

PLANNING APPLICATIONS COMMITTEE

Tuesday, 11th May, 2010

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 11th May, 2010, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

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

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

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 13 April 2010 (Pages 1 - 4)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application SW/09/894 - Small scale biomass power plant within an existing and extended building for the regeneration of renewable energy from low grade waste wood at Ridham Dock Road, Iwade, Sittingbourne; Countrystyle Recycling Ltd (Pages 5 - 22)
2. Application TW/10/33 - Temporary drilling site with temporary road access. Drilling of well bores to evaluate hydrocarbon potential. Conduct of a well test to establish performance. Return to agricultural use at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough; Midmar Energy UK Ltd (Pages 23 - 60)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TM/10/185 - Artificial grass sports pitch with perimeter ball-stop fencing, floodlights, pedestrian spectators area and pathway at Hayesbrook School, Brook Street, Tonbridge; Governors of Hayesbrook School (Pages 61 - 84)
2. Proposal TM/10/127 - Removal of existing modular building and replacement with a new modular building at St Stephen's Primary School, Royal Rise, Tonbridge; Governors of St Stephen's School and KCC Property Group (Pages 85 - 96)
3. Proposal DO/09/477 - Outline application for a 40 bed extra care sheltered development for the elderly including 20 1-bed apartments, 20 2-bed apartments, residents' communal areas and staff facilities at Cornfields Residential Care Centre, Cranleigh Drive, Whitfield, Dover; Kent Adult Social Services (Pages 97 - 114)

4. Proposal SH/10/141 - Replacement of a wooden fence with a 1.8 metre high metal fence at Lyminge CEP School, Church Road, Lyminge, Folkestone; Governors of Lyminge CEP School and KCC Children, Families and Education (Pages 115 - 122)
5. Proposal SW/09/1215 - One form of entry. primary school to be developed in one phase with all external facilities including playgrounds, sports field and parking at open ground situated to the north of the B2231, Leysdown Road, close to the junction with Warden Bay Road, Leysdown on Sea, Sheerness; KCC Children, Families and Education. (Pages 123 - 152)
6. Proposal SW/10/333 - Three mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne; KCC Children, Families and Education (Pages 153 - 162)

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.)

Friday, 30 April 2010

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 13 April 2010.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mr T Gates, Mr C Hibberd, Mr G A Horne MBE, Mr J D Kirby, Mr R J Lees, Mr R A Pascoe, Mr M Robertson, Mr C P Smith, Mr K Smith and Mr A Willicombe

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Team Leader - County Council Development), Mr J Wooldridge (Team Leader - Mineral Developments), Mr P Hopkins (Principal Planning Officer), Mr J Moat (Planning Officer), Mr R White (Transport and Development Business Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

20. Minutes - 16 March 2010

(Item 4)

RESOLVED that the Minutes of the meeting held on 16 March 2010 are correctly recorded and that they be signed by the Chairman.

21. Site Meetings and Other Meetings

(Item A4)

The Committee noted that the site visit to Straw Mill Lane, Tovil would be held that afternoon following the meeting and that there would be no site visit or training session following the May Committee meeting.

22. Applications TM/09/3231-3236 - Variation of Condition 1 of Permission TM/08/3353 to allow waste to be sourced from the following local authority areas (in addition to Kent and Medway) at New Earth Composting Plant, Blaise Farm Quarry, Kings Hill, West Malling; New Earth Solutions Group Ltd.

(Item C1)

(1) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 11 votes to 2 with 1 abstention.

(2) RESOLVED that:-

- (a) permission be granted to Applications TM/09/3232 (to allow waste to be sourced from Kent, Medway and Surrey) and TM/09/3233 (to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, West Sussex and Brighton and Hove) subject to the prior completion of a modified Section 106 Agreement (Unilateral Undertaking) repeating the existing obligations contained in the latest legal agreement relating to a liaison group, HGV routing and restoration; and to the conditions imposed on Permission

TM/08/3353 (dated 25 August 2009) as amended by Permission TM/09/2661 (dated 11 January 2010) being repeated;

- (b) permission be partially granted to Application TM/09/3231 (to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, West Sussex, Brighton & Hove, all London Boroughs, Thurrock, Essex and Southend) subject to the prior completion of a modified Section 106 Agreement (Unilateral Undertaking) repeating the existing obligations contained in the latest legal agreement relating to a liaison group, HGV routing and restoration and:-
- (i) the waste catchment area being limited to:-
- Kent, Medway, Surrey, East Sussex, West Sussex, Brighton & Hove for the life of the facility;
 - LB Bromley and LB Bexley for a temporary period until 31 December 2015; and
 - Essex for a temporary period until 31 March 2014 and additionally limited to no more than 10,000tpa; and
- (ii) the other conditions imposed on Permission TM/08/3353 (dated 25 August 2009) as amended by Permission TM/09/2661 (dated 11 January 2010) being repeated; and
- (c) permission be refused in respect of Applications TM/09/3234 (to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, West Sussex, LB Bromley, LB Bexley, Thurrock and Essex), TM/09/3235 (to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, West Sussex, Brighton and Hove, LB Bromley, LB Bexley and Thurrock) and TM/09/3236 (to allow waste to be sourced from Kent, Medway, Surrey, East Sussex, LB Bromley, LB Bexley and Thurrock) because the importation of waste from outside the South East region would be contrary to South East Plan Policies W3 and W4 as it would fail one or more of the "tests" set out in these policies and in the Plan's supporting text and could also prejudice the ability of the South East region to meet the targets for diversion from landfill and recycling and composting set out in Policies W5 and W6 of the Plan or discourage the provision of new facilities in London and the East of England. There are no material planning considerations of sufficient strength to overcome these grounds for refusal.

23. Application TW/10/33 - Temporary drilling site with temporary road access. Drilling of well bores to establish hydrocarbon potential. Conduct of a well test to establish performance. Return to agricultural use upon termination at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough; Midmar Energy UK Ltd
(Item C2)

- (1) The Head of Planning Applications Group reported the comments of the local Member, Mr J A Davies raising no objection to the application.

(2) Mr G A Horne moved, seconded by Mr C P Smith that consideration of this Application be deferred pending consultation with Tonbridge and Malling Borough Council (particularly with regard to access to the site).

Carried by 8 votes to 4

(3) RESOLVED that consideration of this Application be deferred pending consultation with Tonbridge and Malling Borough Council (particularly with regard to access to the site).

24. Proposal AS/10/20 - Cable stay footbridge over the M20 Motorway to the east of Junction 9 between Eureka Leisure Park and Warren Retail Park, Ashford; KCC Highways Services

(Item D1)

(1) The Head of Planning Applications Group reported the response from Ashford Borough Council raising no objection to the Proposal subject to various conditions.

(2) RESOLVED that:-

- (a) permission be granted to the Proposal subject to conditions, including conditions covering the standard time limit: the development being carried out in accordance with the permitted details; details of all materials, finishes, signage and lighting; submission for approval of details, implementation and subsequent maintenance of landscaping proposals; no works commencing until a construction method is submitted and approved, with the construction thereafter being carried out in accordance with the approved method statement; no works commencing (other than site clearance) until structural and earthworks technical approvals and approvals for all relevant departures from the standards within the Design Manual for Roads and Bridges have been given; no works commencing (other than site clearance) until a method statement for maintenance of the works has been submitted and approved; no works commencing (other than site clearance) until the applicant has demonstrated that safe and satisfactory access can be provided for the purposes of maintaining the development in accordance with the method statement for maintenance of the works; submission for approval of a method for piling foundations; submission for approval of a scheme for compensatory flood storage; drainage; ground contamination; a water vole survey, protection and mitigation plan; other outstanding protected species surveys, mitigation, monitoring and management, as appropriate; biodiversity enhancement, monitoring and management, as appropriate; submission for approval of specifications and implementation of a programme of archaeological work; measures being implemented to control dust and to prevent mud and debris being taken onto the public highway; details of the site compound and temporary accommodation for contractors; and details of parking for contractors' vehicles; and

- (b) the applicant be advised by Informative that account should be taken of the Environment Agency's advice relating to the diversion of Bockhanger Dyke; and of the need for licences in respect of protected species and fish, and fuel, oil and chemical storage.

25. Proposal TM/09/3102 - Extension of the existing car park at Woodlands Infant School, Higham School Lane, Tonbridge; Governors of Woodlands Infant School and KCC Property Group

(Item D2)

RESOLVED that permission be granted to the proposal subject to Conditions including conditions requiring ecological inspection prior to removal of any trees at the site; installation of tree protection measures prior to works commencing for those trees that are to be retained at the site; and replacement planting and maintenance being carried out.

26. Proposal DO/09/1189 - Movement of existing gates to entrance of campsite by approximately 6 metres into premises and painted green at Kearsney Campsite, Kearsney Avenue, Dover; KCC Youth Services

(Item D3)

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; materials being fitted to the gates' hinges, leading edges, locking and closing to reduce the noise of the gates opening and closing; and the gates being painted in a green colour to be agreed

27. County matters dealt with under delegated powers

(Item E1)

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 and 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.

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

SW/09/894 – Installation of a small scale biomass power plant within an existing and extended building for the generation of renewable energy from low grade waste wood at Ridham Dock Road, Iwade, Sittingbourne, Kent

A report by Head of Planning Applications Group to Planning Applications Committee on 11 May 2010.

SW/09/894 – Installation of a small scale biomass power plant within an existing and extended building for the generation of renewable energy from low grade waste wood at Ridham Dock Road, Iwade, Sittingbourne, Kent ME9 8SR (MR. 921 674)

Recommendation: Permission BE GRANTED subject to conditions.

Local Member: Mr A Willicombe

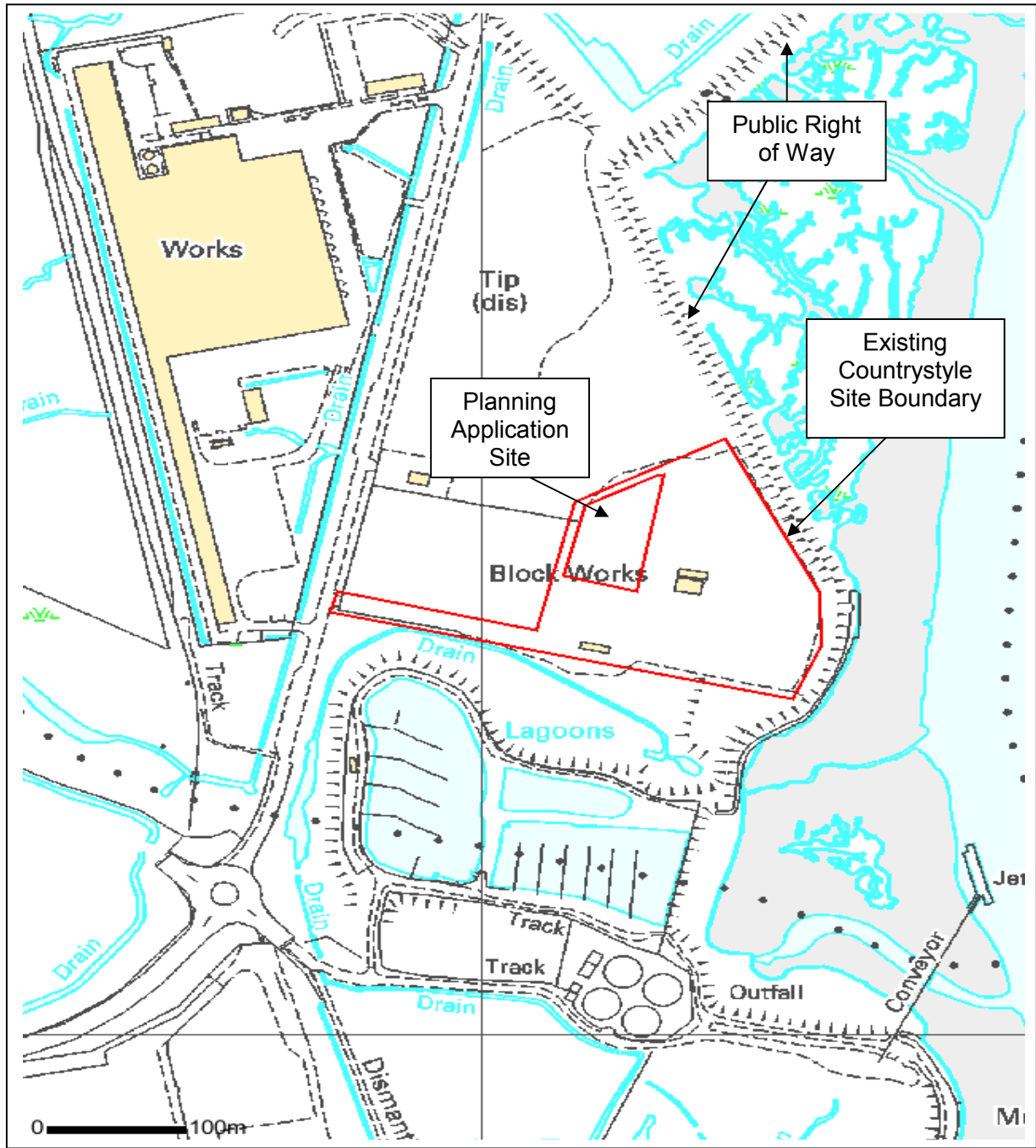
Classification: Unrestricted

Background

1. Planning permission was granted in 2006, for a material recovery facility (MRF), in-vessel composting facility and the continuation of secondary aggregate recycling operations at the Countrystyle Recycling site, Ridham Dock, under planning consent reference SW/05/1392. Under its current consent the site is permitted to handle some 31,000 tonnes of compostable waste and 35,000 tonnes per year of recyclable waste through the MRF. Whilst the permission also allows for the continuation of 10,000 tonnes per annum of secondary aggregate recycling, this activity appears to have all but ceased and replaced with shredding of low grade wood waste.

Site Description and Proposal

2. The site itself lies some 2km north of Kemsley, 2.1 km to the east of Iwade and 1.2km to the east of the A249. It lies close to habitats which form part of the Swale SSSI and the Medway Estuary and Marshes Ramsar site respectively. A site location plan is attached.
3. A planning application has been submitted by Bioflame Limited, in partnership with Countrystyle Recycling, for the installation of a small scale biomass power plant within the dedicated MRF building located on the existing Countrystyle Recycling Limited site, for the generation of renewable energy from the low grade wood waste currently being shredded on site. It is proposed to extend the MRF building in order to accommodate the wood processing/shredding activity, thereby fully enclosing the operation. Whilst the wood waste



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NOT TO SCALE



Ridham
Dock
Industrial
Area

Existing
Countrystyle
Recycling
Site

A249

0 500m

shredding activity is not currently permitted, the wood waste is nevertheless already available on site as part of the MRF. The only external element proposed would be a transformer and stack, which with a diameter of some 1.3 metres, would have a height of approximately 16 metres.

4. The intention would be for Bioflame to provide the plant and operate the system on a daily basis and for Countrystyle to supply the low grade wood waste to feed the plant.

Process

5. In terms of process, it is proposed that some 30,000 tonnes per annum of recovered biomass (i.e. pre-shredded material) is fed via a walking floor/fuel handling area into two thermal combustion units, which would be maintained at a constant temperature of 850°C. During the time of exposure to these temperatures, the biomass releases combustion gases which pass through residence chambers. These chambers are designed to maintain the temperature of the combustion gases for a minimum of 2 seconds to ensure clean burn and eliminate any traces of carbon. The combustion gases leave the residence chambers and enter a boiler in order to produce steam. This steam is then passed through a turbine generating electrical power to be exported into the National Grid.
6. After the steam has released its energy through the steam turbine, it is condensed back into water using a closed loop system thus allowing water to be continuously recycled through the boiler. The applicant has indicated that this 'closed loop system also has the potential to be used for a range of heating applications should they become available in the future, representing an opportunity for the plant to become a combined heat and power source (CHP). Flue gasses leaving the boiler would be passed through two filters in order to remove particulate and prevent any unwanted emissions prior to leaving via a stack. This element of the process would be measured and strictly monitored by the Environment Agency under the terms of an Environmental Permit following any planning consent gained by the applicant.
7. The bottom ash from the process would represent between 1% to 5% of the total throughput. The material would be collected in sealed wetted bins which the applicant considers given it would be classified as non-hazardous has the potential for use as a soil conditioner or second grade aggregate and would be used off site.

Proposed Hours of Operation

8. Whilst the proposed biomass plant itself would require to be operational on a 24 hour basis, waste wood deliveries, shredding and the acceptance of fuel into the handling area would remain within the current permitted hours of 0530 and 1800 (Monday to Saturdays and Public Holidays).

HGV movements

9. Currently the site is restricted to a combined total for all permitted uses at the site, of some 132 daily vehicle movements which equates to 66 vehicles in and 66 out. The delivery of the wood waste it is proposed to utilise in the plant is already included in the current vehicle figures, therefore the proposed development would not result in any net increase in vehicle movements to the site.

Environmental Statement

10. The application is also accompanied by an Environmental Statement which seeks to predict the potential environmental effects from the development on a range of sensitive environmental receptors and proposes a number of mitigation measures to ensure such impacts would be kept to an acceptable level.

Planning Policy Context

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

National Planning Policy – National Planning Policies are set out in PPS10 (Planning for Sustainable Waste Management) and PPS23 (Planning and Pollution Control).

The South East Plan May 2009

Policy W5: Targets for diversion from landfill. A substantial increase in recovery of waste and a commensurate reduction in landfill is required in the region.

Policy W11: Waste collection, planning and disposal authorities should encourage the separation of biomass waste, as defined in the Renewables Obligation, and consider its use as a fuel in biomass energy plants where this does not discourage recycling and composting.

Policy W12: Support for other recovery and diversion technologies including the combined generation and distribution of heat and power.

Policy W17: Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. The suitability of existing sites good accessibility from existing urban areas or major new or planned development, good transport connections, compatible land uses, including previous or existing industrial land use, contaminated or derelict land and be capable of meeting a range of locally based environmental and amenity criteria.

Kent Waste Local Plan (Adopted March 1998)

Policy W7: Locations considered to be suitable in principle for re-use. This site is included.

Policy W9: Locations considered to be suitable in principle for waste separation and transfer. This site is included.

Policy W17: Having regard to air quality.

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.

Where permission is granted for the disposal of wastes that generate landfill gas, permission for plant to utilize the gas will be granted.

Policy W19: Before granting permission for a waste management facility, the planning authority will require to be satisfied that surface and groundwater 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.

Policy W20: Before granting planning permission for a waste management facility the Planning Authority will be satisfied that proposals have taken account of drainage and flood control.

Policy W21: Before granting permission for a waste management proposal the planning authority will need to be satisfied that the earth science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats, or species of wildlife importance. Where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory mitigation measures should be provided.

Policy W22: When considering applications for waste management facilities the planning authority will:-

- (i) normally refuse 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 (or would exceed the capacity) of the highway network
 - (b) the 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 development's 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 effects, and to assist screening.
- (ii) Advantage is taken of 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 to assist their integration into the local landscape.

Policy W25A: Proposals to reuse or adapt existing buildings and site features such as redundant agricultural buildings and hardstandings as part of a waste management facility, will be permitted.

Policy W27: Securing and considering the interests of users of the Public Right of Way

Swale Borough Local Plan

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. Development will avoid adverse environmental impact, but where there remains an incompatibility between development and environmental protection, and development needs are judged to be the greater, the Council will require adverse impacts to be minimized and mitigated. Where a planning decision would result in significant harm to biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensation measures will be sought.

Policy E12: Sites designated for their importance to biodiversity or geological conservation.

Policy B2: Providing for new employment.

Policy U3: Renewable Energy - The Borough Council will permit proposals for renewable energy schemes where they demonstrate environmental, economic and social benefits and minimise adverse impacts. Before planning permission is granted, the Borough Council will consider such matters including the contribution to the regional requirement for renewable energy and noise generation, air emissions and odour.

Policy B10: Ridham as an existing committed site.

12. Consultations

Swale Borough Council: In their initial comments on the application whilst the Borough Council have raised no objection in principle to the proposed development they have raised queries in relation to air quality management, the ability for electricity generated to be used on surrounding uses and the ability to secure CHP.

They further state the following *“However, the Council notes that objections have been raised to you from both Natural England (NE) and the Royal Society for the Protection of Birds (RSPB). Whilst the Council accepts that, given the submission of additional data and mitigation measures, these objections may be removed in the fullness of time, officers consider that Members are unlikely to support such a scheme whilst these objections remain. As such, it is my opinion that the development will not be acceptable to Swale Borough Council in its current form.”*

The final views of the Borough Council are awaited

Iwade Parish Council: Raise objections in relation to potential impacts from emissions, the origin of fuel proposed and impacts on nearby mudflat areas and wildlife. The full comments of the Parish Council are appended to this report (Appendix A).

Minster on Sea Parish Council: No objection raised to the proposal given its low impact on the A249 road infrastructure however would require restrictions on types of waste material being processed through the Biomass plant.

Protect Kent (CPRE): No objection raised stating the following: *“subject to the concerns around flood risk and potential impact on the nearby Habitats Directive sites being resolved to the satisfaction of the Environment Agency, Natural England, RSPB and Kent Wildlife Trust, we would like to offer our support for this proposal.”*

English Heritage: No comments to make.

Environment Agency: No objection is raised subject to the imposition of a number of planning conditions, Land Contamination, storage of fuels/chemicals and biodiversity. They also draw attention to the potential for some of the bottom ash being classed as hazardous given that the use of contaminated wood may influence the composition of the waste. The applicant will therefore need to demonstrate their methodology for classifying the waste as non-hazardous. The impact assessment should therefore include an assessment of what happens where waste ashes are unable to be recovered as proposed in the application. The proposal would also require an Environmental Permit which would regulate amongst other matters stack emissions. In this respect the E.A. have confirmed they would robustly regulate emission limits as stipulated in any future Permit.

Health Protection Agency: No response received.

Kent Wildlife Trust: No response received

National Grid: No comments received.

Natural England: Raise no objection to the proposal subject to off site noise monitoring of the plant once operational in order to ascertain the level of the noise at the boundary of The Swale SPA to ensure that in the event levels exceed those predicted further mitigation measures are employed to reduce noise. They also require a condition to be imposed restricting ground works such that they are only undertaken between July and September (inclusive) in order to avoid the breeding and over-wintering bird seasons.

The Ramblers: No comments received.

SEEDA: Maximising the value of waste is of economic importance to the South East. The application meets the Regional Economic Strategy Objective to meet sustainable prosperity within environmental limits, through Target 12, which seeks to achieve a 30% increase in GVA generated per tonne of materials entering the waste stream by 2016. However, we acknowledge that Kent County Council will need to determine whether the application is in accordance with the Development Plan.

South East England Partnership Board (SEEPB): Does not consider the proposed development to be of regional significance, therefore does not wish to make any comment.

Biodiversity Projects Officer: Note that initial ecological surveys did not identify any protected species on the development site but did reveal reptiles at the site edge. Having regard to PPS9, the proposed measures to enhance the habitats of the adjoining areas which includes enhancement to embankments and a drainage ditch together with the creation of hibernacula, must be carried out. In order to minimise any impacts on designated sites the mitigation proposed in the report for the Noise and Air Quality must also be carried out during the construction and operational phase of the development.

Environmental Management Officer (PROW): No objection raised.

Heritage and Conservation (County Archaeologist): Require a condition requiring the implementation of a programme of archaeological work in accordance with a written specification and timetable to be agreed, prior to any development taking place.

Jacobs (Landscaping): No objection is raised.

Jacobs (Noise, Dust, Odour)

Air Quality: No objection raised in connection with the proposal stating that *“the proposed site is unlikely to cause detriment to the nearest sensitive receptors and ecological sites in terms of air quality. The existing background levels are well below the Air Quality Objectives”*.

Noise: Is satisfied that the noise levels predicted are representative of those likely to be encountered at the nearest residential properties located some 1200m from the site which will be in the order of 30 dB below the existing background levels and is therefore satisfied that there would be no adverse impacts from noise.

Transport Planning (Kent Highways): No objection is raised on the basis that it is considered that the traffic movements associated with the development are minimal and have

little impact on the highway.

RSPB: No objection raised subject to the monitoring of noise levels during the operational stage as indicated in the planning application documents. In addition, a condition should be imposed, restricting any noisy construction operations to take place outside the period of October to March.

Local Member

13. The Local County Member, Mr A Willicombe was notified of the application on 2 November 2009 along with Mr M Whiting, the adjoining Member for Swale Central.

Publicity

14. The application was publicised by the posting of a site notice and advertisement in the local newspaper.

Representations

15. No letters of representation have been received to date objecting to the proposal.

Discussion

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Until the Kent Waste Development Framework has been adopted as a replacement for the Kent Waste Local Plan (1998), and any identified sites and locational criteria have been subjected to a Sustainability Appraisal and Strategic Environmental Assessment as part of that process, Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) requires that planning authorities should ensure proposals are consistent with its policies. Other material planning considerations include PPS 23: Planning and Pollution Control.
17. Support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and regional level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill. In this context the South East Plan includes policies which amongst other matters encourage the use of biomass as a means of generating energy where this does not discourage recycling and composting and where possible should also aim to incorporate combined generation and distribution of heat and power.
18. Policies W7 and W9 identify the locational criteria against which individual proposals will be considered, whilst policies W17 to W26 set out the operational criteria. The site is identified under Policy W7 and W9 as being suitable in principle for waste transfer and recycling.
19. The site is an existing operational waste management facility currently run by Countrystyle Recycling as an In-Vessel Composting and material recycling facility (MRF). Whilst the site may accept wood waste via the MRF facility, under the terms of the existing consent the operator began to explore other methods for dealing with this particular waste stream in a more sustainable manner. Upon making a routine visit to the site during 2009, it was found that the operator was undertaking the shredding of low grade wood waste on site, an activity which fell outside the terms of their planning permission. This breach is also reflected in the objections to the planning application by Iwade Parish Council. The operator was formally requested to regularise this breach and advised that undertaking such an activity in the open at this site would require separate consideration and an assessment made of any potential impacts on the nearby designated areas, particularly from dust and noise. Following discussions with the operator officers were advised that discussions were being held with Bioflame Limited in order to seek ways in which they could make better use of this waste stream by using it as fuel to create energy. The operator accepted that there could be potential impacts associated with the shredding of wood in the open and hence the application now makes provision for this activity along with the plant itself to be contained within a fully enclosed building.

Amenity Impacts

21. The applicant proposes that all feedstock preparation would be undertaken within a fully enclosed building, including the shredding of wood waste. In order to facilitate this, an extension to the existing MRF building is proposed. Iwade Parish Council have raised concerns that dust is an existing problem in the Ridham area although they indicate that this is mainly derived from the open air stockpiles of plasterboard at the nearby Knauf factory. In addition the Parish Council raise concerns in relation to potential plant emissions and their potential harm to human health and wildlife and impact on the nearby designated sites.

Dust and Emissions

22. The applicant acknowledges that given the site is located close to sensitive designated areas such as SPA, SSSI and Ramsar, the most appropriate way of containing dust from the wood shredding operations would be for them to be fully contained within the building. Advice has been sought from Jacobs on air quality impact who are of the opinion that the proposed development would be unlikely to cause any detriment to nearest sensitive receptors and ecological sites in terms of air quality and that existing background levels are well below the air quality objectives for the area.

23. With regard to stack emissions, the environmental statement accompanying the application included an assessment of the potential impacts on air quality. The results of dispersion modelling indicated that there would not be any exceedence of the relevant Air Quality Objectives (AQOs), declared for the protection of human health, at any location as a result of emissions from the proposed development. Potential impacts at local wildlife habitats were also assessed in accordance with relevant EA guidance which indicated emissions would not result in significant impacts at sensitive ecological designations. Neither the EA or Natural England have raised objections on impacts on air quality from emissions.

24. Notwithstanding that the applicant considers the bottom ash which would be removed from the site would be non hazardous, given the nature of the waste stream which may include some contaminated wood, the E.A. considers there is the potential for some of this material to be classified as hazardous. In this respect they consider the assessment undertaken of the potential impacts from the development should have included an assessment of what happens where waste ashes are unable to be recovered as proposed in the application. In order to address their concerns I would propose that a condition be imposed requiring the submission and approval of a scheme which sets out the methodology for the classification of the ash and the procedures for its removal off site.

25. Should planning permission be granted, the operator would be required to obtain an Environmental Permit from the Environment Agency who would be responsible for monitoring emissions limits specified through the Permit and which they have confirmed would be robustly regulated by them.

Noise

26. In terms of potential noise nuisance, particularly at the construction stage, Jacobs, the RSPB and Natural England initially raised concerns in relation to potential noise impacts on the nearest sensitive receptors and on SPA birds and requested that further information be submitted by the applicant in order to satisfy themselves that there would be no detrimental impact associated with the development.
27. Further information provided indicated that noise levels within the SPA and Ramsar sites during the operational phase of the development would not exceed 40.2dB LAeq at locations beyond 20m of the site boundary. The RSPB accept that operational noise levels would be unlikely to affect bird behaviour and welcome the applicants willingness to regularly monitor noise levels during the operation of the plant to ensure noise levels predicted are not being exceeded. Natural England concur with this view and would require any future permission to include an appropriately worded condition to secure this. Natural England also share this view and would require restricting ground works to be undertaken between July and September inclusive, in order to avoid the breeding and over-wintering bird season should Members resolve to grant planning permission. In addition should permission be granted I would recommend a condition be imposed that any noisy construction operations be restricted to outside the period of October to March.
28. The County Council's noise advisor Jacobs are also satisfied having reviewed the noise model developed by the applicant, that *"the updated noise rating levels, derived in accordance with BS 4142, are representative of those likely as a result of the operation of the proposed development. The predicted noise rating levels at the closest residential properties, which are located some 1200m from the development site, are in the order of 30 dB below the existing background noise level. I am therefore satisfied that noise impacts associated with the operational phase of the development will not adversely impact on amenity at nearby residential properties"*.

Visual Impact

29. The site lies within an existing and dedicated industrial area which is largely influenced by industrial buildings. The only external elements to the proposal would be coolers and a stack which would have a height of approximately 16m above ground level. Given the sensitive location of the site and its close location to the Saxon Shore Way, Jacobs Landscape have been consulted on the proposal along with the Public Rights of Way Officer. Whilst the Parish Council have requested some tree planting in order to 'soak up' the CO2 emissions and provide a buffer between the plant and nearby populated areas'. I concur with the view of our landscape advisor, Jacobs, that given the landscape in the Ridham area is heavily influenced by industrial buildings and given the proposed stack would be smaller than existing stacks in the area, I do not consider that the proposal would have a significant impact on the landscape and that planting at this site would be inappropriate given its existing "industrial and largely treeless landscape".

Conclusion

30. In conclusion, I am of the opinion that the proposal is consistent with the policies set out under PPS 10 and PPS 23. I am also of the view that it meets the relevant development plan policy requirements as set out in the South East Plan and Kent Waste Local Plan in terms of location, proximity to the primary and secondary road network and the broader policies which support biomass energy plants where this does not discourage recycling and composting for the combined generation and distribution of heat and power in order to help achieve regional and sub-regional self sufficiency and the targets for the diversion of waste going to landfill. In my opinion provided any future permission contains appropriate conditions, particularly those required to mitigate any adverse impacts on the nearby designated sites the development would not result in any adverse impacts on the local amenity. I therefore recommend accordingly.

Recommendation

31. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO CONDITIONS covering amongst other matters annual waste throughput, vehicle numbers, construction methods and timings, noise levels, noise monitoring scheme, methodology for the classification of bottom ash, habitat enhancement including water vole protection plan, submission of a strategy for the recovery of waste heat & a program of archaeological works.

Case Officer: Angela Watts

01622 221059

Background Documents: See Section Heading

SW/09/894 – Installation of a small scale biomass power plant within an existing building for the generation of renewable energy from low grade waste wood at Ridham Dock Road, Iwade, Sittingbourne, Kent

APPENDIX 1

IWADE PARISH COUNCIL

Chairman Planning Committee.
Peter Wilks, The Lindens, Maple Court,
Rodmersham, Sittingbourne, Kent, ME9 0LR.
Telephone 01795 472452, Email peter.wilks@homecall.co.uk

26th February 2010

Miss Angela Watts
Senior Planning Officer
First Floor
Invicta House
County Hall
Maidstone.
Kent ME14 1XX

Dear Miss Watts,

Application SW/09/TEMP/0042: Countrystyle HEAT & Power Ltd., Further Information Installation of Biomass Power Plant, Additional Information January 2009

The Iwade Parish Council (IPC) has considered the additional information supplied by WYG Environmental on behalf of Countrystyle Heat & Power Ltd., and we reiterate our concern that the emissions from the plant will be a serious health threat to the residents of Iwade. As we pointed out in our objection dated 1st December 2009, Iwade is frequently dusted with white powdered gypsum from the open air stockpiles of the Knauf Plasterboard factory adjacent to the Countrystyle site. The Countrystyle application for a scoping opinion listed 16 hazardous substances in the omissions, it includes mercury and a number of other heavy metals which are toxic to wildlife and humans.

The Additional Information answers the concerns of the IPC on page 9, however, we do not find them satisfactory and our objections remain. Answering points raised by the Environment Agency¹, WYG state that: *Bottom ash produced as a result of the thermal treatment process with the development has the potential to be classified as hazardous waste. As the plant is not yet operational it is not possible to fully determine the composition of the waste ash as this will depend upon the exact fuel stock and process efficiency* [my emphasis]

If the applicant does not know what fuel stock they will use, or the efficiency of the process how then can they claim that their emissions 'are not considered a risk to local residents'. See 4.1 below

4.1 Emissions 'WYG undertook dispersion' modelling of potential operational phase emissions as part of the Air Quality EIA. This considered the following:

- Atmospheric nitrogen dioxide (NO₂) concentrations at human receptors;
- Atmospheric particulate matter with an aerodynamic diameter of less than 10µm (PM10) concentrations at human receptors;
- Atmospheric oxides of nitrogen (NO_x) concentrations at ecological receptors;
- Atmospheric sulphur dioxide (SO₂) concentrations at ecological receptors;
- Atmospheric ammonia (NH₃) concentrations at ecological receptors;
- Acid deposition at ecological receptors; and,
- Nutrient nitrogen (NutN) deposition at ecological receptors.

¹ Section 5.0 Environment Agency paragraph 5.3

SW/09/894 – Installation of a small scale biomass power plant within an existing building for the generation of renewable energy from low grade waste wood at Ridham Dock Road, Iwade, Sittingbourne, Kent

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"The result of the dispersion modelling that there would not be any exceedences of the relevant Air Quality Objectives (AQOs), declared for the protection of human health, at any location as a result of emissions from the proposed development. Predicted increases in baseline concentrations were low at sensitive receptor locations for the majority of pollutant averaging periods and as such potential atmospheric emissions are not considered to be a risk to local residents. This opinion was reflected in the consultation response provided to KCC from Sarah Oakley."

The origin of the fuel to be used in the plant was questioned in our letter of objection 1st December 2009, the WYG response 4.2 Origin of Waste Wood refers us to Section 2.4 on page 6. Section 2.4 claims that Countryside has a planning permission (reference: SW/05/1392) to process 30,000 tons per annum of low-grade waste wood, this is not correct. As we pointed out, SW/05/1396 has a number of planning conditions restricting the throughput of the site; secondary aggregate recycling is restricted to 10,000 tons per annum by condition 28. As pointed out above, the operators do not know what fuel they will burn and euphemistically describe it as "low grade waste wood".

The IPC understands that that the most likely waste available is an accumulation of scrapped domestic kitchen units, old tables (and similar). The waste wood which is collected from waste dumps is made up of chip board, mdf board, melamine laminates, other plastic laminates, old painted board. All of which contain a cocktail of toxic chemicals in the glues, resins and paint. Old paint is likely to contain lead, urethane, mercury, chrome, and other toxic chemicals. Members of the Fire Brigade have to wear breathing apparatus to protect themselves from toxic gases when fighting industrial and domestic fires.

The IPC notes that in Section 4.2 the WYG detailed dispersion modelling does not include heavy metals or any of the above toxic chemicals which will be present in the emissions when waste domestic units are incinerated. It is inevitable that some ash and particulates from the incineration process will be carried from the site either directly as wind blown material from chimney or from the ash handling and ash storage areas or from carry over on to the dry access roads. In addition particulates are likely to find their way into surface water drainage systems by carry over from vehicle movements. The impact upon the neighbouring Swale Estuary is largely dismissed and not assessed appropriately

The emissions from the incineration process will be carried by the wind across the marshes to Iwade and Sittingbourne. We know from our present experience that complaints about the gypsum pollution fall on deaf ears. The white powder is clearly visible on cars and windows yet the environmental health authorities have never taken any serious steps to stop the nuisance. Emissions from the Biomass incineration consisting of particulates PM10's and PM20's will be invisible to the human eye, nevertheless they are a serious threat to the health of local residents.

4.4 Ecological Impacts. The IPC remains concerned that there will be bioaccumulation of heavy metals in the mudflats of the Swale. YWG state in the Appropriate Assessment that: *This site qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following species which are listed on Annex 1 of the Directive: Avocet, Little Tern, Mediterranean Gull, Bar-tailed godwit, Golden Plover, Hen Harrier, and also qualifies by supporting other migratory species.* The tidal channel of the Swale is in close proximity to the Countrystyle site and as the operators do not know what fuel they will be incinerating we are surprised that the Environment Agency and Natural England have not expressed concern. The Western Boundary of the Swale SSSI Ramsar Site is coterminous with the sea wall and of the Countrystyle Site called the Block Works on the Swale Adopted Plan Inset Map 12. The sea wall is also the Saxon Shore Way, the chimney of the Biomass plant will be about 100m from the sea wall. Any emissions from the chimney and or dust escaping when handling the filters and ash will be carried on the prevailing wind over the sea wall onto the Swale bank, the feeding ground of birds. After high water as the tide ebbs and the mud is exposed, many hundreds of Dunlin and other waders feed on the benthic micro invertebrates, molluscs and

C1.16

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bivalves exposed by the falling tide. (See the Countrystyle Environment Impact Assessment by YWG Figures 12.1 to 12.18).

The Swale Estuary is a shellfish water, designated as such in European Legislation. No consideration at all is given to potential impact by bioaccumulation on this area, the produce of which eventually finds its way into the human food chain

The writer has been privileged to stand on the Saxon Shore Way just north of the Block Works two hours after high water and witnessed a solid line of Dunlin and other waders feeding as the tide Recedes over the mud flats. The Saxon Shore Way crosses the Ridham Dock Road near the Dock Entrance and it is suggested that members of the planning committee visit the sea wall where they might be fortunate to see the wide variety of waders such as the rare Avocet, Black-tailed Godwit, Golden Plover listed in the Appendix C – Appropriate Assessment. Table 1, feeding.

Hoping that the response of the Iwade Parish Council may be of interest to the officers of Natural England and Environment Agency I am sending copies to Mr Nigel Jennings and Mr Niall Connolly.

Yours Sincerely

Peter Wilks

Peter Wilks.

copy: Nigel Jennings, Natural England
Niall Connolly, Environment Agency

C1.17

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Item C2**Construct a temporary drilling site with temporary road access. Drill well bores to evaluate hydrocarbon potential. Conduct well test to establish performance. At termination the site will be returned to agricultural use. Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 May 2010.

Application by Midmar Energy UK Limited for the construction of a temporary drilling site with temporary road access. Drill well bores to establish hydrocarbon potential. Conduct well test to establish performance. At termination the site will be returned to agricultural use. Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough (TW/10/33).

Recommendation: Planning permission be granted, subject to the prior completion of a Section 106 Agreement to secure HGV routing/management arrangements and subject to conditions.

Local Member: Mr. J. Davies

Classification: Unrestricted

Background

1. The application was deferred at the meeting of the Planning Applications Committee on 13 April 2010 to allow formal consultation with the adjoining local authority, Tonbridge and Malling Borough Council. The main reason for this was that part of the length of the public highway that would be used to obtain access to the application site falls within the local authority area of Tonbridge and Malling (i.e. from the A21 via the A26 [Quarry Hill], Brook Street and Upper Hayesden Lane). In addition, a number of members of the Committee were aware of local concerns about traffic impacts associated with existing and proposed developments on or near to Brook Street. Although not formally part of the planning application area, it was also noted that the proposed HGV “holding area” at Fishpond Farm that would be used as part of the proposed HGV routing and traffic management arrangement falls within Tonbridge and Malling.
2. It was also noted that traffic movements during the construction phase, in particular those movements associated with the importation of aggregate used to provide a base to the oil exploration compound, could be more intense than suggested by the average movements referred to in the application. Members also sought clarification on the routing used to access a previous oil exploration site to the north west of that now proposed which was drilled in the 1980’s. Members further suggested that an alternative access via Bidborough itself (i.e. south of the A21 via London Road [A26], Bidborough Ridge and Gate Farm Road) may be preferable to the route proposed by the applicant.
3. The previous committee report is attached as Appendix 1. This further report provides additional information and clarification on the issues set out in paragraphs 1 and 2 above. In determining this application, members should consider both reports.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Planning Policy

4. Additional Development Plan Policies most relevant to consideration in this instance are set out below:

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

Policy BE6 Proposals should seek to protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place.

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

Policy CP1 All proposals for new development must result in a high quality sustainable environment. Amongst other factors the need for the development will be balanced against the need to protect and enhance the natural and built environment. In determining planning applications the quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and, wherever possible, enhanced.

Policy CP2 New development that is likely to generate a significant number of trips should be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated.

Policy CP23 The policy for Tonbridge Town Centre is to [amongst other matters] enhance traffic management and accessibility for all.

Policy CP24 Development which would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

Policy CP25 Development will not be permitted unless [amongst others] the transport infrastructure necessary to serve it is available. Where development that causes material harm to a natural or historic resource is exceptionally justified, appropriate mitigation measures will be required to minimise or counteract any adverse impacts.

(iii) The 1998 **Tonbridge and Malling Borough Local Plan Saved Policies:**

Policy P4/6 Development would not be permitted where it would harm the overall character, integrity or setting of Historic Parks and Gardens.

Policy P6/19 In the consideration of development proposals which are in the vicinity of, or are served by, rural lanes, permission will only be granted where the development is not materially detrimental to

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

the value of the lane in terms of its landscape, amenity, nature conservation, historic or archaeological importance.

Consultations

5. **Tonbridge and Malling Borough Council:** raises concern that the application has failed to demonstrate that the selected HGV route is the most appropriate and has least adverse impact of any potential HGV access route. A full copy of Tonbridge and Malling Borough Council's views is included at Appendix 2.
6. **Divisional Transportation Managers:** further discussions took place between representatives of the Transport and Development Teams from Sevenoaks and Tunbridge Wells and Maidstone and Tonbridge & Malling following the deferral of this application at the committee meeting on 13 April 2010. The further views of the Divisional Transportation Managers are set out below:

“Pre-application discussions were held to consider the most appropriate route for construction and operational traffic to access the exploration site. These discussions, which included Kent Highway Services’ representatives dealing with Sevenoaks, Tonbridge & Malling and Tunbridge Wells administrative areas, also looked at management arrangements for the section(s) of road closest to the site.

It was agreed that the only acceptable route linking the primary route network (A21 and A26) with the site was via Brook Street. Alternative routes through Bidborough to the south and Leigh to the north were dismissed because of inadequate junctions, impact on properties, narrow lanes with vulnerable structures, and difficulties identifying suitable holding sites and effective management measures. Most of the chosen access route from the primary route network is therefore in a different district (Tonbridge & Malling) from the site (Tunbridge Wells). The holding area is also in the former.

A similar proposal was considered in 1981. The same access route was agreed on that occasion, with use of alternative routes specifically prohibited. As such, if Brook Street is not considered to be acceptable as an access route then oil exploration at the application site is unlikely to proceed.

Concerns have been raised over the possible impact of larger construction and operational vehicles on Brook Street, especially during the most intensive period of activity when the site is being laid out. This period is expected to be limited to a few days only, and the intensity of heavy goods vehicle traffic will be constrained by the management measures between the holding area at Fishponds Farm and the site. A legally binding agreement or undertaking will describe the management measures, which are necessary to avoid obstruction of and/or undue damage to Gate Farm Road.

Analysis of the estimated traffic during the busiest phase indicates a maximum of 12 to 13 movements (two way total) per hour, operating outside of the school and college peak arrival and departure periods, over a 3 day period. This equates roughly to a 10 minute ‘one lorry in, one lorry out’ turnover through the managed section of Gate Farm Road, which seems reasonable.

The Planning Applications Committee is also considering a proposal for an Artificial Grass Pitch at Hayesbrook School. This development is likely to have a peak

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

construction phase over 10 days of 12 movements (two way total) per hour, again avoiding peak school and college traffic.

In the unlikely event of the two peak construction periods overlapping, the maximum number of heavy goods vehicle (HGV) movements (two way total) using the half mile stretch of Brook Street between Quarry Hill and Hayesbrook School in any one hour is less than 30. This equates to no more than 1 lorry every 2 minutes.

Brook Street is of a standard suitable for heavy goods vehicles and it is not considered likely that the maximum number of movements associated with the construction phase will have unacceptable capacity, safety or environmental impacts on other road users or neighbouring residential, educational and business properties.

Tonbridge & Malling Borough Council has raised concerns about the proposal in its letter dated 21 April 2010. These are considered below.

1) *Alternative routes have not been considered.*

This report describes not only the consideration of alternative routes but also the involvement of Kent Highway Services' officers dealing with each of the district areas affected by the alternative routes. KHS is satisfied that "there is no better alternative" to the Brook Street route.

2) *The access route affects the Quarry Hill Conservation Area.*

A26 Quarry Hill is a Class 1 main traffic route. The additional peak HGV traffic described in the movement assessment will represent an insignificant and imperceptible addition to existing traffic levels.

3) *Known speed limit transgressions led to the introduction of traffic management measures in Brook Street*

On the assumption that the traffic management measures are effective, and on the basis that site traffic is unlikely to be driven in a dangerous manner, there is no reason to believe that unacceptable traffic conditions will arise. While there may be "few quiet times" in terms of activity associated with the educational establishments, Brook Street has been assessed outside of the main arrival and departure times and is not considered to be inadequate for the special traffic circumstances that are envisaged.

Kent Highway Services concludes that there is no better alternative access route than A26/Brook Street/Upper Hayesden Lane/Gate Farm Road and that there is no reasonable basis for objecting to the impact of construction and operation traffic on this route".

Representations

7. Two further letters of representation have been received since 13 April 2010. One letter of objection is from a resident living on Brook Street, whilst the other is from a Tonbridge and Malling Borough Councillor representing the Judd Ward (covering the area of Brook Street). The main points of objection are as follows:

- Disappointed to learn that Tonbridge and Malling Borough Council was not consulted on the application given that the proposed vehicle route passes through the Borough along Brook Street;

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

- The failure of the applicant to inform residents of Brook Street about its proposals and the lack of opportunity to comment on them;
- The proposed access route is already an overly congested route and was never designed to accommodate HGVs;
- The most direct route from the A21 is via the A26 along Bidborough Ridge – the proposed route would add a mile on to every vehicle's trip;
- The proposed routing would unquestionably intrude on local day to day activities on Brook Street which are already stretched to breaking point due to the development of West Kent College. The introduction of further HGVs and associated vehicles onto a street which is home to a college, two schools and two nurseries and is a main access route to two further local primary schools makes no sense at all;
- Whilst HGV access may be restricted during the peak hours of student arrivals and departures, those attending short courses and sixth form education arrive and depart regularly throughout the day;
- Noise, dust and vibration impacts on a 350 year old Grade II Listed Building (Brook Street Farmhouse) located metres from the road;
- Upper Hayesden Lane is a country lane – many accidents have already occurred on the lane due to the “rat-run antics” of commuters and the proposals simply add to the excessive volume of traffic already using the route;
- The plan to use Fishpond Farm as a HGV “holding area” is contrary to recent Tonbridge and Malling Borough Council decisions to prevent a local firm from using the farm for exactly that purpose;
- Alternative access routes should be considered – namely via the A26 and Bidborough Ridge and from the A21 at Morleys Roundabout and across country via Sevenoaks Weald.

Discussion

8. The key issues to consider as a result of the further information obtained from consultees, further representations received and my own reconsideration of the proposals can be summarised under the following headings:
 - site access issues, including the use of alternative HGV access routes to/from the application site; and
 - heritage issues.

Site access issues

9. It is worth reiterating that access to the application site is proposed via the A21 [Tonbridge Bypass], the A26 [Quarry Hill] towards Tonbridge town centre, Brook Street, Upper Hayesden Lane, Hayesden Lane and Gate Farm Road. Upper Hayesden Lane and Hayesden Lane are predominantly rural country lanes consisting of single direction carriageways. Gate Farm Road is a rural country lane that can mostly only accommodate single file traffic.
10. Tonbridge and Malling Borough Council believes that the application is deficient in not including detailed comparative work on potential alternative access routes, such as via Bidborough Ridge (with a lesser number of houses and education establishments affected than in Tonbridge) or from the west via the Morleys junction on the A21, and therefore fails to demonstrate that the selected HGV route is the most appropriate and has least adverse impact of any potential access route. On this basis, it does not consider that it can be claimed that the tests in Kent Minerals Local Plan Oil and Gas

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Policy OG15 have been adequately met. Members will also note that the two further letters of representation raise objections on the grounds of the use of Brook Street by HGV traffic and impacts associated with this use.

11. Further discussions have taken place between the Divisional Transportation Managers responsible for Sevenoaks, Tunbridge Wells and Tonbridge and Malling. These discussions included a comparative assessment of all possible alternative HGV access routes to and from the site. As can be seen (paragraph 6 above), the Divisional Transportation Managers are satisfied that the only acceptable route to and from the application site is via Brook Street. They confirm that potential alternative routes through Bidborough to the south and Leigh to the north have been dismissed as a result of inadequate junctions, impact on properties, narrow lanes with vulnerable structures and difficulties in identifying suitable holding sites and effective management measures. On the basis of this further assessment, I remain satisfied that the proposed route via Brook Street is the only viable route in this instance.
12. With regard to the routing used in the 1980's to access a previous oil exploration site to the north west of that now proposed, I can advise that this also used the route now proposed via Brook Street. The previous permission (TW/81/120) required that all vehicles (excluding private cars) associated with that operation should only use routes approved by the County Council. Records held by the County Council include a drawing setting out the agreed routing. It is worth noting that this clearly identifies Brook Street, Upper Hayesden Lane and Hayesden Lane as "permitted routes" and all other routes (include those along Bidborough Ridge and the roads to the north of this that might conceivably allow access to the current application site) as "prohibited routes".
13. In further considering the acceptability or otherwise of using Brook Street, regard must also be had to the potential impact of HGVs using that route (particularly during the construction phase when movements are likely to be most intense). Concerns relating to such matters are summarised in paragraph 7 above and set out in Tonbridge and Malling Borough Council's response. I am satisfied that the most intensive period of construction is likely to be concentrated in 3 or 4 days rather than spread evenly over the 5 week period suggested in the previous report. In coming to this view, I note that the Divisional Transportation Managers believe that the intensity of heavy goods vehicles will be constrained by the vehicle management measures proposed by the applicant between the application site and the HGV holding area within Fishpond Farm. Assuming that all HGVs associated with the importation of aggregate used to provide a base to the oil exploration compound (74% of all HGV movements during this period) are concentrated in a 3 day period during term time (i.e. a "worst case" in terms of potential impact) this would give rise to a maximum of 12-13 movements per hour operating outside of the school and college peak arrival and departure periods.
14. The Divisional Transportation Managers have also considered the potential cumulative impact of this development together with a proposed new artificial grass pitch at Hayesbrook School (application TM/10/185), a report on which appears elsewhere on this agenda. They have advised that in the unlikely event of the two peak construction periods overlapping, the maximum number of HGV movements using the half mile stretch of Brook Street between Quarry Hill and Hayesbrook School in any one hour would be less than 30, equating to no more than 1 HGV every two minutes. Having considered this and other development in the area, the Divisional Transportation Managers conclude that Brook Street is of a standard suitable for HGVs and that the maximum number of HGV movements associated with the construction phase for the oil exploration proposals would not have unacceptable capacity, safety or

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

environmental impacts on other road users or neighbouring residential, educational and business properties. On this basis, they consider that there is no reasonable basis for objecting to the impact of construction and operation traffic on the proposed route.

Heritage issues

15. Tonbridge and Malling Borough Council is concerned that part of the proposed HGV route would pass through the Quarry Hill Conservation Area and that potential impacts relating to this have not been considered. Notwithstanding these concerns it should be noted that the section of Quarry Hill Road [A26] passing through the Conservation Area is a main road and that planning policy supports the use of such roads for HGV traffic, including for accessing development sites. Given this, the relatively low numbers of HGV movements associated with this proposal when considered in the wider context of existing vehicle movements on the A26, the short duration of the proposed development and the comments of the Divisional Transportation Managers in terms of likely impacts and their inability to support any objection to the proposals relating to Brook Street (part of which also lies within the Conservation Area), I do not consider that the proposals would have any significant impact on the Conservation Area. In coming to this view, I have also had regard to the Quarry Hill Conservation Area Appraisal published by Tonbridge and Malling Borough Council. For the same reasons, I am satisfied that the proposed use of Brook Street would not have any significant impact on any listed buildings in the area.
16. In further considering the proposals it has become apparent that the proposed HGV “holding area” within the grounds of Fishpond Farm falls within an area designated in the Tonbridge and Malling Borough Local Plan (1998) as a Historic Park and Garden where saved Policy P4/6 requires that development should not harm the overall character, integrity or setting of the designated area. The Historic Park and Garden relates to Mabledon House and Park which is located to the south-east of Fishpond Farm. Whilst the use of land at Fishpond Farm as a “holding area” almost certainly constitutes development, I am satisfied that provided its use is restricted to no more than 28 days in any calendar year that it would be “Permitted Development” by virtue of Part 4 (Temporary Buildings and Uses) of the Town and Country Planning (General Permitted Development) Order 1995. I am also satisfied that the proposed use could be accommodated within this time period. Although the proposed “holding area” would be within the designated area, it would be remote from Mabledon House and Park and separated from it by Fishpond Farm and woodland. Given this, the temporary nature and relatively limited impact of the proposed use, I am satisfied that this would not harm the overall character, integrity or setting of the designated area.
17. One of the further respondents has suggested that allowing the use of Fishpond Farm as a “holding area” would be contrary to recent decisions made by the Borough Council to prevent such uses. Although no details are provided, I believe these may relate to two applications (TM/05/2670 and TM/05/2671) submitted in 2005 which sought planning permission for the storage of lorries and containers at Fishpond Farm. These applications were refused and the decisions upheld on appeal. However, it should be noted that the applications sought permanent permission and the reasons for refusal related primarily to the Green Belt, AONB and SLA designations rather than any highway issues. It should also be noted that these and any other refusals have no bearing on the permitted development rights referred to in paragraph 16 above.

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Conclusion

18. Having considered Tonbridge and Malling Borough Council's comments, the additional representations received since 13 April 2010, the further advice of the Divisional Transportation Managers and all other issues arising from reconsidering the proposed development, I am satisfied that the proposals are acceptable in terms of both highways and heritage terms and are consistent with the additional development plan policies referred to in paragraph 4 above. I also remain satisfied that the proposals are acceptable in terms of the various issues considered in the 13 April 2010 committee report. On this basis, I see no reason to alter the previous officer recommendation and therefore recommend accordingly.

Recommendation

19. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO the prior completion of a Section 106 Agreement to secure HGV routing / management arrangements AND conditions to cover (amongst others) the following:
- 5 year implementation period;
 - the development to be carried out in accordance with the permitted details;
 - prior notification of the start date of each phase of operations;
 - baseline soil analysis to be used as the soil quality target for restoration;
 - hours of working restricted to those applied for;
 - ecological mitigation;
 - seeding of earth bunds;
 - noise limits;
 - archaeological watching brief;
 - measures to prevent mud and debris being tracked onto the public highway;
 - submission of detailed site access arrangements (implementation as approved);
 - floodlighting be switched off when not required for the safe operation of the site.
 - submission of detailed site restoration scheme (including planting between site and PROW);
 - site restoration within 12 months of commencement of construction phase, unless otherwise agreed in writing by the County Planning Authority;
 - submission of 5 year aftercare scheme.

Case officer – Julian Moat 01622 696978
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Background documents - See section heading
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Construct a temporary drilling site with temporary road access. Drill well bores to evaluate hydrocarbon potential. Conduct well test to establish performance. At termination the site will be returned to agricultural use. Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

A report by Head of Planning Applications Group to Planning Applications Committee on 13 April 2010.

Application by Midmar Energy UK Limited for the construction of a temporary drilling site with temporary road access. Drill well bores to establish hydrocarbon potential. Conduct well test to establish performance. At termination the site will be returned to agricultural use. Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough (TW/10/33).

Recommendation: Planning permission be granted, subject to the prior completion of a Section 106 Agreement to secure HGV routing/management arrangements and subject to conditions.

Local Member: Mr. J. Davies

Classification: Unrestricted

Site

1. The application site is located approximately 700 metres to the north of the village of Bidborough. The nearest conurbations to the site are Tonbridge to the north east and Royal Tunbridge Wells to the south east. Access to the site is proposed to be gained via Gate Farm Road, which in turn leads from the A21 [Tonbridge Bypass] / Tonbridge town centre direction via Brook Street, Upper Haysden Lane and Haysden Lane. Gate Farm Road continues past the site and leads directly into Bidborough village centre onto the B2176 [Bidborough Ridge / Penshurst Road]. The application site consists of an existing agricultural field, used primarily for grazing, and is situated between two sections of Judd's Wood (a designated Ancient Woodland).
2. The application site lies within the High Weald Area of Outstanding Natural Beauty (AONB), the Metropolitan Green Belt and a Special Landscape Area. A Public Right of Way (Ref: WT59) runs along the southern boundary of the application site. *A site location plan is attached on page C2.2.*
3. The nearest residential properties to the application site are those located to the north - Haysden Herb & Honey Farm (170m), Judd's Farm (245m), The Barn (255m) and Tally Ho (270m) and those located to the west – Judd Cottage (290m) and Hillrise (290m).

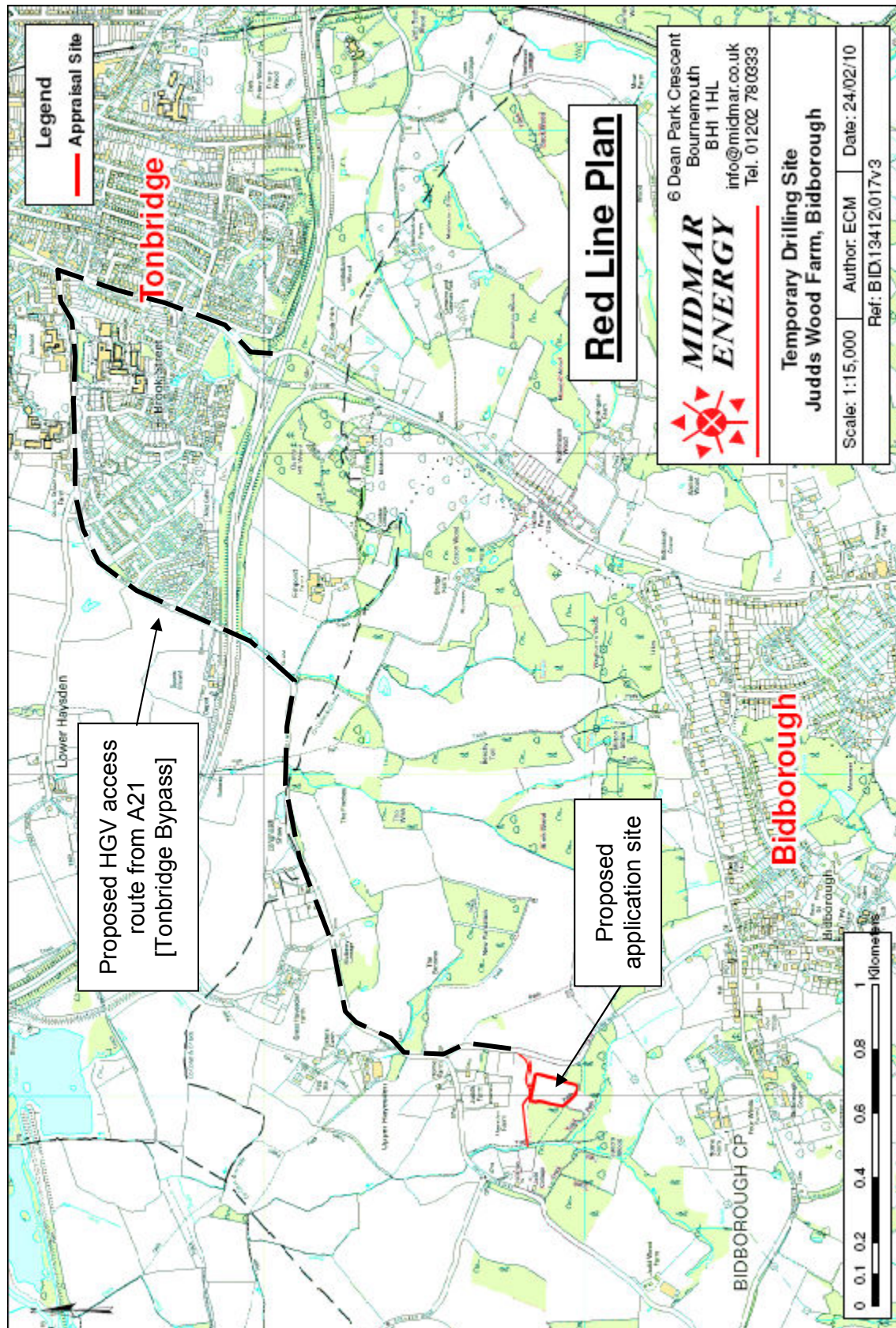
Background

4. The applicant, Midmar Energy UK Limited, was awarded a licence by the Department of Energy and Climate Change (DECC) to explore for hydrocarbons in the area which covers Bidborough (British Grid Reference: TQ54). An oil exploration well was drilled in 1981 by Conoco which established hydrocarbons to the north of the village of Bidborough, but failed to properly test the reservoir.

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Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

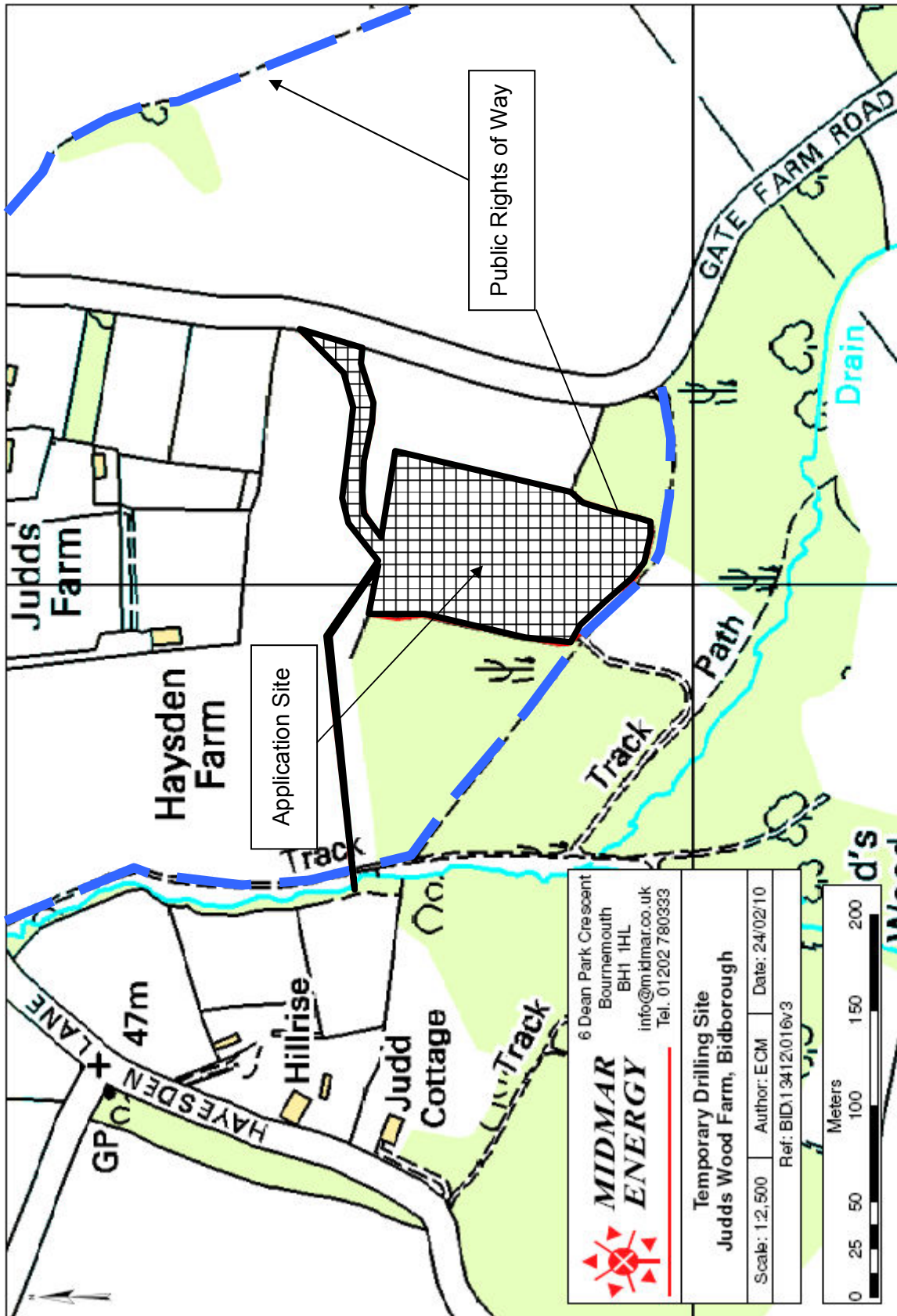
Site Location Plan



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Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

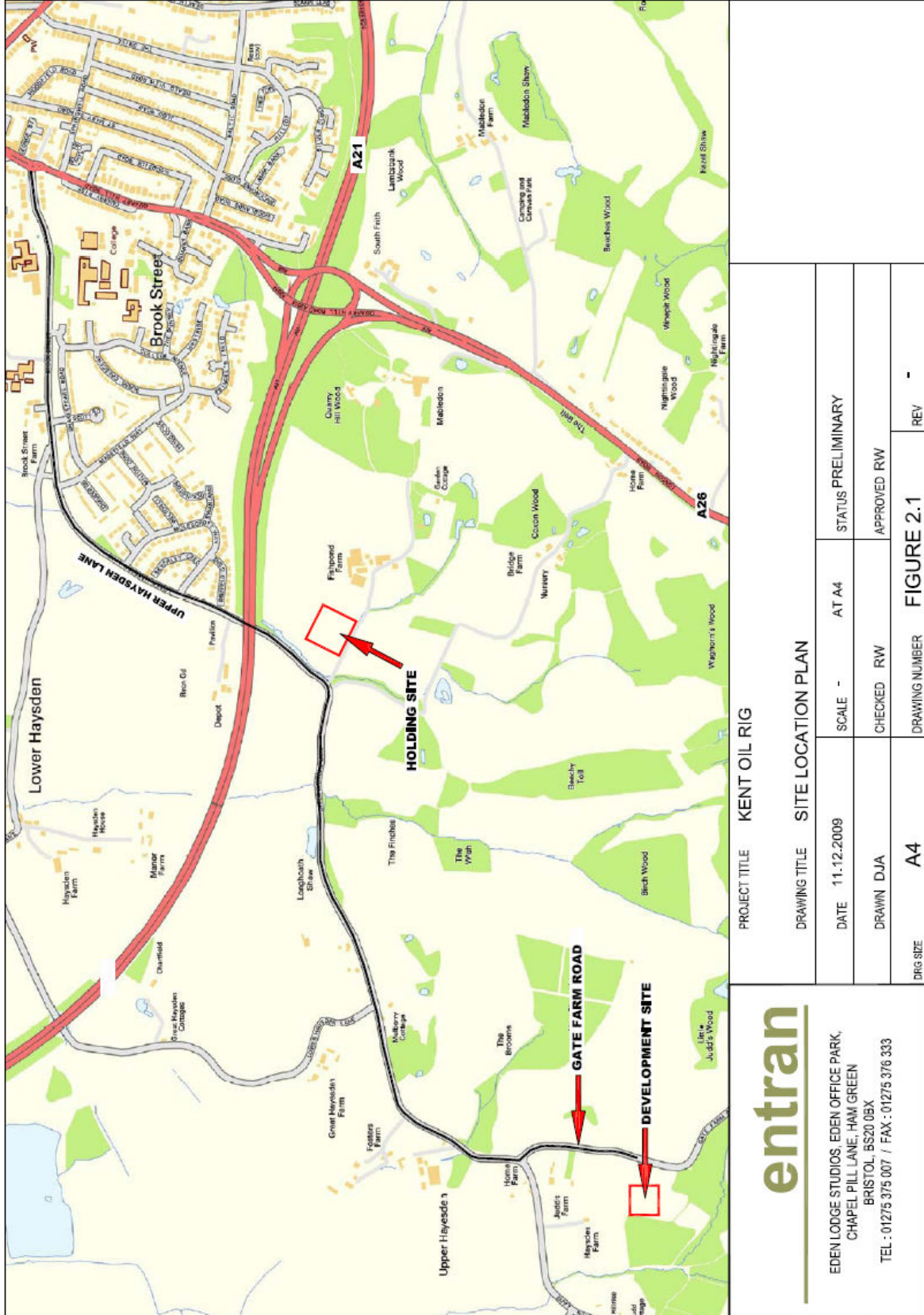
Proposed Temporary Drilling Site – Red Line Plan



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Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Location plan showing proposed HGV holding area in relation to development site



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5. In terms of geology, Bidborough lies within the Weald Basin which extends across southwest Kent, East and West Sussex, the southern half of Surrey and most of Hampshire. It contains a number of proven hydrocarbon deposits and potential reservoirs, including large production fields of Stockbridge, Singleton, Humbly Grove and Storrington. A number of companies are already producing from the Weald Basin, with the closest site to Bidborough being Palmer's Wood in Surrey – located approximately 13 miles to the north west of the application site.
6. The applicant sought a screening opinion from the County Planning Authority under Schedule 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to determine whether an Environmental Statement was required. After a period of consultation the County Planning Authority concluded that the application was not likely to have significant effects on the environment and therefore the application for planning permission did not need to be accompanied by an Environmental Statement. A decision to this effect was issued to the applicant on 22 May 2009, under reference: PAG/DC29/09/TW/0001.
7. Further discussions took place between the applicant and officers of the County Planning Authority prior to this planning application being formally submitted.

Proposal

8. This application is made by Midmar Energy UK Limited and seeks planning permission for the construction of a temporary drilling site with temporary road access. The application sets out a number of phases which the applicant would undertake in order to establish whether there are commercial quantities of hydrocarbons in the prospect near Bidborough. These phases include: (a) site construction; (b) drilling operations; (c) extended well testing; and (d) site restoration. These are industry standard phases for onshore oil exploration facilities. The scope of the works involved for each of the four phases, (a) – (d), are discussed in detail below.

Phase (a) – Site Construction

9. This would involve the construction of a site and access from the public highway that is suitable for the drilling and testing of hydrocarbons. This phase is likely to take approximately 5 weeks to complete. Access is proposed to be made from Gate Farm Road via a specially constructed roadway. The applicant considered four potential access points: Haysden Lane; Gate Farm Road; the existing right of way from Gate Farm Road through Judd's Wood; and access adjacent to Judd's Wood. The applicant states that access from Haysden Lane was discounted on the basis that the gradient through the field would be too steep to allow HGV access to the working area, whilst access from the existing right of way from Gate Farm Road through Judd's Wood and access adjacent to Judd's Wood were both discounted due to a steep gradient and the potential for significant adverse impacts on both the public right of way and Judd's Wood (a designated Ancient Woodland). The application is accompanied by a Transport Statement which concludes that access gained from Gate Farm Road (as detailed on Page C2.4) is deemed to be the most suitable in highway safety terms.
10. An 8 metre section of hedgerow along Gate Farm Road would be removed to gain access to the site. The hedgerow is ancient hedgerow, comprises priority Biodiversity Action Plan habitat and qualifies as "ecologically important" under the Hedgerow Regulations. The application is accompanied by an Ecology Report which notes the presence of Dormice within the hedgerow and proposes suitable mitigation measures

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to ensure the protection of these protected species during the removal of the section of hedgerow until it is replaced on restoration. These mitigation measures include persuading dormice to leave the affected area of hedgerow through the clearance of small areas of hedgerow on successive days; the construction of a dormouse bridge across the new vehicular site entrance; and the planting of new hedgerow immediately within the site boundary.

11. The initial 15 metre section of access road from the highway would be laid with a material adoptable for industrial estate roads before a gated site entrance. This would allow a HGV to pull off the main roadway entirely before stopping should the main site entrance gate be closed. The roadway to the site would be formed by moving topsoil to the lower side and placing a temporary trackway onto the prepared surface. Prefabricated sections of trackway are proposed for the access road as this would allow for rapid construction and minimise road vehicle movements to the site to bring materials for a permanent track surface.
12. Construction of the main site would be undertaken by removing topsoil and subsoil to form earth bunds on two sides of the site. Soil handling would be carried out in accordance with best practice guidelines to ensure good quality and effective restoration. Topsoil would be used to create earth bunds around the perimeter of the site, whilst subsoil would be used for fill elements during site levelling. On the eastern side of the site, where excavations would be deepest, a retaining wall would be constructed using gabions.
13. To manage any water falling onto the working area, a drainage system has been designed following discussions with the Environment Agency (EA). Any rainwater would be directed into the perimeter ditch where it would drain into a catchment pit. A Class 1 interceptor would be installed in accordance with EA guidelines, together with a sensor to detect the presence of oil. Once water quality is assured it would be routed via an underground pipe to the nearest stream where it can be released (as shown on Page C2.4).
14. An impermeable membrane would be laid over the entire site to seal the surface. This would be covered by various layers of aggregate and finished with a temporary trackway surface. A central area would be concreted to provide a stable platform for the drilling rig itself and cellars and conductors sunk into the ground to drill the wells from.
15. Finally, a green 1.8 metre high chain link security fence would be installed around the working area together with an entrance gate to the site and a cattle grid to prevent livestock using the field from escaping. A parking area within the earth bund would be created for the use of employees or contractors working on the site. A fire water tank would be installed close to the site entrance, together with an effluent tank to provide waste collection for the facilities on site. Other minor services would also be installed around the working area, namely site offices and storage facilities.
16. During construction operations, the applicant proposes that operations would be limited to the following hours:

Monday to Friday	07:00 – 18:00 hours
Saturdays	07:00 – 13:00 hours
Sundays and Bank Holidays	No operations

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Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Phase (b) – Drilling Operations

17. Drilling operations would be begun with the mobilisation of the drilling unit. The drilling rig would be brought to the site using standard HGV's in approximately 15 loads. Although the applicant is not able to specify precisely the nature of the intended drilling rig, they indicate that the height of the derrick (i.e. the tallest part of the structure) is likely to be 18 metres above ground level.
18. It is proposed that two wells at latitude 51°10'29"N and longitude 0°13'49"E (TQ560441) be drilled as there are two distinct reservoirs to be evaluated. The applicant states that it is not possible to test both reservoirs from the same well bore for technical reasons and considers this to be the main reason why the well drilled by Conoco in 1981 failed to achieve a successful test. The first of the two wells would be relatively shallow and could be drilled within approximately 4 days. The second well is proposed to be deeper and would require approximately 14 days to complete. As with any drilling operations, the applicant indicates that there could be unforeseen circumstances that could extend the time taken to achieve the objectives as the rate of drilling is very much dependant on the progress made through the different geology structures.
19. Once drilling commences, the operation would continue 24 hours a day for technical and health & safety reasons (as is normal industry practice). If drilling was not continuous, there would be a strong possibility of the well bores collapsing. During drilling operations there would be very few HGV movements, and the majority of vehicle movements would be those by personnel carrying out the operation. Over any 24 hour period there could be up to 20 staff working on site, dependant on the stage of the drilling operations. On the basis that operations would continue 24 hours a day during the drilling operations, site lighting would be required for safety reasons. Site lighting would consist of ten 400W floodlights supported on 6 metre high poles, angled downwards to minimise light spill. The application proposes that once the wells have been drilled the drilling equipment would be removed from the site.
20. Once drilling operations are complete, various tests would be conducted to establish reservoir parameters to help understand the reservoir and further test programmes. These include several test measures such as 'electric logging', 'repeat formation test log' and 'drill stem test'. The basis of each set of results from these various tests would assist in determining the possibility of a valid hydrocarbon reservoir and lead to further tests prior to a decision on whether to undertake an Extended Well Test (EWT).

Phase (c) – Extended Well Testing (EWT)

21. If the testing of the well during the drilling phase is successful, the application proposes an Extended Well Test. An EWT would involve converting the site to safely handle, control and store hydrocarbons appropriately.
22. Reservoir fluid would be pumped to the surface by a pump installed at the well bore. Once pumped to the surface, fluid would pass to a treatment and processing unit on-site that injects chemicals and heats the mixture to ensure simple separation of oil, water, solids and gas which may or may not be present in varying quantities. Once sufficient fluids are produced, road tankers would be used to transport fluids off site. All storage tankers and process plant would be self banded and road tankers would utilise a tanker loading bund.

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Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

23. The application identifies that it would take approximately two weeks to convert the drilling site into a site suitable for producing and temporarily storing hydrocarbons. The initial site set-up and design reflects the strong possibility of a requirement to conduct a longer-term test.
24. The objective of the EWT is to establish likely production rates and obtain an estimate of reservoir size through pressure and temperature changes. DECC and the EA have set out guidelines for EWT's which detail a standard testing period of 90 days, which is standard industry practice for onshore oil exploration.
25. The nature of the EWT requires 24 hour operations to take place. Three storage tanks would be required for the storage of produced fluid, export quality oil and produced water. Each oil tank would meet the requirements of the Control of Pollution (Oil Storage) (England) Regulations 2001, which requires any tank holding more than 200 litres of oil to be bunded, amongst other requirements. In addition to these tanks, there would be a tank filled with water on stand-by as a fire safety measure. Other on-site equipment would include a Progressive Capacity Pump (to pump fluids from the reservoir to the surface), a compressor (to run pneumatics within the hazardous area), a boiler (used to provide warm fluid to aid separation of produced fluids) and a generator (for power). All equipment would be run 24 hours per day during the EWT phase.
26. Essentially the EWT is required to establish the commerciality of any hydrocarbons. Upon completion of the EWT a decision would be made by the applicant as to whether the prospect is economically recoverable. The applicant states that the application site would be considered for its ability as a development site, but information gathered during the EWT may identify a more suitable site location. If either were found to be the case (i.e. an economically recoverable prospect and/or a more suitable site location) a further planning application would be required for a production site as well as other necessary permitting requirements. In the event of commercially recoverable quantities of hydrocarbons being discovered the applicant would seek to postpone restoration of the application site pending the final outcome of a further planning application for a temporary production site.

Phase (d) – Restoration

27. Restoration of the application site to its prior condition is proposed when operations are complete. Restoration would be commenced with the plugging of the wells in accordance with DECC and Health and Safety Executive (HSE) guidelines to ensure that they are permanently safe, after which all equipment would be removed from the site. The placement of subsoil and top soils would then follow in accordance with best practice guidelines, together with soil seeding as appropriate. The section of hedgerow removed to gain access into the site would be replanted to an agreed specification. An aftercare programme would follow to ensure that the application site is restored to its previous condition and managed over a period of 5 years post-restoration.
28. The applicant draws attention to the successful restoration of the well drilled in 1981 by Conoco – it was returned to agriculture and is successfully farmed for crops with no trace of the well location of any operations carried out there.
29. The application proposes that restoration of the site would begin when one of the following circumstances occur: if hydrocarbons are not economically recoverable; if an alternative development location is identified; or at the cessation of operations.

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Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

Applicant's Justification

30. The application site covers an area of approximately 1 hectare, with the access track covering approximately 510 sq. metres and 170 metres in length from Gate Farm Road. The applicant states that when selecting the proposed site location, a number of key considerations were investigated to ensure the most suitable location was selected for the proposal. The applicant states that consistent with the Government's mineral planning advice, minerals and hydrocarbons can only be extracted from where they are found and therefore geology is one of the key limitations when identifying a site. In addition to geological considerations, the applicant considered environmental conditions of the local area. The site selection process undertaken identified that any location over the reservoir and south of a nearby geological fault line would be within the High Weald AONB and the Metropolitan Green Belt. Whilst the applicant recognises that special measures would need to be taken to ensure the protection of the environment (in terms of the character and quality of the AONB and the openness of the Green Belt) they consider that the proposals are acceptable within the locality based on the following "very special circumstances": - (i) the temporary nature of the proposal; (ii) the fact that mineral deposits can only be worked where they are found; (iii) that the site would be fully restored to its former condition; and (iv) that high environmental standards would be maintained throughout on-site operations.
31. A Transport Statement submitted with the application offers a vehicle access management plan to control all HGV movement to/from the site during Phases (a) – (d). The management plan proposes routing controls starting from the junction of the A26 and Haysden Lane requiring all HGV vehicles travelling to the site to use Haysden Lane and turn left into Gate Farm Road. After passing under the A21 HGV's would turn left into a temporary holding area (known as "Fishpond Farm") until an operator at site requests that waiting HGV's proceed to the site. Further traffic management measures proposed by the applicant include temporary traffic signal control along Gate Farm Road during the site construction phase and HGV traffic being prevented from passing along Upper Haysden Road and the A26 between the hours of 08:00 – 09:30 and 14:45 – 16:00 during school term time, except in exceptional circumstances. *The site, holding areas and routing arrangements are shown on Page C2.5.* The applicant has offered that the proposed traffic management measures be secured by way of a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act in the event that planning permission is granted.
32. A Landscape and Visual Assessment Report accompanies the application. The Report concludes that the proposals could be carried out with minimal effects on the visual landscape due to the proposals' temporary nature and good natural screening surrounding the application site.
33. A Noise Assessment Report which accompanies the application establishes background noise levels (measured in June 2009) within the locality as well as assessing the noise levels which would be generated by the proposed activities. The Report identifies that the nearest noise sensitive residential properties are located approximately 250 metres from the proposed drilling site, with properties in the village of Bidborough some 600 metres away. The background noise level assessment indicates that typical background noise levels are in the region of 35 dB L_{A90} during the day and 30 dB L_{A90} at night.
34. Worst case predicted daytime noise levels have been calculated (based on predicted site operations and associated plant/equipment) at 250m, 450m and 600m distances from the site, as outlined in Table 1 below. The Report concludes that during daytime

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activities, none of the predicted noise levels would be particularly high, or unusual for a relatively small scale ground works operation of the type involved.

Stage	Duration	Hours	L _{Aeq,T} 250m	L _{Aeq,T} 450m	L _{Aeq,T} 600m
Pre-operational setup	5 weeks	Daytime	54 dB	48 dB	44 dB
Site conversion for EWT	2 weeks	Daytime	43 dB	37 dB	34 dB
Restoration	10 weeks	Daytime	54 dB	48 dB	44 dB

Table 1 – ‘Worst case’ daytime noise levels

35. The Noise Report provides further detailed calculations for the proposed 24-hour operations (i.e. during drilling operations and the Extended Well Test). Predicted noise emissions from 24-hour operations are shown in Table 2.

Distance from site	Drilling - L _{Aeq, T}	EWT - L _{Aeq, T}
250 – 450 metres	37 – 42 dB	24 – 29 dB
450 – 600 metres	31 – 40 dB	18 – 28 dB

Table 2 – ‘Worst case’ 24-hour noise emissions

36. The Report indicates that noise emissions emanating from both daytime and 24-hour operations would not exceed those levels set out in Minerals Policy Statement 2 (MPS2).
37. The application includes a need assessment in support of the proposals. This refers to the following factors as important considerations in support of the application: the fact that the UK produces less oil than it consumes as a result of North Sea decline and a general increase in demand; increased energy security by reducing reliance on oil imports; to meet the Government targets to maximise the potential of UK oil and gas; to reduce the carbon footprint through producing oil locally as opposed to importing oil from great distances; and that any additional production would contribute to lowering commodity costs.
38. Given the various complexities of the project, and to ensure that the best possible care is applied by the applicant, the application seeks a period of 5 years in which to implement any planning consent.

Amended Proposals

39. Following on from the consultations undertaken, together with the views received from a local resident, the applicant has provided further information in support of its proposals and proposed a number of amendments. The further information and amendments were sent to all consultees previously notified of the original planning application on 3 March 2010. The further and amended information, together with the description of the proposals (*as outlined in paragraphs 8 – 38*) form the basis of the discussions contained within this report. The most recent consultee views are outlined in paragraphs (41) – (57), and any additional consultee views received regarding the amended proposals received prior to the Committee Meeting will be reported to members verbally. Details of the further information and the various amendments submitted by the applicant relate to the following matters:

- not possible to reinstate hedgerow as suggested by the Borough Council as the applicant has no control over the land outside of the application site and that the

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- physical planting of hedgerow would result in an unacceptable disruption of farming activities;
- offers further landscape planting along the application boundary adjoining the Public Right of Way, together with the seeding of earth bunds;
 - there is no intention to translocate dormice off-site, but instead mitigation is proposed through the installation of a dormouse bridge across the site entrance;
 - translocation of existing hedgerow is not proposed given the low rate of potential success – instead new whips would be planted upon completion of works / site restoration;
 - the ecology survey work undertaken indicates that the proposed development would not impact on breeding birds, reptiles, badgers or bats in the locality;
 - the application be amended to include a 10 metre stand-off between the proposed underground drainage channel and Judd's Wood to safeguard the area of ancient woodland;
 - gapping up of an existing access into the field to compensate for the proposed new site access would impede the agricultural use of the land, therefore causing unacceptable changes to existing farming activities;
 - the temporary nature of the proposals means that long term aftercare and woodland management is unnecessary and unreasonable; and
 - lighting and site access arrangements (*clarification / justification only*).

Planning Policy

40. The most relevant Government Guidance and adopted and proposed Development Plan Policies summarised below are relevant to the consideration of this application:

(i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction in England), MPG7 (Reclamation of Mineral Workings), PPS1 (Delivering Sustainable Development), PPS7 (Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG15 (Archaeology) and PPS23 (Planning and Pollution Control).

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

Policy SP5 Existing Green Belts in the region 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.

Policy C3 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.

Policy NRM1 Water supply and ground water will be maintained and enhanced through avoiding adverse effects of development on the water environment.

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Policy NRM5 Local planning authorities shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

Policy NRM7 Ancient woodlands will be protected from damaging development and land uses.

(iii) The adopted 1997 **Kent Minerals Local Plan: Oil and Gas (Saved Policies)**:

Policy OG2 Proposals for exploratory drilling will normally be permitted where, having regard to geological structure, the planning authority is satisfied that the proposed site has been selected to minimise its environmental and natural resource impact.

Policy OG5 Before granting planning permission the planning authority will require to be satisfied as to the means of control of noise, vibration, dust and gas, and waste materials particularly in respect of its potential impact on neighbouring land uses and amenity.

Policy OG7 Proposals will not be approved by the planning authority except in accordance with schemes which provide for the safeguarding of land drainage and flood control and land stability.

Policy OG8 Before granting planning permission the planning authority will be required to be satisfied that the earth science and geological interests of the site and its surroundings have been established, and provisions are made for the safeguarding of irreplaceable or other important geological and geomorphologic features, habitats or species of wildlife importance.

Policy OG9 The planning authority will require details of siting, design and external appearance of plant, hard surfacing, buildings, lighting and any perimeter security fencing.

Policy OG10 With the exception of drilling operations, the planning authority will by condition permit operations between the hours of 07:00 to 18:00 Monday – Friday and 07:00 to 13:00 on Saturday, excluding Sundays and Bank Holidays.

Policy OG15 Planning permission will be refused for proposals which would materially affect the safety of the highway network, the character of historic/rural lanes and adversely affect the local environment.

Policy OG16 Requires measures to prevent mud and debris being tracked onto the existing highway network.

Policy OG17 Requires an appropriate landscaping scheme as an integral part of the development.

Policy OG18 Requires an appropriate restoration and aftercare scheme.

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(iv) The adopted 2006 Tunbridge Wells Borough Local Plan (Saved Policies):

- Policy MGB1** The openness of the Metropolitan Green Belt will be preserved and no development which would conflict with the purposes of including land within it will be permitted.
- Policy EN1** All proposals for development must, amongst others: be compatible with neighbouring uses; not cause significant harm to residential/adjoining amenity; the scale of the development be compatible with the context of the site; and not result in any significant impacts on nature conservation issues.
- Policy EN8** Proposals for outdoor lighting must, amongst others: ensure minimum lighting levels required to undertake the purpose specified; be unobtrusive in their location(s); and minimise glare and light spillage into the wider context.
- Policy EN13** Development will not be permitted if it would destroy Ancient Woodlands.
- Policy EN16** Require development proposals to have no unacceptable impact on groundwater resources.
- Policy EN26** Development proposals will only be permitted within the AONB if they protect or enhance the natural beauty and special character of the landscape.
- Policy TP4** Development proposals must be acceptable in highway safety terms.

(v) The draft (August 2009) Tunbridge Wells Borough Local Development Framework Core Strategy:

- Policy CP2** There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt.
- Policy CP4** The High Weald AONB will be conserved and enhanced. Net loss of biodiversity will be prevented, and enhancement measures encouraged.
- Policy CP5** Requires sustainable design and construction measures to be applied to all development proposals.
- Policy CP15** The natural environment in rural areas will be protected for its own sake.

Consultations

41. **Tunbridge Wells Borough Council:** Initially objected to the proposals due to the “*significant impact*” on the character and visual amenities of the landscape (albeit for a temporary period), “*significant concerns*” about the proposed lighting (which would

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adversely affect the countryside that is designated as Kent High Weald AONB) and ecological concerns. It suggested that mitigation and enhancement measures should be incorporated into the scheme to help screen the site and ensure protection of the landscape:-

- an ancient field boundary should be reinstated to help mitigate the visual impact of the development and secure longer term enhancement;
- additional tree / hedgerow planting should be required around the entrance area of the site and between the site and the PROW (to mitigate against visual impact on users of the footpath);
- site restoration should be secured for a period of 10-20 years;
- an existing access into the field should be closed off and the hedgerow gapped up to compensate for the proposed new opening in the hedgerow;
- schemes of mitigation to offset harm to dormice and impacts on bats (*due to lighting*);
- a legal agreement should be required to provide for any off-site translocation;
- a buffer zone should be provided between the site and the woodland for bat mitigation (e.g. bat boxes);
- a Woodland Management Plan should be required for the woodland area adjacent to the site (as compensation / mitigation);

It also suggested that if permission is granted, conditions should be imposed requiring: (i) noise level verification of both the construction and drilling phases to ensure that the required noise levels are achieved; (ii) the submission of a noise reduction plan to mitigate as much noise as possible and demonstrate best practical means for noise control; and (iii) the submission of a lighting plan. It further suggested that details be agreed about remedial targets of any soils treated as a result of land contamination to ensure that soil quality is maintained. It also supported Kent Wildlife Trust's preference for the proposed surface water drain to be laid at least 10 metres from the northern edge of Judd's Wood.

In response to the further information, it advised that it accepted the following key points made by the applicant: (i) the project is for a limited period (notionally around six months); (ii) the farmer wishes to maintain the viability of his farm and so schemes of alterations to his access or new dividing hedgerows are not acceptable; and (iii) that the farmer wishes to maintain the area around the test site in agricultural use as grazing land. It also stated that any permission should be time limited (as this has a significant effect on the consideration of the application and the impacts), that replacement planting or re-seeding would take time to establish such that effects of any temporary permission would extend over 1 to 5 years and that whilst the land is outside the applicant's ownership it is all within the same ownership such that mitigation outside the red line could be achieved by Grampian condition.

Taking these matters into account, it advised that some of the issues raised in its previous comments have been addressed. However, it is still concerned about the impact on dormice, bats and users of the PROW and maintains its objection on these grounds. It also notes that the lighting information does not include a Lux diagram and that the luminaries are floodlights, not directional lights. It states that this matter can and should be further controlled by condition although some light spillage will remain above and beyond what will be controlled by lighting design and the bunds.

42. **Bidborough Parish Council:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.

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43. **Divisional Transportation Manager:** has raised no objection to the proposal subject to the applicant abiding in full with the vehicle access management plan measures detailed within their Transport Statement. He raises some concerns about the immediate point of access to the highway, where the creation of a gap in the hedge for access would afford very limited visibility, but recommends a condition be placed on any consent to the effect that a banksman should be present and control all vehicle movements from the site (unless signal control is used as an alternative). Furthermore, he notes that the alternative point of access (suggested by a neighbour) is less preferable than that proposed by the applicant in that it would involve HGV traffic travelling further along Gate Farm Road up the hill – the shortest time spent on the lane is preferable.
44. **Environment Agency:** has no objections to the application.
45. **South East England Development Agency (SEEDA):** has no comments to make on the proposal – from SEEDA's view there is no regional significance to be taken into account during the consideration of this application.
46. **South East England Partnership Board:** has no substantive comments to make on this application as there is no specific regional policy on hydrocarbons in the South East Plan. However, the minerals chapter in the South East Plan recognises that mineral working and transport can have adverse impacts on the environment. Minerals developments should therefore ensure the effective management of specific impacts such as noise and dust and encourage good site management and restoration.
47. **Campaign to Protect Rural England (CPRE):** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.
48. **County Council's Archaeological Advisor:** notes that the application site is quite large and there may be an impact on the historic landscape features or hitherto unknown archaeological remains. Works for compound creation, services, access and temporary structures may require excavations that could reveal important remains. As such, advises that a condition for an archaeological watching brief be placed on any consent.
49. **County Council's Landscape Consultant:** welcomes the applicant's incorporation of grass seeding to earth bunds and additional permanent screening from the Public Footpath directly south of the site. Advises that the applicant should submit details of seed mix and sowing rate for earth bunds, together with a detailed planting scheme which should include an appropriate native hedgerow mix together with some scattered standard trees to replicate local field boundaries in the area. Considers that an overall landscape scheme/management plan showing the site restoration including restored contours, subsoil/topsoil treatment, treatment of obsolete track, details proposals for hedgerow reinstatement along Gate Farm Road and grass or wildflower seeding mixes/rates should also be required. Overall, he considers that whilst the proposals would have a substantial localised impact on the landscape, the impacts on the wider High Weald AONB and the open character of the Green Belt would not be significant. He further advises that as the proposals would be temporary and the landscape would be fully restored to its current state, the proposals would not be unacceptable provided that the benefits of the proposal would outweigh the adverse landscape effects.

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50. **County Council's Noise Consultant:** notes that the application is accompanied by a noise level assessment which considers the likely noise impact arising from the drilling and Extended Well Test. He advises that based on the assessment and the guidance contained in MPS2, noise emanating from the facility would be acceptable. On this basis, and given the temporary nature of the facility, he does not object on grounds of noise.
51. **County Council's Dust and Odour Consultant:** notes that access would consist of a temporary road surface in order to reduce the risk of dust impacts. Considers that if any areas are to be affected by dust they should be sprayed with water to control the issue. As a result of the nature of the works and the control measures proposed within the application he considers that dust and odour are unlikely to result in detriment to the nearest residential premises.
52. **County Council's Public Rights of Way Officer:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.
53. **Natural England:** advise that the County Planning Authority should consult with the High Weald AONB Unit (see below) and refer to Natural England's Standing Advice on Protected Species and Ancient Woodland.
54. **County Council's Biodiversity Officer:** raises no objections to the proposals, subject to the mitigation measures detailed within the application (as amended) being fully undertaken as suggested.
55. **Kent Wildlife Trust:** notes that an experienced consultancy has carried out the ecological surveys and assessments and that it has no reason to question the findings and representations contained in the Biodiversity Report. However, given the risk to protected species arising from the development, the Trust urge the Council to test the proposals against the standing advice from Natural England. The Trust has no objections to the development, subject to planning conditions being used to secure the completion of avoidance, mitigation, compensation and enhancement measures recommended in the application. The Council should also secure, by condition or agreement, the funding of an appropriate management regime for the habitat enhancement features that is responsive to the results of periodic key habitat and species monitoring.
56. **High Weald AONB Unit:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.
57. **South East Water:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.

Local Member

58. The local County Member, Mr. J. Davies, was notified of the application on the 15 January 2010. Two adjoining County Members, Mr. G. A. Horne and Mr. C.P. Smith, were also notified of the application on the 15 January 2010. All three County Members were notified of the amended details and further information submitted by the applicant on the 3 March 2010.

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Publicity

59. The application was publicised by the posting of a site notice, a newspaper advertisement in the Kent and Sussex Courier (Tonbridge Edition) and the individual notification of 18 residential properties within 250 metres of the application site in addition to those properties fronting the proposed HGV vehicle access route to site along Upper Haysden Lane and Haysden Lane.

Representations

60. To date I have received two letters of representation in respect of this application, one objecting to the proposals and one in support of the proposals. The key points of each letter are outlined below:

Objection:

- Request that the proposed site access, which necessitates the removal of a section of ancient hedgerow, is reconsidered. Despite the safeguards of a dormouse bridge I am concerned for the future of the very fragile dormouse colony on my holding;
- There is an existing gateway located to the east of the site which was closed by the landowner (at my request) following several raids on my property. Reopening this access would be a simple matter and remove the loss of habitat occupied by dormice as recorded in the Ecological Report which accompanies the application;
- Contact was made with the applicant about the alternative access point at the pre-planning stage, at the time it would have been a simple matter for the site plan to accommodate, even now it should be simple to reorganise the car park, vehicle turning circle and workshops from one side to another. It would necessitate re-grading the falls from Gate Farm Road to the proposed work area;
- Whilst the applicant's ecological consultants have been diligent in their recording of plant and animal species there have been some notable omissions, namely snakes, frogs and toads, deer and foxes. Deer for example lay up between the proposed site and the woodland to the west. They cross Gate Farm Road at the same point as do badgers, directly adjacent to the currently proposed road access. They will not be able to cross the cattle grid;
- Grass snakes, frogs and toads breed regularly at Hayesden Herb & Honey Farm to the south of the proposed site;
- If the hedge is removed as proposed then provision for the deer to exit the field containing the well site should be considered, if the original gateway is reinstated then the deer can continue as they have done;
- The dormouse bridge could as easily be established further up the road between the end of the present hedge and the adjacent woodland.

Support – (the letter in support of the proposals is from the landowner)

- Notes that it has been suggested a historic hedgerow is replanted between Judd's Wood and Gate Farm Road, as well as planting a new hedgerow between Haysden Farm and Judd's Wood. This would not be practical for me in terms of maintaining an efficient working farm due to the segregation it would cause to the land if the field was divided up as suggested. To continue farming viably, it is preferable to maintain a more open field structure owing to the larger number of livestock held and simplifying their movement around the farm.

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Discussion

Introduction

61. The application seeks planning permission for the construction of a temporary drilling site with temporary road access. Broadly speaking there are four main project phases – including site construction, drilling operations, an extended well test (EWT) and restoration. The application is being reported to the Planning Applications Committee as a result of the objections received from Tunbridge Wells Borough Council (*as detailed in paragraph 41*) and a local resident (*as outlined in paragraph 60*). In considering this proposal, regard must be had to the most relevant Government Guidance, together with adopted and proposed Development Plan Policies outlined in paragraph (40). Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In my opinion, the key planning considerations in this particular case can be categorised under the following headings:
- the impact of the proposals on the openness of the Metropolitan Green Belt and whether the proposals represent “inappropriate development” within such land;
 - the visual impact of the proposals on the character and appearance of the High Weald Area of Outstanding Natural Beauty (AONB) and Special Landscape Area;
 - the impact of the proposals on the local highway network and associated highway safety considerations;
 - the impact of the proposals on local amenity in terms of the potential for adverse noise and light pollution;
 - the impact of the proposals on ecological interests, including European Protected Species;
 - the impact of the proposals on an adjoining Public Right of Way (Ref: WT59);
 - the impact of the proposals on archaeological interests; and
 - any other issues.

Metropolitan Green Belt

62. Members will note that the application site is located within the Metropolitan Green Belt. Government guidance expects that all planning applications for development in the Green Belt will 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’. Therefore in the context of National Planning Policy and Development Plan Policies that apply, consideration needs to be given to whether or not the proposal involves ‘inappropriate development’, and if so, whether there are ‘very special circumstances’ that would warrant setting aside the general presumption against development.
63. That said, mineral extraction need not be ‘inappropriate development’ or conflict with the purposes of including land in Green Belts provided that high environmental standards are maintained throughout operations and that the site is well restored upon completion of mineral extraction. Furthermore, guidance contained within MPS2 recognises that minerals and hydrocarbons can only be extracted from where they are

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found, resulting in the underlying geology of a potential site being a key determining factor in terms of site selection.

64. The application explains that a site selection process was undertaken to identify various potential sites above the reservoir and within the licence area awarded to the applicant by DECC. That selection process identified that any potential location for an oil exploration site over the reservoir and south of a nearby geological fault line would have to be within the Metropolitan Green Belt and the High Weald AONB. For reasons set out elsewhere in this report, I am satisfied that the proposals meet the tests required for mineral development in the Green Belt summarised in paragraph 63 above and are therefore not 'inappropriate development' in this instance. On this basis, it is not necessary for 'very special circumstances' to be demonstrated. For these reasons, together with the conclusions drawn below, I consider that the proposals accord with National Green Belt and Minerals Policies, together with Development Plan Policies covering Green Belt land, notably South East Plan Policy SP5, Local Plan Policy MGB1 and draft Core Strategy Policy CP2.

High Weald AONB / Special Landscape Area Designations

65. The application site is located within a nationally designed sensitive landscape, the High Weald AONB. It is also located within a Special Landscape Area (SLA). National minerals planning policy contained in MPS1 recognises that major mineral proposals should not be permitted within AONB's (amongst other important designated sites) except in exceptional circumstances. Due to the serious impact that major mineral developments may have on these areas of natural beauty, applications for these developments should be subject to the most rigorous examination. That examination should include an assessment of: the need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated. Furthermore, MPS1 states that planning authorities should ensure that for any planning permission granted for major mineral development in designated areas, the development and all restoration should be carried out to high environmental standards and be in character with the local landscape and natural features.
66. Given the limited scale and temporary nature of the proposals, I do not consider the development to constitute 'major' mineral development as defined in national minerals policy. Accordingly, MPS1 sets out that proposals not considered to be 'major' mineral developments should be carefully assessed, with great weight being given in decisions to: the conservation of the natural beauty of the landscape and countryside; the conservation of wildlife and the cultural heritage; and the need to avoid adverse impacts on recreational opportunities.
67. The application site itself is visually constrained from some views by characteristic undulating landform and woodland blocks, albeit there are some long distance views towards the site from the north-west and from the east. Close views of the proposed development would be experienced from the PROW network immediately south of the application site, as well as from adjacent farms to the north. Whilst I accept that there would be a noticeable visual impact arising from the proposals on the adjacent PROW and some other locations close to the site, existing vegetation, topography and the mitigation proposed by the applicant (including earth bunding / seeding and additional permanent landscape planting along this boundary) would minimise these. On this

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- basis, I consider that these impacts are acceptable. Given that that site consists of a parcel of agricultural land, I do not consider that the proposed development would have any adverse impact on wider recreational opportunities within the High Weald AONB.
68. Various development locations were discussed within the existing field parcel at the pre-application stage with officers from the County Planning Authority. In my opinion, the current application site represents the best possible location for the drilling operations within the field parcel available to the applicant in visual terms considering the sensitive AONB and SLA designations.
69. The application is accompanied by a Landscape and Visual Assessment Report. The Report mapped a zone of visual influence covering an area of 1 kilometre which identified locations that may be in view of the proposed site. It identifies that the most substantial visual change on the landscape would be visible from the adjacent Public Right of Way. However, these views would be restricted due to topography and woodland vegetation. Furthermore, the Report concluded that from the majority of visual viewpoints within 1 km of the application site, there would be limited views of the proposed development, with the exception of the very top of the derrick (the drilling rig – proposed to be 18 metres high). I note that the County Council's Landscape Consultant (*see paragraph 49*) considers that whilst the proposals would cause a substantial localised impact on the landscape, he considers that the wider High Weald AONB and the open character of the Green Belt would not be significantly affected, subject to the site being fully restored to its current state on completion of operations.
70. An important consideration in terms of the development's impact on the AONB and SLA aside from 'built development' is the impact of proposed site lighting within the wider sensitive landscape. The Borough Council has expressed concerns about such impacts. I note that floodlighting would be operational on an 'as required' basis during 24-hour periods as part of the drilling and EWT phases given the need to provide safe working environments for site operatives. Whilst I note that the lighting during night time periods would be visible from wider views within the AONB, I consider it to be acceptable given its temporary nature. Lighting issues are addressed further in paragraph 83 (in terms of their local amenity considerations).
71. Members will note that Kent Wildlife Trust requested that a ten metre stand off between the proposed surface water drainage pipe and the northern edge of Judd's Wood be provided to ensure no damage to trees and vegetation within the area of ancient woodland during construction activities. To this effect, the applicant has amended the proposals to provide the recommended ten metre separation distance. Based on this amendment, I consider that the proposals would safeguard the ancient woodland and are therefore acceptable and in general conformity with Development Plan Policies – notably South East Plan Policy NRM7 and Local Plan Policy EN13 which seek to preserve and enhance areas of ancient woodland.
72. The applicant has offered to seed the proposed earth bunds surrounding the application site, recognising the importance of preserving the visual quality of the surrounding sensitive landscape. This temporary mitigation measure is considered to be beneficial and could be secured by condition in the event of planning permission being granted.
73. In accordance with Kent Minerals Local Plan: Oil and Gas Policies OG17 and OG18, the application proposes that the site would be fully restored to its previous condition at the end of the EWT phase. Given the need to ensure the restoration of the site in a

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timely manner on the basis of the sensitive nature of the landscape, I propose that site restoration be commenced within 12 months from the date of the commencement of the site construction phase, unless otherwise agreed in writing by the County Planning Authority. This requirement could be controlled by way of an appropriately worded planning condition. A five year aftercare scheme is proposed to ensure the management of the land by the applicant for subsequent years following initial restoration. Broadly speaking, restoration of the site would comprise of the removal of all equipment from the site, the grading of the land to previous contour levels through the placement of subsoils and top soils in accordance with best practice handling techniques, followed by grass seeding. The section of hedgerow along Gate Farm Road would be replanted using native hedgerow species to an agreed specification. I consider that the general principles of restoration and aftercare proposed are in conformity with Development Plan Policy, and would serve to minimise any temporary harm caused to the Metropolitan Green Belt, High Weald AONB and SLA. Furthermore, I consider that effective restoration in accordance with the current landform and landscape character would assist in ensuring that the sensitive landscape of the High Weald AONB is conserved, a key consideration in terms of the rigorous assessment of minerals proposals within nationally designated landscapes, as set out in MPS1. Therefore I consider the proposals to be acceptable subject to securing appropriate restoration and aftercare schemes by condition.

74. Having visited the site on several occasions and considered the wider visual impact of the proposals on the High Weald AONB and SLA, I concur with the views expressed by the County Council's Landscape Consultant in so far as he notes the substantial localised visual impact the proposals would be likely to generate. That said, given the temporary nature of the proposal, its limited scale, the minimal impact on recreational opportunities, ecological and archaeological interests (as discussed below) and final restoration to high environmental standards consistent with the original landform, I do not consider the proposals to warrant a planning objection on the grounds of an unacceptable impact on either the High Weald AONB or the SLA. For this reason, I consider that the proposal is in general conformity with the principles contained in national minerals policy together with Development Plan Policies, most notably South East Plan Policy C3, Kent Minerals Local Plan: Oil and Gas Policy OG18, Local Plan Policies EN8 and EN26 and draft Core Strategy Policy CP4.

Highway Issues

75. Access to the application site is proposed to be obtained via Gate Farm Road which leads from the A21 [Tonbridge Bypass] / Tonbridge town centre direction via Brook Street, Upper Haysden Lane and Haysden Lane. Once leaving the built up confines of Tonbridge, Upper Haysden Lane and Haysden Lane are predominantly rural country lanes consisting of single direction carriageways. Gate Farm Road consists of a rural country lane, passable in its majority by single file traffic only.
76. I note that the issue of an appropriate point of access into the application site has been raised by a local resident (*see paragraph 60*). To this effect, the resident has suggested that the applicant consider using an existing gateway to the east of the site which was closed by the landowner following a number of unauthorised entrances to his land. The resident has considered that reopening this access would negate the need for the removal of a section of hedgerow currently proposed, ultimately removing the need for ecological mitigation measures such as the proposed dormouse bridge. Whilst in principle this approach would seem logical, there are a number of technical reasons why such approach would not be considered as a favourable alternative. Firstly, the alternative point of access would be situated further along Gate Farm

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Road, a narrow country lane, resulting in HGV's being required to remain on the highway for an increased length of time. From the Divisional Transportation Manager's point of view, the shortest time spent by HGV's on Gate Farm Lane is preferable. Secondly, the alternative point of entry/exit is located on a sharp bend requiring site vehicles to turn across the oncoming traffic at the bend where oncoming traffic is descending from an uphill location, thus likely to be travelling at higher than average speeds. Furthermore, the applicant recognises that whilst they accept that there is already a gap in hedgerow at this location, this would not be sufficient to bring in a safe entrance/exit given the need for large visibility splays on an existing sharp bend. The applicant also notes the very steep changes in level at this point, preventing the easy movement of vehicles to the operational site area. Therefore, the requirement for the removal of hedgerow would still be necessary, together with appropriate mitigation measures.

77. Whilst I note the views and suggestions of the local resident in this instance, I consider that there are various sound planning and highway reasons why such alternative point of access would not be more desirable than the access arrangements proposed by the applicant. In particular, I note the professional advice received from the Divisional Transportation Manager in which he states that the point of access put forward by the applicant is the most preferable. My acceptance of this is conditional on the satisfactory resolution of the ecological issues associated with the removal of hedgerow as discussed below.
78. On the basis of the rural characteristics of the local highway network, the applicant proposes a vehicle access management plan to control all HGV movements to/from the site during all phases of development. The management plan would place routing controls starting from the junction of the A26 and Haysden Lane requiring all HGV vehicles travelling to the site to use Haysden Lane and turn left into Gate Farm Road. Shortly after passing under the A21 HGV's would be required to turn left into a temporary holding area (at "Fishpond Farm") until an operator at site requests that waiting HGV's proceed to the site. Other management measures offered by the applicant include temporary traffic signal control along Gate Farm Road during the site construction phase, and restricting HGV traffic to outside of school hours during term time, except in exceptional circumstances. Members should note that the Divisional Transportation Manager (*see paragraph 43*) has raised no objections to these management measures, subject to an appropriate mechanism being put in place to ensure that the applicant fully abides by the measures offered up. To this effect, I propose that should planning permission be granted, the applicant be required to complete a legal agreement to secure these various traffic management measures, pursuant to Section 106 of the Town and Country Planning Act. The applicant has indicated its willingness to provide an appropriate Unilateral Undertaking to secure the traffic management measures in this instance.
79. On the basis of the professional highway advice received from the Divisional Transportation Manager and having considered the suggestions put forward by the local resident regarding an alternative site access in this instance, I consider that subject to the completion of a Section 106 Agreement to secure HGV traffic management measures, the proposals are acceptable in highway terms as they are broadly in accordance with the Development Plan, namely Kent Mineral Local Plan: Oil and Gas Policy OG15 and Local Plan Policy TP4.

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Amenity Considerations and Operational Hours

80. There are a number of amenity considerations to take into account when determining this proposal. The most significant of the impacts associated with the proposed operations would be those arising from 24-hour operations during the drilling and EWT phases. During these phases, the key issues are those specifically relating to noise and lighting impacts.
81. In terms of noise impacts, as detailed above, the application is accompanied by a Noise Assessment Report which establishes background noise levels within the locality to be typically between 35 dB L_{A90} during the day and 30 dB L_{A90} at night. The Report goes on to identify 'worst case' daytime noise levels during the various phases of operations (see *Table 1 – Page C2.11*) and concludes that during daytime periods, noise associated with the proposed operations would not be particularly high or unusual for a relatively small scale ground works operation of the type involved. The Report provides predicted noise levels for the proposed 24-hour operations (i.e. those operations proposed during the drilling and EWT phases) (see *Table 2 – Page C2.11*) and concludes that noise emissions during both daytime and night-time periods would not exceed the recommended levels as set out in MPS2.
82. The applicant's Noise Assessment Report has been independently assessed by the County Council's Noise Consultant (see *paragraph 50*) who has concluded that noise emanating from the facility would be acceptable and accord with the guidance contained in MPS2. Members will note that the Borough Council have requested noise level verification be a requirement by condition in the event that planning permission is granted. I consider that this level of control is unwarranted in this particular instance, but instead would seek to ensure, by condition, that noise levels are appropriately secured to those levels set out in the application. On the basis of the professional advice received in respect of noise matters, I consider that the proposals are acceptable on noise grounds as they are in accordance with Development Plan Policy, notably Policy OG5 of the Kent Minerals Local Plan: Oil and Gas.
83. The Borough Council has expressed concerns about light spillage and resultant adverse impacts. I note that the application proposes 24-hour operations during the drilling and EWT phases. During these periods, site lighting would be required on an 'as required' basis during day-time periods and at all times during night time periods to maintain health and safety requirements for on-site working. I note that site lighting would consist of ten 400 W floodlights supported on 6 metre high poles, angled downwards to minimise light spill. Whilst I recognise that site lighting would be noticeable during night-time periods, I am satisfied that there would be no detrimental levels of light intrusion into nearby residential dwellings given the separation distances and existing well-established vegetation belts between the site and nearest residential properties. To this effect, I consider the proposals to be acceptable in terms of lighting impact and local amenity, as they broadly meet the policy requirements of Kent Minerals Local Plan: Oil and Gas Policy OG9 and Local Plan Policy EN8. However, I consider that a condition should be placed on any consent requiring site lighting to be switched off when not required for health and safety reasons.
84. In terms of operational hours, I note that during the drilling and EWT phases operations would take place on a 24-hour basis. For all other phases (i.e. site construction and restoration) operations would take place between the following hours – Monday to Friday: 07:00 – 18:00, Saturdays 07:00 – 13:00 and no working on Sundays or Bank Holidays. With the exceptions of 24-hour operations, these hours are consistent with Kent Minerals Local Plan: Oil and Gas Policy OG10. The scope for

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reducing 24-hour operations during drilling and the EWT phase is not possible for technical and health and safety reasons, as set out in paragraphs (19) and (25) above. Accordingly, subject to operational hours being limited to those applied for by planning condition, I consider the hours proposed to be acceptable in this instance.

Ecological Issues

85. The site construction phase involves the removal of an 8 metre section of hedgerow along Gate Farm Road to make way for a dedicated site access. This hedgerow is ancient hedgerow, comprises priority Biodiversity Action Plan habitat and qualifies as “ecologically important” hedgerow under the Hedgerow Regulations. The application is accompanied by an Ecological Report which notes the likely presence of dormice (a European Protected Species) within this section of hedgerow and therefore proposes mitigation measures to ensure the protection during on-site operations. The mitigation offered by the applicant includes the installation of a dormouse bridge across the proposed site entrance. Given the presence of European Protected Species, the applicant would also need to apply for a European Protected Species Licence from Natural England prior to any removal of hedgerow.
86. The Borough Council has raised concerns about potential adverse impacts on dormice and bats and considers that further long term mitigation should be provided if the development is to be undertaken, even if this would have no direct impact during the development itself. Examples suggested include bat boxes and additional tree and hedgerow planting.
87. The County Council’s Biodiversity Officer has assessed the Ecology Report accompanying the application and, based on the further information submitted by the applicant, does not raise an objection to the proposals subject to the mitigation measures being undertaken as stated within the application (*see paragraph 54*). I note the advice offered by Natural England (*see paragraph 53*) to refer to their Standing Advice on Protected Species and Ancient Woodland, and to take into account the advice of the County Council’s in-house ecologist. Furthermore, Kent Wildlife Trust (*see paragraph 55*) have raised no objections to the development, subject to planning conditions being imposed to secure the completion of avoidance, mitigation, compensation and enhancement measures recommended in the application. On the basis of the professional ecological advice received, I consider that the proposals are acceptable in terms of ecology, that the additional mitigation suggested by the Borough Council is unnecessary and that the development is broadly in accordance with the general thrust of South East Plan Policy NRM5. Furthermore, I note that the proposals would ensure that wildlife is conserved, an important consideration for mineral proposals within sensitive designated landscapes.

Public Right of Way

88. The application site is located immediately to the north of an existing PROW, the safeguarding of which is a material planning consideration. As part of the further information submitted by the applicant, it has offered additional planting along the boundary of the application site with the PROW network to supplement that existing. This additional planting is supported by those who have commented on it and, if planning permission is granted, should be secured by condition as part of the overall landscaping proposals. Notwithstanding this, the Borough Council is still concerned about potential impacts on users of the PROW.

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89. In terms of the impact of the proposed operations on the existing PROW network, I do not consider that there would be any significant adverse impact on the ability of users to continue a reasonably enjoyment of the right of way, including indirect impacts. This is consistent with national minerals planning policy in terms of assessing the impacts of minerals proposals on important designated landscapes. On this basis, I consider the proposed development to be acceptable in terms of public rights of way.

Archaeological Interests

90. Members will note that the County Council's Archaeological Advisor has recommended that a watching brief be placed on any forthcoming planning consent on the basis that on-site operations have the potential to uncover hitherto unknown archaeological remains. This can be secured by condition.

Other Issues

91. Kent Minerals Local Plan: Oil and Gas Policy OG7, South East Plan Policy NRM1 and Local Plan Policy EN16 all require water supply and groundwater quality to be maintained by avoiding adverse effects of development on the water environment. Discussions have taken place at an early stage between the applicant and the Environment Agency to establish pollution prevention measures, and members will note that the Environment Agency do not raise any objections to the application on the basis of the details proposed by the application. Given the Agency's technical advice, I consider the proposals to be acceptable in terms of ground and surface water interests.
92. Members will note that the Borough Council has also raised concerns about potential land contamination and suggested that details be agreed about remedial targets of any soils treated as a result of land contamination to ensure that soil quality is maintained. The applicant has agreed to undertake baseline soil analysis prior to any works that can be used as the agreed soil quality target on restoration. This can be secured by condition.
93. Members will note that given the complexities of the project, the applicant has sought that a period of 5 years in which to implement the development is provided for in any planning consent. In principle, a 5 year implementation period is consistent with recent Government advice regarding the greater flexibility of planning permissions. On this basis, I consider that a 5 year implementation period is acceptable in this instance.
94. Members will note that the Borough Council requested that the applicant enters into a Woodland Management Plan for Judd's Wood as an additional ecological compensatory/mitigation measure. However, given the scale and nature of the temporary proposals being considered in this instance, together with the ecological mitigation already proposed by the applicant, I do not consider that a Woodland Management Plan could be justified in this case.

Conclusion

95. The proposal seeks planning permission for the construction of a temporary oil exploration site with associated facilities within a sensitive nationally designated landscape, the High Weald AONB. The application site is also within the Metropolitan Green Belt and a Special Landscape Area (SLA). The development would be carried out in four main phases (i.e. site construction; drilling operations; extended well

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

testing; and site restoration to the original landform/landscape character). In assessing the development's impact on the AONB against the advice in MPS1, I consider that the proposals do not constitute 'major' mineral development. On this basis, the proposals need to be assessed having regard to: (i) the conservation of the natural beauty of the landscape and countryside; (ii) the conservation of wildlife and cultural heritage; (iii) and the need to avoid adverse impacts on recreational opportunities.

96. Although the development would have some visual impact on the AONB (particularly in terms of localised impacts), it would be temporary in nature and the site would be restored to its original landform on completion of operations thereby maintaining landscape character. For these reasons, and as high environmental standards would be maintained during operations, I am satisfied that there would be no significant long-term impact on the natural beauty of this nationally important landscape. I am also satisfied that there appears to be no alternative site outside the AONB from which the exploration could be undertaken. I therefore conclude that the proposals are acceptable in terms of the conservation of the natural beauty of the landscape and countryside. For similar reasons, I also conclude that the proposals do not represent 'inappropriate development' in the Green Belt and that it is not necessary for there to be 'very special circumstances' to justify the development. However, if such circumstances were required, the justification put forward by the applicant could be viewed favourably in this context. Although European Protected Species are present within the general development area, I am satisfied that there would be no significant adverse impacts on wildlife habitats given the mitigation proposed and as further controls would be required as part of any protected species licence issued by Natural England. I am also satisfied that cultural heritage issues (archaeology) are capable of being addressed. On this basis, I consider the proposals to be acceptable in terms of the conservation of wildlife and cultural heritage. Whilst there would be some indirect impact on users of the adjacent PROW, which would be minimised by the proposed landscaping measures, they would still benefit from reasonable a reasonable level of enjoyment of the right of way network. There would be no adverse impacts on recreational opportunities.
97. I am satisfied that the proposals are acceptable in all other respects and are generally consistent with relevant planning policies subject to the proposed HGV routing / management regime being adhered to and conditions to address those other matters outlined elsewhere in this report. I therefore recommend accordingly.

Recommendation

98. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO the prior completion of a Section 106 Agreement to secure HGV routing / management arrangements AND conditions to cover (amongst others) the following:
- 5 year implementation period;
 - the development to be carried out in accordance with the permitted details;
 - prior notification of the start date of each phase of operations;
 - baseline soil analysis to be used as the soil quality target for restoration;
 - hours of working restricted to those applied for;
 - ecological mitigation;
 - seeding of earth bunds;
 - noise limits;
 - archaeological watching brief;

Appendix 1 to Item C2

Oil exploration site at Bidborough Well Site, Judd Wood Farm, Gate Farm Road, Bidborough – TW/10/33

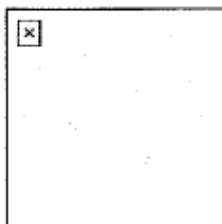
- measures to prevent mud and debris being tracked onto the public highway;
- submission of detailed site access arrangements (implementation as approved);
- floodlighting be switched off when not required for the safe operation of the site.
- submission of detailed site restoration scheme (including planting between site and PROW);
- site restoration within 12 months of commencement of construction phase, unless otherwise agreed in writing by the County Planning Authority;
- submission of 5 year aftercare scheme;

Case officer – Julian Moat 01622 696978

Background documents - See section heading

Appendix 2 to Item C2

Views of Tonbridge & Malling Borough Council



Planning, Transport
& Leisure Services

Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ

Switchboard 01732 844522
DX TMBC 92865 West Malling
Minicom 01732 874958 (text only)
Web Site <http://www.tmbc.gov.uk>
Email planning.services@tmbc.gov.uk
transport.services@tmbc.gov.uk
leisure.services@tmbc.gov.uk

Mr J. Moat
Planning Applications Group
Kent County Council
First Floor, Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Contact **Lindsay Pearson**
Direct line **01732 876237**
Email lindsay.pearson@tmbc.gov.uk
Fax 01732 876363
Your ref TW/10/33
Our ref PTLs/TM/10/00988/MIN/LJP
Date 21 April 2010

Dear Mr Moat

TEMPORARY DRILLING SITE TO EVALUATE HYDROCARBON POTENTIAL BIDBOROUGH WELL SITE, BIDBOROUGH

Thank you for your recent consultation. I wish to record that the Council is somewhat concerned that neither that County Council nor, more importantly, the applicant saw fit to consult the Borough Council given that the HGV access routes proposed run through a major urban area in the Borough.

The Borough Council **RAISES CONCERN** that the application **HAS FAILED** to demonstrate that the selected HGV route is the most appropriate and has least adverse impact of any potential HGV access route.

It should be noted that the route proposed in Tonbridge and Malling Borough runs through the well established urban area and in particular through residential locations and on the access to West Kent College (an FE College) and two Secondary Schools. The route along Brook Street is on a length of road that the County Council has recently introduced traffic management/speed controls (due to know speed limit transgressions) and the Hayesden Lane road network was subject to a joint study between KCC and TMBC – the Rural Lanes Study. In the view of the LPA such routes should be avoided unless there is no better alternative.

The position of the educational establishments in Brook Street is particularly important given the extended hours of use of all three sites. Because of the nature further education and the community uses of the secondary schools, there are few "quiet times" for both motor and pedestrian traffic to these sites.

The application detail provided to TMBC does not appear to include the detailed comparative work of alternative access routes for instance via Bidborough Ridge (with a lesser number of houses and education establishments affected than in Tonbridge) or from the west via the Morleys junction on A21. The Committee Report does not clearly identify if the applicants sought to or were asked to carry out such comparative work. In the Council's view this is essential and will require the Divisional Transport Managers



Director of Planning, Transport & Leisure Services: Steve Humphrey (MRTPI)



INVESTOR IN PEOPLE

Appendix 2 to Item C2
Views of Tonbridge & Malling Borough Council

Tonbridge & Malling Borough Council
Our ref: PTLs/TM/10/00988/MIN/LJP

Date: 21 April 2010

responsible for Tunbridge Wells, Tonbridge and Malling (and possibly Sevenoaks) to compare and contrast the alternative routes.

Nothing in the original County Council report appears to recognise that the route through Tonbridge runs, to a significant extent, through the Quarry Hill Conservation Area. The adverse impact of such traffic on the character of the various parts of the Conservation Area has not been addressed in itself, let alone in the context of the Conservation Area Appraisal. This weakness in analysis should be remedied.

As a result of all the matters raised above, the Borough Council is far from satisfied that the variety of options for alternative HGV access routes have been properly assessed such that it can be claimed that the tests in Kent Minerals Plan Policy OG15 have been adequately met.

I would be grateful if these comments could be quoted verbatim in your report-back.

Yours sincerely



Lindsay Pearson
Chief Planning Officer

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185

A report by Head of Planning Applications Group to Planning Applications Committee on 11 May 2010.

Application by the Hayesbrook School and Kent County Council for the construction of a artificial grass sports pitch with perimeter ball-stop fencing, floodlights, pedestrian spectator area and pathway, Hayesbrook School, Brook Street, Tonbridge (Ref: TM/10/185)

Recommendation: permission be granted subject to conditions.

Local Member(s): Mr. G Horne and Mr. C Smith

Classification: Unrestricted

Site

1. The application site forms part of an existing secondary school playing field on the outskirts of Tonbridge. Hayesbrook School is located off the north side of Brook Street, on the south west side of Tonbridge, as indicated on the attached site location plan. The application site area is just over 0.8 hectares and envisages an artificial grass sports pitch of 7658m² and a connecting pathway of some 490 m² in the south west corner of the school playing field area.
2. The school site as a whole is included within an area that has been identified since the 1998 Tonbridge and Malling Borough Local Plan as Safeguarded Land, reserved for future development. This policy has been carried forward in the Local Development Framework Core Strategy, but the land is not to be released for development before 2021, unless there is shortfall of housing land to meet the South East Plan requirements. Accordingly, the school playing fields remain excluded from the Metropolitan Green Belt, despite being immediately outside the urban confines of Tonbridge.

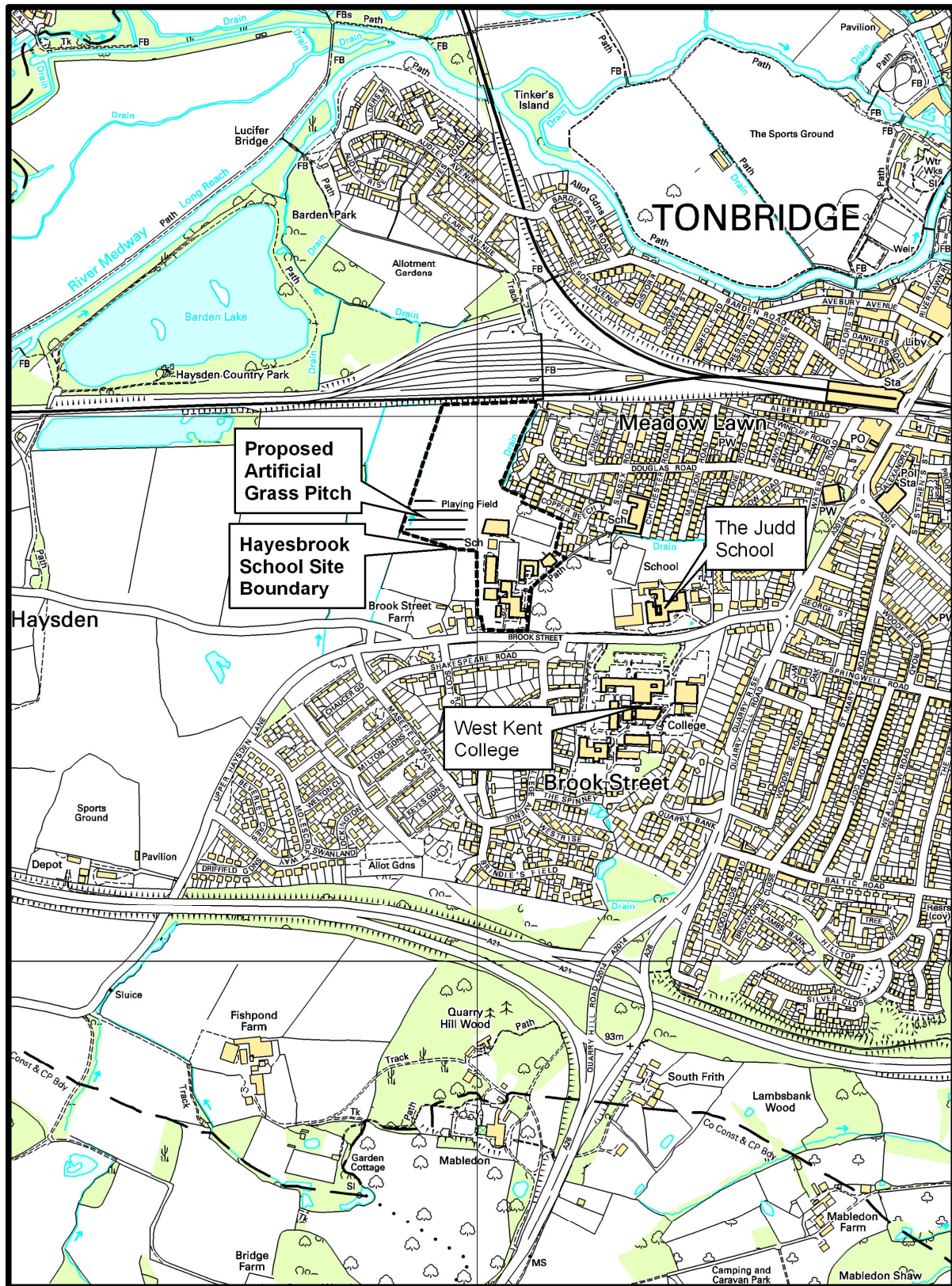
Background

3. Planning consent was given in August 2004 (under reference TM/04/859) for the development of an all-weather surfaced multi-use games area on another part of the school playing fields, comprising 4 hard surfaced tennis courts, with fencing and service provision only for any future training floodlighting. The floodlighting has never been pursued by way of any further planning application, but in determining the 2004 planning application, Members restricted the hours of use to 0800-2000 hours (Monday to Saturday) and 0900-1800 hours (Sundays and Bank Holidays).

Proposal

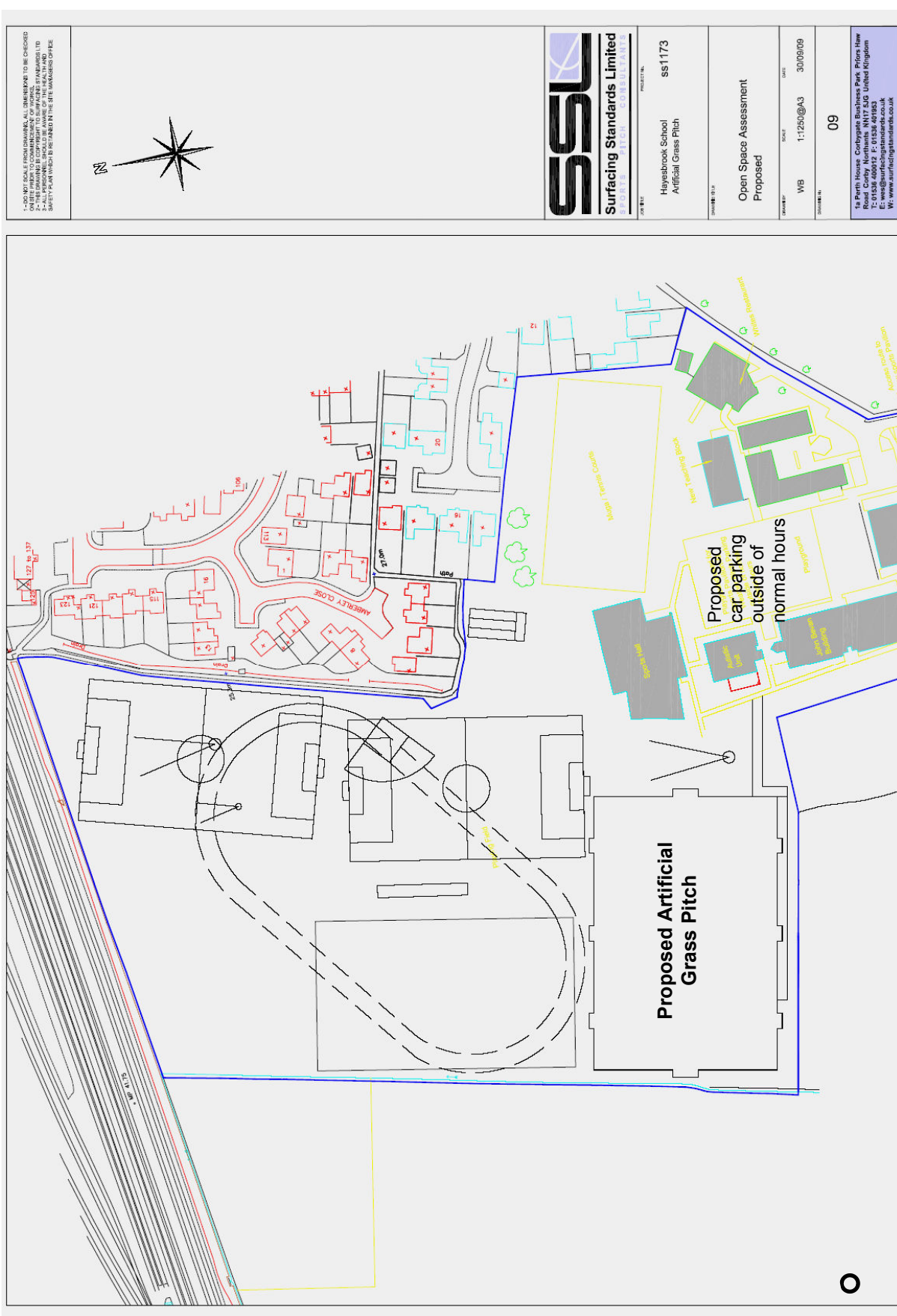
4. The application seeks full planning consent for an artificial grass sports pitch, with perimeter fencing, floodlighting, a spectator area and a pedestrian pathway. The proposed facility would cater for football and small sided football. The artificial surfacing

HAYESBROOK SCHOOL - LOCATION PLAN



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Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185



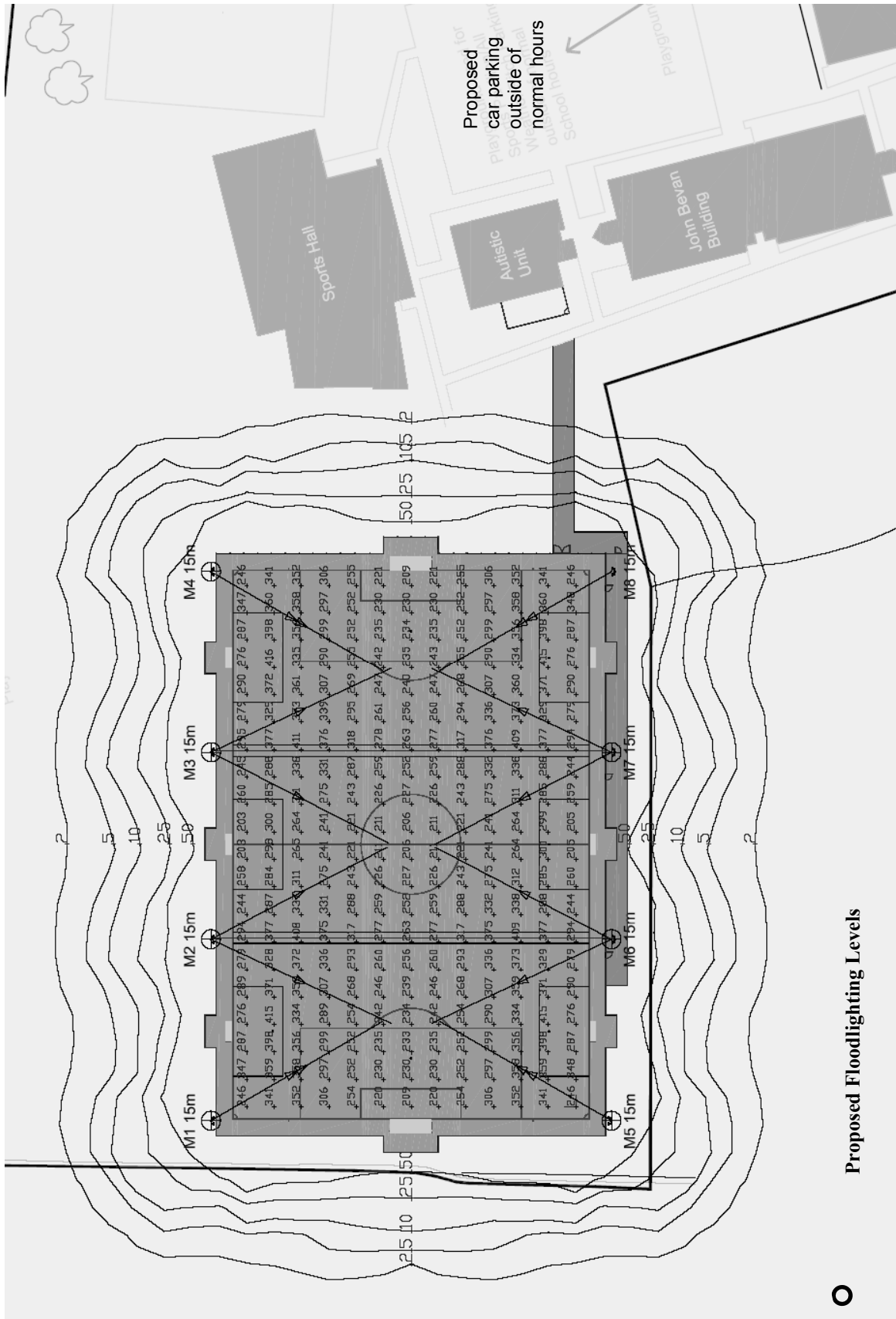
1- ALL NEW AND EXISTING SERVICES TO BE CHECKED
 ON SITE PRIOR TO COMMENCEMENT OF WORK
 2- ALL SERVICES TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS
 3- ALL PERSONNEL SHOULD BE AWARE OF THE HEALTH AND SAFETY PLAN WHICH IS TO BE KEPT IN THE SITE MANAGERS OFFICE

SSS
Surfacing Standards Limited
 SPORTS PITCH CONSULTANTS
 PROJECT NO. SS1173
 Hayesbrook School
 Artificial Grass Pitch

DRAWING TITLE: Open Space Assessment Proposed
 DRAWING NO: WB 1:1/250/A3 DATE: 30/09/09
 REVISION NO: 09

18 Park House, Collymore Park, Priests Park, Priors Hill, Tonbridge, Kent, TN11 1JH, United Kingdom
 T: 01538 400012 F: 01538 401953
 E: enquiries@surfingstandards.co.uk
 W: www.surfingstandards.co.uk

Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185

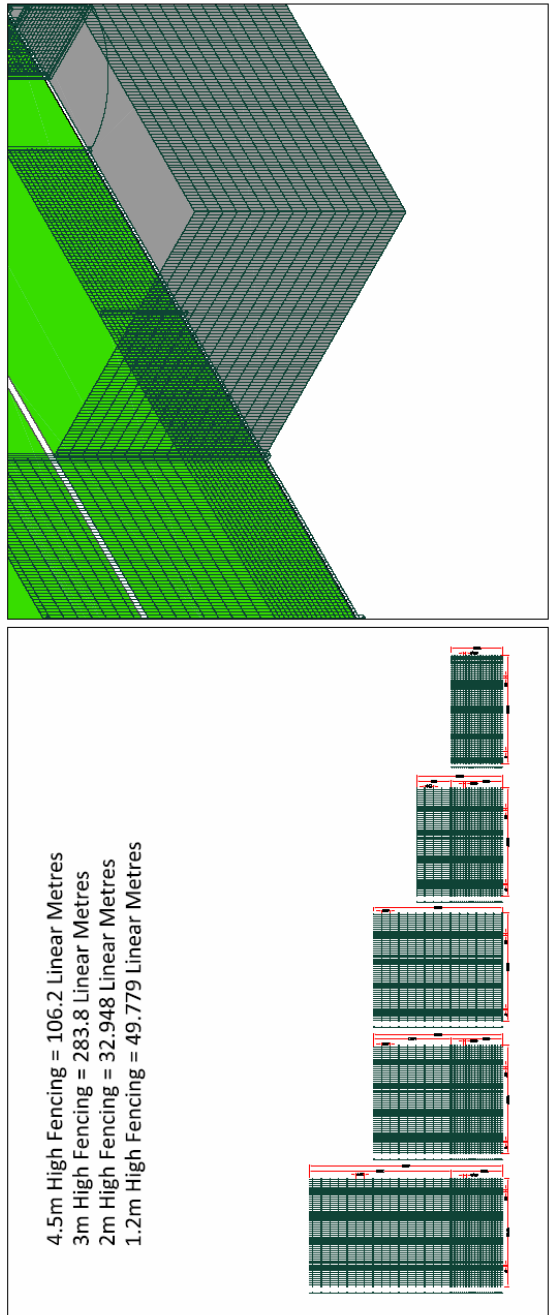
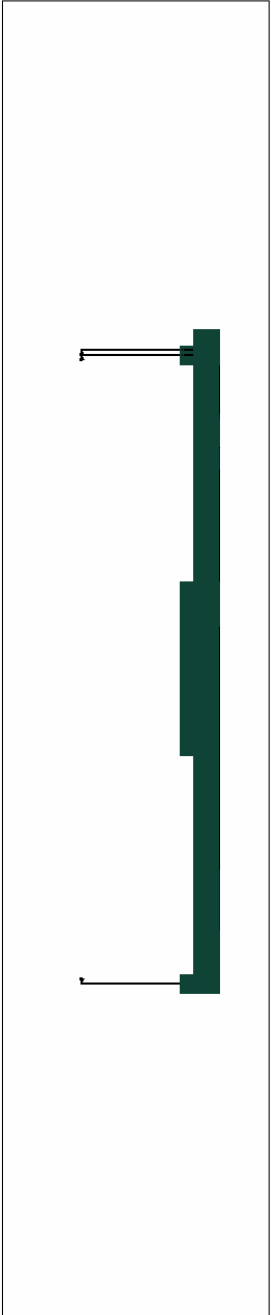
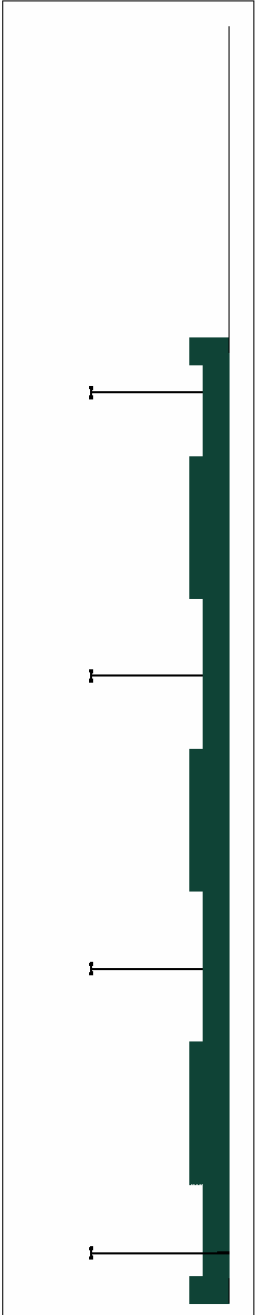


Proposed Floodlighting Levels



Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185

<p>1. DO NOT SCALE FROM DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE. 2. THIS DRAWING IS COPYRIGHT TO SURFACING STANDARDS LTD AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEMS WITHOUT THE WRITTEN PERMISSION OF THE HEAD OFFICE. 3. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.</p>	 <p>Surfacing Standards Limited SPORTS PITCH CONSULTANTS</p>	<p>PROJECT No. SS1173</p> <p>Hayesbrook School Artificial Grass Pitch</p>	<p>DRAWING TITLE</p> <p>Elevation</p>	<p>DRAWING No. WB</p> <p>SCALE As Stated@A3</p> <p>DATE 30/09/09</p> <p>DRAWING No. 05</p>	<p>1a Perth House Corbygate Business Park, Priors Haw Road Corby, Northants NN17 5JG United Kingdom T: 01536 400102 F: 01536 401956 E: sales@surfacingstandards.co.uk W: www.surfacingstandards.co.uk</p>
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Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185

would be green in colour with white and blue line markings. The ball-stop fencing surrounding the pitch would be green powder coated steel mesh and largely 3 metres in height, being 4.5 metres behind goals and recesses. The spectator area would be behind the goal recesses, and separated by 1.2 metre high fencing.

5. The proposed football facility is required primarily for use by Hayesbrook School, but also to meet the wider needs of the local community, by allowing its use outside of normal school hours through formal arrangements with other local sporting organisations. It is for the latter purpose that the proposed floodlighting is particularly required. The applicants have chosen to locate the proposed pitch where it would have least impact on neighbouring residential areas, but still be reasonably accessible to the main school buildings and circulation areas. In order to physically accommodate the pitch, other sports pitches on the playing fields would need to be re-oriented, including the grass athletics track and the cricket pitch.

6. The initially proposed hours of use of the facility sought were as follows:

Weekdays	0800-2200 hours
Saturdays	0900-1700 hours
Sundays and Bank Holidays	0900-1700 hours
(86 hours per week in total)	

Following reactions to the planning consultations, the applicants have amended the hours sought to bring the weekday finish times to 2130 hours, which would reduce the total weekly usage to 83.5 hours.

7. Access to the facility would remain unchanged from the current school access arrangements. The school site currently accommodates 100 parking spaces, plus 1 for disabled parking, 6 bus spaces and 50 cycle spaces. The application proposes an additional 60 parking spaces and 3 extra spaces for disabled parking, by the use of an existing playground for car parking outside of school hours. The macadam surfaced pedestrian pathway would vary in width from 2 to 4 metres, and would provide an all-inclusive access to the pitch and spectator area.

8. The proposed floodlighting would require eight 15 metre high columns, and would have flexible switching to enable the level of lighting to be adjusted according the standard of play. 200 lux would be provided for competition standard football and light level training, whereas 100-120 lux would be employed for lesser football training and 5-a-side football and training. The lighting columns would be galvanized steel columns (brushed silver colour) with grey lanterns housing.

9. The application is accompanied by a Lighting Assessment, a Flood Risk Assessment, a Site Waste Management Plan, and a School Travel Plan, plus, since its submission, a Noise Assessment. The Lighting Assessment explains that the lighting specification has been designed to accord with the Institute of Lighting Engineers' *Guidance Notes for the Reduction of Obtrusive Light (2005)*, recognizing that the locality is Zone 2 (low district brightness area or relatively dark urban area) requiring less than 2.5% upward light and less than 5 lux vertical illuminance into residential property windows. In particular, 15 metre high columns would allow the use of horizontally mounted, flat glass lanterns, which would provide good light uniformity on the playing surface at the same time as minimizing vertical overspill and any distant glare from luminaires otherwise needing to be tilted at an angle. Internal baffles on the luminaires also would prevent glare for players on the pitch, as well as more efficiently focusing the light downwards. The Assessment demonstrates that the proposed lighting scheme is compatible with the

Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185

requirements for its Zone 2 location, with minimal sky glow from upward light spill, substantially reduced light spread away from the playing surface and no glare from exposed lanterns.

10. The Flood Risk Assessment identifies the site as within the Environment Agency's Flood Risk Category 1, where the risk of fluvial or marine flooding is low (ie. 0.5% chance of flooding in any one year). Nevertheless, surface water run-off remains an important consideration, so the proposed surfacing would be porous allowing rainwater to soak through to a new lateral and perimeter drainage system and thence to a new headwall in the adjacent ditch.
11. During the processing of the planning application, a Noise Assessment has also been prepared and submitted, in response to third party concerns over potential noise nuisance. This Assessment considers the change in the noise climate as a result of the use of the proposed pitch, using evidence from similar sports developments elsewhere, compared to the existing situation. The conclusion is that the use of the pitch during the later evening hours is likely to be less than marginally significant. Since the site already generates sports related noise during the daytime, the new pitch would not be producing a new type of noise to the environment but rather extending it into evenings and weekends. At the most noise sensitive times the predicted noise arising from the use of the pitch would only reach 2dB above the ambient background noise level.
12. More recently, the applicants have produced on request a report detailing the Traffic Volume during the Construction Period, which identifies the number of vehicle movements at each stage of the construction, bearing in mind the variation in activity during those different stages. The conclusion is that the total average additional traffic that would be entering and leaving the site on a daily basis over the entire construction period would be approximately 9 (ie. varying from high activity in the 2nd and 3rd weeks when earthworks are being undertaken to virtually no movements during some of the later weeks). No contractor's vehicles or deliveries would enter the school and construction site before 0930 hours and after 1430 hours to avoid any conflict with normal school movements.

Planning Policy

13. The Development Plan Policies summarised below are relevant to the consideration of the application:
 - (i) The adopted **South East Plan** (2009):
 - Policy CC1 The principal objective of the Plan is to achieve and maintain sustainable development in the region.
 - Policy CC4 The design and construction of all new development, and the redevelopment and refurbishment of existing building stock, will be expected to adopt and incorporate sustainable construction standards and techniques
 - Policy CC6 Actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities.

Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185

- Policy T4 Local development documents should adopt restraint-based maximum levels of parking provision for non-residential development, reducing provision in locations with good public transport, and ensure the provision of sufficient cycle parking at new developments.
- Policy S1 Local development documents should reflect the role the planning system can play in developing healthy sustainable communities, such as community access to open spaces and physical recreation facilities.
- Policy S5 Local Authorities should encourage increased and sustainable participation in sport and recreation, to improve the overall standard of fitness, cultural diversity and quality of life.
- Policy S6 The mixed use of community facilities should be encouraged by local authorities, public agencies and other providers, through local development documents and other measures in order to make effective use of resources.

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

- Policy CP1 Requires all proposals for new development to result in a high quality sustainable environment.
- Policy CP4 Identifies land north of Lower Hayesden Lane, Tonbridge as Safeguarded Land, reserved for future development for release after 2021, other than through a review of the Local Development Framework and only then if necessary to meet a shortfall in housing land requirements of the South East Plan.
- Policy CP14 Restricts development in the countryside to certain exceptions, including predominantly open recreation uses with associated built infrastructure.
- Policy CP24 Requires all development to be well designed and of a high quality in terms of detailing and materials, and to respect the site and its surroundings, and seeks to protect and enhance existing open spaces.
- Policy CP26 Presumes against development proposals resulting in the loss of community services or recreation sites, unless exceptionally justified.

(iii) The recently adopted **Major Development and Environment Development Plan Document (2010)**:

- Policy OS1 Presumes against new development resulting in the loss or reduction in recreational value of existing open space, with Hayesbrook School identified for protection as an outdoor sports facility.

14. The relevant Government Planning Policy Guidance includes **PPG17 Open Space, Sport and Recreation (2002)**, which sets out planning policies on open space, sport and recreation and presumes against development on playing fields unless it is for

Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185

outdoor or indoor sports of sufficient benefit to the development of sport to outweigh the loss of playing field. PPG17 also advises that, when considering applications that include floodlighting, Local Planning Authorities should seek to protect local amenity, and where appropriate, consider the impact on the openness of the Green Belt or the character of the countryside, as well as the interests of sport. Currently proposed revisions to this guidance envisage requiring Local Planning Authorities to also consider the benefits to the health and wellbeing of those participating in sport and recreation, and the impact on the provision of sport and recreational facilities in the area resulting from their extended use. •

Consultations

15. The following views have been received from consultees:

Tonbridge and Malling Borough Council: raises objection to the proposal unless the following issues have been satisfactorily addressed:

- TMBC suggests that KCC considers the representations of Sport England and requests a condition requiring an enforceable Community Use Scheme
- the submission of a landscaping scheme around the perimeter fencing
- the pitch not to be illuminated when not in use
- KCC to be satisfied that the proposed parking and access arrangements are technically acceptable, particularly in the light of local circumstances
- floodlights to be angled to ensure only the sports pitch is illuminated and to avoid light spill outside the site
- the lighting levels at no times to exceed those shown on the submitted lighting assessment
- all illumination to be linked to a mechanism to limit illumination only during hours of actual use and to be timed to cut off automatically (or at 2200h Monday to Friday, 1700h Saturdays and 1800h Sundays)
- the extent of use of the sports pitch to be limited to that set out in the planning application's supporting information, with any alteration subject to prior written agreement
- the site to be vacated by 2230h on Mondays to Fridays.

Divisional Transportation Manager: has no objection to the application in respect of highway matters. In particular, he notes that the site currently benefits from a significant level of off-street parking (100 spaces with the potential for an additional 60 spaces on the playground outside of term time), and is satisfied that this level of parking would be suitable to serve the site as a whole.

Sport England: raises no objection to the application, subject to (in the event of planning consent being given) the submission of a Community Use Scheme, including details of pricing policy, hours of use, access by non-School users, management responsibilities and a mechanism for review, and has stated as follows:

“Sport England understands that currently marked out on the playing field are two football pitches, one rugby pitch, one training grid, a 400m running track, one rounders diamond, one artificial cricket wicket and javelin/shot-put areas. Despite the proposal

resulting in a large loss of playing field land...the application is able to demonstrate that the playing field will still be able to cater for the above pitches. However, in order for this to happen, the rugby pitch, one football pitch, running track and cricket wicket will be located further to the north of the playing field.

With the new proposal resulting in an important facility for not only the School, but also the wider community as a result of a formal Community Use Scheme, Sport England considers that this application satisfies Exception 5 of our playing field policy in that 'the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field' "

Jacobs (Lighting): raises no objection to the proposed floodlighting specification and advises as follows:

"The lighting proposed has clearly been well thought out, from the decision on appropriate lighting levels, effect of overspill and visual impact, down to the fact that the pitch itself has been placed as far away as possible from the nearest residential properties. The lantern proposed is of the flat glass type and mounted horizontally so that there is no upward light, thereby minimising light spill outside the area of play. The lighting level reduces from 200 lux on the playing area, to just 5 lux within 25 metres of the pitch, whilst the nearest property is 100 metres away where there would be no measurable light spill. It is clear that the overspill lighting is comfortably below the limits set within the Institute of Lighting Engineers' publication **Guidance Notes for the Reduction of Obtrusive Light**. It also complies with the recommendations within **BS EN 12193 - Sports Lighting**."

Jacobs (Noise): recommended that a Noise Assessment be carried out, following concerns raised by neighbouring residents about potential noise nuisance, and now raise no objection, but have commented as follows:

"The applicant has undertaken a Noise Assessment which assesses noise impacts on residential properties due to the proposed sports pitch. In the Assessment the noise consultant has used guidance from BS 4142 "Rating industrial noise affecting mixed residential and industrial areas" to qualify the likely noise impacts due to the scheme. In the report the consultant recognises the fact that BS 4142 is not directly applicable for the assessment of noise associated with a sports pitch. I advise that we are in agreement with the applicant's assertion that BS 4142 is not the most appropriate methodology. It is noted that the applicant has also made reference to paragraph 7.6.1.2 of BS 8233 "Sound Insulation and noise reduction for buildings - code of conduct" for desirable and maximum noise levels in gardens. I advise that we would not generally look to apply such criteria as it is considered that an assessment based on noise change rather than an absolute noise level, is preferable when assessing impact on residential amenity.

Instead we would suggest an assessment of the likely change in noise level at any nearby sensitive receptors due to activities on the proposed sports pitch. Such an assessment would consider impacts on the existing LAeq and LMax noise indices at nearby sensitive receptors at the most noise sensitive times of the day/week when the sports pitch is proposed to be operational. It shall be noted that we usually look to ensure that noise levels due to a proposed development do not lead to an increase of the existing LAeq noise level of more than 3 dB at any nearby sensitive receptor. Furthermore the LMax noise level due to the proposed development should not exceed that existing average LMax noise level at a sensitive receptor.

Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185

In undertaking an assessment in accordance with BS 4142, the applicant has presented existing LAeq and LMax noise levels at nearby residential properties to the north and south of the proposed sports pitch (Table 1 of the Noise Assessment), as well as predicted LAeq and LMax noise levels due to activities on the proposed sports pitch (Table 3). Existing noise levels have been measured at the most noise sensitive times of the day/week when the sports pitch is to be in use (i.e. weekday evening and Sunday afternoon). Using this information, we are able to assess noise impact at the identified residential receptors.

The minimum LAeq noise level observed at Old Barn Close to the south of the site was 47.6 dB LAeq, which was measured on a Sunday afternoon. The average LMax at the same location was 65.9 dB. The predicted LAeq noise level at residential properties in Old Barn Close is 44 dB while the predicted maximum noise level is 53 dB LMax when the sports pitch is operational. The LAeq noise level due to activities on the proposed sports pitch would lead to an increase of +1.6 dB in ambient noise level, which is within the criterion of less than +3 dB. The predicted LMax noise level at Old Barn Close is some 12.6 dB below the existing average LMax noise level observed at the monitoring location.

The minimum LAeq noise level observed at Amberley Close to the north of the site was 44.9 dB LAeq, which was measured on a Sunday afternoon. The average LMax at the same locations was 62.5 dB. The noise consultant has predicted LAeq noise level at residential properties in Amberley Close of 43 dB and LMax noise levels of 52 dB when the pitch is operational. However, I have concerns regarding these predictions. Table 4A and 4B state the distance between the centre of the proposed sports pitch and properties at Amberley Close to be 174m. Through consideration of the proposed site layout, I advise that the distance is in the order of 130m. Assuming a distance of 130m the predicted noise levels at residential properties in Amberley Close are 45.7 dB LAeq and 54.7 dB LMax with the proposed pitch operational. The LAeq noise level at residential properties on Amberley Close due to activities on the proposed sports pitch would therefore increase by +3.4 dB at the most sensitive times of the day. I advise that, whilst this represents a slight exceedence of the noise level criteria of +0.4 dB, such an exceedence is likely to occur only rarely. The applicants' assessment considers noise levels on the pitch due to competitive sports matches with spectators present. At the time of day with the lowest existing LAeq noise level, Sunday afternoon, the pitch is to be used for "Casual Use" which is unlikely to attract spectators, hence a reduced activity noise level is likely to result. Furthermore, the measured existing LAeq noise level of 44.9 dB is some 1.9 dB below than the next lowest observed LAeq noise level at that monitoring location.

Notwithstanding to above, the applicant has also made an assessment of increase noise due to additional traffic on the Brook Street due to the proposed development. The assessment suggests a noise level increase of less than +1 dB, which is not considered to be of significance. I would therefore suggest that, in spite of the minor exceedence of our usual noise level criteria, I would have no objections to the proposed development on the grounds of noise."

The Environment Agency: has no objection to the application, but asks that any permission includes the advice that the prior written consent of the Environment Agency will be required for the construction of the headwall for the proposed drainage scheme, under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws.

Floodlit sports pitch, Hayesbrook School, Tonbridge – TM/10/185

KCC Sports Development Officer supports the proposed development and points out that Hayesbrook is the Specialist Sports College for Tonbridge and is expected to have the very best specialist facilities for sport in its area. The proposed pitch is a rubber crumb rather than sand filled surface and therefore quite different to other artificial pitches in the locality, being specially suited to rugby and football. There is a significant deficiency of such pitches in the country and in Kent, with the only others in West Kent being at Paddock Wood and Maidstone. Given that those are already fully used, there is an estimated demand for at least another four in West Kent. It is the ambition of KCC Sport, Leisure and Olympics service to have as many young people as possible taking part in a positive sporting activity and providing new sports facilities is all part of that.

Local Member

16. The local Members, Mr. G Horne and Mr. C Smith, have been notified of the application and at the time of writing have submitted no written views on the application.

Publicity

17. The application was publicised by the posting of site notices and the individual notification of 28 nearby residential properties.

Representations

18. In response to neighbour notification, 10 letters of representation have been received, primarily from addresses in Copper Beech View and Amberley Close (to the north east of the application site). All these correspondents object to the proposed development and the main grounds for objection can be summarised as follows:

Siting and design issues

- the facility would be better accommodated near the railway line or rotated 90 degrees in the far corner of the playing field
- the footpath from the school to the railway line should not be lit as a result of this proposal
- floodlighting against the night sky will cause unacceptable light pollution levels
- the 15m high lighting columns would be an eyesore themselves in daylight
- the application contravenes *[former]* Structure Plan Policy QL15 requiring sports facilities to be 'designed to avoid nuisance from traffic, noise and lighting'

Amenity issues

- the development would cause great harm to local residents and neighbouring residential amenity
- the site is surrounded by family homes and late evening activity is totally unacceptable since it would interrupt homework and sleep for children
- the development would have a detrimental effect on the education and quality of life for children
- the floodlights would be visible from neighbouring properties

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- the floodlighting would bring further inconvenience to all residents bordering the school grounds
- what consideration has been given to screening the development and floodlighting from residents?
- there are no trees or hedges as indicated which cover the direct line of sight from houses in Copper Beech View
- floodlighting would intrude into the privacy of residents whose bedroom windows face the site
- houses in Copper Beech View are at about 4 metres higher ground level so more of the proposed lighting columns will be visible
- the regular gathering of people in large numbers would cause litter proliferation
- out of hours use and floodlights would cause excessive light pollution and noise in a residential neighbourhood
- there would be considerable noise and disturbance for up to 86 hours per week from participants and spectators, caused by balls striking metal fencing, traffic movements, referee/coach whistles and up to 50 players themselves at any one time
- there would be security implications for neighbouring residents from 226 on-site parking spaces and uncontrolled spectators
- the damaged boundary fencing to the rear of Amberley Close needs to be repaired/replaced, and the drainage trench re-dug to prevent easy access to the boundary fencing
- security and visibility will be a major issue for local residents and extra height fencing to Amberley Close is requested
- the site is in a quiet residential location and therefore unsuitable for a business venture of the scale indicated
- the construction of the development would cause unacceptable disruption, noise, dirt and dust
- the constant developments on this school site - building projects, sports hall, security lighting, tennis courts, cricket nets steel containers, etc.- have had a significant impact on our privacy and wellbeing

Need

- there is no evidence of need and justification for the development
- if demand does exist the facility would be better sited in the Park where there would be no residential impact and town centre businesses could benefit, or on the existing sports grounds at Tonbridge Racecourse and Tonbridge Farm
- is there not sufficient provision for community use on the three artificial pitches at Tonbridge School?
- we question the need for the development when the School already has adequate sports facilities
- rather than have floodlighting, the School should modify its schedule so that sporting activity can take place during daylight hours, in the interests of saving energy and reducing the carbon footprint

Other comments

- the application wrongly states that the School already has floodlit tennis courts, but these were rejected in 2004 and a precedent was set that neighbours should not have the quality of lives impacted by out of school hours activities
- how can a KCC proposal relating to its own property be considered in a fair and democratic way?

Discussion

19. The application is required to be determined in accordance with the relevant Development Plan policies, unless other material considerations are of overriding importance. Therefore, the proposal needs to be considered in the context of the South East Plan and the Local Development Framework and other material considerations, including those arising from consultation and neighbour notification responses. In this particular case, the determining issues would therefore include relevant planning policies, landscape/townscape impacts, lighting impacts, noise impacts, residential amenity aspects and need considerations.

Policy Context

20. Current Development Plan policies generally support the development of sports proposals and the mixed use of community facilities if in sustainable locations and sensitively designed. In this context, South East Plan Policy S1 promotes community access to physical recreation facilities, Policy S5 promotes increased sporting activity as means of improving fitness standards and Policy S6 promotes the mixed use of community facilities. The proposed development clearly sits very well with these policy objectives, and neither do the Local Development Framework policies present any substantive conflict, given that Policy CP14 effectively has no direct bearing on the use of this land pending the possible need for extra housing land here in future decades. Nevertheless, Planning Policy Guidance 17 currently requires Planning Authorities to take account of protecting local amenities and countryside impacts when considering floodlit sports facilities. The following sections therefore examine the local amenity aspects of the proposed development, notwithstanding the arguments in favour of sports development and the general policy support for the application.
21. Whilst Local Development Framework Policy CP26 presumes against development proposals involving the loss of playing field land, this proposal actually involves the wider use of sports land by extending the amount of sports activity that the land in effect could otherwise sustain as a natural grass surface. Such extra use would also be enhanced by the more efficient drainage system proposed, enabling its use after any prolonged wet weather. Sport England raises no objection, subject to the completion of a Community Use Scheme, as also required by the Borough Council. Under the circumstances, I consider that the proposed development does not conflict with Policy CP26, and would confirm that a Community Use scheme could be made a conditional requirement, should planning consent be forthcoming.

Landscape/Townscape Impacts

22. The school site is on the edge of the Tonbridge built up area and therefore forms part of the rural-urban fringe. Whilst most land outside the urban confines here forms part of the Metropolitan Green Belt, and often some area of landscape quality protection as well, this particular site is deliberately excluded from such designations in the Local Development Framework because of its longer term value as potential housing land. Nevertheless, the proposed development would have a modest urbanising effect by the introduction of lighting columns, fencing and extra hard surfacing. The night time impact of the lighting is discussed below, but the daytime impact of the columns is also important because of their height in an otherwise two dimensional setting. The applicants have responded to this concern by arguing that the galvanised finished columns would be the least visually intrusive colour against the average day lit sky. Additionally, the proximity of neighbouring school buildings and the mature planting on the boundary of the school site combine to reduce the overall visual intrusion, even though the columns could not be completely concealed from view.
23. The fencing around the facility also has a visual impact but the applicants propose to minimise that by having welded mesh fencing with a green coating. This fencing has

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been successfully used on other sites and similar sports developments, and I consider that when viewed from some distance away its visual impact is wholly acceptable. In particular, it becomes largely transparent and much less discernible when viewed against a backdrop of either neighbouring buildings or boundary vegetation. Even so, in the event of planning consent being given, the Borough Council has asked that the perimeter fencing be further softened in appearance by some landscape planting on its outer side. Whilst such planting would not completely conceal such planting, and some lengths would need to remain open for spectators, I see no objection to that additional mitigation and would advise that that could be required by a condition attached to any planning consent. Overall, I see no overriding concerns over the visual impact of the proposed development in either landscape or townscape terms.

Lighting Impacts

24. Since the light pollution implications of floodlighting proposals can be the most significant issue, the applicants were specifically required to produce a Lighting Assessment to accompany the planning application. In particular, lighting can be a source of glare from a distance for neighbouring residents and passing road users, a source of light trespass where it spills over into neighbouring property and a source of sky glow where the upward spread of light is not controlled. Sports lighting schemes have improved considerably in recent years and the Lighting Assessment is important not just for considering the three aspects above but also for ensuring the most efficient and effective scheme is developed for the site in question.
25. As indicated by our independent lighting consultants, the proposed lighting scheme amply meets the stringent requirements of the Institute of Lighting Engineers because of its careful distancing from neighbouring properties and the inherent efficiency of the system designed. In particular, the use of flat glass lanterns manages to reduce distant glare at the same as avoiding any sky glow by ensuring maximum lighting is directed downwards onto the playing surface, and minimising light spread beyond the pitch area. The Lux contour diagram indicates how rapidly the lighting intensity drops away with distance from the pitch, demonstrating that the change in light levels at the nearest houses is likely to be imperceptible and un-measurable.
26. Under the circumstances, I would agree with the conclusions that the lighting scheme is appropriately designed for the site and setting, and that its impacts on the night sky are entirely acceptable in a partly illuminated urban fringe area and its impacts on the neighbouring properties are largely negligible because of the distance involved. The nearest property is 100 metres away whereas there is no discernible light spill within about 25 metres of the pitch. Whilst the concerns of neighbouring residents over light trespass from neighbouring residents are understandable and valid grounds of objection, I consider that the light spill falls a long way short of amounting to a demonstrable detriment in this particular case. However, that is not to say that there would not be views of the lighting and its columns from a distance across the site for some neighbouring residents, and the luminaires would be also visible against the night skyline. Members will be aware that the protection of private views across someone else's land is not a material planning consideration, but even so the additional physical features introduced by this proposed development would mostly be seen in the context of other adjacent buildings (and security lighting) already occupying much of the school site.

Noise Impacts

27. The use of outdoor sports facilities has the potential to generate noise nuisance for neighbouring residents. The noise from playing fields generally can be difficult to assess because typically it varies from occasional and short lived outbreaks of noise to longer periods of near silence when the facilities are less intensively used. The sort of noise involved includes the sound of the balls striking the ball-stop fencing, the

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shouting of players, spectators and referee/coaches' whistles, and the arrival and departure of vehicles. However, it is important to keep this in context because sports playing fields are primarily intended to accommodate outdoor sport and a certain amount of noise and disturbance is inevitable and has to be expected. Where playing fields have been underused for some years, there also can be an unrealistic expectation that neighbouring residents should continue to experience relative silence in perpetuity.

28. Nevertheless, the quality of life for adjoining residents is a material planning consideration and a Noise Assessment has been produced to examine the expected noise levels as a result of the development. Where noise reaches relatively high levels (eg. 65-70 decibels) from public sector developments such as highway schemes, there are provisions for offering noise insulation for affected properties. Where noise levels are less but the actual change in level is significant, then noise attenuation measures are normally investigated to mitigate or reduce the noise impacts. Note that changes in the order of 3dB are generally imperceptible to the human ear and cannot be regarded as significant. The Assessment has considered the typical noise levels at source and then factored in the effects of distance when calculating measurements for the nearest houses. Ambient noise levels in the locality are affected by the nearby and more distant road traffic noise from Brook Street and the A21 Tonbridge Bypass, but the predictions indicate that noise from use of the proposed the pitch could produce an increase of 1dB at Old Barn Close and 2dB at Amberley Close above the existing background levels. Such change is regarded as less than marginally significant, and not within the range where specific noise attenuation would be necessary, or indeed effective. However, our own noise advisors have queried the Amberley Close measurement and calculated a worst case noise increase of up to 3.4dB, but advise that that would be relatively rare and not in itself reason to object on noise grounds.
29. Concerns have also been raised over noise nuisance from the proposed overflow parking area, which is closer to houses in Copper Beech Close. The Noise Assessment has considered the impact of vehicle movements here and, on the evidence of measurements elsewhere, has concluded that a worst case scenario would be an increase in noise of less than 1dB. However, the School has undertaken to offset noise nuisance generally as follows:

“Regarding the concerns raised over car parking, our site will have brand new signage across the campus which will direct ATP users from the car park at the Brook Street end of the site to the ATP and back again whether they arrive on foot or by car. We are sure this will reduce the amount of noise and disruption to our neighbours and our aim is to have the playground area free from vehicular and pedestrian at the majority of times. There will also be a physical barrier stopping access to the playground by cars which will work with the new signage to improve the current situation. The on-site manager along with the two new members of staff will be responsible for directing the pedestrian and vehicular traffic around the campus should questions arise from the new signage. We are sure that these members of staff will be on hand at all times to assist in people arriving at and leaving the site in a suitable and timely manner.

We have already invested a significant sum in improving the fencing around the playground area which will help in our new plans to direct community users around the site in the most appropriate way to remove any noise and disruption from our local residents. The new fencing is of a similar design to that in our ATP plans which will give a level of consistency in the appearance of our site. We envisage entire parts of the site eventually being closed to community sport users to improve our excellent security record to date. The majority of our users will be from partner sports clubs and so will get used to the parking and access system in a very short period of time. We expect a large

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percentage of our throughput to be regular users which will ease any problems with regard to this issue over time.”

30. Under the circumstances, I do not consider that there are valid reasons for presuming against the proposed development on noise impact grounds, subject to measures being put in place to manage the facility in the sensitive and neighbourly manner offered by the School.

Other Residential Amenity Issues

31. Concerns have also been raised by neighbouring residents over the potential invasion of privacy and loss of security. The nearest properties to the proposed facility are 100 metres away, and even without intervening fencing, planting and garden areas, I do not consider that any significant loss of privacy could occur as a result of this development. In particular, the houses themselves are much closer than that to each other and in other circumstances would typically have other houses backing on to them at. Members will be aware that developers are normally required to achieve privacy distances of 21 metres between facing windows to habitable rooms as a guideline for maintaining privacy. Whilst the School has undertaken to investigate the adequacy and state of repair of its boundary fencing in the light of such complaints, it is not reasonable to expect one landowner to be responsible for the security of neighbouring landowners. Since it is a matter for each property owner to address their own property security to their own satisfaction, I do not consider that increased security risk is grounds for refusal of this planning application. Whilst the use of the site may increase as a result of this development, the persons involved will be occupied in an organised and managed activity and therefore less likely to be a security problem than others who might be trespassing on the site. The applicants have also confirmed that there is no intention to introduce any lighting to the pedestrian route referred to as result of this proposal.
32. Should consent be given, there would inevitably be some disruption and potential nuisance as a result of the construction activity. However, since that would only be for a relatively short period (2 months), I do not consider that such nuisance would be significant, especially being on the opposite side of the school site from most of the neighbouring housing and being accessed via the existing school access road. The potential increase in litter accumulation because of more activity on the site may also be inevitable but that would be a School management issue and not one which the planning system can readily address.

Parking and Access Issues

33. Whilst the school site is well provided with parking spaces, which would double up for use by those using the proposed facility outside of school hours, the applicants propose the use of a playground area as an extra parking area with an additional 60 spaces (as shown on the plan on Page D1.3). However, the use of that area has provoked objections from residents in Copper Beech View on the grounds of noise disturbance and the School has now agreed that it would only be used as an overflow parking area when necessary, with the regular day to day parking being directed to the main school parking areas (see Appendix).
34. In response to concerns about the cumulative impact of lorry movements on Brook Street, bearing in mind other existing and proposed activity using that route, Kent Highway Services has advised me as follows:

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“This development is likely to have a peak construction phase over 10 days of 12 movements (two way total) per hour, avoiding peak school and college traffic. In the unlikely event of the two peak construction periods overlapping, the maximum number of heavy goods vehicle (HGV) movements (two way total) using the half mile stretch of Brook Street between Quarry Hill and Hayesbrook School in any one hour is less than 30. This equates to no more than 1 lorry every 2 minutes. Brook Street is of a standard suitable for heavy goods vehicles and it is not considered likely that the maximum number of movements associated with the construction phase will have unacceptable capacity, safety or environmental impacts on other road users or neighbouring residential, educational and business properties.”

Under the circumstances, I see no objection to the proposed sports facility on the basis of either parking requirements or construction traffic aspects.

Need and Other Issues

35. The need for the proposed development is not in itself a material planning consideration, but it has been raised by local residents in the context of why the development is required and whether the existing accommodation is adequate. It is clear from information provided by both the applicants (in Appendix) and the Sport, Leisure and Olympic Unit, that there is unmet local demand for the community use element of the proposed facility and that this particular standard of sports pitch would not unnecessarily be duplicating facilities elsewhere in the locality. Moreover, both Government and County Council policy is to encourage the further use of schools, and sporting assets in particular, as a means of improving community cohesion and personal fitness. Whilst the proposed development would fully accord with these objectives, the use of school sites for extra-curricular activities does potentially have detrimental impacts on neighbouring residential amenities, given that most of our schools are deliberately located in primarily residential areas. Nevertheless, in this particular case the potential disturbance and noise nuisance aspects of these proposals have been examined and I have to conclude that they are not of sufficient detriment to presume against planning consent.
36. The errors in the application’s supporting material referring to some existing floodlit pitches on the school site have since been corrected. This referred to the tennis courts permitted in 2004, which specifically included service provision for later lighting so as to obtain the necessary sports funding, but the installation of such lighting was not permitted at that time and has never been carried out or subsequently applied for. The tennis courts are adjacent to neighbouring houses and the potential impacts would have been more acute than the current proposal, so I do not consider that the earlier decision to omit floodlighting then has any direct bearing on this alternative and more distant siting.
37. The availability of alternative sites within the town, and within the school site, is not strictly a material planning consideration because the Planning Authority has to consider the proposal before it, and not whether the same development might be better somewhere else. However, in this particular case I am satisfied that the applicants have chosen the most appropriate part of the school grounds to minimise impacts on both neighbouring residents and the surrounding countryside.
38. Members will be aware that all Planning Authorities are required by the Town and County Planning General Regulations 1992 to consider any development proposals by their own Authority, whether a County or a District or Unitary Authority. However, there remains a doubly important responsibility to consider all such applications in a fair and

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transparent way, bearing in mind also that there is no right of appeal against refusals on such applications.

Conclusion

39. Since the use of the application site for sports activity is already well established, I see no objection to the *principle* of the proposed development and consider that it also accords with the general thrust of the relevant Development Plan Policies. Whilst objections have been raised to the impacts of the proposed development on various grounds, including noise nuisance, lighting intrusion, detriments to residential amenity from increased activity, and need for the facility, having examined each of these aspects, I am of the view that none are of sufficient substance as to warrant refusal of the application. In particular, there would be inevitable changes to the appearance of the school site and some increased activity and vehicle movements at the site as a result of the development, but these are not in themselves reasons to withhold planning consent if there is unlikely to be any significant lasting harm. Under the circumstances, I would advise that the proposed development is substantially supported by the relevant Development Plan Policies and, subject to appropriate conditions controlling the use of the facility, including those sought by the Borough Council, I consider that the proposed development is unlikely to significantly compromise the amenity of local residents. I therefore have to recommend that permission be granted.

Recommendation

40. I RECOMMEND that PERMISSION BE GRANTED to the proposal as amended, The SUBJECT to conditions, including conditions covering:
- the standard 3 year time limit for implementation;
 - the submission of a landscaping scheme, including around the perimeter fencing;
 - the submission of a Community Use Scheme, to include details of pricing policy, hours of use, access by non-School users, management responsibilities and a review mechanism;
 - the installation of the floodlights to be in accordance with the submitted specifications, with inspection by a qualified lighting engineer being completed prior to use to ensure compliance with the submitted and approved specifications, and the incorporation of automatic time controls;
 - the use of the artificial turf pitch to be restricted to the hours of 0800-2130 on Mondays to Fridays, 0900 -1700 on Saturdays, Sundays and Bank Holidays, with the site being vacated within 30 minutes beyond these times;
 - the use of the floodlights to be extinguished by 2130 hours Monday to Friday, by 1700 hours on Saturdays, Sundays and Bank Holidays;
 - the floodlights only to be activated when the artificial pitch is in use;
 - the use of the vehicle parking areas to be managed to avoid use of the overflow playground parking area, unless the main parking areas are fully occupied;
 - the use of the artificial sports pitch to be restricted solely to the uses applied for and development to be carried out in accordance with the permitted details.

I FURTHER RECOMMEND that the applicants BE ADVISED of the comments of the Environment Agency that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency will be

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required for the construction of the headwall for the proposed drainage scheme, in addition to planning permission.

Case Officer – James Bickle

01622 221068

Background documents –See section heading

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APPLICANTS' RESPONSE TO PLANNING CONSULTATION RESPONSES

Tonbridge and the surrounding villages lack a suitable third generation floodlit artificial turf pitch for use by football and rugby teams. The closest pitch of this nature is seven miles away in Paddock Wood. Other pitches in Tonbridge have been designed to the specifications of other sports such as hockey at the Tonbridge School and so make them unsuitable for football of a standard to match the requirements of the Football Association and Football Foundation (two of our consultation partners).

South Tonbridge itself has a lack of quality sports facilities for its young people to use during their leisure time. This requirement has been noted in several of the Borough, County and National Policies mentioned in previous sections. The town and surrounding villages have several football clubs requiring third generation pitches to practice and play on especially those who are FA charter standard clubs that we hope to focus our work with.

Potential noise generated by the use of the pitch and the associated vehicle movements

The location of the pitch adjacent to the current sports hall and changing facilities has been designed with local residents and participants in mind. This design will limit the distance travelled by participants and spectators and so lower the noise and disruption at key times.

The positioning of the ATP was also designed in order to reduce pedestrian traffic around the site and so lower noise during evenings. The shortest distance between facility and changing area will ensure this is reduced to a minimum. This will also ensure the amount of usable playing field / green space is retained and able to be used by a variety of different sports at all times as outlined on the drawings attached with the application. The ATP proposal will actually allow more field sports to be played by more people compared to the current grass pitch situation. It was decided that any other position for the ATP (by the rail track or rotated clockwise along the boundary fence to the west) would require more pathways and lighting to access the pitch safely. It was for these reasons that the option was discounted.

The current on site car parking at the south end of the site adjacent to Brook Street will continue to be used during evenings and weekends when school staff vacates the area. This has also been decided with our neighbour's welfare in mind to lower the noise of car doors closing, engines starting and people talking. The proposed additional parking area will only be used if required during occasional events that require it, in line with the School's current Travel Plan.

The hours of community use proposed within the application;

The attached programme of use has been altered to ensure that activity has finished by 21:30 at the latest during the week, 17:00 on Saturdays and 17:00 on Sundays and Bank Holidays. This will also reduce any bottlenecks with other indoor and outdoor facilities closing at the same time. Pedestrian and Vehicular traffic will leave the indoor space 30 minutes after the outdoor space to retain the existing opening hours for the sports hall.

The proposed additional parking area will only be used if required during occasional larger events, in line with the School's current Travel Plan. This will ensure that neighbouring houses will not be affected by any additional noise from the playground area for the majority of the time.

Site staff will advise participants to respect the privacy of our neighbours at all times and act accordingly during their time spent on the site. Management and monitoring procedures are currently in place for community users who fail to adhere to these guidelines with regard to noise and unacceptable behaviour, especially during evenings and weekends.

Other site management considerations for the proposed community use

The Hayesbrook School site will continue to benefit from the Site Manager who lives on site and is on call 24 hours a day. In addition to this the School is committed to generating new jobs in the local area for local residents through the related roles of Rural Sport Inclusion Manager and Rural Sport Co-ordinator along with a series of Apprenticeship places to add further value to the development. These roles will also increase the level of supervision and security during twilight and weekend hours.

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The site currently benefits from complete CCTV coverage and has an outstanding track record of balancing security with open access community use. We fully expect this record to continue to improve with the potential addition of new site staff.

The Hayesbrook School can confirm that there will be no bar operated on the site selling alcohol at any time. The sports pavilion suggested during our initial community consultation also has no bar included in the designs should they be offered for further development at any time in the future. The social area in the plans will have a kitchen for users to serve hot or soft drinks along with light snacks to their members after using the school's community sports facilities. The School was approached by several commercial sport league operators who require a bar on site. Our refusal to work with these groups was in part because of our desire to not have a bar.

Improved boundary fencing to improve security, acoustic and visual screening

The School is currently accessing two different funding applications that will allow over 25 new trees to be planted on site in specified areas around the boundary fence in response to the issues raised. We agree with our neighbours that this will improve the appearance of the site from all aspects and also improve the security of the site when combined with the proposed improvement to the perimeter fencing.

We are aware of the implications of planting additional trees and will consult those households closest to the new tree lines to ensure no natural sun light is blocked by the trees. All trees selected will be the same as those that are naturally found in this area and will be maintained by the current site staff along with a team of external specialists.

The School is willing to continue its maintenance programme of the perimeter fencing where required. The issue of acoustic fencing is covered in the following section.

The location of the overflow car parking in relation to the closest neighbouring properties

The current car parking on site adjacent to Brook Street will continue to be used during evenings and weekends when school staff vacates the area. This has also been decided with our neighbours' welfare in mind to lower the noise of the current drop off area and the noted noise of car doors closing, engines starting and people talking. The proposed additional parking area (for 3 disabled parking spaces and 60 general spaces) will only be used if required during occasional events, in line with the School's current travel plan. This will ensure that neighbouring houses will not be affected by any additional noise from the playground area for the majority of the time.

Should there be the need for acoustic fencing to protect houses along Copper Beech View from any noise during events both current (Parents Evening) and proposed (larger occasional Partnership Sports Events on the ATP) then we will engage with our neighbours to ascertain the most suitable solution. During the construction of the tennis courts, the issue of acoustic fencing was raised and rejected by the residents as not being required.

The Hayesbrook School plans to make any future sports development decisions to benefit vulnerable young people and those in most need of increased leisure opportunities. In line with this statement, our plans for three additional disabled car parking spaces are to allow those targeted users the quickest and most effective access to the facilities should public transport not be an option.

Site Energy Saving Policy

The Hayesbrook School saves over £400 each year thanks to the recent installation of the 20 solar panels on the roof of the main building. Additional savings are also made through energy efficiency measures implemented around the site (switching off plug sockets at the mains, lowering central heating temperatures, turning off lights in unused rooms, etc).

The plan for the pitch floodlights is based on a similar premise that will ensure the most energy efficient lighting level is used at all times. As outlined in the Technical Information provided, the lighting level can be adjusted between full luminance, training level lighting and third-pitch lighting by site staff. This will also reduce the visual impact of the facility on residents for the majority of pitch

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uses. The new facility will also benefit from the School's current recycling policy regarding management and maintenance of the site.

Floodlight Height and Positioning

As described in the Floodlighting Plan (Drawing 06) the height of the floodlights can be lowered to reduce their visual impact (from 15 metres to 12), however this will increase the spread of the diagrammed lighting levels. The current design was chosen based on the impact of the lighting being minimal to neighbours and is described in full detail in the Technical Information document.

Construction Period

Concerns over a lengthy construction period should be eased by the knowledge that a typical construction period for a development of this nature is between 6 and 8 weeks. This should minimise the disruption to local neighbours especially considering the work will take place during the week.

Pathway

Issues raised regarding the pathway that runs along the North East perimeter of the site have been taken on board and it has been agreed that fencing will be repaired where required and additional trees will be planted in line with neighbourhood consultation.

The vandalism and lighting of the pathway are both issues that the School will pass onto the County and local borough council. We are willing to support the decision of our neighbours in how best to tackle these issues in the future.

Fence Height

Details of the Fencing Scheme are illustrated on Drawing 05 and have been designed to meet the requirements of the Football Association and Football Foundation. At its highest point the fencing will be 4.5 metres in height, a level that we feel will be high enough to reduce the disruption of balls being kicked over while retaining a sight line lower than the proposed perimeter tree line.

Business Operation

A small number of concerns were expressed regarding the facility being operated as a business for commercial gain only. We can assure members of the public that our Sports Development Plan, states that they majority of our work will be with community groups and clubs for the betterment of young people.

Our sport development plan and schedule of use are both available and show that our aim will be community related sport aimed at specific groups not the more profitable senior football leagues operated by commercial firms. Companies such as Goals and Pitch Invasion approached the School during the consultation phase; however their financial offers were declined in order for the facility to retain its community development ethos.

Any income generated from the operation of the facility will be driven back into youth and community sport with the priority being to improve the natural drainage of the remaining grass football pitches, rugby pitch, cricket strip and running track (illustrated in the Open Space Assessment – proposed on Drawing 09).

Application Clarification

Kent County Council is applying for planning permission on behalf of the Hayesbrook School however this will have no impact on the decision by the impartial Planning Department. The funding for the development is from a variety of national and regional sources. One of our aims as a community school is to bring investment and new jobs into our local area through developments like this.

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Transport & Traffic

In line with the School Travel Plan, we aim to reduce the impact of any additional community use during evenings and weekends through an expanded partnership with public transport providers. Arriva Buses and South Eastern Trains have both been consulted on the programme of use and the potential to adapt their services at key times especially to accommodate larger numbers of disabled and wheelchair passengers wishing to access the site. The benefit of the Kent Freedom Pass for young people to access free bus travel will be maximised and promoted to all our partner charter standard clubs.

Flood Risk

The need for the ATP is based on the current school field being adjacent to a flood risk area as outlined in page 10 of the Technical Report. Our site lies at the bottom of a gradual slope which increases the problems we have with natural drainage and so the use of our pitches at key times (winter football season). The Environment Agency Map attached shows that the North West corner of our field falls within an area at risk during an extreme flood.

Vandalism & Graffiti

Concerns over the additional use of the site leading to increased levels of vandalism and graffiti haven't been seen in the school's current community use areas. The School Sports Hall, Playground, Restaurant and Tennis Courts are all regularly used by a variety of groups during evenings and weekends. Louis Morrill (Site Manager) reported that levels have been stable over the past 5 years and that those levels are acceptable based on general wear and tear.

The expenditure on repairs relating to vandalism and graffiti in 2009/2010 was £81 which was directly related to damage during school hours. Security Issues with the current management (Lighting, CCTV and 24 Hour Security Presence) are minimal and will be reduced even further with the action due to be taken within their report. The School will continue its commitment to working with our neighbourhood to reduce any levels of vandalism or graffiti on the pathways bordering the site.

***Hayesbrook School
April 2010***

Item D2**Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge TM/10/127**

A report by Head of Planning Applications Group to Planning Applications Committee on 11th May 2010.

Application by St Stephen's Primary School and Kent County Council Property Group for the removal of an existing modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge (Ref: TM/10/127)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mr G Horne & Mr C Smith

Classification: Unrestricted

Site

1. St Stephen's Primary School is located approximately 800m to the south east of Tonbridge Town Centre in a predominantly residential urban area. The main vehicular and pedestrian access to the school is via Royal Rise, which is a residential cul-se-sac. This is a shared access with Hillview Secondary School for Girls. There is also a second pedestrian access to the school via a footpath from Kings Road. This is to the east of the school. A site location plan is attached.
2. This planning application relates to the removal of an existing detached modular building which is sited within the school grounds to the south of the main school and accessed via the footpaths from the main school building. This building is currently used for storage as it is considered by the School to be unsuitable for teaching because of its current condition. It was due to be removed in 2006 (reference TM/01/2413). The application proposes a new detached modular building in the same location.
3. A site plan is attached.

Background

4. There has been a number of planning applications relating to the St Stephen's school site in recent years. Most recently, permission was granted in 2009 (reference TM/09/2220) for the construction of a canopy and alterations to the locations of various windows and doors to the east of the main building together with the installation of low level picket fencing and alterations to the play area. These works have recently commenced at the site.
5. Prior to that, two planning applications relating to proposals to develop a Children's Centre at the site have been made but then withdrawn. In 2008, an application (reference TM/08/1377), for extension and refurbishment of an existing unused classroom within an existing community building to create a Children's Centre was made and subsequently withdrawn by the applicant. The application had proposed an extension to an existing brick building in the south east corner of the site and had also proposed the erection of security fencing to access routes. The brick building is still in use at the site and is referred to in the most recent application as the "Family Matters" building.

Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

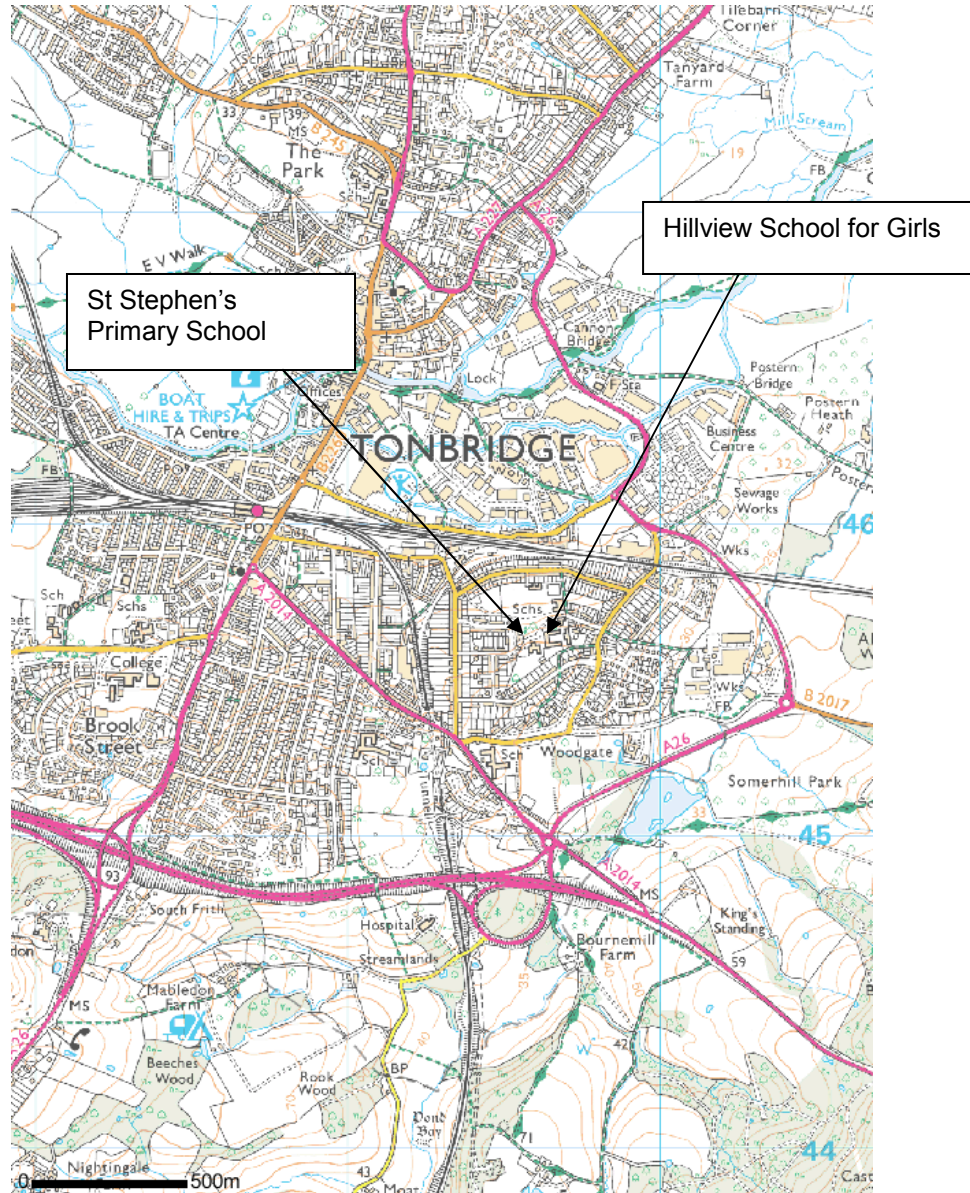
6. In 2007, an application (reference TM/07/2938) for the upgrade and permanent retention of an existing mobile classroom, and refurbishment of existing unused classroom spaces for use as a community Children's Centre was made. This application related to both the brick building (now referred to as the Family Matters building) and the modular building and proposed amendments to and use of the brick building and permanent retention of the modular building for use as a Children's Centre. However, it was subsequently withdrawn by the applicant.
7. The School currently provides a limited number of extended activities from the site in the "Family Matters" Building. They include a weekly Parent and Toddler Group, an Adult Education class and occasional family learning activities. The existing Family Matters building is also used as a breakfast club and afterschool club for the school.

Proposal

8. This report concerns a new proposal to remove the existing modular building at the site, which is currently used for storage and to replace it with a new modular building using the same external colour finish and style. The proposal incorporates new grass turf, planting borders and flower beds around the building. Plans showing the proposals are attached.
9. It is proposed that the new modular building would be constructed with a cream coloured plastic external finish to the walls, a mineral felt roof, white upvc windows and painted timber doors. The access to the building would be via steps and ramps at the east and west elevations. The slope between the main school building and the modular building would be grassed and landscaped.
10. The proposed modular building would measure 16.3 metres by 10.3 metres (excluding access ramps) and would contain an office, counselling room, play therapy room, afterschool club space and toilet and cloakroom.
11. The applicant proposes that the new building would be used to relocate the activities currently carried out within the "Family Matters" building. These activities include the school's breakfast and afterschool club. This takes place within the school term time only and between the hours of 8am to 9.30am and 3.20pm to 6pm. The attendance of this is limited to 24 pupils. It also includes some "community use" activities such as Mother and Toddler Group, Adult Literacy sessions, height and weight checks for pre-school children. These activities take place between 9.30am and midday. The Mother and Toddler Group currently has an attendance of less than 20 children. The adult literacy group has an attendance of no more than 10 at a time. The afternoon activities in the building would not be for community use but for the School's own use for activities such as cooking, play therapy and meetings. The proposal would not result in an increase to the annual intake at the school.
12. The School would like to extend activities carried out to include holiday play schemes at reduced hours between 8am and 6pm, as part of the "extended schools service" and therefore these activities would be outside of the normal school term time. This aspect of the application represents activities not currently undertaken at the school site.

Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

Location Plan

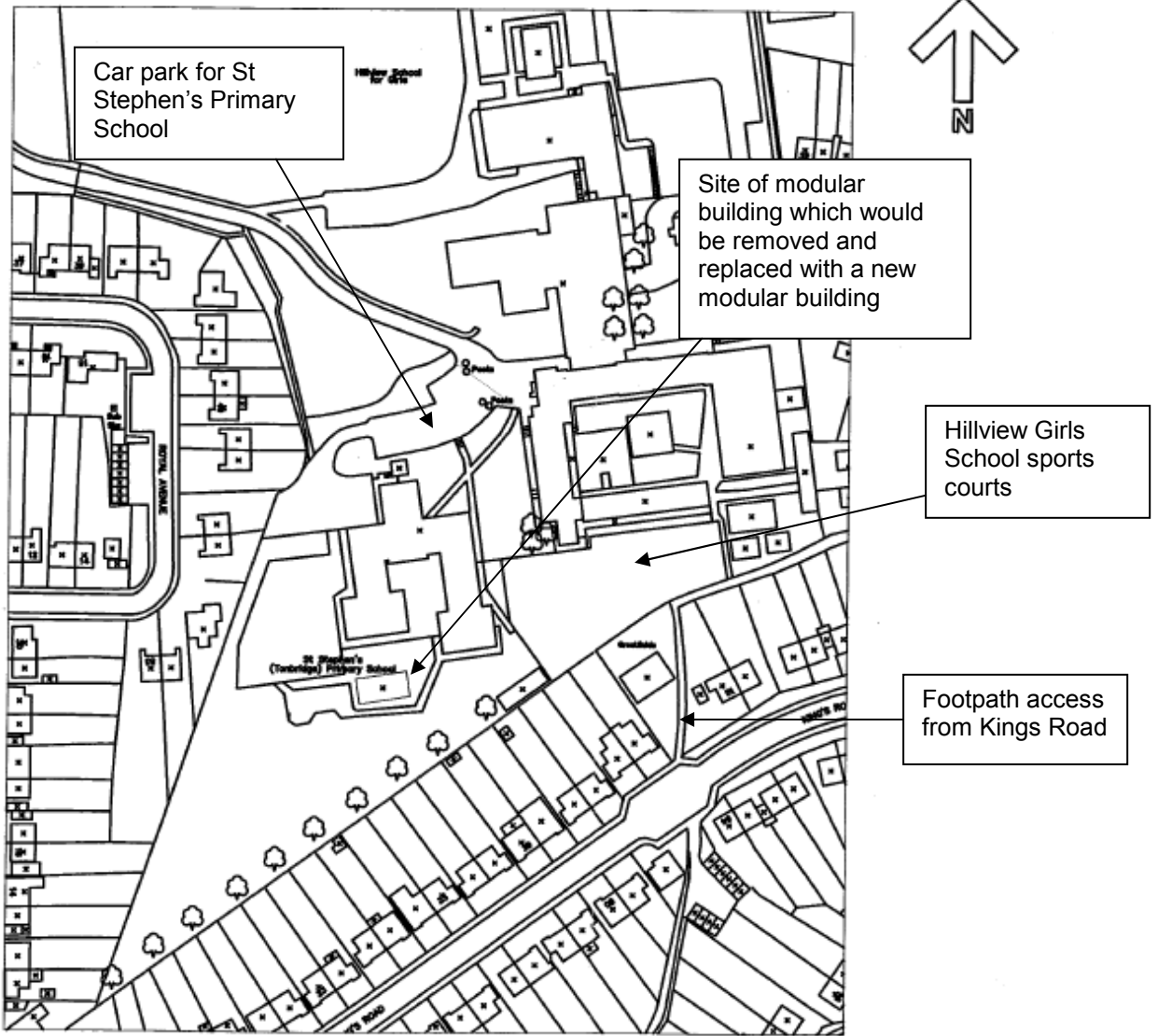


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Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

Application Site Location Plan



Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

Proposed Site Layout



Figure 1 – Existing view from the playground looking towards the access to the existing modular building and in the background the existing “Family Matters” building.



Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

Figure 2 – Existing view of existing modular building from the east



Figure 3 – Existing view of the modular building from the west



Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

Figure 4 –View of area of land (taken in March 2010) across Hillview School grounds between the St Stephen's School security gate and the footpath access from Kings Road.



Figure 5 –View of area of land (taken in April 2010) across Hillview School grounds between the St Stephen's School security gate and the footpath access from Kings Road.



Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

Planning Policy

13. The Development Plan policies summarised below are relevant to consideration of the application:

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

- Policy SP3 Seeks to focus well designed development in urban areas in order to foster accessibility to services and avoid unnecessary travel.
- Policy CC1 Seeks to achieve and maintain sustainable development in the region.
- Policy CC6 Seeks to create sustainable and distinctive communities via development which respects the character and distinctiveness of settlements and promotes a high quality built environment.
- Policy BE1 Seeks to promote and support design solution opportunities with new development that are relevant to context, local character and distinctiveness and sense of place.
- Policy S3 Seeks to encourage adequate provision of pre-school, school and community learning facilities linked to widening and deepening participating through better accessibility and developing and shaping healthy sustainable communities. The policy encourages mixed use approaches that include community facilities alongside formal education facilities and seeks to ensure access for all sections of society to education facilities at locations with good public transport access.
- Policy S6 Seeks to encourage mixed use of community facilities to make effective use of resources and reduce travel and other impacts.

(ii) **The Tonbridge and Malling Borough Council Local Development Framework Core Strategy 2007:**

- Policy CP1 Seeks proposals for new development that will result in a high quality sustainable environment.
- Policy CP2 Seeks to encourage new development that generates a significant number of trips to be well located relative to public transport, cycle and pedestrian routes, make use of a choice of transport modes, be compatible with the character and capacity of the highway network and ensure accessibility.
- Policy CP24 Seeks to encourage development to be well designed and high quality and respect the site and its surroundings in terms of scale, density, layout, siting, character and appearance.

Consultations

14. **Tonbridge & Malling Borough Council** raises no objection to the proposals although they would welcome a more permanent solution.

The **Divisional Transportation Manager** raises no objection.

Public Rights of Way raises no objection.

Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

Local Member(s)

15. The local County Member(s), Mr G Horne and Mr S Smith were notified of the applications on the 20th January 2010.

Publicity

16. The application has been advertised by the posting of site notices at two locations and the individual notification of a number of neighbouring properties.

Representations

17. One neighbour representation (via email and letter) has been received objecting to the proposal for the reasons included below (where relevant to the decision making process and material planning consultation):
- Now that the School's annual intake is falling the building should be removed rather than replaced
 - Considers that the existing after school club building is adequate and expresses concern about what would happen to that building if the activities are relocated into the new building.
 - Concerns about whether the proposal includes (or would lead to) the establishment of a Sure Start Children's Centre at the site and uses that are unrelated to the school's activities. These concerns relate to the additional impact of traffic and congestion on the Kings Road and additional use of the footpath between Kings Road and St Stephen's School.
 - Concerns about lack of privacy for property against users of the footpath between Kings Road and St Stephen's School.
 - Concerns about the history of planning applications and recent development at the site, in particular relating to the establishment of community uses at the school, the access arrangements for the school, privacy and the existing security and fencing arrangements to the east of the main school site.

Discussion

18. This application is being reported to the Planning Applications Committee because of the neighbour representation objecting to the application.
19. Development Plan policies require proposals to be acceptable in terms of the site, context, design and impacts. Decisions are required to be in accordance with the Development Plan unless material considerations indicate otherwise. The relevant South East Plan and Tonbridge and Malling Borough Council development plan policies are set out above.
20. In my opinion, the main determining issues for this application relate to the acceptability of the site and design, and use of the facility together with access and amenity impacts of the proposal. These matters are discussed below.

Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

Site and design

21. The proposal would require the removal of an existing modular building at the site. That building is no longer suitable for use and has fallen into disrepair. It has come to the end of its useful life and requires removal from the site.
22. The proposed building would be at the same location at the school as the existing building, although it would be slightly larger. The existing building has a footprint of 15m (length) by 7.5m (width) with three access points on the northern, eastern and western elevations. The new building would be 16.3m (length) by 10.3m (width) with two access points to the eastern and western elevations. The height, design and style including the colour would be the similar to the existing building.
23. The principle of a modular building for educational use in this location has already been established and I am satisfied that the site and design of the proposal is acceptable in this location, although given the type of building I do not consider that it should be regarded as a permanent development.

Uses

24. It is proposed that the new building would house activities which the applicant says are already being carried out at the school. This includes a breakfast and afterschool club for children that attend St Stephen's School and community uses such as the Mother and Toddler Group, Adult Literacy sessions, height and weight checks for pre-school children. The School would also like to offer an "extended schools service" from the building to include holiday play schemes and these activities would not be in the school term time. These are new uses, although akin to the existing educational use.
25. The proposal therefore includes an extension to the range of educational activities that exist at the site. South East Plan (2009) Policies S3 and S6 encourage mixed use approaches that include community facilities alongside formal educational facilities, linked to making effective use of resources, making facilities accessible to all sections of society and developing and shaping healthy sustainable communities. There is policy support for community facilities as mixed use approaches where there is good transport access.
26. Other policies (South East Plan (2009) Policies CC6, BE1 and Tonbridge and Malling LDF Core Strategy (2007) Policies CP24, require development to be well designed and to respect the site and its surroundings. I am satisfied that the site and design is appropriate to the surroundings (as discussed above) and that the proposed uses are akin to the educational use that exists at the site. However, the amenity impacts concerning access and residential amenity need to be considered further. These aspects are discussed below.

Access

27. The main vehicular access to St Stephen's School is via Royal Rise leading to the St Stephen's School car park. There is also pedestrian access via a footpath from Kings Road. Neighbour representation expresses concern about the access arrangements for the school and congestion in the vicinity of the school site (and the neighbouring school site), in particular, that this proposal would add to congestion. However, the number of additional users generated by this proposal is limited to those that would use the holiday club activities and are therefore outside of the school term time. At these times, the normal term time traffic movements to and from the school site would not be occurring.

Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

28. The pedestrian access to St Stephen's is via a Public Right of Way (PROW) into a triangular piece of land between Hillview Secondary School for Girls and St Stephen's School. This piece of land is used as a waiting area for parents picking up their children from St Stephen's School. The area adjoins the rear gardens of a number of properties along Kings Road and the neighbour representation indicates particular concern about the use of this pedestrian access, both in relation to the existing activities at the site and also this planning application.
29. However, the applicant proposes that all access to the proposed modular building outside of school term time would be via the St Stephen's School vehicular entrance via Royal Rise and not via the pedestrian access from Kings Road. This would be controlled by keeping the access gates between the St Stephen's School playground and the adjoining triangular piece of land locked. The proposal would not therefore result in additional use of the pedestrian access from Kings Road to the site as a result of the summer holiday use. I am satisfied that access to the site via the vehicular entrance can be adequately controlled via appropriate planning conditions.
30. South East Plan (2009) Policy S3 and Tonbridge and Malling LDF Core Strategy (2007) Policy CP2 seek to encourage development proposals that are well placed relative to public transport, cycle and pedestrian routes and that make use of a choice of transport modes. The area is well served by public transport bus routes and the proposal appears to allow a choice of transport modes. Planning policy also seeks to encourage mixed use approaches of such sites, making more effective use of resources (South East Plan (2009) Policies S3 and S6). The Divisional Transportation Manager and Public Rights of Way Officer did not raise any objection in relation to the proposals and I therefore conclude that the existing highway access and public right of way arrangements are acceptable in planning terms.

Amenity impacts

31. The site of the proposed modular building would be approximately 20m from the boundary of residential property in Kings Road and would be partially screened by the existing tree line along that boundary. Given the overall site context comprising existing single storey school buildings at the site, I am satisfied that there are no adverse amenity impacts from the siting and design of the proposed modular building.
32. The proposal seeks to rely on the existing access routes to the school, including the vehicular access via Royal Rise and the pedestrian access route from Kings Road to St Stephen's School. Part of the pedestrian access route from Kings Road is a PROW which runs alongside residential property and the remainder is across Hillview Girls School land (see figure 4). The fencing arrangement of this route channels pedestrians to St Stephen's School alongside the boundaries with residential property in Kings Road. The facade of these properties range between 10m and 20m from the boundary fence line, beyond which is the access route between the PROW and the school site, the closest being 49a Kings Road, the facade of which is 10m from the boundary. There is an existing impact on residential amenity from use of the pedestrian routes to St Stephen's School when users of the access across this land are able to see directly into neighbouring properties and concern has been expressed about loss of privacy that arises from this overlooking. Tonbridge and Malling LDP Core Strategy (2007) Policy CP24 requires development to respect the site and its surroundings and to not be detrimental to the built environment and amenity of a locality.

Removal of modular building and replacement with a new modular building at St Stephen's Primary School, Tonbridge

33. The main objection that arises from the neighbour representation is that this proposal would add to the overlooking impacts. As this relates largely to existing use of these access routes, this is essentially a "good neighbour" issue that needs to be managed by St Stephen's and Hillview Schools. Since receiving this planning application, there have been recent improvements to the fencing design (height and type) (shown in figure 5) which generally assist to protect the privacy of neighbouring properties and reduce overlooking. However, notwithstanding this, I am satisfied that there would be no additional impacts to overlooking to these properties arising from pedestrian access to the proposed modular building outside of school term time, as the gates to the St Stephen's School would be kept locked and this access route would not be used.

Conclusion

34. The existing modular building at the site is due to be removed. However, its removal has been linked to a proposal for a slightly larger replacement modular building in the same location. The proposed modular building is relevant to the site context and the design responds to the surrounding school buildings. It is proposed that the building be used predominantly by the School, but also for a limited number of community and extended school activities, and this mixed use of facilities accords with the Development Plan policies which seek to encourage mixed uses. No objections have been received from Tonbridge and Malling Borough Council (although they would welcome a more permanent solution) or the Divisional Transportation Manager in relation to highway impacts. The remaining concerns raised by neighbouring representation relate to the impacts of the proposal to residential amenity, in particular overlooking of property impinging on privacy. I am satisfied the recent amendments to the fencing arrangement at the site have reduced this impact and that these matters can also be controlled by planning conditions governing access arrangements to the site. I therefore conclude that the transfer of existing activities from the "Family Matters" building to the proposed modular building, together with the extended use of the building outside of term time to allow holiday club activities, would be appropriate in this location.

Recommendation

35. I RECOMMEND that:

PERMISSION BE GRANTED for the removal of the existing modular building and replacement with a new modular building, SUBJECT TO CONDITIONS that include the standard time condition, the development be carried out in accordance with the permitted plans, that the building be removed and the site reinstated within a 5 year period, a restriction of site hours to between 0800 hours and 1800 hours Monday to Friday and a requirement for access for activities carried out outside of the normal school term time to be via the main school site entrance via Royal Rise.

Case officer – H Mallett	01622 221075
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Background documents - See section heading
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Item D3**Outline planning application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Cranleigh Drive, Whitfield, Dover – DO/08/477**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 May 2010.

Outline planning application by Kent Adult Social Services for 40 bed extra care sheltered development for the elderly including 20 1-bed apartments, 20 2-bed apartments, residents communal areas and staff facilities at Cornfields Residential Care Centre, Cranleigh Drive, Whitfield, Dover (Ref: DO/08/477).

Recommendation: Outline planning permission be granted subject to conditions.

Local Member(s): Mr. B. Cope

Classification: Unrestricted

Site

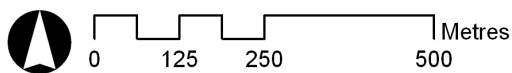
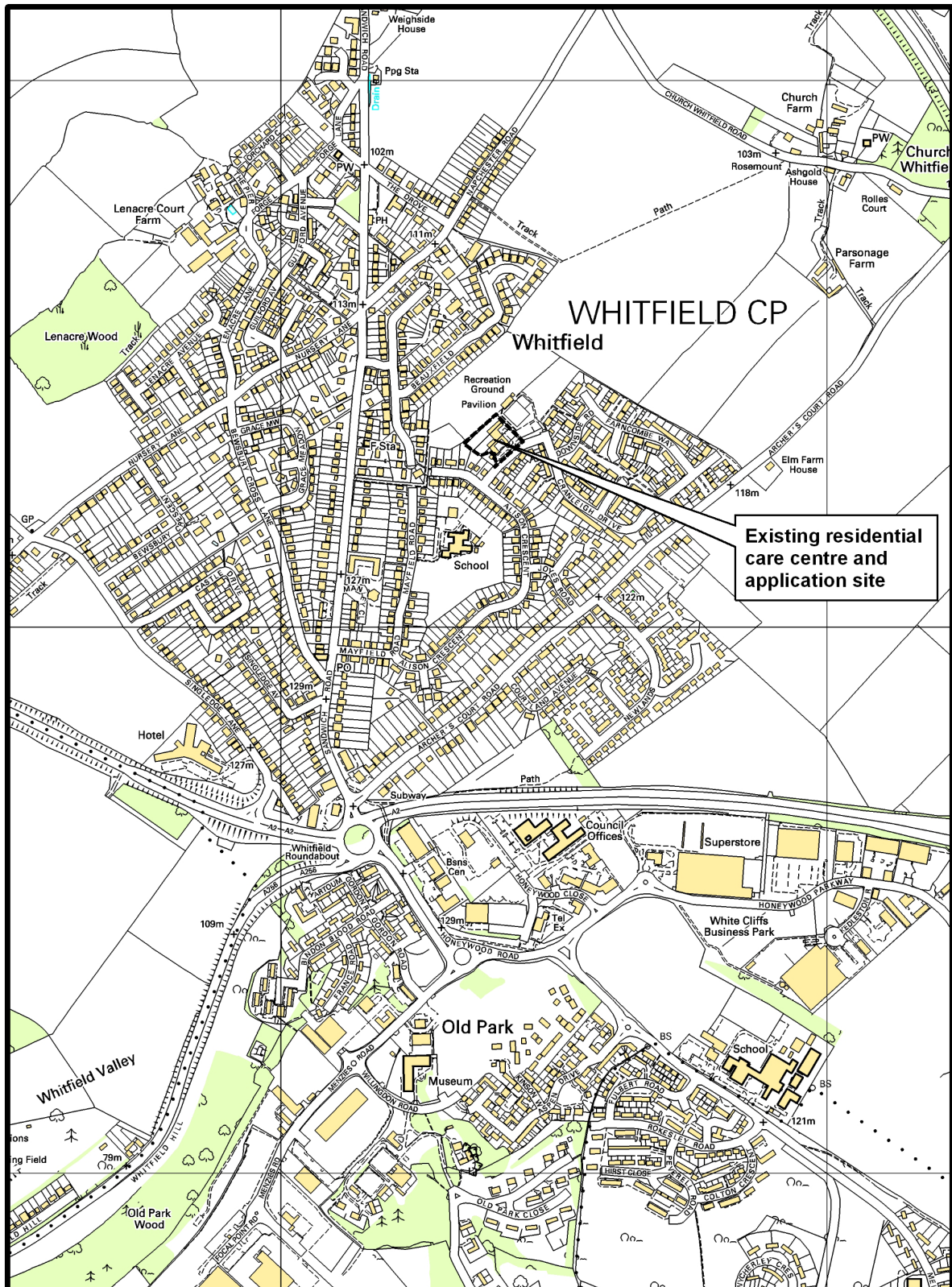
1. Cornfields is a residential care home located off Cranleigh Drive in Whitfield, approximately 3 miles north of the centre of Dover. It is currently operational as a residential care home and is registered to provide care for 28 older people. The building is currently a single storey at the front and the remaining section of the building being 2-storeys in height. The area of the site is approximately 0.49 of a hectare. The site is located in a predominantly residential area to the south east (Cranleigh Drive) and south west (Alison Crescent) and open fields to the north east and north west. The residential developments around are generally 2-storey private houses but there are some bungalows immediately to the south west of the site. There is a 2-storey house at the site entrance (No 127 Cranleigh Drive), which previously belonged to the site but is now in private ownership, with shared vehicular access facilities.
2. The site is generally open with a substantial belt of trees to the perimeter, predominantly to the north west. These trees are to remain unaffected in the development of the outline proposals. The current vehicular entrance is off Cranleigh Drive and leads to a parking and delivery area, located in front of the existing building.

Background

3. This application is one in a series of applications for providing new and upgraded residential care accommodation across the county. Kent Adult Services is taking the lead in this countrywide programme of Extra Care Housing, although it is very much on partnership with the Kent District Councils and a private sector provider, as yet to be identified. The first wave of Extra Care Housing is nearing completion, with new accommodation being provided on largely existing care home sites in Herne Bay, Hythe, Dover, Margate, Birchington, Broadstairs, Ashford, Maidstone and Dartford. Whilst these developments are being constructed and managed as part of a Private Finance Initiative, the sites are ones already in local authority ownership, either owned by the County Council or the local District Council. Planning applications for these developments were considered by the County Planning Authority in 2006-7. Planning applications for the next wave of developments have been considered so far on sites at Manorbroke, Dartford, Little Hill, Tenterden, St. Stephen's Walk, Ashford, Newington Primary School and Newington Library site, Ramsgate.

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

CORNFIELDS, WHITFIELD DOVER - LOCATION PLAN

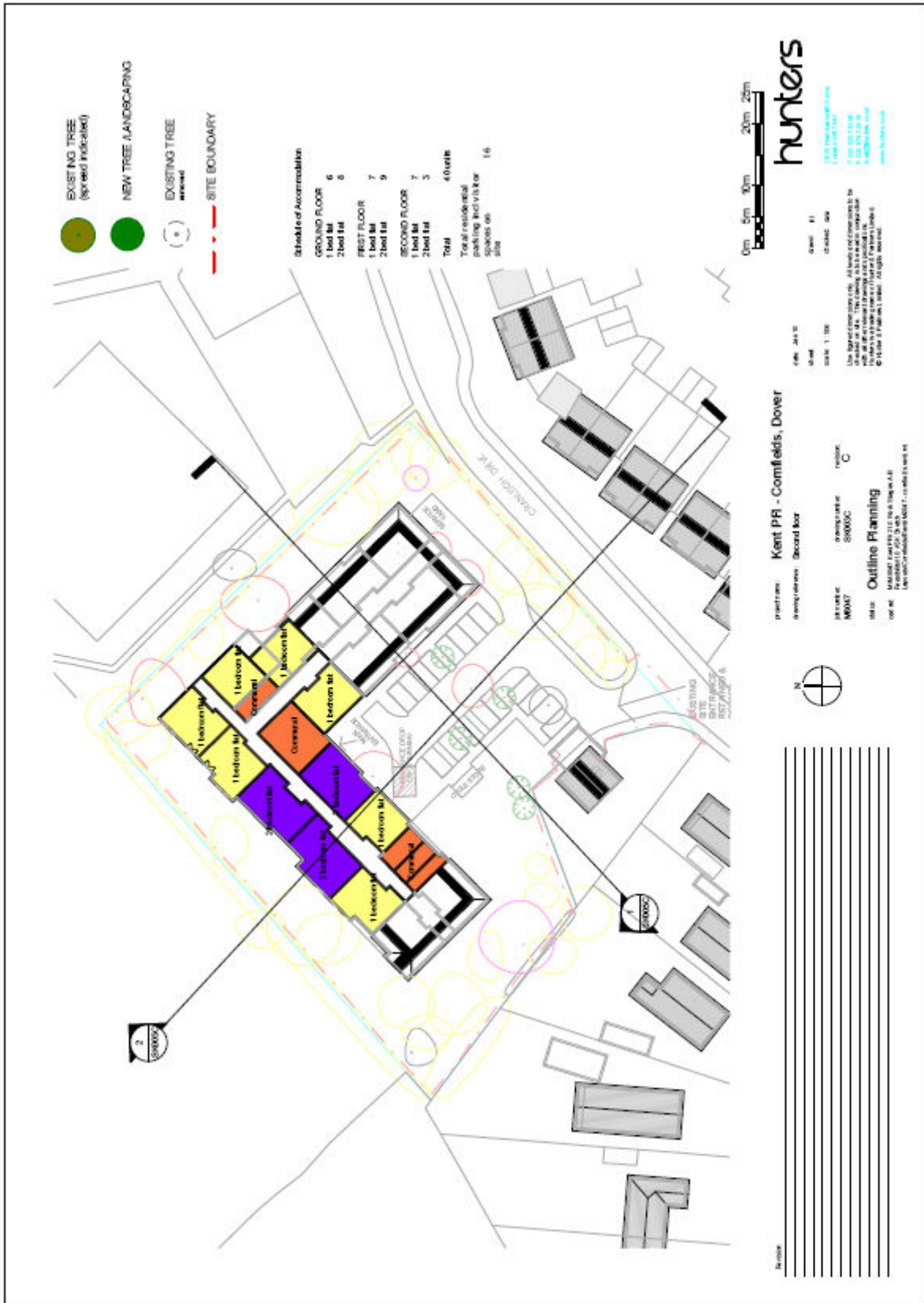


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Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477



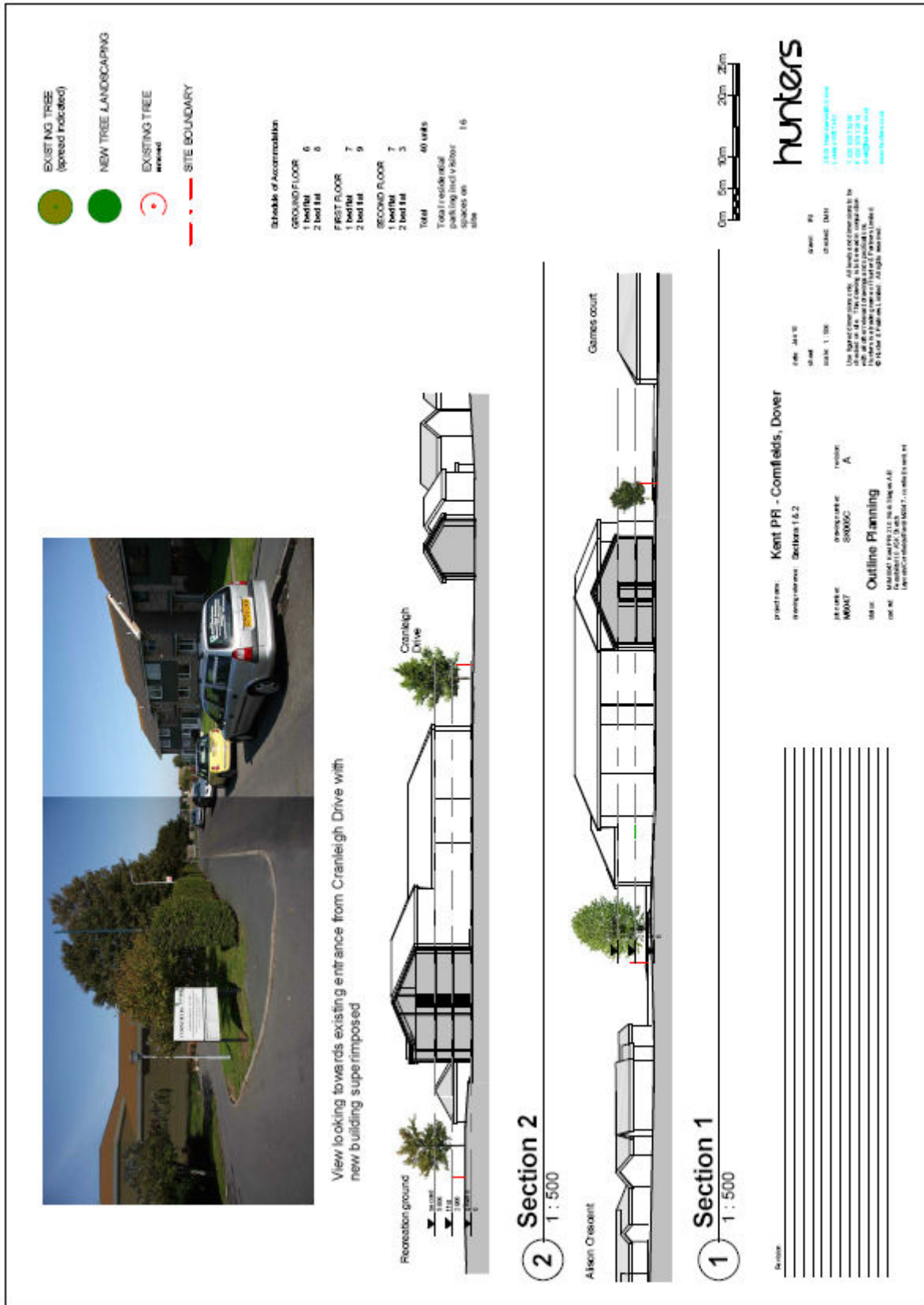
Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477



Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477



Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477



Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

4. The latest wave of planning applications are made in outline only, with full details of appearance, scale and landscaping reserved for consideration as part of later planning applications if outline consent is achieved. In this particular case, the proposed site is already in use as providing accommodation for the elderly, so the principle of the use of the site is already well established and not an issue for consideration. However, in order to secure funding and a private sector partner for the whole programme of provision, there is a need to secure planning consents first and to avoid potentially abortive detailed design work on unsuccessful sites, there is some sense in following the two stage consent process with initial outline applications. On an existing site such as Cornfields, the nature of the proposed development and the type of activity associated with it would not involve any significant change, but the amount of development and the type of accommodation and its management would change as a result of these proposals, so these aspects do warrant exploration as part of this outline planning application.

Proposal

5. The aim of the Excellent Homes for All programmes is to provide improved and upgraded accommodation for those requiring an element of care in the county. In the main, this relates to elderly people but the degree of care needed varies greatly from those needing constant supervision to those who can largely live independently from care. The new accommodation being provided responds to these changing needs by providing a mix of living accommodation within the development, at the same time as providing a higher standard of accommodation and personal space and facilities than the conventional old peoples' homes have hitherto provided. In particular, these developments provide a mix of individual apartments with modern amenities and to larger dimensions, rather than the earlier pattern of a series of bedrooms lining corridors with shared toilet facilities. However, there would still be some communal spaces, as well as medical facilities but these would be less of an institution nature, including hairdressing salons, fitness suites etc. for the residents.
6. Under the circumstances, the type of internal space being provided is quite different from what has traditionally been provided by local authorities, which is why these applications involve demolition and redevelopment, rather than refurbishment of these existing buildings. As well as improving the standards of the internal spaces and facilities, opportunity is also taken to improve the environment performance of the buildings, especially in terms of energy efficiency and thermal insulation, which those sites developed in the 1960 and 1970's are now found to be very poor at.
7. The application proposes the demolition of the existing sheltered housing on site which accommodates 28 older people and their replacement with a development of 40 new apartments (20 one bed and 20 two bed) arranged over 2-3 storeys. The new building will also have shared communal areas and externally the grounds would accommodate a vehicle parking area and a service area. Ambulances would also be able to drive onto the site and turn around. It is also proposed to have some garden amenity space. Although this is not a detailed application, a proposed layout of the site has been submitted to enable assessment of the impacts of the proposed redevelopment.
8. The application has been twice amended since its submission, in the light of objections from local residents and concerns from both Planning Authorities at the potential impacts of the development. The currently proposed scheme still maintains the original number of apartments and sought to address local concerns about the scale of the building by reducing the footprint of the building and moving it slightly away from the residential

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

properties in Alison Crescent. It also proposes to keep the building nearest to the existing residential to two-storeys whilst the three-storey section is on the part of the building that is furthest away from the existing residential properties. This also helps to create a more interesting, stepped roof detail. It is these amended proposals that will be assessed in this Report. Local residents have been notified following each amendment and the reported representations refer to both the original scheme and the latest amendment.

Planning Policy

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

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

Policy CC1 Seeks to achieve and maintain sustainable development in the region.

Policy CC4 Seeks to avoid adverse impacts from developments on the built and natural environment.

Policy CC6 Seeks to create sustainable and distinctive communities via development, which respects the character and distinctiveness of settlements and promotes a high quality built environment.

Policy BE1 Seeks to promote and support design solution opportunities with new development that are relevant to context, local character and distinctiveness and sense of place.

Policy T4 Seeks to manage car parking provision at sites and set maximum parking standards in line with PPG13 Transport.

Policy H4 Local authorities should identify the whole range of housing needs required in their areas working with adjoining local authorities where appropriate. Groups with particular housing needs include older and disabled people and other groups with specialist requirements.

(ii) The adopted **Dover District Council Local Plan 2002**.

Policy DD1 Requires proposals that are acceptable in terms of layout, siting, scale, architectural style, materials, spatial and visual character of the area, landscaping, privacy and amenity.

Consultations

(All of the below comments form the statutory consultees, were raised in response to the original planning application and none of the comments have changed due to the proposed amended details that have been submitted as a result of all the comments raised originally).

10. **Dover District Council** – Raises **objection** on layout, visual amenities and scale of the building. The layout of the application is considered to be unacceptable due to the close proximity of the building with the residential properties adjacent to the south west

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

boundary. It is acknowledged that the scale of the building is a reserved matter however the architect has indicated the size of the footprint, has confirmed that the proposal would be a 3 storey building and has shown a pitched roof with a ridge height of 13 metres. Therefore together with the close proximity and the indicative scale of the building it would result in an overbearing sense of enclosure and would lead to a loss of natural light, harmful to the amenities of the adjacent resident.

The indicative scale and proposed layout of the site would also be harmful to the visual amenities of the street scene, the bulk, mass and scale of the building would be at odds with the existing urban grain, spatial and visual character of the surrounding area. It is acknowledged that by the virtue of the retention of the natural landscaping on the front boundary (south east) and the set back of the building from the public highway the impact would be reduced but not so significantly that it would overcome this objection.

11. **Whitfield Parish Council** – Raises **objection** as it is out of keeping with the surrounding area, which comprises bungalows and two-storey housing. Many surrounding properties would be overlooked and would have clear views of the three-storey development. It is also considered that there is insufficient parking planned. Buses already have problems passing as the road is narrow at this point. An increase in traffic and roadside parking would be unacceptable and could cause access problems for emergency vehicles.
12. **Divisional Transportation Manager** – raises **no objection** as the level of parking is acceptable for the development of sheltered housing and the access is utilising the existing. The proposed turning facilities are also acceptable. The only issue is the lack of pedestrian facilities as there are no details of the crossing points to be made available within the site. A safe pedestrian route to the entrance from Cranleigh Drive approaching from both directions will be required as part of the detailed planning application.
13. **Environment Agency** – raises **no objection**, subject to the imposition of conditions on contamination, a report on desk study, drainage and fuel, oil and chemical storage.
14. **Kent County Archaeologist** – raises **no objection**, subject to the imposition of a condition requiring the implementation of a programme of archaeological work.
15. **Jacobs Landscaping** - raises **no objection** whilst acknowledging that the proposed care apartments would be more visible from the adjacent properties along Cranleigh Drive than the existing care home. However this is a reasonably densely populated townscape where views of other buildings are likely. In addition to this, the existing boundary vegetation provides a reasonable visual screen from the surrounding visual receptors. Whilst there would be some loss of existing trees, none of these are of the highest arboricultural or landscape value. Much of the boundary vegetation would be retainable and any necessary loss of trees could be mitigated through additional boundary planting to enhance its visual screening function.

Local Member(s)

16. The local County Member, Mr Cope was notified of the application on 26 May 2009, 11 August 2009 and 8 March 2010.

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

Publicity

17. The application was advertised by the posting of a site notice and the notification of 85 neighbouring properties of the original application. Neighbour notification was repeated in the light of the two subsequent amendments to the initial proposals, with 20 of the closest neighbouring properties being notified. This also included a number of residents who had originally written in with representations.

Representations

18. In total 17 representations have been received in response to the original planning application and the two subsequent amendments. The original application attracted 8 representations, with the first amendment receiving 3 representations and the second and final amendment receiving 6 representations. The main planning reasons for objection can be summarised as follows:

- The flats would generate more traffic on the local roads.
- Not enough car parking provision has been proposed for this development.
- There is already a lot of parking in Cranleigh Drive as it already acts as an overflow car park for Cornfields already and for any sporting activities that are taking place at the recreation ground.
- Cranleigh Drive is only just wide enough to accommodate a parked car and a bus.
- Cranleigh Drive would struggle to cope with all the additional traffic that this development will generate.
- This is currently a quiet area, which would be changed by the increase in traffic and the subsequent increase in noise as a result of this development.
- Concern about the noise of the demolition and rebuild of the new care home.
- Objection to the proposed height of the building as it is totally unacceptable bearing in mind the height of the buildings around the care home, which are mainly bungalows.
- A three-storey building is overbearing for neighbouring properties.
- The windows of the proposed development would overlook neighbouring properties and result in a loss of privacy.
- The proposed building would affect the light in neighbouring properties.
- The proposed building would be an eyesore and will be visible from everywhere in Whitfield.
- Why is there a need to change the care home, which is very successfully run, into something different?

Discussion

19. The application is required to be determined in accordance with the relevant Development Plan policies, unless other material considerations are of overriding importance. Therefore the proposal needs to be considered in the context of the South East Plan and Dover District Council Local Plan policies and other material considerations, including those arising from consultation and neighbour notification responses. In this particular case, the determining issues would therefore include relevant planning policies, transportation aspects, design considerations, residential amenity aspects and need considerations.

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

Policy Context

20. Policies in the South East Plan generally promote sustainable development, sustainable design and construction and sustainable communities, as well as seeking to upgrade existing housing and restrain parking provisions. The whole programme of providing new sites or developing existing ones to extend and improve accommodation for the elderly where there are local needs is entirely consistent with the objections of Policies CC1, CC6 and H4, given that the proposals do aim to upgrade the existing housing stock, to meet local community needs and to meet the specialist needs of those in the community not otherwise catered for by the open market. Additionally, the proposed development would make best use of previously developed land by upgrading an existing site rather than seeking fresh land and releasing the current site to some alternative development. The application also broadly complies with the Policy T4 objective to ensure an appropriate level of on-site parking, to avoid attracting indiscriminate use of personal transport.
21. Overall I do not consider that the proposed redevelopment of this site fundamentally conflicts with any of the relevant Development Plan Policies, given that it clearly accords in principle with the general thrust of most of the policy objectives. Moreover the planning application is in outline only at this stage and since the site has already been in residential institutional use for many years, the principle of the proposed use is well established.

Design Aspects

22. Whilst the application has reserved out details of building appearance, scale and landscaping for later consideration, it is necessary to consider the submitted details relating to the layout of the proposals and the access arrangements. The District Council and some local residents have raised objections to the proposed design of the new building, although at present there are only sketch details of the layout of the development to inform that consideration. The proposed new building is designed to accommodate 20 one bed flats and 20 two bed flats and a range of communal rooms. To spread the proposed layout of the new building across the site would have significant implications for visual amenity in the street scene, neighbouring residential amenity and the amenity of the residents themselves because of the lack of outdoor space. The applicants have therefore proposed a combination of two and three storey development to reduce the building footprint, increase the distances from neighbouring properties and provide a reasonable area of garden and tree retention around the site borders. Notwithstanding the wider amenity issues discussed further below, I consider that the latest site layout is a satisfactory design solution.
23. However the implied height of the proposed building has provoked some objections on the basis of it being out of character with the surroundings and potentially detrimental to neighbouring properties. Some objectors seem to have an aversion in principle to the notion of a three-storey development, primarily on the basis of the visual appearance, potential overlooking and loss of light. In terms of visual appearance, the houses surrounding the site are currently a mixture of bungalows to the south west and two storey houses to the south east, with a general suburban domestic character. Whilst compatibility with neighbouring properties is an important consideration, it is the comparative height of the building, which largely determines whether a juxtaposition of varying storeys would be acceptable. The latest amendment takes this into consideration and therefore proposes that the building would only be two storeys in height flanking properties to the south east and south west. On the part of the site, where the recreation ground abuts the site and there is a good vegetation cover, it is

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

proposed to have three storeys here, as it would be less intrusive to the neighbouring properties, whilst still maintaining 40 flats in this development (see site cross section drawings).

24. Daylight and privacy issues are discussed below, but given that the 3 storey element is physically and visually distanced from neighbouring properties I do not consider that that aspect is unacceptable on design grounds. In particular, the area is characterised by mixed modern designs, varying massings and differing heights of buildings and I cannot agree that the proposed development would be at odds with any readily identifiable grain. Even if there was a grain that could be adhered to, that would be simply promoting bland homogeneity and contrary to *Kent Design Guide* principles in itself. Moreover, the locality is not one characterised by historic buildings or some heritage or locally distinctive features worthy of replicating, so to presume against the proposed development on the grounds of design compatibility is also inappropriate in this particular case.

Amenity Issues

25. This planning application has attracted a number of objections from neighbouring properties concerned about the redevelopment of the site and the potential impacts on their amenity and the wider impacts of the locality. Chief issues for concern in planning terms include a loss of privacy, overlooking and visual intrusion, daylight interruption and impacts upon local roads. The applicants have amended their proposals twice in response to such concerns and it is important to assess the scheme as now amended to judge whether any of these issues are sufficient to warrant refusal of planning consent.
26. The proposed layout of the site and the position of the building have the potential to affect several issues, including the loss of privacy and light, overlooking and visual intrusion. As first submitted the proposed layout would have been close to the side wall of the properties to the south west boundary of the site (Alison Crescent and No 127 Cranleigh Drive) with the potential for both visual intrusion and loss of privacy by overlooking. The adjustment to the position of the building has overcome these issues by increasing the physical separation to 31.26m (to the nearest property in Alison Crescent) and to 21.44m (to No 127 Cranleigh Drive) and by reducing the height of the building nearest to these properties from three storeys to two storeys. The nearest property in Cranleigh Drive on the opposite side of the road from the development would have a physical separation distance of 24.41m. All these distances are greater than the standard guideline privacy distances of 21m for facing windows to habitable rooms (and 11 metres where windows to blank walls). There is also good existing screening of trees along the border with the houses in Alison Crescent and No 127 Cranleigh Drive, which would also help to create privacy for the existing properties. The applicant is prepared to increase the tree planting along this border to further increase the level of privacy in the rear gardens of these properties.
27. Members will be aware that the protection of private views is not a material planning consideration, and given the distances from neighbouring properties, I do not consider the visual impact of the proposed development would be either intrusive or over bearing in the neighbourhood. Clearly, the redevelopment of the site would involve changes in the appearance of the street scene, and alteration and/or interruption of private views from some individual properties, but these are not in themselves grounds for resisting planning proposals. It is also not possible to judge whether the development would be visually unappealing in the wider setting, pending the submission of a detailed planning application that included design details.

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

28. Loss of daylight and/or interruption of sunlight are valid grounds for objection to development, where they can be substantiated and some significant detriment can be demonstrated. In this particular case, the proposed layout indicates that the new building would be physically separated from the nearest neighbouring buildings by over 20 metres, thereby removing the possibility of any significant overshadowing of any neighbouring property, even with the proposed higher roof levels. Under the circumstances, any overshadowing is more likely to be from existing neighbouring houses which are already more closely spaced together. With regard to interruption of direct sunlight it should also be noted that the proposed new building would be generally to the north of most surrounding properties, with the path of travel of the sun being from east to south to west. Moreover the three storey element would be on the northern boundary and only capable of casting a shadow on the undeveloped land to the north of the site.
29. Concerns have also been raised over noise nuisance from the proposed development. The redevelopment of the site from one type of care accommodation for the elderly to another is unlikely to have any significant change in terms of noise or activity. Nor are the vehicle movements associated with it likely to alter the existing noise patterns. The new building would be constructed to modern insulation standards and any noise leakage is likely to be less than from the present development. Noise nuisance during construction is more likely to be nuisance, but to a certain extent is inevitable and cannot be used as a means to reject development proposals alone. However, it is possible to reduce the impacts of noise disturbance by imposing conditions over the timing of construction activity, delivery of materials, etc. and, should planning consent be given, I would recommend that such conditions be imposed.
30. Under the circumstances, I do not consider that there is likely to be any significant detriment to neighbouring properties as a result of visual intrusion, noise disturbance, loss of light or invasion of privacy, given that the generally accepted standard design guide distances for the spacing of residential properties could still be achieved with the proposed layout as now amended.

Traffic Issues

31. Concerns have been raised over the provision of parking on the site and whether that would be adequate with the increased numbers of people living at, working at and visiting the site. The development proposes to provide 17 parking spaces and a drop off point as well as a service yard and turning head facilities. It is intended to keep the same access point off Cranleigh Drive due to the fact that the current access is shared between the care home and the private owners of No 127 Cranleigh Drive, who have legal rights to use this access. Provision would also be made for cycle storage within the site.
32. The Divisional Transport Manager has been consulted on the proposed provision and has raised no objection to the proposal and has confirmed that it complies with Supplementary Planning Guidance (Kent Vehicle Parking Standards). In fact the latest amended scheme has increased the level of parking by one space and now would exceed the standard required. However the Divisional Transport Manager has noted that there are currently no pedestrian facilities leading into the site from Cranleigh Drive and would wish to see this included in the future. Since the proposal exceeds the standard requirement for parking by one space, then no transportation objection could be sustained on this particular application. Whilst local residents may contest this judgement, there is good evidence from the other sites across the County where a similar provision of parking provision demonstrates that at many times of the day there

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

are vacant spaces, because many of the staff do not drive to the site or they share vehicles. There is a good public transport link to the site, with a bus stop located directly outside in Cranleigh Drive. Therefore local resident concerns that more cars would park in Cranleigh Drive, if they cannot find a space within the site, are unfounded and unlikely to happen.

33. The impact upon the local road network and the ability of the surrounding roads to be able to accommodate any increased parking upon neighbouring roads as a result of this development, is a matter for consideration by the Divisional Transport Manager, who takes into account the existing traffic conditions when assessing the introduction of new development or as is this case, the redevelopment of the existing site. The Divisional Transport Manager has not raised any concerns about the local road network being unable to cope with any potential increase in traffic to the site nor about any overflow parking that may take place out on the public highway.
34. Cranleigh Drive is an estate road which measures 5 metres in width and as already stated it is a bus route. There is already some on street parking taking place in the area of the care home, as residents directly opposite the care home have off-road parking to the rear of their properties, whilst residents in Alison Crescent have off-road parking to the front of their properties. There is no evidence to suggest that any current on-street parking affects the bus service. Residents concerns that Cranleigh Drive is only just wide enough for a bus and parked car to get past each other and that any additional overflow parking in Cranleigh Drive may affect the ability for vehicles to be able to pass each other safely has been raised as many residents feel that there is not enough parking provided on site and that the new apartments will generate additional traffic. However the level of parking provision is above the required standard and there is no evidence to suggest that the traffic levels will increase above what currently happens.
35. Attached as an Appendix, is a traffic survey which shows the existing traffic flow to the site over a two week period, taken in January 2010. This survey concluded that there is a constant movement into and out of the site and that the car park was seldom ever full. As it is predicted that the traffic flow to the site will not increase due to the redevelopment, then it can be concluded that the current situation should not change.
36. Under the circumstances, I do not consider that there is likely to be any significant detriment to neighbouring properties as a result of the car parking provision for the redevelopment nor there to be any increase in traffic levels to the site.

Conclusion

37. Since the proposed use of the site is already well established, I see no objection to the principle of the proposed development and consider that it also accords with the general thrust of the relevant Development Plan Policies. Objections have been raised to the impacts of the proposed redevelopment on various aspects including residential amenity, design aspects and traffic/parking issues, but having examined each of these aspects in detail, I am of the view that none are of sufficient substance as to warrant a refusal on the application. In particular there would be inevitable changes to the local streetscape and residential environment if the development was to proceed but these are not in themselves reasons to withhold planning consent if there is unlikely to be any significant lasting harm to interests of acknowledged importance. Whilst there may be understandable local concerns, the proposed changes are not sufficient reasons to presume against planning permission.

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

38. Under the circumstances, I advise that the proposed development is in accordance with the general principles of the Development Plan Policies and subject to appropriate conditions, I am of the opinion that the proposed development is unlikely to significantly compromise the amenity of the local residents. Consequently I recommend that outline planning permission be granted.

Recommendation

39. RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT to conditions, including conditions covering:

- the standard time limit;
- the standard outline planning conditions relating to the reserved matters of scale appearance and landscaping details;
- the protection of trees and vegetation during construction;
- controls over hours and days of construction activity;
- the inclusion of a footpath leading to the front entrance in the detailed design; and
- the development to be carried out in accordance with the permitted details.

Case officer – Lidia Cook	01622 221063
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Background documents - See section heading
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Appendix 1 to Item D3

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

Letter provided by applicant in respect of car parking issues



The information provided below relates to the use of the car park facilities at the Cornfields Registered Care Centre site between 18th January and 31st January 2010. There was a constant movement in and out during each recorded session so typically the full number of parking spaces was seldom utilised.

There are 17 spaces in the car park at Cornfields. It is very rare that these are all full at any one time. We have regular visits from health professionals such as GP, District Nurse, Physiotherapists, Occupational Therapists etc. Their visits can vary in length from 15 to 45 minutes. They usually visit on weekdays but emergencies and ongoing treatments may require a visit at weekends.

As the centre is open 24 hours a day, visitors are welcome at any time, however many do not arrive before 9am due to clients eating breakfast, and most leave by 8pm due to clients wishing to go to bed.

The number of staff using the car park varies greatly depending on whether they are local or have access to a vehicle, or whether they live further away and use private transport.

The high usage indicated in the table below on 20th January was due to a training day held at the centre from 9.30 am – 2.30 pm – these are occasional, and not a regular occurrence. .

18 th – 24 th January 2010				25 th – 31 st January 2010			
Monday 18/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm	Monday 25/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm
In	27	10	4	In	19	12	4
Out	14	22	6	Out	9	17	9
Tuesday 19/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm	Tuesday 26/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm
In	25	12	3	In	19	11	4
Out	14	17	8	Out	9	16	9

Appendix 1 to Item D3

Outline application for 40 bed extra care sheltered development at Cornfields Residential Care Centre, Whitfield, Dover – D0/08/477

Wednesday 20/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm	Wednesday 27/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm
In	27	22	5	In	23	11	2
Out	9	38	7	Out	9	21	6
Thursday 21/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm	Thursday 28/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm
In	23	16	3	In	5	13	2
Out	14	22	6	Out	4	12	4
Friday 22/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm	Friday 29/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm
In	17	16	4	In	16	13	2
Out	11	17	9	Out	10	16	4
Saturday 23/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm	Saturday 30/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm
In	12	15	3	In	8	10	2
Out	8	16	6	Out	7	7	6
Sunday 24/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm	Sunday 31/01/10	07:00am to 12:30pm	12:30pm to 5:00pm	5:00pm to 10:00pm
In	13	15	2	In	8	4	2
Out	4	21	5	Out	3	7	3

Item D4**Replacement of wooden fence with 1.8 metre high metal fence at Lyminge CEP School, Church Road, Lyminge - SH/10/141**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 May 2010

Application by Lyminge CEP School and Kent County Council, Children Families and Education for the replacement of wooden fence with 1.8 metre metal fence at Lyminge CEP School, Church Road, Lyminge, Folkestone, Kent, CT18 8JA- SH/10/141

Recommendation: Permission be granted subject to conditions

Local Member: Mrs Susan Carey

Classification: Unrestricted

Site

1. Lyminge CEP School is situated within a residential area in the village of Lyminge, Folkestone, in the Kent Downs Area of Outstanding Natural Beauty. Residential properties face the site on Church Road and also adjoin the north-eastern boundary on Kimberley Terrace. To the south and east, the school is bordered by the Tayne Recreation Ground. Vehicular and pedestrian access to the school is located on Church Road. The school itself consists of one building which is set back a short distance from Church Road, at the bottom of a slight bank, and is screened from the road and neighbouring properties by a row of mature trees. A site location photograph is attached.

Background and Proposal

2. The proposal is to remove the existing low-level wooden fence, which runs for approximately 50 metres from the vehicular access point to the north-eastern school boundary, both on Church Road, and to replace it with a 1.8 metre high metal, green palisade fence. It arises from the applicant's need to ensure the safety of the pupils and school property after recent incidences of vandalism and trespass. The applicant states that due to the height of the existing wooden fence the school boundary on Church Road provides an easy access point for individuals to unlawfully enter the site.
3. The school has recently erected 1.8 metre high green palisade fencing around the remainder of the school grounds, which is covered by permitted development rights under The Town and Country Planning (General Permitted Development) Order 1995. Planning permission is being sought for the 50 metre stretch of fencing along Church Road because it adjoins a public highway and therefore does not qualify as permitted development, requiring a specific permission to be obtained.

Replacement of wooden fence with 1.8 metre high metal fence at Lyminge CEP School, Church Road, Lyminge- SH/10/141

Site location plan



Item D4

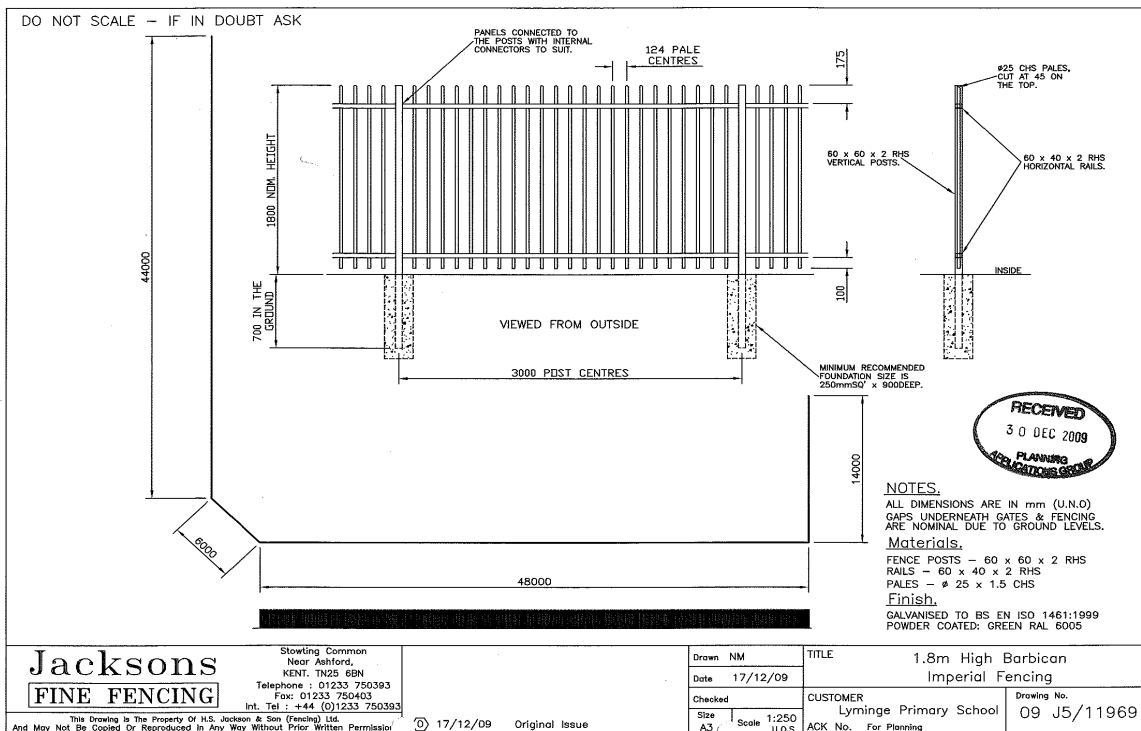
Replacement of wooden fence with 1.8 metre high metal fence at Lyminge CEP School, Church Road, Lyminge- SH/10/141

Site location aerial photograph



Tayne Recreation Ground

Fence Elevation



Replacement of wooden fence with 1.8 metre high metal fence at Lyminge CEP School, Church Road, Lyminge- SH/10/141

Planning Policy

4. (i) **The South East Plan:**

Policy CC1: Seeks to achieve and maintain sustainable development in the region.

Policy CC4: Expects that all new development will adopt and incorporate sustainable construction standards and techniques.

Policy CC6: Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.

(ii) **The adopted Shepway Local Plan Review 2006:**

Policy SD1: Development proposals should take account of the broad aim of sustainable development.

Policy BE1: A high standard of layout, design and choice of materials will be expected for all new development.

Consultations

5. **Shepway District Council** raises no objections subject to the retention of the existing planting along the boundary at a height no lower than 1.8m to soften the appearance of the proposed fencing and protect the rural character and appearance of the locality.

Lyminge Parish Council raises no objections but do request that landscaping is considered to soften the impact of the fence.

The Divisional Transportation Manager raises no objections subject to the line of the fence being set back at least 2.4 metre from the edge of Church Road carriageway to ensure sight lines are not obstructed.

Local Member

6. The local County Member, Mrs Susan Carey, was notified of the application on the 10 February 2010.

Publicity

7. The application was publicised by the posting of a site notice and the individual notification of 20 nearby residential properties.

Representations

8. Representations to the application have been received from 4 nearby properties. The concerns and objections raised to the proposal include the following:
- The proposed fence is not in keeping with a rural village school.
 - Fears that trees will be significantly reduced to the same height as the fence.

Replacement of wooden fence with 1.8 metre high metal fence at Lyminge CEP School, Church Road, Lyminge- SH/10/141

- The fence is unnecessary and unsightly.
- The school did not adhere to the landscaping conditions attached to previous planning permission for the existing wooden fence.

DiscussionIntroduction

9. This proposal has arisen from recent incidents of vandalism and trespass at the school. Whilst there is currently a low-level wooden fence along the boundary on Church Road, the applicant deems an alternative, more robust style of fencing an appropriate measure to ensure the safety of pupils and school property. There are issues relating to the siting and design of the fencing, and to the height of existing boundary trees.

Planning history

10. Three objection letters suggest that when permission was granted for the existing enclosure of the site that there was a requirement for the planting to be maintained to a manageable height suggested variously at 1.8, 3 and 4.5 metres in height. I understand that the existing wooden fence along the boundary on Church Road was included as part of the proposal for the school which was granted permission in 1984 under reference SH/83/824. Attached to that permission was a condition requiring the school to submit details of landscaping and tree planting to the County Planning Authority for approval but none relating to the height at which any planting should be maintained. A row of trees were planted which have subsequently grown to over 30 feet, although I cannot find any record of the details of these trees having been submitted for approval. I understand that the maintenance of these trees has caused a number of Church Road residents' grievances. Some minor work to the trees has already been carried out on behalf of the school following a tree audit but none is proposed as part of this application. In my view, the height and maintenance of the trees is a school management issue and not material to the determination of this application for replacement fencing.

Fence line position

11. As outlined in paragraph 5, the Divisional Transportation Manager raised no objection to the proposal subject to the line of the fence being set back at least 2.4 metre from the edge of Church Road carriageway to ensure sight lines are not obstructed. The proposed fence would generally follow the same line as the existing fence. There is a Public Right of Way which runs along the southern boundary of the school, adjoining the Tayne Recreation Ground but there are no public access rights to the site itself. This is emphasised by the recently installed fencing around the remainder of the school site, further demarcating the boundary. Therefore, renewing the boundary fencing along Church Road is paramount to securing the site in its entirety from intruders, ensuring the safety of pupils and school property.

Item D4

Replacement of wooden fence with 1.8 metre high metal fence at Lyminge CEP School, Church Road, Lyminge- SH/10/141



1. Existing line of fence



2. Section of the recently installed fencing under permitted development



3. Photograph of existing fence with trees and shrubs behind

Replacement of wooden fence with 1.8 metre high metal fence at Lyminge CEP School, Church Road, Lyminge- SH/10/141

Design and appearance

12. The existing low level wooden fence has been in place for some considerable time. The fence appears to be in relatively good condition, given its age and the visual impact is minimal due to a line of trees which were planted behind the line of the original fence, as seen from the photographs on page D4.6. The fence also benefits from textural and colour similarities to the trees behind, but it is ineffective at deterring individuals from unlawfully entering the site.
13. The school are proposing a style of fence which satisfies both security and design requirements. The 1.8 metre high Barbican Imperial fencing with the appearance of a more traditional railing fence is generally considered to be less obtrusive than steel palisade fencing and a more suitable option for a rural village setting such as Lyminge. It is proposed to be finished in powder coated green: RAL 6005 and for consistency and continuity, would match the recently installed fencing around the rest of the school boundary. Furthermore it would be set within the context of the existing tree lined boundary. Lyminge Parish Council expressed a wish to see shrub planting along the road side of the fence to soften its impact. Given the problems documented with regard to the maintenance of the existing boundary, I do not consider that additional planting would be appropriate or is particularly needed in this instance.
14. I am of the opinion that the fence proposed is suitable for the locality and at 1.8 metres is an acceptable height. Although it may not be as discreet as the existing wooden fence it would be the least obtrusive of the options available to the school to effectively serve its purpose. Given that the Barbican Imperial fencing has already been installed to the rest of the site, this is the most logical solution to securing the school and in my view would not have a significant detrimental visual impact.

Conclusion

15. The applicant's reasons for replacing the existing fence will be noted. I consider that the issue about the height and maintenance of the trees along the school frontage is a matter for the school and not material in the determination of this application. I am of the opinion that the erection of the proposed fence would not have a detrimental impact on the setting of the school within the rural village of Lyminge. I therefore see no reason to raise a planning objection to the proposed fence and consider that it would accord with the general aims and objectives of the Development Plan policies. Accordingly, I recommend that planning permission be granted subject to conditions.

Recommendation

16. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions to cover the following aspects:
 - The standard time limit; and
 - The development to be carried out in accordance with the submitted details, plans and specifications.

Case officer – Jo Ritter 01622 696100

Background documents - See section heading
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Item D5**One Form entry primary school and associated facilities at open ground to north of the B2231 Leysdown Road, Leysdown-on-Sea, Sheerness – SW/09/1215**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 May 2010.

Application by Kent County Council Children, Families and Education Directorate for the construction of a proposed one form entry primary school to be developed in one phase with all the external facilities including, playgrounds, sports field and parking at open ground situated to the north of the B2231 Leysdown Road, close to the junction with Warden Bay Road, Leysdown-on-Sea, Sheerness (SW/09/1215)

Recommendation: Planning permission be granted, subject to conditions.

Local Member(s): Mr. A. D. Crowther

Classification: Unrestricted

Site

1. The application site is located on a virgin parcel of land situated to the north of the B2231 (Leysdown Road), close to the junction with Warden Bay Road within Leysdown-on-Sea, Sheerness. The site is located some 900 metres from the settlement of Warden, approximately 900 metres from Leysdown-on-Sea and approximately 3 kilometres from Eastchurch. Access to the site is proposed to be gained via the construction of a dedicated 'in' and 'out' circulation road. The site itself is located in a relatively prominent location, with long distance views to the north and north-west across arable land to the settlements of Warden and Eastchurch.
2. The area surrounding the application site consists predominantly of caravan parks, the nearest parks being Happy Valley Holiday Camp (approximately 95 metres to the north), Isle of Sheppey Holiday Village (approximately 110 metres to the east) and Vanity Holiday Village Park / Vanity Farm Holiday Camp (approximately 360 metres to the south east). The nearest residential properties include The Old Vicarage (210 Leysdown Road), located some 45 metres on the opposite side of the carriageway of Leysdown Road. Paradise Farm, a Grade II Listed Building is located approximately 150 metres to the south west and 235 Leysdown Road lies approximately 170 metres to the west.
3. The application site is not designed for any specific use within the adopted Local Plan, other than being designated as land outside the limits of built development. It does however fall within the Government's Thames Gateway Growth Area. A Public Right of Way runs to the south east of the application site on the opposite side of Leysdown Road. *A site location plan is attached on page D5.2.*

Background

4. Until recently the education system on the Isle of Sheppey consisted of a three tier system with first, middle and wide ability high schools. Following a long period of consultation that system is now changing to a two-tier structure, consisting of primary schools and a new academy secondary school. As part of this restructuring process, the capability of the first schools to become primary schools of the appropriate size was examined and a decision was made by Kent County Council that Eastchurch Church of

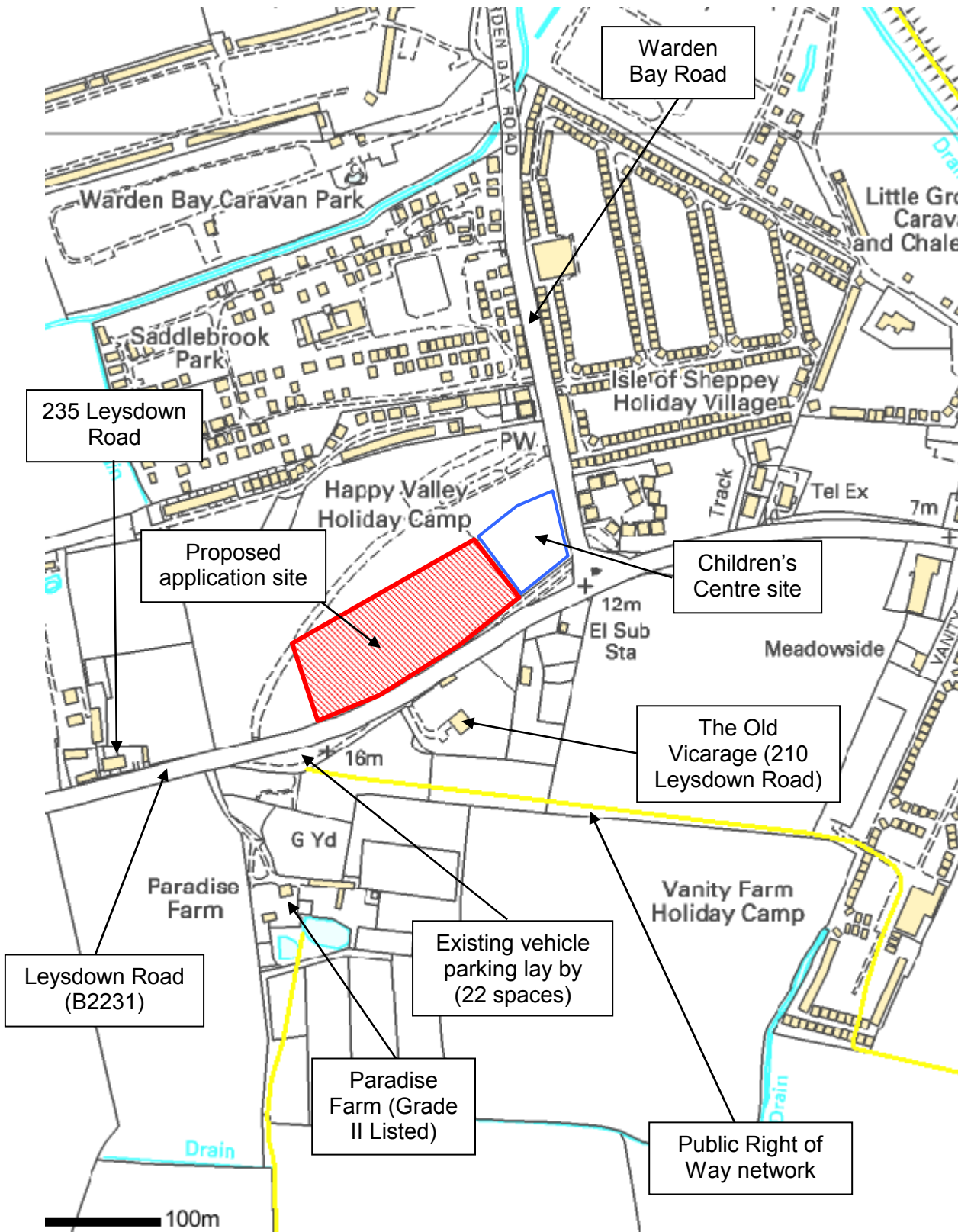
Proposed one form entry primary school and associated facilities,
Leysdown-on-Sea, Sheerness – SW/09/1215

General Location Plan



**Proposed one form entry primary school and associated facilities,
Leysdown-on-Sea, Sheerness – SW/09/1215**

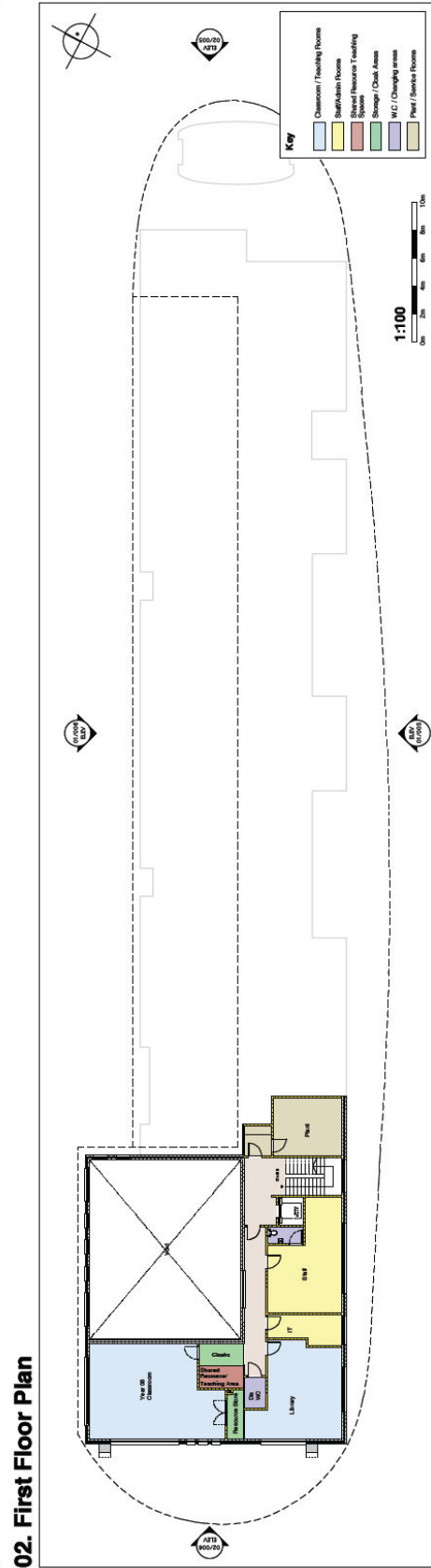
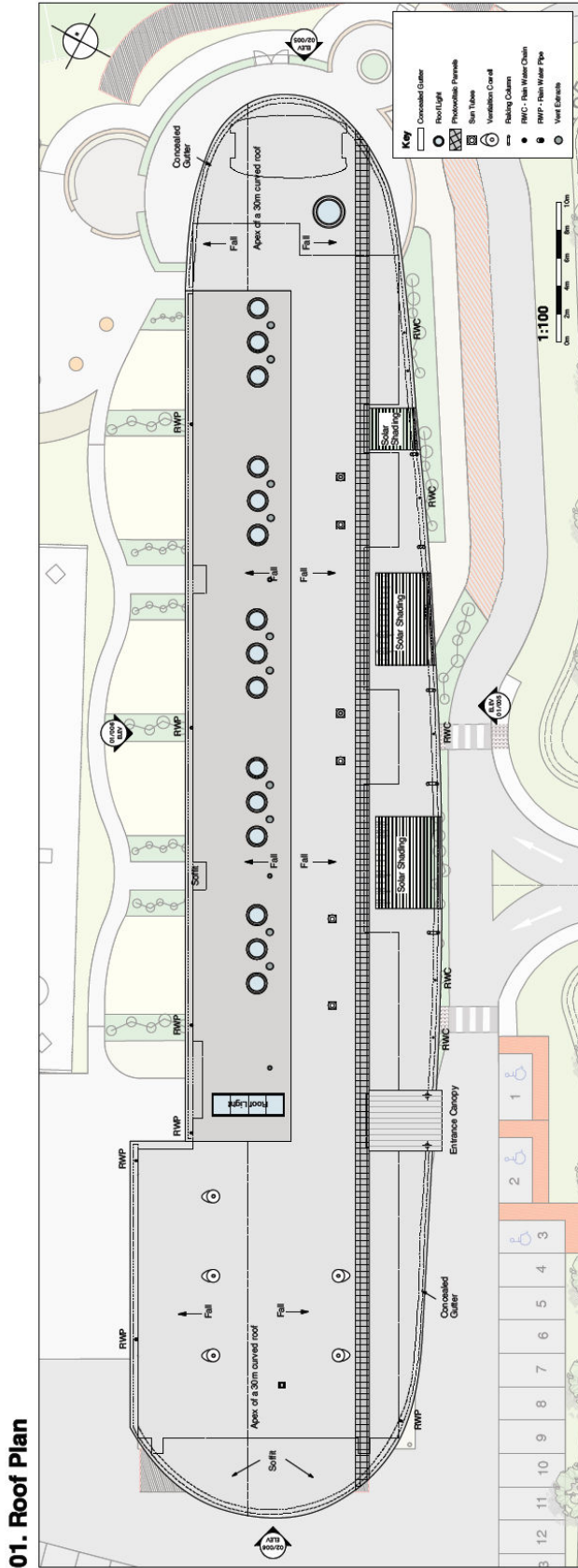
Site Location Plan



Site Location Plan – Proposed 1FE Primary School at Leysdown-on-Sea
Scale 1:5000

Proposed one form entry primary school and associated facilities, Leysdown-on-Sea, Sheerness – SW/09/1215

Proposed First Floor/Roof Plan



Issued For Planning 05.11.09

Architect: **hatchell architects**
 111-113, High Street, Sheerness, Kent, DA12 2JF
 Tel: 01843 811111 Fax: 01843 811112
 www.hatchell.co.uk

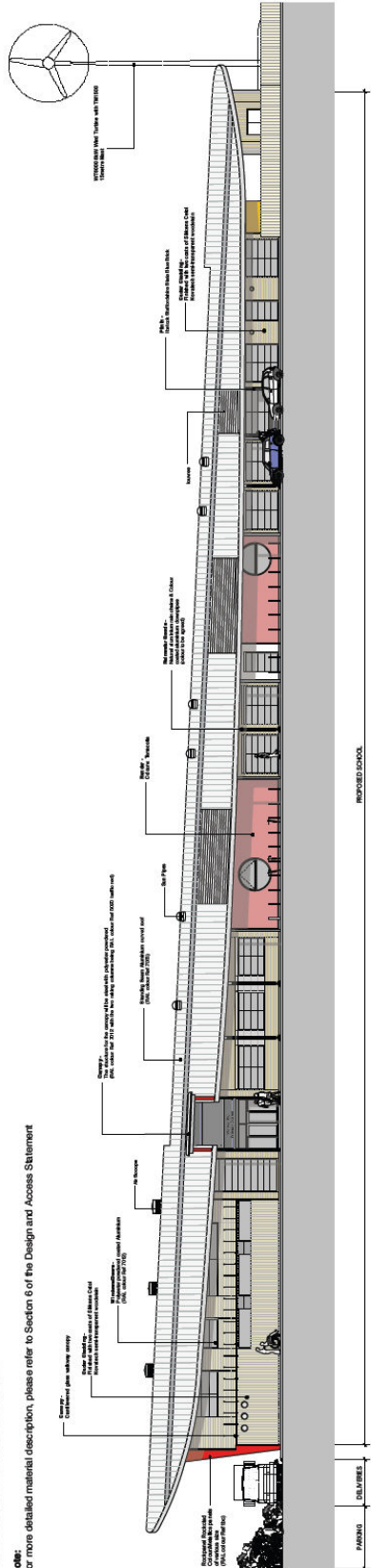
Project: **Proposed one form entry primary school and associated facilities, Leysdown-on-Sea, Sheerness – SW/09/1215**
 Date: **05.11.09**
 Scale: **1:100**
 Drawing No: **01/01**
 Drawing Title: **Roof Plan**

Proposed one form entry primary school and associated facilities, Leysdown-on-Sea, Sheerness – SW/09/1215

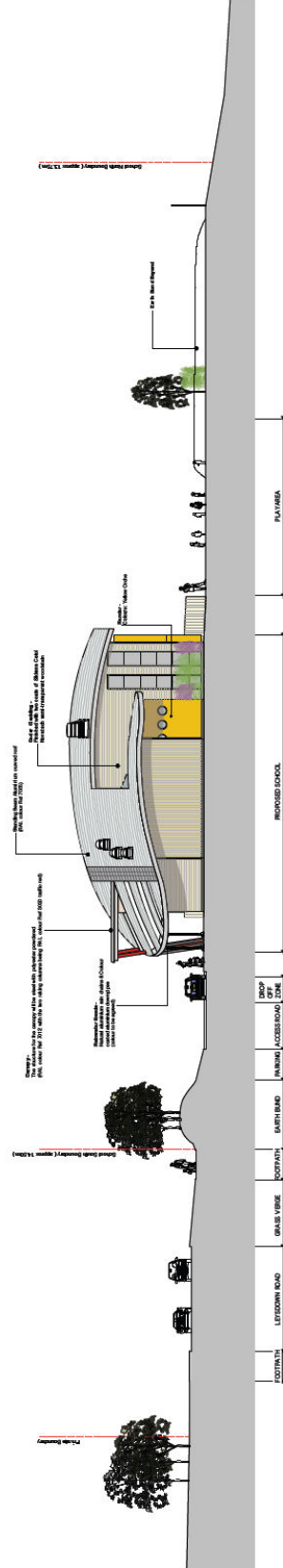
Proposed South & East Elevations

Elevation Sheet 02

Note: For more detailed material description, please refer to Section 6 of the Design and Access Statement



01. South Elevation



02. East Elevation

1:100

Client	Sheerness Regeneration Ltd
Project	Proposed One Form Entry Primary School and Associated Facilities, Leysdown-on-Sea, Sheerness
Location	Leysdown-on-Sea, Sheerness
Scale	1:100
Date	05.11.09
Author	James H. H. H. H.
Check	J. H. H. H.
Drawn	J. H. H. H.
Discussed	J. H. H. H.
Issue	J. H. H. H.

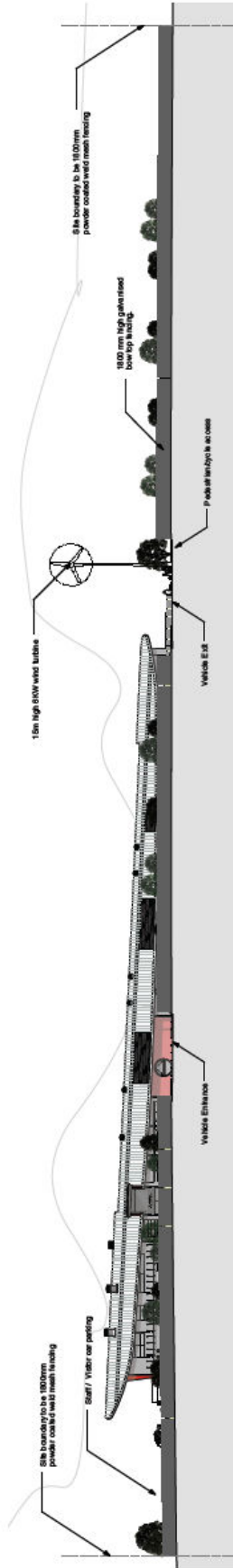
barrowhall architects

Issued For Planning 05.11.09

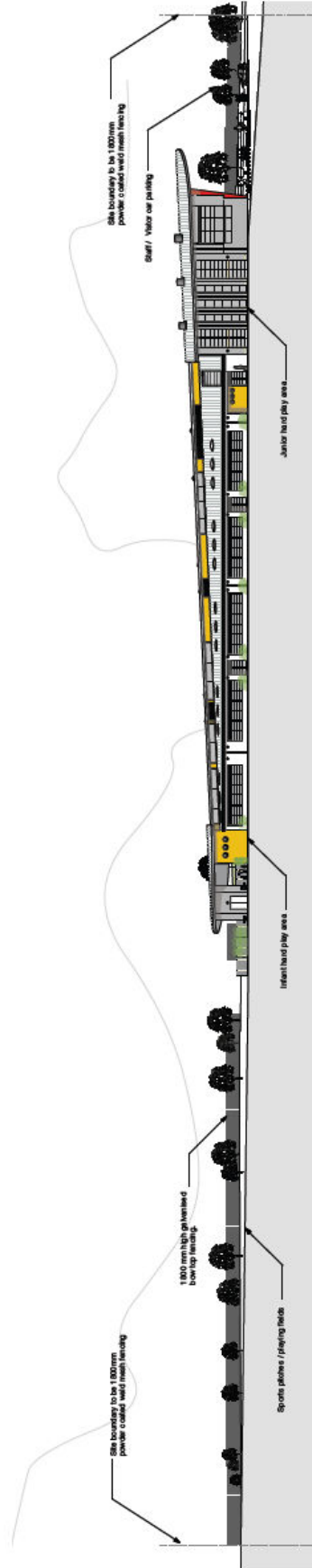
Proposed one form entry primary school and associated facilities, Leysdown-on-Sea, Sheerness – SW/09/1215

Proposed Contextual Elevations

Contextual Elevations



01. South Elevation



02. North Elevation

It is hereby declared that the contents of this document are true and correct to the best of the knowledge and belief of the undersigned, who is a director or officer of the company and is duly qualified to make such a statement.

Contractor: [Name] - [Address] - [Contact Info]

Site: [Address]

Project: [Name]

Client: [Name]

Scale: [Scale]

Date: [Date]

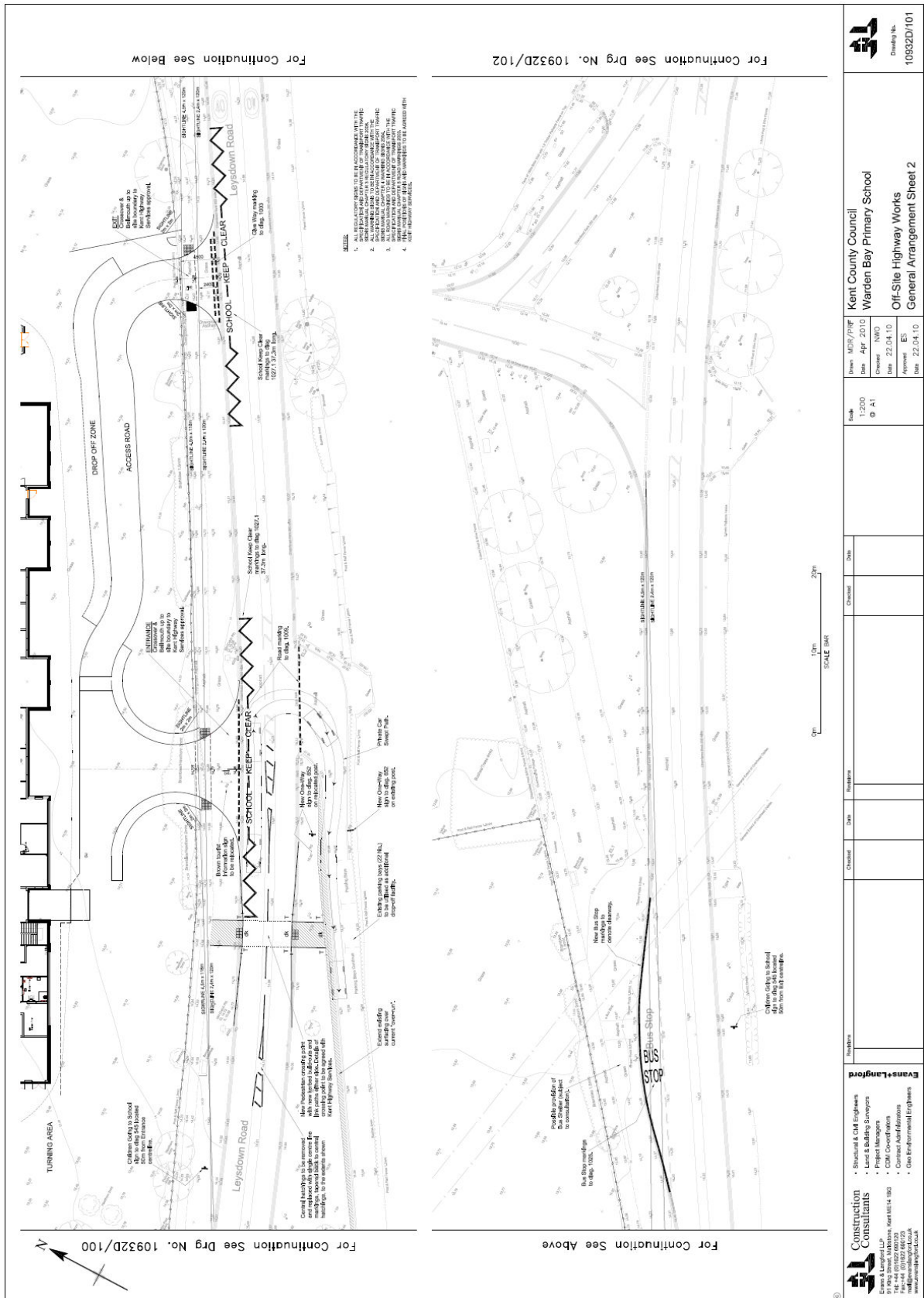
Drawn by: [Name]

Checked by: [Name]

Issued For Planning 05.11.09

Proposed one form entry primary school and associated facilities, Leysdown-on-Sea, Sheerness – SW/09/1215

Proposed Off-Site Highway Improvement Works (Sheet 2)



Proposed one form entry primary school and associated facilities, Leysdown-on-Sea, Sheerness – SW/09/1215

England First School should become a two form entry primary school on two sites – its existing site in Eastchurch and a new site acquired by the County Council in Leysdown. It is intended that this new school would be run by the Head Teacher and Governors of the existing Eastchurch Church of England Primary School.

5. An adjoining parcel of land to the west of the proposed new school site was granted planning permission by Members of the County Council's Planning Applications Committee at its meeting on 29 July 2008 (under application reference: SW/07/1271) for a new single storey modular building for use as a community Children's Centre.

Proposal

6. The application is made by Kent County Council Children, Families & Education Directorate and seeks planning permission for a new one form entry (1FE) primary school to be situated on a previously undeveloped site off Leysdown Road [B2231], Leysdown-on-Sea, Sheerness. The application seeks permission for the construction of a new purpose-built school building, together with all associated external facilities, including boundary fencing, playgrounds, sports field and vehicle parking.
7. The school building has been designed as a 1 FE primary school to cater for 210 pupils aged between 5 and 11 years. The total gross internal floorspace of the proposed school building would be 1453 sq. metres, whilst the application site (i.e. the total land-take of the school grounds) is approximately 1.25 hectares. The building itself would consist of a predominantly single storey building, with a part two-storey element on the western side of the building, concealed under a gently sweeping roof form.
8. The application sets out intended staff numbers for the new school which include 23 full-time staff and 10-12 part time staff. The applicant identifies that on-site car parking provision has been designed in accordance with guidance set out within the Kent Vehicle Parking Standards, taking account of proposed staffing levels, and would include 35 parking spaces, 3 of which would be designated for disabled use.
9. The application proposes a circulatory traffic management system with a staff/visitors and deliveries area to the west of the proposed school building and a parents' drop off and collection zone to the north eastern front edge of the proposed school. Visibility splays would be provided on both the 'in' and 'out' vehicle entrance/exists taking account of Leysdown Road's 40 mph speed limit. The applicant proposes additional off-site highway improvements, following discussions with Kent Highway Services. These measures include the provision of a new pedestrian crossing point to link existing footways on both sides of Leysdown Road; the provision of 'School Keep Clear' markings outside the proposed vehicular entrance; the provision of a new bus stop lay-by on Leysdown Road together with a new bus shelter; appropriate road signage advising users of Leysdown Road the presence of a school; and the use and minor modifications to the junctions of an existing car parking lay-by on the opposite side of the carriageway to the proposed new school which provides up to 22 vehicle parking spaces.
10. In terms of the design philosophy for the new school, the application details that a site massing analysis was undertaken, the outcome of which led the applicant to consider that the best location for the proposed new school building would be to the south west of the application site. This location would allow the school building to be adjacent to Leysdown Road and to make the best use of the views from the site. The application also identifies that the proposed building location would ensure that the privacy and

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security of pupils is not compromised, that the building would be positioned away from overhead power cables and would make the most of the existing site's topography by allowing the playing fields to be placed on the north-east plateau of the overall site.

11. A design analysis undertaken by the applicant indicated that there was no substantive architectural context on or adjacent to the development site to take account of, and therefore three design references were pursued in the initial development of the architectural concept. These included the following: -
 - Local history sources which indicated that early flight technologies had been developed within the local area, a fact that had been picked up by the existing Eastchurch Primary School, who use the aviation theme in their pupil house system;
 - Initial archaeological investigation on the site indicated the remains of a circular late iron age settlement; and
 - The existing Eastchurch Primary School was the first in Kent to become an Eco-School, of which the very nature of sustainability figures highly in the life and ethos of the School. There are already alternative technologies in place on the existing Eastchurch Primary School site, including a wind turbine (as permitted by the County Planning Authority under application reference: SW/08/948).
12. Drawing these references together led the applicant to a design which draws upon the School's ecological and sustainability aspirations, as well as reflecting the local area's historic heritage. The application sets out that the design concept of the proposed school called for a built form that echoed the area's pioneering aviation tradition, whilst allowing the building to be sited within its semi-rural context. The eco-tech ethos of the existing school informed every aspect of the applicant's design from the buildings orientation on site to the selection of materials and the use of natural ventilation and daylight to the landscape concept.
13. The applicant sets out that the proposed school building is a linear composition that subtly picks up on the historic aviation context by having a roof form that is shaped like an aircraft wing. This strong visible form gives interest to the internal spaces and has ensured that each classroom would be a unique teaching environment. The sweeping form of the roof has allowed the applicant to design teaching spaces that are tailored in scale and proportion to the pupils using them.
14. The applicant goes on to identify that the 'wing' roof concept captures a sense of flight by tilting in a southerly direction whilst sweeping up in a westerly direction giving a smooth transition between the one and two storey elements. The lower mono-pitched classrooms to the rear of the building draw reference to an aircraft wing flaps being drawn down as it to prevent the roof form from flying away. Furthermore, the ranking columns and timber boarding proposed would pay homage to materials and forms used in early twentieth century aviation design.
15. The application sets out the intended materials of the new school building which include a standing seam aluminium roof; cladding panels, render (in a variety of colours including terracotta, yellow and white) and cedar wood cladding for walls; a polyester powder coated canopy above the main school entrance and aluminium windows and doors. Exact details/specifications of external materials and finishes would be controlled by condition should planning permission be granted.
16. In terms of sustainability measures, the school has been developed to achieve a BREEAM Education Rating of 'very good' taking account of the following sustainable principles:

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- **Orientation:** the building has been designed on a North/South axis with ancillary areas on the south side of the building in order to form an acoustic buffer between the road and the teaching spaces. The teaching spaces would be North facing to take advantage of north light and avoid overheating through solar glare;
 - **Lighting:** the project has been designed to maximise the amount of natural daylight used throughout the building. Teaching spaces would have tinted glazed vertical windows and clear glazed roof lights. Internal corridors would have sun pipes with integral electrical lights. A smart lighting system using daylight sensors is proposed;
 - **Ventilation:** a passive ventilation strategy is incorporated within the design of the proposed school;
 - **Renewables:** It is proposed to install an area of 98 sq. metres of photovoltaics on the south-facing curved wing roof. The application sets out that the PV panels would have the potential to sell electricity back to the National Grid if energy is produced when it is not required (i.e. during school holiday periods).
At a later date it is proposed to install a wind turbine – the wind turbine does not form part of this planning application (this element would be subject to a separate planning application made to the County Planning Authority), but details are included for information to demonstrate the school's commitment to sustainability matters.
 - **Landscaping:** the application sets out that ecological surveys were undertaken to ensure that the proposed development would not disturb any rare or endangered species. It is proposed to establish mature trees on proposed earth mounds to the school's site frontage on Leysdown Road. Evergreen trees would be planted along the eastern boundary to establish a wind break to shelter the external areas from the prevailing winds. A habitat area would be constructed in the north-western corner of the site;
 - **Water Provision and Treatment:** Grey and black water recycling strategies were considered at the initial design stage, but give the nature of the London clay soil it was decided that this approach could not be justified. Instead, the scheme includes water butts on rainwater downpipes so that water can be stored for watering plants in the external areas;
 - **Materials:** materials for external elements have been specified which have long life spans and low maintenance requirements. The building would be insulated to high standards in order to reduce future running costs for heating/cooling, which in conjunction with high efficiency boilers would assist in reducing future running costs.
17. The hours of use of the proposed school are intended to be between 07:00 and 22:30 Monday to Saturday and 09:00 and 20:00 on Sundays. The internal layout of the proposed building has been designed such that community use would occur within the two-storey element, with all other parts of the school being locked off to ensure that members of the public could not access restricted areas.
18. The proposal includes hard and soft external landscaped areas. These comprise of soft play (5525 sq. metres), games courts / Multi Use Games Court [MUGA] (1020 sq. metres), hard play (715 sq. metres) and habitat area (410 sq. metres). The application

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sets out that the main objective in the design of external areas is to enable the landscape to become part of the school's learning environment, where the grounds are seen as a resource for teaching and learning for a wide range of curricular studies. The concept of exterior overlapping circles framed by earth-mounds draws reference from the remains of a circular iron-age settlement found during initial archaeological investigations. An overall site landscaping plan would be controlled by planning condition in the event of planning permission being granted.

19. The site is proposed to be fenced with 1.8 metre high powder coated weld-mesh fencing to the northern, eastern and western boundaries, with 1.8m high powder coated tubular bow top fencing and matching gates to the principal frontage with Leysdown Road. The exact colour treatment of perimeter fencing and gates would be controlled by condition in the event of planning permission being granted.
20. The application is accompanied by a Flood Risk Assessment Report. The Report concluded that the site is within a Zone 1 'low probability' of flooding according to National Planning Policy, and does not lie over a Water Source Protection Zone. It also proposes that foul water would be routed into the local sewer network, whilst surface water within the site would be collected and held in an attenuation system and discharged into a public storm water sewer at a rate equal or lower to the current Greenfield run-off modified for climate change.
21. The application is accompanied by a Great Crested Newt Survey Report. The Report was prepared jointly for this development, together with a separate development considered by the County Planning Authority for the construction of a Children's Centre on an adjoining plot of land (reference: SW/07/1271). The Report concluded that Great Crested Newts are likely to be absent from ponds and ditches within 500 metres of the development sites and as such there is a negligible risk that proposals would result in disturbance, injury or killing to newts, both during and after construction. Therefore, the Report indicates that there is no requirement to design and implement mitigation or apply for a European Protected Species licence from Natural England. However, as a precautionary measure should Great Crested Newts be observed at any stage during the construction activities, all works should stop and an ecologist contacted.
22. The application is also accompanied by a Noise Report and Archaeological Evaluation Report. The Noise Report considers the acoustic properties of the internal building spaces to comply with Part E of the Building Regulations together with noise issues associated with the proposed multi-use games area and general traffic movements to/from the site associated with the school and community use. It is noted that this is a technical building design matter, which is directly outside the scope of planning permission. The Archaeological Evaluation Report details archaeological works undertaken on site to date, identifying significant remains from the Bronze Age, Iron Age, Roman, Saxon and Medieval periods, concluding further work is required in order to fully understand the archaeology of the site.
23. The application is accompanied by a Transport Assessment and School Travel Plan. The Transport Assessment identifies that the existing highway network has been investigated to ensure that there are no existing issues which could be amplified by the proposed development. It identifies that there is no trend in the location or causality of road traffic accidents within the locality, and that the proposed location is served by a number of bus routes serving bus stops near to the proposed development. A footway already exists along the duration of the site boundary with Leysdown Road, further to the west and east of the site (towards the town centre) and along Warden Bay Road. The Assessment recognises that the majority of journeys made to and from the new

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school would be undertaken by private car, given the age of the pupils and location of the site. That said, the Assessment recognises that a considerable number of school related journeys are expected to be undertaken on foot and that the School Travel Plan presents opportunities to increase the number of sustainable journeys that are made and to reduce car journeys through car sharing. Overall, the Transport Assessment estimates that 85 car trips are expected to be associated with pupil drop offs and collections over the course of the school day, with those in the mornings being the most concentrated. Furthermore, the Assessment recognises that the level of on-site car parking has been determined in accordance with the relevant parking standards provided by Kent Highway Services, that a dedicated Pupil Drop-Off Zone would be provided within the site and that further public off-road parking is available opposite the school, off Leysdown Road.

24. The site is crossed by an existing overhead power line. The applicant notes the lines presence and has demonstrated the proposals can be developed without interference to the power line. They also note the intention of EDF Energy to relocate/divert the power line off-site in the future, but are unable to confirm the exact date as to when this would occur.

Planning Policy

25. The most relevant Government Guidance and adopted Development Plan Policies summarised below are relevant to the consideration of this application:

(i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development), PPS7 (Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPS23 (Planning and Pollution Control) and PPS25 (Development and Flood Risk).

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

- | | |
|-------------------|---|
| Policy CC1 | Seeks to achieve sustainable development in the region. |
| Policy CC2 | Seeks new development to mitigate and adapt to current and forecast effects of climate change. |
| Policy CC4 | Refers to sustainable design and construction. |
| Policy CC6 | Actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities. |
| Policy T4 | Local development documents should adopt restraint-based maximum levels of parking provision for non-residential development, reducing provision in locations with good public transport, and ensure the provision of sufficient cycle parking at new developments. |
| Policy BE1 | Seeks new development to help improve the built environment with design solutions relevant to local character, distinctiveness and sense of place. |

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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 S6 The mixed use of community facilities should be encouraged by local authorities.

Policy NRM1 Water supply and ground water will be maintained and enhanced through avoiding adverse effects of development on the water environment.

Policy NRM4 Refers to sustainable flood risk management.

Policy NRM5 Local planning authorities shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

Policy NRM11 Requires local authorities to encourage the greater use of renewable or low-carbon energy in new development.

Policy W2 Refers to sustainable design and construction.

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

Policy SP1 Requires development proposals to accord with sustainable development principles.

Policy SP2 Requires development proposals to 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 SP5 Development proposals in the countryside should seek to increase local self-sufficiency whilst protecting and where possible, enhancing the character of the wider countryside. Seeks high design standards, to protect the countryside from unnecessary development, and to permit innovative proposals that provide new services.

Policy SP6 Seeks to ensure that new developments are located so as to be close to good quality public transport and principle highway network and which seek to reduce dependence on private motor cars through measures to encourage walking, cycling and increased public transport use.

Policy SP7 Seeks the provision of new community facilities.

Policy TG1 Within the Thames Gateway Planning Area, amongst other matters, development should seek to provide adequate community facilities as well as raising environmental standards through high quality design and the better management of environmental resources.

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- Policy E1** All developments should, amongst other matters, respond positively by reflecting the positive characteristics and features of the site and locality; protect and enhance the natural and built environments; be both well sited and of a scale, design and appearance, that is appropriate to the location with a high standard of landscaping; cause no demonstratable harm to residential amenity or other sensitive uses or areas; and provide parking in accordance with the County Council's standards.
- Policy E6** The quality, character and amenity value of the wider countryside of the Borough, which is all the land falling outside the built-up areas, will be protected and where possible enhanced. Development will only be permitted when, amongst other uses, it is for necessary community infrastructure.
- Policy E8** Development on agricultural land will only be permitted when there is an overriding need that cannot be met firstly on land within the built-up area boundaries.
- Policy E9** The quality, character and amenity value of the wider landscape will be protected and, where possible, enhanced. Within the countryside and rural settlements, seeks proposals to be sympathetic to local landscape character and quality, and minimise the adverse impacts of development upon landscape character.
- Policy E19** Seeks development to be of high quality design that responds positively to creating safe, accessible, and attractive places; enriching the qualities of the existing environment by promoting the local distinctiveness and strengthen the sense of place; making efficient and prudent use of natural resources; providing native landscaping; appropriate to its context in respect of scale, height and massing; making best use of texture, colour, pattern and durability of materials; and achieving flexibility to respond to future changes in use, lifestyle and demographics.
- Policy E11** The Borough's biodiversity and geological conservation interests will be maintained, or enhanced – development will be permitted that conserves or enhances the biodiversity of that area and/or locality.
- Policy E14** Proposals involving a Listed Buildings setting will only be permitted if the buildings special or historic interest and its setting are preserved.
- Policy E19** The Borough Council will expect development to be of high quality design. Development proposals should, amongst other matters, respond positively to the following: creating safe, varied and attractive places; making efficient and prudent use of natural resources; providing native plant species for landscaping; providing development that responds in respect

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of scale, height and massing; and maximising opportunities for including sustainable design and construction techniques.

- Policy E20** The Borough Council expects proposals to integrate security and safety measures within their design and layout.
- Policy E21** The use of innovative and high quality low-impact design and build techniques will be supported. The Borough Council will expect development proposals to meet BREEAM 'good' standards as a minimum requirement.
- Policy T1** The Borough Council will not permit proposals that generate volumes of traffic in excess of capacity of the highway network, and/or result in a decrease in safety of the highway network.
- Policy T3** The Borough Council will only permit development if appropriate vehicle parking is provided in accordance with the Kent Vehicle Parking Standards.
- Policy T4** On new development, the Borough Council will require that cycle parking facilities be provided in accordance with the County Council's cycle parking standards.
- Policy T5** Seeks development proposals to be well located in relation to public transport links.
- Policy C1** The Borough Council will grant planning permission for new or improved community facilities.

Consultations

26. **Swale Borough Council:** has raised no objection to the proposals, subject to any conditions being imposed as recommended by the Environment Agency and Kent Highway Services.
27. **Leysdown Parish Council:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.
28. **Warden Parish Council** (adjoining Parish Council): no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.
29. **Divisional Transportation Manager:** raises no objections to the proposals subject to the provision of off-site highway improvements to (i) improve the lay-by facilities opposite the proposed school to cater for school drop-off/pick-up traffic and (ii) to provide a suitable crossing point to enable users to cross Leysdown Road in a safe manner and the imposition of planning conditions to cover the following aspects:
- parking being made on site for construction operatives and construction vehicles during construction works;
 - adequate measures to control mud and debris from being tracked onto the public highway;

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- vehicle and cycle parking (as proposed in the application) being provided prior to the first occupation of school;
- vehicular and pedestrian site entrance and exits being provided in accordance with approved details (including required visibility splays) prior to first occupation of school;
- provision of off-site highway works prior to first occupation of school; and
- submission of a Travel Plan (including an implementation programme) prior to the first occupation of the school;

Notes that the applicant proposes to introduce a one-way traffic flow through the existing lay by opposite the school (within highway ownership) which would formalise the movement of vehicles through it, reducing conflicting traffic movements at its junctions and eliminating the current problem of vehicles trying to pass one another along its single width carriageway. He notes that the alterations to this lay by would not adversely affect access to/from The Old Vicarage (210 Leysdown Road) as the section of highway outside that property would still operate as two-way.

Furthermore, notes that the proposals do not include a reduction in speed limit to 30mph outside the school. This has been accepted as the road environment at this location does not lend itself to a 30mph restriction. However, it is expected that vehicle speeds are likely to be lower during busy school traffic periods, as the presence of vehicles associated with the school would naturally reduce speeds, as is the case in similar locations.

Recommends that the School considers the provision of a school crossing patrol in addition to the installation of the dedicated crossing point – this should be explored as part of the School Travel Plan.

30. **Environment Agency:** has no objections to the application.
31. **County Council's Archaeological Advisor:** notes that the site was subject to pre-planning archaeological evaluation which identified significant archaeological remains from the Bronze Age, Iron Age, Roman, Saxon and Medieval periods and which suggested that this topographically prominent area was used for intensive settlement in the past. This Office has advised the applicant that a scheme of archaeological mitigation is necessary in order to investigate and record the remains. This first stage of the archaeological mitigation scheme is ongoing but it would need to be followed by further works during construction. As such, recommends that a condition be placed on any forthcoming consent controlling that no development take place until a programme of archaeological works has been submitted to and agreed by the County Planning Authority.
32. **County Council's Noise Consultant:** considers that noise emanating from the proposed use of the MUGA is unlikely to result in adverse noise impacts for nearby sensitive receptors (notably the Isle of Sheppey Holiday Village and Happy Valley Holiday Camp). Also considers that there would be no substantial adverse noise impact associated with the new school traffic or vehicles accessing and leaving the site.
33. **County Council's Landscaping Consultant:** notes that the proposed school building would be visually prominent from the surrounding holiday villages and residential properties throughout Leysdown-on-Sea given the open and undulating landscaping which has limited tree cover. Considers that whilst the building is not particularly tall, its significant length would contrast in scale and style with the surrounding built

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environment, which largely comprises extensive caravan parks. Considers that the proposed school building would not have any significant adverse impact on the immediate setting of Paradise Farmhouse (a Grade II Listed Building), although the use of more subtle render colours would be more appropriate in this instance. Considers that proposed planting should have regard to the surrounding landscape in terms of species and patterns and should be the subject of a planning condition.

34. **County Council's Public Rights of Way Officer:** notes that the public right of way network would not be affected by the proposals, and accordingly has no objections to the application.
35. **County Council's Biodiversity Officer:** raised no objections to the proposals, subject to the applicant taking appropriate measures to ensure that the development minimises the risk of harm to protected species and that biodiversity enhancement measures are included within the proposals.
36. **Kent Police Architectural Liaison Officer:** no comments received to date. Any comments received prior to the Committee Meeting will be shared with Members verbally.
37. **EDF Energy:** has raised no objections to the proposals.

Local Member

38. The local County Member, Mr. A. D. Crowther, was notified of the application on the 25 November 2009. Mr. A. D. Crowther was notified on the receipt of further information on 9 March 2010.

Publicity

39. The application was publicised by the posting of several sites notices around the perimeter of the development site, a newspaper advertisement in the KM Sittingbourne Extra indicating that the development is likely to affect the setting of a nearby Grade II Listed Building and may also affect a nearby Public Right of Way, and the individual notification of 16 residential properties, including nearby holiday caravan parks.

Representations

40. To date I have received one letter of representation in respect of this application. The letter sets out various grounds of objection to the proposals, the key points of which are outlined below: -
 - Shocked at the scale of the proposed development – we are the only residential property [The Old Vicarage] that the proposed development would directly affect;
 - The planning application has not taken into consideration the safety of the primary school children – the B2231 Leysdown Road is a very dangerous stretch of road, where there have been many serious road accidents and fatalities;
 - The planning application shows off-road parking in the school grounds for the school teaching staff, disabled parking and a mini bus, but no off-road parking for school bus services that would be bringing the children to and from the school on a daily basis. There would be no safe off-road parking for parents of the school children to bring their children to and from school, only a drop-off point within the

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school grounds at the front. This drop-off area proposed would not be large enough to accommodate the amount of parents/children/visitors that will be dropped off and picked up on a daily basis 7 days a week. This would cause untold traffic chaos for the residents of the Warden Bay and Leysdown areas, as the infrastructure is not in place at this end of the island to accommodate a large school which would be used 7 days a week.

- It is well known by KCC and Swale Borough Council that parents dropping off children would have no off-road parking, so would park their vehicles on the busy B2231 Leysdown Road causing traffic congestion twice a day for 7 days a week. This disruption would not just affect the local people of Leysdown and Warden Bay areas, but also the visiting holiday makers that visit the area between March to October which are the life blood of the Leysdown/Warden Bay shops and businesses;
- The planned opening times of the school – 7 days a week from 07:00 until 22:30 is completely unacceptable. It would disrupt our quiet enjoyment and privacy;
- How on earth can the proposed entrance planned be not only on a main road, but dead opposite our property?
- The erection of this site would completely ruin the countryside – Leysdown being a rural area and our property being a country house set in the country;
- The building would ruin the skyline, upset all the wildlife along with unnecessary destruction of yet more land and hedging;
- There is a Grade II Listed Building within close proximity of the proposed school which would be affected;
- The size of the school is far too big for the area; and
- The proposed building works would cause complete chaos, mess and disrupt the structure of our property – the recent archaeological excavations affected our property with vibration movements.

DiscussionIntroduction

41. The application seeks planning permission for the construction of a one form entry (1FE) primary school to be situated on a previously undeveloped site off Leysdown Road [B2231], Leysdown-on-Sea, Sheerness. The proposed new school would cater for 210 pupils aged between 5 and 11 years. The application includes the provision of all associated external facilities, including boundary fencing, playgrounds, sports field and games area (including a multi-use games area – 'MUGA') and vehicle parking. The application is being reported to the Planning Applications Committee as a result of the residential objection received (*as outlined in paragraph 40*). In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph (25). Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the 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 my opinion, the key material planning considerations in this particular case can be categorised under the following headings:

- the impact of the proposals on the wider countryside in terms of design considerations;
- the impact of the proposals on the local highway network and associated highway safety considerations;

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- the impact of the proposals on local amenity in terms of the potential for adverse noise and light pollution;
- the impact of the proposals on the setting of a nearby Grade II Listed Building (Paradise Farmhouse);
- the impact of the proposals on ecological and archaeological interests; and
- any other issues arising from consultation and publicity.

Design and landscape considerations

42. The application site is not designated for any specific land use within the adopted Local Plan, other than being located within land outside of the limits of built development. Therefore the proposals need to be considered in light of adopted Development Plan Policy which seeks to preserve the open characteristics of the countryside, notably through Local Plan Policies SP5, E6, E8 and E9. Specifically, Policy E6 refers to the *'quality, character and amenity value of the wider countryside being protected and where possible enhanced'* and that *'development will only be permitted when [amongst other uses] it is for necessary community infrastructure'*. I note that in this instance there is a demonstratable need for an additional one form entry primary school within the broad locality to serve the changing education system on the Isle of Sheppey from a three-tier system to a two-tier education system comprising of a number of primary schools and a new academy. Accordingly, I consider that the proposal meets with the broad objective of Local Plan Policy E6 in terms of allowing development within the countryside that is for necessary community infrastructure. Similarly, I note that policy support is provided by South East Plan Policy S3 which seeks the adequate provision of school and community learning facilities taking into account demographic projections.
43. Members should note that the application site falls within the Government's Thames Gateway Growth Area. Local Plan Policy TG1 seeks to ensure that adequate community facilities are provided within this growth area using high quality and well-designed proposals which seek the better management of environmental resources. The proposed new primary school building has been designed to a high environmental performance standard and this point has been explicitly made within the proposals design justification, largely driven by the desire of the management team and governing body of the existing Eastchurch Primary School as an established eco-school. It is proposed that the new school building would achieve a BREEAM environmental performance rating of "Very Good" and include an area of some 98 sq. metres of photovoltaic cells on the roof. On this basis, I consider that the proposals accord with the general thrust of Local Plan Policy TG1 and exceeds the requirements of Local Plan Policy E21 which requires at least a 'Good' BREEAM rating, together with according with South East Plan Policies CC2, CC4 and NRM11 which seek to ensure sustainable development across the Region and the provision of renewable and/or low-carbon energy within new development proposals.
44. The development site itself is located on an agricultural parcel of land lying just off the junction between Leysdown Road and Warden Bay Road. Arguably when considering the wider context of the site against adjacent built development, I consider that the setting is one of a semi-rural context on the periphery of the settlements of Leysdown and Warden Bay. Built development located to the north includes seasonal holiday caravans (Happy Valley Holiday Camp and the Isle of Sheppey Holiday Village) separated by an existing agricultural field; to the east a previously consented single storey modular Children's Centre (albeit not yet constructed); to the south Leysdown Road and a residential property on the opposite side of the carriageway (The Old Vicarage – 210 Leysdown Road); and to the west open agricultural land prior to the residential dwelling of 235 Leysdown Road. Wide views across the application site from

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Leysdown Road are achievable for some considerable distance across open and undulating agricultural land to the settlements of Warden Bay and towards Eastchurch.

45. As noted by the County Council's Landscaping Consultant, the proposed school building would be visually prominent given the existing open and undulating landscape which has limited tree cover. Furthermore, they note that whilst the building is not particularly tall (single storey with a two-storey element to the western end), given its significant length it would contrast in scale and style with the surrounding built environment. Whilst I note these views in this instance, I consider that the new school building is intended to be read in its wider context as a landmark feature representing the area's past history in terms of its pioneering aviation history. Whilst the scale and massing of the proposed primary school would not match that of adjacent built developments, notably residential dwellings and holiday caravans, given the size of the building required for a one form entry primary school, I consider that the design solution proposed is justifiable in this instance. Accordingly, I would not raise objection to the design of the proposed new school within this locality and note that through the provision of an appropriate landscaping scheme the building would in time become gently softened within its landscape.
46. Furthermore, in terms of design issues, I consider that the exact specification of both the external materials of the school building together with the specification and colour treatment of all fencing should be controlled by planning conditions to be agreed in writing with the County Planning Authority prior to the commencement of construction activities.

Highway issues

47. Members will note that highway concerns form a large part of the neighbour's objection received (*see paragraph 40 above*). In considering the impact of the proposed new school on the local highway network, the professional advice from the Divisional Transportation Manager was sought. He has considered that subject to the provision of off-site highway improvement works which include the construction of an appropriate crossing point to enable users of the new school to cross Leysdown Road in a safe manner and the improvement of existing lay facilities opposite the new school, together with the imposition of highway related conditions (*as outlined in paragraphs 29 above*), there are no overriding justifiable grounds to substantiate a highway objection to these proposals. In relation to highway safety concerns raised by the neighbour in this instance, the Divisional Transportation Manager is satisfied that the existing road environment does not lend itself to a 30mph restriction and accepts that traffic is likely to naturally reduce speeds in the presence of vehicles associated with school drop off and pick up times. Furthermore, he recommends that the School considers the provision of a dedicated school crossing patrol which is a matter the applicant should consider through the School Travel Plan process.
48. As discussed above, the Divisional Transportation Manager has requested a number of conditions be placed on any planning consent to secure the provision of vehicle and cycle parking being provided on site (as proposed by the application) prior to the first occupation of the school. It is considered that this approach accords with Development Plan Policies, most notably South East Plan Policy T4 and Local Plan Policy T3. Other recommended conditions from the Divisional Transportation Manager include parking being made available on site for all construction related vehicles; the agreed visibility splays being provided and maintained on both the entrance and exit vehicle access points; measures to control mud and debris being tracked out onto the public highway and the submission of a School Travel Plan. I support the imposition of these

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conditions, and accordingly recommend they are incorporated within any future planning consent.

49. The proposals include the provision of a dedicated circulatory traffic management system with a staff/visitors and deliveries area to the west of the proposed school building and a parents' drop off and collection zone to the north eastern front edge of the proposed school. There is an existing bus lay by a short distance from the front of the school on the same side of Leysdown Road, and the applicant proposes the upgrading of an existing parking lay by on the opposite side of Leysdown Road to accommodate additional school drop off/collection traffic. The provision of 'School Keep Clear' zigzag markings to the front of the proposed vehicular entrance / exit points would ensure that the school's road frontage with Leysdown Road would be kept clear.
50. Based on the professional advice received from the Divisional Transportation Manager in this instance, I am satisfied that subject to the provision of the off-site highway improvements together with the imposition of highway related conditions, the proposed school could be accommodated within this locality without a significant adverse impact on either highway safety or to the detriment of the nearby residential dwelling – The Old Vicarage (210 Leysdown Road). I therefore do not raise objection to this proposal on the basis of highway matters and consider the proposals to be broadly in line with Development Plan Policy.

Amenity considerations

51. There are a number of amenity considerations to take into account when determining this proposal, primarily noise impacts associated with the operational hours of the school and vehicle movements to and from the site, together with impacts associated with proposed external site lighting. The application is accompanied by a Noise Assessment Report which assesses the impact of the proposed development in noise terms on its locality. Specifically, the Report assesses the acoustic properties of the proposed school building together with noise impacts of the associated external facilities, including the intended multi-use games area (MUGA) which would be located to the rear of the school building. It is noted that the MUGA would consist of an area of hard-surfaced play area surrounded by weld-mesh fencing and would not be floodlit. Therefore it is reasonable to assume that the MUGA could be used during daylight periods only, up until around 21:30 during summer time months.
52. The application details that the school would be occupied between the hours of 07:00 and 22:30 Monday to Saturday and 09:00 and 20:00 on Sundays. The majority of these uses would take place within the new school building, with community use occurring at times outside of core school hours. It is noted that there is strong policy support for the shared-use of community facilities, notably through South East Plan Policy S6 and Local Plan Policy SP7 and C1, and that these intended hours of use are not dissimilar from those adopted by many existing Schools across the County.
53. The Noise Report accompanying the application has been independently assessed by the County Council's Noise Consultant who has concluded that noise emanating from the proposed use of the MUGA during daylight periods is unlikely to result in adverse noise impacts for nearby noise sensitive receptors (the closest being holiday caravans located within Happy Valley Holiday Camp some 95 metres to the north). The County Council's Noise Consultant has also considered that there would be no substantial adverse noise impact associated with new school traffic or vehicles accessing and leaving the site in terms of any detrimental impact on the amenity of the nearest residential property – The Old Vicarage (210 Leysdown Road) located on the opposite

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side of the carriageway to the proposed new primary school. Accordingly, I would not raise objection to the proposals in respect of noise issues based on the proposed MUGA, the intended operational hours of use of the new primary school and wider community use or on the grounds of vehicle movements associated with the operation of the school facility. Furthermore, to ensure that noise impacts associated with the MUGA could not continue late into evenings and weekends during non-daylight periods, I propose that a condition be placed on any future planning consent to prevent the installation of floodlighting on the MUGA without the benefit of planning permission from the County Planning Authority. This mechanism would allow the County Planning Authority to maintain control over this element of the proposal and would allow any amenity issues to be looked at afresh should the applicant wish to install floodlighting at the site at a later date.

54. The application proposes a number of elements of external lighting to allow the safety and security of the school users during night-time periods. Generally the vehicle circulation areas are proposed to be lit with luminaires on 6 metre high columns, whilst the perimeter of the building would be illuminated to minimal levels through the use of down-lighters and a series of low level lighting bollards. I do not consider that any of the proposed external lighting would have any detrimental impact on surrounding residential amenity or any impact on the wider semi-rural context. Therefore, I see no reason to raise objection to the lighting element of the proposals.

Impact on nearby Listed Building

55. It is noted that the application site is located approximately 150 metres to the north of Paradise Farm, a Grade II Listed Building. However, this distance is separated by Leysdown Road, a graveyard and several field boundary demarcations consisting of trees, shrubs and hedgerows. Whilst the consideration of the setting of the nearby Grade II Listed Building is a material planning consideration in this instance, given the separation distances involved and the existing landscaping planting between the proposed development and the Listed Building, it is not considered that the setting of the Listed Building would be materially altered as a result of this proposal. In particular, the two developments would largely be separated by intervening planting, Leysdown Road and a graveyard, so the two are unlikely to be viewed together in the same context. Whilst it is important to protect the immediate curtilage and setting of Listed Buildings, it is not reasonable to expect to maintain a wide development exclusion zone around them. Therefore, on that basis I would not raise an objection to the development of a new primary school in this locality on the grounds of the Listed Building, and consider that the proposals are consistent with the general thrust of Local Plan Policy E14.

Impact on ecological and archaeological interests

56. The application was accompanied by a Great Crested Newt survey which concluded that Great Crested Newts are likely to be absent from ponds and ditches within 500 metres of the application site and therefore there would be a negligible risk that the proposals would result in disturbance or injury to newts both during and after construction. It is noted that the County Council's Biodiversity Officer concurs with this view and raises no objections to the proposals, subject to the applicant taking appropriate measures to ensure that the development minimises the risk of harm to protected species and that biodiversity enhancement measures are included within the proposals. With this advice in mind, the applicant has detailed that should Great Crested Newts be observed at any stage during construction activities, all works would stop and a suitably qualified ecologist employed to advise on an appropriate course of

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action. In this event, further discussions would take place between the applicant and their ecologist, the County Planning Authority and the County Council's Biodiversity Officer to ensure the best possible outcome. The applicant has agreed to ensure that any vegetation clearance would take place outside the bird breeding season, mid March to August, unless an ecologist is employed to assess individual trees, shrubs or hedges for breeding birds and if found, to ensure sufficient time for young breeding birds to fledge before the removal of vegetation takes place. Additional biodiversity enhancement measures proposed by the applicant including the planting of native species of trees and shrubs as part of the overall site landscaping scheme together with the establishment of a habitat area including a new school pond. On the basis of the negligible risk to the disturbance of protected species at the site and the various biodiversity enhancement measures proposed, I am satisfied that the proposals are broadly in accordance with the general thrust of South East Plan Policy NRM5 and Local Plan Policies SP2 and E11.

57. It is noted that the proposed school building footprint has already been subject to pre-planning archaeological evaluation which identified significant archaeological remains from the Bronze Age, Iron Age, Roman, Saxon and Medieval periods. To ensure that archaeological interests are safeguarded in terms of construction activities on the remainder of the site (i.e. those areas not covered by the proposed school building footprint) the County Council's Archaeological Advisor has requested that prior to the commencement of any development a programme of further archaeological work is agreed with the County Planning Authority. I therefore consider that this approach is proportional and reasonable to the proposals and that a condition should be placed on any future planning consent to this effect. I consider this approach to be consistent with the policy requirements of Local Plan Policy SP2.

Landscaping

58. Local Plan Policy E1 requires all new developments to incorporate a high standard of landscaping whilst Local Plan Policy E19 seeks development to be of high quality design that responds positively by enriching the qualities of the existing environment through the provision of native landscaping. To this effect I consider that the proposed new school development be accompanied by an appropriate native landscape planting scheme to help soften the development into the wider landscape. Accordingly, I suggest that a condition be placed on any future planning consent to ensure the submission and agreement of an appropriate native landscaping scheme with the County Planning Authority which would then be implemented within the first planting season following the completion of construction activities.

Other issues

59. I note that residential concerns have been raised over the scale of the proposed school in this particular locality. The scale of the school building itself and the size of the external areas is driven largely by the intended school roll. Therefore the size of school in this instance has been designed to cater for the needs of a one-form entry primary school for some 210 pupils, with approximately 23 full-time staff and 10-12 part time staff. Whilst I can acknowledge the concerns of the resident in this instance on the basis that up until now the application site has been previously un-developed, for the reasons discussed above I find no overriding grounds to substantiate a planning objection to the development proposed in this case. Furthermore, I note that the residential dwelling opposite the proposed school is well set back from the main Leysdown Road [B2231] in this instance, and benefits from a strong vegetated boundary treatment to its road frontage.

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60. The impacts of construction impacts have also been raised by the nearest residential dwelling in this instance. In order to ensure that construction activities are carried out during appropriate periods and therefore to safeguard residential amenity, I propose to impose a condition to restrict all construction activities to between the hours of 08:00 and 18:00 Monday to Friday, 09:00 and 13:00 on Saturday and no operations taking place on Sundays, Bank and Public Holidays. As discussed above, I propose that a condition be placed on any planning consent to ensure that mud and debris is not tracked out of the construction site onto the public highway as part of these proposals.

Conclusion

61. The proposal seeks to provide a new purpose built one-form entry primary school with all associated external facilities at Leysdown-on-Sea, Sheerness. The school building itself has been designed around the concept of sustainability and includes the incorporation of renewable energy technology with roof mounted photovoltaic cells, whilst respecting the area's past pioneering aviation history in terms of its built form with a sweeping roof form designed around the concept of an aircraft wing. Whilst I accept that in this locality the proposed school building would not accord with the existing built form and would be discernable from relatively long-distance views, I consider that the design approach adopted instead proposes an eye-catching and landmark design aimed at providing an inspirational teaching facility for all its pupils. Whilst I note the concerns raised by a nearby residential dwelling in this instance, for the reasons discussed above I consider there to be no overriding grounds for objection to the proposed development in this instance. I therefore recommend accordingly.

Recommendation

62. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:
- 5 year implementation period;
 - the development to be carried out in accordance with the permitted details;
 - external materials to be agreed;
 - specification and colour treatment of all fencing to be agreed;
 - submission of landscaping scheme and implementation with first planting season following construction activities;
 - measures to prevent mud and debris being tracked out onto the public highway;
 - parking being made on site for construction operatives and construction vehicles during construction works;
 - vehicle and cycle parking (as proposed in the application) being provided prior to the first occupation of school;
 - vehicular and pedestrian site entrance and exits being provided in accordance with approved details (including required visibility splays) prior to first occupation of school;
 - provision of off-site highway works prior to first occupation of school;
 - submission of a Travel Plan (including an implementation programme) prior to the first occupation of the school;
 - clearance of vegetation outside bird breeding season, mid March to August inclusive, unless ecologist is present;
 - implementation of biodiversity enhancement measures;
 - hours of construction limited;

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- no external lighting to be installed on MUGA without the prior written planning permission of the County Planning Authority; and
- archaeological watching brief.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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Item D6**Installation of 3 mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne - SW/10/333**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 May 2010

Application by Kent County Council, Children Families and Education for the installation of 3 mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne, Kent, ME10 1PF- SW/10/333

Recommendation: Subject to the views of Swale Borough Council permission be granted subject to conditions, including the mobile classroom being removed from the site within 5 years of the date of the permission.

Local Member: Mr. Keith Ferrin

Classification: Unrestricted

Site

1. The Westlands School is situated within a residential development south of the A2 London Road on the edge of Sittingbourne. The Local Plan shows it as being outside of the built-up area boundary and within the countryside gap to the south. The school is enclosed by residential properties on three sides; to the north by London Road and Westlands Avenue, to the east by Somerset Close and to the west by Maylam Gardens. Open fields abut the southern boundary. The school occupies a relatively large site; totalling 10.95 hectares. The school consists of a number of permanent and temporary structures and has been subject to a significant level of development over the past 5 years. A site location map is attached.

Background and Proposal

2. The proposal is to install three mobile classroom units on a piece of grassland in the north-west corner of the site. It arises from the School's need for additional teaching space as a consequence of an increasing roll. The School has stated that the classrooms would not be allocated to specific subjects, rather providing flexible teaching accommodation to deliver the curriculum. Each mobile classroom unit would measure 8.6 metres in length, 5.5 metres in width, and 3.2 metres in height. The application documents specify that the mobiles classrooms would have a dark green textured finish, PVC double glazed windows and a high performance grey/green felt roofing system to match the existing mobiles on site.
3. The school site and the general location of the proposed mobile classrooms has seen extensive development over recent years, with both permanent and temporary structures. In 2005, permission was granted for the erection of the Pyramid Centre to house the school's Physically Disabled Unit. Three years later permission was granted for two 2-bay mobile classrooms to be situated adjacent to the Pyramid Centre and in 2009, two additional 2-bay mobiles were granted permission. The result of these three developments is shown on the site plan on page D6.3.

3 mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne – SW/10/333

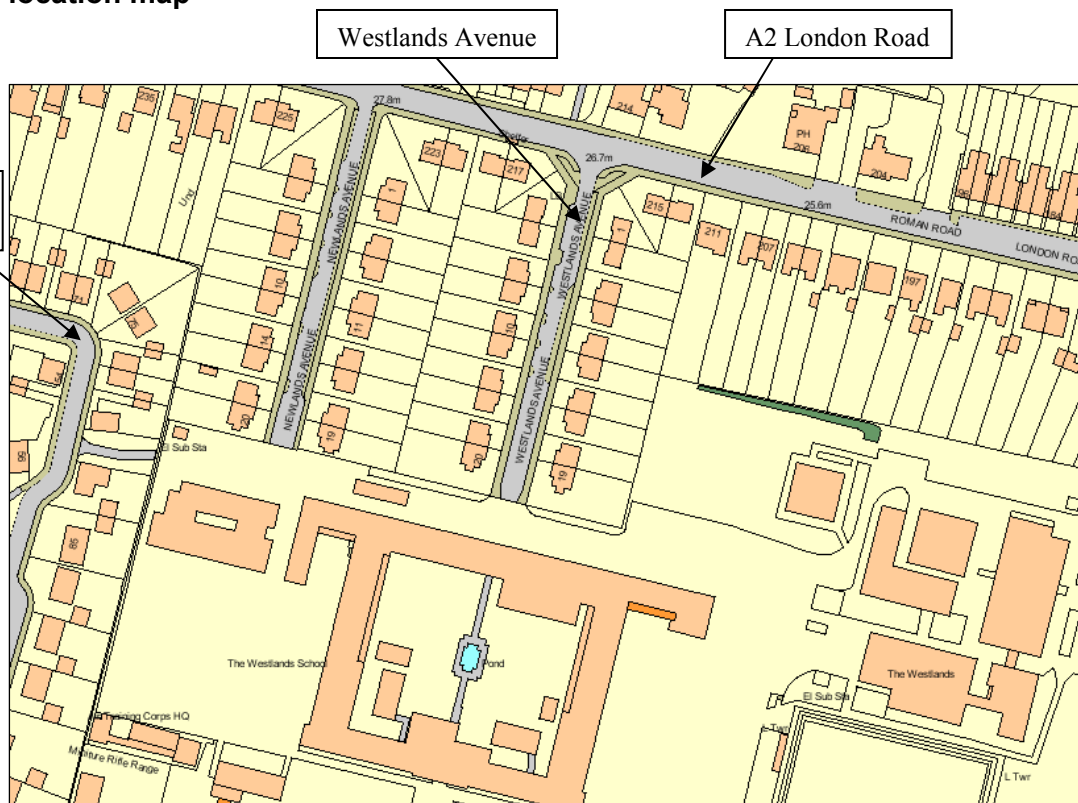
Location map



The Westlands School

A2 London Road

Site location map



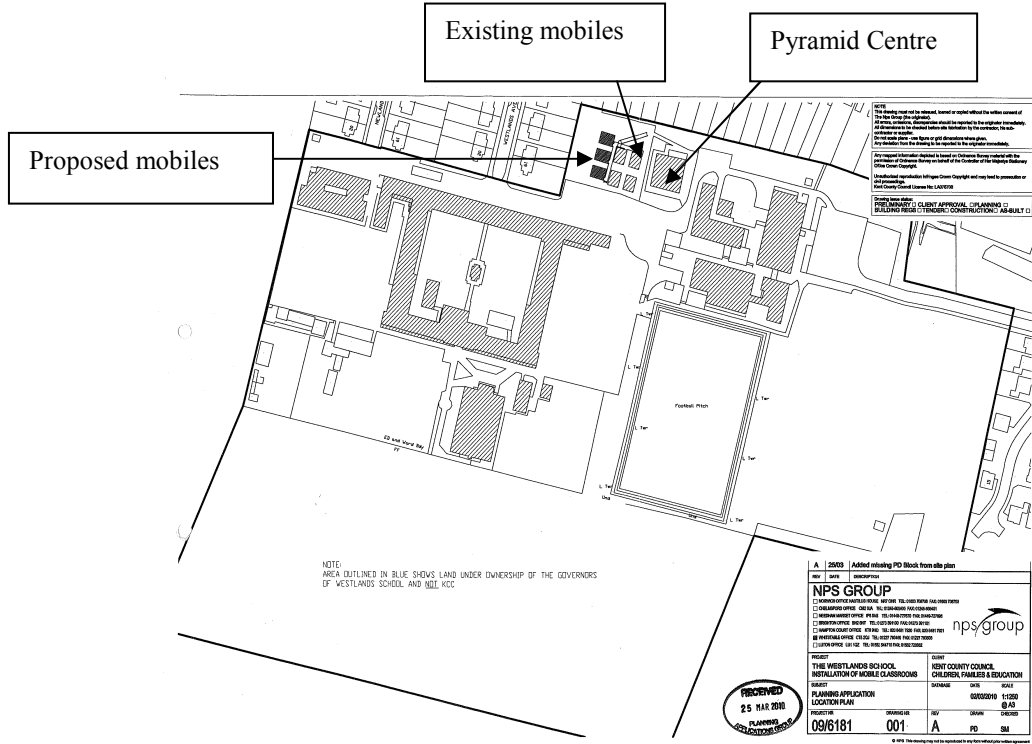
Maylam Gardens

Westlands Avenue

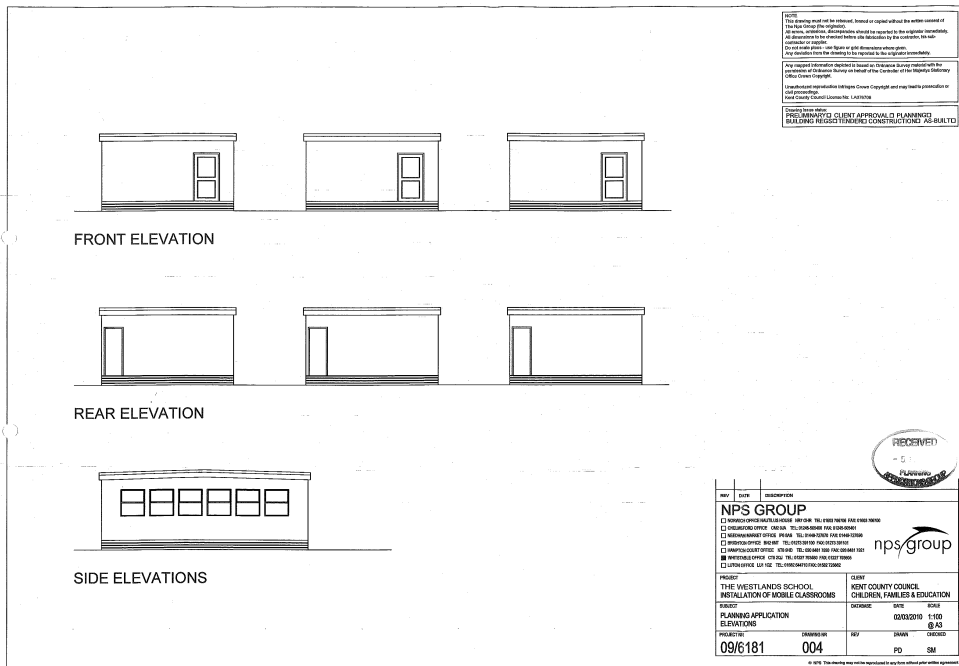
A2 London Road

3 mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne – SW/10/333

Site plan



Elevations



3 mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne – SW/10/333

4. The applicant states that there are limited locations available to the School for the installation of new mobile classroom units without encroaching onto sports pitches. Further, the School explains that numerous enabling works were carried out during the installation of the existing mobiles on the adjoining land ensuring the area is fully accessible and suitable for school use. The existing access ramp would be extended to allow access to the proposed mobiles. Therefore the applicant deems this location to be the most appropriate.

Planning Policy

5. (i) **The South East Plan:**

Policy CC1: Seeks to achieve and maintain sustainable development in the region.

Policy CC4: Expects that all new development will adopt and incorporate sustainable construction standards and techniques.

Policy CC6: Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.

Policy S3: States that Local Planning Authorities should work to ensure adequate provision of school facilities

Policy BE1: Seeks to promote and support design solution opportunities with new development that are relevant to context, local character and distinctiveness

- (ii) **The adopted 2008 Swale Borough Local Plan:**

Policy E1: Expects all development proposals to respond positively by reflecting the positive characteristics and features of the site and locality; protect and enhance the natural and built environments; be both well sited and of a scale, design and appearance, that is appropriate to the location.

Policy E6: Seeks to protect and where possible enhance the quality, character and amenity value of the countryside, proposals permitted include necessary community infrastructure.

Policy E7: The Borough will only permit development that falls within a designated countryside gap if it does not result in the merging of settlements

Policy E19: Development proposals should seek to achieve high quality design and distinctiveness by, among others, providing a development that is appropriate to its context in respect of scale, height and massing and makes best use of texture, colour, pattern and durability of materials.

Policy C1: Seeks to enhance existing community services and facilities, especially where proposals would meet an identified local need in an accessible location.

3 mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne – SW/10/333

Consultations

6. **Swale Borough Council** views are awaited and will be reported verbally at the committee meeting.

The Divisional Transportation Manager raises no objections to the proposal.

Jacobs Noise raises no objection to the proposal subject to the classrooms not being used for teaching activities which would feature amplified music.

Local Member

7. The local County Member, Mr K. Ferrin, was notified of the application on the 25 March 2010.

Publicity

8. The application was publicised by the posting of a site notice and the individual notification of 42 nearby residential properties.

Representations

9. Representations to the application have been received from 9 nearby properties. The concerns and objections raised to the proposal can be summarised as:
- There is already a building and 4 mobiles units on the site, adding more would make the land look cluttered and create an eyesore
 - The proposed site for the mobiles is incredibly close to the gardens and they would overlook gardens on Westlands Avenue and London Road.
 - There are potential sites for mobile units elsewhere on the school grounds.
 - Noise would be increased from the installation of the mobiles in the proposed position.
 - Residents would not be able to relax in their gardens.
 - There would be increased traffic and congestion on Westlands Avenue.
 - There would be light disturbance.

Discussion

Introduction

10. This proposal has arisen out of the School's need to provide additional teaching accommodation to cope with an anticipated increase in the school roll. The school roll is currently 1673 and this is expected to increase to 1838 in September 2010 principally due to a greater take up of sixth form places and a larger intake of year 7 pupils. The school has considered other localities within the site for the three mobiles, but have concluded that the proposed siting is the most suitable and convenient location. As summarised in paragraph 9 above, representations received in respect of this application have identified issues relating to the location of the mobiles, and the associated concerns of noise and light disturbance for neighbouring residential properties, the over-development of land in the immediate vicinity and the potential for

3 mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne – SW/10/333

increased volumes of traffic on surrounding roads. These issues need to be considered in the context of the relevant development plan policies outlined in paragraph 5 above.

Planning history

11. As briefly summarised in paragraph 3, The Westlands School has seen a significant level of development over the past decade including the location of four mobiles on land immediately adjoining the proposed mobile classrooms and the erection of the Pyramid Centre. Other notable developments within the school grounds have included the construction of an Educational Vocational Centre in the north of the site and the erection of a four court sports hall with associated changing facilities, and a subsequent first floor extension to provide a viewing gallery, in the south of the site. Representations make reference to the 'cluttered' appearance of the land. The north-western corner of the site, where the mobile classrooms are proposed to be sited, occupies an area of approximately 2400 square metres and of this, approximately 1350 square metres has already been developed. If the three mobile classrooms were to be granted planning permission, the developed area would increase to about 1590 square metres.

Siting and design

12. The representations object to the location of the mobile classrooms, due to the close proximity of neighbouring properties and the effect on residential amenity. As illustrated in the site plan on page 2, the location proposed for the mobile classrooms is in the north-west corner of the site, and is bordered by residential properties to the north in London Road and to the west in Westlands Avenue. The distance between the proposed mobile classrooms and the boundary of the nearest garden on Westlands Avenue is approximately 12 metres and the distance to the façade is 30 metres. The distance between the mobile classrooms and the nearest garden boundary on London Road is approximately 10 metres. The boundary in this section of the school grounds is demarcated by a 2 metre high beech hedge. At 3.2 metres in height, the mobile classrooms would therefore be visible from the properties on both Westlands Avenue and London Road. However, taking into account the separation from the boundary and the presence of the boundary hedge I do not consider there would be a significant visual impact, given that main school buildings occupy this wider part of the school site.
13. Mindful of the adjoining residential properties, the applicant has oriented the mobile classrooms to the proposed position in an attempt to minimise any potential for gardens to be overlooked. Windows would be installed in the side elevations of the structures, resulting in only the most northern of the three mobile classrooms having a view of the school boundary adjoining London Road. However bearing in mind the distance of 10 metres from the boundary and 45 metres from the facades of the nearest houses, and the 2 metre height of boundary hedge, I do not consider that an objection on grounds of loss of privacy from overlooking would be warranted.

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3 mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne – SW/10/333



1. View of the north-west boundary adjoining Westlands Avenue



2. View of the existing four mobile classrooms sited adjacent to the proposed with Pyramid Centre in the background

3 mobile classrooms at The Westlands School, Westlands Avenue, Sittingbourne – SW/10/333

14. Arguably the design of the mobile classrooms could be considered contradictory to certain Local Plan policies. Mobile classroom units would generally not be described as reflecting positive characteristics, or enhancing the built environment, as noted in Swale Borough's Local Plan Policy E1. However, given the context of the site, the scheme does relate to the massing and scale referred to in Policy E19, by providing design continuity with existing temporary structures. Moreover, acknowledging the temporary nature of the mobile classroom units, less emphasis could be placed on the design in this instance with a view for the School to review the situation in the future. Furthermore, this particular school is one of those included in the next wave of Kent secondary schools to be redeveloped under the Building Schools for the Future programme, whereby there is likely to be substantial replacement of existing buildings and a notable opportunity to review the entire accommodation and layout on this site. Under the circumstances, the use of all proposed mobile classrooms on this site can be regarded as genuinely temporary pending the wider review of the whole site development. For these reasons I do not consider an objection on design grounds would be justified.
15. The issue of increased noise as a result of the siting of the mobile classrooms close to residential properties was identified by local residents. This included the potential for an increase in noise from pupil movements during lesson changeovers and noise coming from within the actual classrooms. A noise consultant was consulted on this application and raised no objection. They concluded that because the classrooms would be accessed from their eastern façade, facing away from residential properties, the noise generated from pupil movements around the buildings is unlikely to generate adverse noise impact on surrounding residential properties. With regard to noise generated from within the classrooms, our noise consultant asked for clarification that the classrooms would not be used to facilitate music, drama, dance or any other activity with amplified music. The School has now confirmed that the mobile classrooms would not be used for lessons which involve amplified music. I do not therefore consider there is any basis for a planning objection to on grounds of noise

Transport and access issues

16. The issue of increased traffic and congestion on surrounding residential streets has been raised by a number of residents. One letter of representation associated additional classrooms with more pupils and a higher volume of traffic on Westlands Avenue. Whilst there would be additional pupils and the potential for increased traffic, the Divisional Transportation Manager has not raised a highway objection to the proposal.

Character and appearance of the countryside

17. As noted in paragraph 1, The Westlands School is located outside of the Sittingbourne built-up area and is within the countryside gap where Policy E7 of the Swale Borough Local Plan in effect seeks to protect the open countryside and prevent settlements merging. I do not consider that this proposal would be contrary to this policy because of the context of the site. The application site is bordered by residential development to the north and west and a collection of school buildings, varying in size, to the south. The three mobile units in the north-west corner of the site would be a relatively small addition adjoining the existing developed part of the site and would not encroach in to the open part of the site to the south. Nor would it in my view compromise the openness of the surrounding land or contribute to the merging of settlements. Furthermore, the

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proposals would satisfy Local Plan Policy E6 by providing a much needed community facility within the countryside gap.

Conclusion

18. The applicant’s reason for the installation of three additional mobile classrooms will be noted. Whilst the proposal does not fully accord with Development Plan Policies relating to design, given the temporary nature of the buildings, and the context of the school site, I do not consider that the proposal would have a significant detrimental impact on the setting of the site or on residential amenity. I also consider that it is otherwise in accordance with the general aims and objectives of Development Plan Policies, which include general support for the provision of community facilities such as those for education purposes. Subject to the views of Swale Borough Council, I therefore recommend that planning permission be granted for a temporary period of 5 years from the date of the permission, and to conditions which restrict the teaching usage of the classrooms to subjects which do not involve amplified music.

Recommendation

- 19 SUBJECT to the views of Swale Borough Council, I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to a condition requiring the mobile classrooms to be removed from the site no later than 5 years from the date of this permission, and to conditions which restrict the teaching usage of the mobile classrooms to subjects which do not involve amplified music, and that require the orientation of the buildings to accord with the plans submitted, with no rear windows facing the boundary on Westlands Avenue.

Case officer – Jo Ritter	01622 696100
Background documents - See section heading	

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

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

Background Documents - The deposited documents.

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|--------------|---|
| AS/09/1006 | Construction of a wastewater pumping station including change of use of land, steel palisade fencing, graded screening mound and bollards.
Waterbrook Park Wastewater Pumping Station, Waterbrook Avenue, Ashford |
| CA/10/403 | Construction of a wastewater pumping station including change of use of land, motor control kiosk, storage kiosk, vent stack and outfall structure.
Land at Kingsmead Coach Park, Off Kingsmead Road, Canterbury |
| SW/09/16/R11 | Details of dust suppression and control measures pursuant to condition 11 of planning permission SW/09/16
Land to the rear of Highways Depot, Canterbury Road, Faversham |
| TM/10/72 | Section 73 application for the variation of condition 3 of planning permission TM/08/3715 and conditions 6 & 12 of planning permission TM/93/305 to replace a section of the approved noise attenuation mound with a noise attenuation fence along the southern boundary of Borough Green Quarry.
Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks |

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.

None

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

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

Background Documents – The deposited documents.

CA/08/316/R2C	Non-material amendment to planning permission CA/08/316 to allow mechanical ventilation services at roof level on catering and hospitality block Herne Bay High School, Bullockstone Road, Herne Bay
CA/10/100	Proposed classroom extension and play area. St, Stephen's Infant School, Hales Drive, Canterbury
CA/10/193	Construction of a detached single storey building for use as a Children's Centre. Littlebourne Primary School, Church Road, Littlebourne, Canterbury
DA/08/209/R	Application for a non-material amendment; changes to the hard & soft landscaping details previously approved pursuant to condition 7 of the planning consent reference DA/08/209 Oakfield Junior & Infant School, Oakfield Lane, Dartford
DA/08/1264/R3, 4 & 16	Details of all materials to be used externally, a scheme of landscaping, and foul and surface water drainage. Dartford Grammar School for Girls, Shepherds Lane, Dartford
DA/09/193/R3	Details of all materials to be used externally. Longfield Academy, Main Road, Longfield
DA/09/508/R7	Details of external lighting pursuant to condition (7) of planning permission reference DA/09/508 for an ICT suite Wentworth Primary School, Wentworth Drive, Dartford
DA/10/230	Proposed change of a 768m ² area of school field from grass to tarmac in order to extend the playground and create a multi-skills area. Brent Primary School, London Road, Stone, Dartford
DA/10/303	Installation of a timber-framed polycarbonate covered walkway, a free standing canopy and installation of sun tubes. Rainbow Lodge, 87 Invicta Road, Dartford
DO/10/126	Extension to provide counselling room and store. Whitfield and Aspen School, Mayfield Road, Whitfield, Dover

DO/10/166	Renewal of planning consent for existing 'Millennium Hall' timber demountable classroom. Temple Ewell CEP School, 3-4 Brookside, Temple Ewell, Dover
DO/10/239	Replacement of existing wooden gates with black metal access-control gates Sandwich Infant School, School Road, Sandwich
GR/09/973/R5	Details of external render finish and external lighting pursuant to condition 5 of planning permission reference GR/09/973 – Demolition of existing nursery and erection of a single storey building. Whitehill Primary School, Sun Lane, Gravesend
MA/08/2186/R18	Details of a Habit Management, Biodiversity Enhancement and Mitigation Strategy. Cornwallis Academy, Hubbards Lane, Maidstone
MA/09/2296/R5	Details of a landscaping and tree protection scheme pursuant to condition 5 of planning permission reference MA/09/2296 (single storey extension to the west of the existing buildings, removal of existing mobile classrooms, ancillary external works) Park Way Primary School, South Park Road, Maidstone
MA/10/367	To erect a 5.5m hexagonal pergola which can be used as an outdoor teaching area and used by parents at the end of day as shelter. Oak Trees Community School, Oaktree Avenue, Maidstone
MA/10/399	Installation of a DDA compliant doorset into end window set to provide dedicated exit/entrance out onto the playground. Adapt existing arched window set, remove centre section of brickwork beneath to enable door to be installed. St. Michael's C of E Junior School, Douglas Road, Maidstone
SE/10/348	Installation of external steel fabricated fire escape staircase, new door through flank elevation to allow access to staircase. Associated external emergency lighting with polycarbonate roof to the upper part. Allsworth Court, St. Davids Road, Swanley
SE/10/531	Proposed timber shelter and extension to existing canopy Horton Kirby CEP School, Horton Road, Horton Kirby, Dartford
SH/09/1200	First floor extension to rear elevation of the school building allowing an extension of existing hall, additional disabled WC facilities and provision of a replacement classroom and improved teaching space on the first floor. All Souls Primary School, Stanley Road, Folkestone

SW/04/1453/RA	Amended bridge position. Sittingbourne and Kemsley Light Railway Bridge, Sittingbourne Northern Relief Road, Land Between Ridham Avenue, Kemsley and Castle Road, Sittingbourne
SW/10/288	Single storey art classroom extension with cloak area and store Ethelbert Road Primary School, Ethelbert Road, Faversham
SW/10/292	To infill under an existing roof to form a walkway. To build a walkway link to include new roof, to shelter children moving from classrooms to the hallway. Kemsley Primary School, Coldharbour Lane, Kemsley, Sittingbourne
SW/10/332	Installation of 2 no. mobile classroom units Sittingbourne Community College, Swanstree Avenue, Sittingbourne
TH/08/384/R6	Details pursuant to condition 6 (verification report in response to Phase II Geoenvironmental Assessment) of planning permission TH/08/384 for a Childrens Centre Priory Infant School, Cannon Road, Ramsgate
TH/10/144	New build extension and alterations to existing administration and staffing areas, plus reconfiguration of car park layout. St. Crispin's Community Primary Infant School, St. Crispin's Road, Westgate-On-Sea
TH/10/218	Single storey extension to community room Newington Primary School, Princess Margaret Avenue, Ramsgate
TH/10/229	Remove existing covered corridor areas and construct new flat roof single storey extension to provide new study lounge Bromstone Primary School, Rumfields Road, Broadstairs
TM/10/537	Erection of a flagpole by the front entrance to the school. Platt CEP School, Maidstone Road, Platt, Sevenoaks
TW/10/276	The demolition of existing kitchen/dining hall, re-configuration of car parking area, new kitchen and hall extension at ground floor adjacent to existing hall, extended upper level to form one new classroom and demolition of temporary building adjacent to proposed works. St Matthew's High Brooms CEP School, Powder Mill Lane, Tunbridge Wells
TW/10/484	Single storey extension to the Lepard building providing workshop storage as part of refurbishment of existing catering/graphics and Technology workshop. The Skinners' School, St. John's Road, Tunbridge Wells

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

None

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

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

Background Documents -

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

None