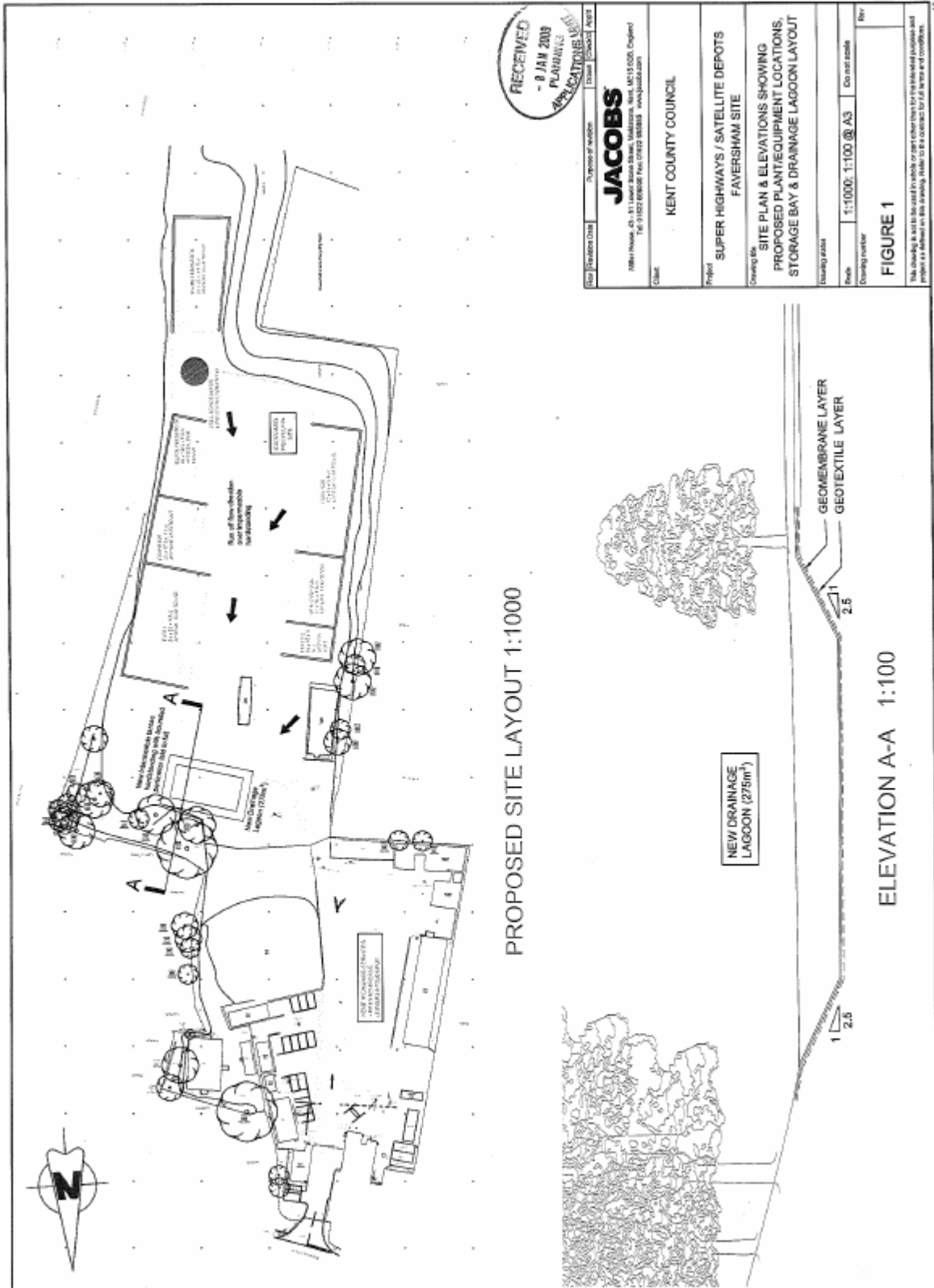
# Item C2

Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16



**Item C2**

Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16





## Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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3. This application has been submitted to gain a five year temporary permission to continue operations at this site until such time that a permanent alternative site is made available. The application arises indirectly out of the reorganisation of Kent Highway Services agreed by Kent County Council Cabinet in 2004. The reorganisation now involves the creation of divisional headquarters in West Kent and at Ashford and new or redeveloped satellite depots at other locations. To set the broader context, the divisional headquarters at Ashford and a satellite depot at Haysden, Tonbridge are now operational. Preparation has also begun on the submission of a planning application for the permanent siting of the recycling facilities applied for under this planning application on land to the north of the new divisional headquarters at Ashford. It is envisaged that the planning application would be submitted in the next couple of months, with the new permanent facility becoming operational in 2010 (subject to planning approval). The applicant advises that there is, therefore, a need to carry on using the Faversham site on a temporary basis for the next 12-15 months. It is envisaged that during this period approximately 35000 tonnes of material would be produced which, without this temporary facility, would result in the material being sent to land fill, incurring land fill costs, and would affect the targets for recycling set out in the South East Plan. The following section of this report will detail the planning application as submitted.

### Proposal

4. This application has been submitted by Kent Highway Services and proposes the use of land to the rear of the existing highways depot for the processing and storage of waste road materials for re-use in highway construction schemes. The application is supported by a Transport Assessment, Tree Survey, Landscape Report, Flood Risk Assessment, Drainage Appraisal, Noise Assessment, Air Quality Assessment & Geo Environmental Desk Study Report. ( *Reduced copies of the submitted drawings showing the site layout are attached* ). The application seeks a temporary planning permission for up to 5 years for the recycling of some 35,000 tonnes per annum of road materials ( i.e. at the level currently carried out, albeit without the benefit of planning permission ).The 5 year period is sought in case the envisaged permanent site at Ashford does not gain planning approval, or experiences delays in its delivery.
5. Built development at the site would consist of seven storage bays for the storage of feedstock, crushed material and topsoil. Currently this material is stored in stockpiles across the site, but not in formalised storage bays. The larger of the bays would be located adjacent to the chalk face on the eastern part of the site, and the smaller on the western side. The bays would be constructed of steel uprights to support railway sleepers laid horizontally to form the walls. The walls of the larger bays would be 4 metres in height, whereas the smaller bays would be 3 metres in height. The use of the bays would assist in the separation of different types of material, help to make more economical use of the land by confining the bases of the piles of material, and more generally assist in the more orderly operation of the recycling activity. It is envisaged that the nominal holding capacity of the site would be 23,000tonnes consisting of a range of road based materials
6. Plant and machinery would consist of a mobile crusher and a mobile screener. The crusher would, as was the case in the lifetime of the temporary permission, be brought to the site when required. However, the screener would be kept on site permanently. On the basis of an average daily output of 500 to 700 tonnes, and an annual throughput of 35000tonnes, the crusher would be required to operate for 70 days a year. It is intended

## Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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that the crusher would be in operation for a continual period of about 10 days, generating an output of approximately 5000 tonnes during this period. It is proposed that the hours of operation would remain as those previously permitted under the temporary permission, namely 0700 to 1800 Monday to Friday and 0700 and 1300 on Saturday, with no works on Sundays or Bank Holidays.

7. Material would be transported to and from the site by road. The site benefits from immediate access to the primary road network – the A2. Transport impacts would be controlled by ensuring that wherever possible vehicles bringing feedstock into the site also depart with a load of processed material. This application is accompanied by a Transport Assessment which considers the highway implications of this application in detail. The Transport Assessment has considered the traffic being generated through the recycling of 10000 tonnes per annum (the tonnage previously permitted) and has considered the implications of increasing this to 35000 tonnes per annum. It is estimated that the recycling of 10000 tonnes per annum generates some 56 daily two-way traffic movements at the site, which would increase to 92 daily traffic movements if 35000 tonnes per annum were to be recycled. This represents an increase of 36 daily two-way traffic movements, and only 3 additional movements during the AM and PM peak hours. The Transport Assessment concludes that the figures are the 'worst case scenario', and states that these movements could be accommodated on the highway network with no detrimental impact. In addition, wheel washing facilities are available on the existing highway depot immediately to the north of the application site. The existing weighbridge within the planning application site would continue to be used.
8. It is proposed that the existing earth bund which separates the application site from the household waste facility be retained. Material relating to the temporary planning permission granted in 1997 indicates that the bund, which was already in existence at the time that planning application was made, itself satisfied the condition for noise mitigation. The bund also provides a measure of visual screening.
9. The local topography results in the site being exposed to views from the west and south west. The residential properties on the A251 are at a distance of about 200 metres from the western boundary of the site. Although the field between the site and those properties is open, the rear boundaries of the properties are heavily vegetated, and the applicant proposes to reinforce the existing trees on the western boundary to further mitigate any visual impact the development may have. In addition, properties to the east of the site are at a higher level than the development, and look down over it. However, the eastern site boundary at the top of the cliff is heavily planted providing a significant level of screening.

*This application was accompanied/supported by a Transport Assessment, Tree Survey, Landscape Report, Flood Risk Assessment, Drainage Appraisal, Noise Assessment, Air Quality Assessment & a Geo-Environmental Desk Study Report.*

*Reduced copies of the submitted drawings showing the site layout are attached*

### **Planning Policy**

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

Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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- (i) The adopted **South East Plan**:
- Policy CC1** Seeks to achieve and maintain sustainable development in the region.
- Policy CC4** Encourages sustainable design and construction including securing a reduction and increased recycling of construction and demolition waste
- (ii) **The Kent & Medway Structure Plan: Adopted 2006:**
- Policy SP1** - Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development.
- Policy QL1** – Seeks to conserve and enhance the environment through the quality of development and design. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings.
- Policy QL6** - The primary planning policy towards Conservation Areas is to preserve or enhance their special character or appearance.
- Policy TP15** - Development which generates significant increases in traffic, especially heavy good vehicles, will not be permitted if it is not well related to the primary and secondary road network, or if it would result in a significant increased risk of crashes or traffic delays, unless appropriate measures to mitigate the effect of the development has been secured.
- Policy NR5** – The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.
- Policy WM2** – Proposals for the treatment, storage, transfer, processing or disposal of waste will be required to show that they represent the best balance between the most efficient and most environmentally sustainable method of managing a specific type of waste.
- Policy WM3** – Development proposals will be required to demonstrate they are able to make a contribution to reducing growth in the volume of waste generated in Kent.
- (iii) **Swale Borough Local Plan: Adopted 2008**
- Policy SP1** – In meeting the development needs of the Borough, proposals should accord with the principles of sustainable development that increase local self-sufficiency, satisfy human needs, and provide a robust, adaptable and enhanced environment.

Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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**Policy SP2** – In order to provide a robust, adaptable and enhanced environment, planning policies and development proposals will protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough and promote good design in its widest sense.

**Policy SP6** - 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 FAV1** – Within the Faversham and Rest of Swale Planning Area, conservation of the historic and natural environment is the prime and overriding consideration.

**Policy E1** – The Borough Council expects all development proposals to accord with the policies and proposals of the plan unless material considerations indicate otherwise. Developments should also respond positively to the characteristics and features of the site and locality, accord with Supplementary Planning Documents, protect and enhance natural and built environments, be of a scale, design and appearance that is appropriate to the location, meet the highest standards of accessibility, cause no demonstrable harm to residential amenity, provide safe vehicular access, be safe and secure and provide parking and servicing facilities in accordance with the County Councils standards.

**Policy E2** - All development proposals will minimise and mitigate pollution impacts. Development proposals will not be permitted that would give rise to pollution significantly adversely affecting the following: Human health; residential amenity; flora and fauna; areas or buildings of architectural or historic interest; rural areas; and water supply sources.

**Policy E3** - On sites known, or suspected to be, contaminated, permission will only be granted if the developer agrees to undertake effective investigation and remediation work to overcome any identified hazard.

**Policy E15** - Development within, affecting the setting of, or views into and out of a Conservation Area, will preserve or enhance all features that contribute positively to the areas special character or appearance.

(iv) **Kent Waste Local Plan: Adopted 1998**

**Policy W3** – Proposals which involve only waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they;

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- (i) can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for a rail or water transport link and;
- (ii) are located within or adjacent to an existing waste management operation, or within an area of established or proposed general industrial use where the former is a temporary use, permission will only be granted for the duration of the primary use.

**Policy W6** - Where a planning application is submitted for waste management development on a site outside a location identified as suitable in principle in the plan and demonstrable harm would be caused to an interest of acknowledged importance, need will be a material consideration in the decision.

**Policy W7** - Proposals to prepare Category A waste for re-use at locations not identified as being suitable in principle would be considered against whether they:

- i) seek to minimise impact on the local and natural environments consistent with the principle of environmental sustainability;
- ii) have, or could secure in an acceptable way, ready access to the main road network, or a rail or water link provided that there is acceptable access also to an appropriate road network;
- iii) are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial-type area.

**Policy W9** - Proposals for waste separation and transfer would be considered against whether they seek to minimise impact on the local and natural environments, have (or could secure) ready access to the main road network .....

**Policy W18** - Before granting permission for a waste management operation the Planning Authority will require to be satisfied as to the means of control of;

- (i) noise,
- (ii) dust, odours and other emissions,
- (iii) landfill gas,

particularly in respect of its potential impact on neighbouring land uses and amenity.

**Policy W19**- Before granting permission for a waste management facility, the planning authority will require to be satisfied that surface and ground water resource interests will be protected and that where necessary a leachate control scheme can be devised, implemented and maintained to the satisfaction of the planning authority.

### Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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**Policy W22** - When considering proposals for waste management facilities the Planning Authority will;

- (i) normally refuse planning permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:
  - (a) the safety of the highway network,
  - (b) that character of historic rural lanes,
  - (c) the local environment, including dwellings, Conservation Areas and Listed Buildings,
- (ii) ensure that any off site highway improvements considered to be necessary to secure acceptable access are completed, if necessary in stages, related to the development of the site before specified operations on site commence, and provided at the developments expense.

**Policy W25** - When considering details relating to the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting the Planning Authority will ensure that:

- i) facilities are grouped to prevent sprawl and the spreading of effects, and to assist screening;
- ii) advantage is taken of natural topography and natural cover;
- iii) designs and means of operation minimise visual and noise intrusion;
- iv) appropriate colour treatment is provided, to reduce their impact and assist their integration into the local landscape;

**Policy W31** - When considering waste management proposals, the Planning Authority will wish to be satisfied that an appropriate landscaping scheme will be an integral part of the development,

### Consultations

11. **Swale Borough Council:** raises no objection to the proposal. A note is added to the decision from the Borough Council which reads as follows:

“KCC may wish to take advantage of the present situation to improve highway safety with regard to entry and egress from/to Canterbury Road, as suggested by Faversham Town Council.”

**Faversham Town Council:** recommends approval of the application but comment as follows:

‘The Town Council is concerned about highway safety in this section of Canterbury Road, where a combination of on-street parking, access to the recycling depot at the back of Salter’s Lane and access to the highways depot creates particularly difficult conditions. The Town Council urges Kent

## Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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County Council to use this opportunity to explore ways of mitigating this situation, perhaps by allowing access to the recycling depot through the highway depot.'

**The Divisional Transportation Manager:** raises no objection to the proposals in respect of highway matters, subject to a condition ensuring that the areas shown on the submitted plans for vehicle loading, off loading and turning space be made available at all times, and be protected from development.

**The Environment Agency:** raises no objection subject to the imposition of a condition regarding land contamination. Advice is also provided with regard to drainage and the storage of fuels/chemicals.

**The County Council's Noise/Dust Advisor:** comments as follows:

"The Applicant provides a noise assessment which predicts noise levels emanating from the site and compares these against measured existing noise levels. The Noise Assessment makes reference to MPS 2. MPS 2 Annex 2 has been issued primarily for surface mineral operations; however, it does reference waste disposal and recycling activities. Paragraph 2.4 states that *"It [MPS 2 Annex 2] is not framed with direct reference to other waste disposal and recycling operations. Since these share many operational features with surface mineral operations, waste management operators and waste planning authorities should take account of this annex..."* I would consider the site to contain aspects which are relevant to both mineral extraction and recycling operations. On this basis I would consider that MPS 2 is the most appropriate guidance for this site in terms of noise impact.

MPS 2 Annex 2 gives advice with regard to the concept of maximum acceptable noise levels at noise sensitive receivers. During daytime hours it recommends that noise levels should not exceed the background noise level by more than 10 dB (subject to a maximum noise level of 55 dB  $L_{Aeq}$  for day time). The Noise Assessment provides worst case background noise levels for the nearest residential properties to the site. Predicted noise levels emanating from the site are demonstrated to fall well within the + 10dB criteria above background noise level stipulated by MPS 2.

An average of 42 heavy vehicle movements daily will visit the site. The Noise Assessment demonstrates that noise levels resulting from these heavy vehicle movements will result in noise levels of 46 dB  $L_{Aeq,T}$  for properties situated closest to the site access road, Rose Cottages. Existing measured noise levels are not provided for properties at Rose Cottages; however, it would be expected that these would exceed those measured noise at the Mill House and Mill Cottage. On this basis I would not consider that the heavy vehicles moving along the access road would result in adverse impacts at Rose Cottages.

Given the above, in consideration of relevant guidance, I do not consider that noise emanating from the site would result in adverse impacts at nearby sensitive premises."

## Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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### **Dust**

“The Air Quality Assessment states that the mitigation measures contained with MPS 2 Annex 1 will be followed in order to control dust emissions from the site. Should this occur I consider it unlikely that dust will result in a detriment to the nearest sensitive premises.”

**The County Council’s Landscape Advisor:** considers that due to the temporary nature of the development, provided the temporary permission is not renewed further, the adverse visual impact would be endured over a relatively short timescale so that its significance would be reduced. Overall, it is considered that this would be generally acceptable in landscape terms. In view of the short timescale for which the facility would be in use, it is considered that there would be visual benefits from using mature stock to give a more immediate screening effect in key locations. A revised landscaping scheme should be submitted pursuant to condition, and should include provision of additional planting and details of tree protection measures.

**The County Council’s Conservation Officer:** no comments received to date.

### **Local Member**

12. The local County Member, Mr T. Gates, was notified of the application on the 4 February 2009.

### **Publicity**

13. The application was publicised by the posting of a site notice, advertisement in a local newspaper, and the individual notification of 35 nearby properties.

### **Representations**

14. 2 letters of representation have been received to date. The main planning comments/points of concern and objection can be summarised as follows:
  - concern is expressed that neighbouring residents were not given opportunity to comment on the previous planning applications;
  - the application appears to focus on mitigating the impact of the development on properties to the west of the site. The applicant appears to rely of the existing quarry walls and trees to shield the northern/eastern boundary. Being at a higher level than the development, current screening efforts here are thwarted by the prevailing wind, which inevitably lifts the dust and noise upwards;
  - a bitumen processing unit was used on site in 2005. This should not be used on site again;
  - As the site has contravened previous planning conditions, what is to stop this happening again?;
  - The proximity of Mill House Residential Care Home is sufficient to discourage disruptive activity on the site;
  - lorries entering and leaving the site disrupt local residents, creating noise and air pollution;
  - crushing materials on site will generate noise and cause disturbance to local residents;



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- double parking and adjacent land uses make this stretch of the A2 narrow, very busy and dangerous;
- a local house has already been hit by a lorry, causing great inconvenience to the residents involved;
- the long term solution should be to re-site the yard to a new location with better access for the vehicles and less inconvenience to people living nearby;

### **Discussion**

15. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (10) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include site selection and impact upon landscape amenity and the adjacent conservation area, access and highway safety, and impact upon residential amenity.
16. Policies SP1 and QL1 of the Kent and Medway Structure Plan & SP2 and E1 of the Swale Borough Local Plan, seek to conserve and enhance the environment and require development to be well designed and respect its setting.

### Site Selection and Landscape Amenity

17. As detailed in paragraphs 2-4 of this report, the application site has been used for many years for the use the applicant is applying for. The site has been subject to various temporary planning permissions, although at this time the site does not benefit from planning permission as the previous temporary consent expired in April 2007. The purpose of this application is to gain retrospective approval to continue the use of the site for a further temporary period until such time that a permanent facility elsewhere is secured and operational. The applicant intends to submit a planning application for a permanent facility in Ashford, adjacent to the newly completed and operational Kent Highway Depot, over the coming months, with a view to the facility being completed in 2010, subject to planning approval. As soon as the purpose built permanent facility is completed, the site at Faversham would be vacated and restored. However, the applicant is applying for a 5 year temporary permission to allow for alternative sites to be sought should Ashford not gain planning approval, and for any other delays in the delivery of the facility.
18. As the site is already operational, and has been the subject of various planning permissions in the past, the principle of the use of the site has been accepted. The application site is bordered by a Kent Highway Services Highway Depot and a Household Waste Recycling Centre, both of which are compatible land uses for the development proposed. However, a Conservation Area and a small number of residential properties are also located within close proximity to the site. The impact of the proposed development on the character and appearance of the Conservation Area and the amenity of neighbouring residents will need to be considered in the determination of this application, and will be discussed later in this report.
19. Given the anticipated time scale for securing a permanent facility at Ashford it is not operationally viable, or would it be practical, to source an alternative temporary site to

## Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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that proposed. Whilst an option would be to cease operations on site this would result in waste road materials being sent to landfill, and thus reduce the amount of recycled material used in Kent Highway Works. This would result in significant land fill costs and would affect the targets for recycling set out in the South East Plan. This application proposes to regularise previous breaches of consent by increasing the amount of material processed per annum and by providing formal storage bays for the material. The implications of this must be considered as although the site has been operating at the level applied for, previous permissions have nevertheless been for lower throughputs.

20. Built development at the site would consist of a series of storage bays for the various materials involved. Currently this material is randomly stored in stockpiles across the site. I consider that the introduction of storage bays in order to contain different types of material would improve the appearance of the site, reducing its impact on the wider landscape.
21. The eastern boundary of the site is formed out of a 5-6 metre high chalk cliff face, at the top of which lies the Preston-next-Faversham Conservation Area and a small number of residential properties. Views into the site from the top of the cliff face are restricted by mature and substantial planting/screening, and the site can only be seen in its wider context when viewed from further afield. I do not therefore consider that the impact of this development on the character and/or appearance of the adjacent Conservation Area would be significant enough to warrant refusal of the planning application. The application site is also visible from the west, with views afforded from the rear of residential properties on the A251. However, these properties are some 200metres away from the development site, and are separated from across an open field. The County Council's Landscape Advisor has no objections to this application but does consider that additional planting should be provided to the western boundary of the site to not only aid in the screening of the recycling facility, but to also improve the site when restored upon vacation. In addition, it is recommended that all trees to be retained are protected during the construction of the formal storage bays and subsequent site re-organisation. Therefore, subject to the imposition of conditions requiring the submission of a detailed scheme of landscaping and tree planting, and that all trees to be retained are protected in accordance with BS5847: Trees in Relation to Construction, I do not consider that the retention of the recycling facility would have a significantly adverse impact on the adjacent Conservation Area or the wider landscape. I therefore see no reason to refuse the application on these grounds.
22. In principle, the use of this site is acceptable. It is previously developed land, which is surfaced in part, and is bordered to the north and south by developments which could be considered to be compatible land uses. The applicant has also demonstrated that the use of alternative temporary sites would not be practical or viable, and has confirmed that a planning permission for a permanent site at Ashford will be submitted in the coming months. However, the implications of the sites use in terms of access and highway safety, and impact upon local residential amenity, need to be assessed before the proposed development can be considered to be acceptable and in accordance with Development Plan Policy.

### Access and Highway Safety

23. Notwithstanding that the Divisional Transport Manager has no objection to the proposal, local residents and Faversham Town Council have expressed concerns over the

## Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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highway implications of this application. In addition to concerns regarding poor access, double parking and damage to the road surface and local properties from lorries, the Town Council urge the County Council to use this opportunity to explore ways of mitigating the existing highway problems, and suggest that access to the recycling depot should be allowed through the highway depot. The recycling facility which is the subject of this planning application would be accessed via the highway depot, as is currently the case. However, if the Town Council are referring to the Household Waste Recycling Centre to the rear of the application site then access through the highway depot would not be a feasible option at this time. Apart from land ownership issues, an access through the depot would result in members of the public and private vehicles coming into conflict with Heavy Goods Vehicles, machinery associated with the depot and waste road material recycling facility. It would also necessitate the removal of the earth bunding to the south of the site which would not be acceptable in visual amenity terms. I do not therefore consider that this would be an appropriate alternative to the existing access serving the Household Waste Recycling Centre and, given this issue does not form part of the current application, cannot be taken into account as a material consideration.

24. As outlined in paragraph 8 of this report, material would be transported to and from the site by road, as is currently the case. It should be noted that this application would not result in an increase over existing traffic movements, although I should point out that the previous temporary planning permissions were only ever assessed on the basis of the site recycling a maximum of 10,000 tonnes per annum. Therefore in my opinion, given the concerns raised by the Town Council and local residents, the implications of an increase in tonnage above this limit to that proposed needs to be taken into consideration.
25. The Transport Assessment submitted with the application compares the previously permitted vehicle movements with those that would be generated by increasing the throughputs to 35,000 tonnes per annum. It concludes that given movements would increase from 56 movements per day to some 92 per day, of which only 3 additional movements would be during the AM and PM peak hour periods, they could be safely accommodated on the existing highway network without detrimental impact. The applicant also advises that such movements represent a 'worst case scenario' and wherever possible vehicles bringing feedstock into the site would also depart with a load of processed material leading to a significant reduction. The application site also benefits from immediate access on to the primary road network, the A2, and is in close proximity to the M2 and the A299 Thanet Way.
26. As a result of the measures proposed by the applicant, and the information contained within the Transport Assessment, the Divisional Transport Manager (DTM) has raised no objection in principle to the proposed development, subject to the imposition of a condition safeguarding the areas identified for vehicle loading/unloading and turning. This would ensure that vehicles could enter the site to unload without having to wait on the public highway, and could then turn on site and safely leave via the access onto the A2. In addition, wheel washing facilities are available on the existing highway depot immediately to the north of the application site, should they be required.
27. In light of the above, I consider that the site access is acceptable and in accordance with Development Plan Policy. Subject to the imposition of conditions recommended by the DTM, the safety of the local highway network should not be detrimentally affected. I

## Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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therefore see no reason to refuse this application on the grounds of access or highway safety.

### Residential amenity

28. The proposed site is located on the periphery of Faversham in close proximity to residential properties. The impact of the development upon the amenity of nearby residents therefore needs to be considered and addressed in the determination of this application. The application proposes use of the site between 07.00 and 18.00 Monday to Friday and 07.00 to 13.00 on Saturdays. In addition, the crusher would be required to operate for 70 days a year, which the applicant proposes to split into 7 x 10 day periods of operation. I consider these hours and the proposed use of the crusher to be reasonable given the nature of the development proposed and, should planning permission be granted, these hours would be specified by planning condition. However, use of the site has the potential to generate noise and dust, which could have an adverse impact on the amenity of local residents.
29. First, with regards to noise, the applicant has submitted a noise assessment with this planning application. The assessment predicts noise levels emanating from the site and compares these against measured existing noise levels. The County Council's Noise Advisor has considered the information within the noise assessment, and his comments are summarised under paragraph 12 of this report. In summary, it is considered that noise levels emanating from the site are demonstrated to fall well within the specified guidance. In addition, the noise advisor considers that the noise generated by vehicle movements at the site would not result in adverse impacts on the properties adjacent to the site access road. Therefore, in considering the information provided by the applicant, and relevant guidance, it is not considered that noise emanating from the site would have a significantly adverse impact on the amenity of nearby residential properties. I therefore see no reason to refuse this application on the grounds of noise generation.
30. An Air Quality Assessment was also submitted in support of this planning application. The Assessment states that the mitigation measures outlined in Minerals Policy Statement 2 Annex 1 B would be followed in order to control dust emissions from the site. Although specific details are not included in the application, the intention is that measures would reflect good practice. It is considered by the County Council's Noise Advisor that should these measures be adopted it is unlikely that dust would have a detrimental impact on the nearest residential properties. Therefore, should Members be minded to permit, I would recommend that further details of the specific mitigation measures to be employed at the site be required by condition.

### Drainage and land contamination

31. As outlined earlier in this report, the Environment Agency raises no objection to this application subject to the imposition of a condition regarding land contamination. They have also provided advice with regard to drainage and the storage of fuels/chemicals. This advice has been acknowledged by the applicant who has confirmed that all works would proceed in accordance with the advice relevant to this proposal. However, the condition required by the Environment Agency with regards to land contamination recommends that a number of surveys and reports are prepared prior to commencement of the development. Section 9 of the Desk Study submitted with this planning application identifies all risks as low, with the exception of a risk to construction

## Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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workers from elevated hydrocarbons in the area which is to be excavated for the new drainage lagoon.

32. This concern relates more to Health and Safety procedures during construction, rather than planning. Nonetheless, if Members were minded to permit the proposal, I would recommend the following condition to ensure that the Environment Agency's concerns were adequately addressed:

*“Prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the local planning authority), a Site Investigation Scheme based on the Geo-environmental Desk Study (Jacobs, March 2009) providing a detailed assessment of risk of ground contamination shall be submitted to and approved in writing by the County Planning Authority.*

*A Remediation Strategy giving full details of the remediation measures proposed to address any significant risk of ground contamination identified by the Site Investigation Scheme, and methods of monitoring, shall be submitted to and approved in writing by the local planning authority”.*

33. This suggested condition, and further information in support of the use of this condition, has been submitted by the applicant and forwarded to the Agency for information and comment. Further views from the Environment Agency are awaited and any views will be relayed verbally to Members at the Planning Applications Committee meeting. However, I consider this condition to be acceptable in principle and, subject to receiving no objections from the Environment Agency, I would be minded to impose the condition on any subsequent consent. Subject to this condition, and the applicant's adherence to the advice given by the Environment Agency, I do not consider that the proposed development would have significant implications with regards to drainage and land contamination.

### Summary

34. The applicant has provided a case of need for this temporary facility, and is intending to submit a planning application for a permanent facility at a site in Ashford in the near future. Without such a facility, highway waste would need to be land filled, contrary to waste planning objectives and the principles of Development Plan Policy. The use of this site is therefore proposed for a further temporary period of 5 years and, subject to the imposition of conditions regarding hours of operation, restrictions on the number of days a crusher could be in use, the provision of the proposed storage bays and the submission of a scheme of landscaping, I do not consider that the proposed development would have a significantly adverse affect on the local highway network or the amenity of neighbouring residential amenities.

### **Conclusion**

35. Overall, I consider that the temporary use of this site is acceptable in terms of impact upon the landscape, local highway network and the amenity of neighbouring properties. Subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any undue material harm and is otherwise in accordance with the general principles of the relevant Development Plan Policies.

## Item C2

### Use of land for the processing and storage of waste road materials for re-use in highway construction schemes at land to the rear of Highway Depot, Canterbury Road, Faversham – SW/09/16

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Therefore, I recommend that permission be granted subject to the imposition of appropriate conditions.

#### Recommendation

36. I RECOMMEND that SUBJECT TO the receipt of any further views from the Environment Agency PLANNING PERMISSION BE GRANTED SUBJECT TO conditions covering amongst other matters:

- use of the site to cease within 5 years of the date of the permission or upon the provision of an alternative facility elsewhere whichever is the earlier;
- details of site restoration upon vacating the site;
- the development to be carried out in accordance with the permitted details;
- hours of operation;
- restrictions on days a crusher can be used (maximum 70 days per annum);
- installation of the storage bays;
- submission of a scheme of landscaping and tree planting;
- details of tree protection;
- retention and protection of parking and turning areas;
- details of dust suppression and control measures to reflect compliance with the relevant mitigation measures outlined in Minerals Policy Statement 2 Annex 1 B with regards to dust, and subsequent implementation of the approved details;
- submission of further work and remediation with regards to land contamination;
- measures to prevent mud on the highway;

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

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**Item D1**

**Change of use from part area of playing field to car park,  
Stelling Minnis C.E. Primary School – SH/09/122.**

A report by Head of Planning Applications Group to Planning Applications Committee on 26 May 2009.

Application by Stelling Minnis C.E. Primary School for a change of use from part area of playing field to car park at Stelling Minnis C.E Primary School, Bossingham Road, Stelling Minnis, (Ref: SH/09/122)

Recommendation: permission be approved

**Local Member : Miss Susan Carey**

**Classification: Unrestricted**

**Site**

1. Stelling Minnis C.E. Primary School is located in Bossingham Road, to the north of the village of Stelling Minnis. It is situated near to the B2068 Stone Street, which connects Lympe and Canterbury. The school is located nearly a mile away from the centre of Stelling Minnis and there is no continuous footway between the village and the school. The area around the school is mainly rural with scattered development between the village and the school. Immediately to the north of the school is the village of Bossingham.
2. The school is located within the Kent Downs Area of Outstanding Natural Beauty. The application site is immediately to the south of the school, on land that currently forms part of the cricket ground. However this site is currently unused and is viewed as 'waste' land that is not used by the Cricket Club for playing purposes. Furthermore this area is not used for parking either as it is too rough and uneven and is left as scrub land. A gated vehicular access off Bossingham Road already exists which the Cricket Club use. The Cricket Club currently park their cars next to the cricket pavilion on match and practice days. This application site and cricket playing field belong to the Diocese and the School have permission and agreement to use this land. In the corner of the proposed car park are a group of 3 mature trees. These include an Oak and 2 Maples. These trees are not affected by the proposal, although there is a proposal to locate a 1m wide footpath between one of the Maples and the existing school boundary.

**Proposal**

3. The planning application is to create an area for parking 23 cars, which would be used by the staff and parents of the proposed relocated pre-school (the subject of a planning application that has not yet been submitted) and parents and visitors to the primary school, particularly at the beginning and end of the school day. It is argued that this would result in dramatically reducing the parking on Bossingham Road and in turn make the road a safer place to cross. It would also mean that children could be

**Change of use from part area of playing field to car park, Stelling Minnis C.E. Primary School – SH/09/122**

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dropped off safely away from the public highway and walk along the proposed new footpath to gain access to the school. The proposed car park would cover an area of 864sqm.

4. It is proposed to use the existing gated access to the cricket ground as an entrance and exit. The surface of the car park would be a bodpave grass pavers material, which would give the appearance of a grazed area but would be strong enough to support the cars. As mentioned previously, 23 car parking spaces would be provided which would measure 2.4m in width and 4.8m in length. There would be a 6m aisle width to allow vehicles to manoeuvre into and out of the parking spaces safely. Two of the parking spaces would be designated for disabled car drivers. Landscaping would consist of sympathetic trimming of hedges to allow for adequate visibility splays at the entrance/exit and inside the hedge adjacent to the car parking area. Sympathetic grading of the top soil and reseeding in areas affected by the proposal would also take place.
5. It is also planned to provide a new footpath between the car park and the school. This would run parallel to the school boundary to a point behind the school, where it is proposed to relocate the pre-school. This footpath would also connect into Bossingham Road, so that the proposed pre-school would have a totally independent footpath connection from the school. It is proposed that the footpath is 2m wide, apart from where it runs parallel to the group of mature trees, where it is proposed that the footpath would narrow down to 1m in width. This is due to the proximity of the trees to the school boundary fence, the thickness of one of the tree's girths, and the limited space between the two.
6. Furthermore it is proposed that the Cricket Club would have use of the car parking outside of school hours, which would reduce the Cricket Club parking on the roads at weekends and make it safer for all road users at that time as well.

**Planning Policy**

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

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

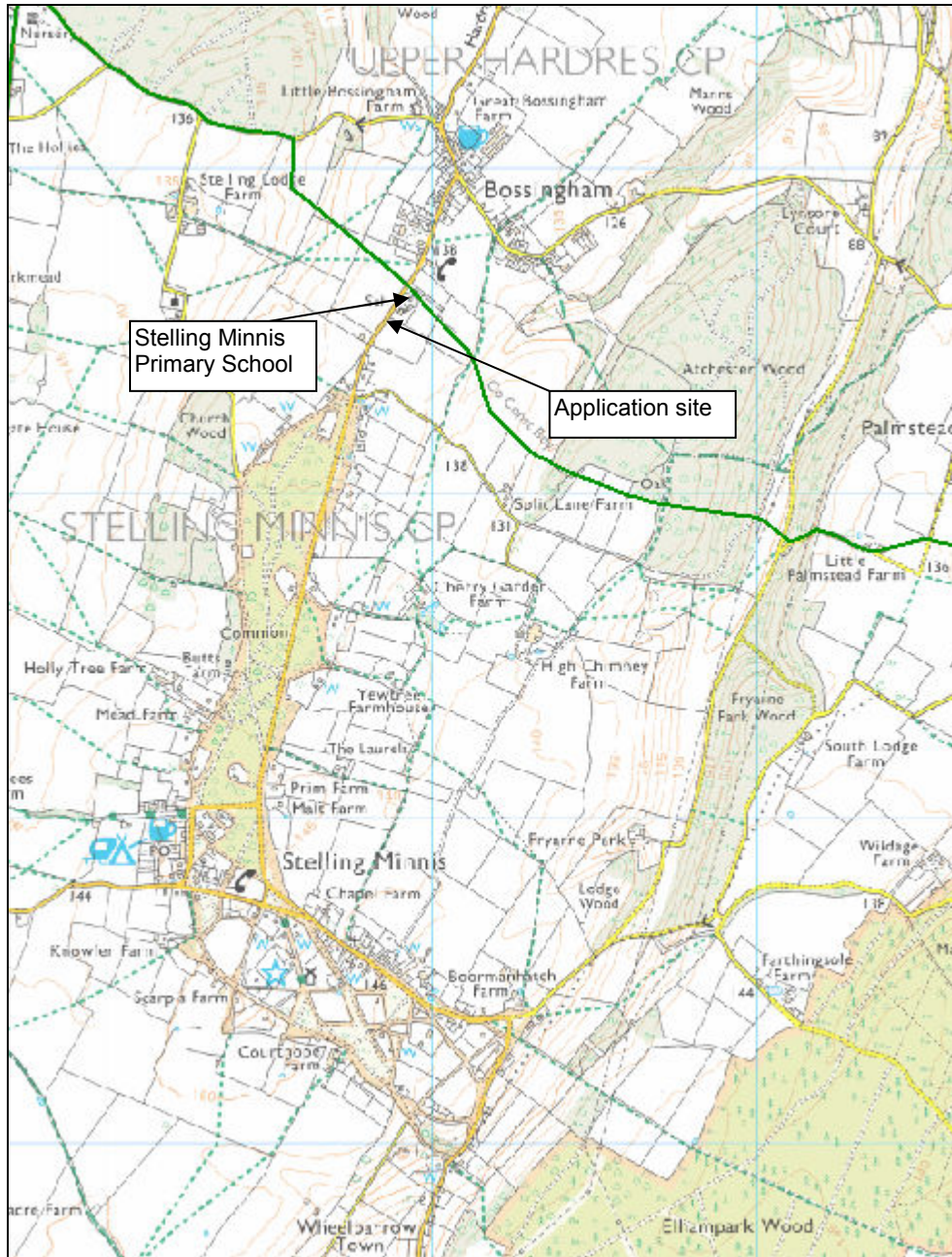
**Policy SP1** Seeks to conserve and enhance Kent's environment and to ensure a sustainable pattern of development.

**Policy SS6** Seeks to improve the built and natural environment, functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs.

**Policy QL1** Seeks to ensure that all development is well designed and of high quality that responds positively to the local character. Development, which could be detrimental to the built environment, amenity, function or character of the area, will not be permitted.

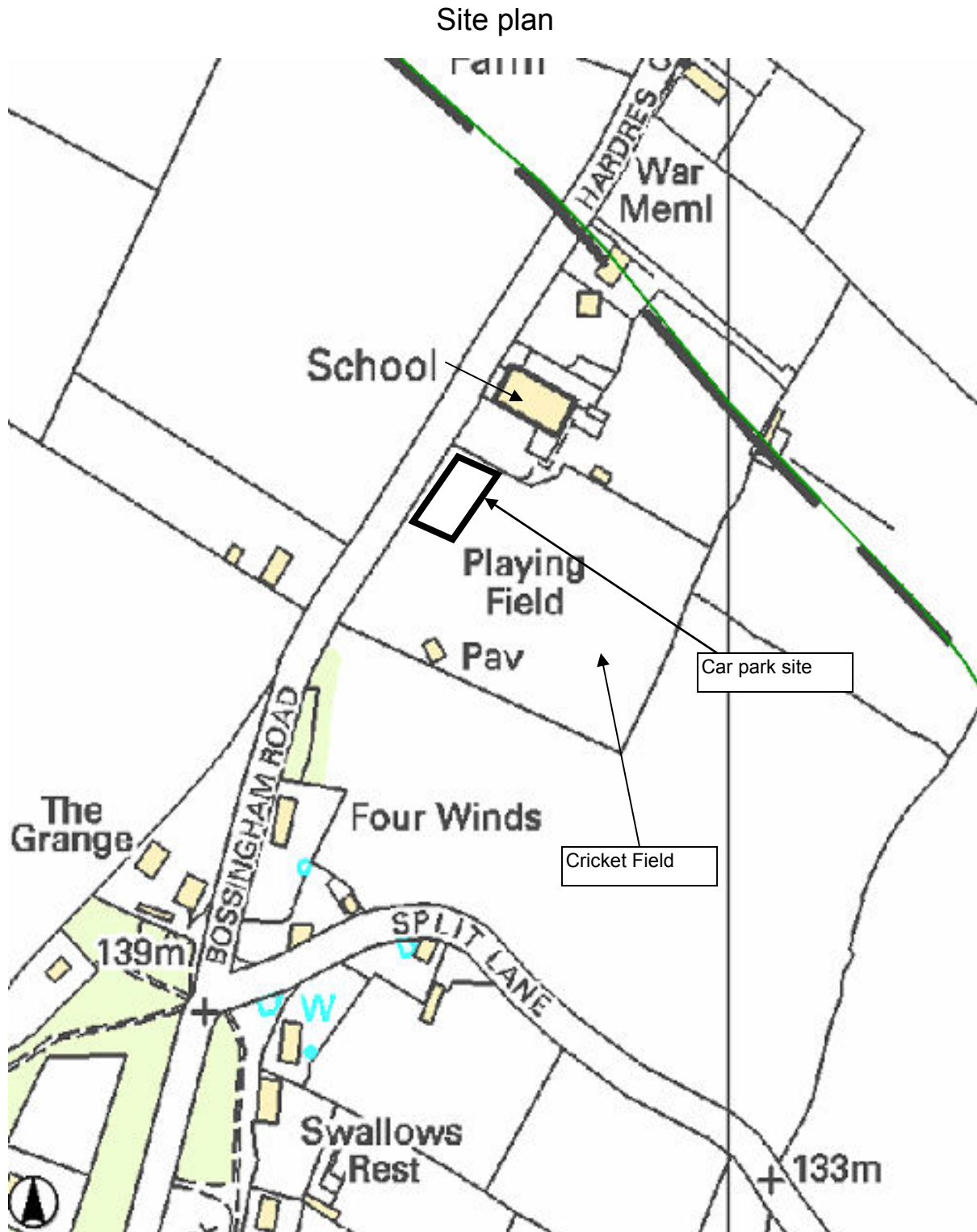


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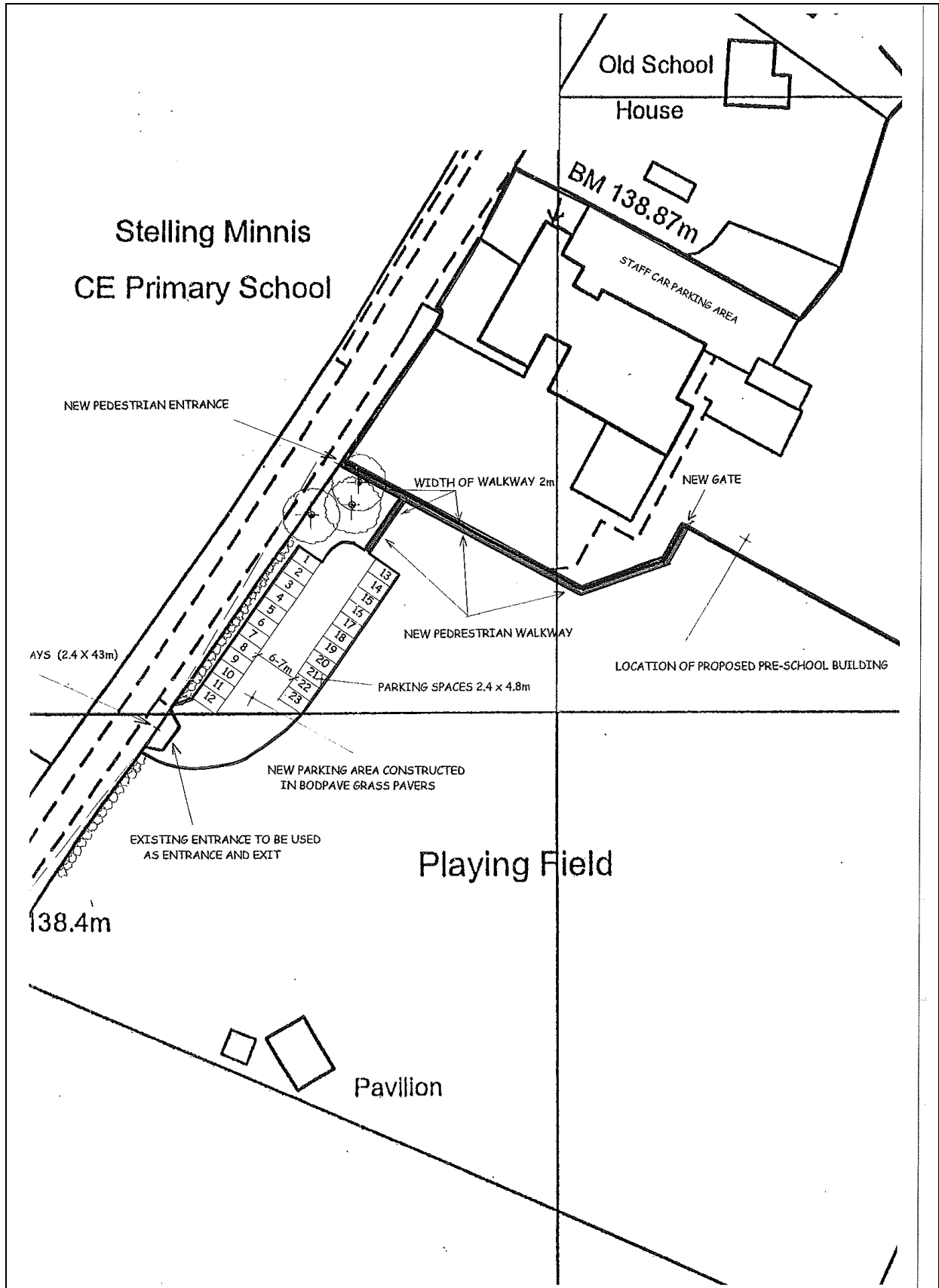


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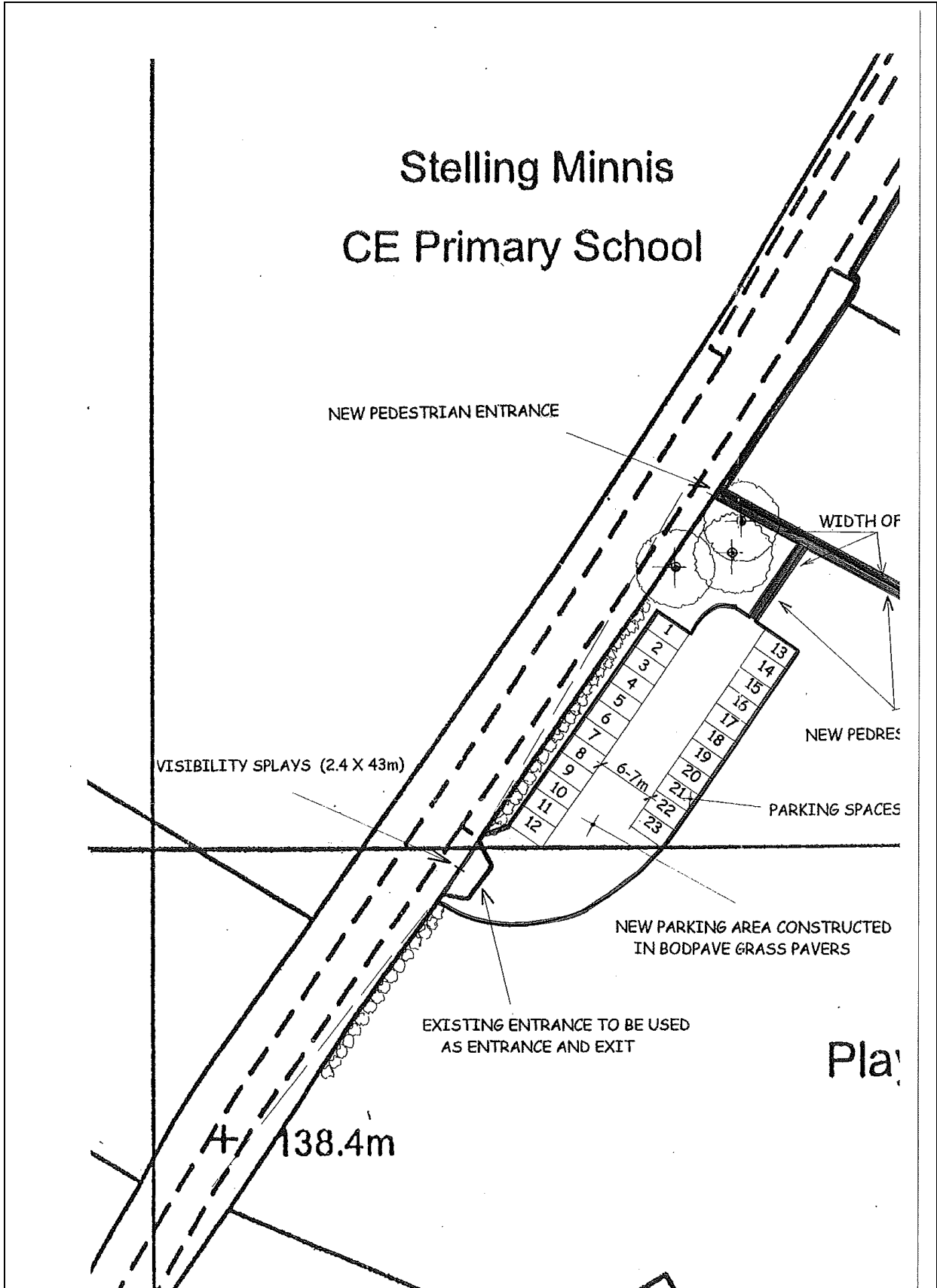
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Change of use from part area of playing field to car park, Stelling Minnis C.E. Primary School – SH/09/122

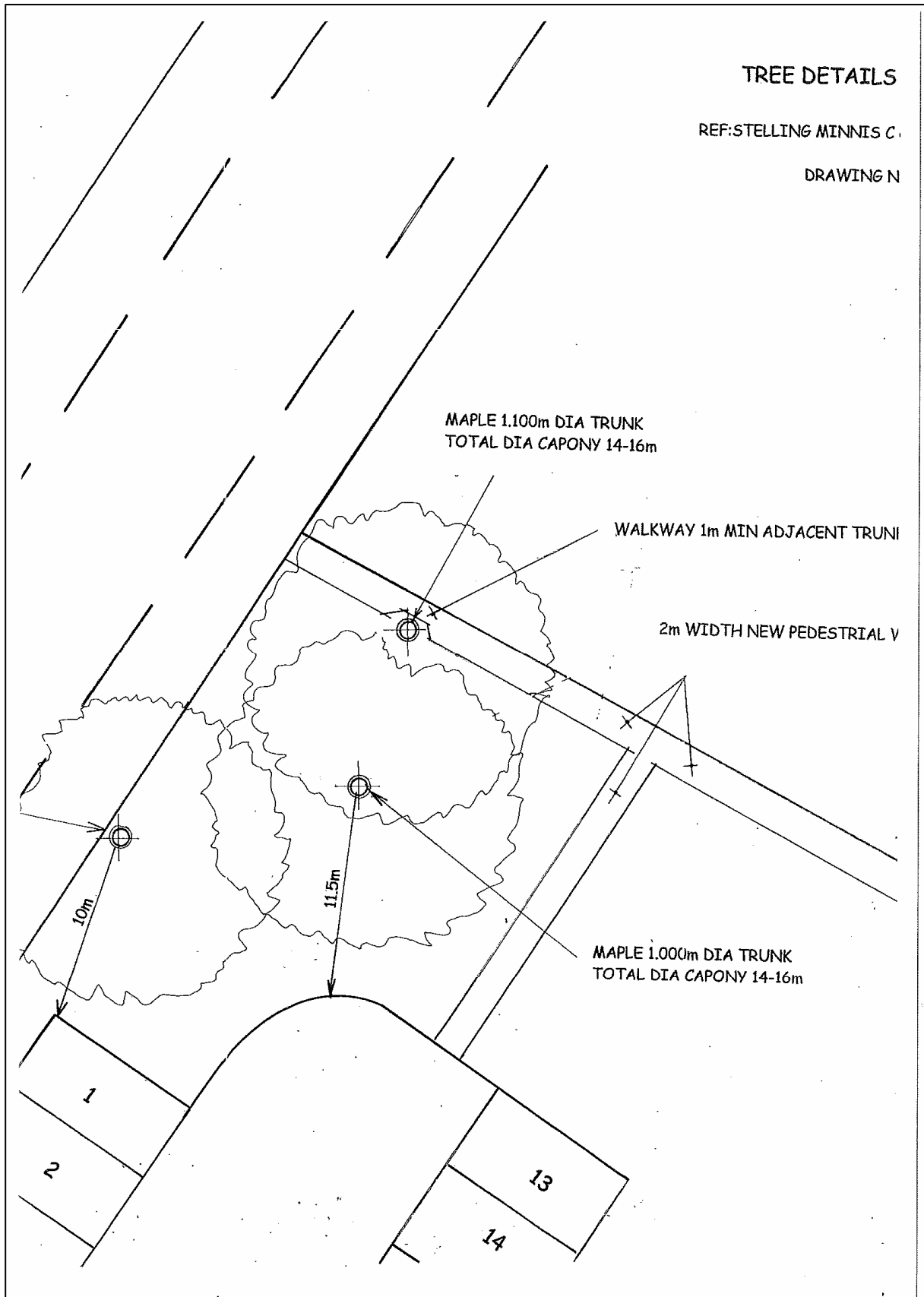


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# Item D1

## Change of use from part area of playing field to car park, Stelling Minnis C.E. Primary School – SH/09/122



**Change of use from part area of playing field to car park, Stelling Minnis C.E. Primary School – SH/09/122**

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- Policy QL12** Provision will be made to accommodate additional requirements for local community services in response to growth in demand from the community as a whole. The services will be located where they are accessible by walking, cycling and by public transport.
- Policy EN1** States that Kent's countryside will be protected, conserved and enhanced for its own sake. This is important for the social, economic and environmental well-being of Kent. Development in the countryside should seek to maintain or enhance it. Development which will adversely affect the countryside will not be permitted unless there is an overriding need for it which outweighs the requirement to protect the countryside. Development so permitted should include appropriate mitigation and/or compensation.
- Policy EN4** Protection will be given to the nationally-important landscapes of:
- the Kent Downs and High Weald Areas of Outstanding Natural Beauty; and
  - Kent's Heritage Coast between Kingsdown and Dover and between Dover and Folkestone.
- The primary objective in these areas will be to protect, conserve and enhance landscape character and natural beauty.
- Major commercial, mineral or transport infrastructure developments will not be permitted unless it can be demonstrated that:
- (a) there is a proven national interest
  - (b) there are no alternative sites available or the need cannot be met in any other way; and
  - (c) appropriate provision can be made to minimise harm to the environment.
- Other development which would be detrimental to the natural beauty, quality and character of the landscape and quiet enjoyment of the area will not be permitted. Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty and Heritage Coast.
- Policy EN9** Tree cover and the hedgerow network should be maintained. Additionally they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.
- Policy TP3** States that the local planning authority should ensure that development sites are well served by public transport, walking and cycling.
- Policy TP19** States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.

**Change of use from part area of playing field to car park, Stelling Minnis C.E. Primary School – SH/09/122**

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**(ii) South East Plan 2009**

- Policy CC1** Sustainable development
- Policy CC4** Sustainable design and construction
- Policy CC6** Sustainable communities and character of the environment
- Policy C3** Areas of Outstanding Natural Beauty

High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context. Positive land management policies should be developed to sustain the areas' landscape quality. In drafting local development documents, local planning authorities should have regard to statutory AONB Management Plans.

In considering proposals for development, the emphasis should be on small-scale proposals that are sustainably located and designed. Proposals which support the economies and social well being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided that they do not conflict with the aim of conserving and enhancing natural beauty.

- Policy S3** Education and skills

**(iii) Shepway District Council Local Plan 2002**

- Policy CO1** The District Planning Authority will protect the countryside for its own sake. Subject to other Plan policies, development in the countryside will be permitted where proposals:
- maintain or enhance features of landscape, wildlife, historic, geological and agricultural importance, and the particular quality and character of the countryside;
  - demonstrate that they cannot be practicably located within an existing settlement and essentially require a countryside location;
  - are of a high standard of design and, sympathetic in scale and appearance to their setting;
  - are acceptable in highway and infrastructure terms and;
  - preserve or enhance the amenity, character and functioning of rural towns and villages.
- Development proposals that would significantly conflict with one or more of criteria a) – e) above will only be permitted where it can be shown that:
- there is an overriding social or economic need;
  - negative impacts are minimised as far as possible and;



**Change of use from part area of playing field to car park, Stelling Minnis C.E. Primary School – SH/09/122**

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iii) adequate measures will be taken to compensate for any the adverse environmental effect. Compensatory measures should, as a minimum, ensure that no net environmental loss occurs.

Note: For the purposes of Policy CO1, the Countryside is defined as the area outside of the settlement boundaries identified on the proposals map. Where land in the countryside is allocated on the proposals map for a specific development purpose, the associated policy will take precedence over Policy CO1.

**Policy CO4** Special Landscape Areas are defined as follows and illustrated on the proposals map:

North Downs (including the scarp and crest)  
Old Romney Shoreline  
Dungeness

Proposals should protect or enhance the natural beauty of the Special Landscape Area. The District Planning Authority will not permit development proposals that are inconsistent with this objective unless the need to secure economic and social wellbeing outweighs the need to protect the SLAs countywide landscape significance.

**Consultations**

8. **Shepway District Council** – Raises objection as the site is located outside any defined settlement boundary and within the open countryside and the wider Kent Downs AONB and Special Landscape Area. The school and surrounding area displays what is considered to be a traditional, Kentish rural character, sited within a rural lane and open playing fields bordering this site. Therefore special consideration and priority should be given to the protection of the essential characteristics of this area.

It is the opinion of Shepway District Council that the development of a car park in this location would adversely impact upon the wider rural setting and as such a formal objection is therefore raised. It is considered that the development would, owing to the scale and its physical detachment from the school, result in the encroachment of development and the school curtilage into the countryside, together with the unsightly proliferation of parked cars. The development may also result in long term need for further additional highway signage and paraphernalia, all to the detriment of the rural area. Such development would be contrary to government advice set out in Planning Policy Statement 7 and the requirements of policy EN4 of the Kent and Medway Structure Plan regarding its impact on the designated AONB, as well as being contrary to policies CO1 and CO4 of the Shepway District Local Plan Review regarding protecting the countryside for its own sake and its impact on the Special Landscape Area, respectively.

Whilst it is recognised that the use of planting and the continuation of the hedgerow around the car park would help to reduce its visual prominence, this would not provide immediate screening and take some time to become established. It is recommended



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that further consideration be given to alternative sites such as the expansion of the staff car park area.

The District Council acknowledges the need for the growth of the school and the community facility for the adjacent Cricket Club. However it does not consider this to be compelling reason to justify this development and override local plan policy and government guidance in light of the wider countryside status and its unique quality. If Kent County Council sees fit to grant planning permission, then Shepway District Council recommends the introduction of hedgerow planting for the purposes of screening and tree protection measures, together with an appropriate surface treatment.

**Stelling Minnis Parish Council** – The Parish Council has considered the application and 6 councillors approve the application and 1 has no objection. The following comments were also made. The proposal would ease congestion along the road outside the school, which at times makes it impossible for large vehicles to pass. Are 23 spaces actually sufficient at 3.00-3.30pm when all parents arrive at the same time to collect their offspring? Is the shape of the car park such that cars turn around as they drop off at 9.00am? If insufficient spaces are provided then parents will continue to park along the road and this will lead to a visibility problem. Effective highway signs will need to be provided as there will be a visibility problem especially for traffic approaching from the direction of Stelling Minnis.

**Upper Hardres Parish Council** – Has commented that there is a car park 100 yards away from the school at Bossingham Village Hall, which has been put at the disposal of parents. Very few use it as they have complained that the sight line is not good on exit. The hedge has been cut down and that is no longer an issue.

The exit from the proposed car park comes at a narrow part of the small country lane with sight lines compromised with a bend in the road. This car park will be used for two short periods each day leaving another empty car park for most of the time. The cricket never causes a problem; they park within their ground. Parking on the road outside the school does cause a problem because the parents do not park considerately and the School do not succeed in managing this problem. We should not lose more green space. It was noticed that the car park was needed for the pre- school but we have seen no plans as yet for this facility.

**Divisional Transportation Manager** – raises no objection subject to sight lines and internal layout being provided in accordance with the submitted drawings. It is recommended that wheel washing facilities are provided on site during construction to prevent the deposit of mud on the highway.

**Jacobs Landscaping** – advises that the proposed car parking area would not cause a significant adverse landscape or visual impact, although parked vehicles would detract slightly from the rural setting of the playing field/cricket ground. In order to filter views of parked vehicles, Jacobs suggest that the applicant considers proposing a native hedgerow around the periphery of the new parking area, which would join up with the existing hedgerow along Bossingham Road and enclose the parking area. It is also recommended that the edge of the car park is a minimum distance of 1m from the inner boundary of the existing hedgerow along Bossingham Road to ensure no damage to its roots.

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Furthermore Jacobs suggest using a 2m wide strip of the existing tarmac surfaced playground where the proposed new pedestrian walkway runs adjacent to the existing maple tree, to avoid root damage. The location of the pedestrian walkway could then divert back to the line of the currently proposed walkway outside of the tree protection area of the tree.

**Kent Downs AONB Unit** – has similar concerns to those expressed by Shepway District Council about this proposal and consider that this scheme needs to demonstrate how the Kent Downs AONB designation has been sympathetically taken into consideration and landscape character would be conserved and enhanced.

Within the Kent Downs there is continual pressure for small-scale development and change. Incremental change can result in cumulative impacts which are seemingly insignificant individually but over time can bring about a considerable change in character from developments such as telecommunication masts, infrastructure for utilities and services, small scale changes to the housing stock and small developments, change of use away from agriculture, leisure development, farm and business developments. The cumulative effect of small scale development or change, be it in buildings or roads, needs to avoid unnecessary ‘urbanisation’ and reduce the amount of roadside clutter. It is noted that the plans also show the location of a proposed pre school building (a school travel plan may be useful in this context) and there may also be pressure in the future for the proposed new footpaths and car park to be illuminated.

It is essential that the new development proposals demonstrate how a positive contribution to the AONB would be made as well as mitigating any harmful impacts for example through appropriate landscaping schemes and boundary treatments.

The following Management Plan policies are of particular relevance in this context

**SDT2** The local character and distinctiveness of the Kent Downs AONB and high environmental sustainability will be reflected and required in the design, scale, setting and materials of new development and will be pursued through landscape and buildings design guidance.

**SDT3** New development or changes to the use of land will be resisted where it disregards or challenges the primary purpose of the Kent Downs AONB or weakens its fundamental components of natural beauty and landscape character.

**SDT4** The greater involvement of local people and communities in influencing and informing development planning will be supported, particularly through the development and use of Parish Design Statements and other community planning initiatives.

**VC4** The retention and development of local services, facilities and employment opportunities in order to conserve and enhance the natural beauty of the Kent Downs AONB or reduce the need to travel by car and maintain viable rural communities will be supported where they do not conflict with AONB policies.

However if the decision is made by Kent County Council to approve this development, the Kent Downs AONB Unit would want to be consulted on the landscaping scheme and request in advance that such a scheme accords with the Kent Downs AONB

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Landscape Character Assessment and Kent Downs AONB Landscape Design Handbook. The schemes should use indigenous species, encourage biodiversity, indications of all existing trees and hedgerows on the land. As an aside it may be worth checking that the “Bodpave Grass Pavers” are suitable for the proposed level of use including the possible new pre-school.

**Sport England** – raises no objection as the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.

**Local Member(s)**

9. The local County Member, Miss Carey was notified of the application on 10 February 2009.

**Publicity**

10. The application was advertised by the posting of a site notice and the notification of 5 neighbouring properties.

**Representations**

11. Ten letters of representation were received in response to the proposal, which included letters from the Chair and Vice Chair of School Governors. The main planning reasons **for support** can be summarised as follows:

- It would enhance safety for the parents and children attending the school.
- Improve the traffic for local residents at the beginning and end of the school day
- Car park application is important for the future development of the school
- The road outside the school becomes a single track road due to all the parked cars
- Area selected for car park is a piece of overgrown land on the corner of the cricket field
- Car park would enhance a small area of disused field which is currently an eyesore with refuse, scrub, etc
- Car park is essential if the pre-school relocates and it is not an option to add to the vehicle congestion outside the school
- Due to the location of the school, many parents have no other option but to drive to it
- Crossing the road is dangerous as traffic does not stick to the 30mph speed limit
- Footpaths on both side of the road are barely wide enough for one person to walk, let alone pass anyone in the opposite direction
- Traffic is regularly diverted onto Bossingham Road when the B2068 Stone Street is flooded or there has been an accident
- The car park would allow children to get to school safely as fewer would have to walk along the narrow footpaths

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- The car park is required on safety grounds as there are large volumes of heavy farm traffic that frequently come through the village and passed the school
- Removing the parked cars from the road would give better visibility to parents having to walk from their vehicles.

No representations have been received raising objection to the application.

**Discussion**

## Introduction

12. The application is required to be determined in accordance with the relevant Development Plan Policies, unless other material considerations are of overriding importance. In particular, I consider the key determining considerations to be impact on the designated Area of Outstanding Natural Beauty and special landscape character, including the impact on existing trees, balanced against the need for improvements in community facilities.
13. This planning application for the proposed car park has been submitted in advance of a planning application to relocate the Bossingham pre-school to a site directly behind the school. No details of the proposed size, design or siting of the building have been provided and no other details are known at this stage to the County Planning Authority. A statement has been provided with the current car park application that says it is intended to create a purpose-built building that would enable the pre-school to extend their hours and provision and would strengthen links between the school and pre-school. There are many advantages to this for the children, the school, the pre-school and the local area. There would be an additional footpath to the pre-school from the road, giving the pre-school their own entrance and exit. This footpath would also link into the proposed new car park. That would help maintain the security of the site for both the school and the pre-school.

## Area of Outstanding Natural Beauty

14. The objective of the Area of Outstanding Natural Beauty (AONB) policies, set out in the South East Plan 2009 (C3), Kent and Medway Structure Plan (EN4) and Shepway District Local Plan (CO1 and CO4), is to conserve and enhance the natural beauty of such areas, including the landscape, wildlife and geological features. Further development within the AONB should be kept to a minimum and, where acceptable, should be designed and constructed so that the visual impact on the landscape is minimised and it makes a positive contribution to the attractiveness of the area. Policy EN4 requires extra justification for major development in an AONB but this proposal does not relate to major development. These and other policies state clearly that the local, social or economic needs of the locality need to be taken into account, provided that they are consistent with the purposes of the AONB.
15. The proposed development is essentially a two dimensional feature, but it has the potential to introduce more unsightly (three dimensional) vehicles into the wider landscape of the AONB. The alternative to providing a car park is to continue to have the same vehicles parked along the country lane, which aside from road safety hazards and inconvenience to other road users, is equally harmful to the visual quality of the AONB and arguably more conspicuous. The advantage of the proposed parking area

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would be that it could be better screened by existing and additional (indigenous) landscape planting, but the car park would be present on a permanent basis compared to the shorter duration of the roadside parking associated with the school. Nevertheless, the proposed car park would be immediately adjacent to the lane, so the repositioning of parked vehicles as a result of the development could only have a marginal impact on the wider setting of the AONB. Clearly, the permanent (two dimensional) impact of the car park surfacing, kerbing and access would need to sensitively handled to avoid any undue urbanising features, and I agree that careful consideration of materials would be essential if the development were to proceed.

16. The proposed entrance and exit to the car park is via an existing gated access which is used by vehicular traffic on an occasional basis by the Cricket Club. Therefore the existing appearance of the roadside hedgerow from the road would not be altered by the formalising of the existing parking area. To try to shield this car park as much as possible from the road, and from within the cricket field, it has been recommended that an additional native hedgerow is provided along the peripheral edge of the car park. Furthermore, the area of the proposed car park is currently regarded as scrub land and is not used as part of the cricket field, nor does it contribute positively to the wider landscape character of the AONB. Notwithstanding the genuine concerns about piecemeal urbanisation of the countryside being especially harmful to the AONB, I do consider in this particular case that the potential harmful effects to the landscape character have been overstated.
17. As regards local needs, the applicant states that the new car park is essential for the future of the school, as it would enable the parents to park off the public highway thus making it safer for children going to and from the school by not having to walk and cross Bossingham Road, and it would enable the potential relocation of the Bossingham pre-school to a site behind the school (subject to planning permission being obtained), to strengthen links between the two. Under the circumstances, I consider that local and social needs would be well served by the proposed development, since it would cater for the needs of the School, the Cricket Club, the proposed pre-school and any other social gatherings on an occasional basis, whilst simultaneously improving local road safety. It is also notable that no local representations have been received regarding the proposed car park, or about it using an area of underused scrub land.
18. In summary, I consider that the proposal with careful landscape screening would preserve the special character and overall appearance of the wider AONB, and would also enhance the social provision in the locality. However, it not possible to conclude that the proposed development fully accords with AONB policies, because the development arguably does not also enhance the character of the AONB in terms of making a positive contribution, other than removing parked vehicles from one of its country lanes and reducing the damage to the verges that such parking creates. Therefore in my view, the development would be largely in accordance with the Development Plan policies.

**Trees**

19. As mentioned in Paragraph 5, there is a group of 3 mature trees within the application site, which is not affected by the proposed car park. These trees include an Oak and 2 Maples. One of the Maples is located only 1.2m away from the existing school boundary and the application proposes to construct a 2m wide footpath, which would

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narrow down to 1m around the girth of this tree. However concern has been raised about the potential damage that could be caused to the roots of this tree by having a footpath located so close to the tree and the constant movement of pedestrians.

20. It has been advised by the County Councils' Landscape Adviser that a 2m wide strip of the existing tarmac surfaced playground be used as part of the new footpath, thus 'diverting' the footpath for the first 20m from Bossingham Road onto the school site. I support this advice and recommend further that the existing weldmesh fence remains in situ and a new weldmesh fence is erected to create a boundary between the edge of the 2m footpath and the new boundary of the school playing field.

**Highway Considerations**

21. The planning application is to create an area for parking 23 cars, which would be used by the parents and visitors to the primary school, particularly at the beginning and the end of the school day. This would reduce the need for parents to park in Bossingham Road and in turn make it safer place to cross the road. The general road safety of the school children would be improved as they would be dropped off away from the public highway and walk along the proposed new footpath to gain access to the school. By removing cars off the public highway, this will also improve the forward visibility for drivers emerging from the new car park and for all road users travelling along Bossingham Road.
22. The Divisional Transportation Manager is supportive of this application as it removes parked vehicles off the public highway. Parents of the school are also very supportive of this application as it enables them to drop their children off safely and away from the public highway. The proposal would have safety and highway benefits and is in accordance with Development Plan policies.

**Conclusion**

23. This proposal has to be considered against the relevant planning policies, principally the AONB designation and amenity of the locality. On balance, I am satisfied that the proposed siting and the proposed additional hedgerow screening of the car park would be appropriate and sufficiently unobtrusive within this otherwise protected landscape as to meet the AONB policy and Development Plan requirements. In particular, the proposed development would have only a very marginal visual impact on the wider landscape setting and the rest of the AONB and any urbanising impact could be minimised by the sensitive use of materials and landscape screening. With regard to the amenity considerations, the development would provide off road parking for school parents and improve the road safety of the school children as they would not have to cross the road outside the school. Overall the school would benefit from the new car park and it would also be used by parents of the pre-school, and on the understanding that that development was to proceed, I therefore consider that the proposed development would be in general accordance with the aims and objectives of the relevant Development Plan policies.

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**Recommendation**

24.1 RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the following conditions:

- Standard time condition for it to be implemented;
- The introduction of native hedgerow planting around the periphery of the new parking area, which would join up with the existing hedgerow along Bossingham Road, for the purpose of screening the car park, to accord with the Kent Downs AONB Landscape Character Assessment and Kent Downs AONB Landscape Design Handbook;
- The edge of the car park to be a minimum distance of 1m from the inner boundary of the existing hedgerow to ensure no damage to its roots;
- The proposed footpath to be diverted for the first 20m from Bossingham Road to avoid root damage to the existing maple tree and then to divert back to the line of the proposed footway.
- Wheel washing facilities are provided on site during construction to prevent the deposit of mud on the highway.

Case officer – Lidia Cook	01622 221063
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Background documents - See section heading
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**Item D2****Replacement boundary fencing with gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tonbridge - TM/09/1.**

A report by Head of Planning Applications Group to Planning Applications Committee on 26 May 2009.

Application by the Governors of Weald of Kent Grammar School for Girls and Kent County Council Children, Families and Education for replacement boundary fencing with gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tonbridge – TM/09/1.

Recommendation: Planning permission be granted subject to conditions.

**Local Members:** Dr T R Robinson and Mr G A Horne MBE **Classification:** Unrestricted

**The Site**

1. Weald of Kent Grammar School for Girls is located on the south east edge of the built up area of Tonbridge. It is bordered by Tudeley Lane to the north, Pembury Road to the west/south west and Woodgate Way to the south east. There are residential properties to the north side of Tudeley Lane and to the west/south west side of Pembury Road. The whole school site had until recently been sited within the Metropolitan Green Belt, however following the adoption of the Tonbridge & Malling Core Strategy in 2007, the built development of the school has been removed from the Green Belt and is now included within the urban confines of Tonbridge (see Appendix 2). *A site location plan is attached.*
2. The school buildings adjoin the built up area of Tonbridge occupying a triangular area on a plateau of land above the playing fields to the east. The main school buildings, which are up to 3 storeys in height, were built in the 1960's but in the last 10 – 16 years there have been a number of extensions, detached buildings and temporary buildings added to provide for an incremental increase in the roll and changing curriculum needs. The most recent additions are a detached kitchen and dining hall building granted permission in October 2002 and a three-storey classroom block granted permission in July 2005 together with a new car park (shown on site plan on page D2.2) and an art and drama block was granted permission in July 2007. A new access onto Pembury Road also granted at that time has not yet been constructed.

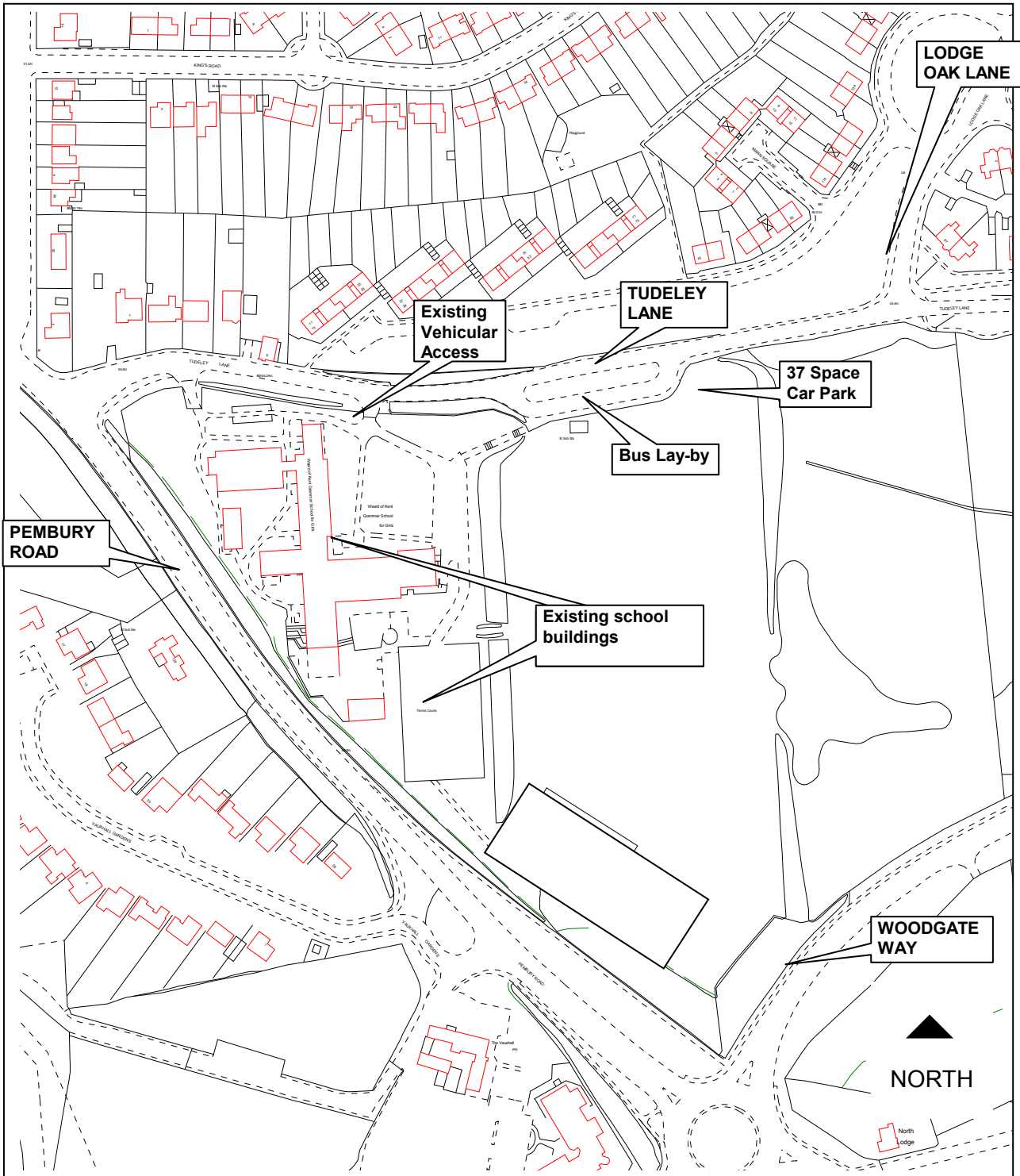
**Proposal**

3. Planning permission is sought for a length of 340metres of 2.1metre high green weld mesh fencing for the school boundary along Tudeley Lane, two pedestrian gates at 1.2metres and 3metres wide and two car park gates at 6metres and 8metres wide (see site plan on page D2.3) in the same style as the fence. The fence would replace an existing dilapidated picket style fence (approximately 1.2metres in height see photograph 1 below and Appendix 1). When the application was originally submitted the proposal contained a barrier arm instead of one of the car park gates and a different fence style, these elements have been revised to the details that are currently before Members.

## Item D2

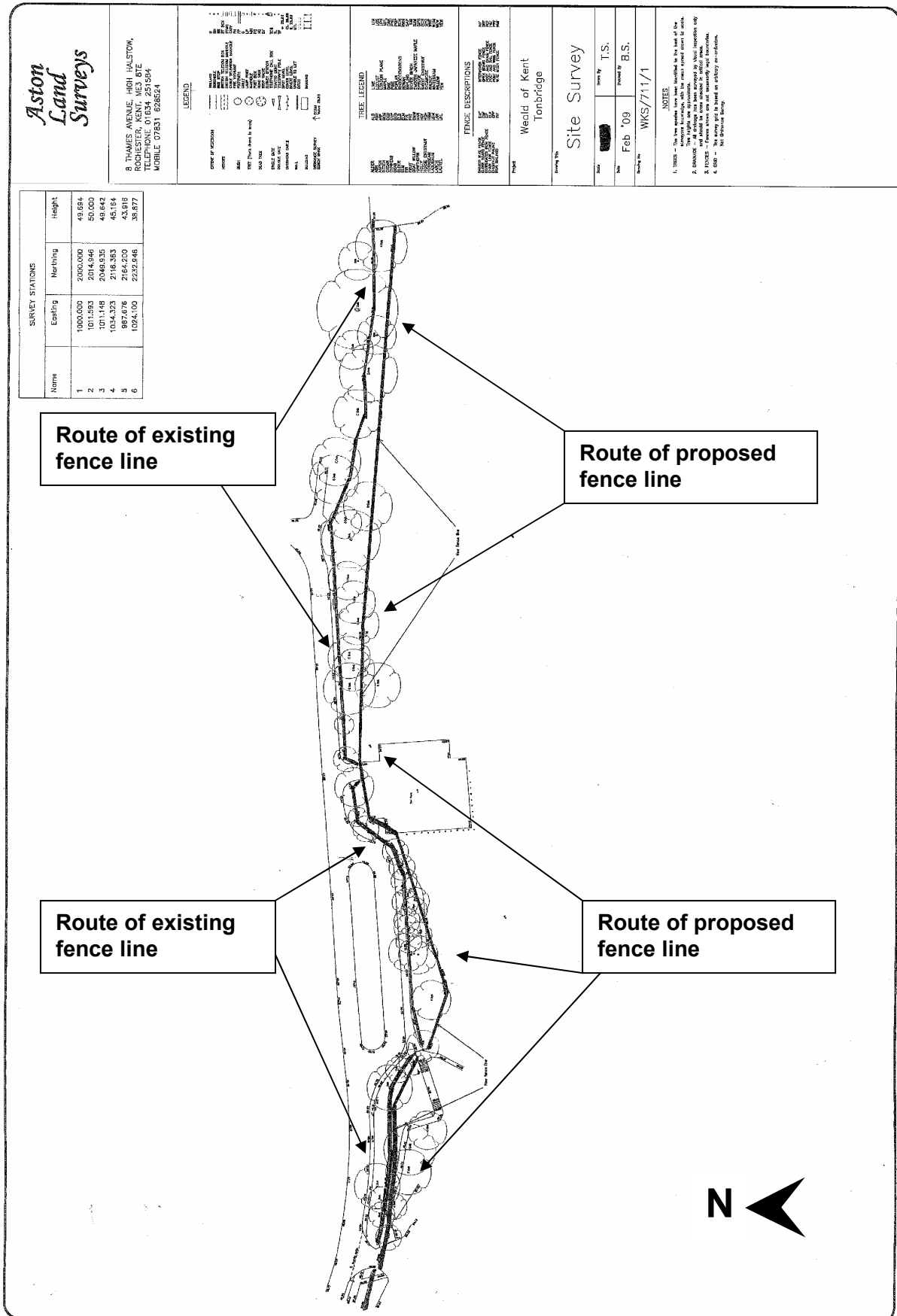
# Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1

### Site Location Plan

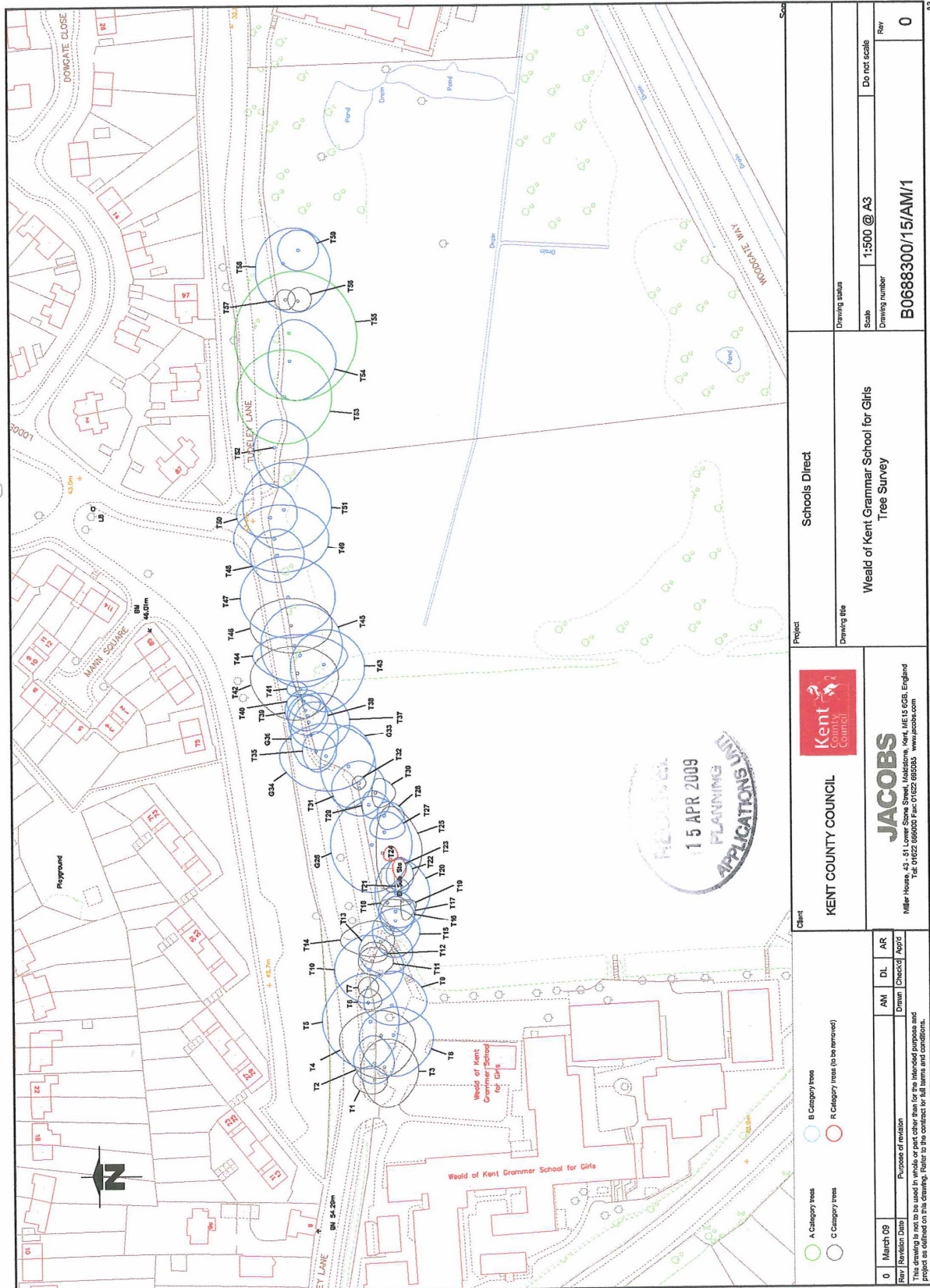


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**Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1**



**Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1**



**Tree Survey**

**Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1**

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Although the proposed fence would replace the existing picket fence it would not be sited along the same line, the proposed fence would be sited further back behind the existing mature trees and vegetation as opposed to the existing fence which is sited closer to the edge of Tudeley Lane and amongst the tree line (see photographs in Appendix 1).

**Planning Policy**

4. The Government is committed to the principles of the Green Belt and to maintaining tight planning controls over development on Green Belt land has been reaffirmed. It is expected that all planning applications for development in the Green Belt be subject to the most rigorous scrutiny, having regard to the fundamental aim of Green Belt policy as set out in Planning Policy Guidance note 2. That is to prevent urban sprawl by keeping land permanently open. The openness of Green Belts is considered to be their most important attribute and therefore there is a general presumption against inappropriate development, which is by definition harmful and should not be permitted, unless it can be justified by very special circumstances.
5. The Development Plan Policies summarised below are relevant to consideration of the application:

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

Policy SP5 The existing broad extent of Green Belts in the region is appropriate and will be retained and supported and the opportunity should be taken to improve their land-use management and access as part of initiatives to improve the rural urban fringe. However, in order to meet regional development needs in the most sustainable locations, selective reviews of Green Belt boundaries are required.

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

Policy SP1 States that the primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development.

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

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

Policy QL11 Existing community services (*including schools and other education provision*) and recreation facilities will be protected as long as there is a demonstrable need for them. Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses,

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and the concentration of sports facilities at schools, will be encouraged.

- Policy E9 Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats. Ancient and semi-natural woodland will be protected and, where possible, enhanced.
- Policy SS2 Sets out a general presumption against inappropriate development within the Green Belt. Further states that new building should accord with the provisions of PPG2 and Annex B of PPG3.

(iii) The adopted 2007 **Tonbridge and Malling Borough Local Development Framework: Core Strategy:**

Policy CP3 National Green Belt policy will be applied generally to the west of the A228 and the settlements of Snodland, Leybourne, West Malling and Kings Hill, and to the south of Kings Hill and east of Watlingbury.

Policy CP11 Development will be concentrated within the confines of the urban areas of (amongst others):  
Tonbridge – of which the built development of the Weald of Kent School is part - see Appendix 2.

Policy CP24 All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.  
All development should accord with the detailed advice contained in the Kent Design Guide and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

The Council will seek to protect, and wherever possible, enhance, existing open spaces, including the provision of public art and ensure that new open space provision is made to meet the future needs of the Borough.

**Consultations**

6. **Tonbridge and Malling Borough Council** raise objection on the grounds of the style of fencing proposed and consider it inappropriate and detrimental to visual amenities of the locality.

Following the revisions to the application outlined in paragraph 3 no further comments have been received from Tonbridge and Malling Borough Council. Should any further

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comments be received they will be verbally reported to Members at the Committee meeting.

**Divisional Transportation Manager** raises no objection.

**Local Member**

7. Dr T R Robinson and Mr G A Horne MBE, the local County Members were notified of the application on the 30 December 2008.

**Publicity**

8. The application was publicised by the posting of two site notices on Tudeley Lane and the individual notification of 48 neighbouring properties.

**Representations**

9. I have received 3 letters of representation from nearby residents in Tudeley Lane, two of which are from the same resident. One of the letters contained points that are not material to the determination of this planning application and as a result are not detailed below. The material considerations made can be summarised as:
  - The site is in the Green Belt and the development is inappropriate. Fencing is not an appropriate development in the Green Belt and therefore very special circumstances need to be provided to outweigh the general presumption against it. No very special circumstances have been put forward.
  - The development will have an adverse impact on the openness of the Green Belt. Although it will be possible to see through the fence when directly in front of it, that ability diminishes as the structure is viewed at an angle. This is contrary to the fundamental principle of protecting the openness of the Green Belt set out in PPG2.
  - This proposal will not safeguard the Green Belt countryside from encroachment (a fundamental purpose of the Green Belt) but will introduce an alien urban form of structure that will detract from it. This is a sensitive edge of town location where the public have enjoyed uninterrupted views over open fields since the school was built. The development will result in significant harm to those public views.
  - The development will have a detrimental effect on the visual amenities in the introduction of this urban fencing into what is a countryside location. PPG2 requires protection of the visual amenities of the Green Belt.
  - This is an ill-considered and unacceptable development. The need for security is understood, although as a local resident I know that the public has accessed the land for more than 20 years without serious harm (there is probably sufficient evidence for it to be declared a village green). There are far more sensitive ways to provide a secure boundary – additional planting to make a sturdy hedge would be one.

Following the submission of an improved site plan and Tree Development Survey BS5837 the following comments were received.

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- The description is still inconsistent. It is said that the fencing is to replace existing picket fencing but the site survey shows it to be on a completely different line across the land rather than on the border.
- The line continues to indicate that there are numerous trees where the new fence is proposed and although there is now a tree survey the proposals do not demonstrate how there has been any consideration to the retention of this long standing amenity in the area. It is claimed that no trees or hedges will have to be removed but there is no indication of the extent of pruning or other work to the trees to make the development possible.
- First the applicants claim that the fence will have the lowest level of visual impact to the surroundings. This statement has no base level; lowest of what? The judgement must be made in relation to the proposals and the existing character of the area. This has not been done. 340m of 2.1m high steel fencing will have a significant and harmful visual impact as previously explained. It will not be a lower visual impact than a 1m high picket fence.
- There are some incident reports and photographs relating to some occurrences at the school. These include broken fences on the other (Somerhill Link road) side of the school where a fence on Tudeley Lane is irrelevant.
- A number of the incidents relate to graffiti. It is unacceptable that the School seeks to counter one type of vandalism with another. This proposed urban fencing will be a form of public vandalism to the character and appearance of the area that will be seen by far more people than spray painting on a small part of a building that is not visible from any public place.
- Some of the incidents relate to dog walking. I have lived here for over 20 years and people were walking their dogs across that land long before I moved here and continually since. Local people have been playing and enjoying that land for all that time without the need to erect a Stalag-like compound to tackle a few incidents of vandalism.
- The applicants have provided no justification and there is therefore no reason to override long established protection policies to allow the development.

**Discussion**Introduction

10. Given there is an existing fence, the principle behind a boundary fence in the general location of the proposed development appears well established, however there are a number of issues arising from the proposed scheme. These include the position of the fence line, design and appearance in terms of impact on the Green Belt and landscape; these have to be considered in the context of the Development Plan Policies, referred to in paragraph (5) above, and other material planning considerations arising from consultation and publicity.

Fence Line Position

11. It is noted that the built development of the school site is not within the Metropolitan Green Belt and consequently approximately 50m of the proposed fencing and one of each of the car park and pedestrian gates, are not strictly subject to Green Belt policy. However it could be argued that when looking in a south easterly direction from this area of proposed fencing in particular, that the openness of the Green Belt would be affected. In the context of the relevant National Planning Policy and Development



## Item D2

### **Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1**

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Policies that apply, what is proposed could be considered as inappropriate development. It is therefore necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against the development.

12. The existing fence is a relatively low level wooden picket style fence which is in a dilapidated condition; this condition is primarily due to the age of the fence and as a result of vandalism. The existing fence line (see plan on page D2.3) is sited much closer to Tudeley Lane than what is proposed. At the point where Tudeley Lane meets Tudor Oak Lane, the existing fence line, whilst following the tree line, is separated from Tudeley Lane by a grassed verge area that slopes down from the playing fields beyond, see photograph 1 below. The position chosen for the proposed fence is set back from the existing line in order to reduce any potential impact on the trees and vegetation and the natural security that they provide. Although the applicant states in the Design and Access Statement that no trees or hedges would be removed as part of the proposal, a Tree Development Survey was carried out by professional arboriculturists in accordance with BS5837- Trees in Relation to Construction, to assess any potential risks to trees given that in places the proposed fence line would be in relatively close proximity to trees.



Photograph 1

13. The survey that was undertaken took into account 55 individual trees and 4 groups of trees totalling 69 trees. The report states that for the purposes of the proposed development no trees would need to be removed; however it does recommend that for

**Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1**

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sound arboricultural management two middle aged hazels should be removed (T23 and T24 on plan on page D2.4). Whilst the report states that the proposed fence would not require the removal of any trees it acknowledges that two sections of the proposed fence line would come into close proximity with trees T1 & T6 and T31 & 40 and recommends that all work within the Root Protection Area be carried out using the hand-dig methodology to minimise damage to tree roots. Furthermore it is suggested that the fencing contractors be required to provide a method statement indicating the care and consideration that would be employed when installing the fence in close proximity to these trees. Should Members be minded to permit, I would recommend that conditions be imposed on any consent to take account of these recommendations. Therefore I am of the opinion that the proposed fence line would be in accordance with Structure Plan Policies SP1, QL1 and E9. Furthermore, in my view, the proposed route would be preferable to the existing route, as the fence would be sited, in the main, behind mature trees and vegetation. With regards the eastern section of the fence it would also effectively increase the amount of open verge area to that which is currently available.

14. Members will note the objections received with regards the design chosen for the fence and the importance of appropriate design in this Green Belt location is paramount. A fence along the boundary with Tudeley Lane has been in position for many years and thus the principle for a fence in this location is long accepted, there are no Public Rights of Way through the site or public access rights to the land itself so it can be concluded that the principle of securing the boundary from intrusion is acceptable. Given the representations received regarding the walking of dogs on the school playing fields, it can be concluded that access, from the Tudeley Lane aspect at least, has been historically informal in nature, with unauthorised access being gained by going over the existing picket fence or by passing through sections that have been vandalised. Whilst the majority of people accessing the site may well be responsible, there is unfortunately a significant minority who are not and the School has provided a considerable number of Police incident reports and photographic evidence of criminal damage and other offences that have occurred on the school site over the last three years in support of this application. (14 Police incident reports and in excess of 60 photographs).
15. There have also been instances both during the week and at weekends when the school is being used, that members of the public have been found walking around the school grounds/buildings with dogs unleashed. Therefore it can be quite reasonably concluded that securing the school boundaries from intrusion is a matter of great importance in terms of both reducing crime and Health & Safety for the School's pupils, staff and visitors. Representations received from neighbouring residents, in my view, understate the degree of vandalism and antisocial behaviour that has been carried out at the school. Furthermore, I would suggest that vandalism on other fencing around the school site (see photographs in Appendix 3) and to school buildings is not irrelevant in the determination of this planning application, as it can be reasonably assumed that the primary point of access to the site is from the Tudeley Lane direction, due to the largely ineffectual existing fence and the large residential and population centre to the north.
16. Section 17 of the Crime & Disorder Act 1998 outlines the legal responsibility that Local Authorities have to consider crime and disorder which includes taking measures to reduce anti-social behaviour/disorder and assist in the prevention of crime. The proposed development would wholly accord with the requirements and responsibilities associated with Section 17 of the Crime and Disorder Act 1998.

**Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1**

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17. I consider that, given the reasons outlined above, there is a requirement for the fence to be of a substantial height, in this case 2.1m, in order to maintain an appropriate deterrent and level of security. Additionally, given that the proposed fence line is set back from the public highway and sited behind trees and vegetation, the applicant could have erected a fence of up to 2metres in height under permitted development rights. Given that the proposed fence is in excess of 2m in height, a planning application is required, and the County Planning Authority therefore has the opportunity to have an input/control over the design/style of fence chosen which otherwise it would not here.

Design & Appearance

18. The design of fence that has been proposed is weldmesh and would be finished in Green RAL 6005 colour treatment. Given that most of the fence would be located within the Green Belt, consideration of the impact that the development would have on the openness of the Green Belt and as to what very special circumstance apply to the development that would justify overriding development plan policy is a key determining factor. A fence of 2.1m is going to have a degree of impact due to its height, however through careful consideration of the design and style the potential impacts can be substantially mitigated. The weldmesh fencing proposed would have apertures of 200mm x 50mm (see photograph 2 below). When viewing the proposed fence from directly in front of it, it would be possible to see directly through it retaining the openness and enabling views across the Green Belt. Members will note the point raised in the letters of representation with regards viewing the proposed fencing from an angle and the potential for the openness of the Green Belt to be diminished by the intrusion of the proposed fence. It is noted that when viewing the proposed fence line in a diagonal direction from the junction of Lodge Oak Lane looking west, it could be argued that views through the proposed fence could be diminished but given that when looking in this direction views beyond would not be of the Green Belt directly but rather the school buildings (which are no longer within the Green Belt) I am not of the opinion that the openness of the Green Belt would be affected to any significant degree. Furthermore, during the summer months views of the fence would be minimal due to the large number of trees/hedging in this locality. When viewing the easterly end of the fence line at an angle the openness of the Green Belt could again be diminished, but given that the playing fields are at a higher level, and the Abbeyfield Woodgate Residential Care Home beyond, views across the openness of the Green Belt would not be unduly affected.
19. I am of the opinion that the fence design chosen is suitable for this location and that the impact on the openness of the Green Belt would be minimal. As stated above, the impact when viewing the fence from an angle would be mitigated by the existing vegetation and existing buildings, and when viewed from in front, it would be possible to see directly through the fence arguably not impinging on the openness of the Green Belt. It is worth noting that should the existing style of fence be increased in height to 2.1m the overall impact on the street scene and on the Green Belt would be significant. The bulk of such a palisade fence, be it wooden or metal in construction, would be substantial and extremely detrimental to the locality. The notion of planting a sturdy hedge in place of a fence is worthwhile in principle, but would take time to establish and not provide the immediate solution required.

## Item D2

### Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1

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Photograph 2 (image of proposed fencing type)

20. Therefore, given the justification outlined in paragraph(s) 13, 14 & 15 and due to the design of the fence, I consider that there is sufficient evidence to demonstrate there are very special circumstances for overriding Green Belt policy constraints in this particular case. I would not therefore raise an objection on the basis of the effects of the proposed development on the openness of the Green Belt and consider the proposal to be in accordance with South East Plan Policy SP5, Structure Plan Policy SS2 and Core Strategy CP3.

### Conclusion

21. This proposal has given rise to a number of issues including the route of the proposed fence line and the impact on the openness of the Green Belt, as discussed above. First, I am of the opinion that the route for the proposed fence would be acceptable in planning terms and would not have a detrimental impact on the existing mature tree and vegetation cover, and consider the route to be more acceptable and have less impact on the locality than the existing fence line. Furthermore the openness of the grass verge area along the eastern end of the fence line would be increased. In my view the proposed fence is in accordance with Structure Plan Policies NR5 and E9 in terms of the quality of the development, impact on the natural environment and protection of existing trees and hedgerows.
22. Secondly, I consider that there are very special circumstances for overriding Green Belt policy constraints, in this particular case on the grounds of the vandalism, the insignificant visual impact of the proposed fence and that the proposal would not set a precedent for further Green Belt development at this site. There has been a long



## Item D2

### **Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1**

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history of significant, substantial and costly vandalism to the school grounds and facilities which has been made all the more possible by the lack of a secure boundary adjacent to Tudeley Lane. Therefore, in my view, given the design, style and colour chosen for the proposed fence, I consider that very special circumstances apply and I do not consider the application to depart from South East Plan Policy SP5, Kent & Medway Structure Plan Policy SS2 and Core Strategy Policy CP3 on the grounds of protection and enhancement of the openness of the Green Belt.

#### **Recommendation**

23. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO CONDITIONS, including conditions to cover the following aspects:

- the standard time limit,
- the development to be carried out in accordance with the permitted details,
- tree protection and methodology for working in close proximity to trees.

Case officer – Adam Tomaszewski	01622 696923
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Background documents - See section heading
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**Item D2**

**Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1**

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**Appendix 1**



**View looking west at bus lay-by**



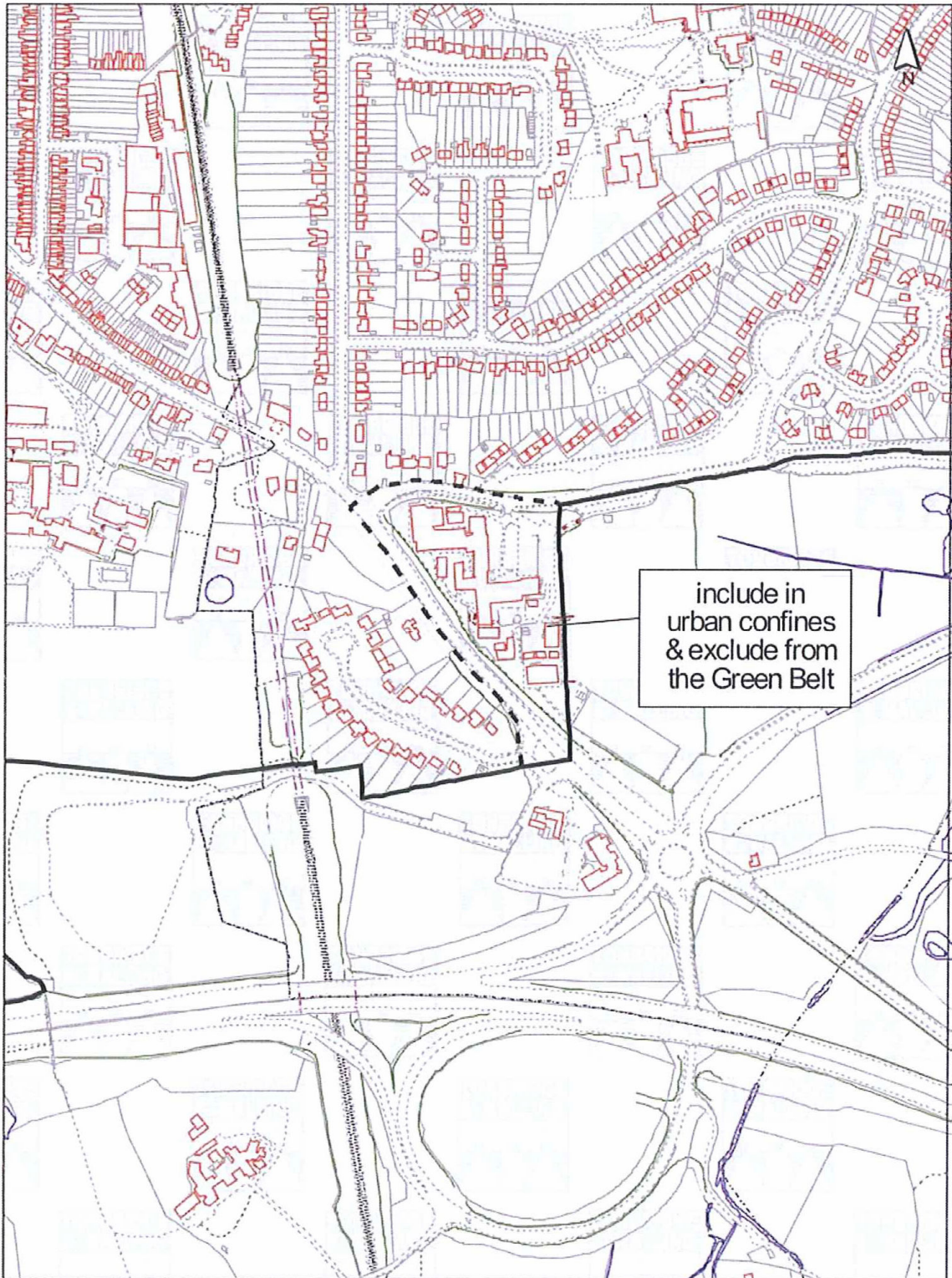
**Section of the eastern part of the existing fence**



**Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1**

**Appendix 2**

Annex C1 Weald of Kent School, Tonbridge - Policy CP11(a) & Policy CP3



Scale 1: 5000

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## Item D2

### Replacement boundary fencing with associated gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge - TM/09/1

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#### Appendix 3

#### Examples of vandalism of school fencing along Somerhill Link Road





**Item D3****Proposed new academy and associated facilities at Longfield Academy – DA/09/193**

A report by Head of Planning Applications Group to Planning Applications Committee on 26 May 2009.

Erection of a new academy, re-provision of outdoor playing pitches, new 6 court MUGA, 159 car parking spaces, drop off zone, landscaping and associated ancillary works at Longfield Academy, Main Road, Longfield - DA/09/193

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

**Local Members:** Mr B. Bassam and Mr D. Brazier

**Classification:** Unrestricted

**Site**

1. Kent County Council is seeking planning permission to construct a new academy on the site of the former Axton Chase School, recently re-named Longfield Academy. Longfield Academy is located on the eastern edge of Longfield between a main railway line to the south and the B260 (Main Road) to the north. The application site comprises playing fields to the east of the existing school buildings, which are terraced at various levels. About 40% of the application site fronts onto Main Road, adjoining residential properties at either end and facing residential properties on the opposite side. The remaining part of the site adjoins a further residential property, and various healthcare and educational premises, and at the eastern end grazing/scrub land. The adopted Dartford Borough Local Plan and the Dartford Borough Local Plan Review show the site to be within the Metropolitan Green Belt. The latter plan shows the existing developed part of the school site identified as a Major Developed Site within the Green Belt allocated for housing and associated development (this is not part of the application site). In light of the site's Green Belt designation, this application has been advertised as a Departure from the Development Plan, and would be referred to the Secretary of State for her consideration should Members be minded to permit. *A site location plan is attached.*
2. The existing school site accommodates a variety of buildings in terms of scale, most of which were constructed during the late 1960's. The school buildings are confined to the western half of the site and are typical of their period, most are in a poor state of repair and have an outdated specification. The existing buildings are a variety of heights, up to four storeys, with the highest being approximately 14m higher than the existing site levels. The total existing site area is 16.2ha and it is proposed that the western 6ha of land would be sold off for residential development, for which Dartford Borough Council granted outline planning permission on the 24 May 2006. That would leave 10.2ha of land for the proposed academy building and associated facilities.

**Background**Academy Status

3. Longfield Academy has been operating as an Academy since September 2008 in the buildings of the former Axton Chase School. The lead sponsor of this scheme is the Leigh Academy Trust. Longfield Academy will form a Hard Federation with the Leigh Academy, sharing a single overarching governing body and one Chief Executive/Executive Principal. The Trust will be the sole legal body responsible for both

**Proposed new academy and associated facilities at Longfield Academy, Longfield – DA/09/193**

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Leigh and Longfield Academies, under two co-sponsors: Kent County Council and the University of Kent. The Leigh Academy Trust has already built the academy at Leigh in Dartford, which was completed in 2007.

Previous Outline Planning Permission

4. An Outline Planning Permission was granted on the 24 November 2005 for a new secondary school incorporating two special schools and community facilities on the site, which lapsed in November 2008. A group of Planning Application Committee Members visited the application site on the 19 July 2005 to acquaint themselves with the proposals and the issues raised by that application. The application was subsequently considered by Members of the Planning Applications Committee on the 16 August 2005 when Members resolved to grant outline planning permission, subject to conditions, following referral to the Secretary of State as it was also a Departure application.

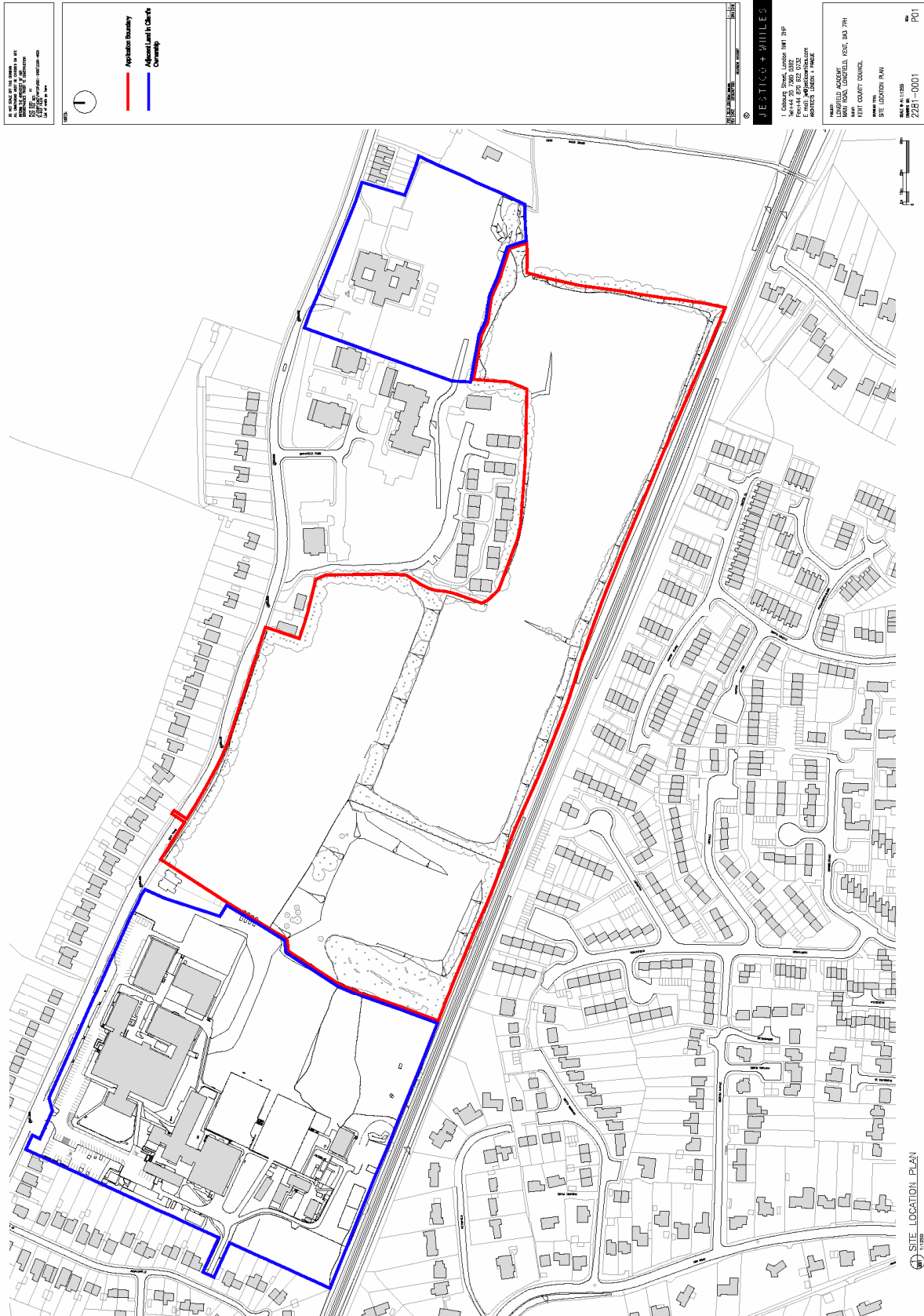
Current proposal - amendments

5. When originally submitted the current planning application proposed floodlighting to the Multi Use Games Area (MUGA). Following initial consultation strong objection was raised to the floodlighting element of the proposal, and also to the proposed vehicular entrance to the east of the site and the proximity of car parking to neighbouring properties. Noise, light and air pollution were all raised as points of objection to these elements of the proposal, as was the detrimental impact on the amenity of neighbouring residents. As a result of these points of concern and objection, the applicant submitted amendments to the proposed scheme. The eastern access road was relocated further to the west, screening was increased and lighting modified to the car parking area, as well as the introduction of restrictions on use of areas of the car parking. In addition, the floodlighting to the MUGA was omitted, and the MUGA slightly relocated to allow for additional screening.
6. As part of the determination of the current application, a group of Planning Application Committee Members visited the site on the 21 April 2009, at which time the amended application (as outlined above) was discussed (notes attached as Appendix 1). Following the Members Site Visit, the applicant has submitted further amendments to the proposed scheme in response to the continuing concerns raised by local residents at the meeting. 11 car parking spaces adjacent to the proposed eastern site entrance have been relocated, the eastern entrance has been moved a further half metre to the west, planting and landscaping (including bunding) has been increased, the MUGA has been moved approximately 3 further metres to the south-west and the parking design modified to increase the buffer zone between the development and nearby properties. It is this revised proposal which will be outlined in detail below. However, the further amended proposal has only recently been sent out to consultation so it should be noted that consultee responses and letters of representation summarised within this report relate to the original application, and the first of the amended proposals, and not the further amended details. Any further comments received will be reported verbally to the Committee.

**Proposal**

7. This application has been submitted by Kent County Council Children, Families, Health and Education, and proposes the demolition of the existing school buildings and the erection of a new academy and associated facilities. It is intended that the new building

Proposed new academy and associated facilities at Longfield Academy,  
Longfield – DA/09/193



# Item D3

## Proposed new academy and associated facilities at Longfield Academy, Longfield – DA/09/193



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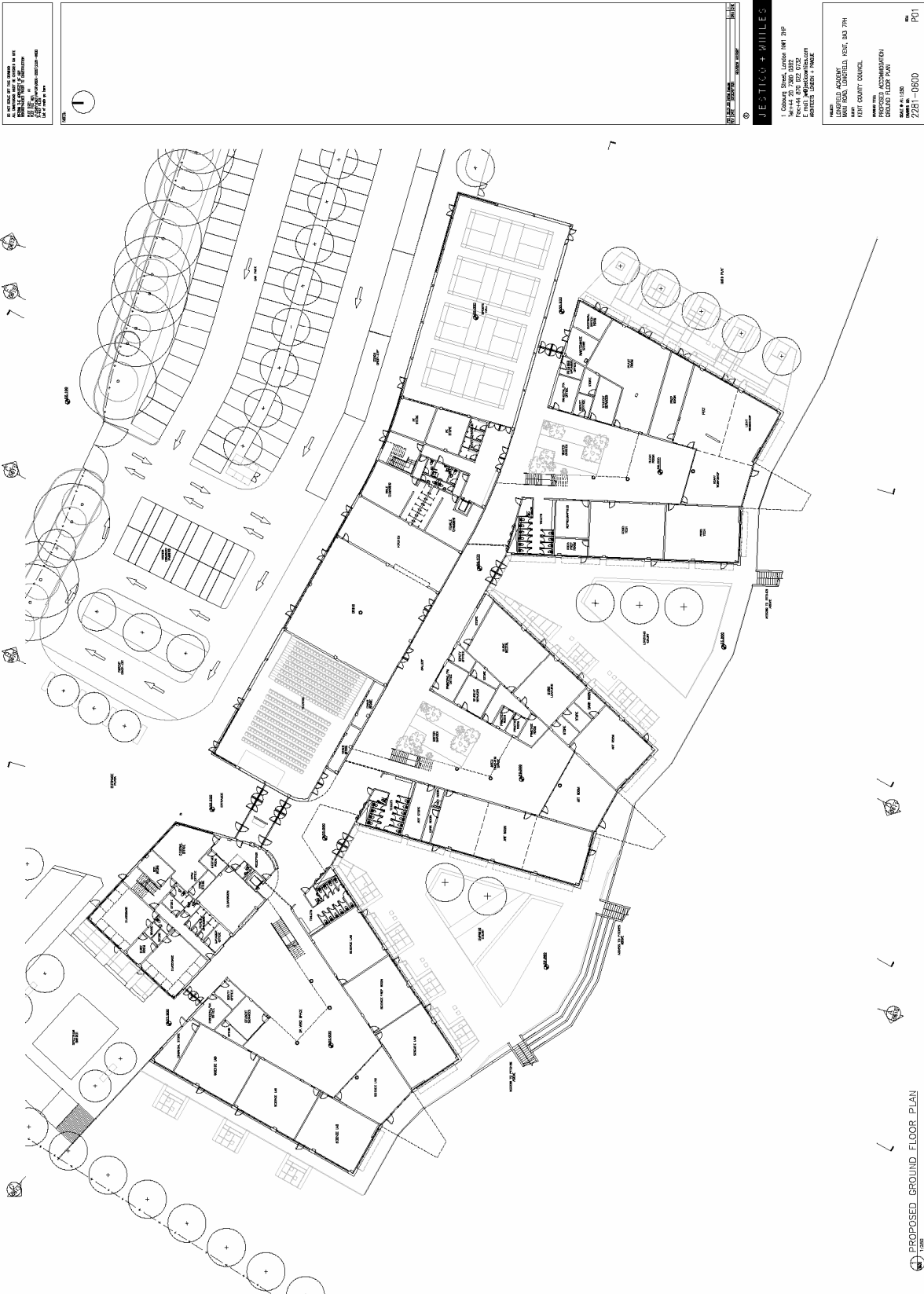


LANDSCAPE MASTERPLAN

LONGFIELD ACADEMY, KENT



**Proposed new academy and associated facilities at Longfield Academy,  
Longfield – DA/09/193**



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PROPOSED GROUND FLOOR PLAN  
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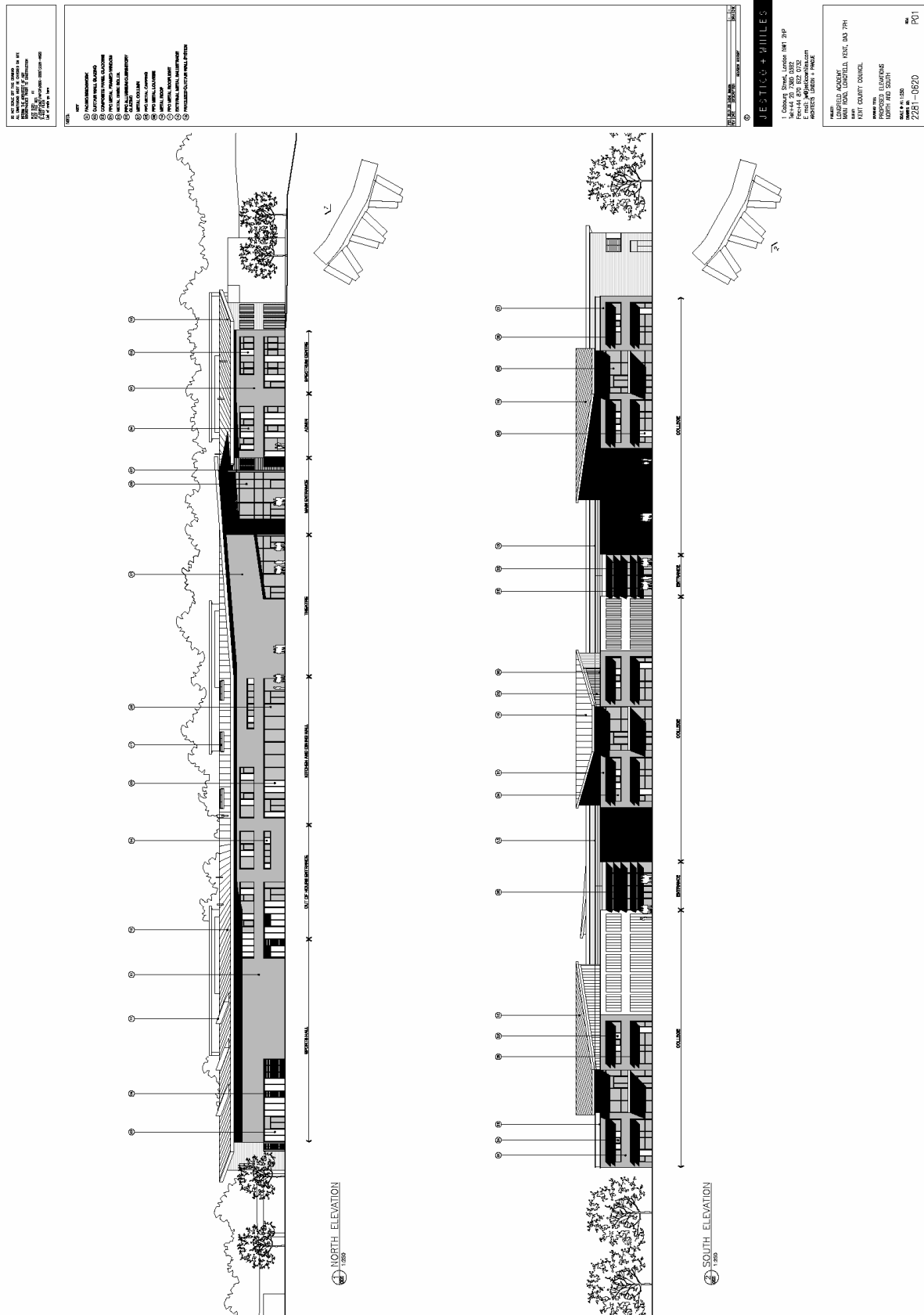
# Item D3

## Proposed new academy and associated facilities at Longfield Academy, Longfield – DA/09/193

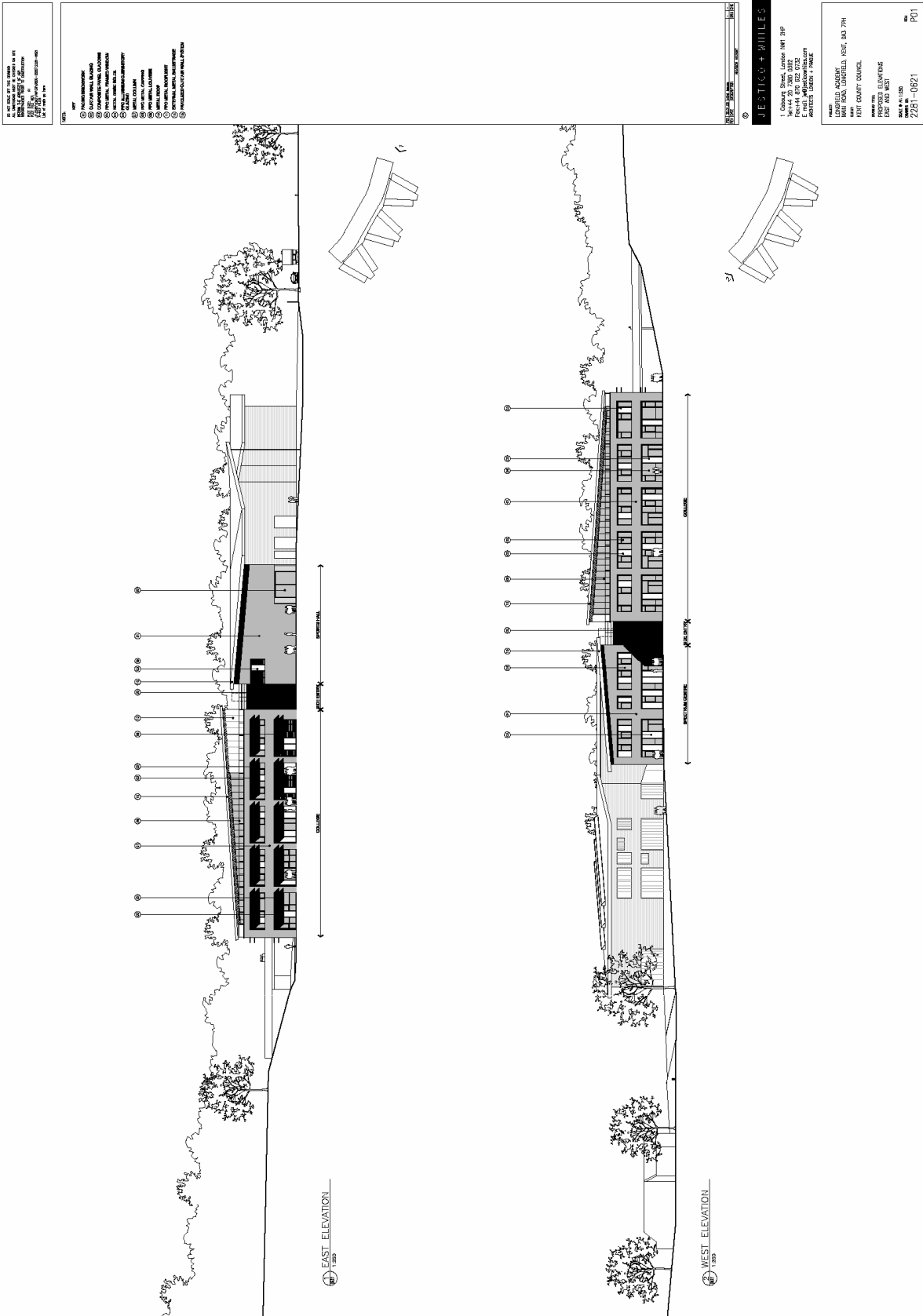




Proposed new academy and associated facilities at Longfield Academy, Longfield – DA/09/193



**Proposed new academy and associated facilities at Longfield Academy,  
Longfield – DA/09/193**







**Proposed new academy and associated facilities at Longfield Academy, Longfield – DA/09/193**

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would be constructed on the eastern side of the site, on the lower plateau of the playing fields fronting Main Road, by late 2010. The existing Axton Chase buildings on the western side of the site would then be vacated and that area of the site released to a private developer for residential development. The Academy currently has 903 students on roll, including 135 in the sixth form. The new school proposals comprise:

- A new academy of 10,828 sq m (gross) for up to 1,150 pupils, including a new four-court indoor sports hall;
- A new 6 court Multi Use Games Area (MUGA) – *the application no longer includes floodlighting*;
- An integrated dedicated Autism Unit named Spectrum;
- New senior, medium and junior grass playing pitch provision to meet DfES and Sport England standards, including community use;
- Hard and soft play social areas;
- New car parking provision, drop-off, circulatory access and pedestrian access point;
- New plaza and combined pedestrian and cycleway along Main Road;
- New strategic landscaping.

#### Accommodation

8. A key aim of the project is to facilitate community use of the Academy's facilities. The performance hall, sports centre, gallery and dining hall have all been positioned in the layout where they can most easily be accessed by the community. For community learning, and extended school provision, the learning spaces of the Academy such as the classrooms and specialist centres would all be available outside normal school hours, subject to appropriate management. Externally, aside from the 6 court MUGA and the sports pitches, which would be used extensively by the community out-of-hours, the new design includes an expansive plaza off Main Road, which has the potential to be used like a village square for community events.
9. The proposed Academy would be formed of three 'colleges', with students allocated a college on arrival in Year 7. The three colleges would be supported by two specialist centres supporting the Academy's specialisms of Science and the Arts. On a daily basis students would spend about 70% of their time in the College, where all of the general teaching would be accomplished. The remaining 30% of the time would be spent in the various specialist, performance and sport spaces.
10. The new Academy would accommodate 1,150 pupils, aged 11-19 (6 forms of entry and 250 post 16). Essentially the site would accommodate the new academy building, parking for 159 cars and 20 cycles (with provision for future expansion), parental and coach drop-off, a six court MUGA, playgrounds and external grassed pitches. The proposed site masterplan locates the building in the centre of the lower terrace of the main site, accessed via Main Road. A new pedestrian plaza would extend from the road to the entrance of the building. The building frontage is conceived as a single sweeping element, set approximately 40 metres back from Main Road, behind the existing tree line. The main entrance to the site, cycle parking and the plaza would be located at the western end of the site, and the MUGA, sports hall and car parking located to the eastern side. Car parking would also be provided to the front of the academy building, as would pick-up and drop-off facilities. Existing playing fields to the south would be retained.

**Proposed new academy and associated facilities at Longfield Academy,  
Longfield – DA/09/193**

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Access and car parking

11. The intention is for the pedestrian plaza to provide, when the school would be in use, a run-off/milling space for students before they reach the road, and outside school hours to potentially be a community facility for events such as fetes. This semi-public space would be open when the Academy is open, ensuring that the building would feel a part of the community. The tree line along the main road frontage would be retained, and would be augmented by additional planting to form a green edge.
12. Two new vehicular access points are proposed. The main entrance, for visitors and parent drop-off, would be located immediately to the east of the entrance plaza, to the centre of the site's frontage with Main Road. The second vehicular entrance would be located to the east of the site, and would be used as a staff entrance and the 'in' for coaches and deliveries. This eastern entrance would be approximately 18 metres from the boundary with the nearest residential property. Coaches and deliveries would then exit the site through the visitor entrance which would avoid the need for any dedicated turning area on site. 5 dedicated coach drop-off spaces would be provided with the nearside closest to the building so children could be dropped off and collected without the need to cross the car park. The applicant has confirmed that the Academy would manage the site access on an informal basis so that for out of school hours use the car parking would be predominately accessed through the western entrance.
13. 159 car parking spaces are proposed, including 12 disabled parking spaces. The car parking area would be located between the building frontage and Main Road, and between the MUGA and the rear of two properties on Main Road. However, the applicant advises that the car parking adjacent to the MUGA would not be used under typical circumstances out of school hours and this would be managed by a physical barrier. In addition, lighting to this area of the car park would be at a lower level than the remaining car parking, and would be on a separate lighting circuit so that it does not need to be illuminated with the remainder of the car parking when not in use. This car parking area would be located approximately 23 metres to the south of the rear elevation of the closest residential property, and would be separated by existing planting, proposed planting and bunding. The Academy would, on occasion, need to utilise all the parking and both the eastern and western site entrances, on parents evenings for example. However, this is envisaged to be an exception, and that for the majority of evenings, solely the western entrance and car parking would be used after school hours.

Design and appearance

14. The two storey building has been designed so that the community facilities such as the sports hall, theatre and dining area are located along the northern frontage, where they would be both visible and accessible to the community. The Colleges and specialist teaching spaces would be provided to the south of the building, in three separate 'fingers' of accommodation, which open to the landscape. The idea is that during the day the building would form the secure boundary to the site, with the area to the front being semi-public. Between each of the Colleges on the south side of the building a courtyard would be located, which would open up to the landscape beyond and contain curriculum spaces. The first floor of the two storey building would be directly linked to the upper terrace of the site by three small bridges, which again double as curriculum spaces.
15. The applicant advises that the design of the school building has been carefully considered to sit comfortably within the semi-rural village context. The building would be

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entirely two storey in height, and the form of the frontage to Main Road follows the curve of the road. A gently pitched roof is proposed, which has been designed to incorporate the mass of the Sports Hall within it. The maximum height of the building would be approximately 12 metres. The Colleges to the rear would have a flat roof around the perimeter and a pitched roof in the centre, with clerestory glazing to let light into the centre of the building. From the upper level of the sports pitches, the applicant advises that only the upper level of the building and roofscape would be visible, with a terraced bank concealing the lower level.

16. The frontage of the building would be clad predominately in a local brick with plenty of variegated colour and texture. A zinc grey coloured roof is also proposed. The Colleges on the south side of the building have a different context, form and purpose and this would be reflected in their elevational treatment. A regular structural grid would define a proportioned series of openings, which would contain a mix of glass and coloured panels. The glazing would be shaded by bands of aluminium brise soleil (projecting fins which deflect direct sunlight from windows). Each of the principal pieces in the composition would be separated by extents of curtain walling. Window frames would be powder coated aluminium in a warm dark grey colour.
17. The MUGA would be located to the east of the site, adjacent to the external pitches, internal sports hall and changing facilities. The 6 Court MUGA would support a variety of hard surfaced sports, and would be intrinsically linked with the sports hall and changing facilities. In addition, between the MUGA and the school buildings an area of hard playground would be located. The existing sports pitches to the upper terrace remain as they currently do, with only some minor alterations to markings and orientation. The proposed landscape plan has sought to maximise the sports provision on site, whilst maintaining the existing tree lines and landscape features

#### Ecology and Landscaping

18. An Ecological Assessment was submitted with this application which was undertaken to identify the presence or likely presence of any notable protected species or habitats. A badger sett was identified on the site. However, it is not expected that this would be affected by the development. Bird and bat habitat was identified in the existing mature trees, predominately to the southern boundary of the site, which would be retained. No evidence of bats was found in the existing buildings. Broad leaved woodland is of particular importance and is identified for protection in the Local BAP Habitat Plan. Both areas of this woodland on the site would not be affected by the development proposals.
19. An Arboricultural Survey and Assessment was also submitted with the planning application, which identified that types, size and value of the trees on site. Due to the size of the site, the value of many of the trees relates to their grouping in forming the boundaries of the site. Under BS5837: Trees in Relation to Construction, the trees on site are predominately Category B and C which, the applicant advises, reflects the general age and species of the trees planted within the site. A few have been noted to be removed to aid in the development of those trees surrounding them. The trees adjoining Main Road consist predominately of Norway maple, beech and lime, and these are identified as being of a high importance to the community as a whole in helping to screen the school and would, therefore, be retained (apart from where new access would be provided). Trees which straddle the level changes on site are predominately field maple, horse chestnut, sorbus and silver birch. Some of these trees would have to be removed to accommodate the proposed building. However, trees to the southern and eastern boundaries are considered an essential part of the boundary structure and would be retained, and additional planting would be provided to the

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existing boundaries which are currently bereft of established landscape features. The existing trees to be retained would be protected during construction in accordance with BS5837: Trees in Relation to Construction.

20. As outlined above, an entrance plaza, external courtyards and hard play areas would be provided. The hard surface strategy for the site consists of materials which are robust, easily maintained and can withstand heavy pedestrian footfall. As part of the master planning strategy, high quality public furniture would be located predominately in the entrance plaza and hard play areas to the east of the school buildings. Within the internally secured grounds of the school additional furniture would be provided through informal benches, coloured to associate with each of the three Colleges.

#### Security

21. Due to the nature of the site, management and security is a significant issue. However, the Academy wishes to be able to offer an attractive and safe environment, balancing the desire for improved security with the need to retain a welcoming appearance. There currently exists numerous styles of fencing and security barriers, which the applicant advises are in various states of disrepair. It is proposed to provide an internal secure fencing boundary, linked to the school frontage, which would create a manageable area for the Academy which could be secured to monitor access during core school hours. A secondary line of secure fencing, with pedestrian and vehicle gates, would run along the northern boundary of the site fronting Main Road, which would be managed by the Academy and opened during operational hours and then secured at night and during the holidays. The principles of Secured by Design, as they apply to schools, have informed the design process.

#### Lighting

22. The applicant advises that external lighting of the site would create attractive and safe lighting levels in keeping with the character of the landscape. The applicant considers that the specific choice of lighting, both in terms of fitting type and lighting levels, would address security throughout the site, be attractive and relate to the character of the scheme whilst avoiding light pollution to the surrounding community. A detailed lighting scheme would provide up-lighting to highlight the building facades and main entrance, directional lighting as pedestrians cross the entrance plaza and appropriate lighting to the car park. The MUGA would not be floodlit.

#### Sustainability

23. The applicant advises that the project would achieve a minimum 'Very Good' rating under BREEAM for schools. It is proposed that the building would include a number of sustainable features including a ground source heat pump, solar water heating panels and the use of insulation to secure a thermal performance 15% beyond current standards.

*The application is supported by a Design and Access Statement, Biodiversity Statement, Geotechnical Investigation, Renewable Energy Assessment, Transport and Travel Plans, Arboricultural Survey, Archaeology Statement, Flood Risk Assessment, Noise Impact Assessment, Alternative Site Evaluation, External Lighting Statement and BREEAM Pre-Assessment.*

*Reduced copies of the submitted drawings showing the site layout and access points, elevations and site sections are attached.*

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**Planning Policies**

24. The Government is committed to the principles of the Green Belt and to maintaining tight planning controls over development on Green Belt land. It is expected that all planning applications for development in the Green Belt be subject to the most rigorous scrutiny, having regard to the fundamental aim of Green Belt policy as set out in Planning Policy Guidance note 2 (PPG2); that is to prevent urban sprawl by keeping land permanently open. The openness of Green Belts is considered to be their most important attribute and therefore there is a general presumption against inappropriate development, which is by definition harmful and should not be permitted, unless it can be justified by very special circumstances.
25. The adopted **South East Plan 2009**:
- |             |   |
|-------------|---|
| Policy CC1  | Seeks to achieve and maintain sustainable development in the region.  |
| Policy CC4  | Refers to sustainable design and construction.  |
| Policy CC6  | Refers to sustainable communities and character of the environment.   |
| Policy SP5  | Refers to Green Belts, supporting their retention.  |
| Policy S3   | States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities. |
| Policy S5   | Refers to cultural and sporting activities.   |
| Policy NRM4 | Refers to sustainable flood risk management.  |
| Policy W2   | Sustainable design, construction and demolition.  |
26. **The Kent & Medway Structure Plan 2006** (These policies remain in force until 6 July 2009):
- |            |  |
|------------|--|
| Policy SP1 | Seeks to conserve and enhance Kent's environment and to ensure a sustainable pattern of development.   |
| Policy SS2 | Within the Green Belt there is a general presumption against inappropriate development.  |
| Policy SS6 | Seeks to improve the built and natural environment, the functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs.  |
| Policy EN8 | Wildlife habitats and species will be protected, conserved and enhanced. Development likely to have an adverse effect, directly, indirectly or cumulatively, on important habitats or species, will not be permitted unless the adverse impact on an |

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important nature conservation resource can be adequately mitigated and/or compensated.

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

Policy QL1 Seeks to ensure that all development is well designed and of a high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area, will not be permitted.

Policy QL11 Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

Policy TP3 States that the local planning authority should ensure that development sites are well served by public transport, walking and cycling.

Policy TP15 States that development which generates significant increases in traffic, especially heavy goods vehicles, will not be permitted if it is not well related to the primary and secondary road network, or if it would result in a significantly increased risk of crashes or traffic delays, unless appropriate measures to mitigate the effect of the development have been secured.

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

Policy NR5 The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion. Development should be planned and designed to avoid, or adequately mitigate, pollution impacts.

Policy NR10 Development will be designed to avoid the risk of flooding. Where development is necessary in areas at risk of flooding it should be designed and controlled to mitigate the impact of flood risk.

**27. The adopted (1995) Borough of Dartford Local Plan:**

Policy S2 Encouragement will be given to the provision of community facilities.

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- Policy S4 There is a presumption against development in the Metropolitan Green Belt, as defined in the Local Plan; continued protection will be given to the Countryside and its amenity value and recreation potential will be enhanced.
- Policy S6 Encourages conservation and improvement of the existing built environment and the achievement of a high quality and standard of design in new development.
- Policy GB2 Within the Green Belt there will be a strong presumption against permitting development other than which accords with Planning Policy Guidance Note 2 or Structure Plan Policy MGB2.
- Policy T19 Proposals for development will not normally be permitted where they are not appropriately related to the highway network and generate volumes of traffic in excess of the capacity of the highway network.
- Policy B1 The following factors will be taken into account in considering development proposals:
- a) Proposed use, which should be appropriate for its location and should not have a detrimental effect on the local area through visual impact, traffic generation, noise or other factors.
  - b) Design, which should be off a high standard and respect and integrate with the surroundings. Particular attention should be paid to the mass, form and scale of the proposed development and its impact on the environment and neighbouring uses.
  - c) Materials, which should be of good quality, pleasing in appearance and durable.
  - d) Amenity of adjoining properties, particularly in the case of residential properties, should not be materially detracted from by development proposals. This includes the loss of daylight or sunlight, and overlooking from habitable rooms.
  - e/f) Access and parking.
- [.....]
- Policy CF3 The Council will encourage and support the provision of social, community, educational and cultural facilities and infrastructure to meet the current and future needs of the Borough.

**28. Second Deposit Draft (2002) Dartford Borough Local Plan Review:**

- Policy DD11 A high standard of design will be sought in all proposals. Planning Permission will be granted if the proposed development :
- 1) Is compatible with neighbouring buildings and spaces or improves their surroundings in terms of scale, height, massing, materials and site coverage.
  - 2) Incorporates a layout that respects the original topography of the site and retains trees, hedgerows and shrubs which are important landscape features.



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3) Retains or enhances the privacy and amenity of the local area by reason of form, scale, height, outlook, noise and light intrusion or activity levels including vehicular or pedestrian movements.

4) Retains important buildings.

[.....]

9) Incorporates appropriate provision for the role of the car.

[.....]

Policy GB2 The openness of the Green Belt defined in the proposals map will be preserved. Within the Green Belt inappropriate development, as defined, will not be permitted. In addition, planning permission will only be granted where it is demonstrated that the use is viable and is likely to remain so for the foreseeable future.

Policy CF2 New, additional, or replacement utilities infrastructure shall be sited and designed so as not to harm the environment or appearance of existing developed areas, new developments, the Green Belt and other open land.

**Consultations**

*It should be noted that the consultee responses summarised below relate to the initial proposal and/or the first amendments unless otherwise stated, and not the recently received further amendments as described in paragraph 6 above.*

29. **Dartford Borough Council** has commented as follows:

“The Borough Council notes that the site is in the Metropolitan Green Belt and that it is part of a wider site which has been in educational use for many years. PPG2 and Structure and Local Plan Policies on the Green Belt will therefore be relevant and the County Council will no doubt give full consideration to these.

These issues need to be weighed against the considerable benefits that the Borough Council sees arising from the proposed facilities. As well as the enhanced education provision, the Borough Council is encouraged to see the community benefits that can arise from this proposal. The Council notes the facilities proposed which are capable of public use and would encourage the County Council to incorporate these for public benefit within the development. In order to be successful, it is essential that the new facilities provide a strong link to the existing village community. The Borough Council would be happy to discuss ways in which this can be achieved.

As well as the nature of the facilities proposed, the design of the proposed buildings is equally important. The Borough Council is satisfied that the design of the buildings is appropriate for their location and will make a positive contribution to the area.

I note that the siting of the multi use games area has caused considerable concern locally and as originally proposed, those concerns were justified. The removal of the floodlighting and the resiting of the MUGA and car parking are considerable improvements. The Borough Council considers that conditions should be imposed requiring bunding and landscaping in this area to ensure that residential amenity is safeguarded.”

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**Longfield and New Barn Parish Council** initially requested additional information from the applicant with regard to lighting, screening of the MUGA, acoustic fencing, community use, cycle parking and measures to prevent congestion. In addition, the Parish Council considered it important that a 'green walk way' along Main Road from the Academy to Langafel School (to the east on Main Road) be provided to encourage safer routes to the education sites for pedestrians. The Parish Council also enquired as to whether or not the existing Landscape Services Depot, currently housed on the old Axton Chase site, would be sited within the new development.

*The applicant has submitted the additional information requested by the Parish Council, which has been forwarded to them for information and comment. Further views from the Parish Council are awaited.*

**Southfleet Parish Council** – no comments received to date.

**Hartley Parish Council** has no objection to the application but would like to express its disappointment that there appears to be no provision for the community, in particular the youth, although there is a recognised needs for such facilities in the area.

**Environment Agency** raises no objection subject to conditions requiring that the development be carried out in accordance with the approved Flood Risk Assessment and that a scheme to deal with the risks associated with contamination of the site shall be submitted and approved. In addition, advice and informatives are provided regarding drainage, fuel/chemical storage, contamination and Ground Source Heat Pumps.

**Area Transportation Manager** raises no objections to the proposal in respect of highway matters. However, it is requested that the cycle parking provision be reviewed annually and increased as necessary. The aim should be to have at least 20% or 10 cycle spaces free, whichever is the lesser (to avoid over provision and wasted resource) at the start of each academic year.

**Sport England** raises no objection to the application subject to the imposition of conditions. On balance, it considers that the information provided by the applicant (including commitments to community use, sports development and improvements to the playing pitches) demonstrates sufficient overall benefit to sport to justify the development under Sport England Policy exception criterion E5. It should be noted that this conclusion is finely balanced, and that although Sport England does not object to the principle of the proposed development, this is subject to any planning permission be conditional on the following matters:

1. Playing pitch layout;
2. Protection of existing playing fields;
3. Community use; and
4. Future protection of the new playing fields.

Should the County Council be minded to approve this application without the specific conditions specified by Sport England, their initial objection to the application would be maintained.

**South East England Development Agency (SEEDA)** supports this application and considers that the development would assist in delivering 'Smart Growth'. In addition, SEEDA consider that the application is in general well aligned to the Regional Economic Strategy. It is noted, however, that only 20 secure cycle spaces would be provided. In light of the number of staff and students attending the Academy, it is considered that the provision of additional secure cycle parking would compliment Target 8 of the

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Regional Economic Strategy which seeks to 'reduce road congestion and pollution by improving travel choice'.

The former **South East England Regional Assembly (SEERA)** considers that the proposed development would not materially conflict with or prejudice the implementation of the Regional Spatial Strategy (RPG9 and Alterations) or the Secretary of State's Proposed Changes to the Draft South East Plan (July 2008). It is suggested that the County Council impose conditions covering transport and a travel plan, sustainable construction, design, noise and air pollution, and biodiversity.

**CABE:** no comments received to date.

**The County Council's Biodiversity Officer** states that two scoping surveys were carried out for this application, one carried out by the Kent Wildlife Trust in 2005, and another by URS in 2008. Both recommended further surveys for Reptiles, Bats and Badgers, but these surveys do not appear to have been carried out. The County Council's Biodiversity Officer considers that the surveys will need to be undertaken and that details of the surveys, and any subsequent mitigation and enhancement, should be submitted pursuant to a suitably worded planning condition(s). The submitted timetable which details the timeframes within which the required surveys would be undertaken should be tied into the condition(s).

In addition, it is recommended that where possible trees with a high potential for roosting bats should be retained. Bat bricks, tiles and boxes should also be incorporated into the design of the new school. A mitigation and enhancement strategy should also be submitted which should cover the whole of the development site.

**The County Archaeologist** raises no objection subject to conditions being placed on any grant of planning permission requiring the securing of the implementation of a programme of archaeological work, and a programme of building recording, in accordance with written specifications and timetables.

**The County Council's Landscape Advisor** comments as follows:

"Whilst in principle we have no objection to the proposals, we make the following recommendations:

- The applicant amends the proposed material of the roof to better reflect surrounding building materials and colours. A green, or living, roof would be appropriate.
- A detailed landscape plan is submitted which includes details of proposed species, sizes and densities.

**The County Council's Noise Advisor** comments as follows:

"Subject to the condition below, I consider that this proposal would not result in adverse noise impacts arising at nearby noise sensitive properties.

*'The rating level emanating from all fixed plant associated with the site, when assessed in accordance with BS 4142, shall be at least 10 dB below the existing background noise level ( $L_{A90,T}$ ) at any nearby noise sensitive premises.'* "

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**The County Council's Lighting Advisor** comments as follows:

"The lighting levels shown on the latest drawings indicate that there would be very low levels of spill light outside of the site, ignoring the effect of existing and proposed natural screening from trees. Also, the luminaires proposed are of a type where the light source is concealed from direct view. The lighting proposals are therefore approved."

*It should be noted that the County Councils Lighting Advisor did not raise objection to the floodlighting specification/scheme originally proposed.*

**Network Rail** no comments received to date.

**Southern Water** has no observations to make.

In addition, the **Local Member of Parliament, Dr Howard Stoate** expressed serious concerns regarding the location of the six floodlit courts and the impact that this would have on the neighbouring properties. Objection was raised to the initial proposal on the grounds of light pollution, increased noise level and the potential invasion of privacy for residents. Concern was also expressed regarding the close proximity of the proposed car park to neighbouring properties, on the grounds of loss of privacy and increase risk of air and noise pollution.

Dr Stoate advises that despite the (pre-site visit) amendments to the scheme, the issue of the MUGA and location of the proposed car park continue to be an area of great concern for local residents.

**Local Members**

30. The local County Member, Mr B. Bassam, and the adjoining local County Member Mr D. Brazier, have been notified of the application. No views have been received.

**Publicity**

31. The application was publicised by the posting of 4 site notices, advertisement in a local newspaper, and the individual notification of 118 neighbouring properties. The first revision made to the application was publicised by the individual notification of 33 neighbouring properties, including all of those who made representations on the original proposal. The second of the revisions made to the application was publicised by the individual notification of 15 neighbouring properties.

**Representations**

32. As of Monday 11 May 2009, I have received a total of 29 individual letters of representation from 8 local properties, all of which relate to the initial proposal and/or the first set of amendments. A summary of any letters of representation received after this date will be reported verbally to Members on the day of the Committee Meeting.

A summary of the main issues raised/points made to date are set out below. In addition, a copy of all of the letters received will be tabled to Members on the day of the Committee meeting:

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Siting and design

- The proposed development is vast and would ruin the village of Longfield;
- The development is not considered to be an appropriate form of development within the Green Belt;
- Very Special Circumstances must exist to warrant the development of the Academy on the green field parts of the site, all of which is within the Green Belt;
- The sale of land and, therefore, its non availability as part the Academy development, should not constitute any special circumstance;
- It is the lower part of the site which local residents and visitors to the area appreciate as the Green Belt;
- The school should be re-built on the existing footprint of the school buildings. Land should not be sold off for housing, this is wholly inappropriate;
- The proposed development would result in a loss of playing fields;
- The proposed development is clearly prominent, conspicuous and is of such a scale that it would fail to maintain the open character of the area and would be detrimental to visual amenity;
- An alternative site for the development should be sought, and further information on alternative sites should be provided;
- Why is so much development needed? Are all the facilities to be provided on site required?
- Recent studies have identified a surplus of playing field land in Dartford. Therefore, some of the pitches could be removed and the site layout redesigned;
- The facing bricks are the wrong colour, they should be red;
- The School should be built further back from the road;
- Concern is expressed that the school building is too close to properties to the west of the site, resulting in over shadowing and a loss of light, as well as noise pollution and a loss of privacy;
- A number of windows in the school would overlook neighbouring properties and gardens;
- The flat roof section of the building is 'hideous';
- Consideration should be given to sustainable forms of development;
- The existing main sewer drainage capacity must be updated;
- The electrical sub-station and bin stores, adjacent to the sports hall, should be relocated within the site, away from residential properties;
- The cycle parking area should be moved to the north-west corner of the site in order that it does not obscure the view and block the light to the adjoining residential property;

The MUGA and floodlighting

- The omission of the floodlighting is welcomed;
- Floodlighting of the MUGA is unacceptable, would be intrusive and would result in significant light pollution. In addition, extended hours of use as a result of the floodlighting would generate noise pollution, and adversely affect residential amenity;
- The location of the MUGA would have a detrimental impact on the health and wellbeing of local residents, as well as privacy;
- Longfield is a rural area within the Green Belt – Floodlighting is not appropriate;
- Any hard surfaced courts should be a considerable distance from neighbouring properties to ensure that neighbouring residential amenity is not adversely affected, and a significant landscaped buffer zone should be provided;
- The MUGA should be located behind the proposed building. If this cant be done the MUGA should be completely removed from the application;
- Moving the MUGA 2metres to the south and the planting of trees would not overcome residents concerns with regards to noise and disturbance;

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Community use

- This proposal would result in an intensification of use of the site;
- Courts/pitches should just be for student use and not let out to the general public;
- Community use of the facilities would have an unacceptable impact upon the amenity of local residents, would create unacceptable levels of noise, and would generate additional traffic in evenings and weekends;
- During the school day use of outside pitches is supervised. During the evenings and weekends what measures would be taken to ensure that foul language by spectators and participants does not become a nuisance?
- Any planning permission should firmly state a closing time for the sporting facilities, 9.30 – 10.00pm would be a reasonable time;
- A closing time for the function hall and internal facilities should be specified;
- The use of the Plaza for fetes etc should be subject to stringent operating restrictions, or a separate planning application;

Access and car parking

- Car parking is too close to residential properties and would create noise, light and air pollution, having a detrimental impact on residential amenity;
- If the car parking layout stays as proposed, two properties (no 84 and 86 Main Road) would be surrounded by roads and car parking, effectively putting them in the middle of a roundabout;
- Car parking should be removed from the eastern end of the site and located in part of the plaza area;
- The restriction on use of the area of car parking adjacent to the MUGA is fine in principle but who would enforce this, and who would close the barrier after school hours;
- Where would the barrier be located?
- The eastern access point is still too close to residential properties and should be relocated within the site. It is also located too close to a bend in the road;
- Buses/coaches and cars using the proposed entrance points would generate noise and air pollution;
- The eastern access point should be for staff and coaches only, and not a general entrance or exit as it is located dangerously close to a bend in the road;
- The eastern access point should be closed out of school hours and not used for community use;
- Main Road is a very busy road which has current problems with congestion and speeding vehicles. This development would severely increase the traffic problems in the area;
- Traffic calming measures should be put in place, including an extra pedestrian crossing;

Ecology and landscape

- Local wildlife habitats would be adversely affected;
- Additional screening and tree planting should be provided, some of which should be evergreen;
- Bunding and additional planting between the car park area adjacent to the MUGA and residential boundaries is welcomed, but what is to stop people sitting or standing on the bunds?

General amenity issues

- CCTV must not invade the privacy of residential properties;
- No buildings should be constructed to the rear of 84 or 86 Main Road;
- The hard surfacing of land could lead to flooding issues for local residents;

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- Boundary fencing should be as secure as possible;
- The development would reduce the security of neighbouring properties;
- It is considered that some of the key professional reports submitted with this planning application have important failings. It is considered that these inadequacies result in the reports not properly establishing the full extent of probable light and noise pollution. These failings include a failure to consider that existing tree screening is deciduous and not evergreen, an under estimate of the number of participants and spectators using the MUGA, the reports are very generalised and do not consider the effects of noise reflection/propagation for atmospheric conditions, additional traffic noise is not considered, noise levels in residents gardens are not considered, light pollution caused by diffusion or scattering in mist and fog, and reflection from low clouds and the MUGA surface itself is not addressed and light pollution and the effects of uplighting the school are not addressed.
- Concern is expressed that the development is being designed to conform to Sport England's requirements and not those of the local community;
- A number of special care apartments have just been built on Brickfield Farm, to the east of the development site. The impact upon these bungalows must be considered;
- Many local residents are retired and purchased their properties for peace and quiet and a rural location. This development would ruin that;
- No objection is raised to the building of a new school, but this proposed development has gone way past that and to an extreme. Little consideration has been given to local residents;
- This is a 'new' application and is completely different to the outline consent;

**Conflict with other legislation**

- Objection is raised under the Human Rights Act, Section 6, Article 8 which states that residents have a right to enjoyment of private and family life. The law requires Planning Authorities to consider Article 8 in the determination of planning applications. It is considered that the development would constitute a statutory nuisance;
- The Human Rights Act 1998 incorporates into domestic law many of the provisions of the European Convention of Human Rights. Protocol 1 Article 1 relates to the substantive right of peaceful enjoyment of one's possessions, including one's home and other land.
- Noise nuisance is covered by part 3 of the Environmental Protection Act 1990, which is aimed at preventing the quality of one's environment being reduced through excessive noise;
- The Noise and Statutory Nuisance Act 1993 makes noise in the street a statutory nuisance;
- The Control of Pollution Act 1974 is specifically concerned with noise pollution from construction sites. Hours of construction should be limited and the construction access should not be in close proximity to residential properties;
- Under the Cleaner Neighbourhoods and Environment Act 2005, Section 79, it says that artificial light emitted from premises so as to be prejudicial to health or a nuisance is a criminal offence;
- It is clear that KCC would be breaking a number of laws should this application be permitted.

Hazlewood Nursing Home, located to the east of the proposed Academy development, object to the application on the grounds of increased traffic and parking on an already busy road, which has potential implications for access for emergency vehicles, and that the proposed floodlighting would have a detrimental effect on their residents as increased lighting would cause extra light to fall into residents rooms. The majority of

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the residents of Hazlewood Nursing Home suffer from dementia and an increase in light entry would cause higher levels of aggravation and agitation.

**Discussion**

33. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 24-28 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include site selection and design, impact upon the Metropolitan Green Belt and wider landscape, highway implications and access, provision of sports facilities, landscaping and local residential amenity.
34. Policies SP1 and QL1 of the Kent and Medway Structure Plan, Policy B1 of the adopted Dartford Borough Local Plan and Policy DD11 of the Dartford Borough Local Plan Review, seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly relevant to this site which is identified within the Dartford Borough Local Plan as being within the Metropolitan Green Belt. Any development within the Metropolitan Green Belt could affect the openness of it and would be contrary to planning policies, which presume against inappropriate development in the Green Belt. On this basis the development proposed must be considered as a departure from the Development Plan. Therefore, if Members were minded to grant planning permission, the application would need to be referred to the Secretary of State for her consideration.

Green Belt considerations

35. By virtue of the criteria in PPG2, the development is inappropriate in Green Belt terms. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted. Such development should not be approved, except in very special circumstances. It is, therefore, necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against inappropriate development.
36. A 'planning statement' section within the submitted Design and Access Statement sets out what the applicant considers to be the very special circumstances in this case that warrant setting aside the general presumption against what would be inappropriate development in the Green Belt. As part of this assessment an accompanying Alternative Sites Evaluation considers the question of alternative sites. The applicant states that the primary reason for the proposed redevelopment scheme is the need to replace the rundown, outdated 1960's buildings with a modern multi-functional educational establishment. Also that the most logical site for the new Academy is on the existing school site, where the Academy is easily accessible by sustainable modes of transport, such as bus, from the catchment areas of Dartford, Gravesend and Sevenoaks. In addition, the applicant considers that the accompanying Alternative Sites Evaluation demonstrates that there are still no other sites in the Borough or neighbouring Districts that are suitable in planning terms for new Academy development since the approval of the outline permission.



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37. An evaluation of alternative sites was undertaken prior to submitting the previous outline planning application in 2005. At that time the report concluded that there were no other sites within the catchment area that may have been more suitable in planning terms for the replacement school than the existing site. The Alternative Site Evaluation has now been updated by the applicant to assess if there are any additional sites that may have become available for development since the original evaluation was undertaken. The majority of the sites assessed were not large enough to accommodate the proposed academy building and its associated facilities, and were not in the ownership of the County Council so would have involved land acquisition. However, regardless of this, the majority of the sites would have involved development of open countryside to the rear of existing built development/on the edge of existing settlements, all in the Green Belt. When adding this to further considerations such as access and the time frames within which the new Academy buildings needs to be provided, the existing school site is the only suitable site available. A further consideration is the fact that, until recently (November 2008), an outline permission existed for development of the site for a new secondary school. Whilst the proposed development is sited slightly differently to that illustrated at the outline stage, it is primarily the same development and the very special circumstances previously demonstrated to justify the principle of using the site and accepted by the Planning Applications Committee and the Secretary of State are still relevant today.
38. In light of the information given above, I consider that the applicant has successfully demonstrated that there are no alternative or suitable sites within the school catchment area that would meet all of the Academy's requirements, or which would not have a significant impact on the openness of the Green Belt. It is also important to note that the school site falls within an area dominated by institutional uses in the Green Belt between Longfield and New Barn in which it is surrounded on 4 sides by existing built development. That includes ribbon development to the north; Longfield Village settlement to the west; railway line / edge of Hartley Village to the south and institutional development to the east. These institutional uses include the Hazelwood Nursing Home; Woodview Campus; Hickory House Children's Day Nursery and Langafel C.E. Primary School. Consideration also needs to be given to a location that is well placed within the community, particularly in respect of the wider community aspirations that the academy seeks to deliver. Therefore, for the reasons above, I consider that the proposed site at Longfield Academy is the most suitable option for the new Academy buildings and its associated facilities.
39. Having accepted that the existing site is the most appropriate location for the replacement Academy facilities, it is necessary to consider alternative siting within the school site itself. The applicant states that siting of the new building next to the existing buildings would minimise disruption to the pupils' education by keeping the school operational during the construction period. The applicant advises that generally new school developments on existing educational sites are built on the school grounds, remote from the existing buildings, and states that there are a number of good reasons for this. The close proximity of construction activities to pupils should be avoided for safety reasons wherever possible. Building on and around an existing facility creates disruption which would adversely affect the education of the students and the operation of the school. In addition to this, construction programmes would be extended, increasing the period of disruption, and a reliance on temporary accommodation. It is also argued that thorough site analysis, as well as discussions with both Kent County Council and Dartford Borough Council, has informed the siting of the Academy on the lower plateau of the site; that being accepted when outline permission was granted.

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40. In addition, the applicant advises that Ward Homes now have contractual control of the existing school site having a 'subject to planning' contract with Kent County Council as landowner. The site of the existing school buildings is, therefore no longer an option for the siting of the new Academy building. Upon completion of the Academy building, the pupils would relocate to the new building and the existing buildings would be demolished. In light of all the above factors, I consider that the applicant has provided robust and sound reasoning to warrant the construction of the new Academy to the east of the existing school buildings upon playing field land. The implications of this with regard to the provision of sporting facilities will be discussed later in this report.
41. As part of its very special circumstances case, the applicant draws attention to matters made in the Committee Report on the outline application where it was suggested that the new Academy building could be located at the back of the site. It was made clear that this location would still involve loss of Green Belt land, would be on higher land and likely to have a greater visual impact. It would also be more difficult to access and would divide the playing field area. The Committee concluded (and this was accepted by the Secretary of State) that the area to the front of the site was the most acceptable location for the new building and that the siting of buildings on the Main Road frontage would be less visually intrusive overall given the lower ground levels and the existing tree cover. In addition the applicant notes that it would be difficult to justify raising an objection on the grounds that the development would affect the openness of the Green Belt, particularly when it is clear that schools are needed within the Green Belt despite policy constraints, to cater for all those settlements and people that live within them.
42. The applicant further states that it is important to note that as well as the new Academy accommodation, provision would be made for improvements to the Academy's sports and recreational facilities including the provision of a 6 court MUGA facility, which would be made available to the wider community. The applicant also makes the point that the proposed site layout includes provision of the sports pitches on the higher part of the site where the openness of the Green Belt would be preserved, and as such, these uses are considered to be appropriate uses within the Green Belt.
43. Although the principle of locating the Academy on the lower level of the site, towards the Main Road frontage, was established by the granting of outline planning permission, this application is a new and separate planning application which must be determined on its own merits. The arguments from the previous Committee Report, as outlined in paragraph 41 are, however, still relevant in the determination of this application. The Academy building is proposed on the lower plateau of the site, with playing fields extending to the rear at the higher level. As outlined above, I agree that the playing fields are appropriate land uses within the Green Belt and are considered to be acceptable. However, it has been suggested that the school buildings should be located on the higher level, with playing fields to the road frontage, maintaining a sense of open space for local residents. The Academy building has been carefully designed to keep its height as low as possible, using the levels of the site to reduce the buildings impact upon the openness of the Green Belt and the character of the landscape. By locating the building to the rear of the site, upon higher ground, it would be visually intrusive in terms of local landscape character and would, in my view, have a much greater impact upon the openness of the Green Belt. The siting of the building as proposed would also maintain the 'line' of built development extending along Main Road, and maintain the open space between the built development and the railway line to the south. I do not consider that an alternative site layout would have any merit over the proposed layout and leads me to conclude that the area to the front of the site for the proposed buildings and other development is the only option within the application site. Moreover, the siting of buildings on that frontage of the site would be less visually intrusive overall given the

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lower ground levels and existing tree cover along Main Road, and have less impact on the openness of the Green Belt.

44. The applicants have demonstrated a case of need for new educational and sports facilities. Existing buildings are in a poor state of repair and are not suitable to accommodate modern teaching methods and are, therefore, no longer fit for purpose. In my view, it would be difficult to dispute the case made, not only on the basis of the current condition but also the adequacy of the accommodation to meet changing education requirements and practice. I would therefore accept the education and community need for the new accommodation. The applicant concludes that overall, it is considered that the need for replacement facilities at the Academy, together with the provision of improved facilities for community use, demonstrate very special circumstances for overriding Green Belt policy constraints in this instance.
45. Overall, I accept the applicant's assessment and application of Green Belt Policy set out in the submitted documentation and as summarised above. The development would clearly be inappropriate development and by definition harmful. Nevertheless, in my view, the considerations summarised above are sufficient collectively to constitute very special circumstances capable of outweighing harm, by reason of inappropriate development arising from the construction of the new Academy, in this particular case. Furthermore, even though arguably the development has the potential to significantly impact on the openness of the Green Belt because of the extent and the built form of the development, I accept that the particular siting and design of the development on the lower plateau would help mitigate this impact. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted. However, if Members were minded to grant permission, the application would have to be referred to the Secretary of State for Communities and Local Government for consideration.

#### Siting and Design

46. Having accepted the siting of the proposed facilities in Green Belt terms, the siting now needs to be considered in terms of residential amenity. The siting and design of the development has met with much objection from local residents. Aside from the Green Belt case, which has been discussed above, objection is raised on the grounds of residential amenity issues, particularly with regards to the siting of accesses, car parking and the proposed Multi Use Games Area (MUGA). The access and parking element of this proposal, and the implications of these with regards to residential amenity, will be discussed later in this report. However, the implications of the MUGA and the building itself will be considered and discussed below.

#### Building

47. Representations from local residents have commented on the design of the building, which some consider to be unsympathetic to the locality. Although it would be a large building, I do not have concerns over the general design as proposed, which is appropriate for the innovative uses of the internal space and the range of activities proposed. In addition, the massing of the building has been broken up by dividing the main body of the Academy into three projecting fingers of accommodation, rather than one large building. The levels of the site have also been considered in the design, and the first floor has been linked to the higher plateau on site via bridges, which would double as external teaching spaces. The height of the building has been kept as low as possible in an effort to reduce its impact on the local landscape, and indicative details of materials have been provided to give a visual impression of the Academy. However, the final selection of external materials, including colour finishes, would need to be submitted for approval pursuant to planning condition. In addition, I do not consider that

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the building itself would lead to any undue overlooking of neighbouring properties, or would be overbearing in nature. The closest residential property to the building is some 50 metres away. The Academy building would sit in the centre of the site, and would not in my opinion, have any significant detrimental impact on the amenity of local residential properties. Subject to the imposition of conditions regarding external materials and lighting, I do not consider that the design, massing, or scale of the building would have a significantly detrimental impact upon the amenity of the locality and, therefore, would be acceptable.

48. Initial concerns over the siting of the cycle parking have been addressed by the applicant, who relocated the parking area in accordance with the wishes of the adjacent resident. I am, therefore, satisfied that this element of the proposal is acceptable in terms of residential amenity. In addition, concern has been raised over the siting of the electrical substation and bin stores, which are proposed to be sited adjacent to the sports hall, on the edge of the car park. However, the refuse, recycling and sub station facilities would be enclosed in a compact, single storey, unified enclosure which would be adequately screened. The applicant advises that the location is appropriately located for related uses within the Academy site, and would be over 35 metres from the nearest residential property which is well beyond established residential overlooking distances. The applicant understands that the refuse would be collected once a week, as it would be for a typical residential situation. In addition, should permission be granted, noise from the substation (and any other plant on site) would be controlled by planning condition, as required by the County Council's Noise Advisor. In light of the information given by the applicant, and the distance that the service building would be from the nearest residential property, I consider the siting of these facilities to be acceptable. I do not consider that the electrical sub-station and bin stores would have a significantly detrimental impact upon the amenity of local residents.

#### MUGA

49. The proposed siting of the MUGA has met with significant objection. When originally submitted this application included floodlighting of the MUGA. Following consultation and the receipt of strong objection and concern to the floodlighting this element of the scheme was withdrawn from the application. However, concern remains over the siting of the facility, and the implications of community use in terms of noise pollution and nuisance. With regard to the siting of the MUGA, it has been suggested by residents that the facility should be located to the rear of the Academy building, away from residential properties. However, the applicant advises that this has been considered, but discounted for a number of reasons. A key consideration is the views of Sport England and the need to ensure that the development represents an overall benefit to sport. Sport England required the MUGA to be located on the lower terrace because of concerns relating to public and disabled access, and the loss of grass playing field. In addition, the proposal has been influenced by the need to maintain the Green Belt land to the south, where it is elevated and visible from the surrounding area. I also consider that hard surfacing and fencing would not be appropriate in Green Belt and landscape amenity terms on the higher plateau of the site. There are also operational benefits in the proposed layout, with the MUGA being located in close proximity to the sports hall and changing facilities. I therefore consider the proposed siting of the MUGA to be acceptable in terms of sports provision and Green Belt and landscape terms. However, the implications of the proposed siting of the MUGA on the amenity of neighbouring residents also needs to be considered.
50. I welcome the removal of the floodlighting, and consider that this has greatly reduced that potential impact of the MUGA on neighbouring residents. Concerns over potential light pollution and increased noise due to extended hours of use have, in my view,

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effectively been removed by the omission of the floodlighting. Therefore, should permission be granted, I consider that a condition of consent should ensure that no floodlighting be installed on site without the prior written permission of the County Planning Authority. However, residents remain concerned over the noise implications of the facility, especially during evenings and weekends when use of the facility would not be supervised by the local community and not teaching staff. To address this, local residents have suggested that the MUGA be reduced in size. However, the applicant confirms that the size and nature of the MUGA as proposed is a requirement for a school of this size. Sport England has stated that they would not accept a MUGA of a smaller size, and therefore the dimensions of the MUGA cannot be amended.

51. The area proposed to site the MUGA is an existing grass playing pitch, used both by the school and local community clubs at the weekend. The location of a MUGA is therefore an intensification of an existing use, rather than a new use. Furthermore, the siting broadly follows that detailed in the outline consent. In an attempt to address the concerns of neighbouring residents the applicant has made a number of revisions to the proposal. It initially moved the MUGA 2metres further south into the site, and introduced a line of tree planting between the MUGA and the car park to mitigate visual and noise impacts. Objection continued to be raised by local residents and, subsequently, the MUGA has been moved southwest, a further 3metres into the site, thereby increasing the separation from the neighbouring properties to the north and the care home to the east. The proposed MUGA would be over 40 metres from the nearest residential property, and a considerable distance from the neighbouring care home. The applicant has also introduced bunding and landscaping between the car parking adjacent to the MUGA and the site boundary (this is discussed in more detail below). This additional landscaping and bunding would in my view aid in mitigating the impact of the development upon the amenity of neighbouring properties.
52. Community use of the MUGA, and a number of the Academy's facilities, is proposed by the applicant. This will be discussed in more detail later in this report, but further details of the proposed community use would be required pursuant to planning condition should permission be granted. Residents also remain concerned that use of the MUGA would give rise to unacceptable noise and nuisance. In light of the fact that the County Council's Noise Advisor has raised no objection to the scheme, and is satisfied that the development would not give rise to unacceptable levels of noise at the closest residential properties, I see no reason to refuse this application on the grounds of siting and design, and the implications of this on the amenity of neighbouring residents.

#### Highway and Access

53. The existing Academy site has 169 marked parking spaces, of which 3 are allocated for visitor parking. The parking provision for the proposed Academy of 159 spaces was calculated on the basis of the number of staff to be employed by the Academy and then applying the appropriate maximum parking standard, which for secondary schools is one space per member of staff plus 10%. The Academy proposes to employ 160 members of staff, which would equate to a maximum parking provision of 176 spaces. The proposed 159 spaces, although 10 less than currently on site, is within the maximum prescribed by Kent Vehicle Parking Standards and is considered to be acceptable by Kent Highway Services, especially when bearing in mind the Academy's Travel Plan target to reduce reliance on cars and encourage use of alternative methods of transport. However, the two proposed accesses to the site and the layout of the car parking areas have met with concern and objection from local residents.

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54. As outlined in paragraphs 11-13 of this report, two new vehicular access points are proposed. The main site entrance would be immediately to the east of the proposed plaza area, to the centre of the application sites frontage with Main Road. This main entrance would be used as the exit for staff, coaches and delivery vehicles, and the entrance and exit point for visitors and parents using the dedicated pick-up/drop-off facility. The second vehicular entrance would be located to the east of the site and would be used as a staff entrance and the 'in' for coaches and deliveries. 5 dedicated coach drop-off spaces would be provided to the front of the Academy building and, due to separate entrance and exit points, coaches would not have to turn on site. The main car parking area would be located between the building frontage and main road, between the two access points. Existing and proposed tree planting would aid in screening this car parking area from properties on the opposite side of Main Road, which would also be softened in appearance by further landscaping and planting. A car parking area is also proposed between the MUGA and the rear of two properties on Main Road. The site accesses and the car parking area between the MUGA and residential properties have met with objection from local residents on the grounds of highway safety, increased congestion, and residential amenity issues including noise, light and air pollution.
55. Local residents express concern that Main Road is a very busy road which has existing problems with congestion and speeding vehicles. However, this proposed development would not significantly increase the school roll; its purpose is to replace existing substandard accommodation to cater for the educational requirements of existing pupils. The vehicular access locations, sizes, turning radii and visibility splays have not met with objection from Kent Highway Services. In addition, apart from the crossing point proposed, no off-site highway works are required by Kent Highway Services. The applicant has submitted a Transport Statement and Travel Plan with this application, the content of which Kent Highway Services have considered and reviewed. On the basis that Kent Highway Services have not raised objection to the details provided, I consider the siting of the two access points to be acceptable in terms of highway safety, although, the impact of the access points upon residential amenity needs to be considered.
56. Objection has been raised to the eastern access point in particular with regards to proximity to neighbouring properties and the impact that this could have on residential amenity with regards to light, air and noise pollution. When this application was originally submitted the eastern site access was just over 12 metres from the boundary with the closest residential property. Following initial consultation, strong objection and concern was raised to the proximity of this access to residential dwellings, especially when bearing in mind the extended opening hours of the Academy facilities to accommodate community use. As a result of these objections the applicant amended the scheme and moved the access point by approximately 5 metres, resulting in an approximately 17 metre gap between the access point and the boundary. However, as a result of the access move displacing proposed car parking spaces, the amended details also proposed 11 car parking spaces immediately to the east of this access, extending to approximately 12 metres from the boundary. The amended details again met with objection and, following a discussion of these matters at the Members Site Visit, the applicant submitted further amendments to the scheme resulting in changes to the parking area.
57. The 11 car parking spaces adjacent to the eastern access have been relocated, increasing the planted buffer zone between the hardstanding and the site boundary by some 5 metres. In addition, the access point has been moved to the west by a further half metre, resulting in the access being approximately 18 metres from the sites

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boundary. Mitigation planting and a 1.8 metre earth bund, which would be landscaped and planted, are proposed in an effort to further alleviate the concerns of nearby residents. In addition, the applicant has confirmed that the Academy would manage the site access on an informal basis so that for out of school hours use the site would be predominately accessed through the western entrance. I consider that the applicant has taken all reasonable steps to amend the proposal to address the concerns of residents with regards to the positioning of the eastern access. The access point has been moved by approximately 6 metres, and mitigation planting and landscaping introduced, as well as restrictions of use. In light of this, and subject to conditions to cover the matters discussed above, I do not consider that the positioning of the eastern access would have a significantly detrimental effect on the amenity of neighbouring residents.

58. As outlined above, the proposed car parking area between the MUGA and the rear of numbers 84 & 86 Main Road has met with strong objection from the occupiers. It is considered that the car parking is too close to residential properties and would create noise, light and air pollution, having a detrimental impact on residential amenity. It is suggested that the car parking be relocated within the school site, maybe to the plaza area, and that by proposing car parking to the rear of numbers 84 & 86 Main Road the properties are essentially being placed in the centre of a roundabout.
59. When originally submitted, 50 car parking spaces were proposed in this area of the site, and the car parking was approximately 16 metres from the two closest properties. Following initial consultation and the receipt of strong opposition and objection to this area of car parking, the applicant introduced a bund and additional planting in the 'buffer' zone between the car park and the boundary. Following the members site visit, further amendments have been made to the car parking layout. Two bays have been removed from the eastern end of the car park to add increased distance from the eastern boundary and the adjoining care facilities for the elderly. In addition, the parking layout has been tightened, increasing the 'buffer' zone to the south of numbers 84 & 84 Main Road by approximately 2.5metres.
60. A total of 48 car parking spaces are currently proposed in this area of the site. The closest edge of the car parking area to the rear boundary of the gardens of number 84 & 86 Main Road is 18 Metres at its closest point, and 21 metres at the furthest point. From the rear elevation of number 84 the closest area of the car park would 22 metres away, and from the rear elevation on number 86 this distance would be 24 metres. Mitigation planting and a 1.8 metre earth bund, which would be landscaped and planted, are proposed in an effort to further alleviate the concerns of nearby residents. The car parking proposed is now over 21 metres from the rear elevation of the closest residential property, a distance which the Kent Design Guide deems to be acceptable for a window to window distance between an existing and proposed development.
61. In addition to the distance between the properties and the car park, and the mitigation planting and bunding proposed, the applicant has also proposed to introduce a restriction on use of this area of car parking, and a reduced scheme of lighting. The parking area to the rear of numbers 84 & 86 Main Road would be managed so that it would not generally be in use out of school hours. The Academy would, on occasion, need to use all of the parking, on parents evenings for example, but it is envisaged that this would be the exception and that for the majority of evenings solely the western entrance and car parking to the front of the school would be use. The applicant advises that use of the car park would be restricted and managed by a physical barrier. Details of the position, design and management of this barrier have not been provided at this stage and, therefore, I consider that further details should be submitted for approval pursuant to a condition of consent should permission be granted. In addition, the

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applicant has confirmed that the lighting of this area of the car park would use low levels bollards. This would result in a lighting level slightly less than recommended, but would reduce the impact upon neighbouring residents. In addition, this specific area of car parking would be on a separate lighting circuit so that it would not need to be illuminated with the remainder of the car parking when not in use.

62. The County Council's Lighting and Noise Advisors are both satisfied that the car parking layout as proposed would not have a detrimental impact on the amenity of neighbouring residents with regards to noise and light pollution. Given the measures undertaken by the applicant and the mitigation proposed, I am satisfied that subject to the imposition of conditions regarding landscaping and bunding, lighting, restrictions on use and details of the barrier, that the proposed car parking and site accesses would not have a significantly detrimental affect on the amenity of adjoining residents, to warrant refusing permission..

#### Cycle Provision

63. To the western boundary of the site, it is proposed to provide cycle parking, which initially would accommodate 20 cycles, but would be designed to allow for future expansion. The positioning of the cycle parking met with initial objection from an adjacent property as it would have obscured the view from their property and blocked the light into their living accommodation. It was requested by the adjoining resident that the cycle parking be moved to the north west corner of the site. This request was accommodated by a revision and the cycle parking is now proposed to be sited in the north west corner of the site, which is acceptable in my view in terms of residential amenity, whilst still working functionally. The Area Transportation Manager has raised no objection to this proposal, although it is requested that the cycle parking provision be reviewed annually and increased as necessary. In this instance that aim should be to have 20% of cycle spaces free at the start of each academic year. Therefore, should planning permission be granted, an annual review of cycle parking provision would be required as a condition of consent, which could be incorporated into the School Travel Plan.
64. In light of the above, I consider that the proposed development would not have a detrimental impact upon the local highway network. The applicant is providing sufficient parking, and has designed the car parking and access area to work operationally whilst minimising the impact upon the amenity of local residents. Therefore, subject to the imposition of conditions outlined in paragraph 51, and a review of the Travel Plan at regular periods, including an annual review of cycle parking provision, I see no reason to refuse this application of the grounds of Highway implications, access or car parking.

#### Landscaping and Biodiversity

65. As referred to above, the landscaping of this site is vital in mitigating the impact of the development on neighbouring residents and also the local landscape character bearing in mind the site's Green Belt location. It is imperative that mature and high quality trees are retained wherever possible, and protected throughout construction works, and that a scheme of substantial tree and shrub planting is provided should the application be permitted. As outlined in paragraphs 18-20 of this report, the application was accompanied by an Arboricultural Survey and Assessment and an Ecological Assessment. They concluded that the proposed location of the new building would necessitate the removal of a number of trees, predominately located on the bank between the upper and lower tiers of the site. It is proposed to retain all boundary planting, apart from where access points are to be created or trees are recommended for removal for safety or sound aboricultural reasons. Additional planting and



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landscaping is proposed to the site boundaries and throughout the site. As detailed above, the applicant has paid specific attention to mitigating the impact of the car parking and MUGA on the amenity of neighbouring properties by providing bunding and planting between the development and the sites boundary. The new planting would in my view be of significant benefit to the site and locality, as well as helping to absorb the new development into its surroundings.

66. The County Council's Landscape Advisor does not raise objection to this application, but would seek further details pursuant to condition, should permission be granted. In terms of the proposed roof material, my Landscape Advisor has suggested that the applicant amends the proposed roof material to better reflect the surrounding building materials and colours. Currently, the applicant has only provided indicative details of materials at this stage and is suggesting that a zinc coloured roof would be used. However, the applicant has been made aware of the suggestion that a 'living roof' would be more appropriate for the site, and would give further consideration to the roof material. It should be noted that details of all materials to be used externally would be required to be submitted pursuant to planning condition should permission be granted and, therefore, would be considered in more detail at that time. In addition, should permission be granted, a detailed scheme of landscaping and tree planting would be required pursuant to condition. This would include details of plant species, sizes and densities of planting. In addition if members were minded to permit the application, a condition of consent would ensure that all trees to be retained are protected in accordance with BS5827: Trees in relation to construction. I consider that the landscaping aspects of the development are acceptable, and therefore, subject to the imposition of conditions, see no reason to refuse this application on landscape grounds
67. With regards to biodiversity issues, an Ecological Assessment was submitted with this application, which indicates that further survey work for protected species is required. Ecological surveys are seasonal in nature and the winter months are not generally recommended or suitable for this type of survey work. The applicant recognises that the required surveys need to be done and, as such, has commissioned surveys for reptiles, bats, badgers and birds. The applicant has submitted a schedule of these surveys with anticipated completion dates, which the County Council's Biodiversity Officer has considered. The County Council's Biodiversity Officer is satisfied with the information submitted and has accepted that the surveys can be submitted pursuant to condition. Therefore, should planning permission be granted, details of further survey work with regard to reptiles, bats and badgers and any subsequent mitigation and required enhancements, would need to be submitted pursuant to condition. In addition, a mitigation and enhancement strategy for the whole site would also be required pursuant to condition. The imposition of the required conditions would protect wildlife and mitigate against any negative impacts of the development, minimising any disturbance and/or risk to protected species as far as practicably possible. I therefore consider that these should form the basis of conditions of consent should permission be granted.

**Sport provision and community use**

68. This application proposes to build the new Academy and its associated facilities upon the existing school playing fields. The implications of this development upon sporting provision therefore needs to be assessed in the determination of this application. This application would result in a loss of playing field land and, therefore, it is necessary to consider whether the development would result in sufficient benefit to sport to outweigh the detriment caused by the loss of playing field. It is proposed to reconfigure the pitch layout on the remaining area of playing field within the constraints of the sites

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topography, to ensure no net loss of pitches. Furthermore, one additional mini football pitch would be accommodated together with 3 softball pitches. Sport England have summarised the existing and proposed pitch layout as follows:

<i>Existing pitch layout</i>	<i>Proposed pitch layout</i>
3 x U16 Football	3 x U16 Football
3 x mini football	4 x mini football
1 x rugby	1 x rugby
1 x hockey	1 x hockey
2 x cricket (artificial wicket)	2 x cricket (artificial wicket)
2 x 3 court MUGA	1 x 6 court MUGA
	3 x junior softball

Skills training area (on land to be disposed of)

69. In addition, the applicant advises that in practice school use of the pitches at the far east of the site is limited due to the distance of these pitches from the existing sports changing facilities (400m/5mins walk). As a result of the proposed development all pitches would be within 400m/5mins walk of the proposed changing facilities, resulting in an improvement to the access of the eastern pitches. Existing hard play areas comprise two 3 court tarmac MUGAs, which are in a poor state of repair. This application proposes to replace these with a new 6 court MUGA, with a properly marked out polymeric surface. A wider variety of sports markings would be provided than at present, allowing a greater flexibility of use. The MUGA is proposed to be located adjacent to the proposed sports hall and associated changing facilities, and would be accessible to the school and the wider community. Sport England is disappointed that the floodlighting of the pitches has been withdrawn from the application as they consider that the omission of floodlights would significantly diminish the opportunities for community use, thereby reducing the overall potential benefit to sport. However, I consider that floodlighting of the MUGA is not currently acceptable in this location due to its potential impact upon the amenity of neighbouring residents and the wider landscape.
70. The existing internal sports facilities consist of one 4-court sports hall, with small fitness gym, a gymnasium, and male and female changing facilities. The applicant advises that these facilities are of sub-standard construction and specification, and in a poor state of repair. The proposed internal facilities consist of one 4-court sports hall, a gymnasium, an activity studio, dedicated teaching class space, equipment stores, and male and female changing facilities. The proposed sports hall would provide for 4 badminton courts, 4 cricket nets, basketball, volleyball and 5-a-side football courts. The hall would also be equipped with a sprung floor, division nets and storage space. Sport England considers this to be a significant improvement over the existing sports hall, which the School and Ofsted have described as 'little more than a covered playground'.
71. Sport England has given careful consideration to this development in the context of its own Policy Framework. On balance, Sport England concludes that the information provided by the applicant (including commitments to community use, sports development and improvements to the playing pitches) demonstrates sufficient overall benefit to sport to justify the development, considering the loss of playing field land. It should be noted, however, that this conclusion is finely balanced and is subject to the imposition of planning conditions regarding playing pitch layout, protection of existing playing fields, community use and future protection of new playing fields. Without the imposition of such conditions Sport England would raise objection to the planning application. Sport England has provided detailed planning conditions which cover the

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aspects listed above and, should permission be granted, these would be made conditions of consent.

72. As outlined in paragraph 8 of this report, it is proposed that there would be community use of the school buildings and the associated sports facilities, a principle which is supported by development plan policy and wider Government aspirations for extended school use and community activities. Sport England considers that community use of the development is critical to its success, and is a key factor in their decision to raise no objection to the application subject to conditions. Without community use it is not considered that there would be sufficient benefit to sport to outweigh the proposed loss of playing field. However, community use of the proposed facilities, and the implications of this, must be balanced against the impact upon the amenity of neighbouring properties. The amenity of neighbouring residents must in my view be protected and community use controlled to ensure minimal disturbance to neighbours.
73. In accordance with the conditions specified by Sport England, and in order to protect the amenities of nearby residential properties, it would be appropriate for details of community use to be submitted for approval pursuant to planning condition. These details would need to include proposed hours of use for indoor and external facilities, a pricing policy, details of access by non-school users/non-members, management responsibilities and a mechanism for review. These should be packaged as a Community Use Scheme and Sports Development Plan. The submitted details would be subject to consultation with relevant consultees to ensure that the proposed community use would not have an unacceptable impact on the amenities of the locality. Once approved, the community use of the facilities would be required to strictly adhere to the hours of use and details given. Subject to the imposition of such a condition, I consider that community use of the development would not have a significantly detrimental impact upon the amenities of the locality. In addition, the mitigation described earlier in this report with regards to access, car parking and the MUGA, including planting, bunding and restrictions on use, should aid in mitigating the impact of community use of the facilities on the amenity of adjacent residents.

**Flood Risk Assessment, drainage and contaminated land**

74. The Environment Agency raises no objection to this application subject to the impositions of conditions. In accordance with the principles of PPS25 the applicant has submitted a Flood Risk Assessment (FRA) with this application. The Environment Agency is satisfied with the content of the FRA, and states that should permission be granted, a condition of consent should require the development to be carried out in accordance with the approved FRA. That would ensure that drainage at the site was acceptable, and that the development would not lead to an increased risk of flooding. The Environment Agency also requires the imposition of a condition regarding the submission of further survey work concerning land contamination. Therefore, should permission be granted, conditions would be imposed covering the matters raised above. That would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Policy NR5 of the Kent & Medway Structure Plan. In addition, the Environment Agency's advice regarding foul and surface water drainage, and contaminated land could be covered by an informative.

**Archaeology**

75. An Archaeological Statement accompanied this planning application. The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, a condition of consent be imposed.

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It is requested that no development takes place until the applicant has secured the implementation of a programme of archaeological work, and a programme of building recording, in accordance with written specifications and timetables. However, the existing school buildings to be demolished are not included within the development site and, therefore, in this particular case I do not consider it appropriate and/or necessary to require a programme of building recording. However, as works would be undertaken upon existing undeveloped land, a programme of archaeological work would be an appropriate requirement in ensuring an acceptable level of evaluation and mitigation of the archaeological potential of the site. Therefore, subject to the imposition of the required condition, I do not consider that this proposal would have a detrimental impact on archaeological remains.

Secured by Design

76. The applicant has undertaken discussions with the Kent Police Architectural Liaison Officer and it has been agreed that the development would adhere to Secured by Design requirements. Some of these matters, such as perimeter fencing and security lighting, would need careful consideration to ensure they were applied in a balanced way so that, for example, the visual appearance of the site was not compromised by inappropriate fencing. They would otherwise accord with Structure Plan Policy QL1 in respect of a safe and secure environment. If planning permission is granted these matters would be dealt with in the drawing up of the detailed design drawings and, in part, by planning condition i.e. details of lighting and fencing.

Sustainable construction

77. The applicant advises that the project would achieve a minimum 'Very Good' rating under BREEAM for schools. As outlined in paragraph 23, the building would include a number of sustainable features and I consider that the applicant has given sufficient information within the planning application to demonstrate how the rating of 'Very Good' would be achieved. I therefore consider it sufficient and acceptable to condition that the development achieve at least a 'Very Good' rating, but not to request the submission of further details in relation to this. In particular, the developers are already tasked with meeting the exacting design standards demanded of them by the Academy funding process.

Construction

78. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction and demolition for the academy project in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
79. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures and details of any construction accesses. Should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter

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have to be undertaken in accordance with the approved strategy. It should be noted that due to site constraints and Sport England requirements to maintain playing field provision throughout the construction period, there are a few options on site to locate the construction compound and site. It may, therefore, need to be sited close to properties on Main Road.

80. In addition to the above, should permission be granted, conditions of consent would ensure that dust, noise, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

**Legal Acts/Legislation**

81. Residents consider that this application is contrary to the principles of various acts and legislation, including the Human Rights Act. These acts seek to protect the rights of individuals, but clearly the individual interests raised by this development need to be balanced against the wider public interest. In my view these do not raise any overriding considerations in this particular case. However, the applicant has given careful consideration to the points of objection made by local residents, and has amended the application twice in an effort to address local concerns. In addition, I consider that the amenity of neighbouring residents has been addressed throughout this report and that various conditions would be imposed on the planning consent, should permission be granted, to mitigate the impact of the development on the amenity of adjoining residents. The application has been considered in terms of Development Plan Policies and guidance, and I consider that the development complies with the principles and objectives of such Policies, including those which are concerned with protecting residential and local amenity.

**Conclusion**

82. This proposal has given rise to a variety of issues including the need for very special circumstances to justify inappropriate development in the Green Belt and the impact of the proposed development on the openness of the Green Belt. However, I consider that very special circumstances have been demonstrated in this particular case for overriding Green Belt policy constraints in terms of the education need for replacement and improved school accommodation, the lack of alternative sites and the mitigation proposed by the applicant with regards to the visual impact on this part of the Green Belt. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on local and residential amenity. On balance, therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies. Therefore, I recommend that the application be referred to the Secretary of State as a departure from the Development Plan, and that subject to her decision, permission be granted subject to appropriate conditions

**Recommendation**

83. I RECOMMEND that the application BE REFERRED to the Secretary of State as a departure from the Development Plan, and that subject to her decision that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

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- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the submission of details of all materials to be used externally;
- details of all external lighting;
- a scheme of landscaping, including hard surfacing, its implementation and maintenance;
- provision of landscaped buffer zone adjacent to the eastern car parking area;
- measures to protect trees to be retained;
- habitat/biodiversity enhancement strategy, including monitoring and management;
- protection of badgers from construction activities;
- submission of protected species surveys and subsequent mitigation;
- no tree removal during the bird breeding season;
- development to accord with the recommendations of the ecological survey;
- details of fencing, gates and means of enclosure, including colour finishes;
- archaeological works;
- Secured by Design principles to be adopted;
- a BREEAM rating of 'Very Good' to be achieved;
- the playing field provided and marked out as shown on the proposed site plan;
- submission of a playing field improvement scheme;
- details of protective fencing to be erected around the existing playing field during construction;
- protection and future retention of playing fields;
- a community use agreement relating to use of the indoor and outdoor facilities, including hours of use;
- implementation and ongoing review of a revised School Travel Plan;
- development to be carried out in accordance with the FRA;
- further works with regards to contaminated land;
- noise restrictions on fixed plant;
- no flood lighting shall be erected on the multi-use games area, or elsewhere on the site, without the written permission of the County Planning Authority;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- construction management plan, including access, parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway.

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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## APPENDIX 1

**PROPOSAL DA/09/913 – NEW ACADEMY, RE-PROVISION OF OUTDOOR PLAYING PITCHES, NEW 6 COURT MUGA, 160 CAR PARKING SPACES, DROP-OFF ZONE, LANDSCAPING AND ASSOCIATED ANCILLARY WORKS AT LONGFIELD ACADEMY, MAIN ROAD, LONGFIELD**

NOTES of a Planning Applications Committee site visit to Longfield Academy, on Tuesday, 21 April 2009.

MEMBERS PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr S J G Koowaree, Mr J F London, Mr J I Muckle and Mr A R Poole.

OFFICERS: Mrs S Thompson, Mr J Crossley and Miss M Green (Planning); and Mr A Tait (Legal and Democratic Services).

DARTFORD BOROUGH COUNCIL: Mr A Lauder (Planning)

LONGFIELD AND NEW BARN PARISH COUNCIL: Cllr Mrs J Macdonald and Cllr P Stevens.

THE APPLICANTS: Leigh Academy Trust (Mr F Green, Chief Executive); Longfield Academy (Mr N Willis, Head Teacher); Jestico and Whiles (Mr J Thatham and Mr B Masten); DHA Planning (Mr D Hicken and Ms L Leatherbarrow); Carillion (Mr D Egon.)

ALSO PRESENT were some 15 members of the public.

(1) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to familiarise themselves with the site and to listen to the views of interested parties.

(2) Miss Green introduced the application by saying that Longfield Academy had been operating as an Academy since September 2008 in the buildings of the former Axton Chase School. Longfield Academy would form a Hard Federation with the Leigh Academy, sharing a single overarching governing body and one Chief Executive/Executive Principal. The Leigh Academy Trust had already built the academy at Leigh in Dartford in 2007. This application proposed the second of the two Academies.

(3) Miss Green went on to say that the Dartford Borough Local Plan and Local Plan review showed the application site to be within the Metropolitan Green Belt. The application had therefore been advertised as a Departure from the Development Plan. It would need to be referred to the Secretary of State for her consideration the Committee was minded to grant permission.

(4) The original application had proposed floodlighting to the Multi Use Games Area. Strong objection had been raised to the floodlighting element of the proposal; the proposed vehicular entrance to the east of the site; and to the proximity of car parking to neighbouring properties. As a result of these points of concern and objection, the applicant had recently submitted amendments to the proposed scheme. The amended proposal was outlined within the briefing paper, which had been circulated before the meeting. The amendments consisted of the eastern access road being relocated further to the west, increased screening and modified lighting scheme for the car parking area, as well as the introduction of restrictions on use of areas of the car parking. In addition, the floodlighting to the MUGA had now been omitted, with the MUGA being slightly relocated to allow for additional

screening. It was the revised proposal which would be the subject of discussion at this site meeting.

(5) Miss Green went on to say that the new Academy would accommodate 1,150 pupils, aged 11-19. The site would contain the new academy building, parking for 160 cars and 20 cycles (with provision for future expansion), parental and coach drop-off, a six court MUGA, playgrounds and external grassed pitches. The building would be located in the centre of the lower terrace of the main site, which would be accessed via Main Road. A new pedestrian plaza would extend from the road to the entrance of the building. The building frontage would be set approximately 40 metres back from Main Road, behind the existing tree line. The main entrance to the site, cycle parking and the plaza would be located at the western end of the site, and the MUGA, sports hall and car parking on the eastern side. Car parking would also be provided to the front of the academy building, as would pick-up and drop-off facilities. Existing playing fields to the south would be retained.

(6) Miss Green then said that when the school was in use, the intention was for the pedestrian plaza to provide a run-off/milling space for students before they reached the road. Outside school hours it would have the potential to be a community facility for events such as fetes. This semi-public space would be open when the Academy was open, ensuring that the building would feel a part of the community.

(7) Two new vehicular access points were proposed. The main entrance (for visitors and parent drop-off) would be located immediately to the east of the entrance plaza, to the centre of the site's frontage with Main Road. The second vehicular entrance would be located to the east of the site, and would be used as a staff entrance and for incoming coaches and deliveries. This eastern entrance would be approximately 17 metres from the boundary with the nearest residential property (Number 84 Main Road). Car parking immediately to the east of this access point would be approximately 12 metres from this boundary. Coaches and deliveries would then exit the site through the visitor entrance to the west, avoiding the need for any dedicated turning area on site. The applicant had confirmed that the Academy would manage the site access on an informal basis. This meant that car parking for out of school hours use would mainly be accessed through the western entrance.

(8) Miss Green went on to describe the parking arrangements. The proposal was for 160 car parking spaces, including 12 disabled parking spaces. These would be located in two areas. The first area would be between the building frontage and Main Road. The second would be between the MUGA and to the rear of Numbers 84 and 86 Main Road. This second car parking area would be located approximately 21 metres to the south of the rear elevation of the closest residential property, and would be separated by existing planting and by proposed additional planting and bunding. The applicant had advised that the car parking adjacent to the MUGA would not be used under typical circumstances out of school hours and that this would be managed by a physical barrier. In addition, lighting to this area of the car park would be at a lower level than the remaining car parking. It would also be on a separate lighting circuit from the rest of the car parking area, so that it would not need to be illuminated when it was not in use.

(9) Miss Green explained that the proposed two storey building had been designed so that the community facilities such as the sports hall, theatre and dining area would be located along the northern frontage, where they would be both visible and accessible to the community. The Colleges and specialist teaching spaces would be provided to the south of the building, in three separate 'fingers' of accommodation, which would open to the



landscape. The first floor of the two storey building would be directly linked to the upper terrace of the site by three small bridges, which would double as curriculum spaces.

(10) The entire building would be two storeys in height with a gently pitched roof. It had been designed to incorporate the mass of the Sports Hall within it. The form of the frontage to Main Road would follow the curve of the road. The maximum height of the building would be approximately 12 metres. The Colleges to the rear would have a flat roof around the perimeter and a pitched roof in the centre. The frontage of the building would be clad predominately in a local brick with plenty of variegated colour and texture. A zinc coloured roof was also proposed. The Colleges on the south side of the building would have a different context, form and purpose, which would be reflected in their elevational treatment.

(11) The Multi Use Games Area would be located to the east of the site, adjacent to the external pitches, internal sports hall and changing facilities. The 6 Court MUGA would support a variety of hard surfaced sports, and would be intrinsically linked with the sports hall and changing facilities. An area of hard playground would be located between the MUGA and the school buildings. The existing sports pitches to the upper terrace would remain as they currently were, apart from some minor alterations to markings and orientation.

(12) The proposed landscape plan had sought to maximise the sports provision on site, whilst maintaining the existing tree lines and landscape features. However, some of the existing trees which straddled the level changes on site would have to be removed to accommodate the proposed building. Planting to the site boundaries would however be retained and enhanced where required.

(13) Miss Green said that a key aim of the project was to enable community use of the Academy's facilities. The performance hall, sports centre, gallery and dining hall had all been positioned in the layout where they could most easily be accessed by the community. The learning spaces of the Academy, such as the classrooms and specialist centres would all be available outside normal school hours for community learning and extended school provision (subject to appropriate management.) The 6 court MUGA and the sports pitches would be used extensively by the community out-of-hours. The plaza would have the potential to be used as a village square for community events.

(14) Miss Green explained that the amended proposal had only recently been sent to consultation. For this reason the consultee responses and letters of representation summarised within the briefing note related to the original application and not to the amended details. The points of objection raised by local residents to the initial proposal were summarised on pages 20, 21 & 22 of the briefing note.

(15) Miss Green added that a further 9 letters of objection from 5 neighbouring properties had been received in relation to the amended proposal. These welcomed the amendments but still objected on the grounds of extensive community use, noise, light and air pollution, access and car parking and the proximity of the development to neighbouring properties. The belief was expressed that the views of Sport England had heavily influenced the development to the detriment of local residential amenity. In addition, the Green Belt location of the development was considered to be sufficient reason in itself to warrant refusal of the application. These points of objection would be summarised in more detail within the Planning Applications Committee Report.

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(16) Miss Green concluded her presentation by saying that negotiations with various consultees (including Sport England) were ongoing. The outcome of these negotiations would also be summarised and discussed within the Planning Applications Committee report.

(17) Mr Hicken (DHA Planning) said that Miss Green's summary of the application had been accurate. He wished to stress that outline permission had previously been granted for the academy and that (although this permission had now lapsed) the issues of principle had therefore already been considered.

(18) Mr Anderson informed the meeting that he lived in the property at 84 Main Road. This and the neighbouring property (number 86) would be bordered by the proposed staff vehicular entrance and parking spaces to the west and by other spaces as well as the MUGA to the south. He said that he had written to all Members of the Committee and asked whether his comments would be fully recorded in the report or simply take the form of a very brief summary.

(19) The Chairman replied to Mr Anderson by saying that he could have his correspondence included in full as an appendix to the report.

(20) Mrs Macdonald (Longfield and New Barn PC) asked why the development was not being proposed for the current school site. She also said that she was not aware that the amendments to the application had been sent to her Parish Council. They were not included in the Parish Council agenda papers for 28 April. *(Miss Green said that the amendments had been sent to all consultees, including the Parish Council some three weeks earlier.)*

(21) Mr Ramsey from 86 Main Road said that he had written to the Planners to express his concerns over the impact on the Green Belt as well the effect on 84 and 86 Main Road. He said that he welcomed the westward movement of the vehicular entrance nearest to the two properties, but that he was very disappointed indeed that the applicants had now proposed to make use of the resultant space by incorporating an additional 11 car parking spaces on the boundary of the two properties.

(22) Mr Ramsey went on to say that the two properties were already bordered by Main Road to the north. A housing development was now taking place to the east. The proposal was to have an entrance and parking spaces to the west with a MUGA and more parking spaces to the south. The net effect would be as though the two properties were suddenly to find themselves in the middle of a roundabout. This effect would be compounded by the noise from the MUGA, the pollution from the vehicles.

(23) Mr Ramsey then said that the initial proposal had been for the MUGA to be located in the southern part of the site. This had now been brought right up to the southern boundaries of the two properties. He believed that the reason for this was that Sport England would be providing money for the project out of the Lottery Fund. They therefore seemed to have an enormous influence on Kent County Council, to the detriment of the amenity of the local residents. He asked how much funding Sport England was providing for the project.

(24) Mrs Thompson (Head of Planning Applications Group) explained that the Planners would not be aware of the applicants' funding stream. They and the Planning Applications Committee Members were duty bound to consider the planning merits of the application that was submitted to them.

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## APPENDIX 1

(25) Mr Green (Chief Executive of the Leigh Academy Trust) informed the meeting that the Academy Trust was an independent body. Overall responsibility for the construction of the Academy rested with the LEA but the responsibility for the design lay with the Trust. Funding for the building came from the DfE and from the Trust itself. Sport England did not provide any funding at all. Sport England did, however, have to approve the location of the sports pitches within the site before any permission could be granted.

(26) Mr Green then said that the Trust had done its best to keep the proposal in line with the lapsed outline permission granted in 2005. It had wished to locate the MUGA in the western part of the raised area in the southern half of the site. Sport England had insisted on its currently proposed location in order to encourage community use. Other amendments had been made in order to address the concerns raised by the local community. These had included the withdrawal of the floodlighting element. Sport England had raised an objection to this withdrawal.

(27) Mr Ramsey asked why the Trust could not simply move the MUGA back to its originally proposed location since Sport England was objecting anyway. Mr Hicken (DHA Planning) said that this was because Sport England was actually in a position to effectively veto the development if it did not agree with the location of the MUGA itself.

(28) Mrs Sectum from the nearby Hazlewood Nursing Home asked whether there was any likelihood of a future application to install floodlighting for the MUGA. If so, this would be a major concern for the Home, particularly in the winter months when the trees would not be in leaf. Lighting at night time caused problems for dementia sufferers.

(29) Mr Green said that he could give a personal assurance that there would be no such application whilst he was the Chief Executive of the Trust. He appreciated that this was not the assurance that Hazlewood Nursing Home was seeking, but it would be beyond his powers to go beyond that. The reason that the floodlighting element had initially been included was that Sport England had asked the Trust to do so. It had been withdrawn as a result of the clearly expressed views of the local community. The Trust would not seek to reinstate that element because it had actually not really wanted to include it in the first place.

(30) Members walked eastwards to the location of the proposed vehicular exit. A local resident who lived opposite this point said that Main Road was one of the busiest B Roads in Kent. This was particularly the case between 4pm and 7pm. She did not believe that vehicles exiting the site would be seen by oncoming traffic or indeed see it themselves.

(31) Mr Hicken said that the exit point had been carefully considered by Kent Highways Services, who had raised no objection.

(32) Mr Crossley said that the exit point would be located some 4 metres behind the tree line, rather than at the points marked out by the fence.

(33) Members then walked further east to the location of the proposed vehicular entrance point and eastern car park. Mr Crossley pointed out the exact line where parking would take place and explained that the long jump pit would be removed. He said that there would be additional screening between the car parking spaces and the neighbouring property (Number 84).

(34) Members then walked south east onto the area of the proposed MUGA (whose boundaries had been marked out with pegs). Mr Crossley said that the neighbouring

properties (84 and 86) would be screened by additional planting and a bund. This would also provide sound deflection.

(35) Mr Ramsey said that he was concerned that people would climb the bunding and look into the two properties, which would therefore lose their privacy.

(36) Mr Masten (Jestico and Whiles) said that the planting on the bunding would be of the acanthus genus, which would discourage climbing.

(37) Mr Anderson asked where the physical barrier would actually be placed as he could not see it in the plans. Miss Green replied that the details were still awaited.

(38) A local resident asked what measures were proposed to combat anti-social behaviour, such as had been taking place in Longfield village recently.

(39) Mr Masten replied that the entire site would be protected by fencing, whilst the gates would only be open when the Academy itself was in use. Further protection would be provided by the installation of CCTV cameras in the car parking area.

(40) Mr Ramsey asked Members to accompany him to a point opposite his house (Number 86). He pointed out the site of the housing development to the east and repeated that the best description of the effect on the two properties was that of two houses in the middle of a roundabout. He fully accepted that the proposed development was worthwhile in principle but said that it had gone too far in relation to the two properties. He believed that this could be mitigated by moving the car park and the MUGA. Even a reduction in the number of courts from 6 to 4 would facilitate an improvement. As things were, the view from his property would be unacceptably restricted on all sides, with no open space at all to look at. This would make life unbearable.

(41) Mr Masten said that the number of courts on the MUGA (6) was a statutory figure based on the number of pupils attending the Academy.

(42) The Chairman thanked everyone for attending. The notes of this meeting would be appended to the report to the determining meeting of the Planning Applications Committee.

**Item D4****Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

A report by Head of Planning Applications Group to Planning Applications Committee on 26 May 2009.

Application by the Governors of Tunstall Primary School for the renewal of planning consent for existing mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall, Sittingbourne.

Recommendation: Temporary planning permission be granted subject to conditions.

Local Member(s): Mrs. B Simpson & Mr R. Truelove

Classification: Unrestricted

**Site**

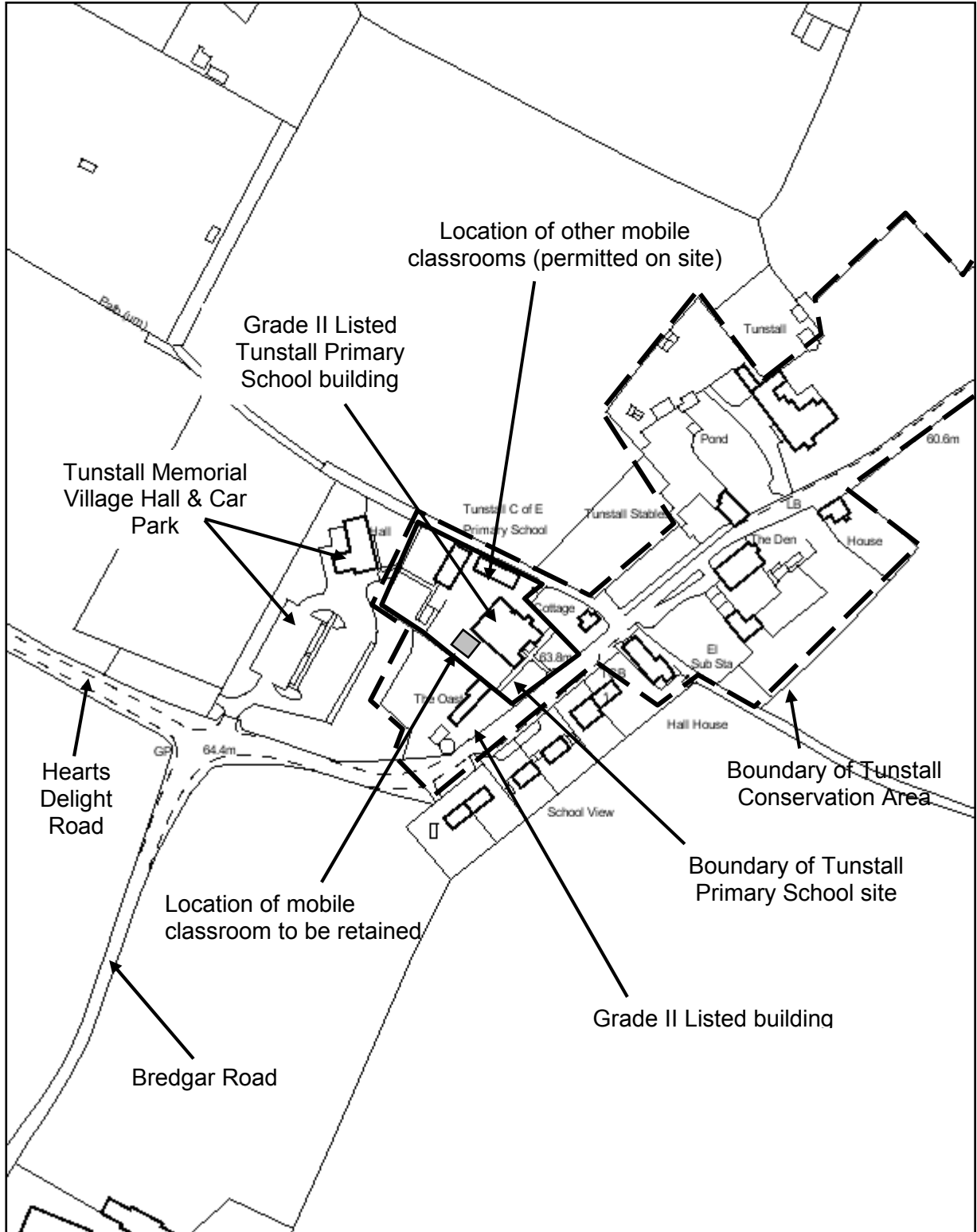
1. Tunstall Church of England Primary School is situated alongside the main road (B2163), which runs through Tunstall village. The mobile classroom to which this application relates is located to the south of the school site. The teaching accommodation at the school is currently provided by three mobile classrooms (two in addition to the one for which renewal of planning permission is sought) as the main school building is under-sized for the current school roll (211 pupils). The main building dates from the 19<sup>th</sup> Century and is a Grade II Listed Building. The application site also adjoins a further Grade II Listed Building, 'The Oast', immediately to the south-western boundary. Behind the school, to the west is the Tunstall Memorial Village Hall and associated car park. The application site is located outside the built up area boundary defined in the adopted Local Plan, and the whole site is within the Tunstall Conservation Area. *A site location plan is attached below.*

**Planning History**

2. The recent planning history for the school site includes retention of the temporary buildings on the school grounds directly to the north and west of the main school building. The current application proposes the retention of a single classroom mobile unit originally positioned on site under planning reference SW/02/762. This temporary permission was subsequently renewed by the County Planning Authority in February 2006 for 3 years under reference SW/05/1426, which lapsed on 28 February 2009. A School Travel Plan was approved in July 2004 under condition 4 of the original planning decision SW/02/762
3. Members will be aware that a similar proposal for the retention of an existing two classroom mobile unit at this site was permitted by the Planning Applications Committee at its meeting on 17 February 2009. The planning permission allows a temporary consent for 3 years which included an informative advising the applicant that the County Planning Authority would wish to see urgent action taken to resolve the accommodation issues at the school within the three-year period allowed.
4. Other planning history includes provision of a new playing field by conversion of agricultural land to the west of the school (ref: SW/05/1356), and a proposal for new car parking facilities at the front of the main school building, which was subsequently refused (ref: SW/05/254).

**Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

**Site Location Plan**



**Site Location Plan – Tunstall Primary School**  
Scale 1:2500



**Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

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**Proposal**

5. The application has been submitted on behalf of the Governors of Tunstall Primary School and proposes the retention of an existing mobile classroom. The temporary building proposed is of standard design, single storey with a flat roof, and is similar in appearance to another mobile classroom retained within the school grounds. The proposed building provides approximately 67m<sup>2</sup> of floorspace, with the unit measuring approximately 9.2m by 7m by 3.5m high. The building is completed in a light green textured paint with aluminium windows, timber doors, minerals felt roof and associated timber steps and ramp to allow inclusive access to the unit.
6. The applicants have provided the following information in support of their application:

*“The current school roll is 211, structured in seven classes. The Governors of the school are seeking permission to renew planning consent as the mobile unit.... needs to be retained to enable efficient delivery of the curriculum to children in their appropriate age groups. Tunstall CE Primary School is at the top of the Diocesan Board of Education’s list for a new school site. The [mobile] unit is intended to be temporary until grant is made by the Department for Children, Schools and Families to replace all the temporary accommodation.”*

7. The retention of the mobile unit within the site is not proposed to increase either staff or pupil numbers, but seeks to maintain an adequate amount of teaching accommodation for existing pupils attending the school.

**Additional Information provided by the Applicant**

8. *“In response to objections raised by Tunstall Parish Council and the Village Hall Committee to the planning application to retain mobile classroom units at Tunstall School, the Diocesan Board of Education and Kent County Council wish to comment as follows:-*

*KCC and the Canterbury Diocesan Board are committed to replacing Tunstall School on a new site. KCC owns several areas of land sites in the vicinity of Tunstall village which could potentially be identified for educational use.*

*Central Government funding however, in the form of the Primary Capital Programme, has as its main focus on failing schools in deprived areas. Tunstall CEP School delivers an excellent standard of education and is not located in a deprived area. Schools which do fall into this category must be a priority for replacement/refurbishment.*

*Discussions are taking place both nationally and locally to seek ways of addressing the needs of schools such as Tunstall. Until a way forward can be identified and funding put in place, it is essential that the school retains its existing accommodation to deliver the curriculum.”*

**Planning Policy**

9. The Development Plan Policies summarised below are relevant to consideration of the application:
  - (i) The adopted 2009 **South East Plan**: the most relevant Regional Planning Policies are:



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**CC1** (Sustainable Development), **CC6** (Sustainable Communities and Character of the Environment), **C4** (Landscape and Countryside Management), **BE5** (Village Management), **BE6** (Management of the Historic Environment), **S3** (Education and Skills), **S6** (Community Infrastructure) and **KTG1** (Core Strategy).

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

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

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

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

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

**Policy QL6** – Development within Conservation Areas should preserve or enhance their character or appearance. Development which would harm the character or appearance of a Conservation Area will not be permitted.

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

**Policy QL11** – Existing community services will be protected and enhanced as long as there is a demonstratable need for them.

(iii) The adopted 2008 **Swale Borough Local Plan**:

**Policy SP1** – In meeting the development needs of the Borough, proposals should accord with principles of Sustainable Development.

**Policy E1** – Development proposals should, amongst others, respond positively by reflecting the positive characteristics of the features of the site and locality; protect and enhance the natural and built environments; well sited and of a scale, design and appearance that is appropriate to its location; cause no demonstratable harm to residential amenity and other sensitive uses.

**Policy E6** – The quality, character and amenity value of the wider countryside of the Borough, will be protected and where possible enhanced.

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**Policy E14** – Proposals affecting the setting of a Listed Building(s), will only be permitted if the buildings special architectural or historic interest, and its setting, is preserved.

**Policy E15** – Development within, affecting the setting of, or views into and out of a Conservation Area, should preserve or enhance all features that contribute positively to the area's special character or appearance.

**Policy E19** – The Borough Council expects all development proposals to be of high quality design.

**Policy C1** – The Borough Council will permit proposals for new or improved community facilities.

**Consultations**

10. **Swale Borough Council** – No objection to the proposal, subject to a temporary permission of 3 years only.

**Tunstall Parish Council** – comments received are set out below:

- *“Parish Councillors have reviewed the application. Ideally they would like permission to be refused. However, Councillors appreciate that the school could not continue to function without these buildings and, therefore, have no option but to agree this application, but with one condition. We would like it to be for one year only pending positive action on the part of the Local Authority and the Diocese for a new school;*
- *Our reluctance is caused by the fact that these buildings are old, are not in a good state of repair and have outlived their usefulness. The School struggles to fulfil the demands of the National Curriculum on a very cramped site and it is to the credit of the School, led by the Headteacher, and working with her staff that it is so successful;*
- *Both the Local Authority and the Diocese accept that new buildings, probably on a new site are essential but nothing would appear to be happening. This application gives the Local Authority and Diocese another five years before anything has to be done and this is not acceptable. Under the new Department for Children, Schools and Families criteria, why should successful schools be penalised?*
- *Tunstall Parish Council would, therefore, like to request that the Local Authority and Diocese develop, with some urgency, a definite proposal for this school and that permission for this mobile classroom be given for one year only pending an outline plan for the new school”.*

**The County Conservation Architect** – no comments have been received on writing this report. Any views received prior to Committee meeting will be reported verbally.

**Tunstall Memorial Hall Management Committee** – Objects to the application on the following grounds:

- Failure to comply with planning conditions of the original planning permission requiring the implementation of a School Travel Plan;
- Inappropriate building design, and
- Overdevelopment of the site

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A full copy of the comments received from the Management Committee is attached to this report within Appendix 1.

The comments received maintain that this application should be refused on the above grounds. However, it is noted that the Village Hall Management Committee requests that that if the Planning Applications Committee take the view that the temporary building is necessary to the continued short term functioning of the school, the conditions covering the following points should be applied and enforced:

- The School to produce and implement a Travel Plan, including safe management by the School of pick up and drop off of pupils;
- Compliance with the above condition to be actively monitored by planning officers;
- The Education Authority and Diocesan Board of Education to be encouraged to consider the need to relocate the school to a more appropriate site;
- Permission to be limited to one year in order that the position can be reviewed in 12 months time.

**Local Members**

11. Mrs B. Simpson and Mr M. Truelove, the local County Members were notified of the application on the 6 April 2009.

**Publicity**

12. The application was publicised by an advertisement in a local newspaper, the posting of a site notice, the notification of 9 neighbouring residential properties and the notification of the adjacent Village Hall.

**Representations**

13. One letter of representation commenting on the application has been received from a local resident. The main points raised are as follows:

- *“Ideally we would like permission to be refused. However, we appreciate that the school could not continue to function without these buildings and, therefore, have no option but to agree this application, but with one condition. We would like it to be for one year only pending positive action on the part of the Local Authority and the Diocese for a new school. If this is not practical in the timescale and permission is given for 3 years, then we would wish to see as a condition, 6 monthly reviews to assess progress on plans for a new build dated from the consent of this application.*
- *This building abuts our garden and is an unsightly feature in a conservation area though we appreciate the measures such as high quality fencing that have been implemented to mitigate the noise and high visibility from our garden. We are also concerned that this building adds to the congestion on this site. The school struggles to fulfil the demands of the National Curriculum on this very cramped site where there are only 2 out of 7 classrooms inside the main building.*
- *Both the Local Authority and the Diocese accept that new buildings, probably on a new site are essential but nothing would appear to be happening. This application gives the Local Authority and Diocese another five years before anything has to be done and this is not acceptable. Under the new Department for Children, Schools and Families criteria, why should successful schools be penalised?*
- *We would, therefore, like to request that the Local Authority and Diocese develop, with some urgency, a definite proposal for this school and that permission for this*

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*mobile classroom be given for one year only pending an outline plan for the new school with 6 monthly reviews attended by the Head teacher, Chairman of Governors, and representatives from the Parish Council, the Diocese and someone from planning.”*

**Discussion**

14. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In considering this proposal the Development Plan Policies outlined in paragraph (9) above are particularly relevant.
15. In my opinion, the main determining issues relate to the following points:
- the siting, design and appearance of the buildings within the backdrop of the Tunstall Conservation Area and neighbouring Listed buildings;
  - highway related considerations;
  - the need for the development; and
  - other considerations
16. The application seeks planning permission to retain an existing mobile classroom to meet a current shortfall in permanent teaching accommodation at Tunstall Primary School. The application is being reported to the Planning Applications Committee as a result of the views expressed by Tunstall Parish Council, Tunstall Memorial Hall Management Committee and a nearby local resident, as identified in paragraphs (10 & 13) above.

**Siting, design and appearance**

17. The application raises a number of material considerations concerning the siting and design of the mobile building when considered in the context of the character of the surrounding built environment and landscape.
18. The application site is positioned to the south-west of, and within the setting of the Grade II Listed main school building. A second Grade II Listed Building (The Oast) is located immediately adjacent to the application site to the south. The entire school grounds are located within the Tunstall Conservation Area, although outside the built confines of Tunstall village as defined in the Swale Borough Local Plan.
19. An objection has been received from the Tunstall Memorial Hall Management Committee, and strong concerns from Tunstall Parish Council and a nearby resident on the grounds that, amongst other matters, the proposed building would continue to detract from the local built environment as well as the setting of the school and nearby Listed Building, due to the nature of its design and materials used in construction.
20. Kent and Medway Structure Plan Policies QL1 and QL8, and Swale Borough Local Plan Policies E1, E14, E15 and E19, all seek proposals that are well designed, and appropriate in the context of the existing pattern of development, with emphasis on protecting or enhancing the character and the setting of any Listed Buildings and Conservation Areas.

**Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

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21. In considering the visual impact of retaining the mobile unit on the setting of the Listed Building and the Conservation Area, it is noted that the design of the building does little to enhance the special historic and architectural merits of the existing school building. Similarly, I note that this is the case with the other mobile classroom buildings currently located on site which have previously been granted temporary planning permission (the most recent at February's Planning Applications Committee meeting).
22. In considering the qualities of the Listed school building, I note that, whilst the whole of the building is Listed, the flint road-facing façade of the original building is of most historic and architectural importance. It is noted that the original school building has been extended to the rear over many years on an incremental basis, comprising of a mix of flat roof and pitch roof extensions which are of no particular architectural merit.
23. I consider that the façades of the main school building and the neighbouring Listed residential property that face the road are the most important features from a historic and architectural perspective, being prominent in the local street-scene within the Tunstall Conservation Area. Accordingly, significant weight should be given to preserving the setting, character and appearance of buildings when viewed from the public realm. However, I note the mobile classroom to be retained is located in a relatively discreet location to the side of the main school building, and would not be widely visible from the street-scene. Its close proximity to the boundary with the neighbouring Listed property is in my opinion mitigated by the limited scale of the structure and, as identified by the neighbouring resident, the high quality wooden fencing recently installed along the south-west boundary.
24. I do not consider that the setting of either Listed Building would be detrimentally affected through the mobile unit's retention for a further temporary period. I consider that whilst arguably the retention of the mobile classroom would not enhance the setting of the Listed Buildings, due to the location on site the retention for a further temporary period would only have a marginal impact on the surrounding built environment. Accordingly, I would not raise an objection to the retention of the mobile unit for a further temporary period when considering the proposal against the objectives of Policy QL8 of the Kent and Medway Structure Plan or Policy E14 of the Swale Borough Local Plan.
25. As noted above, the application site is located directly within the Tunstall Conservation Area. Comments received from the Parish Council, Tunstall Memorial Hall Management Committee and a local resident indicating that the proposed building is unsightly and not suitable for retention within a Conservation Area are noted in this particular case. It is therefore important to consider the potential impact of the mobile classrooms retention for a further temporary period on the character and appearance the village. In this instance, I note that the mobile building would appear of a different scale, character and appearance to many of the other buildings within the surrounding built environment, which predominantly consist of a mix of pitched roof residential properties, some of which are Listed due to their special characteristics. I further note that the mobile unit to which this application relates is of typical construction, similar to those found on many educational sites across the County. I accept that the mobile classroom would do little to enhance the character or appearance of the overall Conservation Area.
26. However, as previously discussed it is considered that the mobile classroom is relatively well screened from the wider Conservation Area by the existing built-development including the school building and adjoining residential properties. Under the circumstances, I do not consider that the mobile classroom has a noticeable prominence

**Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

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in the Conservation Area, or indeed on the overall street-scene when viewed from outside of the site. That said, I do not consider it appropriate for the building to be retained in situ indefinitely despite its discreet location, and if permission is granted it should only be on a temporary basis. On balance, whilst I consider that the retention of the mobile unit does little to enhance the character and appearance of the Conservation Area, I am satisfied that the proposals would not detract in this instance. Therefore, the development would not be contrary to the relevant Development Plan Policies including Policy QL6 of the Kent and Medway Structure Plan and Policy E15 of the Swale Borough Local Plan.

27. I note that the Tunstall Memorial Hall Management Committee also raises objection to the application on the grounds that it represents overdevelopment of the site. The comments received suggest that with 211 pupils in 7 classes the school has outgrown the site. I note that the site is relatively small for a successful one-form entry Primary School, however, the building in question has already been accepted by the Planning Authority on site on two previous occasions. Its removal would not result in a reduction in the numbers of pupils attending the site, although it would have a significant impact on the School's ability to deliver the curriculum (*please see below for further comment on this point*).
28. I do not consider that the mobile unit's retention would have a significant impact on the open countryside, even though the site is defined as being outside of the limits of built development in the Local Plan. Accordingly, I would not raise an objection to this proposal on these grounds and consider that it broadly meets the objectives of Policy EN1 of the Kent and Medway Structure Plan and Policy E6 of the Swale Borough Local Plan

**Highway considerations**

29. The Tunstall Memorial Hall Management Committee object to the application, amongst other matters, on highway grounds, and are concerned that the traffic generated by people attending the site at the beginning and end of the school day leads to chaos in the Village Hall car park and difficulties on the public highway. It should be noted that parents attending the site are afforded access to drop off facilities designed into the Village Hall car park in-order to reduce the impact of traffic on the surrounding public highway.
30. The Management Committees comments note that a School Travel Plan was a condition of the original planning consent (under reference SW/02/762). This document was subsequently approved in July 2004 (and updated in October 2007) and includes, amongst other matters, measures to reduce reliance on private vehicles and a School Traffic Management Policy to help mitigate for the traffic generated, together with guiding principles for parents choosing to use the Village Hall car park.
31. The Tunstall Hall Management Committee is concerned that the drop off / pick up facilities made available to parents in the Village Hall car park are being misused on occasion and that the facilities are not necessarily managed in the manner set out in the School's Travel Plan. In their opinion that represents a breach in the original planning permission and that the current application should be refused on the basis that the applicant is unable to adhere to existing planning conditions.
32. It is noted that the production and approval of a School Travel Plan was a condition of the original planning permission. In strictest planning terms the condition required that a plan be submitted to and approved by the County Planning Authority, which has been

**Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

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completed, and as such the condition has been met. The concept of the document is to raise the profile and impact of people's travel options, encouraging a move away from reliance on private motor vehicles. It is the nature of a Travel Plan to be a living document that is intended to be reviewed and revised on a regular basis to adapt to changes in circumstances. I note that the Tunstall School Travel Plan appears to have been updated in 2007. The issue of delivering the agreed content of the plan is very much a school management issue. Kent Highway Services has a School Travel Plan Team who work with Schools preparing and reviewing plans, and guiding on the delivery.

33. It is my understanding that the School are beginning the process of preparing a revised Travel Plan. This would be an ideal opportunity to try and address some of the concerns that may have arisen since the previous Plan was prepared. It would be appropriate that the School seeks to consult with their immediate neighbours including the Tunstall Hall Management Committee to feed into the plan making process. Hopeful this would allow discussions to take place that would help an acceptable and practical solution for all interested parties to be prepared and implemented.
34. In my opinion, the alleged non compliance with the current Travel Plan and in turn the non compliance with the original planning permission, is not a material reason to seek refusal of the current application. The proposal permitted or otherwise would not change the situation in that it does not propose additional pupils or visitors to the site that could exacerbate any existing concerns at peak travel times. The principle of a one form entry primary school has long been accepted for this site. I note that the School are already in the process of drafting a revised Travel Plan. Therefore, subject to an informative encouraging engagement with the wider community and all interested parties in this process, I would not raise an objection to the application on highway grounds.

**Continued Need for Mobile Classroom and Temporary Nature of Proposal**

35. I am aware that there are long-term plans to re-locate the school off-site with new purpose built school, but due to Government funding arrangements such proposals have not come forward to date. Whilst it is unfortunate that the building to which this application relates, and indeed the other mobile units, have been on site for a long period of time, I am mindful of the School's need for this particular mobile classroom to be retained in order to maintain essential teaching facilities for one of its seven year groups.
36. Members will note that Policy QL11 of the Kent and Medway Structure Plan supports the continued retention of existing community facilities. Without the guarantee of alternative teaching accommodation at the site to house the existing class, I am mindful of the pressing educational need of the school to retain this current teaching facility. Accordingly, I consider significant weight should be given to this retention of a well supported community facility in this instance.
37. The application is seeking the renewal of temporary planning permission in which the applicants are hopeful that the current situation can be resolved through the bringing forward of a new school site. Whilst I note that the Parish Council, the Village Hall Management Committee and a nearby resident have expressed a desire for permission to be granted for a one year period only, I consider that such time would not be either sufficient or realistic for the applicants to bring forward development proposals and obtain the necessary consents for work to proceed. In particular, it is not feasible to acquire a site, obtain all the necessary consents and construct a new school within a one year timeframe. Moreover, I consider that such a strict timescale would in no way

**Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

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help to bring that process forward because the funding policy and availability of funds is beyond the direct control of the applicants in this case. Under the circumstances, I am mindful of the need to retain teaching facilities at the site, albeit on a temporary basis, and reluctantly agree the further retention of the mobile classroom for a period of up to three years would be appropriate, and consistent with the Committee's recent decision to retain one of the other mobile structures on site.

**Future re-development / re-location of School**

38. Both the Parish Council and Memorial Hall Management Committee have noted that the current school is operating on an extremely tight site with less than ideal teaching facilities. Both organisations and the neighbouring resident have requested to be kept up-to-date on the progress of the proposals to provide a permanent accommodation for the school. Members will note that the applicants have expressed the desire for the school function to be re-located to a new purpose built site, but in the absence of Government funding for this project, this has not been possible to date.
39. Members will also note that it is for the Planning Applications Committee to determine the current proposal, as opposed to having a direct influence over the re-location of the school onto a new site, or the re-development of the existing site with permanent classroom accommodation. Accordingly, as discussed above, I recommend that temporary planning permission be granted for a further period, together with informatives advising the applicants that the County Planning Authority would wish to see permanent replacement accommodation built either at the current site, or on a new site at the earliest possible opportunity, and requesting that the applicant keeps all interested parties regularly appraised of the progress in bring a scheme forward.

**Conclusion**

40. In weighing the considerations set out above, I consider that the design of proposed development is not acceptable as a permanent fixture in this relatively sensitive location. Nevertheless, the mobile unit is largely screened from public views in the context of the wider landscape, street-scene and Conservation Area. I consider that due to the unit's position in relation to the nearby Listed Buildings, the continued retention of the proposed building for a temporary period would not have a significant impact on the setting of either building. Any visual impact from the development would be localised to the immediate vicinity surrounding the unit.
41. In my opinion, the applicant has established that the building is essential to the short-term operation of the school whilst suitable permanent accommodation for the school is established. When balancing the visual impact of the mobile buildings in the context of the character of the surrounding area against the effective operation of the school, I would consider that, in this instance, the continued provision of a community service outweighs the potential impact of a temporary period of planning permission.
42. I further consider that the applicants should be made aware, by way of a suitable informative, of the urgent need to resolve the temporary classroom accommodation at Tunstall Primary School within this three-year time window; requesting that the applicant keeps all interested parties regularly appraised of the progress in bring a scheme forward; and, that as part of the development of any revised Travel Plan process further discussions should take place between the applicant and interested parties before the document is prepared.



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**Recommendation**

43. I RECOMMEND that TEMPORARY PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:
- temporary consent for period of 3 years from date of permission;
  - removal of classroom unit from site at expiration of 3 year period and the subsequent restoration of the site thereafter;

I FURTHER RECOMMEND THAT INFORMATIVES be added to the decision notice advising the applicants that the County Planning Authority would wish to see urgent action taken to resolve the temporary classroom accommodation at Tunstall Primary School during the three-year timescale of the permission, requesting that the applicant keeps all interested parties regularly apprised of the progress in bring a scheme forward, and that as part of the process of preparing a School Travel Plan, the School engage with the local community in an attempt to address any concerns over the traffic generated by the use.

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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**Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

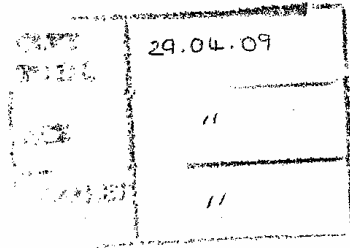
**Appendix 1 – Comments received from Tunstall Memorial Hall Management Committee**

TUNSTALL MEMORIAL HALL  
MANAGEMENT COMMITTEE



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Kent County Council  
Planning Applications Group  
First Floor  
Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX



28<sup>th</sup> April 2009

Dear Sirs

**Renewal of planning consent for existing classroom mobile (single) at Tunstall CE Primary School, Tunstall, – Planning Application No.SW/09/TEMP/0013**

We wish to object to the renewal of this planning consent for the following reasons.

(A). Failure to comply with planning conditions as detailed in Travel Plan dated April 2006

1. When this application for planning consent for this mobile classroom was originally applied for in 2005, the Trustees of Tunstall Village Hall objected to the application on the ground that the increase in pupil numbers for the additional classroom (30 pupils), would represent a significant overloading of the “off highway” pupil pick up and drop off facility provided for the School from the Village Hall car park.
2. At the meeting our concern was shared by Members who recognised the problem and when granting the application included a planning condition requiring the School to produce and implement a Travel Plan which would include management and control by the School of the parent’s use of the pupil pick up and drop off facility. --- The final planning approval was therefore subject to this condition.
3. The School subsequently prepared a Travel Plan which included full details of their proposals for dealing with the pupil pick up and drop off facility, key points are listed below and the full script is attached to this letter.
  - 3.1. *Section 2.10, Access to the School by Car*
  - 3.2. *Section 3.6, School Travel Plan Policy – The Tunstall Traffic Management Policy (TMP) – Enforcement*
4. Since approval of the Plan the School has failed to implement any of their proposals leading to chaos in the car park and difficulties on the highway outside.

**Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

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5. Please note that the Village Hall is booked every weekday afternoon and some early mornings meaning that the car park is part filled with Hall users cars parked for the duration of their hire of the Hall.
6. During the five year period since the original approval, the trustees and Management Committee of the Village Hall have written to the School and its Governors, by letter and e-mail on numerous occasions identifying the misuse of the car park by parents and the absence of any management of the facility provided by the School.
7. Within the past 6 months the Trustees of the Village Hall have become so concerned as to the safety of pupils using the car park that they have expended over £1000 of the Hall funds (the Hall is a registered charity) to install bollards to prevent parents fly parking on the pedestrian paved area adjacent to the School rear entrance.
8. Numerous other suggestions have been made to the School to improve the situation, for example requesting that parents arrive well before the end of the school day, as this blocks up the car park and in the mornings requesting that parents don't wait with their children until the bell rings, which again blocks up the car park. There is no apparent acceptance or implementation of these suggestions.
9. From the above you will see that the School has completely failed to comply with the planning condition relating to the management of the parents use of the car park area, as enshrined in their Travel Plan. For this reason we believe that the current application should be rejected as they have demonstrated they are unable to adhere to the condition.

(B).Inappropriate building design

1. The building is an eyesore and would not be permitted as a permanent development in the Tunstall Conservation area.

(C).Overdevelopment of the site

1. The School now has 211 pupils in 7 classes on a very restricted site requiring 3 temporary mobile units to serve 5 of these 7 classes. Playground provision was further reduced when the third mobile classroom (the subject of this application) was installed 5 years ago and this lack of playground was criticised by Ofsted. The School has approximately 50-60 pupils from the Parish with the remaining 150-160 travelling considerable distances to the School by car with an undesirable environmental impact plus attendant traffic problems, uncontrolled by the School. The School has outgrown the site and needs to relocate to a larger purpose built development suitable for this millennium.

(D).Summary

- On grounds of non compliance with a key condition of the original grant
- On grounds of inappropriate building design, and
- On grounds of overdevelopment of the School site, leading to undesirable environmental impact uncontrolled by the School,
  
- We maintain that this application should be refused on these planning criteria.

**Retention of mobile classroom at Tunstall Church of England (Aided) Primary School, Tunstall – SW/09/286**

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If, however, the Planning Committee takes the view that use of the temporary building is necessary to the continuing short term functioning of the School, before it can relocate to a more suitable site and is minded to grant the application, we firmly believe that the following conditions should apply and be enforced.

- a) The School should produce and implement a Travel Plan which will include provision for safe management and control by the School of the pick up and drop off of pupils by parents from their cars in the Village Hall car park.
- b) Compliance with this condition should be actively monitored by planning officers.
- c) The attention of KCC Education Department, the Diocesan Board of Education and other interested school authorities, shall be drawn by the Planning Committee to the unsuitability on planning grounds of the present over development and use of the site by the enlarged school and the pressing need for the School to relocate on a more appropriate site.
- d) Permission to continue to use the temporary building shall be limited to one year only, after which the Planning Committee will revisit the application in the light of progress made in conditions (a) and (c) above.

Yours faithfully



**D J NUTTING**  
Chairman  
Tunstall Village Memorial Hall Management Committee



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

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

**Background Documents** - The deposited documents.

AS/01/1522/R	Amended site layout and messroom elevations. Ashford Waste Transfer Station, Brunswick Road, Ashford
DO/08/510/R25	Details pursuant to condition (25) of planning permission DO/08/510 for aftercare, maintenance and management scheme for wildlife habitat. Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich
DO/09/68	Amendment to planning permission DO/03/477 to enable additional waste types to be accepted and amendment to conditions 2 & 3 to allow for the siting of 4 containers for the storage of additional wastes. Commercial Waste & Processing Centre, Richborough Hall, Ramsgate Road, Richborough, Sandwich
SE/08/3170	Installation of landfill gas utilisation plant for the management and recovery of energy from landfill gas. Greatness Quarry, Bat and Ball Road, Sevenoaks
SE/09/2	Application to vary condition (29) and (30) of permission SE/98/234 to retain the Cowden Exploration site, access, and wellhead valve assembly for a further period of one year to complete current planned testing operations. Cowden Exploration Site, Field No. 0002, Claydene Farm, off Hartfield Road, Cowden, Edenbridge
SW/09/198	Section 73 application to vary the requirement in condition 18 of SW/05/1203 to install and use a wheel cleaner and to seek approval for the installation of an additional water tank at the site pursuant to condition 3, a revised as built layout of the site pursuant to condition 4 and submission of a closure report to satisfy the outstanding requirements of condition 7 of SW/05/1203. Ballast Phoenix Ltd, Ridham Dock Industrial Complex, Iwade, Sittingbourne
TM/08/2654	Change of use of land to use as a skip hire waste transfer and recycling station and construction of a weighbridge, diesel and oil storage tanks, portacabin offices and industrial building. Any Waste Solution Ltd, Mid Kent Business Park, Sortmill Road, Snodland
TM/07/3920/R32	Details of Haul Road to be retained pursuant to condition (32) of planning permission TM/07/3920. Offham Landfill, Teston Road, Offham, West Malling

- TM/08/3762 Variation of Condition 15 of planning consent TM/98/2045/MR92 to allow retention of current access (originally approved under reference TM/81/1009).  
Arnolds Lodge, East Peckham Quarry, Hale Street, East Peckham, Tonbridge
- TW/09/523 Variation of conditions of planning consent TW/05/392, variation of condition (2) to allow the permanent use of land for green waste composting operation and condition (7) to amend site layout to allow further enclosure of the existing operation.  
Conghurst Farm, Conghurst Lane, Hawkhurst, Cranbrook

**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.

- DO/09/169 DOVER DISTRICT COUNCIL – Restoration of existing memorial installation of memorial seat, creation network of paths and occasional glades in woodlands  
Bleriot Memorial, Dover
- DO/09/50 DOVER DISTRICT COUNCIL – Installation of generator and erection of 1.8 metre high fence  
Dover District Council, White Cliffs Business Park, Honweywood Close, Whitfield, Dover
- MA/09/153 MAIDSTONE BOROUGH COUNCIL – provision of 4 no. flood lights for an upgraded multi use games area  
Parkwood Recreation Ground, Bicknor Road, Maidstone
- MA/09/375 MAIDSTONE BOUROUGH COUNCIL – erection of covered walkway extension to cloisters and alterations to crematorium building including installation of air blast cooler, condenser unit and alterations to fenestration including insertion of access door to roof void  
Vinters Park Crematorium, Bearsted Road, Boxley, Maidstone
- TH/09/142 THANET DISTRICT COUNCIL – use of land for the siting of beach huts  
Thanet Coastal Promenade and Beaches, Promenade, Westgate-on-Sea
- TH/09/162 THANET DISTRICT COUNCIL - erection of detached dwelling with associated parking – 2 bedrooms  
Land Between 77 – 79 Fairfield Road, Ramsgate

TM/09/910

TONBRIDGE & MALLING BOROUGH COUNCIL – refurbishment and extension of existing grounds maintenance building – 49m<sup>2</sup>  
Poultwood Golf Course, Higham Lane, Tonbridge

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

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

**Background Documents** – The deposited documents.

- AS/06/2071/R6      Details of landscaping – Erection of a detached 3 storey block of 36 extra care apartments for the elderly.  
Land at Hopkins Field, Eastern Avenue, Ashford
- AS/07/1578/R6      Details of a scheme of landscaping and tree planting.  
Oak Tree Primary School, Oak Tree Road, Ashford
- AS/09/144            Retention of existing mobile classrooms.  
Mersham Primary School, Church Road, Mersham
- AS/09/148            Retention of existing mobile building consisting of 2 classrooms, toilet and small hall.  
Willesborough Infants School, Church Road, Willesborough, Ashford
- AS/09/145            Retention of existing mobile classroom and toilets.  
St Michael's C of E Primary School, Ashford Road, St Michael's, Tenterden
- AS/09/156            Retention of existing mobile changing room.  
The Norton Knatchbull School, Hythe Road, Ashford
- AS/09/193            Removal of existing timber fencing fronting Maidstone Road and replacement with black bow top steel railings.  
Highworth Grammar School, Quantock Drive, Ashford
- AS/09/233            Formation of a new fire exit door to school hall.  
Mersham Primary School, Church Road, Faversham
- AS/09/289            Retention of existing mobile classroom unit.  
Downs View Infant School, Ball Lane, Kennington, Ashford
- AS/09/298            Retention of a mobile classroom  
Victoria Road Primary School, Victoria Road, Ashford
- CA/08/271/R        Amendments to the height, materials and fenestration of the central food block.  
The Community College Whitstable, Bellevue Road, Whitstable

CA/08/271/RA	Amendments to the approved scheme including the addition of external stores and an external plant area and replacing of glazing to the Central Food area with timber cladding The Community College Whitstable, Bellevue Road, Whitstable
CA/08/271/R18	Formal request to temporarily vary the terms of condition 18 to allow works between 8.30am and 5pm over the weekend of the 21 <sup>st</sup> and 22 <sup>nd</sup> March 2009. The Community College Whitstable, Bellevue Road, Whitstable
CA/08/316/R9	Details of landscaping scheme pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R16	Temporary variation of condition (16) to allow weekend working. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/316/R32	Details of programme of building recording pursuant to planning permission CA/08/316. Herne Bay High School, Bullockstone Road, Herne Bay
CA/08/516/R3, R4 & R	Details of the colour finish to the lighting columns and fencing, a scheme of landscaping and amendments to the approved scheme including removal of the storage hut and link path, relocation of the gates and level changes. Victoria Memorial Recreation Ground, Knight Avenue, Canterbury
CA/08/686/R2	Amendments to reception and office extensions pursuant to condition (2) of planning permission CA/08/686. St. Stephens Junior School, Hales Drive, Canterbury
CA/08/1157/R3	Details of all materials to be used externally and minor amendments to the approved scheme The Canterbury Campus, Knight Avenue, Canterbury
CA/09/170	Addition of modular building to provide single storey accommodation for day care nursery/baby unit. St Stephens Junior School, Hales Drive, Canterbury
CA/09/353	Renewal of 2 no. mobile classroom units. Simon Langton Girls School, Old Dover Road, Canterbury
CA/09/403	Retention of an existing mobile classroom unit. Barham C of E Primary School, Valley Road, Barham, Canterbury
DA/07/1104/R3	Details of all materials to be used externally. Dartford Grammar School, West Hill, Dartford
DA/08/982/R	Amendments to the approved scheme including addition/omission of windows and alterations to the eaves profile. The Manor School, Keary Road, Swanscombe



DA/08/982/R3, 4 5,8,11,13, 14 & 20	Details of external materials, external lighting, a scheme of landscaping, fencing, gates and means of enclosures, surface water drainage, programme of archaeological works, foundation designs and construction traffic management measures. The Manor School, Keary Road, Swanscombe
DA/09/386	Renewal of planning consent for the retention of one mobile classroom unit. Wilmington Enterprise College, Common Lane, Wilmington, Dartford
DO/06/1247/R3 & R4	Details of a scheme of landscaping and details of all boundary treatment. Roly Eckoff House, Roosevelt Road, Dover
DO/08/724/R	Minor amendment to window on north-east elevation of building. Charlton C of E Primary School, Barton Road, Dover
DO/08/1006/R3, 4 & 5	Details of external materials (3), landscaping (4) and external lighting (5) of planning permission DO/08/1006. St. Josephs Catholic Primary School, Ackholt Road, Aylesham
DO/08/1347	Change of use of former Melbourne Primary School, Dover for office use from KCC Children, Families and Education and KCC Adult Social Services. Thistley Hill, Former Melbourne CP School, Melbourne Avenue, Dover
DO/09/61	Proposed extension to create additional office accommodation. Nonington CE Primary School, Church Street, Nonington
DO/09/179	Renewal of planning permission for an existing mobile classroom. Sir Roger Manwood's School, Manwood Road, Sandwich
DO/09/259	Installation of covered walkway. The Downs CE Primary School, Owen Square, Walmer, Deal
DO/09/260	Creation of dedicated pedestrian access alongside existing vehicular access. Lydden Primary School, Stonehall Road, Lydden, Dover
GR/08/121/R4A	Amendments to details of materials/cladding. St John's Catholic Comprehensive School, Rochester Road, Gravesend
GR/08/154/R3A	Amendments to details of external materials as previously approved pursuant to condition 3 of planning permission GR/08/154. Thamesview School, Thong Lane, Gravesend
GR/08/154/R5	Details of external lighting. Thamesview School, Thong Lane, Gravesend
GR/08/1034/R2	Details of a landscape scheme pursuant to condition (3) of planning permission GR/08/1034 for replacement classroom block. Holy Trinity School, Trinity Road, Gravesend

GR/09/126	New log store. Shornewood Country Park, Brewers Road, Shorne, Gravesend
GR/09/193	Single storey modular building with flat roof and brick clad external walls including canopies to the front and rear, 3 parking spaces (Revision of planning permission GR/07/591) Shears Green Infant School, Packham Road, Northfleet, Gravesend
MA/06/1933/R6	Details of ground condition report pursuant to planning permission MA/06/1933 for new apartment buildings. Land at Tovil Green, Maidstone
MA/08/717/R2A	Minor amendments to windows pursuant to condition (2) of planning permission MA/08/717. St. Margarets CEP School, Collier Street, Marden, Tonbridge
MA/08/1645/R	Amendment of surfacing of the access way from Netlon 50 to porous tarmac (Netlon 50 to remain in sports pitch run off area). Bower Grove School, Fant Lane, Maidstone
MA/09/56	New extension to incorporate area for breakfast club, quiet therapy resource, staff study rooms and toilets. Lenham Primary School, Ham Lane, Lenham, Maidstone
MA/09/148	Replacement of temporary head-teachers office with larger temporary office unit. Platts Heath Primary School, Headcorn Road, Platts Heath, Maidstone
MA/09/162	Retention of a mobile classroom unit. Platts Heath Primary School, Headcorn Road, Platts Heath, Maidstone
MA/09/190	Retention of 2 existing mobile classroom units. Sandling Primary School, Ashburnham Road, Penenden Heath, Maidstone
MA/09/471	Retention of existing mobile classroom Marden Primary School, Goudhurst Road, Marden, Tonbridge
MA/09/472	Construction of a timber framed shelter with a polycarbonate roof. Archbishop Courtenay C of E Primary School, Church Road, Tovil
MA/09/517	Additional teaching space. Bredhurst C of E Primary School, The Street, Bredhurst, Gillingham
MA/09/525	Retention of two mobile classrooms. Park Way Primary School, South Park Road, Maidstone
SE/07/1914/R2	Amendments to elevations of Knoll Block – Erection of new two storey teaching block. Valence School, Westerham Road, Westerham

SE/07/1914/R2A	Amendments to teaching block to include escape walkways – Erection of new two storey teaching block. Valence School, Westerham Road, Westerham
SE/07/1914/R8	Details of external lighting – Erection of four new single storey residential blocks. Valence School, Westerham Road, Westerham
SE/07/1914/R10	Report on Historic Building Survey – Erection of four new single storey residential blocks. Valence School, Westerham Road, Westerham
SE/08/1896/R6	Details of reptile mitigation strategy pursuant to condition (6) of planning permission SE/08/1896. Lullingstone Country Park, Kingfisher Bridge, Castle Road, Eynsford
SE/09/209	Erection of an external store room for P.E equipment. Horton Kirby C of E Primary School, Horton Road, Horton Kirby, Dartford
SE/09/392	Alteration to window and door openings to ground and first floor elevations and addition of sunpipes and windcatcher terminals to roof slopes over first floor corridor, in connection with the refurbishment of the existing first floor residential centre and ground floor training suite. Allsworth Court, St.Davids Road, Hextable
SH/07/1496/R3	Details of external materials pursuant to condition 3 of planning permission SH/07/1496. St. Nicholas Primary School, Fairfield Road, New Romney, Romney Marsh
SH/07/1496/R8	Details of foul & surface water drainage scheme pursuant to condition 8 of planning permission SH/07/1496. St. Nicholas Primary School, Fairfield Road, New Romney, Romney Marsh
SH/08/1061/R2	Revised details of planting pursuant to condition 2 of planning permission SH/08/1061. The Folkestone Academy, Academy Lane, Folkestone
SH/09/23	Demolition of swimming pool and extension of car parking facilities. DDA improvements to rear entrance. Brook Education Centre, Parkfield Road, Folkestone
SH/09/43	Erection of a front/side extension to the existing building. Sandgate Primary School, Coolinge Lane, Folkestone
SH/09/88	Retention of existing mobile classroom unit. Palmarsh Primary School, St. Georges Place, Hythe
SH/09/117	Planning permission for four existing mobile classrooms. Highview School, Moat Farm Road, Folkestone

SH/09/242	Renewal of temporary planning permission for an existing mobile classroom and library complex. Selsted C of E Primary School, Wootton Lane, Selsted
SH/09/276	Retention of an existing mobile classroom unit. The Folkestone School for Girls, Cooling Lane, Folkestone
SW/04/1453/R24 & R25	Details of ecological mitigation and management plan and details of bat protection measures. Proposed Sittingbourne Northern Relief Road
SW/08/930/R8	Details of tree planting pursuant to condition (8) of permission SW/08/930. St.Georges CE Middle School, Chequers Road, Minster-on-Sea, Sheerness
SW/08/948	Installation of 6KW Wind Turbine. Eastchurch C of E Primary School, Warden Road, Eastchurch, Sheerness
SW/09/55	Installation of floodlight units on two 4 metre poles in the school car park Newington CE Primary School, School Lane, Newington, Sittingbourne
SW/09/125	Office and entrance extensions with linking trellis. Luddenham Primary School, Luddenham, Faversham
SW/09/229	Extensions to the classrooms and internal alterations and associated works South Avenue Junior School, South Avenue, Sittingbourne
TH/06/1170/R6 & R11	Details of a scheme of landscaping and an archaeological watching brief. Appleton Lodge, Rumfields Road, Broadstairs
TH/07/1438/R2	Details of a landscaping scheme pursuant to condition (2) of planning permission TH/07/1438. Birchington Primary School, Park Lane, Birchington
TH/08/167/R8	Details pursuant to condition (8) - External Materials. St Georges Church of England Foundation School, Westwood Road, Broadstairs
TH/08/167/R11A	Amendment to details previously approved pursuant to condition 11 – Landscaping. St George’s Church of England Foundation School, Westwood Road, Broadstairs
TH/08/727/R4 & R5	Details of canopy and cycle parking pursuant to conditions 4 & 5 of permission reference TH/08/727 for a Children’s Centre Community Learning Centre, St. Pauls Road, Cliftonville, Margate

TH/08/788/R3	Details of acoustic fencing pursuant to condition 3 of planning permission TH/08/788. Birchington CE Primary School, Park Lane, Birchington
TH/09/71	2 storey building with a linked covered walkway, extension to the car park and senior football pitch with running track. Ellington School for Girls, Newlands Lane, Ramsgate
TH/09/107	Erection of a shed on a hard standing base. Newington Children's Centre, Princess Margaret Avenue, Ramsgate
TH/09/147	Installation of a temporary storage container. St Peter in Thanet C of E Junior School, Grange Road, Broadstairs
TH/09/168	Installation of 2m high metal open-railing fencing on perimeter wall and infill of stepped entrance to match existing wall. Surestart Margate, Six Bells Childrens Centre, 201 High Street, Margate
TH/09/185	Erection of a community building to the front of the school and an administration area extension to the front of the existing school building Christ Church C of E Junior School, London Road, Ramsgate
TH/09/200	To extend the building to house 2 offices Salmestone Primary School, College Road, Margate
TM/06/3385/R	Minor amendments to the footprint, roof pitch and elevational treatment, including the introduction of brick piers. Land at Former Mill Stream School, Mill Street, East Malling
TM/06/3385/R3 & R5	Details of materials to be used externally and details of external lighting pursuant to conditions 3 & 5 of planning permission TM/06/3385 Land at the former Millstream School, Mill Street, East Malling
TM/07/1735/R3 & R9	Provision of a single, non-floodlit all weather pitch and a single, non-floodlit multi-use games area - Details of a tractor shed and revised landscaping scheme pursuant to conditions (3) & (9) of planning permission reference TM/07/1735 Hugh Christie Technology College, Norwich Avenue, Tonbridge
TM/08/2857/R12	Details of surface water drainage – Erection of a new special school, parking, play area, landscaping and ancillary works. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TM/08/2857/R11	Details of an archaeologist and specification for an archaeological watching brief – Erection of a new special school, parking, play area, landscaping and ancillary works. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TM/08/2857/R3 7, 8, 19	Erection of a new special school, parking, play area, landscaping and ancillary works – Details of external materials, fencing and paving. Wrotham School, Borough Green Road, Wrotham, Sevenoaks

TM/08/2857/R23 R24, R25 & R26	Erection of a new special school, parking, play area, landscaping and ancillary works – Details of contractor’s site compound, access, circulation and parking, school pedestrian routes and wheel wash proposals. Wrotham School, Borough Green Road, Wrotham, Sevenoaks
TM/09/263	Construction of a building to provide accommodation for a staff ‘Planning, Preparation and Assessment’ (PPA) facility and an extended hours activity centre. St. Katherines School, St. Katherines Lane, Snodland
TM/09/688	Conversion and extension of existing sixth form building to form new autistic unit Hayesbrook School, Brook Street, Tonbridge
TW/07/2426/R10 14,15&16	Details of biodiversity enhancement measures, a mitigation strategy for dormice, a mitigation strategy for reptiles, a mitigation strategy for badgers and information regarding birds, bats and the felling of trees. Sissinghurst Primary School, Common Road, Sissinghurst
TW/07/2721/R3 4,5,6,7,8	Details pursuant to conditions 3 (external materials), 4 (cycle parking), 5 (fencing), 6 (canopy), 7 (buggy store) and 8 (landscape scheme) of planning permission TW/07/2721 for a childrens centre. Broadwater Down Primary School, Broadwater Lane, Tunbridge Wells
TW/09/85	New music room extension to existing classroom. Claremont Primary School, Banner Farm Road, Tunbridge Wells
TW/09/250	Replacement of fencing along eastern boundary with 2m black railing fencing to match existing along Chestnut Avenue boundary. The Skinners School Playing Fields, Southfields Park, Chestnut Avenue, Tunbridge Wells
TW/09/383	Renewal of planning permission for a mobile building and addition of 2 bay mobile building. Cranbrook Primary School, Carriers Road, Cranbrook
TW/09/806	3 parking spaces for use by the Children's Centre staff St. Pauls CE Junior School, Burdett Road, Rusthall, Tunbridge Wells
TW/09/966	A single storey extension with a ramp access. St James’ CE Infant School, Sandrock Road, Tunbridge Wells

## **E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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### **Background Documents –**

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

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

DC29/09/DA/0001 – Tidal Thames Quality Improvements at Long Reach Sewage Treatment Works, Dartford.

DC29/TW/09/Temp/0006 - Variation of conditions of planning consent TW/05/392, variation of condition (2) to allow the permanent use of land for green waste composting operation and condition (7) to amend site layout to allow further enclosure of the existing operation.  
Conghurst Farm, Conghurst Lane, Hawkhurst, Cranbrook

AS/09/Temp/0019 - Victoria Way (initial phase) - The provision of a new single carriageway (2-way) with footways between the existing Leacon Road in the west and the existing Victoria Road in the east and creation of a new town square (Victoria Square) at the west end of Victoria Road at the area of land between the east of Leacon Road and the western elevation of No. 40 Victoria Road, Ashford

CA/09/Temp/0017 - New slip road linking from the existing A28 Thannington Road to the existing A2 dual carriageway. The scheme will provide access onto the A2 London Bound from the Wincheap and Thannington Without Area. Demolition of former Community Centre building, relocation of existing BMX track and formalisation of parking spaces for existing Community Centre building.  
A28 Thannington Road and A2 Canterbury By-Pass, Thannington Without, Canterbury

DO/09/Temp/0007 – Proposed Green Waste Composting Site at land at Venson Road, Tilmanstone, Deal

MA/09/Temp/0013 – Application for additional teaching space.  
Bredhurst C of E Primary School, The Street, Bredhurst, Gillingham

SE/09/Temp/0010 – Erection of a timber shelter and associated tarmac surfacing.  
Fordcombe C of E Primary School, The Green, Fordcombe, Tunbridge Wells

SE/09/Temp/0013 – Provision of a hard-standing area, trail and pathways, creation of a small-turfed mound.

Penshurst C of E Primary School, High Street, Penshurst, Tonbridge

SH/09/Temp/0012 - Engineering operations to enlarge windrow operational area; use of spoil to create bund; provision of new landscaping; and amendments to details approved under existing conditions and variations of existing conditions - as follows - conditions 2, 3 & 5 of planning permission SH/03/62; condition 9 of planning permission SH/03/719; condition 10 of planning permission SH/05/792; and condition 14 of planning permission SH/08/357.

Hope Farm, Crete Road East, Hawkinge, Folkestone

SH/09/Temp/0014 - Proposed Development at Lyminge Primary School, Church Road, Lyminge, Folkestone for a new extension including toilet and small teaching area.

SH/09/Temp/0017 – Application for a new build single storey extended schools facility.

Lympne C of E Primary School, Octavian Drive, Lympne

SH/09/Temp/0018 – Application for a new 0.5FE Primary School for Seabrook C.E Primary School with associated playing field, parking and turning facilities, access road and new level games pitch. Land off Eversley Road, Eversley Road, Seabrook

SW/09/Temp/0020 – Extension of existing playground.

Selling C of E Primary School, The Street, Selling, Faversham

TM/09/Temp/0011 - Section 73 application for the continued management of the restored land without compliance with the Habitat Management Scheme approved pursuant to condition 15 of planning permission TM/03/2653 at the former Burham Tip, Island Site, Bull Lane, Eccles

TW/09/Temp/0014 – Application for a single storey infill classroom extension for the teaching of Design & Technology and Textile, with associated external access arrangements.

Broomhill Bank School, Broomhill Road, Tunbridge Wells

TW/09/Temp/0011 – Demolition of existing portable classrooms/nursery and construction of single storey classrooms/nursery.

Sandhurst Nursery, Rye Road, Sandhurst, Cranbrook

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

DC29/09/DA/0002 - Re-restoration of Stone Pits 9 and 9a, Dartford.



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

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

**Background Documents** -

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

DC29/09/AS/0001 – Proposed Operation Stack Lorry Park at Land South of M20 Motorway, at Smeeth/Aldington, Kent

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